CONGRESSIONAL RECORD:

CONTAINING

THE PROCEEDINGS AND DEBATES

OF THE

FORTY-THIRD CONGRESS, FIRST SESSION.

IN SIX PARTS, WITH AN INDEX.

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CONGRESSIONAL RECORD AND APPENDIX.

FORTY-THIRD CONGRESS, FIRST SESSION.

PART VI.

CONGRESSIONAL RECORD AND APPENDIX.

[From June 15, 1874, to June 23, 1874.]

late captain Tenth United States Cavalry, an honorable discharge, to date the 7th day of June, 1870, having been received by the President on the 28th of May and not having been returned within the ten days prescribed by the Constitution had become a law without his approval.

The message also announced that the President had on the 12th instant approved and signed the act (S. No. 384) for the benefit of the Louisville and Bardstown Turnpike Company.

THE BANKRUPT LAW.

Mr. EDMUNDS submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 792) to repeal the act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved March 2, 1867, and all laws and parts of laws amendatory thereto, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate and agree to the same with the following amendments thereto:

Section 1, line 5, after the word "thereof," insert "under the direction of the court."

Section 1, insert at the end of the section:

"*Provided*, That such order shall not be made until the court shall be satisfied that it is approved by a majority in value of the creditors."

Section 4, line 5, before the word "sales" insert "public."

Section 4, line 6, after the word "published" insert "once a week for three consecutive weeks."

Section 4, line 10, after the word "sales" insert "including the power to set aside the same, and to order a resale."

Section 4, line 13, strike out the words "in hand."

Section 4, line 13, strike out the words "in three equal" and insert in lieu thereof "within eighteen months in such."

Section 4, line 14, after the word "installments" insert "as the court may direct."

Section 4, lines 15 and 16, strike out the words "and payable at intervals of not more than six months between any two payments."

Section 4, line 23, strike out "one" and insert in lieu thereof "ten."

Section 4, line 39, strike out the word "or."

Section 4, line 41, strike out the words "think fit" and insert in lieu thereof "so order."

Section 4, lines 45 and 46, strike out the words "or deposit of any of the funds coming to his hands as such assignee," and insert in lieu thereof "disposal, or proceeds of the bankrupt's estate."

Section 4, line 56, strike out the word "three" and insert in lieu thereof "five."

Section 5, lines 1 and 2, strike out the words "adding after the word 'specifies' in line 35 the words," and insert in lieu thereof the words "striking out the words 'as the warrant specifies' where they first occur, and inserting the words 'as the marshal shall select, not exceeding two,' and inserting after the word 'specifies' where it last occurs, the words."

Section 9, line 11, strike out the word "three."

Section 9, line 14, after the word "of" insert "at least one-fourth of."

Section 9, line 15, before the word "value" insert "one-third in."

Section 9, lines 13 and 14, strike out the words "as prescribed by existing law."

Section 11, insert at the end of the section the words "And nothing in said section 35 shall be construed to invalidate any loan of actual value, or the security therefor, made in good faith, upon a security taken in good faith on the occasion of the making of such loan."

Section 12, line 15, after the word "court" insert "of the United States or."

Section 12, line 20, after the word "law" insert "of the United States or."

Section 12, line 32, after the words "being a" insert "bank."

Section 12, line 36, strike out "or."

Section 12, line 37, after the word "such" insert "or who, being a bank or banker, shall fail for forty days to pay any depositor upon demand of payment lawfully made."

Section 12, line 59, after the word "court" insert ("if satisfied that the admission was made in good faith.")

Insert as an additional section, after section 15 of the amendments, the following:

Section —. That section 49 of said act be amended by striking out after the word "the," in line 5, the words "supreme courts," and inserting in lieu thereof "district courts;" and in line 6, after the word "States," inserting the words "subject to the general superintendence and jurisdiction conferred upon circuit courts by section 2 of said act."

And that the numbering of the sections be changed so as to correspond with the forgoing amendment.

And the Senate agree to the same.

GEO. F. EDMUNDS,
GEO. G. WRIGHT,
A. G. THURMAN,
Managers on the part of the Senate.
LYMAN TREMAIN,
BENJ. F. BUTLER,
Managers on the part of the House.

Mr. SAULSBURY. I should like the chairman to explain how this report affects the bill.

Mr. EDMUNDS. I will state that in substance, aside from mere verbal amendments of detail, the bill is as it passed the Senate with a modification as to voluntary bankruptcy, which I will state. As the bill passed the Senate, the voluntary bankrupt in order to obtain his discharge must pay 33 per cent. of the debts proved against him or have the assent of a majority of his creditors. Now it provides that the voluntary bankrupt, if he be otherwise entitled by honesty and fair dealing to be discharged at all, may obtain that discharge upon the payment of 30 per cent. of his debts or upon the assent of one-fourth in number and one-third in value of his creditors. This is the only substantial change.

The report was concurred in.

HOUR OF MEETING.

Mr. MORRILL, of Maine. I move that when the Senate adjourns to-day, it be to meet to-morrow at eleven o'clock.

The motion was agreed to.

CLOTHING FOR DISABLED VOLUNTEERS.

Mr. WEST. I ask the indulgence of the Senate to enable me to call up a bill that was laid over on Saturday in answer to an inquiry of mine in reference to the amount of clothing that was needed in the Home for Disabled Volunteer Soldiers. The chairman of the Military Committee not being able to answer my inquiry at that moment, I have since informed myself that there are four thousand soldiers in these homes, and very great injury may be done them by not passing the bill which has been passed by the House. I ask the indulgence of the Senate to take it up.

The PRESIDENT *pro tempore*. The Senator from Louisiana moves to proceed to the consideration of the bill (H. R. No. 2359) to authorize and direct the Secretary of War to reserve from sale ten thousand suits of old and disused Army uniform clothing, now in the Quartermaster's Department of the Army, and to transfer the same to the National Home for Disabled Volunteer Soldiers.

The motion was agreed to; and the bill was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

POST-OFFICE APPROPRIATION BILL.

Mr. WEST. I move now that the Senate proceed to the consideration of the bill (H. R. No. 3094) making appropriations for the service of the Post-Office Department for the year ending June 30, 1875, and for other purposes.

Mr. STEVENSON. Will my friend give way?

Mr. WEST. When the bill is once taken up, I shall be willing to give way.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Louisiana.

Mr. SCOTT. I gave notice that I would move to take up the bill to which I referred for the payment of awards made by the claims commissioners; but under the assurance given by the chairman of the Committee on Appropriations, and with a desire to avoid a waste of time in a conflict about the order of business, I yield and hope the appropriation bill will be taken up.

Mr. CHANDLER. I give notice that immediately after the passage of the post-office bill I shall antagonize the river and harbor bill against any other bill proposed in this body.

Mr. WEST. I ask for a vote on my motion.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Louisiana.

The motion was agreed to.

ANDERSON & WHITE.

Mr. STEVENSON. I ask leave of the Senate to take up a little bill that I wanted to take up yesterday. It is the bill (S. No. 657) for the relief of John J. Anderson, surviving copartner of the firm of Anderson & White. I have been away for a month, and I only ask a small indulgence in this case.

The PRESIDENT *pro tempore*. The bill will be read for information.

The bill was read and the amendment of the Committee on Claims, which was to strike out all after the enacting clause and in lieu thereof insert the following:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to John J. Anderson, surviving copartner of the firm of Anderson & White, the sum of $6,385.54, in full of all claims of said Anderson & White, or either of them, against the Government of the United States, for cotton belonging to said firm, impressed for, and appropriated by, the authority of the Government of the United States to the defenses of Nashville, in August and September, 1862.

Mr. CONKLING. This was cotton used in the defenses of Nashville. How?

Mr. STEVENSON. Just taken and put in the fortifications.

Mr. CONKLING. Used as barricades, or in the fortifications, or used as armor on transports?

Mr. STEVENSON. I will state to the Senator that Mr. Anderson had so much cotton there, and the Government took so much of his cotton rendering him a receipt and promising to deliver it to him at a certain date. A board of commissioners was appointed to assess the damages, called by General Rousseau, and they assessed him this amount for his cotton, which was less than it cost him. The Committee on Claims, after duly investigating the subject, unanimously reported the bill reducing his claim to less than he paid for the cotton. If ever there was a claim of deserved merit, it seems to me this is one.

Mr. CONKLING. There is no member of this body whose request would make it more disagreeable to me than does the request of the Senator from Kentucky, to object to this or any other bill; but certainly the bill cannot pass without discussion, without explanation, without the reading of the report which I see accompanies the bill; and when the report shall be read, and the bill explained, it seems to me it will be a marvel yet, within all the precedents of the Senate, if cotton taken in the theater of war and used on the spot as fortifications, barricades, breast-works, barriers against shots actually flying in belligerent operations, is to be paid for by the Government of the United States or by the people of the United States because the armies of the United States thus stood behind this cotton, utilizing it as a barricade or fortification. I know of no principle announced in the Senate yet which has ever received the sanction of an understood vote which goes as far as that.

Mr. WEST. Mr. President——

Mr. CONKLING. A Senator near me wishes to be informed whether the cotton was sold afterward, and the money went into the Treasury.

Mr. STEVENSON. No; this cotton was entirely destroyed. The Government of the United States took a large quantity of cotton from this gentleman. He had a permit from the President of the United States, being a prominent administration man in Kentucky, to go and buy cotton. He went to Alabama and he bought cotton which was his property and paid for it, the bill of sale of which was before this committee, at thirty-nine cents per pound. In addition to that he undertook to transport it from Huntsville to Nashville on its way to New York. At Nashville an invasion of the city was apprehended, and the commanding general took his and other cotton for the use and object of making temporary barricades, giving to him a paper stating that he had taken his individual private cotton, and that he would return it to him. He did return a good deal of it, but fifty-odd bales were destroyed.

Mr. PRATT. Will my friend from Kentucky allow me to read the very stipulation which General Rousseau gave to the warehouseman in whose warehouse this cotton was taken at the time?

Captain Morton, of the Engineer Corps, is hereby authorized to take possession of it, (the cotton.) The proper receipts will be given for the cotton, and it will be restored at as early a day as possible. The owners are guaranteed against all losses except those which depend upon the fortunes of war.

Mr. CONKLING. How was this cotton destroyed if not by the fortunes of war?

Mr. PRATT. I will state that a large number of bales, three hundred I think, were taken at the time, and what this bill compensates Anderson and White for is the number of bales that were not restored to them. I do not remember just the exact number, but they were in the fortifications for some two months, and this is the deficit of cotton that was not restored to the owners.

Mr. CONKLING. The residue were rendered back under the stipulation.

Mr. PRATT. Yes, sir.

Mr. CONKLING. The more I hear of this the more I must object to the bill on its merits. If it is taken up now with the understanding that there is to be a discussion of the bill, the regard I have for my honorable friend from Kentucky will prevent my objecting to that; but the oath which rests upon me will prevent me ever assenting to the passage of this bill or any other involving this principle, until I am undeceived if indeed I be laboring under a delusion.

I recollect one time on the hustings, in a debate when a motion had been put forward in this direction, saying, and saying with a good deal of feeling, (and comments made upon it fastened it in my attention,) that the time would come when Jefferson Davis or some other man would claim of the United States compensation for cotton used by Grant as armor for his gun-boats when he ran the batteries at Vicksburgh; and it was regarded, addressed to a northern audience, as the very extravaganza of illustration. Now, as I understand, we have before us the case not of Jefferson Davis but of another claimant, as to whom personally I say nothing, who comes here presenting a stipulation under which a quantity of cotton was taken from a store-house, the title to the cotton being in him, the stipulation agreeing that that cotton should be rendered back to him except so far as it should be destroyed by the fortunes of war. Being used as a barricade, being used as a barrier between death in war and the soldiers who stood behind it, so many bales of it perished, were destroyed in the actual conflict of war, in the crash of battle as I think I heard some Senator say the other day; and now because all the cotton was rendered back save only that which by the fortunes of war (to which by the terms of the stipulation it was subject) was destroyed, this claimant comes in and asks the people of the United States to pay to him all that he found this cotton minus, owing to the fortunes of war.

I say, Mr. President, that upon the principle of this bill, not only may occur just as well what I supposed in the case referred to, but every man whose cord-wood, whose fence-rails were used as barricades, every man behind whose buildings and erections a company or an army of the United States ever stood shielded from the bullets that were flying, might come here as well as this claimant comes and say "We want compensation;" and when they came they would not fall, as it seems to me this gentleman falls, on the wrong side of that line drawn by a receipt or stipulation which expressly exempted the United States from liability for so much of this cotton as should perish by the casualties of war. I must therefore object to the consideration of this bill now, unless it is to be taken up with the understanding that a thorough discussion will be allowed upon it.

Mr. SPENCER. Mr. President, it is now nearly half past five o'clock and I am satisfied this bill will not pass to-night. I ask the indulgence of the Senate—and I wish to say here that it is seldom I ask the indulgence of the Senate—to pass a bill which is No. 707 in the order of business.

Mr. STEVENSON. I am sorry to object, but as my bill is up I want it to fall, if it is to fall, by a direct vote.

Mr. SPENCER. I am satisfied that the bill I refer to will elicit no discussion. I am satisfied everybody in the Senate will see the great propriety of it.

The PRESIDENT *pro tempore*. The Senator from Kentucky has in substance moved that the post-office appropriation bill be laid aside informally for the purpose of considering the bill indicated by him. The Chair will submit the question to the Senate. If that motion should not prevail the motion of the Senator from Alabama would be in order. The question is on the motion of the Senator from Kentucky.

The question being put, there were on a division—ayes 25, noes 21.

Mr. CHANDLER called for the yeas and nays, and they were ordered.

Mr. CONKLING. Pending that motion, as I see no time is to be saved and all is to be lost to-day if we go on with this bill, I move that the Senate proceed to the consideration of executive business.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from New York. Before submitting the motion to the Senate the Chair will ask indulgence of the Senate to dispose of business on his table.

PENSION APPROPRIATION BILL.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives on the amendments of the Senate to the bill (H. R. No. 3421) making appropriations for the payment of invalid and other pensions of the United States for the year ending June 30, 1875.

Mr. SARGENT. I move that the Senate insist on its amendments to the appropriation bill, and agree to the conference asked by the House of Representatives.

The motion was agreed to; and the President *pro tempore* being by unanimous consent authorized to appoint the conferees on the part of the Senate, Messrs. SARGENT, PRATT, and STOCKTON were appointed.

ANDERSON & WRIGHT.

Mr. STEVENSON. I rise to a question of order. Was not the bill moved by me taken up?

The PRESIDENT *pro tempore*. It was not.

Mr. STEVENSON. What was the vote?

The PRESIDENT *pro tempore*. The vote by division was 25 in the affirmative and 21 in the negative. Thereupon the yeas and nays were demanded, and pending the call of the roll the Senator from New York moved that the Senate proceed to the consideration of executive business, and thereupon the Chair asked indulgence to dispose of the business on his table.

Mr. STEVENSON. What will be the condition of this bill if the Senate should go into executive session now?

Mr. CONKLING. It would be like every other bill on the Calendar.

Mr. STEVENSON. Now I ask the Senate as a matter of courtesy to me (and I have never refused it to anybody) not to let a measure in which one of my constituents is personally interested be killed by indirection. I have no objection to any Senator debating it; but when he has debated it and put it to a vote and failed, I object to his attempting to kill it by indirection. Whether this bill is killed or not is a matter of no moment to me compared with the respect which I think I have a right to ask. I surely ought not to be treated in this style. I therefore hope——

The PRESIDENT *pro tempore*. The motion is not debatable.

Mr. STEVENSON. I hope the Senate as a personal favor to me will allow the vote to be taken whether this bill shall be taken up or not.

Mr. CONKLING. I withdraw the motion to proceed to the consideration of executive business. I do it in part because I see my honorable friend from Kentucky has some feeling on this subject and in part because he has placed me in a very false position, and I want to be allowed to occupy a moment in relieving myself.

The Senator speaks as if my motion to go into executive session was in some sort a device or contrivance by which the Senator himself or the bill to which his motion relates was to be put in a worse position than it was before. Not at all. The bill stands upon the Calendar. The Senator moves to take it up. That motion is in order to-morrow morning; it is in order every moment when the Senate is in session just as much as it is now. Inasmuch as we have reached now half after five o'clock the Senate will adjourn very soon, and it is obvious that the bill will be debated, so that it will go over in any event. I did not understand until my honorable friend made the remark he did that I was inflicting any injury upon him or upon his bill by asking the Senate to dispose of some executive matters which are on the table to-day, knowing that even if he succeeded in having the bill taken up it would go over until to-morrow and he would then be compelled to try the issue as he will be in any event. However, I have too much regard for the Senator from Kentucky to be willing, whether I see the reasonableness of his position or not, to seem to refuse any request which he makes of me; and therefore, although I am opposed to taking up the bill and although I shall insist upon discussing it after it is taken up and shall vote against it unless I misunderstand the nature of the case, I withdraw the motion to proceed to the consideration of executive business.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Kentucky, upon which the yeas and nays have been ordered.

Mr. WEST. In yielding to the Senator from Kentucky to bring the bill in question before the Senate, I was apprised and understood from him that it would provoke no debate whatever. Now I shall be under the necessity, under the usage of the Senate, to insist upon the consideration of the post-office appropriation bill for the reason that if

the Senator's bill goes over until to-morrow the post-office appropriation bill will be again shut out. Now, if the Senate is willing to sit here to-night and finish this bill I cannot object; but in case of an adjournment, on the proposition to adjourn I shall again be obliged to insist on taking up the post-office appropriation bill.

The PRESIDENT *pro tempore*. The Senator from Louisiana can, before the adjournment, call for the regular order, which will place the post-office appropriation bill before the Senate.

Mr. STEVENSON. I understood the Senator from Louisiana did not propose to take up the post-office bill this evening.

Mr. WEST. The bill is up, but I yielded to the Senator temporarily to allow him to bring up a bill that I understood would not provoke debate.

Mr. MORRILL, of Vermont. I appeal to the Senator from Kentucky to allow me to call up a bill in order to keep alive some appropriations made for public buildings and grounds.

Mr. STEVENSON. Just let the roll-call proceed.

Mr. CHANDLER. I move that the Senate do now adjourn.

The motion was not agreed to; there being on a division—ayes 18, noes 26.

The PRESIDENT *pro tempore*. The roll-call will proceed on the motion of the Senator from Kentucky.

The yeas and nays were taken, and resulted—yeas 31, nays 12; as follows:

YEAS—Messrs. Alcorn, Bogy, Boreman, Buckingham, Clayton, Conover, Cooper, Davis, Goldthwaite, Gordon, Hager, Hamilton of Maryland, Ingalls, Johnston, Kelly, Lewis, McCreery, Merrimon, Mitchell, Norwood, Patterson, Pratt, Ransom, Sargent, Saulsbury, Sprague, Stevenson, Stockton, Tipton, Wadleigh, and Windom—31.

NAYS—Messrs. Boutwell, Carpenter, Chandler, Conkling, Ferry of Michigan, Frelinghuysen, Morrill of Vermont, Oglesby, Pease, Spencer, Washburn, and Wright—12.

ABSENT—Messrs. Allison, Anthony, Bayard, Brownlow, Cameron, Cragin, Dennis, Dorsey, Edmunds, Fenton, Ferry of Connecticut, Flanagan, Gilbert, Hamilton of Texas, Hamlin, Harvey, Hitchcock, Howe, Jones, Logan, Morrill of Maine, Morton, Ramsey, Robertson, Schurz, Scott, Sherman, Stewart, Thurman, and West—30.

So the motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 657) for the relief of John J. Anderson, surviving copartner of the firm of Anderson & White.

Mr. CONKLING. I ask for a reading of the report in that case.

Mr. FRELINGHUYSEN. I would suggest now since the bill is taken up that we go into executive session.

Mr. STEVENSON. No; let the report be read; it is not very long.

Mr. CLAYTON. I move that the Senate adjourn.

Mr. WEST. Before that motion is put I shall insist on recalling the post-office appropriation bill. I cannot consent to have a regular appropriation bill shut out by a proposition to interject a bill that it was understood would not take any time.

Mr. STEVENSON. The chairman of the Committee on Appropriations told me that he did not propose to go on with the appropriation bill to-night. He left here telling me it would not be done, and I shall not interfere with the Senator to-morrow.

Mr. WEST. Then it is understood that whatever may be the action of the Senate in this case this evening, it will not interfere with the appropriation bill to morrow.

Mr. STEVENSON. It will not.

Mr. WEST. All right.

Mr. STEVENSON. I shall only ask the Senate and my friend to give me a fair chance on this bill. If a majority of the Senate is opposed to it, I yield of course; but I do ask them, whether opposed to it or not, to give me a fair vote.

The PRESIDENT *pro tempore*. The Senator from Louisiana asks that there may be unanimous consent that at the expiration of the morning hour to-morrow the post-office appropriation bill shall be considered as the unfinished business. The Chair makes this statement having as he fears led the Senator from Louisiana into a mistake by saying that he could call up the appropriation bill at any time before the adjournment. The Chair is of the opinion that after the vote by yeas and nays taking up this bill the post-office bill is postponed. Is there objection to unanimous consent that the post-office appropriation bill be considered the unfinished business for to-morrow? The Chair hears none. The Senator from Arkansas moves that the Senate do now adjourn.

The motion was not agreed to.

The PRESIDENT *pro tempore*. The report will be read.

The Secretary proceeded to read the report submitted by Mr. GOLDTHWAITE, from the Committee on Claims, on the 3d of April last. After the reading had proceeded for twenty-five minutes,

Mr. CONKLING. Having called for the reading of this report which I did in the hope of its coming to the knowledge of the Senate, not to impose upon the Secretary a labor and not to occupy time, I call attention to the fact that, as I anticipated when the Senator from Kentucky insisted at twenty minutes to six o'clock upon going on with this bill, we now having reached five or ten minutes after the dinner hour of nearly every Senator here, we have no quorum and nothing like a quorum in the Chamber. I submit to the Senator from Kentucky whether it is worth while to compel those of us to stay who do not feel at liberty to go away, to proceed with a bill which whenever it comes to be acted upon favorably, if it shall, will certainly first be considered in the presence of a quorum of the Senate? The Secretary is performing a labor which is comparatively of no use, and we are sitting here losing our dinners, which would be a very small matter if we were accomplishing any purpose; and I submit to the Senator from Kentucky that to stay here himself and keep us here, if as I think he does not advance one step, one inch in the consideration of his bill, is rather a needless piece of martyrdom. I call attention to it in order that the Senator from Kentucky may take notice of it, and also in order that he may take notice that under the rules of the Senate business cannot proceed without a quorum; and I think that if the Presiding Officer will look about he will see that dinner has prevailed against even my honorable friend from Kentucky whom I regard as one of the most enticing not to say one of the most seductive men I ever met, but even in the presence of his appeal men who have had nothing to eat since breakfast have gone off to get their dinners.

The PRESIDING OFFICER, (Mr. INGALLS in the chair.) Does the Senator from Kentucky insist upon concluding the reading of the report?

Mr. STEVENSON. I do not insist upon anything. I am learning something every day. I have seen courtesies extended again and again, and I know they are looked for. Now, while I thank the Senate for taking up this bill—and I do not mean to thank them without feeling a deep and grateful sense of the kindness shown to me, a courtesy which I hope I never shall deny to any Senator, but which has been so rudely on some sides denied to me to-day—I now yield. My friend from New York has accomplished the purpose he desires. While I am thankful to all the Senators who have remained, I now withdraw my request and let the case go over.

Mr. ALCORN. Do I understand that there is not a quorum present? I have not seen that developed.

The PRESIDENT *pro tempore*. Nothing has taken place to show that there is not a quorum. The reading of the report will be proceeded with if no motion be made.

Mr. CONKLING. In view of the last remark of the Senator from Kentucky, as he seems, despite of all the ineffectual efforts I have made to oblige him——

Mr. ALCORN. I believe I have the floor.

Mr. CONKLING. Then I rise to a question of order. My point of order is that there is no quorum present in the Senate and I ask the Presiding Officer under the rule to ascertain that fact to the end that we may proceed or not, as the case may be. I thought I understood something about courtesy; but I do not feel bound to stay here when I have had no food since early morning, unless it is going to be of some use to somebody.

The PRESIDENT *pro tempore*. The Chair understands that under the rules of the Senate business cannot commence in the morning until the Chair has ascertained in some way satisfactory to himself that there is a quorum present; but after business has commenced a quorum is presumed to be here until some proceeding is taken which shows the contrary. The Senator from New York can ask for a call of the Senate which will disclose the fact.

Mr. CONKLING. I can object to the further consideration of the report, move that it be dispensed with, and call for a division on that question. If put to that, I will do it.

Mr. ALCORN. I rise to a point of order. I having the floor I insist that that is not a point of order.

The PRESIDENT *pro tempore*. The Senator from New York rose to state a point of order, and was in order in doing so. The Senator from Mississippi now has the floor.

Mr. ALCORN. And upon that announcement I desire to trespass upon the patience of the Senate with the suggestion that although we may not have had our dinners—and I am sure I am in that category—still we owe it perhaps to the people that we should exercise on occasions like this some patience with the men who clamor for what they conceive to be their right in making a demand on the Government for that which they declare to be due them for spoliations of their property made while the war was going on. As I see this bill is to be debated, I desire to offer a remark on the subject——

The PRESIDENT *pro tempore*. Unless the Senator from Mississippi raises a point of order he is out of order. The pending business is the reading of the report.

Mr. ALCORN. I moved that the reading be dispensed with, and I understood I had the consent of the Senate that that should be done, and that I had the floor upon the question.

The PRESIDENT *pro tempore*. The Senator may have got some consent from his fellows, but the Chair has heard nothing about it. Does the Senator make a motion that the further reading be dispensed with?

Mr. ALCORN. I did make that motion.

Mr. CONKLING. On that motion I demand a division.

The PRESIDENT *pro tempore*. The Senator from Mississippi moves that the further reading of the report be dispensed with.

Mr. ALCORN. That motion to dispense with the further reading is debatable, I believe.

The PRESIDENT *pro tempore*. The Chair will submit the motion made by the Senator from Mississippi.

Mr. ALCORN. Upon that I desire to be heard.

The PRESIDENT *pro tempore*. The motion is not debatable. The Senate has ordered the reading of this report. The reading has proceeded for some time. The Senator can now move to dispense with it, but that question must be decided without debate.

Mr. ALCORN. I make that motion.

Mr. CONKLING. On that motion I demand a division.
Mr. ALCORN. I withdraw the motion.
Mr. CONKLING. I renew the motion, and demand a division.
Mr. SCOTT. Is a motion to adjourn in order?
The PRESIDENT *pro tempore*. Not while the Senate is dividing on this motion to dispense with the further reading of the report.
The question being put, there were on a division—ayes 11, noes 16; no quorum voting.
Mr. STEVENSON. I am exceedingly obliged to the friends who have manifested their regard for me, and I am unwilling to keep them here longer. I move, therefore, that the Senate do now adjourn.
The PRESIDENT *pro tempore*. The Senator from Kentucky moves that the Senate do now adjourn.
The motion was agreed to; and (at six o'clock and fourteen minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *June* 15, 1874.

The House met at eleven o'clock a. m. Prayer by the Chaplain of the Senate, Rev. BYRON SUNDERLAND, D. D.
The Clerk proceeded to read the Journal, but before concluding,
Mr. GARFIELD asked unanimous consent that the further reading of the Journal be dispensed with.
No objection was made.

ORDER OF BUSINESS.

Mr. GARFIELD. I now move that the rules be suspended and the House resolve itself into Committee of the Whole on the sundry civil appropriation bill.
Mr. DURHAM. I rise to make a privileged report from a committee of conference.
The SPEAKER. The Chair will receive the report of the committee of conference.

FREEDMAN'S SAVINGS COMPANY.

Mr. DURHAM submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 3265) amending the charter of the Freedman's Savings and Trust Company, and for other purposes, having met, after full and free conference have agreed to recommend, and do recommend to their respective Houses, as follows:
That the Senate recede from its amendment and agree to the bill of the House with sundry amendments, as follows:
In line 10, section 1, strike out the words "said loans" and insert in lieu thereof "money loaned thereon."
In line 12, section 1, after "keep," insert the words "the buildings upon."
In line 13, section 1, strike out "its" and insert "their."
In section 3, line 4, strike out the words "Comptroller of the Currency" and insert "Secretary of the Treasury."
Strike out all of section 5 after "years" in line 15.
Section 7, line 2, strike out the word "wind" and insert "close."
Section 7, line 3, after "men" insert the words "not connected with the previous management of the institution and approved by the Secretary of the Treasury."
Section 7, line 6, strike out the word "wind" and insert "close."
Section 7, line 25, after "company" insert "for the purposes of this act."
Section 7, line 29, strike out "winding" and insert "closing."
Section 7, line 37, after "*pro rata*" insert "distribution."
Add the following as an additional section:
SEC. 8. That from and after the passage of this act, and until the 1st day of July, 1875, all the deposits made in said trust company shall be held by the trustees of said company as special deposits, and any investments made of said deposits shall be made and held for the use and benefit of said depositors only; and it shall be the duty of said trustees on or before the 1st day of July, 1875, to make a full and complete statement of all the assets and liabilities of said company and lay the same before the Secretary of the Treasury, and if said Secretary and the trustees shall at that time, after investigating the condition of said company, believe the same to be solvent, then the trustees and said Secretary shall issue an order declaring that thereafter all deposits shall be general; but said order shall in no wise affect the special deposits unless said depositors shall in writing consent that said special deposits shall become general deposits. But if the Secretary and trustees of said company shall on the 1st day of July, 1875, after the examination aforesaid, doubt the propriety of making the deposits thereafter general, then the deposits made shall still be special until the 1st day of July, 1876, or until the said Secretary and trustees deem it prudent to make said deposits general.
And the House agree to the same.

C. B. FARWELL,
M. J. DURHAM,
C. L. MERRIAM,
Managers on the part of the House.
JOHN SHERMAN,
JOHN SCOTT,
T. F. BAYARD,
Managers on the part of the Senate.

Mr. BROMBERG. I rise to a question of order. Is this a Senate bill to be taken up and passed now?
The SPEAKER. It is the report of a committee of conference, and the only question before the House is upon agreeing to the report.
Mr. BROMBERG. Is this question debatable?
The SPEAKER. It is, if the gentleman from Kentucky [Mr. DURHAM] yields for that purpose.
Mr. DURHAM. I do not yield; I call for the previous question.
The previous question was seconded and the main question ordered; and under the operation thereof the report of the committee of conference was adopted.
Mr. DURHAM moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.
The latter motion was agreed to.

REVISION OF REVENUE LAWS.

Mr. DAWES. I usk unanimous consent to submit at this time resolutions of the Chamber of Commerce of the State of New York in regard to revision of the revenue laws, and I ask that they be referred to the Committee on Ways and Means, and printed in the RECORD.
No objection was made, and it was so ordered.
The resolutions were as follows:

At the monthly meeting of the Chamber of Commeree, held June 4, 1874, Hon. William E. Dodge, president, in the chair, the following resolutions offered by Mr. John Austin Stevens, jr., were unanimously adopted:
Resolved, That the honorable the Senate and House of Representatives of the United States are earnestly requested to direct the holding of sessions, during the coming recess, of their respective Finance and Ways and Means Committees, for the revision of the revenue laws, in order that while the amount of revenue now collected shall not be diminished, the collection of the same may be simplified by a change from *ad valorem* to specific duties wherever practicable, and by such alterations in the classification of merchandise as may be found desirable.
Resolved, That a special committee of five be, and is hereby, instructed to consult with the Boards of Trade of Boston, Philadelphia, and Baltimore as to the best manner of arriving at such change in the revenue laws, and for the devising of a complete revised tariff for submission to the before-named committees of the Senate and House of Representatives, should Congress in its wisdom see fit to direct their session.
[SEAL.] GEORGE OPDYKE,
President.
A true copy.
GEORGE WILSON,
Secretary.
NEW YORK, *June* 13, 1874.

PENSION APPPROPRIATION BILL.

Mr. O'NEILL. I ask unanimous consent that the amendments of the Senate to the pension appropriation bill may be disagreed to, and that a conference with the Senate be asked on the disagreeing votes of the two Houses.
There being no objection, it was so ordered.
The SPEAKER subsequently announced the appointment of Mr. O'NEILL, Mr. RUSK, and Mr. WELLS as the committee of conference on the part of the House.

ORDER OF BUSINESS.

Mr. GARFIELD. I rise to move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the miscellaneous appropriation bill. If there be no objection I am willing, however, to yield to gentlemen who wish to ask unanimous consent upon matters that will occasion no debate.

JURISDICTION OF CIRCUIT COURTS.

Mr. BUTLER, of Massachusetts, by unanimous consent, introduced a bill (H. R. No. 3676) to determine the jurisdiction of circuit courts of the United States, to regulate the removal of causes from State courts, and for other purposes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

WRITS OF ERROR IN CRIMINAL CAUSES.

Mr. BUTLER, of Massachusetts, also, by unanimous consent, introduced a bill (H. R. No. 3677) to provide for writs of error in certain criminal causes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

VOTE ON CURRENCY REPORT.

Mr. FIELD. Upon the vote taken on Saturday last upon agreeing to the report of the committee of conference on the currency question I was paired with the gentleman from Georgia, Mr. FREEMAN. If he had been present he would have voted "ay," and I should have voted "no."

ENROLLED BILLS SIGNED.

Mr. PENDLETON, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:
An act (S. No. 228) for the relief of Bigler, Young & Co.; and
An act (S. No. 563) for the relief of John M. McPike.

ORDER OF BUSINESS.

Mr. RANDALL. I call for the regular order.
The question being taken on the motion of Mr. GARFIELD, that the rules be suspended and that the House resolve itself into Committee of the Whole on the special order, the motion was agreed to.

MISCELLANEOUS APPROPRIATION BILL.

The House accordingly resolved itself into Committee of the Whole, (Mr. DAWES in the chair,) and resumed the consideration of the bill (H. R. No. 3600) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 15, 1875, and for other purposes.
Mr. KELLOGG. I offer an amendment to come in after the amendment adopted on Saturday last upon motion of the gentleman from Massachusetts, [Mr. BUTLER.] My amendment is the latter part of the amendment offered on that day by the gentleman from Iowa, [Mr. KASSON.]

The Clerk read as follows:

And it shall be the duty of the officer at the head of each of the Executive Departments at Washington to prescribe and publish rules for ascertaining the qualifications of applicants for appointments at his disposal or made under his authority, to make such appointments only from candidates who have the qualifications of honesty, efficiency, and fidelity, and not as rewards for mere party zeal, giving preference only to those who have the additional qualification of an honorable record in the military or naval service of the United States; and it shall be his further duty to make such appointments as equitably as possible from qualified candidates presenting themselves from the several States and with reference to their population; and upon the removal of any appointee the reason for such removal shall be stated on the records of the Department where the service was rendered.

Mr. BUTLER, of Massachusetts. I rise to a point of order. I submit that the precise words embraced in this amendment were stricken out on Saturday by a vote of the committee, and it is not in order to move to insert them.

Mr. KELLOGG. They were not stricken out by order of the committee; but the gentleman from Massachusetts took them out of the amendment of the gentleman from Iowa and inserted the other portion as a modification of his own amendment.

The CHAIRMAN. If the words were stricken out by order of the committee, the point is well taken.

Mr. GARFIELD. But as I understand the motion of the gentle- from Massachusetts [Mr. BUTLER] was to strike out and insert. That was an indivisible motion. The motion of the gentleman from Connecticut is to add what he has presented.

Mr. KELLOGG. Simply to add the amendment I have sent to the Clerk's desk.

Mr. GARFIELD. Hence the proposition comes in a different form.

Mr. BUTLER, of Massachusetts. I read from the RECORD:

Mr. KELLOGG. I now call for the reading of the words in the amendment of the gentleman from Iowa [Mr. KASSON] that are proposed to be stricken out.

The CHAIRMAN. The Clerk will read them.

The Clerk read as follows:

"And it shall be the duty of the officer at the head of each of the Executive Departments at Washington to prescribe and publish rules for ascertaining the qualifications of applicants for appointments at his disposal or made under his authority, to make such appointments only from candidates who have the qualifications of honesty, efficiency, and fidelity, and not as rewards for mere party zeal, giving preference only to those who have the additional qualification of an honorable record in the military or naval service of the United States. And it shall be his further duty to make such appointments as equitably as possible from qualified candidates presenting themselves from the several congressional districts and with reference to their population, and upon the removal of any appointee the reason for such removal shall be stated on the records of the Department where the service was rendered."

The CHAIRMAN. The Chair is informed that the words of the amendment now offered by the gentleman from Connecticut [Mr. KELLOGG] are not precisely the same as those struck out on Saturday.

Mr. KELLOGG. In my amendment the word "States" is substituted for "congressional districts."

The CHAIRMAN. The Chair overrules the point of order upon the statement of the Clerk that the words are not the same.

Mr. STARKWEATHER. I move to amend the amendment of my colleague [Mr. KELLOGG] by striking out "States" and inserting "congressional districts."

Several MEMBERS. That is right.

Mr. KELLOGG. It is impossible to make the distribution in that way. There are not enough appointments in some of the Departments to go around among the congressional districts.

The amendment of Mr. STARKWEATHER was agreed to.

The question being taken on the amendment of Mr. KELLOGG as amended, there were—ayes 84, noes 52; no quorum voting.

Tellers were ordered; and Mr. KELLOGG, and Mr. BUTLER of Massachusetts, were appointed.

The committee divided; and the tellers reported—ayes 96, noes 58.

So the amendment of Mr. KELLOGG, as amended, was adopted.

Mr. BUTLER, of Massachusetts. I move to insert in the amendment just adopted, after the words "military or naval services of the United States," these words "or the widow, wife, daughter, sister, or mother of such soldier or sailor."

Mr. KELLOGG. We have not changed that part of the amendment as originally offered by the gentleman from Massachusetts.

Mr. BUTLER, of Massachusetts. But I have the right to offer a further amendment.

The CHAIRMAN. Debate is not in order.

The amendment was agreed to.

Mr. COBB, of Kansas. I move the following, to come in as an additional section.

The Clerk read as follows:

That the proper accounting officers be, and hereby are, authorized and required, in the settlement of all accounts for the services of laborers, workmen, and mechanics employed by or on behalf of the Government of the United States, between the 25th day of June, 1868, the date of the act constituting eight hours a day's work for all such laborers, workmen, and mechanics, and the date of the passage of this act, to settle and pay for the same, without reduction on account of reduction of hours of labor by said act, when it shall be made to appear that such was the sole cause of the reduction of wages, and a sufficient sum for said purpose is hereby appropriated out of any money in the Treasury not otherwise appropriated in order to enable said officers to pay to the laborers, workmen, and mechanics mentioned in said act of June 25, 1868, the full compensation of a day's wages for each and every eight hours, labor performed without evasion or subterfuge.

Mr. ROBBINS. Where does that come in?

The CHAIRMAN. It is moved as an additional section to come in after the first section.

Mr. WILLARD, of Vermont. I should like to hear that amendment read again, as it occurs to me it is open to the point of order that it is in contravention to existing law.

The amendment was again read.

Mr. WILLARD, of Vermont. From the reading of the amendment it occurs to me it is liable to the point of order. It provides for paying the persons named according to a different law and by a different rule from that which was in force at the time the work was performed. It is to that extent new legislation. In other words, Mr. Chairman, there is no law providing for the payment of these workmen on the terms and according to the provisions specified in the amendment moved by the gentleman from Kansas.

Mr. COBB, of Kansas. Before the Chair decides the point of order, I wish to say a word or two. When the act of May 2, 1872, was moved in Committee of the Whole on the state of the Union by yourself, Mr. Chairman, a question of order was then raised. This amendment is in substance the same as the law of May 2, 1872, which is on this very same subject. The question of order was raised by Mr. Farnsworth, of Illinois, with Mr. Stevenson in the chair, and as will be seen by the Globe of the Forty-second Congress, page 1481, it was then decided to be a germane amendment to the deficiency bill which was then under consideration.

I looked up the whole matter before attempting to offer this amendment in Committee of the Whole, and had it been liable to the point of order raised by the gentleman from Vermont, I would have in the House moved to suspend the rules in order to obtain the privilege of offering it as an amendment to this bill in committee.

The CHAIRMAN. The Chair would ask the gentleman from Vermont to state the law which this amendment proposes to amend or change.

Mr. WILLARD, of Vermont. These workmen were employed when a given law was under operation and it is now proposed to pay them according to a different rule and a different law. Mr. Chairman, it is like a proposition to be put into this bill to pay the President of the United States a larger sum of money for his last year's salary than what was provided at that time by law. The amendment is not in accordance with any existing law, and is therefore liable to the point of order.

The CHAIRMAN. Will the gentleman from Vermont refer to the law which this amendment proposes to change?

Mr. WILLARD, of Vermont. It is for the gentleman from Kansas to refer to the law which makes this amendment in order.

Mr. BUTLER, of Massachusetts. O, no; you have made the point of order and you ought to state the law which this amendment proposes to change.

Mr. WILLARD, of Vermont. It is for the gentleman from Kansas to point out the law for it as he has moved the amendment. I raise the point of order that there is no law authorizing this appropriation.

The CHAIRMAN. The gentleman from Vermont raises the point of order that this is not authorized by any existing law. The Chair overrules the point of order.

Mr. COBB, of Kansas. The reason for this amendment which I move to this bill is this: the law passed on the 2d of May, 1872, was for the compensation of these laborers in order to cover the period between the 25th of June, 1868, to the 19th of May, 1869, the latter being the date of the issuance of the President's proclamation. It was undoubtedly supposed when Congress passed the law of the 25th of June, 1868, that it would be respected by the administrative and ministerial officers of the Government, but it was on the contrary defied, and the matter was accordingly brought to the attention of the Executive, who performed the extraordinary act of issuing that proclamation which is familiar to us all, of the 19th of May, 1869, enforcing the fact upon all the administrative and ministerial officers of the Government that they must respect that law as the law of the land. It was supposed on the part of the House and of Congress in 1872 that the eight-hour law had been obeyed and respected after the issuance of the President's proclamation. But that was a mistake. On the contrary the fact is patent to everybody, that notwithstanding the law of the 25th of June, 1868, and notwithstanding the President's proclamation of the 19th of May, 1869, this law has been constantly and persistently defied by a large number of ministerial officers of the Government down to the 1st of October, 1872.

These men have a claim against the Government for two hours' extra labor which they have performed each day between the date of the passage of this act and when it became the law of the land up to the time when it began to be respected throughout all the departments of the Government. They have as good a claim for that service which they rendered after the 19th of May, 1869, down to October 1, 1872, as they have for the service which they rendered between the 25th of June, 1868, and the 19th of May, 1872.

The proof that they did render that service is overwhelming, and they have the right to compensation for it. I introduced at an early period of the session a bill on this subject, which was referred to the Committee on Claims, but in reference to which no report has been made. I also urged this amendment before the Committee on Appropriations, and sought to have it reported with this bill. Its justice no one can deny. In my own district, at Fort Leavenworth, a large number of men who went on working in this way, working two hours extra each day, will be compelled to submit their claims to the Court of Claims if this amendment is not adopted to this bill, and

they ought to be saved any such expense and vexation, for they are poor laboring men and are not able to stand such expense, and they ought not to be put to any such additional outlay. I hope the committee will not refuse them this simple meed of justice here and now.

Mr. ATKINS. Will the gentleman allow me to ask him a question?

Mr. COBB, of Kansas. Yes, sir.

Mr. ATKINS. If the amendment is adopted how much will it increase the indebtedness of the Government?

Mr. COBB, of Kansas. From correspondence I have had with the Third Auditor, I believe it would increase the indebtedness of the Government to the extent of about $600,000.

Mr. G. F. HOAR. It would not increase the indebtedness of the Government at all.

Mr. COBB, of Kansas. Yes; I correct my statement; it would not increase the indebtedness of the Government one cent, because this is due to these people this day; but it would settle a claim that is now unadjusted against the Government of about $600,000.

Mr. DUNNELL. I offer the following amendment to the amendment:

Provided, The law making eight hours a legal working day for the employés of the United States be hereby repealed.

Mr. G. F. HOAR. I raise the point of order that that is new legislation.

Mr. WILLARD, of Vermont. It is germane to the pending amendment.

The CHAIRMAN. The Chair sustains the point of order.

Mr. COBB, of Kansas. I ask the gentleman from Minnesota [Mr. DUNNELL] to yield to me to allow me to complete my statement.

The CHAIRMAN. The gentleman from Minnesota is not entitled to the floor.

Mr. FIELD. I offer the following amendment:

After the word "performed" insert "by such laborers, including teamsters and watchmen."

Mr. COBB, of Kansas. I make the point of order that that is new legislation and as such will defeat this amendment, else I would be happy to admit it as a just claim.

The CHAIRMAN. The Chair sustains the point of order.

The question being taken on the amendment of Mr. COBB, of Kansas, there were ayes 28, noes not counted.

So the amendment was not agreed to.

Mr. SESSIONS. I offer the following amendment:

After line 1219 insert the following:

That the provisions contained in the act approved March 3, 1869, entitled "An act making appropriations to supply deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1869, and for other purposes," limiting the compensation to be allowed for the disbursement of moneys appropriated for the construction of any public building was intended and shall be deemed and held to limit the compensation to be allowed to any disbursing officer who disburses moneys appropriated for and expended in the construction of any public building as aforesaid, to ½ of 1 per cent. for said services.

Mr. BURCHARD. I make the point of order on that amendment that it changes existing law.

The CHAIRMAN. The Chair sustains the point of order.

Mr. BURCHARD. I am willing to withdraw the point of order long enough to allow the gentleman to state his intention in offering it.

Mr. CONGER. I renew the point of order.

The CHAIRMAN. The Chair has sustained the point of order.

The Clerk commenced the reading of section 2, as follows:

SEC. 2. That the following sums be appropriated and paid to the Chickasaw tribe of Indians, being arrears of interest due to said tribe, as follows:

For this amount, being the interest on $66,666.66⅔, 5¼ per cent. bonds of the State of Tennessee, from January 26, 1861, to July 1, 1866, $19,010.25.

For this amount, being the interest on $616,000, 6 per cent. bonds of the State of Tennessee, from January 1, 1861, to July 1, 1866, $203,280.

Mr. CONGER. For the purpose of having some explanation of the clause just read, I move to strike it out.

Mr. BUTLER, of Massachusetts. I make the point of order that this is new legislation. The clause provides for an appropriation not authorized by existing law.

Mr. LOUGHRIDGE. I desire to be heard on the point of order. The Government is indebted to these Indians under the treaty of 1832 for certain moneys. By that treaty those moneys were paid over to the United States; and these are trust funds now in the Treasury of the United States belonging to these Indians. We have been every year appropriating in our regular appropriation bills the interest.

The CHAIRMAN. Does the gentleman say that this is in pursuance of a treaty?

Mr. LOUGHRIDGE. I do not. I say that the money came into the Treasury by virtue of a treaty, and being in the Treasury we appropriate by virtue of law. The Government agreed to take this money and keep it on trust for the Indians. This is a trust fund in our hands; it is property in our hands belonging to these Indians. It is not given to them by virtue of any treaty. These are moneys which we appropriate every year in our regular appropriation bills.

The CHAIRMAN. The Chair overrules the point of order.

Mr. BUTLER, of Massachusetts. Before the point of order is overruled I desire to be heard on it.

The CHAIRMAN. The Chair will hear the gentleman from Massachusetts briefly on the point of order as he has heard the gentleman from Iowa.

Mr. BUTLER, of Massachusetts. This very section provides—

That the Secretary of the Treasury be, and he hereby is, authorized and directed to reimburse the United States in the sum of $24,000, by transfer from funds in the Treasury belonging to the Kaskaskia, Peoria, Wea, and Piankeshaw Indians, now to their credit, under the act approved July 12, 1862.

The CHAIRMAN. What the gentleman is reading has not yet come before the committee.

Mr. BUTLER, of Massachusetts. Well, sir, here is an appropriation, being the interest on $66,666 of certain bonds of the State of Tennessee. If the gentleman from Iowa or the Chair will point out any law by which as matters stand at present the United States are bound to pay interest on Tennessee bonds without new legislation, I should like to know it. I have got a few. There is no law authorizing it which has yet been shown, nor is there any. It is said that there are trust funds in the Treasury. Is there any evidence of that before the Chair?

The CHAIRMAN. The Chair takes the statement of the gentleman from Iowa. Otherwise the Chair is not advised.

Mr. BUTLER, of Massachusetts. I beg the Chair's pardon; that will hardly do. There is nothing now to show that the United States owes this money.

Mr. HALE, of Maine. I desire to raise the point of order as to the whole section; but I do not wish to do it until gentlemen have made their points of order on the particular clauses.

The CHAIRMAN. The gentleman from Iowa [Mr. LOUGHRIDGE] states that this is a fund held by the United States in trust for these Indians to pay over to them year after year. Does the Chair correctly understand the gentleman?

Mr. LOUGHRIDGE. Yes, sir.

Mr. BUTLER, of Massachusetts. This goes back twelve years.

The CHAIRMAN. If the gentleman from Iowa is correct in his statement of this matter, the Chair overrules the point of order.

Mr. HALE, of Maine. I rise to a point of order that goes deeper than this. I submit that the whole section is out of order under the rules of the House, and has no place in this bill. This appropriation, if it has any merit in it, is to carry into effect an existing treaty with these Indians, and it should be put in an Indian appropriation bill. If put in here it is subject to a point of order exactly as the other section following this would have been had it not been made in order by a suspension of the rules. I ask the Clerk to read the clause which I have marked of Rule 76.

The Clerk read as follows:

In preparing bills of appropriations for other objects the Committee on Appropriations shall not include appropriations for carrying into effect treaties made by the United States; and where an appropriation bill shall be referred to them for their consideration which contains appropriations for carrying a treaty into effect, and for other objects, they shall propose such amendments as shall prevent appropriations for carrying a treaty into effect being included in the same bill with appropriations for other objects.

The CHAIRMAN. The Chair would inquire of the gentleman from Iowa if there is any other authority for this appropriation than a treaty?

Mr. LOUGHRIDGE. There is no other authority, but we have the funds in our hands.

Mr. BUTLER, of Massachusetts. No; we have not; that is the trouble.

The CHAIRMAN. By virtue of a treaty?

Mr. LOUGHRIDGE. We received them by virtue of a treaty.

The CHAIRMAN. The Chair sustains the point of order.

Mr. CONGER. I raise the same point of order on the preceding clause of this section.

Mr. BUTLER, of Massachusetts. I raised it on that clause in the beginning.

The CHAIRMAN. Not until after the next clause was read.

Mr. BUTLER, of Massachusetts. O, yes.

Mr. HALE, of Maine. I waited to raise it as to the whole section, until gentlemen had a chance to raise any points they chose as to the particular clauses. Of course I had a right to wait until the whole section was read. It is a distinctive matter in relation to one tribe of Indians under one treaty.

The CHAIRMAN. The Chair thinks the gentleman from Maine is too late as to the first paragraph.

Mr. BUTLER, of Massachusetts. I raised the point of order on the first paragraph.

The CHAIRMAN. That was a different point of order, which was overruled.

Mr. BUTLER, of Massachusetts. O, I raised precisely the same point, and you took the statement of the gentleman from Iowa that it was in order.

Mr. SPEER. What is the effect of the Chair's ruling? Is the whole section struck out?

The CHAIRMAN. No; only the clause on which the point of order was raised, from lines 10 to 15 inclusive.

Mr. SPEER. I thought it was raised on the whole section.

Mr. HALE, of Maine. I raised it on the whole section, and I wish now to notify the Chair that I do raise it on the whole section.

The CHAIRMAN. The Clerk has not yet read beyond line 15.

The Clerk read as follows:

For this amount, being the interest on $90,000, 6 per cent. bonds of the State of Arkansas, from January 1, 1861, to July 1, 1866, $29,700; making in all the sum of $251,990.25; one-half of this amount to be paid on or after the 1st of July, 1874, and the balance on or after the 1st of July, 1875.

Mr. HALE, of Maine. I make the same point of order on that paragraph.

The CHAIRMAN. The Chair sustains the point of order.

Mr. LOUGHRIDGE. Does the Chair sustain the point of order as to the first paragraph of the section?

The CHAIRMAN. As to the first paragraph it was not raised.

Mr. CONGER. I move to reconsider the vote by which the first paragraph was agreed to.

The CHAIRMAN. No such motion can be made in Committee of the Whole.

Mr. BUTLER, of Massachusetts. We can move to strike out the first paragraph; no vote has been taken on it yet.

The CHAIRMAN. That paragraph has been passed.

Mr. BUTLER, of Massachusetts. No vote was taken on it.

The CHAIRMAN. No motion having been made in reference to it, the next paragraph was read.

Mr. BUTLER, of Massachusetts. I raised the point of order and it was about being overruled when another one was raised, and as soon as that discussion is through, before anything further has been done, I move to strike out the paragraph.

The CHAIRMAN. If the gentleman from Maine [Mr. HALE] will state that he rose before the first paragraph was passed from, the Chair will entertain his point of order in reference to that paragraph.

Mr. BUTLER, of Massachusetts. I rose at once when the first paragraph was read to make the point of order, although I did not rise to move to strike it out until it had been passed from.

The CHAIRMAN. The gentleman from Massachusetts [Mr. BUTLER] raised a point of order in reference to the first paragraph of this section, which point of order was overruled. Then, as the Chair recollects, the Clerk read the second paragraph, upon which the gentleman from Maine [Mr. HALE] raised another point of order, which was sustained by the Chair. If the gentleman from Maine now states that he endeavored to obtain the floor for the purpose of raising the point of order upon the first paragraph, of course the Chair will entertain it at this time.

Mr. HALE, of Maine. I arose for that purpose; but, as I said before, I did not put forward my point of order, because the point of order raised by the gentleman from Massachusetts [Mr. BUTLER] was being considered. But the moment that I understood the decision of the Chair then I pushed my point of order, and did not understand that the committee had gone from the particular clause upon which the gentleman from Massachusetts made his point of order.

The CHAIRMAN. Upon that statement of the gentleman from Maine [Mr. HALE] the Chair will entertain the point order in regard to the first paragraph of this section, and sustains the point of order.

Mr. ROBBINS. Do I understand that the whole of section 2 has been ruled out of order by the Chair?

The CHAIRMAN. The reading of section 2 has not yet been completed.

The Clerk read the remainder of the section, as follows:

That the Secretary of the Treasury be, and he hereby is, authorized and directed to reimburse the United States in the sum of $24,000, by transfer from funds in the Treasury belonging to the Kaskaskia, Peoria, Wea, and Piankeshaw Indians, now to their credit, under the act approved July 12, 1862; said sum being the amount advanced by the act of April 10, 1869, in the payment for certain lands purchased from the Senecas and sold to the Kaskaskia, Peoria, Wea, and Piankeshaw Indians.

Mr. BUTLER, of Massachusetts. I now raise the same point of order upon this paragraph which the Chair sustained upon the other paragraphs of this section.

The CHAIRMAN. The Chair sustains the point of order.

Mr. ROBBINS. On behalf of my colleague, [Mr. VANCE,] who is detained from the House by sickness, I offer as an additional section, to come in after section 2, that which I send to the Clerk's desk to be read.

The Clerk read as follows:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money not otherwise appropriated, for the services and expenses of the delegation of the Eastern band of the Cherokee Indians of North Carolina who have visited and may hereafter visit Washington on business connected with their tribe, and the amount herein required to pay the delegation shall be charged to the unexpended balance of the interest fund arising under the fourth section of the act approved July 29, 1848, which remained in the hands of Special Agent James W. Terrell and Silas H. Swetland, and for the recovery of which suits at law are now pending against them in the United States court in the western district of North Carolina, and, whenever recovered upon the bond of said agents, shall be reimbursed therefrom.

Mr. GARFIELD. I raise the point of order upon that proposed amendment that it is new legislation.

The CHAIRMAN. Can the gentleman from North Carolina (Mr. ROBBINS) state any law authorizing this appropriation?

Mr. GARFIELD. This is a bill which has been referred to some committee for the purpose of being made a law.

Mr. ROBBINS. It is recommended by a committee.

The CHAIRMAN. The Chair sustains the point of order.

Mr. ROBBINS. I offer as an additional section that which I send to the Clerk's desk.

The Clerk read as follows:

That the Secretary of the Treasury be, and he is hereby, directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $4,500, or so much thereof as may be necessary, on account of expenses incurred by Silas H. Swetland as special agent to settle with the Eastern or North Carolina Cherokees in the year 1869, to the following-named persons, to wit: Samuel W. Davidson, Henry Smith, and N. J. Smith, of North Carolina, the sum of $1,068.66; to J. D. Abbott, of North Carolina, the sum of $108; to M. C. King, of North Carolina, the sum of $201; to John Gray Bynum, of North Carolina, the sum of $792; and to others whose claims may be filed and verified such sum as may be found due.

Mr. GARFIELD. That is another bill. I raise the same point of order upon it.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read section 3 of the bill, as follows:

SEC. 3. That in order to fulfill and discharge the obligations assumed by the United States under the eleventh and twelfth articles of the treaty between the United States and the Choctaw and Chickasaw Nations of Indians, concluded June 22, 1855, and in order to provide for the payment and satisfaction of the award of the Senate of the United States, under the provisions of article 11 of the said treaty, made on the 9th day of March, 1859, the Secretary of the Treasury is hereby directed and required to issue and deliver to Peter P. Pitchlynn and Peter Folsom, the authorized delegates and agents of the Choctaw Nation, or to either of them who may demand the same on behalf of the said nation, bonds of the United States authorized to be issued under the provisions of the act of Congress approved July 14, 1870, entitled "An act to authorize the refunding of the national debt," and of the act of Congress approved January 20, 1871, entitled "An act to amend an act entitled 'An act to authorize the refunding of the national debt,'" for an amount equal to the sum stated and found to be due to the Choctaw Nation under the said award, as shown by the account stated by the Secretary of the Interior, in accordance with and in conformity to the said award, and reported by him to Congress, and printed and contained in House Executive Document No. 82, of the first session of the Thirty-sixth Congress, deducting from said amount the following sums, to wit: the sum of $362,100.70, and the further sum of $286,595.75, together with interest on the sum stated in the said executive document as due to the Choctaw Nation from the United States under the said award, after deducting the sums above stated, at the rate of 5 per cent. per annum from the 2d day of March, 1861, until the said bonds shall be issued to the said delegates or agents of the Choctaw Nation as herein directed: *Provided*, That from the sum due the Choctaw Nation, as shown in the said executive document and account-stated, the Secretary of the Treasury shall deduct the sum of $250,000, paid to the said delegates for and on account of the said nation and on account of the said award, on the 12th day of April, 1861: *And provided further*, That the Secretary of the Treasury shall neither entertain, recognize, allow, nor pay any of the various claims or pretended claims which have heretofore been demanded, or which shall hereafter be demanded, by any claim agents, attorneys, or pretended owners of the said bonds, by purchase or otherwise, or of any part thereof; nor shall the Secretary of the Treasury recognize or sanction any contract or pretended contract, made on behalf of the Choctaw Nation, providing for the payment of any compensation or fees for the collection or prosecution of the claims of the Choctaw Nation against the United States, but the said bonds shall be issued and delivered as herein provided: *And provided further*, That before the delivery of the said bonds to the said delegates as herein directed, the national council of the Choctaw Nation shall pass an act approving the provisions of this act, and shall declare that the receipt of the said bonds by the said delegates, or either of them, on behalf of the said nation, is accepted and received by the said nation as a full payment and satisfaction of all claims of the said nation, whether national or individual, growing out of the cession of lands by the said nation to the United States, under the treaty of September 27, 1830; a copy of which act, attested by the seal of the said nation, shall be filed with the Secretary of the Treasury previous to the delivery of the said bonds to the delegates aforesaid.

Mr. HALE, of Maine. I rise for the purpose of moving to strike out this section. But first, in order that it may be settled what is actually and legitimately in the bill, I make the point of order that this provision is not properly in this bill, the same point of order that was made in reference to the previous section. I am aware that a long resolution was passed the other day under a suspension of the rules providing that something should be in order in this bill; and that we may know just what we have before us for amendment or for striking out, I raise the point of order here.

The CHAIRMAN. The Chair is informed by the Clerk that the resolution adopted the other day contained the exact words of this section, and directed that they should be a part of the bill.

Mr. HALE, of Maine. I am willing to trust a great deal to our clerks. But this is a very important matter. The resolution was of record in writing, and was read here, and I want to proceed guardedly.

Mr. PARKER, of Missouri. It strikes me, if I am permitted to say anything on this point of order, that the gentleman from Maine [Mr. HALE] is starting out upon this section with a very great degree of technicality. Now he distrusts the clerks of this House.

Mr. HALE, of Maine. I do not distrust the clerks of this House.

Mr. PARKER, of Missouri. Well, the gentleman makes an insinuation of that character.

Mr. HALE, of Maine. I make no insinuation; I am the last man to do it.

Mr. PARKER, of Missouri. I desire to state to the Chairman and to the Committee of the Whole that this resolution which was passed, and for which the rules were suspended, contained this identical section of the bill, because I cut it out of the printed bill.

Mr. HALE, of Maine. Let us have the resolution read.

Mr. PARKER, of Missouri. Well, sir, I want to be heard. I cut this section out of the bill and incorporated it in my resolution. All there was of writing in connection with the section was the introductory clause of the resolution. The section which was made in order upon my motion to suspend the rules was identically this section.

The CHAIRMAN. Does the gentleman from Maine insist on his point of order?

Mr. HALE, of Maine. When the resolution was read the other day I thought its purpose was to make this particular section in order It struck me, however, as the resolution was read—I had no time to examine it—that there was a discrepancy between that resolution and the section that is now in this bill. If there was such a discrepancy, I am so strongly opposed to this section being incorporated in this appropriation bill, taking so large a sum of money out of the Treasury, that notwithstanding what the gentleman from Missouri

has said I insist on my right as a member to save that point. If the section made in order by the resolution of the gentleman from Missouri is exactly the section now printed as a part of this bill, then it can be very easily shown. But the resolution was adopted only two days ago; and it is a very singular thing if it cannot be found.

The CHAIRMAN. The Chair thinks it incumbent upon the gentleman from Maine, if he raises a point of order upon the section, to show wherein it is not in order.

Mr. HALE, of Maine. I have raised my point of order under the rules——

The CHAIRMAN. Upon the statement of the gentleman from Missouri that the words of this section are identical with those embodied in his resolution, the Chair will rule, unless the gentleman from Maine can show——

Mr. PARKER, of Missouri. I state again, in order that I may be distinctly understood, that the section incorporated in my resolution and read by the Clerk was this very section of the bill; for I cut it out of the printed bill.

Mr. HALE, of Maine. I am an associate of the gentleman from Missouri on the Committee on Appropriations, and I know how well he can be depended upon. Hence, upon his assurance, I will not further insist on my point; only I would ask the gentleman whether he knows where the resolution now is. He of course has not put it out of the way. Where is it?

Mr. PARKER, of Missouri. I have paid no attention to the resolution since it passed.

Mr. RANDALL. It has gone to the Public Printer with the Journal. I am so informed at the Clerk's desk.

Mr. HALE, of Maine. It was passed only three days ago.

Mr. PARKER, of Missouri. I should like to have it settled here and now why it is that the gentleman insinuates that there is any difference between my resolution and this section of the bill.

The CHAIRMAN. The Chair overrules the point of order.

Mr. HALE, of Maine. Upon the assurance of the gentleman from Missouri, I withdraw my point of order and move to strike out the section.

Mr. PARKER, of Missouri. Does the gentleman from Maine desire to discuss this question?

Mr. HALE, of Maine. As the gentleman is in favor of the section, I yield to him. I do not wish to go on until he has made his explanation.

Mr. PARKER, of Missouri. I would prefer that the gentleman should first state his reasons for making this motion.

Mr. HALE, of Maine. I yield to the gentleman from Ohio, [Mr. GARFIELD.]

Mr. GARFIELD. Mr. Chairman, I hope that the Committee of the Whole will give careful consideration to this section, for it is a very important one. There are two reasons which I wish to impress upon the committee against retaining this section in this appropriation bill. The first is a matter of good habit in our legislation. It is not fair to the various claims before Congress, numbering so many hundreds, and which are referred generally to the Committee on Claims, that one should be singled out and placed upon an appropriation bill that must become law. Such a proceeding is relatively an injustice to all other claims before Congress. This remark, of course, has no reference whatever to the merits or demerits of this particular claim. But if the rules must be suspended in order to make one special claim in order upon an appropriation bill, why should not all other just claims be also placed upon appropriation bills? What reason can be given for preferring one claim above all others and giving it a more advantageous position? That is my first objection; and it is so strong that I hope it will have weight with the Committee of the Whole. During this session the Committee on Appropriations have sent back to the House about forty claims, and have had them referred to appropriate committees, on the principle that such claims ought not to encumber appropriation bills, for each should stand on its own merits. I believe that no single claim except this has found its way into any of the appropriation bills reported to the House, and this is here only by the action of a divided committee.

In the next place, while I admit that this Choctaw claim has some merit, and while if it were presented here by itself as a bill I should be strongly disposed to vote for settling it in some way, yet I do not believe it possible now upon this bill to give it that full and elaborate discussion that its merits deserve. It is a claim more than thirty years old. It has a long and intricate history, and is beset with difficult questions. It has several times been put upon appropriation bills, but has never been enacted into law.

Mr. LOUGHRIDGE. I should like to ask the gentleman from Ohio a question.

Mr. GARFIELD. Certainly.

Mr. LOUGHRIDGE. Have not $500,000 been already appropriated, and was not that done on an appropriation bill?

Mr. GARFIELD. It is true that a small payment has been made on account of this claim, but it was in order that it should be upon an appropriation bill in years past and until last year. It was about being put on—indeed was put on—the Indian appropriation bill in the Senate during the last Congress, when a letter came from the Secretary of the Treasury to the Committee on Appropriations of the Senate saying the Secretary had reason to believe there was fraud behind the claim, and asking them not only not to put it on the bill, but to put a section in the bill forbidding the payment of the claim until further investigation and legislation by Congress. That section was put on in the Senate, passed by the House, and became section 3 of the Indian appropriation bill of 1872. So that as the law now stands the claim is barred until future action of Congress. Hence it required a suspension of the rules to put it into this bill.

I deeply regret, Mr. Chairman, that the House saw fit to suspend the rules to make it in order. I have not one word to say against those gentlemen who think it ought to be here, except to say that there is an honest difference of opinion between them and myself. The members of the Committee on Appropriations who voted to put this section in this bill have the utmost of my confidence. I say not one word to detract from their high worth. I hold them to be as true men as live. I say only in this matter we radically differ in our judgment on this question. I think they mistake as a matter of legislative propriety and as to the right management of our finances to put this section into this bill, and I appeal to the House to reconsider its action and strike the section from the bill. Then we can truthfully say that our twelve great appropriation bills have not borne upon them one claim or one shadow of a claim; that they have contained nothing save the regular appropriations for the support of the Government.

That is the whole case; but I must say a word on the merits of the section itself. If we go into the discussion of the Choctaw claim we shall encounter on the threshold a serious difficulty in reference to the treaty of 1855. That treaty provides that the amount awarded as claims of individual Choctaws shall be delivered over to the nation in bulk and the remainder of the award, which is in its nature national—which belongs to the Choctaw Nation as a people—shall be invested in interest-bearing bonds and held in trust by the Secretary of the Interior for the benefit of the nation. Now, how much of this amount awarded by this section belongs to individual Choctaws and how much belongs to the Choctaws as a nation I do not know and the committee has failed to discover; but this section gives it all in a lump to two persons—agents of the nation. No doubt we have wronged the Choctaw Nation by not settling this claim long ago. But we shall wrong both them and ourselves by this method of settling the case. This Congress has made a most worthy record in all that pertains to public expenditures. Let us not now mar that record by breaking over the wise rules which long experience has taught us to respect.

[Here the hammer fell.]

Mr. COBB, of Kansas. I should like to ask the gentleman from Ohio this question: Does the Government owe this debt or not?

Mr. GARFIELD. I think the Government owes a debt, but I do not believe that this section provides for discharging the debt in accordance with the terms of the obligation.

Mr. PARKER, of Missouri. I am peculiarly situated in reference to this matter. The remarks of the gentleman who spoke in favor of the motion to strike out this section are of such a character as to cover this whole case, and I am fearful it will be impossible to present the case to the House as it should be presented (and as I think I ought to be permitted to present it, having made the report on this question from the Committee on Appropriations) in the short space of five minutes. But I will do the best I can.

My friend from Ohio, [Mr. GARFIELD,] the distinguished chairman of the Committee on Appropriations, for whom I have as high regard as for any person in the world, admits the merits and the justice of the claim, but the trouble with him is, he desires, I think, to pay off these Indians by compliments to his fellow-members of the committee. That may be handsome, and will be appreciated by the colaborers with him on that committee, but I apprehend it is not of such a character as will satisfy a just demand against the Government.

Now, sir, as to the reasons the gentleman urges why this should not go upon the appropriation bill. In the first place, two-thirds of this distinguished body have decided it is proper to go on an appropriation bill. I would be willing, even if I were chairman of the committee, to abide the fiat of the House proclaimed by two-thirds of its members.

But what reason has he urged why it should not be put upon this bill in this way? One reason is that it is an old claim. It is an old claim, Mr. Chairman, and the age of this claim places it before the country and the world as a lasting disgrace and burning shame to this Government that it has not been satisfied years and years ago. I have understood that wine was improved by age, but the rule with him seems to be that a claim which is just, a claim which the gentleman admits to be honest and fair, is to be destroyed because of its age. And he wants to increase the age of this just claim. He says it should be put off yet a little longer; that its payment shall be procrastinated yet a little while.

Why, Mr. Chairman, must that be done? I will tell you why. If this were a claim urged against this Government by a nation which had the power to hold us accountable for the non-payments of our debts, then you would hear the chairman of this committee upon this floor talking of national honor and national honesty. But here are a class of people who, unfortunately for them, are unable to hold us accountable to them as a nation for that dishonesty. Therefore we postpone the payment of this just demand.

Why is this claim old? This brings me to a brief presentation of the claim on its merits to this House. What is the claim? How

does it come that those people have a claim against the Government of the United States that has remained unsettled for these many years? I will tell you the foundation of it.

On the 27th September, 1830, the Government of the United States made a solemn treaty with these people, when they were living in the State of Mississippi. But prior to that, in the year 1820, the Government entered into a treaty with them by which it received from them four million three hundred thousand acres of land in Mississippi for a tract of country west of the Mississippi River where they are now living. That tract of four million acres of land covers from one-half to three-fourths of the whole water front of the State of Mississippi. In 1830 a question arose between the Government of the United States and the State of Mississippi—the State claimed jurisdiction over these people. The Indians were unwilling to submit to that State jurisdiction. War was imminent between the Federal Government and the State of Mississippi upon that question. The President of the United States, President Jackson, sent his Secretary of War, General Eaton, and an officer of his Army, General Coffee, to make a treaty with these people. They did make the treaty of Dancing Rabbit Creek on the 27th of September, 1830. These Indians did not want to leave their homes on the Mississippi; they wanted to remain there. But by threats and terrorizing over them, the United States induced them to sign a treaty granting to the United States over ten million acres of land. They were by the terms of that treaty to be paid in advance. The treaty was signed by these people. They agreed, the most of them, to remove to their new homes in the then unknown country west of the Mississippi River. It is out of the cession of these lands that the treaty grew.

Well, what occurred then? After the treaty was made the Indians presented their claims to the Government of the United States for these ten million acres of land and the thing was procrastinated or overlooked, just as the gentleman from Ohio now seeks to put it off, from 1830 to 1855.

[Here the hammer fell.]

Mr. KELLOGG. I move to strike out the last word, and yield my time to the gentleman from Missouri, [Mr. PARKER.]

Mr. PARKER, of Missouri. I thank the gentleman for his courtesy. On the 22d June, 1855, the Government of the United States entered into another treaty with these people, and what was that treaty? It was substantially this: that all claims and demands urged upon the part of the Choctaw people should be settled by a court. What court was that? By the terms of the treaty it was the Senate of the United States. I wish to have the Clerk read the eleventh section.

The Clerk read as follows:

ART. 11. The Government of the United States not being prepared to assent to the claim set up under the treaty of September 27, 1830, and so earnestly contended for by the Choctaws as a rule of settlement, but justly appreciating the sacrifices, faithful services, and general good conduct of the Choctaw people, and being desirous that their rights and claims against the United States shall receive a just, fair, and liberal consideration, it is therefore stipulated that the following questions be submitted for adjudication to the Senate of the United States:

First. Whether the Choctaws are entitled to, or shall be allowed, the proceeds of the sale of the lands ceded by them to the United States by the treaty of September 27, 1830, deducting therefrom the cost of their survey and sale, and all just and proper expenditures and payments under the provisions of said treaty; and if so, what price per acre shall be allowed to the Choctaws for the land remaining unsold, in order that a final settlement with them may be promptly effected; or,

Secondly. Whether the Choctaws shall be allowed a gross sum in further and full satisfaction of all their claims, national and individual, against the United States; and if so, how much. (11 Statutes at Large, page 611.)

Mr. PARKER, of Missouri. Now, Mr. Chairman, it will be observed by the committee that this claim by the terms of this treaty is to be submitted to the Senate of the United States and a board of arbitrators. It will be observed further that we had the selection partly of the court, and we took good care to select a court on which there should be no Indians. It was a court of our own choosing. It was one of the highest courts of arbitrators that ever assembled in this country or any other country. It must be remembered that by the terms of this treaty of 1855 the finding of the Senate was to be final. There was to be no appeal from that finding.

The Senate did take up this case, and on the 9th of March, 1859, after the proposition had been referred to a committee of the Senate, after it had been deliberately considered by that committee for three months, it was brought back into the Senate, reported favorably upon by the committee of the Senate. The Senate discussed it for days, and finally they did make an award in favor of these people. And I want to say here in this connection that after deducting every possible thing that they could deduct from these people, they found to the amount of money that we claim is due here to-day. What did they say? Here is the resolution which they passed:

Whereas the eleventh article of the treaty of June 22, 1855, with the Choctaw and Chickasaw Indians provides that the following questions be submitted for decision to the Senate of the United States:

First. Whether the Choctaws are entitled to or shall be allowed the proceeds of the sale of the lands ceded by them to the United States by the treaty of September 27, 1830, deducting therefrom the costs of their survey and sale, and all just and proper expenditures and payments under the provisions of said treaty; and, if so, what price per acre shall be allowed to the Choctaws for the lands remaining unsold, in order that a final settlement with them may be promptly effected; or,

Secondly. Whether the Choctaws shall be allowed a gross sum in *further* and full satisfaction of *all* their claims, national and individual, against the United States; and, if so, how much?

Resolved, That the Choctaws be allowed the proceeds of the sale of such lands as have been sold by the United States on the 1st day of January last, deducting therefrom the costs of their survey and sale, and all proper expenditures and payments under said treaty, excluding the reservations allowed and secured, and estimating the scrip issued in lieu of reservations at the rate of $1.25 per acre; and, further, that they be also allowed twelve and a half cents per acre for the residue of said lands.

Resolved, That the Secretary of the Interior cause an account to be stated with the Choctaws, showing what amount is due them according to the above prescribed principles of settlement, and report the same to Congress.—*Senate Journal, second session Thirty-fifth Congress*, page 493.

Not to the Senate but to Congress, thereby showing that the Senate deemed their award as final.

They did not ask the master in chancery, as he might be termed, the Secretary of the Interior, to report back to the Senate, but to make his report to Congress. On the 8th of May, 1860, under the direction of this board of arbitrators, he did report back to the Congress of the United States the amount of money that was due these people. Now what was it? It is contained in Executive Document No. 82 of the first session of the Thirty-sixth Congress. Here is his finding; here is the account-stated——

[Here the hammer fell.]

Mr. SHANKS. I rise to oppose the amendment, and I yield my time to the gentleman from Missouri.

Mr. PARKER, of Missouri. I thank the gentleman.

Mr. SPEER. Is this in order? If it is not I must object, unless it be understood that the same courtesy will be shown to gentlemen on the other side.

Mr. GARFIELD. I have no doubt it will be, and I hope the gentleman from Missouri will be allowed to proceed.

Mr. SPEER. With that understanding I withdraw the objection.

Mr. PARKER, of Missouri. Here is the account-stated:

Statement of account with the Choctaw Indians, in conformity with the resolutions and decision of the Senate of the United States of March 9, 1859.

			Acres.
Total area of the lands ceded by the Choctaws by the treaty of September 27, 1830			10,423,193 69
Area of the reservations "allowed and secured," which are to be deducted and excluded from computation in the account			334,101 02
Leaving			10,089,038 67
Quantity sold up to January 1, 1859			5,912,664 63
Residue of said lands			4,176,374 04

Of this residue 2,292,766 acres have been disposed of under the swamp-land act and grants for railroad and school purposes up to January 1, 1859.

The proceeds of the sales of the lands up to January 1, 1859, namely, 5,912,664.63, amounted to		$7,556,568 05
The residue of said lands, namely, 4,176,374.04 acres, at 12½ cents per acre, amounts to		522,046 74
		8,078,614 80

From which sum the following deductions are to be made:

1. The cost of the survey and sale of the land, namely, 10,423,139.69 acres, at 10 cents per acre			$1,042,313 96
2. Payments and expenditures under the treaty, which are as follows:			
Fifteenth article:			
Salaries of chiefs for twenty years	$12,921 25		
Pay of speaker of three districts for four years	354 66		
Pay of secretary for same period	550 00		
Outfit and swords to captains, ninety-nine in number	4,930 56		
Pay to the same, at fifty dollars per year, for four years	19,604 65		
		38,361 12	
Sixteenth article:			
Removal and subsistence per statement of Second Auditor	813,927 07		
On same account per additional statement made in this office for expenditures from 1836 to date	401,556 17		
	1,215,483 24		
Amount paid for cattle	14,283 28		
		1,229,766 5	
Seventeenth article:			
Annuity of $20,000 for twenty years		400,000 00	
Nineteenth article:			
Fifty cents per acre for reservations relinquished	24,840 00		
Amount to orphans for reservations	120,826 76		
		145,666 76	
Twentieth article:			
Education of forty youth for twenty years	217,260 72		
Council-house, house for each chief, and church for each district	9,446 75		
Two thousand five hundred dollars annually for support of three teachers for twenty years	50,000 00		
Three blacksmiths sixteen years	38,988 86		
Millwright for five years	3,050 00		
Twenty-one hundred blankets	7,496 70		
Rifles, molds, &c., to each emigrating warrior	43,969 31		
One thousand axes, plows, hoes, wheels, and cards	11,490 20		
Four hundred looms	7,193 53		
One ton iron and two hundred weight of steel, annuity to each district for sixteen years	8,051 15		
		396,947 23	
Twenty-first article:			
Annuity to Wayne warriors		1,818 76	
3. Scrip allowed in lieu of reservations, namely, 1,399,920 acres, at $1.25 per acre		1,749,900 00	

Payments made to meet contingent expenses of the commissioners appointed to adjust claims under the fourteenth article of Choctaw treaty of September 27, 1830	$51,320 79	
For various expenses growing out of the location and sale of Choctaw reservations and perfecting titles to the same, including contingent expenses, such as pay of witnesses, interpreters, &c., incurred in executing the act of March 3, 1837, and subsequent acts relative to adjusting claims under the fourteenth article of the treaty of 1830	21,408 36	
For payments made for Choctaw account, being for expenses incurred in locating reservations under the treaty with said tribe of September 27, 1830	19,864 00	
Total amount of charges	5,097 367 50	$8,078,614 80
Which deducted from the proceeds of the lands sold, and the "residue of said lands," at 12½ cents per acre		5,097,367 50
Leaves a balance due to Choctaws of		2,981,247 30

Now one word in connection with these accounts. By the treaty of 1830 it was agreed to remove these Indians at the cost of the Government. We did remove them, but in making up the account we charged them for that removal $1,200,000. By the treaty of 1830 we agreed to survey these lands which have become ours under that treaty. We did survey them, but we stole from these Indians for that survey $1,300,000, when he had said by the treaty that we would pay the expenses ourselves. We agreed to furnish under the treaty of 1830 cattle to these Indians. We did furnish them cattle, but we paid for those cattle out of their own money and cast it up in this account against them.

That is not all. I could stand here for half an hour enumerating wrongs and outrages that have been committed against these people. We agreed to pay the Wayne warriors, who were in the Wayne campaign, pensions. We did pay them pensions, but we paid them out of their own money. We agreed that we would pay these people twelve and a half cents an acre for the residue of the lands that were unsold in 1859. We did pay them twelve and a half cents an acre, but we took ten cents an acre of that for surveying the lands, when we had agreed to survey them ourselves.

Well, now, has this claim been approved by anybody? The gentleman from Ohio [Mr. GARFIELD] says than an opinion came to Congress during its last session against this claim. O, yes; Mr. Chairman, if I were released from the obligations of secrecy in this case I could give to the House and the country the history connected with that opinion of the Solicitor of the Treasury; but has this claim ever met with the approval of anybody?

[Here the hammer fell.]

Mr. PARKER, of Missouri. I hope that I shall have a little more time.

Mr. KELLOGG. I withdraw my amendment.

Mr. TREMAIN. I renew the amendment and yield to the gentleman from Missouri.

Mr. PARKER, of Missouri. I thank the gentleman. I have in my possession the opinion of the Attorney-General of the United States in which he says that this claim is just and ought to be paid. I have in my possession the report of the distinguished chairman of the Judiciary Committee of this House, when he was a member of the Committee on Appropriations, recommending the payment of this claim. And the House, if I am right in that matter, at that very session passed it through this body. I have in my possession here the report of the Indian Committee of the Senate made by Mr. Sebastian in 1860, in which he said that this claim was a just claim and ought to be paid. I have in my possession the report of the Indian Committee of this House at the last session, stating that it was a just claim and ought to be paid. I have in my possession the report of the Indian Committee of this House of this Congress, a unanimous report, stating that it is a just claim and that it ought to be paid. And above all, the Congress of the United States in 1860 said that it was a just claim and ought to be paid. By a solemn act of Congress they appropriated $5,00,000 toward the payment of it. The Committees on the Judiciary of the Senate and of the House have recommended this payment. I have here the report of the Committee on the Judiciary of the last Congress, made by the distinguished gentleman from Indiana, Mr. Kerr, in which he says that this claim was just and ought to be paid.

Now the gentleman from Ohio, the distinguished chairman of the Committee on Appropriations, [Mr. GARFIELD,] makes the point that this should not be in an appropriation bill. Why should it not? At this very session we appropriated in an appropriation bill $1,000,000 to pay the judgments of the Court of Claims, and judgments, too, which have not yet been rendered. Is not this a judgment? It is a judgment of the highest character. To the eternal shame and disgrace of this nation here is a judgment against it since 1859, and to this day never paid.

I am glad that we have a chance to present this case to the Committee of the Whole. I am glad that the merits of it can be looked into by gentlemen. I assert as a fact that no honest man who will ever look into this case can come to any other conclusion than the one to which we have come.

One point further. We take from this amount of two million nine hundred and odd thousand dollars the sum of three hundred and odd thousand dollars, as being the 5 per cent. fund that the Government was to pay to the State of Mississippi under that law. We deduct also about the same amount as being the amount which the Government paid to the State of Mississippi as the swamp-land fund. I suppose we do it somewhat upon this principle: If I should buy a house in this city of my distinguished friend, the chairman of the Committee on Indian Affairs, [Mr. AVERILL,] and should give him my note for it, then when he came to me to collect the note I would say to him that I would give him only a part of the amount which the note represented, because I had given another part to the gentleman from Massachusetts. Therefore, because we have given away a part of this fund which belonged to the Indians, we deduct it from the amount due. In that way we have reduced the claim to two million three hundred and odd thousand dollars. No man in this country can come to the conclusion that this claim should not be paid.

Why, then, should we not pay it now? Some say that we cannot afford to pay it now. Sir, there can never be a period in the history of this country when we can repudiate an honest and just claim against us, held by a people who cannot go into a court and enforce it, and who cannot hold us accountable as a nation for the non-payment of an honest claim, because they are too weak.

[Here the hammer fell.]

Mr. HALE, of Maine, obtained the floor.

Mr. SPEER. I ask unanimous consent that the gentleman from Maine [Mr. HALE] be allowed twenty-five minutes, the same time that was allowed to the gentleman from Missouri, [Mr. PARKER.]

Mr. HALE, of Maine. I do not desire so much time.

The CHAIRMAN. There can be no unanimous consent given in Committee of the Whole. The Chair, however, has no doubt that proper time will be allowed the gentleman from Maine.

Mr. HALE, of Maine. This claim, and it is nothing but a claim in its best condition, will take two million three hundred and odd thousand dollars out of the Treasury. This is a large sum, and it requires sober attention, both in regard to the question whether it should be paid at all, and also, if paid, the perhaps more important question of guarding the fund so that it shall go to those to whom whatever sum is due belongs.

The gentleman from Missouri [Mr. PARKER] need not talk about the wrong done to the American Indian. I see all that in its full force. They have been driven from pillar to post; cheated by thievish agents of the Government; stripped of their lands, and in most cases if paid at all for them it has been by a mere bagatelle. So much I own.

But this claim deals not here with these general considerations. It is narrowed down to a proposition to put in an appropriation bill a section appropriating over $2,300,000 to be paid over to two men living in the city of Washington, neither of whom I presume has seen the Choctaw people for a dozen years, perhaps more; or if in this I am wrong, it is certainly true that they have both made this city their home, their point of action. My objection to this claim is twofold; first and foremost, while admitting that a large sum is due to these Indians, I am not ready, and the opposition to this claim is not ready, to admit that the sum named here is merely the sum that ought to be paid. But upon this point I give the gentleman from Missouri [Mr. PARKER] credit for a good, and as far as he has gone a thorough examination, and admit that his figures are entitled to *prima facie* credit. This, then, as to amount, we will not controvert as our strong point.

But bearing on this, let me say that several years ago this amount was given at a lower figure in the Senate of the United States by Senators then in charge of the claim. As long ago as March 9, 1859, at about the time of the adjustment, as it has been called, when the accounts were made up, and the matter was presented in the Senate by the Committee on Indian Affairs through Mr. Sebastian, of Arkansas, its chairman, a question was asked by Mr. King. I read from the Globe:

Mr. KING. About what is the amount to be paid?

Mr. SEBASTIAN. It is almost impossible to arrive at a correct conclusion. It is very large, and the amount this resolution will give them is far below what they are entitled to, in the opinion of the committee.

Mr. KING. Will it give them one million or more?

Mr. SEBASTIAN. I think when the account is stated it will be between eight hundred thousand and one million dollars. We got a large amount of land for nothing.

Gentlemen will see that the sum there named was little more than one-third of what is now pressed.

But there is another consideration to which I wish to call the attention of the committee, and it is most important. While I hope that this proposition will be voted down so that it may at the proper time go to a committee that shall report it as a distinctive bill, when it can receive full discussion on this floor, I shall be well content if a proper substitute can be adopted, and I have other considerations to urge in favor of an amendment, a vital amendment to this section.

The gentleman from Missouri has said that there was a treaty or adjustment in 1830. Granted. He has said further that it ran along until 1855, when a treaty was made which fixed the liabilities of the Government, and declared that the Indians had certain rights. Granted. I am going to have read portions of that treaty. He says, further, that a report was made to the Senate and that it was accepted by that body. Sir, was there anything further done after that? Good as is the gentleman's report, which I hold in my hand, he has not in that report called attention to the fact that on the 14th of June, 1860, less than a year after a report was made to the United States Senate, the matter came up in that body again on a resolution

to pay over this fund of $2,330,000, the same sum that is proposed to be given now. That resolution was based, as this section which we now confront is, upon the treaty of 1855. I ask the Clerk to read from article 12 of that treaty.

The Clerk read as follows:

ART. 12. In case the Senate shall award to the Choctaws the net proceeds of the lands, ceded as aforesaid, the same shall be received by them in full satisfaction of all their claims against the United States, whether national or individual, arising under any former treaty; and the Choctaws shall thereupon become liable and bound to pay all such individual claims as may be adjudged by the proper authorities of the tribe to be equitable and just, the settlement and payment to be made with the advice and under the direction of the United States agent for the tribe; and so much of the fund, awarded by the Senate to the Choctaws, as the proper authorities thereof shall ascertain and determine to be necessary for the payment of the liabilities of the tribe, shall, on their requisition, be paid over to them by the United States.

Mr. HALE, of Maine. It will be seen that in making this treaty the Government took cognizance of the fact that there were two kinds of claims involved. The committee here have forgotten this. In the first place this tribe or nation of Indians was fairly indebted to individuals in large sums, and those individuals could not get their pay till the Government provided a fund. It was, therefore, provided that so much as the proper authorities of the Choctaw Nation should find to be owing to individuals should be paid over by the Government to those authorities for the payment of their tribe's debts. That is how part of the fund was to go. That it was not all will be shown by what will now be read.

Let the Clerk read from the thirteenth article of the treaty, in order that gentlemen may see how the balance of this fund of $2,330,000 was to be kept sacred for the Indians and not to be disposed of here.

The Clerk read as follows:

And the funds now held in trust by the United States for the benefit of the Choctaws under former treaties, or otherwise, shall continue to be so held; together with the sum of $500,000 out of the amount payable to them under articles 8 and 10 of this agreement, and also whatever balance shall remain, if any, of the amount that shall be allowed the Choctaws by the Senate under the twelfth article hereof, after satisfying the just liabilities of the tribe. The sums so to be held in trust shall constitute a general Choctaw fund, yielding an annual interest of not less than 5 per cent.; no part of which shall be paid out as annuity, but shall be regularly and judiciously applied, under the direction of the general council of the Choctaws, to the support of their government for purposes of education and such other objects as may be best calculated to promote and advance the improvement, welfare, and happiness of the Choctaw people and their descendants.

Mr. HALE, of Maine. Mr. Chairman, it is to this decisive point more than to anything else that I am speaking here. I put my sympathy with the Indians against that of the gentleman from Missouri or any other gentleman who advocates this section providing for paying this whole fund of $2,300,000 into the hands of a delegated agency, thereby stamping to the ground the sacred stipulation which we have made with this tribe that all the balance after paying their debts shall be saved as an impregnable fund to go for the purposes of education and good government in the territory of this once great and powerful tribe. Sir, that is the question that confronts us here. Is there anything in this section that keeps the balance of this fund for the education of the Choctaw children? Is there anything that keeps a dollar of it for good roads, for schools, for good government in the Choctaw country?

To show that the view I now maintain, and which has been forgotten in the report, was maintained by those advocating this claim in the Senate, let me call attention to the fact that on the 14th of June, 1860, after the award that the gentleman builds upon had been sent into the Senate, Mr. Sebastian, then of the Committee on Indian Affairs of that body, in order to carry into effect that treaty, offered an amendment to an appropriation bill providing for the payment of just the sum that is provided for here. But I ask gentlemen to observe how that provision was guarded, as the committee has forgotten to guard this provision. I ask the Clerk to read the amendment moved in the Senate by the then chairman of the Committee on Indian Affairs.

The Clerk read as follows:

For carrying into effect the award of the Senate made March 9, 1859, pursuant to the eleventh article of the treaty with the Choctaws of June 22, 1855, $2,332,560.83. So much thereof as shall be necessary for the payment of the claims which by the twelfth article of the said treaty the Choctaws have assumed to pay and of such other liabilities of the tribe as the proper authorities thereof shall ascertain and determine to be just, shall on their requisition be paid over to them at such times and in such manner as they request; and the balance remaining—

Mr. HALE, of Maine. Mark that language.

The Clerk continuing—

And the balance remaining after satisfying such claims and liabilities shall be held in trust for the benefit of the Choctaws according to the provisions of the thirteenth article of the said treaty.

Mr. HALE, of Maine. That was fourteen years ago. From that time up to the present has anything happened that changes the responsibility of Congress as to the disposition of this fund? Gentlemen who are so eager here can take lessons of caution from the Senator who so carefully guarded the best part of this fund.

Now, sir, this amendment gave rise to discussion in the Senate. The ablest men in the Senate took part in it—Mr. Hunter, of Virginia; Mr. Fessenden, then of my own State; Mr. Clarke, of Vermont; and Mr. Toombs, Mr. Davis, Mr. Pugh, and other well-known gentlemen. The ground was taken then, that although there had been a sort of award in the Senate, yet it was an affair of so much importance that it ought not to be considered in the hurried hours of the last days of the session upon an appropriation bill, Mr. Fessenden himself making that point. And although the proposition was well hedged about, yet if the Clerk will turn over three or four leaves beyond that which he has been reading he will find the record of the yea and nay vote. I ask him to read the record of that vote.

The Clerk read as follows:

Page 695, June 14, 1860. Mr. Hunter called for the yeas and nays, and they were ordered; and being taken, resulted—yeas 22, nays 24.

Mr. HALE, of Maine. That will do. That was the end of it, Mr. Chairman, and from that day for years, not only during the war but long afterward, it slept. If there was such a pressing and pushing demand in this case, why did it sleep so long? The only action of importance on the part of Congress since then, with the exception of at one time providing for payment in part which no one held as covering the whole, was a clause put in an appropriation bill providing that the claim should not be paid.

Now it is declared, in the last ten days of the session, upon the last appropriation bill with little time for discussion, that this should be pushed through. Sir, who is pushing it? Who is urging this claim? I have been here for months during this winter, as other gentlemen have, and I have yet to see any delegation from the Choctaw tribe of Indians representing their people, their schools, their churches, their good government.

Mr. PARKER, of Missouri. Will the gentleman permit me to ask him a question?

Mr. HALE, of Maine. Certainly.

Mr. PARKER, of Missouri. I can tell the gentleman the reason why he has not seen a delegation from the Choctaw tribe of Indians. It is because they have been satisfied long since he was not willing to pay them. That is the reason.

Mr. HALE, of Maine. I do not know what parties in Washington thought. I used the first person in saying that no Choctaw delegation had been seen. I mean that nobody has said it. If such have been here, why have we not all seen them? If we are sensitive as to our obligation to the tribe why not simply declare, as Mr. Sebastian did in 1860, that it shall go to the tribe directly when that tribe have adjudicated their liabilities, and then the balance shall be paid as the treaty provides into a fund for educational purposes?

Sir, when this money leaves the Treasury I want it to flow to sources where it will properly fructify. The gentleman from Missouri is a man who has no part or parcel in any Washington lobby. I heartily credit him with that. He has proved it by an honorable service in this body. But, sir, I make this prediction, and I will stand on it in the future, that if this appropriation is made in the way the gentleman provides, if it is paid into the hands of the persons named in this section, there will be in less than three years a great national scandal and disgrace following directly upon the knowledge which cannot long be suppressed that little of the fund reaches the Indians. I do not believe the tribe as a tribe will get $500,000 of the money. The Indians never will get $100,000 of it. This I believe, and if I prove wrong I predict further that gentlemen will see around and about Washington and elsewhere, not in these seats thank Heaven, but outside, the most hungry and disappointed set of ravenous wolves that ever howled in our lobbies and sought to crowd a measure in which they have a part and parcel through Congress. One of these two things will be sure.

I have been told that a gentleman on the floor has an amendment which will put this fund directly into the hands of the tribe with a balance reserved according to treaty stipulations for tribal use. If that is so I shall be glad to vote for it. If it is not so, I have an amendment prepared which will cover that ground; and if the House must pass this appropriation, then I will move to amend it so the object of the treaty will be carried out and these Indians will get their money.

[Here the hammer fell.]

Mr. PENDLETON. I will take the floor and yield what time I have to the gentleman from Maine if he desires it.

Mr. HALE, of Maine. I will not trespass further on the time of the House. I am obliged to the gentleman from Rhode Island, but if the points that I have made are not good there is no use in my further enforcing them.

Mr. SPEER. Three days ago a motion to suspend the rules was carried in the House making this section in order to this bill. As gentlemen well know, that motion could not be debated. On that day, while the vote was being taken, this floor swarmed with lobbyists beyond anything I have ever seen during my service here. There is not a man who has been hanging upon these corridors for the last three years, whose mark is upon his face as a paid and corrupt lobbyist, who was not on this floor on that day if he could get within the bar of the House. I do not say this claim is in itself fraudulent. But I say that it is supported and pressed upon this House by the most infamous set of legislative jobbers known in our history. If this claim be honest and right, let it stand upon its own merits as an independent proposition. If the Government owes these Indians, the Government should be great and honest enough to pay them, and it is.

Mr. COMINGO. Will the gentleman give way for an inquiry?

Mr. SPEER. If it be a proper one, surely.

Mr. COMINGO. The gentleman just remarked that this claim is pressed upon this Congress by the most infamous set of jobbers ever connected with this House. The gentleman's remark is so general that

I suppose it applies to all who have ever advocated this claim to the present time.

Mr. SPEER. Not at all.

Mr. COMINGO. I wish the gentleman to state whether in his remarks he includes any of those who have made reports upon this claim at the present session?

Mr. SPEER. No, sir. I very cordially except the gentleman from Missouri. He is an upright, honorable man. In speaking of lobbyists, I did not refer to members of the House. I referred to ex-members of the House. And if the gentleman does not know who they are I will give him their names privately.

Mr. COMINGO. I do not know who they are.

Mr. SPEER. I say that if this is an honest proposition it should stand upon its own merits as any other claim against the Government.

But here a proposition, involving nearly $3,000,000, by some political magic, is carried by a two-third vote on this floor, with the floor and the corridors swarming with lobbyists, and is attempted now to be put through on a bill to which it does not belong and where it should never have been placed. I make no accusation against members of the House. I believe the gentlemen who support the proposition, or many of them, are honorable men. I believe the claim, or a portion of it, is honest. But I would never agree to pay under the pretext of benefiting the Indians, who are the wards of the nation, to two irresponsible men, without bond or security, representatives of a corrupt ring behind them, this large sum of money. I would never agree to give to those men moneys of the Government in these negotiable bonds, whose title passes by delivery, to be handed around in the streets and in the corridors to the lobby here. I would not vote the people's money into the hands of these men who are employed here as lobbyists and expecting their pay in bonds of the Government belonging to the Indians. Let us carry out the treaty. Let us set apart a fund, the interest of which shall be sacredly set apart and be payable to them. Let us pay them the interest, and if they need more than the interest, let such portion of the principal be paid to them as the Secretary of the Interior in his judgment and discretion shall deem proper. But let this House vindicate itself. Let it vindicate the honor of Congress and the honor of the nation by kicking from this floor this day this proposition supported by every agency and means that fraud and corruption can command.

[Here the hammer fell.]

Mr. HARRIS, of Massachusetts. Mr. Chairman, I desire to occupy the attention of the committee only a few moments upon this question. I desire to say that having been called as a member of the Committee on Indian Affairs to investigate this case and to report upon it, I was led to the conclusion that no more stupendous fraud has ever been perpetrated upon any people since the foundation of the world than the Government of the United States has perpetrated on the Choctaw Nation. In 1820 they surrendered to the United States four and a half million acres of their lands in Mississippi; and for that land they took a territory in the Indian country, bounded by the western boundary of Arkansas, and lying between the Arkansas River and the Canadian branch of the Arkansas River and the Red River.

They were promised by the Government protection. They had left them in the State of Mississippi ten and a half million acres of land. In 1830 the United States Government notified the tribe that it was powerless to protect them, and that they must submit themselves to the laws of Mississippi; and that tribe of Indians under that threat surrendered all the best lands in the State of Mississippi—ten and a half million acres which the Government promised to survey and pay them for. The United States has received $7,500,000 in cash into its Treasury for that land. It has given away to the State of Mississippi two and a half million acres of that land. It has paid into the treasury of the State of Mississippi $360,000, or 5 per cent. of the proceeds of those sales, and yet the Indians are here to-day unpaid; and the gentleman from Pennsylvania [Mr. SPEER] rises now and says that because a lobby is here which may receive some of these funds the wrong which we have perpetrated so long on this Indian tribe shall be continued.

Mr. SPEER. Will the gentleman yield to me for a question?

Mr. HARRIS, of Massachusetts. Yes, sir.

Mr. SPEER. Why do you not provide for the payment of this money directly to the Indians instead of to a set of claim agents and lobbyists?

Mr. HARRIS, of Massachusetts. I hope that before the bill passes the amendment proposed by the gentleman from Maine [Mr. HALE] to this section will be adopted. I want to see the fund guarded. But, Mr. Chairman, can the American Government longer continue this great fraud upon the Indians? After the Senate had awarded $2,900,000 as the amount of this debt, a committee of that body took from the award the sum of $1,099,000 for two million acres of land, and $360,000 which had been paid to the State of Mississippi, and another item, I forget now what.

Mr. SHANKS. The gentleman said he hoped the amendment of the gentleman from Maine would be adopted. I understand that to be to strike out the section.

Mr. HARRIS, of Massachusetts. Not at all. I understand that he proposes that the twelfth section of the treaty of 1865 shall be carried out in its letter. He desires an amendment to that effect, and I agree with him.

Now, Mr. Chairman, what is the state of the case to-day? After taking out all the deductions that could be thought of, after making the Indians pay to the warriors of the Wayne campaign the pensions which the Government of the United States promised them, after having made them pay for their transportation to their new homes, after having made them pay for cattle which they had given up to the Government, after having made every conceivable charge against them, there is due the Choctaw Nation to-day the sum of $2,300,000, without a particle of interest from 1834, the time when the lands were sold by the United States to the white settlers.

Mr. COX. Will the gentleman from Massachusetts allow me to ask him a question?

Mr. HARRIS, of Massachusetts. Certainly.

Mr. COX. What evidence has the House or had the committee that these two agents named in the section are authorized to receive this money?

Mr. HARRIS, of Massachusetts. I have not the evidence; but I understand, however, that they are the agents of the nation.

Mr. COX. I never saw a bill so loosely drawn. It is proposed to pay the money intended for the whole tribe to two persons, and you give us no authority to show that they are authorized to receive it for the nation.

Mr. HARRIS, of Massachusetts. I presume the Treasurer of the United States will never pay this money to persons who do not show their authority. Pitchlynn himself is an Indian of this tribe, and when he left the original Indian country he was possessed of quite a large estate of his own which he surrendered and for which he has never received a dollar.

Mr. HALE, of Maine. When was that?

Mr. HARRIS, of Massachusettss. Somewhere about 1834.

This matter came before the Committee on Indian Affairs by a reference from the Committee on Appropriations. We investigated it and had we had the power we should certainly have reported a bill making this provision; but we were only asked to give the result of our investigations to the Committee on Appropriations for their guidance, and it seems to me a little unfair that gentlemen of that committee should rise upon this floor, having had charge of this matter during the whole session and object to the passage of the claim because it is not undertaken to be passed in a separate and independent bill.

[Here the hammer fell.]

Mr. KASSON. I believe it is in order to perfect the section pending the motion to strike it out. I move to strike out all after the words "delivered to," in line 11, down to and including the word "nation," in line 14, as follows:

Peter P. Pitchlynn and Peter Folsom, the authorized delegates and agents of the Choctaw Nation, or to either of them who may demand the same in behalf of the nation.

And to insert in lieu thereof the following:

The Secretary of the Interior, for the benefit of the Choctaw Nation and the people thereof, according to the terms of the treaties providing for the same.

This amendment strikes at the central point in this debate, and that is whether the Indians will, as the section now stands, get the benefit of this appropriation if it is made by Congress. Whether this amendment be adopted or not, I desire to say that in the next page of the section I shall also offer an amendment designed to get the amount placed at that sum which is due to the Indians after deducting all the payments that have been made to them by special appropriations of Congress, of which I remember some made during my former service in the Thirty-ninth Congress on the Committee on Appropriations and not made in consequence of previous law or treaty.

But my object now, sir, particularly is to say that having voted to suspend the rules to make this appropriation in order here, I did it for the purpose of settling if possible, as a question of justice, whether these Indians were entitled to something or not. I believe they are entitled to compensation for these lands and upon the basis of the senatorial award. But having said this frankly, I desire with equal frankness to say that I do not believe that this section will accomplish the purpose of members who believe with me that the Indians themselves are entitled to compensation. I dislike exceedingly to allude to outside lobbyists. I dislike to allude to the fact that a large number of contingent fees are widely and well understood to be dependent upon this appropriation and are to be paid out of the interest fund, yet such an impression is broadly spread in this House. If I had the authority of an honorable gentleman once a member of this House, who had some relation to this claim, I would willingly state my authority for the declaration that there have been pledges to the amount of over $900,000 of contingent allowances depending upon the ultimate allowance of this claim. I do not wish to state it as a fact; I only wish to say that the very fact that such an opinion prevails among honorable members of this House is enough to make us guard this appropriation in such a way that what we do appropriate will surely reach its proper destination.

Therefore I say that in order to accomplish that purpose the first thing that we ought to do in the interest of these Indians, the first thing that these delegates—who, let me say, I believe to be authorized delegates of the Choctaw Nation—ought to demand of us is that we take these bonds at once from their hands, hands that are tied, if what gentlemen on this floor believe to be true is true, and put them in the hands of an officer of the United States to be disposed of according to the treaty. There they will be safe, there the lobby-

ists, if they have these large contingent fees, cannot reach them. And in that way it seems to me we shall have redeemed the honor of the United States, if that honor is pledged to this payment.

[Here the hammer fell.]

Mr. COMINGO. Inasmuch as I have had some connection with this claim as a member of the Committee on Indian Affairs of this House, and I have heard it antagonized this morning for various reasons, none of which appear to me to be very substantial, I desire to add a few words to what has been said by my colleague, [Mr. PARKER.] It is passing strange that the chief objection urged by gentlemen to this appropriation is that it may be misapplied; that they should come here and move to strike out the whole section simply for that reason is to my mind a singular fact. I believe there is not a gentleman of all those who have antagonized this measure this morning who has pretended to controvert the justice of this claim. If there is one on this floor who has done so, I have not understood the language he has used. I defy any gentleman on this floor or elsewhere to show to any honest man the least evidence of fraud in this claim, either in its inception or in its present condition.

Gentlemen talk here very flippantly about rings and lobbyists. I have been connected with this claim as one of the sub-committee whose duty it was to consider it. If there had been a lobbyist in this city in behalf of this claim I suppose he would have approached me. I have never heard in that connection that there was any one here acting as a lobbyist in behalf of this particular claim. But even if such were the case, I ask gentlemen who have raised such a hue and cry about these lobbyists what has that to do with the validity of this claim? If those gentlemen are honest in their opposition to this section in its present shape, then why not amend it? I am willing to go with them to the utmost extent to perfect this section.

Mr. HALE, of Maine. Will the gentleman vote for the amendment of the gentleman from Iowa, [Mr. KASSON?]

Mr. COMINGO. I will vote most cordially for anything necessary to protect this fund. I call the attention of gentlemen to the fact that lobbyists or some other influences have kept this money out of the hands of these Indians for almost forty-four years. I ask gentlemen to look at the facts in this case, and the enormous injustice which, as a people, we have done to these our wards in the manner in which we have deferred the payment of this claim. I stand here prepared to stake all I have in the way of reputation upon the justice of this claim, and the great importance of our paying it at the present time.

I will not undertake to discuss this claim at length; it would require more than twenty-five minutes to do so, instead of the five minutes allowed me under the rules. But I wish to call the attention of gentlemen who are here to-day trying to hinder and delay the payment of this money by such pretexts as they have presented this morning, to the fact that in 1830 we made a treaty with these Indians and removed them from their homes east of the Mississippi. They ceded their lands to us then for the purpose of having peace. If gentlemen will take the trouble to look at the preamble of the treaty of 1830, they will find that these Indians were constrained to remove from east of the Mississippi and to part with their lands not because they were tired of their possessions there, but because they were unsafe and insecure and because the United States, as is alleged in that preamble, was unable to protect them from the aggressions of their neighbors.

I beg that gentlemen reflect upon this fact: that since 1833 or 1834, as has been stated by my colleague on the committee, we have had seven or eight millions of this people's money in our Treasury, and refused to give them but $250,000, which was allowed a few years ago. By the treaty of 1850 we did not acknowledge that these Choctaws had a valid claim against the United States. But we admitted this much, that they had set up a claim against the Government, and that they wished, and we were willing, to have it adjudicated. And by the treaty of 1855 we agreed that we would refer this claim to a tribunal of our own choosing.

The basis of this claim is found in the treaty of 1830. To what extent and in what manner these Indians have prosecuted that claim from 1830 to 1855 it is not important that we should inquire. But we know that in 1855 a treaty was effected between the Government of the United States and these Indians by which it was stipulated that this claim should be referred to the United States Senate as an umpire. That was a court of our own selection, a court elected by the people of the United States, and to which this claim was referred for adjudication. In 1859 that court considered and tried the claim. Their resolutions have already been referred to by my colleague. They establish two facts; first, that the Choctaws were entitled to the net proceeds of the sale of their lands west of the Mississippi River. After a full hearing of all the facts that bore upon that treaty and of the considerations that moved these Indians to make it, the United States Senate, the highest court of this country, determined that the Choctaws were entitled to the net proceeds arising from the sale of their ten and a half millions of land, or so much thereof as had been sold. Not only so; they determined that the Indians were entitled to twelve and a half cents per acre for all the lands that remained unsold.

[Here the hammer fell.]

Mr. CLYMER. I rise to oppose the pending amendment, and yield my time to the gentleman from Missouri, [Mr. COMINGO.]

Mr. COMINGO. The court which rendered this judgment or award in 1859 was, as I have stated, one of our own selection, composed of men selected by us, in whom we then confided, and in whom he have never had occasion to lose our confidence. That court determined that the Indians should receive the net proceeds (with certain exceptions) of the land sold, and also that they should be entitled to twelve and a half cents per acre for all that remained unsold. Having made this finding, that tribunal devolved upon the Secretary of the Interior the duty of making an account-stated and determining the balance due these Indians at that time.

Now, any gentleman who will take the trouble to examine this subject will see that these Indians had confided their interests to the hands of those who were disposed not to do justice to them, as I can abundantly show, but to take the last farthing that could be taken from them under any shadow of a pretext.

There were about four and a half million acres of land that had not been sold at the time of that award. The lands which had been sold amounted I believe to some seven or eight million dollars. For the four and a half million acres remaining unsold the Indians were to be paid at the rate of twelve and a half cents an acre. Let any gentleman who desires to ascertain the truth on this behalf refer to the account stated by the Secretary of the Interior in pursuance of this order of the Senate, and see how unfairly these men were dealt with. They were treated almost as unfairly as gentlemen on this floor seem disposed to treat them to-day. Gentlemen seem to smell rings and lobbies all around; they are afraid that somebody who is not entitled to it may get a part of this money; and therefore they would lock it up in the Treasury and let these Indians go unclad, unfed, uneducated, and wholly unprovided for. I repeat, that the account stated by the Secretary of the Interior was as unjust to the Choctaws as it was possible to make it, but surely not more so the wrong which gentlemen here propose to perpetrate upon them. Even the proposed appropriation does them gross injustice. Instead of giving them, in accordance with the award of the Senate, sitting as an umpire, twelve and a half cents per acre for the four and a half million acres remaining unsold, they charged them ten cents an acre for surveying the whole ten and a half million acres; thus allowing them only two and a half cents per acre for that which they resolved to pay twelve and a half cents per acre.

But I wish to show another outrage in this connection. The injustice which we did to these wards of the nation did not end in giving them only two and a half cents instead of twelve and a half cents per acre for their lands. We went further. The Secretary of the Interior, in stating the account, (and the Committee on Appropriations of the present Congress proposes to perpetuate this injustice,) charged those Indians with all the lands which this Government in its benevolence or munificence had seen fit to give to the State of Mississippi, amounting in value to three or four hundred thousand dollars if not more. In addition to that, the Government of the United States in its exceeding liberality gave to the State of Mississippi 5 per cent. of the net proceeds of all the lands that had been sold, and deducted it from the amount derived from the sale of those lands; and the Committee on Appropriations at the present session have sanctioned this act of injustice by deducting these sums from the amount found due in 1859. In that particular I say they propose to perpetrate an outrage upon these people. But notwithstanding we have thus taken more than $600,000 of this fund that was found due to these Indians by the award of the Senate in 1859, we find gentlemen standing on this floor to-day and saying to these claimants, "Go home, and you shall receive this money when we may be pleased to give it to you;" but it is not our pleasure to do so at present. Gentlemen ask, "Who is Pitchlynn? Who is Folsom?" If they will look at the treaties they will find that Pitchlynn is a Choctaw; I think he is a Choctaw chief. It was he that negotiated the treaty of 1855; it is he that has been prosecuting this claim for years; he who has been knocking at our doors for this appropriation ever since that time, and who to-day asks us to perform a long-deferred and simple act of justice.

The gentleman from Maine [Mr. HALE] tells that $900,000 of this money has been appropriated to lobbyists. In the name of God, how does he know that? From what source does he get his information? If he knows that a portion of this money has been appropriated to lobbyists and to members on this floor, I demand that he come forward and tell us who are the parties implicated. The intimation has been thrown out that a corrupt influence has been brought to bear upon members of this House by which legislation is sought to be secured. Now I ask the gentleman to tell us who are these lobbyists and who the members that have been by them corrupted. If they are here and are doing as the gentleman from Maine charges and as the gentleman from Pennsylvania [Mr. SPEER] intimates, I insist that those gentlemen are not true to themselves, not true to their duty as members of this House, nor to their duty as loyal American citizens, if they do not take measures to bring these offenders to jus-justice. I demand that it shall be done.

[Here the hammer fell.]

Mr. GARFIELD. I ask unanimous consent that at the end of ten minutes a vote may be taken on this question.

Mr. PARKER, of Missouri. I object to that. I want to be heard on this new question that gentlemen have raised.

Mr. GARFIELD. Very well; I will let the debate run on a while longer.

Mr. STARKWEATHER. I desire to say a few words on this bill.

Mr. GARFIELD. I give notice that at the end of ten minutes I shall move that the Committee rise, to close debate on this question.

Mr. STARKWEATHER. Mr. Chairman, this is a very important question; important in the amount sought to be appropriated, but vastly more important in the great principle on which we are required to pass. There seems to be really but one side to this question. Every gentleman who has spoken has admitted the justice of this claim; every committee which has ever examined it has decided in favor of its merits; of all the gentlemen who have spoken only one has made a suggestion, and that gentleman thinks this is not enough.

These Indians want something. They want a part of the much they are entitled to. They want this rather than have a longer delay. After forty years these men who have been deprived of their lands and driven from their homes come here for justice. Congress has recognized the claim as just, and we cannot deny it now without stultifying ourselves. Let this tardy act of justice be done. "Righteousness," says the proverb, "exalteth a nation."

What is our position? It is this: The United States by solemn treaty nearly half a century ago pledged its honor to compensate these Indians for their lands. After years of delay the Senate of the United States on full examination made a solemn award, in which they find the balance due as stated in the bill, after making all possible deductions.

We have the lands we almost forced them to leave, for it was equivalent to force. At our bidding they left their old homes and crossed the "Father of Waters," and "their garments are wet with the dews of the Jordan they have passed," never to return.

Yet, sir, there are gentlemen here asking for a longer delay. Why? Is there not time for discussion? Has not the matter been fully discussed? I am surprised to hear the chairman of the Committee on Appropriations say that we need more time to consider this subject. Why we have here the report presented by the chairman of the subcommittee of the Committee on Appropriations. That sub-committee consisted of Mr. PARKER of Missouri, Mr. LOUGHRIDGE of Iowa, and Mr. HANCOCK of Texas. They examined this matter early in the session and presented a report giving all the facts, which report gentlemen will find before them. That report was presented to the Committee on Appropriations, and there was not a man on that committee who could say this claim had not justice in it.

More than that, Mr. Chairman, the Committee on Indian Affairs of this House, composed of gentlemen who understand this whole question from top to bottom, made a unanimous report in favor of it.

We are asked, notwithstanding all these things, to still further postpone this claim now almost half a century old. We are asked to send these old men who come here to represent their tribe, to send these missionaries of different denominations who come and ask for justice at our hands, to send these representatives of the various religious denominations who come here to ask for justice—we are asked, I say, to send these old men home again with this claim unpaid and themselves branded as "lobbyists," when they came here not on their own account, but appointed in solemn council as the accredited agents of the Choctaw Nation for the transaction of this very business. Now, shall we send them back to their homes scourged and branded as "lobbyists," when they have only presented to us a just claim which the Government ought to pay? Shall we do this when we have taken their lands from them, when we have $8,000,000 of their money in our Treasury—shall we, I say, deprive them of this because, as is urged, we have no time now to consider the matter?

Mr. Chairman, seven different committees at different sessions of Congress have recommended the passage of this claim. The Judiciary Committee of the House and of the Senate and the Committee on Appropriations of the House and of the Senate and different Indian committees have unanimously passed on this claim after the fullest examination, and still we are asked to delay its payment.

Mr. HALE, of Maine. Has there ever been such a report as this? Has there any such bill ever been reported providing for giving this fund to two particular persons?

Mr. STARKWEATHER. It is not given by the bill to two persons.

Mr. HALE, of Maine. They are named in this very section.

Mr. STARKWEATHER. I do not yield further. I will explain that. We provide in this section for that which has had not only the sanction of the chairman of the Committee on Appropriations, but was suggested by him. He himself suggested, as I understand, that it should be paid to these men if they should have the approval of the council of the Choctaw Nation. Such is the provision in the section and the very thing objected to was suggested by the chairman of the committee himself, as I suppose, as a proper safeguard.

Mr. GARFIELD. I beg the gentleman's pardon. I did not ask it should be paid to these men, but when it should be paid that it should be paid with the consent of the council of the Choctaw Nation.

Mr. STARKWEATHER. And we provide that it shall be paid to these two men who are appointed as the agents of the Choctaw Nation. How can we pay except to the agents of the tribe?

Mr. GARFIELD. Pay it to the tribe itself.

Mr. STARKWEATHER. That is what we do.

Mr. HALE, of Maine, rose.

Mr. STARKWEATHER. The gentleman from Maine has had twenty-five minutes while I only have five, and I cannot yield.

We provide these men shall have the approval of the Choctaw legislative council. These Choctaws have their schools, their churches, and their farms, and they have made most creditable progress in civilization. We cannot afford as a Christian nation (for there is a judgment day for nations as well as for individuals) to turn our backs upon men who come and ask the payment of an honest claim. Nor ought the gentleman from Maine [Mr. HALE] to make the objection he does that this is an old claim. Last year or the year before we voted an old claim for the State of Maine of several hundred thousand dollars for interest. Last year this House voted an appropriation to Ohio, and the chairman of the Committee on Appropriations voted for it, to pay her an old claim.

Mr. GARFIELD. I voted against it.

Mr. STARKWEATHER. Everybody else from the State of Ohio voted for it. This year we voted $1,000,000 to pay England's claims not three years old. Will you pay England and not pay these men, when you have three times as much of their money in the Treasury and when they only ask this pittance. We have taken their lands, and what is here proposed is not one-third of what you have received for those lands. Why should we not pay them at once and not postpone it? The proviso to this section is a safeguard not only to the Government but to the Indians.

The committee say in their report:

1. The United States acquired the lands of the Choctaw Nation on account of which the said award was made on the 27th day of September, 1830, and it has held them for the benefit of its citizens ever since.

2. The United States had in its Treasury, many years prior to the 1st day of January, 1859, the proceeds resulting from the sale of the said lands, and have enjoyed the use of such moneys from that time until now.

3. The award in favor of the Choctaw Nation was an award under a treaty, and made by a tribunal whose adjudication was final and conclusive. (Comegys *vs.* Vasse, 1 Peters, 193.)

4. The obligations of the United States, under its treaties with Indian nations, have been declared to be equally sacred with those made by treaties with foreign nations. (Worcester *vs.* The State of Georgia, 6 Peters, 582.) And such treaties, Mr. Justice Miller declares, are to be construed liberally. (The Kansas Indians, 5 Wallace, 737–760.)

5. The engagements and obligations of a treaty are to be interpreted in accordance with the principles of the public law, and not in accordance with any municipal code or executive regulation. No statement of this proposition can equal the clearness or force with which Mr. Webster declares it in his opinion on the Florida claims, attached to the report in the case of Letitia Humphreys, (Senate Report No. 93, first session Thirty-sixth Congress, page 16.) Speaking of the obligation of a treaty, he said:

"A treaty is the supreme law of the land. It can neither be limited nor restrained nor modified nor altered. *It stands on the ground of national contract, and is declared by the Constitution to be the supreme law of the land*, and this gives it a character higher than any act of ordinary legislation. It enjoys an immunity from the operation and effect of all such legislation."

Then as to the mode of payment provided in this bill, it cannot be more guarded, and all these amendments are but pretexts for defeating this bill. That is what it means. If the gentlemen who voted to make this claim in order on this bill mean to pass it, they will pass it now without amendment. The amendment of the gentleman from Maine [Mr. HALE] means postponement and defeat. It means that we will pay millions to pay old debts to others to build magnificent buildings, but we will not pay this honest debt.

[Here the hammer fell.]

Mr. SHANKS rose.

Mr. GARFIELD. I move that the committee rise for the purpose of limiting debate.

Mr. SHANKS. I desire to be heard only for a few moments.

Mr. GARFIELD. I withdraw the motion until the gentleman from Indiana gets through.

Mr. SHANKS. I wish to answer some questions that have been put to the House on this matter. I do not care to go over a single one of the arguments on this question which have been already gone over. But I do wish to answer one question which was asked by the gentleman from Maine, which he asked with a good deal of spirit, and in which it might be thought there was something that remained unanswered. He asks, "Why has this been delayed so long?"

The gentleman says that this is a claim thirty years old. But, sir, during those thirty years there has been much done in regard to it. It was only as far back as 1855 that the Senate of the United States was made an umpire by its own agreement with this Indian tribe for the settlement of this identical question. The treaty of 1855 had nothing in it but the settlement of this question. It was made a treaty by the consent of the Senate for that purpose.

There were two propositions laid down at that time. The Senate of the United States was authorized as umpire to settle this question in one of two ways, and it was not authorized to settle it in any other way. One of the ways was this: that they might declare as umpire an amount in bulk, an amount in gross, as to how much we were to pay the Indians for the claim. The other was that they should consider the net amount of the proceeds of the land that we got from them. The Senate by its resolution decided in favor of basing the settlement on the net proceeds and directed the Secretary of the Interior to render an account upon that. That account was rendered, amounting to $2,900,000. The Senate then took out the items for lands that Congress had given away for schools, railroads, and the 5 per cent. fund to improve the country; so that the Senate made the Indians build our school-houses, educate our children, construct our roads, and build our railroads. That was what the Senate did after the rendition of the account by the Secretary of the Interior. That, too, after we had taken out the pensions paid to men who fought under our

own flag. That, too, after we had agreed to send those people to their new homes. We charged them over a million for it. After all these deductions, amounting to $2,300,000, when no man could find occasion for plundering them of another dollar, there was then appropriated $500,000. That confirmed the award and made it as binding as any transaction between men could be. When an account was rendered part of that amount was paid. That is what we did. On that we paid $250,000.

Now, then, comes the question of the gentleman from Maine as to why this has been delayed so long. The war broke out in 1861. These people found themselves in the hands of the rebels, and a United States officer, a United States agent, Douglass H. Cooper, appointed by the Government, commissioned by the United States, led those Indians in rebellion against the Government and commanded them during the war. That threw them in opposition to the Government. By a statute passed in 1862, the officers of the Government were forbidden to pay tribes of Indians a portion of whom were at war with the Government. At the close of the war the question was in the same position; $250,000 were paid over, and the other $250,000 were to be paid in bonds. This has not been paid yet.

Why has it been delayed so long? Since that time these people have been here asking us to settle this account. And during that time the reports have been presented which have been mentioned by the gentleman from Missouri, [Mr. PARKER.] The gentleman from Massachusetts, [Mr. DAWES,] when chairman of the Committee on Appropriations of the House, reported in favor of it. The Committee on Indian Affairs twice reported in favor of it. The Committee on Appropriations at this time have reported in favor of it.

ORDER OF BUSINESS.

The SPEAKER, having resumed the chair, said: This being the third Monday of the month, and the hour of two o'clock having arrived, the Committee on the District of Columbia are entitled to the floor.

Mr. GARFIELD. I would suggest to the chairman of the Committee on the District of Columbia that we be allowed first to finish this bill.

The SPEAKER. The Chair would state that the floor cannot be held by the Committee on the District against a motion for a suspension of the rules.

Mr. GARFIELD. I desire that we may finish the sundry civil bill, and I think the chairman of the Committee on the District of Columbia will have plenty of time for his business after we are through with that bill.

Mr. COTTON. I should have no objection to allowing the gentleman until three o'clock, if that will do.

Mr. GARFIELD. I will move to suspend the rules so that we may continue the consideration of the bill, with the understanding that when we get through with it the District business shall come up.

ENROLLED BILLS SIGNED.

Mr. HARRIS, of Georgia, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills and a joint resolution of the following titles; when the Speaker signed the same:

An act (H. R. No. 311) for the relief of William J. McIntyre;

An act (H. R. No. 491) for the relief of Kerry Sullivan, of Company G, Fourteenth Regiment New Hampshire Volunteers;

An act (H. R. No. 546) for the relief of William B. Morgan;

An act (H. R. No. 622) for the relief of John N. Newman, late an acting first lieutenant of Company B, Ninth Tennessee Volunteer Cavalry;

An act (H. R. No. 958) for the relief of Robert Sutherland;

An act (H. R. No. 1051) for the honorable discharge from their several positions in the Army of Captain J. Horace McGuire, First Lieutenant Henry R. Gardner, Second Lieutenant William D. McGuire, and Second Lieutenant William C. Reddy, all late of the Tenth Regiment United States Colored Artillery, (heavy,) and directing their honorable muster out of the service of the United States as of the date of their dismissal;

An act (H. R. No. 1108) for the relief of Alfred Fry;

An act (H. R. No. 1219) for the relief of Charles W. Berry, late private of the Thirty-sixth Regiment Wisconsin Volunteers;

An act (H. R. No. 1313) for the relief of Alexander Burtch;

An act (H. R. No. 1587) for the relief of William H. Pilkenton, late a second lieutenant in Fifth Regiment Indiana Cavalry Volunteers;

An act (H. R. No. 1768) for the relief of Ephraim P. Showalter;

An act (H. R. No. 1773) for the relief of Samuel E. Rankin;

An act (H. R. No. 1828) to further continue the act to authorize the settlement of the accounts of officers of the Army and Navy;

An act (H. R. No. 1931) to authorize the sale of the military reservation of Fort Reynolds, in Colorado Territory, and the Government ouildings thereon;

An act (H. R. No. 2037) for the relief of Julius Griesenbeck, of Waco, Texas;

An act (H. R. No. 2091) for the relief of the heirs and next of kin of Colonel William Northedge, deceased;

An act (H. R. No. 2092) for the relief of John W. Divine, late assistant surgeon of the Eleventh Regiment of Tennessee Cavalry;

An act (H. R. No. 2207) for the relief of James M. True, late colonel of the Sixty-second Illinois Volunteer Infantry;

An act (H. R. No. 2211) for the relief of Beck & Wirth;

An act (H. R. No. 2223) for the relief of Robert F. Winslow;

An act (H. R. No. 2412) for the relief of Sheridan O. Bremmer, late a private of Company E, Eighteenth Regiment Wisconsin Infantry;

An act (H. R. No. 2416) to authorize the Secretary of War to ascertain the amount of expenses incurred by the States of Oregon and California in the years 1872 and 1873;

An act (H. R. No. 2697) to create an additional major of artillery, and to promote Captain James M. Robertson;

An act (H. R. No. 2698) for the relief of Joseph C. Breckinridge for services in the Army of the United States;

An act (H. R. No. 2699) for the relief of Robert Tillson & Co., of Quincy, Illinois;

An act (H. R. No. 2704) for the relief of Selden Connor;

An act (H. R. No. 2788) for the relief of Henry P. Ingram and John K. Askins;

An act (H. R. No. 2892) for the relief of Thomas Simms, late a lieutenant in the Seventy-fourth Regiment New York Volunteers;

An act (H. R. No. 2939) to compensate D. R. Haggard for six months' service as colonel of the Fifth Kentucky United States Cavalry Volunteers;

An act (H. R. No. 3001) for the relief of Peter J. Knapp;

An act (H. R. No. 3002) for the relief of Isaac Riseden, late a first lieutenant of the Eleventh Tennessee Cavalry;

An act (H. R. No. 3003) for the relief of George A. Bacon;

An act (H. R. No. 3183) for the relief of Jonathan D. Hale;

An act (H. R. No. 3303) to extend the time for filing claims for additional bounty under the act of July 28, 1866;

An act (H. R. No. 3335) authorizing the Secretary of War to grant a right of way across a corner of the Fort Gratiot military reservation to the city railroad company, Port Huron, Michigan; and

A joint resolution (H. R. No. 53) authorizing the issue of clothing to certain enlisted men of the Army.

MISCELLANEOUS APPROPRIATION BILL.

Mr. GARFIELD. I move that the House resolve itself into Committee of the Whole on the state of the Union on the sundry civil bill, and pending that motion I move that all debate on the pending section and the subject thereof be limited to ten minutes after the committee shall resume the consideration of the same.

COMMISSIONS OF CERTAIN ARMY OFFICERS.

Mr. COBURN. I ask unanimous consent that the House request a committee of conference on the disagreeing votes of the two Houses upon the bill (H. R. No. 3166) to correct the date of commissions of certain officers of the Army.

No objection was made, and it was so ordered.

Mr. COBURN moved to reconsider the order just made; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER announced the appointment of Mr. COBURN, Mr. ALBRIGHT, and Mr. NESMITH as the conferees on the part of the House.

MISCELLANEOUS APPROPRIATION BILL.

The House resumed the consideration of the motion of Mr. GARFIELD to limit the time for debate upon the pending section of the sundry civil appropriation bill in Committee of the Whole.

Mr. GARFIELD. I will modify my motion so as to close debate on the pending section of the sundry civil appropriation bill in Committee of the Whole in fifteen minutes.

Mr. COTTON. I desire to understand the proposition of the gentleman exactly.

Mr. GARFIELD. It is that the House now go into Committee of the Whole, with the limitation of debate I have indicated, and when the committee rises the gentleman shall have his rights.

Mr. COTTON. The same as now?

Mr. GARFIELD. Of course.

The motion to limit debate was agreed to.

Mr. GARFIELD. I now move that the House resolve itself into the Committee of the Whole on the sundry civil appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. DAWES in the chair,) and resumed the consideration of the bill (H. R. No. 3300) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1875, and for other purposes.

The CHAIRMAN. By order of the House all debate upon the pending section of this bill is limited to fifteen minutes.

Mr. PARKER, of Missouri. I desire to make a few additional remarks upon one of the points raised by the gentleman from Maine, [Mr. HALE.] Some way or other I have the impression that all the amendments proposed by the gentleman from Maine are simply to delay or defeat the proposition embraced in this section.

The question has been raised here that this money should not be paid in the manner proposed by this section; that it should be funded and placed in the hands of the Secretary of the Treasury. I believe the proposition of the gentleman from Iowa [Mr. KASSON] is that this

money shall be placed in the hands of the Secretary of the Interior. Now let me state to the Committee of the Whole one objection I have to that method of disposing of Indian funds, especially when they belong to tribes who I am satisfied are capable of taking care of their own interests. We have said that these Choctaw Indians are able to take care of their own interests. By the eleventh article of the treaty of 1855 we provided that all the money necessary to satisfy the individual claims of Indians against this nation should be paid to them. We then regarded them as entirely competent to take care of their interests.

The fact is that these claims, which have accumulated and been drawing interest from the time of the removal of these people to this time, may absorb all of this money. But if it would not, I object to any longer funding the moneys belonging to these Indians and putting them in the Treasury of the United States where annually Washington attorneys, as they have been doing for fifty years past, are around the doors of the Treasury waiting for a slice of it. I prefer to give this money to the people who are entitled to it and entirely competent to manage it for themselves in their own way.

During the war the officers of our Government went into the Indian country and stole the cattle of these people and the herds of these people; they burned down their school-houses. These people ask for this money to beautify and improve their homes, and to replenish the herds that were stolen from them by the sworn officers of this Government. We are asked who are Peter P. Pitchlynn and Mr. Folsom. Sir, they are the authorized agents of these Indians, and have been for many years past.

I have here a volume of the laws of the Choctaw Nation. They are as intelligent and as accurate in language and in intent as any laws passed by this body. These laws contain five different appointments by the Choctaw Nation of these men as their agents. Ah, but the gentleman from Maine [Mr. HALE] and the gentleman from Pennsylvania [Mr. SPEER] say that we ought to pay this money to the individual Indians. My friend from Pennsylvania, who not only smells, but sees and tastes a lobbyist in every man that he meets in connection with this matter, objects to people coming here in connection with this matter. But we cannot pay these individual Indians unless they come here to get it, and that would not meet the approval of my friend from Pennsylvania, [Mr. SPEER.]

There is an old Greek proverb about the manner in which we always make up our opinions of things and persons. It is that we are apt to compare with that which we know best. Every one knows his own mind and heart better than the mind and heart of anybody else. Therefore a man is very apt, according to that proverb, to take his own mind and heart to determine what another would be apt to do under like circumstances.

Among these five appointments I find the following:

Be it further resolved, That it is hereby declared to be the intention of the Choctaw Nation that the terms of service of the delegates herein mentioned shall expire whenever the whole amount of the net proceeds question is adjusted and settled by Congress; and said delegates are required to render a full and just report of their proceedings and the progress they are making with the claim from time to time to the principal chief of this nation.

Now, in this section we have provided that not one cent of this money shall be paid to these agents of this people, lawfully appointed as such, until the council of the nation first approves the action of Congress, until their council first acts upon it. I desire to have that provision of the section read.

The Clerk read as follows:

And provided further, That before the delivery of the said bonds to the said delegates, as herein directed, the national council of the Choctaw Nation shall pass an act approving the provisions of this act, and shall declare that the receipt of the said bonds by the said delegates, or either of them, on behalf of said the nation, is accepted and received by the said nation as a full payment and satisfaction of all claims of the said nation, whether national or individual, growing out of the cession of lands by the said nation to the United States under the treaty of September 27, 1830; a copy of which act, attested by the seal of the aids nation, shall be filed with the Secretary of the Treasury previous to the delivery of the said bonds to the delegates aforesaid.

[Here the hammer fell.]

Mr. COBURN obtained the the floor.

Mr. PARKER, of Missouri. I would like to have five minutes more.

Mr. COBURN. This is an improper time and manner to attempt to put this measure through this House. It should not be attached to an appropriation bill to be discussed under the five-minute rule and hurried through at the end of a session of Congress, when everybody is tired of investigation and discussion. If brought before Congress at all, it ought to be as a separate measure, resting upon its own merits.

To relate the history of this claim fully would take an hour. From year to year, almost from age to age, it has been presented, and no one in five minutes or ten minutes, or even half an hour, can pretend to discuss the question properly. For this reason alone, if for no other, the section should be stricken out. Independent legislation of this sort should not be attached to an appropriation bill. I would vote to dispose of it in any manner so as to get it out of the bill. Whatever may be the merits of the claim, however just it may be, it should not be passed in this hasty and improper manner.

In addition to that objection to the consideration of the claim at this time there are others which concern its merits. I have in my hand the report of Mr. Banfield, made by him as Solicitor of the Treasury two years ago, upon this claim, in which report he declares it fraudulent and utterly without foundation.

Several MEMBERS. Let that report be read.

Mr. COBURN. I will read a few sentences from the report. It is lengthy, and could not be read through in two hours:

To say nothing of the apparent fact, which I have endeavored to show from the history of the fourteenth article, that the United States has already paid under it a far greater number than ever had just claims, through practices notoriously fraudulent, there is this great fact, hitherto studiously kept in the background by the claimants, that in 1852, in consideration of the payment at that time of outstanding scrip amounting to $872,000, the nation guaranteed that no more claims should ever be made under the fourteenth article. That receipt, signed by the nation, forever bars all claim under the article by anybody, and can therefore form no possible ground, in any view, of the recommendation to pay the enormous award of nearly $300,000,000 which the committee made. * * * * *

From this history—

A history embracing forty-five pages—

it appears, beyond doubt, that its basis is the alleged right to reservations under the fourteenth article of the treaty of 1830; that under this article a large number of reservations beyond what the Choctaws were legally entitled to were allowed by the Government, although, on the evidence, absolutely fraudulent. But, however this may be, Congress, before they finally paid them, determined that the Choctaw Nation should give a solemn acknowledgment that they should never thereafter make claim again to reservations under the article, as a condition-precedent to its action, in paying those which had already been allowed. This the nation having done, the claim, as it seems to me, should be regarded as completely barred by Congress. * * * * * *

[Copy of release referred to in the foregoing letter.]

Whereas by an act of Congress entitled "An act to supply deficiencies in the appropriations for the service of the fiscal year ending the 30th of June, 1852," it is provided that after the 30th day of June, 1852, all payments of interest on the amounts awarded Choctaw claimants, under the fourteenth article of the treaty of Dancing Rabbit Creek, for lands on which they resided, but which it is impossible to give them, shall cease, and that the Secretary of the Interior be directed to pay said claimants the amount of principal awarded in each case respectively, and that amount necessary for this purpose be appropriated, not exceeding $872,000; and that the final payment and satisfaction of said awards shall be first ratified and approved as a final release of all claims of such parties under the fourteenth article of said treaty, by the proper national authority of the Choctaws, in such form as shall be prescribed by the Secretary of the Interior: Now, be it known, that the said general council of the Choctaw Nation do hereby ratify and approve the final payment and satisfaction of said awards, agreeably to the provisions of the act aforesaid, as a final release of all claims of such parties, under the fourteenth article of said treaty.

Under the release I have just read $850,000 was paid by the Government and accepted by the authorities of the Choctaw Nation as a complete and final settlement. There the matter should rest. If the account has since been opened, if an equity has been raised on behalf of these Indians, if an obligation has since been incurred by the treaty-making power of the United States, that is matter of discussion for lawyers; it is a question that ought to be investigated thoroughly and completely, and should not be brought in here at the end of an appropriation bill to be discussed under the present circumstances.

I regard this matter as of very great importance aside from the amount of money involved. We ought to adopt and stand by a policy against opening claims of such great age unless some equity of a very strong character is presented.

Here, so far as I can see, there is none. The claim seems to be trumped up after settlement in full more than twenty years. It deserves the fullest investigation and the most thorough discussion, such as we cannot give at this time.

Mr. SHANKS. I ask attention for a single moment. My colleague [Mr. COBURN] has read from a report made by one Banfield. Now this man Banfield has not reflected much glory upon his brow as an American official. That man made this report about a year ago, and connected with it was a contract for $30,000 to be paid out of the national Treasury to a set of fellows who had claimed to be attorneys for the Choctaws; but when the Choctaws refused to recognize them, and would not pay them, they then went to the Secretary of the Treasury and got a contract for $30,000 to defeat the very claim for which, as they said in letters which I have in my possession, they had been laboring for six long years. And in an appropriation bill passed in the last Congress there was inserted a proviso forbidding the payment of that $30,000.

Mr. COBURN. What connection has that with this claim?

Mr. SHANKS. The men connected with that fraudulent transaction in which Banfield figures were Page, of this city, who was kicked by Mr. Dent out of his office on account of his rascality; a man named Grayson; and another man who testified so fearfully before the District Investigating Committee—a man named Kirtland, I believe. That report is the only evidence ever claimed to have been presented against the payment of this money; and it was simply culled from the records of the country on an arrangement with Banfield to plunder the Treasury out of $30,000.

Mr. HALE, of Maine. I am very glad that the sober attention of the committee has been called to this important subject. I cannot doubt what the result will be. The gentleman from Missouri [Mr. PARKER] and I will have no controversy about the lobbyists. I think I am justified in saying that neither he nor I will ever be believed to have anything to do with that class of men. I have not said that his garments have been touched, but that a raging and roaring lobby has been crowding this claim in our corridors, in the hotels of Washington, and elsewhere. I do know, and I should be blind if I did not see it. The gentleman is being used by men whom he should be glad to

thwart. This I believe. He does not; that is all. I may be wrong or he may be wrong. Time will show.

So far as Mr. Banfield's opinion goes, and he has been alluded to, I have nothing to say. The late Secretary of the Treasury, [Mr. BOUTWELL,] whose integrity no man impeaches, whose industry everybody recognizes, whose faithfulness in office has passed into a proverb, examined this Choctaw claim two years ago, and I ask the Clerk to read his letter.

The Clerk read as follows:

DEPARTMENT OF JUSTICE,
OFFICE OF THE SOLICITOR OF THE TREASURY,
Washington, D. C., May 29, 1872.

SIR: I have, at your verbal request, examined certain questions which have been brought to your notice affecting your obligation, under the laws of Congress, to pay over to the Choctaw Nation certain bonds, for the delivery of which claim is made upon you.

I find that no objections to such delivery are made, except such as can be gathered from the various treaties made with the Choctaw Nation and the action taken by Congress upon the claim which has been presented.

I will briefly recite the substantial points of the treaties which are relied upon to sustain the claim, and indicate my views thereon; I see no occasion to go back further than to the treaty of 1820.

This treaty provides for an exchange of a small part of the land of the Choctaws, east of the Mississippi River, for a country beyond the said river, the purpose being that those Indians wishing to become civilized and to be made citizens should remain, and that those who will not work, but prefer to live by hunting, should go to the new country west of the river.

Article 1 of this treaty cedes a part of the Choctaw lands to the United States, defining the same by bounds.

Article 2 states that, in consideration of said cession by the Choctaw Nation, and in part satisfaction therefor, a certain tract west of the Mississippi River, defined by bounds, is ceded by the United States to the Choctaws.

The other articles of this treaty are beneficial to the Indians, engaging to subsist those who remove over the river until they arrive at their new home, and that a part of the land ceded to the United States shall be sold to create a school fund for the benefit of the Indians on both sides of the river, and making other provisions for the comfort and necessities of the Indians.

The report of the Solicitor of the Treasury and an examination of the treaties of 1830 and 1855, with the Choctaw Indians, aided by such information as I have been able to obtain from other sources, tend very strongly to show that there is no equitable ground on which the Government can be required to issue the bonds in question, or make payment of the large sum of money covered by the claim of the Choctaw Nation.

The Department, however, has not had the means of a thorough examination, nor will there be time during the present session of Congress for the proper inquiries by a committee of either House; and I have therefore the honor to suggest that a bill or joint resolution be passed authorizing the Secretary of the Treasury to delay the issue of the bonds until there shall have been further investigation and action by Congress.

Very respectfully,

GEO. S. BOUTWELL, *Secretary.*

Hon. JAMES G. BLAINE,
Speaker House of Representatives, Washington, D. C.

Mr. HALE, of Maine. That was only two years ago. If gentlemen are prepared, after this examination by a non-interested Secretary of the Treasury into this case and so condemning it as he does, to vote for it, upon them be the responsibility.

Mr. PARKER, of Missouri. Will the gentleman from Maine yield to me for a question?

Mr. HALE, of Maine. I have very little time left.

Mr. PARKER, of Missouri. I wish to know of my friend from Maine whether that opinion, which is the opinion of Mr. Banfield and the Secretary of the Treasury himself knew nothing about it—whether that opinion is his opinion?

Mr. HALE, of Maine. It is the opinion of the Secretary of the Treasury not only from the information of Mr. Banfield but from other sources.

Mr. PARKER, of Missouri. Is that the opinion of the gentleman from Maine?

Mr. HALE, of Maine. It is my opinion that we need as much caution as Mr. BOUTWELL exercised. It is proposed by this section of the bill to pay this money over to two men, Pitchlynn and Folsom. The gentleman from Missouri says it is guarded because it is provided before they shall receive the bonds the Choctaw Nation shall pass an act approving of their authority. But, Mr. Chairman, anything these two men or either of them has done in these past years, mortgaging this claim to men around this Capitol who have been pushing it, cannot in any way be controvened by the Choctaw Nation by subsequent action. I want all that shut off.

HOW DOES THE QUESTION STAND?

The gentleman from Iowa [Mr. KASSON] proposes a very simple amendment, and that is that this fund shall be placed where it shall be held in trust for the very purposes named in the treaty of 1855. Why is there any sensitiveness about adopting that amendment? Why was it not accepted at once? Why is it the lobby which is gazing with hungry eyes here from these galleries would not accept that at once? Because it takes away from them their last hope of fattening on this claim. My friend will see the day that he will regret fighting these men's battles.

But in addition to that there will be offered another proposition by my friend from New York [Mr. WHEELER] which just suits me, and that is this: These claims are of two kinds. A portion should go to enable the Choctaw Nation to pay its just liabilities, not liabilities to A and B, who have been hanging around Congress for years, but liabilities to its own people. No mortal power has ever yet been able to show how much will be taken of this money to pay such liabilities. The proposition will direct the Secretary of the Treasury between this and the next session of Congress to ascertain how much will be swallowed up by these claims. He will be able then to report a schedule to the next Congress. Then Congress can see how much of this fund is to go in that way, and the balance can be placed as a trust fund, which the Choctaw people will hold for educational and governmental purposes. What is fairer than that? Let us adopt it. Better that the lobby weep than that the Indians suffer——

[Here the hammer fell.]

The CHAIRMAN. The question recurs on the amendment moved by the gentleman from Iowa, [Mr. KASSON,] which the Clerk will read.

The Clerk read as follows:

Strike out these words in lines 11 and 12:

Peter P. Pitchlynn and Peter Folsom, the authorized delegates and agents of the Choctaw Nation, or to either of them who may demand the same on behalf of the said nation.

And in lieu thereof insert:

Secretary of the Interior for the benefit of the Choctaw Nation and the people thereof, according to the terms of the treaty providing for the same.

The committee divided; and there were—ayes 64, noes 72.

Mr. KASSON demanded tellers.

Tellers were ordered; and Mr. KASSON, and Mr. PARKER of Missouri, were appointed.

The committee again divided; and the tellers reported—ayes 100, noes 81.

So the amendment was adopted.

Mr. WHEELER. I offer the following as a substitute for the section.

The Clerk read as follows:

That the Secretary of the Treasury is hereby directed to inquire into the amount of liabilities due from the Choctaw tribe of Indians to individuals as referred to in articles 12 and 13 of the treaty of June 22, 1855, between the United States and the Choctaw and Chickasaw tribes of Indians and to report the same to the next session of Congress with a view of ascertaining what amounts, if any, should be deducted from the sum due from the United States to said Choctaw tribe for the purpose of enabling the said tribe to pay its liabilities and thereby to enable Congress to provide a fund to be held for educational and other purposes for said tribe as provided for in article 13 of the treaty aforesaid.

Mr. KASSON. I desire to offer an amendment to the original text, to perfect what my previous amendment calls for.

The Clerk read as follows:

In line 58 strike out these words: "to the said delegates;" in line 61 strike out the words "by the said delegates or either of them, on behalf of the said nation is," and insert the word "are;" so that it will read:

That before the delivery of the said bonds as herein directed, the national council of the Choctaw Nation shall pass an act approving the provisions of this act, and shall declare that the said bonds are accepted, &c.

Mr. KASSON. That is merely following up the amendment already made.

The question being taken on Mr. KASSON's amendment, it was agreed to.

The CHAIRMAN. The question recurs on the amendment in the nature of a substitute proposed by the gentleman from New York, [Mr. WHEELER.]

Mr. STARKWEATHER. I hope if that amendment be adopted that it will be followed up by another declaring that we never mean to pay this debt.

Mr. SPEER. O, that is mere clap-trap.

Mr. RANDALL. We only mean to pay the people we owe.

Mr. STARKWEATHER. That means that we do not intend to pay anything.

Mr. SPEER. We do not mean to pay the rings of lobbyists.

The CHAIRMAN. The Chair will order tellers and appoint the gentleman from New York, Mr. WHEELER, and the gentleman from Connecticut, Mr. STARKWEATHER.

The House divided; and the tellers reported—ayes 97, noes 70.

So the amendment was agreed to.

Mr. PARKER, of Missouri. I give notice that I shall call for the yeas and nays on all these amendments.

Mr. HALE, of Maine. If the gentleman had not given that notice I should.

The Clerk read the following section:

SEC. 4. That the clause in the act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1874, and for other purposes," approved March 3, 1873, which provides that "the Secretary of the Treasury be, and he is hereby, directed to pay to the census-takers of 1860, or their assigns, the sums set to their credit now in the Treasury of the United States, any provision of existing laws to the contrary notwithstanding," is hereby re-enacted and declared to include, as entitled to payment and to be paid, both marshals and assistant marshals employed in taking said census.

Mr. SPEER. I move to strike out the last word for the purpose of saying, as I see the gentleman from Virginia [Mr. PLATT] is now in his seat, that I am informed that the building of the State Department was done with granite from the Westham quarry and that the Government pays two dollars per cubic foot at the quarry for it. It is then transported seven miles by rail to the Government sheds, at Manchester, where it is cut for the United States, the Government furnishing the sheds; also an architect at twelve dollars a day; one superintendent at ten dollars per day; one property man; one boss to every twelve stone-cutters; one blacksmith to every twelve stone-cutters; four hundred kits of tools; laborers, &c. All this is paid for by the United States.

In addition the United States pay to the granite company 15 per

cent. on all the money disbursed. This sum is paid in addition to the amount the company receive for their stone. By this operation the granite company are not out of pocket one cent. They do not pay the labor out of their own pockets, which if they did would be a partial excuse for the gift to them of 15 per cent. on the amount disbursed. At the end of each month the company call all their hands up to sign the roll; when the roll is signed and witnessed by a Government officer, it is sent on to Mr. Mullett, the Supervising Architect of the Treasury, and receipted as if the money had been paid out by the contractors, when really not a dollar of it has been paid by them. Mullett then pays the money and keeps the receipted roll as his voucher, and these contractors get 15 per cent. for disbursing the amount which Mullett pays them. There is disbursed every month an average of $55,000.

I understand that in addition to the gentlemen named by the gentleman from Virginia [Mr. PLATT] as members of this company, there is a gentleman by the name of Smith, president of a New York railroad company, and Mr. Washburn, a United States pension-agent at Richmond, who are also members of the company, and it is understood that there are two silent partners whose names I am not able to give at this time—friends of certain parties in prominent positions.

Now, if this appropriation passes of $700,000 for the State Department, 15 per cent. of that amount, being $105,000, will be paid out to this company for simply disbursing it, paying it to the hands. I desire also to say that the Government were offered stone, almost as good stone—that out of which the Scott statue has been made in this city—for sixty-five cents per foot, while they are paying two dollars per foot for the stone being put into this building. We pay two dollars a foot for the stone in the rough, the Government paying for the work afterward.

Mr. O'BRIEN. From whom does this 15 per cent. come?

Mr. SPEER. From the Government, and it goes into the hands of the contractors forming this granite company. They run no risk, they are at no expense, and this enormous sum is paid to them by the Government without any consideration whatever. Is it not time that we pause before we lavish upon these men further appropriations?

Mr. SMITH, of Virginia. I wish to ask the gentleman from Pennsylvania a question. I wish him to state whether these gentlemen, Messrs. Washburn & Co., did not make the most reasonable bid for this granite contract when given out?

Mr. SPEER. I can only repeat that stone almost as good—I believe in the gentleman's own State—was offered for sixty-five cents per foot and these contractors get two dollars a foot.

Mr. SMITH, of Virginia. We have had these straw bids before. Is the gentleman ready to vouch for the responsibility of the bidders?

Mr. SPEER. I am able to vouch for the responsibility of the owners of the quarry.

Mr. PLATT, of Virginia. I renew the amendment. I wish to ask the gentleman from Pennsylvania [Mr. SPEER] if he states the fact that the contract price for this granite is two dollars per cubic foot upon his own knowledge?

Mr. SPEER. I certainly do not state it on my own knowledge. As I have already said, I state it upon information which I believe to be correct. I have no knowledge about it. I understand, however, that the gentleman in company with Mr. Mullett visited this quarry not long ago, and perhaps he can give the House the facts on his own knowledge.

Mr. PLATT, of Virginia. The statement of the gentleman in regard to the contract price for this granite is a very good illustration of the amount of confidence to be placed in all the statements he has given the House, and which I have no doubt he derived from some other source, and I have no doubt I know perfectly well what that source is.

Now, my recollection is that the contract price for this granite was either fifty-three or fifty-nine cents per cubic foot. That is the contract price at which these gentlemen are furnishing the granite under their contract, and I have no doubt that they were the lowest bidders. The schedules, bids, and papers in the Department will show that they were the lowest bidders at the time the contract was assigned.

Now, in regard to the statement made by my colleague from the Richmond district, [Mr. SMITH,] that Mr. Washburn, and nobody else, has swindled the Government of the United States out of fifty or sixty thousand dollars, or out of any other sum, I desire to say that the statement is entirely unfounded, and that the manly course for my colleague to pursue, if he has charges of that kind to make, would be to make them in a proper way and have them investigated in a proper manner by a committee. He says that he blushes to own that Mr. Washburn, the gentleman who has thus swindled the Government, as he alleges, is the pension agent in his city. I know, sir, that Mr. Washburn is equally ready to blush and does blush at the reflection that the gentleman who made this charge is his Representative on this floor. If my colleague has any charges to make against Mr. Washburn, let him make them here in a plain and open manner. I say upon my personal responsibility that there is not a word of truth in the statement, and I say further that Mr. Washburn is ready to defend himself and to show that fact whenever he may be called upon to do so in any proper and legitimate manner. My colleague owes it to himself, to Mr. Washburn, to this House, to put his charges in proper form, and to take that officer of the Government before the court which the law provides, where he will be properly punished if he has done anything of this kind.

Mr. SMITH, of Virginia. I have put these charges in a proper form, and I have placed them in the hands of the President of the United States. And in addition to these, I have put in a charge which the President himself said was sufficient to cause the removal of this man Washburn. I do not want to cast reflection upon the gentleman who represents Petersburgh, Norfolk, and the south side of Virginia. I have nothing to say with him or against him; his people will settle with him. I represent the Richmond district. If that granite contract is an honest one, I will stand here and defend the contractors. If there has been any stealing under the contract, then I ask why the gentleman from Norfolk, [Mr. PLATT,] nearly one hundred miles away, comes here and tells this House there is no stealing? I say that Andrew Washburn drew that 15 per cent., that the Government paid it for nothing, that he never put one dollar into that concern, never bore one dollar of expenses, and yet is to-day $60,000 better off than when he commenced, unless he has divided with somebody else. That is what I say.

Mr. BECK. I desire to say a word.

Mr. GARFIELD. I ask the gentleman from Kentucky to allow me to move that the committee rise in order to obtain an order from the House to close debate.

Mr. PLATT, of Virginia. I wish to know if I am to be attacked on this floor and deprived of an opportunity to defend myself? I appeal to the fairness of this committee.

Mr. SMITH, of Virginia. I want to say this: If I have attacked the gentleman I am responsible anywhere for it.

Mr. BECK. When the question of the building of the new State, War, and Navy Department was up the other day I called the attention of the committee to the fact which I believed then, and believe now, to be true, from information received from some of the officials at the Treasury Department, that gross mismanagement had accrued in the construction of this and other buildings, by reason of the ex-Secretary depriving the Comptrollers and Auditors of their legitimate power to investigate the accounts of the Supervising Architect, and that he had done so against their protest; I insisted that no payments ought to be made to any of the contractors until these matters were investigated. The statement of the gentleman from Virginia [Mr. SMITH] to-day seems to verify what I said in that regard, and to prove that these accounts ought to be investigated before payments are made. When I made that statement on Saturday the gentleman from Virginia [Mr. PLATT] rose in his place and controverted it. I read from the report of the debate on that occasion:

Mr. BECK. Is it not true that for the year past under the order of the Secretary of the Treasury the Comptrollers and Auditors have been deprived of all supervision over the Accounts of this Supervising Architect?

Mr. RANDALL. Against law?

Mr. BECK. Yes; against law.

Mr. PLATT, of Virginia. I cannot answer that question. But I say in regard to the expenditures made for the State, War, and Navy Department building, the Secretary of the Treasury had had nothing to do with it. Not one dollar of the expenditure has been made under his supervision or order. Every dollar of it has been expended under the direction of the Secretary of State. The Secretary of State has the entire control of it; has control over every dollar of the expenditure from the commencement of the building. That I state upon my own knowledge.

The gentleman from Pennsylvania [Mr. SPEER] moved to amend the then pending amendment, and I followed it with a remark. I read the amendment to the amendment and the remark which I made:

And the Secretary of the Treasury shall report to Congress the items for which this sum shall be expended.

Mr. BECK. I do not believe it to be the fact, as has been stated, that this money is expended under the direction of the Secretary of State; but if so, how can the Secretary of the Treasury account for the expenditure?

I now call attention to volume 17, Statutes at Large, page 352, where I find the following provision of law in the appropriation bill, approved June 10, 1872.

Public works under the Treasury Department:

* * * For continuation of the construction of the building for the Department of State, Washington, District of Columbia, $800,000; for the east wing of the State, War, and Navy Departments, $400,000: *Provided*, That all appropriations for public buildings under the Treasury Department shall hereafter be available immediately upon the approval of the acts containing such appropriations.

I have risen now for the purpose of saying that in my judgment the law of June 10, 1872, put this State Department building, as all other buildings are, under the direction of the Treasury Department and under the direction of the Supervising Architect of the Treasury. I say further that all the accounts for moneys expended for this building, as well as for every other building, which have been withdrawn from the supervision of the Comptrollers and Auditors of the Treasury Department, have been paid in violation of law, and that the accounts of the Supervising Architect have been paid without undergoing the supervision which the law requires they shall undergo. The gentleman from Virginia [Mr. PLATT] was mistaken in his statement that of his personal knowledge it was under the direction of the Secretary of State.

Mr. MERRIAM. I desire to say to the gentleman from Kentucky that the present Secretary has ordered that no money shall be paid until audited by the proper accounting officers.

Mr. BECK. I said the other day that that was one of the first official acts of the present Secretary. I want the past vouchers investi-

gated, so as to see where among things the $60,000 has gone which the gentleman from Virginia [Mr. SMITH] says was wrongfully paid.

Mr. KELLOGG. The gentleman from Kentucky [Mr. BECK] has read from one appropriation bill the second appropriation for this building. I ask him if the first appropriation for the building did not put it under the entire supervision of the Secretary of State? I ask him to look at the first appropriation.

Mr. BECK. I have not turned to that, but I understand from outside information that in volume 16 of the Statutes at Large there is an appropriation to that effect. But since June 10, 1872, during all the year in which this illegal act of the Secretary was operating, (for it was only about a year ago that the power of the Auditors and Comptrollers over these payments was taken away)—since that time $800,000 has been appropriated for the State Department building and $400,000 for the east wing, making $1,200,000, and this expenditure has not been under the control or subject to the supervision of the Auditors and Comptrollers of the Treasury. Is not that true?

Mr. KELLOGG. No, sir. I have no doubt my friend from Kentucky means to state the case fairly; but if he will look at the first appropriation act for the State Department building he will find that the whole matter was put under the control of the Secretary of State; and it has been so continued. I think that the gentleman in his statements has done injustice both to the late Secretary of the Treasury and the Supervising Architect. He certainly did injustice to them in his statements the other day, and if I had time I would show wherein he did so. The new State Department building has been and is under the supervision of the Secretary of State, and the Supervising Architect has simply done his duty under his direction.

Mr. BECK. Why, sir, here is the act of June 10, 1872, which appropriates $800,000 for the State Department building and $400,000 for the east wing, and puts it all under the control of the Secretary of the Treasury and the Supervising Architect. No matter what previous laws may have provided, this act repeals or supersedes all prior provisions, and the expenditures made since this appropriation of June 10, 1872, until the rescinding of the action to which I have referred by the present Secretary, have been made without the requirement of any vouchers to be submitted to the Auditors and Comptrollers, the action of the late Secretary of the Treasury being in this respect a palpable violation of the law, which in my judgment was an impeachable offense.

[Here the hammer fell.]

Mr. PLATT, of Virginia. I stated in reply to the gentleman from Kentucky on last Saturday, when this subject was under debate, that I could not answer the gentleman in regard to orders given by the Secretary of the Treasury; that I knew nothing about them. But I did state from my own knowledge, and I repeat the statement as true, that all the disbursements and expenditures made in the construction of the new buildings for the State, War, and Navy Departments have been and are being made under the direct control and supervision of the Secretary of State; that the Secretary of the Treasury has nothing to do with them whatever. This the gentleman can ascertain for himself to be the fact upon inquiry at either of those Departments.

As to the charges that have been made here in regard to the manner in which this work is being done upon that building, I do not understand that any charges have been made against myself; but statements have been made that 15 per cent. of the money of the Government is being paid to a favored contractor upon all expenditures, and that for this 15 per cent. he renders no service whatever. I have a general knowledge of those contracts, which enables me to state (and I believe this case is no exception to all the contracts that have been made for furnishing granite for public buildings within the last two or three years) that, in the first place, advertisement was made for stone to be furnished at so much per foot; and afterward a contract was given for cutting the stone, the contract for furnishing the stone and for cutting it being given in almost every instance to the same parties. In consequence of this contract for cutting the stone the men engaged in that work, instead of being under the direct control of the Government, are employed by a contractor. There is a Government inspector. There is no architect paid twelve dollars a day, or anybody else paid ten dollars a day. So far as I know the highest price paid to anybody is six dollars a day, which is allowed to General Randall, the superintendent.

Mr. SPEER. Does the gentleman state upon his personal knowledge that there is not an architect paid by the Government at twelve dollars a day; a superintendent at ten dollars a day; one property man; one boss to every twelve stone-cutters, and one blacksmith to every twelve stone-cutters; all paid by the Government?

Mr. PLATT, of Virginia. I say that so far as I know there is no one receiving more than six dollars a day, which is being paid to General Randall, a gentleman selected for his skill and knowledge in connection with these matters to act in the capacity of superintendent to watch over the interests of the Government. I say that no dollar of expense on the part of the Government is allowed to be contracted by any contractor. There is simply a provision for a superintendent and a time-keeper to watch over the interests of the Government. The contract in this case is precisely like the contracts that have been made in the building of the post-office at New York, the post-office at Boston, and other public buildings.

But, sir, I see that the Committee of the Whole is impatient; I hear gentlemen around me calling for the debate to close. I wish only to enter a general denial of the statements of the gentleman from Pennsylvania, [Mr. SPEER.] I say that he is entirely mistaken as to the price given for granite. I am not here to shield any man who has been guilty of any wrong against the Government. I will go as far as any man on this floor in investigating and punishing the acts of any one who has been guilty of fraud in connection with this matter as any other.

[Mr. SMITH of Virginia, addressed the House. His remarks will appear in the Appendix.]

The CHAIRMAN. All debate is closed upon the pending paragraph.

Mr. KELLOGG. I wish to have a section of the statute read in reference to this matter.

Mr. RICE. I want to move that the committee rise.

Mr. GARFIELD. I hope the gentleman from Connecticut will be allowed to have the three minutes left of the eight which were allowed for debate.

Mr. KELLOGG. I have no feeling in this matter except to see fair play, and where wrong statements are made to see that they are corrected. I have nothing to do with the matter in Virginia, but I think my friend from Kentucky [Mr. BECK] is entirely mistaken when he charges that the Secretary of the Treasury and the Supervising Architect acted in an improper manner in this matter. The Secretary of the Treasury has had nothing to do with the building. It has been by statute placed under the control of the Secretary of State, and the Supervising Architect has been detailed to act under the orders of the Secretary of State. I ask the Clerk to read section 2, making the first appropriation, and gentlemen of the committee will find by the law the statement I make is the true one.

The Clerk read as follows:

SEC. 2. That the sum of $500,000 be, and hereby is, appropriated out of any moneys in the Treasury not otherwise appropriated, for the construction, under the direction of the Secretary of State, on the southerly portion of the premises now occupied by the War and Navy Departments, a building which will form the south wing of a building that when completed will be similar in the ground plan and dimensions to the Treasury building, and provide accommodations for the State, War, and Navy Departments; the building to be of such kind of stone as may be hereafter determined by the concurrent decision of the Committees on Public Buildings and Grounds of the Senate and House of Representatives, three stories in height, with basement and attic, and of fire-proof construction, the plans to be approved by the Secretary of State, the Secretary of War, and the Secretary of the Navy, before any money is expended under the provisions of this act.

Mr. KELLOGG. That shows that the Secretary of the Treasury has had nothing to do with it at all, and that the building has been under the charge of the Secretary of State and the Supervising Architect.

The CHAIRMAN. No further debate on the amendment is in order.

The amendment was rejected.

Mr. MACDOUGALL. I move the following amendment.

The Clerk read as follows:

For the purpose of erecting and completing a United States court-house at the city of Auburn, New York, $100,000.

Mr. COX. I propose to add to the fifth section before we go to any other.

Mr. GARFIELD. I make the point of order on the amendment moved by the gentleman from New York that it is an appropriation not provided for by law.

The CHAIRMAN. The Chair sustains the point of order and rules the amendment out.

Mr. RICE. If in order, I move that the committee rise, and I should like to say one word before that vote is taken.

The CHAIRMAN. The Chair has recognized the gentleman from New York.

Mr. COX. I move the following amendment.

The Clerk read as follows:

That it shall not be lawful for any Department of the Government to expend in any one fiscal year any sum in excess of appropriations made by Congress for that fiscal year, or to involve the Government in any contract for the future payment of money in excess of such appropriations.

Mr. COX. I believe an amendment of that kind should be put at the end of every appropriation bill.

Mr. GARFIELD. I make the point of order on that amendment.

Mr. COX. It is not new legislation. It makes no new penalty. It was ruled to be in order to other appropriation bills.

The CHAIRMAN. The Chair sustains the point of order.

Mr. BUTLER, of Massachusetts. I desire to offer an amendment to come in as an additional section.

Mr. GARFIELD. Wait until the last section has been read.

Mr. BUTLER, of Massachusetts. I desire to offer it as an amendment to come in after section 4.

The Clerk read the amendment of Mr. BUTLER, of Massachusetts, as follows:

After section 4 insert the following as an additional section:

SEC. —. That the sum of $250,000, or so much thereof as may be necessary, is hereby appropriated to pay unsettled claims legally existing against the Government of the United States on account of services actually rendered in carrying the mails of the United States exclusively in the aforesaid States prior to the 14th day of April, 1861: *Provided*, That before any payment shall be made satisfactory evidence shall be furnished that no compensation has been received from any other source for such service.

Mr. GARFIELD. I make the point of order that that is not only unauthorized by existing law, but is against a specific statute, the

statute of 1867, which provides that this class of claims should not come in.

The CHAIRMAN. The Chair sustains the point of order.

Mr. BUTLER, of Massachusetts. I give notice that when we get back into the House I will move to suspend the rules and adopt this section.

The Clerk read the fifth section, as follows:

SEC. 5. That hereafter there shall be submitted to Congress at the beginning of each regular session a statement in detail of the contingent expenses of each Department or Bureau of the Government incurred during and for the service of the preceding fiscal year.

Mr. BUTLER, of Massachusetts. I make the point of order on that section that it changes existing law.

Mr. GARFIELD. If the gentleman does not want a report to be made by each Department of its contingent expenses, he will take the responsibility of preventing it.

Mr. BUTLER, of Massachusetts. I always take the responsibility of everything I do.

The CHAIRMAN. Will the gentleman from Massachusetts call the attention of the Chair to the law with which this section is in conflict?

Mr. BUTLER, of Massachusetts. There is no such law; but I say that you cannot point to any law requiring it.

Mr. GARFIELD. There is a law requiring the Departments to keep an account of their contingent expenses.

Mr. BUTLER, of Massachusetts. That is so. There is a law requiring them to keep an account. That is right. But there is no law requiring them to report that to Congress. And the very fact that my friend, the chairman of the Committee on Appropriations, tells me that I should take the responsibility of stopping this change of the law, shows that it is a change of the law.

The CHAIRMAN. The Chair sustains the point of order.

Mr. GARFIELD. I offer the following amendment as an additional section.

The Clerk read as follows:

SEC. —. That section 6 of an act entitled "An act making appropriations for the consular and diplomatic service of the Government for the year ending June 30, 1875, and for other purposes," approved June 11, 1874, be amended by striking out the following words, namely: "Contingent expenses of foreign intercourse proper and of all missions abroad, such as."

Mr. GARFIELD. In the consular and diplomatic bill passed and approved on the 11th of this month the appropriation for consular expenses unfortunately had the words "foreign intercourse" in the language which preceded the appropriation. The Secretary of State informs the committee that that will not allow the use of that appropriation for consular business, but would apply only to foreign missions. The correction was made when the bill was before the Committee on Appropriations, but it was omitted to be put in the printed form of the bill.

The amendment was agreed to.

Mr. GARFIELD. In the early part of this bill we have appropriated for thirteen soldiers on the roll of the Door-keeper. It is found that there are fourteen. There has been one left out. I ask unanimous consent to go back to that part of the bill and make the number fourteen, and also to add an equivalent sum to the appropriation increasing the amount appropriated by one-thirteenth.

There was no objection, and the amendment was agreed to.

Mr. GARFIELD. I desire to offer one other amendment. There is a colored lady who has charge of the ladies' retiring-room, and the officers of the House consider it desirable that she should have a permanent place. A person having a similar charge in the Senate has been put in another bill as a permanent employé. I offer the following amendment:

On page 10, after line 211, insert these words:
To pay Harriet P. Fisk, employed under the Door-keeper of the House for attending the ladies' retiring-room of the House, $600 per annum.

The amendment was agreed to.

Mr. GARFIELD. I desire to call the attention of the House to one other thing, and only to one other thing, before moving that the committee rise and report the bill. The committee have put on this bill an appropriation for printing the Agricultural Reports. This will render necessary an increase of the force in the folding department. In our legislative bill we have cut down the folders to twenty. The Door-keeper informs me that it will be utterly impossible to attempt the folding of this document if that reduction is made. I ask unanimous consent——

Mr. WILLARD, of Vermont, and Mr. RANDALL objected.

Mr. GARFIELD. If gentlemen object I move that the committee rise and report the bill.

Mr. FORT. I desire the unanimous consent of the committee to make a merely formal correction in the amendment in reference to the Agricultural Reports. The amendment by mistake makes provision in reference to the reports for 1873 and 1874. It should be 1872 and 1873. The record is right, but the manuscript in the hands of the Clerk is wrong. I hope there will be no objection to making that correction.

There was no objection, and the correction was made.

Mr. PLATT, of Virginia. I am instructed by the Committee on Public Buildings and Grounds to offer the following amendment:

For repairing the building occupied by the Post-Office Department, $100,000.

I wish to state in explanation of this amendment——

Mr. GARFIELD. I ask that the amendment may be again read.

The amendment was again read.

Mr. PLATT, of Virginia. There is absolute necessity for something being done to preserve this building.

Mr. RANDALL. I make the point of order that this appropriation is not in accordance with law.

The CHAIRMAN. The Chair overrules the point of order. The Chair is of the opinion that a contingency for carrying on one of the Departments of the Government is in order.

Mr. PLATT, of Virginia. Now, if I may have reasonable assurance that I shall be permitted to proceed one minute without interruption, I desire to explain this amendment.

The CHAIRMAN. The gentleman is entitled to the floor for five minutes.

Mr. PLATT, of Virginia. The Postmaster-General and the gentleman having this building in charge—having control and management of the building as well as being disbursing officers of the Department—have both been before the Committee on Public Buildings and Grounds at various times this winter, urging that a bill should be passed by the present Congress authorizing the enlargement and reconstruction of the post-office building. The business of the Department has so increased as to be beyond the present capacity of the building, and there is great necessity for additional room. The recent improvements made about this property by which the streets around the Department have been very much lowered have caused cracks in the building, and it is being very much damaged. There is no appropriation and no law under which anything can be done to preserve the building. It is the opinion of these gentlemen that with this expenditure they can make the necessary repairs and secure some twenty-five or thirty additional rooms in the basement which will be available for offices. We were asked to do one of two things, either to urge the House to authorize the reconstruction of the building by raising it and putting one story under it and one on top, which would involve an expenditure of $1,500,000, or as a temporary expedient to authorize these absolutely necessary repairs to be made. From the personal examination made by the committee and from the evidence of these gentlemen, I am prepared to say that this appropriation is absolutely necessary for the preservation of the building and should be made.

Mr. RANDALL. I submit that the building will last another year as it is.

The question was taken on the amendment offered by Mr. PLATT, of Virginia; and it was not agreed to, there being on a division ayes 31, noes not counted.

Mr. GARFIELD. I move that the committee now rise and report the bill to the House.

The motion was agreed to.

The committee accordingly rose; and Mr. WHEELER having taken the chair as Speaker *pro tempore*, Mr. DAWES reported that, pursuant to the order of the House, the Committee of the Whole on the state of the Union had had under consideration the Union generally, and particularly the bill (H. R. No. 3300) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1875, and for other purposes, and had directed him to report the same to the House with sundry amendments.

Mr. GARFIELD. I now move the previous question on the bill and amendments.

The previous question was seconded and the main question ordered.

Mr. GARFIELD moved to reconsider the vote by which the main question was ordered; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. GARFIELD. I desire to say a few words to the House in regard to the amount of the appropriations in this bill. I will make the statement very brief. The appropriations last year in the sundry civil bill amounted to $32,186,129.09. This year the bill as reported to the House amounted to $23,704,102.82, being less by $8,482,026.27 than the corresponding bill of last year. There have been considerable sums added in Committee of the Whole, but still larger sums have been stricken out of the bill, so that as it stands now it is nearly, perhaps quite, $9,000,000 less than the corresponding bill of last year. There is this difference, however; there are no appropriations made here for the board of public works of the District of Columbia, and such appropriations were in the corresponding bill of last year. I submit as a part of my remarks the following detailed statement of the items that make up this bill and the corresponding items in the bill of last year, that the House may see where the reductions are made. If the House sustains the action of the Committee of the Whole in regard to the Choctaw claim, this bill will be absolutely free from all claims and will be as clean a bill as ever passed the House.

	Law 1874.	Recommended for 1875.
For public printing, paper, binding, &c	$2,050,000 00	$1,675,507 66
For life-saving stations on the coast	250,000 00	153,164 00
For revenue-cutter service	1,038,218 40	1,152,883 40
For marine-hospital service	100,000 00	100,000 00
For national currency	825,000 00	235,000 00
For judiciary	3,179,000 00	3,109,291 00
For miscellaneous	1,239,842 20	502,922 45

List of Appropriations, &c.—Continued.

	Law 1874.	Recommended for 1875.
For rent of offices of surveyors-general	$44,400 00	$45,900 00
For surveying public lands	1,053,150 00	927,980 00
For expenses of collecting revenue from public lands	594,740 00	567,040 00
For Metropolitan police	207,530 00	207,530 00
For Government Hospital for the Insane	171,712 22	203,741 00
For Institution for the Deaf and Dumb	48,000 00	48,000 00
For Columbia Hospital for Women	28,500 00	24,000 00
For other charities	60,000 00	57,000 00
For Smithsonian	42,000 00	30,000 00
For Capitol extension, Reform School, Botanic Garden, &c.	341,260 00	233,750 00
For light-houses and light-house establishment	3,198,269 50	2,828,332 50
For survey of the coast	766,000 00	706,000 00
For Signal Office	296,825 00	355,325 00
For War Department, miscellaneous	750,311 80	665,000 00
For public buildings under Treasury Department	10,934,403 96	7,670,523 81
For armories and arsenals	777,595 00	527,457 00
For buildings and grounds in Washington	2,484,133 01	231,255 00
For navy-yards	1,511,693 00	1,400,000 00
For Department of Agriculture	16,200 00	16,600 00
For Washington Aqueduct	44,600 00	29,900 00
Total	32,186,129 09	23,704,102 82

Mr. BECK. Will the gentleman allow me to ask him a question?

Mr. GARFIELD. Certainly.

Mr. BECK. It is whether in footing up the $23,704,000 he embraces the amount on page 39 of the bill for the northern and northwestern lakes, the provision which makes available all the unexpended balances of appropriations for the survey of military defenses, and if he does, how much is embraced in that item?

Mr. GARFIELD. There was but a very small amount left over.

Mr. BECK. Whatever the amount was it has to be added to these figures?

Mr. GARFIELD. That is true. I will remark that generally where unexpended balances are made available I do not count them, because I do not know the amount and because they were counted into former appropriations.

Mr. BECK. On page 50 of the bill the chairman of the Committee on Appropriations will observe that all balances remaining in the Treasury unexpended on the 1st day of July, 1874, of appropriations heretofore made for buildings and sites of buildings, &c., are made available for that purpose.

Mr. GARFIELD. The balances of appropriations for public buildings which the gentleman refers to amount in the aggregate to less than $2,000,000.

Mr. BECK. I find by statement "D" in the last Book of Estimates that they amount to $5,600,000.

Mr. GARFIELD. That book was made up in October, 1873. The latest statement on the subject is one that the gentleman will find on the second page of the report accompanying this bill, which is a statement up to June 1, 1874, from the Secretary of the Treasury, showing the amount of unexpended balances left over for all public works, and the gentleman will find by examining that list that less than $2,000,000 are reappropriated in this bill.

Mr. BECK. I find on page 247 of the last Book of Estimates, which is appendix "D," that the amount was $5,600,000 on the 1st of July, 1873

Mr. GARFIELD. That is nearly a year ago, the gentleman will remember.

Mr. BECK. These sums have all to be added to your figures in your footing up?

Mr. GARFIELD. Yes; whatever they are. I shall detain the House but a few moments longer, and will then ask for a vote on the bill.

Mr. STARKWEATHER. I desire an opportunity to submit some remarks.

The SPEAKER *pro tempore*. This debate, it must be understood, proceeds by unanimous consent.

LEAVE TO PRINT.

Mr. STARKWEATHER. I ask unanimous consent to print a few remarks on this subject. (See Appendix.)

There was no objection, and leave was granted.

Mr. GARFIELD. I have a right to the hour, but I will not trespass upon the time of the House. I submit a statement showing the various expenditures in this bill, grouped into classes for the convenience of those who care to examine it. It embraces so many subjects that it may be of service to the country to see at a glance the classes of objects to which the money herein appropriated is applied. They are as follows:

SUNDRY CIVIL BILL.

1. Public printing	$1,675,507 66
2. Administration of public justice, including judicial expenses of courts, defending suits of the United States, paying judgments of the courts, detecting and punishing crimes against the revenue and currency, and including also the portion that the United States pay to support the Metropolitan police of Washington	3,522,118 34
3. Public lands—expense of surveyors' offices, cost of surveys, and expense of collecting revenues from public lands	1,580,921 00
4. Public works, including arsenals, navy-yards, the various public buildings under the Supervising Architect of the Treasury Department, and the public buildings and grounds of the United States in Washington	10,023,335 81
5. Commerce and its adjuncts, including life-saving stations, the revenue marine, the marine hospitals, light-houses, coast survey, lake survey, and the weather report	$5,470,704 90
6. National explorations and national statistics, including the geological and geographical surveys, mining statistics, statistics of fisheries, and statistical atlas	191,500 00
7. Educational, charitable, and reformatory institutions, including the Smithsonian Institution, Asylum for the Insane, Deaf Mute College, Lying-in Hospital, Freedman's Hospital, the several charities for the poor, and the Reform Farm	433,491 00
8. Payments growing directly out of the war—bounty and prize-money for colored soldiers, $50,000; expenses of the States for drilling and equipping volunteers, $250,000; for horses lost in the rebellion, $50,000	350,000 00
9. Miscellaneous	446,524 12
Total	23,704,102 81

From the last or ninth group we have stricken out more than a quarter of a million.

Mr. BUTLER, of Massachusetts. I rise to make a parliamentary inquiry. Is not the chairman of the Committee on Appropriations entitled to one hour to close the debate?

The SPEAKER *pro tempore*. He does not claim it.

Mr. GARFIELD. I yield the floor to save the time of the House.

The SPEAKER *pro tempore*. Are separate votes called for upon any of the amendments?

Mr. STORM. I ask for a separate vote on the amendment in relation to the pay of printers at the Government Printing Office.

Mr. STARKWEATHER. I ask a separate vote on all amendments increasing appropriations.

The SPEAKER *pro tempore*. It will be better to dispose of the amendments upon which separate votes are asked as they come up in their order.

Mr. BUTLER, of Massachusetts. I desire to ask a separate vote on one amendment.

The first amendment reported from the Committee of the Whole, upon which a separate vote was asked, (by Mr. STORM,) was to strike from the bill the following:

And wages paid to printers and binders in the employ of the Government shall not be above the average price paid for similar work in the cities of New York, Philadelphia, and Baltimore.

Mr. G. F. HOAR. Suppose the amendment of the Committee of the Whole should not prevail, does that leave the original text of the bill to stand without regard to any amendments made to it before it was struck out by the Committee of the Whole?

The SPEAKER *pro tempore*. It does.

The question was taken upon agreeing to the amendment reported from the Committee of the Whole; and upon a division there were—ayes 46, noes 84.

Before the result of this vote was announced,

Mr. ALBRIGHT called for the yeas and nays.

The question was taken upon ordering the yeas and nays; and there were 15 in the affirmative—not one-fifth of the last vote.

Before the result of this vote was announced,

Mr. HAWLEY, of Connecticut, called for tellers on ordering the yeas and nays.

Tellers were ordered; and Mr. HAWLEY of Connecticut, and Mr. GARFIELD were appointed.

The House again divided; and the tellers reported that there were ayes 42, noes not counted.

So (the affirmative being more than one-fifth of the last vote) the yeas and nays were ordered.

The question was then taken; and there were—yeas 129, nays 91, not voting 69; as follows:

YEAS—Messrs. Albert, Albright, Averill, Banning, Barry, Bass, Begole, Biery, Bowen, Buckner, Bundy, Benjamin F. Butler, Roderick R. Butler, Cason, Cessna, Amos Clark, jr., John B. Clark, jr., Freeman Clarke, Clymer, Stephen A. Cobb, Coburn, Comingo, Conger, Corwin, Cox, Creamer, Crooke, Dobbins, Duell, Dunnell, Eames, Field, Glover, Gooch, Gunckel, Hagans, Benjamin W. Harris, Hathorn, Havens, John B. Hawley, Joseph R. Hawley, Hays, John W. Hazelton, Hendee, E. Rockwood Hoar, George F. Hoar, Hodges, Hooper, Hoskins, Houghton, Howe, Hynes, Kelley, Kellogg, Kendall, Lamar, Lamport, Lansing, Lawrence, Lawson, Leach, Lofland, Lowe, Lowndes, Magee, James W. McDill, MacDougall, McJunkin, McKee, Monroe, Moore, Negley, Niles, O'Neill, Orr, Orth, Packer, Page, Isaac C. Parker, Pelham, Pendleton, Perry, Pierce, Pike, James H. Platt, jr., Thomas C. Platt, Pratt, Rapier, Rice, Richmond, James W. Robinson, Isaac W. Scudder, Sessions, Sheats, Sherwood, Lazarus D. Shoemaker, Sloan, Sloss, Small, A. Herr Smith, J. Ambler Smith, Sprague, Stanard, Standiford, Starkweather, Stowell, Strait, Strawbridge, Sypher, Charles R. Thomas, Christopher Y. Thomas, Thornburgh, Todd, Tremain, Tyner, Walls, Marcus L. Ward, Wheeler, Whitehead, Whiteley, Charles W. Willard, George Willard, Charles G. Williams, John M. S. Williams, William B. Williams, Wilshire, James Wilson, Woodford, and Woodworth.—129.

NAYS—Messrs. Adams, Archer, Arthur, Atkins, Barrere, Bell, Berry, Bland, Blount, Bradley, Bright, Bromberg, Brown, Buffinton, Burchard, Burleigh, Burrows, Caldwell, Cannon, Clements, Cook, Cotton, Crittenden, Crossland, Crounse, Crutchfield, Danford, Darrall, Davis, Donnan, Durham, Eden, Fort, Foster, Garfield, Giddings, Eugene Hale, Hancock, Henry R. Harris, John T. Harris, Hatcher, Hereford, Herndon, Hunton, Hurlbut, Hyde, Kasson, Knapp, Lewis, Loughridge, Alexander S. McDill, Merriam, Milliken, Mills, Morey, Morrison, Neal, Niblack, O'Brien, Packard, Hosea W. Parker, Parsons, Phelps, Potter, Rainey, Randall, Ray, Read, Robbins, James C. Robinson, Ross, Sawyer, Henry B. Sayler, Henry J. Scudder, Smart, H. Boardman Smith, John Q. Smith, Southard, Speer, Stone, Storm, Townsend, Waldron, Jasper D. Ward, Wells, White, Whitthorne, William Williams, Willie, Wolfe, and John D. Young—91.

NOT VOTING—Messrs. Ashe, Barber, Barnum, Beck, Cain, Clayton, Clinton L. Cobb, Crocker, Curtis, Dawes, DeWitt, Eldredge, Elliott, Farwell, Freeman, Frye, Robert S. Hale, Hamilton, Harmer, Harrison, Gerry W. Hazelton, Hersey, Holman, Hubbell, Hunter, Jewett, Killinger, Lamison, Luttrell, Lynch, Marshall, Martin, Maynard, McCrary, McLean, McNulta, Mitchell, Myers, Nesmith, Nunn, Phillips, Poland, Purman, Ransier, Ellis H. Roberts, William R. Roberts, Rusk, Milton Say-

ler, John G. Schumaker, Scofield, Sener, Shanks, Sheldon, George L. Smith, William A. Smith, Snyder, Stephens, St. John, Swann, Taylor, Vance, Waddell, Wallace, Whitehouse, Wilber, Ephraim K. Wilson, Jeremiah M. Wilson, Wood, and Pierce M. B. Young—69.

So the amendment was agreed to.

During the call of the roll the following announcements were made:

Mr. SAYLER, of Indiana. My colleague, Mr. HUNTER, is absent on business of the House, and will not be here to-day.

Mr. MERRIAM. My colleague, Mr. ELLIS H. ROBERTS, is absent on a committee of conference.

The next amendment, reported from the Committee of the Whole, upon which a separate vote was asked by Mr. KELLOGG, was to insert as section 2, the following:

SEC. 2. That section 9, of the act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1872," approved March 3, 1871, authorizing the President to employ suitable persons to conduct certain inquiries and to prescribe their duties, and in respect to appointments in the civil service, be, and the same is hereby, repealed, and the unexpended balance of any appropriation heretofore made for carrying the same into effect shall be covered into the Treasury.

That in the Bureaus and in all the Departments at Washington, whenever there shall be a number of applicants for employment therein, a soldier or sailor who fought in the line of duty in the war, a soldier or sailor's widow, wife, daughter, and mother respectively being such applicants, shall have preference in employment suited to each respectively, and the same rule shall be observed whenever discharges shall take place in the several Departments and Bureaus by reason of diminution of force therein respectively: *Provided*, That two persons of the relationship above stated, either by blood or marriage, shall not have employment in any of said Departments or Bureaus at the same time.

And it shall be the duty of the officer at the head of each of the Executive Departments at Washington to prescribe and publish rules for ascertaining the qualifications of applicants for appointments at his disposal or made under his authority, to make such appointments only from candidates who have the qualifications of honesty, efficiency, and fidelity, and not as rewards for mere party zeal, giving preference only to those who have the additional qualification of an honorable record in the military or naval service of the United States, or the wife, widow, daughter, sister or mother of such soldier, sailor, or marine. And it shall be his further duty to make such appointments as equitably as possible from qualified candidates presenting themselves from the several congressional districts and with reference to their population, and upon the removal of any appointee, the reason for such removal shall be stated on the records of the Department where the service was rendered.

Mr. KELLOGG. The last part of that section was adopted this morning by the Committee of the Whole as a separate and distinct amendment from the other part which was adopted on Saturday last. I ask a separate vote on the portion adopted to-day.

Mr. KASSON. I raise the point of order that the entire section is reported from the Committee of the Whole as one amendment, and must be voted upon as one amendment.

The SPEAKER *pro tempore*. The point of order is well taken; the entire section is one amendment and cannot be divided.

Mr. BUTLER, of Massachusetts. I ask unanimous consent to amend the amendment by inserting after the words "two persons of the relationship above stated" the words "unless both have been disabled in war."

The SPEAKER *pro tempore*. That requires unanimous consent.

Mr. KELLOGG. I object. If the Departments are to be filled with persons entirely disabled, how is the work of the Departments to be carried on?

The question was then taken upon agreeing to the amendment; and upon a *viva voce* vote the Speaker *pro tempore* announced that the ayes seemed to have it.

Mr. HAWLEY, of Connecticut. I call for the yeas and nays.

The question being taken on ordering the yeas and nays, there were ayes 17, noes not counted.

Mr. BUTLER, of Tennessee. I call for tellers on ordering the yeas and nays.

Tellers were not ordered.

The yeas and nays were not ordered.

So the amendment was agreed to.

The next amendment on which a separate vote was demanded (by Mr. HALE, of Maine) was to strike out $50,000 and insert $30,000 in the following paragraph:

For building a light-ship, to be stationed at Winterquarter Shoals, on the coast of Virginia, $50,000.

Mr. HALE, of Maine. This amendment was adopted on motion of the gentleman from Massachusetts, [Mr. HOOPER,] who upon subsequent examination finds that the appropriation in its original form should stand. I ask therefore that the amendment be not agreed to.

The amendment was not agreed to.

The next amendment on which a separate vote was demanded (by Mr. HALE, of Maine,) was to strike out the following paragraph

For light-house and day-beacon at or in the vicinity of Mathias Point, Virginia, $40,000; and the appropriation made by the act of June 10, 1872, for a light to mark the entrance of Shipping Point, Potomac River, Virginia, shall revert to the Treasury.

Mr. HALE, of Maine. I think that we had better not agree to this amendment.

The amendment was not agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the Senate had adopted the following resolution:

Resolved by the Senate, (the House of Representatives concurring,) That two thousand copies of the report of the Chief Signal Officer for 1873 be printed and bound for the use of the Secretary of War.

The message also announced that the Senate had passed without amendment the bill (H. R. No. 2347) authorizing the Secretary of the Treasury to deliver to the Connecticut Historical Society certain papers on file as vouchers for the discharged claims of the heirs of Silas Deane.

The message further announced that the Senate had passed a bill of the following title; in which the concurrence of the House was requested:

A bill (S. No. 935) to provide for writs of error in certain criminal causes.

MISCELLANEOUS APPROPRIATION BILL.

The House resumed the consideration of the bill (H. R. No. 3600) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1875, and for other purposes.

The next amendment on which a separate vote was demanded (by Mr. PARKER, of Missouri) was to strike out section 3 of the bill and insert in lieu thereof the following:

That the Secretary of the Treasury is hereby directed to inquire into the amounts of liability due from the Choctaw tribe of Indians to individuals, as referred to in articles 12 and 13 of the treaty of June 22, 1855, between the United States and the Choctaw and Chickasaw tribes of Indians, and to report the same to the next session of Congress with a view of ascertaining what amounts, if any, should be deducted from the sum due from the United States to said Choctaw tribe, for the purpose of enabling the said tribe to pay its liabilities, and thereby to enable Congress to provide a fund to be held for educational and other purposes for said tribe, as provided for in article 13 of the treaty aforesaid.

The question being taken on agreeing to the amendment, there were—ayes 96, noes 45; no quorum voting.

Tellers were ordered; and Mr. PARKER, of Missouri, and Mr. GARFIELD were appointed.

The House divided; and the tellers reported—ayes 88, noes 70.

Mr. PARKER, of Missouri. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. SPEER. I rise to a parliamentary inquiry. I understand this question to be upon agreeing to the substitute.

The SPEAKER *pro tempore*. The choice of the House is now between the substitute and the original text.

Mr. SPEER. If the substitute is rejected does it revive the original section as reported by the Committee on Appropriations?

The SPEAKER *pro tempore*. It does.

Mr. SPEER. Without amendment?

The SPEAKER *pro tempore*. Without amendment.

Mr. SHANKS. I object to putting in stump speeches under the form of "parliamentary inquiries."

The question was taken on agreeing to the substitute adopted by the Committee of the Whole for the third section of the bill; and there were—yeas 118, nays 103, not voting 68; as follows:

YEAS—Messrs. Albert, Albright, Atkins, Banning, Bell, Biery, Bland, Bradley, Bromberg, Brown, Buffinton, Bundy, Burchard, Burleigh, Burrows, Cannon, Clements, Clymer, Coburn, Conger, Corwin, Cotton, Cox, Creamer, Crooke, Crossland, Crounse, Curtis, Danford, Donnan, Durham, Eames, Eden, Fort, Foster, Frye, Garfield, Gunckel, Eugene Hale, Henry R. Harris, John T. Harris, John B. Hawley, Hereford, E. Rockwood Hoar, George F. Hoar, Hooper, Hoskins, Hunton, Hyde, Hynes, Kasson, Kelley, Knapp, Lawrence, Lewis, Lofland, Magee, McCrary, MacDougall, McJunkin, McNulta, Merriam, Monroe, Moore, Morrison, Neal, Niblack, O'Brien, O'Neill, Orr, Packer, Page, Hosea W. Parker, Parsons, Pendleton, Phelps, Pierce, Pike, Potter, Randall, Ray, Rice, James W. Robinson, Ross, Sawyer, Henry B. Sayler, Milton Sayler, Scofield, Isaac W. Scudder, Sener, Sheats, Sherwood, Lazarus D. Shoemaker, Small, A. Herr Smith, John Q. Smith, Speer, Sprague, Stanard, Storm, Christopher Y. Thomas, Todd, Townsend, Tyner, Waldron, Jasper D. Ward, Marcus L. Ward, Wells, Wheeler, Charles W. Willard, George Willard, Charles G. Williams, William B. Williams, Wilshire, James Wilson, Wolfe, Woodford, and Woodworth—118.

NAYS—Messrs. Adams, Arthur, Ashe, Averill, Barrere, Barry, Begole, Blount, Bowen, Bright, Buckner, Roderick R. Butler, Caldwell, Cason, Cessna, John B. Clark, jr., Freeman Clarke, Stephen A. Cobb, Comingo, Cook, Crittenden, Crutchfield, Darrall, Davis, Dawes, Dobbins, Dunnell, Giddings, Glover, Gooch, Hagans, Hancock, Benjamin W. Harris, Hatcher, Hathorn, Havens, Joseph R. Hawley, Hays, John W. Hazelton, Hendee, Herndon, Hodges, Houghton, Howe, Kellogg, Kendall, Lamar, Lawson, Leach, Loughridge, Lowe, Lowndes, Lynch, Alexander S. McDill, James W. McDill, McKee, McLean, Milliken, Mills, Morey, Negley, Niles, Orth, Packard, Isaac C. Parker, Pelham, Perry, James H. Platt, jr., Thomas C. Platt, Pratt, Rainey, Rapier, Richmond, Robbins, James C. Robinson, Henry J. Scudder, Sessions, Shanks, Sloan, Sloss, Smart, George L. Smith, J. Ambler Smith, Snyder, Southard, Standiford, Starkweather, Stone, Stowell, Strait, Charles R. Thomas, Thornburgh, Tremain, Wallace, Walls, White, Whitehead, Whiteley, Whitthorne, John M. S. Williams, William Williams, Willie, and John D. Young—103.

NOT VOTING—Messrs. Archer, Barber, Barnum, Bass, Beck, Berry, Benjamin F. Butler, Cain, Amos Clark, jr., Clayton, Clinton L. Cobb, Crocker, DeWitt, Duell, Eldredge, Elliott, Farwell, Field, Freeman, Robert S. Hale, Hamilton, Harmer, Harrison, Gerry W. Hazelton, Hersey, Holman, Hubbell, Hunter, Hurlbut, Jewett, Killinger, Lamison, Lamport, Lansing, Luttrell, Marshall, Martin, Maynard, Mitchell, Myers, Nesmith, Nunn, Phillips, Poland, Purman, Ransier, Read, Ellis H. Roberts, William R. Roberts, Rusk, John G. Schumaker, Sheldon, H. Boardman Smith, William A. Smith, Stephens, St. John, Strawbridge, Swann, Sypher, Taylor, Vance, Waddell, Whitehouse, Wilber, Ephraim K. Wilson, Jeremiah M. Wilson, Wood, and Pierce M. B. Young—68.

So the recommendation of the Committee of the Whole was concurred in.

During the roll-call,

Mr. FIELD stated that he was paired with Mr. FREEMAN, of Georgia, who if present would vote in the negative, while he himself would vote in the affirmative.

Mr. BARBER stated that he was paired with Mr. MAYNARD.

The vote was then announced as above recorded.

Mr. HALE, of Maine, moved to reconsider the vote by which the amendment of the Committee of the Whole was concurred in; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

Mr. GARFIELD demanded the previous question on the engrossment and third reading of the bill.

The previous question was seconded and the main question ordered; and under the operation thereof the bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. GARFIELD moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message was received from the Senate, by Mr. SYMPSON, one of their Clerks, notifying the House that that body had adopted the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 792) to repeal the act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved March 2, 1867, and all laws and parts of laws amendatory thereto.

It further announced that the Senate insisted on its amendments to the bill (H. R. No. 3166) to correct the date of the commissions of certain officers of the Army, and agreed to the conference asked on the part of the House, and appointed as conferees on its part Mr. SPENCER, Mr. WEST, and Mr. RANSOM.

HON. DAVID B. MELLISH.

Mr. WOODFORD, by unanimous consent, submitted the following resolution; which was read, considered, and adopted:

Resolved, That the proper officers of the House shall pay to the widow of Hon. David B. Mellish the balance of the salary and allowances due him as a member of of the House at the time of his death.

LEAVE TO PRINT.

Mr. MOREY asked and obtained unanimous consent to have printed in the RECORD some remarks he had prepared on the South and its wants. (See Appendix.)

DISTRICT OF COLUMBIA BUSINESS.

The SPEAKER *pro tempore*. By the standing rule of the House, this being the third Monday of the month, the Committee on the District of Columbia is now entitled to the floor.

Mr. COTTON. If the House will give that committee one hour after the reading of the Journal to-morrow morning it will be all the time we ask. It is now five o'clock.

Mr. GARFIELD. I hope the committee will go on now.

The SPEAKER *pro tempore*. Objection being made, the gentleman from Iowa will proceed.

ANACOSTIA BRIDGE.

Mr. COTTON. There is on the Speaker's table a Senate bill which we regard of great importance. It is a bill to construct a bridge across the Eastern Branch of the Potomac. I am instructed by the committee to endeavor to have that bill taken up and passed. We have a bill before the House for the construction of a bridge at this same place which requires an appropriation of $250,000. According to the plan we have here on our desks we are informed from estimates carefully made a bridge can be constructed for $146,000.

The SPEAKER *pro tempore*. What motion does the gentleman make?

Mr. COTTON. I move to take up for consideration at this time the bill (S. No. 758) to authorize and provide for the construction of a substantial iron and masonry bridge and of a causeway across the Anacostia or Eastern Branch of the Potomac River, at or near the site of the present navy-yard bridge.

The bill, which was read, provides that the Secretary of War be, and he is thereby, authorized and directed to cause to be constructed across the Anacostia River, at or near the site of the present navy-yard bridge, in the District of Columbia, a substantial iron and masonry bridge and causeway; and the sum of $146,000 be, and the same is thereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the construction of said bridge; provided that the said Secretary shall construct a bridge upon such plan as shall cost no more than the amount therein appropriated; and provided also that the said bridge shall be so constructed as not to interfere with the usual navigation above said bridge.

The SPEAKER *pro tempore*. Is there objection to taking up that bill?

Mr. LAWRENCE. I object.

Mr. COTTON. Then I move to suspend the rules to take it up, and I hope the House will sustain us.

The House divided; and there were ayes 92, noes not counted.

So the motion to suspend the rules was seconded.

The question then recurred on suspending the rules.

The House divided; and there were—ayes 96, noes 20.

Mr. LAWRENCE demanded tellers.

Tellers were ordered; and Mr. LAWRENCE and Mr. COTTON were appointed.

The House again divided; and the tellers reported—ayes 120, noes 26.

So (two-thirds voting in favor thereof) the rules were suspended.

Mr. WILLARD, of Vermont. I ask the gentleman to yield to me for an amendment.

Mr. COTTON. I will hear it read.

The Clerk read as follows:

Insert after the word "appropriated" these words:
But no part of this appropriation shall be paid out of the Treasury until the contracts shall have been entered into with responsible parties and with sufficient sureties, approved by the Secretary of the Treasury, for the construction and completion of said bridge, including masonry, iron-work, and causeway, at a cost not to exceed $146,000.

Mr. COTTON. I will allow that amendment to be voted on. I demand the previous question.

Mr. COBURN. I move the House take a recess.

Mr. RANDALL. I move the recess be until eight o'clock.

The SPEAKER *pro tempore*. That cannot be done, as the recess has been provided for under a suspension of the rules until half past seven o'clock.

Mr. COBURN'S motion was rejected.

The previous question was seconded and the main question ordered.

Mr. G. F. HOAR. I ask that the bill be read so we may see the operation of the amendment.

The bill and amendment were again read.

Mr. G. F. HOAR. I wish to call the attention of the gentleman from Vermont [Mr. WILLARD] and the chairman of the Committee on the District of Columbia to the impropriety of mixing up the authority of these Departments in this way.

Mr. WILLARD, of Vermont. I am willing to change my amendment to say "the Secretary of War" instead of "Secretary of the Treasury."

Mr. RANDALL. This shows the great advantage of delay and consequent investigation. The original estimate for this bridge was over $300,000.

Mr. RICE. That was a different bridge.

Mr. RANDALL. The bill introduced into this House was for $275,000. An intelligent and capable engineer now says that a proper bridge can be built across this river for $145,000.

Mr. RICE. You can put a bridge there for $60,000; but do you want a $60,000 bridge?

Mr. RANDALL. I want what a civil engineer says is a sufficient and proper bridge.

Mr. COBURN. I move that the bill be laid on the table.

The motion to lay the bill on the table was not agreed to.

Mr. COBURN. Should not this bill have its first consideration in Committee of the Whole?

The SPEAKER *pro tempore*. The point is made too late.

The bill was ordered to be read a third time; and it was accordingly read the third time, and passed.

Mr. COTTON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

WASHINGTON AND GEORGETOWN RAILROAD COMPANY.

Mr. RICE, from the Committee on the District of Columbia, reported back, with a recommendation that it do pass, the bill (H. R. No. 3641) to amend an act entitled "An act incorporating the Washington and Georgetown Railroad Company," approved May 17, 1862.

Mr. PLATT, of Virginia. I move that the House take a recess until half past seven o'clock.

Mr. STORM. Pending that motion I move that the House do now adjourn.

The question being taken on the motion that the House adjourn, there were—ayes 60, noes 104.

So the motion was not agreed to.

WITHDRAWAL OF PAPERS.

By unanimous consent, leave was given to withdraw papers from the files in the House in the following cases:

By Mr. O'BRIEN: In the case of Benjamin Isaac and Thomas DeFord, of Baltimore.

By Mr. STORM: In the case of Charles Cosby, of Hardin County, Kentucky.

By Mr. BURCHARD: In the case of O. P. Burnside. No adverse report.

By Mr. MOREY: In the case of Charles Clinton, of New Orleans.

By Mr. CHIPMAN: In the case of Mary A. Holmead.

By Mr. CRITTENDEN: In the case of S. Highleyman.

By Mr. BLOUNT: In the case of A. C. Davenport.

By Mr. McFADDEN: In the case of Calvin N. Hale, assignee of Hale, Winson & Crosby.

The question being taken on the motion of Mr. PLATT, of Virginia, that the House take a recess, there were ayes 110, noes not counted.

So the motion was agreed to.

And accordingly (at five o'clock and twenty-two minutes p. m.) the House took a recess until half past seven o'clock.

EVENING SESSION.

The recess having expired, the House reassembled at half past seven o'clock p. m.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*, (Mr. WHEELER.) By order of the House under a suspension of the rules, the special assignment of business this evening is the consideration of reports from the Committee on Public Buildings and Grounds, to the exclusion of all other business.

Mr. RANDALL. In view of the fact that there is manifestly not a quorum present, I move that the House take a recess until eight o'clock.

Mr. LAWRENCE. O, no; let me make some reports from the Committee on War Claims.

The SPEAKER *pro tempore*. The order of the House excludes all business except reports from the Committee on Public Buildings and Grounds.

Mr. PLATT, of Virginia. I ask the gentleman from Pennsylvania to modify his motion so that the recess shall expire at ten minutes to eight o'clock.

Mr. RANDALL. I agree to that.

The motion, as modified, was agreed to.

The House accordingly (at seven o'clock and thirty-five minutes p. m.) took a recess until seven o'clock and fifty minutes p. m.

The recess having expired, the House reassembled at ten minutes to eight o'clock p. m.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate had passed without amendment the bill (H. R. No. 2359) to authorize and direct the Secretary of War to reserve from sale ten thousand suits of old disused Army uniform clothing, now in the Quartermaster's Department of the Army, and to transfer the same to the National Home for Disabled Volunteer Soldiers.

The message further announced that the Senate insisted upon its amendment to the bill (H. R. No. 3421) making appropriations for the payment of invalid and other pensions of the United States for the year ending June 30, 1875, disagreed to by the House of Representatives, agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. SARGENT, Mr. PRATT, and Mr. STOCKTON to be conferees on the part of the Senate.

The message further announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 2694) for the relief of Benjamin W. Reynolds.

COST OF PUBLIC BUILDINGS.

Mr. PLATT, of Virginia. I am instructed by the Committee on Public Buildings and Grounds to report back with the recommendation that it do pass the bill (H. R. No. 3589) to extend the limits as to cost of certain public buildings, and to remove certain restrictions in regard to the construction of the same, and for other purposes. I move the previous question on the engrossment and third reading of the bill.

The bill was read. It proposes for the purpose of securing the erection of suitable public buildings already authorized by law at the following-named places to extend the amounts authorized to be expended in the construction of the same as follows, and to remove all restrictions as regards the material of which they shall be composed: Philadelphia, Pennsylvania, $4,000,000; Cincinnati, Ohio, $3,500,000; Nashville, Tennessee, $400,000; Raleigh, North Carolina, $350,000; Atlanta, Georgia, $350,000; Evansville, Indiana, $300,000; Covington, Kentucky, $250,000; Fall River, Massachusetts, $200,000; Trenton, New Jersey, $350,000.

The second section provides that no sums in excess of the amounts named in the act shall be expended in the construction of the buildings therein named; and all acts and parts of acts inconsistent with the provisions of the act are thereby repealed.

The third section authorizes the Secretary of the Treasury to accept sites for public buildings which have been or may be tendered by the municipal authorities of the following-named cities and towns, if in his opinion the interest of the Government would be thereby promoted: Carson, Nevada; Greenville, South Carolina; Jefferson City, Missouri; Tallahassee, Florida; and he is directed to report to Congress at the beginning of its next session what action he has taken under the authority granted by the provisions of the act.

The fourth section directs the Secretary of the Treasury to report to Congress at the beginning of its next session whether the present needs of the Government require the erection of public buildings at any, and, if so, which, of the following-named places, and the estimated cost of the same, including the site, at each place at which the erection of a public building may be recommended: Auburn, New York; Brooklyn, New York; Syracuse, New York; Rochester, New York; Danville, Virginia; Fredericksburgh, Virginia; Lynchburgh, Virginia; Winchester, Virginia; Harrisonburgh, Virginia; Erie, Pennsylvania; Salem, Massachusetts; Charleston, West Virginia; Asheville, North Carolina; Wilmington, North Carolina; Beaufort, South Carolina; Greenville, South Carolina; Jacksonville, Florida; Key West, Florida; Tallahassee, Florida; Montgomeny, Alabama; Shreveport, Louisiana; Austin, Texas; Dallas, Texas; Galveston, Texas; Houston, Texas; Jefferson, Texas; Tyler, Texas; New Albany, Indiana; Quincy, Illinois; Council Bluffs, Iowa; Oxford, Mississippi; Bowling Green, Kentucky; Jefferson City, Missouri; Kansas City Missouri; Saint Joseph, Missouri; Leavenworth, Kansas; Topeka, Kansas; Du Luth, Minnesota; Red Wing, Minnesota; Green Bay, Wisconsin; La Crosse, Wisconsin; Milwaukee, Wisconsin; Oshkosh, Wisconsin; Carson, Nevada; San Francisco, California; Port Townsend, Washington Territory; Olympia, Washington Territory.

Mr. WILLARD, of Vermont. I suppose there is no intention of insisting on the previous question on this bill without any discussion or consideration of it.

Mr. PLATT, of Virginia. The time is so limited that I should feel compelled to insist on the previous question, and then I will allow the hour allotted to me after the previous question shall be sustained for discussion.

Mr. BURCHARD. But we may want to amend the bill.

Mr. STARKWEATHER. There must be some discussion on a bill of this character.

Mr. BURCHARD. And amendments must be offered.

Mr. PLATT, of Virginia. That is the very reason why I want the previous question seconded.

Mr. WILLARD, of Vermont. You cannot have the previous question seconded without discussion.

Mr. RANDALL. I wish to inquire what are the restrictions which are removed by this bill.

Mr. STARKWEATHER. All the safeguards in regard to the cost of buildings.

Mr. PLATT, of Virginia. I feel compelled to insist on the previous question.

The question was put on seconding the previous question; and on a division there were—ayes 61, noes 60; no quorum voting.

Tellers were ordered; and Mr. PLATT, of Virginia, and Mr. WILLARD, of Vermont, were appointed.

Mr. PLATT, of Virginia. In deference to the request of gentlemen who desire an opportunity to make some remarks upon this bill, I withdraw the call for the previous question, and will occupy a short time in explanation of the bill.

Mr. RANDALL. I suggest that we adopt the five-minute rule.

Mr. WILLARD, of Vermont. It is already adopted.

The SPEAKER *pro tempore*. It is already adopted; that is the order for the evening.

Mr. PLATT, of Virginia. Then I have five minutes in which to explain the bill.

The SPEAKER *pro tempore*. That is the order of the House.

Mr. PLATT, of Virginia. I wish to say that the bill provides first, for the extension of the limits previously fixed on the cost of buildings at the various places named, which are Philadelphia, Cincinnati, Nashville, Raleigh, North Carolina; Atlanta, Georgia; Evansville, Indiana; Covington, Kentucky; Fall River, Massachusetts; and Trenton, New Jersey. In five minutes I have not time to have read the letters of the Secretary of the Treasury in relation to these points named. I willl simply say that the committee are unanimous in the recommendations contained in the bill after a careful examination of the facts placed before them by gentlemen representing the districts in which the buildings are situated, and by the Supervising Architect of the Treasury and other officers connected with the Treasury Department.

The second section of the bill provides that in some instances where sites have been tendered to the Government of the United States for the purpose of erecting at some time public buildings there, the Secretary of the Treasury is authorized to examine the sites and the propositions made by the places proposing to give them to the United States free of cost, and if, in his judgment, the interests of the Government will warrant the acceptance of the sites as gifts to the United States, he has authority to so accept them in behalf of the Government.

The third section provides that he shall, between now and the next session of Congress, inquire in regard to the necessity for public buildings at various points where they have been asked for by the localities named, that he shall examine and report on the cost of such buildings, including the cost of sites, and whether in his opinion the interests of the Government demand that public buildings shall be erected at the points named, and he is to make that report at the next session of Congress. Those are all the provisions in the bill.

Mr. WILLARD, of Vermont. I would like to have the gentleman answer an inquiry or two. I desire to know how much the limit at Philadelphia is increased?

Mr. RANDALL. One million dollars.

Mr. CREAMER. One and a half million dollars.

Mr. PLATT, of Virginia. If the gentleman from New York is going to answer these questions I will take my seat.

Mr. WILLARD, of Vermont. The increase at Philadelphia is $1,000,000.

Mr. PLATT, of Virginia. The cost of the building and site was fixed at $3,000,000 by the original law. The site at Philadelphia cost a great deal more than was anticipated. One of the most magnificent blocks in that city, one of the most valuable squares, has been obtained, where the present custom-house is located, and the cost of that site, I believe, I am not quite certain in my recollection on that point, but any of the gentlemen from Philadelphia can correct me if I am wrong, was $1,500,000.

Mr. RANDALL. About that.

Mr. PLATT, of Virginia. The Government of the United States made a magnificent bargain when they purchased it at that price, and if they were to sell it to-day they would get a great deal more than they paid for it.

Mr. WILLARD, of Vermont. How about Cincinnati?

Mr. PLATT, of Virginia. At present the limit at Cincinnati is $2,500,000. Originally the cost of the building and site was limited to that amount. It is proposed by this bill to extend the limitation, so that the cost of the building and site shall not exceed $3,500,000.

Mr. WILLARD, of Vermont. That is an increase of $1,000,000 What is the increase at Nashville?

Mr. PLATT, of Virginia. One hundred and fifty thousand dollars.

Mr. WILLARD, of Vermont. What is the increase at Raleigh, North Carolina? Or I hope the gentleman will be kind enough to tell us, without my asking him in each case, the increase contemplated by this bill in each of these cases.

Mr. PLATT, of Virginia. I will endeavor to do so if I have time in my five minutes.

The SPEAKER *pro tempore*. The five minutes of the gentleman have expired.

Mr. WILLARD, of Vermont. I yield the gentleman my five minutes.

Mr. PLATT, of Virginia. For Philadelphia, Pennsylvania, the cost now authorized by law for the site and building is limited to $3,000,000; this bill extends it to $4,000,000. For Cincinnati the present limit is $2,500,000; this bill extends it to $3,500,000. For Nashville, Tennessee, the present limit is $150,000; this bill extends it to $400,000. For Raleigh, North Carolina—and gentlemen will notice that these places are all capitals of States or important points—for Raleigh, North Carolina, the present limit is $200,000, and this bill extends it to $350,000. For Covington, Kentucky, the limit is $100,000; this bill extends it to $250,000. For Fall River, Massachusetts, the site having been purchased, the amount avalable under the present law for the construction of the building is $67,000; this extends the whole amount for site and building to $200,000. For Trenton, New Jersey, the present limit is $250,000; this bill makes it $350,000.

Mr. WILLARD, of Vermont. How about Evansville, Indiana?

Mr. PLATT, of Virginia. The present limit is $200,000; this bill makes it $300,000.

Mr. WILLARD, of Vermont. And for Atlanta, Georgia?

Mr. PLATT, of Virginia. The present limit is $110,000; this bill makes it $350,000.

Mr. RANDALL. That is, the extension of this bill is $3,500,000 in all.

Mr. WILLARD, of Vermont. Has there been any authority yet given by law for the erection of public buildings at Carson, Nevada, Greenville, South Carolina, Jackson City, Missouri, or Tallahassee, Florida?

Mr. PLATT, of Virginia. We ask the Secretary of the Treasury to inquire whether there is any necessity for public buildings there.

Mr. WILLARD, of Vermont. No; you direct him to accept sites.

Mr. PLATT, of Virginia. I beg the gentleman's pardon. We direct him to examine the propositions to grant sites, and if in his judgment he deems it necessary for the interest of the Government he has authority to accept them. The bill authorizes the Secretary of the Treasury "to accept sites for public buildings which have been tendered by the municipal authorities of the following-named cities and towns, if in his opinion the interest of the Government would be thereby promoted."

Mr. WILLARD, of Vermont. Yes; to accept sites.

Mr. PLATT, of Virginia. These cities have tendered sites to the Government as a free gift. We say that where a town or city makes a free gift to the Government of a site, the proposition should be examined in order to ascertain if it would be for the interest of the Government to accept it.

Mr. WILLARD, of Vermont. And if the Government accepts the site, that of course commits us to put up a building on it.

Mr. PLATT, of Virginia. Not necessarily. But I suppose that unless the Secretary deems it proper to put up a public building there he would not accept the site. I now move to recommit the bill.

Mr. RANDALL. I move to amend the first section of the bill by striking out the words "and all restrictions as regards the material of which they shall be composed are removed."

The SPEAKER *pro tempore*. The gentleman from Virginia [Mr. PLATT] moves to recommit the bill, which excludes amendment.

Mr. WILLARD, of Vermont. I understood that the order of the House in this case was that these bills from the Committee on Public Buildings and Grounds should be considered in the House as in Committee of the Whole under the five-minute rule. Is the motion to recommit in order?

The SPEAKER *pro tempore*. It is; but it should be followed by a motion for the previous question. The Chair will state the position of the question. Before the gentleman from Virginia took his seat he made a motion to recommit the bill. Then the gentleman from Pennsylvania [Mr. RANDALL] rose and moved to amend. The motion to recommit takes precedence and shuts out all amendments.

Mr. PLATT, of Virginia. I suppose that debate can go on on the motion to recommit.

The SPEAKER *pro tempore*. It can under the five-minute rule.

Mr. RANDALL. The motion to recommit cuts off my amendment.

Mr. PLATT, of Virginia. My object is to permit the fullest debate upon the bill under the five-minute rule.

The SPEAKER *pro tempore*. With the motion to recommit pending the debate can only be five minutes for and five minutes against, or ten minutes in all.

Mr. PLATT, of Virginia. I must decline to admit any amendment.

Mr. RANDALL. I hope the House will vote down the motion to recommit.

The SPEAKER *pro tempore*. Does the gentleman from Pennsylvania [Mr. RANDALL] or any other gentleman desire to debate for five minutes the motion to recommit?

Mr. STARKWEATHER. I do.

Mr. G. F. HOAR. I rise to a parliamentary inquiry. I do not think that the House understands precisely the force of the motion to recommit. Suppose that motion be voted down, then under the previous order of the House will not any amendments be in order?

The SPEAKER *pro tempore*. They will be in order under the five-minute rule.

Mr. G. F. HOAR. No previous question will operate.

The SPEAKER *pro tempore*. The previous question will not operate until it is ordered by the House.

Mr. PLATT, of Virginia. Is debate exhausted on the motion to recommit?

The SPEAKER *pro tempore*. It is.

Mr. PLATT, of Virginia. Then I withdraw the motion, and demand the previous question on ordering the bill to be engrossed for the third reading.

Mr. STARKWEATHER. If we cannot have some discussion on this bill, I move to adjourn. I am not willing that we should appropriate $15,000,000 without some debate.

Mr. G. F. HOAR. I understand that this bill is being considered in the House as in Committee of the Whole, and under the rule operating in Committee of the Whole the previous question is not in order; as long as any member chooses to offer an amendment it must be entertained.

The SPEAKER *pro tempore*. The Chair understands that in considering this bill all the rules of the House apply except with regard to the limitation of debate, which is subject to the five-minute rule. Pending the demand for the previous question the gentleman from Connecticut [Mr. STARKWEATHER] moves that the House adjourn.

Mr. STARKWEATHER. If we cannot have a few minutes' discussion——

Several MEMBERS. Regular order!

Mr. STARKWEATHER. Then I insist on my motion to adjourn.

The question being put on the motion,

The SPEAKER *pro tempore* declared that the "noes" appeared to prevail.

Mr. STARKWEATHER called for tellers.

Tellers were ordered; and Mr. STARKWEATHER, and Mr. PLATT of Virginia, were appointed.

The House divided; and the tellers reported—ayes 32, noes 92.

Mr. LOUGHRIDGE called for the yeas and nays.

The yeas and nays were ordered, there being ayes 34, noes not counted.

Mr. PLATT, of Virginia. I desire to make a proposition which I think will be satisfactory. If it will meet the wishes of gentlemen who oppose this bill——

Several MEMBERS. Regular order!

The question was taken; and there were—yeas 29, nays 151, not voting 109; as follows:

YEAS—Messrs. Barrere, Burchard, Cannon, Stephen A. Cobb, Cox, Creamer, Fort, Foster, Frye, Hamilton, Magee, Merriam, Mills, Monroe, Packard, Hosea W. Parker, Phelps, Randall, James C. Robinson, A. Herr Smith, John Q. Smith, Southard, Starkweather, Storm, Waldron, Wheeler, Wilber, Charles W. Willard, and Charles G. Williams—29.

NAYS—Messrs. Albert, Albright, Archer, Arthur, Ashe, Atkins, Banning, Barber, Beck, Begole, Bell, Berry, Biery, Bland, Blount, Bowen, Bradley, Bromberg, Brown, Buckner, Buffinton, Bundy, Burleigh, Burrows, Roderick R. Butler, Caldwell, Cessna, Amos Clark, jr., John B. Clark, jr., Clements, Clymer, Comingo, Conger, Cook, Corwin, Cotton, Crittenden, Crooke, Crossland, Crounse, Curtis, Danford, Dobbins, Donnan, Duell, Dunnell, Durham, Eames, Field, Garfield, Giddings, Glover, Gooch, Gunckel, Hagans, Hancock, Harmer, Benjamin W. Harris, Henry R. Harris, John T. Harris, Harrison, Hatcher, Hathorn, Havens, Joseph R. Hawley, John W. Hazelton, Hereford, E. Rockwood Hoar, George F. Hoar, Hodges, Hoskins, Hunton, Hyde, Kasson, Kellogg, Knapp, Lawrence, Lawson, Lowe, Lowndes, Luttrell, Martin, Alexander S. McDill, James W. McDill, MacDougall, Milliken, Moore, Morey, Morrison, Neal, Negley, Niblack, Nunn, O'Brien, O'Neill, Packer, Isaac C. Parker, Parsons, Pendleton, Perry, Pierce, James H. Platt, jr., Thomas C. Platt, Rapier, Ray, Rice, Richmond, Robbins, Rusk, Sawyer, Henry B. Sayler, Milton Sayler, Scofield, Henry J. Scudder, Isaac W. Scudder, Sener, Sessions, Shanks, Sherwood, Lazarus D. Shoemaker, Sloan, Small, Sprague, Stanard, Standiford, Stone, Strait, Strawbridge, Swann, Christopher Y. Thomas, Thornburgh, Todd, Townsend, Tyner, Vance, Wallace, Walls, Jasper D. Ward, Marcus L. Ward, Wells, Whitehead, Whitthorne, George Willard, John M. S. Williams, William Williams, William B. Williams, James Wilson, Wolfe, Woodford, Woodworth, and John D. Young—151.

NOT VOTING—Messrs. Adams, Averill, Barnum, Barry, Bass, Bright, Benjamin F. Butler, Cain, Cason, Freeman Clarke, Clayton, Clinton L. Cobb, Coburn, Crocker, Crutchfield, Darrall, Davis, Dawes, DeWitt, Eden, Eldredge, Elliott, Farwell, Freeman, Eugene Hale, Robert S. Hale, John B. Hawley, Hays, Gerry W. Hazelton, Hendee, Herndon, Hersey, Holman, Hooper, Houghton, Howe, Hubbell, Hunter, Hurlbut, Hynes, Jewett, Kelley, Kendall, Killinger, Lamar, Lamison, Lamport, Lansing, Leach, Lewis, Lofland, Loughridge, Lynch, Marshall, Maynard, McCrary, McJunkin, McKee, McLean, McNulta, Mitchell, Myers, Nesmith, Niles, Orr, Orth, Page, Pelham, Phillips, Pike, Poland, Potter, Pratt, Purman, Rainey, Ransier, Read, Ellis H. Roberts, William R. Roberts, James W. Robinson, Ross, John G. Schumaker, Sheats, Sheldon, Sloss, Smart, George L. Smith, H. Boardman Smith, J. Ambler Smith, William A. Smith, Snyder, Speer, Stephens, St. John, Stowell, Sypher, Taylor, Charles R. Thomas, Tremain, Waddell, White, Whitehouse, Whiteley, Willie, Wilshire, Ephraim K. Wilson, Jeremiah M. Wilson, Wood, and Pierce M. B. Young—109.

So the motion to adjourn was not agreed to.

During the roll-call, the following announcements were made:

Mr. GIDDINGS. My colleague, Mr. WILLIE, is detained from the House by sickness in his family.

Mr. DONNAN. My colleague, Mr. MCCRARY, is absent to-night in attendance on a conference committee.

Mr. MERRIAM. My colleague, Mr. ELLIS H. ROBERTS, is absent upon a conference committee.

Mr. O'BRIEN. The gentleman from Pennsylvania, Mr. SPEER, is unable to attend the session to-night on account of overwork to-day in fighting the Choctaw Indian claim. I believe that if present he would vote for the adjournment.

The result of the vote was announced as above stated.

The SPEAKER *pro tempore*. The question now recurs upon the demand of the gentleman from Virginia [Mr. PLATT] for the previous question.

Mr. PLATT, of Virginia. Before that question is taken I ask unanimous consent to have the following amendment considered as pending——

Mr. FORT. No; we do not consent to that.

The SPEAKER *pro tempore*. Objection is made.

Mr. GARFIELD. I ask the gentleman from Virginia to allow some debate on this bill.

Mr. PLATT, of Virginia. I will allow all the debate that gentlemen desire.

Mr. GARFIELD. Then withdraw the demand for the previous question.

Several MEMBERS. We want to offer amendments.

Mr. PLATT, of Virginia. I think I have here all the amendments that gentlemen have indicated a desire to offer.

Mr. WILLARD, of Vermont. There are a great many amendments that have not been submitted to the gentleman.

Mr. PLATT, of Virginia. I insist on my motion.

Mr. WILLARD, of Vermont. I move to lay the bill on the table.

The SPEAKER *pro tempore*. The Chair does not understand the motion of the gentleman from Virginia. He will state it again.

Mr. PLATT, of Virginia. I ask unanimous consent——

The SPEAKER *pro tempore*. Objection is made.

Mr. PLATT, of Virginia. Then I withdraw the demand for the previous question and substitute a motion that the rules be suspended and the bill be passed with the following amendments:

In line 6, after the word "extended," insert "to the amounts named respectively."

Strike out in lines 6, 7, and 8 these words: "and all restrictions as regards the material of which they shall be composed are removed."

The last amendment which I include in my motion is that of the gentleman from Massachusetts, [Mr. G. F. HOAR,] to add at the end of the third section the following:

Provided, That upon such acceptance notice shall be given to the grantors of such sites that the United States are in nowise pledged to erect such buildings unless Congress shall hereafter think fit; and acknowledgment of such notice shall be contained in the deeds thereof.

Mr. CONGER. I ask the gentleman from Virginia to yield to me to offer an amendment.

Mr. PLATT, of Virginia. I will yield to hear the amendment read.

Mr. CONGER. I hope the gentleman will yield to an amendment to insert on the third page, in line 9, provision for a building at Montpelier, Vermont.

Mr. PLATT, of Virginia. I decline to yield to that amendment.

Mr. WILLARD, of Vermont. I hope the gentleman will yield also for an amendment for a building at Port Huron.

Mr. RANDALL. I hope the gentleman will agree to allow the third section to be amended so as to exclude buildings for all towns where there are not held sessions of United States courts.

Mr. PLATT, of Virginia. There is no town there where there is not held sessions of the United States courts.

Mr. RANDALL. I think the gentleman is mistaken.

Mr. PLATT, of Virginia. I decline to yield to any further amendment, and now call for a vote on the motion to suspend the rules and pass the bill with the amendments I have stated.

Mr. PARKER, of New Hampshire. I move the bill be laid on the table.

The SPEAKER *pro tempore*. That motion cannot be entertained. There is only one motion which can be entertained pending a motion to suspend the rules, and that is the House adjourn.

Mr. MERRIAM. I move the House do now adjourn, and on that motion I demand tellers.

Tellers were ordered; and Mr. MERRIAM, and Mr. PLATT of Virginia, were appointed.

Mr. COX. At what stage will it be in order for my friend from New Hampshire to move to lay the bill on the table?

The SPEAKER *pro tempore*. If the motion to suspend the rules is lost, then the motion to lay on the table will be in order.

The House divided on the motion to adjourn; and the tellers reported—ayes 59, noes 73.

Mr. LOUGHRIDGE demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 68, nays 121, not voting 100; as follows:

YEAS—Messrs. Barber, Barrere, Bland, Burchard, Burleigh, Burrows, Cannon, Cason, Amos Clark, jr., Clements, Clymer, Stephen A. Cobb, Cotton, Cox, Creamer, Crossland, Curtis, Danford, Davis, Donnan, Duell, Eames, Fort, Foster, Frye, Giddings, Gunckel, Hamilton, Hathorn, Hoskins, Kasson, Kellogg, Lawson, Loughridge, Lowe, Magee, Martin, McJunkin, Merriam, Mills, Monroe, O'Brien, Hosea W. Parker, Pendleton, Phelps, Phillips, Randall, James C. Robinson, James W. Robinson, Ross, Scofield, Henry J. Scudder, Shanks, Lazarus D. Shoemaker, Small, J. Ambler Smith, John Q. Smith, Southard, Starkweather, Storm, Tyner Waldron, Marcus L. Ward, Wilber, Charles W. Willard, Charles G. Williams, James Wilson, and Woodworth—68.

NAYS—Messrs. Adams, Albert, Albright, Archer, Arthur, Ashe, Atkins, Banning, Beck, Begole, Bell, Berry, Biery, Blount, Bowen, Bradley, Bromberg, Brown, Buckner, Buffinton, Bundy, Roderick R. Butler, Cessna, John B. Clark, jr., Comingo, Conger, Cook, Corwin, Crittenden, Crooke, Crounse, Dobbins, Dunnell, Durham, Field, Glover, Gooch, Hagans, Hancock, Harmer, Benjamin W. Harris, Henry R. Harris, John T. Harris, Harrison, Hatcher, Havens, Joseph R. Hawley, John W. Hazelton, Hereford, E. Rockwood Hoar, George F. Hoar, Hunton, Hyde, Kendall, Killinger, Knapp, Lawrence Lewis, Lowndes, Luttrell, Alexander S. McDill, James W. McDill, MacDougall, Milliken, Moore, Morrison, Neal, Niblack, Niles, Nunn, O'Neill, Packard, Isaac C. Parker, Parsons, Perry, James H. Platt, jr., Thomas C. Platt, Rapier, Ray, Rice, Robbins, Rusk, Sawyer, Henry B. Sayler, Milton Sayler, John G. Schumaker, Isaac W. Scudder, Sener, Sessions, Sherwood, Sloan, Slosse A. Herr Smith, H. Boardman Smith, Snyder, Sprague, Stanard, Standiford, Stone, Strait, Strawbridge, Swann, Christopher Y. Thomas, Thornburgh, Todd, Townsend, Wallace, Walls, Jasper D. Ward, Wells, Whitehead, Whiteley, Whitthorne, George Willard, John M. S. Williams, William Williams, William B. Williams, Wilshire, Wolfe, Woodford, and John D. Young—121.

NOT VOTING—Messrs. Averill, Barnum, Barry, Bass, Bright, Benjamin F. Butler, Cain, Caldwell, Freeman Clarke, Clayton, Clinton L. Cobb, Coburn, Crocker, Crutchfield, Darrall, Dawes, DeWitt, Eden, Eldredge, Elliott, Farwell, Freeman, Garfield, Eugene Hale, Robert S. Hale, John B. Hawley, Hays, Gerry W. Hazelton, Hendee, Herndon, Hersey, Hodges, Holman, Hooper, Houghton, Howe, Hubbell, Hunter, Hurlbut, Hynes, Jewett, Kelley, Lamar, Lamison, Lamport, Lansing, Leach, Lofland, Lynch, Marshall, Maynard, McCrary, McKee, McLean, McNulta, Mitchell, Morey, Myers, Negley, Nesmith, Orr, Orth, Packer, Page, Pelham, Pierce, Pike, Poland, Potter, Pratt, Purman, Rainey, Ransier, Read, Richmond, Ellis H. Roberts, William R. Roberts, Sheats, Sheldon, Smart, George L. Smith, William A. Smith, Speer, Stephens, St. John, Stowell, Sypher, Taylor, Charles R. Thomas, Tremain, Vance, Waddell, Wheeler, White, Whitehouse, Willie, Ephraim K. Wilson, Jeremiah M. Wilson, Wood, and Pierce M. B. Young—100.

So the House refused to adjourn.

Mr. LOUGHRIDGE. I hope the gentleman will yield to me to have an amendment read.

Mr. PLATT, of Virginia. I decline to yield to anybody until I make my statement. I do not wish to antagonize gentlemen who wish to be heard on this bill, and for the purpose of preventing further dilatory motions I will withdraw the motion to suspend the rules, and now ask that the bill be taken up by sections for consideration.

Mr. BURCHARD. I move to lay the bill upon the table, and on that motion demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 103, nays 77, not voting 104; as follows:

YEAS—Messrs. Albert, Albright, Archer, Barber, Barrere, Begole, Biery, Bradley, Bromberg, Brown, Buckner, Bundy, Burchard, Burleigh, Burrows, Caldwell, Cannon, Cason, Cessna, Amos Clark, jr., Clements, Clymer, Stephen A. Cobb, Conger, Corwin, Cotton, Cox, Creamer, Crossland, Danford, Donnan, Dunnell, Eames, Field, Fort, Foster, Frye, Garfield, Giddings, Gooch, Gunckel, Eugene Hale, Benjamin W. Harris, Hatcher, Hathorn, Havens, Joseph R. Hawley, John W. Hazelton, E. Rockwood Hoar, George F. Hoar, Hoskins, Hyde, Jewett, Kasson, Kellogg, Killinger, Lawrence, Lawson, Loughridge, Lowe, Magee, Martin, Merriam, Mills, Monroe, Morrison, Neal, Niles, Packard, Hosea W. Parker, Pendleton, Phillips, Thomas C. Platt, Randall, Ray, James C. Robinson, James W. Robinson, Ross, Henry B. Sayler, Scofield, Henry J. Scudder, Shanks, Sherwood, Lazarus D. Shoemaker, Sloss, Small, A. Herr Smith, George L. Smith, H. Boardman Smith, J. Ambler Smith, John Q. Smith, Stanard, Starkweather, Storm, Townsend, Tyner, Waldron, Jasper D. Ward, Marcus L. Ward, Wheeler, Wilber, Charles W. Willard, George Willard, Charles G. Williams, William Williams, William B. Williams, James Wilson, Wolfe, and Woodworth—109.

NAYS—Messrs. Adams, Arthur, Ashe, Atkins, Banning, Beck, Bell, Berry, Bland, Blount, Bowen, Buffinton, John B. Clark, jr., Comingo, Cook, Crittenden, Crooke, Crounse, Curtis, Duell, Durham, Glover, Hagans, Hamilton, Hancock, Henry R. Harris, John T. Harris, Harrison, Hereford, Hodges, Hunton, Kendall, Knapp, Lewis, Lowndes, James W. McDill, MacDougall, McKee, Milliken, Moore, Negley, Niblack, O'Neill, Packer, Isaac C. Parker, Parsons, Perry, Pierce, James H. Platt, jr., Rapier, Rice, Robbins, Rusk, Sawyer, Milton Sayler, John G. Schumaker, Isaac W. Scudder, Sener, Sloan, Snyder, Standiford, Stone, Strait, Strawbridge, Swann, Christopher Y. Thomas, Thornburgh, Todd, Wallace, Wells, White, Whitehead, Whiteley, Whitthorne, John M. S. Williams, Wilshire, Woodford, and John D. Young—78.

NOT VOTING—Messrs. Averill, Barnum, Barry, Bass, Bright, Benjamin F. Butler, Roderick R. Butler, Cain, Freeman Clarke, Clayton, Clinton L. Cobb, Coburn, Crocker, Crutchfield, Darrall, Davis, Dawes, DeWitt, Dobbins, Eden, Eldredge, Elliott, Farwell, Freeman, Robert S. Hale, Harmer, John B. Hawley, Hays, Gerry W. Hazelton, Hendee, Herndon, Hersey, Holman, Hooper, Houghton, Howe, Hubbell, Hunter, Hurlbut, Hynes, Kelley, Lamar, Lamison, Lamport, Lansing, Leach, Lofland, Luttrell, Lynch, Marshall, Maynard, McCrary, Alexander S. McDill, McJunkin, McLean, McNulta, Mitchell, Morey, Myers, Nesmith, Nunn, O'Brien, Orr, Orth, Page, Pelham, Phelps, Pike, Poland, Potter, Pratt, Purman, Rainey, Ransier, Read, Richmond, Ellis H. Roberts, William R. Roberts, Sessions, Sheats, Sheldon, Smart, William A. Smith, Southard, Speer, Sprague, Stephens, St. John, Stowell, Sypher, Taylor, Charles R. Thomas, Tremain, Vance, Waddell, Walls, Whitehouse, Willie, Ephraim K. Wilson, Jeremiah M. Wilson, Wood, and Pierce M. B. Young—102.

So the motion to lay the bill on the table was agreed to.

During the roll-call, the following announcements were made:

Mr. ROBBINS. My colleague, Mr. VANCE, is detained from the House by sickness.

Mr. LAWSON. My colleague Mr. TREMAIN, is detained by sickness.

The result of the vote was then announced as above recorded.

Mr. BURCHARD moved to reconsider the vote by which the bill was laid on the table; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

FIRE-ALARM TELEGRAPH.

Mr. PLATT, of Virginia. I yield to my colleague on the committee, the gentleman from New York, [Mr. SESSIONS.]

Mr. SESSIONS. I move that the rules be suspended and that the Committee of the Whole be discharged from the further consideration of the bill (H. R. No. 3532) to aid in the construction of a fire-alarm telegraph in the District of Columbia, and that the same be passed.

Mr. PARKER, of New Hampshire. I move that the House do now adjourn.

The question being taken on the motion to adjourn, there were—ayes 105, noes 35.

Mr. PLATT, of Virginia, called for the yeas and nays.

On the question of ordering the yeas and nays there were ayes 20, not a sufficient number.

Mr. PLATT, of Virginia, called for tellers on the yeas and nays.

Tellers were not ordered.

So the yeas and nays were refused, and the motion to adjourn was agreed to.

And accordingly (at nine o'clock and forty-five minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. CANNON, of Illinois: The petition of citizens of Macon County, Illinois, for the passage of the bill to aid in the construction of the Continental Freight Railway, to the Committee on Railways and Canals.

By Mr. CROUNSE: The petition of citizens of Nebraska, of similar import, to the same committee.

By Mr. FORT: The petition of citizens of Iroquois County, Illinois, of similar import, to the same committee.

By Mr. GUNCKEL: The petition of W. T. Alexander, of Dayton, Ohio, for compensation for property destroyed by rebels during the late war, to the Committee on War Claims.

By Mr. HURLBUT: The petition of citizens of Illinois, for the passage of the bill to aid in the construction of the Continental Freight Railway, to the Committee on Railways and Canals.

By Mr. LOUGHRIDGE: The petition of citizens of Richland County, Iowa, of similar import, to the same committee.

By Mr. LUTTRELL: Papers relating to the claim of David T. Tryon, to the Committee on Claims.

Also, paper relating to the claim of A. B. Gilbert, to the Committee on Claims.

By Mr. O'BRIEN: The petition of workingmen of Baltimore, for the restoration of the 10 per cent. reduction of duty on iron and steel, to the Committee on Ways and Means.

By Mr. ORR: The petition of citizens of Iowa, for a post-route from Sioux Rapids to Emmittsburgh, Iowa, to the Committee on the Post-Office and Post-Roads.

Also, the petition of citizens of Iowa, for a double-track railroad from the Missouri River to tide-water, to the Committee on Railways and Canals.

Also, the petition of citizens of O'Brien, O'Brien County, Iowa, for the passage of the bill to aid in the construction of the Continental Freight Railway, to the Committee on Railways and Canals.

By Mr. READ: Additional papers relating to the claim of Sarah P. Cally, for a pension, to the Committee on Revolutionary Pensions and War of 1812.

By Mr. RICHMOND: The petition of Catharine Hepinger, of Clarion County, Pennsylvania, for arrears of pension, to the Committee on Invalid Pensions.

By Mr. SAYLER, of Ohio: The petition of Cornelia M. Arthur, of Cincinnati, Ohio, for increase of pension, to the Committee on Invalid Pensions.

By Mr. STONE: The petition of the Lyon Monument Association, of Saint Louis, Missouri, for authority to sell the land appropriated for the site of the Lyon monument, and appropriate the proceeds of the sale to the erection of the monument on a better site, to the Committee on Public Buildings and Grounds.

By Mr. SWANN: A communication of Innes Randolph, in relation to a copy of a marble bust of William Pinkney for the Capitol, to the Committee on the Library.

By Mr. WOLFE: The petiton of citizens of Indiana, for the passage of the bill to aid in the construction of the Continental Freight Railway, to the Committee on Railways and Canals.

IN SENATE.

TUESDAY, *June* 16, 1874.

The Senate met at eleven o'clock a. m.

On motion of Mr. SARGENT, and by unanimous consent, the reading of the Journal of yesterday's proceedings was dispensed with.

DUPLICATE AGRICULTURAL LAND SCRIP.

Mr. SPRAGUE. I ask that bills from the Committee on Public Lands be now considered, in accordance with the notice I gave yesterday. I move that the Senate proceed to the consideration of House bill No. 3090.

Mr. SARGENT. Will that be subject to morning business?

Mr. SPRAGUE. It will not take long.

By unanimous consent, the bill (H. R. No. 3090) to authorize the issue of duplicate agricultural land scrip where the original has been lost or destroyed was considered as in Committee of the Whole. It extends the provisions of the act of Congress of the 23d of June, 1860, relating to the reissue of land warrants in certain cases, so as to include the reissue of agricultural college land scrip lost, canceled, or destroyed without the fault of the owner thereof, under such rules and regulations as the Secretary of the Interior may prescribe.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

THOMAS RIDGWAY.

Mr. SPRAGUE. I now move to take up House bill 1691.

The motion was agreed to, and the bill (H. R. No. 1691) for the relief of Thomas Ridgway was considered as in Committee of the Whole. It confirms the title of Thomas Ridgway, late of Linn County, Missouri, to the northeast quarter of section 29, in township 58, in range 19 north, in that county.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

HOMESTEAD ENTRIES.

Mr. SCHURZ. As I am ill and desire to leave the Chamber soon I wish, with the consent of the Senator from Rhode Island, to call up a bill from the Committee on Public Lands. The other day we considered House bill No. 3354, to which the Senator from Vermont [Mr. EDMUNDS] offered an amendment, and I would say that I have agreed with him upon an amendment, so that no further discussion will be necessary.

There being no objection, the consideration of the bill (H. R. No. 3354) to legalize entries of public lands under the homestead laws in certain cases was resumed as in Committee of the Whole.

Mr. SCHURZ. There was an amendment pending offered by the Senator from Vermont, and he and I had agreed upon a modification of it, as follows:

Insert at the end of the bill:

Provided, That nothing in this act shall have the effect or be construed to impair the valid and paramount adverse rights of any person or corporation to any of such lands, except in so far as the right of Congress to protect the claims or rights of homestead settlers upon land within the limits of grants of lands to any railroad company may have been reserved in the acts making such grants and be now lawfully existing.

The amendment was agreed to.

Mr. SCHURZ. There is another amendment which was suggested by the Senator from New York, [Mr. CONKLING,] which I accepted also. It is to insert in line 3, after the word "lands," the word "heretofore."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

ISLAND IN SAGINAW RIVER.

Mr. SPRAGUE. I move to take up House bill No. 2539.

The motion was agreed to; and the bill (H. R. No. 2539) relinquishing the rights of the United States in certain lands in the State of Michigan was considered as in Committee of the Whole.

By the bill, all rights and title of the United States to the middle ground or island in the Saginaw River, lying within the prescribed limits of fractional section 5, in township 13 north, of range 5 east, and sections 29 and 32, in township 14 north, of range 5 east, in the State of Michigan, are relinquished to the riparian owners respectively of the lands on the shores of the river in front of or opposite to that island. The act is not to be construed or held to imply a claim of title on the part of the United States to the middle ground, but only as a relinquishment of any apparent right therein to the persons respectively to whom the lands on the shores were patented, their heirs and assigns.

The Committee on Public Lands proposed to amend the bill by inserting after the word "island," in line 10, the words "saving and reserving to all persons or parties other than the United States any legal rights acquired therein."

Mr. THURMAN. Is there a report in that case?

Mr. SPRAGUE. There is a letter from the Commissioner of the General Land Office explaining the whole subject.

Mr. THURMAN. I should like to have some explanation of what this bill means.

Mr. SPRAGUE. The letter is more concise than I could explain it.

The Chief Clerk read the following letter:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., February 20, 1874.

SIR: I have the honor to return herewith the papers filedby you 7th instant respecting what is known as the "middle ground" in Saginaw River, Michigan, together with a copy of a letter to this office, dated 6th ultimo, from P. C. Andre, esq., of Saginaw.

This middle ground appears to have been, at the date of the public surveys, a part of the bed of the river, covered by its waters. No public survey of it was attempted, and no island is reported in the stream at this point.

In March, 1856, a survey was made upon the ice by the county surveyor, who certifies that no survey could be accomplished in any other manner, the grounds being so constantly under water as to render it impracticable to make the attempt.

This survey was filed in this office, but was not considered as entitled to approval as a survey of public lands, and was not so approved.

Congress, however, on the 15th July, 1870, evidently without an examination of the questions involved, passed joint resolution No. 140, directing the issue of patent to Stephen Marston for a portion of said grounds, described by metes and bounds, upon payment by him of the sum of $100.

The Commissioner, my predecessor in office, for the purpose of carrying the law into effect, onthe 10th August, 1870, indorsed on the said plat of survey his qualified

approval, as *ex officio* surveyor-general of Michigan, and subsequently issued the patent accordingly.

Understanding that you wish my opinion upon the question of the power of Congress to dispose of this ground as public land, I have examined the facts as above recited, and would state that I do not regard it as in any sense public land the property of the United States, but consider it properly within the jurisdiction of the State of Michigan, and subject to her laws

The rights of the owners of the shore having been also called to my attention, I will give you a few authorities, decisions of the Federal courts, which seem to have direct application to this case, and will indicate the United States law upon both points.

Rivers are deemed navigable waters of the United States when they are used or are suitable of being used, in their ordinary condition, as highways for commerce, between the States. (The Daniel Ball, 10 Wallace, 557; The Montello, 11 Wallace, 411.)

Under the acts of Congress relating to the survey and sale of public lands bordering on rivers, the right of a grantee of lands bordering on a navigable river stops at the stream, and does not extend to the *medium filum*. But such riparian proprietors have the same rights to construct suitable landings and wharves for the convenience of commerce and navigation as riparian owners on navigable waters affected by the ebb and flow of the tide. (Railroad Company *vs.* Schurmeir, 7 Wallace 272.)

The owner of land bounded by a navigable river (whether his title extend to the middle of the stream or not) has a right of free access thereto, and of erecting a landing, wharf, or pier for his own use or that of the public. These rights are to be enjoyed subject to such general rules as the Legislature may prescribe for the protection of the public rights; they cannot be taken for public use except due compensation be made. (Yates *vs.* Milwaukee, 10 Wallace, 497.)

At the Revolution the people of each State, in their sovereign character, acquired the absolute right to all navigable waters and the soil under them. (Martin *vs.* Waddell, 16 Peters, 307; Russell *vs.* Jersey Company, 15 Howard, 426.)

The shores of navigable rivers and the soil under them were not granted by the Constitution to the United States, but were reserved to the States respectively; and new States have the same rights, sovereignty, and jurisdiction over this subject as the original ones. (Pollard *vs.* Hagan, 3 Howard, 212; Pollard *vs.* Kibbe, 9 Howard, 471; Hallet *vs.* Beebe, 13 Howard, 25; Withers *vs.* Buckley, 20 Howard, 84.)

The foregoing will be sufficient to show that, if this ground was of the bed of the stream on the admission of the State, she has sovereignty over it, and the laws for the disposal of the public domain can have no application to it subsequently.

Very respectfully,

WILLIS DRUMMOND,
Commissioner.

Hon. HIESTER CLYMER,
House of Representatives.

The amendment was agreed to.

The next amendment was to add to the bill the following:

And provided further, That nothing contained in this act shall be construed to affect in any manner the rights of Stephen Marston, one of the proprietors and occupants of said middle ground.

Mr. THURMAN. I only ask the chairman of the committee what is the necessity for any such act as this? If the riparian proprietors have the right to that land, if it is vested in them already, if it is not public land of the United States at all, as the letter would seem to indicate, what is the necessity of passing any bill like that before us?

Mr. SPRAGUE. I would observe to the Senator that this is land that has grown up in the last eight or ten years, a deposit at the mouth of the Saginaw River. It has been occupied by the owners adjacent to the banks of the river, each party dividing the island between them, upon which they have erected saw-mills. The object of this bill is to alienate any right that the United States may have in it with a view of preventing others hereafter from finding that by some decision of the courts the title may not rest in the riparian owners. It is simply to quiet title. The land is of no value to the United States, but of very great importance to the people who are erecting buildings and doing business there.

Mr. THURMAN. I understand that this is accretion. Ever since the decision in the case from the city of Mobile, it has been held that accretions belong to the riparian proprietors.

Mr. SPRAGUE. So the cases cited in the letter say.

Mr. THURMAN. Therefore I cannot imagine that it is necessary to pass an act of Congress to reaffirm what has been held by every court that ever pronounced a decision on the question.

Mr. SPRAGUE. I do not know that it is essential to pass a bill; but it is to quiet the title. In reporting the bill the committee took care to guard all rights that may be involved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

APPROPRIATIONS FOR PUBLIC BUILDINGS.

Mr. WEST. I rise to morning business.

Mr. MORRILL, of Vermont. I hope the Senator from Louisiana will allow me to pass a public bill that interests a dozen different States.

Mr. WEST. I will wait a moment.

Mr. MORRILL, of Vermont. I move to take up House bill No. 2653. This is a public bill and not one of a private nature.

Mr. SPRAGUE. I move that all prior orders be dispensed with for the purpose of considering House bill No. 1760.

The PRESIDENT *pro tempore*. The Senator from Louisiana rises with morning business, which is in the nature of an objection to the bills of the Senator from Rhode Island who gave the Senator from Louisiana the floor.

Mr. WEST. I withdraw the request.

The PRESIDENT *pro tempore*. The Senator then yielded to the Senator from Vermont, who made a motion. The Chair will submit to the Senate the question on the motion of the Senator from Vermont.

Mr. MORRILL, of Vermont. This is a bill in relation to public buildings in at least a dozen or fifteen different States—Ohio, Indiana, Kentucky, Nebraska, New York, New Jersey, and so on. It has passed the House and it ought to pass the Senate. I am not interested in it in the least; but it is a matter of a public nature, and I hope it will be allowed to pass.

The PRESIDENT *pro tempore*. The bill referred to by the Senator from Vermont might be passed in three minutes, the Chair thinks, if the Senator from Rhode Island would give way.

Mr. MORRILL, of Vermont. Although the Committee on Public Buildings and Grounds have a half-dozen measures that they desire acted on after this, this is the only bill I desire to press now.

Mr. SPRAGUE. I desire to read to the Senate the bill I propose to consider. It is a bill to secure homesteads——

The PRESIDENT *pro tempore*. The Chair thinks that is out of order. The Chair will hear the Senator in regard to taking up the bill offered by the Senator from Vermont; but the merits of another bill are not a subject of discussion. The question is on the motion of the Senator from Vermont.

The motion was agreed to; and the bill (H. R. No. 2653) to authorize the Secretary of the Treasury to suspend work upon the public buildings was considered as in Committee of the Whole.

The first section authorizes the Secretary of the Treasury to defer operations on any public buildings that are authorized by existing laws but not actually commenced, or to proceed with the same as may in his opinion be for the best interests of the public service. All moneys heretofore appropriated for the construction of public buildings and now remaining to the credit of the same on the books of the Treasury Department, or which may hereafter be appropriated for such buildings, are to remain available until the completion of the work for which they are, or may be, appropriated; and upon the final completion of each or any of the buildings, and the payment of all outstanding liabilities therefor, the balance or balances remaining are to be immediately covered into the Treasury.

Section 2 provides that in the selection of a site for any public building not yet commenced, reference shall be had to the interest and convenience of the public, as well as to the best interests of the Government; and it is to be the duty of the Secretary of the Treasury to set aside any selection which, in his opinion, has not been made solely with reference thereto. No expenditure is to be made upon any building, a site for which has been selected, and work upon which has not been commenced, until such of the persons who acted as commissioners in selecting the site shall make and file with the Secretary of the Treasury an oath or affirmation that he is not at the time of making the affidavit, and was not at the date of making the selection of the site, directly or indirectly interested in the property selected for the same; and a similar affidavit shall be made and filed by each and every person hereafter appointed as such commissioner before any site shall be finally adopted. In either case a failure on the part of any commissioner to make and file such an affidavit shall render the selection void.

Mr. SHERMAN. There are several provisions in that bill which I should like to have considered. Does it continue in the Treasury for all time to come appropriations made but not expended for public buildings?

Mr. MORRILL, of Vermont. It authorizes the Secretary of the Treasury to suspend such as in his judgment it is most expedient to suspend for the present year; but all appropriations for about a dozen or fifteen public buildings made last year and the year before will expire on the 30th of June, and all this ground that has been passed over for the past year or two will have to be gone over again. The bill merely continues them until the buildings for which the money has been appropriated shall be constructed. For instance, there is one at Dover, Delaware, for which an appropriation of $40,000 was made. The appropriation will lapse on the 30th of June, and the amount is absolutely limited, it cannot be exceeded. The bill proposes to continue the appropriations in existence until these buildings are completed.

Mr. SHERMAN. The bill ought to be amended so that the appropriations may be continued for one fiscal year.

Mr. MORRILL, of Vermont. I hope there will be no amendment. There is an amendment that I should like to have put in myself; but at this late period of the session it is deemed impossible by the Committee on Public Buildings and Grounds to get anything passed in the House on this subject unless this bill passes. I should be very glad to include one or two other amendments that have been recommended by the Committee on Public Buildings and Grounds, but we have thought it most expedient to withhold them from the bill and let it pass as it came from the House of Representatives.

Mr. SHERMAN. I certainly cannot allow this bill to pass without a vote of the Senate on that question. We have decided by repeated votes that we will make our appropriations for specific purposes and for specific times. This bill proposes to continue indefinitely, it may be for twenty years, an appropriation now made for public buildings, and leaves it entirely discretionary with the Secretary of the Treasury. Under the peculiar circumstances by which we are surrounded, as some appropriations were made for public buildings that have not been commenced this year, I could see a reason for continuing those

appropriations for the next fiscal year. There is sufficient interest in this bill in the House to induce them to accept an amendment to allow the appropriation made for the last fiscal year to be continued for the next fiscal year. Beyond that I do not think we ought to go. The Senator from Vermont himself was as anxious to limit these indefinite appropriations as anybody else; and he ought not now, I think, to be willing to go back on that proposition merely because he desires to pass this bill.

Mr. MORRILL, of Vermont. It is known to all Senators that the appropriations for public buildings for the past year have been entirely suspended—not a dollar has been expended. Therefore the time has been lost; and in every one of these instances where we propose to continue the appropriations alive the amount is absolutely limited. Heretofore where a limitation has been applied to appropriations the provision has been that the balances at the end of two years shall go into the Treasury, and there has been an exception in relation to public buildings where the amount of the appropriation was limited by law. I see, therefore, no necessity for any amendment of this bill.

Mr. MORRILL, of Maine. I think this bill is obnoxious to the criticism made by the Senator from Ohio. It certainly is not in harmony with what we have been doing on this class of subjects. I will say to the Senator from Vermont that in the deficiency bill a general rule is made which will cover the Senator's object in reserving under certain limitations this class of appropriations. I would suggest that after the words "Treasury Department" in line 10, section 1, he strike out the words "or which may hereafter be appropriated for such buildings;" so that the bill will read:

That all moneys heretofore appropriated for the construction of public buildings, and now remaining to the credit of the same on the books of the Treasury Department, shall remain available, &c.

And then strike out after the word "available" the words "until the completion of the work for which they are or may be appropriated," and insert the words "for one year after the passage of this act." That will give all the amplitude that is necessary for the preservation of the appropriation, and then——

Mr. WEST. Make it read "until June 30, 1875."

Mr. MORRILL, of Maine. Very well; make it "for the next fiscal year." That will preserve all the rights contemplated by this bill and will bring all the appropriations before the committee at the next session. That certainly will not cripple the bill.

Mr. MORRILL, of Vermont. I trust that there will be no amendment adopted on this bill, but that it will pass as it is. If any amendment is offered there are one or two amendments that I should like to have made to secure the sites as well as the buildings; but I do say that in my judgment there is no necessity for covering into the Treasury an appropriation made for a public building where the amount has been estimated and it is provided by law that it shall not be exceeded. I see no necessity for it there. It is merely applying a rule that has no application in economy to a subject to which it does not pertain.

Mr. MORRILL, of Maine. I move to amend the bill by striking out in lines 10 and 11, of section 1, the words "or which may hereafter be appropriated for such buildings;" and also in lines 12 and 13 striking out "until the completion of the work for which they are or may be appropriated" and inserting "until the end of the ensuing fiscal year."

Mr. MORRILL, of Vermont. I hope that amendment will not be adopted; but if it should be, it will be seen that it confines it to one year, that is, one year from June 30, 1874, whereas all appropriations heretofore made have been allowed to run two years.

Mr. MORRILL, of Maine. I will say to the Senator that the object of this amendment is this: By the rule established in 1870 all appropriations of every description were to be covered into the Treasury at the end of two years——

Mr. MORRILL, of Vermont. But your amendment makes it one year for this class.

Mr. MORRILL, of Maine. Taken in connection with what I said before, this saves these appropriations for the next fiscal year. Now, by a provision on the deficiency bill it is provided that it shall be the duty of the Secretary of the Treasury at the commencement of each session of Congress to report to Congress specifically all balances of appropriations which are needed to be appropriated or to be provided for that they shall not lapse into the Treasury. In that way the Senator will see that the rule of 1870 may be observed, and Congress at each session have brought before it precisely the entire expenditures of the Government, none of these balances lying back, which have been a great source of trouble heretofore.

Mr. MORRILL, of Vermont. But my friend from Maine totally misapprehends the scope of this bill. These appropriations have been suspended for one year. It is proposed that the Secretary of the Treasury may suspend them for another; and now the Senator from Maine proposes that at the end of another year they shall all be covered into the Treasury.

Mr. MORRILL, of Maine. No; I do not. That is not the effect of the amendment. The effect of it is that these appropriations shall last one year, until the provision of the bill to which I have referred takes effect, when it is the duty of the Secretary of the Treasury to bring before Congress all balances which are likely to go into the Treasury without the intervention of Congress, to the end that they may be preserved. In that way we can preserve the rule adopted by Congress in 1870, which was deemed so important, that there should be no balances lying back anywhere which Congress did not understand.

Mr. MORRILL, of Vermont. But the Senator from Maine will recollect that there was an exception made in favor of public buildings at that very time.

Mr. MORRILL, of Maine. We make that exception now in the bill to which I refer, but this bill is stronger than anything we have ever had. If any building has been inadvertently or injudiciously or thoughtlessly appropriated for, that sum of money would lie in the Treasury for an indefinite period of years—perpetually by this bill. That certainly is not a good thing to do. I am sure that this amendment would not embarrass the object which the Senator has in view, for I agree with him that the amounts appropriated for public buildings should be made available until the object is accomplished.

Mr. MORRILL, of Vermont. But the Senator will see at the close of the first section that after the completion of these buildings the balances are all to be immediately covered into the Treasury.

Mr. SHERMAN. I can give the Senator from Vermont an illustration of the operation of this bill. We passed for a number of years appropriations for the completion of the New Orleans custom-house. The officers did not use them. If this bill was the law in operation now, all the appropriations made twenty-five years ago for the construction of the New Orleans custom-house could now be expended at the pleasure of the Secretary of the Treasury. I doubt whether this bill ought to pass in any event; but without this modification, it certainly ought not to pass. It places in the power of the Secretary of the Treasury for years and years the whole mass of appropriations made a year ago for public buildings which by reason of our financial panic have not been expended. If this modification is adopted, those appropriations will stand precisely as if they were made now for the next fiscal year, subject to the general law and subject to the revision of the Committee on Appropriations. I do not see how there can be any objection to this amendment.

Mr. WEST. The title of this bill is "A bill to authorize the Secretary of the Treasury to suspend work upon the public buildings." Looking at the title alone, the presumption would be that the only action to be taken was to leave it to the discretion of the Secretary of the Treasury to suspend work on these buildings; but if you follow the bill through, you find that it interminably appropriates money for these works, whether the Secretary of the Treasury shall use it or not. Under the limitation proposed by the Senator from Maine it virtually and actually reappropriates the money that has hitherto been appropriated for these public buildings for the next fiscal year. Is it not all the indulgence the Senator from Vermont can ask when we remove the restrictions from the appropriations of last year and grant him a reappropriation of this money for the succeeding fiscal year? What will be the consequence? If we find under the report that will be made, according to the provision of the law which the Senator from Maine has cited, that this money is not used, we can at the next session of this Congress reappropriate that money. Most assuredly no Senator can ask more, when an appropriation has lapsed for a year, than that we should now reappropriate it. It seems to me the limitation proposed by the Senator from Maine is exceedingly judicious.

The PRESIDENT *pro tempore*. The question is on the amendment offered by the Senator from Maine.

The amendment was rejected—ayes 10, noes not counted.

The bill was ordered to a third reading, read the third time, and passed.

AMENDMENT OF HOMESTEAD LAW.

Mr. SPRAGUE. I move that the Senate proceed to the consideration of House bill No. 1760, to secure homesteads to actual settlers on the public domain.

Mr. HITCHCOCK. I hope that bill will not be attempted to be considered now. It cannot be disposed of in the morning hour.

Mr. SPRAGUE. It will take more than the morning hour.

Mr. HITCHCOCK. Then certainly we cannot consider that this morning.

Mr. SPRAGUE. We can continue after the morning hour.

Mr. HITCHCOCK. I object to its consideration this morning.

Mr. SPRAGUE. I move that the Senate proceed to the consideration of the bill.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of this bill?

Mr. HITCHCOCK. I object.

The PRESIDENT *pro tempore*. The Chair will submit the question to the Senate.

Mr. RAMSEY. I desire to make a report.

The PRESIDENT *pro tempore*. That is morning business and is in the nature of an objection.

Mr. RAMSEY. I do not wish to interpose an objection to the bill of the Senator from Rhode Island.

The PRESIDENT *pro tempore*. Rising to make a report is an objection.

Mr. SPRAGUE. I hope the Senator will withdraw his objection for the purpose of proceeding with this bill.

Mr. RAMSEY. I will do so.

The PRESIDENT *pro tempore*. The bill will be reported.

The Chief Clerk read the bill.

Mr. SPRAGUE. This bill is the result of the experience of the Land Office and the experience of gentlemen connected with the land States and Territories.

Mr. WEST. I call for the regular order.

The PRESIDENT *pro tempore*. The morning hour having expired the Senate resumes the consideration of the post-office appropriation bill.

Mr. RAMSEY. There are a number of reports to be made. I hope reports will be allowed to be received.

Mr. SPRAGUE. I move that the unfinished business be laid aside to continue the consideration of the bill that has just been read.

Mr. WEST. I trust the Senate will understand that if that action is taken it lays aside the post-office appropriation bill without any opportunity to get it up.

Mr. MORRILL, of Maine. The Senate understand it.

The motion was not agreed to; there being on a division—ayes 14, noes 25.

The PRESIDENT *pro tempore*. If there be no objection, the Chair will receive strictly morning business.

PETITIONS AND MEMORIALS.

Mr. CONKLING presented the memorial of Messrs. Norton, Slaughter & Co., Woodward & Stillman, and many others, in all 130 other leading cotton merchants of the city of New York; the memorial of G. W. Norton & Co., F. G. Robbins, and 17 other merchants of Louisville, Kentucky; the memorial of the National Bank of Commerce, Edward L. Baker, and several other banks and bankers of New Bedford, Massachusetts; and the memorial of the Mutual Life Insurance Company, the Equitable Life Insurance Company, the Hanover Fire Insurance Company, the Long Island Fire Insurance Company, and 25 other insurance companies of New York, protesting against a tax on sales of stocks, coin, bonds, and other securities; which were referred to the Committee on Finance.

Mr. CONKLING. I present also the memorial of E. S. Jaffray & Co., remonstrating against the proposed Senate bill which has been substantially agreed upon in the conference committee, amendatory of the bankrupt law. I move that it lie on the table.

The motion was agreed to.

Mr. ALCORN presented the petition of William G. Ford, of Memphis, Tennessee, praying compensation for fifty-seven bales of cotton taken by the United States troops and other agents of the Government at Clifton, Alabama, in May, 1865; which was referred to the Committee on Military Affairs.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the bill (S. No. 758) to authorize and provide for the construction of a substantial iron and masonry bridge and of a causeway across the Anacostia River, or Eastern Branch of the Potomac River, at or near the site of the present navy-yard bridge, with an amendment; in which it requested the concurrence of the Senate.

The message also announced that the House had passed a bill (H. R. No. 3678) for the relief of savings institutions having no capital stock and doing business solely for the benefit of depositors; in which it requested the concurrence of the Senate.

PAPERS WITHDRAWN.

On motion of Mr. MCCREERY, it was

Ordered, That E. B. Boutwell have leave to withdraw from the files of the Senate the papers filed in support of his claim.

REPORTS OF COMMITTEES.

Mr. RAMSEY. The Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. No. 3604) to establish certain post-routes, have instructed me to report it back with amendments; and if there is no objection it might as well be disposed of now, as the amendments are numerous and have to be engrossed.

Mr. SPENCER. I object to the present consideration of the bill.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. RAMSEY. The Committee on Post-Offices and Post-Roads to whom was referred the bill (H. R. No. 2909) to declare the bridge across the Niagara River authorized by the act of Congress approved June 30, 1870, a post-route, have instructed me to report it back without amendment, and ask for its present consideration.

Mr. WEST. I object.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. RAMSEY. The Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. No. 3414) to provide for the prepayment of postage on printed matter, and for other purposes, have instructed me to report it back without amendment, and to ask for its immediate consideration.

Mr. WEST. I object.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. RAMSEY. The same committee, to whom was referred the bill (S. No. 858) to provide for the prepayment of postage on printed matter, and for other purposes, it being on the same subject, have instructed me to report it back, and ask to be discharged from its further consideration.

The report was agreed to.

Mr. STEVENSON, from the Committee on the Judiciary, to whom was referred the bill (H. R. No. 3652) providing for publication of the revised statutes of the United States, reported it with an amendment.

Mr. CLAYTON, from the Committee on Military Affairs, to whom was referred the bill (H. R. No. 2771) for the relief of J. Scott Payne, second lieutenant Sixth United States Cavalry, late first lieutenant Fifth United States Cavalry, reported it without amendment.

Mr. SPENCER, from the Committee on Commerce, to whom was referred the bill (S. No. 747) to facilitate and regulate commerce among the several States and with foreign nations, reported it with amendments.

Mr. SPENCER. I am directed by the Committee on Military Affairs to report the following resolution, and ask that it be referred to the Committee on Appropriations:

Resolved by the Committee on Military Affairs, That an appropriation of $10,000 is hereby recommended for the purpose of testing Mr. Lee's breech-loading gun under the direction of the Secretary of War.

The resolution was referred to the Committee on Appropriations.

Mr. SPENCER. I am directed by the Committee on Military Affairs, to whom was referred the bill (H. R. No. 3673) authorizing the board of commissioners of the Soldiers' Home to sell the property belonging to the Soldiers' Home situated at Harrodsburgh, Kentucky, and known as Harrodsburgh Springs property, to report it back without amendment, to recommend its passage, and ask for its immediate consideration.

Mr. WEST. I shall have to object.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. ALLISON. The Joint Select Committee to Investigate the Affairs of the District of Columbia have instructed me to make a written report, which is unanimous, and also to present a substitute for the bill (S. No. 913) for the government of the District of Columbia, and for other purposes, reported a few days ago. I move that the report and substitute be printed, and I give notice that I shall ask to take up the bill within a day or two.

The motion was agreed to.

BILLS INTRODUCED.

Mr. MERRIMON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 945) for the relief of Samuel W. Davidson, Henry Smith, John Gray Bynum, and others; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 946) for the relief of the eastern band of North Carolina Cherokee Indians; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. WEST asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 947) extending the time for filing suits in the Court of Claims to establish title to the Hot Springs reservation in Arkansas; which was read twice by its title, and referred to the Committee on Private Land Claims.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 948) increasing the pension of H. Louise Gates; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MORRILL, of Vermont, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 949) to pay certain persons and corporations for losses sustained by the so-called Saint Albans raid; which was read twice by its title, referred to the Committee on Claims, and orderded to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 950) to pay the First National Bank of Saint Albans, Vermont, for losses sustained by the so-called Saint Albans raid; which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

VIENNA EXPOSITION REPORTS.

Mr. SARGENT. On Saturday last I offered a resolution instructing the Secretary of State to furnish a certain report of a commissioner to the Vienna exposition on metallurgy, and on the suggestion of the Senator from Vermont [Mr. EDMUNDS] that there were other reports on other branches of art exceedingly valuable to his constituents and others, I desire to modify the resolution and present it in this form:

Resolved, That the Secretary of State be directed to communicate to the Senate all the reports of the commissioners to the Vienna exposition.

The resolution was agreed to.

CONNECTIONS OF PACIFIC RAILROADS.

Mr. BOGY. I move that the regular business be postponed temporarily with a view to take up a House bill of very great importance, and which will consume I think very little time and meet with very little opposition. It is House bill No. 3573.

The PRESIDENT *pro tempore*. Is there objection?

Mr. SARGENT. I object.

The PRESIDENT *pro tempore*. Then the Chair will submit the question to the Senate on the motion of the Senator from Missouri.

Mr. FRELINGHUYSEN. I would inquire of the Senator from Missouri whether he proposes to amend the bill?

Mr. BOGY. No, sir; I propose to pass the bill as it came from the House without amendment.

Mr. FRELINGHUYSEN. The bill in that shape I think will certainly lead to some discussion.

Mr. BOGY. I do not think it will occupy much time. I ask for a vote of the Senate on taking it up.

The PRESIDENT *pro tempore*. The Senator from Missouri moves to postpone the pending order and proceed to the consideration of the bill indicated by him.

Mr. CONKLING. May I inquire what the bill is?

The PRESIDENT *pro tempore*. The title will be reported.

The CHIEF CLERK. It is a bill (H. R. No. 3573) making additions to the fifteenth section of the act approved July 2, 1864, entitled "An act to amend an act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean and to secure to the Government the use of the same for postal, military, and other purposes,' approved July 1, 1862."

Mr. CONKLING. I shall vote for the motion of the Senator from Missouri, and I beg to say that that bill was reported from the Committee on the Judiciary, I believe unanimously, unless my friend from New Jersey dissented, which I think he did.

Mr. FRELINGHUYSEN. No; there were five in the committee, and three voted for it and two against it.

Mr. CONKLING. I may be wrong about it, but I understood there was no member of the committee except the Senator from New Jersey who opposed the bill, but I have no doubt my friend is right. I accept his correction, although my understanding was otherwise. I wish to say that this is a matter of grave importance and one upon which, if action is to be taken at all, no time ought to be lost. I think the case cries aloud for action of some sort. I refrain from at this moment saying what I think exactly right in regard to it; but a wrong is constantly occurring of dimensions sufficient to summon Congress to its feet, it seems to me. I cannot believe that much time will be engrossed with the bill. I rather think if it is taken up, if the Senator having in charge the appropriation bill would allow it to lie aside informally subject to his call, a very few minutes would dispose of this. I suggest to the Senator from Missouri to try if he cannot get such an arrangement, leaving it always subject to the Senator from Louisiana to demand the regular order if this bill takes too much time.

Mr. BOGY. I have no objection.

The PRESIDENT *pro tempore*. Is there objection to that arrangement?

Mr. WEST. I leave that to be decided by the Senate, because it must be apparent that that request will be followed by requests from all parts of the Chamber. I do not wish to object to this bill; I leave the Senate to decide whether they will lay aside the post-office appropriation bill informally or not.

The PRESIDENT *pro tempore*. The Chair will remind the Senator from Louisiana that if the matter is submitted to the Senate the motion must be to postpone the appropriation bill, in which case, if the Senate so vote, his bill is postponed. If he consents to lay it aside informally, he can call it up at any moment.

Mr. CONKLING. In the other case, if the Senator from Louisiana were to give notice that he would not yield again but would in this case alone, that would free him from further annoyance. My impression is that a very short time will dispose of the bill; but if it does not, the Senator can demand the regular order after as many minutes as he thinks it is fair to allow.

Mr. WEST. It would be scarcely correct and fair to other Senators that I should make an exception in favor of one; but I am willing, if the Senate chooses to consider this bill, that the post-office bill shall be laid aside informally with the understanding that if this induces debate I shall call for the regular order.

The PRESIDENT *pro tempore*. The Chair has already informed the Senator that the vote if taken must be on postponing the appropriation bill. Laying it aside informally is by unanimous consent.

Mr. MORRILL, of Maine. I should like to inquire what the bill is?

The PRESIDENT *pro tempore*. The bill will be reported again by its title.

The Chief Clerk read the title of House bill No. 3573.

Mr. SARGENT. I think the matter had better be decided by a vote. I think we had better ascertain whether the Senate is disposed to go on with the appropriation bills now waiting, which the Committee on Appropriations are anxious to put through, or whether we shall lay them aside as we have now for the last eight or ten days without attention to them. If it is the deliberate wish of the Senate to postpone them to other business and miscellaneous business, then we shall understand it and can cease this constant effort to get them before the Senate. But as there are only four legislative days of the session left, it seems to me the part of wisdom for the Senate to pass the appropriation bills, and then if there is time for miscellaneous business, to attend to it.

I do not undervalue the importance of this bill. My impression is that it ought to pass; at any rate that there ought to be legislation on the subject; but that is true of a great many other bills which are before the Senate. The one which was up at the close of the morning hour ought to pass unquestionably; at any rate it ought to be considered; but we must pass the appropriation bills in order to adjourn at the time fixed or else be called back. We have had for a day or two cool weather, but we are liable to-morrow to have another blast from hell such as we had last week, and then we shall regret it if we are compelled to sit here late at night enervated by the weather to dispose of business of importance, the appropriation bills unattended to. I trust, therefore, the Senate will either proceed at once with the post-office appropriation bill, which is certain to excite a great deal of debate on the franking privilege and the various questions that it was reserved to discuss, or by a decisive vote say that they will not do anything of the kind.

Mr. SCHURZ. It has been already stated that this is a bill of very great importance to the people of the West; and I think if the bill had been taken up, less time would have been consumed by debate on the bill than now has been consumed by debate on the order of business. I appeal once more to the Senator from Louisiana to give way informally.

Mr. SHERMAN. I think with the Senator from New York and the Senator from Missouri that there ought to be a vote taken on the bill of the Senator from Missouri. It affects a great number of people. At the same time I am embarrassed because I do not like to vote to postpone the post-office appropriation bill.

Mr. CONKLING. I understood the Senator from Louisiana to say that he does not object to the appropriation bill being laid aside informally so as to take a vote on this bill.

Mr. SHERMAN. If that can be done, very well. There was a formal motion made to postpone the bill, and I was going to suggest it should be taken up after the post-office bill is disposed of.

Mr. MORRILL, of Maine. If it leads to debate, I for one do not consent that it shall be continued without a vote of the Senate. I know, if I know anything, that if we intend to adjourn on next Monday we have got to consider the appropriation bills when they are presented to you and the Committee on Appropriations are ready to go on with them. That is just as certain as anything in the future, and you cannot afford to delay us a day or an hour. Still if here is a bill ready to be voted upon, of course it is a proper thing for us to yield to that vote; but otherwise not.

The PRESIDENT *pro tempore*. Is there objection to postponing the regular order informally and taking up this bill subject to a call for the regular order?

Mr. TIPTON. In reply to the chairman of the Committee on Appropriations, I have to say that an amendment was moved to this bill yesterday, or the day before yesterday, and if that amendment is to be discussed, it will be discussed elaborately; it will be discussed by the hour, for it will involve all the past legislation in this country in regard to the Union Pacific Railroad as to what is its terminus, all the legislation of the State of Iowa in regard to her railroads terminating at the western boundary of the State, all the legislation of Congress recently in regard to bridges over the Missouri River. All those questions are connected with and combined in that amendment.

Mr. SCHURZ. I think it will not be improper for me to state that I have been privately informed that that amendment will not be pressed, but will be withdrawn.

Mr. ALLISON. I do not expect to press that amendment to this bill.

The PRESIDENT *pro tempore*. Is there objection to laying aside the pending order informally?

Mr. HITCHCOCK. I did not understand the remark of the Senator from Iowa in regard to his amendment pending on this bill. Does he propose to press his amendment?

Mr. ALLISON. I stated a moment ago that I did not expect to press the amendment which I proposed a day or two ago, because, as stated by the Senator from Nebraska, it is likely to lead to debate.

The PRESIDENT *pro tempore*. Is there objection to laying aside the pending order informally? The Chair hears none.

Mr. HITCHCOCK. Mr. President, there are——

The PRESIDENT *pro tempore*. Does the Senator object?

Mr. HITCHCOCK. I desire to make a statement. I suppose I have that privilege.

The PRESIDENT *pro tempore*. The Chair understands the question is debatable. If there is no objection, then it can be done.

Mr. HITCHCOCK. Then I object until I have the privilege of making a statement.

Mr. President, there are two bills pending before the Senate at the present time affecting this question. I should like to inquire of the honorable Senator who reported this bill what is his purpose, provided this bill is taken up, in regard to the Senate bill also reported by him?

Mr. CONKLING. If the Senator will allow me to answer him at this moment, I will state to him the posture of the case. A bill was introduced, a Senate bill, a long time ago, as sundry petitions were, calling attention to this matter. For reasons which I need not state, the absence of members of the committee and other things, weeks of delay, indeed months of delay, intervened in the committee. At length the committee reported the Senate bill with one or two slight amendments, which bill is a much more searching one than the House bill now before us. That report having been made, the House acted upon the subject. The House bill coming to the committee, although those interested in this legislation greatly preferred, as they said, the Senate bill and thought they were entitled to it, yet owing to the lateness

of the session, preferred to take the House bill only, and thereupon that bill was reported back by the Committee on the Judiciary. My understanding is that should that bill pass, the other bill will not be moved or heard from at all, the parties in interest, as I am informed by others, feeling that under the circumstances it will be idle for them to seek more ample legislation than is found in the provisions of the House bill.

Mr. HITCHCOCK. I presume that it will be proper, after the passage of this bill, should it pass without opposition, that the other should be indefinitely postponed.

Mr. CONKLING. It will not need to be indefinitely postponed, my friend will allow me to suggest. If he chooses to make that motion, I presume nobody will object to it; but inevitably it will fall with the session. If either of the Senators from Missouri has any purpose to take it up, he will avow it. I know of no such purpose, and I presume there is none.

Mr. SCHURZ. There is none.

Mr. HITCHCOCK. Then I withdraw my objection with the understanding that no such amendments are to be offered.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 3573) making additions to the fifteenth section of the act approved July 2, 1864, entitled "An act to amend an act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes,'" approved July 1, 1862.

The bill proposes to add to the fifteenth section of the act approved July 2, 1864, entitled "An act to amend an act entitled 'An act to aid in the construction of a railroad and telegraph line from the Mission River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes,' approved July 1, 1862," the following words:

And any officer or agent of the companies authorized to construct the aforesaid roads, or of any company engaged in operating either of said roads, who shall refuse to operate and use the road or telegraph under his control, or which he is engaged in operating for all purposes of communication, travel, and transportation, so far as the public and the Government are concerned, as one continuous line, or shall refuse, in such operation and use, to afford and secure to each of said roads equal advantages and facilities as to rates, time, or transportation, without any discrimination of any kind in favor of, or adverse to, the road or business of any or either of said companies, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not exceeding $1,000, and may be imprisoned not less than six months. In case of failure or refusal of the Union Pacific Railroad Company, or either of said branches, to comply with the requirements of this act and the acts to which this act is amendatory, the party injured or the company aggrieved may bring an action in the district or circuit court of the United States in the Territory, district, or circuit in which any portion of the road of the defendant may be situated, for damages on account of such failure or refusal; and, upon recovery, the plaintiff shall be entitled to judgment for treble the amount of all excess of freight and fares collected by the defendant, and for treble the amount of damages sustained by the plaintiff by such failure or refusal; and for each and every violation of or failure to comply with the requirements of this act, a new cause of action shall arise; and in case of suit in any such Territory, district, or circuit, process may be served upon any agent of the defendant found in the Territory, district, or circuit in which such suit may be brought, and such service shall be by the court held to be good and sufficient; and it is hereby provided that, for all the purposes of said act, and of the acts amendatory thereof, the railway of the Denver Pacific Railway and Telegraph Company shall be deemed and taken to be a part and extension of the road of the Kansas Pacific Railroad, to the point of junction thereof with the road of the Union Pacific Railroad Company at Cheyenne, as provided in the act of March 3, 1869.

Mr. STEWART. I think this bill may be subject to misconstruction, and to guard against it I suggest an amendment, to insert after the word "months," in the twenty-fifth line, the following proviso:

Provided, That due regard shall be had to grades and curves in fixing rates between given points.

Mr. BOGY. When does the Senator propose to insert his amendment? What line and what page?

Mr. STEWART. I am not particular where it comes in; but I propose to insert it after the twenty-fifth line on page 2.

Mr. BOGY. I object to the amendment for the reason that if there be any remedy at all, the remedy is based on the law which gives existence to the Pacific Railroads, and they were to be run as a continuous road. Three branches are provided for, to come together at the one hundredth meridian of west longitude, and they were to be run as a continuous road without regard to grades or the expense of construction, because the subsidy both in bonds and in land was predicated upon the very difficulty of construction. That was taken into account.

This is not a contest between two railroad companies, as the impression appears to be, but it is a contest between the people of the Western States and these roads. The impression seems to prevail here among members of the body that this is a contest between the Union Pacific branch and the Kansas Pacific branch. In point of fact it is a contest between the people of the West and all these different branches that constitute the great road called the Pacific Railroad, both from Omaha via Ogden to San Francisco, as well as the Kansas City via Denver and Cheyenne to San Francisco.

For example, we in Missouri have built a railroad from the city of Saint Louis to connect with this road at Kansas City, at an expense of twenty-odd million dollars. We call it the Missouri Pacific Railroad, because it was intended to go by that route to the Pacific Ocean forming a connection with the roads created under the law of Congress. By a system of discrimination which has been established on the main line called the Union Pacific, which is the line starting from Omaha on the way to San Francisco via Ogden, the Missouri Pacific Railroad has been rendered useless. A person in Saint Louis desiring to go to San Francisco is compelled to go by the way of Omaha. If he has any freight to send he is compelled to send it by the way of Omaha, although we have built the railroad from Saint Louis to Kansas City at an expense of twenty-odd million dollars.

The object of this bill is simply to compel these roads to observe the law of 1862, the law of 1864, and the law of 1866, by which they were to be operated as one continuous road; and as to the expense of operating a railroad on a higher grade, the question cannot arise because they received subsidies in proportion to the expense of constructing the roads. I state as a fact that cannot be denied that the grades upon the one road are as high as they are upon the other. In other words, the grades upon the Kansas Pacific Railroad are as high as they are upon the main branch called the Union Pacific Railroad. The difference would be very little; but upon those high grades of the Union Pacific Railroad $48,000 in bonds per mile were paid by the Government of the United States and lands were granted in proportion. An amount of bonds was voted far exceeding the amount necessary for the construction of the road. It was specified in the law that the road should be run without reference to grade and without reference to expense, because that was obviated by the appropriation for building the road as one continuous line. Under that belief we in Missouri built what we called the Missouri Pacific Railroad at an enormous expense. The fifteenth section of the act creating the Pacific Railroad reads thus:

Mr. CONKLING. In the hope that my friend from Missouri will not misunderstand my motive, I venture to give him a caution about proceeding to discuss the merits of this matter, clearly as he is stating them, and for two reasons: In the first place here sits the Senator from Louisiana, [Mr. WEST,] likely at any moment to demand the regular order. In the next place there is one simple answer I conceive to the amendment of the Senator from Nevada, and if my friend will allow me, it is this: The bill repeats in terms the section of the statute which it is insisted has been violated and gives in court a legal remedy to test the construction of that statute and ascertain whether it has been violated or not. Therefore it is not meet, it seems to me, that we should attempt to construe the section one way or the other. We take these parties over to court. That I think the Senator from Missouri will find an adequate answer to the Senator from Nevada; and although I listen to him with great pleasure in the interest of the bill in which he feels so much interest, I caution him that he may bring on a debate in the midst of which he will be caught.

Mr. BOGY. I will then say nothing further, but hope the amendment will be voted down.

Mr. FRELINGHUYSEN. Mr. President——

Mr. STEWART. Perhaps I can shorten this debate if the Senator will allow me a moment.

The PRESIDING OFFICER, (Mr. INGALLS in the chair.) Does the Senator from New Jersey yield to the Senator from Nevada?

Mr. FRELINGHUYSEN. I will yield.

Mr. STEWART. The Senator from New York suggests that the identical language is used in this bill that was used in the old act. If it should be the construction of that language, which I doubt, that there should be no allowance made in estimating distances and estimating rates on account of grades and curves——

Mr. CONKLING. Let the court decide that.

Mr. STEWART. I say if that was the original construction of it I do not wish to change it. But as members of the committee assure me that they have used the exact language of the other act, I will withdraw my amendment. I think in coming to an equitable *pro rata* they should take into account the grades; but inasmuch as I am assured, and I believe that to be the fact, that the language of the original act is pursued in this bill and that the question is to be left to the courts, I withdraw the amendment.

The PRESIDING OFFICER. The Senator from Nevada withdraws his amendment.

Mr. FRELINGHUYSEN. I do not wish to say one word to delay the passage of this bill or to make any factious opposition to it. I am perfectly willing that this question should go to the courts. There is where it ought to go. The construction of the law regulating these different roads in the Judiciary Committee found various interpretations. We did not agree as to what that law meant. My objection to the bill now pending is that it does not refer it to the courts to determine, but it provides that any agent or officer who does not fulfill this statute shall be treated as a criminal; that it shall be a misdemeanor and that he shall be imprisoned, and that the company shall be liable to triple damages, and that bringing one suit shall be no objection to bringing further suits.

I do not see how any legislative body in the world can pass a law, referring a subject to a court upon which they cannot agree as to the meaning, and say that every officer shall be treated as a criminal and imprisoned if he does not obey the law, when we do not know what it means ourselves, and that he shall be subject to triple damages, and that suits may be multiplied *ad infinitum*. I propose to strike out those provisions of the bill which make it a criminal offense for any officer not to obey the law, the meaning of which we do not know ourselves, and leave it to the courts to adjudicate this question. I consequently move to strike out from the word "shall," in the

twenty-first line, to the word "months" in the twenty-fifth line, inclusive, the words to be stricken out being:

Shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding $1,000, and may be imprisoned not less than six months.

It does not even leave it discretionary to the court. It requires every officer and every agent connected under it to be imprisoned, and they must be imprisoned for not less than six months.

Then in the thirty-fifth line I shall move to strike out the word "treble;" and I shall also move, beginning in the thirty-sixth line, to strike out:

And for each and every violation of or failure to comply with the requirements of this act a new cause of action shall arise.

The bill thus amended will leave the subject to the courts. It will enable the proper court in a civil suit to give damages; but the amendments take away from the bill this odious criminal feature, making every agent and officer of the company liable to indictment, on which the punishment shall not be less than six months' imprisonment.

The PRESIDING OFFICER. The question is on the first amendment proposed by the Senator from New Jersey. It will be reported.

The CHIEF CLERK. The first amendment is to strike out the words—

Shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in any sum not exceeding $1,000, and may be imprisoned not less than six months.

Mr. SCHURZ. I wish the Clerk would read how the whole sentence will stand without those words:

The Chief Clerk read as follows:

And any officer or agent of the companies authorized to construct the aforesaid roads, or of any company engaged in operating either of said roads, who shall refuse to operate and use the road or telegraph under his control or which he is engaged in operating for all purposes of communication, travel, and transportation, so far as the public and the Government are concerned, as one continuous line, or shall refuse, in such operation and use, to afford and secure to each of said roads equal advantages and facilities as to rates, time, or transportation, without any discrimination of any kind in favor of, or adverse to, the road or business of any or either of said companies.

Mr. SCHURZ. The sentence is incomplete.

Mr. FRELINGHUYSEN. "Shall be subject to a civil action" is the amendment which I shall offer afterward.

Mr. CONKLING. I venture to say a single word. First, any amendment to this bill is probably fatal to it; it will be too late to carry it through the other House and command assent to it. In the second place, there is, I conceive, no hardship in the language the Senator proposes to strike out: "He shall be fined in any sum not exceeding $1,000 and may be imprisoned not less than six months." Of course in case of great aggravation and willfullness a court might be provoked or summoned to impose imprisonment; but everybody will see that this provides fairly for the imposition of a fine. What is the effect? Some officer is proceeded against; the road defends him, which is stereotyped. A conductor expels a passenger from a train; the passenger sues the conductor; the road defends him and goes to the end of the law to settle the law on that subject. That is what will occur here; and the practice is one so familiar in my own State, occurring so continually in order to settle the construction of railroad laws and railroad powers, that I cannot conceive there is any hardship in regard to it, whereas if it is stricken out the bill must be remodeled, and I think there can be little doubt that it will fail for lack of time between the two Houses.

Mr. FRELINGHUYSEN. I do not think that any one ever saw a law drawn as this is, for the purpose of submitting a legal question to a court, making every officer and agent subject to a criminal proceeding, making the company liable to triple damages, and expressly providing that for each and every violation or failure to comply with the requirements of this act a new cause of action shall arise. In other words, while this question is pending, being an important suit giving construction to a statute involving $100,000,000, and it will take probably eighteen months before that question can be fairly determined, going through the courts, through all that period every day and day after day, the company that does not give construction, which we cannot give, to a statute is making itself liable to triple damage s,as provided by this act.

As to the bill getting through, I say this bill ought not to be able to get through the Senate with that provision in; and if that provision is stricken out, nobody will oppose concurrence in the other House. It is a proper subject for judicial determination.

Mr. BOGY. One word. Unless there be something of this kind, the Union Pacific and Kansas Pacific Railroads will not respect each other's rights. It is with a view of compelling them. If the law is not in favor of the bill, there can be no danger; but if they have violated the law and thereby made enormous sums of money, there is no reason why they should not be compelled to pay heavy damages. The object of it is to compel them to obey the law which they will not do otherwise. I hope the amendment will be voted down.

The PRESIDING OFFICER. The question is on the amendment.

The amendment was rejected.

The PRESIDING OFFICER. The Clerk will report the next amendment of the Senator from New Jersey if the Senator from New Jersey insists on the other amendments.

Mr. FRELINGHUYSEN. No, sir; the other amendments were dependent on this.

Mr. TIPTON. I ask the attention of members of the Committee on Railroads to an amendment to come in at the end of the bill which I offer:

And the said Denver Pacific Railroad shall extend to the Union Pacific Railroad such equal advantages and facilities as to rates, time, or transportation as are established by this act between the Union Pacific and Kansas Pacific Railroads.

Mr. BOGY. I will say to the Senator from Nebraska that that is the law now beyond any doubt. The road from Denver to Cheyenne was built under a law which puts it exactly under the provision of the law for building the Pacific Railroad, and the passage of this bill would include in substance the amendment of the Senator from Nebraska. There can be no doubt about it.

Mr. TIPTON. When the Denver Pacific was made a part of the Kansas Pacific it was specifically provided by the act:

And nothing shall authorize the said Eastern Division Company to operate the road or fix the rate of tariff.

And since these roads have been running in conjunction the rates have been so grievous upon the Denver Pacific as to cut off Omaha and the shipping towns on the Union Pacific from access to the city of Denver. But if this bill, as now drawn, will give the Union Pacific the same advantages in running over the Denver Pacific that are extended to the Union Pacific and reciprocated by the Kansas Pacific, then I have no objection; but I have objections until that is understood.

Mr. BOGY. I will read to the Senator the law authorizing the building of the railroad from Denver to Cheyenne. It says in section 2:

All the provisions of laws for the operation of the Union Pacific Railroad, its branches and connections, as a continuous line, without discrimination, shall apply the same as if the road from Denver to Cheyenne had been constructed by the said Union Pacific Railway Company, Eastern Division.

It is the same law, and the bill would have the same effect upon the link from Cheyenne to Denver that it has upon the rest of the railroad. The act of 1869 provides for that.

Mr. TIPTON. Then I ask the Senator from Missouri, will this act have a tendency to repeal the last clause in the second section of the act, on page 324 of volume 15 of the Statutes at Large, which authorizes the purchase and control of that road by the Kansas Pacific, but which provided that the Kansas Pacific should have no power over its rates.

Mr. BOGY. No power over the freights of the Denver Railroad except between Cheyenne and Denver.

Mr. TIPTON. It reads:

But nothing herein shall authorize the said Eastern Division Company to operate the road and fix the rates of tariff for the Denver Pacific Railway and Telegraph Company.

If that is to be repealed by the act about to be passed this morning, I have no objection; but if that stands in force, we have no more access to the city of Denver with our commerce under this than we have previously had.

Mr. SCHURZ. I desire to address one remark to the Senator from Nebraska. It is the object of this act to enforce the act of Congress which makes all the Pacific Railroad branches one connected and continuous line; and of course this act will have the effect on the Denver road which it will have on the Union Pacific road; that is to say, to prorate rates of freight all over these roads. Of course the Denver road cannot be excluded. Under the very act which is here appealed to, the Senator will find his remedy.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Nebraska.

The amendment was rejected.

Mr. FRELINGHUYSEN. I was under the impression that the amendment in the thirty-fourth and thirty-fifth lines was dependent upon the other amendment which, perhaps intentionally or perhaps not, was voted down by the Senate. I will renew the amendment to strike out the word "treble" in the thirty-fourth line and "treble" in the thirty-fifth line. The idea when we are passing a law in order to get an adjudication of a difficult question of making parties liable to treble damages for not obeying a law the meaning of which we do not know ourselves, seems to me the height of injustice.

The PRESIDING OFFICER. The question is on the amendment of the Senator from New Jersey.

Mr. CONKLING. What the Senator proposes to strike out now is very mild, I submit. The bill provides that upon recovery the plaintiff shall be entitled to judgment for treble what? Treble the amount of excess of freight and fares collected by the defendant, and for treble the amount of damages sustained by the plaintiff by such failure or refusal. The Senator must see that in any event the damages are very minute, excess of freights and fares, and such damages might be from not having their officers there prepared to take the freight and it not being delivered to them.

Mr. FRELINGHUYSEN. That is most astonishing. We are told that such an outrage is being effected by reason of the Union Pacific not affording the facilities it ought to other roads that are being ruined and that that is the damage that is done; and now this act which proposes to treble that is a minute, insignificant affair.

Mr. CONKLING. This act which proposes as to a single transac-

tion to treble it, as my friend from California [Mr. HAGER] remarks to me, involves an amount in each case which probably would not be equal to the costs of the action.

Mr. FRELINGHUYSEN. The bill covers the whole amount of damages.

Mr. CONKLING. All the actions may amount to a large amount if people sue every day in the year.

Mr. FRELINGHUYSEN. Very well; provision is made expressly in this bill for suing every day in the year.

Mr. CONKLING. If they are wrong in the law, they will fail in the end.

Mr. FRELINGHUYSEN. Provision is made in this act for suing every day in the year for each and every failure to comply with the provisions of this act, when a new cause of action shall arise. So it makes it a criminal offense with treble damages, with repeated suits if they do not obey a law which the Congress of the United States cannot tell them to-day what it means, and hence the necessity of going to the courts.

Mr. CONKLING. A very mild way of testing the question.

The PRESIDING OFFICER. The question is on the amendment of the Senator from New Jersey.

The amendment was rejected.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. WEST. Mr. President——

Mr. HITCHCOCK. I hope the Senator will allow me to move for the indefinite postponement of another bill in regard to this same matter.

Mr. WEST. Any bill is sufficiently indefinitely postponed now by the disability of a Senator to get the floor to move to take it up.

The PRESIDING OFFICER. The Senator from Louisiana has the floor.

Mr. WEST. I decline to yield.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. No. 3600) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1875; and

A bill (H. R. No. 3679) defining the qualifications of territorial Delegates in the House of Representatives.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. E. BABCOCK, his Secretary, announced that the President had on the 15th instant approved the act (S. No. 419) for the relief of Sebastian Reichert.

The message also announced that the President had this day approved and signed the following acts:

An act (S. No. 529) to authorize an appointment in the Inspector-General's Department;

An act (S. No. 693) to change the time for holding the circuit and district courts of the United States for the eastern district of Wisconsin at Oshkosh;

An act (S. No. 793) authorizing the Secretary of the Treasury to change the name of the schooner Jennie Spear to that of Santa Rosa;

An act (S. No. 142) for the relief of Nathaniel McKay, assignee of the builders of the steamers La Portena, Edward Everett, F. W. Lincoln, Azalia, and N. P. Banks; and

An act (S. No. 881) fixing the times of holding the circuit court of the United States in the districts of California, Oregon, and Nevada.

HARRODSBURGH SPRINGS PROPERTY.

Mr. MCCREERY. May I ask the indulgence of the Senator from Louisiana, and of the Senate also, for the consideration of a bill that I promise shall not occupy five minutes, and which the Secretary of War recommends? It is for the sale of the Harrodsburgh Springs property, belonging to the Government, in Kentucky.

The PRESIDING OFFICER. Does the Senator from Louisiana yield?

Mr. WEST. I am somewhat compromised in my position on this subject by having stated to the Senator from Kentucky that inasmuch as the governor of the State was here and had come here for the purpose of securing the passage of this bill I would yield to him; but that opportunity of yielding to him was taken away by the superior vigilance of the Senator from Missouri. With that explanation, if the vote can be immediately had on the bill, I shall yield.

Mr. MCCREERY. The vote will be taken at once.

By unanimous consent, the bill (H. R. No. 3672) authorizing the board of commissioners of the Soldiers' Home to sell the property belonging to the Soldiers' Home, situated at Harrodsburgh, Kentucky, and known as Harrodsburgh Springs property, was considered as in Committee of the Whole.

The bill authorizes the board of commissioners of the Soldiers' Home to sell to the board of trustees of the Widows' Home and Orphans' University of the Independent Order of Odd-Fellows the property belonging to the Soldiers' Home, situated at Harrodsburgh, Kentucky, and known as the Harrodsburgh Springs property, upon such terms and such valuation as may be approved by the Secretary of War.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

HOUSE BILL REFERRED.

The bill (H. R. No. 3600) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1875, was read twice by its title, and referred to the Committee on Appropriations.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. DENNIS, Mr. HAMILTON of Maryland, Mr. BOUTWELL, and Mr. WINDOM submitted amendments intended to be proposed to the bill (H. R. No. 3168) making appropriations for the repair, preservation, and completion of certain public works for rivers and harbors, and for other purposes; which were referred to the Committee on Commerce, and ordered to be printed.

Mr. MITCHELL, Mr. SCOTT, Mr. PATTERSON, and Mr. BOUTWELL submitted amendments intended to be proposed to the bill (H. R. No. 3600) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1875; which were referred to the Committee on Appropriations, and ordered to be printed.

Mr. STOCKTON and Mr. SARGENT, from the Committee on Naval Affairs, submitted amendments intended to be proposed to the bill (H. R. No. 3600) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1875; which were referred to the Committee on Appropriations, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. No. 3535) relating to telegraphic communication between the United States and foreign countries; and

A bill (H. R. No. 1565) relating to the commissioners of claims, and for other purposes.

POST-OFFICE APPROPRIATION BILL.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 3094) making appropriations for the service of the Post-Office Department for the year ending June 30, 1875, and for other purposes.

Mr. WEST. In presenting the customary bill for an annual appropriation for the continuance of the post-office machinery for the ensuing year, I shall only detain the Senate at the outset with a brief statement, and that statement will have more reference to the financial management of the Post-Office Department than to any other matter.

I will state in general terms that the amount appropriated last year for the maintenance of the postal service throughout the country was $34,419,067. That amount comprised as well the total sum appropriated by the postal service bill itself as the amount of $1,865,900 appropriated for the postal service of the different Departments of the Government. This year the total appropriation by this bill and by other bills providing for the furnishing of stamps to the different Departments amounts to $36,341,091; an excess over last year of $1,922,024.

In explaining this increased appropriation, I must refer to the customary and usual increase of the service of the Department throughout the country annually. But in noticing that particular increase it is gratifying to be able to state that although the increase of the service is of a certain proportion, the proportion of expense results favorably toward the economy of the Government. That is to say, although the general service is increased throughout the country from 7 to 8 per cent., the increased expenditure is only 5½ per cent. and the increased percentage of deficiency, which is the measure of the economy of the Department, is 1⅞ per cent. The percentage of deficiency to the total amount appropriated for the fiscal year now about terminating was 15.68 per cent. This year there has been a very small reduction in that respect, and the percentage is 15.13 per cent., or a little more than a half per cent. less than it was last year.

As we shall proceed in the consideration of this bill matters will be developed with reference to legislation that is required, and also there will probably be some discussion and inquiry in reference to such advantages as are alleged to have arisen from the repeal of the franking privilege. The order of business that now controls the Senate excludes the post-office appropriation bill and does not make it amenable to the general rule applied to appropriation bills; but I offer the following resolution for the conduct of this bill during its consideration by the Senate:

Resolved, That pending the post-office appropriation bill, it shall be in order at any time to move a recess, and to move to confine debate on amendments thereto to ten minutes by any Senator on the pending motion; and such motion shall be decided without debate.

Mr. BAYARD. I do not desire to oppose a measure intended to facilitate business at this stage of the session; but it was quite impossible, at least for me, to understand the full scope of the resolution by merely hearing it read, and I would like an opportunity to scrutinize the proposition, and so I ask that it be called up again in the course of the day. I ask the mover of the resolution to let it lie on the table for the present, and he can call it up when he desires.

Mr. WEST. I am quite willing to accept the suggestion.

The PRESIDING OFFICER. The resolution will lie over for the present.

Mr. WEST. Now let the Clerk commence the reading of the bill.

Mr. ANTHONY. Before the reading of the bill is commenced I should like, with the assent of the Senator who has charge of the bill, to offer a resolution in which I think he has as much interest as I have, and which I have delayed for a long time hoping that some disposition might be made of the general subject to which this resolution belongs. It is a resolution reported from the Committee on Printing to print five thousand extra copies of the report and appendix thereto of the Select Committee on Transportation Routes to the Sea-board.

The PRESIDING OFFICER. Does the Senator from Louisiana yield for that purpose?

Mr. WEST. I will yield for a vote on the resolution, and that is all.

Mr. SHERMAN. Cannot that be provided for in an amendment to be offered to this bill? Had not the Senator better withdraw it now?

Mr. ANTHONY. That will not cover this case.

Mr. SHERMAN. There are amendments to be proposed which will cover all documents.

Mr. WEST. I ask the Clerk to proceed.

The PRESIDING OFFICER. The reading of the bill will proceed.

The Chief Clerk proceeded to read the bill.

The PRESIDING OFFICER. Will the Senator having the bill in charge indicate the course he desires pursued in regard to any of the amendments reported by the Committee on Appropriations?

Mr. SHERMAN. I should like to have the first amendment passed over until the end, because it raises a question that more properly belongs at the end.

Mr. WEST. In this instance I of course will pass over that amendment at the request of the Senator, but I ask the Chair to direct that the amendments reported by the Committee on Appropriations shall be considered as the bill is read.

The PRESIDING OFFICER. That order will be made if there be no objection.

The Chief Clerk proceeded to read the bill.

The first amendment of the Committee on Appropriations was in section 1, line 10, to add the following proviso to the clause appropriating $16,400,000 for inland-mail transportation:

Provided, That postages shall hereafter be prepaid on all mailable matter at the time of mailing; and all acts inconsistent herewith are hereby repealed.

Mr. WEST. Let the first amendment be passed over.

The PRESIDING OFFICER. It will be passed over.

Mr. WEST. The Senator from Delaware, as I am apprised, having withdrawn his objection to the adoption of the resolution offered by me, I ask that it be adopted.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution proposed by the Senator from Louisiana? The Chair hears none, and the question is on the resolution.

The resolution was agreed to.

The PRESIDING OFFICER. The reading of the bill will be proceeded with.

The Chief Clerk resumed the reading of the bill. The next amendment of the Committee on Appropriations was in line 39 of section 1, in the proviso to the clause for pay of letter-carriers, to strike out the word "twenty" and to insert "thirty;" so as to make the proviso read:

Provided, That hereafter letter-carriers shall not be employed for the free delivery of mail matter in towns and cities whose population within their corporate limits, as shown by the last report of the national census or by any subsequent census taken in pursuance of State statute or by order of the mayor and common council of such town or city, shall be less than thirty thousand; but this proviso shall not affect the free delivery in towns and cities where it is now established.

The amendment was agreed to.

The next amendment was to add after line 41—

And for the more efficient management of the free-delivery system the Postmaster-General may designate one of the present fourth-class clerks to act as superintendent of free delivery in the Post-Office Department at an annual salary of $2,500; which amount of salary is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Mr. WEST. I desire to perfect that amendment. The committee discovering that $1,800 is already provided for this party, the necessary sum to appropriate here is only $700. I move to amend the amendment by striking out, on line 46, "which amount of salary" and inserting the words "and for this purpose the sum of $700."

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

Mr. SARGENT. I suggest to my friend whether instead of saying "one of the present fourth-class clerks" it would not be better to say "a fourth-class clerk," because otherwise the law would exhaust itself by the retiring of all the present fourth-class clerks in the Post-Office Department. The meaning of the committee would be exactly carried out by the amendment I have suggested.

Mr. WEST. I have no objection.

The PRESIDING OFFICER. That amendment will be made if there be no objection.

Mr. WEST. Striking out "one of the present" and putting in the article "a," and changing "clerks" to "clerk."

The PRESIDING OFFICER. That modification will be made.

The Chief Clerk continued the reading of the bill.

The next amendment of the Committee on Appropriations was in line 55, after the word "those," to insert the words "running out of the District of Columbia," and to insert in lieu thereof the words "in Virginia and Maryland;" so as to read:

For advertising, $80,000: *Provided*, That hereafter no payment shall be made to any newspaper published in the District of Columbia for advertising any other routes than those in Virginia and Maryland.

The amendment was agreed to.

Mr. WEST. There is a verbal correction I wish to make on line 64, striking out the first two words "and no" and substituting therefore "nor any," in order to make it grammatical.

The PRESIDING OFFICER. That amendment will be agreed to if there be no objection.

The Chief Clerk continued the reading of the bill.

The next amendment was in lines 102, 103, and 104, to strike out the following proviso:

Provided, That the monthly and annual reports of the Department of Agriculture shall pass free through the mails.

The amendment was agreed to.

The Chief Clerk continued the reading of the first and second sections of the bill.

Mr. SARGENT. I am instructed by the Committee on Appropriations to offer the following amendment, to come in after line 13 of section 2:

For the purchase of law-books for the library of the office of the Assistant Attorney-General for the Post-Office Department, $2,000.

The amendment was agreed to.

The Chief Clerk continued and concluded the reading of the bill.

Mr. SHERMAN. I yesterday gave notice of an amendment to this bill which I now offer. I send it to the desk to be read. I will state that the proposition is intended also to supersede the amendment of the committee which has been passed over, and the Senator in charge of the bill kindly postponed a vote on it until this amendment shall be acted upon. After it is read I will explain very briefly its effect.

The Chief Clerk read the proposed amendment, to insert the following additional sections:

SEC. —. That on all newspapers and periodical publications mailed from a known office of publication or news agency, and addressed to regular subscribers or news agents, postage shall be charged at the following rates: On newspapers and periodical publications, four cents for each pound or fraction thereof: *Provided*, That the rate of postage on newspapers or periodicals, not exceeding two ounces in weight, and circulars, when the same are deposited in a letter-carrier office for delivery by the office or its carriers, shall be uniform at one cent each, but periodicals weighing more than two ounces shall be subject to a postage of two cents each, and these rates shall be prepaid by stamp.

SEC. —. That upon the receipt of such newspapers and periodical publications at the office of mailing, they shall be weighed in bulk, and postage paid thereon by a special adhesive stamp, to be devised and furnished by the Postmaster-General, which shall be affixed to such matter, or to the sack containing the same, or upon a memorandum of such mailing, or otherwise, as the Postmaster-General may, from time to time, provide by regulation.

SEC. —. That newspapers, one copy to each actual subscriber residing within the county where the same are printed, in whole or in part, and published, shall go free through the mails; but the same shall not be delivered at letter-carrier offices or distributed by carriers unless postage is paid thereon as now by law provided.

SEC. —. That all mailable matter of the third class, referred to in section 133 of the act entitled "An act to revise, consolidate, and amend the statutes relating to the Post-Office Department," approved June 8, 1872, may weigh not exceeding four pounds for each package thereof, and postage shall be charged thereon at the rate of one cent for each two ounces or fraction thereof; but nothing herein contained shall be held to change or amend section 134 of said act.

SEC. —. That the Postmaster-General may prescribe, by regulation, an affidavit in form, to be taken by each publisher of any newspaper or periodical publication sent through the mails under the provisions of this act, or news agent who distributes any of such newspapers or periodical publications under the provisions of this act, or employé of such publisher or news agent, stating that he will not send, or knowingly permit to be sent, through the mails any copy or copies of such newspaper or periodical publications except to regular subscribers thereto, or news agents, or as an exchange, without prepayment of the postage thereon at the rate of one cent for each two ounces or fractional part thereof; and if such publisher or news agent, or employé of such publisher or news agent, when required by the Postmaster-General or any special agent of the Post-Office Department to make such affidavit, shall refuse so to do, he shall be deemed guilty of a misdemeanor, and, on conviction, shall be fined not exceeding $1,000 for each refusal; and if any person shall knowingly and willfully mail any matter without the payment of postage as provided by this act, or procure the same to be done, or if any postmaster or post-office official shall knowingly permit any matter to be mailed without the prepayment of postage as provided in this act, and in violation of the provisions of the same, he or they shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be fined not less than $100 nor more than $1,000, or imprisoned not exceeding three years, one or both, in the discretion of the court.

SEC. —. That the sixty-third, eightieth, eighty-first, eighty-second, eighty-third, eighty-fourth, and eighty-sixth sections of the said "act to revise, consolidate, and amend the statutes relating to the Post-Office Department," approved June 8, 1872, be amended to read as follows:

"SEC. 63. That the postmasters, except the postmaster at New York City, whose annual salary is hereby fixed at $6,000, shall be divided into four classes, as follows: The first class shall embrace all those whose annual salaries are not more than $4,000 nor less than $3,000; the second class shall embrace all those whose annual salaries are less than $3,000 but not less than $2,000; the third class shall embrace all those whose annual salaries are less than $2,000 but not less than $1,000; the fourth class shall embrace all postmasters whose annual compensation, exclusive of their commissions on the money-order business of their offices, amounts to less than $1,000."

"SEC. 80. That the postmaster at New York City and postmasters of the first, second, and third classes shall be appointed and may be removed by the President, by and with the advice and consent of the Senate, and shall hold their offices for four years, unless sooner removed or suspended according to law; and postmasters of the fourth class shall be appointed and removed by the Postmaster-General, by whom all appointments and removals shall be notified to the Auditor for the Post-Office Department.

SEC. 81. That the compensation of the postmaster at New York City shall be $6,000 per annum, and the respective compensations of postmasters of the first, second, and third classes shall be annual salaries, assigned in even hundreds of dollars, and payable in quarterly payments, to be ascertained and fixed, by the Post-master-General, from their respective quarterly returns to the Auditor for the Post-Office Department, or copies or duplicates thereof, for four quarters immediately preceding the adjustment or readjustment, by adding to the whole amount of box-rents, not exceeding $2,000 per annum, commissions also not to exceed $2,000 per annum on the other postal revenues of the office, at the following rates, namely: On the first $100 per quarter 50 per cent. on all over $100 and not over $400 per quarter, 40 per cent. on all over $400 and not over $2,400 per quarter, 30 per cent. and on all over $2,400 per quarter, 10 per cent. And in order to ascertain the amount of the postal receipts of each office, the Postmaster-General may require postmasters to furnish duplicates of their quarterly returns to the Auditor at such times and for such periods as he may deem necessary in each case: *Provided*, That whenever, by reason of the extension of free delivery of letters, the box-rents of any post-office are decreased, the Postmaster-General may allow, out of the receipts of such office, a sum sufficient to maintain the salary thereof at the amount at which it had been fixed before the decrease in box rents.

SEC. 82. That the compensation of postmasters of the fourth class shall be the box rents collected at their offices and commissions on other postal revenues of their offices at the rate of 50 per cent. on the first $100 or less per quarter; 40 per cent. on the next $300 or less per quarter; 30 per cent. on the excess above $400 per quarter; the same to be ascertained and allowed by the Auditor in the settlement of the quarterly accounts of such postmasters: *Provided*, That when the aggregate annual compensation, exclusive of commissions on money-order business, of any postmaster of this class shall amount to $1,000, the Auditor shall report such fact to the Postmaster-General, in order that such postmaster may be assigned to his proper class, and his salary fixed as heretofore provided.

SEC. 83 That the salaries of postmasters of the first, second, and third classes, except that of the postmaster at New York City, shall be readjusted by the Post-master-General once in two years, and in special cases as much oftener as he may deem expedient.

SEC. 84. That the Postmaster-General shall make all orders assigning or changing the salaries of postmasters in writing, and record them in his journal, and notify the change to the Auditor; and any change made in such salaries shall not take effect until the first day of the quarter next following such order: *Provided*, That in cases of not less than 50 per cent. increase or decrease in the business of any post-office, the Postmaster-General may adjust the salary of the postmaster at such office, to take effect from the first day of the quarter or period the returns for which form the basis of readjustment.

SEC. 86. That the Postmaster-General may designate offices at the intersection of mail-routes as distributing or separating offices; and where any such office is of the third or fourth class, he may make a reasonable allowance to the postmaster for the necessary cost of clerical services arising from such duties.

SEC. —. That section 240 of said act shall read as follows:

SEC. 240. That when the amount of mail matter to be carried on any mail-route is so great as to seriously retard the progress or endanger the security of the letter mail, or to increase the cost of carriage of the mail, the Postmaster-General shall provide for the separate carriage of the letter mail at the usual rate of speed; and when the cost of transmitting other mail matter than the letter mail is increased by being carried in postal cars, it shall be carried in other cars, but with due regard to expedition. And postal cars shall not be put on any routes, or the number be increased, except when the service of carrying the letter mail requires it.

Mr. RAMSEY. I desire to offer an amendment to come in at the conclusion of the Senator's amendment.

The PRESIDING OFFICER. The Clerk will report the amendment.

Mr. SHERMAN. I submit to the Senator, while his amendment meets my approval, whether he had not better offer his as an additional proposition.

The PRESIDING OFFICER. The Clerk will report the amendment of the Senator from Minnesota.

The Chief Clerk read the proposed amendment, as follows:

SEC. —. That section 245, section 246, section 247, section 251, and section 253 of the act entitled "An act to revise, consolidate, and amend the statutes relating to the Post-Office Department," approved June 8, 1872, be amended to read as follows:

SEC. 245. That every proposal for carrying the mail shall be accompanied by the bond of the bidder, with sureties approved by a postmaster, and in cases where the amount of the bond exceeds $5,000, by a postmaster of the first, second, or third class, in a sum to be designated by the Postmaster-General in the advertisement of each route, to which bond a condition shall be annexed, that if the said bidder shall, within such time after his bid is accepted as the Postmaster-General shall prescribe, enter into a contract with the United States of America, with good and sufficient sureties to be approved by the Postmaster-General, to perform the service proposed in his said bid, and, further, that he shall perform the said service according to his contract, then the said obligation to be void, otherwise to be in full force and obligation in law; and in case of failure of any bidder to enter into such contract to perform the service, or, having executed a contract, in case of failure to perform the service, according to his contract, he and his sureties shall be liable for the amount of said bond as liquidated damages to be recovered in an action of debt on the said bond. No proposal shall be considered unless it shall be accompanied by such bond, and there shall have been affixed to said proposal the oath of the bidder, taken before an officer qualified to administer oaths, that he has the ability, pecuniarily, to fulfill his obligations, and that the bid is made in good faith, and with the intention to enter into contract and perform the service in case his bid is accepted.

SEC. 246. That before the bond of a bidder provided for in the aforesaid section is approved, there shall be indorsed thereon the oaths of the sureties therein, taken before an officer qualified to administer oaths, that they are owners of real estate, worth, in the aggregate, a sum double the amount of the said bond, over and above all debts due and owing by them, and all judgments, mortgages, and executions against them, after allowing all exemptions of every character whatever.

SEC. 247. That any postmaster who shall affix his signature to the approval of any bond of a bidder, or to the certificate of sufficiency of sureties in any contract before the said bond or contract is signed by the bidder or contractor and his sureties, or shall knowingly, or without the exercise of due diligence, approve any bond of a bidder with insufficient sureties, or shall knowingly make any false or fraudulent certificate, shall be forthwith dismissed from office, and be thereafter disqualified from holding the office of postmaster, and shall also be deemed guilty of a misdemeanor, and, on conviction thereof, be punished by a fine not exceeding $5,000, or by imprisonment not exceeding one year, or both.

SEC. 251. That after any regular bidder, whose bid has been accepted, shall fail to enter into contract for the transportation of the mails according to his proposal, or, having entered into contract, shall fail to commence the performance of the service stipulated in his or their contract as therein provided, the Postmaster-General shall proceed to contract with the next lowest bidder for the same service, who will enter into a contract for the performance thereof, unless the Postmaster-General shall consider such bid too high, in which case he shall readvertise such service. And if any bidder, whose bid has been accepted, and who has entered into a contract to perform the service according to his proposal, and in pursuance of his contract has entered upon the performance of the service, to the satisfaction of the Postmaster-General, shall subsequently fail or refuse to perform the service according to his contract, the Postmaster-General shall proceed to contract with the next lowest bidder for such service, under the advertisement thereof, (unless the Postmaster-General shall consider such bid too high,) who will enter into contract and give bond, with sureties, to be approved by the Postmaster-General, for the faithful performance thereof, in the same penalty and with the same terms and conditions thereto annexed as were stated and contained in the bond which accompanied his bid; but in case each and every of the next lowest bidders for such service, whose respective bids are not considered too high by the Postmaster-General, shall refuse to enter into contract and give bond as herein required for the faithful performance of his contract, the Postmaster-General shall immediately advertise for proposals to perform the service on said route. Whenever an accepted bidder shall fail to enter into contract, or a contractor on any mail-route shall fail or refuse to perform the service on said route according to his contract, or when a new route shall be established, or new service required, or when from any other cause there shall not be a contractor legally bound or required to perform such service, the Postmaster-General may make a temporary contract for carrying the mail on such route, without advertisement, for such period as may be necessary, not in any case exceeding six months, until a letting under advertisement can take place: *Provided, however*, That the Postmaster-General shall not employ temporary service on any route at a higher price than that paid to the contractor who shall have performed the service during the last preceding regular contract-term. And in all cases of regular contracts hereafter made, the contract may, in the discretion of the Postmaster-General, be continued in force beyond its express terms for a period not exceeding six months, until a new contract with the same, or other contractors, shall be made by the Postmaster-General.

SEC. 253. That hereafter all bidders upon every mail-route for the transportation of the mails upon the same, where the annual compensation for the service on such route at the time exceeds the sum of $5,000, shall accompany their bids with a certified check or draft, payable to the order of the Postmaster-General, upon some solvent national bank, which check or draft shall not be less than 5 per cent. on the amount of the annual pay on said route at the time such bid is made, and, in case of new or modified service, not less than 5 per cent. of the amount of the bond of the bidder required to accompany his bid, if the amount of the said bond exceeds $5,000. In case any bidder, on being awarded any such contract, shall fail to execute the same, with good and sufficient sureties, according to the terms on which such bid was made and accepted, and enter upon the performance of the service to the satisfaction of the Postmaster-General, such bidder shall, in addition to his liability on his bond accompanying his bid, forfeit the amount so deposited to the United States, and the same shall forthwith be paid into the Treasury for the use of the Post-Office Department; but if such contract shall be duly executed and the service entered upon as aforesaid, such draft or check so deposited, and the checks or drafts deposited by all other bidders, on the same route, shall be returned to the respective bidders, making such deposits. No proposals for the transportation of the mails where the amount of the bond required to accompany the same shall exceed $5,000, shall be considered, unless accompanied with the check or draft herein required, together with the bond required by a preceding section: *Provided*, That nothing in this act shall be construed or intended to affect any penalties or forfeitures which have heretofore accrued under the provisions of the sections hereby amended.

Mr. SHERMAN. If I understand the Senator from Minnesota, this is simply a bill proposing to guard against straw bids.

Mr. RAMSEY. That is it. It is the House bill on that subject, substantially, with an amendment added by the Committee on Post-Offices and Post-Roads of the Senate.

Mr. SHERMAN. I have no objection to that amendment, the committee having examined it.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Minnesota to the amendment of the Senator from Ohio.

The amendment to the amendment was agreed to.

Mr. SARGENT. I wish to move a further amendment. On page 3 of the amendment of the Senator from Ohio, in line 10, I move to strike out the words "or as an exchange."

Mr. SHERMAN. That is right.

The PRESIDING OFFICER. The amendment of the Senator from Ohio will be so modified.

Mr. SHERMAN. I should like the attention of the Senate for three minutes in regard to the amendment. I wish them to understand that it is an important amendment in its effect on the revenue.

The attention of the country has been called to the rapid increase of the deficiences in the postal service. For the last month or two I have given the matter considerable attention for the purpose of providing a remedy, if possible. In doing this I have availed myself with great liberality of the work of the Post-Office Committee of the Senate, of the Post-Office Committee of the House, and also of the House of Representatives. The substance of the amendment I offer is two bills that came to us from the House of Representatives, which I understand have the approval of the Committee on Post-Offices and Post-Roads of this body.

Mr. RAMSEY. They have been reported by that committee.

Mr. SHERMAN. Therefore those features have had the sanction of the House of Representatives and of the Postal Committees of both bodies. I have looked at them simply in their financial aspect, to see whether or not they would improve the revenue.

The increase of the deficiency in the postal service is stated very strongly by the Postmaster-General in his annual report. Two years ago it was $4,000,000; last year it was $6,100,000; for the next fiscal year it is estimated to be $8,150,000. The causes of this increase have been, first, the expense and the rapidity of the railroad service, which has been vastly improved; second, the increase of the pay of postmasters; third, free city delivery and loss of box-rents; fourth, the total inadequacy of newspaper postage. This amendment of mine deals mainly with the last item, the postage on newspapers. It is a remarkable fact that although of the postal matter of the country 89 per cent., or nearly nine-tenths, is in the form of newspapers and periodicals, yet the whole amount received by the Government of the United States for carrying all this vast volume of matter is only

$835,727. Under the law all this matter is carried without being prepaid, as letters are required to be.

Mr. SARGENT. Will the Senator state what proportion that bears to the whole postal revenue?

Mr. SHERMAN. It pays less than 3 per cent., or as 1 to 26. The revenue from newspapers and periodicals is only as 1 to 26 of the whole amount of revenue.

Mr. RAMSEY. Of the bulk of the mails 76 per cent. is matter of the second class.

Mr. SHERMAN. I again repeat, from the Postmaster-General's report and from the statement of Mr. DONNAN in the House, that the bulk of the printed matter carried through the mail is 89 per cent. of the whole mail matter, while the revenue is only about 4 per cent., or 1 to 26.

Besides, the postage on newspapers is not prepaid, and the Postmaster-General reports that according to the estimated revenue that ought to come from newspapers it ought to be $2,704,000, while the actual amount received is only $835,000, so that the amount lost by fraud and by the neglect of postmasters in making returns is $1,869,000. It is not necessary to go any further to show the absolute necessity of changing this system.

This amendment now offered by me puts newspapers and periodicals on the same footing as all other mail matter; it requires the postage to be prepaid at a very low rate. The amount that will be paid on newspapers and periodicals will not be one-fourth of the cost of carrying that matter through the mails. In other words, the discrimination even by my amendment will be at least three-fourths to one in favor of the newspapers and other printed matter, but I suppose there is an object in permitting the general diffusion of printed matter through the mails, and therefore there has been no attempt to make the people pay the actual cost of carrying newspapers and periodicals. The rates proposed are, all over the United States, from New York to California, because we can make no discrimination on account of distance, on all printed matter in the form of newspapers and periodicals four cents per pound, which I am told on the largest paper printed in the United States, which weighs about two ounces, is about one-half a cent. That is all that is to be charged for carrying the largest paper in the United States from the extreme end of the country to the other, and on country papers, which are small, the charge will be very much less. The rate of four cents per pound will in all probability increase our revenues some three or four million dollars, and make the postage depend on the weight of the matter, and therefore be more equitable. Now a newspaper carried from one town to another within twenty miles, though printed on a little half-sheet, as many country papers are, pays the same rate of postage as the New York Independent, which weighs very heavy, when carried from New York city to Portland, Oregon. This is a gross and scandalous inequality about which the country press have complained.

Mr. JOHNSTON. I wish to ask the Senator a question. His amendment reads: "On newspapers and periodical publications, four cents for each pound or fraction thereof." If a newspaper weighs only one-fourth of an ounce, will it not have to pay four cents postage under that?

Mr. SHERMAN. No. The next clause provides for newspapers where they go singly. That is all guarded against very carefully. The Senator will see that the provision is "that the rate of postage on newspapers or periodicals not exceeding two ounces in weight, and circulars," shall be so and so. That first clause only applies to newspapers and periodicals sent from the office where they are printed.

That on all newspapers and periodical publications mailed from a known office of publication or news agency, and addressed to regular subscribers or news agents, the postage shall be charged at the following rates.

All other newspapers are carried as formerly. And the next section provides:

That upon the receipt of such newspapers and periodical publications at the office of mailing, they shall be weighed in bulk and postage paid thereon by a special adhesive stamp to be furnished by the Postmaster-General.

The details of this amendment are carefully prepared by the Committees of the two Houses, and have passed the House of Representatives already and have been reported favorably by the Post-Office Committee here. I have in offering this amendment raised somewhat the rate they proposed on newspapers.

Mr. JOHNSTON. I desire to call the Senator's attention to the third page of his amendment, line 18, where there is this provision:

And if any person shall knowingly and willfully mail any matter without the payment of postage, as provided by this act.

I suggest that he ought to insert there "with intent to defraud the United States."

Mr. SHERMAN. The words "knowingly and wilfully" in legal language are equivalent to those words. The usual language is that if a man knowingly and willfully does so and so, he shall be punished. Those are the legal words proper to be used. I will say also that that is the language of the present law, so that in that particular this amendment does not change the present law.

Mr. RAMSEY. The Senator might probably say to the Senate that although this proposition is substantially a bill which has passed the House of Representatives and has been considered by the Committee on Post-Offices and Post-Roads of the Senate, yet there are one or two important changes which he has made. For instance he proposes four cents per pound upon newspapers and periodicals, instead of one and a half cents a pound on all newspapers, and three cents a pound upon all ordinary periodicals as proposed by the House bill.

Mr. SHERMAN. I desire to say that my only doubt about this matter is whether I have not put the rate too low. There is no reason why newspapers should be carried at one-half the rate of periodicals.

Mr. RAMSEY. I do not mean to say that; but I say simply that the Senate ought to know the change the Senator has made in the House bill on this subject.

Mr. SHERMAN. Yes, and I will inform the Senate of another matter. The present pay of postmasters is entirely too high in the intermediate grade of cities. In little towns of Ohio having from five to ten thousand inhabitants, where the people read a great deal, the salary of postmasters is from three to four thousand dollars a year—higher than we pay our highest officer. The amendment I propose does slightly reduce the rate of pay of postmasters of those grades.

Mr. RAMSEY. As illustrating this matter, I beg leave to present the following tables:

Table showing the annual circulation of newspapers and periodicals in the year 1870, number of copies passing through the mails, their weight, the amount of postage that should have been collected under present rates, the amount per pound which should be collected under present rates, and the amount of postage which could be collected at different rates with advance payment.

Frequency of issue.	Annual circulat'n or number of copies printed.	Percentage of circulation passing through the mails.	Number of copies passing through the mails annually.	Rate of postage per annum under present law.	Total amount of postage that should have been collected in 1869–'70 under present law.	Average weight per copy, in ounces.	Weight of circulation passing through the mails, in pounds.	Am't received per pound under present rates of postage, in cents.	Average amount received per pound on each class of newspapers and periodicals, under present law, for 3d-class matter, in cents.	Average weight of newspapers and periodicals, as divided under present law governing 3d-class matter, in ounces.	Amount which could have been collected in 1869–'70— At 1½ cts. per pound for newspapers and 3 cents per pound for magazines.	At 1 cent per pound for newspapers and 4 cents per pound for magazines.	At 2 cents per pound for newspapers and magazines.	At 1 cent per pound for newspapers and 2 cents per pound for magazines.
Daily	806,479,570	.10	80,647,957	$1 20	$312,184 80	1½	8,820,870	3.54	2.27	2.73	$132,313 05	$88,208 70	$176,417 40	$88,208 70
Tri-weekly	24,196,380	.60	14,517,828	60	55,837 80	2	1,814,728	3.07			27,220 92	18,147 28	36,294 56	18,147 28
Semi-weekly	25,708,488	.60	15,425,093	40	59,327 20	2	1,928,136	3.07			28,922 04	19,281 36	38,562 72	19,281 36
Weekly	550,921,436	.60	330,552,862	20	1,271,357 00	3	61,978,662	2.05			929,679 93	619,786 62	1,239,573 24	619,786 62
Semi-monthly	32,395,680	.60	19,437,408	24	194,134 08	3	3,644,514	5.33			109,335 42	145,780 56	72,890 28	72,890 28
Monthly	67,810,116	.60	40,686,069	24	813,721 20	7	17,800,155	4.57	4.68	5.71	534,004 65	712,006 20	356,003 10	356,003 10
Bi-monthly	1,036,580	.60	621,948	08	11,679 36	8	310,974	3.75			9,329 22	12,438 96	6,219 48	6,219 48
Quarterly				04										
	1,508,548,250	....	501,889,165	.....	2,718,241 44	....	96,298,039	.....	.....	.....	1,770,805 23	1,615,649 68	1,925,960 78	1,180,536 82

Amount of revenue which, according to above table, should have been collected, at present rates of postage, during 1869–'70	$2,718,241 44
Estimated increase of 20 per cent. up to end of 1873–'74	543,648 29
Amount which should be collected during current fiscal year if prepayment was compulsory	3,261,889 73

Amount of revenue which could have been collected, according to the above table, during—

	1869–'70.	1873–'74.
At 1½ cents per pound for newspapers and 3 cents for magazines	$1,770,805 23	$2,124,966 27
At 1 cent per pound for newspapers and 4 cents for magazines	1,615,649 68	1,938,779 61
At 2 cents per pound for newspapers and magazines	1,925,960 78	2,311,152 94
At 1 cent per pound for newspapers and 2 cents for magazines	1,180,536 82	1,416,644 18

Amount actually collected and accounted for during the fiscal year ended June 30, 1873 ..... $1,072,998 19

POST-OFFICE DEPARTMENT, *Washington, D. C., June* 10, 1874.

Table showing the amount of revenue derivable from newspapers and periodicals, estimated as passing through the mails during the year 1870, upon prepayment of postage thereon, by weight, at various rates per pound.

Weight of papers published once a week and more frequently, transmitted through the mails.	Amount of revenue which would be derived therefrom at following rates per pound.		Weight of papers and periodicals, published less frequently than once a week, transmitted through mails.	Amount of revenue which would be derived therefrom at following rates per pound.	
Pounds.	Rate.	Amount.	Pounds.	Rate.	Amount.
	Cents.			*Cents.*	
	1	$745,423 96		1	$217,556 43
	1¼	931,779 95		1¼	271,945 53
	1½	1,118,135 94		1½	326,334 64
	1¾	1,304,491 93		1¾	380,723 74
74,542,396	2	1,490,847 92	21,755,643	2	435,112 86
	2½	1,863,559 90		2½	543,891 07
	3	2,236,271 88		3	652,669 29
	3½	2,608,983 86		3½	761,447 50
	4	3,081,695 84		4	870,225 72

POST-OFFICE DEPARTMENT, *Washington, D. C., June* 10, 1874.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Ohio as amended.

Mr. RAMSEY. The Senator from Ohio probably is not aware that his amendment as to the pay of postmasters affects simply postmasters of the fifth class as graded in the amended House bill. In regard to the bill providing for the readjustment of postmasters' salaries, and reported by the Committee on Post-Offices and Post-Roads, and which the Senator from Ohio makes part of his amendment, I will say that there are connected with the Department about thirty-four thousand five hundred postmasters; of this number about thirty-three thousand are postmasters under the present classification of the fourth and fifth classes. It is the principal object of this amendment of the postal code to benefit this large class of officials, by giving to them that compensation which the law contemplates that they should receive, and remove from them a just cause of complaint. Under the present law their compensations, like postmasters of all other classes, are fixed salaries, adjusted only biennially, and during the intervening period remaining the same except in special cases, notwithstanding any increase in the business and revenues of their respective offices. This evil must continue under the present law, and can be avoided only by a change in the mode of compensation. It is this change as its leading feature which the amendment contemplates, to change the compensation from a fixed salary to a compensation governed by and according to the quarterly revenue of the offices as shown by the quarterly returns of the postmasters made to the Auditor. As the change is to affect all postmasters whose compensations are under $1,000, and embraces those of the fourth and fifth classes, under the present classification the division into two classes became unnecessary, and they have been consolidated into one, the fourth. In the present law the amount of stamps canceled is made an item of the revenues of the office. Experience has shown that the amount of stamps sold is a more reliable and accurate evidence of the revenues of an office, and therefore it is proposed to substitute the amount of stamps sold in the place of the amount of stamps canceled as an item of revenue.

To effect these several changes, as simple as they appear to be, required modifications of many sections of the code. On making these modifications, in order to preserve the order and symmetry of the code, it is deemed advisable to re-enact the entire sections as they are modified, and in one instance, for a more logical arrangement, to transpose sections, as that of the eightieth and sixty-third. On account of the large number of persons to whom the postal code is a guide in their official conduct, it is most desirable, so far as it is practicable, that the present sectional arrangement should be preserved. Hence the form in which the amendments are presented. The importance of the amendments proposed, so far as they will affect postmasters of the classes intended to be reached by them, must be obvious without remark. But there is another most important result anticipated from the amendments in the saving of labor and expense to the Government, and the Department from great trouble and annoyance.

In the large number of thirty-three thousand post-offices, and increasing daily, to be affected by these amendments, there must be a large proportion, particularly in the newly settled and rapidly growing sections of the country, at which the revenues will be increased quarterly to an extent (see section 82) which would entitle the occupants of them to an immediate re-adjustment of their salaries, and which could not be denied them under the imperative terms of the present law on proper application. To meet promptly and justly the necessities of such applications would require the whole time of a very large proportion of the entire clerical force of the Department. And even now to make the biennial readjustments provided by law requires the extra time and labor of ten clerks for six months preceding such readjustment, while two clerks would be ample to perform all the labor requisite to the readjustment of the salaries of all other postmasters.

The amendments proposed are commended to favorable consideration not only by their justice to the large number of postmasters to be affected by them, but in addition by the saving of labor and expense to the Government which will result from them.

The transposition of sections 63 and 80 is made in order that the classification may precede appointment. The consolidation of the fourth and fifth classes into one, the fourth is made because the amendment proposes to affect all postmasters whose compensation is less than $1,000. The change of compensation to the fourth class is made to avoid frequent readjustments. The changes in the other sections are made to make them conform to the changes in this section.

Mr. CONKLING. I move to amend the amendment of the Senator from Ohio—I think he has no objection to it, and I have consulted many Senators, and I hope there will be no objection—by making the salary of the postmaster of the city of New York $8,000. He is to receive now no box rents. Justices of the peace in the city of New York receive $3,000 and $10,000 a year. Several postmasters receive $5,000 a year, and the labor and responsibility resting upon this officer is many times greater than that resting upon any other postmaster in the Union. I spend no time upon that. I think there will be no objection.

The PRESIDING OFFICER. The question is on the amendment of the Senator from New York to the amendment.

Mr. CONKLING. It occurs in the amendment of the Senator from Ohio first on page 4, line 9, section 63, striking out "six" and inserting "eight," and it occurs again on page 5, line 31, striking out "six" and inserting "eight."

The amendment was agreed to.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Ohio as amended.

The amendment was agreed to.

Mr. SHERMAN. I have another amendment, and only one more, to offer to this bill. I offer it separately because I do not know whether it will meet with the approval of the Senate. I am very much in favor of it myself. It is to add as a new section:

SEC. —. That all public documents printed by order of Congress for distribution shall be transported in the mails without prepayment, and shall be delivered to the person to whom they are addressed upon the payment by him of the lawful postage thereon; and the Postmaster-General is hereby authorized and required to make and enforce suitable rules and regulations to carry this section into effect.

Mr. RAMSEY. Does the Senator mean to restore the franking privilege?

Mr. SHERMAN. I mean to do one of two things without circumlocution: I mean either to stop the printing of public documents and loading us down with matter that costs the Government a large expense or to provide some way of getting rid of them. This does not restore the franking privilege; it simply authorizes this matter to be carried in the mail and delivered to the person to whom it is addressed, and requires him to pay the postage, so that the Government loses no revenue. It only does by public documents what has been the law of the land all the time for periodicals and newspapers; and I say that when Congress goes to the expense of printing public documents they ought to be transported in the mails, and the person who receives the benefit of them ought to pay the postage on them.

So far as I am concerned, I am perfectly willing to vote for this proposition, and then I am perfectly willing to vote against every publication of every public document unless some mode is provided for distributing it. I have here hundreds of volumes and I am transporting them to Ohio now by railroad cars and by express. There is no reason why the Government of the United States having a Post-Office Department should not carry those documents to the persons who ought to receive them, and why the persons who receive them should not pay the postage on them. I would go a little further and require them to pay the cost of printing.

Mr. RAMSEY. The Senator came in this morning and moved what was really a great reform, but now he throws it all away. The great reform he moved was to require the prepayment of postage on newspapers and printed matter going through the mails. The House have passed that measure, the Senate committee have agreed to it, and the Senator from Ohio offered it as an amendment to this bill. I think the Senate ought to accept it, and it ought to become a part of the law of the land. Unless you do insist on prepayment you get no postage or no approximation to what you should have from the postage upon printed matter. Now, the Senator goes right back upon that record which he has made to-day and proposes to allow all this printed matter to pass through the mails without prepayment.

Mr. SHERMAN. Only public documents.

Mr. RAMSEY. How much you will receive from it you can very well conceive when I tell you that you have collected only about one-third of the postage on printed matter that your law provided for during all these past years. With all the precaution and watchfulness of the Post-Office Department it could never collect more than about one-third of the postage to which it was entitled, and for that reason your deficiencies have been growing from year to year. The Senator has commented on those deficiencies, and now he comes in with a proposition to allow documents to go without prepayment of postage.

Mr. WEST. It occurs to me that although the amendment of the Senator from Ohio may be in the direction that many Senators consider desirable, it is certainly capable of a most pernicious construc-

tion, and that is that the mails of the United States shall be cumbered up with such documents as Congress shall deem it prudent to print and members of Congress shall deem it judicious to send to their constituents, leaving those constituents to judge whether they want them and whether they will pay the postage on them.

I have long held that if there could be any modification of the franking privilege that would contribute to the interest of the people by laying before them such information as they might desire, that object could be obtained by one very simple process, the same process that was at one time applied to the distribution of the Congressional Globe. Constantly propositions are made in this body to print documents. Whenever Congress shall determine that a document is sufficiently valuable to print, why not determine at the same time that it is sufficiently valuable to transmit through the mails free of charge; so that we can say, when the chairman of the Committee on Printing offers a resolution here, that so many thousand copies of a document shall be printed for the use of the Senate and the House, "and the same shall be transmitted through the mails of the United States free of charge," making the application of that privilege of transit depend upon the value and the use and the necessity of that document? That can be applied in every instance. Whenever we want to send a document abroad we can at the same time say that that document is sufficiently valuable to justify its transmission through the mails at the government expense.

What do we have here? An opportunity for Congressmen, first, to print everything, and, next, to send everything out and cumber the mails with these documents and then leave the men to whom they are addressed the option to take them out of the mails or not. What will be the consequence? Your post-offices will be the receptacles of this vast amount of printed matter lying useless there, useless for the reason that the people to whom it is addressed will not take it from the office. We know that will be the case, just as our establishments were cumbered with these documents before. Of all the methods of restoring free transmission, so called, of public documents through the mails of the United States, this undoubtedly is the most pernicious, and I do not believe the Senate will adopt it.

Mr. FRELINGHUYSEN. Mr. President, I cannot agree that the Senators and Representatives will be so foolish as to be loading the mails down with public documents which their constituents do not want. There is some discretion left in the representatives of the people. The provision which is contemplated by the amendment of the Senator from Ohio is that when one of our constituents writes to us for a book we can send it to him. I would add, for I introduced a bill which I have in my hand, and which has never been reported, that postage should not exceed twenty-five cents a volume in any case; and if the books were not taken out of the post-office in ten days they could be sold by the postmaster and accounted for to the Department. I will read the bill which I have drawn up:

That hereafter the requirement that postage shall be prepaid shall not apply to public documents certified to be such by any member of the Senate or of the House of Representatives, or by the President or head of any Executive Department, or other person entitled to the franking privilege when the law was passed abolishing the same; and the postage on no single public document shall exceed the sum of twenty-five cents, and the same, if not prepaid, shall be payable by the person to whom the same may be directed and received; and the words "Public document" written or printed on the envelope containing any public document, and subscribed by the member or other person mailing the same, shall be deemed a sufficient certificate that the same is a public document; and the term public documents shall be deemed to include all publications printed by order of Congress, or either House thereof, or of any Department of the Government. And if any such documents shall not be taken from the post-office to which the same shall be directed within ten days after being received thereat, the postmaster may sell the same for the amount of the postage due thereon, and shall account to the Post-Office Department for the proceeds thereof.

That does not abolish the franking privilege; it does not cumber the mails; it does not put the Government to any cost. It does distribute the public documents, and at the proper time I will move it as an amendment.

Mr. SHERMAN. I am perfectly willing to accept that as a modification of my amendment if the Senator will let me look at it so that I can examine it.

Mr. MORRILL, of Maine. Mr. President——

Mr. RAMSEY. If the Senator from Ohio intends to insist on this amendment I suggest to him to let it expire with the transmission of the documents already printed.

The PRESIDING OFFICER. The Chair recognizes the Senator from Maine, [Mr. MORRILL.]

Mr. RAMSEY. I simply wished to make this suggestion. I do not intend to take up the time of the Senator from Maine.

Mr. MORRILL, of Maine. If the Senator from Minnesota is through, I will make the observation I rose to submit. I should regret to see the proposition of the Senator from Ohio put on this bill. We had been so greatly exercised over the free transmission of public documents through the mail; it had become in public estimation so opprobrious; members of Congress had been so much scandalized for the abuse of that privilege, that I should regret exceedingly if within twelve months or so after our protestations that we never intended to have anything more to do with it, that we would wash our hands of it, that so far as we were concerned we would not encumber the mails, we should now, while this is all fresh in our memories, propose to give these things free passage through the mails again.

Mr. President, the postal service is becoming one of the most important in the country. From very small beginnings it has gone up rapidly, and in the few last years with marvelous rapidity, until now its revenues are more than the revenues of the entire Government of the United States were under the administration of John Quincy Adams, and its disbursements are larger than the whole expenditures of the Government at that time, and it is increasing at a rate of some four millions a year, expanding in all directions.

Mr. President, what is the principle upon which we ought to run the mails? Ought we to run the mails out of the Treasury of the United States, or ought that service to be predicated upon the idea of being self-supporting? One of the two principles we must sooner or later adopt. In the beginning this branch of the service was self-supporting, and it was designed to be self-supporting. That feature was retained in this branch of the service down to 1815, I think, without a single exception, and it continued chiefly from that time down to 1857. Since that period we have departed from the idea of its being self-sustaining and we have relied upon making appropriations sufficient to meet the demands of the service, so that the appropriations for deficiencies range all the way from three to five million dollars a year.

Something has been said in this debate with which I am entirely in sympathy, and that is, that we overload the mail with matter which does not properly belong to the mail; we subject the mail proper to an unreasonable and unjust burden. It has been stated by the Senator from Ohio, and I believe accurately, that some 79 per cent. of the amount of all mailable matter carried through the mails only pays about a million dollars out of the thirty millions and more which this mail service costs. I submit to my honorable friend from New Jersey whether he is in sympathy with that fact. I repeat, the statistics show that, taking the bulk of mailable matter that passes through the mails, newspapers and pamphlets contribute about 79 or 80 parts in a hundred of the entire bulk that is carried through the mails. They contribute to your revenues only about one millon dollars out of thirty millions.

Now, is it a fair proposition that a paper weighing four ounces, as many of the metropolitan papers do, may go through the mails for a cent and a half, while the letter of the poor man, weighing half an ounce, must be taxed three cents? On that portion of the public service there is collected a sum of twenty-two millions, while something less than a million is realized from the papers and pamphlets that pass through the mails.

I do not see upon what principle it is possible for us to conduct the service in that way. If we intend to make this service entirely free, very well; let us curtail the service down to the absolute needs of the people, and run it in that way out of the Treasury of the United States, as you do the Army and Navy precisely. Call it an establishment in the interest of the people, for the education of the people, and make it an appropriation absolutely from the Treasury at large, and there may be some justice in that; but what sense or justice is there in running the mails at an expense of thirty millions to float seventy-nine hundredths of newspapers and pamphlets that pay a mere fraction of the cost of the service?

Mr. FRELINGHUYSEN. If I get the point of my friend, it is that it is unfair to make the poor man pay three cents for a letter while newspapers and periodicals go at a much less rate. I think the answer to that is that the man pays his three cents as a tax for the promotion of general intelligence throughout the country, and I believe that the circulation of newspapers and periodicals and the documents which we publish is of great value to the people, and that they can well afford to pay the expense of it by paying three cents for a letter.

Mr. MORRILL, of Maine. Would not my honorable friend think it more just, then, to pay it out of the general Treasury?

Mr. FRELINGHUYSEN. I do not know that it would be. I do not know that you can get an easier tax, for if you pay it out of the general Treasury you have got to impose a tax to get it into the Treasury, and I do not believe there is any tax you could levy to get the money into the Treasury which would be more easily borne and less felt than the three-cent postage on a letter.

Mr. MORRILL, of Maine. I do not for myself believe there is any justice in imposing upon the people of this country a tax of $22,000,000 for the carrying of letters for the sake of floating seventy-nine one-hundredths proportion of the whole service of the country in the case of newspapers and pamphlets. We shall have to come to one of two things: either devolve the whole expense of this Department, as we do of the Navy and the Army, upon the Treasury of the United States, or return to the early policy of the Government and make it self-supporting; and no man can doubt, in my judgment, that the economy in the whole thing is to return to the early policy of making it self-sustaining. Then you will hear nothing about free transportation through the mails. The franking privilege abolished, let everything that passes through the mail pay its tribute to the service on which it calls for transportation. That is the sound rule; but above all, Mr. President, I should regret extremely if the proposition of my honorable friend from Ohio for the free passage of documents such as we see fit to publish here through the mails should obtain the acceptance of the Senate.

Moreover, I do not see that the amendment of the Senator from New Jersey improves it much. As I understand, by his proposition these documents are to go through the mails at twenty cents a volume.

Mr. FRELINGHUYSEN. Twenty-five cents.

Mr. MORRILL, of Maine. Twenty-five cents per volume. If my honorable friend will examine this question he will find that some of the documents that we shall pass through the mail weighing four or five times as much as that, [holding up a volume of the Statutes,] according to the present rates which are paid by the people upon other documents, upon other books and other printed matter, would cost from one dollar and fifty cents to two dollars. Can anybody say why there should be a discrimination in favor of public documents and against that general intelligence so precious in the estimation of my honorable friend and which the people are hankering for so much? It comes back precisely to that discrimination which the people of this country have held to be invidious, and which they have frowned upon and which became a public scandal, in favor of public documents, in favor of the privileges, as they were understood, of Congressmen. The bill which was reported by the chairman of the Committee on Printing contains in my judgment the true principle upon which we should send out these public documents. Allow them to go through the mails prepaid, as you do other publications precisely; allow whoever applies for them and pays their cost and the postage to have them; but that there should be a discrimination in favor of any public document against any other publication which is permissible to go through the mails, I submit is without just distinction.

The PRESIDING OFFICER, (Mr. INGALLS in the chair.) Will the Senate agree to the amendment of the Senator from Ohio?

Mr. RAMSEY. What is it now as modified?

The PRESIDING OFFICER. It will be read.

Mr. FRELINGHUYSEN. If it is in order, I will move the amendment I suggested as a substitute.

The PRESIDING OFFICER. The motion of the Senator from New Jersey is in order.

Mr. FRELINGHUYSEN. I make that motion.

The PRESIDING OFFICER. The substitute is before the Senate.

Mr. HAMLIN. Let it be read.

The Chief Clerk read the amendment of Mr. FRELINGHUYSEN to the amendment of Mr. SHERMAN, which was to strike out all of that amendment after the word "that" and insert in lieu of the words stricken out:

Hereafter the requirement that postage shall be prepaid shall not apply to public documents certified to be such by any member of the Senate or of the House of Representatives, or by the President or head of any Executive Department, or other person entitled to the franking privilege when the law was passed abolishing the same; and the postage on no single public document shall exceed the sum of twenty-five cents, and the same, if not prepaid, shall be payable by the person to whom the same may be directed and received; and the words "Public document" written or printed on the envelope containing any public document, and subscribed by the member or other person mailing the same, shall be deemed a sufficient certificate that the same is a public document; and the term public documents shall be deemed to include all publications printed by order of Congress, or either House thereof, or of any Department of the Government. And if any such documents shall not be taken from the post-office to which the same shall be directed within ten days after being received thereat, the postmaster may sell the same for the amount of the postage due thereon, and shall account to the Post-Office Department for the proceeds thereof.

Mr. WEST. I understand that the Senator who offers that amendment is willing to change the time at the termination of which the postmaster shall sell the documents from ten days to thirty days. I ask the Clerk to make that change.

The PRESIDING OFFICER. If there be no objection the amendment to the amendment will be so modified.

Mr. CONKLING. Mr. President, I wish to inquire of the chairman of the Post-Office Committee whether any provision has been made or is to be made touching the official postage of members of the Senate?

Mr. RAMSEY. Do you mean compensation to Senators for their postage?

Mr. CONKLING. Yes, sir.

Mr. RAMSEY. I imagine not. There is no such purpose on the part of the Committee on Post-Offices and Post-Roads, nor do I suppose there is on the part of the Senate. I presume that when the franking privilege was abolished Senators and members all knew very well that they would have to pay their own postage. There has been no proposition from any quarter to give compensation for it. Indeed, if my recollection is right, the Senator from Vermont had an amendment placed on some bill, probably on an appropriation bill, prohibiting any compensation for postage hereafter.

Mr. CONKLING. The Senator from Minnesota bestows I think the last sad commentary upon the experiment of abolishing the franking privilege. I am one of those who never lost an occasion to vote for the abolition of that miscalled privilege; and if ever I voted under a delusion, I am compelled to admit that I was deluded every time I gave such a vote. I believed in the petitions which came here. I believed somewhat even in those petitions which, printed at the public expense and sent out by the Post-Office Department, under the franking privilege, and committed to the army of postmasters the country over with instructions tantamount to an order from an official superior to disseminate and obtain signatures to them, which sent back here under the franking privilege, were presented by hundreds and by thousands. I believed somewhat even in the language of those petitions, and so believing I expected by my vote to aid in eradicating a real abuse, although I differed from the prevalent theories as to the particulars in which the abuse consisted. But it was my hope that there would be no more seeds sent out, never to come up; no more books printed and sent out, never to be read; that the whole business of bulb-propagating and seed-collecting and distributing, book-making, and book-giving would cease; that the mails would be employed in the exchange of correspondence, and the franking privilege would cease.

What has been the result? What decrease has there been in book-making, book-printing, and book-binding? What decrease has there been in the Agricultural Department, so called, in the bulbs, the seeds, the vines, the agricultural and horticultural products? What has been the case in reference to saving anything to the Government upon the correspondence coming to and going from the representatives of the Government? In one word, Mr. President, this great reform, this reformation about which so much has been said, has resulted in no cheapening of postage, in no saving of public expense that I can discover, in nothing except to impose upon members of Congress letter postage, and to impose upon every one-armed soldier and sailor, and upon his widows and orphans if he be gone, postage upon the letters which they write inquiring as to matters of deepest concern to them. That is the outcome of this reform.

Why do I say so? The Senate hears continually resolution after resolution to print this, that, and the other document and book with extra copies. The Senate listens, whenever there is occasion for the information, to statements showing us that in the Executive Departments, first, the expense is incurred of printing stamps; second, the expense is incurred of employing clerks to lick and to stick those stamps; that the danger is incurred of printing these official stamps in great numbers and distributing them, the Senator from New Hampshire [Mr. CRAGIN] tells me to not fewer than fifty thousand officials, by the sheet or by the handful, with all the opportunity that is thus afforded for abuse, lax practice, and fraud.

Thus the Post-Office Department comes to enjoy, I admit, a sort of apparent benefit. It is a trick of book-keeping. It is taking it out of one pocket and putting it into the other. The Post-Office Department is receiving revenues from these stamps, which revenues are being paid by the other Departments; in other words, being paid by the people, by the revenues in the beginning and in the end; that is all. If the purpose were to enable the Post-Office Department to make a flattering balance-sheet, to make an exhibit to the country showing that it is self-sustaining, showing that the Post-Office Department, as one entity in the Government machine, costs nothing, I admit this would be, as Artemus Ward said about his father's grave, a success. It would be a success; but when you consider that the legislation is in behalf of the people, and when you remember that it costs precisely the same thing with the expense of printing the stamps and employing the clerks to apply them besides, certainly in that direction the result is not flattering.

What else do we find? These books being printed are allotted to Senators to distribute them. How do they distribute them? The Senator from Ohio tells us that he is employing the express and the railroad to carry his books to Ohio, and when they reach Ohio I do not know whether he means to employ a wheelbarrow or a hand-cart or a drayman to take them around and deposit them at the doors of those to whom he proposes to give them. But here they are. A printed statement laid upon our tables shows that the books allotted to us up to that time and not distributed involved the payment of $930 postage for every member of this body. So the printed statement, coming I believe from the Post-Office Department or under its authority, informs us. During some weeks of this session, I am told by Senators, their official postage, postage upon letters coming to them, the postage being only partially paid by the senders, and upon letters which they are compelled to write and pay for, has amounted to eight or nine dollars a week.

Within the narrow limits fixed by the rule relative to debate on this bill, I cannot go into the subject at large, but I beg to address to every Senator who hears me one question: Is there any reason why the Secretary of War, or the Secretary of the Treasury, or the head of a Bureau, or any other executive officer of this Government, more than a Senator, should be paid his official postage? Turning it the other way, is there any reason why my friend from Connecticut should pay the postage upon the letters which he officially is compelled to write any more than why any head of a Bureau or an Executive Department should do the same thing? And yet to this day that great public which stands behind these galleries does not know that we are compelled to pay out of our own pocket the enormous accumulation of postage rolled upon us.

I received to-day a letter from a gentleman, as noted for his culture and politeness as he is for his great wealth, about a matter wholly personal to him as far as it is personal to anybody, having nothing to do with me except that it is one of the manifold duties imposed upon me because I am a Senator. He wrote to me one of a series of letters requiring an answer, and in no one of his letters has he ever inclosed a postage-stamp—not that he would be rude enough to impose upon me the payment of his postage, knowing at the same time that all the other correspondents that I have in a constituency numbering about five million people may be doing the same thing; but to this hour he, a reader of newspapers and a man of intelligence and thought, does not know that I am compelled to pay the postage upon every letter that I write, sometimes amounting in a single day to a hundred letters; and that in addition to that I receive by nearly every mail packages upon which one rate of stamp has been put, three cents or perhaps six, and they come to me marked "due nine cents"

or "due twelve cents," sometimes "due eighteen cents," each of which packages requires me frequently to transmit the contents of it or a part of them somewhere else, upon which I pay postage over again. And yet although that is our attitude, and although the Senator from Minnesota tells us that it is not proposed to do anything by which the widow or the orphan may write, without paying postage, to us in respect to his or her pension, although it is not proposed to do anything by which our official postage may be paid, nevertheless the abolition of the franking privilege he intimates has done its office when we sit here legislating to furnish official stamps to everybody in the service of the Government except members of Congress, and racking our ingenuity to enable everybody except ourselves and our correspondents in some way or other to go scot-free of postage.

Mr. President, this brings me to the pending measure, if I have a moment or two left to speak of it. What is it? I take the amendment of my friend from Ohio. I believe it is like that of the Senator from New Jersey.

Mr. WEST. There is no ten-minute rule on this bill yet.

Mr. CONKLING. The Senator says there is no ten-minute rule on this bill.

Mr. SHERMAN. O, yes, there is.

The PRESIDING OFFICER. A resolution was adopted making it in order to move the ten-minute rule; no motion has yet been made to apply the rule to the bill.

Mr. CONKLING. I beg pardon; but I will not inflict the Senate with a speech for that reason. Had I known that I was not confined to ten minutes, I should have made my position a little clearer.

I wish to devote a few moments to the pending proposition. It is that hereafter all public documents may be deposited in the mail, no postage being prepaid upon them, and when they are called for by the person to whom they are addressed, he is to pay the postage upon them. I ask the Senator from Ohio whether in substance that is it?

Mr. SHERMAN. If the Senator from New York will allow me, this is the precise principle of the law which existed during the late war in regard to soldiers' letters. A soldier at the front might send a letter to his home, and it was carried home and the postage was there collected. This is the same principle that was adopted in that case.

Mr. CONKLING. With a slight variation, Mr. President. The letter which came from the soldier in the front and went to those who waited for it around his own fireside was not a public document; it was a private document and a sacred document. Those who would pay postage upon it waited and longed for it, and no uncertainty could arise in regard to it when once it reached its destination. What is proposed now? To send public documents here and there over the country. To whom? To those who write for them merely? Is that the suggestion? If it is, you will find they will be applied for by book-jobbers, by book-stall keepers, by buyers and sellers and traffickers in documents. The result will be to turn over largely to dealers in these articles the books which we are making here, they paying nothing for them except the cost of transmission? Is that intended? If it is not intended to confine them to those who write for them, does the Senator mean that a Senator shall sit down and send indiscriminately to persons who have not applied for them books burdened with a considerable amount of postage, which they are to be called upon to pay, and either submit to paying or be guilty of the apparent rudeness of refusing to take them from the post-office?

Then my friend from New Jersey, as I understand, provides, looking to that contingency, that when they do refuse, when some man in New Jersey says, "Well, really, this is very considerate of Senator FRELINGHUYSEN to send me a book which I have never asked for, and do not want, with twenty or thirty cents postage upon it; when I want him to impose that postage upon me, I will let him know; and in the mean time I will fall back on my reserved rights and tell the postmaster that I do not want this book and refuse to take it out"—looking to that contingency the Senator provides that these books are to be sold. To whom are they to be sold? I think it quite likely that here and there a man or two will go into the business of picking up these books, and from such persons bids will come. What will be the bids? Is there anything here holding out a promise of their selling even for enough to pay the postage? In some post-offices a hundred documents accumulate. The postmaster is to sell them. How is he to sell them? By private sale?

I recollect a case in which a gentleman who once held distinguished rank in this body, as well as in the other House, received from the far West a large box of prairie-hens with a letter, as he told me, requesting him to dispose of those prairie-hens to the best advantage and remit the proceeds to the sender, which I believe he religiously did, that being but one box of prairie-hens. But when the postmasters of the country are required to make the best disposition they can of these documents coming along all the time, are they to go around by private negotiations, as in the case of the box of game, and see who will take one and who will take another, or how are they to dispose of them? Perhaps by ringing a bell and proclaiming a sale by public outcry, at public vendue. How much are they to bring? Can anybody suppose that the class of people who would value these books, men of business, farmers who want the Agricultural Report, many of whom send two, three, four, or five miles to the post-office for their mail, are to attend these sales, are to go in person, and watch and see when they can buy these books? It seems to me all that is very uncertain, and that it is much more likely that the books will be sacrificed and sold for a song.

And thus we have again, Mr. President, what I insist we have had all the time, an abolition of the franking privilege without the courage or the willingness to stand up to it; upon which I observe that one or the other of two things is right: Either we should restore the franking privilege and allow public intelligence to go through the mails to the end that our principals may know what we, their agents, do here, in place of our being isolated and turned over to the annals or chronicles given by certain party newspapers; or, if the franking privilege ought not to be restored and should have been abolished, then we should accept logically and fully the fact of its abolition and govern ourselves accordingly. But instead of that, we have constantly propositions to print this book because of its exceptional value, and that book because of some special circumstance connected with it, and something else for a different reason, and so we are adding to an accumulation of books the postage upon which was $330 weeks ago for every member of the Senate; and then by way of avoiding a restoration of the franking privilege, and by way of justifying ourselves in going on with the business of book-making, here comes a plan as the most ingenious these learned Senators can invent by which you are to send them through the mail subject to postage at the other end, and providing that they are to be sold at public vendue or otherwise when they are not called for. I do not believe in it, Mr. President. I do believe that if we are to adhere to the abolition of the franking privilege, we should stand by it. As the tree has fallen, so it should lie. I do believe that instead of receiving, as I receive continually, a package of seeds and a package of other agricultural products from the Agricultural Department, which I do not know any disposition to make of—for I have no idea what to do with them—we should cease to be the recipients of these contributions.

Mr. President, this subject connects itself with one or two other topics upon which I think it would be appropriate at some time for somebody to comment. We said at the beginning of this session that we would fix the salary of Senators at $5,000 a year. What did that mean? It meant apparently that that sum was to be received. Every man who hears me knows that unless we leave the seeds and the documents to perish or to be disposed of under some such scheme as this, which I think would probably carry a large part of them to book-jobbers and document-venders to make money of, in place of the salary of a Senator being $5,000 it is not $3,500 after he has paid his official postage. Every man knows that is not right; every man would be ashamed of it in the case of anybody else; and every Senator knows the reason why that fact is left to exist. Perhaps I should take a liberty with the Senate if I were to state it; but I think I may say this much: that were it the case of any other public officer, or of any citizen, were it the case of an executive officer of the Govment, as we do furnish him official stamps to carry on his official correspondence, so we should furnish official stamps to him if he held the place we hold. In other words, it is a constant confession that what is right in respect of others, we do not do, perhaps I may not say we dare not do in respect of ourselves.

But, Mr. President, with less courage than any other member of the Senate, with so little that in these times I often feel the need of something to lean upon even in occasions that are not as trying as this, I think if other Senators should go with me and assist me, I could nerve myself up to voting either to stand by the abolition of the franking privilege and stop printing documents, or if we will print documents, to restore the franking privilege at least in regard to them. I do not know but that I could go a little further. I think I could stand with others around me and close to me in insisting that if the official postage of everybody else from the President of the United States to the last clerk in the last Bureau of the last Department is to be paid—his official postage I mean—thereby meaning postage upon all letters written to him touching the public business and coming to to him in his official character—if that is to be done, I say I might myself hope if my stalwarth friend from Illinois [Mr. OGLESBY] would stand close by me to vote that we also should be furnished either with official stamps or with some substitutes for them to put on the letters that come to us and go from us in our official capacity; and I should say that the American people are too just, that the American people are too clear-headed to respect or praise any public officer for the cowardice which leads him to submit to gross and palpable injustice which he would not dare to justify in the case of anybody other than himself.

Suppose we were to sit here and vote that the Postmaster-General was to pay out of his own pocket all the postage upon the official correspondence received by him. It would shock the common sense of every page in the Senate Chamber. Every man would say "the Postmaster-General, receiving now $8,000 a year for his services, taxed as all officials are because they are officials, besides now to be compelled to pay postage upon everything sent to him in his official character! It is a swindle; if you mean, that why do you not say honestly that he shall receive but $2,000 a year or $4,000 a year, or whatever would remain to him after paying his postage?" The boys that run our errands could tell us that; and yet I inquire again what the difference in principle is between a Senator paying nine dollars a week, as I have heard Senators say they have paid postage during some weeks of this session, not upon public documents but upon correspondence alone, and the Postmaster-General or the Secretary of the Navy, or any other gentleman who holds a distinguished execu-

tive position under the United States paying his official postage? There is not any.

But, Mr. President, why multiply words? All these things are part, as I insist, with deference to the Senate, of that illogical, confused, haphazard policy which has been adopted on this subject. They all grow out of the fact that when we abolished the franking privilege we did not stand to and abide by the logic of that act. If we had done so the provision made for the Executive Departments as to their postage would have been made for us also, either individually or collectively, and then all unnecessary matter for the mails, like books furnished at the public cost, would have ceased to go to the mails, because our orders would have ceased under which they are printed, bound, and published. Therefore my conclusion is that the sooner we come back to the one position or the other the more logical we shall be, the more just to ourselves and to everybody else. This proposition in either form I cannot vote for, believing as I do that it would make still worse a matter already bad.

Mr. FRELINGHUYSEN. Mr. President, I think the best way to legislate is to legislate in view of existing facts. We have two facts which are undisputed. The franking privilege does not exist; the public documents are printed and we have them on hand to be disposed of; and now the question is how shall we afford the requisite facilities for their distribution? As to this discussion as to courage, I do not think it is a question of courage. I voted against the abolition of the franking privilege before. I spoke against it. My friend from New York voted for it and spoke for it. But I do not think it is a wise plan, when a thing is done, not to accept it and to be finding fault with the state of things. I accept it that the franking privilege is abolished; but we have these books now, and the question is how shall we distribute them? The Senator from New York thinks that we should be imposed upon by the book-jobbers. Not at all. The way that I should undertake to administer the distribution of documents under this law would be this: I would write to some leading person in one township and to somebody in another to send me a list of the names of those who would like the Agricultural Report and pay the postage on it, and then I would fill up that list and so circulate those books; and if they are not called for, what is the provision? Not that they shall be put up at auction, but that they shall be sold for the postage, no more, no less, and that would effect the distribution of these books.

Mr. WEST. Suppose they do not bring the postage?

Mr. FRELINGHUYSEN. That would be a loss in that contingency.

Mr. RAMSEY. The charge of the Senator from New York, [Mr. CONKLING,] so often repeated, that the repeal of the franking privilege was owing to the circulation of petitions sent out by the Post-Office Department is calculated to make a wrong impression on the minds of those who were not here during the consideration of that question by Congress. The truth is that the repeal of the franking privilege was urged upon Congress by the President of the United States; it was urged upon Congress by Postmasters-General of the United States for over twenty-five years; it was urged upon Congress by the two leading political organizations of this country in their national conventions at Cincinnati and Philadelphia; it was pressed upon the Congress of the United States by one million people of these United States affixing their signatures to petitions for its abolition. All these things were done—not by the Postmaster-General. It is true that in answer to importunities from the people to send them some sort of petitions he had blanks printed and sent to them. That was all he did. No one can pretend that American citizens were compelled or coerced by postmasters to sign those petitions; they knew what they were about. A million of people in the United States arenot to be dragooned in that way.

Again, it is not a singular thing that we do not enjoy the franking privilege. There is not a civilized and cultivated country on the earth that allows it to its representatives. Whenever they were once in the enjoyment of it they have been compelled, as we have been compelled by public opinion, to abandon it; and why did we abandon it? Because it was a grievous wrong, a great abuse in itself. Properly construed and properly conducted it might not have been so; but in the lapse of time it grew to be a great abuse, and the people compelled its abolition. I am sorry that the Senator from New York after having done that good work should be perpetually sighing for the "flesh-pots of Egypt."

I would ask the honorable Senator from New Jersey if he proposes in this amendment of his to have it still read "that the postage on no single document shall exceed the sum of twenty-five cents?" Probably he means "no single volume," and he should so modify his amendment. The CONGRESSIONAL RECORD I suppose will consist of four or five volumes for the session; the Globe has heretofore been four or five volumes per session; and it is not possible that he means to send all those volumes for twenty-five cents. Again, the Medical and Surgical History of the War comprises two large volumes weighing ten or fifteen pounds at least, and he would not send both of those volumes for twenty-five cents postage. He means each volume of a document probably.

I think it is unfair to have one system of postage for the people and another system for the officials of the country. I do not believe that will be agreeable to the people. If we adopt such a system, probably we shall be as hasty in our retreat from it as we were in the "back-pay" business. I hope we shall not make such a mistake now.

Mr. SARGENT. I move that the rule be applied to the post-office bill limiting discussion to ten minutes.

The PRESIDING OFFICER. The Senator from California moves the application of the pending rule limiting debate on amendments to ten minutes to the pending bill.

The motion was agreed to.

Mr. MORRILL, of Vermont. Mr. President, I have not been deceived in the result of the abolition of the franking privilege. I foresaw that it would be a sham, and it is an immense sham. But so far as the printing of public documents is concerned, the prevention of that and of their distribution is a real reform. It is a great mistake to suppose that we have been printing documents at this session for distribution. It has not been done that I am aware of in any case.

Mr. CONKLING. What are all these extra copies printed for?

Mr. MORRILL, of Vermont. The extra copies we now print are the last sad remains of documents that were ordered at previous sessions of Congress. I am utterly hostile to reviving the book-making business on the part of Congress, and yet I desire to call the attention of the Senate to the facts in this case so far as it is a reform on the part of the Post-Office Department.

It was represented to us that if we would abolish the franking privilege there would be a saving of something like $4,000,000 a year. Thus far all the contributions of members of Congress to the revenues of the Department are of course to be added; and in addition to them we are to add $1,865,900 that was last year appropriated for stamps for the Departments of State, of the Treasury, of the Navy, of the Interior, the Agricultural and other Departments. That added to the amount we appropriated for supplying deficiencies last year made the sum we appropriated last year for deficiencies in the revenue of the Post-Office Department seven million two hundred and sixty-two thousand and odd dollars. We appropriated directly from the Treasury $5,396,602, and then appropriated for the stamps of the several Departments $1,865,000. Now, after making these large appropriations, this bill provides that we are to appropriate $100,000 more than we did last year, notwithstanding the contributions of members of Congress and notwithstanding the franking privilege has been abolished, and for last year, as I stated, we appropriated $5,396,602, and this year $5,497,000.

Mr. WEST. But your service has increased 8 per cent.

Mr. MORRILL, of Vermont. Very well; if the service has increased 8 per cent. so have the revenues increased or they ought to have increased.

Mr. WEST. Undoubtedly.

Mr. MORRILL, of Vermont. Under these circumstances it is apparent that the Post-Office Department is an expensive institution, and that it ought to be brought back to the original plan of the institution where it was kept for something like three-quarters of a century as a self-sustaining establishment.

I hope that we shall not brush aside the only reform that was made in abolishing the franking privilege, which was the suspension of the book-making business on the part of Congress. We have not yet introduced it at this session, and I trust that we shall not provide for it in the post-office appropriation bill by providing that the documents may be distributed only so far as documents that are now on hand are concerned. I am quite ready to provide some scheme by which the documents on hand which were previously ordered should now be distributed at some reasonable rate.

Mr. WEST. As some allusions have been made in this discussion to the question whether the repeal of the franking privilege has resulted in any benefit to the revenues of the Department or contributed in any degree to its more economical administration, I think it proper to state some facts in connection with that subject which have come to my notice in the examination of the expenditures of the Department.

The Postmaster-General in his report in his allusion to that question says, "it is too early now"—mind you his report was made in November of last year, when the repeal of the franking privilege had only been in operation for a few short months, and he called our attention to the fact that it is impossible to judge from the revenues of his office how far a benefit in the direction of economy had accrued. But I ask Senators to examine the data that I submitted here in my remarks when this bill was first presented to them. I showed you that the increased service throughout the country has been from 7 to 8 per cent. in response to the demands from all portions of the Union that additional mail service shall be put here, that additional mail service shall be afforded there, and that additional facilities shall be supplied here and elsewhere. I pointed to this fact that the increased expenditures of the Department this year are 5½ per cent. while the increased service is 8 per cent. What is the deduction therefrom? That there must have been some increase of revenue elsewhere. Then I call your attention to the fact that if the management of the business of the post-office is not in the direction of economy, most assuredly the percentage of deficiency should keep pace with the percentage of expenditure. You have 5½ per cent. increased expenditure and you only have had 1¾ per cent. increase of deficiency, and that in face of this other and very important fact that Congress at its last session authorized an increase of compensation to the rail-

road companies all over the country. That was because it was made evident to Congress that in the compensation the Post-Office Department was conferring on the railroad companies it was not equitable and was not just. We have under that provision that we should pay an additional sum to the railroad companies, an increase of $1,750,000 railroad compensation for the next year that does not appear in the expenditures. Our expenditures are so much less, or proportionately so much less, and yet you are paying the railroads on their contracts $1,750,000 more than you did last year. Then, irrespective of whether it is advisable to restore the franking privilege, we must not lose sight of the fact that the country is gaining financially by its abolition. That is evident from the facts I have stated, first, in the reduced percentage, and second, that we have increased the railroad compensation $1,750,000 for reasons that we could not avoid. The railroad companies would not carry the mails unless we did it. There is part of the money saved from the franking privilege.

As for the $4,000,000 that the Senator from Vermont alluded to, I do not know where he got his facts from, because we have here an assurance from the Postmaster-General that if that mail matter was paid for it would increase the revenues $2,500,000; but it does not go and it does not pay anything and it is not carried in the mails, and consequently we have saved that much money.

Mr. MORTON. Mr. President, some time ago I introduced an amendment, which was referred to the Committee on Post-Offices and Post-Roads, to allow documents printed at the public expense to be sent through the mails, the postage to be paid by the persons receiving them. I think hereafter there will be much more circumspection in the printing of public documents than there has been in the past, and that only the more valuable will be published. Some of these documents contain information that cannot be had elsewhere. Book publishers will not publish books containing this information. If it is not published by Congress it will not be published at all, and if the people cannot get it through this source they cannot get it at all. Some of this information is very valuable to the country, and the people are willing to pay for it. Now, why not give them a chance to get it? It is a hardship and a burden upon members of Congress to send these documents at their own expense. They cannot very well afford to do it. It amounts to an onerous tax. Now, why not allow us to send these documents to persons who want them or who will be willing to take them and pay for them, or that have written to us for them, letting them pay the postage? I have received many letters during this session, and I presume every other Senator has, asking for certain books, and I believe in not a single instance have stamps been sent to pay the postage. I will not say why this omission has been made; but such is the fact. Some write to us "Send them at my expense." But how can we send them without sending a bill for the postage, which we are not likely to do?

Mr. President, I shall vote for the amendment offered by the Senator from New Jersey, though it does not go far enough. The Senator from New York made an argument which would prove, if it proves anything, that the franking privilege ought not to have been abolished. He voted for it and so did I. I voted for it because that privilege had become a scandal that could not be answered. It became a necessity on the part of Congress to abolish the franking privilege, and there is no reason why members of Congress should not be provided with postage for that correspondence which necessarily grows out of their office any more than that the Postmaster-General or the Secretary of War should be provided with postage. To require them to pay postage on the official business of their Departments would be ruinous to them. As was argued, is there any more justice in requiring us to pay postage growing out of the office and in consequence of it? I am prepared, when some member shall offer such a measure properly considered, making provision for our postage, to vote for it. It cannot be done to-day, and it will not be done, but here is a step in the right direction for the present. Let us provide that those persons who want these public documents may get them by paying the postage on them.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from New Jersey.

Mr. SARGENT. I move to amend the amendment——

The PRESIDING OFFICER. It is not amendable, because a further amendment would be in the third degree.

Mr. SARGENT. I will suggest a modification. Before the word "public," in line 9, insert "volume of a," so as to read "no single volume of a."

Mr. FRELINGHUYSEN. I accept the suggestion.

The PRESIDING OFFICER. The amendment of the Senator from New Jersey will be so modified. The question is on the amendment of the Senator from New Jersey, as modified, as a substitute for the amendment of the Senator from Ohio, [Mr. SHERMAN.]

A division being called for, there were—ayes 13, noes 20; no quorum voting.

Mr. SHERMAN called for the yeas and nays, and they were ordered.

Mr. SHERMAN. I ask that the proposition be read. I do not think the Senate understands it.

The CHIEF CLERK. It is proposed to strike out all after the word "that"——

Mr. SHERMAN. I believe I have the right to accept that amendment, and to save time I will accept it as a substitute for my amendment, and call for the yeas and nays on the adoption of it.

Mr. WEST. No; let us have the vote on this amendment and not have it adopted with the Senator's consent.

Mr. SHERMAN. I propose to have the yeas and nays on the proposition of the Senator from New Jersey. I will withdraw my amendment and let the vote be taken on the proposition of the Senator from New Jersey.

Mr. WEST. Very well.

Mr. DAVIS. Now let it be read.

Mr. MORRILL, of Vermont. I move to amend by adding a proviso to the end:

Provided, That this shall apply only to documents ordered to be printed previous to the passage of this act.

Mr. ROBERTSON. Is it in order to move a substitute for the whole amendment?

The PRESIDENT *pro tempore*. That is not in order at present.

Mr. ROBERTSON. I will send to the desk and ask to have read for information the amendment which I wish to propose.

The PRESIDENT *pro tempore*. The proposed amendment of the Senator from South Carolina will be read for information.

The Chief Clerk read as follows:

That an act entitled "An act to abolish the franking privilege," approved January 31, 1873, be, and the same is hereby, repealed; and the franking privilege as the same existed prior to the passage of said act, is hereby restored.

SEC. 2. That if any person entitled to use the franking privilege shall frank any matter or thing other than is allowed by law, or shall allow any person to use his frank for any purpose whatsoever, every person so offending shall be deemed guilty of a misdemeanor, and on conviction before any court having jurisdiction of such offense, shall be fined not less than $1,000 nor more than $5,000, and may be imprisoned at the discretion of the court.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Vermont [Mr. MORRILL] to the amendment of the Senator from New Jersey, [Mr. FRELINGHUYSEN,] which will be read.

The CHIEF CLERK. The amendment of the Senator from Vermont is to add to the amendment of the Senator from New Jersey the following proviso:

Provided, That this shall apply only to documents ordered to be printed previous to the passage of this act.

Mr. SHERMAN. Now read the original proposition.

The CHIEF CLERK. If amended as proposed the amendment of the Senator from New Jersey will read:

That hereafter the requirement that postage shall be prepaid shall not apply to public documents certified to be such by any member of the Senate or of the House of Representatives, or by the President or head of any Executive Department or other person entitled to the franking privilege when the law was passed abolishing the same. And the postage on no single volume of a public document shall exceed the sum of twenty-five cents; and the same, if not prepaid, shall be payable by the person to whom the same may be directed and received; and the words "Public Document," written or printed on the envelope containing any public document and subscribed by the member or other person mailing the same, shall be deemed a sufficient certificate that the same is a public document; and the term "public document" shall be deemed to include all publications printed by order of Congress or either House thereof or of any Department of the Government. And if any such document shall not be taken from the post-office to which the same shall be directed within thirty days after being received thereat, the postmaster may sell the same for the amount of postage due thereon, and shall account to the Post-Office Department for the proceeds thereof: *Provided*, That this shall apply only to documents ordered to be printed previous to the passage of this act.

Mr. CONKLING. I shall vote for the amendment of the Senator from Vermont for the reason that it diminishes the evil of this amendment. The Senator from Indiana, [Mr. MORTON,] absent at this moment, said by accident or design that I had made an argument which if it proves anything proves that the franking privilege ought not to have been abolished. If the Senator from Indiana heard me make such an argument as that, it shows at least keenness in his ears. If he was able to extract from anything I said an argument like that, it shows what an enormous capacity of mental digestion belongs to that Senator. As I see he is now present in the Chamber, I beg to say to him that I have made no argument in favor of restoring the franking privilege, and no argument against the wisdom of its abolition. I had been voting for the abolition of the franking privilege in Congress about thirteen years at the time when its abolition took place, and certainly I am not in a mood to make an argument against all the votes on the subject which I ever gave.

I said, however, and I repeat, that the promise held out to us in the abolition of the franking privilege had not been kept, because the book-making, and book-binding, and book-publishing still went on; and I think the Senator from Indiana must have heard very much awry what I said if from that he could suppose that I was, under cover or openly, making an assault upon the abolition of the franking privilege.

Now, the amendment offered by the Senator from New Jersey, and approved as I understand by the Senator from Indiana, is the first step paving the way to the restoration of the franking privilege. Unless it be restricted as the Senator from Vermont proposes to documents already in existence; if it is to go on as an allurement, a justification, an implication, that we are to print more documents hereafter, then I say to the Senator from Indiana that if he and I live for a short time we shall see that we have put our hand between the belt and the wheel, and we shall be drawn in from one step to another until in large part or wholly the franking privilege will be restored. By as much as the amendment of the Senator from Vermont makes it take hold of documents which are already printed and

stop there, I say it is a good thing and I shall vote for it. By as much as it is made to go further than that, it is an implication by the vote of the Senator from Indiana and my vote if I vote for it and that of every other Senator who approves it, that we intend that book-making shall proceed hereafter, because such a provision will be very idle unless we are to furnish the books to be carried under the arrangement made.

Mr. President, I say again that I make no argument in favor of the franking privilege at this time. I make no argument against our act in which I have had my full responsibility as the Senator from Indiana says, of abolishing that so-called privilege. I simply contend that we shall adhere to it while the abolition continues, and that we shall not be incessantly frustrating it and acting against the policy which underlies that legislation by feeding out books and feeding out documents in extra numbers to be carried in some way or other through the mail.

Mr. MORTON. I did not intend to misrepresent the Senator from New York.

Mr. CONKLING. The Senator did misrepresent me, although I suppose he did not intend it.

Mr. MORTON. I did not intend it. The Senator made an argument here to prove the hardship and injustice of requiring members of Congress to pay their postage, and showed what a large sum it amounted to, that it substantially reduced our salary to $3,500 a year, all of which I thought in my simplicity went to prove that the franking privilege ought not to have been abolished. I may have been wrong, but I supposed it proved that if it proved anything.

Mr. President, I do not think that the amendment offered by the Senator from New Jersey is in the line of restoring the franking privilege. It is not proposing to send matter through the mails free, but simply to change the place of payment. Sometimes documents will be sent that will not be taken out. I have no doubt of that, but I think that will not occur very often, especially where men write to you for them, and members of Congress know their people so well that they will not be very apt to send valuable books to persons who do not want them or who are not liberal enough to take them out of the post-office by paying the postage. I think I shall make very few mistakes of that kind. That is not restoring the franking privilege or even approaching it. It is simply to allow our constituents who want the books to pay for them. That is all.

It is only a few years ago that the postage on all letters was paid by those who received them. I believe the reform requiring the prepayment of postage on letters is not much more than twenty or twenty-five years old, perhaps not that old; and yet when letters were to be paid at the other end of the line, that was not called the franking privilege, and it was not the franking privilege any more than this would be to allow public documents to be paid for at the other end of the line.

Mr. CONKLING. Will the Senator allow me one moment?

Mr. MORTON. Yes, sir.

Mr. CONKLING. Can the Senator and I differ about a proposition so simple as this? Was it not one great part of the alleged abuse of the franking privilege that books were published and printed and bound by the Government to be sent out? And if so, is it not a perpetuation of that abuse if we provide for sending such public documents through the mail without prepayment of postage, to be received by those to whom they are directed, for postage merely? Is not such a provision an absurdity for the future unless you presuppose that the books are still to be printed and go out?

Mr. MORRILL, of Maine. Besides that, if my honorable friend will allow me to say a word, they are to go out at very much reduced rates. They are to be a favored class of documents because they are our documents.

Mr. CONKLING. Precisely. In other words, we are to print them for nothing; we are to receive nothing in return; then we are to cheat the mail of the postage in part by imposing a specially reduced rate upon them; and then the recipients of these books are to receive their postal matter at that reduced rate as a favored class when neither the orphan nor the widow can write about a pension without paying full postage rates; and yet my honorable friend from Indiana says that there is nothing in all that, as I understand him, which is inconsistent with the doctrine upon which we undertook to cut up the frankling privilege root and branch, with all its variations and modern improvements of seeds, books, and public documents.

Mr. MORTON. Mr. President, the whole substance of that argument amounts to just this: that if we provide for sending books through the mails, the postage to be paid by those who get them, we therefore provide a temptation for ourselves by which we shall be tempted to vote for the publication of a great many books and documents that otherwise we would not. If we carried that principle a little further, it would interfere very materially with everything we do here if we are to guard against temptations to ourselves; the business of book-making will go on, and to a certain extent it ought to go on, because there are certain books published here that if not published here would be published nowhere, that are valuable to the whole country, and that the people in every part of the nation want to get. I think Congress can be trusted as having some little discretion, some sense in regard to the character, the quality, and the quantity of the books that may be published; and because we provide that our constituents may pay postage on those books it is said that therefore we give way to a temptation for the publication of books we ought not to publish. As far as that is concerned I think there is not very much force in it.

Mr. MORRILL, of Maine. Mr. President, I do not say that this is an insidious attempt, for I know better than that. The Senator who introduces the proposition has no method of that kind in his treatment of public affairs; but I say that the tendency of this movement is to reintroduce the franking privilege; and accompanied by the sentiments uttered on the floor this afternoon I do not doubt and I insist upon it that it is an absolute shame and it ought to shame every man of us to talk about a restoration of the franking privilege in any sense whatever, directly or indirectly. It became a public scandal, and every soul of us here was arraigned throughout the country as participators in it; and this arm of mine will drop from its socket before I give a vote at any time, unless I am instructed by my people directly, to restore that privilege, in whole or in part, in any sense whatever.

I voted for its repeal against my judgment, but it was the judgment of the people that it was an abuse, and when my honorable friend from Indiana asks can we not be trusted, I say no; we were not trusted. No matter how honest we were, we were abused throughout the length and breadth of the land, and the country believed we were guilty of an abuse of this privilege. Did we not put it into our party platforms, did it not go into the platforms of both parties that this practice was a great public abuse? Were we not arraigned everywhere by the press and by local communities? And now we on our knees are to creep back little by little, twenty-five cents to be paid for a document that cannot be carried on the principle that the poor man has his message carried, for less than $2. What is the justification of that? Twenty-five cents for a document that according to this service will cost $2, and then next year we shall have to vote out of the people's Treasury six millions to pay the deficiency! Sir, all I have to say about that whenever that proposition is put to me directly or indirectly is, thy servant is not a dog and he will not do this thing.

Mr. SPRAGUE. I desire to make a confession. I wish that I could give a vote to-day that would annul the vote I gave last year in reference to the franking privilege. Foolishly I made a speech at one time favoring its abolishment. Using the idea of the Senator from Maine, I would prefer that my arm should leave its socket rather than I should give a vote to abolish the franking privilege, and there are a good many who will say the same thing when they think of it. I believe that it is necessary for a republican government to have a distribution of intelligence as well as a distribution of power, and I believe that since the abolishment of the franking privilege the people of this country have not communicated with their representatives, that they have withheld their requests, their requirements, their desires, their interests, their opinions, and their views upon public questions growing out of this abolishment. I know there has been no saving to the Government in any respect. There has been no system better than there was before inaugurated in the Post-Office Department. The mere abuse which grew out of matters in relation to the political parties and political questions was nominally nothing in comparison with the cessation of the diffusion of intelligence and free communication between the people and their representatives in a republican government.

We are different or ought to be different in every respect from a government which assumes to be of a different class and character from ourselves. We need the strengthening influences of the people; we need their views; we need their opinions; we need their desires to be made known to us upon all occasions without any check or interference. If I had a vote to give to-day or a hundred votes, I would give them all for the resuscitation of that law whereby every member of Congress and Senator might have the privilege of sending under his frank anything in the way of communications and of receiving them from his constituents.

Mr. CRAGIN. Mr. President, I am one of those who voted for the repeal of the franking privilege, and like my friend from Maine I voted against my judgment. I had not the slightest idea that there would be any saving to the Post-Office Department or any saving to the Government by the repeal of that privilege. Notwithstanding that I am not in favor of restoring the privilege, especially that part of it which was personal to members of Congress. I am not in favor of restoring any privilege that shall carry private correspondence through the mails; but at the same time I am more opposed to the new franking privilege than I was to the old.

Under the system as it now exists, whereas there were seven heads of Departments who had the franking privilege on official correspondence, there are now more than forty thousand officers of this Government who have official stamps and can use them with the official envelopes just as they please, and there is forty times the danger of abuse under this new franking privilege that there was under the old. Under the old there were about four hundred men, including members of Congress, who had the franking privilege. Now we appropriate $2,000,000 annually, or we did last year, to print and furnish official stamps to the heads of Departments. They distribute them to the different officers connected with those Departments throughout the length and breadth of this country. The Post-Office Department, which furnishes the greatest number, furnishes to 35,317 officers these

official stamps; and I have myself seen in the hands of a single official of that Department $1,600 worth of official stamps for distribution among the subordinates. You may tell me that these men are more honest. I admit that they are just as honest as members of Congress; but their number is multiplied by thousands, and if they have not already they will ultimately abuse this privilege and use these stamps for private correspondence. I am told they are doing it now to some extent.

Mr. RAMSEY. Does not the Senator know that all these parties had the official frank before?

Mr. CRAGIN. I know that none of them had it before except the heads of Departments. The heads of Departments and Bureaus could frank official correspondence, and people all over this country could write to them under that privilege; but your more than thirty-three thousand postmasters had not the franking privilege. Your route agents, your special agents, your mail agents of all kinds had not this privilege. They could write to the head of the Department or the head of the Bureau on official business, because they had the franking privilege; but now all they have to do is to pull out of their pocket an official stamp and send it on a letter to anybody they see fit. Look at your revenue officers; look at your collectors of internal revenue and your deputy collectors of internal revenue; they have their pockets filled with official stamps, and they use them on all official correspondence. If they write to a postmaster inquiring if A B is selling liquor or tobacco, they use an official stamp and send one to their correspondent to pay the return postage. This is the new franking privilege that I complain of, and that in the end will raise a storm in this country a thousand times more fierce than the old franking privilege.

Mr. RAMSEY. Here is another repentant sinner like the Senator from New York. [Laughter.] He also voted for the repeal of the franking privilege, and he laments it now.

Mr. CRAGIN. I do not lament it so far as members of Congress are concerned. I would restore it to the heads of Departments, and that is as far as I would go.

Mr. RAMSEY. The Senator says that these parties that he has named had not the franking privilege. They all had the authority to communicate with their official head here on official business without paying postage.

Mr. CRAGIN. Now they have authority to communicate free by using official stamps.

Mr. RAMSEY. Now they put on the stamps; and you limit the amount of that correspondence by the amount of stamps you allow them to have. Before there was no limit at all. You give them so many stamps now, and they cannot exceed the number you allow.

Mr. CRAGIN. I ask the Senator if a deputy collector of internal revenue could write to the postmaster in my own town or any town under the old franking privilege without paying postage? Now he puts on an official stamp if he writes inquiring whether any man is violating the revenue laws in the town.

Mr. RAMSEY. But does not the Senator admit that he must put on an official stamp?

Mr. CRAGIN. Certainly. And can he not put it on a letter written to me or you without anybody knowing it?

Mr. RAMSEY. It would be a violation of law.

Mr. CRAGIN. So it was a violation of law for a member of Congress to allow A B and C D to use his frank.

Mr. RAMSEY. But A B and C D could write ten thousand times a day and put on a frank; but here the officers are limited to the amount of stamps they receive.

Mr. CRAGIN. Early in this session I introduced a resolution in the Senate calling upon the heads of the different Departments to give us a statement of the number of officers in those Departments who were furnished with official stamps. I hold in my hand the letter of the Postmaster-General in answer, and I will read simply the enumeration of the men who are furnished with these official stamps by that one Department:

Postmaster-General	1
Assistant Postmasters-General	3
Assistant Attorney-General for Post-Office Department	1
Superintendent of foreign mails	1
Superintendent of money-order system	1
Chief clerk of Department	1
Chief of division of mail depredations	1
Postage-stamp agent at New York	1
Postal-card agent at Springfield, Massachusetts	1
Special agents	73
Railway post-office head clerks	343
Route agents	917
Mail-route messengers	193
Postmasters	33,780
Total	35,317

Thirty-five thousand three hundred and seventeen officers connected with the Post-Office Department are supplied with official stamps paid for out of the Treasury of the United States, and this is your great reform! So follow it through all the other Departments. Every revenue officer is furnished with these stamps, Navy officers, Army officers, Indian superintendents, and all the officers connected with the various Departments are furnished with these stamps.

I admit, Mr. President, that up to this time there has been very little fraud practiced, in my judgment; but if this system continues it will certainly grow into fraud. It cannot help it. Human nature is the same now that it ever was and always will be. To show you the beauty of this new system, let me state one fact within my knowledge. A short time ago a correspondent of mine sent to your Treasury Department and requested that a bundle of papers which he had left there might be sent to me for safe-keeping. The Treasury Department forwarded them to me from the Treasury to this Capitol, and the official postage-stamps amounted to seventy-two cents. Seventy-two cents on a package of papers sent from the Treasury Department to the Senate Chamber! They might have hired a boy to do it for fifteen cents, or have put it in the charge of an express for less than twenty-five cents. This is a specimen of your reform.

I wish to say here and say distinctly that I am unalterably opposed to the restoration of the franking privilege to members of Congress for the sending of private correspondence or of speeches or of any campaign documents; but I am in favor of restoring it to the heads of the Departments for the purpose of transmitting official correspondence through the mails. We appropriated last year $2,000,000 out of the Treasury to pay for these official stamps. In other words, as was said by the Senator from New York, [Mr. CONKLING,] we took so much money out of one pocket and put it into the other. The receipts of the Post-Office Department are swelled by that amount, or nearly, for it costs something to print these stamps, something for the paper, something for the engraving, something for the clerks to put them on, and so much is absolutely lost, except that before the franking privilege was a burden and required somebody to attend to it. I admit that there were abuses under the franking privilege, and I am not sorry that the thing was broken up; but I do believe the time will come when this official-stamp business will be abolished, and when the heads of Departments will be authorized to send official correspondence through the mails free and to receive answers. So much in my judgment should be done.

Mr. SAULSBURY. As the Senator from New Hampshire has been talking about the abuses of official stamps, I wish to call his attention to a statement made by the Senator from Virginia [Mr. LEWIS] the other day, that the stamps now furnished are used for political purposes, and that the parties now having a right to use official stamps are using them not on the official business exclusively, but are using them for political purposes.

Mr. CONKLING. Who said that?

Mr. SAULSBURY. The Senator from Virginia, [Mr. LEWIS,] who has now in his possession documents of a political character exclusively, received with the Government stamp upon them. I wish to call the attention of the Senator from New Hampshire to that.

Mr. CRAGIN. I stated that I believed very little fraud up to this time had been practiced under the use of these stamps. I have no personal knowledge of the facts stated by the Senator from Delaware. I only intimated that in my judgment this system was liable to fraud and much more liable to it than the old system, because it is in the hands of forty thousand men, whereas before it was in the hands of a very few hundred.

Mr. FRELINGHUYSEN. Mr. President——

Mr. LEWIS. Will the Senator from New Jersey give way for a moment? I made a statement the other day during the course of a speech of the Senator from Mississippi [Mr. ALCORN] when he said these stamps were being sent out; I wish now to correct the statement in part that I made then. I then said they were post-office stamps. I should have said that they were revenue-stamps, sent out from the office at Lynchburgh, and I have a number of them in my possession still in my room. Some of them I have lost. They were sent out covering electioneering documents in the last gubernatorial canvass in Virginia.

Mr. CONKLING. Stamps emitted by which Department?

Mr. LEWIS. By the revenue department at Lynchburgh.

Mr. WEST. How could a revenue-stamp carry a document through the mail?

Mr. LEWIS. I cannot tell you; but one came to me, and afterward a number to officials. I have them in my possession.

Mr. WEST. That must be a mistake. A revenue-stamp will not carry anything through the mail.

Mr. LEWIS. If the Senator from Louisiana wishes to see them I will bring them up in the morning. They came through the mails to me and to others marked "official business," when there was no official business in them.

Mr. CONKLING. May I understand the Senator now? Does he mean that the stamp he saw upon those documents was a revenue-stamp so called, or does he mean that it was a postage-stamp issued to the Revenue or Treasury Department?

Mr. LEWIS. That was the character of the stamp.

Mr. WEST. The Postal Department does not issue any stamps to the Revenue Department.

Mr. LEWIS. I said most distinctly that they were not post-office stamps, but stamps issued to the Revenue Department, and sent out by the secretary of a political organization at Lynchburgh.

Mr. FRELINGHUYSEN. The Senator from Maine [Mr. MORRILL] said that whatever was the design of this measure, its effect was to reintroduce the franking privilege. There is just where I differ from him. If I wanted to restore the franking privilege to the country, I would make every possible inconvenience to grow out of it: I would

make everybody dissatisfied with the abolition of that franking privilege. Then it might be restored, and that is the policy which is adopted if we refuse to afford any facility for the distribution of public documents. The franking privilege being abolished will create little inconvenience to the country if you adopt this measure, and there will be no disposition to restore it. The people of the country will find that by paying a moderate and fair postage they can receive the publications of the Government. The idea that the effect of this measure is to continue book-making and book-publishing, I think is very far-fetched. Does anybody expect that this Government is going to give up book-making and book-publishing? Are not the reports of our Treasury Department, and Agricultural Department, and the messages of the President to be disseminated among the people; and must they not be printed?

I hope that the amendment of the Senator from Vermont will not prevail, for after this measure expires as it would by his limitation with the circulation of the documents already ordered, this whole subject is again revived, and then there is a cry, "Give us the franking privilege." Let us have done with the franking privilege; but to accomplish that we must have some convenient mode for distributing these public documents. The idea of the Senator from Maine that we ought to charge the people of this country $2 a volume to get information as to what is being done in their Government seems to me so far-fetched, so extreme, that it can hardly meet his own approval and judgment.

Mr. FLANAGAN. Mr. President, this earnest debate must contemplate something, but I can scarcely arrive at the point. Surely it does, particularly when we look around and see from whence it arises. In the first place the distinguished chairman of the Committee on Finance introduces an amendment. Directly thereafter a distinguished member of the Judiciary Committee introduces one. Previously—perhaps I am going too fast—my distinguished friend the chairman of the Committee on Privileges and Elections introduced one.

Mr. MORTON. That was a good while ago.

Mr. FLANAGAN. Yes; I put you wrong; you came early. On my extreme left the distinguished Senator from South Carolina [Mr. ROBERTSON] introduces one. Now, what do they all tend to? What is contemplated? Is there any dissatisfaction abroad? This is a post-office appropriation bill which is before the Senate, and on it properly arises this vexed question of the franking privilege. We see that in its various shades here. We see distinguished Senators coming up and acknowledging candidly that they voted for the repeal but recently and they confess their error. I voted for that repeal. I voted for it understandingly, and at the time announced clearly and distinctly that we would get in just the difficulty that now surrounds us. I recollect telling my distinguished friend from New York that the voice of this mighty people would uprise and demand the restoration of it just as readily as the citizens of the great city of New York that he represents so ably would cry out for water if the Croton River was cut off from them. The people of this mighty nation require information, and they will have it.

I may be told and I am told sincerely, and it is thus understood by the distinguished Senators introducing the amendments, that they are candid and that the measures they propose do not tend to a restoration of the franking privilege. I cannot understand them so, and yet it is so understood by them. Really the most candid amendment that is proposed here is by my friend from South Carolina. There can can be no caviling upon his proposition. It is one thing; it is not the one or the other. There is no intermediate proposition in it. It is simply a restoration of the franking privilege, and I assure you that I have no hesitancy in saying that at no distant day that will prevail. It may not be ripened now, but we see the dissatisfaction there is abroad generally, and the question will be canvassed here until it will cost the United States large amounts of money regularly every session until it is done.

But, Mr. President, there is an idea that I want to keep in line with, and that is consistency. The Post-Office Department is one great arm of this mighty nation; millions are contemplated in that branch of the Government. It is necessary to systematize it. In the absence of system it would ingulf this nation in bankruptcy. It has been the object of the Postmaster-General, the able head of this branch of the Government, to systematize it. He has labored hard to do it, and, I think, well has he performed the duty; and that system as adopted up to this time requires the prepayment of postage, and I think it ought to be strictly adhered to until it is proven conclusively that it is working wrong; and whenever that is apparent, the sense of the Government through its representatives will demand a change, and then it may be made. Until that shall be, I am directly opposed to any inroads being made upon it, any qualifications in any way, manner, or shape to the very smallest or the very largest volume of letter, paper, or what not. Let prepayment prevail, and then it will all be simple and move on harmoniously; and that is just what is not now being proposed. Postage prepayment is required in almost every instance; and yet a qualification comes in here, and how long will it be before another one will be presented, and then this precedent used, and the next will prevail, and thus we shall go on from time to time.

I for one shall vote against every one of these amendments; but if the Senate are now ready to come back to where they originally were and where they would have remained but for the cry from the people, as it was said, broadcast through the country demanding a repeal of the privilege, be it so. It never was any privilege, as has been well said by Senators right and left. I for one will stand by the present programme clearly and conclusively; but if the Senate is ready, I would be ready to accept the amendment of the Senator from South Carolina and restore the privilege in full, *in toto*, without equivocation; but until that time comes I am opposed to all these amendments that make inroads upon the present system.

Mr. CONKLING. Some uncertainty has arisen about a matter which I ask unanimous consent to correct in this bill, which I can do in a moment. We have had in one bill, and I think in two, a provision obviating the necessity of printing in the newspapers officially all the revised statutes of the United States, the codification of the laws. Precisely what has become of that provision in the one or two instances in which it has been introduced, where it has been lost between the two Houses, after a somewhat diligent search several of us are unable to learn, and therefore I ask, although there is an amendment pending, to be allowed to move an amendment which I will read, as an additional section to this bill:

SEC. —. That the revised statutes of the United States shall not be published by the Secretary of State in newspapers, anything in existing laws to the contrary notwithstanding.

I am told that it will cost about half a million dollars to print these laws in newspapers. This amendment is simply to obviate the necessity which might otherwise rest upon the Secretary of State, to hand over this great body of laws to be printed in the newspapers.

Mr. SARGENT. I think all laws requiring the publication of the statutes in the newspapers are repealed. That is my impression.

Mr. CONKLING. That was my impression; but I have received a communication from the executive department to-day saying that no such thing has come to the President to sign; they have been looking at the bills, and if it appears anywhere in a bill to which both Houses have agreed, it has passed the finding out of two or three persons.

Mr. SARGENT. By a law of the last Congress I think—the Senator will find it in the statutes, or I think I can find it for him—that was done. I have no objection to the amendment; but I think the repeal was attached to an appropriation bill during the last Congress.

The PRESIDING OFFICER, (Mr. INGALLS.) Is there objection to the amendment suggested by the Senator from New York? The Chair hears none, and it will be considered as agreed to. The question recurs on the amendment of the Senator from Vermont to the amendment of the Senator from New Jersey.

Mr. SHERMAN. I understand the question is on the amendment proposed by the Senator from Vermont to that of the Senator from New Jersey. When I offered the proposition originally to allow the postage on public documents to be collected at the other end of the line, I did not suppose it would raise the question of the restoration of the franking privilege. For many years I voted for the repeal of the franking privilege, and I certainly would not vote to restore it under any circumstances whatever. The people of the United States believed that that was a personal privilege to members of Congress, a right to send their letters free of postage, to whatever subject they might relate, to anybody they chose, giving the same right to them to receive all letters free, whatever might be their contents. That was a personal privilege that I was very glad to see abolished. But to call this a restoration of the franking privilege, as the Senator from New York did, seems to me is a denial of the truth. What is this? I have now in the document-rooms perhaps one thousand volumes of public documents printed at the public expense. They are nothing to me. I do not want them. I have all of them that I desire. What shall I do with them? The duty imposed upon me is to send them to my constituents. I am trying to do it. I send them at my expense or at the expense of somebody through the express to the persons who need them or to anybody who desires them. Still I have great quantities of them, and perhaps one thousand volumes of these books now lie subject to my order in the vaults of this Capitol building. It will take half of my salary to send them, and I will not do it. Senators around me while this debate has been going on have said to me that they did not know what to do with their public documents. I introduced a proposition under these circumstances, to do what? To restore to myself a personal privilege? To restore to myself the right to frank documents and books and papers to whom I chose, for my own benefit or advantage? Not at all; but a simple proposition that my certificate upon the back of a public document printed at the public expense should carry that document precisely like newspapers, pamphlets, and gazettes have heretofore been carried to the people, subject to the payment of the postage at the other end of the line. Is that the restoration of the franking privilege? Not at all. It is no privilege to anybody. It is a privilege that every citizen of the United States of America this day possesses on every printed newspaper, on every printed pamphlet, on every printed book, on every printed document that can be imagined; and the law to-day is that any newspaper, any book, except obscene books, any paper or pamphlet can be sent through the mail by the editor or the publisher or the maker of that book to be delivered at the other end of the line on payment of the postage there.

Mr. WEST. The Senator is mistaken. Nothing but newspapers can be sent without prepayment, and then only to a subscriber.

Mr. SHERMAN. They constitute the great mass of the matter. Some one here said that 76 per cent. of mail matter was newspapers and pamphlets. Three-fourths of the whole mail matter of the United States are now carried to be delivered to subscribers in remote places, the postage being paid at the place of delivery. How ridiculous it is to say that this is a restoration of the franking privilege. Nobody gets this mail matter free of postage; every one who receives it has to pay the postage on it, but simply my certificate carries a document to the man who has to pay the postage, and all the privilege I have is to designate the man who is to receive it. It is no privilege whatever. What will you do if you do not adopt this proposition or some means of distributing these public documents? One of two things must inevitably occur: either you must stop the publication of all information by Congress, stop the publication of all books whatever, however important it may be to carry that information to the people, or you must accumulate them in this Capitol building mountain-high, because there is not one Senator of the seventy-three here to-day who will send out the documents at his expense to the people. He cannot afford it. You have either got to abandon the publication of all documents, or you have got to carry them through your mails in some way and deliver them to the people.

I say that this proposition is a fair one. It simply carries these documents, like newspapers are carried to-day, to the men to whom they are directed, requiring them to pay the postage, or if they fail to do it, they are to be sold at not less than the postage. I have one objection to the proposition of the Senator from New Jersey, that he makes a discrimination in favor of public documents, that he requires them to be carried at a less rate than other printed matter is carried. In my judgment they ought to bear the legal rate of postage, no more and no less.

As to the proposition of the Senator from Vermont, that is a privilege in favor of ourselves. We are willing to provide for the distribution of our documents, but we are not willing to provide for the distribution of the documents of our successors.

Mr. MORRILL, of Vermont. If the Senator will allow me to explain, I think he rather misinterprets my purpose. These documents have been previously ordered to be printed by Congress. Being on hand, rather than throw them away I would allow them to go at this low rate of postage; but I am utterly opposed to printing any more for distribution.

Mr. SHERMAN. That is half true. That is to say about one-half of these documents were ordered to be printed before the 1st of July last, before the repeal of the franking privilege took effect.

Mr. MORRILL, of Vermont. Nearly all, I think.

Mr. SHERMAN. I think not. A great many have been ordered to be published under laws, and every day the question is presented to us. The Senator from Rhode Island [Mr. ANTHONY] has reported resolutions I think to print documents without number, and we have kept him back simply because there was no law providing for their distribution. To-day while this bill has been pending he has introduced a resolution to print five thousand copies of a single book contained in two volumes, or ten thousand copies, to be sent to whom?

Mr. MORRILL, of Vermont. Not for our distribution.

Mr. SHERMAN. Certainly; the report of the Select Committee on Transportation, the report of a committee of this body, to be distributed by members of Congress. You must meet this question. You must either stop the printing of all public documents or you must provide some way of carrying them through the mails. As it is now the Post-Office Department gets no benefit from printing these documents; they do not get any postage whatever upon them, because they are sent usually by express. The repeal of the franking privilege was a great blessing to the different express companies in the land, but the Post-Office Department does not get any revenue from it. Nobody is foolish enough to pay the Post-Office Department twice or three times the cost of carrying this mail matter by express. As I stated the other day, the Postmaster-General under the law charges for transporting a single copy of the Globe of the last session of Congress from this place to the State of Ohio $2.40, while Adams' Express freely delivers it to anybody for a quarter-dollar a volume. The result is that books published at the public expense, printed by the Government, paid for by the people, cannot be transported through the public mails, but they are freely transported through private express companies and delivered to the people at a little more than one-third the cost of carrying them through the mails.

There is no connection between this subject-matter and the franking privilege. I beg Senators not to take the shadow of an unpopular name—the franking privilege—and cast it upon that which provides for some mode of distributing public documents. If this is voted down, then the next question comes up directly we must print no more books at the public expense; we must not convey to the people knowledge of what we do; no information will be conveyed to them except that which is contained in the daily papers. It seems to me that some such provision as that now pending ought to be adopted. When I offered the proposition I had no conception of raising the ghost of the franking privilege.

One other consideration. Just as sure as fate, unless you provide some mode of distributing these public documents, the franking privilege will be restored; the people will demand it. They will have these documents; they will have some means of obtaining information of what is going on here more than is obtained by them through the daily prints; and they ought to have it. The defeat of this proposition, which will give them the advantage of the public documents at the mere cost of postage, will unquestionably lead to the restoration in some form of the franking privilege, and that I do not desire.

Since this matter has been pending Senators have intimated to me that they intended to vote for this proposition as a means of preventing the restoration of the franking privilege, and no doubt that is the logical shape of the question. If you do not provide some mode of distributing these documents it will lead to a restoration in a qualified form of the franking privilege. By this mode the Post-Office Department will carry these documents to the people to whom they are addressed by members of Congress, the Post Office Department will get the benefit of the revenue derived from transporting these documents; otherwise this revenue will go to the express companies, until finally, on account of the difficulty of distributing them, we shall cease all publications and leave all this mass of matter dead, without the ability on the part of any one to get these documents.

The other day the Senator from Rhode Island [Mr. ANTHONY] tried to pass a bill which authorized the distribution of the public documents to be paid for by the people, and that was defeated by being loaded down with a proposition to carry these documents free through the mail, and so it will be again. I shall therefore vote for the pending proposition without hesitation.

Mr. SCOTT. It seems to me this proposition of the Senator from Ohio is simply an expedient for clearing out the crowded rooms in the basement of the Capitol of the large accumulation of printed matter that is there. Now, shall we do this, and thrust these documents upon an unwilling people? We are within two weeks of the expiration of the first year of the abolition of the franking privilege, and we find ourselves skirmishing around this question of the restoration of the franking privilege; for all these subterfuges or expedients are nothing more than an attempt to anticipate this question of the restoration of the franking privilege, and we may as well view them in that light.

I do not care what you call it; whether it was a surrender of judgment to a storm of popular prejudice, or a yielding to the will of our constituents, or cowardice, or whatever it was, in response to that demand which came pouring in upon us through the Postmaster-General's Department we did abolish the franking privilege. The people told us they did not want documents at public expense; and now, before the expiration of a year, we are called upon to send them out to them; they must take them *nolens volens;* and the argument is even made by the Senator from Ohio that there will be a great dearth of intellectual light among the people if we do not get out among them the very thing they told us they did not want us to send them. We responded to their demand a year ago and said, "You shall no longer be burdened with receiving documents with our frank which you do not appreciate and which you do not care about."

Now, sir, I am for taking the people at their word. The law has been in operation nearly a year. Has there been a petition laid on our table from any quarter, from Maine to Texas, asking us that we again send the people public documents at public expense, or at their own expense? Has there been one? I say that until the people again move in this matter I shall stand exactly where we put ourselves by the abolition of the franking privilege; I will impose no more documents upon them, and I will continue to pay my postage and theirs too when they write to me, for I have a great deal more of theirs to pay than I have of my own. It generally takes about three times as much to send an answer back with three or four inclosures as they pay to get a request to me. I shall vote to continue the law in that condition until we have some evidence of a change of that public sentiment in response to which the franking privilege, or burden, or whatever it was, was abolished. I shall vote against all attempts to get around the abolition of the privilege; all attempts to approach it by insidious means, and for staying exactly where we are until public sentiment tells us that the people do not like this system that we have adopted in response to their former demands.

Mr. CARPENTER, (Mr. INGALLS in the chair.) Mr. President, I frequently lose my patience when I speak on this subject, but I am always amused when I hear others speak upon it. I do not know anything more delightful than to sit here and hear the confession of faith and of sin, mutual and reciprocal, on the part of those Senators who voted to abolish the franking privilege. It is rich beyond comparison.

The Senator from Pennsylvania [Mr. SCOTT] is not going to send the people any documents until the people demand a change of the present system. Let us introduce a section in this bill directing the Postmaster-General to send out circulars to every postmaster of the United States, and solicit the people to send in petitions to restore the franking privilege, and we shall get an expression of public sentiment by the next session that will be perfectly astounding.

Mr. SHERMAN. They will have to pay the postage on them.

Mr. CARPENTER. No; we can provide by law that these circulars shall be franked as the others were. The Senator from New Hampshire [Mr. CRAGIN] suggests that official stamps will do just as well.

I went home to Wisconsin just after we had abolished the franking privilege last year, and I met a man of exceeding good sense on all things. He wanted to know what on earth we meant by abolishing the franking privilege. I said I thought the people demanded it. Said he, "What made you think so?" I rejoined: "If you could see the petitions that were piled upon the Secretary's desk every

morning hour of the session you would think they were demanding it." Said he, "How many do you suppose there were in all petitioning for the abolition of the franking privilege?" I replied: "I do not know; perhaps a million, or two millions." "Very well," said he; "did you hear anything from the other thirty-eight millions?" I call the attention of my friend from Pennsylvania to that point.

Mr. SCOTT. But the one or two million were all voters.

Mr. CARPENTER. We have got five million of voters. The three million did not say anything about it. The presumption is, as they were teased and coaxed and seduced by the postmasters to sign these petitions and yet held their peace, they did not want the franking privilege abolished. Is not that the fair and logical inference?

I congratulate my friend from Ohio for having attempted by what my friend from Pennsylvania calls a subterfuge to undermine that abolition. I go for all subterfuges in that direction. I go for every measure which is a fraud on that act. I go for every proposition made by anybody here to override it. I go in a word for what I believe to be a sound principle, that the people of this country have a right to be furnished with information as to what is being done in these two Houses of Congress and in the Executive Departments of the Government.

What is the meaning of what we have heard from childhood, that free institutions are based only on intelligence, if we who for the time being and to the extent of our jurisdiction are guardians of those institutions suppress all original information? And yet the Senator from Vermont says that was the only reform that was accomplished by the abolition of the franking privilege, and he wants to choke the matter down still closer and hold it so that Congress shall publish no account of its proceedings.

I want to know what would be the effect upon our institutions of Congress sitting here as a secret conclave? If this doctrine is sound, why not go a step further and sit here, as the Senate in the early days of the Republic used to do, with closed doors? Then the people could not find out why we did things. They might see what we did, because they would see the laws that were passed, but they would know nothing about the reasons for them. What would be the effect of such a proceeding upon Congress to-day? Is there a Senator here who would vote to sit in legislative business with closed doors? How long would the Senate maintain its standing with the people if that were done? We all know not a month. It would become from the very fact that it was a secret institution a suspected institution.

Now, is it not in the same direction, though not as far, to say that you will not publish and distribute any information as to what you do? Every proposition here to cut off the means which the people have enjoyed of informing themselves about the nature of our proceedings is in the direction of closing our doors. If this be sound in principle, closing our doors is only a little sounder, because it insures greater secrecy.

The Senator from Ohio says also that he sends his documents by express. I stated the other day that I did so, and I was brought up by my friend from Vermont, [Mr. EDMUNDS,] who informed me it was a criminal offense to do it. I shall offer an amendment to this bill when it comes to the proper time, and I ask this as a great favor, appreciating how improper it is for a Senator to offer any proposition which is in his favor, in these words:

That any member of Congress may send public documents printed by order of either House of Congress, or of any Department of the Government, to any of his constituents by express or otherwise outside the mail.

I do not want to go to the State's prison for doing that thing, and my friend from Vermont says I am liable to be imprisoned for what I have done, because these documents as they are put up are sealed packages of printed matter and cannot be sent outside of the mails. I have not had time to examine the post-office laws; I do not know whether he is right or wrong; but I do want to make the thing clear hereafter. I have sent off packages enough by express to keep me in jail longer than I have been in the Senate. [Laughter.]

Mr. SARGENT. Mr. President, what are we complaining about? Did we not know just as well a year and a half ago when we abolished the franking privilege that the Postmaster-General had sent out circulars to the people in favor of its abolition, and that these came back here signed? Did we not know just as well when we took that step as we do now the source from which those petitions emanated, and under what influence they were signed? It does seem to me, if we were controlled in our actions by those petitions at that time, and the Senator from Wisconsin admits we were, that we should not now complain of it. If it was not manly to be so controlled in our action, we should not have been so controlled.

Sir, I think that the demand which was made upon Congress at that time by the people for the abolition of the franking privilege was intended by them, and that those who did petition Congress represented a great many others who did not sign their names to those petitions. Whether the public were wise or otherwise in this matter, I have no doubt there was a general sentiment among the people of the country that we were doing some very enormous things under the cover of the franking privilege; that we were sending old boots and shirts and articles of furniture through the mails free, and they supposed other absurd things with reference to the abolition of the franking privilege. They had been taught that this was so month after month by the opponents of the franking privilege; not by the Postmaster-General, for I do not know that he ever made any misrepresentations about it, but by some members of the press, either designedly falsifying the facts or being themselves uninformed, and consequently an opinion had grown up in the country and prevails yet that the franking privilege was a great abuse and ought to be abolished. I have no doubt that when our convention met in Philadelphia—I speak now of the republican, and I believe the other convention passed a similar resolution—and resolved that the abolishment of the franking privilege was a reform that Congress ought to enact, they really spoke for their constituents, and that their action bound us.

I do not feel like complaining at this day that we followed the requests made to us regularly or irregularly by the people. I do not sympathize at all with my friend from Wisconsin when he gets up here and complains that we were whipped by unfair means into performing an unpalatable job. We did it, and let us stand by it. Let us stand by it long enough at any rate to give it a fair trial.

I insist that there have been some advantages in the repeal of the franking privilege, not perhaps in cheapening the carrying of the mails, but in cutting off a large amount of useless printing, for a great deal of the printing which we do is useless, is not interesting to the people. The extra documents which we send out are, nine out of ten, without any interest to them. I do not believe they would pay for the postage on them under the amendment of the Senator from New Jersey. The amount saved of printing of this kind during the present Congress has been more than the cost of printing the CONGRESSIONAL RECORD, and that is hundreds of thousands of dollars, and more than the cost of the printing of the Congressional Globe heretofore has been. We have had printed all we desired for the use of Congress, all the ordinary documents, all the reports that come in, everything which gives us information; and we have had quite a large number of volumes of a more interesting character for distribution by the Departments or by ourselves where we desired to do so. Everything that seemed to be valuable and necessary to get to the people we certainly have printed; but we have cut off the extra printing of dull, prosy documents, of columns of figures which nobody cares for, except to know that they are in existence and by some exertion he can get at them, which are seldom referred to, and when referred to are valuable provided they are kept in the Library of Congress or in the document-room and are accessible; but for popular reading among the people they are of no account whatever. This class of printing we have cut off very largely under the abolition of the franking privilege.

Furthermore, we have cut down the cost of carrying the mails under the amendment which we adopted to the postal code last year which provided that the amount of compensation should be regulated according to the amount of weight carried by railroads. If you now restore the franking privilege and cast upon the mails the enormous bulk of matter which used to go free before, you necessarily lift up the cost according to the amount which you may print, and you necessarily incur furthermore the greater expense of running your Public Printing Office.

These are advantages not so great as those which were predicted would follow from the abolition of the franking privilege, but they are advantages of great importance. We save in both directions. We probably have saved to the Treasury by means of the abolition of the franking privilege in these two respects about a million and a quarter of dollars. It seems to me that is a reform which is worth the change of the law we made.

Mr. CARPENTER. Will the Senator allow me to interrupt him?

Mr. SARGENT. In one moment. I know it is inconvenient to Senators to be compelled to pay postage on all their correspondence. It is very inconvenient to myself to answer at my own expense somewhere from a dozen to twenty letters every day upon matters which do not interest me a bit, written on public business or business of my constituents; my own letters perhaps not averaging one a day on my family affairs or my own private business, while I must write fifteen or twenty relating to my constituents. I think this is an unjust tax upon me, and I would cheerfully vote for a provision which would place an amount of official stamps at the control of members of Congress to be used on their honor for answering or writing letters which relate to public business in the same manner that you allow the President or a Cabinet minister to use stamps for public purposes; but I would not restore the franking privilege, so that the signature of a Senator or member put upon paper or parchment could send anything, public or private, free through the mails. I think it is liable to abuse and that it has been abused, not by sending old boots or articles which are not allowed to travel through the mails by the policy of the law, but by sending millions and millions of documents in political campaigns, in presidential elections, which ought to be paid for by the different political parties by honest and fair assessments upon themselves and which the people generally ought not to be burdened with, and the various other matters for which the franking privilege was used aside from its usual purpose.

Now, I will yield to the Senator from Wisconsin.

Mr. CARPENTER. The Senator has passed the point to which the question related, but it was this: If we save so much money by ceasing the printing of the documents he referred to, why not carry it a step further and not print the RECORD at all?

Mr. SARGENT. Extremes never prove anything. I believe in printing for the use of Congress every report of a committee, because we need that to refer to, we need it in a convenient form to be bound

up and referred to fifty years hence; but I do not believe there is a necessity for sending the report of that committee under every Senator's frank all over the country, because it would not be interesting, except in a few cases.

I further believe that it is necessary for us to print our bills. It is the most convenient form for reference; it is the cheapest printing we do, as it tends to secure accuracy of legislation. I believe it is necessary and highly essential that we print the CONGRESSIONAL RECORD, in order that we may have the means to refute any misrepresentation as to words that may be said in debate on this floor. I think that is a legitimate expenditure of money. Therefore I reply to my friend from Wisconsin that while I am in favor of the entire abolition of the franking privilege, yet it is only the cost of printing these extra copies, which we have cut off, we have saved.

Mr. ALCORN. Mr. President, everything that can be said on the subject of the amendment now under discussion has been said except on one point, in which there is an outlook on this subject which I feel it my duty to call to the attention of the Senate. I stand here either for or against the franking privilege. I think when Congress undertook to say that the franking privilege should terminate it should not have stopped short of the full adjustment of the question, so that no person, no official in the Government, should have had the privilege.

I stated the other day that under the franking privilege as it existed before the abolition two sessions ago, while there were abuses it was a good means of disseminating intelligence among the people, and that neither political party, no odds who was in power in the nation, could monopolize the privilege that was thus secured; that the minority party in the nation had the full benefit of the franking privilege, and through its means they could disseminate information to every portion of the land; and that while there were abuses in this privilege, the privilege had its compensations nevertheless.

But how is it now, sir? The franking privilege belongs now to the party in power, and whatever party may in the accidents of the fluctuations of political fortune in this country hold possession of this Government, holds a lever, an engine by which it can disseminate information favorable to its own interest and suppress information, or at least tax all information that is opposed to its interest.

You have thousands and tens of thousands of men, as the Senator from New Hampshire said in his forcible presentation of the facts to the Senate; yes, sir, more than forty thousand men in this country who have franks issued to them at the expense of the Government; and thus it is that the people are cheated with the idea that the Post-Office Department foots up a credit when in truth and in fact it is simply taking money from one Department of the Government and giving to the Post-Office Department, charging the Government with the expense of printing stamps. Why do you charge the Government with the expense of printing these stamps? Why is not the frank of the different Departments as good as the printed stamp? It costs less. It only requires a little ink, a pen, and a little muscular exertion in order to write a frank on the back of a letter or document; but here you go a roundabout way, having stamps printed at the expense of the Government, and then give the officer a stamp to carry in his pocket and use precisely as he pleases, the people all the while being told that the franking privilege is abolished!

Sir, the franking privilege is not abolished. It exists to-day in a more odious form than ever before in the history of this nation. The franking privilege exists to-day in a form that will work corruption in this nation and will give a control, whenever the party in power sees proper to exercise it, that will be felt throughout the length and breadth of this land.

But, sir, I did not rise to speak at length on this subject. The point I wanted to make was this: that less than twenty years ago the measure that the Senator from Ohio or the Senator from New Jersey now proposes was the law of this land with regard to all documents. No prepayment of postage was required then under the post-office law of the Government. Letters were sent without prepayment. In truth and in fact it was not the law of the case to prepay letters. Letters, books, documents, everything was sent without any prepayment of postage at all. The franking privilege at that time existed.

When the revolution ended the Government found it necessary to increase the elective franchises, the Government found it necessary to invest with a share of the political sovereignty of this nation four millions of people who had led a life of slavery. The theory of our government is that republican institutions are based upon the virtue and rest upon the intelligence of the people; but when the war had ended and we had received into the body-politic and made citizens of four millions of people who had been slaves, who were without property, who to-day depend upon the labor of their hands, upon their own muscles and the sweat of their brow for the bread they eat, and when these people required the light of intelligence and that information which belongs to the nation to be disseminated among them, as it had been disseminated among the white people time out of mind; when that necessity arose and stared Congress in the face to disseminate information among these people, straightway came the Postmaster-General with his contributions from these people of the country and demanded of Congress that the franking privilege should be abolished. And now here to-day we are told by a Senator on this floor that every book that is sent out from this Capitol ought to cost the man who gets it two dollars. The prosperity of the State which I have the honor in part to represent depends in a great measure upon the intelligence of the colored people of that State; for weal or for woe the fortunes of the Southern States depend upon the people who are in that country, colored as well as white; and yet to-day when they are stricken down by the hand of war, when you have uplifted by the power of the nation the colored race, and the white people are stricken down into the lowest measure of poverty, you come here and repeal the franking privilege and say to them, "If you get a book from this Government that is printed at public expense you must pay two dollars for it."

Why, sir, look at it. If I were anywhere else but in the Congress of the United States, if I stood anywhere except in the presence of Senators, I would say there was a degree of humbuggery in this sort of legislation that has never been excelled, that is insulting in truth to the intelligence of the people of this nation. I will not say that, however, because I am in the Senate, and I know that cannot be; but if I was upon the hustings I would proclaim it, and the people would believe me.

The honorable Senator from Maine, for whose opinions I entertain the very profoundest respect—he is always logical, eloquent, and powerful when he undertakes to discuss a question before the Senate—tells us that before this franking privilege was abolished Congress was slandered, and that we all stood here abashed by the slanders uttered by the American people against Congress on account of this franking privilege. I beg to inquire whether the reputation of Congress has been very greatly promoted by reason of the abolition of the franking privilege. I appeal to the Senator to know whether there is any large improvement in the character and standing of Congress before the American people to-day. If there is any very great improvement I have not been able to discover it. I do not read the newspapers of the country correctly as the medium of intelligence if the character of Congress before the people of this nation stands very greatly improved.

I am correct in the supposition that there has been no very great improvement in that regard; my argument is somewhat strengthened when I appeal to the Senate to permit my constituents to receive documents, published at the expense of the nation, necessary to be published for information among the people. The Senator from California says that he wants the CONGRESSIONAL RECORD published so that he can stand vindicated if he should be charged with having done that which he did not do. He wants it for his own benefit, his own advantage, his own protection. He wants to bear it away with him as a shield, as a protection, so that if he is charged with having done a wrong he can pull out the RECORD and say, "No; it is not true; here is the record of what I did." I apprehend that is not the design and purpose of publishing the CONGRESSIONAL RECORD. The CONGRESSIONAL RECORD is published for the benefit of the people, for the purpose of disseminating information among the people; and that is the cause that moves the publication of all public documents by the Congress of the United States, not especially for the benefit of members of Congress, but for the purpose of disseminating information among the people of the United States, of disseminating knowledge, of increasing intelligence, of preparing the people more and more for the great responsibilities that rest upon them in upholding the republican institutions of the country.

Sir, I go for the restoration flat out of the franking privilege. If I cannot get that, as I know very well I cannot, then I go for the next best thing, and that is no privilege at all; that is, to take off the privilege from the Departments, because I say to you that that infamous system which is now being fostered and cared for and maintained will in the end develop into a power for evil in this country that will be felt throughout the land.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Vermont [Mr. MORRILL] to the amendment of the Senator from New Jersey, [Mr. FRELINGHUYSEN.]

The question being put, a division was called for; and the ayes were 21——

Mr. MORRILL, of Vermont. We may as well have the yeas and nays first as last.

The yeas and nays were ordered.

Mr. MORRILL, of Vermont. A single word. As this is unquestionably the point of departure as to whether we shall revive the franking privilege or not, I desire to see a record of the vote. This proviso that I have offered simply provides for getting rid of the documents that were left over to use from previous sessions of Congress. I do not understand that we have to any considerable extent proposed at this session to print documents for distribution. Therefore, if the amendment offered by the Senator from New Jersey is to be adopted, I propose that it shall be limited to the documents now on hand.

Mr. HAMILTON, of Maryland. Mr. President, I am one of those who did not give very much heed to the petitions that were sent in here in favor of the abolition of the franking privilege. I voted on all occasions against its abolition. I know that on two or three occasions, whenever I was present and had the opportunity to do so, I voted against its abolition. I knew and felt at the time that there were great abuses in the system, scandalous abuses, and I desired their correction and a modification of the privilege; but that is a very different thing from voting for the system now and upon this bill.

I think it proper to state that I shall vote against anything looking

to the modification or the restoration of the franking privilege upon this bill. It is a measure of sufficient importance to justify a bill by itself, and I trust, if the public sentiment of the country has changed so as to demand a return to the franking privilege, that those gentlemen who heed this change of sentiment will introduce a measure calculated to that end. But upon an appropriation bill at this late period of the session to undertake to restore the franking privilege I consider unjust, unwise, and impolitic in every aspect of the case. It is a question that we should consider, and fairly consider by itself. We should avoid the scandalous abuses of the system when we undertake to reestablish it in a proper way and in a proper manner. Now, if I understand the amendment of the honorable Senator from New Jersey, it is impliedly or unqalifiedly restoring the franking privilege as it stood before.

Mr. FRELINGHUYSEN. Not at all.

Mr. HAMILTON, of Maryland. If I understand the amendment proposed by the Senator from Vermont, it is to qualify that so as that it may relate to the books already published and upon hand when the abolition of the privilege took place. I should be opposed to either proposition, but I prefer the last as a qualification to the first. Let us stand by the system as we inaugurated it until the sentiment of this Chamber and of Congress and the public sentiment shall induce us to consider the whole question in a separate measure in order that we may evolve out of this chaos of confusion something definite, something correct, and something right; and then I am sure my honorable friend from Mississippi will be dealt with fairly, and his constituents, too, to whom he desires so much that information shall be sent from this body. I hope they may have the benefit of everything that is right in the premises, and that he shall have no further cause of complaint.

Mr. FRELINGHUYSEN. I only wish to say a word. The Senator from Vermont and the Senator from Maryland both state that the amendment which I have introduced is restoring or tending to restore the franking privilege.

Mr. MORRILL, of Vermont. The book-making business I should have said.

Mr. FRELINGHUYSEN. That is a statement so wide of propriety that I feel bound to contradict it. Any person who wants to restore the franking privilege will make its abolition odious to the people by withholding from them all ability to get at the proceedings of Congress or of the Government. If you adopt this measure, so that for a reasonable compensation, twenty-five cents a volume, they can get that information, they will not want the franking privilege restored.

My friend from Vermont qualifies what he said and says that it tends to the establishment of book-printing. I hope the day will never come, unless it be that day when, as the Senator from Wisconsin suggested, we shall sit here with closed doors, when we shall stop book-printing. The people of this country have a right to know what transpires in the various Departments of the Government, what transpires here in Congress, and that information can only be given to them by a system of the economical dissemination of public documents.

Mr. MORRILL, of Maine. It does not follow as a matter of course that if you do not adopt the proposition of the Senator from New Jersey documents such as Congress may print in relation to the current affairs of business will not be accessible to the people. The proposition of the Senator from Rhode Island, the chairman of the Committee on Printing, is one which would furnish the people all the documents which they desire at the cost price upon a perfect basis of equality. We print these documents. If any American citizen desires them he can have them.

Mr. FRELINGHUYSEN. Paying two dollars a volume for the postage.

Mr. MORRILL, of Maine. He can have them at just what other people pay who choose to get their books through the mail.

Mr. FRELINGHUYSEN. And that my friend tells us is two dollars a volume.

Mr. MORRILL, of Maine. That will depend upon the size of the volume; but whether it is much or little, it is no injustice to any man who chooses to have his volume go through the mail; and any other system than that is unjust, partial, and unequal. This whole system of the distribution of public documents gratuitously, as a matter of patronage in the hands of members of Congress, never was and never can be justified upon any principle of equality. What do we do with these books that are published? There are only a few of them anyway. We give them to our especial favorites and friends. That is what it must be; that is what it always has been; that is what it always will be; and it is charged upon the public Treasury.

I think myself that the whole scandal which came upon Congress arose from that particular fact. We publish the Globe or the RECORD, it is said as an educating process; that it is a great educator of the American people. How many people ever read the Globe? Not a man, woman, or child in this broad land, to my belief, ever read the volumes of the Globe published at any one session in the last ten years.

Mr. FRELINGHUYSEN. I am surprised to hear the Senator from Maine. He certainly is very illy informed on this subject. I have come across constituents all through my State who have told me, not that they commenced at the beginning of the Globe and read it through——

Mr. MORRILL, of Maine. That is what I am talking about.

Mr. FRELINGHUYSEN. I supposed there was some substance in what the Senator was saying; and that the question was whether they had derived intelligence from reading these books. The people read these books a great deal more than my friend imagines.

Mr. MORRILL, of Maine. What a marvelous educating sort of document is the President's message and accompanying documents. The President's message and accompanying documents make about seven huge volumes, as big as Webster's Unabridged nearly. Does my honorable friend believe he can find a man, woman, or child in this country who ever reads those volumes? They went out under our franks, distributed to our party followers. What became of them? In my country, where the peddlers go about the country, they are brought back as rags and sold.

Mr. ALCORN. Will the Senator allow me to make a suggestion to him at that point?

Mr. MORRILL, of Maine. Certainly.

Mr. ALCORN. I will state with regard to those executive documents, as he compares them to Webster's Dictionary, that they were read precisely as Webster's Dictionary is read. Whenever a citizen desired information on a particular subject he referred to the executive documents to find it. It is true I suppose, that no one ever took up an executive document and read it through as he would read through one of Dickens' novels.

Mr. MORTON. I would ask the Senator if he would abolish Websters' Dictionary because nobody ever read it through?

Mr. ALCORN. I was coming to that point. I was going to ask the Senator from Maine whether he would abolish the dictionary because nobody had ever taken it up at the beginning and read it through.

Mr. MORRILL, of Maine. I would say to my honorable friend, in answer to that, that his constituent would come out as the man did who read the dictionary through; he said it was a most excellent work, but he could not see the connection exactly. [Laughter.] It is absurd to talk about educating the people with this partial distribution of these documents. With all the opportunities for education, with the publishers all over this country, any book, any document anywhere that is worth publishing is seized upon by the local press and local publications everywhere and sent broadcast over the land. And here we publish a few hundred sets of a public document; and we are going to educate the whole American people by such a process as that! The only proposition it seems to me which is at all allowable here is that which has obtained in all other countries—make your public documents accessible to the people; print them, and allow the people to have them at cost price if they want them. That is precisely the proposition of the chairman of the Committee on Printing, which was debated the other day, but which was voted down and passed from the consideration of the Senate. I hope this amendment will not prevail.

Mr. STOCKTON. Mr. President, it is said that "all roads lead to Rome," and so all bills here seem to lead to a discussion of the franking privilege. There is one peculiarly pleasant feature to me connected with all these discussions. It was always a matter of regret to me that the Senator from Wisconsin [Mr. CARPENTER] was placed in the Chair, because we lost his presence on the floor, but we can always be sure of his presence on the floor when any bill comes up, in the various ways which lead to Rome, which involves the franking privilege. We can always have the pleasure of hearing him when that question by any accident is brought before the Senate.

I rise, Mr. President, not for the first time to express my view in reference to the abolishment of the franking privilege and in reference to the amendment offered by my colleague. At the time the law abolishing the franking privilege was passed, it was supported by a great many members of Congress and Senators for the purpose of getting rid of the evil of franking and passing through the mails what were not public documents. That reason actuated my vote. No pressure, no instigation from the Postmaster-General or from anybody else influenced my action, and so I stated at the time, as the Globe will show. It was because of the misuse of it which I had no power to prevent, and when I could join with the majority in the Senate to prevent that continued misuse by voting to abolish it, I deemed it my duty to do so; and so far from apologizing, as other Senators do, for the course I then pursued, I feel now that I did at that time what was just and what was wise.

But when Senators on this floor rise and insist that the object of those who voted to abolish that privilege as it is was called, which was being misused, which was being by common cansent and common custom applied to purposes for which it never was intended, was to prevent our constituents from receiving the public documents which were published by Congress at their expense, they certainly misstate the views with which I and others voted for the bill. In that respect I agree with my colleague entirely. When gentlemen rise now and say they want no partial reintroduction of the franking privilege, that they do not wish to reintroduce it piecemeal, and intimate that they want the people to feel what they have done and they want the people to come here and beg them personally that the privilege shall be restored to members of Congress before they can get the documents published with their money, my impression is that they do not put their case well. I agree with my colleague in that.

Sir, the people of the United States have a right to the documents you have published with their money, and they have a right, if they desire it, to have them go free through the mails; and they have the

right to have them go free through the mails without the indorsement of your frank. How did we do with the Congressional Globe, as I said on a previous occasion? You voted only the other day to do the same thing with the Agricultural Report. You have a right to do it with all the documents you publish. Then the question comes fairly and squarely before you, what documents ought we to publish; what documents is it right for us to publish? And in reference to that question we are to vote. The Printing Committee report their judgment of what it is proper to publish and distribute at the expense of the people.

You may say that we have no right to print Agricultural Reports and circulate them among agriculturists at the expense of the shoemaker, at the expense of the haberdasher, at the expense of the smith. That may be true. If that is so, why do you establish an Agricultural Bureau? Do you not make the haberdasher and the smith pay taxes to support your Agricultural Bureau? Why do you not have a Bureau for shoemaking? Why do you not have a Bureau for haberdashing? You tax the whole people to support a Bureau for one particular class. Does not that same principle apply then when you come to distribute the report of that Bureau? What is the theory of it? The theory of it is that one of the great interests of this country is the agricultural interest. It is an interest perhaps paramount to all others, because all others are built upon it. It was the original employment of man. It is one of his noblest employments, and upon it is built nearly every other art and nearly every other pursuit in life. You have said that in this great country, so vast in its territorial extent, in order to encourage and stimulate agriculture and a wise cultivation of land, you will establish a Bureau and you will send out the report of that Bureau, and the whole people shall pay for it.

Now, how can you come in and find fault with the circulation through the mails of that report and ask the individual who wants it to pay for it?

These remarks were suggested to me, Mr. President, by the amendment of the Senator from Vermont to the amendment of my colleague. I cannot agree with the Senator from Vermont that this distribution should be restricted to the documents that have already been printed. I would much prefer the amendment of my colleague if he would modify it—and if he does not, I shall make such a motion if no one else does—by striking out those words which require the payment of twenty-five cents postage on the receipt of these documents. There never was anything in the support that I gave the abolition of the franking privilege which required the people of the United States to pay for the transportation by mail of the documents sent to them. There was nothing in one word I ever said to embrace that idea, and I do no mean to have any such imputation put on me.

I said on a previous occasion that I voted for the abolition of the franking privilege. In that I was strictly and technically mistaken, which I only found out afterward. I meant to vote for it and did speak in favor of it, but I did not happen to be in the Senate at the moment the vote was taken, as I find by the record. I would have voted for it if I had been here, and I defended it in some remarks I made in the Senate. It never occurred to me, and I am perfectly persuaded that a majority of those who voted for it did not do so at all on the ground of preventing the people of the United States from receiving these documents.

I do not mean to say that more documents than were necessary may not have been published. I do not mean to say that the Committee on Printing have always been wise in their recommendations for the printing of documents. I do not mean to say that there may not have been abuses; but I do mean to say that the promulgation of what is going on in Congress by the RECORD, the promulgation of such information in reference to agriculture as is carefully collected, so long as we have a Bureau to collect it, is a duty of the American Congress, approved by the American people, and is not condemned at all by any vote we ever cast to abolish the franking privilege.

I cannot understand what objection there can be to such an amendment as my colleague has offered, striking out, as I suggest, the provision requiring a payment of twenty-five cents or any other sum, and letting these public documents go free. It is insisted by some Senators that that should not be done because that is restoring the franking privilege by piecemeal. I deny it entirely. I insist upon it that the proposition on the other side is simply saying to the people, "Until you change your mind, until you come here by your petitions saying that the petitions which the Postmaster-General got you to send to us were all wrong and you ought not to have signed them, until you yourselves say that we were mistaken in abolishing it, you cannot get any public documents; therefore you must raise another pressure and give us the courage to undo what we have been doing."

I think the gentlemen who voted for the repeal of that privilege at that time, if they will look back at their own record and what they stated at that time, will find that they can be placed in no such position. The proposition then was simply to take away from not only members of Congress but from all other officers the privilege of franking. I hardly dare mention from memory the number, but I think it was stated at that time that there were forty thousand people who possessed the privilege of franking in the United States. To begin with, every postmaster in every little town and village in the whole land had the power to frank. How many thousands there were I do not know; I do not state it as a fact; but my memory brings back to me the number as forty thousand. At any rate it was an immense number. This power to frank spread all over the land, it was charged and was known to be true in a great measure, was a violation of what was meant by the law; but it had grown up by custom, and it could only be weeded out and cut down by taking it up by the roots. So I said at the time, and that bill never would have passed the Senate if it had not been for Senators voting for it who voted for it with that motive and no other, who never would have voted for it to prevent the people from receiving documents they were in the habit of receiving, and which Congress saw proper to publish.

I therefore hope that my colleague will accept my suggestion. If he does not, I shall at the proper time, if it is not in order to do so now, offer an amendment to his amendment, by which public documents, printed and stamped with a Government stamp, shall pass through the mails free to those persons to whom they are addressed. That question does bring you, as has been well said on both sides of this discussion, directly to the proposition, will you print public documents or will you not? If you print them you must circulate them, or let them lie idle.

The Senator from Maine says it is a matter of favor; we send them to our friends. Well, sir, I should not be surprised if in some sense that was true. I suppose that all of us, the Senator from Maine included, have tried to avoid sending these documents entirely to our political and personal friends; but yet when you sit down to send a document to any person and think to whom you will send it, the name of a friend is likely to come up first. That is human nature, and I do not think it is bad human nature.

You may say it is not wise to distribute them in this manner; it is not wise that Senators should have this power of discrimination, for they will send them to their friends. Well, sir, as Congress is generally divided more or less equally between gentlemen of different parties, perhaps that thing balances itself. Perhaps in the counties where I send documents to my democratic friends the republicans may receive more documents from my colleague. Perhaps that may be as evenly balanced as can be, and as little wrong and as little unjust as any instrument or any means that you can use to distribute these documents with. But be that as it may, I do not stickle for this. I do not insist that Senators or members of Congress shall have the power of distributing these documents. I do not ask that, nor care for that, nor claim that. I simply ask that gentlemen do not get up incessantly on this floor time after time and insist that when we abolished the franking privilege we did by that act prevent the documents that were printed with the people's money from going by the mails to them free. We voted no such thing; we intended to vote no such thing; at least some of us did not; and so far as I am concerned I am unwilling to be placed in any such position.

Mr. SARGENT. I move that the Senate proceed to the consideration of executive business.

Mr. ANTHONY. Will the Senator yield to business which I know my friend from Kentucky [Mr. STEVENSON] deems is quite important? It will take but a moment.

Mr. ANTHONY. The Senator from Kentucky was at the desk, and I interposed in his behalf.

THE REVISED STATUTE.

Mr. STEVENSON. I have just received a dispatch from the Secretary of State that it is very important that the Senate should to-day pass a bill which I reported from the Judiciary Committee this morning for the publication of the laws. It is essential that it should be passed to-day, because the general act is now before the President and will probably to-morrow or next day receive his sanction. If he should approve of that act before this bill passes, then the newspapers who have the publication of the laws will have a right to publish this act and the Government will have to pay perhaps half a million dollars; but if we pass this bill to-day and send it to the House and it is there passed it will go to the President and he will approve it. Then when this is approved, of course the other act would be approved and the papers would not publish it. I therefore ask to take up the bill that I this morning reported as a substitute for the House bill with a view of putting it on its passage.

The PRESIDENT *pro tempore*. Does the Senator from California withdraw his motion for an executive session?

Mr. SARGENT. Yes, sir.

Mr. STEVENSON. I ask now to put on its passage the bill which I reported this morning as a substitute for the House bill.

There being no objection, the bill (H. R. No. 3652) providing for the publication of the revised statutes of the United States was considered as in Committee of the Whole.

An amendment was proposed by the Committee on the Judiciary to strike out all after the enacting clause of the bill, and in lieu thereof to insert the following:

That the existing contract or contracts between the Secretary of State on the part of the United States, and Charles C. Little, Augustus Flagg, Henry T. Miles, and John Bartlett, of Boston, known as the firm of Little, Brown & Co., dated the 28th day of May, 1866, and all other contracts between the United States or any officer thereof with said firm of Little, Brown & Co., respecting the printing or publication of the laws of the United States, are hereby declared to be determined, pursuant to the powers therein reserved.

SEC. 2. That the Secretary of State is hereby charged with the duty of causing to be prepared for printing, publication, and distribution the revised statutes of the United States enacted at this present session of Congress; that he shall cause to be completed the head-notes of the several titles and chapters and the marginal

notes referring to the statutes from which each section was compiled and repealed by said revision; and references to the decisions of the courts of the United States explaining or expounding the same, and such decisions of State courts as he may deem expedient, with a full and complete index to the same. And when the same shall be completed, the said Secretary shall duly certify the same under the seal of the United States, and when printed and promulgated as hereinafter provided, the printed volumes shall be legal evidence of the laws and treaties therein contained, in all the courts of the United States, and of the several States and Territories.

SEC. 3. That the revision of the statutes of a general and permanent nature, with the index thereto, shall be printed in one volume, and shall be entitled and labeled "Revised Statutes of the United States;" and the revision of the statutes relating to the District of Columbia; to post-roads, and the public treaties in force on the 1st day of December, 1873, with a suitable index to each, shall be published in a separate volume, and entitled and labeled "Revised Statutes relating to District of Columbia and Post-Roads. Public Treaties."

SEC. 4. That the Secretary of State shall cause the two volumes to be stereotyped, and such number of each volume to be printed and substantially bound at the Government Printing Office as he may deem needful, for public distribution as hereinafter provided, and for sale by his office.

SEC. 5. That he shall, in like manner, cause to be edited, printed, published, and distributed pamphlet copies of the statutes of the present and each future session of Congress, to the officers and persons hereinafter provided, and bound copies of the laws of each Congress to the number of two thousand copies to be distributed in the manner now provided by law, and uniform with the said edition of the revised statutes.

SEC. 6. That at the close of every session of Congress the Secretary of State shall cause to be distributed pamphlet copies of the acts and resolves of Congress for that session, edited and printed in the manner aforesaid, as follows: To the President and Vice-President of the United States, two copies each; to each Senator, Representative, and Delegate in Congress, one copy; to the librarian of the Senate, for the use of Senators, one hundred and twenty-six copies; to the librarian of the House, two hundred and fifty copies, for the use of the Representatives and Delegates; to the Library of Congress, fourteen copies; to the Department of State, including those for the use of legations and consulates, six hundred copies; to the Treasury Department, two hundred copies; to the War Department, including those for the use of officers of the Army, two hundred copies; to the Navy Department, including those for the use of officers of the Navy, one hundred copies; to the Department of the Interior, including those for the use of the surveyors-general and registers and receivers of public land offices, two hundred and fifty copies; to the Post-Office Department, fifty copies; to the Department of Justice, including those for the use of the chief and associate justices, the judges and officers of the United States and territorial courts, four hundred and twenty-five copies; to the Department of Agriculture, ten copies; to the Smithsonian Institution, five copies; to the Government Printing Office, two copies; to the governors and secretaries of Territories, one copy each; to be retained in the custody of the Secretary of the Interior, one thousand copies; and the remainder shall be distributed to the States and Territories in proportion to the number of Senators, Representatives, and Delegates in Congress to which they are at the time entitled.

SEC. 7. That after the close of each Congress the Secretary of State shall have edited, printed, and bound a sufficient number of the volumes containing the Statutes at Large enacted by that Congress to enable him to distribute copies, or as many thereof as may be needed, as follows: To the President of the United States four copies, one of which shall be for the library of the Executive Mansion, and one copy shall be for the use of the Commissioner of Public Buildings; to the Vice-President of the United States one copy; to each Senator, Representative, and Delegate in Congress, one copy; to the librarian of the Senate, for the use of Senators, one hundred and fourteen copies; to the librarian of the House, for the use of Representatives and Delegates, four hundred and ten copies; to the Library of Congress, fourteen copies, including four copies for the law library; to the Department of State, including those for the use of legations and consulates, three hundred and eighty copies; to the Treasury Department, including those for the use of officers of customs, two hundred and sixty copies; to the War Department, including a copy for the Military Academy at West Point, fifty copies; to the Navy Department, including a copy for the library at the Naval Academy at Annapolis, a copy for the library of each navy-yard in the United States, a copy for the library of the Brooklyn Naval Lyceum, and a copy for the library of the Naval Institute at Charlestown, Massachusetts, sixty-five copies; to the Department of the Interior, including those for the use of the surveyors-general and registers and receivers of public land offices, two hundred and fifty copies; to the Post-Office Department, fifty copies; to the Department of Justice, including those for the use of the chief and associate justices, the judges and the officers of the United States and territorial courts, four hundred and twenty-five copies; to the Department of Agriculture, five copies; to the Smithsonian Institution, two copies; to the Government Printing Office, one copy; and the Secretary of State shall supply deficiencies and offices newly created.

SEC. 8. That the said printed copies of the said acts of each session and of the said bound copies of the acts of each Congress shall be legal evidence of the laws and treaties therein contained, in all the courts of the United States and of the several States therein.

SEC. 9. That the said laws of each session of Congress shall also be stereotyped and printed for sale as provided in respect to the said revised statutes. And the copies of the said revised statutes and of the said laws of each session of Congress as issued from time to time, shall be respectively sold at the cost of the paper, press-work, and binding, with 10 per cent. thereof added thereto, to any person applying for the same. And the proceeds of all sales shall be paid into the Treasury.

SEC. 10. That the Secretary of State shall cause all the copies of the Revision of Indian Treaties, made by Thomas J. Durant, now printed, to be bound, and the same shall be deposited with the Secretary of the Interior, for the use of the Departments and officers of the Government.

Mr. FRELINGHUYSEN. I would ask the Senator from Kentucky whether there is anything in that bill which repeals the law as to the publication of the laws in newspapers?

Mr. STEVENSON. Yes, sir; the first section makes that repeal.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill providing for the publication of the revised statutes and the laws of the United States."

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had concurred in some and non-concurred in other amendments of the Senate to the bill (H. R. No. 2343) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1875, and for other purposes, and agreed to other amendments of the Senate with amendments, asked a conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. WILLIAM LOUGHRIDGE of Iowa, Mr. JOHN HANCOCK of Texas, and Mr. JOHN T. AVERILL of Minnesota, managers at the same on its part.

The message also announced that the House insisted on its amendments to the bill (S. No. 7) for the creation of a court for the adjudication and disposition of certain moneys received into the Treasury under an award made by the tribunal of arbitration constituted by virtue of the first article of the treaty concluded at Washington the 8th day of May, A. D. 1871, between the United States of America and the Queen of Great Britain, disagreed to by the Senate, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BENJAMIN F. BUTLER of Massachusetts, Mr. WILLIAM P. FRYE of Maine, and Mr. C. N. POTTER of New York, managers at the same on its part.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. No. 1691) for the relief of Thomas Ridgway;

A bill (H. R. No. 2347) authorizing the Secretary of the Treasury to deliver to the Connecticut Historical Society certain papers on file as vouchers for the discharged claims of the heirs of Silas Deane;

A bill (H. R. No. 2359) to authorize the Secretary of War to reserve from sale ten thousand suits of old and disused Army uniform clothing now in the Quartermaster's Department of the Army, and to transfer the same to the National Home for disabled soldiers;

A bill (H. R. No. 2653) to authorize the Secretary of the Treasury to suspend work upon the public buildings;

A bill (H. R. No. 3090) to authorize the issue of duplicate agricultural land scrip where the original has been lost or destroyed;

A bill (H. R. No. 3265) amending the charter of the Freedman's Savings and Trust Company, and for other purposes;

A bill (H. R. No. 3573) making additions to the fifteenth section of the act approved July 2, 1864, entitled "An act to amend an act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes,' approved July 1, 1862;" and

A bill (H. R. No. 3672) authorizing the board of commissioners of the Soldiers' Home to sell the property belonging to the Soldiers' Home situated at Harrodsburgh, Kentucky, and known as Harrodsburgh Springs property.

INDIAN APPROPRIATION BILL.

The Senate proceeded to consider the action of the House of Representatives on its amendments to the bill (H. R. No. 2343) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1875, and for other purposes.

On motion of Mr. WINDOM, it was

Resolved, That the Senate insist on its amendments disagreed to by the House of Representatives and disagree to the amendments of the House to other amendments of the Senate, and agree to the conference asked by the House on the disagreeing votes of the two Houses thereon.

By unanimous consent, it was

Ordered, That the conferees on the part of the Senate be appointed by the President *pro tempore*.

The PRESIDENT *pro tempore* appointed Mr. WINDOM, Mr. SARGENT, and Mr. BOGY.

HOUR OF MEETING.

Mr. MORRILL, of Maine. I move that when the Senate adjourn to-day, it be to meet at eleven o'clock to-morrow.

The motion was agreed to.

MOIETIES UNDER CUSTOMS LAWS.

Mr. SCOTT. I would ask leave to make a report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 3171) to amend the customs-revenue laws and to repeal moieties, and I would ask at the request of several Senators that this report may be printed, so that it may be called up to-morrow for consideration.

The report was ordered to be printed.

DISTRICT CRIMINAL COURT.

Mr. FRELINGHUYSEN. I will ask the Senate to pass a bill providing for a criminal court in this District. It has been examined carefully by the Committee on the Judiciary, and it is very necessary that it should pass.

There being no objection, the bill (H. R. No. 3503) conferring jurisdiction upon the criminal court of the District of Columbia, and for other purposes, was considered as in Committee of the Whole.

The first section of the bill provides that the criminal court of the District of Columbia shall have concurrent jurisdiction with the police court of the District of all crimes and misdemeanors committed in the District.

Section 2 applies the provisions of the thirty-third section of the

judiciary act of 1789 to courts created by act of Congress in the District of Columbia.

An amendment was reported by the Committee on the Judiciary to strike out in line 4 of section 1 the word "concurrent" before the word "jurisdiction," and after the word "jurisdiction," in the same line, to strike out the words "with the police court of said District," and at the end of the section to insert "not lawfully triable in any other court, and which are required by law to be prosecuted by indictment or information;" so as to make the section read:

That the criminal court of the District of Columbia shall have jurisdiction of all crimes and misdemeanors committed in said district not lawfully triable in any other court, and which are required by law to be prosecuted by indictment or information.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

HUDSON BAY COMPANY.

Mr. HAMLIN. Before we go into executive session, I want the time of the Senate for one minute. To-morrow morning in the morning hour, I shall ask the indulgence of the Senate to take up House bill No. 3351 which is in my charge in the absence of the chairman of the Committee on Foreign Relations. It relates to carrying out the recent treaty of Washington and settling the rights of certain settlers under the Hudson Bay Company growing out of provisions in the Washington treaty, and it imposes obligations upon the Government which we cannot fail to carry out and deal justly.

CONGRESSMEN FROM ALABAMA.

Mr. SPENCER. I ask the Senate to proceed to the consideration of the bill (H. R. No. 886) to provide for the election of Congressmen at large for the State of Alabama.

There being no objection, the bill was considered as in Committee of the Whole. It provides that the two additional Representatives to Congress allowed to the State of Alabama, according to the apportionment under the ninth census, may be elected by the State at large, and the other Representatives to which the State is entitled by the districts as now prescribed by law in that State, unless the General Assembly of Alabama shall otherwise provide before the time fixed by law for the election for Representatives to Congress from said State.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

DISTRICT GOVERNMENT.

Mr. SARGENT. I move that the Senate proceed to the consideration of executive business.

Mr. ALLISON. I desire to give notice that after this post-office appropriation bill is completed, I will ask the Senate to take up and consider the bill reported by the Joint Committee of Investigation into the Affairs of the District of Columbia.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from California.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened, and (at five o'clock and forty minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *June* 16, 1874.

The House met at eleven o'clock a. m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday was read and approved.

ORDER OF BUSINESS.

The SPEAKER. A motion to suspend the rules and pass the bill to aid in the construction of a fire-alarm telegraph in the District of Columbia comes over from yesterday as unfinished business.

Mr. DAWES. I would suggest that we go to the Speaker's table and dispose of the matters thereon, under what is called the five-minute rule—a five-minute speech being allowed on each bill on each side. I would except from this the civil-rights bill. I ask that the order be made that the House shall proceed under this arrangement, at twelve o'clock, to consider business on the Speaker's table.

Mr. SMITH, of New York. I must object, unless the Committee on Elections can have half an hour to dispose of two or three cases.

Mr. COBURN. Is the proposition of the gentleman from Massachusetts [Mr. DAWES] that the bills on the Speaker's table shall be taken up and disposed of?

The SPEAKER. It is that they be disposed of either by being referred or by being passed. The Chair would suggest that if the gentleman from Massachusetts [Mr. DAWES] will make the time for going to the business on the Speaker's table half an hour later the gentleman from New York, [Mr. SMITH,] the chairman of the Committee on Elections, can have the time he desires before that is done.

Mr. DAWES. I am willing to say one o'clock.

Mr. MOREY. I desire to make a parliamentary inquiry. When we reach a bill on the Speaker's table under the proposed arrangement may we pass it, refer it, or leave it on the Speaker's table?

The SPEAKER. Yes; by a majority vote it can be passed, referred, or left on the table.

Mr. COTTON. I must object to this arrangement unless an opportunity is given to the Committee on the District of Columbia to make some reports.

Mr. WILSON, of Iowa. If we have a morning hour it is in the power of a majority of the House at the expiration of the morning hour to go to business on the Speaker's table. This being the case, I must object to the motion of the gentleman from Massachusetts.

The SPEAKER. The business on the Speaker's table cannot possibly be reached under the rules in the way suggested by the gentleman from Iowa during the last days of the session.

Mr. DAWES. I move to suspend the rules for the purpose of making the order I have indicated; that at one o'clock the House proceed to dispose of business on the Speaker's table, a five-minute debate being allowed on each side, so that by a majority vote bills may be passed, referred, or left on the table, excepting from the order the civil-rights bill.

Mr. BURROWS. Why should the civil-rights bill be excepted?

The SPEAKER. The Chair will explain the effect of the motion of the gentleman from Massachusetts, if agreed to. Excepting the civil-rights bill all other business on the Speaker's table will be taken up *seriatim*, to be disposed of by a majority vote after a five-minute speech on either side in one of three ways; that is, a bill may be referred to a committee, may be passed, or may be left on the table.

Mr. WILLARD, of Vermont. Will it require a two-thirds vote to pass a bill?

The SPEAKER. A majority vote will be sufficient.

Mr. BURROWS. Will the gentleman allow me to inquire why he excepts the civil-rights bill?

Mr. DAWES. It does not prejudice the civil-rights bill, and I suppose that if I should include that bill in this particular motion I could not get at the other business on the Speaker's table.

Mr. GARFIELD. Suppose you try it.

Mr. DAWES. The gentleman from Michigan knows that I would omit no motion that would advance the civil-rights bill, and if the gentleman is apprehensive that I have any purpose hostile to the civil-rights bill he mistakes my motives.

Mr. BURROWS. I do not suppose so.

Mr. DAWES. I make the motion in this way simply because I know that it is the only way in which we can get at the other business on the Speaker's table. I am willing, if any gentleman desires it, to include the civil-rights bill; but I know what the effect of that will be.

Mr. HOLMAN. I hope the gentleman will also exclude from his motion the Saint Croix land-grant bill.

Mr. DAWES. A majority can dispose of this whole matter, and therefore I make the motion without any exception.

Mr. LAWRENCE. I hope the Committee on War Claims will be allowed to report the bill relating to the commissioners of claims, and for other purposes, which I am instructed by that committee to offer.

Mr. DAWES. If I make any exception my motives would be misconstrued, and therefore I make the motion without exception, and a majority of the House can dispose of it.

The SPEAKER. If the gentleman makes his motion in that form the whole question will turn on the vote on the civil-rights bill, and that bill might as well be taken out and voted upon separately, so as to disembarrass the other business.

Mr. DAWES. Some other gentleman can make the motion; I do not propose to stand here under the imputation of hindering the passage of the civil-rights bill.

The SPEAKER. It would make the entire motion turn upon that one bill.

Mr. HAWLEY, of Illinois. No one has made any imputation on the gentleman from Massachusetts. We have tried several times to take up the civil-rights bill by a two-thirds vote, and it has been demonstrated that it cannot be done.

The SPEAKER. The Chair was only stating the obvious parliamentary effect of the motion.

Mr. GARFIELD. In order to test the question I move to suspend the rules and take the civil-rights bill from the Speaker's table and pass it.

Mr. DAWES. If the gentleman will withdraw that motion I will adhere to my motion to go to the Speaker's table and take up all business thereon.

The SPEAKER. The Chair will first dispose of the unfinished business which was reported last evening on a motion for a suspension of the rules, and comes over on that motion.

FIRE-ALARM TELEGRAPH IN THE DISTRICT OF COLUMBIA.

The Clerk read the title of the bill, as follows:

A bill (H. R. No. 3532) to aid in the construction of a fire-alarm telegraph in the District of Columbia.

The bill was read.

Mr. WILLARD, of Vermont. How does that bill come before the House?

The SPEAKER. Last evening the gentleman from New York [Mr. SESSIONS] brought it up on a motion to suspend the rules.

Mr. WILLARD, of Vermont. I understood that last evening was given to the Committee on Public Buildings and Grounds, and I suppose that whatever business from that committee was not completed last evening must fall.

The SPEAKER. The Chair was absent last evening, but he understood from the Clerk that it was entertained yesterday afternoon before the recess.

Mr. WILLARD, of Vermont. O, no; it was last evening.

The SPEAKER. Then the bill is not properly before the House. The Chair will recognize the gentleman from New York to make the motion to suspend the rules later on during the day, but the bill is not unfinished business.

TAX ON SAVINGS INSTITUTIONS.

Mr. E. R. HOAR. I move to suspend the rules and pass a bill for the relief of savings institutions having no capital stock and doing business for the benefit of depositors. I will state to the House that it is a bill which must be passed now if ever. It has the unanimous approval of the Committee on Banking and Currency, and is for the relief of depositors in savings banks, and it must be passed before the close of this session or it can never do any good. The tax has once been paid by depositors, and now it is proposed to assess it on the institutions who have no funds to meet it with.

The Clerk read the bill. It provides that no future collection of internal-revenue taxes shall be made on the earnings of savings-banks or institutions for savings, having no capital stock and doing no other business than receiving deposits, to be loaned or invested for the sole benefit of the parties making such deposits without profit or compensation to the association or company, whether the earnings of the same have been or may hereafter be divided annually, semi-annually, or at other periods.

The motion to suspend the rules was seconded; and (two-thirds voting in favor thereof) the rules were suspended, and the bill (H. R. No. 3678) was passed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate had passed with amendments, in which the concurrence of the House was requested, a bill of the following title:

A bill (H. R. No. 3511) regulating the removal of causes from State courts to the circuit courts of the United States.

The message further announced that the Senate had passed and requested the concurrence of the House in a bill of the following title:

A bill (S. No. 321) reorganizing the several staff corps of the Army.

QUALIFICATIONS OF TERRITORIAL DELEGATES.

Mr. SMITH, of New York. I am instructed by the Committee on Elections to report and move the passage, under a suspension of the rules, of a bill defining the qualifications of territorial Delegates in the House of Representatives.

The bill provides that no person shall be a Delegate in the House of Representatives from any of the Territories of the United States who shall not have attained the age of twenty-five years, have been seven years a citizen of the United States, and who shall not when elected be an inhabitant of the Territory in which he shall be chosen; and no such person who is guilty either of bigamy or polygamy shall be eligible to a seat as such Delegate.

Mr. COX. Does that affect the present Delegate from Utah?

Mr. SMITH, of New York. The legal operation of the bill is entirely prospective.

Mr. COX. Then the word "hereafter" should be inserted.

Mr. SMITH, of New York. That does not affect the legal construction of the bill; I have no objection to the amendment.

The motion to suspend the rules was seconded and (two-thirds voting in favor thereof) the rules were suspended, and the bill as modified (H. R. No. 3679) was passed.

ELECTION CONTEST—GUNTER *vs.* WILSHIRE.

Mr. SMITH, of New York. I now ask that Mr. Gunter, of Arkansas, may be seated as a member of this House. He has been waiting here since last December. My colleague upon the committee from Ohio [Mr. ROBINSON] is instructed by the committee to report in this case.

Mr. ROBINSON, of Ohio. I am instructed unanimously by the Committee on Elections to submit a report, accompanied by resolutions, in the contested-election case of Thomas M. Gunter *vs.* W. W. Wilshire, from the third congressional district of the State of Arkansas.

The resolutions accompanying the report were read, as follows:

Resolved, That W. W. Wilshire was not elected and is not entitled to a seat as a Representative in the Forty-third Congress from the third district of the State of Arkansas.

Resolved, That Thomas M. Gunter was elected, and is entitled to a seat as a Representative in the Forty-third Congress from the third district of Arkansas.

Mr. HURLBUT. There is a preliminary question which I wish to raise before the House.

Mr. ROBINSON, of Ohio. I will yield five minutes to the gentleman, and then I will call the previous question.

Mr. HURLBUT. In order to raise the question to which I refer I move to recommit this report.

Mr. SMITH, of New York. I understand that this report is made under a suspension of the rules; if so I must object to debate.

Mr. HURLBUT. I understand that this is a privileged report from the Committee on Elections.

The SPEAKER. It is a privileged report, and the gentleman making it can yield.

Mr. ROBINSON, of Ohio. I yield to the gentleman from Illinois for five minutes.

Mr. HURLBUT. I desire in this case to enter a motion to recommit this report to the committee with instructions to pass upon a preliminary question.

Mr. ROBINSON, of Ohio. I do not yield for a motion.

Mr. HURLBUT. I think I have a right to make a motion to recommit with instructions.

The SPEAKER. Not unless the gentleman yielding a portion of his time consents to the motion.

Mr. ROBINSON, of Ohio. I do not consent.

Mr. HURLBUT. Then I will state my point to the House and they can do as they like. Under the law of 1851 there is an express provision that the contestant must file his claim and notice of contest within thirty days from the time when the canvass was made. The canvass in this case was made on the 14th of December, 1872, and the contestant did not file the notice of contest for more than ninety days afterward. I desire the committee to pass upon the question whether the limitation prescribed by law is to have any effect or not. That is the simple question I desire to raise, and if the House shall not second the previous question I will move to recommit the report to the Committee on Elections to determine that question positively and distinctly.

Mr. DAWES. The law of 1851 declares that the contestant shall serve upon the sitting member notice of contest, &c. This gentleman was not made a sitting member except by a vote of this House, thus making this a special case to be prescribed for by the Committee on Elections themselves.

Mr. ROBINSON, of Ohio. I call for the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the resolutions reported from the Committee on Elections were adopted.

Mr. HOOPER moved to reconsider the vote by which the resolutions were adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. GUNTER then appeared and qualified by taking the modified oath of July 11, 1868.

ARKANSAS ELECTION CONTEST—BRADLEY *vs.* HYNES.

Mr. PIKE, from the Committee on Elections, reported the following resolution; which was read, considered, and agreed to:

Resolved, That the Committee on Elections be discharged from the further consideration of the case of John M. Bradley against William J. Hynes, a member of this House from the State of Arkansas.

Mr. PIKE moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

INDIAN APPROPRIATION BILL.

Mr. LOUGHRIDGE. I move that the rules be suspended so that the House may take up and consider the amendments of the Senate to the bill (H. R. No. 2343) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1875, and for other purposes.

The motion was agreed to.

The amendments of the Senate were read, and, except in the cases noted below, were, without debate, respectively concurred in or non-concurred in according to the recommendations of the Committee on Appropriations.

The forty-second amendment was read, as follows:

Insert in lines 149 and 150 the following words: "thirty-six interpreters, at $500 each; and $600 for temporary interpreters."

The Committee on Appropriations recommended non-concurrence.

Mr. BECK. I hope the gentleman from Iowa [Mr. LOUGHRIDGE] who is managing this bill will give as an explanation of this amendment. Does the Senate add thirty-six additional interpreters?

Mr. LOUGHRIDGE. The statute fixes the pay of these interpreters, I believe, at $500 each in certain Territories. That is the reason the Senate made the change.

Mr. BECK. Is that what swells this appropriation from $29,000 up to $35,000?

Mr. LOUGHRIDGE. We recommend non-concurrence in the amendment for the purpose of satisfying ourselves whether the amendment is right.

The amendment was non-concurred in.

The seventy-ninth amendment was read, as follows:

In the appropriation for the Sacs and Foxes of Mississippi add after the words "physician for the agency," in line 1197, so as to make the paragraph read as follows:

For interest on $800,000, at 5 per cent., per second article treaty of October 11, 1842, $40,000, of which sum $1,500 shall be paid for a physician for the agency, who shall furnish the necessary medicines: *Provided*, That so much of the appropria-

tion herein made for the Sacs and Foxes on the Mississippi as shall be deemed necessary by the Secretary of the Interior, not exceeding 50 per cent. thereof, may be used, under his direction, for the purposes of education and civilization.

The Committee on Appropriations recommended concurrence.

Mr. PARKER, of Missouri. I wish to offer an amendment to this amendment. I am satisfied the Committee on Appropriations will have no objection to it. I did not think of it when the committee had these amendments under consideration. This amendment of the Senate proposes a diversion of the Indian fund; and I desire to provide that it shall not be done without the consent of the Indians, so that they may not hereafter come to Congress and set up a claim for funds that have been diverted. I move to amend the amendment by adding "provided further, that the Indians shall consent thereto."

The amendment of Mr. PARKER, of Missouri, was agreed to; and the amendment of the Senate, as amended, was concurred in.

The eightieth amendment was read, as follows:

In the appropriations for the Sacs and Foxes of Missouri add a proviso to the appropriation of $200 for the support of a school; so that the paragraph will read as follows:

For the support of said school for the fiscal year ending June 30, 1875, as per said article of the treaty, $200: *Provided*, That so much of the appropriation herein made for the Sacs and Foxes of the Missouri as shall be deemed necessary by the Secretary of the Interior, not exceeding 50 per cent. thereof, may be used under his direction for the purposes of education and civilization.

The Committee on Appropriations recommended concurrence.

Mr. PARKER, of Missouri. I move to amend this amendment by adding the words, "provided further, that the Indians shall consent thereto."

The amendment of Mr. PARKER, of Missouri, was agreed to, and the amendment of the Senate, as thus amended, was concurred in.

The ninety-first amendment was read, as follows:

Insert the following:

For this amount, or so much thereof as may be necessary, to purchase from the Omaha Indians in Nebraska such quantity of land, not exceeding twenty sections, as may be required for the use of the Winnebago Indians in Wisconsin and for improvements on their reservation, to be appropriated from the residue of the $1,100,000 provided to be set apart for the Winnebagoes by the fourth article of the treaty with those Indians, November 1, 1837: *Provided*, That such amount as may be paid to the Omahas for the lands required shall be applied for their use, under the direction of the Secretary of the Interior, for general purposes of civilization, $82,000.

The Committee on Appropriations recommended concurrence.

Mr. LOUGHRIDGE. In this amendment the Committee on Appropriations at first agreed to recommend non-concurrence; and that is the recommendation in the printed report; but on subsequent examination they have decided to ask concurrence.

Mr. GARFIELD. The Committee on Indian Affairs came before us after our recommendation was agreed on, and showed that this amendment was a mere transfer of funds; that it did not change at all the amount expended. The Committee on Indian Affairs were unanimous in their recommendation, and they satisfied us that they were right.

Mr. PARKER, of Missouri. I move to amend this amendment of the Senate by adding the words, "provided that said Winnebagoes shall consent to said purchase."

The amendment of Mr. PARKER, of Missouri, was agreed to; and the amendment of the Senate, as thus amended, was concurred in.

The ninety-seventh amendment was read, as follows:

Strike out $3,000 in line 1792 and insert $2,000; so that the paragraph will read as follows:

Washington Territory:

For the general incidental expenses of the Indian service in Washington Territory, including transportation of annuity goods and presents, (where no special provision is made therefor by treaties,) and for defraying the expenses of removal and subsistence of Indians, and for pay of necessary employés, $25,000; $2,000 of which shall be for the support of schools on the Colville and Chehalis agencies.

The committee recommended concurrence.

Mr. SHANKS. I ask that this amendment be non-concurred in. I have been among those people, and they certainly need from this appropriation the amount of $3,000 for school purposes.

The amendment was non-concurred in.

The one hundred and thirteenth amendment was read, as follows:

Insert before the words "necessary traveling expenses" the words "actual and;" so that the paragraph will read as follows:

For this amount, or so much thereof as may be necessary to defray the actual and necessary traveling expenses of five Indian inspectors provided for by section 6 of the act making appropriations for the current and contingent expenses of the Indian Department for the fiscal year 1874, $7,500.

The Committee on Appropriations recommended non-concurrence.

Mr. BECK. I ask that this amendment be concurred in. The Senate has amended so that the phrase will read "actual and necessary traveling expenses." Why should the words "actual and" be struck out?

Mr. GARFIELD. If the word "actual" be retained, then a man may go to the Fifth Avenue Hotel and remain there on business for five or six weeks and charge his actual bills to the Government, whereas under a provision for "necessary" expenses the construction given under the law is that no more than a certain amount per day shall be allowed by the Department. To insert the word "actual" will repeal the present order of things and make it possible to charge far beyond the rates at present allowed.

Mr. BECK. I do not think so, because the word "actual" does not limit the word "necessary." The expenses allowed must be both "actual and necessary." But if we strike out the words "actual and," an inspector may claim anything that he says was "necessary." That is the fear I have.

Mr. GARFIELD. I have a telegraphic dispatch in my pocket from one of the officers of the Department saying precisely the same danger has been incurred in one of our bills now in conference, and requesting me to get the word "actual" out for that very reason.

Mr. BECK. I withdraw my objection.

The amendmendment was non-concurred in.

Amendment 121 of the Senate:

Strike out after the word "while" the words "any portion of;" so that it will read:

That none of the appropriations herein made shall be paid to any band of Indians while such band is at war with the United States or with the white citizens of any of the States and Territories.

Mr. CONGER. It seems to me to be an unjust provision and ought to be striken out.

Mr. GARFIELD. The Committee on Appropriations recommend concurrence in that amendment and agree to strike out those words, deeming it unjust to leave the provision as it is.

The amendment was concurred in.

Amendment 122 of the Senate:

Insert the words:

Provided, That hereafter all bidders under any advertisement published by the Commissioner of Indian Affairs for proposals for goods, supplies, transportation, &c., for and on account of the Indian service, whenever the value of the goods, supplies, &c., to be furnished, or the transportation to be performed, shall exceed the sum of $5,000, shall accompany their bids with a certified check or draft payable to the order of the Commissioner of Indian Affairs, upon some United States depository or solvent national bank, which check or draft shall be 5 per cent. on the amount of the goods, supplies, transportation, &c., as aforesaid; and in case any such bidder, on being awarded a contract, shall fail to execute the same with good and sufficient sureties according to the terms on which such bid was made and accepted, such bidder shall forfeit the amount so deposited to the United States, and the same shall forthwith be paid into the Treasury of the United States; but if such contract shall be duly executed, as aforesaid, such draft or check so deposited shall be returned to the bidder.

Mr. GARFIELD. This is to prevent straw bids in the Indian Department, and the committee recommend concurrence.

The amendment was concurred in.

Mr. LOUGHRIDGE. I now move that a request be sent to the Senate for a conference on the disagreeing votes of the two Houses.

The motion was agreed to.

GENEVA AWARD.

Mr. BUTLER, of Massachusetts. I move to comply with the request of the Senate for a conference on the disagreeing votes of the two Houses on the bill (S. No. 7) for the creation of a court for the adjudication and disposition of certain moneys received into the Treasury under an award made by the tribunal of arbitration constituted by virtue of the first article of the treaty concluded at Washington the 8th of May, A. D. 1871, between the United States of America and the Queen of Great Britain.

The motion was agreed to.

TELEGRAPHIC COMMUNICATION.

Mr. COX, by unanimous consent, from the Committee on Foreign Affairs, reported back the bill (H. R. No. 3535) relating to telegraphic communication between the United States and foreign countries, with the recommendation that it do pass.

The bill was read.

The first section provides that all communication established, or that may hereafter be established, between the United States and any foreign country by means of telegraphic or magnetic lines or cables laid in any part thereof, in and over the waters, reefs, islands, shores, and lands within the jurisdiction of the United States, shall be subject to the following conditions, stipulations, and reservations, to wit: First, the Government of the United States shall be entitled to exercise and enjoy the same or similar privileges with regard to the control and use of any such line or cable that may by law, agreement, or otherwise, be exercised and enjoyed by any foreign government whatever; secondly, citizens of the United States shall enjoy the same privileges as to the payment of rates for the transmission of messages as are enjoyed by the citizens of the most favored nations; thirdly, the transmission of dispatches shall be made in the following order: First, dispatches of state, under such regulations as may be agreed upon by the governments interested; secondly, dispatches on telegraphic service; and thirdly, private dispatches; fourthly, the lines of any such cables shall be kept open to the public for the daily transmission of market and commercial reports and intelligence, and all messages, dispatches, and communications shall be forwarded in the order in which they are received, except as hereinbefore provided; fifthly, before extending and establishing any such line or cable in or over any waters, reefs, islands, shores, and lands within the jurisdiction of the United States, a written acceptance of the terms and conditions imposed by the act shall be filed in the office of the Secretary of State by the company, corporation, or party proposing to establish telegraphic communication.

The second section provides that subject to the foregoing conditions, stipulations, and reservations, and subject to such grants as have heretofore been made by Congress, to lay and maintain telegraphic cables from the shores of the United States, the consent of Congress is given to the laying and maintaining of telegraphic or magnetic lines or cables between the United States and foreign countries

in and over the waters, reefs, islands, shores, and lands within the jurisdiction of the United States.

The third section provides that any person connected with any company engaged in the transmission of news to foreign countries who shall, contrary to his duty, disclose or in any way make known or intercept the contents of any message, or any part thereof, and any person who shall injure or destroy any cable or other property of the company, or interfere with the working, repair, or use of any cable or line connected with such cable, shall, upon conviction thereof, in any district court of the United States, or in any district court of the district in which such cable is landed, be subject to a fine not exceeding $5,000, or to imprisonment for a term not exceeding three years, or both, at the discretion of the court; and the party injured thereby shall have a right of action for damages. It shall be the duty of the Attorney-General to prosecute all persons offending against any of the provisions of the act in any district court of the United States.

Mr. COX. I only wish to say, Mr. Speaker, that this same bill passed in this House during the last Congress. It is the unanimous report of the Committee on Foreign Affairs after a careful maturing of the matter. It interferes with no rights now existing, but only gives power to all companies generally, which Congress has the indisputable right to give. It is a general bill. The committee have also authorized me to report all private bills for charters adversely, which I will do when I get through with this bill.

Mr. CONGER. I do not wish to antagonize the bill. I wish to ask the gentleman from New York, however, whether under the provisions of this bill the telegraph companies may not extend their lines indefinitely upon the Government lands?

Mr. COX. No, sir; the bill was not intended to do anything of the kind. That was carefully guarded against. This is for ocean telegraphs only.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. COX moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ADVERSE REPORTS.

Mr. COX also, by unanimous consent, from the Committee on Foreign Affairs, reported back, with the recommendation that they do not pass, bills of the following titles; and the same were severally laid on the table:

The bill (H. R. No. 1249) to incorporate the Submarine Cable Printing Telegraph Company, and to promote and encourage telegraphic communication between American and foreign countries;

The bill (H. R. No. 3383) to encourage and promote telegraphic communication between America and Asia; and

The bill (H. R. No. 3398) to secure anti-monopoly ocean-cable communication between Europe, America, and Asia by W. Cornell Jewett and his associates.

Mr. COX moved to reconsider the votes by which the bills were severally laid on the table; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. E. R. HOAR, by unanimous consent, from the Committee on Foreign Affairs, reported adversely on the resolution referred to that committee requesting the Secretary of State to lay before the House the correspondence between the commander of the United States steamer Richmond, Captain Thomas Patterson, and the governor of Santiago de Cuba, in 1873, in reference to three American citizens who were on trial before a military court-martial at that place; and moved that the committee be discharged from the further consideration of the same, and that it be laid upon the table.

The motion was agreed to.

COMMISSIONERS OF CLAIMS.

Mr. LAWRENCE. I move that the rules be suspended to enable me to report, and the House to pass, a substitute (H. R. No. 3680) for the bill (H. R. No. 1565) heretofore reported by the Committee on War Claims relating to the commissioners of claims.

The substitute was read, as follows:

Be it enacted, &c., That the time within which petitions for the allowance of claims may be presented to the commissioners of claims be, and hereby is, extended to the 4th day of July, 1875; and that all claims within the jurisdiction of the commissioners of claims which shall not be filed in their office on or before the 4th day of July, 1875, shall be, and hereby are, forever barred, and the commissioners shall not examine the same.

SEC. 2. That every petition or memorial for the allowance of a claim shall contain a statement by items of the several amounts claimed on account of the matters set forth in such petition or memorial, and the aggregate amount so claimed shall not thereafter be increased for any cause. Every such petition or memorial shall also contain an explicit statement of any payments already made by or in behalf of the United States on account of property taken, furnished, or used by the forces of the United States during the late rebellion, and a declaration that the said petition or memorial embraces every just item and cause of claim against the United States for property so taken, furnished, or used.

SEC. 3. That in lieu of the three agents now provided by law the said commissioners shall be authorized to employ five agents to investigate and report upon claims; and the said agents shall have power to administer oaths and take depositions; and, in addition to the clerks now authorized by law, the said commissioners may employ, each, one clerk, at a salary not exceeding $1,800 per annum.

SEC. 4. That whenever the commissioners are satisfied that a claim is fraudulent in whole or in part, or that the claimant is corruptly attempting to procure, by fraud, false evidence, or collusion, the allowance of a claim, in whole or in part, it shall be their duty to disallow the entire claim.

SEC. 5. That every person who knowingly and willfully swears falsely in any oath or affidavit which is or may be authorized by law, or in any oath taken or affidavit made, to be used as evidence in any court, "or before either House of Congress, or any committee or officer thereof," or before any officer or person acting under the authority of the Constitution or law, shall be deemed guilty of perjury, and shall be punished by fine not more than $2,000, or imprisonment at hard labor not more than five years, or both, in the discretion of the court. And in every case where such oath or affidavit is subscribed by the person making the same, proof of such fact shall be sufficient evidence of the official authority of the person before whom the same purports to be made or taken to administer and certify said oath or affidavit. All offenses heretofore committed may be prosecuted or punished in the same manner as if this act had not passed.

SEC. 6. That every person who procures, or endeavors to procure, or counsels or advises another to commit perjury, shall be punishable as if guilty of perjury.

SEC. 7. That the commissioners of claims shall receive, examine, and consider the justice and validity of such claims, growing out of the late war of the rebellion, as may be referred to them by either House of Congress, and said commissioners shall make report of their proceedings and of each claim considered by them, with the evidence in relation thereto and their conclusions of law and fact thereon, at the commencement of each session of Congress, to the Speaker of the House of Representatives, who shall lay the same before said House.

SEC. 8. That the President of the United States be, and is hereby, authorized to nominate, and, by and with the advice and consent of the Senate, to appoint, in addition to the commissioners of claims now authorized, two commissioners of claims, who shall continue in office until the 10th day March, 1877, with like power and duties and compensation as the commissioners of claims now in office. Any two commissioners, with the approval of the president of the board of commissioners, shall be competent to make a report, and the president of the board shall assign to the commissioners the claims to be by them examined, considered, and reported on.

SEC. 9. That the provisions of an act to prevent and punish frauds upon the Government of the United States, approved March 2, 1863, are extended and made applicable to a time of peace and to persons who shall make, or cause to be made or presented, to the commissioners of claims, or to either House of Congress, any claim upon or against the Government of the United States, or any Department or officer thereof, or any evidence in support thereof; and if any person shall fraudulently withdraw or abstract from the files of said commissioners, or from the files of either House of Congress, or of any committee thereof, any document or evidence, every person so offending shall suffer the penalties and be liable to punishment as in said act provided.

SEC. 10. That every petition presented to either House of Congress for the payment of claims may be verified by oath or affidavit.

Mr. KELLOGG. I ask the chairman of the committee to yield for a motion to strike out the eighth section, originally numbered section 10. The Committee on War Claims were not unanimous in regard to that section, and the gentleman from North Carolina [Mr. COBB] had a substitute for it prepared.

Mr. LAWRENCE. I do not yield for any amendment. The bill is the report of the committee.

The SPEAKER. The Chair understands that there is a dispute as to whether this bill is the report of the committee. The gentleman from Connecticut [Mr. KELLOGG] states that it is not. That is a dispute which should never be on the floor.

Mr. KELLOGG. I stated that the committee were not unanimous in regard to the eighth section.

The SPEAKER. The unanimity of committees is a subject the House has nothing to do with. The report of a majority of the committee is the report of the committee.

Mr. KILLINGER. I ask that the eighth section be again read.

The eighth section was again read.

The question being taken on the motion to suspend the rules and pass the bill, there were ayes 85, noes not counted.

So the motion to suspend the rules was seconded.

The question was on suspending the rules and passing the bill.

Mr. KELLOGG. I again ask the chairman of the committee to yield to me for a motion to strike out the eighth section.

Mr. LAWRENCE. I hope that will not be done. It is important for the interests of the Treasury that these claims be examined. Unless this provision is made we shall lose $5,000,000.

Mr. ELLIS H. ROBERTS. The policy of the bill is to increase the demands on the Treasury.

Mr. BUTLER, of Tennessee. If it was all for New York there would be no objection to it.

Mr. CROOKE. I call for the yeas and nays on the question of suspending the rules and passing the bill.

The SPEAKER. The Chair will first order a division by tellers; and appoints the gentleman from Ohio, Mr. LAWRENCE, and the gentleman from New York, Mr. CROOKE.

The House divided; and the tellers reported—ayes 130, noes 22.

Mr. MERRIAM. I call for the yeas and nays.

On the question of ordering the yeas and nays there were ayes 12; not a sufficient number.

So the rules were suspended, (two-thirds having voted in the affirmative,) and the bill was passed.

MARINE HOSPITAL AT CLEVELAND.

Mr. PARSONS. I move that the rules be suspended and that a bill authorizing the lease of the marine hospital and grounds at Cleveland, Ohio, to the city of Cleveland be passed. This is the bill (H. R. No. 1927) reported by the Committee on Commerce, with amendments suggested by the Secretary of Treasury. I ask that the bill be first read as reported by the committee and that then the amendments of the Secretary of the Treasury be read, and also letters from the late Secretary of the Treasury and the present Secretary in relation to it.

Mr. FIELD. Is debate in order?

The SPEAKER. It is not. The Clerk will report the bill.

Mr. SPEER. The House has already refused once this session to suspend the rules and pass the bill.

Mr. PARSONS. The House did so under a misapprehension.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to enter into a written contract, on behalf of the United States, with the mayor and common council of the city of Cleveland, in the State of Ohio, providing for a lease of the Government marine hospital and grounds at Cleveland to the city of Cleveland, aforesaid, at and for the period of ninety-nine years, at the nominal rent of one dollar per year, to be paid to the United States by said city; and said lease shall provide that said marine hospital and grounds shall be used during said lease as a general hospital and only for hospital purposes. All sick and disabled seamen and sailors shall be admitted into said hospital in the same manner as is now or may be provided by law for admission into the marine hospitals of the United States; and for the care, board, and medical treatment of said sailors and seamen the United States shall pay the city of Cleveland at the rate of fifty cents per day each, payable quarterly at the office of the district collector of the city of Cleveland. The city of Cleveland shall bind itself to keep said building and grounds in good repair and condition during the continuance of said lease; and at any time, on the failure of the city of Cleveland to perform any of the covenants of said lease or to provide properly, in accordance with law, for the care and attendance of such sailors and seamen as aforesaid, then the Secretary of the Treasury shall make complaint of the same to the United States district judge of Northern Ohio, who shall hear and examine said complaint, and if the same be found true in law and fact, he shall cancel said lease on the part of the Government of the United States, and order the said marine hospital and grounds to be placed, without delay, in the custody and control of the United States. And the city of Cleveland is hereby authorized to extend Summit street across and through the northerly line of the lands owned by the United States and used for marine-hospital purposes as aforesaid.

The amendments were also read, as follows:

In line 6, after the word "Ohio," insert the following:
If said officers are legally competent as parties to such contract.
After the word "purposes," in line 13, insert these words:
And in any changes in the construction or arrangement of said building and grounds, or in the event of the erection of a new building or buildings for hospital purposes on said grounds during the continuance of said lease, the plans for such changes and new building shall be submitted to and shall be made in accordance with the approval of the supervising surgeon of the marine-hospital service.
Transpose and amend the phrase "in accordance with law," in line 25, so as that it shall come in after the word "aforesaid," in line 26, and read as follows:
In accordance with the law or laws, rules and regulations governing the marine-hospital service of the United States.

Mr. FIELD. I make the point of order on this bill.

The SPEAKER. The point of order cannot be entertained. The motion is to suspend the rules.

Mr. PARSONS. I now ask that the letter from the Secretary of the Treasury be read.

Mr. FIELD. I object to debate.

Mr. PARSONS. I move that the rules be suspended in order that the letter may be read.

The motion to suspend the rules was seconded and the rules were suspended, (two-thirds voting in favor thereof.)

The Clerk read the following letter:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., April 6, 1874.

SIR: I have the honor to acknowledge the receipt of your communication of the 4th instant, concerning the proposed lease to the city of Cleveland of the marine hospital and grounds at that place.

I have examined the bill and the report of your committee on the subject, and believing this action to be in accordance with the views expressed in my annual report, I beg to recommend the passage of the bill as calculated to subserve the best interests of the invalid sailor at that port, as well as of the Government in relation to the property.

If the condition of the bill is such as to admit of amendment I should like to suggest the propriety of adding the sentence interlined in the copy herewith returned with the object of securing, in any change of the present building or in the construction of a new one, the supervision of the proper officer of the Department, as was done in the act for a new hospital at New Orleans, (17 Statutes, 511.)

I am sir, your obedient servant,

WM. A. RICHARDSON,
Secretary of the Treasury.

Hon. R. C. PARSONS, M. C.,
Forty-third Congress.

Mr. PARSONS. There is a letter from the present Secretary of the Treasury supplementary to that, which I should also like to have read.

The Clerk read as follows:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., June 9, 1874.

SIR: In acknowledging the receipt of your communication of this date, asking my concurrence with the action of my predecessor concerning the proposed lease to the city of Cleveland, Ohio, of the United States marine hospital and grounds at that place, I beg to suggest the propriety of the following amendments to the bill you submit:

1. The introduction of such phrase in connection with the lessees as will avoid making it compulsory upon the Secretary to enter into contract with parties who may or may not have proper authority.
2. A change of the copulative conjunction "and," in line 25, to the disjunctive *or*.
3. The addition of a clause which will prevent discrimination against marine patients in the treatment in said hospital.

With these changes, in addition to that already proposed, and, as I understand, accepted by you, memoranda of which will be found upon the copy of the bill herewith returned, I take pleasure in renewing the former recommendation of its passage.

I have the honor to be, sir, your obedient servant,

B. H. BRISTOW,
Secretary of the Treasury.

Hon. R. C. PARSONS, M. C.,
Forty-third Congress.

Mr. PARSONS. I wish to say that this comes unanimously from the Committee on Commerce.

Mr. FIELD. This bill proposes to give half a million dollars' worth of property for a dollar a year for ninety-nine years, and I look upon it as a swindle.

Mr. PARSONS. Now I want a moment to reply to the gentleman from Michigan. My constituents——

Loud cries of "Object!" and "Order!"

The SPEAKER. When debate is objected to gentlemen must not insist on proceeding.

Mr. CONGER. I want to say that the statement of my colleague——

Loud cries of "Order!" "Order!"

Mr. CONGER. I rise to a point of order. The Chair has permitted an unfair statement to be made by my colleague from Michigan, and it is proper that an answer to it should be made here or that it should be stricken from the RECORD.

The SPEAKER. If all words spoken out of order were stricken from the RECORD it would be materially reduced in bulk.

Mr. PARSONS. Well, I ask unanimous consent to say a single word in regard to this matter.

Loud cries of "Object!"

The motion to suspend the rules was seconded.

The question was taken on suspending the rules; and on a division there were—ayes 80, noes 46; no quorum voting.

Tellers were ordered; and Mr. PARSONS and Mr. FIELD were appointed.

The House divided; and the tellers reported—ayes 88, noes 64.

So (two-thirds not voting in favor thereof) the rules were not suspended.

THE DELEGATE FROM UTAH.

Mr. BURROWS. I move that the rules be suspended and that the following preamble and resolution be adopted:

Whereas on the 12th day of May last a resolution was passed by this House instructing the Committee on Elections to investigate certain charges against the sitting Delegate from the Territory of Utah, GEORGE Q. CANNON, and report the result of such investigation to this House: Therefore,

Resolved, That said committee be, and is hereby, directed to report to this House the result of such investigation on Saturday of this week, immediately after the reading of the Journal, and that the minority report of such committee, if any, be submitted at the same time.

Mr. SPEER. That is a very extraordinary proposition.

Mr. GARFIELD. I object, if it will interfere with appropriation bills.

On seconding the motion to suspend the rules tellers were ordered; and Mr. BURROWS and Mr. SPEER were appointed.

The House divided; and the tellers reported—ayes 71, noes 77.

So the motion was not seconded.

Mr. HAWLEY, of Illinois. I desire to amend the resolution so that the committee shall report on Friday.

The SPEAKER. The resolution is not before the House.

PUBLIC BUILDING AT BROOKLYN, NEW YORK.

Mr. SCHUMAKER, of New York. I move that the rules be suspended and a bill passed directing the Secretary of the Treasury to report upon the necessity for a public building at Brooklyn, New York.

The bill was read. It directs the Secretary of the Treasury to report to Congress, at the beginning of the next session, whether the present needs of the Government require the erection of a public building at Brooklyn, New York, and the estimated cost of the same, including the site.

Mr. SCHUMAKER, of New York. I will say that the object of this bill is to inaugurate a movement with a view to the erection of a public building in the third city of the Union, a city that has paid $40,000,000 of taxes during the last ten years, and which paid over $4,000,000 last year. We merely want the Secretary of the Treasury to say whether a public building is necessary at that place or not.

On seconding the motion to suspend the rules tellers were ordered; and Mr. SCHUMAKER, of New York, and Mr. HAZELTON, of Wisconsin, were appointed.

The House divided; and the tellers reported—ayes 72, noes 51.

So the motion to suspend the rules was seconded.

The question was then put upon suspending the rules; and on a division there were—ayes 72, noes 71.

So (two-thirds not voting in favor thereof) the rules were not suspended.

EVENING SESSION FOR COMMITTEE ON INVALID PENSIONS, ETC.

Mr. RUSK. I ask unanimous consent that there be a session this evening, commencing at half past seven o'clock, for the purpose of considering reports from the committee on Invalid Pensions to be then made, and also such bills from that committee as may now be upon the Private Calendar.

Mr. LAWRENCE. I ask also that reports from the Committee on War Claims may be considered this evening.

Mr. RUSK. I must object, unless such reports are submitted after the Committee on Invalid Pensions have completed the work which they have.

Mr. HAWLEY, of Illinois. I desire to say one word. Of course I have no objection to the Committee on Invalid Pensions having the time which they ask. But I had intended to ask the House some time before the close of this session to allow the various committees to be called for reports of a private nature, to be referred to the Committee of the Whole on the Private Calendar. I think the gentleman from Wisconsin [Mr. RUSK] should name such a time when that may be done.

Mr. RUSK. After the Committee on Invalid Pensions are through with their business I have no objection to any other committee occupying the time of the House.

Mr. HAWLEY, of Illinois. Then I will ask that after the Committee on Invalid Pensions shall have concluded their reports this evening it may be in order to call the committees for reports of a private nature for reference to the Committee of the Whole on the Private Calendar.

Mr. GARFIELD. No action whatever to be taken upon them?

The SPEAKER. The Chair understands the proposition of the gentleman to mean for reference only to the Committee of the Whole on the Private Calendar.

Mr. HAWLEY, of Illinois. That is what I mean.

No objection was made, and it was so ordered.

WESTERN DISTRICT OF ARKANSAS.

Mr. BUTLER, of Massachusetts, from the Committee on the Judiciary, by unanimous consent, submitted a report upon sundry memorials and charges in relation to alleged irregularities in the conduct of the United States officers connected with the western judicial district of Arkansas, and moved that the committee be discharged from the further consideration of the subject, and that the report be laid upon the table and ordered to be printed.

No objection was made, and it was so ordered.

SUGG FORT.

Mr. BUTLER, of Tennessee, moved that the rules be suspended and a joint resolution passed providing that the Commissary-General shall have and exercise jurisdiction over the claim of Sugg Fort, of the State of Tennessee, for commissary stores furnished and used by the Federal Army; that said Commissary-General shall examine said claim, and award such amount as he may deem just and right in the premises, and the amount, if any, that he shall find due to said Fort shall be paid out of any money in the Treasury not otherwise appropriated; and that the said Commissary-General shall receive all papers and proofs now on file with said claim, and give them such weight as he shall deem and believe they are entitled to as evidence in the case.

Mr. WILLARD, of Vermont. Is that the report of any committee? If not, it seems to me we should not pass it.

Mr. BUTLER, of Tennessee. Why not?

Mr. GARFIELD. Why? That is the question.

Mr. BUTLER, of Tennessee. This claimant merely asks that the Commissary-General shall have jurisdiction over his claim.

Mr. BECK. I rise to a parliamentary inquiry. It is, whether this is reported from any committee?

The SPEAKER. The Chair is not informed.

Mr. GARFIELD. It is not the report of a committee.

Mr. BECK. Then I must object to private claims being put through in this way.

The motion to suspend the rules was not seconded upon a division—ayes 23, noes not counted.

DES MOINES RIVER LAND GRANT, IOWA.

Mr. ORR. I move to suspend the rules and pass the following resolution:

Resolved, That the House resolve itself into Committee of the Whole for the purpose of considering the House bill No. 1142, entitled "A bill to authorize the Secretary of the Interior to indemnify the holders of pre-emption and homestead certificates and certificates of entry and patents upon lands in Iowa within the so-called Des Moines River grant on account of failure of titles, and to procure a relinquishment of the paramount titles to the United States.

Mr. BECK. Is that the report of a committee?

Mr. ORR. The Committee on the Public Lands have unanimously reported this bill, which is now in Committee of the Whole, and the report accompanying the bill is printed and has been upon the tables of members for two months.

Mr. BECK. Is the gentleman authorized by the committee to ask for the passage of this resolution?

Mr. ORR. I am. We have for a long time endeavored to get this question up for consideration. I am willing to limit the debate to two hours.

Mr. KASSON. Or to one hour.

Mr. ORR. It is necessary, of course, to make some statement in regard to the bill.

Mr. BECK. I am only endeavoring to ascertain whether committees are to be allowed to report, or the time of the House taken up by propositions from individual members.

The question was taken upon seconding the motion to suspend the rules; and upon a division there were—ayes 67, noes 32; no quorum voting.

Tellers were ordered; and Mr. ORR and Mr. HOLMAN were appointed.

The House again divided; and the tellers reported that there were ayes 101, noes not counted.

So the motion was seconded, and (two-thirds voting in favor thereof) the rules were suspended and the resolution adopted.

The House accordingly resolved itself into Committee of the Whole, (Mr. ELLIS H. ROBERTS in the chair.)

The CHAIRMAN. The committee by order of the House will now proceed to consider the bill (H. R. No. 1142) to authorize the Secretary of the Interior to indemnify the holders of pre-emption and homestead certificates and certificates of entry and patents upon lands in Iowa within the so-called Des Moines River grant on account of failure of titles, and to procure a relinquishment of the paramount titles to the United States.

The bill was read.

The first section provides that the sum of $404,228, or so much thereof as may be necessary, be, and the same is thereby, appropriated, out of any money in the Treasury not otherwise appropriated, to be used by the Secretary of the Interior for the purpose of securing a relinquishment of the title to the lands lying north of the Raccoon Fork of the Des Moines River, in the State of Iowa, which may be held by the Des Moines Navigation and Railroad Company, or persons claiming title under it adversely to persons holding said lands, either by entry or under the pre-emption or homestead laws of the United States, in accordance with the report of the commissioners appointed by the President of the United States, under the act of March 3, 1873, entitled "An act to authorize the President to ascertain the value of certain lands in the State of Iowa, north of the Raccoon Fork of the Des Moines River, held by settlers under the pre-emption and homestead laws of the United States.

The second section provides that the Secretary of the Interior shall require the persons whose names are embraced in the report of said commissioners, or the persons who may be found by examination to be entitled to the benefits of the act by reason of the failure of title to the several parcels of land embraced in said report, to furnish proof of the character of the claim or title to each of said parcels of land; and when such proof shows to the satisfaction of the Secretary that the party making the same has complied, so far as it was in his or her power to do, with the laws and regulations for the acquisition of lands of the public domain, and under which the said parties would in the absence of any conflicting claim be entitled to receive an absolute title thereto, he shall cause to be paid a sum not to exceed in amount the appraised value thereof, to the owners in cases where a relinquishment to the United States of their title can be procured for that amount, but otherwise the same amount shall be paid to the persons entitling themselves to the same by making the proofs as aforesaid, taking the receipts of the said parties for the same, provided, that a patent duly issued in the regular form by the President of the United States shall be conclusive evidence of a compliance with the provisions of the section relating to proof; and provided further, that in making payments under the provisions of the act, in all cases where the Government price has not been paid by the purchasers at the time of or subsequent to the entry of the same, that amount shall be deducted from the amount at which such land is appraised by said commissioners, and payment, when made under the provisions of the act shall be only of the amount of such difference.

Mr. ORR. I have no disposition, Mr. Chairman, to occupy unnecessarily the time of the committee. I know the pressure which there is for the consideration of different measures now before the House, but it is necessary for me to make a short statement of the principles involved in this bill. Making that statement as short as I possibly can, I will then submit the question to a vote.

This bill is for the relief of about three hundred and fifty settlers in Iowa, who have purchased lands from the Government of the United States, some of them having occupied them for twenty years and some for less time, the terms of occupancy varying from five to twenty years. More than fifty of these settlers have patents for their lands, others have pre-emption certificates, and still others have homestead claims; all of which have been declared by the Supreme Court of the United States invalid, the court holding that the homes upon which these settlers reside are the property of what is called the Des Moines River Navigation Company.

One of the earliest grants of land made by Congress for purposes of internal improvement by the act approved August 8, 1846, entitled "An act granting certain lands to the Territory of Iowa to aid in the improvement of the navigation of the Des Moines River in said Territory." (Statutes at Large, volume 9, page 77.)

This act was passed ostensibly in the interest of improvement, and was urged as a measure having for its object the development of a new and unsettled country. It contained nothing suggesting an inference of a purpose foreign to the plain provisions contained in it, and to all appearances it was properly guarded and ample to accomplish what its authors claimed, the making of the Des Moines River navigable from its mouth to the point where the Raccoon River empties into it. The donation was a large one and of sufficient value, but was made upon insufficient information as to the practicability of the proposed improvement, and was exhausted in demonstrating the fact that the object of the legislation could not be attained, and that any attempt to make that river a navigable watercourse was fruitless and chimerical.

The bill appropriated for that purpose a tract of land in alternate sections in a strip five miles wide on each side of the river, which runs through the heart of the Territory, and embracing an extent of lands unsurpassed in beauty and fertility, mostly covered with forests of valuable timber, and underlaid with rich deposits of coal.

Iowa was at that time an obscure and comparatively unknown Territory, and Congress in making this donation evidently did not appreciate the importance of its action nor the great value of the gift bestowed, nor the fact that this strip of land thus given away with so little ceremony would soon become the homes of a vast population

And as if to avoid further trouble and stop any vexations dispute about this seemingly valueless donation, a provision was inserted in the bill "that when the Territory should become a State the land granted should become the property of the State for the purposes contemplated in the act, and no other."

The bill was in four sections; the three last, being only directory, are unimportant. The first section states the designs and objects of the bill and makes the grant, and it is from the calamities which are the offspring of the ambiguities and obscure phraseology of this section that the people who have settled upon and bought the lands contained within this grant now seek through the pending bill to be delivered.

To make the history of this case as well as the remarks I intend to make more clearly understood, I quote from the act making the grant so much of the provision as contains the ambiguous language, the conflicting interpretations upon which resulted in a serious train of evils.

The act reads:

That there be, and hereby is, granted to said Territory of Iowa, for the purpose of aiding said Territory to improve the navigation of the Des Moines River *from its mouth to the Raccoon Fork* (so-called) in said Territory, one equal moiety in alternate sections of the public lands, &c., in a strip five miles in width on each side of said river, *to be selected within said Territory.*

The object of the bill is clearly defined to be to secure the improvement of the river from its mouth to a definite point, which is situated not more than half-way up the river from its mouth to the northern line of the State; and there can be no doubt that it was the intention of Congress to make the grant coextensive with the improvement to be made by it. But the wording of the law, so far as it relates to the selection of the lands, is left somewhat obscure.

That Congress intended only to grant lands as far up the river as the improvement was contemplated I think is evident from the fact that when the bill making the original grant was made the opinion of the Commissioner of the General Land Office was asked upon the effect of the proposed legislation, and he returned for his reply that it would grant lands only coextensive with the improvement, and made a statement of the number of acres it would take to satisfy the terms of the law, and this letter it is understood was quite influential in passing the bill. The Land Department maintained this construction after the law was passed, and in its instructions to the local land officers permitted no lands to be selected in satisfaction of said grant north of that point. But as the evils growing out of this grant have mainly been the result of legislation subsequent to the original act, it is only necessary to glance at the constructions placed upon the first act in order to obtain a correct idea of the complicated history of this singular case.

The grant was made while Iowa was a Territory, but later in the same year she was admitted into the Union as a State, and soon after her Legislature formally accepted the trust and appointed agents to select the lands, who, in the performance of their duties, followed the instructions of the department, and selected no lands above the limit of the proposed improvement.

This construction formed the basis of action both by the State and the United States for several years, and was undoubtedly the correct one. There being now no dispute about the extent of the grant, both the State and the Government having acquiesced in this construction, the lands above the admitted northern limit of the grant were thrown open to settlement, and on the 19th day of June, 1848, the President issued a proclamation ordering them into market, appointing the sale to take place on the 16th of the following October.

The fact that pre-emptions made upon these lands prior to the day of sale would hold them excluded from the operation of the sale, and the fact that these lands were among the best in the State, or in the entire West, being a belt of timber and coal lands, and of unsurpassed fertility, attracted to them a vast flood of settlers in search of homes, and they were rapidly filled up.

The settler who went upon an odd-numbered section felt as secure as the one who went upon an even section, and both were alike recognized by the Land Office and accorded and believed to be entitled to the same rights and in the enjoyment of the same departmental protection, and both in the same ignorance of the utter desolation in store for that section of country on account of the subsequent fatal change of construction and the congressional acts by which the grant was afterward spread over them, covering them with its blight.

Certificates of location were issued alike to claimants of the odd and the even sections, and they were allowed without distinction, pending the proclamation for the sale, to prove up and pay for their pre-emptions.

The Commissioner must, however, have entertained views inconsistent with his action in authorizing these lands to be proclaimed for sale, for it appears that previous to the proclamation and as early as the 23d of February, 1848, he had written to the secretary of the board of public works which had been organized by the State, reversing the former decision of his office and expressing his opinion that the grant extended to the northern line of the State, extending it thereby some two hundred miles above the point to which the former decision had limited it.

At once the board of public works, desirous of enlarging the grant to the utmost limit, sought a confirmation of this last decision and protested against the sale of any of the odd sections within the grant as thus extended and enlarged beyond its former supposed limits.

This protest, backed up and seconded at Washington by such influence as could be brought to bear, had the effect to procure a withdrawal of all the odd sections from the sale which had been already proclaimed, and also a decision from the Secretary of the Treasury, Hon. Robert J. Walker, confirming the construction last placed upon the law by the Commissioner, and sustaining the views of the protest made by the board of public works.

Commissioner Shields had at the time the grant was made estimated the number of acres granted at two hundred and sixty-one thousand, but under this more liberal construction the grant, as shown by the report of the Commissioner of the General Land Office to Congress made on the 11th day of January, 1849, which was two months in advance of the announcement by Secretary Walker of his decision, was estimated as nine hundred thousand acres.

Notwithstanding this change of decision announced by the Commissioner as early as February, 1848, no order was made withdrawing the lands from sale until June 1, 1849, more than a year after this change had been determined upon, during which time these lands were rapidly filling up with settlers.

This construction of the law was adhered to until the organization of the Interior Department, with Mr. Ewing as Secretary, and the transfer of the Land Bureau to that Department, and this question being submitted to him he reversed the decision of Mr. Walker, and the grant was again limited to the Raccoon Fork and made to conform to the limits of the improvement.

From this decision the beneficiaries of the grant appealed to the President, who referred it to the Attorney-General, Hon. Reverdy Johnson, who gave an opinion differing from that of Mr. Ewing; but before its publication the death of General Taylor caused the dissolution of the Cabinet and the retirement from office both of Mr. Ewing and Mr. Johnson, whose places were filled in the formation of a new one by Mr. Stuart as Secretary of the Interior and Mr. Crittenden as Attorney-General.

This question was submitted to Mr. Crittenden, and he, taking an opposite view to that of Mr. Johnson, decided that the grant only extended to the Raccoon Fork, but was overruled by the President and Cabinet, to whom the matter had been referred, which rendered a decision in favor of the claim of the State and reversing that made by Mr. Ewing. Following this action the Interior Department proceeded to certify the lands above the disputed point for the benefit of the improvement.

During all this time the State, through its board of public works, was endeavoring to prosecute this improvement, and did so until the year 1854, when she made a contract with the corporation called the Des Moines Navigation and Railroad Company, but in that country more familiarly known as the River Company, as for convenience I shall hereafter designate it.

To this company the State was to convey the lands of this grant, and in return therefor it was to complete the improvement, estimated to cost $1,300,000.

The State ceased to have any interest in the grant except as trustee for the company and her natural desire to obtain the improvement intended, and the company became interested in the enlargement of the grant to the greatest possible extent and in performing the work for the least possible amount of money or in being exonerated from doing it at all, provided it could be still allowed to retain the consideration.

To the accomplishment of these several objects the energies of the company were thenceforth assiduously directed, and with abundant success, as the sequel will show.

Mr. Johnson, the late Attorney-General, who had expressed such liberal opinions as to the extent of the grant while in office, became the attorney of the company, and under his adroit management its affairs seem to have been conducted to the attainment of results which must have been highly gratifying to its stockholders.

Having obtained possession of the grant, the fulfillment of the conditions imposed occasioned the company but little concern, for it required less effort and expense to get relieved of the performance of them by congressional action than to perform them.

Of the fifty-two dams contemplated in this improvement only two were ever completed, and they in such a manner that they became an obstruction rather than a help to the navigation of the river; and when in 1856 Mr. McClelland, who had become Secretary of the Interior, refused to certify any more lands, the company declined to proceed with the work and effected a settlement with the State, confirming to it all the lands thus far certified, and establishing the basis upon which any legislation which might be obtained favorable to the State should inure to the benefit of the company.

In this settlement is foreshadowed the tactics of the company, which were to secure title to the lands, so far as certified, and obtain all the interest of the State resulting from any subsequent legislation, and transfer to other shoulders the burden of the improvement.

A railroad company had been organized to construct a road along this identical strip of land, which was willing to take the residue of the grant not already certified and deeded to the River Company, to aid in the construction of its road, and hence this settlement provided:

That if Congress shall permit a diversion of the lands of said Des Moines River grant, or the title thereto shall become vested in the State so as to become subject to grant, the said remaining lands, after the payment of all the liabilities as aforesaid, &c., shall be granted to the Keokuk, Fort Des Moines and Minnesota Railroad Company, to aid in the construction of a railroad up and along the Des Moines River.

This part of the agreement was upon the condition that Congress should assent to it, but it is not difficult to see what such assent would imply, or how the River Company should gain by it. It implied an abandonment of the improvement of the river, but gave the company all the lands thus far certified, amounting to over six hundred thousand acres, for the small amount of work it had done on it. It gave the company any possible interest the State might have in any future legislation of Congress touching this grant, and the power to use the name of the State to secure enactments for its own benefit. And thus unloaded of all liability imposed by the grant, it would be left free to enhance its own interest by any means its agents or attorneys might suggest, and to that end they for several years vascillated between Congress and the Legislature of the State, and finally secured the assent of Congress to this arrangement by an act passed July 12, 1862.

In the mean time, however, a new complication entered into this question, for on the 15th day of May, 1856, Congress granted lands to aid in the construction of four railroads through the State running from east to west, three of which passes through the river grant cutting it at right angles, since its general direction was from north to south.

The river grant was ten miles in width while the railroad grants were each fifteen miles in width, so that at the crossing of each a quantity of lands embraced within a rectangle ten by fifteen miles in extent was covered by both grants. At the time of the passage of this grant to the railroad companies those lands were all held by the Department to belong to the River Company, and its title was generally acquiesced in; but to remove all doubts a provision was inserted in the grants to the railroads, intended to expressly exclude them from the benefits of any claim to lands on their lines within the river grant, which reads:

> That any and all lands heretofore reserved to the United States by any act of Congress or in any other manner by competent authority, for the purpose of aiding in any object of internal improvement, or for any other purpose whatsoever, be, and the same is hereby, reserved to the United States from the operation of this act.

This provision was supposed to be a complete and ample protection to the title of the River Company, which had established an office and was selling and conveying these lands as fast as it could find purchasers and the Department had certified them.

The railroad companies, notwithstanding the provision above quoted, resolved to contest with the River Company the ownership of these lands so far as they fell within their respective grants, and a case was taken to the Supreme Court by the Dubuque and Sioux City Railroad Company in an action in which Edwin C. Litchfield, a grantee of the River Company, was made a party, and the court decided that Litchfield had no title because the grant to the River Company, under which he claimed, did not extend above the Raccoon Fork.

This was the first judicial construction of the extent of this grant, and reversed the ruling of the Department under which these lands had been certified.

This would have been a finality of this question so far as the River Company is concerned, and a happy consummation so far as the settlers were interested, had the matter rested here and no subsequent legislation been sought or obtained in the matter.

The River Company, in obedience to this decision, ceased to pay taxes upon these lands or exercise any acts of ownership over them. And although the court did not pass upon the title of the railroad companies, yet its decision was so accepted and the lands were believed to have passed to them, and the Interior Department under this belief certified them to the railroads notwithstanding it had formerly certified them to the River Company.

Offices for the sale of these lands were established by the railroad companies, and many parties who had once bought their lands of the River Company now bought the same lands again of the railroad companies.

The fifteen-mile limit of the railroad grants did not cover the entire number of sections in the river grant, and there remained within it about seventy thousand acres which were not reached by the last grant. This land had been certified to the River Company and was not contested by the railroads, for it was outside of their limits, but the Supreme Court had decided that as it was not in the river grant it was improperly certified under it.

The first effort of this corporation was directed to the acquisition of this land and the attainment of such congressional action as would validate these certificates, so far as they did not conflict with those made to the railroad companies.

With this supposed intention and modestly disavowing any design beyond that, the company secured the passage by Congress in 1861 of a resolution entitled "A joint resolution to quit-title to lands in the State of Iowa," intended by Congress to have the scope and effect above indicated, and the action was thought to be fair and equitable, inasmuch as it would, as far as Congress had the power, correct an error of the Department and enlarge the grant only by the addition of lands to which no other claim could attach. Its passage was urged on the ground that the State, in the belief that she had the right to do so, had sold these lands to *actual settlers*, who were supposed to have occupied them as purchasers of the State and whose failure of title would be cured by this action of confirmation to the State, and in order to remove any doubts as to its effect the resolution was worded so as to apply to lands held by "*bona fide purchasers under the State of Iowa*," and these words were inserted, as the discussion on the passage of this resolution shows, for the protection of actual settlers.

But Congress acted upon insufficient as well as erroneous information, and the language inserted as a safeguard had an operation exactly the reverse of what was intended.

The State had not sold any of these lands to actual settlers, but had conveyed the entire grant so far as certified—and hence as far as this resolution would apply—to the River Company. If any settler occupied any part of this land he had bought it of the River Company or of the Government prior to its withdrawal from pre-emption entry, and if he had bought of the Government and his pre-emption was contested by the company this resolution did not protect him, but did protect *bona fide* purchasers from the State, of which there was but one, and that was the River Company.

But this resolution had a much wider scope or purpose than to secure the fragment of lands falling outside of the railroad grants. It had a design far beyond the penetration of the Congress which passed it; and while it seemed applicable only to the seventy thousand acres not in conflict, yet it actually relinquished to the State, for the use of its grantees, the entire grant, and cured the erroneous action of the Department in certifying them to the River Company. It made its title absolute to the lands not in contest, and as to the remainder dependent only upon such judicial decision or congressional action as might be secured to invalidate the claim of the railroad company to them. It conferred upon the State all interest the United States retained in this grant; and although based upon the supposition that the great majority of it had passed to the railroad companies, the application of the common-law rule, that an after-acquired title inures to the benefit of the grantee, would at once invest the River Company with an absolute title to all of it the moment that of the railroad company should be declared invalid.

In this supposed settlement of this question all parties appeared to acquiesce. The River Company ceased to assert any ownership over any of these lands inside of the railroad limits but, yielded to the claim of the adverse owners, ceased to pay taxes, or protect the timber or coal upon them. The railroad companies assumed this ownership, sold and conveyed the lands, and located towns upon them, and cut and used the timber upon them in the construction of their roads with that freedom which would very naturally result from a belief in an absolute and unquestioned ownership of them.

In the next year, 1862, this River Company again invoked Congress for more legislation on this question, but for what purpose or what reasons were urged for it does not appear, for the act was passed without debate. Its object was made apparent when afterward, in 1864, the Supreme Court passed upon its provisions. It extended the grant of 1846 so as to cover the entire belt of land up to the northern line of the State, and, except as to the rights of the cross-railroad companies, recognized the largest claim ever urged by the River Company as valid, and gave it the lands of which it had been deprived by the Supreme Court in the "Litchfield case." It gave the assent of Congress to the diversion of the uncertified portion of the grant to the Keokuk, Fort Des Moines and Minnesota Railroad Company, which had been prepared for and foreshadowed in the joint resolution of the State Legislature of 1858, before referred to. It gave the company 297,600 acres of land as indemnity for that amount certified to the railroad companies, but which would have otherwise inured to it by virtue of this enlargement of its original grant. And it provided indemnity for any possible reduction of the amount of its full claim by any cause whatsoever.

With the passage of this act the final preparation of the company for testing its rights and those of its adversaries was consummated, and re-enforced by this supplemental legislation it again went to the Supreme Court of the United States in a cause which brought directly in issue the validity of the title of the several railroad companies to lands certified as inuring under their several grants within the enlarged limits of the river grant where it was crossed by them.

A tract of land thus situated within the river grant was conveyed by the River Company to Samuel G. Walcott. The same tract was also within the grant to the Dubuque and Sioux City Railroad and claimed by that company, and since the decision in the Litchfield case the latter claim had been by the Government recognized as valid, and on that theory Walcott brought suit against the River Company for breach of covenant and alleged failure of title. The court decided that there was no failure of title; that the several railroad companies took no title by virtue of the grant to them in 1856 to any lands within the limits of the Des Moines River grant.

In its review of the laws bearing on this question the court in this case disposes of the claim of the railroads upon these lands in a few sentences, and decides that the proviso in the act of 1856, to which I have heretofore alluded, operated to expressly exempt these lands from the provisions of that act, and further says:

> That in reading it in connection with the act of 1846 we think it difficult to resist the conclusion that Congress in the passage of this proviso had specially in their minds this previous grant.

For this decision the River Company had fully provided, as we have shown, by the joint resolution of 1861 and the act of 1862. By the terms of the latter act the grant had been extended to the northern line of the State, and the construction upon the original grant of 1846 by the Supreme Court, limiting it to the Raccoon Fork, avoided. Under the joint resolution of 1861 the lands thus added to the original

grant were confirmed to the State for the benefit of its *bona fide* purchasers, and the River Company alone occupied that relation.

The decision of the court in the Walcott case and the construction given by it to the several acts of Congress affecting this grant would no doubt have been final and would have been acquiesced in by the Department in the disposition of these lands had any question been raised during this whole controversy involving the rights of pre-emption or homestead claimants of any of them, or the right of any settler claiming under the Government; but no such case had yet been adjudicated, and in all this legislation the rights of settlers had been left singularly unprotected. It would seem after this decision that the duty of the Department would be plain in its further disposition of these lands, and so I concede it would, had not a new complication entered into it.

The State, grown tired of this vexatious dispute, which was harassing and likely to ruin many of its citizens, and the River Company, annoyed by the uncertain tenure by which it held its claim upon them and desirous to avoid the disposition to lawlessness manifested toward it by many settlers on the lands, concluded to bring the whole matter to a final arbitration and adjustment with the Government; and accordingly the State, prior to the decision in the Walcott case, had appointed an agent and given him power to proceed to Washington and make a final settlement with the Secretary of the Interior of this whole matter. He performed that duty and made with the Secretary of the Interior such a settlement, binding the State and through it the River Company, to take in full satisfaction of its claim under all the acts of Congress relating to this grant a stipulated amount of land amounting to 558,004 acres, of which the lands claimed by the railroad companies did not constitute any portion.

This land the settlement conceded to the railroad companies, and the Government gave, and the River Company accepted in lieu of it, an equal quantity in another part of the State.

This is the contingency for which the act of 1862 heretofore referred to had so shrewdly provided.

This settlement was ratified by the Government through the Secretary of the Interior, by the Legislature of the State, and agreed to by the company.

Each party having taken every step necessary to make the contract binding and by it the River Company having solemnly relinquished its claim to all the land involved in this controversy, the whole contest was considered at an end. This settlement was made in May, 1866, and the Walcott decision was made at the December term of the same year.

Upon the announcement of this decision by the Supreme Court it became incumbent upon the Secretary of the Interior to again decide upon the status of the lands held by the railroad companies, whose titles under the decision had failed.

It was evident that the effect of the decision would have been to restore them back to the River Company's grant; but it, through the State, had just concluded a settlement by which it had agreed to a satisfaction of its entire claim by taking other lands for them, and hence in the opinion of the Secretary it was barred from making any claim it might have under the resolution of 1861 or the act of 1862; and he decided that they became a part of the public domain and subject to homestead and pre-emption settlement.

Persons holding pre-emptions upon some of these lands desiring to prove up and obtain patents for them presented themselves at the local land offices and were allowed to do so, and on appeal to the Secretary of the Interior, Mr. Browning, the pre-emptions were held good and the tracts ordered patented. Following this the Secretary of the Interior ordered the local land officers to admit pre-emption and homestead applications upon these lands, and upon being soon after notified that the River Company had enjoined them from carrying out the order of the Secretary, he ordered them to disregard the injunction and continue to receive the applications. The Secretary, confident of the correctness of his position, adhered firmly to his order allowing these lands to be taken up by settlers, and it was in obedience to the instructions at this time issued that the majority of the claims were made which afterward proved invalid, and for the failure of which relief is sought by the pending bill. These entries were all taken in the usual way and allowed by the authorized officers of the Government who acted under the mandatory order of the Secretary of the Interior, and the purchasers of them complied with every requirement the law imposed to perfect their entries.

Although the Supreme Court had made two decisions upon questions arising out of this grant, in neither of them had the validity of a title to a settler derived under a pre-emption entry or a direct purchase from the Government been involved.

In the case of Hannah Riley *vs.* William B. Welles, which was tried at the December term, 1869, the court held the title of the company good against the plaintiff, who had derived her title by a pre-emption which had been proved up and patented to her by the department. In this case the court disregarded the settlement made between the Government and the State and gave the company the lands in place, although it had previously taken other lands as indemnity for them. It held the title of the company absolute against all classes of claimants, and in the several cases which followed this one the same positions were maintained and reiterated. Under this ruling all entries in conflict with the grant to the River Company have been vacated and the lands passed to that company. The patents which had been issued to settlers have been canceled.

These lands are all occupied by settlers who have spent years in their improvement and the erection of comfortable houses as homes for their families. Actuated by the belief that they were secure in their occupancy and their titles were perfect, they have devoted themselves more to their permanent improvement than to cultivation for immediate profit. Decrees have been rendered against all of them, and notices served informing them that writs will soon issue for their forcible ejectment from them. This decision has been followed in the several cases upon which the Supreme Court has since passed, but it was not until the last term of the court that all hope of getting it reversed was entirely abandoned by the settlers; but this same question having now been so often decided, it would seem useless to expect relief through that means. It is in my opinion useless to expect that an opinion so often reiterated by the court will ever be changed; but these unfortunate settlers must submit to be driven from their homes or purchase them of the River Company, which, for want of means, a majority of them are utterly unable to do.

These persons, as shown by Executive Document No. 25, of this session, are all actual residents upon the lands they claim, who have made their entries in good faith, and strictly in compliance with the regulations and decisions of the Interior Department. They hold the patents or certificates of the Government containing its promise to give to each of them a title to the land he claims. That promise the Government has now no power to fulfill for the reason that the Supreme Court says that the lands which she sold to the settlers she had already granted away to another.

The question now presented by this bill is whether the Government will in some measure protect the persons who hold her violated promises and upon which they have so long relied. The errors of which these people were the victims were not theirs, for they have made no claim not sanctioned by the Land Department, but were those of Congress or the officers whose duty it was to execute its laws.

Had the act of 1861 never been passed the lands under the decision in the Litchfield case could never have gone to the River Company, and had not the act of 1862 been passed the grant would have been forever limited by that decision so as not to include these lands. And whether Secretary Browning did or did not err in giving validity to the settlement to which the company had agreed is not a question now necessary to discuss, for he was overruled by the tribunal of last resort, which seems to have given no consideration to it, but in violation of it gave the company the lands they had relinquished.

Had the errors committed by Congress ended here the Government might still have retained out of this grant enough to remunerate these settlers for the homes they had lost, for this grant was not yet all beyond reach.

It will be remembered that the company had taken under the settlement indemnity for the lands it had relinquished to the contesting railroad companies, and afterward under the Walcott decision it obtained the lands in place, and it became apparent that it could not hold both without additional legislation. The attorneys of the company proved equal to the emergency and secured the desired congressional action, the effect of which was to give the company the last acre of the land, including the indemnity, and leave the settlers nothing out of which any protection might be derived for them.

At the close of the Forty-first Congress a bill prepared by them was passed which no doubt owed its passage to its deceptive title. It has been said that we use language for the purpose of concealing our ideas, but I am of the opinion, derived from a study of the legislation in this case, that it can be with the same propriety said that titles are given to bills for the purpose of concealing their objects or intentions. It was entitled "An act confirming the title to certain lands."

I do not believe a single member of the House understood the import of that bill, but all understood that it was merely to correct an error of the Department. Its effect was to give the company the two hundred and ninety-seven thousand acres of land certified to it as indemnity for that much land it had relinquished after the relinquished land had been given to it by the decision of the court, or in other words it gave the company the *lands in place*, and the *indemnity also*. It gave the company six hundred thousand acres of land, and at the same time ratified its agreement to take in full satisfaction half that amount. The Supreme Court was soon afterward called upon to put a construction upon this act, in a cause decided at the December term, 1872, known as the Homestead case, in which Justice Davis says:

> Although the ratification of the adjustment and the grant to the Valley road would seem to be inconsistent acts, yet Congress with full knowledge on the subject, on the 3d of March, 1871, confirmed the title to the State and its grantee.

Continues Mr. Davis:

> Congress therefore, with full information that the State of Iowa was not entitled to these indemnity lands by reason of any previous legislation, thought proper nevertheless to give them to the State.

With this act ends a long series of legislative acts and departmental and judicial decisions, which combined have operated to give away over one million acres of the best lands in Iowa, receiving what proved in the end to be no consideration whatever, and to include among them those lands which the Government has sold and patented or cer-

tified to actual settlers, and in all these many transactions this class of persons seems to have been overlooked and forgotten.

To secure justice to these settlers is the object of this bill. They have occupied these lands under the solemn sanction of the General Land Office, from which many of them have received patents in due form. Upon these patents and certificates they have relied for years, and believing themselves protected by them they have invested all their means and spent all their labor in improving them. In these homes these people have their entire wealth, and as their titles have failed through no fault of theirs, it is the solemn duty of the Government to see that they shall not be driven from them.

Mr. PARKER, of Missouri. Will the gentleman yield to me for an inquiry?

Mr. ORR. Yes, sir.

Mr. PARKER, of Missouri. I simply wish to get a right understanding of this case in order to support it if I can and if it is shown to me that it is just. I want the gentleman to explain to the House how we can, as a deliberative body, after refusing yesterday to pay for land for which we have refused to pay for forty-four years, vote consistently to pay for those lands in reference to which there is not any more honest claim than in the other case. If the gentleman can explain that I hope he will.

Mr. ORR. I do not wish to discuss the Choctaw claims in connection with this matter. I do not know but the House have done many things which it ought not to have done.

Mr. LAWRENCE. The two matters have no connection with one another.

Mr. HARRIS, of Massachusetts. Will the gentleman yield to me for a question?

Mr. ORR. I have no objection to yielding for a question, but I desire to occupy as little as possible of the time of the committee in presenting this case.

Mr. HARRIS, of Massachusetts. I wish to ask the gentleman whether the bill contemplates the payment of a greater sum to these settlers than they have paid to the Government?

Mr. ORR. It does. I will come to that by and by, and expect to explain it. Now, I believe I have stated how these parties got into possession of these lands. They are on these lands with the authority of the Government. The accredited officers of the Government have allowed them to make these settlements. They have relied upon them for years; and not only that, but they relied upon them under the decision of officers who were supposed to know what they were deciding. I ask the committee if the different Secretaries of the Interior and the judges of the Supreme Court were to differ, as they have differed, in regard to whether this was Government land, or whether it belonged to the grant—I will ask how a settler, who never looks beyond his certificate, never looks beyond the office in which he secures his title, is to know whether the land is Government land or not? It is enough to say that the decision of Secretary Browning was overruled by the Supreme Court.

Mr. CONGER. Why do you not bring in a bill determining the rights of the settlers as against this navigation company?

Mr. ORR. Because the Supreme Court has decided that the title was absolute, and we cannot set aside a decision of the Supreme Court. The property belongs to the company, and it has been so decided by the Supreme Court. That decision I do not understand that this House has any authority to set aside. This House has authority to grant relief to these parties. And these parties having relied on the promise of the Government for fifteen years, it seems to me it would be unworthy of the Government of the United States, when these parties come and present their patents and ask their homes, to make to them the reply of Shylock, and say that it is not so nominated in the bond.

Now let me say a word as to the question propounded to me in regard to the amount of consideration. As a legal proposition I admit that these parties have not the kind of claim which would enable them to collect in a court of the United States what this bill gives them. As a legal question the man who entered his land at $1.25 per acre fifteen years ago could enforce the repayment to him of that $1.25. But what relief is that to a man who went in the prime of life on his land twenty years ago, paid his $1.25 per acre, improved it, and at the end of twenty years finds his patent void? What advantage is it to him that under such circumstances he should be allowed to go to the Treasury of the United States to draw his $200 for his quarter-section?

At the last session of Congress a bill was passed and became a law providing for the appointment by the President of a commission composed of three men, for the purpose of ascertaining the value, exclusive of improvements, of such tracts of land within this grant as had been sold to actual settlers whose titles had failed.

This commission was appointed in pursuance of this act, and have discharged the duty assigned them, and their report has been presented to the House, and is Executive Document No. 25.

They have faithfully performed the trust and scrupulously protected the interests of the Government, by placing upon the lands a moderate estimate as to its value as well as by excluding from their list all cases which were not of undoubted merit. The value they have in all cases placed below that at which they can be obtained from the owners.

Mr. WOODFORD. Does this propose to pay for the improvements as well as for the lands?

Mr. ORR. This does not include any payment for improvements. The commissioners were required to appraise the land exclusive of improvements. Of course if the parties were dispossessed they would have a right under the occupying claimants law of Iowa to recover for their improvements from the River Company; but we all know how it is. Here is a wealthy corporation, with attorneys employed by the year, while each settler is single-handed and alone, needs all his earnings for the improvement of his land, and a long litigation would mean ruin and bankruptcy to him.

Mr. BARBER. Will the gentleman allow me to ask him a question?

Mr. ORR. Certainly.

Mr. BARBER. Suppose a homesteader has gone on there under a mistake of the land office and has acquired a homestead on these lands and has never paid the Government one dollar and has been ousted; is it right that the Government should now turn round and pay him the appraised value of that land, when they have never received one dollar from him?

Mr. ORR. Of course it is right. It is not a mere consideration of money. It makes very little difference whether a man paid $200 ten years ago or not. He is ousted from his home and he has relied on his homestead certificate, when he had that certificate from the register and receiver indorsed by the Commissioner of Public Lands, just as much as though he had paid $200 for his land.

Mr. KASSON. It is the Government perfecting a title, just as in the Mississippi cases.

Mr. G. F. HOAR. Before the gentleman passes from that point I desire to ask him a question, and it is this; Does not this bill involve the establishment of the principle in our legislation that when the Government sells land to settlers for a nominal price, still it is called upon to make good the title to that land at any future time when that land may have increased in value or to pay the actual value of the land, and does the gentleman consider that a proper principle to establish? Suppose the Government sells land for $1.25 an acre, or the mere expense of surveying all the public lands throughout the entire unoccupied region of country; are we to accompany that sale, which is a substantial gift to the settler, with the principle that it is a warrantee deed, so that whenever in the future the title fails, although the value of the land has risen one hundred or a thousand fold, we are to pay the whole value at the time the man is ousted?

Mr. ORR. In reply to the gentleman from Massachusetts [Mr. G. F. HOAR] I have this to say, that this is a peculiar case. I have no doubt that most cases of conflict of title are settled by the Department Bureaus. But this is a case involving the claims of about three hundred and fifty settlers, who claim their titles all in the same way. Their hardships have been brought upon them by a mistake, not by a clerical mistake of the Department, but a mistake of law. The Secretaries of the Interior and the Commissioners of the General Land Office have differed in their constructions of the law, and the settlers having acted under the direction of the Commissioner of the General Land Office in one case, and that action having been reversed by other Commissioners, and finally by the Supreme Court of the United States, I have no hesitation in saying that in such cases it would be right to establish the precedent that these people should be paid as this bill proposes.

In the year 1802 Georgia ceded her territory situated in what is now the State of Mississippi to the United States. This cession included lands which the Legislature of Georgia had sold to several land companies for what appears to be a small consideration. These land companies sold the land to other parties. The State of Georgia afterward repealed the act by which the sale to these land companies was made, and it is said the more effectually to remove the evidence of it from the power of use, the records of the transaction were destroyed by fire drawn from heaven by means of a sun-glass.

The United States having accepted from the State of Georgia this territory, proceeded to dispose of it to those who desired to purchase these lands.

The Supreme Court in the case of Fletcher *vs.* Peck (7 Cranch, 166) held the grant by the State of Georgia to the land companies good, and that its repeal by the Legislature did not destroy the rights of innocent purchasers from them; and hence the title of those to whom the United States sold these lands failed, and Congress made an appropriation of $3,000,000 to procure a relinquishment of the title of claimants under the land companies.

This relief was based upon equitable and not upon purely legal grounds, as the report in that case will show.

Another precedent is furnished from Ohio, circumstances of which are these: When Virginia ceded to the United States her western territory she did so under the belief that the military warrants she had previously issued could all be located on the south side of the Ohio River, but provided that if these lands should prove insufficient to absorb all these warrants the residue of them should be located on lands between the Miami and Scioto Rivers in Ohio, which was set apart as a reservation for that purpose, and to determine the extent of this reservation a line, known as Ludlow's line, was run from the source of the Miami to the nearest point on the Scioto River. Subsequently a new boundary line of the reservation was established, known as Roberts's line, which ran from the source of one river to the source of the other, and included about fifty-five thousand acres more land than the former survey, a large portion of which the United States had sold to settlers.

The Supreme Court held in the case of Dodridge's Lessees *vs.* Thompson & Wright (9 Wheaton, 469) that the latter was the true boundary; that the settlers to whom the Government had sold these lands had no title. Congress made an appropriation May 26, 1830, which was used to purchase the superior title and procure a relinquishment to the United States of the same in favor of the settlers to whom she had sold them.

In this case the legal rule which only required the return of the purchase-money was not applied, but the value of the land exclusive of improvements was ascertained by a commission, and the assessment put by them upon the several tracts of land was paid, regardless of its original cost, in order that the covenants of the Government should remain unbroken with its own purchasers.

Mr. SMALL. Will the gentleman allow me to ask him a question?

Mr. ORR. Yes, sir.

Mr. SMALL. It is whether these settlers, for whom this relief is asked were upon these lands at the time this grant was made in 1846?

Mr. ORR. No; there were no settlers on the lands then.

Every consideration of equity, justice, and right dictates the passage of this bill. To do so is to make good the sacred promises of the Government now violated, and secure to over three hundred families the homes they have long thought their own. To refuse it is ruin and bankruptcy to them, and a lasting disgrace to the national honor.

During the examination of this bill by the committee the opinion of the late Commissioner of Public Lands was asked upon it, and I will close my remarks by sending to the Clerk's desk to be read a portion of his reply touching the propriety of the passage of this bill, a part of which I now ask the Clerk to read.

The Clerk read as follows:

A copy of the decision of Mr. Secretary Browning, dated May 9, 1868, in the case of Herbert Battin, was furnished Hon. Mr. ORR on the 10th instant, which will more fully explain the view entertained.

In 1869 the Supreme Court declared the patent issued to Hannah Riley, October 15, 1863, void, thus disposing of alleged pre-emption rights prior to the act of 1862; her settlement having commenced in 1855.

In 1871, March 3, Congress legalized the selection of indemnity taken by the State as recognized in the Harvey adjustment.

Under this act the Supreme Court, at the December term, 1872, has decided that the entire interest relating to all the lands has passed to the State.

Thus the settlers are without remedy to save their homes, which they have been practically invited by officers of the Government, acting in their official capacity, to rear upon these lands.

It would require long time and labor for me to follow the records, page by page, to ascertain the particulars of each individual case, with date of settlement, value of improvements, &c., as requested by you.

Congress has assigned to a proper commission power to make the inquiry upon the ground, and their report has been presented. From a hasty examination, I am satisfied the work has been faithfully performed.

The commissioners say: "The persons whose names we have listed either hold patents or the usual receipts from the local land offices at Fort Dodge and Des Moines, showing that they had filed their declaratory statements, and that the regular fees for the same had been paid to and accepted by the Government."

The bill before me provides for a still further examination into the merits of each case that shall be presented if it becomes a law. No probable opportunity for fraud seems to be afforded. In my opinion, some compensation is due these settlers for the material injury inflicted upon them by the agents of the Government.

What shall be the measure of this reparation is for Congress to determine. As you will see from the foregoing, this is a case upon which the most profound jurists of the country have differed in judgment. These settlers took the law from the Government officers after appeal to the highest departmental authority, and had a right to repose confidence in their decisions. Yet we have seen the courts steadily denying those conclusions, and in the final result the poor, unlearned settler is still further impoverished, and his labor is swallowed up by an enriched corporation.

Considering the fact that these settlers have acted in good faith, relying upon the decisions of the Government officers, who were supposed to know the law, I think they are entitled to relief; and although under ordinary circumstances and in cases involving less extreme and peculiar hardship, I would not be willing to recommend compensation in money for losses sustained by settlers upon lands which Congress granted away, I think in this instance, as the Government cannot perfect the titles which it undertook to confer upon these settlers without an appropriation of money, and as the settlers in going upon the lands had a right to believe that their titles would be perfected in the ordinary manner, and have invested their labor and means in improvements which they cannot abandon without ruinous loss, an exception to general rules and practice should be made in their favor, and therefore I approve and recommend the passage of the bill under consideration as the only practicable measure of relief under the circumstances and at this late day.

In the act of March 31, 1814, a precedent for reimbursement in money for failure of title to public lands was established. To what extent it has been followed in subsequent legislation I have not had time to ascertain by examination of succeeding statutes, that being a matter not necessarily connected with the administration of this office.

Very respectfully,

WILLIS DRUMMOND,
Commissioner.

Mr. ORR. I have nothing to add in relation to this bill except that it has received the entire approval of the Committee on the Public Lands of the House and the Commissioner of Public Lands.

Mr. WILLARD, of Vermont. Mr. Chairman, I think it is worth our careful attention to determine whether we are establishing in this case a correct measure of damages. From some examination which I have given to this case I am not able to see but that the flaw in the title as claimed here has been established by the Supreme Court. The United States, in other words, has undertaken to give title to certain settlers to lands which were at the time supposed to be public lands, and that title has failed by reason of a grant which Congress itself had made prior to the time when these settlers supposed they were getting a title from the United States. The decision of the Supreme Court in unraveling this title, has established as a matter of law that certain settlers, who went upon lands which they had good reason to suppose were lands of the United States (because the officers of the United States, including the Department here at Washington so treated them) have no title to the lands they have occupied; that the Des Moines River Navigation Company really owns the land.

At the same time there is much in the history of this case which is worth considering. In the first place, this grant of land has been a very large one. The State of Iowa has received from the United States a large grant in addition to what it had deeded away to the Des Moines Navigation Company. And perhaps it is worth while to remember (although it is altogether too late to shed tears over the fact) that the grant of land did Congress no good so far as the navigation of the Des Moines River is concerned, notwithstanding something like five or six hundred thousand acres have been granted by the Government in connection with this improvement.

But the title to these lands having failed, and the Government being, as I think it is, fairly in fault in the matter, what should be the measure of damages? In other words, what, if anything, should the Government return to the settlers who have gone upon those lands and are now liable at any time to be dispossessed? I understand that the bill provides for allowing to them about ten dollars an acre; a little more possibly. The commission which was sent out to appraise these lands found that their present value was a little more than an average of ten dollars an acre, and this, as I understand, was irrespective of any buildings or improvements of that sort upon the lands.

Mr. ORR. The gentleman will permit me to make at this point a single statement, lest the House might be led into a misunderstanding. The commission reported the owners' price—the price at which the land could be bought from the owners—as $14.25 an acre.

Mr. WILLARD, of Vermont. But I understand that the commission reported about ten dollars an acre as in their judgment the present value of the land, though the settlers in most cases ask considerably more.

Now, as I was about to remark, I do not understand that it has been the practice of the Government—certainly it has not been the uniform practice—to pay back to settlers under these or similar circumstances anything except the amount which the Government actually received from them. In this case it is proposed to pay to these settlers the present value of their lands—ten dollars an acre.

In determining this question it should be taken into consideration that the Des Moines River Navigation Company has now, I suppose, absolute title to these lands and can eject any of these settlers by bringing suit; so that while this money will go to the Des Moines River Navigation Company, it is really for the benefit of the settlers—for buying these lands over again from the Des Moines River Navigation Company. The appropriation in the bill, as I understand, is to pay this money to that company, provided it will release all claims to these lands and give them up to the settlers.

Now, sir, I desire to call the attention of the gentleman from Iowa, [Mr. ORR,] who I presume will speak upon this case still further, to this single point—the question of damages—how far the United States should go, in case of a failure of title like this, in reimbursing the settler, in indemnifying him or paying him damages? We hold in other cases that a person having a claim against the United States, though that claim is thirty years old, shall be paid no interest upon it. We only allow him what we adjudge to have been due to him at a certain time; and we strike out ruthlessly all interest. I suppose, therefore, that we should strike out all damages that may be claimed by reason of lapse of time, because interest is damage by reason of lapse of time. These settlers have had the use of this property for ten years, probably more. Settling upon these farms they have paid no rent; many of them have paid nothing at all except the mere entry fees, as I understand; they have not paid the $1.25 per acre as homestead settlers. They have had the use and occupation of the land from that time till the present; and now, when they are liable to be ousted, they ask that we pay them what the commissioners have appraised as the present value of the land.

This is a case not only important enough to be properly settled on its merits as involving a large amount of money, but also important because, whichever way we settle it, it will undoubtedly be drawn into a precedent. If we agree to pay these settlers ten dollars an acre for their lands, it will be taken as a precedent that hereafter in any case where the title granted by the United States has failed the Government shall hold itself liable to pay the present value of the land. If, on the other hand, we in this case, as in most other cases, pay to the parties merely what they have themselves paid into the Treasury, I suppose it will establish no new precedent. I am not prepared to say how I shall vote on that question if fairly presented. I wish only now to call attention to it.

Mr. KASSON. Does the gentleman say he considers this as an original precedent?

Mr. WILLARD, of Vermont. I have not had my attention called to precisely a similar case.

Mr. KASSON. This follows the precedent where $5,000,000 were appropriated. But I will take an opportunity to explain in reference to this matter, as my own constituents are interested.

Mr. WILLARD, of Vermont. My object only is to call attention to this point, so that all the facts may be fully brought out.

Mr. McCRARY. Mr. Chairman, I shall detain the committee but a short time. It would be too tedious for me to enter into a dis-

cussion of all the history of these lands, or to undertake to state the various conflicting decisions made in regard to the extent of the land grant of 1846. It is sufficient for the purposes of the bill to say that here are a number of settlers who have been upon these lands for five, ten, fifteen, and some of them for twenty years, and who all went upon these lands upon the faith of the decision of the proper Department of the Government that they were public lands and that they could acquire a right to them by entry or by pre-emption or homesteading. They went upon them in good faith; they went upon them upon decisions of the proper authorities of the Government. They have lived there for a long period of time; they have raised their families there; they made their homes there; they have cultivated their farms, built their school-houses and churches; many of them have buried their children there.

After all this, Mr. Chairman, the decision of the Supreme Court of the United States declared that they have no title to these lands, which they supposed they held by virtue of a valid patent from the Government of the United States in many cases, and in other cases by an equally valid certificate of homestead or pre-emption. That decision declared these lands to be the property of a corporation, holding under grant made by Congress. Now it is said, and I suppose it will not be questioned, that the Government owes to these people indemnity; that it is neither fair nor just nor equitable, the Government of the United States having allowed these people to go upon these lands, having issued patents and other evidences of title to them, having given them assurance that their titles were perfect, after having remained on these lands for this long series of years—I say it will be conceded that it is neither fair nor just nor equitable that the Government of the United States shall permit them to be ejected and driven from their homes without anything in the way of indemnity.

My friend from Vermont, [Mr. WILLARD,] I have no doubt, has given this case a careful consideration. It is not questioned by him that it is the duty of the Government to respond to these people in damages. The only question he raises is one as to the measure of damages, how much shall be paid by the Government of the United States to indemnify these settlers. It seems to me, Mr. Chairman, the amount to be paid ought to be whatever is fair and reasonable as the actual damages these people have sustained. It will not do to say, sir, because they gave $1.25 per acre when they entered upon these lands, they should be turned out now on the repayment of $1.25 per acre even if you add 6 per cent. interest. That is no indemnity at all. We are bound to consider the fact that these people are living there in their homes and are by the fault of the United States about to be ejected. The courts of the country have issued writs of ejectment, and those writs on the 1st of August next will be executed by turning all these three hundred families out of doors unless this matter is adjusted by some such legislation as this in the meantime. The Government of the United States can afford to establish a precedent by doing what is right and just and equitable in a case like this, and that is to pay these people a fair valuation for their lands at this time.

The commissioners appraised these lands at their value, exclusive of improvements, for agricultural purposes only. Any gentleman who will examine the report will see these lands are actually and intrinsically worth a great deal more than the commissioners have allowed. Some are situated near large and flourishing towns and cities, and the valuation placed on them is only what they are worth for agricultural purposes; that is about ten dollars an acre. I apprehend every acre of these lands is worth at least that sum for that purpose. As a matter of justice and equity I say the fair amount to be paid to these people is what is necessary to indemnify them, to pay them for the loss and damage sustained by reason of the failure of the Government of the United States.

Mr. MCKEE. Is the gentleman willing that there shall be meted out to the Indians who have been ejected from their lands the same measure of justice?

Mr. MCCRARY. "Sufficient unto the day is the evil thereof." When the Indian question is up then will be the time to discuss it.

Mr. MCKEE. What is the difference between this case and the Choctaw case which was before the House yesterday?

Mr. MCCRARY. I do not consider that there is any parallel between the two cases. But however that may be, we are discussing this bill and not the Choctaw bill.

I say that this is a matter of equity. Congress has already taken pains to ascertain what is the reasonable amount to be paid. And beyond that my colleague has shown that the precedents are all in favor of the payment of the reasonable fair value at the time of the ejectment of the settlers in cases of this kind; and there have been a number of such cases. I hope the bill will pass as reported.

Mr. ELDREDGE. I would like to inquire of the gentleman from Iowa [Mr. MCCRARY] whether any of these parties have been ejected from their homes?

Mr. MCCRARY. Several of them have been ejected. One, I believe, has been imprisoned for resisting, as he supposed in his ignorance he had a right to do, the officer who was turning him and his family out of their home.

Mr. ELDREDGE. Have not the mass of the settlers on those lands been able to compromise with the navigation company and remain on their lands?

Mr. MCCRARY. Not at all. All efforts at compromise have failed.

Mr. ELDREDGE. Is it expected that all those parties will have to leave their lands?

Mr. MCCRARY. They will have to leave their lands on the 1st of August. The writs are all issued, and they are notified to leave at that time.

The committee rose informally to receive a

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the Senate insisted on its disagreement to the amendments of the House to the bill (S. No. 7) for the creation of a court for the adjudication and disposition of certain moneys received into the Treasury under an award made by the tribunal of arbitration constituted by virtue of the first article of the treaty concluded at Washington the 8th of May, A. D. 1871, between the United States of America and the Queen of Great Britain, asked a committee of conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. FRELINGHUYSEN, Mr. WRIGHT, and Mr. SHERMAN conferees on the part of the Senate.

The message further announced that the Senate had passed the bill (H. R. No. 3354) to legalize entries of public lands under the homestead laws in certain cases, with amendments in which he was directed to ask the concurrence of the House.

The message further announced that the Senate had passed without amendment bills of the House of the following titles:

A bill (H. R. No. 1691) for the relief of Thomas Ridgway;

A bill (H. R. No. 2539) relinquishing the rights of the United States in certain lands in the State of Michigan;

A bill (H. R. No. 2653) to authorize the Secretary of the Treasury to suspend work upon the public buildings;

A bill (H. R. No. 3573) making additions to the fifteenth section of the act approved July 2, 1864, entitled "An act to amend an act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes,' approved July 1, 1862;"

A bill (H. R. No. 3090) to authorize the issue of duplicate agricultural land scrip where the original has been lost or destroyed; and

A bill (H. R. No. 3672) authorizing the board of commissioners of the Soldiers' Home to sell the property belonging to the Soldiers' Home, situated at Harrodsburgh, Kentucky, and known as Harrodsburgh Springs property.

DES MOINES RIVER LAND GRANT.

The Committee of the Whole on the state of the Union then resumed its session.

Mr. ORR. I yield now to my colleague on the committee, the gentleman from Texas, [Mr. HERNDON.]

Mr. HERNDON. This is a very complicated case, and it is impossible to do more in the brief time I have than to make a simple statement of its condition. I was one of the sub-committee that made an investigation of the point at issue now presented in the bill. And I will say to the committee that I struggled very hard and more than once to fix the onus upon the State of Iowa to indemnify these settlers. But after a full and complete investigation of the whole subject in connection with the entire history of this case, which is very lengthy, I reached the conclusion that the State of Iowa is not bound to indemnify these settlers, nor can she be held responsible, but the onus is on the national Government to afford either the relief which they ask or some other relief which will be adequate to their losses.

This grant was made to the Des Moines Navigation Company on the 8th August, 1846, to aid in internal improvements; that is, it was made to the State of Iowa for this company. There never was any question in regard to the grant from the mouth of the river to the Raccoon Fork. But there has always been a conflict since 1848 in regard to the grant above Raccoon Fork and the Des Moines River. The State of Iowa always maintained that the grant extended to the source of the river, while the United States through its agents, through its officers in the Treasury Department which then had charge of the public lands, and through the Attorneys-General, from time to time decided both ways. There has been the greatest possible conflict of opinion on the part of these heads of Departments in regard to this grant. One Secretary of the Treasury would hold that it extended only to Raccoon Fork, and would then open the land to market within this grant above the Fork; and at these periods while it was thus opened for public entry the settlers would make entry upon the lands. The next Secretary that would come in perhaps would hold the very reverse, and withdraw these lands from public entry. This same question was referred by two or three Secretaries of the Treasury to the Attorneys-General; and Attorney-General Crittenden, Attorney-General Cushing, and Attorney-General Johnson, all decided this question and held various opinions. Now amid all this conflict of opinion on the part of the General Government this land was disposed of to these actual *bona fide* settlers. They entered upon it when it was in open market, when it was not withdrawn. The Government agent received their money for it and placed them in possession of it; and they have gone forward improving the lands and enhancing their value from that day to this.

It will be observed, then, that these parties went upon these lands

in the most perfect good faith. It was not their fault that they came to be ousted from their lands afterward; it was the fault of the Government. The Government was responsible for the acts of its agents in this regard, for it actually received the money of the settlers.

In 1856 a grant was made by Congress to aid three railroad companies that passed across this grant, and then, for the first time, the question was raised and brought to the Supreme Court of the United States to determine to whom this grant above Raccoon Fork did belong. And in 1859 the Supreme Court held that the grant never extended above the Raccoon Fork, and that the land was open for settlement accordingly, as it had been placed in the market from 1848. During this period the State of Iowa and the General Government had made disposition of certain parts of this land, and in 1861 application was made to Congress, and a joint resolution was passed in order to quiet the titles to these lands about which the difficulty had arisen; and the whole debate upon the passage of that resolution will show that it was the clear intention of Congress then to award the title to these lands to the *bona fide* purchasers. The grant, be it remembered, was made to the State.

But prior to that time the State of Iowa had made a deed to the Des Moines Navigation Company of all their interest and title to this land, and under a statute which exists in Iowa the *bona fide* purchaser was considered by the courts to mean the Des Moines Navigation Company instead of the actual *bona fide* settlers on those lands, and therefore whatever title was conferred by that resolution went first to the State of Iowa, and then, by virtue of the deed which she had previously made, went to the Des Moines Navigation Company.

The act of 1862 was a piece of legislation of the same sort, with some additional extension, but it totally failed for like reasons. In 1871 another act was passed by this Congress, and notwithstanding that all these decisions were before the country, notwithstanding the previous legislation upon the subject, yet Congress, with all this fully understood, or supposed to be understood at the time, actually confirmed this grant to this company completely and fully, and made no provision whatever for the protection of these settlers. Thus what legislation had failed to do before, and what the conflicting opinions of the various departments of the Government had left an open question, was settled by virtue of that act, and the Supreme Court in 1872 so held, and by virtue of the previous deed made by the State of Iowa to the Des Moines Navigation Company, and by virtue of this legislation, whose aim seemed to be to quiet the title to the citizens who had gone upon the lands in good faith, but owing to its looseness and uncertainty failed to accomplish that end, the Government of the United States actually took away the rights of these citizens and conferred them upon the State of Iowa for the benefit of this navigation company.

The State of Iowa, mark you, was not responsible for this; she was not a party to it; she did not ask for it, but the United States by its own act confirmed all these lands to this company with all these facts before them. They thus shifted the onus from the State of Iowa and took the onus upon the General Government itself, and the responsibility of leaving these citizens without protection.

Now, Mr. Chairman, after all this legislation and these opinions what is the condition of these people? They have paid their money to the Government and went into possession of these lands; in some instances they have received their patents for the lands and the Supreme Court after reviewing all this legislation has passed upon their titles and decided that they have no titles whatever, and they are about now to be ejected under the decisions that have been made and to be turned out without a single dollar either for their lands or their improvements. They are not entitled under the decision of the commissioners to any pay for their improvements and cannot recover it. These people were placed in this condition by the Government, and unless the Government now comes to their relief they will be turned out unprotected and left to the mercy of the companies that now own the land. In this condition of things Congress appointed a commission to go upon the ground and to examine all of these lands, and to ascertain and report to Congress the value of the lands without the improvements. I have here the report of the commission. It shows that the total number of acres occupied by these persons is 39,549, and the average value which they have fixed upon the land outside of the improvements is $10.22 per acre, which amounts in all to $404,228.49. But you will observe that there is a marked difference between the average value fixed upon these lands by the commission and the amount which the citizens themselves claim the land to be worth. Some of these lands are estimated by the citizens to be worth as high as sixty-four dollars an acre, and the total value fixed upon these lands by the citizens themselves is $563,416.93; or an average of $14.25 per acre; making a difference against the citizens of $159,238.44. Thus if this report be adopted the citizens will lose $159,000 upon the land for which they have paid.

Now is it just or right to refuse them compensation for this loss? It has been asked upon this floor what will be done with the money; whether it will be paid directly to the citizens or will the Des Moines Navigation Company or any of these railroad companies get it. That certainly has nothing to do with the decision of the case, but I would say for the benefit of the committee that I understand it to be a fact that a majority, and in fact all but two of these citizens have already made an arrangement with the companies who own the lands, that if this amonnt is granted to them as compensation for their losses the companies will accept it, although it is less than the value of the lands by $159,000, and quiet the titles to them.

Thus the settlers, if this amount is granted to them, would be enabled to quiet their titles and still remain upon their lands which are worth, as shown by this report of the commissioners, $159,000 more than the value assessed by the commissioners. The railroad company and the Des Moines Navigation Company will lose by this arrangement $159,000 and the settlers will gain that amount. It would be very unjust to pay these settlers only the amount of money which they originally paid to the Government for these lands, because when they went into that country in 1848 it was a wild country, without inhabitants, and they have lived there almost a generation improving and enhancing the value of this land. It would be no compensation now to give them $1.25 an acre for this land.

Mr. PARKER, of New Hampshire. I would like to ask the gentleman a question.

Mr. HERNDON. Certainly.

Mr. PARKER, of New Hampshire. I would ask the gentleman if the committee have investigated this matter and found as a matter of law that this company, which I understand has the superior and better title, can oust these settlers now living there under color of title without paying them damages? If so, then I would like to know where the law came from.

Mr. HERNDON. In answer to that I would refer the gentleman to the decisions of the Supreme Court in the Litchfield case, and the case of the Iowa Homestead Company against the Des Moines Navigation Company. My understanding is that the court decided that the settlers had no title whatever; that they did not have even the color of title. While the question was not made as to whether they would be entitled to pay for their improvements, yet under that decision I would ask the House how they could get any compensation for their improvements.

Mr. ELDREDGE. Does not the Iowa law provide that in cases of recovery all the valuable improvements shall be assessed, and the parties wrongfully in possession shall be entitled to the value of those improvements?

Mr. COTTON. That applies only to the Iowa State courts; and the Des Moines River Company always bring their suits in the Federal courts.

Mr. ELDREDGE. If I am not mistaken very much we have already passed a law of Congress providing that the same law shall apply to all these cases. We have provided the same thing which the Iowa statute provides, and under the law as it now stands I think these settlers must recover whatever improvements they have made.

Mr. HERNDON. I think I can answer the gentleman in two ways. I am not acquainted with the statute of Iowa in regard to giving compensation for improvements. I apprehend, however, that that applies only to lands owned by the State of Iowa. Under the inuring statutes of Iowa, and the joint resolutions of Congress in 1861 and 1862, it was decided by the Supreme Court that this grant was placed in exactly the same condition as if it had been made absolute in 1848. And if that grant in 1848 had been absolute, giving this entire quantity of land to the State of Iowa for the Des Moines Company, then any settler upon it could take no right whatever, and therefore would have no right to compensation for his improvements.

Mr. ELDREDGE. I think if the gentleman will reflect a moment he will see that these settlers were in possession prior to the act to which he refers, and that the question is of prior entry in possession. No act of the Legislature can destroy or take away from them the right of claim under a prior entry made in good faith. If I am not very much mistaken it was urged in this House that the law of Congress applying the law of Iowa to cases of recovery and ejectment should be passed because there was a large quantity of land in the State of Iowa in this situation. I supposed it related to this very Des Moines land, that it was for the purpose of providing that where recovery was had by this company against these individual settlers they should have assessed in their favor the value of the improvements and betterments they had made. It seems to me there is no doubt about the power of the State to pass a law that in case of recovery and ejectment a party shall have assessed the value of the improvements he has made, whether they are on United States lands or not. Now that we have made the law of Congress the same as the law of Iowa, there can be no doubt that these parties are entitled to the value of their betterments.

Mr. HERNDON. The original grant was make under the law of 1846; the last grant was made in 1871. The decision of the court is that by virtue of this statute of Iowa the grantee of the State was placed in eactly the same condition as if the grant had orignally been made to extend above Raccoon Fork. These settlers have all settled upon this land since the original grant was made. Under the act by virtue of which the grant above Raccoon Fork inured to the State of Iowa no provision was made for these settlers. It was perfectly within the power of Congress when extending this grant to make provision for the settlers; but they failed to do it. And by reason of that failure the settlers are entirely without any remedy.

I will say that after a full and thorough examination of the whole subject I believe it is the solemn duty of this Government to compensate these settlers for the loss which they have sustained by virtue of these decisions of the court. The General Government must as-

sume the responsibility from beginning to end. They sold the land to them, they put the parties in possession, and afterward granted the land away from them and left them without any remedy, unless we now give it to them.

Mr. McKEE. How much money did the United States receive for these thirty thousand acres?

Mr. HERNDON. I cannot say how much; but it was about $1.25 per acre.

Mr. McKEE. About $40,000. Now for that we are asked to pay $400,000. Is that the legal measure of damages?

Mr. HERNDON. In reply to the gentleman I cannot say that this is the exact measure of legal damages according to the decisions of the courts; but the gentleman will observe that the Government has placed these citizens in this condition, and that it is the policy of the Government not to despoil or ruin its citizens by its own act.

Mr. McKEE. Suppose you had done the same, what would be the measure of damages?

Mr. HERNDON. If I had conveyed land, giving a warrantee of title, and the title had failed, I would have been held liable for the purchase-money with interest.

Mr. SPEER. As I understand, the legal measure of damages in such a case is the return of the purchase-money with interest; but this case is put upon the ground of equity. It is claimed that the Government of the United States is equitably bound to pay to these settlers the present value of the lands. Now, if that position is true as a matter of equity, should not the settler according to the principles of equity be charged with the profits realized by him during all this time from the occupancy of the land?

Mr. HERNDON. As an offset to that, the amount proposed to be awarded here does not include any improvements whatever upon the lands. These citizens have made very extensive improvements and have greatly enhanced the value of the lands. But this compensation is only for the actual value of the land itself, exclusive of any improvements whatever.

I yield for a few moments to the gentleman from Iowa, [Mr. KASSON.]

Mr. KASSON. I do not intend to detain the committee more than a very few minutes. I will state at the beginning that the Raccoon Fork is in my district and at my home. A few and a very few of the claimants reside in my district. I have for sixteen years been more or less acquainted with the most embarrassing and intricate State and national legislation touching these lands. I have known the combinations that these settlers have been obliged to make in order to defend themselves against the most persevering and constant attacks upon their claims, which they believed to be just; and if you were to appropriate to-day merely the amount of money that these men have earned by the sweat of their brows and paid to resist the assaults made upon their claims during these ten or fifteen years, it would go far toward relieving their distresses.

I wish it to be understood, Mr. Chairman, that we do not ask one dollar under this bill unless it is just that it should be paid; and I desire to state in a few words the grounds which we believe show the justice of the payment here proposed.

First, the question has been put to me by members, "Is there anybody speculating back of this bill?" I wish to answer publicly, as I have answered privately, that I neither know nor have ever heard of a solitary man in Iowa or out of it who has a dollar's interest in this bill, except the men residing on these farms. So much for the question of there being a "job" in this bill.

Secondly, let me say the bill itself provides that the arrangements, the payments, the receipts are to be between the Government on the one hand and the settlers on the other; there is to be no intervening party.

It is asked, "Are we not establishing a wrong precedent by this bill? Are we not indemnifying these settlers more than it is just to indemnify them?" First, as to the question of precedent. In Mississippi the Government bought up at a cost of $5,000,000 all the adverse titles in order to perfect the title to the honest settler. In Ohio certain lands were reserved between two rivers, one of which was longer than the other. In surveying the reserve the line was run straight from the head of the shorter river into the current of the longer. The courts afterward decided that the line should have been run from the sources of the two rivers. Thus there was a triangle which the Government of the United States prior to that decision thought it had the right to sell and did sell to settlers. When, upon the rendering of that decision, it was found that the settlers had no right to those lands, the Government appointed a commission, just as it has been done in this case, to ascertain the value of the lands; and it perfected the title to the settlers who had bought from the United States under a mistake on the part of the Government. Those two cases are sufficient to show that this case is not outside of the precedents.

Now, ought we to make this indemnity upon the basis of the appraised value of the land? I answer that we cannot properly apply the common-law rule between a warrantor in a deed and the warrantee. In reference to a case of that kind the common-law rule has been fixed. But the Government of the United States never professes to sell its lands for what they are worth. It gives them to promote settlement; it sells them at a low price to induce cultivation; and when the lands have been cultivated and improved, the parties who have suffered the trials and hardships and miseries of a frontier life have paid infinitely more for their land than the original price of $1.25 per acre. You have sought to encourage settlement on every acre of the public lands; and settling upon lands under that policy these men in early times have had to go twenty miles to a mill; they have been far away from schools, and churches, and physicians; they have in early times seen their children die for want of medical attention. But you now propose to make to them the mere reimbursement that a warrantor under a deed would make to the warrantee; you propose to pay them only $1.25 an acre with perhaps 6 per cent. interest.

I say this rule is positively inequitable and unjust. You do not hold your lands nor bestow them in that way. You did right in the Ohio case and you did right in the Mississippi case, because you recognized these early settlers had wrought a good work for the nation; had done more than pay the price per acre; that they were entitled to occupy their homes, and it was the duty of the United States to let them have them.

Hence I say, Mr. Chairman, that it is just, that it is equitable to pay them the actual value; not what it would cost them to buy from the other parties, but what the appraised value is. What will be the result? I beg gentlemen to observe for a moment that if the corporation to whom the courts have awarded the title say they will take the appraised value, the title may be perfected in that way. If they refuse to say that, then you allow the parties themselves to have the benefit of it as far as it goes; and if they can raise the sums from the earnings of their farms to get the title they will do it.

You will find, sir, that this has been carefully guarded. Every man's claim is before the House. Every forty, every eighty, every one hundred and sixty acre claim is before you. The manner of entry and purchase is put down, the date of it is put down, the appraised value is put down, and what the holders of the opposing titles claim should be paid is put down. There is no chance for suspicion, but in every case with one or two exceptions, as I hastily look over it, I find the appraised value is considerably less than what the other party claim.

Your object is not to indemnify them in money, but to enable them to occupy their homes. I beg gentlemen who ever were upon the frontier to remember what home means to those early settlers, who, without money, had nothing but their muscle to get their homes. It means more than your greenbacks and more than your gold. It means the only place they have on God's footstool to live. If you take that away from them they cannot buy as good a home in that region. The land is too high. If they go West, they will have to travel night and day and month after month before they can get a home that is one-half the value this is to them, even for the same money.

I believe in homesteads. I have fought for them before in Congress. I will fight for them while I have breath. I wish to ask every man in this House who appreciates the homestead law to look well at this question of indemnity and the central fact which is to preserve to these men their homes and not to pay money to them to buy another. But I do not wish to debate the question further.

Mr. LAWRENCE. The gentleman has presented a good reason why in my judgment the common-law rule of damages should not apply here. It has been said, as I understand, on the floor that these parties are asking the Government of the United States not merely for the value of the land exclusive of improvements, but the value of the land including the improvements.

Mr. KASSON. Let me answer, so every one may understand it. Under the act of March 3, 1873, creating a commission to ascertain the value of the lands provided, (I quote the words,) it was to ascertain the number of acres and by appraisement or otherwise the value thereof, excluding improvements. In the second place, let me answer still further by turning to the report of that commission. I find they make the declaration: "In making our appraisements we have only had reference to the value of such lands for purely agricultural purposes."

Mr. LAWRENCE. It should be said these occupants are entitled to pay for improvements by this improvement company before they can be turned out under the occupying claimant law. Hence it is proper an appraisement should be made of the value of the land, exclusive of the improvements.

Mr. KASSON. I wish to say the great help given to these settlers in this way is to enable them to make up a purse with which they can pay. They have fought the company and well for years, but everybody knows this fight for improvements is an embarrassing one, and by this bill these settlers can make terms with this company.

Mr. HOLMAN. Mr. Secretary Browning, in his communication of the 9th of May, 1868, which is incorporated in the report of the Committee on the Public Lands, made this statement. According to the adjustments made between the General Land Office and the State of Iowa these lands granted to the State were transferred afterward to the Des Moines Navigation Company. Secretary Browning says this:

> This adjustment was accepted by Josiah A. Harvey, "register of the State land office and commissioner on behalf of the State of Iowa," and approved by Mr. Secretary Harlan May 29, 1866. The 1,317.32 acres were subsequently selected and approved to the State. The State, by the deliberate and recorded admission of her authorized agents, has thus received all the lands to which she was entitled on account of the improvement of said river. The adjustment is conclusive and final.
>
> As the State received indemnity for this identical tract, her claim on behalf of the Des Moines Company must be rejected without regard to adverse claims.

Now the question I desire to ask the gentleman from Iowa is this: If this statement is true that the State of Iowa in 1866 entered into this arrangement by which she received nearly two and a half million acres of land, and received those lands as an indemnity for these very lands that are the subject of this trouble—if such is the fact, the State receiving the indemnity lands for the lands which have been granted by the Government to these various parties, is it not very clear that while justice ought to be done to these parties and they ought to be fully indemnified for expenditures they have made on account of the purchase of the lands, ought not these expenditures to be incurred by the State of Iowa herself?

That is my first question. My second question is this: Does not all this trouble result from the legislation of 1862 and 1871? And did not all these acts by which this fraud was perpetrated through the agency of the Des Moines Navigation Company result from the action of the State of Iowa herself? Did she not bring the matter into Congress, and were not these acts passed at her instance? And now should the State of Iowa throw upon the General Government the results of those frauds against which she made no protest at the time?

Mr. KASSON. The questions of the gentleman from Indiana are very lengthy. I will endeavor to answer the last one first. This Des Moines Navigation Company was not in existence when the grant was originally made to the State of Iowa, which was then a Territory. It was a New York company, and we have been fighting that company from a period two or three years after the commencement of its operations down to the present time. I have myself drawn up two or three acts in successive General Assemblies of the State in endeavoring to get a settlement between the company and the State. It was a New York company organized for speculative purposes, and at its head was a leading democratic gentleman whose name would be familiar to the gentleman from Indiana were I to mention it. There is not an Iowa man in it.

Mr. ORR. I yield to the gentleman from Indiana, [Mr. SHANKS.]

Mr. HOLMAN. I would like to know how it came about that when this grant was made to Iowa she made over the land to these land-sharks.

Mr. KASSON. I suppose it was all part of the same scheme; only they were not Iowa land-sharks, but foreign land-sharks.

The CHAIRMAN. The gentleman from Indiana [Mr. SHANKS] is entitled to the floor.

Mr. SHANKS. I believe that a measure for the protection of these people enumerated in this bill ought to be passed. It is the brightest page in the history of any nation on which it can be written with truth that equal and exact justice has been done to all its people. Now, here is a case in which the Government has by its acts and also through the decisions of its Supreme Court induced a portion of its people to settle on these lands. And then by a subsequent decision of the same Supreme Court they have been driven off these lands and lost their homes. These citizens of the United States now come to the United States Government, which by its policy has wronged them, which at least by its act has brought them into danger of losing their labor and their property, and they ask the Government to give them redress in that in which its act has wronged them. For that I think that every American citizen and every Representative on this floor ought to stand and with one accord do justice to the people to whom our action has done injustice; so that either their money or their lands shall be given to these people.

I now wish to draw a comparison. I find on this floor to-day all the Representatives from the State of Iowa ably and efficiently doing their whole duty in the protection of these people who have in their State been wronged. I honor them for standing by their people and demanding that justice which has not been done to them. But I desire, as I said, to make a comparison. I will here remind the House that on yesterday, when the Choctaw claim was before the House, gentlemen who are full of anxiety for those whom they represent, and who have been wronged, did not remember that there was a time some years ago when the national Government took from a people (the Choctaws) who have no representatives on this floor or elsewhere in this Government over fourteen million acres of land, for which we have not paid them yet. And on yesterday, in the struggle upon this floor, they turned them away again as they had done so often and so heartlessly before, where they must stand uncared for and unprotected for God Almighty knows how long, as God Almighty and the records of this country only know how long such has been the case heretofore. I pity these poor Choctaw people, and I deplore the carelessness and coldness that work their wrongs.

Now, sir, I am in favor of the Government doing justice to every man, woman, and child in this country. And I hope, sir, that this may be a lesson to the delegation that advocates the claims of these white people of Iowa, when they find that other men, friends of a poor down-trodden red people, stand with them for these wronged white people; that while caring for those who are living, active American citizens, they will also stand by those who have no friends on this floor except in so far as they can make a draught upon a common humanity unknown to the law, only so far as they can appeal to that which comes from God into the hearts of men, not directed by statutes and only governed by just feeling. May the spirit of justice enter fully into the hearts of the whole people toward the Indian, so that in the administration of justice it may be equally open to all irrespective of condition.

I hope, sir, that this may be a lesson, and that those who to-day ask the favor of the Government and the protection for their people will not forget those who have none to speak for them on this floor. I am in favor of this measure because it is a matter of justice, and I am also in favor of a measure that will do justice to those Choctaws and other Indians who cannot demand it here as can and do these citizens of Iowa, by the many mouths that speak for their whole State on this floor as these gentlemen have spoken to-day.

Mr. ORR. I presume this matter has now been sufficiently discussed, and I move that the committee rise and report the bill favorably to the House.

Mr. HOLMAN. Before that motion is put, I desire to submit the following proposition:

Resolved, That the pending bill be reported to the House with the recommendation that the same be recommitted to the Committee on the Public Lands, with instructions to report a bill to repeal all laws and parts of laws granting the lands in question to the Des Moines Navigation Company, or affirming any grant thereof to said company, and confirming the titles in said lands to the persons to whom the same have been sold by the United States.

I desire to say a word in support of that proposition.

Mr. KASSON. Let me say to the gentleman that it would utterly destroy the chances of the settlers for relief.

Mr. HOLMAN. I shall be met with the statement that we are bound to carry this grant into effect and that the settlers have got to be deprived of these lands, and that the Government of the United States or the State of Iowa must pay a large sum of money for the benefit of the settlers growing out of this transaction. But, sir, I hold in the first place that there is no contract impaired and no act done, by the repeal of this legislation subsequent to 1846, that is not entirely within the control and power of Congress. It is admitted that in the absence of the acts of 1856, 1861, 1862, and 1871, that independent of those various acts and joint resolutions, the title which the Government granted to these settlers would be a perfect and complete title, and that whatever right the Des Moines Navigation Company derives from the State of Iowa to those lands is the result of the fraudulent legislation subsequent to 1846. For one I am not willing by any vote of mine to deprive these settlers of any of their rights. On the contrary, I would make their title to these lands perfect, if it was in my power, and my proposition looks to that result. I know that under the land-grant policy there has been nothing but fraud and injustice from the beginning to the settlers, and that this has been the case to a great extent in the State of Iowa. An act was passed at the last session of Congress, under the pretense of quieting certain titles, which enabled the Chicago, Rock Island and Pacific Railroad Company to commit great injustice upon the settlers, and an appeal is made to Congress to indemnify the unhappy settlers against the frauds of the railroad corporations sanctioned by the action of Congress. I do not know that it is fair to charge the State of Iowa with being responsible for the legislation of 1856, 1861, 1862, and 1871, by which these fraudulent land speculators in the State of New York seized upon these lands without consideration and appropriated them to their own use. I do not know that the State can be held responsible for it; but I do hold to this proposition, and I call the attention of the gentlemen from Iowa to it, that if Secretary Browning was correct, and this settlement was made in 1866 between the Federal Government and the State of Iowa by which the State received 1,346,000 acres of land or thereabouts as an indemnity in lieu of these very lands now the subject of this trouble, then the State should not in addition to that call upon us, after having received those lands, having received patents for them and appropriated them for her own use, and insist while she retains those lands that we shall indemnify the unfortunate settlers for the corrupt legislation which has been enacted since 1846.

Mr. McCRARY. I would inform my friend from Indiana of a fact he does not seem to be aware of. The State of Iowa does not retain an acre of those lands. The Supreme Court decided that the indemnity lands passed like the others into the hands of the Des Moines Navigation Company.

Mr. HOLMAN. But by the act of the State of Iowa.

Mr. KASSON. A previous act.

Mr. McCRARY. No; by an act of Congress, not by the State of Iowa.

Mr. HOLMAN. The grant, however, was made to the State of Iowa. Congress did not grant an acre of land to any corporation.

Mr. ORR. I would ask the gentleman from Indiana if the legislation of Congress of 1871 did not grant this indemnity land directly to the company, without any reference to the State of Iowa?

Mr. HOLMAN. Unfortunately, I am compelled to answer that question in the affirmative. But how did that act pass; was there a single voice from Iowa raised against it here? Did either the State of Iowa or any of the citizens of Iowa object to it? Sir, when a measure like that, which was purely local, came up here, if any member on the floor had interfered with the manner in which Iowa should dispose of the indemnity lands it would have been said that it was an impertinent interference with the local affairs of that State.

Mr. McCRARY. The act did not say that they were in lieu of these very lands.

Mr. HOLMAN. I say that if Secretary Browning was correct these lands were granted as compensation and indemnity for the lands in question in this bill.

Mr. ORR. Allow me to suggest to the gentleman from Indiana that

that has very little to do with the question of indemnifying these settlers.

Mr. HOLMAN. I desire to confine myself to the propositions I have submitted. I desire to see these settlers vindicated. I know that the remedy proposed by the pending bill is very partial. I feel assured that the remedy I propose, to enact a law repealing the acts passed since 1846 and affirming this act, will relieve the very trouble which the decisions of the Supreme Court present. They decided upon the authority of the legislation of 1856, 1861, and 1862. The Supreme Court was compelled to decide under those acts, which they believed to be the law, and under those decisions certain rights were secured to the Des Moines Navigation Company through the State of Iowa. With those laws repealed—and who will question the power of Congress to repeal them?—and with all this fraud unraveled, I assert that the rights of those settlers will be secured.

Now, I cannot be met by the statement that such legislation would be a violation of contracts. It is the performance of the highest obligation resting upon this Congress. We have been informed of the usual outcropping of these grants. They have been tainted with fraud in every step from beginning to end; and the moral obligation resting upon Congress is to repeal these laws and confirm the title to these lands to these settlers. And when the question shall reach the Supreme Court, as it is very proper it should, it will not be as to the power of Congress to pass such an act as I have indicated, for the power of Congress over the subject-matter is clear and manifest. I know that if the original legislation was right there would be a moral obligation upon Congress to allow it to stand, and let the ultimate results be reached, whoever might reap any benefit from that legislation. But when legislation is tainted with fraud from beginning to end, its repeal is demanded by the moral obligation resting upon Congress.

Mr. HERNDON. Have the courts of the country any authority or power to inquire into the fraud which the gentleman states was committed by the legislation of Congress referred to?

Mr. HOLMAN. No; I think not; I think that is a question for Congress alone. I know that neither the Supreme Court nor any other judicial tribunal could inquire whether the acts of 1861 and 1862 were properly passed or not. Nor is it a judicial question for the Federal courts to decide whether Congress possessed the power to legislate on this subject or not, for that power is conceded. But I cannot be met with the statement that this would be an impairing of contracts, for happily no such restraint rests upon the Federal Legislature to prevent its undoing monstrous wrongs.

Mr. HERNDON. If patents have been issued for these lands under the act of 1871, could we now, by repealing that act, take away or cancel those patents?

Mr. HOLMAN. I think we could, unquestionably; there is no limitation upon the power of Congress over the subject. If my friend could quote any provision of the Constitution which could possibly be construed to prevent any such exercise of power by Congress, I would like to hear it. I remember but one instance in which, not the Supreme Court, but a judge of the Supreme Court, has indulged in any question as to the constitutional power of Congress over such a subject. That was in regard to the legal-tender decision, when the Chief Justice of the Supreme Court intimated that there were moral considerations by which the Federal Legislature should be influenced by the provisions of the Constitution relating to the Legislatures of the States. But I know of no rule by which Congress, upon finding that fraud had been perpetrated under its laws, could not repeal those laws. I make this appeal to repeal this law, not simply in behalf of these unfortunate settlers, but also in behalf of the whole people of this country, and to vindicate our legislation against the taint of dishonest and fraudulent proceedings.

Mr. ORR. I hope the gentleman from Indiana [Mr. HOLMAN] will not insist upon his amendment. He has said many things with which I agree; I agree with nearly all he has said. I have nothing to say in extenuation or palliation of the different acts of Congress which have brought these settlers into this difficulty. But the House will see that his amendment proposes to set aside a decision of the Supreme Court by congressional legislation, and I suppose the House will agree with me that that cannot be done.

Mr. HOLMAN. Not to repeal a decision of the court, but to repeal the law under which those decisions were made.

Mr. POTTER. I want to say a single word, not so much with reference to the bill under discussion as with reference to the amendment and remarks of the gentleman from Indiana, [Mr. HOLMAN.] It is undoubtedly true that fraud vitiates all contracts and invalidates all rights acquired through it. And whenever any legislation has been secured by fraud I will be found quite ready to join in passing efficient laws for the determination before some proper tribunal of the fact and the annulling of any rights claimed to arise by virtue of such fraudulent legislation.

But I beg for myself to say that nothing in the world seems to me to be so dangerous as for Congress to declare now or at any time that it is not absolutely bound to regard vested rights, or that it can proceed of its own volition or discretion to say that notwithstanding those rights have vested under its own legislation it will repeal that legislation. I do not myself believe that the provision in the Constitution of the United States which declares that no law shall be passed by any State impairing the obligations of contracts, was intended to express a principle applicable to States only. I believe the same principles apply to the action of the General Government also, and that the limitation was imposed upon the States only because they were claimed to possess all sovereign powers not yielded to the Federal Government; and that it was not imposed in terms on the Federal Government, because being a government of delegated powers and no such general power having been granted to it, except in respect of the passage of general bankrupt laws, no such restraint was necessary to protect the citizen. Why, as Hamilton said, was it necessary to express in the Constitution any limitation upon powers which had not been granted?

In the first legal-tender decision the Supreme Court of the United States declared distinctly in terms that Congress had no other power to impair the obligation of contracts. In the second decision upon that subject, the court has declared the reverse, but they limited that declaration to the subject-matter of Treasury notes under consideration. No Federal judge or court has declared, though I know the contrary is sometimes erroneously said of Judge Washington, that Congress was generally at liberty to disregard or override the obligation of contracts.

For myself, I believe in the doctrine as to the general limits of legislative powers in this country which the Supreme Court of the United States announced forty years ago in the Rhode Island case of Wilkinson *vs.* Leland, that vested rights were (except in the matter of bankruptcies) beyond the reach of any legislation; that it was against the fundamental principles of republican government where rights had become vested, to recall them by changes in legislation.

Mr. PARKER, of New Hampshire. You refer to the Dartmouth College case?

Mr. POTTER. No, sir; not now to the Dartmouth College case, but to the Rhode Island case, the case of Wilkinson, where it was claimed that because the royal charter of Rhode Island had never been followed by any constitution and there was therefore no express limitation upon the Legislature of that State, it was at liberty to take away vested rights as it pleased, except where prohibited by the Constitution of the United States.

Mr. G. F. HOAR. The gentleman will allow me to call his attention to the sixth article of the amendments of the Constitution, which provides that "No person shall be deprived of life, liberty, or property without due process of law." That is a restraint upon the power of Congress.

Mr. POTTER. I so regard it, and I have indeed so argued in the legal-tender cases, and further claimed there, as I was endeavoring to say, that it was, as the Supreme Court had held in the case of Wilkinson, against the spirit of republican government that any Legislature should possess power to take away the vested rights of its citizens at pleasure. But in addition to that I also maintained that there was in the article of amendments to which the gentleman from Massachusetts [Mr. G. F. HOAR] has just called attention an express restriction, intended for no other purpose, (else why should it be there?) than to protect the vested rights of the citizen against the powers of Congress in respect of life, liberty, and private property; very broad terms, which may and should include, it seems to me, every right of the citizen.

For myself I say again that when Congress has been entrapped into legislation by fraud, there should be given to some proper tribunal the determination of the rights claimed under such legislation. But for the Congress to assume to take back legislation under which rights have vested because such legislation may have been in its belief unwise or fraudulent, is to my mind the assertion of a power in the last degree dangerous to the rights of individuals and which would lead to the most dangerous misgovernment and abuse.

"Liberty," said Mr. Webster with great force once, "consists in the limitations of government." No government which is absolute, whose powers vest in the discretion of the law-making power, which leaves the law-making power at liberty to do what it may deem best from time to time, can be a free government. And such an absolute government is never so dangerous as when it is a popular government. Government of the people is the best of all governments when, and only when it is limited so as to protect the inalienable rights of persons and when, it is localized so as to be government by the people—self government. I protest on all occasions against any unnecessary centralization of the powers of government, against depriving the people in the localities of the power to decide local affairs. Popular rule to be wise should be home rule. But equally do I protest against the assumption that this Federal Congress is a government of unlimited power, or that it is at liberty to disregard vested rights and destroy the obligation of contracts. The fathers who framed this Government forbade the power to the States, because they sought to preserve the rights of individuals. But the prohibition would have been worse than idle if by the same instrument they had conferred this dangerous power in the larger federal government they were creating. No such grant (except as to bankruptcies) can be found in the Constitution, and it would be foreign to their whole scheme of government to imply it.*

*NOTE BY MR. POTTER.—Wilkinson *vs.* Leland involved the validity of an act of the Legislature in the State of Rhode Island. It was claimed on the argument (Mr. Whipple and Mr. Wirt for the plaintiffs in error, Mr. Hubbard and Mr. Webster for the defendants in error) that the State of Rhode Island, having adopted no written constitution, its Legislature was without any limits except those prescribed

Mr. ORR. I move that the committee rise.

Mr. HOLMAN. I desire to say a word.

The CHAIRMAN. The motion that the committee rise is not debatable.

Mr. PARKER, of Missouri. I want to offer an amendment.

The CHAIRMAN. The gentleman from Iowa has moved that the committee rise.

Mr. PARKER, of Missouri. But nobody voted for that motion so far as I heard—at least on this side of the House.

The CHAIRMAN. The motion had not been put. The Chair is about to put the motion.

Mr. PARKER, of Missouri. I understand that I have a right to propose an amendment.

The CHAIRMAN. Not while the motion that the committee rise is pending.

The motion was agreed to.

The committee accordingly rose; and, the Speaker having resumed the chair, Mr. ELLIS H. ROBERTS reported that the Committee of the Whole had had under consideration the bill (H. R. No. 1142) to authorize the Secretary of the Interior to indemnify the holders of pre-emption and homestead certificates and certificates of entry and patents upon lands in Iowa within the so-called Des Moines River grant on account of failure of titles, and to procure a relinquishment of the paramount titles to the United States; and had directed him to report that the committee had come to no resolution thereon.

Mr. ORR. I now move to suspend the rules so that the bill just reported from the Committee of the Whole may be taken up and passed.

Mr. PARKER, of Missouri. I rise to a parliamentary inquiry. I want to know whether this is a trick to prevent any amendments to this bill?

Mr. ORR. No; it is not.

Mr. PARKER, of Missouri. I desire, then, to ask the Speaker——

The SPEAKER. It is a trick which only two-thirds of the House can perform.

Mr. PARKER, of Missouri. I rose before the bill was reported from the Committee of the Whole to offer an amendment.

Mr. ORR. The gentleman may offer his amendment. I have no objection to taking a vote upon it. I do not want to cut off the gentleman.

Mr. PARKER, of Missouri. Is it in order for me to offer an amendment at this time?

The SPEAKER. If the gentleman [Mr. ORR] who moves to suspend the rules should include the amendment in his motion the amendment would be in order.

Mr. ORR. I cannot do that.

The SPEAKER. It is not in order to amend the motion to suspend the rules.

Mr. PARKER, of Missouri. Then I hope the House will vote down this proposition, as the gentleman will not allow an amendment to a bill appropriating so large an amount of money.

Mr. G. F. HOAR. I wish to make a parliamentary inquiry. Would it not be in order for the gentleman from Iowa, if he sees fit, to move so to suspend the rules that a vote be taken on the amendment of the gentleman from Missouri and then on the bill?

The SPEAKER. It would.

Mr. G. F. HOAR. That would bring the House to a vote on the amendment?

Mr. ORR. I have no objection to that.

The SPEAKER. The gentleman from Iowa modifies his motion and moves that the rules be so suspended that the amendment of the gentleman from Missouri may be voted on and that then the bill be put on its passage. This will give the gentleman from Missouri the advantage of submitting the adoption of the amendment to a majority vote, while a two-thirds vote will be required for the passage of the bill.

Mr. ORR. Then I would not like to assent to the proposition. I have not heard the gentleman's amendment.

Mr. PARKER, of Missouri. I will read it:

Whereas this claim appears to be just; but there being a doubt in the minds of some members whether the whole amount of money proposed to be appropriated will go to the settlers: Therefore,

Be it resolved, That the Secretary of the Interior be requested to report to the House at its next session the actual cash value of these lands, so that an act can then be passed providing for the funding of the amount of such cash value, that it may be held by the Secretary of the Treasury for the benefit of said settlers.

Mr. ORR. A commission has already done that very thing.

The SPEAKER. The gentleman from Iowa declines to admit the amendment. The question is on seconding the motion of the gentleman from Iowa to suspend the rules and pass the bill; on which motion the Chair appoints as tellers the gentleman from Missouri, Mr. PARKER, and the gentleman from Iowa, Mr. ORR.

The House divided; and the tellers reported—ayes 99, noes 47.

So the motion to suspend the rules was seconded.

The question recurrrd on suspending the rules and passing the bill.

Mr. SPEER demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 151, nays 71, not voting 67; as follows:

YEAS—Messrs. Archer, Averill, Banning, Bass, Beck, Begole, Berry, Bradley, Bromberg, Buckner, Bundy, Burleigh, Burrows, Roderick R. Butler, Caldwell,, Cannon, Cason, Cessna, John B. Clark, jr., Clements, Clymer, Clinton L. Cobb, Stephen A. Cobb, Coburn, Corwin, Cotton, Crooke, Crounse, Crutchfield, Danford, Darrall, Davis, Dawes, Dobbins, Donnan, Dunnell, Field, Fort, Foster, Frye, Gooch, Hagans, Harmer, Hathorn, Havens, John B. Hawley, Joseph R. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, Hendee, Hereford, Herndon, E. Rockwood Hoar, Hodges, Hooper, Houghton, Howe, Hubbell, Hurlbut, Hyde, Hynes, Jewett, Kasson, Kelley, Kellogg, Kendall, Knapp, Lamar, Lamport, Lawrence, Leach, Lewis, Loughridge, Lowe, Lowndes, Lynch, Martin, McCrary, Alexander S. McDill, James W. McDill, MacDougall, McNulta, Merriam, Moore, Morey, Negley, Niblack, Nunn, O'Neill, Orr, Orth, Packard, Page, Isaac C. Parker, Parsons, Pelham, Perry, Pierce, Pike, James H. Platt, jr., Thomas C. Platt, Pratt, Rainey, Rapier, Ray, Rice, Richmond, Robbins, Ellis H. Roberts, James C. Robinson, James W. Robinson, Rusk, Sawyer, Henry B. Sayler, John G. Schumaker, Sessions, Shanks, Sheats, Sloan, Smart, George L. Smith, H. Boardman Smith, Snyder, Stanard, Stowell, Strait, Sypher, Charles R. Thomas, Townsend, Tyner, Vance, Waldron, Wallace, Walls, Jasper D. Ward, Wells, Wheeler, White, Whiteley, Wilber, George Willard, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, James Wilson, Jeremiah M. Wilson, Wolfe, Woodford, and Woodworth—151.

NAYS—Messrs. Albert, Albright, Arthur, Ashe, Atkins, Barber, Bell, Biery, Blount, Bowen, Bright, Brown, Buffinton, Burchard, Amos Clark, jr., Comingo, Conger, Cook, Cox, Creamer, Crittenden, Crossland, Durham, Eames, Eldredge, Garfield, Giddings, Glover, Gunckel, Hamilton, Hancock, Benjamin W. Harris, Henry R. Harris, John T. Harris, Harrison, Hatcher, Holman, Hoskins, Hunton, Killinger, Lawson, Magee, McJunkin, McLean, Milliken, Monroe, Neal, O'Brien, Packer, Hosea W. Parker, Pendleton, Potter, Read, Scofield, Small, A. Herr Smith, John Q. Smith, Southard, Speer, Sprague, Starkweather, Stone, Storm, Strawbridge, Christopher Y. Thomas, Thornburgh, Todd, Whitthorne, Charles W. Willard, Ephraim K. Wilson, and John D. Young—71.

NOT VOTING—Messrs. Adams, Barnum, Barrere, Barry, Bland, Benjamin F. Butler, Cain, Freeman Clarke, Clayton, Crocker, Curtis, DeWitt, Duell, Eden, Elliott, Farwell, Freeman, Gunter, Eugene Hale, Robert S. Hale, Hersey, George F. Hoar, Hunter, Lamison, Lansing, Lofland, Luttrell, Marshall, Maynard, McKee, Mills, Mitchell, Morrison, Myers, Nesmith, Niles, Phelps, Phillips, Poland, Purman, Randall, Ransier, William R. Roberts, Ross, Milton Sayler, Henry J. Scudder, Isaac W. Scudder, Sener, Sheldon, Sherwood, Lazarus D. Shoemaker, Sloss, J. Ambler Smith, William A. Smith, Standiford, Stephens, St. John, Swann, Taylor, Tremain, Waddell, Marcus L. Ward, Whitehead, Whitehouse, Willie, Wood, and Pierce M. B. Young—67.

So (two-thirds voting in favor thereof) the rules were suspended and the bill was passed.

During the roll-call,

Mr. SAYLER, of Indiana, stated that his colleague, Mr. HUNTER, was absent from the city on the business of the House.

The vote was then announced as above recorded.

DISTRICT OF COLUMBIA.

Mr. WILSON, of Indiana. I am directed by the select committee appointed to investigate the affairs of the District of Columbia to report a bill (H. R. No. 3681) for the government of the District of Columbia, and for other purposes, and to move that it be printed and recommitted.

The motion was agreed to.

Mr. WILSON, of Indiana. I also submit from the same committee a report which I move be laid upon the table and ordered to be printed.

The motion was agreed to.

Mr. WILSON, of Indiana. I now give notice that I will call up for consideration the bill which I have just reported at two o'clock to-morrow.

Mr. SPEER. I hope the report of the select committee of their investigation into the affairs of the District of Columbia will be printed in the RECORD.

The SPEAKER. It will take up a whole RECORD.

Mr. SPEER. I withdraw my motion.

LANDS SOLD FOR DIRECT TAXES.

Mr. BECK. I move to suspend the rules for the purpose of taking up and passing at this time a bill (H. R No. 3628) for the relief of owners and purchasers of lands sold for direct taxes in insurrectionary States, and for other purposes.

The bill was read.

The first section provides that the Secretary of the Treasury be, and he is thereby, empowered and directed, out of any money not otherwise appropriated by law, to pay to whomsoever shall be satisfactorily shown to him to be the owner or owners, his or their heirs or assigns or legal representatives, of any land sold for direct taxes under the provisions of the act entitled "An act for the collection of direct taxes in the insurrectionary districts within the United States,

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by the Constitution of the United States, and that the people of Rhode Island had the power to authorize the Legislature to appoint a man a judge in his own cause or pass laws contrary to natural justice, so long as none of the prohibitions of that Constitution were violated. But Judge Story, in delivering the unanimous opinion of the court, declared that "in a government professing to regard the great rights of personal liberty and of property, and which is required to legislate in subordination to the general, laws of England it would not lightly be presumed that the great principles of Magna Charta were to be disregarded, or that the estates of its subjects were liable to be taken away without trial, without notice, and without offense. Even if such authority could be deemed to have been confided by the charter to the General Assembly of Rhode Island as an exercise of transcendental sovereignty before the Revolution, it can scarcely be imagined that that great event could have left the people of that State subjected to its uncontrolled and arbitrary exercise. *That government can scarcely be deemed to be free where the rights of property are left solely dependent upon the will of a legislative body without any restraint.* The fundamental maxims of a free government seem to require that the rights of personal liberty and private property should be held sacred. At least no court of justice in this country would be warranted in assuming that the power to violate and disregard them, *a power so repugnant to the common principles of justice and civil liberty, lurked under any general grant of legislative authority or ought to be implied from any general expressions of the will of the people. The people ought not to be presumed to part with rights so vital to their security and well being without very strong and direct expressions of such an intention.*"

These noble words cannot be too often recalled or too well remembered.

and for other purposes," approved June 7, 1862, and of the acts amendatory thereof, without interest, the amount of the proceeds of sale of any such land for direct taxes due to the United States under such act, except lands sold in South Carolina, at Army and Navy sales, on which only partial payments have been made, less all taxes, costs, and legal charges accrued by reason of the sale thereof by the tax-commissioners of the United States under the said acts; provided that such owner or owners, their heirs or assigns or legal representatives, as the case may be, shall, before such payment, duly execute and deliver a full and complete quit-claim conveyance of said property, and release of all mesne rents and profits thereof to the purchaser or purchasers thereof at said tax sale, their heirs, assigns, or legal representatives, as the Secretary may require.

The second section provides that in case the ownership of said property prior to such tax sale is in dispute, or when there are conflicting interests in such ownership, or when such interests are so involved as to render it proper for a court of equity to adjust the several interests of parties in the said land, the Secretary of the Treasury shall pay, out of any money not otherwise appropriated by law, to a receiver, who may be appointed by a court having jurisdiction to determine and adjust the said interests of parties claiming an interest in said land, and who may be appointed by said court for such purpose, who shall give security for the performance of his duties as the court may require, the amount of the proceeds of said sale, without interest, less all taxes, costs, expenses, and charges, as aforesaid, to be distributed, according to the order of said court, upon principles of equity, among the parties interested in said land according to their respective interests; provided that an order or decree be made by such court, all parties in interest consenting thereto, that said sum of money shall be accepted in lieu of the land, and that a commissioner or other officer be appointed thereby, who shall execute a complete quitclaim conveyance of said property, and a release of all mesne rents and profits thereof, to the purchaser or purchasers thereof at said tax sale, their heirs, assigns, or legal representatives; which conveyance shall, upon the receipt of such money by such receiver, operate as a complete extinguishment of all claim, right, title, and interest of the parties to such suit who may have been the owner or owners of said land at and before such sale, or have derived title or interest therein from such owner or owners as heirs, assigns, or otherwise.

The third section provides that in case the owner or owners of the land at and prior to such tax sale, or parties having a valid lien or interest upon or in the same, or any one or more of such persons or parties, are incapacitated, by reason of infancy, insanity, or other legal disability, from complying with the provisions of the first two sections of this act, so as to give to the said purchaser or purchasers a conveyance of their interests in the said land, or in case such former owners or parties, or any one of them, shall refuse to avail themselves or himself of the privilege conferred by the said first two sections, and such facts shall be satisfactorily shown to the Secretary of the Treasury, and in case it shall also be shown to his satisfaction that the tax commissioners under the act, in executing the provisions of said act, made it their invariable rule and practice not to receive the taxes after the forfeiture imposed by the act and before the sale, unless the same were tendered by the owner of said land in proper person, the Secretary of the Treasury shall, out of any money not otherwise appropriated by law, pay, on their application and surrender of tax-sale certificate, to the purchaser or purchasers at said tax sale, his or their heirs or assigns, or legal representatives, as he may determine, the amount of the proceeds of said tax sale less all taxes, costs, and charges under the said act; provided that said purchaser or purchasers, their heirs, assigns, or legal representatives, as the case may be, shall first execute and deliver to the former owner or owners, and their heirs or assigns, a quit-claim conveyance of said property; which conveyance shall take effect and give to the former owner or owners, their heirs or assigns, an immediate right of possession to said property upon the receipt of the said money by said purchaser or purchasers, or their heirs, assigns, or legal representatives.

The fourth section provides that the time limited for the redemption of direct-tax lands by the act entitled "An act to provide for the redemption and sale of lands held by the United States under the several acts levying direct taxes, and for other purposes," approved June 8, 1872, be, and the same is thereby, extended for the period of one year from June 8, 1874, at the expiration of which time the Commissioner of Internal Revenue shall proceed to sell the lands as provided by section 4 of said act.

The fifth section provides that the purchasers, their heirs or assigns, of lands in South Carolina, sold at what is known as "Army and Navy" sales, and which lands have reverted to the United States for nonpayment of the full amount of purchase-money, may be permitted to redeem the same, as provided in section 5 of said act, on payment into the Treasury of the remainder of purchase-money, with interest, at the legal rate in South Carolina, from the date when said remainder of purchase-money became due, to the date of payment into the Treasury, deducting rents received by the United States from such lands, but rents in no case to offset principal. And such Army and Navy purchasers shall make said payment, with interest as aforesaid, into the Treasury of the United States within six months from the passage of this act, at which time their right to the redemption of said land shall cease.

The sixth section provides that section 7 of said act shall not hereafter be held or construed to exclude from redemption lands in the State of South Carolina set apart and known as "school farms," remaining in the possession of the United States; nor lands reserved for war, military, naval, revenue, and police purposes under the instructions of the President of the United States dated September 16, 1863, unless actually set apart for such purposes prior to the date of the passage of the act.

The seventh section provides that where the United States have not been in possession of the lands, a release thereof in conformity to the provisions of the act of June 8, 1872, shall also operate as a release of all rents that may have accrued thereon since the United States acquired title thereto.

Mr. BECK. I only want to say to the House that the material portion of this bill was reported favorably by the Committee on Revision of the Laws, and the bill as reported has been approved also by the Committee on Ways and Means. It will be seen by the RECORD of June 11 that it has been drawn in part and approved fully by the Internal Revenue Department; indeed the original draught was prepared by the Commissioner of Internal Revenue. The Commissioner approves every word of it and indorses it. I sent it to him a day or two ago for re-examination and approval and received his unqualified indorsement. It is only carrying out the principles of the law of 1872. I move to suspend the rules for the purpose of passing the bill. I am willing, however, to answer any questions any gentleman may choose to ask.

Mr. LAWRENCE. Has this bill been considered by the Committee on Ways and Means?

Mr. BECK. It has, and is approved by it; it was drawn by the Department or under its direction.

Mr. LAWRENCE. What does the original act provide?

Mr. BECK. It provides for giving back all the lands the United States now hold upon the payment of the taxes and costs.

Mr. WILLARD, of Vermont. Why should the time be extended?

Mr. BECK. Because the law expired on the 8th of June, 1874, and in South Carolina, at Beaufort and elsewhere, the court-houses have been burned and many of the original titles were destroyed.

Mr. GARFIELD. What amount will be taken out of the Treasury by this bill?

Mr. BECK. The committee thinks that ultimately it may take about $600,000.

Mr. GARFIELD. The gentleman says "ultimately;" in what time?

Mr. BECK. In perhaps two or three years. I cannot say exactly. After deducting all taxes, costs, and commissions, of course the surplus belongs to the original owner of the property, when the purchaser is quieted in his title.

Mr. GARFIELD. Does this bill include expenses of litigation? There have been a large amount of cases litigated in the courts.

Mr. BECK. Wherever there has been any litigation the costs have been paid by the private parties, not by the Government in the cases provided for here, as I understand it.

Mr. GARFIELD. Does this bill interfere with the forfeiture clause of the direct tax-law?

Mr. BECK. I think not in the slightest degree.

Mr. GARFIELD. If the gentleman will allow me, I will say in this connection that there was a case decided in the Supreme Court some three years ago, in which it was decided that the object of the law was to collect taxes and not to inflict penalties.

Mr. BECK. This bill merely continues and extends the law of 1872 where the property has been sold and is now held by the purchasers; it is to return the purchase-money and secure rights which are clearly equitable.

Mr. GARFIELD. How much money will go out of the Treasury under this law?

Mr. BECK. The committee thinks there may be $600,000 taken out of the Treasury.

The motion to suspend the rules was seconded, and (two-thirds voting in favor thereof) the rules were suspended and the bill passed.

GENEVA AWARD.

The SPEAKER announced the appointment of Mr. BUTLER of Massachusetts, Mr. FRYE of Maine, and Mr. POTTER of New York, as the conferees on the part of the House upon the disagreeing votes of the two Houses upon the amendments of the House of Representatives to the bill (S. No. 7) for the creation of a court for the adjudication and disposition of certain moneys received into the Treasury under an award made by the tribunal of arbitration constituted by virtue of the first article of the treaty concluded at Washington the 8th of May, A. D. 1871, between the United States of America and the Queen of Great Britain.

BANKRUPT LAW.

Mr. TREMAIN submitted the following report from the committee of conference:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 792) to repeal the act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved March 2, 1867, and all laws and parts of laws amendatory thereto, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate and agree to the same with the following amendments thereto:

Section 1, line 5, after the word "thereof," insert "under the direction of the court."

Section 1, insert at the end of the section:

Provided, That such order shall not be made until the court shall be satisfied that it is approved by a majority in value of the creditors.

Section 4, line 5, before the word "sales" insert "public."

Section 4, line 6, after the word "published" insert "once a week for three consecutive weeks."

Section 4, line 10, after the word "sales" insert "including the power to set aside the same, and to order a resale."

Section 4, line 13, strike out the words "in hand."

Section 4, line 13, strike out the words "in three equal" and insert in lieu thereof "within eighteen months in such."

Section 4, line 14, after the word "installments" insert "as the court may direct."

Section 4, lines 15 and 16, strike out the words "and payable at intervals of not more than six months between any two payments."

Section 4, line 23, strike out "one" and insert in lieu thereof "ten."

Section 4, line 39, strike out the word "or."

Section 4, line 41, strike out the words "think fit" and insert in lieu thereof "so order."

Section 4, lines 45 and 46, strike out the words "or deposit of any of the funds coming to his hands as such assignee," and insert in lieu thereof "disposal, or proceeds of the bankrupt's estate."

Section 4, line 56, strike out the word "three" and insert in lieu thereof "five."

Section 5, lines 1 and 2, strike out the words "adding after the word 'specifies' in line 35 the words," and insert in lieu thereof the words "striking out the words 'as the warrant specifies' where they first occur, and inserting the words 'as the marshal shall select, not exceeding two,' and inserting after the word 'specifies,' where it last occurs, the words."

Section 9, line 11, strike out the word "three."

Section 9, line 14, after the word "of" insert "at least one-fourth of."

Section 9, line 15, before the word "value" insert "one-third in."

Section 9, lines 13 and 14, strike out the words "as prescribed by existing law."

Section 11, insert at the end of the section the words "And nothing in said section 35 shall be construed to invalidate any loan of actual value, or the security therefor, made in good faith, upon a security taken in good faith on the occasion of the making of such loan."

Section 12, line 15, after the word "court" insert "of the United States or."

Section 12, line 20, after the word "law" insert "of the United States or."

Section 12, line 32, after the words "being a" insert "bank."

Section 12, line 36, strike out "or."

Section 12, line 37, after the word "such" insert "or who, being a bank or banker, shall fail for forty days to pay any depositor upon demand of payment lawfully made."

Section 12, line 59, after the word "court" insert ("if satisfied that the admission was made in good faith.")

Insert as an additional section, after section 15 of the amendments, the following:

Section —. That section 49 of said act be amended by striking out after the word "the," in line 5, the words "supreme courts," and inserting in lieu thereof "district courts;" and in line 6, after the word "States," inserting the words "subject to the general superintendence and jurisdiction conferred upon circuit courts by section 2 of said act."

And that the numbering of the sections be changed so as to correspond with the forgoing amendment.

And the Senate agree to the same.

LYMAN TREMAIN,
BENJ. F. BUTLER,
CHAS. A. ELDREDGE,
Managers on the part of the House.

GEO. F. EDMUNDS,
GEO. G. WRIGHT,
A. G. THURMAN,
Managers on the part of the Senate.

The question was upon agreeing to the report.

Mr. TREMAIN. Several gentlemen have asked me to explain these amendments, and I will do so in a few moments if the House will give me its attention. The basis upon which we have proceeded in making up this report are the amendments of the Senate which have not been considered in the House, and therefore I will very briefly state the effect of this conference report.

The principal point of difference between the two Houses was as to the repeal or amendment of the bankrupt law. Instructed by the House, the managers on the part of the House endeavored to procure the repeal of the law. They failed utterly in this, and became satisfied that there was no chance whatever to procure the consent of the committee on the part of the Senate or of the Senate to such a repeal. Therefore they have proceeded, under the assurance on the part of the managers on behalf of the Senate that they would yield as far as possible to the desire of the House, to do away with the odious features of the bankrupt law.

The first amendment is in regard to what constitutes an act of bankruptcy. The old bankrupt law passed in 1800 did not make the omission to pay a debt an act of bankruptcy. The present law, the law of 1867, declares that the omission to pay a debt for fourteen days was an act of bankruptcy. But the conference report amends that law so as to allow a period of forty days to elapse before a merchant or trader who neglects to pay his commercial paper is liable to be thrown into bankruptcy. Your committee regard that as a very material alleviation of the severity of the present law.

The next important amendment is in regard to the power of any one creditor to throw a merchant or a trader into the bankrupt court. The present law gives that right to any one creditor or to any number of creditors who have debts amounting to the sum of $250. This is the origin of a great portion of the complaints made against the law, for if 95 per cent. in number and in value of the creditors were unwilling to have the party thrown into bankruptcy a single merciless or malicious creditor would have that right. This is amended under the report of the conference committee on the amendments of the Senate so as to require an assent of one-fourth in number and one-third in value of the creditors before any man is liable to be thrown into bankruptcy. But in order to meet the cases which may have arisen since the 1st December last, when we first agitated the subject of the repeal or amendment of the bankrupt law, this section requiring one-fourth in number and one-third in value as a condition of throwing into bankruptcy, has been made to relate back to the commencement of the session of Congress on the 1st day of December last. The object of this is to prevent any overreaching creditor who intended to get ahead of Congress from taking anything by his motion.

And then there was no provision made in the present law for discontinuing the proceedings in bankruptcy, though the bankrupt may have paid the debts on which he was thrown into bankruptcy, and although a majority of the creditors may have desired the proceedings to be discontinued. In this respect we have amended the bill so as to provide that proceedings shall be discontinued whenever the bankrupt pays those secured debts which were the ground of throwing him into bankruptcy, or whenever, with the consent of the court, he and a majority of the creditors shall ask for a discontinuance of the proceedings.

Then we have changed the time within which contracts and transactions had with a bankrupt in making a transfer of property or liens upon it may be set aside in case he shall afterward be thrown into bankruptcy by changing the time from four to two months in one case, and from six months to three in another case.

To meet that large class of cases where a person may take an assignment of property or make an advance of money in good faith, or where a judgment may have been obtained or a lien acquired by the seizure of his property, in order to obviate the evils resulting from conflicting decisions we have adopted amendments declaring that in order to set aside any such hypothecated pledges or liens on the bankrupt's estate it must appear that the party dealing with the bankrupt knew that he intended to perpetrate a fraud upon the bankrupt law and that he intended to go into bankruptcy. It is not enough that the party had reason to suppose that the bankrupt was insolvent, but he must also know that he was contemplating bankruptcy. If he was really struggling to retrieve his condition, and hoped and expected to go through, the transaction would not be invalidated by the bankrupt law.

And then we have incorporated an affirmative provision in our report, that whenever a bankrupt obtains a loan from a friend in good faith, even where insolvent, where the loan is made and the security is taken in good faith, with the intention of aiding and carrying him through successfully, such a loan shall be considered as having actual value and the security taken upon it shall not be invalidated by the proceedings in the bankrupt court.

Then we have also changed the law in regard to the conditions on which a discharge may be procured. Under the present law, as you will remember, a voluntary bankrupt may pay either 50 per cent. or obtain the consent of a majority of his creditors. The Senate report originally made this distinction between a voluntary and an involuntary bankrupt. An involuntary bankrupt thrown into bankruptcy and free from all fraud was entitled to his discharge without regard to the assent of his creditors, or the amount his estate paid; while they proposed that the voluntary bankrupt should pay either 33 per cent. of his debts or obtain the consent of a majority of his creditors. We claimed that there was no good reason for such a distinction between the two classes, and that the discrimination ought not to be made against the voluntary bankrupt, who surrendered all his property in good faith and asked to have the benefits of the law. The Senate managers, however, claimed that there ought to be a distinction, for the reason that where the requisite number of creditors insisted on throwing him into bankruptcy, they treated him as civilly dead and should not be permitted to avail themselves of his subsequent earnings in payment of the debts. But they yielded so far to the views of the House committee as to say that a voluntary bankrupt should have his discharge if the estate paid 30 per cent. instead of 50 per cent., as under the existing law, or provided he obtained the same number of his creditors as is necessary to throw him into bankruptcy; that is, one-fourth in number and one-third in value. Now in regard to an involuntary bankrupt he can get his discharge if his conduct is free from all fraud and he is innocent of any violation or infringement of the provisions of the bankrupt act.

In this connection I may state that I have seen a memorial sent on from New York which has an entirely erroneous idea as to the right of an involuntary bankrupt in regard to his discharge. The memorialists seem to assume that an involuntary bankrupt will obtain his discharge although guilty of violations of the existing law; whereas it is provided that before he can get his discharge he must be entitled to it under existing law.

The thirty-ninth section of the existing law declares that no discharge shall be granted, or if granted shall be valid, if the bankrupt is guilty of any one of the sixteen acts enumerated, covering almost every conceivable case, and winds up by saying that he shall not be entitled to it if he be guilty of any fraud of any kind in violation of the provisions of the bankrupt law. This shows that they have labored under an entire misconception of the effect of the Senate amendment.

Mr. HARRIS, of Virginia. Will the gentleman from New York allow me to ask him a question?

Mr. TREMAIN. Certainly; with pleasure.

Mr. HARRIS, of Virginia. Under the law as it existed before 1869 in a case of voluntary bankruptcy the 50 per cent. had to be paid only on debts created since 1870.

Mr. TREMAIN. That was the law of 1867; was it not?

Mr. HARRIS, of Virginia. The law of 1869 when the amendment was made. Previous to that time no percentage was required to be paid on old debts.

Mr. TREMAIN. There is now no distinction made.

Mr. HARRIS, of Virginia. Then this applies to old debts as well as to new ones. I desire to know whether the 30 per cent. dates back since a given time or applies indefinitely to old as well as to new debts.

Mr. TREMAIN. I will say in reply to the gentleman from Virginia that the attention of the Senate managers was called to that provision of the law on our part and we desired to have that provision retained, but it was supposed that the debts of this class were small and inconsiderable in number and it was thought best that there should be a uniform rule, and that the rule provided for by this bill ought to apply to old debts as well as to new ones.

We have also provided that the assignee, as was disclosed in recent proceedings in New Orleans where large profits were made by dividing the fees of auctioneers and in other ways, should not be permitted to avail himself of such profits. We have also provided to meet a case under the old law where if a creditor had attempted to obtain a lien on the property of the bankrupt, that is held to be fraudulent and he forfeits all right to prove his debt and be allowed for any part of it out of the bankrupt's estate. We have modified this so as to say that he shall only forfeit a moiety of his debt.

We have also made further provision for composition by creditors with the assent of the debtor, providing that the composition may be made by a majority of the creditors where approved by the court for the release and discharge of the debtor.

We have reduced the fees and expenses of bankruptcy one-half, until the judges of the Supreme Court shall meet in convention and establish a permanent system of reduction of fees and a simplification of the proceedings in cases of bankruptcy so as to render them less expensive to the bankrupt, and to expedite proceedings.

We have also provided for the utmost publicity as to all the acts of persons connected with the execution of the law, by requiring full and minute reports to be made and published from the clerk, from the assignee, from the marshal, and from the register. We were anxious to get several other amendments to the law in which we failed, and in particular we desired that mortgages should be taken out of the operation of the law, and that a foreclosure of a mortgage should not be enjoined by a bankrupt court. But the managers on the part of the Senate claimed that the law now is that no bankrupt court shall restrain foreclosure of a mortgage, except in especial and extreme cases where the interests of an estate require it, and that that power is subject to the supervisory control of the circuit judge. They also assured us that at the next session of Congress, or at some time hereafter, they would be ready to co-operate with us in amending the law so as to remedy any evils that time and experience may develop.

We have also, at the suggestion of several of the Delegates from the Territories, made an amendment by which original jurisdicrion is conferred on the courts in the Territories, subject to the appellate jurisdiction of the supreme court of the Territory, in bankrupt cases, whereas it has been decided that it did not exist heretofore.

This statement covers substantially the leading points in which we amend the present law, and I will only say in conclusion that the question presented to us, and the question now presented to the House, is not whether a bankrupt law should pass. We were reminded by the managers on the part of the Senate, and we were painfully conscious of the fact, that the law as it stands cannot be changed except by the assent of both Houses of Congress, and that we must either accept the situation and make such amendments as we could obtain to the existing law, or allow it to remain in force with all its acknowledged evils. We have done the best we could to secure amendments, and it is for the House to determine, not whether a bankrupt law ought to be passed, not whether the present law should be repealed, but whether it shall be amended and ameliorated.

Mr. LAWRENCE. I desire to ask the gentleman whether this bill will operate as a discontinuance or authorize a discontinuance of any bankrupt proceeding now pending which has been commenced by creditors less in number or value than is prescribed by this bill?

Mr. TREMAIN. That is a question of construction upon which I am not inclined to express an opinion.

Mr. LAWRENCE. But it is a very important question.

Mr. TREMAIN. No such question has been discussed or raised in the committee of conference. This bill amends the original bankrupt law by providing that it shall read as follows—giving the act in its amended form. Now it might be claimed with great ingenuity that this, as an amendment of the original law, would apply to prior cases as well as those arising after the passage of the amendatory act. But on that question I do not undertake to express an opinion. The general rule of construction doubtless is that statutes are only to be construed prospectively unless where the contrary intention is expressed. As to one section of this bill, as I have already stated, the statute is made to retroact back to the 1st of December last. Now, as to the rule which shall obtain in reference to a discharge, the law which exists at the time of granting a discharge would probably apply. For example, in this case the old law regulating the conditions upon which a discharge may be granted will be repealed, and the only law regulating the terms of such discharge will be the new rule which, as I have already observed, in cases of voluntary bankruptcy changes the percentage of payment from 50 to 30 per cent. and reduces the requisite number of assenting creditors from a majority to one-fourth in number and one-third in value.

Mr. LAWRENCE. Is it not better that we should settle that question now than leave it open to controversy hereafter?

Mr. WARD, of Illinois. I wish to make a suggestion.

Mr. TREMAIN. I propose to yield to my colleague on the committee of conference, the gentleman from Wisconsin, [Mr. ELDREDGE.]

Mr. WARD, of Illinois. We ought not to pass on this bill until it has been printed. I desire to make a motion that it be printed and made a special order for the day after to-morrow, immediately after the reading of the Journal.

Mr. TREMAIN. I do not yield for that motion. I yield to the gentleman from Pennsylvania [Mr. MYERS] for a question.

Mr. MYERS. I wish to put an inquiry in regard to the sixteenth section of the bill, relating to composition with creditors. In the bill as it came to us from the Senate it was provided that a resolution of composition, to be operative, must be passed by a majority in number and three-fourths in value of the creditors, confirmed afterward by the signatures of the debtor and two-thirds in number and one-half in value of the creditors. This resolution, with a statement of the debtor as to his assets and debts, was to be presented to the court; and the court, upon being satisfied on proper notice and hearing, that the resolution had been duly passed and that the same is for the best interests of all concerned, should cause it to be recorded and the statement filed. As the Senate bill read, such resolution was to be of no validity until such record and filing. Now I ask the gentleman whether the committee of conference have left in the bill that provision, so that no matter how large a number of creditors may have complied with the law and passed a resolution for composition the court, if it think such resolution not for the best interest of all concerned, may declare it of no validity?

Mr. TREMAIN. The managers on the part of the House endeavored to procure a modification of that provision so as to declare that where a majority of the creditors agreed with the debtor as to composition it should not be subject to the supervisory control of the court. We were, however, unable to procure such a provision; and inasmuch as the entire provision with regard to composition is an advance upon the present law, we yielded. The argument on the part of the Senate committee was that inasmuch as we are taking from the minority of creditors the right they would otherwise have under the composition, such composition, in order to be constitutional, ought to be subject to the supervisory control of the court. We did all we could to meet the views of my friend from Pennsylvania, but we have failed.

Mr. MYERS. I am very sorry that you have.

Mr. TREMAIN. I now yield to my colleague on the conference committee, the gentleman from Wisconsin, [Mr. ELDREDGE.]

Mr. ELDREDGE. I do not wish to make any extended remarks. It is well known to the House that I have been opposed to any bankrupt law. I was opposed to the original bill and voted against it; I voted for its repeal at the last session, and also at the present session. I was in hopes that the law might be repealed, I have signed this report because I felt compelled to do so; not because the law in the form proposed to be amended is satisfactory to me; not because the amendments are so extensive as I would wish to see adopted, but because we had to take these amendments or nothing. We were obliged either to accept these amendments or let the law stand as it is now. The Senate committee at once took the position that they had the power to keep the law as it now stands; that the session of Congress was far gone, and that unless we agreed to some amendments the old law with all its obnoxious provisions would continue upon the statute book.

Under these circumstances we deemed it our duty to go to work and pull as many rotten teeth out of the old law as we could. That was our endeavor; and I think these amendments will improve the law very much indeed in many respects. The gentleman from New York [Mr. TREMAIN] has stated the effect of the several amendments, and it must I think be apparent to the House that they are very great improvements upon the existing law. If there were no other change than the limitation as to the fees which the officials of the courts may charge in bankrupt proceedings, that of itself would be an object worthy of attainment. A gentleman near me inquires whether we leave the involuntary feature in the bill. We do. The amendments we recommend will prevent any such exorbitant charges being made as the investigation of proceedings in cases in Louisiana, Alabama, and some other States shows to have been made there.

It being apparent that we must either continue the old law with all its defects and deformities or else amend it, I deemed it my duty to get the best measure I could, and therefore I signed the report. The conferees on the part of the House endeavored to get, and did get, just as much concession as they could from the Senate. But as the Senate had the power either to merely amend the law or to continue the present law in force, they had us pretty much at their mercy. I think that those who are in favor of the repeal of the bankrupt law will find that the existing law is very much improved by the amendments recommended in our report.

Mr. TREMAIN. I yield to my colleague, [Mr. POTTER.]

Mr. BUTLER, of Massachusetts. I would like to be heard on this question.

Mr. POTTER. If the gentleman from Massachusetts [Mr. BUTLER] wishes to speak first I will give way.

Mr. BUTLER, of Massachusetts. I was about to take the floor, Mr. Speaker, as one of the members of the committee of conference to say to the House that if any gentleman finds that the bill with the present amendment is not what he would like to have he has only to ask himself, "Is this bill with the amendments better than the old law?" Because if it is, then you had better vote for it, for it is either as we have amended it or to let the law stand as it is now.

There are two or three things where I think this is a great deal better. In the first place, under the old law, if a man's paper went to protest for fourteen days, one of his creditors, to the amount of two dollars, could put him into bankruptcy. The law as amended stands that his paper must lie over forty days, and then one-fourth of all his creditors in number and one-third in value must agree together before he can be put into bankruptcy.

The other great provision, which I think is an important one, is that it shortens the time in which conveyances may be set aside. Now the time is four and six months, and a matter must be six months old in some cases which may be inquired into. Now those times are reduced to two months and three months.

Again, it requires knowledge within the meaning of the law of the fraudulent condition of the bankrupt on the part of the man who deals with him to set aside a conveyance. The present law all of you know and know how much litigation has grown up under it.

Again, about the question put by the gentleman from Ohio [Mr. LAWRENCE] I have no doubt; that is, that all cases which are now pending must be wound up under the law as it will be when the President signs it with our amendment.

Mr. CONGER. What cases?

Mr. BUTLER, of Massachusetts. All kinds of cases under it—under the law as it will be amended, because the amendments are amendments to the law as it is.

Mr. LAWRENCE. But my question was——

Mr. BUTLER, of Massachusetts. I am coming to your question. The question was, whether it will alter the condition of any one of these cases so far as to get a man into bankruptcy is concerned; that is, if a man went into involuntary bankruptcy on the petition of a single creditor, will this law take him out.

Mr. LAWRENCE. That is it.

Mr. BUTLER, of Massachusetts. Clearly not, because the law will not be retroactive in matters now in conflict. It will not alter the condition of fraud committed before he went in. It will not alter anything which has been done, because this, more than any other law, ought not and cannot be retroactive under the language of the Constitution.

Mr. LAWRENCE. It is the general rule that every law is prospective unless made expressly retroactive.

Mr. BUTLER, of Massachusetts. We have only made it retroactive in one or two instances where necessary, not to leave a hiatus.

Mr. PARSONS. In case of any suit now pending in bankruptcy commenced prior to the passage of this act will the bankrupt be compelled to pay anything more than the amount provided for in the present law?

Mr. BUTLER, of Massachusetts. He will be relieved by the provisions of the law as they stand at the moment he makes application to the court for his discharge.

Mr. GARFIELD. Will the gentleman allow me to ask him a question?

Mr. BUTLER, of Massachusetts. Certainly.

Mr. GARFIELD. Will the bill as it stands specifically make this retroactive back to any given point?

Mr. BUTLER, of Massachusetts. Only in one or two instances, which are of minor importance.

Mr. GARFIELD. I understand the gentleman to claim, if we amend the law by adding certain words to it so they are to be injected into the body of the old law, the words thus put in will take effect under the old law as of the date of the old law.

Mr. BUTLER, of Massachusetts. They will take effect in the old law of the date when they become the law.

Mr. GARFIELD. Of the date when they were put in?

Mr. BUTLER, of Massachusetts. Let me give an instance, and that will illustrate it. Suppose the law should be if A struck B he should be hanged, and then we should put in the word "not," "should not be hanged," I take it A would not be hanged for striking B, under the old law.

I yield to the gentleman from Illinois, [Mr. WARD,] who proposes to move that the conference report be printed.

Mr. CONGER. I desire to ask the gentleman from Massachusetts a question. Whether this changes the mode of management in the settlement of estates in bankruptcy?

Mr. BUTLER, of Massachusetts. It only allows creditors to come in and wind up the estates under certain rules, which are included in the amendments. It does not affect the mode of settlement beyond this. It affects the number and value of creditors who may consent to the discharge.

I wish to say one thing more, and then I will yield to the gentleman from Illinois, who desires to make a motion to have the amendments printed——

Several MEMBERS. That is right.

Mr. BUTLER, of Massachusetts. I hope, however, that the gentleman will not succeed in that motion.

Another great benefit that will result from these amendments is this: The universal cry from one end of this country to the other was and is that estates in bankruptcy are eaten up in fees and costs. Now we have gone to work and cut down those costs one-half on the face of them. And that was not the worst of it. The worst of it was that there was no supervision of the costs. A great many judges did not make it their business to look into the costs. We have arranged it so that there must be a publication of all the fees and expenses in bankruptcy, so that every man in the community can revise the fees in every case. The difficulty was that there were clerks who made no reports and charged enormous fees. There were registers who overcharged, and there were assignees who ran away with millions of estates and never divided anything.

Mr. CRITTENDEN. I desire to ask the gentleman a question. Where a man goes into bankruptcy under this law, is he required to pay 30 per cent. before he gets his discharge, or is he referred back to the old law?

Mr. BUTLER, of Massachusetts. He is required to pay the 30 per cent. or get the assent of a certain portion of his creditors, one-fourth in number and one-third in value, instead of a majority as heretofore.

Mr. CRITTENDEN. In the case where a man is made a bankrupt by his creditors is he discharged under this law, by the operation of the law, or is he required to pay a certain percentage of his debts and to obtain a certain proportion of his creditors?

Mr. BUTLER, of Massachusetts. He gets his discharge if there has been no fraud. I now yield to the gentleman from Illinois, [Mr. WARD.]

Mr. TREMAIN. I hope the adoption of the report will not be thrown over till to-morrow on the motion to print.

Mr. WARD, of Illinois. If there is general opposition to the motion I will not press it.

Mr. TREMAIN. I now yield to my colleague, [Mr. POTTER.]

Mr. HARRIS, of Virginia. Before the gentleman from New York [Mr. POTTER] proceeds, I desire to ask the gentleman from New York [Mr. TREMAIN] of the committee of conference, this question: In 1869 an amendment was made to the bankrupt law providing that the homestead law in the several States, not exceeding $2,000, should be set apart for the bankrupt, and in addition, that the bankrupt should have the benefit of the homestead law as against judgment decrees and orders of the court existing prior to that time. In my State Judge Bond decided that as to the liens prior to the passage of the act it was unconstitutional and void. The supreme court of the State confirmed that decision, thus rendering the homestead provision in my State a nullity. I desire to ask whether the conference committee have taken that question into consideration and have tried to introduce a uniform system so as to avoid the construction put upon it by that decision?

Mr. TREMAIN. The question the gentleman has referred to was brought up in this form: The managers on the part of the House endeavored to get an amendment of the bankrupt law so as to provide that the supervisory jurisdiction exercised by the circuit court in bankruptcy shall itself be subject to appeal to the Supreme Court of the United States, so that the very class of cases the gentleman has referrred to might be brought to the Supreme Court. The Senate refused to adopt that amendment on two grounds: first, because the Supreme Court was already overwhelmed with business; and second, because it might interfere with the summary disposition of the bankrupt's estate, which it was the object of the bankrupt law to bring about. Our attention was not called to any evil in the law itself. The law itself, as the gentleman has correctly stated, provides for an exemption, and we did not change that.

I give notice that after my colleague [Mr. POTTER] has addressed the House for five minutes I will call the previous question.

Mr. POTTER. Mr. Speaker, I am very reluctant to detain the House on this question, when it is so desirous of coming to a vote. At the same time I should have preferred that the motion of the gentleman from Illinois [Mr. WARD] had prevailed, so that the amendments embraced in the conference report might be printed, and that the House might take some other time for its consideration; because, late as the session is, this subject is of sufficient importance to yet further deserve our careful deliberation.

There is undoubtedly presented here, as the gentleman from Massachusetts [Mr. BUTLER] has said, a choice of evils between the existing law and the proposed law. But none the less ought it to be considered whether it would not be the wisest policy to submit until another session to the existing law rather than, by adopting such a partial and imperfect amelioration of the existing law as is proposed by this report, weaken the chance for absolute repeal which we might otherwise have. My colleague has stated to the House that the only protest from the creditors of the country which has reached the House since the Senate amendments were printed is the memorial from Messrs. E. S. Jaffray & Co., and other merchants of New York, which I hold in my hand, protesting against the Senate amendments, and which I now present to the House, but which, not to detain the House with now reading it in full, I will print in the RECORD as part of my remarks.

I trust, Mr. Speaker, that, as my colleague says, these memorialists have misconstrued the effect of the Senate amendments, and that

they are not so obnoxious to their objections as they think. Nevertheless, I am myself satisfied that the modifications recommended in the law by the report of the committee of conference will remedy the evils of the law at best to but a small extent. I am afraid that in some respects even the relief they intend to give will be found to be wanting. For instance, the existing law has been so construed as to wholly invalidate *bona fide* liens and chattel mortgages, not recorded as required by the local laws, although such securities would have been perfectly good by the law of the State where made as between the bankrupt and the lien-holding creditor. No such effect was I believe ever given to any previous bankrupt law in this country or in England. The committee have sought to get rid of this construction by the proviso they have added to section 11 of the Senate amendments. But I fear that by limiting that proviso to the thirty-fifth section of the bill when it should have applied to the whole law, they have failed to secure the relief they intended, though I understand they regard the language used in the conference report as broad enough. And generally, sir, I am satisfied that we are going to get, from adopting this report, but imperfect relief from the hardships of this law, against which the creditors of the country have been so generally protesting.

For myself, I come from the creditor section of the country, and it is claimed that this law is to be retained for the benefit of creditors, and yet, sir, I have received no communication except from a single firm, during this entire session, in favor of its retention on the statute-book. It has answered its general purpose so far as the debtors of the country are concerned. About once in a generation a bankrupt law on their account seems to have been called for—and they being relieved this law is sought to be retained in the interest of the creditor—and yet, I repeat, the entire creditor section of the country is against it; and I am one of those who believe they are more competent to judge what is for their own interest than even Congress is to judge for them. We have, however, to take the report of the committee of conference as a whole. Perhaps if adopted it may result in making the law better on the whole than it was, but of that I am doubtful.

[The memorial referred to by Mr. POTTER is as follows:

To the honorable the Senate and House of Representatives of the United States of America in Congress assembled:

The memorial and remonstrance of the undersigned, merchants and business men of the city of New York, respectfully shows:

That they have been surprised by the announcement in the newspapers that the Senate amendments to the bankrupt act have been substantially agreed to by the conference committee on the disagreeing votes of the two Houses on the subject of that act. That from all the information given to the public, your memorialists were led to believe that those amendments would not be concurred in by the honorable the House of Representatives.

And your memoralists further represent that they deem many of the proposed amendments unwise and unjust, and therefore such as ought not to be adopted. That among these are the following:

First. The provision of section 9 of the proposed amendments, declaring that in cases of compulsory or involuntary bankruptcy the existing provisions of the law requiring the payment of any proportion of the debts of the bankrupt, or the assent of any portion of his creditors, as a condition of his discharge from his debts shall not apply.

The statute makes it an act of bankruptcy upon which a petition in involuntary bankruptcy may be brought for a person owing debts to depart from the State, district, or Territory of which he is an inhabitant, with intent, to defraud his creditors, or being absent to remain absent with such intent, or to conceal himself to avoid the service of legal process, in an action for the recovery of a debt provable under the act, or to conceal or remove any of his property to avoid its being attached, taken, or sequestered on legal process. None of these acts will prevent the discharge of the bankrupt under the statute. Why a man who has been guilty of any of these offenses, and in consequence has been forced into bankruptcy, should be entitled unconditionally to a discharge, while the honest debtor who has not absconded, or skulked, or concealed himself or his property, but voluntarily surrenders his property and asks for a discharge from his debts, should, as a condition of such discharge, be obliged to pay 33 per cent. of his debts, or procure the assent of one-half in number and value of his creditors, your memorialists find it difficult to understand. Your memorialists suppose that it is not the intention of Congress to enact such a distinction in favor of fraud and knavery, and against honesty and fair dealing.

Your memorialists submit, however, that the limitation of an unconditional discharge to cases of compulsory or involuntary bankruptcy will be found to be practically superfluous and nugatory. Every case will be compulsory or involuntary. There will hardly be an instance in which a man honestly a creditor cannot, from one consideration or another, be procured to file a friendly petition in involuntary bankruptcy against a debtor aiming to obtain a discharge from his debts. And where such an instance shall occur there will be little trouble in manufacturing an indebtedness so as to create a creditor who will answer the purpose. In such a case, if the amendments of the Senate to the thirty-ninth section of the act shall be considered as requiring that the petition in involuntary bankruptcy shall allege that one-fourth in number and one-third in amount of the creditors of the debtor have joined in the petition, the debtor, whether such proportion in number and amount shall join in the petition or not, will be swift on the filing of the petition to admit in writing, as further provided by the amendment that the requisite number and amount of creditors have petitioned. The court will, as directed by the amendment, thereupon so adjudge, which judgment is final, and the debtor as an involuntary bankrupt becomes entitled under the act to a discharge from his debts without paying anything to his creditors, and in defiance of their opposition. Such is the result as appears, to your memorialists, fairly to be apprehended from the proposed amendment. Legislation which by its very terms allows and is a temptation to artifice like this, will not, your memorialists are persuaded, be knowingly adopted by the Congress of the United States.

Second. The provision of section 12 of the proposed amendments amending section 39 of the law so as to require in order to bring a petition in involuntary bankruptcy against a debtor that one-fourth in number of his creditors "the aggregate of whose debts" amounts to at least one-third of his debts shall join in the petition. The statute, be it remembered, makes it an act of bankruptcy for a person owing debts to abscond with intent to defraud his creditors, or to remain absent with such intent, or to conceal himself with intent to avoid service of civil process, or to conceal or remove his property, to avoid its being seized on legal process, and moreover to make an assignment or transfer of his property with intent to delay, defraud, or hinder his creditors. And yet by this amendment for the commission of any of these fraudulent acts this law will provide no remedy unless the creditor first obtains or is certain of obtaining the concurrence in his proceeding of at least one-fourth in number and one-third in amount of the creditors of this fraudulent debtor. The Congress of the United States, your memorialists believe, does not propose to offer a premium for fraud. They are fearful that such will be the effect of the adoption of this amendment.

Third. The provisions for "composition with creditors" contained in section 16 of the amendments.

By this amendment, in all cases of bankruptcy, whether an adjudication in bankruptcy shall have been had or not, the creditors of the alleged bankrupt may, at a meeting called as prescribed by the amendment, "resolve that a composition proposed by the debtor shall be accepted in satisfaction of the debts due to them from the debtor." Your memorialists respectfully submit that the provisions of this proposed amendment offer unfair opportunities and advantages to the debtor, and leave the rights and interests of creditors without adequate protection.

Your memorialists, in the suddenness with which they are called upon and the brief period afforded them to remonstrate against the adoption of these amendments, can only call your attention to some of their most objectionable provisions. They believe that if they shall be enacted into a law they will tend to demoralize the business transactions and prove of serious injury to the credit system of the country.

Your memorialists, therefore, respectfully remonstrate against the passage of the said amendments.

And your petitioners, as in duty bound, will ever pray, &c.

NEW YORK, 13*th June*, 1874.]

Mr. TREMAIN. My colleague on the committee from Illinois [Mr. WARD] desires to submit a motion to print the report and the bill, and as a matter of courtesy I will allow him to make that motion; but I hope the House will not agree to it, because it will throw this matter over until to-morrow.

Mr. WARD, of Illinois. I desire, Mr. Speaker, to preface the motion I am about to make by saying that I do not antagonize this report. It is in the interest of legislation looking to repeal; but I desire it printed, so that all gentlemen may know what they are voting for. I will therefore move that the report be printed, and that it be made the special order for to-morrow immediately after the reading of the Journal.

Mr. E. R. HOAR. Pending that motion I move that the House now take a recess until half past seven o'clock.

WITHDRAWAL OF PAPERS.

Mr. HUNTON asked and obtained leave to have withdrawn from the files of the House the papers accompanying the bill for the relief of James M. Downey.

Mr. CANNON, of Illinois, asked and obtained leave to have withdrawn from the files of the House the papers in the case of N. R. Gruell, of Arcola, Illinois.

Mr. FOSTER asked and obtained leave to have withdrawn from the files of the House the papers in the case of William E. Childs.

Mr. ALBERT asked and obtained leave to have withdrawn from the files of the House the papers in the case of W. J. Chibs.

Mr. KNAPP asked leave to have withdrawn from the files of the House the papers in the case of Robert Tillson.

Mr. LAWRENCE. I object to the withdrawal of the Tillson papers.

LEAVE TO PRINT.

Mr. STANDIFORD asked and obtained leave to have printed in the RECORD, as a part of the proceedings of the House, some remarks in relation to the Freedman's Savings and Trust Company. (See Appendix.)

Mr. DARRALL asked and obtained leave to have printed in the RECORD, as a part of the proceedings of the House, some remarks on the civil-rights bill. (See Appendix.)

SUSAN B. ANTHONY.

Mr. TREMAIN. I ask unanimous consent to submit a report from the Committee on the Judiciary on the memorial of Susan B. Anthony, and move that it be printed and recommitted to the committee, not to be brought back by a motion to reconsider.

Mr. BUTLER, of Massachusetts. It is a minority report.

Mr. TREMAIN. I do not know whether it is a minority report or not; that remains to be seen.

By unanimous consent the report was received, and Mr. TREMAIN's motion was agreed to.

THE BANKRUPT ACT.

The question recurred upon the motion of Mr. E. R. HOAR that the House take a recess.

Mr. E. R. HOAR. I withdraw that motion.

Mr. WARD, of Illinois. I now ask for a vote on my motion that the report be printed and made the special order for to-morrow immediately after the reading of the Journal.

The SPEAKER. If the report is to be printed, it had better be recommitted to the committee of conference, as it can then be brought before the House at any time as a matter of the highest privilege.

Mr. POLAND. The report is all printed in the RECORD of to-day.

Mr. WARD, of Illinois. The bill is not printed.

Mr. ELDREDGE. Can this report be committed to a committee of conference?

The SPEAKER. Why not?

Mr. ELDREDGE. The committee of conference have made their report, and it has been agreed to by the Senate.

The SPEAKER. It can be recommitted.

The question was taken upon the motion to recommit; and it was not agreed to.

The question was taken upon adopting the report of the committee of conference; and upon a division there were—ayes 128, noes 34.

Before the result of this vote was announced,

Mr. SENER called for the yeas and nays.

The yeas and nays were not ordered, there being 11 in the affirmative, not one-fifth of the last vote.

So the report of the committee of conference was adopted.

Mr. TREMAIN moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

Mr. BUTLER, of Massachusetts. I ask that the bill as amended by the report of the committee of conference be printed.

No objection was made, and it was so ordered.

PRESERVATION OF BALLOTS, ETC.

Mr. TREMAIN. I now move to suspend the rules and pass the bill (H. R. No. 1979) to preserve the ballots cast at and all papers connected with elections for Representatives or Delegates to Congress, and for other purposes.

Mr. COX. I hope my colleague [Mr. TREMAIN] will not try to put that bill through without debate.

Mr. RUSK. I move that the House now take a recess until half past seven o'clock.

Mr. TREMAIN. If a recess is now taken when will my motion again come up?

The SPEAKER. It will be the first thing in order to-morrow morning after the reading of the Journal.

Mr. TREMAIN. Then I will not object to it going over.

CELEBRATION OF BOSTON TEA PARTY.

Mr. POTTER. I ask consent to submit the following resolution, to which I think there will be no objection:

Resolved, (the Senate concurring.) That the woman's centennial executive committee of the city of Washington have leave to occupy the Rotunda of the Capitol, under the supervision of the Commissioner of Public Buildings and Grounds, upon the afternoon and evening of the 16th of December next, for the purpose of celebrating the destruction of the tea in the harbor of Boston on the night of the 16th of December, 1773.

The question was taken upon adopting the resolution; and upon a division there were—ayes 52, noes 41; no quorum voting.

Mr. G. F. HOAR. I call for tellers.

Tellers were ordered; and Mr. POTTER and Mr. G. F. HOAR were appointed.

Mr. SENER. I call for the regular order. There is a motion pending to take a recess.

The motion for the recess was agreed to; and accordingly (at five o'clock and five minutes p. m.) the House took a recess until half past seven o'clock p. m.

EVENING SESSION.

The recess having expired, the House reassembled at half past seven o'clock p. m. Mr. CESSNA in the chair as Speaker *pro tempore*.

The SPEAKER *pro tempore*. By order of the House the session of this evening is for the consideration of reports, made and to be made, from the Committee on Invalid Pensions. After that order shall have been concluded, if it shall be concluded, the remainder of the session of this evening will be devoted to the call of the standing committees of the House for reports of a private nature to be referred to the Committee of the Whole on the Private Calendar.

WILLIAM M. DRAKE.

Mr. RUSK, from the Committee on Invalid Pensions, reported a bill (H. R. No. 3181) granting a pension to William M. Drake; which was read a first and second time.

The question was upon ordering the bill to be engrossed and read a third time.

The bill directs the Secretary of the Interior to place on the pension-rolls, subject to the provisions and limitations of the pension laws, the name of William M. Drake, late a private of Company D, Eighty-second Regiment Indiana Volunteer Infantry, and pay him a pension from and after the passage of the act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. RUSK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

THERON W. HANKS.

Mr. RUSK, from the same committee, reported a bill (H. R. No. 3182) granting a pension to Theron W. Hanks, a private of the Third Minnesota Battery; which was read a first and second time.

The question was upon ordering the bill to be engrossed and read a third time.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Theron W. Hanks, a private of the Third Minnesota Battery, and pay him a pension from and after the passage of the act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. RUSK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JOHN W. DARBY.

Mr. RUSK, from the same committee, reported back favorably a bill (H. R. No. 2769) granting a pension to John W. Darby.

The question was upon ordering the bill to be engrossed and read a third time.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John W. Darby, late a private in Company M, Thirty-second Regiment Massachusetts Volunteers, and pay him a pension from and after the passage of the act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. RUSK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MELISSA RANKIN.

Mr. RUSK also, from the same committee, reported a bill (H. R. No. 3683) granting a pension to Melissa Rankin, of Indiana; which was read a first and second time.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Melissa Rankin, mother of Oliver S. Rankin, lieutenant in the Eleventh Regiment Indiana Volunteers, and pay her a pension at the rate of eight dollars a month from and after the passage of the act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. RUSK moved to reconsider the vote by which the bill was prssed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

INCREASE OF PENSIONS.

Mr. RUSK also, from the same committee, reported a bill (H. R. No. 3684) to increase pensions in certain cases; which was read a first and second time.

The bill provides that from and after June 4, 1874, all persons who while in the military or naval service of the United States and in the line of duty shall have lost one hand and one foot, or been totally and permanently disabled in the same, shall be entitled to a pension for each of such disabilities and at such a rate as is provided for by the provisions of the existing laws for each disability; but the act is not to be so construed as to increase pensions in any case.

Mr. RUSK. I ask for the reading of the report of the committee with the accompanying letter of the Commissioner of Pensions.

The Clerk read as follows:

The Committee on Invalid Pensions, to whom was referred a bill (H. R. No. 3661) granting a pension to George W. Trueheart, having considered the same, submit the following report:

The applicant desires an increase of pension, as he has lost an arm and a leg and is in a very bad condition. But the number of pensioners that are similarly disabled is exceedingly small, there being only sixteen in all, and in considering this case we have concluded that there should be a general law reaching the whole class, and we therefore report back the accompanying bill as a substitute and recommend its passage.

The following letter of the Commissioner of Pensions fully sets forth the facts:

DEPARTMENT OF THE INTERIOR, PENSION OFFICE,
Washington, D. C., June 10, 1874.

SIR: Congress having recently passed a bill increasing among other pensions the pensions of those persons who have lost both hands or both feet to fifty dollars per month, I desire to call your attention to the fact that the law now in force provides a pension of twenty-four dollars per month for those persons who have lost a hand and a foot in the military or naval service and line of duty, and that unless some increase of pension is provided for this class a great disproportion will exist between the pensions of persons whose disabilities are nearly equivalent.

An examination of the rolls of pensioners shows that there are now sixteen persons receiving pension on account of the loss of an arm and a leg or a hand and a foot. I have the honor to recommend that the pension of this class of persons be increased to the sum of the pensions provided by law for the disabilities rated separately. This increase, in the opinion of the office, would establish a just proportion between the pensioners of the classes of persons referred to and their disabilities.

Very respectfully,

J. H. BAKER,
Commissioner.

Hon. J. M. RUSK,
Chairman of the Committee on Pensions,
House of Representatives.

Mr. STORM. I wish to inquire of the chairman of the committee [Mr. RUSK] the amount of pension which the persons provided for in this bill will receive?

Mr. RUSK. Under this bill if a man has lost his arm above the elbow and his leg above the knee, he will get forty-eight dollars; if he has lost his leg below the knee he will get forty-two dollars; if he has lost his arm below the elbow he will get thirty-six dollars.

Mr. STORM. I understand, then, that the effect of the bill is to give him the pension now allowed for each disability?

Mr. RUSK. Yes, sir. If a man has lost both a leg and an arm he

gets the pension which would be allowed separately for each disability.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. RUSK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

GEORGE A. SCHREINER.

Mr. RUSK also, from the same committee, reported a bill (H. R. No. 3685) for the relief of George A. Schreiner; which was read a first and second time.

The bill provides that inasmuch as doubts have been suggested whether George A. Schreener, of Wyandotte County, Kansas, is entitled to a pension of eighteen dollars a month under the acts of Congress relative to pensions, and the act approved June 8, 1872, entitled "An act increasing the rates of pensions of certain persons therein described," he having lost his right arm in the military service of the United States as a volunteer, which pension has heretofore been paid to him under a construction placed on the last-named act, the pension of eighteen dollars a month is confirmed to him, and the Secretary of the Interior is directed to place his name upon the pension-roll, subject to the provisions and limitations of the pension laws.

Mr. STORM. How can there be any doubt in this case?

Mr. RUSK. I have adopted for my report in this case the Commissioner's letter. If necessary it can be read.

Mr. MOREY. I would suggest that the preamble be stricken out of the bill. I make that motion.

Mr. RUSK. I do not yield for that purpose.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. RUSK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENROLLED BILLS SIGNED.

Mr. HARRIS, of Georgia, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (H. R. No. 1691) for the relief of Thomas Ridgway;

An act (H. R. No. 2347) authorizing the Secretary of the Treasury to deliver to the Connecticut Historical Society certain papers on file as vouchers for the discharged claims of the heirs of Silas Deane;

An act (H. R. No. 2359) to authorize and direct the Secretary of War to reserve from sale ten thousand suits of old and disused Army uniform clothing, now in the Quartermaster's Department of the Army, and to transfer the same to the National Home for Disabled Volunteer Soldiers;

An act (H. R. No. 2653) to authorize the Secretary of the Treasury to suspend work upon the public buildings;

An act (H. R. No. 3090) to authorize the issue of duplicate agricultural land scrip where the original has been lost or destroyed;

An act (H. R. No. 3265) amending the charter of the Freedman's Savings and Trust Company, and for other purposes;

An act (H. R. No. 3573) making additions to the fifteenth section of the act approved July 2, 1864, entitled "An act to amend an act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes,' approved July 1, 1862;" and

An act (H. R. No. 3672) authorizing the board of commissioners of the Soldiers' Home to sell the property belonging to the Soldiers' Home, situated at Harrodsburgh, Kentucky, and known as Harrodsburgh Springs property.

ANDREW J. LASLEY.

Mr. RUSK also, from the Committee on Invalid Pensions, reported back a bill (S. No. 767) granting a pension to Andrew J. Lasley, with the recommendation that it do pass.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Andrew J. Lasley, late a private in Company K, Second United States Infantry, to take effect from and after the passage of this act.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. RUSK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

EBENEZER W. BRADY.

Mr. RUSK also, from the same committee, reported back a bill (S. No. 814) granting a pension to Ebenezer W. Brady, with the recommendation that it do pass.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Ebenezer W. Brady, late a chaplain of the One hundred and sixteenth Regiment Ohio Volunteers, from and after the passage of this act.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. RUSK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JOHN W. TRUEITT.

Mr. RUSK also, from the same committee, reported back a bill (S. No. 877) granting a pension to John W. Trueitt, with the recommendation that it do pass.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John W. Trueitt, late of Company E, One hundred and forty-second Regiment Indiana Volunteers, to take effect from and after the passage of this act.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. RUSK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

THOMAS SMITH.

Mr. RUSK also, from the same committee, reported back a bill (S. No. 690) granting a pension to Thomas Smith, with the recommendation that it do pass.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Thomas Smith, late a private in Company C, First Regiment Michigan Light Artillery.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. RUSK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JOHN S. LONG.

Mr. RUSK also, from the same committee, reported back a bill (S. No. 768) granting a pension to John S. Long, with the recommendation that it do pass.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John S. Long, late of Company D, First Battalion Twelfth United States Infantry, to take effect from and after the passage of this act.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. RUSK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MARGARET E. ALEXANDER.

Mr. RUSK also, from the same committee, reported back a bill (S. No. 41) granting a pension to Margaret E. Alexander, widow of Edwin A. Alexander, deceased, late a private in Company K, Eighth Regiment of Indiana Cavalry Volunteers, known as the Thirty-ninth Indiana Regiment, with the recommendation that it do pass.

The bill, which was read, authorizes and directs the Secretary of the Interior to place upon the pension-roll, subject to the provisions and limitations of the pension laws, the name of Margaret E. Alexander, widow of Edwin A. Alexander, deceased, who was a private in Company K, Eighth Regiment Indiana Cavalry Volunteers, known as the Thirty-ninth Indiana Regiment. And also to the following persons, the minor children of said Edwin A. Alexander, to wit, Laura Jane, who will be sixteen years of age January 18, 1875; Mary Alice, who will be sixteen years of age August 8, 1876; John Henry, who will be sixteen years of age December 15, 1878; Sarah Elizabeth, who will be sixteen years of age August 22, 1880; to take effect from and after the passage of the act.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. RUSK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SUSAN R. MOORE.

Mr. RUSK also, from the same committee, reported back a bill (S. No. 503) for the relief of Susan R. Moore, the relative and legatee of Phœbe Sofield, a pensioner, with the recommendation that it do pass.

The bill, which was read, provides that the benefits of the act approved March 3, 1873, entitled "An act to amend an act granting a pension to Phœbe Sofield, widow of Lewis Sofield," be, and the same hereby are, extended to Susan R. Moore, the relative and legatee of the said Phœbe Sofield, who died previous to the passage of said act,

so that the said Susan R. Moore shall be entitled to receive the pension which would have accrued to the said Phœbe Sofield had she been alive when said act passed; provided, however, that the said pension shall only be calculated to the day of the death of the said Phœbe Sofield.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. RUSK moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

NANCY CURRY.

Mr. WALLACE, from the same committee, reported a bill (H. R. No. 3686) granting a pension to Nancy Curry; which was read a first and second time.

The bill, which was read, authorizes and directs the Secretary of the Interior to enter on the pension-roll the name of Nancy Curry, the widow of V. P. Curry, who was a member of Company L, Thirteenth Regiment Kentucky Cavalry, in the war of 1861, to take effect from and after the passage of the act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. WALLACE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

VICTORIA L. BREWSTER.

Mr. WALLACE also, from the same committee, reported a bill (H. R. No. 3687) granting a pension to Victoria L. Brewster; which was read a first and second time.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Victoria L. Brewster, widow of B. S. Brewster, late an engineer on the United States transport Lemuel Hill, and pay her a pension from and after the passage of the act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. WALLACE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

WILLIAM O. MADISON.

Mr. WALLACE also, from the same committee, reported a bill (H. R. No. 3688) granting a pension to William O. Madison; which was read a first and second time.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of W. O. Madison, late a private in Company C, Fourth Iowa Infantry, with the right to a pension at the rate of eight dollars a month from and after the passage of the act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. WALLACE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BERNARD SAILER.

Mr. WALLACE also, from the same committee, reported a bill (H. R. No. 3689) granting a pension to Bernard Sailer; which was read a first and second time.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Bernard Sailer, dependent father of Philip Sailer, late a private in the Ninety-eighth New York Volunteers, who was killed in battle September, 1864, and pay him a pension from and after the passage of the act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. WALLACE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

WILLIAM WHITE.

Mr. WALLACE also, from the same committee, reported back, with the recommendation that it do pass, the bill (H. R. No. 2400) granting a pension to William White.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of William White, late a private in Company I, Fifth Regiment of Michigan Cavalry Volunteers, to take effect from the passage of the act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. WALLACE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PETER CAMPBELL.

Mr. WALLACE also, from the same committee, reported a bill (H. R. No. 3690) granting a pension to Peter Campbell, late a private in Company G, Sixth Regiment of Maine Volunteers; which was read a first and second time.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Peter Campbell, late a private of Company G, Sixth Regiment of Maine Volunteers, and pay him a pension from and after the passage of the act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. WALLACE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LAVINNA INGRAHAM.

Mr. WALLACE, from the same committee, reported back, with the recommendation that it do pass, the bill (S. No. 536) granting a pension to Lavinna Ingraham.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Lavinna Ingraham, mother of Douglass Ingraham, late private Company F, Third Regiment Nevada Infantry Volunteers, and to pay her a pension from and after the passage of the act.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. WALLACE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CHARLES MACARTY.

Mr. WALLACE, from the same committee, reported back the bill (H. R. No. 2095) granting a pension to Charles Macarty, with an amendment of the Senate thereto, and with the recommendation that the amendment of the Senate be concurred in.

The amendment of the Senate was read and concurred in, as follows:

Add at the end of the bill the words "at eight dollars per month."

Mr. WALLACE moved to reconsider the vote by which the amendment of the Senate was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JAMES BURRIS.

Mr. McJUNKIN, from the same committee, reported a bill (H. R. No. 3691) granting a pension to James Burris, late a private in the Thirty-second Regiment United States Colored Troops, which was read a first and second time.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of James Burris, late a private in the Thirty-second Regiment United States Colored Troops, and pay him a pension from and after the passage of the act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. McJUNKIN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

HARRIET W. WILKINSON.

Mr. McJUNKIN also, from the same committee, reported a bill (H. R. No. 3692) granting a pension to Harriet W. Wilkinson, widow of Charles Wilkinson, late lieutenant Company K, One hundred and second Regiment Pennsylvania Volunteers; which was read a first and second time.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Harriet W. Wilkinson, widow of Charles Wilkinson, late lieutenant Company K, One hundred and second Regiment Pennsylvania Volunteers, and pay her a pension from and after the passage of the act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. McJUNKIN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

AARON B. HUGHES.

Mr. McJUNKIN, also from the same committee, reported a bill (H. R. No. 3693) granting a pension to Aaron B. Hughes, late a musician, Company E, One hundred and third Pennsylvania Volunteers, which was read a first and second time.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Aaron B. Hughes, late a musician, Company E, One hundred and third Pennsylvania Volunteers, and pay him a pension from and after the passage of the act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. McJUNKIN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REBECCA W. TAYLOR.

Mr. McJUNKIN also, from the same committee, reported a bill (H. R. No. 3694) granting a pension to Rebecca W. Taylor; which was read a first and second time.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Rebecca W. Taylor, mother of Charles Frederick Taylor, late colonel of the Forty-second Pennsylvania Volunteers, known as the "Bucktail" or First Pennsylvania Rifle Regiment, and pay her a pension from and after the passage of the act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. McJUNKIN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

HENRY KORN.

Mr. McJUNKIN also, from the same committee, reported back, with the recommendation that it do pass, the bill (H. R. No. 2235) granting a pension to Henry Korn, which was read a firstand second time.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Henry Korn, late a private in Company H, One hundred and eighty-eighth Regiment Pennsylvania Volunteers, and pay him a pension from and after the passage of the act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. McJUNKIN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ELIZA A. FLAMMANT.

Mr. McJUNKIN also, from the same committee, reported a bill (H. R. No. 3695) granting a pension to Eliza A. Flammant; which was read a first and second time.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Eliza A. Flammant, widow of Charles F. Flammant, late sergeant of Company H, Eleventh Regiment New York Infantry, and pay her a pension from and after the passage of the act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. McJUNKIN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MARY A. HOUGH.

Mr. McJUNKIN, from the same committee, reported a bill, (H. R. No. 3696) granting a pension to Mary A. Hough; which was read a first and second time.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary A. Hough, widow of Joseph Hough, late sergeant Company B, Sixty-first Regiment Pennsylvania Volunteers, and pay her a pension from and after the passage of this act.

The bill was ordered to be engrossed and read a third time; and, being engrossed, it was accordingly read the third time, and passed.

Mr. McJUNKIN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BELINDA CRAIG.

Mr. McJUNKIN, from the same committee, also reported a bill (H. R. No. 3697) granting a pension to Belinda Craig; which was read a first and second time.

The question was upon ordering the bill to be engrossed and read a third time. The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Belinda Craig, widow of William G. Craig, late a private in the Ninetieth Regiment Pennsylvania Volunteers, and pay her a pension from and after the passage of the act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. McJUNKIN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

WILLIAM C. DAVIS.

Mr. McJUNKIN, from the same committee, also reported a bill (H. R. No. 3798) granting a pension to William C. Davis, a private in Company B, Eleventh Regiment Tennessee Cavalry Volunteers; which was read a first and second time.

The question was upon ordering the bill to be engrossed and read a third time.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of William C. Davis, a private in Company B, Eleventh Regiment Tennessee Cavalry Volunteers, and that he be paid a pension from the passage of the act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. McJUNKIN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LYDIA SIMPSON.

Mr. McJUNKIN from the same committee, also reported a bill (H. R. No. 3799) granting a pension to Lydia Simpson; which was read a first and second time.

The question was upon ordering the bill to be engrossed and read a third time.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Lydia Simpson, mother of Nathan J. Simpson and George W. Simpson, late privates in Company D, One hundred and first Regiment New York Volunteers, and pay her a pension from and after the passage of the act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. McJUNKIN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

TETER WOLFYOUNG.

Mr. McJUNKIN, from the same committee, also reported a bill (H. R. No. 3700) granting a pension to Teter Wolfyoung; which was read a first and second time.

The question was upon ordering the bill to be engrossed and read a third time.

The bill directs the Secretary of the Interior to place on the pension-rolls, subject to the provisions and limitations of the pension laws, the name of Teter Wolfyoung, late a private in Company E, Second Battalion Eighteenth Regiment United States Infantry, at the rate of eight dollars a month from and after the passage of the act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. McJUNKIN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MARIA D. C. BACHE.

Mr. McJUNKIN, from the same committee, also reported a bill (H. R. No. 3701) granting a pension to Mrs. Maria D. C. Bache, widow of General Hartman Bache, of the United States Army; which was read a first and second time.

The question was upon ordering the bill to be engrossed and read a third time.

The bill directs the Secretary of the Interior to place on the pension-rolls the name of Maria D. C. Bache, widow of General Hartman Bache, deceased, and allow and pay her a pension at the rate of thirty dollars per month, to commence from the passage of the act, and to continue during her widowhood.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. McJUNKIN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ALICE ROPER.

Mr. MARTIN, from the same committee, reported a bill (H. R. No. 3702) granting a pension to Alice Roper; which was read a first and second time.

The question was upon ordering the bill to be engrossed and read a third time.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Alice Roper, widow of Samuel Roper, late a captain of Company K, Fifty-sixth Illinois Infantry Volunteers, and pay her a pension from and after the passage of the act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. MARTIN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CATHERINE LEE.

Mr. MARTIN, from the same committee, also reported a bill (H. R. No. 3703) granting a pension to Catherine Lee, widow of Jesse M. Lee, private Company B, Second Regiment Ohio Volunteers; which was read a first and second time.

The question was upon ordering the bill to be engrossed and read a third time.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Catherine Lee, widow of Jesse M. Lee, private Company B, Second Regiment Ohio Volunteers, from and after the passage of the act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. MARTIN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MARY E. STEWART.

Mr. MARTIN also, from the same committee, reported a bill (H. R. No. 3704) granting a pension to Mary E. Stewart; which was read a first and second time.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Mary E. Stewart, widow of Andrew J. Stewart, late lieutenant of Captain Benight's Company, Dent County, Missouri, Home Guards, and pay her a pension as the widow of a second lieutenant and for her children under sixteen years of age from and after the passage of the act.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. MARTIN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ARTHUR M. LEE.

Mr. MARTIN also, from the same committee, reported a bill (H. R. No. 3705) granting a pension to Arthur M. Lee, late first lieutenant Eighteenth Illinois Infantry; which was read a first and second time.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Arthur M. Lee, late first lieutenant Eighteenth Illinois Infantry, and pay him a pension from and after the passage of the act.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. MARTIN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MARTHA WOLD.

Mr. MARTIN also, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 1722) granting a pension to Martha Wold.

The bill directs the Secretary of the Interior to place upon the pension-roll, subject to the provisions and limitations of the pension laws, the name of Martha Wold, mother of Engeburt Wold, late a private in Company A, Thirty-sixth Regiment Illinois Volunteer Infantry, deceased, and pay her a pension from the date of the passage of the act.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. MARTIN moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

MARGARET H. PITTENGER.

Mr. MARTIN also, from the same committee, reported a bill (H. R. No. 3706) granting a pension to Margaret H. Pittenger; which was read a first and second time.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Margaret H. Pittenger, mother of James D. Pittenger, late a private in Company I, Sixty-fifth Regiment New York Volunteers, and pay her a pension from and after the passage of the act.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. MARTIN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LOUISA THOMAS.

Mr. MARTIN also, from the same committee, reported a bill (H. R. No. 3707) granting a pension to Louisa Thomas; which was read a first and second time.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Louisa Thomas, widow of Cyrus Thomas, late a private in Company E, One hundred and seventy-sixth Regiment Ohio Infantry Volunteers, and pay her a pension from and after the passage of the act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. MARTIN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

EUNICE WILSON.

Mr. MARTIN also, from the same committee, reported a bill (H. R. No. 3708) granting a pension to Eunice Wilson, mother of John C. Wilson, late a private of Company D, Forty-ninth Regiment Illinois Volunteers; which was read a first and second time.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Eunice Wilson, mother of John C. Wilson, late a private in Company D, Forty-ninth Regiment Illinois Volunteers, and pay her a pension from the date of the death of her said son.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third, time and passed.

Mr. MARTIN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PENSION CASES REPORTED ADVERSELY.

Mr. MARTIN also, from the same committee, reported back the following bill and petitions; which were laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. No. 2709) granting a pension to Sarah M. Bradley;

The petition of Benjamin R. Crist, of Warren County, Ohio, asking for a special act granting him a pension; and

The petition of Isaac Harris, late of Company K, Missouri Infantry Volunteers, asking a special act granting him a pension, and that the evidence in his rejected claim be examined.

WILLIAM H. H. BUCH.

Mr. SMALL, from the same committee, reported a bill (H. R. No. 3709) granting a pension to William H. H. Buch; which was read a first and second time.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of William H. H. Buch, First Regiment Vermont Cavalry, and pay him a pension of six dollars a month.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. SMALL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

HENRY C. MILLS.

Mr. SMALL also, from the same committee, reported a bill (H. R. No. 3710) granting a pension to Henry C. Mills; which was read a first and second time.

The bill, which was read, authorizes and directs the Secretary of the Interior to place upon the pension-roll, subject to the provisions and limitations of the pension laws, the name of Henry C. Mills, late a private Company M, First Regiment Vermont Volunteers.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. SMALL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MARTIN D. CHANDLER.

Mr. SMALL also, from the same committee, reported a bill (H. R. No. 3711) granting a pension to Martin D. Chandler; which was read a first and second time.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Martin D. Chandler, late a private Company A, First Vermont Cavalry, Eleventh Regiment Vermont Volunteers.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. SMALL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

HANNAH E. CURRIE.

Mr. SMALL also, from the same committee, reported back a bill (H. R. No. 1644) granting a pension to Hannah E. Currie, with the recommendation that it do pass.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension-laws, the name of Hannah E. Currie, mother of Samuel A. Currie, late of the Thirty-third Regiment of Ohio Volunteer Infantry, based on the evidence on file in the office of the Commissioner of Pensions as case numbered 169652.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. SMALL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

STILLMAN C. SPAULDING.

Mr. SMALL also, from the same committee, reported a bill (H. R. No. 3712) granting a pension to Stillman C. Spaulding; which was read a first and second time.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Stillman C. Spaulding, Company K, Thirty-second Regiment Massachusetts Volunteer Infantry, and pay him a pension from and after the passage of the act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. SMALL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CATHARINE A. WINSLOW.

Mr. SMALL also, from the same committee, reported back a bill (H. R. No. 3031) granting a pension to Catharine A. Winslow, widow of the late Rear-Admiral John A. Winslow, with the recommendation it do pass.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Catharine A. Winslow, widow of John A. Winslow, late rear-admiral United States Navy, and pay her a pension at the rate of fifty dollars a month from and after the passage of the act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. SMALL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MARGARET A. HOFFNER.

Mr. SMALL also, from the same committee, reported back the bill (S. No. 609) granting a pension to Margaret A. Hoffner, with the recommendation that it do pass.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Margaret A. Hoffner, widow of Richard J. Hoffner, who was an acting master in the United States Navy.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. SMALL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate had passed without amendment bills of the House of the following titles:

The bill (H. R. No. 886) to provide for the election of Congressman at large for the State of Michigan; and

The bill (H. R. No. 3508) conferring jurisdiction upon the criminal court of the District of Columbia, and for other purposes.

The message further informed the House that the Senate had passed, with amendments in which the concurrence of the House was requested, the bill (H. R. No. 3652) providing for publication of the revised statutes of the United States.

The message further announced that the Senate insisted upon its amendments to the bill (H. R. No. 2343) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1875, and for other purposes, disagreed to by the House of Representatives, disagreed to the amendments of the House of Representatives to other amendments of the Senate, agreed to the conference asked by the House of Representatives on the disagreeing votes of the two Houses thereon, and had appointed Mr. WINDOM, Mr. SARGENT, and Mr. BOGY to be the conferees on the part of the Senate.

ELIZA A. MAXHAM.

Mr. SMALL, from the Committee on Invalid Pensions, reported back the bill (H. R. No. 1227) granting a pension to Eliza A. Maxham, with an amendment by the Senate, with the recommendation that the amendment of the Senate be concurred in.

The amendment was read, as follows:

In line 5 strike out all after the word "month" and insert "from and after the passage of this act."

The amendment of the Senate was concurred in.

Mr. SMALL moved to reconsider the vote by which the Senate amendment was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MARY J. BLOOD.

Mr. SMALL also, from the same committee, reported back the bill (H. R. No. 1948) granting a pension to Mary J. Blood, with an amendment by the Senate, with the recommendation that the Senate amendment be concurred in.

The amendment was read, as follows:

Strike out all after the word "month," in line 6, to the end of the bill, namely, these words: "commencing at the death of Samuel A. Blood, 13th November, 1866."

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. SMALL moved to reconsider the vote by which the amendment of the Senate was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SARAH S. COOPER.

Mr. YOUNG, of Kentucky, from the same committee, reported a bill (H. R. No. 3713) granting a pension to Sarah S. Cooper; which was read a first and second time.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Sarah S. Cooper, widow of Major Wycliffe Cooper, Seventh United States Cavalry, and pay her a pension from and after the passage of the act.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. YOUNG, of Kentucky, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MINOR CHILDREN OF STANLEY B. SMITH.

Mr. YOUNG, of Kentucky, also, from the same committee, reported a bill (H. R. No. 3714) granting a pension to Moses B. Hardin, guardian of the minor children of Stanley B. Smith; which was read a first and second time.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitation of the pension laws, the name of Moses B. Hardin, guardian of the minor children of Stanley B. Smith, late of Company D, Twenty-seventh regiment Kentucky Infantry Volunteers, and pay him a pension as guardian of said minor or minors from and after the passage of the act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read a third time, and passed.

Mr. YOUNG, of Kentucky, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SARAH BACON.

Mr. CRITTENDEN, from the same committee, reported a bill (H. R. No. 3715) granting a pension to Sarah Bacon, of Frankfort, Kentucky; which was read a first and second time.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Sarah Bacon, of Frankfort, Kentucky, and pay her a pension from and after the passage of the act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CRITTENDEN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

NATHAN A. WINTERS.

Mr. CRITTENDEN also, from the same committee, reported back, with the recommendation that it do pass, the bill (H. R. No. 2156) granting a pension to Nathan A. Winters.

The bill, which was read, authorizes and directs the Secretary of the Interior to place the name of Nathan A. Winters, late captain Company K, Fourth Missouri Volunteers, on the pension-roll, and pay him such a pension as his rank and degree of disability would entitle him to receive according to the provisions and limitations of the pension laws.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CRITTENDEN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ELIZABETH B. DYER.

Mr. CRITTENDEN also, from the same committee, reported a bill (H. R. No. 3716) granting a pension to Elizabeth B. Dyer, widow of General Alexander B. Dyer, deceased; which was read a first and second time.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth B. Dyer, widow of General Alexander B. Dyer, late brigadier-general and Chief of Ordnance, United States Army, and pay her a pension at the rate of fifty dollars per month from and after the passage of the act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CRITTENDEN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SARAH M'ADAMS.

Mr. CRITTENDEN also, from the same committee, reported a bill (H. R. No. 3717) granting a pension to Sarah McAdams; which was read a first and second time.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the limitations and provisions of the pension laws, the name of Sarah McAdams, widow of Samuel G. McAdams, late captain One hundred and thirty-fifth Regiment Illinois Volunteers, and pay her a pension from and after the passage of the act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CRITTENDEN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CORNELIA M. ARTHUR.

Mr. CRITTENDEN also, from the same committee, reported a bill (H. R. No. 3781) granting a pension to Cornelia M. Arthur; which was read a first and second time.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Cornelia M. Arthur, widow of Benjamin H. Arthur, late captain First Regiment United States Infantry, and pay to her the additional sum of five dollars per month from the date of its deduction by the Pension-Office, and to pay her a pension of thirty dollars a month from and after the passage of the act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CRITTENDEN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MATHEW B. WHITACRE.

Mr. CRITTENDEN also, from the same committee, reported a bill (H. R. No. 3719) granting a pension to Mathew B. Whitacre; which was read a first and second time.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mathew B. Whitacre, late a private in Company E, Seventeenth Regiment Ohio Volunteer Militia, and pay him a pension from and after the passage of the act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CRITTENDEN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CHARLES C. HAIGHT.

Mr. CRITTENDEN also, from the same committee, reported a bill (H. R. No. 3720) granting a pension to Charles C. Haight; which was read a first and second time.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Charles C. Haight, late sergeant Company G, Sixth Regiment West Virginia Volunteers, and pay him a pension from and after the passage of the act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CRITTENDEN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

EZRA C. OWEN.

Mr. CRITTENDEN, from the same committee, also reported a bill (H. R. No. 3721) granting a pension to Ezra C. Owen, private of Company L, seventh Iowa Calvary; which was read a first and second time.

The question was upon ordering the bill to be engrossed and read a third time.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Ezra C. Owen, private of Company L, Seventh Iowa Calvary, to date from the passage of the act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CRITTENDEN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JAMES R. BORLAND.

Mr. CRITTENDEN also, from the same committee, reported favorably upon the bill (H. R. No. 2949) granting a pension to James R. Borland.

The question was upon ordering the bill to be engrossed and read a third time.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of James R. Borland, of Bureau County, Illinois, at the rate of eight dollars a month, to commence from the date of his discharge from the United States service.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CRITTENDEN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JEFFERSON A. FRENCH.

Mr. CRITTENDEN also, from the same committee, reported back favorably Senate bill No. 613, granting a pension to Jefferson A. French.

The question was upon ordering the bill to be read a third time.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Jefferson A. French, late volunteer lieutenant and first-class pilot in the United States naval service, Mississippi squadron, for total disability, at the rate of $31.25 a month.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

Mr. CRITTENDEN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ADVERSE REPORTS.

Mr. CRITTENDEN, from the same committee, reported adversely upon the following bill and petitions; which were laid upon the table, and the accompanying reports ordered to be printed:

A bill (H. R. No. 918) granting a pension to Calvin Hess;

The petition of E. Jacobs, for a pension; and

The petition of Savissa Cole, for back pension.

JOHN FINK.

Mr. O'BRIEN, from the same committee, reported a bill (H. R. No. 3722) granting a pension to John Fink; which was read a first and second time.

The question was upon ordering the bill to be engrossed and read a third time.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John Fink, late private in Company G, First Regiment Potomac Home Brigade Maryland Volunteers, and pay him a pension from and after the passage of the act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. O'BRIEN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MARY LOGSDEN.

Mr. O'BRIEN, from the same committee, also reported a bill (H. R. No. 3723) granting a pension to Mary Logsden; which was read a first and second time.

The question was upon ordering the bill to be engrossed and read a third time.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Mary Logsden, widow of Joseph Logsden, late a private of Company K, Second Regiment Maryland Volunteers, and pay her a pension from and after the passage of the act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. O'BRIEN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MICHAEL QUARRY.

Mr. O'BRIEN also, from the same committee, reported a bill (H. R. No. 3724) granting a pension to Michael Quarry; which was read a first and second time.

The question was upon ordering the bill to be engrossed and read a third time.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the limitations and provisions of the pension laws, the name of Michael Quarry, father of Michael Quarry and Albert Quarry, late privates in Company A, One hundred and ninety-first Regiment Pennsylvania Volunteers, and pay him a pension from and after the passage of the act.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. O'BRIEN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MARY ANN EATON.

Mr. O'BRIEN also, from the same committee, reported a bill (H. R. No. 3725) granting a pension to Mary Ann Eaton; which was read a first and second time.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary Ann Eaton, mother of William H. Eaton, late a private in the United States Marine Corps, and pay her a pension from and after the passage of the act.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. O'BRIEN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CATHARINE H. GALLAGHER.

Mr. O'BRIEN also, from the same committee, reported a bill (H. R. No. 3726) granting a pension to Catharine H. Gallagher; which was read a first and second time.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension-laws, the name of Catharine H. Gallagher, widow of John Gallagher, deceased, late a captain in the United States Navy, and pay her a pension from and after the passage of the act, at the rate of fifty dollars per month.

Mr. ARCHER. I move to amend this bill by striking out all after the words "pay her a pension," and inserting in lieu thereof the words "from January 1, 1871, at the rate of fifty dollars per month, provided that the amount of pension received by her from January 1, 1871, shall be deducted therefrom."

Mr. O'BRIEN. As this amendment follows the precedents which have been established by the House in other cases, I am authorized to say that the committee are willing that it should be adopted.

The amendment was agreed to.

The bill, as amended, was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. O'BRIEN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JOHN M. ALLEN.

Mr. SMART, from the same committee, reported a bill (H. R. No. 3727) granting a pension to John M. Allen; which was read a first and second time.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John M. Allen, late a private in Company G, One hundred and seventy-sixth Regiment New York Volunteers, and pay him a pension from and after the passage of the act.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. SMART moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REVISION OF THE STATUTES.

Mr. POLAND. I ask unanimous consent to make a statement. Several days ago we passed a bill (H. R. No. 3652) providing for publication of the revised statutes of the United States. The bill was also passed by the Senate; but subsequently that body asked its return, and then passed it with some amendments. The Secretary of State thinks it necessary that these amendments should be concurred in and the bill become a law to-day, in order to prevent the necessity of publishing the entire revision of the statutes in the newspapers. The amendments made by the Senate do not differ materially from the bill passed by the House except that they provide for the abrogation of the contract made several years ago with Little, Brown & Co., of Boston, for the publication of the laws. The contract provided that Congress might at any time put an end to it; and the difficulty with the Senate committee was that they thought we had no right to provide for the publication of the revised statutes at the Congressional Printing Office unless we entirely abrogated the contract with Little, Brown & Co. Hence the Senate has inserted a provision abrogating that contract, and providing that the laws hereafter shall be published at the Congressional Printing Office. I desire to have the House concur in these amendments of the Senate.

Mr. COTTON. Is this matter in order to-night?

Mr. POLAND. I think it is, if nobody objects.

There being no objection, the amendments of the Senate were concurred in.

Mr. POLAND moved to reconsider the vote by which the amendments were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

GEORGE CHORPENNING.

Mr. BUTLER, of Massachusetts, by unanimous consent, reported back from the Committee on the Judiciary the bill (H. R. No. 3534) to remit the claims of George Chorpenning against the United States to the jurisdiction of the Court of Claims; which was referred to the Committee of the Whole on the Private Calendar.

STEPHEN WEATHERLOW.

Mr. SMART, from the Committee on Invalid Pensions, reported back, with a favorable recommendation, the bill (H. R. No. 1606) granting an increase of pension to Stephen Weatherlow.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Stephen Weatherlow, and to pay him a pension at the rate of twenty-four dollars per month from the date of the act; the pension to be in lieu of that now drawn by him.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. SMART moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JOSEPH V. CARTWRIGHT.

Mr. SMART also, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 1241) restoring to the pension-roll the name of Joseph V. Cartwright.

The bill directs the Secretary of the Interior to restore to the pension-roll the name of Joseph V. Cartwright, an imbecile son of Joseph Cartwright, deceased, a private in Company F, One hundred and twenty-third Regiment New York State Volunteers, and to pay him a pension at the rate of ——— dollars per month, dating back from the time his name was dropped from the pension-roll.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. SMART moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ABBY A. DIKE.

Mr. SMART also, from the same committee, reported a bill (H. R. No. 3728) granting a pension to Abby A. Dike; which was read a first and second time.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Abby A. Dike, widow of John H. Dike, late captain Company I, Sixth Massachusetts State troops, and pay her a pension from and after the passage of the act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. SMART moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ANN ELIZA BROWN.

Mr. SMART also, from the same committee, reported a bill (H. R. No. 3729) granting a pension to Ann Eliza Brown; which was read a first and second time.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Ann Eliza Brown, widow of Colonel Harvey A. Brown, brevet major-general United States Army, at the rate of thirty dollars a month from and after the passage of the act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. SMART moved to reconsider the vote by which the bill was

passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ADVERSE REPORTS.

Mr. SMART also, from the same committee, reported back adversely the following cases; which were laid on the table:

A bill (H. R. No. 2222) granting a pension to Elizabeth Coon;

The petition of Buford Webb; and

The petition of James S. Cutbush.

HENRY B. BURGAR.

Mr. BARRY, from the same committee, reported back a bill (H. R. No. 2504) granting a pension to Henry B. Burgar, with the recommendation that it do pass.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Henry B. Burgar, late a private in Company K, Fourth Regiment Minnesota Volunteers.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BARRY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

WASHINGTON A. HOLLOWAY.

Mr. BARRY also, from the same committee, reported a bill (H. R. No. 3730) granting an increase of pension to Washington A. Holloway; which was read a first and second time.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Washington A. Holloway, late a soldier in Company —, Second Regiment Wisconsin Cavalry, and pay him eight dollars instead of four dollars a month now paid him.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BARRY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRIDGET COLLINS.

Mr. BARRY also, from the same committee, reported a bill (H. R. No. 3731) granting a pension to Bridget Collins; which was read a first and second time.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Bridget Collins, widow of John Collins, late a private Company I, Seventeenth Regiment United States Infantry, and pay her a pension from and after the passage of the act.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. BARRY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

O. G. VAN DUSEN.

Mr. BARRY also, from the same committee, reported a bill (H. R. No. 3732) granting a pension to O. G. Van Dusen, guardian of the minor child of Reuben M. Pratt; which was read a first and second time.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of O. G. Van Dusen, guardian of the minor child of Reuben M. Pratt, late of Company H, Sixth Regiment Pennsylvania Volunteer Reserve Corps Infantry, and pay him a pension at the rate of fifteen dollars a month from and after the passage of the act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BARRY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PRINTING OF REPORTS.

Mr. RUSK. I move that the several reports accompanying the pension bills disposed of by the House this evening be printed.

The motion was agreed to.

NATIONAL MILITARY HOMES.

Mr. RUSK, from the Committee on Invalid Pensions, reported back, with the recommendation that the committee be discharged from the further consideration of the same, and that it be laid on the table, the resolution referred to the committee on the 4th of April, 1874, instructing the committee to inquire whether the system adopted by the board of managers for the National Military Homes for Disabled Volunteer Soldiers of deducting any fines and forfeitures imposed on any of the beneficiaries of the institutions for alleged breaches of discipline are in accordance with the spirit and meaning of the pension laws, and whether any such fines can legally be deducted from the monthly pay of the said pensioners.

Mr. RUSK. I move that the committee be discharged from the further consideration of the resolution, that it be laid on the table, and that the accompanying report be printed.

Mr. O'BRIEN. I understand that the report is very short, and I ask that it may be printed in the RECORD.

Mr. RUSK. That is not necessary.

The motion of Mr. RUSK was agreed to.

Mr. RUSK moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PENSION BILLS ON PRIVATE CALENDAR.

Mr. RUSK. I ask that by unanimous consent the House proceed to the consideration of pension bills on the Private Calendar. I move that the Committee of the Whole be discharged from the further consideration of the bills reported by the Committee on Invalid Pensions which are on the Private Calendar, and that they be now brought before the House for consideration. The resolution under which this session of the House is held covers that point.

Mr. HAWLEY, of Illinois. I ask the gentleman before making that motion to allow the committees to be called for reports of a private nature.

Mr. RUSK. There are only a few pension bills on the Private Calendar and it will take but a short time to dispose of them.

The SPEAKER *pro tempore*. The resolution for the session this evening provides for the consideration of reports made and to be made by the Committee on Invalid Pensions.

There being no objection, the motion of Mr. RUSK was agreed to; and the pension bills on the Private Calendar were brought before the House for consideration.

ELIZABETH M'CLUNEY.

The first pension bill on the Private Calendar was the bill (H. R. No. 2119) for the relief of Elizabeth McCluney.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, pursuant to the provisions of law in force prior to the act of July 14, 1862, and at the pension rate of fifty dollars per month, the name of Elizabeth McCluney, widow of Commodore William J. McCluney, late of the United States Navy.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. O'BRIEN moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

MRS. MARY G. HARRIS.

The next pension bill on the Private Calendar was the bill (H. R. No. 2677) granting a pension to Mrs. Mary G. Harris, widow of John Harris, late commandant of the United States Marine Corps.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Mary G. Harris, widow of John Harris, late commandant of the United States Marine Corps, and pay her a pension at the rate of fifty dollars a month from and after the passage of the act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. O'BRIEN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

HARRIET LEONARD.

The next pension bill on the Private Calendar was the bill (H. R. No. 3190) granting a pension to Harriet Leonard.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Harriet Leonard, widow of William P. Leonard, late first lieutenant in Company E, Sixty-eighth Regiment of Pennsylvania Volunteers and afterward lieutenant of Sixty-eighth Company, Second Battalion Veteran Reserve Corps, and pay her a pension from the passage of the act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. MCJUNKIN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ELIZABETH BRANNIX.

The next pension bill on the Private Calendar was the bill (H. R. No. 3191) granting a pension to Elizabeth Brannix.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth Brannix, widow of George H. Brannix, late captain Company M, Third Regiment Pennsylvania Cavalry, and pay her a pension from and after the passage of the act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. McJUNKIN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MINOR CHILDREN OF J. A. BREWER.

The next pension bill on the Private Calendar was the bill (H. R. No. 3192) granting a pension to the minor children of J. A. Brewer.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the names of Ada M. Brewer, Charles F. Brewer, and James M. Brewer, minor children of J. A. Brewer, late a private in Company A, Seventieth Regiment Ohio Volunteer Infantry, and pay them a pension from and after the passage of the act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. McJUNKIN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

WILLIAM H. BLAIR.

The next pension bill on the Private Calendar was the bill (H. R. No. 3193) repealing the act granting a pension to William H. Blair, approved July 27, 1868.

The bill, which was read, repeals the act granting a pension to William H. Blair, late a private in Company G, Twelfth Regiment Maine Volunteers, approved July 27, 1868.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. RUSK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ELIZABETH TIPTON.

The next pension bill on the Private Calendar was the bill (H. R. No. 619) granting a pension to Elizabeth Tipton, of Tennessee.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth Tipton, of Washington County, Tennessee, widow of Stephen Tipton, deceased, late a private of Company M, Eighth Tennessee Cavalry.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. RUSK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

RACHAEL W. PHILLIPS.

The next pension bill on the Private Calendar was the bill (H. R. No. 3273) granting a pension to Rachael W. Phillips, widow of Gilbert Phillips.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension-laws, the name of Rachael Phillips, widow of Gilbert Phillips, late a private in Company D, Thirty-eighth Regiment Wisconsin Volunteers, transferred to Company A, Twentieth Regiment Veteran Reserve Corps, and pay her a pension from and after the passage of the act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. RUSK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JOHN S. CORLETT.

The next pension bill on the Private Calendar was the bill (H. R. No. 3274) granting a pension to John S. Corlett.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John S. Corlett, late a teamster in the service of the United States, and to pay him the pension of a private from and after the passage of the act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. RUSK moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

ELI PERSONS.

The next pension bill on the Private Calendar was the bill (H. R. No. 3275) granting a pension to Eli Persons.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Eli Persons, late a private in Company K, Seventy-third Regiment Ohio Volunteer Infantry, and pay him a pension from and after the passage of the act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. RUSK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DAVENPORT DOWNS.

The next pension bill on the Private Calendar was the bill (H. R. No. 3276) granting a pension to Davenport Downs.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Davenport Downs, late a private in Company C, Fifth Regiment Iowa Volunteers, and to pay to him a pension from and after the passage of the act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. RUSK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MRS. MARTHA R. ROBINSON.

The next pension bill on the Private Calendar was the bill (H. R. No. 1183) granting a pension to Mrs. Martha R. Robinson.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Martha R. Robinson, widow of Major Joshua V. Robinson, late of the Thirty-third Regiment Ohio Volunteer Infantry.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. RUSK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

EMILY PHILLIPS.

The next pension bill on the Private Calendar was the bill (H. R. No. 1438) granting a pension to Emily Phillips, widow of Martin Phillips.

The question was upon ordering the bill to be engrossed and read a third time.

The bill directs the Secretary of the Interior to place upon the pension-roll, subject to the provisions and limitations of the pension laws, the name of Emily Phillips, widow of Martin Phillips, late a corporal of Company H, Fifty-sixth Ohio Volunteer Infantry, upon evidence already furnished the Commissioner of Pensions in her claim, No. 196,451.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. RUSK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ROBERT D. JONES.

The next pension bill upon the Private Calendar was the bill (H. R. No. 3277) granting a pension to Robert D. Jones.

The question was upon ordering the bill to be engrossed and read a third time.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Robert D. Jones, late a private in Company B, Third Regiment of Pennsylvania Reserves, and pay him a pension from and after the passage of the act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. RUSK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MARGARET BEELER.

The next pension bill upon the Private Calendar was the bill (H. R. No. 3278) granting a pension to Margaret Beeler.

The question was upon ordering the bill to be engrossed and read a third time.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Margaret Beeler, widow of Peter Beeler, late a private in Company A, Twelfth Regiment Tennessee Cavalry, and pay her a pension from and after the passage of the act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. RUSK moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

SALEM P. ROSE.

The next pension bill upon the Private Calendar was the bill (H. R.

No. 78) granting a pension to Salem P. Rose, of North Adams, Massachusetts.

The bill was reported from the Committee on Invalid Pensions with an amendment.

The bill, as amended, directs the Secretary of the Interior to place upon the pension-roll the name of Salem P. Rose, of North Adams, Massachusetts, late a private in Company F, Twenty-seventh Regiment Massachusetts Volunteers, and pay him a pension from and after the passage of the act.

The amendment was agreed to; and the bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. RUSK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

EMILY L. SLAUGHTER.

The next pension bill upon the Private Calendar was the bill (H. R. No. 2354) granting a pension to Mrs. Emily L. Slaughter.

The question was upon ordering the bill to be engrossed and read a third time.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Emily L. Slaughter, widow of Albert G. Slaughter, commander United States Navy, and pay her a pension from and after the passage of the act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. RUSK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MARY W. SHIRK.

The next pension bill upon the Private Calendar was the bill (H. R. No. 3427) granting an increase of pension to Mary W. Shirk, widow of James W. Shirk, deceased, late commander in the United States Navy.

The question was upon ordering the bill to be engrossed and read a third time.

The bill provides that the pension of thirty-six dollars a month now allowed to Mary W. Shirk and her children, the widow and children of James W. Shirk, deceased, late commander in the United States Navy, be increased in the sum of fourteen dollars a month, making the pension at the rate of fifty dollars a month, to be paid from the interest on the Navy-pension fund, and to take effect from and after the passage of the act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BARRY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MINOR HEIRS OF JOHN H. EVANS.

The last pension bill upon the Private Calendar was a bill (H. R. No. 2254) granting a pension to the minor children of John H. Evans.

The question was upon ordering the bill to be engrossed and read a third time.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the names of the minor heirs of John H. Evans, deceased, late a private in company A, Third Regiment of Tennessee Cavalry.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. RUSK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

COMMENCEMENT OF PENSIONS.

Mr. RUSK. I now ask that the Committee of the Whole be discharged from the further consideration of House bill No. 674 for the purpose of being considered in the House. It is a bill to provide that all pensions on account of death, wounds received, or disease contracted in the service of the United States since March 4, 1861, which have been granted, or which shall hereafter be granted, on application filed previous to January 1, 1875, shall commence from the date of death or discharge, and for the payment of the arrears of pensions.

Mr. STORM. Do I understand that this bill is on the Private Calendar?

The SPEAKER *pro tempore*. It is not.

Mr. STORM. Then I object. Under the order with reference to the business this evening I submit that we have no right to consider this bill.

Mr. RUSK. I ask for the reading of the bill.

The bill was read. It provides in the first section that all pensions which have been, or may hereafter be, granted in consequence of death occurring from a cause which originated in the service of the United States since the 4th day of March, 1861, or in consequence of wounds or injuries received or disease contracted since said date, shall commence from the date of the death or discharge from the United States service of the person on whose account the claim has been, or shall hereafter be, granted, or from the termination of the right of the party having prior title such pension; provided that the application for such pension has been, or shall hereafter be, filed with the Commissioner of Pensions on or before the 1st day of January, 1875; otherwise the pension shall commence from the date of filing the last evidence necessary to establish the same. The limitation herein prescribed is not to apply to claims by or in behalf of insane persons or minor children of deceased soldiers.

The second section provides that immediately upon the passage of the act the Commissioner of Pensions shall cause a copy of the same to be furnished each pension agent, whose duty it shall be to notify each pensioner upon his roll who shall be entitled to arrears of pension under the act, and it shall be the further duty of the Commissioner of Pensions to pay, or caused to be paid, to such pensioners, or, if the pensioner shall have died, to the person or persons entitled to the same, all such arrears of pensions as the pensioner may be entitled to, or if dead would have been entitled to under the provisions of the first section of the act had he or she survived.

Mr. RICE. I move that this bill be laid on the table.

Mr. RUSK. I do not yield. Mr. Speaker, it is hardly worth while to explain this bill. I presume it is understood by the members of the House.

Mr. STORM. Yes, sir; we all understand it.

Mr. RUSK. If the House will agree to order the previous question to-night, I will allow the vote to be taken in the morning without any debate.

Several MEMBERS. O, no.

Mr. HAYS. I would like to ask a question.

Mr. RUSK. Mr. Speaker, if the previous question is ordered to-night, will not this bill be pending in the morning?

The SPEAKER *pro tempore*. This evening was set apart specially for the consideration of reports from the Committee on Invalid Pensions. In the opinion of the Chair it will require a motion to suspend the rules to consider this bill at any time hereafter.

Mr. HOLMAN. I hope that the gentleman from Wisconsin [Mr. RUSK] will insist on having the bill acted upon to-night. It is clear that if it goes over it will not come up to-morrow as unfinished business.

Mr. BECK. I wish to make a parliamentary inquiry.

Mr. HAWLEY, of Illinois. I wish to make a suggestion to the gentleman from Wisconsin, [Mr. RUSK.] This evening was set apart not only for reports of his committee, but for reports of other committees; and——

Mr. BECK. I insist on my point of order. I submit that this bill is not a private pension bill, and does not properly come within the business for which the session of to-night was ordered.

The SPEAKER *pro tempore*. The Chair will examine the resolution under which the session of this evening was ordered.

Mr. HOLMAN. It was for reports generally from the Committee on Invalid Pensions.

The SPEAKER *pro tempore*. The Chair is informed by the gentleman who wrote the order that under it reports from this committee are in order without regard to whether they are private or public. This bill is therefore in order.

Mr. KILLINGER. Let the order for this evening's session be read.

Mr. PARKER, of New Hampshire. This bill will take $10,000,000 out of the Treasury.

Mr. RUSK. What difference if it takes $50,000,000 out of the Treasury? If our crippled soldiers are entitled to this money, why should we refuse to pay it to them?

Mr. BECK. I move that the House adjourn.

Mr. RUSK. Perhaps gentlemen do not understand what this bill is. It is to pay our crippled soldiers what we owe them. That is all.

The SPEAKER *pro tempore*. On ordering the bill to be engrossed and read a third time, the gentleman from Wisconsin [Mr. RUSK] has called for the previous question, pending which the gentleman from Kentucky [Mr. BECK] moves that the House adjourn.

Mr. HAWLEY, of Illinois. I ask the gentleman from Wisconsin to withdraw this bill until the other committees have reported.

The question being taken on the motion of Mr. BECK, that the House adjourn, there were—ayes 45, noes 88.

Mr. BECK called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and upon a division there were—yeas 46, nays 106, not voting 137; as follows:

YEAS—Messrs. Archer, Ashe, Atkins, Beck, Bell, Berry, Blount, Bromberg, Brown, Burleigh, Caldwell, John B. Clark, jr., Clymer, Comingo, Cook, Creamer, Crooke, Crossland, Giddings, Glover, Gunter, Hamilton, Hancock, Henry R. Harris, Joseph R. Hawley, Kellogg, Killinger, Lamar, Lawson, Lofland, Magee, McKee, Merriam, Milliken, Neal, O'Brien, Hosea W. Parker, Phillips, Thomas C. Platt, Robbins, James C. Robinson, H. Boardman Smith, Storm, Whitthorne, Charles W. Willard, and Ephraim K. Wilson—46.

NAYS—Messrs. Albert, Albright, Banning, Barrere, Barry, Biery, Bradley, Bright, Buckner, Buffinton, Bundy, Burchard Burrows, Roderick R. Butler, Cain, Cannon, Cason, Cessna, Amos Clark, jr., Clements, Clinton L. Cobb, Stephen A. Cobb, Conger, Corwin, Cotton, Crounse, Danford, Darrall, Dobbins, Donnan, Dunnell, Eames, Field, Fort, Frye, Gunckel, Hagans, John T. Harris, Harrison, Hatcher, John B. Hawley, Hays, Hendee, Hereford, E. Rockwood Hoar, Hodges, Holman, Howe, Hubbell, Hunton, Hyde, Knapp, Lawrence, Lowe, Lowndes, Martin, McCrary, Alexander S. McDill, MacDougall, McJunkin, Morrison, Myers, Niblack,

Niles, Nunn, O'Neill, Orr, Packard, Packer, Page, Isaac C. Parker, Rapier, Ray, Rice, James W. Robinson, Ross, Rusk, Sawyer, Henry B. Sayler, Milton Sayler, Scofield, Isaac W. Scudder, Sheats, Sheldon, Sherwood, Sloan, Sloss, Small, A. Herr Smith, Sprague, Standiford, Starkweather, Strait, Strawbridge, Thornburgh, Waldron, Wallace, Jasper D. Ward, Whitehead, George Willard, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, James Wilson, and John D. Young—106.

NOT VOTING—Messrs. Adams, Arthur, Averill, Barber, Barnum, Bass, Begole, Bland, Bowen, Benjamin F. Butler, Freeman Clarke, Clayton, Coburn, Cox, Crittenden, Crocker, Crutchfield, Curtis, Davis, Dawes, De Witt, Duell, Durham, Eden, Eldredge, Elliott, Farwell, Foster, Freeman, Garfield, Gooch, Eugene Hale, Robert S. Hale, Harmer, Benjamin W. Harris, Hathorn, Havens, Gerry W. Hazelton, John W. Hazelton, Herndon, Hersey, George F. Hoar, Hooper, Hoskins, Houghton, Hunter, Hurlbut, Hynes, Jewett, Kasson, Kelley, Kendall, Lamison, Lamport, Lansing, Leach, Lewis, Loughridge, Luttrell, Lynch, Marshall, Maynard, James W. McDill, McLean, McNulta, Mills, Mitchell, Monroe, Moore, Morey, Negley, Nesmith, Orth, Parsons, Pelham, Pendleton, Perry, Phelps, Pierce, Pike, James H. Platt, jr., Poland, Potter, Pratt, Purman, Rainey, Randall, Ransier, Read, Richmond, Ellis H. Roberts, William R. Roberts, John G. Schumaker, Henry J. Scudder, Sener, Sessions, Shanks, Lazarus D. Shoemaker, Smart, George L. Smith, J. Ambler Smith, John Q. Smith, William A. Smith, Snyder, Southard, Speer, Stanard, Stephens, St. John, Stone, Stowell, Swann, Sypher, Taylor, Charles R. Thomas, Christopher Y. Thomas, Todd, Townsend, Tremain, Tyner, Vance, Waddell, Wells, Marcus L. Ward, Wells, Wheeler, White, Whitehouse, Whiteley, Wilber, Willie, Jeremiah M. Wilson, Wolfe, Wood, Woodford, Woodworth, and Pierce M. B. Young—137.

So the House refused to adjourn.

During the roll-call,

Mr. WHITEHEAD stated that his colleague, Mr. BOWEN, was detained at home by illness.

Mr. NEAL stated this his colleague, Mr. SOUTHARD, was detained at home by illness.

Mr. COMINGO stated that his colleague, Mr. WELLS, was indisposed, and unable to be present this evening.

The vote was then announced as above recorded.

Mr. STORM. I move that the bill be laid on the table.

Mr. BECK. I move that when the House adjourns to-night it adjourn to meet on Thursday next.

Mr. RUSK. I hope that motion will not be insisted on.

Mr. BECK. I will move instead of adjourning that the House now take a recess until ten o'clock to-morrow morning, and on that motion I demand the yeas and nays.

Mr. FORT. I hope gentlemen can be accommodated in reference to this bill so that it may go over until to-morrow morning.

Mr. BECK. It was not the understanding that anything but private bills should be reported this evening. There are nearly one hundred members absent, and it is not fair to call up this bill this evening.

Mr. RUSK. If gentlemen will consent that a vote shall be taken in the morning, I will withdraw the bill.

The SPEAKER *pro tempore*. Gentlemen object to debate.

Mr. RUSK. Is a motion to suspend the rules and pass the bill now in order?

The SPEAKER *pro tempore*. It is not, pending a motion to take a recess.

Mr. HOLMAN. I ask unanimous consent to make an explanation.

Mr. ALBRIGHT. I object.

Mr. HOLMAN. I rise to a parliamentary inquiry, whether the gentleman from Wisconsin can not withdraw his bill and to-morrow move to suspend the rules and pass it?

Mr. BECK. I have no objection to that.

Mr. STORM. That is fair, and we can then have a vote on the bill in a full House.

The SPEAKER. *pro tempore*. If the gentleman will withdraw his bill with that understanding the House can proceed to receive reports of a private nature from the standing committees of the House under the order made this morning.

Mr. RUSK. I am willing to accommodate the House about this matter. If the opponents of this bill will agree to give us a fair, and square vote on it to-morrow morning, I will withdraw it.

The SPEAKER *pro tempore*. The Chair hears no objection to that arrangement, that the gentleman from Wisconsin may be permitted to-morrow to suspend the rules and pass the bill.

Mr. BECK. He can do that anyhow.

RUSK. I give notice that I mean to bring it before the House even-handed. We can suspend the rules by a two-thirds vote and pass the bill, and we do not ask our enemies consent to do that.

The SPEAKER *pro tempore*. Does the gentleman withdraw his bill?

Mr. RUSK. No; I do not withdraw it.

The SPEAKER *pro tempore*. Then the pending question is on the motion of the gentleman from Kentucky that the House take a recess until to-morrow morning at ten o'clock.

Mr. BECK. I withdraw that and move the House do now adjourn.

Mr. RUSK. If we take a recess until ten o'clock to-morrow morning will this come up as unfinished business?

The SPEAKER *pro tempore*. It will not.

Mr. RUSK. Will it at eleven o'clock?

The SPEAKER *pro tempore*. It will not.

The House divided on the motion to adjourn; and there were—ayes 60, noes 50.

Mr. RUSK demanded the yeas and nays.

The yeas and nays were ordered.

Mr. RUSK. I will withdraw the bill and give notice that I will move to suspend the rules and pass it to-morrow morning.

The SPEAKER *pro tempore*. Reports of a private nature are in order from the standing committees of the House.

Mr. CLEMENTS. How do we lose the yeas and nays on the motion to adjourn?

The SPEAKER *pro tempore*. The Chair supposed, the bill being withdrawn, the gentleman from Kentucky withdrew his motion to adjourn.

Mr. BECK. I do withdraw the motion to adjourn.

Mr. CLYMER. I renew it.

The House divided; and there were—ayes 30, noes 73.

Mr. CLYMER demanded the yeas and nays.

The yeas and nays were not ordered.

So the House refused to adjourn.

REPORTS FROM COMMITTEES.

The SPEAKER *pro tempore*. Reports of a private nature are now in order from the standing committees of the House under the order made this morning. Reports are first in order from the Committee on Elections.

E. AND J. KOCH.

Mr. SHELDON, from the Committee on Ways and Means, reported back, with the recommendation that it do pass, the bill (S. No. 552) to refund to E. and J. Koch certain customs duties; and the same was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

REPORTS FROM COMMITTEE ON CLAIMS.

Mr. HAWLEY, of Illinois, from the Committee on Claims, reported back the bill (H. R. No. 3301) for the payment of $800 to Milton Kennedy, for services on the steamboat Piketon, and moved that the committee be discharged from the further consideration of the same, and that it be referred to the Committee on War Claims.

Mr. WILLARD, of Vermont. I do not desire to be overcaptious, but I understood that committees were to be called merely for reference to bills of the Committee of the Whole on the Private Calendar.

The SPEAKER *pro tempore*. That was the order of the House, and reports for other purposes can only be received by unanimous consent.

Mr. WILLARD, of Vermont. I do not insist on my objection.

The Committee on Claims was discharged from further consideration of the bill, and it was referred to the Committee on War Claims.

Mr. HAWLEY, of Illinois, also, from the Committee on Claims, reported back the following memorials and bills; and the committee was discharged from the further consideration of the same, and they were severally referred to the Committee on War Claims, and the accompanying reports ordered to be printed:

The memorial of William H. Curran;

The bill (H. R. No. 3364) for the relief of Rachael Turrentine, Charity W. Turrentine, *et al.;*

The bill (H. R. No. 2467) to reimburse the Judson Female College, in Henderson County, North Carolina, for damages sustained from United States troops, after the close of the war between the States;

The petition of Charlotte A. Van Corte;

The bill (H. R. No. 3647) for the relief of Mrs. Maria Waits, of New Orleans, Louisiana;

The bill (H. R. No. 3649) for the relief of J. B. Prean;

A bill to reimburse Robert Clarke; and

The memorial of William Mason, of Taunton, Massachusetts.

Mr. HAWLEY, of Illinois, also, from the same committee, reported a bill (H. R. No. 3733) for the relief of Sarah Morrison, administratrix of the estate of Christian D. Morrison, deceased; which was read a first and second time.

Mr. HAWLEY, of Illinois. I ask that the bill may be referred to the Committee of the Whole on the Private Calendar.

Mr. STORM. I call for the reading of that bill.

Mr. HOLMAN. I rise to a question of order. The order of the House was that the several committees should be called for reports on private bills to be referred without action by the House to the Committee of the Whole on the Private Calendar. I submit that under that order it is not in order to call for the reading of these bills.

Mr. HAWLEY, of Illinois. I wish also to suggest that each one of these bills is accompanied by a report which will be printed. The bills are not reported for action at the present time but simply for reference, and I submit that there is no necessity for their being read.

The SPEAKER *pro tempore*. The Chair is obliged to overrule the point of order. What the gentleman from Indiana and the gentleman from Illinois have stated may be a good argument why the bills should not be read, but the gentleman from Pennsylvania [Mr. STORM] has his right and is entitled to call for the reading.

The bill was read at length, and was referred to the Committee of the Whole on the Private Calendar.

Mr. HAWLEY, of Illinois, also, from the same committee, reported a bill (H. R. No. 3734) for the relief of William R. Hervey, of Louisville, Kentucky; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

He also, from the same committee, reported back, with the recommendation that it do pass, the bill (S. No. 688) referring the claim of the owners of the schooner Ada A. Andrews to the Court of Claims;

and the same was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

Mr. DUNNELL, from the same committee, reported a bill (H. R. No. 3735) for the relief of Anna W. Osborne; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

He also, from the same committee, reported back, with the recommendation that it do pass, the bill (H. R. No. 2700) amendatory of the act entitled "An act for the relief of the heirs and next of kin of James B. Armstrong, deceased," approved April 3, 1873; and the same was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

He also, from the same committee, reported back, with the recommendation that it do pass, the bill (H. R. No. 1628) for the relief of Montraville Patton, of Buncombe County, North Carolina; and the same was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

He also, from the same committee, reported back, with the recommendation that it do pass, the bill (H. R. No. 1515) for the relief of Gustavus F. Jocknick; and the same was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

He also, from the same committee, reported back, with the recommendation that it do pass, the bill (S. No. 597) for the relief of William A. Griffin; and the same was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

He also, from the same committee, reported adversely on the memorial of Joseph San Roman, of Cameron County, Texas; and the same was laid on the table, and, with the accompanying report, ordered to be printed.

Mr. SMITH, of Ohio, from the same committee, reported back, with the recommendation that it do pass, the bill (S. No. 595) for the relief of Benjamin Cooley and James W. Boswell; and the same was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

He also, from the same committee, reported a bill (H. R. No. 3739) for the relief of Thomas Lynch and others, of the city of Chicago; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

He also, from the same committee, reported back, with the recommendation that it do pass, the bill (H. R. No. 2260) for the relief of James G. Harrison, a citizen of Indiana; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

He also, from the same committee, reported back, with the recommendation that it do pass, the bill (H. R. No. 2195) for the relief of workmen employed in the construction of Poverty Island light-house, Lake Michigan; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

Mr. SMITH, of Ohio. I desire to make an adverse report from the same committee.

Mr. BUTLER, of Tennessee. I rise to a point of order. Can an adverse report be entertained under the resolution under which the House is acting?

The SPEAKER *pro tempore*. The Chair is of opinion that it can.

Mr. BUTLER, of Tennessee. From any other committee except the Committee on Invalid Pensions?

The SPEAKER *pro tempore*. The order in relation to the Committee on Invalid Pensions has been executed, and the second branch of the order is now being carried out.

Mr. BUTLER, of Tennessee. What is that?

The SPEAKER, *pro tempore*. That after that order was executed all the standing committees should be called for private bills for reference to the Private Calendar.

Mr. BUTLER, of Tennessee. But this is not for reference to the Private Calendar. The gentleman proposes to make an adverse report.

The SPEAKER *pro tempore*. The gentleman from Tennessee himself not long since made objection to a bill reported adversely being laid upon the table, and the Chair ruled that that objection sent the bill to the Private Calendar.

Mr. BUTLER, of Tennessee. I am very well aware of that; but I do not make objection in this case.

Mr. STORM. Suppose objection is not made?

The SPEAKER *pro tempore*. Very well; then the report would be laid upon the table.

Mr. HOWE also, from the same committee, reported back, with the the recommendation that it do pass, the bill (H. R. No. 2750) for the relief of Peter P. Marrion; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

He also, from the same committee, reported back, with the recommendation that it do pass, the bill (H. R. No. 2304) for the relief of Andrew J. Barrett; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

He also, from the same committee, reported back, with the recommendation that it do pass, the bill (H. R. No. 2503) for the payment of certain Indian war bonds of the State of California; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

He also, from the same committee, reported a bill (H. R. No. 3737) for the relief of N. H. Ryan; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

Mr. HAMILTON, from the same committee, reported back, with the recommendation that it do not pass, the bill (H. R. No. 1901) for the relief of F. B. Stewart; and the same was laid upon the table, and, with the accompanying report, ordered to be printed.

Mr. HAMILTON, from the same committee, reported back, with the recommendation that it do pass, the bill (H. R. No. 3208) for the relief of John Henderson; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

He also, from the same committee, reported a bill (H. R. No. 3738) for the relief of Simon M. Preston, late collector of internal revenue for the first collection district of Mississippi; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

REPORTS FROM THE COMMITTEE ON WAR CLAIMS.

Mr. LAWRENCE, from the Committee on War Claims, made an adverse report on the petition of Francis A. Gibbons; and the same was laid on the table, and, with the accompanying report, ordered to be printed.

Mr. ATKINS. I move that the House do now adjourn.

Mr. LAWRENCE. O, no; let us get these reports in.

Mr. ATKINS. There is not a quorum present.

Mr. LAWRENCE. The reports are only for reference.

Mr. ATKINS. Very well; I withdraw the motion.

Mr. LAWRENCE also, from the same committee, reported back, with the recommendation that it do not pass, the bill (H. R. No. 2638) asking compensation for wood taken for public use of troops of the United States near Fort Craig, New Mexico; which was laid upon the table, and, with the accompanying report, ordered to be printed.

Mr. LAWRENCE also, from the same committee, reported adversely upon the following; and they were laid upon the table, and the accompanying reports were ordered to be printed:

The claim of R. F. Graves; and

The claim of Gideon J. Pillow.

Mr. BUTLER, of Tennessee. Is a motion to adjourn now in order?

The SPEAKER *pro tempore*. It is.

Mr. BUTLER, of Tennessee. Then I make that motion.

The question was taken upon the motion to adjourn; and upon a division there were—ayes 44, noes 34.

Mr. LOUGHRIDGE. I call for tellers.

Mr. BUTLER, of Tennessee. If gentlemen will withhold their adverse reports I will withdraw the motion to adjourn.

Mr. LAWRENCE. I do not make any such agreement.

Mr. BUTLER, of Tennessee. Then we will adjourn.

Tellers were ordered; and Mr. BUTLER, of Tennessee, and Mr. LAWRENCE were appointed.

The House again divided; and the tellers reported that there were—ayes 30, noes 33.

Before the result of this vote was announced,

Mr. LAMAR called for the yeas and nays on the motion to adjourn.

The yeas and nays were ordered, there being thirty in the affirmative, more than one-fifth of the last vote.

The SPEAKER *pro tempore*. The question was upon the motion to adjourn, upon which the yeas and nays have been ordered.

Mr. HOLMAN. It is very manifest that there is no quorum present, and of course there is no necessity for our consuming time by calling the yeas and nays. I move to reconsider the vote by which the yeas and nays were called, for the purpose of having the vote again taken upon the motion to adjourn. I think we had better adjourn now.

The vote ordering the yeas and nays was then reconsidered.

The question was again taken upon the motion to adjourn, and it was agreed to; and accordingly (at ten o'clock and thirty-five minutes, p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. BUCKNER: The memorial of the board of president and directors of the Saint Louis public schools, remonstrating against the passage of any law which shall enforce the establishment of schools common to both the white and colored races, to the Committee on the Judiciary.

By Mr. CLYMER: The remonstrance of bankers and business men of Reading and Berks County, Pennsylvania, against the passage of the twenty-ninth section of the tariff bill, which imposes a tax on sales of stocks, bonds, bullion, coin, and other securities, to the Committee on Ways and Means.

By Mr. HARRIS, of Virginia: The petition of Z. W. Pickerill, of Petersburgh, Virginia, to be compensated for tobacco taken by United States troops, to the Committee on War Claims.

By Mr. RICHMOND: The petition of Nathaniel Carey, for an appropriation to test his invention for producing rain by artificial means, to the Committee on Appropriations.

By Mr. SENER: The petition of owners of steamers and sailing-vessels plying Chesapeake Bay, for the erection of a light-house on the eastern terminus of Dammeron's Marsh, in said bay, to the Committee on Commerce.

Also, the petition of Mrs. Triffy Evans, of Accomac County, Virginia, for compensation for sloop Georgeanna and schooner Sea Flower, seized by the naval forces of the United States in 1862, to the Committee on War Claims.

By Mr. SESSIONS: The petition of W. T. Duvall, for relief on contract with the Supervising Architect of the Treasury, to the Committee on Public Buildings and Grounds.

By Mr. SHANKS: The petition of citizens of Montpelier, Blackford County, Indiana, for the passage of the bill to aid in the construction of the Continental Freight Railway, to the Committee on Railways and Canals.

By Mr. VANCE: The petition of G. W. Hayes and 44 other citizens of Cherokee County, North Carolina, asking aid in building the Western North Carolina Railroad from Old Fort, North Carolina, to Ducktown, Tennessee, to the Committee on Railways and Canals.

By Mr. WHITTHORNE: The petition of George N. Stine and 76 others, of Dickson County, Tennessee, for the restoration of the 10 per cent. reduction of duties on iron and steel, and for free banking, to the Committee on Ways and Means.

By Mr. WOODWORTH: The petition of the Girard Iron Company and 154 other persons and business firms, for the passage of the bill to aid in the construction of the Continental Freight Railway, to the Committee on Railways and Canals.

IN SENATE.

WEDNESDAY, *June* 17, 1874.

The Senate met at eleven o'clock a. m.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

HUDSON'S BAY COMPANY.

Mr. HAMLIN. I ask permission of the Senate to allow me to call up House bill No. 3351. It will take but a very few minutes, and it fulfills an obligation which is imposed on this body that I am sure no Senator will disregard.

There being no objection, the bill (H. R. No. 3351) to ascertain the possessory rights of the Hudson's Bay Company and other British subjects within the limits which were the subject of the award of His Majesty the Emperor of Germany under the treaty of Washington of May 8, 1871, and for other purposes, was considered as in Committee of the Whole.

The preamble recites that it was stipulated by article 1 of the treaty concluded at Washington on the 15th of June, 1846, between the United States and Great Britain, that the line of boundary between the territories of the United States and Her Britannic Majesty, from the point on the forty-ninth parallel of north latitude, up to which it had already been ascertained, should be continued westward along that parallel of north latitude "to the middle of the channel which separates the continent from Vancouver's Island, and thence southerly through the middle of said channel and of Fuca Straits to the Pacific Ocean;" and that by article 3 of that treaty it was stipulated that "in the future appropriation of the territory south of the forty-ninth parallel of north latitude, as provided in the first article of this treaty, the possessory rights of the Hudson's Bay Company, and of all British subjects who may be in the occupation of land or other property lawfully acquired within the said Territory, shall be respected;" and that by article 34 of the treaty concluded at Washington on the 8th of May, 1871, the question of where "the boundary which runs southerly through the middle of the channel aforesaid" should be located was submitted to His Majesty the Emperor of Germany, whose decision was to be final and without appeal; and that by the award of His Majesty the Emperor of Germany, of October 21, 1872, the boundary was established, and it now devolves upon the United States to discharge its treaty obligations. Therefore the bill provides for the appointment of a commissioner by the President of the United States to make and report to the Secretary of the Interior a list of all British subjects who, on the 15th day of June, 1846, were in the occupation of land, lawfully acquired, within the limits which were the subject of the award of His Majesty the Emperor of Germany, together with a description of the land actually occupied by each at that date. The commissioner shall proceed to the vicinity of the land in question, and there receive proof of the occupancy of such land and of the mode by which such occupancy was acquired, after first giving reasonable notice as to the matters to be reported by him. Such proof shall consist of oral testimony, under oath, and such documentary proofs as the occupants may present. The testimony of all witnesses shall be reduced to writing, and all documentary proof offered by the parties and received by the commissioner shall be attached to the deposition of the party offering such proofs, which testimony and proofs shall be submitted by the commissioner with his report, and such report shall be subject to review by the Secretary of the Interior, whose action thereon shall be final.

The commissioner is to receive for his services ten dollars per diem, together with traveling expenses at the rate of ten cents per mile for the distance actually traveled in the execution of his commission; and the sum of $1,000 is appropriated to defray such expenses.

All British subjects whose claims shall be approved by the Secretary are to be allowed to purchase from the United States the land so designated at any time within one year from such approval, at the ordinary minimum price per acre where the lands are situated outside railroad limits, and at double minimum price where the lands are within railroad limits. Such entries are to be according to legal subdivisions, so as to include the improvements of the occupants; and where two or more parties shall have improvements on the same smallest legal subdivision, they may make a joint entry thereof. In case entry and payment be not made within one year from the date of such approval by the Secretary of the Interior, all possessory rights named in article 3 of the treaty of June 15, 1846, shall be considered forfeited, and the lands shall thereafter be deemed and treated as a part of the public domain, to be disposed of as other lands.

Mr. THURMAN. This may be right, but I should like to ask the Senator from Maine a question about it. By the treaty commonly called the Oregon treaty of 1846 it was provided that—

> In the future appropriation of the territory south of the forty-ninth parallel of north latitude, as provided in the first article of this treaty, the possessory rights of the Hudson's Bay Company, and of all British subjects who may be already in the occupation of land or other property lawfully acquired within the said territory, shall be respected.

After the execution of that treaty the Government of the United States settled with the Hudson's Bay Company and obtained a release; and the question that I wish to have answered is whether that release covers this island which we always claimed after the execution of that treaty, but which was not finally determined to be ours until the Emperor of Germany made his award, or whether the release of the Hudson's Bay Company for which we paid a pretty round sum, and a great deal more in my humble judgment than that company was entitled to, was limited to that territory which was not disputed between us and Great Britain? If these islands which were in dispute were excepted from that release, then it seems but right and in fact we are bound by the treaty to respect those rights or to make some compensation or in some other way to extinguish them. But if they are embraced by the release which was executed to us by the Hudson's Bay Company, then that company can have no further claim.

Mr. HAMLIN. In reply to the inquiry or suggestion made by the Senator from Ohio, I will say that I understand our Government and I understand the British government do not regard the lands lying outside of the line named in the treaty of Washington, so called, as included in the release. In other words, this bill does not cover any of the lands named by the Senator for which compensation has been made. It understood by our Government. It is so understood by the British government. This bill is only to carry out the provisions of the treaty of Washington as understood by the respective parties. None of the land covered by this bill was at all affected in the settlement which was formally made, and therefore the bill is eminently just. I will add that the bill was carefully drawn at the State Department where all the facts were known; it underwent a careful inspection by the Committee on Foreign Relations and received their unanimous approval.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

ADDITIONAL LAND DISTRICTS IN KANSAS.

Mr. HARVEY. The Committee on Public Lands, to whom was referred the bill (H. R. No. 203) to create two additional land districts in the State of Kansas, have had the same under consideration and have instructed me to report it back without amendment; and I ask for its present consideration.

By unanimous consent, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

NAME OF A YACHT.

Mr. WASHBURN. There are two little bills on the Calendar that will take but a moment which I should like to have considered. The first is House bill No. 2384.

By unanimous consent, the bill (H. R. No. 2384) to change the name of the pleasure-yacht Planchette to that of Laxen, was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

MARY S. HOWE.

Mr. WASHBURN. I ask for the consideration of House bill No. 2670.

By unanimous consent, the bill (H. R. No. 2670) granting a pension to Mary S. Howe was considered as in Committee of the Whole.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary S. Howe, widow of David Howe, late special agent of the provost marshal's office for the fourth district of Massachusetts, and to pay her a pension at the rate of eight dollars a month.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

WYOMING TERRITORIAL APPORTIONMENT.

Mr. HITCHCOCK. There are a couple of bills reported by the Committee on Territories to which there will be no objection, and I should like to have them disposed of. I ask first for the consideration of House bill No. 2450.

There being no objection, the bill (H. R. No. 2450) to provide for the apportionment of the Territory of Wyoming for legislative purposes was considered as in Committee of the Whole. It provides that the apportionment of the Territory of Wyoming for the election of members of the next Legislative Assembly of the Territory shall be made by the governor thereof, in accordance with the provisions of an act of Congress entitled "An act to provide a temporary government for the Territory of Wyoming," approved July 25, 1868; but for the purpose of such apportionment it shall not be necessary to take a new or additional census or enumeration of said Territory. The power hereby conferred upon the governor is to be continued in full force until an apportionment shall be made by the Legislative Assembly of the Territory, under the provisions of the organic act thereof.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

TERRITORIAL PENITENTIARIES.

Mr. HITCHCOCK. One other bill I wish to have passed. It is House bill No. 440.

By unanimous consent, the bill (H. R. No. 440) to amend the act entitled "An act transferring the control of certain territorial penitentiaries to the several Territories in which the same are located," approved January 24, 1873, was considered as in Committee of the Whole. It proposes to amend the act entitled "An act transferring the control of certain territorial penitentiaries to the several Territories in which the same are located," approved January 24, 1873, by striking out the words "Montana," "Idaho," and "Wyoming," wherever the same occur in that act, which is hereafter to have no applicability to the Territories of Montana, Idaho, and Wyoming. The penitentiaries in those Territories are to continue under the care and control of the marshal of the United States for the Territories, under and pursuant to the provisions of the act entitled "An act in relation to certain territorial penitentiaries," approved January 10, 1871; which last-mentioned act is revived and re-enacted so far as the same applies to the Territories of Montana, Idaho, and Wyoming.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

SUFFERERS FROM MISSISSIPPI OVERFLOW.

Mr. WEST. I am directed by the Committee on Appropriations, to whom was referred the bill (H. R. No. 3673) making an additional appropriation to enable the Secretary of War to carry out the provisions of the act of April 23, 1874, entitled "An act to provide for the relief of the persons suffering from the overflow of the Lower Mississippi River," and for other purposes, to report the same back without amendment and to ask that it be put upon its passage immediately.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill?

Mr. SAULSBURY. I think that bill had better go over.

The PRESIDENT *pro tempore*. The Senator from Delaware objects to the present consideration of the bill.

JAMES A. M'CULLAH.

Mr. SCHURZ. I move that the Senate take up House bill No. 3173.

The motion was agreed to, and the bill (H. R. No. 3173) for the relief of James A. McCullah, late collector of the fifth district of Missouri, was considered as in Committee of the Whole. It directs the proper accounting officers of the Treasury to credit the account of James A. McCullah, late collector of the fifth district of Missouri, with a sum not exceeding $7,814.19, being the amount alleged to be uncollected on assessment lists transferred by him to his successor in office, and which were destroyed by fire while in the hands of his said successor; but such credits are not to be allowed until it shall be shown to the satisfaction of the Commissioner of Internal Revenue, by affidavits general in their character and applying to said amount in the aggregate, that due diligence was used by McCullah to make collection of the same while the lists remained in his hands, and that it was not collected by him.

The Committee on Finance proposed to amend the bill by striking out, commencing in line 12, the words "by affidavits general in their character and applying to said amount in the aggregate;" in line 15, by striking out the words "the same" and inserting the words "said taxes;" and in line 16, by striking out the words "it was" and inserting "they were;" so as to make the proviso read:

Provided, That such credits shall not be allowed until it shall be shown to the satisfaction of the Commissioner of Internal Revenue that due diligence was used by said McCullah to make collection of said taxes while said lists remained in his hands, and that they were not collected by him; it being the intention of this act to relieve said McCullah from complying with the strict requirements of existing regulations relative to the abatement of uncollected taxes.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

A. C. VORIS.

Mr. SHERMAN. I ask the Senate to act upon a pension bill which has been reported recently and which will take but a moment. I move to take up House bill No. 2671.

The motion was agreed to; and the bill (H. R. No. 2671) granting a pension to General A. C. Voris was considered as in Committee of the Whole. It provides for placing on the pension-roll, subject to the provisions and limitations of the pension laws, the name of General A. C. Voris, late colonel of the Sixty-seventh Regiment of Ohio Volunteers, at the rate of thirty dollars a month, to commence from the date of his discharge from the service of the United States.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

ROSA VERTNER JEFFREYS.

Mr. STEVENSON. I move to take up Senate bill No. 878.

The motion was agreed to; and the bill (S. No. 878) for the relief of Rosa Vertner Jeffreys was read the second time and considered as in Committee of the Whole. It provides for the payment to Rosa Vertner Jeffreys of $5,000, in full compensation for the use of and damages done to her property in Lexington, Kentucky, by reason of occupation of the same by the military authorities of the United States in the years 1862, 1863, 1864, and 1865.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. SCOTT. I move to proceed to the consideration of House bill No. 2787.

Mr. FRELINGHUYSEN. I rose to call for the reading of the report in the case of Mrs. Jeffreys.

The PRESIDENT *pro tempore*. The Senator can move to reconsider the vote on the passage of that bill.

Mr. FRELINGHUYSEN. I did not know what the bill was about. I move to reconsider the vote if that is necessary to secure an explanation.

The PRESIDENT *pro tempore*. The Senator from New Jersey moves to reconsider the vote by which the bill (S. No. 878) for the relief of Rosa Vertner Jeffreys was passed.

Mr. STEVENSON. May I ask the Senator from New Jersey why he made the motion?

Mr. FRELINGHUYSEN. I stated that I did not know what the bill was about.

Mr. STEVENSON. I did not hear the Senator ask the question.

Mr. FRELINGHUYSEN. I am perfectly willing to withdraw my motion and hear a statement from the Senator from Kentucky.

Mr. STEVENSON. This is a bill reported unanimously from the Committee on Claims. The dwelling-house of Mrs. Jeffreys, who was a loyal woman in Lexington, was occupied by the troops of the United States when she was at the North. I think every major-general who was there and occupied it has testified to the merit of this claim. The chairman of the Committee on Claims knows a great deal more about the case than I do, and I would be very glad if he would make a statement.

Mr. SCOTT. I can state very briefly about this claim. The house occupied was one of the finest in the city of Lexington, and it was filled with a library, plate, very fine furniture, and many other appliances of luxury used by the family to which it belonged. If it were possible to allow for the whole extent of valuation that was destroyed in that property $20,000 would not pay the owner, and I regret very much that it was not in the power of the Committee on Claims to allow the full amount, and I regret just as much that the War Department has not seen proper in many instances to take the shoulder-straps from some officers who permitted such spoliations as the evidence showed were permitted in that house and on that property, where very valuable carpets, libraries, &c., in a house occupied as the headquarters of a high commanding officer, were permitted to be despoiled and carried away. The amount allowed, after very great contest in the committee, is not more than one-fourth of the damages suffered, and all such items were excluded. This amount is for rent and actual damages, and it was the result of a very protracted consideration in the committee. I think the claim is entirely just and ought to be paid.

Mr. FRELINGHUYSEN. I would ask the Senator from Pennsylvania a question. Of course everybody would be glad under the circumstances to vote this money; but the question I want to ask is one that involves the principle, whether this property was within our lines or within the enemy's lines?

Mr. SCOTT. It was within our lines.

Mr. FRELINGHUYSEN. Then I have no objection.

The PRESIDENT *pro tempore*. Does the Senator withdraw his motion?

Mr. FRELINGHUYSEN. Pdo.

PITTSBURGH MARINE HOSPITAL.

The PRESIDENT *pro tempore*. The bill indicated by the Senator from Pennsylvania is before the Senate.

The bill (H. R. No. 2787) to provide for the sale of the present United States marine hospital and site and the purchase of a new site and erection thereon of a new marine hospital, in the city of Pittsburgh, Pennsylvania, was considered as in Committee of the Whole.

Amendments were reported by the Committee on Commerce.

The first amendment was after the word "point," in line 14, to insert "and in accordance with designs to be prepared by the Supervising Architect to the satisfaction of the supervising surgeon of marine-hospital service and approved by the Secretary of the Treasury."

The amendment was agreed to.

The next amendment was to strike out in line 27, after the word "provided," the words "the terms of sale of the present building will not admit of their remaining therein" and insert "it is practicable so to do; but in the event of such provision being found to be impracticable, then the present building shall be occupied for such patients."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

WILLIAM J. PATTON.

Mr. CLAYTON. I believe I have not asked the Senate to take up a bill this session. I now move to take up Senate bill No. 459.

The motion was agreed to; and the consideration of the bill (S. No. 459) for the relief of William J. Patton was resumed as in Committee of the Whole.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

BUSINESS OF COMMITTEES.

Mr. BUCKINGHAM. The Committee on Indian Affairs have reported quite a number of bills which are on the Calendar which appear to be important. Some are from the House and some are original bills of the Senate. I rise to ask the Senate to give me from one to two hours to take up and act upon bills reported by that committee, and I would ask that they give me to-morrow evening. I propose that we have a recess to-morrow, and that to-morrow evening one or two hours, as shall seem best to the Senate, be given for the purpose indicated.

The PRESIDENT *pro tempore*. The Senator from Connecticut asks the Senate to order a recess to-morrow, the session to-morrow evening being for the purpose of considering bills reported from the Committee on Indian Affairs.

Mr. STEWART. I do not think the evening is a good time.

The PRESIDENT *pro tempore*. The motion is not in order; but the Senator asks an understanding, so that the motion can be made to-morrow.

Mr. BUCKINGHAM. If the motion is not in order now I will withhold it.

Mr. CHANDLER. I ask unanimous consent, if it is in order, to move that the Senate take a recess to-day for the purpose of considering this evening bills reported by the Committee on Commerce.

The PRESIDENT *pro tempore*. It is in order to move for a recess to-day.

Mr. CHANDLER. I move that the Senate take a recess from five o'clock to half-past seven o'clock this evening for the purpose I have indicated.

Mr. ANTHONY. I think it would be much better to give the Senator from half past five as long a time as he may require than it would be for us to adjourn at half past five and come back at half past seven. What can we do from half past five to half past seven except to go through the heated streets, get a poor dinner, and come back again? I would much rather stay here the same length of time that we should have to stay in the aggregate if we took a recess and came back afterward. Therefore let the Senator ask for a particular time this afternoon, say at half past five o'clock, instead of taking a recess at that time, to take up his bills and then go through with them.

Mr. CHANDLER. That will suit me as well.

The PRESIDENT *pro tempore*. The Senator from Michigan asks unanimous consent that at five o'clock this afternoon the Senate proceed to consider bills reported by the Committee on Commerce. Is there objection?

Mr. WEST. That arrangement undoubtedly will contribute very much to our comfort and perhaps contribute to the measure that the Senator desires to lay before the Senate; but it might have the effect of indefinitely postponing the post-office appropriation bill. If it is to be understood that that business which the Senator proposes to bring forward shall not interfere with that bill I have no objection, otherwise I must object.

Mr. CHANDLER. I will consent that that appropriation bill, if not passed by that time, shall be the unfinished business after we get through.

Mr. WEST. I am obliged to the Senator, but I must object to any such arrangement, for it is an indefinite postponement of the post-office bill.

Mr. CHANDLER. It is not.

Mr. WEST. How not?

Mr. CHANDLER. Because it retains its place.

Mr. WEST. I object to its going over.

Mr. CHANDLER. I ask unanimous consent then that the post-office appropriation bill be considered the unfinished business at the adjournment to-day.

The PRESIDENT *pro tempore*. It is proposed that unanimous consent be given that at five o'clock to-day the Senate will proceed to the consideration of bills reported by the Committee on Commerce.

Mr. SCOTT. Let me inquire of the chairman of the Committee on Commerce whether it is his design to take up any other bill than the river and harbor appropriation bill?

Mr. CHANDLER. I do not desire to take that up this evening. I wish to act on other business.

Mr. SCOTT gave notice that as soon as the post-office appropriation was over, and that was concurred in by the chairman of the Committee on Appropriations, he would ask that the bill reported by the Committee on Claims for the payment of awards made by the claims commissioners be taken up.

Mr. CHANDLER. I propose to take up the river and harbor bill the moment we get through with the post-office appropriation bill.

Mr. SCOTT. I do not propose to object if that is the only bill the Senator from Michigan wishes to consider to-day.

Mr. CHANDLER. To-night I wish to take up general business of the Committee on Commerce. That committee has not had a day or an evening, and I propose to take up some twenty or thirty bills to-night, but not the river and harbor bill.

Mr. SCOTT. Let us take the recess, and let the Senate determine in the evening whether they will take up the Senator's bills or the bill I have indicated, and I shall abide the decision.

The PRESIDENT *pro tempore*. The Chair would like to learn whether there is any understanding on this subject. Is it understood that at five o'clock this afternoon the Senate is to proceed to consider the bills reported by the Committee on Commerce, and that the post-office appropriation bill is to be called up before the adjournment in order that it shall remain the unfinished business? Is there objection to that understanding?

Mr. DAVIS. If the river and harbor bill is the only one the Senator from Michigan intends to call up, there is no objection.

Mr. CHANDLER. It is not.

Mr. DAVIS. Then I object. I think that bill ought to be considered.

Mr. CHANDLER. I propose to take that up the very moment we get through with the post-office bill, and I do not wish to consider it at an unusual hour. I will call it up the very moment the post-office bill is through.

Mr. DAVIS. I want the river and harbor bill considered as soon as the post-office bill is through with.

Mr. CHANDLER. That I shall insist upon.

The PRESIDENT *pro tempore*. No understanding can be arrived at, apparently.

LAND DISTRICT IN COLORADO.

Mr. OGLESBY. I ask the Senate to proceed to the consideration of a bill which was taken up the other morning, read, and considered, and we were just about to proceed to vote on it. It does not require to be read at all. It will take less than quarter of a minute to pass it and there is no objection to it. It is the bill (H. R. No. 1507) to create an additional land district in the Territory of Colorado.

By unanimous consent, the bill was considered as in Committee of the Whole.

Mr. OGLESBY. The Senator from Arkansas [Mr. CLAYTON] objected and he has withdrawn his objection.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

CHANGE OF NAME OF A BRIG.

Mr. MITCHELL. There are two local bills in which my constituents are very much interested. I do not think they will take one minute. I ask to take up House bill No. 3591.

There being no objection, the bill (H. R. No. 3591) to change the name of the brig Sidi to Sea Waif was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

WILLIAM L. ADAMS.

Mr. MITCHELL. I now ask to take up for consideration Senate bill No. 382.

There being no objection, the bill (S. No. 382) for the relief of William L. Adams, late collector of customs at Astoria, Oregon, was considered as in Committee of the Whole.

The Committee on Claims reported an amendment to strike out all after the enacting clause of the bill and in lieu thereof to insert the following:

That the proper accounting officers of the Treasury be, and they are hereby, directed to allow William L. Adams, late collector of the port of Astoria, in the district of Oregon, in the settlement of his accounts, so much of the public funds as

were stolen from him and never paid into the Treasury, while engaged, in February, 1866, in conveying said funds from his office in Astoria to San Francisco, California, for the purpose of depositing the same with the United States assistant treasurer in that city, pursuant to the instructions of the Secretary of the Treasury: *Provided*, That the sum so allowed said Adams shall not exceed $12,190.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

It was ordered that the amendment be engrossed and the bill read a third time.

The bill was read the third time, and passed.

REMISSION OF DUTY ON RECOVERED SUNKEN MERCHANDISE.

Mr. MORRILL, of Vermont. I am directed by the Committee on Finance, to whom was recommitted the bill (H. R. No. 3539) to admit free of duty merchandise sunk for two years and afterward recovered, to report it back without amendment, and as it is very brief, I ask for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. Whenever any ship or vessel, laden with merchandise in whole or in part subject to duty, shall have been sunk in any river, harbor, bay, or waters subject to the jurisdiction of the United States and within its limits, and shall have remained so sunk for the period of not less than two years, and shall be abandoned by the owners, the bill proposes to permit any person or persons who may raise any portion of the cargo of such ship or vessel to bring the merchandise so recovered into the port nearest to the place where such ship or vessel was so sunk free from the payment of any duty thereupon, and without being obliged to enter the same at the custom-house, under such rules and regulations as the Secretary of the Treasury may prescribe.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WASHINGTON MARKET COMPANY.

Mr. MORRILL, of Vermont. I desire to give notice that some time during the day I shall ask the Senate to take up Senate bill 937, annulling some acts of the Legislative Assembly in this District in relation to the Washington Market Company, and if Senators in the mean time will look at report No. 449, I do not think the bill will take five minutes' time.

JOSEPH S. READ.

Mr. FRELINGHUYSEN. I move that the Senate take up House bill No. 2463. It is simply a bill paying a few hundred dollars to a messenger here in the Capitol.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 2463) for the relief of Joseph S. Read. It directs the proper accounting officer of the Treasury to pay to Joseph S. Read the sum of $395.72; which is to be received in full compensation for the services of Read as an assistant door-keeper to the House of Representatives from the 1st of August to the 10th of November, in the year 1868.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

COST OF SURVEY OF NORTHERN PACIFIC RAILROAD LANDS.

Mr. PRATT. At the instance of an old friend, an eminent citizen of the State of Ohio, who for many years was a member of this body and once its Presiding Officer, I desire to call up Senate bill No. 797. It is a bill that was referred to the Committee on Public Lands, fully considered by them, and reported unanimously. It will occupy but a short time.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 797) to amend an act in relation to the survey of certain lands granted to the Northern Pacific Railroad Company.

The bill proposes to repeal so much of the act entitled "An act making appropriations for sundry civil expenses of the Government for the year ending June 30, 1871, and for other purposes," approved July 15, 1870, as requires the payment by the Northern Pacific Railroad Company of the cost of surveying and conveying the lands granted to the company, and no cost for surveying is to be collected from the company.

Mr. DAVIS. I should like to know how much is involved in this bill and what is to be paid under it? I observe that it proposes to release a railroad company from the cost of surveying lands.

Mr. PRATT. I will briefly state to the Senator from West Virginia what the trouble in this case is which is sought to be remedied by this bill. The charter of the Northern Pacific Railroad Company provided in its fourth section that a certain quantity of land on each side of the road should be conveyed to the company by patent upon the completion of every section of twenty-five miles, on the report of the commissioners provided for by the law. There are some ten million acres which have been earned by the company which are now withheld from patent because of a clause that was attached to the sundry civil appropriation bill of 1870, which reads as follows:

And provided further, That before any land granted to said company by the United States shall be conveyed to any party entitled thereto under any of the acts incorporating or relating to said company, there shall be first paid into the Treasury of the United States the cost of surveying, selecting, and conveying the same by the said company or party in interest.

This proviso is clearly in contravention of the terms of the original charter. Why it was ever put upon this appropriation bill, why it was ever enacted at all, I am at a loss to imagine. As I said a moment ago, the company have built about five hundred and fifty miles of their road, and about ten million acres under their charter are due to the company at this time, but are withheld from them until, in pursuance of this proviso that I have read, the company shall first pay the cost and expenses of the survey. Unless some gentleman is able to demonstrate that this provision hitched upon this appropriation bill was originally right, I hope this bill will pass.

Mr. DAVIS. My friend from Indiana has not yet stated how much money is involved in the bill.

Mr. PRATT. I do not know what was the cost of surveying these lands; but the original charter required that the United States should survey and convey by patent to this company these lands when the company should earn them by constructing sections of twenty-five miles.

Mr. DAVIS. I understand that there are seven or eight hundred thousand dollars involved, and that all the railroad companies who have got public lands heretofore have paid the cost of the surveys. I see no good reason why this company should be exempt, or have the money returned to them if they have already paid it. I do not wish to object to the bill, but I want the Senate to know what the bill is.

Mr. PRATT. I have stated the whole question.

Mr. HOWE. My attention is just called to this bill, and if it is not long I should like to have it reported once more.

The PRESIDENT *pro tempore*. It will be read.

The Chief Clerk read the bill.

Mr. HOWE. Have any especial surveys been made upon the application of the company itself?

Mr. PRATT. Not that I am aware of. Here is the provision in the original charter which requires the United States to survey the lands without expense to the company.

Mr. HOWE. I understand about that. I think the subsequent law requiring them to pay the expenses of surveying was wrong; but the same legislation has been had in reference to the Union Pacific, and the Union Pacific it seems to me ought to have the same relief, and I do not know but that the Central Pacific should also. I would inquire of the Senator why he cannot amend his bill so as to extend this relief to other roads?

Mr. PRATT. I would prefer at this stage of the session not to amend the bill. This is clearly a matter of justice to this particular company. I do not know what other companies are entitled to a like measure of justice. But here is the charter which provides that these lands shall be conveyed without expense to the company, as they are earned, and I hope the Senate will pass the bill as it is.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LEVEES OF THE MISSISSIPPI RIVER.

Mr. ALCORN. I ask the indulgence of the Senate to take up House bill No. 2988, a bill to which I do not think there will be any objection.

Mr. FRELINGHUYSEN. What is the title of the bill?

Mr. ALCORN. I will read it: "A bill (H. R. No. 2988) to provide for the appointment of a commission of engineers to investigate and report a permanent plan for the reclamation of the alluvial basin of the Mississippi River subject to inundation." Pursuant to the recommendation of the committee I reported the bill with an amendment, and I hope it will now be acted upon.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to direct the President to assign three officers of the Corps of Engineers, United States Army, and to appoint two civil engineers eminent in their profession and who are acquainted with the alluvial basin of the Mississippi River, to serve as a board of commissioners; the president of the board to be designated by the President of the United States. It is to be the duty of the commission to make a full report to the President of the best system for the permanent reclamation and redemption of the alluvial basin from inundation, which report the President is to transmit to Congress at its next session, with such recommendations as he shall think proper.

The second section provides that the members of the commission who may be appointed from civil life shall receive compensation at the rate of $5,000 per annum. The commission may employ a secretary at a rate of compensation not exceeding $200 per month for the time he is employed; and the necessary traveling expenses of the members of the commission not officers of the Army, and of the secretary, are to be paid upon the approval of bills for the same by the Secretary of War.

The third section appropriates the sum of $10,000, or so much thereof as may be necessary to carry into effect the foregoing provisions, which is to be subject to disbursement by the Secretary of War in accordance with the provisions of the act.

The Select Committee on the Levees of the Mississippi River reported an amendment to the bill to increase the appropriation in section 3 from $10,000 to $25,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MARSHAL FOR WESTERN DISTRICT OF NORTH CAROLINA.

Mr. MERRIMON. I move that the Senate take up House bill No. 225.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 225) to amend the act entitled "An act to establish a western judicial district of North Carolina."

The bill proposes to amend section 8 of the act of June 4, 1872, entitled "An act to establish a western judicial district of North Carolina," by adding thereto the following:

There shall also be appointed a marshal of the United States for said western district of North Carolina, who shall receive such fees and compensation and exercise such powers and perform such duties as are fixed and enjoined by law.

The Committee on the Judiciary reported the bill with an amendment to strike out the following words at the end of the bill:

Receive such fees and compensation and exercise such powers and perform such duties as are fixed and enjoined by law.

And to insert:

Be entitled to a salary of $200 per annum; payment to be made quarterly out of the Treasury of the United States, and in addition thereto the fees of office fixed by law.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MARY E. GROSVENOR.

Mr. ALLISON. I ask the unanimous consent of the Senate to take up House bill No. 3506. It is a pension bill reported unanimously by the Committee on Pensions.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 3603) granting a pension to Mary E. Grosvenor. It directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary E. Grosvenor, widow of Thomas W. Grosvenor, deceased, late lieutenant-colonel of the Twelfth Regiment Illinois Cavalry Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

TAX AND TARIFF BILL.

Mr. SHERMAN. I am directed by the Committee on Finance to report back the bill (H. R. No. 3572) to amend existing customs and internal-revenue laws and for other purposes, commonly known as the tariff bill, with sundry amendments; and I desire to state to the Senate that it is manifest at this stage of the session, if it is expected to pass this tariff bill, it will have to be taken practically as it is. The Committee on Finance have added no new matter, simply because we thought to add new matter would probably defeat the bill at this session; but we have proposed to strike out various sections of the bill, leaving in it the matter to which we think there is no objection in either House.

Mr. CONKLING. What are the sections stricken out?

Mr. SHERMAN. The last section is stricken out in regard to the tax on all sales of bonds, stocks, &c., and there are some sections about the tobacco tax stricken out, and there are modifications in a slight degree of other sections; but the substance of our report is the unobjected points of the House bill. I desire to state further that if Senators propose to pass this bill, it should be done at least to-morrow or the next day, and it will have to be passed without any material amendment.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar and printed, with the amendments of the committee.

METHODIST EPISCOPAL CHURCH AT NEW CREEK.

Mr. BOREMAN. I ask unanimous consent to take up Senate bill No. 295.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 295) for the relief of the trustees of the Methodist Episcopal church at New Creek, West Virginia.

The bill requires the Secretary of the Treasury to pay to James Carskadon, P. M. Dayton, R. S. Dayton, James I. Barrick, Edmund Duling, and William Warner Smith, trustees of the Methodist Episcopal church at New Creek, Mineral County, West Virginia, to be used for church purposes only, the sum of $1,400, for the occupation and conversion to the use of the Army of the United States of the house of worship of the said church at that place as a bakery, by the Commissary Department, from the 1st of April, 1862, until the 28th of November, 1864, under orders of the proper officers of the Army; on which last-mentioned day the house of worship being so occupied was destroyed by the rebel army.

The Committee on Claims proposed an amendment in line 9, to reduce the appropriation from $1,400 to $1,000.

The amendment was agreed to.

Mr. BOREMAN. I move to strike out the latter clause, that was put in merely as an incident, "on which last-mentioned day the said house of worship being so occupied was destroyed by the rebel army."

Mr. WRIGHT. I should like to inquire of the Senator from West Virginia what his object is in striking out the latter clause?

Mr. BOREMAN. That is merely stated as an incident. We do not claim for the destruction of the property by the rebel army. We merely claim for the use and occupation of the property.

Mr. WRIGHT. But I suggest to my good friend that if he strikes that clause out, it will be open so that they can make a claim for the destruction of the house hereafter. This $1,000 is intended to cover all damages and the destruction, and if you strike out the latter part the destruction may be claimed for hereafter.

Mr. BOREMAN. I withdraw the amendment.

Mr. CONKLING. Whether the amendment is withdrawn or not, I have a suggestion to make about this bill. It is very hard to object to a claim on behalf of a house of worship, especially when it was used as a bakery; but notwithstanding those peculiarities it is one of the cases in which it is proposed to pay for the occupation or injury of property during the war; and how far or how near in respect of the theater of war, I do not know and the Senate cannot know without hearing the report read and hearing a discussion of this bill. It is taken up although the morning hour has actually expired. I do not mean to object to it if the Senator having charge of the unfinished business does not, but I want to hear the report and I want to know the facts before this bill passes.

Mr. WEST. I call for the regular order.

Mr. BOREMAN. Allow me a word. I would willingly submit this case to the Senator from New York for his judgment if he would take the trouble to read the papers and become familiar with the facts.

Mr. WEST. I call for the regular order.

The PRESIDENT *pro tempore*. The unfinished business is the post-office appropriation bill.

MOIETIES UNDER CUSTOMS LAWS.

Mr. SCOTT. When reports were in order I endeavored to get the floor for the purpose of moving to take up the report of the committee of conference on the disagreeing votes of the two Houses on the moiety bill, but in the press of business was unable to move it. That being in the nature of a privileged question, I trust there will be no objection to taking it up now, and I therefore move that the Senate proceed to the consideration of that report.

Mr. WEST. Laying aside the post-office bill informally?

Mr. SCOTT. Yes.

Mr. MORRILL, of Maine. I object to that. We cannot afford to allow anything to interpose against an appropriation bill that is ready at this time, unless you are willing to extend the session.

The PRESIDENT *pro tempore*. The Senator from Maine objects.

Mr. MORRILL, of Maine. As soon as this appropriation bill is through we shall not trouble the Senate again for a day or two.

The PRESIDENT *pro tempore*. If there be no objection the Chair will now receive strictly morning business, as there was no opportunity for it during the morning hour.

PETITIONS AND MEMORIALS.

Mr. OGLESBY presented a petition of 500 workingmen of North Chicago, employed in rolling-mills, praying the restoration of the 10 per cent. duty on iron and steel and for free banking; which was referred to the Committee on Finance.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 792) to repeal the act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved March 2, 1867, and all laws and parts of laws amendatory thereto.

The message also announced that the House had passed the bill (S. No. 571) to authorize the Baltimore and Ohio Railroad Company to construct a branch and to change the location of its road within the District of Columbia, and for other purposes, with amendments in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills:

A bill (S. No. 70) granting a pension to Andrew J. Lasley;

A bill (S. No. 613) granting a pension to Jefferson A. French;

A bill (S. No. 814) granting a pension to Ebenezer W. Brady;

A bill (S. No. 877) granting a pension to John W. Truitt;

A bill (S. No. 690) granting a pension to Thomas Smith;

A bill (S. No. 768) granting a pension to John S. Long;

A bill (S. No. 41) granting a pension to Margaret E. Alexander, widow of Edwin A. Alexander, deceased, late a private in Company K, Eighth Regiment of Indiana Cavalry Volunteers, known as the Thirty-ninth Indiana Regiment;

A bill (S. No. 503) for the relief of Susan R. Moore, the relative and legatee of Phœbe Sofield, a pensioner;

A bill (S. No. 536) granting a pension to Lavinna Ingraham; and

A bill (S. No. 609) granting a pension to Margaret A. Hoffner.

The message also announced that the House had concurred in the amendments of the Senate to the following bills:

A bill (H. R. No. 2095) granting a pension to Charles McCarty;

A bill (H. R. No. 3652) providing for publication of the revised statutes of the United States;

A bill (H. R. No. 1948) granting a pension to Mary J. Blood; and

A bill (H. R. No. 1227) granting a pension to Eliza A. Maxham.

The message further announced that the House had passed the bill (H. R. No. 3641) to amend the act entitled "An act to incorporate the Washington and Georgetown Railroad Company," approved May 17, 1872, in which it requested the concurrence of the Senate.

REPORTS OF COMMITTEES.

Mr. BUCKINGHAM, from the Committee on Indian Affairs, to whom was referred the bill (S. No. 505) to amend the act entitled "An act making appropriations for current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1849, and for other purposes," approved July 29, 1848, reported it with an amendment.

Mr. HOWE, from the Joint Committee on the Library, reported a bill (S. No. 956) for the relief of William Tod Helmuth, of New York; which was read, and passed to a second reading.

Mr. HOWE, from the Committee on Railroads, to whom was referred the bill (H. R. No. 3281) to amend the act entitled "An act to amend an act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes, approved May 2, 1864," reported it with an amendment.

Mr. HOWE, from the Joint Committee on the Library, to whom was referred the bill (S. No. 944) authorizing the delivery of certain bronze ordnance, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 3422) for the relief of Mercy Ann Hall, widow of Captain Charles F. Hall, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. No. 685) to authorize the Librarian of Congress to send books to the governor of Iceland, and for other purposes, reported adversely thereon.

Mr. FRELINGHUYSEN. I should like to have that bill placed on the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. DAVIS, from the Committee on Claims, to whom was referred the petition of John Montgomery, praying compensation for the use of his property by the Army, submitted a report thereon, accompanied by a bill (S. No. 951) for the relief John Montgomery and Thomas E. Williams.

The bill was read and passed to a second reading, and the report was ordered to be printed.

Mr. MERRIMON, from the Committee on Claims, to whom was referred the petition of Jeremiah Beatty, of Walker's Station, West Virginia, asking compensation for property lost in the Government service in 1862, reported adversely thereon, and asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred the petition of Sarah E. Ballantine, widow of David Ballantine, sr., of Boonville, Missouri, praying compensation for property destroyed by the United States troops in June, 1861, by order of General Lyon, reported a bill (S. No. 952) for the relief of Joseph Kinney, administrator of David Ballantine, of Missouri; which was read and passed to a second reading.

Mr. INGALLS, from the Committee on Indian Affairs, to whom was referred the bill (S. No. 456) for the sale of the Black Bob Indian lands in the State of Kansas, reported it with an amendment.

Mr. WRIGHT, from the Committee on Finance, to whom was rerred the bill (H. R. No. 3663) for the relief of Smith & Matthews, of Illinois, reported adversely thereon; and the bill was postponed indefinitely.

Mr. GOLDTHWAITE, from the Committee on Claims, to whom was referred the bill (H. R. No. 2990) for the relief of Jesse F. Moore and Charles W. Lewis, reported it without amendment.

He also, from the same committee, to whom was referred the petition of J. W. McClure, asking to be allowed a moiety out of the proceeds of certain cotton captured by him and turned over to the special Treasury agent at Mobile, Alabama, in 1865, asked to be discharged from its further consideration, which was agreed to; and he submitted an adverse report thereon, which was ordered to be printed.

Mr. MORRILL, of Maine, from the Committee on Naval Affairs, to whom was recommitted the bill (H. R. No. 2897) authorizing the President to appoint George Henry Preble, now a captain on the active list of the Navy, to be a commodore, reported it without amendment.

Mr. ALCORN, from the Select Committee on the Levees of the Mississippi River, reported a bill (S. No. 953) for the relief of the overflowed levee districts in the States of Mississippi, Arkansas, and Louisiana; which was read and passed to a second reading.

Mr. SPRAGUE, from the Committee on Public Lands, to whom was referred the bill (S. No. 939) extending the time for the completion of a railroad in the State of Louisiana, from the Texas State line to a point on the Mississippi River opposite Vicksburgh, Mississippi, reported it without amendment.

Mr. CRAGIN. The Committee on Naval Affairs, to whom was referred the bill (H. R. No. 1063) to restore Captain John C. Beaumont, of the United States Navy, to his original position on the Navy Register, have had the same under consideration, and have directed me to report it back without amendment, and to ask for its passage. It is a very short bill, and I ask for its present consideration.

Mr. WEST. I object to the consideration of any bill now.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

NAVY-YARDS AND NAVAL HOSPITALS.

Mr. CRAGIN. The Committee on Naval Affairs, who were by a resolution of the Senate instructed to inquire into the expediency of reducing the number of navy-yards and naval hospitals, have directed me to report the following resolution, and ask for its present consideration:

Whereas the Committee on Naval Affairs is instructed to inquire into the expediency of reducing the number of navy-yards and of naval hospitals, and report by bill: Therefore,

Resolved, That the Committee on Naval Affairs be continued during the recess, and that they be authorized to visit the different navy-yards and naval hospitals on the Atlantic coast for the purposes of such inquiry; and that the Secretary of the Navy be authorized to furnish the necessary facilities for transportation, &c.

The resolution was considered by unanimous consent, and agreed to.

CONNECTIONS OF PACIFIC RAILROAD COMPANIES.

Mr. HITCHCOCK. I desire to call up the Senate bill No. 713, for the purpose of moving its indefinite postponement.

There being no objection, the bill (S. No. 713) making additions to the fifteenth section of the act approved July 2, 1864, entitled "An act to amend an act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes,' approved July 1, 1862," was taken from the Calendar and postponed indefinitely.

BALTIMORE AND OHIO RAILROAD.

The PRESIDENT *pro tempore* laid before the Senate the amendments of the House of Representatives to the bill (S. No. 571) to authorize the Baltimore and Ohio Railroad Company to construct a branch and to change the location of its road within the District of Columbia, and for other purposes; which were read, as follows:

In section 1, line 3, after the words "Washington branch" insert the words "one and a half miles north of Boundary street."

In the same section, line 5, after the words "any point" insert the words "one mile north of Boundary street."

In the same section, line 7, strike out the word "five" and insert the word "two."

Add at the end of the first section the following: "The said line shall avoid all Government property."

Also add at the end of the first section the following: "The points of intersection as well as said lateral branch to be approved by the engineer of public buildings and grounds."

Add at the end of section 2 the following: "This act may be altered, amended, or repealed."

Mr. DAVIS. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

POST-OFFICE APPROPRIATION BILL.

The PRESIDENT *pro tempore*. The bill (H. R. No. 3094) making appropriations for the service of the Post-Office Department for the year ending June 30, 1875, and for other purposes, being the unfinished business of yesterday, is before the Senate as in Committee of the Whole, the pending question being on the amendment of the Senator from Vermont [Mr. MORRILL] to the amendment of the Senator from New Jersey, [Mr. FRELINGHUYSEN.]

Mr. FRELINGHUYSEN. If I have a right to do so I will accept the amendment of the Senator from Vermont, as that seems to give general satisfaction, so as to end this debate in reference to the whole subject.

The PRESIDENT *pro tempore*. The yeas and nays have been ordered on the amendment to the amendment.

Mr. RAMSEY. It can be done by unanimous consent.

The PRESIDENT *pro tempore*. Is there objection to permitting the Senator from New Jersey to accept the amendment offered by the Senator from Vermont. The Chair hears no objection. The amendment is so modified; and the question now is on the amendment of the Senator from New Jersey, as modified, which will be read.

The Chief Clerk read the amendment, as follows:

SEC. —. That hereafter the requirement that postage shall be prepaid shall not apply to public documents certified to be such by any member of the Senate or of the House of Representatives, or by the President or head of any Executive Department or other person entitled to the franking privilege when the law was passed abolishing the same. And the postage on no single volume of a public document shall exceed the sum of twenty-five cents; and the same, if not prepaid, shall be payable by the person to whom the same may be directed and received; and the words "Public document," written or printed on the envelope containing any public document and subscribed by the member or other person mailing the same, shall be deemed a sufficient certificate that the same is a public document; and the term "public document" shall be deemed to include all publications printed by order of Congress or either House thereof or of any Department of the Government. And if any such document shall not be taken from the post-office to which the same shall be directed within thirty days after being received thereat, the postmaster may sell the same for the amount of postage due thereon, and shall account to the Post-Office Department for the proceeds thereof: *Provided*, That this shall apply only to documents ordered to be printed previous to the passage of this act.

Mr. CONKLING. I know I have no right to call on the Chair to construe proposed legislation; but I should like to know from the Chair or from somebody what the proviso means when it says "provided, that this shall apply." What is "this?" The right of the postmaster to sell if the postage is not paid, or more or less of the matter that precedes it? I see the Senator from Vermont is here, and I suggest to him that this amendment ought to be changed so as to contain something more than the words "this shall apply." I take it he means the proviso should restrict the provisions of the whole section.

Mr. MORRILL, of Vermont. Yes, sir.

Mr. CONKLING. I suggest that he make it so.

Mr. MORRILL, of Vermont. I insert the word "section" after the word "this."

The PRESIDENT *pro tempore*. The amendment will be so modified.

Mr. CONKLING. I now ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. COOPER. I propose an amendment to the amendment to strike out the following words:

> And the postage on no single volume of a public document shall exceed the sum of twenty-five cents, and the same if not prepaid shall be payable by the person to whom the same may be directed and received.

And also to strike out these words:

> And if any such document shall not be taken from the post-office to which the same shall be directed within thirty days after being received thereat, the postmaster may sell the same for the amount of postage due thereon, and shall account to the Post-Office Department for the proceeds thereof.

The effect of my amendment is simply to allow the passage of the documents provided for without postage. The amendment of the Senator from New Jersey, as amended by the Senator from Vermont, limits it to documents already printed. The amendment I propose seeks to let such documents pass free of postage. That is all.

Mr. WEST. I think the attention of the Senate should be called to the nature of this amendment before it votes without understanding it. It virtually throws open the whole post-office machinery to the transmission of mail matter free of charge and actually restores the franking privilege on all public documents. I think the Senate ought to understand the proposition of the Senator from Tennessee before they vote upon it.

Mr. COOPER. I supposed the Senate did understand it.

Mr. CONKLING. What is the question?

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Tennessee to the amendment of the Senator from New Jersey.

Mr. CONKLING. I may be alone in not understanding what that amendment is——

Mr. COOPER. I sought to say that it is an amendment providing for the transmission of the documents already ordered to be printed, free of postage. It is confined to those that we have already ordered to be printed.

Mr. CONKLING. Without being sure that I understand the full force of the amendment of the Senator from Tennessee, it is a matter of great indifference to me whether it shall prevail or not, because I am opposed to this proposition whether it be amended or not, and I will occupy but a single moment in giving my reasons.

I voted to abolish the franking privilege. I thought it ought to be abolished. I am for its abolition or its remaining abolished now. I shall be in favor of it always unless by actual and fair experiment it turns out that its abolition was a blunder. The essence of the abolition of the so-called franking privilege was to subject all mail matter to lawful postage. Surely, everybody will agree with me in that. What does this proposed legislation mean? To exempt large classes of mail matter and of the recipients of mail matter from the postal laws. I will not run the risk of encountering my friend from Ohio by venturing to say that it means a restoration of the franking privilege. I will avoid those words because I have no wish to provoke controversy or difference of opinion. Surely, I state a fact that all will admit when I say that although we have abolished the so-called franking privilege here comes a proposition to send through the mails an immense bulk of matter without its being subjected to the prepayment of any postage and without its being subjected in any event or contingency to that postage which the law declares. I am opposed to it for that reason. I am opposed to it for other reasons, but I stop with that because I do not wish to consume the time of the Senate.

In this connection, Mr. President, I beg to make another remark about a fact which escaped me yesterday. I do not know that I can make the remark without in some way endangering the already imperilled liberty of the people. I find of late that there is great danger in saying anything which relates to newspapers without thereby endangering the very altars of liberty in respect of the press. But notwithstanding that, I venture to call the attention of the Senate to the fact that in the amendment offered by the Senator from Ohio, which in the first instance was adopted, I find these words:

> That newspapers, one copy to each annual subscriber residing within the county where the same are printed in whole or in part, and published, shall go free through the mail; but the same shall not be delivered at letter-carrier offices or distributed by carriers unless postage is paid thereon as now provided by law.

I should like to inquire of the Senator from Ohio or some other Senator whether any petitions have been received asking for this legislation.

Mr. SHERMAN. I will say to the Senator from New York that this provision of the amendment I offered is found in a bill passed by the House of Representatives at its present session, and I am sure it had the assent and approval of the Committee on Post-Offices and Post-Roads of this body. As I stated when I introduced the propositiod, the whole of it was simply the work of the Post-Office Committees of the two Houses. It is a restoration to the country papers of the old privilege they so long had, and I think it is right on this ground. The postal laws make no discrimination on account of distance; they charge the little country paper that weighs about an eighth as much as the great metropolitan journals for carrying it twenty miles as much as they do for carrying the metropolitan journals from New York to San Francisco. This provision giving the country papers the freedom of the mails within the county I think is a kind of fair mode of distributing the cost of the mail service between the large and the small papers.

Mr. CONKLING. The Senator from Ohio mistakes me in supposing that I intend in any way at this time to challenge this provision. I do not call attention to it for that purpose. I inquired of the Senator whether petitions had been sent here in behalf of the newspapers asking that they be exempted from postage, that they be exempted from the abolition of the franking privilege.

Mr. SHERMAN. I ought to say to the Senator that I have received myself such petitions and have presented them for reference; and the country editors in their local meetings have generally asked this privilege.

Mr. CONKLING. I did not know how that was. I believe in my own State some of the papers have denied that this privilege was coveted by newspapers at all. Without, however, saying anything on that point, and without stopping to discuss the merits of this proposition, without indicating any opposition or objection to it, I call attention to it for this reason: Having abolished the franking privilege in order to subject to postage all mail matter, what does this section do? It provides not merely that the little papers as the Senator from Ohio says, but that the great papers, as for example in the city of Chicago, shall go three hundred and sixty-five days in the year, if they emit a Sunday edition, as I believe some of them do, through the great county of Cook. The same thing is true of all the Western States. In the State of Ohio, I have just inquired of the Senator farthest from me [Mr. THURMAN] as to the size of their counties, and the minimum he gave me shows that they are of great geographical extent. Accordingly from every great newspaper center in the country the enormous weight and bulk of newspapers is to be carried daily through the mails for the benefit of subscribers free of postage. Now, without denying the propriety of that, without inviting any discussion in that regard at this time, I ask is not that a very strange commentary upon the theory on which, in accordance with the summons of the press and of public opinion, we enacted that all mail matter should pay postage to the end that the post-office revenues might be nourished and to the end that cheap postage might in the end be won?

I have not before me the figures to show the relative weight and bulk of this species of mail matter. Every Senator knows that it is a great proportion of all the contents of the mail. Now having abolished the franking privilege and having substantially restored it as to all executive officers, as the Senator from New Hampshire [Mr. CRAGIN] proved from the papers yesterday, we propose to restore it virtually as to public documents, we propose to restore it as to newspapers; and nothing is to remain except that our constituents cannot write to us and we cannot write to them upon public business without paying postage.

Mr. President, as I said, I mean to stand fairly by that for which I voted, namely, putting an end to that burden and inconvenience which was known as the privilege of franking by members of Congress. I will stand by the whole of it while I can, and when I can stand by only a part of it I will stand by that; but I submit to the Senate that this legislation, the pending proposition taken in connection with all that we have done heretofore and with the other provisions of the amendment of the Senator from Ohio, is a virtual recall of the repeal of the franking privilege in every respect except that which pertains to us. It will still stand as a barrier against every pensioner, every constituent, every petitioner, every claimant who has a right to come to Congress. It will stand as a barrier between us and our constituents in respect of public business and everything else; but when you pass beyond that field, it seems to me that by degrees we are giving up the whole thing.

Mr. HAMLIN. Mr. President, yesterday I believe was a day for confessions by Senators, and there are very few in this body who did not state how they voted upon the abolition of the franking privilege, and many stated why they voted, and most expressed regret for the vote they had given. I have no apology to make, no confession to make. I did vote to abolish the franking privilege, and I mean faithfully and fairly to stand by it to the end. I think I voted right then. I believe now that I voted right. I do insist that to the country what we are doing will hardly seem reputable to the body, and I feel sorry to see what I witnessed here. I think we had better bear the little burden that the repeal of that law has imposed upon us without exhibiting that kind of uneasiness which will be

attributed to this body. Whether it be true or not, it will be said all through the land that all this controversy has relation to the little thing of postage which we pay, and we cannot avoid it if we would. When I speak frankly, I am obliged to admit that there is more in it than I wish there was. It will also be believed all over the country, whatever may be the motive of Senators offering or voting for the proposition, that this amendment if not designed is calculated as the first blow to break down the abolition of the franking privilege by adding immensely to the burden of the mails and making a select quantity of matter go without being prepaid.

I say to the Senator who offered the substantial amendment to this bill—I mean the Senator from Ohio, [Mr. SHERMAN]—that his amendment surprises me as coming from him, and why? He has offered an amendment here which changes the whole law and makes prepayment necessary in relation to all the newspaper press, all the periodicals, and everything that went through the mails before without prepayment. He proposes by his amendment that on every newspaper, save the local newspapers in their counties, postage shall be prepaid, and that upon all mail matter passing between newspapers and periodicals the postage shall be prepaid. As a matter of revenue there can be no doubt that it will be highly beneficial to the Government. We receive now only about one-third part of the revenues which we ought to derive from these two classes of mail matter. Prepayment at one and a half cents an ounce on newspapers and three cents on periodicals will increase your revenues more than a million dollars. But the rate which the Senator has fixed in his amendment will diminish your revenue to a point which no man can calculate. The Senator shakes his head. That is my judgment. When you put your rate of postage at four cents a pound you drive every pound out of your mail, and the express companies will compete with you and compete successfully. I doubt whether the express companies will not compete with you at the rate of one and one-half cents per pound on newspapers and three cents for magazines; but the newspapers say they are willing to accept these terms, and we may try them.

But that was not the point. The Senator for the purpose of aiding the revenues, I apprehend, and of correcting an existing evil proposes an amendment here that all this matter heretofore going through without prepayment shall now be prepaid, and he follows that with an amendment in contravention of the whole spirit of the amendment which he had offered before, that documents shall go free. In other words, he brings in one class which has been free and compels the prepayment of postage, and then he brings in another class on which heretofore prepayment has been required, and lets that go, the postage to be paid at the end of the route.

Mr. SHERMAN. That is perfectly right.

Mr. HAMLIN. O, yes; the Senator thinks it is perfectly right.

Mr. SHERMAN. The present law discriminates in favor of newspapers against public documents; public documents must be prepaid, but newspapers need not be. I propose to reverse it. I think there ought to be a discrimination in favor of the distribution of public documents printed at public expense by Congress; but if I am in error in that, the Senate can very easily vote me down.

Mr. HAMLIN. There is just where I disagree with the Senator. If you are going to require all mail matter to be prepaid, or if you are going to require newspapers and periodicals to be prepaid, you should not be so inconsistent, as I consider it, as to turn around and say at the same time you will let documents go free, and they need not be prepaid. You will find the same result arising from sending public documents without prepayment that you have found by sending newspapers and periodicals without prepayment, to wit: you will not get one-half of the postage that legitimately attaches to them. Your amendment provides that documents remaining in the post-office uncalled for may be sold for the postage. My friend who sits beside me [Mr. HOWE] asked me what was the value of this document, [holding up the report of the Select Committee on the Affairs of the District of Columbia,] which has been laid on our tables this morning, and my reply to him was, "Tell me its weight and what the man who collects paper gives per pound for it, and I will tell you what the document is worth." It is not worth, and will not bring, the amount of the postage. And so your documents that have been transmitted through the mails subject to postage in many instances will never pay the cost of transportation.

But, Mr. President, I insist that it is inconsistent while you are compelling the postage on the newspapers and periodicals to be prepaid to let this other class of documents go free. I oppose the amendment for perhaps a much better reason. I have seen the expenses of our public printing spring from a few hundred thousand dollars up to two or three millions. I never had much confidence in a very great diminution of the expenses of transporting the mails in consequence of the abolition of the franking privilege, but I did have some faith in a very marked reduction in the expenses of our public printing; and if Senators will only hold on to the law precisely as it is, stop distributing these public documents except to persons who wish for them, and are willing to pay the postage on them, and let them be printed at cost for all who wish them, we may witness a still greater diminution in that regard.

But the Senator from California [Mr. SARGENT] yesterday stated correctly that the actual expenses of printing have been reduced at least one and a half million dollars, and I think we may add one and a half million dollars more to that. But if you inaugurate a measure that will let members send these documents away by simply putting their names upon them and trusting the expense of their transmission to be paid by the recipients, you encourage precisely what we shall see; you encourage the printing of these documents, you beat down the repeal of the franking privilege, and you come back to all the abuses of an immense quantity of printing that costs you millions of dollars each year. That will be the result of it. The country will so look at it. It will end in that.

I hope, therefore, that the amendment to the amendment will be defeated, and then I hope the whole amendment will be defeated. I think that is in the line of sound economy. I think that is in the line of correct principle.

Mr. BUCKINGHAM. Mr. President, I do not know whether I have a confession to make or not. If I have, it is a confession of ignorance, for I did not know enough to vote for the abolition of the franking privilege; and the reason I did not vote for it was this: although it had suffered abuse, yet it appeared to me that it was important for the people of the country that they should have that information which they could secure by the transmission through the mails of public documents and information which was sent from this Capitol throughout the country. It did not appear to me to be advisable to destroy the bridge that carried this news until you had provided some other way to cross the river. For that reason I did not vote for the abolition of the franking privilege; nor have I since it was abolished, if I recollect the course I have taken, voted in any manner for the restoration of the privilege or any portion of it.

My own judgment now is that we should wait until the people know by actual experience whether it is wise or not to restore it; that we should wait until we shall have a general law which will meet the demands of the public, and also furnish Congress and the heads of the Departments with those facilities which are necessary to transmit information from the capital throughout the country; and until the public demand shall be crystallized in such a manner as to present to us some plan which will meet this contingency, I do not propose to vote for any measure which will tend to restore the franking privilege.

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) The question is on the amendment offered by the Senator from Tennessee [Mr. COOPER] to the amendment offered by the Senator from New Jersey, [Mr. FRELINGHUYSEN.]

The amendment to the amendment was rejected.

Mr. HOWE. I rise to inquire of the Senator from New Jersey what is meant precisely by the expression, "a single document?"

Mr. FRELINGHUYSEN. That has been altered to "a single volume of a document," by an amendment.

Mr. HOWE. I think that is a better expression. Would the Senator object to changing the rate of postage from twenty-five cents per volume to a certain rate per pound, say four or five or six cents per pound?

Mr. FRELINGHUYSEN. Would not that come to about the same thing on the average?

Mr. HOWE. I do not know how it would average, but I think it would be more equitable.

Mr. MORRILL, of Maine. That is the rule adopted in the bill, to pay by the pound.

Mr. HOWE. That would make this amendment in harmony with the principle of the bill.

Mr. MORRILL, of Maine. Yes; entirely.

Mr. HOWE. What is the rate per pound in the bill?

Mr. MORRILL, of Maine. Eight cents.

Mr. HOWE. That is too high.

Mr. SHERMAN. Four cents.

Mr. MORRILL, of Maine. Four cents for newspapers, eight cents for books.

Mr. FRELINGHUYSEN. My impression is you would realize as much revenue in that way; but I do not know. I should be willing to accept such an amendment.

Mr. MORRILL, of Maine. The Senator from Minnesota will know what the rate is. I ask him what is the rate fixed for books per pound? Is it eight cents?

Mr. RAMSEY. That is third-class matter. We are simply legislating now on second-class matter—newspapers to subscribers.

Mr. MORRILL, of Maine. We do not raise that question. As it now stands, I think it is sixteen cents a pound.

Mr. RAMSEY. Books are two cents an ounce. The proposition appears to be to reduce it to one cent for two ounces, making it uniform with the other rates for third-class matter.

Mr. MORRILL, of Maine. My understanding is that it is eight cents a pound.

Mr. SHERMAN. Eight cents for books and four cents a pound for newspapers and periodicals.

Mr. HOWE. I think eight cents is perhaps a little high.

Mr. SHERMAN. I see that the postage on newspapers and pamphlets is only four cents a pound, and that would be high enough for public documents, in my judgment.

Mr. HOWE. I think it would be.

Mr. MORRILL, of Maine. On what principle could that be so? Why should we burden the mail with documents at a lower rate than the publishers of other books not less desirable possibly, I might venture to say to the people, are permitted to send them through the mails?

Mr. HOWE. For a very good reason as it seems to me. First, we do burden the people with the expense of publishing these books upon the theory that they are specially desirable and necessary.

Mr. MORRILL, of Maine. Does not my honorable friend understand that we have abolished the franking privilege for the very reason that the sending of these documents through the mail had become a burden to the people?

Mr. HOWE. Well, partly that and partly because the people felt that they did not get the benefits of the books that they paid for publishing; whereas if you let the books go to those who call for them and are willing to pay the postage upon them, those will get the books who most desire them.

Mr. MORRILL, of Maine. Now, let me state a proposition which is in harmony with the whole features of this bill, and that is, that there shall be some adequate compensation to the service for all mailable matter transmitted through the mails.

Mr. HOWE. Some compensation?

Mr. MORRILL, of Maine. Some equitable, fair compensation; some remunerative compensation.

Mr. HOWE. Very good.

Mr. MORRILL, of Maine. You have placed the rate upon the books at eight cents per pound, and graduated other things accordingly.

Mr. HOWE. That is the rate assigned to merchants who make books for sale and for profit, and is the rate at which the Government will undertake to carry that kind of commodity from the merchant to the purchaser. This is very different.

Mr. MORRILL, of Maine. That is not stating it exactly, perhaps; that is the price at which the publishers are able to communicate with their customers. Now, why should a different rate apply in regard to public documents which people may desire? The people on all hands and on all sides desire to use this service for the transmission of books. At least I assume they do, because we have adopted that policy. Now, why should there be the slightest discrimination as to the class of books which the people may receive?

Mr. HOWE. Because, as I understand, there is no analogy, there is no similitude between the document which you publish by order of Congress or a House of Congress and the book which the Harpers publish for the trade; the one being a collation of these elementary political facts, a knowledge of which on the part of the people is essential both to the Government and to the people, not merely essential to the one who gets the facts, but essential to the life and well-being of every one of us that all our neighbors have possession of these facts; and I am one of those who believe that the weakest spot in our existence to-day grows out of the simple fact that so few of our people know what the Government is actually doing; whereas the book which is published by manufacturers engaged in that business is published for the sole amusement, instruction, or profit of him who will buy it. It is a pure business transaction. It is published by the publication house for profit, and is bought for individual instruction and individual advantage. The Government sends this last book from the manufacturer to the purchaser at a price which will compensate the Government. This other book I think should be sent through the mails at something less. We have heretofore sent it for nothing. I do not see any reason why we should not send it now for a sum which will fairly defray the cost of its transmission. I think that five cents per pound would be sufficient to cover that.

Mr. FRELINGHUYSEN. Was the suggestion of the Senator from Wisconsin to strike out "twenty-five cents" and insert "at the same rate fixed for periodicals?"

Mr. HOWE. I would agree to that.

Mr. SHERMAN. Say "the same rate per pound," or "per ounce."

Mr. THURMAN. Mr. President, I have taken no part in this discussion; but there is one view which I should like to move as an amendment if it is in order, and I presume it is now.

The PRESIDING OFFICER. It is.

Mr. THURMAN. I want to move an amendment that the CONGRESSIONAL RECORD shall go free through the mails. The people of this country have a right to know what is done in Congress, and they can learn that in no authentic way except by the record of our debates. Now, to whom do the CONGRESSIONAL RECORDS go? To whom did the Congressional Globe go before? I can speak for myself, and I think in doing so perhaps I am repeating the experience of every Senator on this floor. I forget the exact number of copies that I received of the Congressional Globe; I think about seventy. At least one-half of those I sent off to public libraries, to the State library, to certain great libraries in the cities, to college libraries, and some smaller libraries, taking about one-half. The rest go to the publishers of the newspapers.

There is, therefore, in the distribution of that RECORD, the best use possible made, so that the mass of the people can have access to it and see what their public servants have done. It cannot be said of them that they were so much waste paper; that they serve to make wrappers for grocers. On the contrary, they are kept in the libraries to which they are sent, or they are carefully preserved by the editors of newspapers who are desirous to have them that they may inspect the proceedings of Congress.

It is a distribution, therefore, of the debates of Congress which Congress ought to make for the information of the people, and I see no reason in the world why any tax should be levied upon that publication. It ought to pass free through the mails. For the very same reason that it is printed at the expense of the Government, for the very same reason it should be distributed free by the Government. Why print it at all, pray? Why not limit ourselves to our Journal? Why have anything in print of our debates if the matter printed is not to be distributed? Whatever may be the case with documents—I do not call the CONGRESSIONAL RECORD a document—whatever may be the case with documents properly speaking, whether they should pay postage or should not pay postage, in respect to the CONGRESSIONAL RECORD I submit to the Senate that we are bound to distribute that, and distribute it without cost. In other words, we are bound to inform the people as well as we are able to do it what their representatives in the Government have been about.

I therefore move to add at the end of the pending amendment the following proviso:

And provided further, That the CONGRESSIONAL RECORD shall be carried through the mails free of postage.

Mr. MORRILL, of Maine. Is that in order?

The PRESIDING OFFICER. It is.

Mr. MORRILL, of Maine. This subject seems to be a very prolific source of debate, and to afford a grand opportunity for the presentation of all sorts of unconsidered propositions. If it is in order, I move to lay the amendment of the Senator from New Jersey on the table.

The PRESIDING OFFICER. That motion is in order. The Senator from Maine moves to lay on the table the amendment of the Senator from New Jersey, which will carry the amendment to the amendment with it.

Mr. SHERMAN. That simply carries the pending amendment on the table.

Mr. THURMAN. The Senator from Maine moves to lay the amendment of the Senator from New Jersey on the table.

The PRESIDING OFFICER. Such is the motion.

Mr. STEVENSON. Does that carry all amendments with it?

The PRESIDING OFFICER. All the amendments to the pending amendment. There is but one.

Mr. STEVENSON. How would it affect the amendment which is offered by the honorable Senator from Ohio?

The PRESIDING OFFICER. It would carry that amendment with it.

Mr. THURMAN. On that motion I ask for the yeas and nays.

Mr. FRELINGHUYSEN. I suggest to the Senator from Ohio to withdraw his amendment and let us take a vote on this one, and then he can renew his amendment.

Mr. THURMAN. No; I would rather they should go together.

The PRESIDING OFFICER. The motion of the Senator from Maine is to lay on the table the amendment of the Senator from New Jersey, which carries with it the proposition of the Senator from Ohio.

Mr. THURMAN. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. WASHBURN. Let the amendment be reported.

The Chief Clerk read the amendment and the amendment to the amendment.

Mr. CONKLING. Will the Chair be kind enough to state exactly what will be carried on the table if this motion prevails?

The PRESIDING OFFICER. The amendment proposed by the Senator from New Jersey [Mr. FRELINGHUYSEN] and the amendment to that proposed by the Senator from Ohio, [Mr. THURMAN.]

Mr. CONKLING. Nothing else?

The PRESIDING OFFICER. Nothing else.

Mr. FRELINGHUYSEN. And also the amendment of the Senator from Vermont [Mr. MORRILL] limiting the amendment only to the distribution of the books on hand.

Mr. CONKLING. That is part of the original amendment now.

The question being taken by yeas and nays, resulted—yeas 23, nays 31; as follows:

YEAS—Messrs. Anthony, Boreman, Boutwell, Buckingham, Chandler, Conkling, Ferry of Michigan, Flanagan, Hager, Hamilton of Maryland, Hamlin, Hitchcock, Morrill of Maine, Oglesby, Patterson, Ramsey, Robertson, Sargent, Schurz, Scott, Washburn, West, and Wright—23.

NAYS—Messrs. Alcorn, Allison, Bayard, Bogy, Carpenter, Clayton, Cooper, Davis, Dennis, Frelinghuysen, Goldthwaite, Harvey, Howe, Ingalls, Kelly, Lewis, McCreery, Merrimon, Mitchell, Morrill of Vermont, Morton, Pease, Pratt, Ransom, Saulsbury, Sherman, Sprague, Stevenson, Thurman, Tipton, and Windom—31.

ABSENT—Messrs. Brownlow, Cameron, Conover, Cragin, Dorsey, Edmunds, Fenton, Ferry of Connecticut, Gilbert, Gordon, Hamilton of Texas, Johnston, Jones, Logan, Norwood, Spencer, Stewart, Stockton, and Wadleigh—19.

So the motion to lay the amendment on the table was not agreed to.

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from Ohio to the amendment of the Senator from New Jersey, by adding:

And provided further, That the CONGRESSIONAL RECORD shall be carried through the mails free of postage.

Mr. HOWE. Whom shall they be carried to?

Mr. THURMAN. To whoever they are directed to.

Mr. HOWE. Who shall direct them?

Mr. THURMAN. Somebody who writes a fair, good hand. It is only reviving what was the law as to the Globe. The Congressional Globe went through the mail without any frank. The law expressly so provided.

Mr. STEVENSON. I suggest to the Senator from Ohio in his amendment to add "that the words 'CONGRESSIONAL RECORD' shall be printed on the outside cover," so as to show the character of the document. That was the enactment in regard to the Congressional Globe.

Mr. THURMAN. I have no objection to that, but I do not think it is necessary. Suppose I direct that [holding up to-day's RECORD] to the Ohio State Library, you can see by looking at the wrapper that it is the CONGRESSIONAL RECORD. Why should it not go through the mail without any more formality? The Clerk can add the words indicated, however, if the Senate desire.

Mr. CONKLING. May I make an inquiry?

Mr. THURMAN. Certainly.

Mr. CONKLING. Suppose we add to the amendment of the Senator from Ohio, when he comes to send one of his speeches, as I hope he will to as many persons as he can afford to send it to, and take a part of the CONGRESSIONAL RECORD, not the whole of it, will that go free under this provision, or must he buy the whole RECORD?

Mr. THURMAN. Does the Senator mean a pamphlet speech?

Mr. CONKLING. No. If my friend from Ohio takes his speech in the RECORD to send off, must he buy the whole RECORD of that day although it may contain four times as many columns as the speech occupies, or will that part of the RECORD which contains his speech alone go free?

Mr. THURMAN. If I were Postmaster-General I should take the words "Congressional Record" to mean the CONGRESSIONAL RECORD and not to mean a portion of it cut out in that way. If the Senator from New York were to send off one of his speeches in the way he proposes to do, there might be some injury done in the public mind. The answer to it ought to go along with it, the antidote with the poison.

Mr. CONKLING. We could arrange that by a partnership; the Senator and I could club together and each contribute and send the two off in couples. The Senator has so much law and I have none that I hope he will not be impatient with me if I take off the first fourteen leaves of the RECORD to-day, marked "Congressional Record," and ask whether, under this provision they may go through the mail, or whether I must buy all the rest of this RECORD, containing to-day seventy-six pages? And I am serious about this because it will make a difference in my vote.

Mr. THURMAN. If the Senator does not speak of pamphlets I agree with him. I supposed he referred to pamphlet speeches. The whole includes all the parts, undoubtedly.

Mr. CONKLING. I think that aids the Senator's proposition if it is so.

Mr. THURMAN. Undoubtedly it is so.

Mr. CONKLING. A Senator wants to send off two or three pages of the CONGRESSIONAL RECORD to-day; must he buy the whole seventy-six pages and send them through the mail in order that he may send the two or three pages to a constituent who may be interested in something there?

Mr. CARPENTER. Say "the CONGRESSIONAL RECORD or any part thereof."

Mr. CONKLING. I think that would do.

Mr. THURMAN. Well I will put in "the CONGRESSIONAL RECORD or any part thereof."

The PRESIDING OEFICER. The amendment will be so modified.

Mr. ALCORN. I suggest to the honorable Senator from Ohio whether he is not involving himself in a little difficulty and almost absurdity by the proposition he now makes? I hope he will not accept those words "or any part thereof." The RECORD contains the proceedings of Congress in entirety.

Mr. CONKLING. Here is the RECORD to-day of seventy-six pages. Does the Senator think it would be economical to the Government or fair to a Senator who wished to pay for something in it and to send it off, that he should be obliged to buy and pay for seventy-six pages of quarto printed matter and compel the mail to carry it when a single page may be all he wants to-day to transmit?

Mr. ALCORN. If the Senator were to inquire of me, I might say that perhaps I would vote for a proposition to permit the honorable Senator from New York to send his speeches printed in pamphlet form.

Mr. CONKLING. If the Senator should say that, I could not credit it. It would be a draft on my credulity that I could not honor.

Mr. ALCORN. I do not ask the Senator to make any extraordinary draughts on his credulity. I merely make a suggestion. The RECORD is an entirety, it is the day's doings in the Congress of the United States, and it is the purpose to send that RECORD out for the benefit of the people. It is a benefit to the country and not to a particular member of Congress that this free transmission through the mail is allowed. I desire to strip it of the characteristic of being a benefit to the member of Congress himself, but it shall go to the country as an entirety, as the record of Congress.

Mr. CARPENTER. Then we ought to make another amendment, because if the honorable Senator from Mississippi should make one of his able speeches it could not go to the country without benefiting that Senator, and therefore it would be improper to send it through the mails.

Mr. ALCORN. If I possessed the ability of throwing light on every subject that comes up here and did attempt it in the degree that is attempted by my honorable friend from Wisconsin, then I would be held vulnerable to the charge he makes; but, sir, I see the purpose of this.

Mr. MORRILL, of Maine. I think the proposition of the Senator from Ohio is greatly in danger of having the beauty and symmetry of it marred; but nevertheless, as it illustrates a principle, I am glad to see it go on. It did seem to be a little striking when the Senator from Ohio, having moved that the CONGRESSIONAL RECORD, being a record of our proceedings, should go free through the mails, said that the people ought to know everything that Congress says and does. There did seem to be some little force in the argument; but when you come to dilute it, when you come to get it down to a fine point to illustrate the exact thing we are about, it somehow or other reflects the idea that we want to get out to the country as cheaply as possible, in some cheap way, now that the franking privilege is abolished, the little bits of things that we say here before the Senate. Although it is a little gross perhaps to send the whole book, we are asked why can we not send a few pages, why not the little wise sayings that we get off? Suppose they are but a snatch, suppose they are just a paragraph, why should they not go free? To illustrate, why should not all this be put on the wires? Why should we not extend the wires from this Chamber that now go to the Departments, so that whatever we utter may go on the wings of lightning everywhere all over this land, so that my honorable friend may electrify his constituents morning, noon, and night? Then they would know when he sits down, when he gets up, and after he utters a thing here why should it not go to them? My respect for the honorable Senator and my admiration for his character and abilities are such that I should be delighted to see that thing done. Why not have something of that sort, so that all the speeches we utter, all the wise sayings we utter should go out in one stream circulating on the wires everywhere?

Mr. CONKLING. The postal telegraph could do that!

Mr. MORRILL, of Maine. The postal telegraph! If we may send out this volume, this book which we publish every morning, containing everything we say, word for word, why, if we choose to send detached portions which may affect one of our constituents and not the whole, should we not be at liberty to do that?

Mr. President, I wish we would get done with this. I want to get this bill through; but if there are so many conceits to be put upon it I see little hope. I know my honorable friend from Ohio does not want to embarrass this bill, but after the people of the United States had insisted upon it that the carrying of public documents, including the Congressional Globe, was an abuse, and after we had put an end to it, the idea that within a twelvemonth or so after we enacted the repeal, and enacted it under circumstances of such solemnity that one would think nobody who attended that ceremony would ever raise a voice in that direction, we should be found here by these insidious steps working our way back to the free delivery of the choice things we publish in the Senate Chamber does seem to me extraordinary.

Mr. THURMAN. Mr. President, there never was any complaint in this country that the Congressional Globe or the speeches of members of Congress delivered on the floor of the Senate or the House of Representatives were sent free through the mail. There never was any complaint by the people of any such thing. The complaints made were of the abuses of the franking privilege and of the violations of law. If the law had never been violated it never would have been repealed. It was because it gave rise to such violations of law, such abuses, that the people clamored for its repeal. It was not much of a clamor either; it was a stimulated thing got up in this city of Washington to give a certain officer of the Government a great reputation as a mighty reformer; and how much he has reformed, and how much expense he has saved to the people, we know now by the reports. But there were abuses, abuses that made me vote for its repeal; and what were they, pray? They were that perhaps one entire half of the franked matter that went through the mail in times of high political excitement was matter that was not frankable at all under the law. Do you know, sir, that if you were to deliver a speech outside of the Halls of Congress there never was a law which authorized you to frank that speech?

Mr. CARPENTER. If it was less than four ounces?

Mr. THURMAN. If it was less than four ounces.

Mr. CARPENTER. The Senator is mistaken.

Mr. THURMAN. I am not mistaken, for I have looked carefully into it. You had a right to frank your correspondence.

Mr. CARPENTER. The language of the law I think was "a package weighing not to exceed four ounces."

Mr. THURMAN. No, sir. You had a right to frank your correspondence; you had a right to frank public documents. There was no necessity for a law to frank the Congressional Globe, for it was expressly provided that it should go free through the mails. You had a right to frank speeches delivered in Congress, too, but you had not a right to frank even your own speech that was not made in Congress, and much less had you a right to frank here political pamphlets that were made up for electioneering purposes. How was it in the last presidential contest? I saw with my own eyes this Capitol filled after the adjournment of Congress two years ago with men, women, and children putting up all kinds of political stuff, extracts from the New York Tribune, almost a volume, to show what Greeley had said about the democrats, and not very interesting reading, I can tell you.

Mr. CARPENTER. To the democrats? [Laughter.]

Mr. THURMAN. Not to the democrats. Then in high Dutch and in low Dutch and in French were all sorts of political pamphlets of all kinds and descriptions. This Capitol was filled with men, women, and children putting them up in Government wrappers, and clerks were writing on them the franks of members of Congress when the members of Congress were hundred of miles away. I saw that with my own eyes. I have in my house now four of these documents, all purporting to be franked by the same man and his name written by four different persons, and he hundreds of miles away from Washington City at the time. That was the thing that was going on. It was because of the abuses of the franking privilege; it was because of the violations of law that it was abolished. But in respect to the provision of law that the Congressional Globe should go free through the mails there never was any complaint. That was not the franking privilege at all. There was no necessity for anybody to frank a Congressional Globe, for the law passed it free through the mail. Therefore when petitions came here asking for the abolition of the franking privilege they did not ask you to repeal that provision of the law which let the record of congressional debates go free through the mails. The people want those debates; they want to see what their public servants are doing; they want to know the reasons which they give for their action and for their votes.

My amendment simply proposes, not to restore the franking privilege, not to restore anything that came within the franking privilege as it existed, but to restore the old provision that made the record of the debates of Congress pass through the mail free without any frank at all. It is an entire mistake to treat this provision as having been a provision of law authorizing franking. It was not so at all.

Mr. CARPENTER. Will the Senator allow me to interrupt him to read the statute?

Mr. THURMAN. In a moment. On the contrary, the fact was that by special provision of law the record of the debates of Congress went through the mail free.

Now I have a word or two to say in answer to my friend from Maine [Mr. MORRILL] who has employed that wit which he possesses in such great abundance upon this amendment. He says that when this thing comes to be diluted, and we see what it is, it is only an attempt of Senators to get their speeches before the public. I submit to him that it is a duty that a Senator owes to send his speeches to his constituents that they may know what are his opinions and what he has been saying upon public measures that interest them; and instead of a Senator being reproached for that, that Senator best discharges his duties who, among the other good things he does, sends to his constituents the opinions which he as their representative has expressed in the Congress of the United States.

But, sir, that does not cover the case at all. Why is it that you publish seventy-odd copies for each Senator of the CONGRESSIONAL RECORD or the Congressional Globe? When a Senator sends one of those copies, three or four big volumes on which the postage would be I do not know how much, perhaps five, or six, or seven dollars——

Mr. MORRILL, of Maine. On an average, for five volumes of one session, $3.50 I think.

Mr. THURMAN. When we publish such a book as that, I want to send it to libraries as I have been accustomed to do ever since I have had a seat here. I have sent copies of the Globe to the Mechanics' Library of Cincinnati, to the Mercantile Library of Cincinnati, to the Ohio State Library, to the various colleges in Ohio. In that way I have always disposed of more than half of those assigned to me. Why ought they not to pass free through the mail? They are part of the public transactions of this Government, and for almost as strong a reason as that which requires you to publish your laws you ought to publish and distribute your debates.

The PRESIDING OFFICER, (Mr. HAMLIN in the chair.) The question is on the amendment of the Senator from Ohio to the amendment.

Mr. ALCORN. Let it be read.

The PRESIDING OFFICER. The amendment to the amendment will be read.

The Chief Clerk read as follows:

And provided further, That the CONGRESSIONAL RECORD, or any part thereof, shall be carried through the mails free of postage.

Mr. ALCORN. I shall not vote for that amendment as it is presented. The CONGRESSIONAL RECORD of to-day is seventy-six pages. Under the operation of the amendment I can tear off thirty-eight leaves and each and every one of them may be sent through the mail separately. I do not think it would give strength to the proposition.

Mr. CONKLING. They would not weigh any more in that way.

Mr. FRELINGHUYSEN. The amendment which I introduced, as modified by the Senator from Vermont, simply provides for disposing of the printed matter which we have on hand by suffering those who wish these documents to pay the postage for them when they are received. I hope that that amendment will not be loaded down with other provisions. When we come here at another session if we want to make arrangement for the RECORD, or for anything else, then is the time to do it, not now.

Mr. HOWE. Mr. President, it seems to me if the Senator from Ohio means to make the amendment operate equally and fairly he ought to provide not merely that anybody may send the RECORD through the mails free, but that anybody may have the RECORD to send free through the mails. If the amendment stands in the language the Senator has put it in, it allows that one document, that one commodity, to be carried through the mails for nothing; not merely carried from the office of publication to the subscriber for nothing, but the bound volumes, sets, are included, and they can be carried from the office of publication, they can be carried from anybody who has them. The book merchants who have back numbers can send them to purchasers; they can travel to and fro in the mail. That is perhaps right enough; but now if you provide that anybody may have them printed by just calling at the Government Printing Office, then, although it may not be a sensible provision, it would be an equitable one, so far as individuals are concerned.

Mr. THURMAN. Perhaps everybody ought to have the laws of the United States; but we only print a limited number of them and so we print a limited number of the CONGRESSIONAL RECORD. It is in the discretion of Congress to print more or less as it sees fit.

Mr. HOWE. The Senator does not propose to send the laws free through the mail?

Mr. THURMAN. They ought to be.

Mr. HOWE. It is not included in the amendment.

Mr. THURMAN. One amendment for one point is enough at a time.

Mr. HOWE. There are those here who think a great many things ought to be sent free through the mails, but it is not exactly the effort that we are aiming at to provide for sending everything through the mails free.

Mr. WEST. I am admonished by the prolongation of this debate that probably this bill will not be finished if the Senate adjourns at its customary hour. I desire to give notice to the Senate now that I shall ask the Senate to remain here this evening until a final vote on the bill can be had.

The PRESIDING OFFICER. The question is on the amendment to the amendment.

The question being put, there were on a division—ayes 15, noes 14; no quorum voting.

Mr. THURMAN. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. HAGER. I do not understand the amendment now before the Senate. I should like to have it reported.

The PRESIDING OFFICER. The amendment to the amendment will be again read.

The Chief Clerk read the amendment to the amendment.

Mr. OGLESBY. Mr. President, yesterday the Senate proceeded to the consideration of the post-office appropriation bill. If my memory serves me aright they had substantially finished that work when a class of amendments was presented to the bill which either directly or remotely had reference to the franking privilege. I have voted on several occasions this session on that subject, without having said anything about what my views were on the question. Although the RECORD does furnish to those who care to trace it something of the history of a man's views, it furnishes those views in such disconnected and so far-apart ways that unless it be studied connectedly through no man will ever know what a representative's views upon any given question are unless he hears something from that representative himself. It is too big a job to go all through the RECORD or the Globe to trace out the meanderings of a representative's votes to find out just where he stood or just where he did not stand upon any question before the country.

If I understand the public sentiment on this question of the franking privilege in all of its phases and in all of its bearings, if I have any just appreciation of the public feeling upon that question, it is that the country is opposed to it. I am very sincere in saying that I have arrived at this conclusion after giving some attention to the subject. I remember perfectly well that petitions were sent over the country a few years ago through the Post-Office Department soliciting signatures to those petitions for the repeal of the franking privilege; but I do not remember that where I live any man ever signed such a petition who was not absolutely in favor of it. It had grown to be in the public estimation a pestiferous thing.

I am free to confess that the public were not entirely unclouded in their consideration of that question. I believe that a great many false statements and representations were made to the public in regard to it. But as the Senator from Maine [Mr. MORRILL] has said on more than one occasion in the last forty-eight hours, and I think the Senator from Ohio [Mr. THURMAN] too, there was a well-settled belief in the country that the franking privilege had been abused. I think the statement of both those Senators will be corroborated by the recollection of every member on this floor as to the public sentiment in that direction, that the franking privilege had been abused. Therefore the country said with almost one voice, "Let us get rid of the franking privilege." Did they say anything else? If I understand the public they said something else; and when I adopt the public view upon a question I adopt it in all its length and depth and breadth. I take them at what I understand them to say. Accompanying that expression of public feeling in regard to the franking privilege there was another expression of the public very largely indulged in by the people, that Congress was publishing too much trash, that many of the documents were worthless or at any rate were undesirable; and the same public voice that said "Let there be no more franking privilege," also said "Let there be no more pub-

lication of worthless and unnecessary public documents." They did not discriminate between what were good documents and what were worthless documents; but there was a general sweeping denunciation through the country; and every other man you would meet would say "Of what consequence to me is that report" or "that document? I care nothing about it." Once in a while a man would get an Agricultural Report or possibly a report upon some of the western surveys or explorations, and once in a while an executive document—that is a document from one of the Departments of the executive branch of the Government—with which he was satisfied; and I have occasionally during the past winter received requests from the people of the West for executive documents, sometimes for the Congressional Directory, sometimes for copies of the Constitution of the United States, sometimes for the Agricultural Report, sometimes for surveys and explorations in the western country; but I have never yet received a request for a Coast Survey report, for the report of the survey across the Isthmus of Tehuantepec. I have received no request for the volume of statistics in regard to commercial relations, or in regard to finance, or in regard to many other reports published by Congress. Some of the grangers have asked for Agricultural Reports and for copies of the census of 1870 and of the censuses compendium; but in almost every instance in which I have received a request from Illinois for a public document either the postage has been sent to me or I have been requested to send it to the applicant by express.

I have not been borne down by my constituents; I have not been worried much under the prepayment of postage on public documents. I am not overly fond of that kind of enjoyment. So I wish to consider this franking privilege in all its length and breadth, and I shall vote against its restoration. Therefore I shall vote for the necessary corollary of that, which was so elegantly alluded to yesterday by the stalwart eloquence of the Senator from New York, [Mr. CONKLING.] He appealed to me to stand by him. I will stand by him or any other Senator here in voting against the restoration of the franking privilege. I have already voted once this morning in that direction, and I will stand by him and by every other Senator to keep the franking privilege out of the laws of Congress. I am asked if I ought not to send the RECORD through the mails free? Well, I ought not to send the RECORD through the mails free unless I can send a good record; and if I can send the RECORD how many can I send free? How many shall I get? Probably thirty or forty. That is all I can send.

How is it in regard to the amendment offered by the Senator from Kentucky to give seventy-five thousand copies of the Agricultural Report to the Senate for distribution? I should get one thousand copies and my colleague would get one thousand copies. There would be two thousand copies of the Agricultural Report for distribution in Illinois. How many legal voters are there in the State of Illinois to-day? Nearly six hundred thousand; and my colleague and I would get two thousand to distribute partially to a few friends, and you call on the other voters of Illinois to pay for the publication of the document, to pay for transmitting it free through the mails to two thousand selected men while the other five hundred and ninety-eight thousand go without it. Now I ask the public of Illinois if they can indorse that sort of distribution of documents? I do not ask Senators, I ask the voters of the State of Illinois if they have a right to call on me to stand here and vote for the publication and distribution of a partial and limited number of public documents for the favor and accommodation of my few friends, not to go to the residue of the public of the State of Illinois? I appeal to the voters of Illinois and ask them whether I shall give such a vote as that? No, I will not give it.

The PRESIDENT *pro tempore*. The Senator from Illinois should address the Chair. [Laughter.]

Mr. THURMAN. As I am not one of the voters of Illinois, and therefore am not just now addressed by the Senator from Illinois, I do not know but that it would be impertinent in me to ask him a question; but if I may be allowed as one not having the privilege of living in Illinois to ask him a question, I would ask him whether he proposes to print as many copies of the laws of the United States as will furnish every man, woman, and child in Illinois with a copy? Will he dare to limit the number of the laws of the United States and put them in the hands of a favored few?

Mr. OGLESBY. Yes, I will dare to limit the number to be published of the laws passed by the national Congress, and I will dare to limit the number of every public document ordered by Congress; and I will go further and dare to do what the Senator from Ohio, I believe, will not dare to do, I will say to the people of Illinois and to the people of the United States that the information that comes to this body through the legitimate channels of the Government and from the recognized constitutional Departments of the Government shall be published by authority of Congress, and under the direction of the Committee on Public Printing of both Houses of Congress it shall be distributed to all the people who will pay the postage and pay the cost of the printing and the paper in the document. That is what I will vote. That is the franking privilege that I desire.

The PRESIDENT *pro tempore*. The Senator's ten minutes have expired.

Mr. OGLESBY. It would afford me infinite pleasure to address myself to the Chair ten minutes longer. [Laughter.]

Mr. ANTHONY. I hope the Senator will have the privilege.

The PRESIDENT *pro tempore*. The Chair would be delighted to hear the Senator. The question is on the amendment offered by the Senator from Ohio to the amendment of the Senator from New Jersey.

The question being taken by yeas and nays, resulted—yeas 28, nays 27; as follows:

YEAS—Messrs. Alcorn, Allison, Bayard, Bogy, Carpenter, Clayton, Davis, Dennis, Goldthwaite, Harvey, Ingalls, Lewis, McCreery, Merrimon, Mitchell, Norwood, Patterson, Pease, Ransom, Robertson, Saulsbury, Spencer, Sprague, Stevenson, Stockton, Thurman, Tipton, and Wadleigh—28.

NAYS—Messrs. Anthony, Boreman, Boutwell, Buckingham, Chandler, Conkling, Ferry of Michigan, Flanagan, Frelinghuysen, Gilbert, Hager, Hamilton of Maryland, Hamlin, Hitchcock, Howe, Morrill of Maine, Morrill of Vermont, Oglesby, Pratt, Ramsey, Sargent, Schurz, Scott, Sherman, Washburn, West, and Windom—27.

ABSENT—Messrs. Brownlow, Cameron, Conover, Cooper, Cragin, Dorsey, Edmunds, Fenton, Ferry of Connecticut, Gordon, Hamilton of Texas, Johnston, Jones, Kelly, Logan, Morton, Stewart, and Wright—18.

So the amendment to the amendment was agreed to.

The PRESIDENT *pro tempore*. The question recurs on the amendment of the Senator from New Jersey [Mr. FRELINGHUYSEN] as amended, upon which the yeas and nays have been ordered.

The question being taken by yeas and nays, resulted—yeas 33, nays 26; as follows:

YEAS—Messrs. Alcorn, Allison, Bayard, Bogy, Carpenter, Clayton, Cooper, Davis, Dennis, Goldthwaite, Gordon, Harvey, Ingalls, Kelly, Lewis, McCreery, Merrimon,, Mitchell, Morton, Norwood, Patterson, Pease, Pratt, Ransom, Saulsbury, Sherman, Spencer, Sprague, Stevenson, Stockton, Thurman, Tipton, and Windom—33.

NAYS—Messrs. Anthony, Boreman, Boutwell, Buckingham, Chandler, Conkling, Ferry of Michigan, Flanagan, Gilbert, Hager, Hamilton of Maryland, Hamilton of Texas, Hamlin, Hitchcock, Howe, Morrill of Maine, Morrill of Vermont, Oglesby, Ramsey, Sargent, Schurz, Scott, Stewart, Wadleigh, Washburn, and West—26.

ABSENT—Messrs. Brownlow, Cameron, Conover, Cragin, Dorsey, Edmunds, Fenton, Ferry of Connecticut, Frelinghuysen, Johnston, Jones, Logan, Robertson, and Wright—14.

So the amendment, as amended, was agreed to.

Mr. RAMSEY. I desire to move an amendment to the bill, merely to correct an omission.

Mr. ROBERTSON. I have an amendment lying on the Secretary's desk which I wish to have acted upon.

Mr. RAMSEY. I hope the Senator will allow this to go on. It is in harmony with the sections we have already adopted. The amendment is to add the following:

SEC.—. That so much of this act as changes the rate of postage on newspapers and periodical publications shall not take effect until the 1st day of January next.

Mr. WEST. I should like to inquire of the Senator what is the occasion for that proposition?

Mr. RAMSEY. It is most obvious to any one. It was part of the original proposition as reported from the Post-Office Committee and as it came from the House of Representatives. Contracts are already made by publishers with their subscribers for the current year. We have now provided for a new state of things which ought not to take them unawares, and this amendment postpones its operation until the 1st of January.

Mr. SHERMAN. That was in the original proposition I submitted, but I struck it out and handed it to the Senator so that his attention might be directed to it.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Minnesota.

The amendment was agreed to.

Mr. ROBERTSON. I have an amendment on the table, which I now offer and ask to have read.

The Chief Clerk read the amendment, which was to insert as an additional section the following:

That the act entitled "An act to abolish the franking privilege," approved January 31, 1873, be, and the same is hereby, repealed; and the franking privilege, as the same existed prior to the passage of said act, is hereby restored.

Mr. ROBERTSON. Mr. President, inasmuch as we have restored the franking privilege in its most obnoxious form to all the heads of Departments and taken it away from ourselves, and we propose to send public documents to our constituents for the purpose of giving them information and letting them know what we do, I offer this amendment, so that Senators can put themselves squarely on the record. I desire a vote upon it.

The PRESIDENT *pro tempore* put the question on the amendment and declared that the noes appeared to prevail.

Mr. ROBERTSON. I call for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 17, nays 34; as follows:

YEAS—Messrs. Alcorn, Carpenter, Dennis, Goldthwaite, Gordon, Harvey, Hitchcock, Kelly, Merrimon, Norwood, Patterson, Pease, Ransom, Robertson, Sprague, Stevenson, and Tipton—17.

NAYS—Messrs. Allison, Bogy, Boreman, Boutwell, Buckingham, Chandler, Clayton, Conkling, Flanagan, Frelinghuysen, Gilbert, Hager, Hamilton of Maryland, Hamlin, Lewis, McCreery, Mitchell, Morrill of Maine, Morrill of Vermont, Morton, Oglesby, Pratt, Ramsey, Sargent, Schurz, Scott, Sherman, Stewart, Stockton, Thurman, Wadleigh, Washburn, West, and Windom—34.

ABSENT—Messrs. Anthony, Bayard, Brownlow, Cameron, Conover, Cooper, Cragin, Davis, Dorsey, Edmunds, Fenton, Ferry of Connecticut, Ferry of Michigan, Hamilton of Texas, Howe, Ingalls, Johnston, Jones, Logan, Saulsbury, Spencer, and Wright—22.

So the amendment was rejected.

The PRESIDENT *pro tempore*. There is one amendment of the Committee on Appropriations which has not yet been acted upon. It will be reported.

Mr. SHERMAN. That is superseded.

The Chief Clerk read the amendment, which was in section 1, line 10, to add the following proviso to the clause appropriating $16,400,000 for inland mail transportation:

Provided, That postages shall hereafter be prepaid on all mailable matter at the time of mailing; and all acts inconsistent herewith are hereby repealed.

Mr. MORRILL, of Maine. That amendment is superseded by the amendment which has been adopted.

Mr. WEST. The committee withdraw that amendment.

The PRESIDENT *pro tempore*. The amendment will be withdrawn if there be no objection.

Mr. WEST. I should like an opportunity of making a typographical correction in line 8 of the amendment offered by the Senator from Ohio; and that is, to strike out the comma after the word "circulars" to make it correspond with the present law, as one of those commas would be very apt to give us trouble again.

The PRESIDENT *pro tempore*. That correction will be made if there be no objection.

Mr. STEVENSON. I offer the following amendment:

And that three hundred thousand copies of the report of the Commissioner of Agriculture shall be printed for circulation, which shall be duly stamped with postage stamps; two hundred thousand copies for the use of the House, seventy-five thousand copies for the use of the Senate, and twenty-five thousand copies for the use of the Commissioner of Agriculture.

Mr. CONKLING. How many are ordered now?

Mr. ANTHONY. I am not in favor of this amendment; but the proportions are not right. That is a document of which the House of Representatives have always had a much larger proportional number than the Senate. I do not think there has ever been an occasion when as many as seventy-five thousand copies have been distributed to Senators, while there have been more than one hundred thousand copies distributed among members of the House. It is a document which according to all the precedents of Congress belongs more to Representatives than to Senators.

Mr. MORTON. Under the amendment the number is two hundred thousand for the Representatives.

Mr. ANTHONY. There are documents of which Senators have the larger number, such as the CONGRESSIONAL RECORD. We have forty to each Senator, and the House of Representatives have twenty-five to each member; but the custom has always been to give a much larger number of the Agricultural Report to each Representative than to each Senator; for the manifest reason that the CONGRESSIONAL RECORD is intended for distribution in the way in which the Senator from Ohio, [Mr. THURMAN,] whom I do not now see in his seat, said he distributed his, to libraries and to editors, extending over all the State, of course, while the Agricultural Report is sent or should be sent to farmers. It is for popular distribution, while the RECORD is for a different kind of distribution and for more permanent uses. I think, therefore, it would be better to alter the proportion fixed in this amendment, giving to Representatives a larger number and to Senators a smaller number, although I state frankly I shall vote against the proposition.

Mr. STEVENSON. I only desire that the farmers of this country shall have the benefit of the Agricultural Bureau, and it is immaterial to me whether the report is distributed by the House or the Senate. I propose to print two hundred thousand for the use of the House and seventy-five thousand for the Senate, so that the people shall get it. I have given to the Commissioner twenty-five thousand, because the libraries and the granges who have libraries and all these people will write to him for a copy and will get it, and it seems to me the proportion is about right.

Mr. MORRILL, of Maine. I simply desire to emphasize an important statement of my honorable friend from Kentucky. In the spirit of liberality and magnanimity so worthy of the large-heartedness of that Senator he is disposed to do a big thing, a grand thing for the farmers! There are about six millions of them, I believe, and he proposes to distribute among them, to eke out through the partiality of Senators and members of Congress three hundred thousand copies of this report! I call for the yeas and nays on the amendment.

Mr. STEVENSON. I am disposed only to do what I think is my duty as a Senator. I represent here in part an agricultural State, and I am unwilling that the people of this country should be taxed to keep up a magnificent Bureau here where plants, trees, foreign seeds, and all things pertaining to agriculture are kept for the inspection of the people who come to Washington without giving the people at large the benefit of that which they are taxed to support. That may be big-heartedness or it may be blindness; I do not care which. It seems to me you should either abolish the Commissioner of Agriculture, or allow the people who are practical farmers to have the benefit of his research and of his foreign importations. Let us give them all the means of progress in agriculture; let us furnish them with the material by which they can advance the agriculture of the country. I hope Senators will not attempt to kill off this proposition by sidebar remarks.

I repeat, sir, let us either abolish the Agricultural Bureau, or distribute among the people the results of the labor of that Bureau. That is the simple question. If this were an original question as to the establishment of that Bureau probably I should not support it. I admit it has been of great benefit. It is among the instrumentalities of the Government which are in great favor with the people, and I have no wish to make capital out of this subject. My only desire is, as long as this Bureau is kept up, to let the people have, free of expense, the annual report of that Bureau. I hope the yeas and nays will be taken on the amendment, so that every Senator can express his opinion upon it.

Mr. RAMSEY. I suggest to the honorable Senator from Kentucky that for the same reason he urges in this case he ought to send to the people the report of the Commissioner of Education. There is a Bureau of Education maintained here at Washington. Then again we have a Bureau of Public Lands, and its report ought also to be sent to the people; and there are various other Bureaus whose reports ought to be sent out among the people for the same reason which the Senator has given in support of his amendment.

Mr. STEVENSON. I will say to the Senator from Minnesota that the States have bureaus of education, and I suppose their reports are circulated, but I should think Minnesota would be the last State to object to this, especially as the Senator has already gotten a land grant during this session for his State out of the public Treasury.

Mr. RAMSEY. O, we only got our own lands, I beg to say to the Senator.

Mr. STEVENSON. I do not think, after the special privilege that has been conferred this winter upon Minnesota, the Senator from Minnesota ought to be so niggardly in his bounty to the people as to deny them the privilege, free of postage, of seeing what the Agricultural Bureau has been doing.

Mr. RAMSEY. All that you gave the people of Minnesota were their own lands, the value of which they had created. They were not worth a cent an acre when they went there, and they are worth whatever you get for them now.

But, Mr. President, one objection that I have to the Senator's amendment is that it does not go far enough, as I told him the other day when he offered it originally. There are three hundred thousand of these reports to be distributed, and we have two or three million farmers. If he were to give one to each farmer I could understand and appreciate the value of his amendment; but if one in ten or twenty is to be selected and favored by a copy of this report, I am unable to see the fairness or justice of it.

Mr. CARPENTER, (Mr. INGALLS in the chair.) The Senator from Minnesota thinks this amendment does not go far enough. The hero of the great reform must be patient. We cannot accomplish all these things in a moment. We propose to discipline his nerves by gradual advances up to the idea of allowing the people to have some little information, for which they pay, in regard to the management of the Government which is their government and which is directed by their agents. Three hundred thousand copies of this Agricultural Report are a great deal better than nothing. That is as much probably as the nerves of the Senator from Minnesota could stand at one dose. Next year perhaps he may stand five hundred thousand. I should vote for that just as cheerfully as I shall vote for this. The experiment succeeded here two or three years ago of shutting down all information from the people, cutting off the supply. Now we have got to feel our way back again. Three hundred thousand are pretty good for a start. Let the Senator from Minnesota get accustomed to that, and next year we will join him in going for five hundred thousand.

Mr. RAMSEY. I suggest to my honorable friend, who was the leader of the other great reform of the last Congress, the increase of pay, that we may perhaps be compelled to go back again on our action next winter. [Laughter.]

Mr. FRELINGHUYSEN. Is the amendment of the Senator from Kentucky amendable?

The PRESIDING OFFICER. It is.

Mr. FRELINGHUYSEN. I move to amend the amendment by striking out that part of it which provides that these Agricultural Reports shall go free by being stamped. We have already adopted an amendment providing that there need not be prepayment, but that the persons who wish these reports may pay for them when they receive them. That being the sentiment of the Senate, and by that arrangement everybody will get these books that wants them and those who do not desire them will not have them, I move to strike out the words "which shall be duly stamped with postage-stamps."

Mr. STEVENSON. I am surprised to hear the amendment offered by the Senator from New Jersey. I know him to be a most efficient friend of agriculture, and he must know that some of the best farmers and planters in this nation cannot afford to pay for this report, and to that extent he would deny to these men the opportunity of reading it.

But the Senator will remember that we have already to-day provided that the CONGRESSIONAL RECORD shall go free. Is not this report as valuable to the six million farmers in this nation as the RECORD, and if one goes free why should not the other go free? I think all must admit the importance of giving to the substantial interests of the country, to the laboring masses, the information which will be derived from this Agricultural Bureau. I think it is almost incalculable; and I do hope that the Senate will not only allow the printing of these three hundred thousand copies, but will permit them to go postage free.

Mr. FRELINGHUYSEN. The postage on one of these volumes will be about ten cents under the provision we have just adopted. It seems to me to be very fickle legislation for the Senate one half-hour to pass a law that the documents shall pay postage and the next half-

hour that they shall go free. I think the fact that a person writes for them and pays ten cents postage for them secures a better distribution than if they were sent free.

Mr. SAULSBURY. I hope the amendment of the Senator from New Jersey will not be adopted. If there is any public document printed that is appreciated, I am satisfied, from my experience in the distribution of documents while the franking privilege existed and since, that the report of the Agricultural Commissioner is more highly appreciated than any other public document printed by order of the Senate.

The Senator from Maine ridicules the idea that three hundred thousand copies amount to anything for the great farming interests of the country. It is utterly impossible to furnish every farmer or every person engaged in agricultural pursuits with a copy of the report of the Agricultural Commissioner; but these three hundred thousand copies will be distributed throughout the different States. Under this amendment there will go into the small State which I have the honor in part to represent some two thousand or twenty-five hundred copies. That will put a number of these reports in every neighborhood; and that is true of every State in this Union. Take the State of New York, for instance. While there are but two Senators here from that State, there are some thirty-three or thirty-four Representatives in the other House, and they will distribute into every neighborhood copies of this report. It will furnish valuable information to the agricultural community in which it is distributed, and now we ought not to begrudge so small a favor for the agricultural interest.

My friend from Maine, who opposes this amendment so zealously, certainly favors matters which protect special interests in his own section of the country. Why, sir, one tithe of the taxes that are imposed upon the people of this country for the benefit of the manufacturing interests of the country, so well represented by the Senator from Maine and others on this floor, one tithe of the tribute paid by the agricultural interest to those manufacturing interests by the way of protection, by the way of tariffs upon their interests, would put an Agricultural Report in every farmer's hand throughout the country. The farming community have been taxed for the benefit of other interests; and now when this small boon is asked, that three hundred thousand copies of the report of the Commissioner of Agriculture may be distributed among them, it is met with opposition. To my mind, it is most unreasonable and unjust.

The agricultural interest of this country has never asked protection, has never asked for any special favor at the hands of Congress; but Congress, in order to convey the impression to the agriculturists of this country that their interests were regarded, established here a Bureau that is costing, according to the appropriations for it the present year, nearly a quarter of a million dollars. The Agricultural Report is published. You have a publishing house established by the Government, and the small expense of the publication of three hundred thousand copies is but a trifle. Why may we not publish that number and distribute them free through the mails so that the farmers of the country may see what information this Agricultural Bureau is collecting on the subject of agriculture, so that they may be benefited if any good is contained in those reports?

I concur with the suggestion of the Senator from Kentucky that unless there is something practical for the farming interest to grow out of the establishment of this Bureau we ought at once to abolish it. The people of this country ought not to be taxed to the extent of a quarter of a million dollars for the purpose of keeping up an establishment here in the city of Washington where not more than one man in a thousand can see it. If it is not to distribute any of its benefits to the country, why keep it in existence here? If it is for ornament, for the same amount of money we can establish ornaments in every section of the country. Your quarter of a million dollars will put as great an ornament in every State in this Union in the course of ten years. We ought not to continue this Bureau, and I will vote myself to abolish it if none of the advantages which it was designed to effect are to be conveyed to the people.

Sir, we are distributing documents, we are publishing thousands upon thousands of documents that have no value as compared with this report. Documents, political in their character, are being published. We appropriated the other day $200,000 for the purpose of making surveys for great works of internal improvement, when but very few Senators on this floor would avow their willingness to vote for the measures if they should be reported favorably upon by the engineers. What was that done for? We all understand it. It was to make a favorable impression upon the farmers of the West that something was to be done for their interests. I opposed that measure because I thought nothing practical would come out of it; that when the proposition came here for Congress to undertake the establishment of lines of canals and railways across this country the Senate would find they were destitute of authority and power under the Constitution to make them, and that the $200,000 that we appropriated was thrown away, as I conceived, upon a political project, to make an impression upon the grangers of the West and others that their interest was being looked after here in Congress. But here is a practical good to the granger interest and the farming interest, the distribution of a document that is supposed to contain valuable information on the subject of agriculture, and yet when a proposition is made that it shall go free through the mails so that the people may get information from it, it is met with objection.

Sir, I will vote for this proposition, and if it is voted down, then I will vote for any other proposition that will restrict the publication of books and public documents to the absolute necessities of the Senate, and that no public documents shall be distributed whatever. I am prepared to meet this question fairly, to do it or not do it at all. Give the people the information they require, or else cease the publication of every kind of public document other than what is absolutely necessary in order that the Senate may transact the business devolving upon it.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. No. 1142) to authorize the Secretary of the Interior to indemnify the holders of pre-emption and homestead certificates and certificates of entry and patents upon lands in Iowa within the so-called Des Moines River grant on account of failure of titles, and to procure a relinquishment of the paramount titles to the United States; and

A bill (H. R. No. 3628) for the relief of owners and purchasers of lands sold for direct taxes in insurrectionary States, and for other purposes.

NEWSPAPER PUBLICATION OF REVISED STATUTES.

Mr. STEVENSON. I ask leave to introduce a bill of public importance in order that it may be put on its passage at once and sent to the House. Yesterday, when I reported a bill for the publication of the revised statutes, the Senator from New Jersey [Mr. FRELINGHUYSEN] put a question to me as to whether there was in the bill a section repealing the publication of the laws in newspapers. I misunderstood that question. I supposed the question was as to the repealing of the contract with Little & Brown. It now turns out that there is nothing in that bill which repeals the act authorizing the publication of the laws in the newspapers. Therefore, if that law stands, the newspapers would, under their authority to print the laws, print these revised statutes. I therefore now ask unanimous consent to introduce a bill prohibiting the publication in the newspapers of the revised statutes, and I ask for its present consideration.

Mr. CONKLING. Before that bill is read, I wish to inform the Senator from Kentucky, that we may avoid confusion on this subject, that the provision which he now proposes has already twice passed the Senate. It was adopted yesterday early in the day on my motion as an amendment to the pending post-office appropriation bill. It turns out that it was also adopted as a part of the legislative, executive, and judicial appropriation bill, although yesterday we could not find it, and therefore, for abundant caution, I moved it as an additional section to the post-office bill, and it was added without objection. I think I may say further that there is no special need, though I have no objection to this bill, of a provision on that subject to-day or to-morrow. There was need, as the Senator explained yesterday, of immediate action on the bill he reported from the Committee on the Judiciary; but that bill being acted upon, the fact of the President signing the revised statutes will not thereby entail any obligation whatever upon the Government to publish them in the newspapers. On the contrary, if at any time within a week, or within the limits of this session, the pending appropriation bill becomes a law, or the legislative, executive, and judicial appropriation bill becomes a law with the clause there pending, his object will be accomplished. I state this, not in the nature of an objection, but my honorable friend was not in the Senate yesterday when the legislation took place to which I refer.

Mr. STEVENSON. If this bill passes it will dispense with the provisions of the amendments to the bills alluded to by the Senator from New York. It might be that under the existing law which is now before the President the newspapers might claim the right to publish the revised statutes as part of the laws, and upon consultation with the Committee on the Judiciary of the House, as this bill was intrusted to me, I prefer to make this matter certain; and as it will not take a minute, I ask to put the bill on its passage, that it may be sent immediately to the House and passed there.

By unanimous consent, the bill (S. No. 954) prohibiting the publication of the revised statutes of the United States in the newspapers at the expense of the United States was read three times, and passed.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. E. BABCOCK, his Secretary, announced that the President had this day approved and signed the following acts:

An act (S. No. 563) for the relief of John M. McPike; and

An act (S. No. 870) giving the assent of Congress to the acceptance by the officers of the United States ship Monocacy of silver medals presented to them by the King of Siam.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. MORRILL, of Maine. I wish to present a conference report on the disagreeing votes of the two Houses on the legislative, executive, and judicial appropriation bill. It is important that it should be passed now, so that it may go to the House this evening.

The Chief Clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 2064) making appropriations for

the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1875, and for other purposes, having met, after full and free conference, have agreed to recommend, and do recommend, to their respective Houses as follows:

That the Senate recede from their amendments numbered 12, 17, 18, 19, 49, 52, 63, 65, 69, 77, 91, 92, 94, 98, 101, 102, 106, 108, 113, 138, and 139.

That the House recede from their disagreement to the amendments of the Senate numbered 1, 3, 4, 5, 7, 29, 33, 45, 47, 48, 51, 53, 55, 56, 57, 58, 59, 60, 61, 62, 67, 70, 73, 74, 79, 80, 81, 85, 86, 87, 88, 89, 90, 103, 115, 117, 118, 123, 127, 128, 133, 134, 140, and 142, and agree to the same.

That the House recede from their disagreement to amendment numbered 11, and agree to the same with an amendment striking out the words "and eighty-eight;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 13, and agree to the same with an amendment striking out "five hundred and eighty-four" and inserting in lieu thereof "four hundred;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 14, and agree to the same, with an amendment striking out "forty-two thousand seven hundred and sixty-eight" and inserting "thirty-seven thousand eight hundred;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 15, and agree to the same with an amendment striking out "eight thousand two hundred and fifty-six" and inserting "two thousand six hundred;" and the Senate agree to the same.

That the Senate recede from their disagreement to the amendment of the House to the twenty-first amendment, and agree to the same.

That the House recede from their disagreement to the amendment numbered 22, and agree to the same with an amendment, striking out "2,580," and inserting "6,816;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 23, and agree to the same with the following amendment:

Substitute for the words stricken out the following:

Provided, That so much of the act entitled "An act providing for the election of a Congressional Printer," approved February 22, 1867, as provides for the election of such officer by the Senate, and provides that such officer shall be deemed an officer of the Senate, shall cease and determine and become of no effect from and after the date of the first vacancy occurring in said office; that the title of said officer shall thereafter be Public Printer, and he shall be deemed an officer of the United States, and said office shall be filled by appointment by the President, by and with the advice and consent of the Senate.

And the Senate agree to the same.

That the Senate recede from their disagreement to the amendment of the House to the thirty-seventh amendment, and agree to the same.

That the House recede from their disagreement to the amendments of the Senate numbered 39, 40, 41, 42, 43, and 44, with an amendment as follows: In lieu of the words proposed to be inserted by said Senate amendments insert, after striking out the text of the bill from the word "dollars," in line 3, page 13, of the bill, down to and including the word "each," in line 7, same page, the following: "One principal clerk of warrants and appropriations, $3,000; seven principal clerks, at $2,800 each; eight assistant clerks, at $2,400 each;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 46, and agree to the same with an amendment, as follows: Strike out "6,003" and insert in lieu thereof "two thousand one;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 50, and agree to the same with an amendment striking out "5,004" and inserting "2,006," and the Senate agreed to the same.

That the House recede from their disagreement to the amendment numbered 54, and agree to the same with an amendment striking out "8,002" and inserting "5,004;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 64, and agree to the same with an amendment as follows: Strike out "1,008" and insert "1006;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 66, and agree to the same with an amendment as follows: Strike out "eight" and insert "five," and after the word "each" in line 4, page 18 of the bill, insert the words "one stenographer, at $2,000;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 68, and agree to the same with an amendment as follows: Strike out the word "twenty," and insert in lieu thereof the word "eighteen;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 71, and agree to the same with an amendment as follows: Strike out the word "fifteen," and insert in lieu thereof the word "fourteen;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 72, and agree to the same with an amendment as follows: Strike out "51,140," and insert in lieu thereof "43,540;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 75, and agree to the same with an amendment, as follows: In line 18, page 18 of the bill, strike out the word "five" and insert in lieu thereof the word "six;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 82, and agree to the same with an amendment, as follows: Strike out the word "three" and insert in lieu thereof the word "two;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 83, and agree to the same with an amendment, as follows: Strike out "16,500" and insert in lieu thereof "15,780;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 84, and agree to the same with an amendment as follows: Strike out the word "six" and insert in lieu thereof the word "four;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 93, and agree to the same with an amendment as follows: Strike out "18" and insert "16;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 95, and agree to the same with an amendment as follows: Strike out the words "three thousand" and insert in lieu thereof the words "two thousand eight hundred;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 96, and agree to the same with an amendment as follows: Strike out "3,000," and insert in lieu thereof "2,800;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 97, and agree to the same with an amendment as follows: Strike out the word "nine" and insert in lieu thereof the word "five;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 105, and agree to the same with an amendment, as follows: Strike out the words "ninety-eight thousand four hundred," and insert in lieu thereof "seventy-two thousand;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 107, and agree to the same with an amendment as follows: In line 23, page 35 of the bill, strike out the word "five" and insert the word "six," and in the same line strike out the word "three" and insert the word "four," and strike out all after the word "dollars" in line 25, (same page,) down to and including the word "dollars" in line 26; and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 109, and agree to the same with an amendment as follows: Substitute in lieu of said amendment the following: after the word Department, in line 18, page 37 of the bill, insert the words "in the city of Washington," and strike out the words "Ordnance and Adjutant-General's Office" from said amendment, and after the word "duties," line 21, same page, insert the following:

Provided, That the Adjutant-General is authorized to retain during the next fiscal year, and no longer, such portion of his force of employés now on duty in his office, as may be actually necessary for the service thereof; but no new enlistments shall be made into the general service; and nothing in this act shall be so construed as to increase the aggregate force now employed in any office of the War Department.

And the Senate agree to the same.

That the Senate recede from their disagreement to the amendments of the House to the amendment of the Senate numbered 112, and agree to the same.

That the House recede from their disagreement to the amendment numbered 125, and agree to the same with an amendment as follows: Strike out the words "five hundred;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 131, and agree to the same with an amendment as follows: In lieu of "fifteen" substitute "ten," and after the word "dollars," in line 14, page 55 of the bill, add the following: "That it shall be the duty of the heads of the several Executive Departments, and of the heads of the respective Bureaus therein, in the interests of the public service, to require of all clerks of class one and above, and of chiefs of divisions, such hours of labor as may be deemed necessary for the proper dispatch of the public business, not exceeding, however, the time for which said Departments are by law required to be open for business, any usage to the contrary notwithstanding;" and the Senate agree to the same.

That the House recede from their disagreement to the amendments numbered 135, 136, and 137, and agree to the same with amendments as follows: Insert in lieu of the matter proposed to be inserted by said amendment, after striking out of the text of the bill all after the word "Treasury" in line 20, page 56, down to and including the word "each" in line 22 that has not already been stricken out by said amendment, the following: "two principal clerks at $2,800 each; two assistant clerks at $2,400 each;" and strike out "3,503" and insert "3,409;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 141, and agree to the same with an amendment as follows: Strike out "six" and insert "nine;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 143, and agree to the same with an amendment as follows: Strike out "23,008" and insert "14,007;" and in line 9, page 57 of the bill, strike out "60" and insert "80;" and the Senate agree to the same.

That the Senate recede from their disagreement to the amendment of the House to the amendment numbered 145, and agree to the same.

That the House recede from their amendment to the amendment of the Senate numbered 147, and agree to the same with an amendment as follows: Strike out from the matter proposed to be inserted by the Senate the words "this provision shall not apply," in line 1, and insert in lieu thereof the following: "this provision shall not apply to permanent specific appropriations, appropriations for rivers and harbors, light-houses, fortifications, public buildings, or the pay of the Navy and Marine Corps; but the appropriations named in this proviso shall continue available until otherwise ordered by Congress and this provision shall not apply;" after the word "Congress," in line 14, insert the following: "with his annual estimates;" and the Senate agree to the same.

LOT M. MORRILL,
A. A. SARGENT,
H. G. DAVIS,
Managers on the part of the Senate.

JAMES A. GARFIELD,
S. W. KELLOGG,
SAMUEL J. RANDALL,
Managers on the part of the House.

Mr. ANTHONY. I should like to have some points in this report explained. In the first place I understand that there is an important addition made to the salaries of certain officers of the House of Representatives, making them higher than the corresponding officers of the Senate. Is that so?

Mr. MORRILL, of Maine. I will state how that is. It is true that the House increased the salaries of certain employés of the House. It has been the custom heretofore of each House to fix the salaries of its own employés, and as a matter of courtesy it has been acquiesced in by the other branch. Therefore we did not feel that it was a matter absolutely within our province to insist upon the Senate amendment striking out the increase. Yielding to the courtesy which had obtained for many years, the conferees on the part of the Senate felt at liberty to recede from our position on that proposition.

Mr. ANTHONY. I have always been in favor of allowing each House to regulate the compensation of its own officers, and I do not wish to enter into a race with the House in raising the salaries of officers, but I recollect that when we desired to vote an adequate compensation to an officer of the Senate, for whom we all have the highest respect, and who has been here at least twenty years longer than the Senator longest in continuous service, we had the utmost difficulty in getting the House to agree to it, and then it was only on condition that it should apply to the present incumbent of the office.

Mr. MORRILL, of Maine. It is perhaps due to the House of Representatives that I should say that in regard to two employés whose salaries have been increased, it was upon the principle of complimenting those officers which had been adopted by the Senate in former years in regard to one of its own meritorious officers, and the example therefore has that in its favor.

Mr. ANTHONY. How many officers have their salaries raised?

Mr. MORRILL, of Maine. Five, I think.

Mr. ANTHONY. I would like to ask the Senator further, what is the status of the Congressional Printer?

Mr. MORRILL, of Maine. That has just been read, but the Senator's attention probably was not called to it. Substantially it is this: That whenever there is a vacancy in that office the officer is to be appointed by the President and confirmed by the Senate, and is to be denominated "Public Printer."

Mr. ANTHONY. But it does not legislate the present incumbent out of office.

Mr. MORRILL, of Maine. It does not.

Mr. ANTHONY. I think that is perfectly right. I think that the Public Printer should be nominated by the President and confirmed by the Senate like the other great officers of the Government. This change to the existing mode of appointment was made at the urgent request of the House of Representatives, and not until they had sent us a second bill for that purpose. I myself assented to it with very great reluctance. I think that the name "Congressional Printer" is a misnomer, for there is more printing done for the Departments than there is for Congress. At the same time I think to legislate a man out of office at a time when charges of the gravest nature have been preferred against him, which are now under consideration and upon which the committee of which I have the honor to be chairman will soon be called upon to report, would be an act of very gross wrong. Since the change in the tenure of the office and in the appointment of the officer was made at the urgent request of the House, I think that the committee of conference have done perfectly right in holding on to the measure which the House have compelled us to, until there shall be a vacancy under the existing law. Then I think the matter should be as the bill provides.

Mr. MORRILL, of Maine. There seemed to be no disposition, as I could understand, to legislate the present incumbent out of office. He is left as I have stated.

Now a single word in regard to the bill as a general proposition. It will be noticed that there are numerous amendments, in regard to which on the one side and the other the Senate recede and the House recede, which become necessary of course in order to any agreement upon a general conference. The House, exercising a very laudable ambition to curtail the public expenses, had cut down the public service so to speak pretty largely in many of the executive branches of the Government. When the bill came here this led to a very careful revision of the whole subject, and the Senate Committee on Appropriations reported to the Senate a large number of amendments in the direction as they believed of the actual demands of the public service. Of course that was the chief matter of conference, and it will be seen that the report restores the public service somewhat largely as the bill came from the House to the Senate, but still the conference report is a reduction of something over $100,000 in the aggregate from the bill as presented by the Committee on Appropriations on the part of the Senate and as accepted by the Senate.

I know of nothing so striking or marked in the report as to lead me to make any special remark in regard to it. I will answer any inquiry which any Senator may desire to make in regard to any amendment.

Mr. ROBERTSON. I should like to ask the chairman of the committee one question: Does not this bill perpetuate the Congressional Printer in office so long as he lives?

Mr. MORRILL, of Maine. It does not. He may be reached by the power that created him. A vacancy unquestionably may be created in the office; but at the same time it does not legislate him out of office.

The PRESIDING OFFICER, (Mr. INGALLS.) The question is on agreeing to the report of the committee of conference.

The report was concurred in.

PENSION BILLS.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. No. 2765) granting a pension to John W. Darby;

A bill (H. R. No. 3683) granting a pension to Melissa Rankin, of Indiana;

A bill (H. R. No. 3684) to increase pensions in certain cases;

A bill (H. R. No. 3685) for the relief of George A. Schreiner;

A bill (H. R. No. 3686) granting a pension to Nancy Curry;

A bill (H. R. No. 3687) granting a pension to Victoria L. Brewster;

A bill (H. R. No. 3681) granting a pension to William M. Drake;

A bill (H. R. No. 3682) granting a pension to Theron W. Hanks, a private of the Third Minnesota Battery;

A bill (H. R. No. 2400) granting a pension to William White;

A bill (H. R. No. 2156) granting a pension to Nathan A. Winters;

A bill (H. R. No. 2949) granting a pension to James R. Borland;

A bill (H. R. No. 3692) granting a pension to Harriet W. Wilkinson;

A bill (H. R. No. 3693) granting a pension to Aaron B. Hughes;

A bill (H. R. No. 3694) granting a pension to Rebecca W. Taylor;

A bill (H. R. No. 2235) granting a pension to Henry Korn;

A bill (H. R. No. 3695) granting a pension to Eliza Flamant;

A bill (H. R. No. 3696) granting a pension to Mary A. Hough, widow of Joseph Hough, late sergeant of Company B, Sixty-first Regiment of Pennsylvania Volunteers;

A bill (H. R. No. 3697) granting a pension to Belinda Craig;

A bill (H. R. No. 3715) granting a pension to Sarah Bacon, of Frankfort, Kentucky;

A bill (H. R. No. 3698) granting a pension to William C. Davis, a private in Company B, Eleventh Regiment Tennessee Cavalry Volunteers;

A bill (H. R. No. 3699) granting a pension to Lydia Simpson;

A bill (H. R. No. 3700) granting a pension to Teter Wolfyoung;

A bill (H. R. No. 3716) granting a pension to Elizabeth B. Dyer;

A bill (H. R. No. 3717) granting a pension to Sarah McAdams;

A bill (H. R. No. 3688) granting a pension to William O. Madison;

A bill (H. R. No. 3689) granting a pension to Bernard Sailer;

A bill (H. R. No. 3690) granting a pension to Peter Campbell;

A bill (H. R. No. 3691) granting a pension to James Burris;

A bill (H. R. No. 3718) granting a pension to Cornelia M. Arthur;

A bill (H. R. No. 3719) granting a pension to Matthew B. Whitaee;

A bill (H. R. No. 3720) granting a pension to Charles C. Haight;

A bill (H. R. No. 3721) granting a pension to Ezra C. Owen;

A bill (H. R. No. 3724) granting a pension to Michael Quarry;

A bill (H. R. No. 3725) granting a pension to Mary Ann Eaton;

A bill (H. R. No. 3726) granting a pension to Catharine H. Gallagher;

A bill (H. R. No. 3727) granting a pension to John M. Allen;

A bill (H. R. No. 1606) granting an increase of pension to Stephen Weatherlow;

A bill (H. R. No. 1241) restoring to the pension-roll the name of Joseph V. Cartwright;

A bill (H. R. No. 2254) granting a pension to the minor heirs of John H. Evans;

A bill (H. R. No. 3427) granting an increase of pension to Mary W. Shirk, widow of James W. Shirk, deceased, late commander in the United States Navy;

A bill (H. R. No. 2354) granting a pension to Mrs. Emily L. Slaughter;

A bill (H. R. No. 78) granting a pension to Salem P. Rose, of North Adams, Massachusetts;

A bill (H. R. No. 3278) granting a pension to Margaret Beeler;

A bill (H. R. No. 3277) granting a pension to Robert D. Jones;

A bill (H. R. No. 1438) granting a pension to Emily Phillips, widow of Martin Phillips;

A bill (H. R. No. 3711) granting a pension to Martin D. Chandler;

A bill (H. R. No. 1644) granting a pension to Hannah E. Currie;

A bill (H. R. No. 3712) granting a pension to Stillman C. Spaulding;

A bill (H. R. No. 3031) granting a pension to Catharine A. Winslow, widow of the late Rear-Admiral John A. Winslow;

A bill (H. R. No. 3713) granting a pension to Sarah S. Cooper;

A bill (H. R. No. 3714) granting a pension to Moses B. Hardin, guardian of minor children of Stanley Smith;

A bill (H. R. No. 1722) granting a pension to Martha Wold;

A bill (H. R. No. 3705) granting a pension to Margaret H. Pittenger;

A bill (H. R. No. 3707) granting a pension to Louisa Thomas;

A bill (H. R. No. 3718) granting a pension to Eunice Wilson, mother of John C. Wilson, late private of Company D, Forty-ninth Regiment Illinois Volunteers;

A bill (H. R. No. 3709) granting a pension to William H. H. Buck;

A bill (H. R. No. 3710) granting a pension to Henry C. Mills;

A bill (H. R. No. 3701) granting a pension to Mrs. Maria D. C. Bache, widow of General Hartman Bache, United States Army;

A bill (H. R. No. 3702) granting a pension to Alice Roper;

A bill (H. R. No. 3703) granting a pension to Catherine Lee, widow of Jesse M. Lee, private Company B, Second Regiment Ohio Volunteers;

A bill (H. R. No. 3704) granting a pension to Mary E. Stewart;

A bill (H. R. No. 3705) granting a pension to Arthur M. Lee, late first lieutenant Eighteenth Illinois Infantry;

A bill (H. R. No. 3731) granting a pension to Bridget Collins;

A bill (H. R. No. 3732) granting a pension to O. G. Van Dusen, guardian of minor child of Reuben M. Pratt;

A bill (H. R. No. 2119) for the relief of Elizabeth McCluney;

A bill (H. R. No. 2677) granting a pension to Mrs. Mary G. Harris;

A bill (H. R. No. 3722) granting a pension to John Fink;

A bill (H. R. No. 3723) granting a pension to Mary Logsden;

A bill (H. R. No. 3193) repealing the act granting a pension to William H. Blair, approved July 27, 1868;

A bill (H. R. No. 619) granting a pension to Elizabeth Tipton, of Tennessee;

A bill (H. R. No. 3273) granting a pension to Rachael W. Phillips, widow of Gilbert Phillips;

A bill (H. R. No. 3728) granting a pension to Abby A. Dike;

A bill (H. R. No. 3729) granting a pension to Anne Eliza Brown;

A bill (H. R. No. 2504) granting a pension to Henry B. Burgar;

A bill (H. R. No. 3730) granting an increase of pension to Washington A. Holloway;

A bill (H. R. No. 1183) granting a pension to Mrs. Martha R. Robinson, of Portsmouth, Ohio;

A bill (H. R. No. 3276) granting a pension to Davenport Downs;

A bill (H. R. No. 3275) granting a pension to Eli Persons;

A bill (H. R. No. 3274) granting a pension to John S. Corlett;

A bill (H. R. No. 3190) granting a pension to Harriet Leonard;

A bill (H. R. No. 3191) granting a pension to Elizabeth Brannix;

A bill (H. R. No. 3192) granting a pension to the minor children of J. A. Brewer.

The above bills were severally read twice by their titles, and referred to the Committee on Pensions.

POST-OFFICE APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 3094) making appropriations for the service of the Post-Office Department for the year ending June 30, 1875, and for other purposes, the pending question being on the amendment of Mr. FRELINGHUYSEN to the amendment of Mr. STEVENSON.

Mr. MORRILL, of Vermont. Mr. President, if this proposition of the Senator from Kentucky shall meet with the approval of the Senate to print three hundred thousand copies of the Agricultural Report, it follows that we are going back to the old practice and will publish documents *ad libitum* hereafter on all subjects whatever. That amount will give me enough to send about two copies to each post-office in my State; and there will be hundreds, many of whom receive their mail matter at the same office, who will feel that they are just as much entitled to be recipients of its favor as those who get it, and they will even be angry because they do not get it.

Therefore, Mr. President, it is absolutely impossible to publish enough of these reports to give copies to all those whom we may think deserving; and then if we publish these, why should we not publish the Land Commissioner's report? Are we to publish reports for only one class? There are also reports in relation to the mining districts. Are we to suppress them, or are they to go like these through the mails free of expense? Then there are various other reports, as suggested by my friend from Maine, [Mr. HAMLIN,] the report on education, perhaps the most valuable that we have. Is that to be excluded? Then take that on fish culture. Some of my sporting friends would be glad to distribute that.

But, Mr. President, I did not rise to discuss this question. It seems to me that we have a rule that no amendment in regard to appropriations shall be made unless it comes from a committee with previous notice. This evidently involves a cost of two or three hundred thousand dollars. I should like to make the inquiry whether this amendment is in order or not. If it comes in conflict with that rule, as it clearly seems to me it does, it is out of order.

The PRESIDING OFFICER. The Chair holds that as no appropriation specifically is made in the amendment, it is not amenable to the point of order.

Mr. MORRILL, of Vermont. It involves the expenditure of money. I do not desire to discuss the question; but it seems to me that it is clearly in conflict with the spirit of the rule.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from New Jersey to the amendment proposed by the Senator from Kentucky.

Mr. WEST. Let it be read.

The CHIEF CLERK. The amendment as first proposed reads:

That three hundred thousand copies of the report of the Commissioner of Agriculture shall be printed for circulation, which shall be duly stamped with postage-stamps; two hundred thousand copies for the use of the House, seventy-five thousand copies for the use of the Senate, and twenty-five thousand copies for the use of the Commissioner of Agriculture.

It is proposed to amend the amendment by striking out the words "which shall be duly stamped with postage-stamps."

The amendment to the amendment was rejected.

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from Kentucky, [Mr. STEVENSON.]

Mr. WEST. Now I raise the point of order that, the amendment of the Senator from New Jersey having been rejected, this amendment offered by the Senator from Kentucky does increase the appropriation by these very postage-stamps that are put upon the documents. I submit that to the Chair.

The PRESIDING OFFICER. The Chair thinks that as the amendment contains no specific appropriation it is not open to the point of order; but he is willing to submit the matter to the Senate and have the sense of the body upon it if the Senator from Louisiana desires.

Mr. WEST. I do not desire it.

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from Kentucky.

Mr. DAVIS. I think we had better have the yeas and nays.

The yeas and nays were ordered.

Mr. BOREMAN. I should like to have some explanation of this amendment. I do not understand how postage-stamps are to be put on these documents. It does not state whether the postage-stamps are to be placed upon the documents here or elsewhere, or by whom. It does not make it anybody's duty to do it.

The question being taken by yeas and nays, resulted—yeas 27, nays 27, as follows:

YEAS—Messrs. Bayard, Bogy, Carpenter, Clayton, Cooper, Davis, Dennis, Goldthwaite, Gordon, Hitchcock, Ingalls, Kelly, Lewis, McCreery, Merrimon, Mitchell, Norwood, Patterson, Ransom, Robertson, Saulsbury, Spencer, Sprague, Stevenson, Stockton, Tipton, and Windom—27.

NAYS—Messrs. Allison, Anthony, Boreman, Boutwell, Buckingham, Chandler, Conkling, Cragin, Frelinghuysen, Hager, Hamilton of Maryland, Hamilton of Texas, Hamlin, Howe, Morrill of Maine, Morrill of Vermont, Morton, Oglesby, Pratt, Ramsey, Sargent, Schurz, Scott, Sherman, Wadleigh, Washburn, and West—27.

ABSENT—Messrs. Alcorn, Brownlow, Cameron, Conover, Dorsey, Edmunds, Fenton, Ferry of Connecticut, Ferry of Michigan, Flanagan, Gilbert, Harvey, Johnston, Jones, Logan, Pease, Stewart, Thurman, and Wright—19.

So the amendment was rejected.

The bill was reported to the Senate as amended, and the amendments made as in Committee of the Whole were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the bill (S. No. 482) to authorize the construction of a bridge over the Willamette River at Salem, in the State of Oregon.

The message also announced that the House had passed a concurrent resolution extending leave to the woman's centennial executive committee of Washington to occupy the Rotunda of the Capitol upon the afternoon and evening of the 16th of December next, for the purpose of celebrating the destruction of the tea in the harbor of Boston on the night of the 16th of December, 1773.

PENSION APPROPRIATION BILL.

Mr. SARGENT submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. No. 3421) making appropriations for the payment of invalid and other pensions of the United States for the year ending June 30, 1875, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the House recede from their disagreement to the amendment of the Senate, and agree to the same.

A. A. SARGENT,
D. D. PRATT,
JOHN P. STOCKTON,
Managers on the part of the Senate.

CHARLES O'NEILL,
J. M. RUSK,
ERASTUS WELLS,
Managers on the part of the House.

The report was concurred in.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred as indicated below:

The bill (H. R. No. 3679) defining the qualifications of territorial Delegates in the House of Representatives—to the Committee on Territories.

The bill (H. R. No. 3535) relating to telegraphic communication between the United States and foreign countries—to the Committee on Foreign Relations.

The bill (H. R. No. 1565) relating to the commissioners of claims, and for other purposes—to the Committee on Claims.

The bill (H. R. No. 3641) to amend the act entitled "An act to incorporate the Washington and Georgetown Railroad Company," approved May 17, 1872—to the Committee on the District of Columbia.

EASTERN BRANCH BRIDGE.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. No. 758) to authorize and provide for the construction of a substantial iron and masonry bridge and of a causeway across the Anacostia or Eastern branch of the Potomac River at or near the site of the present navy-yard bridge, which was to insert after the word "appropriated," at the end of the first proviso, these words:

And no part of this appropriation shall be paid out of the Treasury until contracts shall have been entered into with responsible parties and with good and sufficient sureties to be approved by the Secretary of War for the construction and completion of said bridge, including the masonry, iron-work, and causeway, at a cost not to exceed $146,000.

The amendment was concurred in.

BILL INTRODUCED.

Mr. MORRILL, of Maine. I ask unanimous consent, without previous notice, to introduce a bill which is necessary to correct a mistake in an appropriation bill. I should like to have it printed so as to have it acted on to-morrow morning.

By unanimous consent leave was given to introduce a bill (S. No. 955) to amend the "act to ratify an agreement with certain Ute Indians in Colorado;" which was read twice by its title, referred to the Committee on Appropriations, and ordered to be printed.

SHIP ALHAMBRA.

A message was received from the House of Representatives, by Mr. MCPHERSON, its Clerk, announcing that the House had passed a bill (H. R. No. 3741) to authorize the issue of an American register to the ship Alhambra; in which it requested the concurrence of the Senate.

Mr. CONKLING. I am told by a member of the House that this bill has passed both Houses twice in the last Congress and this, and fallen between the two. It is a very small matter, and I ask that it be acted upon at once.

By unanimous consent the bill was read three times, and passed.

CLAIMS REPORTED BY THE CLAIMS COMMISSIONERS.

Mr. SCOTT. I move that the Senate proceed to the consideration of the bill (H. R. No. 2797) making appropriations for the payment of claims reported allowed by the commissioners of claims under the act of Congress of March 3, 1871.

Mr. CHANDLER. I move to postpone that and all prior orders for the purpose of taking up the river and harbor bill.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Pennsylvania.

Mr. CHANDLER. I hope that bill will not be taken up.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Pennsylvania. If it be voted down, the Senator from Michigan can then make his motion.

Mr. LEWIS. I hope this bill will be taken up. My constituents are largely interested in this measure, and I hope the motion will not be voted down.

Mr. SCOTT. If the Senator from Michigan will listen to a very brief statement he will probably see that this bill will not occupy very long. It is a bill making appropriations for the payment of about

a thousand claims, and if read regularly through it would take probably near an hour to read it; but I presume that unanimous consent will be given to act upon the amendments to the bill without going through the reading of the whole of the thousand names. If that be done, I think the amendments can be acted upon in a very short time and the bill disposed of. It is, as has already been stated by the Senator from Virginia, a bill interesting to a very large number of people, and I hope it will be taken up and disposed of.

Mr. CHANDLER. I hope not.

Mr. DAVIS. There are nearly a thousand persons interested in this bill in various amounts, ranging from fifty to three or four thousand dollars. I hope the Senate will take it up. There will be no dispute about it.

Mr. SPENCER. I am satisfied it will only take long enough to read the bill to pass it.

Mr. CHANDLER. It is for the Senate to decide whether they prefer this to the river and harbor bill.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Pennsylvania.

Mr. CHANDLER. I call for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 40, nays 15; as follows:

YEAS—Messrs. Bayard, Bogy, Boreman, Clayton, Conover, Cooper, Davis, Dennis, Flanagan, Goldthwaite, Gordon, Hamilton of Maryland, Hamilton of Texas, Hamlin, Hitchcock, Kelly, Lewis, McCreery, Merrimon, Mitchell, Morrill of Vermont, Morton, Norwood, Oglesby, Patterson, Pratt, Ransom, Robertson, Sargent, Saulsbury, Schurz, Scott, Sherman, Spencer, Sprague, Stevenson, Stewart, Stockton, Tipton, and West—40.

NAYS—Messrs. Allison, Boutwell, Buckingham, Carpenter, Chandler, Conkling, Cragin, Ferry of Michigan, Frelinghuysen, Hager, Ingalls, Ramsey, Wadleigh, Washburn, and Windom—15.

ABSENT—Messrs. Alcorn, Anthony, Brownlow, Cameron, Dorsey, Edmunds, Fenton, Ferry of Connecticut, Gilbert, Harvey, Howe, Johnston, Jones, Logan, Morrill of Maine, Pease, Thurman, and Wright—18.

So the motion was agreed to; and the bill (H. R. No. 2797) making appropriations for the payment of claims reported allowed by the commissioners of claims under the act of Congress of March 3, 1871, was considered as in Committee of the Whole.

Mr. SCOTT. Before the Secretary proceeds to read the bill I will ask to make a brief statement prior to asking unanimous consent to dispense with the reading of the whole bill. The bill as originally received from the House appropriated $680,060.78, divided among the following States:

Alabama	$37,682 90
Arkansas	83,889 73
Florida	13,365 00
Georgia	23,537 20
Louisiana	152,563 00
Mississippi	85,516 80
North Carolina	48,073 88
South Carolina	10,784 00
Tennessee	74,499 46
Texas	675 00
Virginia	145,051 01
West Virginia	4,482 80

The amendments which the Committee on Claims of the Senate propose will strike out from the present bill about $62,000. There was one item which we had proposed to strike out, and which by subsequent agreement of the committee we decided to retain in a different form. It would have left the amount $604,000 if that had been stricken out; and if it is retained it will make about $611,000.

Mr. SARGENT. What amendment does the Senator now refer to?

Mr. SCOTT. I will state very briefly the amendments which we propose. We propose to strike out three appropriations and send back the claims to the commissioners for re-examination, namely, one to William Bailey, of Louisiana, for $45,161.72; the case of Letitia Elsey and Mariah H. Turpin, each $3,563.48; the case of John Campbell, administrator of the estate of Stephen S. Springer, deceased, $9,225. The other one which we propose to retain in a modified form is to the legatees of John Fox, $7,545.

With the exception of the amendments to which I have already referred, the others in the bill are merely verbal for the purpose of correcting the errors that have crept into the bill in the names. The more substantial amendments are those that I have already referred to. While I have no desire on that subject, I will state that time will be saved if the Senate will be satisfied to dispense with the reading of the bill and take up the amendments. Senators will see by looking at the bill that it is simply an enumeration of the names and the amounts due to claimants, covering sixty-six pages.

Mr. SHERMAN. Is there no legislation in it?

Mr. SCOTT. There is no legislation in it of any character but the appropriations and the amendments which I propose for the purpose of sending back some of the cases to the commissioners. I ask therefore to dispense with the reading of the bill and proceed to consider the amendments.

The PRESIDENT *pro tempore*. The Senator from Pennsylvania asks unanimous consent to dispense with the reading of the bill. Is there objection?

Mr. CONKLING. I wish to interpose nothing to consume time. Before consent is given to the request, I call the attention of the Senate for illustration to what appears on page 53:

To the public school trustees of Manassas, for the material of the Bradby schoolhouse and church, $450, to be paid on the basis of a compromise between the school and church trustees on file in the case.

If the bill is not to be read, such matter as this and other special matter is to be passed in the lump. I suggest to the Senator that we ought to know a little more about the bill than we do in taking it as a sealed volume containing sixty-six pages and selecting from it four amendments, confining our attention to those.

Mr. SCOTT. As I said, I have no desire on the subject. I made the suggestion simply to save time.

Mr. CONKLING. I do not make an objection, but I say to the Senator——

Mr. MORRILL, of Maine. I think the bill had better be read.

Mr. SCOTT. If the Senator from New York desires an explanation of the particular subject to which he refers I will give it.

Mr. CONKLING. I did not select it; I happened to fall on that because I opened the bill at that page; but nobody can go through this bill who is not familiar with it. Still I do not make an objection.

The PRESIDENT *pro tempore*. Is there objection to dispensing with the reading of this bill? The Chair hears no objection, and the amendments will be reported.

The CHIEF CLERK. The first amendment of the Committee on Claims is on page 2, line 19, strike out "Gilreath" and insert "Gilbreath."

The amendment was agreed to.

Mr. SHERMAN. I think the Secretary had better read where there is anything more than a mere name and amount. On page 17 I see something about the transfer of a judgment. Wherever there is anything except the mere name and amount I think the bill ought to be read. The Secretary can glance at it in a moment and see where those cases occur.

Mr. SCOTT. I have a memorandum of the amendments. The next amendment is in line 376, where the word "tennant" is misspelled.

The CHIEF CLERK. On page 16, line 376, it is proposed to strike out "tennant" and insert "tenant."

The amendment was agreed to.

Mr. SHERMAN. I ask for the reading of the clause on page 17, line 387.

The CHIEF CLERK. On page 17, line 387, the bill reads:

To Elizabeth D. Wade, administratrix of the estate of Henry G. Wade, $9,750; and that the judgment rendered in favor of the United States against the sureties of the said Henry G. Wade, upon the bond given by Wade and his sureties for the purchase-money of the wharfboat, be, and the same is hereby, discharged.

Mr. SHERMAN. What does that mean?

Mr. SCOTT. The Senator from Oregon is more familiar with this case than I am, he having examined it fully; but my recollection is that it is for the value of a boat which was taken and impressed into the service of the Government. Some claim arose about the boat after it was recaptured, and the judgment referred to here was against the sureties of Henry G. Wade upon a bond given by Wade for the purchase of the boat. This is a stipulation by which that judgment is to be released, the sum appropriated here being in full for both the value of the boat and its use while it was in the service of the Government. That is my recollection of it, but it is more familiar to the Senator from Oregon who examined the case.

Mr. MITCHELL. I will state for the information of the Senate that the claim was made for a boat taken by order of one of our generals during the war and used on one of the Arkansas rivers. The boat was some considerable time afterward turned over to an agent of the Treasury Department and sold. At the sale the owner became the purchaser. Instead of paying the purchase-money, the officers of the Government took his bond with certain sureties for a certain penal sum conditioned for the payment of the amount at a certain time. Afterward suit was commenced on the bond in one of the circuit courts of the United States, and judgment obtained. The commissioners in passing upon the claim allowed the claimant for the use of the boat, and also recommended that Congress release this judgment. That is all there is of it. The Committee on Claims recommend the same measure that the commissioners did.

Mr. SCOTT. If nothing further be desired in reference to that, the next amendment is in line 436.

The CHIEF CLERK. The next amendment of the Committee on Claims is on page 19, lines 436, 437, and 438, to strike out the following item:

To John Campbell, administrator of the estate of Stephen S. Springer, deceased, $9,225.

The amendment was agreed to.

Mr. SCOTT. The next amendment is in lines 513 and 514.

The CHIEF CLERK. On page 22 the Committee on Claims propose to strike out lines 513 and 514, as follows:

To William Bailey, $45,161.72.

Mr. WEST. Mr. President——

Mr. SCOTT. Will the Senator permit me to suggest before he goes on that while this is stricken out here the second section reported by the committee proposes to send the claim back for re-examination to the commissioners.

Mr. WEST. I will yield to the Senator from Missouri.

Mr. BOGY. I will state that I have been called upon to investigate this claim of Mr. Bailey. I have done so with some care, and I am at a loss to understand why the committee have made a report against the claim. It is embraced in the report of the commissioners of claims. It appears to be properly sustained by abundant testimony. It passed the House, and I am at a loss to understand why the committee report against it. I therefore move that the amendment reported by the committee be non-concurred in.

Mr. WEST. I understand there is a motion now made by the Senator from Missouri to non-concur in the amendment.

The PRESIDING OFFICER, (Mr. FERRY, of Michigan, in the chair.) The question is on agreeing to the amendment reported by the committee.

Mr. WEST. I wish to say a few words to the Senate on the subject of this claim. In the report that was made by the commissioners of claims and acted upon by the committee of the House of Representatives at the close of the last Congress, the claim of William Bailey for the sum stipulated in this bill was included, and the bill with that claim included in it was just about being passed in this body when some objection was made by some individual inducing the committee to withdraw their recommendation for its payment, to enable the commissioners of claims to consider the subject once more. Now the proposition of the Senator from Pennsylvania striking out the appropriation in favor of the payment of this claim, and also providing that it shall be recommitted to the commissioners of claims, is a renewal of just what was done twelve months ago. Consequently if there is any justice in this claim at all the claimant is subjected to the delay, the perplexity, and the privation of once more submitting his claim to the commissioners.

Now, there is certain testimony tangible here that can be laid before the Senate which I think will justify them in declining to accede to the proposition of the committee. In the report that the commissioners of claims made at the close of the Forty-second Congress they used specifically this language:

> After a careful examination of the testimony and all the papers in the case, and after the most thorough and searching inquiry, we find Mr. Bailey to have been a constant and consistent Union man during the whole war.

That was the finding of the commissioners; they themselves were compelled to admit that Mr. Bailey was a loyal man. There not being any written report from the Committee on Claims on this case, I have no means of knowing what their reasons are for withholding payment; but if the Senate will examine they will find that at the time the commissioners made this report there was a charge made against Mr. Bailey that he had been guilty of selling cotton to the confederate government. He was examined in regard to that. The commissioners also alluded to it in their report in these words:

> General Bailey, upon his examination in this case, swears that he did sell five hundred bales of cotton to the confederate government, or to some confederate or State agent, alleging that he was compelled to sell it to get money to pay his taxes; and if he had refused it would have been taken or burned.

And yet, notwithstanding that investigation and admission by the claimant himself, for nobody else swore to it, the commissioners of claims considered that the claim was a just and equitable one and should be paid. There has come into the possession of the Government of the United States since this report was presented to the last Congress certain record evidence of the transactions of the confederate cotton bureau to what is known as the trans-Mississippi department. I was aware at the time this claim was presented to Congress last year of the existence of those records, and I was also aware, having examined them, of what they said in reference to Mr. Bailey. Those records prove conclusively, but no more conclusively than was proved by the admission of the claimant himself, that Mr. Bailey did sell that cotton; but his testimony is there, and the testimony is also there of the agent of the confederate government, that he sold that cotton under duress. The commissioners, in presenting a supplemental report particularly relating to this claim of Mr. Bailey, under the date of March 26, 1874, give the precise questions put to Mr. Bailey and answers made by him, as follows:

> Question. Did you contribute anything to aid the confederate cause?
> Answer. Never one farthing, neither directly nor indirectly.
> Q. Did not you have to pay tithes?
> A. I had; and I was compelled to sell five hundred bales of cotton to the confederate government, or have it burned and destroyed, in order to pay my taxes. I sold it to a young man, an agent of the confederate government there.

There is some allegation here that the young man who is alluded to was a son-in-law of the claimant. The facts were that at the time this young man was there confiscating the old fellow's cotton, he was confiscating the daughter also, and there was a slight disagreement between them on the question of cotton and on the question of the daughter, and the young man got them both, but he got them both under duress and contrary to the assent of the claimant.

There is abundant and overwhelming testimony of loyalty. I have it before me, but I do not consider it necessary to trouble the Senate with it, because I claim this man's loyalty under the admission of the commissioners themselves. If it is necessary to go into that, I can do so. I shall briefly, however, refer to one affidavit in the case to show that this man was not only loyal to the Government, but was loyal in heart and loyal to the core, and it is to such men throughout the South that we should give our encouragement and assistance. Here is what one man says:

> During the Red River campaign there flocked to within our Army lines upward of ten thousand freedmen. These were of all ages and of every condition—sick, lame, naked, hungry. The Army was without adequate supplies, and the freedmen, in many cases, died by the wayside.

Mr. SCOTT. I ask the Senator whether he reads from testimony taken before the commissioners?

Mr. WEST. Here is testimony given by a man and his testimony is referred to by the commissioners. It is given by a man whom I very well know.

Mr. SCOTT. That is not the question. Was it taken as testimony before the commissioners?

Mr. WEST. I am not prepared to answer that question, but I have not a doubt that it was.

Mr. SCOTT. What is the date?

Mr. WEST. The 27th day of April, 1874.

Mr. SCOTT. Then it was not taken before the commissioners.

Mr. WEST. Well, we will take it now. There is no question of his loyalty now raised. They have admitted his loyalty..

> It was during this campaign that I first met Mr. Bailey, and it was then—a year before the war ended—that he assisted in word and deed as none but a friend would do. The amount of supplies furnished from his place to the Army and the freedmen was immense. We must have had five thousand freedmen on his place at one time, and all these were in need of food which could be had at the time only from the country through which we passed. Nearly all the planters had concealed their stock of provisions or sent it within the lines of the enemy, but Mr. Bailey did not do so. On our arrival we were welcome to what he had, so that the Army on the one hand and the freedmen on the other swept everything. Not only did they take the pork, horses, sheep, and cattle that could be found, but the fences were burnt up for fuel, and I saw his mules driven away to the camp of the Army by some of our soldiers.
>
> At this time, as well as in 1865, Mr. Bailey was the friend of the Army, and declared to me that everything he had on earth he would rather sacrifice than see the Union destroyed; and so far as slavery was concerned he avowed the conviction that he could do better with free than with slave labor.

Mr. Bailey manumitted two hundred of his slaves in the State of Virginia before the breaking out of the war. He was a man of immense wealth, having immense estates in Virginia, having immense estates also in the State of Louisiana, with enough slaves there to provide amply for himself and his family, with a very large estate, and he manumitted those who were in Virginia. The report of the commissioners themselves admits this man's loyalty; there is overwhelming proof of it; and I cannot see with what propriety the Committee on Claims can recommend the remission of the case to the commissioners of claims. They have given us no intimation of what their object was; they have not told us that this man was disloyal; and so far as the testimony goes it is conclusive that he was loyal to the Government.

I have so far merely stated the outside of the case. If the chairman of the committee has evidence or will state to the Senate that he has evidence of the man's disloyalty, I should like to hear it.

Mr. SCOTT. I had hoped that this case would give rise to very little discussion. The amendment is offered by the committee not for the purpose of depriving General Bailey of compensation for supplies furnished to the Army, if he is entitled to it, if he was in the language of the statute under which he claims a loyal man during the whole of the rebellion, but it is offered for the purpose of having the question heard before the commissioners of claims, so that what I shall state hereafter bearing upon his loyalty and against it can be met by him and what he offers to rebut it can be heard by the commissioners upon cross-examination of the witnesses that he produces.

Now let me state as briefly as I can the true position of this claim. The Senator from Louisiana has not looked as closely at the history of the case as he would have done, perhaps, from the statement he has made, had he been called upon to investigate it in committee. He has stated that after it was first reported by the commissioners of claims it was sent back to them, and that they had re-examined it. He is mistaken as to a matter of fact. This claim—and I state the fact from an examinatian of the papers——

Mr. WEST. On that point will the Senator tell me what I am to think of what I see in the CONGRESSIONAL RECORD of May 23? "Office of the commissioners of claims"—the revision of the case by the commissioners. That is what I based my statement upon.

Mr. SCOTT. I am aware that the Senator was reading from the CONGRESSIONAL RECORD and I am giving him what I get from the record; and the debate in the House has in it *ex parte* testimony just like that the Senator read, taken since the question has been mooted in Congress. I will state the position I occupy on this question.

We established the commissioners of claims for the very purpose of enabling them to examine these claims dispassionately, to do justice to the claimants and to do justice to the Government. The complaint was made in Congress that the hearings before committees were all *ex parte*, and so they were; that anybody could make out his case; and it was desired that instead of an *ex parte* hearing there should be hearings where the Government could be represented, and where the claimant could present his case. The commissioners of claims after hearing this case upon the testimony presented, first reported it, as they were required by law to do, on the 1st of December, 1872, and they reported it favorably. The Senator by referring to the record from which he quoted will see that that is the case. The bill passed the House at that session of Congress. It came to the Senate and this claim was struck out of it upon the motion of the then chairman of the Committee on Claims, the Senator from Wisconsin, [Mr. HOWE,] upon information given to him from some quarter alleging the disloyalty of General Bailey. Upon that it went back to the House, the amendment was concurred in striking out this case, but the case was not sent back for re-examination and it never has been re-examined before the commissioners. It remained in the House of Representatives, where all the papers remain under the law, the report being made to the House. When the Committee on War Claims came to make up the bill at this session they again inserted this claim in their bill and it was reported back by the com-

mittee to the House. But during the winter at some time information came to the commissioners of claims that the records of the trans-Mississippi cotton department of the Confederate States showed that two sales of cotton had been made by General Bailey to the confederacy in November, 1862, and January, 1863, that a portion of each sale had been taken by him in confederate bonds and the balance in money. That communication was sent to the chairman of the Committee on War Claims, and when the bill came before the House he moved to strike out this item, and upon that the discussion arose to which the Senator has referred. In that discussion statements, letters of General Sherman, General Sheridan, General Canby, and others were read, which had never been before the commissioners of claims at all.

Now what do we propose to do? We propose not to decide that General Bailey was a disloyal man, not to cut him off, not to strike at his case, but this testimony having come in against him——

Mr. WEST. What is the testimony that has come in?

Mr. SCOTT. If it is desired I will read it all; but I wanted to state the effect of the committee's action. As the Senator desires it, I will proceed to say what it is.

Mr. WEST. Where was that testimony taken?

Mr. SCOTT. I will tell the Senator; but one thing at a time. I have not the original book here although I have it in my committee-room, and I will therefore read an extract from a book which was obtained by purchase by our Government containing the archives of the trans-Mississippi cotton department under the confederate government—a transcript from that book of the agency which was kept by A. W. McKee, the person referred to as the son-in-law of General Bailey. This entry appears:

ALEXANDRIA, LOUISIANA.

A. W. McKee, Dr.

1862,			
Nov. 14.	To cash amount paid W. Bailey for 536 bales cotton, in bonds	$30,000 00	
	Balance paid in notes	18,731 44	
			$38,731 44

A. W. McKee, Dr.

1863.			
Jan. 1.	To cash amount paid W. Bailey for 680 bales cotton, in bonds	24,100 00	
	Balance paid in notes	30,001 64	
			54,101 64

Here follows the certificate that these entries are copied from the book. Thus from this book it appears that sales were made by General Bailey to the confederate agent, A. W. McKee, in November, 1862, and January, 1863, of cotton amounting to about $92,000, and of the purchase-money he took about $44,000 in confederate bonds and the balance in money. That is what appears against him on the book.

Mr. MERRIMON. May I ask the Senator a question at this point?

Mr. SCOTT. Certainly.

Mr. MERRIMON. I beg to ask the Senator if there is a fact or a circumstance in this whole case that tends to impeach the entire loyalty of the claimant except that simple memorandum, and furthermore whether he is any party at all to that memorandum?

Mr. SCOTT. That is the very reason why I wish to send this case back where he can be heard. Here is a book. The book itself is in the building; I have given an extract from it; and it is as to the regular business operations of that cotton agency in which appear these two entries showing that this man, on these two days, sold this cotton. The Senator asks me if there is anything else in the case which shows his disloyalty. So far as the question of disloyalty is concerned, I am not here, as I have already said, to say that General Bailey is or was a disloyal man. I am here to say that there is evidence enough to justify these commissioners in sending in this testimony as they did and in our sending this case back to them for re-examination. I do not want to prejudge him. I want to give him a fair opportunity to be heard.

Mr. WEST. If it will not interrupt the Senator, I desire to ask a question.

Mr. SCOTT. Put the question.

Mr. WEST. The question is, whether the papers relating to this Bailey case have not been withdrawn from the Senate and put in the hands of the commissioners of claims, between the time that the Government became the owner of these papers and the time that they made the report again?

Mr. SCOTT. No, sir; so far from that, the commissioners asked whether they had the power to reopen a case and rehear it, and they obtained the opinion of the committees of both Houses that a case could not be reopened, and could not be sent back to them without an act of Congress; that after they had reported a case it was out of their hands, and it has never been back for re-examination, and there never has been a subsequent report upon it.

Mr. WEST. That is not the question I asked the Senator. I asked whether the commissioners themselves did not withdraw the Bailey papers from the files of the Senate, and have they not had them in their possession up to December, 1873?

Mr. SCOTT. Not to my knowledge.

Mr. WEST. I am told it is the fact.

Mr. SCOTT. I am informed exactly the other way. Now, Mr. President, I prefer to give these papers in the order in which they occur without interruption, and I will gladly, when I get them in, answer any question that may be asked about them.

Here are these two transactions, and I ask the attention of Senators who are listening to the dates, November 14, 1862, and January 1, 1863. It is alleged that two sales were made of this amount of cotton and that a certain portion of the proceeds was taken in bonds. On the 4th of February, 1863, a letter was written by A. W. McKee to M. M. Rhorer, a man who was in his employ. I say a letter was written, because it is a letter certified as found among the same papers and now in possession of the Government, and I will ask the attention of the Senate while I read it. It is a regular business letter written in the course of their transactions; and so that it may be seen that the points to which I make special reference come in the course of the letter, I will read the whole of it.

HOUSTON, *February* 4, 1863.

M. M. RHORER, *Alexandria:*

MY DEAR SIR: I arrived yesterday from San Antonio after a tedious trip and much delay in returning in consequence of high water, bad roads, &c.

I am in receipt of your several favors of 14th, 18th, 20th, and 25th ultimo. Contents of all carefully noted.

Col. Thos. Martin went to Richmond for money, and I hope will bring a good lot, unless the Secretary of the Treasury concludes that he would like to see some of our monthly returns ere forwarding more. This department is informed of funds *en route* long enough to have reached here twice. * * * Bonds are largely in demand here at par, and in some instances at 1 per cent. premium.

Now I call attention to this sentence:

When Lasere pays you, the same funds can be used to buy with, and if General Bailey wishes to exchange $10,000 of his bonds for notes, do so.

Now, mark it, Mr. President, a sale of cotton in November, 1862, about one-half taken in bonds; another in January, 1863, and nearly one-half taken in bonds; and this letter, February 4, 1863, in the regular course of business says, when you get this money, "if General Bailey wishes to exchange $10,000 of his bonds for notes, do so."

Mr. BOGY. By whom was that letter written?

Mr. SCOTT. Written by A. W. McKee, the confederate agent for the purchase of cotton, the man who paid General Bailey, according to the entry, the bonds and the money—written to his clerk at Alexandria, Louisiana.

Now I ask not whether General Bailey is disloyal or not, not whether he took these bonds, for it is alleged that he did not—his affidavit is put in here since the thing is mooted saying he never had one of these bonds. When a letter is written by a confederate agent in the regular course of business, directing his clerk to exchange $10,000 of money for bonds, is there not enough to put General Bailey on the defensive, for the purpose of showing that he did not get those bonds. We have made in the act of Congress continuous loyalty during the whole rebellion an element to be found by these commissioners before any man is paid; and if General Bailey sold cotton in 1862 or 1863 to the confederacy and took $40,000 worth of their bonds it was an act of as high disloyalty as it would have been to give them $40,000 worth of guns and ammunition, for cotton was their ammunition.

Mr. WEST. He had to sell it or they would take it.

Mr. SCOTT. We will come to that directly. I have his affidavit, put in here by himself since the thing was mooted, saying he never had the bonds. I produce this letter in connection with those entries not for the purpose of showing that he had the bonds, but for the purpose of saying that before we pass this claim it ought to go back before these commissioners, so that General Bailey may be permitted to meet this testimony; and if there is other testimony, as I am informed there is, bearing on this question, that it can be laid before the commissioners and they can cross-examine his witnesses.

Mr. SARGENT. Will the Senator allow me to ask him if he thinks that letter would be received as evidence in any court where Bailey was a party, a letter written by another man to his own clerk, not to Bailey, never coming to Bailey, but the simple statement of one man to another about something Bailey had done or might do, by which Bailey should not be criminated in any way?

Mr. SCOTT. I am glad the Senator puts the question. Within the last few days a pamphlet has been laid on our tables containing the affidavit of A. W. McKee, the man who it is alleged wrote this letter, and I have no doubt the Senator has seen it. It has been made in this city. He is living. When he was taken before that commission to make out the loyalty of the man who was his father-in-law, he could not tell whether he wrote that letter or not.

Mr. SARGENT. Does the Senator say he was his father-in-law at the time the letter was written?

Mr. SCOTT. Yes, sir; I believe he was.

Mr. SARGENT. No, sir; he was not his father-in-law until after the war.

Mr. SCOTT. Well, so far as that is concerned there is no exact date fixed as to when he did marry the daughter; but the Senator is mistaken in that respect. He was his father-in-law before the close of the war.

But, Mr. President, let me go on, because I am so constantly interrupted at the end of every sentence that I can hardly keep up any continuity in this statement. I was saying that there was evidence enough here to put General Bailey on the defensive for the purpose of showing whether he was loyal or not. Let me read on:

There is no objection to purchase his—

That is General Bailey's—

or your brother's cotton.

Showing, according to a statement of this agent at that time, that he takes it for granted that General Bailey's cotton can be purchased.

This follows right after the mention of General Bailey about the $10,000—

There is no objection to purchase his or your brother's cotton; and if you can pick up enough to pay all expenses in this wise it is all right. I would not advise any alliances, however, with General B. More anon.

That sentence has been differently construed. One construction has been put upon it that General Bailey was a Union man, and there should not be any more alliance with him on that account. Another construction was that this man, writing to his familiar, his clerk, his confidant, referred to an alliance, in a playful way, to the General's daughter. I do not know which it is; but here is the letter following up these two alleged sales, showing that it was proposed, first, to exchange money with him for the confederate bonds which this agent said he had; and, second, to buy more cotton from him.

Now I go on to the other papers that are in the case. The third paper which I referred to, found among these archives, is a memorandum of G. W. Sentell's purchase of cotton for Bailey & Ward. I will not take the time to read the whole of that, but here are nine hundred and eighty-five bales of cotton purchased for Bailey & Ward, and this letter attached:

AUSTIN, TEXAS, *May* 12, 1864.

DEAR SIR: On my arrival at Houston I bought from Major A. W. KcKee, as the agent by power of attorney from William Bailey, all the interest of the said Bailey in the nine hundred and eighty-five bales of cotton in the parish of Bossier. In the payment of the tax, &c., on the cotton, charge the same to my account.

I do not know to whom the letter is addressed, but it was written on the 12th of May, 1864, by J. T. Ward, in which he speaks of buying from Major A. W. McKee, as the agent by power of attorney, from William Bailey all the interest of Bailey in the nine hundred and eighty-five bales of cotton in the parish of Bossier.

Mr. SARGENT. If the Senator will allow me, is there anything disloyal in that one man buying cotton from another?

Mr. SCOTT. No, sir; but mark it: A. W. McKee is the agent for the Confederate States, purchasing cotton.

Mr. WEST. What is the date of that transmission?

Mr. SCOTT. One thing at a time while this cross-fire goes on between the Senator from California and the Senator from Louisiana.

Major A. W. McKee is the agent for the purchase of cotton for the Confederate States, and on the 12th of May, 1864—he had remained as agent during all of this time—J. T. Ward, in a business letter calls A. W. McKee the agent by power of attorney from William Bailey. It is alleged that William Bailey and A. W. McKee were at daggers points because McKee had married his daughter, and it is a little singular if that be so that General Bailey, a loyal man, would select the agent of the Confederate States as his attorney in fact for the purpose of selling his cotton. That is not the way in which a loyal man would act according to my experience of human nature.

Mr. WEST. Mr. McKee was not the agent at the date of that transaction.

Mr. BOGY. That was before the marriage.

Mr. SCOTT. I do not know when the marriage occurred exactly.

Mr. BOGY. I state the fact to be that it was before their marriage. Now the Senator answers that he does not know, and I know he does not know.

Mr. SCOTT. The difference between me and the Senators who have examined this case is this: I have looked all through the testimony to find the date of this marriage; I wanted to see it; I do not find it in the testimony. They have information perhaps from parties who can tell. Mr. McKee is here himself, and he has made an affidavit within the last week; but according to the statements in the testimony I drew the inference that it was very soon after this time in 1862 and 1863 that McKee married General Bailey's daughter.

I am not here, as I have repeatedly said, to argue these facts for the purpose of determining in the Senate that he is disloyal, but for the purpose of saying that before we set the precedent of paying to any man $45,000 for supplies who in 1862 or 1863 sold cotton to the amount of $90,000 to the confederacy, that man and the Government both should have a fair hearing. It is not General Bailey alone. That is not the question. This is the first case that has come before Congress arising out of the examination of these commissioners of claims involving the question of whether a sale of cotton to the confederacy is of itself one of those disloyal acts which should deprive a man of his claim before that commission. If you vote this case in before this testimony has been heard before the commissioners of claims, before the Government has the opportunity of being heard, it is not simply the appropriation of $45,000, but it is opening the door to an avalanche of cases of a similar character, and the application will be made to open the door to extend the time for filing claims. It is on your table now. A bill came over from the House to-day to extend the time for filing the claims before these commissioners; and I warn the Senate that before they set any precedent it should be in a case fully heard before the commissioners of claims. This one has not been. This testimony which I have now read has all come to light since the commissioners of claims reported upon it.

Mr. ALCORN. Will the Senator allow me to ask him a question for information?

Mr. SCOTT. Certainly.

Mr. ALCORN. If a citizen of the Government of the United States as it existed at that time had purchased cotton of the confederate government, would the Senator take that to be a disloyal act on the part of the citizen of the United States? Would the purchase of cotton from the confederate government have been held to be an act of disloyalty?

Mr. SCOTT. I am not going to turn aside to discuss the question whether a purchase by a citizen from the Confederate States would be an act of disloyalty or not. I am discussing the question of the sale of cotton by a citizen to the Confederate States, and one question at a time is enough.

The next paper that is furnished from these archives is a list of cotton:

List of cotton purchased by M. M. Rhorer, sub-agent of A. W. McKee, general agent for Louisiana.

Date.	From whom.	Residence.	Bales.	Where deposited.
November 14, 1862..	Wm. Bailey.....	Alexandria ...	536	On his plantation.
(Here follows a list of sixty-nine other names.)				
May 27, 1863	W. Bailey.....	Alexandria ...	21	J. P. Grimball's plantation.

Here are three distinct sales: one November 14, 1862; second, January 1, 1863, both large amounts; and third, May 1863, for twenty-one bales. These papers show these sales, if they are entitled to credit. It may be said they are not evidence against General Bailey. I say that while they are not to be taken as conclusive evidence against him, they are that kind of evidence which when produced should bid us halt before we pay him until he has had an opportunity of meeting it and rebutting it if he can.

If the Senator from Louisiana desires to see what report these commissioners have made, here is the report, the only other report which they did make after the first report, and after this testimony came into their possession. I think, as the Senator from Louisiana has alluded to it, I will have it read, and I will send it to the desk for the purpose of having it read. The date will show when they made the communication and sent it to Congress.

The Chief Clerk read as follows:

OFFICE OF THE COMMISSIONERS OF CLAIMS.
Washington, D. C., March 26, 1874.

DEAR SIR: The records of the trans-Mississippi cotton bureau, purchased by the Government since the report was made in the case of William Bailey, No. 980, show facts which we deem it our duty to report to your committee. The case having been reported by us to Congress, we do not feel at liberty to make any further investigation of it unless specially directed by that body to do so.

It clearly appears that General Bailey sold to the confederate government on the 14th of November, 1862, five hundred and thirty-six bales of cotton. His son-in-law, Andrew W. McKee, had been appointed by the confederate government, namely, in October, 1862, general agent for the purchase of cotton in Western Louisiana and Texas. The first sale made was by General Bailey November 14, 1862. This five hundred and thirty-six bales of cotton was no part of the eight hundred and thirty-four bales litigated in the United States district court for the eastern district of Louisiana in 1864. It may be perhaps the cotton referred to by General Bailey (see his testimony before the commissioners of claims of November 14, 1871, page 5) in his answers, as follows:

"Question. Did you contribute anything to aid the confederate cause?

"Answer. Never, one farthing, neither directly nor indirectly.

"Q. Did not you have to pay tithes?

"A. I had; and I was compelled to sell five hundred bales of cotton to the confederate government, or have it burned and destroyed, in order to pay my taxes. I sold it to a young man, an agent of the confederate government there."

He subsequently tells of an armed force coming out to burn his cotton; of his telling them he would sell it, &c. The statement is confused and inconsistent, the date uncertain, but might be November, 1862; and if the young man, the agent, was his son-in-law, it may identify the transaction, but will make the story of duress or an armed force very improbable.

It would seem to be clearly established by the papers now obtained that General Bailey on the 14th of November, 1862, sold, voluntarily, five hundred and thirty-six bales of cotton to the confederate government; *that he was the first leading planter to so sell his cotton;* and that his son-in-law was the confederate agent who bought it. It further appears from the "day-book" of the cotton agency in the custody of the Secretary of the Treasury (to which our attention has recently been called) that A. W. McKee, as confederate agent, bought of William Bailey, November 14, 1862, five hundred and thirty-six bales of cotton, and paid him therefor in *confederate bonds* $20,000 *and in notes* $18,731.44, *making a total of* $38,731.44; *also that on the 1st of January*, 1863, *McKee bought of Bailey six hundred and eighty bales of cotton, and paid him in bonds* $24,100 *and in notes* $30,001.64; *making* $54,101.64.

It also appears from the papers that one G. W. Sentell bought for William Bailey, or for Bailey & Ward, nine hundred and eighty-five bales of cotton in the parish of Bossier; that Bailey, through his son-in-law, the confederate agent, (McKee,) sold his interest therein to Ward, and that soon after the confederate government took possession of all this cotton for its own use. Considering the relations of Bailey and McKee, and that the property soon went for confederate use, it seems probable that Bailey should have shared in this purchase, and that it was made for confederate use.

It also appears from a letter found among these papers that Captain W. W. Withenburg was an agent of the confederacy under McKee, and engaged in transporting cotton for the confederate government to market.

He was an important witness for and much relied on by General Bailey to establish both the facts and loyalty in his case. He claimed to have been loyal himself to the cause and Government of the United States. His connection with the confederate government was not made known to us at the time; but that fact would seem to have an important bearing on the credibility of the witness.

A. O. ALDIS,
J. B. HOWELL,
O. FERRISS,
Commissioners of Claims.

Hon. WILLIAM LAWRENCE, M. C.,
Chairman Committee of War Claims, &c.,
House of Representatives.

Mr. SCOTT. It will be seen from what has already been stated, taken in connection with this last paper read, that General Bailey alleged that he sold his cotton for taxes, that he sold it because if he did not sell it it would be burned, and it has been stated here and elsewhere that a trial occurred in New Orleans with reference to this and other cotton, in which it was shown that part of the cotton which he was alleged to have sold was never delivered; the sale was canceled. Now, I call attention to General Bailey's testimony. I have the whole of it here, and I have read it carefully as to the manner in which he stated the sale of these five hundred bales. Let it be remembered that Mr. McKee has been his son-in-law. It has not been stated, although I am informed since I was on the floor before that by reference to other papers, all of which I have not brought in here, it has been discovered that in 1864 when this agent McKee was on his trial before a confederate court-martial letters were there produced from his wife in which reference was made to their child. That is pretty good presumptive evidence that they were married before 1864. In stating the sale of this five hundred bales in his testimony General Bailey stated—I do not take time to quote him—that he was compelled to sell the five hundred bales or have them burned and destroyed, and in another place that he sold that cotton in order to pay taxes. To whom does he say he sold it? He says to "a young man, the agent of the confederacy." He does not name him at all; he does not say who he was in his testimony; but says he sold it for these purposes, and for the purpose of preventing it from being burned. The testimony in other parts of the case shows that no cotton was burned in that vicinity until probably a year after that time, in November, 1863.

Let me now refer to the dates. I do not deny that there is testimony in this case showing the strongest expressions of loyalty by General Bailey; but let us look when they are professed to have been made. These sales were in 1862 and 1863. That territory was then under confederate control. In 1864 General Banks arrived on the Red River, and he occupied General Bailey's plantation, and it is for the supplies furnished to that army after its arrival that this allowance is made, not for cotton in any form. I do not wish it understood that the claim is for cotton, although a part of it is for cotton destroyed by the troops, or used by them for bedding; but the claim is for supplies furnished after the arrival of General Banks in Louisiana in 1864. Now, then, if General Bailey did sell cotton in 1862 and 1863, the expressions of loyalty after 1864 can be readily accounted for consistently with this act of disloyalty in 1862 and 1863. He became a Union man——

Mr. WEST. It was a nice time to be a loyal man down there in 1862 and say anything about it!

Mr. SCOTT. That is what I am saying, Mr. President, that he may have committed acts of disloyalty, those acts which this Government in self-protection is bound to consider acts of disloyalty in 1862 and 1863; and whatever his expressions of loyalty may have been in 1864, after the arrival of General Banks, after he was under the protection of the flag, can be accounted for very consistently with those acts in 1862 and 1863. If he is entitled to this claim on the ground of his active loyalty before the arrival of General Banks on that ground, and if he shows that these transactions are not properly represented by these books, I shall be the last man to deny him his money.

But let me go on, Mr. President. I do not wish to take up time in going over all the allegations that have been made in this case. It has been said that in a trial at New Orleans the six hundred bales were shown not to have been delivered. I have looked through that testimony and let me state what there was in that. In 1864 eight hundred and thirty-four bales of cotton were libeled. The United States claimed these eight hundred and thirty-four bales of cotton as having belonged to the Confederate States. Proceedings were instituted in the United States court, and in those proceedings a number of witnesses were examined. There is no testimony identifying the six hundred and fourteen bales which appear in the books in January, 1863, as the same cotton which made up any part of those eight hundred and thirty-four bales. There is a reference to a sale of six hundred bales, but the specific date when it was sold, or an identification with these six hundred and fourteen bales is not given; and more than that, there is nothing to know what became of that proceeding. I have inquired for the purpose of showing what became of it. The testimony is given. There is no decree. My information is that by some arrangement between General Bailey and the officers of the Government a compromise was effected in regard to that cotton, which leaves the question of whether it was confederate cotton or his cotton entirely unsettled. I do not know what that compromise was, but I have looked through the testimony and I do not find anything in it which would disprove the statements that are made and that are relied upon as coming from these books.

There is a great deal of testimony that I might refer to if I were disposed to take up and argue the question of actual loyalty. If I am compelled to vote upon that, if the friends of General Bailey insist here that this tribunal, now, upon *ex parte* testimony brought in to meet this testimony which is also *ex parte* shall decide upon his loyalty, I shall vote upon it; but I want to send him back where he will have a fair showing.

Mr. SARGENT. I hope the Senator will tell us anything he knows against the loyalty of General Bailey. If there is anything hidden, do not use mysterious language, but let us know it.

Mr. SCOTT. I do not wish to say what A, B, and C have told me.

Mr. SARGENT. That is not proof.

Mr. SCOTT. We have erected a tribunal for hearing these parties.

Mr. WEST. And they do hear what A, B, or C says. That is the trouble.

Mr. SCOTT. And they do send in to the Congress of the United States records which show that General Bailey ought to have a fair opportunity of a hearing before them. That is what I am showing.

Mr. MITCHELL. I understand the chairman of the committee to make but one point, and that is that there is testimony before the Senate showing that General Bailey at some time or other sold certain cotton to the confederate agent, and for that reason the chairman of the committee desires that this claim should go back to the commissioners in order that they may investigate that fact. Now, I do not understand that it is claimed by any person, not even by the chairman of the committee, that General Bailey or Mr. Bailey, whoever he was, committed any other act or thing that looked toward disloyalty except the single fact of having sold cotton to a confederate agent. I ask the chairman of the committee if Mr. Bailey when he was examined as a witness before the commission did not admit before that commission that he sold certain cotton to the confederate agent, and did he not there state that the books of the confederacy would show that fact? The point I wish to make is this: was not that fact called to the attention of the commissioners when this case was before the commission, and did they not then have full and ample opportunity to investigate the whole question and pass upon it, and therefore why the necessity of referring the case back again now?

Mr. SCOTT. I will state for the information of the Senator from Oregon that when General Bailey was before the commission he did say that he had made a sale of cotton to the confederate government and gave two reasons for it. One was that he had sold it to pay taxes; the other was that he sold it because if he did not sell it it would be burned. He did say in reference to the date that their books would show the date; it was a question of date; but he said not one word about having taken part of the proceeds in confederate bonds, and that fact was not before the commissioners when they made up their finding. The fact that he sold six hundred and fourteen bales was not before the commissioners, for General Bailey referred only to the sale of five hundred bales, and in neither instance did he say a word about having taken any part of the payment in bonds. This testimony produced shows not only two sales, but two different receipts of confederate bonds and confederate money to the amount of thirty or forty thousand dollars. It shows more than that; it shows that he got money for other purposes than to pay taxes; he was buying other cotton. It shows more than that; that he had a partner in the purchase of that cotton, and this testimony shows that that partner was a disloyal man. Positive testimony, if these books are testimony, circumstantial testimony enough certainly for the Government to say that this case shall go back to the tribunal which we have constituted for the purpose at the same time of doing justice to loyal claimants and protecting the Government against improper claimants. That is all I am asking.

I go further now. As the Senator from Oregon has said that this is the only circumstance, I will say there are other circumstances. The case is developing. Since this question has been made, or since it became apparent that it was going to be discussed in the Senate, I followed it a little further, and I may as well refer to that now; and I find in the War Department among the archives from the Confederate States, not those purchased from the trans-Mississippi department, but other archives, a copy of the proceedings of a confederate court-martial in which this man McKee, the confederate agent, was tried upon charges and specifications, and one of those charges, the fourth, with different specifications, was that he had confederated with Bailey to defraud the confederate government out of about a thousand bales of cotton on Bailey's plantation.

Mr. SARGENT. I should like to ask the Senator if he brings it forward as a proof of Bailey's disloyalty that he confederated with another man to steal from the confederate government?

Mr. SCOTT. The Senator seems to assume the attitude that I am bringing testimony against General Bailey and trying to convict him.

Mr. SARGENT. The Senator said if we wanted other evidence of General Bailey's disloyalty he was prepared to give it, and I challenge him to produce it.

Mr. SCOTT. I did not say I was prepared to give it, if the Senator will pardon me. The Senator from Oregon rose and asked me if I had a single thing to show General Bailey's disloyalty except the transcript from these books.

Mr. SARGENT. The Senator is answering by reading a document showing that General Bailey aided somebody who stole something from the confederate government, as a proof of his disloyalty against the Government of the United States.

Mr. SCOTT. I have not got through with my statement. I was stating the fourth charge, containing various specifications, and I had not gone any further. Let us see what came on.

Mr. SARGENT. I will not ask the Senator any more questions. I am sorry he is so impatient of questions. I do not desire to interrupt him.

Mr. SCOTT. I am not impatient of questions at all. I have been on the floor here intending to make a calm statement of these papers from beginning to end, and every Senator who seems to be advocating the payment of this money appears to take it for granted that he must cross-examine me at every stage.

Mr. SARGENT. I only wish to apologize for interrupting the Senator; I do not desire to trouble him.

Mr. SCOTT. I only wish to get the facts before the Senate. I am not arguing the case to show disloyalty on the part of General Bailey; I am simply showing that there is enough to send this case back to the judicial tribunal; that is all.

This charge is of disloyalty to the confederate government charged against McKee. What do they charge him with? Confederating with Bailey. It does not show that they were very great enemies. True, he was charged with confederating with Bailey to defraud the confederate government out of a thousand bales of cotton belonging to the confederacy on Bailey's plantation. There is some evidence to show that Bailey had sold the cotton on his plantation to the confederate government. These are circumstances which I think General Bailey ought to have the opportunity of meeting. They are brought out.

Why did I look for this? Because an affidavit was placed in my hands by the friends of General Bailey since this case came to the committee, alleging that McKee had been in irons and he was not worthy of belief, although his testimony had not at that time been brought before the Senate. Since then it is before us in a printed statement, and finding he had been in irons I wanted to know why, and pursuing my inquiries I found that this was the reason why he was in irons. He was tried and he was sentenced to be shot. He has not been shot, for he has been here giving his affidavit.

General Bailey may explain all this; he may answer, as Senators here attempt to answer, that the allegation that he was assisting McKee to defraud the confederacy is in his favor instead of against him. If it is in his favor, let it be so. I do not withhold it. I am giving the fact, and what I introduce it for is to show that Mr. McKee's testimony has been laid on the tables of Senators since this case has been before us, and now, mark it, Mr. President, he refers to the five hundred and thirty-six bales; he gives no account of the six hundred and fourteen bales at all, although he is the man who paid the money; and I ask Senators, without reading it, to take up that *ex parte* affidavit laid before us, examine it with reference to McKee's relation to this whole transaction, and there is enough in that to show that this case ought to go back for examination.

I do not wish to take up any very great length of time in discussing this question. I had hoped it would be passed over, for I felt I was doing General Bailey a kindness in sending this case back to the commissioners of claims. When it was here before it was struck out. It remained here. Now it is put in the bill, and this testimony is before us from the commissioners of claims, showing that if this testimony had been before them at that time a different result might have been arrived at. I will not condemn him on it. He ought not to be condemned on it. It is *ex parte* testimony, but he has given *ex parte* testimony also; and now I say the proper mode of proceeding is, as we have erected this tribunal, to send the case back there and let him meet these allegations. He knows them. Let the evidence on the part of the Government, if there be more of it, be produced where he can cross-examine the witnesses, and let the case be decided upon its merits.

But, Mr. President, in a case involving the question of whether the sale of cotton in large amounts to the confederate government in 1862 and 1863 was an act of disloyalty which ought to deprive a man of the right to claim before the commission, I cannot consent without entering my protest against it that any such claim shall be incorporated in this bill, and I think a little reflection upon the consequences that are to result will satisfy the Senate that the proper mode of proceeding is to send this case back to the commissioners of claims.

Mr. SARGENT. Mr. President, the proposition that is made by the Senator from Pennsylvania, and, as I understand, the majority of the committee on claims, is that this case be sent back to the commissioners of claims in order that they may report that this man is disloyal. That is really what it amounts to, stripped of everything in the way of paraphrase. These commissioners have gone out of their way to write a document to show that they believe this man is not entitled to this relief, and now we are asked to send back this case before this tribunal which has thus pronounced judgment in advance. That is just what this proposition is, neither more nor less. If any one will read the document to be found on page 8 of the CONGRESSIONAL RECORD of May 23, which was sent up to the desk by the Senator from Pennsylvania and read, he will find that all through it there is a prejudice forcibly expressed against General Bailey and an evident desire on the part of these commissioners to get their hands again upon this case.

It is contrary to everything that is fair and just to take a case from an impartial body, as this Senate is, and send it to a court to be decided but one way. They roll this alleged newly discovered testimony as a sweet morsel under their tongues; they parade it in italics; they insist that they cannot get hold of the case because they have reported it to Congress; and they in effect solicit that it may be sent back to them in order that they may give what they esteem to be the legitimate facts of this testimony and rule this man out of court.

If there is any merit in his case, if there is anything in his testimony of loyalty, if there is anything in any consideration of the duress to which he was subjected and to which all citizens in that region were subjected in 1862 and 1863, then I want the Senate to pass upon this question, and not send it back to a tribunal so obviously prejudiced as these commissioners are shown to be by this document. I am not reflecting upon these gentlemen. I have no doubt they are following what they deem to be the line of duty; but it is an extremely narrow line, which is not tinged for a moment with any consideration of equity. For the Senate to obey their behest and send this case back to them after it has come here is simply to exclude this person from any conclusion except the one which they have drawn in these papers.

Now, sir, there is one prominent fact which stands out in this case, and that is that General Bailey sold cotton to the confederacy. That is clearly and distinctly proved. It is not so clearly and distinctly proved whether he took bonds for it or whether he took money for it. Whether he took interest-bearing obligations or non-interest-bearing obligations. Confederate money is a matter on which great stress is placed by the Senator from Pennsylvania; but to my mind it amounts to nothing. Where is the distinction? What difference does it make whether he took confederate bonds or confederate money? And yet upon that distinction they endeavor to make a point against General Bailey.

Mr. MERRIMON. The evidence taken in the case that was tried shows that he did not take the bonds.

Mr. SARGENT. Yes, sir.

Mr. SCOTT. Has the Senator read that testimony?

Mr. MERRIMON. I read a summary of the testimony.

Mr. SCOTT. I could not find any such testimony, and I read it through.

Mr. SARGENT. The Senator from Pennsylvania is a very industrious man. We have reason to admire him for the evidences of it that he shows us every day; but when he takes up a bill of nearly one hundred pages, with an item to every line, and goes through the whole bill, he cannot necessarily be as well posted on all the facts with reference to each item as Senators who have had their attention drawn to a single item of the bill, and made that a matter of investigation. Therefore, while admitting the industry of the Senator, I still insist that we who have examined this claim and all the accessible testimony upon it, and have tried to get at the facts and do what was right, have a right to claim some knowledge on this subject, even if we are not members of the Committee on Claims.

Now, sir, it is a fact with reference to the form of regulations (which was a printed form) used in the purchase of cotton by the confederate government, it was always printed in the document that payment was made in confederate bonds. I understand the testimony to be that General Bailey refused to take the bonds, if that fact makes the least difference. I only comment upon it because the Senator from Pennsylvania seemed to lay some stress on that point. But McKee, who was not on good terms with General Bailey in 1863, who seized this cotton, and seized it among the first, who compelled General Bailey to sell his cotton and to sell among the very first, sometime thereafter, writing to his own clerk, and of course knowing that the paper which was in print referred to bonds as given for cotton in this case as in all others, said perhaps bonds which are 1 per cent. premium—I suppose he meant premium over confederate currency—could probably be obtained from General Bailey by giving him money for them. That was all, and that in itself is easily explainable under the idea that this was the printed form, and this person referred to the printed form, and knowing that this negotiation had been made by which the cotton was obtained by the confederate government, supposed that there was a place where bonds could be had. For what reason he wanted them I do not know, and that is entirely unexplained.

But, sir, the great fact stands out that this man did sell more or less cotton to the confederate government. It is a mistake to suppose that that fact was found out recently by these commissioners of claims. I call attention to the language of their report on this very case. They say:

> General Bailey, upon his examination in this case, swears that he did sell five hundred bales of cotton to the confederate government, or to some confederate or State agent, alleging that he was compelled to sell it to get money to pay his taxes; and if he had refused it would have been taken or burned.

They did not cross-examine him on that statement. Here was this horrible crime committed of selling cotton to the confederate government. Their extract from his testimony, as given in the letter which they now send and which has just been read at the desk, shows that they did not cross-examine him upon it. They took his statement. They did not ask him the name of the agent. The Senator from Pennsylvania thinks it is atrocious that he did not state that this man's name was McKee. Was there anything said to call his attention to that? Did they ask what confederate agent it was? They themselves placed no value upon that point, because they say "he sold it to the confederate government or some agent of the confederate government." The gravamen of the statement was that he did sell cotton to the confederate government, and that is the crime now alleged against him. These commissioners understood that. It was there in his own statement. When you afterward found the books

of the confederacy which showed that they had bought of him, it only proved what he had said that he had sold it to them. Is there anything in that fact that should cause us to refer this case back to the commissioners of claims? They follow that statement, that he did sell this cotton to the confederate government, in this way:

The cases of loyalty among the large landed proprietors of the South were so very rare, that we felt it to be our duty to investigate this case thoroughly, and after doing so we feel fully justified in reporting this claimant as loyal.

They say that after stating that he sold cotton to the confederate government. Do they want this case referred back to them in order to say that if he sold cotton to the confederate government they would be justified in reporting him as disloyal? If that is so I say the court is whimsical; that it acts on no well-considered opinion; and that we had better abolish it; at any rate we had better not send back to them cases which are doubtful, but send them only cases which are very clear, only cases involving questions of amount and not questions of principle.

I say there is nothing new discovered in this case. The parade of documents which the Senator from Pennsylvania makes and the reference to the confederate books only relate back in effect to that which was determined upon before and to this very man's testimony. He was upon the stand swearing to these very things, and this commission, in view of his affidavit to these facts, say he is a loyal man, and that cases of loyalty among large landed proprietors of the South were so rare that they felt justified in reporting this case favorably to Congress, and glad to do so.

What amount did they report? Forty-five thousand dollars. His claim was for $105,000, and they cut down the claim of this loyal man nearly two-thirds, allowing him but two or three dollars for a ton of hay where the hay was worth thirty or forty dollars. That was the system which they followed. They cut down this highly loyal man, as they reported him to be, below the prices of the articles taken either in the confederacy or within the loyal States, and upon no distinguishable rule. They had ample testimony before them as to the loyalty of this man, and it will not do to whistle it down the wind and to say that the distinguished military men who were brought in contact with this man and who knew him, as General Sherman said he had known him for years, were entirely mistaken. They were talking about a man, as was in proof and as will not be denied, who once owned a large number of slaves on a plantation in Virginia. Under the laws of Virginia he was allowed to emancipate his slaves. He did so; he manumitted them and went off down to Louisana. He was not allowed under the laws of that State to manumit his slaves, but it is in evidence that he treated them with great kindness; that he was an anti-slavery man—rather unpromising materials to make a disloyal man out of. In this condition the war caught him two or three years after he went down there with a large plantation on his hands. General Sherman, with reference to this man with these antecedents, says:

General Bailey, of Rapides Parish, Louisiana, personally known to me before the war, and universally recognized as a Union man throughout the period of hostilities—

Is General Sherman a man who writes without weighing what he says? He says General Bailey was universally known throughout the period of hostilities as a Union man and known to him personally before the war. There is no doubt about his identity—

appeals to me personally to befriend him with you in the matter of a claim for cotton which has been formally presented for your adjudication.

This was in relation to another matter. General Sherman goes on to state that in his official capacity he cannot meddle with such business; but he says he has a "strong personal regard" for this gentleman.

General Banks, the major-general commanding the department, says——

Mr. SCOTT. None of that testimony was before the commissioners.

Mr. SARGENT. Whether the testimony was before them or not, it is before the Senate, and it has force and weight. We are trying this case. There is no appeal from us back to these commissioners. I know of no provision of the statutes that requires us if we are in doubt to solve that doubt and ease our consciences by virtue of this commission. They are *functus officio*. They have acted on this matter, and having acted on this very point, that this man did sell cotton and having sold cotton was a loyal man, I want to know what there is to take this case back to them. You might as well send back every case against which some one whispers to you here. It is said that this case was struck out of the bill last year because somebody whispered something in the ear of the then chairman of the Committee on Claims, and you want this matter to go back again now, because of the whispers and insinuations of some persons, enemies of his very likely because he was a Union man; because he would be certified to as loyal by such men as Sherman and Canby and the whole Louisiana delegation in the House, and by Governor Wells, of Louisiana, and other undoubted loyal men all through the war. Men who know that because they were disloyal they cannot get their claims allowed will gladly whisper slanders about their neighbors who stood up under a hail of persecution that could only be exceeded within the confines of the infernal regions. The man in that region who either by wink or nod, by word or act, showed that he had any sympathy with the Yankees, with the Government of the United States in the struggle that was then going on, was a marked man, not merely ostracized from society, but liable to be shot down on the highway. He was hauled before persecuting courts, placed under continual espionage. A man who under these circumstances could stand up and preserve anything like manhood, anything like decency, anything like loyalty to the Government, would make not one, but hundreds and thousands of enemies who would gladly follow him with their enmity to the very grave itself, to the portals of your courts, to the Senate of the United States, and whisper in the convenient ear of some Senator, anxious to do right but hurried with business, "There is something wrong in that case; there is a cat under that meal," in order that that man might be prevented from getting his claim after he had been shorn down two-thirds of the amount which had been taken from him to supply the United States Army.

Mr. MITCHELL. There was an anonymous letter sent.

Mr. SCOTT. Twice, perhaps three times, the Senator from California has used a phrase that the enemies of General Bailey or persons hostile to him are whispering in the ears of Senators allegations prejudicial to him. Of course the meaning and direction of that cannot be misunderstood. Now I wish to say that I know of no one who has brought before the committee, I know of no one who has come to me to say one word against General Bailey. All that has been done has been to put in my hands papers from the officers of the Government which have been laid before them. But a more persistent effort to put everything into my ear, through agents, attorneys, and lobbyists, in favor of this claim, I have never met. I have been waylaid on all the avenues of the capital for the purpose of throwing into my ears something in favor of General Bailey. If there are any influences here against this claim, so far as I know about them they have not been brought to bear on the committee.

Mr. SARGENT. I did not intend to suggest, and I do not think the Senator should have so understood me, anything improper on his part or that of the committee. I understood him and the committee——

Mr. SCOTT. I understood the Senator just now to say that those here who were for sending the claim of General Bailey back to the commissioners had had whispered in their ears slanders against him.

Mr. SARGENT. I made the remark, following the Senator, that at the last session this case at the last moment was dropped from the bill on account of some private communication made to the chairman of the Committee on Claims. Am I correct?

Mr. SCOTT. I cannot say whether or not. The Senator from Wisconsin [Mr. HOWE] can answer for that. He was then chairman of the Committee on Claims.

Mr. SARGENT. I repeated what was said by the Senator from Pennsylvania, rendering almost literally his words. He stated the fact I was commenting upon. I was saying that these demands could be dropped on account of private communications in the ears of Senators——

Mr. SCOTT. I made inquiry to learn whether it was true that statement was made to the Senator from Wisconsin.

Mr. SARGENT. I take the Senator as authority. I have no doubt the statement is true.

Mr. SCOTT. My information at that time was from the Senator from Wisconsin himself that such information had come to him. Whether it was whispered in his ear or where it came from I do not know.

Mr. SARGENT. When I spoke of its being whispered in the Senator's ear, of course that was a mere figure of speech. It may have been shouted to him from the house-tops; but other Senators did not hear it; and the message struck the very spot where it would reach the bill. I was simply arguing that some enemy might have done this.

The Senator speaks about the importunity which is made for this claim. Are there not importunities for all claims? Are we like the unjust judge who finally yielded on account of urging and would not on account of justice? How otherwise, I ask you, are they to get their claims recognized before Congress? It is only by bringing them to the attention of Senators and members. I do not think they are to be despised, I do not think they are to be stigmatized because they are anxious, when they are ruined by the delay of Congress, that Congress shall attend to their cases. I cannot find it in my heart to object that any man who has an honest demand against the Government shall come to me, take my time, valuable as it may be, and plead with me to listen to him while he tells me of his wrongs or his rights. I think he has a right to do so; but when it becomes so wearisome that we cannot listen under such circumstances, then it seems to me we ought to pass the claims without examination. If we cannot give the time to examine them and find out that they are right, they should pass without it. When we complain of the labor and difficulty and importunity which are borne upon us and refuse to give any hearing to supplicants, Congress had better grant their prayers. The Government cannot afford to be deaf to petitions. It had better be improvident in granting them than do injustice.

Mr. SCOTT. Does the Senator say that when a Senator refuses to be waylaid in all the avenues of the capital he refuses to listen to a claimant? I say to claimants always, "I will decide your case on the testimony presented to me; and your verbal statements are not testimony." But if the Senator is disposed to criticise the remark which I made, all the punishment I can wish to impose upon him is that he shall be associated with me upon the Committee on Claims, and he will then understand the full force of the remark which I made.

Mr. SARGENT. I have no doubt it is a very onerous position, and I endeavored to do full justice to the Senator by speaking of the industry with which he fills it. I do not wish to be understood as reflecting on him in any respect. I have certainly not spoken in any unkind feeling or in a spirit of depreciation; but I do say it is inseparable from that place and inseparable from the office of Senators that we listen to the petitions of the people, to those who have grievances to redress, to those who have legitimate claims against the Government; and the Senator exaggerates, in the same spirit that I did myself perhaps in speaking of whispers, when he speaks of being waylaid on every avenue and every corner of a street. We are not waylaid on every avenue and corner of a street. Claimants do come to our houses, and frequently come at inconvenient periods, come to our committee-rooms, sometimes lay siege to us on the streets; but they do not speak with any more importunity than they have a right to do if we should attend to their business and neglect it.

There are men who come to this capital in the bloom of youth and bright hope of manhood, ay, and women too, widows and orphans, and they see the flag go down on the 4th of March, that ends the Congress, year after year until their locks grow thin, until they are stooped with age, unable to get the ear of Congress with their importunity, and finally die, and their heirs perhaps may get the claim or may not. Is not that so? I do not say that it is a shame that Congress has done so, for I know with the burdens and the labors of forty millions of people we are overwhelmed; but I say we ought not to complain of these importunities, and if sometimes they are not in good taste the cause should speak to us if the manner of these persons does not.

But I was speaking about the loyalty of Mr. Bailey. I was quoting from the testimony of General Sherman, who speaks with life-long knowledge of him, and particular knowledge of his history during the period of hostilities. I was referring to the testimony of General Canby. General Oliver O. Howard, who is a Christian gentleman, a man of high character, a man whose word is unsullied—and I challenge contradiction of it—introduces this gentleman to General Mower, and says:

Allow me to introduce to you Mr. William Bailey, of Louisiana. I hold in my hand a very high recommendation of him as a Union man, thoroughly in sympathy with free institutions and humanity. The recommendation further calls to my mind a past record of the best character.

Calls to his mind, of his own knowledge, "a past record of the best character."

He is a planter in the vicinity of Alexandria, Louisiana. Any sympathy or assistance you may render him will be appreciated by him and afford me gratification.

These letters were written and express just what they say by men who know the meaning of language and men who are jealous of their own reputations and of that which they say, and could not be obtained by disloyal men. I ask the Clerk to read a letter signed by every one of the Louisiana delegation in the House of Representatives, testifying to their personal knowledge of this man and of his loyalty.

The Chief Clerk read as follows:

WASHINGTON, D. C., *June* 9, 1874.

DEAR SIR: We beg to call the favorable attention of yourself and fellow-members of your committee to the cases of William Bailey and Whitty M. Sasser, included in the "Southern claims bill" now before you. We do so, as Representatives of Louisiana, in order to express our unqualified belief that both Bailey and Sasser were consistent and faithful friends of the Union throughout the entire rebellion; and that it would be an act of great injustice to pronounce them "disloyal" on the ground that they sold certain cotton to the rebel authorities. The well-known condition of "duress" that existed at that time in Northern Louisiana, as well as the absence of any other purchasers than confederate agents, from whom currency could be obtained for paying taxes and carrying on plantation business, alike made such sales absolutely necessary in most cases; and not even a suspicion of disloyalty should, we think, be attached to Bailey or Sasser on this account.

Very respectfully,

GEORGE L. SMITH.
FRANK MOREY.
C. B. DARRALL.
J. H. SYPHER.
L. A. SHELDON.

Hon. JOHN SCOTT,
Chairman of Committee on Claims, United States Senate.

Mr. SCOTT. I know the Senator from California does not wish to do any injustice by the introduction of that letter. That letter is one that was printed in a statement that has been laid on the desks of Senators as a letter laid before the Committee on Claims. It is addressed to me as chairman. Now I say that that letter reached the committee-room after this case had been decided. It never was before the Committee on Claims at all. I only refer to it as showing the persistency with which a feeling has been worked up here, and to say that the Senator from California of course is not aware in introducing it that that was the fact.

Mr. SARGENT. Then if the committee made up this judgment without referring to this letter, this letter is valuable as additional testimony to the Senate. You have not acted on the letter. You have not acted on the consideration that GEORGE L. SMITH, FRANK MOREY, C. B. DARRALL, J. H. SYPHER, and L. A. SHELDON, honorable members of the other House, associated with us, and well known to us, speak of their own knowledge of the loyalty of this man and say that you are doing great injustice in not allowing this claim.

Mr. SCOTT. The Senator misapprehends my point. I referred him to a printed statement laid on the desks of Senators which alleges that a letter, which he has sent to the Chair and had read, addressed to me, was before the Committee on Claims, undertaking to allege that we decided against the case notwithstanding that letter. I now state as a fact that the letter which he thus sends up reached the committee-room after the case had been discussed and was disposed of.

Mr. SARGENT. That I understand.

Mr. SCOTT. Whether it was testimony that might have weighed or not, I do not undertake to discuss.

Mr. SARGENT. That I understand perfectly, and I was commenting on that fact that the judgment of the committee was made up before this came. That does not make it any the less valuable to the Senate that Mr. SMITH and Mr. SHELDON and these other gentlemen say that they know themselves that Mr. Bailey was a loyal man. That does not make it less valuable as testimony, because it was not before the committee before they decided. That makes it more valuable, because the testimony of these gentlemen must have some weight with any man. It must have some weight with the Senate most assuredly, when five gentlemen like these say this was a loyal man according to their own knowledge. It is a misfortune in this case that their testimony was not before the committee because it probably would have changed the result; at any rate it might have made them hesitate a little longer before they came to this conclusion. But on account of its great value as the testimony of these men, I add it to that of Sherman, of Sheridan, of Canby, of Howard, and all those other eminent men who speak of their own knowledge of the record of this man, of his sacrifices in the cause of the Union, of that which he suffered from day to day on account of his adherence to the cause which seemed lost in the South; and any man who would dare to do it was the object of malignity and hate on the part of his neighbors, which we in the more settled feelings of the North had no opportunity to appreciate or to measure.

General Canby says about this gentleman, General Bailey:

This gentleman has been a great sufferer in person and in property by the rebels because he was a Unionist, and I am sorry to say by our own troops, although he was protected by a safeguard.

Is such testimony worth nothing? Has it no bearing at all? The Senator say he speaks as a friend of Dr. Bailey when he asks that this may be delayed a year. Here is a man impoverished and broken down on account of his losses in the rebellion, and the Senator speaks as a friend to him in asking that he shall go back and prove his loyalty! How shall he prove it? By calling General Sherman up to swear that he had known this man before the war and through the hostilities and that he was a constant Union man? The Senator assents. I say no, sir. I say here is the proof. Is there any doubt about the authenticity of these letters? The proof is before the Senate. It does not need to sift it through these commissioners who will not give it any value because they say this man sold cotton to the confederates, a thing which they knew before he had done, and yet said in the judgment that he was a loyal man. To send the case back for the testimony of Canby and Sheridan and Howard is a mere form. It is an insidious blow at the proposition that the man be paid, I do not care how you disguise it. You may talk about excellent feelings to this man; you may say you love him, that you do this as his friend; but I say it is an unfriendly act, whatever the intention may be, to send him back to these commissioners where there is no law requiring us to send the case back, where there is no appeal from us to them. It is to ignore all these gentlemen and go back to the written judgment you have in advance published in the CONGRESSIONAL RECORD.

With all the frankness of the man himself, not drawn out of him, he admitted that he had sold cotton to the confederacy, not being particular as to amounts or dates, because he was not cross-questioned about it, but with this admitted in advance I am in favor of disposing of this case by the Senate, and letting this man go off with the little pittance that the commissioners, even in their highest view of his loyalty, were willing to allow him out of the more than $100,000 claimed in his account.

Furthermore, if it shall be held that in all cases where there is division of opinion in the Senate we cannot pass upon them but must send them back to the commissioners of claims, I should like to ask when we shall ever dispose of these matters? It is just as important that the commissioners shall reconsider a question as to amounts as the question said to be here involved. The principle would carry back half the cases reported by the court, and every one where a doubt could be raised by anybody.

Further, in reference to this man, he had a safeguard and he took the oath under Lincoln's proclamation. A very serious question has been discussed in both Houses of Congress whether that of itself did not entitle a party to the restoration of all his rights under the laws of Congress, where such taking did not work entire amnesty and oblivion of past offenses. But such argument is not necessary in the case of this man, because there was never anything disloyal in his conduct requiring it. It does not make any difference whether there were five hundred bales of cotton sold or subsequently six hundred more; the disloyal act was just as great in selling the first five hundred as the six hundred subsequently. The discovery of six hundred subsequently sold or any other amount does not make the man more or less a Union man. It does not make him a loyal man because he only sold five hundred bales, because there was no virtue in that. If selling cotton was disloyalty, then selling a single bale was disloyalty. Now he came forward frankly and admitted the whole case as it would be if it were sent back to the commissioners of claims; that is, that

he sold cotton. He says he did it under duress, when he had to pay his taxes, and if he did not do it the cotton would have been seized. He did not sell all he could sell, but he only sold five hundred or at most a thousand bales, and yet he had, as is admitted, on his plantations nearly three times that amount.

If he was selling because he could make a speculation by selling cotton, and selling because he wanted to put cotton which the Senator says was ammunition in the hands of the confederate government, why did he not put more there? He had it. He could have sold more. The very fact that he sold a part and no more would imply that the part he sold was what he was compelled to sell. If it was of his accord, there was the confederate government ready to take the rest on the same terms. If it was a good bargain for him to sell it or a favor to the confederates, there was an opportunity for him to extend the favor. On the contrary he only sold about a quarter of the amount which he had, and that he frankly admits. In addition to that when there was the first opportunity for loyal men to make themselves known in Louisiana, when Banks came there with his army and liberated the sentiment of the people, this man was the vice-president of a meeting which met to welcome the Union forces into that part of the country. Was that a disloyal act? Was there any necessity for it? Could he not have gone off and hid himself as disloyal men did, as other citizens of the State of Louisiana did? On the contrary he came forward with another person whose name is mentioned in this bill, and presided or assisted to preside over a loyal meeting called to welcome the United States forces. I ask if that was the act of a disloyal man? And this was subsequent to the sale of the cotton. Is this to be brushed aside like all the rest?

This proof shows that he had the same feelings he had when he went to Louisiana as an abolitionist, having emancipated all his slaves in Virginia at the great sacrifice of his property. They were worth from $1,000 to $3,000 apiece, and he emancipated a large number. He shows that the old abolition feeling which existed in his mind, and which necessarily and naturally made him a loyalist, still existed, and at the very first breathing spell, the first ray of light let in on Louisiana showed him with his hand outstretched to receive the Union forces and welcome them when they came there. Such a man of course ought not to be entitled to consideration; he ought, on any anoymous communication, or secret whisper, or pleading of anybody, to be deprived of the little practical right which was conceded to him in this bill! Let us haste to crucify him.

Mr. CONKLING. Mr. President, I shall vote with the committee upon this proposition; and I think it would be extraordinary, to say the least, if the Senate should override the committee. But at this moment the Senate, if it is not without a quorum, has scarcely more than a quorum present; and there is upon the table business of an executive character which it will oblige a number of Senators if we may have a short session to dispose of. The Senator having charge of this bill has no objection to an executive session; and therefore as the bill must go over in any event, I submit the motion that the Senate proceed to the consideration of executive business.

Mr. MORRILL, of Maine. I ask the Senate to yield to me to make a motion.

Mr. CONKLING. I will hear the motion.

DAILY SESSIONS.

Mr. MORRILL, of Maine. By the order of the Senate the hour of meeting will be twelve o'clock to-morrow unless otherwise ordered. Now in the interest of economy of time, which I am sure we all desire, I make this general proposition for the residue of the session unless otherwise ordered:

Ordered, That on and after to-morrow the Senate will meet at eleven o'clock a. m. and remain in continuous session until six o'clock p. m. on each day, unless otherwise ordered.

That will make it a little flexible. That will give us seven hours continuous session, about as much as human endurance will admit, according to my experience, and we are more likely to accomplish the necessary results than in any other way.

Mr. CONKLING. There is no objection to that, I imagine.

Mr. MORRILL, of Maine. I offer the order which I have just read.

The order was agreed to.

EXECUTIVE BUSINESS.

Mr. CONKLING. Now I insist on my motion that the Senate proceed to the consideration of executive business.

Mr. CHANDLER. I hope not.

Mr. CONKLING. The motion is not debatable; but I ask my friend to allow some of us who want a short executive session a hearing. It will not interfere with him at all if we devote five minutes to executive business.

Mr. CHANDLER. With the understanding that I shall have an opportunity to take up business from the Committee on Commerce when we come out, I shall not object.

Mr. CONKLING. The Senator can make his motion afterward.

The PRESIDING OFFICER, (Mr. SARGENT in the chair.) The question is on the motion of the Senator from New York that the Senate proceed to the consideration of executive business.

The motion was agreed to—ayes 29, noes not counted.

A. H. VON LUETTWITZ.

Mr. SPENCER. While the doors are being closed I ask the Senate to proceed to the consideration of the bill (S. No. 633) for the relief of A. H. von Luettwitz, late lieutenant Third United States Cavalry.

There being no objection, the bill was considered as in Committee of the Whole.

The preamble states that A. H. von Luettwitz, late a first lieutenant in the Third United States Cavalry, who was cashiered from the United States service by sentence of a general court-martial on the 8th day of July, 1870, has established his innocence of the charges upon which he was so cashiered the United States service. The bill therefore directs the Secretary of War to amend the record of A. H. von Luettwitz so that he shall appear on the rolls and records of the Army for pay and rank as if he had been continuously in service; and the amount required for the payment of this officer is appropriated out of any money in the United States Treasury not appropriated for other purposes.

The Committee on Military Affairs proposed to amend the bill by striking out the words "pay and," in line 5, and in line 6 after the word "service" striking out the words "and that the amount required for the payment of this officer be, and is hereby, appropriated out of any money in the United States Treasury not appropriated for other purposes," and to insert, "provided that nothing shall be paid to him for the interval of time from the 8th day of July, 1870, until the passage of this act;" so as to read:

That the Secretary of War be, and is hereby, directed to amend the record of the said A. H. von Luettwitz so that he shall appear on the rolls and records of the Army for rank as if he had been continuously in service: *Provided*, That nothing shall be paid to him for the interval of time from the 8th day of July, 1870, until the passage of this act.

Mr. FRELINGHUYSEN. What amount does that call for?

Mr. SPENCER. It does not call for any money.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the bill (S. No. 733) regulating gas-works, with amendments; in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. No. 3740) to create the Bozman land district in the Territory of Montana;

A bill (H. R. No. 3584) to grant certain lands in the Territory of Arizona;

A bill (H. R. No. 3611) for the relief of Nelson Green; and

A joint resolution (H. R. No. 111) authorizing the President to negotiate with civilized powers in regard to international arbitration.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. HOWE, from the Committee on the Library, submitted an amendment intended to be proposed to the bill (H. R. No. 3600) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1875, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. STEVENSON, Mr. MITCHELL, Mr. MERRIMON, Mr. CLAYTON, Mr. HITCHCOCK, Mr. PRATT, and Mr. ROBERTSON submitted amendments intended to be proposed to the bill (H. R. 3600) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1875; which were referred to the Committee on Appropriations, and ordered to be printed.

Mr. SPENCER, from the Committee on Military Affairs, submitted an amendment intended to be proposed to the bill (H. R. No. 2545) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1875; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. WINDOM submitted an amendment intended to be proposed to the bill (H. R. No. 3168) making appropriations for the repair, preservation, and completion of certain public works for rivers and harbors, and for other purposes; which was referred to the Committee on Commerce, and ordered to be printed.

EXECUTIVE SESSION.

The Senate proceeded to the consideration of executive business; and, after eleven minutes spent in executive session, the doors were reopened.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred as indicated below:

The bill (H. R. No. 1142) to authorize the Secretary of the Interior to indemnify the holders of pre-emption and homestead certificates and certificates of entry and patents upon lands in Iowa within the so-called Des Moines River grant on account of failure of titles, and to procure a relinquishment of the paramount titles to the United States—to the Committee on Public Lands.

The bill (H. R. No. 3611) for the relief of Nelson Green—to the Committee on Post-Offices and Post-Roads.

The bill (H. R. No. 3584) to grant title to certain lands in the Territory of Arizona—to the Committee on Private Land Claims.

The joint resolution (H. R. No. 111) authorizing the President to negotiate with civilized powers in regard to international arbitration—to the Committee on Foreign Relations.

TAX ON SAVINGS-BANKS.

The bill (H. R. No. 3678) for the relief of savings institutions having no capital stock and doing business solely for the benefit of depositors, was read twice.

Mr. BOUTWELL. I should like to have the bill put upon its passage.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that no further collection of internal-revenue taxes shall be made on the earnings of savings-banks or institutions for savings having no capital stock and doing no other business but receiving deposits to be loaned or invested for the sole benefit of the parties making such deposits without profit or compensation to the association or company, whether the earnings of the same have been or may hereafter be divided annually, semi-annually, or at any other period.

Mr. SCOTT. Before that bill is proceeded with, I wish to have it understood that the unfinished business is not displaced by this or by the motion of the Senator from Michigan.

Mr. CHANDLER. Certainly not; it is laid aside informally for the purpose of taking up bills from the Committee on Commerce.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

PORT OF DELIVERY AT MONTGOMERY.

Mr. CHANDLER. I move that the Senate proceed to the consideration of the bill (H. R. No. 899) to constitute Montgomery, in the State of Alabama, a port of delivery.

Mr. SCOTT. I understand the Senator from Michigan desires to proceed with bills from the Committee on Commerce. If the bill of which I have had charge this afternoon relating to the payment of southern claims is not displaced, as I am not well enough to remain in the Senate during the evening, I shall make no objection to his proceeding with bills of that character.

Mr. CHANDLER. I hope by unanimous consent that bill will be laid aside informally and will be left as the unfinished business for to-morrow morning.

The PRESIDING OFFICER, (Mr. INGALLS in the chair.) If there is no objection the bill to which the Senator from Pennsylvania has referred will be laid aside informally to be considered the unfinished business to-morrow.

Mr. STEVENSON. I ask the Senator from Michigan whether he proposes to bring us back here to-night?

Mr. CHANDLER. I propose to continue right on with these miscellaneous bills and not to take up the river and harbor bill.

The PRESIDING OFFICER. The question is on the motion of the Senator from Michigan.

The motion was agreed to; and the bill (H. R. No. 899) to constitute Montgomery, in the State of Alabama, a port of delivery was considered as in Committee of the Whole.

The Committee on Commerce proposes to amend the bill by adding to it the following proviso:

Provided, That the law constituting Selma, Alabama, a port of delivery, approved January 27, 1858, is hereby repealed; this act to take effect June 30, 1874.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

JOHN HORN, JR.

Mr. CHANDLER. I move now that the Senate proceed to the consideration of House bill No. 2398.

The motion was agreed to; and the bill (H. R. No. 2398) granting a medal to John Horn, jr., for his heroic exploits in rescuing men, women, and children from drowning in Detroit River, was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

BRIDGE AT LA CROSSE.

Mr. CHANDLER. I move to proceed to the consideration of House bill No. 3586.

The motion was agreed to; and the bill (H. R. No. 3586) to authorize the construction of a bridge across the Mississippi River at or near the city of La Crosse, in the State of Wisconsin, was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

LETTERS FOR VESSELS' NAMES.

Mr. CHANDLER. I move to proceed to the consideration of Senate bill No. 683.

The motion was agreed to; and the bill (S. No. 683) to authorize the use of gilt letters for the names of vessels was read the second time, and considered as in Committee of the Whole. It proposes to amend section 3 of the act entitled "An act concerning the registering and recording of ships and vessels," approved December 31, 1792, so as to allow the name of any vessel to be painted upon her stern in yellow or gilt letters.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

JAMES DE LONG.

Mr. CHANDLER. I move to take up House bill No. 526.

The motion was agreed to; and the bill (H. R. No. 526) for the relief of James De Long was considered as in Committee of the Whole. It provides for the payment to James De Long, late consul at Aux Cayes, Hayti, $2,816; $1,166 of the sum so appropriated being for money advanced and expended by him for the relief of destitute colored emigrants colonized under authority of the acts of April 16 and July 17, 1862, and $1,650 being for extraordinary expenses incurred by him at the siege of Aux Cayes during his consulship at that place.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

PROTECTION OF NAVIGABLE WATERS.

Mr. CHANDLER. I move to take up the bill (S. No. 528) to protect the navigable waters of the United States from injury and obstruction.

Mr. STOCKTON. Do I understand that these bills are called up subject to one objection?

Mr. CHANDLER. No, sir.

The PRESIDING OFFICER. The Chair does not so understand.

Mr. STOCKTON. I object to that bill, and I desire that it shall not be called up.

The PRESIDING OFFICER. The question before the Senate is whether the Senate will proceed to the consideration of the bill moved by the Senator from Michigan.

Mr. CHANDLER. If the Senator from New Jersey will pardon me, I will suggest that his colleague has an amendment which will be entirely satisfactory to the Senator from New Jersey. His colleague will offer an amendment which will be accepted. I ask that the bill and amendment be read.

Mr. STOCKTON. I would rather that at this time of the evening a bill of that kind should not be passed. It is a very important bill regulating all the harbors of the United States. But if my colleague, who understands this question quite as well if not better than I do, has examined the bill and is satisfied that it is correct with his amendment, I shall not object.

Mr. FRELINGHUYSEN. I would a little rather that the Senator should look at the bill himself, and that other Senators should do so. The effect of the bill, as I have read it, is to make it an offense not only to deposit ballast but to make any deposit in the waters of the United States without the consent of certain officers named, which is going a great way. The amendment which I was going to propose is this:

Provided, That nothing contained in this act shall be construed to either permit or prohibit the construction of piers, bridges, bulk-heads, or other structures, or the filling in of flats on the borders of navigable rivers.

That is an amendment which I introduced to a like bill last winter or the winter before, and which was passed by the Senate.

Mr. CHANDLER. That amendment I will accept if it is acceptable to the Senator from New Jersey.

Mr. STEVENSON. This is too important a bill to be passed without consideration.

Mr. CHANDLER. Very well; I will pass it over and go to the next bill.

The PRESIDING OFFICER. The motion to take up the bill is withdrawn.

OCEAN-COURSES FOR STEAMSHIPS.

Mr. CHANDLER. I move to take up Senate bill No. 368.

The motion was agreed to; and the bill (S. No. 368) to provide for the establishment of an international commission of the maritime powers to lay down ocean-courses for steam-vessels, and otherwise provide for increased safety of sea-travel, was considered as in Committee of the Whole. It provides that the President shall nominate and, by and with the advice and consent of the Senate, appoint a commissioner on the part of the United States to meet with such other commissioners as may be appointed by the maritime powers of Europe to frame such international laws and regulations as may seem adequate to secure increased safety to ocean-travel by the laying down of ocean-courses for inward and outward passages, summer and winter, of steam-vessels, by the enforced use of electric and other lights upon all steam-vessels crossing the North Atlantic or other fog latitudes, and the requirement of sufficient raft-accommodation on all iron steamers for the safety of life in case of disaster.

The Committee on Commerce proposed to amend the bill by inserting as section 2:

That the compensation of such commissioner shall be $2,000 and necessary traveling expenses, to be certified to and allowed by the Secretary of State; and no appointment shall be made pursuant to the act until one or more of the maritime powers of Europe shall signify its readiness to appoint a commissioner or commissioners to co-operate in securing the object in the first section mentioned.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. SPRAGUE subsequently said: I enter a motion to reconsider the vote on the bill (S. No. 368) just now passed, to provide for the establishment of an international commission of the maritime powers to lay down ocean-courses for steam-vessels, and otherwise provide an increased safety of sea-travel.

The PRESIDING OFFICER. The motion to reconsider will be entered.

CHARLES J. SANDS.

Mr. CHANDLER. I move to take up House bill No. 1206.

The motion was agreed to; and the bill (H. R. No. 1206) for the relief of Charles J. Sands, of Brooklyn, New York, was considered as in Committee of the Whole. It provides for the payment to Charles J. Sands of $202.39 for salary due him for service as United States marshal of consular court at Chin-Kiang, China, from the 5th of October, to the 19th of December, 1865, inclusive.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

J. & W. R. WING.

Mr. CHANDLER. I move to take up House bill No. 2898.

The motion was agreed to; and the bill (H. R. No. 2898) for the relief of J. & W. R. Wing of New Bedford, Massachusetts, was considered as in Committee of the Whole.

By the bill the Secretary of the Treasury is authorized to pay to Messrs. J. & W. R. Wing, agents and managing owners of the late American whaling-bark Xantho, of New Bedford, Massachusetts, the sum of $642.22 in gold, in full payment for expenses incurred by them for the support and transportation of the crew of that vessel after its wreck in the Indian Ocean, June 18, 1871.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

Mr. CHANDLER. I move to proceed to the consideration of Senate bill No. 775.

The motion was agreed to; and the bill (S. No. 775) to authorize the construction of a bridge over the Willamette River at Portland, in the State of Oregon, was considered as in Committee of the Whole.

The Committee on Commerce proposed to amend the bill by inserting at the end of section 1 the words:

Provided further, That the said bridge shall be so constructed and built as not to obstruct, impair, or injuriously affect the navigation of the river; and in order to secure a compliance with these conditions, the corporation, association, or company proposing to erect the same, previous to commencing the construction of the bridge, shall submit to the Secretary of War a plan of the bridge, with a detailed map of the river at the proposed site of the bridge, and for the distance of a mile above and below the site, exhibiting the depths and currents at all points of the same, together with all other information touching said bridge and river as may be deemed requisite by the Secretary of War to determine whether the said bridge, when built, will conform to the prescribed conditions of the act not to obstruct, impair, or injuriously affect the navigation of the river: *Provided further*, That the Secretary of War may detail an officer to superintend the survey and examination of said river with a view to said location.

The amendment was agreed to.

The next amendment was to insert the following as section 2:

SEC. 2. That the Secretary of War is hereby authorized and directed, upon receiving said plan and map and other information, and upon being satisfied that a bridge built on such a plan and at said locality will conform to the prescribed conditions of this act not to obstruct, impair, or injuriously affect the navigation of said river, to notify the said corporation, association, or company proposing to erect the same that he approves the same; and upon receiving such notification the said corporation, association, or company may proceed to the erection of said bridge, conforming strictly to the approved plan and location. But until the Secretary of War approve the plan and location of said bridge, and notify the said corporation, association, or company of the same, the bridge shall not be built or commenced.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHANGE OF NAME OF A VESSEL.

Mr. CHANDLER. I now move that the bill (S. No. 855) authorizing an American register for the French brig Sidi, and a change of the name of said brig to that of Sea Waif, be indefinitely postponed for the purpose of taking it off the Calendar, as we have passed a House bill on that subject.

The motion was agreed to.

WILLIAM WALKER.

Mr. CHANDLER. I move next to take up House bill No. 2292.

The motion was agreed to; and the bill (H. R. No. 2292) for the relief of William Walker was considered as in Committee of the Whole. It provides for the payment to William Walker, of Milton, Wisconsin, of $374.98, for unpaid salary as vice-commercial agent at Gaboon, from October 1, 1870, to February 12, 1871.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

PROTECTION OF IMMIGRANTS.

Mr. CHANDLER. I now move to proceed to the consideration of the bill (S. No. 808) for the better protection of immigrants.

Mr. STOCKTON. That is one of a class of bills so common now in Congress interfering with private matters. I do not know how objectionable it is in its details, but I should like a vote of the Senate whether it shall be taken up or not.

Mr. CHANDLER. It is recommended by the Secretary of the Treasury, and his letter is with the bill.

Mr. SPRAGUE. It had better be laid over.

Mr. CHANDLER. Very well; let the bill go over.

The PRESIDING OFFICER. The motion is withdrawn.

Mr. MERRIMON. It is very manifest that there is no quorum present. I move that the Senate adjourn.

Mr. CHANDLER. No; let me get through. I shall be through in twenty minutes, I think. I hope the Senator will withdraw the motion. I shall be through in twenty minutes at the outside.

Mr. MERRIMON. Well, I withdraw the motion.

INFECTIOUS DISEASES.

Mr. CHANDLER. I move to take up House bill No. 2887.

The motion was agreed to; and the bill (H. R. No. 2887) to prevent the introduction of contagious or infectious diseases into the United States was considered as in Committee of the Whole. It provides that it shall not be lawful to bring any vessel or vehicle coming from a foreign port or country, and affected with a contagious or infectious disease, or conveying persons, merchandise, or animals affected with contagious or infectious diseases, into any port of the United States, except under the regulations hereinafter provided.

The second section constitutes the Surgeon-General of the Army, the Surgeon-General of the Navy, and the supervising surgeon of the marine hospital service, *ex officio*, a board to make the regulations to be observed by persons controlling vessels or vehicles coming from foreign ports or countries into ports of the United States by passengers upon and persons connected with vessels or vehicles so coming, and by pilots at the several ports of entry, to the end that no persons, animals, or goods affected with infectious or contagious disease may enter the United States. The board may prescribe the times, manner, and places of performing quarantine by vessels, vehicles, persons, animals, and goods coming from foreign ports or countries, and may make all needful rules and regulations not inconsistent with law, and alter and amend the same, for the efficient execution of the purposes of the act; but no rule or regulation or amendment to the same is to have effect until approved by the President. The board is to make report annually to the Congress at its meeting in December.

Section 3 provides that there shall be detailed or assigned by the President from among the commissioned medical officers of either the Army or the Navy, or from among the surgeons of the marine-hospital service of the Treasury Department, to be selected without regard to rank, but solely with reference to skill and experience in hygiene and public sanitary science, one who shall be the secretary to the board, and shall in addition, under the direction of the board, be charged with the supervision of all matters pertaining to the establishment and maintenance of the system of quarantine provided by the act.

For the execution of the duties arising out of the act the fourth section provides that medical officers of the Army or of the Navy, or surgeons of the marine-hospital service of the Treasury Department, may be detailed or assigned, according to the exigencies of the service, with especial regard to economy and efficiency; but no person in the employment of the Government so detailed or assigned to duty is to receive any additional compensation therefor; and the President of the United States is to issue such instructions to the officers of the various Departments of the Government not interfering with their peculiar duties as shall secure the aid and co-operation necessary to perfecting and enforcing the regulations provided for.

The Committee on Commerce proposed to amend the bill in the sixth section by inserting after the words "apply to" the words "or interfere with;" so as to read:

SEC. 6. That the provisions of this act shall not be so construed as to apply to or interfere with the health regulations and quarantine measures maintained by States or municipalities; and such local systems and their appendages shall remain under the control of the respective local authorities.

Mr. STOCKTON. I regret very much to object to so many bills; but this is one of the same class, interfering with the regulations of harbors in quarantine matters. The highest power that is exercised in this country is the power to protect health. The municipal governments exercising this power go further in their action than is permitted to any other body. Why should the United States assume this power? Why should the Senate at this time of the evening pass a bill giving a jurisdiction to the United States that never has been claimed before? I cannot understand it.

Mr. CHANDLER. If the Senator will read the last section he will see that it does not interfere in any way, manner, or shape with local regulations.

Mr. STOCKTON. I listened very attentively, and I heard those words with pleasure; but while it does not interfere, it establishes a system never established before, a Federal Government system of quarantine in reference to harbors in the different States. It seems to me that that involves a great principle. I do not mean by objecting to the bill to say that there may not be some propriety in it; but it certainly ought not to be passed in this way, as there are but six or seven Senators in the Chamber.

Mr. CHANDLER. Very well; I will lay it aside.

Mr. SPENCER. I wish to appeal to the Senator from New Jersey to withdraw his objection. This bill was prepared with a great deal of care by the member of Congress from the Mobile district. The object was to keep the yellow fever out of the Gulf ports.

The PRESIDING OFFICER. The bill has been laid aside by the consent of the Senator from Michigan.

Mr. SPENCER. I was in hopes the Senator from New Jersey might withdraw his objection.

LIFE-SAVING STATIONS.

Mr. CHANDLER. I move to proceed to the consideration of House bill No. 2655.

The motion was agreed to; and the bill (H. R. No. 2655) to provide for the establishment of life-saving stations and houses of refuge upon the sea and lake coasts of the United States, and to promote the efficiency of the life-saving service, was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

Mr. CHANDLER. I now move to proceed to the consideration of House bill No. 1564 establishing life-saving stations, and appropriating therefor, and that it be indefinitely postponed, as it is virtually the same bill as that just passed.

The motion was agreed to.

LIGHT-HOUSE BOARD.

Mr. CHANDLER. I move that the Senate proceed to the consideration of House bill No. 3522.

The motion was agreed to; and the bill (H. R. No. 3522) to extend the jurisdiction of the Light-House Board, was considered as in Committee of the Whole.

The Committee on Commerce proposed to amend the bill by striking out all after the enacting clause, and in lieu thereof inserting:

That the Light-House Board are hereby directed to cause examinations to be made, and to report to the Secretary of the Treasury what light-houses, lights, beacons, and buoys are required for the better security of navigation on the Mississippi, Ohio, and Missouri Rivers, including specific statement as to the respective localities where and by whom now maintained, where required, and estimated cost of their construction and maintenance.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

REGULATION OF COMMERCE.

Mr. CHANDLER. I move to proceed to the consideration of the bill (S. No. 747) to facilitate and regulate commerce among the several States and with foreign nations.

Mr. BOUTWELL. I must object to that bill.

The PRESIDING OFFICER. Does the Senator from Michigan insist on his motion to proceed to the consideration of the bill?

Mr. SPRAGUE. Let it lie over.

Mr. CHANDLER. If the bill is objected to, I cannot insist under the present circumstances.

Mr. SPENCER. I am very sorry that the Senator from Massachusetts objects to this bill. I think it is amended so that it will not be objectionable.

Mr. BOUTWELL. I do not object to hearing it read; but unless it is changed materially from what it was when I last saw it, I must object to its consideration.

PROTECTION OF IMMIGRANTS.

Mr. CHANDLER. I think my friend from New Jersey will withdraw his objection to the bill (S. No. 808) for the better protection of immigrants. If the Senator would listen to a letter from the Secretary of the Treasury I am sure he would not object. I appeal to my friend to allow that bill to pass. It brings foreign ships under the same regulations now imposed on our own, and is really very important, in my judgment. The committee were unanimous.

Mr. STOCKTON. The Senator from Michigan asks me to withdraw my objection, and he is exactly in the same position as the one who told me he came near having a very fine horse. He met a man riding on a nice horse and asked him to give it to him, but the man said "no." I was trying to listen to the Senator when we were pressed with other business, hoping that I could agree with him. I will say to him candidly that it is really unpleasant to me to object to a bill when I have the power, there being no quorum in the Senate, to prevent its passage of my own volition. It is very unpleasant to me to feel obliged to resist these appeals, but, as I said when the bill was up, I really think it is a bad bill and I should not like to see it passed without other Senators examining it.

So far from the Senator persuading me to support the bill, I should like to get hold of him for two or three minutes to tell him what I think about the bill, and I feel satisfied I could persuade him that he would be sorry himself to have the bill passed. It is a bill, as I understand, taking a subject which is now entirely in the jurisdiction of the courts in the cities and States where the immigrants land, and putting it under congressional care. It is the tendency of all the bills from the Committee on Commerce. They all seem to tend in one direction. When you accomplish this object, when you have done this thing, you will find that you have absolutely destroyed the safeguards which have been put over immigrants under the laws of the States. I do not think that other gentlemen in the Senate who are absent now would feel that I did right if I allowed the bill to go through.

Mr. CHANDLER. I wish to express my gratitude to the Chair and to the Senators who have been thus kind to me. I have no more bills to offer at present.

Mr. SPRAGUE. I move that the Senate adjourn.

The motion was agreed to; and (at six o'clock and thirty-eight minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *June* 17, 1874.

The House met at eleven o'clock a. m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

Mr. CROOKE. I move that the reading of the Journal be dispensed with; it is very long.

Mr. SENER. I object; the House is too thin.

The Clerk commenced the reading of the Journal, but before concluding,

Mr. COTTON. I ask that the further reading of the Journal be dispensed with.

Mr. SENER. I withdraw my objection.

No further objection being made, it was so ordered.

REPORTS FROM THE DISTRICT COMMITTEE.

Mr. COTTON. I ask unanimous consent that the Committee on the District of Columbia have one hour this morning to conclude their reports. Under the rule they were entitled to submit their reports on Monday last, it being the third Monday of the month; but it being within the last ten days of the session they were deprived of their opportunity. I understand the gentleman from New York, [Mr. TREMAIN,] who has a motion to suspend the rules coming over from yesterday, is willing that we should take an hour now.

Mr. TREMAIN. Will my matter come up immediately afterward?

The SPEAKER. It will.

Mr. POTTER. I have an unfinished matter from yesterday, upon which a division was ordered.

The SPEAKER. The Chair will recognize the gentleman afterward.

No objection was made, and the request of Mr. COTTON was granted.

WASHINGTON AND GEORGETOWN RAILROAD.

Mr. COTTON. There is a bill in the hands of the Clerk, which was reported the other day by the gentleman from Illinois, [Mr. RICE.] I ask that it be now considered.

The pending bill was a bill (H. R. No. 3641) to amend the act entitled "An act to incorporate the Washington and Georgetown Railroad Company," approved May 17, 1872, reported from the Committee on the District of Columbia with an amendment.

The bill provides that the Washington and Georgetown Railroad Company may extend its tracks in Washington City, District of Columbia, from Seventh street west, down Water street, to the intersection of P street south, thence along said P street to the west side of the arsenal gate; provided that wherever the foregoing route may coincide with the route of the Anacostia and Potomac River Railroad, on Water street or elsewhere in the District, or connect portions of such route, but one set of tracks shall be used by both companies; which are hereby authorized and empowered to use such tracks in common, upon such fair and equitable terms as may be agreed upon by said companies; and in the event the said companies fail to agree upon satisfactory terms, either of said companies may apply by petition to the supreme court of the District of Columbia, which shall provide for proper notice to and hearing of all parties interested, and shall have power to determine the terms and conditions upon which, and the regulations under which, the company thereby incorporated shall be entitled so to use and enjoy the tracks of such other street-railroad company, and the amount and manner of compensation to be paid therefor; and provided further, that neither of the companies using such track in common shall be permitted to make the track so used in common the depot or general stopping-place to await passengers, but shall only be entitled to use the same for the ordinary passage of their cars, with the ordinary halts for the taking up and the dropping of passengers.

The amendment was to add to the bill the following:

And provided further, That such railroad track shall conform to the grade established by the board of public works of the District of Columbia.

The amendment was agreed to.

The question was upon ordering the bill, as amended, to be engrossed and read a third time.

Mr. RICE. I desire to state to the House that this bill is for the purpose of allowing the Washington and Georgetown Railroad Company, already built, to extend its track about three hundred yards, not for the purpose of benefiting the company, but for the benefit of the property-owners in that region. This railroad terminates at the foot of Sev-

enth street. There are three wharves near there from which excursion steamboats run, but this railroad does not extend to those wharves. The owners of the wharves desire to have the railroad extended. The railroad company are willing to do this if permission is granted by Congress. I have been over the ground. The street is not yet paved; and the provision is made that this shall be done in conformity with the grade established by the board of public works. I believe that this measure is entirely proper for the accommodation of the people.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. RICE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CORPORATIONS IN THE DISTRICT OF COLUMBIA.

Mr. COTTON, from the Committee on the District of Columbia, reported a bill (H. R. No. 3739) to amend the act entitled "An act to provide for the creation of corporations by general law," approved March 3, 1870; which was read a first and second time.

The bill was read.

The first section amends the fourth section of the act entitled "An act to provide for the creation of corporations in the District of Columbia by general law," approved May 5, 1870, so as to authorize the formation of companies under the provisions of said act for constructing locks, docks, and wharves in the District; and for these and all other purposes mentioned in said fourth section subscriptions to the capital stock, or any part thereof, of such corporations as have a capital stock may be made in lands and leases of lands, or easements, rights, and privileges relating to the object of such corporations, (where the property so subscribed shall be such as it is proper that the corporation shall own for the advancement of the purposes for which it was incorporated,) at a valuation to be fixed by a board of appraisers consisting of three competent and disinterested men appointed by the supreme court of the District of Columbia or any of the judges thereof, upon a petition filed for that purpose, whose report and appraisement, to be made under oath, shall be approved by the said court; but such subscriptions shall not be otherwise received, nor shall they be so received, unless the same shall have been previously authorized by the stockholders assembled in general meeting, pursuant to a call, to consider the propriety of receiving the said subscriptions and of fixing the terms upon which they shall be received. Where property of any kind is received by the authority of the stockholders, in general meeting as aforesaid, in payment for stock, the books of the company are to be so kept as to show at all times fully what property was received for the stock, at what value, and the number of shares of the capital stock issued for the same. In all other cases money only shall be considered as payment of a subscription to any part of the capital stock.

The second section provides that the act referred to be further amended so as to authorize the formation of mutual life and fire insurance companies, which shall be subject to all the provisions of said act so far as the same may be applicable thereto.

The third section provides that Z. D. Gilman, William Dickson, William H. Pope, George W. Stickney, Charles H. Moulton, Henry D. Barr, Giles H. Edwards, William Tyler, N. G. Starkweather, and their associates, a company organized under the name of the Cottage Hill Company, for the purpose of improving certain real estate contiguous to Washington, by the construction of cottage, villa, and other residences, be authorized to organize as a body-politic and corporate under the fourth section of the act entitled "An act to provide for the creation of corporations in the District of Columbia by general law," approved May 5, 1870, in the same manner and with the same rights and privileges, and subject to the same regulations and restrictions, as are therein provided with regard to corporations authorized by said act.

The fourth section declares it lawful for associations of three or more persons desirous of carrying on any lawful business within the District of Columbia to organize under the provisions of the aforesaid act; and they shall be entitled to all the privileges and subject to all the regulations and restrictions therein provided with regard to corporations authorized by that act.

Mr. COTTON. Mr. Speaker, the act of May 3, 1870, for the formation of corporations in this District purports in its terms to be a general incorporation act, but it is not so; it is somewhat restricted.

Section 4 provides that—

> Corporations may be formed for manufacturing, agricultural, mining, mechanical, business, insurance, mercantile, transportation, or marketing purposes.

This would not seem to include corporations for improving real estate. A corporation has been formed in this District for that purpose. This bill authorizes that company to incorporate under the general law, and it further provides that hereafter corporations may be formed for any lawful business under this general incorporation act, and that insurance companies mutual in their character may also be organized under this law. All these corporations, I will say, are confined to business within the District of Columbia. We further provide that corporations may take stock subscriptions in land where the land is deeded for the business of the corporation and for no other business; but the consent of the stockholders is first to be obtained, and the land is to be appraised by commissioners to be appointed by one of the courts of the District. This is the effect of the provisions of the bill.

Mr. WILLARD, of Vermont. Does this bill allow real estate to be subscribed for stock in these companies?

Mr. COTTON. That portion of the bill in respect to taking land for stock was for the benefit of the wharfing company.

Mr. WILLARD, of Vermont. I understood the gentleman to say that this bill modifies the general law allowing land to be subscribed as stock. I wish to know if it so amends the law in reference to corporations simply as regards those dealing in real estate?

Mr. COTTON. Instead of passing a special law in reference to this wharfing company we thought Congress would much prefer to pass a general law. We provide in this bill where a corporation may need land for the purposes of the company it may take it in subscription for stock. I now demand the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. COBURN. Is this bill a charter for a mere building company? I understand the original charter was for a company to build houses. I hope the gentleman will state what was the original law.

Mr. COTTON. The original law was for various purposes. This provides that persons may incorporate in the District of Columbia for any lawful business. It is like the general incorporation law of Illinois and Iowa. That is embraced in the last section of the bill.

Mr. COBURN. What is the specific object of the bill?

Mr. COTTON. First, it authorizes corporations to take land where they need it for the actual business of the corporation, in place of insisting the stock shall all be paid in money. In the next place, it allows corporations to be formed in the District of Columbia for any lawful purpose. It is in effect a general incorporation law.

Mr. COBURN. Is this an amendment to the general law?

Mr. COTTON. There was a company organized heretofore. That seemed to be outside of the law. We legalize that company and make it a valid corporation in this law.

Mr. COBURN. But subject to the general provisions of the law in reference to corporations.

Mr. COTTON. Yes; and we cure the defect in reference to that corporation as at present organized.

Mr. COBURN. I see also a provision for life insurance companies.

Mr. COTTON. The present law does not seem to cover insurance companies. We provide they may be incorporated under this act. After specifying all these cases we put on the general provision that hereafter any persons in the District of Columbia may incorporate themselves for any lawful purpose. It is the same as the general incorporation act of Illinois and of Iowa, and I believe of other States.

Mr. HAWLEY, of Connecticut. Mr. Speaker, I am not quite satisfied in regard to this bill. It is an attempt to establish a general joint stock company law under which all manner of associations may be organized—insurance companies, manufacturing companies, wharf companies, dock companies, &c. It allows them to subscribe not in cash alone but in real estate. It strikes me the provisions of the bill are very loose.

The gentleman from Iowa likens the bill to the general joint stock company law of Illinois and of New York State. If he will take the statute of New York—and perhaps there are others who can speak of it with more certainty than I can; but I refer to one department—if he will take the New York law in regard to insurance companies he will see that that cannot be done in any one line or any one section. It is impossible for a section to be framed to provide a general law, for the incorporation of insurance companies as it ought to be done. Here we have but a line or a section providing a general law, merely naming the companies. I would much prefer a bill like this should be carefully matured by the Committee on the Judiciary. It is a subject not lightly to be dealt with. Under it all manner of corporations can be framed in this District of Columbia. Under it there may be subscriptions, not in money alone, but in real estate and in almost anything else they may choose to pledge for stock. If in order, I move the reference of this bill to the Judiciary Committee.

Mr. COTTON. Mr. Speaker, the gentleman mistakes the bill.

Mr. HAWLEY, of Connecticut. If it appears I have mistaken it, after it has been referred to the Committee on the Judiciary and examined then it can be reported back to the House and passed. There should be some examination by that committee of the provisions of this bill.

Mr. COTTON. There was a general law passed in 1870 to which I will call the attention of the gentleman from Connecticut, and that law does contain all the safeguards to which he has referred. I have the law before me, and the gentleman can look at it. This simply provides for corporations to be formed under the general law which contains all the necessary safeguards. The last section of this bill merely provides that persons in the District of Columbia may form corporations for any lawful business.

Mr. COBURN. Will the gentleman explain the last section authorizing three persons to be incorporated for the purpose of going int any sort of business?

Mr. COTTON. That is because the old law reads that way. The fourth section of the act of May 4, 1870, provides that "at any time hereafter any three or more persons who may desire to form a company for the purpose of carrying on," &c., may incorporate. We adopt this provision in regard to the corporation of three or more persons in this bill, because the existing law provides for the incorporation of that number of persons. And instead of limiting their incorporation to certain business purposes, we provide that they may be incorporated for any lawful purpose. And that is exactly in accordance with the laws in the States. We are careful to confine them in their operations to the District of Columbia.

Mr. BUTLER, of Tennessee. Would that authorize the grangers to be organized as a corporation?

Mr. COBURN. It would authorize the organization of almost anything. In the States, as I understand it, the power to incorporate is given for certain specific business purposes, and not for any purposes whatever. The acts of incorporation in the States mention the purposes for which organizations can be incorporated.

Mr. COTTON. The gentleman is mistaken. They do not. The statutes in the States include this very language: "And persons may incorporate for any lawful purpose." And I ask my friend why they should not be allowed so to do; why they should not be allowed to incorporate for the purpose of engaging in any lawful business as to incorporate for the purpose of building houses or railroads? The general law, the act of 1870, has in it all the safeguards desired by the gentleman from Connecticut.

Mr. HAWLEY, of Connecticut. My objections to the bill have not been removed. I find that in the first section the existing law is so amended as to authorize the formation of companies, under the provisions of said act, for constructing locks, docks, and wharves in said District; and that, for these and all other purposes mentioned in said fourth section, subscriptions to the capital stock, or any part thereof, of such of said corporations as have a capital stock, may be made in lands and leases of lands, or easements, rights, and privileges relating to the object of such corporations. I do not see but under this, if I had a right of way across my neighbor's back yard, I might subscribe that as a part of the stock of a corporation for improving the wharves of the city.

Section 3 proposes to incorporate certain individuals, or to provide for their being incorporated under the general law, as the Cottage Hill Company. I wish to ask is this a general law providing for the incorporation generally of joint-stock companies or a special law for the Cottage Hill Company? The bill is partly in print and partly in manuscript, so that there is a difficulty in understanding what it does precisely provide for.

Section 4 provides—

> That hereafter it shall be lawful for associations of three or more persons desirous of engaging in any lawful business within the District of Columbia, to organize under the provisions of the aforesaid act, and they shall be entitled to all the privileges and subject to all the regulations, &c.

That is to say, that there shall be no longer any individual liability.

Mr. DAWES. Does the gentleman mean to say that by this bill any three persons can get incorporated for any business?

Mr. HAWLEY, of Connecticut. Yes, for any business under the sun. Under the provisions of this bill any three persons may form a mutual or general stock life insurance company, and carry on its operations all over the Union. And I may subscribe part of my back lot as part of the stock of such a company.

I move that the bill be referred to the Committee on the Judiciary.

Mr. COTTON. I have the floor and do not yield to the gentleman for that purpose. I think I know as much about corporations and the general corporation law as my friend does who has just spoken, and I wish to call the attention of the House to the fact that at this very time, under the law passed in 1870, three persons can form a corporation in this District for insurance purposes or for any purpose authorized by this law. The gentleman from Connecticut objects to this bill because it authorizes generally an incorporation for all lawful purposes, and the gentleman from Massachusetts [Mr. DAWES] inquires whether or no it authorizes three persons to form a corporation. The gentleman seemed to indicate surprise that there should be a provision of that kind in this bill.

Now if you look at the act of 1870 you will find that Congress at that time authorized three persons to form a corporation for insurance business and for a great many other purposes. The fourth section of the act reads:

> That at any time hereafter any three or more persons who may desire to form a company for the purpose of carrying on any kind of manufacturing, agricultural, mining, mechanical, insurance, mercantile, transportation, or marketing business in the District of Columbia, may make, sign, and acknowledge, before some officer competent to take the acknowledgment of deeds, and file in the office of the register of deeds, a certificate in writing, in which shall be stated the corporate name of the said company and the objects for which said company shall be formed, &c.

But in this bill certain objects are specified. It was thought that the purposes for which this corporation is formed might not come under the head of "manufacturing business." Therefore to secure their organization they require this act, that their corporation may be legalized. Then a company has been organized to carry on mutual insurance business. They were afraid that the language of the act of 1870 might not cover them, and so we provide that they shall be included in the law. And then, to avoid the questions arising, that have several times required special legislation to cover the particular purpose for which a company sought to be incorporated, we put in this fourth section, which gives the same right of incorporation as is given in the several States of the Union.

As to the taking of land, the bill only provides that they shall take land where it is necessary for the particular purposes of the corporation, such as for maintaining a wharf. Such a case was brought to our attention where the party owned the land which he desired to put into the company, and this is to enable that to be done without the party being first required to pay the money and then after paying in the money going through the form of receiving it back for the land; but the committee were careful to so limit the bill that land is not to be taken for any purpose except simply for the actual use of the corporation in its business, and this with the consent of the stockholders and after approval by commissioners appointed by the courts of the district. We have given this bill, we think, ample care, and believe that there is nothing wrong or mischievous in it.

Mr. HOLMAN. I desire to ask the gentleman a question, and that is in what manner the liabilities of this corporation are intended to be secured, and to what extent there is individual liability on the part of the corporators? It seems that any three persons may constitute a corporation for any purpose under this bill. Are they mere partners, with entire liability for the debts of the corporation, or is the corporation alone as such responsible for its debts?

Mr. COTTON. The liability against the parties who may be benefited by this act will be just the same as it is now under the general corporation act of the District to which I have referred, and I will call the gentleman's attention to a section of that act. It is as follows:

> No stockholder shall be personally liable for the payment of any debt contracted by any company formed under this act which is not paid within one year from the time the debt becomes due, unless a suit for the collection of such debt shall be brought against such company within one year after the debt became due; and no suit shall be brought against any stockholder who shall cease to be a stockholder in any such company, for any debt contracted by said company, unless the same shall be commenced within two years from the time he shall have ceased to be a stockholder, nor until an execution against the company shall have been returned unsatisfied in whole or in part.

That, of course, applies to this bill as well as to the old law, and it goes beyond the laws of most of the States in making these parties liable.

Mr. POTTER. To what extent are they liable?

Mr. COTTON. There is no limit except as to time.

Mr. HOLMAN. What the gentleman has read is an exception in favor of the stockholders. Where is the affirmative section or clause that creates the liability of stockholders?

Mr. COTTON. This says that they shall be personally liable for the debts.

Mr. HOLMAN. That says that no stockholder shall be personally liable for the payment of any debt.

Mr. POTTER. There must be a section which fixes the liability, of course.

Mr. COTTON. Here is the section:

> The stockholders of any company organized under the provisions of this act shall, jointly, severally, and individually, be liable for all debts that may be due and owing to all their laborers, servants, and apprentices, for services performed for such corporation, and shall be individually liable for all debts of said corporation to the amount of the stock of each stockholder.

And now, Mr. Speaker, I move the previous question on the bill.

Mr. POTTER. I desire to ask the gentleman a question or two.

Mr. COTTON. Let the previous question be sustained and then I will yield to the gentleman for any question.

Mr. POTTER. I merely want to ask some questions; I do not care when I do it.

On seconding the previous question there were—ayes 34, noes 35; no quorum voting.

Tellers were ordered, and Mr. HOLMAN and Mr. COTTON were appointed.

The House divided; and the tellers reported ayes 19 noes not counted.

So the previous question was not seconded.

Mr. HAWLEY, of Connecticut. I now move that the bill be referred to the Committee on the Judiciary, not to be brought back by a motion to reconsider.

The motion was agreed to.

BALTIMORE AND OHIO RAILROAD COMPANY.

Mr. PELHAM, from the same committee, reported back with amendments, and with the recommendation that it do pass, the bill (S. No. 571) to authorize the Baltimore and Ohio Railroad Company to construct a branch and to change the location of its road within the District of Columbia, and for other purposes.

The bill was read, as follows:

> That the Baltimore and Ohio Railroad Company be, and it is hereby, authorized to construct a lateral road, from any point on its Washington branch, into the county of Washington, in the District of Columbia, to intersect the Metropolitan branch thereof at any point in said county and District outside of the city of Washington: *Provided*, That such work shall be completed within five years after the passage of this act.
>
> SEC. 2. That all the provisions of the several acts of Congress relating to the lateral road authorized to be built into and within the District of Columbia by an act passed March 2, 1831, entitled "An act to authorize the extension, construction, and use of a lateral branch of the Baltimore and Ohio road into and within the

District of Columbia" and the supplements thereto shall apply, and they are hereby declared to apply, as far as they are applicable and in conformity to the provisions of this act, to the location, construction, and use by said company.

The amendments reported by the committee were read, as follows:

In section 1, after the words "Washington branch," insert the words "one and a half miles north of Boundary street."

After the words "any point," in line 7, insert the words "one mile north of Boundary street."

Strike out in line 9, in section 1, the word "five" and insert the word "two."

Add to section 1 the following:

The said line shall avoid all Government property, and the point of intersection as well as said lateral branch to be approved by the engineer of public buildings and grounds.

Add to section 2 the following:

This act may be altered, amended, or repealed.

Mr. ELLIS H. ROBERTS. Will the gentleman tell us the object and purpose of this bill?

Mr. PELHAM. The only object is to enable the Baltimore and Ohio Railroad to make a junction with the Metropolitan branch one and a half miles outside of the city of Washington; that is all there is in it. They are to build the road at their own expense, and the line is to be approved by the engineer in charge of the public buildings and grounds of the city of Washington. It does not interfere with anybody or with any property, and does not ask for any appropriation. I call the previous question on the bill and amendments.

The previous question was seconded and the main question ordered; and under the operation thereof the amendments were agreed to.

The bill, as amended, was then read the third time, and passed.

Mr. PELHAM moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REGULATING GAS-WORKS.

Mr. COTTON. I ask that Senate bill No. 733, regulating gas-works, in charge of the gentleman from New York, [Mr. SESSIONS,] may be considered during our hour, it being a bill relating to this District.

No objection was made.

Mr. SESSIONS, from the Committee on Public Buildings and Grounds, reported back, with amendments, Senate bill No. 733, regulating gas-works.

The bill provides, in the first section, that from and after the 30th day of June, 1874, the illuminating power of the gas furnished by any gas-light company, person, or persons, in the city of Washington, District of Columbia, shall be equal to sixteen candles by the Bunsen photometer, using the English parliamentary standard Argand burner, having fifteen holes and a seven-inch chimney, consuming five cubic feet of gas per hour; and such gas shall not contain more than twenty grains of sulphur in any form in one hundred cubic feet, nor more than five grains of ammonia in any form in one hundred cubic feet; that when the illuminating gas supplied by any company, person, or persons in the city of Washington, District of Columbia, shall at any one time be of less illuminating power or of less purity than according to the standard just heretofore given, it shall be so reported by the inspector of gas and meters to the company, person, or persons supplying the same, who shall be subject to a penalty of $100, to be recovered before the proper tribunal and paid into the treasury of the city of Washington aforesaid, for each and every day during which such violation shall continue; provided, however, that if it shall appear that such deviation from the above-named standards could not have been prevented by ordinary care and prudence, but was occasioned by some unavoidable cause, then the said penalty shall not be enforced.

The second section provides that a suitable and impartial person, competent as a chemist, who is not a stockholder or employé in any gas-works, shall be appointed by the President of the United States, by and with the advice and consent of the Senate, to be designated and known as inspector of gas and meters, whose compensation shall be a salary of $2,000 per annum, and whose duties shall be to test and determine the illuminating power and purity of the gas furnished by any company, person, or persons in the District of Columbia; and to test, prove, and seal all meters that may be hereafter used by them; and that a suitable person, who shall be a gas-fitter by trade, shall be appointed by the President, as aforesaid, on the recommendation of the inspector of gas and meters, as an assistant inspector, at a salary of $1,000 per annum, who shall assist in the duties specified under the direction of the inspector of gas and meters.

The third section provides that a laboratory shall be provided and fitted up by the Washington Gas-light Company, subject to the approval of the inspector, in the central part of the city of Washington, at a distance, as near as may be, of two thousand feet from any gas works, and furnished with suitable apparatus for the transaction of the business of the inspector and assistant inspector, for which it is intended, and the laboratory shall be kept open on all business days between the hours of eight o'clock in the forenoon and five o'clock in the afternoon; provided that the cost of fitting up said laboratory shall be paid for by each gas company in the District of Columbia in proportion to their sale of gas in 1873.

The third section provides that the company, person, or persons furnishing the gas may, if they see fit, on each occasion of the testing of the gas by the inspector or assistant inspector, be represented by some officer, but such officer shall not interfere in the testing.

The fifth section provides that daily inspections, Sundays excepted, shall be made in conformity to the intent of this act, between the hours of five and eleven o'clock in the afternoon, and a record shall be kept of each inspection, giving the illuminating power and purity, which shall be open to the public, and a copy of the daily inspection shall be furnished the following day to the company, person, or persons furnishing the gas, Saturday's inspection to be furnished on Monday, and a full report for the month to be furnished, upon request, to any daily paper printed in the city of Washington on the day of their publication next after the 24th day of each month, to include each day's test from the date of previous publication, and giving the average illuminating power for the month.

The sixth section provides that all bills for gas furnished by any company, person, or persons shall state the average illuminating power for the month; and if the same shall fall below sixteen candles, as in this act prescribed, then the amount of the bill shall be reduced *pro rata*.

The seventh section provides that in testing meters, the inspector or assistant inspector shall ascertain whether the meter is of proper construction, and requires only the pressure of a column of water indicated by the water-gauge, commonly used for such tests, of one-fourth of an inch high to work it, and whether it works regularly and correctly, and registers exactly the amount of gas passing through it, first, at the rate the meter is marked to supply; secondly, at one-third its rate; thirdly, at twice its rate; that the standard foot shall be one cubic foot, containing 62.32 pounds, avoirdupois weight, of distilled water at the temperature of 62° Fahrenheit, and with a barometrical pressure of thirty inches; and meters registering within 2 per cent. either way of the exact number of such feet passing through them at the first-named rate, and within 3 per cent. at the second and third rates, and no others shall be deemed accurate and be stamped by the inspector; and that the inspector shall keep at the laboratory a correct record of all meters inspected by him, with their proof at the time of inspection, which record shall be open at all times to the public for any reasonable examination by any company, person, or persons having any interest therein.

The eighth section provides that any gas-meters now in use shall be proved and tested on the written request of the consumer of gas on whose premises it may be, and in his presence, if he requires, upon the payment in advance to the inspector or assistant inspector of fifty cents for each and every meter inspected, proved, and sealed, and if any such meter, on being tested, shall be found to register inaccurately to the injury of the consumer to an extent exceeding 2 per cent., the fee of fifty cents shall be returned to the person applying for said inspection and be paid to the inspector by the company, person, or persons supplying the gas; and every such meter shall be considered correct, and sealed accordingly, which shall register quantities varying from the true standard measure of gas of not more than 2 per cent., and a record shall be kept of the same and of all fees so collected; that all meters hereafter used by any gas company, person, or persons shall be first inspected, proved, and sealed at the laboratory provided for by this act; and for such inspection, proving, and sealing the company, in the first instance, and thereafter the company, person, or persons applying to have the meter inspected, shall pay fifty cents for each meter, a record of which shall be kept and of the fees so collected; and all fees shall be applied to the payment of the expenses for maintaining and keeping in good order and repair the laboratory and apparatus.

The ninth section provides that each company, person, or persons manufacturing illuminating gas in the District of Columbia, shall, when required, in writing, by the inspector of gas and meters, bring to the laboratory any meter that may have been required to be inspected, proved, and sealed, and to return the same to its proper place after such inspection; and it shall not be lawful for any other party or person to remove and return meters.

The tenth section provides that the inspector and assistant inspector of gas and meters shall each give bonds to the extent of double his annual salary, and shall each take an oath or affirmation, before some officer legally qualified to administer the same, that he will faithfully, diligently, and impartially discharge the duties of his office.

The eleventh section provides that the Washington Gas-light Company shall be authorized, on and after the passage of the act, to charge and receive for coal-gas furnished to and paid for by the Government of the United States at the rate of $2.50 per one thousand cubic feet; and when furnished and paid for by other parties, or by the inhabitants of the city of Washington, at the rate of $2.75 per one thousand cubic feet; provided that if the party or inhabitants so furnished shall pay monthly any bill within seven days after the same shall have been presented, said party shall be entitled to a discount upon the amount of such bill at the rate of twenty-five cents per one thousand cubic feet. And all laws authorizing any higher rates are thereby repealed.

The twelfth section provides that the Washington Gas-light Company shall be authorized and required to furnish illuminating gas to the government of the District of Columbia within the distance of fifty yards from any of their mains, on the same terms as to the Government of the United States, and in case of the non-payment of any monthly bills by the said District beyond the period of ten days from the time of presentation, the company shall be entitled to demand and

receive interest thereon from date until paid; that the said company shall light, extinguish, keep clean, and repair the Washington City street-lamps at the uniform price of forty dollars for each lamp per annum, to burn two thousand two hundred hours per annum, with a six-foot burner on each lamp, subject to any regulation that may be prescribed by the city authorities as to the time of lighting and extinguishing the same, and any extra number of hours to be charged and paid for at the same rate; provided that the city of Washington shall furnish, when necessary, new lanterns to replace old ones, and shall furnish and pay for the reasonable expense of erecting new lamp-posts to replace such as are old, damaged, and unfit for use.

The thirteenth section provides that if any person or persons, supplied with gas, neglect or refuse to pay the amount due for the same, such company may stop the gas from entering the premises of such person or persons; and that in no case shall the officers, servants, or workmen of the company remove a meter from premises supplied by the company, unless by consent of the consumer, without first giving forty-eight hours' notice in writing by leaving the same at the premises of the consumer; and said removal shall take place only between the hours of eight o'clock in the forenoon and two o'clock in the afternoon.

The fourteenth section provides that it shall be lawful for Congress at any time hereafter to alter, amend, or repeal the act, and all acts and parts of acts inconsistent therewith are thereby repealed.

The fifteenth section provides that any person who, with intent to injure or defraud any gas company of the District of Columbia, shall make or cause to be made any pipe, tube, or other instrument or contrivance, or connect the same or cause it to be connected with any main, surface pipe, or other pipe for conducting or supplying illuminating gas, in such manner as to connect with and be calculated to supply illuminating gas to any burner or orifice by which any illuminating gas is consumed, around or without passing through the meter provided for measuring and registering the amount of gas there consumed, shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by imprisonment not exceeding six months or by fine not exceeding $250.

The sixteenth section provides that the price which may be charged for gas by the Washington Gas-light Company shall be uniform and the same to all consumers, and any reduction made in the price or cost of gas to any person or persons, except the officers of the company, shall furnish a legal right on the part of any other person or persons to demand gas at the same cost or price.

The first amendment reported from the committee was in section 11, to strike out "coal," before "gas," and insert "illuminating."

The second amendment was to add to section 11 the following:

Provided, That when the price of gas-coal delivered at the works of the Washington Gas-light Company shall advance to $8 per ton, the price of gas to consumers may be advanced 10 cents per thousand cubic feet, and an additional 10 cents per thousand feet for each additional dollar per ton that gas coal may advance in price; and in like manner a reduction of 10 cents per thousand feet shall be made for each and every dollar per ton that gas coal may fall below $7 per ton; and for that purpose the Washington Gas-light Company shall in the month of May in each year furnish the Secretary of the Interior with a statement of all their coal contracts or purchases for the ensuing year, sworn to before a justice of the peace by their engineer or secretary, and the advance or reduction of price shall take place on the 1st of July ensuing.

Mr. SESSIONS. I now call the previous question on the bill and amendments.

Mr. O'NEILL. I desire to offer an amendment.

Mr. SESSIONS. I do not yield for that purpose.

Mr. LEACH. Has not the hour of the Committee on the District of Columbia expired?

The SPEAKER. It is about expiring.

Mr. LEACH. I hope this bill will be referred to the Committee on the District of Columbia.

The SPEAKER. The question can be fairly tested by the House on seconding the call for the previous question.

Tellers were ordered; and Mr. O'NEILL and Mr. SESSIONS were appointed.

The House divided; and the tellers reported that there were—ayes 117, noes 31.

So the previous question was seconded, and the main question was then ordered.

The amendments were agreed to; and the bill, as amended, was then read a third time.

The question was upon the passage of the bill.

Mr. O'NEILL. I move to lay the bill on the table.

The motion was not agreed to, there being ayes 11, noes not counted.

The question recurring on the passage of the bill, it was passed.

Mr. SESSIONS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REGULATION OF CONGRESSIONAL ELECTIONS.

The SPEAKER. The House resumes the consideration of the motion of the gentleman from New York, [Mr. TREMAIN,] to suspend the rules and pass the bill (H. R. No. 1979) reported from the Committee on the Judiciary, entitled "A bill to preserve the ballots cast at, and all papers connected with, elections held for Representatives or Delegates to Congress, and for other purposes." When the House comes to order the bill will be read. The Chair observes that some persons admitted to the floor, not by right but by favor, are abusing the courtesy granted to them.

SMOKING IN THE HALL.

Mr. NIBLACK. I desire to give notice that during the remainder of the session I shall insist upon a strict enforcement of the rule against smoking anywhere in the Hall. It is exceedingly offensive to me under all circumstances. The air in this Hall is at best very impure.

The SPEAKER. It is in gross violation of the rules of the House for any gentleman to smoke in the Hall.

Mr. NIBLACK. I shall, without regard to any feeling of personal delicacy, insist upon the enforcement of the rule under all circumstances both day and night.

REGULATION OF CONGRESSIONAL ELECTIONS.

The Clerk read as follows the bill as amended by the Committee on the Judiciary:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the ballots, lists of voters, tally-sheets, and all other papers connected with any election hereafter held for Representative or Delegate in Congress shall be preserved and safely kept by the lawful custodians thereof in the several States until the adjournment of the first session of the Congress next thereafter to be affected by said election.

SEC. 2. That either party to any contest in the House of Representatives may, when there is an allegation in either the notice of contest or the answer thereto, that a portion of the ballots cast at any precinct or precincts at an election held for Representative or Delegate in Congress have been fraudulently changed previous to the count thereof, or falsely counted, have a subpœna, in accordance with the law governing contested elections, directed to said custodian, who shall produce, as required therein, the ballots, lists of voters, tally-sheets, and all other papers connected with said election in his custody or control, and the same may, after the usual notice to the contestant or contestee, be examined and compared before any person authorized to take depositions in contested elections; and said person shall certify, under his hand and seal, and forward in the manner provided by law, said examination and comparison, and the result thereof, to be used as evidence in the case.

SEC. 3. That said ballots, lists of voters, tally-sheets, and all other papers produced in response to said subpœna shall immediately, after the examination and comparison thereof, be returned to the lawful custodian in the same condition as when produced.

SEC. 4. That any custodian of the ballots cast at any election for Representative or Delegate to Congress who shall willfully neglect or refuse to safely keep and preserve the same, and the lists of voters, tally-sheets, and all other papers connected therewith, or who shall willfully neglect or refuse to produce the same as required in this act, shall forfeit and pay the sum of $1,000, to be recovered, with costs of suit, by the party at whose instance the subpœna was issued, and for his use, by an action of debt, in any court of the United States, and shall also be liable to an indictment for a misdemeanor, and be punished by fine and imprisonment at the discretion of the court.

SEC. 5. That at all elections for Representative or Delegate to the Congress of the United States, the vote at each election precinct shall be counted at the close of the election by the managers and officers conducting such election, in the presence of such managers and of the supervisors (if any there be) appointed under the act of Congress in such cases made and provided, whose duty it shall be to attend for that purpose; and the result of the ballot at such precinct shall be thereupon announced and made public; and any such manager, officer, or supervisor willfully neglecting or refusing to perform the duties imposed by this section shall be guilty of a crime, and, upon conviction thereof, shall be fined not less than one hundred nor more than five hundred dollars, and imprisoned in the penitentiary not less than three months and not more than two years, one or both, at the discretion of the court trying the same.

SEC. 6. That any person using fire-arms, or proposing or threatening to use fire-arms, or other deadly weapons offensively against individuals, or assemblages of individuals, at or near the place and on the day or days of any election of a Representative or Delegate to the Congress of the United States, for the purpose of intimidating or injuring such person or persons, either before or after the election, or while the same is progressing, shall be guilty of a crime, and upon conviction shall be fined not less than $500 nor more than $1,000, and imprisoned in the penitentiary not less than one year nor more than three years, one or both, at the discretion of the court trying the same: *Provided*, That the open or concealed carrying of fire-arms or other deadly weapons at such election shall be taken as presumptive evidence of the intent to intimidate under this act.

SEC. 7. That whenever, in any city, town, county, or parish there shall be fifty voters thereof, who, not less than fifteen days prior to any registration of voters for an election for Representative or Delegate in the Congress of the United States, or, if there be no registration, at least fifteen days prior to any election at which a Representative or Delegate in Congress is to be voted for, shall petition, in writing, to the judge of the circuit court of the United States for the circuit wherein such city, town, county, or parish shall be, to have an election precinct and voting place established at some convenient place, to be designated in said petition, it shall be the duty of the said judge of the circuit court, within not less than ten days prior to said registration, if one there be, or, if no registration be required or had, within not less than ten days prior to said election, to hear and determine said petition; and if it appear to said judge that notice of the presentation of said petition has been posted up in said city, town, county, or parish, at the place where it is proposed to establish a voting place, not less than five days prior to the presentation of the petition, and stating at what time and place said petition would be presented, and that no legal voting place exists within six miles of the place where said petitioners pray to have a voting place established, said judge shall make an order establishing an election precinct and voting place as prayed for by said petitioners, and the same shall be a legal precinct and voting place for the election of Representatives or Delegates in Congress: *And provided*, That in any city having less than one voting place to each six thousand of its population, or fraction thereof over six thousand, according to the then last census of the United States, said judge may establish one additional voting place for such additional six thousand, or fraction thereof, at some convenient point within not less than one-half mile of any other legal voting place: *And provided further*, That said judge, in establishing precincts and voting places as herein provided, and in appointing supervisors for the same, shall possess the same power and authority conferred by the act entitled "An act to amend an act approved May 31, 1870, entitled 'An act to enforce the rights of citizens of the United States to vote in the several States of this Union, and for other purposes,'" approved February 28, 1871, and for that purpose may sit either as a court or at chambers.

SEC. 8. That in case the registration officers appointed under the authority of any State or Territory shall refuse or neglect to give the persons entitled to vote at any precinct or voting place established under the provisions of the last preceding section an opportunity to register in the manner required by law for legal election precincts, such refusal or neglect shall not disqualify the persons entitled to register and vote at said precincts from voting.

SEC. 9. That the district courts of the United States within their respective districts and the circuit courts of the United States within their circuits, respectively, shall have concurrent jurisdiction of offenses committed against the provisions of this act.

SEC. 10. That at any election for Representative or Delegate to the Congress of the United States, it shall be unlawful for any person to vote more than once or to cast more than one ballot for such Representative or Delegate; and any person voting more than once or casting more than one ballot, or attempting to cast more than one ballot, at such election for Representative or Delegate to the Congress of the United States shall be guilty of a crime, and upon conviction thereof shall be fined not less than $100 and not more than $1,000, and may be imprisoned in the penitentiary not less than one year and not more than three years, at the discretion of the court trying the same.

SEC. 11. That upon the application in writing of ten persons who are qualified voters and residents of any congressional district in which it is desired to have supervisors of election appointed, to the circuit judge of the United States whose circuit embraces such congressional district, said judge shall appoint and designate one United States commissioner residing at some convenient place in the congressional district who shall have power to appoint supervisors of election at each voting place in the congressional district as hereinafter provided.

SEC. 12. That it shall be the duty of the United States commissioner appointed and designated by the circuit judge, as provided in the foregoing section, upon the application in writing of at least ten qualified voters, residents of any county or parish of the congressional district, to appoint two supervisors of election, who shall be qualified voters in and residents of the congressional district, for each precinct in the county or parish named in the said application as a precinct where it is sought to have supervisors of election appointed; and such supervisors so appointed by the commissioner shall take the oath of office, and shall possess the powers, perform the duties, and be liable to the penalties now provided by law for supervisors of elections of Representatives or Delegates to the Congress of the United States.

SEC. 13. That whenever an election at which Representatives or Delegates in Congress are to be chosen is held in any congressional district, the marshal for the judicial district in which said congressional district, or any part thereof, is situate, shall, upon the application of ten citizens residents of any county or parish in such congressional district, appoint special deputy marshals, whose duty it shall be to aid and assist the supervisors of election in the verification of any list of persons who may have voted; to attend in each election district or voting precinct at all times for holding elections at the polls in such district or precinct; and who shall possess all the powers and perform the duties as now provided by law of such special deputies in cities or towns of twenty thousand inhabitants or upward.

SEC. 14. All laws and parts of laws contravening the provisions of this act are hereby repealed.

During the reading of the bill,

Mr. ELDREDGE said: I observe that the Clerk does not read the sixth section of the printed bill.

The SPEAKER. That section has been stricken out in the bill presented by the gentleman from New York, [Mr. TREMAIN.]

Mr. ELDREDGE. How could the gentleman do that?

Mr. TREMAIN. I was directed by the committee to report the bill striking out that section in regard to furnishing intoxicating liquors to voters.

The SPEAKER. At all events, no question can be raised upon the matter, because the motion is to suspend the rules. The bill is not presented in the shape of a regular report.

Mr. ELDREDGE. I did not understand that the gentleman was instructed by the committee to report the bill with the section omitted.

Mr. TREMAIN. It is true, however; otherwise I should not have so reported it.

Mr. ELDREDGE. Well, that is one of the rotten planks of the bill; I am very glad to have it out.

Mr. TREMAIN. I supposed striking out the liquor clause might induce some of my friends on the other side to vote for the bill.

Mr. ELDREDGE. But it would induce as many on the gentleman's side to vote against it, and therefore nothing would be gained by the gentleman's proposition.

The Clerk concluded the reading of the bill.

Mr. COX. I appeal to my honorable colleague [Mr. TREMAIN] to allow some debate on this bill. When the bill was before the House the other day——

Mr. TREMAIN. I have no power to allow debate. The rules of the House regulate that.

Mr. COX. This bill requires debate; and I hope it will not be pressed through in this way.

Mr. TREMAIN. It is a very simple bill; it does not require any debate.

Mr. COX. It is a complicated, multifarious bill; and it is a very bad bill.

Mr. TREMAIN. It is a very simple bill. It merely provides for an honest and fair election. That is all.

Mr. ELDREDGE. It provides for no such thing as an honest and fair election. It provides for the destruction of the States, and placing them utterly in the control of Federal power. It takes away all State rights.

Mr. HAYS. I object to debate.

Mr. BECK. I move to amend the titles so as to read——

The SPEAKER. No debate or amendment is in order.

Mr. COX. Will my colleague [Mr. TREMAIN] hear an amendment?

The SPEAKER. Debate is objected to.

The question being on seconding the motion to suspend the rules, tellers were ordered; and Mr. TREMAIN and Mr. COX were appointed.

The House divided; and the tellers reported—ayes 116, noes 78.

So the motion was seconded.

The question recurring on agreeing to the motion to suspend the rules,

Mr. ELDREDGE called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 147, nays 102, not voting 40; as follows:

YEAS—Messrs. Albert, Albright, Averill, Barber, Barrere, Barry, Begole, Biery, Bradley, Buffinton, Bundy, Burleigh, Burrows, Benjamin F. Butler, Roderick R. Butler, Cain, Cason, Cessna, Amos Clark, jr., Freeman Clarke, Clinton L. Cobb, Stephen A. Cobb, Coburn, Conger, Crocker, Crutchfield, Curtis, Darrall, Dawes, Dobbins, Duell, Dunnell, Field, Foster, Frye, Gooch, Hagans, Harmer, Benjamin W. Harris, Harrison, Hathorn, Havens, John B. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, Hendee, E. Rockwood Hoar, George F. Hoar, Hodges, Hooper, Hoskins, Houghton, Howe, Hurlbut, Hyde, Hynes, Kelley, Lamport, Lansing, Lawrence, Lawson, Lewis, Lofland, Loughridge, Lowe, Lowndes, Lynch, McCrary, Alexander S. McDill, James W. McDill, MacDougall, McKee, Merriam, Monroe, Morey, Myers, Negley, Niles, Nunn, O'Neill, Orr, Orth, Packard, Packer, Page, Isaac C. Parker, Parsons, Pelham, Phillips, Pierce, Pike, James H. Platt, jr., Thomas C. Platt, Poland, Pratt, Rainey, Ransier, Rapier, Ray, Rice, Richmond, Ellis H. Roberts, James W. Robinson, Ross, Rusk, Henry B. Sayler, Scofield, Henry J. Scudder, Isaac W. Scudder, Sessions, Shanks, Sheats, Sheldon, Sherwood, Sloan, Small, Smart, A. Herr Smith, George L. Smith, Snyder, Sprague, Starkweather, St. John, Stowell, Strait, Strawbridge, Sypher, Charles R. Thomas, Christopher Y. Thomas, Thornburgh, Townsend, Tremain, Tyner, Waldron, Wallace, Marcus L. Ward, Wheeler, White, Whiteley, George Willard, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, James Wilson, and Woodworth—147.

NAYS—Messrs. Adams, Arthur, Ashe, Atkins, Banning, Beck, Bell, Berry, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Burchard, Caldwell, Cannon, John B. Clark, jr., Clements, Clymer, Comingo, Cook, Cox, Creamer, Crittenden, Crooke, Crossland, Crounse, Danford, Davis, Eames, Eden, Eldredge, Fort, Giddings, Glover, Gunckel, Gunter, Eugene Hale, Hamilton, Hancock, Henry R. Harris, John T. Harris, Hatcher, Joseph R. Hawley, Hereford, Herndon, Holman, Hubbell, Hunton, Jewett, Kendall, Killinger, Knapp, Lamar, Lamison, Leach, Luttrell, Magee, Marshall, Martin, McLean, Milliken, Mills, Moore, Morrison, Neal, Nesmith, Niblack, O'Brien, Hosea W. Parker, Pendleton, Perry, Phelps, Potter, Read, Robbins, James C. Robinson, John G. Schumaker, Sener, Sloss, J. Ambler Smith, John Q. Smith, Southard, Speer, Standiford, Stone, Storm, Swann, Vance, Wells, Whitehead, Whitehouse, Whitthorne, Charles W. Willard, Willie, Ephraim K. Wilson, Wolfe, Wood, Woodford, and John D. Young—102.

NOT VOTING—Messrs. Archer, Barnum, Bass, Clayton, Corwin, Cotton, De Witt, Donnan, Durham, Elliott, Farwell, Freeman, Garfield, Robert S. Hale, Hersey, Hunter, Kasson, Kellogg, Maynard, McJunkin, McNulta, Mitchell, Purman, Randall, William R. Roberts, Sawyer, Milton Sayler, Lazarus D. Shoemaker, H. Boardman Smith, William A. Smith, Stanard, Stephens, Taylor, Todd, Waddell, Walls, Jasper D. Ward, Wilber, Jeremiah M. Wilson, and Pierce M. B. Young—40.

So (two-thirds not voting in the affirmative) the rules were not suspended, and the bill was not passed.

During the roll-call,

Mr. DONNAN stated that he was paired with Mr. RANDALL, of Pennsylvania, who if present would vote in the negative, while he himself would vote in the affirmative.

Mr. SAYLER, of Indiana, stated that his colleague, Mr HUNTER, was absent on the business of the House.

Mr. BECK stated that his colleague, Mr. DURHAM, was absent in New York on the business of the House with the sub-Committee on Banking and Currency.

Mr. COOK stated that his colleague, Mr. YOUNG, was absent by appointment of the Speaker at West Point.

Mr. ALBRIGHT stated that his colleague, Mr. SHOEMAKER, was absent on account of sickness.

The vote was then announced as above recorded.

CELEBRATION OF THE BOSTON TEA PARTY.

The SPEAKER. There comes over from yesterday a motion to suspend the rules and pass the following concurrent resolution moved by the gentleman from New York, [Mr. POTTER,] which the Clerk will read.

The Clerk read as follows:

Resolved, (the Senate concurring,) That the woman's centennial executive committee of the city of Washington have leave to occupy the Rotunda of the Capitol, under the supervision of the Commissioner of Public Buildings and Grounds, upon the afternoon and evening of the 16th of December next, for the purpose of celebrating the destruction of tea in the harbor of Boston on the night of the 16th of December, 1773.

Mr. POTTER. The gentleman from Massachusetts, [Mr. G. F. HOAR,] who objected to the resolution yesterday, withdraws his objection, and asks me to insert in the resolution these words: "In aid of the national centennial exhibition." I agree to it, as that really is the object of the resolution.

The motion to suspend the rules was seconded.

The rules were suspended, (two-thirds voting in favor thereof,) and the concurrent resolution was passed.

BOZEMAN LAND DISTRICT IN THE TERRITORY OF MONTANA.

Mr. MAGINNIS. I move to suspend the rules and pass the bill (H. R. No. 3740) to create the Bozeman land district in the Territory of Montana.

The bill was read.

The first section provides that all that portion of the Territory of Montana lying east of the range line between ranges two and three west of the principal meridian and south of the first standard parallel north of the base line of the public-land surveys of said Territory shall be constituted a separate land district, to be known as the Bozeman land district, the office of which shall be located at Bozeman, but may be changed from time to time, by the direction of the President of the United States, as the interests of the public service may require.

The second section provides that the President shall appoint, by and with the consent of the Senate, a register and a receiver of the public moneys of the United States for said district; and said officers shall reside in the place where the land office is located, and they shall

have the same powers and perform the same duties and receive the same emoluments as are or may be prescribed by law in relation to land officers of the United States in other Territories.

Mr. HOLMAN. Does this bill come from any committee?

Mr. DUNNELL. Yes; it is the unanimous report of the Committee on the Public Lands.

The motion to suspend the rules was seconded. The rules were suspended, (two-thirds voting in favor thereof,) and the bill was passed.

INTERNATIONAL ARBITRATION.

Mr. WOODFORD. I move to suspend the rules and pass the following concurrent resolution:

Resolved by the Senate and House of Representatives, That the President of the United States is hereby authorized and requested to negotiate with all civilized powers who may be willing to enter into such negotiation for the establishment of an international system whereby matters in dispute between different governments agreeing thereto may be adjusted by arbitration, and if possible without recourse to war.

Mr. KELLOGG. I think we had better first decide the Geneva award matter.

The motion to suspend the rules was seconded.

The rules were suspended, (two-thirds voting in favor thereof,) and the concurrent resolution was passed.

SHIP ALHAMBRA.

Mr. HOOPER. In behalf of the Committee on Commerce I move to suspend the rules and pass a bill (H. R. No. 3741) to authorize the issue of an American register to the ship Alhambra.

The bill, which was read, authorizes and directs the Secretary of the Treasury to issue an American register to the British ship Alhambra, built in Boston, in the State of Massachusetts, in 1859.

The motion to suspend the rules was seconded.

The rules were suspended, (two-thirds voting in favor thereof,) and the bill was passed.

BRIDGE OVER WILLAMETTE RIVER, OREGON.

Mr. CONGER. In behalf of the Committee on Commerce I move to suspend the rules and pass the bill (S. No. 482) to authorize the construction of a bridge over the Willamette River at Salem, in the State of Oregon.

The bill was read.

The first section provides that it shall be lawful for the county commissioners of the county of Marion, in the State of Oregon, or for the said commissioners jointly with the county commissioners of the county of Polk, in said State, to build a bridge across the Willamette River at the city of Salem, in said county of Marion, at a point to be selected and determined by the said board of commissioners of Marion County, or by said board jointly with the board of commissioners of Polk County aforesaid; provided that there shall be placed in said bridge a draw of not less than two hundred feet in width, with a center abutment not to exceed forty feet wide, and ten feet above the water-line, leaving a passage on each side of the abutment of not less than eighty feet in width, and so constructed as not to impede the navigation of said river and allow the easy passage of vessels through said bridge.

The second section provides that the right to alter or amend this act so as to prevent or remove all material obstructions to the navigation of said river by the construction of said bridge is hereby expressly reserved, but any change needful to that end shall be made at the expense of the counties in which such bridge shall be located.

The motion to suspend the rules was seconded.

The rules were suspended, (two-thirds voting in favor thereof,) and the bill was passed.

TITLE TO LANDS IN ARIZONA.

Mr. CLYMER. I move that the rules be suspended, and that the Committee on the Public Lands be discharged from the further consideration of the bill (H. R. No. 3584) to grant title to certain lands in the Territory of Arizona, and that the same be passed.

The bill was read.

The preamble recites that certain lands in Santa Cruz Valley, county of Pima, and Territory of Arizona, have for many years been occupied and possessed by persons of Mexican birth, who became citizens of the United States under the treaty of Guadalupe Hidalgo and the Gadsden treaty; and that said persons desire to secure patents for said lands in the small and irregular tracts in which they were originally taken up under Mexican authority, and have been held and cultivated to the present time, and they cannot do so under the existing land laws of the United States.

The bill therefore provides that all the right and title of the United States to the land embraced in sections 2, 11, and 14, and the east half of sections 3, 10, and 15, of township 14 south, range 13 east, Gila and Salt River meridian, in the county of Pima, Territory of Arizona, be, and the same are thereby, relinquished and granted to the person or persons who have been in the actual *bona fide* occupancy or possession of said land, by themselves or their ancestors, for twenty years next preceding the date of the passage of the act; and it shall be the duty of the register and the receiver of the United States land-office for the district in which said land lies, to hear and determine, subject to the approval of the Commissioner of the General Land Office, the rights of the parties claiming under the act; and for that purpose the said register and the said receiver shall have power to summon witnesses, administer oaths, and take testimony relative to such occupancy or possession, provided that no claim as aforesaid shall be of any validity under the act unless it shall have been duly filed with the said register and the said receiver within one year after the passage of the act; and provided further, that the grant shall not extend to any reservation of the United States, nor prejudice any valid adverse right or claim, if such exist, to said land, or any part thereof, nor preclude a judicial examination and adjustment thereof.

The second section provides that whenever it shall have been determined by the said register and the said receiver, or on appeal by the Commissioner of the General Land Office or Secretary of the Interior, that any tract has been occupied as aforesaid, it shall be the duty of the surveyor-general for said Territory to cause the said claims to be surveyed in accordance with the lines of such occupancy, and to furnish approved plats of the same, upon the receipt and approval of which said plats, and the field notes thereof by the Commissioner of the General Land Office, patents shall issue as in other cases.

The third section provides that any part or parts of said designated lands that are not shown, to the satisfaction of the Commissioner of the General Land Office, to have been so occupied for twenty years, shall be held by him as open to settlement under the provisions of the pre-emption or homestead laws of the United States, and patents may be issued therefor for any number of acres not exceeding one hundred and sixty that parties complying with said legal provisions may desire to hold, provided that all existing occupants who have settled on said lands for a period of less than twenty years shall have the prior right to acquire the same under the pre-emption or homestead laws of the United States.

Mr. CLYMER. I ask unanimous consent, before the vote is taken, to perfect the bill by adding after the word "ancestors," in line 10, section 1, the words "or grantors;" and in line 10, section 3, after the word "lands," by striking out "for" and inserting "within."

The SPEAKER. If there be no objection, those amendments will be made.

There was no objection.

Mr. HOLMAN. Will the gentleman permit a motion to strike out in the last line of the bill the words "pre-emption or?" I hope there will be some explanation of the necessity for this bill.

Mr. CLYMER. If the House will bear with me for a moment I will explain the object of the bill. At the making of the treaty of Guadalupe Hidalgo and the Gadsden treaty there was in this valley of Arizona a little settlement around the village of Tucson, composed of persons of Mexican and Spanish birth, who for nearly a hundred years had occupied small and irregular strips of land of from three to fifty acres in extent and marked off by no regular metes and bounds, and they and their descendants have lived there ever since. Their titles originally accrued to them under the orders of Mexican military officers, and since our occupation of the country these people have no evidence of title save that arising from occupancy. It is a subject of great disquietude to them that they cannot point to any authority under which they hold these lands. It was therefore thought proper by the Committee on the Public Lands, after careful examination, that this bill should be passed. The whole quantity of the lands embraced in this bill does not amount to more than three or four sections, and the claims do not cover the whole of the sections specified. The Committee on the Public Lands were unanimous in their approval of the bill.

Mr. McCORMICK. Mr. Speaker, the orignal draught of this bill was prepared in Arizona and handed me at a mass meeting of the citizens at the capital. I was earnestly requested to urge its passage by Congress as an act of simple justice.

It is intended to give title to about four sections of land which for long years have been in possession of persons of Mexican birth. Under the treaty of Guadalupe Hidalgo and the Gadsden treaty, these persons, or their descendants, became citizens of the United States, and they are good citizens, of the class described in the recent able speech of the gentleman from New Mexico [Mr. ELKINS] as "loyal, law-abiding, peaceable, well-disposed, and wedded to our institutions."

The lands in question were originally taken up in small and irregular tracts under permits from the Mexican authorities, and have been steadily held and cultivated by these people, who are anxious to have Government title to them in the precise form in which they have been occupied, and in no other. In some instances the tracts embrace not more than five acres—no tract I think embraces over fifty acres—and as it was understood by the Mexican population of Arizona, then a part of New Mexico, that they should have a full and complete title to their lands, as held prior to the making of the treaties referred to, I trust the reasonable propositions of this bill will be agreed to by the House.

The bill as it is now has the unanimous approval of the Committee on the Public Lands and also the approval of the Commissioner of the General Land Office, as shown in the letter I send to the Clerk's desk.

The letter is as follows:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., June 4, 1874.

SIR: I have had the honor to receive from you a copy of House bill No. 3584, entitled "A bill to grant title to certain lands in the Territory of Arizona," and in reply I have to say that after a careful examination it appears to be such a bill as

will, without injury to the United States, satisfactorily protect a class of claimants entitled to relief, and it is therefore approved by this office.

Very respectfully, your obedient servant,

S. S. BURDETT,
Commissioner.

Hon. R. C. McCORMICK,
House of Representatives.

Mr. HOLMAN. Does the gentleman from Pennsylvania [Mr. CLYMER] agree to the words "pre-emption or" being stricken out?

Mr. CLYMER. I agree to that.

The motion to suspend the rules was agreed to, and the rules were suspended (two-thirds voting therefor) and the bill passed.

NELSON GREEN.

Mr. DANFORD. I move that the rules be suspended, and that the Committee on the Post-Office and Post-Roads be discharged from the further consideration of the bill (H. R. No. 3611) for the relief of Nelson Green, and that the same be passed.

The bill, which was read, authorizes and directs the Postmaster-General to release Nelson Green, of Bay City, Michigan, a mail contractor on mail-routes numbered 24366, being from Granton to Au Sable, and 24357, from Alpena to Au Sable, in said State of Michigan, from the performance of said service.

The motion to suspend the rules was seconded.

The rules were suspended (two-thirds voting in favor thereof) and the bill was passed.

RESTORATION OF LANDS TO HOMESTEAD ENTRY.

Mr. BRADLEY. I move that the rules be suspended, and that the Committee on the Public Lands be discharged from the further consideration of the bill (S. No. 420) to amend the act entitled "An act for the restoration to homestead entry and to market of certain lands in Michigan," approved June 10, 1872, and for other purposes, and that the same be passed with an amendment.

The bill, which was read, so amends the act approved June 10, 1872, entitled "An act for the restoration to market of certain lands in Michigan," as to authorize the Secretary of the Interior to cause patents to be issued to three hundred and twenty members of the Ottawa and Chippewa Indians of Michigan, for the selections found to have been made by them, but which were not, prior to the passage of said act, regularly reported and recognized by the Secretary of the Interior and Commissioner of Indian Affairs; and the remainder of said lands not disposed of, and not valuable mainly for pine timber, shall be subject to entry under the homestead laws, for one year from the passage of the act; and the lands remaining thereafter undisposed of shall be restored to market.

The bill in its second section provides that all Indians who have settled upon and made improvements on section 10, in township 47 north, of range 2 east, and section 4, in township 47 north, of range 3 west, Michigan, shall be permitted to enter not exceeding eighty acres each, at the minimum price of land, upon making proof of such settlement and improvement before the register of the land office at Marquette, Michigan; and when said entries shall have been completed in accordance herewith, the remaining lands embraced within the limits of said sections shall be restored to market.

The bill in its third section provides that all actual, permanent, *bona fide* settlers on any of the lands reserved for Indian purposes under the treaty with the Ottawa and Chippewa Indians of Michigan of July 31, 1855, shall be entitled to enter not exceeding one hundred and sixty acres of land, either under the homestead laws or to pay the minimum price of land, on making proof of his or her settlement and continued residence before the expiration of ninety days from the passage of the act; provided that such settlers do not claim any of the lands heretofore patented to Indians, or in conflict with the selections found to have been made by Indians referred to in the first section of the act, and shall have settled upon said lands prior to the 1st day of January, 1874.

Mr. BRADLEY. The amendment which is included in my motion is as follows:

At the end of section 1 strike out the words "restored to market" and insert the words "offered for sale at a price not less than $2.50 per acre."

Mr. CLYMER. I desire also to offer an amendment.

Mr. BRADLEY. My colleague on the committee, the gentleman from Pennsylvania, [Mr. CLYMER,] desires to submit an amendment. I have agreed to yield to him that the matter may be considered in the House, after an explanation on each side. I ask unanimous consent that a few minutes be granted to explain the nature of the bill and the amendment—five minutes on each side.

Mr. BECK. What is the motion now pending?

The SPEAKER. It is that the rules be suspended and that this Senate bill pass with an amendment.

Mr. BECK. Will the gentleman not consent to change his motion to a suspension of the rules, so as to bring the bill before the House for consideration? If that is done he can then explain it.

Mr. BRADLEY. I am willing to modify the motion in that way.

The SPEAKER. At two o'clock the House, in pursuance of notice given yesterday, will proceed to consider the report of the Joint Select Committee of Investigation into the Affairs of the District of Columbia.

Mr. CLYMER. I do not think this bill will occupy the House for more than a few moments. The matter is a simple one, and can be easily understood.

The motion to suspend the rules was seconded.

Upon suspending the rules so as to bring the bill before the House for consideration tellers were ordered; and Mr. BRADLEY and Mr. CLYMER were appointed.

The House divided; and the tellers reported—ayes 71, noes 73; no quorum voting.

The SPEAKER. Nothing is in order but a call of the House or a motion to adjourn.

Mr. HOLMAN. I move that the House do now adjourn, and I call for the yeas and nays on that motion.

The yeas and nays were not ordered, only 12 members voting therefor.

The question was put, and the motion to adjourn was not agreed to.

Mr. HOLMAN. I move that there be a call of the House.

The question was put, and on a division there were—ayes 35, noes 92; no quorum voting.

The SPEAKER. The Chair will not entertain any business whatever until a quorum is present.

Mr. HOLMAN. I ask for tellers on my motion for a call of the House.

Tellers were ordered; and Mr. SCOFIELD and Mr. HOLMAN were appointed.

The House divided; and the tellers reported—ayes 47, noes 108.

So the motion for a call of the House was not agreed to.

Mr. BRADLEY. I withdraw the demand for a further count on my motion to suspend the rules.

So (two thirds not having voted in favor thereof) the rules were not suspended.

ARKANSAS VALLEY RAILWAY COMPANY.

Mr. WELLS. I move that the rules be suspended so as to put upon its passage the bill (H. R. No. 2884) granting the right of way through the public lands to the Arkansas Valley Railway Company.

I will state that this bill is recommended by the Committee on the Pacific Railroad and also by the Committee on the Public Lands.

The bill was read. It grants the right of way through the public lands to the Arkansas Valley Railway Company, a corporation duly created under the laws of the Territory of Colorado, its successors and assigns, for a railroad and telegraph line, now partially completed and in operation from a point on the line of the Kansas Pacific Railway at Kit Carson; thence southward to West Las Animas; thence westward along or near the Arkansas River to Pueblo, a distance of about one hundred and fifty miles, and within said Territory of Colorado. Said right of way is granted to said railway company to the extent of one hundred feet in width on each side of said railroad where it may pass through the public domain and military reservation at Fort Lyon, including grounds for station buildings, workshops, depots, machine-shops, switches, side-tracks, turn-tables, cattle-yards, and water-stations, to the amount not exceeding ten acres, not mineral lands, for each station, and for not more than one station in every ten miles; together with the right to take from the public lands while belonging to the United States, adjacent to said right of way, stone, timber, earth, and other material necessary for the construction, maintenance, and repair of its railway and telegraph. It provides that within six months from the passage of this act the said Arkansas Valley Railway Company shall file with the Secretary of the Interior a map, to be approved by him, exhibiting the line of the railroad of said company as the same has been located; that the right of way across the military reservation at Fort Lyon, and the depot grounds thereon, shall be located and set aside under the direction of the Secretary of War; and that this grant of the right of way shall not prevent any railroad company from crossing said Arkansas Valley Railway Company at grade.

Mr. KASSON. I suggest to the gentleman from Missouri that the word "timber" ought to be stricken out.

Mr. WELLS. I have no objection to that, and will modify the bill in that way.

Mr. HOLMAN. It seems to me that the words "other material necessary for the construction and maintenance and repair of its railway and telegraph" should be stricken out. There is no limit as to the time within which they may take the material. It would be a perpetual franchise granted to the corporation to use timber and other materials.

Mr. WELLS. There is no material used excepting the soil which they build the track over. I ask that a letter of the Secretary of War, which will explain this bill, may be read.

Mr. KASSON. I want my amendment in.

The SPEAKER. The Chair understands that the gentleman from Missouri has modified the bill by striking out the word "timber."

Mr. HOLMAN. I trust some explanation of the bill will be made.

Mr. WELLS. The letter of the Secretary of War will explain it.

The Clerk read the letter, as follows:

WAR DEPARTMENT, *February* 28, 1874.

The Secretary of War has the honor to report to the House of Representatives, for the information of the sub-Committee on the Pacific Railroad, in reply to letter of the chairman of said committee of the 26th instant, that, so far as this Department is informed, there is no objection to the passage of the second section of House bill No. 750, granting the right of way over the Fort Lyon military reservation, Colorado Territory, to the Arkansas Valley Railway Company, provided it is re-

stricted to the width stated in the first section of said bill, and that the additional ground granted for depot and other railway purposes shall not exceed ten acres.

In this connection it is proper to add that it is understood that the Arkansas Valley Railway Company is identical with the Kansas Pacific Railway Company, which latter company has already received permission to lay its rails across the said reserve, with condition that the rails must be removed and track abandoned if right of way is not given at the present session of Congress.

WM. W. BELKNAP,
Secretary of War.

Mr. WELLS. This bill has been before the Committee on the Public Lands, and they have unanimously recommended its passage and so have the Committee on the Pacific Railroad.

The motion to suspend the rules was seconded.

The question was then taken, and (two-thirds voting in favor thereof) the rules were suspended and the bill was passed.

CRUELTY TO ANIMALS.

Mr. LAMPORT. I ask unanimous consent to report from the Committee on Agriculture the bill (H. R. No. 2650) to amend the act entitled "An act to prevent cruelty to animals while in transit by railroad or other means of transportation within the United States," approved March 3, 1873.

Mr. NEGLEY. I object.

Mr. LAMPORT. I move that the rules be suspended and the bill passed.

On seconding the motion to suspend the rules tellers were ordered; and Mr. LAMPORT and Mr. NEGLEY were appointed.

Mr. KASSON. I hope consent will be given to the gentleman from New York to explain the bill. Let him have five minutes.

Mr. WILLARD, of Vermont. There is not time. It is nearly two o'clock now.

Mr. SYPHER. This is too important a bill to be passed without consideration.

The House divided; and the tellers reported ayes 37, noes not counted.

So the motion to suspend the rules was not seconded.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the Senate had agreed to the report of the committee of conference upon the bill (H. R. No. 2064) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1875, and for other purposes.

The message also announced that the Senate had agreed to the amendments of the House to the bill (S. No. 571) to authorize the Baltimore and Ohio railroad to construct a branch and to change the location of its road within the District of Columbia, and for other purposes.

The message further announced that the Senate had passed bills of the following titles, in which the concurrence of the House was requested:

A bill (S. No. 954) prohibiting the publication of the revised statutes of the United States in the newspapers at the expense of the United States;

A bill (S. No. 797) to amend an act in relation to the survey of certain lands granted to the Northern Pacific Railroad Company;

A bill (S. No. 382) for the relief of William L. Adams, late collector of customs at Astoria, Oregon;

A bill (S. No. 878) for the relief of Rosa Vertner Jeffreys; and

A bill (S. No. 459) for the relief of William J. Patton.

The message further announced that the Senate had passed House bills of the following titles, with amendments in which the concurrence of the House was requested:

A bill (H. R. No. 225) to amend an act entitled "An act to establish a western judicial district of North Carolina;"

A bill (H. R. No. 2988) to provide for the appointment of a commission of engineers to investigate and report a permanent plan for the reclamation of the alluvial basin of the Mississippi River subject to inundation;

A bill (H. R. No. 3173) for the relief of James A. McCullah, late collector of the first district of Missouri; and

A bill (H. R. No. 2787) to provide for the sale of the present United States marine hospital and site, and the purchase of a new site and erection thereon of a new marine hospital in the city of Pittsburgh, Pennsylvania.

The message also announced that the Senate had passed without amendment House bills of the following titles:

A bill (H. R. No. 2450) to provide for the apportionment of the Territory of Wyoming for legislative purposes;

A bill (H. R. No. 2348) to change the name of the pleasure-yacht Planchette to that of Laxen;

A bill (H. R. No. 440) to amend the act entitled "An act transferring the control of certain territorial penitentiaries to the several Territories in which the same are located," approved January 24, 1873;

A bill (H. R. No. 203) to create two additional land districts in the State of Kansas;

A bill (H. R. No. 3606) granting a pension to Mary E. Grosvenor;

A bill (H. R. No. 2670) granting a pension to Mary S. Howe;

A bill (H. R. No. 2671) granting a pension to General A. C. Voris;

A bill (H. R. No. 3591) to change the name of the brig Sidi to Sea Waif;

A bill (H. R. No. 3539) to admit free of duty merchandise sunk for two years and afterward recovered;

A bill (H. R. No. 2463) for the relief of Joseph S. Read;

A bill (H. R. No. 1507) to create an additional land district in the Territory of Colorado; and

A bill (H. R. No. 3351) to ascertain the possessory rights of the Hudson's Bay Company and other British subjects within the limits which were the subject of the award of His Majesty the Emperor of Germany, under the treaty of Washington of May 8, 1871, and for other purposes.

PUBLICATION OF REVISED STATUTES.

Mr. POLAND. I ask unanimous consent to take from the Speaker's table a bill which has just come from the Senate prohibiting the publication of the revised statutes of the United States in the newspapers at the expense of the United States. I will say in explanation of my request, and in justification of the Committee on the Revision of the Laws, that the bill which we sent to the Senate contained just this provision. But they turned the whole thing into a new bill, adopted an entire substitute, and left out the most important part. I ask that the bill be now taken up and passed.

No objection was made, and the bill (S. No. 954) was taken from the Speaker's table, and read a first and second time.

The bill provides that the revised statutes of the United States and no part thereof shall be published in the newspapers at the expense of the United States.

The bill was read the third time, and passed.

Mr. POLAND moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

GOVERNMENT OF THE DISTRICT.

Mr. WILSON, of Indiana. In pursuance of previous notice I now report back with amendments, from the Select Committee to Inquire into the Affairs of the District of Columbia, a bill (H. R. No. 3680) for the government of the District of Columbia, and for other purposes.

The bill was read as follows:

Be it enacted, &c., That all provisions of law providing for an executive, for a secretary for the District, for a Legislative Assembly, for a board of public works, and for a Delegate in Congress in the District of Columbia are hereby repealed: *Provided*, That this repeal shall not affect the term of office of the present Delegate in Congress.

SEC. 2. That the President of the United States, by and with the advice and consent of the Senate, is hereby authorized to appoint a commission, consisting of three persons, who shall, until otherwise provided by law, exercise all the power and authority now lawfully vested in the governor or board of public works of said District, except as hereinafter limited; and shall be subject to all the restrictions and limitations now imposed by law on said governor or board; and shall have power to apply the taxes or other revenues of said District to the payment of the current expenses thereof, to the support of the public schools, the fire department and the police, and to the payment of the debts of said District secured by a pledge of the securities of said District or board of public works as collateral, and also to the payment of debts due to laborers and employés of the District and board of public works; and for that purpose shall take possession and supervision of all the offices, books, papers, records, moneys, credits, securities, assets, and accounts belonging or appertaining to the business or interests of the government of the District of Columbia and the board of public works, and exercise the power and authority aforesaid; but said commission, in the exercise of such power or authority, shall make no contract, nor incur any obligation other than such contracts and obligations as may be necessary to the faithful administration of the valid laws enacted for the government of said District, to the execution of existing legal obligations and contracts, and the protection or preservation of improvements existing, or commenced and not completed, at the time of the passage of this act. All taxes heretofore lawfully assessed and due or to become due shall be collected pursuant to law, except as herein otherwise provided; but said commissioners shall have no power to anticipate taxes by a sale or hypothecation of any such taxes, or evidence thereof: *Provided*, That nothing in this clause contained shall affect any provisions of law authorizing or requiring a deposit of certificates of assessment with the sinking-fund commissioners of said District; and said commissioners are hereby authorized to abolish any office, to consolidate two or more offices, reduce the number of employés, remove from office, and make appointments to any office authorized by law; and the compensation of all officers and employés, except teachers in the public schools and officers and employés in the fire department, shall be reduced 20 per cent. per annum. Said commissioners shall each, before entering upon the discharge of his duties, take an oath to support the Constitution of the United States and to faithfully discharge the duties imposed upon him by law; and shall each give bond in the penal sum of $50,000, to be approved by the Secretary of the Treasury, for the faithful discharge of the duties of his office; and shall each receive for his services a compensation at the rate of $5,000 per annum: *Provided*, That nothing in this act shall be construed to abate or in any wise interfere with any suit pending in favor of or against the District of Columbia: *And provided further*, That in suits hereafter commenced against the District of Columbia, process may be served on any one of said commissioners, until otherwise provided by law.

SEC. 3. That the President of the United States shall detail an officer of the Engineer Corps of the Army of the United States, who shall, subject to the general supervision and direction of the said board of commissioners, have the control and charge of the work of repair and improvement of all streets, avenues, alleys, sewers, roads, and bridges of the District of Columbia; and he is hereby vested with all the power and authority of, and shall perform the duties heretofore devolved upon, the chief engineer of the board of public works. He shall take possession of, and preserve and keep, all the instruments pertaining to said office, and all the maps, charts, surveys, books, records, and papers relating to said District, or to any of the avenues, streets, alleys, public spaces, squares, lots and buildings thereon, sewers, or any of them, as are now in or belonging to the office of said engineer of the board of public works, and shall, in books provided for that purpose, keep and preserve the records now required to be kept, and such as may be required by regulations of said board. He may, with the advice and consent of said board of commissioners, appoint not more than two assistant engineers from civil life, who shall each receive a salary of $1,800 per annum, and shall be subject to his direction and control. He shall receive no additional compensation for such services. And he shall not be deemed by reason of anything in this act contained to hold a civil office under the laws of the United States. And no salary or compensation shall be paid

to the surveyor of the District, or any of his subordinates, except such fees for special services as are allowed by law. And the offices of assistant surveyor and additional assistant surveyor of the District of Columbia are hereby abolished.

SEC. 4. That for the support of the government of the District of Columbia, and maintaining the credit thereof, for the fiscal year ending June 30, 1875, there shall be levied upon all real estate in said District, except that belonging to the United States and to the District of Columbia, and that used for educational and charitable purposes, the following taxes, namely: Upon all such real estate in the city of Washington, three dollars on each one hundred dollars of the present assessed value thereof; upon all such real estate in the city of Georgetown, two dollars and fifty cents on each one hundred dollars of the present assessed value thereof; and upon all such real estate in the District of Columbia outside of the cities of Washington and Georgetown, two dollars on each one hundred dollars of the present assessed value thereof; which said taxes shall become due and payable on the 1st day of November, 1874, and, if not paid, shall be in arrears and delinquent from that date; and shall, except as herein modified, be assessed and collected as now provided by law for the assessment and collection of general taxes for the District of Columbia; and of the sums so collected, one-fourth thereof shall be applied, first, to reimburse the United States for its advances on account of interest, which shall have been paid by the United States on the funded debt of the District of Columbia and Washington and Georgetown, due and payable July 1, 1874; and the remainder shall be used to pay deficiencies in the various funds for the fiscal year ending June 30, 1874. And all the remainder of said taxes not required for the aforesaid purposes shall be distributed for the purposes and in the proportions provided by the act of the Legislative Assembly of the District of Columbia, approved June 26, 1873, entitled "An act imposing taxes for the fiscal year ending June 30, 1874," so far as said apportionment is not inconsistent with this act: *Provided*, That no evidence of debt issued by the District of Columbia, or any branch thereof, or by the board of public works, shall in any manner be received in payment for said taxes: *And provided further*, That no payment shall be made on account of the militia of said District, or for the purpose of erecting a District jail. Upon all payments of said taxes hereby imposed which shall be made in advance of the said 1st day of November, 1874, there shall be an abatement allowed of 1 per cent. per month for each and every month so paid in advance; and that upon all said taxes which shall be delinquent and unpaid on said 1st day of November, there shall be added a penalty of 1 per cent. to the amount thereof, to be collected with such taxes; and a like penalty of 1 per cent. upon the amount thereof shall be added on the first day of each succeeding month to all of said taxes as are then delinquent and unpaid, to be collected as aforesaid. It shall be the duty of the collector of taxes to prepare a complete list of all taxes and property upon which the same are assessed in arrears on the 1st day of March next, and shall, within ten days thereafter, publish the same, with the notice of sale, in a newspaper published in said District, to be designated by said board of commissioners, for the time and in the manner required by the provisions of the act of the Legislative Assembly entitled "An act prescribing the duties of certain officers for the District of Columbia, and fixing their compensation," approved August 23, 1871. And all the provisions of said act as to the sale of property and the collection of taxes in arrears are hereby made applicable to the taxes hereby imposed and in arrears as aforesaid, except that the deed conveying the property so sold shall be executed by the said board of commissioners instead of the governor and the secretary.

Sec. 5. That a joint select committee shall be appointed, consisting of two Senators, to be appointed by the Presiding Officer of the Senate, and two members of the House, to be appointed by the Speaker of the House of Representatives, whose duty it shall be to prepare a suitable frame of government for the District of Columbia and appropriate draughts of statutes to be enacted by Congress for carrying the same into effect, and report the same to the two Houses, respectively, on the first day of the next session thereof; and they shall also prepare and submit to Congress a statement of the proper proportion of the expenses of said government, or any branch thereof, including interest on its funded debt, which should be borne by said District and the United States, respectively, together with the reasons upon which their conclusions may be based; and in the discharge of the duty hereby imposed said committee is authorized to employ such assistance as it may deem advisable, at an expense not to exceed the sum of $5,000; and said sum, or so much thereof as may be necessary, be, and the same is hereby, appropriated for that purpose.

SEC. 6. That it shall be the duty of the First Comptroller of the Treasury and the Second Comptroller of the Treasury of the United States, who are hereby constituted a board of audit, to examine and audit for settlement all the unfunded or floating debt of the District of Columbia and of the board of public works, hereinafter specified, namely: first, the debt evidenced by sewer certificates; secondly, the debt purporting to be evidenced and ascertained by certificates of the auditor of the board of public works; thirdly, the debt evidenced by the certificates of the auditor and the comptroller of the District of Columbia; fourthly, claims existing or hereafter created for which no evidence of indebtedness has been issued, arising out of contracts, written or oral, made by the board of public works; fifthly, claims, for which no evidence of indebtedness has been issued, arising out of contracts, written or oral, made by or on behalf of the District of Columbia; sixthly, all claims for private property taken by the board of public works from the avenues, streets, and alleys of the cities of Washington and Georgetown; and, seventhly, all unadjusted claims for damages that may have been presented to the board of public works, pursuant to an act of the Legislative Assembly of the District of Columbia, entitled "An act providing for the payment of damages sustained by reason of public improvements or repairs," approved June 20, 1872, which last-named claims shall severally be examined and audited without regard to any examination heretofore made; and shall make a detailed and tabular statement of all claims presented, the persons or corporations owning the same, and the amount found to be due on account of each; together with a tabular statement of the funded debt of the District of Columbia and of the cities of Washington and Georgetown of every kind and character whatsoever, giving the date of issue, time of maturity, and the rate of interest. And it shall further be the duty of said board to ascertain the amount of sewer tax or assessment paid by any person, persons, or corporation, under the act of the Legislative Assembly of said District, entitled "An act creating drainage and sewerage sections in the cities of Washington and Georgetown, in the District of Columbia, and providing for the payment of the construction of sewers and drains therein by assessments and issuing certificates therefor," approved the 26th day of June, 1873, and to prepare a tabulated statement thereof. Said board of audit shall also issue to each claimant a certificate, signed by each of said board and countersigned by the comptroller of said District, stating the amount found to be due to each and on what account; and a register thereof shall be kept by said board, to be transmitted to Congress, and also by the comptroller of said District; and said board of audit shall also ascertain and report to Congress, at the next session thereof, the amount equitably chargeable to the street railroad companies on account of paving along and within the tracks of said companies, pursuant to the charters of said companies or the acts of Congress relating thereto, together with their reasons therefor. It shall further be the duty of said board of audit to examine into and audit all of the accounts of the auditor and of the treasurer of the board of public works, and of the auditor, the treasurer, the collector, and the comptroller of the District of Columbia, from the date of the organization of said board and of the present government of said District; and for the purposes hereinbefore specified shall have the power to subpœna witnesses, administer oaths, and examine witnesses under oath, and shall have full access to all of the records, books, papers, and vouchers of every kind whatsoever of the board of public works and of the District of Columbia; and to the end that said books and accounts may be thoroughly examined, and the indebtedness of said District, and of the board of public works, and the state of the books and accounts of each of the officers aforesaid, may be accurately ascertained, shall employ one or more skillful and impartial accountants non-resident of the District of Columbia, and such other assistants as they may deem necessary, to make examination of said books, vouchers, and papers, and discharge their other duties under this act, and shall procure inspection of such bank-books and papers as may be necessary; and they are hereby authorized to pay for the services of such accountant or accountants and assistants such sums as they may deem proper. And said accountant or accountants shall take an oath to faithfully discharge the duties imposed by this act. Said board of audit shall give notice for the presentation of the claims hereinbefore specified in such manner as may be deemed necessary; and no claim shall be audited or allowed unless presented within ninety days after the first publication of such notice. Each of the said officers constituting said board shall be paid the sum of $2,000 for his services under this act, out of the funds of said District, in addition to his present compensation.

SEC. 7. That the sinking-fund commissioners of said District are hereby continued; and it shall be the duty of said sinking-fund commissioners to cause bonds of the District of Columbia to be prepared, in sums of fifty and five hundred dollars, bearing date August 1, 1874, payable fifty years after date, bearing interest at the rate of 3.65 per cent. per annum, payable semi-annually, to be signed by the secretary of said sinking-fund commissioners and countersigned by the comptroller of said District, and sealed as the board may direct; which bonds shall be exempt from taxation by Federal, State, or municipal authority, engraved and printed at the expense of the District of Columbia, and in form not inconsistent herewith. And the faith of the United States is hereby pledged that the United States will, by proper proportional appropriations as contemplated in this act, and by causing to be levied upon the property within said District such taxes as will provide the revenues necessary to pay the interest on said bonds as the same may become due and payable, and create a sinking fund for the payment of the principal thereof at maturity. Said bonds shall be numbered consecutively, and registered in the office of the comptroller of said District, and shall also be registered in the office of the Register of the Treasury of the United States, for which last-named registration the Secretary of the Treasury shall make such provision as may be necessary. And said commissioners shall use all necessary means for the prevention of any unauthorized or fraudulent issue of any of such bonds. And the said sinking-fund commissioners are hereby authorized to exchange said bonds at par for like sums of any class of indebtedness in the preceding section of this act named, including sewer taxes or assessments paid, evidenced by certificates of the auditing board provided for in this act.

SEC. 8. That the authority conferred on the board of public works to issue additional certificates of indebtedness by section 4 of the act of the Legislative Assembly, approved on the 29th day of May, 1873, is hereby annulled. No property shall be advertised for sale or sold for the collection of any assessment authorized by the Legislative Assembly by the act entitled "An act creating drainage and sewerage sections in the cities of Washington and Georgetown, in the District of Columbia, and providing for the payment of the construction of sewers and drains therein by assessments and issuing certificates therefor," approved on the 26th day of June, 1873, until otherwise ordered by Congress; and it shall be unlawful to issue any further certificates of indebtedness authorized by said act.

SEC. 9. That no board or commission of which the governor is *ex officio* a member (the board of public works excepted) shall be abolished by this act, but the members of the same, other than the governor, shall constitute such board or commission.

SEC. 10. That the act of the Legislative Assembly of the District of Columbia, entitled "An act to fund unsettled liabilities of the city of Washington, and providing for the issuing of the bonds, and levying and collecting taxes to pay the same," approved June 20, 1872, is hereby ratified and approved; but none of the bonds authorized by said act remaining unsold shall be negotiated or sold at less than par.

The amendments reported from the committee were to section 6 of the bill, to make the latter portion of the section read as follows:

To make examination of said books, vouchers, and papers, and discharge their other duties under this act, and shall procure inspection of such bank books and papers as may be necessary; and they are hereby authorized to allow for the services of such accountant or accountants and assistants such sums as they may deem proper, which shall be paid by the board of commissioners out of the revenues of said District. And said accountant or accountants shall take an oath to faithfully discharge the duties imposed by this act. Said board of audit shall give notice for the presentation of the claims hereinbefore specified in such manner as may be deemed necessary; and no claim shall be audited or allowed unless presented within ninety days after the first publication of such notice. And said board shall make full report of all their acts and proceedings to the President, to be by him transmitted to Congress the first day of the next session thereof, &c.

The amendments were agreed to.

Mr. WILSON, of Indiana. I now move to recommit the bill.

Mr. MERRIAM. Will not the gentleman allow an amendment to be offered?

Mr. WILSON, of Indiana. I regret to say that I do not feel at liberty, under the circumstances, to allow any amendment to be offered to the bill.

Mr. MERRIAM. Will you allow the amendment to be read?

Mr. WILSON, of Indiana. I would prefer not; at least not now.

Mr. PARKER, of Missouri. In section 4 of this bill it is provided that "there shall be levied upon all real estate in said District, except that belonging to the United States and to the District of Columbia, and that used for educational and charitable purposes, the following taxes." If the gentleman can give any good reason why personal property in this District should not be placed on the same basis as real estate, then I will not propose to offer an amendment. But unless that shall be done, I shall certainly insist upon my right to offer an amendment to put personal property on the same basis with real estate.

Mr. MERRIAM. That is the proposition I desired to offer.

Mr. SMALL. And so did I.

Mr. WILSON, of Indiana. A number of members have asked me in regard to that matter. The committee have had the subject under consideration, and my colleague on the committee, the gentleman from New York, [Mr. BASS,] will explain to the House, in a few minutes, everything in connection with this question of taxation. Inasmuch as that is a branch of this bill which has been committed to his care, by the arrangement between us, I shall leave him to answer the question of the gentleman from Missouri [Mr. PARKER] rather than to proceed to answer it myself.

Mr. PARKER, of Missouri. Allow my amendment to be proposed and the House to act upon it.

Mr. MYERS. I understand the report recommends an appropriation for the laborers of the District. I would like to hear from the gentleman what is done in that regard.

Mr. BECK. I desire to ask a question.

Mr. WILSON, of Indiana. I hope I may be permitted to proceed without being plied with questions before I begin. I purpose, as briefly as I can, to call the attention of the House to the various provisions of this bill, with the exception of the one to which I have already alluded, relating to taxation.

Mr. PARKER, of Missouri. I want to know if the motion to recommit is pending, and cuts off all amendments.

Mr. WILSON, of Indiana. I made the motion to recommit for the purpose of cutting off all amendments. I do not desire to disguise my intention at all. I do not feel that under the circumstances I am at liberty to allow any amendment to be offered.

Mr. FORT. I rise to a question of order. Must not this bill be first considered in Committee of the Whole? If so, then what right has the gentleman from Indiana [Mr. WILSON] to enter a motion to recommit to cut off all amendments?

Mr. WILSON, of Indiana. If that point of order is made and sustained by the Chair, then I must move a suspension of the rules to bring the bill before the House for consideration.

Mr. FORT. I insist upon the point of order. It is not a proper thing for a committee to bring in a bill and not allow any amendments.

The SPEAKER *pro tempore*, (Mr. SAWYER.) The Chair overrules the point of order. The Chair understands that this committee had the right to report this bill at any time for consideration in the House.

Mr. PARKER, of Missouri. The gentleman from Indiana honestly and candidly says that he entered the motion to recommit to cut off all amendments. It may not be necessary to offer any, and after the bill has been discussed we may be entirely satisfied with it. But in what way, I will ask the Chair, can the bill be amended if it shall be deemed necessary?

The SPEAKER *pro tempore*, (Mr. POTTER.) When the gentleman from Indiana shall have concluded his remarks or have yielded the floor, the question will come up on the motion to recommit, or, if that be withdrawn, upon such other motion as the gentleman may make. And it will be for the House to determine what action to take upon it.

Mr. FORT. I made my point of order before the discussion began upon this bill. My point was, that under the rules the bill should go to the Committee of the Whole. I was answered by the Chair that there was some order relating to the bill giving it certain special privileges. Now I demand to hear that order read, so that we may know exactly what it provides.

The SPEAKER *pro tempore*. The Journal clerk will proceed to find the order. In the mean time the gentleman from Indiana [Mr. WILSON] is entitled to the floor.

Mr. FORT. Well, Mr. Speaker, I do not wish to yield the point I have made against this bill, that it should go to the Committee of the Whole, where there may be full opportunity for amendment and discussion.

The SPEAKER. The order will be found as soon as possible. In the mean time the gentleman from Indiana [Mr. WILSON] will occupy the floor.

Mr. CHIPMAN. I desire to make a parliamentary inquiry. I do not quite understand from the Chair by what means any amendment to this bill could be brought before the House in case the motion to recommit should be sustained. The amendments I wish to offer I hope to sustain by sound reasons. They go to the very existence of our District.

The SPEAKER. If the motion to recommit should be sustained, of course the bill would not be before the House. The presumption is that in this case, as is usual in such cases, the gentleman from Indiana has interposed the motion to recommit in order to hold control of the bill against amendments. Should the previous question be called without withdrawing the motion to recommit, the question would first be upon that motion; and that being negatived, the previous question would not exhaust itself until the engrossment and third reading of the bill.

Mr. BECK. I desire to ask the gentleman from Indiana whether he will allow, before the previous question is called, any discussion by gentlemen other than members of the committee?

Mr. WILSON, of Indiana. I have no desire at all to prevent discussion upon this bill. If it is desired that it shall be discussed I am certainly willing to allow the utmost latitude in that respect. I say very frankly to the gentleman that the course I had designed to pursue was, after I had made a statement as to the character of this bill and the reasons that have influenced the committee in its preparation, to withdraw the motion to recommit, and then move the previous question, leaving the matter within the control of the House.

Mr. BECK. I only desire that there shall be an amendment of section 4, so as to reduce the proposed rate of taxation from 3 per cent. to 2 in the city of Washington; from 2½ per cent. to 1½ in Georgetown; and to fix 1 per cent. as the rate for the District outside of the cities of Washington and Georgetown. I would provide further that the United States should wait for its proportion of the money to be raised by taxation. It seems to me that the rate of taxation proposed in the bill would amount to a confiscation of the property of the residents here. I wish to get that amendment in if I can.

Mr. WILSON, of Indiana. If the gentleman from Kentucky knew exactly the financial condition of this District he would find the committee has not imposed any more taxation than is absolutely necessary.

Mr. BECK. I wish only to take one-sixth instead of one-fourth.

Mr. FORT. My friend from Missouri wishes to amend the bill so as to make personal property taxable. There are railroad companies, banks, and other corporations in this District which are not taxed at all under this bill, while the personal property of my constituents is taxed in order to support this city. We want an opportunity to make amendment in that regard. If I have an opportunity I will move such an amendment.

Mr. WILSON, of Indiana. I suppose the point of order is still pending.

The SPEAKER. The Chair is holding it up, as the gentleman from Illinois demands that the order of the House shall be read.

Mr. WILSON, of Indiana. My time is not running, I suppose.

The SPEAKER. It is not.

Mr. LAMISON. I find by section 4 of this bill there are three rates of taxation fixed by it; that is, three dollars for the city of Washington, two and a half dollars for the city of Georgetown, and two dollars for the county. I wish to direct the attention of the gentleman from Indiana to this fact, so he may explain to the House why this discrimination should be made, and why there should not be adopted some uniform system of taxation.

Mr. WILSON, of Indiana. I think my friend from New York [Mr. BASS] will make that perfectly plain when he comes to discuss this bill.

Mr. CHIPMAN. Will not the gentleman from Indiana allow my amendment to be read by the Clerk?

Mr. WILSON, of Indiana. Not now.

Mr. CHIPMAN. This District government should not be destroyed and the people given over bound hand and foot without some chance of righting themselves. Will the gentleman from Indiana allow my amendment to be read? My amendment relates to allowing the people to elect one of the commissioners, to reducing the tax as it now is, and to fix the interest at a rate to secure us a par bond, and to make the laborers and employés preferred creditors in the payment of our liabilities.

Mr. SPEER. Does not this bill really release this District of Columbia from the bonds in which it now is?

Mr. CHIPMAN. No; I understand it rivets the bonds, and I will show that to be true if I have an opportunity.

Mr. WILSON, of Indiana. The gentleman is entirely mistaken.

Mr. CHIPMAN. No; gentlemen are mistaken, as I will show if I have an opportunity.

Mr. O'NEILL. Does this not change the rate of interest on some of the bonds?

The SPEAKER. The Clerk will read from the Journal of May 18.

The Clerk read as follows:

On motion of Mr. JEREMIAH M. WILSON, of Indiana, by unanimous consent, ordered—

That the joint select committee ordered to investigate the condition of affairs in the District of Columbia be allowed to report at any time for consideration in the House.

The SPEAKER. This bill is properly before the House for consideration.

Mr. FORT. I only wish to say the gentleman from Indiana in good faith ought not to come in here under such an arrangement and insist upon this bill being considered without allowing any amendment to be offered to it.

Mr. WILSON, of Indiana. This is entirely within the control of the House.

Mr. FORT. It is not acting in good faith to the House.

Mr. WILSON, of Indiana. It is acting in perfect good faith.

Mr. PARKER, of Missouri. Does not that resolution simply bring the bill before the House for consideration, and has the gentleman from Indiana any right to enter a motion to recommit to cut off amendments?

The SPEAKER. The rules leave the matter wholly and entirely within the control of a majority of the House. If the gentleman from Indiana should demand the previous question and the House should refuse to second it the bill will then be open to amendment, but amendments will be cut off, as a matter of course, if the House should second the demand for the previous question.

Mr. WILSON, of Indiana. After having explained the provisions of this bill I propose to withdraw the motion to recommit and to demand the previous question. If the House thinks it is better the bill should be amended they can vote down the previous question. As a matter of course, the House has the entire control of the matter. I do not wish to take any advantage of any gentleman or do anything unfair in regard to this bill.

Mr. FORT. This looks like it.

Mr. WILSON, of Indiana. I have no interest in the matter except to get a bill passed through the House which will meet the necessities of the District of Columbia at this time.

Mr. FORT. I wish to make a parliamentary inquiry. Will it be in order to move to suspend the rules in order to allow amendments to be in order to this bill?

The SPEAKER. That will require a two-thirds vote, whereas the gentleman can accomplish his purpose by a majority vote.

Mr. FORT. By voting down the previous question?

The SPEAKER. Certainly. The gentleman from Indiana has put himself at a disadvantage by moving to suspend the rules, which requires a two-thirds vote, whereas he can accomplish his purpose by a majority vote.

Mr. WILSON, of Indiana. If gentlemen will put their amendments in writing I will consent to have them read after I get through.

Mr. FORT. Have them read now.

Mr. WILSON, of Indiana. No; wait awhile.

Mr. FORT. Let them be read now, so they may be considered by the House.

Mr. WILSON, of Indiana. The committee which has had in charge the investigation of matters out of which this bill has arisen have given this whole subject their most careful attention. The whole matter is exceedingly complicated, and we have encountered great difficulties on every hand. We have considered, I think, all of the questions that have arisen, looking at them from every conceivable stand-point, or at any rate from every stand-point which occurred to us, and we have done on this subject the very best we could and have put it in the form of this bill. There is no member of this committee, I apprehend, who has any interest whatever in passing a bill here which shall not meet the immediate and future wants of this city and this District. And I may say that the committee are united in recommending the passage of this bill, and united also in regard to the matters which are discussed in the report submitted with the bill.

It is not surprising that in a matter of this kind, in an investigation which involved the taking of over twenty-five hundred pages of printed testimony, there should be found many questions of fact with reference to which differences of opinion would arise. There are such in this case, and as it was not possible to review the testimony and discuss disputed points, and as the assertion of a conviction without such a review would be of little avail other perhaps than to strengthen and intensify opinions already formed, the committee under the circumstances of this case regarded it as very important to pass this bill at this session, and to avoid as far as possible the presentation of points in the report upon which an agreement could not be had, and which would only provoke discussion and cause delay.

Now, as to the question whether in the expenditure of the millions of dollars of public money that have been expended in the last three years and the disposition of the millions of dollars of securities that have been disposed of in this District during the last three years in the loose, irregular, and unlawful manner in which the evidence and the report show that this has been done, whether or not under these circumstances any of those who participated in this business appropriated any of these moneys fraudulently to their own use, whoever looks at the evidence and the surrounding circumstances will form his own conclusions, and time probably will test the accuracy of those conclusions, for it is said that "time at last makes all things even."

But leaving all of these questions entirely out of view, I will say that there is no difference of opinion among the committee as to the necessity for a change in the management of the affairs of this District. The law prohibited the creation of a debt exceeding $10,000,000. It prohibited the making of contracts except in pursuance of appropriations and until the appropriotions were made. That provision will be found in the thirty-seventh section of the organic act of this District under which the present District government is now being carried on. The board of public works submitted to the District Legislature a plan of permanent improvements which was estimated to cost $6,538,397, including a system of sewers, and asked for an appropriation, which was granted to the extent of $4,000,000, and to raise the money bonds payable in twenty years were provided to be issued. But the District Legislative Assembly incorporated in the bill making that appropriation of $4,000,000 a proviso that the board of public works should not enter into any contract to exceed the amount of the estimate that was submitted by the board to the Legislative Assembly, less 20 per cent. of the estimated cost.

Now, here were three prohibitions upon this board of public works. In the first place it was provided that the debt of this District should not go beyond $10,000,000; in the second place, Congress had provided by this thirty-seventh section of the organic act that contracts should be made only in pursuance of appropriations and not until appropriations had been made; then, in the third place, the District Legislature had provided—

That in no case shall the said board enter into a contract for any work or improvement the cost of which shall exceed the amount estimated therefor in its aforesaid plan, less 20 per cent. of said estimates.

Now, Mr. Speaker, notwithstanding all this, contracts were made $12,000,000 at least in excess of the estimates to which they were limited, less 20 per cent., and certainly three times the amount of the appropriations which had been made and which were available to the board as the basis upon which to make contracts.

Then, again, the House will remember, or at all events many gentlemen will remember, that on the 8th day of January, 1873, an appropriation was made by Congress of $1,240,000, (and that appropriation, drawn from the Treasury three days after the appropriation was made, was all paid on debts within a week after it was so drawn.) Congress by that act prohibited the making of any contract which should be obligatory upon Congress until after the appropriation had been made. And yet when this Congress is about to convene a claim is presented for over $500,000 for work that had been done during last summer around the Government property in defiance of that provision of the law. Then again in March, 1873, Congress appropriated $75,000 for the purpose of purchasing an interest in the City-hall building in this city, and incorporated in the law making the appropriation a provision that the money should only be used in the erection of District offices, and yet notwithstanding that prohibition placed upon them by Congress this money was also diverted from the uses to which it had been appropriated by Congress, and was used in the current business of paying the debts of the board of public works. There are other matters of this kind to which I might refer, but I think it is unnecessary to elaborate this part of the subject in this connection.

I have only referred to these matters for the purpose of showing to the House that the law has been no restraint upon these gentlemen who have been running the government of the District of Columbia for the last three years. The expenses have by the manner in which the government has been administered been most inordinate. I will give the House a single item. The matter of printing and engraving alone of the District of Columbia and of the board of public works since the 1st of June, 1871, has amounted to over $220,000, and the other expenses of the District have been on the same magnificent scale. The result of these operations has been to create enormous burdens, a statement of which is made on page 13 of the report, which I will ask the Clerk to read. I have it read now for the purpose of showing the burdens that have been imposed upon this District during the last three years.

The Clerk read as follows:

From the best information attainable, the committee find that the following is as nearly as can be stated the debt of the District which is in excess of the $10,000,000 limitation fixed by act of Congress:

Bills payable of the District of Columbia	$410,000 00
Certificates known as auditor's certificates, less amount of assessments authorized to be made	2,454,526 55
Contracts made for work and not completed, two-thirds of which must be paid by the District	883,332 00
Amounting in the aggregate to	3,747,858 55

This is an absolute debt against the District, after exhausting every available resource near or remote for its payment, unless a new tax for this purpose shall be levied. It is a debt due and payable at the present. But this is not the whole floating or unfunded liability resting upon the people of this District. The total of obligations for which the board of public works and the District are really liable, including such as is accurately ascertained and the remainder estimated, may be stated at $7,683,756.89, made up of the following items:

Certificates known as auditor's	$4,900,886 57
Contracts not yet completed, estimated	1,325,000 00
Damages to property, estimated	500,000 00
Property taken from streets	50,000 00
District of Columbia debt to February 1, 1874	497,870 32
Bills payable	410,000 00
Total	7,683,756 89

The total burden upon the people of the District outside of the present funded debt is, however, much larger. To ascertain that burden approximately there should be added to the foregoing:

Certificates of indebtedness outstanding	$1,450,000
Sewer certificates outstanding	1,030,000
Present obligations of District not included in the above	850,000

or a total in addition of $3,330,000; which must be met by taxation in some form; or a total burden of $11,013,756.89 beyond that represented by the funded debt, which is $9,902,251.18; making a total burden upon the property of the District of $20,916,008.07. This does not include the sums required to carry on the ordinary functions of government after July 1, 1874.

Mr. WILSON, of Indiana. Now, Mr. Speaker, the committee do not, as a matter of course, pretend to know that these results are entirely accurate nor can they tell whether or not all of this indebtedness is indebtedness that has been created in absolute good faith, and the reasons why that cannot be known are set forth or indicated on page 11 of the report. I will ask the Clerk to read the passage I have marked.

The Clerk read as follows:

Pursuant to this authority, for no other seems to have been relied upon, the vice-president ultimately came to be, practically, the board of public works, and exercised the powers of the board almost as absolutely as though no one else had been associated with him.

During a considerable portion of the succeeding time, notwithstanding the most extensive operations were being carried on, and expenditures were being made by the million, there were no stated times for board meetings, and but comparatively few board meetings were in fact held, but entries were made in the record purporting to contain the proceedings of the board, which were, in fact, made up by the secretary from letters and papers that came to the office, and from directions made by the vice-president. Some of these were entries made of business transacted by the vice-president at his private office, and afterward placed on the records as having been business transacted by the board.

These minutes were rarely, if ever, read and approved. As an illustration of the manner in which this business was transacted, reference is made to the testimony of Charles S. Johnson, assistant secretary, (pages 2319–2328, inclusive.)

THE TREASURER'S DEPARTMENT.

The treasurer was made the sole custodian of all the moneys received and securities issued and the sole disbursing officer of the same, without any check upon him whatsoever. He could draw his checks upon the public moneys in favor of whomsoever and for any amount he chose, and on any account he might think proper, without any other member of the board or officer thereof having any knowledge of

it whatever. He has kept no cash account, and the checks he has issued do not correspond with the several amounts reported by him to have been paid; so that there is, as he himself concedes, no means of ascertaining whether his accounts are correct, other than by examining his books and papers in detail, which would have required more time than the committee could devote to it, besides requiring the services of a skillful accountant. From the organization of this board, June, 1871, to this time, the board has not examined these accounts.

AUDITOR'S OFFICE.

The mode of doing business in this office was as follows: Upon the presentation to the auditor of an account or estimate purporting to be approved by the board of public works, the auditor issued a certificate of indebtedness, and filed the approval, account, or estimate as his voucher for the issuance of the certificate. But no record or register of such auditing by the board was kept by the board, and it would seem to have been common for a single member to direct accounts to be audited in the name of the board; consequently there are no books that serve as a check upon the auditor, and by the comparison of which with his own books it can be seen whether he has improperly issued certificates. The only way in which his books can be verified is by comparing them with the many thousand vouchers on file in his office.

Notwithstanding the powers of the auditor and of the treasurer, the board, during the three years it has been in existence, has done nothing in the way of verifying the accounts of these two officers. This is a negligence not to be excused in those in whom such important trusts were confided.

Whether moneys have been paid out on false accounts, or diverted to improper purposes, can only be determined from a careful scrutiny of the accounts in detail. In the bill reported by the committee provision is made for having the books and accounts of these officers examined.

Mr. WILSON, of Indiana. I have called the attention of the House to these matters for the purpose of showing the necessity for making a change in the affairs of the government of the District of Columbia. The evidence shows, I think, beyond all question that this indebtedness is now more than $3,700,000 in excess of the $10,000,000 after exhausting every available resource. The District is in a sense utterly bankrupt. I regret to say it, but they have no means wherewith to carry on the government any longer. Their treasury is utterly exhausted. They have no money with which to meet current expenses much less to pay their debts. The employés of the District government have been unpaid now many of them for twelve months past, and since last November many of those who have been in the service of the District have been without any pay whatever. I need not take further time on this subject. It is proposed to change this government, and the committee therefore have recommended the first section of the bill, which it is not necessary that I should read as members have it before them and it has already been read at the Clerk's desk. And for the purpose of carrying on the government here *ad interim* it is proposed that there shall be three commissioners appointed by the President and confirmed by the Senate, and that they shall take charge of the affairs of the District and perform the duties now vested in the governor and the board of public works, except as limited in this section. There are limitations, it will be seen, placed on these commissioners such as will, in the opinion of the committee, protect the people of the District from any further incurring of debts.

Mr. NIBLACK. Will my colleague allow me to ask him a question?

Mr. WILSON, of Indiana. Certainly.

Mr. NIBLACK. I understand from his statement that there have been many gross violations of law, as well as derelictions of duty, in regard to what has been done in this District during the last three years. The question I desire to ask is whether the committee have recommended or intend recommending any censure or punishment of those officers who have thus violated the law and bankrupted the District?

Mr. WILSON, of Indiana. I presume that that is not within the province of the committee. It is not the business of the committee to recommend the censure or punishment of any person who has been connected with the affairs of the District government.

The second section of the bill provides for a temporary government. The bill then, in the third section, provides for the appointment of an engineer to take charge of the improvements in the city, so far as it may be necessary that they should be carried on, during the time when there is merely a government *ad interim*. The fourth section of the bill is the taxing provision; I pass that over, as the gentleman from New York [Mr. BASS] will give it attention presently. The fifth section has reference to the creation of a permanent form of government. Now, I desire to say to the House that after the committee had closed the taking of testimony, we began to consider the question as to what kind of government we could devise, and after considering that matter with a good deal of care, we came to the conclusion that it would be utterly impossible, in the brief time that we had to devote to the subject before the close of the session, to devise such a framework of a government as ought to exist in the capital of the nation. There were many things that would have to be provided for; such, for instance, as a police for the District, a fire department, schools, and all the other minutiæ of the machinery necessary to a complete municipal government.

And inasmuch as it was perfectly apparent to the committee that there ought to be a cleaning up of these matters here, it was deemed best to make such provision if possible as would enable the Congress of the United States to furnish this District with a model municipal government. The whole thing is to be gone over; the committee had not the time to do it. Therefore we came to the conclusion that the best thing to be done was the appointment of a joint committee of the two Houses. The reason for that was that when the joint committee, after having fully considered this whole subject, had prepared what they deemed a suitable frame-work of government, with the necessary laws for its execution, they could present that bill for the consideration of Congress. In addition to that, it was the desire of the committee that the government which was to be framed should not be regarded in any sense as political of partisan, that it should not be the creation of any party, so far as that could be avoided; therefore the committee provides in this section that this joint committee for the purpose of preparing a frame-work of government for this District shall consist of two members of the House and two members of the Senate.

There is another provision in this section to which I desire in this connection to call the attention of the House. It is provided that this joint committee "shall also prepare and submit to Congress a statement of the proper proportion of the expenses of said government, or any branch thereof, including interest on its funded debt, which should be borne by said District and the United States, respectively, together with the reasons upon which their conclusions may be based." There is a subsequent provision to which several gentlemen have called my attention. There is a very strong reason in my mind why this should be done.

I have no doubt the chairman of the Committee on Appropriations will bear me out in saying that it is almost impossible to avoid making improper appropriations for this District, where the accounts are brought in from session to session for the purpose of getting appropriations from Congress for the support of the District. In January, 1873, an account was presented to the Committee on Appropriations for over $1,240,000. Your committee have had that account under consideration, and the evidence shows that to say the very least of it, to speak in the mildest possible way, the account was very inaccurately prepared. Then, again, on the 3d of March, 1873, by reason of claims that had been made by this District government, appropriations were made aggregating upwards of $2,400,000 for the purpose of supporting this District. Now I can say, without using any harsh words, that the testimony in this case has shown that the accounts were exceedingly loose and inaccurate. And at the beginning of this Congress another bill was presented in the report of the board of public works for 1873 which I ask the Clerk to read.

The Clerk read as follows:

The indebtedness of the General Government to the District of Columbia on account of improvements, as shown in the statement hereto appended, is as follows:

For work in and around Government reservations and public buildings..	$573,171 75
For work on avenues	1,056,574 36
For main sewerage	2,540,681 83
	4,170,427 94

Mr. WILSON, of Indiana. Now, without indulging in any criticisms with regard to the appropriations which have heretofore been made, further than what I have already said, we find here that with a view of getting an appropriation from this Congress accounts are presented aggregating over $4,370,000 for the avowed purpose of getting an appropriation from the Congress of the United States. By this it was expected to lift the burden of debt from the people of this District. It is claimed that the Government owes that amount of money. Now, as I said a while ago, $570,000 of that amount is for work done in violation of the act of Congress. Then there is another account, a tabulated statement of which will be found in the report, of $1,056,000. The testimony in this case shows that the account is wholly erroneous. Whether there is anything due, except it may be $250,000, is wholly problematic. Nobody can tell after looking at the testimony whether or not there is anything due.

The third item of this amount is for sewerage, $2,740,681.83. That is made up in this way; I wish to call the attention of the House to it, for the purpose of showing how these claims are made up and presented to Congress. There has been a sewerage act passed by this District; the main sewerage when completed will cost $2,435,855.23. This claim which is presented here is $304,000 more than the whole main sewerage of this city will cost when it is completed. By the sewerage law the city is divided into sewer districts, and a certain grade of assessments have been made per square foot of the property in the various sewerage districts. Then the board say that the Government has so many square feet of reservations in the District, that there are so many square feet of ground in the avenues and streets in the cities, and the Government being the owner in fee-simple of all the streets and avenues, if you aggregate the reservations and streets and avenues and tax them just as other property is taxed for sewer purposes, you will have $2,740,681.83; therefore they say the Government of the United States owes this District that amount of money on account of main sewers. That is the way that account is made up.

I state these things for the purpose of showing that for the protection of Congress against improper charges on account of this District, there is an absolute necessity for fixing some *pro rata* amount, some fixed proportional share which shall be paid by Congress for the support of this District; and hence we have embodied that recommendation in a section of this bill.

The sixth section is a provision for an auditing board for the purpose of ascertaining the actual state of the indebtedness of the District. This becomes necessary for several reasons.

Mr. GARFIELD. Does the bill provide that the commissioners who are to be appointed shall fix the ratio of expense to be borne by the United States Government?

Mr. WILSON, of Indiana. Not at all.

Mr. GARFIELD. There is certainly a most imperative necessity that we should know at an early period exactly what part of the expenses of the District the Government of the United States ought to bear.

Mr. WILSON, of Indiana. I am glad the gentleman has asked me that question. This bill does not leave that matter to these commissioners or to the board who are to devise the new frame-work of government. It simply provides that they shall prepare and submit to Congress their views upon that subject, giving their reasons; and then it will be for Congress ultimately to say what shall be the proportion to be paid by the United States. We have guarded the bill in that respect; and I thank my friend for calling my attention to it.

Mr. LAWRENCE. Then the proportion of expense to be borne by Congress is not determined by the bill?

Mr. WILSON, of Indiana. No, sir; that is for Congress to determine hereafter.

Mr. LAWRENCE. Is there anything in the bill which commits Congress to the indorsement or the payment of the District debt?

Mr. WILSON, of Indiana. No, sir; I will call attention to that point in a few moments. I think I can show that the committee has been careful about that.

The sixth section provides for an auditing board; and the purpose of that is to get a complete understanding and accurate information in regard to the indebtedness of this District. It makes provision that the First and Second Comptrollers of the Treasury shall be an auditing board, with power to employ the necessary assistants. Among other duties to be performed by this auditing board is the examination of the accounts of the auditor and treasurer of this board of public works. I have already had read from the desk that portion of the report relating to these two officers. Nobody can tell anything about their accounts. They may be all right; I do not say that they are not; but I do say that no living man can tell anything about them except by going through them in detail. Why, sir, the treasurer of this board of public works could any day draw his own check upon the funds of the board without anybody to molest him or make him afraid. And while these sewer certificates were worth not more than 40 cents on the dollar, if there was any money in the treasury he could, if he had seen fit to do so, have purchased those certificates at this rate of discount with the funds of the District. There was nothing in the system under which business was done which would have prevented him from doing that very thing.

Mr. CHIPMAN. In order that the House may not be impressed with the idea that the board of public works is responsible for what the gentleman is now stating, I wish to call his attention to section 37 of the organic act, by which Congress placed in the hands of the board of public works entire control over the funds appropriated for the city by the District of Columbia or by the United States. It was provided that "upon their warrant all money appropriated by the United States or the District of Columbia or collected from property-holders," &c., should be disbursed.

Mr. WILSON, of Indiana. Ah! Mr. Speaker, I wish I had time to go into this question; I would answer the gentleman to his entire satisfaction. If he will go back and trace in the Globe the history of that provision he will find that Congress never intended that this board should have any such power; he will find that my colleague on the other side procured a change in the language of the law to the end that that thing should not be done. And I say here that this is one of the usurpations and unlawful acts of this board. I did not intend to say anything about it.

Mr. CHIPMAN. I did not suppose the gentleman intended to make any false impression.

Mr. WILSON, of Indiana. I do not.

Mr. CHIPMAN. I only desired the House should know what the law is.

Mr. WILSON, of Indiana. I say the law never intended any such thing.

Mr. CHIPMAN. I do not think it ought to have so intended; but it has been so construed.

Mr. WILSON, of Indiana. I did not intend to say one word about that point, because there has been a controversy in regard to the construction of that provision. But if any one will look through the Globe and trace the history of that measure he will find that it was not the intention that such power should be conferred upon this board. But suppose Congress had conferred such power, what was the duty of the board? It was to take the necessary precautions in regard to the disbursement of these millions of public money passing through the hands of this officer. Why, sir, there went through his hands within three or four or five months of last year over $3,500,000 that was appropriated by Congress; and there was no check upon him whatever in regard to the expenditure.

Because of what the committee have discovered in their investigation in this case, because the treasurer of the board of public works has admitted before the committee that there was no check upon him whatever, the committee has felt it to be its duty to provide a means whereby the accounts of the treasurer and auditor (those of the former footing up more than $15,000,000, and those of the latter more than $18,000,000) shall be thoroughly investigated.

Not only that, but I will say to the House further, you may take his reports and go through them from end to end, as my friend from New York [Mr. BASS] sitting on my right and myself have done, and you will find, in the first place, that he kept no cash account, and if you take the stubs of his checks you will find they hardly ever correspond with the amounts he has credited to himself in his reports. They scarcely ever correspond. So that there is no possible mode of knowing anything about it.

Mr. COBURN. What is the amount of variation?

Mr. WILSON, of Indiana. You cannot tell a thing about it. I do not say they are wrong, but I say finding this condition of accounts the committee have put in the sixth section a provision whereby the accounts of these two officers shall be carefully and thoroughly overhauled.

As I have already said, I do not say there is anything wrong, because I do not know, and there is no means by which I can ascertain. We have provided in this bill that this board of audit shall employ two skillful accountants, non-residents of this District. If there is any possible way by which the country can know the true state of this case we propose by this bill to make it out. Mr. Speaker, here is a great variety of debts. Here is a class of debts called sewer-certificates.

But let me ask the Chair how much time I have left?

The SPEAKER. The gentleman has about seventeen minutes of his hour remaining.

Mr. WILSON, of Indiana. My time is so near out I will have to abbreviate.

The bill provides also, as you will see for funding all the floating debt—getting it in shape. Then it is provided in another section of the bill that the sinking-fund commissioners shall, when this debt has been audited in the manner indicated by the bill, cause to be issued a bond bearing 3.65 per cent. interest, payable in fifty years, and that these various forms of indebtedness may be funded in that bond.

Now the reason of fixing that amount of interest is simply this. The committee ascertain from the testimony that in making some of these contracts, and especially some of these larger contracts, sewer contracts—in fixing the amount which should be paid for the construction of some of these works, an allowance had been made of 15 per cent. for the depreciated paper in which the payments had been made. Taking that into consideration, the committee came to the conclusion, making the best calculation they could, a bond bearing 3.65 per cent. running for fifty years would come as near getting at what is right in this as is possible. It is provided in the bill that these bonds shall not be taxable for State, county, or municipal purposes.

In reference to the question as to whether or not the Congress of the United States is pledged to the payment of these bonds, I will call the attention of the House to that provision of the bill. Here it is:

And the faith of the United States is hereby pledged that the United States will, by proper proportional appropriations as contemplated in this act—

You will remember what I said about ascertaining the proportion the United States should pay—

And the faith of the United States is hereby pledged that the United States will, by proper proportional appropriations as contemplated in this act, and by causing to be levied upon the property within said District such taxes as will provide the revenues necessary to pay the interest on said bonds as the same may become due and payable, and create a sinking fund for the payment of the principal thereof at maturity.

That is the only pledge given in this bill.

Mr. TOWNSEND. Let me ask the gentleman from Indiana a question. What does the word "will" in line 16 refer to? There is no connection I can see. Will do what?

Mr. WILSON, of Indiana. "Will by proper proportional appropriations."

Mr. TOWNSEND. What will it do?

Mr. WILSON, of Indiana. They have two "wills." It is inaccurately printed in there. "As will provide the revenues necessary for the payment of the interest and principal thereof at maturity." There may be a verbal omission.

Mr. TOWNSEND. After the word "district," in line 19, some word should come in.

Mr. WILSON, of Indiana. There is an omission of a word.

Mr. TOWNSEND. What is the word?

Mr. FORT. Let me ask a question.

Mr. TOWNSEND. I suppose the word is "levy"—will levy.

Mr. WILSON, of Indiana. It should be "as will do so." There is an omission of the two words "do so." The pledge given is simply this: that the Government of the United States having ascertained through an act of Congress hereafter to be passed what will be the proper proportion, then the Congress of the United States pledges itself to pay that proportion, whatever it may be, and by causing taxes to be levied on the property of the District will provide the necessary means to pay the interest and principal at maturity. In that connection let me call the attention of the House to one other fact.

Mr. FORT. Let me ask the gentleman a question. On page 2, line 14, there is a provision in reference to the payment of debts due the laborers and employés of the District and board of public works. Let me ask whether it would not be proper to make provision for the payment of these laborers?

Mr. WILSON, of Indiana. That is all provided for.

The point to which I was going to call the attention of the House before I yield the floor is this: I have been asked the question why

it is that taxes are imposed simply on real estate. Gentlemen will see by looking at the bill that it does not provide that this principle of taxing only real estate in the District shall be continued. It says "that Congress will cause taxes to be levied on the property of the District," not confining it to real estate; and this method of levying taxes on real property is only a temporary expedient for a special reason, which my friend from New York [Mr. BASS] will now explain to the House. I yield the balance of my time to that gentleman, who will withdraw the motion to recommit, and submit a motion for the previous question.

Mr. BASS. At this late stage of the session it was deemed best by the committee that only such general remarks should be made in reference to this bill as would bring fully to the notice of the members of the House the provisions incorporated in it, and the particular evils proposed by it to be remedied. Those have been substantially explained by the chairman of the committee. And he stated at the outset of his remarks that he desired that such questions as might be put by the members of the House with reference to the taxation levied or proposed to be levied by the bill should be answered by myself. If the House will be patient I will endeavor in the briefest possible way to explain as well as I can why the committee recommend in the first place that a tax of 3 per cent. be levied upon the property of the city of Washington, a tax of 2½ per cent. on property in the city of Georgetown, and 2 per cent. on property in the county outside of Georgetown and Washington, for the purpose of maintaining the credit of the District during the ensuing fiscal year, and why it was in connection with that that the committee did not feel it was desirable to recommend in this bill that a tax should be levied upon personal property. The committee recommend the levying of a tax at the rate of 3 per cent. for this reason: Last year the Legislature of this District levied a tax of 2 per cent. on the property in the District, and 1.58 per cent. on the property outside the city in the county. The result of this was that the District Legislature did not provide adequate revenue to pay the current expenses of the year and meet their appropriations, and, as is shown in the report of the committee, there will be a deficiency on the 1st day of July of this year, estimated in round numbers at not less than $1,000,000. Some of that may be chargeable to the fact that the residents of the District have not paid their taxes which were levied in July, 1873, or rather which became collectible July 1, 1873. That general tax became by the terms of the law which passed the Legislative Assembly of this District collectible on that day. Certain abatements were allowed provided taxes were paid in anticipation of the 1st day of July of this year. But under the provisions of that law the taxes having been levied for the purpose of paying the current expenses of the fiscal year from July 1, 1873, to July 1, 1874, which included the compensation and wages of school-teachers, the payment of all the officers of the District government, the payment of the salaries of the members of the fire department, the payment of the salaries of the members of the police department, the payment of every employé of the government, from the lowest chimney-sweep to the heads of the District departments, we find that the taxes have been collected so slowly that there is now of the taxes then levied more than $1,000,000 uncollected, though due and collectible, and by reason of that, or to a certain extent by reason of that, this large deficiency is accruing against the District government.

By the estimate of expenditures for the ensuing fiscal year, which has been prepared by the governor of the District to be sent in to the District Legislature, it appears that for the ensuing year, commencing on the 1st of July, 1874, and terminating on the 1st of July, 1875, the current expenses of this District, without some legislation to prevent, will be equal to the annual expenditure for the administration of each one of at least twenty of the States of this Union. In this little Territory, having within its limits only about the amount of territory which is included within an ordinary township in our States, it will cost to pay its current expenses, by this estimate, more than $2,600,000 for the ensuing fiscal year, including the amount necessary to pay the interest on the funded debt. It therefore becomes necessay to raise this money, or else Congress will imitate the example set by the District Legislature and by levying an inadequate tax let the District still run into bankruptcy. Therefore your committee have recommended to Congress that, facing this question boldly, they should levy on the District a tax necessary to enable it to pay its school-teachers and its firemen and its employés in every department, and thus relieve them from distress and the District from a breach of faith. For this purpose they have found it necessary to levy this tax of 3, 2½, and 2 per cent., and it will produce the amounts to which I will now call the attention of the House. Gentlemen will find, if they look on page 24 of the report, the table containing the estimates of the necessary expenses of the District government for the ensuing year.

Gentlemen will find also upon page 28 of the report the amount which 1 per cent. upon the property of the District will raise and which 2 per cent. will raise. The House will therefore see that a levy of 3 per cent. on the property of the city, 2½ per cent upon the property of Georgetown, and 2 per cent. upon the property of the county will produce in round numbers, if the taxes are all paid, the sum of $2,800,000. This tax the bill makes due and collectable on the 1st day of next November.

It is probably evident to the House why the rate is made to vary in the different localities. The chief expenditures and expenses are incurred in this city and the chiefest burden must fall here, and the rate recommended is believed to be fair and equitable in consideration of all the circumstances.

There has been some criticism as to some of these provisions of the bill, because, as it is stated, we are levying a double tax this year upon the property of the District. Will you pardon me if I state to you in brief terms what the facts are in that connection and show you that this allegation is unfounded? The last tax levied upon the people of the District of Columbia was levied by an act which passed the District Legislature June 26, 1873, which made the tax collectible on the 1st day of July, 1873, for the purpose of paying the current expenses of the then ensuing fiscal year. No tax has been levied since that time, and these gentlemen who complain that a double tax is levied this year must be the same persons who are in arrears and who did not pay their taxes last year when by the terms of the law they were collectable. The tax now levied ought to be made due on the 1st day of July of this year, but the committee recommend that the time be extended until the 1st of November, because of the fact that during this investigation when the various rumors were abroad in this District, inducing the people to believe that they would have to pay no more taxes and that Congress would assume and pay the expenses of the District, many persons declined to pay their taxes, and therefore this large sum is in arrears. But this tax levy is simply such a one as the committee believe will help to redeem the credit of the District and enable the employés of the government to be paid the sums justly due them.

Perhaps I should state that in addition to the current expenses included in the estimate of the governor, which will be found on page 24 of the report, the District government during the ensuing year will be compelled to pay other sums. There is no estimate stated there for the necessary amount required to keep these streets and avenues in repair, which will cost, as we all know, quite a large sum of money. Nor is there included in this estimate the amount necessary to complete the outstanding contracts which are legal and valid as against the District of Columbia. There is no estimate of the amount necessary during the ensuing year to pay the interest on the floating debt, which is to be funded in the three sixty-five bonds to which reference has been made. These aggregate expenditures at the lowest estimate will amount to $500,000; and my colleague on the committee from Michigan [Mr. HUBBELL] suggests that there must also be suitable provision for cleaning the streets and alleys, which in this city will amount to probably $100,000 per year; so that this tax has been put at the lowest estimate. The committee are desirous to reduce it if possible, and save the public credit of the District.

Mr. Speaker, I desire before speaking on the question of levying a tax upon personal property in this District to ask that the amendment of the gentleman from Missouri, [Mr. PARKER,] who has made a suggestion on that subject, be read, for the purpose of indicating to the House that it is impracticable to incorporate any such provision in this bill.

Mr. G. F. HOAR. I desire to ask the gentleman whether there is any objection to directing the committee which is to examine into the affairs of this District and report to the next Congress to include in their report a proper system of taxation for the District?

Mr. BASS. That is included in the general provision. The House will bear in mind that of the gentlemen who are to compose this committee half of them, or one branch of the committee, are to be gentlemen of this House and the two other members are to be appointed by the Presiding Officer of the Senate and are to be members of the Senate. The committee did not feel that it was within their province to lay down rules which should govern their colleagues in preparing a frame of government for the District of Columbia. It was deemed best and wisest under all the circumstances to give those gentlemen the opportunity to frame, as my friend from Indiana has said, a model form of government for this District, giving them the widest latitude and the widest discretion as to their recommendations.

I am now willing to hear the amendment of the gentleman from Missouri read, and then I will ask an opportunity to answer his proposition briefly.

The Clerk read the amendment proposed by Mr. PARKER, of Missouri, as follows:

After the word "estate," in section 4, line 4, insert the words "and all personal property."

The SPEAKER. Does the Chair understand the gentleman from New York to admit that amendment?

Mr. BASS. No, sir; I simply let it be read in order that I may make some suggestions why the committee did not deem it best to incorporate such a provision in this bill. I desired to have it read for that purpose and no other.

Mr. PARKER, of Missouri. I desire to state that the gentleman from New Hampshire [Mr. SMALL] has prepared an amendment which is perhaps more perfect than mine, and I would like to have it read.

Mr. FORT. I have also prepared an amendment, and I would be glad if the gentleman would allow it to be read.

Mr. BASS. I will hear it read.

The Clerk read the amendment, which was to add to section 4 the following:

Provided, Personal property to the amount of $100, consisting of necessary household and kitchen furniture, owned and used by any family, shall be exempt from taxation and no more.

Mr. SMALL. I desire to have an amendment read.

Mr. BASS. I will hear it read.

The Clerk read the amendment, as follows:

Amend section 4 by striking out all after the word "District" in the fifth line, down to and including the word "purposes" in the seventh line, and insert "and all the personal property of the inhabitants of said District not exempted by law from taxation;" and insert after the word "real" in the eighth, tenth, and twelfth lines the words "and personal."

And insert after section 4 the following additional section:

SEC. —. All real estate in said District, and all personal property of the inhabitants of said District, not expressly exempted by law, shall be subject to taxation. Personal estate, for the purpose of taxation, shall include goods, chattels, and effects wherever they are; ships and vessels, money at interest, and other debts due to the persons to be taxed, more than they are indebted or pay interest for, and stocks and securities.

The following-named property shall be exempted from taxation, to wit: property of the United States and of the District of Columbia; property used for charitable and educational purposes; household furniture of every person, not exceeding in value $1,000; the wearing apparel of every person, and farming utensils and mechanic's tools, necessary for carrying on his business.

Mr. G. F. HOAR. I suggest an amendment to the fifth section of the bill to insert after the words "the reasons upon which their conclusions may be based" the words "and they shall further prepare and submit a just scheme for the taxation of personal property with suitable exceptions."

Mr. BASS. I cannot admit or consent to any amendments for reasons which I stated a moment ago. It seems to me those reasons will commend themselves to the good judgment of members of this House. It does not seem to be exactly proper that a committee of this House, appointed to investigate the affairs of this District, should recommend to this House what some other committee to be appointed by the House, of men who are equal to, and I hope of better capacity than ourselves, shall do in regard to preparing a frame of government for this District. That committee will have the Constitution before them which gives to Congress the exclusive power of legislation over this District. Your committee therefore have not seen that it was right that they should say to this House that any other committee appointed by this honorable body should be constrained or restricted by provisions which were not thrown around ourselves. We think they should be given the widest range for the performance of their duties. The gentlemen who will be selected will prepare a frame-work of government which at least will commend itself to them, and when it comes before Congress for action, if they shall think proper, it can be amended.

Mr. G. F. HOAR. I desire to call the attention of the gentleman to the fact that this bill requires that the joint committee to be appointed shall prepare a frame-work of government. What I want is that that committee shall include in their frame-work of government a just scheme of taxation of personal property. It is a thing which cannot be prepared in a moment. That committee can prepare it as a part of their scheme and Congress may adopt it or not.

Mr. BASS. That is a part of the work, and the committee can do as they think proper about it.

Mr. GARFIELD. I think the section contained in the bill is perfectly right. It requires the gentlemen of the committee to bring in a draught for a frame of government, and that draught must include provisions for taxation. They ought to have the whole range to determine whether personalty or realty, church property or charitable property, or property of any other kind, shall be taxed or shall be exempt from taxation. We should not give them any instructions other than to bring in a general law.

Mr. PARKER, of Missouri. Does the gentleman from Ohio [Mr. GARFIELD] believe that under this temporary arrangement we should not tax personal property?

Mr. BECK. I desire to have an amendment read. The gentleman has allowed other amendments to be read.

Mr. BASS. Only for the purpose of bringing before this House the precise proposition as to which inquiries have been made.

Mr. BECK. I made an inquiry. I ask if the gentleman refuses to allow my amendment to be read?

Mr. BASS. It already appears that no two propositions which have been read, offered by distinguished gentlemen upon this floor, are at all in accord with reference to the method that shall be pursued. There are two hundred and eighty-eight other gentlemen on this floor, and they undoubtedly would all disagree upon that subject.

Mr. BECK. I desire to inquire how much time the gentleman has left?

The SPEAKER. It is about expiring.

Mr. BECK. I hope it will expire before long.

Mr. BASS. I desire to make two or three other suggestions. In the first place your committee during this interregnum do not propose to revolutionize all the laws of this District and to impose a tax on personal property. They do not propose that for the reason that there has been a District Legislature here for the last three years, representing as it was supposed the views of the people of the District, to some extent at least, and that Legislature each session has adopted and ratified this system of taxation. Their statutes, which are contained in a volume of some size, provide for this system of taxation upon real estate only. Your committee have recommended a modification of the District laws, only in so far as it was absolutely necessary to carry out the plan proposed by the committee in making these necessary changes. So far therefore as they could avoid any other modifications of the District laws they have permitted them to remain in force because they were the best expositions of what the people themselves here wanted.

Another difficulty arose with reference to the persons who should pay a personal tax in this District. This subject having been fully and at length discussed by the committee, they agreed, in general with the feeling which seems to be expressed here, that if it could be done it would be best that such a tax should be levied; and they have supposed that the new joint committee will recommend such a modification of existing laws. That, however, is within their discretion. Only a small percentage of the people in this District are what may be termed permanent residents here. There are many people residing here who vote in other localities, and therefore pay a tax upon personal property elsewhere. To provide machinery to ascertain just which of the people residing here should pay a personal tax was not within the power of the committee in the short time they had to devote to the preparation of this bill. There has been and is no assessment of personal property within this District under the present form of government.

The committee desired that this tax should commence to be paid on the 1st of July; it is necessary the payment should begin then. If you undertake to perfect a scheme for assessing personal property, it will take two or three months for the assessment, for the hearing of appeals before a board which must be constituted for that purpose, and for the issuing of warrants for enforcing the collection of the tax. Such a scheme, if we undertake to devise it, would cover half as many pages at least as the bill which has been reported by our committee.

Mr. MERRIAM. I have a scheme here on one sheet of paper.

Mr. BASS. For the reasons I have stated, and for others which I will not stop to detail, the committee have decided that in their judgment it would not be proper or practicable within the five months between the close of the present session of Congress and the commencement of the next session to revolutionize the laws of this District for the purpose of levying a personal tax. As a matter of necessity this whole subject will come back to Congress for final disposition at the next session.

Mr. WILSON, of Indiana. I withdraw the motion to recommit and move the previous question upon the bill.

Mr. BECK. I hope the House will vote down the previous question.

The SPEAKER. It is a matter which a majority of the House must settle.

Tellers were ordered; and Mr. WILSON, of Indiana, and Mr. BECK were appointed.

Mr. COTTON. We ought to be allowed some opportunity to discuss this bill and suggest amendments.

The House divided; and the tellers reported—ayes 94, noes 70.

So the previous question was seconded.

The question then recurred on ordering the main question.

Mr. BECK. On that question I demand the yeas and nays.

Mr. CHIPMAN. As I understand, if the main question is ordered it closes all discussion on this bill.

Mr. BECK. And shuts out all amendments. It gags the House.

The yeas and nays were ordered; there being ayes 30, noes not counted.

Mr. HOLMAN. I wish to make a parliamentary inquiry. If the main question be not ordered, will not the bill be still open for amendment?

The SPEAKER. If the gentleman from Indiana [Mr. HOLMAN] is in doubt on that question, he should refer to Barclay's Digest.

Mr. HOLMAN. The Chair generally answers such questions more respectfully.

The SPEAKER. The Chair does not regard this as properly a parliamentary inquiry.

Mr. HOLMAN. Not a parliamentary inquiry!

The SPEAKER. The Chair has no hesitation in saying that it is not.

Mr. HOLMAN. Certainly it seems to me a proper parliamentary inquiry, and such a one as has usually been respectfully answered by the Chair heretofore.

The SPEAKER. The Clerk will call the roll.

The question was taken; and there were—yeas 134, nays 111, not voting 44; as follows:

YEAS—Messrs. Albert, Averill, Banning, Barrere, Barry, Bass, Begole, Bell, Bowen, Bromberg, Buckner, Bundy, Benjamin F. Butler, Cain, Cason, Amos Clark, jr., Freeman Clarke, Clymer, Coburn, Comingo, Conger, Cox, Crittenden, Crooke, Crounse, Crutchfield, Darrall, Davis, Dawes, Donnan, Duell, Field, Foster, Frye, Garfield, Gooch, Gunckel, Eugene Hale, Hamilton, Hancock, Benjamin W. Harris, Henry R. Harris, Harrison, Hatcher, Hathorn, Joseph R. Hawley, Hays, Hendee, Herndon, Hodges, Hooper, Hoskins, Houghton, Howe, Hubbell, Jewett, Killinger, Knapp, Lamison, Lansing, Loughridge, Marshall, Alexander S. McDill, James W. McDill, MacDougall, Monroe Moore, Morey, Morrison, Neal, Negley, Nesmith, Niles, O'Brien, Orr, Packard, Packer, Page, Hosea W. Parker, Parsons, Pelham, Pendleton, Phelps, Phillips, Pierce, Pike, Thomas C. Platt, Poland, Potter, Purman, Rainey, Rapier, Ellis H. Roberts, James C. Robinson, Ross, Rusk, Sawyer, Henry B. Sayler, Milton Sayler, John G. Schumaker, Henry J. Scudder, Isaac W. Scudder, Sessions, Shanks, Sheats, Sheldon, Small, Smart, A. Herr Smith, George L. Smith, J. Ambler Smith, Snyder, Southard, St. John, Stone, Storm, Strait, Swann, Sypher, Taylor, Townsend, Tyner, Waldron, Walls, Wells, Wheeler, Whitehead, Whitehouse, Wilber, Charles W. Willard, Charles G. Williams, John M. S. Williams, Jeremiah M. Wilson, Wood, and Woodford—134.

NAYS—Messrs. Albright, Archer, Arthur, Ashe, Atkins, Barber, Beck, Berry, Biery, Bland, Blount, Bradley, Bright, Brown, Buffinton, Burchard, Burleigh, Burrows, Caldwell, Cannon, Cessna, John B. Clark, jr., Clements, Stephen A. Cobb, Cook, Corwin, Cotton, Creamer, Crocker, Crossland, Danford, Dobbins, Durnell,

Eames, Eldredge, Fort, Giddings, Glover, Hagans, Harmer, Havens, John B. Hawley, Gerry W. Hazelton, John W. Hazelton, E. Rockwood Hoar, George F. Hoar, Holman, Hunton, Hurlbut, Hyde, Hynes, Kasson, Kelley, Kellogg, Kendall, Lamar, Lawrence, Lawson, Leach, Lofland, Lowe, Lowndes, Lynch, Magee, Martin, McCrary, McJunkin, McKee, McLean, Merriam, Milliken, Mills, Myers, Niblack, O'Neill, Orth, Isaac C. Parker, Perry, Ransier, Ray, Read, Rice, Robbins, James W. Robinson, Sener, Sherwood, Sloan, Sloss, H. Boardman Smith, John Q. Smith, Speer, Sprague, Standiford, Stowell, Strawbridge, Christopher Y. Thomas, Thornburgh, Vance, Wallace, Jasper D. Ward, Marcus L. Ward, Whiteley, Whitthorne, George Willard, William Williams, William B. Williams, Willie, James Wilson, Wolfe, Woodworth, and John D. Young—111.

NOT VOTING—Messrs. Adams, Barnum, Roderick R. Butler, Clayton, Clinton L. Cobb, Curtis, DeWitt, Durham, Eden, Elliott, Farwell, Freeman, Gunter, Robert S. Hale, John T. Harris, Hereford, Hersey, Hunter, Lamport, Lewis, Luttrell, Maynard, McNulta, Mitchell, Nunn, James H. Platt, jr., Pratt, Randall, Richmond, William R. Roberts, Scofield, Lazarus D. Shoemaker, William A. Smith, Stanard, Starkweather, Stephens, Charles R. Thomas, Todd, Tremain, Waddell, White, Ephraim K. Wilson, and Pierce M. B. Young—44.

So the main question was ordered to be put.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. BECK demanded the yeas and nays on the passage of the bill.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 216, nays 22, not voting 51; as follows:

YEAS—Messrs. Adams, Albert, Albright, Archer, Arthur, Ashe, Atkins, Averill, Banning, Barrere, Barry, Bass, Beck, Begole, Bell, Berry, Biery, Bland, Bowen, Bright, Bromberg, Brown, Buckner, Buffinton, Bundy, Burleigh, Burrows, Roderick R. Butler, Cain, Caldwell, Cason, Amos Clark, jr., John B. Clark, jr., Clements, Clymer, Stephen A. Cobb, Coburn, Comingo, Conger, Cook, Corwin, Cox, Crittenden, Crooke, Crossland, Crounse, Crutchfield, Curtis, Danford, Darrall, Davis, Dawes, Dobbins, Donnan, Duell, Dunnell, Eames, Field, Fort, Foster, Garfield, Giddings, Glover, Gooch, Gunckel, Hagans, Eugene Hale, Hamilton, Harmer, Benjamin W Harris, Henry R. Harris, John T. Harris, Harrison, Hatcher, Hathorn, Havens, John B. Hawley, Joseph R. Hawley, Gerry W. Hazelton, John W. Hazelton, Hendee, Hereford, Herndon, E. Rockwood Hoar, George F. Hoar, Hodges, Holman, Hooper, Hoskins, Houghton, Howe, Hubbell, Hunton, Hyde, Hynes, Jewett, Kelley, Kendall, Killinger, Knapp, Lamar, Lamison, Lansing, Lawrence, Leach, Lewis, Lofland, Loughridge, Lowe, Lowndes, Lynch, Magee, McCrary, Alexander S. McDill, James W. McDill, MacDougall, McLean, Merriam, Milliken, Mills, Monroe, Moore, Morey, Morrison, Myers, Neal, Negley, Nesmith, Niblack, Niles, O'Brien, O'Neill, Orr, Packard, Packer, Page, Hosea W. Parker, Isaac C. Parker, Parsons, Pelham, Pendleton, Perry, Phelps, Phillips, Pierce, Pike, Thomas C. Platt, Poland, Potter, Rainey, Rapier, Read, Rice, Robbins, Ellis H. Roberts, James C. Robinson, James W. Robinson, Ross, Rusk, Sawyer, Henry B. Sayler, Milton Sayler, John G. Schumaker, Scofield, Henry J. Scudder, Isaac W. Scudder, Sener, Sessions, Shanks, Sheats, Sheldon, Sherwood, Sloan, Small, Smart, A. Herr Smith, George L. Smith, J. Ambler Smith, Snyder, Southard, Speer, Sprague, Standiford, St. John, Stone, Storm, Strait, Swann, Sypher, Charles R. Thomas, Thornburgh, Townsend, Tyner, Vance, Waldron, Wallace, Walls, Marcus L. Ward, Wells, Wheeler, Whitehead, Whitehouse, Whitthorne, Wilber, Charles W. Willard, George Willard, Charles G. Williams, John M. S. Williams, William B. Williams, Willie, Jeremiah M. Wilson, Wolfe, Wood, Woodford, Woodworth, and John D. Young—216.

NAYS—Messrs. Barber, Bradley, Burchard, Cannon, Cessna, Cotton, Creamer, Eldredge, Kasson, Kellogg, Lawson, Martin, McKee, Orth, Ransier, Ray, H. Boardman Smith, John Q. Smith, Strawbridge, Christopher Y. Thomas, William Williams, and James Wilson—22.

NOT VOTING—Messrs. Barnum, Blount, Benjamin F. Butler, Freeman Clarke, Clayton, Clinton L. Cobb, Crocker, DeWitt, Durham, Eden, Elliott, Farwell, Freeman, Frye, Gunter, Robert S. Hale, Hancock, Hays, Hersey, Hunter, Hurlbut, Lamport, Luttrell, Marshall, Maynard, McJunkin, McNulta, Mitchell, Nunn, James H. Platt, jr., Pratt, Purman, Randall, Richmond, William R. Roberts, Lazarus D. Shoemaker, Sloss, William A. Smith, Stanard, Starkweather, Stephens, Stowell, Taylor, Todd, Tremain, Waddell, Jasper D. Ward, White, Whiteley, Ephraim K. Wilson, and Pierce M. B. Young—51.

So the bill was passed.

Mr. WILSON, of Indiana, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LEAVE TO PRINT.

Mr. PERRY, by unanimous consent, was granted leave to print in the RECORD as part of the debates some remarks he had prepared on the alarm telegraph bill. (See Appendix.)

Mr. COTTON, by unanimous consent, was granted leave to print in the RECORD some remarks on the bill for the government of the District of Columbia. (See Appendix.)

PENSION APPROPRIATION BILL.

A message was received from the Senate, by Mr. SYMPSON, one of their clerks, notifying the House that that body had adopted the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 3421) making appropriations for the payment of invalid and other pensions of the United States for the year ending June 30, 1875.

INTERNATIONAL ARBITRATION.

Mr. ORTH, by unanimous consent, from the Committee on Foreign Affairs, reported the following preamble and resolution:

Whereas war is at all times destructive of the material interests of a people, demoralizing in its tendencies, and at variance with an enlightened public sentiment; and whereas, differences between nations should in the interests of humanity and fraternity be adjusted if possible by international arbitration: Therefore,

Resolved, That the people of the United States being devoted to the policy of peace with all mankind, enjoining its blessings and hoping for its permanence and its universal adoption, hereby through their representatives in Congress recommend such arbitration as a rational substitute for war, and they further recommend to the treaty-making power of the Government to provide if practicable that hereafter in treaties made between the United States and foreign powers war shall not be declared by either of the contracting parties against the other until efforts shall have been made to adjust all alleged cause of difference by impartial arbitration.

Mr. ORTH. I demand the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the preamble and resolution were adopted.

Mr. SHELDON moved to reconsider the vote by which the preamble and resolution were adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LEAVE TO PRINT.

Mr. SMITH, of New York, by unanimous consent, was granted leave to print some remarks on the resolution just adopted. (See Appendix.)

WAR CLAIMS.

Mr. LAWRENCE. I ask unanimous consent that to-night, after the Committee on Naval Affairs finish their business, the Committee on War Claims shall have leave to submit their reports. I do not propose to interfere with the business of the Committee on Naval Affairs.

Objection was made.

PENSION APPROPRIATION BILL.

Mr. O'NEILL. I rise to submit a privileged report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to House bill No. 3421, making appropriation for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1875, having met, after full and free conference, have agreed to recommend, and do recommend, to their respective Houses as follows:

That the House recede from their disagreement to the amendment of the Senate and agree to the same.

CHARLES O'NEILL,
ERASTUS WELLS,
J. M. RUSK.
Managers on the part of the House.

A. A. SARGENT,
D. D. PRATT,
JOHN P. STOCKTON,
Managers on the part of the Senate.

Mr. SPEER. How does that leave the bill in respect to pay for vouchers?

Mr. O'NEILL. It reduces the rate for vouchers from thirty to twenty-five cents.

Mr. SPEER. I supposed it was fifteen.

Mr. O'NEILL. No. I demand the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the report was adopted.

Mr. O'NEILL moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. GARFIELD. I wish to submit a report from the committee of conference on the disagreeing votes of the two Houses on the legislative, &c., appropriation bill.

Mr. MOREY. The session this evening is for reports from the Committee on Naval Affairs, and as it is now very late, I hope the gentleman will withhold his report until to-morrow.

Mr. GARFIELD. The report will be printed in the proceedings of the Senate in the RECORD to-morrow, and I will withhold it for the present, as members desire to see it in print before acting on it.

G. J. PILLOW.

Mr. WHITTHORNE entered a motion to reconsider the vote by which the claim of G. J. Pillow, reported adversely from the Committee on War Claims, was laid on the table.

JUDGE E. H. DURELL.

Mr. WILSON, of Indiana, from the Committee on the Judiciary, submitted a report concluding with the following resolutions:

Resolved, That Edward H. Durell, judge of the district court of the United States for the District of Louisiana, be impeached of high crimes and misdemeanors in office.

2. *Resolved*, That a committee of two be appointed to go to the Senate, and at the bar thereof in the name of the House of Representatives, and of all the people of the United States, to impeach Edward H. Durell, judge of the district court of the United States for the district of Louisiana, of high crimes and misdemeanors in office, and acquaint the Senate that the House of Representatives will in due time exhibit particular articles of impeachment and make good the same, and that the committee do demand that the Senate take order for the appearance of said Edward H. Durell to answer to said impeachment.

3. *Resolved*, That a committee of seven be appointed to prepare and report articles of impeachment against Edward H. Durell, judge of the district court of the United States for the district of Louisiana, with power to send for persons, papers, and records, and to take testimony under oath.

Mr. WILSON, of Indiana. I move that the report be printed and recommitted to the Committee on the Judiciary.

The motion was agreed to.

Mr. TREMAIN presented the views of a minority, as follows:

The undersigned, members of the Judiciary Committee, dissent from the conclusions of the majority of said committee, that E. H. Durell, judge of the district of Louisiana, should be impeached for high crimes and misdemeanors, and recommend that all proceedings against him be discontinued and dismissed.

LYMAN TREMAIN.
WILLIAM P. FRYE.
JOHN CESSNA.
J. D. WARD.

Mr. POLAND also presented the following minority report:

The undersigned, member of the Judiciary Committee, for himself desires to say—

First. In relation to the *midnight order*, although he believes the judge had no proper legal jurisdiction to make it, still he is not able to find that the judge acted corruptly, or with any belief that he was going beyond his jurisdiction in making it. The law under which he acted was new, and no rules or precedents had been established under it. The whole people were excited, the times were violent and turbulent, and judicial calmness or correctness could hardly be expected.

Secondly. The evidence seems to establish that some of the officers of Judge Durell's court were guilty of very corrupt practices and that he was not watchful to scrutinize their conduct; but there is no claim that he ever shared in any of the proceeds of their gains, and no direct evidence that he knowingly sanctioned or approved their action.

Thirdly. Where the evidence obtained by substantially an *ex parte* examination, only secures a bare majority of the committee, it does not appear to me that the public interest will be furthered by presenting articles of impeachment to the Senate for trial.

LUKE P. POLAND.

The minority reports were also ordered to be printed and recommitted to the Committee on the Judiciary.

ENROLLED BILLS SIGNED.

Mr. DARRALL, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (S. No. 41) granting a pension to Margaret E. Alexander, widow of Edwin A. Alexander, deceased, late a private in Company K, Eighth Regiment of Indiana Cavalry Volunteers, known as the Thirty-ninth Indiana Regiment;

An act (S. No. 503) for the relief of Susan R. Moore, the relative and legatee of Phœbe Sofield, a pensioner;

An act (S. No. 536) granting a pension to Livanna Ingraham;

An act (S. No. 571) to authorize the Baltimore and Ohio Railroad Company to construct a branch, and to change the location of its road within the District of Columbia, and for other purposes;

An act (S. No. 609) granting a pension to Margaret A. Hoffner:

An act (S. No. 613) granting a pension to Jefferson A. French;

An act (S. No. 690) granting a pension to Thomas Smith;

An act (S. No. 767) granting a pension to Andrew J. Lasley;

An act (S. No. 768) granting a pension to John S. Long;

An act (S. No. 814) granting a pension to Ebenezer W. Brady;

An act (S. No. 877) granting a pension to John W. Truitt;

An act (H. R. No. 792) to amend and supplement an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved March 2, 1867, and for other purposes;

An act (H. R. No. 886) to provide for the election of Congressman at large for the State of Alabama;

An act (H. R. No. 1227) granting a pension to Eliza A. Maxham;

An act (H. R. No. 1948) granting a pension to Mary J. Blood;

An act (H. R. No. 2095) granting a pension to Charles McCarty;

An act (H. R. No. 3606) granting a pension to Mary E. Grosvenor: and

An act (H. R. No. 3652) providing for publication of the revised statutes and the laws of the United States.

BUSINESS FOR THIS EVENING.

Mr. LAWRENCE. I ask unanimous consent that the Committee on War Claims may have leave to make reports this evening, not to interfere with the business of the Committee on Naval Affairs.

Mr. SPEER. What is the order for this evening?

The SPEAKER. The Chair has in his hand the order. It is that Wednesday evening, June 17, be set apart for the consideration of reports from the Committee on Naval Affairs.

Mr. GARFIELD. And no other business to be transacted.

The SPEAKER. Not unless the House so orders.

Mr. LAWRENCE. Well, I ask that the Committee on War Claims may be called for reports to go upon the Calendar.

Mr. SENER. If any adverse reports are to be made, I object.

SESSION FOR DEBATE.

Mr. BUTLER, of Massachusetts. I ask unanimous consent that Friday evening next be set apart for general debate, no business whatever to be transacted.

Several members objected.

Mr. GARFIELD. We cannot say at present whether that evening can be spared for debate.

Mr. SCOFIELD. I move that the House do now take a recess.

The motion was agreed to; and accordingly (at five o'clock and twenty minutes p. m.) the House took a recess until half past seven o'clock.

EVENING SESSION.

The recess having expired, the House reassembled at half past seven o'clock, Mr. HOSKINS occupying the chair as Speaker *pro tempore*.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. By order of the House the session of this evening is exclusively for the consideration of business from the Committee on Naval Affairs.

Mr. GOOCH. I move that the House take a recess for fifteen minutes.

Mr. CESSNA. I suggest that the gentleman say ten minutes.

Mr. GOOCH. I will move that the House take a recess until fifteen minutes to eight o'clock; that will be twelve and a half minutes.

The motion was agreed to; and the House accordingly took a recess until a quarter to eight o'clock.

The recess having expired, the House resumed its session at a quarter to eight o'clock.

PETITION OF CHOCTAW NATION.

Mr. BUTLER, of Tennessee, by unanimous consent, presented the petition of delegates representing the Choctaw Nation; which was referred to the Committee on Indian Affairs, and ordered to be printed.

ORDER OF BUSINESS.

Mr. KELLEY. I ask unanimous consent to have a bill referred to the Committee on Commerce, not to be brought back by a motion to reconsider.

Mr. HALE, of Maine. I object.

GOVERNMENT OF THE NAVY.

Mr. ARCHER, from the Committee on Naval Affairs, reported back, with the recommendation that it do pass, the bill (S. No. 716) for the better government of the Navy of the United States.

The bill was read.

The first section provides that on and after the passage of the act any officer of the Navy who may be promoted in course to fill a vacancy in the next higher grade shall be entitled to the pay of the grade to which promoted from the date he takes rank therein, if it be subsequent to the vacancy he is appointed to fill.

The second section prohibits the accounting officers of the Treasury from making any allowance to any officer of the Navy who has been, or may hereafter be, dismissed from the service and restored to the same under the provisions of the twelfth section of the act of March 3, 1865, entitled "An act to amend the several acts heretofore passed to provide for the enrolling and calling out of the national forces, and for other purposes," to exceed more than pay as on leave for six months from the date of dismissal, unless it shall appear that the officer demanded in writing, addressed to the Secretary of the Navy, and continued to demand as often as once in six months, a trial as provided for in said act.

The third section repeals so much of the act entitled "An act to authorize the Secretary of the Navy to provide for the education of naval constructors and steam engineers, and for other purposes," approved July 4, 1864, as provides that cadet engineers, not to exceed fifty in number, shall be appointed by the Secretary of the Navy, and provides that cadet engineers shall hereafter be appointed annually by the Secretary of the Navy, and that the number appointed each year shall not exceed twenty-five; and it further repeals all acts or parts of acts inconsistent with the provisions of the act.

Mr. WILLARD, of Vermont. Will the gentleman state wherein this bill changes the existing law?

Mr. ARCHER. I will state for the information of the gentleman from Vermont and of the House that this bill has three objects. The first one is to correct an error which we think has sprung up in the Navy Department, where commissions are dated back and pay is drawn on those commissions when really no vacancy existed in the rank to which the officer was appointed. That is the first section of the bill. It restrains the payment to officers whose commissions are dated back in consequence of their absence at sea, or because from other causes there is delay in their receiving them until vacancies occur in that grade. The section is reported in the interest of economy.

The second section of the bill provides a remedy against one class of claims on the Treasury. Officers who were dismissed from the service during the war, and in the hurry and confusion there have been errors or some technical defects in their orders of dismissal, now come back in many instances and claim that they were illegally dismissed from the service and should be restored because some technicality had not been complied with. Although they have been following different pursuits for six or eight years, they come back and claim to be restored, and when restored they claim that as the dismissal was illegal they ought to be paid for all the years they have been out of the service. This second section provides that no officer shall be paid in such case unless he has every six months made application to be restored. That prevents their coming in on old, stale claims and receiving back pay after being reinstated. In some instances officers have made claims for as high as $8,000 or $9,000.

The last section of the bill provides for a reduction that has really taken place in the Navy. The act of Congress referred to in that section, and which allowed the appointment of only fifty cadet engineers, is not now required; the service does not now require so many young officers in the cadet corps as it did at the time of the passage of that act. The Secretary of the Navy thinks that twenty-five instead of fifty cadet engineers appointed annually will answer all the needs of the service. I believe the committee were unanimous in recommending the passage of this bill.

The bill was then read the third time, and passed.

Mr. ARCHER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, in-

formed the House that the Senate had agreed to the amendments of the House of Representatives to a bill of the Senate of the following title:

A bill (S. No. 758) to authorize and provide for the construction of a substantial iron and masonry bridge and a causeway across the Anacostia or Eastern Branch of the Potomac River, at or near the site of the present navy-yard bridge.

The message further announced that the Senate had passed, without amendments, bills of the House of the following titles:

A bill (H. R. No. 3678) for the relief of saving institutions having no capital stock, and doing business solely for the benefit of depositors; and

A bill (H. R. No. 3741) to authorize the issue of an American register to the ship Alhambra.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House was requested, a bill of the House of the following title:

A bill (H. R. No. 3094) making appropriations for the service of the Post-Office Department for the year ending June 30, 1875, and for other purposes.

The message further announced that the Senate had passed and requested the concurrence of the House in bills of the following titles:

A bill (S. No. 633) for the relief of A. H. Von Leuttwitz, late lieutenant Third United States Cavalry; and

A bill (S. No. 683) to authorize the use of gilt letters for the names of vessels.

PUBLIC MARINE SCHOOL.

Mr. SCOFIELD. I have myself no bills to report from the Committee on Naval Affairs. Other members of the committee have all the bills to be reported, and I will thank the Chair to recognize members of the committee in the order of their appointment.

Mr. GOOCH, from the Committee on Naval Affairs, reported back, with a substitute, Senate bill No. 176, to encourage the establishment of public marine schools.

The substitute authorizes and empowers the Secretary of the Navy, in order to promote nautical education, to furnish, upon the application of the governor of a State, a suitable vessel of the Government, with all her apparel, charts, books, and instruments of navigation, provided the same can be spared without detriment to the naval service, to be used for the benefit of any nautical school, or school or college having a nautical branch, established at each or any of the ports of New York, Boston, Philadelphia, Baltimore, Norfolk, and San Francisco, upon the condition that there shall be maintained at such port a school or branch of a school for the instruction of youths in navigation, seamanship, marine enginery, and all matters pertaining to the proper construction, equipment, and sailing of vessels, or any particular branch thereof; and the President of the United States is authorized, when in his opinion the same can be done without detriment to the public service, to detail proper officers of the Navy as superintendents or instructors in such schools; provided that if any such school shall be discontinued, or the good of the service shall require it, such vessel shall be immediately restored to the Secretary of the Navy and the officers so detailed recalled; and provided further that no person shall be sentenced to or received at such schools as a punishment or condition of punishment for crime.

Mr. WILLARD, of Vermont. Is the expense of this to be borne by the United States Treasury?

Mr. GOOCH. It is understood that this is to impose no responsibility whatever upon the Treasury of the United States.

Mr. WILLARD, of Vermont. What would these vessels be doing if not employed in this business?

Mr. GOOCH. It is known that we have now quite a number of vessels that can be employed in no particular service beneficial to the Government. Those vessels may just as well be detailed for the use of these schools, where they will be of some benefit to the people and where the Government will be relieved from the responsibility of keeping two or three ship-keepers on board of each of them. This bill is carefully guarded; these vessels are to be granted to these institutions only in case they can be taken without any detriment to the public service, and the Secretary of the Navy has the power to call for their return at any time when he sees fit to do so. So it will be seen that the bill cannot impose expense upon the General Government.

Mr. WILLARD, of Vermont. The officers and crew are to be detailed I suppose from the Navy.

Mr. GOOCH. No crew is to be detailed.

Mr. WILLARD, of Vermont. Only officers?

Mr. GOOCH. Only certain officers who are to be employed as instructors; and these are to be detailed only when they can be spared from the public service as well as not.

Mr. HURLBUT. Who is to receive and take charge of these vessels when they are detailed?

Mr. GOOCH. They are to be called for by the governor of the State; and then they pass into the custody of the institutions to which they are loaned. It is presumed that the governor will not ask for a vessel unless there be an institution of such a character that it will be safe to intrust a vessel to it.

Mr. HURLBUT. One other question: Will the gentleman tell us whether or not any such school for the education of seamen is now in active operation?

Mr. GOOCH. I do not know that there is in this country.

Mr. ARCHER. I beg leave to correct the gentleman; I understand there is one in New York and also one in Boston.

Mr. GOOCH. I misunderstood the gentleman's question. I understood him to inquire whether any vessels had already been detailed to any such school.

Mr. HURLBUT. No, sir; my inquiry was whether any such schools are now in operation.

Mr. GOOCH. The Institute of Technology, in Boston, is very anxious to have a vessel detailed for this purpose. So is also a school established in the city of New York. Those gentlemen who are acquainted with the character of the Boston institution to which I refer will at once understand that if that institution takes hold of this branch of instruction, the highest skill and the best talent in the country will be employed in connection with it.

It seems to me, Mr. Speaker, that there is here afforded an opportunity for educating our merchant marine with little or no expense to the Government, so that we shall have in that service men who will give character to our nation as they go over the world, men who will be true representatives of our people and our Government in every port. Here, sir, is offered an opportunity to educate this class of men so that they shall honorably represent the nation whose flag they float.

We all know that when the recent war broke out we were obliged to call men from the merchant marine to aid in officering our ships of war. Under the system of instruction proposed by this bill if the exigency should again arise we can call for a class of educated men to render a service to the Government which they will be just as competent to render as they would be if they had been educated at the expense of the Government.

In addition to that this bill is designed to encourage and promote the study of naval architecture, a branch of study which has been neglected in our country. I certainly hope the bill may receive the sanction of the House and become a law.

The question being taken on agreeing to the substitute, it was agreed to.

The question being then taken on ordering the bill, as amended, to be read a third time, there were—ayes 46, noes 6; no quorum voting.

Mr. HOLMAN. This is a new scheme of expenditure; and I must insist on a quorum.

Tellers were ordered; and Mr. HOLMAN and Mr. GOOCH were appointed.

The House divided; and the tellers reported—ayes 108, noes 20; no quorum voting.

Mr. GOOCH. I call for the yeas and nays.

Mr. CLYMER. I move that the House adjourn.

Mr. PLATT, of Virginia. On that motion I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 22, nays 127, not voting 140; as follows:

YEAS—Messrs. Barrere, Cain, Cessna, Freeman Clarke, Clymer, Cook, Cox, Crooke, Crossland, Danford, Giddings, Killinger, Leach, Magee, Martin, Merriam, Moore, Ellis H. Roberts, Sener, Storm, Jasper D. Ward, and Charles W. Willard—22.

NAYS—Messrs. Albert, Albright, Archer, Arthur, Ashe, Atkins, Banning, Barber, Beck, Bell, Berry, Biery, Blount, Bowen, Bradley, Bromberg Buckner, Buffinton, Bundy, Burchard, Burleigh, Burrows, Roderick R. Butler, Cannon, Cason, Amos Clark, jr., Clements, Stephen A. Cobb, Coburn, Conger, Corwin, Cotton, Crounse, Curtis, Davis, Dobbins, Donnan, Dunnell, Field, Fort, Frye, Glover, Gooch, Gunckel, Gunter, Hancock, Benjamin W. Harris, Henry R. Harris, John T. Harris, Harrison, Hatcher, Havens, John B. Hawley, Joseph R. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, George F. Hoar, Hodges, Holman, Hoskins, Hunton, Hurlbut, Hyde, Kelley, Kellogg, Kendall, Knapp, Lamison, Lamport, Lawrence, Lawson, Lowe, Marshall, McCrary, James W. McDill, MacDougall, Milliken, Mills, Myers, Neal, Niblack, O'Neill, Orr, Hosea W. Parker, Isaac C. Parker, Pendleton, Pierce, James H. Platt, jr., Thomas C. Platt, Poland, Ray, Rice, Robbins, James W. Robinson, Ross, Rusk, Sawyer, Henry B. Sayler, Milton Sayler, Henry J. Scudder, Sheats, Sherwood, Sloan, Sloss, Small, A. Herr Smith, Sprague, Starkweather, Stone, Strait, Townsend, Vance, Waldron, Wallace, Marcus L. Ward, Whitehead, Whitehouse, Whitthorne, Wilber, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, James Wilson, Woodford, and Woodworth—127.

NOT VOTING—Messrs. Adams, Averill, Barnum, Barry, Bass, Begole, Bland, Bright, Brown, Benjamin F. Butler, Caldwell, John B. Clark, jr., Clayton, Clinton L. Cobb, Comingo, Creamer, Crittenden, Crocker, Crutchfield, Darrall, Dawes, DeWitt, Duell, Durham, Eames, Eden, Eldredge, Elliott, Farwell, Foster, Freeman, Garfield, Hagans, Eugene Hale, Robert S. Hale, Hamilton, Harmer, Hathorn, Hendee, Hereford, Herndon, Hersey, E. Rockwood Hoar, Hooper, Houghton, Howe, Hubbell, Hunter, Hynes, Jewett, Kasson, Lamar, Lansing, Lewis, Lofland, Loughridge, Lowndes, Luttrell, Lynch, Maynard, Alexander S. McDill, McJunkin, McKee, McLean, McNulta, Mitchell, Monroe, Morey, Morrison, Negley, Nesmith, Niles, Nunn, O'Brien, Orth, Packard, Packer, Page, Parsons, Pelham, Perry, Phelps, Phillips, Pike, Potter, Pratt, Purman, Rainey, Randall, Ransier, Rapier, Read, Richmond, William R. Roberts, James C. Robinson, John G. Schumaker, Scofield, Isaac W. Scudder, Sessions, Shanks, Sheldon, Lazarus D. Shoemaker, Smart, George L. Smith, H. Boardman Smith, J. Ambler Smith, John Q. Smith, William A. Smith, Snyder, Southard, Speer, Stanard, Standiford, Stephens, St. John, Stowell, Strawbridge, Swann, Sypher, Taylor, Charles R. Thomas, Christopher Y. Thomas, Thornburgh, Todd, Tremain, Tyner, Waddell, Walls, Wells, Wheeler, White, Whiteley, George Willard, Willie, Ephraim K. Wilson, Jeremiah M. Wilson, Wolfe, Wood, John D. Young, and Pierce M. B. Young—140.

So the House refused to adjourn.

During the roll-call,

Mr. STONE stated that his colleague, Mr. WELLS, was detained at his room by sickness.

Mr. ALBRIGHT stated that his colleague, Mr. SHOEMAKER, was absent on account of a death in his family.

Mr. CONGER stated that his colleague, Mr. HUBBELL, was absent in attendance on the District investigating committee.

The vote was then announced as above recorded.

Mr. HOLMAN. I ask that the bill be again read, and then if the House chooses to pass it, a quorum being present, I will make no further objection.

The bill was again read.

Mr. HOLMAN. I wish to say a word in reference to this measure. We have been told by the gentleman from Massachusetts [Mr. GOOCH] that this will not be any great expense to the Government. He also entertains the opinion that it will be very beneficial in promoting the interest of the Government. I do not believe it is by agencies like this the interest of the Government can be promoted, or the interest either of the mercantile marine or of the Navy proper which is engaged in public affairs. I do not think this is one of the influences by which our commerce is to be promoted or our Navy strengthened. I do not indulge in any such hope. I am confident, on the contrary, if we pass this measure we will open up another source of expenditure from the public Treasury.

It is impossible, Mr. Speaker, to detail vessels from the Navy with professors detailed from the ranks of the Navy at the various ports of the United States without being in its very inception a source of heavy expense to the Government. That is inevitable. It is absolutely certain it will ripen into a heavy expense. I do think, circumstanced as we are now, an agency like this, which will inevitably lead to an expenditure of the public money, should not be voted unless there is some pressing necessity for it and a certainty that the ultimate result will be beneficial to the country. We know what has been the result of similar attempts in the way of establishing educational institutions throughout the country. I think it is an unwise measure, and hope it will be rejected.

The question recurred on ordering the bill to a third reading.

The House divided; and there were—ayes 72, noes 40.

So (no further count being demanded) the bill was ordered to a third reading; and it was accordingly read the third time.

The question then recurred on the passage of the bill.

The House divided; and there were—ayes 70, noes 40.

So (no further count being demanded) the bill was passed.

Mr. GOOCH moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DAHLGREN GUNS.

Mr. GOOCH also, from the same committee, reported a bill (H. R. No. 3742) to authorize the purchase of certain improvements in ordnance; which was read a first and second time.

The bill authorizes and directs the Secretary of the Navy to pay to the widow of the late Rear-Admiral John A. Dahlgren $50,000 for and on account of the past use and the right hereafter to use in the manufacture of ordnance and projectiles by the United States each of the improvements patented by said Dahlgren in the form, the mode of casting, the finish of naval ordnance, and in casting iron shells; and a sufficient sum for this purpose is thereby appropriated out of any moneys of the Treasury not otherwise appropriated.

Mr. HOLMAN. This ought to be considered more carefully than it can be considered this evening, and I therefore suggest it go to the Committee of the Whole on the Private Calendar. I make the point of order for that purpose.

The SPEAKER *pro tempore*. The Chair sustains the point of order, and the bill is referred to the Committee of the Whole on the Private Calendar and ordered to be printed.

CHELSEA STREET, BOSTON.

Mr. GOOCH also, from the same committee, reported a bill (H. R. No. 3743) to reimburse the city of Boston for certain expenses incurred in the improvement of Chelsea street, formerly Charlestown, in connection with the United States navy-yard; which was read a first and second time.

The bill, which was read, appropriates out of any money in the Treasury not otherwise appropriated the sum of $1,638.53 to reimburse the city of Boston for expenses incurred in the improvement of Chelsea street, bordering on the United States navy-yard, in what was formerly known as Charlestown, Massachusetts.

Mr. HOLMAN. I will not make the point of order, but I ask the report accompanying it be read.

Mr. GOOCH. Let the Clerk read the letter of the Secretary of the Navy.

The Clerk read as follows:

NAVY DEPARTMENT,
Washington, January 9, 1874.

SIR: I have the honor to submit herewith copy of a communication dated the 12th ultimo, with its respective inclosures, addressed to me by Commodore C. R. P. Rodgers, Chief of the Bureau of Yards and Docks, relative to a claim made by the authorities of Charlestown, Massachusetts, to be reimbursed for expenses incurred in the improvement of that portion of Chelsea street bordering on the United States navy-yard, amounting to $1,638.53. As it seems but fair that the Government should pay its proportion of the expense incurred by the city authorities in making the improvements in question, I would respectfully recommend that Congress appropriate the necessary sum for the purpose.

Very respectfully,

GEO. M. ROBESON,
Secretary of the Navy.

Hon. A. H. CRAGIN,
Chairman Committee on Naval Affairs, United States Senate

Mr. GOOCH. I will say that the city of Charlestown built a sidewalk around the navy-yard in that city. They charged to the United States Government exactly what they charged to each of the landowners on the street for the building of the sidewalk, and the Secretary of the Navy would have paid it but he had no fund from which he could take the money, and therefore recommends that Congress pay the bill.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. GOOCH moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DANIEL S. MERSHON, JR.

Mr. HAYS. I am instructed by the Committee on Naval Affairs to move that the rules be suspended, and that the bill (S. No. 134) for the relief of Daniel S. Mershon, jr., be taken from the Speaker's table and put upon its passage.

Mr. STORM. I rise to a question of order. Under the order under which we meet to-night have we a right to go to the Speaker's table?

Mr. HAYS. This bill has been considered by the Committee on Naval Affairs, and I am instructed to ask its passage.

The SPEAKER *pro tempore*. The Chair thinks that the House has a perfect right to go to the Speaker's table for any bill reported from the Committee on Naval Affairs; but that can only be done by a suspension of the rules.

Mr. FORT. I would like to hear read the order under which the House met this evening.

The SPEAKER *pro tempore*. The Chair overrules the point of order.

The bill was read. It directs that there be paid to Daniel S. Mershon, jr., out of any money in the Treasury not otherwise appropriated, the sum of $46,715.08, in full payment and discharge of the claim of said Mershon for work done and material furnished in the construction of the side-wheel steamer Cimarron.

Mr. LAWRENCE. How does this bill come from the Speaker's table?

Mr. HAYS. I do not yield to the gentleman from Ohio.

Mr. LAWRENCE. I have a right to make a point of order.

Mr. HAYS. The point of order has been already made and overruled.

Mr. LAWRENCE. The gentleman does not know the point of order I desire to make.

The SPEAKER *pro tempore*. The gentleman from Ohio will state his point of order.

Mr. LAWRENCE. The order of the House was that the session this evening should be for the consideration of reports from the Committee on Naval Affairs. I submit that under that order we cannot go to the Speaker's table. I ask that the order be read.

Mr. SCOFIELD. I send to the desk the motion I made for the session this evening as it appears in the CONGRESSIONAL RECORD.

The SPEAKER *pro tempore*. The gentleman from Alabama [Mr. HAYS] stated in his place that this bill had been considered in the Committee on Naval Affairs. Upon that statement the Chair ruled that under the order of the House it was in order to move to suspend the rules and take the bill from the Speaker's table. The Chair is now informed that the bill has not been before the House committee, and he therefore rules that the point of order is well taken.

Mr. GOOCH. Before the Chair makes his final ruling, I should like to have the order read.

Mr. SCOFIELD. Let it be read from the RECORD.

The SPEAKER *pro tempore*. The Clerk will read the order under which the House this evening is acting.

Mr. SCOFIELD. The piece of paper which the Clerk holds in his hand is not my motion. It is correctly reported in the RECORD.

The SPEAKER *pro tempore*. The Clerk will read the motion as it appears in the RECORD, and also the order as it appears on the Journal. The Chair is informed that they are identical.

The Clerk read from the CONGRESSIONAL RECORD, as follows:

Mr. SCOFIELD. I ask unanimous consent that a session be ordered for Wednesday evening next, for business of the Committee on Naval Affairs, including bills already reported but not acted on.

Mr. LAWRENCE. That does not include bills on the Speaker's table.

The SPEAKER *pro tempore*. The Clerk will now read the entry on the Journal.

The Clerk read as follows:

Ordered, That Wednesday evening next, June 17, be set apart for the consideration of reports from the Committee on Naval Affairs.

The SPEAKER *pro tempore*. The Chair is clearly of opinion that under this order of the House it is only in order to take up such bills as shall be reported from the Committee on Naval Affairs, and that the House cannot go to the Speaker's table for the purpose of taking therefrom any bill which has not been acted upon by the committee. The Chair was led into his first ruling under a misapprehension of the facts.

Mr. HAYS. This bill has already been considered in the Committee on Naval Affairs, and I have been instructed to report it favorably.

The SPEAKER *pro tempore*. The Chair rules that the motion to take the bill from the Speaker's table is not in order.

Mr. HAYS. Then I move that the bill be referred to the Committee of the Whole on the Private Calendar.

Mr. BECK. I object to any motion which will take the bill from the Speaker's table.

The SPEAKER *pro tempore*. The motion of the gentleman from Alabama is not in order. The bill remains on the Speaker's table.

MRS. SARAH B. FOREST.

Mr. PLATT, of Virginia, from the Committee on Naval Affairs, reported back, with the recommendation that it do pass, the bill (H. R. No. 3362) for the relief of Mrs. Sarah B. Forest, widow of Lieutenant Dulaney A. Forest, late of the United States Navy.

The bill, which was read, authorizes and directs the Secretary of the Treasury to pay out of any money in the Treasury not otherwise appropriated, to Mrs. Sarah B. Forest, widow of Lieutenant Dulaney A. Forest, late of the United States Navy, the sum of $820, which shall be in full discharge of all claims of said Sarah B. Forest against the United States for balance due from an allotment of pay made by her late husband, being the amount due from April 1 to December 6, 1861, at the rate of $100 a month.

Mr. PLATT, of Virginia. There is a report accompanying this bill which I send to the Clerk's desk to be read, if any gentleman desires to hear it. I also send to the desk a letter from the Fourth Auditor, which I ask the Clerk to read.

The Clerk read as follows:

TREASURY DEPARTMENT, FOURTH AUDITOR'S OFFICE,
June 8, 1874.

SIR: In answer to your verbal inquiry, I have the honor to inform you that prior to the death of Lieutenant Dulaney A. Forest, late of the United States Navy, he left an allotment of $100 per month, payable to his wife, Sarah B. Forest, at Norfolk, Virginia, upon which there was checked from his pay the sum of $1,500, while the sum of $700 only was paid to his wife, leaving a balance still unpaid of $800.

Very respectfully, your obedient servant,

STEPHEN J. W. TABOR,
Auditor.

Hon. J. H. PLATT,
House of Representatives, Washington, D. C.

Mr. FORT. I would like to hear the report read.

The report was read. It states that some time in June, 1860, Lieutenant Dulaney A. Forest, before sailing to the East Indies on the United States steamer Dakota, on United States service, made an allotment of $100 per month in favor of his wife, Sarah B. Forest, to be deducted from his pay as lieutenant in the Navy, to be paid to her at the United States Navy agency at Norfolk, Virginia. Under said allotment while Lieutenant Forest was absent on board the United States steamer Dakota, in the service of the United States, there was deducted from his pay the sum of $1,500 for the benefit of his wife, Sarah B. Forest, in accordance with the terms of the allotment; but owing to the resignation of the Navy agent at Norfolk, Virginia, April 22, 1861, the going out of the State of Virginia, and other causes, only $700 of this amount has ever been paid to Mrs. Sarah B. Forest, leaving a balance due in her favor and unpaid of $820. The committee therefore recommend the passage of the bill for her relief in accordance with the foregoing facts for the sum of $820.

Mr. FORT. Who signs that report?

Mr. PLATT, of Virginia. It is the report of the Committee on Naval Affairs.

Mr. FORT. Is that report signed?

The SPEAKER *pro tempore*. The Chair will inform the gentleman from Illinois that it is very seldom that a report is signed by a committee.

Mr. FORT. I would like to know if it has been printed.

The SPEAKER *pro tempore*. It is not a printed but a written report.

Mr. FORT. I desire to ask the gentleman from Virginia one or two questions. I would like the gentleman who reports this bill to explain to the House why it is that this officer was not paid, and further to explain to the House where he was in service and what his service was.

Mr. PLATT, of Viginia. Is that all?

Mr. FORT. Yes, sir.

Mr. PLATT, of Virginia. All that is pretty fully stated in the report; but as the gentleman would seem not to have given much attention to the reading of it, I will reply to the inquiries he has addressed to me. Lieutenant Forrest while serving in the Navy of the United States on board a United States vessel ordered to sea, as is the custom with naval officers, allotted to his wife, the lady in whose favor this bill is asked to be passed, a certain amount of his pay per month. She received it for I think five or seven months; but after that, owing to the resignation of the naval agent at Norfolk where she was living and who had paid her this allotment monthly, she never received any more. Lieutenant Forrest came home after fifteen months' service and resigned from the service of the United States. He got to his home at Norfolk and there died of consumption. He never served a day anywhere except in the service of the United States Government. The Fourth Auditor of the Treasury certifies that there is on the books of his Department to the credit of this lady the sum which we ask that she shall be paid. I send to the Clerk's desk and ask to have read the certificate from the Navy Department as to the time when this Navy agent at Norfolk resigned and ceased to pay this allottment.

The Clerk read as follows:

The resignation of George Loyall, Navy agent at Norfolk, Virginia, was accepted by the Navy Department on the 22d of April, 1861.

WILLIAM P. MORAN.

NAVY DEPARTMENT, *June* 8, 1874.

Mr. PLATT, of Virginia. Gentlemen will observe that this was the resignation of the Navy agent, and not of the officer whose widow is now seeking relief.

Mr. FORT. I wish the gentleman would state to the House in what service this officer served; whether in the Union or in the confederate service.

Mr. PLATT, of Virginia. In the Union service. He was on board a United States vessel when this allotment was made and when this money became due.

Mr. FORT. In what service was he?

Mr. PLATT, of Virginia. He never served in any other service than that of the United States, and he died at Norfolk a few months after returning from this cruise.

Mr. FORT. I wish the gentleman to state to the House further why it is that the Auditor certifies that this money is due to the widow and yet she has not drawn it.

Mr. PLATT, of Virginia. Simply because Congress in its wisdom saw fit to enact in 1862 or 1863, while the war was going on, a law which provided that no claim should be paid to any person residing in any State then in rebellion by any accounting officer of the Government, and the only possible hope of relief that this widow has, until that general law is repealed, is to come to the Congress of the United States and ask the passage of a special law for her relief. Had she lived anywhere else except in one of the States then in rebellion, her claim could have been and would have been paid by the Treasury Department. Lieutenant Forrest died, I believe, in 1861 or 1862.

Mr. BURLEIGH. I would ask the gentleman from Virginia if he does not know that this man on his arrival on shore, in this country, resigned his position in the United States service for the purpose of entering into the rebel service?

Mr. PLATT, of Virginia. I have said that he resigned on his return from his cruise. Whatever his purpose might have been, I am unable to say; I did not know him personally. But I do know that if he had intended to do any such thing, the hand of Providence intervened and prevented it, because he died before he could execute any such purpose. It is not for me to say what he might have intended.

Mr. FORT. I raise the point of order on this bill that it must be first considered in Committee of the Whole.

The SPEAKER *pro tempore*. If such a point was ever good on this bill it is now quite too late. The bill having been discussed in the House the Chair overrules the point of order.

Mr. FORT. The report of this committee has never been printed; so far as I understand there is no report before the House. I move that the bill be referred to the Committee of the Whole and placed on the Private Calendar.

Mr. PLATT, of Virginia. I do not yield for any such motion. I call the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

Mr. PLATT, of Virginia, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

EDWARD CAVENDY.

Mr. PLATT of Virginia. I am instructed by the Committee on Naval Affairs to report favorably upon a bill (H. R. No. 2774) for the relief of Edward Cavendy.

The question was upon ordering the bill to be engrossed and read a third time.

The bill directs the Secretary of the Navy and the proper accounting officers of the Treasury Department to compute the time of service of Edward Cavendy as a lieutenant in the volunteer service of the Navy of the United States in settling and computing the amount of his pay as an officer of the regular naval service of the United States.

Mr. FORT and Mr. HOLMAN raised the point of order that the bill must receive its first consideration in Committee of the Whole.

Mr. PLATT, of Virginia. Allow me to make a brief explanation of this bill.

Mr. HOLMAN. I will reserve my point of order until the report is read, if there is one, or until some explanation is made.

The SPEAKER *pro tempore*. The gentleman from Indiana [Mr. HOLMAN] reserves his point of order until the bill is explained.

Mr. PLATT, of Virginia. I desire to state briefly——

Mr. FORT. I wish it to be distinctly understood this time that the point of order is entertained by the Chair as being made in time.

The SPEAKER *pro tempore*. Had the gentleman from Illinois [Mr. FORT] been attending to what the Chair said, he would have heard him say that the point of order was reserved by the gentleman from Indiana [Mr. HOLMAN] until an explanation of the bill was made.

Mr. PLATT, of Virginia. This bill is in behalf of an old and meritorious officer of the United States Navy. At the breaking out of the rebellion he was in the merchant service of the United States, commanding an ocean steamer. At the commencement of the war he resigned that place and tendered his services to the Government of the United States. He served through the war gallantly and meritoriously as a lieutenant in the United States Navy. At the close of the war, under a law passed by Congress, he in common with other volunteer officers of the Navy was mustered out of service. He was then appointed a master in the regular naval service of the United States. In computing his pay the proper accounting officers of the Treasury Department gave him credit for the length of time he had served in the Navy during his term of service as a volunteer officer, and he drew pay for four or five years under that construction. Afterward a construction was given to the effect that he was not entitled to have the time computed and the additional pay allowed for length of service as a volunteer officer, and he was called upon to refund some three or four hundred dollars. In the mean time he had been placed on the retired list with the pay of a master of the Navy, having reached the age when by the law his retirement was required. This bill provides that the length of time which he served as a volunteer officer of the Navy shall be allowed by the officers of the Treasury Department determining the amount of pay to which he is entitled as a master in the Navy.

Mr. SCOFIELD. I wish to say a word to those gentlemen who are thinking of making a point of order upon this bill, if they still think of doing so. This is a little bill. The old gentleman came before the Committee on Naval Affairs; there was service in every lineament of the face, all over his body. Honesty of character was apparent in every feature. He is an old Scotchman. He obtained the good will of the whole committee. He had all the papers to show how this stoppage of his pay had occurred, until there was some three or four hundred dollars which was to be deducted from his small annual pay, until the full amount had been refunded. The committee unanimously agreed that it was the most deserving small case they had ever seen. And I am very sure that if the gentleman from Illinois [Mr. FORT] and the gentleman from Indiana [Mr. HOLMAN] had seen this old man as we saw him, they would never raise the point of order here, but allow him to receive his pay.

Mr. HOLMAN. I think it is the most unfortunate feature in attempting to pass this kind of bills, that those who are able to come here and approach members of Congress and committees of this House are very apt to get their claims through. No practice could be more unjust. The Government should administer not only its justice but its gratuities with even hand and impartially.

Mr. CLEMENTS. I rise to a question of order. I desire to know whether the point of order has been made in this case or whether, like Mohammed's coffin, it is hanging between heaven and earth?

The SPEAKER *pro tempore*. In answer to the inquiry of the gentleman from Illinois [Mr. CLEMENTS] the Chair will state that the gentleman from Indiana, [Mr. HOLMAN,] having discussed the proposition before the House, the point of order raised by him is waived. The point of order indicated by the gentleman from Illinois, [Mr. FORT,] if he insists upon it, is yet reserved, he not having discussed the bill.

Mr. HOLMAN. Of course I am fully aware that I waived the point of order, and I am doing so intentionally. My friend from Illinois has put himself to unnecessary trouble so far as I am concerned. I do not propose to insist upon my point of order.

But I desire to say that this case presents an illustration of an evil for which there seems to be no remedy. There are piled up in your committee-rooms thousands and thousands of claims just as meritorious as this; but the papers of which will never be looked into, simply because the claimants are not here in person to press their cases upon the attention of members. Those claimants who can do this enjoy a decided advantage over all others. The whole system by which we attempt to adjust these private claims against the Government is wrong. One of two things should be done: either we should let the decisions of our accounting officers in these cases be final, which is undoubtedly the safer course, or we should adopt some general system by which all classes of claims should be adjusted.

I have no doubt that this is a meritorious claim. I have no doubt that the period for which this officer had served ought to have been taken into account in determining his pay. But the same difficulty is found in cases arising in the Army as in the Navy. There are before your committees thousands of bills involving exactly the same principle; and wherever the claimants can by personal presentation of their cases secure for them the advocacy of gentlemen like my friend from Virginia [Mr. PLATT] or the gentleman from Pennsylvania [Mr. SCOFIELD] their cases secure favorable consideration, while a large mass of cases equally meritorious remain in the committees with the papers never even opened.

I do not press the point of order, but waive it.

The SPEAKER *pro tempore*. Does the gentleman from Illinois [Mr. FORT] desire to raise a point of order?

Mr. FORT. So far as I am concerned I withdraw the point of order, after having heard the statement of the chairman of the committee.

The SPEAKER *pro tempore*. The Chair now rules that the bill is properly before the House.

Mr. FORT. I wish to add that I agree with my friend from Indiana [Mr. HOLMAN] that this ought not to be made an exceptional case. There ought to be a report put on record here and printed. Every gentleman desiring to get a bill through the House ought to go through that formality. I see no reason why the gentleman from Virginia should come in here and rush his bills through the House without any report. That is what I object to. I withdraw my point of order in reference to this particular case.

The bill was ordered to be engrossed for a third reading; and being engrossed, was accordingly read the third time, and passed.

Mr. PLATT, of Virginia, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

GEORGE H. COOPER.

Mr. PLATT, of Virginia, from the same committee, reported a bill (H. R. No. 3743) authorizing the President to appoint George H. Cooper, now a captain on the active list of the Navy, to be a commodore; which was read a first and second time, and referred to the Committee of the Whole on the Private Calendar.

OFFICERS AND CREW OF THE WYOMING, ETC.

Mr. MYERS. I am instructed by the Committee on Naval Affairs to move that the Committee of the Whole on the Private Calendar be discharged from the further consideration of the bill (H. R. No. 782) for the relief of the officers and crew of the United States ship Wyoming and the Ta Kiang.

Mr. WILLARD, of Vermont. I suppose that motion requires a two-thirds vote. It is a bill that ought not to pass at any rate.

The SPEAKER *pro tempore*. As the Chair understands the motion of the gentleman from Pennsylvania, [Mr. MYERS,] it is that the Committee of the Whole be discharged from the further consideration of this bill, and that it be brought before the House for consideration. The adoption of this motion requires a suspension of the rules by a two-thirds vote.

Mr. HOLMAN. This session being set apart for the consideration of reports from the Committee on Naval Affairs, I submit that the subject-matter contemplated was reports to be made during this evening's session by that committee.

The SPEAKER *pro tempore*. The Chair rules that as this bill has already been considered by the Committee on Naval Affairs of the House, and is now upon the Private Calendar, it can properly be taken up by a two-thirds vote.

Mr. HOLMAN. I hope the bill will be read before the question is put.

The bill was read.

The first section provides that the Secretary of State be, and he is thereby, authorized and directed to sell so many of the registered bonds of the United States, now under his control, belonging to the Japanese indemnity fund, as shall realize $[illegible]5,000, and shall pay the proceeds of the same to the Secretary of the Navy, who shall cause the whole amount thereof to be distributed among the officers and crew of the United States ship Wyoming, and officers and crew who manned the Ta Kiang on the 5th, 6th, 7th, and 8th days of September, 1864, the same to be distributed as sea pay to the officers and crew attached to the Wyoming, according to the pay-roll of said ship on the 16th day of July, 1863; and to the officers and crew detached from the United States ship Jamestown, and who manned the Ta Kiang, according to the pay-roll of said ship on the 5th, 6th, 7th, and 8th days of September, 1864; provided that the provisions of the act shall be held and taken to be in full satisfaction for all bounty, ransom, or prize-money, or claim therefor, on the part of the officers and crews aforesaid under any and all existing laws of the United States or regulations of the Navy Department, for the destruction of piratical vessels at Simoniseki, on the 6th day of July, 1863, and bombarding the forts erected at the Straits of Simoniseki, in September, 1864. And if any of the officers or crews aforesaid shall have received any bounty, ransom, or prize-money for the service aforesaid, the same shall be deducted from the amount to be paid such officer or seaman under the provisions of this act; and provided further, that no money shall be paid to any assignee of the mariner, but only to the mariner or his duly authorized attorney in fact, or in case of his decease, to his legal representatives, excluding any assignee.

The second section provides that the remainder of the Japanese indemnity fund is thereby covered into the Treasury of the United States, and the Secretary of the Treasury is thereby directed to cancel the bonds belonging to the said fund.

Mr. WILLARD, of Vermont. This is a bill which ought to be discussed. I hope it will not go through in this way without discussion.

The SPEAKER *pro tempore*. Debate is not in order.

The question recurred on the motion to suspend the rules and pass the bill.

The House divided; and there were—ayes 55, noes 50; no quorum voting.

Mr. STORM demanded tellers.

Tellers were ordered.

Mr. MYERS. I now withdraw the motion to suspend the rules and pass the bill, and move to go in Committee of the Whole and take the bill up for consideration. I ask the privilege to make a few remarks.

I am hoarse to-night and hope I will have the indulgence of the House.

Mr. WILLARD, of Vermont. I object, unless the same privilege be granted to the other side.

Mr. MYERS. I have no objection to that. I desire simply to say that this bill puts into the Treasury of the United States——

Mr. WILLARD, of Vermont. I object to debate.

Mr. MYERS. I ask unanimous consent.

The SPEAKER *pro tempore*. Is there objection?

Mr. E. R. HOAR. I think objection ought to be made, and if no one else will do it I object.

Mr. HAWLEY, of Illinois. The gentleman proposes to move to go into Committee of the Whole, and he will have every opportunity to discuss the bill. He will have the floor, and I hope he will not insist upon discussing the bill now.

Mr. MYERS. Then I move to suspend the rules and go into Committee of the Whole for the purpose of considering this bill.

The House divided; and there were—ayes 70, noes 52.

Mr. E. R. HOAR demanded tellers.

Tellers were ordered; and Mr. MYERS, and Mr. WILLARD of Vermont were appointed.

The House again divided; and the tellers reported—ayes 83, noes 64.

Mr. WILLARD, of Vermont, demanded the yeas and nays.

Mr. E. R. HOAR moved that the House do now adjourn.

The House divided; and there were—ayes 88, noes 55.

Mr. MYERS demanded the yeas and nays.

The House divided; and there were—ayes 25, noes 108.

So (one-fifth of those present not having voted in the affirmative) the yeas and nays were not ordered.

So the motion was agreed to; and then (at nine o'clock and thirty-five minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. BARBER: The petition of citizens of Jordan, Wisconsin, for the passage of the bill to aid in the construction of the Continental Freight Railway, to the Committee on Railways and Canals.

By Mr. BLAINE: The memorial of John M. Bradley, of Arkansas, in relation to the seat of Congressman at large from the State of Arkansas, to the Committee on Elections.

By Mr. HARRIS, of Virginia: The petition of W. P. Burwell, to be compensated for tobacco improperly taxed, to the Committee on Claims.

By Mr. HURLBUT: The petition of citizens of Indiana, for the construction of a double-track railway from the Missouri River to tide-water, to the Committee on Railways and Canals.

By Mr. McCRARY: The petition of citizens of Iowa, for the passage of the bill to aid in the construction of the Continental Freight Railway, to the Committee on Railways and Canals.

By Mr. PARKER, of Missouri: The petition of citizens of Mount Pleasant, Gentry County, Missouri, of similar import, to the same committee.

By Mr. SAYLER, of Indiana: Sixty-three petitions from citizens of seventeen States of the United States, containing 1,284 signatures, for the passage of a law authorizing the manufacture of patent-right articles by others than owners of patent rights upon payment of a reasonable royalty thereon, to the Committee on Patents.

By Mr. WHEELER: The memorial of the American Public Health Association of New York, praying for the creation by Congress of a competent commission to investigate those great national sanitary questions which do not fall within the scope of duties of local health organizations, to the Committee on Commerce.

By Mr. WHITEHEAD: The petition of Folkes & Winston, William T. Yancey, J. H. C. Winston, and Robert C. Burkholder, of Lynchburgh, Virginia, to be compensated for destruction of property by United States troops, to the Committee on War Claims.

By Mr. ——: The petition of G. H. Noonan and 74 others, of Texas, for the establishment of an additional Federal judicial district in the State of Texas, to the Committee on the Judiciary.

IN SENATE.

THURSDAY, *June* 18, 1874

The Senate met at eleven o'clock a. m.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

On motion of Mr. SPENCER, and by unanimous consent, the reading of the Journal of yesterday's proceedings was dispensed with.

QUARTERMASTER'S CORPS.

Mr. SPENCER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 3166) to correct the date of commission of certain officers of the Army having met, after full and free conference, have agreed to recommend, and do recommend, to their respective Houses as follows:

First. That the House of Representatives concur in Senate amendment number one.

Second. That the Senate recede from its amendment number two.

GEORGE E. SPENCER,
J. R. WEST,
M. W. RANSOM,
Managers on the part of the Senate.

CHARLES ALBRIGHT,
J. W. NESMITH,
Managers on the part of the House.

Mr. WADLEIGH. I regret that this matter went to a committee of conference in the absence of the chairman of the Committee on Military Affairs of the Senate, because there was an agreement between the chairman of the Military Committee acting in behalf of those who desired the passage of this bill and myself as to these amendments, and it was stated by the chairman of the Military Committee to this body that there had been an agreement by which the matter was to be settled by these amendments. I hope that the chairman of the committee will return before the adjournment, in which case the matter can probably be made right. I move that the report be laid on the table.

Mr. SPENCER. I hope that will not be done.

The PRESIDENT *pro tempore*. The Senator from New Hampshire moves that the report of the committee of conference be laid on the table.

The Chair put the question, and declared that the noes appeared to prevail.

Mr. WADLEIGH. I ask for the yeas and nays. I will state that I will call up the report again.

The PRESIDENT *pro tempore*. The question is not debatable. Those who sustain the call for the yeas and nays will rise.

Mr. WADLEIGH. I withdraw the motion to lay on the table, and move that the further consideration of the report be postponed.

Mr. SPRAGUE. Does not a single objection carry it over, it being a report made this morning?

The PRESIDENT *pro tempore*. It is a report from a conference committee, not from a standing committee.

Mr. WADLEIGH. I move to postpone the report until Saturday.

Mr. SPENCER. I hope it will not be postponed. I cannot conceive what there is in this bill to object to. It merely places a man correctly on the records of the Army as he ought to be. The law a few years ago was violated, and this bill puts him back where he belongs on the roll of the Army.

Mr. DAVIS. As I understand, this is a conference committee's report. It is usual for the Senate to take up such reports when presented, and I see no reason why this one should be postponed.

The PRESIDENT *pro tempore*. The question is on the motion to postpone.

The motion was not agreed to.

The PRESIDENT *pro tempore*. The question is on the report.

Mr. WADLEIGH. Mr. President, I desire to call the attention of the Senate for a short time to the questions involved in this bill. This bill provides that William Myers shall stand upon the Army Register for promotion No. 5 instead of No. 12 on the list of majors in the Quartermaster-General's Department, as he now stands. That is, he is advanced over James Belger, James M. Moore, M. J. Ludington, R. N. Batchelder, Joseph A. Potter, James J. Dana, and Charles G. Sawtelle, whose commissions bear date before his. He says that when he was placed in his present position that was a degradation of him. Now, if this bill passes it will be a degradation of those whom I have named. I desire to state to the Senate, as I proposed to do before the agreement between the chairman of the Military Committee and myself, the facts and the law bearing upon this matter.

Mr. President, in 1866, upon the re-establishment of the Army, an act was passed which made an increase in the Quartermaster's Department, as follows: Those holding the rank of colonel in the Quartermaster-General's Department were increased from three to six, making three vacancies to be filled; the lieutenant-colonels were increased from four to ten, making six vacancies to be filled; the majors were increased from eight to fifteen, making seven vacancies to be filled; and it was provided in the same act that there should be forty-four officers in that department holding the rank of captain, and that the vacancies created by that act, whether by promotion or otherwise, should be filled from the volunteer forces according to merit. That left the vacancies created by the act in those holding the rank of colonel, lieutenant-colonel, and major to be filled according to the Army Regulations. The Army Regulation in force at that time in regard to promotions was as follows:

All vacancies in established regiments and corps to the rank of colonel shall be filled by promotion according to seniority, except in case of disability or other incompetency.

The construction put upon that Army regulation by Secretary Stanton, by General Grant who was then the General of the Armies, and by the President of the United States, was that the vacancies created by the act in the rank of colonel, lieutenant-colonel, and major could be filled by the President by selection either from the regular Army or from the volunteers, and that those vacancies were not to be filled by promotion.

The view of the law which they took and the view of the law which I take is this: that by "established regiments and corps" is meant regiments and corps which have had their full quota of officers appointed, and that so long as a regiment or corps has not had its full quota of officers appointed, all the officers appointed to it

which the law demands, so long it is unestablished and unorganized. For illustration, suppose that a new regiment was provided for by law, and suppose that all the offices in that regiment up to company A had been filled by appointment; the captain and the other officers in company A in that regiment of ten companies are yet to be appointed; those appointments are not to be made by promotion, because until the officers are all appointed the regiment is not established, it is not organized; it is only partially established and partially organized. But when those offices have once been filled, then the regiment has been established, and all vacancies created thereafter must be filled by promotion.

When the act of 1866 provided for the re-establishment of the Quartermaster's Corps and went into effect, the corps was not established and not organized until the number of officers which it had by law had been appointed. It was only partially established and partially organized until that time. It was an organized corps, it was an established corps, until this act went into effect providing that it should consist of a certain number of officers; but when the act went into effect and there were vacancies created by the act, then the corps as an established corps was a different corps. It was only partially organized and partially established; and until those offices had been filled which were created by the act it was not established and not organized in the sense of the Army regulation which I have read. That was the view taken of the law by Secretary Stanton; it was the view of the law taken by General Grant, then General of the Armies; it was the view of the law taken by the President of the United States. Taking that view of the law, they appointed to fill some of the vacancies in the office of colonel, lieutenant-colonel, and major in the Quartermaster's Corps men from the volunteer forces of the United States who had distinguished themselves by meritorious services. Who were the men thus appointed? The object of this measure is to provide by this bill and others to follow it (because the amendment which is now rejected was simply providing that after this bill passed matters should remain as they were) that those who held office in the Quartermaster's Department in the regular Army before the war shall outrank all those who have been appointed from the volunteer service. I have in my hand a book——

Mr. WEST. I do not think that statement of the Senator ought to go unchallenged. This bill only refers to one officer.

Mr. WADLEIGH. But the amendment agreed upon by the chairman of the Military Committee and myself provided that this should go no further. That was agreed to solemnly, and it was agreed that this should be an end of the matter. But this conference committee have struck out that amendment which confined it to this officer, and left the matter open so that other officers may come in and ask the same thing.

As I was saying, I hold in my hand a book entitled "The School and the Army," by Brevet Major-General W. B. Hazen, United States Army. He goes on to speak of the staff officers of the regular Army at the time the war broke out, and of the necessity of keeping up a staff organization in the regular Army. He says:

> It cannot be said that it is necessary to keep up this organization for use in war, for it then at once fails, and each Army and corps commander is compelled to organize his own departments, as these officers have been found to be unfitted by their routine lives for service in the field. Any one who know the working staff of Grant, Sherman, and Sheridan, remembers that they were made up of young, active civilians. The busy commercial life and experience of the nation is its strongest arm, and is what it must inevitably depend upon in time of war to supply the wants of its Armies.

Mr. President, what this bill proposes is simply that the men who came in, as that book says, and did the work of the war, the men in whose favor the law was construed in 1866, are now to be made by the action of Congress to stand back and give place to those men who were found upon the breaking out of the war unfit to perform the duties of their positions. They are to be degraded and set aside for the men who were found to be totally unfit to perform those duties, according to this military writer, and whose duties were performed by these men from the volunteer service who received appointments in 1866, which appointments it is now claimed were illegal and invalid.

Mr. FRELINGHUYSEN. I would ask the Senator from New Hampshire whether General Myers did not perform a good deal of service and very efficient service during the war?

Mr. WADLEIGH. As I said before, I do not undertake to say that Captain Myers did not perform efficient service.

Mr. FRELINGHUYSEN. He was a general of volunteers, I believe.

Mr. WADLEIGH. I do not undertake to say and did not say that; but he performed no more efficient service than those men performed who it is now claimed shall be displaced for him. I say further that it was agreed between the chairman of the Military Committee, acting in behalf of Mr. Myers, and myself, that this bill should pass with a section that the Quartermaster-General's Corps, after this promotion, should remain as it is. That amendment has been struck out by the conference committee, and it is upon that that I am speaking.

Mr. WEST. The Senator says that under that statute volunteer officers were promoted. I ask him if he does not know that under that statute four regular officers were promoted and four volunteers, so that justice was done to each branch of the service? Does he know that fact or not?

Mr. WADLEIGH. Certainly I know it, and that strengthens my argument. Now, Mr. President, it is proposed not only to do that as against these volunteers, but it is proposed by this bill to make a discrimination against those men who entered the regular Army from civil life in favor of the men who came into the regular Army before the war from the Military Academy. I find as one of the men who are to be degraded, as this Mr. Myers calls it, by this bill is James Belger who went into the regular Army in 1838 and has served ever since.

Mr. WEST. No; the Senator is mistaken. He was suspended three years.

Mr. WADLEIGH. I find he was appointed from the Army and not from the Military Academy. The only ground on which it is claimed that this bill should pass is that under the Army regulation which I have read it was illegal to appoint Colonel Batchelder and the other officers to the places which they now hold. What I have to say in regard to that matter is simply this: that the Army Regulations of 1857 and 1863 were simply a revision of the Army Regulations which had been in use before that time from 1813 down to 1857. If any member of the Senate will turn to the Army Regulations of 1857 and 1863, he will find that they are entitled the "Revised Army Regulations," and to the lawyers in this body I need not say that the rule for the construction of a statute revised is, that it shall not be presumed that any change is made or intended unless the statute as revised clearly shows that such was the intention. This revised army regulation does not show that. It provides, as I said, that promotions in established regiments and corps are to be made by seniority; but the view I take, and the view taken by Secretary Stanton and by everybody else in 1866, was that the new Quartermaster's Corps provided for by the law of that year was not established when the act went into effect until its offices had been filed.

Again, another familiar rule of law for the construction of statutes is that the contemporaneous construction, the construction put upon them at the time they were passed and the construction which has long been given to them, shall be held to be the proper construction. Now what is the case in regard to this law of 1866? Very soon after the passage of the law, the President of the United States sent in by the advice of the Secretary of War, Hon. E. M. Stanton, these appointments. At that time this question of law was fully considered by them. It was under discussion. These gentlemen were there and presented their claim to Secretary Stanton, and all those who had part in those appointments and in the confirmation of them decided that it was legal to make the appointments in the way they were made, and gave a construction of the law of 1866 which has prevailed till now; and what I say is that this statute, having been so construed by the President of the United States and by the Secretary of War in 1866 in making these appointments and by the confirmation of the appointments by the very Senate that helped pass the act, that should now be held to be the true construction and we should not come in after this lapse of time, upon the petition of Major Myers or anybody else, to decide that the construction put upon the act at that time was wrong and that whatever was done at that time in the way it was done was illegal.

Mr. FRELINGHUYSEN. The Senator from New Hampshire is familiar with this subject. Let me ask him, does the Attorney-General of the United States hold to that construction of the law?

Mr. WADLEIGH. I was about coming to that.

Mr. FRELINGHUYSEN. Did he not dissent from that conclusion?

Mr. WADLEIGH. I will say what I am going to say about that in one moment. I have stated the way this matter stood in 1866. The gentlemen, to whom that decision of the President, of the Secretary of War, and of the Senate at that time was distasteful, in 1872 proceeded to procure a reversal of that action; and—I state it upon authority—there was procured from a subordinate in the Attorney-General's office an opinion as to the illegality of the proceedings under the law of 1866. I am informed further that that opinion was not made up by the Attorney-General; and I am further informed, although I do not know how that is, that if this matter was brought to the Attorney-General and he himself gave an opinion, the opinion of his subordinate in 1872, which he signed without due consideration, would be reversed.

That was not all that was done, Mr. President. After this opinion was procured these gentlemen, Mr. Myers and the rest, went before a committee of the Senate; they represented that what they sought to obtain was perfectly satisfactory to Colonel Batchelder and the officers whom they sought to outrank and degrade, the men who had won their places by their services in the war. Upon that representation the committee of the Senate reported in favor of the bill and it went to the House committee. A full hearing was had before the House committee, notice being given to those who were to be affected by the action of Congress, and that committee unanimously reported against a bill similar to this or any bill of this kind.

Then they claimed that if Congress would only pass a bill giving them the rank of major and putting them precisely where they are now that should be a final settlement of this whole matter. I made this statement the other day in the Senate, when the chairman of the Military Committee was present, and no contradiction was made of it. I am authorized to state that these gentlemen agreed that that should be all they would ask, that that should be a compromise which should stand; and if any member of the Senate will turn to what was said at the time the bill which gave them the rank they now hold was passed, he will find confirmation of what I say in this respect.

Understanding that that was to be a compromise and was to be an end of this matter, those gentlemen whom it is now sought to degrade stepped aside and allowed that bill to pass. Two years have passed since then. Now comes up this Mr. Myers again, and again asks that the action of the President, of the Secretary of War, and of the Senate in 1866 shall be reversed as illegal. That was objected to by the parties who are to be affected and degraded by it. They are not here to object personally; they were not here as was Major Myers in Washington spending his winter and importuning Senators and members of the House to go for his bill; they were not here upon leave of absence working in the lobby of Congress to obtain the passage of laws favorable to them. A gentleman who is affected by this bill, who came from my State, is in Oregon attending to his arduous duties; others are far away; but Mr. Myers is here, where he can see members of Congress, where he can importune them, where he can bring to bear upon them the social influences which sometimes affect legislation in this body. Accordingly he has procured this bill to be brought in. Objection was made to it, as I have said; and objection was made to it not only that to promote him over the heads of those men whose appointments predated him would degrade them, as he says it was degrading to him to put them over him in 1866, but that this bill was only the precursor of many others of a similar character; and it was proposed by the chairman of the Military Committee himself that the second amendment which this conference committee strikes out should be put upon this bill, so that after the passage of this bill matters in the Quartermaster's Department should be settled. I agreed to that compromise; and members of the Senate will remember that when the chairman of the Military Committee presented the bill to the Senate he stated that there had been an agreement by which all matters in conflict had been adjusted. With that section put on by that agreement this bill passed the Senate, and now the committee of conference have struck out the section which was inserted by the chairman of the Committee on Military Affairs and by the Committee on Military Affairs of the Senate, which prevents further action of this kind in regard to other cases, so that the whole status of the Quartermaster General's Department may be upset by future legislation, so that other men may come in here and claim that they should be put over the heads of the officers who were appointed from the volunteer service. I hope that this Senate is not prepared to take action of that kind and that the bill will not pass in this shape.

Mr. FRELINGHUYSEN. Mr. President, I understand this case to be simply this: General Myers, when the Quartermaster's Corps was increased, was a captain and entitled to be a major. President Johnson appointed his juniors over him. The Attorney-General has decided, and we have his written opinion, that that was an illegal proceeding, that the appointment should have been made according to seniority. Now, General Myers does not alter the grade of any one whom he passes over. If they are majors they remain majors, and if colonels they remain colonels. The bill only alters his file, as they call it, in the majority. This was an illegal proceeding, as the Attorney-General tells us, performed by President Johnson. General Myers was a most efficient man during the war; he had the charge of the quartermaster's department in the valley of the Mississippi, and no one rendered more efficient service. I hope the report will be concurred in.

Mr. SPENCER. I have nothing to say in addition to what the Senator from New Jersey has said. He has stated the case fully. I ask for a vote.

The PRESIDENT *pro tempore*. The question is on concurring in the report.

Mr. WADLEIGH. I ask for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 46, nays 3; as follows:

YEAS—Messrs. Allison, Anthony, Bayard, Bogy, Boutwell, Buckingham, Carpenter, Chandler, Clayton, Cooper, Davis, Dennis, Flanagan, Frelinghuysen, Gilbert, Goldthwaite, Gordon, Hager, Hamilton of Maryland, Hamilton of Texas, Hamlin, Harvey, Hitchcock, Howe, Ingalls, Johnston, Kelly, McCreery, Merrimon, Mitchell, Morrill of Vermont, Norwood, Patterson, Ransom, Sargent, Saulsbury, Schurz, Scott, Spencer, Stevenson, Stewart, Stockton, Thurman, Tipton, West, and Wright—46.

NAYS—Messrs. Cragin, Fenton, and Wadleigh—3.

ABSENT—Messrs. Alcorn, Boreman, Brownlow, Cameron, Conkling, Conover, Dorsey, Edmunds, Ferry of Connecticut, Ferry of Michigan, Jones, Lewis, Logan, Morrill of Maine, Morton, Oglesby, Pease, Pratt, Ramsey, Robertson, Sherman, Sprague, Washburn, and Windom—24.

So the report was concurred in.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. No. 2774) for the relief of Edward Cavendy;

A bill (H. R. No. 2834) granting the right of way through the public lands to the Arkansas Valley Railway Company;

A bill (H. R. No. 3362) for the relief of Mrs. Sarah B. Forest, widow of Lieutenant Dulaney A. Forest, late of the United States Navy;

A bill (H. R. No. 3680) for the government of the District of Columbia, and for other purposes; and

A bill (H. R. No. 3743) to reimburse the city of Boston for certain expenses incurred in the improvement of Chelsea street, (formerly Charlestown,) in connection with the United States navy-yard.

The message also announced that the House had passed the bill (S. No. 176) to encourage the establishment of public marine schools, with an amendment in which it requested the concurrence of the Senate.

The message further announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 3421) making appropriations for the payment of invalid and other pensions of the United States for the year ending June 30, 1875.

The message also announced that the House had passed the bill (S. No. 716) for the better government of the Navy of the United States.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (S. No. 41) granting a pension to Margaret E. Alexander, widow of Edwin A. Alexander, deceased, late a private in Company K, Eighth Regiment of Indiana Cavalry Volunteers, known as the Thirty-ninth Indiana Regiment;

A bill (S. No. 503) for the relief of Susan R. Moore, the relative and legatee of Phœbe Sofield, a pensioner;

A bill (S. No. 536) granting a pension to Livanna Ingraham;

A bill (S. No. 571) to authorize the Baltimore and Ohio Railroad Company to construct a branch, and to change the location of its road within the District of Columbia, and for other purposes;

A bill (S. No. 609) granting a pension to Margaret A. Hoffner;

A bill (S. No. 613) granting a pension to Jefferson A. French;

A bill (S. No. 690) granting a pension to Thomas Smith;

A bill (S. No. 767) granting a pension to Andrew J. Lasley;

A bill (S. No. 768) granting a pension to John S. Long;

A bill (S. No. 814) granting a pension to Ebenezer W. Brady;

A bill (S. No. 877) granting a pension to John W. Truitt;

A bill (H. R. No. 792) to amend and supplement an act entitled "An act to establish a uniform system of bankruptcy throughout the United States, approved March 2, 1867, and for other purposes;

A bill (H. R. No. 886) to provide for the election of Congressman at large for the State of Alabama;

A bill (H. R. No. 1227) granting a pension to Eliza A. Maxham;

A bill (H. R. No. 1948) granting a pension to Mary J. Blood;

A bill (H. R. No. 2095) granting a pension to Charles McCarty;

A bill (H. R. No. 3606) granting a pension to Mary E. Grosvenor; and

A bill (H. R. No. 3652) providing for publication of the revised statutes and the laws of the United States.

PETITIONS AND MEMORIALS.

Mr. SCOTT. As an item of morning business which has by the Chair this morning been ruled to be privileged, I now call up the report of the conference committee on the moiety bill for the consideration of the Senate.

The PRESIDENT *pro tempore*. Is there objection?

Mr. CHANDLER. There is some morning business to be done.

Mr. SCOTT. This is morning business. The report was made and at the request of Senators laid over to be printed. The printed report is on our desks, and I ask that it be considered.

Mr. CHANDLER. I desire to present a memorial.

The PRESIDENT *pro tempore*. The Chair will receive the memorial.

Mr. CHANDLER presented a memorial of citizens of the eighth congressional district of Michigan, remonstrating against the importation into the United States from Canada free of duty of such articles as can be manufactured in the United States; which was referred to the Committee on Foreign Relations.

Mr. SCOTT presented the petition of public-school trustees of Washington, District of Columbia, praying that the statute of Jefferson now on the lawn east of the Executive Mansion be transferred to the reservation in front of the Jefferson public-school building; which was referred to the Committee on Public Buildings and Grounds.

He also presented a memorial of members of the Legislature of Pennsylvania, in favor of an appropriation in aid of the American Printing-house for the Blind and the American University for the Blind, located in the District of Columbia; which was referred to the Committee on the District of Columbia.

MOIETIES UNDER CUSTOMS LAWS.

The PRESIDENT *pro tempore*. The report called up by the Senator from Pennsylvania is before the Senate.

Mr. RAMSEY. I desire to make a report.

The PRESIDENT *pro tempore*. There is a report now before the Senate which will be read.

The Chief Clerk read the following report submitted by Mr. SCOTT on the 16th instant:

The committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 3171) to amend the customs-revenue laws and to repeal moieties, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the Senate recede from its amendments numbered 7 and 10.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 9, 11, 14, 18, 19, 20, 21, 22, 24, 25, 27, 29, and 34, and agree to the same.

That the House recede from its disagreement to the eighth amendment, and agree to the same with an amendment as follows: Strike out all after "court," in line

21, to and including "United States," in line 26, and insert in lieu thereof as follows:

And if produced, the said attorney shall be permitted, under the direction of the court, to make examination (at which examination the defendant or claimant or his agent may be present) of such entries in said book, invoice, or paper as relate to or tend to prove the allegation aforesaid, and may offer the same in evidence on behalf of the United States.

And the Senate agree to the same.

That the House recede from its amendment to the thirteenth amendment of the Senate, and agree to said Senate amendment.

That the Senate recede from its twenty-sixth amendment (striking out certain words) with an amendment as follows: Page 7, line 13, after "court" insert "or the judge thereof;" and the House to agree to the same.

That the Senate recede from its thirty-first amendment, striking out section 14, and agree to the same with an amendment as follows: Strike out "been" in line 1, page 9, and insert "have been;" and the House agree to the same.

That the House recede from its disagreement to the thirty-second amendment, and agree to the same with an amendment as follows: Strike out "16" and insert "17;" and the Senate agree to the same.

That the House recede from its disagreement to the thirty-third amendment of the Senate, and agree to the same with an amendment as follows: Strike out "17" and insert "18;" and the Senate agree to the same.

That the House recede from its amendment to the thirty-fifth amendment of the Senate, and agree to the same with an amendment as follows: Insert in lieu of the words proposed to be stricken out the following:

SEC. 19. That it shall not be lawful for any officer or officers of the United States to compromise or abate any claim of the United States arising under the customs laws for any fine, penalty, or forfeiture incurred by a violation thereof; and any officer or person who shall so compromise or abate any such claim, or attempt to make such compromise or abatement, or in any manner relieve or attempt to relieve from such fine, penalty, or forfeiture, shall be deemed guilty of a felony, and on conviction thereof shall suffer imprisonment not exceeding ten years and be fined not exceeding $10,000: *Provided, however*, That the Secretary of the Treasury shall have power to remit any fines, penalties, or forfeitures, or to compromise the same in accordance with existing law.

And the Senate agree to the same.

That the Senate recede from its thirty-sixth amendment, with an amendment striking out "18" (the number of the section) and inserting "20;" and the House agree to the same.

That the House recede from its disagreement to the thirty-seventh amendment, and agree to the same with an amendment as follows: Strike out "18" (the number of the section) and insert "21;" and the Senate agree to the same.

That the House recede from its amendment to the thirty-eighth amendment, and agree to the same with an amendment as follows: Strike out "three" and insert "one;" and the Senate agree to the same.

That the House recede from its disagreement to the thirty-ninth amendment, and agree to the same with an amendment striking out "19" (the number of the section) and inserting "22;" and the Senate agree to the same:

That the House recede from its amendment to the forty-fourth amendment, and agree to the same with an amendment as follows: Insert in lieu of the words proposed to be inserted by the Senate the following:

SEC. 23. That in lieu of the salaries, moieties, and perquisites of whatever name or nature, and commissions on disbursements, now paid to and received by the collectors, naval officers, and surveyors connected with the customs service in the several collection districts of the United States hereinafter named, there shall be paid, from and after the 1st day of July, 1874, an annual salary as follows:

To the collector of the district of New York, $12,000.

To the collectors of the districts of Boston and Charlestown, Massachusetts, and Philadelphia, Pennsylvania, each $8,000.

To the collectors of the districts of San Francisco, California, Baltimore, Maryland, and New Orleans, Louisiana, each $7,000.

To the collector of the district of Portland and Falmouth, Maine, $6,000.

To the naval officer for the district of New York, $8,000.

To the naval officers of the districts of Boston and Charlestown, Massachusetts, and San Francisco, California, and Philadelphia, Pennsylvania, each $5,000.

To the surveyor of the port of New York, $8,000.

To the surveyors of the ports of Boston, Massachusetts, and San Francisco, California, and Philadelphia, Pennsylvania, each $5,000.

And the Senate agree to the same.

That the House recede from its disagreement to the forty-fifth amendment, and agree to the same with an amendment as follows: Strike out "21" (the number of the section) and insert "24;" and the Senate agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the forty-sixth amendment, and agree to the same with amendments as follows: Strike out "ten," in said amendment, and insert "thirty;" also, strike out "22" (the number of the section) and insert "25;" and the House agree to the same.

That the House recede from its disagreement to the forty-seventh amendment, and agree to the same with an amendment as follows: Strike out all of said amendment and insert in lieu thereof the following:

SEC. 26. That all acts and parts of acts inconsistent with the provisions of this act are hereby repealed; that nothing herein contained shall affect existing rights of the United States; and in all cases in which prosecutions have been actually commenced for forfeitures incurred, the Secretary of the Treasury shall have power to make compensation as provided in the fourth section of this act to the persons who would under former laws have been entitled to share in the distribution of such forfeitures.

And the Senate agree to the same.

JOHN SCOTT,
T. F. BAYARD,
Managers on the part of the Senate.

ELLIS H. ROBERTS,
L. A. SHELDON,
FERNANDO WOOD,
Managers on the part of the House.

The PRESIDENT *pro tempore*. The question is, Will the Senate agree to this report?

Mr. SARGENT. I should like to ask a question about the report. It is almost impossible to tell from the reading of the report at the desk what was done with the details of this bill. I should like to know what was done with reference to the amendment providing for imprisonment as the alternative punishment for a violation of the revenue laws, which was inserted in the bill by the Senate after consideration.

Mr. SCOTT. The report having been printed and upon the tables of the members for the last two days, I did not propose to say anything in explanation of it in detail, unless as called for. The provision to which the Senator refers is retained in the bill, and the imprisonment, which was inserted, if I recollect aright, upon his motion, still remains just as it was.

Mr. SARGENT. I should like to make another inquiry of the Senator. The Senate fixed the compensation of the collectors of New York, Boston, and San Francisco at $8,000, considering that an equitable adjustment on account of the lost moieties, but did not attempt to fix the salaries of these officers in Philadelphia and other places. Now I find that San Francisco, which was so arranged by both Houses, is struck out and put in at a lower rate and Philadelphia is put in at a rate above San Francisco and even with New York. There seems to have been a fatherly care over the port of Philadelphia, which I think the Senator is entitled to full credit for; but I should like to have some intelligible reason why San Francisco was degraded in order that Philadelphia might be considered and raised.

Mr. SCOTT. Adopting the suggestion of the Senator from California, I have no blushes over the paternity of Philadelphia or fatherly care over it; and I give him credit for exercising the same over San Francisco.

Mr. SARGENT. I did not have the advantage of being on the committee of conference.

Mr. SCOTT. I have the floor now, and I hope the Senator will let me answer his question.

Mr. SARGENT. Will the Senator allow me to make one remark, and then I shall not interrupt him again?

Mr. SCOTT. I want to answer the Senator's inquiry.

Mr. SARGENT. Allow me to make one remark. Yesterday when the Senator was speaking and I asked him one or two questions I thought he was impatient, and so stated. Immediately afterward, when I had the floor, he interrupted me several times, but I listened to him with great patience.

Mr. SCOTT. The Senator is either very reckless in the use of language which grates upon the feelings of other Senators, or he has intentions which are calculated to arouse feeling in the Senate. Yesterday when I was charged with an insidious design I did betray that kind of feeling which is in my nature upon being charged with anything that is underhanded or covert. If the Senator sees proper now to refer to what occurred upon an entirely different bill, I simply say to him that I extend to him as to every member of the Senate the utmost courtesy in interruption. I am always glad when it is done in such a spirit as shows that it springs from a desire to be courteous and fair or to elicit information; but I cannot help it, when questions are put to me in such a manner as to convey imputations, if I answer them as I think they deserve.

The Senator put an inquiry to me, and when I was in the midst of answering, he interrupted me for the purpose of putting another or for interjecting an argument. Now I will come to his inquiry, and I trust that hereafter there will be no occasion for this manifestation of feeling which somehow or other seems to be an inseparable incident to every interruption the Senator from California seeks to make.

Mr. SARGENT. Thank you.

Mr. SCOTT. It is not my fault, Mr. President. I disavow any intention of being discourteous or unkind or intemperate to any member of the body, and I do not think there is anything in my manner that is calculated to warrant such an imputation.

The Senator asks me why it is that the salary of the collector at San Francisco is placed at $7,000. This is the reason: when the bill was in the Senate certain amendments were made, fixing the salaries of these officers at New York, Boston, and perhaps San Francisco; I am not certain; three or four ports at all events. When the bill went back to the House, upon a motion made there, Philadelphia was inserted at $8,000.

When the question came into the conference committee I myself raised the question whether we had jurisdiction over other ports than those that had been named in the House and in the Senate. I had my view about that and of our powers as a conference committee; but a large majority of the conference committee, older parliamentarians than I am, were so decided about it that we had power over the whole subject of salary at all the ports named in the bill, that all these were taken up, and the object was to classify these ports so that the reduction might be made to extend in some degree with the effect of this bill on the moieties. The consequence is that Boston, which last year had about $48,000, is fixed at $8,000 for the collector. New York, which had not much more than Boston, is now fixed at $12,000. Philadelphia was classified with Boston, owing to the view that was taken of the business at that port. San Francisco was placed along with two others at $7,000. There is no reduction of the salary at San Francisco. The salary proper is now fixed at $6,000. This report puts it at $7,000. The moieties were $2,000, if I recollect rightly, at the port of San Francisco, while at New York and Boston they were in the one case $30,000 and in the other $40,000.

Mr. WEST. I will ask the Senator from Pennsylvania why he has put New Orleans at $7,000 and Philadelphia at $8,000? I ask him further what is the relative amount of duties collected at Philadelphia in proportion to the amount collected at New Orleans?

Mr. SCOTT. I cannot answer the Senator in figures; but I can say that subject was discussed and with a member of the conference committee from the district of New Orleans this result was acquiesced in as altogether right and proper.

Mr. WEST. I will ask one more question. Is not the amount of

duty and revenue derived from the custom-house at New Orleans largely in excess of what it is in Philadelphia?

Mr. SCOTT. My impression is that it is not. My recollection of the figures is that the imports into the port of New Orleans for last year were stated, whether correctly or not, at twenty-three or twenty-four millions; those into the port of Philadelphia at twenty-nine millions. The exports may have been much larger from New Orleans, as doubtless they were, than from Philadelphia; but this arrangement of salaries was made after a very full conference among members of the committee, and I do not now remember that there was any disagreement on the subject.

Now, Mr. President, I have replied to the question put to me, and I wish to say, lest there may be any misapprehension on this subject, that I should be glad to have any question put to me with reference to any subject of this bill that I am able to answer. I do not wish by anything that has occurred to convey the idea to any Senator, not even to the Senator from California, that I have any disinclination to answer his questions.

Mr. SARGENT. Mr. President——

Mr. BAYARD. I wish to say one word with the permission of the Senator from California and the Senator from Pennsylvania. This amendment is not an amendment of the Senate. By looking at the bill as it passed the Senate, it will be found that Philadelphia was not among the enumerated ports at all, and the Senator from Pennsylvania is not in any way responsible for the first insertion of that amendment or the classification of the ports. The Senate will remember that the House struck out, on page 15 of the original bill, Senate amendment No. 44. The House therefore struck out all in regard to the salaries at the port of New York and some other places; but Philadelphia was not enumerated in that amendment at all. The proposition which we accepted was a proposition from the House, and I may say to the Senator from Louisiana—it is not improper to say it—that on that committee was a gentleman from the State of Louisiana, representing the city of New Orleans, I think, Mr. SHELDON. The proposition we now find before us came from the House, and came from a committee, a very active and prominent member of which was Mr. SHELDON, a Representative of Louisiana in the other House. It was not the motion of the Senator from Pennsylvania that placed Philadelphia in one category and New Orleans and San Francisco in another. Therefore when the Senator from California supposes that there was anything like a "paternal care" in respect to that, I beg leave to say to him, as I may, that the proposition classifying Philadelphia with San Francisco and Boston was a House proposition which the Senate conferees agreed to. We know that in all these cases of disagreement between the two Houses it is necessary for each House to yield something.

Mr. SARGENT. San Francisco is not classed with Philadelphia and Boston. There is just the mistake made here.

Mr. SHERMAN. It is only a matter of five hundred or one thousand dollars.

Mr. SARGENT. No matter whether the money involved is only five hundred or one thousand dollars, it is a very important matter. I was speaking of San Francisco. The Senate fixed the salary there at the same rate as New York and Boston, as it should be, considering the amount of revenue that passes through the hands of the collector there. I asked why San Francisco was degraded, not why Philadelphia was put in? If I had wanted to know why Philadelphia was put in I would not ask the Senator from Pennsylvania. I read in the Philadelphia North American within one week a most boisterous and insulting article against the delegation in both Houses of Congress from Pennsylvania, because they allowed Philadelphia to be left out, and a call was made on the citizens of the State to send somebody here who would attend to the interests of the State and of the port of Philadelphia, and not allow them to be overslaughed in this way. I think it was an insulting article. I supposed that of course it would call the attention of the Senators and members from that State to the proposition, and the natural relief would be furnished and Philadelphia would be put in the proper place. I do not object to where you put Philadelphia in, but I do object to degrading the third port in the collection of revenues down below the fourth, down to a point below where the Senate put it.

The Senator asks me why I did not attend to it. I did keep a supervision over it while the bill was before the Senate; I was attending to it all the time; but in the committee of conference, where there was no representative from the Pacific coast, it was stricken down. That is what I object to. I say it was unfair, unkind, unjust to those officers, unjust to the Pacific coast; and remember, sir, it was not a proposition made by either House. The House of Representatives had not acted on it except by a general non-concurrence in the Senate amendments; but Philadelphia, which the Senate had not covered, was put in by the conference committee, and put in over San Francisco, and San Francisco was pulled down. I think that is a matter of legitimate comment, even though the actual amount of money may be but five hundred or a thousand dollars a year.

One other remark and I have done. This is not a matter of feeling between the Senator from Pennsylvania and myself at all. I simply wanted to call attention to the fact that these cities have changed places; that was all. The Senator from Pennsylvania seems determined to consider, because my manner is somewhat earnest, that I am discourteous. I asked him a question and he replied, "Why did not the Senator attend to it." I rejoined that I was not on the committee of conference. He seemed to take offense at that, because I injected it into his explanation. I then reminded him that yesterday—and the RECORD bears me out—when he was proceeding to make a statement, I asked him a question or two; and it seemed to me he was impatient of questions; so much so that I said to him, "I am sorry the Senator is impatient of questions; I will not interrupt him again until he gets through with his speech;" and I did not interrupt him further. But, sir, I had hardly commenced my remarks in reply to him when the Senator rose and asked to be heard. I listened to him for three or four minutes until he got through and sat down. I then replied to what he said. Almost immediately he rose and interrupted me again, as the RECORD shows. I listened to him patiently and replied. You will find four or five interruptions of that kind in the midst of my speech, and there was no occasion for the Senator to show any impatience of interruption. I believe I have always been particularly careful and courteous to my brother Senators in this regard. Whenever any one has risen to ask a question or call my attention to anything, I have yielded immediately, or just as soon as I could finish my sentence. That courtesy I will extend to the Senator from Pennsylvania on all occasions, and I will always endeavor not to encroach on his rights or to be discourteous to him.

The PRESIDING OFFICER, (Mr. INGALLS in the chair.) The morning hour having expired, the Senate resumes the consideration of the unfinished business, which is House bill No. 2797, making appropriations for the payment of claims reported allowed by the commissioners of claims under the act of Congress of March 3, 1871.

Mr. SHERMAN. I hope this moiety bill will be disposed of now. There will be no further debate.

The PRESIDING OFFICER. Is there objection?

Mr. SARGENT. Yes, sir; I object.

Mr. SHERMAN. Then I move to postpone the present and all prior orders until this conference report is disposed of.

The motion was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the report of the conference committee on House bill No. 3171, known as the moiety bill.

Mr. HAGER. As I understand it the port of New York ranks first in point of dignity of revenues; Boston, I believe, is second; and San Francisco is third. Now, it seems to me the proper way to graduate the salaries would be in accordance with the amount of revenue that is obtained for the Government in the particular ports. I presume the duties are exalted just in proportion to the amount of revenue that is yielded to the Government; and why Philadelphia should be exalted over Baltimore and San Francisco I have heard no reason expressed here even by the Senator from Pennsylvania. He says it is in consequence of the abolition of the moiety system that has heretofore prevailed. Perhaps they are not as sharp on moieties in San Francisco and Baltimore as they are in Philadelphia; but I cannot see that that has any relation or bearing on the question. The abolition of moieties will apply to every port, San Francisco, Philadelphia, Baltimore, and all of them alike. I see no reason why Philadelphia should be selected and placed in the position that it occupies here with a salary above San Francisco and Baltimore, which rank higher in point of revenue than Philadelphia. There can be no reason for it.

Mr. SHERMAN. I wish to make a suggestion to the Senator from California. I know he is decidedly in favor of the passage of this bill. Here is a report of a committee of conference which there is no opportunity to amend. The only way in which this report can be amended is by disagreeing to it and asking for another conference. The matter now under discussion affects the salary of the collector of customs at San Francisco $500. We had better make up the amount in the Senate and send it to him rather than postpone the passage of this bill by such a discussion.

Mr. HAGER. That may be; but I think every Senator has a right to put his protest on record to show the injustice in the arrangement of the bill. It may stand on the record for future legislation at all events. If it has no effect on the present legislation it may at a future period show the injustice done by the arrangement that has been made here without any regard to actualities.

But, sir, I do not suppose I can change this matter; neither did I expect to speak on this subject; but when such discriminations are made as have been made here, I do not think it is anything more than right that they should be pointed out before the Senate.

Mr. SHERMAN. They can be corrected at any time.

Mr. HOWE. Mr. President, I was not able to agree to the report of the committee, and did not sign it, and shall not be able to vote for it in the Senate. I did not vote for this bill when it passed the Senate the other day. I was one of the three, I believe, in the Senate who voted against the passage of the bill. I shall vote against the adoption of this report. When I voted against the bill the other day in the Senate I really did not understand it very thoroughly. I had not then had an opportunity to examine it very closely. I had run over it; I had scrutinized some features of it; I had a very strong impression as to the effect of the bill; and it was because of that impression that I was induced to vote against it. Since then I have examined the bill more carefully, and those impressions are strengthened. The bill which passed the Senate the other day, in my judg-

ment to-day, was a worse bill than I then thought, and I then thought it a very bad bill. The bill which you are asked to sanction to-day is a worse bill than that you did sanction the other day. The changes which have been brought about by the negotiations of your conference committee have lessened rather than strengthened the efficiency of the hill. That is my judgment.

I said the other day that I thought it was a profound mistake for you now to repeal the whole moiety system, and I thought it was a profound mistake for you to preclude the Government from all opportunity, all possibility of obtaining information as to misconduct from the books of the merchants themselves. I said I thought the effect of these two provisions would be to go very far to prevent honest importations of foreign merchandise. I believed that under the operation of those two provisions your duties must be diminished; I believed your importations must be increased; I believed that home productions and home industry must be crippled by being further exposed to the influence of foreign competition. If I shall find myself, after a year or two, mistaken in these anticipations, I shall be glad; but if the near future should verify these predictions of mine, I hope the Senator from Ohio and other Senators on this floor who have been so very active in the passage of this bill will take notice of the fact, and I hope they will then be ready to tender a remedy.

Mr. President, I have heard it said repeatedly that these changes were demanded by the importing merchants of our cities. While the bill was under debate here the other day the testimony of one of the largest of these importers, Mr. A. T. Stewart, was read. I understand that testimony to be flatly against the provisions of this bill. Since that time the Senator from Ohio has placed in my hands the testimony of another importer, the firm of Messrs. E. D. Morgan & Co., merchants well known to the people of New York, well known to the Senate. It is very evident to me that the Senate does not care much what E. D. Morgan & Co. may have to say. That is manifest from the whole attitude of the Senate. But I think it due to them and perhaps due to the country that what they have said should be made known, should be placed upon record, so that hereafter if Congress shall be compelled in the interest of the revenue to take this statute from the books, if hereafter Senators shall plead, "Why, we were simply answering a demand made by the importing merchants of the country," it shall be known that E. D. Morgan & Co. were not among those merchants who made that demand; and therefore I propose to read what Messrs. E. D. Morgan & Co. have to say on this subject. The letter is addressed to the Senator from Ohio, the chairman of the Committee on Finance, dated New York, May 20, 1864:

DEAR SIR: We desire to call your attention to the danger which we apprehend from a change in the existing laws for the protection of the revenue. Any laws less effectual in restraining fraud in the importation of merchandise will surely work to the detriment not only of the revenue, but to that of honest importers. If there are errors in the existing laws, let them be corrected; but do not abate in any way their efficacy. If, for example, the laws now in existence should be altered so that reference to three merchants, to be selected by the Secretary of the Treasury, could be made before any action against any accused party is commenced, it could hardly fail to be satisfactory to all parties concerned.

We have in past years, in common with many others, been severe sufferers by fraud in the importation of sugars, and we were obliged almost entirely to withdraw from that business for a period of two or three years; and we therefore write with a full knowledge of the subject.

Very truly, yours,

E. D. MORGAN & CO.

Hon. JOHN SHERMAN,
Chairman, &c.

Mr. SHERMAN. I ought to state that the difficulty of which they complained grew out of the classification of sugars and is not affected by this moiety question in any way. We changed the classification to meet that difficulty. The duty on sugar was specific, but the classification being upon the Dutch standard, a rather uncertain standard because of the change in the habits of sugar dealers, a difficulty grew up. That has been corrected, so that I believe there is no controversy in regard to the business these gentlemen are engaged in. The moiety question does not affect them at all, as I understand.

Mr. HOWE. They are under the impression that the moiety question does affect them. They know that the only protection an honest importer has is in efficient laws energetically enforced, and they tell you, "Amend your laws but do not make them less efficacious." That is what these merchants say; and yet in the face and eyes of that protest from men who do not want to cheat the Treasury and do not want to be cheated in their business, here is a long bill which in my judgment from beginning to end makes your laws less efficacious, makes the securities to the revenues less than they are now, makes the protection to honest importers less than it now is.

Mr. President, I have not had the opportunity yet of hearing it explained on this floor—perhaps it has been explained but not when I was present—why it is thought necessary at this day to withdraw from everybody all inducement to watch over the action of your customs officers and the action of your importers. I have not heard any one explain yet how the Government or how honesty in business suffers because you offer large inducements to men to detect and to expose fraudulent dealings with the revenue. I shall be glad to hear that explained. I have heard a great deal said in a declamatory way about the infamy of informers and about the general demoralization that comes from moieties. What the illustrations are I have not heard and I do not know. I have heard declamation here over and over again about honest merchants being pursued and hunted down, mistakes taken advantage of by informers in order to enforce penalties. What are the instances? Has that been done, or has it not? How many cases are found in your records in which honest importers have suffered from their mistakes or suffered through the malignity of your informers as you call them, your special agents? I have not heard of one. There may be many.

Mr. President, I have heard the special agents of the Treasury denounced. The other day one of them, a Mr. Jayne, was arraigned here. Later than that the Senator from Delaware [Mr. BAYARD] introduced another, a namesake of my own, Colonel Howe. I do not know but that both these men are great rascals; but I think it would be simply fair when their names are introduced here, when their official conduct is arraigned, to state what their misconduct is. They are not here to defend themselves and I think the least that could be done is to state what their offenses are, and I think this should be observed more especially because they were in service, when they were in service, under the direction of your Secretary of the Treasury, under his control. Did any complaint ever come from any quarter of the country to the Secretary of the Treasury of their misconduct? If so, did he listen to it, or was he deaf to it? If I had been Secretary of the Treasury and heard these men, subordinates of mine, denounced as they have been denounced on this floor, I should feel as if a great wrong were done me, the head of the service. It was unquestionably the business of the Secretary of the Treasury to have corrected these wrongs, to have righted these abuses if they were complained of. If they were not complained of to him, I should regard it as very strong evidence that they did not exist; that the abuses were fictions, not facts.

But, Mr. President, I did not mean to say as much as this upon the question of moieties, upon the question of the seizure of books and papers. There are other features of this bill which did not attract my attention the other day, and on which I wish to make a word of comment.

A good deal has been said upon the point that the penalties for frauds and wrongs against the revenue laws provided in this bill are less than the penalties in the existing law. I do not care so much about that myself. The penalties in this bill are enough if you will enforce them. The features in this bill that I complain of is not so much that the penalties are not severe enough, but that those penalties never will be enforced for two reasons. One is that you have made the law so loose that it cannot be enforced if your officers do not want to enforce them; and the other and the stronger reason, if possible, is that you have instructed the country by this bill that the officer who undertakes to enforce your revenue laws becomes infamous in doing so that he is an offender against public sentiment, that you do not mean to have your mercantile community interfered with; they must be respected, whatever becomes of the revenue. I should be entirely content with these penalties if you would give us some reason to hope that these penalties would be enforced.

Mr. President, while I have almost been touched to see the exhibition of sympathy here in the Senate for those poor importers who have been made to pay enormous fines, heavy penalties, simply for cheating the Government of the United States out of its revenue, I am glad to see that the Senate does not mean to take sides with all sorts of rascality. There are some offenses, it is evident to me from this bill, that the Senate is willing to see punished. It has given us an example. Here is one section of the bill—I read it by way of contrast—which declares:

That any owner, importer, consignee, agent, or other person who shall, with intent to defraud the revenue, make, or attempt to make, any entry of imported merchandise by means of any fraudulent or false invoice, affidavit, letter, or paper, or by means of any false statement, written or verbal, or who shall be guilty of any willful act or omission by means whereof the United States shall be deprived of the lawful duties, or any portion thereof, accruing upon the merchandise, or any portion thereof, embraced or referred to in such invoice, affidavit, letter, paper, or statement, or affected by such act or omission, shall for each offense be fined in any sum not exceeding five thousand dollars nor less than fifty dollars, or be imprisoned for any time not exceeding two years, or both.

And in addition to that the goods so brought in shall be forfeited or the package in which the item is shall be forfeited. You know, Mr. President, how severe the struggle was to provide any imprisonment whatever for any possible offense against the revenue laws. The Senate put it in; the House would not agree to it. The conference committee, as I understand, finally kept it in by putting equivalent provisions in the bill, which make it very certain in my judgment that nobody will ever be imprisoned, because nobody will ever be convicted under this law.

But here is another crime which this law points out. Here is a crime that the Senate means to set its foot upon; here is a crime that the Senate means to crush out. What is it?

It shall not be lawful—

Says the section—

It shall not be lawful for any officer of customs, special agent, or district attorney to compromise or settle any claim of the United States arising under the customs laws, or relieve from any fine, penalty, or forfeiture; and any officer or person who shall so compromise or settle any such claim, or attempt to make such compromise or settlement, or relieve or attempt to relieve from such fine, penalty, or forfeiture, shall be guilty of a felony, and, on conviction thereof, shall suffer imprisonment not exceeding ten years and be fined not exceeding $10,000.

And after all that thundering the section concludes:

Provided, however, That the Secretary of the Treasury, in accordance with general regulations, to be prescribed by him, not in conflict with existing laws nor with the provisions of this act, may remit any fines, penalties, or forfeitures upon suffi-

cient proof that there was no intention of fraud or willful neglect upon the part of such person or persons against whom such fines, penalties, or forfeitures shall have accrued, or on the part of his or their agent or agents.

That is not precisely the way in which the provision stands in the bill agreed to by the conference committee. I see here a late Secretary of the Treasury. I should like to know whether the offense denounced in this section has ever been committed, or how many times it has been committed during his administration of the Treasury Department to his knowledge.

Mr. BOUTWELL. Never, to my knowledge, at all.

Mr. HOWE. I hear the Senator from Massachusetts, the late Secretary of the Treasury, say that that offense against which you are careful to pronounce ten years' imprisonment and $10,000 of fine was never committed to his knowledge; and yet you ask the Senate to get up bristling with indignation at a crime which never has been committed, while the whole power of Congress is invoked here to tone down, to smooth the way for these great overtowering rascalities which are committed daily and repeated daily in every port of the country where goods are received from abroad.

Mr. President, let me call the attention of the Senate to another feature of this bill. I said that the House of Representatives had manifested its evident hostility to allowing any penalties, even so mild as those mentioned in the twelfth section, to be retained in this bill. It seems the conference committee, however, has agreed to keep them there; but I find another amendment which went to the House, to which the House did not agree, from which the Senate committee seems to have receded. The Senate struck out the sixteenth section of the bill as it passed this body, that section which declared that the question of guilty intent or fraudulent intent should be submitted to the jury not merely as a question of fact necessarily included in the definition of the offense to be tried, but that it should be submitted to the jury as a separate and distinct issue. The Senate struck out that section. I find that the conference committee has concluded to retain the section. That becomes very significant, and I think very important when you look at it in connection with a previous section of the bill. The eighth section of this bill declares that a person entitled to compensation as an informer under the provisions of the bill shall not be disqualified as a witness on the trial of the cause because of that interest in the recovery; but it declares that if the Government does put the informer on the stand and examine him as a witness, the defendant himself shall have the right to testify.

Mr. CARPENTER. Will my colleague allow me to call his attention to that section as now remodeled? It first allows the informer shall testify; and then added to that is a substantial substantive provision:

And in every such case—

That is, "any action, suit, or proceeding for the recovery, mitigation, or remission" of the forfeitures provided for by this act—

And in every such case the defendant or defendants may appear and testify and be examined and cross-examined in like manner.

Mr. HOWE. I am much obliged to my colleague. I had not read the section as it is printed in the bill submitted to us from the conference committee. I think my colleague is clearly right that in every case under this law the defendant has a right to take the stand himself and be sworn as a witness in the cause, not merely a witness as to what he has done or not done, but a witness upon that separate distinct issue as to whether he did it fraudulently or not with the actual intent to defraud, about which he is the only being on earth who can speak with positive knowledge, and you have furnished no process here by which you can bring witnesses from any other place. He is the only witness who can speak with positive knowledge; and if he will take the stand and swear "Yes, I did this; I received this cargo on such a day, and I presented to the custom-house in which the goods were appraised so and so; I had another invoice sent me which is entered in my books and on which I sold the goods; but then this was all the result of a mistake; I was misled by my correspondent in Liverpool or Birmingham or elsewhere; it was a mistake;" and if he swears to that, what jury would venture to say not merely that that defendant is guilty and shall pay a fine, but that he is guilty of perjury as well?

Mr. President, that is all I care to say on that point. Now I wish to call the attention of the Senate for one moment to the question of salaries. I do not care much about them. I hear the Senators from California complain that the salary provided for the collector of the port of San Francisco is less than it ought to be in comparison with the salaries provided for the collectors of other ports. I cannot explain that unless the explanation is found in the fact that the representation from California could not do much to secure the passage of this bill, while the representatives from Eastern States were more numerous and could do more. I do not believe, however, that consideration affected the action of the members of this House. I do not say anything about members of the other House. I want to add my testimony right here to the testimony of the Senator from Delaware that if there is anything wrong in the discrimination made between the port of Philadelphia and the port of San Francisco, the Senator from Pennsylvania who sits on my left [Mr. SCOTT] is not responsible for that wrong. I have had the means of qualifying myself to speak on that point. It is simply due to that Senator that the fact should be known, and it gives me great pleasure to state it. But, Mr. President, I will not undertake to explain these things, I wish some Senator, some member of the Committee on Finance, some one somewhere would tell me why you put the salary of the collector of the port of New York at $12,000, while the Secretary of the Treasury works for $8,000. What claim has the collector of New York upon a salary 50 per cent. greater than is paid to the Secretary of the Treasury. Here is a list of officers, quite a number of them, who are paid as high as or higher than the Secretary of the Treasury? Does any one of them incur a responsibility or perform an amount of labor greater than is performed by the Secretary of the Treasury? My honorable friend from New York can doubtless explain how this is. I cannot.

Mr. CONKLING. Having the permission of my friend from Wisconsin, I venture to answer in part so much of his question as relates to the collector of New York. He inquires why does the collector of the port of New York receive $12,000, for example, and then suggests, in comparison, to point his question, that a very high officer of the Government receives but $8,000. I answer that the reason consists in part in the fact of the enormous pecuniary responsibility which the collector of the port of New York assumes and for which he gives very heavy bonds. A half million dollars in a day is not unusual, is less than the ordinary occurrence of his responsibility. He is liable not only for himself but for his subordinates; and I venture to say there is not a solvent insurance company in the country which for a premium amounting to the salary fixed by this bill for the collector of the port of New York would insure the pecuniary responsibility of the collector and his subordinates, for which he and his sureties are liable. Therefore, so long as men measure, as they always have measured, compensation in respect to pecuniary trusts by risks run, so long I humbly submit to the Senator it will be fallacious to compare mere duties, mere labor, mere official cares in the sense of exertion, with the same care when coupled with enormous pecuniary responsibility.

Mr. HOWE. The honorable Senator from New York has given an excellent reason why the collector of the port of New York should have a salary as high as $12,000; but after all he has not given a reason for that vast disparity of salary which is paid to other officers of the Treasury Department, and which is proposed to be paid to the collector of customs at the port of New York. If this means to measure out salaries proportioned to the weight of pecuniary responsibility devolved upon the officers, why do you make no greater difference between the salary of the collector of New York and the salary of the collectors of Boston, San Francisco, or Philadelphia? New York collects I suppose about three-fourths of the customs revenue of the whole country, and tried by that test the collector's salary should be three times as much as the salary of all other collectors.

But there is another officer in New York to-day whose pecuniary responsibilities I take it are even heavier than those of the collector of customs there, and that is the sub-treasurer, and I take it there is an officer in this city, to say nothing about the Secretary of the Treasury, to wit: the Treasurer of the United States, whose pecuniary responsibilities are greater than those of any other collector in the United States. I believe the sub-treasurer in New York works for a salary of $7,500; I believe the Treasurer of the United States works for a salary of $6,000. I am corrected on both sides of me; it is said he has the same salary as the sub-treasurer at New York. I am not finding fault with the salaries which you propose to pay to the collectors under this bill. They are as low as they ought to be. I simply want to know what consideration there is that moves us at this time to do justice in the way of salaries to these few officers, and to leave this great injustice upon those other officers who do more work, assume more responsibility, and are yet unpaid.

Mr. HAGER. Will the Senator allow me a word?

Mr. HOWE. Certainly.

Mr. HAGER. I desire to say in justification of what I stated that I see upon reference to the departmental report that the imports at the port of San Francisco are nearly double those at the port of Philadelphia. I mention this as a justification of the remarks I made before in regard to this arrangement of salaries.

Mr. HOWE. Mr. President, let me call attention to one other section of this bill, and I now have before me the bill printed in pursuance of the recommendations of the conference committee. Let me call attention to the twenty-fourth section and I shall be done with this subject for the present. The twenty-fourth section provides:

That the Secretary of the Treasury shall, from time to time, make such regulations as he may deem necessary for the conduct and management of the bonded warehouses, general-order stores, and other depositories of the imported merchandise throughout the United States; all regulations or orders issued by collectors of customs in regard thereto shall be subject to revision, alteration, or revocation by him—

So far I understand, it recites substantially the law as it exists—

and no warehouse shall be bonded and no general-order store established without his authority and approval. And it shall be the duty of the Secretary of the Treasury, in granting permits to establish general-order warehouses, to require such warehouse or warehouses to be located contiguous, or as near as may be, to the landing places of steamers and vessels from foreign ports; and that no officer of the customs shall have any personal ownership of, or interest in, any bonded warehouse or general-order store.

Now, according to my understanding, the only effective words in that long section are those requiring that general warehouses shall be "located contiguous, or as near as may be, to the landing place of steamers and vessels from foreign ports." Those, I think, are the

only words in this section which will alter the law. Those words will have, as I understand them, just this effect and no other: to secure to three great steamship companies, not one dollar of the capital in any one of which is owned by an American citizen, and to secure to them absolutely, the storage of all the goods they bring into the country, not merely of the general-order goods, but of all the goods they bring in. The Cunard line, the North German Lloyds, and the Hamburg line have at last obtained or will when this law is put upon your statute-book, have obtained from an American Congress a national decree that they shall have the exclusive storage of all the goods which they bring into the country and which go into bonded warehouses or into general-order stores. That may be a wise thing to do; it does not seem to me to be so; and it is one of the reasons why I will not consent to the passage of this bill. If I am mistaken as to the practical effect of this section I shall be glad to have my mistake pointed out. That is just what I understand it to be; and yet it passed the Senate, I believe, the other day, without any criticism or attracting any attention whatever. I do not know whether it was the design of the framers of this bill or whether it is an accident which has crept into the bill. That is the way I regard it, and that is one of the reasons why I shall not vote for it.

Mr. President, I will occupy no more of the attention of the Senate.

Mr. CARPENTER. When this bill was before the Senate the other day I voted against it. I did so because in my belief it would defraud the revenues twenty-five millions annually. But that is not all. We might be willing to pay twenty-five millions a year for a great reform. We are paying pretty dearly for all our great modern reforms, and twenty-five millions a year might be cheerfully paid for this. But the evil does not stop with the twenty-five millions. Such is the nature of the importing business that a very slight discrepancy in the duties paid would enable those who pay lesser duties to control the market and ruin all the men who pay the higher duties.

This bill, as it seems to me, from beginning to end is a bill to favor smugglers. It is the most tenderly drawn bill to punish smugglers that ever was devised. Our fathers, in the infancy of the Republic, devised a system for collecting the revenue with a keen knowledge of the nature of the subject to be regulated, taking into account the temptation which existed to violate the law, and the evil consequences that would follow from its violation, and they framed and matured a complete system which has been in existence for nearly eighty years, and under which our duties have in the main been impartially and honestly collected. Now it is proposed to change that system in many important particulars, and we have this bill for the purpose. The two sections to which my colleague has already referred clearly indicate the spirit of this bill. We are told that the merchants, the importers, demand a reform in the law. What kind of a reform? A reform, we are told, that shall impose less severe penalties for a violation of the law. That is, the reform, as far as it goes in that direction, is to encourage the violation of the law, make it easier to violate the law, make it more difficult to convict a man for violating the law, make the penalty for violation after conviction less severe, and to remove the instrumentalities by which the law has been enforced. As illustrating this, the eighth and fourteenth sections seem to me to be conclusive. The eighth section reads:

That no officer, or other person entitled to or claiming compensation under any provision of this act, shall be thereby disqualified from becoming a witness in any action, suit, or proceeding for the recovery, mitigation, or remission thereof—

"Thereof" means nothing, and I believe is a misprint. The "fines, forfeitures, and penalties prescribed by this act" are referred to by the word "thereof." I proceed with the section—

but shall be subject to examination and cross-examination in like manner with other witnesses, without being thereby deprived of any right, title, share, or interest in any fine, penalty, or forfeiture to which such examination may relate; and in every such case—

That is, referring back to the previous language, "in any action, suit, or proceeding for the recovery, mitigation, or remission, &c., of the fines, penalties, and forfeitures imposed by this act." That is what is meant by the phrase "every such case."

And in every such case the defendant or defendants may appear and testify and be examined and cross-examined in like manner.

Then section 14 requires the judge not only to have the jury find that the defendant has volated the law, has smuggled articles, and entered them falsely by perjured affidavits; but after all these facts are established and after the jury are satisfied that the man has committed the offense within every legal definition which ever applied to such a subject, then the jury are to be brought to another question that is separate and distinct from the question of the man's guilt arising from the facts proved, what he has done and the legal presumption arising therefrom; and the jury are to be told in substance, "Although you may find that this defendant knew that there were diamonds in that chest of tea, and that he made a false affidavit when he entered the package, you must, notwithstanding, answer this further question, you must say upon your oaths, upon all the testimony in the case, that the defendant did this thing with 'an actual intent'" to do what? Defraud the revenue law? O, no; that is not it, but "to defraud the United States."

My honorable friend from Pennsylvania would say that defrauding the United States in this connection means defrauding the revenue laws of the United States. Very well. My honorable friend would not smuggle; he would not commit perjury to cover smuggling; he would not swear, if he had done such a thing, that he had not done it. I am not speaking of him; but let us take the case of a man who believes that free trade is for the true interest of this country. Suppose a man thinks every article ought to be imported free of duty, and he simply swears that he had no actual intent to defraud the United States. Then the jury when they come to that part of the case have heard the only witness who, as my colleague has said, can really know what his intentions were. Any one may judge of his intentions from his conduct. We hang murderers, we convict men of every crime in the catalogue by testimony of this kind, by the legal presumption from the acts performed by the party; but that is too severe for smugglers. Our hearts relent when we come to a smuggler. We would hang a man charged with murder upon the presumption of the law arising from his act; but we are not to convict a smuggler by the same rule. We must go beyond the fact and the presumption arising from it and prove that he actually intended to defraud the United States, and we make him the witness; and in the nature of things he is the only witness.

Now, I want to know if any lawyer who has been in the habit of defending these cases and other criminal cases for years believes that a conviction can be had under these two sections, that a jury will find a man guilty of the actual intent when he swears positively that he had no such actual intent and when the judge must tell the jury "no matter what you conclude from the fact that he did certain things, the law requires not only that but it requires in addition to the legal presumption from the act done that you should find as an independent, yes, and as a separate, distinct fact by a special finding, that this man did actually intend to defraud the United States?" Suppose the jury should happen to be free-traders, and suppose they should find that the man did intend to defraud the revenue laws; but they being free-traders think the revenue laws are against the interests of the United States, and consequently smuggling does not defraud the United States taken as a whole, but is in the interest of the people, and if such a jury would acquit every man of smuggling because they are opposed to paying duties? This is a penal act, and is to be construed strictly.

Does anybody believe, Mr. President, that the honest merchants of this country want such a law passed? Will such a law help anybody in the importing business except thieves? Certainly not. And yet for voting against such a bill and opposing it I have been handled rather severely by the New York press; and while I do not expect to take any notice of what any newspaper may say about me as an individual, when I am charged as having acted corruptly as President of the Senate, I think the case is different. After having criticised my opposition to the bill the New York World says:

The President of the Senate *pro tempore* need not imagine that the commercial community does not see through his maneuvers. He appointed Senator HOWE on the conference committee.

Then it goes on and abuses my colleague, which I rejoice at, [laughter,] for I have been abused individually so much that to be yoked to another man and have the lash come over both of us at once gave me infinite delight.

Nor will it be overlooked that Senator HOWE is not even a member of the Finance Committee, and that it is customary for a bill perfected and considered in the Finance Committee to be referred to a conference of members of that committee.

I need say nothing about that criticism in this body where parliamentary usages are known and where everybody knows that a conference committee should be so made up as to represent both sides of a question; and in this case the Senator from Pennsylvania and the Senator from Delaware [Messrs. SCOTT and BAYARD] were both members of the Finance Committee. I may state the further fact that after the chairman of the Finance Committee [Mr. SHERMAN] had declined to serve on the committee of conference in consequence of his other engagements, I called him to the chair and consulted with him about the committee, and the committee that was appointed was entirely satisfactory to him.

But this criticism is followed by a statement which leaves the inference, and was undoubtedly intended to create the impression, that I had acted corruptly in the chair in consequence of what is added in the next paragraph, namely:

The merchants of New York know very well that when the Phelps-Dodge case was in its inception the lawyers of the spy Harvey telegraphed for Senator CARPENTER, and that Senator CARPENTER came here and gave his legal advice to aid the prosecution in realizing their $271,000.

Now, merchants of New York, do you not see why this man has acted so corruptly in the chair? Do you not see why he did not appoint the conference committee all on one side? Because he had been retained for the spy Harvey and was his legal adviser. Three things are affirmed here; first, that Harvey's lawyers telegraphed me; second, that I went to New York; and third, that I gave legal advice in aid of that prosecution.

There never was a greater falsehood. Neither Harvey nor his lawyers nor his friends ever telegraphed to me to my knowledge about any subject whatever. I never went to New York in consequence of such telegram. I never aided by advice or otherwise the prosecution in realizing $271,000 or any sum whatever. I never aided them at all, nor gave them any advice whatever.

I voted against this bill because I thought the bill was an exceedingly bad one, because I thought it would defraud our revenue and ruin all honest importers, that smuggling would become the rule and

must become the rule, and honest importers must abandon the market; but when I resumed the chair I acted as I have tried to act in all cases, appointing the committee of conference according to the rules of parliamentary law.

Mr. SHERMAN. I desire to say, if the statement of the Senator from Wisconsin really needs any corroboration, that the editor of the paper was entirely mistaken in regard to the organization of this conference committee. It was made in exact accordance with the rules requiring a majority of the committee to conform to the vote of the Senate. That was done in this case by appointing two members of the Committee on Finance who reported this bill on the committee of conference and appointing also a gentleman who had voted against the bill. That is the uniform custom of the body, and the appointment of the Senator from Wisconsin [Mr. HOWE] I think I suggested myself, because the Senator from Wisconsin had voted against the bill and had shown himself very much opposed to it, and thereupon, when he was appointed as being opposed to the bill, I handed over to him a number of papers against this bill. Although I was strongly in favor of the bill, I felt it due that the conferees should have all the information to be had on either side of the subject, and I am perfectly satisfied with the result of their labors.

Mr. SCOTT. I do not rise to enter into this controversy about the New York World, for I have come in for my share of editorial abuse; but as my friend from Wisconsin has commented on a portion of the eighth section, which enacts that the party sued for a penalty may become a witness, I simply want to ask him whether he thinks that is introducing any new principle into our Federal legislation in view of the act of 1864, which provided "that in the courts of the United States there shall be no exclusion of any witness on account of color nor in civil actions because he is a party to or interested in the issue to be tried?" I am not aware whether the question has ever been met as to whether this section covered a civil action for a penalty, although the language I think is broad enough to do so, unless there has been a decision to the contrary. My friend from Delaware, to whom I suggested this question, hands me this ruling: Under the act of 1864 the claimant of property seized for a violation of the internal-revenue law is a witness in his own behalf." (United States *vs.* Ten Thousand Cigars, 1 Woolworth, 123.)

Mr. CARPENTER. There is no doubt about that. The new principle introduced here is that while you leave him to be a witness and he is authorized to swear, he is the only man who can swear as to his actual intention as distinguished from that intention as presumed by his conduct, and you then require the judge to put that as a separate and distinct question to the jury, whether they find him guilty of an actual intention. There is the new principle.

Mr. SCOTT. I understood the comment which my friend made on the two sections taken together to animadvert principally on permitting the defendant to become a witness.

Mr. CARPENTER. No.

Mr. SCOTT. I simply wished to call his attention to the fact that it was only a re-enactment of what had already been the law.

Mr. CARPENTER. That I understand; but that taken in connection with the other provision makes a new principle.

Mr. STEWART. The title of this bill suggests to my mind some very grave considerations. The number of cases of fraud exposed by this detective system demonstrates the amount of smuggling to some extent, and demonstrates the necessity of a very rigorous administration of the law. It shows that the amount of robbery in the collection of our revenue is perfectly enormous. But the public sentiment will not tolerate moieties, which appear to be the only inducement you can offer in order to get at these frauds, and when these spies are taken off we may reasonably suppose that the amount of frauds must increase immeasurably. I have no doubt of it. Good judges estimate that there will be twenty or thirty millions stolen annually in consequence of this measure; that is, our revenues will be reduced that much; and into whose pockets will this money go? Into the pockets of honest men? No; into the pockets of smugglers.

If this business of collecting the revenues by tariffs is liable to these enormous abuses, a very grave question arises. We have been told that in a single year, of the number of cases detected and unearthed forty-eight judgments were obtained and enormous amounts of money made by the officers as moieties. These moieties always come out of the fraudulent importations. They are the divisions of the spoils of those that are overtaken. I say there is enough developed in the course of this controversy to cast a very grave suspicion, a very grave doubt, upon the possibility in the United States of collecting revenues by imposts, by duties. If the system is such that no honest man can be engaged in importing—and I believe it is admitted that in certain branches of trade American merchants have been driven out entirely—if the system is such that enormous wealth can be accumulated by people who are willing to be dishonest, it seems to me it creates a necessity for remodeling your tariff so that these revenues can be collected and collected honestly. It is a most conclusive argument against your general *ad valorem* tariff. The developments in the course of this discussion furnish a strong argument against your present tariff system.

It appears that spies will not be tolerated in this country; they are odious; but when we reflect upon what has occurred during the last year, what may we expect to happen when they are taken off? It shows that we must remodel our tariff law, and impose duties upon only a few articles, and those of such a character that there can be no fraud in them.

I have voted consistently since I have been here for tariffs. A tariff is a tax directly upon my people. They manufacture nothing; they produce gold and silver, and buy everything. The people of the Pacific coast have stood up for tariffs, and they have believed that in the prosperity of the whole country, in the employment of laborers, and in keeping up the price of labor throughout the country, their prosperity would be enhanced, because they are a part of the same common country; but I tell you, if you cannot unearth these frauds of smuggling without creating such scandal as calls for legislation to repeal the laws by which they are unearthed, then you must change your tariff laws; you must do it as a necessity; you must have nothing but specific duties, and those on but a few articles that can be understood.

It may be that the passage of this bill is necessary to stop moieties, because they are odious, but the system of moieties has been in existence long enough to develop a state of things which, without the moieties, will sap the foundation of all government. If you have laws whereby men can by evading them accumulate millions, you saddle all the burdens of government upon the laboring classes. After all, they all come upon labor. If you have such laws, you must obtain your revenue in some other way. If you repeal these laws, you cannot prevent this system of corruption. I have examined this subject enough to be thoroughly satisfied that if you take away your spies and your moieties, the smugglers will rob the country. You say you will not have these spies and informers; and I think there is great deal of reason why you should not have them. Then it is the first duty of Congress to take hold of this question and remodel the tariff, have nothing but specific duties, and put those on so few articles that the world may know where you get your revenue.

Although this bill will not relieve the burdens of the people, although the prices of all articles will remain the same, and the tariff the same, we are told by men who pretend to understand the subject that it will considerably reduce your revenues. Suppose it does not reduce your revenues more than $10,000,000; those $10,000,000 are taken from the people and put into the hands of those who are willing to evade the laws. The estimate is that the reduction will amount to $30,000,000. Can we stand by a system of revenue whereby thirty or forty million dollars may be filched in a year, which must eventually be supplied by the people? The price of everything will be raised in consequence of it. I do not believe, with your present complicated system of *ad valorem* duties and tariff laws, that it is possible to administer them without spies and without agents and without offering inducements for the detection of fraud. You must give inducements to men to watch the smugglers; you must employ detectives if you spread out before the whole country opportunities such as are spread out by means of the present tariff law. You talk about getting honest men and getting men who will do their duty! You cannot hire men to act as detectives without giving them a bounty. I have not the highest faith in detectives; I do not believe much in them; but if you continue this system, if you give so many opportunities for rascality, you have got to pay a pretty high price to detect it. It is a commentary upon your loose tariff system that you cannot avoid. It must be reorganized and remodeled. It is the duty of Congress to pass such laws as will not drive honest men out of trade. Then you can dispense with your moieties. With this system and without moieties the people are to be robbed almost *ad libitum*. There is no doubt of it.

Mr. THURMAN. I only rise to say that I hope the vote will be taken on this report. The bill passed the Senate by a vote of 40 to 3, I think. The subject has been amply discussed; and if we are to do any more business at this session, we shall have to agree to abbreviate our speeches. I hope the vote will be taken.

Mr. FENTON. Mr. President, I suppose discussion has closed on this bill, and I rise merely to congratulate the Senate and the country upon its passage. I assume that there will be none or very few votes against it. The bill as agreed upon by the conference committeee is not all that I could have desired. But upon the whole it is in the direction of reform, and ought to be pretty satisfactory as a beginning. If I had been here last week during the discussion I should have tried hard to maintain some other points which I deem important alike to the importers and the Government, and to have defended the bill against the opposition which was made to it. But I am pretty well satisfied with what we have, and after stating my regret that business of a private character, which I could not disregard, compelled my absence, my object in rising is simply to express the earnest hope that the Senate will now without further discussion adopt the report of the committee.

The PRESIDING OFFICER, (Mr. INGALLS in the chair.) Will the Senate agree to the report of the committee of conference?

Mr. SCOTT. If we can have a vote I do not desire to say a word.

Several SENATORS. Let us vote.

The report was concurred in.

ORDER OF BUSINESS.

Mr. SCOTT. I move that the Senate resume the consideration of the unfinished business.

The PRESIDING OFFICER. The Senator from Pennsylvania moves to resume the consideration of House bill No. 2097, which was

the unfinished business of yesterday but was laid aside this morning by a vote of the Senate.

Mr. FRELINGHUYSEN. The Committee on the Judiciary imposed the duty on me of bringing before the Senate a bill for the enforcement of law in Utah. The bill has passed the House of Representatives. In its form it is a mild measure, only calculated to promote the enforcement of law. That bill has been further amended in the Judiciary Committee, so that I think there can be no objection to it. I have received this morning a communication from the Attorney-General stating that it is of the first importance that that bill should pass. I read a part of what he says:

I think it is indispensable to the administration of justice in that Territory that there should be some legislation upon the subject. The people there have been practically without courts for two or three years. It will be a very great disappointment, and I think calamity, if nothing is done in that direction at this session of Congress.

Now, it is very clear that with the amendments reported by the committee the bill has got to go back to the House. I think that bill can be passed in half an hour; and therefore I move that all other orders be laid aside and that we proceed to the consideration of that bill.

Mr. SCOTT. Is that motion in order pending the other?

The PRESIDING OFFICER. The Chair understands that motion not to be in order at present. The question now is on the motion made by the Senator from Pennsylvania, [Mr. SCOTT,] which must be voted upon. If that should be voted down the Senator from New Jersey can then make his motion.

Mr. FRELINGHUYSEN. Then I would simply ask the Senate, in view of the statement which I have made, and of the fact that our friend from Pennsylvania while he had one measure before the Senate has introduced another which has occupied two or three hours, that we be permitted to dispose of this bill. I am the more earnest about it inasmuch as I am expected to take care of the bill, and to-morrow I must be engaged probably all day in an important conference committee.

Mr. SCOTT. If the measure to which the Senator has referred was one in which the Senator from Pennsylvania might be supposed to have any personal interest, the appeal might have some force. I have simply been acting as the organ of the Senate, as chairman of a committee of conference, and now as chairman of another committee, in bringing before the Senate bills of large public importance. This one has already been discussed at such length that I hope to be able to get a vote upon it in a few minutes.

Mr. FRELINGHUYSEN. I did not think the Senator from Pennsylvania had any personal interest in either of the measures except that personal interest which a Senator always has to dispatch the business which is specially committed to him as soon as possible.

Mr. DAVIES. I hope the Senate will continue in the line it was upon yesterday. We had up a bill, and it is the regular order to-day, in which a thousand persons are interested. It is the work of the claims commission for a whole year. Therefore I hope we shall continue its consideration without laying it aside.

Mr. ALLISON. I desire to give notice that I shall ask the Senate to consider the bill providing for the government of the District of Columbia, and I would move to set aside the pending order but for the fact that the Senator from Pennsylvania says it will occupy only a few moments. This District bill if passed at all must pass the Senate to-day, and I trust Senators will give it that consideration which its importance requires.

The PRESIDING OFFICER. The question is on the motion of the Senator from Pennsylvania to proceed with the consideration of the claims bill.

The motion was agreed to.

JOSEPH MONTANARI.

Mr. BUCKINGHAM. I beg leave to make a statement preparatory to submitting a motion. Some days ago the Senate passed a bill for the relief of Joseph Montanari, and for other purposes, to allow the Secretary of State to audit a claim which he had for services as vice-consul at Port Mahon. In connection with that section, the first section of the bill, it was also voted and the bill which passed here repealed the old law which prohibited the payment of consuls and vice-consuls for services who were not citizens of the United States. That bill went to the House of Representatives, and the House struck out the section which relates to the payment of consuls and vice-consuls who were not citizens. It was put in at the suggestion of the Secretary of State. When that bill was returned, a motion was made that the Senate disagree to the amendment of the House and ask for a committee of conference. That committee was appointed; but about that time, perhaps on the very day, the House put into the appropriation bill for consular and diplomatic service of the Government for the year ending June 30, 1874, a provision like this which they rejected in this bill. Now I ask the Senate to reconsider the vote by which that committee of conference was appointed, and request the House of Representatives to return the bill to the Senate, and then I shall make another motion to concur in the House amendment.

The PRESIDING OFFICER. Is there objection to the motion of the Senator from Connecticut to reconsider the vote by which the committee of conference was appointed on the bill indicated by him? The Chair hears no objection, and the House of Representatives will be requested to return the bill to the Senate.

Mr. BUCKINGHAM. Now I move that the Senate concur in the amendment of the House to the bill (S. No. 311) for the relief of Joseph Montanari, and for other purposes.

The motion was agreed to.

PERSONAL EXPLANATION.

Mr. FENTON. I ask the indulgence of the Senate for a moment to make a brief statement.

Mr. ALLISON. May I ask what is the regular order?

The PRESIDING OFFICER. The Senator from New York has the floor.

Mr. FENTON. Mr. President, my attention has been called to a newspaper paragraph which relates to my colleague and myself, about which I wish to make a remark. I will send it to the Clerk's desk that it may be read.

The PRESIDING OFFICER. The Clerk will read it if there be no objection.

The Chief Clerk read as follows:

Alluding to a streak of unusual courtesy, which it has observed in Senator CONKLING's behavior toward his colleague lately, the Utica Observer says:

"The explanation of it, as it comes from the lips of Senator FENTON himself, is, to say the least, curious. He says: 'I have CONKLING by the throat. If he dares to open his mouth against me he is a ruined man.' This, of course, may be mere idle boast, although it comes from a man not given to idle boasting."

It is assumed to come from a man who, moreover, is not "given to boasting" at all, least of all when he has the power to do what he will. Any one who knows Senator FENTON will understand what ineffable bosh this talk of the Observer is. We would lay the extravagant odds of the Express against the Observer that the latter invented the whole paragraph.

Mr. FENTON. I think it is due to my colleague that I should say that I did not use the language attributed to me.

Mr. CONKLING. If I may be allowed, I wish to say one word. I, too, had observed this statement. It originated in an obscure print of limited and local circulation; but after a fashion so prevalent in these times, many newspapers thought it worth while to repeat it again and again. It is due to my colleague to say that I never believed he had said any such thing as the statement imputes to him, and I accept as an act of courtesy and fairness his disavowal and denial. It is bad enough that we should be rudely and falsely aspersed as in a greater or less degree we are by those not of this body. Silence however is the best answer to the general storm of abuse. When, however, libelers pretend to quote one Senator against another, and especially a Senator against another from the same State, I think it worth while, as my colleague has thought it, to record a disavowal and denial of injurious untruth.

REPORTS OF COMMITTEES.

Mr. PRATT. Is morning business in order? I have some reports to make and I wish to introduce a bill.

The PRESIDING OFFICER. The Chair understands that by a vote of the Senate House bill No. 2797 has been taken up and is before the Senate for consideration. If there is no objection the Chair will receive morning business.

Mr. SCOTT. Let me inquire is there anything the Senator from Indiana wishes to have considered at present?

Mr. PRATT. No, sir.

Mr. SCOTT. If it is simply to make a report, I shall not object.

Mr. PRATT, from the Committee on Pensions, to whom was recommitted the bill (H. R. No. 2456) to amend an act entitled "An act to revise, consolidate, and amend the laws relating to pensions," approved March 3, 1873, reported it with an amendment, and submitted a report thereon; which was ordered to be printed.

Mr. SPENCER, from the Committee on Commerce, to whom was referred the bill (H. R. No. 2541) giving the consent of the United States to the erection of a bridge across the Arkansas River at Pine Bluff, Arkansas, reported it with amendments.

Mr. BOREMAN, from the Committee on Territories, to whom was referred the bill (H. R. No. 3679) defining the qualifications of territorial Delegates in the House of Representatives, reported it without amendment.

BILL INTRODUCED.

Mr. PRATT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 957) chartering a double-track freight-railway company from tide-water on the Atlantic to the Missouri River and to limit the rates of freight thereon; which was read twice by its title.

Mr. PRATT. I introduce this bill by request. So far as I have examined the bill I approve it. I move that it be referred to the Committee on Railroads.

The motion was agreed to.

REGULATION OF GAS-WORKS.

Mr. MORRILL, of Vermont. I desire to get a committee of conference ordered on a bill which is on the table in relation to gas-works. Will the Senator from Pennsylvania consent that I may have it taken up and the amendment of the House to that bill non-concurred in?

The PRESIDING OFFICER. Does the Senator from Pennsylvania consent?

Mr. SCOTT. To the appointment of a conference committee I consent; but for no other purpose.

There being no objection, the Senate proceeded to consider the amendments of the House of Representatives to the bill (S. No. 733) regulating gas-works; which were in section 11 to strike out "coal," before "gas," and insert "illuminating;" and to add to section 11 the following proviso:

Provided, That when the price of gas coal delivered at the works of the Washington Gas-light Company shall advance to $8 per ton, the price of gas to consumers may be advanced 10 cents per thousand cubic feet, and an additional 10 cents per thousand feet for each additional dollar per ton that gas coal may advance in price; and in like manner a reduction of 10 cents per thousand feet shall be made for each and every dollar per ton that gas coal may fall below $7 per ton; and for that purpose the Washington Gas-light Company shall in the month of May in each year furnish the Secretary of the Interior with a statement of all their coal contracts or purchases for the ensuing year, sworn to before a justice of the peace by their engineer or secretary, and the advance or reduction of price shall take place on the 1st of July ensuing.

Mr. MORRILL, of Vermont. I move that the Senate non-concur in the amendments of the House, and ask a conference on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Messrs. MORRILL of Vermont, COOPER, and ALLISON were appointed.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a report of the Secretary of the Navy, in answer to a resolution of the Senate of June 13, 1874, accompanying the report and maps of the survey to ascertain a practicable route for an interoceanic ship-canal via the Lake of Nicaragua; which was ordered to lie on the table, and be printed.

PETITIONS AND MEMORIALS.

Mr. FENTON presented a petition of citizens of the United States, praying for a revision of the pension laws; which was ordered to lie on the table.

Mr. CONKLING presented a memorial of Messrs. Hards & Co., Kutter, Luckermeyer & Co., Herman Baker & Co., and other merchants and importers of the city of New York, remonstrating against the passage of the law imposing a tax on sales of stocks, bonds, coin, and other securities; which was ordered to lie on the table.

REPORT OF COMMISSIONER OF EDUCATION.

Mr. ANTHONY. I offer the following concurrent resolution, which I ask to have referred to the Committee on Printing:

Resolved by the Senate, (the House of Representatives concurring,) That there be printed for the use of the Department of the Interior eleven thousand copies of the annual report of the Commissioner of Education for 1873.

I wish to say in reference to this resolution that the Committee on Printing have received numerous communications from the Departments and from the Bureaus thereof asking for the publication of reports and documents for the use of the Departments. It has been customary for the Committee on Printing to recommend from time to time some of these publications as supplemental to the edition ordered for the use of Congress; but after the evident indisposition of the Senate to sanction any printing of this kind the committee have declined to introduce any further resolutions. If it is proper that these reports should be printed they should be estimated for in the appropriations for the Departments, should go before the Committee on Appropriations, and should be itemized in the appropriations like any other items of expenditure. Therefore I hope that the heads of Bureaus and Departments who desire publications of this kind will make their communications to the Committee on Appropriations, where I think they belong.

The resolution was referred to the Committee on Appropriations.

REPORT OF TRANSPORTATION COMMITTEE.

Mr. SCOTT. If the Senator from Rhode Island is through, I must insist on the regular order.

Mr. ANTHONY. If the Senator requests me to do so, I will introduce a resolution that I have attempted several times to have acted upon, and to which I believe there is now no objection, for publishing the report of the committee on cheap transportation to the seaboard. I will do that at the request of the Senator from Pennsylvania, who I believe is very much interested in it.

Mr. SCOTT. No doubt I am very much interested in it; but many Senators complain that unless this bill is put through, and unless I adhere to it, it is interfering with their business, and if that resolution will give rise to the least discussion I must insist on the regular order.

Mr. ANTHONY. I do not think it will give rise to any discussion. I believe the only Senators who objected heretofore have withdrawn their objections. If it gives rise to a word of debate I will withdraw it.

The resolution was considered by unanimous consent and agreed to, as follows:

Resolved by the Senate, (the House of Representatives concurring,) That one thousand additional copies of the report of the Select Committee on Transportation Routes, with the appendix and evidence taken, be printed, of which three hundred copies shall be for the use of the Senate, six hundred copies for the use of the House, and one hundred for the use of the Select Committee on Transportation Routes; and that there shall also be printed five thousand copies of said report and appendix, without the evidence, of which fifteen hundred shall be for the use of the Senate, three thousand for the use of the House, and five hundred for the use of the Select Committee on Transportation Routes.

WITHDRAWAL OF PAPERS.

On motion of Mr. PRATT, it was

Ordered, That Henry C. Smith have leave to withdraw his petition and papers from the files of the Senate.

HOUSE BILLS.

The bill (H. R. No. 3680) for the government of the District of Columbia, and for other purposes, was read twice by its title.

Mr. ALLISON. I ask that that bill may be taken from the table and proceeded with as soon as the bill now under consideration is disposed of.

Mr. SCOTT. Let it lie on the table.

The PRESIDING OFFICER, (Mr. INGALLS in the chair.) The bill will lie on the table.

The bill (H. R. No. 3740) to create the Bozman land district in the Territory of Montana was read twice by its title.

Mr. KELLY. I should like to have action on that bill now. The Senate has already passed a similar bill.

Mr. SCOTT. I cannot consent that any bill shall be taken up for action now.

Mr. KELLY. It will not take one minute.

Mr. SCOTT. I cannot consent that any bill shall be taken up for action now, and I hope the Senator will not make the appeal.

Mr. KELLY. Then let the bill lie on the table.

The PRESIDING OFFICER. It will lie on the table for the present.

HOUSE BILLS REFERRED

The following bills from the House of Representatives were severally read twice by their titles, and referred to the Committee on Naval Affairs:

A bill (H. R. No. 2774) for the relief of Edward Cavendy;

A bill (H. R. No. 3743) to reimburse the city of Boston for certain expenses incurred in the improvement of Chelsea street, formerly Charlestown, in connection with the United States navy-yard; and

A bill (H. R. No. 3362) for the relief of Mrs. Sarah B. Forest, widow of Lieutenant Dulaney A. Forest, late of the United States Navy.

CELEBRATION OF BOSTON TEA PARTY.

The PRESIDENT *pro tempore* laid before the Senate the following resolution of the House of Representatives:

Resolved, (the Senate concurring,) That the woman's centennial executive committee of the city of Washington have leave to occupy the Rotunda of the Capitol, under the supervision of the Commissioner of Public Buildings and Grounds, upon the afternoon and evening of the 16th of December next, for the purpose of celebrating the destruction of the tea in the harbor of Boston on the night of the 16th of December, 1773.

Mr. SPRAGUE. I hope that resolution will pass. There is no objection to it.

Mr. SCOTT. If there will be no debate upon it, very well.

Mr. WEST. There will be none.

Mr. SCOTT. Very well.

The resolution was adopted.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. E. BABCOCK, his Secretary, announced that the President had on the 18th instant approved and signed the following acts:

An act (S. No. 533) granting a pension to Uriah W. Briggs;

An act (S. No. 624) to authorize the issuance of patents for lands granted to the State of Oregon in certain cases;

An act (S. No. 658) granting a pension to Martin V. Jackson; and

An act (S. No. 876) to amend the law relating to patents, trademarks, and copyrights.

AMENDMENTS TO APPROPRIATION BILL.

Mr. CHANDLER, Mr. FLANAGAN, Mr. MERRIMON, and Mr. SPENCER submitted amendments intended to be proposed to the bill (H. R. No. 3600) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1875, and for other purposes; which were referred to the Committee on Appropriations, and ordered to be printed.

Mr. HITCHCOCK, from the Committee on the District of Columbia, submitted an amendment intended to be proposed to the bill (H. R. No. 3600) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1875; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. SHERMAN, from the Committee on Finance, submitted an amendment intended to be proposed to the bill (H. R. No. 3600) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1873; which was referred to the Committee on Appropriations.

Mr. MORRILL, of Vermont, from the Committee on Public Buildings and Grounds, submitted an amendment intended to be proposed to the bill (H. R. No. 3600) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1875; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. DENNIS, from the Committee to Audit and Control the Contingent Expenses of the Senate submitted an amendment intended to be proposed to the bill (H. R. No. 3600) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1875; which was referred to the Committee on Appropriations.

ORDER OF BUSINESS.

Mr. SPRAGUE. I desire to appeal to the Senate and ask unanimous consent to permit me at five o'clock to-day to call their attention to bills reported from the Committee on Public Lands.

Mr. BUCKINGHAM. I gave notice yesterday that I would ask the Senate to give the Committee on Indian Affairs a short time to-day, and I thought five o'clock would be the proper hour for them.

The PRESIDING OFFICER, (Mr. INGALLS in the chair.) The Chair will inform the Senator that there is no motion pending.

Mr. SCOTT. If the Senators are through offering amendments to appropriation bills, I now insist on the regular order. If there are any more of these amendments to be offered, to facilitate business let them be offered, and then I shall insist that the Chair recognize the demand for the regular order.

The PRESIDING OFFICER. House bill No. 2797 having been taken up by a vote is now before the Senate.

Mr. PRATT. I desire to appeal to the Senate that the bill amendatory of the act of February 14, 1871, giving pensions to the soldiers of the war of 1812, which was sent from the House to the Senate on the 17th of March last, and in which so many hundreds, I may say thousands of the widows of those soldiers are interested, may be taken up to-morrow morning after the morning business. I wish to say that I am overwhelmed with applications from all parts of the country, from members of the House of Representatives, from members of this body, to have this bill taken up for consideration. I want to escape the necessity of going to the mad-house. [Laughter.] I want that the responsibility of disposing of this bill shall rest with the Senate, not with me. There is intimation pretty frequent that I am not doing my duty in this matter. I have importuned and begged the Senate from time to time to give this bill a hearing, and I beg, if they have any respect for me, if they desire that I should continue a few years later upon this earth a sane man, that they will give me to-morrow morning after the conclusion of the morning business for the consideration of this bill.

Mr. SCOTT. I call for the regular order.

The PRESIDING OFFICER. House bill No. 2797 is the regular order.

Mr. PRATT. Have I lost my position on the floor?

The PRESIDING OFFICER. The Senator from Indiana is entitled to the floor if he claims it.

Mr. PRATT. I wish the question fairly put to the Senate. I want to press the question whether this bill to which I have referred shall be taken up to-morrow morning after the morning business is through, or if that does not suit the Senate, then to-night at seven o'clock, at nine o'clock, at midnight, at almost any hour the Senate please, we agree to proceed to the consideration of the bill, and I entreat that the Senate will give me some time.

Mr. CONKLING. O, make it daybreak. [Laughter.]

The PRESIDING OFFICER. The Senator from Indiana appeals to the Senate for unanimous consent to consider the bill indicated by him, at the close of the morning hour to-morrow.

Mr. ALLISON. I object.

Mr. PRATT. Then I ask a vote of the Senate on that proposition.

The PRESIDING OFFICER. The motion is not in order.

Mr. SCOTT. I rise to a question of order, that pending the present amendment to the bill before the Senate the Senator from Indiana cannot make that motion.

The PRESIDING OFFICER. The Chair has already so held.

Mr. PRATT. Will the Chair indicate when I can make that motion and be within the rule?

The PRESIDING OFFICER. The Chair does not feel called upon to indicate to the Senator from Indiana when he can make his motion.

Mr. SCOTT. I ask for the reading of the pending amendment.

The PRESIDING OFFICER. The Clerk will read the pending amendment.

Mr. BUCKINGHAM. Is it not in order for me to make a motion that at five o'clock to-day the Senate consider bills reported by the Committee on Indian Affairs?

The PRESIDING OFFICER. The Chair rules that the motion is not in order.

Mr. BUCKINGHAM. I gave notice of this motion yesterday, as I was then told it was out of order but would be in order to-day.

Mr. SCOTT. I rise to a question of order. I have called for the reading of the amendment, the Senator from Connecticut being informed that his motion is not in order.

The PRESIDING OFFICER. The Senator from Connecticut has taken his seat, and the order is that the pending amendment be reported.

Mr. SCOTT. I have called for that, and that is certainly in order.

Mr. SPRAGUE. The Chair recognized the Senator from Rhode Island about five minutes since, and before he had stated his case fully, the Chair gave the floor to some other Senator. The request that I made, and I wish the Chair would put it to the Senate, was that after five o'clock this evening the Senate shall give attention to bills emanating from the Committee on Public Lands. They are of no concern to me personally; I do not care anything about them; but they are reported at the request of Senators and members of Congress from the West, in which they are more interested than in any other class of measures I suppose before the Senate. I make the request at this time that after five o'clock the Committee on Public Lands may have the unanimous consent of the Senate for one hour.

Mr. SCOTT. I object.

The PRESIDING OFFICER. One objection is sufficient. The Senate has already voted upon the question and ordered this bill which was under consideration yesterday to be taken up. No other motion can be entertained except upon a vote to lay aside this bill and proceed to the consideration of other business. The Clerk will report the pending amendment.

Mr. CHANDLER. Allow me to suggest to the Senator from Rhode Island that he can get unanimous consent after six o'clock this evening, and if he will make the time six o'clock instead of five o'clock no doubt he will get consent.

CLAIMS REPORTED BY THE CLAIMS COMMISSIONERS.

The PRESIDING OFFICER. The bill (H. R. No. 2797) making appropriations for the payment of claims reported allowed by the commissioners of claims under the act of Congress of March 3, 1871, is before the Senate as in Committee of the Whole. The pending amendment will be reported.

The CHIEF CLERK. On page 2 of the bill the Committee on Claims propose to strike out:

To William Bailey, $45,161.72.

The PRESIDING OFFICER. The question is on the amendment of the Committee on Claims to strike out these words.

Mr. WASHBURN. Mr. President, I should not detain the Senate by any remarks on this question were it not for the fact that the course of the committee in recommending this amendment has been called in question, and I wish in a few words to give the reasons for its action.

The Senate will bear in mind that before the act passed creating the commission which reported upon these several claims none of these claimants could present his claim before Congress or before the Court of Claims. The other branch had passed an act forbidding the presentation of the claims of persons residing in disloyal States. The act creating this commission was passed after due consultation with the representatives of those States concerned in the operations of the commission. After the act was prepared it was submitted to, and the wording of it was in accordance with the desires of, the representatives of those sections. It was provided that it should apply only to the claims of those persons whose loyalty during the entire term of the rebellion was unquestioned. So far as that act is concerned, no matter how loyal a man may have been during nine-tenths of the rebellion, if there was any act of his during the other tenth or during an hour which showed that he was aiding in the least degree the rebellion, he has no claim to be recognized.

Now, the question is has the individual whose claim is proposed to be stricken from the bill any reason to be considered as one of those who were guilty of any disloyal act. Far be it from me to desire to have any claimant here robbed of any just right or title he may have. The Committee on Claims have been criticised for desiring to send this claim back to the commission. I wish to call the attention of the Senate to the condition of this bill. Here are nearly eleven hundred claims in the bill, and of those eleven hundred claims only a little over sixty have been established by the investigations of any committee of this branch. In that examination of about sixty cases three cases have been found which the committee were not satisfied should pass; and from the fact that we are in the last week of the session and that it is impossible for the committee to have an opportunity to examine into these cases fully and determine them, we recommend that the commission, who have all the papers and who have given examination to those several cases before, shall take them up again and examine them with the new evidence which has come to light, and report to Congress what action should be taken.

Now, sir, what do we do if the Senate pass the bill as it has been reported by the committee? You will bear in mind that in 5 per cent. of the cases which have been examined the committee have come to the conclusion that they cannot report favorably. If it is a fair presumption that that is true in regard to the other cases contained in this bill, then if you pass the bill according to the report of the committee you pass some fifty-odd cases which the committee would not agree to if it had time to give them a thorough examination.

But it is said there is not time to examine eleven hundred cases. The Senate must bear in mind that this commission was not established as a court; it was simply a body to examine claims presented on *ex parte* evidence. The Government is not represented there by counsel as it would be before an ordinary judicial tribunal. Accordingly each one of these cases is presented upon and has had simply an *ex parte* hearing, and the only representation on the part of the Government is the same representation that a committee of this body or a committee of the House of Representatives would give in its examination.

So far as I am concerned as one member of this body, I do not believe that any of these claims ought to pass without a thorough examination by the proper committee of each branch of Congress. When this commission was established it was established with the distinct understanding that it was merely to be a preliminary examination, and that its finding was to be reported to Congress, that committees might be appointed in each branch whose business it should be to

examine the commission's reports when they should be presented. The case we have under discussion now is one in which the committee on examination thought there was evidence on which they could not report favorably. They had not time to go into a full examination. They had either to let the matter lie over until the next session of Congress and then take it up when they could, or they had to report in favor of sending it back to the commission, who had examined it once and had all the papers and could consider the case in the light of all the evidence.

But the Senator from California [Mr. SARGENT] says that this commission sent additional evidence to the committee of the House which they had no business to do in reference to this case. Here is a commission established; they heard the evidence *ex parte*, and they reported the claim to the House of Representatives, and it was passed there and came to this branch. Here it was dropped out because the Senate were not satisfied; they had not seen the testimony; it was not sent to them; it went into the files of the House. This was the case at the last session. Then this year the papers being on the files of the House the House acted upon it again. But before it was acted upon again our Government came into possession of the archives of the rebel government in regard to the transactions in cotton in this particular section of the country, and upon an examination of those archives it is found that there was a transaction in which this individual claimant was concerned. Now, I ask the Senate if this commission is faithful to its trust, if it has secured any additional evidence upon any one of these cases which it has reported, is it not its duty to present that evidence to Congress? Suppose one of our committees report a case to this body, and after the case is reported additional evidence comes to their attention either in favor of the claimant or against him, is it not the duty of that committee on that additional evidence, no matter on which side it bears, to bring it to the attention of this body if it be of such a nature as to cause an alteration in their judgment? Most certainly. Our committee in this instance, as we have no time to examine it, propose to let the claim go back to the commission with all the papers and let them examine and decide on the additional testimony which has come to light and report what the conclusion should be.

Mr. President, it has been asked time and again, what evidence is there in this case which the commission did not have when they examined it originally and when they reported upon it? And it has been said that as they had no additional evidence, therefore this claim ought not to be stricken out of the bill and referred back. If that statement be true, most undoubtedly it ought not to be sent back; but there is additional evidence, and that additional evidence is so strong that the Senator from California, if you look to his language yesterday, said that the commission who originally examined the case decided against the claim on the additional evidence. The committee did not understand that to be so, but they understood that the commission reported the additional evidence to Congress for its consideration. But if the Senator from California is correct, then what he asks the Senate to do is to pass this claim with the committee of the Senate opposed to it and with the commission opposed to it also, for the Senator from California says that the commission with this additional evidence stated that the case ought not to pass. Does the Senator from California under that state of circumstances, with the commission against it and with the committee against it, without there having been an examination, wish it to pass?

But, said the Senator, is there not additional evidence? I answer yes. The only evidence in the original testimony on the point now involved was the question put to Mr. Bailey, "Have you committed any act during the rebellion to aid and assist it?" and his answer, "I sold five hundred bales of cotton, but I sold it under duress. I needed money to pay my taxes, and there was an armed force there that threatened to burn my cotton, and if I did not sell it I could not pay my taxes, and if I did not sell it it would be burned." That was the evidence before the commission. If he was forced to do it, if he did it contrary to his will, if he did it under duress, there was nothing disloyal in it, and the commission had his testimony to that effect, and that was all they had. But what are the facts? Five hundred and thirty-six bales of cotton he says he sold in order to obtain money to pay his taxes. I believe an examination will show that the facts are that this transaction took place in the fall of 1862, and that there was no duress in that section of country to compel men to sell cotton during the year 1862. It was subsequent to that time, before any force was brought to bear there, and no evidence can be produced to show that either this man or any other person was forced to sell his cotton to the rebel government at that early date.

But take the other dilemma, if you please, and say that he was forced. Was this a loyal man? Was he throughout that country understood to be a loyal man? I appeal to members who have been in the South and who know the circumstances, if there was an armed force that compels a truly loyal citizen to sell them his cotton, would they have paid him for it? If that state of things existed, they would have taken his cotton, and not have gone to him and made a bargain and paid cash for it. If he was a man who had stood up there as a loyal citizen, a wealthy man, well known throughout that region, and they had come to impress cotton, we know what the history was of that state of things. They went to such a man when they could find him, and he was a rare specimen throughout that broad country; it was rare to find a rich planter with his broad acres who was a truly loyal man from beginning to end. Where you find such a man, I want to pay him every dollar of his losses, for he is a monument worthy of being recognized in those dark hours of our country's history.

"Ah," asks one member in his remarks, "was selling cotton aiding the rebellion?" Does not every member of this body know that it was not men which the southern cause lacked simply, but if they had had the means to pay their men and to clothe them and to furnish them with the supplies which the North had they would not have surrendered at the early day that they did surrender? The man who went into the service and buckled on his armor and carried his musket and fought for the cause of the rebellion did not help it and lengthen it out as did the man who furnished $100,000 or more to sustain their cause in that trying hour, for they needed the means more than they needed the man. Yet members get up in the Senate and ask whether, if a person furnished cotton, that was a disloyal act. Sir, the Senator from California wants to know what difference it makes whether he sold his cotton and took money, or whether he sold his cotton and took confederate bonds. The evidence shows that in the first sale he took $20,000 in confederate bonds and $18,731.46 in cash. I will tell the gentleman the difference it makes. Here is this man; we will suppose he is an honest, true man; he goes before the commission and under his oath he says, "I sold my cotton to get money to pay my taxes under duress; it was a necessity that was brought upon me." And the evidence shows when you come to look over the record that he took $20,000 of confederate bonds. Was that a necessity to pay taxes with?

What else? He says he did it under duress to get money to pay his taxes and to pay his hands. He made a sale of $38,731 worth of cotton on January 1, 1863, two months after. Did he want that money to pay his taxes again? How much? Six hundred and eighty-six bales he sells at that time, and he gets for them $54,101.64, of which he takes $24,000 in bonds. What immense taxes this claimant had to pay that he must in two months after the first sale do this!

But the Senator asks, did not all this come out before the commission? Not any of it. These six hundred and eighty-six bales he had forgotten all about. He did recollect that under duress he had sold five hundred, but his memory was so poor that the six hundred and eighty-six bales he had forgotten all about, and he did not refer to them at all.

But the Senator from California says that so difficult was it for a planter to maintain the cause of the Union in that section of country that he was looked upon in such a light that his life was in danger, and he was pointed out as a conspicuous mark of hostility all through that region. That was the language of the Senator from California. I accept it; but when you come to examine the evidence of Mr. Bailey, the question was put to him, "Did you have any trouble with the confederacy?" that is, was he disturbed; and he replied that he did not have any.

My view in reference to this case is that Mr. Bailey previous to the rebellion was undoubtedly a loyal man, as thousands of others throughout the confederacy were, and that he, like many others, when the rebellion was at an end so far as his particular section was concerned and our forces went and took possession, was ready to welcome them back there, and was loyal from that time on; but I cannot believe that he remained always loyal, and maintained all that property and that plantation and suffered no disturbance and had no difficulty. There is not an individual who lives in that section of the country, it seems to me, who can believe that that could be possible.

Gentlemen say this claim must be passed now. If he has been really a true, loyal man, is there any objection to the facts coming to light and all the proof coming out? As I said before, if Mr. Bailey can explain away these circumstances so that he can show that he was a true, loyal man, I would not wish to have him defrauded of one penny. But I feel in regard to this matter that as the claim has not been examined since this additional evidence has come to light, either by a committee of this branch, they not having had time, or by the commission, it is due to justice that it should be sent to some committee or some body for examination.

Mr. CONKLING. May I ask my friend a question for information? He remarked some time ago that in this bill are nearly eleven hundred cases and that but about sixty of them had been examined or could be examined by the Senate Claims Committee. Am I right in that?

Mr. WASHBURN. Yes, sir.

Mr. CONKLING. Then as to the residue of all these cases the committee relies upon the investigation made by the commissioners of claims, and as to these three cases they have information from the commissioners of claims that they themselves are not satisfied in regard to them and that they want further investigation and further opportunity before recommending them. Am I right in that?

Mr. WASHBURN. Not precisely. So far as the commission is concerned, I wish here to state that, so far as my knowledge goes, the commissioners have not interfered with any claim after they have reported it to Congress. They did, after these records were discovered and this additional evidence came to light in regard to Mr. Bailey, send the additional evidence to the House committee without, as I understand, any solicitation; but I do not know that they have said anything in regard to any other claim except as the committee in the examination of a claim, if they found any difficulties, sent to the commission and asked their opinion in reference to it.

But, sir, it was said yesterday by the Senator from California that this commission had decided against the case and therefore it should not be sent back. They decided in favor of the claimant, and the committee thought that they having decided in favor of the claimant it was fair that they should have the case again and decide whether on the additional evidence they would change their former decision. It seemed to me that they were committed on the side of the claimant. They had so decided; they had so reported. But, if in view of the additional evidence which they have communicated they think that that additional evidence decides against the claimant, as the Senator from California said, then you have got to go against the report of the commission and against the report of your committee in deciding to retain this claim in the bill. I do not so understand it, however. I do not understand that they decided it at all, but they did what was their duty—just submitted the additional evidence.

But the Senator says the commission cut down the claim from $100,000 to $45,000, and therefore they are not to be trusted. Sir, if that is to be a test, what will you say in regard to this body or in regard to the committees of this body? We had a report from the Committee on Claims a few days ago where the claimant asked for $140,000 and the committee reported to give him $5,000, and this body discussed it for some time and said $5,000 was too much. Why not condemn the Committee on Claims for cutting that down? If the Senator thinks that this claimant has been cut down unjustly and that he is really entitled to more than the $45,000, why not agree to let his claim go back before the commission where you have your lawyers and your claim-agents and your *ex parte* evidence to get the commission to allow all that is possible and nobody to represent the Government to cut it down? The Senator himself or any person could then go before the commission and say to them, "This case is reopened, you have allowed the claimant but $45,000; you ought to allow him more." Is there any objection to that if they have cut it down too much? I do not see any objection if this is a fair claim, if it will bear investigation, if the charges can be met, to sending it back for a rehearing.

There is another fact that is somewhat singular in this case which I will call to the attention of the Senate. When you look over the evidence and the papers in this case this fact appears, that a gentleman who was a witness before the commission for Mr. Bailey, who testified for him, and whom he relies more than upon any other witness to prove his case, and who testified not only to the loyalty of Mr. Bailey but to the fact of his property being taken, claimed in his testimony that he had been loyal himself to the cause of the Government of the United States, but when these records came to be discovered and brought forth, this witness, W. W. Withenbury, turns out to have been an agent of the confederate government, acting under McKee, taking the cotton which McKee was purchasing, and transporting it to market and receiving his pay from the confederate government. He testified before this commission that he not only had been loyal and true to the Union cause himself, but he was one of the main witnesses relied upon by Mr. Bailey to prove his loyalty and establish his claim. Will any member of this body assert that this person who was employed by the confederate government in this matter was a Union man? When it came out that this rebel was one of the main witnesses, it seemed to the committee that it threw a shadow over this whole case. If you were a loyal man during the war, and the neighborhood in which you dwelt knew that you were true to the Union in her dark hour, would you take an agent of the rebel government who had done what he could to support it and to overthrow the Union, to prove your loyalty by? Would he be the man that you would bring forward to swear that he not only had been true to the Union himself but that he could vouch for your loyalty?

But, sir, I do not assert, and in joining in this report as a member of the committee I have not asserted, that all this evidence should be taken to condemn Mr. Bailey; I simply ask that Mr. Bailey and the Government shall have a fair chance under this new evidence and all these new documents which have been brought to light. If this commission is not a fair board to send it to, send it to any committee you choose in this branch. If the Committee on Claims has reported against it and you do not wish it to go there, send it to the Judiciary Committee and let Mr. Bailey establish his loyalty during the entire war before that committee or any other committee that may be selected, and if he can do it there is no member who would more freely or more readily vote to pay him than I would.

But when I take into account that the very first cotton which was purchased in this region was purchased by the rebel agent appointed for that specific purpose of this very claimant, and that there were planters all through that region who had cotton; that the agent went to this man's house and made it his domicile; that he was a married man, and married the daughter of the claimant, and was in his family in 1863 as a married man—the day that he was married I know not; but the sale of the great part of this cotton was on January 1, 1863, and as early as the summer of 1863 he was in this claimant's family with his wife; when I take into account that it was not a single transaction as he testified to, but a transaction repeated over and over again to the amount of $100,000, I do not believe that there is any way in which you can explain his conduct except that during that trying hour and under all the circumstances and surroundings this claimant felt that he must make his peace with the confederacy for a period of time at least.

I do not propose to occupy any more time upon this question. I have no feeling in reference to it excepting this: I know when the bill was drawn up under which this commission was organized it was drawn up with the understanding that there were some people in the South—it was said the number was very few—who had given their lives to the Union cause and who had suffered and been persecuted and stripped of their property on that account, and that this Government could afford to make exceptions of that class of citizens. No allusion was made to the great and wealthy planter, but I recollect very well that instances were brought forward where a man's sons in certain portions of the South had enlisted in the Union Army, and it was said that after those sons had left their homes and joined the Union forces the Union Army even had taken what little had been left to support their families, and it was said that those cases ought to be recognized. Accordingly the bill was drawn very carefully that whoever received aid or recompense from this Government through this commission should prove clearly that at no period during the entire rebellion he had given any aid or encouragement or strength to that cause. Now, sir, I cannot feel that this is one of those cases. I believe I owe it to the Government, I owe it to those who will be taxed to pay these bills, to see that any man around whose history there is so much doubt as this record throws around this man's history, shall not be paid until there has been a full examination. When this commission was established it was said "we do not expect these claims will be paid at once." The very claimants that pressed your committees to pass upon these claims day by day said, "We do not ask that they be paid to-day, but give us a commission in order that the evidence may be filed and that we may know there is a time when we are to present our cases and prove them." This commission composed of three members pass *ex parte* upon eleven hundred claims in a year and then they go through here without their being, with the exception of about sixty, pass upon by any committee of the Senate. I say it is a most generous act if you do that. But if in addition to that you override the report of your Committee on Claims and override the report of the commission also in regard to a claim, it is taking a long stride in regard to a matter of this kind as it seems to me, and I hope the Senate will not do it. I hope this claim will be investigated; and if this is a truly loyal man give him his pay. If the amount the commission has allowed him is not what is his due, give him more. If he is really and honestly entitled to more let him have it; but if he was a support to the rebel cause do not bring him in under this bill.

If the time ever is to come—and I hope it never will—when those who did give aid to the rebellion are to receive assistance from this Government and their claims are to come in, let it not be done until you repeal the act which cuts them off; let it not be done under this act which forbids any such claimant to receive any aid or assistance from the Government. You cannot say that this case has been examined, because there is new evidence and there are new documents which neither our committee nor the commission have had an opportunity to investigate. "Ah!" but it is said, "it is necessary that it should be passed at once." Never has there been a bad claim but it has been necessary that it be rushed through in the speediest possible manner. I recollect perfectly well when the celebrated Sue Murphey case was up, that it passed through this branch twice and was rejected twice in the other branch, and the third time the application was made and it was said that it was important it should pass at once, that it could not be delayed any longer. A bad case cannot afford to be delayed. A true and honest case which will bear investigation may be delayed and investigated, and the party owes it to himself, if he has been true, to have a full investigation and let the country understand that he has been misrepresented and that he has been a true and loyal citizen from the beginning to the end of the contest.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two House, on the bill (H. R. No. 3166) to correct the date of commission of certain officers of the Army.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. No. 3745) to remove the disabilities of James Howard, of Baltimore, Maryland;

A bill (H. R. No. 3747) to amend the act entitled "An act for the erection of a public building for the use of the United States in Covington, Kentucky;" and

A bill (H. R. No. 3748) directing the Secretary of the Treasury to report upon the necessity for a public building at Brooklyn, New York, and the cost of the same.

PUBLIC BUILDINGS AT BROOKLYN.

Mr. CONKLING. I venture, notwithstanding the objection of my friend from Pennsylvania, as I shall be compelled to leave the Senate before the day is over, to ask permission to do a mere formal thing, which is to concur in a House bill just received simply directing the Secretary of the Treasury to make and answer an inquiry, and I hope my friend will not object. It will take but a single moment.

Mr. SCOTT. Unless I can be assured that it leads to no other request——

Mr. CONKLING. If it leads to anything else I shall withdraw my request.

Mr. SCOTT. Has it been to a committee here?

Mr. CONKLING. It is a House bill, and if the Senator will hear it read he will see that it does not need to go to any committee; it is a mere inquiry.

By unanimous consent, the bill (H. R. No. 3748) directing the Secretary of the Treasury to report upon the necessity of a public building at Brooklyn, New York, and the cost of the same, was read three times, and passed.

CLAIMS REPORTED BY THE CLAIMS COMMISSIONERS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 2797) making appropriations for the payment of claims reported allowed by the commissioners of claims under the act of Congress of March 3, 1871.

Mr. STEWART. Mr. President, I voted in favor of establishing this commission. I believed that it was a very desirable thing to do. We should have had claims amounting to an enormous sum of money pressed upon Congress in a very irregular manner which could not have been investigated if this commission had not been organized. I believe in the main they have discharged their duties faithfully, and they should be commended. When we passed the act creating the commission it was provided, and it was done after discussion, that these claims should again be brought before Congress for their approval. What was the object in view? It was to see whether new facts might not be developed, that improper claims should not go through. This investigation relieved your Committee on Claims from a vast amount of duty they could not have performed. After the committee have looked over this work and suggested that there are claims here which should go back for further examination it seems to me that the rule should be followed. We should follow our committee in this regard. It may be necessary to extend the time for the commission; but whatever we do, it seems to me a very regular and safe course to follow the committee and let such claims as they say ought to be reinvestigated be reinvestigated, because to think of discussing the merits of particular claims in the Senate is impossible. We cannot determine these cases. We might do great injustice for or against particular claimants. I think it is best to follow the committee and the commission, and then we shall not do any great outrage to our constituents. I hope the recommendation of the committee will be followed without forcing us into the investigation of particular cases, which they say should be further investigated by the commission.

Mr. MORRILL, of Maine. My attention had been called to this general proposition, so that I had examined the leading features of it, and having some impressions on the subject I am impelled to state them.

I agree with my honorable friend from Massachusetts [Mr. WASHBURN] that the utmost diligence of inquiry should be made into the examination of all this class of claims. I agree with him that the rule of evidence is inflexible, that the party must be loyal in order to be entitled to remedy in this forum. But, glancing at the principal facts in this case, it occurs to me that the real question here is not so much the merits of this claim as the status of the individual. In fact it all turns on that. As I have listened—as I always do with great pleasure—to the honorable Senator from Pennsylvania, [Mr. SCOTT,] who reported the bill, it is a question of the status of this individual: was he loyal or was he not? There are certain conceded facts, as I understand, in the case. I am not going to argue the proposition at all. I rise simply to state, as I have only glanced at the case, the impressions upon my own mind from the conceded and incontrovertible facts before us.

In the first place it is incontrovertible, as I gather from all the papers in the case, that this man was reputed throughout the confederacy to be a Union man, was treated as a Union man, and put into prison on that account during the war. That is so stated.

Mr. SCOTT. That is a mistake.

Mr. MORRILL, of Maine. That may be or may not. I am only looking at the case as it comes to me in the papers.

Mr. SCOTT. If the Senator means the papers in evidence, that is a mistake.

Mr. MORRILL, of Maine. No; I mean that statement was made in the House of Representatives by the chairman or a member of the Committee on Claims, and as it was not contradicted I supposed it might be assumed.

Mr. SCOTT. I will state to the honorable Senator that that is a mistake of fact. I have read every word of the testimony of General Bailey himself, taken before the commissioners of claims, and he stated in answer to their questions that he never was molested by the rebels.

Mr. MORRILL, of Maine. If the Senator will look at the proceedings in the House he will find that Mr. HAZELTON, the chairman or a member of the Committee on Claims, in summing up, stated that as a fact, and it was not controverted. That this man therefore had a reputation throughout that country as a Union man I think it reasonable to conclude from the papers in the case.

How did he stand on our side? That was his reputation on our side as yet, from the statement of General Sherman, General Banks, General Howard, and sundry other generals whom I do not stop to name. They went so far as to trust this man within our lines with a permit to travel within our lines. That seems to have been the general reputation of this man. Now you come down to the examination of the question before the commission to see how it stood there. One of the first questions, of course, which the commission were to satisfy themselves about was his loyalty. I am not going into the merits of the case, for so far as we are concerned at the present time that does not seem to be the burden. It is the status, I repeat, of the individual himself with which we are concerned. Was that examined by the court? Was that an issue before the court and was it examined? Certainly it was. Let me read now what the commission say upon that subject:

> William Bailey is a native of Virginia; is seventy-one years of age; was the owner of a large plantation near Alexandria, on the Red River, embracing over fifteen hundred acres; the chief product was cotton; when the war broke out he was residing on this plantation. After a careful examination of the testimony and all the papers in the case, and after the most thorough and searching inquiry, we find Mr. Bailey to have been a constant and consistent Union man during the whole war.

That is the finding of this court. That is the finding of a court of our own selection. After the most thorough and searching examination they find that this man was a consistent and constant Union man during the entire war. It is said by my honorable friend that there has been a fact discovered since which throws great light on this subject, which was not then in issue before this court, and which he thinks is a very significant fact and which I agree with him unexplained would be a significant fact. What is that fact? It is that this man had sold cotton to the rebel government. If you look at the papers, Mr. President, you will see that that precise issue was before the court. The court knew that. The court knew that this man was dealing in cotton with the confederate authorities. They took cognizance of that fact, and they investigated that fact thoroughly. They sent, as the case finds, an agent or agents into that country to investigate that fact; and notwithstanding that fact, notwithstanding they knew that he had been dealing in cotton, that he had sold five hundred bales of cotton, yet they did not hold that that was absolutely inconsistent with the idea that after all, at heart and really, he was and might consistently be a Union man. I do not go into the reasoning on the subject at all; I only allude to these principal facts as affecting the single question which my honorable friend alleges here should be conclusive.

Mr. WASHBURN. Did the Senator hear me? I stated very plainly that so far as that evidence was concerned it was understood that he had sold the cotton under duress; and if it was done under duress their decision was correct; but they then knew nothing about the subsequent transaction, they knew nothing about the circumstance that the principal witness relied upon to establish his loyalty at the time, and who swore that he had been loyal, himself was a rebel and a supporter of the rebel cause. What I stated was that where a man sold his cotton under duress, as they supposed in the first examination this man had done, it was not evidence of disloyalty; but it is the subsequent acts and the newly discovered testimony, none of which was before the commission originally, that throw doubt upon the case.

Mr. MORRILL, of Maine. Undoubtedly; and I was about to explain, if my honorable friend had not anticipated me, that the reason the court deemed it consistent to find loyalty with knowledge of the fact that he had been dealing in cotton, was that they found that it was not a voluntary act on his part. They could not have found it in any other way. Now the question arises, if that did not make him disloyal in the estimation of this court, would another act, which would be liable to the same explanation as my honorable friend will agree and as the chairman of the committee undoubtedly will agree, make him so?

Then, Mr. President, looking at all these facts, the case comes simply to this, as I conclude, and it leaves this impression on my mind: having established a court of our own creation and having limited its jurisdiction and having prescribed the rules of evidence upon which it shall admit parties to contest or to prove their cases, the court having settled that this man had a claim and that he was in a condition to present it, on the evidence here it is simply a question of probable cause. Is there probable cause now to suspect that this man was disloyal contrary to the finding of the court, who investigated precisely the point upon which it is suggested that the case ought to go back for further examination? I submit that if this were a proceeding in a court of law it would be precisely a case of newly discovered evidence tending to raise a probable presumption that the verdict or the judgment was wrong, and that it would have been otherwise if this evidence had been in the case. That my honorable friend thinks it would be so is undoubtedly clear, or at least he has a suspicion that it would be so; whether his judgment is clear that it would be so or not I do not know, but he has a belief that certainly it ought to be examined into.

But, Mr. President, it should be remembered that this case has been before the House of Representatives since, and it should be remembered also that at a former session this same question was before the Senate and the claim was stricken out of the bill on a suspicion, and the only result of it is what is produced here. There has been no examination into the case, as I understand, on the part of the Government to elicit

the fact of this man's disloyalty. The same question being before the House of Representatives again this winter, the suggestion has come to the House of Representatives which has come to us from this court, that there has been cumulative testimony upon a point which was examined by that court. The House of Representatives have considered it, and it will be seen that from the fact that the House of Representatives have sent it here for our examination they at least have not attached the same importance to this cumulative evidence which my honorable friend from Massachusetts and the chairman of the Committee on Claims seem to have done.

Therefore, Mr. President, I am disposed to regard it simply as a question of probable cause. Do these additional facts show to our satisfaction or render it probable in view of all the facts that this man was a disloyal man? If he was, then I agree that this case ought to be recommitted to the commission. Otherwise I hardly see the necessity for it, because of course there should be an end of this litigation.

Mr. SCOTT. Before the Senator takes his seat, I know his sense of justice so well that I wish to call his attention to what the facts were upon which loyalty was found. Loyalty was found by the commissioners upon the testimony of General Bailey himself; of T. S. Walker, who was an assistant adjutant-general upon General Emory's staff, and knew nothing of General Bailey until he went there in 1864 with the Army; and of Mr. Withenbury, who was his agent on the plantation, and he swore to his loyalty, and yet he was in the employment of the confederate agent for the purchase of cotton! These were the only three witnesses examined before the commisioners of claims, and it was on that testimony that the loyalty was found. The other facts, the number of bales that were sold, the time of sale, the correspondence between Mr. McKee and Rhorer about the bonds, and all these other facts, came out after that finding upon the testimony of these three witnesses. I simply wish to get these facts before the Senator's mind when he comes to view the question whether they bear upon that finding of the commissioners.

Mr. MORRILL, of Maine. I take occasion to say in the beginning that I had not looked at the evidence, but I had glanced at certain principal facts which seemed to be taken for granted; and the main fact upon which I relied, or which made the deepest impression on my mind, was a fact which is certified to in the judgment of the court. Let me read it and see whether such a judgment as that, such emphasis of language, such conspicuousness and force of language, could be applied upon evidence such as is cited here:

> After a careful examination of the testimony and all the papers in the case, and after the most thorough and searching inquiry, we find Mr. Bailey to have been a constant and consistent Union man during the whole war.

As I was corrected on another point about the imprisonment, I will read from the remarks of Mr. HAZELTON in the other House:

> I will say further, before taking my seat, not only did he exhibit the ordinary tokens and evidences of loyalty to the Government, but he was absolutely arrested and cast into prison by the confederate authorities on account of his loyalty. He was treated as a loyal man all the way through the war by the confederates, and recognized as a loyal man by every general of the Federal armies having control in that region of country, and after a thorough investigation was adjudged to be loyal by the commissioners of the southern claims commission. It seems to me that there is no room for a doubt, or the possibility of the shadow of a doubt, of his acknowledged and genuine loyalty and devotion to the Government.

I knew I had seen the statement somewhere, although I said in the beginning that I had not analyzed the evidence in this case; I simply glanced at what I understood to be the leading and principal facts which I understood to be uncontroverted.

Mr. SCOTT. As this alleged and asserted fact has evidently made a deep impression on the mind of the Senator from Maine, I will ask leave to read a portion of General Bailey's testimony, on page 4 of the written testimony:

> Question. Were you ever arrested by the confederates?
> Answer. I was not; but I was threatened with arrest.

He never was arrested, never was imprisoned.

Mr. CONKLING. Mr. President, it has recently pleased some author to entitle his book "Drifting." That is not extraordinary; and yet considering that that book was written and the title bestowed upon it before hearing the speech of the honorable Senator from Maine, I think more genius was evidenced in the selection of the title than could be proved by anybody that should select it after hearing the somewhat remarkable speech which has fallen from my honorable friend. He concludes it by violating the rules of the Senate in reading from the debate which took place in the other House; and the Senator from Pennsylvania, as wholesome comment upon it, shows how useful the rule is. Some gentleman in the other House made an assertion, it seems, unfounded in evidence, and expressly disproved by the claimant himself. My honorable friend from Maine reads that, and then the Senator from Pennsylvania, turning to what is before us, takes up the testimony of the claimant himself and shows that he under oath declares that he never was cast into prison. That is wholesome comment upon the fact, it is wholesome illustration of the wisdom of that rule which says that the sayings in one House shall not be brought into another and especially to influence the doings of that House into which they are brought. This, however, is a trivial circumstance; and it was not to comment on it that I rose.

The Senator from Maine several times refers to the claims commission as a court, and actually proposes to say that we shall vote to pay a large sum of money from the Treasury and establish a precedent, in so far as it may be a precedent, because the claims commission has once expressed an opinion on this subject. Notwithstanding the fact of newly discovered evidence, notwithstanding the recall and reversal of that judgment as the Senator from Maine would make it, he proposes that, proceeding upon the original saying of the claims commission, we shall treat that saying as the finding of a court—such were his expressions—and shall proceed to pay the money unless, as he says, we can find probable cause to suppose that the court has fallen into error.

Mr. President, it must be within the fresh recollection of the Senator from Maine, for hardly three years have rolled between then and now, that there came into the Senate a proposition, explained carefully at the time, to create the so-called claims commission. That proposed legislation encountered active opposition. The most thorough opposition it received was drawn by way of forecast and prediction that the time would come when some such claim would be set up as to the function and authority of the commission as the honorable Senator from Maine has to-day propounded. It was insisted that, passing beyond its original intention, it would in a short time come to be regarded as a court or a quasi court, a tribunal to decide, and that we should be in some sense bound, or estopped, or concluded—all these words I think will be found in the debate—by the doings of this proposed commission. That argument, that apprehended danger was scouted by the advocates of the claims commission. It was vehemently disclaimed by many Senators, some of whom remain, some of whom are gone. The debate, I think, will show that in support of the proposed commission it was, as far as parliamentary rule and courtesy would permit, charged as unfair, as unreasonable, as disingenuous to pretend that there was danger that it would ever afterward be insisted, as my honorable friend from Maine has to-day insisted in respect of the power, the function, the nature, and the authority of the claims commission and its acts.

What was the ground on which the commission was planted? It was said that the tooth of time would eat away fresh and unmistakable evidence and proof; that when the dust of years should cover them, when the actors in the drama which had just passed by had gone, when their heirs and assignees and representatives, when adventurers, and claim agents should occupy the ground, many claims would be exhumed and presented to us fabricated or exaggerated; and therefore as a stitch in time, which might save nine, as an anchor cast in season, as a bond taken of fate in advance, it was wise and provident for the ministers and trustees of the public and of the Treasury to make record of the truth while yet the truth was fresh, in lawyers' phrase to perpetuate the testimony, to take view and inquisition in season and in advance in order to close the door against the exaggerations, the frauds, the fictitious claims with which otherwise we might hereafter be inundated and which in the chances and changes of political fortune might by some congressional majority and some administration be favorably entertained. Such were the arguments of safety, of provident security against a possible future, which carried the legislation establishing the commission of claims.

It was said in every form that the opinions they expressed were to have none of the attributes of the judgment of a court; that they were to bind no one; that no right was to ensue in consequence of what they might say or do; but that as an instrumentality of the Government they were to occupy themselves in ascertaining and making record of facts to be used on all future occasions and in all proceedings when these facts might be of use. I think every Senator who hears me and who participated in the discussion and the proceeding to which I refer, will confirm my recollection and I feel confident the record also will bear me out.

That was three short years ago; but now what do we see? Yesterday was taken up in the Senate a bill covering sixty-six quarto pages, containing nearly eleven hundred southern claims, and appropriating money to pay them, only sixty of which the Senator from Massachusetts tells us have been or could be investigated by any committee of this body; and without even reading the bill, without its undergoing the formal process of stereotyped parliamentary proceeding, the Senate turned to three amendments and confined its attention to those. As to the rest of this bill, appropriating I know not how much money—the total has been stated I believe and if it has been I will borrow it from my friend from Pennsylvania——

Mr. SCOTT. A little over $600,000.

Mr. CONKLING. A little over $600,000. That fraction of a million dollars which before we had become used to vast sums told largely in any national account, $600,000, was accepted virtually by the Senate as a matter of course, it not being deemed worth while to read the bill or the items, and that because the claims to be satisfied by the money had received the expression of a favorable opinion from this same commission of claims—a commission, I repeat, established under the assurances that nothing it could say was to operate as a judgment, nothing it could do was to bind Government or people, and specifically that no money was to be taken from the Treasury in consequence of any opinion or any views the commission might express.

I said, Mr. President, something when I commenced about "drifting," and I submit that considering that the span of time is so narrow the Senate has drifted rather rapidly in three years. To prove that, however, I have more abundant evidence than that to which thus far I have adverted.

In this bill is found a claim of General Bailey. It is not my fortune to know General Bailey. It would be superfluous to disclaim any feeling of hostility or ill-will. I see his name as a mere sign, and I comment upon his case as if it were, as it is I think in respect of us, a matter wholly impersonal to every Senator. He claims a large sum of money. Upon that claim the commission express an opinion which has been read with iterated emphasis. The Senator from Maine [Mr. MORRILL] read it; the Senator from Louisiana [Mr. WEST] read it yesterday; the Senator from California [Mr. SARGENT] read it. It is an indispensable part of every argument in favor of the claimant. Having expressed that opinion, which I deem it unnecessary to repeat, the same commission, which the Senator from Maine now styles a court, proceeding upon that ground which can never be answered in any court where justice is administered so far as I know, the ground of newly discovered evidence; not cumulative; not evidence in degree merely and therefore of the kind in the presence of which courts have refused a new trial; but upon newly discovered evidence in that sense which summons every tribunal to allow a rehearing—the commission, not officiously, not blamably, not as volunteers, but in the performance of a conscientious and of a sworn duty, address to the chairman of the Committee on War Claims in the House of Representatives a communication, which communication recalls, retracts, and unsays that expression, here treated by some Senators as a judgment upon which it is proposed we shall go forward as trustees and pay away this sum of trust money.

Is not that very extraordinary, Mr. President, regardless of the merits of this particular case? Suppose the claims commission to be a court, as is insisted; suppose it to be a *quasi* court; suppose it to be a mere committee; suppose it to perform any of the functions and to possess any of the attributes which may be attributed to it; is it not remarkable that a parliamentary body, or any other body, should proceed to pay out a large sum of trust funds belonging to others upon the judgment or statement of a court, committee, or tribunal, after that statement has been retracted upon the ground that since it was made newly discovered evidence has been brought to light, in the face of which those who rendered the judgment or made the statement feel bound to bring it to attention and withdraw what has been said? Would not that, I submit to my honorable friend from Maine, be remarkable, regardless of the merits and without looking into the merits? If the honorable Senator from Maine will treat this as *res nova*, if he will go back and examine it from the beginning without reference to the commission of claims, he will avoid in whole or in part my present suggestion. But is it not, I submit to him, remarkable to plant himself upon the saying of the commissioners of claims when we have a notice served on us that they withdraw that statement and have discovered evidence since in the presence of which they never would have made it? Let me read the last statement from the commissioners of claims, signed by every one of them, and dated so lately as the 26th of March, 1874:

OFFICE OF THE COMMISSIONERS OF CLAIMS,
Washington, D. C., March 26, 1874.

DEAR SIR: The records of the trans-Mississippi cotton bureau, purchased by the Government since the report was made in the case of William Bailey, No. 980, show facts which we deem it our duty to report to your committee. The case having been reported by us to Congress, we do not feel at liberty to make any further investigaton of it unless specially directed by that body to do so.

It clearly appears that General Bailey sold to the confederate government on the 14th of November, 1862, five hundred and thirty-six bales of cotton. His son-in-law, Andrew W. McKee, had been appointed by the confederate government, namely, in October, 1862, general agent for the purchase of cotton in Western Louisiana and Texas. The first sale made was by General Bailey, November 14, 1862. This five hundred and thirty-six bales of cotton was no part of the eight hundred and thirty-four bales litigated in the United States district court for the eastern district of Louisiana in 1864. It may be, perhaps, the cotton referred to by General Bailey, (see his testimony before the commissioners of claims of November 14, 1871, page 5,) in his answers, as follows:

"Question. Did you contribute anything to aid the confederate cause?

"Answer. Never, one farthing, neither directly nor indirectly.

"Q. Did not you have to pay tithes?

"A. I had; and I was compelled to sell five hundred bales of cotton to the confederate government, or have it burned and destroyed, in order to pay my taxes. I sold it to a young man, an agent of the confederate government there."

He subsequently tells of an armed force coming out to burn his cotton; of his telling them he would sell it, &c. The statement is confused and inconsistent, the date uncertain, but might be November, 1862; and if the young man, the agent, was his son-in-law, it may identify the transaction, but will make the story of duress or an armed force very improbable.

It would seem to be clearly established by the papers now obtained that General Bailey, on the 14th of November, 1862, sold voluntarily—

Not under duress—and if I can have the attention of the honorable Senator from Maine I beg his attention to this point—not under duress, but in the language of these commissioners, "sold voluntarily."

My honorable friend from Maine said that the only way the commission in the first place satisfied the law and their conscience in saying what they did favorable to this claim was that his acts had taken place under duress. Here comes an after-statement from the same commission saying:

It would seem to be clearly established by the papers now obtained that General Bailey on the 14th of November, 1862, sold voluntarily five hundred and thirty-six bales of cotton to the confederate government; that he was the first leading planter to sell his cotton; and that his son-in-law was the confederate agent who bought it.

Mr. President, although I do not mean to discuss this matter long or to discuss the merits at all, I call attention to the fact not only that the tribunal has reversed its first expression, by whatever name it should be called, but states as matter of fact that the very thing upon which it relied in its first expression turns out to be an error, and that the contrary is true.

Yesterday when the Senator from California was on the floor, he or some other Senator told us that Mr. McKee, who appears to be a son-in-law of the claimant, was not his son-in-law at this time; that he was upon very bad terms with him; that he was hostile to him. Since yesterday I have seen a letter—and I ask the Senator from Pennsylvania to correct me if I am wrong—a letter written by Mr. McKee himself in August, 1863, saying that he will be at a particular place at a time named, and saying that his wife will accompany him. That was in August, 1863, was it not?

Mr. SCOTT. August, 1863.

Mr. CONKLING. I think there can be little mistake about the fact, then, that in August, 1863, Mr. McKee was the son-in-law of this claimant.

Mr. WEST. But he might have been on very bad terms with him in 1862.

Mr. CONKLING. The Senator from Louisiana, who is deeply read in the book of human nature, says to me that he might have been on very bad terms with him in 1862. Yes, Mr. President, he might have been; but considering that the first sale of cotton that we hear of took place in the middle of November, 1862, within six weeks of the end of that year, and considering that in August, 1863, this gentleman had been married for some time—it does not appear how long, but anybody who reads the letter will see that he was not on his wedding tour, and was then a settled, married man, according to that letter, as far as you can infer anything about it—and considering also that some intimacy of acquaintance usually precedes marriage, I think it will be a little difficult for the Senator to find any period of time during this little interval which will uphold a notion that Mr. McKee and General Bailey were enemies during all these transactions which commenced in the middle of November, 1862, and extended from that time on. That would be so remarkable if it were true that I should want this case referred back for a rehearing on that question alone.

Let me go a little further.

It further appears from the "day-book" of the cotton agency in the custody of the Secretary of the Treasury, (to which our attention has recently been called,) that A. W. McKee, as confederate agent, bought of William Bailey, November 14, 1862, five hundred and thirty-six bales of cotton, and paid him therefor, in *confederate bonds*, $20,000, *and in notes*, $18,731.44, *making a total of* $38,731.44; *also that on the 1st of January*, 1863, *McKee bought of Bailey six hundred and eighty bales of cotton, and paid him in bonds* $24,100, *and in notes* $30,001.64; *making* $54,101.64.

This, the Senate will see, brings it a good deal nearer. There was a transaction in January, 1863, and we find that in August, 1863, at all events, Mr. McKee had then for some time been married to the daughter of General Bailey.

Now, Mr. President, if this case has no better foundation to rest upon than the allegation pertaining to that narrow neck of time, that isthmus between January and August, when this confederate agent was the son-in-law of the claimant and had been for some time, that during that narrow isthmus of time a war was raging between the claimant and his son-in-law, I suggest the foundation is very narrow considering the dimensions of the claim.

But it was not my purpose to prove, I am not familiar enough with the case to attempt to prove, that the merits are one way or the other. My purpose is to expostulate against such an act as the Senate will commit if at the end of three years after establishing this commission, with every declaration that its statement was not to be a judgment, that it could make no decision, that it could bind nobody, we are first to accept blindly any expression made by the commission; that then when they send us notice tantamount to saying that in this particular case they have made a mistake owing to the want of evidence, and that they deem it their duty to call attention to the fact that newly discovered evidence disproves the very supposition on which they rested their opinion, namely, that these sales had taken place under duress, whereas it turns out that they were voluntary; and as the Senator from Massachusetts well said, the acceptance of bonds for cotton explodes utterly the idea that this was a sale with the wolf at the door, because necessity knew no law, to obtain the wherewithal to render up immediate taxes that were instantly due—I say my purpose is to expostulate against going back to a judgment, if judgment it is to be called, virtually retracted, withdrawn, and set aside by the tribunal which rendered it, and that upon evidence not merely newly discovered, but newly discovered in the technical sense in which a new trial would be awarded in any court in which justice is meted out, and particularly in an instance where the facts themselves are so provocative of suspicion as they are here, and thus substantially reversing and obliterating the whole design and idea with which the commission was created, and saying not only that we will pay blindly upon an expression of favorable opinion by the commission, but that we will pay without any examination by a committee of our own; and finally, to cap the climax, when the committee is able to examine sixty cases, passes fifty-seven of them, and comes in saying "as to these three a mistake has been made, that is our opinion, and not only our opinion, but here is the claims commission itself saying so," that we shall go on and override all that in the hot haste we make to render out of moneys not our own an equivalent for southern war claims.

Mr. President, I have at all times not only confidence, but great and

unfeigned confidence, in any judgment expressed by the honorable Senator from Maine, [Mr. MORRILL,] and I may say, without dealing in parliamentary compliment, that I am very careful and reluctant ever to differ with him; but I know well in my own case the immense effort which for some reason has been made in respect of this particular claim. I know that most plausible and convincing statements have been brought to me orally and sent to me in writing; I received a fresh one this morning; and indeed candor compels me to say that so urgent have been the appeals, taken in connection with the allegations contained in them, that my misgivings were somewhat aroused about this matter before I heard its merits discussed; and knowing sa I do the appeals which have been made in the name of humanity and in the name of generosity, I cannot but think that if the honorable Senator from Maine would sit down and look over these papers, even as far as I have looked them over, which I admit is not very far, in place of relying upon statements made in the House of Representatives, which it turns out were made in error, he would modify somewhat the judgment which he gave to us, upon which, if we follow it, we are in this case, to be sure, to pay but a single claim, but I fear to set an example as to the responsibilities which we take from the claims commission and from the committee of this body whose business it is to explore affairs of this sort and in other respects involved in this legislation, which will come home to plague us and to plague those who come after us, when perhaps my honorable friend from Maine and others not as wise and conscientious as he may not be here, familiar with all this history and able with the same safety to dispense with those rules which we have laid down and to which I humbly conceive we must adhere or we shall drift and drift still further in this regard.

I wish to add a single remark. I omitted to say, indeed I did not know one thing which as a fact I think ought to be contributed to this debate. It has been alleged that McKee, this agent, was upon bad terms with his father-in-law, or with General Bailey. I am informed now by a member of the committee that the evidence shows that he, as the agent of the Confederate States, in purchasing this cotton from General Bailey, paid to him two cents a pound more than the price which he paid to others; and I state it as bearing upon the question of duress and also as bearing upon this furious internecine war which we are asked to believe was raging at the same time between the claimant and his son-in-law.

THE CURRENCY—FREE BANKING.

Mr. WRIGHT. I ask leave now to submit a report from the committee of conference on the currency bill. I do not ask its consideration at this time unless there be unanimous consent, but I ask that it be read and printed.

Mr. MORRILL, of Maine. I suggest that it lie on the table and be printed.

Mr. MORTON. I hope it will be read.

Mr. WRIGHT. Let it be read.

The report was read, as follows:

The second committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 1572) to amend the several acts providing a national currency and to establish free banking, and for other purposes, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same, with an amendment, as follows: Strike out all of the amendment after "that," in the first line, and insert in lieu thereof the following:

The act entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June 3, 1864, shall be hereafter known as "the national-bank act."

SEC. 2. That section 31 of "the national-bank act" be so amended that the several associations therein provided for shall not hereafter be required to keep on hand any amount of money whatever, by reason of the amount of their respective circulations; but the moneys required by said section to be kept at all times on hand shall be determined by the amount of deposits in all respects, as provided for in the said section.

SEC 3. That every association organized, or to be organized, under the provisions of the said act, and of the several acts amendatory thereof, shall at all times keep and have on deposit in the Treasury of the United States, in lawful money of the United States, a sum equal to 5 per cent. of its circulation, to be held and used for the redemption of such circulation; which sum shall be counted as a part of its lawful reserve, as provided in section 2 of this act; and when the circulating notes of any such associations, assorted or unassorted, shall be presented for redemption in sums of $1,000 or any multiple thereof, to the Treasurer of the United States, the same shall be redeemed in United States notes. All notes so redeemed shall be charged by the Treasurer of the United States to the respective associations issuing the same, and he shall notify them severally on the first day of each month, or oftener at his discretion, of the amount of such redemptions; and whenever such redemptions for any association shall amount to the sum of $500, such association so notified shall forthwith deposit with the Treasurer of the United States a sum in United States notes equal to the amount of its circulating notes so redeemed. And all notes of national banks, worn, defaced, mutilated, or otherwise unfit for circulation shall, when received by any assistant treasurer or at any designated depository of the United States, be forwarded to the Treasurer of the United States for redemption as provided herein. And when such redemptions have been so reimbursed, the circulating notes so redeemed shall be forwarded to the respective associations by which they were issued; but if any of such notes are worn, mutilated, defaced, or rendered otherwise unfit for use, they shall be forwarded to the Comptroller of the Currency and destroyed and replaced as now provided by law: *Provided*, That each of said associations shall reimburse to the Treasury the charges for transportation and the costs for assorting such notes; and the associations hereafter organized shall also severally reimburse to the Treasury the cost of engraving such plates as shall be ordered by each association respectively; and the amount assessed upon each association shall be in proportion to the circulation redeemed, and be charged to the fund on deposit with the Treasurer; *And provided further*, That so much of section 32 of said national-bank act requiring or permitting the redemption of its circulating notes elsewhere than at its own counter, except as provided for in this section, is hereby repealed.

SEC. 4. That any association organized under this act, or any of the acts of which this is an amendment, desiring to withdraw its circulating notes, in whole or in part, may, upon the deposit of lawful money with the Treasurer of the United States in sums of not less than $9,000, take up the bonds which said association has on deposit with the Treasurer for the security of such circulating notes; which bonds shall be assigned to the bank in the manner specified in the nineteenth section of the national-bank act; and the outstanding notes of said association, to an amount equal to the legal-tender notes deposited, shall be redeemed at the Treasury of the United States, and destroyed as now provided by law: *Provided*, That the amount of the bonds on deposit for circulation shall not be reduced below $50,000.

SEC. 5. That the Comptroller of the Currency shall, under such rules and regulations as the Secretary of the Treasury may prescribe, cause the charter numbers of the association to be printed upon all national-bank notes which may be hereafter issued by him.

SEC. 6. That the amount of United States notes outstanding and to be used as a part of the circulating medium shall not exceed the sum of $382,000,000, which said sum shall appear in each monthly statement of the public debt, and no part thereof shall be held or used as a reserve.

SEC. 7. That so much of the act entitled "An act to provide for the redemption of the 3 per cent. temporary-loan certificates, and for an increase of national-bank notes," as provides that no circulation shall be withdrawn, under the provisions of section 6 of said act, until after the fifty-four millions granted in section 1 of said act shall have been taken up, is hereby repealed; and it shall be the duty of the Comptroller of the Currency, under the direction of the Secretary of the Treasury, to proceed forthwitth, and he is hereby authorized and required, from time to time, as applications shall be duly made therefor, and until the full amount of $54,000,000 shall be withdrawn, to make requisitions upon each of the national banks described in said section, and in the manner therein provided, organized in States having an excess of circulation, to withdraw and return so much of their circulation as by said act may be apportioned to be withdrawn from them, or, in lieu thereof, to deposit in the Treasury of the United States lawful money sufficient to redeem such circulation, and upon the return of the circulation required, or the deposit of lawful money, as herein provided, a proportionate amount of the bonds held to secure the circulation of such association as shall make such return or deposit shall be surrendered to it.

SEC. 8. That upon the failure of the national banks upon which requisition for circulation shall be made, or of any of them, to return the amount required, or to deposit in the Treasury lawful money to redeem the circulation required, within thirty days, the Comptroller of the Currency shall at once sell, as provided in section 49 of the national-currency act, approved June 3, 1864, bonds held to secure the redemption of the circulation of the association or associations which shall so fail, to an amount sufficient to redeem the circulation required of such association or associations, and with the proceeds, which shall be deposited in the Treasury of the United States, so much of the circulation of such association or associations shall be redeemed as will equal the amount required and not returned; and if there be an excess of proceeds over the amount required for such redemption, it shall be returned to the association or associations whose bonds shall have been sold. And it shall be the duty of the Treasurer, assistant treasurers, designated depositaries, and national-bank depositaries of the United States, who shall be kept informed by the Comptroller of the Currency of such associations as shall fail to return circulation as required, to assort and return to the Treasury for redemption the notes of such associations as shall come into their hands until the amount required shall be redeemed, and in like manner to assort and return to the Treasury, for redemption, the notes of such national banks as have failed, or gone into voluntary liquidation for the purpose of winding up their affairs, and of such as shall hereafter so fail or go into liquidation.

SEC. 9. That from and after the passage of this act it shall be lawful for the Comptroller of the Currency, and he is hereby required, to issue circulating notes, without delay, as applications therefor are made, not to exceed the sum of $55,000,000, to associations organized, or to be organized, in those States and Territories having less than their proportion of circulation, under an apportionment made on the basis of population and of wealth, as shown by the returns of the census of 1870; and every association hereafter organized shall be subject to, and be governed by the rules, restrictions, and limitations, and possess the rights, privileges, and franchises, now or hereafter to be prescribed by law as to national banking associations, with the same power to amend, alter, and repeal provided by "the national-bank act:" *Provided*, That the whole amount of circulation withdrawn and redeemed from banks transacting business shall not exceed $55,000,000, and that such circulation shall be withdrawn and redeemed as it shall be necessary to supply the circulation previously issued to the banks in those States having less than their apportionment: *And provided further*, That not more than $30,000,000 shall be withdrawn and redeemed as contemplated during the fiscal year ending June 30, 1875.

And that the title be amended so as to read as follows:

An act fixing the amount of United States notes, providing for a redistribution of the national-bank currency, and for other purposes.

GEO. G. WRIGHT,
T. W. FERRY,
J. W. STEVENSON,
Managers on the part of the Senate.

H. L. DAWES,
GEO. W. McCRARY,
S. S. MARSHALL,
Managers on the part of the House.

Mr. WRIGHT. I only desire to say that that report has the concurrence of every member of the committee of both Houses. I move that the report be printed. I do not ask for its consideration at this time, of course, but give notice that I shall seek to call it up to-morrow morning immediately on the expiration of the morning hour.

Mr. CONKLING. Does the Senator say that the report is signed by every member of the committee in each House?

Mr. WRIGHT. Yes, sir; it is.

The PRESIDENT *pro tempore*. The report will be laid on the table and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had concurred in the reports of the committees of conference on the disagreeing votes of the two Houses on the following bills:

A bill (H. R. No. 2694) for the relief of Benjamin W. Reynolds; and

A bill (H. R. No. 3171) to amend the customs-revenue laws and to repeal moieties.

The message also announced that the House had passed a bill (H. R. No. 3479) in relation to parties in the Court of Claims; in which it requested the concurrence of the Senate.

CLAIMS REPORTED BY THE CLAIMS COMMISSIONERS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 2797) making appropriations for the payment of claims reported allowed by the commissioners of claims under the act of Congress of March 3, 1871.

Mr. MORRILL, of Maine. I simply wish to say a word or two in reply to the Senator from New York. When I rose to address the Senate a while ago I thought I should commend myself to the Senate at least for my modesty, if not for the soundness of the suggestions that I made. It certainly was in no self-confident spirit; and if I should so far forget myself as to talk about "my judgment" and "the judgment of a court" in the sense which should take the Senate off their feet and arrest their judgments and force them to a conclusion of mind without due opportunity for reason on their part, I should be very sorry for it. That is all I can say.

Mr. CONKLING. The Senator did not say anything about his judgment.

Mr. MORRILL, of Maine. No; but my honorable friend in concluding referred to the Senator from Maine having formed a judgment which he was very apprehensive of.

Mr. CONKLING. That may be; but the judgment which I spoke of was the name which the Senator bestowed upon the statement.

Mr. MORRILL, of Maine. I do not misunderstand my honorable friend, nor will I misrepresent him. Now as to the sense in which I talked of a judgment, I said distinctly that I likened it unto a judgment, and it was only by way of illustration that I called it a judgment, as my honorable friend, if he had been sufficiently attentive, would have seen. I knew this commission was not a court, and yet I knew very well that we invested it with the prerogatives of a court to a general intent. It is a commission, but its functions are judicial. It has a right to examine testimony, swear witnesses, make a conclusion. That is all I said or ventured to say. I said in concluding that I likened this proceeding to one that had been *res adjudicata*, and that there was an attempt to reopen it, and on that I held that there should not be suspicion merely, but probable cause.

Mr. President, I said in the beginning that I had not examined this question in detail; that I had only looked at certain principal facts; and from those principal facts I was not satisfied at all, the burden of proof being that way, of the necessity of returning this case to the commission again. That is all I said; that is all I say now; but after all my honorable friend from New York has said and after all the references he has made to the supplementary report of the commission, as he is disposed to regard it, I am not at all shaken in the impression with which I started out.

Let us look at this case for a moment. I do not care to repeat myself, but I insist upon it that these men did undertake to judge of this claim as a court. Call it a commission or whatever you please, they did undertake to examine this man's claim, and they either went out of their way or in their way. As an honest court, in the performance of a high duty, they did ascertain an important fact, and they use very emphatic and very strong language. They say they have made a very thorough examination into the identical question now before us, and in concluding, as if they intended to pile up this question and emphasize this man's loyality, after having said that they had taken particular pains on that subject, they say—I am now speaking of what was their decision, not to call it a judgment:

The cases of loyalty among the large landed proprietors of the South were so very rare, that were felt it to be our duty to investigate this case thoroughly—

And having investigated it thoroughly what did they say—

And after doing so we feel fully justified in reporting this claimant as loyal.

Have they ever taken that back?

Mr. CONKLING. What is the date of that?

Mr. MORRILL, of Maine. There is no date to it, but it is whatever date the judgment or decision was. I do not know what that was. Have they ever taken that back?

Mr. CONKLING. Expressly.

Mr. MORRILL, of Maine. Never.

Mr. CONKLING. May I read to the Senator?

Mr. MORRILL, of Maine. No; not now.

Mr. CONKLING. I say they have taken it back in terms.

Mr. MORRILL, of Maine. I insist they have never taken it back. In the first place, they have never re-examined it. It is not competent for them to take it back. They say in the beginning of the paper which has been read that they cannot re-examine it, and for that reason they make an unofficial statement. I do not set the one off against the other by any means, nor can it be done by either law or logic. One is in court, one is in the exercise of an official position; one is affirming solemnly in court or in the exercise of their official functions, the other is extra-official, not to say extra-judicial. But that is not the worst of it. They flatly contradict themselves. They flatly show that either judicially they were careless, indifferent, heedless, or that they are a little swift now. One of these horns they must take. Now I will read. I am a little instructed by what my honorable friend has said and by what he has referred to. Let us see if they have taken this back. What do they say? They say:

It would seem—

What "would seem?" A court talking about "it would seem!" They did not speak in that way when they were talking as a court exercising judicial functions. They said "this man's loyalty is proven." Now, when they undertake to certify something unofficial, they talk about what "would seem!" How does it seem, and what seems to these men who are now acting unofficially?

It would seem to be clearly established by the papers now obtained that General Bailey, on the 14th of November, 1862, sold voluntarily—

Is that a new fact? Why, sir, they had that fact before them, and they certified in their record that they had that fact, and it was a principal fact. The sale of this very five hundred bales that they here talk about it would seem was before the commission, and they examined it as a principal fact touching the man's loyalty. Let us go a little further:

sold voluntarily five hundred and thirty-six bales of cotton to the confederate government—

My comment upon that is, they did gratuitously certify a fact which they were in law bound to find in that judgment, or else they are a little swift on this occasion. Let us go a little further:

that he was the first leading planter to sell his cotton.

That is what they find. That is the finding of this extra-official statement out of court. Now put that against the other and see how the two things will read:

The cases of loyalty among the large landed proprietors of the South were so very rare that we felt it to be our duty to investigate this case thoroughly, and after doing so—

That is, after investigating the case, and after finding that this man had sold five hundred bales of cotton, they were delighted, notwithstanding all the evidence in the case controlling the fact, to certify to his loyalty; and now, out of court, without the sanctions which accompany the court-room, what do they say? I do not mean to say anything offensive; but they stultify themselves by saying that he was the first leading planter to sell his cotton, and they say that, reciting the identical fact that they had examined into in 1872 and reported upon. That is not calculated to weaken my impression very much. On the other hand, I should be inclined to say:

I thank thee, Jew, for teaching me that word.

I am very glad that my honorable friend from New York has been solicited in some way, to some end, that his attention had been called to this particular fact, and that he brought it to my attention and emphasized it with all that power and eloquence for which he is so distinguished, that he got it through my head at last that there really was very little in this new disclaimer.

Mr. President, I attach no importance at all to the fact of this being a "judgment," although my honorable friend seemed to attach great importance to the fact that I had in some sense called this a court, and that we were concluded, we were estopped, and could not reopen this question. All I meant to say was that when a great fact is *res adjudicata*, and particularly when this great Government selects its own tribunal, and that tribunal settles the facts in its own way and reports its judgment here, it does not become us to throw discredit over that judgment or decision on mere suspicion. That is precisely the ground I rested upon before. That is just what I rest upon now.

One word more in this line. My honorable friend says this is not a judgment in any sense, and he protests that the Senate of the United States shall not be concluded by my asseverating that this is a judgment. It is no judgment at all. Now, sir, there are some eleven hundred of these claims. Am I right about that?

Mr. SCOTT. Nearly eleven hundred.

Mr. MORRILL, of Maine. Nearly eleven hundred of these claims. What are these? Are they judgments? No; my honorable friend says they are not judgments. Are they decisions? Probably, yes. They carry with them so much sanction and so much authority, that my honorable friend himself was disposed to take them without reading. I asked to have them read; but somebody said he guessed it was not worth while, and I thought it was my honorable friend from New York, for I hardly know any other man on the floor who could have controlled me on that subject. If I did not submit to him, it must have been to somebody. I supposed he made that proposition. At any rate I was a little disposed that the whole bill should be read; but it was said "no; it is not necessary to read it." Why? The cases have all come from the commission; they are the judgment of a court; they are entitled to our confidence; they have been considered and they are entitled to our confidence; you need not read them at all. If it has not that significance what on earth has it?

More than that, they had the action of another body, which my honorable friend reprimanded me for alluding to. I withdraw all I said about that and we will be quits on that.

Mr. President, I rose in the beginning, upon a cursory examination of what I considered to be the principal facts, to state to the Senate the impression that those facts had made upon me, that there was no particular necessity disclosed here for the return of this claim to the commissioners of claims. That is all I did say; that is all I say now, and the discussion so far as it has gone rather strengthens that impression.

Mr. CONKLING. Mr. President, with the eloquence and the facetiousness of the honorable Senator from Maine, I am too prudent to attempt to cope. With his statement of facts, I want for one moment to deal. The Senator from Maine cannot offset the second report

against the first report of this commission which he has come to the conclusion is not a report and does not render a judgment, and the chief reason is that the second report had not those sanctifying influences of the court-room, as he said in one place, and those solemnities which pertain to acts performed by official persons acting officially. Owing mainly to these discrepancies, the honorable Senator from Maine is not able to repose as he would like to do upon the second report of the commissioners in order that he may be assisted in doing justice. In the hope of relieving some of the anxiety and trouble of the Senator from Maine, I wish to call his attention to this second report. I really think I can satisfy him that in place of the commissioners being swift, he has been a little swift himself. Here is the second report dated thus: "Office of the commissioners of claims, Washington, D. C., March 26, 1874." This report is signed by "A. O. Aldis, J. B. Howell, O. Ferriss, commissioners of claims."

So it had the sanctity of the court-room. All of the influences which pervade that place surrounded the incubation and inception of this document. It was made and signed by these men officially, all of them acting as commissioners. What, then, is the particular absence that the Senator from Maine so piteously laments? He says the case was not before them. How was that? A case is never before them upon a hearing, although he thinks this is so much like a court, and no counsel ever appears on the one or the other. On the contrary, this is a self-sustaining, self-moving, if not automatic machine. They proceed, as the Senator from Maine and his committee proceed with an appropriation bill, to take it up and read it and investigate it themselves of their own mere motion. There is no day when it is in court rather than any other day. Therefore this case was before the commission in respect of everything save one technical thing. What was that? That they had already handed over their statement which the Senator from Maine has read in part again. Although he said he did not wish to repeat it, he did read it again.

Mr. MORRILL, of Maine. I had not read that before.

Mr. CONKLING. My honorable friend may not have read it, but the Senator from California read it yesterday and so did other Senators, and although they did not read it as fluently, with anything like the emphasis and solemnity which my friend gave us, nevertheless it was ponderously and repeatedly proclaimed to the Senate and sunk deep into my soul, as I presume it did into the soul of every other member of the body.

Mr. MORRILL, of Maine. I had not heard it, though.

Mr. CONKLING. My honorable friend was at that time revolving in his mind some of these broad and expansive definitions which he applies to this case.

Mr. MORRILL, of Maine. I was in my committee-room.

Mr. CONKLING. In this second report we have these men acting officially, acting as a body, acting in their court-room, acting upon this case, and saying what? Not stultifying themselves, if my honorable friend will pardon me. With a somewhat intimate acquaintance with all three of these men, Judge Aldis and his two associates, I say they did not stultify themselves in this instance; but on the contrary, if there be three men who in my belief may safely challenge comparison with any others in the employment of the Government for the zeal, the fidelity, the discernment, and the candid discrimination with which they apply themselves to their duties, it is these three gentlemen who my honorable friend thinks have gone far toward making a farce of themselves and their business. What do they say?

The records of the trans-Mississippi cotton bureau, purchased by the Government since the report was made in the case of William Bailey, No. 980, show the facts which we deem it our duty to report to your committee.

Do they stultify themselves because they did not know anything about this before? But the honorable Senator from Maine, proceeding to read and passing over half this document, falls pell-mell upon this, and impales these men upon the glittering cimeter of his wit, not to speak of his logic; the Senator says they say "it would seem," and Denmark's wayward prince never wrung the changes upon that word, as rendered by the great master, as my honorable friend did: "it would seem," and as he echoed himself we might suppose that these men, referring to nothing, speaking of their own consciousness and conviction, were uttering something. Why, Mr. President, we need to refer to the context in order to rescue this board from the heavy censure of my honorable friend. They go on to say:

It clearly appears that General Bailey sold to the confederate government, &c.

Then they say this was the cotton to which the questions and answers related; they set out those questions and answers; they set the facts; and then what? They venture to bestow a comment upon this. Like a referee who is to hear and report, reporting so much of this newly discovered evidence as they deemed germane and essential and referring to that, they comment thus:

It would seem to be clearly established—

"Clearly established" how? By the evidence discovered among the rebel archives, a perusal of which they here set forth.

It would seem to be clearly established by the papers now obtained——

Mr. MORRILL, of Maine. That what?

Mr. CONKLING. I will come to that.

Mr. MORRILL, of Maine. Do not forget it.

Mr. CONKLING. Certain as you live, I will come to that.

Mr. MORRILL, of Maine. That is what I want.

Mr. CONKLING. I will come to that pivot, that universal joint on which my honorable friend swings round and round, when he says that these men stultified themselves because they repeated the very fact upon which they had found the reverse.

Mr. MORRILL, of Maine. Exactly, that is so.

Mr. CONKLING. My honorable friend has the courage now, although in a low tone of voice, to repeat that that is so. I am going to see whether it is or not.

It would seem to be clearly established by the papers now obtained that General Bailey, on the 14th of November, 1862, sold, voluntarily—

I wish I could pronounce that word as the Senator pronounced the word "seem." How I would wait and vex the drowsy ear of the Senate, not to speak of all the other departments of the Government, if I could give the penetrating and clarion-like sound to that word which was emitted by my honorable friend from Maine when he accused these men of employing the term "it would seem" so and so. But now it appears that he sold "voluntarily." Does the Senator mean to say that that fact was before the commission and reported by the commission?

Mr. MORRILL, of Maine. Will the Senator——

Mr. CONKLING. I will always let the Senator from Maine tell what he thinks on a subject. I will let him tell me now; I shall be glad to hear it now; but first let me tell the Senator from Maine what I think I heard him say to-day. I think I heard him say in reply to the Senator from Pennsylvania that the point on which the case turned before the commission on the question of loyalty, was the allegation of duress.

Mr. MORRILL, of Maine. I agree to that.

Mr. CONKLING. That what this man did he did under duress. Well, "in the name of all the gods at once," does a man do voluntarily what he submits to under duress? Somebody has said "necessity knows no law." That is duress. When a foot-pad presents a pistol at the breast of my friend and asks for his watch and he gives up his watch and gives up his will, to save his life, that is duress; that is what the law calls *vis major;* and beggars among others are not choosers. But, Mr. President, he who decides for himself whether he will sell a commodity or not, he who picks and chooses whether he will or will not do a thing, is not acting under duress. He is rather of those of whom a great poet said that they walked,

In maiden meditation, fancy-free.

He is the freest man on earth, he is as free as my honorable friend from Maine was in his elocution when he said that these commissioners said "it would seem."

What further? It appears that he voluntarily sold cotton for what? For something to pay his taxes with, so that you could say there was a kind of duress of the pocket, a certain something pinching at the groin which amounted to duress? O, no; that "will not wash." On the contrary he sold cotton among other things for "$20,000 of confederate bonds," lasting securities based upon a bet against the life of the Republic. Every confederate bond was a bet and wager that the Republic would die. If the Republic should die the bond would live; but if the Republic should successfully assert its right to be, then the bond was not to be worth the paper which had been defiled by the engraving upon it. That bond to the sum of $20,000 was never taken by a man for the purpose of paying taxes. That will not do.

But, Mr. President, I wander a little from the point. These men in the first place found that the claimant was loyal because that which he did was done under duress. When the rebel archives were discovered and laid before them, they recall that and they say that from these papers it seems clear—I do not stop to pronounce the word "seem," I merely use it—it seems clear that he did voluntarily do that which before it was supposed he had done under duress. Now what becomes of all the distinctions of the honorable Senator from Maine? I submit to him that they come to one single point, namely: that these men having handed over their schedule of claims, of which this was one, were technically and manually divested of the possession of the claim, and therefore they say that if Congress retains possession that does not authorize them further, they cannot go on, but speaking as a board and a commission in their court-room, upon their oaths, and signing this report officially, they feel bound to serve notice upon Congress that here is newly-discovered evidence which not only changes the case but takes from it that one thing, that *sine qua non* upon which they rested their first report, and that turning out to be a fallacy the logic is that the whole thing falls to the ground.

But my honorable friend says they have stultified themselves. He says in the first place they had it not before them, and that they ought to have been in their court-room. It turns out that they were. He says they ought to have acted officially. It turns out that they did. He says they ought to have acted in reference to this case specially. It turns out that they did. And on the whole he says they have stultified themselves because they had before them originally the fact that this man had sold cotton and having that fact before them what more could they want to know? And although one rise from the dead and make new revelations, or although we are able to gather from the archives of the confederacy that testimony which shows that as to the very hinge on which they suppose the case turns the truth swings the other way the Senator says, "O no; they have passed upon this once; they did it in their court-room; they had no

witnesses before them that we know anything about except those that appear here in the testimony; they had no counsel to represent either party; they were going on investigating for themselves; and now investigating in the same way they have suddenly discovered that which startles them with the knowledge that they made a mistake and been led into an error; they send it here and certify it." The Senator from Maine says it amounts to nothing, and he refuses to offset the one thing against the other. All I can say is that I not only offset the one thing against the other, but upon my mind it has the same influence morally and the same influence legally that it would have if a jury should come into court with a verdict and before they were discharged from the jury-box after having rendered it should discover that they had fallen into an error of calculation or that they had made some other blunder, and called attention to it on the spot. It has the same influence upon me that it would if a court or a referee or any other tribunal should come in and say: "I rendered that judgment; I made that finding; I did it in ignorance of this fact; and here is evidence which, had it been before me, would seem to mkae it clear that the finding should have been the other way."

Mr. MORRILL, of Maine, and Mr. SCOTT addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SCOTT. Mr. President, there are many things that I would wish to say, some that I ought to say, perhaps, in reply both to the Senator from Maine and the Senator from New York in reference to the action of the committee upon this whole bill; but we have now been engaged upon it since yesterday, spending the greater part of both days on the discussion of this case; and although these things ought to be said, perhaps, and attention called to some details which have been omitted, if we can have a vote on this bill—and I appeal to the Senate to give us one—I will forbear saying anything more on it. I do not wish to cut off my friend from Maine, for I see he is waiting to reply to the Senator from New York, but having the floor I do make an appeal to the Senate. Can we not now have a vote on the question?

Mr. MORRILL, of Maine. I will not occupy five minutes.

Mr. SCOTT. If the Senator will not occupy more than five minutes and we can then vote I shall not claim the floor again. I shall ask for a vote, and hope we shall succeed in having a vote.

Mr. MORRILL, of Maine. I know that not the slightest importance will be attached by the Senate to the estimate which the Senator from New York puts on one fact and the different estimate which I put upon the same fact. His point is that this letter of these commissioners is of equally binding force with the judgment or decision rendered. My impression is that it is *coram non judice* anyhow, and they oust themselves in the first sentence they utter in the letter, saying that they did not have any jurisdiction of it and did not intend to take any jurisdiction of it. After reciting the fact that they have discovered certain evidence they say:

> The case having been reported by us to Congress, we do not feel at liberty to make any further investigation of it.

Then what? If they are not authorized to make any further investigation into it, is not there an end of their jurisdiction over it? Certainly. Then what is this? They put this in by way of dissertation, I suppose, by way of advice, by way of suggestion. They have been looking over the records, and some things have fallen under their observation that had not fallen before, and although they pass no judicial judgment upon it whatever and say they have no power to investigate and do not undertake to investigate it, they make a suggestion. Does that make a judgment? I submit not.

My honorable friend was a little adroit in quoting from these persons when they say "it seems" that this man had voluntarily sold cotton. They refer to one fact, as he will see; that is the fact of the five hundred bales sold in November, 1862. That is the fact they refer to when they say "it seems." My comment on that is what I have already said: it did not so seem at all when this commission examined that fact, and they say they did examine it most thoroughly, and they find it was not a voluntary thing. What has changed their minds? Two additional facts which have come in here, and not one of them touches that point at all. Here are the papers which they call additional facts, and not one of them touches that point, which is the principal point in this case. Let me call the attention of the Senator to this. Here is one of the letters which are relied upon to throw suspicion on this man's loyalty. Let me read it, and see what honorable Senators will say it is entitled to. There is no objection, says one of these agents addressing the other—not addressing this man—but the first cotton was sold in November, 1862, and almost all these papers are a year later; and in 1863 one agent says to another:

> There is no objection to purchase his (Bailey's) or your brother's cotton; and if you can pick up enough to pay all expenses in this wise, it is all right. I would—

Now here is the point to which I desire to call the attention of the Senator—

> I would not advise—

He advises him to buy, but—

> I would not advise any alliances, however, with General Bailey.

Here are two confederate agents trading with this man to get his cotton, forcing him to sell it—that is the legitimate inference from the first finding of this court—and one says to the other: "Do not you trust him at all as a confederate; make no alliances with him whatever; he is not reliable; the Unionists have confidence in him." That is the style of new evidence which has been discovered, upon the suggestion of which we are asked to send this case back to these commissioners. I therefore rise to affirm and repeat what I stated in the beginning, that at any rate it does not impress me that it carries with it that probable presumption of disloyalty which necessarily forces us to any such conclusion. It is little more or less than a suspicion resting in the minds of these men, and they make that communication for what it is worth. I do not mean to say any more about it.

Mr. ALCORN. I regret very much that I shall have to trespass on the impatience of the honorable Senator from Pennsylvania. If he is weary I beg him not to charge it to my account, but rather to the account of those who have made three and four speeches of an hour or more in length in order to express their views upon this question.

Mr. SCOTT. I have no impatience on this subject, but I would call the Senator's attention to the fact that every hour of delay imperils the interests of Mississippi and every other State that has appropriations in this bill. He can go on.

Mr. ALCORN. The Senator's statement is true; but "let justice be done though the heavens fall." I cannot permit this discussion to go by without saying something upon this case. I owe it to the people I represent to express myself upon this subject. I am not acquainted with General Bailey. I have never seen him in my life that I know of; and I am sure I never heard of him until I heard of this case of his. I know nothing of his family of my own knowledge. I know not whether he was a Union or disunion man, so far as my own knowledge goes. But with regard to the claims commission I desire to say that had I been here in my place when the law of Congress creating it was passed I should have voted against it. It would have been well for the people of Mississippi and the people of all the Southern States had that law never been passed.

The Government at the close of the war improvised a claims commission, for what purpose? The people who were in the Southern States within the rebellious districts, were presumed to have been rebellious during the war; but after its close the Government out of tender regard for those people, and not to do them injury, held out an inducement to the people in the rebel States to come here to prove that while the war went on they were loyal to the Government of the United States. The Government here laid an inducement for perjury that has been felt and that I have seen working itself in the Southern States. Of course the people there were under the presumption of rebellion against this Government; they could not have avowed Union sentiments and remained in that country during the war, for the confederate government tolerated no disloyalty to it there, as there was no disloyalty to the United States Government tolerated here. You invite a man who for four long years in the South under the sound of the cannon's roar saw the battle go on and stood with his fellow, to come forward with his witnesses and prove that he was a loyal man to the Government of the United States. There were certain loyal men down there who stood this test, and I believe from all the testimony I have at my disposal that this claimant was one of them. I can say, however, that many of those who have made proof of loyalty to this Government were certainly guilty of acts of more disloyalty to the Government than this man seems to be charged with. This man's case has been tried, and he has been tried by a tribunal that was set up by you and that has, whether it was intended so or not, acted the part of an inquisitorial tribunal for the purpose of probing the heart of every person who came before that board, to see whether they could not nose out some evidence of disloyalty.

An honorable friend near me asks me to let the Senate vote. I repeat to him, for I believe he was not present when I made my opening remark, that the impatience which the Senator from Pennsylvania manifests on this occasion, I trust, will not be charged to me. I owe courtesy to my fellow-Senators, and I will never while I occupy a seat in this body speak against time; I will never speak to annoy any one; but I will, in discharging my duty to my constituents, address the body and claim to be heard when I feel that it is proper for me to speak.

I say that this commission passed upon this man's case. They examined and scrutinized his witnesses. That was done by this inquisitorial board who make publication to the country of the fact that they do not allow more than about 10 or 15 per cent. upon the claims presented before them for adjudication. When people have come up from the South claiming that the Government owes them money, that here is a demand of $1,000, for instance, they proclaim "here is what we have permitted him to have, ten cents on the dollar." That is what they publish. The claimants are all glad to get what they can. They have had to bring their witnesses here from the Southern States, and so far as the South is concerned it has been made poorer by this claims commission than it was when it began. The lawyers around this city—a very reputable class of lawyers, I admit—have fattened and grown rich on the claims commission, but the people have in truth been made poorer by it.

But the court probed this case. They examined it closely. They scrutinized it. They examined the charges; they took the proof; and they found this man Bailey to have been loyal throughout, and they sent their judgment and adjudication here. Now after the adjudication has been had they send in a protocol, a sort of codicil to their will; they grab for this man. Having stripped him before the

court of everything that it was possible they could carry away from him, they run their arms into the doors of the Senate Chamber and say to the Senate, "Give us back Bailey once more that we may put him through." I do not want to let them have Bailey any more. They have had him once, and I am for keeping him away from them now.

But what do they say? They come here with the plea that they have discovered new testimony. I will take these statements as if they were in the form of affidavits to sustain a plea, and I enter my demurrer to the plea. Admitting the facts as set forth, I claim that they are not sufficient in law to bar the right of Bailey in his action here before the Senate for this money. Was it disloyal to sell cotton to the confederate government? In what did the disloyalty consist? Here was Bailey in the State of Louisiana. The rebellion had established itself; the armies of the Government of the United States were a thousand miles away; the gun-boats were at Charleston, and the fight went on. The Government of the United States had blockaded the ports. The commodity that Bailey had raised, cotton, he had no means of sending abroad. He was forbidden by the confederate government to send it into the lines of the Federal Army; he was forbidden to send it to Liverpool for sale. What should he do with it? He had it. It was necessary that he should convert the cotton into something that would enable his family, while the war was going on, to subsist. Who else was a purchaser but the government of the Confederate States? Nobody else. There was no other purchaser. Was it disloyal for Bailey under such circumstances to sell to the confederate government his cotton? Where was the disloyalty? Had the Government of the United States declared at the time that this was an act of disloyalty? Where is the proclamation of your Government declaring that an act like that was disloyal? There is no such statute; there is no such proclamation; there is no such military order. It was no act of disloyalty in Bailey to sell his cotton to the confederate government.

The Government of the United States through its President sent agents to the Southern States to buy cotton. Was it disloyal for the President of the United States to send agents to the Confederate States to purchase cotton and say to those agents, "You may buy the cotton from the confederate government, you may buy it from Jeff Davis himself?" The President of the United States used language like this: he said that we must have cotton. Why did he say so? Because the necessities of the Government of the United States compelled it to purchase cotton from the Confederate States or the people of the Confederate States. Bailey sold to the Confederate States because his necessities compelled him to sell his cotton to the Confederate States for the purpose of obtaining the means of subsistence for himself and his family. Would a court of justice anywhere hold it to be an act of disloyalty for him to have sold cotton to the confederate government or anybody else in order to procure a subsistence for his family? Why did he take confederate bonds? He took them because the confederate bonds he knew would be good for something while the war went on. He knew the cotton was within the grasp of the confederate government; he could not take it away; it was in the power of the confederate government. The confederate government held it. He could not sell it to anybody else. And yet the Senator from New York says there was no duress here; he was free as air; he could have sold or not sold. There was nobody else he could sell to, there was no one a purchaser of cotton but the confederate government. Was it not duress? Yes, sir, duress present and menacing at the time. There was nobody there to say "You shall sell this or I will take your life," but there was the menace and there was that standing before him which showed him that if this cotton was not sold by him, perhaps the torch would be set to it, perhaps the government might say they would not pay for it but take it; and in the frugal way that a man has a right to do he said "Yes, I will take it."

But "O," says the Senator from New York—and so important was that discovery that he had to ask the Senate to listen to him a second time that he might make his point—"I have discovered that the man McKee, who was Bailey's son-in-law, absolutely gave him two cents a pound more for his cotton than he gave anybody else." What does that prove? The Senator from New York adduces the testimony to prove one fact, and I use it to prove another. It shows that Bailey was less inclined to sell his cotton, and that he was more difficult to deal with by two cents a pound than any other man in that country around him. It shows that Bailey was not ready to sell his cotton; it shows that Bailey did not run out to meet the purchaser; it shows that Bailey had to be dealt with, and they had to give him two cents a pound more for cotton than they gave anybody else before he would come to terms and make the trade; and now because he thus stood out, because with the necessity surrounding him he stood out and refused to capitulate until the inducement was offered him, it is here urged as testimony against him!

Mr. WEST. I hope the Senator from Mississippi will at the same time not lose sight of the fact that another Senator said that they did not buy cotton from anybody else but Bailey; they went to him and got it.

Mr. ALCORN. They bought it from everybody. That is a historical fact that the Senate judicially knows, that the confederate government bought cotton from every one. The philosophy of all that was this: the confederate government simply refused to allow cotton to go outside their lines; their ports were blockaded; they refused to pass it into the Federal lines; and then to allay the clamor of the people the government itself became a purchaser and a purchaser at a price to satisfy the wants of the people at the time.

But, sir, it is said that Bailey showed disloyalty in this, and yet he swore that he had been guilty of no disloyal act. I claim that you cannot convict him of having borne false testimony on the mere fact that he did sell cotton to the confederate government. I have made my argument on that point. But suppose that Bailey had denied that fact which stood out and existed at the time; suppose when he was before this inquisitorial commission he had concealed the fact from them that he had sold these bales of cotton, will you condemn him for that? Considering the weakness of human nature, can you condemn him for that? Go back to sacred history; look at an example which I venture to bring before the Senate, the case of the great and good Peter, no common man. He had left the presence of his blessed Redeemer but some ten hours before; he had seen Him perform His miracles; he knew He was the Son of the living God and that He had come to save the world from death and from eternal damnation; but when Peter was surrounded by his enemies, when his life was in danger, he denied the fact that he knew Christ or that he belonged to the soldiers that marched under his banner. Did the good Lord on this account discard Peter? Did He say that he was not to be trusted? Did He say that on account of that act of disloyalty He would not recognize him as having been true to His standard? O, no; but he said: Peter you have but exemplified the weakness of mankind; come now stand by me, under my banner, blessed still of the Lord; you shall go forward in the way that good people all move.

I am now supposing that Bailey, when before this court, may have concealed the fact. Bailey, whose property had been swept away from him; a man of fortune, with all his slaves surrounding him, had been stripped of all these; and now, bending down with age, poor and penniless, he makes his way up to the capital, and before this claims commission, almost from the very house of starvation, he comes before this inquisitorial court, and most piteously he begs that the Government will do him the courtesy of giving him a pittance that his old days may be soothed with the reflection that he has something upon which he can subsist until he can make his journey to

> The undiscover'd country, from whose bourn
> No traveler returns.

He conceals the fact that he has sold these six hundred and eighty bales of cotton, and now, having purchased these records from the confederate government, you discover that he concealed the fact. Admitting, I say, that he did conceal the fact, it does not show that he was guilty in concealing that fact of any disloyalty to the Government of the United States. It does not show that old man Bailey was guilty of any wrong to the Government of the United States at the time the act was committed. He knew perhaps the weight that would be given to that act by this claims commission, and it was this which caused him to conceal the fact, if in truth he did conceal it. If in truth the fact existed, it was these circumstances which led the old man Bailey to conceal the fact.

Sir, I say again that here was duress existing, present and menacing, and that he could not sell his cotton to any other purchaser than the confederate government. Now, when you say it was wrong for him to sell cotton to the confederate government and that it was an act of disloyalty, I produce here the fact that the President of the United States sent officers to the South to buy cotton from the citizens and from the confederate government, giving protection to that cotton through the lines; that the Government of the United States exchanged for cotton clothes and blankets and meat and bread, and they were sent through the confederate lines and exchanged for cotton; and not only those articles, but Colts pistols, powder, and ball were sent to the South in exchange for cotton by officers of the Government of the United States.

What caused the United States to do this? The necessities of the Government. The cotton was necessary for the Government of the United States. They could not get along without it; and the Secretary of the Treasury in 1869 said this with regard to it, and I refer to it now to show the necessities that existed:

> The great staples of the South have for many years constituted a large portion of our exports. But for the cotton held in that section at the close of the rebellion the foreign exchanges would have been so largely against the United States that a commercial convulsion would have been imminent if not unavoidable. Even in the deplorable condition of those States, last year more than two-thirds of our exports consisted of their productions; and which is the crop of the present year, small though it may be, that is to save us from ruinous indebtedness to Europe.

Such were the straitened circumstances of the Government of the United States that its credit was threatened; it had to have cotton, and every means was used to get cotton. When General Bailey saw the Government of the United States trading with the confederate government, buying its cotton, giving provisions in exchange, when there was no law existing to forbid it, is he to be held as disloyal, because, forsooth, in the hour of his trial, in the day of his necessity he sold to the confederate government cotton that he could not dispose of in any other way, sold his cotton and then escaped into the Federal lines? The proof shows that he came into the Federal lines.

Mr. SCOTT. The Federal lines came to him.

Mr. ALCORN. It was all the same. They came to him. But I can tell you that if Bailey had kept his cotton and had refused to

sell it to the confederate government, when the United States Army got there the cotton would have been missing, the flames would have already devoured the cotton; but the confederate government bought the cotton and removed it away, and afterward the cotton was brought back to the Federal Government and became valuable to the United States.

Mr. SHERMAN. Does the Senator say that the proceeds of this cotton came into the Treasury of the United States?

Mr. ALCORN. We cannot trace the cotton; I know nothing of this particular cotton. I know nothing of this case except what has been stated here and what I see in the testimony. This man's loyalty is attested by General Sherman; and remember that General Sherman had no recent acquaintance with Bailey; remember that General Sherman had resided in that district of country. General Sherman, I believe, was in the South at the time the secession ordinance was passed. He immediately went away. Bailey was acquainted with him and knew General Sherman's sentiments, and General Sherman, I presume, knew Bailey's. He testifies to his loyalty, and says that during the whole period while the war went on he was loyal. Ten thousand hearts in the South were loyal; yes, ten times ten thousand were loyal to the Government of the United States. They were not responsible for the revolution. But the armies gathered round them. Do you tell me that they did not act under duress? Yes; thousands and thousands of men who to-day would suffer themselves to be impaled before they would confess the fact; thousands and tens of thousands of them went into the confederate cause under duress. This man Bailey stood there under duress all the time; he sold his cotton under duress.

To prove that he sold it under duress allow me to state a fact. That cotton was worth in Liverpool twenty cents a pound in gold, when it could be taken to Liverpool for less than two cents a pound. Would Bailey, if he had not been under duress, have sold it to the confederate government for ten or twelve cents a pound in confederate bonds, the value of which depended upon the result of the war? The very sale that he made, the funds that he obtained, the manner of the sale, all show very conclusively that the man was under duress, and it was "sell here or sell not at all."

Suppose now, sir, that I had come to you telling you that I had left my plantation or my home in Mississippi, that I had sold to the confederate government my horses, that they were valuable for the cavalry; that I had sold my cattle, that I had divested myself of everything I could, and had escaped into your lines; would the fact that I had sold these things to the confederate government have been taken as an act of disloyalty? Would I have been reproved by a single man in all the broad land of having been guilty of an act of disloyalty in selling my property before I left the rebellious States? Certainly not. Why? Because there was no one else to whom I could sell it; no other power, no other authority, and I must have some means of subsistence. Under the necessities of the case, for subsistence' sake, Bailey sold his cotton. It was liable to be burned up any night. He knew that he was held to be a Union man, and he knew that the surroundings were such as to endanger his cotton. He sold it for money and bonds, knowing that the bonds had a value in Liverpool at that time, and even though he might have to escape into the Federal lines he could send his bonds there and realize something upon them by which to subsist his family. And yet you say that this was an act of disloyalty on the part of Bailey. Where is the evidence of disloyalty? Show me the taint of disloyalty that shall touch a man because in the hour of his trial, in the hour of his tribulation, in the hour of his necessity, he sold that which he had to dispose of in order that he might find a subsistence for himself and family.

The PRESIDING OFFICER, (Mr. CLAYTON in the chair.) The question is on the amendment of the Committee on Claims striking out the appropriation for the claim of William Bailey.

Mr. SCOTT. I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. HOWE, (when his name was called.) On this question I am paired with the Senator from Alabama, [Mr. SPENCER.] If he were here he would vote against the amendment, and I should vote for it.

The roll-call was concluded.

Mr. ALLISON. I desire to say that Senators THURMAN and STEWART are paired on this motion to strike out; one of them would vote "yea," and the other "nay," [laughter,] which one I do not know.

The result was announced—yeas 21, nays 33, as follows:

YEAS—Messrs. Allison, Anthony, Boutwell, Buckingham, Carpenter, Chandler, Clayton, Conkling, Cragin, Ferry of Michigan, Frelinghuysen, Hamlin, Ingalls, Morrill of Vermont, Oglesby, Pratt, Scott, Sherman, Wadleigh, Washburn, and Wright—21.

NAYS—Messrs. Alcorn, Bayard, Bogy, Boreman, Conover, Cooper, Davis, Dennis, Goldthwaite, Gordon, Hager, Hamilton of Maryland, Johnston, Kelly, Lewis, McCreery, Merrimon, Mitchell, Morrill of Maine, Norwood, Patterson, Pease, Ramsey, Ransom, Robertson, Sargent, Saulsbury, Schurz, Sprague, Stevenson, Stockton, West, and Windom—33.

ABSENT—Messrs. Brownlow, Cameron, Dorsey, Edmunds, Fenton, Ferry of Connecticut, Flanagan, Gilbert, Hamilton of Texas, Harvey, Hitchcock, Howe, Jones, Logan, Morton, Spencer, Stewart, Thurman, and Tipton—19.

So the amendment was rejected.

The next amendment reported by the Committee on Claims was on page 22, line 535, to strike out—

To Letitia Elsey and Maria H. Turpin, each $3,563.48.

Mr. SCOTT. As the Senate has voted in the manner in which it has done, I now wish to make a very brief statement in regard to this case to see how far this principle is to be carried. This case involves the same principle. Letitia Elsey and Maria H. Turpin are two of the nieces of a man named Whitty M. Sasser. Whitty M. Sasser lived in the same parish of Louisiana, the parish of Rapides, where General Bailey lived. He is now dead. The report of the commissioners in this case finds that he was disloyal. They find, however, who his relatives are, his brothers and sisters, and they find that these two of his nieces were loyal women, and they gave to them the two-fifths of one-half, finding that the other brother or sister, whichever it was, was disloyal also. These two loyal women, deriving their title through a disloyal source, are brought into this report. The only thing that Sasser's disloyalty was based upon was the sale of three hundred and thirty-one bales of the cotton; for he is proven to have been at the same Union meeting that General Bailey presided at in the same parish. The motion is to strike this out also. Of course, after this statement, the majority of the Senate, to be consistent with itself, ought to keep this clause in.

Mr. CONKLING. This man has the advantage of having two nieces, besides.

Mr. SARGENT. I concur entirely with the Senator from Pennsylvania that the Senate, to be consistent, ought to keep this in, and I think it is perfectly proper to keep it in, provided the only point against this man is that he sold some bales of cotton. The court say, in the case of Bailey, that he admits that he sold five hundred bales, and they nevertheless report that he was loyal; and now they report another person, who, as I understand the Senator from Pennsylvania, was similarly situated was disloyal. It looks like inconsistency on the part of the commission.

Mr. SCOTT. Permit me to correct my friend——

Mr. SARGENT. With pleasure.

Mr. SCOTT. General Bailey was examined and swore before the commission that he sold by compulsion. Mr. Sasser is dead, and his representatives are the claimants. The commission found him disloyal on the sale of the cotton.

Mr. SARGENT. Which seems to me, as I was stating, an inconsistent thing. The Senate, of course, will be consistent. I do not wish to go over the debate again, but I think these persons were in a very unhappy region of country at this time, subject to a severe pressure. If the commission could find that a person who stated he had sold five hundred bales was loyal, they ought not to hold that a person who sold thirty bales was disloyal. But the persons who are benefited by this little provision are unquestionably loyal and are women. I think that is an additional reason why we should concur with the previous action of the Senate and keep them in. I trust the Senate will not commit the inconsistency of striking out this item.

Mr. DAVIS. This case is rather a peculiar one and unlike the Bailey case. The commission awarded two-fifths of one-half to the two ladies named in the clause of the bill, leaving of course eight-tenths yet to be acted upon, the cases of the claimants for which were not properly presented before the commission as I understand. While the facts in regard to the cotton of the two men may have been the same in both cases, yet the surroundings of the two men might have been very different and probably were very different. I looked through this case as a member of the committee, and I think it ought to be referred back to the commission. Therefore I hope the amendment will be agreed to and the committee sustained. I believe the committee was unanimous on this claim.

The PRESIDENT *pro tempore*. The question is on the amendment of the committee to strike out the item.

The question being put, there were on division—ayes 28, noes 13.

Mr. ALCORN. I call for the yeas and nays. ["No!" "no!"]

Mr. ANTHONY. I hope we shall not have the yeas and nays.

Mr. ALCORN. I defer to the will of the Senate. I will not insist on it, but I do trust this section will not be stricken out.

The PRESIDENT *pro tempore*. The ayes have it on a division, and the amendment is agreed to.

Mr. SPRAGUE. I ask for another vote. ["Too late."]

The PRESIDENT *pro tempore*. The next amendment will be read.

The CHIEF CLERK. On page 31, line 741, the Committee on Claims propose to strike out "Feltz" and insert "Felts."

The amendment was agreed to.

The next amendment was in line 850, to strike out "Ryon" and insert "Ryons."

The amendment was agreed to.

Mr. SCOTT. The next amendment, from line 1367 to line 1371, was a proposition to strike out. I desire to offer a substitute for that, and I will make this explanation of it. That is an award made to the estate of John Fox, deceased, of Virginia. John Fox made a will about the year 1859, in which he provided for his slaves, providing that the land in Virginia was to be sold and land purchased with the proceeds in Ohio for the use of his slaves. The estate has never been settled, and is now in the hands of an administrator *de bonis non*, and allegations were made that he refused to recognize properly the proper rights of these colored legatees, now freemen. On that allegation the House committee struck out the name of the administrator *de bonis non* and put in the name of John A. Seaton, claiming to be an attorney in fact for these colored legatees. John A. Seaton is the large,

almost giantlike colored Capitol policeman that we see about here. He produced a power of attorney signed with the mark of some eighty or ninety legatees, and very informally executed and acknowledged. There are other parties who allege that they are attorneys in fact for some of the legatees. There are certificates here showing that some of the negroes have been paid in full their share of the legacy. For the purpose of obviating a difficulty on both sides, with the agreement of the counsel for the administrator and those who claim to represent the negroes, I offer an amendment, that this money shall go to the estate of John Fox, deceased, to be paid to John T. Burns, receiver of the circuit court of Fauquier County, Virginia, to be by him reported to said court and distributed according to the will of John Fox, deceased. This receiver is a bonded officer, and this will make it the interest of both administrator and legatees to get it out of court as soon as possible.

The PRESIDENT *pro tempore*. The amendment will be reported from the desk.

The CHIEF CLERK. It is proposed to strike out on page 56, commencing in line 1367, the following clause:

To John A. Seaton, attorney in fact for the colored legatees of John Fox, deceased, $7,545: *Provided*, That said Seaton shall file with the Secretary of the Treasury proper evidence of his authority to receive said sum.

And in lieu thereof insert:

To the estate of John Fox, deceased, to be paid to John T. Burns, receiver of the circuit court of Fauquier County, Virginia, to be by him reported to said court to be distributed according to the will of John Fox, deceased.

The amendment was agreed to.

The next amendment was of the Committee on Claims, to insert as an additional section the following:

SEC. 2. That the case of William Bailey, the case of Whitty M. Sasser, which was reported allowed by the commissioners of claims to the extent of the interest therein of Letitia Elsey and Maria H. Turpin, and the case of John Campbell, administrator of the estate of Stephen S. Springer, deceased, be, and they are hereby, referred to the commissioners of claims for re-examination and report; and the said commissioners of claims are hereby authorized to reopen, examine, and consider the said cases, and to make report thereon to Congress.

Mr. DAVIS. I take it the Senator from Pennsylvania will ask to strike out the Bailey case from that amendment.

Mr. SCOTT. The name of William Bailey occurs there. The amendment striking out that case in the body of the bill has been voted down. While I do not think the claim ought to be struck out of the section, of course it ought to conform to the action of the Senate.

Mr. STEVENSON. I move to strike out the words "the case of William Bailey."

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Kentucky to the amendment.

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (S. No. 482) to authorize the construction of a bridge over the Willamette River at Salem, in the State of Oregon;

A bill (S. No. 716) for the better government of the Navy of the United States;

A bill (S. No. 758) to authorize and provide for the construction of a substantial iron and masonry bridge and a causeway across the Anacostia or Eastern Branch of the Potomac River, at or near the site of the present navy-yard bridge;

A bill (H. R. No. 2450) to provide for the apportionment of the Territory of Wyoming for legislative purposes;

A bill (H. R. No. 2384) to change the name of the pleasure-yacht Planchette to that of Laxen;

A bill (H. R. No. 440) to amend the act entitled "An act transferring the control of certain territorial penitentiaries to the several Territories in which the same are located," approved January 24, 1873;

A bill (H. R. No. 203) to create two additional land districts in the State of Kansas;

A bill (H. R. No. 3606) granting a pension to Mary E. Grosvenor;

A bill (H. R. No. 2670) granting a pension to Mary S. Howe;

A bill (H. R. No. 2671) granting a pension to General A. C. Voris;

A bill (H. R. No. 3591) to change the name of the brig Sidi to Sea Waif;

A bill (H. R. No. 3539) to admit free of duty merchandise sunk for two years and afterward recovered;

A bill (H. R. No. 2463) for the relief of Joseph S. Read;

A bill (H. R. No. 1507) to create an additional land district in the Territory of Colorado;

A bill (H. R. No. 3351) to ascertain the possessory rights of the Hudson's Bay Company and other British subjects within the limits which were the subject of the award of His Majesty the Emperor of Germany, under the treaty of Washington of May 8, 1871, and for other purposes;

A bill (H. R. No. 3421) making appropriations for the payment of invalid and other pensions of the United States for the year ending June 30, 1875;

A bill (H. R. No. 3678) for the relief of savings institutions having no capital stock, and doing business solely for the benefit of depositors; and

A bill (H. R. No. 3741) to authorize the issue of an American register to the ship Alhambra.

RIVER AND HARBOR BILL.

Mr. CHANDLER. I move to proceed to the consideration of the river and harbor bill—House bill No. 3168.

Mr. KELLY. I move to amend that by——

The PRESIDENT *pro tempore*. An amendment to the motion is not in order.

Mr. FRELINGHUYSEN. There is about half an hour before we adjourn. In that time the bill which I called the attention of the Senate to this morning can be disposed of. It is a bill that if amended as it ought to be must be sent back to the House, and I think we had better take that up. I hope this motion will be voted down, and that then we shall take up the bill for the enforcement of the laws in the Territory of Utah.

Mr. CHANDLER. I hope we shall go on with the river and harbor bill.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Michigan.

The motion was agreed to; there being on a division ayes 34, noes not counted.

Mr. ALLISON. I ask the Senator from Michigan to give way and see if we cannot pass the bill relating to the District of Columbia to-night.

Mr. CHANDLER. I have no objection to laying this aside informally, leaving it the unfinished business, and allowing the Senator from Iowa to proceed.

The PRESIDENT *pro tempore*. If there be no objection the river and harbor bill will be considered as laid aside informally, and the Senate will proceed to consider the District bill.

Mr. DAVIS. Is the bill subject to call by any Senator?

The PRESIDENT *pro tempore*. The regular order is subject to call by any Senator at any time.

Mr. FRELINGHUYSEN. I do not like to object, and yet I do not think that is exactly the right way to present the order of business. The Senator from Michigan opposes the bill which I am instructed to present, and which is of importance, and then gives way to another. I must object.

The PRESIDENT *pro tempore*. The Senator from New Jersey calls for the regular order, which is the river and harbor bill.

Mr. HAMLIN. There are some matters upon your table, sir, of an executive character, which ought to be referred to the proper committees this day. Those committees will meet probably to-morrow morning for the last time. They are important. I therefore move that the Senate now proceed to the consideration of executive business.

The PRESIDENT *pro tempore*. Before submitting that motion, with the permission of the Senate the Chair will dispose of the business on his table.

Mr. HAMLIN. Very well.

PUBLIC MARINE SCHOOLS.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. No. 176) to encourage the establishment of public marine schools, which was to substitute for the bill the following:

That the Secretary of the Navy, to promote nautical education, is hereby authorized and empowered to furnish, upon the application of the governor of a State, a suitable vessel of the Navy, with all her apparel, charts, books, and instruments of navigation, provided the same can be spared without detriment to the naval service, to be used for the benefit of any nautical school, or school or college having a nautical branch, established at each or any of the ports of New York, Boston, Philadelphia, Baltimore, Norfolk, and San Francisco, upon the condition that there shall be maintained at such port or school or branch of a school for the instruction of youths in navigation, seamanship, marine enginery, and all matters pertaining to the proper construction, equipment, and sailing of vessels, or any particular branch thereof; and the President of the United States is hereby authorized, when in his opinion the same can be done without detriment to the public service, to detail proper officers of the Navy as superintendents of, or instructors in, such schools: *Provided*, That if any such school shall be discontinued, or the good of the service shall require, such vessel shall be immediately restored to the Secretary of the Navy and the officers so detailed recalled: *And provided further*, That no person shall be sentenced to or received at such schools as a punishment or commutation of punishment for crime.

Mr. SARGENT. I move to concur in the amendment of the House.

The motion was agreed to.

LAND DISTRICT IN MONTANA.

The PRESIDENT *pro tempore* laid before the Senate the bill (H. R. No. 3740) to create the Bozman land district in the Territory of Montana.

Mr. RAMSEY. I hope the Senate will pass the bill at once.

Mr. KELLY. I trust it will be acted on now.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill?

Mr. KELLY. It is a House bill similar to one reported by our Committee on Public Lands.

Mr. RAMSEY. It is recommended by our Committee on Public Lands.

The bill was considered as in Committee of the Whole, reported to the Senate, ordered to a third reading, read the third time, and passed.

HOUSE BILLS REFERRED.

The bill (H. R. No. 3745) to remove the disabilities of James Howard, of Baltimore, Maryland, was read twice by its title, and referred to the Committee on the Judiciary.

The bill (H. R. No. 2834) granting the right of way through the public lands to the Arkansas Valley Railway Company was read twice by its title.

Mr. BOGY. I ask that the bill be put on its passage. ["No!" "No!"] There will be no objection. I will state in one word that I am perfectly satisfied the bill will pass. It is recommended as an absolute necessity to enable the road to be built. It only gives a right of way of one hundred feet on each side of the road and no appropriation, and nobody will object.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of this bill?

Mr. SHERMAN. I object to this mode of doing business.

The PRESIDENT *pro tempore*. Objection being made, the bill will be referred.

Mr. BOGY. We have reported the same bill already. I move that the bill be referred to the Committee on Territories.

The motion was agreed to.

The bill (H. R. No. 3479) in relation to parties in the Court of Claims was read twice by its title, and referred to the Committee on Claims.

The bill (H. R. No. 3747) to amend the act entitled "An act for the erection of a public building for the use of the United States in Covington, Kentucky," was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

PENSIONS TO SOLDIERS OF 1812.

Mr. STEVENSON. I desire to give notice to the Senate that I shall ask to-morrow that we have a night session for the purpose of disposing of the pension bill. It is a bill of great importance. If the gratitude of the country was ever due to anybody, it seems to me to be due to the soldiers of the war of 1812, very few of whom now survive. This is an act of justice to them, and I hope to-morrow night will be set apart for that purpose. I will submit my motion to-morrow morning.

THE DISTRICT GOVERNMENT.

The PRESIDENT *pro tempore*. The Chair will lay before the Senate the bill (H. R. No. 3680) for the government of the District of Columbia, and for other purposes.

Mr. ALLISON. I ask for the immediate consideration of that bill.

Mr. DAVIS. I do not think that ought to be done. The last bills that come here pass first.

Mr. ALLISON. This is a very important bill, and unless it is early disposed of it will be impossible to pass it at this session.

The PRESIDENT *pro tempore*. Does the Senator from West Virginia object?

Mr. ALLISON. The bill has passed the House almost unanimously. I do not desire to debate it. It is well understood by the Senate, and I think it will occupy but a brief moment.

The PRESIDENT *pro tempore*. If there be no objection the bill will be read.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 3680) for the government of the District of Columbia, and for other purposes.

The Chief Clerk proceeded to read the bill.

Mr. HAMLIN. I want to discharge my duty and then the responsibility my go somewhere else. Our session, I think, is limited in its extent. I therefore must insist on my motion to go into executive session.

Mr. THURMAN. I hope the motion will be voted down.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Maine that the Senate proceed to the consideration of executive business.

The motion was not agreed to.

Mr. CONKLING. I venture now to make the suggestion to all Senators that although the order is to adjourn at six o'clock, the Senate can extend the session.

Mr. THURMAN. There is no order.

Mr. CONKLING. Such an order was made; but my suggestion is that it is within the control of the Senate. Any Senator can move when six o'clock comes to extend the time for half an hour or an hour.

The PRESIDENT *pro tempore*. The Chair will inform the Senator that no such motion is necessary. The order of yesterday was that the Senate should sit from eleven until six, but not that it should adjourn at six.

Mr. CONKLING. And therefore the time can be extended without any difficulty.

Mr. THURMAN. It does not require any motion to extend the time.

The reading of the bill was concluded.

Mr. ALLISON. I only desire to say that this bill is the result of the careful deliberations of the joint select committee, that it meets the approval of that committee, and has passed the House of Representatives by an almost unanimous vote. The committee have no amendments to offer to the bill, and therefore, unless some amendments are offered, I ask for the vote.

Mr. WINDOM. I offer the following as an additional section:

That the sum of $250,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the payment of the workingmen employed on public improvements on the streets and excavations of Washington, under the board of public works of the District of Columbia, or the contractors of the same, or any or all of them; and the board of public works is hereby authorized and ordered to retain, from the several contractors who are indebted to the workingmen, and whose accounts have not been settled by the board of public works, the several sums due the workingmen; and that an amount equal to the amount appropriated by this act shall be deducted from any future appropriations made by the United States for public improvements in the District of Columbia, and the same be paid into the Treasury of the United States. The money hereby appropriated shall be disbursed under the supervision of the Commissioner of Public Buildings and Grounds.

Mr. STEVENSON. Is that amendment in order to this bill?

The PRESIDENT *pro tempore*. It is.

Mr. ALLISON. I desire to say to the Senator from Minnesota that in the report made by the joint committee we have recommended an appropriation of not less than a million dollars, which appropriation shall be used first to pay the interest due July, 1, 1874, and afterward to pay the employés and laborers of the District government; and the committee have recommended that to the Committee on Appropriations, to be inserted in the miscellaneous appropriation bill. Therefore it would be well not to incumber this bill with any appropriation.

Mr. WINDOM. I was not aware that any such recommendation had been made. I withdraw the amendment.

Mr. SARGENT. I offer the following amendment:

In line 4, section 2, strike out the word "who" and insert "and to designate one of these as the presiding officer thereof, to be styled the governor, which said commission."

Section 2 provides—

That the President of the United States, by and with the advice and consent of the Senate, is hereby authorized to appoint a commission, consisting of three persons, who shall, until otherwise provided by law, exercise all the power and authority now lawfully vested in the governor or board of public works of said District.

Now I propose that the President shall designate one of these persons as presiding officer of the board, and that this person shall be styled the governor, which gives him no additional power, does not vary his powers, simply makes him presiding officer. The necessity for the amendment is that the governor *ex officio* is a member of quite a large number of boards, as for instance the school board, the fire commissioners, &c., which are mutilated.

Mr. THURMAN. The ninth section provides for that.

Mr. SARGENT. Section 9 provides that the boards shall continue in his absence, and it mutilates all these boards. On some of these boards whatever governing power is left in these commissioners should be represented. Take the board of public schools, take the fire department. This is the common ligament between them and the District, the only representation, and in order that they may not be mutilated, it is necessary that some one be designated who can act upon these boards. If this amendment be adopted, I shall propose when we come to the ninth section to strike that out, as it will be unnecessary.

Mr. ALLISON. I will say by way of suggestion to the Senator from California that these three commissioners are intended only to be temporary; that we have provided, as the Senator very well knows, for the selection of a joint committee of both Houses with a view to prepare a plan for a permanent government, and the ninth section was inserted for the very purpose of providing that these boards should be independent of this commission, and in order that it might be the duty of this commission to supervise and control and direct these several boards. All the various boards provided for in the District are virtually under the control and direction and supervision of these three commissioners, so that they all now can exercise supervisory control over these boards.

Now, with reference to the public schools there are some four district school organizations in this District; there are forty-nine trustees who are managing the schools of the District of Columbia; and the laws relating to the public schools are the most imperfect laws of any that are on the statute-books in this District, and there is no greater necessity for the revision of any laws than of those relating to the public schools. That was one object we had in requiring this joint committee to revise the entire government here.

Mr. SARGENT. I have no objection to the supervision. My amendment is not at all hostile to the idea of the bill as explained by the Senator. I do not oppose there being any such supervision over every department of the government by these commissioners. But the Senator says this is intended for a temporary purpose. That may be; but that is no reason why it should not be complete while it lasts. It may last six months, it may last a year; it may work so well that it may last longer than the committee now anticipate; probably they builded better than they knew. Certainly there must be a presiding officer of the board, and there is no reason why in addition to the general supervisory power of the commission the presiding officer of the commission *ex officio* should not have power to act on these separate boards as is now the case.

I do not want to take up the time of the Senate at this late hour in advocating the amendment; but I call attention to the fact that this does not increase the power of the commission or of any individual member of the commission. It simply provides in a proper and reasonable manner for a presiding officer of the commission.

Mr. THURMAN. The amendment itself, it is true, does not add to the power of the board or any member of it. It is simply the creation of a dignity. It is the creation of the word "governor," in this board of three plain, honest, active, intelligent men such as we hope will be appointed by the President of the United States. Sir, there is a county in the State of Ohio that has six times the area of the District of Columbia, and in that county is a city that has nearly three times the population of the city of Washington, and the affairs of that county are administered by three simple, honest men, called county commissioners; and three such men are capable of administering the affairs of this District without any such dignitaries as governor. There is no necessity whatever for this.

I do not say that this bill is perfect, but I do say that your committee, after four months of such toil as perhaps was never performed by any committee of Congress, have unanimously recommended the passage of this bill. There was not a dissenting voice; did it with full knowledge of the facts and after the most careful consideration, and as their report will show after a consideration of this subject in which there was not the slightest partisanship or politics whatever—I call upon every member of the committee to say if that statement is not true—they unanimously adopted this bill and recommended it to the two Houses. It has passed the House of Representatives with but twenty-three dissenting votes, two hundred and odd against twenty-three; and I do hope, Mr. President, unless there is some great and overruling necessity, the Senate will accept the bill as it passed the House.

I say again I do not pretend that the bill is perfect; but I do know that eight men never labored more honestly than did that committee to make a bill worthy of adoption by Congress, and I do know that temporary as it is, it is most likely to be beneficial in its effects; and the permanent form of government which will be provided by the joint committee that is to be appointed under this bill will be one, I have no doubt, that will be a blessing to the people of this District, and will be a benefit to the whole Union. The idea of this bill is that we shall do something to lift this bankrupt District out of its present distress. That is an immediate necessity. That is what in the French Assembly would necessitate a vote of urgency, that we shall do something to lift this bankrupt District out of its distress, and for that purpose appoint a temporary government, a board of audit to audit the accounts of this District, which for three years, ever since this present government was formed, have never seen the face of an auditor, have never been audited at all, the books of no department compared with the books of the other departments. It is to arrive at the very truth of the matter that this temporary government becomes a necessity, and then we may safely trust to a committee of Congress framing in the recess, and the presentation to Congress at the next session of a permanent form of government for the District, simple, economical, without dignitary, without governor, without titles, of simple, honest, economical men, who will have some respect for the interests of this people, and discharge their duty in simplicity and with economy. That is the idea of this bill.

I know very well that there are difficulties in this subject, and you cannot take a step without meeting with a difficulty. We have long pondered over those difficulties and have arrived at the best solution of them that we could. And now I venture once more to express the hope that this bill will be passed as it came from the House. I again disclaim any pretense that this bill is perfection. Nothing is perfection that comes from the human mind. All I can say is that it is the result of the labors of eight men, intent upon nothing but to discharge their duties faithfully to benefit this people and also to take care of the interests, the honor, and the reputation of the United States.

The PRESIDENT *pro tempore*. One or two Senators having in the debate alluded to the vote by which this bill passed the House of Representatives, the Chair thinks that is out of order.

Mr. SARGENT. I should have made the same remark, but it is not necessary for me to repeat it. I do not think that the fact which I certainly cheerfully conceded to——

Mr. THURMAN. Allow me one word more in respect to these boards. The governor never ought to have been a member of one of them. Does the Senator from California know that at this very moment there is scarcely an officer in all this District, unless he were appointed by the President of the United States, who is not removable by the governor? The very associates on some of these boards with the governor are removable by him. Talk of that being an independent board, when he can set his fellows in that board aside by a wave of his hand! There never was any necessity for his being a member of any of these boards.

Mr. SARGENT. That consideration has no weight; for whether he was on the board or not, he had the same power. The fact that he was a member of the board gave him neither more nor less power, and he could remove any of them if he desired to do so, and it made no difference whether it was in their presence or anywhere else. That is not of any consequence.

I cheerfully concede that this committee have labored diligently and patiently, and that they have done the Senate very great service. I remember that I resisted all solicitations made to me to undergo these great labors, believing that they were enough to break down any Senator and that I could not afford the time. I thank the gentlemen who have worked on this committee so faithfully and diligently for having given up to it time which I did not think I could afford to give myself.

But with reference to the proposition I make, it is simply to provide a presiding officer for this board. It makes no difference whether you call him president of the board, which is a higher title, or governor, which is a lower title. Take the case of county commissioners of which the Senator speaks. I have no doubt in every county of his State, as it is in my own State, these officers are elected alternately for three years, one going out every year, and the oldest member of the board is the presiding officer, and he may be called by this or that title. So it is with the judges of the courts in my State and in many other States. In our State the judge who holds the longest term under the elective system is chief justice. Now you propose to appoint a board without any head. They are all appointed simultaneously and all go out together; so that there is no opportunity for this relative arrangement among them. There is no one who can call them to order, no one who can preside, no one who can direct the deliberations of the board; and I simply provide a method by which this may be done. It is an innocent proposition. The only objection that is made to it is that under it somebody or other, we do not know who, I trust an honest and energetic man, will be styled the president or governor of the board. I do not think that is a very atrocious thing, or an un-American, or unrepublican or an undemocratic title. I simply ask to have a vote on the amendment, and shall not take up the time of the Senate.

Mr. HAMLIN. I want to say just one word. I concede to this committee all that they claim to have done, that they have acted faithfully, and that their bill is on the whole an excellent bill. There is, however, one provision in it which I should like to see amended. I shall not offer any amendment. I think there ought to have been some qualification in relation to the funding of the floating debt that is not found there. I think if any individual in this District could present the evidence to the board that he had been obliged to pay dollar for dollar for the indebtedness which he held in his possession, he should have it funded at what it actually cost him. But let that pass.

It is suggested that this may be temporary. It is so designed. The bill provides for the appointment of a commission or committee who shall prepare a bill and present it at the next session of Congress. Now, Mr. President, you and I and we all know that there is no assurance, no man can give an assurance, no man can know what will be the action of Congress at its next short session. What is called a temporary organization of this government may be one that is pretty long for a thing that is temporary, and being so, subject to being elongated, I think the amendment offered by the Senator from California is most appropriate. I have no sympathy with dignity or dignitaries; but I do think that that board ought to have a presiding officer, and I think the law ought to provide for that presiding officer. If it is offensive to my friend from Ohio that he should be called governor, call him president of the board, or chancellor, or anything else, so that when strangers come here they may know who is the executive officer of this government temporarily, for that temporary period of time, but which may run into years. I think it would be wise to adopt that amendment, and I shall therefore vote for it.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from California.

Mr. SARGENT. I ask for the yeas and nays upon it.

The yeas and nays were ordered; and being taken, resulted—yeas 12, nays 36; as follows:

YEAS—Messrs. Bogy, Clayton, Conover, Hamlin, Johnston, Kelly, Mitchell, Morrill of Maine, Oglesby, Patterson, Sargent, and Windom—12.

NAYS—Messrs. Alcorn, Allison, Bayard, Boreman, Boutwell, Chandler, Cooper, Cragin, Dennis, Ferry of Michigan, Flanagan, Frelinghuysen, Gilbert, Goldthwaite, Gordon, Hager, Hamilton of Maryland, Hamilton of Texas, Harvey, Hitchcock, Howe, Ingalls, McCreery, Merrimon, Pease, Pratt, Schurz, Scott, Sherman, Sprague, Stevenson, Stewart, Stockton, Thurman, Tipton, and Washburn—36.

ABSENT—Messrs. Anthony, Brownlow, Buckingham, Cameron, Carpenter, Conkling, Davis, Dorsey, Edmunds, Fenton, Ferry of Connecticut, Jones, Lewis, Logan, Morrill of Vermont, Morton, Norwood, Ramsey, Ransom, Robertson, Saulsbury, Spencer, Wadleigh, West, and Wright—25.

So the amendment was rejected.

Mr. SARGENT. I offer another amendment as a substitute for section 6. To save the Clerk the trouble of reading it, as it is quite long, I will state that I have retained nearly the whole of the original section, changing only a few lines, making in fact but two small amendments in the section; but for convenience, to make one amendment of it, I offer it as a substitute. I will read the part I have changed, and then the whole amendment may be reported at the desk if Senators desire it.

The section in the original print reads:

That it shall be the duty of the First Comptroller of the Treasury and the Second Comptroller of the Treasury of the United States, who are hereby constituted a board of audit to examine and audit for settlement, &c.

The First Comptroller and Second Comptroller of the Treasury, as

is very well known, are Mr. Tayler and Mr. Brodhead, two of the hardest-working men in the Treasury Department; one of them in feeble health, and both overwhelmed. Or course it is impossible that they can discharge the multiform duties which you proceed to lay upon them. They are to examine into all these matters, both matters growing out of damage and matters growing out of contract, and to audit everything. To show that the committee did not expect them to do it, they provide further along in this section that they may appoint accountants and assistants, &c., to examine books and papers; and then they say, it seems to me with a peculiar forgetfulness of the kind of duties they had previously laid on these parties, that these assistants—we do not know who—shall "discharge their other duties under this act." If Senators will look at this section they will find how grave these duties are. Some unknown persons may be appointed to discharge these duties. The First and Second Comptrollers are to discharge the duties under this act, and then they are to go on and appoint these assistants and pay them anything they see fit. There is no limit. There may be a bill coming in here under this section of two, three, or five hundred thousand dollars.

Instead of saying that the First Comptroller and Second Comptroller shall constitute a board of audit, I propose to place this matter under the charge of the Secretary of the Treasury whom we have just confirmed, I am not allowed to say under the rules, I suppose, unanimously; but I can say I think that Senators from all parts of the country, and especially from his own State, who know him best, have the very highest confidence in him, and I believe it is well deserved. I propose therefore to insert these words at the beginning of the section:

That the Secretary of the Treasury shall designate three of his subordinates who shall constitute a board of audit, &c.

He may appoint the First and Second Comptrollers, if he sees fit, or any other of his subordinates, he being responsible to the Congress of the United States for the appointment of proper officers; and they can be selected with due regard to the amount of other public duties they have on hand. Then instead of the First and Second Comptrollers devolving these duties, which are merely nominally put into their hands by appointing a miscellaneous lot of assistants without any restriction as to their number or pay, I provide:

That such assistants shall be appointed by this board, subject to the approval of the Secretary of the Treasury, as they may deem necessary to make examination of such books, vouchers, and papers, and may inspect or procure the inspection of such bank-boo ks and papers pertaining to the affairs of the District as may be necessary; and the Secretary of the Treasury is hereby authorized to pay for the services of such assistants such sums as he may deem proper.

I simply strike out that portion of the section which gives these extraordinary powers to somebody who may be appointed by the First and Second Comptrollers. I strike out from the section that portion of it which makes their compensation unlimited except by the discretion of the First and Second Comptrollers, and require that the number of these assistants shall be supervised by the Secretary of the Treasury.

Now, sir, unless it is determined as a stolid fact, not to be controverted, that no amendments shall be made in the bill, or no change whatever, I ask a decent consideration for the proposition which I have advanced. I ask that it may be voted upon on its merits; but if the policy is determined upon that there shall be no amendment whatever, notwithstanding it is shown that there are in the bill features which will not carry out the wise and beneficent intentions of the committee which reported it, then of course what I say can have no effect.

Mr. ALLISON. I only desire to say one word in reply to the amendment proposed by the Senator from California. The committee carefully considered the very question which he raises with reference to this board of audit. The First and Second Comptrollers of the Treasury are the proper officers of the United States to supervise all the accounts of the United States. Now the Government proposes, in a measure, to take charge of this debt of the District of Columbia. We pledge the faith of the United States to the payment of the interest of this debt and to the payment of the principal at maturity.

Again, we place no limitation upon the amount of this debt. We do not say that it shall be five million or six million or three million dollars; but we say that whatever it is, when these two accounting officers of the Government, who have shown by their acts hitherto that they are faithful accounting officers, put their signatures to these accounts, these accounts shall go to the sinking-fund commissioners, and there and then be converted into a bond of the District, the faith of the United States being pledged for the principal and interest.

Therefore it is that we want some responsible officers of the United States, known to Congress and to the Government, whose duty it shall be to audit these accounts. We expect of course that they will do it with fidelity and by means of supervision in a large degree, but that they must themselves be satisfied of the correctness of these accounts. That is all I have to say with reference to the amendment.

Mr. SARGENT. The Senator does not answer the point which I make. If the First and Second Comptrollers of the Treasury could attend to this matter, if there is any reason to hope that they will attend to the matter and make this supervision, then that provision of the bill would be all right. Let me read the words which I propose to strike out. After laying down their duties, the section provides that they may—

Employ one or more skillful and impartial accountants, non-residents of the District of Columbia—

That is a slur on the District of Columbia entirely unnecessary, for there must be in this District of Columbia many skillful and impartial accountants, and this clause presumes there are none—

and such other assistants as they may deem necessary, to make examination of said books, vouchers, and papers—

That would be all right if it stopped there, but it goes on—

and discharge their other duties under this act, and shall procure inspection, &c.

So that the very theory of the bill is that these two officers you have named are not to do this work. Then there are these other duties, high judicial duties, accounting duties, auditing duties, to be performed by you do not know whom, by Tom, Dick, or Harry, picked up in the streets, who may be acting under prejudice, who may be entirely incompetent. That is what you propose. On the contrary, what I propose is that the Secretary of the Treasury shall appoint three men, under his supervision, whom he has confidence in, and we have confidence in him, to perform these duties, and he is to limit the compensation and the number of those who shall be employed. It is not limited in the bill.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from California [Mr. SARGENT] to the sixth section of the bill.

The amendment was rejected—ayes 4, noes not counted.

Mr. SARGENT. I now move to strike out the words which I last read. If the First and Second Comptrollers are to have these duties confided to them, let them perform them. Sir, I speak here under my right as a Senator of the United States. I point to these difficulties, I point to the fact that you are about to confide to somebody, you do not know whom, all the important duties provided in this act, and I raise my voice of warning on this matter. I move to strike out that provision which allows a miscellaneous crowd, you do not know who, to come in and discharge all the duties required to be performed under this act.

Mr. THURMAN. I have one word to say. The Senator entirely misconstrues the bill. It is not to provide that these subordinates shall discharge the duties of their principals at all, but only that these Comptrollers may appoint as many assistants as are necessary to enable them to make the examination and to enable them—these Comptrollers—to discharge their duties.

Mr. SARGENT. Has the Senator any objection to striking out the words "and discharge their other duties under this act?"

Mr. THURMAN. The meaning of the bill is sufficiently clear to enable them to discharge their duties.

Mr. SARGENT. If that is the meaning of the bill, then two and two make six and black is white. The language is, "and discharge their other duties under this act."

Mr. ALLISON. The Senator will allow me one moment. The object of that provision is simply that these skillful accountants shall be non-residents of the District of Columbia, and I will say the chief object of having these skillful accountants is to examine the accounts of the treasurer of the board of public works; and that is all there is in it. I would have no material objection to striking that out if it were not for the fact that it would compel the bill to go back to the House. I do not consider it very material. I trust the Senator will not press the amendment.

Mr. SARGENT. I certainly do press the amendment to strike out the words "and discharge their other duties under this act," and the Senator confesses it is correct. If the bill simply required these persons to examine the books, that would be all right; but that is not it. The accountants and assistants are all mixed together, and they are to discharge all the duties imposed upon the First and Second Comptrollers. If any Senator believes that is right, let him vote against the amendment. If any Senator believes we are at a stage of the session where we cannot listen to reason, let him vote me down. I do not believe any such thing. We can sit here all summer if it is necessary. We have ample time between now and the 22d to dispose of this bill, and of all the legitimate business before Congress. There is no necessity for undue haste, and there is no necessity for putting this important judicial power in the hands of a rabble, you do not know who, and whom you do not name in your bill.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from California.

The amendment was rejected.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. HAMLIN. I now move that the Senate proceed to the consideration of executive business.

Mr. MITCHELL. Will the Senator allow me——

Mr. HAMLIN. I will not give way to anybody.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Maine.

The motion was agreed to.

POLITICAL DISABILITIES OF THOMAS CLAIBORNE.

Mr. COOPER. While the doors are being closed, I ask the Senate to proceed to the consideration of House bill No. 3417.

By unanimous consent, the bill (H. R. No. 3417) to relieve Thomas Claiborne, of Tennessee, of political disabilities imposed upon him by the fourteenth amendment to the Constitution of the United States was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed, two-thirds of the Senators present agreeing thereto.

EXECUTIVE SESSION.

Mr. HAMLIN. I insist on proceeding to the consideration of executive business. I object to doing any legislative business in executive session.

The Senate thereupon proceeded to the consideration of executive business. After five minutes spent in executive session, the doors were reopened.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the bill (S. No. 595) for the relief of Benjamin Cooley and James W. Boswell.

The message also announced that the House had passed the bill (S. No. 784) authorizing the transfer of gold mint bars from the bullion fund of the assay office, New York, to the assistant treasurer at New York, with an amendment in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. No. 2032) to amend the act entitled "An act to promote the development of the mining resources of the United States," approved May 10, 1872;

A bill (H. R. No. 2700) amendatory of the act entitled "An act for the relief of the heirs and next of kin of James B. Armstrong, deceased," approved March 3, 1873;

A bill (H. R. No. 3163) authorizing the Secretary of War to deliver certain condemned ordnance to the municipal authorities of Lexington, Massachusetts, for monumental purposes;

A bill (H. R. No. 3182) for the relief of the heirs of James Barnett, deceased;

A bill (H. R. No. 3309) granting to the Nevada County Narrow-Gauge Railroad Company a right of way through the public lands for a railroad;

A bill (H. R. No. 3756) to appoint a commission to establish the rights of the former slaves in the Choctaw and Chickasaw countries, and their descendants, and to submit the same to Congress;

A bill (H. R. No. 3749) to provide for the reapportionment of the Legislative Assembly of Idaho Territory; and

A bill (H. R. No. 3757) for the transfer of twenty condemned bronze cannon for the erection of a statue to the late Major-General George Gordon Meade.

The message also returned, in compliance with the request of the Senate, the bill (S. No. 311) for the relief of Joseph Montanari, and for other purposes.

JOHN W. NORTON.

On motion of Mr. RAMSEY, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution (H. R. No. 95) authorizing the Postmaster-General to perfect title to certain real estate obtained from John W. Norton, a defaulter to the postal money-order bureau.

The preamble recites that John W. Norton, a clerk in the money-order division of the post office at New York, known and styled as superintendent of the money-order department of that post-office, did, on or about the 3d of August, 1871, acknowledge himself to have embezzled and appropriated to his own use certain moneys of the United States, being money-order funds, amounting to $115,428.71, more or less; that John W. Norton, and Marian O. Norton, his wife, did, by deed dated August 4, 1871, convey to Abram Wakeman, of the city of New York, certain real estate situated in and near the city of Plainfield, in the State of New Jersey, with the intent and object that the same should be sold and the proceeds applied to the payment of this indebtedness; that Abram Wakeman, and Mary H. Wakeman, his wife, did, by deed dated May 12, 1873, convey the same real estate in trust to Patrick H. Jones, of the city of New York, which trust is expressed in the following words:

In trust, nevertheless, and to and for the following uses and purposes, to wit: To take possession of and control of said premises, and without delay and with all reasonable diligence to sell the same at public auction or private sale for the most moneys that can be reasonably gotten therefor, and with and from the proceeds of such sale, after payment of all lawful costs, charges, and expenses in and about said trust, to pay to Hon. John A. J. Creswell, as Postmaster-General of the United States of America, or to his successor or successors in office, all indebtedness of said party of the second part to said United States, incurred by him as late deputy postmaster of the United States at the city of New York, by reason of any and all defalcations of said John W. Norton as such superintendent as aforesaid, so far as such moneys will pay the same.

The resolution, in order to confirm and make valid the sale or sales of the real estate made or thereafter to be made in pursuance of the trust, authorizes the Postmaster-General to join Patrick H. Jones in the conveyance or conveyances of the real estate in pursuance of the trust, retaining the liability of Jones and of his sureties upon his official bonds as postmaster at New York by reason of the defalcation, except so far as the amount may be diminished by the amount received by the United States from the real estate.

Mr. RAMSEY. The Committee on Post-Offices and Post-Roads move to amend the joint resolution by striking out all after the enacting clause and inserting the following:

That whenever any such sales under such trust shall be made, the Attorney-General of the United States may, upon the written agreement of the said Jones and his sureties and the sureties of said Norton, that the same may be done without discharging or in any wise affecting their respective liabilities in the premises, discharge the purchaser of any of said property under such sales from any obligation to see to the application of the purchase-money thereof.

Mr. DAVIS. How much is involved?

Mr. RAMSEY. One hundred and fifteen thousand dollars. This bill is to secure it to the Government.

The amendment was agreed to.

Mr. DAVIS. I should like to know how we shall get back that amount by this bill.

Mr. RAMSEY. I will tell the Senator. This is a House bill; it is not a new bill of our own, but it is approved by the committee. The subject has been examined by the Senator from Vermont [Mr. EDMUNDS] who is absent, and everybody knows how eminently critical that Senator is.

Mr. DAVIS. Had we not better let it lay aside until the Senator from Vermont comes back?

Mr. RAMSEY. That Senator approved and drew up the substitute. It is the only way you can get back the money.

Mr. DAVIS. I have not yet understood how we are to get the money back.

Mr. RAMSEY. I will tell the Senator. The Senator from Vermont is absent and the Senator from West Virginia has taken his place in being critical. This man Norton was the money-order clerk in the post-office in the city of New York. He became a defaulter for the amount of about $115,000. He had sureties of course which he gave to the postmaster of New York. He conveyed this property to his sureties and they in turn conveyed it to the postmaster of New York, General Jones. General Jones now has an opportunity of selling the property conveyed to him in trust and realizing money out of it so as to save the United States. The purchasers say, "Unless you make it secure that this money will go to the United States, we will not take the property." The bill and amendment are to provide for that. That is all.

Mr. DAVIS. As the Senator has put me in the place of the Senator from Vermont, let me ask, did the Senator from Vermont examine the bill and approve it?

Mr. RAMSEY. Yes, sir; he drew the substitute which the committee reported. By no possible means can the United States lose money, and the securities will not be released till the Government is indemnified.

Mr. DAVIS. What committee does it come from?

Mr. RAMSEY. The Committee on Post-Offices and Post Roads.

Mr. DAVIS. How did the Senator from Vermont come to be connected with it?

Mr. RAMSEY. The Senator from Vermont is a very critical gentleman, and for fear that he might make objection to the language of the resolution, I submitted the matter to him and he gave it his approval.

Mr. DAVIS. I understand the Senator from Vermont approved it?

Mr. RAMSEY. Yes, sir.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time, and passed.

WILLIAM G. JONES.

Mr. GOLDTHWAITE. I move to take up for consideration House bill No. 2701.

The motion was agreed to; and the bill (H. R. No. 2701) to relieve William G. Jones, of Alabama, of political disabilities was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed by a two-thirds vote.

CONGRESSIONAL ELECTION IN MISSISSIPPI.

Mr. PEASE. I move to take up House bill No. 3332. It is a simple bill to fix the time for holding the election of Congressmen.

The motion was agreed to; and the bill (H. R. No. 3332) to fix the time for the election of Representatives in the Forty-fourth Congress from the State of Mississippi was considered as in Committee of the Whole. It provides that the election for Representatives in the Forty-fourth Congress from the State of Mississippi shall be holden on the first Tuesday after the first Monday in November, 1875, anything in the constitution or laws of that State to the contrary notwithstanding.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

Mr. FRELINGHUYSEN. I move that the Senate adjourn.

The motion was agreed to; and (at six o'clock and fifty-four minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *June* 18, 1874.

The House met at eleven o'clock a. m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Clerk proceeded to read the Journal of yesterday; when,

On motion of Mr. PARKER, of Missouri, the further reading was dispensed with.

JAMES HOWARD.

Mr. PARKER, of Missouri. I move that the rules be suspended and that a bill to remove the disabilities of James Howard, of Baltimore, Maryland, be passed.

The bill was read. It removes all political disabilities imposed upon James Howard, of Baltimore, Maryland, by the fourteenth amendment to the Constitution of the United States by reason of participation in the rebellion.

The motion to suspend the rules was seconded; the rules were suspended, (two-thirds voting therefor,) and the bill (H. R. No. 3745) was passed.

BURLINGTON AND MISSOURI RIVER RAILROAD.

Mr. HOLMAN. I desire to offer a resolution asking for information from one of the Departments, which I think will not require a suspension of the rules.

The Clerk read as follows:

Resolved, That the Secretary of the Interior be, and is hereby, directed to transmit to the House copies of all decisions, correspondence, and other papers on file in his Department relating to the claim of the Burlington and Missouri River Railroad Company for lands outside of the limits of the grant of lands made by the nineteenth section of the act of July 2, 1864, to aid in the extension of their road in Nebraska from the Missouri River to a junction with the Union Pacific Railroad at Fort Kearney, and to inform the House how many acres of land, if any, lying at a greater distance than twenty miles from the line of said road on each side thereof, have been patented to said company.

There being no objection, the resolution was adopted.

Mr. HOLMAN moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PUBLIC BUILDING AT COVINGTON, KENTUCKY.

Mr. ARTHUR. I move that the rules be suspended, and that a bill to amend the act entitled "An act for the erection of a public building for the use of the United States, in Covington, Kentucky," be passed.

The bill was read. It amends the act entitled "An act for the erection of a public building for the use of the United States in Covington, Kentucky," approved February 18, 1873, so that the sum of money authorized to be expended in the construction of said building shall be fixed at $250,000. The bill further repeals all restrictions as to the material of which said building shall be composed.

The second section provides that any sum of money in excess of the amount named in the act shall be expended in the construction of said building, and repeals all acts and parts of acts inconsistent with the provisions thereof.

Mr. ARTHUR. I send to the desk a letter from the Secretary of the Treasury, and ask the Clerk to read it.

Mr. WILLARD, of Vermont. I do not consent to that unless debate can be allowed. I object to the reading of the letter.

Mr. ARTHUR. I have no objection to debate being allowed. I ask that the paragraph of the letter which is marked in the margin may be read.

There was no objection, and the Clerk read as follows:

TREASURY DEPARTMENT,
Washington, D. C., May 27, 1874.

Hon. JAMES H. PLATT,
Chairman Committee on Public Buildings and Grounds,
House of Representatives:

The act authorizing the erection of a public building at Covington, Kentucky, limits its cost to $100,000, and requires it to be constructed of brick. I desire to call the attention of your committee to the fact that the brick manufactured in the vicinity of Cincinnati are not suitable for the facing of such a building, and that the facing brick of all important public buildings and private residences of that city are procured in other cities and transported thereto at a great cost. I also desire to inform your committee that an excellent quality of freestone can be furnished at much lower rates than facing brick. I would therefore most earnestly recommend the repeal of the restriction in regard to the material, and the increase of the appropriation to $250,000, which is in my opinion the least sum for which a suitable building can be erected.

WM. A. RICHARDSON,
Secretary.

The question was on seconding the motion to suspend the rules.

The SPEAKER. The Chair directs the division to be taken by tellers; and appoints the gentleman from Vermont, Mr. WILLARD, and the gentleman from Kentucky, Mr. ARTHUR.

The House divided; and the tellers reported ayes 70.

Mr. WILLARD, of Vermont. I do not ask for further count on the motion to suspend the rules.

So the motion to suspend the rules was seconded.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question being taken; there were—ayes 74, noes 39; no quorum voting.

Tellers were ordered under the rule; and Mr. WILLARD, of Vermont, and Mr. ARTHUR were appointed.

The House again divided; and the tellers reported—ayes 92, noes 30; no quorum voting.

Mr. WILLARD, of Vermont. I do not ask for a further count by tellers, but call for the yeas and nays.

The question being taken on ordering the yeas and nays, there were ayes 27.

So (the affirmative being more than one-fifth of the last vote) the yeas and nays were ordered.

POST-OFFICE APPROPRIATION BILL.

Mr. GARFIELD. I move that the bill (H. R. No. 3094) making appropriations for the service of the Post-Office Department for the year ending June 30, 1875, and for other purposes, with amendments by the Senate, be taken from the Speaker's table and referred to the Committee on Appropriations, and that it be printed with the Senate amendments.

The motion was agreed to.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. GARFIELD. I rise to present the report of the committee of conference on the legislative, executive, and judicial appropriation bill; but I have no objection to yielding for a few references if they will not occupy much time.

RAILROAD IN LOUISIANA.

Mr. MOREY, by unanimous consent, introduced a bill (H. No. 3746) extending the time for the completion of a railroad in the State of Louisiana from the Texas State line to a point on the Mississippi River opposite Vicksburgh, Mississippi; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

E. BOYD PENDLETON.

Mr. HAGANS, by unanimous consent, introduced a bill (H. R. No. 3750) for the relief of E. Boyd Pendleton; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

COMPENSATION OF COMMITTEE CLERK.

Mr. ARCHER. I am instructed by the Committee on Accounts to offer the following resolution:

Resolved, That the compensation of the clerk of the Committee on Invalid Pensions be the same as that paid to the clerk of the Committee on Claims.

Mr. NIBLACK. I would ask the gentleman why he does not state in the resolution the amount to be paid?

Mr. ARCHER. The amount is six dollars a day.

Mr. NIBLACK. I think that ought to be stated in the resolution. However, I make no objection.

The resolution was agreed to.

PARTIES IN THE COURT OF CLAIMS.

Mr. POLAND, by unanimous consent, from the Committee on Revision of the Laws of the United States, reported back, with the recommendation that it do pass, the bill (H. R. No. 3478) in relation to parties in the Court of Claims.

The bill, which was read, provides that in all cases pending in the Court of Claims, where a new or additional party or parties may be necessary to a complete determination of the case, or necessary to protect the interests of the United States, the court shall have power to order any such person or corporation to be made a party or parties, and to issue process to the marshal of any district or Territory in which such corporation may be located, or such person reside, or be found; and it shall be the duty of such marshal to serve and return the same as other process. And if any such person or corporation be a non-resident of the United States, service may be made by publication of notice in such manner as the court may order.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. POLAND moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JACOB LEIBY.

Mr. PACKER, by unanimous consent, introduced a bill (H. R. No. 3751) for the relief of Jacob Leiby, of Dauphin County, Pennsylvania; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

CURRENCY AND FINANCE.

Mr. MARSHALL, by unanimous consent, introduced a bill (H. R. No. 3752) to provide for retiring the national-bank circulation, to prevent oppressive contraction or undue expansion of the currency, restore prosperity to the country and provide for an early resumption of specie payments by the Government; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

ROBERT L. M'CONNAUGHY.

Mr. VANCE, by unanimous consent, introduced a bill (H. R. No. 3753) for the relief of Robert L. McConnaughy, of Morgantown, North

Carolina; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

SESSION FOR DEBATE.

Mr. BUTLER, of Massachusetts. I desire to renew the request that I made last evening, having been requested to do so by many gentlemen, that to-morrow evening, if not desired by the Committee on Appropriations, be set apart for general debate, no business whatever to be transacted.

Mr. GARFIELD. I must object unless an exception be made in favor of the business of the Committee on Appropriations.

The SPEAKER. The gentleman from Massachusetts makes the request subject to the business of the Committee on Appropriations.

Mr. HOLMAN. I hope there will be no objection to it.

Mr. DUNNELL. I object.

Mr. BUTLER, of Massachusetts. I move to suspend the rules.

The SPEAKER. There is one motion to suspend the rules already pending.

JACOB SPENCER AND JAMES R. MEAD.

Mr. LOWE, by unanimous consent, from the Committee on Indian Affairs, reported a bill (H. R. No. 3754) for the relief of Jacob Spencer and James R. Mead for supplies furnished the Kansas tribe of Indians; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

DELAWARE INDIANS.

Mr. RICHMOND, by unanimous consent, from the Committee on Indian Affairs, reported a bill (H. R. No. 3755) to authorize payment to the Delaware Indians of the amount awarded under the provisions of the treaty of July 4, 1873; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

Mr. SENER. I call for the regular order of business.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. GARFIELD. I submit a report from the committee of conference on the legislative, &c., appropriation bill.

Mr. HOLMAN. Has the report been printed?

Mr. GARFIELD. It is printed in the RECORD of this morning.

The Clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 2064) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1875, and for other purposes, having met, after full and free conference, have agreed to recommend, and do recommend, to their respective Houses as follows:

That the Senate recede from their amendments numbered 12, 17, 18, 19, 49, 52, 63, 65, 69, 77, 91, 92, 94, 98, 101, 102, 105, 108, 113, 138, and 139.

That the House recede from their disagreement to the amendments of the Senate numbered 1, 3, 4, 5, 7, 29, 38, 45, 47, 48, 51, 53, 55, 56, 57, 58, 59, 60, 61, 62, 67, 70, 73, 74, 79, 80, 81, 85, 86, 87, 88, 89, 90, 103, 115, 117, 118, 123, 127, 128, 133, 134, 140, and 142, and agree to the same.

That the House recede from their disagreement to amendment numbered 11, and agree to the same with an amendment striking out the words "and eighty-eight;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 13, and agree to the same with an amendment striking out "five hundred and eighty-four" and inserting in lieu thereof "four hundred;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 14, and agree to the same with an amendment striking out "forty-two thousand seven hundred and sixty-eight" and inserting "thirty-seven thousand eight hundred;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 15, and agree to the same with an amendment striking out "eight thousand two hundred and fifty-six," and inserting "two thousand six hundred;" and the Senate agree to the same.

That the Senate recede from their disagreement to the amendment of the House to the twenty-first amendment, and agree to the same.

That the House recede from their disagreement to the amendment numbered 22, and agree to the same with an amendment striking out "2,580," and inserting "6,816;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 23, and agree to the same with the following amendment:

Substitute for the words stricken out the following:

Provided, That so much of the act entitled "An act providing for the election of a Congressional Printer," approved February 22, 1867, as provides for the election of such officer by the Senate, and provides that such officer shall be deemed an officer of the Senate, shall cease and determine and become of no effect from and after the date of the first vacancy occurring in said office; that the title of said officer shall thereafter be Public Printer, and he shall be deemed an officer of the United States, and said office shall be filled by appointment by the President, by and with the advice and consent of the Senate.

And the Senate agree to the same.

That the Senate recede from their disagreement to the amendment of the House to the thirty-seventh amendment, and agree to the same.

That the House recede from their disagreement to the amendments of the Senate numbered 39, 40, 41, 42, 43, and 44, with an amendment as follows: In lieu of the words proposed to be inserted by said Senate amendments insert, after striking out the text of the bill from the word "dollars," in line 3, page 13, of the bill, down to and including the word "each," in line 7, same page, the following: "One principal clerk of warrants and appropriations, $3,000; seven principal clerks, at $2,800 each; eight assistant clerks, at $2,400 each;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 46, and agree to the same with an amendment, as follows: Strike out "6,003" and insert in lieu thereof "two thousand one;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 50, and agree to the same with an amendment striking out "5,004" and inserting "2,006;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 54, and agree to the same with an amendment striking out "8,002" and inserting "5,004;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 64, and agree to the same with an amendment as follows: Strike out "1,008" and insert "1,006;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 66, and agree to the same with an amendment as follows: Strike out "eight" and insert "five," and after the word "each" in line 4, page 18 of the bill, insert the words "one stenographer, at $2,000;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 68, and agree to the same with an amendment as follows: Strike out the word "twenty," and insert in lieu thereof the word "eighteen;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 71, and agree to the same with an amendment as follows: Strike out the word "fifteen," and insert in lieu thereof the word "fourteen;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 72, and agree to the same with an amendment as follows: Strike out "51,140," and insert in lieu thereof "43,540;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 75, and agree to the same with an amendment as follows: In line 18, page 18 of the bill, strike out the word "five" and insert in lieu thereof the word "six;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 82, and agree to the same with an amendment as follows: Strike out the word "three" and insert in lieu thereof the word "two;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 83, and agree to the same with an amendment, as follows: Strike out "16,500" and insert in lieu thereof "15,780;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 84, and agree to the same with an amendment as follows: Strike out the word "six" and insert in lieu thereof the word "four;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 93, and agree to the same with an amendment as follows: Strike out "18" and insert "16;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 95, and agree to the same with an amendment as follows: Strike out the words "three thousand" and insert in lieu thereof the words "two thousand eight hundred;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 96, and agree to the same with an amendment as follows: Strike out "3,000," and insert in lieu thereof "2,800;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 97, and agree to the same with an amendment as follows: Strike out the word "nine" and insert in lieu thereof the word "five;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 105, and agree to the same with an amendment as follows: Strike out the words "ninety-eight thousand four hundred," and insert in lieu thereof "seventy-two thousand;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 107, and agree to the same with an amendment as follows: In line 23, page 35 of the bill, strike out the word "five" and insert the word "six," and in the same line strike out the word "three" and insert the word "four;" and strike out all after the word "dollars" in line 25, (same page,) down to and including the word "dollars" in line 26; and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 109, and agree to the same with an amendment as follows: Substitute in lieu of said amendment the following: After the word Department, in line 18, page 37 of the bill, insert the words "in the city of Washington;" and strike out the words "Ordnance and Adjutant-General's Office" from said amendment, and after the word "duties," line 21, same page, insert the following:

Provided, That the Adjutant-General is authorized to retain during the next fiscal year, and no longer, such portion of his force of employés now on duty in his office, as may be actually necessary for the service thereof; but no new enlistments shall be made into the general service; and nothing in this act shall be so construed as to increase the aggregate force now employed in any office of the War Department.

And the Senate agree to the same.

That the Senate recede from their disagreement to the amendments of the House to the amendment of the Senate numbered 112, and agree to the same.

That the House recede from their disagreement to the amendment numbered 125, and agree to the same with an amendment as follows: Strike out the words "five hundred;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 131, and agree to the same with an amendment as follows: In lieu of "fifteen" substitute "ten," and after the word "dollars," in line 14, page 55 of the bill, add the following: "That it shall be the duty of the heads of the several Executive Departments, and of the heads of the respective Bureaus therein, in the interests of the public service, to require of all clerks of class one and above, and of chiefs of divisions, such hours of labor as may be deemed necessary for the proper dispatch of the public business, not exceeding, however, the time for which said Departments are by law required to be open for business, any usage to the contrary notwithstanding;" and the Senate agree to the same.

That the House recede from their disagreement to the amendments numbered 135, 136, and 137, and agree to the same with amendments as follows: Insert in lieu of the matter proposed to be inserted by said amendment, after striking out of the text of the bill all after the word "Treasury," in line 20, page 56, down to and including the word "each," in line 22, that has not already been stricken out by said amendment, the following: "two principal clerks, at $2,800 each; two assistant clerks at $2,400 each;" and strike out "3,503" and insert "3,409;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 141, and agree to the same with an amendment as follows: Strike out "six" and insert "nine;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 143, and agree to the same with an amendment as follows: Strike out "28,008" and insert "14,007;" and in line 9, page 57 of the bill, strike out "60" and insert "80;" and the Senate agree to the same.

That the Senate recede from their disagreement to the amendment of the House to the amendment numbered 145, and agree to the same.

That the House recede from their amendment to the amendment of the Senate numbered 147, and agree to the same with an amendment as follows: Strike out from the matter proposed to be inserted by the Senate the words "this provision shall not apply," in line 1, and insert in lieu thereof the following: "This provision shall not apply to permanent specific appropriations, appropriations for rivers and harbors, light-houses, fortifications, public buildings, or the pay of the Navy and Marine Corps; but the appropriations named in this proviso shall continue available until otherwise ordered by Congress and this provision shall not apply;" after the word "Congress," in line 14, insert the following: "with his annual estimates;" and the Senate agree to the same.

JAMES A. GARFIELD,
S. W. KELLOGG,
SAMUEL J. RANDALL,
Managers on the part of the House.

LOT M. MORRILL,
A. A. SARGENT,
H. G. DAVIS,
Managers on the part of the Senate.

Mr. GARFIELD. I will make a brief statement, and then if there are any questions to be asked I will yield for them. There were one hundred and ten differences between the Senate and the House, when the conference committee met. On twenty-one of those the Senate recedes absolutely; on forty-four the House recedes; on forty-five the two Houses meet by concurring with amendments, and I believe on the whole a pretty fair result has been reached.

The Senate, it will be remembered, was very strongly opposed to the reduction of clerical force in the Executive Departments to the extent to which the House carried it, and in some instances the House committee was satisfied that they had perhaps cut too deep, and where we were satisfied of that fact we gave way cheerfully. The bill as we now bring it into the House under the conference report appropriates $117,320 less than it did when it went into the conference; that is to say, we have made that much difference in favor of reduction by insisting on the views of the House. That makes the bill as it stands reported by the committee appropriate $21,003,474.80, being an increase above what it was when it went out of the House of a little more than half a million dollars; but almost a quarter of a million of that amount is for official postage, which is rather a matter of book-keeping than of actual expense. Aside from the postage the bill has about $250,000 more in it as it now stands and as it will become a law if the report is agreed to than it had when it left the House; but it also, as I have said, appropriates $117,000 less than it did when it passed the Senate.

Mr. CONGER. I wish to ask a question.

Mr. GARFIELD. Very well.

Mr. CONGER. Of course we cannot understand from the reading of the report of the committee of conference without a bill, and I am not able to obtain a copy, what is the effect of this report. I desire to call the attention of the chairman of the Committee on Appropriations [Mr. GARFIELD] to two points. The report recommends in regard to the one hundred and ninth amendment of the Senate the adoption of the following proviso:

Provided, That the Adjutant-General is authorized to retain during the next fiscal year, and no longer, such portion of his force of employés now on duty in his office, as may be actually necessary for the service thereof; but no new enlistments shall be made into the general service; and nothing in this act shall be so construed as to increase the aggregate force now employed in any office of the War Department.

Now, with my understanding of that proviso, it would prevent any increase in the Signal Service Corps.

Mr. KELLOGG. The signal service is excepted in the body of the bill.

Mr. CONGER. I do not know that that is so; I have not the bill before me. I wish to have it understood whether this proviso will prevent the increase of new signal stations and observers in the Signal Service Corps.

Mr. GARFIELD. Not at all. The whole subject of enlarging the signal service is in the sundry civil appropriation bill. This only relates to the clerical force in the city of Washington.

Mr. CONGER. This says that there shall be no increase in any office in the War Department.

Mr. GARFIELD. The Department here in Washington.

Mr. CONGER. Then in regard to the last amendment. The recommendation is that the House recede from their amendment to the amendment of the Senate No. 147 and agree to same with an amendment as follows:

This provision shall not apply to permanent specific appropriations, appropriations for rivers and harbors, light-houses, fortifications, public buildings, or the pay of the Navy and Marine Corps; but the appropriations named in this proviso shall continue available until otherwise ordered by Congress and this provision shall not apply.

I desire to know whether those appropriations mentioned will be absolutely excluded from the operation of the general provision restoring unexpended balances to the Treasury?

Mr. GARFIELD. They will absolutely.

Mr. STORM. I desire to inquire whether the committee of conference in regard to the twenty-third amendment of the Senate, in relation to the Public Printer, did not feel themselves bound to obey the unanimous vote of the House and non-concur in the Senate amendment? The vote of the House was unanimous to non-concur in the amendment.

Mr. GARFIELD. The gentleman is aware that there are two Houses of Congress, and they are peers. If one votes one way all the time and one another way there never would be an agreement. According to the old Shakespearean doctrine, when two ride the same horse one must ride behind. We did not surrender all that the House wanted, nor did the Senate surrender all that the Senate wanted. The House had resolved to abolish the office of Congressional Printer and re-establish the office of Public Printer, and by their action they legislated the Congressional Printer out of office. To that the Senate objected, particularly to legislating an individual out of office. We therefore agreed that the office of Public Printer should be created, and that when the first vacancy occurred in the office of Congressional Printer, then the law as the House passed it should thereafter be in force; but that it should not go into effect until a vacancy occurred. The House has succeeded in changing the law, but the Senate has delayed the operation of the law until the occurrence of a vacancy.

Mr. STORM. Then it will be impossible ever to get the Congressional Printer out of office.

Mr. DONNAN. As I understand the present law, the term of the present Congressional Printer expires with this Congress; he is elected by the Senate at the commencement of each Congress. I cannot now turn to the enactment.

Mr. STORM. The gentleman is mistaken.

Mr. DONNAN. I think not. That being so, the Congressional Printer's term will expire with the expiration of the present Congress.

Mr. STORM. Was he re-elected at the commencement of this Congress?

Mr. DONNAN. I think he has been elected at the commencement of each Congress. If that be so, I am satisfied with the action of the committee of conference. If he holds indefinitely, then I hope the House will stand by its former action.

Mr. GARFIELD. I do not know how that is.

Mr. HOLMAN. There has been no re-election of the Congressional Printer since he was first elected.

Mr. GARFIELD. I do not know how that is. I will say to the House that the conferees on the part of the House held out just as long as we were satisfied there was any use in holding out. The Senate were very reluctant to change the law at all any way.

Mr. STORM. Of course they were.

Mr. GARFIELD. And it was with a great deal of difficulty that any change was effected. But it seemed to us to be a measure of justice not to legislate a man out of office.

Mr. STORM. You legislated the whole District government out of office yesterday.

Mr. GARFIELD. If he should be legislated out of office the President could instantly reappoint him, and it would probably work no practical difference. The whole theoretical difference of having him a public officer instead of an officer of the Senate is gained by this report.

Mr. STORM. If I had been upon that conference committee I would have forced the issue upon the very fate of the bill.

Mr. GARFIELD. I do not think we should have done that.

Mr. HOLMAN. I would ask the gentleman if the result of the action of the committee of conference has not been to nullify the action of the House in regard to the number of employés, and to restore the old number of employés?

Mr. GARFIELD. The Senate nullified pretty much all that the House had done in regard to cutting down the force in the War Department, by saying that there should be an exception made of the Ordnance Office and Adjutant-General's Office. The question having gone to the conference, the Adjutant-General stated that he had not understood that the whole reduction of force was to be made at once; that if he had so understood he would have opposed it as cutting too deeply into the force of his office. He showed us, furthermore, that there has been, under recent laws, a large increase of the pension business, and that every pension claim, before being acted on by the Pension Office, must be sent to his office, where the rolls are gone over, the case carefully examined, and a report made thereon. This is one reason of so large a number of clerks being required.

We finally made a compromise by striking out the Ordnance Office altogether and allowing the Adjutant-General to keep his force of enlisted men from the general service during the current year and no longer, provided that there shall be no increase whatever in the force.

Mr. HOLMAN. Then for the present fiscal year the force of employés with their increased salaries remains substantially unchanged.

Mr. GARFIELD. In that one office; in no other office of the War Department.

Mr. HOLMAN. But the increased salaries voted by the House and the Senate were retained.

Mr. GARFIELD. I believe they were.

Mr. HOLMAN. I hope that the twenty-third amendment, with reference to the Congressional Printer, will be read, that the House may vote distinctly whether it considers it consistent with its honor that the printing of Congress should be any longer under the control of a single branch of the legislative department.

Mr. STARKWEATHER. I wish to put a single question to the chairman of the committee, [Mr. GARFIELD.] What has been done by the conference committee in regard to the hours of labor in the Departments?

Mr. GARFIELD. That subject is left in this way: The Secretaries or heads of the various Departments, whenever the public business requires it, are to work their clerks longer than they now work them, provided that the hours of labor do not exceed the limits of the law. In other words, they are required to extend the hours of labor within the limits of the present law sufficiently to do the business of the Departments. Furthermore, it is required that they shall reduce the force in any Department or Bureau whenever the proper performance of the public business will allow it.

Mr. KELLOGG. My colleague [Mr. STARKWEATHER] will notice that the provision with reference to requiring work in the Departments longer than six hours applies only to clerks of class one and above that grade, not to other employés. It does not apply to counters, copyists, and other employés of that kind. Many of the clerks are now occupied more than six hours when the business of the Department requires it, and we do not change the law at all on that point. I never should have consented to any report requiring counters of currency in the Treasury Department, or copyists in the Departments, to work more hours than they now do; for I believe that

kind of work is hard enough with the present salary and the present regulations as to the hours of service.

One word in regard to the point suggested by my friend from Indiana [Mr. HOLMAN] in regard to the Adjutant-General's Office and the Ordnance Department. The majority of the committee were satisfied that the Ordnance Office should have twelve or thirteen more men, though that is left out in the report; because thereby not a dollar would be added to the expense of the service; the enlisted force in the Ordnance Department would not be increased at all; the only effect would be that twelve or thirteen men not needed elsewhere would be assigned to duty in Washington when they are needed.

Mr. HOLMAN. But it was not necessary that there should be any increase of salaries.

Mr. KELLOGG. The salaries are not changed or increased at all. We do not provide for one dollar's increase of salary. The law provides for the separate enlistment of four hundred and twenty-five men for the Ordnance Department, and a few of these men are needed in Washington, and ought to have been included in the report of our committee of conference.

Mr. HOLMAN. What has been done in regard to the salaries of chief clerks in the office of the Secretary of the Treasury? Are they not increased?

Mr. KELLOGG. They are not increased a dollar. We have cut down the salaries of those men $200 below what they have been for years past, except the clerk of estimates and appropriations; and I think it a mistake to cut them down.

Mr. HOLMAN. I understand that the amount now fixed is an increase.

Mr. KELLOGG. Not at all; because there has been a fund out of which a portion of their salaries has been paid ever since the war, a fund appropriated for the express purpose of paying these salaries, and my friend has been here years before I came here, when this was being done every year. The pay of fourth-class clerks was fixed years ago, long before the war. I say to my friend from Indiana that no competent men can be found to fill the important positions in the Treasury Department at a salary of $1,800 a year. We ought not to ask it.

Mr. GARFIELD. I yield now to the gentleman from Iowa, [Mr. DONNAN,] chairman of the Committee on Printing, to explain in reference to the status of the Congressional Printer.

Mr. DONNAN. In regard to the question as to the term for which the Congressional Printer holds his office I send up to the Clerk's desk to be read section 3821 of the Revised Code.

The Clerk read as follows:

SEC. 3821. The Congressional Printer shall hold his office for the term of two years, commencing with the first day of each Congress; shall receive a salary at the rate of $4,000a year, and shall give bond, for the faithful discharge of his duties, in the penal sum $80,000, with two sureties to be approved by the Secretary of the Interior.

Mr. DONNAN. I understand that to be the law now and I think it ought to be satisfactory to gentlemen.

Mr. GARFIELD. According to that, then, he goes out at the end of this Congress.

Mr. STORM. The gentleman is mistaken in regard to that.

Mr. POLAND. The gentleman from Iowa is entirely mistaken as to the law.

Mr. DONNAN. I supposed the revision furnished us was correct.

Mr. POLAND. That is not the revision the committee furnished. It is the revision the commissioners made. There is no provision in the law about the term of two years.

Mr. STORM. Then the gentleman did not read from the Revised Statutes?

Mr. POLAND. The Revised Statutes read as follows:

The Congressional Printer shall receive a salary at the rate of $4,000 a year, and shall give bond for the faithful discharge of his duty in the penal sum of $80,000, with two sureties to be approved by the Secretary of the Interior.

The term of two years found in that section as reported by the commissioners was struck out as it was not the law. That was the original term of the Congressional Printer, but when he was made an officer of the Senate that portion of the law was repealed. The commissioners made an error in putting that in their revision and it is one of the errors uncorrected.

Mr. DONNAN. If the revision as put upon our tables is incorrect, then the point remains, and the Senate insist on retaining their provision. Therefore, sir, I shall stand by my original position, and hope the House will agree to the motion of the gentleman from Pennsylvania [Mr. STORM] and insist upon a further conference.

Mr. GARFIELD. I demand the previous question.

Mr. RANDALL. As one of the conferees, I merely wish to say in reference to this question of the Congressional Printer that the Senate is not entirely to blame. The act of the 22d of February, 1867, which makes provision for the election of the Congressional Printer by the Senate, was agreed to by this House. It could not now be the law if the House had not consented to it. The House yielded up the question at that time to the Senate absolutely, the object being to strike a blow at the then President of the United States, Andrew Johnson, and strip him of this and all other patronage. As will be seen, this action now returns to plague its inventors.

I wish only to say, so far as I am concerned, I dissented from the beginning to the end from the Senate proposition and was for adhering to the proposition of the House, but after five days and more of struggle it became manifest the Senate never would yield entirely at this time, and some compromise was therefore necessary to pass the bill.

Mr. GARFIELD. I demand the previous question.

The previous question was seconded, and the main question was ordered.

The question recurred on the adoption of the report of the committee of conference.

The House divided; and there were—yeas 120, noes 32.

So the report of the committee of conference was adopted.

Mr. GARFIELD moved to reconsider the vote by which the report of the committee of conference was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message was received from the Senate, by Mr. SYMPSON, one of their clerks, notifying the House that that body had agreed to the report of the committee of conference on the disagreeing votes of the two Houses to the bill (H. R. No. 3166) to correct the date of commission to certain officers of the Army.

It further announced that the Senate had passed bills of the House of the following titles without amendment:

An act (H. R. No. 1206) for the relief of Charles J. Sands, of Brooklyn, New York;

An act (H. R. No. 3586) to authorize the construction of a bridge across the Mississippi River at or near the city of La Crosse, in the State of Wisconsin;

An act (S. No. 526) for the relief of James De Long;

An act (H. R. No. 2398) granting a medal to John Horn, jr., for his heroic exploits in rescuing men, women, and children from drowning in Detroit River;

An act (H. R. No. 2292) for the relief of William Walker;

An act (H. R. No. 2655) to provide for the establishment of life-saving stations and houses of refuge upon the sea and lake coasts of the United States, and to promote the efficiency of the life-saving service; and

An act (H. R. No. 2898) for the relief of J. & W. R. Wing, of New Bedford, Massachusetts.

It further announced that the Senate had passed a bill of the following title, in which the concurrence of the House was requested:

An act (S. No. 775) to authorize the construction of a bridge over the Willamette River at Salem, in the State of Oregon.

It further announced that the Senate had passed bills of the following titles, with amendments in which the concurrence of the House was requested:

An act (H. R. No. 899) to constitute Montgomery, in the State of Alabama, a port of delivery; and

An act (H. R. No. 3522) to extend the jurisdiction of the Light-House Board.

PUBLIC BUILDING, COVINGTON, KENTUCKY.

The SPEAKER. The question now recurs on the motion to suspend the rules and pass the bill reported by the gentleman from Kentucky, [Mr. ARTHUR,] being an act to amend an act entitled "An act for the erection of a public building for the use of the United States in the city of Covington, Kentucky," on which the yeas and nays were ordered.

Mr. ARTHUR. I ask to have the letter from the Secretary of the Treasury read.

Mr. WILLARD, of Vermont. The yeas and nays have been ordered. I object to debate.

The question was taken; and it was decided in the affirmative—yeas 154, nays 65, not voting 70; as follows:

YEAS—Messrs. Adams, Archer, Arthur, Ashe, Atkins, Averill, Banning, Barber, Barry, Beck, Begole, Bell, Berry, Blount, Bowen, Bradley, Bright, Bromberg, Brown, Buckner, Buffinton, Burleigh, Benjamin F. Butler, Roderick R. Butler, Caldwell, Clymer, Coburn, Comingo, Conger, Cook, Creamer, Crittenden, Crocker, Crooke, Crossland, Crounse, Crutchfield, Darrall, Donnan, Dunnell, Durham, Eames, Eldredge, Frye, Giddings, Glover, Gooch, Gunter, Hagans, Hamilton, Hancock, Harmer, Henry R. Harris, John T. Harris, Harrison, Hatcher, Hathorn, Hays, John W. Hazelton, Hendee, Hereford, Herndon, George F. Hoar, Hodges, Hunton, Jewett, Kelley, Kellogg, Kendall, Knapp, Lamar, Lamison, Leach, Lofland, Lowndes, Luttrell, Maynard, Alexander S. McDill, MacDougall, McLean, Milliken, Mills, Moore, Morey, Myers, Neal, Negley, Nesmith, Niblack, Nunn, O'Brien, O'Neill, Orr, Packard, Hosea W. Parker, Pelham, Pendleton, Perry, Phillips, Pierce, Pike, James H. Platt, jr., Poland, Rainey, Randall, Ransier, Ray, Read, Rice, Richmond, Robbins, James C. Robinson, Rusk, Sawyer, Milton Sayler, John G. Schumaker, Scofield, Henry J. Scudder, Sener, Sessions, Sheats, Sloan, Sloss, Smart, George L. Smith, H. Boardman Smith, J. Ambler Smith, Southard, Speer, Standiford, Stone, Storm, Strait, Swann, Townsend, Tremain, Vance, Wallace, Wells, Wheeler, Whitehead, Whitehouse, Whitthorne, George Willard, John M. S. Williams, William Williams, William B. Williams, Willie, Ephraim K. Wilson, Wolfe, Wood, Woodford, and John D. Young—154.

NAYS—Messrs. Albert, Albright, Barrere, Biery, Bundy, Burchard, Burrows Cannon, Cason, Cessna, Freeman Clarke, Clements, Stephen A. Cobb, Corwin, Cotton, Danford, Duell, Foster, Garfield, Gunckel, John B. Hawley, Joseph R. Hawley, Gerry W. Hazelton, E. Rockwood Hoar, Holman, Hoskins, Hunter, Hyde, Kasson, Killinger, Lawrence, Lawson, Loughridge, Magee, Martin, James W. McDill, McNulta, Merriam, Monroe, Orth, Packer, Page, Isaac C. Parker, Phelps, Thomas C. Platt, Pratt, Ellis H. Roberts, James W. Robinson, Ross, Henry B. Sayler, Sherwood, A. Herr Smith, John Q. Smith, Sprague, Starkweather, Strawbridge, Thornburgh, Todd, Tyner, Waldron, Marcus L. Ward, Wilber, Charles W. Willard, Charles G. Williams, and James Wilson—65.

NOT VOTING—Messrs. Barnum, Blass, Bland, Cain, Amos Clark, jr., John B. Clark, jr., Clayton, Clinton L. Cobb, Cox, Curtis, Davis, Dawes, DeWitt, Dobbins,

Eden, Elliott, Farwell, Field, Fort, Freeman, Eugene Hale, Robert S. Hale, Benjamin W. Harris, Havens, Hersey, Hooper, Houghton, Howe, Hubbell, Hurlbut, Hynes, Lamport, Lansing, Lewis, Lowe, Lynch, Marshall, McCrary, McJunkin, McKee, Mitchell, Morrison, Niles, Parsons, Potter, Purman, Rapier, William R. Roberts, Isaac W. Scudder, Shanks, Sheldon, Lazarus D. Shoemaker, Small, William A. Smith, Snyder, Stanard, Stephens, St. John, Stowell, Sypher, Taylor, Charles R. Thomas, Christopher Y. Thomas, Waddell, Walls, Jasper D. Ward, Whiteley, Jeremiah M. Wilson, Woodworth, and Pierce M. B. Young—70.

So (two-thirds having voted in favor thereof) the rules were suspended, and the bill (H. R. No. 3747) was passed.

PUBLIC BUILDING AT BROOKLYN, NEW YORK.

Mr. CROOKE. I move that the rules be suspended and that a bill directing the Secretary of the Treasury to report upon the necessity of a public building at Brooklyn, New York, and the cost of the same, be passed. This bill involves no expenditure of money whatever.

The bill which was read, directs the Secretary of the Treasury to report to Congress at the beginning of its next next session whether the present needs of the Government require the erection of a public building at Brooklyn, New York, and the estimated cost of the same, including the site.

Mr. HOLMAN. I think this erection of palatial buildings in cities by the Government ought to cease.

The motion to suspend the rules was seconded.

The question being taken on suspending the rules, there were—ayes 110, noes 46.

So (two-thirds having voted in the affirmative) the rules were suspended, and the bill (H. R. No. 3748) was passed.

LEGISLATIVE ASSEMBLY OF IDAHO TERRITORY.

Mr. CROUNSE. I move that the rules be suspended, and that a bill to provide for the reapportionment of the Legislative Assembly of Idaho Territory be passed.

The bill, which was read, authorizes and requires the governor of the Territory of Idaho to make an apportionment among the several counties or districts for the election of a council and house of representatives in the ratio of qualified voters as nearly as may be for the eighth session of the Legislative Assembly of said Territory; such ratio of voters to be ascertained from the returns of the last election for Delegate to Congress, which said apportionment the governor shall announce in a public proclamation on or before the 1st day of August, 1874; provided that in case council districts are made up of two or more counties, such counties shall be contiguous, and no county shall be divided for such purpose. And provided further, that each county shall be entitled to at least one member in the house of representatives. And provided further, that the governor of said Territory shall continue to make the apportionment as above directed for each election hereafter until the Legislative Assembly of said Territory shall make such apportionment by law.

Mr. CROUNSE. This bill comes unanimously recommended by the Committee on the Territories. It should be passed at this time or it will be of no avail for the fall election.

The motion to suspend the rolls was seconded; the rules were suspended, (two-thirds voting in favor thereof,) and the bill (H. R. No. 3749) was passed.

DATE OF COMMISSION OF CERTAIN ARMY OFFICERS.

Mr. ALBRIGHT. I rise to a privileged question. I present the report of the committee of conference on the bill to correct the date of commission of certain officers of the Army.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 3166) to correct the date of commission of certain officers of the Army having met, after full and free conference, have agreed to recommend, and do recommend, to their respective Houses as follows:

First. That the House of Representatives concur in the Senate amendment numbered one.

Second. That the Senate recede from its amendment numbered two.

CHARLES ALBRIGHT,
JAMES W. NESMITH,
Managers on the part of the House.

GEORGE E. SPENCER,
J. R WEST,
MATT W. RANSOM,
Managers on the part of the Senate.

The report of the committee of conference was agreed to.

Mr. ALBRIGHT moved to reconsider the vote by which the report of the committee of conference was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

NATIONAL IRON-MOLDERS' UNION.

Mr. FIELD. I move that the rules be suspended and that the Committee on Education and Labor be discharged from the further consideration of the bill (H. R. No. 3521) to incorporate the National Iron-molders' Union, and that it be passed. This bill is reported by the Committee on Education and Labor.

Mr. STORM. I do not understand that the Committee on Education and Labor have authorized this bill to be reported.

Mr. FIELD. They have.

Mr. STORM. On the contrary a sub-committee of that committee reported against it.

The SPEAKER. The Chair has seen during this session more disputes on the question of fact as to a bill being the report of a committee than he has done during his experience in Congress for ten years before. Such a question should never be brought upon the floor at all.

Mr. FIELD. This is a report from the Committee on Education and Labor. We recommend the passage of the bill.

The SPEAKER. A conflict of this kind is an unseemly thing ever to appear on the floor of the House.

Mr. STORM. No gentleman should misrepresent facts.

The SPEAKER. It is clearly a question of fact.

Mr. FIELD. It is the gentleman from Pennsylvania [Mr. STORM] who is now misrepresenting the fact.

The bill was read, as follows:

Be it enacted, &c., That William Saffin, of Cincinnati, Ohio; James Carroll, of New York City, New York; Thomas Casey, of Montgomery, Alabama; Nathan Ports, of Washington, District of Columbia; William Gibson, of Toronto, Ontario; E. B. Osler, of Sacramento, California; John F. Leahy, of Little Falls, New York; Peter J. Meaney, of Brooklyn, New York; John Daly, of Albany, New York; Thomas Kelley, of Chicago, Illinois; James Cummings, of Troy, New York; Charles N. Patrick, of Chelsea, Massachusetts; W. H. Hathaway, of Pawtucket, Rhode Island; David Neagle, of Bridgeport, Connecticut; Samuel R. Baldwin, of Pittsburgh, Pennsylvania; Samuel McFarland, of Baltimore, Maryland; George H. Kemball, of Jersey City, New Jersey; Walker Cunningham, of Wheeling, West Virginia; F. H. Mercer, of Evansville, Indiana; James Gorman, of Chicago, Illinois; Conrad Meyers, of Saint Louis, Missouri; James W. Kendler, of Richmond, Virginia; John Kerrigan, of Louisville, Kentucky; Andrew Bevan, of Memphis, Tennessee; Philip Dillon, of Savannah, Georgia; R. B. Wesson, of Water Valley, Mississippi; George J. Schwabble, of Leavenworth, Kansas; Daniel Lincoln, of Virginia City, Nevada; Patrick Stuart, of Detroit, Michigan; Jacob Kortz, of Keokuk, Iowa; Daniel E. Foley, of Milwaukee, Wisconsin; A. J. Roberts, of Omaha, Nebraska, and James Young, of Saint Paul, Minnesota, and their associates and successors, be, and are hereby, created an incorporation by the name and title of the Iron-molders' National Union, and by such name and title they shall have perpetual succession, and shall be capable of suing and being sued, impleading and being impleaded, and of granting and receiving, in its corporate name, property, real personal, and mixed, and of using said property, and the proceeds and income thereof, for the objects of said corporation as herein defined.

SEC. 2. That the object and purpose of said incorporation shall be to aid its members to become more skillful and efficient as iron-molders; to elevate their character as men; the protection of their individual rights in the prosecution of their trade; to promote their general intelligence; to raise funds for the benefit of sick or disabled members; and to aid the families of deceased members; but the national union shall have power to prescribe general rules and regulations for the disbursement of all funds raised in pursuance of the provisions of this act.

SEC. 3. That the officers of the national union shall consist of a president, four vice-presidents, recording secretary, and treasurer, and such other officers as may be necessary to carry out the objects for which the society is formed; the president and four vice-presidents to constitute a board of trustees. The duties and powers of all officers shall be defined by the national union, which shall also prescribe their mode of election and term of office.

SEC. 4. That the said Iron-molders' National Union shall have power to make and establish such constitution, rules, and by-laws as it may deem proper to carry out the objects of this incorporation, and the same to alter, amend, add to, or repeal at pleasure.

SEC. 5. That the Iron-molders' National Union shall have power to grant charters for the purpose of organizing sub-unions in the District of Columbia and the Territories of the United States and in any State after obtaining the consent thereof; and all sub-unions organized under the national union shall have power to purchase, hold, or dispose of such real or personal property as may be needed to erect halls and establish libraries, and to carry on their business, as provided for in this act; and the national union and all sub-unions shall have power to require all officers holding places of trust to execute bonds, with approved sureties, for the safe-keeping and paying over to their respective unions, whenever directed by them, all moneys belonging to their respective unions in their keeping and under their control.

SEC. 6. That the headquarters of the Iron-molders' National Union shall be located in the city of Washington, in the District of Columbia.

Mr. WILLARD, of Vermont. That is a bill which ought not to pass.

Mr. GARFIELD. I understand that there are Canadians in the list of the parties who are to be incorporated.

Mr. G. F. HOAR. This is a corporation for the District of Columbia, and they are authorized to have branches in the different States with the consent of the States. The persons incorporated are mainly resident here.

Mr. GARFIELD. It is an extraordinary idea to incorporate foreigners by act of Congress.

The SPEAKER. The name of William Gibson, of Toronto, Ontario, is included in the list.

Mr. FIELD. I will allow that name to be stricken from the bill.

The SPEAKER. That modification will be made.

Mr. POTTER. I object to that.

The SPEAKER. The gentleman has the right so to modify the bill.

Mr. FIELD. I call for a vote.

The question was on seconding the motion to suspend the rules.

The SPEAKER. The Chair will direct the division to be taken by tellers, and appoints the gentleman from Ohio, Mr. GARFIELD, and the gentleman from Michigan, Mr. FIELD.

The House divided; and the tellers reported ayes 36, noes not counted.

So the motion to suspend the rules was not seconded.

CIVIL-RIGHTS BILL.

Mr. BUTLER, of Massachusetts. I desire to ask the attention of the House for one moment. In the first place, there is upon the Speaker's table the civil-rights bill from the Senate. It stands in the way now of all legislation. It is evident that it cannot be taken from its place by a vote of two-thirds of the House. The Committee on the Judiciary would not have power to report it at any time if it were referred to them; and in order that we may get it out of the way of legislation I ask unanimous consent that it be taken from the Speaker's table and referred to the Committee on the Judiciary.

Mr. BECK. Will the gentleman add "not to be brought back this session?"

Mr. BUTLER, of Massachusetts. It will not be reported at this session.

Mr. BECK. I desire that that shall be a part of the order.

Mr. BUTLER, of Massachusetts. I have no objection to that.

Mr. G. F. HOAR. I object; I think we can get a two-thirds vote to take it up.

Mr. NIBLACK. The committee have the right to report the House civil-rights bill at any time.

Mr. BUTLER, of Massachusetts. I was about to say further that I do mean to bring up the civil-rights bill of the Committee on the Judiciary of this House under my right to report at any time.

Mr. NIBLACK. Would not the right of the Committee on the Judiciary to report at any time attach to the Senate bill as well as to the House bill—the whole subject?

The SPEAKER. It does not.

Mr. ELDREDGE. I object to the proposition in regard to the Senate bill.

SESSION FOR DEBATE.

Mr. BUTLER, of Massachusetts. I now ask unanimous consent that there may be a session for debate only to-morrow evening, subject to the wants of the Committee on Appropriations.

Mr. LAWRENCE. I desire that the Committee on War Claims may also have leave to make reports.

Mr. BUTLER, of Massachusetts. O, no; I cannot yield for that.

Mr. LAWRENCE. It will not take them twenty minutes.

The SPEAKER. The request of the gentleman is for a session for debate only.

Mr. LAWRENCE. I move to add "and for reports from the Committee on War Claims."

The SPEAKER. It is not amendable; it is a matter for consent or not. Does the gentleman object?

Mr. GARFIELD. The gentleman from Massachusetts makes an exception in favor of the Committee on Appropriations.

The SPEAKER. The proposition is that to-morrow evening be assigned for general debate, no business whatever to be transacted, unless the Committee on Appropriations need the evening for their business.

Mr. GARFIELD. That means that if we have any bills ready to report, or any conference reports to make, we may report them that evening.

Mr. ELDREDGE. Would that give the Committee on Appropriations the right to report any bills they choose?

Mr. GARFIELD. Only our regular work.

Mr. ELDREDGE. Would it give the committee any rights they have not now?

Mr. GARFIELD. None but what we have now.

Mr. WARD, of Illinois. I object to the proposition.

Mr. BUTLER, of Massachusetts. I move to suspend the rules and make that order.

The SPEAKER. The Chair will recognize the gentleman for that purpose later on in the day.

FORMER SLAVES OF THE CHOCTAW AND CHICKASAW INDIANS.

Mr. SHANKS. I move to suspend the rules and pass a bill to appoint a commission to establish the rights of the former slaves in the Choctaw and Chickasaw country and their descendants, and submit the same to Congress. I will say that the bill is the unanimous report of the Committee on Indian Affairs.

The bill was read. It provides that a commission, to consist of three persons, shall be appointed, one by the President of the United States, one by the Choctaw council, and one by the Chickasaw council, which commission shall when so appointed or a majority of them have power to act and whose duty it shall be if possible to enter into an agreement in writing upon the part of the United States and the Choctaw and Chickasaw people respectively, establishing a just and equitable settlement of the rights and privileges among the Choctaw and Chickasaw people of those persons of color formerly slaves in the Choctaw and Chickasaw country and the descendants of such persons of color. The agreement and all the proceedings entered into and had by the commission are to be submitted to Congress at its next session for its ratification or rejection, and are to be invalid without ratification by Congress.

Mr. SHANKS. The bill is all right and I hope it will pass.

The question was put on seconding the motion to suspend the rules, and 41 members voted in the affirmative.

Mr. SHANKS. I ask unanimous consent to say one word about this bill.

No objection was made.

Mr. SHANKS. It is for the purpose of settling the rights of the colored people in the Choctaw and Chickasaw country. The colored people there were slaves prior to 1866.

Mr. HALE, of Maine. Let me ask the gentleman one question.

Mr. SHANKS. Allow me to explain this matter first. Up to 1866 there were a large number of slaves in the Choctaw and Chickasaw country. By the treaty of 1866 they were set free, but they are free there without anything else but their freedom. It was intended by a provision in the treaty of 1866 that these colored people should have the benefit of forty acres of land, or else the benefit of a certain fund arising from the sale of a piece of land. The time has expired without their receiving that benefit, and now they have nothing but the privilege of remaining in that country. This is a proposition by which, if carried out, there will be I have no doubt an amicable arrangement of the matter, and these colored people will get equal rights with the Indians in that country. The best Indians there desire that this shall be done, and I have no doubt the matter can be arranged in that way. If it is not done, then there may be difficulties, for there is already engendered a bad feeling between the colored people and the Indians, provoked by white men and others who are interfering in their matters.

Mr. HALE, of Maine. Does this go any further?

Mr. O'BRIEN. I have no objection to the gentleman making any statement necessary to explain the purpose of the bill, if it shall take one hour; but I do object to any discussion by other gentlemen.

Mr. HALE, of Maine. Will the gentleman allow me to ask a question?

Mr. O'BRIEN. I have no objection to that.

Mr. HALE, of Maine. My question is in good faith. It is whether this proposition goes any further than to settle the rights of the colored people who were formerly slaves.

Mr. SHANKS. To settle their rights and the rights of their descendants. It proposes to have the matter referred to Congress at its next session for their decision.

Mr. RAINEY. I should like to have the consent of the House to make a short statement.

Mr. O'BRIEN. I object to any further discussion.

Mr. SHANKS. A moment. I have been asked whether this does or does not interfere with the Choctaw matter which we had before the House the other day. It has no more to do with that than it has with the rising of the sun this morning.

Mr. ELDREDGE. Does it not apply the same principle to other Indian nations which is applied in the case of the Choctaws?

Mr. SHANKS. There are no other Indian tribes that have colored people who have not provided for them. The Cherokees, Seminoles, and the Creeks provided for their former slaves, making them citizens of their country. But the Chickasaws and Choctaws have not done so, and this proposition is to enable them to do so.

Mr. ELDREDGE. Can they not do so without the consent of Congress?

Mr. SHANKS. The agreement is to be submitted to Congress and to be invalid without the indorsement of Congress.

Mr. ELDREDGE. I suppose they can make them citizens if they see fit without the consent of Congress?

Mr. SHANKS. They have not done so.

Tellers were ordered on seconding the motion to suspend the rules; and Mr. SHANKS and Mr. O'BRIEN were appointed.

The House divided; and the tellers reported that there were ayes 106, noes not counted.

So the motion to suspend the rules was seconded.

The question was taken on suspending the rules and passing the bill; and upon a division there were—ayes 81, noes 44; no quorum voting.

Tellers were ordered; and Mr. SHANKS and Mr. O'BRIEN were appointed.

The House again divided; and the tellers reported that there were—ayes 112, noes 42.

So (two-thirds voting in favor thereof) the rules were suspended and the bill (H. R. No. 3756) was passed.

SESSION FOR FRIDAY EVENING.

Mr. BUTLER, of Massachusetts. I move that the rules be suspended so as to give the session of to-morrow evening for general debate, subject only to such matters as may be reported from the Committee on Appropriations.

Mr. FOSTER. I hope the request of the gentleman from Massachusetts [Mr. BUTLER] will be granted. I further suggest that the remarks of the gentleman shall be published in the RECORD the next morning.

Mr. CONGER. And that his time be limited to thirty minutes.

Mr. BUTLER, of Massachusetts. And I ask that nobody shall come here who does not want to hear me. Does anybody else have any request to make?

Mr. WARD, of Illinois. As I objected before, I desire to state now that I withdraw my objection.

The motion to suspend the rules was seconded; upon a division, ayes 113, noes not counted.

The rules were then suspended, (two-thirds voting in favor thereof,) and the order was made.

SAN JOSÉ RESERVATION, CALIFORNIA.

Mr. CESSNA. I move that the rules be suspended for the purpose of passing a bill (H. R. No. 1718) relating to the equitable and legal rights of parties in possession of certain lands and improvements thereon in California, and to provide jurisdiction to determine those rights. I desire to say that this bill was reported unanimously from the Committee on the Judiciary some two months ago.

Mr. COBURN. And I will say that this matter was reported against unanimously by the Committee on Military Affairs of the last Congress. It involves $500,000.

Mr. CESSNA. It involves nothing but the payment of a just debt on the part of the United States for the property of Mrs. General Frémont, Mrs. General Heiskell, and others, taken from them by order of the Government.

Mr. SPEER. How much is the property worth?

Mr. CESSNA. From $200,000 to $250,000.

The bill with the amendments reported by the Committee on the Judiciary was read, as follows:

Whereas by the act of Congress of July 1, 1870, relinquishing the right and title of the United States to the military reservation at Point San José, except the portion thereof now held as such reservation, the lands thereby relinquished were restored to parties who had been misled by the action of the Government in withdrawing its appeal from the decree of the board of land commissioners of the United States confirming the title of the city of San Francisco to lands embracing said reservation, and were in the *bona fide* possession thereof when the military authorities went into the occupancy thereof; and whereas the persons dispossessed by the military authorities of the portion so excepted in said act had, in every respect, the same equitable claims to the lands formerly occupied by them, and were excluded from the relief granted by said act solely because the said lands are required for military purposes; and whereas the buildings and improvements erected by the former occupants of the lands within the present limits of said reservation are useful for the purposes of the Government, and their existence has saved considerable expense to the United States: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the several persons, their heirs, grantees, assigns, or legal representatives, who, when the military authorities of the United States took possession and entered into the occupation of the lands above high-water mark within the present limits of the military reservation at Point Saint José, in the city of San Francisco, in the State of California, were in the *bona fide* possession of portions thereof, by themselves, their tenants, or agents, shall be compensated by the United States for the lands and the improvements thereon, of which they were respectively deprived when said lands and improvements were taken possession of by the military authorities of the United States; which compensation shall be the value of said lands and the value of the improvements thereon at the time when the military occupation of said lands commenced, without interest. And the Court of Claims is hereby directed to ascertain and determine the said values, and render judgment for compensation therefor in favor of the several persons respectively who were as aforesaid in the possession of said premises, or any part thereof, their heirs, grantees, assigns, or legal representatives; and any and all judgments so rendered by said court shall be paid out of moneys appropriated, or hereafter to be appropriated, to pay judgments rendered by said court: *Provided*, That no suit shall be brought by virtue of the provisions of this act unless the same be instituted within six months from the passage hereof.

SEC. 2. That nothing in this act shall be so construed as to enable the city of San Francisco, or any corporation or individual, to recover compensation for or by reason of the taking or appropriation of any public square or public street in said city by the military authorities of the United States.

SEC. 3. That no money shall be paid upon any judgment which may be rendered or recovered by virtue of the provisions of this act until the plaintiff or claimant therein shall have filed in the Court of Claims, or with the Secretary of the Treasury of the United States, a full and complete release of and for all damages, injuries, losses, interest, rents, and all other or future compensation on any and every account whatever, by reason of the taking, occupying, and retaining, by the military authorities of the United States, of the premises for which compensation is claimed.

Mr. POTTER. I wish to make a parliamentary inquiry. Is the motion of the gentleman from Pennsylvania [Mr. CESSNA] to bring the bill before the House for consideration?

The SPEAKER. It is to suspend the rules and pass the bill.

Mr. WILLARD, of Vermont. The bill certainly presents some debatable questions.

Mr. CESSNA. I have no objection at all to allowing a reasonable time on each side for debate, if that proposition can be agreed to. My object in making the motion to pass the bill was to avoid delay, which I thought not necessary, for the reason that this bill has been twice considered by Senate committees and reported unanimously by both; has been passed by the Senate; has been passed by the House, and has been three times reported favorably by committees of the House, no adverse report having been made in any case except that made by the gentleman from Indiana, [Mr. COBURN,] chairman of the Committee on Military Affairs.

A MEMBER. What amount of property does the bill involve?

Mr. CESSNA. The property in this case is believed by the committee to be worth between $200,000 and $250,000. This subject was thoroughly investigated by the Judiciary Committee of the Forty-first Congress, and a unanimous report was then presented by Mr. Kerr, of Indiana.

Mr. POTTER. I am always unwilling to have the House act on measures of this sort without discussion. I hope therefore that some little time will be allowed for debate. I believe that this measure commends itself to the justice of the Government. My feeling in favor of it is as strong as for any measure I was ever called to pass upon.

Mr. CESSNA. If it be the desire of the House I will change my motion so as merely to bring the bill before the House. I will then call the previous question at once, and yield a few minutes to those opposing the bill and a few minutes to my friend from New York, [Mr. POTTER.] I shall then ask a vote.

Mr. SPEER. And then a majority can pass the bill.

Mr. CESSNA. I move to suspend the rules so as to bring the bill before the House for consideration.

The question being taken on seconding the motion, there were—ayes 31, noes 54; no quorum voting.

Tellers were ordered; and Mr. CESSNA and Mr. HOLMAN were appointed.

The House divided; and the tellers reported ayes 59, noes not counted.

So the motion of Mr. CESSNA was not seconded.

MONUMENT AT LEXINGTON, MASSACHUSETTS.

Mr. GOOCH. I move to suspend the rules and pass the bill (H. R. No. 3163) authorizing the Secretary of War to deliver certain ordnance to the municipal authorities of Lexington, Massachusetts, for monumental purposes.

The bill was read. It authorizes the Secretary of War to deliver to the municipal authorities of Lexington, Massachusetts, ten pieces of condemned cannon, to be used for monumental purposes in commemoration of the battle of Lexington, on the 19th day of April, 1775.

Mr. O'NEILL. I desire to have an amendment added to this bill.

Mr. GOOCH. I must decline to yield for any amendment.

The motion of Mr. GOOCH, being seconded, was agreed to, (two-thirds voting in favor thereof,) and the bill was passed.

PUBLIC BUILDING IN ATLANTA, GEORGIA.

Mr. COOK. I move to suspend the rules and pass a bill to amend the act entitled "An act for the erection of a public building for the use of the United States in Atlanta, Georgia."

The bill was read. It provides that the act named in the title be so amended that the sum authorized to be expended in the construction of the building be fixed at $250,000; and that no sum in excess thereof shall be expended upon said building.

The question being taken on seconding the motion to suspend the rules, there were—ayes 56, noes 56; no quorum voting.

Tellers were ordered; and Mr. COOK, and Mr. SMITH of Ohio, were appointed.

The House divided; and the tellers reported—ayes 106, noes 36.

So the motion was seconded.

The question then recurring on agreeing to the motion to suspend the rules and pass the bill,

Mr. GARFIELD called for the yeas and nays.

The yeas and nays were ordered.

The question was then taken; and it was decided in the negative—yeas 148, nays 79, not voting 62; as follows:

YEAS—Messrs. Adams, Archer, Arthur, Ashe, Atkins, Banning, Barber, Barry, Bass, Beck, Begole, Bell, Berry, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Burleigh, Benjamin F. Butler, Roderick R. Butler, Caldwell, Cason, Amos Clark, jr., John B. Clark, jr., Clements, Clymer, Coburn, Comingo, Conger, Cook, Crittenden, Crocker, Crooke, Crossland, Crounse, Crutchfield, Davis, Dobbins, Dunnell, Durham, Eldredge Field, Fort, Giddings, Glover, Gooch, Gunter, Hagans, Hamilton, Harmer, Henry R. Harris, John T. Harris, Harrison, Hatcher, Hathorn, Hays, Gerry W. Hazelton, John W. Hazelton, Hereford, Herndon, Hodges, Hooper, Hubbell, Hunton, Hyde, Jewett, Kelley, Kendall, Knapp, Lamar, Lamport, Lansing, Leach, Lofland, Martin, Maynard, Alexander S. McDill, MacDougall, McLean, Milliken, Mills, Moore, Morey, Morrison, Myers, Neal, Negley, Niblack, Nunn, O'Brien, O'Neill, Hosea W. Parker, Parsons, Perry, Pike, James H. Platt, jr., Potter, Randall, Ransier, Read, Robbins, James C. Robinson, Rusk, Sawyer, Milton Sayler, John G. Schumaker, Sener, Sheats, Sheldon, Sloan, Sloss, George L. Smith, H. Boardman Smith, J. Ambler Smith, Snyder, Southard, Speer, Stanard, Standiford, St. John, Stone, Storm, Strait, Strawbridge, Swann, Sypher, Christopher Y. Thomas, Thornburgh, Tremain, Vance, Wallace, Jasper D. Ward, Wells, White, Whitehead, Whitehouse, Whiteley, Whitthorne, George Willard, John M. S. Williams, William B. Williams, Willie, Wolfe, Wood, and John D. Young—148.

NAYS—Messrs. Albright, Barrere, Biery, Bradley, Buffinton, Bundy, Burchard, Burrows, Cain, Cannon, Cessna, Stephen A. Cobb, Corwin, Cotton, Curtis, Danford, Donnan, Duell, Eames, Foster, Frye, Garfield, Gunckel, Benjamin W. Harris, John B. Hawley, Joseph R. Hawley, E. Rockwood Hoar, George F. Hoar, Holman, Hoskins, Hunter, Hurlbut, Killinger, Lawrence, Lawson, Lowe, Lowndes, Lynch, Magee, James W. McDill, McJunkin, Merriam, Monroe, Orr, Orth, Packard, Packer, Pendleton, Phelps, Thomas C. Platt, Poland, Pratt, Rainey, Rapier, Ray, Rice, Richmond, Ellis H. Roberts, James W. Robinson, Ross, Henry B. Sayler, Scofield, Sessions, Shanks, Sherwood, Small, A. Herr Smith, John Q. Smith, Sprague, Starkweather, Todd, Tyner, Waldron, Walls, Marcus L. Ward, Wheeler, Charles W. Willard, William Williams, and James Wilson—79.

NOT VOTING—Messrs. Albert, Averill, Barnum, Freeman Clarke, Clayton, Clinton L. Cobb, Cox, Creamer, Darrall, Dawes, DeWitt, Eden, Elliott, Farwell, Freeman, Eugene Hale, Robert S. Hale, Hancock, Havens, Hendee, Hersey, Houghton, Howe, Hynes, Kasson, Kellogg, Lamison, Lewis, Loughridge, Luttrell, Marshall, McCrary, McKee, McNulta, Mitchell, Nesmith, Niles, Page, Isaac C. Parker, Pelham, Phillips, Pierce, Purman, William R. Roberts, Henry J. Scudder, Isaac W. Scudder, Lazarus D. Shoemaker, Smart, William A. Smith, Stephens, Stowell, Taylor, Charles R. Thomas, Townsend, Waddell, Wilber, Charles G. Williams, Ephraim K. Wilson, Jeremiah M. Wilson, Woodford, Woodworth, and Pierce M. B. Young—62.

So (two-thirds not voting in favor thereof) the rules were not suspended and the bill was not passed.

STATUE TO GENERAL GEORGE G. MEADE.

Mr. O'NEILL. I move to suspend the rules and pass the bill (H. R. No. 3757) to transfer twenty condemned bronze cannon for a statue to the late General George G. Meade.

The bill, which was read, authorizes and directs the Secretary of War to transfer to the Fairmount Park Association (a corporation created by the laws of Pennsylvania) twenty condemned bronze cannon to be used by the said association for the erection of a bronze equestrian statue to the late Major-General George Gordon Meade, within the limits of the city of Philadelphia.

The motion to suspend the rules was seconded.

The rules were suspended (two-thirds voting in favor thereof) and the bill was passed.

CONTINENTAL AGENCY AND EXPRESS COMPANY.

Mr. KELLEY. I ask unanimous consent to introduce for reference a bill (H. R. No. 3758) to incorporate the Continental General Agency and Express Company.

Mr. RANDALL. I do not object, if it is not to be brought back on a motion to reconsider.

The SPEAKER. It cannot be brought back by a motion to reconsider.

Mr. KELLEY, by unanimous consent, introduced a bill (H. R. No. 3758) to incorporate the Continental General Agency and Express

Company; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed, not to be brought back by a motion to reconsider.

BENJAMIN COOLEY AND JAMES W. BOSWELL.

Mr. LOWNDES. Mr. Speaker, I move to supend the rules and pass the bill (S. No. 595) for the relief of Benjamin Cooley and James W. Boswell.

The bill, which was read, provides that the Postmaster-General be, and he is hereby, authorized and empowered to examine, adjust, and settle the claims of Benjamin Cooley and James W. Boswell for carrying the mails from Washington, District of Columbia, to Poolesville, Maryland, being routes No. 3293 and No. 3304, from July 1, 1860, to June 30, 1864, and to award them such compensation for carrying the increased bulk of mail matter as he may deem just and proper, not exceeding the sum of $1,200 to either of said contractors.

Mr. SMITH, of Ohio. The Committee on the Post-Office and Post-Roads have reported a similar bill for the relief of Benjamin Cooley and James W. Boswell, and I hope there will be no objection to the passage of this Senate bill. These contractors ran the mail from here to Poolesville, in Maryland. They took the contract for a small sum of money. Immediately afterward a large force of troops was placed in that vicinity and the mail became very heavy, the receipts running up from thirty or forty dollars to seventeen or eighteen hundred dollars.

Mr. BECK. Is it not better to send this to the Court of Claims?

Mr. SMITH, of Ohio. It cannot be done.

Mr. BECK. Congress can do it.

Mr. LOWNDES. This bill passed the Senate after a careful consideration, and I hope there will be no objection to it.

Mr. SMITH, of New York. The Committee on the Post-Office and Post-Roads think it is right, and this money should be paid.

Mr. BECK. I do not object to this bill, but I do object to the Postmaster-General having power to adjust anything.

The motion to suspend the rules was seconded.

The rules were suspended (two-thirds voting in favor thereof) and the bill was passed.

DEVELOPMENT OF MINING RESOURCES.

Mr. LOWE. I move to suspend the rules and pass the bill (H. R. No. 2032) to amend the act entitled "An act to promote the development of the mining resources of the United States," approved May 10, 1872.

The bill, which was read, provides that the fifth section of said act be, and the same is hereby, amended so that where a person or company may run a tunnel for the purpose of developing a lode or lodes, owned by said person or company, the money so expended in said tunnel shall be taken and considered as expended on said lode or lodes, whether located prior to or since the passage of said act; and such person or company shall not be required to perform work on the surface of said lode or lodes in order to hold the same, as required by said act.

Mr. LOWE. By the act of 1872 each claimant is compelled to do $100 worth of work per annum until he takes out a patent for his claim. The Commissioner of the General Land Office holds that it must be done upon the lode itself, and that the work upon a tunnel to reach the lode would not save these mining claims. This provides that work upon a tunnel to reach the lode shall have the same effect of saving the claims as work done upon the lode itself. This is unanimously desired by the Delegates and Members from the mining States.

The motion to suspend the rules was seconded; the rules were suspended, (two-thirds voting in favor thereof,) and the bill was passed.

TROOPS ON THE TEXAS BORDER.

Mr. MILLS. I move that the rules be suspended and that a joint resolution to place certain troops on the border of Texas be passed.

The joint resolution was read. It directs the Secretary of War to remove all infantry and cavalry troops now in the States of Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Tennessee, and Kentucky, to the frontier of Texas, to aid the State troops called into the field by the Legislature of the said State in protecting the citizens of that frontier against marauding bands of Indians and Mexicans.

Mr. MILLS. I ask the unanimous consent of the House that I may have a few minutes to make an explanation.

Mr. RAINEY. I object to any debate.

Mr. MILLS. I have not had the floor more than two or three times this session, and I have never made objection to any other gentleman. This is a matter of material interest to my people, and I ask to be permitted to explain the joint resolution.

Mr. RAINEY. I object.

The question being taken on seconding the motion to suspend the rules, there were—ayes 62, noes 91.

So the motion to suspend the rules was not seconded.

HEIRS OF JAMES B. ARMSTRONG.

Mr. BUCKNER. I move that the rules be suspended, that the Committee of the Whole on the Private Calendar be discharged from the further consideration of the bill (H. R. No. 2700) amendatory of the act entitled "An act for the relief of the heirs and next of kin of James B. Armstrong, deceased," approved March 3, 1873, and that it be passed. This bill is unanimously reported by the Committee on Claims.

The bill was read. It directs the Secretary of the Treasury to pay to Edward S. Armstrong, of Ralls County, Missouri, the sum of $1,673.14, being his aliquot share of the sum of $13,385.09 as one of the brothers and next of kin of the said James B. Armstrong, deceased, appropriated by the said act for the relief of the heirs and next of kin of said James B. Armstrong, deceased.

The second section repeals the proviso of said act requiring satisfactory proof to be made to the Secretary of the Treasury that said heirs at law and next of kin, or such thereof as shall demand their aliquot shares under and by virtue of said act, remained loyal adherents to the cause and Government of the United States during the war of the rebellion,

Mr. DUNNELL. This bill had the unanimous indorsement of the Committee on Claims. I hope it will be passed.

Mr. KASSON. It has reference only to the question of loyalty of one of the heirs. That is all.

Mr. WILLARD, of Vermont. Let the last section of the bill be again read.

The second section was again read.

The motion to suspend the rules was seconded.

Mr. HOLMAN. I suppose there is a report accompanying the bill.

Mr. BUCKNER. There is. If the gentleman desires an explanation I shall be happy to give it.

Mr. KASSON. The money has already been appropriated.

Mr. BUCKNER. This money was appropriated during last session of Congress to satisfy a judgment of the Court of Claims in 1858. The money was appropriated for the whole amount. One of these heirs was in the confederate army and could not draw his share. The others have proved their loyalty and got their money.

Mr. HOLMAN. If it is right to repeal that provision of the law in this particular case, why should it not be repealed entirely in such cases?

Mr. KASSON. That can be done by another bill.

The rules were suspended (two-thirds voting in favor thereof) and the bill was passed.

Mr. HOLMAN. I move the House do now adjourn.

EVENING SESSION.

Mr. COBURN. I ask that there be a sesssion of the House this evening under the order which I send to the desk, and which I ask may be adopted.

The Clerk read as follows:

Ordered, That there be a session of the House this evening, commencing at half-past seven o'clock p. m., for reports from committees, no action to be taken thereon; the call of committees to begin with the list of the committees after the Committee on Claims.

Mr. SENER. Does the gentleman agree that no adverse reports shall come in?

Mr. COBURN. I do not agree to that.

Mr. HOLMAN. I hope the business will be confined to references alone.

Mr. COBURN. The object is merely to have bills referred to the Committee of the Whole on the Private Calendar.

Mr. HAWLEY, of Illinois. That should be stated in the order.

Mr. COBURN. That is all that is intended.

Mr. HOLMAN. I shall insist that all reports shall go on the Calendar, adverse reports as well as others.

Mr. SENER. Adverse reports do not go on the Calendar unless some gentleman requests it.

Mr. LAWRENCE. They can be made to go on the Private Calendar.

Mr. SENER. Let it be understood, then, that all reports, adverse and others, shall go to the Calendar.

The SPEAKER. All reports will be for reference. With that understanding, the Chair hears no objection to the proposition of the gentleman from Indiana, [Mr. COBURN,] and the order is made.

NEVADA COUNTY NARROW-GAUGE RAILROAD COMPANY.

Mr. ORR. I move that the rules be suspended to enable the Committee on the Public Lands to report and the House to pass the bill (H. R. No. 3309) granting to the Nevada County Narrow-gauge Railroad Company a right of way through the public lands for a railroad.

The bill was read. It grants the right of way through the public lands to the Nevada County Narrow-gauge Railroad Company, a corporation organized under the laws of the State of California, and having its principal place of business in Grass Valley, Nevada County, State of California, its successor and assigns, for a railroad from Colfax to Nevada City, by the most direct, practicable route, being a distance of about twenty miles. Said right of way is granted to said railroad to the extent of fifty feet in width on each side of said railroad where it may pass through the public domain, including the right to take, from the public lands adjacent, materials of earth, stone, and timber necessary for the construction thereof; also including grounds for station-buildings, workshops, depots, machine-shops, switches, side-tracks, turn-tables, and water-stations, to an amount not exceeding ten acres not mineral lands for each station, which stations shall not occur oftener than one in five miles; provided that the grant thereby made shall not take effect on any lands to which any *bona fide* pre-emption

or homestead claim has attached before the definite location of the line of road, and the designation of the lands to be appropriated under this law; provided further that within six months from the passage of the act the Nevada County Narrow-Gauge Railroad Company shall file with the Secretary of the Interior a map, to be approved by him, exhibiting the line of the railroad of said company as the same has been located and the ground to be occupied at the several stations; and provided further that the said railroad shall be completed within four years from the passage of the act.

The second section provides that in case the right of way granted by the act extends through any cañon, pass, or defile, any other railroad corporation shall not be excluded from a passage through the same or over and upon the track of the constructed road upon equitable terms; and in case of disagreement, upon application of either of the parties, the same shall be adjusted by the Secretary of the Interior, after hearing upon reasonable notice to the parties, whose decision may be enforced by a court of competent jurisdiction.

Mr. ORR. I am directed by the committee to report the amendment which I send to the desk to be read.

The Clerk read as follows:

Add to section 2 the following:

Provided, That this act shall not prevent other railroads from crossing the same at grade: *And provided further*, That the right of Congress to at any time amend, alter, or repeal this act is hereby reserved.

Mr. ORR. I include that amendment in the motion to suspend the rules.

Mr. HOLMAN. I ask that the last section of the bill may be again read.

The last section was again read.

Mr. HOLMAN. I desire to suggest two amendments to that bill, so as to make it conform to similar bills already passed. One is to strike out the word "five" and insert "ten;" so as to make it read "which stations shall not occur oftener than one in ten miles," &c. That is in conformity with the practice for the last two years on bills of this sort.

Mr. ORR. This bill conforms to the bills already passed for the reason that they are allowed only half the number of acres.

Mr. HOLMAN. The number of acres is ten acres of land in each ten miles.

Mr. ORR. Well, the practice has been to give twenty acres in each ten miles; but this only gives ten acres in each five miles.

Mr. HOLMAN. The last bill of this kind that we passed gave ten acres of land to each ten miles. I think that ought not to be done, but inasmuch as it has been the practice heretofore, I am willing to concede that.

Mr. ORR. I think the gentleman is mistaken as to the practice.

Mr. HOLMAN. The bill passed by the House yesterday or the day before in relation to Colorado contained this same provision. The other amendment I have to suggest is, to strike out the word "timber" where it occurs in the bill. I see no reason why we should deprive the ultimate settlers on these lands of the timber to which they would otherwise be entitled.

Mr. ORR. It has been customary to allow the company to take timber in all such cases. However, I will accept those amendments as modifications of my bill.

The motion to suspend the rules was seconded.

The question was taken on the motion to suspend the rules; and (two-thirds voting in favor thereof) the rules were suspended, and the bill, as modified, was passed.

TRANSFER OF GOLD BARS.

Mr. HOOPER, by unanimous consent, from the Committee on Coinage, Weights, and Measures, reported back, with the recommendation that it do pass, the bill (S. No. 784) authorizing the transfer of gold mint bars from the bullion fund of the assay office, New York, to the assistant treasurer at New York.

The bill was read. It authorizes the Secretary of the Treasury from time to time to transfer to the office of the assistant treasurer at New York from the bullion fund of the assay office at New York refined gold bars bearing the United States stamp of fineness, weight, and value, or bars from any melt of foreign gold coin or bullion of standard equal to or above that of the United States, or an exchange from gold coins at not less than par, subject to such regulations as he may prescribe.

Mr. MERRIAM. I move to amend the bill by inserting after the words "coin at," in line 8, the words "market value."

The amendment was agreed to.

The bill, as amended, was ordered to a third reading; and it was accordingly read the third time, and passed.

HEIRS OF JAMES BARNETT.

Mr. KELLOGG. I move that the rules be suspended and that the bill (H. R. No. 3182) for the relief of the heirs of James Barnett, deceased, be passed. I will state that it is the unanimous report of the Committee on War Claims.

The bill was read. It authorizes and directs the Secretary of the Treasury to pay to the heirs of James Barnett, deceased, who was a lieutenant in the Second Virginia Regiment on continental establishment during the revolutionary war, and who, by reason of the loss of an eye in the service, was retired in 1779, in accordance with a provision of an act of the Continental Congress, the amount of pay of a first lieutenant of said regiment for five years, in accordance with the provisions of an act approved March 27, 1783.

Mr. WILLARD, of Vermont. This is a claim about a hundred years old.

Mr. SMITH, of Virginia. The claim is a just one, and I hope the House will pass the bill.

Mr. KELLOGG. There ought to be no objection to the bill, and I hope it will pass.

The question was put on seconding the motion to suspend the rules; and on a division there were ayes 78, noes not counted.

So the motion was seconded.

The question recurred on suspending the rules and passing the bill.

Mr. WILLARD, of Vermont. I call for the yeas and nays.

The yeas and nays were not ordered, only ten members voting therefor.

The question was taken; and (two-thirds voting in favor thereof) the rules were suspended, and the bill was passed.

ORDER OF BUSINESS.

Mr. POLAND. I desire the attention of the House for a moment. A very considerable number of gentlemen are anxious to go to business on the Speaker's table. There is nothing on the Speaker's table in which I have any special interest, but there is so large an amount of business there that I think we ought to take it up and dispose of it. I desire, therefore, to make a proposition on the subject which I think will be entirely acceptable to gentlemen on both sides of the House.

It is well known that an effort yesterday to go to the Speaker's table met with opposition on account of the civil-rights bill. Now I desire to say that I am a friend of the civil-rights bill; I have always voted for it. In the last Congress I had charge of it and made every sort of endeavor to get it passed without avail. We all understand that the position of it is such that it cannot be passed except by a two-thirds vote, and two or three unsuccessful efforts have been made to get a two-thirds vote. It has been fully ascertained that it cannot be obtained, and therefore I think the friends of that measure have no need to struggle longer to obtain what they know they cannot obtain. I propose that when the civil-rights bill is reached it shall be referred to the Judiciary Committee with no right to report it back except by asking a suspension of the rules, so that they would need a two-thirds vote to carry it, just as they would need a two-thirds vote to carry it in its present position.

Mr. WOOD. Or any other bill on that subject.

Mr. POLAND. The Committee on the Judiciary now have in their possession a House bill upon that subject which they have the right to report at any time. But the difficulty is that if they report that bill and the House passes it, it must then go to the Senate and take its turn there. Now, in reference to the civil-rights bill, I propose to leave all sides precisely as they are now; that there shall be no change in the rights of parties in reference to that bill. I make this proposition in order to take that bill out of the way of other business. I have put my proposition in writing, and I ask the Clerk to read it.

The Clerk read as follows:

Move to suspend the rules so as to proceed to business on the Speaker's table; that five minutes be allowed to explain each bill and five minutes in opposition thereto; and the only motion in order shall be to put each bill on its passage or to refer the same; that when the civil-rights bill is reached it shall be referred to the Committee on the Judiciary without any right to report it back except under a suspension of the rules.

Mr. G. F. HOAR. Allow me to inquire of the gentleman if his proposed arrangement does not deprive the civil-rights bill of a very important advantage? While a majority of the House are known to be in favor of that bill, no other business on the Speaker's table can be disposed of unless that bill shall take its chance with the others. That is a very important advantage in the way of obtaining a vote upon the civil-rights bill.

Mr. HAWLEY, of Illinois. Allow me to make a suggestion in that connection.

Mr. POLAND. Let me answer this suggestion first.

Mr. TREMAIN. There are one or two bills of the House with Senate amendments. It seems to me that this proposition would not allow a motion to concur in those amendments or concur in them with amendments.

Mr. POLAND. Yes, it would. I have been quite as sincere and earnest a friend of the civil-rights bill as the gentleman from Massachusetts.

Mr. G. F. HOAR. I do not question that. What I question is the effect of your arrangement in that bill.

Mr. POLAND. In order to get at business on the Speaker's table you must now obtain a two-thirds vote. We understand very well that as long as that two-thirds vote shall be required we can never get to business on the Speaker's table. I do not propose to surrender any right or privilege that we have in regard to the civil-rights bill, but I understand that the bill standing in the position it now does it is impossible for us to secure a two-thirds vote in any way to pass the bill. I do not think we should allow the civil-rights bill to stand so much in the way as to prevent our attending to any other business on the Speaker's table.

Mr. G. F. HOAR. I do not understand that the majority of this House, consisting of republicans and embracing two-thirds of the members of this House, are so much opposed to the civil-rights bill

that they will not allow a vote of the House to be taken upon it and the bill disposed of by a majority vote. I do not understand that they are so opposed to it as to be willing to stop the whole business of the country rather than to allow a constitutional majority of this House to deal with that bill. As the bill is, at its present stage, every gentleman who persists in voting against proceeding to business on the Speaker's table, says not merely that he is opposed to the civil-rights bill, but that he will not allow a constitutional majority of the Representatives of the American people to act upon that measure, and rather than do so will stop all public business.

Mr. SPEER. I object to further debate.

Mr. BECK. I desire to say that so far as I am concerned I will stop all legislation rather than allow the civil-rights bill to be passed.

Mr. COBURN. I rise to a parliamentary inquiry as to the effect of the proposition of the gentleman from Vermont, [Mr. POLAND.] It is whether or not, under that proposition, bills upon the Speaker's table would be subject to the point of order that they contain appropriations and must first be considered in Committee of the Whole?

The SPEAKER. The Chair would consider that this order, if made, would put the whole matter subject to a majority vote. As the bills were reached they would have to be referred to committees, passed, or left on the table. It would leave it in the control of a majority of the House.

Mr. POLAND. If there is any use at all in going to the Speaker's table, it should be under the plan I propose.

Mr. COBURN. We should not set aside all points of order.

Mr. BECK. I want to ask the gentleman from Vermont one question.

The SPEAKER. The gentleman from Pennsylvania [Mr. SPEER] objects to debate.

Mr. SPEER. I objected to an attempt to dragoon this side of the House into allowing a vote on the civil-rights bill.

Mr. HAWLEY, of Illinois. If the civil-rights bill should be referred to the Committee on the Judiciary, as proposed by the gentleman from Vermont, would not that committee be prevented from reporting it at any time except under a suspension of the rules, which would require a two-thirds vote?

Mr. POLAND. The gentleman from Illinois [Mr. HAWLEY] has put an impossible case.

Mr. HAWLEY, of Illinois. Not at all.

Mr. POLAND. The Committee on the Judiciary when called upon for reports can report whatever matters they have before them.

Mr. HAWLEY, of Illinois. Suppose that the Committee on the Judiciary does not report this bill until the next session of Congress; under this order could it be reported then except under a suspension of the rules, requiring a two-thirds vote?

Mr. POLAND. I do not understand that this order would have any effect at the next session.

Mr. HAWLEY, of Illinois. Why not? If the bill is sent to the committee under this order, it must remain there until brought out of the committee by a two-thirds vote.

Mr. SPEER. I desire to make a parliamentary inquiry. If the order proposed by the gentleman from Vermont be agreed to, could not a majority of the House pass the election bill which was yesterday defeated on a motion to suspend the rules?

The SPEAKER. The Chair does not know that that bill is on the Speaker's table; he thinks it is not. This order would apply only to bills on the Speaker's table.

Mr. POLAND. I call for a vote.

Mr. HAWLEY, of Illinois. I call attention to the fact that under this proposition the civil-rights bill may be sent to the Committee on the Judiciary, and that committee may never have any power to report it back except under a suspension of the rules by a two-thirds vote.

Mr. POLAND. So many gentlemen are troubled for fear that this proposition is going to have some effect at the next session of Congress that I will modify the motion by inserting the words "during this session of Congress" after the clause with reference to reporting back the civil-rights bill.

Several MEMBERS. That is right.

Mr. LAWRENCE. I wish to put a parliamentary inquiry. If this motion be adopted will there be any right to make an objection which will carry to the Committee of the Whole any bill appropriating money or property?

The SPEAKER. That right will not exist; but every bill will be subject to the disposition of the majority of the House, either to be passed, to be referred, or to remain on the Speaker's table.

Mr. WILSON, of Iowa. I move that the House adjourn. I do not think we are prepared to adopt any such proposition as this.

The question being taken on the motion to adjourn, there were—ayes 84, noes 75.

Mr. POLAND. I call for the yeas and nays.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their Clerks, announced that the Senate had agreed to the report of the committee of conference on the bill (H. R. No. 3171) to amend the customs-revenue laws and to repeal moieties.

The message also announced that the Senate had disagreed to the amendments of the House to the bill (S. No. 733) regulating gas-works, requested a conference with the House on the disagreeing votes of the two Houses, and had appointed as conferees on the part of the Senate Mr. MORRILL of Vermont, Mr. COOPER, and Mr. ALLISON.

The message also announced that the Senate had agreed to the resolution of the House granting the use of the Rotunda of the Capitol to the women's centennial executive committee of the city of Washington for the purpose of celebrating on the 16th of December next the destruction of the tea in the harbor of Boston on the night of December 16, 1773.

The message also announced that the Senate had adopted the following resolution; in which the concurrence of the House was requested:

Resolved by the Senate, (the House of Representatives concurring,) That one thousand additional copies of the report of the Select Committee on Transportation Routes, with the appendix and evidence taken, be printed, of which three hundred copies shall be for the use of the Senate, six hundred copies for the use of the House, and one hundred copies for the use of the Select Committee on Transportation Routes; and that there shall also be printed five thousand copies of said report and appendix without the evidence, of which fifteen hundred copies shall be for the use of the Senate, three thousand copies for the use of the House, and five hundred copies for the use of the Select Committee on Transportation Routes.

The message also requested that the House return to the Senate the bill (S. No. 311) for the relief of Joseph Montanari, and for other purposes.

RETURN OF A BILL.

The SPEAKER. If there be no objection, the bill (S. No. 311) for the relief of Joseph Montanari, and for other purposes, will be returned to the Senate, in accordance with the request just received from that body.

There was no objection, and it was ordered accordingly.

ENROLLED BILLS SIGNED.

Mr. PENDLETON, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (S. No. 482) to authorize the construction of a bridge over the Willamette River at Salem, in the State of Oregon;

An act (S. No. 716) for the better government of the Navy of the United States; and

An act (S. No. 758) to authorize and provide for the construction of a substantial iron and masonry bridge and of a causeway across the Anacostia, or Eastern Branch of the Potomac River, at or near the site of the present navy-yard bridge.

Mr. HARRIS, of Georgia, from the same committee, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (H. R. No. 203) to create two additional land districts in the State of Kansas;

An act (H. R. No. 440) to amend the act entitled "An act transferring the control of certain territorial penitentiaries to the several Territories in which the same are located," approved January 24, 1873;

An act (H. R. No. 1507) to create an additional land district in the Territory of Colorado;

An act (H. R. No. 2384) to change the name of the pleasure-yacht Planchette to that of Laxen;

An act (H. R. No. 2450) to provide for the apportionment of the Territory of Wyoming for legislative purposes;

An act (H. R. No. 2463) for the relief of Joseph S. Read;

An act (H. R. No. 2670) granting a pension to Mary S. Howe;

An act (H. R. No. 2671) granting a pension to General A. C. Voris;

An act (H. R. No. 3351) to ascertain the possessory rights of the Hudson's Bay Company and other British subjects within the limits which were the subject of the award of His Majesty the Emperor of Germany, under the treaty of Washington of May 8, 1871, and for other purposes;

An act (H. R. No. 3421) making appropriations for the payment of invalid and other pensions of the United States for the year ending June 30, 1875;

An act (H. R. No. 3539) to admit free of duty merchandise sunk for two years and afterward recovered;

An act (H. R. No. 3591) to change the name of the brig Sidi to Sea Waif;

An act (H. R. No. 3678) for the relief of savings institutions having no capital stock, and doing business solely for the benefit of depositors; and

An act (H. R. No. 3741) to authorize the issue of an American register to the ship Alhambra.

MOIETIES.

Mr. ELLIS H. ROBERTS. I rise to submit a conference report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 3171) to amend the customs-revenue laws and to repeal moieties, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the Senate recede from its amendments numbered 7 and 10.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 9, 11, 14, 18, 19, 20, 21, 22, 24, 25, 27, 29, and 34, and agree to the same.

That the House recede from its disagreement to the eighth amendment, and agree to the same with an amendment as follows: Strike out all after "court," in line 21, to and including "United States," in line 26, and insert in lieu thereof as follows:

And if produced, the said attorney shall be permitted, under the direction of

the court, to make examination (at which examination the defendant or claimant or his agent may be present) of such entries in said book, invoice, or paper as relate to or tend to prove the allegation aforesaid, and may offer the same in evidence on behalf of the United States.

And the Senate agree to the same.

That the House recede from its amendment to the thirteenth amendment of the Senate, and agree to said Senate amendment.

That the Senate recede from its twenty-sixth amendment (striking out certain words) with an amendment, as follows: Page 7, line 13, after "court" insert "or the judge thereof;" and the House agree to the same.

That the Senate recede from its thirty-first amendment, striking out section 14, and agree to the same with an amendment as follows: Strike out "been" in line 1, page 9, and insert "have been;" and the House agree to the same.

That the House recede from its disagreement to the thirty-second amendment, and agree to the same with an amendment as follows: Strike out "16" and insert "17;" and the Senate agree to the same.

That the House recede from its disagreement to the thirty-third amendment of the Senate, and agree to the same with an amendment as follows: Strike out "17" and insert "18;" and the Senate agree to the same.

That the House recede from its amendment to the thirty-fifth amendment of the Senate, and agree to the same with an amendment as follows: Insert in lieu of the words proposed to be stricken out the following:

SEC. 19. That it shall not be lawful for any officer or officers of the United States to compromise or abate any claim of the United States arising under the customs laws for any fine, penalty, or forfeiture incurred by a violation thereof; and any officer or person who shall so compromise or abate any such claim, or attempt to make such compromise or abatement, or in any manner relieve or attempt to relieve from such fine, penalty, or forfeiture, shall be deemed guilty of a felony, and on conviction thereof shall suffer imprisonment not exceeding ten years and be fined not exceeding $10,000: *Provided, however*, That the Secretary of the Treasury shall have power to remit any fines, penalties, or forfeitures or to compromise the same in accordance with existing law.

And the Senate agree to the same.

That the Senate recede from its thirty-sixth amendment, with an amendment striking out "18" (the number of the section) and inserting "20;" and the House agree to the same.

That the House recede from its disagreement to the thirty-seventh amendment, and agree to the same with an amendment as follows: Strike out "18" (the number of the section) and insert "21;" and the Senate agree to the same.

That the House recede from its amendment to the thirty-eighth amendment, and agree to the same with an amendment as follows: Strike out "three" and insert "one;" and the Senate agree to the same.

That the House recede from its disagreement to the thirty-ninth amendment, and agree to the same with an amendment striking out "19" (the number of the section) and inserting "22;" and the Senate agree to the same.

That the House recede from its amendment to the forty-fourth amendment, and agree to the same with an amendment as follows: Insert in lieu of the words proposed to be inserted by the Senate the following:

SEC. 23. That in lieu of the salaries, moieties, and perquisites of whatever name or nature, and commissions on disbursements, now paid to and received by the collectors, naval officers, and surveyors connected with the customs service in the several collection districts of the United States hereinafter named, there shall be paid, from and after the 1st day of July, 1874, an annual salary as follows:

To the collector of the district of New York, $12,000.

To the collectors of the districts of Boston and Charlestown, Massachusetts, and Philadelphia, Pennsylvania, each $8,000.

To the collectors of the districts of San Francisco, California, Baltimore, Maryland, and New Orleans, Louisiana, each $7,000.

To the collector of the district of Portland and Falmouth, Maine, $6,000.

To the naval officer for the district of New York, $8,000.

To the naval officers of the districts of Boston and Charlestown, Massachusetts, and San Francisco, California, and Philadelphia, Pennsylvania, each $5,000.

To the surveyor of the port of New York, $8,000.

To the surveyors of the ports of Boston, Massachusetts, and San Francisco, California, and Philadelphia, Pennsylvania, each $5,000.

And the Senate agree to the same.

That the House recede from its disagreement to the forty-fifth amendment, and agree to the same with an amendment as follows: Strike out "21" (the number of the section) and insert "24;" and the Senate agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the forty-sixth amendment, and agree to the same with amendments as follows: Strike out "ten" in said amendment and insert "thirty;" also, strike out "22" (the number of the section) and insert "25;" and the House agree to the same.

That the House recede from its disagreement to the forty-seventh amendment, and agree to the same with an amendment as follows: Strike out all of said amendment and insert in lieu thereof the following:

SEC. 26. That all acts and parts of acts inconsistent with the provisions of this act are hereby repealed; that nothing herein contained shall affect existing rights of the United States; and in all cases in which prosecutions have been actually commenced for forfeitures incurred, the Secretary of the Treasury shall have power to make compensation as provided in the fourth section of this act to the persons who would under former laws have been entitled to share in the distribution of such forfeitures.

And the Senate agree to the same.

ELLIS H. ROBERTS,
L. A. SHELDON,
FERNANDO WOOD,
Managers on the part of the House.
JOHN SCOTT,
T. F. BAYARD,
Managers on the part of the Senate.

The SPEAKER. The question recurs on the motion to adjourn.

Mr. POLAND. I demand the yeas and nays on that motion.

The SPEAKER. The rules require, even during the pendency of a motion to adjourn, the reception of a conference report, but the rule must be construed only to have the report come in and not to have it considered. The House will now determine whether it will adjourn or not.

Mr. KASSON. I hope there will be no objection to the motion being again submitted to the House without tellers and without the yeas and nays.

The SPEAKER. If there be no objection, that will be agreed to.

There was no objection, and it was ordered accordingly.

The House refused to adjourn.

Mr. ELLIS H. ROBERTS. I demand the previous question on the adoption of the report of the committee of conference.

Mr. BECK. Does the gentleman only propose to take a vote on the adoption of the report of the committee of conference?

Mr. ELLIS H. ROBERTS. I do not propose to do more than demand the previous question and take the vote, unless some gentleman may wish to ask a question in regard to the effect of the adoption of the report of the committee of conference.

Mr. BECK. I only propose to say while there are many things here I am opposed to, yet I think it is the best thing we can get.

The previous question was seconded and the main question ordered; and under the operation thereof the report of the committee of conference was adopted.

Mr. ELLIS H. ROBERTS moved to reconsider the vote by which the report of the committee of conference was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BENJAMIN W. REYNOLDS.

Mr. HERNDON submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 2694) for the relief of Benjamin W. Reynolds, having met, after full and free conference, have agreed to recommend, and do recommend, to their respective Houses as follows:

That the House agree to the first amendment of the Senate to the said bill, and agree to the second amendment with an amendment, namely: Strike out of said second amendment the word "fifteen" and in lieu thereof insert the word "sixty-five;" and the Senate agree to the same.

W. S. HERNDON,
N. B. BRADLEY,
J. ORR,
Managers on the part of the House.
T. J. ROBERTSON,
D. D. PRATT,
T. M. NORWOOD,
Managers on the part of the Senate.

Mr. HERNDON. I demand the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the report of the committee of conference was adopted.

Mr. HERNDON moved to reconsider the vote by which the report of the committee of conference was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

The SPEAKER. The pending question is on the motion of the gentleman from Vermont [Mr. POLAND] to go to the business on the Speaker's table.

Mr. WILSON, of Iowa. I move the House do now adjourn.

The SPEAKER. The motion to adjourn the Chair thinks is not in order, as one motion already has been made to adjourn pending the motion for a suspension of the rules to go to the business on the Speaker's table, and under the rule only one motion to adjourn is in order pending a motion to suspend the rules.

Mr. POLAND. And that motion was voted down.

The SPEAKER. The Chair thinks the motion to adjourn is not in order.

Mr. WILSON, of Iowa. The gentleman's motion to suspend the rules must have been by construction postponed while the report of the gentleman from New York, [Mr. ELLIS H. ROBERTS,] from the committee of conference, was being acted on. It is not possible for the House to act on two things at once.

Mr. POLAND. We do it, though. It seems to me it is clear that this is no new proceeding. The conference report was interjected.

The SPEAKER. There has been a rather peculiar series of events, but the Chair will show how it happened: Under the practice of the House reports of conference committees are received at any time, even during the pendency of a motion to adjourn or a motion to adjourn over. Therefore the Chair had no election but to receive the reports of conference committees. Rule 161 says:

Pending a motion to suspend the rules, the Speaker may entertain one motion that the House do now adjourn; but after the result thereon is announced, he shall not entertain any other dilatory motion till the vote is taken on suspension.

Mr. POTTER. But, Mr. Speaker, pending the motion to adjourn the conference report came in. As I now understand the Chair, the House was bound, even if objection should be made, to consider the conference report. But some gentleman did make the objection and the Speaker put the motion to adjourn. But we all understood that was a motion merely——

The SPEAKER. The gentleman from New York does not apprehend the statement made by the Chair. The Chair has heretofore ruled that the highest privilege given to a conference report merely goes to its being read, not to its being debated; and as soon as the conference report was read the Chair rose and stated that the vote on the motion to adjourn, on a division, was 84 ayes and 75 noes. It was then for the House to determine whether they would certify that vote. There was an expression of opinion that it should be again submitted. The Chair submitted it, and by a large negative vote the House refused to adjourn.

Mr. G. F. HOAR. The conference report was voted on after the motion to adjourn was disposed of.

The SPEAKER. Certainly; but if the motion of the gentleman from Vermont [Mr. POLAND] is still pending——

Mr. G. F. HOAR. Will the Chair allow me a moment to complete my statement upon this point?

The SPEAKER. Certainly.

Mr. G. F. HOAR. The conference report was voted upon. There was a little debate with the gentleman from Kentucky, [Mr. BECK,] and the previous question was seconded on agreeing to the report. There was a debate and a vote. Now if that action was had in regard to one conference report, it might be had in regard to two or three or more.

The SPEAKER. Certainly; in regard to a hundred.

Mr. G. F. HOAR. Does the Chair then rule that after a motion to suspend the rules has been made and a motion to adjourn has been voted down, ten successive conference reports may come in, be read, debated, have the previous question ordered on them and be voted on, and that the House cannot adjourn without disposing of that motion to suspend the rules?

The SPEAKER. What is suggested by the gentleman from Massachusetts [Mr. G. F. HOAR] does not present the slightest difficulty; because the House, if it wants to adjourn, need not second the motion to suspend the rules. It does not embarrass the House at all.

Mr. G. F. HOAR. The House may not want to vote against the suspension of the rules, but may desire to adjourn and postpone the question as to the suspension of the rules till next day.

The SPEAKER. This is a question which never before arose. But the Chair is always willing to rule in favor of an adjournment, although he believes that in doing so he rules against the literal meaning of the rule. The Chair will submit the question on the motion to adjourn in consideration of the fact that some misunderstanding has arisen in the minds of various members as to the true position of the pending question.

The question being taken on the motion of Mr. WILSON, of Iowa, that the House adjourn, there were—ayes 83, noes 92.

Mr. WILSON, of Iowa, called for tellers.

Tellers were ordered.

The House again divided; and the tellers reported—ayes 88, noes 73.

Mr. PARKER, of Missouri, called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 135, nays 88, not voting 66; as follows:

YEAS—Messrs. Adams, Archer, Ashe, Atkins, Banning, Barber, Barrere, Barry, Bell, Berry, Bland, Blount, Bromberg, Buffinton, Burchard, Burrows, Benjamin F. Butler, Cain, Caldwell, Cannon, Cessna, Amos Clark, jr., John B. Clark, jr., Clymer, Stephen A. Cobb, Comingo, Conger, Cook, Cotton, Creamer, Crittenden, Crocker, Crooke, Crossland, Crounse, Darrall, Davis, Dawes, Eldredge, Giddings, Glover, Gooch, Gunter, Hamilton, Benjamin W. Harris, Henry R. Harris, Hatcher, John B. Hawley, Hendee, Hereford, E. Rockwood Hoar, George F. Hoar, Holman, Howe, Hunton, Hurlbut, Jewett, Kelley, Killinger, Knapp, Lamison, Leach, Lowndes, Lynch, Magee, Martin, Maynard, James W. McDill, McLean, Merriam, Milliken, Mills, Monroe, Moore, Myers, Neal, Nunn, O'Brien, O'Neill, Orth, Packard, Phelps, Pierce, Pike, Thomas C. Platt, Potter, Pratt, Rainey, Randall, Ransier, Read, Rice, Robbins, Ellis H. Roberts, James W. Robinson, Ross, Milton Sayler, John G. Schumaker, Henry J. Scudder, Isaac W. Scudder, Sener, Sessions, Shanks, Sheldon, Sloss, Small, A. Herr Smith, George L. Smith, John Q. Smith, Southard, Speer, Sprague, Stone, Storm, Swann, Sypher, Christopher Y. Thomas, Tremain, Tyner, Vance, Waldron, Wallace, Jasper D. Ward, Marcus L. Ward, Wheeler, Whitehouse, Charles W. Willard, George Willard, Charles G. Williams, William Williams, Willie, Ephraim K. Wilson, James Wilson, Wolfe, and Woodford—135.

NAYS—Messrs. Albright, Arthur, Averill, Beck, Begole, Biery, Bowen, Bradley, Bright, Brown, Bundy, Roderick R. Butler, Cason, Clements, Coburn, Corwin, Crutchfield, Donnan, Dunnell, Durham, Eames, Field, Fort, Foster, Gunckel, Hagans, Harmer, John T. Harris, Harrison, Havens, Joseph R. Hawley, Gerry W. Hazelton, John W. Hazelton, Hodges, Hooper, Hoskins, Houghton, Hunter, Hyde, Hynes, Kasson, Kellogg, Kendall, Lamport, Lawrence, Lawson, Lowe, Alexander S. McDill, MacDougall, McJunkin, McNulta, Morey, Morrison, Niblack, Niles, Orr, Packer, Hosea W. Parker, Isaac C. Parker, Parsons, Pendleton, Poland, Rapier, Ray, Richmond, Rusk, Sawyer, Henry B. Sayler, Sherwood, Sloan, Stanard, Standiford, Starkweather, St. John, Stowell, Strait, Strawbridge, Thornburgh, Todd, Townsend, Wells, White, Whitehead, Whiteley, Whitthorne, Wilber, William B. Williams, and John D. Young—88.

NOT VOTING—Messrs. Albert, Barnum, Bass, Buckner, Burleigh, Freeman Clarke, Clayton, Clinton L. Cobb, Cox, Curtis, Danford, DeWitt, Dobbins, Duell, Eden, Elliott, Farwell, Freeman, Frye, Garfield, Eugene Hale, Robert S. Hale, Hancock, Hathorn, Hays, Herndon, Hersey, Hubbell, Lamar, Lansing, Lewis, Lofland, Loughridge, Luttrell, Marshall, McCrary, McKee, Mitchell, Negley, Nesmith, Page, Pelham, Perry, Phillips, James H. Platt, jr., Purman, William R. Roberts, James C. Robinson, Scofield, Sheats, Lazarus D. Shoemaker, Smart, H. Boardman Smith, J. Ambler Smith, William A. Smith, Snyder, Stephens, Taylor, Charles R. Thomas, Waddell, Walls, John M. S. Williams, Jeremiah M. Wilson, Wood, Woodworth, and Pierce M. B. Young—66.

So the motion was agreed to.

Before the result of the vote was announced,

The SPEAKER said: The Chair does not regard the point as of much practical importance, but he desires to say, in order that it may go into the RECORD, that in submitting this motion it was his judgment that it was not in order. He submitted it rather than insist on his own construction of the rule, because there seemed to be a misunderstanding in the House in regard to it.

Mr. HAZELTON, of Wisconsin. I ask unanimous consent that this motion may be regarded as one for a recess instead of an adjournment so as to save the session for this evening.

Mr. SPEER. I object.

The House (at three o'clock and twenty minutes p. m.) then adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. SMITH, of Pennsylvania: The petition of workingmen in Marietta Furnace, Lancaster County, Pennsylvania, for the restoration of the 10 per cent. duty on iron and steel, and for free banking, to the Committee on Ways and Means.

Also, the remonstrance of merchants, bankers, and business men of Lancaster City and County, Pennsylvania, against the imposition of a tax of $\frac{1}{10}$ of 1 per cent. on sales of bullion, coin, stocks, bonds, and other securities, to the Committee on Ways and Means.

By Mr. SMITH, of Virginia: The petition of Mrs. Elizabeth Weaver, of Owl Run, Fauquier County, Virginia, for relief, to the Committee on War Claims.

By Mr. YOUNG, of Kentucky: The petition of G. H. Wornok, John Doty, C. Culbertson, B. L. Biggs, David Williams, John Kidd, Charles Boss, William J. Wilson, and a large number of other workingmen in the Buffalo and Laurel Furnace Works in Greenup County, Kentucky, for the restoration of 10 per cent. of duties on iron, steel, &c., for free banking, and for such protection by Congress as will relieve the distressed condition of the workingmen of the country, to the Committee on Ways and Means.

IN SENATE.

FRIDAY, *June* 19, 1874.

The Senate met at eleven o'clock a. m.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

NEVADA COUNTY NARROW-GAUGE RAILROAD.

The PRESIDENT *pro tempore* laid before the Senate the bill (H. R. No. 3309) granting to the Nevada County Narrow-Gauge Railroad Company a right of way through the public lands for a railroad.

Mr. SARGENT. That same bill was reported favorably as a Senate bill by the Committee on Railroads of the Senate and has been on the Calendar for some time. It is a local road, twenty miles long only, in my own county. I ask that the bill may be passed by unanimous consent.

The bill was read three times, and passed.

PETITIONS AND MEMORIALS.

Mr. MERRIMON. I ask leave to call up a House bill.

Mr. EDMUNDS. I call for the regular order.

The PRESIDENT *pro tempore*. Petitions and memorials are in order.

Mr. WASHBURN presented resolutions of the Legislature of Massachusetts, in favor of the abolition of the law concerning compulsory pilotage at Hell Gate; which were referred to the Committee on Commerce.

Mr. BOGY presented five petitions of merchants, importers, bankers, and business men of Saint Louis, Missouri, protesting against the passage of the twenty-ninth section of the tariff bill which imposes a tax of $\frac{1}{10}$ of 1 per cent. on all sales of stocks, bonds, gold and silver bullion, coin, and other securities; which were referred to the Committee on Finance.

Mr. SCHURZ presented the petition of Rob. zum Hagen, M. D., of Saint Louis, Missouri, praying an amendment to the homestead law; which was referred to the Committee on Public Lands.

Mr. JOHNSTON. I ask unanimous consent to consider a bill——

Mr. ANTHONY. I rise with a report.

The PRESIDENT *pro tempore*. That is in the nature of an objection. If there be no further petitions, reports of committees are in order.

The PRESIDENT *pro tempore* presented a resolution of the Legislature of West Virginia in favor of a geological survey of West Virginia by the Government of the United States; which was referred to the Committee on Public Lands.

REPORT ON CUSTOMS AND TARIFF LEGISLATION.

Mr. ANTHONY. The Committee on Printing, to whom was referred a resolution of the House of Representatives to print copies of the report of the Chief of the Bureau of Statistics, have instructed me to report back the same with an amendment. The amended resolution strikes out all copies for the use of Congress and limits it to one thousand for the use of the Department.

By unanimous consent, the resolution was considered.

The amendment of the Committee on Printing was to strike out "five thousand copies, three thousand for the use of the House of Representatives, one thousand for the Senate and," and strike out the words "and distribution by;" so as to make the resolution read:

Resolved, (the Senate concurring,) That there be printed of the special report of Edward Young, Chief of the Bureau of Statistics, on customs and tariff legislation of the United States, with the appendices, including the tariff acts approved respectively May 1, 1872, and June 6, 1872, and a tabular statement of the rates of duties under said acts and other statutes now in force, one thousand bound copies for the use of the Treasury Department.

The amendment was agreed to.

The resolution, as amended, was agreed to.

COAST SURVEY REPORT.

Mr. ANTHONY. I am instructed by the same committee to report back the resolution for printing the Coast Survey report. In accord-

ance with the expressed wish of the Senate, we have left out all copies for the use of the House and Senate; and as this Coast Survey report is a matter of very great importance, and the establishment is maintained at considerable expense and is of comparatively little use unless ship-owners, navigators, and others can see the charts, we have not reduced the number, but have left it at three thousand, a very moderate number, to be distributed by the Superintendent of the Coast Survey. If Senators think that is too much they can move to reduce it.

The Chief Clerk read the resolution proposed to be amended, as follows:

Resolved by the Senate, (the House of Representatives concurring,) That there be printed of the report of the Superintendent of the Coast Survey for the year 1873, three thousand extra copies for the use of the Superintendent of the Coast Survey.

Mr. SHERMAN. I ask the Senator if these are to be stamped to go through the mail?

Mr. ANTHONY. They are to be disposed of just like any other documents. I was not able to keep the run of the provisions in the bill on that subject which was acted on the other day, being engaged in my committee-room in an investigation.

Mr. SHERMAN. The Departments now use stamps on documents and frank them in that way.

Mr. ANTHONY. This resolution makes no provision on that subject.

Mr. SHERMAN. Under the law now the Departments can frank the documents printed for them by putting on a stamp. That ought to be corrected.

Mr. ANTHONY. Can we correct it in this resolution?

Mr. SHERMAN. No.

The resolution, as amended, was agreed to.

Mr. ANTHONY. I should have moved first that this report of the Superintendent of the Coast Survey be printed. I make that motion now.

The motion was agreed to.

CRETACEOUS FLORA OF THE WEST.

Mr. ANTHONY. I reported the other day a resolution from the Committee on Printing to print the report of Professor Hayden on the Cretaceous Flora of the West, the expense of which has all been incurred except the very trifling cost of printing the letter-press, about $600. There is no provision for any distribution to members of Congress. I hope that resolution may be now taken up and passed. I understand there is no objection to it.

By unanimous consent, the Senate proceeded to consider the following House resolution:

Resolved by the House of Representatives, (the Senate concurring,) That there be printed and bound twenty-five hundred copies in quarto (uniform of the series) of Professor Hayden's report on the Cretaceous Flora of the West, one thousand copies for the Department of the Interior, one thousand copies for the Smithsonian Institution, and five hundred copies for the office of the United States Geological Survey of the Territories.

The resolution was concurred in.

BILL RECOMMITTED.

Mr. OGLESBY. The RECORD of yesterday morning shows that the Senator from Iowa, [Mr. WRIGHT,] "from the Committee on Finance, to whom was referred the bill (H. R. No. 3668) for the relief of Smith & Matthews, of Illinois, reported adversely thereon; and the bill was postponed indefinitely," but the evidence upon which the claim was based was not before the committee when they made the report. The claim is only for three or four hundred dollars. I therefore move now to reconsider the vote by which the bill was indefinitely postponed, and that it be recommitted to the Committee on Finance.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. JOHNSTON, from the Committee on Patents, to whom was referred the bill (H. R. No. 3424) for the relief of Thomas Winans and William L. Winans, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. OGLESBY, from the Committee on Pensions, to whom was referred the bill (H. R. No. 3689) granting a pension to Bernard Sailer, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. RAMSEY, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. No. 741) to provide for a commission upon the subject of postal telegraphy, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 884) to amend sections 245, 246, 247, 251, and 253 of an act entitled "An act to revise, consolidate, and amend the statutes relating to the Post-Office Department, approved June 8, 1872, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 933) relating to mail contracts, reported adversely thereon; and the bill was postponed indefinitely.

Mr. FERRY, of Michigan, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. No. 692) for the relief of William Chester, reported it without amendment.

He also, from the Committee on Finance, to whom was referred the petition of J. E. D. Couzins, praying compensation for the arrest and detention of counterfeiters of United States notes, submitted a report accompanied by a bill (S. No. 958) for the relief of J. E. D. Couzins, of Saint Louis, Missouri.

The bill was read, and passed to a second reading, and the report was ordered to be printed.

Mr. BOUTWELL, from the Committee on Commerce, to whom was referred the bill (S. No. 232) to regulate the fees received from certain steam-vessels sailing coastwise and foreign, reported it without amendment.

Mr. HAMILTON, of Texas, from the Committee on Pensions, to whom was referred the bill (S. No. 893) for the relief of William C. Greene, of Indiana, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the petition of James S. Herron and others, praying that a pension may be allowed to the widow of James Herron, of Pensacola, Florida, reported adversely thereon, and asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred the bill (H. R. No. 3188) granting a pension to Letta Bagley, reported it without amendment.

Mr. WRIGHT, from the Committee on the Judiciary, to whom was referred the bill (H. R. No. 3621) to abolish the western district of Arkansas, and for other purposes, reported it without amendment.

Mr. WADLEIGH, from the Committee on Military Affairs, to whom was referred the bill (H. R. No. 2695) for the relief of Ely Cameron, reported it with an amendment.

Mr. FENTON. I am instructed by the Committee on Finance, to whom was referred the bill (H. R. No. 3023) for the relief of Andrew Mason, to report it back with a slight amendment. I desire to put this bill upon its passage. It is but seven lines in all.

Mr. EDMUNDS. I object, and insist on the regular order.

Mr. KELLY. I am instructed by the Committee on Military Affairs, to whom was referred the bill (S. No. 721) for the restoration of public lands in Fort Sedgwick reservation, in Colorado and Nebraska, to settlement and entry, to report it back without amendment, and I should like to have it put on its passage.

Mr. EDMUNDS. I object. I merely wish to say in explanation of my evidently very bad conduct that my object is that when we get through with resolutions I may ask the Senate to go to the Calendar of unobjected cases, so that we may go through with all those bills with which everybody is satisfied, and thus we shall do more good than we can by snatching up a bill at a time now. That is my apology if I need to make one.

Mr. BOGY, from the Committee on Private Land Claims, to whom was referred the bill (H. R. No. 3584) to grant title to certain lands in the Territory of Arizona, reported it without amendment.

Mr. NORWOOD, from the Committee on Pensions, to whom was referred the bill (H. R. No. 2900) granting a pension to Josephine D. Thomas, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 330) granting a pension to Mrs. Penelope C. Brown, of Tennessee, widow of Stephen C. Brown, late a private of Company C, Eighth Tennessee Cavalry Volunteers, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 2673) to restore the name of Hannah B. Eaton, of Kingsville, Ohio, to the pension-roll, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 1403) granting a pension to Jehu Baker, reported adversely thereon; and the bill was postponed indefinitely.

Mr. SPRAGUE. The Committee on Public Lands have had under consideration the draught of a bill providing for the appointment of a commissioner to ascertain the rights of subjects of Great Britain to land in the territory which was the subject of the award of the Emperor of Germany under the treaties of 1846 and 1871 between the United States and Great Britain, and have instructed me to report the bill. The reference came to the committee through papers received from the State Department.

The bill (S. No. 959) providing for the appointment of a commissioner to ascertain the rights of subjects of Great Britain to lands in the territory which was the subject of the award of the Emperor of Germany under the treaties of 1846 and 1871 between the United States and Great Britain was read, and passed to a second reading.

Mr. SPRAGUE, from the Committee on Public Lands, to whom was referred the bill (H. R. No. 3339) relating to the disposition of certain lands to be reclaimed in sections 14, 23, and 26, in township 16 north, of range 20, in the county of Sheboygan, in the State of Wisconsin, reported it without amendment.

Mr. SPRAGUE. The same committee, to whom was referred the bill (S. No. 904) to provide revenue from the sale of public lands, have directed me to report it back and recommend that it be indefinitely postponed. I ask that it be placed on the Calendar. I submit at the same time a minority report.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar and the report printed.

Mr. MORRILL, of Vermont, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. No. 55) to authorize the construction of a public building at Topeka, Kansas, reported it without amendment.

Mr. CHANDLER, from the Committee on Commerce, to whom was referred the bill (H. R. No. 1588) to revise, amend, and consolidate the laws relating to the security of life on board vessels propelled in whole or in part by steam, and for other purposes, reported it without amendment.

Mr. FERRY, of Michigan, from the Committee on Finance, to whom was referred the bill (H. R. No. 3177) for the relief of DeWitt C. Chipman, reported it with an amendment, and submitted a report thereon, which was ordered to be printed.

THE INDIAN TERRITORY.

Mr. PATTERSON. I am instructed by the Committee on Territories, to whom was referred the bill (S. No. 570) to organize the Territory of Oklahoma, and for the better protection of the Indian tribes therein, and for other purposes, to submit a report, accompanied by the following resolution; and I give notice that I shall ask for the consideration of the resolution to-morrow at the expiration of the morning hour.

Resolved, That the Committee on Territories be authorized to sit during the recess and to investigate as to the manner of the execution of the laws of the United States in the Indian Territory; also as to the wants and sentiments of the inhabitants of said Territory, and the advisability of creating a territorial form of government for said Indian country; said committee to have power to take testimony and send for persons and papers; and that the expenses attending this investigation shall be paid out of the contingent fund of the Senate upon vouchers approved by the chairman of the said committee.

The report and resolution were ordered to be printed.

AMENDMENT TO AN APPROPRIATION BILL.

Mr. WASHBURN submitted an amendment intended to be proposed to the bill (H. R. No. 3168) making appropriations for the repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes; which was referred to the Committee on Commerce, and ordered to be printed.

THE LEVEE COMMITTEE.

Mr. CLAYTON. I am instructed by the Select Committee on the Levees of the Mississippi River to report the following resolution, and ask for its present consideration:

Resolved, That the Select Committee on the Levees of the Mississippi River be authorized to sit during the recess and to investigate and report upon the condition of the levees of the Mississippi River, and also upon the propriety of the Government of the United States assuming charge and control of the same, with a view to their completion and maintenance; and that the expenses attending this investigation shall be paid out of the contingent fund of the Senate upon vouchers approved by the chairman of the select committee aforesaid.

Mr. EDMUNDS. That is a very important subject, and I think it had better lie over.

The PRESIDENT *pro tempore*. The resolution will lie over.

Mr. CLAYTON. Does the Senator from Vermont object?

Mr. EDMUNDS. I think it had better lie over as it involves very important considerations.

PERSONAL EXPLANATION.

Mr. SCOTT. I desire at the request of others who feel more interest in it than I do to correct, through the only medium through which it can be corrected, a statement which appears in most of the morning papers this morning. In the debate which occurred upon the moiety bill yesterday I am represented as saying that the moieties received by the officers at Philadelphia amounted in the last year to $30,000. It is not the fact that that amount was received, and I did not so state, as the record of our proceedings shows.

COTTON PERMITS.

Mr. ALCORN. I ask leave to call up the resolution I submitted on the 29th of May. It will take but a little time to dispose of it.

The PRESIDENT *pro tempore*. The resolution will be read for information.

The Chief Clerk read the resolution, as follows:

Resolved, That the Secretary of the Treasury be, and he is hereby, requested to furnish the Senate with copies of all cotton permits issued by Presidents Lincoln and Johnson, also with the names of agents appointed by the Secretary of the Treasury to purchase cotton in the Southern States, with copies of the forms used by said purchasing agents, and with a copy of any instructions from time to time issued by the Secretary of the Treasury, or officers under him, to said purchasing agents.

Mr. EDMUNDS. I hope the Senator from Mississippi will not insist upon taking that up for passage. If he wishes to have it referred to the Committee on Finance for inquiry into the expense of this matter and the necessities of the Government in respect to it before this order is made, I should have no objection; but if he wishes to take it up for consideration with a view to having it adopted without being referred to any committee whatever, I hope the Senate will not take it up, but will allow us to proceed with the regular order of the Calendar of unobjected cases in order to dispose of as much business as possible.

Mr. ALCORN. I do not think it is necessary to refer this resolution to the Committee on Finance, and if the Senate will take it up and pass upon it it will occupy but a little time. If the Senate after it has heard me for five minutes votes down the resolution I will say no more about it. I only want to present the case and the necessity for this resolution, and refer it to the judgment of the Senate as to whether we shall be entitled to have the information or not.

Mr. SHERMAN. I desire to suggest to the Senator from Mississippi an amendment, to call only for the papers not already printed. There have been several volumes on that subject.

Mr. ALCORN. Well, I am willing; "all that have not been printed." All that have been printed already I am willing as a matter of course should be excluded.

Mr. EDMUNDS. The resolution is not up yet.

The PRESIDENT *pro tempore*. The question is, Will the Senate proceed to the consideration of this resolution?

Mr. BOUTWELL. I should like to have the resolution read.

The PRESIDENT *pro tempore*. The resolution will be read.

Mr. ALCORN. An amendment is suggested by the Senator from Ohio.

Mr. EDMUNDS. It cannot be amended until we conclude to consider it.

The Chief Clerk again read the resolution.

Mr. ALCORN. I will add a proviso that nothing shall be reported that has heretofore been transmitted and printed.

Mr. BOUTWELL. I hope that resolution will not be taken up at this stage of the session, for it involves matters of great consequence; but if it is taken up, I shall ask that it be referred to the Committee on Finance.

Mr. ALCORN. It has been laid over for several days.

Mr. BOUTWELL. I hope it will not be taken up. We have other matters to attend to of more consequence.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Mississippi to proceed to the consideration of the resolution.

The motion was not agreed to.

THE DISTRICT GOVERNMENT.

Mr. MERRIMON. Is the morning business over?

The PRESIDENT *pro tempore*. Resolutions are in order. [A pause.] There seems to be no further morning business.

Mr. EDMUNDS. I move to proceed to the Calendar of unobjected cases.

Mr. BOREMAN. I have a resolution which I wish to offer, or rather a motion to make. It is to reconsider the vote by which the bill (H. R. No. 3680) for the government of the District of Columbia, and for other purposes, was passed. I move to reconsider that vote.

The PRESIDENT *pro tempore*. Does the Senator ask for the present consideration of the motion?

Mr. BOREMAN. Yes, sir. I make this motion in order that I may understand a proposition in this bill which I regard as a very important one, if I apprehend it correctly. This bill had been reported but a very short time before action was taken upon it by this body. I admit that I had not read the bill when it came up for consideration yesterday. I listened to the reading of it by the Secretary, but in the hurried transaction of business here in the latter part of the session, of course it is very difficult to hear everything that is read at the desk. I find that in the fourth section of this bill it is provided—

That for the support of the government of the District of Columbia, and maintaining the credit thereof, for the fiscal year ending June 30, 1875, there shall be levied upon all real estate in said District, except that belonging to the United States and to the District of Columbia, and that used for educational and charitable purposes, the following taxes, namely.

If I understand this provision correctly, it is intended to inaugurate in this District the taxation of a class of property which has never hitherto in this country, so far as I know, been taxed; that is, the property belonging to all the churches located within the District. If I had noticed this provision yesterday, I should have asked for a vote by yeas and nays on a motion to strike it out to see whether the Senate is prepared at this particular time and upon this particular bill to inaugurate a system of taxation which has never hitherto, so far as I know, been imposed in the United States.

I wish now to learn whether I give a correct construction to this provision in the bill. I trust that the chairman of the committee will explain to the Senate what the purpose of the committee is and whether the construction I give this clause, that it is intended to tax church property, is the correct one.

Mr. ALLISON. Mr. President, in reply to the question of the Senator from West Virginia, I would say that it was the intention of the committee to exempt only real estate used for educational purposes and belonging to charitable institutions. The Congress of the United States three or four or perhaps five years ago passed an act exempting in this District all church property from taxation. The church property amounts to about one-fifteenth of the real estate in this District; and the vast improvements that have been made in this District have been made in and around church property at the expense of the property-holders living upon the street to a large degree and at the expense of the whole city, amounting in the aggregate to nearly $20,000,000.

The committee found themselves in a position where it became necessary to tax the property of this District to relieve it from its embarrassment. The council of the local Legislature in this District recommended that church property be taxed. The house of delegates have recommended that church property be taxed for this purpose. It is a temporary tax. It only applies to the year 1875. We have submitted it to a joint committee of the two Houses for the purpose of readjusting taxation in this District, as well as every other question involved in it; but we believe that all the real estate in this District

should bear its proportion of the temporary burden required to lift up this District from its insolvency and embarrassment, and therefore we put in this provision, and I believe the Senator from West Virginia gives it the proper and correct construction.

Mr. STEWART. I hope no motion to reconsider this bill will be entertained. If it is opened once our work will be lost. I do not believe that on the whole it can be improved. All these matters were considered, and considered in great detail and at length; and I wish to say here that I have heard considerable complaint about this 3 per cent. tax. It is only on real estate; and this city has been vastly improved and the people have been largely benefited by these improvements. The tax is no more burdensome here than it is in many cities outside of Washington. It is for improvements that have enhanced the property of all the citizens here. It is an improvement tax. Other cities have not regarded such a tax as objectionable. If 3 per cent. alone were levied on their real estate they would not complain. The people of this District must not complain. They cannot have a beautiful city without bearing their proportion; and if they do that the people of the United States will say that Congress shall be liberal and shall bear its just proportion, we having laid the city out on a scale of magnificence that it is impossible for the people here to maintain alone. But when the people here have done their duty, and their full duty, they can call upon the people of the United States through Congress to contribute in a just proportion to make this the capital city. We have provided for an investigation of what shall be the just proportion; but in the mean time the people here must stand their fair share.

As to church property it is an open question whether it would not be better to have that property taxed as private property is. There is a difference of opinion among the churches on this question as a general proposition. But in this case when the churches own large quantities of real estate that they are not using for immediate purposes, and it has been largely enhanced in value by these improvements, this special tax should be paid by them with cheerfulness. I believe it will be. I do not believe any church will complain of this. It does not touch the general question whether church property should be taxed at all times or not; but it reaches the question whether church property held for speculative purposes, held for its enhancement in value, having been so enhanced by these improvements, shall pay its proportion of the cost of the improvements. That is the question. The committee considered it. It is no new question. We do not pass now upon the general question of whether church property shall be taxed; but we say in this special instance in Washington, it having been improved at large expense and enhanced largely in value, there is no way of meeting the expense except by taxing the whole property. We cannot exempt one-tenth of the property of the District from taxation and meet the expense by any appropriation that Congress will probably make in addition to the taxation that the people must pay. These questions have all been considered, and I hope the bill will not be reconsidered for any consideration.

Mr. SARGENT. I did what I could, as is known to the Senate, last evening to lead with courage a somewhat small minority. I made then all the fight I desire to make on the bill. I trust the bill will meet the expectations of the able committee who report it. I do not believe at this late hour we ought to reopen the question again, and I therefore desire to say only that I shall vote against the motion to reconsider.

Mr. BOREMAN. I do not propose to avoid the subject of taxation in this District. That is a matter that cannot be avoided, I apprehend. The debt of the District has to be paid either by taxation of the District or by appropriations from the Treasury of the United States, or in some other way that I am not advised of at this time. The only point I made was in regard to inaugurating a system of taxation of church property in this District, when it was not, so far as I knew, the practice in any of the States of the Union. If it is so I am not advised of it. I wish simply now to have a vote of the Senate upon the question of reconsideration. I do not know that the Senate will reconsider this vote; but I give notice that if they do I shall move to add to the exemption in the bill "property held for church purposes," so that the exemptions shall include not only property "belonging to the United States and to the District of Columbia and that used for educational and charitable purposes," but also "property held for church purposes." I should like to have the yeas and nays on the motion to reconsider.

Mr. THURMAN. Mr. President, I have but a very few words to say, for I do not wish to occupy the time of the Senate upon this matter.

This subject was fully considered in the committee, and nothing but the absolute necessity to raise a sufficient sum to meet the expenses of this District until a new frame of government can be established and the wishes, so far as we know, of the people of this District, certainly as manifested by the expression of their Legislature, to which allusion has been made by the Senator from Iowa, induced us to report the section to which attention has now been called, and we received not one single remonstrance against it. Although it was known that the bill contained that provision, although the bill has been read perhaps by nine-tenths of the people who can read in the city of Washington, and has been the subject of review in all the newspapers, and this particular subject of taxing church property has been brought to the attention of the public by a resolution of the District Legislature, not one single remonstrance has been received against that provision of the bill.

I think any one who will make himself acquainted with the amount of church property that is held in this city, a great portion of which is not used for church purposes at all, but great blocks that are vacant and that have been improved in every way in which property can be improved, by the amelioration of the streets, the construction of sewers, and everything of that kind, without paying a single cent of taxes—every one will say that under the peculiar circumstances of the case these institutions should come in and help to lift this burden off the people of the District. I think there is no complaint about that at all.

Now I wish to submit a question, and that is, whether a motion to lay the motion to reconsider on the table is in order?

Mr. EDMUNDS. It is in order, and I hope the Senator will make it.

Mr. MORTON. I desire to say one word.

Mr. THURMAN. I would make it, but my friend from Indiana wishes to speak. I ask him will be renew the motion?

Mr. MORTON. I will yield the floor to you to do it.

Mr. President, I was not here yesterday when this bill passed. I have been called upon by several gentlemen, residents of this District, gentlemen who have not sympathized with this investigation, and who are friends of the existing government and of Governor Shepherd, who have made certain representations to me which I think were important and deserving of attention in regard to the tax levied by this bill. This bill provides for a tax of 3 per cent. upon real estate. I understand there is an existing tax of 2 per cent. that has not been paid also levied upon the same real estate to be collected upon the same assessment—an assessment made last year at a large valuation, in many cases larger than the property would sell for now in the present condition of the times and of the prices of property. They also represent that very many of the property-holders of the city have large assessments unpaid against them for street improvements, in some cases equal to half the value of the property, in other cases perhaps equal to the full value of the property. These gentlemen say that these two taxes, in all 5 per cent., together with the tax for the street improvements, will, in a great many cases, amount to the confiscation of the property; that the small property-holders, men in moderate circumstances, will not be able to pay. They think that great oppression, suffering, and distress will result from the provision in this bill in regard to taxation. They fully concur with the bill in other respects, that the present government ought to be abolished, and are satisfied with the general provisions of the bill, but they say that from their knowledge of the condition of the District, and of the indebtedness of the people and the general depression of the times, in their opinion this bill would amount to the confiscation of a large amount of property in this District.

Mr. THURMAN. Undoubtedly, precisely such representations as have been so clearly stated by the Senator from Indiana have been made. They were made to the committee. They were considered by the committee. But what are the facts? Why, sir, in the city in which I live, which is the lightest taxed city in Ohio, we pay in round numbers 3 per cent. on all the personal as well as real property; in the city of Toledo they pay 4 per cent. on all the real and personal property. There is not a city in Ohio of any magnitude in which there is not a tax of about 3 per cent. upon the whole personal as well as real property. It is altogether a mistake to say that this is a tax which cannot be borne. Why, sir, this bill relieves these people of two millions of taxation already levied upon them at one sweep. It lifts off two millions of taxes at one single dash of the pen from these people, and it is quite useless to say that they cannot bear this tax.

Mr. MORTON. I will ask my friend what is the gross amount of unpaid taxes or unpaid assessments for street improvements?

Mr. THURMAN. I cannot tell exactly. It is distributed into five payments. I will ask the Senator from Iowa what is the amount of unpaid street assessments?

Mr. ALLISON. Including the sewer tax and the unpaid assessments for the streets, there are over $4,000,000 due.

Mr. THURMAN. What is the gross amount of the street assessments?

Mr. ALLISON. There are $2,400,000 of street assessments, to which ought to be added $1,050,000, which have already been disposed of, making over $3,000,000 for street assessments alone.

Mr. THURMAN. Only one-fifth of that fell due this year.

Mr. ALLISON. That is true.

Mr. THURMAN. But I do not wish to take up time. I move to lay the motion to reconsider on the table.

Mr. SHERMAN. Does not that carry the bill with it?

Mr. EDMUNDS. No, sir; that has been decided over and over again.

Mr. THURMAN. It was decided by Mr. Colfax long ago that such a motion does not carry the bill with it.

The PRESIDENT *pro tempore*. The motion is in order.

Mr. THURMAN. It does not carry the bill with it.

The PRESIDENT *pro tempore*. It does not. The question is on the motion to lay the motion to reconsider on the table.

The motion was agreed to.

ORDER OF BUSINESS.

Mr. EDMUNDS. I now renew the motion to proceed to the Calendar of unobjected cases under what is called the Anthony rule.

The PRESIDENT *pro tempore*. The first bill on the Calendar will be reported.

Mr. BUCKINGHAM. Before we proceed to the Calendar I desire to make a motion. There are quite a number of bills reported from the Committee on Indian Affairs action upon which would be a great relief, some to the Indians, and some to the settlers on these Indian lands. I will ask once more that the Senate give me an opportunity to present these bills so that they may be acted upon at some particular hour, and if no better hour is suggested I will name six o'clock this afternoon.

The PRESIDENT *pro tempore*. The Senator from Connecticut asks unanimous consent that at six o'clock this afternoon the Senate will proceed to consider bills reported by the Committee on Indian Affairs.

Mr. EDMUNDS. I feel obliged to object. The Judiciary Committee is in the same category, and if we can go through the Calendar of unobjected cases we shall dispose probably of a good many of the bills of the Indian Committee and a good many of ours, and of the bills of every other committee. It is impossible at this stage in the session justly to set aside any time to any particular committee. It does not do justice to the rest of the Calendar, in my opinion.

Mr. BUCKINGHAM. Other committees have had hours set apart for them since I first made this application.

Mr. EDMUNDS. It is a very bad practice indeed.

Mr. BUCKINGHAM. It may be a very bad practice, but I do not know how otherwise we are to secure the interests of those represented by this committee.

Mr. EDMUNDS. You would have got some of those bills passed by this time if you had let us go on with the Calendar.

Mr. WASHBURN. I ask the Senate to take up a bill which is No. 691 in the order of business.

Mr. EDMUNDS. I believe the first bill on the Calendar has been already called.

The PRESIDENT *pro tempore*. The first bill on the Calendar is before the Senate.

PROPOSED RECESS.

Mr. STEVENSON. I gave notice yesterday that I should move today to take a recess until half past seven o'clock for the purpose of considering House bill No. 2190, the pension bill relating to the soldiers of the war of 1812, and I now make that motion.

Mr. EDMUNDS. Is that motion in order?

The PRESIDENT *pro tempore*. It is.

Mr. EDMUNDS. I thought there was a later order which declared that we should have a continuous session from eleven to six o'clock.

The PRESIDENT *pro tempore*. The later order was that the Senate would sit from eleven to six o'clock. The Senator from Kentucky moves to take a recess from six until half past seven o'clock, which motion is in order under the former order of the Senate.

Mr. EDMUNDS. I respectfully submit that the motion to take a recess under the former order must be a motion to take a recess at the time when the motion is made. But I do not care anything about that; the Senate is full, and I would as soon the question should be taken now. I waive any point of that kind for the present.

The PRESIDENT *pro tempore*. The rule says "that during the present session it shall be in order at any time to move a recess." The motion is strictly in order.

Mr. EDMUNDS. I merely wish to say, by unanimous consent, as I suppose this motion is not debatable, that to take a recess for the purpose of considering this evening the pension bill which the Senator refers to is to take a recess which when you come to the measure involves the expenditure of a great many millions of dollars for a purpose which will require a good deal of debate before I am convinced that it ought to be done. Therefore I hope at this stage of the session that the Senate will not take a recess for any such purpose. In fact I may say as a point of order that that would be equivalent to making a special order, and you cannot take a recess for that purpose. You may take the recess, and then the Senator must take his chance about getting up the bill if he can. I hope we shall not take such a recess.

Mr. STEVENSON. Admitting the proposition of the Senator from Vermont that this may be in the nature of a special order, I only want to give notice that if we do take the recess it will be for the purpose of taking up this pension bill at the evening session. It may require a good deal of money. I will not deny the proposition of the Senator from Vermont that it may require millions of money; but to what more praiseworthy object could money be given than to the relief of the poor widows whose husbands lost their lives in the defense of their country? Many of them are about passing away, and from every part of this country petitions come up that this bare act of justice to the widows of these brave men shall be done. We can build in this city of Washington a single building that will cost $6,000,000, which is about the proposed cost of the new Congressional Library; we can give millions of money for the improvement of this city, and yet when it comes to a bare meed of justice to these poor widows, gentlemen think it is too expensive. But I do not intend to take up the time of the Senate. I hope we shall have a full vote on the question whether we shall meet here at half past seven o'clock, and if we do meet I shall move to take up the pension bill.

Mr. EDMUNDS. I ask for the yeas and nays on this question. I want to determine now whether the Senate on the last day but one of the session is going into the matter of paying pensions to a large body of our fellow-citizens in the South, whose last achievement was being engaged in the rebellion. I want to have it distinctly understood and find out what the majority of the Senate wish to do at this time. As the question is not open to debate, I do not care about speaking upon it.

Mr. PRATT. Mr. President——

The PRESIDENT *pro tempore*. Debate is proceeding by unanimous consent.

Mr. BOUTWELL. I must object.

The PRESIDENT *pro tempore*. The Senator from Vermont asks for the yeas and nays on this question.

The yeas and nays were ordered.

Mr. SHERMAN. I call for the regular order.

Mr. CHANDLER. So do I.

Mr. SHERMAN. Pending the regular order of business I suppose this motion is not in order.

The PRESIDENT *pro tempore*. The motion is in order and the Secretary will call the roll.

The question being taken by yeas and nays, resulted—yeas 34, nays 21; as follows:

YEAS—Messrs. Alcorn, Bayard, Bogy, Carpenter, Cooper, Davis, Dennis, Fenton, Ferry of Michigan, Flanagan, Gilbert, Goldthwaite, Hamilton of Texas, Johnston, Kelly, Lewis, McCreery, Merrimon, Mitchell, Morton, Norwood, Oglesby, Patterson, Pratt, Ransom, Saulsbury, Schurz, Spencer, Sprague, Stevenson, Stockton, Thurman, Tipton, and Windom—34.

NAYS—Messrs. Anthony, Boutwell, Buckingham, Chandler, Clayton, Conover, Edmunds, Frelinghuysen, Hager, Hitchcock, Howe, Morrill of Maine, Morrill of Vermont, Ramsey, Sargent, Scott, Sherman, Stewart, Washburn, West, and Wright—21.

ABSENT—Messrs. Allison, Boreman, Brownlow, Cameron, Conkling, Cragin, Dorsey, Ferry of Connecticut, Gordon, Hamilton of Maryland, Hamlin, Harvey, Ingalls, Jones, Logan, Pease, Robertson, and Wadleigh—18.

So the motion of Mr. STEVENSON was agreed to.

ORDER OF BUSINESS.

The PRESIDENT *pro tempore*. The morning hour having expired the Senate resumes the consideration of the unfinished business, which is the river and harbor bill.

Mr. WRIGHT. I trust the Senator from Michigan will consent to let us take up the conference report on the currency bill and have a vote upon it. I have no wish to say a word upon the subject and I do not suppose anybody else has.

Mr. EDMUNDS. I think that had better lie over a little while. I have not had time to examine it myself.

Mr. WRIGHT. All I want is to have the question disposed of as soon as possible. If it can be understood that it will be taken up in a short time hence——

Mr. EDMUNDS. I will withdraw my objection at the end of an hour from this time; and beyond that I merely wish to give notice that to-morrow morning, if we are all here, I shall again ask the Senate to go to the Calendar of unobjected cases and shall insist upon the regular order from this time to then.

Mr. FRELINGHUYSEN. I would ask the Senator from Michigan to give way to the Utah bill, laying aside his bill informally.

Mr. CHANDLER. I think we had better stick to the regular order.

TRANSFER OF GOLD BARS.

Mr. SHERMAN. There is a Senate bill on the table which has been returned from the House of Representatives with a small amendment, upon which there is a necessity for immediate action. I therefore ask to have it taken up and acted upon now.

There being no objection, the Senate proceeded to consider the amendment of the House of Representatives to the bill (S. No. 784) authorizing the transfer of gold mint bars from the bullion fund of the assay office, New York, to the assistant treasurer at New York, which was to insert after the words "coin at," in line 8, the words "market value."

Mr. SHERMAN. I move to amend the amendment by inserting in lieu of it the words "and not less than the market value" at the place I have indicated on the paper which I send to the desk. That will accomplish the object of the House. The language inserted in the House is in the wrong place. The bill simply authorizes the transfer of mint bars from the bullion fund of the assay office to the assistant treasurer at New York. It has passed the Senate already.

Mr. SARGENT. What difference does it make about the market value?

Mr. SHERMAN. The House, probably by inadvertence, have introduced those words at the wrong place, and I want them inserted at the proper place.

The amendment to the amendment was agreed to.

The amendment, as amended, was concurred in.

RIVER AND HARBOR BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 3168) making appropriations for the repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes.

The first amendment reported by the Committee on Commerce was on page 4, after line 75, to insert:

For removing bowlders and rock from the Detroit River, partly in Canadian waters, $25,000.

The amendment was agreed to.

The next amendment was on page 5, in line 97, to insert after the words "Dunkirk, New York," the words "and Erie, Pennsylvania."

The amendment was agreed to.

Mr. SCOTT. I wish to add at the end of that line an amendment in accordance with the recommendation of the Department, and one to which I presume there will be no objection.

The PRESIDENT *pro tempore*. If there be no objection the Chair will receive the amendment now, though the usual course is to go through with the amendments reported by the committee. The Clerk will read the amendment proposed by the Senator from Pennsylvania.

The CHIEF CLERK. The proposed amendment is to insert after the word "dollars" in line 98 the words "of which not less than $20,000 shall be expended at Erie;" so as to make the clause read:

For continuing the improvement of the harbor at Dunkirk, New York, and Erie, Pennsylvania, $35,000; of which not less than $20,000 shall be expended at Erie.

Mr. CHANDLER. There is no objection to that.

The amendment was agreed to.

The next amendment of the Committee on Commerce was in line 124, after the words "Saint Anthony," to insert the words "and for the improvement of the Mississippi River above the Falls of Saint Anthony;" so that the clause will read:

For continuing the improvement of the Falls of Saint Anthony, and for the improvement of the Mississippi River above the Falls of Saint Anthony, Minnesota, $50,000.

The amendment was agreed to.

The next amendment was in line 127, to strike out after the word "for" the word "continuing," and after the word "the" in the same line to insert the words "survey or;" so that the clause will read:

For the survey or improvement of the Minnesota River, $10,000.

The amendment was agreed to.

The next amendment was in line 130, to strike out after the word "river" the words "including repair of United States steamer Search, so that the clause will read:

For continuing the improvement of the Upper Mississippi River, $25,000.

The amendment was agreed to.

The next amendment was to strike out in lines 141 and 142 the following clause:

For continuing the improvement of the White River above Jacksonport, $50,000.

Mr. CLAYTON. I should like to ask the chairman of the Committee on Commerce what reasons governed the committee in moving to strike out this appropriation?

Mr. CHANDLER. I will give the reason. In the estimates of the board of engineers will be found this:

No work has been done under this appropriation—

The appropriation of $50,000 made last year—

No work has been done under this appropriation beyond fitting a boat for service in those streams during the coming season.

Only snagging operations are contemplated. The appropriation will allow of five months' work, of which I propose to expend three in the White River, below Jacksonport, and two in the Saint Francis, below Wittsburgh.

The report shows $46,568 on hand of last year's appropriation, and as nothing but snagging is contemplated by the board of engineers, the committee deemed that fully sufficient for one year.

Mr. CLAYTON. We have in the State of Arkansas three thousand five hundred miles of navigable water, and with the exception of the small appropriation made for the Mississippi and Arkansas Rivers, most of which is made for the Mississippi River, if the recommendation of the committee be adopted not one cent will be appropriated toward rendering available those natural highways of thirty-five hundred miles in extent. I see from the report of General Humphreys that he recommends this appropriation of $50,000 for the White and Saint Francis Rivers. I find that the chairman of the Committee on Commerce proposes to strike out this $50,000, taking away from the State of Arkansas every cent of appropriation, with the exception that I have spoken of heretofore, and I find in looking over the amendments of the committee that for the Detroit River $25,000 is appropriated. I have no objection to that appropriation being made, and I voted for it just now; but I do object to robbing poor Arkansas Peter to pay rich Michigan Paul.

A great deal has been said about cheap transportation; propositions are on foot now to expend tens of millions, perhaps hundreds of millions toward creating artificial means of transportation. It seems to me that it would be a wiser policy on our part to expend a few thousand dollars yearly, as we have been in the habit of doing, toward rendering available the means of transportation that nature has so admirably adapted to the commerce of this country. I do hope that the Senate will stand by me in this little appropriation of $50,000 for thirty-five hundred miles of navigable water.

Mr. CHANDLER. I will say that there are very large appropriations in this bill for the Arkansas and other rivers; but this river, where it is simply proposed to use a snag-boat, some three hundred miles above where it unites with the Arkansas, is a small stream, and there are no reports as to the commerce of the river, and there being $46,568.39 on hand for snagging purposes the committee thought it was sufficient for this year.

I will state, furthermore, that of the $4,500,000 appropriated in this bill there are something over $2,000,000 for the Mississippi River and it branches. All the watershed of the Mississippi Valley is interested in the whole of that $2,000,000. The committee has tried to so apportion it as to do the most good to the commerce of that great region.

Mr. CLAYTON. The large appropriation that the Senator speaks of as being made for the improvement of the Arkansas River is this:

For continuing the improvement of the Mississippi, Missouri, and Arkansas Rivers, $100,000.

Mr. CHANDLER. There is likewise an appropriation for the Red River raft.

Mr. CLAYTON. That is not in Arkansas at all; it is in the States of Louisiana and Texas. A small portion of it touches the southern boundary of Arkansas, but a very small portion. The only appropriation you have now made for the State of Arkansas is $100,000, which is to be applied for the Missouri, the Mississippi, and the Arkansas Rivers. I should like to know how much the river Arkansas will get after the Missouri and Mississippi Rivers have been provided for.

Mr. DAVIS. In my opinion this appropriation of $50,000 ought not to be stricken out. I have looked over this bill with some care, and I find that the $50,000 appropriated here is the only amount allotted to Arkansas, and by a little further inspection I find that Michigan—I refer to her as she has been spoken of—has $475,000 in this bill and $25,000 of that has been added since the bill came from the House. This is about the usual proportion. I think the figures will bear me out in saying that since the war about one-tenth, perhaps one-ninth of the entire appropriations for rivers and harbors has been given to one State on the lakes. Without stating it as a fact, I think the figures are pretty nearly what I stated when I assert that two States lying in the Northwest have got more from the public Treasury in the shape of river and harbor appropriations than the thirteen or fourteen States south of the Potomac. I think that is the fact.

Mr. CHANDLER. Mr. President——

The PRESIDING OFFICER, (Mr. FERRY, of Michigan, in the chair.) Does the Senator from West Virginia yield to the Senator from Michigan?

Mr. DAVIS. Yes, sir.

Mr. CHANDLER. The State of Michigan happens to have a larger coast line than any other State in the Union, and along that coast line more than one thousand millions of commerce pass annually. It is true that there are $475,000 appropriated in this bill to those waters surrounding the State of Michigan. She is a peninsula with thirteen hundred miles of coast line. We cannot pass a river and harbor bill as a matter of course without having the appropriations for Michigan brought up, and I had some idea of commencing the consideration of this bill by reading about thirteen speeches that have been made in the last thirteen years calling attention to the appropriations for Michigan, and then reading one of my old speeches that I have made thirteen times in reply to them, which will answer just as well.

The Committee on Commerce pays no attention to State lines. Its duty is to appropriate for the commerce of the nation regardless of State lines, and it has endeavored to do it. Allusion has been made to the committee putting on $25,000 for the mouth of the Detroit River. There is more than twelve millions of commerce passing that very point in seven months in the year, or two millions a month substantially. Michigan did not ask for that appropriation; it was asked for by every board of trade in the United States, from Boston to Philadelphia and Saint Louis. Pennsylvania, New York, Ohio, Indiana, Illinois, Wisconsin, all have ten times the interest in these appropriations that Michigan has. Why, Mr. President, Michigan has five parallel lines of railroad, all coming in below the Saint Clair flats, running through from lake to lake substantially completed, and the commerce of Michigan goes by rail to Detroit, and there is only $25,000 here for the benefit of that great commerce.

Mr. CLAYTON. I should like to ask the Senator whether the Engineer Department has recommended that appropriation?

Mr. CHANDLER. Which appropriation?

Mr. CLAYTON. For the Detroit River.

Mr. CHANDLER. Certainly they have.

Mr. CLAYTON. I do not see it in General Humphreys' recommendation.

Mr. CHANDLER. I have it here.

Mr. CLAYTON. I have looked carefully over his recommendations and have not been able to discover it; but I voted for that.

Mr. CHANDLER. There were eight wrecks there last year. This is simply to remove bowlders that have laid there since the glacial period; and by deepening the channel across the Saint Clair flats we have enabled them now to put on two thousand ton ships, and those two thousand ton ships touch these bowlders and there were eight wrecks and a loss of $178,000 last year alone. Now suppose you had a wreck or a rock discovered in New York harbor, how long would it be before there would be an appropriation put through here in post-haste to remove it? And yet there is more commerce passing that point during seven months in the year than there is in and out of the harbor of New York.

Mr. HAGER. Mr. President——

Mr. DAVIS. I gave way to the Senator from Michigan for a question. I have not heard the question yet.

The PRESIDING OFFICER. The Senator from West Virginia retains the floor.

Mr. DAVIS. I gave way to the Senator from Michigan for a question, but I have not heard it.

Mr. CHANDLER. I did not get up to ask a question. I answered one.

Mr. DAVIS. The Senator from Michigan has thought proper to say that the Committee on Commerce ignore State lines entirely. I fully agree with him in that respect. I think they have done so, as a rule, for a couple of States up North appear to get all and other States not a dollar.

Arkansas, as I understand, has as much navigable water as perhaps any State in the Union, more I am told than any other; and yet there is but $50,000 appropriated to that State; she has hitherto got comparatively nothing; and even that $50,000 is proposed to be stricken out by the committee, and $25,000 of that sum—I presume it is of that sum, but certainly $25,000—is transferred to the State of Michigan, when previous to that as the bill came from the House she had $450,000, or about one-ninth of this whole bill.

My impression is that it would be unjust, unfair, and unstatesmanlike to strike out this $50,000 appropriated to the Arkansas River. We all know it ought to be double or three times that in comparison with what a portion of the rivers in the Northwest received. It is a fact I believe that the Northwest, though they may have a great deal of commerce—that I say nothing about—have a large amount of appropriations, while there is an equal amount of commerce in other places that in this bill have nothing. Take the State of Missouri, for instance; $25,000 was appropriated by the House in this bill for that State, and only $25,000. That was the only appropriation affecting the State of Missouri, and yet it has been struck out by the Committee on Commerce. When the amounts were read in the bill for the States in the Northwest, including Michigan, nothing was said by any one on this side of the House; we were all willing to be liberal; but we believe it is right and just that an equally liberal spirit should meet the South and Southwest as is exhibited to the Northwest.

Mr. WINDOM. I desire to ask the Senator from Arkansas whether the amount appropriated by the House is the amount in the reduced estimates of the Department?

Mr. CLAYTON. It is the amount called for in the estimates for the White and Saint Francis Rivers.

Mr. WINDOM. Then I shall favor the proposition of the Senator from Arkansas. At the opening of this session of Congress, as will be remembered, the Departments were all requested to reduce their estimates. They revised them carefully; and in presenting these reduced estimates it is fair to presume that those officers of the Government who know best what the wants of certain localities are and the necessities of certain improvements have reduced them as low as they could consistently with the public service. In fact, I know the letter of the Engineer-in-Chief transmitting these reduced estimates to Congress says specifically that he has kept that fact in view and has reduced them as low as he could without detriment to the public service. Believing that to be true, I shall sustain this appropriation.

I want to say further, while on this subject and on the floor, that there is no bill which will be brought before the Senate about which I propose to be so liberal in appropriations as this bill, for the reason that there is no other bill brought before Congress that leaves behind it, to show for the appropriations made, substantial benefits to business interests of this country; at least none that can be compared with this. And yet I think it is true, Mr. President, that for the last ten years no bill has been brought before Congress about which there has been so much criticism—I was going to use the term "penurious higgling," but I will not use it—about which there has been so much criticism as this bill. You bring in the sundry civil appropriation bill which passed the House recently, which appropriates $600,000 for the survey of the coast around this country—proper enough; I do not object to it—but when that $600,000 appropriation is discussed here, you will probably find no objection to it whatever. The same bill appropriates $750,000 for a public building in one place and a million and a half for public buildings in another place; but when we propose to appropriate $50,000 to benefit the section of country represented by my friend from Arkansas we stand here and discuss it, seeking to strike it down, finding fault with loading the bill, and all that.

Mr. President, I am in favor of putting upon this bill whatever is necessary for the business interests of the country. It leaves behind it something to show for the appropriation. When you appropriate money to pay salaries, or for nearly every other object that we appropriate money for in the Senate, it passes away with the end of the year and leaves nothing behind to benefit anybody. This is the people's bill for the people's interest, and to benefit commerce in this country, and on it I am willing to stand for all proper appropriations recommended by the Departments, especially when they have been called upon to revise and reduce their estimates and they say they cannot bring them below a certain point without detriment to the public service, as I believe is the case with my friend's proposition.

Mr. SPENCER. Being a member of the Committee on Commerce, I wish to say that I endeavored in the committee to have the Ouachita River substituted for the White River. The White River above Jacksonport is an unimportant stream; the country is sparsely settled; there is no commerce there, and very little use for the appropriation. I would say to the Senator from Minnesota that the revised estimates of the engineers do not recommend such improvements as these as necessary. I am sorry to see the appropriation for Arkansas stricken out, and I endeavored in the committee to stop it; but I sought to substitute the Ouachita River for the White River. The Ouachita River drains a rich alluvial country, and its improvement would benefit commerce. There is no necessity for this improvement of the White River above Jacksonport.

Mr. BOGY. I will not detain the Senate on this matter beyond the statement of a fact. I hope this appropriation will not be taken away from the State of Arkansas. White River can be made navigable for a large portion of the year with a small annual improvement. It drains all Northern Arkansas, flowing in a westerly direction along the northern line of the State of Arkansas and not far from the southern line of the State of Missouri, and it is a most important stream and the only outlet for that portion of Arkansas. It drains some ten or twelve of the finest counties of that State, counties that are improving in population every day, a fine cotton region; and it is the only means by which that portion of the country, Northern Arkansas and Southern Missouri, can get to market except by the old way, with mules and horses. If this river is not improved by a small annual improvement it becomes unnavigable on account of logs and driftwood brought down every spring.

In the revised estimates the sum of $50,000 is recommended for this improvement. In the original estimates the some of $64,000 was recommended, but in the revised estimates made in December, 1873, sent to Congress in January, 1874, under the resolution of the House of December 7, 1873, the sum of $50,000 is recommended as the amount necessary for that river. If we are to take anything as our guide in these appropriations, it does seem to me that these estimates are the best guide. I do hope this small appropriation will be retained, because I know it is important and without it that river is unnavigable for this year.

Mr. CHANDLER. Last year the Committee on Commerce put in a clause requiring the engineers in making surveys to give the statistics of commerce of all the harbors and rivers where appropriations were made, and in nearly all cases those statistics of commerce are given. They were required to do the same in regard to White River, but there are no statistics of the commerce of White River given. As there was $46,568 on hand, the committee thought it was as well for them to expend that $46,568, and return the statistics of the commerce of the river in their annual report. In almost every instance the statistics of commerce are given where any appropriation has been made.

The PRESIDING OFFICER. The question is on the amendment of the Committee on Commerce striking out the clause.

Mr. CLAYTON. I suppose the vote "no" on this will be to retain the appropriation.

Mr. SCHURZ. That is understood.

The PRESIDING OFFICER. Those voting "ay" vote to strike out the appropriation.

The amendment was rejected; there being on a division—ayes 16, noes 30.

The next amendment reported by the Committee on Commerce was to strike out lines 143 and 144, as follows:

For continuing the improvement of the Osage River, Missouri, $25,000.

Mr. SCHURZ. I hope the Senate will not agree to this amendment. Much that has been said about the White River is applicable to the Osage River; and also the report of the engineer shows that the amount required in addition to the balance left of the last appropriation was $125,000. The revised estimates show that the board of engineers ask for the appropriation made here and now moved to be stricken out by the Committee on Commerce.

The question may be asked what is the commerce of the Osage River; and I suppose the committee had no statistics about that very likely. I can inform the committee that there is a very extensive mining industry springing up on the banks of that river which absolutely requires for the transportation of its products the improvement of the river.

The improvement has been commenced, and I think it is a matter of experience that when improvements are commenced and are interrupted then the good that has been achieved by the expenditure of the money is lost by the parsimonious refusal of the amount required to complete them. I hope, therefore, that the Senate will not agree to the amendment proposed by the committee.

Mr. CHANDLER. The same remarks which were made about White River will apply to this. I have no further remark to make.

Mr. BOGY. I will only state that this $25,000 is recommended in the revised estimates. The same amount was appropriated last year. The total amount recommended for this river was $125,000, which would effect the entire improvement of the Osage River, a river which is navigable for two hundred and fifty miles and requires but a small improvement. This sum is recommended in the revised estimates and is the only sum appropriated for the improvement of any rivers in the State of Missouri except the Missouri River itself and the Mississippi. I do hope the amendment will not be sustained.

The amendment was rejected.

The next amendment of the Committee on Commerce was in the appropriation for continuing the improvement of the Mississippi River between the mouths of the Ohio and Missouri Rivers, in line 146, to strike out "Missouri" and insert "Illinois," and after the word "dollars," in line 147, to insert the words "and $15,000 of said amount shall be expended between the mouths of the Missouri and Illinois Rivers."

The amendment was agreed to.

The next amendment was after line 184 to insert the following clause:

For removing obstructions in the Choctawhatchie River, Alabama and Florida, $5,000.

The amendment was agreed to.

The next amendment was after line 190 to insert the following clause:

For the improvement of the Chattahoochee and Flint Rivers, Georgia, $25,000.

The amendment was agreed to.

The next amendment was after line 196 to insert the following clause:

For the improvement of the Apalachicola River, Florida, $10,000.

The amendment was agreed to.

The next amendment was after line 200 to insert the following clause:

For the improvement of Chester River, at Kent Island Narrows, Maryland, $5,000.

The amendment was agreed to.

The next amendment was after line 204 to insert the following clause:

For the improvement of Elk River, Maryland, $5,000.

The amendment was agreed to.

Mr. JOHNSTON. I desire to offer an amendment to the clause in regard to continuing the improvement of the James River; but I presume I had better let the committee's amendments be first acted upon.

The PRESIDING OFFICER. The amendments of the committee will be acted upon first.

The next amendment of the Committee on Commerce was after line 229 to insert the following clause:

For the removal of obstructions in the harbor and the construction of a pier at New Castle, Delaware, $10,000,

The amendment was agreed to.

The next amendment was after line 234 to insert the following clause:

For continuing United States pier in Delaware Bay, near Lewes, Delaware, $10,000.

The amendment was agreed to.

The next amendment was in line 249 to strike out the words "and Harlem Rivers" and to insert the word "river;" so that the clause will read:

For continuing the improvement by removing obstructions in the East River, at or near Hell Gate, $225,000.

The amendment was agreed to.

The next amendment was after line 256 to insert the following clause:

For the improvement of the harbor at Fall River, Massachusetts, $10,000.

The amendment was agreed to.

The next amendment was in line 262 to increase the appropriation for continuing the improvement of the harbor at Newport, Rhode Island, from $5,000 to $10,000.

The amendment was agreed to.

The next amendment was after line 276 to insert the following clause:

For the improvement of the harbor at Milford, Connecticut, $5,000.

The amendment was agreed to.

The Chief Clerk continued the reading of the bill down to and read the following clause:

For removing wrecks and rocks off the harbor of San Francisco, California, $25,000.

Mr. SARGENT. I wish to offer an amendment at this point. Is it by order of the Senate that the amendments of the committee are first acted on?

The PRESIDING OFFICER. That is the practice of the Senate.

Mr. SARGENT. I believe it is in order for me to offer an amendment.

The PRESIDING OFFICER. It has been the custom of the Senate to act on the committee's amendments first and take up other amendments afterward.

Mr. SARGENT. I should like to offer an amendment to the first section, but I will reserve it.

The PRESIDING OFFICER. The Senator will have an opportunity after the committee's amendments are acted upon.

The next amendment of the Committee on Commerce was in lines 319 and 320 to strike out the words "for examinations and surveys of rivers and harbors, and," and in line 321 to strike out "$75,000" and insert "$25,000;" so as to make the clause read:

For incidental repairs of harbors for which there is no special appropriation, $25,000.

Mr. DAVIS. That amendment strikes out all the surveys that are contained in the bill. The bill as it came from the House appropriated $75,000 for the examination and survey of different rivers and harbors. The committee propose to reduce the appropriation to $25,000 instead of $75,000 as it is now. If the amendment prevails, no other surveys will be ordered.

Mr. SARGENT. Then they strike out the whole of the second section providing for examinations and surveys.

Mr. DAVIS. I understand that. I have stated the effect of the pending amendment, but as there was a good deal of noise in the Chamber, perhaps I was not heard. I see the Senator from Michigan [Mr. CHANDLER] hold his hand to his ear as if he wanted to hear what I have to say, and I wish him to hear me.

The pending amendment proposes to reduce the appropriation for examinations and surveys of rivers and harbors from $75,000 to $25,000. This is followed by an amendment striking out the second section, which contains all the surveys ordered by the House. Some of them perhaps may be unnecessary; that I know nothing of; but in that section there are some very important surveys provided for, surveys which I know personally are of the highest importance. The result will be to prevent all surveys of rivers and harbors. It is a blow at the whole system. Further than that, as I understand, appropriations hereafter can only be made after surveys by the Government, and if we make no surveys, no appropriations can be made hereafter. I believe I am right in that. The surveys of the Northwest, and perhaps of the North and much of the other portions of the country, have already been made. Unless these surveys are ordered, many of which are of important rivers, although some of them may be unimportant, no appropriation can be had in the future for them. I therefore hope the amendment will not be agreed to.

Mr. CHANDLER. There are a very large number of surveys in the second section, unquestionably some of them very important, and others unimportant. The House will undoubtedly non-concur in our amendments and ask for a committee of conference, and in that committee of conference the more important surveys will no doubt be retained. Heretofore we have ordered some surveys which ought never to have been made, surveys of small creeks and small streams. In one instance, I think, we ordered the survey of a creek that had but eight inches of water and was about eight feet wide. It was simply ridiculous. Nobody knew anything about it; but it was inserted, and the Government engineers went to survey this little creek with about eight inches of water and eight feet wide. If the Senate shall see fit to stand by the committee in its recommendations the more important surveys, surveys that are really important, will undoubtedly be put in by a committee of conference. If the Senator has any surveys he desires to have made I will accept them before the section is stricken out, which will bring them before the committee of conference.

Mr. RAMSEY. Will the Senator then accept an amendment on page 15, after line 22, to insert "Red River of the North from Breckenridge to Moorhead?" I will furnish it to the Senator.

Mr. CHANDLER. Certainly, I will accept that.

Mr. HAGER. Will the Senator accept an amendment for the Sacramento and Feather Rivers, in California?

Mr. CHANDLER. Certainly, if the Senator will prepare it.

Mr. HAGER. It will be found in lines 31 and 32 of the second section.

Mr. CHANDLER. The Senator from Kentucky had a survey that he desired to have inserted, which I will accept.

Mr. KELLY. I am altogether opposed to striking out any part of this sum. I think that every survey that is contemplated in the second section ought to be made. It is a well established fact that Congress will make no appropriation for the improvement of any river or harbor until a survey is made by some competent authority of the United States. Now, if section 2, which follows this clause, should be stricken out, of course we can expect no appropriations whatever for any work mentioned in it.

Mr. CHANDLER. Of course enough of section 2 will be restored to carry out any surveys that may be agreed upon in the committee of conference.

Mr. KELLY. I wish to say a few words in relation to those surveys proposed to be stricken out in section 2 so far as Oregon is concerned. I will refer to that section because it is affected by this proposed amendment. First is the survey of the "Cascades and Dalles of the Columbia River, Oregon and Washington Territory." That is an important matter. At the Cascades there is an obstruction in the navigation of about three miles. If that were surveyed and, as the people there think, an improvement made by canal and locks, it would open the river from the sea to east of the Cascade Mountains. It is now obstructed at that place, and the people, through the Legislatures of Oregon and Washington Territory and Idaho, have asked for an appropriation that that survey may be made. It is of very great importance to us.

Then there are three others: the Skaget River, the Snohomish River, and the Chehalis River. I speak now in behalf of the people of Washington Territory who have no representative here. They desire that those surveys should be made by some competent authority of the United States.

While I am on my feet, I will refer to an item on page 15, line 28:

Snake River, Idaho, from Shoshonee Falls to Lewiston, examination and estimates for removing bowlders and other obstructions.

That river is the boundary between Oregon and Idaho, and it is thought by many people in Idaho that if the obstructions there were removed and those at the Cascades and the Dalles, there could be a continuous line of navigation from the sea to within one hundred and fifty or two hundred miles of Salt Lake Valley. I say it is important that these surveys should be made, so that we may know in some future year, perhaps next year, whether an appropriation ought to be made. Therefore, so far as Washington Territory and Idaho Territory and the State of Oregon are concerned, I do hope the amendment will not be concurred in. Other gentlemen can speak for their own localities.

Mr. WASHBURN. I ask to offer an amendment to come in after the third line on the fourteenth page:

New Bedford Harbor, Massachusetts.

I believe the chairman of the committee proposed to accept that.

Mr. CHANDLER. I will accept it.

Mr. WASHBURN. I wish to say one word in reference to that amendment.

The PRESIDING OFFICER. Is this an amendment to the amendment of the committee, or is it an original amendment?

Mr. WASHBURN. It is an original amendment.

The PRESIDING OFFICER. The custom has been to act upon amendments reported by the committee in charge of the bill before other amendments are proposed. The Chair has refused to entertain other amendments, and to preserve the custom of the Senate and the consistency of the Chair he will be compelled to follow that practice.

Mr. WASHBURN. If the President understands the question, this is an amendment to the section which the committee propose to strike out, and which amendment the committee propose to have offered before the section is stricken out.

The PRESIDING OFFICER. The Senate have not reached the point where the Senator proposes to make his amendment. He will wait until that point is reached. The question is on the pending amendment of the Committee on Commerce.

Mr. BOGY. What amendment is before the Senate?

The PRESIDING OFFICER. The Secretary will report the amendment.

The CHIEF CLERK. On page 14, lines 319 and 320, the committee report to strike out these words: "for the examinations and surveys of rivers and harbors, and," and in line 321 to strike out "75" and insert "25;" so that the clause will read:

For incidental repairs at harbors for which there is no special appropriation, $25,000.

Mr. BOGY. I hope the amendment will not be adopted. I think it presents a question of very great importance. The time has come when the rivers of the interior country must be examined by scientific men and the facts developed by those examinations laid before Congress that they may legislate knowingly and intelligently on the subject. To reduce this sum to $25,000 and to provide that it shall be used only for incidental repairs of harbors for which there is no special appropriation, is destroying the object which the House of Representatives had in view in appropriating $75,000 for examinations and surveys of rivers for which there are no special appropriations. It is of the greatest importance that the rivers of the interior of the country, those great outlets and means of transportation by which the vast wealth of the interior of the continent can reach the ocean, should be examined, and the amount of $75,000 is very small for that object. The harbors spoken of here are harbors on the ocean and the lakes principally.

In addition to that, we have a commerce in the interior of the country which is growing with enormous rapidity, and it becomes the duty of Congress to legislate with a view to that vast and rapidly growing commerce in the West. An examination of these rivers is of the very greatest importance. I hope, therefore, the amendment will not be adopted, but that the appropriation will remain as it passed the House, at $75,000, for examinations and surveys of rivers, as well as for incidental repairs to harbors.

Mr. HAGER. I agree with the Senator from Missouri in regard to the expediency and the necessity of retaining the section proposed to be stricken out, so far at least as the Sacramento River below Tehama and the Feather River below Marysville, California, are concerned. I will state that the Sacramento River traverses the Sacramento Valley, and I do not know that a dollar has ever been expended upon that river by the Government hitherto. It has all been done by private enterprise at the expense of private individuals to keep that river open. The whole expenditure upon the coast of California, which is far more extensive than that of the State of Michigan which the Senator has referred to, is $25,000. For that whole coast, from Oregon down to Mexico, the appropriation in this bill is the insignificant sum of $25,000 to remove a wreck in the harbor of San Francisco. After a struggle this clause was inserted in the House to obtain a survey of the Sacramento River from Tehama down, and of the Feather River from Marysville down, being navigable streams, and it is, I believe, the first attempt to improve those rivers by the order of the Government.

Mr. SARGENT. My colleague will also find a survey provided for of the San Joaquin River below Stockton, a great channel of commerce, in line 50, on the next page——

Mr. HAGER. I was going to see if the San Joaquin was in.

Mr. SARGENT. Yes, sir; it will be found in line 51, page 16.

Mr. HAGER. That river traverses the other valley running south. The principal portion of the arable lands of the State of California is the valley of the Sacramento and the valley of the San Joaquin, both of these rivers being navigable, and being necessary for the transportation of the agricultural products from the head of each valley to tide-water. Now it is proposed to obtain merely a survey in regard to the improvement of these rivers. Several hundred thousand dollars have hitherto been expended on the Sacramento River by the steam-navigation companies, and by private enterprise entirely. I hope this small effort to obtain some assistance for the navigable streams in California will not be stricken out, especially as we have but $25,000 for that whole Pacific coast appropriated in this bill. I propose to offer an amendment for an increase in regard to other harbors.

I merely wish to make another remark. I find on page 1 of this bill this clause:

For continuing the improvement of the harbor at Ontonagon, $23,000.

I ask for information why that is there, after it has been withdrawn by the Department in the revised estimates which I hold in my hand, page 22?

Mr. CHANDLER. It was restored at the request of the board of engineers; and I hold their recommendation in my hand, which was sent, and very urgently sent, to the Committee on Commerce in the other House. Here is the recommendation.

Mr. HAGER. Then the Senator will thank me for giving him the opportunity of stating that.

Mr. CHANDLER. Certainly; I do very much.

Mr. MITCHELL. I desire to say a few words in reference to this matter. I shall oppose the amendment proposed by the Committee on Commerce by which they propose to strike out "seventy-five," in line 32, on page 14, and insert "twenty-five." I shall also oppose the proposed amendment to strike out the whole of section 2 of the bill, and for the reasons which I will state. It is substantially conceded by the chairman of the Committee on Commerce that there are surveys proposed by this section that are meritorious and that should be retained in this bill; but it is said by the honorable chairman that they may be retained by a committee of conference. Now, sir, I do not propose, so far as my action is concerned, to take the chances of a committee of conference in regard to a matter that is conceded to be right, in regard to surveys that ought to be retained in this bill, and which the chairman of the Committee on Commerce concedes should be retained in it. I have seen enough of the action of committees of conference in the short time I have been here to satisfy me that it is not very safe to trust to their action in regard to matters of this kind; and therefore I propose that what is right shall be retained now by the Senate.

The first survey contained in section 2, which has been stricken out by the Committee on Commerce, relates to the survey of the Cascades and Dalles to the Columbia River, Oregon, and Washington Territory. It may be that there are certain surveys provided for in this section that ought to be stricken out. If that is so, then it appears to me that that was the duty of the Committee on Commerce, and before reporting the bill they should have stricken out the proposed surveys that have no merit and retained those that have merit.

Now, sir, in regard to the survey of the Columbia River, I desire to offer this suggestion: A great cry is made here to-day by the representatives from the Mississippi Valley about the want of cheap transportation. They are paying I presume at the rate of but a little less than one cent per ton per mile, for getting their produce from Chicago to New York, for instance. I do not deny the justice of their complaint, but I desire to draw a comparison for a moment between the charges paid by the producer in the great Mississippi Valley and the charges imposed upon the producer in Oregon, Washington Territory, and Idaho. The Willamette River is no mere creek, as it was designated by the Senator from New York [Mr. CONKLING] the other day. We are sending out to-day from the port of Portland on this "creek," so designated by the Senator from New York, over one hundred and fifty ship-loads of wheat the present year. We are paying to-day for transportation from Portland to Umatilla, a distance of two hundred miles, a freight charge of twenty-five dollars a ton. This is at the rate of twelve and a half cents per ton per mile. How does that compare with the charges imposed upon the people of the Mississippi Valley of one cent, in fact less than one cent per ton per mile that they are now paying? Nine and six-tenths mills is about the average cost of water transportation between Chicago and New York, while by rail it is a little over one cent, twelve and one-tenth mills; whereas the people of Oregon and Washington Territory are paying for transportation on their freight on the great Columbia River at the rate that I have stated, namely, twelve and a half cents per ton per mile, and that in gold coin.

Sir, this bill as reported by the Committee on Commerce proposes to give in all for the improvement of the Columbia and Willamette Rivers, how much? About $47,000 all told, less than 50 per cent. of the whole sum contained in the estimates for that service. If there is any one thing that the people of the North Pacific coast are united upon, it is on opening up the commerce of the Columbia River; it is in favor of immediate surveys of the portages at the Dalles and the Cascades of the Columbia River, and estimates made in order that

the Government may be informed in regard to the practicability of constructing dams and locks, and in regard to the cost of such improvements. Therefore I object to striking out the whole section containing proposed improvements so meritorious as this one is, simply because there may possibly be certain proposed improvements contained in the section that have no merit.

A survey is asked here of the Snake River, extending on up to Idaho, so as to connect the waters of the Columbia River with the point where the North Pacific Railroad will strike the waters of that river. A small appropriation is asked for the survey of that river. That has been stricken out, and yet it is a matter of vital importance to the people of the North Pacific coast, and a matter that will cost comparatively but a small sum, as has been stated by my colleague. The Legislatures of Oregon, of Idaho, and of Washington Territory have been unanimous in their demand for a survey and estimates at the Cascades and Dalles of the Columbia River. It seems to me it would be doing that portion of our country a very great injustice to refuse them the small favor they ask, of having a survey made, which at most can cost but a very small sum, in order that the Engineer Department of the Government may be advised with reference to the practicability and cost of these proposed improvements.

I do not desire to detain the Senate, but I insist that the amendment proposed by the Committee on Commerce in reference to this whole section should be voted down and the section retained.

Mr. CHANDLER. The Committee on Commerce recommended the striking out of the whole section for the reason, that the recommendations and papers on which this section was put in were not before the Committee on Commerce. The committee were aware that there were some surveys which ought to be made. Undoubtedly those to which the Senator from Oregon alludes ought to be made; but in regard to appropriations for Oregon every dollar that was recommended either in the original or the revised estimates of the engineers has been appropriated.

Mr. MITCHELL. I beg pardon. The Senator must be wrong.

Mr. CHANDLER. I have the papers before me, and I say that in every instance the revised and original estimates have been followed in regard to Oregon, and I believe that is the only instance where that has been done in any of the appropriations before the Committee on Commerce.

Mr. MITCHELL. What is the estimate for the Upper Columbia River?

Mr. CHANDLER. The original estimate was $20,000; the revised estimate $20,000; and the appropriation is $20,000.

Mr. MITCHELL. What does the report of the Chief of Engineers say?

Mr. CHANDLER. I have it before me.

Mr. MITCHELL. I read from page 1122 of the report of the Chief of Engineers:

The following is a statement of the moneys expended and available for this improvement during the fiscal year—

Speaking in reference to the improvement of the Upper Columbia River—

Available July 1, 1872	$50,000 00

That was the appropriation made in 1872. There was no appropriation made for the present fiscal year; and the Chief of Engineers is now speaking in reference to the appropriation made in 1872, and the improvement made in pursuance of that appropriation, and he says:

Expended—		
Removal of rocks	$19,296 69	
Superintendence, office expenses, &c	2,488 98	
		21,785 67
Balance on hand June 30, 1873		28,214 33
Amount required for fiscal year 1874-'75		50,000 00

That is what the Chief of Engineers says in regard to it, that the amount required for the next fiscal year, not the present fiscal year, is $50,000.

The amount asked for the next fiscal year will be applied to the improvement of Homly Rapid, and such other work as may tend eventually to put the rest of the river, from the Dalles to the crossing of the North Pacific Railroad, (near Snake River,) in the same condition for navigation as the John Day, Umatilla, and Devil's Bend will be when the present contract is finished.

Next, in reference to the estimates for the Upper Willamette River, the amount allowed by the House and also reported by the Committee on Commerce of the Senate is $7,500. I will read what the engineer says in relation to that.

Mr. CHANDLER. If the Senator will pardon me, he is reading from the report of the local engineers, while I am reading from the report of the Chief of Engineers, as submitted by the President at the opening of the session. We are reading from entirely different documents.

Mr. WEST. There is no particular question in the amendment that concerns my locality, but I think the Senate ought to understand in general terms what the proposition of the committee is. This bill as it comes from the House includes an appropriation of $75,000 for the surveys of the various water-channels of the country embraced within twenty-six States and Territories of the Union. Therefore twenty-six States and Territories are interested in having these surveys prosecuted. The amount appropriated for this purpose last year was $200,000.

Mr. CHANDLER. One hundred and twenty-five thousand dollars.

Mr. WEST. One hundred and twenty-five thousand dollars last year. The Senator is correct. I meant to say that $200,000 was asked for this year. Two hundred thousand dollars was asked for, and the House of Representatives have given $75,000, or $3,000 to each State and Territory, averaging it, to be distributed throughout this whole Union in the prosecution of the surveys of the water courses of the country. Has anything more penurious been recommended by any committee than to reduce that down to $1,000 per State and Territory? I do not think when the Senate understand it they will accede to any such proposition.

Mr. DAVIS. Let me correct my friend from Louisiana. The committee's amendment proposes to give nothing whatever to any State for surveys; and if the amendment be adopted no survey can be made in any State.

Mr. WEST. That is so, I see, except for repairs. Now, with the experience we have had appropriating here year after year hundreds of thousands of dollars for this purpose, when the Department ask for $200,000, it is penurious and poor economy to restrict it to merely $25,000 for repairs. I am convinced when the Senate understand the matter they will vote it down.

Mr. WRIGHT. I wish to make an appeal to the Senate. I sought immediately after the close of the morning hour to call up the conference report on the currency bill. The Senator from Vermont [Mr. EDMUNDS] expressed a wish to look at the report, and said he would be willing to take it up at the end of an hour. I find myself quite indisposed, and yet exceedingly anxious to get the conference report out of the way. I am also expecting every moment to be called off upon another conference committee. I have no wish to say one word in reference to this report, but I trust the Senate will by unanimous consent let us dispose of it and get it out of the way. I ask therefore unanimous consent that the conference report on House bill No. 1572 be taken up. I do not want to say a word on the subject, and I hope the vote will be taken at once so that we get it out of the way.

The PRESIDING OFFICER. Is there objection to proceeding to the consideration of the conference report on House bill No. 1572? The Chair hears none, and it is before the Senate.

Mr. DAVIS. Subject to call for the river and harbor bill if it shall lead to debate?

Mr. WRIGHT. Certainly.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had concurred in the resolution of the Senate authorizing Spencer F. Baird, United States Commissioner of Fish and Fisheries, to have the engravings for his report executed under the direction of the Joint Committee on Public Printing.

The message also announced that the House had passed the following bills:

A bill (S. No. 954) prohibiting the publication of the revised statutes of the United States in the newspapers at the expense of the United States; and

A bill (S. No. 110) for the relief of the East Tennessee University.

The message also announced that the House had passed the following bills and joint resolutions, in which it requested the concurrence of the Senate:

A bill (H. R. No. 3477) for the relief of Nelson Tiffany;

A bill (H. R. No. 3761) directing the Secretary of the Treasury to report upon the necessity of a public building at the city of Auburn, New York;

A bill (H. R. No. 3762) to amend the act entitled "An act for the erection of a public building for the use of the United States in Atlanta, Georgia;"

A joint resolution (H. R. No. 112) directing the Public Printer to keep an account of all expenditures for printing, mailing, and binding the CONGRESSIONAL RECORD, &c.; and

A joint resolution (H. R. No. 113) making an appropriation for the purchase and restoration to the family of the Marquis de La Fayette of the watch presented to him by General Washington.

The message further announced that the House had passed a concurrent resolution for the printing of three thousand copies of the statistical atlas of the United States based on the results of the ninth census, now being compiled by Francis A. Walker.

The message also announced that the House had passed a concurrent resolution for the printing of twenty thousand copies of the Report of the Commissioner of Education; a concurrent resolution for the printing of six thousand copies of the report, with appendix and evidence, of the Select Committee of the Senate on Transportation Routes to the Sea-board; and a concurrent resolution for the printing of the report of R. W. Raymond on mining statistics, with the accompanying engravings; in which the concurrence of the Senate was requested.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (S. No. 176) to encourage the establishment of public marine schools;

A bill (S. No. 311) for the relief of Joseph Montanari;
A bill (S. No. 595) for the relief of Benjamin Cooley and James W. Boswell;
A bill (H. R. No. 526) for the relief of James De Long;
A bill (H. R. No. 1206) for the relief of Charles J. Sands, of Brooklyn, New York;
A bill (H. R. No. 2064) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1875, and for other purposes;
A bill (H. R. No. 2398) granting a medal to John Horn, jr., for his heroic exploits in rescuing men, women, and children from drowning in Detroit River;
A bill (H. R. No. 2292) for the relief of William Walker;
A bill (H. R. No. 2694) for the relief of Benjamin W. Reynolds;
A bill (H. R. No. 2898) for the relief of J. & W. R. Wing, of New Bedford, Massachusetts;
A bill (H. R. No. 3166) to correct the date of commission of certain officers of the Army;
A bill (H. R. No. 3171) to amend the customs-revenue laws and to repeal moieties; and
A bill (H. R. No. 3586) to authorize the construction of a bridge across the Mississippi River at or near the city of La Crosse, in the State of Wisconsin.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. E. BABCOCK, his Secretary, announced that the President had this day approved and signed the following acts:
An act (S. No. 228) for the relief of Bigler, Young & Co.; and
An act (S. No. 571) to authorize the Baltimore and Ohio Railroad Company to construct a branch and to change the location of its road within the District of Columbia, and for other purposes.

THE CURRENCY—BANKING.

The PRESIDING OFFICER, (Mr. FERRY, of Michigan, in the chair.) The conference report on the bill (H. R. No. 1572) to amend the several acts providing a national currency and to establish free banking, and for other purposes, is before the Senate.

Mr. FLANAGAN. If no other Senator is disposed to present any opposition to this measure it is very unnecessary for me to do so; but my opinion is, candidly, with all deference to my friend from Iowa and the committee, that it would have been better for this report to have slept for all time to come. It begins in nothing as I conceive, and ends most beautifully likewise. If there is beginning or end to it I have not been able to find it. I suppose this is the action of the Congress of the United States after having been six months earnestly and closely engaged in endeavoring to do something toward the resumption of specie payments, a subject that at last has been studiously, ingeniously, and well avoided, for it is ignored in every sense of the word. If that is what this nation wants on the subject of finance, it is peculiarly successful under this report. It is merely in my opinion the first direct step to repudiation. It is nothing else; surely it is nothing more, for in it the idea of aspecie resumption at any day, either direct or remote, is not alluded to, if I recollect the reading correctly.

Now, sir, I think much better would it have been if this matter were permitted to pass quietly, no action being taken by Congress, but admitting to the world frankly and without equivocation that the Congress of the United States were not able to grapple with the great subject, for most assuredly, as I have remarked, this is an unqualified failure. It does nothing one way or the other, as I conceive, except to try to satisfy to some extent particular States who claim they have not been fairly dealt by in the distribution of facilities for organizing national banks.

Under this bill I have no hesitancy in saying here that $20,000,000 in the next current year will not be removed from the North for banking purposes West. I have no objection, so far as I am concerned, that every dollar of it shall be removed; but there will be no demand for it, as I conceive, to the amount contemplated here. I interpose no objection whatever; but that is the only boon that I can perceive will be realized, if that should be, and I have no idea that it will be. Time will certainly demonstrate who is correct on that branch of the subject.

But instead of meeting this great question as it deserves to be met, everything tending to a resumption of specie payments is directly ignored for the present. So regarding it, and looking at the action upon this subject for months past, and invoking the history, if you please, not only of this nation from its earliest day to the present hour, but the history of the world, I am justified in holding that we shall get further and further from resumption. Certainly it is not contemplated in this report, and I for one regret that the report has ever found its way to Congress.

The PRESIDING OFFICER. The question is on agreeing to the report.

Mr. FLANAGAN. I ask for the yeas and nays on this document.

The yeas and nays were ordered.

Mr. EDMUNDS. This report, as far as it provides for the redistribution of banking facilities, I am entirely satisfied with, as we have often voted in the Senate and have said over and over again. The chief objection that I have to the report is that it abolishes the reserve that the banks have hitherto been obliged to keep. Inasmuch as in my brief experience I never knew a bank that could honestly keep itself above water without keeping a reserve to meet the demands in panics and sudden runs upon it, I think the provision in this report which provides for abolishing all reserves is a very dangerous and improper one. You may say that all prudent bankers will keep reserves. So they will; but all prudent bankers, like prudent Senators, are sometimes tempted by persuasion to do things which if they were left entirely to themselves they would not do. And then there is another class of banks probably in this country, those who may be classed as not prudent bankers, those in respect to whom (as you have as to all banks, speaking largely) you must provide limitations and restraints by law. I think this the first time in the history of legislation respecting banks in any well-ordered community, as the United States is, where under any system of banking like this or any other that we have had, that it was proposed by law to provide in terms that no bank shall be obliged to keep a reserve to meet sudden runs upon it. Now to keep 15 per cent. of the deposits, for that is what I believe the country banks have to keep, merely to stand a run on deposits, is in a panic nothing at all; your 15 per cent. of deposits would be run out before the first half of the first day if a run on a bank took place.

I think that we shall make a great mistake when we authorize the banks of the United States to loan all the money that they have of capital paid in and of deposits made, excepting the 15 per cent. of the deposits which is to be reserved for the purpose of paying deposits. So far as the presentation of bills for redemption is concerned, as distinguished by a run by depositors, there probably is not any very great danger, because the bonds of the United States, with a reasonable credit to the Government, are sufficient for that, although the bill-holders would be embarrassed if half the banks of the United States should refuse to pay all at once. It would force bonds of the United States upon the market to such an extent that it is altogether doubtful whether the security would be good even then.

But, passing that, it does appear to me (and I should be glad to have my honorable friend from Iowa explain because he may convince me that he is right) that it is most unsound in principle and most dangerous in practice for the future to authorize these institutions, which we hold out to the people as existing under Government authority and entitled to credit, to loan all the resources that they have of every description down to 15 per cent. of their deposits, because I fear it will turn out, as I think human experience has shown it has generally turned out, that wherever a stress comes and people run for their deposits, as they always do in a panic, half the banks in the country will break for the reason that the law has allowed them to strip themselves under the pressure for discounts of all their means to meet a run. I do not see that it is a sufficient answer to that to say that prudent banking would not be conducted upon such a principle, that prudent bankers would not loan all the money they had down to 15 per cent. of their deposits.

Of course, in a prosperous state of the country, with a flowing tide, and with no breakdown, no panic, no sudden emergency which disturbs the operations of trade and commerce, it is of no consequence. So we may say that no limitation is of any consequence when the millennium comes; but we know, if the world goes on as it has gone, that there will be once in twenty years at the furthest a time when, from natural causes, not affected by legislation, not remediable by legislation, there will be a sudden depression of enterprise, of trade, of commerce, of industry, of all the business operations of the country; there will be a panic, in short, or a crisis, or a bankruptcy, call it what you will according to degree, and then there will be a sudden demand coming with the rapidity of a summer shower or a gust that will require from every bank in the country the withdrawal of the deposits that have been made in it; and then this bank instead of being fortified as it is now by holding this percentage of all its resources, will have only, if it holds up to that, the 15 per cent. of its deposits; and the result will be, as anybody can see, that on every such occasion one-half of the banks at least in the country will go to protest on the first day. Of course nobody will maintain that that would be an advantage to the business of the country. Nobody will maintain that a bank ought to be allowed to lend money to such an extent that it cannot stand a run when some sudden pressure shall be brought to bear at a time when people, to meet their engagements, need the money which they have on deposit and which has been loaned out to somebody for other speculations. Sound banking cannot go on in that way; and therefore it is that it appears to me that we ought to consider at least the grounds upon which this report stands in the respect to which I have alluded.

I do not know, after all we have done, that I can have any expectation that this report will not be adopted. Of course it presents entirely different questions from those which we have considered hitherto. They are not questions which affect one section of the country more than another, as anybody may suppose; but there is now presented, separate from other questions that have so divided us, this simple question of business as it respects the safety of a principle of banking carried on under the authority of the Government. If there is any explanation which my honorable friend from Iowa can make to us, as it may be there is—he is a much greater financier than I am in proportion to our respective capitals—then I should be glad to hear it. But it does appear to me, as I have said, that we shall make a

great mistake for the protection of the business interests of this country and of the people who deposit their little savings and earnings in banks, if we allow a bank to loan out all of its capital, and all of its deposits save 15 per cent. of its deposits, (if that is the amount as to the country banks,) and thus put ourselves in an attitude where in a pressure the banks cannot pay back again to the depositors at once the money they have received. I should be very glad indeed to hear my friend from Iowa explain the grounds of this report.

Mr. WRIGHT. I have but one word to say in that connection. The section in the report as it stands is precisely as it passed the House and passed the Senate, and has been agreed to by both Houses.

Mr. EDMUNDS. But has not been brought under discussion.

Mr. WRIGHT. There never has been any question raised on this part of the bill before. It seemed to be agreed to on all hands to this day to be a proper provision to release the reserve on circulation and retain the reserve on deposits. The reason for it was that so far as the security of the bill-holders was concerned there was ample security in the bonds here deposited, and that in case of a panic the reserve that is provided for circulation would amount to nothing in the world; and not only so but every good banker, every safe banker, would provide for his reserve judiciously without any provision of this kind. Therefore it was agreed on all hands that it was best to leave out the reserve on circulation. That point was discussed more than once here in the Senate and the whole ground gone over.

I do not propose to go into the matter at all. I am only anxious to have a vote and let the Senate dispose of this bill and get it out of the way.

Mr. SHERMAN. If the yeas and nays had not been called for, I should not have said one word on this question; nor do I intend to say anything except to reply to one or two observations of the Senator from Vermont. As to the last three sections of this bill, as I understand, they are precisely similar to the bill for the redistribution of the banking circulation reported early in the session from the Committee on Finance. I do not see any variation.

Mr. WRIGHT. Except in the amount.

Mr. SHERMAN. Yes, instead of $25,000,000 the committee of conference insert $55,000,000. I call the attention of the Senator from Vermont and other Senators to the sixth section of this bill:

> That the amount of United States notes outstanding and to be used as a part of the circulating medium shall not exceed the sum of $382,000,000, which said sum shall appear in each monthly statement of the public debt, and no part thereof shall be held or used as a reserve.

I regard this section as chiefly beneficial as forever repealing the fictitious idea of a legal reserve. There is not one word in any law of the United States which implies that any portion of the $400,000,000 shall be held as a reserve. That is merely a mythical creation of the Treasury Department for the purpose of keeping up the notes which had been canceled.

Mr. EDMUNDS. That was not a point to which I spoke at all.

Mr. SHERMAN. I know that. This, however, will not prevent the accumulation of a necessary working balance. The Senator from Iowa understands that. The Secretary of the Treasury sometimes may have a balance of $2,000,000, and sometimes $20,000,000. This does not interfere with that in the slightest degree.

Mr. SARGENT. Allow me to ask a question on that point. Suppose a panic comes on, as before, when there is a Treasury balance of $13,000,000, how would the Secretary of the Treasury in view of this law stand up against a clamor to put that money out of the Treasury which it was insisted was reserved? He would be asked, "Why are you holding it?" They would insist it should go out either for the purchase of bonds or in other methods. It is made unlawful for him to hold it, so when it is proper to hold it to guard the Treasury, the Treasury would soon be out of funds, as it would have been during the last panic under any such provision.

Mr. SHERMAN. As a matter of course if the Secretary of the Treasury has $15,000,000, or whatever may be a necessary working balance, he will be governed in paying out that money according to the exigencies of the Treasury Department and not according to the clamor of speculators if he performs his duty as this bill contemplates that he shall. I simply wished to call the attention of the Senate to the fact that although the maximum is fixed at $382,000,000, in this currency bill there is no provision allowing additional United States notes.

Mr. SARGENT. Will the Senator show me any language in this or any other law that allows him to accumulate a working balance, if this provision stands that there shall be no reserve?

Mr. SHERMAN. It says that "no part thereof shall be held as reserve." "Reserve" is a technical name of an amount of money applied for a specific purpose, but a working balance is an amount of money useful for all purposes. That is the difference. "Reserve" is a technical name which was applied first to the $50,000,000 reserved under the law of 1864, and afterward to the mythical reserve created by the Treasury Department as a matter of book-keeping.

Now in regard to the second and third sections—and here I want the attention of the Senator from Vermont—it is true that the second section does abolish the reserve on circulation, and there never was any reason for that reserve originally because the security of the bonds was more than sufficient to secure the redemption of the notes; and it has been recommended by the Secretary of the Treasury at different times, according to my recollection, and at any rate there has been a general demand that the reserve on circulation should be abolished. The committee of conference have in the third section provided a fixed, operative, and strong mode of redeeming national-bank notes. Any holder of national-bank bills may present them at any time at the Treasury and demand United States notes. The provisions of the third section are amply sufficient, in my judgment, to provide for the redemption of the national-bank notes. There can be no question of it. And in my judgment—I record it here rather as a prophecy for the future than as an argument to the Senate—this 5 per cent. reserve will be more difficult to be maintained by the banks than the mere loss of the 15 per cent. reserve, three-fifths of which could be deposited in New York, and only two-fifths of which was required to be retained in the bank. In the third section there is a provision made by which the banks will be compelled to keep themselves strong enough in order not only to maintain the 5 per cent. in the Treasury, but in order to respond at all times to the demand of the Treasury for money to maintain this reserve of 5 per cent.

There is nothing in this bill that has not received the sanction of both Houses, taken separately. There is nothing in this bill to which I think any Senator ought to object, and I was in hopes that every Senator would vote for this report without objection. The question of the increase of paper money, either in the form of greenbacks or bank-notes, is postponed. The question of the resumption of specie payments is postponed. There is no time fixed and no provision here made for the resumption of specie payments. All that this bill does is to modify slightly the reserve of the national banks, to make a practical provision for the redemption of bank-notes, and to provide for a redistribution of bank circulation. Every one of these objects, it seems to me, ought to meet the concurrence of the Senate by a unanimous vote, and I was in hopes the report would pass without a division.

Mr. SARGENT. I think this bill is very much better than any other one that we have had up heretofore with a prospect of passage. Nevertheless it seems to me that there are some infelicities in the bill which it is to be regretted are not eliminated from it and that there is now no opportunity to do so.

I certainly cannot vote for the bill with my understanding of the sixth section. There is, as the Senator from Ohio remarked, no law defining what a reserve is, so that the word "reserve" may just as well be applied to a working balance as to an amount in dispute between the Treasury Department and the Congress of the United States as to the sum which shall be outstanding of United States notes.

Mr. SHERMAN. If I stated that there was no law defining the meaning of "reserve," I stated it too strongly. There is one definition, the only definition on the statute-book of a reserve of United States notes, and that is the reserve defined by the act of 1864, which provides that in excess of the four hundred millions there may be a reserve of fifty millions which shall be used only for the purpose of paying the floating indebtedness or accruing indebtedness, and shall be used for no other purpose, and shall be retired and canceled when the debt for which it is reserved is discharged.

Mr. SARGENT. The Senator is entirely correct in reference to that, but that relates to a past age, a past condition of things. There is now no amount of $400,000,000 of United States notes and no $50,000,000 beyond that authorized by any existing law; so that there is now no law on the statute-book, as the Senator remarked before, and certainly remarked accurately, defining what is meant by a reserve; and the only thing this section can take hold of in the way of reserve is the working balance which it may be desirable to retain in the Treasury for the very purpose of meeting floating indebtedness.

The object of making this appear in each monthly statement of the public debt is to see that the Treasury is kept bare, that the $382,000,000 of money are kept out and do not come in there to be held as a reserve or a working balance; and under that condition of things the Treasury is liable to go to protest any day in the year, and most especially is the Secretary of the Treasury liable to solicitation, to pressure, to complaint, to clamor, which it is difficult for any man to resist in the time of a panic when there are representations made to him and to the President of the United States pressing upon them that an emission of a few more millions of money will tide the country over bankruptcy, will prevent disastrous consequences, and then he is pointed to a law which expressly declares that no part of the $382,000,000 shall be kept or used as reserve; and the interpretation is insisted upon, and is a reasonable interpretation, that that means that he shall not reserve any portion of that amount in the Treasury for any purpose whatever. He would be required under this law by a reasonable interpretation of it to pay it out, and then the Treasury goes to protest, and the Treasury itself would have been bankrupt during the last panic provided a law like this had been upon the statute-book.

For that reason and others which I might name, I cannot assent to the report, and I desire, when the yeas and nays are called, to record my vote in the negative.

Mr. STEVENSON. I desire to say a single word. The committee of conference have been called upon to consider and act upon the difficult problem of reporting some *projet* upon the currency which should heartily receive the concurrence of both Houses of Congress. To insure success for any recommendation it was necessary at the outset that the conferees should in their action endeavor to agree on some plan of adjustment which would reconcile the variant views and diverse expressions of opinion which had found vent in the long dis-

cussion of our finances going through so many months of the present session.

The report upon your table is the result of the labors of that conference. I have hitherto taken no part in this financial debate, and should not now do so, but that I was on the conference committee. No one will pretend that the report contains all that Senators upon either side might desire. A conference from its nature implies concession and compromise of opinion between the two Houses. This report seeks that object. It recommends in the main two simple propositions, each of which separately have hitherto received a large majority of this body. Mr. President, I have myself been neither for contraction nor expansion. I preferred to stand still. I have strongly desired to see at the earliest possible moment at which the condition of the country would allow it without injury to its interest and without pecuniary distress a resumption of specie payments. I have been, however, unwilling to take any step which should inflate the currency beyond the point of legalizing the twenty-six millions of greenbacks issued by the Secretary of the Treasury, and reducing tax upon the circulation of the State banks to the standard of taxation imposed upon national banks. I desired neither to add to the volume of irredeemable national currency, nor to contract it by fixing any short day for specie payments. I have always desired a just distribution of the circulation according to wealth and population from the East, which has more than its quota, to the South and West.

I have been reared, Mr. President, in a political school whose founders denied that Congress possessed any constitutional authority to charter national banks. They warned us that the creation by Congress of large, irresponsible moneyed corporations might endanger the liberties of the country. Their political faith was that gold and silver constituted the only true standard of value and was the only currency known to and contemplated by the Constitution of the United States. While it is true that eminent statesmen differed on the question of constitutional power to charter a bank, all of them, from Alexander Hamilton to Andrew Jackson, including Daniel Webster himself, believed and argued that Congress possessed no power to substitute paper or anything else for coin as a tender in payment of debts and in discharge of contracts. Had this orthodox faith of the fathers been adhered to, what financial distress and loss of property would have been spared from panics inaugurated by a fluctuating, deranged, depreciated currency; what an amount of debt would have been spared the country!

Our present national-bank system sprung from and was the direct outgrowth of the late rebellion. Its founder acknowledged it as a war measure, not sanctioned in peace by the Constitution. Congress has solemnly pledged itself to use all means and take all necessary steps for a prompt redemption of this paper currency. Nine years have passed away since the cessation of hostilities, abundant harvests have blessed the labors of our people, and yet Congress is urged at this session to increase the volume of greenbacks and national-bank currency without providing means for its redemption in coin.

I felt constrained to resist this proposed inflation. I was at all times ready to legalize to the amount of twenty-six millions of greenbacks illegally put into circulation by the late Secretary of the Treasury and keep them in circulation. I favored a redistribution of the circulation of greenbacks upon the basis of wealth and population and desired a transfer of fifty or sixty millions from the East to the South and West. I desired a reduction of the tax upon the circulation of State banks from its present unjust standard to that imposed upon the national banks. I could not and will not cast a vote to inflate the currency of national banks, nor could I vote for free banking except on a basis of redemption in gold and silver. I have been compelled to differ in my votes on this question from many of my friends in the South and West with whom I am accustomed to act. We have been led to different lines of action from a conviction of duty.

I have been severely criticised for my course. I pass it by. Every public man is subject to criticism. I have been charged with open misrepresentation of my constituency in my votes on the currency question. I have received no such expression of the popular sentiment in Kentucky as enables me to say whether my constituency approve or disapprove my course in resisting inflation. I am proud to say I have received neither in the democratic press of my State nor by private letters any proof of such popular disapprobation.

I have in every vote which I have given on this currency question followed old democratic landmarks illustrated by Jefferson and Jackson in their adherence to a sound, fixed standard of value. While I have not sought to hasten a speedy resumption of specie payments or given any vote looking to such an immediate result because I did not wish to produce sudden contraction, I have, upon the other hand, sought steadily to prevent an inflation of the currency in irredeemable paper or free banking on a paper basis, but preferred quietly to hold to our present position, which I trust will lead to specie resumption during the next three or four years.

Mr. President, the people of Kentucky have a large experience on the subject of a depreciated paper currency. They are not easily persuaded that one paper depreciated dollar can be converted into two dollars by cutting it into two parts. Their native sense tells them that the value of a currency is to be measured by its purchasing capacity on a standard of gold and silver. They will not be deceived. They know that the laboring masses have the deepest interest in a sound, stable currency convertible into specie.

Whatever it costs to convert the depreciated paper money received by the producer or laborer into specie is a loss to that extent upon them. The greater the excess of our paper circulation above the business wants of the country the greater the depreciation of our paper currency below a specie standard. It is this excess which I desire to avoid. The only test of an excess of circulation is to be found in the fact that our *greenbacks* or paper promises to pay twenty or one hundred dollars can only be cashed by the laborer or producer who receives at one hundred cents on the dollar at eighty-eight cents. An American dollar should buy a silver dollar in England, adding the cost of transportation, because the laborer received it here as a silver dollar. But take our greenbacks to England and (outside of the cost of transportation) they would be received by labor for its purchases there at a fraction of a little over eighty-five cents. The producer or laboring man would by practical experience learn where the loss would fall.

But besides I am opposed to any increase of the power of the national banks. Never have the warnings of Andrew Jackson against the danger of colossal moneyed corporations appeared more prophetic than at this hour. Let those who desire to avoid these dangers take care how they add to or increase the power of these national banks. If we are to inflate at all let us adhere to the greenbacks, and not entail increased taxation upon the people by increasing national-bank circulation.

But I have been inadvertently drawn from my purpose, which was simply to explain the conference report. The redistributing by a transfer of fifty-four millions from the East to the South and West when the business need of the latter shall require it, is a matter so eminently just and equitable and so often voted by Senators from every section and of opposite opinions, that there would seem to be no possible objection to that. Upon the subject of the twenty-six millions of greenbacks, the circulation of which is legalized by this report, I have already said all that is necessary.

I think the repeal requiring redemption in New York will be found to work well in practice. So long as the banks were required to redeem in New York they were compelled to keep a certain portion of their circulation there. During the panic of last September I am quite sure that some of the strongest banks in Cincinnati and Covington were unable to get any of their circulation deposited with the banks in New York for redemption, but had to go through upon mere certificates of the New York banks.

The conference report sought to embody only these propositions as a whole which in the protracted discussions of the past few months seemed in the Senate to have been generally concurred in.

The report is not subject to the criticism that if it be adopted the Secretary of the Treasury must keep out the whole of the three hundred and eighty-two millions. There is nothing in this objection which deprives the Secretary of the Treasury of keeping always that safe working balance which prudence and experience will ever suggest and demand. And the words of the amendment, that no part of the three hundred and eighty-two millions shall be regarded as a reserve, are not opposed to or inconsistent with that working balance. As the Senator from Ohio [Mr. SHERMAN] justly said, the word "reserve" is a technical term in the banking act, and does not and cannot by any just construction apply as a restriction upon any safe working balance which every Secretary of the Treasury always and necessarily must keep on hand.

Mr. President, while I am opposed to inflation, in every vote I have given I have sought to avoid the evils of a suddenly diminished circulation. The committee gave up free banking because such a system demanded a gold basis, or a fixed day at short date for resumption of specie payments. That might, and possibly would, have led to sudden contraction by the banks by a refusal of renewals and in a preparation for resumption.

They gave up a convertible bond at low interest because it could not command general concurrence. I hope the report will be concurred in.

Mr. THURMAN. Mr. President, in a very early part of this session I expressed the opinion that what we ought to do was to redistribute a portion of the national-bank currency. I was very much of the opinion that that was all we should do, and I am confirmed in it by the report of this committee of conference. I shall vote for agreeing to this report. I believe it is the best thing that we are likely to agree upon. In fact, if it be rejected, nothing will be effected by Congress.

Objection has been made on account of the abolition of the reserve on circulation; but I think practically this provision for keeping 5 per cent. in the Treasury and allowing notes to be presented there and redeemed in greenbacks will prove in practice more efficient than the present circulation reserve. That is my firm belief. At present there is no such thing as the redemption of bank-notes. They are not presented because you cannot assort them and go off hundreds of miles to get greenbacks for them; but under this provision, although it will impose some pretty onerous duties on the Treasury Department, there will be a practical redemption of bank-notes to a very considerable amount in greenbacks, and as those greenbacks may be made to appreciate in value and come nearer to specie, so will this redemption become more common and be of more value.

Without taking up the time of the Senate on this subject, and without certainly saying that this bill is just what I would have it to be if I had the making of the law, for it is not—and perhaps what I would wish would not suit anybody else exactly—I say that in my

judgment the bill which is now reported contains but little or no evil and may be productive of considerable good; and as it is the last chance we have of agreeing upon anything I have come to the conclusion that I can and ought to sustain the report.

Mr. MORTON. Mr. President, I shall vote for this report as being the best thing we can get at this session, and the only thing; but I do not support it as the full or complete measure of justice or as at all meeting the public demands and exigencies, and in nowise as a settlement of the question which is before the country. The question is to whether the monopoly feature of the national banking system shall be abolished, as to whether the legal-tender act shall be repealed, and all questions coming in that purview are left to the future. I vote for it as a matter of imperfect and very tardy justice. As a measure of distribution it comes just twenty-five millions short of the amount required for a full redistribution, as shown by the report of the Comptroller of the Currency. Any measure of distribution ought to be a full one, and there is no good reason why this should not have been a full one.

But, Mr. President, there are some good features about this bill aside from the question of doing justice to States that have been shorn of their proper proportion of banking facilities under the original basis for the distribution of that currency. The best feature about this bill is the one that was criticised by the Senator from Vermont, that it abolishes the reserve on circulation. That is a cast-iron reserve, the banks being required by law to keep it at all times without regard to demand, without regard to panic or anything else.

Mr. EDMUNDS. Does the Senator mean to say that that is the present law; that they are bound to keep this reserve at all times?

Mr. MORTON. They are bound to keep a reserve on circulation equal to a certain amount, and if it is ever diminished they have got to make that up.

Mr. EDMUNDS. O, yes; that is another thing.

Mr. MORTON. I do not say that they would have to keep it up in advance. I mean that when they pay it out they have got to make it up under the law immediately.

Mr. EDMUNDS. Precisely. That is another thing. The Senator stated that they were bound to keep it at all times and against all demands. I thought that the present law was that they were bound to keep it and not loan it, to have it ready to meet demands on them for their circulation or for their deposits, and when it gets below they are bound to make it up again.

Mr. MORTON. I stated what I meant by it, and I do not think my friend misunderstands me. I stated that this was to be kept as a cast-iron reserve without regard to panic and without regard to deposits, a reserve of 15 per cent. in country banks on circulation and of 25 per cent. in the redemption cities. There never was any good reason for it. Practically the banks are not called upon to redeem, for the reason that there is but little use in redemption. Bank-notes are so good that people do not care about having them redeemed. There is no use in going to that trouble. The bank-notes are perfectly secured by the bonds deposited in the Treasury of the United States, and the people have entire confidence in the currency. It is not the case of an old-fashioned bank-note, where the people were never certain that the bank had the gold to redeem.

That law now requires the banks to keep 15 per cent. of reserve on circulation, which just to that extent diminishes their capacity to accommodate the people. Three-fifths of the reserve of country banks may be kept in the cities of redemption. What has been the practical effect of that? That while two-fifths had to be kept locked up in the vaults of the bank under the law, being 6 per cent., three-fifths or 9 per cent. the banks were compelled to send to other cities and loan there as a deposit, getting only 4 per cent. on it, while the people in their neighborhoods were deprived of the use of that money as a matter of accommodation. The people in the cities got it, and the banks used to loan it at 4 per cent. instead of being allowed to loan it as they would their other funds, at the current rate of interest. This bill corrects that evil, so that the banks may now keep the whole of this money at home to loan to the people in the neighborhood without being required to send three-fifths of it off to a distant city.

The effect of the abolition of reserve will be, as I am advised, that in busy seasons of the year, say when the crops are to be moved, it will set free and put into circulation some $31,000,000 of legal-tender notes that the law now requires the banks to keep locked up in their vaults. It is a practical measure of relief, it is a practical measure of expansion to that extent.

So far as my own State is concerned this bill will afford to her I presume but very little relief. She may get half a million under it. I do not know what the calculation will be. She may get even less than that, because she has come up within several hundred thousand dollars of her technical proportion under the original basis of apportionment made out ten years ago. In the mean time the State has grown enormously. No State is growing faster according to her population, or developing more rapidly; and yet there were before the panic from twenty to forty localities in my State that needed banks and will need them and will be glad to have the opportunity of establishing them, if the law allows them to do so, whenever the times shall improve a little. This bill does not afford much relief to my State so far as increased banking capital is concerned. So far as Ohio is concerned I presume she will not get a dollar under this bill, and some of those States that really need banking facilities, which are among the most progressive and growing States, will get no relief; but such States as Illinois, Missouri, Iowa, Wisconsin, Minnesota, and all the Southern States will have a large portion of the circulation allotted to them that they cannot now get. To that extent justice will be done to them and relief will be afforded to them. But so far as other States that need circulation almost or quite as badly are concerned, they will get little or none under it. So far as they are concerned, therefore, the question is simply postponed.

Now I want to say a word in regard to the question made about the Treasury reserve. One of the good features of this report is that it abolishes what is called the $44,000,000 reserve. It destroys that idea. What was that idea? That there were $44,000,000 in the Treasury, the difference between $356,000,000 and $400,000,000, that might be issued when needed, and when the pressure had passed by should be taken back into the Treasury, and if you please canceled in the Treasury or laid away as reserve, and not as a part of the working balance. That is entirely separate and distinct from the idea of a working balance. When the panic began the Treasury had a working balance of about $13,000,000 that was wholly distinct from the reserve, and the Government did employ, I believe, the entire working balance in the purchase of bonds, commencing about the 20th of September, and the working balance was expended in that way. But afterward, when the revenues ran short, the reserve was brought out, not as a part of the working balance, but as a reserve, entirely independent of the $26,000,000 afterward issued. The theory was entertained by the Secretary of the Treasury, and it has been lately restated in the President's veto message, that this was a balance to be preserved, kept on hand for emergencies, so that under that theory the Secretary of the Treasury could contract the currency in circulation, independent of the necessary working balance of ten or fifteen millions, with the first surplus revenue at his command to the amount of $26,000,000. That is a perpetual threat hanging over the country. That power is taken away distinctly by this bill. Therefore the fear of contraction resulting from taking back into the Treasury the $26,000,000 of the $44,000,000 reserve has been taken away.

I shall for the reasons I have given support the bill, but not as a settlement of the great question.

Mr. BUCKINGHAM. I should like to inquire of the Senator from Ohio the effect of the third section of this bill. It provides a new way for redemption. I want to inquire what the effect of that plan of redemption will be upon the exchanges of the country.

Mr. SHERMAN. I do not think it will have any effect, except this: The first effect of it will be to bring in all the worn and mutilated bank-notes, of which it is estimated there are nearly $100,000,000, nearly a third of the whole amount of circulation, unfit for use. We endeavored by a law of last winter to get it in, and failed because the banks did not make the requisite application. Under this third section that currency will all come in and be exchanged for new notes of the same banks. I do not think it will make any difference in the exchanges.

Mr. BUCKINGHAM. Is it not a fact to-day that there is no cost on exchanges between one section of the country and another?

Mr. SHERMAN. I do not think this will make any difference in that respect.

Mr. BUCKINGHAM. Is not that a fact to-day?

Mr. SHERMAN. That is now the fact.

Mr. BUCKINGHAM. It being a fact that there is no cost to any party in making exchange between one section of the country and another, the question arises, why is that? I think it is because you have adopted the present system of bank-note redemption in the different business centers of the country, and they all settle in the centers of commercial business.

Mr. SHERMAN. I fear I misunderstood the question. The Senator asked if there was no difference in the rate of exchange now. There is not on bank bills, but there is on money certainly. Exchange on Saint Louis and Cincinnati and Cleveland is at a little premium. I thought the Senator confined his question to bank-notes.

Mr. BUCKINGHAM. It is a fact that there may be at times a difference in the cost of exchange between New Orleans and New York and other sections of the country.

Mr. SHERMAN. It is so between New York and every city almost.

Mr. ALCORN. It is very rare indeed to find exchange at par in any portion of the country. It is nearly always either at a premium or a discount.

Mr. BUCKINGHAM. I understand that; but at the same time I understand that bank-notes are of equal value in all parts of the country. Let me put this question, then, to the Senator from Ohio: if you adopt this system of redemption will bank-notes be of equal value in all sections of the country?

Mr. SHERMAN. Certainly. Bank-notes in every portion of the country can be sent to Washington and here be redeemed. As a matter of course, as every bank is bound to receive the notes of every other bank, there can be no difference in that respect. It may be possible that if bank-notes should accumulate in New York or any other place largely, they would be sent to Washington for redemption in greenbacks.

Mr. BUCKINGHAM. Will not then a bank-note in Saint Louis or Cincinnati be worth as much less than par as it would cost to transport it from Saint Louis or Cincinnati to the Treasury?

Mr. SHERMAN. I think it is so now. Sometimes greenbacks are at a premium over bank-notes because of the difficulty of redemption.

Mr. BUCKINGHAM. Not on that amount, I believe.

Mr. SHERMAN. It is because it is practically impossible to assort the notes of the various banks and present them to the proper bank for redemption.

Mr. BUCKINGHAM. My own idea of this section is that if it becomes a law and the system of bank redemption should ever be of any value so that you could exchange a bank-note for coin, you will find a great difference in the exchanges, much to the injury of the commercial interests of the county.

Mr. MORRILL, of Vermont. I was somewhat surprised to see with what cordiality my friend, the distinguished Senator holding the place of chairman of the Committee on Finance, walks up to this report of the conference committee.

Mr. SHERMAN. There is not a word in this bill but what my friend from Vermont himself has cordially and heartily consented to report as I understand.

Mr. MORRILL, of Vermont. The Senator is mistaken.

Mr. SHERMAN. What part is there that the Senator has not agreed to?

Mr. MORRILL, of Vermont. It makes a mighty difference whether these provisions are coupled with others or not. These provisions might be accepted if they were coupled with some others looking toward specie resumption. I understand that the Senator from Ohio has from the outset called our attention over and over again to the duty, to the pledges that Congress was under of looking at the earliest practicable time for a resumption of specie payments. Now, there is not one word, syllable, or sign of specie resumption in this proposed conference bill.

Mr. SHERMAN. Because I cannot get a majority of both Houses of Congress to agree to specie resumption, shall I therefore refuse to vote for every bill on the subject of banking and currency? I ask my friend from Vermont whether he himself did not vote for this redistribution bill when we reported it early in the session, separately and by itself?

Mr. MORRILL, of Vermont. To that part of the present report I make no objection, and I should vote for it cheerfully separate and distinct or coupled with anything else to which there were no valid objections.

Mr. SHERMAN. Has the Senator not voted for and does he not agree to this mode of redeeming bank-notes in greenbacks in Washington at the Treasury?

Mr. MORRILL, of Vermont. But whenever I have voted for that it has been coupled with other provisions looking toward specie resumption. In the former bill where these provisions were inserted there was a positive provision for the redemption of the legal-tender notes to the amount of $82,000,000. All that is now left out. But, Mr. President, I am quite aware that Senators, after having a subject of this kind long before them, having debated and discussed the matter until every one is weary of it, are oftentimes contented to accept a very crude and even distasteful bill. Like some young gentlemen who propose and get refused three or four times, they are at last quite ready to accept something far less attractive than that they sought in the first instance.

Now, Mr. President, I desire to call attention to the second section in relation to the reserves. The Senator from Ohio farthest from me [Mr. THURMAN] seems to think that this will operate so as to be as great a burden upon the banks as it would be to have the entire 15 per cent. reserve. I differ with the Senator from Ohio. There will be nothing redeemed at the Treasury Department except old, worn, and mutilated bills. That is all that will be done in the way of redemption so long as we are not to reduce the volume of legal-tenders and no steps are taken toward specie resumption. Under such circumstances, of course the entire amount of reserves save what is deposited at the Treasury of the United States will be at once let loose and thrown upon the country, and, as the Senator from Indiana has properly said, it is to that extent so much expansion. I thought that many Senators here were pledged that they would not go for anything in the way of positive expansion, and it is obvious to us all that this must result to that extent in so much direct expansion.

Mr. MORTON. I would call the Senator's attention to the fact that the 5 per cent. in the Treasury is not a part of the reserve on circulation, but to be counted as part of the reserve required by law to be kept on deposits, so that the entire reserve in circulation is set free.

Mr. MORRILL, of Vermont. That is the way I understand it. But, Mr. President, there is another provision in this bill, and that is in relation to the $382,000,000 of United States notes. That is now to be the legal amount of legal-tenders that are to be issued and kept in circulation. Here again is another large amount of positive expansion, to the extent of perhaps $26,000,000. I understand, perhaps not by authentic information, but at the same time I have heard that a considerable number of millions of the $26,000,000 that were outstanding have been redeemed and are now in the Treasury. This provision will require that even what has been redeemed for the last month or two shall be reissued.

Mr. WRIGHT. Will the Senator from Vermont allow me to ask him one question?

Mr. MORRILL, of Vermont. Certainly.

Mr. WRIGHT. I will preface it by stating that I understand that the $26,000,000 at one time was issued, and therefore the maximum volume outstanding was $382,000,000 at one time. The amount over $356,000,000 was issued either legally or illegally. If it was illegal, then it was improperly out; but it was issued under a claimed power of the Secretary of the Treasury to issue it. That being so, and the Department putting that construction upon the statute, is it not better that we settle this thing one way or the other and say what shall be the legal volume of outstanding legal-tenders? That is all it is proposed to do in this section, to settle the question so that the Treasury cannot legally, according to the Senator's theory, issue more of this money. It has been outstanding; it is outstanding yet, as far as I know; and we merely say that that shall be the volume.

Mr. MORRILL, of Vermont. It is of course better to settle the question, but it is far better that it should be settled right. I never had a doubt but what that was issued improperly, to say the least.

Mr. THURMAN. Will my friend allow me to make a suggestion?

Mr. MORRILL, of Vermont. Certainly.

Mr. THURMAN. The Senator, if I apprehend his remarks aright, says that this bill would liberate some of the greenbacks that are now in the Treasury, some of the $26,000,000 that were issued last fall, and that have now found their way back to the Treasury. Pray how can they get out of the Treasury unless there is some debt to pay; and if you do not pay debts with these greenbacks, what do you pay the debts in?

Mr. MORRILL, of Vermont. They could get out of the Treasury in various ways besides paying for our current expenses. They could be set apart as a portion of the sinking fund.

Mr. President, there is a confession on the part of the Senator from Indiana that entirely justifies me in voting against this conference report. He has announced that it is not a settlement of any of the questions here except as to the matter of justice in the redistribution of the banking circulation held by States now having an excess. Under these circumstances, as this proposition takes no step toward specie resumption but seems to banish it entirely for the present and for the future, and instead largely provides for inflation, I feel that I cannot vote for the bill.

There is one thing more in relation to the last section. It seems to me that this provision for a redistribution of $55,000,000 ought to have had some limitation; that this threat over the banks of the North and the East should not be held as a perpetual terror over them; that if the States deficient in banking capital should not call for it say within two or three years, that after that time they should be required to forever hold their peace. I am quite willing to give the States that are deficient an opportunity to take any amount of banking capital that they desire, rather than to flood the country with irredeemable paper; but I do think that it is unfair to hold this measure impending forever over these banks in the North and East because they cannot properly do business and risk the withdrawal of their circulation at any moment. They cannot safely discount the same class of paper; they must only discount paper on call; and under such circumstances it seems to me that it is very unfair not to fix some time when this provision shall expire.

I do not desire to discuss the question at length. We have had a sufficient amount of discussion upon it heretofore, and but for the provisions in the bill which provide for at least fifty or sixty million dollars of actual expansion, I should most certainly have voted for it.

Mr. EDMUNDS. Mr. President, the Senator from Indiana is quite right, as he generally is, when he says that this is to be taken, not as a finality, not as what the country requires, but as a mere temporary expedient, if I did not misunderstand him. Of course, those who are to vote for this bill do not expect that the subject of paying the debts of this country, as it was promised they should be paid, is going to be put forever out of view by the passage of this measure which has not anything to do with it. I suppose the Senator means something more; that is, he means that those people like himself who are in favor of having more promises to pay before we redeem those that we have already put out, are not to regard this as a finality. So be it, Mr. President. That question ought to be in order at all times until it is finally settled. But I can do him the justice and the committee the justice to say that I do not think this particular report touches that question either way. It has been found that Congress could not harmonize its views in respect to the other question, and that it can, as is supposed, on this precise one of banking alone.

The Senator has said that as this is a bill only for redistribution, it is an act of tardy justice to States that were shorn—that was his language—of their just proportion of banking facilities. What were the shears that clipped that wool? Was not there freedom in Indiana when the act of 1864 was passed? What prevented the people of Indiana from having their share? Were they excluded by military power? Were they excluded by any illegal action of the Secretary of the Treasury, or by any undue haste on the part of anybody? Not at all. They were not shorn, Mr. President. They had offered to them an opportunity to engage in the business of banking by furnishing capital to assist in carrying on the war. They did not furnish the capital to assist in carrying on the war in that way because they did not choose to do so. They did everything they thought patriotism required to assist in carrying on the war and they did it nobly and bravely and well; but it did not appear to them that it was for the interest of capital in the State of Indiana to engage in that particular business. It was otherwise occupied, more profitably to them. Therefore I must respectfully dissent from the judgment of the Sen-

ator from Indiana that the people of his State or of any other State were shorn of any part of this circulation. As I live in a wool-growing State, according to our notions of shearing it is taking a fleece off an animal that already has it; and therefore I do not think the Senator is right in the imputation, because it amounts to that, of robbery, shearing, that there have been circulations denied to the people of his State and the West by the people of the East or anywhere else. It is incorrect. Perhaps it was only a flourish of speech, and designed only to say that the people of the West did not obtain the amount of banking facilities which they were then entitled to and might have had had they chosen, and which they are now, as it is supposed, ready to take. If that is what the Senator means, very well; but if he means the people of Indiana or of any other State to believe that the people of the Eastern States have been shearing their brothers in the West of either circulation or rights, then I beg the Senator from Indiana to believe that I totally disagree with him; that the law and the history of these transactions is the other way. That, to be sure, does not touch the question much of what we are willing to do and what ought to be done now. I only refer to it to repel what might be implied from the phrase which the Senator from Indiana chose to adopt in describing what it appeared to him had been the state of affairs.

Mr. President, the question recurs, not whether the West shall now be entitled to take its proportion of banking circulation if it has the capital that it chooses to employ in it, because everybody agrees to that, not that they have an innate right to do now what they declined to do then, but so far as my constituents are concerned, out of good will and good feeling, we are ready to give up the full proportion that our friends in the West may want to make the thing even now, although we are far from seeing it as the Senator seems to do, that we committed any wrong on our friends in Indiana or elsewhere in taking banking circulation at the time and in the way we did. But that has gone by. The question to which I adverted was, and upon which solely as it respects this subject I vote against this conference report is, that it violates the fundamental principle upon which the national banking act of 1864 was founded—the fundamental banking principle I mean—which was to furnish what is called a sound system of banking to the people of this country.

The Senator from Indiana says that we get rid on this question of the reserves of the banks, of a cast-iron reservation or rule which had no elasticity, and therefore had no value to accommodate itself to the circumstances and the pressures of occasion as it should arise. Is the Senator right about that? Is he right in saying that this money so held in reserve could not be paid out? The Senator is not right; he is wrong. It could not be paid out upon loans, but it could be paid out either to meet demands for redemption of circulation, or, what is more to the purpose so long as the credit of the Government is good, to meet demands by daily depositors, so that the mechanic who in a panic wishes to draw his funds from a bank where he has deposited them for safe-keeping might be able to go to that bank with some probability that the law had directed the bank to keep itself in such a condition that it could meet the demand he was to make upon it.

Now, Mr. President, in order that there may be no misunderstanding about this subject, I ask the Secretary to read the first part of the thirty-first section of the national-banking act.

The Chief Clerk read as follows:

SEC. 31. *And be it further enacted*, That every association in the cities hereinafter named shall at all times have on hand, in lawful money of the United States, an amount equal to at least 25 per cent. of the aggregate amount of its notes in circulation and its deposits; and every other association shall at all times have on hand, in lawful money of the United States, an amount equal to at least 15 per cent. of the aggregate amount of its notes in circulation, and of its deposits. And whenever the lawful money of any association in any of the cities hereinafter named shall be below the amount of 25 per cent. of its circulation and deposits, and whenever the lawful money of any other association shall be below 15 per cent of its circulation and deposits, such association shall not increase its liabilities by making any new loans or discounts otherwise than by discounting or purchasing bills of exchange payable at sight, nor make any dividend of its profits, until the required proportion between the aggregate amount of its outstanding notes of circulation and deposits and its lawful money of the United States shall be restored.

Mr. EDMUNDS. The Senator from Indiana will see and the Senate will see that the very object, the literal object of this provision in the bank act of 1864, which then met the approval of everybody as being one of the cardinal securities of this banking system, was that this percentage of reserve should be held available for the purposes of meeting demands upon the deposits in the bank and upon its circulation, and that the bank was not forbidden to pay it out for these purposes. It was only forbidden to make loans and discounts when the amount of its lawful money should have gone down to that minimum, and was required to continue to pay it out to depositors and to people holding its bills until the last dollar of it should be gone; and yet the Senator says that this is a cast-iron regulation that really locks up that amount of money and keeps it there so that the community cannot have benefit from it! I am amazed at the statement of the Senator. I am sure he must have forgotten how carefully the thirty-first section of this act of 1864 provided for a reserve of this money to meet the demands made from day to day upon it by its depositors and bill-holders when a pressure in the state of affairs of the country should require the people who had deposited money to get their money out in order that it might be paid upon their debts.

Mr. MORTON. Will the Senator allow me a word?

Mr. EDMUNDS. With pleasure.

Mr. MORTON. The section quoted by the Senator exactly carried out the idea as I expressed it. If the reserve on the circulation is impaired by drafts upon it for redemption, it must be made good. If the reserve on deposits is impaired, that is to be made good; but as the reserve on circulation has never been impaired, and is not likely to be impaired by drafts upon it for redemption, therefore it has been in contemplation of law a permanent reserve. That is what it is now. It carries out my idea, I think, precisely.

Mr. EDMUNDS. I am very sorry that the Senator does not understand this section yet. I beg him to be kind enough to take the statute and to run his eye over it. He will then see that the statute does not make a reserve for circulation and another reserve for deposits; it is one single reserve. I wish to have the Senator hear me, because I know if I can convince him, then I shall have convinced all, and that when I conquer Cæsar I shall have captured Rome. Therefore, I hope I shall be excused for asking the Senator to give me the honor of his attention for a single moment in reply to his own question and his own observation.

Now, I beg the Senator to look at the statute and he will see that there is not one reserve for circulation and another for deposits. There is one single reserve, a totality, an entire sum of 15 per cent., made up of two elements. Fifteen per cent. of the circulation, supposing that to be $100,000, and 15 per cent. of the deposits, supposing them to be $100,000, is a reserve of $30,000. That sum of money—not 15 per cent. to answer circulation and 15 per cent. to answer deposits, but that total sum of money equal to 15 per cent. both of circulation and deposits, is to be held against all loans and subject to the demand of the depositors or to the demand of the bill-holders, as the case may be. Now suppose, as the Senator says, the bill-holder does not come at all——

Mr. MORTON. If the Senator will allow me——

Mr. EDMUNDS. My friend will pardon me until I answer this question first. What then? Then there are $30,000 in bank which the bank is authorized and directed to hold to answer deposits, and the bank would be bound to pay out every dollar of the $30,000 on the demand of its depositors, and could not loan a cent of it whenever the time came when the depositors came and demanded the money; and if there was no demand from the bill-holder, so much the better for the depositor.

Now I will hear the Senator from Indiana.

Mr. MORTON. I was going to suggest that the Senator's rule holds out the same idea. It requires under the law a reserve in the Treasury of 15 per cent. for circulation, and as long as the bank circulation is outstanding the bank is required under the law to keep that amount of reserve on circulation, and if it is found to be impaired it is to be made good under the section which my friend read. Now, what difference does it make?

Mr. EDMUNDS. Let me ask the Senator a question, and then he can tell me the difference, or tell the Senate. Suppose a bank has $30,000 of reserve and $100,000 of deposits. There is no demand by the bill-holder at all. A panic occurs. The depositors run in and draw their money from hour to hour until the bank has got down to $15,000. Is it lawful for the directors and the president of the bank to say to the depositors "We cannot pay you any more; this other $15,000 we have got left is for the bill-holder?"

Mr. MORTON. No, sir; it is not lawful, because they are bound to pay all their debts, and have no right to repudiate as to any part of them.

Mr. EDMUNDS. So they are; and therefore if it is not lawful for them to hold on to that $15,000, it is their duty to pay it out. If they do pay it out the depositor gets it and applies it to his debt. That is precisely as I understand it in the East—I do not know how it is in the West—what a bank is instituted for, for the purpose of paying back the money to the depositors when they call for it.

Mr. MORTON. Let me ask my friend, is the liability of the bank confined to the extent of the reserve, so that when the reserve is exhausted it need not pay any longer?

Mr. EDMUNDS. Not at all.

Mr. MORTON. That answers the whole question.

Mr. EDMUNDS. It may answer it to the comprehension of the Senator; that is his affair; but whether it will answer it to the comprehension of honest and intelligent men is another question. The bank is bound to pay everybody; no one disputes that. The Senator mistakes the means for the end. We are on the question of means, and the question is whether we shall authorize a bank to spread all its money by loans, or whether we shall require the bank to keep some portion of it to meet those people who have loaned money to it and not to accommodate those people who wish to borrow money from it. Can the Senator see the difference between those two cases? I assume that he can. If he can, then I take it we have the case precisely where I put it to him before, that this statute is intended to preserve the public who are the depositors, so that they may have some hope to that extent in a time of pressure and panic of going to the bank and getting the little funds they had deposited; and the statute provided for both classes of the creditors of the bank, the bill-holders, and the depositors. The bonds deposited, as the Senator has said, ordinarily furnish good security for the bill-holder and he does not go for his money upon his bill. What then? Then there is just so much more money left on deposit in the bank which it is not authorized to loan; that the depositor has, if the bank is honest and pays it to him, to draw against to keep up his own credit.

That being the state of the case, this bill as reported by the conference committee turns around and says: We have been proceeding upon a false principle of banking all the time; when we have required that a bank shall hold itself strong, as we call it, by law to meet any run upon it, we have made a mistake; we will diminish by one-half, or by two-thirds, or by nine-tenths, as the amount of deposits may make it, the security that the depositor had before for the return of his money; we will authorize the bank to loan everything that is left with it, capital, deposits, and all down to 15 per cent., and that is all the sum of money that we will require the bank to keep to meet the demands upon it in the time of a run. Where is your depositor? He has not got any security by the bonds left in the Treasury. When he goes for his money the bank tells him "Congress authorized us to loan all the money you left with us except 15 per cent., and it is gone." The bill-holder turns around and says, "I have got my security; I am all right;" but the depositor, instead of having, as the law now gives him, this chance at 15 per cent. of the capital as well as of the deposits of the bank, is by this bill shorn (to borrow the expression of the Senator from Indiana and rightly apply it) of one-half of the security that the existing law has provided for him, in order that the bank may push out its loans and encourage enterprise and speculation, as it is called, until it has got nothing to meet its deposits but its bills receivable; and let me ask Senators what bills receivable are good for in a moment of panic? Of what value were the bills receivable of the banks on the 23d of September last, if that was the day, and for a month afterward?

Mr. SHERMAN. They were of as much value as the reserves on circulation, because they were deposited in New York and could not be drawn upon.

Mr. EDMUNDS. The Senator is a little mistaken there, although he does not answer the question. He says they were of as much value as the reserves. Does the Senator mean to say that the deposits in the banks of New York were not more secure than the general loans of the banks?

Mr. SHERMAN. I know that the banks in Cincinnati whose deposits were in New York could not draw their deposits until they did draw from their bills-receivable at home enough to maintain themselves, and did actually resume payment of all their depositors before New York paid a single draft.

Mr. MORTON. And it was so all over the West.

Mr. EDMUNDS. Well, I know that in Burlington the banks were able to draw their deposits from the city banks and went on with their business. There is the difference between the two places. There is no criticism to be made upon that; I do not speak of it for that purpose. I only say that in a general way—undoubtedly there are exceptions—the deposits of the country banks in the city banks during the panic were a more available resource to meet the demands of depositors than were the bills receivable of the banks scattered all over the country. Neither of them was any too good it must be admitted; and I heartily concur in that part of this report which provides that the country banks shall not keep their reserves in the city banks. I was never in favor of their doing that. If this conference committee had reported that provision and had then left the reserve of 15 per cent. on the total capital and deposits, I should have said that they had made an improvement upon that conservative hand which legislation must have upon banking corporations and associations if they mean to protect the people, and would have given us a better banking system than we have now.

But, instead of that, what the committee have gathered in one hand they have scattered like sand from the other. They have given away, in my judgment, that wholesome security for the poor people and depositors of this land, the majority of whom deposit small sums of money in country banks, taking them all together—they have given away the wholesome and conservative security designed for and indispensable to their benefit, in order that there might be loaned out for purposes of enterprise and speculation every dollar that a bank had excepting this 15 per cent. of deposits. There is the objection; and I prophesy, although I do not seek for fame on the ground of prophetic voice, that adopting this, as no doubt you will, and standing to it as perhaps you will, you will find when the next panic comes, and it certainly will come as we all know, that you have destroyed one of the chief securities that the creditors of the banks of this country had; and you will then I think regret that you have aided by this degree in inflating enterprise and speculation at the expense of enabling depositors to draw from their banks on demand the sums of money which they have entrusted to them.

That is what I fear. It may be that I am wrong. When I see the honorable Senators from Ohio and from Indiana shake their heads, so much fuller of the wisdom that comes from coin and from currency combined, I feel that there is great doubt about what I say; but when I look at the little human experience that I have had and the little human observation that I have had and the little that I know of the history of the principles of banking, I cannot help entertaining humbly for myself the opinion that by just the degree that you allow banking corporations to withdraw from their vaults the money which depositors have placed there, by that same degree you injure the security of depositors, and so by the same degree you injure the community of which they are a part.

Mr. THURMAN. Mr. President, I have heard with no little surprise, and more regret, the remarks submitted by the Senators from Vermont. We have been fighting here for nearly six months, two contending parties—on the one side the inflationists, on the other side those who were opposed to inflation. Among those most steadily opposed to inflation were the two Senators from Vermont. They have told us from the first, they have said to the South and the West "There is no necessity for inflation; there is no necessity to enlarge banking facilities; we can give you all the banking facilities you want by a redistribution of the currency, and we are ready at any moment to do it;" and now when for the first time we have a bill which can pass and become a law, which does redistribute the currency, and does offer to the South and the West their fair proportion of it, the Senators from Vermont are found opposing that bill. It is true they say they are not opposed to the redistribution feature of it, but how easy it is to find something to which to take exception, and if there is an exception to be taken to every little feature that may be in this bill in order to destroy it, do those Senators believe that entire confidence will be placed by the country in their statement that they are in favor of or are willing to submit to this redistribution of the currency? We know that they are in earnest in what they say, but how will it be regarded all over the country but that it was a hollow promise, a hope held out to the ear but never intended to be fulfilled?

Now, pray, what are the objections to this bill? Certainly there are serious objections to it in my mind; it is not such a bill as I would have. But what, pray, are the features in it that are so seriously objected to by the Senator from Vermont nearest me, [Mr. EDMUNDS,] and who has taken nearly an hour to develop them here to the Senate? Why, that this bill proposes to abolish what is called the reserve upon circulation, and that, says the Senator from Vermont, will lessen the amount of the reserve for the security of depositors; and he seems to be prodigiously alarmed lest depositors in national banks shall lose their deposits. When did the national banks get so shaky? When, in the opinion of the Senator from Vermont, were they so weak-kneed that if you abolish this reserve, which was intended as a reserve upon circulation—for it is precisely so in the charter—their depositors will not be safe? Is the Senator prepared to advertise the people of the United States that the national-banking institutions of this country are so frail as that, so fragile as that?

Why, sir, in regard to this thing of a reserve to meet deposits, I tell you there are no banks in this country that can stand a run of their depositors if all the banks are run upon at the same time. In the nature of things they cannot do it, reserve or no reserve.

Mr. EDMUNDS. May I ask the Senator a question?

Mr. THURMAN. Yes, sir.

Mr. EDMUNDS. I ask him whether they cannot stand it better just in proportion to the amount of money they have in their vaults?

Mr. THURMAN. Your reserve will be exhausted in twenty-four hours. It does not help them a bit.

Mr. EDMUNDS. If you had double the amount it would last forty-eight hours, would it not?

Mr. THURMAN. But you do not require a reserve, and nobody talks about a reserve equal to the amount of the deposits. Look at the amount of the deposits of your national banks. They are about $800,000,000, more than twice the amount of the national-bank notes, more than the whole paper currency of the country; and that is simply the amount of the deposits of the national banks. Now add to that the deposits in other banks, private banks, savings-banks, and all the various institutions that receive deposits, and see whether they can stand a run by their depositors. They never did and never will in the world. What did they do last fall? We know very well that they suspended. The system of certified checks we know was practical suspension.

The idea that it is necessary to keep this reserve of 15 per cent. more in order to secure the depositors has no foundation whatever. I believe there are now more deposits in private banks and savings institutions than there are in the national banks. Where is the security for them, pray? The multitude of private banks in the country that receive deposits and have hundreds of millions of deposits, where is the security for them? And yet they fail just about as seldom as national banks fail; they are found to be just about as good.

This whole system of reserve for the protection of circulation or the protection of depositors in national banks is a delusion unless it is a reserve of coin to compel the payment in specie of the notes of such institutions. There is some sense in such a reserve as that. When you compel your banks to pay their notes in specie on presentation there is some sense in requiring them to have always on hand a certain quantity of coin with which to make redemption. But so far as this question of redeeming their notes is concerned, the reserve for which is abolished by this bill, in my judgment there never was any necessity whatsoever for that reserve and there is no harm done by its abolition, except (and I think that is going to be very trifling indeed) the little inflation that may take place by that abolition—a very trifling matter indeed, less I think than the Senator from Indiana has stated to be the result of his calculations.

But I do not wish to argue this matter further. Now I say to my honorable friends from New England, there are a few of us from the West who have stood in the same ranks with you and stood there at more peril of condemnation than you have encountered, by far, for you encountered none, and we have been fortified by your promise

that there should be this redistribution of the currency. Now I say to you that if upon one pretext or another you destroy the fulfillment of that promise, then we shall have some right to complain.

Mr. EDMUNDS. I should like to ask the Senator from Ohio what he means by "one pretext or another?"

Mr. THURMAN. I know this: There never was a bill drawn on the face of this earth, not even by the Senator from Vermont himself, in which he could not find some fault. I utterly despair of there ever being a bill to which the Senator from Vermont would not find some objection, where he would feel hurt if I were to call it a pretext.

Mr. EDMUNDS. Well, Mr. President, I am not much wiser than I was before, which is saying a good deal after I hear the Senator from Ohio. The Senator seems to have warmed himself up to the notion that he has hitherto been in a false position, and that the best way to get out of it now is to accuse somebody in New England, and particularly me, of having a "pretext." I honor the judgment of the Senator. The best reason I have heard for going for this report is that one humble Senator from Vermont is guilty of making a "pretext." All hail to that wisdom of western statesmanship which conquers a reluctant Senate to go for a thing which stands before us in violation of all parliamentary law on the ground that one Senator has been starting a "pretext!" If that is not heroism for you, I do not know what is.

The Senator calls it a "pretext!" What pretext have I put forward? I asked the Secretary to read the thirty-first section of the act of 1864, which said a certain definite thing should be done. Was that the "pretext?" I suppose not. What then? I then said that we ought to stand upon the principles of that section. Is that what the Senator, with the wealth of learning that characterizes him, understands to be a "pretext?" I think not.

Mr. President, my honorable friend from Ohio in his present enthusiasm I think has a little forgotten himself, if he will pardon me for saying so, and that after all, passing the witticism, and it was not I must confess an extraordinary one, that he perpetrated at my expense, that nothing can be found that I do not find fault with—passing that, I think the Senator on reflection will conclude that there has not been much "pretext" about this particular business, at least east of the Alleghanies. We have had, to be sure, a good deal of pretty broad talk from some Senators on the subject of the value of specie payments, on the subject of the value of coin as the only just basis of commercial enterprise and of corresponding equivalents. I do not mean to say that there has been any "pretext" in that sort of thing. I do not mean to say that anybody standing on the top of the Rocky Mountains has been looking for votes on the shores of the Atlantic by occupying such altitudes. I do not think anybody has; but I think that those Senators who ask for themselves some respect for the fidelity of their own opinions ought to be willing to be generous enough to allow other people occasionally in this land of liberty also to have an opinion of their own, without being terrified into the notion that it is a "pretext." If I am wrong in demanding so much, then of course I ask the Senate and the Senator to excuse me.

But, Mr. President, I wish to state to the Senator from Ohio that I have voted, as he has, steadily to give our western friends the opportunity which they never have exercised when there has been circulation at the Comptroller's office that they could have, and when there is yet, to take it, to give them more, all that they ask. I intend to vote so again upon the bill that is on your Calendar for that purpose. But when a committee of this body, with whom is put in charge a question that has not anything to do with redistribution, but has to do with what I consider to be the safety of every community in this country in respect to compelling banks to keep themselves strong, I shall take the liberty, pretext or no pretext, to give the reasons why I think the committee in this instance in departing from the settled wisdom of the act of 1864, and declaring, as the Senator does in principle, that there is no use in any reserves at all, are wrong; and if there is any treason in that, to quote an old saying, the Senator from Ohio or anybody else is at liberty to make the most of it.

I should be glad to ask the Senator from Ohio, who talks about "pretexts," how this provision for redistribution got into this bill at all? Was it in the House bill that came to this body?

Mr. SHERMAN. Yes; but not for actual redistribution.

Mr. EDMUNDS. The Senator from Ohio is speaking a little too soon. Was it in the bill of the House that came to this body and went to that conference committee? No, sir; it was not. Was it in the amendments of the Senate that were sent to the House and disagreed to and that went to this committee? No, sir; it was not. Where, then, did this committee, in whom we reposed the duty of harmonizing those two bills, pick up this stray sheep from the flock, I should be glad to know, and who gave them the authority, I should be glad to be informed, to bring any such subject as this before us in this conference report? Why, Mr. President, in the good old times of Andrew Jackson, to which my friend from Ohio [Mr. THURMAN] is so apt to refer, in that golden age of the Republic, a conference committee that should have undertaken to bring in a proposition of this kind upon a bill that was pending between the two Houses would have been ruled out on a point of order.

Mr. FERRY, of Michigan. Will the Senator allow me to explain?

Mr. EDMUNDS. No, sir; not at this present moment.

Mr. FERRY, of Michigan. It is on the point the Senator is stating as to the action of the committee.

Mr. EDMUNDS. The Senator will be kind enough to wait a moment, and then I will hear him.

It would have been ruled out on a point of order, not on what the Senator might call a technical point of order, and the good sense of the Senate would have said that it was due to the independence of both Houses and to the rights of every Senator and member that the conferees of the two Houses should be confined to the subject that was at issue between them.

But, Mr. President, I make no point of order about this conference report. That is not the point at all. I took the liberty to express, when I was up before, my approval of that part of it. I am perfectly willing, as I have said a thousand times, that this redistribution should be made; but I do not want to be told, because on another part of this proposition, totally distinct from the question of redistribution, but touching the rights and duties of banking everywhere, I do not happen to agree with these new charmers, who keep serpents, and who overthrow the principles of the act of 1864, that I am guilty of resorting to "pretexts" in order to evade this provision for redistribution. The Senator has only to move to take up his distribution bill, or the distribution bill—it is not his in particular—and he will get my vote for it, and he may put it at thirty, forty, fifty, or sixty, or whatever number of untold millions it is that the Senator from Indiana speaks of as being due to the West, and he shall have my vote for it.

Mr. STEVENSON. May I ask the Senator from Vermont a question?

Mr. EDMUNDS. Yes, sir.

Mr. STEVENSON. If a portion of the matter which was referred to us repealed the redistribution act, would not that give us jurisdiction to suggest not only the redistribution, but an increase of it?

Mr. EDMUNDS. I doubt it very much.

Mr. STEVENSON. I can only say to the Senator, whose experience is very much larger than mine, that I think the usage of the Senate and of Congress justify the committee in the exercise of that power.

Mr. EDMUNDS. Now, Mr. President, allow me to say, because I want to yield to my friend from Michigan in a minute——

Mr. FERRY, of Michigan. I wanted to call the attention of the Senator to the very point to which my colleague on the conference committee has called his attention—that that question was before the committee, submitted through the clause of the bill of the Senate repealing the act for the withdrawal of the $25,000,000, and therefore it was within the boundary of the controversy the adjustment of which was referred to us.

Mr. EDMUNDS. Let us see. Will the Senator be kind enough to read any part of the House bill or of the Senate amendments which contains any such provision? I know it was brought in by another committee of conference, but I do not remember it in the bill.

Mr. FERRY, of Michigan. I have not the bill before me, but I state the fact, and the Senator's ingenuity is so fruitful that I presume he will recall to his attention the fact that it was in the bill since it was part of the project to withdraw circulation from New England in case we adjusted the currency question.

Mr. EDMUNDS. Well, Mr. President, I seem to be guilty again. First, this conference report ought to be adopted because I am guilty of "pretexts;" second, because I am "fruitful of ingenuities." Now, if there is any other good reason for this, I think the Senate ought to be told it, because all Senators may not be willing to vote on those two grounds alone.

Mr. WRIGHT. I was going to suggest to the Senator from Vermont that a reference to the bill as passed by the Senate and as it went to the House will show distinctly that there was a provision in it repealing that clause.

Mr. EDMUNDS. Let us see what there is in it now. I had the impression that the committee would be able to refer me to the clause at once in one or the other of these bills, as they have had them under incubation for some time.

Mr. SHERMAN. You will find it in the third section, I think.

Mr. EDMUNDS. I shall find it in the third section, shall I?

Mr. SHERMAN. In the section for free banking. I think that is it.

Mr. EDMUNDS. We will see. The chairman of the Committee on Finance says that this repealing clause is in the third section. I will read the third section:

SEC. 3. That sections 31 and 32 of the said act be amended by requiring that each of the said associations shall, within ninety days after the passage of this act, and thereafter, keep its lawful-money reserves within its own vaults, at the place where its operations of discount and deposit are carried on. And all the provisions of the said sections requiring or permitting any of the said associations to keep any portion of its lawful money reserves elsewhere than in its own vaults, or requiring or permitting the redemption of its circulating notes elsewhere than at its own counter, except as provided for in this act, are hereby repealed.

The Senator must be mistaken. That is not it.

Mr. SHERMAN. I tried to correct you and tell you it was in the section in regard to free banking.

Mr. EDMUNDS. I did not hear you.

Mr. SHERMAN. I thought I would wait until you got through. It is in the section which requires free banking. If the Senator will give the bill to me I will show it.

Mr. EDMUNDS. Do you mean of the Senate amendments?

Mr. SHERMAN. Yes, sir. The section which repeals certain acts, among the rest that one.

Mr. EDMUNDS. Yes; here is the clause undoubtedly to which the Senator from Ohio intended to refer. If I read the wrong section, it was through his misinformation, because he certainly said the third section unless I am very much mistaken. Here in the fourth section is a clause which provides—

That section 22 of the said act, and the several amendments thereto, so far as they restrict the amount of notes for circulation under said acts, be, and the same are hereby, repealed—

And then it goes on to repeal other sections—

and the proviso in the third section of said act limiting the circulation of banks authorized to issue notes redeemable in gold coin to $1,000,000; and section six—

I think that must be it—

of said act, relating to the redistribution of twenty-five millions of circulating notes, be, and the same are hereby, repealed—

That is what the Senator refers to—

that every association hereafter organized shall be subject to, and be governed by, the rules, restrictions, and limitations, and possess the rights, privileges, and franchises, &c.

Instead of bringing in a bill on these two bills which should regulate steps toward the resumption of specie payments, which should regulate free banking, and which, providing free banking as a substitute for other points in the controversy that we have had, contained a clause repealing the sixth section of the act referred to, and instead of acting upon the repeal of that clause and leaving it repealed, or else declining to repeal it, the Senator says that to drop every other part of the bill and bring in a fresh bill for the redistribution of the currency is within the power of the conferees. I beg the Senator to remember that he ought to be a little cautious before he maintains that, because it may injure us hereafter.

But I do not want to spend any time, as I said, upon the subject of whether the conferees have exceeded their authority or not. I stated when I had the honor to address the Senate before, that I was in favor, without regard to whether this proposition was regularly before us or not, of doing whatever our western and southern friends desired to have done in the way of getting banking facilities if they want them. I ought to have said, as has been said by my colleague, and as I stated the other day, that there ought to be a limit of time to this business somewhere, that this ought not to be held up for a hundred years, because, as Senators will see, taking all the banks in the East, in order to be ready promptly and fully to answer this demand they must keep a reserve on hand in order to meet it as they honestly should, and just so far as they keep this reserve on hand for that purpose, just so far they contract their loans and discounts, and just so far, therefore, from the point of view taken by my friends in the West and South, they are doing an injury to the community, because when the money is once loaned by the banks, it does not stop on State lines; it does not stop on rivers or geographical boundaries; it goes where it is wanted, to pay for things that people desire to buy. That is all the criticism I have to make upon it.

I do not think, therefore, it is just in anybody to say that because I am not in favor of this conference report, destroying as I believe it does by one-half the fundamental principle found by every country and stated by every writer on banking to be for the security of the people who intrust their money to banks, I am using that as a "pretext" to avoid a redistribution of the currency. I say that whoever asserts that asserts that which is unjust to me and which is beneath the dignity of the cause that the honorable Senators represent. They should find some better reason than that for overcoming the suggestion I make that I believe in the law of 1864 regulating all banks, and which has no reference to distribution, that there should be security to the bill-holder and to the depositor also to the full extent required by that act.

Mr. HOWE. I do not rise to say a word in favor of the adoption of this report or against the adoption of it. I will try to be content with whatever the Senate does in that behalf; that is to say, if I am discontented with whatever the Senate does, I will try to bear that discontent as well as I can.

I want to say one word touching this question of distribution. I am one of those who never blamed the East for any share that it has obtained in this privilege of banking. That is a statutory privilege. I think it ought to be common to all. The wisdom of the law, however, decreed that it should be limited. It was distributed, and our friends in the Eastern States secured a share in that privilege quite disproportioned to their population or to their business. I never held them blamable for doing so. The States of the West and South secured a share of that privilege quite disproportioned to their business and to their population, much less than their population and business entitled them to. I never blamed the East for that result; but this morning I understand the Senator from Vermont to urge that the West and the South are to blame for not having secured more of this statutory privilege than they did.

Mr. EDMUNDS. I have not said anything of the kind.

Mr. HOWE. I understood the Senator—if I misunderstood him I shall be corrected—to recite here as an evidence of the patriotism of the East that they came forward when war was abroad in the land and took up this banking circulation by way of aiding the Government; and that the West, not being as patriotic, held back and refused to take the share of that circulation which the statute entitled them to.

Mr. EDMUNDS. I occupied no such position and stated no such proposition, the Senator will pardon me for saying, as he will find by looking at the RECORD to-morrow, which I never change or revise.

Mr. HOWE. Then I did misunderstand the Senator.

Mr. EDMUNDS. You did. I had no such idea.

Mr. HOWE. I am glad I misunderstood the Senator. Still I will take this opportunity to say, since I have gotten up under the influence of a mistake, that I do not think the State I represent is at all to blame for not having secured its full share of that statutory privilege. The State of Wisconsin had a banking system at the time you adopted the national banking system. By the constitution of that State she is prohibited from contracting a debt exceeding $100,000, except in time of war. When the war came on the State found it necessary to contract a larger debt than $100,000, did contract a debt to the amount of $2,000,000 in aid of the Government, in aid of the war, to enable the State to fit out and send its troops to the field. The banks of Wisconsin came forward and invested their capital in those bonds and put those bonds behind their circulation. When you proposed to tax the circulation of State banks 10 per cent., or tax them out of existence, you see that blow fell heavily upon the banks of the State of Wisconsin. I am inclined to think the banks of Wisconsin were just as patriotic when they purchased the bonds of that State issued in aid of the war as the banks of Vermont or of Massachusetts were when they purchased the bonds of the United States issued in aid of the same war.

Mr. SCOTT. Will the Senator from Wisconsin permit me to make a statement bearing on this matter—I do not wish to get into this centroversy—which I think ought to settle the question about the relative patriotism of the East and West in taking the national-bank capital? I made an examination at one time on that subject, and prior to the battle of Gettysburgh, in July, 1863, which I believe is conceded as having turned the tide of events, there were not over thirty applications for national-bank charters from all quarters of the United States.

Mr. HOWE. Then, after all, it was not so very patriotic a movement.

Mr. SCOTT. I state the fact.

Mr. HOWE. I am sorry the Senator did not withhold that fact. I should have been glad to believe that the patriotism of all our friends in the East could be measured by the readiness, the cheerful alacrity with which they came forward and subscribed to these bonds and went into the banking business. I should not have protested against the justice of that standard at all, but I should protest against applying the same standard to the State of Wisconsin for the reasons that I was going on to state.

When the United States said to the several States "You must retire all your State bank issues," it involved the necessity on the part of Wisconsin bankers not merely of investing their capital in national bonds, but it involved the necessity of their withdrawing the same amount of capital which was then invested in the bonds of the State. That was a very heavy load for the banks to carry. Those bonds could not readily be converted when all the capital of the country was jumping to get national bonds. I remember to have stood here in the Senate to have resisted the passage of that law imposing the tax. I thought I was discharging but my simple duty to the bankers of Wisconsin in doing so; but while I stood here resisting it those bankers came forward voluntarily, having first invested their capital in the bonds of the State to aid the war, and in convention they agreed to retire those bonds and to invest their capital in the bonds of the nation. So I shall to-day and always protest that the reluctance on the part of the bankers of Wisconsin to come forward and invest in the national banking system is not to be construed here or anywhere as an evidence of any want of patriotism on their part.

Having said this much, I will take my seat, remarking once more that I care but very little what the Senate shall do with this pending measure. It has been remarked before that it does not meet any one of the necessities which hitherto we have all insisted were the necessities that confronted the country. Those two necessities were, first, that as the privilege of banking was a monopoly the monopoly ought to be uprooted, and second, that you have a large amount of national paper afloat, on its face payable on demand, but not paid in fact. The two labors we assigned to ourselves when we came here were, first, destroying this monopoly, and second, redeeming the national faith as it is borne on the face of these legal-tenders. Your bill ignores both these points. It proposes what you call a redistribution of the bank circulation. On that point I have simply to say what I have said repeatedly. If our friends of the East are perfectly willing to allow a redistribution, I accept it; I do not want to snatch at it; and if you give it to us I do not want you to make faces at us. If you think it is an act of justice due to the West and the South, then do justice and do it like men. If you think justice does not require it, then hold on to it. If you got no more than belongs to you, abide by that position. I cannot bear to accept this redistribution and then be taunted for doing so. I suppose if I was very hungry and entirely destitute of money, and my friend from Vermont was to offer me a quarter of a dollar to buy a lunch with, I should take it; but if I saw when he handed me the quarter of a dollar that he was going to spit at me as a beggar if I did take it, I would go hungry a little longer. So I think I will not snatch at this proffer that is now made to us. I will wait and see what the Senate will do about it. If they give it

to us, I think I had better take care that the record shall show it was their act and not mine.

Mr. SCHURZ. I do not intend to prolong this debate, Mr. President; in fact I have neither the strength nor the disposition to do so; but I merely want to state in a few words my position with regard to this bill.

I expect this bill will pass Congress, and what I might say would have little effect either way. There are some provisions in it which I approve of; among others the redistribution of the currency—this for two reasons: In the first place it will, in part at least, remove that injustice which has grown up under the law as it now stands; and in the second place it will dispel some of the delusions which seem to exist here and there, especially in the Western and the Southern States. I should therefore gladly vote for that feature of the bill and desire it to become the law of the land. In fact I have voted several times for it. There are, however, other things in this bill, and especially one which will scarcely permit me to support this particular measure as a whole. The one I refer to particularly is this: This bill legalizes the issue of part of what was called the $44,000,000 reserve. I for my part with other Senators have always considered that so-called reserve no reserve at all, but upon conscientious investigtaion of that subject I have believed, and do now firmly believe, that the $44,000,000 were retired, canceled, destroyed, wiped out as part of the legal-tender circulation, and could not legally be put out again.

I hold also, as a logical consequence, that any *ex post facto* enactment legalizing the reissue of any part of those retired United States notes would amount virtually to a fresh issue of irredeemable paper currency as a legal tender in time of peace, which, looking at it from the point of view of constitutional power or of sound policy, I cannot give my assent to, directly or indirectly.

Conscientiously holding this view, I cannot vote for any measure pretending to legalize the reissue of any part of the so-called forty-four million reserve instead of providing for the retirement of the amount illegally issued.

Having paired off with the Senator from Illinois now absent, [Mr. LOGAN,] before he went West, upon all questions concerning finance, upon the assumption that he and I would naturally be on opposite sides, I shall have to abstain from voting.

Mr. MORRILL, of Vermont. I shall vote against this bill because it is direct expansion. There is some difference of opinion in relation to the propriety of keeping reserves when banks are upon a specie basis. I think myself that then it might be well left to the discretion of every banker. But here we have a national banking system which provides that banks in the country shall have 15 per cent. of reserve and in the cities 25 per cent. That has hitherto kept out of circulation about $100,000,000. Now it is proposed to obliterate that provision of law so far as the circulation is concerned; and that will, of course, throw that amount into circulation in addition to the sum that heretofore has been authorized. It is solely on the ground of this and the other provision in relation to legalizing what has been miscalled the reserve of $44,000,000 that I shall vote against the bill.

Mr. MORTON. Mr. President, at almost every step in this discussion for four or five months, to every request that has been made in behalf of free banking or for some extension of the national-bank currency, to give banking facilities to States that had not their full share or had not what they required, we have been met by the most liberal propositions to take twenty-five, forty, or fifty millions from the Eastern States—to take what we wanted. These offers have been made in a most magnificent manner from time to time.

Mr. EDMUNDS. May I ask the Senator a question?

Mr. MORTON. Allow me to go on. I always knew that so far as my State was concerned upon the basis of the distribution of the act of 1865, a redistribution would give Indiana but very little; it would not meet the demand and the necessity that exist there. But other States were in a different situation. I confess that when these generous offers were made from time to time I had a secret apprehension that if it should ever come to pass that a vote must be taken upon anything like fair distribution or approaching a fair distribution of this currency, the Senators who made these liberal and generous offers would find some unfortunate thing in the bill, that had crept in either by accident or in the night when nobody was looking after it, which would prevent them from voting for it. Now I shall await this vote with a great deal of interest to see whether my apprehension on that subject will be realized. My friend from Vermont said that he would vote for the other bill, the bill not before the Senate, but I should be afraid——

Mr. EDMUNDS. I did vote for it.

Mr. MORTON. My friend voted for it under circumstances when he did not expect it to pass, and when there was no prospect of its passage; but now for the first time there is a prospect for the passage of a redistribution bill, and my friend finds good and sufficient reasons why he will vote against it, and I have always been afraid that he would.

But he says another thing. He does not admit that the law requires a redistribution or that the States of the West and South failed to get what they were entitled to under the law. He does not admit that; but he intimates that he is willing we should have this as a matter of favor, as a matter of compassion, a gratuity, like a toy thrown to a querulous or unhappy child. I do not believe any of the Western or Southern States want it upon that ground.

Now, what is the simple fact about it? When the first act was passed authorizing $300,000,000 of national-bank notes and providing for their apportionment among the several States upon a certain basis, the law contemplated that whatever was apportioned to any particular State should stand to the credit of that State until that State was prepared to take it, whether it was this year, or next year, or five years hence. But what was the result? After the law was passed and the system went into full operation, States in the West and South, owing to their condition resulting from the war and from other causes, were not prepared to step in and to take all of it the very first year, and a certain Treasury officer gave a construction to the law that enabled the Eastern States to come in and take what these Western States could not take of their own share the first year, and they did so. That is the whole of it. I do not blame the people of New England for it. I have said so repeatedly. A Treasury officer said they were entitled to it. I do not blame men of capital for coming in and taking it when they thought they could make their capital profitable by that kind of investment. But that did not change the right or change the law. And now we are told at this late hour, after ten years have passed by, when there is a prospect of the passage of a law making an imperfect distribution, now $25,000,000 short of what the Comptroller of the Currency reported is necessary to make a full distribution, we are told, "You are not entitled to it under the law, but we are willing you should have it, provided the other parts of the bill were right, which unfortunately they are not."

Mr. President, the Senator from Vermont [Mr. MORRILL] said that this is a measure of expansion. Well, to the extent that it liberates legal-tender notes which are now required by law to be held in the vaults of the banks, it is expansion, and $30,000,000 of old notes set free are a great deal better than $18,000,000 of new notes put into circulation. I have never been in favor of making new notes and putting them into circulation beyond the limit the law has fixed.

The Senator says further that it is expansion in this, that it requires the $382,000,000 of legal-tenders to be kept in circulation, and that some millions out of the $26,000,000 issued last fall have already been retired by the Secretary of the Treasury. If that is true, the country does not know it; but the threat of that retirement is hanging over the country, and perhaps more than almost any other cause depresses the business of this country. If some millions have already been retired, this law will requre them to go out, because the plain intention of this law is that the legal-tender circulation shall be $382,000,000, of course saving the necessary and ordinary currency balance in the Treasury, and the currency balance is always counted in the monthly statement as a part of the circulation, and justly so.

I am criticised for saying that this is not a finality. Do those Senators who have talked so long and so earnestly about specie payments contend that it is a finality? A law that will deny to the State of Indiana the right to establish banks of her own and will not give to her national banks—a great and growing State—can hardly be called a finality. I can say that here and now. We shall hear a great deal said about specie payments, the repeal of the legal-tender act, the hoarding of gold in the Treasury, and the selling of our bonds in Europe to get gold. I have no doubt all that is to be talked of before the people, as well as free banking and such enlargement of the bank system as will enable us to meet the developments of the nation.

This, Mr. President, is all I have to say.

Mr. EDMUNDS. Mr. President, the Senator from Indiana says that the original law provided that this distribution of banking facilities among the several States according to population and wealth, should be a perpetual provision which was to be set apart for the credit and benefit of the particular State and was never to be withdrawn from it. I should be very glad if the Senator from Indiana had pointed out to us any such provision in the act relating to the national banks. No doubt it is my ignorance, but I should be glad to have him or any member of the Committee on Finance or of this conference committee point out, what has never been asserted before, that the law provided this apportionment among the several States should be an apportionment made once forever, and that none of the currency should be issued except to the States who by that apportionment were to take it, whether they wanted it or not. There is not any provision of that kind in the statute that I ever heard of. If there is, I should be glad to hear some gentleman read it.

Mr. SHERMAN. The law of 1863 contained that provision; the law of 1864 did not, which I see the Senator has before him. The act of March 3, 1865, restored the old provision. If the Senator has the act of March 3, 1865, he will find that the old provision for distribution was restored; and that was long before there was any considerable issue in any of the States.

Mr. EDMUNDS. Does the Senator mean to say that the law provided that this currency should only be issued to the States in accordance with their wealth and population, and therefore that the issue to the States in excess of their proportions respectively on the basis of wealth and population was an illegal issue?

Mr. SHERMAN. I would prefer to show the Senator the statute.

Mr. EDMUNDS. The Senator prefers not to answer the question; that is the short of it.

Mr. SHERMAN. I will furnish the statute to the Senator.

Mr. EDMUNDS. The Senator has been at the head of the finances of this nation legislatively for a good while, and I should be glad to have the country know from him whether when we were trying to carry on

the war and pay off the debt that accrued out of it, and when some States did not or would not or could not come forward and get their bonds and take circulation, and thus furnish means to the Government to pay off its obligations, the law was invaded by the Secretary of the Treasury allowing other States that could to establish banks. Was that a violation of the statute? I want to know if the Secretary of the Treasury committed an act of such immense importance as that when the law set apart, as the Senator from Indiana says it did, to each one of the States a given quota which was to stand to its credit until the crack of doom, and leave the soldiers of this Republic to go unpaid for the want of currency to pay them in, to be got by the purchase of bonds and then their deposits here? I should be glad to know it. I should be glad to have it understood now, because it certainly ought to make a great difference in the judgment of just men all over the country in respect to this question of redistribution, whether you are merely correcting a gross irregularity and illegality of conduct on the part of the Secretary of the Treasury, and of robbery on the part of the States that took more than population and wealth pointed out for them to take in the first instance, or whether when a State which was offered that proportion declined to take it, it was lawful for a citizen of some other State to come forward and say: "I will take your bonds and give you the money to pay your soldiers." It is worth knowing; and as it has been boldly stated on this floor, I demand the authority of the statutes under which such an assertion is made. I should be glad to have the people be able to read such a statute, and have it appear in our debates. I never heard the Senator from Ohio say that that was the law. I never heard any person say it was the law until now, for the first time, it has fallen from the lips of the Senator from Indiana, who did not do us the honor to make any reference to the statute on which he relied for any such proposition. He said that that was the true construction of the law. I should be glad to see where the clause is in that law which bears that construction.

The Senator from Ohio says the act of 1864 did not contain it, but the act of 1865 did. I fail to see in the act of 1865 anything that contains it. Perhaps the Senator can reason it out. I will not take his time on that subject. He can do it himself. I beg leave to say that it is rather late in the day to put a construction of that character upon these statutes of the United States—rather late in the day, ten years afterward—to discover that this currency was put out illegally by the Secretary of the Treasury, and that you got your money to pay your soldiers with through a robbery committed by the Secretary of the Treasury and the people of the Eastern States upon the Western States in their purchasing of bonds and depositing them for circulation to do this thing with. It may be so, but it is a thing that has not been discovered until now.

Mr. SHERMAN. I do not want to be drawn into this debate, but the Senator appealed to me as a member of the Committee on Finance, and I feel bound to read him the law. I find it in Brightley's Digest:

> And that $150,000,000 of the entire amount of circulating notes authorized to be issued shall be apportioned to associations in the States, in the District of Columbia, and in the Territories, according to representative population, and the remainder shall be apportioned by the Secretary of the Treasury among associations formed in the several States, in the District of Columbia, and in the Territories, having due regard to the existing banking capital, resources, and business of such States, District, and Territories.

The reference is to the act of March 3, 1865, 18 Statutes, page 498.

Mr. EDMUNDS. I suppose nobody doubts that that is the way the act of 1865 reads, and nobody doubts how the act of 1863 and the act of 1864 read. That is not the question. The question which the Senator from Onio does not answer is what in his judgment at the time, and what in his judgment now, and what in the judgment of everybody for the last ten years the honest interpretation of that statute is; and to that the Senator gives no answer. I could have read the statute myself; I had it in my hand. I said that I failed to discover in this statute authority for the assertion of the Senator from Indiana; that was all; and I asked Senators to point out how it meant that. That they do not do. But I am taking too much time about that; it is only incidental.

I only wish the Senator from Indiana, who impugns the honor and fidelity of Senators from the Eastern States on this subject of redistribution, to remember, as others will remember if he does not, that time after time in this Senate the Senators from the Eastern States at this session have voted solid in favor of a distinct proposition to be enacted into the form of a law for this redistribution unembarrassed by the poisonous sauce that this conference committee has surrounded it with and poured over it, but in a way that nobody could object to it upon the merits and nobody did; and the honorable Senator from Indiana and all forces that he could muster, enough to beat it, voted directly against it.

Mr. President, in that point of view I shall leave it to the future to determine whether it is the Senator from Indiana or whether it is I who history will pronounce to have acted the part of a demagogue upon this question. I do not say that either of us has. I only say in reply to the imputations of the honorable Senator that it may be determined hereafter when his acts and not mine, for he is great and I am humble, are drawn into public consideration—it will be for the future to determine how large the good faith and how large the direct fidelity to a straight and square object has been which has brought him to vote constantly against this proposition when it was not coupled with other things which have nothing to do with it, and which we believe to be injurious to the public welfare, has been consistent with the interest that he now seems to feel, and undoubtedly does feel, in favor of this redistribution which is to carry prosperity and greenbacks to the pockets of those who do not possess either.

Mr. SARGENT. In accordance with the general understanding of the Senate, the hour of four o'clock having arrived, I now move that the Senate proceed to the consideration of executive business.

Mr. WRIGHT. Will not the Senator from California let us take the vote on this question?

Mr. SARGENT. If the debate stops and we can take the vote I will not object; otherwise I do object.

The PRESIDENT *pro tempore*. Is the motion withdrawn?

Mr. SARGENT. Until the roll is called.

The PRESIDENT *pro tempore*. The question is on agreeing to the report of the conference committee.

The question being taken by yeas and nays, resulted—yeas 43, nays 19; as follows:

YEAS—Messrs. Alcorn, Allison, Bogy, Boreman, Carpenter, Chandler, Clayton, Conover, Cooper, Cragin, Davis, Dennis, Ferry of Michigan, Gilbert, Goldthwaite, Gordon, Harvey, Hitchcock, Ingalls, Johnston, Kelly, McCreery, Merrimon, Mitchell, Morton, Norwood, Oglesby, Patterson, Pease, Pratt, Ramsey, Ransom, Robertson, Scott, Sherman, Sprague, Stevenson, Thurman, Tipton, Wadleigh, West, Windom, and Wright—43.

NAYS—Messrs. Anthony, Bayard, Boutwell, Buckingham, Edmunds, Fenton, Flanagan, Frelinghuysen, Hager, Hamilton of Maryland, Hamilton of Texas, Hamlin, Jones, Morrill of Maine, Morrill of Vermont, Sargent, Stewart, Stockton, and Washburn—19.

ABSENT—Messrs. Brownlow, Cameron, Conkling, Dorsey, Ferry of Connecticut, Howe, Lewis, Logan, Saulsbury, Schurz, and Spencer—11.

So the report was concurred in.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. No. 2109) for the protection of the United States custom-house in the city of Louisville, Kentucky;

A bill (H. R. No. 3000) for the relief of Samuel W. Davidson, Henry Smith, John Gray Bynum, and others; and

A joint resolution (H. R. No. 108) in regard to the lower pier at Chester, Pennsylvania.

HOUSE BILL REFERRED.

On motion of Mr. STEVENSON, the bill (H. R. No. 2109) for the protection of the United States custom-house in the city of Louisville, Kentucky, was read twice by its title, and referred to the Committee on Appropriations.

RIVER AND HARBOR BILL.

The PRESIDENT *pro tempore*. The bill (H. R. No. 3168) making appropriations for the repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes, is before the Senate as in Committee of the Whole.

Mr. SARGENT. I now move that the Senate proceed to the consideration of executive business.

Mr. CHANDLER. I hope the Senate will not go into executive session until they finish the river and harbor bill.

The PRESIDENT *pro tempore*. The Chair asks indulgence of the Senate before putting the question on the motion for an executive session to dispose of business on his table.

Mr. SARGENT. I have no objection to that.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a message from the President of the United States, communicating the official report of the delegates selected to represent the United States at the eighth session of the international statistical congress, held at Saint Petersburg in August, 1872, by invitation of the Emperor of Russia; which was ordered to lie on the table and be printed.

The PRESIDENT *pro tempore* laid before the Senate a letter from the Secretary of the Interior, transmitting, in obedience to law, the report of the surveyor-general of New Mexico on land grant to Francisco Montes Vigil, reported as private land claim No. 91, for the town of Alameda tract, in Bernalillo County, New Mexico; which was referred to the Committee on Private Land Claims.

STATISTICAL ATLAS OF NINTH CENSUS.

The PRESIDENT *pro tempore* laid before the Senate the following concurrent resolution of the House of Representatives:

Resolved by the House of Representatives, (the Senate concurring,) That the three thousand copies of the Statistical Atlas of the United States based on the results of the ninth census, now being compiled by Francis A. Walker, the publication of which is provided for by act of March 3, 1873, shall be distributed for public and official use as follows: twenty-five copies for the President; six hundred copies for the Senate; twelve hundred copies for the House of Representatives; two hundred and twenty-five copies for the State Department, and for transmission to United States legations and the more important consulates abroad, and to the legations of foreign governments in Washington; seventy-five copies for the Treasury Department; forty copies for the War Department; twenty-five copies for the Navy Department; twenty-five copies for the Department of Justice; twenty-five copies for the Department of Agriculture; six hundred copies for the Department of the Interior for its use and distribution among the executives of the several States, and libraries of literary institutions; sixty copies for the Library of Congress, State libraries, and one hundred copies for Francis A. Walker.

Mr. ANTHONY. I move that the Senate agree to that resolution. It merely provides for the distribution of a book already ordered to be printed.

The resolution was considered and agreed to.

RAYMOND'S MINING REPORT.

The PRESIDENT *pro tempore* laid before the Senate the following concurrent resolution of the House of Representatives; which was referred to the Committee on Printing:

Resolved by the House of Representatives, (the Senate concurring,) That of the report of R. W. Raymond on mining statistics, with the accompanying engravings, there be printed three thousand copies for the House, two thousand for the Senate, one thousand for the Treasury Department, and one thousand for the Commissioner.

EDUCATION REPORT.

The PRESIDENT *pro tempore* laid before the Senate the following concurrent resolution of the House of Representatives; which was referred to the Committee on Printing:

Resolved, (the Senate concurring,) That there be printed twenty thousand copies of the report of the Commissioner of Education, five thousand of which number shall be for the use of the Commissioner, five thousand for the use of the Senate, and ten thousand for the use of the House of Representatives.

TRANSPORTATION REPORT.

The PRESIDENT *pro tempore* laid before the Senate the following concurrent resolution of the House of Representatives:

Resolved by the House of Representatives, (the Senate concurring,) That there be printed six thousand copies of the report, with appendix and evidence of the Select Committee of the Senate on Transportation to the Sea-board, four thousand of which shall be for the use of the House of Representatives, and two thousand for the use of the Senate.

Mr. ANTHONY. We passed a resolution this morning for a different distribution of that document and the printing of a less number of the evidence.

Mr. SARGENT. I think it had better go to the Committee on Printing.

The resolution was referred to the Committee on Printing.

AMENDMENTS TO AN APPROPRIATION BILL.

Mr. MORRILL, of Vermont, from the Committee on Public Buildings and Grounds, submitted an amendment intended to be proposed to the bill (H. R. No. 3600) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1875; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. COOPER, Mr. BOUTWELL, Mr. STEVENSON, and Mr. MITCHELL submitted amendments intended to be proposed by them to the bill (H. R. No. 3600) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1875; which were referred to the Committee on Appropriations, and ordered to be printed.

Mr. CLAYTON, from the Committee on Military Affairs, submitted an amendment intended to be proposed to the bill (H. R. No. 3600) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1875; which was referred to the Committee on Appropriations, and ordered to be printed.

LOUISVILLE CUSTOM-HOUSE.

Mr. STEVENSON. If the Senator from California will yield the floor to me for a moment, I wish to report from the Committee on Appropriations a bill and ask that it be put on its passage.

Mr. SARGENT. I believe that will lead to no discussion.

Mr. STEVENSON. None.

The Committee on Appropriations, to whom was referred the bill (H. R. No. 2109) for the protection of the United States custom-house in the city of Louisville, Kentucky, have directed me to report it without amendment, and I ask for its present consideration.

The bill was read.

Mr. EDMUNDS. The same principle that I acted upon this morning compels me to ask that that bill shall go over. If we are ever going to do anything with the Calendar, we must go to it.

Mr. STEVENSON. I ask that the bill be put on its passage. It is absolutely essential that this should be done.

Mr. EDMUNDS. What difference does it make whether it is done to-day or to-morrow?

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

HOUSE BILLS REFERRED.

The bill (H. R. No. 3762) to amend the act entitled "An act for the erection of a public building for the use of the United States in Atlanta, Georgia," was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

The joint resolution (H. R. No. 8) in regard to the lower pier at Chester, Pennsylvania, was read twice by its title, and referred to the Committee on Commerce.

The joint resolution (H. R. No. 112) directing the Public Printer to keep an account of all expenditures for printing, mailing, and binding the CONGRESSIONAL RECORD, &c., was read twice by its title, and referred to the Committee on Printing.

The bill (H. R. No. 3761) directing the Secretary of the Treasury to report upon the necessity of a public building at the city of Auburn, New York, was read twice by its title.

Mr. FENTON. I ask that the Senate act on that bill now. It is merely a bill directing an inquiry, and is in a very few lines.

Mr. EDMUNDS. The same honor that I owe to other gentlemen compels me to stand by the Calendar.

Mr. FENTON. Then let the bill be referred.

The bill was referred to the Committee on Public Buildings and Grounds.

The bill (H. R. No. 3477) for the relief of Nelson Tiffany was read twice by its title, and referred to the Committee on Military Affairs.

The bill (H. R. No. 3000) for the relief of Samuel W. Davidson, Henry Smith, John Gray Bynum, and others, was read twice by its title, and referred to the Committee on Indian Affairs.

The joint resolution (H. R. No. 113) making an appropriation for the purchase and restoration to the family of the Marquis de La Fayette of the watch presented to him by General Washington was read twice by its title.

Mr. BUCKINGHAM. I ask that that be put on its passage.

Mr. EDMUNDS. I object.

The joint resolution was referred to the Committee on Foreign Relations.

The bill (H. R. No. 3757) for the transfer of twenty condemned bronze cannon for the erection of a statue to the late Major-General George Gordon Meade, was read twice by its title.

Mr. SCOTT. I am requested by the gentlemen having in charge the erection of that statue to ask the immediate consideration of the bill.

Mr. EDMUNDS. I object.

The bill was referred to the Committee on Military Affairs.

The bill (H. R. No. 2032) to amend the act entitled "An act to promote the development of the mining resources of the United States," approved May 10, 1872, was read twice by its title, and referred to the Committee on Mines and Mining.

The bill (H. R. No. 2700) amendatory of the act entitled "An act for the relief of the heirs and next of kin of James B. Armstrong, deceased," approved March 3, 1873, was read twice by its title, and referred to the Committee on Claims.

The bill (H. R. No. 3132) authorizing the Secretary of War to deliver certain condemned ordnance to the municipal authorities of Lexington, Massachusetts, for monumental purposes, was read twice by its title.

Mr. WASHBURN. I hope that will not be required to be referred. It is merely allowing certain pieces of ordnance to be granted to Lexington as has been done in other cases.

Mr. EDMUNDS. Such bills have always been referred. I object for the same reason that I have done so before. I do not see why bills should be passed now when others reported long ago are waiting.

The bill was referred to the Committee on Military Affairs.

The following bills were severally read twice by their titles and referred as indicated below:

The bill (H. R. No. 3182) for the relief of the heirs of James Barnett, deceased—to the Committee on Military Affairs.

The bill (H. R. No. 3749) to provide for the reapportionment of the Legislative Assembly of Idaho Territory—to the Committee on Territories.

The bill (H. R. No. 3756) to appoint a commission to establish the rights of the former slaves in the Choctaw and Chickasaw countries, and their descendants, and to submit the same to Congress—to the Committee on Indian Affairs.

EXECUTIVE SESSION.

Mr. SARGENT. I move that the Senate proceed to the consideration of executive business. I need not remind Senators that this motion is in accordance with an understanding arrived at a few days ago.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from California.

The motion was agreed to. there being on a division—ayes 34, noes 7; and the Senate proceeded to the consideration of executive business. After one hour and forty minutes spent in executive session the Senate (at six o'clock p. m) took a recess till half past seven o'clock p. m.

EVENING SESSION.

The Senate reassembled at half past seven o'clock p. m. in executive session. After two hours and twenty-three minutes spent in the consideration of executive business the doors were reopened.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had concurred in some and non-concurred in other amendments of the Senate to the bill (H. R. No. 3094) making appropriations for the service of the Post-Office Department for the year ending June 30, 1875, and for other purposes; and agreed to other amendments of the Senate with amendments, asked a conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. J. N. TYNER of Indiana, Mr. J. B. PACKER of Pennsylvania, and Mr. S. S. MARSHALL of Illinois, managers at the same on its part.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had

signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (S. No. 110) for the relief of the East Tennessee University;

A bill (S. No. 954) prohibiting the publication of the revised statutes of the United States in the newspapers at the expense of the United States;

A bill (H. R. No. 2701) to relieve William G. Jones, of Alabama, of political disabilities;

A bill (H. R. No. 3309) granting to the Nevada County Narrow-Gauge Railroad Company a right of way through the public lands for a railroad;

A bill (H. R. No. 3740) to create the Bozeman land district in the Territory of Montana;

A bill (H. R. No. 3417) to relieve Thomas Claiborne, of Tennessee, of political disabilities imposed upon him by the fourteenth amendment to the Constitution of the United States;

A bill (H. R. No. 3332) to fix the term for the election of Representatives in the Forty-fourth Congress from the State of Mississippi;

A bill (H. R. No. 3680) for the government of the District of Columbia, and for other purposes;

A bill (H. R. No. 3748) directing the Secretary of the Treasury to report upon the necessity for a public building at Brooklyn, New York, and the cost of the same.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. MORRILL, of Maine, from the Committee on Appropriations, to whom was referred the bill (H. R. No. 3600) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1875, and for other purposes, reported it with amendments.

POST-OFFICE APPROPRIATION BILL.

Mr. PRATT. I move to take up House bill No. 2190, being the bil amendatory of the act granting pensions to the soldiers of the war of 1812, &c.

Mr. CHANDLER. I hope that bill will not be taken up. I hope the Senate will go on with the river and harbor bill and dispose of it.

The PRESIDING OFFICER, (Mr. INGALLS in the chair.) The Senator from Indiana moves to postpone the pending and all prior orders, and proceed to the consideration of the bill indicated by him.

Mr. EDMUNDS. I should like to hear that bill read.

Mr. DAVIS. I hope the motion of the Senator from Indiana will not prevail, and for this reason: We had a vote this morning, and a recess was taken and a session called for to-night for the express purpose of considering the pension bill, the bill which I understand the Senator from Indiana now proposes to call up.

Mr. PRATT. Yes, sir.

Mr. DAVIS. We came here this evening for that purpose. The subject was brought before the Senate this morning, and by a large vote, I believe by a majority of fifteen, the Senate determined to come here to-night for the purpose of taking up that bill.

Mr. CHANDLER. I have been striving ever since Monday morning at twelve o'clock to get action on the river and harbor bill. We now have one day more of the session, and it is absolutely certain that the river and harbor bill must go to a conference committee, and unless it is taken up now and perfected and passed to-night, there is very grave doubt whether it will pass at all. If the river and harbor bill has any friends here I trust they will stand by it. I hope the motion of the Senator from Indiana will not prevail, but that the friends of the river and harbor bill will stand by it. If it has no friends, let it go.

Mr. WEST. The House of Representatives having acted upon the amendments of the Senate to the post-office appropriation bill, concurring in some and non-concurring in others, and agreeing to others, with amendments, and asked for a conference, I move that the Senate insist on its amendments and agree to the conference, and that the conferees on the part of the Senate be appointed by the Chair.

Mr. EDMUNDS. I should like to know what the state of the question is on the post-office appropriation bill before we lump it in that way.

The PRESIDING OFFICER. The pending question is on the motion of the Senator from Indiana to postpone the pending and all prior orders and proceed to the consideration of House bill No. 2190.

Mr. WEST. I am aware of that; but I presume the Senate will entertain a motion to appoint a committee of conference at any time. It can be submitted to the Senate if it is necessary.

The PRESIDING OFFICER. Is there objection to the motion made by the Senator from Louisiana?

Mr. EDMUNDS. I want to hear the communication from the House of Representatives read, if it is not offensive to the Senator, to know what it is that we are to have a conference about.

Mr. WEST. The Senator is very ingenious in finding offense. I do not find any offense.

The PRESIDING OFFICER. The Chair will lay before the Senate a message from the House of Representatives in relation to the post-office appropriation bill.

The Chief Clerk read the action of the House of Representatives, as follows:

IN THE HOUSE OF REPRESENTATIVES,
June 19, 1874.

Resolved, That the House concur in the amendments of the Senate to the bill (H. R. No. 3094) making appropriations for the service of the Post-Office Department for the year ending June 30, 1875, and for other purposes, numbered as follows: 1, 3, 4, 7, 9, 10, and 11.

That the House non-concur in the following numbered amendments, namely, 2, 5, 6, 13, 14, 15, 16, and 17.

That the House concur in the following amendments of the Senate to said bill, with amendments, as follows:

Eighth amendment.—After the word "publications" in line 6 of said amendment strike out the words "four cents" and insert "issued weekly and more frequently than once a week, one cent and five mills," and after the word "thereof" in line 7, insert "and on those issued less frequently than once a week, three cents for each pound or fraction thereof."

Twelfth amendment.—In line 1, after "Postmaster-General" insert "when in his judgment it shall be necessary," in line 17, after the word "do" insert "and shall thereafter without having taken such affidavit, deposit any newspapers in the mail for transmission," and in lines 21 and 22 between the words "any" and "person" and "any" and "matter," insert the word "such," and in line 24, after the word "done" insert "with the intent to avoid the prepayment of postage due thereon;" after the word "any" in line 25 insert "such," and in lines 29 and 30, strike out the words "less than $100 nor" and in line 31 strike out the words "three years" and insert "one year."

That the House ask a conference with the Senate on the disagreeing votes of the two Houses on said bill.

Ordered, That Mr. TYNER, Mr. PACKER, and Mr. MARSHALL, be the managers of the conference on the part of the House.

Mr. EDMUNDS. I should be glad to have the Senator in charge of this bill explain to us what are the open questions between the two Houses, in order that we may understand what it is we are to have a conference about. The Chair will remember that to-day we had some discussion on the matter as to whether the conferees on the currency bill acted within the line of their duty, and I think it quite desirable that we should know in this instance, not more than in any other, what it is we are submitting to a conference between the two Houses. The Senator from Louisiana can explain it to us, if he can be heard, I have no doubt in a very short time.

Mr. WEST. The only point involving an appropriation in the bill from which the House disagrees with the Senate is an amount of $700. So with respect to money that is the only difference. The main open question with regard to general legislation is the disagreement of the House of Representatives to the amount fixed by the Senate as postage upon newspapers, the House determining that one and one-half cents a pound shall be enough, but the Senate holding to the opinion that four cents a pound is proper. There are some minor matters in connection with the details of that difference, but nothing more than that, I understand.

Mr. EDMUNDS. What is the state of the question as respects transmitting the RECORD through the mails?

Mr. THURMAN. That is in amendment numbered 17. That is non-concurred in.

Mr. EDMUNDS. That is open. What is the state of the other postage question as to the transmission of public documents already printed?

Mr. THURMAN. That is in the same section and non-concurred in.

The PRESIDING OFFICER. What is the motion made by the Senator from Louisiana?

Mr. WEST. That the Senate insist on its amendments non-concurred in by the House, disagree to the amendments of the House to other amendments of the Senate, and agree to the conference asked by the House.

The motion was agreed to; and by unanimous consent the President *pro tempore* was authorized to appoint the committee of conference on the part of the Senate; and Messrs. WEST, RAMSEY, and SHERMAN were appointed the conferees.

AMENDMENT TO AN APPROPRIATION BILL.

Mr. CLAYTON. I desire——

Mr. STEVENSON. I rise to a question of order. The pending question, as I understand, is on the motion of the Senator from Indiana to take up the pension bill.

The PRESIDING OFFICER. But by unanimous consent the motion of the Senator from Louisiana was entertained.

Mr. STEVENSON. Only that. Now comes the Senator from Arkansas with a motion.

Mr. CLAYTON. I only desire to submit an amendment to an appropriation bill. I desire to give notice of an amendment to be moved to the bill (H. R. No. 3600) making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1875, and for other purposes.

The amendment was referred to the Committee on Appropriations, and ordered to be printed.

ORDER OF BUSINESS.

The PRESIDING OFFICER. The question recurs on the motion of the Senator from Indiana to lay aside the pending and all other prior orders and proceed to the consideration of House bill No. 2190.

Mr. MORRILL, of Maine. May I inquire what the pending business is?

The PRESIDING OFFICER. The river and harbor appropriation bill.

Mr. MORRILL, of Maine. I believe that there seems to have been a pretty general understanding all along that the appropriation bills should take the precedence in the order of business, and we have arrived now at that late day of the session, almost in the last hours of the session, when if we do not observe that rule I am very sure we shall not be in a condition to adjourn on the 22d instant.

I have no right to know of course what the proposition is which is to supersede this appropriation bill, but I should regret extremely that it should be found necessary to displace an appropriation bill at this particular time, so late in the session, for any matter of legislation whatever. Unless the House of Representatives should change their position on the subject, we shall adjourn on the 22d instant. We have no right to know that we shall not. If after we have passed the appropriation bills, it shall be found that the public necessity is so great as to require further delay, that may be very well, but certainly we cannot afford for any general legislation whatever to postpone the consideration of an appropriation bill at this time of the session. To-morrow morning, or during the session of to-morrow, I shall ask the Senate to proceed to the consideration of the sundry civil appropriation bill, which is a large bill and will require a good deal of attention. It seems to me that the Senate cannot afford to lay aside the bill which the Senator from Michigan has under his charge.

Mr. CHANDLER. The Committee on Appropriations have already served notice on the Committee on Commerce that they will call up what is known as the omnibus bill to-morrow morning, and will antagonize it against the river and harbor bill, and I hope the Senate will to-night complete that bill. I ask the Senate to stand by the river and harbor bill.

Mr. STEVENSON. I gave notice the day before yesterday that I should ask for a night session to-night for this purpose, and the Senator from Michigan has no right to ask us to consider the river and harbor bill to-night. He would have adjourned at six o'clock and his bill would have gone over until to-morrow. The day before yesterday I gave notice of a night session to-night for a particular purpose and I hope every friend of the pension bill will stay here and give us a vote on it. Let us have a fair vote. If the majority of the Senate is in favor of the river and harbor bill to-night I shall say amen. If they are in favor of the pension bill, it will not take us five minutes to pass it.

Mr. PRATT. The bill now moved, as I had occasion to say to-night, has been pending in the Senate since the middle of March last. The Senate will bear me witness that I have attempted time and again to bring this bill before the Senate for its consideration. I made an appeal yesterday and stated the grounds. When to-day the Senator from Kentucky moved that we take a recess from six o'clock until half past seven, my understanding was that that motion having followed a speech upon the importance of disposing of this bill, it was the understanding of the Senate that this night should be devoted to its consideration. I came up here for that purpose, and I do not think that the consideration of the bill will occupy any great length of time. There are but three propositions in it. It is a bill amendatory of the act of February 14, 1871, which gave pensions to a certain class of the soldiers of the war of 1812 against Great Britain. That law limited the pensioners to those who had served sixty days. This bill which the House sends us admits all soldiers of the war of 1812.

The PRESIDING OFFICER. The Chair would suggest to the Senator that a discussion of the merits of the bill is not in order on the motion to take it up.

Mr. PRATT. I was not stating the merits of the bill but simply what the bill contained. However, if I am out of order, I will not pursue that line of argument any longer. All I wish to say is that I think it is due to the persons who are beneficiaries of this bill that they should have a hearing at the present session. I think that this bill has been set aside long enough. If it is crowded now into the last hours of the session whose fault is it? Certainly it is not mine. As the chairman of the Committee on Pensions I reported this bill more than a month ago, and took occasion then to explain its merits in a speech of half or three-quarters of an hour. Since that time I have repeatedly made an appeal to the Senate to take it up for consideration. I hope therefore that we shall have a vote, and a vote that will indicate who are the friends of this bill.

Mr. SCOTT. I am not willing that the last remark of the Senator from Indiana shall pass without a word of reply. He says he hopes that this vote will indicate who are the friends of this bill, who are willing to have it considered. Now, Mr. President, I suppose that no Senator here is unwilling that the merits of the bill shall be considered, and I rise to express my regret that the chairman of the Committee on Finance is not in his place, because I think that there is another very serious question in this bill, or in this motion, and it is this: We now have before us the appropriation bill for the purpose of keeping in repair the harbors of the country, and of removing obstructions from the navigable rivers of the country; in other words, will we lay aside at this period of the session a bill which is necessary to be passed in order that our harbors may be kept open so that we may receive revenues enough to pay the pensions we are already liable to pay, and receive revenues enough to carry on the other operations of the Government? Will we lay aside this bill, and have our harbors filled up for want of appropriations so that our commerce cannot be carried on? That is just as important a question to be considered on this motion as who are the friends of this bill when we get it before us, and I hope that some attention will be paid to those appropriations which are necessary to enable the Government to go on and pay the pensions that others are now looking for, as well as those who are interested in this bill.

I trust, sir, that we shall stand by the chairman of the Committee on Commerce at present, and enable him to get through the river and harbor bill so that these great public works necessary to keep the Government in operation shall not fail for want of appropriations.

Mr. FLANAGAN. I for one am going to stand by the chairman of the Committee on Pensions on this occasion, and he is found in his seat. Our distinguished friend, the chairman of the Committee on Finance, is generally there; but he is absent to-night, when it is very well known to the Senate that there is no Senator here but what understood from a vote that we had upon this subject that this question was to be taken up at half past seven this evening.

Mr. FERRY, of Michigan. Let me remind the Senator from Texas that my colleague, the chairman of the Committee on Commerce, who is so modest, whose bill is now being criticised by the Senator who is on his feet, is in his seat and pressing the consideration of the river and harbor bill.

Mr. FLANAGAN. I am very well aware of that; and complimentary to him it is to say that he is always there, particularly when rivers and harbors are spoken of. There is no doubt about that. Every Senator is well aware of that fact. I will stand by him in due time. There is no danger, as expressed by my distinguished friend from Pennsylvania, on the subject of the appropriation bills. They will be passed beyond a doubt. It is very questionable, however, from the indications that I see here, whether they will not cover up and smother out a proposition to do justice to a class of men that it is very hard to vote against. There is not a Senator here who is not immediately representing the class that it is now proposed to benefit, and they are worthy. As to the millions of money that are spoken of that it will require to do them justice, I care not what the amount may be; the millions will be well appropriated, better than they will be in many instances in the river and harbor bill, or in any other great measure that you can speak of.

It is hard to "kick against the pricks;" it is hard to vote against the old soldiers. They have been the life of this country from its earliest to its latest period of history, and we must do them justice, and I have no hesitation in saying justice will be done them; and this is the proper time, now is the time to take up and act upon this bill, and I am confident it will be done.

Mr. MORRILL, of Vermont. I suppose it is not unknown to all the Senate that the appropriations for the coming year are very likely to exceed the amount of our revenue. The bill proposed by the Senator from Indiana is likely to add to the burdens of the Treasury, as I have understood, some $15,000,000.

Mr. WEST. How is that?

Mr. MORRILL, of Vermont. I think it is very much better that we should take up some measure that will add something to the resources of the Treasury rather than diminish them. I make an appeal in behalf of what is known as the little tariff bill, and if I can get votes enough for it we will take that up and consider it to-night or immediately after the river and harbor bill is disposed of.

When we came here to-night I did not suppose that the Senate were committed to any measure. I thought that the Calendar was as much open as any other measure. I knew that the Senator from Kentucky [Mr. STEVENSON] was anxious to have his pet measure considered. I also knew that the chairman of the Committee on Commerce was determined to push his measure through; and there were various other favorite measures that were likely to be called up, and it would be left to the discretion of the Senate as to what they would actually do when they were assembled.

Now, Mr. President, it does seem to me that it is the height of wisdom and statesmanship that we should seek to contribute something to the Treasury rather than to deplete it. I shall therefore move at the first moment that I can that we take up the little tariff bill and consider it to-night, for if it is not disposed of to-night I fear we shall not have any other opportunity to consider it.

Mr. BOREMAN. Mr. President, the Senator from Indiana seems to intimate that he will regard this vote as a test of the friends of the pension bill. I do not think it ought to be so regarded. Certainly in the case of some Senators here it must not be so regarded. This evening we had under consideration the river and harbor bill. I think it is better to get through with one thing at a time and proceed with that bill until we finish it and then take up this bill, if it is not to be considered, as I hope it will be, during this session. I hold, then, that the vote on this motion is not to be a test.

Mr. STEVENSON. I hope it will be a test, and it is a test. No gentleman can escape the test. Gentlemen can vote as they please of course; but it is a test. This bill is not in antagonism with the river and harbor bill. The river and harbor bill gave way to a financial discussion to-day. When I asked for a session to-night it was with the distinct avowal and understanding that the soldiers' bill should have to-night.

Mr. EDMUNDS. There was no such understanding, let me tell the Senator.

Mr. STEVENSON. I beg pardon of the Senator from Vermont; he was not here; he did not hear what I said. I did say that the only object in taking the recess was to have this bill considered, and then the chairman of the Committee on Commerce, that being so, did not propose, nor did any other Senator that I heard of propose to antagonize with this bill. I could not make the motion in a form which would certainly bring up the bill as of course.

Mr. EDMUNDS. I do not object to the Senator from Kentucky stating what his understanding was, but I was here and heard all

that the Senator said, and I have no doubt that his understanding was that he would push this bill through at all times if possible. Nobody misunderstood that. But when we were taking the vote several Senators around me said "we want a session for to-night in order that we may finish these appropriation bills, and therefore we vote for the recess." The Senator therefore has no right to say that there was any understanding that this bill should be considered to-night. We get an understanding by having the Chair put to everybody the inquiry whether there is common consent that a particular bill shall be regarded as in order. The Senator from Kentucky perfectly well understands that. I hope that we shall not be pressed with the consideration that there was an understanding that this bill was to overslaugh the appropriation bills, when the understanding has been on this side of the House for a good while, which I supposed bound us all, that appropriation bills, in the condition of the public business, when they were reached should have precedence over everything; and I say that for the benefit of the Senator from Indiana.

Mr. STEVENSON. One word in reply to the Senator from Vermont. He says he heard what I said. Then he heard in Vermont what I said, because what I referred to as having been said by me was what I said on the day before yesterday.

Mr. EDMUNDS. I beg the Senator's pardon. I was referring to what he said to-day on the same subject.

Mr. STEVENSON. So I presumed. The day before yesterday I rose in my place and said that by the consent of the Senate I would this morning move to appropriate this evening to the consideration of this specific bill. There was no objection, that I heard, from any quarter. I rose this morning and made the motion. I do not mean to say that Senators are committed to it—my friend from Vermont misunderstands me there—I only mean to say that I sought to antagonize with nobody, and that the understanding of the friends of this measure was that it would be considered to-night. I do not believe that we should have had a night session if it had not been for the notice I gave and for the motion I made. That is my distinct understanding, and while I claim that no man is bound and that every man is free in good faith to vote as he pleases, I still must maintain my proposition that but for this motion of mine we should not have been here to-night. No chairman of any appropriation committee said to me "you can move that; but I shall, if necessary, move to take up my bill."

Mr. BUCKINGHAM. I appreciate the position of the Senator from Kentucky and his desire to have this bill passsed. I am anxious for it also; I am in favor of having the bill acted upon at the earliest moment even if there is but little money in the public Treasury; but I must say that I thought all these measures which are sought to be brought before the Senate were to give way on account of the public necessity to the regular appropriation bills. It is with that view that I feel obliged to stand by the chairman of the Committee on Commerce and vote against taking up the bill proposed by the Senator from Indiana, although I earnestly desire that the bill should be considered.

Mr. PRATT. I wish to make a single remark in reply to what has fallen from the Senator from Vermont, [Mr. EDMUNDS.] I did not intend in making this motion to antagonize the appropriation bill which was under consideration to-day. I made it upon what I considered was the understanding of the Senate, after the adoption of the resolution on motion of the Senator from Kentucky, that when the Senate took a recess at six o'clock it would meet again at seven and a half o'clock. There was nothing expressly said in that motion or resolution that the Senate would take up for consideration this pension bill this evening; but I think it was generally understood that the appropriation bill would go over until to-morrow, and that this evening would be devoted exclusively to the consideration of this pension bill. It was with that understanding that I made the motion that I did a short time since, and now I wish to have a vote upon that motion. If it is voted down, well and good; I have done my duty. I consider it my duty as the chairman of the Committee on Pensions to omit no opportunity of bringing this bill fairly before the Senate for its consideration.

The PRESIDING OFFICER. The question is on the motion of the Senator from Indiana to lay aside the pending order, which is the river and harbor bill, and all prior orders, and proceed to the consideration of House bill No. 2190.

Mr. CHANDLER and Mr. STEVENSON called for the yeas and nays; and they were ordered.

Mr. CHANDLER. It must be known to every Senator that displacing the river and harbor bill at this time is virtually abandoning it; it loses its place.

The question being taken by yeas and nays, resulted—yeas 29, nays 27; as follows:

YEAS—Messrs. Alcorn, Bayard, Bogy, Cooper, Davis, Dennis, Flanagan, Goldthwaite, Gordon, Hamilton of Maryland, Hamilton of Texas, Hamlin, Johnston, Kelly, Lewis, Merrimon, Norwood, Oglesby, Patterson, Pease, Pratt, Ransom, Robertson, Saulsbury, Sprague, Stevenson, Stockton, Thurman, and Tipton—29.

NAYS—Messrs. Allison, Anthony, Boutwell, Buckingham, Chandler, Clayton, Conover, Edmunds, Fenton, Ferry of Michigan, Frelinghuysen, Hitchcock, Howe, Ingalls, Jones, Mitchell, Morrill of Maine, Morrill of Vermont, Ramsey, Sargent, Scott, Spencer, Wadleigh, Washburn, West, Windom, and Wright—27.

ABSENT—Messrs. Boreman, Brownlow, Cameron, Carpenter, Conkling, Cragin, Dorsey, Ferry of Connecticut, Gilbert, Hager, Harvey, Logan, McCreery, Morton, Schurz, Sherman, and Stewart—17.

So the motion of Mr. PRATT was agreed to.

The PRESIDING OFFICER. The Clerk will report the bill.

Mr. CHANDLER. I now move that the further consideration of the river and harbor bill be postponed until the first Monday in December.

Mr. FLANAGAN and Mr. STEVENSON. I second that motion.

Mr. ANTHONY. That motion is unnecessary. The bill is postponed of course after the vote just taken.

The PRESIDING OFFICER. That bill having been laid aside, the motion is not in order. The Clerk will report the pending bill.

THE CONGRESSIONAL RECORD.

Mr. ANTHONY. I ask consent to make a report. The Committee on Printing, to whom was referred the resolution directing the Public Printer to keep an account of all expenditures for printing, mailing, and binding the CONGRESSIONAL RECORD, have instructed me to report it back without amendment and recommend its passage. I ask for its present consideration.

By unanimous consent, the joint resolution (H. R. No. 112) directing the Public Printer to keep an account of all expenditures for printing, mailing, and binding the CONGRESSIONAL RECORD, &c., was considered as in Committee of the Whole.

The joint resolution was reported to the Senate, ordered to a third reading, read the third time, and passed.

PENSIONS TO SOLDIERS OF 1812.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 2190) to amend the act entitled "An act granting pensions to certain soldiers and sailors of the war of 1812, and the widows of deceased soldiers," approved February 14, 1871, and to restore to the pension-rolls those persons whose names were stricken therefrom in consequence of disloyalty.

Mr. MORRILL, of Vermont. Some of my brother Senators think that I rather exaggerated the amount that is involved in this bill. I therefore desire to ask the chairman of the Committee on Pensions whether this bill will not involve the payment of about eleven millions of back pensions and four or five millions annually thereafter as it now stands?

Mr. PRATT. I am not able to answer with anything like precision the question of the Senator from Vermont. I will state that I am instructed by the committee to offer certain amendments to this bill, which will greatly reduce the amount necessary to be appropriated in order to pay these soldiers.

Mr. MORRILL, of Vermont. Then I will ask the chairman of the committee if he thinks the estimate I have given is an exaggerated statement or not?

Mr. PRATT. The bill as it came from the House placed upon the pension-roll all the surviving soldiers of the war of 1812, which would include of course every man who had served a day, and it placed them upon the same footing with those soldiers who served sixty days in the war and who were pensioned under the act of February 14, 1871; but I am instructed by the committee to propose an amendment to the first section of this bill, so that it will limit the pensions that are granted to those who are not already pensioned to the date of the passage of this bill; that is to say, the amendment that I shall propose will give to the surviving soldiers who were not benefited by the law of 1871 pensions from the date of the passage of this bill.

Mr. MORRILL, of Vermont. I hope the Senator will pardon my persistence in the pursuit of knowledge under great difficulties. He seems disinclined to give me any opinion as to the amount. I will therefore ask him whether he has not a statement of the Department itself on this subject, and if he has, I should be glad to know the estimate of the Department as to the amount involved in this bill?

Mr. PRATT. I will cheerfully answer the Senator from Vermont. I applied to the Commissioner of Pensions for an approximate estimate of how much would be required to answer the demands of this bill as it came to the Senate from the House of Representatives; and without having the figures before me, I will state in general terms that he estimated——

Mr. EDMUNDS. Have you not the letter? If you have, you had better have it read, so that we can all hear it.

Mr. PRATT. It has been once read to the Senate. I have it here somewhere among my papers.

Mr. EDMUNDS. I never heard it. Was this bill ever up before?

Mr. PRATT. It was up one day for the purpose of allowing me to explain it.

Mr. EDMUNDS. I should like to hear the letter read. I do not remember to have heard it.

Mr. PRATT. The letter is incorporated in the remarks which I submitted to the Senate on this bill on the 6th of May, and I send a copy of it as printed in the RECORD of the 7th of May, to the Secretary's desk for the purpose of having it read.

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) If there be no objection, the letter will be read.

The Chief Clerk read as follows:

DEPARTMENT OF THE INTERIOR, PENSION OFFICE,
Washington, D. C., April 29, 1874.

SIR: In reply to your inquiries of this date I have the honor to answer as follows:

First. At what percentage per annum do the survivors of the war of 1812 on the roll die?

It appears from our records that during the year ending June 30, 1872, of 17,100 survivors on the roll, 604 deaths were reported, or 3.5 per cent. During the year ending 1873, of 18,266 on the roll, 2,036 deaths were reported, or 11.1 per cent.

Of the widows, out of 3,027 pensioned to June 30, 1872, 122 deaths were reported, or 4 per cent. In 1873, of 5,053 on the roll, 222 deaths, or 4.4 per cent. were reported.

It is necessary to add that this statement does not include all those of either class who died during those periods. Deaths are only reported to the office when allowances are claimed. We estimate the actual loss to the roll at about 10 per cent. per annum, though the names may remain upon the record until three years from the date of last payment, when they will be dropped by operation of law.

Second. How does the percentage of deaths increase as they get older?

From the foregoing it will appear that we are unable to give reliable information upon this point.

Third. If all the soldiers of that war (1812) should be pensioned, what would be the probable addition to the list?

Basing the estimate upon experience under the act of February 14, 1871, I find that 51,555 soldiers of the war of 1812 would have been entitled at the date of its passage for one day's service. Deducting therefrom 25 per cent. for those since deceased, 12,889, and 16⅔ per cent. as an allowance for those who, from various causes, will fail to apply, and those who will be unable to prove their claims, 6,445, and I conclude that 32,221 soldiers would be added to the list, an excess of 10,836 over the present roll.

Fourth. If widows who married before 1825 were admitted, how many would be added to the list?

Under date of January 15, 1873, I had the honor to inform you that in the opinion of this office 16,000 widows would become entitled by the extension of the limitation as to marriage down to 1825, the term of service remaining at sixty days. Proper deductions from those figures would be 10 per cent. for deaths, 1,600, and 20 per cent. for incomplete claims, 2,880, leaving 11,520 as the number who would probably become pensioners.

Fifth. If widows married before 1850 were admitted to the pension-list, to what extent would it increase the present roll?

Without claiming a great degree of accuracy for this statement, I place the number at 28,000, assuming that one day's service is intended. At date of 1825 these soldiers had reached an age when most men have formed their domestic relations, and marriages subsequent to that time were principally remarriages.

Sixth. Taking the House bill (2190) as it is, what would probably be the amount of appropriation necessary to meet the increase?

Survivors to be added, 10,386, at $96 per year	$1,040,256
Widows to be added, 28,000, at $96 per year	2,688,000
Removal of disloyalty bar, 464, at $96 per year	44,640
Total	3,772,896
To pay arrearages, three years	11,318,688
Grand total	15,091,584

Mr. EDMUNDS. That is a grand total, certainly!

The Chief Clerk resumed and concluded the reading of the letter, as follows:

Upon the assumption that the claims will be adjusted immediately upon the passage of the act, this amount of appropriation would become necessary. But in fact their settlement would occupy several years, and the arrearages, to a large amount, become payable from future annual appropriations. As $400 would be required to meet the payment of each new claim admitted during the first fiscal year, if twenty thousand claims are adjusted during that period—and with a proper amount of force this can be done—an immediate appropriation of about $8,000,000 will be required.

Seventh. How many pensioners of the war of 1812 are now admitted?

Survivors	21,385
Widows	6,076
Total	27,461

Eighth. What, since you made you last report, is the probable number of deaths of survivors and widows?

Applying this question to pensioners, I am unable, without occupying more time than you have allowed me, to give an answer. If made, as I state, under your first questions, the number reported to the office would vary materially from the correct number.

In view of your request for an immediate answer, the statement has been very hastily prepared, but is believed to be approximately correct.

Very respectfully,

JOS. LOCKEY,
Acting Commissioner.

Hon. D. D. PRATT,
Chairman Committee on Pensions, United States Senate.

Mr. PRATT. Mr. President, that estimate of the Commissioner was made upon the basis of this bill which gives all the surviving soldiers who are not now admitted to the rolls arrears back to the 14th day of February, 1871. One of the amendments which I am instructed by the committee to offer will cut off all those arrears which go to swell so largely the sum total in the estimate. I have other letters from the Commissioner here which I have abstracted, and I will proceed to give his estimates upon different hypotheses that were submitted to him; first stating, however, the number at present on the rolls according to his last report under the existing law, that law which admitted all the surviving soldiers of the war of 1812 who had served sixty days, and all of the widows of those soldiers who had died who were married previous to the conclusion of the treaty of peace. Of the surviving soldiers there are 18,266, and of widows 5,053, making in all upon the pension-roll under the act of 1871, 23,319 who are drawing pensions at this time to the annual amount of $2,238,292.

The Commissioner, in answer to a question that I propounded to him, stated that the number of survivors who served one day is estimated to be 19,246. The pensions of this number at $96 each would amount to $1,847,616.

Another question that I propounded to the Commissioner was, How many would be admitted to the roll, supposing that the bill was so changed as to include only those soldiers who had served thirty days during the war? And the estimate of the Commissioner is that the number of soldiers and widows entitled by a change in the law admitting to pensions those who have served thirty days would be 5,429, which at ninety-six dollars a year for each would amount to $511,184 per year.

I then submitted to him the question, What number of widows would be entitled by a change in this present bill, including those who were married before the year 1825, instead of the year 1850 as this bill proposes? And his answer is that the number would be 15,200, which at ninety-six dollars a year would amount to $1,459,200 per year.

The next question that I submitted to him was what number would be admitted to the roll if the term of service was limited to fourteen days, in accordance with the bounty-land act of the 3d of March, 1855, which the Senate will remember was the limit of service. All soldiers who had served in any of the wars of this country from 1790 down to that time were by law declared to be entitled to bounty-land warrants calling for one hundred and sixty acres each; and taking that law as fixing a principle upon which we should grant pensions to the surviving soldiers of the war of 1812, I asked what number would be admitted to the rolls if the House bill were so changed as to limit its provisions to those who had served fourteen days; and his estimate was that there would be 13,108 added to the rolls, which at ninety-six dollars each per year would amount to $1,258,368.

I have not before me an estimate of the amount that would be required to satisfy the fifth section of the bill which provides for the restoration to the pension-rolls of the names of all persons now surviving who were heretofore pensioned on account of services in the war of 1812 against Great Britain, and whose names were stricken from the rolls in pursuance of the act of 1862 and the joint resolution of March 4, 1867. My general recollection is, however, that the estimate of the Commissioner is that there are about four hundred and forty-odd who have been dropped from the rolls and who would be entitled to restoration under the provisions of the fifth section of this bill.

Mr. EDMUNDS. Have you not the report of the Commissioner on that subject?

Mr. PRATT. I have somewhere; but I do not think I have the letter here.

Mr. EDMUNDS. There must be a great many more than four hundred and forty, I should think.

Mr. PRATT. My recollection is that it was less than four hundred and fifty. I do not think I can be mistaken about that.

Mr. EDMUNDS. How much is the arrearage due to each man?

Mr. PRATT. According to the provisions of the fifth section of this bill these men who have been dropped from the rolls would be taken up just as if their pensions had never been suspended, and of course there would be twelve years of arrearages; that is supposing they were dropped from the rolls in 1862 at the time the law on that subject passed.

Mr. EDMUNDS. Although in fact they did not draw after 1861, I suppose; so that you should add another year.

Mr. PRATT. That may be or it may not. Now, Mr. President, the first amendment which I am instructed by the Committee on Pensions to move is to strike out from line 3 to line 6 of section 1, in the following words:

That the act granting pensions to the surviving soldiers of the war of 1812, approved February 14, 1871, be amended, so as to read as follows.

That is stricken out for two purposes. In the first place, to meet the objection that was made upon a former occasion by the Senator from New York, [Mr. CONKLING,] that legislation of this kind was vicious because of reference to laws which had been repealed in the revision of the statutes; and for another reason, that this provision would entitle those who took under this bill to draw pensions from the 14th of February, 1871, whereas the instructions of the committee to me were to report such amendments as would make the pensions to the surviving soldiers commence from the passage of this bill. Therefore the first motion which I make is to strike out the words in the first section which I have just read.

Mr. WEST. I think before the Senator passes from the subject of the number of pensioners and the amount involved, that the Senate ought to know in distinct and succinct terms what is the amount of money sought to be appropriated by this bill. There is no amount specified in the bill. Now, cannot the Senator divest it of all the verbiage of the difference of classification and tell us distinctly and straightforwardly how much money is involved in the bill?

Mr. PRATT. I can answer the Senator from Louisiana better when this bill has been considered and has been amended. He asks now how much will be taken from the Treasury if the bill should pass in its present form. Of course I cannot anticipate the action of the Senate upon the different provisions in this bill. Therefore I cannot respond to his question.

Mr. WEST. I did not ask the Senator the question as to what amount would be involved in the bill after the Senate should have concluded it; but I ask him now, as he has reported favorably on the bill and advocates it, how much is involved in the bill as it stands?

Mr. PRATT. The Senator has listened I presume, or he ought to have listened, to the estimate of the Commissioner of Pensions. He speaks of me as the advocate of this bill. I am not the advocate of the bill as it stands. I am instructed, on the contrary, by the Committee on Pensions to propose certain amendments, and I propose to submit certain amendments of my own motion. The estimate of the Commissioner of Pensions is that to meet the demands of this bill in its present form, including arrearages, will require something upward of $15,000,000.

Mr. WEST. Ah! that is the answer.

The PRESIDING OFFICER, (Mr. ANTHONY.) The Senator from Indiana offers an amendment which will be read.

The CHIEF CLERK. It is proposed to strike out in section 1 the following words:

That the act granting pensions to the surviving soldiers of the war of 1812, approved February 14, 1871, be amended so as to read as follows.

Mr. FRELINGHUYSEN. How will the section read when amended?

The CHIEF CLERK. The first section will then commence:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-rolls the names of the surviving officers and enlisted and drafted men, including militia and volunteers, &c.

Mr. FRELINGHUYSEN. Mr. President, no member of this body is disposed to oppose a pension bill; every Senator feels grateful to any one who risked his life in the defense of the country; but it does seem to me that in the closing hours of the session, and after we have been engaged here to-day for twelve hours, to introduce for consideration in the present state of the finances of the country a bill which we are told makes a draft upon the Treasury of more than $15,000,000 is an act wanting in patriotism. We owe a duty to the country, a duty to its finances, a duty to the Treasury, that should make us hesitate. It may be that in a more prosperous condition of the country, it may be that when our financial condition is improved, this measure or some well-considered measure in this direction may commend itself to Congress. But after we have been here twelve hours to-day, when we have but a day left of the session, when it is utterly impossible to consider a bill of this magnitude as it should be considered, I say that instead of being an act of patriotism, it is an act wanting in patriotism to introduce and force it upon the Senate. Sir, to gain $15,000,000 into this Treasury the whole nation has been disturbed and we have sent commissioners to Geneva and had an arbitration with England. We had insisted upon it and were ready to go to war to obtain it. But now when everybody in the Senate is worn out, when there is no opportunity of considering this measure, we are forced to take up a bill appropriating $15,000,000, and I would like to ask my friend from Indiana, after this $15,000,000 is expended, what will be the annual expenditure for the next five or ten years?

Mr. PRATT. It will depend entirely on the form which this bill takes after it has been considered by the Senate. I cannot answer the Senator from New Jersey.

Mr. FRELINGHUYSEN. I think my friend ought to be able to answer the Senator from New Jersey. It is no satisfaction to me, when I am bound here on my oath to protect the interest of the Treasury of this country, for one who promotes a bill to tell me that after the bill has passed and becomes a law, and when the information can be of no value, then he will be prepared to tell me what will be the draft upon the Treasury! I suppose that it will cost four or five millions a year for the next ten years to fulfill the obligations of this bill.

Mr. PRATT. If the arrears feature of the bill is stricken out, I do not think it will require more than $3,000,000 a year at the very outside to satisfy the demands of this bill. I may say further that it appears from the letter of the Commissioner that the average age of the surviving soldiers of the war of 1812 is at this time about eighty-one years. Why, Mr. President, it is nearly sixty years since peace was concluded with Great Britain. Peace was made, as the Senate is aware, in December, 1814. Here we are in the year of grace 1874. It will be in December next sixty years since the men who will take the benefit of the provisions of this bill were disbanded. The Senate can judge for itself how rapidly this list will diminish. Why, sir, they are falling now rapidly like leaves in December. The last survivor will not probably live more than ten or fifteen years at the very outside.

Why should we hesitate to do this measure of justice to the survivors of that war, when we consider the liberal legislation in behalf of the revolutionary soldiers? There are Senators here who in 1864 voted to pay so long as he lived to every surviving soldier of the revolutionary war $100 in addition to the pension he was drawing though he had never been disabled in the service of the country. Why, sir, Congress from time to time has voted seventy-four millions of acres to the soldiers of the country in its different wars. Most of the survivors of the war of 1812 are poor, many of them objects of charity, eighty-one years of age. They can last but a few years at most. Why should we grude what we so freely gave to the soldiers of the Revolution, ninety-six dollars a year? It is but a pittance to each of them; and as I said before if you cut off the arrears which the House gave to these soldiers and to their widows I think the figure that I named is the very outside amount which will be required to be appropriated for the purpose of paying these survivors and their widows the first year. It will be much less the second, still less the third, diminishing rapidly, until ten years hence probably there will scarcely be a survivor left on the rolls.

Mr. FRELINGHUYSEN. I wish to ask my friend a question, and I ask for information because I do not know. What effect upon the claim of a pensioner under this bill would it have if he has been engaged in a war against the United States since 1812?

Mr. PRATT. The fifth section of this bill restores to the pension-roll all those soldiers of the war of 1812 who were disabled in the service of the country and fighting under its flag, men who are hobbling around on crutches, stretched upon beds of sickness; men who at the time this rebellion occurred were sixty-five or seventy years of age at least, and who could have given no active aid or comfort or assistance to the rebellion; men to whom the nation owed a solemn debt, each one of whom held a certificate from this Government that it would pay him ninety-six dollars a year, and there was no condition written in that certificate. The act of 1862 did not confiscate that debt. It simply suspended its payment, and for wise and politic reasons. But the pensions which are restored by the fifth section of this bill are in the nature of indemnifications that the country was paying to those men who had lost their health and strength in its service in the war of 1812. That is the class of men whom this bill restores to the pension-roll, not simply men who had served in that war, but men who had been disabled, broken down in that war and rendered incapable of earning their subsistence. Does any gentleman who listens to me refuse to resume payment now nine years since the war has concluded? I have heard a great deal of patriotic talk in this Hall against repudiation; but, Mr. President, can you conceive a more shameful act of repudiation than for the nation to refuse to pay pensions to these men who were injured in its service and fighting under the flag of the country, whose pension certificates were as I said before simply in the nature of indemnity that the nation agreed to pay them for their losses of health and strength?

Mr. FRELINGHUYSEN. Will my friend be good enough to answer my question?

Mr. PRATT. I did not understand the question.

Mr. FRELINGHUYSEN. I asked what effect this bill had—and I asked for information, for I did not know—upon the pension of those who had engaged in war against the country.

Mr. PRATT. Mr. President, the acts affected by this section were leveled against those who had given aid and comfort to the rebellion.

Mr. FRELINGHUYSEN. Which section is it?

Mr. PRATT. The fifth section. I will read it:

That the Secretary of the Interior be, and he is hereby, authorized and directed to restore to the pension-rolls the names of all persons now surviving heretofore pensioned on account of service in the war of 1812 against Great Britain—

And the bill might have added "pensioned because of disability incurred in service rendered to their country," because that was the fact. No one else was admitted to the pension-roll—

and whose names were stricken from the rolls in pursuance of the act entitled "An act," &c.

I have before me the two acts under which payments were stopped to these soldiers. The act of February 4, 1862, reads as follows:

That the Secretary of the Interior be, and he is hereby, authorized and directed to strike from the pension-rolls the names of all such persons as have or may hereafter take up arms against the Government of the United States, or—

Mark the alternative—

or who have in any manner encouraged the rebels or manifested a sympathy with their cause.

If a man living right in the heart of secession, in South Carolina, manifested any degree of sympathy whatever with the cause of the rebellion his name was at once stricken from the roll under the provisions of this act. Although he may have been a paralytic, though he may have been stretched on a bed of sickness, though he was going about on crutches and could render the rebellion no service at all, yet this law struck his name from the pension-rolls. The joint resolution of March 2, 1867, simply prohibited "payment by any Government officer to any person not known to have been opposed to the rebellion." I believe now I have answered the Senator from New Jersey.

Mr. FRELINGHUYSEN. Then I understand the question to be this: For sixty years this Government has not felt the great obligation which seems, near twelve o'clock at midnight on the last day but one of the session of Congress, to propose to take $15,000,000 out of the Treasury at a time when we cannot consider it. For these sixty years this Government has suffered that claim to rest until now comes a provision that those are to be paid who have taken up arms against the Government of the United States; for this act by its very terms repeals the act authorizing the Secretary of the Interior to strike from the pension-rolls the names of such persons as have taken up arms against the United States or who have in any manner encouraged the rebels. That is the act that is repealed.

Mr. President, I do not say, I do not mean to commit myself one way or the other on that point, that a state of circumstances may not possibly exist which would authorize the repeal of that act; but I do mean to say that this is no time, at this hour, at this period of the session, to consider an act of that character. It ought to have the calm and careful deliberation of the Senate. It ought to be made known to the country. If we are going to vote away $15,000,000 or $16,000,000, or as I make it it out $20,000,000, for that letter reported that a deduction of from $4,000,000 to $5,000,000 was made for fifteen thousand who it was thought would not present claims—if we are going to make such an appropriation in the present state of our finances and relieve those who took up arms against the Government and pay a large part of it to them, we ought to do it deliberately, we ought to do it at a time when the country can be heard from. I do not think that it is a patriotic mode of manifesting our patriotism.

Mr. SAULSBURY. Mr. President, I may be wanting in patriotism; but I came here this evening in order that I might assist to do justice to a class of men who before a large number of the members of this Senate had a being were fighting the battles of the country and upholding its honor against a foreign foe. Patriotism is something undefined; what the Senator from New Jersey may call patriotism

might not be regarded as patriotism by others; but if there is any act which a Senator on this floor can perform which is patriotic, it is that of rewarding the men who fought the battles of this country and helped to maintain its honor and dignity when that honor and dignity were threatened by a foreign enemy. I do not think the declaration is justifiable that it is wanting in patriotism in Senators to avow their readiness to do justice to the men, the youngest of whom is now at least seventy-five years of age, who in 1812 enlisted in the service of the country and who have been postponed from time to time. Now in their last days when there is an effort made to do justice to them, when a Senator on this floor rises up and denounces that as unpatriotic, I must say that I think such language is unbecoming at least in this Senate. If it is unpatriotic, then for one I glory in being unpatriotic. I am willing to reward the men who before I had an existence fought the battles of this country, and I am much more willing to reward those than I am younger men near my own age. Sir, they are now destitute, they are helpless, they are unable to provide for themselves; and in their old age, in their infirmity, when we know the value of their services to the country, I take issue with the Senator and I say it is unpatriotic not to reward them.

If we postpone placing these soldiers on the pension-list a few years longer, the last of them will have passed away. I suppose the Senator from New Jersey desires a postponement of this question; but I think that to-night is the time; I do not care whether it is near twelve o'clock or whether it is one o'clock or five o'clock in the morning. I came here to vote for this bill, and I am ready to stay here until seven o'clock in the morning in order to accomplish it. I hope the friends of this bill will not suffer themselves to be defeated in their undertaking, but that they will stand by it and that they will restore to the pension-list every man who was struck off because of his supposed sympathy with secession. I want to see these men restored back. I want to see the last marks of distinction between loyal and disloyal men wiped out. The time has come when we should have nothing of that feeling. A continual keeping up of this agitation about loyal and disloyal men is doing more harm to this country to-day than a little. I heard a speech no later than yesterday in this Senate in which the terms "rebel" and "traitor" and so forth were used. That kind of language, in my opinion, is calculated to keep up ill-feeling in the country. We should do everything to blot out the remembrance of the late war, that we may become once more a united people, united not only under a common Government, but in common sympathies, in common feelings, having but one destiny, and feeling a common pride in our own great country.

Mr. FLANAGAN. Mr. President, I feel anxious to add a few remarks in direct harmony with those that have been presented so ably by my distinguished friend from Delaware. I indorse his sentiments throughout. It is time that this great question should be buried. What are the evidences here? Recently we have mourned the death of distinguished generals who had achieved valiant actions upon many battle-fields in the recent unfortunate struggle alluded to by him. Their actions were meritorious. I never sympathized with that rebellion in the first degree at any moment of my life. Previous to it, when I saw it was upon us as the little cloud that was to be seen in the heavens, I warned my fellow-citizens against it. But all those things I am gratified to know have passed away; and now when one of the distinguished generals who served in that war dies, a pension is voted almost instantly to the widow. I vote for such bills every day. Now I am gratified to have an opportunity to vote for the widows of the soldiers of 1812 who so nobly fought for and delivered his country from the perils that were upon it. I want to place them side by side; that brings the old and new together in harmony.

Sir, it is the proper period for us to forgive those who were once stricken from the pension-rolls because they happened to live in the rebellious portions of this Union, that, unfortunately as I conceive, endeavored to dissolve the best Government that civilized man has ever been blessed with. I forgive them. Why should I not? In this I am consistent with the action of the Senate in other matters. Am I not? Now, when a southerner asks for relief from his political disabilities, no man in the Senate withholds it. If he only asks for it it is accorded to him with all manner of cheerfulness. How can you relieve him from his disabilities and then, acting consistently and in line, refuse the little pittance which he asks from the Government as a pension? You cannot do it. Then you must replace him where he originally was. How is it as to confiscated property? You are placing everybody in *statu quo* just as far as you are possibly able to do so; you are giving equity; you are giving justice; you are giving them perhaps more than they deserve. I think they were wrong, but I have the magnanimity I trust, on this occasion, as I have invariably had to accord to them the same honesty of purpose that I claim. I have no hesitation in saying thousands of them believed they were correct. I never did believe they were. But now that question is buried and we must do justice to them, and in doing justice to them we certainly will protect ourselves.

It is said this will cost millions. I know not what it may foot up; but properly has that been answered by the distinguished Senator who has the bill in charge. It will depend evidently upon the amendments that may be made. But I do not beg that question; I am not in the habit of doing so. Whenever I am for a measure I am for it, and when I am opposed to it I am as plainly situated. I care not what the millions may be. It is a principle I am looking to. I think this is a debt meritoriously due, and the money cannot be bette- appropriated. Nay, sir, in the river and harbor bill or any other bill that is before the Congress of the United States there can be no appropriation that has more merit in it in my humble opinion than this. I confess I am anxious to get an opportunity to record my vote in behalf of the old soldier and in behalf of his widow. My distinguished friend from New Jersey says that the time may come for this. We heard that expressed many, many years ago. We read of a "convenient season;" but we are admonished that it never came; nor will it come for this matter if the bill is now postponed. There are those who are dying off to-night, as I am speaking here in all probability, who should have been protected at an earlier day; and I do not wish to postpone; I want to relieve them at the earliest period.

It is objected further that this is an inopportune time, that this bill cannot be properly investigated now. Well, it is very evident that every Senator here knows the importunity, the mighty struggle that my friend, the chairman of the Committee on Pensions, made the other day. He made a gigantic charge upon the Senate, admonishing them of the injustice they were doing, and that he would keep this bill before them and upon them from time to time, and if it has not been considered by the Senators it seems to me that they might say that which I surely would not say of them, that they had been a little remiss.

This is a great question they say now. If so, it ought to have had their attention. It has had mine; it has had my sympathies; I am all anxiety to record my vote in behalf of it, and I do second the motion of the Senator from Delaware, and hope that the Senators in favor of the passage of this bill will not be governed by the hands that we see moving on yonder clock steadily, but that they will sit here till the bill is passed. I am one of the oldest, perhaps the oldest here, but on this occasion I feel buoyant like a boy. I will sit here as long as any Senator will remain in this great and just cause.

Mr. WEST. Mr. President, I do not rise to participate in the discussion of the patriotic sentiments connected with this bill; but I think when the Senate of the United States proposes to be liberal to whoever may deserve their liberality, they ought to understand whether they have the means under their control belonging to the people in the hands of the Government of the United States to exercise that liberality with. I regret that the chairman of the Committee on Finance is not here to give something like a comprehensive statement of the financial condition of this country at the present moment. I have made since this debate opened and since I was startled by the magnitude of the figures presented by the Senator from Indiana a rough estimate of the financial situation of this country for the coming year, and I wish to call the attention of Senators now to the fact that my conclusions, however imperfect they may be, point directly to the fact that whatever amount you appropriate in this bill you are going to be short in your finances; whatever amount you appropriate in this bill you must issue bonds of the United States to meet; and I ask the other side of the House, who are mostly in favor of this bill, whether they propose to indulge in liberality at the expense of a further increase of the public debt? Now let us see these figures.

The Secretary of the Treasury in his estimate laid before us at the opening of this session of Congress points us to the fact that the total estimated revenues of this country for the coming fiscal year will be $305,700,000, and the estimated expenditures of the Government for the same period are $319,191,000. There is a deficiency of nearly $14,000,000 in the fiscal budget of this country for the coming year, not comprehending the countless and innumerable appropriations that have been made here by special bills.

The Committee on Appropriations have sat here, and in scrutinizing the bills that have been submitted to them they have been actuated by a desire to reduce the appropriations to the lowest possible limit, and by commendable economy we probably can offer a budget to the country that will bring us about even. That is as near as I can understand the figures, although many of the bills have not been completed at the present time.

Mr. THURMAN. I should like to inquire of the chairman of the committee, who has this bill in charge, whether he wishes us to sit it out or not? We have been in session now for twelve and a half hours with the exception of a brief recess. Whether or not we shall make any greater progress by sitting this bill out to-night, being completely exhausted to-morrow and unable to do any serious work, is a very questionable thing with me.

I make this inquiry certainly in no spirit of hostility to the bill, because I am inclined to favor it; but if we are not to sit it out we had better adjourn, I think, at once. If we are to sit it out, we had better know what we are to do, so that we may govern ourselves accordingly. We ought to know whether we are to sit it out or not, and I would be glad therefore to know what the Senator wishes, whether he wishes us to sit it out or not.

Mr. PRATT. I will state there are important amendments to be offered.

Mr. THURMAN. If we adjourn now this bill will be the unfinished business, will it not, Mr. President?

The PRESIDING OFFICER, (Mr. WRIGHT in the chair.) It will.

Mr. PRATT. I shall interpose no objection to the adjournment proposed.

Mr. THURMAN. I will not make the motion against the wishes of the chairman. If the chairman wishes to sit the bill out I will

sit it out with him, but if he has no objection I suggest that we had better adjourn.

Mr. PRATT. I have no objection.

Mr. THURMAN. Then I move that the Senate adjourn.

Mr. LEWIS. I hope the Senate will not adjourn. We shall never get another chance to vote for this bill if we adjourn now.

The PRESIDING OFFICER. The Senator from Ohio moves that the Senate do now adjourn.

Mr. COOPER and Mr. DAVIS called for the yeas and nays; and they were ordered.

The yeas and nays were taken.

Mr. SPENCER. On this question I am paired with the Senator from Ohio, [Mr. SHERMAN.] If he were here he would vote "yea," and I should vote "nay."

Mr. HAMILTON, of Maryland. On this question I am paired with the Senator from Vermont, [Mr. EDMUNDS.] He would vote "yea," and I should vote "nay."

Mr. RANSOM. I desire to state that on this bill the Senator from Wisconsin [Mr. CARPENTER] and the Senator from Delaware [Mr. BAYARD] are paired. Mr. BAYARD would vote for the bill, and Mr. CARPENTER against it.

Mr. SPENCER. I desire to make a statement in reference to myself and the Senator from Ohio, [Mr. SHERMAN.] If he were here he would vote against the bill, and I would vote for it.

Mr. ANTHONY. I hope the vote will be announced, and we can have these explanations to-morrow morning.

The result was announced—yeas 27, nays 21; as follows:

YEAS—Messrs. Allison, Anthony, Boreman, Boutwell, Chandler, Clayton, Conover, Ferry of Michigan, Frelinghuysen, Hager, Hamlin, Hitchcock, Jones, McCreery, Morrill of Maine, Morrill of Vermont, Oglesby, Pease, Pratt, Ramsey, Sargent, Scott, Thurman, Washburn, West, Windom, and Wright—27.

NAYS—Messrs. Alcorn, Bogy, Cooper, Davis, Dennis, Fenton, Flanagan, Goldthwaite, Gordon, Hamilton of Texas, Johnston, Kelly, Lewis, Merrimon, Norwood, Patterson, Ransom, Robertson, Saulsbury, Stevenson, and Tipton—21.

ABSENT—Messrs. Bayard, Brownlow, Buckingham, Cameron, Carpenter, Conkling, Cragin, Dorsey, Edmunds, Ferry of Connecticut, Gilbert, Hamilton of Maryland, Harvey, Howe, Ingalls, Logan, Mitchell, Morton, Schurz, Sherman, Spencer Sprague, Stewart, Stockton, and Wadleigh—25.

So the motion was agreed to; and (at eleven o'clock and thirty-five minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *June* 19, 1874.

The House met at eleven o'clock a. m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Clerk proceeded to read the Journal of yesterday.

Mr. HOLMAN. I move that the further reading of the Journal be dispensed with.

The motion was agreed to.

REPORT ON TRANSPORTATION.

Mr. DONNAN, from the Committee on Printing, submitted the following concurrent resolution; which was read, considered, and agreed to:

Resolved by the House of Representatives, (the Senate concurring,) That there be printed six thousand copies of the report, with appendix and evidence, of the Select Committee of the Senate on Transportation to the Sea-board, four thousand of which shall be for the use of the House of Representatives, and two thousand for the use of the Senate.

REPORT OF COMMISSIONER OF EDUCATION.

Mr. DONNAN also, from the same committee, reported the following resolution; which was read, considered, and agreed to:

Resolved by the House of Representatives, (the Senate concurring,) That there shall be printed twenty thousand copies of the report of the Commissioner of Education, five thousand of which number shall be for the use of the Commissioner, five thousand for the use of the Senate, and ten thousand for the use of the House of Representatives.

REPORT ON FISH AND FISHERIES.

Mr. DONNAN also, from the same committee, reported the following concurrent resolution of the Senate; which was read, considered, and concurred in:

Resolved, (the House of Representatives concurring,) That Spencer F. Baird, United States Commissioner of Fish and Fisheries, be authorized to have the engravings for his report executed under the direction of the Joint Committee on Public Printing.

STATISTICAL ATLAS.

Mr. DONNAN also, from the same committee, reported the following resolution:

Resolved by the House of Representatives, (the Senate concurring,) That the three thousand copies of the Statistical Atlas of the United States, based on the results of the ninth census, now being compiled by Francis A. Walker, the publication of which is provided for by the act of March 3, 1873, shall be distributed for public and official use as follows: Twenty-five copies for the President; six hundred copies for the Senate; one thousand two hundred copies for the House of Representatives; two hundred and twenty-five copies for the State Department, and for transmission to United States legations and the more important consulates abroad, and to the legations of foreign governments in Washington; seventy-five copies for the Treasury Department; forty copies for the War Department; twenty-five copies for the Navy Department; twenty-five copies for the Department of Justice; twenty-five copies for the Department of Agriculture; six hundred copies for the Department of the Interior for its use and distribution among the executives of the several States, State libraries, and libraries and literary institutions; sixty copies for the Library of Congress, and one hundred copies for Francis A. Walker.

Mr. DONNAN. I will state to the House that the printing of this document was ordered by the last Congress but no provision was made for its distribution.

The resolution was agreed to.

REPORT ON MINING STATISTICS.

Mr. DONNAN, from the Committee on Printing, reported the following concurrent resolution:

Resolved by the House of Representatives, (the Senate concurring,) That of the report of R. W. Raymond on mining statistics, with the accompanying engravings, there be printed three thousand copies for the House of Representatives, two thousand for the Senate, one thousand copies for the Treasury Department, and one thousand copies for the commissioner.

Mr. HOLMAN. It seems to me that we are running into a very unusual expense to the Treasury for these plates. I think I have not known for many years the publication of so many plates as are now recommended by the Committee on Printing. It will be attended with a great deal of expense.

Mr. DONNAN. This was recommended by the committee two or three months ago, and was in the hands of one of my colleagues on the committee to be reported. He is absent and I have reported it.

Mr. HOLMAN. Unless we are to adopt some mode of distributing these documents to the country which will be more certain than by this mode, I do not think we should adopt this resolution.

Mr. DONNAN. It is the usual publication, and two thousand less copies.

Mr. HOLMAN. I think we are going into a great expense.

The resolution was adopted.

PRINTING OF DEBATES.

Mr. DONNAN, from the Committee on Printing, reported a joint resolution (H. R. No. 112) in regard to printing the debates of Congress.

The resolution upon which the committee acted was as follows:

Resolved, That the Committee on Printing be, and they are hereby, directed to inquire into the cost of reporting and printing the debates of Congress, as the work is now being done; whether it was not more acceptably and economically done by the proprietors of the Globe; whether the permanent establishment of the work at the Government Printing Office will not involve large expenditures for facilities for its prosecution, and to report by bill or otherwise at as early a day as practicable.

The joint resolution accompanying the report was read, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congressional Printer be, and he is hereby, directed to keep a separate and exact account in detail of all expenditures for printing, mailing, and binding the CONGRESSIONAL RECORD, including specific statements of the cost of all machinery and material which may have been or shall be used for the publication of said RECORD, commencing with its first publication at the Government Printing Office, and that he shall publish the amounts thus yearly expended in his next succeeding annual report, and each succeeding report, separately from the other disbursements of his office.

Mr. DONNAN. I desire briefly to call the attention of the House to the conclusions of the committee. In regard to the reporting of the debates, the system of which has been changed, and which until the very recent action of the two Houses materially reduced the expense, it has by the action of the two Houses within the last ten days been so arranged as to make the cost of reporting precisely what it was for the last Congress. In regard to the expense of printing and binding the debates the committee come to the conclusion that the printing of the debates of the present Congress at the Government Printing Office will cost the Government (if the volume of work shall equal that of the last Congress) at least $125,000 less than was paid to Messrs. Rives & Bailey for the same volume of work for the Forty-second Congress.

The present quarto form of the daily RECORD, although attended with slightly increased cost, is greatly preferable to the newspaper form.

Upon a calculation of comparative cost, upon an equal quality of paper, as between the Government Printing-Office and the Globe office, the proposal for the work of Messrs. Rives & Bailey is to be increased in the sum of $24,727.55 for 10,914 pages of printed matter and 12,332 copies.

The proposal of Rives & Bailey, so far as it relates to the binding, if they furnish equal quality of material with that now used, is $6,116 cheaper (the volume of the work being as stated above) for the debates of a full Congress than the binding is now being done at the Government Office.

The cost of the debates of the present Congress, the number being now fixed at 10,350 copies, if the work makes 10,014 pages, will cost $213,508.49, which is less than it would cost under the proposed contract of Rives & Bailey, making proportionate allowances on the cost of paper and the loss at the Government Office on binding, and counting the entire stereotyping a real loss to the Government, in the sum of $61,182.06.

The probable expenditure for facilities to continue this work at the Government Printing Office will be comparatively trifling.

It would be the reverse of economy to enter into the proposed contract with Rives & Bailey.

The expenditure for this work ought to be kept separate and dis-

tinct from other Government printing, and so definitely and minutely reported that Congress may be able to readily know what this work is costing; and the committee therefore recommend the passage of the joint resolution which has just been read.

I now call the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the joint resolution was ordered to be engrossed and read a third time, and being engrossed, it was accordingly read the third time, and passed.

Mr. DONNAN. I move to reconsider the various votes upon the reports from the Committee on Printing; and also move that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REPORTS FROM COMMITTEES.

The SPEAKER. The Chair desires to make a suggestion in regard to the business of the House. The Committee on War Claims desire to make sundry reports, adverse and favorable, upon matters which have been referred to them, for the purpose of having the same referred to the Committee of the Whole and placed on the Private Calendar. If that shall be done to-day it will be almost impossible for the clerk to journalize them. The former custom was for committees on the last day of the session to make their reports to the House, to be journalized as of the last day of the session and correctly entered on the Private Calendar for the next session. The Chair suggests that it would be well to adopt that plan now. If the mass of papers in possession of the committees shall be reported to-day, it will be impossible to correctly journalize them as of to-day. But the proceedings of the last day of the session are journalized with great care and the Private Calendar made up with corresponding care. It will lead to much more certain correctness of the Journal if that plan should be followed with regard to committees making reports this session.

Mr. SENER. There is no intention to pass upon these claims at this period of the session.

Mr. LAWRENCE. We do not propose to pass upon them.

Mr. SENER. Of course; all you want is to advertise the conclusions of the committees.

The SPEAKER. It will be impossible to journalize them properly if made now.

Mr. LAWRENCE. There are not so many reports but what the clerks can make up the Journal.

The SPEAKER. The Calendar would not be printed.

Mr. LAWRENCE. Then I will ask unanimous consent now that on the last day of the session I may be permitted to make these reports.

The SPEAKER. Of course it is the right of a committee, not of individuals, to report for reference to the Private Calendar. If there be no objection, on the last day of the session any committee of the House having had a subject before them will be permitted to report upon that subject, favorably or adversely, for reference to the Private Calendar, their reports to be filed at the Clerk's desk for that purpose.

Mr. HARRISON. I object.

Mr. MONROE. I move that the rules be suspended in order that such leave may be given to the committees of the House.

The motion to suspend the rules was seconded; upon a division, ayes 105, noes not counted; and (two-thirds voting in favor thereof) the rules were suspended and the order made.

PERSONAL EXPLANATION.

Mr. FIELD. Mr. Speaker, yesterday, in moving to suspend the rules for the purpose of putting on its passage the bill (H. R. No. 3521) to incorporate the National Iron-molders' Union, I stated that the bill was reported from the Committee on Education and Labor with the recommendation that it do pass, whereupon the gentleman from Pennsylvania [Mr. STORM] arose and denied that I was authorized to report the bill from that committee. Without commenting upon the remarks of the gentleman and the lack of courtesy exhibited by him on that occasion, I send to the desk an extract from the records of the committee furnished to me by its clerk, which will show on what authority I acted yesterday in asking the House to suspend the rules and pass that bill as a report from the Committee on Education and Labor.

The Clerk read as follows:

[Extract from minutes of Committee on Education and Labor.]

H. R. No. 3521, to incorporate the National Iron-molders' Union.

1874, June 3.—Mr. FIELD called up the bill and moved that the committee report it favorably to the House. Mr. MCDILL seconded the motion. The motion was declared carried. Mr. STORM voted nay, and said that he reserved his right to oppose the bill in the House.

E. B. WIGHT, *Clerk.*

Mr. STORM. I desire to say that I am informed this morning by an honorable gentleman of the committee that though the entry just read was made, the clerk, Mr. Wight, who made the entry has said that the bill was merely directed to be reported in order to get rid of the importunity of the gentleman from Michigan [Mr. FIELD] who was very desirous of passing the bill. That is what I understand the clerk says this morning.

The SPEAKER. The Chair has again to remark that he has never before known disputes to arise so frequently as at this session in regard to what has been done in committees. Such disputes are very unseemly things to occur in the House. They involve questions of veracity between gentlemen, the most delicate of all questions ever brought before the House. In this case the Chair begs to state that the gentleman from Michigan [Mr. FIELD] is sustained by the records of the committee.

Mr. MAYNARD. As a member of the Committee on Rules, I wish to ask whether it is not contrary to the rules and out of order to make any reference on the floor to what transpires in a committee?

The SPEAKER. It is; but any member of a committee has a right to make the point upon another member that he is not authorized to present a report; because if a member makes a report he is not authorized to make he is committing a very censurable act; and the Chair thinks that any gentleman who questions lightly the authority of another to make a report commits an act not wholly within parliamentary propriety.

Mr. G. F. HOAR. As to the point raised by the gentleman from Tennessee, [Mr. MAYNARD,] the report of a committee is itself a statement that the committee have authorized that report to be made, and to that extent it is a statement of what has transpired in the committee.

The SPEAKER. That is a matter of necessity.

Mr. MAYNARD. I had reference to the discussion, &c., occurring in a committee room.

The SPEAKER. It is not within parliamentary propriety to refer to such things in the House.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the Senate had passed, without amendment, House bills of the following titles:

A bill (H. R. No. 3417) to relieve Thomas Claiborne, of Tennessee, or political disabilities imposed upon him by the fourteenth amendment to the Constitution of the United States;

A bill (H. R. No. 3332) to fix the time for the election of Representatives in the Forty-fourth Congress from the State of Mississippi;

A bill (H. R. No. 3680) for the government of the District of Columbia, and for other purposes;

A bill (H. R. No. 3740) to create the Bozeman land district in the Territory of Montana;

A bill (H. R. No. 3748) directing the Secretary of the Treasury to report upon the necessity for a public building at Brooklyn, New York, and the cost of the same; and

A bill (H. R. No. 2701) to relieve William G. Jones, of Alabama, of political disabilities.

The message also announced that the Senate had concurred in the amendments of the House to bills of the following titles:

A bill (S. No. 176) to encourage the establishment of public marine schools; and

A bill (S. No. 311) for the relief of Joseph Montanari, and for other purposes.

The message further announced that the Senate had passed House joint resolution and bill of the following titles, with amendments in which the concurrence of the House was requested:

Joint resolution (H. R. No. 95) authorizing the Postmaster-General to perfect title to certain real estate obtained from John W. Norton, a defaulter to the postal money-order bureau; and

A bill (H. R. No. 2797) making appropriations for the payment of claims reported allowed by the commissioners of claims under the act of Congress of March 3, 1871.

SALE OF ARSENAL GROUNDS AT SAINT LOUIS, MISSOURI.

Mr. WELLS, by unanimous consent, introduced a bill (H. R. No. 3759) amendatory of the act providing for the sale of the arsenal grounds at Saint Louis, Missouri, and for other purposes, approved March 3, 1869; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PATENT LAWS.

Mr. E. R. HOAR, by unanimous consent, introduced a bill (H. R. No. 3760) amendatory of the patent laws; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

PUBLIC BUILDING AT AUBURN, NEW YORK.

Mr. MACDOUGALL. I move to suspend the rules and pass a bill (H. R. No. 3761) directing the Secretary of the Treasury to report upon the necessity of a public building at the city of Auburn, New York.

The bill, which was read, directs the Secretary of the Treasury to report to Congress at the beginning of the next session whether the present needs of the Government require the erection of a public building at Auburn, New York, and the estimated cost of the same, including the site.

Mr. HOLMAN. I trust we will not enter upon the work of constructing any more public buildings.

Mr. MACDOUGALL. This simply authorizes the Secretary of the Treasury to make an estimate.

Mr. HOLMAN. That is the first step toward the construction of the building.

The question recurred on the motion to suspend the rules.

The House divided; and there were—ayes 27, noes 25.

Mr. NEGLEY demanded tellers.

Tellers were ordered; and Mr. NEGLEY and Mr. HOLMAN were appointed.

The House again divided; and the tellers reported—ayes 81, noes 40.

So the motion to suspend the rules was seconded.

Mr. KILLINGER. I demand the yeas and nays on the motion to suspend the rules, as it seems that we are going to have a great many like propositions.

Mr. HOLMAN. Let us first try a division.

Mr. KILLINGER. Very well.

The House divided; and there were—ayes 35, noes 67.

Mr. MACDOUGALL demanded tellers.

Tellers were ordered; and Mr. MACDOUGALL and Mr. KILLINGER were appointed.

The House again divided; and the tellers reported—ayes 103, nays 30.

Mr. KILLINGER demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 151, nays 67, not voting 71; as follows:

YEAS—Messrs. Albert, Archer, Arthur, Ashe, Averill, Banning, Barnum, Barry, Bass, Bell, Blount, Bowen, Bradley, Bright, Bromberg, Buffinton, Burleigh, Cain, Caldwell, Amos Clark, jr., John B. Clark, jr., Clymer, Coburn, Comingo, Conger, Cook, Creamer, Crittenden, Crocker, Crooke, Crossland, Crounse, Crutchfield, Danford, Darrall, Davis, Dobbins, Donnan, Dunnell, Durham, Eames, Eldredge, Glover, Gooch, Hagans, Benjamin W. Harris, Henry R. Harris, John T. Harris, Harrison, Hatcher, Hathorn, John W. Hazelton, Hendee, Hereford, Hodges, Hoskins, Houghton, Hubbell, Hunton, Hyde, Hynes, Jewett, Kendall, Knapp, Lamar, Lamison, Lamport, Lawson, Leach, Lofland, Lowndes, Lynch, Maynard, James W. McDill, MacDougall, Merriam, Milliken, Mills, Moore, Morey, Negley, Nesmith, Niblack, O'Neill, Orr, Packard, Page, Isaac C. Parker, Parsons, Pelham, Perry, Phelps, Pierce, James H. Platt, jr., Thomas C. Platt, Potter, Pratt, Purman, Rainey, Rapier, Read, Rice, Richmond, Robbins, Ellis H. Roberts, Rusk, Sawyer, John G. Schumaker, Sener, Sheats, Sheldon, Sloan, Sloss, Small, Smart, George L. Smith, H. Boardman Smith, J. Ambler Smith, Snyder, Stanard, Standiford, St. John, Stone, Strait, Sypher, Christopher Y. Thomas, Thornburgh, Tremain, Vance, Wallace, Walls, Jasper D. Ward, Marcus L. Ward, Wells, Wheeler, White, Whitehead, Whitehouse, Whiteley, Whitthorne, George Willard, Charles G. Williams, John M. S. Williams, William Williams, William B. Wilhams, Willie, Ephraim K. Wilson, Wolfe, Wood, John D. Young, and Pierce M. B. Young—151.

NAYS—Messrs. Barber, Barrere, Beck, Berry, Biery, Bland, Brown, Bundy, Burchard, Burrows, Cannon, Cessna, Clements, Curtis, Dawes, Field, Foster, Garfield, Giddings, Hamilton, Hancock, John B. Hawley, Joseph R. Hawley, Gerry W. Hazelton, George F. Hoar, Holman, Hunter, Hurlbut, Kasson, Kelley, Killinger, Lawrence, Lowe, Magee, Marshall, Martin, McCrary, McJunkin, McLean, McNulta, Monroe, Morrison, Neal, Orth, Hosea W. Parker, Pendleton, Pike, Randall, James W. Robinson, Ross, Henry B. Sayler, Scofield, Sherwood, A. Herr Smith, John Q. Smith, Southard, Speer, Sprague, Starkweather, Strawbridge, Todd, Townsend, Tyner, Waldron, Charles W. Willard, James Wilson, and Woodworth—67.

NOT VOTING—Messrs. Adams, Albright, Atkins, Begole, Buckner, Benjamin F. Butler, Roderick R. Butler, Cason, Freeman Clarke, Clayton, Clinton L. Cobb, Stephen A. Cobb, Corwin, Cotton, Cox, DeWitt, Duell, Eden, Elliott, Farwell, Fort, Freeman, Frye, Gunckel, Gunter, Eugene Hale, Robert S. Hale, Harmer, Havens, Hays, Herndon, Hersey, E. Rockwood Hoar, Hooper, Howe, Kellogg, Lansing, Lewis, Loughridge, Luttrell, Alexander S. McDill, McKee, Mitchell, Myers, Niles, Nunn, O'Brien, Packer, Phillips, Poland, Ransier, Ray, William R. Roberts, James C. Robinson, Milton Sayler, Henry J. Scudder, Isaac W. Scudder, Sessions, Shanks, Lazarus D. Shoemaker, William A. Smith, Stephens, Storm, Stowell, Swann, Taylor, Charles R. Thomas, Waddell, Wilber, Jeremiah M. Wilson, and Woodford—71.

So (two-thirds voting in favor thereof) the rules were suspended, and the bill was passed.

PUBLIC BUILDING, ATLANTA, GEORGIA.

Mr. WHITELEY. I move to suspend the rules so that my colleague from the third district of Georgia [Mr. COOK] may introduce and the House may pass a bill (H. R. No. 3762) to amend the act entitled "An act for the erection of a public building for the use of the United States in Atlanta, Georgia.

Mr. GARFIELD. I hope the House will take a recess for thirty minutes.

Mr. STARKWEATHER. I move to go to the business on the Speaker's table.

The SPEAKER. There is a motion pending for that purpose.

Mr. MAYNARD. Why does the gentleman from Ohio move to take a recess for thirty minutes?

Mr. GARFIELD. To prevent if I can the passage of bills for the construction of any more public buildings.

Mr. POLAND. My object yesterday in offering the proposition I did was to try to get something satisfactory to all parties. I had the usual fate, and without satisfying anybody have subjected myself to misconstruction. I now withdraw my proposition.

Mr. GARFIELD. I hope we will be allowed to call up the amendments of the Senate to the post-office appropriation bill.

Mr. STARKWEATHER. I move to suspend the rules and go to the business upon the Speaker's table.

The SPEAKER. The gentleman from Georgia has the floor on a motion to suspend the rules.

Mr. WHITELEY. I move to suspend the rules so that my colleague may introduce and the House may pass a bill to amend the act entitled "An act for the erection of a public building for the use of the United States in Atlanta, Georgia."

Mr. CONGER. There are important reports to be made from committees, and I hope an opportunity will be afforded to do so at this time.

Mr. WHITELEY. I insist on my motion to suspend the rules.

The SPEAKER. The bill will be read.

The bill was read. It provides that the act named in the title be so amended that the sum authorized to be expended in the construction of the building be fixed at $250,000; and that no sum in excess thereof shall be expended upon said building.

Mr. KILLINGER. Is that the same bill we voted on yesterday?

The SPEAKER. It is.

Mr. HOLMAN. I move the House take a recess for an hour.

Mr. GARFIELD. I move the House adjourn, and on that demand the yeas and nays. I believe it to be my duty to prevent, as far as I can, the passage of bills for the construction of any more public buildings during this session of Congress.

The SPEAKER. The same motion which will adjourn will refuse to second the motion to suspend the rules. It is the carelessness of gentlemen in regard to seconding a motion to suspend the rules which precipitates a good deal of the trouble in getting to the public business. The rules give to the majority the right by a vote, not by yeas and nays, to refuse a second.

Mr. ELLIS H. ROBERTS. This proposition is very different from the last. The last simply called upon the Secretary of the Treasury for information. This is a proposition to increase the appropriation heretofore authorized.

Mr. SPEER. I object to debate. One is in Georgia, the other is in New York.

The question being taken on seconding the motion to suspend the rules, there were—ayes 48, noes 56; no quorum voting.

Tellers were ordered under the rules; and Mr. COOK and Mr. SCOFIELD were appointed.

The House again divided; and the tellers reported ayes 108, noes not counted.

So the motion to suspend the rules was seconded.

The question was on suspending the rules and passing the bill.

Mr. KILLINGER. I call for the yeas and nays.

On ordering the yeas and nays there were—ayes 35, a sufficient number.

So the yeas and nays were ordered.

The question was taken, and there were—yeas 157, nays 56, not voting 76; as follows:

YEAS—Messrs. Adams, Albright, Archer, Arthur, Ashe, Atkins, Averill, Barnum, Barry, Beck, Bell, Berry, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Caldwell, Cason, John B. Clark, jr., Clements, Clymer, Coburn, Comingo, Conger, Cook, Creamer, Crittenden, Crocker, Crooke, Crossland, Crounse, Crutchfield, Darrall, Dobbins, Donnan, Dunnell, Durham, Eames, Eldredge, Field, Frye, Giddings, Glover, Gooch, Gunter, Hagans, Hamilton, Hancock, Benjamin W. Harris, Henry R. Harris, John T. Harris, Harrison, Hatcher, Hathorn, Havens, Joseph R. Hawley, Hays, John W. Hazelton, Hereford, Herndon, Hodges, Hooper, Howe, Hubbell, Hunton, Hurlbut, Hyde, Hynes, Jewett, Kasson, Kelley, Kellogg, Kendall, Knapp, Lamar, Lamison, Lansing, Leach, Lofland, Luttrell, Marshall, Martin, Maynard, MacDougall, McJunkin, McKee, McLean, Milliken, Moore, Morey, Morrison, Neal, Nesmith, Niblack, O'Brien, O'Neill, Page, Hosea W. Parker, Isaac C. Parker, Pelham, Perry, Pike, James H. Platt, jr., Potter, Purman, Randall, Read, Rice, Richmond, Robbins, James C. Robinson, Rusk, Sawyer, John G. Schumaker, Sener, Sessions, Sheats, Sloan, Sloss, Small, H. Boardman Smith, J. Ambler Smith, Snyder, Southard, Speer, Stanard, Standiford, St. John, Stone, Storm, Stowell, Strait, Strawbridge, Thornburgh, Tremain, Vance, Wallace, Walls, Jasper D. Ward, Wells, Whitehead, Whitehouse, Whiteley, Whitthorne, George Willard, Charles G. Williams, John M. S. Williams, William B. Williams, Willie, Ephraim K. Wilson, Wolfe, Wood, John D. Young, and Pierce M. B. Young—157.

NAYS—Messrs. Barrere, Biery, Bradley, Buffinton, Bundy, Burchard, Burleigh, Burrows, Cannon, Cessna, Curtis, Danford, Duell, Foster, Garfield, Gunckel, John B. Hawley, Hendee, E. Rockwood Hoar, George F. Hoar, Holman, Hoskins, Houghton, Hunter, Killinger, Lawrence, Lawson, Loughridge, Lynch, Magee, Merriam, Monroe, Orth, Packard, Packer, Pendleton, Thomas C. Platt, Pratt, Ray, Ellis H. Roberts, James W. Robinson, Ross, Henry B. Sayler, Scofield, Sherwood, A. Herr Smith, John Q. Smith, Sprague, Todd, Townsend, Tyner, Waldron, Marcus L. Ward, Charles W. Willard, James Wilson, and Woodworth—56.

NOT VOTING—Messrs. Albert, Banning, Barber, Bass, Begole, Benjamin F. Butler, Roderick R. Butler, Cain, Amos Clark, jr., Freeman Clarke, Clayton, Clinton L. Cobb, Stephen A. Cobb, Corwin, Cotton, Cox, Davis, Dawes, DeWitt, Eden, Elliott, Farwell, Fort, Freeman, Eugene Hale, Robert S. Hale, Harmer, Gerry W. Hazelton, Hersey, Lamport, Lewis, Lowe, Lowndes, McCrary, Alexander S. McDill, James W. McDill, McNulta, Mills, Mitchell, Myers, Negley, Niles, Nunn, Orr, Parsons, Phelps, Phillips, Pierce, Poland, Rainey, Ransier, Rapier, William R. Roberts, Milton Sayler, Henry J. Scudder, Isaac W. Scudder, Shanks, Sheldon, Lazarus D. Shoemaker, Smart, George L. Smith, William A. Smith, Starkweather, Stephens, Swann, Sypher, Taylor, Charles R. Thomas, Christopher Y. Thomas, Waddell, Wheeler, White, Wilber, William Williams, Jeremiah M. Wilson, and Woodford—76.

So (two-thirds having voted in favor thereof) the rules were suspended, and the bill was passed.

POST-OFFICE APPROPRIATION BILL.

Mr. TYNER. I rise to report back from the Committee on Appropriations the bill (H. R. No. 3094) making appropriations for the service of the Post-Office Department for the year ending June 30, 1875, and for other purposes, with the Senate amendments and the recommendations of the Committee on Appropriations thereon. But I yield for a few moments to the gentleman from Massachusetts, [Mr. HOOPER.]

WATCH PRESENTED BY GENERAL WASHINGTON TO MARQUIS DE LA FAYETTE.

Mr. HOOPER. I ask unanimous consent to introduce a joint resolution making an appropriation for the purchase and restoration to the family of the Marquis de La Fayette of the watch presented to him by General Washington.

The joint resolution was read. It appropriates the sum of $300, or so much thereof as may be necessary, out of any money in the Treasury not otherwise appropriated, for the purchase and restoration to the family of the Marquis de La Fayette of the watch presented to him by General Washington, and lost by General La Fayette during his last visit

to this country, such purchase and restoration to be made under the direction of the Speaker of the House of Representatives.

The SPEAKER. The Chair suggests to the gentleman from Massachusetts that before the resolution is voted upon it might be well to change it so as to place the matter under the charge of the Secretary of State instead of the House of Representatives. The Chair thinks that as a matter of propriety that would be better.

Mr. GARFIELD. I think that would be rather more appropriate.

Mr. MAYNARD. I desire to say a word or two on the resolution.

Mr. NIBLACK. If the gentleman from Massachusetts [Mr. HOOPER] has any explanation to make I think he ought to be heard.

The SPEAKER. Is there objection to modifying the joint resolution by substituting "Secretary of State" for "Speaker of the House of Representatives?"

There was no objection, and the joint resolution was modified accordingly.

Mr. HOOPER. I ask the Clerk to read what I send to the desk.

The Clerk read as follows:

AN INTERESTING RELIC.

John R. Ward, esq., of Texas, has in his possession an interesting relic of the times of the Revolution. It is a watch bearing the inscription, "G. Washington, to Gilbert Mottiers de La Fayette, Lord Cornwallis capitulation, Yorktown, October 17, 1781." The watch is of the shape known as "bull's eye," which was the fashionable one at that period, and is heavily double-cased with gold of high purity. The exterior case is ornamented with classic devices in high relief; an armed and helmetted warrior presents a crown to a throned female. The watch bears the name of the maker, "E. Halifax, London, 1769." It is in a good state of preservation, runs, and, with treatment after the manner of Captain Cuttle, keeps excellent time. It was purchased by Mr. Ward at a pawn-broker's sale in Louisville, about four years ago, for the sum of seventy-five dollars, who retains it subject to the order of any of the descendants of its illustrious donee. According to the statement of General Rogers, of Tennessee, who was commander of the body-guard of General La Fayette during his visit to Nashville in 1825, this watch was stolen from its owner at that time and its fate was unknown, although a large reward was offered for its return, until it turned up in the way above described.

Mr. MAYNARD. The statement just made is historically true. General La Fayette visited this country not long before he died, if I remember rightly, in the years 1824 and 1825. In the course of his journey through the country he went to Nashville, where this watch, which had been presented to him by General Washington and which he seems to have worn as a pocket time-piece, disappeared and undoubtedly was stolen. Great efforts were made to recover it, and if I remember rightly large rewards were offered. The people of Nashville felt mortified and humiliated that such an occurrence should have happened in their community; but the watch disappeared and was forgotten until some time since, when it found its way into a pawnbroker's establishment in the city of Louisville, Kentucky. I have this to say in behalf of the people of Tennessee: that if the matter had been brought to the attention of the Legislature of that State I am very sure they would have desired, so far as they could, to have made an appropriation in order to recover this watch and restore it to the family of La Fayette. But as this bill has been brought in here it becomes a matter of national interest rather than of local interest.

Mr. GARFIELD. There is only one question about this joint resolution that should cause any hesitation in voting for it; but I think it due to all concerned to make the inquiry whether this watch is genuine? Of course if it is genuine such a resolution as this ought to be passed; but everybody knows that there are frequent pretenses of antiquity in works of art and in matters of this description. I understand that the gentleman from Massachusetts has had this matter examined by experts at the Treasury Department and elsewhere, and he tells me that some of those experts have raised a question as to its genuineness.

Mr. G. F. HOAR. One of the experts raised a question as to its genuineness because the word "Motier" is spelled with two "t's" and a final "s;" but I say with all deference that it is well known that General Washington himself was not a very exact speller, and the engraver no doubt followed his spelling. I understand that this watch has been submitted to experts in the Treasury Department, and that they have examined it, and report that in their judgment it is genuine.

Mr. GARFIELD. If the only argument against the genuineness of the watch is the spelling of the inscription I admit that is not very strong, for it is well known that Washington did not excel in spelling. Even Franklin, who was his superior in scholarship, spelled very irregularly; for example, he spelled soap "sope."

No objection being made, the joint resolution (H. R. No. 113) received its several readings and was passed.

UNIVERSITY FOR THE BLIND.

On motion of Mr. MONROE, by unanimous consent, the Committee on Education and Labor was discharged from the further consideration of the memorial in favor of aiding the American Printing House and University for the Blind; and the same was referred to the Committee on the District of Columbia.

On the motion of Mr. DAWES, by unanimous consent, the Committee on Ways and Means was discharged from the further consideration of the memorial of the board of regents of the American University, &c., for the Blind, setting forth the needs of the blind as to means of improvement and the obligation of Congress to aid in providing facilities for liberal education as has been done for deaf-mutes; and the same was referred to the Committee on Education and Labor.

FAYETTE HUNGERFORD.

On motion of Mr. DAWES, by unanimous consent, the Committee on Ways and Means was discharged from the further consideration of the petition for relief in the case of Fayette Hungerford; and leave was granted for the withdrawal from the files of the House of the papers in said case.

NELSON TIFFANY.

Mr. YOUNG, of Georgia. I ask unanimous consent to report from the Committee on Military Affairs the bill (H. R. No. 447) for the relief of Nelson Tiffany. I would state that it is the unanimous report of the committee, and I would not trouble the House with it but for the fact that it is to remove a charge of desertion from a soldier who, as I am told by the gentleman from Massachusetts, [Mr. G. F. HOAR,] is now upon his death-bed.

The bill was read. It directs the Secretary of War to remove the charge of desertion from Nelson Tiffany, late a private in Company H, Twenty-fifth Massachusetts Volunteers, and to grant to said Tiffany an honorable discharge.

No objection being made, the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

COMPULSORY PILOTAGE.

Mr. E. R. HOAR, by unanimous consent, presented resolutions of the Legislature of the Commonwealth of Massachusetts relative to compulsory pilotage at Hell Gate; which were referred to the Committee on Commerce, and ordered to be printed.

UNITED STATES CUSTOM-HOUSE AT LOUISVILLE, KENTUCKY.

Mr. MILLIKEN. I ask unanimous consent that the Committee on Public Buildings and Grounds be discharged from the further consideration of the bill (H. R. No. 2109) for the protection of the United States custom-house in the city of Louisville, Kentucky, and that the same be passed.

The bill was read. The preamble recites that the strip of ground thereinafter described is indispensable to the preservation of the United States custom-house, to prevent destruction by fire, and to prevent obstruction of the lights and ventilation thereof in one of its most important fronts.

The bill empowers and directs the Secretary of the Treasury to purchase from the owner or owners thereof, at a price not to exceed $12,500, all that certain piece of ground in the city of Louisville, county of Jefferson, and State of Kentucky, situate west of and adjoining the United States custom-house, fronting twenty-five feet on Green street, and extending back one hundred and fifty feet, parallel with and the same depth as the custom-house property; and for that purpose the sum of $12,500, or so much thereof as shall be necessary, is thereby appropriated, out of any money in the Treasury not otherwise appropriated; provided, however, that no part of the money thereby appropriated shall be paid or expended until a clear, perfect, and absolute title in fee-simple to the ground shall have been secured and conveyed to the United States by a good and sufficient deed of general warranty.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

EAST TENNESSEE UNIVERSITY.

Mr. MAYNARD. I ask consent that the Committee of the Whole be discharged from the further consideration of Senate bill No. 110, for the relief of the East Tennessee University, and that the same be now passed. It is a bill which has been reported favorably from the Committee on War Claims.

The bill directs the Treasurer of the United States to pay to the president of the East Tennessee University the sum of $18,500 in full compensation for aid given by and on behalf of said university to the Army of the United States in the late war of the rebellion; provided that before said sum shall be paid a release in full of all claims against the Government by said East Tennessee University shall be executed in due form by the proper officers thereof, and deposited with the Treasurer, along with a receipt of the money appropriated by the bill.

Mr. HOLMAN. I hope there will be some explanation of this bill.

Mr. MAYNARD. If I can be permitted to do so, I will make a brief statement.

Mr. HOLMAN. I hope the gentleman will explain why the form of the bill has been changed from what it was last session.

Mr. MAYNARD. A bill for this purpose was passed by the last Congress. A bill for a similar purpose has three times received the approval of the Senate. The first time it was too late to be acted upon by the House. In the last Congress it was passed by the two Houses and vetoed by the President. The veto was not upon the merits of the bill but upon the form of the bill. Upon examining the claim the President held it was one which would meet his approval, and indicated by his Private Secretary a form of bill which to his mind would be unobjectionable. That form was adopted by the Senate, which passed the bill, and the Committee on War Claims of this House have reported it favorably. That claim arises out of the use and occupation of the property of the university after it came within the Federal lines for hospital and military purposes. The money to restore the property to its former condition was borrowed

by the university, and they are now paying interest on it at the rate of 10 per cent. per annum.

Mr. ATKINS. I would inquire if the Committee on War Claims of this House have not reported upon this bill favorably?

Mr. MAYNARD. I have so stated.

Mr. KELLOGG. Certainly, they have.

Mr. HOLMAN. I would like to hear the report read, if there is one.

Mr. LAWRENCE. I should like to say a word or two about this matter.

Mr. MAYNARD. I will not consume the further time of the House by discussion of this bill. If there is objection made I will move that the rules be suspended and the bill passed.

Mr. HOLMAN. I hope the gentleman from Tennessee [Mr. MAYNARD] will have the letter read showing why the form of the bill has been changed.

Mr. KELLOGG. I desire to say that the only objection to the old bill was that it might be made a precedent for other claims. The Committee on War Claims thought this bill ought to pass.

Mr. HOLMAN. As the bill formerly passed it was for spoliation and damage done to the property; in that form it was vetoed. Now the bill is changed so as to appropriate money for aid furnished by the university to the Government of the United States.

The history of this claim against the Government is remarkable. At the last session of Congress it passed in the following words:

An act for the relief of the East Tennessee University.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Treasurer of the United States be, and he is hereby, authorized and directed to pay to the trustees of the East Tennessee University the sum of $18,500, in full compensation for all claims which could be made by said university for all damages caused to its buildings at Knoxville, Tennessee: *Provided*, That before said sum shall be paid a release in full of all claims against the Government for all damages that might or could be claimed by said East Tennessee University on account of said buildings, shall be executed in due form by the proper officers of said university, and deposited with the Treasurer along with the receipt for the money hereby appropriated.

J. G. BLAINE,
Speaker of the House of Representatives.
SCHUYLER COLFAX,
Vice-President of the United States, and President of the Senate.

I certify that this act did originate in the Senate.

GEO. C. GORHAM,
Secretary.

The President returned the bill with the following veto message:

To the Senate of the United States:

I have the honor to return herewith Senate bill No. 490, entitled "An act for the relief of the East Tennessee University," without my approval.

This claim, for which $18,500 are appropriated out of the moneys of the United States, arises in part for the destruction of property by troops in time of war, and therefore the same objections attach to it as were expressed in my message of June 1, 1872, returning the Senate bill awarding $25,000 to J. Milton Best.

If the precedent is once established that the Government is liable for the ravages of war, the end of demands upon the public Treasury cannot be forecast.

The loyalty of the people of the section in which the university is located, under circumstances of personal danger and trials, thus entitling them to the most favorable construction of the obligation of the Government toward them, is admitted; and nothing but regard for my duty to the whole people, in opposing a principle which, if allowed, will entail greater burdens upon the whole than the relief which will be afforded to a part, by allowing this bill to become a law, could induce me to return it with objections.

Recognizing the claims of these citizens to sympathy, and the most favorable consideration of their claims by the Government, I would heartily favor a donation, of the amount appropriated by this bill, for their relief.

U. S. GRANT.

EXECUTIVE MANSION,
January 29, 1873.

Among the papers that came with this bill from the Senate are the following:

EXECUTIVE MANSION,
Washington, D. C., February 3, 1873.

SIR: The President directs me to say that the inclosed draught of a bill is what he would be willing to approve in the case of the East Tennessee University.

I am, sir, your obedient servant,

O. E. BABCOCK,
Secretary.

Hon. HORACE MAYNARD,
House of Representatives.

A bill for the relief of the East Tennessee University.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Treasurer of the United States be, and he is hereby, authorized and directed to pay to the president of the East Tennessee University the sum of $18,500, in full compensation for aid given by and on behalf of said university to the Army of the United States in the late war of the rebellion: *Provided*, That before said sum shall be paid a release in full of all claims against the Government by said East Tennessee University shall be executed in due form, by the proper officers thereof, and deposited with the Treasurer along with the receipt of the money hereby appropriated.

By the one bill this university is to be paid $18,500 "*for all damages caused to its buildings at Knoxville, Tennessee*," by the Army of the United States; and by the bill now pending $18,500 "*for aid given by and on behalf of said university to the Army of the United States.*" And this change in the form of the bill is to change the result, the one subject to the veto and the other entitled to approval. And yet the real thing remains unchanged. Can it be possible that the mere change in phraseology of the bill can affect the quality of this claim against the Government?

Mr. KELLOGG. It is all right.

Mr. HOLMAN. The bill upon its face ought to express truly what the appropriation is for.

The SPEAKER. Does the gentleman object to the request that the bill be now passed?

Mr. HOLMAN. I do.

Mr. MAYNARD. I move to suspend the rules and pass the bill.

The motion to suspend the rules was seconded; and the rules were suspended upon a division, ayes 114, noes not counted, (two-thirds voting in favor thereof,) and the bill was passed.

Mr. MAYNARD. I will ask that the communication to which I referred, together with the form of bill therein recommended, be printed in the RECORD as a portion of the debates.

No objection was made, and it was so ordered.

[The communication and form of bill were as follows:

EXECUTIVE MANSION,
Washington, D. C., February 3, 1873.

SIR: The President directs me to say that the inclosed draught of a bill is what he would be willing to approve in the case of the East Tennessee University:

I am, sir, your obedient servant,

O. E. BABCOCK,
Secretary.

Hon. HORACE MAYNARD,
House of Representatives.

[Inclosure.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Treasurer of the United States be, and he is hereby, authorized and directed to pay to the president of the East Tennessee University the sum of $18,500, in full compensation for aid given by and on behalf of said university to the Army of the United States in the late war of the rebellion: *Provided*, That before said sum shall be paid, a release in full of all claims against the Government by said East Tennessee University shall be executed in due form by the proper officers thereof, and deposited with the Treasurer, along with the receipt of the money hereby appropriated.]

EASTERN OR NORTH CAROLINA CHEROKEES.

Mr. VANCE. I ask consent that the Committee of the Whole be discharged from the further consideration of a bill (H. R. No. 3000) for the relief of Samuel W. Davidson, Henry Smith, John Gray Bynum, and others, and that the same be now passed.

The bill directs the Secretary of the Treasury to pay, out of any money in the Treasury not otherwise appropriated, the sum of $4,500, or so much thereof as may be necessary, on account of expenses incurred by Silas H. Swetland, as special agent to settle with the Eastern or North Carolina Cherokees, in the year 1869, amounts to be found due to the following-named persons, to wit: Samuel W. Davidson, Henry Smith, N. J. Smith, J. D. Abbott, M. C. King, John Gray Bynum, and to others whose claims may be filed and verified.

Mr. HAWLEY, of Illinois. Does that bill come from any committee?

Mr. VANCE. It comes from the Committee on Indian Affairs, and is also recommended by the Secretary of the Interior.

Mr. GARFIELD. Is it the unanimous report of the committee?

Mr. VANCE. It is.

Mr. GARFIELD. How much money is there in it?

Mr. VANCE. There is not over $4,500; it is all right and correct.

No objection was made, and the Committee of the Whole was discharged from its further consideration, and the bill was ordered to be engrossed and read a third time; and being engrossed it was accordingly read the third time, and passed.

Mr. VANCE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. TOWNSEND. I desire to have a joint resolution passed.

Mr. TYNER. I give notice that after the joint resolution of the gentleman from Pennsylvania [Mr. TOWNSEND] shall have been disposed of, I will not yield to any person except to the gentleman from Connecticut [Mr. STARKWEATHER] to move to proceed to business on the Speaker's table.

LOWER PIER, CHESTER, PENNSYLVANIA.

Mr. TOWNSEND. I ask unanimous consent that the rules be suspended to pass the joint resolution (H. R. No. 108) in regard to the lower pier at Chester, Pennsylvania.

The joint resolution was read. It instructs the Secretary of War to have an examination made of the lower pier at Chester, Pennsylvania, by a competent engineer, with a view to ascertain whether it would be to the advantage of the Government to have said pier adapted to the purposes of supplying Government vessels with coal, iron, and other general supplies, and to have made an estimate of the probable cost of such adaptation, and to report the result of such examination to Congress.

There being no objection, the rules were suspended, and the joint resolution was passed.

ORDER OF BUSINESS.

The SPEAKER. The gentleman from Indiana [Mr. TYNER] who is now on the floor to report the Senate amendments to the post-office appropriation bill yields to the gentleman from Connecticut [Mr. STARKWEATHER] who desires to make an arrangement to dispose of business on the Speaker's table.

Mr. STARKWEATHER. We have tried, and could not go to the Speaker's table, making any exception, to dispose of bills by a ma-

jority vote. I now move that we go to the Speaker's table unconditionally, and that a two-thirds vote be required to pass any bill.

The SPEAKER. The gentleman from Connecticut [Mr. STARKWEATHER] asks that bills on the Speaker's table may be taken up *seriatim* under the two-thirds rule, each bill being exactly on the same basis as every other bill.

Mr. STARKWEATHER. Either to be passed or to remain on the Speaker's table.

Mr. POTTER. Will the Chair please state the effect of this proposition?

The SPEAKER. The effect of it would be that no bill could be disposed of except by a two-thirds vote.

Mr. POTTER. And any bill failing to obtain such a vote would remain on the table?

The SPEAKER. Yes, sir. Is there any objection to proceeding to dispose of bills on the Speaker's table *seriatim* under that arrangement?

Mr. HOLMAN. I trust it will be understood that if a bill be not sustained by a two-thirds vote it shall be regarded as rejected.

The SPEAKER. Failing to obtain a two-thirds vote any bill would naturally retain the status out of which it failed to be taken by a two-thirds vote.

Mr. HOLMAN. But if a bill does not receive a majority vote, it should be regarded as rejected.

The SPEAKER. The gentleman will observe that his proposition would not be either parliamentary or just. The proposition is to take up bills *seriatim;* and any bill not disposed of by two-thirds would be left without prejudice just where it now is, on the Speaker's table.

Mr. HOLMAN. My point is that there are some bills on the Speaker's table which it is very desirable to dispose of finally at this session of Congress. But I see the embarrassment in the way of carrying out my proposition.

The SPEAKER. The gentleman from Indiana would not propose that a minority of the House should have power to reject a bill.

Mr. HOLMAN. Not a minority but a majority. I suggested that if a bill did not receive a majority vote, it should be regarded as rejected.

The SPEAKER. That would be a complicated arrangement.

Mr. RAINEY. I hope that will not be agreed to. It is unjust.

The SPEAKER. The proposition as submitted puts every bill on precisely the same basis.

Mr. POTTER. I understand the present proposition is to consider the bills on the Speaker's table *seriatim,* subject to the rules of the House.

The SPEAKER. That is the proposition. If the House makes no arrangement to go to the Speaker's table the Speaker will necessarily be compelled still to decline to recognize individual members desiring to take bills from the Speaker's table, because he cannot exercise a favoritism in that regard.

Mr. AVERILL. Does this proposition admit of any discussion on these bills?

The SPEAKER. The motion as now submitted would not admit of discussion, although some provision of that kind might be attached to it.

Mr. GARFIELD. I think the better course is to go to the Speaker's table in the ordinary way.

Mr. WILSON, of Iowa. If two-thirds of the House desire to go to the Speaker's table they can do so, and then a majority vote can pass any bill. [Cries of "No!" "No!"] I understand what I am talking about. I say that if two-thirds of the House desire to go to business on the Speaker's table they can do so, and then a majority can pass any bill. But under the proposition of the gentleman from Connecticut [Mr. STARKWEATHER] every bill taken up will fail unless it can obtain a two-thirds vote.

The SPEAKER. The gentleman will observe that no bill has been taken from the Speaker's table out of its order since the last ten days of the session began.

Mr. WILSON, of Iowa. I understand that.

The SPEAKER. The Chair has declined to recognize any gentleman to move to take any particular bill from the Speaker's table, and he will so decline until the end of the session, unless the House shall direct him in what manner to proceed.

Mr. WILSON, of Iowa. But two-thirds can go to the Speaker's table to dispose of the business there.

The SPEAKER. Certainly; and if the gentleman from Connecticut will yield that issue can be tried.

Mr. WILSON, of Iowa. I make that motion.

The SPEAKER. The gentleman from Iowa moves that the rules be suspended and that the House proceed to dispose of business on the Speaker's table. This, of course, will leave every bill subject to be disposed of by a majority vote of the House.

Mr. KASSON. I wish to make a parliamentary inquiry.

The SPEAKER. The proposition of the gentleman from Iowa is that the rules be suspended and the House proceed to the business upon the Speaker's table.

Mr. KASSON. The parliamentary inquiry I wish to make is this: If the House should reach the Speaker's table will a single objection to a bill involving an appropriation carry that bill under the rules to the Committee of the Whole on the state of the Union to have its first consideration?

The SPEAKER. It will.

Mr. ELDREDGE. When we get to the Speaker's table under a suspension of the rules, can any bill be passed by a majority vote of the House?

The SPEAKER. It can, unless subjected to the point of order stated by the gentleman from Iowa [Mr. KASSON] that it involves an appropriation and must under the rules have its first consideration in Committee of the Whole.

Mr. POTTER. If the present motion be voted down, will not the motion of the gentleman from Connecticut [Mr. STARKWEATHER] then be in order?

The SPEAKER. It will.

Mr. GARFIELD. I hope the House will allow the amendments of the Senate to the post-office appropriation bill to be first acted on.

Mr. KILLINGER. These amendments are excepted by the present motion.

The question recurred on seconding the motion to suspend the rules.

Tellers were ordered; and Mr. WILSON, of Iowa, and Mr. POTTER were appointed.

Mr. CONGER. As this is a test question, I hope we will have the yeas and nays.

The SPEAKER. The rules do not permit the yeas and nays on seconding the motion to suspend the rules.

The House divided; and the tellers reported—ayes 108, noes 100.

So the motion to suspend the rules was seconded.

Mr. WILLARD, of Vermont. I demand the yeas and nays on the motion to suspend the rules.

Mr. AVERILL. Will all the bills lying on the Speaker's table be liable to the ordinary points of order?

The SPEAKER. They will.

The yeas and nays were ordered.

Mr. LYNCH. If this motion should be decided in the affirmative, and a point of order should be made against any bill when reached upon the Speaker's table, would not a motion to suspend the rules and pass the bill be in order?

The SPEAKER. It would.

Mr. LYNCH. That removes one objection.

The question was taken; and there were—yeas 139, nays 111, not voting 39; as follows:

YEAS—Messrs. Albert, Barber, Barrere, Barry, Bass, Begole, Bradley, Buffinton, Bundy, Burchard, Burleigh, Burrows, Benjamin F. Butler, Cain, Cannon, Casón, Cessna, Amos Clark, jr., Stephen A. Cobb, Coburn, Conger, Corwin, Cotton, Crocker, Crooke, Crounse, Crutchfield, Curtis, Darrall, Dawes, Dobbins, Donnan, Duell, Eames, Field, Foster, Frye, Garfield, Gooch, Gunckel, Eugene Hale, Benjamin W. Harris, Hathorn, John B. Hawley, Joseph R. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, Hendee, E. Rockwood Hoar, George F. Hoar, Hodges, Hooper, Hoskins, Howe, Hubbell, Hunter, Hurlbut, Hynes, Kasson, Kelley, Kellogg, Lamport, Lansing, Lawrence, Lawson, Loughridge, Lowe, Lynch, Maynard, McCrary, James W. McDill, MacDougall, McKee, Merriam, Monroe, Moore, Negley, Niles, Nunn, O'Neill, Orr, Orth, Packard, Packer, Page, Parsons, Pelham, Pendleton, Pierce, Pike, James H. Platt, jr., Thomas C. Platt, Poland, Rainey, Ransier, Rapier, Rice, Richmond, Ellis H. Roberts, James W. Robinson, Ross, Rusk, Sawyer, Henry B. Sayler, Scofield, Isaac W. Scudder, Sheats, Sheldon, Sherwood, Small, Smart, H. Boardman Smith, John Q. Smith, Sprague, Starkweather, St. John, Stowell, Sypher, Todd, Townsend, Tremain, Tyner, Waldron, Wallace, Walls, Jasper D. Ward, Marcus L. Ward, White, Whiteley, Charles W. Willard, George Willard, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, James Wilson, Woodford, and Woodworth—139.

NAYS—Messrs. Adams, Albright, Archer, Arthur, Ashe, Atkins, Averill, Banning, Barnum, Beck, Bell, Berry, Biery, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Roderick R. Butler, Caldwell, John B. Clark, jr., Clements, Clymer, Comingo, Cook, Cox, Creamer, Crittenden, Crossland, Danford, Davis, Dunnell, Durham, Eldredge, Fort, Giddings, Glover, Gunter, Hamilton, Hancock, Henry R. Harris, John T. Harris, Harrison, Hatcher, Hereford, Herndon, Holman, Houghton, Hunton, Hyde, Jewett, Kendall, Killinger, Knapp, Lamar, Lamison, Leach, Lofland, Lowndes, Luttrell, Magee, Marshall, Martin, McJunkin, McLean, Milliken, Mills, Morrison, Neal, Nesmith, Niblack, O'Brien, Hosea W. Parker, Perry, Phelps, Potter, Purman, Randall, Ray, Read, Robbins, James C. Robinson, Milton Sayler, Sener, Sloss, A. Herr Smith, J. Ambler Smith, Snyder, Southard, Speer, Stanard, Standiford, Stone, Storm, Strait, Strawbridge, Christopher Y. Thomas, Thornburgh, Vance, Wells, Whitehead, Whitehouse, Whitthorne, Willie, Ephraim K. Wilson, Wolfe, Wood, John D. Young, and Pierce M. B. Young—111.

NOT VOTING—Messrs. Freeman Clarke, Clayton, Clinton L. Cobb, DeWitt, Eden, Elliott, Farwell, Freeman, Hagans, Robert S. Hale, Harmer, Havens, Hersey, Lewis, Alexander S. McDill, McNulta, Mitchell, Morey, Myers, Isaac C. Parker, Phillips, Pratt, William R. Roberts, John G. Schumaker, Henry J. Scudder, Sessions, Shanks, Lazarus D. Shoemaker, Sloan, George L. Smith, William A. Smith, Stephens, Swann, Taylor, Charles R. Thomas, Waddell, Wheeler, Wilber, and Jeremiah M. Wilson—39.

So (two-thirds not having voted in the affirmative) the rules were not suspended, and the motion was not agreed to.

During the roll-call,

Mr. PARKER, of Missouri, stated he was paired with Mr. WADDELL, of North Carolina.

The vote was then announced as above recorded.

Mr. STARKWEATHER. I now renew my motion that the House proceed to the business upon the Speaker's table and take up the bills *seriatim* under the two-thirds rule.

The SPEAKER. The failure in that event to second the demand for a suspension of the rules will of course leave the bill upon the Speaker's table.

Mr. MAYNARD. Will it not be the fairest way to take up first those bills which will not be objected to?

The SPEAKER. The gentleman from Tennessee suggests before the House proceeds to take the bills on the Speaker's table by a two-thirds vote that the bills be run through to which there is no objection.

Mr. COX. Can bills be referred under that order?

The SPEAKER. By a two-thirds vote.

Mr. STARKWEATHER. We ran through the unanimous consents the other day.

The SPEAKER. But since then a great many bills have gone upon the Speaker's table. Will the House now proceed to the business upon the Speaker's table and take up the bills *seriatim* under a two-thirds vote?

Mr. KASSON. If there be no objection, I suggest there be allowed five minutes' time to any member who wishes to oppose a bill.

The SPEAKER. It would take three weeks to go through the business on the Speaker's table in that way.

The motion to suspend the rules was seconded.

The rules were suspended, (two-thirds voting in favor thereof,) and the order was made.

The SPEAKER. The order will continue until the bills on the Speaker's table are exhausted.

PERSONAL EXPLANATION.

Mr. BURROWS. I ask unanimous consent to make a personal explanation, which will not occupy more than a single minute.

There was no objection.

Mr. BURROWS. Last Tuesday, when the gentleman from Massachusetts [Mr. DAWES] moved to go to the Speaker's table to dispose of business thereon with the exception of the civil-rights bill, I took occasion to inquire why he excepted that bill. In doing so I had no purpose to question the gentleman's friendship for the bill or to intimate that he was hostile to it. The position of the honorable gentleman is too well known to the House and the country to justify any such supposition. I did him no such injustice.

BUSINESS ON THE SPEAKER'S TABLE.

The SPEAKER. Pursuant to order the House proceeds to consider business on the Speaker's table. The Chair will first dispose of the executive communications on the table.

GENERAL ORDER NO. 32, WAR DEPARTMENT.

The SPEAKER laid before the House a letter from the Secretary of War, referring to the resolution of the House of April 13, 1874, to examine and report as to General Order No. 32, War Department, Adjutant-General's Office, of March 15, 1873; which was referred to the Committee on the Judiciary, and ordered to be printed.

EXTENSION OF CHESAPEAKE AND OHIO CANAL.

The SPEAKER also laid before the House a letter from the chief clerk of the War Department, in answer to a resolution of the House of January 9, 1874, in relation to the extension of the Chesapeake and Ohio Canal; which was referred to the Committee on Railways and Canals, and ordered to be printed.

BARRACKS AT ALCATRAS ISLAND, CALIFORNIA.

The SPEAKER also laid before the House a letter from the Secretary of War, in relation to an appropriation to build permanent barracks at Alcatras Island, California; which was referred to the Committee on Appropriations, and ordered to be printed.

HURTT COURT-MARTIAL.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting additional papers in connection with the Hurtt court-martial; which was referred to the Committee on Military Affairs, and ordered to be printed.

COST OF LIEUTENANT G. M. WHEELER'S EXPEDITION OF 1873.

The SPEAKER also laid before the House a letter from the Secretary of War, in relation to the cost to the Government of Lieutenant G. M. Wheeler's expedition of 1873; which was referred to the Committee on Appropriations, and ordered to be printed.

GOVERNMENT BUILDINGS AT YUMA DEPOT.

The SPEAKER also laid before the House a letter from the Secretary of War, in relation to number and dimensions of Government buildings at Yuma depot and their liability to damage from freshets in the Colorado River; which was referred to the Committee on Military Affairs, and ordered to be printed.

MURDER OF LIEUTENANT EBEN WHITE.

The SPEAKER also laid before the House a letter from the chief clerk of the War Department, giving circumstances of the murder of Lieutenant Eben White by John H. and Webster Sothoron; which was referred to the Committee on War Claims, and ordered to be printed.

NOLAND, TOPP, VANCE, ET AL.

The SPEAKER also laid before the House a letter from the Secretary of War, in relation to the claim of Noland, Topp, Vance, and others for cotton taken from them; which was referred to the Committee on War Claims, and ordered to be printed.

PAWTUCKET RIVER, RHODE ISLAND.

The SPEAKER also laid before the House a letter from the chief clerk of the War Department, transmitting a report upon the past improvement and present condition of the Pawtucket River, Rhode Island; which was referred to the Committee on Commerce, and ordered to be printed.

IMPROVEMENT OF MOUTH OF MISSISSIPPI RIVER.

The SPEAKER also laid before the House a letter from the Secretary of War, in relation to the improvement of the mouth of the Mississippi River; which was referred to the Committee on Commerce, and ordered to be printed.

MILITARY TELEGRAPH IN ARIZONA.

The SPEAKER also laid before the House a letter from the Secretary of War, in relation to an appropriation for the extension of military telegraph line in Arizona Territory; which was referred to the Committee on Military Affairs, and ordered to be printed.

MILITARY RESERVATION AT FORT WILKINS, MICHIGAN.

The SPEAKER also laid before the House a letter from the Secretary of War, in relation to the military reservation at Fort Wilkins, Michigan; which was referred to the Committee on Military Affairs, and ordered to be printed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate had passed a resolution directing that there be printed of the report of the Superintendent of the Coast Survey, for the year 1873, three thousand extra copies for the use of the Superintendent of the Coast Survey; in which the concurrence of the House was requested.

The message further announced that the Senate had agreed, without amendment, to the concurrent resolution of the House of Representatives for the printing of two thousand five hundred copies in quarto, uniform with the series, of Professor Hayden's final report on the Cretaceous Flora of the West.

The message further announced that the Senate had passed, with an amendment, in which the concurrence of the House was requested, the concurrent resolution of the House for the printing of the special report of Edward Young, Chief of the Bureau of Statistics, with the appendixes.

The message further announced that the Senate had passed, without amendment, the bill (H. R. No. 3309) granting to the Nevada Narrow-gauge Railroad Company the right of way through the public lands for a railroad.

The message further announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. No. 784) authorizing the transfer of gold mint bars from the bullion fund of the assay office New York, to the assistant treasurer at New York, with an amendment, in which the concurrence of the House was requested.

MEXICAN VOLUNTEERS.

The SPEAKER also laid before the House a letter from the Secretary of War in relation to House bill No. 1157 to provide for the payment of certain volunteer companies in the service of the United States in the war with Mexico and in the suppression of Indian disturbances in New Mexico; which was referred to the Committee on Military Affairs.

GEORGE A. MILLER AND GEORGE L. MAHONEY.

The SPEAKER also laid before the House a letter from the Secretary of War in relation to the claim of George A. Miller, late lieutenant Twelfth Tennessee Cavalry, for pay for services and for horse, &c., lost; and also the claim of George L. Mahoney for pay as first lieutenant Company C, Sixth Tennessee Volunteers; which was referred to the Committee on Military Affairs.

PROCEEDINGS OF A MILITARY BOARD.

The SPEAKER also laid before the House a letter from the Secretary of War in relation to the proceedings of a board of officers convened at Camp Douglas, Utah Territory, to investigate and report on losses by fire for which Second Lieutenant Wallace Mott, Eighth Infantry, and assistant commissary of subsistence, was responsible; which was referred to the Committee on Military Affairs, and ordered to be printed.

LIEUTENANT-COLONEL B. T. ROBERTS.

The SPEAKER also laid before the House a letter from the Secretary of War in relation to the retirement of Lieutenant-Colonel B. T. Roberts, Third United States Cavalry; which was referred to the Committee on Military Affairs.

ARMY MUTUAL SURVIVORSHIP ANNUITY SOCIETY.

The SPEAKER also laid before the House a letter from the Secretary of War in relation to the formation of the Army Mutual Survivorship Annuity Society; which was referred to the Committee on Military Affairs.

DAKOTA INDIAN WAR CLAIMS.

The SPEAKER also laid before the House a letter from the chief clerk of the War Department, transmitting the report of Inspector-General James A. Hardie, United States Army, on the subject of the Dakota Indian war claims of 1862; which was referred to the Committee on Military Affairs, and ordered to be printed.

INDIAN DEPREDATIONS.

The SPEAKER also laid before the House communications from the acting Secretary of the Interior, transmitting, in compliance with the act of May 29, 1872, the claims of F. Z. Salomon & Co., John

Richards, Albino Ortega, Franklin Cook, administrator of the estate of John Cook, deceased, Frederick Weddle, M. Yrisani, John Watts, and Franz and Charles Huning, for Indian depredations; which were referred to the Committee on Indian Affairs.

HOT SPRINGS RESERVATION, ARKANSAS.

The SPEAKER also laid before the House a letter from the acting Secretary of the Interior in answer to the resolution of the House of June 4, 1874, in relation to the Hot Springs reservation, Arkansas; which was referred to the Committee on the Public Lands, and ordered to be printed.

MATTHEW RESERVATION, OREGON.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, submitting estimates of appropriations to meet deficiencies on account of the Indian service at the Matthew reservation, Oregon, for the year ending June 30, 1874; which was referred to the Committee on Appropriations, and ordered to be printed.

CHARLES OLIVIER CLOSET.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting, in compliance with the act of June 22,1860, a report upon the claim of Charles Olivier Closet to a certain tract of land in the State of Louisiana; which was referred to the Committee on Private Land Claims.

NEW JAIL, DISTRICT OF COLUMBIA.

The SPEAKER also laid before the House a letter from the Secretary of the Interior in relation to an additional appropriation to complete in a substantial manner the new jail authorized to be constructed in and for the District of Columbia by the act of January 1, 1872; which was referred to the Committee on the District of Columbia.

B. SOULE.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting the report of the register and receiver of the land office at New Orleans, Louisiana, upon the claim of B. Soule to a certain tract of land in said State; which was referred to the Committee on Private Land Claims.

PRIVATE LAND CLAIMS IN NEW MEXICO.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting, in compliance with the act of July 22, 1854, a report of the surveyor-general of New Mexico upon private land claim No. 91; which was referred to the Committee on Private Land Claims, and ordered to be printed.

WILLIAM S. STEPHENS.

The SPEAKER also laid before the House a communication from the chief clerk of the War Department in relation to the claim of William S. Stephens for compensation for losses sustained on a contract for furnishing haversacks; which was referred to the Committee on Claims.

SPECIAL REPORT ON IMMIGRATION.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting one from the Chief of the Bureau of Statistics in relation to printing in the Swedish language his special report on immigration; which was referred to the Committee on Commerce, and ordered to be printed.

REFUNDS AT SAN FRANCISCO.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, in answer to a resolution of the House of January 4, 1874, transmitting a detailed statement of refunds made at the port of San Francisco, which had not been received at the date of such resolution; which was referred to the Committee on Ways and Means, and ordered to be printed.

RECONNAISSANCE OF NORTHWESTERN WYOMING.

The SPEAKER also laid before the House a report on the reconnaissance of Northwestern Wyoming made in the summer of 1873 by William A. Jones, captain of engineers, United States Army; which was referred to the Committee on Military Affairs, and ordered to be printed.

WILLIAM F. KING.

The SPEAKER also laid before the House a letter from the chief clerk of the War Department, transmitting the draught of a bill to authorize the issue of clothing to Sergeant-major William F. King, Twenty-fifth Infantry; which was referred to the Committee on Military Affairs.

AMBROSE J. CLARKE.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, in answer to a resolution of the House of June 6, 1874, in relation to Ambrose J. Clarke, late paymaster United States Navy at Brooklyn, New York; which was referred to the Committee on Naval Affairs.

ENROLLED BILLS SIGNED.

Mr. DARRALL, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (H. R. No. 526) for the relief of James De Long;

An act (H. R. No. 1206) for the relief of Charles J. Sands, of Brooklyn, New York;

An act (H. R. No. 2064) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June, 30, 1875, and for other purposes;

An act (H. R. No. 2292) for the relief of William Walker;

An act (H. R. No. 2398) granting a medal to John Horn, jr., for his heroic exploits in rescuing men, women, and children from drowning in Detroit River;

An act (H. R. No. 2694) for the relief of Benjamin W. Reynolds;

An act (H. R. No. 2898) for the relief of J. W. R. Wing, of New Bedford, Massachusetts;

An act (H. R. No. 3166) to correct the date of commission of certain officers of the Army;

An act (H. R. No. 3171) to amend the customs revenue laws and to repeal moieties; and

An act (H. R. No. 3586) to authorize the construction of a bridge across the Mississippi River at or near the city of La Crosse, in the State of Wisconsin.

Mr. PENDLETON, from the same committee, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (S. No. 176) to encourage the establishment of public marine schools.

An act (S. No. 311) for the relief of Joseph Montanari; and

An act (S. No. 595) for the relief of Benjamin Cooley and James W Boswell:

ARMY PENSION DEFICIENCY.

The SPEAKER laid before the House a communication just received from the Acting Secretary of the Interior, transmitting a letter of the Commissioner of Pensions, representing the necessity for a deficiency appropriation of $200,000 for the payment of Army pensions during the current fiscal year.

Mr. GARFIELD. Would it be in order to move to refer that communication to the committee of conference on the disagreeing votes of the two Houses upon the deficiency appropriation bill?

The SPEAKER. The Chair does not know why it would not be.

Mr. GARFIELD. I make that motion. I wish to inquire whether this will give the conference committee jurisdiction, if there should be no amendment pending between the two Houses touching any such subject?

The SPEAKER. In the opinion of the Chair it would, if it is an actual, legal deficiency; in that case the bill by its title would cover this subject.

Mr. HOLMAN. I submit that the committee of conference would have no jurisdiction, unless this matter should be germane to some amendment made by the Senate.

The SPEAKER. The deficiency bill embraces all items of public service in which there may occur a legitimate deficiency. The Chair therefore thinks that this matter would be within the jurisdiction of the conference committee. At all events the communication may be referred; and that point if necessary can be brought up afterward.

The motion of Mr. GARFIELD was agreed to.

POLITICAL DISTURBANCES IN ARKANSAS.

Mr. TYNER. I yield for a moment to the gentleman from Vermont [Mr. POLAND] on the condition that the proposition he is about to submit shall not consume time.

Mr. POLAND. I have been directed by the select committee on the condition of affairs in Arkansas to report back certain testimony taken on that subject, and also to submit the following resolution:

Resolved, That the select committee of the House appointed under a resolution adopted May 27, 1874, to inquire into the disturbed condition of governmental affairs in the State of Arkansas, be continued during the recess of Congress, with the same powers conferred by the resolution under which said committee was appointed.

The question being taken on agreeing to the resolution, there were—ayes 51, noes 52; no quorum voting.

Mr. ELDREDGE. I call for the yeas and nays.

Mr. TYNER. I yielded to the gentleman from Vermont with the understanding that this proposition should not take time.

Mr. POLAND. That was the understanding, and I withdraw the resolution for the present.

The SPEAKER. It can come up immediately after the post-office appropriation bill is disposed of.

POST-OFFICE APPROPRIATION BILL.

Mr. TYNER I move that the House now proceed to the consideration of the amendments of the Senate to the bill making appropriations for the service of the Post-Office Department for the year ending June 30, 1875, and for other purposes, and that they be considered in the House under the five-minute rule.

The motion was agreed to.

The first amendment was read, as follows:

In the proviso relating to employment of letter-carriers strike out "twenty thousand" and insert "thirty thousand;" so that the paragraph will read as follows:

For pay of letter-carriers, $1,900,000: *Provided*, That hereafter letter-carriers shall not be employed for the free delivery of mail matter in towns and cities whose population within their corporate limits, as shown by the last report of the national census or by any subsequent census taken in pursuance of State statute or by order of the mayor and common council of such town or city, shall be less than thirty thousand; but this proviso shall not affect the free delivery in towns and cities where it is now established.

The Committee on Appropriations recommended concurrence.

The amendment was concurred in.

The second amendment was read, as follows.

Add to the paragraph in regard to the pay and employment of letter carriers the following:

And for the more efficient management of the free-delivery system, the Postmaster-General may designate a fourth-class clerk to act as superintendent of free delivery in the Post-Office Department at an annual salary of $2,500; and for this purpose the sum of $700 is hereby appropriated, out of any money in the Treasury not otherwise appropriated.

The Committee on Appropriations recommended concurrence.

Mr. HOLMAN. On concurring in this amendment I ask for a division. It makes an increase of salary.

The question being taken, the amendment was non-concurred in; there being ayes 25, noes not counted.

The third amendment was read, as follows:

Strike out the words "running out of the District of Columbia" and insert the words "in Virginia and Maryland;" so that the paragraph will read as follows:

For advertising, $80,000: *Provided*, That hereafter no payment shall be made to any newspaper published in the District of Columbia for advertising any other routes than those in Virginia and Maryland.

The Committee on Appropriations recommended concurrence.

The amendment was concurred in.

The fourth amendment was read, as follows:

Strike out the words "and no" and insert "nor any;" so as to make the paragraph read as follows:

For stamped envelopes and wrappers, $535,424: *Provided*, That hereafter no envelope, as furnished by the Government, shall contain any lithographing and engraving, nor any printing except a printed request to return the letter to the writer.

The Committee on Appropriations recommended concurrence.

The amendment was concurred in.

The fifth amendment was read, as follows:

In the paragraph appropriating for miscellaneous items $2,500, strike out the following proviso:

Provided, That the monthly and annual reports of the Department of Agriculture shall pass free through the mails.

The Committee on Appropriations recommended non-concurrence.

The amendment was non-concurred in.

The sixth amendment was read, as follows:

Insert the following as a new paragraph:

For the purchase of law-books for the library of the office of the Assistant Attorney-General of the Post-Office Department, $2,000.

The Committee on Appropriations recommended non-concurrence.

The amendment was non-concurred in.

The seventh amendment was read, as follows:

Insert the following as a new section:

That the revised statutes of the United States shall not be published by the United States in any newspaper, anything in existing laws to the contrary notwithstanding.

The Committee on Appropriations recommended concurrence.

The amendment was concurred in.

The eighth amendment was read, as follows:

Insert as a new section, the following:

SEC. 5. That on all newspapers and periodical publications mailed from a known office of publication or news agency, and addressed to regular subscribers or news agents, postage shall be charged at the following rates: On newspapers and periodical publications, four cents for each pound or fraction thereof: *Provided*, That the rate of postage on newspapers or periodicals, not exceeding two ounces in weight, and circulars, when the same are deposited in a letter-carrier office for delivery by the office or its carriers, shall be uniform at one cent each; but periodicals weighing more than two ounces shall be subject to a postage of two cents each, and these rates shall be prepaid by stamp.

The Committee on Appropriations recommended concurrence in the Senate amendment, with an amendment, to make the section read as follows:

SEC. 5. That on all newspapers and periodical publications mailed from a known office of public ation or news agency, and addressed to regular subscribers or news agents, postage shall be charged at the following rates: On newspapers and periodical publications, issued weekly and more frequently than once a week, one cent and five mills for each pound or fraction thereof; and on those issued less frequently than once a week three cents for each pound or fraction thereof: *Provided*, That the rate of postage on transient newspapers or periodicals, not exceeding two ounces in weight, and circulars, when the same are deposited in a letter-carrier office for delivery by the office or its carriers, shall be uniform at one cent each; but periodicals weighing more than two ounces, sent to other than regular subscribers or news agents shall be subject to a postage of two cents each, and these rates shall be prepaid by stamp.

Mr. KASSON. It seems to me there is an error in the insertion of the word "transient" before the word "newspapers" if the proviso relates exclusively to papers, &c., sent for delivery by letter-carriers within the delivery of that office. The intention of the clause, I presume, is to subject such papers, whether transient or continuous, to the payment of one cent, because delivered by letter-carriers. I think, therefore, the word "transient" is an error.

Mr. TYNER. I think the gentleman from Iowa [Mr. KASSON] is mistaken. The first part of this section provides for the rate of postage on newspapers, which rate is of course to be prepaid. After fixing the rate of postage the proviso then goes on and declares that newspapers or periodicals not exceeding a certain weight shall go through the mails at a certain rate. The proviso, unless there is some qualifying term, will change the rate of postage fixed in the first part of the section.

The purpose evidently of the Senate was to provide the law as it now exists should be continued, and in order to avoid any mistake or misapprehension as to the first part of the section the Senate evidently intended to make a different rate of postage, or rather intended to continue the present rate of postage on transient matter. To make that purpose clear the Committee on Appropriations thought it necessary to insert the word "transient" before the word "newspapers." If the gentleman from Iowa will turn to the first part of the section he will see that it provides for sending newspapers and periodicals and publications mailed from a known office of publication or news agency and addressed to regular subscribers or news agents. That does not apply to outsiders, but only to subscribers or news agents. Without some such proposition as we have inserted the publisher or news dealer may send his transient mail-matter all over the country at the rate fixed in the first part of the section, and therefore the proviso changes the rate upon transient newspapers or periodicals from the rate fixed in the first part when the same is deposited in a letter-carrier office for delivery.

Mr. KASSON. I think what the gentleman from Indiana says implies that provision should be put somewhere, but the word "transient" where it is put relates exclusively to those newspapers or periodicals deposited in letter-carrier offices for delivery by the office or its carriers. Consequently if the word "transient" is left where it is it would leave these newspapers and periodicals to be sent within the local delivery subject to a postage, which it is not the intention of this committee to allow. I suggest that should be considered in the conference. Suppose instead of being transient the publishing office or news agent in New York chooses to send through the local office every day by the letter-carriers, then it would imply if they were regular issues and not transient they should come under the previous rate per pound, which it is not the intention to do, as I understand.

Mr. TYNER. Inasmuch as this can be determined more correctly by the conference, I have no objection to striking out the word "transient," where it is proposed to be put before "newspapers," and also in the latter part to strike out "sent to others than regular subscribers or news agents," and let the vote be taken on the balance of the section.

Mr. HAWLEY, of Connecticut. What does the gentleman now propose to do? I should like to understand it.

Mr. TYNER. I propose to strike out the work "transient" before the word "newspapers," and also to strike out the words "sent to others than regular subscribers or news agents" after the word "ounces" in line 11. That will leave the proviso precisely as it came from the Senate.

Mr. HAWLEY, of Connecticut. A newspaper published in a town which has a letter-carrier office would be obliged to pay three cents for postage, whereas if it went over to the next town in the same county it would go free.

Mr. TYNER. The gentleman will see by turning to section 7 it is there provided that newspapers, one copy to each actual subscriber residing within the county where the same are printed in whole or in part and published, shall go free through the mails; but the same shall not be delivered at letter-carrier offices or distributed by carriers unless postage is paid thereon as by law provided.

The provision to which the gentleman has called my attention simply requires the prepayment of postage where there is letter-carrier delivery of newspapers or periodicals.

Mr. HAWLEY, of Connecticut. Do you provide the daily newspapers shall go through the mails free?

Mr. TYNER. Not at all; but we propose, if the publisher of a daily paper shall send copies of his publication to subscribers to be delivered by letter-carriers, then postage shall be paid on them. But if the publisher of a daily paper shall send his paper through the post-office alone to a subscriber in the county, then this bill provides it shall go free. We only propose to charge postage to cover the service of the letter-carrier system.

Mr. HAWLEY, of Connecticut. Do you propose that it shall go free in a city where the letter-carrier system is established?

Mr. TYNER. Provided it is delivered at the post-office but not by the letter-carrriers. The gentleman from Connecticut would not ask the passage of a law to load down the letter-carriers with daily papers to go through the mails and be delivered by these letter-carriers free of postage.

Mr. HAWLEY, of Connecticut. I think we are wrong in allowing a single ounce of mail matter to go free anywhere. If you made everybody in the country pay for every service rendered by the Post-Office Department you could reduce the newspaper rates below what they now are. The effect of the law as the House proposes to amend it is to offer the highest kind of protective duties for county weeklies and for county papers. You permit them to go entirely free through the mails and then you turn around and put a heavy burden upon the publishers of papers of more extended circulation and make them pay the expense of delivery of the entire newspaper press of the country. If you take the ground that no matter shall pass through the mails free, and stand upon it, and let all papers pay each in its own county as well as everywhere else—let every man who has an advantage from the Government pay for it—you can then put your rates down to one cent instead of anything going free, you can then reduce postage to the lowest rates possible.

Mr. POTTER. Does this provide for prepayment of postage on the part of newspapers circulating in the counties?

Mr. TYNER. There is no recommendation in regard to that by

the House Committee on Appropriations. The House is now considering the amendments of the Senate to this bill.

I will say, Mr. Speaker, that nearly all the remainder of this bill is simply a copy of certain changes which the House has already passed in the shape of two or three different bills that were reported here by the Committee on the Post-Office and Post-Roads. There are certain changes, however, that have been made by the Senate in which the Committee on Appropriations of this House recommend non-concurrence.

And now let me say a word in reply to the gentleman from Connecticut, [Mr. HAWLEY.] We have come nearly to the plan of requiring prepayment on nearly all classes of mailable matter. It is true that certain newspapers are permitted to go free in the mail in the counties of their publication. But there is so small a proportion of them that get into the mails at all that it may be said that even they do not vary the rule. For instance, the weekly newspaper in the county almost invariably delivers two-thirds or three-fourths of its circulation to its subscribers in the town or city where published. These newspapers are carried by the majority of the publishing houses to the post-office and never go into the mails, but are delivered at the delivery window of the post-office. A very few, a very small percentage, go into the mails and are carried short distances of from one to fifteen miles. That small proportion, I repeat, scarcely changes the rule. So that we have come down almost to the rule requiring everything that enters the mail to pay postage, and to prepay it also.

The daily newspaper stands precisely on the same footing with the weekly newspaper in regard to weekly circulation within the county. And I apprehend that the sober reflection of nearly all gentlemen here will bear me out in saying that this change in the law—a change in the law which has been in existence only for a year past—re-establishing the principle of free circulation within counties, is really right, in order not to impose a tax on the circulation of that class of intelligence which is the most unable to pay it.

Mr. GARFIELD. I desire my colleague, the gentleman from Indiana, to state what amount of increase is made in newspaper postage by the House bill over the present law, and how much by the Senate amendments.

Mr. TYNER. The present law, as the gentleman is aware, provides for a rate of postage on weeklies and semi-weeklies and dailies in proportion to the frequency of their publication. As nearly as the Post-Office Department has been able to reduce it to the cost per pound, this is a reduction, a very considerable reduction upon the postage on newspapers. But the change of providing for a prepayment, thus enabling the Department to collect all its revenues on this matter, has in my judgment, and I make the statement after very considerable reflection about it, reduced the actual cost per pound nearly or about 50 per cent., and will pay an increased postage or revenue to the Post-Office Department to the extent of not less than 300 per cent.

Mr. HOLMAN. I desire to ask my colleague what is the effect of the Senate amendment making the rate four cents per pound?

Mr. TYNER. The effect of that, in my judgment, would be to increase the rates of postage at least 200 per cent., and in some instances more than that, over the proposition heretofore adopted by the House. And another effect in my judgment will grow out of that. If we fix the rate of postage at four cents, so high a rate as that will induce all the publishing offices of the country to resort almost exclusively to the express companies for the delivery of their newspapers on short routes and within short distances, and will also induce them to send their publications through the mail when they have to be carried long distances, the result of which will be in my judgment to cheat the Post-Office Department out of a large proportion of the revenues that it now gets, and to enhance the revenues of the express companies in proportion.

Mr. HAWLEY, of Connecticut. I desire to make another suggestion as to what will be the effect of this Senate amendment, charging four cents a pound, which is a most extraordinary, extravagant, and unreasonable increase of the rate of postage. One other effect would be, as it is of the present law, to throw the whole burden of the postage on the publishers of the newspapers. That is the effect of the law. You say the publisher will get it out of his subscribers. You are by this law to levy—how much? Two million dollars?

Mr. TYNER. It will not amount to that.

Mr. HAWLEY, of Connecticut. You expect an increase—I understand some two million dollars. That is all to come out of four, six, or eight hundred persons in the country—the whole of it. You change the mode of collecting from the subscriber to the newspapers and the men who publish them. And this is a tremendous tax upon a comparatively few people of the country.

Ah, but you say it is like the whisky tax, which does not come out of the distillers, but the drinkers of whisky have to pay it ultimately. You say that the subscribers will have to pay this postage. Not at all. The publishers of newspapers now charge for their papers one or two dollars a year; they cannot charge $1.08 or $1.09 so as to cover the postage. I tell you, as a newspaper publisher, that we shall not change our yearly rates at all, but we shall shoulder this enormous burden, ranging from any sum as small as you please up to $300,000 a year. I think there are newspaper establishments in the country that will pay $300,000 a year under this law; and it will be a long time before the matter can be so adjusted that the burden shall be divided between the publisher and the subscriber.

Mr. GARFIELD. I rise to oppose the amendment. I think the House may well devote some time to the consideration of this question in connection with four or five other amendments which follow it. They relate to one of the most important topics connected with our postal affairs that has yet been before Congress. We are here discussing not only the rate of postage on newspapers, but also the rate on merchandise, that question coming in in one of the Senate amendments. It is proposed by the Senate to put up the amount of merchandise that may be carried through the mails to four pounds. At present the amount is only twelve ounces. They propose to make it sixty-four ounces. The Senate proposes, also, to increase the charge for carrying newspapers to three or four times what it now is.

Mr. KASSON. These newspapers, to which the gentleman from Connecticut [Mr. HAWLEY] has alluded, according to my recollection raised their prices during the war to about double what they were before, and they have not since that time reduced the price. That is a point to be considered in connection with the alleged hardship upon newspaper publishers, in case they do not recover the whole amount from their subscribers.

Mr. HAWLEY, of Connecticut. That is a matter with which Congress has nothing to do.

Mr. GARFIELD. I think Congress should ascertain the original and present object of the Post-Office Department. A novel and remarkable proposition was made before the Committee on Appropriations a few weeks ago by an able gentleman who appeared before them in regard to the postal telegraph. He insisted that the object of the Post-Office Department was not to transmit intelligence at all, but to carry packages; that it did not make any difference to the Government what was in the package, but that a sealed package, not above a certain weight should be carried by the Government at a low rate, and that the transmission of intelligence was only an incident resulting from the transmission of a package. I have had occasion, since that gentleman appeared before the committee, to inquire into this question historically to ascertain whether that was the object in the minds of our fathers when they created the Post-Office Department. I have copied the first resolution that I can find under the old Confederacy, and which originated our present Post-Office Department.

I find the first notice of the Post-Office in the Journal of the Confederation May 29, 1775, as follows:

> As the present critical situation of the Colonies renders it highly necessary that ways and means should be devised for the speedy and secure conveyance of intelligence from one end of the continent to the other—
>
> *Resolved*, That Mr. Franklin and others be a committee to consider the best means of establishing post for conveying letters and intelligence through this continent.

This, Mr. Speaker, was the corner-stone of our postal system. The report was read July 25, 1775, and agreed to July 26, and B. Franklin was appointed Postmaster-General, and a line of posts was established from Falmouth in Maine to Savannah, with as many cross-posts as the Postmaster-General should think fit.

In 1782 the first ordinance was passed regulating the post-office, with the following preamble: "Whereas the communication of intelligence with regularity and dispatch from one part to another of this United States is essentially requisite to the safety as well as the commercial interest," and the Congress being "vested with the sole and exclusive right and power of establishing and regulating post-offices throughout the United States:" therefore, &c., the Postmaster-General and his agents, &c., and no other person, "shall have the receiving, taking up, ordering, dispatching, sending post or with speed, carrying and delivering of any letters, packets, or other dispatches from any place within these United States for hire."

Such was the beginning of our postal system, which was organized for the purpose of transmitting intelligence, and not as an express for packages. The transmission of packages was authorized only because the packages contained intelligence.

Now, it is from this stand-point that I approach the question of postage on newspapers. We are met with this argument; we are told, and told truly, that 78 per cent. of all the matter that passes through the mails is newspapers, and that the newspapers paid during the last year a little more than $1,000,000 of the twenty-nine or thirty millions that were paid as postage, and yet the newspapers furnished over 78 per cent. of the weight of our mails. We could not defend that as a matter of justice, if it was the business of the Post-Office Department to carry packages as an express agency.

Now I take it that the Senate in their amendment have gone over to the express theory of the Post-Office Department. They have enlarged to four pounds the amount of merchandise of any sort that may be sent through the mails, and have raised the price of postage on newspapers to four cents per pound, at least treble the present rate. They have overthrown the theory upon which the post-office was founded, and propose to convert it into an express office. If that theory be the true one, then we ought to charge far more for transporting a newspaper than a letter, because it weighs more. If the theory of charging by weight and distance is to prevail, then as a matter of course the Senate is right, only they ought to have gone

further and made the newspaper pay eight or ten times as much as a letter, in proportion as its weight is greater.

[Here the hammer fell.]

Mr. ELLIS H. ROBERTS obtained the floor.

Mr. GARFIELD. I desire to conclude this line of thought.

Mr. ELLIS H. ROBERTS. I will yield my time to the gentleman.

Mr. GARFIELD. I wish to call attention to another thing. In 1841 an attempt was made to readjust our postal system in regard to rates, and to make newspapers pay a larger share comparatively of the expenses of the Post-Office Department than they were then doing. The result of it all was that the rate of letter postage was decreased, while the rate of newspaper postage was kept substantially the same.

I have no doubt that upon the theory which the Senate seem to have adopted they have not gone even far enough. But I contend that the original theory, and the one which we ought to maintain, is that the Post-Office Department was created not for the purpose of revenue, but for the purpose of disseminating intelligence throughout the country. Therefore, where there is intelligence of so public a nature and of such general importance as that in the newspapers we give it the preference, and that is the reason why the newspaper should have the preference over the letter. I send a letter to a friend; it is a matter that concerns only him and me. But the news of the crops, of the business, of the commerce and the trade of the country is a matter that at once concerns millions of people. Therefore, for the public good, for the general welfare, the newspaper ought to be sent at a less cost than the private letter.

I am clear also that the Senate is right in one thing, and that is that the postage on newspapers should be prepaid. I have here the statistics of last year, which I think will be of some service to the House. In 1873 the actual legal charge for postage on newspapers amounted in the aggregate to $2,718,241. Yet there was collected and paid into the revenues of the Post-Office Department for postage on newspapers only $1,072,998, a little more than one-third of the legal charge. It is fair to say that substantially only about 30 per cent. of the entire legal charge of carrying the newspapers in the mails was paid. Why? I can give the House an illustration in my own district. I recollect seeing last fall a postmaster in a country office where the revenue of the office was very small; perhaps the fees of the office did not produce a salary of more than $100 per annum. The man said to me: "I collect a hundred accounts every quarter for postage on newspapers, or four hundred accounts a year, at nine cents each. In other words, I have to open four hundred accounts, each account amounting to only nine cents, and I must collect them. In doing so I have an infinite amount of trouble. A man comes in for his newspaper; he has not the money to pay the quarter's postage, or he cannot make the change, or I cannot make it, and I violate the law and let him have the paper for several weeks without paying the postage. He is a friend of mine; I do not want to make him angry, and finally I pay the postage out of my own pocket." Or, what is true in a great majority of cases, it is never paid, but returned as delinquencies. It is a miserable, trifling, little picayune business. We ought to fix the rate at that which we determine should be fixed, not a high rate; the Senate has fixed too high a rate, but the House has fixed a rate which is really a reduction. We ought to fix that rate, and stand by it, and provide that it shall be prepaid before the newspapers go into the mails.

Mr. HAWLEY, of Connecticut. I hope the gentleman did not understand me as opposing the prepayment of newspaper postage.

Mr. GARFIELD. O, no.

Mr. HAWLEY, of Connecticut. I do not know any one engaged in the business who does not think prepayment a wise and proper rule. And all that the gentleman has said about the annoying character of these little collections is true. But make your rate low, and you will get more money.

Mr. GARFIELD. The House will remember that some months ago we discussed the question of freedom of transmission of newspapers in the counties where published. I expressed my opinion on that subject, and as a result I have been very considerably criticised by those who thought I was attacking the metropolitan press and praising especially the country press. I argued then upon the same principle which Benjamin Franklin laid down when he organized the Post-Office Department, that it was for the diffusion of intelligence and not for revenue that the postal system was established. I said then and I say now, for I am confirmed in my belief, that no greater injustice can be done than to establish a dead-level rate of postage for newspapers in the counties where they are published. In fact, the first law that Franklin introduced made a discrimination based on distance; and I think it is worth while to refer to it here. The first notice of newspapers in our postal laws was in the ordinance of 1792. The service had existed about twenty years before the newspapers were recognized, they being so few in number and of such little weight in comparison with letters. But in 1792, few as newspapers then were in comparison with what they are now, it had become important to recognize them, and an ordinance was passed declaring—

> Newspapers shall be carried in a separate bag from letters, and charged one cent for one hundred miles and one and a half cents for a greater distance.
>
> Letters of course were rated much higher.

The newspaper continued to be an inconsiderable feature of the postal-service till about the end of the first quarter of the present century, but about that time the price of paper was greatly reduced, the size of newspapers greatly increased, and complaints were made by the Postmaster-General of the excessive weights of papers in proportion to the letters, and as early as 1838 an estimate was made of comparative weight of letters and papers sent from the five largest cities of the Union in a week. The weight of the letters were fourteen hundred and twenty-eight pounds and of the papers fifty-five thousand two hundred and forty-one pounds, while each letter paid an average twelve cents, and each paper one cent.

It was urged that it was unjust that letters should bear almost the entire expense of the Post-Office Department; that the postage on papers should be increased and that on letters diminished. The Postmaster-General in 1841 proposed an increase of 100 per cent. on the postage of printed matter converted into weight, with a reduction of 25 per cent. on letter-postage and prepayment on letters and papers.

To the advance of rates on papers it was replied that as the post-office was established for the diffusion of intelligence, and as newspapers performed that service for the public which letters did for the individual, and as the letter-postage was less than by any other means of conveyance, it was in the public interests that low rates on papers should be maintained. Congress therefore reduced the rates both on papers and letters, making them in each case depend on weight, and without regard to distance of transmission, requiring prepayment on letters but not on newspapers. With some modifications this has continued to be the law until the present time.

I think they were right to recognize as they did in the early days of the Government the difference between a local circulation and a general, wide-spread circulation of newspapers. If we propose by our legislation to do justice to the various interests of the country we ought to make some difference without respect.

I do not say as an independent question that the country newspapers ought to be free; that they have any special claims to total exemption from postage; but I do say that they have a right to have a difference made in their favor on the score of the small distances which they are transmitted. Of course the city newspapers are free within their respective counties as the country newspapers are. It was not merely for the country papers, but for relative justice that I pleaded when speaking on this subject several months ago.

I have no doubt it would be more just if we had a graded rate based upon the limits of distance and weight; yet that would be too cumbersome, and perhaps the order that is now adopted in this bill ought to stand. I wish, for one, to disclaim any purpose of assault on the newspapers on the one hand, or of toadying to them on the other. I stand by the old theory and traditions of the Government in regard to the Post-Office Department.

Mr. ELLIS H. ROBERTS. I move to amend the amendment presented by the committee by substituting one cent in place of one cent and a half, and two cents instead of three cents.

I recognize the force of the argument for prepayment; but I do not recognize the accuracy of the figures which are here presented. It is claimed that the postage upon newspapers carried through the mails during the past year would have been nearly $2,700,000, while the amount collected was but $1,072,000. Gentlemen have chosen to make a calculation based upon these figures; but I venture to say that their results are inaccurate. They can have no data to justify the estimate which has here been submitted. I do not question the honesty of their intentions; but they are making calculations about that which is necessarily uncertain, and they reach a conclusion which is absurd upon its face. The claim that there was a failure on the part of the postmasters to collect $1,700,000 of postage which should have been collected on newspapers should have taught them that their calculations are radically wrong.

The postage as it stands is so high as to drive a great many newspapers out of the mails. They are compelled to rely upon other facilities for reaching their subscribers, because the postage now is too high. They do not object to prepayment; but if you get all of this $2,700,000, (which is the calculation as to the amount that should be obtained from newspapers going through the mails,) if you have sure pay upon the newspapers, you can carry them for even a lower rate. The tendency of the present system, as the experience of gentlemen experienced in postal matters will testify, is to drive newspapers out of the mails for all short distances. Practically you carry in the mails only the newspapers that go a great ways. Now, if you want to get the profitable business for the mails, you must make your rates low enough to attract it; and in my judgment they ought not to be higher than one cent for weeklies and dailies, and two cents for magazines. Such a discrimination as now exists ought not to be made between magazines and newspapers, because the greater amount of business furnished by the dailies and weeklies places them within the range of a wholesale business; whereas the magazine postage, large as it is, must be in the aggregate very much less than the newspaper postage.

Gentlemen tell us a great deal about the weight of newspapers. Some of them are the very gentlemen who argued a while ago that weight made no difference at all, when they wanted agricultural reports carried for nothing. If that argument is sound, I would be glad to borrow some of the eloquent sentences of my friend from Illinois [Mr. CANNON] who tried to teach us that it did not make any

difference how much the mails weighed. But it does. What I want is that you shall fix some fair rate for a wholesale business when you ask for prepayment. That is all we ask.

The newspapers of this country do not want any sympathy from this body or any other body. They ask for justice; that is all. I know, Mr. Speaker, that this body, at least, is not going to legislate against newspapers out of spite. Bear in mind, gentlemen, great as you may be, and long as you may live, your career is short compared with the life of a great newspaper. The newspaper is an institution of this country, and there is no man so great that he can afford to sneer at it. I only choose now to say that the newspaper asks no favors, asks no sympathy. If you choose to legislate from spite you may, and newspapers will be carried outside of your mails.

[Here the hammer fell.]

Mr. CANNON, of Illinois. Mr. Speaker, I wish to refer to the remarks of the gentleman from Ohio [Mr. GARFIELD] for a moment before referring to what the gentleman from New York [Mr. ELLIS H. ROBERTS] has been talking about. I understand the gentleman from Ohio antagonizes the Senate amendment which provides that mailable matter of the third class may weigh not exceeding four pounds for each package, and postage shall be charged at the rate of one cent for each two ounces or fraction thereof. I claim that is a proper amendment. It is substantially the same provision contained in the bill passed by the House the other day which was reported from the Committee on the Post-Office and Post-Roads. I claim it is right not only as a matter of justice to persons who live in portions of the country where there are no express offices, but it is right also as a matter of revenue for the Department, and whoever antagonizes an amendment of that kind, while he may not do it intentionally in favor of the express companies, nevertheless is in fact operating in their favor and against the convenience of the people of the country.

In seven of the principal cities last winter the mails were weighed for thirty days, and there were in round numbers one hundred and twenty thousand pounds of books and merchandise producing $20,000, of postage. For the same thirty days the newspapers and periodicals mailed in the same seven cities weighed four million pounds, which at a cent and a half a pound, the rate which the gentleman proposes to fix, would produce only $60,000, but which, if charged at the same rate as books and seeds and cuttings, would produce near half a million of dollars. Yet the gentleman from Ohio claims you should not carry four pound packages of third-class mailable matter which produces this kind of revenue. I say as a matter of justice to the people and as a matter of justice to the revenues of the Post-Office Department this third-class mailable matter should go through the mails as provided for in the amendment of the Senate.

But the gentleman from New York [Mr. ELLIS H. ROBERTS] says we have no data that the revenue would be $2,000,000 on papers and periodicals at the rate which is proposed shall be fixed by the committee. I say we have the data in the census report of 1870, and also in this weighing for thirty days in these seven principal cities of the country. Newspapers, periodicals in these principal cities for thirty days weighed four millions of pounds. For the entire year that would make 48,000,000 pounds for these seven cities alone. Calculation to produce $2,000,000 of revenue at the rate proposed is upon the basis of 97,000,000 of pounds. You will notice, therefore, that these seven principal cities would give over one-half of the amount necessary to produce this amount. Therefore I say you are not groping in the dark, but you can calculate with as great certainty as you can in reference to anything in the future not absolutely certain that there will be this amount of newspapers and periodicals going through the mails at this reduced rate.

Mr. ELLIS H. ROBERTS. The gentleman from Illinois states that a certain amount was carried through the mails for a certain period, and then makes a calculation according to the census of 1870; is not that a guess?

Mr. CANNON, of Illinois. It is not a guess; the observation of postmasters and the ascertained facts show that it is correct, and such calculation is verified by the weighing of mails for thirty days in those seven principal cities.

Mr. ELLIS H. ROBERTS. He weighed within a certain territory and found a certain result and doubled that result. I think that cannot be called anything else than a guess.

Mr. CANNON, of Illinois. No, sir; one fact verifies the other. If seven cities mail forty-eight million pounds of newspapers in a year, certainly the whole of the balance of the United States would mail as much more.

Mr. ELLIS H. ROBERTS. His calculation is the result of a guess, very ingenious, perhaps, but nevertheless a guess.

Mr. CANNON, of Illinois. The gentleman wants to have the last word. So be it.

Mr. G. F. HOAR rose.

The SPEAKER *pro tempore*. No further amendment is in order.

Mr. ELLIS H. ROBERTS. I withdraw my amendment on condition the gentleman renews it.

Mr. G. F. HOAR. I have listened to the distinguished gentleman from New York, [Mr. ELLIS H. ROBERTS]—his speech to-day and his speech on the general question some weeks ago—with less pleasure than that which I usually derive from what he has to say to the House, because it seems to me in discussing the effect of this legislation upon a portion of the people he has fallen into the common error of supposing his opponents influenced by a mean or low motive which may possibly enter some minds rather than by a general desire to do what is right and for the public interest.

Mr. ELLIS H. ROBERTS. O, no.

Mr. G. F. HOAR. He said the other day in substance if the House expected to curry favor with the country press by giving them their newspapers free they were mistaken.

Mr. ELLIS H. ROBERTS. I say it now.

Mr. G. F. HOAR. He warns us now against legislating out of spite, and compares the length of the life of a great newspaper with the length of the career of a man in public station. But, Mr. Speaker, that is not the motive with which the gentlemen of this House are addressing themselves to this important public question. It is not in the least a question of the interest of the publisher of a newspaper. We have to deal with the question of the interest of the reader—the man who is to receive the newspaper. Now, the little local newspaper is a necessity of life to the people in the neighborhood where it is circulated. The widow, the laborer, and the poor man in the country like to have on Saturday night for the family reading the weekly newspaper which has the current county news, and the weekly newspapers are of such a class and the people who take them are of such a class, that the burden of postage may be a very serious burden in determining the question whether they can take the paper or not. On the other hand, the large daily newspaper of the metropolis is supported by the advertisements of the business and wealth of the country, and colossal fortunes are made by these long-lived newspapers after they once get established, while the little weekly newspapers perish like the leaves of the autumn.

The gentleman from Connecticut, [Mr. HAWLEY,] an old newspaper publisher, declares that whatever may be the postage we put upon the city paper it makes no difference to the subscriber, but that the publisher would and could shoulder the entire burden. Now, therefore, it is important for us in our legislation to encourage as far as possible and as far as is necessary, by lightening the burden, the circulation of this information among the people by the press, with the influence it exerts in enabling the American people to govern themselves. The press of this country, Mr. Speaker, has a great power, a great educational influence. I recognize its power; I recognize its value. It has its errors, it has its sins, it has its crimes, it has its licentiousness, it has its recklessness. It also has its honest and generous support of what is good and true. The cure for the evil which to-day prevails in the American press, as in the press of every generation since newspapers have existed, is the multiplication and not the suppression of the circulation of the newspapers.

[Here the hammer fell.]

Mr. G. F. HOAR. I should like to have just three minutes more.

Several MEMBERS. Go on.

Mr. G. F. HOAR. If the great newspaper of New York misrepresents the men in this House in their public conduct, thereby striking a blow at the very principle of self-government itself, because under the shadow of every calumny printed against the pure man ten knaves escape the just punishment of public indignation, and the knavery which exists—and it does exist—in our Government to-day is shielded by the unjust attacks made upon honest and faithful public servants, teaching people to look upon all public men as alike bad—if the great newspaper of the metropolis engages in that work of misrepresentation, the cure for that evil is to put by its side ten other newspapers of equal circulation, and out of these eleven or twelve newspapers the people will sooner or later learn to pick out the truth. I go, Mr. Speaker, for reducing the postage on both classes of newspapers to as low a rate as the public burdens and the state of the public service and the condition of the public Treasury will permit. And I trust my friend from New York, whom I honor as much as I do any man—there is no man whom I honor more on this floor—will not attribute to me either the desire to curry favor with the country newspaper or to wreak spite against the city paper when I give my vote.

Mr. ELLIS H. ROBERTS. Mr. Speaker, the newspapers of this country, as of all countries, must be made by men. The newspaper will have human frailties and will represent human passions. It would be fortunate for us if it were not also true that a legislative body represents human frailties and embodies human passions. For much of what the gentleman from Massachusetts [Mr. G. F. HOAR] has said I thank him, because I know that the compliments he pays to the press are not mere words.

Now, the practical question is whether you are to make your postage so high as to be in the interest of the richest newspapers, or whether you will adopt such a rate as shall be in the interest of the Government, in the interest of the Post-Office Department.

Mr. G. F. HOAR. I do not differ with the gentleman as to that.

Mr. ELLIS H. ROBERTS. I know that the gentleman from Massachusetts does agree with me as to the rates; and it seems to me that it is essential that we should adopt such a rate that it may not depend on the mere word of the gentleman from Massachusetts, good as that word is, to prove that we do not legislate out of spite. I know that newspapers sometimes indulge in unjust criticism, but they also often speak necessary and proper judgment. When their censure is not deserved, when it descends to slander, we must rely upon character to stand up against it—character which is above abuse, which adorns this Hall, and which is the safety of this Repub-

lic. I want the action of this body to be not only just, but to be so just that no fair man can complain of it. And therefore it seems to me that the amendment which I move presents the equitable and proper figure to adopt in this bill.

Mr. HAWLEY, of Connecticut. I wish to make a single remark. The gentleman from Massachusetts [Mr. G. F. HOAR] did not quite do me justice in saying that I acknowledged or asserted that all this postage, now that it must be prepaid, must come out of the greater newspapers. That expression requires modification. I said it would not at present increase the rates of subscription. It would take a long time, I said, before the business so worked round as to get the money from the subscriber. But if those papers on the average pay now only a fair profit and this is a deduction from their fair profit, it is inevitable under the ordinary laws of business that in time they will come to collect all this from their subscribers. That unquestionably will be the result.

Now the hardship of this law is in the violence of the change and in the sudden concentration of a small tax upon a few persons. I therefore would like very well, and I think it would be better for the service in the long run, to begin with the low rates suggested by the gentleman from New York [Mr. ELLIS H. ROBERTS] even if we should collect no more revenue than now; and then in a year or two, after the business had been adjusted and if required by the exigencies of the public service, to increase it a trifle.

I say make it very low, because you change the method of collection. It had better be one or two cents per pound now, and then a year or two hence when the business adjusts itself you can add a cent or half a cent.

Mr. COBB, of Kansas. Suppose we put it at one cent per pound, as proposed by the gentleman from New York, [Mr. ELLIS H. ROBERTS,] does the gentleman from Connecticut suppose that any Congress will hereafter ever raise the rate of postage? Has such a thing ever been done?

Mr. HAWLEY, of Connecticut. I suppose Congress will raise it if they find they cannot afford to carry this matter at the rate now fixed.

Mr. COBB, of Kansas. Is it not a fact that in fixing the rate of postage on newspapers by this bill we are fixing it for all time? It has been the uniform practice of the Government to diminish the rates of postage instead of increasing them, and if we once fix it at this rate it will never be placed at a higher rate, and moreover next year the gentleman from Connecticut or some one else will move to make the rate half a cent per pound and finally the postage on this matter will be abolished altogether.

Now a word more. It seems to me that the bill which passed the House, being reported from the Committee on the Post-Office and Post-Roads, fixing the rate of postage at one and a half cents per pound on newspapers and on periodicals at three cents a pound, was the proper thing. It seems to me that if Congress intends to fix any rate of postage upon these publications it ought to fix the rate at something which will be a compensating rate. If not, wipe it out entirely. It cost $26,000,000 last year to transport the mails, and of that $26,000,000, $25,000,000 was the cost for the transportation of express matter and newspapers. We received in return for that something a little over a million dollars for an expenditure of $25,000,000. It seems to me that it would be the fair thing and the right thing either to impose a proper rate of postage or to wipe out this charge altogether and transport this matter through the mails free.

Mr. HAWLEY, of Connecticut. I hope the gentleman will put a mark of interrogation at the close of his remarks, for he interrupted me on the plea that he desired to ask a question.

The question was upon the amendment offered by Mr. ELLIS H. ROBERTS to the amendment reported by the Committee on Appropriations.

Mr. ELLIS H. ROBERTS. I desire to state to the Chair that my amendment is an amendment to the amendment of the Committee on Appropriations. The committee propose one cent and three mills and three cents as the rates. I propose one cent and two cents.

Mr. TYNER. If the Chair will bear with me I will state the proposition. The Senate proposes to make the rate four cents per pound; the Committee on Appropriations propose one and a half cents and three cents. The gentleman from New York proposes to fix it at one cent and two cents per pound.

The question was taken on the amendment offered by Mr. ELLIS H. ROBERTS, and it was not agreed to.

The question recurred upon the amendment reported by the Committee on Appropriations.

Mr. TYNER. I propose to withdraw that part of the amendment of the committee which attaches to the proviso to the section. The amendment of the Senate will then be agreed to with an amendment, and the proviso will be open to such changes as the committee of conference may think necessary.

Mr. KASSON. I think it is necessary that there should be an amendment striking out the proviso so as to bring it within the purview of the committee of conference.

Mr. TYNER. I think not.

Mr. GARFIELD. O, no; the proviso is a part of the section.

Mr. KASSON. But you propose to concur in the proviso without any amendment.

Mr. GARFIELD. The proviso is a part of the section. We have amended the section, and that leaves it to the conference committee to make any changes in it or in the proviso to it that they may deem fit.

Mr. KASSON. Very well.

The question was taken upon Mr. TYNER's motion; and the amendment of the Senate was concurred in with the amendments recommended by the Committee on Appropriations.

The next amendment of the Senate was read, as follows:

That upon the receipt of such newspapers and periodical publications at the office of mailing they shall be weighed in bulk, and postage paid thereon by a special adhesive stamp, to be devised and furnished by the Postmaster-General, which shall be affixed to such matter, or to the sack containing the same, or upon a memorandum of such mailing, or otherwise, as the Postmaster-General may, from time to time, provide by regulation.

The Committee on Appropriations recommended concurrence.

The amendment was concurred in.

The next amendment of the Senate was read, as follows:

The newspapers, one copy to each actual subscriber residing within the county where the same are printed, in whole or in part, and published, shall go free through the mails; but the same shall not be delivered at letter-carrier offices or distributed by carriers unless postage is paid thereon as by law provided.

The Committee on Appropriations recommended concurrence.

The amendment was concurred in.

The next amendment of the Senate was read, as follows:

SEC. 8. That all mailable matter of the third class, referred to in section 133 of the act entitled "An act to revise, consolidate, and amend the statutes relating to the Post-Office Department," approved June 8, 1872, may weigh not exceeding four pounds for each package thereof, and postage shall be charged thereon at the rate of one cent for each two ounces or fraction thereof; but nothing herein contained shall be held to change or amend section 134 of said act.

The Committee on Appropriations recommended non-concurrence.

Mr. CANNON, of Illinois. I understand that the committee recommend non-concurrence in that amendment.

The SPEAKER *pro tempore*. The committee do recommend non-concurrence.

Mr. CANNON, of Illinois. I move to amend so as to concur in the Senate amendment.

The SPEAKER *pro tempore*. The gentleman has only to ask a division upon the question of concurring; that is the parliamentary form in which the question is put.

Mr. CANNON, of Illinois. Before the vote is taken I desire the attention of the House to this section of the Senate amendment. The gentleman from Ohio [Mr. GARFIELD] referred to it in his remarks a few moments since. I replied to him very briefly. And I want the attention of the House called now to the fact that the gentleman from Ohio [Mr. GARFIELD] now proposes that third-class matter, in packages of the size of four pounds, shall not be allowed to go through the mails, although it may pay postage. And I want again to call the attention of the House to the fact that this class of matter, at the rate of postage proposed, will yield an absolute revenue to the Department sixfold greater than newspapers will yield.

I have in my district, and I see many gentlemen before me who I know have in their districts, men who live at a distance from express-offices and who cannot avail themselves of the express office, and to whom it would be a great convenience to receive packages of third-class matter through the mails. Then both as a matter of convenience to the masses of the people of the country and as a matter of revenue, which we need in the Post-Office Department, it is wrong to non-concur in this amendment of the Senate. Not only was this subject considered in the House the other day when a bill on the subject was passed, but the Senate adopts and accepts the proposition, and yet the Committee on Appropriations propose that it shall be rejected.

I stand here to say that it is not in the interest of the people nor of the Post-Office Department nor of anybody in the world except express companies that we should vote down this proposition. And if gentlemen want to make a record against the proposed amendment, that is their lookout and not mine. I only want the attention of members called to it so that they may realize what it is proposed they shall do when they are asked to non-concur in this amendment.

MESSAGE FROM THE PRESIDENT.

A message, in writing, from the President of the United States was delivered to the House by Mr. BABCOCK, his Secretary, who also informed the House that the President had approved and signed bills and joint resolutions of the following titles:

An act (H. R. No. 208) for the relief of Julius Griesenbeck, of Waco, Texas;

An act (H. R. No. 280) granting a pension to Ann Crane;

An act (H. R. No. 735) to increase the pensions of soldiers and sailors who have been totally disabled;

An act (H. R. No. 1045) for the relief of B. W. Harris, late collector of internal revenue for the second district of Massachusetts;

An act (H. R. No. 1051) for the honorable discharge from their several positions in the Army of Captain J. Horace McGuire, First Lieutenant Henry R. Gardner, Second Lieutenant William D. McGuire, and Second Lieutenant William C. Reddy, all late of the Tenth Regiment United States Colored Artillery, (heavy,) and directing their honorable muster-out of the service of the United States as of the date of their dismissal;

An act (H. R. No. 1706) to authorize the widening of Wight street

through the grounds of the United States marine hospital at Detroit, Michigan;

An act (H. R. No. 1768) for the relief of Ephraim Showalter;

An act (H. R. No. 1828) to further continue the act to authorize the settlement of the accounts of officers of the Army and Navy;

An act (H. R. No. 1931) to authorize the sale of the military reservation of Fort Reynolds, in Colorado Territory, and the Government buildings thereon;

An act (H. R. No. 2208) authorizing the President to reinstate George M. Book on the active list of the Navy;

An act (H. R. No. 2211) for the relief of Beck & Wirth;

An act (H. R. No. 2359) to authorize and direct the Secretary of War to reserve from sale ten thousand suits of old and disused Army uniform clothing, now in the Quartermaster's Department of the Army, and to transfer the same to the National Home for Disabled Volunteer Soldiers;

An act (H. R. No. 2416) to authorize the Secretary of War to ascertain the amount of expenses incurred by the States of Oregon and California in the suppression of Indian hostilities in the years 1872 and 1873;

An act (H. R. No. 2453) to increase pensions in certain cases;

An act (H. R. No. 2697) to create an additional major of artillery and to promote Captain James M. Robertson;

An act (H. R. No. 2704) for the relief of Selden Connor;

An act (H. R. No. 3073) relating to embassadors, consuls, and other officers;

An act (H. R. No. 3183) for the relief of Jonathan D. Hall;

An act (H. R. No. 3237) to authorize the First National Bank of Seneca to change its name;

An act (H. R. No. 3303) to extend the time for filing claims for additional bounty under the act of July 28, 1866;

An act (H. R. No. 3335) authorizing the Secretary of War to grant a right of way across a corner of the Fort Gratiot military reservation to the city railroad company, Port Huron, Michigan;

An act (H. R. No. 3359) fixing the time for the election of Representatives from the State of Pennsylvania to the Forty-fourth Congress;

An act (H. R. No. 3575) for the relief of certain settlers on the public lands in certain portions of the States of Minnesota and Iowa;

An act (H. R. No. 3601) to admit free of duty articles intended for the international exhibition of 1876;

An act (H. R. No. 3672) authorizing the board of commissioners of the Soldiers' Home to sell the property belonging to the Soldiers' Home, situated at Harrodsburgh, Kentucky, and known as Harrodsburgh Springs property;

A joint resolution (H. R. No. 53) authorizing the issue of clothing to certain enlisted men of the Army; and

A joint resolution (H. R. No. 107) providing for the termination of the treaty between the United States and His Majesty the King of the Belgians, concluded at Washington July 17, 1858.

The message further announced that the following bills, not having been returned by the President with his objections to the House in which they originated within ten days from the time they were presented to him, as prescribed by the Constitution, had become laws without his signature and approval:

An act (H. R. No. 1582) for the relief of C. C. Spaids;

An act (H. R. No. 1770) for the relief of Jonathan L. Mann, late a chaplain in the volunteer service of the Army; and

An act (H. R. No. 3174) explanatory of the act of June 30, 1864.

POST-OFFICE APPROPRIATION BILL.

The House resumed the consideration of the Senate amendments to the post-office appropriation bill.

The pending question was upon the following amendment of the Senate:

SEC. 8. That all mailable matter of the third class, referred to in section 133 of the act entitled "An act to revise, consolidate, and amend the statutes relating to the Post-Office Department," approved June 8, 1872, may weigh not exceeding four pounds for each package thereof, and postage shall be charged thereon at the rate of one cent for each two ounces or fraction thereof; but nothing herein contained shall be held to change or amend section 134 of said act.

The Committee on Appropriations recommended non-concurrence.

Mr. TYNER. I disagree with the gentleman from Illinois [Mr. CANNON] in regard to the recommendation of the Committee on Appropriations concerning this amendment. As the law now stands merchandise can be transmitted through the mails in parcels not exceeding twelve ounces in weight. Now in my judgment the purpose of a post is not to convey express matter through the mails all over the country. The object of the Post-Office Department is simply to convey intelligence to the people either in printed or written form. Whenever you go beyond that, and admit express matter, merchandise, or anything of that character in the mails, then you do it only as a matter of convenience to the people. I admit that there are some localities in the United States that are rather remote from express offices, and it seems to me that the Government should provide some mode by which they may receive packages of this sort. But when Congress authorized the transmission of packages of twelve ounces in weight through the mails it made as great a concession to the public interest, in my judgment, as it ought to do. If you now provide that these packages shall be conveyed in the mails to the extent of four pounds in weight, it will not be twelve months before the proposition will be made here to increase the weight of packages to six, eight, and ten pounds; and your post will become an express package-carrier, instead of a bearer of intelligence among the people.

Mr. HALE, of Maine. Let me inquire if one result of such a proposition would not be that every railroad corporation now carrying the mails will claim to have their rates of compensation doubled and trebled?

Mr. TYNER. The law regulating the manner of compensating railroad companies for carrying the mails provides that they shall be paid according to weight. If you load your mails down with merchandise, as a matter of course when you come to readjust the compensation of railroad companies you must pay them for carrying merchandise as well as for carrying mail matter proper.

Mr. FORT. Mr. Speaker, I am not entirely certain that I understand what this amendment imports. I understand, however, that it would admit into the mails packages not exceeding four pounds in weight of any merchandise or thing that will not damage or interfere with the transmission of mail matter in the mail-bags. If that is the case, then I am in favor of the provision, not only because it is clearly in the interest of the people, but because it is also in the interest and profit of the Post-Office Department, this amendment should be adopted.

It will take any gentleman but a moment to figure up and see what profit the Government will make by carrying these packages in the mails for the convenience of the people. It is eight cents per pound, and, as I figure it, the Post-Office Department will receive $160 per ton for this kind of matter under this amendment. Am I not right? Then if the Government will receive $160 per ton for carrying these packages for the convenience of the people, the Post-Office Department will make a good profit, and it occurs to me that there is no great danger that the railroad companies can possibly so increase their rates for carrying the mails as to make the Government lose money in carrying these packages.

Mr. GARFIELD. The gentleman speaks about the Government receiving $160 per ton for these packages. For what number of miles? The railroad companies receive so much per mile.

Mr. FORT. The postage to be paid on this matter will amount to $160 per ton for a long or short distance. If you put a ton weight of these packages in the post-office in New York to go one hundred miles the Government would get $160 for it. If I send it a thousand miles or to San Francisco the Government will receive the same sum, and it would well pay the Government for carrying these packages that distance.

Mr. GARFIELD. But we have to pay the railroads for carrying our mails; we pay them not only by the ton but by the mile.

Mr. FORT. Yes, sir; but the Government would make money on any distance. The Post-Office Committee understand no doubt how the contracts are made with the railroad companies to carry the mails. I understand those companies are paid so much per mile per pound; but I ask the gentleman who has charge of this bill [Mr. TYNER] whether the Government ever pays $160 a ton for carrying mail matter any distance in the United States; and, Mr. Speaker, whether these packages are not carried over from three to five hundred miles on the average?

Mr. TYNER. It does. Some of the railroad companies receive fifty dollars per mile for carrying two hundred pounds of mail matter per day. The gentleman, if he will figure that up, will find it amounts to about eight cents a pound. Undoubtedly it is the fact that the greater the quantity of matter passing over a road the less are the rates per pound.

Mr. FORT. Yes, but that is for carrying that amount every day in the year. The gentleman does not mean that it costs fifty dollars for carrying two hundred pounds one mile as he states it.

By examination of carefully prepared reports and papers of Mr. Bangs, superintendent of the railway mail service, who seems to clearly understand his official duties, it will appear that these packages can be carried for the people cheaply and at the same time the Government will make money by doing this service.

That is a question which the Post-Office Committee can settle. But in my judgment this is a provision in the interest of the people, and not in the interest of express companies. The people all over this broad country are interested in receiving at cheap rates small packages. They cannot afford to pay the heavy express charges. We all know that matter sent by express passes frequently through the hands of several express companies before reaching its destination, and thus the charges are increased. There would be nothing of the kind to increase the expense in the Post-Office Department. I trust the amendment will be adopted.

[Here the hammer fell.]

Mr. GARFIELD. Mr. Speaker, in two respects we are departing from the traditions of the post-office. I have already tried to point out one; I will now point out another. For the first fifty years of the postal service down to October 1, 1829, the total receipts for postage were $26,889,000 and the total expenditures on account of postage $25,246,400. In other words, for the first fifty years of the postal life of this country our Post-Office Department was not only self-sustaining, but paid a revenue of about one million and a half of dollars into the Treasury.

Now, I do not believe we ought to undertake to make the Post-Office Department a source of revenue, but I do think we should

endeavor to make it self-sustaining. It ought to stand on its own ground. In view of the fact that during the first fifty years of this Government our total expenditure for postal service was but twenty-five millions and a quarter of dollars. I am amazed at the fact that we appropriate in this very bill $35,000,000 for the expenses of the Post-Office Department for a single year. In other words, for the next fiscal year the postal service of the country is to cost a total of $10,000,000 more than all our postal expenses during the first fifty years of the life of the Republic.

Mr. CANNON, of Illinois. But while we appropriate $35,000,000 for the postal service do we not expect to get $30,000,000 back?

Mr. GARFIELD. Certainly.

Mr. SMITH, of Ohio. And do we not now send more mail matter through the mails in a single year than we did during the first fifty years of which the gentleman speaks?

Mr. GARFIELD. There is no doubt of that, and very much more. But I wish to call attention to still another fact. Two years ago for the first time in the history of the Government we departed from the time-honored doctrine that it was the business of the Post-Office Department to transmit intelligence for the information and improvement of the people. I affirm that our fathers, in establishing the Post-Office Department, had in view a sort of educational purpose, the diffusion of information among the people; not the carrying on of any ordinary commercial business.

Mr. SCHUMAKER, of New York. Would the gentleman object to carrying Webster's Dictionary in the mails?

Mr. GARFIELD. Certainly not; for books are one of the mediums of intelligence. Letters, newspapers, books, all sorts of printed information are in the line of the original purpose of the post-office. But when you propose to carry on by means of the Post-Office Department a general express business for the benefit of the people, why should you not undertake to plant corn for the people? Is there not a limit somewhere to the extension of the functions of Government? Why should we go further than we have gone in this direction? I think we made a mistake in our departure two years ago from the original business of the Post-Office Department; but if you extend the innovation already made by allowing packages of dead weight of not more than four pounds to pass through the mails there is no reason why you should not include a whole car-load of wheat; there is no reason why you should not send pianos by mail; there is no reason why you should not undertake the entire transportation of merchandise for the people.

Mr. FORT. The Government could afford to do it at $160 a ton.

Mr. GARFIELD. I say that by such a measure as this we abandon the true policy of the post-office, and we assume under the cover of a postage-stamp jurisdiction of the general business of transportation.

Mr. COBB, of Kansas. Would the gentleman have the mails transported on horseback, as they used to be in Franklin's time?

Mr. GARFIELD. O, no; not at all.

Mr. COBB, of Kansas. Would the gentleman circumscribe the operations of any of the other Departments of the Government to what they were fifty years ago?

Mr. GARFIELD. Certainly not. I would carry out in all its breadth the policy of transmitting intelligence among the people. I would not object to including in the operations of the Post-Office Department the telegraph, if upon due consideration that measure shall seem advisable; for it is in the line of transmitting intelligence. But when you undertake to send through the mails mere dead weight, not intelligence, you transcend the fundamental idea in the establishment of a Post-Office Department.

Mr. FORT. I withdraw the amendment.

Mr. MARSHALL. I renew the amendment by moving to strike out the last word. I seek the floor because I happen to be a member of the Committee on Appropriations and differ from the majority of that committee in their opinion of this question. I agree with my colleague [Mr. CANNON] who has spoken on this amendment that this adds nothing to the burdens of the Government. It does furnish, however, a great convenience, or will do so to a considerable portion of the people who need it. If it were a proposition to establish an express business generally where we have no lines whatever, I should oppose it as soon as any person on earth; but we have these mail routes and public carriers which are carrying the mails of the country for the people. There are many portions of the country, as has been well said by my colleague and others, which have not the convenience of express offices or express companies, and this provision would not impose any additional burden upon the Government whatever; for it has not been shown and it cannot be done that the cost of carrying these packages will be greater to the Government than the revenues derived from so doing. While it imposes no additional burden upon the Government it affords a great convenience to the people throughout the country. I see, therefore, no reason why we should non-concur in the action of the Senate. In my judgment the House should concur in the amendments of the Senate and furnish this additional convenience to the people. It is not and cannot be shown it will add one cent to the cost of carrying the mails. Indeed my friend here says it is an item of economy and we will derive additional revenue from it. I believe such will be the result.

As has been already remarked, I cannot see any interest in any person or parties in the country opposing this except it may be the express companies of the country. It may in a slight degree come in competition with their business, but only in a slight degree. I do not think it departs from the ordinary business of the country in carrying the mails; and I do not think we ought to vote it down when the other legislative branch of the Government has placed it on this bill, and it is now before the House for action. I shall vote to concur in the action of the Senate and against the recommendation of my colleagues on the Committee on Appropriations.

Mr. COBURN. Mr. Speaker, I rise to oppose the amendment. I have been all along in favor of the greatest freedom in the transmission of mail matter. If I had the power I would make the transmission of mail matter entirely free. There is no reason why the Post-Office Department should support itself any more than the Army or Navy, or any more than the free schools. The object of the Post-Office Department, as the chairman of the Committee on Appropriations [Mr. GARFIELD] has well said, is to transmit and diffuse intelligence throughout the country. That is understood to be its object, and that fact ought not to be forgotten. I will vote, therefore, to reduce newspaper postage and letter postage at every opportunity. The benefits of the Post-Office Department should have the widest possible range. But this matter now before the House is as wide as the world from any question of that kind. As long as we pay postage on anything, I am in favor of allowing postage on packages of this kind and in favor of carrying them. It is a matter of great convenience to all people remote from express offices, and while we do pretend to demand pay for anything why not take pay for packages of this kind? When the Government ceases to demand pay for any kind of mail matter it will be time to leave it off these packages, and not till then. Until that time arrives let us carry these packages and charge something on them, and let the people have the benefit of this Government express if they have a mind so to call it. Ours is a widely extended country, and there are some places too far separated from express offices to justify opposition to this measure. In many places the express offices are a considerable monopoly. The common people at remote distances will be largely benefited by this, and while we charge for any mail matter we ought to allow these packages to be increased to four pounds. I would not make the weight to be carried greater; but I believe there is no danger of carrying elephants or pianos, or any of those great weights which some dread. The fact is at the rate fixed in the bill no one can afford to pay to carry large or heavy articles. It is to be presumed subsequent Congresses will act rationally on this matter as an express, and I have no fear of launching into a dangerous experiment by allowing four pounds weight to be carried through the mails.

Mr. MARSHALL withdrew his *pro forma* amendment.

The question recurred on the amendment of the Senate.

The House divided; and there were—ayes 96, noes not counted.

So the amendment was concurred in.

The twelfth amendment of the Senate:

SEC. 9. That the Postmaster-General may prescribe, by regulation, an affidavit in form, to be taken by each publisher of any newspaper or periodical publication sent through the mails under the provisions of this act, or news agent who distributes any of such newspapers or periodical publications under the provisions of this act, or employé of such publisher or news agent, stating that he will not send, or knowingly permit to be sent, through the mails any copy or copies of such newspaper or periodical publications except to regular subscribers thereto, or news agents, without prepayment of the postage thereon at the rate of one cent for each two ounces or fractional part thereof; and if such publisher or news agent, or employé of such publisher or news agent, when required by the Postmaster General or any special agent of the Post-Office Department to make such affidavit, shall refuse so to do, he shall be deemed guilty of a misdemeanor, and, on conviction, shall be fined not exceeding $1,000 for each refusal; and if any person shall knowingly and willfully mail any matter without the payment of postage as provided by this act, or procure the same to be done; or if any postmaster or post-office official shall knowingly permit any matter to be mailed without the prepayment of postage as provided in this act, and in violation of the provisions of the same, he or they shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be fined not less than $100 nor more than $1,000, or imprisoned not exceeding three years, one or both, in the discretion of the court.

The SPEAKER *pro tempore*. The committee recommend concurrence.

Mr. HAWLEY, of Connecticut. I am not willing to vote for concurrence as this stands without some limitation.

I wish to call the attention of the committee to this point, that it may be corrected by the committee of conference. The amendment of the Senate provides—

That the Postmaster-General may prescribe, by regulation, on affidavit in form, to be taken by each publisher of any newspaper or periodical publication sent through the mails under the provisions of this act, or news agent who distributes any of such newspapers or periodical publications under the provisions of this act, or employé of such publisher or news agent, stating that he will not send, or knowingly permit to be sent, through the mails any copy or copies of such newspaper or periodical publications except to regular subscribers thereto, or news agents, without prepayment of the postage thereon at the rate of one cent for each two ounces or fractional part thereof; and if such publisher or news agent, or employé of such publisher or news agent, when required by the Postmaster-General or any special agent of the Post-Office Department to make such affidavit, shall refuse so to do—

That is to say, shall refuse to take an oath in advance that he will never mail such matter contrary to law—shall refuse to take an oath that he will not some time or other be a criminal for such refusal—

he shall be deemed guilty of a misdemeanor, and, on conviction, shall be fined not exceeding $1,000 for each refusal.

Is that the way to get at it? The motive is to prevent publishers and their employés from putting matter into the mail contrary to

law. That is what the framers of this amendment are thinking of. They are thinking of the great piles of papers that go from the larger newspaper offices by the cart-load to be mailed, and desire to prevent the employés, the people in the newspaper office, from throwing into the general pile transient papers addressed to persons not regular subscribers. Now there might be a few boys, three or four boys in the office, who might be disposed to put in such a bundle a paper addressed to some friend without a one-cent stamp on it, which would go to be weighed with the rest. Now under this amendment they desire to have an oath administered to the publisher and to all the employés that they will not put a single paper in illegally. If they decline to do it, and refuse to swear that they will not commit a crime, they are to be fined $1,000. The amendment goes on to provide:

And if any person shall knowingly and willfully mail any matter without the payment of postage as provided by this act—

That is to say, if a person puts a paper into the office not prepaid and if he knows anything about it, he knows it will not go unless prepaid—yet if he mails that paper, why then he may be fined $1,000 and be imprisoned for three years in the penitentiary. That I think certainly requires revision. But the words "as provided in this act and any violation of the provisions of the same," show that it was not this section alone that they were thinking of when they used this expression, but the section also providing for this express business and the sending all sorts of matter up to four pounds and the various other sections here.

Any violation of any of these provisions by any person subjects him it may be to $1,000 fine and three years' imprisonment, one or both. It strikes me that this punishing of men for not swearing that they will not commit a crime, and this extravagant punishment for a stupid or ignorant violation of a law that nobody now understands here entirely is something that is rather unusual and needs revision.

I wish that we may reach the object and prevent a violation of the law if we can. I would not object to some regulation which would prevent newspaper publishers from putting transient papers in the mails. If any newspaper office deliberately violates the law in this respect, I would not object to the Postmaster-General having the discretion to say "You shall not send your papers through the mail at all; me will stop them if you do not obey the law." But I do not like this provision as it stands now.

Mr. TYNER. The gentleman from Iowa [Mr. KASSON] desires to offer an amendment, and I yield to him for that purpose.

Mr. KASSON. And the gentleman can then answer both the gentleman from Connecticut and myself. I wish to suggest some amendments to lines 18, 19, and 22 which seem to me necessary to make the thing legally accurate. The amendment reads thus:

If any person shall knowingly or willfully mail any matter without the payment of postage as provided by this act.

And in line 22 it is provided:

If any postmaster or post official shall knowingly permit any matter to be mailed without the prepayment of postage, &c.

It seems to me that the word "such" should be inserted as in all like cases, so that it may be limited to the persons referred to in section 9. My proposition is to make it read:

If any such person shall knowingly or willfully mail any matter without the payment of postage as provided by this act.

The early part of the section provides duties for publishers and their employés only, not the general public. I suppose the gentleman from Indiana will not object to this amendment.

Mr. TYNER. I think that is right.

Mr. KASSON. Then I also ask attention to the propriety of inserting in line 21, after the word "done," the words "and without intent of avoiding prepayment of the postage due thereon." I thought at first that these words might not be required, but on reflection I think they are necssary.

Mr. TYNER. I have no objection to that; and I think these amendments will very nearly meet the objection of the gentleman from Connecticut, [Mr. HAWLEY.] But the gentleman from Connecticut is not aware that the law as it now exists, and as it has existed for many years, requires that the publishers of newspapers shall when called upon make affidavit concerning the papers that they send out to actual subscribers. That law—I shall not take time in reading the whole of it—contains these words:

And if any such newspaper or other periodical shall be thus unlawfully sent with the knowledge or consent of such proprietor, or his agent, clerk, or servant in charge of such business, or if such affidavit shall when required by the Postmaster-General or any special agent of the Post-Office Department be refused, the person guilty of the offense or refusing to make the affidavit shall forfeit and pay fifty dollars in each case.

That is the same principle, but the amount of penalty is different.

Mr. HAWLEY, of Connecticut. That is not an affidavit as to future conduct.

Mr. TYNER. The gentleman will see that under the present law, which provides for the collection of newspaper postage at the office of delivery instead of at the office of mailing, there is no necessity for requiring the affidavit that will be required when prepayment is demanded at the office of mailing.

Mr. HAWLEY, of Connecticut. The gentleman is more familiar with the statutes than I am in relation to postal matters, and I desire to ask him if there is any provision on the statute-book requiring a publisher or his agent to make affidavit in advance that he will not violate the law?

Mr. TYNER. No, there is not. And for that reason I suggested that the publisher himself is not responsible for the postage that accrues upon his newspapers. But when under this law he becomes responsible he should be made to take an affidavit, in the first instance, that he will not knowingly commit a fraud.

Mr. HAWLEY, of Connecticut. My objection to this amendment of the Senate is that it is a provision requiring the publisher of a newspaper and all his employés to take an oath that they never will violate the law, and if the publisher declines to take that oath, then he is to be punished by a fine of $1,000 and imprisonment. I think that is a very extraordinary provision.

Mr. TYNER. My proposition is this: That if a publisher avails himself of the use of the mails to send out his newspapers he shall be compelled to comply with the terms of the law, and if he cannot do it he should be excluded from the use of the mails.

Mr. CANNON, of Illinois. The gentleman from Connecticut is in error. There is already a section in the postal code which substantially requires an affidavit like this. The only change proposed is to make the affidavit meet the proposed change in the law. I have the law before me, and from it it appears that the publisher has to take that affidavit now.

Mr. HARRIS, of Virginia. I desire to say a word upon this question. I hope the House will non-concur in the amendment. This oath required of publishers and their agents cannot be taken by any honest man with the expectation that it shall be literally fulfilled. It proposes that a man shall not only swear in advance that he will mail no matter that is not prepaid as the law requires that it shall be prepaid, but it makes him swear that he will mail no matter that is not fully prepaid. If he mails a paper, for instance, which is a fraction over two ounces, and fails to put on the right postage, he becomes liable to the extraordinary penalties provided in this act. Sir, there is no member of this House who can tell with certainty when he mails a newspaper what its exact weight is, and yet if the publisher puts into the post-office a newspaper without paying sufficient postage thereon, he is to be held liable to these penalties.

Mr. TYNER. When the gentleman from Virginia became a member of this House, he took an oath that he would not violate the Constitution of the United States. That oath referred to his future conduct. Why, then, is it wrong to require a newspaper publisher to swear that he will not violate the law?

Mr. HARRIS, of Virginia. Another objection to this section is that the punishment provided is entirely disproportionate to the offense. This bill provides that if any publisher shall mail any matter without the postage thereon being paid in full, he shall be fined as much as $1,000, and imprisoned for three years in the penitentiary. Even admitting that the man were guilty of the offense, I say that it is barbarous, cruel, and against the spirit of the age to put a man in the penitentiary for three years for mailing a newspaper without the proper postage on it. Even if he does it willfully, he knows that his paper will not go, and therefore he can have no intent to defraud the Government. And if he put it in without intent to defraud, he ought not to be fined and imprisoned to this extent. I hope the amendment offered by my friend from Iowa, [Mr. KASSON,] which was offered with my concurrence, will be adopted.

Mr. G. F. HOAR. I desire to move an amendment which I think will meet the objections made to this section.

The SPEAKER *pro tempore*. There is an amendment offered by the gentleman from Iowa [Mr. KASSON] pending.

Mr. KASSON. I understand that that amendment was accepted by the gentleman having charge of the bill.

Mr. TYNER. I have no right to accept an amendment; but I have no objection to that amendment.

The question was taken on Mr. KASSON'S amendment; and it was agreed to.

Mr. G. F. HOAR. I move to amend the amendment of the Senate by inserting after the word "do," in line 16, the words:

And shall thereafter, without having taken such affidavit, deposit any newspaper in the mail for transmission.

It seems to me that although this section is perhaps not very important in its practical effect, it is in principle. It is open to the grave and serious objection that it requires a citizen to take an oath as to his future conduct.

The principle upon which this section of the postal code is based is this: the publisher of a newspaper is permitted to address his papers to his subscribers through the mails, and therefore he ought when availing himself of the privilege to be required to take oath that he will not attempt to defraud the Government. But as this section now stands the newspaper publisher may be required to make this affidavit even when he never has used and never wants to use the mails at all for the transmission of his newspapers. This provision requires every person to take this affidavit who may publish a newspaper, and on failure to do so to be liable to a penalty. My proposition is that if he fail to take the oath, and afterward undertakes to avail himself of the use of the mails for his papers, he shall be liable to the penalty.

Mr. TYNER. I do not know that I object to that amendment.

The amendment to the Senate amendment was agreed to.

Mr. ELLIS H. ROBERTS. This section seems to be a dangerous one at the best. It gives to the Postmaster General certain powers. I presume it is not proposed to require this affidavit in all cases, but only where fraud is feared. I therefore move to amend by inserting after the words "Postmaster-General" the words "when in his judgment it shall be necessary;" so that if the Postmaster-Generall shall fear fraud in any particular case he may require such an affidavit.

The amendment to the Senate amendment was agreed to.

Mr. KASSON. I ask my friend from Indiana [Mr. TYNER] whether it is wise to leave the minimum of punishment as printed in this bill. The bill provides "not less than $100 nor more than $1,000." Is it not better to have it read "not more than $1,000?"

Mr. TYNER. I care nothing about that; I am indifferent to the matter.

Mr. KASSON. Then I move to strike out the words "less than $100 nor;" so that it will read "not more than $1,000."

The amendment to the Senate amendment was agreed to.

Mr. KASSON. I have one more amendment which I will suggest, but will not press against the views of the committee. It seems to me that three years' imprisonment is a very remarkable punishment for omitting to pay one cent postage on a newspaper. I suggest one year as the maximum instead of three years.

Mr. TYNER. The publishers ought not to complain, for if the punishment is extraordinarily severe, there will be no conviction under the law.

The amendment to the Senate amendment was agreed to; and the Senate amendment as amended was then adopted.

The next amendment of the Senate was to add to the bill the following:

SEC. 10. That so much of this act as changes the rate of postage on newspapers and periodical publications shall not take effect until the 1st day of January next.

The Committee on Appropriations recommend non-concurrence.

Mr. ELLIS H. ROBERTS. I trust this amendment will be concurred in. If there is to be change in the law as regards the rate of postage on newspapers we at least should have notice until January next.

Mr. GARFIELD. The committee thought there ought to be notice, but notice of more than is provided in this section. That is the reason they recommend non-concurrence in the amendment.

Mr. ELLIS H. ROBERTS. With that understanding I will not object to non-concurring in the amendment.

The amendment of the Senate was non-concurred in.

The fourteenth amendment of the Senate was to add to the bill the following:

SEC. 11. That the sixty-third, eightieth, eighty-first, eighty-second, eighty-third, eighty-fourth, and eighty-sixth sections of the said "Act to revise, consolidate, and amend the statutes relating to the Post-Office Department," approved June 8, 1872, be amended to read as follows:

SEC. 63. That the postmasters, except the postmaster at New York City, whose annual salary is hereby fixed at $8,000, shall be divided into four classes, as follows: The first class shall embrace all those whose annual salaries are not more than $4,000 nor less than $3,000; the second class shall embrace all those whose annual salaries are less than $3,000 but not less than $2,000; the third class shall embrace all those whose annual salaries are less than $2,000 but not less than $1,000; the fourth class shall embrace all postmasters whose annual compensation, exclusive of their commissions on the money-order business of their offices, amounts to less than $1,000.

SEC. 80. That the postmaster at New York City and postmasters of the first, second, and third classes shall be appointed and may be removed by the President, by and with the advice and consent of the Senate, and shall hold their offices for four years, unless sooner removed or suspended according to law; and postmasters of the fourth class shall be appointed and may be removed by the Postmaster-General, by whom all appointments and removals shall be notified to the Auditor for the Post-Office Department.

SEC. 81. That the compensation of the postmaster at New York City shall be $8,000 per annum, and the respective compensations of postmasters of the first, second, and third classes shall be annual salaries, assigned in even hundreds of dollars, and payable in quarterly payments, to be ascertained and fixed, by the Postmaster-General, from their respective quarterly returns to the Auditor for the Post-Office Department, or copies or duplicates thereof, for four quarters immediately preceding the adjustment or re-adjustment, by adding to the whole amount of box rents, not exceeding $2,000 per annum, commissions also not to exceed $2,000 per annum on the other postal revenues of the office, at the following rates, namely: On the first $100 per quarter 50 per cent.; on all over $100 and not over $400 per quarter, 40 per cent.; on all over $400 and not over $2,400 per quarter, 30 per cent.; and on all over $2,400 per quarter, 10 per cent. And in order to ascertain the amount of the postal receipts of each office, the Postmaster-General may require postmasters to furnish duplicates of their quarterly returns to the Auditor at such times and for such periods as he may deem necessary in each case: *Provided*, That whenever, by reason of the extension of free delivery of letters, the box rents of any post-office are decreased, the Postmaster-General may allow, out of the receipts of such office, a sum sufficient to maintain the salary thereof at the amount at which it had been fixed before the decrease in box rents.

SEC. 82. That the compensation of postmasters of the fourth class shall be the box rents collected at their offices and commissions on other postal revenues of their offices at the rate of 50 per cent. on the first $100 or less per quarter; 40 per cent. on the next $300 or less per quarter; 30 per cent. on the excess above $400 per quarter; the same to be ascertained and allowed by the Auditor in the settlement of the quarterly accounts of such postmasters: *Provided*, That when the aggregate annual compensation, exclusive of commissions on money-order business, of any postmaster of this class shall amount to $1,000, the Auditor shall report such fact to the Postmaster-General, in order that such postmaster may be assigned to his proper class, and his salary fixed as heretofore provided.

SEC. 83. That the salaries of postmasters of the first, second, and third classes, except that of the postmaster at New York City, shall be readjusted by the Postmaster-General once in two years, and in special cases as much oftener as he may deem expedient.

SEC. 84. That the Postmaster-General shall make all orders assigning or changing the salaries of postmasters in writing, and record them in his journal, and notify the change to the Auditor; and any change made in such salaries shall not take effect until the first day of the quarter next following such order: *Provided*, That in cases of not less than 50 per cent. increase or decrease in the business of any post-office, the Postmaster-General may adjust the salary of the postmaster at such office, to take effect from the first day of the quarter or period the returns for which form the basis of readjustment.

SEC. 86. That the Postmaster-General may designate offices at the intersection of mail routes as distributing or separating offices; and where any such office is of the third or fourth class he may make a reasonable allowance to the postmaster for the necessary cost of clerical services arising from such duties.

The Committee on Appropriations recommend non-concurrence.

Mr. LAWRENCE. I would like to inquire of the gentleman who has charge of this bill [Mr. TYNER] whether this amendment of the Senate will increase or decrease the salaries of postmasters? It was said by my colleague and friend from Ohio [Mr. GARFIELD] that the Post-Office Department ought to be self-sustaining. Now everybody knows that the Post-Office Department has ceased to be self-sustaining, mainly because the expenses have been very largely and very unnecessarily increased. The salaries of postmasters, except in the small offices, have been so largely increased that in most of our towns and villages of ordinary size their pay is much larger than the compensation given by private employers for services of a like character or value. And the pay for transporting the mails has been again and again increased until, notwithstanding the franking privilege has been abolished, expenses have gone on increasing so that the public has lost the whole benefit resulting from that fact, and the Post-Office Department is an annual charge upon the Treasury of the United States.

I think it is time we should begin to legislate in the interest of economy, and somewhat in the direction of a reduction of expenses. If we do not we may as well understand that this great upheaval of public sentiment among the people, sometimes called the "grange movement," will overtake gentlemen, and they will learn when too late that the republican party ought to do what they have not done as well as they might; that is, cut down expenses. The republican party has undoubtedly practiced an economy in public expenses which no other party has ever done or will do; but still there is room for improvement. Gentlemen on this floor may as well understand that retrenchment is demanded, and justly demanded, by the enlightened public judgment and by justice.

Mr. MAYNARD. I have taken but little part in this debate. But I desire to say that if my excellent friend from Ohio [Mr. LAWRENCE] or any other gentleman in this House ever supposed that abolishing the franking privilege was going to reduce the expenses or increase the revenues of the Post-Office Department he was more verdant, if I may be allowed to use that expression, than I supposed him to be.

But I rise now principally for the purpose of entering, for I do not know how many times, a protest against the doctrine that the Post-Office Department should be self-sustaining. We can make the Post-Office Department self-sustaining if that is a desirable object in and of itself. In the first place, we can make our rates of postage sufficiently high; in the second place, we can pay our mail contractors little or nothing; and more especially and in the last place, we can refuse to put the mail service on any route when the business of the route will not pay for carrying the mails. Then your Post-Office Department will be self-sustaining. Restrict mail transportation to the more populous business portions of the country where you have expresses, where private corporations would carry the mails, but never go out into the prairies of the West, never go out into the mountains, never go out upon the frontiers with your mails, because if you do, your operations will be much more costly than in the more densely settled portions of the country.

We hear every session this talk about making the Post-Office Department self-sustaining, as though there were some virtue in that idea. Sir, I oppose making the Post-Office Department self-sustaining. It means the denial of postal facilities to those who have gone out upon the frontier to open up the wilderness; it means the denial of postal facilities to settlers in all sparsely populated parts of the country. It means the maintenance of mail facilities between New York and Philadelphia, between Baltimore and Chicago, and between others of our principal business cities. But when you get away from these points, if you carry out the idea of making the post-office self-sustaining, your mails will be monthly, perhaps bi-monthly.

I am in favor of affording facilities to our people for intercommunication of intelligence, for the circulation of newspapers, periodicals, and other forms of literature, even though the mail-carrier may go with scarcely a handful of matter. It is in this way that we diffuse intelligence to the borders of the land; it is in this way that we build up our civilization; not by your miserable, pitiful cry of "making your post-office self-sustaining."

[Here the hammer fell.]

Mr. TYNER. I move to amend by striking out the last word, for the purpose merely of saying to the gentleman from Ohio [Mr. LAWRENCE] that in the amendments we are now considering there is no proposition to increase the salaries of the postmasters. The Committee on Appropriations has recommended non-concurrence only because there are in these amendments certain details that ought to be further examined.

Mr. HOLMAN. I wish to say that the views expressed by the gentleman from Tennessee [Mr. MAYNARD] are such as would be very generally approved if the deficiency in the revenue of the Post-Office Department resulted from extending postal facilities to the sparsely-

settled sections of the country. But all that can be done without having any deficiency. The deficiency in the revenues of that Department results from the large increase that has been made in the allowances to the great railroad corporations of the country, the increase during the last few years having been at the rate of more than 50 per cent., and upon such roads as the Erie Railroad of New York the increase within the last eighteen months has been over 100 per cent. It is by the controlling power exercised by these corporations over your Post-Office Department, increasing year after year the charges for transporting your mails, that this heavy deficit is produced.

Mr. COBB, of Kansas. I want to call attention to the fact that section 82 will necessarily diminish the pay of every little postmaster throughout the land. It seems to me the House ought to insist that the percentage on the first $100 or any fraction thereof should be 60 per cent. instead of 50.

The amendment of the Senate was non-concurred in.

The fifteenth amendment was read, as follows:

Insert the following:

SEC. 12. That section 240 of said act shall read as follows:

SEC. 240. That when the amount or mail-matter to be carried on any mail-route is so great as to seriously retard the progress or endanger the security of the letter-mail, or to increase the cost of carriage of the mail, the Postmaster-General shall provide for the separate carriage of the letter mail at the usual rate of speed; and when the cost of transmitting other mail-matter than the letter-mail is increased by being carried in postal cars, it shall be carried in other cars, but with due regard to expedition. And postal cars shall not be put on any routes, or the number be increased, except when the service of carrying the letter mail requires it.

The Committee on Appropriations recommended non-concurrence.

Mr. KASSON. I move to amend the amendment of the Senate by adding the following:

Provided, That no postmaster in any town or city having according to the last census a population less than fifty thousand in number, shall receive a higher compensation per annum than $3,000.

I have but a single word to say on this proposition. Early in this session I obtained from the Post-Office Department a statement of the effect which a measure of this kind would have upon the deficiency of the Department. I have only to say——

Mr. COBB, of Kansas. Mr. Speaker, I do not wish to lose my right to make a point of order on this amendment.

Mr. KASSON. I submit that the point is made too late. I had commenced to debate the amendment.

The SPEAKER *pro tempore*. In the opinion of the Chair the point is made too late.

Mr. KASSON. I have found upon inquiry at the Post-Office Department that such an amendment as this would save several hundred thousand dollars annually.

Touching the merits of the amendment I wish to say that in most States of this Union, especially the agricultural States, there is no officer of the State government who is paid so high as the postmasters are paid in many of the towns of those States. The governor of Indiana does not receive as much salary as several postmasters in that State. In Ohio, Indiana, Illinois, and Iowa the secretary of state, the State auditor, the State treasurer, with a responsibility of from half a million to two or three million dollars, do not receive as much compensation as do your postmasters in many of the towns.

The question is one of justice. You do not pay the judges of your supreme courts in the agricultural States of this Union $4,000 a year; you do not pay your governors or other State officers that amount of salary; you do not even pay them $3,000. I say therefore that the postmaster of a single office, with limited responsibility, is in some cases paid by the General Government 50 per cent. higher than is received by State officers performing duties of the greatest responsibility.

In the interest of economy we should consider the question whether we are just in paying these high salaries to some postmasters while the great mass of postmasters throughout the country receive such small salaries. If you do not wish to save money, then take what you save this way justly and distribute it among postmasters whose pay is utterly insufficient for the service they do.

Mr. MAYNARD. Let me ask the gentleman a question. Concurring, as I do, in his estimate of the salaries paid, I wish to ask whether he thinks the population of a city or town is the proper criterion; whether the postal business does correspond in every instance with the population; whether the postal business in Chicago is not larger than in Brooklyn, Philadelphia, or in any other city than New York, and whether it is right to take the number of people in a place as the criterion for the compensation of a postmaster?

Mr. KASSON. It is the only criterion we can adopt for fixing the maximum rate.

Mr. KASSON's amendment was rejected.

The Senate amendment was non-concurred in.

The sixteenth amendment of the Senate:

Add the following:

SEC. 13. That section 245, section 246, section 247, section 251, and section 253 of the act entitled "An act to revise, consolidate, and amend the statutes relating to the Post-Office Department," approved June 8, 1872, be amended to read as follows:

SEC. 245. That every proposal for carrying the mail shall be accompanied by the bond of the bidder, with sureties approved by a postmaster, and in cases where the amount of the bond exceeds $5,000, by a postmaster of the first, second, or third class, in a sum to be designated by the Postmaster-General in the advertisement of each route; to which bond a condition shall be annexed, that if the said bidder shall, within such time after his bid is accepted as the Postmaster-General shall prescribe, enter into a contract with the United States of America, with good and sufficient sureties, to be approved by the Postmaster-General, to perform the service proposed in his said bid, and, further, that he shall perform the said service according to his contract, then the said obligation to be void, otherwise to be in full force and obligation in law; and in case of failure of any bidder to enter into such contract to perform the service, or, having executed a contract, in case of failure to perform the service, according to his contract, he and his sureties shall be liable for the amount of said bond as liquidated damages, to be recovered in an action of debt on the said bond. No proposal shall be considered unless it shall be accompanied by such bond, and there shall been affixed to said proposal the oath of the bidder, taken before an officer qualified to administer oaths, that he has the ability, pecuniarily, to fulfill his obligations, and that the bid is made in good faith, and with the intention to enter into contract and perform the service in case his bid is accepted.

SEC. 246. That before the bond of a bidder provided for in the aforesaid section is approved, there shall be indorsed thereon the oaths of the sureties therein, taken before an officer qualified to administer oaths, that they are owners of real estate, worth, in the aggregate, a sum double the amount of the said bond, over and above all debts due and owing by them, and all judgments, mortgages, and executions against them, after allowing all exemptions of every character whatever.

SEC. 247. That any postmaster who shall affix his signature to the approval of any bond of a bidder, or to the certificate of sufficiency of sureties in any contract before the said bond or contract is signed by the bidder or contractor and his sureties, or shall knowingly, or without the exercise of due diligence, approve any bond of a bidder with insufficient sureties, or shall knowingly make any false or fraudulent certificate, shall be forthwith dismissed from office, and be thereafter disqualified from holding the office of postmaster, and shall also be deemed guilty of a misdemeanor, and, on conviction thereof, be punished by a fine not exceeding $5,000, or by imprisonment not exceeding one year, or both.

SEC. 251. That after any regular bidder whose bid has been accepted shall fail to enter into contract for the transportation of the mails according to his proposal, or, having entered into contract, shall fail to commence the performance of the service stipulated in his or their contract as therein provided, the Postmaster-General shall proceed to contract with the next lowest bidder for the same service, who will enter into a contract for the performance thereof unless the Postmaster-General shall consider such bid too high, in which case he shall readvertise such service. And if any bidder whose bid has been accepted, and who has entered into a contract to perform the service according to his proposal, and in pursuance of his contract has entered upon the performance of the service, to the satisfaction of the Postmaster-General, shall subsequently fail or refuse to perform the service according to his contract, the Postmaster-General shall proceed to contract with the next lowest bidder for such service, under the advertisement thereof, (unless the Postmaster-General shall consider such bid too high,) who will enter into contract and give bond, with sureties, to be approved by the Postmaster-General, for the faithful performance thereof, in the same penalty and with the same terms and conditions thereto annexed as were stated and contained in the bond which accompanied his bid; but in case each and every of the next lowest bidders for such service whose respective bids are not considered too high by the Postmaster-General shall refuse to enter into contract and give bond as herein required for the faithful performance of his contract, the Postmaster-General shall immediately advertise for proposals to perform the service on said route. Whenever an accepted bidder shall fail to enter into contract, or a contractor on any mail route shall fail or refuse to perform the service on said route according to his contract, or when a new route shall be established, or new service required, or when from any other cause there shall not be a contractor legally bound or required to perform such service, the Postmaster-General may make a temporary contract for carrying the mail on such route, without advertisement, for such period as may be necessary, not in any case exceeding six months, until a letting under advertisement can take place: *Provided, however*, That the Postmaster-General shall not employ temporary service on any route at a higher price than that paid to the contractor who shall have performed the service during the last preceding regular contract term. And in all cases of regular contracts hereafter made, the contract may, in the discretion of the Postmaster-General, be continued in force beyond its express terms for a period not exceeding six months, until a new contract with the same, or other contractors, shall be made by the Postmaster-General.

SEC. 253. That hereafter all bidders upon every mail route for the transportation of the mails upon the same, where the annual compensation for the service on such route at the time exceeds the sum of $5,000, shall accompany their bids with a certified check or draft, payable to the order of the Postmaster-General, upon some solvent national bank, which check or draft shall not be less that 5 per cent. on the amount of the annual pay on said route at the time such bid is made, and, in case of a new or modified service, not less than 5 per cent. of the amount of the bond of the bidder required to accompany his bid, if the amount of the said bond exceeds $5,000. In case any bidder, on being awarded any such contract, shall fail to execute the same, with good and sufficient sureties, according to the terms on which such bid was made and accepted, and enter upon the performance of the service to the satisfaction of the Postmaster-General, such bidder shall, in addition to his liability on his bond accompanying his bid, forfeit the amount so deposited to the United States, and the same shall forthwith be paid into the Treasury for the use of the Post-Office Department; but if such contract shall be duly executed and the service entered upon as aforesaid, such draft or check so deposited, and the checks or drafts deposited by all other bidders, on the same route, shall be returned to the respective bidders making such deposits. No proposals for the transportation of the mails where the amount of the bond required to accompany the same shall exceed $5,000 shall be considered, unless accompanied with the check or draft herein required, together with the bond required by a preceding section: *Provided*, That nothing in this act shall be construed or intended to affect any penalties or forfeitures which have heretofore accrued under the provisions of the sections hereby amended.

Mr. TYNER. I move to non-concur in all the remaining amendments of the Senate.

Mr. HOLMAN. Let that motion be confined to the particular section now pending.

Mr. TYNER. My proposition is to non-concur in the remaining amendments to the bill. The Committee on Appropriations recommend non-concurrence.

Mr. LAWRENCE. Is this motion debatable?

The SPEAKER. The gentleman will proceed with his five minutes.

Mr. LAWRENCE. I do not know what are the remaining amendments of the Senate, but I do not think we should non-concur without having them all read so we may understand them; and while we are on this subject I wish to say a single word in reply to the gentleman from Tennessee, [Mr. MAYNARD.] He discussed one proposition and I discussed another. I do not object to carrying mail facilities just as far as the gentleman from Tennessee. I will go with him as far as any gentleman on this floor to carry mail facilities to every corner of the country, but in doing that I will not incur any unnecessary expense. And if it is a pitiful cry to insist there should be a reduction of the expenditures of the Government in this or any other

Department of the Government, I think the gentleman will find it is a cry to which the people will give their attention. It is high time there should be somebody stand up and speak in behalf of economy while there are so many to stand up and speak in favor of extravagance and unnecessary expenditures.

Mr. BURCHARD. I desire to move an amendment to the last section which provides that public documents may be sent through the mails without prepayment of postage. I think it is a good provision that postage should be paid on delivery.

Mr. HOLMAN. I hope my colleague will limit his motion to suspend the rules and non-concur in the amendment of the Senate now pending.

Mr. TYNER. I adopt that suggestion and move to suspend the rules and non-concur in the pending amendment.

The question recurred on seconding the motion to suspend the rules.

The House divided; and there were—ayes 196, noes not counted.

So the motion to suspend the rules was seconded.

The rules were suspended, (two-thirds voting in favor thereof,) and the pending amendment was non-concurred in.

Seventeenth amendment of the Senate.

Add the following:

SEC. 14. That hereafter the requirement that postage shall be prepaid shall not apply to public documents certified to be such by any member of the Senate or of the House of Representatives, or by the President or head of any Executive Department, or other person entitled to the franking privilege when the law was passed abolishing the same; and the postage on no single volume of public document shall exceed the sum of twenty-five cents, and the same, if not prepaid, shall be payable by the person to whom the same may be directed and received; and the words "Public document," written or printed on the envelope containing any public document, and subscribed by the member or other person mailing the same, shall be deemed a sufficient certificate that the same is a public document; and the term public documents shall be deemed to include all publications printed by order of Congress, or either House thereof, or of any Department of the Government. And if any such documents shall not be taken from the post-office to which the same shall be directed within thirty days after being received thereat, the postmaster may sell the same for the amount of the postage due thereon, and shall account to the Post-Office Department for the proceeds thereof: *Provided*, That this section shall apply only to documents ordered to be printed by either House of Congress previous to the passage of this act: *And provided further*, That the CONGRESSIONAL RECORD, or any part thereof, shall be carried through the mails free of postage.

Mr. TYNER. The committee recommend non-concurrence in this amendment.

Mr. BURCHARD. I desire to move to strike out all in this section preceding line 7 and all following the word "thereof" in line 22.

This will leave merely the proposition to which I referred a moment or two ago to stand by itself, that public documents may circulate through the mails without prepayment of postage, the postage being left to be paid on their delivery.

I move to strike out the first six lines, because they may be construed into a restoration of the franking privilege. I also move to strike out so much of the section as limits the provision to documents already printed, and also so much as provides that the CONGRESSIONAL RECORD or any part thereof shall be carried through the mails free of postage. I hope the House will concur in the remainder of the section.

The SPEAKER *pro tempore*, (Mr. WHEELER.) The gentlemen will send his amendment to the Clerk in writing.

Mr. PARKER, of Missouri. Does not a motion to concur take precedence of the amendment of the gentleman from Illinois?

The SPEAKER *pro tempore*. The motion to amend takes precedence.

Mr. MILLS. I desire to offer an amendment.

The SPEAKER *pro tempore*. The amendment of the gentleman from Illinois [Mr. BURCHARD] has been received at the desk, and will be read.

The Clerk read as follows:

Strike out the first six lines of the section, and strike out all after the word "thereof" in line 22.

Mr. MILLS. I offer the following amendment:

In line 8 of the section strike out "twenty-five" and insert "ten;" so it will read:

The postage on no single volume of public document shall exceed the sum of ten cents.

Mr. HAWLEY, of Connecticut. I hope the attention of the House will be given to this section. There can be no doubt that it is to a very considerable extent a restoration of the franking privilege. As such I object to it, and I desire a distinct vote taken upon the question, and if possible by yeas and nays.

Now, I am not going to join in any common cant or slang about the franking privilege. It was abused no doubt to some extent. Still it had its uses. It certainly had its benefits at a time when our facilities for the distribution of information were not so good as they are at present. It was then valuable to the people, and valuable to our public institutions, if not abused. But the public sentiment of the country was upon the whole against it. The tendency of public sentiment has been in the direction of paying for everything we send through the mails. The public adopted that idea and we legislated in that direction a year ago. We have professed to abolish the franking privilege. We have professed a sincere desire to make the experiment of no free matter. I wish to adhere to that experiment for one or two or three or four years until we understand and the country understands its operation. Perhaps by and by public sentiment may justify some modification of the existing law by which public documents got up at the public expense may be distributed.

Mr. FORT. I wish to ask the gentleman a question.

Mr. HAWLEY, of Connecticut. No, sir. But we are evidently not ready for that yet. Public sentiment is not ready for it. And so I object to any direct or indirect restoration of the franking privilege of any sort or description whatever. I wish to wait one or two or three years longer, and then see what should be done. For the present I am unalterably opposed to that, and I call for the yeas and nays.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate had agreed to the report of the committee of conference on the bill (H. R. No. 1572) to amend the several acts providing a national currency, and to establish free banking, and for other purposes.

POST-OFFICE APPROPRIATION BILL.

The House resumed the consideration of the Senate amendments to the post-office appropriation bill.

Mr. PARKER, of Missouri. With regard to what the gentleman from Connecticut [Mr. HAWLEY] has said, I desire to say that this is no restoration of the franking privilege. This does not permit documents to go through the mails free of postage. The gentleman from Connecticut asserts that the people of this country have petitioned Congress that the franking privilege be repealed. Well, sir, I do not believe that the people of this country ever did any such thing. The Postmaster-General of the United States, after having almost a cord of petitions printed in the Government Printing Office at the Government's expense, sent these petitions out to the different postmasters in the country, who in many cases filled them up with their own hands, as they feared their official heads would be cut off unless they would indorse this humbug, because it is nothing else. They did in some cases get a few people to sign these petitions, but in the majority of cases they signed them themselves with the names of persons taken from the directories of the different towns and cities of the country. They went to the tombstones and to the graveyards in many cases to get the names of men and send them up here to instruct the American Congress upon this question.

Now, sir, if it be true that the people did petition us to repeal this franking privilege, why let them know the full effect of it by paying the postage themselves upon all documents that they may desire. For one member of this Congress, after the people of this country have demanded that our pay shall be so reduced that no man can live conveniently here as a member of Congress upon it, I do not propose to pay any postage upon these documents.

Now this section simply proposes that the people who petitioned for a redress of this grievance shall pay their own postage. Let them do it if they desire the documents.

Mr. FORT. How can the dead men do it?

Mr. PARKER, of Missouri. My friend asks how the dead men can do it. Members of Congress do not send documents to dead men, but the postmasters put the names of dead men upon petitions to Congress asking the repeal of the franking privilege.

Mr. HOLMAN. It is very clear that no man has asked for the restoration of the franking privilege since its abolition; that is very clear.

Mr. TYNER. Mr. Speaker, I am quite willing to let my vote, in the event the yeas and nays shall be called on this amendment, indicate to my constituents what my position is in regard to it. But I do want to say that I am ready to put myself on record in any manner whatever against anything which looks like a restoration of the franking privilege.

Sir, I voted for the repeal of the franking privilege during the last Congress. I have had no report from the Post-Office Department since nor any other information that indicates to me that I ought to change my position in that regard. I believe, sir, that I was as much instructed by my constituents, through their platforms at home, through the expressions of the public press and in every other way, to vote in favor of the repeal of the franking privilege and against its restoration, as I have ever been instructed in regard to any question.

We are now entering upon a political campaign in which some gentlemen of this House are to take a part, and in which they are to be candidates. I warn them that they had better be cautious about voting for anything that looks like a restoration of the franking privilege. I have little more to say and then I desire to yield the remainder of my time to my friend from Ohio, [Mr. GARFIELD;] but I want to say, in addition, that this proposition is to permit the postage on these documents to be collected at the office of delivery. It means that any constituent of any gentleman on this floor shall be privileged to ask him to send him a report, but it is to be at the expense of the constituent, and with the understanding that he himself shall pay the postage. I now yield the remainder of my time to the gentleman from Ohio.

Mr. GARFIELD. I desire to say a single word only upon this amendment, and then I hope the previous question will be sustained and a vote will be taken. There is a proviso at the end of this section that hereafter the CONGRESSIONAL RECORD shall pass through the mails free, and in that there is this a little bit of moral bribery

offered to every member of Congress, that the CONGRESSIONAL RECORD or any part thereof shall pass through the mails free of postage.

Mr. HAWLEY, of Connecticut. The appendices.

Mr. GARFIELD. All you would have to do is to have your speeches printed with a heading "Appendix to the CONGRESSIONAL RECORD," and it becomes a part of the CONGRESSIONAL RECORD, and passes free through the mails. In other words, here is a plan to let all the speeches that members of Congress may make, if they have a simple heading saying something about the CONGRESSIONAL RECORD, go through the mails free hereafter, and if that is not a species of moral bribery, which I believe this House will not have the courage or rather the lack of it to consent to, then I do not know what is bribery. I ask for the previous question, and call for the yeas and nays in concurring in the amendment of the Senate.

The SPEAKER *pro tempore*. The Chair desires to ask the gentleman from Connecticut [Mr. HAWLEY] upon which of these propositions he asks for the yeas and nays. There are two amendments to the amendment of the Senate which have been offered in the House. Does he desire the yeas and nays upon those amendments, or upon concurring in the Senate amendment?

Mr. HOLMAN. I hope the yeas and nays will be called on the question of concurrence in the Senate amendment.

The SPEAKER *pro tempore*. The first amendment pending is that offered by the gentleman from Texas [Mr. MILLS] to strike out in line 8 of the Senate amendment the words "twenty-five" and to insert in lieu thereof the word "ten;" so that it will read, "and the postage on no single volume of public document shall exceed the sum of ten cents, &c."

Mr. MARSHALL. I desire to say a few words on this amendment.

Mr. SHANKS. I have been trying to get the floor myself, and I must object.

Mr. TYNER. The previous question has been asked by my colleague, the chairman of the Committee on Appropriations.

The previous question was seconded and the main question ordered being first upon the amendment offered by Mr. MILLS.

The question was put; and on a division there were, ayes 115, noes not counted.

Mr. GARFIELD. I call for the yeas and nays.

The yeas and nays were ordered, 34 members voting therefor.

The question was taken; and there were—yeas 127, nays 111, not voting 51; as follows:

YEAS—Messrs. Adams, Albert, Archer, Arthur, Ashe, Atkins, Averill, Barber, Barrere, Begole, Bell, Berry, Bland, Bowen, Bright, Brown, Buckner, Bundy, Burchard, Burleigh, Benjamin F. Butler, Roderick R. Butler, Caldwell, Cannon, Cason, John B. Clark, jr., Freeman Clarke, Clymer, Stephen A. Cobb, Coburn, Corwin, Creamer, Crittenden, Crutchfield, Davis, Dobbins, Dunnell, Durham, Field, Fort, Giddings, Glover, Gunter, Hagans, Hamilton, Hancock, Henry R. Harris, Harrison, Hatcher, Havens, Hays, John W. Hazelton, Hendee, Hereford, Herndon, E. Rockwood Hoar, George F. Hoar, Hodges, Hoskins, Houghton, Howe, Hubbell, Hunter, Hunton, Hurlbut, Hyde, Hynes, Jewett, Killinger, Lansing, Lawrence, Leach, Lofland, Lowe, Magee, Marshall, Martin, Maynard, McKee, Mills, Moore, Morey, Negley, Niblack, O'Brien, Orr, Orth, Page, Isaac C. Parker, Pelham, Pike, James H. Platt, jr., Thomas C. Platt, Randall, Rapier, Read, Richmond, Robbins, Sawyer, Henry J. Scudder, Sener, Sessions, Shanks, Sheats, Sherwood, Speer, Standiford, Strait, Swann, Charles R. Thomas, Christopher Y. Thomas, Thornburgh, Todd, Townsend, Tremain, Vance, Wallace, White, Whitehead, Whitehouse, Charles G. Williams, William Williams, Ephraim K. Wilson, James Wilson, Wolfe, John D. Young, and Pierce M. B. Young—127.

NAYS—Messrs. Albright, Barnum, Biery, Bradley, Bromberg, Buffinton, Burrows, Cain, Cessna, Amos Clark, jr., Clements, Comingo, Conger, Cook, Cotton, Cox, Crooke, Crossland, Crounse, Danford, Darrall, Dawes, Donnan, Duell, Eames, Foster, Frye, Garfield, Gooch, Gunckel, Eugene Hale, Benjamin W. Harris, John T. Harris, Hathorn, John B. Hawley, Joseph R. Hawley, Gerry W. Hazelton, Holman, Kasson, Kelley, Kellogg, Knapp, Lamison, Lawson, Loughridge, Lowndes, Lynch, James W. McDill, MacDougall, McJunkin, Merriam, Milliken, Monroe, Morrison, Neal, Niles, O'Neill, Packard, Packer, Hosea W. Parker, Parsons, Pendleton, Perry, Pierce, Poland, Potter, Pratt, Rainey, Ransier, Ray, Rice, Ellis H. Roberts, James C. Robinson, James W. Robinson, Ross, Henry B. Sayler, Milton Sayler, John G. Schumaker, Scofield, Isaac W. Scudder, Small, Smart, A. Herr Smith, George L. Smith, H. Boardman Smith, John Q. Smith, Snyder, Southard, Sprague, Stanard, Starkweather, St. John, Stone, Storm, Stowell, Tyner, Waldron, Walls, Jasper D. Ward, Marcus L. Ward, Wells, Wheeler, Whitthorne, Wilber, Charles W. Willard, George Willard, John M. S. Williams, William B. Williams, Wood, Woodford, and Woodworth—111.

NOT VOTING—Messrs. Banning, Barry, Bass, Beck, Blount, Clayton, Clinton L. Cobb, Crocker, Curtis, DeWitt, Eden, Eldredge, Elliott, Farwell, Freeman, Robert S. Hale, Harmer, Hersey, Hooper, Kendall, Lamar, Lamport, Lewis, Luttrell, McCrary, Alexander S. McDill, McLean, McNulta, Mitchell, Myers, Nesmith, Nunn, Phelps, Phillips, Purman, William R. Roberts, Rusk, Sheldon, Lazarus D. Shoemaker, Sloan, Sloss, J. Ambler Smith, William A. Smith, Stephens, Strawbridge, Sypher, Taylor, Waddell, Whiteley, Willie, and Jeremiah M. Wilson—51.

So the amendment of Mr. MILLS was agreed to.

The question recurred upon the motion of Mr. BURCHARD to strike out of the amendment of the Senate the following at the beginning of the section:

That hereafter the requirement that postage shall be prepaid shall not apply to public documents certified to be such by any member of the Senate or of the House of Representatives, or by the President or head of any Executive Department, or other person entitled to the franking privilege when the law was passed abolishing the same; and.

Also to strike out the following at the end of the section:

Provided, That this section shall apply only to documents ordered to be printed by either House of Congress previous to the passage of this act: *And provided further*, That the CONGRESSIONAL RECORD, or any part thereof, shall be carried through the mails free of postage.

The question was taken upon the amendment of Mr. BURCHARD; and upon a division there were—ayes 75, noes 15; no quorum voting.

Tellers were ordered; and Mr. BURCHARD and Mr. SPEER were appointed.

Mr. SPEER. I desire to make a parliamentary inquiry. Is this amendment divisible?

The SPEAKER *pro tempore*. It is not.

Mr. SPEER. Is it in order to move to amend the amendment?

The SPEAKER *pro tempore*. It is not; for the previous question is operating.

The House again divided; and the tellers reported that there were ayes 83, noes not counted.

Mr. SPEER. I think the House has been voting under a misapprehension of the question, and I therefore call for the yeas and nays.

The SPEAKER *pro tempore*. The Chair desires to state that the amendment of the gentleman from Texas [Mr. MILLS] having been offered as an amendment to the one offered by the gentleman from Illinois, [Mr. BURCHARD,] if the amendment of the gentleman from Illinois be voted down the amendment of the gentleman from Texas will fall also.

Mr. G. F. HOAR. The amendment of the gentleman from Texas relates to a portion of the section not affected by that of the gentleman from Illinois.

Mr. BURCHARD. As I understood, the amendment of the gentleman from Texas was submitted as an independent proposition, and so voted on.

The SPEAKER *pro tempore*. The Chair at the time stated distinctly that the amendment of the gentleman from Texas must be germane to the amendment of the gentleman from Illinois.

Mr. MILLS. Does the Chair state that if the amendment of the gentleman from Illinois is voted down my amendment goes down?

The SPEAKER. It does.

Mr. MILLS. Then if the amendment of the gentleman from Illinois is voted up my amendment goes down also.

The SPEAKER. That is a question for the House to determine, not the Chair.

Mr. WOODFORD. Desiring to vote for a part and against a part of this amendment of the gentleman from Illinois, is it not proper to ask that it be divided?

The SPEAKER. It can be divided if it contains distinct substantive propositions.

Mr. CESSNA. There is some confusion about the statement of the Chair in my mind, for he seems to connect the amendment of the gentleman from Texas [Mr. MILLS] with the amendment of the gentleman from Illinois, [Mr. BURCHARD.] Now the amendment of the gentleman from Illinois relates to a part of the section not reached by the amendment of the gentleman from Texas. The amendment of the gentleman from Texas has been adopted, and is now a part of the section. I differ with the Chair with great reluctance; but it seems to me that the amendment of the gentleman from Illinois contains three distinct propositions, and if so I shall ask for a separate vote on each one of them. The first proposition is to strike out the first six lines of the amendment of the Senate as printed. That is a separate, distinct, and substantive proposition of itself. The second proposition is to strike out the first proviso of the section, which is also a separate and independent proposition of itself. The third proposition is to strike out the last proviso of the section, which is also a separate and independent proposition of itself. The three parts of the amendment are not related to each other; they are different in character; and in order that the House may have an opportunity to vote according to its own desire I shall ask the Chair to allow the amendment to be divided into the three parts I have indicated.

Mr. HOSKINS. A single word in regard to the proposition now before the House. The gentleman from Texas [Mr. MILLS] moved an amendment to a certain portion of this section, and his amendment was adopted by the House. I submit that the amendment of the gentleman from Illinois [Mr. BURCHARD] and that proposed by the gentleman from Texas are not germane to each other; they do not apply to the same portion of the section nor to the same subject. It strikes me therefore, with due deference of course to the ruling of the Chair, that they are independent propositions, and that if the amendment of the gentleman from Illinois be voted down it does not necessarily carry with it the amendment of the gentleman from Texas, for the reason that the two amendments do not apply to the same subject-matter or the same part of the section.

The SPEAKER *pro tempore*. The Chair does not hold himself responsible if the House has been misled upon this proposition. He distinctly stated to the gentleman from Texas, and it is so recorded, that his amendment must be germane and must appertain to that of the gentleman from Illinois, [Mr. BURCHARD.] The mistake, if there has been any, was on the part of the House, not of the Chair. In view of the circumstances under which the amendment of the gentleman from Texas was offered, the Chair now states that if the amendment of the gentleman from Illinois be voted down, that of the gentleman from Texas goes down with it. If the House has acted under any misunderstanding that may be corrected; but the Chair is corroborated in his position by the Journal clerk who made the entry.

Before deciding the question whether the amendment of the gentleman from Illinois is divisible, the Chair asks that gentleman to state his amendment, so that it may be understood whether it embraces different substantive propositions.

Mr. BURCHARD. I moved to strike out the first six lines of the

section down to and including the word "and;" so that the section should begin, "The postage on no single volume," &c. I also moved to strike out after the word "thereof" in line 22, the proviso and the further proviso, leaving the body of the section to which the gentleman from Texas had moved his amendment striking out twenty-five and inserting ten.

The SPEAKER *pro tempore*. The Chair holds that this amendment is divisible.

Mr. MILLS. I move to reconsider the vote by which my amendment was adopted, so that the House may extricate itself from this difficulty. Either this must be done, or my amendment must be considered as an independent proposition. The Chair has correctly stated that he put to me the question whether my amendment was germane to that of the gentleman from Illinois. I do not wish the Chair to be placed in a wrong attitude before the House. My amendment relates to the very next sentence after the first part of the amendment of the gentleman from Illinois, and I thought it was germane to that amendment. But I see now that it is not so, and therefore I presume my amendment must be adopted as an independent proposition.

Mr. PARSONS. I rise to a parliamentary inquiry. I wish to know whether the House cannot now vote directly to strike out the first six lines and the last six lines of this section without affecting at all the independent proposition embraced in the middle of the section?

The SPEAKER *pro tempore*. The Chair will entertain the proposition of the gentleman from Texas [Mr. MILLS] to reconsider the vote by which his amendment was adopted.

Mr. BURCHARD. I rise to a point of order. As the order for the previous question was partly executed, I submit that it is not in order to reconsider.

The SPEAKER *pro tempore*. That point of order is well taken. The question will now be taken upon the first proposition of the amendment of the gentleman from Illinois, which is to strike out the first six lines of the section. The clause proposed to be struck out will be read.

The Clerk read as follows:

That hereafter the requirement that postage shall be prepaid shall not apply to public documents certified to be such by any member of the Senate or of the House of Representatives, or by the President or head of any Executive Department, or other person entitled to the franking privilege when the law was passed abolishing the same; and.

The question being taken, there were ayes 45, noes not counted.

Mr. TYNER. I call for the yeas and nays.

Mr. CLYMER. I move that the House take a recess till half past seven o'clock.

Mr. GARFIELD. It is necessary that this bill should be sent to a conference committee to-night, if we are to adjourn on the 22d.

The motion of Mr. CLYMER was not agreed to; there being—ayes 72, noes 98.

The question recurring on ordering the yeas and nays upon agreeing to the first division of the amendment of Mr. BURCHARD, the yeas and nays were not ordered.

So the first division of the amendment was not agreed to.

The question then recurred upon the second division of the amendment, which was to strike out the following:

Provided, That this section shall apply only to documents ordered to be printed by either House of Congress previous to the passage of this act.

The question being taken, there were—ayes 100, noes 48.

So the second division of the amendment was agreed to.

The question then recurred on the third division of the amendment, which was to strike out the following:

And provided further, That the CONGRESSIONAL RECORD, or any part thereof, shall be carried through the mails free of postage.

Mr. HAWLEY, of Illinois. The House having refused to strike out the first part of the section, as proposed by the amendment of the gentleman from Illinois, if these words should now be struck out where then would be the amendment of the gentleman from Texas?

Mr. CESSNA. That relates to the middle of the section.

The question being taken; there were—ayes 78, noes 71.

Mr. SPEER called for tellers.

Tellers were ordered; and Mr. SPEER and Mr. BURCHARD were appointed.

The House divided; and the tellers reported—ayes 107, noes 63.

So the third division of the amendment was agreed to.

The SPEAKER *pro tempore*. The Chair will now state that the portion of the amendment of the gentleman from Illinois to which the gentleman from Texas offered his amendment has been adopted; consequently the amendment of the gentleman from Texas has been adopted. But the Chair will rule that the latter was offered as an independent amendment, and the entry in the Journal will be made accordingly.

The question recurring on concurring in the amendment of the Senate, as amended,

Mr. HAWLEY, of Connecticut, called for the yeas and nays.

The yeas and nays were ordered.

Mr. BURCHARD. I ask that the Senate amendment as now amended be read.

The Clerk read as follows:

SEC. 14. That hereafter the requirement that postage shall be prepaid shall not apply to public documents certified to be such by any member of the Senate or of the House of Representatives, or by the President or head of any Executive Department, or other person entitled to the franking privilege when the law was passed abolishing the same; and the postage on no single volume of public document shall exceed the sum of ten cents, and the same, if not prepaid, shall be payable by the person to whom the same may be directed and received; and the words "public document" written or printed on the envelope containing any public document, and subscribed by the member or other person mailing the same, shall be deemed a sufficient certificate that the same is a public document; and the term public documents shall be deemed to include all publications printed by order of Congress, or either House thereof, or of any Department of the Government. And if any such documents shall not be taken from the post-office to which the same shall be directed within thirty days after being received thereat, the postmaster may sell the same for the amount of the postage due thereon, and shall account to the Post-Office Department for the proceeds thereof.

Mr. PLATT, of Virginia. I move that the House now take a recess.

The motion was not ageed to.

The question recurred on concurring in the Senate amendment as amended.

The question was taken; and it was decided in the negative—yeas 113, nays 119, not voting 57; as follows:

YEAS—Messrs. Adams, Albert, Albright, Arthur, Ashe, Barber, Barnum, Barrere, Barry, Beck, Begole, Bell, Berry, Biery, Bowen, Bradley, Bright, Brown, Buckner, Burchard, Burleigh, Benjamin F. Butler, Roderick R. Butler, Cain, Caldwell, Cannon, Cason, John B. Clark, jr., Freeman Clarke, Clymer, Stephen A. Cobb, Coburn, Comingo, Cook, Corwin, Creamer, Crutchfield, Davis, Dobbins, Donnan, Dunnell, Durham, Field, Giddings, Glover, Gunter, Hagans, Hamilton, Hancock, Henry R. Harris, Hatcher, Hays, Gerry W. Hazelton, John W. Hazelton, Hereford, Herndon, George F. Hoar, Hodges, Howe, Hubbell, Hunter, Hunton, Hynes, Killinger, Knapp, Lamar, Lamport, Lansing, Leach, Lowe, Magee, Marshall, Martin, Maynard, McCrary, McKee, McLean, Mills, Moore, Morey, Negley, O'Brien, Orr, Page, Isaac C. Parker, Pelham, James H. Platt, jr., Thomas C. Platt, Purman, Randall, Ransier, Rapier, Read, Richmond, Robbins, Rusk, Sheats, Sherwood, Sloan, George L. Smith, Speer, Standiford, Strait, Christopher Y. Thomas, Thornburgh, Todd, Townsend, Vance, Wallace, White, Whitehead, William Williams, and John D. Young—113.

NAYS—Messrs. Archer, Atkins, Averill, Bass, Bland, Blount, Bromberg, Buffinton, Bundy, Burrows, Cessna, Amos Clark, jr., Clements, Conger, Cotton, Crittenden, Crooke, Crossland, Crounse, Danford, Darrall, Dawes, Eames, Fort, Foster, Frye, Garfield, Gunckel, Eugene Hale, Benjamin W. Harris, John T. Harris, Hathorn, Havens, John B. Hawley, Joseph R. Hawley, E. Rockwood Hoar, Holman, Hoskins, Hyde, Kasson, Kellogg, Lamison, Lawrence, Lawson, Lofland, Lowndes, Lynch, James W. McDill, MacDougall, McJunkin, McNulta, Merriam, Milliken, Monroe, Morrison, Neal, Niblack, Niles, O'Neill, Orth, Packard, Packer, Hosea W. Parker, Parsons, Pendleton, Perry, Pierce, Pike, Poland, Potter, Pratt, Rainey, Ray, Rice, Ellis H. Roberts, James C. Robinson, James W. Robinson, Ross, Sawyer, Henry B. Sayler, Milton Sayler, John G. Schumaker, Scofield, Isaac W. Scudder, Sessions, Shanks, Smart, A. Herr Smith, H. Boardman Smith, John Q. Smith, Snyder, Southard, Sprague, Stanard, Starkweather, St. John, Stone, Storm, Stowell, Strawbridge, Swann, Tyner, Waldron, Walls, Jasper D. Ward, Marcus L. Ward, Wells, Wheeler, Whitehouse, Whitthorne, Wilber, Charles W. Willard, George Willard, Charles G. Williams, John M. S. Williams, William B. Williams, James Wilson, Woodford, and Woodworth—119.

NOT VOTING—Messrs. Banning, Clayton, Clinton L. Cobb, Cox, Crocker, Curtis, DeWitt, Duell, Eden, Eldredge, Elliott, Farwell, Freeman, Gooch, Robert S. Hale, Harmer, Harrison, Hendee, Hersey, Hooper, Houghton, Hurlbut, Jewett, Kelley, Kendall, Lewis, Loughridge, Luttrell, Alexander S. McDill, Mitchell, Myers, Nesmith, Nunn, Phelps, Phillips, William R. Roberts, Henry J. Scudder, Sener, Sheldon, Lazarus D. Shoemaker, Sloss, Small, J. Ambler Smith, William A. Smith, Stephens, Sypher, Taylor, Charles R. Thomas, Tremain, Waddell, Whiteley, Willie, Ephraim K. Wilson, Jeremiah M. Wilson, Wolfe, Wood, and Pierce M. B. Young—57.

So the amendment, as amended, was non-concurred in.

Mr. TYNER. I now move there be a committee of conference requested on the disagreeing votes of the two Houses.

The motion was agreed to.

And then, on motion of Mr. GARFIELD, (at five o'clock and fifty minutes p. m.,) the House took a recess until seven and a half o'clock p. m.

EVENING SESSION.

The House reassembled at seven and a half o'clock p. m., the Speaker in the chair.

ENROLLED BILLS SIGNED.

Mr. PENDLETON, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (S. No. 954) prohibiting the publication of the Revised Statutes of the United States in the newspapers at the expense of the United States; and

An act (S. No. 110) for the relief of the East Tennessee University.

Mr. HARRIS, of Georgia, from the same committee, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (H. R. No. 3309) granting to the Nevada County Narrow-gauge Railroad Company a right of way through the public lands for a railroad;

An act (H. R. No. 3332) to fix the time for the election of Representatives in the Forty-fourth Congress from the State of Mississippi;

An act (H. R. No. 3417) to relieve Thomas Claiborne, of Tennessee, of political disabilities imposed upon him by the fourteenth amendment to the Constitution of the United States;

An act (No. 4680) for the government of the District of Columbia, and for other purposes; and

An act (H. R. No. 3748) directing the Secretary of the Treasury to report upon the necessity for a public building at Brooklyn, New York, and the cost of the same.

CHOCTAW CLAIM.

Mr. WARD, of New Jersey, obtained the floor, and yielded ten minutes to

Mr. PARKER, of Missouri, who said: Mr. Speaker, I would not trouble the House at this time if it were not for the fact that in the discussion the other day on what was called the Choctaw claim the gentleman from Indiana, [Mr. COBURN,] unwittingly, of course, fell into a blunder which may justly be considered as putting members of Congress in the position of having voted for a claim for which a receipt in full had already been given. In order that those gentlemen who voted for the bill and in order that those who discussed it and voted against it may not be put in a false position, I desire the facts in connection with this matter may be given to the country so they may be completely understood.

It will be remembered that the gentleman from Indiana had read a receipt which he claimed in his speech was a receipt in full for the payment of this Choctaw claim. Of course if that be the fact then this House was spending valuable time in discussing a claim which had been receipted for in full and it puts the House in a false position. If it be true that this claim had been satisfied in full and a receipt had been given for it, it also puts a leading committee of this House, the Committee on Appropriations, in a false position.

If it be true that a receipt in full had been given for this claim, it puts the gentleman from Maine, the gentleman from Ohio, my friend from Pennsylvania, [Mr. SPEER,] and in fact all of the gentlemen who discussed this, except the gentleman from Indiana himself, in a singular position, because they all admitted that the claim had merits in it. It could not have any merits in it if a receipt had been given in full for it.

In order that the facts may be known in connection with this matter, I desire to trespass upon the House briefly to show what this receipt means and what it was given for, and that it may be perfectly understood I ask the Clerk to read the receipt as given in the RECORD and that portion of the remarks of the gentleman from Indiana immediately following.

The Clerk read as follows:

[Copy of release referred to in the foregoing letter.]

Whereas by an act of Congress entitled "An act to supply deficiencies in the appropriations for the service of the fiscal year ending the 30th of June, 1852," it is provided that after the 30th day of June, 1852, all payments of interest on the amounts awarded Choctaw claimants, under the fourteenth article of the treaty of Dancing Rabbit Creek, for lands on which they resided, but which it is impossible to give them, shall cease, and that the Secretary of the Interior be directed to pay said claimants the amount of principal awarded in each case respectively, and that the amount necessary for this purpose be appropriated, not exceeding $872,000; and that the final payment and satisfaction of said award shall be first ratified and approved as a final release of all claims of such parties under the fourteenth article of said treaty by the proper national authority of the Choctaws, in such form as shall be prescribed by the Secretary of the Interior: Now, be it known, that the said general council of the Choctaw Nation do hereby ratify and approve the final payment and satisfaction of said awards, agreeably to the provisions of the act aforesaid, as a final release of all claims of such parties under the fourteenth article of said treaty.

Mr. COBURN. Under the release I have just read $850,000 was paid by the Government and accepted by the authorities of the Choctaw Nation as a complete and final settlement. There the matter should rest. If the account has since been opened, if an equity has been raised on behalf of these Indians, if an obligation has since been incurred by the treaty-making power of the United States, that is matter of discussion for lawyers; it is a question that ought to be investigated thoroughly and completely, and should not be brought in here at the end of an appropriation bill to be discussed under the present circumstances.

I regard this matter as of very great importance aside from the amount of money involved. We ought to adopt and stand by a policy against opening claims of such great age unless some equity of a very strong character is presented.

Here, so far as I can see, there is none. The claim seems to be trumped up after settlement in full more than twenty years. It deserves the fullest investigation and the most thorough discussion, such as we cannot give at this time.

Mr. PARKER, of Missouri. It will be observed, Mr. Speaker, that the gentleman asserts in his remarks here that this receipt was given in full, and he uses the expression that if this account is again to be opened there should be some strong equity before it is opened. Why, sir, it never has been closed. The gentleman fell into a most egregious blunder when he presumed that this receipt was given in full for this claim that has been before the House at this session. It will be remembered by the House that after the Senate made its award in 1859 it directed the Secretary of the Interior to make up the account, and in that account is shown just exactly what this receipt was given for.

The whole number of acres of land the Government acquired of these people by purchase was 10,423,195.69 acres. It will be remembered that under the treaty of 28th September, 1830, called the treaty of Dancing Rabbit Creek, a portion of those people desired to remain in their country in Mississippi. The Government by the fourteenth article of that treaty provided that those who desired to remain should have set apart to them a reservation of six hundred and forty acres to the head of each family and so much to each child and member of such family. The amount of these reservations that were set apart under this fourteenth article of the treaty was in the aggregate 334,101.62 acres. It was ascertained when the Government, after having made a survey of this country, came to parcel out these reservations to these people that settlers had gone upon the land, and the Government of the United States was unable to comply with the provisions of the treaty of 1830. The lands were not there to be given to them.

In order to settle the controversy Congress passed a law in 1842 providing for the appointment of commissioners to settle the differences between them. Those commissioners did settle the differences, and the Government by its solemn treaty, subsequently entered into, provided that this people should have, in lieu of the reservations, scrip valued at $1.25 per acre and upon which scrip they were to pay interest at the rate of 5 per cent. until the principal was satisfied. Under the terms of the act of June 30, 1852, the Government appropriated $872,000 to satisfy this scrip which had been given in lieu of the reservations belonging to the Choctaws who chose to remain in the State of Mississippi. This receipt, when the $870,000 were paid, wa given in full satisfaction of the claim for these 322,046.74 acres, or the scrip for it; and that is all that this receipt means and all that it has reference to.

By turning to the fourteenth article of the treaty of 1830, it will be observed that that article, which is referred to in this receipt as being the one out of which the subject-matter of the receipt grew, has no reference to anything in the world except these 334,000 acres of reservations. Article 14 of the treaty provides that—

Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee-simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity.

It will be observed that when the Secretary of the Interior cast up this amount in 1859 he deducted from the account the three hundred and thirty-four thousand acres for which we had given the scrip, and upon that subsequently paid this $870,000. This receipt, by its express terms, is a receipt in full only for the value of three hundred and thirty-four thousand acres of land, nothing further. It expresses upon its face that that is what it is.

Now, without being desirous of criticising the gentleman from Indiana, I will say that he either knew about this matter or he did not know. If he did not know about it, then it was certainly, to say the least and to put it in the mildest form possible, unkind for him to seek to put almost one-half of this House in the position before the country and the world of voting to pass here a claim which, if it had been as he asserted, satisfied, it would have been simply an outrage upon the House to undertake to pass. If he did not understand the case, if he fell into this error without understanding it, he is equally culpable as though he had understood it, because upon a matter of this importance and magnitude which may affect the standing of fellow-members of this House, which may put them in a false position before their associates, it is ungenerous for a gentleman of this House to make assertions upon a subject about which he knows nothing. If he does know anything about it, then he does not properly understand and construe the record.

I beg pardon of the House and of the Chair for thus trespassing upon their attention on this matter; but I deemed it due to other gentlemen of this House, as well as to myself, that the country should properly understand what this receipt was, and that the speech of the gentleman, consisting of assertions that this was a fraudulent and trumped-up claim, should not go to the country without the facts being shown to rebut such statements. I thank the House for its attention.

BOUNTIES.

Mr. WARD, of New Jersey. Mr. Speaker, I had the honor to introduce, in the early part of the session, a bill (H. R. No. 1244) granting bounties to the heirs of deceased soldiers. I give notice that I will, on the first opportunity, call up that measure and press it to a vote. I send it to the Clerk's desk that it may be read.

The Clerk read as follows:

A bill granting bounties to heirs of soldiers who enlisted in the service of the United States during the war for the suppression of the rebellion for a less period than one year, and who were killed or have died by reason of such service.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the heirs of any soldier who was killed or died while in the military service of the United States, in the line of duty, during the war for the suppression of the rebellion, whose period of enlistment was for less than one year, or who shall have since died by reason of wounds received or disease contracted while in such service, shall be entitled to receive the same bounties as if said soldier had enlisted for three years: *Provided*, That the heirs so entitled shall be such, and only such, as are named and in the order named, and upon the conditions mentioned in the first section of the act of July 11, 1862: *And provided further*, That nothing in this act shall authorize the payment on account of any soldier who has received bounty from the Government of the United States.

Mr. WARD, of New Jersey. The object and purpose of this measure is clearly and concisely stated in the bill. It provides that the heirs of those who were killed or who have died from wounds or disease contracted in the rebellion, whose periods of enlistment were for less than one year, shall be entitled to receive the same bounties as if they had enlisted for three years; and also provides that nothing shall be paid on account of any soldier who has received bounty.

Volunteers in the Army of the United States who served in the recent war, and who enlisted for one year and upward, have very properly received bounties, while those who came forward so promptly and nobly in the beginning of the struggle, have been in this respect wholly neglected. It has always seemed to me manifestly unjust that those who were first to respond to the President's proclamation calling upon the militia of the several States to aid in maintaining

"the honor, the integrity, and the existence of our National Union," should be treated with less consideration by the General Government than those who subsequently enlisted.

The bill under consideration does not propose to give bounties to those who *survive*, though it would be only equal justice that they should receive them, but it proposes that where any one of these soldiers has laid down his life on the field of battle or has died by reason of wounds received or disease contracted in the service, that then his widow, his mother, his children, his sisters, or brothers, according to the established order of representation as proposed in the bill, shall receive a bounty equal to that received by those who enlisted for a longer period.

In order that the proviso of this bill may be properly understood, I call attention to the following extract from the act of July 11, 1862, specifying the beneficiaries under that act:

Provided, That said bounty shall be paid to the following persons, and in the order following, and to no other person, to wit: First, to the widow of such deceased soldier, if there be one; second, if there be no widow, then to the children of such deceased soldier, share and share alike; third, if such soldier left neither a widow, or child, or children, then and in that case such bounty shall be paid to the following persons, provided they be residents of the United States, to wit: First, to his father; or, if he shall not be living or has abandoned the support of his family, then to the mother of such soldier; and if there be neither father nor mother as aforesaid, then such bounty shall be paid to the brothers and sisters of the deceased soldier, resident as aforesaid.

Mr. Speaker, this proposition needs no argument; neither logic nor rhetoric can aid it. Whether the soldier enlisted for three months or three years, or for a shorter or longer period, I think it will be admitted by all that if he gave his life to his country he gave as much as he who gave most—even all that he had; and his dependent family is equally deprived of the services and support of their natural protector.

We are to-day in the full enjoyment of home and country, of civil and religious liberty, of freedom and equality. We have privileges that no other people on earth enjoy. These privileges have cost a price, and that price is the blood of those whom this bill seeks to remember. Our sense of obligation and gratitude cannot reach *them*, but those who were ever dearer to the dying soldier than his waning life are within our reach, and it is but a small meed of justice for us to say to them we will pay to you who have lost your son, or husband, or brother, that which they did not receive in life, and which the thousands of volunteers now in life and health did receive.

The proposed bounty is in fact only about one-half the sum realized by those who were entitled to bounties under existing laws, because they received their bounties long years ago, which, with the interest added, reaches nearly twice the sum originally paid them. It is only asked at this period for the representatives of those soldiers who enlisted for less than a year, and have died by reason of their services, what others received many years since.

I know that retrenchment and economy is the aim of the members of this House, and rightly too, and no one will by any proper measure go further in that direction than I; but let us see to it that in our endeavor to promote *economy* we do not perpetuate injustice, and that we are not sordid and ungrateful, remembering that there are some duties to which the plea of economy cannot rightfully be made. While the volunteers for a year and upward have received their bounties and many are now enjoying them, we cannot under the plea of economy refuse a bounty to the widows and mothers of those against whom the Government has so long and unfairly discriminated.

But, Mr. Speaker, it appears to me that considered as a measure of economy even, this bill should be approved. This nation is in its infancy, and it is too much to hope, with all our desires for peace, that there are not other wars before it, and more blood to be shed, and I insist therefore that the Government cannot afford to withhold this justice, and longer manifest a want of consideration for those who have died in defense of the nation; for such a policy would tend to retard enlistments and lead the people in times of emergency to stand aloof from the defense of the national life until the necessities of the Government would compel the offering of extraordinary bounties. Whether, therefore, considered as an act of justice, or in view of possible future wars, I deem this measure to be equally entitled to our favorable action.

Mr. Speaker, those whom the bounties provided by this act would reach, being the families of deceased soldiers, are the ones who have suffered most by the war. Deprived of the care and support of those upon whom they depended, they were obliged alone to toil and to suffer, and often for the very necessaries of life. They bore the anxieties and tortures of mind incident to the ever-pressing reflection that son or husband or brother was in peril. Theirs was the grief and fearful desolation when were returned to the family circle, cold and dead, the remains of him who a few months before left them bouyant with hope and burning with patriotism; theirs have since been the privations and neglect incident to a life of poverty and want.

Since the beginning of the war up to the present time it has been my pleasure to give some attention to the interests of the soldiers and of those they have left behind them; and while as a rule they bear their misfortunes with wonderful resignation, I am bound to bear my testimony that the discrimination in the way of bounties against those who enlisted for less than a year and who gave their lives in the service of their country, has produced with many a deep sense of wrong and injury, and I feel that we should hasten to relieve the nation from this charge of injustice, which is in truth too well sustained.

Mr. Speaker, I do not wish the House to act blindly on this subject, and would not conceal from it the fact that the bill involves no inconsiderable expenditure. I estimate that there are forty-five hundred and fifty families that would be entitled to claim the benefits of this measure; and a bounty of $200 for each family would involve an expenditure of $900,000. But although the sum is considerable we should not hesitate to vote it; we are doing but simple justice to those by whose fearful sacrifices it is that we have anything to economize or to bestow.

It will be observed that this bill does not authorize the payment of one dollar on account of those who have received bounty, and that it does not apply to the future, but only to the heirs of soldiers now deceased, and does not therefore involve an expenditure that it is to be either continued or increased. So long a period has now elapsed since the war ceased, that in the future it cannot be reasonably claimed that the soldier has died from wounds or disease contracted in the service.

It is impossible to state with exactness the number of beneficiaries which this bill will include, and I have been obliged, in arriving at my conclusions, to assume that the number of deaths in the short service will be in proportion to the length of the terms of enlistment, the same as in the long service. The War Department has furnished me with a statement of the number of enlistments during the war, and the length of service; the whole number being 2,669,832, divided as follows:

For one year		390,597
For two years		44,365
For three years		1,932,209
Whole number for one year and upward to whom this bill does not relate		2,367,171
For less than one year:		
Sixty days	296	
Three months	108,416	
One hundred days	85,507	
Four months	42	
Six months	20,439	
Eight months	373	
Nine months	87,588	
For less than one year (and it only to the families of this class of soldiers who were killed or died in consequence of the service, that the bill refers)		302,661
Total number		2,669,832

The following is a statement of the number of troops who entered the service for a less term than one year, showing the States and Territories in which they enlisted:

Maine	8,391
New Hampshire	2,682
Vermont	5,563
Massachusetts	27,333
Rhode Island	5,206
Connecticut	8,004
New York	29,916
New Jersey	14,579
Pennsylvania	63,773
Delaware	2,574
Maryland	2,912
West Virginia	2,048
District of Columbia	4,720
Ohio	51,347
Indiana	17,710
Illinois	20,844
Michigan	781
Wisconsin	3,909
Minnesota	930
Iowa	4,869
Missouri	16,590
Kansas	1,091
Tennessee	739
Arkansas	374
Oregon	42
Nebraska Territory	1,228
Colorada	1,342
New Mexico	2,396
Louisiana	669
Total	302,661

The whole number of deaths in the Army, including *all* enlistments, was 327,588, and as five months is the average of the short terms it gives as the probable number of deaths in the class provided for in this bill, the number before stated, namely, 4,550. I should state that the Second Auditor of the Treasury, Hon. E. B. French, who, from his great experience and intelligence, is perhaps better able to form a correct opinion on this subject than any one else, assures me that my estimate of deaths in the short service is very liberal and will exceed by far the actual number to be provided for.

In justice to the Thirty-eighth Congress it should be stated that it passed an act, which was approved March 3, 1865, (Statutes at Large, volume 13, page 488, section 11,) by which bounties were intended to have been given to the heirs of *all* soldiers, but being referrred to in said act as "volunteers," the Secretary of War decided that this class of men, having enlisted under the President's call for *militia*, were not entitled to the benefits of the act; and in consequence thereof the good intentions of Congress were defeated. Now should the proposed bill be concurred in the spirit of that law will be carried out and the long-deferred justice accomplished.

It is not necessary I am sure to appeal for the support of this measure to the gallant and patriotic gentlemen upon this floor who participated in that terrible strife, or to the other members of this House, who, in common with all the people of this land, are to-day enjoying the fruits of that fearful conflict; for it appears to me that the demand is so reasonable and so just that no one will hesitate to grant the desired boon to the widows and orphans of the slain, but that all will gladly embrace the opportunity to perform this act of equity and mercy.

Mr. Speaker, feeling that this brief statement of the merits of this bill might with propriety be made I have ventured thus long to occupy the attention of the House. Permit me in conclusion to add one remark that the old and beautiful maxim which declares that "it is sweet to die for one's country," is only true when one dies with the conviction that *he* will be remembered with gratitude and the dear ones he leaves behind him with justice.

MOIETIES, SANBORN CONTRACTS, ETC.

Mr. BUTLER, of Massachusetts. Mr. Speaker, failing health and the imperative direction of my medical adviser of the danger of taking part in a debate which might call for a draught upon physical strength kept me silent upon the debate on the bills repealing the several moiety laws by means of which the collection of taxes had been assured in all civilized nations. Perhaps this inability was not infelicitous, because it now permits me to call the attention of the House to what I deem the dangers to the revenue of so complete a departure from a system begun under Hamilton, sanctioned without interruption by every legislative act without one intended exception; and because this may now be done, too, after the officers lately executing these laws have gone out of office. The personal enmities and feelings which egged on the prosecution of the investigations of the Committee on Ways and Means have subsided or failed in their specific objects; personal ambition and hate, which were its impelling motives, have either been satiated or failed in their purposes; and the bill proposed by the committee having passed the House without a division, what I may now bring to the attention of the House will not have its weight diminished by the allegation of a desire to defeat an alleged measure of reform for personal or private reasons.

I assume the experiment of abolishing moieties is to be tried. I only desire therefore now to raise a warning voice against this experiment as one in the interest of the dishonest and unscrupulous importer and tax-evader, against the interest of the people as well as the honest and conscientious merchant.

What, then, is the moiety system? It is giving certain large rewards to official or other persons who will take upon themselves the unpleasant task—which is the duty of every citizen, but wholly neglected—of exposing frauds upon the Government and evasions of its taxes by those by whom the law requires they shall be paid. This system has been the machinery for preventing frauds in the collection of taxes in all civilized countries from time immemorial. We derive our laws in this regard, as indeed in all others, directly from England. It was declared in the House as an argument against it that the moiety system had been abolished in England. That is true; but the other truth which caused its abolition was not stated in the same connection by either of the gentlemen of the Committee on Ways and Means in their elaborate speeches taking up several days upon this subject, or in the several reports which they have made to the House, covering six hundred pages; and that is, Great Britain has abolished duties upon all articles of importation save seven only, and upon these her tax is substantially a specific and not an *ad valorem* duty, and she has thrown around those seven articles such safeguards as to compel the honest payment of the imposts upon them; while we have imposed duties, generally *ad valorem*, on *three thousand two hundred and eleven articles of importation* of every possible description, and in the value of each of which every customs officer would be required to be skilled and expert in addition to his assured honesty, in order to an accurate collection of the imposed duties; and, in addition, experience shows that he would have to be still more expert as a detective in discovering and thwarting the many devices by which the just dues of the country are evaded and the revenues defrauded by the skilled, expert, and unscrupulous importer.

It has been said and reiterated, "Why cannot the revenue officers collect all the revenues? If they are honest and do their duty, what necessity to have informers and detectives?" The answer is a plain one: The more honest the officer, the more unsuspecting of fraud and the more easily deceived; and you cannot get men for $1,500 a year who are learned in the whole circle of human knowledge as applied to the many thousand articles of use, necessity, and luxury which are imported and taxed by a nation, comprising every variety of climate and every grade of necessity and luxury in its inhabitants, surrounded by a customs line of more than twelve thousand miles, to say nothing of Alaska, over which importations may be made without the payment of duties unless prevented by the customs officers.

Does not this simple statement show the entire impossibility of collecting the just taxes upon this number of articles by the knowledge of the customs officers, to be imported under an *ad valorem* duty founded upon their valuations, or to protect from smuggling so extended a customs line by any practical number of officials? The Committee on Ways and Means forgot to tell you also that in addition to the number of officers which Great Britain has to supervise the collection of taxes upon goods, she still has a "preventive service," as it is called, with an organized corps of trained officers, covering her whole coast, and watching every bay, inlet, and headland of her island whereon contraband goods can possibly be landed. We have no such service, but officers engaged in collecting revenues upon regularly imported goods only, the special agents of the Treasury and the revenue marine excepted. How, then, can smuggling and the much more extended and injurious crime, the importation of goods by false values and false weight and measurement, be prevented? Only by the imposition of penalties so severe that they will make the hazard of the business more than commensurate with the profits. Now the profits on the undervaluation of a single cargo may be hundreds of thousands, while smuggling must of necessity be of very much less value at the single venture. Therefore the importation at undervaluation and by false weights and measures is much more dangerous to the revenue than any possible smuggling. Yet the committee seem to have directed all their energies to relieving from penalties frauds by undervaluations and cheating by false invoices whereby the greatest wrongs and injuries are inflicted upon the Government, and to have given their attention to the prevention of smuggling, which of necessity must be comparatively innocuous and in much smaller amounts.

The smuggler must hide in nooks and inlets, and bring in his goods by stealth under the cover of darkness. Of necessity they are few and of little cost. The fraudulent importer by a false valuation brings in his goods by the cargo, in three thousand ton steamers plying weekly between New York and Liverpool, and passes them through by a bribed officer at undervaluation on a perjured invoice of a confederate partner house in Europe, cheats the people of the United States out of millions, thereby becomes a "merchant prince," and covers his sins perhaps by building churches or other ostentatious acts of advertising benevolence which bring trade to his house; at the same time he lulls the suspicions and blinds the vigilance of the honest customs officer. For how can he believe that such a benevolent, rich, and praying merchant can be getting the means for his charities by defrauding the revenue, cheating the people out of a million dollars, and giving a thousand in charity that he may not be suspected of the fraud? I hope to convince the House before I get through that this is no fancy picture. Yet from this class of defrauders of the revenue the bill of the committee takes away almost every safeguard, and relieves substantially of every penalty.

Penalties, however severe, will be of no value as a preventive unless it is known that they will be enforced. What does the experience of all time and of all peoples teach us as to the detection of crime where there is great interest to cover it up? This truth: that under such circumstances crime is only to be found out and thwarted by an equal interest in the discoverer and pursuer, and the only safety to the revenue of the country is in the belief of the fraudulent importer that he is liable to be pursued by men whose intellects are sharpened and whose energies are spurred by an equal interest to discover the fraud with that which has impelled him to do the wrong.

It is replied to this that it is to be presumed merchants are all honest; that it is not to be assumed that they defraud the revenue; that as to them all this machinery is useless, all the pains and penalties simply vexatious, and their only application is to injure the innocent importer who may happen to have made mistakes. The committee, however, have again forgotten to tell us that in every case of honest mistake the law gives instant remedy in the remission of all penalties. Penalties can only be inflicted on the merchant when the Secretary of the Treasury cannot be convinced he is honest. An illustration, however, upon this point will give a better idea of the honesty of all merchants than any reasoning. And lest I may be supposed to be prejudiced I will take

THE TEA TRADE OF BOSTON.

The House is aware that our revenue system allows the merchant to bring his goods in without payment of duties and keep them in bond, and in case he desires export them without payment of duties. The House will also do me the favor to remember that up to 1870 we had not a very large duty on tea, but yet enough to excite the cupidity of some "honest merchants." In 1867 there were exported in bond free of duty from Boston to certain small places in the British provinces bordering on the coast of Maine, to wit: Saint Stephens, Saint Andrews, the Island of Grand Menau, Campo Bello, Indian Island, and Saint John's River, 6,738 packages, containing 338,308 pounds of tea. But in the latter part of 1867 one of these "pestiferous informers," upon whom the very vials of wrath of the chairman of the committee were poured out—an informer, aided by a special agent of the Treasury, went down East along the line dividing us from the province of New Brunswick, and commenced a series of suits and seizures which the bill of the committee now forbids, especially seizures of books and papers; and the consequence was that the next year, 1868, at the same ports, only 1,794 packages of tea, amounting to 85,968 pounds, or one quarter as many, were sent there from Boston to be smuggled back into the United States. Does not this conclusively prove the necessity for the use of the informer and the penalty of a moiety given to him to induce him to act for the Government so that he may be willing to be vituperated by the learned chairman of the committee in the following choice language:

"An odious, despised being, from whom everybody shrinks;" "who has no place whatever in decent society;" "who has his accursed employment;" "a vile, festering, putrescent informer," "who takes the wages of sin and iniquity."

Who would not require at least one-half of all the penalties he could get to have such billingsgate thrown at him in the face of the country? Did it ever occur to the chairman that there must be something to inform of before there could be an informer; that the "honest merchant" must have committed a crime before anybody could tell of that crime; that the "honest merchant" must be convicted of defrauding the revenue by a jury, unless he confesses his guilt, before the informer can get a quarter of the penalties of the crime to which the court sentences the criminal? In all this most remarkable ebullition of vituperation the learned chairman finds no word of objurgation or characterization of the dishonest, perjured, fraudulent, smuggling importer, because of whose crimes alone the "pestiferous informer" can exist. Ah! who would not rather be the "merchant prince" who defrauds his government and cheats the people and is false to his country and his God alike, to be praised and be lauded therefor by the Committee on Ways and Means, rather than the citizen who informs the Government of his crimes in order that they may be hindered, stayed, and punished?

To stamp the fact that all this importation of tea in bond from Boston—for I do not take into the account the other ports of the United States—to this province was entirely for the purpose of being smuggled back into the United States by the "honest merchant," I call attention to the fact that in 1870 the duty was taken off tea, and in 1873, with all the increase of population, there was sent from Boston to the same port only twenty-eight packages of tea, amounting to 1,766 pounds, in I find 1,738 packages, containing 338,000 pounds, when it could be smuggled with profit, the duty in the provinces being the same all the while—the duty having changed in this country alone. The table I send to the Clerk's desk will show this better than I have stated it.

The Clerk read as follows:

Statement of the tea exported in bond to British provinces during the years 1867 *and* 1868 *from the port of Boston.*

To New Brunswick.	Before the informer.		After the suit.		After duty was taken off.*	
	1867.		1868.		1873.	
	Pkgs	*Lbs.*	*Pkgs.*	*Lbs.*	*Pkgs.*	*Lbs.*
Saint Stephen's	2,838	128,494	348	15,941	.....	.....
Saint Andrew's	224	10,055	10	360	18	804
Grand Menan	40	2,624	33	2,018	1	58
Campo Bello	322	13,322	33	1,802	.....	.....
Indian Island	189	8,356	105	4,754	.....	.....
Saint John	2,931	167,907	1,230	58,688	9	904
Saint John River	194	8,050	65	3,405	.....	.....
Other ports	.....	.....	.....	.....	.....	.....
Total	6,738	338,808	1,794	85,968	28	1,766

*So there was no profit in smuggling across the line into the United States.

CUSTOM-HOUSE, BOSTON,
Collector's Office, March 30, 1874.

The foregoing tabular statement was compiled from the records in this office.
[SEAL.] W. A. SIMMONS, *Collector.*

Mr. BUTLER, of Massachusetts. But this exporting in bond of a few hundred thousand pounds of tea to half-civilized islands, as I have said before, is but a bagatelle in comparison with the amount of frauds committed upon the revenue by false and fraudulent invoices of high-cost merchandise. I have therefore been at some pains to get for the use of the House some accurate data founded upon statistics, which may be verified by anybody who will take the same pains that I have done, and which cannot be successfully contradicted.

Upon these I make this startling announcement to the House and the country: That the United States does not receive more than *two-thirds of her revenue upon all articles on which ad valorem duties are imposed in whole or in part*, so that to-day no more than 67 per cent. of our revenues are collected, owing to this class of frauds added to the others of which I have been speaking, or, in other words, if we could collect our revenues according to the present rate of taxation we could pay off yearly more than one hundred millions of the national debt, imposing no greater burdens on the people than now, because all of these revenues of which the country is defrauded are charged to the consumer as if paid by the merchant; so that by these enormous frauds the country is doubly the loser, first in its revenue, and secondly by the consumer paying it to the fraudulent merchant, generally an importer who has a branch of his mercantile house in this country and in the country from which his goods come.

I would not dare, sir, to make this very startling, nay, wonderful and almost incredible statement as to these frauds of undervaluation and false invoices were I not fortified by proof which I bring to the attention of the House, premising only that great as are the frauds with all possible penalties, seizure of books, and moieties to informers, and all the safeguards that the experience of the custom-house officers of England and this country has enabled us to throw around the revenues of the United States, these safeguards and penalties and hinderances to frauds have by the bill of the Committee on Ways and Means almost every one of them been removed.

Now to the proof. Let us take a manufacture which has but just begun in this country.

WORSTED STUFFS.

Fraudulent undervaluations in worsted stuffs of all kinds sent from England to the United States are simply enormous, as the subjoined examples will demonstrate:

Combed, not milled, worsted stuffs exported from Great Britain in one year, total number of yards, 154,206,478. Of these there were sent to the United States 48,542,218 yards; to other countries, 105,664,260 yards Total value as declared in the invoices to the United States, $10,324,741.24; to other countries, $33,331,100.44. Average invoice value per yard to the United States, 21 cents; to other countries where there is no tariff of duties, 39.7 cents. Difference, or undervaluation, 47 per cent. Estimated annual loss on duties on this single class of goods, $3,007,190.40.

OTHER WORSTED STUFFS.

Total exported in five months, 85,299,174 yards; to the United States, 28,442,728 yards; to other countries, 56,856,449 yards. Total declared value to the United States, $5,073,975.28; to other countries, $18,038,050.80. Average per yard to the United States, 18 cents; to other countries, 31½ cents. Difference, or undervaluation, 45 per cent.

LINENS.

Exports in one year to the United States, 70,234,347 yards; total declared value, $10,507,790.04. Average invoice value, 14.9 cents per yard. Exports same year to France, Prussia, and Spain, 7,404,154 yards; total declared value, $1,646,214.72; average invoice value, 24.8 cents per yard. Difference, or undervaluation in linens, sent to the United States, 43 per cent.

LINEN YARNS.

Total exported in one year, 34,002,479 pounds; to the United States, 1,247,457 pounds; other countries, 32,755,022 pounds. Total declared value to the United States, 24 cents per pounds; to other countries, 35 cents per pound. Undervaluation on yarns sent to the United States, 32 per cent.

LINEN DAMASK AND DIAPER.

Exported to all countries in one year, 1,397,077 yards; to the United States, 1,267,390 yards; other countries, 129,687 yards. Total declared value to the United States, $413,311.80; to other countries, $56,081.08. Average per yard to the United States, 32 cents; to other countries, 43 cents. Undervaluation, 26 per cent.

The undervaluation in the exports of carpets from the looms of Kidderminster, Halifax, &c., is enormous. In bags, leather, gloves, percussion caps, &c., the same ratio of undervaluation is shown to exist as in fact it does with all articles paying an *ad valorem* duty.

The whole needle trade of Redditch and vicinity is carried on on a similar basis. It is like other branches of our foreign trade entirely in the hands of the foreign manufacturer and his resident agent or partner here, thus defying detection and exposure except by the greatest skill stimulated by the highest rewards. Certain it is that all articles of foreign manufacture and importation shipped to the United States are in quality and cost far better than the average shipped to other countries, and therefore the average rate of invoicing should be much higher for the United States, whereas as we have seen it is vastly lower. This fact, therefore, clearly demonstrates such undervaluation is done for the sole purpose of defrauding our revenues.

To show the accuracy of the conclusion it is only necessary to turn to articles which pay purely specific duties. By their undervaluation nothing is to be gained. Take for example—

COTTON GOODS.

Total of heavy printed cotton exported in the same year as above from Great Britain, 715,559,642 yards; to the United States, 27,384,430 yards; other countries, 688,175,212 yards. Total declared value to the United States, $3,258,229.92; to other countries, $72,224,682.20. Average per yard to the United States, 11¾ cents; to other countries, 10½ cents.

LIGHT PRINTED COTTONS.

Total exported same year, 141,604,328 yards; to the United States, 9,324,688 yards; other countries, 132,279,640 yards. Total declared value to the United States, $1,151,591.88; other countries, $13,985,843.08. Average per yard to the United States, 12 cents; to other countries, 10 cents.

Here it will be seen that as soon as we approach goods paying exclusively a specific duty the average rate of invoicing is higher to the United States than to other countries, proving that a better class of goods generally is sent here than to other countries, and leading to the inevitable conclusion that the same difference of higher rates of invoicing would prevail in worsteds, linens, carpets, &c., if they also paid a specific instead of an *ad valorem* or mixed duty. The same facts are true regarding imports from other countries.

The Committee on Ways and Means may reply to this—which would be the fact—that they have not had these statistics before them. Certainly not. If they have, their report does not show it. They have examined only cases of individual merchants to find out if the laws have worked supposed hardships, and not the case of the people, to see how they are defrauded. The committee put forward most prominently of all, as example of the hardship of the law upon honest men, the case of Phelps, Dodge & Co., making the case of that firm the ground-work for all their recommended legislation; and in their report, and in the debate which followed, and which for days members of the committee had substantially to themselves, no one has uttered a word of animadversion upon Phelps, Dodge & Co. No harsh language is used; all that is reserved for the officer who

brought their pleaded guilt to light. In the course of the evidence, as taken before the committee, there seems to be a studied and careful attempt that that firm shall appear to the country as honest and injured merchants, who had, by the devices of the officers of the Government, been robbed of a very large sum of money. All the lawyers and chairmen of boards of trade, and there were many, made it the ground-work of their attacks upon the revenue laws. It went forth as the *cheval de bataille* of those who desired to take off all effective penalties to prevent frauds in the collection of the revenue.

The facts of this case, as stated by Mr. Dodge, the senior partner, whose testimony as a witness occupied longer time than any other witness save one, and to make room for whom the representative of the National Board of Trade gave way, are these. (Let us premise by saying, however, that none of the active junior partners of the house who swore to the invoices, and were charged with committing the frauds, were sent for by the committee.) Phelps, Dodge & Co., a firm of many years' standing, who had imported between "three and four hundred million dollars' worth of goods, and had paid the United States Government more than fifty millions of duties," very honest—giving the very language of Mr. Dodge—"I will say it with perfect confidence that our good name and our integrity were never assailed in these many years until it was assailed by the Government"—meaning the charge, made by a special agent of the Treasury, of false valuation in December, 1872. Mr. Dodge again reiterates that statement: "The first knowledge or hint in forty-odd years of business that I have had with the Government, that I was accused of any dereliction of duty was, when sitting at the board of one of our large institutions, I received a note from my partner, asking me to come to the custom-house," (in December, 1872;) that thereupon he went, and found his firm accused of having many invoices for five years—which was as far as the Government could go back on account of the statute of limitations—sworn to at a false valuation, for the purpose of defrauding the revenue; and that the books and papers of the firm touching those importations would be seized if not voluntarily produced to the officers. Thereupon, yielding to the necessity, his books and papers were produced, and from those books and papers the special agent of the Treasury made up an account, first, of $260,000, but afterward coming up to the enormous sum of $271,000, the amount of articles in the invoices in which "simple mistakes" only, as Mr. Dodge now declares, had been made in stating their value, by which the Government had lost duties to the amount of some sixteen hundred dollars only. But Phelps, Dodge & Co., fearing that these "simple mistakes" would hold them guilty in a court, and being "subject to a system of terrorism" which they could not withstand, in order to save themselves from the oppressions of the Government officials, in entire consciousness of integrity and innocence of all intended or actual wrong, after they had taken counsel of four most eminent lawyers, and after reflecting upon the subject for more than six weeks, made an offer of compromise of penalties for the crime of importation by false invoices, which they confessed in writing they had done, and paid this very great sum of money into the Treasury, as penalty.

This is the statement, in brief, as Mr. Dodge puts it forward in connection with the record. He admits that the house of Phelps, Dodge & Co. has had, for many years, a branch house in Liverpool—Phelps, James & Co.—which was substantially the same in interest as the house in New York, composed of the same Phelps and the same James as the house in New York. To exclude all conclusion that this Mr. James of this firm in Liverpool did any wrong, Mr. Dodge tells us that Mr. James joined the firm and removed to Liverpool—

> Where, for over forty years, he has been the resident partner, sustaining the character of a high-minded, respected, and honorable merchant, and for a number of years past the oldest American merchant in England; his name a synonym of honesty and uprightness, and shedding a luster on his own country and American merchants; gratified by the honors conferred abroad, but ever looking with pride, as an American citizen, for protection to his own country. In all this time not a question had ever arisen as to the vast shipments made to the house in New York. On entering his office one day in December, 1872, he found the following dispatch, in leaded lines, in the newspapers:
>
> "PHELPS, DODGE & CO., NEW YORK.—This great firm have had their books and papers seized by the United States for alleged frauds on the revenue to the amount of $1,750,000."
>
> I will not attempt to describe the feelings of such a man. I will simply say that the shock came well-nigh killing him; nor has he ever entirely recovered. He felt that a life-long reputation, dearer to him than aught else, had been struck down, in a moment, by his own Government, on which he had depended for protection. He had passed his three-score and ten until then with an unblemished character, and felt that, at least, he had a right to demand that he should be "considered innocent till proved guilty." Can a law liable to produce such results be just?

If this account of Mr. Dodge is in the main true; nay, if it is found to be true in any substantial portion; if his firm had maintained always a name for integrity and honesty of dealing with the Government; if his statement about Mr. James be true, that "in all this time not a question had ever arisen as to the vast shipments made to the house in New York," then I agree "that a law liable to produce such results not only is unjust" and should be repealed, but that it is the duty of the United States Government to condignly punish the officers who have done so gross a wrong to such honorable men, and not only to repay them the money that has been extorted from them, but to give them a very large sum as some slight reparation for the unqualified wrong and unheard-of injury without just cause committed upon them. But if all these statements are not true, in substance or in fact; if the whole story in all its essential parts is as false as the perjured invoices under which Phelps, Dodge & Co. pleaded guilty that they passed their goods without tax into the country, then the law that catches perjured scoundrels and smuggling villains and punishes them, however severely, ought to be sustained and made more stringent, not less.

The first statement of Mr. Dodge which challenges attention is whether the house in New York and Liverpool has, until the latter part of December, 1872, always borne this unblemished reputation without fault or blot, which he states; and have the dealings of that house with the Government been always just and true, as Christian "merchant princes" ought to have dealt with the Government? Because, if that be so, it can hardly be believed that for a comparatively small sum of money a house of such wealth and good repute has suddenly become so vile and so criminal as they confessed themselves to be in their letter to the Secretary of the Treasury when they desired to "settle" with the Government for their crimes. If, on the other hand, it is found that this firm have been cheating this Government for long years, then we shall conclude that they have only been caught at their old tricks.

Now, Mr. Speaker, it is a notorious fact to everybody having to do with importations in New York officially for many years past that the house of Phelps, Dodge & Co. have been confessed to be guilty of the most petty and outrageous smuggling, taking advantage of all technical points to get their goods in without paying duties that could be most ingeniously conceived.

A harsh accusation this, you say. Yes, and one that ought not to be made unless it can be made good. Well, then, sir, many years ago, since the forty years that Mr. James has been resident partner of the house in Liverpool and interested in the house in New York, during which time Dodge says not a question has been raised as to the vast shipments of this house, and since Phelps, Dodge & Co. have been one of the largest importers in the country of lead, tin, and other metals, the Congress of the United States passed a law to encourage American art, a law which in various phases you will find on your statute-books as the tariff was revised from time to time, which was in effect that statuary of American artists should come in free. Whereupon this firm, of which Mr. James, this "honest, honored merchant," was resident partner and consignor, had hundreds and thousands of tons of lead and block-tin and copper cast into statuettes of the Goddess of Liberty and Washington and Jefferson, and imported them into this country as works of American art, thereby escaping the duty. But when here they were taken from the hold of the vessel to the warehouse, and from the warehouse went to the melting-pot, being sold to their customers for pig-lead and tin.

Now, right here, I challenge any honest, just-minded man to look me in the face and say that an "honest merchant" or a "Christian gentleman" ever did such a thing to cheat his government, whether a James of Liverpool or a Dodge of New York. And yet this Dodge tells us that the "first knowledge or hint, in forty-odd years of business that I have had with the Government, that I was accused of any dereliction of duty" was in December, 1872. Was that true? So far from its being true, Mr. Speaker, Congress had to change this very law about American statuary on account of these fraudulent importations and cheating of the revenue of which I have spoken by this very firm; and this firm was accused of this fraud upon the revenue on the 1st day of March, 1865, on this very floor. I send to the Clerk to be read an extract from the Congressional Globe of that date, part two, second session Thirty-eighth Congress, page 1255. The fifth section of the tariff bill was under discussion, and was as follows:

> *And be it further enacted*, That the term statuary, as used in the laws now in force imposing duties on foreign importations, shall be understood to include professional productions of a statuary or of a sculptor only.
>
> Mr. KERNAN. I desire some explanation of this section. I should like to know what this unprofessional statuary is. Has this provision reference to those people who import leaden statues of Liberty, &c.?
>
> Mr. MORRILL. I may state, in brief, that it has been found that parties have in many cases evaded the payment of duties by importing articles in the form of statuary when they could not legitimately rank as such. In some instances lead has been thus imported to a large extent. We had a law by which statuary was admitted free; and statues of the "Father of his Country" and of the "Author of the Declaration of Independence" were brought over in that way. I believe that the gentleman is answered.
>
> Mr. ELDREDGE. I would like to know from the gentleman from Vermont whether this does not refer to one particular firm. I want to know whether this does not refer to PHELPS, DODGE & CO., and that firm alone.
>
> Mr. STEVENS. When statuary was admitted free we had statues of Webster and Clay and others in copper and lead imported, and so soon as they were landed and taken out of the custom-house they were melted down. IT WAS A FRAUD UPON THE REVENUE.
>
> Mr. ELDREDGE. What firm did that?
>
> Mr. STEVENS. Phelps, Dodge & Co.

Now, as Mr. Dodge himself came into Congress as a member of this House at the very next session, one would have supposed that he would have arisen to explain if this very grave charge upon the president of the Young Men's Christian Association was not true. So far the record. I am told, and I believe, that there are men in this House who know the fact that Mr. Dodge himself admitted before the Committee of Ways and Means of a former House, when questioned, that these importations were made. The fact never has been denied, and can be easily substantiated. Imagine the fine feelings of this old Mr. James, the "honored merchant" of Liverpool, when he was loading up this fraudulent statuary to cheat the revenue of his country!

I have no doubt that it was quite true, as Dodge states, that when James heard that Phelps, Dodge & Co.'s books had been seized in New York in 1873 he nearly fell dead, or that it almost killed him, for he knew how fraudulent their acts were, and always had been, and feared

the consequences. There was a merchant of high standing in Boston not many years ago who, when charged with frauds upon the revenue, made confession by committing suicide.

Importing of lead and tin and copper in the form of statuary was by no means the most serious attack of this firm upon the revenues of the Government for their own benefit. Cast your mind back, Mr. Speaker, to April, 1864, the very darkest hours of the war, when Grant was reorganizing the Army of the Potomac for his march on Richmond; when every patriotic man was preparing himself for the final great struggle; when the nation needed every dollar that it could command, and when it became necessary to add one-half to our revenues by taxation to sustain our falling credit, with gold at 180. What shall we say of a firm which in that trying hour of the nation's peril exercised its infernal ingenuity in devising ways and means to defraud our impoverished Treasury of millions, and succeeded in so doing?

To meet the exigency we were obliged to pass a joint resolution providing that until the end of sixty days 50 per cent. of the rates of duties imposed by law should be added to the then present duties and imposts on all goods, wares, and merchandise, so that we might have time in which to adjust the tariffs; and then, just sixty days from that time, to wit, on the 30th of June, we passed an "Act to increase the duties on imports." It covered nearly all importations, and, among other things, it provided—

On tin plates, and iron galvanized or coated with any metal by electric batteries or otherwise, 2½ cents a pound.

At this time, if ever, Mr. Speaker, it became all patriotic men, all lovers of the country, to do everything that possibly could be done to aid the revenues of the country, to sustain its credit and enable the soldiers to receive their pay, and to support the armies in the field. Let us see, then, what the course of this firm of Christian merchants, Phelps, Dodge & Co., was in that crisis of their country's need. They were the largest importers of tin plates in the country, and that article is one of the largest of their importations. As we shall see in a moment, it ought to yield a large revenue. The duty upon it at that time was 25 per cent. *ad valorem*, which would be about 1¼ cents per pound. It was the intention of Congress to increase it; therefore they enacted that "on tin plates, and iron galvanized or coated," &c., there should be a duty of 2½ cents a pound. But Mr. William E. Dodge went to the Treasury Department of the United States, in his own person, as I have the means of showing, and there advocated a reading of that law which was sanctioned neither by the letter, text, spirit, nor meaning, nor by the true and just thought of any patriot. He procured an opinion from the Treasury Department by which the comma was construed to be removed after the word "plates" and inserted after the word "iron," so as to make it read:

On tin plates and iron, galvanized or coated with any metal by electric batteries or otherwise, 2½ cents a pound.

So that, with that construction, the duty had not been raised on tin plates at all, but only on "galvanized" tin plates. Who ever heard of a galvanized tin plate? None was ever imported, I venture to say, or ever will be. The consequence was, that all the tin plates imported into the United States, of which Phelps, Dodge & Co. were by far the largest importers, came in at 25 per cent. *ad valorem* instead of 2½ cents a pound, which was a very large increase of duty. I send a table to the Clerk to show how this would operate in favor of Phelps, Dodge & Co. I have not been able to obtain the statistics of their importations in 1864–'65, but I have their importations for 1870–'71, in which, taking the average both of weight and value, the following result is shown.

The Clerk read as follows:

Imports of tin plates by Phelps, Dodge & Co. for the year 1870–'71.

1870, (boxes)	585,378
1871, (boxes)	734,112
Total, (boxes)	1,319,490
Average weight, (pounds,) say	125
Total weight, (pounds)	164,936,250
Duty, (cents)	2½
Total duty	$4,123,406.25

Total number of boxes, 1,319,490, at an average value of 22 shillings sterling per box, making £1,451,439; equal in United States gold to $7,024,965; duty at 25 per cent., $1,756,241.

RECAPITULATION.

Amount of duty at specific rate of 2½ cents per pound	$4,123,406
Amount of duty at *ad valorem* rate of 25 per cent	1,756,241
Difference in favor of importer	2,367,165

Mr. BUTLER, of Massachusetts. Showing, it seems to me clearly, even admitting that my average may be considerably out of the way, a difference of at least 100 per cent. in favor of the *ad valorem* rate.

Whether that average value is precisely correct or not is of no consequence, because it would not substantially vary the figures, and that shows that in 1870–'71, and every other year from 1864 until the change of the tariff on June 6, 1872, would make a difference in favor of Phelps, Dodge & Co. and against the United States by this change of the law at the personal solicitation of William E. Dodge with the Treasury officers of the United States of $2,367,000, and over four millions annually, taking the whole importation of the United States during that eight years.

We have heard, in the matter of the duty on fruits, the earnest denunciations of the Committee on Ways and Means of the Treasury Department for not paying attention to the position of a comma, by which $300,000 were refunded; but the Committee on Ways and Means have told the House nothing of the effect in favor of Phelps, Dodge & Co., not solely of looking out for a comma, but the deliberate taking of a comma from one part of a law, where it had been placed by Congress, and putting it in another place where there was none, by which quite four millions of revenue were lost to the Government annually during a period of eight years, and that in favor of the fraudulent importer. In verification of this, I send to the clerk a letter of the Secretary of the Treasury of July 22, 1864, and I beg him to read the portion between the brackets.

The Clerk read as follows:

SIR: Your letter of the 12th instant is received, requesting to be instructed in writing in relation to the proper construction of the language of the second paragraph on the ninth page of the printed tariff of June 30, 1864, viz: "On tin plates, and iron galvanized or coated with any metal by electric batteries, or otherwise, 2½ cents per pound."

It would appear that an error of punctuation has been made by some one; most probably by the clerk who engrossed that part of the act. If the comma which is inserted after the word "plates" be omitted, and a comma placed after the word "iron," the true sense will be had, which unquestionably is, that the tin plates, as well as the iron, must be galvanized or coated with any metal by electric batteries, or otherwise, in order to bring them within the provision.

Mr. BUTLER, of Massachusetts. And that construction remains even unto this day. For we find in the authorized tariff of the Treasury Department, published after the act of June 6, 1872, which took off 10 per cent. from the duties, the following remarkable announcement:

Tin plates, galvanized or coated with any metal otherwise than by electric batteries, 2½ cents per pound. Ordinary tin plates, or tins other than the above, 15 per cent. *ad valorem.*

And yet, with this vast fraud upon the revenue by this firm staring them in the face, if they had chosen to examine it, the Committee on Ways and Means have recommended the diminution of duty on tin plates, upon the petition of Phelps, Dodge & Co., to 1 cent per pound, and passed the bill through under suspension of the rules.

Mr. DAWES. No, sir; one cent and a quarter, against their protest.

Mr. BUTLER, of Massachusetts. Ah! One cent and a quarter. Which was against their protest, the one cent or the quarter cent?

Mr. DAWES. I gave you a fair answer, sir.

Mr. BUTLER, of Massachusetts. Certainly, sir. I suppose you would not give any other. What made you think you would?

Mr. DAWES. You did not treat it fairly. Ordinarily such an answer would be fairly treated.

Mr. BUTLER, of Massachusetts. Wait a moment. I will read the memorial sent to Congress on this subject:

To the honorable Finance Committee of the Senate and House of Representatives of the United States:

Your memorialists—merchants, importers, dealers, and workers of tin plates—respecfully request that you will consider the expediency and recommend to Congress the conversion of its present *ad valorem* duty on the import of tin plates into a corresponding and equivalent specific duty, as a measure calculated to simplify and increase the collection of customs revenue

* * * * * * *

The importations of tin plates during the last two fiscal years were in value as follows:

1872.—Amount in value imported	$12,312,428
1873.—Amount in value imported	14,993,650
Total value	27,306,078

That with an *ad valorem* duty of 15 per cent. the accruing revenue would have amounted on this importation to $4,095,761.70.

But the actual weight imported during the above two years was:

	Pounds.
1872.—Gross weight, including boxes	209,671,640
1873.—Gross weight, including boxes	214,069,374
Total pounds	423,741,014

which import, at a specific duty of one cent per pound gross weight, (or including the weight of the packages,) would have yielded a revenue of $4,237,410.14. The difference in two years' revenue receipts, therefore, between the present *ad valorem* and the recommended specific rate of duty, would have been only $141,648.44, or about $70,000 per annum, and that $70,000 in favor of the revenue.

Who do you suppose signed this memorial? The first signature is that of Phelps, Dodge & Co., of New York.

Mr. DAWES. But you said that we passed through here a bill making the duty one cent a pound, on their petition. Now look at the bill, and it will show that the duty as fixed by this House was one cent and a quarter per pound, which is an increase over the present tariff; and that is their complaint which they have carried to the other end of the Capitol.

Mr. BUTLER, of Massachusetts. And have got it down there, I believe, to one and one-tenth of a cent.

Mr. DAWES. No matter what they have got it down to there. Your charge was against the present Committee of Ways and Means.

Mr. BUTLER, of Massachusetts. They came here and asked for a duty of one cent per pound; and you put it upon tin plates, wooden boxes, iron packages, and all at one and a quarter. Is not that so?

Mr. DAWES. And does not that make more for them to pay?

Mr. BUTLER, of Massachusetts. Does it?

Mr. DAWES. Does it not make more to put the duty on the boxes as well as the tin?

Mr. BUTLER, of Massachusetts. No, sir. There is a specific duty now on the packages, which is not to be collected when you put on the duty by the pound. But however that may be, one cent. and a quarter per pound is not two cents and a half.

Mr. DAWES. Your charge was against the Committee on Ways and Means. Will you please stick to that?

Mr. BUTLER, of Massachusetts. No, sir; I have got through with them for the present.

Mr. DAWES. Because you are answered.

Mr. BUTLER, of Massachusetts. The facts between us are all before the country.

Mr. DAWES. You ought to leave your statements as they are then.

Mr. BUTLER, of Massachusetts. Now, having disposed of that difference of a quarter of a cent a pound between me and the learned chairman of the Committee on Ways and Means, [Mr. DAWES,] I find I must hasten on.

Such being the undeniable recorded facts in regard to Phelps, Dodge & Co., what was the special agent of the Treasury to believe when he found them charged with fraud, especially when false and double invoices were produced to him in December, 1872? Why, he could not but believe that these men were continuing to take all manner of unfair, fraudulent, and swindling advantages of the Government, and doubtless he examined their books with that belief. And what did he find? He found that they had a corresponding house in Liverpool, and that that house was engaged in consigning invoices of tin plates to the house of Phelps, Dodge & Co. in this country daily, and sometimes three or four invoices per day; that in every case those invoices were sworn to as a purchaser's invoice—that is, that the goods had been purchased in open market by the house of Phelps, James & Co., and that the prices annexed to the articles therein were the true and genuine prices paid for them. But he found that in the only kind of tin plates in which they could cheat—because the prices of the ordinary kind of tin plates were as staple as gold eagles would have been if imported by that firm—in every instance they had a double invoice from the manufacturer, and that those specially large sizes of tin were not purchased by Phelps, Dodge & Co. or Phelps, James & Co. in open market at all, but were manufactured for those firms, which are one and the same firm; and that in every instance, when they swore they had bought these articles in open market, they swore falsely, and knew it, because they knew the article was manufactured to order for their firm, and they should have sworn to the cost price of the manufactured article, which he found each time had been in the possession of the firm before the oath was made, and it was a higher cost than the invoice price to which they made oath. So that they and those whom they employed had been guilty of deliberate and corrupt perjury every day in the year and every year of our Lord for the five during which the law allowed the officer to look back. And he found the evidence of that in this: That every one of these custom-house invoices, of which they had duplicates in the books of the firm, had a thin paper copy of the true manufacturer's cost pasted over it, in order that the firm might know how to sell at a proper price the goods which they had undervalued so as to smuggle them by false invoices into the country.

Under these circumstances the special agent reported to the Secretary of the Treasury the facts. Mr. William E. Dodge employed four lawyers—Mr. Abram Wakeman, a former surveyor of the port of New York, and a learned lawyer in revenue law; Mr. Henry E. Knox, candidate for supreme judge of New York; Judge Fullerton, the foremost criminal lawyer in the city of New York; with a gentleman who had been Attorney-General of the United States, as consulting counsel; and those lawyers, after examining his case carefully for six weeks, advised him three times over to offer to pay the value of every falsified-invoice article; which falsified-invoice articles amounted to more than a quarter of a million dollars—$271,000, to get released from these frauds, and Mr. William E. Dodge and his partners, after full consultation, agreed to that proposition, nay, ardently desired it, and made a written statement to the Secretary of the Treasury that on account of "certain irregularities" which had been found in their business they were willing to pay $271,000 to compromise a suit which the district attorney in the mean time had, at their request, brought against them for a million dollars, or less than two-thirds of the whole amount of their tainted or fraudulent invoices. That suit was brought in that form at the request of the counsel of Dodge, after the compromise had been agreed upon, in order that when that compromise should be accepted it might cover every claim for penalties against Phelps, Dodge & Co.

When the letter offering to pay that great sum came to the Secretary of the Treasury, GEORGE S. BOUTWELL, he wrote back in substance—all of which will be found in the testimony—"I cannot accept this compromise. I will not be put in the position which that offer will put me, of being a blackmailer. Either you have committed fraud or you have not committed fraud. If you have not committed fraud, you should not pay the Government anything. I will consider the question of compromise, but I cannot compromise under your statement that you are guilty of irregularities only." Thereupon that offer was modified by Phelps, Dodge & Co., after consultation with their four eminent counsel, who advised their client to plead guilty to a suit charging them with importing goods to a million dollars in value by false invoices and fraudulent appliances; and thereupon Phelps, Dodge & Co. sent an offer of compromise, admitting their guilt individually and collectively, and renewing their offer to pay the $271,000; and while the Secretary of the Treasury was considering it they withdrew the offer.

Meantime the matter had got into the newspapers; the Christian Association, of which Mr. William E. Dodge was a burning and a shining light, began to inquire, What manner of man is this who makes long sermons by day and prayers by night in the temples while his partners in business are accumulating his profits by daily and hourly perjuries and frauds upon the Government? And William E. Dodge wrote, as the testimony shows, to GEORGE S. BOUTWELL, and said to him in substance, "I withdraw my offer of compromise." He expected the Secretary to answer to that, "I cannot permit the withdrawal, as the matter is closed." Then Dodge would doubtless have gone away and said, "The compromise was inadvertently made, and when I went to withdraw it the Secretary took a snap-judgment upon me." But the Secretary, with his usual straightforwardness, wrote in substance: "Very well; if you think you are not guilty withdraw your compromise and go to a jury." So the compromise was withdrawn. Thereupon Dodge consults again with his four lawyers; and after nearly two weeks' delay he renews the offer and the money is paid. In order to break his fall he says to the Secretary, "The Government officers think that I ought not to withdraw the compromise, they having once accepted it I am bound to carry it out." What was the manly and honorable and straightforward answer to that of the Secretary of the Treasury? It was, "Mr. Dodge, if your action in renewing the proposition has been influenced by this representation, you will have an opportunity to consider the subject anew and take such course as you may think proper before final action by this Department." Finding no subterfuge would avail, Mr. William E. Dodge, with his four lawyers behind him, after weeks of such consultation and such shifts and such attempts at evasion as I have described, deliberately put on file a written statement admitting that his firm were guilty of the charges in suit; that by these false and fraudulent invoices the revenue had been defrauded; and paid $271,000 in expiation of that guilt.

The SPEAKER. The hour of the gentleman has expired.

Mr. BECK. There are a number of gentlemen who want to speak; I am pretty early on the list myself. I am perfectly willing that half of my time should be taken by the gentleman from Massachusetts, [Mr. BUTLER.]

Mr. ELLIS H. ROBERTS. I want to have it understood whether this argument is to be all on one side, and all to be made by the gentleman from Massachusetts?

Mr. BUTLER, of Massachusetts. It is a great deal like the argument of the committee a few days ago; they had two days.

Mr. ELLIS H. ROBERTS. The gentleman from Massachusetts had been three times invited to be present and take part in the discussion. All I desire to know is whether or not other gentlemen are to succeed the gentleman from Massachusetts, or will members of the Committee on Ways and Means have an opportunity to be heard?

Cries of "Go on." "Go on."

Mr. BUTLER, of Massachusetts. I am in the hands of the House.

Mr. ELLIS H. ROBERTS. I do not object to the gentleman's going on. But I desire to have it understood that there are two gentlemen other than members of the Committee on Ways and Means who are to speak after the gentleman from Massachusetts gets through and before any member of the Committee on Ways and Means can be heard.

Mr. BUTLER, of Massachusetts. I do not care who speaks after me.

Mr. FOSTER. We want this matter understood. If those two gentlemen who have the floor after the gentleman from Massachusetts gets through are to speak an hour each that will make a great difference.

Mr. BUTLER, of Massachusetts. I do not know how long they will speak. But if you will allow me to go on, we are wasting good time here.

The SPEAKER. The gentleman from Massachusetts is not entitled to the floor any longer except by some arrangement that may be made. The rules of the House are specific that no gentleman shall speak more than one hour.

Mr. FOSTER. Who will follow the gentleman from Massachusetts?

The SPEAKER. There has been a list made out——

Mr. COBB, of Kansas. I move to suspend the rules in order that the time of the gentleman from Massachusetts may be extended.

The SPEAKER. The gentleman has not the floor for that purpose.

Mr. FOSTER. I want to have this thing understood.

Mr. BUTLER, of Massachusetts. I want it understood, too.

Mr. FOSTER. I do not object——

Mr. BUTLER, of Massachusetts. Why do not you keep quiet, then?

The SPEAKER. The Chair thinks that it would be only the ordinary fairness of debate that members of the Committee on Ways and Means should have the right to follow the gentleman from Massachusetts.

Mr. BUTLER, of Massachusetts. I have no objection to that; I only wish they would not interrupt me now.

Mr. GARFIELD. I understand that the gentleman from Kentucky [Mr. BECK] has yielded the half of his hour to the gentleman from Massachusetts.

Mr. BECK. If I have an hour I will yield the half of it.

Mr. GARFIELD. If that is the case then I do not think there need be any trouble.

Mr. NIBLACK. The gentleman from Massachusetts was ill when this debate was going on. We all wanted to hear him then, and I hope he will be permitted to proceed now.

The SPEAKER. Is it understood that the gentleman from Massachusetts [Mr. BUTLER] has the floor indefinitely, or for only a specific time?

Mr. DAWES. I understand that the gentleman has half of the hour of the gentleman from Kentucky.

Mr. BUTLER, of Massachusetts. I have that much; I do not know how much more.

Mr. MAYNARD. Is there not some way to settle this matter by some motion?

Mr. BUTLER, of Massachusetts. I have eleven to one to speak against me; I do not care about this thing, however.

Mr. TOWNSEND. I believe that my name is next on the list on the Speaker's table. I am willing to give at least twenty minutes of my time to the gentleman from Massachusetts.

Mr. MAYNARD. I would ask the gentleman from Massachusetts how much more time he wants?

Mr. BUTLER, of Massachusetts. Not much more; but I do not want to feel cramped for time.

Mr. MAYNARD. Then I move to suspend the rules so that the gentleman from Massachusetts may have another hour.

Mr. FOSTER. There is no need of making that motion.

Mr. FORT. I hope the motion will be put.

The motion to suspend the rules was seconded; and (two-thirds voting in favor thereof) the rules were suspended.

[The announcement of the result was greeted by applause on the floor and in the galleries.]

The SPEAKER. It is a gross infraction of the rules of the House and of decency for the galleries to manifest approbation or disapprobation of any action of members of this House. And the Chair will put in active effect his power to clear the galleries if this is repeated. The slightest manifestation of applause or disapprobation will cause the galleries to be cleared.

Mr. BUTLER, of Massachusetts. Phelps, Dodge & Co. paid the $271,000 in expiation of that guilt. And yet we are told "all merchants are honest," and Phelps, Dodge & Co. are the very princes of merchants. Nay, Mr. William E. Dodge claims he comes here before your committee, as I understand, as president of the Chamber of Commerce of the city of New York, as the exemplar of the merchant, as a dealer in hardware ties up his goods and puts a specimen pair of shears on the outside, so that we may know the quality of the cutting instruments inside without opening the package.

To show you that I cannot be mistaken in this matter, I have caused to be prepared and will send to the Clerk to be read a table showing how frauds on the revenue have grown up and how necessary these penalties are to their detection and punishment. It appears that in 1792 the whole amount of forfeitures, fines, and penalties derived from the frauds of the merchants of that period was $118; in 1797, $220; in 1798, $8; and in 1873, it was $1,261,175.

The Clerk read as follows:

Statement of the annual receipts from customs, and from fines, penalties, and forfeitures, from March 4, 1789, to June 30, 1873.

Years.	Customs.	Fines, penalties, and forfeitures.	Percentage.
1791	$4,399,473 09	$311 00	.....
1792	3,443,070 85	118 00	.....
1793	4,255,306 56	.....	.....
1794	4,801,065 28	.....	.....
1795	5,588,461 26	.....	.....
1796	6,567,987 94	.....	.....
1797	7,549,649 65	220 00	.....
1798	7,106,061 93	8 00	.....
1799	6,610,449 31	16,421 81	.024
1800	9,080,932 73	14,019 84	.015
By decade	59,402,458 60	31,098 65	.0052
1801	10,750,778 93	2,492 54	.0023
1802	12,438,235 74	1,971 96	.0016
1803	10,479,417 61	1,039 00	.001
1804	11,098,565 33	2,504 44	.0021
1805	12,936,487 04	1,359 17	.001
1806	14,667,698 17	363 14	.....
1807	15,845,521 61	1,764 77	.0011
1808	16,363,550 58	4,972 00	.003
1809	7,257,506 62	176 00	.....
1810	8,583,309 31	748 80	.00087
By decade	120,421,070 94	17,391 82	.0014
1811	13,313,222 73	11,125 24	.0083
1812	8,958,777 53	1,190 00	.0013
1813	13,224,623 25	2,256 21	.0017
1814	5,998,772 08	2,536 13	.0042
1815	7,282,942 22	.....	.....

Statement of the annual receipts from customs, &c.—Continued.

Years.	Customs.	Fines, penalties, and forfeitures.	Percentage.
1816	$36,306,874 88	$2,085 00	.00054
1817	26,283,348 49	5 25	.....
1818	17,176,385 00	577 60	.00033
1819	20,283,608 76	2,120 89	.001
1820	15,005,612 15	105 97	.....
By decade	163,834,167 09	22,002 29	.0013
1821	13,004,447 15	.....	.....
1822	17,589,761 94	173 72	.....
1823	19,088,433 44	10 00	.....
1824	17,878,325 71	.....	.....
1825	20,098,713 45	3,411 06	.0015
1826	23,341,331 77	1,382 44	.0006
1827	19,712,283 29	157 45	.....
1828	23,205,523 64	1,339 41	.00057
1829	22,681,965 91	2,704 32	.0012
1830	21,922,391 39	359 21	.....
By decade	198,523,177 69	9,537 61	.00047
1831	24,224,441 77	4,995 37	.002
1832	28,465,237 24	8,868 04	.0031
1833	29,032,508 91	2,889 84	.00099
1834	16,214,957 15	2,464 00	.0015
1835	19,391,310 59	2,156 76	.0011
1836	23,409,940 53	3,390 05	.0014
1837	11,169,290 39	993 56	.00089
1838	16,158,800 36	1,366 14	.00084
1839	23,137,924 81	2,976 18	.0013
1840	13,499,502 17	5,316 76	.0039
By decade	204,703,913 92	35,416 70	.0017
1841	14,487,216 74	6,681 41	.0046
1842	18,187,908 76	1,592 44	.00087
1843	7,046,843 91	288 99	.00041
1844	26,183,570 94	9,180 99	.0035
1845	27,528,112 70	145 54	.....
1846	26,712,667 87	2,049 13	.00076
1847	23,747,864 66	13,318 65	.0056
1848	31,757,070 96	6,510 92	.002
1849	28,346,738 82	11,155 97	.0039
1850	39,668,686 42	9,224 46	.0023
By decade	243,666,681 78	60,148 50	.0024
1851	49,017,567 92	10,776 93	.0022
1852	47,339,326 62	13,049 71	.0027
1853	58,931,865 52	5,441 09	.00092
1854	64,224,190 27	5,702 54	.00088
1855	53,025,794 21	33,645 53	.0063
1856	64,022,863 50	19,346 95	.003
1857	63,875,905 05	9,169 39	.0014
1858	41,789,620 96	26,432 90	.0065
1859	49,565,824 38	19,468 67	.0039
1860	53,187,511 87	34,305 69	.0064
By decade	544,980,470 30	177,339 40	.0032
1861	39,582,125 64	15,389 77	.0038
1862	49,056,397 62	17,963 76	.0036
1863	69,059,642 40	139,174 05	.02
1864	102,316,152 99	446,265 22	.043
1865	84,928,260 60	413,713 97	.049
1866	179,046,651 58	534,227 34	.029
1867	176,417,810 88	455,908 13	.026
1868	164,464,599 56	818,054 83	.05
1869	180,048,426 63	803,045 08	.045
1870	194,538,374 44	576,238 22	.03
By decade	1,239,458,442 34	4,219,980 37	.035
1871	206,270,408 05	1,028,416 67	.049
1872	216,370,286 77	722,284 76	.033
1873	188,089,522 70	1,261,175 51	.067
For three years	610,730,217 52	3,011,876 43	.049
Total	3,385,720,600 18	7,584,791 77	.022

NOTE.—The percentage column shows the fractional part of 1 per cent. of the amount received from fines, penalties, and forfeitures on the whole amount of customs. In the years ommitted the percentage is so small as to be insignificant.

Mr. BUTLER, of Massachusetts. Is anything more needed to prove that the dishonest importer, with his false invoices, his branch on the other side to undervalue his goods, his false appliances to deceive the customs officers, has quite driven the honest merchants out of the business and left it in hands such as these?

Men of the House of Representatives, it is to shield such as these that we have voted to take off the penalties imposed upon defrauders of the revenue by false invoices and smuggling importers! Let me not be misunderstood. This experiment must be tried before the people will understand how greatly they are defrauded and wronged. I do not oppose its trial. If I had intended to have done so I should have begun my opposition earlier. The result will be that you will find a great diminution of your revenues in the coming year. You will be called upon to pass laws to raise more revenue at the next session; and I have no doubt that the committee will recommend to put the tax on tea and coffee and on friction-matches, and the com-

forts and necessities of the people. Instead of that, if I am here, I shall ask you so to adjust the penalties for defrauding the revenue, and make them so stringent, and so sustain and reward the officers who fearlessly do their duty, that upon the silks, the worsted stuffs, the laces, the satins, the jewels and the velvets, and the plate-glass, and the luxuries of the rich, such tariff may be honestly collected as will pay the expenses of the administration of your Government from the coffers of your Treasury.

I might well stop here, but there is another branch of the system of collecting Government dues by giving moieties which naturally ranges itself alongside the customs moiety. The practice of the Treasury Department for many years, without the sanction of law, until the 8th of May, 1872, of collecting delinquent taxes and old claims and debts due the United States, that had passed out of the usual channels of administration for years, was by giving a contract for moieties to the informer or collector. One of the earlier Secretaries who found the necessity of it was Mr. Guthrie, of Kentucky, and it began with his administration of the Department. It has been continued by every Secretary thereof downward until Mr. BOUTWELL came into office, who wholly refused to give out such contracts until they were sanctioned by law. Congress passed such law in 1872, and under it several contracts were made which proved fruitless. Finally a contract was given to Mr. John D. Sanborn, under which, in nine months, he collected $427,000 of delinquent and withheld taxes, and received one-half, he paying all the expenses.

These delinquent taxes arose in this way: There was a tax upon estates of deceased persons, but the law was repealed in 1870. Another class of these delinquent taxes were taxes upon dividends by railroads and other large corporations. The law for these also was repealed at the same time. There was another tax upon incomes of men who had large revenue and had neglected or refused to return them and pay the tax as was their duty by law to do, and the law for that tax had been also repealed. The law establishing the office of assessor had also been repealed, and as the collector's duty had been only to collect the list of the taxes given him by the assessor, and as indeed it was in doubt whether the taxes could be collected at all without they were assessed, it will be seen that the whole of these classes of taxes were in danger of being wholly lost to the Government. So that the collection of these delinquent and past taxes had run down to substantially a nominal sum in comparison with their great amount, and this, too, without any special fault of the internal-revenue officers. Their collection could not be enforced without suits, and no revenue officer was authorized to incur that expense on behalf of the Government.

The amount of these taxes thus behind, and that had been behind for three or four years at the time Sanborn undertook his contract, is simply enormous. Sanborn testifies that he had knowledge of some five millions of income and other taxes due from property-owners in Europe, to get the data of which he had spent a large sum of money. I have in my hand—which I will make a part of the record—a list of taxes due from railroad companies still uncollected, the evidence of which has been fully investigated, but which the party giving me this list does not wish to disclose since the report of the committee repealing the law, because he says the knowledge has cost him money, labor, and time, and he does not choose to give it to the United States. I may say, however, that this person is *not* Mr. Sanborn; but I have no doubt of its entire accuracy.

Amounts of withheld taxes due from railroad companies.

One company	$16,569 91
Do	25,413 82
Do	10,712 57
Do	10,118 91
Do	9,384 93
Do	40,727 40
Do	6,584 80
Do	60,503 41
Do	54,476 00
Do	49,052 00
Do	25,832 50
Do	175,454 00
Do	38,135 34
Do	250,000 00
Do	325,000 00
Do	475,000 00
Do	125,000 00
Do	450,000 00
Total	$2,147,965 59

And these are but a small part of the sums behind, which are justly due the United States, and are of the same kind of taxes which honest men have been obliged to pay. Now the question is, whether it was well by moieties to collect these many millions of dollars which are owed to the United States by the dishonest men who have evaded and escaped, either those who have received legacies left by rich relatives or by corporations which have not made returns of their dividends or surplus profits, or by men who have received incomes in this country and have refused to make the returns thereof to the tax-gatherer; or shall we allow these vast sums to remain uncollected and the Government to be defrauded of them, or give a portion, and a large portion perhaps, to somebody who will bear the expense, give the labor, and bear the odium of enforcing their payment?

Sanborn was going on in good faith, as he testifies, having expended the principal part of the very large sum of money which he received as moiety, the money which he did collect in gathering up information by which these debts to the Government might be collected; and he would have collected some millions if he had been allowed to pursue his investigations under the contract.

The Committee on Ways and Means have taken some three hundred pages of testimony; have examined everybody in every possible form, and they have failed to find any illegal act done by Sanborn in collecting these taxes, or that he ever attempted to collect any tax that was not due, or return any to any one of the revenue officers who offered to assist him that was not due, or that he failed to return to the Treasury any moneys collected. At least the report of the committee does not show the contrary. It is objected against him by the committee, among other things, that he put in a large number of railroads in his contract as defaulters when he had not examined the books of all of them. But he testifies that he had examined a hundred and fifty of them by himself and his agents, and he found every one of them delinquent in taxes to the United States, and he assumed that the others were in like condition. At least he thought it safe to swear that he believed they were, which was all that the law required when he made his affidavit to the Treasury Department.

Mr. Sanborn collected from the Delaware and Lackawanna Railroad Company the large delinquent tax, of years standing, of $99,685.24; and the Committee on Ways and Means gravely report collusion with somebody in the Treasury in order to do that, because the very day after the check from the railroad company officer was sent Mr. Sanborn wrote to the Treasury that the check had been sent, and gave the number of the check. Now, your committee ask, how could Mr. Sanborn have known that unless he had been in collusion with somebody in the Treasury, because Mr. Odell, the treasurer of the railroad, swears nobody knew the amount of that check but the president of the road, himself, and his clerk. What a wise and penetrating committee; as only three persons knew of the check, and therefore a fourth person must have told about it!

Now it so happens, as I am informed, that this very clerk was the very man who gave Sanborn the information as to the delinquency of this railroad in its taxes, and the man, of course, who told him of the check which he as clerk had written. Any one who examines the testimony will come to the conclusion that this great amount never would have been collected, some of it having been for nearly four years overdue, if it had not been for the moiety system under which Sanborn was operating.

But there is one very curious fact about this delinquent tax of this railroad of nearly $100,000, which shows how the fraud runs in a line through some men. It is said, "If you scratch a Russian you will find a Tartar underneath;" and it so happens if you scratch one of the firm of Phelps, Dodge & Co., you will always find a defrauder of the revenue, for it turns out that the chairman of the finance committee of this railroad which was delinquent in this $100,000 tax was Mr. William E. Dodge, of the firm of Phelps, Dodge & Co., the "Christian gentleman" and the "honest merchant," whose firm imports as American works of art leaden statues of the Goddess of Liberty, even at the risk of having her nose bruised when she is thrown into the melting-pot to come out as lead pipe

But it is not my purpose at this hour of the evening, nor would it be of advantage, to go into examination of this system of collection of delinquent taxes. It has been long in practice; it has commended itself to administrative officers heretofore; it has its uses; it has its defects and disadvantages; and although some four to six millions, which in my belief never will be got without it, might have been got under it, yet as the House has chosen to repeal it, and as it only deals with past debts and delinquent taxes, it passes out of the line of my duty as a legislator, especially as the whole internal revenues in the future do not depend in any degree upon it, as do our customs revenues upon the other part of the moiety system. It is well enough to try the experiment of repealing this law and finding out whether the Commissioner of Internal Revenue can make the collections Nor is it my duty or purpose to defend Mr. Sanborn, whether he did well or ill. That is his affair. I did not promote his getting the contract. I had nothing to do with its fulfillment by him. If the law is an unwise one let it be repealed, and in that I have neither more nor less interest or wish than every other member of this House. But I take leave to say that it is not brave nor manly in those gentlemen who passed the law to make scape-goats of the officers who execute the law they passed.

The Committee on Ways and Means have spent several months and a large amount of money in seeming examination of the question of the propriety of the law, and if that time and money were spent in good faith to ascertain whether the law of May 8, 1872, giving the moiety contracts to those who should collect old debts ought to be repealed, it may have been well spent. If on the contrary this apparent purpose of investigation has only been to cloak another and a different one, carried on for political and personal purposes only, then the committee and the House may find that they have been made in this matter simply instruments to pander to the rivalries, hates, and ambitions of politicians, instead of carrying on a great work of necessary legislation.

I have some evidence showing that the whole Sanborn contract investigation was gotten up not exactly for those objects and those de-

signs which wise legislators and grave statesmen would willingly avow.

The first the country heard anything about these Sanborn contracts was that Mr. Sanborn was being indicted in Brooklyn by the district attorney of that district, one Tenney, about the 1st of February last. As soon as that was done and duly trumpeted in the opposition newspapers, Mr. Tenney, an office-holder under a republican administration and claiming to be a republican himself, sent his assistant district attorney here to one of the Committee on Ways and Means, a leading democratic member of the House, to have him bring the Sanborn-contract matter "to the front," Tenney having furnished him with the Brooklyn democratic papers which gave flaming and laudatory accounts of Mr. Tenney's able endeavors, as they termed it, to ferret out a great fraud on the Government. One item of evidence that I have of this fact is a letter of direction to his assistant, written by Tenney to his assistant, which I send to the Clerk to be read.

The Clerk read as follows:

LAW OFFICES OF TENNEY & HOLT,
178 *Broadway, New York, February* 6, 1874.

FRIEND HUGHES: Do not fail to see Hon. JAMES B. BECK. He is a democratic member from Kentucky. He is member also of the Committee on Ways and Means. I have to-day sent him Union and Eagle. He is a powerful member of the democratic party, and will *bring this Sanborn matter to the front.* I think no news specially.

Yours, &c.,

TENNEY.

Mr. BUTLER, of Massachusetts. Now, if republican office-holders will put ammunition into the hands of democratic members on the Committee on Ways and Means with which to attack and break down the republican Administration, far be it from me to say one word in animadversion upon the conduct of that democratic member of the House who should make the best use he can of that information for that object. He should "bring it to the front," and charge upon the Administration, and attempt to show its great corruption and wrong-doings. He ought, if he is permitted so to do, to drive out of office its Secretary of the Treasury and its Assistant Secretary of the Treasury and its Solicitor of the Treasury, and show that they were all corrupt together and bad men. He should make violent and denunciatory speeches against the Administration, founded on the material that republican officers and a republican committee of the House will furnish him for that use. He does his duty, his full duty, in so doing as an opposition member of the House, and I applaud him for his ingenuity, his boldness, efficiency, and perseverance; and I congratulate him upon the result. It is not often that a republican committee of a republican House force a republican administration to allow a democratic member to carry off at his belt the scalps of three of its principal officers, including its Secretary of the Treasury, to gratify the ambition of one of its district attorneys, who wants to run for Congress on the opposition ticket, and has already driven his republican opponent from the track.

But what shall we say of a republican majority of a Committee on Ways and Means who shall allow themselves to be made the tools of an opposition member, to find him ammunition with which to wound, if not kill, their own Administration, if the only inducement to what they did was being blindly led by the superior wiliness of their democratic associate? But was that the mainspring of action on the part of all the republican members of the committee? Fourteen days after, to wit, the 20th of February, a letter was sent by the gentleman from Ohio, who reported the abrogation of the Sanborn contracts from the Committee on Ways and Means, to Supervisor Harmon, of Brooklyn, New York, the substance of which was sent to me under the heading "Copy of a letter picked up in the streets of Brooklyn, New York," which is as follows:

As a member of the Committee on Ways and Means he [FOSTER] had discovered the existence of the Sanborn contracts. At the same time he learned that indictments had been found in Brooklyn; that he prepared and offered the resolution calling on the Secretary for information; that he offered the resolution and General BUTLER objected to it. After this BUTLER came to him and asked him to offer the resolution again before the following Monday, expecting BUTLER to make a speech on it. In the meanwhile he [FOSTER] and General WOODFORD had agreed to reply to such speech if made and attack BUTLER; but General BUTLER withdrew his objection and said he hoped the House would pass the resolution, which surprised him and WOODFORD, especially himself, "*as he had prepared himself to rap old Cock-eye.*"

Here you have the substance of a genuine letter which the gentleman from Ohio will not deny, especially the last phrase, because I told him one day that whatever he might say of me behind my back I wished he would not write of me that way, and I do not believe he will again.

Now, what could the gentleman from Ohio desire to "rap old Cock-eye" for? What had he done to the gentleman from Ohio? Had he ever interfered with him? Had he ever said an unkind word to him, or of or concerning him? I aver, from an intimate knowledge of that unfortunate individual with the defect in his eye, so delicately alluded to, that he had never entertained for that gentleman any but the kindest feeling. What personal grief he had, alas! I know not. From the time I got that letter I was utterly puzzled to know my imputed offense; but I got certain information, Mr. Speaker, afterward, embodied in the sworn testimony voluntarily sent me by the affiant, which the Clerk will read.

The Clerk read as follows:

CITY OF WASHINGTON, *District of Columbia:*

WARWICK MARTIN, of the city of New York, being first duly sworn, on oath deposes and says:

Being acquainted with some of the claims embraced in the so-called Sanborn contracts, I, after the investigation commenced in the Committee on Ways and Means, addressed Hon. HENRY L. DAWES and Hon. FERNANDO WOOD, of said committee, requesting to be summoned to testify in said case. I was not summoned; but having business in Washington, I came here on the 9th of April, 1874, and concluded to appear before said committee and testify, if permitted so to do. I stopped at the Ebbitt House, and there saw Mr. DAWES and informed him of my wish to appear before the committee. He said I should be permitted to so testify. Afterward on the same day, at the committee-room, Mr. DAWES notified me to be present in said room on the following morning at ten o'clock. I was in said room promptly at the time named. On my arrival at said room only one gentleman of the committee was present, whom I learned to be Hon. CHARLES FOSTER. Another gentleman whom I did not know, but who I supposed was a member of the committee, came into said room soon after my arrival, and he and Mr. FOSTER commenced conversation.

Mr. FOSTER said to him, in language which I distinctly heard, that his object with which he commenced this investigation, or one object, was to find something against BEN. BUTLER; that said BUTLER had written a letter to his district to defeat his election, and he wished to get even with him, or words to that effect.

On the following day, the 11th of April, Mr. FOSTER came up and spoke to me at the Ebbitt House, where we were both stopping. He and I had a short conversation, during which the name of General BUTLER was mentioned, I having, as I now remember, stated that the committee seemed to be investigating General BUTLER instead of the law of May 8, 1872, and the contracts thereunder. Mr. FOSTER stated in reply, "Damn BUTLER; he ought to be investigated; all the men connected with these contracts are BUTLER'S friends, and you are his friend also, and saw him last night, and told him what I said in the committee-room yesterday about him," or words to this effect. I then stated to Mr. FOSTER that he was mistaken; that I had never enjoyed the pleasure of an introduction to, or an acquaintance with, General BUTLER; that I had not seen him on the evening named, or at any other time, to converse with him. *I add that this is true still.* I have never been unfriendly to General BUTLER, but have admired him for many things, and especially for the fact that he has always been in favor of compelling wealthy men, capitalists, and corporations to pay what they owe the Government, instead of taxing the poor, the industrious, and the honest farmers, mechanics, and laboring men to make good the deficiencies of the rich.

I so stated to Mr. FOSTER, and added that I thought this one question was all there was in the so-called Sanborn case.

WARWICK MARTIN.

Sworn to and subscribed before me this 20th day of May, A. D. 1874.
[SEAL.]
H. W. BRELSFORD,
Notary Public, District of Columbia.

Mr. FOSTER. In so far as that affidavit makes the charge that I wanted to investigate General BUTLER, I pronounce it here and now an unequivocal falsehood. The party who makes it I know is perfectly characterless, and the gentleman from Massachusetts ought to know that, too. He is the man, as the gentleman from Massachusetts knows, who attempted to blackmail his friend Sanborn out of several thousand dollars.

Mr. BUTLER, of Massachusetts. I never knew Mr. Martin; I never saw him. I never boarded with him at the Ebbitt House, and he never was in my confidence.

Mr. FOSTER. He came to us in order to get more money out of Mr. Sanborn.

Mr. BUTLER, of Massachusetts. Now, I want to deny here most positively that I ever interfered in the gentleman's district in Ohio in my life. Indeed, I do not know where exactly his district is, save that it is somewhere in that great State. I take shame to myself that I do not know it. I ought to have known it. I know something about it now and its Representative; but that has nothing to do with the present question, because I aver, again and again, that I never did send out there to interfere with the gentleman from Ohio, and if he had called upon me he would have learned that I never did; and if he has any evidence that I ever sent out to his district in any way, prior to the time that he wrote that letter to Brooklyn, let him now produce and declare it. I wait for it. Being so thoroughly convinced that I had never given him any cause for complaint, I have no complaint to make or unkind word for him. He has been acting under entire misapprehension of fact and with a belief that I had done him a wrong. When he learns as he now does his mistake, his own sense of justice will correct it.

I could not believe even the affidavit until I turned to this very voluminous report, containing, with the testimony, three hundred and twenty-two pages, and upon examination found no allusion whatever to my humble self or eyes in the report of the committee upon the Sanborn contracts by any designation whatever; so that I am sure it turned out that I had nothing to do with them whatever, because the gentleman from Ohio in the examination of witnesses alluded to me in various forms of questions thirty-three times, and each time he got the answer that the witness did not know that I did anything, or knew anything, or said anything on the subject of the Sanborn contracts. Still, every time he alluded to me the New York Tribune published a statement that General BUTLER'S name appeared everywhere in the investigation; and this statement was copied each day into all the Boston papers which are under the control of some of my colleagues from Massachusetts, who were endeavoring to convince the people that I was engaged in the affair. Nay, my colleagues' newspapers were so put to it for evidence of the fact that they declared that Sanborn's lawyer, Mr. Prescott, was my private secretary and henchman, whatever that may be, and cited as proof that he had his office with me, when I am told that he once had an office in a four-story building where I have mine, with some twenty other tenants. Let me say that I never saw Prescott three times in my life, and did not know him by sight till he was sent for as a witness. Besides that, when the

gentleman made his speech he alluded to me twenty-eight times, making sixty-one in all; and then, after his sixty-one questions and personal allusions in the examination and in the speech, the editor of the Tribune thought that my "coat-tails" could be seen in the affair. And this is the kind of attack to which men in public life are exposed from investigations when somebody wants to get even with them.

Now, I have no objection to being investigated by anybody and everybody, friends or enemies; for the more the latter investigate me the worse they will like me. But I do object to the public money being spent for that purpose under the direction of the Committee on Ways and Means when they ought to have been perfecting a finance measure, so that the two-thirds republican majority of this House should not now hang their heads with shame that this Congress has to go home after more than six months' session and no comprehensive financial or revenue measure perfected and passed, or any ever come from that committee on which the House may pass. But, on the contrary, they have been engaged in vilifying the Administration, rapping "old Cock-eye," and getting even with him, even to examining into his private affairs, the fees he received from private persons, and his personal acts to the number of thirty-three questions. And thus having learned how unjust and improper it is for anybody even, anywhere, to examine into another's private affairs, the committee reported a bill that a man's books and papers ought not to be used or his private affairs inquired into without an order of a court upon a complaint under oath. Why was not this committee legislating about the drooping business and unemployed labor of the country and trying to find a remedy for that?

How will they answer to their constituents, nay, how will this committee answer to the country, that they frittered away their time in this pursuit of personal revenge, and have done nothing with either finance or revenue except to pass two bills; one of which, if you look back at the tables I have presented, cuts off $1,200,000 of money paid into the Treasury last year, and the other the best-informed man upon the subject swears will prevent the collection of at least four millions of taxes more, all of which should come from those who have tried and are trying to cheat the United States?

Is it wonderful that the interests of the republican party and the interests of the country have been neglected while the Committee on Ways and Means, under the leadership of the gentleman from Kentucky, endeavors to break down the Administration, as he had a right to do, and under the lead of the gentleman from Ohio, mistakenly thinking he had a private grief against me to assuage, have frittered the time of Congress away for more than six months in striking at one of their fellow-members who had not injured them, and against whom, although pursued with the hate of hell, they found nothing and reported nothing after six months of investigation. No, thank God; as usual, "old Cock-eye escaped without a rap."

I do not desire the House or the country to blame either of the gentlemen of the Committee on Ways and Means too much in this matter, because there were those in this House who were egging them on, advising them to do it. Nay, there were those of my colleagues from Massachusetts who, in order to strike at me, were willing to strike down the republican party. The speech of the gentleman from Kentucky against the Administration, founded upon "bringing the Sanborn matter to the front," a very able, bitter, denunciatory arraignment of that Administration, put with all the power he could, and quite worthy of the successor of Clay in the Louisville district, was launched at our party like a thunderbolt. I expected and supposed, and the House expected, that his democratic associates would circulate it everywhere to break down the republican party, even at the cost of paying the postage on the distribution.

But what shall we say of republican Representatives who subscribed for and circulate such a speech by the thousand—a speech of the leading orator of the other side by the thousand? Why, Mr. Speaker, the State of Massachusetts has more of the Kentucky speeches circulated in it by one of my colleagues than of any republican speech made in this House during the present session. And why? Having circulated everywhere through their lying newspapers that I was connected with the Sanborn contract, it was thought by some of my colleagues that the arraignment of the gentleman from Kentucky of the Administration would be an indirect "rap at old Cock-eye;" and as my enemies either could not or dare not make any speech against that long-suffering individual themselves, they chose to send out this attack upon their Administration, thus to belittle their Secretary of the Treasury from their own State, to be the means of circulating the charges of corruption against their party, in order to get an indirect "rap" at one of their colleagues.

Now, I call upon the gentleman from Ohio to deny, if he can, that more than one of my colleagues have been to him to give him information about me and to have questions put about me, and to advise with him as to the course that might be taken in his committee to investigate me. Sir, was that so or not? Will the gentleman answer upon his honor?

Mr. FOSTER. Do you wish an answer now?

Mr. BUTLER, of Massachusetts. Yes, sir.

Mr. FOSTER. I have to say that I have had no consultation with any gentleman from Massachusetts in relation to the Sanborn investigation; none of them have aided or advised me in any way in the prosecution of this investigation.

Mr. BUTLER, of Massachusetts. I am glad to hear it.

Mr. FOSTER. Or in the investigation of the matter at all.

Mr. BUTLER, of Massachusetts. Only about other things?

Mr. FOSTER. No; about nothing else.

Mr. BUTLER, of Massachusetts. Whenever I want a witness to tell what is not true I shall not send for my friend from Ohio.

Mr. FOSTER. What do you mean by that?

Mr. BUTLER, of Massachusetts. I mean that you tell the truth exactly.

Does the House wonder now that almost the only man who was found to object to my addressing the House at this hour was one of my colleagues from Massachusetts?

Mr. Speaker, I have done my duty to this matter. I have shown by such evidence as has come to me, and by the facts, what was the ground-work, in fact, of this investigation and this cry raised against the republican party because of the Sanborn contracts. There is not a man within the sound of my voice that now does not understand it.

Mr. Speaker, more than one-half at least of all the investigations carried on in Congress are for the purpose of striking down some rival, or injuring some enemy, or injuring some administrative officer, or gaining some party end, not for the purpose of aiding legislation. This business of investigation is carried too far. I can speak plainly in the face of the country; for myself I defy investigation. For fourteen years, since the commencement of my public life, I have lived under the focus of a microscope, magnifying and distorting every action of mine a million times, except, perchance, it was a good one, which it blurred and covered altogether. Living under such inspection, therefore, whether I would or no, I must lead an honest and upright life, or some man would in all these years have got a "rap at old Cock-eye," and I propose to take very good care of him now and ever. I desire investigation. I look forward to the time when the majority of this House will be opposed in politics to mine; and then I ask them to investigate every act of mine and publish its results to the country. I invoke the investigation of a gentlemanly political opposition, and not of a malignant personal spleen and spite, egged on by political rivalry; because I humbly trust that when my every act is known and understood authoritatively and exactly in its breadth and in its motives the kindly judgment of my countrymen will be, after all rivalry and unkindness of thought has passed away, "He was a man whose virtues overbalanced his faults, who loved his country, his kind, justice, and nobleness."

Mr. FOSTER. Let us pray.

Mr. BUTLER, of Massachusetts. Yes; but spell it with an "e."

Mr. ELLIS H. ROBERTS, Mr. Speaker, after laws are passed it is not usual to discuss them. It has remained for the gentleman from Massachusetts [Mr. BUTLER] to wait until both Houses of Congress have acted upon the bill which he assails to come in and make his argument against it. It is not because he was not invited that he did not appear upon the discussion of the moiety bill; it was not because he did not have the opportunity to appear that he did not discuss the Sanborn contracts, when the bill in relation to those contracts was pending in the House. It fell to me to have charge of the bill to amend the customs laws and to repeal moieties, and three times, Mr. Speaker, as you personally know, the consideration of that bill was postponed to enable the gentleman from Massachusetts to appear and be heard upon it. He states that it was understood by the country that he was ill when the bill was passed. The ante-room at my back resounded with the stories he was telling and the arguments he was making there against the bill. Not here before Congress, not here before the country, but back there in the cloak-room he chose to come and make his arguments. Sir, I do not object to his arguments now or at any time, here or elsewhere.

EXPERIENCE AND AUTHORITY.

He chose to refer to the British revenue system. He tells you that we referred in our discussion to the British revenue system as justifying the bill which Congress passed with entire unanimity in this House, and with but three dissenting votes in the other House, and upon the conference report without one dissenting voice in either House.

But the British system, Mr. Speaker, is not our only authority, and yet we might rely upon it. The gentleman chose to say that our tariff was complex. It is; but our internal-revenue system is complex now, and was much more complex when Congress with great unanimity repealed the moiety system with reference to the internal revenue. Our internal-revenue system justifies that act of Congress as British experience justifies the policy which we have adopted. More than that. It has received the approval of the republican party in great States, for republican members of this House will bear in mind that in the platform of the republican party of Indiana adopted only two or three days ago there is a declaration commendatory of the abolition of moieties and the abolition of the Sanborn contracts.

But the gentleman from Massachusetts tells you that the moiety system has been sustained by every Administration since the foundation of the Government. It is true that it is an old system. In olden times it was customary to hang a man who stole a sheep. It was not found by experience that that was a wise provision of law, nor has it been found wise to maintain a like barbarism upon our statute-books in any regard.

But, Mr. Speaker, we have authority, if it is authority which the gentleman from Massachusetts pleads, for the action which Congress

has taken. The gentleman has chosen to say that past Administrations have sustained the moiety system. This Administration has demanded its repeal. In the first message of President Grant in 1869 he expressly recommended the repeal of moieties. Secretary BOUTWELL very elaborately argued in favor of the abolition of the moiety system, and, sir, Mr. BOUTWELL voted in the Senate for this very bill which the gentleman from Massachusetts [Mr. BUTLER] now denounces. In 1871 President Grant again recommended with great earnestness the repeal of the moiety system, and Secretary BOUTWELL repeated his arguments to that end, and that Secretary of the Treasury for whom the gentleman from Massachusetts seems to have so much sympathy, Mr. Richardson, the late Secretary of the Treasury, also recommended the abolition of moieties.

Let me call attention to their exact words, although I have once before done so when the subject was regularly before the House.

In his message of 1869 President Grant said:

Your attention is respectfully invited to the recommendations of the Secretary of the Treasury for the creation of the office of Commissioner of Customs Revenue; * * * and most especially to his recommendation for the repeal of laws allowing shares of fines, penalties, forfeitures, &c., to officers of the Government or to informers.

In the same year Secretary BOUTWELL said:

Under existing laws, certain revenue officers and other persons appearing as informers are entitled to shares in fines, penalties, and forfeitures. During the fiscal year 1868–'69 the Treasury Department distributed the sum of $286,073.61 to such officers and to informers in the various cases arising under the customs-revenue laws. A large additional sum was also paid through the Internal Revenue office. The reason on which the laws granting such allowances are based is that officers of the Government are stimulated to greater activity in the discovery of frauds and in bringing offenders to punishment. There can be no doubt that such is the effect of the policy; but the experience I have had in the Treasury Department has convinced me that the evils attending the system are greater than the benefits derived from it. It often occurs that revenue officers are led to assert claims in behalf of the Government which have no just foundation in law or in the facts of the respective cases; and where real claims exist it is often the object of the informers and officers who share in the penalties to misrepresent the case to the Department, so as to secure the greatest advantage to themselves. But a more serious evil is found in the practice, quite general, of allowing persons to pursue a fraudulent course until a result is reached which will inure to the benefit of the officers and informers, instead of checking criminal practices at the outset. It is impossible to set forth in exact language the character of the evils that grow out of the present system. I am, however, clearly of the opinion that the Government ought to rely upon public officers for the proper performance of their duties without stimulating them by any contingent advantages.

In 1871, again, President Grant said in his annual message:

The present laws for collecting revenue pay collectors of customs small salaries, but provide for moieties (shares in all seizures) which, at principal ports of entry particularly, raise the compensation of those officials to a large sum. It has always seemed to me as if this system must at times work perniciously. It holds out an inducement to dishonest men, should such get possession of those offices, to be lax in their scrutiny of goods entered to enable them finally to make large seizures. Your attention is respectfully invited to this subject.

Secretary BOUTWELL repeated his previous recommendations in these words:

It is my duty to call the attention of Congress to the importance of abolishing the system of shares in moieties as far as the benefits inure to revenue officers and other persons officially connected with the Government. This measure was recommended in my last annual report, and a statement was submitted to Congress showing the amount received by officers of customs, together with the bill increasing their salaries without any increase of appropriations from the Treasury; the sum now paid from moieties being quite sufficient to place the entire force upon a satisfactory footing in regard to pay.

During the last fiscal year the offices of collector and surveyor of the port of New York each received from moieties the sum of $49,215.69, and the naval officer the sum of $48,195.59.

In most of the cases the officers do not perform special services entitling them to the amounts granted, and importers and others whose acts are made the subject of investigation complain, and I think with just reason, that the agents of the Government have a pecuniary interest in pursuing those charged with violations of the law. The Government ought to pay fair salaries, and rely upon the good faith of its officers for the performance of their duty. One of the difficulties which the Department has to meet frequently is, that customs officers have an interest in proceedings for the discovery of fraud, the settlement of cases, or the prosecution of them, which is different from the real interest of the Government; and, as a necessary result, the conduct of such officers is open to suspicion, both on the part of those who are pursued by them and the Government that they ostensibly represent.

It may be deemed expedient to leave the law as it now stands in regard to informers who are not officers, making it a penal offense for any officer to enter into an arrangement with an informer for any share of the proceeds of the information, and giving to the informer perpetual right of action for the recovery of any money or other valuable thing paid or given to an officer engaged in the discovery or prosecution of a fraud or legal wrong against the Government.

The Commissioner of Internal Revenue testified as follows in the Sanborn investigation, (page 96, Report 559:)

Question. Congress repealed all the moiety system as far as internal revenue was concerned?

Answer. Yes.

Q. How long was that before the passage of the act which authorized the Sanborn contract?

A. Not long; but I cannot give you the exact time.

Q. Had the moiety system, up to the time of this repeal, been of such character as to recommend its continuance to you? Were you in favor of its repeal when it was repealed?

A. I was in favor of its repeal, with this other provision, if I could have some means afterward of compensating persons who gave information, and for that a special appropriation of $100,000 was made. My objection was that, before that, officers and all had moiety alike, and that gave to the officers the appearance of hunters for prey rather than of officers doing their duty.

Q. What was the effect of the moiety system that was repealed by Congress on the service?

A. It hurt the service, I think, in this way: the officer getting his share the same as a private individual, when he went to the citizen, the citizen always claimed that the officer came to him to make money out of him rather than to discharge his official duty, and in that way it seemed to degrade his official acts. That was the objection.

Mr. Richardson, as Secretary of the Treasury, in an elaborate letter to the chairman of the Senate Committee on Commerce, argued the subject at length, and recommended "the abolition of the present system of moieties with one exception, to wit, where attempts at smuggling are detected or where the act of smuggling is accomplished." This is precisely what you have done by your legislation.

If, then, this is to be settled by authority, we find the President of the United States, both of his Secretaries of the Treasury, and the Commissioner of Internal Revenue, on the same side with Congress and the republican party, and on the other side the gentleman from the Essex district of Massachusetts.

LOSSES UNDER THE MOIETY SYSTEM.

But the gentleman from Massachusetts comes here to teach us that we should have a specific and not an *ad valorem* tariff. Perhaps that is so. But that is not the question before us to-night; and it was not the question pending before this House when the bills were passed which he now assails. The gentleman tells us that under this *ad valorem* system we collect but 67 per cent. of the duties, not without the moieties but with the moieties, not without this machinery of barbarism but with this machinery of barbarism. With your inducements to officers to suffer violations of the law to go on for years to mass large penalties for division; with your arbitrary invasion of the office and of correspondence; with your severities arraying public sentiment against you so that juries refuse to be the instruments of your laws; with commerce protesting against your statutes and their enforcement, it is not strange that we can collect but 67 per cent. of our duties.

If we cannot do any better than that with this system of barbarism, I ask my colleagues about me if it is not high time to try some better system? We mean to collect more than 67 per cent. That is why we have asked Congress to reform the revenue laws; that is why you have abolished moieties; why you have adjusted the use of books and papers as evidence to the rule of every one of our States and to the practice of our fathers; that is why you strike down the extreme measures adopted during the war; that is why you appeal to the mercantile community to assist in sustaining just laws. You have made no mistake in so doing. And even the gentleman from Massachusetts did not appear to obstruct your beneficent action.

PHELPS, DODGE & CO.

But he does come here to tell us something about the case of Phelps, Dodge & Co. Mr. Speaker, we are not trying the case of Phelps, Dodge & Co. If we were, then the remarkable qualities of the gentleman from Massachusetts as a criminal lawyer might well be brought into play, and counsel ought also to be present on the other side. We are here to consider legislation, not to assail citizens who are reputable, who were reputable before the gentleman from Massachusetts came into the Congress of the United States, and who will be reputable after the gentleman from Massachusetts leaves this body.

Mr. BUTLER, of Massachusetts. To what citizens do you refer?

Mr. ELLIS H. ROBERTS. I refer to the house of Phelps, Dodge & Co.

Mr. BUTLER, of Massachusetts. O, yes; that is all right.

Mr. ELLIS H. ROBERTS. And I refer to the gentleman from Massachusetts.

Mr. BUTLER, of Massachusetts. I heard that.

Mr. ELLIS H. ROBERTS. And I ask, because I do not know so much as the gentleman from Massachusetts about the case of Phelps, Dodge & Co.——

Mr. BUTLER, of Massachusetts. That is evident.

Mr. ELLIS H. ROBERTS. I do not know so much as the gentleman from Massachusetts of one side of that case. To show why he is better informed about it than I can be, I ask that the evidence of the informer with reference to the connection of the gentleman from Massachusetts with the case of Phelps, Dodge & Co. may be read.

Mr. BUTLER, of Massachusetts. I am very much obliged to you for that.

Mr. ELLIS H. ROBERTS. It will be found on page 173 of the evidence.

Mr. BUTLER, of Massachusetts. Will you allow me to reply after it is read?

Mr. ELLIS H. ROBERTS. No, sir.

Mr. BUTLER, of Massachusetts. I thought so.

Mr. ELLIS H. ROBERTS. You declined to let me come in.

Mr. BUTLER, of Massachusetts. Never.

Mr. ELLIS H. ROBERTS. You have had your day in court.

Mr. BUTLER, of Massachusetts. I only declined to have you interrupt me, not to have you come in and reply.

The Clerk read as follows:

Mr. FOSTER. I did not exactly understand the answer to Mr. ROBERTS's question. You employed counsel for what?

Mr. JAYNE. I deemed that it was a case where some ugly points might arise, and where this matter might come up; that it probably would come up in the course of some discussion growing out of this case. I did consent and urge settlement of this case for a sum of money that the counsel for the informer was not willing should be accepted. I deemed that some ugly proceedings might, perhaps, grow out of this attempt to black-mail. I thought the truth might come out and I might need counsel. I came with the facts to the Secretary of the Treasury, and to counsel whom I employed.

Mr. FOSTER. Then I am to understand that you employed counsel to prevent a larger sum being paid by Phelps, Dodge & Co.?

Mr. JAYNE. I employed counsel to secure the settlement upon the terms that they offered and seemed anxious to close upon.

Mr. FOSTER. And not to have them pay a larger sum?

Mr. JAYNE. Not to have them pay a larger sum.

Mr. FOSTER. I think it would be well for your to give the name of the counsel, for we have understood that he was employed for a different purpose.

Mr. JAYNE. General BUTLER was the gentleman, sir. He was not employed for a different purpose.

Mr. FOSTER. Has he been employed in any other cases with you?

Mr. JAYNE. Whenever I had questions of law that I did not understand—and in the course of my experience I have had a great many questions of law and of evidence arising—I have submitted a number of questions to General BUTLER, and I have paid him, I think, $1,500 besides what I paid in that case.

Mr. FOSTER. How many cases has he been employed in?

Mr. JAYNE. I could not tell the exact number that I have asked him questions with regard to. I should think two or three, or three or four, perhaps.

Mr. ELLIS H. ROBERTS. That is all I ask to have read at this time. That will show why the gentleman from Massachusetts knows more about that case, or may claim to know more about one side of it, than I do. Perhaps it is a part of the task which he has undertaken, for the fee mentioned in that evidence, to assail a reputable mercantile house upon the floor of the American Congress.

Mr. BUTLER, of Massachusetts. Will the gentleman allow me——

Mr. ELLIS H. ROBERTS. The floor is mine, Mr. Speaker.

Mr. BUTLER, of Massachusetts. Yes, you are as brave as a country editor generally is.

Mr. ELLIS H. ROBERTS. Brave! I have asked you three times to come into this House and debate this question, and you had not the courage to come.

Mr. BUTLER, of Massachusetts. Not when I was sick.

Mr. ELLIS H. ROBERTS. The floor is mine, Mr. Speaker.

Mr. BUTLER, of Massachusetts. You asked a sick man to come; you are very brave. He is well now, and you will not hear him.

Mr. ELLIS H. ROBERTS:

> I did hear him groan:
> Ay, and that tongue of his, * * *
> * * * * *
> Alas! it cried, "Give me some drink, Titinius,"
> As a sick girl.

Mr. BUTLER, of Massachusetts. Yes, I am like Cæsar.

Mr. ELLIS H. ROBERTS. Yes; "As a sick girl."

SEIZURE OF BOOKS AND PAPERS.

Let me call particular attention to the very significant fact that even the gentleman from Massachusetts has not one word to say in favor of the system of the seizure of books and papers. You have substantially wiped it out. That is one of the chief features of the bill which you have passed. Against that reform criticism is dumb.

WHY JUST ONE-HALF?

The gentleman from Massachusetts contents himself with warning us against the consequences of the repeal of moieties. When was it ever discovered that exactly one-half was the proper sum with which to induce lawyers and others to steal papers, or to have them "picked up on the street," to bribe the clerks of merchant houses, and to surround the commerce of this country with an infamous band? Why is it just one-half? Why not a little more than one-half, so that larger fees could be paid for counsel to appear not only at the Treasury but upon the floor of this House? Why not more than one-half? Why not a little less?

You, my colleagues, have chosen to say that for smuggling you will pay one-half for the detection of the crime; but for other offenses against the revenue you will pay—how much? A bagatelle, is it? For the detection of any offense against the revenue committed by importers or by officers of the revenue you will pay as much as you pay for a year's work, not simply to the chairman of the Committee on Ways and Means, with his experience of eighteen years in this House, his ability, and industry and fidelity; but you will pay for the detection of every crime against the revenue, as much even as the American people pay to their chairman of the Committee on the Judiciary of this House, [Mr. BUTLER.] Is not that quite enough—a year's salary of the best talent in the country employed in the cares and responsibility of legislation for any detective who will bring to light one single offense against the revenue? The price of a farm, of a homestead, to a detective for a single case—is not that enough? Do you want to keep up a system for pouring money into States to control guberna torial nominations? Even with all that flood of money gubernatorial nominations are not always secured.

FINES AND PENALTIES NOT REPEALED.

But the gentleman from Massachusetts appeals to the country against Congress as if we had repealed fines, penalties, and forfeitures. The gentleman from Massachusetts could not have intended to create that impression, because it is not true. You have not repealed fines, penalties, and forfeitures. We have sought to make them more definite; we have sought to make collection dependent not upon informers, not even upon the pleasure of the Secretary of the Treasury, or any district attorney. But we have sought to make your law clear and to render its execution certain as the fiat of fate.

THE UNANIMOUS VOTE.

But, Mr. Speaker, it is a work of supererogation to talk here in favor of a bill which received the unanimous vote in this House from every State; which in the other branch of Congress had but three negative votes, and finally upon the conference report was unanimously adopted.

Mr. DAWES. After full discussion.

Mr. ELLIS H. ROBERTS. Yes; after long and full discussion in the other House, and after a discussion in this House which was exhaustive in every respect except in not having represented in it the honorable gentleman from Massachusetts, [Mr. BUTLER.]

THE SANBORN CONTRACTS.

After the arguments when the bill for their repeal was pending, and after what has been so forcibly said by my distinguished colleague on the Committee on Ways and Means, the gentleman from Ohio, [Mr. FOSTER,] it is not necessary for me to refer again to the cognate subject—the Sanborn contracts. I did not suppose that there was in this land one man who would dare to defend them in their enormity. Even John D. Sanborn, when he came before the Ways and Means Committee, admitted that the rate allowed to him for collection was exorbitant, and that he would be willing to continue the collection at a less rate.

Mr. KASSON. At 15 per cent.

Mr. ELLIS H. ROBERTS. My colleague on the committee, the gentleman from Iowa, [Mr. KASSON,] says Sanborn was willing to collect the taxes for 15 per cent. instead of 50 per cent. The Committee on Ways and Means preferred what they considered a still better system, that the taxes should be collected by the sworn officers of the Government as they have been collected steadily all the while, in spite of the work of Sanborn. I take the liberty of submitting as part of my remarks tables showing the amount of taxes actually collected by your Internal Revenue Bureau, even during the progress of the Sanborn contracts. They are as follows:

TREASURY DEPARTMENT, OFFICE OF INTERNAL REVENUE,
Washington, March 18, 1874.

SIR: I inclose herewith a statement, prepared in accordance with your request, showing the amount of repealed taxes returned to this office after those taxes were abolished.

Very respectfully,

J. W. DOUGLASS,
Commissioner.

Hon. ELLIS H. ROBERTS,
House of Representatives, Washington, D. C.

Statement showing the amount of repealed taxes returned to the office of the Commissioner of Internal Revenue after those taxes were abolished (exclusive of certain taxes repealed June 6, 1872, *relating to spirits, tobacco, and adhesive stamps) during the fiscal years ending June* 30, 1871, 1872, *and* 1873.

Sources.	Fiscal year 1871.	Fiscal year 1872.	Fiscal year 1873.
Income		$1,451,817 29	$5,062,311 62
Gross receipts	$577,723 99		
Sales	637,095 62		
Special taxes	93,946 16		
Legacies	927,879 10	1,784,426 19	763,761 77
Successions	649,349 16		
Articles in Schedule A	38,078 34		
Manufactures and productions exclusive of gas	1,058,393 18		
Gas			120,111 96
Total	3,982,465 55	3,236,243 48	5,946,185 35

TREASURY DEPARTMENT, OFFICE OF INTERNAL REVENUE,
Washington, May 13, 1874.

The following statement shows the collections returned on legacies and successions to the Commissioner of Internal Revenue from two hundred and two collection districts during the fiscal years 1872, 1873, and the first seven months of the fiscal year 1874:

From July 1, 1871, to June 30, 1872	$888,018 03
From July 1, 1872, to June 30, 1873	442,412 95
From July 1, 1873, to February 28, 1874	58,444 59
Total	1,388,875 57

H. C. ROGERS,
Acting Commissioner.

REGULAR COLLECTIONS *vs.* SANBORN.

Observe that even the Sanborn contracts have not prevented the department from gathering in by regular means large sums of money from such taxes. Besides the collections actually made by the regular officers for him, besides the cases under indictment and in process of settlement, on which Sanborn received moieties, the official records show that these millions have been collected without paying toll to him.

In the last fiscal year the internal revenue was collected for about 5 per cent. and the customs for about 4 per cent. Sanborn was allowed 50 per cent., yet his cupidity has snatched from the direct course of collection not one-tenth of the actual proceeds of repealed taxes.

He collected nothing from distillery cases, except from one person under indictment. From legacies and successions he picked up nothing except in a single city. From mammoth corporations he took

little, if anything, besides what was on its way to the Treasury. His own witnesses show that he rendered no service. John D. Coughlin swears that for 12½ per cent. he collected the legacy taxes in New York for Sanborn, and would have done the same without his intervention. (See evidence, page 9.) The testimony of Presbrey, (page 82,) of Green, (page 66,) of Odell, (page 220,) and of Hawley, (page 227,) agrees in showing Sanborn only as the claimant for the moiety. In few instances is it shown that he collected anything which the Department could not by its regular methods reach and gather in.

No pretext of necessity, no allegation of neglect on the part of the Bureau, no exaggeration of the saving of money to the Treasury, can be supported by the facts to serve as an excuse or even a palliation of the contracts and the abuses which Congress has now ended forever.

The statute of 1872 was not in its terms mandatory. By it a practice which had existed was legalized and restricted. The Secretary of the Treasury might well feel bound to act under it. That, then, is the responsibility of Congress. The door was thus opened to abuses. They were not actually introduced. They were invited. They flocked in like doves to the window.

Only by abuses could this contract system prove a source of wealth to the contractor. No individual could have the resources of the Government for pressing collections. Internal-revenue taxes lie within a narrow field in which close scrutiny can be exercised. The chances for actual "discovery" of such taxes withheld must in the nature of the case be few. Only by abandoning or breaking down the restrictions of the statute could the spoils grow to a corrupt and dangerous magnitude. That was permitted to the contractor.

THE REAL CRIME.

He claimed "discovery" of every tax under repealed laws, whether he found it in court, in the hands of internal-revenue officers, or actually credited to the Government. Broader yet was the field in which he assumed mastery. Into his contract he thrust the names of persons and corporations, swearing that they were "indebted to the Government upon taxes withheld," although he had no knowledge whatever on the subject, and simply copied them from surrogates' records and railway guides. (See his evidence, pages 152, 158.)

AN EXCEPTION.

The indignation which has been aroused by the exposures reported by the Committee on Ways and Means proves that this contract system is an exception, a monstrosity in our administration. It is in antagonism to our institutions, and especially to the spirit of recent legislation. You find farming the revenue prevail in semi-barbarous China and in Turkey. The most despotic of the French monarchs thus enriched their favorites, male and female. Britain has never accorded welcome to the policy. With us it has been an exotic parasite, of sickly growth.

REPEAL IMPERATIVE.

The repeal of any law that tolerated such a system was imperatively demanded.

The Committee on Ways and Means, Mr. Speaker, have had simply the work of carrying out what was obviously the wish of the House, and what beyond all question is the wish of the country. Whether or not it be true that the gentleman from Kentucky, [Mr. BECK,] my colleague on the committee, had his attention first called to this matter or not I do not know, because the letter read here to-night is the first suggestion I have ever heard that he originated this movement. When this Congress assembled the notoriety of the cases in Brooklyn attracted the attention of other members of the committee.

Mr. BUTLER, of Massachusetts. Is the gentleman quite certain of that?

Mr. ELLIS H. ROBERTS. I am.

Mr. BUTLER, of Massachusetts. Congress came together in December, and the Brooklyn matter did not come out until long after.

Mr. ELLIS H. ROBERTS. I know what I am talking about. The first indictment was found in November or December.

Mr. BUTLER, of Massachusetts. No, sir.

Mr. ELLIS H. ROBERTS. Well; it is certain that before the resolution was introduced by the gentleman from Ohio [Mr. FOSTER] he talked with a number of members of the committee, I think I may say; but without speaking of anybody else I know he talked to me about the form of his resolution. He introduced that resolution. And the Committee on Ways and Means would have been content with the simple repeal of the law. But it was the gentleman from the Essex district of Massachusetts who demanded that his friend, Mr. John D. Sanborn, should have a hearing, Sanborn having previously made such a request to some members of the committee. It was by a republican member of the House that this resolution was introduced, as a proper step toward the reform of a flagrant evil.

REVENUE MEASURES.

But the gentleman from Massachusetts chooses to introduce just here an indictment of the Ways and Means Committee for not bringing in a revenue measure.

Mr. Speaker, the Ways and Means Committee have been studying the revenue question all through this Congress, and they have not brought in a bill to increase the taxes, because in their judgment it was not right, it was not proper; the exigencies of the country did not demand that taxes should be increased. And the Ways and Means Committee are quite ready to go to the country upon that record; that when industry is paralyzed, when commerce folds its hands in idleness, when thousands of our people know not whither to turn for their day's labor, the Committee on Ways and Means have declined to put new burdens on the country.

Mr. BUTLER, of Massachusetts. Will the gentleman allow me a moment?

Mr. ELLIS H. ROBERTS. Yes, sir.

Mr. BUTLER, of Massachusetts. Did not the gentleman's committee bring in a bill to increase the tax on friction matches?

Mr. ELLIS H. ROBERTS. No, sir; we refused to repeal the tax on friction matches.

Mr. KASSON. We reported the bill adversely.

Mr. ELLIS H. ROBERTS. It was a bill to repeal taxes on friction matches, and we reported it adversely. This only illustrates how very little the gentleman from the Essex district of Massachusetts knows about the question which he has assumed to discuss.

Mr. Speaker, I hold in my hand the justification of the action of the Committee on Ways and Means in declining to increase taxes. The gentleman from Massachusetts, [Mr. DAWES,] the chairman of the committee, early in this session made a long argument in some parts of which I could not agree, but the conclusion of which was that no taxes were necessary. I had the honor to submit some remarks also leading in the same direction. It was my fortune early in the session to make an estimate about the revenue for the present fiscal year. I ventured as early as the 2d of March to say that the revenues for this fiscal year would be $288,000,000, although the Treasury, with the abundant caution which is proper for it, placed them at about the same time at $281,000,000. You will find the table of the Treasury in the RECORD for March 3, cited in my remarks. The estimate was for total income for the year ending June 30, 1874, $281,777,972.19; expenditures, including sinking fund, $321,477,616.35; cash in Treasury July 1, 1874, $20,302,385.14.

The figures which I then submitted were for receipts, $288,000,000; expenditures, including sinking fund, $314,191,369.28; cash in Treasury, $35,000,000.

Now the warrant division of the Treasury, estimating for the few days remaining, gives the receipts for the fiscal year at over $290,000,000; the expenditures at $316,843,349; and the cash in the Treasury July 1, at $33,194,333. Here are the figures in detail:

Cash in the Treasury July 1, 1873			$131,192,028 50
From which deduct sums on deposit by provisions of law, represented in this amount, as follows:			
Special deposits of legal-tenders held for redemption of certificates of deposit	$31,730,000 00		
Coin deposits for which coin certificates were outstanding	39,460,000 00		
		71,190,000 00	
Total available cash belonging to the Government			$60,002,028 50
Receipts from July 1, 1873, to February 1, 1874, (five days estimated)			165,677,972 99
Receipts from February 1 to June 30, 1874, (twenty days estimated,) namely:			
Customs:			
February	$14,434,659 77		
March	15,147,033 57		
Unascertained and not reported at close of monthly account	506,664 35		
April	13,856,488 95		
May	12,418,062 15		
June, (part estimated)	13,000,000 00		
		69,362,908 79	
Internal revenue:			
February	8,134,408 79		
March	7,493,792 94		
April	8,160,855 98		
May	$11,462,700 07		
June, (part estimated)	8,500,000 00		
		$43,751,757 78	
Miscellaneous:			
February	3,488,931 00		
March	2,044,981 94		
April	2,308,949 64		
May	1,800,152 94		
June, (part estimated)	1,600,000 00		
		11,243,015 52	
		$124,357,682 09	
Total ordinary revenues			$290,035,655 08
Total available resources			350,037,683 58
Ordinary expenditures on account of appropriations:			
From July 1, 1873, to February 1, 1874, (five days estimated)		177,174,585 59	
From February 1, 1874, to June 30, 1874, (twenty days estimated)		110,477,394 81	
Total ordinary expenditures		287,651,980 40	
Liabilities on account of sinking fund		29,191,369 28	
			316,843,349 68
			33,194,333 90

It will be seen from the foregoing statement that the income of the Government for the current fiscal year is estimated at $2,383,674.68 in excess of the expenditures. This will leave $26,807,686.60 of the sinking fund unprovided for.

Monthly statement of receipts for the year, adjusted to March 31, 1874.

Month.	Customs.	Internal revenue.	Miscellaneous.
1873—July	$14,777,146 47	$8,578,044 35	$9,368,452 49
August	18,375,302 83	8,572,495 84	
September	15,963,149 09	8,255,894 65	
Octbtober	11,522,498 98	7,091,532 88	2,615,083 17
November	9,720,834 27	6,771,496 89	
December	10,234,831 22	8,879,054 35	
1874—January	13,576,973 71	9,400,874 80	7,508,129 94
February	14,434,659 77	8,134,408 79	
March	15,653,697 92	7,493,792 94	
April	13,856,488 95	8,160,855 98	2,308,949 64
May	12,418,062 15	11,462,700 07	1,800,152 94
June, (part estimated)	13,000,000 00	8,500,000 00	1,600,000 00
Total	163,533,735 36	101,301,151 54	25,200,768 18
Grand total			290,035,655 08

Although the estimates submitted by me nearly four months ago were then pronounced as oversanguine by some gentlemen on this floor and in the press, the result has more than justified them. The receipts overrun those estimates by more than $2,000,000, and probably by even more. While the Treasury estimate of expenditures still exceeds the figures submitted by me, the actual result will be found to be between them, and the net cash in the Treasury will vary little if any from $35,000,000. So that setting out of the account for the moment the issue of $26,000,000 of legal-tenders taken from the reserve, we shall have from three to five million dollars of net surplus for the fiscal year to apply upon the sinking fund, while for the next year we may confidently expect under the laws as we now have them a complete adjustment of the sinking fund for both years. That is the justification of the Committee on Ways and Means for not bringing in a bill to increase taxes. Our judgment was that it was not necessary; and we know no reason why it should be counted a luxury to burden the people without necessity.

ASSAILING THE ADMINISTRATION.

But the gentleman from Massachusetts charges as his last indictment that the Committee on Ways and Means have been assailing the Administration. How? By preventing a corruptionist holding the Treasury in his hands and controlling its officers. How? By repealing moieties recommended to be repealed by the President of the United States. How? By striking down the infamous Sanborn contracts. Why, Mr. Speaker, I have yet to learn that moieties are the administration of the United States. I have yet to learn that John D. Sanborn is the republican administration. Indeed, Mr. Speaker, I have yet to learn that even the gentleman from the Essex district of Massachusetts, with all his ability, is the administration of the republican party—the administration of the United States. When I learn either fact it will be time enough for me to inquire my duty toward them as such, and then, if not now, I will not be afraid of the indictment of assailing the Administration, if it be assailing the Administration to strike down corruption wherever I see it, if it be assailing the Administration to strive for the right wherever it may lead.

Mr. Speaker, I have it in my heart and bones that the republican party is the party of conscience, the party of progress, and the party of right, and it is because I so believe that I have been a republican before the gentleman from Massachusetts was a republican, and I expect to be a republican after the gentleman from the Essex district of Massachusetts has made new party affiliations and gone to his own place.

It is because the moiety bill adjusts the revenue law to what I believe to be the modern ideas of humanity not only, but what seems to me to be the essential spirit of civilization, that in my humble way I have done what in me lay for the repeal of the system, and in doing that I have rendered the best service in my power to the republican administration, to the republican party, to honesty in legislation and administration, and therefore to my country and my God.

Mr. FOSTER. Mr. Speaker, after listening to the extraordinary speechjust made by the gentleman from Massachusetts, [Mr. BUTLER,] I find but little in it that calls upon me for a reply, save and except his personal allusions to me in connection with the Sanborn investigation, and I desire to say that so far as my personal action in these proceedings is concerned, it was solely in the line of discharging an official duty, and with no feeling of unkindness toward any one. I believed from the start that a monstrous robbery had been attempted and partly executed on the Treasury. I believed then, as I do now, that the law authorizing the Sanborn contracts was passed for the purpose of plunder by those who engineered its passage. I believed that more than one member of Congress had knowledge of the purposes for which it was to be used before it passed. If, therefore, in asking general questions about members of Congress in connection with these contracts, the answers to which should point in all manner of ways to the gentleman from Massachusetts, [Mr. BUTLER,] it is not my fault. If he has had no connection with them, it is certainly unfortunate for him that so many of his friends should be mixed up with them.

I well knew that I would have to encounter such hostility as only the gentleman from Massachusetts can command. I knew that my letters, if possible, would be stolen; I knew that unprincipled men would be induced to make false affidavits; I knew that my past life would be investigated with the purpose to "break me down;" but I did not expect the secret service of the Government would be used to traverse my district trying to hunt up something for the gentleman to use against me. He has through the agency of one Hughes secured a copy of a letter of mine, which he has just read to the House, the contents of which he is welcome to. Let him make the best use he may of the phrase "old Cock-eye;" it is a generous, well-intended phrase, will wear well, and live as long as the gentleman from Massachusetts. He has come forward with an affidavit from a blackmailer of Sanborn, known to him as such, in which the false statement is made that I said to this man Martin "D—n BUTLER; he ought to be investigated." He has acknowledged that he has sent into my district to learn of something that he might use against me. His strikers have given out that I was to be *scalped*. Now, what does all this amount to? There is nothing in the letter of which any friend of mine need take exception except to smile at its truthfulness. There is nothing in the affidavit, (if true,) that reflects any discredit on me; and so little could his detectives find in my district, that he has not been able to come forward with any charge whatever.

On the other hand, Mr. Speaker, the investigation has been a complete success, a vindication of my labors on the sub-committee and of the work of the whole committee in the results they have reached; for the House have unanimously adopted the bills and reports. The law under which the Sanborn contracts were made is repealed, the contracts annulled, the officers of the Treasury Department directly and indirectly connected with this disgraceful transaction are removed, and are replaced with men in whom the country has the fullest confidence.

That I have led in an investigation that has resulted so successfully in every phase of the case is a matter in which I feel a just pride, and is one which I know the country appreciates. That the gentleman from Massachusetts has suffered in reputation is not my fault, but rather that of his associations. I am not surprised that he should feel so sore over it and that he has seen fit to make a personal attack upon me to-night. He has made his own bed of torture; let him lie in it. I cannot help it.

I am very glad, Mr. Speaker, of the opportunity of presenting to the House and to the country the facts in relation to that investigation; and I want to say here in the outset that the Committee on Ways and Means never ordered an investigation into the facts in that case to the extent of calling witnesses. The gentleman from Kentucky [Mr. BECK] and myself were appointed a sub-committee on the part of the Committee on Ways and Means to investigate the affairs of the Internal Revenue Office at the request of the Committee on Appropriations. During that investigation it came to our knowledge that the Treasury of the United States was being robbed in some way, just exactly how we did not know. I went alone to the officers of the Treasury Department, because the gentleman from Kentucky [Mr. BECK] said to me that I had better go myself—that as he was a democrat it would be better for me to know the secrets of these things alone. I went to the office of the Solicitor of the Treasury, and also to the office of the Secretary of the Treasury, and my interview with those officers was so unsatisfactory that I came back to the House and offered a resolution of inquiry calling for copies of the contracts. After two or three weeks' delay that resolution was answered, giving copies of the contracts, but without the names of parties charged with having withheld their taxes. That answer was unsatisfactory to the House, and the gentleman from Pennsylvania [Mr. RANDALL] offered a resolution broader in its terms, which was referred to the Committee on Ways and Means. The Committee on Ways and Means directed me to report back to the House that resolution in still broader terms, calling for copies of the contracts and orders and everything in relation to the Sanborn contracts. In the course of time, in two or three weeks perhaps, we got an answer to this resolution. At the time I offered this second resolution the gentleman from Massachusetts [Mr. BUTLER] will remember that he objected to its introduction unless I would permit discussion, but finally he assented to a withdrawal of his objection, and the resolution was adopted by the House.

At that time the gentleman from New York [Mr. WOODFORD] asked the privilege of making a speech,and that was the speech referred to in the letter of mine read by the gentleman from Massachusetts, [Mr. BUTLER.] What he was going to say I knew not, but he asked the privilege and I granted it. Next day the gentleman from Massachusetts [Mr. BUTLER] said to me if I would offer the resolution he would withdraw his objection. Then in two or three weeks the Secretary's answer came to the House, and was ordered to be printed, and when printed the document came to the Committee on Ways and Means, and on examination the committee directed me to report a bill to the House to repeal the law.

Now, Mr. Speaker, but for the written request of Sanborn asking to be heard before we acted, and the personal application of the gentleman from Massachusetts [Mr. BUTLER] that Sanborn's request be granted, that law would have been repealed and no investigation would have been instituted. About that time Mr. Sumner died, and this matter was postponed until the ceremonies attending his funeral were over. Sanborn appeared directly afterward with a host of witnesses, half a dozen or more. He brought Mr. Coughlin from New

York, he brought Mr. Simmons from Boston, he brought old Belsterling from Philadelphia, and others—some from Washington and other points. They came on here and were going to convince (as the gentleman from Massachusetts said) the Committee on Ways and Means that we were all wrong, and that the law ought not to be repealed; but by the time we got through with them we found the whole transaction reeking and stinking with corruption all over—so much so indeed that Sanborn himself, at the instigation I presume of the gentleman from Massachusetts, [Mr. BUTLER,] refused to testify.

Mr. BUTLER, of Massachusetts. Why do you presume that?

Mr. FOSTER. Because he said he had a letter from a member of Congress asking him not to testify.

Mr. BUTLER, of Massachusetts. From me he did not.

Mr. FOSTER. He said that he had got a letter from a member of Congress advising him not to testify.

Mr. BUTLER, of Massachusetts. His counsel?

Mr. FOSTER. There is nothing but coat-tails about that.

Mr. BUTLER, of Massachusetts. Did you not say in your letter that you were going to give a rap at old Cock-eye?

Mr. FOSTER. Yes, I did; and I wish to ask the gentleman from Massachusetts if I did not get in a "rap at old Cock-eye" on a former occasion and after the letter was written, say about the 10th of March?

Mr. BUTLER, of Massachusetts. No; not once; not even his coat-tails. You have just said you never got nearer than his coat-tails.

Mr. FOSTER. The gentleman was fairly knocked down one day here. But no more about that, however; let me go on with my story.

Mr. BUTLER, of Massachusetts. O, yes.

Mr. FOSTER. Sanborn himself refused to testify. The Committee on Ways and Means found out by those witnesses brought here by Sanborn himself, without any expense to the Government, that he was robbing the Treasury as well as debauching certain internal-revenue officers from New York and New England; that they were simply collecting money that the officers of the Government could collect themselves without any intervention of Mr. Sanborn. We discovered, and you will find it in this report, that he collected several thousand dollars from one of these railroads six months before he had a contract to collect at all; that he collected several thousand dollars, some ten or twelve thousand dollars, without any contract whatever, and many other transactions equally scandalous.

Mr. Speaker, we followed this matter up, and I never asked a question which led to a sight of the gentleman's coat-tails, as you will see if you look through that book of testimony, but what was general in its character. I never asked a question directly about the gentleman from Massachusetts, [Mr. BUTLER;] I asked about some member of Congress. We found Prescott, No. 12 Pemberton Square. *I do not suppose the gentleman knows him*, but he has an office in the same building. *I do not suppose the gentleman from Massachusetts knew anything about Prescott offering* $5,000 *to one of the Brooklyn papers to take Sanborn's side of this question. I do not suppose he knew anything about paying money to the man Hughes who stole my letter to aid in securing Sanborn's acquittal in the United States court at Brooklyn. I do not suppose he knows anything about these people*, as well as almost every other man engaged in this infamous transaction. But the facts are that in one way or another they all had some sort of a connection with him. *My letter was stolen*, not picked up in the street as the gentleman says, *and given to the gentleman from Massachusetts.* I expected my letters would be stolen when I got into this controversy with the gentleman, and I was careful about what I wrote. There is nothing in any letter I have written which calls for explanation. And further, Mr. Speaker, this House, for the protection of its members, had to pass a resolution to keep the gentleman from Massachusetts from stealing telegrams.

Now, Mr. Speaker, I have but little more to say about this matter. This investigation was brought on by the friends of and by the gentleman from Massachusetts himself. No other person was to blame. They brought it on, and out of the mouths of their own witnesses this testimony came. We forced it, it is true. We forced Mr. Sanborn to testify. We discovered these frauds which are fully set forth in our report and which have not been and cannot be answered by the gentleman from Massachusetts to-night. The bill repealing the law was passed by a unanimous vote of this House, the gentleman himself being present.

Mr. NIBLACK. I desire to call the attention of the gentleman from Ohio before he concludes to the manner in which Mr. Sanborn procured information from Europe in regard to income taxes and other claims for taxes.

Mr. FOSTER. What is the gentleman's point?

Mr. NIBLACK. I desire to call the attention of the gentleman from Ohio to the manner in which Mr. Sanborn procured information from Europe as to certain taxes that the gentleman from Massachusetts [Mr. BUTLER] claimed that Mr. Sanborn had information of, which he proposed to collect if allowed to do so. I desire also to call his attention to the manner in which Mr. Sanborn got information as to certain whisky taxes, also as to certain railroads.

Mr. FOSTER. We have gone over all these things, Mr. Speaker, in our report and in our speeches. But it may be well on this occasion to call the attention of the House and the country to them again.

Now, this railroad case was a marvelous thing. Sanborn made marvelous use of railroad guides; that oath of his is complimented by the gentleman to-night. The acquaintance of Mr. Sanborn with the gentleman from Massachusetts is long-lived. It dates away back to old Fortress Monroe times. This man Sanborn was engaged in business with Mr. Hildreth (I do not care to tell here the relationship between Hildreth and the gentleman) down in the neighborhood of Fortress Monroe, selling goods to the rebels. Hildreth and Sanborn made a great deal of money at that time. I am told that Sanborn was employed as agent of the Adams Express Company. Mr. Bullock was agent of the Adams Express Company South, and played rebel. The company wanted a go-between who would get through the command at Fortress Monroe, where the gentleman from Massachusetts then commanded, and Mr. Sanborn was employed. What we were told as to that is not published, and I will not further allude to it.

Several MEMBERS. Out with it.

Mr. FOSTER. Now, how was this information got about this five million of taxes due from abroad? That is a big sum to talk about. One Mr. Fay—Mr. A. Goodrich Fay, of New York—turns up here employed by the Treasury, a special agent of the Treasury Department at five dollars a day, including Sundays and including expenses, to go abroad to hunt up these income cases. And when he returns we find that Mr. Sanborn turns up an informer in an $800,000 job. That $5,000,000 story is all bosh, and used to cover up his raids as an informer. That is the way that information was obtained.

I do not think it worth while, Mr. Speaker, to detain the House at any greater length on the matter of the Sanborn contracts, and I would not have said a word on this subject but for the personal attack the gentleman from Massachusetts has made upon me.

Mr. BUTLER, of Massachusetts. I have made no attack upon you.

Mr. FOSTER. I do know from reputable sources that men have been in my district—under whose auspices I do not know—looking into the matter of my election and trying to find out something about me; for what purpose I am not advised. But I am advised, and I will state it to the House, though the authority may not be very good, that the secret-service fund has been used to send men to my district—I mean the secret service in charge of Colonel Whitley, another one of the gentleman's friends—to look for a fifty-cent counterfeit plate. That was the ostensible purpose of his visit to my district. The real purpose was to hunt up something for the gentleman from Massachusetts [Mr. BUTLER] to use against me.

I do not suppose the gentleman from Massachusetts knows anything about it. *I do not suppose he knows about anybody being sent there.* Still, they have been there, and were sent by his friends. But, Mr. Speaker, it seemed to me under this provocation that I had a right to say "old Cock-eye" just once in a letter to a friend.

Mr. BUTLER, of Massachusetts. That is your stock in trade.

Mr. FOSTER. It is a good stock, is it not?

Mr. BUTLER, of Massachusetts. It is all you have got.

Mr. FOSTER. I do not know that I shall say anything further. I only rose to give a history of the connection of the Ways and Means Committee with the Sanborn case and to repel the gentleman's attack. But I do want to make a further remark; and that is about the case of Phelps, Dodge & Co. A more unprovoked, unwarranted, outrageous assault upon reputable gentlemen, I have never heard of, and I believe was never heard by the House or the country before. What Phelps, Dodge & Co. may have done forty years ago I do not know. I am assured that that statuary business occurred before either of the gentlemen now composing this firm were partners in the House. What Phelps, Dodge & Co. did then I know not. But assuming that what has been said about these things is true, it has nothing to do with this case of last year. What is that case? Why, Mr. Speaker, Phelps, Dodge & Co. in the course of five years imported $40,000,000 worth or thereabouts of tin. They paid $5,000,000 of duty, and in that time they overvalued their goods some $300,000. The total loss to the Government charged against them as accruing to the revenue of the country is $1,640. Did they intend to defraud the Government, or was it an error?

Now, Mr. Speaker, when we look at such cases as this we ought to take into account the surroundings. Is there any man living who supposes that Phelps, Dodge & Co. would rob the country of $1,640?

Mr. BUTLER, of Massachusetts. No.

Mr. FOSTER. That is all that is charged against them. Does any man believe that they would rob the country of that sum?

Mr. BUTLER, of Massachusetts. No.

Mr. FOSTER. That was the aggregate for five years, giving an average of about $300 a year. We must judge a case of this kind by its surroundings. If a mendicant or ordinary vagabond should obtain $1,600 that he could not account for we would call him a thief. But when you take into account the standing of Phelps, Dodge & Co. and their vast business, we must admit that they were simply errors; and if errors amounting to $300 a year should creep into a business of $8,000,000 a year, is this the great outrage, is this the great wrong to the Government that the gentleman argues should ruin forever the integrity of a leading firm like Messrs. Phelps, Dodge & Co.?

Mr. Speaker, I say shame on the Government and shame on the men in Congress or out of it who plead for such so-called justice or equity as against such an honorable firm.

Now, Mr. Speaker, if I should invite the gentleman from Massachusetts to my house to dine, and the next day should find a spoon (Jeremiah lii: 19) of mine in his pocket, nobody would believe that he had stolen it; but if found in the pockets of a vagabond we would know that he was the thief.

The trouble is, Mr. Speaker, the gentleman from Massachusetts [Mr. BUTLER] has in his pockets a large fee paid to him out of this robbery as counsel for Jayne, and it is getting too hot to hold it there comfortably. This accounts for the writhings and contortions and abuse of the name of Christian by the gentleman to-night.

Mr. Speaker, I give it as my deliberate opinion, and the country believe and I believe and the Committee on Ways and Means unanimously believe, this Congress believe, that Phelps, Dodge & Co. were deliberately robbed; and I believe furthermore that the country never will do justice by them until they pay them back the money thus extorted from them. Without attempting to elaborate the question, that is my deliberate and honest conviction of that case.

Mr. BUTLER, of Massachusetts. Then why not bring in a bill to repay them?

Mr. FOSTER. The time has not come for that yet. I have now said all I desire to say upon this subject.

Mr. E. R. HOAR. I have but a word to say. My colleague has alluded to the fact that when he proposed this evening should be set apart for speaking only, I interposed an objection, and he has chosen to attribute it to personal malignity. I think the experience of many years must have taught my colleague that I have never had any apprehension of affording him any opportunity to express his opinions or his purposes, and have never hesitated to express my own in my own humble way, even if they happened to differ from his. I am not aware he can honestly say he ever knew of a refusal on my part to do him justice.

Mr. Speaker, I thought when I heard that proposition made at this period of the session, when by resolution of both branches we were to end the session next Monday, with the great pressure of public business, with the efforts some of us were making to get to the business upon the Speaker's table in which we felt a deep interest, asking to set apart an entire evening to the exclusion of public business for bringing forward private grievances which could just as well be brought forward on the stump, and to discuss a bill which had already passed both Houses, when the opportunity which was afforded was not accepted by that gentleman, I thought we ought to prefer the public business; and for that reason I interposed the objection. I think so now. I think we should have better spent this evening in attending to the public business than in witnessing the exhibition we have seen. And so far from its having anything malignant in it, Mr. Speaker, if we had known what we should have seen and heard to-night, I think I might appeal to the judgment of the House the utmost friendliness to my colleague would have wished my objection should have prevailed.

Mr. DAWES. Mr. Speaker, at this late hour in the evening were there more occasion than there now seems to be to occupy the floor of the House, I should be very reluctant to tax its patience. So far as my colleague has made complaint against his colleagues, I am unable in looking back over my own course to suspect he has any disposition to include me in that complaint. Whether he has or not I have this to say: in my connection with these investigations of this House I have followed out a line of policy adopted by me on entering public life, when I entered this House in a minority, and which I have followed from that day to this, most of the time in the majority, never to shrink from the investigation of an alleged fraud or corruption, whether it arose among my political friends or among my political opponents, but at the same time I have studiously kept myself so that that spirit of investigation should neither be limited nor intensified by any personal hate or animosity on my part. And in all of the investigations in which it has been my misfortune to participate in this House, I have adhered to the resolution I adopted for myself when, by appointment of the Speaker in the first Congress in which I served, I entered upon an investigation; the democratic party being then in power and struggling as I believed they did to prevent and to cover up what was proved to be an iniquitous and corrupt proceeding. I then and there pledged myself that if ever I stood upon this floor in a majority I would only bring additional zeal and earnestness and sincerity to the work of bringing to the light and to condemnation and punishment whoever as a thief or as a corrupt man raised his head inside of my own party. And, sir, with no limitation of intensity, because of any personal application or because any individual lay across that path, I have pursued that rule from that day to this. I have never turned from the straight line of any investigation one hair's breadth because it was likely to lay open an unseemly and unsightly transaction in my own party; and I never shall in the little remainder of public life that is left to me.

In pursuance of that rule, in the last Congress, I began this investigation in reference to the effect of giving half of the proceeds of uncollected taxes and one-half of the fines and penalties to men who would turn their backs upon other employments at fixed salaries to engage in this pursuit. I followed it up as well as I could in the last Congress. And upon the very second day of this session, through the aid of this House, I called upon the Treasury Department to disclose what my colleague [Mr. BUTLER] has shown here to-night to be the effect upon honest men of this system which has been enfored in this country for the last fifty years upon the collection of the revenue; an effect which, I agree with him, has been continually growing worse and worse, until with him I believe that under all the force and effect of this system of moieties there has come into the Treasury of this kind of taxes but about two-thirds. Was it not time, then, was it not a matter that commended itself to the Committee on Ways and Means, to look about and see whether there could not be some improvement upon a system of collecting and enforcing revenues which my colleague describes in this way: that the less honesty a man has who is engaged in enforcing the revenue laws the better; that efficiency, according to his idea, and success, according to his idea, are incompatible with honesty in the public service; and therefore you must have agreed to the old adage, "thieves against thieves and rogues to hunt rogues?"

Sir, it did occur to me as a member of the Committee on Ways and Means and I accordingly set on foot the investigation which resulted in a unanimous vote of this House that that system shall continue no longer; it did occur to me that better than imposing new taxes would be an improvement in the system by which the other third of those taxes already imposed should flow into the Treasury of the United States rather than into the pockets of those men of whom my colleague says that the chief commendation they have for their services is that they have no honesty to embarrass or blunt them in their ways and means of detecting rogues. Sir, no effort of my colleague or any other gentleman on this side of the House will enable him or them to enforce upon the republican party as a part of its creed or policy any such doctrine as that. Honesty and efficiency in the public service, properly rewarded by fixed and fair salaries and compensation, I put against my colleague's policy and scheme, coming down though it may from the years that are past, bringing down though it does no other fruit than inordinate fortunes in the pockets of informers and prosecutors, while the deficiencies in the collection of the revenue go on increasing year after year until the startling announcement is made upon this floor by the chief apostle and defender of it all that the result and fruit of it is that under this great system not more than two-thirds can be got into the Treasury! Sir, some other purpose, some other method, some other idea worthy of effort on our part should stimulate us to action and investigation, if the fruit of it all is going to be such a sorry and sad picture as that which my colleague himself spreads out here as the fruit of the system.

Sir, it was in this manner that these investigations originated in the Committee on Ways and Means. My colleague had much to say about the petty pursuits of the Committee on Ways and Means.

He has criticised and complained of the action of the Committee on Ways and Means in pursuing this investigation, and has spread before the House his troubles with one or two members of the committee, and has sought to impugn the motives of the Committee on Ways and Means in their recommendation to this House and in their action which commanded the unanimous vote of the House. I participate in none of that controversy. I stop to make no inquiry concerning it; I have had no part or lot in it. If my colleague from Massachusetts or my colleague on the committee from Ohio [Mr. FOSTER] has a grievance, I care not.

Having approached this matter long before the gentleman from Ohio came into the House, at all, and long before my colleague came into it, and therefore could not have any grievance with him or with the gentleman from Kentucky, [Mr. BECK,] I have pursued the even tenor of my way as chairman of the committee, directing as well as I could the examination for the purpose of demonstrating what was wrung from the very officials in the administration of public affairs here at Washington with a view to the repeal of that system. Even the last Secretary of the Treasury, when before the Committee on Ways and Means, declared it his conviction that this system ought to be abandoned. Even Jayne declared before the committee that the system was unwise and that it ought not to be continued. No man, no official, has appeared before the committee or has made any communication to the House who has not sustained this view. The late Secretary of the Treasury, [Mr. BOUTWELL,] not only voted to repeal all of these laws, but he declared in his place in the Senate but a few days ago that this same Mr. William E. Dodge, who was put in the front here by my colleague, was an honest man.

Sir, how much co-operation in this work of investigation have we received at the hands of my colleague? Although he had notice from the committee whenever any testimony was introduced there with which his name was connected, he failed to present himself there to be heard upon this question, as he has failed up to this hour to give the House the benefit of his views upon it. He has no cause of complaint against the Committee on Ways and Means for the manner in which they have pursued this investigation, so far as he is personally concerned. He had personal notice every time any testimony appeared before that committee touching him, so that he might have the opportunity to appear there. No man has cause to complain of the action of the committee. We invited the men who were receiving these moieties to appear; we invited the officials in New York, and Boston, and Philadelphia, who were receiving these moieties; but they could not find time or opportunity to appear here and give us the benefit of their counsel. And yet, Mr. Speaker, I saw them around the galleries of this House and at the other end of the Capitol when the question was pending whether these moieties should be cut off entirely. I saw them in the lobbies at this and the other end of the Capitol. There was opportunity and time enough for them to come to Washington to give the aid of their advice to legislators by their votes upon that measure of repeal, but up to this hour the Committee on Ways and Means, so far as they are concerned and so far as my colleague is concerned, have been compelled to grope in the dark,

and gather up by the best means they could the information upon this subject which could be wrung from unwilling witnesses.

Sir, whatever others may say of the effect upon the party, and the damage to the republican party, that a republican Committee on Ways and Means has inflicted by these proceedings, I have this to say, that although I have served on many committees in Congress, on none of them do I look back to the work accomplished with more pride and satisfaction than upon the work that has been accomplished by the present Committee on Ways and Means, by which they have wiped out of the statute-book forever that blemish upon the Administration which hitherto has prevailed, a provision that in order to have an efficient prosecutor you must have a dishonest man, that in order that your officers shall pursue with energy the calling of enforcing the revenue they must be stimulated by one-half of all the fruits they can gather from infractions on it.

Sir, I wish to detain the House no longer with comments upon this work of the Committee on Ways and Means. I have no personal controversy, as I have said, with my colleague. There is nothing that has transpired in that committee, over which by your appointment, sir, I have sat as chairman during this investigation, of which any gentleman in this House has any just cause to complain. The committee have submitted to this House and to the other the results of their work. The unanimous approval of both branches of Congress is sufficient for them. If I wanted any other proof of the force and power of the public commendation of this act, I would point to the effort of my colleague here to-night to baffle this current and to struggle against this condemnation of a system which I am sorry to see he has espoused and which he feels bound to defend.

Sir, I can have no lot or part in any such policy. I believe that no such dishonesty on the part of public officers is necessary as he has described here to-night. I believe that if we need more revenue we have need only the more faithfully to collect our taxes. I believe that with honesty and fidelity, with a fair and fixed compensation, we can secure that as the result of the work for which the Committee on Ways and Means have been arraigned before this House and before the country this night. They are ready to appeal from my colleague to the judgment of the House and the country.

Mr. BUTLER, of Massachusetts. Mr. Speaker——

Mr. ELLIS H. ROBERTS. Before the gentleman from Massachusetts [Mr. DAWES] sits down——

Mr. BUTLER, of Massachusetts. But he has sat down.

Mr. DAWES. If my time has not expired, I will hold the floor long enough to allow a question from my colleague on the committee.

Mr. ELLIS H. ROBERTS. When the gentleman from Massachusetts [Mr. DAWES] was discussing this question on a previous occasion he said, in answer to his colleague, the gentleman from the Essex district of Massachusetts, [Mr. BUTLER,] that it was true that the latter had introduced the first bill in this Congress to repeal moieties. I desire now to ask the chairman of the Committee on Ways and Means, where now is the bill introduced by his colleague from the Essex district?

Mr. DAWES. That bill was hung up by a motion of my colleague to reconsider the reference of the bill to the Committee on Ways and Means and it has never got there yet.

Mr. ELLIS H. ROBERTS. So that it is true that the gentleman from the Essex district did introduce such a bill, and it is now hanging, as the chairman of the Committee on Ways and Means says, upon a motion to reconsider entered by him.

Mr. DAWES. Yes; my colleague had it referred to his own Committee on the Judiciary. After that I had it referred to the Committee on Ways and Means, and he entered a motion to reconsider that reference, and it never was reached. I promised to yield the balance of my time to the gentleman from New York, [Mr. TREMAIN.]

Mr. BUTLER, of Massachusetts. How much time is that?

The SPEAKER. The Chair has really recognized, by a nod, the gentleman from Massachusetts, who first spoke to-night, [Mr. BUTLER.]

Mr. BUTLER, of Massachusetts. I will wait until the gentleman from New York [Mr. TREMAIN] is through. Perhaps some members may remain to hear me.

Mr. TREMAIN. Mr. Speaker, understanding that there is no other member of the Committee on Ways and Means who desires to address the House to-night, it seems to me that I cannot, consistently with the duty I owe to an honored firm of constituents, permit this House to adjourn without raising my voice to repel the most extraordinary and unjustifiable aspersions that have been uttered here to-night upon the floor of the American Congress. Phelps, Dodge & Co. are my constituents. For a quarter of a century that firm has occupied a position at the head of the mercantile community of the great commercial emporium, with no stigma or stain resting upon their honor or upon their good name.

To-night the gentleman from Massachusetts [Mr. BUTLER] has constituted himself their accuser, has appeared as witness against them, and has acted as their judge. No charges are served upon that firm to appear in this Hall; no counsel has a right to appear here to defend them. Slanders are uttered here for which a man would be held personally responsible before the tribunals of his country if uttered where he would be deprived of the immunity that shields him here. He is here protected by the broad ægis of the Constitution, which declares that no man shall be held responsible for words uttered in debate upon the floor of this House.

And yet what have we heard here to-night? For the purpose of defending two dead and buried institutions, and in pronouncing an anathema upon the action of the Committee on Ways and Means of this House for their action in condemning and hurling into that infamy from which no power on earth can lift them—the rotten Jayne moiety system, and the infernal Sanborn contract—the gentleman from Massachusetts has held up the firm of Phelps, Dodge & Co. as swindling merchants, as perjured villains, as men who have been engaged for years in attempting to defraud the revenues of this Government, and as men who ought to be held up before this crowded audience, upon an accusation which shall go upon the wings of the lightning from one end to the other of this Republic, as men who have cheated the community in which they live, in obtaining that reputation and that honor which, forsooth, are to be destroyed before the keener criticisms, the sharper instincts, and the wiser sagacity of the hero of the Sanborn contract and the Jayne moiety system.

No man can deny the power of the gentleman from Essex. But he has not the power to raise the dead; and until he has that power he can never reverse the judgment of this House and of this country that the Sanborn contract and the manner of its performance constitute the most disgraceful and disgusting performance that has ever brought discredit upon the American name. With all his power to please, and to call down the plaudits of the galleries, the gentleman from Massachusetts can never roll back the popular tide or reverse that judgment which is the judgment of the American people that the scenes which have transpired in New York, of which Phelps, Dodge & Co. were the victims, are as deserving of the condemnation of an honest and a justice-loving community as were the diabolical transactions of the inquisition and of the star chamber.

Sir, there is in all this broad land but one man who has the boldness to stand up against the judgment of an honest people, against the unanimous expression of this House, against the conscience and the honest opinions of a thoughtful and a truth-loving community in regard to these transactions. The time for making the defense was when the gentleman from Massachusetts was invited; and he did not come. He was sick! He will be sicker yet before he gets through with his connection with the Sanborn and the Jayne infamies. No man is able to stand up before the American people and sustain these atrocious proceedings.

The gentleman has said that Phelps, Dodge & Co. were guilty of frauds in regard to statuary. Sir, a falser accusation was never made. I know well the history of that stale slander, which has been picked up from the gutters and peddled in your cloak-room. It is false in every part of it.

Let me say in the first place that in the firm of Phelps, Dodge & Co. the name of Phelps is retained although the man who bore it has been dead for many years. Under a statute of New York the name of a deceased member of a firm and of the old firm itself may under certain conditions be continued by those who succeed to the business. Of course it would never be continued except where it has acquired credit and standing by probity and integrity and is a name that ought to be perpetuated.

Sir, it was nearly fifty years ago that an act of Congress was passed increasing the duty upon lead in pigs and bars from one to three cents per pound. What was the occasion of the increase? Lead mines had been discovered at Galena, Illinois, and according to the system of that day, of protecting American productions and American industry, this duty was increased 200 per cent. There had before that time grown up in the cities of Baltimore, Philadelphia, New York, and Boston large manufacturing establisments, concerned in the manufacture of white-lead, in one of which the old firm of Phelps & Peck (the name of the dead Phelps being perpetuated in the firm) were interested. When that statute was passed, somewhere from 1820 to 1824—I do not remember the exact year—these large establishments found that their business was failing; and they looked around to see in what manner they could reimburse themselves for the losses they sustained by reason of the legislation of Congress. They found that this statute, which was under the old system of duties, had left upon old lead, so called, an *ad valorem* duty of 15 per cent.

I never heard that there was anything wrong in acting precisely according to law. These manufacturing establishments consequently concluded to import old lead. I will show you by and by that as to the statuary story even the firm of Phelps & Peck had no more connection with it than the gentleman from Essex. There was a great demand for old lead. The consequence was that in the old establishments in England the roofs that were made of old lead were taken off, new lead put on, and the old lead imported to this country. Merchants and the officers of the customs submitted the question to the Treasury Department, where it was decided, properly and legally, that no more than 15 per cent. could be collected on old lead under the statute, although that lead was afterward used for the ordinary purposes for which pig-lead and bar-lead would be used.

Congress, when the next session came, proceeded to cure that omission in the old law. They did so. Then these gentlemen looked around; and they found that there was still another provision in the tariff laws under which musket-balls and bullets were admitted at a duty of 15 per cent. *ad valorem*. There was then a wonderful demand for bullets and musket-balls, old and new. They were brought over in immense numbers. Again the revenue officers submitted the question to the Government; and the Treasury officials decided that the

importation of bullets and balls at 15 per cent. *ad valorem* was according to law; that the Government could not help itself. At the next session another law was passed patching up that hole in the tariff. But afterward it was discovered that there was still another item left with a duty of only 15 per cent. *ad valorem;* and that was leaden weights and leads used by sailors. There was then a wonderful demand all at once for weights and leads. The old weights were found to be very defective. Every shipper and every sailor wanted a new set of leads. A large number were imported. In the mean time a suit was brought in New York by Mr. Price, the district attorney, but he was ignominiously beaten; for the judge, upon the first hearing of the case, dismissed the complaint on the part of the Government. Then this defect in the law was supplied. But there was still left the old statute which said that statuary and busts should be admitted either free of duty or at a small duty. Well, there never was such a demand for busts since the time when my colleague [Mr. COX] got his bust made when he and I were in Florence. Why, sir, they had statues of all the great men of ancient and modern times. They had Moses and Aaron, and Benjamin and Joshua, and Cæsar and Napoleon, and Wellington, and Washington, and Jefferson, and everybody else, run into statues on the other side. Some of them came over, to be sure, as has been said, with an eye knocked out, or a nose battered, or fingers dislocated; still you could recognize them. They came in in great quantities. A suit was undertaken to be brought in New York; but Mr. Price had had sufficient experience in that line, and he thought he would not venture upon the experiment. They went up to Boston and they sued an honorable old merchant, who was one of these white-lead manufacturers, for importing these leaden statues which, according to the language of the gentleman from Massachusetts, were transferred to the melting-pots. They brought suit against him. What did the old merchant do? His name I do not remember—perhaps some one from Massachusetts here will.

A MEMBER. His name was Leavitt.

Mr. TREMAIN. Yes; I think his name was Leavitt. What did he do? No doubt if the lawyer from Essex had been there he would have run for his office if the Government officer had not got there ahead of him. As he was not there they had to take a man of less importance, and they employed a man you may have heard of by the name of Daniel Webster. Mr. Webster went into court to defend his old friend, an old Boston merchant. They proved he imported these old leaden statues, and they probably could have satisfied the jury if that had been material that he meant to melt them as soon as he had got them into his store. What did Mr. Webster do? Mr. Webster said to the judge, "I ask you to instruct the jury that the only question in this case is a question of fact, whether the articles seized by the Government were or were not statuary." It was not a question of law, but a question of fact for the jury. The judge, as he was bound to do, responded to that request by charging the jury in accordance with the request, and the jury without leaving their seats gave a verdict in favor of the defendant that he had violated no law.

And that is all there is, Mr. Speaker, of this stale old statuary story, dug up from the gutters to sustain the rotten cause of the Sanborn contract and of the Jayne moiety system and to bring discredit upon the name of Phelps, Dodge & Co.

Now, whether these transactions by the importers were moral or immoral is a question I am not called upon to determine. It is enough, however, to say in this connection that at that time no member of the present firm of Phelps, Dodge & Co., had any connection with it. It is enough to say that the firm which was then in existence, and the predecessor of this firm, was the old firm, of Phelps & Peck, that the firm of Phelps & Peck never had anything to do with the importing of leaden statuary and busts, and that the story even as to them is made out of whole cloth, thrown in here when there was no man supposed to be familiar with the facts to defend the firm of Phelps, Dodge & Co. against a charge entirely in harmony with the general character of the transactions which the Committee on Ways and Means have properly sought to reform and this House has by its unanimous judgment condemned.

Again, the gentleman tells us Mr. Dodge claimed a particular interpretation of the statute in regard to the amount of duties which should be collected upon tin plates. I am informed by an honored merchant from Boston on the floor of this House, since that charge was made, for I knew nothing of it and this is no time to be called on to defend an absent man against a charge made under the privileges of the House—I am informed by that honored merchant, who is familiar with the whole transaction, that in regard to that the Treasury Department fully sustained the claim which was made by Mr. Dodge.

Allusion has been made to the action of the Committee on Ways and Means in recommending the tariff bill which proposed a specific duty upon tin and the boxes in which it was contained. So far from being a cause of censure againt the firm of Phelps, Dodge & Co., that transaction is evidence of their strong desire to conform to the law, and to guard against the defects and abuses existing under the law which had been the means of robbing them of $271,000. Look at it for a moment.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. TREMAIN. I understood the gentleman from Kentucky, [Mr. BECK,] one of the Committee on Ways and Means, to say he would yield to me whatever time he had.

Mr. BECK. I told the gentleman from New York if I had any time I would yield it to him.

Mr. BUTLER, of Massachusetts. The gentleman has yielded his time once or twice.

Mr. TREMAIN. This gentleman himself has had two hours. I understood the gentleman from Kentucky [Mr. BECK] was willing to yield his time to me.

Mr. BECK. The gentleman from New York asked me if I would give him my time. I told him I believed I was on the list, and if I had any time I would surrender it to him as I did not expect to speak myself.

Mr. TREMAIN. My name is on the list and I have the right to speak in my own right.

Mr. RANDALL. Go on; we have given the other side two hours.

Mr. TREMAIN. Mr. Speaker, what was the old law which is now condemned? If a man imported tin manufactured in the interior of England—and it is mostly manufactured in Wales—if he by mistake omits to put into the invoice the expense of cartage or of telegraphs or of expressage or of boxes or of any other item whatever, under that old law, which finds its vindicator here, not only was the article forfeited, but the whole invoice in which that article was contained was forfeited.

Nay, more; it was not necessary to show that there was any intention to defraud the Government. The Supreme Court decided that when the word "fraudulently" was omitted it was only necessary to show that the invoice was entered at less than the actual cost, and that it became a matter of law in such a case to instruct the jury that the whole invoice was forfeited. It was under such an odious system that Phelps, Dodge & Co. were sought to be charged with $271,000 of forfeiture. Now what was the amount of duty of which it was charged they defrauded the Government? Why, sir, but $1,600. Here, sir, is a firm which had paid more than fifty million dollars into the Treasury; while the Ways and Means Committee state it has been proved before them that they overpaid to the Government on other articles three or four thousand dollars of duty. Yet these men were to be held responsible in the large amount I have named for these trifling inaccuracies in their invoices. It was to guard against that that Phelps, Dodge & Co. and all the other tin merchants and importers of the country presented the memorial to Congress from which the gentleman from Massachusetts only read the first name, that of Phelps, Dodge & Co.; and that memorial asked that the tariff be changed. They were willing to have put on a duty which would give the Government greater revenue than they have derived from that source for the last three years. They thought one cent on the tin and boxes was enough. The committee of this House put it at one and a quarter cents. That is what there is about that.

Now, who is Mr. Dodge? He is a man who has been a member of this House, the peer of any gentleman upon this floor, the man who, after all these charges were made against him, was elected by the unanimous vote of the merchants of New York president of the Chamber of Commerce in that great city, a position that he occupies to-day. Can a man acquire such a reputation and so enjoy the confidence of his fellow-merchants if he is that rotten and corrupt and swindling merchant that he has been held up before this House to be by the gentleman from Massachusetts? Shall his good character go for nothing? Can long years of integrity and probity go for nothing? Shall his reputation for Christianity and piety, evidenced by the fruits that are welcomed everywhere by the Christian community as springing from a good heart, go for nothing? Is such a man to be ridiculed before your galleries as a man that preaches in the day-time and prays at night? Is the American Congress to listen to harangues of that character?

Then the gentleman, after haranguing the House for two hours, now seeks to stifle the voice of the Representative from New York, who has no other interest at all in this firm except simply to have justice done. It seems to me that this whole debate to-night has been in the nature of a funeral oration by the gentleman from Massachusetts over the dead; the dead and the corrupt; the dead and the condemned; the dead and the infamous. And if the gentleman from Massachusetts thinks that he is to be held as the savior of the republican party from the Ways and Means Committee, to whose eleven members he so triumphantly bids defiance, he will find that he is laboring under an egregious mistake.

The people are quick to discover an honest desire on the part of the Ways and Means Committee and of this House to correct abuses and reform the existing laws. This House by both its parties, to their honor be it said, without regard to political considerations, have condemned these laws and wiped them out of existence, and they will be heard of I trust no more forever.

There was another subject I desired to speak on; but if the House will give me permission to print my remarks I will not detain it longer this evening.

Mr. BUTLER, of Massachusetts. If there be anything personal in them you cannot.

Mr. TREMAIN. I will tell the gentleman that I intend my remarks to relate to the extraordinary debate, the extraordinary personalities, the extraordinary course that was taken in the closing hours of the debate upon the Geneva award bill, a bill that has passed this House. But I rejoice for the honor of my country that the triumph that was won here is destined, I believe, to be short-lived and to yield no fruits.

It requires not merely the consent of this House, but the consent of the Senate and the President, before a raid can be successfully made upon the public Treasury, whereby four millions of honest property can be confiscated and ten millions can be taken and given to a class of men who have no claims in law or equity upon them. That question is wholly postponed and to come before this House at its next session. I desire to notice some extraordinary aspersions, some extraordinary arguments, some extraordinary personal remarks that were made during that discussion; and I think it will be quite as proper, as that subject is still alive, to speak to it as to spend two hours in talking about dead issues. My speech would relate to the Geneva award, and I ask unanimous consent to print my remarks upon that subject.

Mr. BUTLER, of Massachusetts. You shall not have mine, sir.

Mr. TREMAIN. Amen. You will hear from me at Philippi. We will meet there.

Mr. BUTLER, of Massachusetts. Now, Mr. Speaker, I have to ask from the House a little indulgence.

Mr. TREMAIN. I rise to a point of order. Has the gentleman from Massachusetts the right to speak twice on the same subject?

Mr. BUTLER, of Massachusetts. I am going to speak upon an entirely different subject. I am going to speak upon the gentleman from New York, who is an entirely new and different subject.

The SPEAKER. The gentleman has a right to speak again unless some other gentleman desires to occupy the floor.

Mr. BUTLER, of Massachusetts. Mr. Speaker, the gentleman from New York [Mr. ELLIS H. ROBERTS] tried to quote Shakespeare in ridicule of my sickness; thus one member of the Committee on Ways and Means ridicules my eyes, and another ridicules my sickness. I am grieved that I am not always well. I am sorry that I cannot always be equal in health and good looks to the majority of the Committee on Ways and Means. But the most remarkable exhibition has been that of the gentleman from New York, [Mr. TREMAIN,] who told us when he first came upon this floor that he represented the whole State of New York, and that he had thirty-two Representatives from that State as his constituents, and he tried also to quote Shakespeare. Let me try if I cannot quote Shakespeare too, and see if I cannot do a little better:

> The little dogs and all,
> Tray, Blanch, and Sweet-heart, see, they bark at me.

Mr. ELLIS H. ROBERTS. And bite.

Mr. BUTLER, of Massachusetts. Ah, yes; but only timid persons get the hydrophobia from the bite of very little dogs.

But, Mr. Speaker, let us be serious about this business. I want no better witness than the gentleman from New York, [Mr. TREMAIN.] He comes here and tells the House and the country, in addition to what I endeavored to say, that I did not think all merchants were honest. If he is to be believed they are all dishonest. Why, sir, we put a duty on lead to protect our western mines, but allowed "old lead" to come in at a very small rate of duty, and long years ago the merchants of New York, Philadelphia, Boston, and Baltimore evaded the law by tearing off the leaden roofs from houses of London and importing them into this country as old lead so as to evade our tariff. I call that swindling. I may not understand New York morality, but according to the New Testament, which tells you that you should do unto others as you would have them do unto you, that is swindling. Well, Congress patched up that law and stopped that leak; but it could not foresee all the rascality that was possible on the part of merchants. This was just after the war of 1812, and Congress passed a law providing that no lead should come in without the payment of duty, except bullets. Well, sir, these merchants, these honest men, the praying men, cast all their lead into bullets and brought them in free of duty. I should say that that was another swindle. It was cheating the Government under the forms of law, getting around the law, evading the law, using the law to enrich themselves at the expense of their country. That is what I call swindling. I am obliged to the gentleman for the facts he states. One of the house of Phelps, Dodge & Co. was in those frauds he admits.

The gentleman avers that I should not dare charge this firm of Phelps, Dodge & Co. with swindling and defrauding the Government were I not protected from suit, because I am protected from suit for what I say here in this House.

Now I want, once for all, to say to the gentleman from New York that I will claim no privilege, I will shield myself by no privilege. I will stand out on the common here at any hour he may name, and in the presence of as many reporters as he can bring there I will make these statements over again, and he may sue me for slander, and I will endeavor to respond to the judgment of the court after he gets a verdict of any honest jury against me.

Congress also allowed lead to come in free as clock-weights; that was in favor of Connecticut, where they make clocks, and thereupon these merchants, he says, brought in all this lead free of duty in that form, and thus cheated the revenue. Congress stopped that fraud by a new law, and Connecticut could have no more clock weights unless she paid duty on them. What did the merchants do then? I am only commenting on the testimony of my witness [Mr. TREMAIN] here from New York. What was the next thing they did? They looked around, and they found that statuary and busts came in free of duty, and then they cast all the pig-lead imported into statuary, and thus brought it in free of duty; and when the Government undertook to stop that fraud, they got Daniel Webster to defend them, and he convinced a jury that they had a right to import statuary free of duty, and so they succeeded in swindling the Government in that way. Now, sir, this is the honesty of the mercantile community on the testimony of their defender who volunteers here in their behalf.

Now, I undertake to say that there is not a man in this House who professes honesty that can look an honest man in the face and say that that is either just, or proper, or right, this taking advantage of the law to swindle the country. But does not the gentleman's statement cover exactly what I told you of? I said that it was notorious that for years and years the firm of Phelps, Dodge & Co., whatever members may have composed it, had been taking all manner of technical advantages to swindle the country. If I had not proved it before it is proved now; here is the witness, their advocate, putting in their defense.

The gentleman says I brought this charge of importing lead as statuary, which he admits to be true, out of the gutter. Let us see where I brought it from. I took it from the congressional reports; I had it read at the desk of your Clerk from the Congressional Globe. Senator MORRILL was one of the debaters; Mr. ELDRIDGE of this House was another; Thaddeus Stevens was another, and he charged it as a swindle upon the revenue by Phelps, Dodge & Co.

And then upon this question of cheating in tin plates. The gentleman says why should they not, if they could only get a ruling of the Department to enable them to bring in these tin plates at too low duty because they were not "galvanized tin plates," and thus defraud the nation. Ay, why not? Why should they not cheat? I know of but one reason why they should not? Because it is dishonest to cheat; that is all, that is the only reason; that may not be a good reason in New York, but elsewhere it is; because it is not doing an honest thing, it is not doing an upright thing, and it is not doing the thing that ought to be done. I may be all wrong; I may be one of those that have not proper moral conceptions. But I would here declare that I would rather defend Sanborn and Jayne and everybody else I have heard of on the other side of this transaction, than to defend a merchant who undertakes to cheat his country in time of war, when her soldiers were bleeding upon the field of battle, by frauds and tricks cheat her out of millions of dollars each year, as these merchant princes, Phelps, Dodge & Co., did. That is all; and I dismiss them forever. If there is any man here who chooses now to defend them, be it so. After this exhibition of their case by the gentleman from New York, if there is any man here who wants to say that theirs is good morality to inculcate in his children, that this is a good thing to do, that the law ought to be made and tariffs fixed for such men, then be it so. That is what your committee has done.

The gentleman from New York says that we should not attack absent men. Why, then, does he denounce a man by name, Mr. Jayne, who is absent? I have never said anything here about Mr. Jayne, good or bad. What has Mr. Jayne done? As a special agent of the Treasury Department it was his duty when frauds were brought to his notice to inform the proper officers and have them punished. He did so; and of forty-nine cases he convicted forty-eight in court by the plea of guilty, and he brought into the Treasury in two years $3,000,000 fines and penalties, as that book shows. That is all he has done.

Mr. DAWES. That is not all; he took half of it out.

Mr. BUTLER, of Massachusetts. No, sir, he did not; that is a simple mistake that both you and others have made.

Mr. DAWES. He and his friends about him did.

Mr. BUTLER, of Massachusetts. No, sir; pardon me again.

Mr. DAWES. They divided it up.

Mr. BUTLER, of Massachusetts. Wait a minute, don't hurry; be a little careful now. He put $3,000,000 into the Treasury for fines and penalties within two years, he and others, independent of what they took out. Look at the record. That is as I understand it. They did according to the law of the land, and they did it by the judgment of the court. That is the beginning and the end of their offending.

Mr. DAWES. I think my colleague is mistaken about the sum. But if he is not mistaken, they took out $2,000,000, or more.

Mr. BUTLER, of Massachusetts. I do not care if they took out $10,000,000; they took out no more than the law allowed them as part of what they put in.

Mr. DAWES. The report shows they took out two or three million dollars.

Mr. BUTLER, of Massachusetts. We have the report here. I do not care to go into the figures at this hour of the night. Let us turn to another part of this case. The gentleman from New York, who visited Europe last year [Mr. ELLIS H. ROBERTS] and who came back just in season to pay his back salary into the Treasury, upon which I doubt not he spent his time very pleasantly in Europe—the gentleman from New York has had the kindness to have read at the Clerk's desk extracts from the evidence to show that I knew about this case because I was counsel. Why, sir, as it came out before his committee and without my fault, as I do not willingly disclose my clients' business, I will tell the whole of it now, especially as great pains have been taken that the statement should not appear in the report. I never had anything to do with fixing the penalty Phelps, Dodge & Co. should pay; they were all fixed before I came into the matter. But the informer brought to Mr. Jayne a bundle of letters which compromised some of the first women in New York quite as much in their conduct

with the younger members of that firm as the firm were compromised with the United States; and the question was with Mr. Jayne, what should be done with those letters? The informer who brought them to Mr. Jayne said to him, "You must use those letters to get more money." Jayne said, "I will not." Then it was replied, "If you do not I will complain to the Secretary of the Treasury." Mr. Jayne came to me and said, "Ought I to use those letters for any such purpose?" I said to him, "Not by any manner of means." Mr. Jayne then called young Mr. Phelps before him and put those letters into the fire; and young Phelps took him by the hand and thanked him for so doing. I went with Mr. Jayne and explained the transaction to the Secretary of the Treasury, who said to Mr. Jayne, "You did right; you acted like an honorable man."

The only thing I ever had to do with this question of penalty was when two of Phelps, Dodge & Co.'s lawyers came into my office here in Washington and said, "Will you not go to the Secretary of the Treasury and advise him to take this $270,000 and settle this case?" I said, "I will not go and advise him, because it would do more harm than good; he understands his own matters perfectly; I cannot be of service to you in the matter." My connection with the case was because of a private transaction which the Government had nothing to do with; and but for the gentleman from Ohio, who in the course of the testimony over and over again pressed it out, picked it out, drew it out, hammered it out, and got it out, it would never have come out here at all. I did nothing in that matter more than I would do when the gentleman from Ohio [Mr. FOSTER] is attacked and comes to me for counsel, as he will I doubt not. I do not know but that I would defend even the gentleman from New York, [Mr. ELLIS H. ROBERTS,] provided my fees were large enough. For these reasons I have nothing to apologize for or retract upon that matter.

But why drag in these matters of personality except as they show that this investigation in the Sanborn case was, upon the testimony of the gentleman from Ohio, got up, not by the Committee on Ways and Means, but by himself and the gentleman from Kentucky, [Mr. BECK;] the object being on the part of the latter, properly and rightly from his political point of view, to break down the Administration; and the object of the gentleman from Ohio being to break me down to get even with me. My whole offense (as has crept out in the statement of the gentleman from New York, who is acting under my colleague's inspiration,) was that it was necessary that gubernatorial honors should not be allowed to anybody in my State except to a chosen few of high respectability, such men as import lead bullets against the law, and tear off lead roofs in London in order to cheat the revenue—"highly respectable merchants!"

To my colleague, [Mr. E. R. HOAR,] who with such solemnity asks me whether I honestly think he would do an unjust thing toward me, I answer in the same candor with which he puts the question, that if he knew it I do not believe he would. But I think the bent of his mind is so bitter that he does not know when he does a thing which he ought not to do against a man whom he does not like. Is he satisfied with the answer? I am.

Mr. TOWNSEND obtained the floor and said: I yield fifteen minutes to the gentleman from New York, [Mr. TREMAIN,] after which I will yield five minutes to the gentleman from Florida, [Mr. PURMAN.]

Mr. TREMAIN. Mr. Speaker, it is difficult to tell which most to admire, the high-toned sense of honor and morality of the gentleman from Massachusetts, who sees so much fraud in the conduct of men who have been vindicated and sustained by the action of a court and jury, or his logic in finding in my argument a sufficient ground to condemn Phelps, Dodge & Co. Sir, I have stated distinctly, and the gentleman knows it well, that Phelps & Peck, who were the firm in existence when the statuary was imported some forty or fifty years ago, had no agency whatever in its importation. They had no more connection with it than had the gentleman from Massachusetts, and yet, forsooth, he finds in my remarks sufficient to sustain his charges against Phelps, Dodge & Co., and proceeds to indulge in a general tirade of abuse against the merchants of this country—merchants whose names are synonyms for honor, for patriotism, and for integrity, and who would not thank me for vindicating them against the frivolous and unfounded aspersions of the gentleman from Massachusetts.

Again, he asks why did I denounce Jayne? I denounced the systems with which Jayne and Sanborn were associated. I exonerate the officers of the law, for they are honorable officials in the city of New York, who no doubt did what honorable men should have done in executing the law. I would not be understood as criticising in any manner the action of the revenue officers of New York, for all of whom I entertain the highest respect and esteem. But it was the system I denounced, and I rejoice that it has been condemned and forever exploded.

The gentleman says we drag in personalities. A singular complaint from such a source! Who but he has introduced personalities into this House? Who but he in the Geneva award debate, which he now objects to my answering, introduced personalities? I send to the Clerk a passage I desire to have read in regard to personalities. I ask the Clerk to read that portion which is marked. The gentleman's speech is withheld from the RECORD, and hence I send up Harper's Weekly, which contains the newspaper version of the transaction.

The Clerk read as follows:

In the further course of Mr. BUTLER's argument, Mr. TREMAIN asked him if he would allow him to put a question.

Mr. BUTLER, of Massachusetts. Yes, if you will keep quiet afterward.

Mr. TREMAIN. That depends upon whether you tell the truth or not.

Mr. BUTLER, of Massachusetts. If that is a good reason, you will keep quiet all your life, and die with your tongue dumb; but the difficulty is that Tweed was convicted, and the lawyer who convicted him cannot keep quiet ever since.

Mr. TREMAIN. And you sympathize with him?

Mr. BUTLER, of Massachusetts. I do, with such a counsel as was against him. [Laughter.]

Mr. TREMAIN. Undoubtedly there is a bond of sympathy between you.

Mr. BUTLER, of Massachusetts. I think that such a man should be hunted by lions, and not by jackals. [Laughter.] Do you see the disadvantage of interrupting?

Mr. TREMAIN. None whatever.

Mr. TREMAIN. Now, Mr. Speaker, let me recall to this House the circumstances under which that violation of the rules of this House was perpetrated. Three speeches had been made on the part of the champions of the war premiums, without any opportunity to reply, under the management of the gentleman from Massachusetts. No answer was allowed to the question which I proposed to put to one of his field-marshals, the gentleman from Maine, [Mr. FRYE.] a gentleman for whom I entertain the highest regard. When closing the debate the gentleman from Massachusetts stated that Judge POLAND'S bill declared insurance companies should be paid, a statement that was utterly unfounded in fact, and I asked, in accordance with the courtesy and usages of the House, if he would permit me to put a question. You have the answer before you. Sir, the time has been, when I was younger than I am, and had as I think a more imperfect view of my duty, when swift and certain punishment would have followed the application of that language to me.

But, sir, I trust I never shall forget that solemn declaration that "Vengeance is mine; I will repay, saith the Lord." I have too much self-respect and too high a regard for the honor of this House to respond in the same coin, no matter how copious and abundant may be the wealth of materials available at my command. Nor, sir, do I believe the good people of this country will believe me to be a jackal, nor complain of my agency in convicting the notorious Tweed. No such language as I have quoted nor any other from the same source can insult me. I believe rather, sir, that the honest judgment of the thinking, sensible people of this country, as they read at their breakfast tables that extraordinary exhibition on the floor of the House of Representatives, would be, "What else can you expect than a comparison drawn from the animal creation when that comparison comes from the mouth of"—I forbear from finishing the sentence.

The gentleman has quoted Shakespeare. Let me also quote Shakespeare as applicable to him. On the Geneva-award debate this Hall rang during three hours with charges, when no opportunity was given to answer; when even fifteen minutes were refused to the gentleman from Kentucky [Mr. BECK] to say a few words in favor of insurance companies, though the pledge had been given when consent to close the debate at three o'clock was obtained from us that we should have one-half the time—I say the Hall rang with all sorts of charges, among which were charges against Mr. Evarts, ex-Attorney-General of the United States, a man standing, if not at the head, at least in the front rank of his profession in New York and in the country, with charges against every lawyer who did not speak against the insurance companies as having been bought, not directly, not in a manly way, but in that insinuating, ambiguous form which the gentlemen know how to employ without violating the rule which prohibits personalities, and yet carrying the impression to the groundlings that every man who stood up here in favor of what he supposed to be the claims of justice and right was paid by the insurance companies. The very able gentleman from Maine, the field-marshal of the commander-in-chief—I will not put him down so low in rank as to call him a lieutenant or adjutant—the gentleman from Maine [Mr. HALE] said, "Do not put this case into the courts, for there the insurance companies are sure to win."

But the gentleman from Maine says do not put this case into the courts, because there the insurance companies are sure to win. It is a well-settled principle of equity that the insurance companies were subrogated to the rights of the assured. And so it went on for the benefit of the war-premium claimants, and the ten millions were to be taken out of the Treasury and distributed among the men that were not entitled to it.

Now, there is a description of such another crusade that I find in Shakespeare's second part of King Henry VI. Shakespeare has described all sorts of people in ancient and modern times, and he gives Jack Cade's language to Dick the butcher, Smith the weaver, and others of a similar stripe, who rallied around him, in these words:

CADE. Be brave, then; for your captain is brave, and vows reformation. There shall be, in England, seven half-penny loaves sold for a penny: the three-hooped pot shall have ten hoops; and I will make it felony to drink small beer; all the realm shall be in common and in Cheapside shall my palfry go to grass. And, when I am king, (as king I will be,)——

ALL. God save your majesty!

CADE. I thank you, good people:—there shall be no money; all shall eat and drink on my score; and I will apparel them all in one livery, that they may agree like brothers, and worship me their lord.

DICK. The first thing we do, let's kill all the lawyers.

CADE. Nay, that I mean to do. Is not this a lamentable thing, that of the skin of an innocent lamb should be made parchment? that parchment, being scribbled

o'er, should undo a man? Some say, the bee stings: but I say, 'tis the bee's wax; for I did but seal once to a thing, and I was never mine own man since.

The difference between the ancient Jack Cade and the modern is that instead of saying there should be no money, the modern Jack Cade says, "You shall have your pockets full of money, all glittering in bright greenbacks, bearing the stamp of the Government."

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate insisted on its amendments to the bill (H. R. No. 3094) making appropriations for the service of the Post-Office Department for the year ending June 30, 1875, and for other purposes, disagreed to by the House of Representatives, disagreed to the amendments of the House to other amendments of the Senate, and agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon; and had appointed Mr. WEST, Mr. RAMSEY, and Mr. SHERMAN to be the conferees on the part of the Senate.

The message further announced that the Senate had passed without amendment the joint resolution (H. R. No. 112) directing the Public Printer to keep an account o all expenditures for printing, mailing, and binding the CONGRESSIONAL RECORD, &c.

The message further announced that the Senate agreed to the concurrent resolution of the House of Representatives directing the distribution of the three thousand copies of the Statistical Atlas of the United States based on the results of the ninth census, now being compiled by Francis A. Walker, the publication of which is provided for by the act of March 3, 1873.

RECOGNITION OF CUBA.

Mr. PURMAN. Mr. Speaker, the first cry of freedom in Cuba, though in a different language from ours, sobbing across the narrow Gulf Stream, received a ready response and re-echo in the chivalric hearts of Florida. Florida, once a sister with Cuba in the family of the once great Spanish nation, cannot be oblivious to the struggling condition of her less fortunate relation. The blood of a historical consanguinity yet courses through the veins and memory of our people.

It was the good fortune of our State to have been first plucked from the grasp of Spanish dominion by the reckless gallantry of a cavalier general and in violation of all international law, and the jewel of American liberty was set upon her brow in the similitude of a captive beauty crowned by her conquering and conquered knight. She escaped the penalty of a bloody revolution paid by all her other sisters as the price of their liberty and independence.

Severed so early by a most happy fate from the mother family and blessed like a beautiful damsel of poor estate wedded by a mighty king, she has not grown selfish in her happiness nor haughty in her superior station, but like a true sister comes to the rescue with all the power of tears and prayers—tears to beseech propitiation from Heaven, and prayers to beseech mercy and recognition from this United States Congress.

In the session of 1870 the Legislature of our State spoke as follows by the adoption of the resolution introduced by myself:

Resolved by the people of the State of Florida, represented in senate and assembly, That we are not and cannot be indifferent to the eventful history which our neighbors are enacting on the island of Cuba in their patriotic endeavors for freedom and independence. That by our proximity of country, by the comity that has always so happily prevailed between our respective people, by our own love of liberty, and by the promptings of our own political religion, that all nations should be free and enjoy the blessings of popular institutions, we extend our heartfelt sympathies and hopes to the struggling patriots of Cuba, and with them unite our invocations for their speedy deliverance from oppression and their victorious establishment of a free government, which is the only rightful authority on earth to which universal man should acknowledge obedience; and that our expressions of fellowship in feeling and prayer may carry with them at least the power of a moral support and encouragement, we hereby request our Representatives and Senators in the Congress of the United States to respond to the strong popular sentiment of the whole country, and at once accord by the sovereign voice of Congress those belligerent rights and protection to the cause of free Cuba which a common justice, kindred principles, and an enlightened humanity demand, and which are sanctioned by the usage and laws of nations.

Again, in the session of 1874, upon the resolution introduced by Senator Howe, of Key West:

Whereas the people of the island of Cuba have been and are still struggling for their national existence and are trying to establish a free government for themselves and their children; and whereas the war waged by the Spanish government has no parallel for its inhumanity in modern times, and should not be permitted by any civilized nation: Therefore,

Be it resolved by the people of the State of Florida, represented in senate and assembly, That the Congress of the United States is requested to adopt such legislation as may be necessary to enable the national Government to extend such aid to the people of Cuba as becomes a great republic, whose people so ardently sympathize with an oppressed nation.

And be it further resolved, That our Senators and Representatives in Congress are requested to present these resolutions to their respective bodies as expressive of the sense of the people of Florida.

Again, through the voice of her chief executive, who sent the following telegram greeting to President Grant upon the apprehension of difficulties arising from the capture of the Virginius and the assassination of portion of the crew:

STATE OF FLORIDA,
Executive Office, Tallahassee, Florida, November 20, 1873.

U. S. GRANT,
President of the United States, Washington, D. C.:

In case of serious difficulty with Spanish authorities in Cuba Florida will do its duty; and as we hold the front position geographically, so we will claim the front rank in the cause of national honor and human liberty.

M. L. STEARNS,
Governor.

This tender to the President meant indignation at the insult offered our flag, earnestness for the vindication of its honor; for it was written by a governor with his left hand, having already lost his right arm in defense of his country's flag.

Thus has our State spoken in the most solemn and authorized manner known to our constitution; and were I, from any possibility, to remain silent upon this floor upon this stirring question of a people who are are our neighbors by geography, political aspirations, and reciprocal interests, fighting and dying for liberty and independence, I would be recreant to my own convictions of duty and to the most sanguine sentiments of my constituents.

Sir, I give my most cordial support of heart and hand and vote to the resolution of the gentleman from Vermont [Mr. POLAND] for the recognition of the independence of Cuba.

If the principles and facts enunciated in the four propositions of the preamble to the resolution are correct, then every unbiased mind cannot fail to see in the logical deduction independence, and independence only.

The first proposition is—

It is the clear and undoubted right of any American colony to sever its connection with the mother colony, and establish itself as an independent nation, whenever the good of its people requires it.

Is this proposition as a political principle correct, and sanctioned by the proudest pages in the history of our own country?

The grandest monument to the wisdom and patriotism of our revolutionary sires is the immortal declaration of our own independence as Colonies from the kingdom of Great Britain. They declared life, liberty, and the pursuit of happiness as the fundamental and inalienable rights of man, having been endowed with these rights not by any ancient parental monarchy or free constitution, but by their own Creator; that only for the purpose of securing these rights were governments instituted among men, and the powers of such governments are alone derived from the expressed will of the majority of the governed; that whenever any form of government becomes destructive of these rights, it is the right of the people to alter or abolish it and institute a new government for their better safety and happiness.

Such was the new political doctrine adopted by our colonial fathers in the New World; and after another declaration that the colonies are and of right ought to be free and independent, they mutually pledged to each other their lives, their fortunes, and their sacred honor for the support of their new doctrine, and the Rubicon was crossed forever.

What degenerate son will deny a single principle baptized in the blood of our own Revolution, or deface a single stone bright with our own glory in this temple of liberty reared for us by our forefathers? "Whenever the good of its people requires it!" Sir, God and the enlightened world know that the good of the 677,951 white people, and the good of the 605,461 colored people in Cuba, over a quarter of a million of the latter being bound in abject slavery, require as speedily as the pen of fate can write the event the fullest abolishment of the last vestige of Spanish domination over the island.

What nameless oppressions for centuries have been endured by the devoted people of this beautiful island the Christian world never could fully know.

The Spanish tyrant repressed all general education, prevented the free introduction of knowledge among the people, suppressed all societies for the promotion of any useful or popular purpose, and under such a never-ceasing system of suppression the Cuban's history, as apart from the unreliable information furnished by the tyrant himself, remains unwritten, and preserved only in cherished tradition.

From the day the native Indian chief Hatuey was burned at the stake, exclaiming with his dying breath, "I prefer hell to heaven if there are Spaniards in heaven," to the hour when the late President Cespedes, discovered by a Spanish detachment in the Sierra Maestra Mountains, fired the contents of his last revolver at them and cast himself headlong over the rocky precipice, preferring a sublime suicide to Spanish capture, this island has been the scene of such tyranny and crimes as to shock all Christendom and cause the very heavens to weep.

Hear but a hasty recital of the wrongs that have crushed generations after generations, and ask yourselves the question whether the American people have no sympathy for these heroic patriots, and whether our recognition of their independence, not by enthusiastic declamation, but by the passage of this resolution, is not our solemn duty in the interest of an exalted and prophetic patriotism, and in the light of that Christianity which teaches us to love our neighbor as ourself.

Hear the wrongs, hoary with age and to-day dripping with the blood of the oppressor and the oppressed.

The island has been under martial law since 1825.

Cuba is permitted no representation in the Cortes or Congress of Spain.

The natives of the island are excluded entirely from the army, the judiciary, the treasury, and the customs.

The military government assumes the charge of the schools, and the inhabitants are forbidden to send their sons to the United States for educational purposes, and only one child out of eighteen is allowed to be taught to read and write.

The press is under the vilest censorship and newspapers from abroad with few exceptions are contraband, while letters passing through the post are opened and purged of their contents before delivery.

Cubans are deprived of all arms, and are not allowed to carry even a fruit-knife under a penalty of imprisonment for six years, and are fined five pasos (dollars) for carrying canes of a larger size than can be easily introduced into a gun-barrel.

A Cuban must purchase a license before he can invite a few friends to take a cup of tea at his board, and no person can remove from one house to another without first paying for a government permit.

Farmers are compelled to pay 10 per cent. on all their harvests as soon as gathered except sugar, and on that article 2½ per cent.

Upon every species of property sold the sum of 10 per cent. on the purchase price must be paid to the government.

The grazing of cattle is taxed exorbitantly, and no goods either in or out of doors can be sold without a license.

They have no right of trial by jury, no liberty of speech or of the press, and are not permitted to assemble themselves to the number of three without being dispersed.

Stamped paper must be used for all contracts, costing eight dollars per sheet; flour is taxed ten dollars and fifty cents per barrel from the United States and two dollars and fifty cents from Spain, and the rich only can eat flour while the poor eat cassava-root.

The culture of wheat, which grows luxuriantly, is restricted. Breadstuffs from the United States are excluded or burdened with heavy duties for the benefit of Spanish producers.

Ice is monopolized by the government and fishing on the coast is forbidden, being also a government monopoly.

The captain-general and his stewards levy taxes and contributions at their pleasure, amounting now to more than sixty millions per annum. With this revenue the government keeps an army of fifty thousand Spanish or Peninsula troops on the island, pays a vast number of officials, part of the clergy, half the entire Spanish navy, and many officials of rank at home in the mother country, and the surplus, if any, is remitted to Spain and expended on matters entirely foreign to the interests of the island.

Is it unnatural that a social gulf, deep as an unfathomable abyss in the Alps, has for ages divided the Cuban from the Spaniard? What an Iliad of woes in this richest territory on the face of the globe—a paradise by nature made a hell by the Spaniard. Was ever the oppression of the American colonies by the British government equaled by one hundredth of the oppression inflicted for centuries upon the unfortunate colony of Cuba? The forms at least of civil government prevailed in our Colonies, and the protection of life and property were at least asserted in the equal laws of Parliament. In Cuba the only government is a military despotism, where the fate of all life and property ever hangs in the uncertain balance of an arbitrary will and from whose decree there is no earthly appeal. Upon remonstrance the British Parliament alleviated the taxation of our Colonies until the duty on tea alone remained the most obnoxious imposition. In Cuba everything is taxed, without precedent or propriety, and the burden of the imposition is only graduated by the ability of the subject to pay the extortion, with no cortes or parliament to appeal to for even temporary justice or alleviation.

The principle that taxation and representation are inseparable in any just government impelled our fathers into a revolution by formal declaration on the 4th of July, 1776. Impelled by the same conviction that taxation and representation are inseparable, and goaded by the iron of tyranny piercing their flesh at every turn, the patriots of Cuba declared their independence from the thralldom of Spain on the 10th of October, 1868, at Manzanillo, and submitted to the God of their conscience, and all civilized nations, the asseverations of their patriotic purpose.

Who can declare in the face of this free nation that dates its liberty from the rebellion of its fathers, and without doing violence to the truth of our own history, that the people of Cuba have a less righteous cause for freedom and independence than we had in 1776?

Sir, any change from a military despotism will be for the good of a people so mysteriously cursed in this omnipotent toleration by a common Creator, and the generous American people have for years been convinced that the independence of Cuba will alone secure the universal disenthrallment of this island and relieve the United States from a constantly threatening danger of collision with Spain herself.

The second proposition in the preamble is capable of incontrovertible establishment:

> The people of Cuba have declared themselves free and independent of the government of Spain, have established a government for themselves and abolished negro slavery, and for more than five years have successfully resisted all the efforts of Spain to reduce them to submission and re-establish the condition of negro slavery in that inland.

The revolutionists, headed by Carlos Manuel de Cespedes, an able lawyer and wealthy planter, raised the standard of revolt on the 10th of October, 1868, and issued their declaration of the justice and determination of their cause.

A few extracts from the memorable instrument I beg the House to hear:

> In arming ourselves against the tyrannical government of Spain we must, according to precedent in all civilized countries, proclaim before the world the cause that impels us to take this step, which, though likely to entail considerable disturbances upon the present, will insure the happiness of the future.
>
> It is well known that Spain governs the island of Cuba with an iron and blood-stained hand. The former holds the latter deprived of political, civil, and religious liberty. Hence the unfortunate Cubans being illegally prosecuted and thrown into exile, or executed by military commissions in times of peace; hence their being kept from public meeting, and forbidden to speak or write on affairs of state; hence their remonstrances against the evils that afflict them, being looked upon as the proceedings of rebels, from the fact that they are bound to keep silence and obey; hence the never-ending plague of hungry officials from Spain to devour the product of their industry and labor; hence their exclusion from public stations and want of opportunity to skill themselves in the art of government; hence the restrictions to which public instruction with them is subjected, in order to keep them so ignorant as not to be able to know and enforce their rights in any shape or form whatever; hence the navy and standing army which are kept upon their country at an enormous expenditure from their own wealth, to make them bend their knees and submit their necks to the iron yoke that disgraces them; hence the grinding taxation under which they labor, and which would make them all perish in misery but for the marvelous fertility of their soil. On the other hand, Cuba cannot prosper as she ought to, because white immigration, that suits her best, is artfully kept from her shores by the Spanish government. And as Spain has many a time promised us, Cubans, to respect our rights, without having hitherto fulfilled her promises; as she continues to tax us heavily, and by so doing is likely to destroy our wealth; as we are in danger of losing our property, our lives, and our honor under further Spanish domination; as we have reached a depth of degradation unutterably revolting to manhood; as great nations have sprung from revolt against a similar disgrace after exhausted pleading for relief; as we despair of justice from Spain through reasoning, and cannot longer live deprived of the rights which other people enjoy, we are constrained to appeal to arms to assert our rights in the battle-field, cherishing the hope that our grievances will be a sufficient excuse for this last resort to redress them and secure our future welfare.
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> To the God of our conscience and to all civilized nations we submit the sincerity of our purpose. Vengeance does not mislead us, nor is ambition our guide. We only want to be free, and see all men with us equally free, as the Creator intended mankind to be. Our earnest belief is that all men are brethren. Hence our love of toleration, order, and justice in every respect. We desire the gradual abolition of slavery with indemnification; we admire universal suffrage, as it insures the sovereignty of the people; we demand a religious regard for the inalienable rights of man as the basis of freedom and national greatness.

During the first month of the war a provisional government was organized at Bayamo, and on the 10th of April, 1869, a convention met at Guaimaro of the delegates of the different sections of the island, where a constitution was considered and adopted. Their constitution is similar in all essential features to any of the free constitutions of our States, and by article 24 slavery is forever abolished, and all the inhabitants of the republic of Cuba are declared absolutely and forever free.

For more than five years the Cubans have successfully resisted all the power of Spain to reduce them to submission, and more than five hundred and sixty-eight engagements have been fought, many of them it is true of small proportions and inconsiderable damage, while again scores of battles have been fought where from 100 to 800 were left dead upon the field. At the battle of Cubitas 300 Spaniards were killed and 500 wounded, and 160 Cubans killed and wounded. At Guantanamo 1,200 Spaniards and 133 Cubans were killed and wounded. In March, 1874, the Spansh General Arminan was defeated at Guasinias by General Maximo Gomez in such a disastrous manner that he fell back to Puerto Principe with scarcely a single man of his column five thousand strong.

The constitution and laws passed by the house of representatives, notwithstanding all the contrary statements by the enemies of free Cuba, continue to rule as regularly as can be expected from an infant republic whose twofold difficulties simultaneously are the institution of itself and the fighting of its opponents, and the latest information shows that the Cubans hold their own from Santiago de Cuba to the district of Cinco Villas, over more than half the territory of the island. Wherever the patriot soldiers sweep they leave terror and destruction behind them. To the Spaniard's plantation they carry irretrievable devastation, while to their slaves they carry the invitation to freedom which is as instantly embraced, for freedom even in the camp and dangers of the liberators is far dearer than that brutal bondage in which there is no emancipation save in welcome death.

The white and colored soldiers in the patriot army fight side by side for liberty, are not divided off into colored and white regiments, stand shoulder to shoulder in the same ranks, and in the number of commissioned officers are as many colored as white. One of the bravest and most successful generals in the Cuban army is a colored man, General Policarpo Rustan, called the "Hero of the East."

With 605,461 colored people on the island, 379,523 of them held as slaves, and this battle of freedom raging around them, the very flame and smoke of which offer them their only hope of deliverance, the bloody struggle must inevitably keep on increasing instead of diminishing, and all efforts of Spain to re-establish slavery on the old foundations once destroyed by the patriots must indeed fail, and unspeakable calamities will follow each unsuccessful attempt, until that day, whether immediate or remote, (for time works no interference with the providences of God,) when the shout of liberation shall arise all over the island and the chorus reaching our shores shall go swelling through the South like an army of angels making music with their wings.

The third preamble is so susceptible of direct proof, that I shall content myself with a few references only and extracts from official documents:

> The war between Spain and Cuba has been and is now being conducted with a degree of barbarity shocking to all Christendom, and there is no reasonable prospect that Spain will ever be able to re-establish dominion over the people of Cuba.

The history of Spanish rule has ever been one of rapacity and cruelty in all her colonial possessions. Her peace is filled with violence and her wars with barbarity. From the treacherous murder of Incas and Montezuma to the last dastardly assassination of Captain Fry and his companions, her record is one of continual blood and inhumanity. She commenced on one line of policy in 1850 with the

wholesale execution of Lopez and Crittenden and their followers, and has not swerved from it to the present day. Cubans taken prisoners are butchered on the battle-field, and Americans or foreigners captured in actual or constructive hostility are summarily executed as pirates, in violation of all civilized rules and international law. In January, 1869, the Spanish soldiers inaugurated a reign of terror in Havana, assassinating at theaters, in coffee-houses, and in the streets men, women, and children. In March three hundred persons of the best Cuban families were exiled to the island of Fernando Po, where more than half of them perished from cruelty and privation. In February, 1870, in Santiago de Cuba, eighteen prominent, rich, aged, and peaceful persons were executed without trial. During the year 1870 it is estimated that ten thousand unarmed and peaceful Cubans were shot by the Spaniards. In January, 1871, Colonel Alvear's Spanish troops murdered the ladies and children of the distinguished Mola family, whom they found on a plantation. In November the military authorities arrested and executed eight boys and condemned others to the chain-gang for the alleged offense of desecrating the grave of Castanon while as medical students they were playing in the cemetery.

The civilized world stood aghast at this incredible inhumanity. Behold the horrid picture, as drawn by Senator Benot in the Spanish Cortes itself:

Most of you, my lords, are fathers. Picture to yourselves in your mind's eye your sons being absent from the university of Havana in consequence of the absence of a professor, going in a spirit of boyish light-heartedness to a neighboring cemetery to play. Imagine for this irreverence, and a certain want of confidence that existed in the authorities, a ferocious and riotous mob taking your sons prisoners, subjecting them to a council of war, accusing them falsely of injuring the tombs. Imagine again the council of war acquitting them, and this savage rabble, worked up to a pitch of paroxysm at human blood being denied it, subjecting your innocent sons, after they had been acquitted, to another council of war, and there, at the point of the bayonet and under the fears inspired by the howls of these blood-thirsty hyenas, there condemning eight of your sons to death and the rest to the chain-gang! The children numbered forty-four, and the second council of war ordered them to draw lots who should die. Among the others it fell to the lot of two brothers, and the stony hearts of the judges even thinking it hard to deprive a father at one blow of both of his sons pardoned one of them; but in order that the number should remain correct they substituted for the pardoned boy another, because he happened to be somewhat older than the rest, without seeing or caring that they were breaking the heart of another father by murdering his innocent son—so innocent indeed that he had not even been in Havana on the day of the alleged demolition of the tombs. What should you say, O upright senators, who have grown gray in the administration of justice, if one of your sons had been condemned to death and shot like a dog for the fearful crime of being a little older than his unfortunate companions? Would to God that the bitter tale were hidden from all the nations of the earth!

In January, 1872, Captain-General Valmaseda issued a proclamation that every male person found away from his home should be shot, the women, if white, be put in prison and banished, and, if colored, to be condemned to the chain-gang for four years. In April Colonel Morales captured a place where twenty-five women, ten children, and six old men were living peacefully, and executed them all. During the year 1872 it is estimated that four thousand unarmed persons were shot by the Spaniards. In November, 1873, the American ship Virginius, with one hundred and fifty-six men on board, was captured by the Spaniards. Out of this number four were instantly shot without trial, and forty-nine more after a mock trial, and in utter violation of our treaty with Spain, were shot within a little more than one week after their unlawful capture on the high seas. Persons are tried and sentenced to death while absent or out of the country, children are immolated, judgment is passed upon the dead, the innocent suffer for the guilty, human ears are fried and eaten, and the only power is that of brute force in the lawless service of tyranny and plunder.

Here is another scene of barbarity, shocking to all Christendom:

SANTIAGO DE CUBA, *November* 15, 1873.

MY DEAR FRIEND AND BROTHER: I know you will pardon me for not answering your letter of last April, in which you desire "full information in regard to the massacre of the Grand Lodge of Santiago de Cuba and the present condition of their widows and orphans." When your letter was received it had the appearance of having been opened. This fact and the contents of the letter convinced me that if the reception of the letter by me was known by the governor, my life, in spite of my high official position, would not be worth a moment's purchase. I immediately burned the letter, and, beyond my usual correspondence on business-matters, have not thought it advisable to touch on matters and things of our unhappy island, much as I should have desired you to have the horrible facts to present them to the Grand Lodge of New York at their last sitting. But this, you know, was impossible, as every mail was searched, and life here is held of no value whatever. But the affairs of the last few days and the savage acts of the volunteers have compelled many to leave here secretly, as there is no knowing where this will all end, and by this mode I send this letter, though when it will reach you, God only knows.

The Grand Lodge in 1869 met here, as was their custom since their organization. They had never been disturbed by the government, although their time and place of meeting were well known to all of us. The night before the meeting I was informed that the arrest was to be made, and that, should there be any resistance on the part of the tyler to the free entrance of the officers, the troops were to fire into the building and burn it, with all those within. I personally informed the Grand Lodge of these intentions, and the next morning learned that they intended to hold their session with open doors. They did so, and were arrested and that night confined in the jail. The next morning they were informed that they should be taken to Havana for trial; but three hours after sunrise they were all taken outside of the city and shot. This act created considerable excitement at the time, but, as it was imprisonment to speak of it, it was soon hushed up.

The families of those men thus shot were placed on trial for the act of the heads of those families, and, as a result, their property was confiscated; they were declared, paupers, and at the same time the populace was forbidden, under pain of imprisonment, to render any of them any assistance. Thus, being deprived of home and shelter, food and the means of obtaining it, forbidden to leave the jurisdiction of Santiago de Cuba, these poor, helpless creatures sought shelter in the woods near here, and became one common family.

But the inhumanities, cruelties, and barbarities which these women and children have been subjected to passed the belief of a civilized being. I could not describe what I have seen and been unable to prevent. All robberies are laid to their door, and even supposed robberies were gotten up, so that the chase of the blood-hound might be witnessed by the rabble, and the suffering of some one of the poor beings added to their thirst for morbid depravity. It was not two months after the executions that I saw one of the women, who was about to become a mother, placed between two boards, upon which sat a heavy, burly savage, surrounded by a dozen soldiers and several officers, who were trying to compel this helpless being to confess a crime of robbery which I had previously investigated, and could find nothing that warranted the belief of a robbery having been committed. Her dead body was left there, and, four days after, when the stench compelled its burial, it was found to have been partly devoured by dogs. Since that time to the present these poor creatures have been subjected to outrages beyond description or comprehension by the people of a community such as you live in.

ONLY A FEW LEFT.

There are now but few living, perhaps thirty to forty souls, though in 1869 they numbered in all over three hundred. Some died from starvation, others from exposure, while the majority of them were killed by blood-hounds, for it is one of the sports of these brutes to hunt these poor people as game. I have seen bodies of those thus killed whose sex could not be distinguished by reason of mutilation. An attempt to exterminate them was made a few days ago by the volunteers and some of the crew of the Tornado. When the Virginius was brought into the harbor it was made the occasion of great festivities, and liquor flowed freely. Toward midnight a party of three men, with hounds to hunt their victims, started for the woods. No one dared to prevent what it was known would follow. The next morning they boasted in the streets of what had taken place, and related with pride and pleasure the violence to which they had subjected these women and girls, some of the latter being only ten years old.

BURYING NINE VICTIMS.

With an associate official, we that afternoon proceeded into the woods, and ordered the burial of nine whom we found dead. Seven were suffering from violence that I cannot describe; one was black in the face, she having been choked to death, while another had her entire breast bitten off. I returned, sick at heart, unable to render the slightest assistance, though I had been compelled to look on with apparent indifference.

By means of negroes we render them what assistance we can. Clothing we cannot send, as this might be identified, but food and medicines we have so far been able safely to send through slaves, who have more pity for these beings than they who once shared the bounty and hospitality of those they now persecute.

I need not ask you to keep my name to yourself. You know where all the proof can be had of this and other matters. I have not gone into the matter in the full detail that the case deserves. If the people in the United States should petition their Government to give the moral influence of some kind of protection, the money could easily be had to either take them out of the country or provide for them without any expense to the community. In God's name, do what you can for humanity.

The Secretary of State, in a dispatch to the Spanish minister, October 13, 1869, says that the civil war in Cuba has continued for a year; battle after battle has been fought, thousands of lives have been sacrificed, and the result is still in suspense; and the minister is reminded of the frequency with which, in the interest of humanity, he has been obliged to remonstrate against the atrocities and cruelties which have attended the conflict in Cuba for the last year. The principle of neutrality has controlled the proceedings of the Administration, he says, with regard to the war in Cuba; but he cannot admit the indefinite protraction of a conflict such as has existed for the past year in that island, a conflict marked with cruelties, destruction, and devastation without parallel in modern civilized warfare.

The American minister at Madrid reminded the Spanish minister of state that this Government had before remonstrated against certain proclamations of the captain-general of Cuba that threaten a mode of warfare at variance with the recognized customs of civilized nations; and he protests with all solemnity, in the name of the President of the United States, against the deplorable excesses which have thus far characterized the war in Cuba, and insists, in the name of humanity, while hostilities are prolonged, that the war shall be conducted in a manner more in accordance with the humane and Christian sentiments of the age. For nearly a year the insurgents have maintained themselves against all the forces which Spain and the Catalan volunteers have been able to put into the field against them. In the judgment of the President, in which the whole civilized world will coincide, the time has come, he says, when this struggle shall be carried on in a more humane way. To shoot prisoners of war simply because they are taken with arms in their hands is not in accordance with the custom of the Christian world. We have a right on our part to insist that Spain shall carry on this war hereafter in a manner more in accordance with the humane and Christian sentiments of the age. And the Secretary of State, Mr. Fish, in his dispatch of November 12, 1873, to our minister, Mr. Sickles, declares that such wholesale butchery and murder are almost incredible; that it would be wholly incredible but for the bloody and vengeful deeds of which Cuba has been the theater, and that no government deserves to exist which can tolerate such crimes.

The fourth and last preamble of the resolution is as follows:

In consequence of the proximity of the seat of war to the United States the war has been and is injurious to the interests of the people of the United States, and it is evident that a prolongation of the contest will result only in great suffering and bloodshed, to be followed by the ultimate recognition of the independence of Cuba by Spain herself.

The proximity of the island of Cuba to our own country, commanding as it does the approach to the Gulf of Mexico and barring the entrance to the Mississippi River, which drains half of the North American continent and is the great highway of commerce of the Western States of this Union, forces the question of its condition and destiny upon our most serious consideration and invests this question with interests peculiarly American.

This island keeps watch at the door-way of all our Mississippi, Gulf, California, and South American commerce, and nature and necessity

will ever demand that it shall be the friend and ally of the United States, and its enemy never.

The prolonged war in this important and neighboring island has been and is injurious to the interests of the people of the United States, and its indefinite prolongation, with all its destruction of productive industries, its horrors and barbarities, must be firmly discountenanced, for the potent voices of humanity and commerce demand it. What greater agencies controll the destiny of nations than the Christian sentiments born of a common humanity, and the interests of trade which marshals the money of the world? Under the present war of extermination and ruin, as it draws its bloody length along from year to year, with neither conquest on the one side nor independence on the other, no nearer success than five years ago, American citizens are suffering in life and property, and the treaty obligations to this country are violated with daily defiance and thus far with impunity. We desire no hostile attitude between the United States and Spain, and only from a sincere regard for the mutual interests of peace do we desire a speedy termination of hostilities in this unhappy island, and in the light of the past experience and the unconquerable difficulties in the future it would seem that the Spanish Cortes itself must see that this war can only be a fearful waste of blood and treasure for a time, to end at last with exhaustion and the expulsion of its flag from this Gem of the Antilles.

Torn by civil war and contending armies, with no established form of government or fixed rule at home, how can Spain have any reasonable hope to subdue this revolution in Cuba? Can it be expected that the republican governments in this hemisphere will have more regard for the pride of a decayed monarchy or an insincere and insecure republican dictatorship in Europe than for their own sense of justice and political and commercial interests?

All nations steer their policy by the compass of national interest. European diplomacy is nothing but a network of self-interest, frequently torn by mighty wars but quickly repaired by the oft-renewed treaty, and thus treaties, intrigues, and wars hold their perpetual successions, like the rotations of the seasons. Our hemisphere has no such network of international dangers. With a simplicity and uniformity of government in every portion of it, and entangling alliances with no European systems, our national existence may ever be characterized by the successful study and fruition of the highest happiness attainable by the science of government.

But can the United States be indifferent to an indefinite protraction of this contest in Cuba? Has its continuance for five years been injurious to the interests of the United States? In the statesmanship of every country two questions are always prominent, and cannot be exceeded by any other considerations, that of national safety and national revenue. The preservation of our institutions, and the extension and protection of our trade are the vital organs in the body of our country's welfare itself, and these being more directly under the guardianship of the representatives of the people demand our first solicitude and maturest reflection.

The interests of a country consist not alone in the profits of business, and the collection and disbursement of its revenues, but also in the contentment of its people, in the uncompromising protection of their rights abroad, in the undoubted power and disposition of its government, and in the respect and inviolability of its flag upon all the waters of the globe.

All of these interests of the United States have suffered most injuriously, and must continue to until the conclusion of this mad contest in the very pathway of our commerce and on the very threshold of our bordering sea of the south.

The danger confronting us is an outburst of hostility at any moment between the United States and Spain, and all on account of complications arising out of the present condition of Cuba and our inseparable relations with that island. To avert this danger, which is not appalling to our power, only discordant to our cherished policy of peace, the early tranquillity of this island is a question for our serious contemplation. As lovers of our country, we will at least not hesitate to initiate the process of pacification, or, better still, the peaceful process of independence in Cuba before we ourselves are drawn unwillingly into the vortex of war. But shall this pacification be secured by the defeat of liberty or the expulsion of despotism; by the triumph of the patriot or the victory of the ineffable tyrant?

Our obligations of amity and treaty have ever been scrupulously observed toward Spain through every administration of the Government to the present. Spanish citizens have not been molested nor their property disturbed; but so freely have they mingled in the enjoyments and rights of our institutions that their distinct presence has not even attracted our attention. If any complaint could be made it could only be at the excessive regard generally shown to the side of the Spaniard at the expense of our own citizens. So intense has always been our desire for amity and peace that in all differences between our citizens and the government of Spain since 1850, she received invariably the benefit of our indifference or our silent discrimination in her favor.

Charity flows from liberality, and magnanimity from strength, but there are moments in the life of nations as well as in individuals when charitable virtue must cease, and the preservation of vital interests can be no longer deferred. This I solemnly believe is the decisive moment in our relations with the Spanish government in the island of Cuba, when we should act in a spirit of no unkindness but firmness and fidelity for the security of our own safety and commercial interests.

This constant war and irritation in Cuba unfits the captain-general and his myrmidons from the calm consideration of all questions relating to the United States. Irresponsible as is this military despot, he suddenly aggresses upon our rights, violates our treaties, assassinates our citizens, and then pleads his want of power for reparation, and serenely refers the nations demanding redress to another hemisphere, to a disrupted government that may or may not at the time have a temporary head at Madrid. The captain-general has unlimited power for good or evil, but none for restitution, and the answer to all just complaints from the home government are only the repetition of excuses rendered by inferior officials to their superiors.

It ever has been, on the part of Spain, a disregard of justice to all friendly nations, to provide her representative in Cuba with such extraordinary powers, and in case of injuries to make no provision for prompt redress.

In 1851 nearly four hundred American citizens landed upon the shores of Cuba, under the leadership of Lopez, to assist the oppressed Cubans in an uprising for liberty. Their unfortunate fate is well known, having been captured and summarily executed. General Crittenden with a number of his companions, was also about the same time captured—not as soldiers, but unarmed—on the island of Contoy, belonging to Mexico, and after a mock trial before a military tribunal were basely murdered; and the gallant Crittenden, when ordered by the Spanish executioner to kneel down, exclaimed with indignation, "I kneel to none but my God."

Following close upon these outrages two American vessels, the Susan Loud and the Georgiana, were seized upon by the Spanish authorities while lying off the coast of Yucatan, and the officers and crew subjected to the most ignominious and inhuman treatment upon the suspicion that they were concerned in the Lopez expedition. Next, the Falcon, a United States mail-steamer, was fired into by a Spanish vessel without even a specious pretext. United States mail-bags were next forced open by the Spanish authorities, the mail overhauled and examined for the avowed purpose of preventing the reception and transmission of any communication or news except only such as the captain-general should deem proper. About the same time the United States steamer Crescent City was refused a landing at Havana with her passengers and mails because the purser of the boat was obnoxious to the Spanish authorities, by which act our postal and commercial arrangements were interrupted and our private citizens deeply injured. The United States Steamer Black Warrior was next fired upon by a Spanish war-steamer, the vessel siezed, and the property of our citizens for a time confiscated.

In this way from time to time has our flag been insulted and our confidence and friendship abused by a weak Spanish neighbor, toward whom we were ever just and indulgent in all our intercourse.

The consul-general at Santiago de Cuba informed the Secretary of State in June, 1869, that three American citizens were publicly shot without trial, having been taken prisoners at Ramon.

Speakman, a native of Pennsylvania, a perfectly innocent man, was cruelly murdered after the formality of a trial that amounted only to a farce. Mr. Cohner, the well-known American artist, was assassinated in the streets of Havana, in 1869, only in pursuance of that Spanish *habit* of insulting, plundering, and killing our citizens. The brutal butchery of Greenwald, because he was thought to be an American, and the treatment his dead body received, as well as the attempted assassination of other American citizens who were his companions, are yet well remembered by the country. In March, 1869, the American brig Mary Lowell was captured and condemned as a Spanish prize. This act was more in contravention of international law than even the seizure of the Virginius.

More recently the American steamer Aspinwall was seized by a Spanish war-vessel on the high seas upon the suspicion that she had arms and ammunition for the Cubans. She had no contraband goods on board, and was accordingly released after having been taken to Havana; but no reparation has yet been made, in answer to the demands of this government, for the wrong done to our commerce and the national flag.

And more recently the capture of the steamer Virginius on the high seas, carrying American papers and the American flag as evidence of her nationality, by the Spanish war steamer Tornado, and the hasty murder of fifty-three of her passengers and crew for no crime actually committed or known to international law, is still fresh in the minds of the people, and needs but this allusion at my hands.

But a few months ago a prominent citizen of my own State set foot on the island of Cuba in pursuit of his legal business, having been employed to attend to some embargoed interests belonging to his countrymen. Crossing through the island from Havana he reported himself at the office of the American consular agent at Nuevitas; whereupon both he and our agent were arrested by the Spanish governor, although the agent was subsequently released. But the undignified treatment of American official representatives in Cuba is not an unusual thing.

Only two years ago the American vice-consul at Santiago was compelled to seek safety from personal violence by seeking refuge on board of a French frigate, and the American consul-general at Havana received about the same time from the British naval officers the assurance of their protection and the offer of a file of marines to protect him whenever it became necessary to seek his safety on board a British man-of-war. A state of affairs in which such outrages can possibly occur is indeed but a smoldering magazine from which the explosion of war may come upon us at any hour in the day.

This maltreatment of our consuls and inhuman murder of our citizens is not only a wanton indignity to our Government, but is wholly in willful violation of the most solemn treaty stipulations.

Article 8 of the treaty of 1795 with Spain is as follows:

And in all cases of seizure, detention, or arrest for debts contracted, or offenses committed by any citizen or subject of the one party within the jurisdiction of the other, the same shall be made and prosecuted by order and authority of law only, and according to the regular course of proceedings usual in such cases. The citizens and subjects of both parties shall be allowed to employ such advocates, solicitors, notaries, agents, and factors as they may judge proper in all their affairs, and in all their trials at law in which they may be concerned before the tribunals of the other party; and such agents shall have free access to be present at the proceedings in such cases, and at the taking of all examination and evidence which may be exhibited at the said trials.

No language could be clearer or more comprehensive:

In all cases of offenses committed by any citizen within the jurisdiction of the other, the same shall be prosecuted by authority of law only, and according to the regular course of proceedings usual in such cases.

Need I say that our countrymen so ruthlessly slain in Cuba were for the most part captured on the high seas, without arms in their hands, and outside of the limits of Spanish jurisdiction; and when carried on land often no trial was had, no charges were preferred; while at others no examination or evidence was had, and the condemned were never permitted even to see the unusual and extraordinary tribunals that passed judgment upon them? In this way has American blood been wantonly shed in contempt of our flag and in foul treachery to the requirements of a mutual treaty.

To-day the fate of F. A. Dockray, an able, accomplished, and gallant citizen of my State, who was arrested at Nuevitas, is still undecided, one military tribunal having condemned him in violation of the safeguards of the treaty, though through the energetic interposition of our Government he will be accorded another trial, which I pray may result in his acquittal, for the prayers of a stricken father and agonizing mother are ascending hourly to Heaven for the preservation of their only child to comfort them in their old age.

Sir, it is not in human foresight to see how long this country and Spain can maintain peaceful relations with such a train of outrageous occurrences passing between them. It calls for the wisdom of both nations to devise a speedy remedy for a mutual extrication from this threatening dilemma. Our remedy lies in the passage of this resolution.

Wisdom and forbearance can devise nothing better. To this complexion it must come at last, and it were better that the American Congress now rise in moral grandeur and determination equal to the exigency, rather than that the coming year shall see another hecatomb of our citizens slaughtered in cold blood, shall behold our commerce crippled and our flag still more disgraced, only to be confronted at the next session by an inexorable necessity to take this very step.

Our commercial interests must suffer great injury by the indefinite continuation of this struggle in Cuba. Liberty and commerce preserve the life of the nation, as freedom and circulation the healthy life of the individual.

The best evidence of the progress of a nation is to be seen in the steady extension of its commerce, and its first signs of decadence in its shrinkage.

The commercial pursuits of this country have been steadily progressing, as seen by our gradual increase of American tonnage from 1,368,127 tons in 1815 to 5,353,868 tons in 1860, while during the war, for obvious causes, our tonnage decreased; but since the close of the rebellion we are again in the line of recovering our former proportion. Our foreign commerce has always been on the increase, and the loss of national tonnage did not retard the constantly increasing value of our exports and imports. In 1850 the value of this commerce was $330,037,038; in 1860, $762,288,550; and in 1873, over $1,300,594,864. With the exception of Great Britain the most important and valuable of our commercial exchanges is with the inexhaustible island of Cuba.

Our trade for 1873, excepting again Great Britain, with seven of the principal commercial countries; as rated by their exchange of products with the United States, represents their relative importance as follows:

China	$28,267,023
Japan	16,917,432
Italy	15,215,639
Spain	15,019,155
Russia	13,976,545
Austria	2,390,014
Total	91,785,808
Cuban trade	107,500,000

In a commercial point of view, then, our trade with Cuba alone is $5,714,192 greater than that of the six other of our best customers combined.

The following official table serves to show to what extent our shipping is engaged in the carrying trade of Cuba—more than double that of Spain, and more than fourfold that of England and France:

Entrance and clearance of vessels in the ports of Cuba during 1847.

Countries.	Entrance.	Clearance.
United States	2,012	1,722
Spain	819	751
England	563	489
France	99	81

The United States imported from Cuba in 1873 1,454,124,259 pounds of raw sugar, valued at $77,953,470; also 43,533,909 gallons of molasses, valued at $9,901,051; also 113,670,829 pounds of melada valued at $4,722,165; total, $92,500,000; and imported from all the rest of the world $19,072,920 of sugar and molasses. American ships alone carried 795,000 tons of this freight, and at the usual rate of five dollars per ton our shipping earned nearly $4,000,000 in the transportation of this one product of traffic between these two countries.

In 1873 the United States exports to Cuba amounted to more than $15,000,000, and estimating the inhabitants at about 1,200,000, the rate was over twelve dollars to each one of her population.

Our exports to Germany with its 45,000,000 of people were $61,767,997, or at the rate of one dollar and thirty-eight cents per head, and to France with her 38,000,000 of people our exports amounted to $33,000,000, or at the rate of less than one dollar per head.

The magnitude of our trade with Cuba may have escaped attention in our more eager gaze at the brilliant enterprise of bringing the fabulous wealth of the Orient through the golden gates of San Francisco, and yet the figures prove that our traffic with this island is more than twice as valuable as that of China and Japan combined.

Other nations, as wise and enlightened as we are, do not scruple to engage in war for no other purpose than really to open new avenues for commerce and to drain the source of new riches into their national coffers, and yet the United States Government hesitates to extend even the hand of moral fellowship to a people who individually are of more importance to this country in a commercial calculation than either the Chinese, Spanish, Germans, or French combined.

The English embark in war in Asia to compel an unwilling people to become opium-eaters for the benefits of the English treasury, and yet we, who are no better Christians, and not half as good political economists as our cousins across the Atlantic, shrink from speaking one word of recognition and encouragement to a brave people from whom we receive three-fourths of that indispensable article, sugar, consumed in this country, and who are self-sacrificing devotees to our own republican form of government.

Shall this Government stand by in stoic unconcern and witness the sure and gradual destruction of its important and essential commercial interests in Cuba, or shall we pass this resolution, a simple, peaceful act in itself, usual and rightful between nations, without cause for offense on the part of Spain, but which act will become an event, and will herald the not distant independence of Cuba as the stimulating sunshine of spring heralds the glorious harvest of the summer?

Our peace and vital interests require protection, but not by interference. The simple passage of this resolution will hedge our interests with all the potency they require, and develop others to a greatness unthought of before. Our policy is peace and protection. What the course of the British government would be under the like circumstances now surounding us may be easily inferred from their position held in 1821, and announced to the allied powers of Europe. They said no government was more prepared than their own to uphold the right of any state or states to interfere where their own security or essential interests were seriously endangered by the internal transactions of another state.

Again, it can easily be demonstrated that it is not among the posibilities of Spain, with all her superiority of arms and discipline and navy, to crush this spirit of independence in Cuba, or to subdue the present military opposition to her authority.

The decrepitude and unstability of Spain herself is the strongest proof in support of this assertion. With imperialism and democracy at war in the mother-country, and all probabilities so uncertain even that no reasonable prediction can be ventured upon the issue, where are the material and strength to come from for the ultimate subjugation of this heroic people? Ultimate even, for time brings legions and strength to the Cuban and weakness to the Spaniard.

Said Señor Garrido in the Cortes over a year ago:

The Cubans have the same right to administer their island as we have to govern and administer our provinces and local interests. Against tyranny there is always the right of rebellion, and we who for fifty years were always rising against despotism cannot deny the right of rising to those whom we ourselves oppress. You say you want twelve thousand more men to crush the Cuban insurrection; but this insurrection has already existed four years, and now you come and tell us that you want twelve thousand men to subdue it, besides the fifty thousand or more that you have sent already. I can tell you that the question of Cuba is for you an insoluble one; you may send your twelve thousand men there as you have sent many times twelve thousand already during the last four years, but you will not settle the question for all that.

Said Senor Eduardo Benot, in the Spanish senate:

We have lost in the Antilles thousands and thousands of brave soldiers; Cuba is the tomb of the Spanish youth, the grave of the Spanish army. What have we gained after all by wresting from the Cubans their inborn rights which, try as we may, must still be theirs? We have won the right of being held up as the most inhuman people in all civilization.

In 1869 General Prim stated to the Cortes that Spain had sent 34,500 men to re-enforce the army and navy in Cuba, and the whole Spanish forces employed in Cuba since the commencement of the revolution number over 107,400, from their own estimates. The Cubans commenced with a body of 147 armed men, and to-day have 17,250 well-armed men under an able and successful commander-in-chief, General Maximo Gomez, 3,000 of whom are an efficient and formidable cavalry, whom the Spanish soldiers describe as "men on horseback, without guns, fighting like devils."

In 1870, when the revolution was weaker than to-day, and when

Spain had an established government and peace at home, Mr. Sickles, our minister at Madrid, informed our Government that the Spanish campaign in Cuba had failed, and that their great reliance was then on the thirty gun-boats lately built for Spain in the United States.

What has become of these 107,400 Spanish troops? The captain-general in his official report of 1869 accounts for 14,000 as having been lost by disease and battle during that year. In the absence of further official reports from this military functionary upon the subject, it may not be unreasonable to conclude that 14,000 at least followed each year in the same wake, which for the years 1870, 1871, 1872, and 1873 would amount to 56,000 more as mustered out by battle and disease.

When is it possible for Spain, disrupted in government and dishonored in credit, to send out 107,400 soldiers more for the conquest of disease and the patriots? Will it be when Don Carlos and Marshal Serrano shall meet in armistice and each contribute his quota of troops for the expedition?

Captain-General Jovellar lately resigned his position as governor of the island, being convinced that Spain cannot now, and I assert never can, furnish the requisite men and money to maintain her sovereignty in Cuba.

Sir, a people whose cause is just, once baptized in the blood of liberty, are ever invincible, and tyrants from all ages and nations can bear unwilling testimony to this truth. For seven years our fathers persevered amid the varying fortunes of war for the boon of liberty we, their descendants, now enjoy, and who will say that the devotion to independence is less intense in Cuba than it was in our Colonies, with all their superadded suffering and political degradation to nerve them on to victory or death?

It is not in Spanish power to again enslave this people, six hundred thousand white and six hundred thousand colored, who fight with such persistent desperation, whose commissary is the bountiful fruitage of a tropical clime, who have such inapproachable fastnesses for safe retreat and as a constant basis for renewing operations, and whose faithful ally in the destruction of their unacclimated enemies is that fearful scourge of the tropics, the yellow-fever.

The future of poor Cuba may yet be darkened for years with more blood and anarchy, which merciful Heaven forbid! but the final blessing upon all this martyrdom must come at last as certain as that immutable justice is an attribute of God.

Sir, the natural right of revolution is recognized by all international jurisprudence, and no cause for revolt more just than that of Cuba stands recorded in the annals of the world. If there ever was an occasion that justified a revolution, that called upon a people to recur to first principles and seek relief from the abuse of power by an appeal to arms, this was one. The spirit of resistance was not evoked by any question of abstract rights, but from actual suffering and grievous oppression in the administration of justice, in agriculture, in commerce, and in every pursuit of happiness.

Wars were formerly fought for families and dynasties, for the rights of thrones and the prerogatives of crowns; now men fight for written constitutions, for the rights of men and the prerogatives of nations, and fighting learn to govern for themselves.

Shall this brave people of both races who for nearly six years have been fighting for the creation of a new nation, and who in their final triumph will cease to be Spaniards as well as slaves, continue yet another year without one word of sympathy from us, simply because we brook the spontaneous expressions of our own hearts and judgments in most unnatural deference to the opinions of European monarchies?

The very fact that such powers are the enemies of liberty everywhere is the very reason why our great nation should be its friend. Monarchies are always swift in the recognition of new governments in political affinity with their own, regardless of the question of their birth, whether by statecraft, as Amadeus of Spain, by usurpation as Napoleon III of France, or by invasion and attempted conquest of a sister republic as Maximilian in Mexico. Shall we, from fear of European criticism or for want of moral stamina in the exercise of our prerogative, turn a deaf ear for another year to the crying appeals of liberty in Cuba, or shall we rather, imbued, as I know we are, express the same noble sentiments as uttered by the Father of his Country on the presentation of the French flag to our Government in 1796:

> Born in a land of liberty, my anxious recollection, my sympathetic feelings, and my best wishes are irresistibly excited whensoever, in any country, I see an oppressed nation unfurl the banners of freedom.

Why hesitate in this act of justice to a struggling nation who for six years have been fighting for their own liberty and for the freedom of over a quarter of a million slaves?

Who doubts that if France or Prussia or Holland had treated our revolutionary fathers with the same indifference and delay in the acknowledgment of their independence as the Congress of the United States has shown toward Cuba that George Washington and his illustrious compeers would have died ignominiously as traitors upon the scaffold, and their marble statues that now honor this Capitol would be unhewn blocks in the quarry and their monuments, like that of the adored Emmett, would yet be unsculptured and unepitaphed?

Benjamin Franklin, declining to receive back a sum of money which he had loaned to a poor and worthy man, upon tender of its payment exclaimed, "I do not need it; pass it round among other poor and worthy people who are in distress."

What was our condition and prospect of success before the sun of foreign recognition rose above the horizon of our Colonies? Says Hildreth, the historian:

> *November*, 1776.—Washington's army was by this time greatly reduced. The term of service of the militia was fast expiring. The whole flying camp soon claimed their discharge, and no inducement could procure a moment's delay. Some of the New York militia refused to do duty. Howe, they said, offered peace, liberty, and safety; so they understood his proclamation, and what more could be asked? The Continentals were enlisting for a year, and their term of service was fast drawing to a close; nor did they always wait to complete it, desertions being very numerous. Exclusive of the divisions of the highlands, and the corps under Lee on the east side of the Hudson, Washington's army did not exceed four thousand men.

In December Washington made the memorable retreat across the Delaware, while the principal cities of the country were one after the other falling into the hands of the enemy; and at the expiration of the year the same historian describes the following situation:

> The Howes issued a new proclamation. The speedy triumph of the mother-country seemed certain, and many persons, those especially of large property, including several who had taken an active part in the Revolution, hastened to make the required submission.
>
> Turkey, president of the late New Jersey convention, which had sanctioned the Declaration of Independence and formed the State constitution, now abandoned his country's cause and took a British protection. So did Allen and Galloway, late delegates from Pennsylvania to the Continental Congress. For ten days after the issue of the proclamation two or three hundred persons came in every day to take the oath.

At this critical juncture in our liberty's history the opportune recognition and friendship of France alone saved us from disintegration, defeat, and the ignomy of death on the scaffold.

Pass the blessing of liberty round through the hemispheres and the islands, wherever a gallant and worthy people strike and ask for it. Liberty sped from France to our shores upon the wings of their recognition of our independence. Let us speed liberty to Cuba upon the wings of the passage of this resolution, and the stars that this night keep watch over that bleeding island will sing the song of salvation in the morning, as the morning stars sang together over the birth of a Saviour at Bethlehem.

We, as a nation, are the beneficiaries of Providence, as was he to Franklin, who received a valuable favor at his hands. To have pocketed the money and been indifferent to worthy and distressed neighbors, would have stamped him with the moral crimes of theft and ingratitude.

To enjoy our freedom in arrogance and be indifferent to the distressed republic of Cuba, when by this simple recognition of their independence we could bless them as France and the other nations blessed us, would it not be undeservedly stamping this country as guilty of baseness and ingratitude without parallel in the annals of the Christian world?

No American colony ever achieved its independence without the friendly assistance of other nations.

Greece received material aid in armies and ships, even more than the simple recognition that Cuba pleads for, from the allied powers in Europe against Turkey. And this interference, not recognition only, is justified by our most authoritative commentators upon international law.

> The assistance that England gave to the United Netherlands when they were struggling against Spain, and the assistance France gave to this country during the war of our Revolution, were justifiable acts, founded in wisdom and policy. And equally justifiable was the interference of the European powers of France, Great Britain, and Russia, in favor of the Greeks against the Ottoman Porte, by the treaty for the pacification of Greece concluded by those three Christian powers in 1827, and by means of which a ferocious and destructive war was terminated by the independence of the Greek state as a new kingdom, and a recognition of that independence by the Ottoman Porte in 1832. So, also, there was a successful interference in 1840 of four of the European powers, Austria, Great Britain, Prussia, and Russia, in the civil war between the Ottoman Porte and Mehemet Ali, the Pasha of Egypt. And lastly, there was the memorable interference of the five great European powers in the Belgic revolution of 1830, which ended in the separation of Belgium from Holland, and the establishment of the same as an independent state.—*Kent's Commentaries*, volume 2, page 23.

The South American Spanish colonies for years before their independence was even recognized by Congress, received such assistance from the United States as was obtainable under the following instructions issued by President Madison on the 3d of July, 1815.

Cuba will be content with the same assistance and her independence would be assured under similar presidential instructions at this time, though I believe it is the imperative duty of Congress to accept the responsibility of this question and to inaugurate a new policy in our relations with Cuba which the Executive of the Government would faithfully carry out as the expression of the will of the people:

> There is no principle of the law of nations which requires us to exclude from our ports the subjects of a foreign power in a state of insurrection against their own government. It is not incumbent upon us to take notice of crimes and offenses which are committed against the municipal laws of another country, whether they are classed in the highest grade of treason or in the lowest grade of misdemeanor. Piracy is an offense against the law of nations, and every civilized government undertakes to punish the pirate when brought within its jurisdiction; but an act of revolt, a rebellion against a sovereign, must not be confounded with an act of piracy, which is denominated hostility against the human race.
>
> Any merchant vessel, therefore, which has not committed an offense against the law of nations, being freighted with a lawful cargo and conforming in all respects to the laws of the United States, is entitled to an entry at our custom-houses, whatever flag she may bear. She is also entitled to take on board a return cargo and to depart from the United States with the usual clearance.

The President desires that you will regulate your official conduct upon the principles that have been stated; but if any extraordinary case occurs, you will report it to this Department with all possible dispatch.

I am, very respectfully, sir, your obedient servant,

A. J. DALLAS,
Secretary of the Treasury.

P. L. B. DUPLESSIS, Esq.,
Collector, New Orleans.

It may be asked what benefit will the passage of this resolution be to our struggling political brothers in Cuba, and wherein is their independence so surely to follow? Sir, ever since this struggle our country has been in the unmanly attitude of holding the Cuban down while the Spaniard is fighting him. We have long felt the meanness and unmanliness of our false position; but they say it is our treaty obligation to Spain that compels us to violate our conscience by opening our doors and stores to the Spanish slaveholder, while to the poor slave and the Cuban we must sell or give nothing, not even a cup of cold water or kind expression of sympathy. Shameful attitude in the eyes of our own self-respect! How must we, the giant and paternal republic of the New World, appear in the estimation of the weak but chivalrous republics of Mexico and South America, who long ago recognized the belligerent rights of the infant republic of Cuba?

Spain has all the privileges of trade and facilities in the ports of the United States, replenishes her war stores, and repairs her ships of war in American ports whenever necessity may demand; and with her thirty gun-boats, built but a few years ago for her in the United States, she has indeed every advantage, except in valor on an equal battle-field, over the Cubans, who are not allowed by the guardians of the law and the treaty to receive any instruments of warfare, either by purchase or contribution, from liberty-loving friends and sympathizers.

But the most ridiculous posture in which diplomacy has placed us is, that while we are stooping over to hold the poor Cuban on his back, and all in zealous and delicate fulfillment of the treaty, the haughty captain-general kicks us in the back, while his Catalan volunteer sticks a knife between our shoulder, and then blusteringly refers us to Madrid for apology or redress; and to Madrid we go only to find a government that stands more in awe of the captain-general than he does of it.

Under such humiliating circumstances what American does not admire the Roman spirit of that grand old Senator, Thomas H. Benton, who on the floor of the American Senate, in a debate upon the revolution for liberty in the Spanish South American provinces, said:

In such a case I declare it to by my sentiment that treaties are nothing, books are nothing, laws are nothing; that the paramount law of God and nature is everything; and that the American soldier, hearing the cry of helplessness and weakness, and remembering only that he was a man born of woman and the father of children, should fly to the rescue, and strike to prevent the further perpetration of crimes that shock humanity and dishonor the age!

With the passage of this resolution will come the proclamation of equal privileges and advantages in all ports and places within the United States. Impartial neutrality will then be observed by our Government between the Cuban and the Spanish belligerents, and equal liberties to pursue the operations of war and purchase military stores will be accorded to both parties. With this recognition will also follow an observance of the rules of civilized warfare on the part of Spain, and her now unchecked barbarities would cease, or interference would be justifiable on the part of enlightened nations as in the case of Greece in her war of independence against Turkey.

This would be placing the oppressor and the oppressed upon an equal footing, and nerved by love of liberty and valor, and cheered by the certainty of fair play, how long would it be before the prowess of the Cubans and the hosts of their friends who would spring out of the earth like the mailed warriors that sprang from the sowing of the dragon's teeth would plant the flag of victory over every rood of that glorious island.

Did not Mr. Webster, the ablest lawyer and most learned diplomatist, as Secretary of State, declare to the British minister, Mr. Fox, in 1841, as follows?

It is well known to Mr. Fox that authorities of the highest eminence in England, living and dead, have maintained that the general law of nations does not forbid the citizens or subjects of one government from taking part in the civil commotions of another.

But I am done. Whatever our action may be upon this resolution, while its passage would be like the outburst of the sun upon the mariner laboring for safety in a mighty storm, nevertheless the failure of its passage will not put out a single camp-fire of liberty on that devoted island. God and the American people will still keep watch over it, until the fullness of time shall bring it triumphantly into the family of nations. I believe this glorious time is not far distant, for the mills of the gods have ground slowly but surely for six years, and the upper and the nether mill stone will soon come together.

Under no possible contingency, without involving the interests and safety of the United States in constant jeopardy, can our Government much longer subordinate its sympathy and recognition of independence to the haughty behests of diplomacy, for the impulses of political and human nature toward this kindred people in Cuba are stronger than the webs of heartless diplomacy, and American patriotism stands ready to enthusiastically assume the responsibility.

LEAVE TO PRINT.

Mr. DAVIS, by unanimous consent, obtained leave to print some remarks on the civil-rights bill. (See Appendix.)

Mr. ROBINSON, of Ohio, by unanimous consent, obtained leave to print some remarks on the charge of bigamy against the Delegate from Utah. (See Appendix.)

Mr. MERRIAM, by unanimous consent, obtained leave to print some remarks. (See Appendix.)

Mr. HERNDON, by unanimous consent, obtained leave to print some remarks upon the republican party, its mission ended without the necessary constituent elements for future success. (See Appendix.)

And then, on motion of Mr. NILES, (at twelve o'clock and five minutes, a. m.,) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. BUTLER, of Tennessee: The protest of Creek, Choctaw, and Cherokee delegates, against the allotment of their lands and apportionment of their national funds as proposed in House bill No. 2143, to the Committee on Indian Affairs.

By Mr. CLEMENTS: The petition of Grenville M. Weeks, of Washington, District of Columbia, for the correction of an unjust and contradictory proviso in the pension laws, to the Committee on Invalid Pensions.

By Mr. CRUTCHFIELD: The petition of W. H. Mayett and others, for an appropriation to pay the amounts respectively due them for labor done on the Tennessee River between Chattanooga and Kingston, Tennessee, to the Committee on Commerce.

By Mr. GARFIELD: The petition of working men of Mineral Ridge, Trumbull County, Ohio, for the restoration of the 10 per cent. duty on iron and steel and for free banking, to the Committee on Ways and Means.

By Mr. PLATT, of Virginia: The petition of James Shickler, late of Company K, First United States Infantry, for bounty money, to the Committee on Military Affairs.

By Mr. SCUDDER, of New York: The petition of William Garratt, for arrears of pension, to the Committee on Invalid Pensions.

IN SENATE.

SATURDAY, *June* 20, 1874.

The Senate met at eleven o'clock a. m.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

On motion of Mr. SPENCER, and by unanimous consent, the reading of the Journal of yesterday's proceedings was dispensed with.

SUSPENSION OF JOINT RULES.

Mr. WEST. I offer a resolution concerning the order of business and ask its immediate consideration:

Resolved by the Senate, (the House of Representatives concurring,) That the sixteenth and seventeenth joint rules of the two Houses be suspended for the residue of the present session.

The resolution was considered by unanimous consent, and agreed to.

The joint rules referred to are as follows:

16. No bill that shall have passed one House shall be sent for concurrence to the other on either of the last three days of the session.

17. No bill or resolution that shall have passed the House of Representatives and the Senate shall be presented to the President of the United States, for his approbation, on the last day of the session.

WASHINGTON CITY AND POINT LOOKOUT RAILROAD.

Mr. HITCHCOCK. I move that the Senate proceed to the consideration of House bill No. 3025.

The motion was agreed to; and the bill (H. R. No. 3025) supplementary to the act entitled "An act to authorize the Washington City and Point Lookout Railroad Company to extend a railroad into and within the District of Columbia," approved January 22, 1873, was considered as in Committee of the Whole.

The bill had been reported by the Committee on the District of Columbia with amendments. The first amendment was to strike out the following words from line 35 to line 42:

And that all the rights conferred by this act are to be exercised and enjoyed by said company only upon the condition that said company shall first remove all the work it has done toward locating its track between the Insane Asylum and the Potomac River, and on the further condition that it shall never locate or operate said road, or any part thereof, between said asylum and the Potomac River.

And in lieu thereof to insert:

And provided further, That said Washington City and Point Lookout Railroad Company shall construct its railroad in the county of Washington herein authorized so that wherever it shall cross any public road it shall cross the same by an overgrade or undergrade crossing, by bridge or tunnel, so as not to impede public travel upon said roads, and shall construct that part of said railroad along Rock Creek, in the valley of said creek, passing west of the P street bridge, by a tunnel through the hill west of said P street bridge; and said road crossings and said tunnel shall be located and constructed in accordance with plans and specifications to be first approved in writing by the engineer in charge of public buildings and grounds.

Mr. EDMUNDS. I do not know anything about this bill; but I tried yesterday morning to have the Senate go to the Calendar of unobjected cases in order that we might with justice to all dispose of matters reported to which there is no objection. Now, in order to test the

sense of the Senate whether it is willing to do that thing or not—not having any antagonism to this bill, which I know nothing about, but it may as well be tried on this bill as any other, because I shall only have one chance in seventy-three of getting the floor after this is disposed of—I move to postpone the present order and to proceed to the Calendar.

Mr. HITCHCOCK. The bill is up already and I hope the Senator will allow it to pass.

Mr. EDMUNDS. I hope the Senator from Nebraska will understand my motive; and that is that on some bill or other I wish the Senate to determine whether it will take up the unobjected cases in their order or not; and as this happens to be the bill that is up, I will not take time to debate, but I make this motion so as to know what the Senate wishes to do, to postpone this and all prior orders, and proceed to the Calendar of unobjected cases.

The PRESIDENT *pro tempore*. The Senator from Vermont moves to postpone the pending bill and proceed to the Calendar of unobjected cases.

Mr. BOREMAN. I have no objection to going to the Calendar; but it seems to me it is unfair to have merely the unobjected cases considered. There are some bills here to which there may be some objection that are as meritorious as others and that ought to be considered. I do not think this action ought to be so restricted as to confine it to unobjected cases. I have no objection to going to the Calendar and considering all cases in their order.

Mr. HITCHCOCK. It seems to me that this matter was settled before the Senator from Vermont raised his point of order, and after action is had on this bill his motion will then be in order.

Mr. EDMUNDS. I do not make any point of order. I make a motion, in order to test the sense of the Senate, that we proceed to the unobjected cases on the Calendar.

Mr. ANTHONY. Has this bill been taken up?

Mr. HITCHCOCK. It was before the Senator came in.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Vermont to postpone this bill and proceed to the Calendar of unobjected cases.

Mr. ANTHONY. Subject to morning business.

The motion was agreed to—ayes 27, noes not counted.

PETITIONS AND MEMORIALS.

Mr. ANTHONY. Are reports in order?

The PRESIDENT *pro tempore*. The Chair will receive morning business. Petitions and memorials are now in order.

Mr. FENTON presented the petition of the New York Women's Social Education Society, calling attention to the necessity of passing the appropriation of a conscience fund to the establishment and support of the Reform School for outcast girls in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented the petition of Charlotte A. von Cort, executrix of C. J. von Cort, praying compensation for the use by the United States Navy of his submarine torpedo shell and its appliances; which was referred to the Committee on Claims.

Mr. BOGY presented the memorial of S. W. Penyman and other delegates of the Indian Territory, remonstrating against the allotment of their lands and the apportionment of their funds as proposed by House bill No. 2143; which was referred to the Committee on Indian Affairs.

Mr. DENNIS presented papers relating to the application of John V. Solaway for a pension; which were referred to the Committee on Pensions.

Mr. BUCKINGHAM presented a memorial of Rev. Theodore D. Woolsey, late president of Yale College, Hon. Henry P. Haven, Hon. L. F. S. Foster, and 37 other highly influential and respectable citizens of Connecticut, asking aid for Joseph Ebierbing and his wife Hannah, Esquimaux survivors of the late Polaris expedition, on account of services rendered by Joseph, by which the Tyson party was saved; which was referred to the Committee on Commerce.

HARPER'S FERRY PROPERTY.

Mr. DAVIS. I present a joint resolution of the Legislature of West Virginia, asking that the property of the Government at Harper's Ferry, sold in 1869, be made available for water-power, &c. I ask that the resolution be read, and I want to make a very brief statement.

The PRESIDENT *pro tempore*. If there be no objection the resolution will be read.

The Chief Clerk read as follows:

Joint resolution requiring and instructing our representatives in Congress to favor the passage of a bill to resell the water privileges at Harper's Ferry.

Whereas at a public sale under act of Congress held in the town of Harper's Ferry, county of Jefferson, West Virginia, in the latter part of November, 1869, of the water privileges at the said town owned by the United States, the said water privileges were bid in by a Mr. F. C. Adams, giving bonds and security at one and two years respectively to secure payments; and whereas the said bonds having matured and the said F. C. Adams having failed to comply with the agreement named: Therefore,

Be it resolved by the Legislature of West Virginia, That as a means of affording relief to the citizens of said town and surrounding country, as well as to advance the interests of the State, our Senators in Congress be instructed, and our Representatives requested, to favor the passage of a bill authorizing the Secretary of War to resell the same.

Resolved further, That a copy of the foregoing preamble and resolution be transmitted by his excellency the governor of this State to the President of the Senate of the United States and to the Speaker of the House of Representatives, and to our Senators and Representatives in Congress.

Adopted January 17, 1874.

A true copy from the rolls.

J. B. PEYTON,
Clerk of House of Delegates and Keeper of the Rolls.

Mr. DAVIS. Now I offer a resolution:

Whereas what is known as the Harper's Ferry armory property was sold at public sale in 1869 to F. C. Adams by direction of the War Department, and the entire purchase-money thereof has long since been due, but no part thereof has been paid; and whereas from the neglect of said property it is fast depreciating and being destroyed in value, to the pecuniary loss and suffering of the people of Harper's Ferry; and whereas a decree from the proper court has been granted for the resale of said property in order to obtain the purchase-money, with interest and costs: Therefore,

Resolved, That the Attorney-General be requested to proceed at once by all legal means to enforce the collection of the amount due the Government by F. C. Adams and his sureties on said purchase and to effectuate a resale of said property.

I ask for the present consideration of the resolution. There is no objection to it.

Mr. WEST. Is that intended to be an instruction to the Attorney-General to resell that property?

Mr. DAVIS. It is to collect the money in the most speedy way. The property was sold in 1869 and has been going to destruction since. The parties who bought it, instead of complying with the terms of the sale, have done nothing to comply with them, and the property now belongs to the Government and is fast going to destruction. No part of the purchase-money having been paid, this resolution is to instruct the Attorney-General to proceed at once to make the money in the name of the United States.

Mr. WEST. And if he does make the money, what then?

Mr. HOWE. What is the question before the Senate?

The PRESIDENT *pro tempore*. Whether the Senate will proceed to the consideration of the resolution.

Mr. DAVIS. I hope it will be passed. It is important. I have consulted the Judiciary Committee in regard to it.

Mr. HOWE. We are executing a regular order now. I do not think we ought to waste the time in this way.

The PRESIDENT *pro tempore*. Objection is made, and the resolution will lie over.

Mr. MORRILL, of Vermont. I hope the Senate will allow this resolution to pass. I have looked into the matter for some years, and I know it is just and for the interest of the Government that this should take place.

Mr. DAVIS. I hope the Senator from Wisconsin will withdraw his objection. There will be no debate on this.

Mr. HOWE. Bills to which there was not the slightest objection have gone over already under objection, because Senators wish to go on with the Calendar.

Mr. DAVIS. I will state to my friend that this resolution——

The PRESIDENT *pro tempore*. Objection is made.

Mr. DAVIS. I ask my friend to withdraw his objection. It is very important.

Mr. EDMUNDS. Let us have the regular order.

TRANSPORTATION REPORT.

Mr. ANTHONY. The Committee on Printing, to whom was referred a concurrent resolution from the House of Representatives to print six thousand extra copies of the report of the Select Committee of the Senate on Transportation to the Sea-board, instruct me to report it back with an amendment and ask for its present consideration.

The Senate proceeded to consider the resolution.

The amendment was to strike out all after the word "sea-board" and insert:

Thirty-six hundred copies of which shall be for the use of the House of Representatives, eighteen hundred for the use of the Senate, and six hundred for the use of the Select Committee of the Senate on Transportation to the Sea-board.

So as to make the resolution read:

Resolved by the House of Representatives, (the Senate concurring,) That there be printed six thousand copies of the report, with appendix and evidence, of the Select Committee of the Senate on Transportation to the Sea-board, thirty-six hundred copies of which shall be for the use of the House of Representatives, eighteen hundred copies for the use of the Senate, and six hundred copies for the use of the Select Committee of the Senate on Transportation to the Sea-board.

The amendment was agreed to.

The resolution, as amended, was concurred in.

EDUCATIONAL REPORT.

Mr. ANTHONY. I am instructed by the same committee to report back a concurrent resolution of the House to print twenty thousand copies of the report of the Commissioner of Education with an amendment.

The Senate proceeded to consider the resolution.

The amendment was to make the resolution read:

Resolved, (the Senate concurring,) That there be printed five thousand copies of the report of the Commissioner of Education for 1873, of which twenty-five hundred copies shall be for the use of the Commissioner, and twenty-five hundred copies shall be sold at the cost of paper and press-work, with an addition of 10 per cent., by the Congressional Printer.

The amendment was agreed to.

The resolution, as amended, was concurred in.

MARINE-HOSPITAL REPORT.

Mr. ANTHONY. The same committee, to whom was referred a concurrent resolution from the House of Representatives to print addi-

tional copies of the report of John W. Woodworth, supervising surgeon of the marine hospitals, have instructed me to report it back with an amendment and recommend its passage. The House resolution provided for the publication of five thousand copies of this report. The committee recommend that the number be reduced to one thousand and that they be for the use of the Treasury Department.

The resolution as proposed to be amended was read, as follows:

Resolved, (*the Senate concurring*,) That the Government Printer be instructed to print one thousand copies of the report of John W. Woodworth, supervising surgeon of the marine-hospital service of the United States, for the year 1873, for the use of the Treasury Department.

The amendment was agreed to.

The resolution, as amended, was concurred in.

COURTS IN ALABAMA.

Mr. SPENCER. I move that the Senate proceed to the consideration of the order of business, No. 719, being a House bill relative to circuit courts of the United States in Alabama.

Mr. HAMILTON, of Maryland. I rise to morning business.

The PRESIDENT *pro tempore*. The motion of the Senator from Alabama is out of order without unanimous consent. Is there objection?

Mr. EDMUNDS. I insist on the regular order.

Mr. HAMILTON, of Maryland. I rise to morning business.

Mr. SPENCER. I have morning business, but I wish to preface it by making a statement. Two-thirds of the State of Alabama is to-day without any United States court whatever, and there is a bill on the Calendar, House bill No. 2246, relating to circuit courts of the United States for the district of Alabama, which will enable us to have a United States court during the vacation of Congress. It is reported from the Committee on the Judiciary. It is a terrible state of affairs for two-thirds of a State to be without a United States court, and I desire to call up that bill.

The PRESIDENT *pro tempore*. Is there unanimous consent to proceed to the consideration of the bill indicated by the Senator from Alabama?

Mr. EDMUNDS. I make the point of order that the Senate has ordered that we proceed with the Calendar of unobjected cases, and until the order is discharged the Senator cannot make this motion.

Mr. SPENCER. In answer to the statement of the Senator from Vermont I will say that this bill is at the foot of the Calendar and there is no probability of its being reached if we go to the Calendar.

The PRESIDENT *pro tempore*. The Senator from Alabama has a perfect right to ask the Senate to give him unanimous consent to proceed to the consideration of the bill. That is all he did do. A single objection of course disposes of it.

Mr. EDMUNDS. I object.

The PRESIDENT *pro tempore*. Objection is made. The Chair will receive reports of committees.

REPORTS OF COMMITTEES.

Mr. SPENCER. The Committee on Military Affairs, to whom was referred the bill (H. R. No. 3757) for the transfer of twenty condemned bronze cannon for the erection of a statue to the late Major-General George Gordon Meade, have instructed me to report it back without amendment and ask the concurrence of the Senate. I desire to have the bill read.

The PRESIDENT *pro tempore*. If there be no objection, the bill will be read.

Mr. EDMUNDS. I object.

The PRESIDENT *pro tempore*. Let it be read by its title.

Mr. SPENCER. It has a right to be read.

Mr. EDMUNDS. I beg the Senator's pardon. Let the bill go on the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. HAMILTON, of Maryland, from the Committee on Patents, to whom was referred the petition of Eliza Wells, administratrix, praying for an extension of the patent of Henry S. Wells for forming hat-bodies, submitted an adverse report thereon; which was ordered to be printed, and the committee was discharged from the further consideration of the petition.

He also, from the same committee, to whom was referred the petition of Allen B. Wilson, praying for the extension of patents No. 346 and 314, relating to sewing-machines, submitted an adverse report thereon; which was ordered to be printed, and the committee was discharged from the further consideration of the petition.

He also, from the same committee, to whom was referred the petition of William H. Akins and Jacob D. Felthousen, praying for relief for inventing new and useful improvements in sewing-machines, reported adversely thereon, and asked to be discharged from its further consideration; which was agreed to.

Mr. MORRILL, of Vermont. By consent of those members of the Committee on Public Buildings and Grounds who are present, as we shall not have another meeting, I report back the following bills without amendment and without recommendation:

A bill (H. R. No. 3761) directing the Secretary of the Treasury to report upon the necessity of a public building at the city of Auburn, New York; and

A bill (H. R. No. 3762) to amend the act entitled "An act for the erection of a public building for the use of the United States in Atlanta, Georgia."

Mr. HAMLIN, from the Committee on Post-Offices and Post-Roads, who were instructed by a resolution of the Senate of the 11th instant to inquire whether any further legislation is necessary to secure the transportation of the additional semi-monthly mail between San Francisco, Japan, and China, submitted a report thereon; which was ordered to be printed.

Mr. FERRY, of Michigan, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. No. 3611) for the relief of Nelson Green, reported it without amendment.

Mr. WADLEIGH, from the Committee on Military Affairs, to whom was referred the bill (H. R. No. 1410) fixing the salaries of the clerks at the United States armory in Springfield, Massachusetts, reported it without amendment.

Mr. BOREMAN, from the Committee on Territories, to whom was referred the bill (H. R. No. 2884) granting the right of way through the public lands to the Arkansas Valley Railway Company, reported it without amendment.

Mr. WRIGHT, from the Committee on the Judiciary, to whom was referred the bill (H. R. No. 3628) for the relief of owners and purchasers of lands sold for direct taxes in insurrectionary States, and for other purposes, asked to be discharged from its further consideration, and that it be referred to the Committee on Finance; which was agreed to.

Mr. PATTERSON, from the Committee on Pensions, to whom was referred the petition of Mrs. Emily Slaughter, praying to be allowed a pension, asked to be discharged from its further consideration, and that the petitioner have leave to withdraw her petition and papers for the purpose of presentation at the Pension Office; which was agreed to.

BILLS INTRODUCED.

Mr. MORRILL, of Vermont. By request of a friend I ask leave to introduce a bill about which I know nothing.

Leave was granted to introduce a bill (S. No. 960) for the relief of Theodore Valade, of Louisiana; which was read twice by its title, and referred to the Committee on Claims.

STREET RAILWAY IN WASHINGTON.

The PRESIDENT *pro tempore*. The Secretary will now report the first bill on the Calendar.

The CHIEF CLERK. The first bill on the Calendar, resuming at the point where the Calendar was left off when it was last considered, is the bill (H. R. No. 2102) to incorporate the Capitol, North O Street and South Washington Railway Company.

Mr. SHERMAN. We have no time to consider that bill.

The PRESIDENT *pro tempore*. The bill will be laid aside and the next bill will be reported.

MINERAL LANDS IN MISSOURI AND KANSAS.

The next bill on the Calendar was the bill (H. R. No. 2543) in relation to mineral lands.

Mr. BOGY. I wish to move an amendment to that bill.

Mr. BOUTWELL. I think it had better go over.

The PRESIDENT *pro tempore*. The bill will be laid aside.

COINAGE OF A TWENTY-CENT PIECE.

The next bill on the Calendar was the bill (S. No. 468) authorizing the coinage of a twenty-cent piece of silver at the mints of the United States.

Mr. STEWART. That ought to be passed.

Mr. BOGY. I object.

Mr. SARGENT. The Senator announces that he will object to every bill that comes up.

Mr. BOGY. I will unless you pass mine.

JESSE J. SIMKINS.

The next bill on the Calendar was the bill (H. R. No. 1200) for the relief of the sureties of the late Jesse J. Simkins, collector of the port of Norfolk, Virginia.

Mr. BOGY. I object.

Mr. EDMUNDS. I was going to ask that the bill be referred to the Committee on the Judiciary. We considered it last year and came to a different conclusion from what the Committee on Finance do now. As it is purely a question of law as to discharging a surety, I think we ought to be allowed to reconsider it, with a view to see if we were right or our friends of the Finance Committee are.

The PRESIDENT *pro tempore*. The Senator from Vermont asks that this bill be referred to the Committee on the Judiciary.

Mr. EDMUNDS. I ask unanimous consent, not to take time.

There being no objection, the bill was referred to the Committee on the Judiciary.

PRESIDIO RESERVATION.

The next bill on the Calendar was the bill (S. No. 492) authorizing the city and county of San Francisco to use the Presidio reservation as a park and highway.

The PRESIDENT *pro tempore*. Is there objection?

Mr. EDMUNDS. That will lead to debate.

The PRESIDENT *pro tempore*. The Senator objects, and it will be passed over.

Mr. HAGER. I did not understand that there was an objection made.

The PRESIDENT *pro tempore*. The Chair did.

JAMES AND EMMA S. CAMERON.

The next bill on the Calendar was the bill (S. No. 647) to pay James and Emma S. Cameron for property taken and used by the Army during the late war.

Mr. SHERMAN. That is one of those contested claims.

The PRESIDENT *pro tempore*. Does the Senator object?

Mr. SHERMAN. I ask members of the committee if that is not one of the contested war claims for damages?

Mr. SCOTT. It is a case reported by the Senator from West Virginia for damages by occupation of real estate, for fire-wood, &c., furnished to the Army during its occupation of the country around Chattanooga. That is the nature of the claim.

Mr. SHERMAN. I object.

The PRESIDENT *pro tempore*. The bill will be laid aside, and the next bill on the Calendar will be reported.

CHIPPEWA INDIANS.

The next bill on the Calendar was the bill (S. No. 648) making an appropriation for the relief of the Chippewa Indians attached to the Red Cliff and Bad River reservations in Wisconsin.

Mr. INGALLS. The appropriation called for by that bill has been provided for in the Indian appropriation bill. I move that the bill be indefinitely postponed.

The motion was agreed to.

PETER S. PATTON.

The next bill on the Calendar was the bill (H. R. No. 753) for the relief of Peter S. Patton; which was considered as in Committee of the Whole.

The preamble recites that in the month of March, 1872, the post-office at Burlington, Kansas, was burglariously entered and robbed of public moneys and property to the amount of $420; that such robbery was effected without fault or negligence on the part of the postmaster, Peter S. Patton; and that he has paid to the United States the amount and value of the moneys and property so stolen, and expended in the pursuit and arrest of the burglars the further sum of $100. The bill therefore provides for paying to Peter S. Patton $510 to reimburse him for the payments and expenses so by him made and incurred.

The Committee on Post-Offices and Post-Roads proposed to amend the bill by striking out "$510," and inserting "$420."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

MARKING AND CANCELING STAMPS.

The next bill on the Calendar was the bill (S. No. 434) referring to the Court of Claims, for adjudication and determination, the claims of the parties therein named for the past and future use of the Norton postmarking and postage-canceling hand-stamp and the Robertson improved hand-stamp.

Mr. EDMUNDS. Let that go over.

COINAGE OF TWENTY-CENT PIECES.

Mr. BOGY. I move that Senate bill No. 468, authorizing the coinage of a twenty-cent piece of silver at the mints of the United States, be taken up, which was passed a moment ago on my objection.

POSTAL TELEGRAPH.

The PRESIDENT *pro tempore*. The next bill will be reported.

The next bill on the Calendar was the bill (S. No. 651) to provide for the transmission of correspondence by telegraph.

The PRESIDENT *pro tempore*. Is there objection?

Several Senators objected.

COINAGE OF TWENTY-CENT PIECES.

Mr. SARGENT. I rise to ask a question. The Senator from Missouri objected to a bill a short time since and he desires to withdraw that objection. Cannot that now be taken up?

The PRESIDENT *pro tempore*. The bill has been passed in order. The next bill on the Calendar will be reported.

LANDS IN UTAH.

The next bill on the Calendar was the bill (S. No. 425) for the restoration to market of certain lands in the Territory of Utah; which was considered as in Committee of the Whole. It repeals so much of the act of Congress approved May 5, 1864, entitled "An act to vacate and sell the present Indian reservation in Utah Territory, and to settle Indians of said Territory in the Uinta Valley," as directs the Secretary of the Interior to cause to be appraised and offer for sale upon sealed bids the reservations therein referred to, and the Secretary of the Interior is directed to restore the same to the public domain for disposition as other public lands.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

SPECIE PAYMENT.

Mr. SPENCER. The next two bills are reported adversely.

The next bill on the Calendar was the bill (S. No. 124) providing for the resumption of specie payments and for free banking.

Mr. MORRILL, of Vermont. Let it be postponed to next session.

The PRESIDENT *pro tempore*. The Senator from Vermont objects, and the next bill will be reported.

Mr. HOWE. The next bill is objected to.

The PRESIDENT *pro tempore*. Did the Senator from Alabama move its indefinite postponement?

Mr. SPENCER. No; let it be laid aside.

INTERNAL-REVENUE TAXES.

The next bill on the Calendar was the bill (S. No. 408) to provide for the refunding of internal-revenue taxes improperly assessed and collected, which was reported adversely by the Committee on Finance.

Mr. WEST. I object to that.

The PRESIDENT *pro tempore*. The bill will be laid aside. The next bill on the Calendar will be reported.

Mr. EDMUNDS. I object to the next bill, which is the Mennonite bill.

GENERAL S. W. CRAWFORD.

The next bill on the Calendar was the bill (H. R. No. 2093) for the relief of General Samuel W. Crawford, United States Army.

Mr. WRIGHT. I am satisfied that bill must go over.

The PRESIDENT *pro tempore*. It will be laid aside, and the next bill will be reported.

HUNTER'S CHAPEL.

The next bill on the Calendar was the bill (S. No. 682) for the relief of the board of trustees of the Methodist Episcopal church at Arlington Heights, known as Hunter's Chapel.

Mr. BOUTWELL. Let that go over.

The PRESIDENT *pro tempore*. The bill will be laid aside.

WILLIAM PELHAM.

The next bill on the Calendar was the bill (H. R. No. 1370) to authorize the Secretary of the Interior to settle and pay the accounts of William Pelham, late surveyor-general of New Mexico; which was considered as in Committee of the Whole. It requires the Secretary of the Interior to settle and pay whatever amount may be found due and owing by the Government to William Pelham as surveyor-general of the Territory; and appropriates $518.90, or so much thereof as may be necessary, for that purpose.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

WASHINGTON CITY AND POINT LOOKOUT RAILROAD.

The next bill on the Calendar was the bill (S. No. 463) supplementary to the act entitled "An act to authorize the Washington City and Point Lookout Railroad Company to extend a railroad into and within the District of Columbia," approved January 22, 1873.

Mr. SPENCER. I do not think there can be any objection to this bill.

Mr. SHERMAN. It is a Senate bill, and I object.

The PRESIDENT *pro tempore*. The bill will be laid aside and the next bill will be reported.

ZOOLOGICAL GARDEN.

The next bill on the Calendar was the bill (S. No. 265) to establish the Corcoran Park and Zoological Garden, near the Capitol, in the District of Columbia, and to incorporate a society to maintain the same, and a company to construct a street railroad thereto.

Mr. EDMUNDS. I object to that bill because I have examined it.

The PRESIDENT *pro tempore*. The bill will be laid aside.

PUBLIC PRINTING.

The next bill on the Calendar was the bill (S. No. 689) to further regulate the public printing.

Mr. EDMUNDS. The Senator from Rhode Island [Mr. ANTHONY] said that would lead to debate and it would not be of any use to take it up now.

The PRESIDENT *pro tempore*. The bill will be laid aside.

NATIONAL CURRENCY.

The next bill on the Calendar was the bill (S. No. 396) to amend the act entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June 3, 1864.

Mr. HOWE. That question is settled. [Laughter.]

The PRESIDENT *pro tempore*. The bill will be laid aside.

Mr. EDMUNDS. I am sure there cannot be any objection to that. [Laughter.]

Mr. SPENCER. In order to facilitate business I move that we act only on House bills. It is useless to take up Senate bills now.

Mr. EDMUNDS. That is not clear.

HELENA ASSAY OFFICE.

The next bill on the Calendar was the bill (S. No. 312) to establish an assay office at Helena, in the Territory of Montana.

Mr. MORRILL, of Vermont. I think this bill has already been passed.

The PRESIDENT *pro tempore*. It will be laid aside and the next bill on the Calendar will be reported.

ANACOSTIA AND POTOMAC RIVER RAILROAD.

The next bill on the Calendar was the bill (S. No. 575) giving the approval and sanction of Congress to the route and termini of the Anacostia and Potomac River Railroad and to regulate its construction.

Mr. HITCHCOCK. I move that the House bill of the same title and the same language be substituted in place of that Senate bill.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill?

Mr. STEWART. I object.

Mr. EDMUNDS, (to Mr. HITCHCOCK.) When we come to the House bill you can accomplish what you want.

WARREN & MOORE.

The next bill on the Calendar was the bill (S. No. 701) for the relief of Warren & Moore, of Nashville, Tennessee.

Mr. EDMUNDS. That is a war claim.

Mr. BOUTWELL. Let it be passed over.

The PRESIDENT *pro tempore*. The bill will be laid aside.

COINAGE ACT.

The next bill on the Calendar was the bill (H. R. No. 2878) to amend the twenty-fifth section of the coinage act of 1873.

Mr. EDMUNDS. That had better be considered further.

The PRESIDENT *pro tempore*. The bill will be passed over.

ELIJAH LAWS.

The next bill on the Calendar was the bill (S. No. 710) for the relief of E. Laws, chief engineer United States Navy; which was read the second time, and considered as in Committee of the Whole. It provides that the services of Elijah Laws, as first assistant engineer of the United States Navy, shall be considered in every respect except in that which may change his present rank as though he had received a warrant appointing him to that position on the 17th day of March, 1863, the date of the warrants as first assistant engineers of those who entered the service next after him; and as chief engineer shall be considered in every respect except in that which may change his present rank or position on the Navy Register as having commenced on the 13th day of August, 1866, the date of the completion of the two years' sea service required for first assistant engineers before promotion after March 7, 1863.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DIRECT-TAX LAND SALES.

The next bill on the Calendar was the bill (S. No. 343) for the relief of purchasers of lands sold for direct taxes in the insurrectionary States.

Mr. HOWE. That bill is reported adversely.

Mr. EDMUNDS. Let it be postponed indefinitely, so as to get it off the Calendar.

The PRESIDENT *pro tempore*. The bill will be postponed indefinitely if there be no objection.

NEVADA COUNTY NARROW-GAUGE RAILROAD.

The next bill on the Calendar was the bill (S. No. 666) granting to the Nevada County Narrow-gauge Railroad Company a right of way through the public lands for a railroad.

Mr. SARGENT. A similar bill has been passed by both Houses. I therefore move that this bill be indefinitely postponed.

The motion was agreed to.

EQUALIZATION OF BOUNTIES.

The next bill on the Calendar was the bill (S. No. 717) to equalize bounties of soldiers who served in the late war for the Union.

Mr. EDMUNDS. That can be acted upon on the pension bill. It will be an ornament to that bill. I think it had better go over now.

The PRESIDENT *pro tempore*. The bill will be laid aside.

SILAS I. FIELD AND SAMUEL F. DALLEY.

The next bill on the Calendar was the bill (S. No. 153) for the relief of Silas I. Field and the heirs of the late Samuel F. Dalley, of the city of Little Rock, in the State of Arkansas.

Mr. EDMUNDS. I suggest that that bill, which was reported adversely from the Committee on the Judiciary, be postponed indefinitely, if there be no objection.

Mr. CLAYTON. I object.

The PRESIDENT *pro tempore*. Objection being made, the bill will remain on the Calendar.

BIDS FOR INDIAN SUPPLIES.

The next bill on the Calendar was the bill (S. No. 699) to regulate bids for goods, supplies, and transportation on account of the Indian service.

Mr. INGALLS. The provisions of that bill having been incorporated in the general Indian appropriation bill, I move that it be postponed indefinitely.

The motion was agreed to.

RIGHTS OF UNNATURALIZED PERSONS IN THE NAVY.

The next bill on the Calendar was the bill (H. R. No. 2330) to extend the provisions of section 21 of chapter 200 of the acts passed at the second session of the Thirty-seventh Congress, giving to unnaturalized persons enlisting in the naval service or Marine Corps of the United States the same rights as are now given by law to such persons enlisted in the Army of the United States.

Mr. EDMUNDS. Let the bill be read for information, subject to objection.

The Chief Clerk read the bill.

Mr. MORRILL, of Maine. The effect of that bill ought to be explained to us.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill?

Mr. SHERMAN. I object, unless an explanation is made of its object.

The PRESIDENT *pro tempore*. Objection being made, the bill will be laid aside.

GOVERNMENT OF THE NAVY.

The next bill on the Calendar was the bill (S. No. 706) to amend the act, approved July 17, 1862, entitled "An act for the better government of the Navy of the United States."

Mr. EDMUNDS. That cannot be acted upon now. It is a general bill.

The PRESIDENT *pro tempore*. The bill will be laid aside.

FRANCES A. ROBINSON.

The next bill on the Calendar was the bill (S. No. 271) for the relief of Frances A. Robinson, administratrix of the estate of John M. Robinson, deceased.

The bill was read.

Mr. INGALLS. I object.

The PRESIDENT *pro tempore*. Objection being made, the bill will be laid aside.

JOHN HASELTINE'S PATENT.

The next bill on the Calendar was the bill (S. No. 620) authorizing the extension of the patent granted to John Haseltine for a new and useful water-wheel.

Mr. HITCHCOCK. I object.

The PRESIDENT *pro tempore*. The bill will be laid aside.

JOSHUA HATHAWAY'S PATENT.

The next bill on the Calendar was the bill (S. No. 544) to enable Ann Jennette Hathaway, executrix of the last will and testament of Joshua Hathaway, deceased, to make application to the Commissioner of Patents for the extension of letters-patent for improved device for converting reciprocating into rotary motion.

Mr. HITCHCOCK and Mr. TIPTON. I object.

The PRESIDENT *pro tempore*. The bill will be laid aside.

REYNOLD'S PATENT BRAKE.

The next bill on the Calendar was the bill (S. No. 537) for the extension of the patent known as Reynold's patented brake for power-looms.

Mr. LEWIS. I object.

The PRESIDENT *pro tempore*. The bill will be laid aside.

EMANUEL SMALL AND JAMES TATE.

The next bill on the Calendar was the bill (H. R. No. 2270) making an appropriation to pay Emanuel Small and James Tate, of Atchison County, Missouri, for carrying the mails, which was considered as in Committee of the Whole.

The bill appropriates $110 to pay Emanuel Small and James Tate, of Atchison County, Missouri, the amount found by the Sixth Auditor of the Treasury to be due them for carrying the mails of the United States in the county of Atchison, under a contract with the United States, during the years 1868 and 1869.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

JANE DULANEY.

The next bill on the Calendar was the bill (H. R. No. 2680) granting a pension to Mrs. Jane Dulaney.

Mr. INGALLS. Let that bill go over.

The PRESIDENT *pro tempore*. The bill will be passed over.

DISTRICT SCHOOL-TEACHERS.

The next bill on the Calendar was the bill (S. No. 723) to repeal a part of the act entitled "An act making appropriation for the payment of teachers in the public schools in the District of Columbia, and providing for the levy of a tax to reimburse the same," approved April —, 1874.

Mr. STEWART. A House bill on the same subject has been passed, and this ought to be indefinitely postponed.

The bill was postponed indefinitely.

WASHINGTON INEBRIATE ASYLUM.

The next bill on the Calendar was the bill (S. No. 224) to incorporate the Washington City Inebriate Asylum in the District of Columbia.

Mr. INGALLS. I object.

The PRESIDENT *pro tempore*. The bill will be laid aside.

HENRY H. SIBLEY.

The next bill on the Calendar was the bill (H. R. No. 1915) to remove the political disabilities of Henry H. Sibley, a citizen of Fred-

ericksburgh, Virginia; which was considered as in Committee of the Whole.

The Committee on the Judiciary propose to amend the bill so as to make it read:

That all political disabilities imposed by the fourteenth amendment of the Constitution of the United States upon Henry H. Sibley, by reason of his participation in the rebellion, be, and the same are hereby, removed.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed, two-thirds voting in favor thereof.

THOMAS M. JONES.

The next bill on the Calendar was the bill (S. No. 523) to remove the disabilities of Thomas M. Jones, of Virginia; which was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed by a two-thirds vote.

Mr. EDMUNDS. The word "political" should be inserted before "disabilities" in the title.

The title was so amended.

C. D. ANDERSON.

The next bill on the Calendar was the bill (S. No. 674) to relieve C. D. Anderson of his legal and political disabilities; which was considered as in Committee of the Whole.

The Committee on the Judiciary proposed to amend the bill by striking out the words "legal and" before "political."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended by striking out the words "his legal and" before "political."

ARKANSAS WESTERN JUDICIAL DISTRICT.

The next bill on the Calendar was the bill (S. No. 248) to facilitate the trials of criminal causes in the western judicial district of Arkansas, and for other purposes.

Mr. CLAYTON. I object.

The PRESIDENT *pro tempore*. The bill will be laid aside.

RETIREMENT OF ARMY OFFICERS.

The next bill on the Calendar was the bill (S. No. 319) making retirement in the Army and Marine Corps after a certain age obligatory.

Mr. INGALLS. I object.

The PRESIDENT *pro tempore*. The bill will be laid aside.

MARTIN KALBFLEISCH'S SONS.

The next bill on the Calendar was the bill (H. R. No. 1578) for the relief of Martin Kalbfleisch's Sons; which was considered as in Committee of the Whole. It provides for the payment to Martin Kalbfleisch's Sons of $5,241.28, in full payment for acids furnished the United States assay office in the city of New York, in the years 1869 and 1870.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

DABNEY H. MAURY.

The next bill on the Calendar was the bill (S. No. 743) to remove the political disabilities of Dabney H. Maury, of Virginia; which was read the second time, and considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES M. FAUNTLEROY.

The next bill on the Calendar was the bill (S. No. 744) to remove the political disabilities of Charles M. Fauntleroy, of Virginia; which was read the second time, and considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

METAL CASTINGS.

The next bill on the Calendar was the bill (S. No. 119) for the better security of property in patterns for metal castings.

Mr. WADLEIGH. I move that that bill be indefinitely postponed. It is reported adversely.

The motion was agreed to.

OCEAN COURSES FOR STEAM-VESSELS.

The next bill on the Calendar was the bill (S. No. 368) to provide for the establishment of an international commission of the maritime powers to lay down ocean courses for steam-vessels, and otherwise provide for increased safety of sea travel.

Mr. TIPTON. Let that be passed over.

The PRESIDENT *pro tempore*. The bill will be laid aside.

Mr. SHERMAN. Cannot a motion be made to lay on the table the motion to reconsider in that case? This is a bill of considerable importance. It was passed and a motion to reconsider entered. I move to lay the motion to reconsider on the table.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Ohio to lay the motion to reconsider on the table.

The motion was agreed to.

Mr. SPRAGUE. My objection to that bill was simply that it constitutes a new officer. My belief was that an officer already in the service of the Government should be designated.

Mr. SHERMAN. The bill goes to the House of Representatives and they can amend it.

The PRESIDENT *pro tempore*. The motion to reconsider was laid on the table. That relieves the bill of that motion, and it stands passed.

GROSS OF MATCHES.

The next bill on the Calendar was the bill (S. No. 728) to define a gross of matches, to provide for uniform packages, and for other purposes.

Mr. BOUTWELL. I object.

The PRESIDENT *pro tempore*. The bill will be laid aside.

SCHOOLS IN MISSOURI.

The next bill on the Calendar was the bill (H. R. No. 1764) to appropriate lands for the support of schools in certain fractional townships in the State of Missouri; which was considered as in Committee of the Whole.

Section 1 provides for all fractional townships in the State of Missouri which are entitled to public lands for the support of schools, according to the provisions of the act of Congress approved March 20, 1826, entitled "An act to appropriate lands for the support of schools in certain townships and fractional townships not before provided for," and for which no selections have heretofore been made, there shall be reserved and appropriated out of the public lands, for each of those fractional townships, the amount of land to which they were respectively entitled according to the provisions of that act.

Section 2 provides that the lands to which those fractional townships are so entitled shall be selected by the Commissioner of the General Land Office out of any unappropriated public land within the State of Missouri.

The first amendment reported by the Committee on Public Lands was in section 1, line 6, to strike out the word "March" and insert "May."

The amendment was agreed to.

The next amendment was in section 2, line 4, after the word "Missouri" to insert "subject to sale or location at $1.25 an acre."

The amendment was agreed to.

Mr. HITCHCOCK. Does this bill provide for issuing land warrants to be located anywhere?

Mr. BOGY. No; it is only in the State of Missouri.

Mr. HITCHCOCK. If "Missouri" is stricken out I object to the bill.

Mr. BOGY. "Missouri" is not stricken out.

Mr. EDMUNDS. That is all right.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had agreed to the resolution of the Senate to suspend the sixteenth and seventeenth joint rules of the two Houses for the residue of the present session.

PROTECTION OF TREES.

The next bill on the Calendar was the bill (S. No. 524) to protect the timber lands of the United States Government reservations and lands purchased by the United States; which was considered as in Committee of the Whole.

The Committee on Public Lands proposed to amend the bill by inserting at the end thereof the following proviso:

Provided, That nothing in this act shall be construed to apply to unsurveyed public lands and to public lands subject to pre-emption and homestead laws, or to public lands subject to an act to promote the development of the mining resources of the United States, approved May 10, 1872.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to protect ornamental and other trees on Government reservations and on lands purchased by the United States, and for other purposes."

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

A bill (H. R. No. 1767) to change the name of the steamboat Kitty Strang;

A bill (H. R. No. 3211) to change the name of the schooner Delmar; and

A joint resolution (H. R. No. 114) to fill a vacancy in the board of managers of the National Home for Disabled Volunteer Soldiers.

The message also announced that the House had passed the following bills:

A bill (S. No. 375) for the benefit of the Kentucky Agricultural and Mechanical Association; and

A bill (S. No. 688) referring the claim of the owners of the schooner Ada A. Andrews to the Court of Claims.

THE CALENDAR.

Mr. EDMUNDS. I ask unanimous consent that we may continue the Calendar for another hour, and, at the suggestion of Senators, that we take up the House bills. Several have suggested that we proceed with House bills only.

Mr. FERRY, of Michigan. I object to confining it to House bills.

The PRESIDENT *pro tempore*. The Senator from Vermont asks unanimous consent to continue the Calendar another hour, confining it to House bills.

Mr. FERRY, of Michigan. Let us say, "all unobjected cases," including Senate bills.

Mr. EDMUNDS. Very well; I will take that.

Mr. SHERMAN. I prefer that the motion be submitted in the usual form.

The PRESIDENT *pro tempore*. The Senator from Vermont moves to postpone the unfinished business and continue the consideration of unobjected cases on the Calendar for one hour.

The motion was agreed to.

Mr. CLAYTON. Is this for unobjected cases?

Mr. EDMUNDS. Certainly, the same as before.

The PRESIDENT *pro tempore*. Under the Anthony rule, the Chair supposes. The next bill on the Calendar will be reported.

Mr. DAVIS. I inquire what will be the regular order after this hour expires?

Mr. SHERMAN. That is for the Senate to say.

The PRESIDENT *pro tempore*. The unfinished business is the pension bill.

Mr. SHERMAN. I did not so understand. I understood the pension bill was postponed with a view to take up the Calendar.

Mr. DAVIS. For one hour.

The PRESIDENT *pro tempore*. The Chair understood the motion to be in substance to continue the morning hour one hour.

Mr. EDMUNDS. That was the motion.

The PRESIDENT *pro tempore*. The effect of which would be to leave the unfinished business as it would be if the Senate had proceeded with it at the end of the morning hour.

Mr. SHERMAN. To that I objected and moved that all prior orders be postponed with a view to continue the Calendar. I did not make a motion of this kind without having a purpose, and it was to get rid of the further discussion of the pension bill, which will necessarily in my judgment prolong the session.

The PRESIDENT *pro tempore*. The Chair is at fault. The Chair heard no motion from the Senator from Ohio, but only the motion of the Senator from Vermont.

Mr. EDMUNDS. The Chair certainly put the motion of the Senator from Vermont, and that is what the Senate voted on. I wish to get rid of the pension bill, but I wish to do it squarely.

The PRESIDENT *pro tempore*. The Chair submitted the motion made by the Senator from Vermont. That was the motion on which the Senate voted. The next bill on the Calendar will be read, being the bill (S. No. 331) providing for the construction of the Portland, Dalles and Salt Lake Railroad and Telegraph, and for the performance of all Government service free of charge.

Mr. INGALLS. I object.

The PRESIDENT *pro tempore*. The bill will be laid aside. The next bill will be reported.

CORPORATIONS IN DISTRICT OF COLUMBIA.

The next bill on the Calendar was the bill (S. No. 759) to amend the act entitled "An act to provide for the creation of corporations by general law," approved May 5, 1870.

Mr. BUCKINGHAM. Let that be postponed.

The PRESIDENT *pro tempore*. The bill will be laid aside.

WATCH PRESENTED BY WASHINGTON TO MARQUIS DE LAFAYETTE.

Mr. HAMLIN. I hold in my hand a joint resolution which I think requires a little courtesy from this body, and I ask that I may be allowed to report it and put it upon its passage.

Mr. SHERMAN. What is it?

Mr. HAMLIN. It is a resolution which came from the House of Representatives authorizing the purchase of a watch which was a present from Washington to Lafayette. I am directed by the Committee on Foreign Relations to report it back and recommend its passage, and I ask for its present consideration. I have the watch here in my possession.

There being no objection, the joint resolution (H. R. No. 113) making an appropriation for the purchase and restoration to the family of the Marquis de Lafayette of the watch presented to him by General Washington, was considered as in Committee of the Whole. It appropriates the sum of $300, or so much thereof as may be necessary, for the purchase and restoration to the family of the Marquis de Lafayette of the watch presented to him by General Washington, and lost by General Lafayette during his last visit to this country, such purchase and restoration to be made under the direction of the Secretary of State.

[During the reading of the joint resolution several Senators gathered around Mr. HAMLIN'S desk to examine the watch.]

Mr. MORRILL, of Maine. If it is in order I move that that watch lie on the table. [Laughter.]

The joint resolution was reported to the Senate, ordered to a third reading, read the third time, and passed unanimously.

STATUE TO GENERAL MEADE.

The PRESIDENT *pro tempore*. The next bill on the Calendar will be reported.

Mr. SCOTT. I desire now to make an appeal to the Senate in the same line as that which has just been responded to on the application of the Senator from Maine. A bill came from the House yesterday and was reported this morning from the Committee on Military Affairs, to donate twenty cannon for the statue of General George Gordon Meade. The gentlemen of Philadelphia who have that matter in charge have telegraphed me to procure its passage. I hope that these twenty cannon out of the hundreds captured by the Army under General Meade will not be denied for this purpose. I ask that that bill be put on its passage.

The PRESIDENT *pro tempore*. Is there objection?

Mr. HAMILTON, of Maryland. Will you stop at that?

Mr. SCOTT. Yes.

Mr. HAMILTON, of Maryland. Very well.

There being no objection, the bill (H. R. No. 3757) for the transfer of twenty condemned bronze cannon for the erection of a statue to the late Major-General George Gordon Meade was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

STATUE OF ADMIRAL FARRAGUT.

Mr. TIPTON. Now, inasmuch as we have provided for the statue of General Meade, I move that we proceed to the consideration of House joint resolution No. 59, for a statue of Admiral Farragut.

The PRESIDENT *pro tempore*. The Senator from Nebraska asks unanimous consent to proceed to the consideration of the resolution indicated by him.

There being no objection, the joint resolution (H. R. No. 59) amending joint resolution of April 16, 1872, relating to a statue of the late Admiral Farragut, was considered as in Committee of the Whole. It authorizes the Secretary of the Navy to contract with some suitable and skillful sculptor for a bronze statue of the late Admiral Farragut, as authorized in the joint resolution of April 16, 1872, to be disposed of as therein directed. The selection of the sculptor or artist to execute the statue is to be made by the Secretary of the Navy, the General of the Army, and Mrs. Virginia L. Farragut, or a majority of them.

The Committee on Public Buildings and Grounds reported an amendment to strike out in line 9 the words "the General of the Army" and insert "the Admiral of the Navy."

The amendment was rejected.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. MORRILL, of Vermont. I move to reconsider the vote by which the House joint resolution (No. 59) has just been passed.

The PRESIDENT *pro tempore*. The Senator from Vermont moves to reconsider the vote by which the Senate passed the joint resolution in regard to the Farragut statue.

Mr. MORRILL, of Vermont. I do not ask for action now.

The PRESIDENT *pro tempore*. The motion will be entered.

Mr. SPRAGUE. I move that the motion be laid on the table.

Mr. MORRILL, of Vermont. I ask the Senator to withdraw that motion.

The PRESIDENT *pro tempore*. The motion to lay on the table is not debatable.

The Chair put the question, and declared that the ayes appeared to prevail.

Mr. MORRILL, of Vermont. I desire to have a few moments' opportunity to explain——

Mr. SPRAGUE. Debate is not in order.

The PRESIDENT *pro tempore*. Debate is out of order. The motion to reconsider is laid on the table, unless the Senator from Vermont demands a division.

Mr. MORRILL, of Vermont. I hardly think it is treating me handsomely, that being out of the Senate a moment this should have been taken up out of order——

Mr. SPRAGUE. Debate is out of order.

The PRESIDENT *pro tempore*. The motion is laid on the table, and the next bill on the Calendar in regular order will be reported.

M. H. PLUNKETT.

The bill (H. R. No. 2801) to place on the retired list of the Navy M. H. Plunkett, late second assistant engineer of the regular Navy, was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

LANDS IN CALIFORNIA.

Mr. SPENCER. The next two bills on the Calendar, being the bill (S. No. 610) to authorize the correction of the boundaries of certain lands in California, and the bill (S. No. 611) for the relief of settlers on certain lands in the State of California, have been reported adversely.

The PRESIDENT *pro tempore*. They will be indefinitely postponed if there be no objection.

Mr. HAGER. These two bills I ask may remain on the Calendar.

The PRESIDENT *pro tempore*. They will be laid aside, remaining on the Calendar.

STATE OF GEORGIA.

The next bill on the Calendar was the bill (S. No. 598) to refund to the State of Georgia certain moneys expended by said State for the common defense in 1777.

Mr. INGALLS. I object.

The PRESIDENT *pro tempore*. The bill will be laid aside.

WILLIAM WHEELER HUBBELL.

The next bill on the Calendar was the bill (S. No. 785) to settle for the inventions and patents of William Wheeler Hubbell.

Mr. LEWIS. I object.

Mr. RAMSEY and Mr. HAMLIN. That bill ought to pass.

The PRESIDENT *pro tempore*. Is there objection?

Mr. LEWIS. I object.

The PRESIDENT *pro tempore*. The bill will be laid aside.

CITIZENSHIP OF INDIANS.

The next bill on the Calendar was the bill (S. No. 729) to enable Indians to become citizens of the United States.

Mr. HITCHCOCK. Let that go over.

The PRESIDENT *pro tempore*. The bill will be laid aside.

ABSENTEE SHAWNEE LANDS.

The next bill on the Calendar was the bill (S. No. 650) explanatory of the resolution entitled "A resolution for the relief of settlers upon the Absentee Shawnee lands in Kansas," approved April 7, 1869; which was considered as in Committee of the Whole.

The preamble recites that several tracts of land ceded to the Shawnee Indians by the treaty concluded between them and the United States which was proclaimed November 2, 1854, were erroneously set apart and allotted to various individuals of the Shawnee tribe of Indians, and that these allotments were subsequently canceled, and therefore form a part of the residuum of the land which by the treaty was set apart for the Absentee Shawnees.

The bill therefore declares the terms of the resolution approved April 7, 1869, for the relief of the settlers upon the Absentee Shawnee lands in Kansas, shall be extended to those settlers who now occupy and have improved tracts of land known and described as the east half of the northeast quarter and the southwest quarter of the northeast quarter of section 29, in township 12, of range 23 east of the sixth principal meridian; the south half of the southwest quarter of section 5; the south half of the southwest quarter, the north half of the southwest quarter, and the northwest quarter of section 8, in township 13, of range 22 east of the sixth principal meridian, all located in the State of Kansas, within the boundaries of the tract ceded to the Shawnees by the treaty proclaimed on the 2d of November, 1854.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

COLONEL E. M'CARTY.

The next bill on the Calendar was the bill (H. R. No. 352) for the relief of Colonel E. McCarty; which was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to Colonel E. McCarty, of Illinois, assignee of Ruel Hough, the sum of $1,450, which Ruel Hough paid to the Government on a direct-tax sale by the judgment of a United States court, the tax on the land sold having been prior to the sale by the owner thereof.

The bill was reported from the Committee on Claims with two amendments; the first of which was in line 10, before the word "prior," to insert the word "paid;" so as to read:

The tax on the land sold having been paid prior to said sale by the owner thereof.

The amendment was agreed to.

The next amendment was to add the following proviso to the bill:

Provided, That the said Secretary is satisfied that said McCarty has succeeded to all the rights which said Hough had to make reclamation upon the United States.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

It was ordered that the amendments be engrossed, and the bill read a third time.

The bill was read the third time, and passed.

SETTLERS ON RAILROAD LANDS.

The next bill on the Calendar was the bill (H. R. No. 3162) for the relief of settlers on railroad lands; which was considered as in Committee of the Whole.

The bill provides that in the adjustment of all railroad land grants, whether made directly to any railroad company or to any State for railroad purposes, if any of the lands granted be found in the possession of an actual settler whose entry or filing has been allowed under the pre-emption or homestead laws of the United States subsequent to the time at which, by the decision of the Land Office, the right of the road was declared to have attached to such lands, the grantees, upon a proper relinquishment of the lands so entered or filed for, shall be entitled to select an equal quantity of other lands in lieu thereof from any of the public lands within the limits of the grant not otherwise appropriated at the date of selection, to which they shall receive title the same as though originally granted. And any such entries or filings thus relieved from conflict may be perfected into complete title as if such lands had not been granted; but nothing herein contained is in any manner to be so construed as to enlarge the grant to any such railroad; and this act is not to be construed so as in any manner to confirm or legalize any decision or ruling of the Interior Department under which lands have been certified to any railroad company when such lands have been entered by a pre-emption or homestead settler after the location of the line of the road and prior to the notice to the local land office of the withdrawal of such lands from market.

Mr. SPRAGUE. That bill is all right.

Mr. STEWART. It ought to pass.

Mr. HAGER. I have some amendments to offer which are not objected to by the committee.

Mr. EDMUNDS. Let the bill be considered subject to objection, for if we are to have new matter inserted we must reserve the right to object.

The PRESIDENT *pro tempore*. The bill will be considered subject to objection.

Mr. HAGER. My first amendment is to insert after the word "lands," in line 13, the words "not mineral."

Mr. WINDOM. There is no objection to that.

The amendment was agreed to.

Mr. HAGER. The next amendment is on page 2, line 20, after the word "railroad," to insert "or to extend to lands reserved in any land grant made for railroad purposes;" so as to read:

That nothing herein contained shall in any manner be so construed as to enlarge the grant to any such railroad, or to extend to lands reserved in any land grant made for railroad purposes.

Mr. EDMUNDS. I should like to have that read again and explained.

The amendment was again read.

Mr. EDMUNDS. What does that mean?

Mr. HAGER. I will state to the Senator that in the act granting lands for the construction of the railroad from the Missouri River to the Pacific Ocean certain exemptions are made. These words are to be found in section 3 of that act, granting lands "not sold, reserved, or otherwise disposed of by the United States, and to which a pre-emption or homestead claim may not have attached at the time the route of said road was definitely fixed." The object is not to give new lands in place of those that were reserved by section 3. With this provision, in case they are entitled to new lands, I presume they would be entitled to those that are really exempted by the act itself. It is for the benefit of the country, for the benefit of the Government, and not for the benefit of the railroads that I propose this amendment.

The amendment was agreed to.

Mr. EDMUNDS. I am a little shy about these bills, because I do not understand them; but I will move to amend the bill by inserting after the word "enlarge," in line 19, the words "or extend," and striking out the word "the" and inserting "any;" so that it will read:

That nothing herein contained shall in any manner be so construed as to enlarge or extend any grant to said railroad.

Mr. WINDOM. I have no objection to that.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in. It was ordered that the amendments be engrossed and the bill read a third time.

The bill was read the third time, and passed.

ROBERT COLES.

The next bill on the Calendar was the bill (S. No. 214) for the relief of Robert Coles; which was considered as in Committee of the Whole.

The preamble recites that it appears that, according to the laws of the State of Iowa, Robert Coles is the rightful owner of swamp land indemnity certificate numbered 92, for 2,383.26 acres, dated March 28, 1872, and indemnity certificate numbered 93, for 36.36 acres, dated April 15, 1872; that the list of swamp selections made in the year 1858, upon which proof for indemnity, under act of March 2, 1855, was submitted to the Commissioner of the General Land Office, and was filed for action there on June 20, 1860, and the list of selections was approved by the surveyor-general of the State of Iowa, as appears from his letter to the county judge of Lucas County, in said State, dated March 3, 1859; that had this list of selections been certified up to the Commissioner of the General Land Office at the time of the approval, there were large bodies of vacant public lands upon which indemnity certificates could have been located; and that at the time the foregoing indemnity certificates were issued there were no vacant

public lands in the State of Iowa upon which the same could be located. The bill therefore empowers Robert Coles to locate the indemnity certificates numbered 92 and 93 upon any of the unsold public lands subject to entry at $1.25 per acre, or one-half the number of acres thereof upon lands subject to sale at $2.50 per acre, or any number of acres thereof. And upon the return of the indemnity certificates numbered 92 and 93 to the General Land Office, the Commissioner is required to issue a patent for the lands so located to Robert Coles, his heirs or assigns.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

NATHANIEL P. HARBEN.

The next bill on the Calendar was the bill (S. No. 522) for the relief of Nathaniel P. Harben, of Georgia.

Mr. EDMUNDS. Let that go over.

Mr. SCOTT. Before it does go over there ought to be an amendment offered changing the amount. However, let it go over for the present.

The PRESIDENT *pro tempore*. The bill will be laid aside.

BELLE E. HAMMOND.

The next bill on the Calendar was the bill (S. No. 416) for the relief of Belle E. Hammond, of Closter, Bergen County, New Jersey, reported adversely from the Committee on Claims.

Mr. FRELINGHUYSEN. Let that go over.

The PRESIDENT *pro tempore*. It will be laid aside.

PEABODY SCHOOL IN SAINT AUGUSTINE, FLORIDA.

The next bill on the Calendar was the bill (S. No. 782) to grant a site for the Peabody School in Saint Augustine, Florida.

The PRESIDENT *pro tempore*. This bill has heretofore been considered and amended, and an amendment is now pending.

Mr. EDMUNDS. Let the bill and amendment be read.

The CHIEF CLERK. The bill, as amended, reads:

Be it enacted, &c., That the western part of the lot of land in Saint Augustine, Florida, lying at the corner of Tolamato and King streets, and now the property of the United States, the said part of said lot having a south front upon King street of two hundred feet, and a west end upon Tolamato street of one hundred and sixty-seven and three-tenths feet, a rear upon the north of two hundred feet, and an east end of one hundred and sixty-seven and three-tenths feeet, is hereby ceded, given, and granted to the board of education of the State of Florida, for the use of a public free school in the city of Saint Augustine, Florida, and to their successors; and the said board of education are hereby fully authorized to erect thereon such a building as in their judgment shall be for the best advantage of the school.

SEC. 2. That this act shall take effect from its passage.

It is proposed to amend the first section by inserting:

Provided, That if at any time in the admissions to the school hereby established there shall be any exclusion on account of race, color, or previous condition of servitude, the grant hereby made shall determine and the property revert to the United States.

Mr. JOHNSTON. I object to that.

The PRESIDENT *pro tempore*. The bill will be laid aside.

JAMES L. JOHNSON.

The next bill on the Calendar was the bill (H. R. No. 1924) for the relief of James L. Johnson, surviving partner of Beck & Johnson, authorizing payment for Indian depredations.

Mr. EDMUNDS. Let that go over. I remember that case.

The PRESIDENT *pro tempore*. The bill will be laid aside.

JAMES PRESTON BECK.

The next bill on the Calendar was the bill (H. R. No. 1925) for the relief of James Preston Beck, administrator of Preston Beck, jr., authorizing payment for Indian depredations.

Mr. EDMUNDS. Does that relate to the same subject, I ask the Senator from Missouri?

Mr. BOGY. These two bills belong to the same subject.

Mr. EDMUNDS. Then I object. I did not know but that this last one was on another subject, and if so, I did not wish to object.

The PRESIDENT *pro tempore*. The bill will be laid aside.

RAILROAD IN FLORIDA AND ALABAMA.

The next bill on the Calendar was the bill (S. No. 608) granting the right of way through the public lands to construct and maintain a railroad.

The PRESIDENT *pro tempore*. Is there objection to this bill?

Mr. CONOVER. I hope there will be no objection to the bill. It has been pending a long time, and is simply to grant the right of way through the public lands. It is a measure in which my State is particularly interested.

The bill was considered as in Committee of the Whole.

The bill was reported from the Committee on Railroads with an amendment, to strike out all after the enacting clause and insert the following:

That the right of way through the public lands is hereby granted to Daniel P. Holland, the proprietor of the Jacksonville, Pensacola and Mobile Railroad, his associates, successors, and assigns, for the construction of a railroad in the States of Florida and Alabama from the present terminus of said railroad on the Apalachicola River, in the State of Florida, through the States of Florida and Alabama, to the city of Mobile, Alabama; and from a point on the line of said railroad to the city of Pensacola; and from a point opposite the corporate limits of the city of Jacksonville, on the Saint John's River, to the city of Saint Augustine, Florida; and the right, power, and authority are hereby granted to said Daniel P. Holland, his successors or assigns, to take from the public lands adjacent to the line of said railway, to the extent of one hundred feet in width on each side of the central line of said road where it may pass through the public lands, material for the construction and maintenance thereof; and the necessary grounds for stations and depots, or other necessary places, such as turn-outs and water-stations, are hereby granted to said Daniel P. Holland, his successors or assigns, to an amount not exceeding twenty acres for each ten miles in length of main line of railroad where it may pass through the public lands: *Provided*, That within one year from the passage of this act the said Daniel P. Holland, proprietor of the Jacksonville, Pensacola and Mobile Railroad, his successors or assigns, shall file with the Secretary of the Interior his acceptance of this act and a map of the routes exhibiting the line of the road.

SEC. 2. That said railroad shall be a post-route and a military road, and Congress at any time may fix rates of tariff for troops, materials of war, and mails, and may add to, alter, or amend this act.

SEC. 3. That all acts and parts of acts conflicting with this act be, and they are hereby, repealed.

Mr. THURMAN. The bill ought to be amended by making the license granted in it cease upon the completion of the road. Otherwise there would be a servitude of those two hundred feet that might interfere with the Government selling and making a good title to the property afterward.

Mr. CONOVER. I have no objection to any such amendment.

The PRESIDENT *pro tempore*. Will the Senator from Ohio state his amendment?

Mr. THURMAN. Let there be a proviso inserted in these words:

Provided, That the license hereby granted shall cease upon the completion of said road.

Mr. CONOVER. I do not want the license to cease on the completion of the road, for then they would have to tear it up again.

Mr. THURMAN. I will say "the right to take material shall cease upon the completion of the road."

Mr. CONOVER. I have no objection to that.

The amendment to the amendment was agreed to.

Mr. CONOVER. I wish to amend in section 1, line 15, by inserting the words "or associates" and striking out the word "or," so as to read "his successors, assigns, or associates."

The amendment to the amendment was agreed to.

Mr. EDMUNDS. I will inquire if there is any limitation in respect to the time within which this road is to be constructed or the right lapses?

The PRESIDENT *pro tempore*. Within one year.

Mr. EDMUNDS. I should like to have that clause read.

The Chief Clerk read as follows:

Provided, That within one year from the passage of this act the said Daniel P. Holland, proprietor of the Jacksonville, Pensacola and Mobile Railroad, his successors, assigns, or associates, shall file with the Secretary of the Interior his acceptance of this act and a map of the routes exhibiting the line of the road.

Mr. EDMUNDS. That does not cover the point. I move to amend by adding as an additional section the following:

That if said railroad shall not be completed and put in operation within five years after the passage of this act all rights herein granted shall cease and determine.

Mr. CONOVER. I will accept that amendment. All I want is the right to build the road through the public lands.

The amendment to the amendment was agreed to.

The amendment of the committee, as amended, was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

REDEMPTION OF LANDS SOLD FOR DIRECT TAXES.

The next bill on the Calendar was the bill (S. No. 806) to extend the time allowed for the redemption of certain lands by the first section of the act entitled "An act to provide for the redemption and sale of lands held by the United States under the several acts levying direct taxes, and for other purposes," approved June 8, 1872, and to suspend the operation of the fourth section of said act; which was considered as in Committee of the Whole.

The bill proposes to extend the time allowed in and by the first section of the act of Congress approved June 8, 1872, entitled "An act to provide for the redemption and sale of lands held by the United States under the several acts levying direct taxes, and for other purposes," for the term of two years from the 1st day of June next.

The second section suspends the operation of the fourth section of the act until the expiration of the term of two years from the 1st day of June.

Mr. THURMAN. I wish a verbal amendment made in line 9, section 1, to strike out the word "next" and insert in lieu of it "1874." The bill was drawn up in May last.

The amendment was agreed to.

Mr. SHERMAN. I will inform my colleague that a similar bill extending this act one year has passed the House. This is a Senate bill and in all probability cannot be passed. I have no objection, however, to passing it in this form.

Mr. THURMAN. I would rather the bill should pass. There is a real necessity for it.

Mr EDMUNDS. I should like the Senator from Ohio to explain the point of this bill.

Mr. THURMAN, I can explain it in a moment. By the act approved June 8, 1872, two years were given to persons whose lands had been sold for direct taxes and purchased by the United States, and which are still held and owned by the United States under those tax purchases, and upon which the United States has granted no lien of

any kind or parted with its claim in any manner, to redeem those lands by paying the full amount of taxes with interest and with considerable costs, too. The two years expired on the 1st of this present month. The object of this bill is simply to give those persons two years more in which they may redeem the lands.

Mr. EDMUNDS. In cases where the United States still hold the land?

Mr. THURMAN. Exactly.

Mr. EDMUNDS. It is confined to that?

Mr. THURMAN. Entirely.

Mr. EDMUNDS. I have no objection to that.

Mr. SHERMAN. I suppose the same exceptions are retained?

Mr. THURMAN. Certainly.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WASHINGTON CROSSLAND.

The next bill on the Calendar was the bill (S. No. 807) for the relief of Washington Crosland; which was read a second time, and considered as in Committee of the Whole. It directs the payment to Washington Crossland, of Saint Louis, Missouri, the sum of $2,000, in satisfaction of all damages which accrued to him by reason of the construction of a railroad across his two lots of land in the city of Saint Louis by the United States for military purposes.

Mr. EDMUNDS. Is there a report in that case?

The PRESIDENT *pro tempore*. There is.

Mr. EDMUNDS. I should like to hear the report read.

The Chief Clerk read the following report submitted by Mr. MERRIMON on the 13th of May:

The Committee on Claims, to whom were referred the petition and accompanying papers of Washington Crossland, of the State of Missouri, have had the same under consideration, and make the following report:

The petitioner presented his petition in this behalf to the Thirty-seventh Congress, and has been urging the same ever since that time. During the first session of the Thirty-ninth Congress the Committee on Claims of the Senate had the same under consideration, and made a report which embodies substantially the facts of the matter, and the same is adopted and made part of this report. It is as follows:

"The papers in this case show that in 1861 the military authorities of the United States built a railroad across two lots of the petitioner, situate in the city of Saint Louis, and continued it for two years and four months; that said road was made to bisect the buildings on each lot, and they were consequently partially torn away; and by reason of the operation of the railroad, said property could not be rented during that period of time. It further appears that it would require at least $1,000 to repair the buildings, and that the whole property was renting, when said railroad was commenced, for $450 per year.

"The committee concludes that petitioner is entitled to claim from the United States $2,375, and report a bill that he be paid that amount from the Treasury."

It appears that the claimant has not received pay on account of his said claim.

This committee are of opinion that the claimant ought to be paid the sum of $2,000 in discharge of his claim, and report the accompanying bill entitled "A bill for the relief of Washington Crossland," and recommend that the same be passed.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN CLINTON.

The next bill on the Calendar was the bill (H. R. No. 2345) for the relief of John Clinton, postmaster at Brownsville, Tennessee.

The bill was read. It directs the proper accounting officer of the Treasury to pay the sum of $265.35 to John Clinton, or his legal representative; the same to be in full of all claim for money stolen from the post-office at Brownsville, Tennessee, on the 1st day of November, 1870.

Mr. EDMUNDS. Is there a report in that case?

Mr. PRATT. On the 19th of December, 1872, by direction of the Committee on Claims, I submitted a report adverse to this claim of Mr. Clinton. The committee thought it was not a proper case for relief; that he had not taken care of the funds of his office in a sufficient manner. The case was not entirely clear from doubt. If the Senate will hear a brief statement of the case I will make it.

Mr. EDMUNDS. Of course we cannot consider and debate this bill now if there is such an objection as that to it.

The PRESIDENT *pro tempore*. Is there objection to the bill?

Mr. EDMUNDS. Certainly there is; I object for one.

The PRESIDENT *pro tempore*. The bill will be laid aside.

MRS. LOUISA P. MOLLOY.

The next bill on the Calendar was the bill (H. R. No. 2089) for the relief of Mrs. Louisa P. Molloy; which was considered as in Committee of the Whole.

The bill proposes to authorize the Postmaster-General to credit to the account of Mrs. Louisa P. Molloy, postmaster at Potosi, Washington County, Missouri, $170, on account of postage-stamps stolen from the office on the night of the 16th of December, 1872, and with the further sum of $125, being the amount of money stolen from a registered letter at the same time, the amount of which was paid by her to the owners thereof on the order of a special agent of the Post-Office Department; which credit may be allowed in her favor in any settlement hereafter made by her with the Post-Office Department.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOAB BAGLEY.

The next bill on the Calendar was the bill (H. R. No. 294) for the relief of Joab Bagley; which was considered as in Committee of the Whole.

The Chief Clerk read the bill and the amendment reported by the Committee on Private Land Claims as a substitute.

Mr. BOGY. Let that be laid over. There is a mistake in it.

Mr. SPRAGUE. I hope not.

The PRESIDING OFFICER, (Mr. INGALLS in the chair.) Objection being made, the bill will be laid aside.

MARCUS OTTERBOURG.

Mr. EDMUNDS. I ask the Senate—it is on the Calendar and stands at the head of it—to dispose of a motion that I made some time ago to reconsider Senate bill No. 169 for the relief of Marcus Otterbourg, late consul of the United States at the city of Mexico, and minister to the republic of Mexico, which was reported favorably by the Committee on Foreign Relations. I entered a motion to reconsider, believing it to be wrong, and upon the papers that we then had I think it was; but I have made inquiry about it since, and I am satisfied thoroughly that Mr. Otterbourg did render valuable services to the United States for which he has not been paid. I think the bill ought to be amended by striking out the provision for paying him as consul, &c., so as to pay him simply as minister to Mexico from the 21st of June to the 30th of September, 1867, inclusive. For that time he has not been paid at all. He was appointed by Mr. Johnson lawfully in vacation, and the only difficulty about his right was that he took the oath before the wrong officer, there being nobody else before whom he could swear. On looking into the papers I am satisfied that it is just to Mr. Otterbourg that while he was minister he should be paid the regular pay. The pay as consul exercising diplomatic functions it does not appear to me he ought to have if he has been paid as consul proper, and it is not clear that he did in the proper sense exercise those functions and he has had some pay in that respect; but his pay as minister I am satisfied he ought to have and he never has had it. As an act of justice to him, who is a needy man, I ask the Senate to take up the motion to reconsider, and if my friend from Missouri [Mr. SCHURZ] will allow it to be reconsidered and I can move this amendment then we can pass the bill.

The PRESIDENT *pro tempore*. Is there objection to the motion to reconsider this bill? The Chair hears none.

Mr. EDMUNDS. Now, by unanimous consent, without reconsidering the third reading, I move to amend the bill by striking out all of line 8 down to line 11, including the word "and." The words I move to strike out are "as consul and minister, the salary of consul to the city of Mexico, exercising diplomatic functions from April 8, 1866, until June 20, 1867, both inclusive; and;" so that it will read: "In full compensation for his services as minister to Mexico from June 21 until September 30," &c. I propose also to strike out all the words afterward at the end of the bill as to deductions which are to be made from his pay as consul. If we strike out the consulate provision no deduction ought to be made, as he has had no pay as minister.

Mr. SCHURZ. I cannot vote for that amendment, for the reason that Mr. Otterbourg really did act as consul exercising diplomatic functions, and if the Senator will look into the report of the Department of State for those years during which he did act as consul in Mexico he will find that that was the case. Still I do not want to go into a lengthy discussion of the bill, because that would defeat it entirely. I shall vote against this amendment, and will ask the Senate to vote against it.

Mr. EDMUNDS. The Senator ought not to do that, because one of the papers we have here from the State Department asserts that he never did exercise those functions. He thinks he did; I do not know but he did; but he has tried that question in the Court of Claims and has been beaten upon it; and he has had the proper allowances for everything except his salary as minister. I do not propose to deduct out of that salary anything at all, so that it really does not make a very large deduction of the amount in the bill and puts it upon grounds where I can see my way clear to vote for it.

Mr. SHERMAN. Is this the order of business?

Mr. EDMUNDS. This has been taken up. I made the motion to reconsider. This is a poor man——

Mr. SHERMAN. The Senator sets a very bad example in regard to his own rule. I think we had better proceed with the Calendar.

Mr. EDMUNDS. The case was taken up by unanimous consent.

Mr. SCHURZ. Let us dispose of this case.

Mr. EDMUNDS. I have nothing further to say about it. The motion to reconsider is really a matter of privilege and ought to be allowed to come in.

The PRESIDENT *pro tempore*. The amendment will be reported.

The CHIEF CLERK. It is proposed to amend the bill so that it will read as follows:

That the Secretary of the Treasury be, and he is hereby, directed, out of any money in the Treasury not otherwise appropriated, to pay to Marcus Otterbourg, late consul of the United States at the city of Mexico, and minister plenipotentiary to the republic of Mexico, in full compensation for his services as minister to Mexico from June 21 until September 30, 1867, both inclusive.

Mr. EDMUNDS. It merely provides to pay him as a minister. That he is clearly entitled to.

The PRESIDENT *pro tempore*. Is there objection to the amendment? If not, it is agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

STATUE OF ADMIRAL FARRAGUT.

Mr. MORRILL, of Maine. I will inquire whether the hour agreed upon has not arrived?

The PRESIDENT *pro tempore*. The morning hour has expired, and the Senate resumes the consideration of the unfinished business of yesterday.

Mr. ANTHONY. Before the morning hour expires I wish to make a motion to proceed to the consideration of the motion to reconsider the vote by which House joint resolution No. 59 amending joint resolution of April 16, 1872, relating to a statue of the late Admiral Farragut was passed. I do not care about its being acted upon to-day, but I want it to retain its place on the Calendar.

Mr. MORRILL, of Maine. If it leads to no debate, let it be done.

The PRESIDENT *pro tempore*. The Senator from Rhode Island moves to take up the motion of the Senator from Vermont [Mr. MORRILL] to reconsider the vote by which the Senate passed the joint resolution in regard to a statue of the late Admiral Farragut.

Mr. ANTHONY. I wish to leave it on the Calendar.

Mr. SAULSBURY. Will that displace the regular order?

Mr. EDMUNDS. No, sir; it is taken up without doing that.

Mr. SHERMAN. The Senator who moved this is not in his seat.

Mr. ANTHONY. I do not wish to have it acted upon now, but my desire is to prevent the right to reconsider being lost.

Mr. INGALLS. Was not the motion to reconsider laid on the table?

Mr. ANTHONY. It was.

Mr. INGALLS. How can it be reached except by a vote?

Mr. ANTHONY. It cannot be reached except by a vote. I make this motion that there may be a vote.

Mr. SHERMAN. Until the Senator from Nebraska [Mr. TIPTON] is in, I shall object. When he is in, I shall have no objection at all.

Mr. MORRILL, of Vermont. The Senator from Nebraska, knowing that I had an amendment which I desired to offer and an explanation to make, called up this bill in my absence, and I think the Senate ought to allow me a few minutes of explanation.

Mr. SHERMAN. The Senator from Nebraska can answer for himself; he is here.

Mr. TIPTON. I am here to say one word with the permission of the Senate. I had a conference with my friend from Vermont in regard to this little bill several days since, and it was mutually agreed between us that we would seek an opportunity to aid in its passage; he would take it up if he had an opportunity and I would take it up if I had an opportunity, and he would assist me in getting it up. When there was an opportunity to get it up in connection with the Meade monument, of course I thought it was my duty to move that it be taken up. I got it up. The Senator was not in his seat. I did not notice that at the time or certainly if he had been here I should not have interposed, if I had the power, any objection to anything he might desire to say. I never thought of taking any snap judgment on my friend, but thought I was carrying out the understanding between us that we would mutually try to get it up. I got it up and it went through very fast, and there is all the trouble about it.

Mr. MORRILL, of Vermont. I desired it acted upon, but I desired to make an explanation on the subject.

Mr. STEWART. I hope the Senator from Vermont will have the opportunity he asks. It is in his charge, and it is but just that he should have an opportunity to make any explanation he desires.

Mr. MORRILL, of Vermont. I do not propose to do it now.

Mr. MORRILL, of Maine. I suggest to the Senator from Nebraska, under the circumstances, to allow it to be reconsidered, and then it can be acted upon hereafter.

Mr. TIPTON. I cannot allow it. I did nothing in the matter that was not entirely honorable and entirely fair, and I will do nothing whatever that would insinuate that I had endeavored to get it through in any other than the manner in which it ought to be done.

Mr. MORRILL, of Maine. Of course there can be no such inference as that.

Mr. TIPTON. It was a distinct understanding that we would mutually co-operate to try and get up that bill. I was fortunate in getting it up, and it was passed, and passed according to the forms of the Senate.

Mr. MORRILL, of Vermont. But the Senator from Nebraska knew that I desired to submit some remarks in explanation of the amendments, the one that had been proposed, and another that I desired to offer. I do not desire to discuss the merits of the question on this motion, but there are certain things about it that I think the Senate ought to know.

Mr. MORRILL, of Maine. Suppose the Senator then enters his motion and allows it to pass for the present.

Mr. EDMUNDS. That will not do. It must be taken up and put on the Calendar.

Mr. TIPTON. The motion to reconsider has already been voted down; and there is an end of the question.

Mr. EDMUNDS. That is a mistake.

Mr. TIPTON. It was laid on the table.

Mr. GORDON. I call for the regular order.

The PRESIDENT *pro tempore*. The Senator from Georgia calls for the regular order, which is the bill (H. R. No. 2190) granting pensions in certain cases.

Mr. EDMUNDS. I appeal to the Senator from Georgia to let us take a vote. There has been a misunderstanding between two Senators as to a bill which was passed in the absence of one of them.

Mr. GORDON. I have no objection if it will not occupy time.

Mr. EDMUNDS. I hope the Senator from Georgia will allow us to take a vote on this motion and put the matter on the Calendar; not dispose of the question now, but put it where it can be reserved for consideration. I think it ought to be done.

Mr. GORDON. I will yield for that purpose.

The PRESIDENT *pro tempore*. The Chair will state his understanding of this matter, and it may or may not dispense with the motion which the Senator from Vermont wishes to make. The Chair understands that by the rules of the Senate no such consequence follows the laying of a question on the table as does in the House of Representatives. That is only one way of laying a matter aside for the present, and a motion can be made at any time to proceed to consider that motion. The Chair does not understand that the Senator wishes to take up the motion to reconsider for consideration now, but merely to relieve it from the effect of the vote which has been made to lay it on the table. The Chair does not see what is to be gained by that vote, because at any hour when the Senate wishes to proceed to the consideration of it the Chair would rule that the motion to proceed to consider it would be in order.

Mr. STEWART. Does that hold the bill?

The PRESIDENT *pro tempore*. It does not hold the bill.

Mr. EDMUNDS. May I ask the Chair whether under these circumstances the bill would be returned to the House of Representatives? That is the point, because if it would it could get signed, and then considering the motion to reconsider after the bill was signed would not be particularly advantageous to anybody who wanted to reconsider.

Mr. MORRILL, of Vermont. I do not desire to defeat the bill, but simply desire to make an explanation which I think it my duty to make, and I believe it would be useful to the Senate that I should state the facts in relation to the matter. I pledge myself so far as my vote is concerned that the bill shall be acted upon before the session closes.

The PRESIDENT *pro tempore*. It is moved that the motion made by the Senator from Vermont to reconsider this vote be taken from the table.

Mr. SHERMAN. I will submit another motion. I move that the Senator from Vermont now by unanimous consent be allowed to make the explanation he desires to make.

Mr. EDMUNDS. Let the bill be put on the Calendar. A bill that has passed under a misapprehension ought to be suspended. Besides, there is this reason: I was requested by one of the gentlemen named in this bill to have it amended by striking out his name from it, as a matter of personal desire on his part, which I have promised to attend to. Knowing that the bill was far down on the Calendar and that we were going according to the regular order I stepped out to attend to a card that was sent in to me, for five minutes, and when I came back I found that although we had not reached the bill by a long way in regular order, it had passed. Under such circumstances, although I do the Senator from Nebraska the credit to say that he knew nothing of this request that had been made to me, I think it is right that this motion to reconsider should be placed on the Calendar, so that when we can reach it we can take up the bill and reconsider if the Senate will do so, in order that I may make the motion which I was requested to make.

Mr. SHERMAN. I have no objection.

The PRESIDENT *pro tempore*. The question is on the motion to take from the table the motion to reconsider the joint resolution relative to the Farragut statue.

Mr. TIPTON. On that I demand the yeas and nays.

Mr. GORDON. If this question is to lead to debate I must insist on the regular order.

The PRESIDENT *pro tempore*. Does the Senator insist on the regular order?

Mr. GORDON. I do.

The PRESIDENT *pro tempore*. Then the bill (H. R. No. 2190) to amend the act entitled "An act granting pensions to certain soldiers and sailors of the war of 1812, and the widows of deceased soldiers," approved February 14, 1871, and to restore to the pension-rolls those persons whose names were stricken therefrom in consequence of disloyalty, is before the Senate.

Mr. MORRILL, of Maine. Mr. President——

The PRESIDENT *pro tempore*. The Senator from Maine.

Mr. GORDON. I believe I had not yielded the floor.

Mr. MORRILL, of Maine. The Senator from Georgia rose and called for the regular order. The order was granted, and the Chair recognized the Senator from Maine. I think I have the floor.

The PRESIDENT *pro tempore*. The Senator from Maine is entitled to the floor. He was first recognized after the bill which is the unfinished business was taken up.

Mr. GORDON. Very well.

ORDER OF BUSINESS.

Mr. MORRILL, of Maine. I desire to address myself to the Senator from Indiana [Mr. PRATT] who has charge of the pending bill, and to move the Senate that this bill and all prior orders be postponed for the purpose of proceeding to the consideration of the sundry civil ap-

propriation bill. I hope my friend from Indiana will see the propriety and necessity of my so doing, and will therefore acquiesce without a struggle for precedence. I make that motion.

The PRESIDENT *pro tempore*. The Senator from Maine moves to postpone the pending order with a view to proceed to the consideration of the sundry civil appropriation bill.

Mr. MORRILL, of Maine. If my honorable friend from Indiana desires I will make a statement in regard to its obvious necessity at the present moment. Otherwise, if it is acquiesced in, I have nothing to say.

Mr. WINDOM. Will the Senator from Maine yield to me to make a report from the committee of conference on the Indian appropriation bill?

Mr. MORRILL, of Maine. I have no objection, but I do not like to lose the floor. Perhaps the Senator had better wait until this question is settled.

Mr. WINDOM. Very well; I will withhold the report for the present.

The PRESIDENT *pro tempore*. The Senator from Maine moves to postpone the pending order and to proceed to the consideration of the sundry civil appropriation bill.

Mr. MORRILL, of Maine. I will say a single word, though I hardly think that to Senators who understand the character of the bill I need say anything. We have reached that period of the session when it would be perilous to the public interests and certainly to our understanding of what is the day of adjournment to postpone the consideration of this appropriation bill for an hour, even. It is one of the largest and most difficult of all the bills that are presented to the Senate of the United States during the session of Congress. It is the most difficult and complicated of the appropriation bills. It requires a great deal of deliberation and consideration, and Congress cannot afford to have it pushed into the hurry of the last hours of the session. When it has once passed from the Senate, as I hope it will in due time at no very late hour, then there will be opportunity, while it will be necessary to consider this bill in conference between the two Houses, for the transaction of such other business as the Senate may think important.

And now allow me to add, that considering the general understanding which has prevailed from the start in the Senate and considering the lateness of the hour when this bill came to us from the House, whenever the Committee on Appropriations are ready to proceed with an appropriation bill other bills and all other business of the Senate should be held in subordination to them. I hope, without spending any time on the order of business, I shall be permitted to go on. With this explanation I ask for the sense of the Senate.

The PRESIDENT *pro tempore*. The Senator from Maine moves to postpone the pending order and proceed with the sundry civil appropriation bill.

Mr. SAULSBURY. I hope that the regular order will not be postponed. It is very evident that if we go on with that bill we shall soon get through with it, and it is apparent from the opposition manifested last evening that if we suffer the pension bill now to be laid aside it will not be reached again during the present session. I hope therefore the friends of the bill which is the regular order will not suffer it to be displaced by any appropriation bill. There is no question but that we shall pass all the appropriation bills. The appropriation bills to take money out of the Treasury will all be passed. We shall not fail to pass all the appropriation bills at the proper time; but let us now pass the bill which is the regular order.

Mr. MORRILL, of Maine. Now I desire to say a word in regard to that sort of argument. I have heard it so long that the Senator must excuse me if I manifest a little impatience under it. Here we are with only one day between us and the adjournment; and here is a bill involving $27,000,000, covering a great variety of the service of the United States, besides a great many claims that are in it; and we are told that it can be passed at any time, that there is a fate about an appropriation bill that it is sure to go through and you can trifle with it, and dally with it, and kick it this way and that; and gentlemen who are charged with this responsible duty are told when they have prepared one of these bills after labor so exhausting that they are ill prepared to go on with it that they can be turned aside while other things are being considered!

My honorable friend says that he appeals to the friends of the pension bill to stand by it. Well, Mr. President, there may be a proper time to stand by the bill; and I say to that honorable Senator that he is not authorized in any public sense whatever to rally a partisanship upon any particular bill or particular interest. Here is a bill embracing the whole interests of the country, extending very largely to interests which the Senator represents in his own State, as well as all of us; and no Senator should feel at liberty, unless he deems himself charged with a larger share of the public responsibilities than any one individual here should assume, to set aside the general understanding of the Senate upon a matter of so much importance as this to consider any one particular measure, when here is a bill involving the greatest variety of interests, all of them of a public character. I hope, therefore, we shall not spend any time on the order of business.

Mr. SAULSBURY. I certainly do not want to provoke the impatience of the Senator from Maine, but I want to say distinctly to him that I do not derive my authority on this floor as a Senator in the discharge of what I conceive to be a duty from the Senator from Maine or from the State of Maine. I choose to act upon my own judgment in reference to my own course in this Senate. I know full well that the opposition to the pending order is such that if we suffer it to be laid aside to take up the appropriation bill, or any other bill, we shall never reach it again during the present session. It was because I was seriously impressed with that conviction that I objected to the laying aside of the pending order in order to take up the appropriation bill reported by the Senator from Maine. I am in favor of passing the appropriation bills, and I have no question but that we shall do it; and if my insisting upon adherence to the regular order provokes the impatience of Senators, I am willing that that impatience should be manifested in any manner they see proper to manifest it; but I shall not take rebukes from the Senator from Maine, or any other Senator, I trust, while I have a duty to perform in the Senate and because I, simply in the discharge of that duty, see fit to say that I demand the regular order.

Mr. EDMUNDS. I demand the yeas and nays on this question.

The yeas and nays were ordered; and being taken, resulted—yeas 36, nays 22; as follows:

YEAS—Messrs. Alcorn, Allison, Anthony, Boreman, Boutwell, Buckingham, Carpenter, Chandler, Clayton, Edmunds, Fenton, Ferry of Michigan, Frelinghuysen, Gilbert, Hager, Hamlin, Hitchcock, Howe, Ingalls, Mitchell, Morrill of Maine, Morrill of Vermont, Oglesby, Ramsey, Sargent, Schurz, Scott, Sherman, Spencer, Sprague, Stewart, Wadleigh, Washburn, West, Windom, and Wright—36.

NAYS—Messrs. Bayard, Bogy, Cooper, Davis, Dennis, Goldthwaite, Gordon, Hamilton of Maryland, Hamilton of Texas, Johnston, Kelly, McCreery, Merrimon, Norwood, Patterson, Pratt, Ransom, Robertson, Saulsbury, Stevenson, Thurman, and Tipton—22.

ABSENT—Messrs. Brownlow, Cameron, Conkling, Conover, Cragin, Dorsey, Ferry of Connecticut, Flanagan, Harvey, Jones, Lewis, Logan, Morton, Pease, and Stockton—15.

So the motion was agreed to.

The PRESIDENT *pro tempore*. The appropriation bill is before the Senate.

Mr. GORDON. I now move that we take a recess at six until half-past seven o'clock, and at the reassembling of the Senate take up the pension bill just laid aside.

Mr. MORRILL, of Maine. I hope my honorable friend will make that motion at a little later period when we can tell better about it. It may be that we may want to take a recess at an earlier hour if we should make dispatch with this bill.

Mr. GORDON. I withdraw the motion now and give notice that I shall make it when we reach the time.

Mr. SHERMAN. For fear when the motion is made it shall be understood that the pension bill is to come up this evening, I say now distinctly beforehand that I shall not consider any declaration from a gentleman making a motion to take the recess to bind me.

Mr. GORDON. I make no motion now.

Mr. MORRILL, of Maine. The bill being up, I desire to make an observation or two. I wish to make a statement of a general character to attract the attention of the Senate to the importance of this bill, but I will yield to my friend from Minnesota [Mr. WINDOM] to make a conference report.

INDIAN APPROPRIATION BILL.

Mr. WINDOM. I submit a report from the committee of conference on the Indian Appropriation bill.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 2343) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1875, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 6, 19, 51, 52, 60, 61, 64, 82, 83, 97, 99, 100, 101, 113, 117, 118, and 123.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 9, 10, 11, 12, 13, 14, 15, 16, 18, 20, 21, 22, 23, 24, 25, 26, 28, 30, 45, 47, 50, 53, 54, 55, 56, 57, 58, 89, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 84, 86, 94, 95, 96, 102, 104, 105, 106, 108, 111, 115, 116, 120, and agree to the same.

That the Senate recede from their disagreement to the amendments of the House to the amendments of the Senate numbered 79, 80, 91, 114, and agree to the same.

That the House recede from their disagreement to the amendment numbered 17, and agree to the same with an amendment inserting "76" in lieu of "77;" and the Senate agree to the same.

That the House recede from their disagreement to the amendments numbered 41 and 42, and agree to the same with amendments as follows: Insert "47" in lieu of "41," and "29" in lieu of "36;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 43, and agree to the same with an amendment as follows: In lieu of "35,000" insert "33,900;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 44, and agree to the same with an amendment as follows: In lieu of "40" insert "30;" and the Senate agree to the same.

That the House recede from their disagreement to the amendments numbered 46 and 48, and agree to the same with an amendment, as follows: In lieu of "five" insert "four," and strike out of the text of the bill the words "and fifty" where they occur the first time in the amended paragraph, and in lieu of "700" insert "550;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 62, and agree to the same with an amendment as follows: Strike out of the text of the amended paragraph the words "estimated at eighteen hundred souls;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 65, and agree to the same with an amendment as follows: Restore of the matter proposed to be stricken out all but the words "thirty-six," and in lieu of "60" insert "45;" and the Senate agree to the same.

That the House recede from their disagreement to the amendments numbered 92 and 93, and agree to the same with amendments as follows: In lieu of "75" insert "65" and in lieu of "80" insert "70;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 103, and agree to the same with an amendment as follows: Strike out the nine last words of the amendment; and the Senate agree to the same.

That the Senate recede from their amendment numbered 81, with an amendment as follows: Strike out of the amended paragraph the words "eighteen hundred persons at ten dollars each, and six hundred;" and the House agree to the same.

That the House recede from its disagreement to the amendment numbered 107, and agree to the same with an amendment as follows: Strike out of said amendment the words "United States Statutes at Large, volume 17, page 226;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 109, and agree to the same with an amendment as follows: Before the word "pillager," in said amendment, insert "Mississippi Chippewas and to the;" and the Senate agree to the same.

WM. WINDOM,
A. A. SARGENT,
LOUIS V. BOGY,
Managers on the part of the Senate.

WM. LOUGHRIDGE,
J. T. AVERILL,
JOHN HANCOCK,
Managers on the part of the House.

The report was concurred in.

THE DISTRICT GOVERNMENT.

A message was received from the President of the United States, by Mr. BABCOCK, his Secretary.

The PRESIDENT *pro tempore* laid the message before the Senate, and it was read, as follows:

To the Senate and House of Representatives:

I respectfully invite the attention of Congress to one feature of the bill entitled "An act for the government of the District of Columbia, and for other purposes." Provision is therein made for the payment of the debts of the District in bonds, to be issued by the sinking-fund commissioners, running fifty years and bearing interest at the rate of 3.65 per cent. per annum, with the payment of the principal and interest guaranteed by the United States.

The government by which these debts were created is abolished and no other provision seems to be made for their payment. Judging from the transactions in other bonds there are good grounds, in my opinion, for the apprehension that bonds bearing this rate of interest when issued will be worth much less than their equivalent in the current money of the United States. This appears to me to be unjust to those to whom these bonds are to be paid, and to the extent of the difference between their face and real value looks like repudiating the debts of the District. My opinion is that to require creditors of the District of Columbia to receive these bonds at par when it is apparent that to be converted into money they must be sold at a large discount, will not only prove greatly injurious to the credit of the District but will reflect unfavorably upon the credit and good faith of the United States.

I would recommend therefore that provision be made at the present session of Congress to increase the interest upon these bonds, so that when sold they will bring an equivalent in money, and that the Secretary of the Treasury be authorized to negotiate the sale of these bonds at not less than par and pay the proceeds thereof to those who may be ascertained to have valid claims against the District of Columbia.

U. S. GRANT.

EXECUTIVE MANSION,
Washington, June 20, 1874.

The PRESIDENT *pro tempore.* The message will be laid on the table and printed, unless some motion be made.

Mr. THURMAN. I move that that message be referred to the Joint Committee to Investigate the Affairs of the District of Columbia.

The motion was agreed to; and the message was ordered to be printed.

SUNDRY CIVIL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 3600) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1875, and for other purposes.

Mr. MORRILL, of Maine. I desire to have the amendments reported by the Committee on Appropriations acted upon as they are reached in the reading of the bill.

The PRESIDING OFFICER, (Mr. FERRY, of Michigan, in the chair.) That course will be pursued if there be no objection.

The Secretary proceeded to read the bill.

The first amendment reported by the Committee on Appropriations was in the appropriation for public printing, to strike out the following clause from lines 30 to 34:

And the amounts herein designated for the several Executive Departments may be distributed to the Bureaus thereof, at the discretion of the head of each Department, who shall certify such distribution to the Public Printer.

And in lieu thereof to insert the following:

Provided, That hereafter the Congressional Printer shall print, upon the order of the heads of the Executive Departments, respectively, only such limited number of the annual reports of such Departments and necessary accompanying reports of subordinates as may be deemed necessary for the use of Congress: *Provided, however*, That no expensive maps or illustrations shall be printed without the special order of Congress.

Mr. ANTHONY. I call the attention of the committee to what I think is a defect in this amendment. There are a number of reports, most of them statistical in their character, that are prepared by the various Departments and are printed for distribution by the Departments. The number is very small. I think there is no abuse in it. I think that if we are to have a Bureau of Statistics, for instance, to collect statistics, it is absurd to pack them away in the pigeon-holes or upon the shelves of the Departments. They should be printed for some purpose, for some diffusion of information. It strikes me that this amendment cuts off the power in the heads of Departments to print documents of this kind. Certainly, it seems to me, we ought to intrust the head of a Department with the power to print a few documents.

Mr. WEST. Is that all the amendment?

Mr. ANTHONY. It says "only for the use of Congress." I do not want the Departments to print documents for the use of Congress. We can print our own documents, and we do not want the Departments to order documents for the use of Congress and pay for them out of their appropriations for printing. That is our business. I move to amend the amendment in line 39, after the word "Congress," by inserting "and of the Departments ordering the same," thereby vesting in the Secretary of the Treasury and the Secretary of State the power to print certain documents the information for which is collected in their Departments.

Mr. MORRILL, of Maine. My honorable friend will remember that this is the identical proposition with which he expressed entire satisfaction in his own bill; and I think if he will reflect upon it he will see that nothing less stringent than this will at all meet the difficulty which we all agree has been an abuse.

Mr. ANTHONY. My satisfaction was a good deal like the resignation of a colored brother when he was dying. He was resigned because he could not help it. This restriction was placed upon the bill which I reported; it did not come from the Committee on Printing. I assented to it as I did to almost everything else, in the hope that I could get something through, but I failed of that.

Mr. MORRILL, of Maine. The committee understand that this has this scope and limitation: The Departments are authorized to print their own reports and such reports connected with them as become necessary for their illustration. The only limitation is that they shall not print expensive maps and illustrations.

Mr. ANTHONY. That I agree to.

Mr. MORRILL, of Maine. It is pretty much the same thing now properly. All the rest of it is an abuse. This is rather a stricture of the law as it ought to be and as we understand it is. Certainly we never intended that there should be that latitudinarian construction as to the printing of public documents which has prevailed in the Departments. It is aimed not at the heads of Departments, but at the Bureaus. The great difficulty has been that Bureaus, with a very laudable ambition doubtless in their very extensive pride of enterprise, to say the least of it, have indulged in the manufacture of books which have been very expensive, running the cost of our public printing up to over $3,000,000. It is aimed exactly at that practice. I do not think it goes one inch beyond that; nor do I believe the heads of Departments will suffer the slightest inconvenience by this. We had not the slightest disposition to restrict or curtail them. If it should be found to be so, it will be a very easy thing to correct it hereafter. I rather think that my friend will find it consistent with his duty, on the whole, to allow the amendment to go.

Mr. ANTHONY. I think the abuse has been corrected. It has been corrected in this bill, and very properly. The abuse has practically ceased, I think; but certainly this amendment restricts the heads of Departments from printing documents prepared in their own Departments.

Mr. SARGENT. Allow me to ask a question. What is the office the Senator performs so ably as chairman of the Committee on Printing? He is continually passing upon these departmental reports, the reports of the Light-house Board, the reports of the Hayden expedition, &c. All these are subordinate to the Departments. We require them to come to Congress to print the first copy. All this amendment reaches is that.

Mr. ANTHONY. And I gave notice yesterday, which I hoped might reach the heads of Departments, that under the disposition of the Senate to refuse the publication of such documents we should expect that the Executive Departments would make their estimates in their appropriations for printing, and confine themselves within them.

Mr. SARGENT. When they do that it is all right; but this does not trench on that. I suggest to my friend that this amendment does not change the law except that it cuts off certain fancy printing, which we think ought to come under the supervision of Congress so as to give the Senator more to do.

Mr. ANTHONY. In the Treasury Department there are prepared statements of statistics. Can they be printed with this restriction, "except in such limited numbers as may be necessary for the use of Congress?"

Mr. SARGENT. How are they printed now?

Mr. ANTHONY. They are printed now by authority of law, which I think this repeals.

Mr. MORRILL, of Maine. This does not repeal anything.

Mr. SARGENT. It simply refers to the immediate reports of the Departments and the Bureaus to the Departments.

Mr. ANTHONY. I know during the war there grew up very great abuses in printing. Four or five of the Departments, and I do not know but some of the Bureaus, had little printing offices, and I do not know but that some of them had places where they did engraving and lithographing. But all that has been cut off by an act of Congress, and very properly.

Mr. SARGENT. This simply refers to the regular reports of the Departments and the reports of the subordinate Bureaus in the Departments.

Mr. ANTHONY. Well, sir, I yield to authority and not to conviction.

The PRESIDING OFFICER. The question is on the amendment of the Committee on Appropriations.

The amendment was agreed to.

Mr. MORRILL, of Maine. I move that during the consideration of this bill the rule limiting debate to five minutes on any one question shall apply.

The motion was agreed to.

The Chief Clerk resumed the reading of the bill.

The next amendment of the Committee on Appropriations was after line 44 to insert the following:

For the expenses of compiling and preparing the Congressional Directory, $1,200; which shall be expended under the direction of the Joint Committee on Public Printing, and the committee shall appoint some suitable person to superintend the same, and shall pay him out of this appropriation such compensation or additional compensation as they may deem proper.

The amendment was agreed to.

The next amendment was after line 69 to insert the following:

For establishing new life-saving stations on the sea and lake coasts of the United States, as authorized by law of the present Congress, $342,304.44.

The amendment was agreed to.

The next amendment was after line 112 to insert the following:

For the purchase of an engine and machinery, and for the erection and expenses incident to its operation, for the maceration of national-bank notes, United States notes, and other obligations of the United States authorized to be destroyed, $10,000; and that all such issues hereafter destroyed may be destroyed by maceration instead of burning to ashes, as now provided by law; and that so much of sections 24 and 43 of the national-currency act as requires national-bank notes to be burned to ashes is hereby repealed; that the pulp from such macerated issue shall be disposed of only under the direction of the Secretary of the Treasury.

The amendment was agreed to.

The next amendment was in line 188 to reduce the appropriation "for continuing the collection of statistics of mines and mining to be laid before Congress, to be expended under the direction of the Secretary of the Treasury," from "$15,000" to "$10,000."

The amendment was agreed to.

The next amendment was after the word "Hayden," in line 206, to insert "to continue the work westward toward the Green and Colorado Rivers, $75,000;" after "Powell," in line 208, to insert "in Utah, $15,000;" and in line 211 to strike out "$90,000;" so that the clause will read:

For the continuation of the geological and geographical surveys of the Territories of the United States by F. V. Hayden, to continue the work westward toward the Green and Colorado Rivers, $75,000; and J. W. Powell, in Utah, $15,000, under the direction of the Secretary of the Interior, during the fiscal year ending June 30, 1875.

The amendment was agreed to.

Mr. SARGENT. Instead of striking out "$90,000," below, it would be better to say "in all $90,000." I suggest that that leaves it better, because the $90,000 is a footing

The PRESIDING OFFICER. If there be no objection that modification will be made. The Chair hears none.

The Secretary continued the reading of the bill.

Mr. SARGENT. On line 242 I ask leave to change the word "this" to "the," a verbal alteration; so as to read:

To enable the Clerk of the House to pay to the widow of David B. Mellish, late a member of the House, &c.

The PRESIDING OFFICER. That amendment will be made if there be no objection.

The Secretary continued the reading of the bill.

The next amendment of the Committee on Appropriations was in lines 254, 255, and 256 to strike out:

And for amount already expended by the Sergeant-at-Arms for postage-stamps, $250.

The amendment was agreed to.

The next amendment was to insert after line 303 the following:

For the erection of an equestrian statue of Nathanael Greene, in conformity with a resolution of Congress passed August 8, 1786, $40,000; and one member of each House of Congress, to be appointed by the presiding officer of each House, respectively, and George Washington Greene, of Rhode Island, be, and they are thereby, appointed a commission to contract for the same.

The amendment was agreed to.

The next amendment was after line 311 to insert:

To enable the Joint Committee on the Library to purchase such works of art for ornamenting the Capitol as may be ordered and approved, $10,000.

Mr. HOWE. I should like to have "15" inserted in the amendment instead of "10."

Mr. MORRILL, of Maine. I think there is no objection to that.

The PRESIDING OFFICER. That change will be made if there be no objection.

The amendment, as amended, was agreed to.

The next amendment of the Committee on Appropriations was after line 314 to insert the following:

To enable the Librarian of Congress to employ two assistants, in connection with the work of the copyright department, and in preparing a complete index of subjects to the documents and debates of Congress, at $1,600 each, $3,200. And the Librarian is hereby charged with the work of preparing such an index, under the supervision of the Joint Committee on the Library; and he is hereby authorized and required to complete the two sets of congressional documents required by existing laws to be deposited in the Library of Congress, and which were partially destroyed by fire; and to this end he may make requisition upon the Secretary of the Interior, in charge of the reserve of public documents; and such volumes as cannot be supplied by the Interior Department may be transferred to the Library of Congress from the documents in charge of the Secretary of the Senate and of the Clerk of the House of Representatives, the Librarian of Congress giving a receipt therefor.

The amendment was agreed to.

The next amendment was after line 332 to insert:

For necessary repairs of the telegraph line connecting the Capitol and the Executive Departments, $1,000.

The amendment was agreed to.

The next amendment was after line 335 to insert:

To enable the Secretary of the Treasury to pay D. L. Phillips, late United States marshal of Illinois, for counsel fees and expenses incurred in executing the *habeas corpus* act, the accounts of which have been passed by the proper accounting officers of the Treasury, $476.53.

The amendment was agreed to.

The next amendment was after line 341 to insert:

For salary of stenographer to the Secretary of the Treasury, $2,400.

The amendment was agreed to.

The next amendment was after line 343 to insert:

That of the unexpended balance of the appropriation made for the office of the Treasurer of the United States for the fiscal year ending with June 30, 1874, $20,000, or so much thereof as may be required, for the payment of salaries of clerks, messengers, and laborers to do the necessary work of that office, may be used for the purpose aforesaid, in the fiscal year ending with June 30, 1875: *Provided*, That no part of this amount shall be expended for payment of additional compensation to clerks or employés.

The amendment was agreed to.

The next amendment was after line 354 to insert the following:

To enable the Secretary of the Treasury to collect, procure, preserve, and arrange for use all vouchers, papers, records, and evidence, and to take testimony as to claims against the United States, to be paid only upon the certificate of the commissioners of claims, the sum of $20,000 of the unexpended balance of the appropriation made by act of March 3, 1873, is hereby reappropriated.

The amendment was agreed to.

The next amendment was after line 362 to insert the following:

To enable the Secretary of the Treasury to pay the proprietors of the New York Tribune for advertising in said journal, the sum of $839.10, or so much thereof as may be necessary, to be paid upon the audit of the proper accounting officers of the Treasury.

The amendment was agreed to..

The next amendment was after line 368 to insert:

For payment of the expense of editing the revised statutes, preparing the same for publication, and distributing the same, and for editing the annual statutes, under the direction of the Secretary of State, $20,000, or so much thereof as shall be necessary.

The amendment was agreed to.

The next amendment was after line 373 to insert:

To enable the Secretary of the Navy to complete the observations of the transit of Venus, in December, 1874, and to return the parties of observation to the United States, $25,000, to be expended as provided by the act making appropriations for sundry civil expenses for the fiscal year ending June 30, 1873.

The amendment was agreed to.

The next amendment was after line 381 to insert:

For collecting information respecting the condition and importance of the fur trade in the Territory of Alaska, as provided by act of April 22, 1874, $10,000, for the fiscal years 1874 and 1875, to be expended under the direction of the Secretary of the Treasury.

The amendment was agreed to.

The next amendment was after line 388 to insert the following:

For the District of Columbia, the sum of $1,300,000, to be expended by the commissioners of said District, and applied as follows: First, to the payment of interest on the funded debt of said District due July 1, 1874; secondly, to the payment of officers, employés, and laborers of the District, whether of the District proper or of the board of public works; and the remainder to the current expenses of said District; all the above sums, except so much thereof as may be paid for interest, as aforesaid, to be considered and adjusted hereafter as a part of the proper proportional sum to be paid by the United States toward the expenses of the government of the District of Columbia.

Mr. ALLISON. In line 396, after the words "public works," I move to insert "thirdly, to the payment of any indebtedness for which the securities of the District are pledged."

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

The next amendment was after line 401 to insert the following:

For the payment of M. A. Clancy, for services as stenographer in taking testimony in the matter of the impeachment of Richard Busteed, district judge of the district of Alabama, the sum of $525.

Mr. BOUTWELL. I move to amend that amendment by adding the following, which is an amendment of which I gave notice yesterday:

For the payment of C. H. Evans, for services under the direction of the Committee on Ways and Means of the Forty-second Congress, $500.

Mr. SARGENT. That should be reserved until we get through with the committee's amendments.

Mr. BOUTWELL. O, do not object. I shall not be able to remain here.

Mr. SARGENT. Very well; I make no objection.

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

The next amendment of the Committee on Appropriations was to insert after line 406 the following:

For expenses of the Joint Select Committee to inquire into the Affairs of the District of Columbia the sum of $6,000, or so much thereof as may be necessary.

Mr. ALLISON. I move after the word "necessary" to insert "to be available immediately."

Mr. SARGENT. There is no objection to that.

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

The reading of the bill was continued.

The next amendment of the Committee on Appropriations was to insert after line 409 the following:

For this amount, or so much thereof as may be necessary, to enable the Secretary of the Interior to pay for supplies furnished the Yankton Sioux Indians during the winter of 1866 and 1867, to prevent absolute starvation among said Indians, $11,329.

The amendment was agreed to.

Mr. SARGENT. I am instructed by the Committee on Appropriations to offer the following amendment, to come in after line 416:

The sum of $32,220 is hereby appropriated to defray the expenses of the board of health of the District of Columbia for sanitary purposes for the fiscal year ending July 1, 1875; and the commissioners of the District of Columbia be, and they are hereby, directed to appropriate the same amount, namely, $32,220, from the funds of the District of Columbia not otherwise appropriated, for the same purpose.

The amendment was agreed to.

Mr. SARGENT. I am directed by the Committee on Appropriations to offer the following amendment, to come in at this point:

That the sum of $1,000 is hereby appropriated for the salary of the Government telegraph operators at the Capitol during the recess of Congress, $500 of the same to be paid by the Secretary of the Senate, and $500 to be paid by the Clerk of the House of Representatives for the salary of the operator of the House.

The amendment was agreed to.

The Chief Clerk continued the reading of the bill.

The next amendment of the Committee on Appropriations was to insert after line 471:

For the purchase for an Indian agency station, the six hundred and forty acres of land situated on Lapwai Creek and Clearwater River, Idaho Territory, heretofore granted to the American Board of Commissioners for Foreign Missions, $15,000: *Provided*, That no part of this sum shall be paid until a perfect title to the said land shall be made to the United States by a warranty deed, to be approved by the Attorney-General.

Mr. ROBERTSON. I should like to hear some explanation about that.

Mr. SARGENT. The condition of things is just this: Years ago under a general law the American board of commissioners were granted this piece of land by the United States Government. They had possession of it for years and sold it. Since that time, and when this fact was not much considered or was overlooked, the United States built agency buildings worth from one to two hundred thousand dollars upon this very piece of land, and now have the buildings while the title to the land is recognized by the courts to be in the person who bought from the American board of commissioners for missions. The Government, then, is in the condition of losing from one to two hundred thousand dollars' worth of property, which it is now using and needs, or of buying the title so as to get a good title, and we thought it economical to do the latter.

Mr. ROBERTSON. Does the Senator know that $50,000 will be enough to obtain the title?

Mr. SARGENT. The Interior Department think it will, and we think it will.

Mr. ROBERTSON. But I would not like to spend this money and then not get a title.

Mr. SARGENT. The condition of the appropriation is that a good title shall be given to the United States. If the money will not secure the title it will not be spent.

The amendment was agreed to.

The Chief Clerk continued the reading of the bill.

Mr. SARGENT. On page 21, line 507, the word "forty" should be "eighty." I move the amendment by order of the committee. That increases the appropriation for surveying the public lands in Nebraska from $40,000 to $80,000.

The amendment was agreed to.

The reading of the bill was continued.

The next amendment of the Committee on Appropriations was in line 529 to increase the appropriation for surveying the public lands in Idaho Territory from $20,000 to $30,000.

The amendment was agreed to.

The next amendment was in line 533 to increase the appropriation for surveying the public lands in New Mexico Territory from $20,000 to $30,000.

The amendment was agreed to.

The next amendment was in line 755 to increase the appropriation for surveying the public lands in Oregon from $40,000 to $60,000.

The amendment was agreed to.

The next amendment was in line 563 to increase the appropriation for surveying the public lands in Washington Territory from $40,000 to $60,000.

The amendment was agreed to.

The next amendment was after line 615 to insert the following clause:

For lathing and plastering the under surface of the roof above the ceiling of the Senate Chamber, $4,000.

The amendment was agreed to.

The next amendment was after line 618 to insert:

For a new steam pump to supply the tanks located in the attic of the Senate wing of the Capitol, $800.

The amendment was agreed to.

The next amendment was after line 621 to insert:

For replacing the defective portion of the roof on the Capitol, near the dome, by a copper roofing of fire-proof construction, and for erecting fire-walls, $15,000: *Provided*, That the old materials shall be remanufactured and used in the repairs of the Capitol.

The amendment was agreed to.

The next amendment was after line 626 to insert the following:

For a commission consisting of Fred. Law Olmsted, of New York; William Hammond Hall, of San Francisco; and H. W. S. Cleveland, of Chicago, to consider and report to Congress, at its next session, by what economical measures the greatest public value may be given to the connected series of Government grounds, including those of the Capitol and those of the Executive Mansion, the sum of $1,500.

The amendment was agreed to.

The next amendment was after line 634 to insert:

For improvement of Capitol grounds, according to the plans and under the general direction of Fred. Law Olmsted, to be expended by the architect of the Capitol, $200,000.

Mr. SHERMAN. It seems to me there ought to be some limit inserted here providing that the whole expenditure contemplated by the plan proposed shall not exceed the sum of $200,000, so far as the grounds are concerned. We know very well that a distinguished person like Mr. Olmsted may lay out a plan that may cost many times this. He may provide for fountains and all sorts of ornaments. It seems to me there ought to be some limit. I will ask the Senator from Vermont if $200,000 is intended to cover the whole improvement of the Capitol grounds, or is it a mere entering-wedge?

Mr. MORRILL, of Vermont. I do not desire to take up much time in explanation of this amendment. The House have proposed $125,000, as will be seen by the next clause, and the Committee on Public Buildings and Grounds of the Senate thought that would be insufficient, and perhaps we ought to have proposed $250,000 instead of $200,000. The Senator from Ohio need not be under any apprehension that there will be anything done with this $200,000 so as to involve the Government in any very large expenditure, but it is obvious that there must be a considerable amount expended before the work can be completed; and if the Senate will be patient to listen to me five or ten minutes I will explain something of the plan of Mr. Olmsted.

It is that on the east side of the Capitol grounds the trees shall be thinned out so as to have open spaces or vistas, and leaving the two clumps of trees that now stand on either side of the Capitol mainly as they now stand. The surface of the ground here will scarcely need to be much reduced, and if reduced at all these trees can still be left mainly as they are. Then there will be considerable of an open space of oval shape on either side; and on the farther or eastern portion of the grounds the trees will have to be removed, because the grade of the ground will have to be reduced about six feet. Some of the trees can be saved and replanted. Then here in the front the idea of Mr. Olmsted is that the present platform or terrace is too narrow to support the magnificent structure above it; that it has too much the appearance of a cheap fortification, and the base is too thin for the large building to stand upon. Mr. Olmsted, the landscape architect, proposes therefore to extend the terrace about twenty feet, and to support it by a granite wall surmounted by some slight decoration; and that in the end there shall be far more acceptable stairways on the east side than those we now have, something in better proportion to the magnificence of the building and equal to those that are on the west side. The central walk he proposes to obliterate, and the trees that are on that walk it will have been noticed are such kind of trees as ought to be removed. They are no longer ornamental. They are mainly poplars or cottonwood trees, that are a positive nuisance as they stand and shut out the whole view from the western front. The other two walks diverging right and left will be left to remain as they now are.

Mr. SHERMAN. I have great confidence in the good taste and love of economy of my friend from Vermont; but I want to know whether this $200,000 covers the gross expenditure.

Mr. MORRILL, of Vermont. I do not expect it will. I am free to say that I think it will take considerably more. These stairways will cost I do not know how much, but not a dollar more will be expended than is absolutely necessary.

Mr. SHERMAN. The Senate ought to know from the proper committee, before authorizing this work to be commenced under Mr. Olmsted's plans, what is to be the cost of carrying out those plans. Those plans, I take it, are already prepared and announced.

Mr. MORRILL, of Vermont. I may say that it has been impossible in the short time since Mr. Olmsted has been authorized to make these plans, to have them completed in full.

Mr. HOWE. Allow me to make a suggestion to the Senator from Ohio. That Senator has entire confidence in the economical views of the Senator from Vermont as the Senate has.

Mr. SHERMAN. But I should like to cross-examine him a little on public buildings. That is rather a soft place with my friend from Vermont.

Mr. HOWE. I was about to inquire if the Senate would not be entirely content with this provision:

Provided, The chairman of the Committee on Public Buildings and Grounds is associated with Mr. Olmsted in the general direction of these improvements.

Mr. SHERMAN. That would be a very good suggestion.

Mr. HOWE. Then I move that amendment.

Mr. SHERMAN. I think it ought to be under the Committee on Public Buildings and Grounds of the two Houses, as a matter of course.

Mr. HOWE. A large body is not very desirable for such a purpose.

Mr. SHERMAN. I think it ought to be under some committee of Congress, so as not entirely to carry out the magnificent ideas of an architect, or a landscape gardener, who may be still more dangerous.

Mr. HOWE. I move to amend by adding after "Olmsted," in line 637, the words "and the Committee on Public Buildings and Grounds of the Senate."

Mr. MORRILL, of Vermont. Let me say to my friend from Wisconsin that I have no desire myself to occupy this position. I think it would not be acceptable to the House to have the chairman of one of our committees placed in this position, or to have a committee of the Senate alone, and therefore I think it had better be omitted.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Wisconsin to the amendment of the committee, which will be read.

The CHIEF CLERK. It is proposed to insert after "Olmsted," in line 637, the words "and the Committee on Public Buildings and Grounds of the Senate."

Mr. MORRILL, of Vermont. I hope the Senate will not agree to that, for the reason that it might detain the Committee on Public Buildings and Grounds here during the coming summer. If it was merely for us to come here once or twice we might be able to do that; but I think the Senator from Wisconsin had better select somebody else than put my name in there or that of our committee. I am quite satisfied that the House will not consent to have a committee of the Senate named alone.

Mr. MORRILL, of Maine. Let us go on and we can settle this in the Senate.

Mr. HOWE. Let it go now and we will consider it in the Senate. ["Agreed."]

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

The next amendment of the Committee on Appropriations was to strike out from line 639 to 642 the following clause:

For improving the Capitol grounds, for coping and flagging the foot-walks around the same, and for paving the roadway at the eastern front, $125,000.

The amendment was agreed to.

The next amendment was in line 647 to insert the words "and stable" after "engine-house," and in line 649 to strike out "10" and insert "15;" so as to make the clause read:

For the purpose of erecting on Capitol Hill, near the Capitol building, a suitable engine-house and stable to supply the place of engine-house No. 3, recently ordered removed by Congress, $15,000.

The amendment was agreed to.

The next amendment was to strike out the following clause, beginning in line 650:

For preservation and repairs of the United States court-house in Washington City, formerly known as the City-hall building, $3,000.

And in lieu thereof to insert:

For extending court-house (old City-hall) in the city of Washington, in accordance with plans of the architect of the Capitol, to be approved by the Secretary of the Interior, for the accommodation of the District courts, Court of Claims, and the Pension Office, and for making the necessary repairs to the old building, $150,000.

Mr. HOWE. I wish that might be amended so as to provide either for extending the present building or constructing a new building, as the architect shall think best. My reason is that the plan of the present building is one which it seems to me ought not to be extended. There must be a great deal of additional room provided sooner or later; and it seems to me that instead of trying to extend the present building, it might be thought better to devise a new building. The present building is not worth much; the material to put into a new building it seems to me is worth as much as the present building. If the chairman of the Committee on Public Buildings and Grounds will be content with the amendment I have suggested I should prefer it.

Mr. MORRILL, of Vermont. We have already paid $75,000 for one-half of this building. I think that the plan suggested by the architect of the Capitol extension is a very valuable plan; that it will give us about three times the amount of room we now have, and when the building is up it will be a very handsome looking building. It is proposed to extend it so as to reach to E street and have a frontage on three sides. That will certainly not make a bad appearance, (exhibiting the plan.) There is a pressing necessity for more room in this Capitol for committees in both branches. We are compelled to put two committees into one room to a very considerable extent. The Court of Claims occupy valuable space that might be converted into several committee-rooms. There is also a necessity for some room for the Commissioner of Pensions, all of whose papers are now in what is called the Seaton House, very liable to fire; and the loss would be immense if the papers were destroyed. This building can be extended so as to give the courts of the District, the Court of Claims, and the Pension Bureau ample room at a very small expense.

Mr. SARGENT. For the appropriation here?

Mr. MORRILL, of Vermont. We only propose to expend a portion this season.

Mr. HOWE. I do not object to the appropriation at all; I only ask the Senator to consent to an amendment which will leave to the architect the alternative either of extending this building or building on a new plan, as shall be thought best after due consultation.

Mr. MORRILL, of Vermont. I have no objection to that.

Mr. SARGENT. I object; I suggest that we shall find a building that will cost $6,000,000 before we get through if we do that. How much does it take to build a public building from the ground up in this city? One hundred and fifty thousand dollars will put this building into shape.

Mr. MORRILL, of Vermont. No. When the building is entirely completed it will cost $239,000.

Mr. SARGENT. All right. Now, to start from the ground up and taking down this building will cost us $6,000,000.

Mr. HOWE. It would cost necessarily no more if you accept the amendment that I propose. It leaves an alternative to the architect. No one here knows whether he can enlarge this building cheaper than he can build a new one or not.

Mr. MORRILL, of Vermont. Of course he can enlarge this cheaper than construct a new building. There cannot be any doubt about that. I think the clause had better go as it is, because the plans are already made out.

Mr. HOWE. I withdraw my amendment until we get into the Senate.

The PRESIDING OFFICER. The question is on the amendment of the Committee on Appropriations.

The amendment was agreed to.

Mr. SARGENT. I am instructed by the Committee on Appropriations to offer the following amendment to come in at this point:

To secure the foundation walls and fit up rooms in the basement of the General Post-Office building, $100,000, or so much thereof as may be necessary.

The amendment was agreed to.

The Chief Clerk continued the reading of the bill.

The next amendment of the Committee on Appropriations was to insert after line 685 the following clause:

To pay the indebtedness incurred and now due, and to pay in part the expenses of the Reform School of the District of Columbia for the fiscal year ending June 30, 1875, it being for food and clothing of the boys in said school, the sum of $15,000; to be deducted from any money hereafter appropriated for the District of Columbia.

The amendment was agreed to.

The next amendment was after line 733 to insert:

For continuing the work on the erection and fitting up the buildings of the institution in accordance with plans heretofore submitted to Congress, $29,000.

The amendment was agreed to.

The next amendment was after line 761 to insert:

For the Women's Christian Association of the District of Columbia, $25,000; to be expended for the sole purpose of erecting a building on the ground owned by said association in said District, upon and in strict conformity with a plan for said building, which shall be prepared by the architect of the Capitol extension; and it shall not, for building and furnishing, exceed the said sum of $25,000; and no money shall be paid under this appropriation until the Secretary of the Treasury shall be satisfied that a contract, with good security for its execution, has been entered into for the erection and furnishing of said building, at a sum not exceeding the amount hereby appropriated; and all payments for the erection and furnishing of said building shall be made by the Secretary of the Treasury directly upon vouchers to be approved by him: *Provided*, (and this appropriation is upon the express condition,) That none of the money hereby appropriated shall be paid by the Secretary of the Treasury until said association shall file, with the recorder of deeds in the District of Columbia, a declaration, executed and acknowledged in the manner in which deeds are required by law to be executed for record in the District of Columbia, that said building, and the lands on which it is erected, forever shall be held in trust by said association, without mortgage or security in the nature of mortgage, for the sole purposes of said association, as defined in its charter of date of December 13, 1870; and the filing of said declaration shall be regarded as notice to all persons who shall purchase said property or take any security thereon.

The amendment was agreed to.

The next amendment was after line 792 to insert:

For the Little Sisters of the Poor of Washington City, to liquidate a debt on the building and to complete said building, $25,000.

The amendment was agreed to.

The next amendment was after line 843 to insert the following:

For building a steamer for the Coast Survey, for use on the Gulf coast, $76,000.

Mr. HOWE. I want to ask the Senator in charge of the bill if there are not plenty of unused vessels in the Navy that could be had?

Mr. SARGENT. No; not for this purpose. It requires a strong, light-draught steamer to survey the shoals there—a steamer strong enough to stand any storm if it happens to be caught in one, and light enough to take refuge in the shallow and narrow inlets.

The amendment was agreed to.

The next amendment was to strike out lines 888, 889, and 890, in the following words:

To pay commissions allowed by law to collectors of customs acting as superintendents of lights, $8,000.

The amendment was agreed to.

The next amendment was after line 898 to insert:

For re-establishing the light-house at Indian Island, at Rockport Harbor, Maine, $9,000.

The amendment was agreed to.

The Chief Clerk resumed the reading of the bill.

Mr. SARGENT. On page 39 I ask leave to change the name "Navesink" to "Neversink," in the two places where it occurs. According to Lippincott's Gazetteer "Neversink" is the proper spelling.

The PRESIDING OFFICER. If there is no objection that correction will be made.

The next amendment of the Committee on Appropriations was on page 39 to strike out from lines 940 to 951, inclusive, in the following words:

Provided, That whenever it may become necessary, in the adjustment of boundary lines or in the opening or changing of necessary roadways affecting lands belonging to the United States and used for the purposes of the light-house establishments at Staten Island, New York, and at the Highlands of Neversink, New Jersey, or any part thereof, the Secretary of the Treasury is hereby authorized to ex-

ecute for such purposes touching the property above referred to, or any part thereof, the necessary conveyances and assurances, and to receive, in consideration therefor, such other conveyances or assurances of adjoining lands, or of lands in the immediate vicinity, or other consideration, as may be agreed upon.

The amendment was agreed to.

The next amendment was to strike out lines 955 to 960, inclusive, in the following words:

And the Secretary of the Treasury is authorized to place a fog-bell (to be rung during the prevalence of a fog) at such points at or near the entrance to the harbor of New York as may be designated by the proper officers; the expenses thereof to be paid out of any unappropriated money in the Treasury.

The amendment was agreed to.

The Chief Clerk resumed the reading of the bill.

Mr. SARGENT. In line 971 I move to strike out "approved" and insert the word "made," so as to read "the balance of appropriation made June 10, 1872."

The PRESIDING OFFICER. That correction will be made if there be no objection.

The Chief Clerk resumed the reading of the bill.

The next amendment was of the Committee on Appropriations after line 1010 to insert:

For building a light-house at or near Solomon's Lump, in Kedges Strait, between Tangier Sound and Chesapeake Bay, $15,000: *Provided*, That the light-house at Fog Point be discontinued after the completion of the above.

The amendment was agreed to.

The next amendment was in line 1048 to strike out the word "Virginia" and insert "or Port Tobacco flats, in the discretion of the Department;" so as to read:

For light-house and day-beacon at or in the vicinity of Mathias Point, or Port Tobacco flats, in the discretion of the Department, $40,000.

Mr. SARGENT. That should be "in the discretion of the Light-house Board."

The PRESIDING OFFICER. The amendment will be so modified if there be no objection.

The amendment, as modified, was agreed to.

Mr. SARGENT. The Committee on Appropriations have instructed me to move to strike out from line 1075 to the end of the paragraph the clause extending the jurisdiction of the Light-house Board over the Mississippi, Missouri, and Ohio Rivers.

The Chief Clerk read the words proposed to be stricken out, as follows:

That the jurisdiction of the Light-house Board, created by the act entitled "An act making appropriations for light-houses, light-boats, buoys, &c., and providing for the erection and establishment of the same, and for other purposes," approved August 31, 1852, is hereby extended over the Mississippi, Ohio, and Missouri Rivers, for the establishment of such beacon-lights, day-beacons, and buoys as may be necessary for the use of vessels navigating those streams; and for this purpose the said board is hereby required to divide the designated rivers into one or two additional light-house districts, to be in all respects similar to the already existing light-house districts; and is hereby authorized to lease the necessary ground for all such lights and beacons as are used to point out changeable channels, and which in consequence cannot be made permanent.

Mr. BOGY. I hope that amendment will not be adopted, and I will state the reason why. It will be seen by reading the paragraph that it is an appropriation of $50,000 for the erection of light-houses on the Mississippi, Ohio, and Missouri Rivers, and to make that available it is proper that the work be put under the control of the Light-house Board. If we are to build light-houses on the Mississippi River where they are necessary and where they have been petitioned for by a large number of people in the West, they should be under the control of the Light-house Board. I will state furthermore that two bills have passed the House this winter on this very subject. It is a matter which is very much desired in the West, and I believe it to be very important. The appropriation is small, and it will be seen it is for a survey of these rivers, and if it is deemed proper that these light-houses should be established in the West, they should be placed under the control of the Light-house Board. I hope the amendment will not be adopted.

Mr. HAMLIN. I should like to know of the committee who reported the bill why this language is not wise, well, and proper. If buoys are to be placed in the rivers, if light-houses are to be erected upon their banks, if any of those works which come appropriately within the jurisdiction of the Light-house Board are to be erected, why should they not, and why is it not better that they should have jurisdiction there as they have it elsewhere? The Light-house Board has systematized its methods of business. They have their rules which apply, I believe, as near as may be equally to all sections, and they understand precisely what is appropriate in one case as well as in another. I cannot see any objection to this clause, and it seems to me that it is much wiser and much better that the whole thing should be under one jurisdiction, and then it will be better cared for. I should like to know what reason there is for striking out the clause.

Mr. SARGENT. The Senator from Kentucky [Mr. STEVENSON] has the matter in charge, and I desire him to explain it.

Mr. HAMLIN. I should like to hear what he has to say.

Mr. STEVENSON. I live on the Ohio River, and I have lived on the Mississippi. If there is any necessity for a light-house, I am not aware of it. I am for economizing as far as I can, and yet willing to appropriate any money that is deemed necessary. I have never been convinced that light-houses were necessary either on the Mississippi or the Ohio River. On the contrary my experience is exactly the reverse. I remember, many years ago, that a light-house was erected at Natchez. It was put there at considerable cost, and during my residence in Mississippi and my frequent visits to New Orleans it was always spoken of as "the folly" both of the man who planned it and of the Government who put it there, as being wholly and entirely unnecessary. That is my experience. I have never seen one that was necessary. I have never heard any demand for one. As for the surveys, they may be very necessary, and I should have no objection to the establishment of buoys; but as to light-houses, I think they will be entirely unnecessary on these rivers, so far as I know or believe.

Mr. HAMLIN. Let me ask my friend if this clause makes any provision for light-houses? None whatever. It refers to a bill which does, and in that bill light-boats, buoys, &c., are designated. I ask the Senator, who knows very much better than I do, if there are no buoys, if there are no monuments in any of the rivers of the West to mark the shoals and all the dangerous places? Upon the little rivers which we have and over which the Light-house Board has entire control we have buoys, we have signals, and we have a variety of methods of designating sunken rocks, shoals, and quicksand, and they are all under the Light-house Board. I had supposed that some such thing might be necessary upon these rivers. I do not think this clause suggests the idea of building light-houses.

Mr. STEVENSON. Mr. President, I am not a theorist. I have, however, some practical knowledge on this subject. I have lived for thirty-odd years uninterruptedly on the Ohio. Any gentleman who is acquainted with that river knows that it is continually shifting its bars, and if you were to put a buoy there this year you would probably have to change it next year. I am unwilling to put these rivers under the Light-house Board. I am unwilling that they should have jurisdiction over subjects which it does not seem to me come within the purview of their organization as a board.

Now, in regard to light-houses, I am always willing, wherever they are necessary, to erect them; but I have already stated I do not think they are necessary here. In regard to buoys and things of that sort, let them be established by the river commissioners, those under whose charge the Mississippi River is, and not give to this Light-house Board the jurisdiction of these rivers, which they do not understand and are not half as familiar with as the western people, whose business it is to navigate them. The Government has already officers connected with these rivers. I am very unwilling to extend the jurisdiction of the Light-house Board to these rivers; but I have no feeling about it at all.

Mr. BOGY. I will state that this provision is perhaps the work of the delegation from Missouri; in fact I know that it is so; and it was brought about by the solicitation of the boatmen on the Mississippi. I do not know anything about the Ohio. I know this is very much desired by the boatmen on the Mississippi; I know it is very much desired by the exchange of the city of Saint Louis, and I hold in my hand a pamphlet containing all the information on this subject in regard to the importance of light-houses and buoys, and requesting the whole to be placed under the control of this Light-house Board; and I can say from having conversed with some of the leading boatmen of the West in the city of Washington this winter, that they are very anxious for this thing. I believe myself it is an absolute necessity. If there are to be light-houses in the West they certainly ought to be under some control, and I can myself imagine no objection to placing them under the control of the Light-house Board. I think it is the proper place, because it is a board especially for this purpose. I do hope that this paragraph will be permitted to remain as it is and not be altered at all. I know this appropriation is desired in the West and on the Mississippi River.

Mr. STEVENSON. Of course I do not desire to antagonize with the Senator from Missouri; but I am astonished that he should declare his belief that light-houses are necessary on those rivers, when we have been here for eighty or ninety years without one proposition ever having been made, so far as I know or believe, for one. He knows as well as I do that the only one that was erected on the Mississippi River was regarded as a consummate folly. I see around me gentlemen older than myself who are acquainted with that country, and who no doubt have seen that light-house, as I have. It was permitted to tumble into the river. It was not used for years before it did tumble in. The Senator has seen, I have no doubt, oftener than I have, the light-house at Natchez known as "The Folly." That was the name given to it by the people. If we are to go into this business of putting light-houses on the river, and I want the Ohio and Mississippi to have everything that is necessary for their improvement, I should like the Light-house Board itself to make some recommendations.

Mr. BOGY. This is for a survey of the Mississippi, and then when by the survey the light-houses are found to be necessary they are to be placed under the control of the Light-house Board.

Mr. SARGENT. They are required to be divided by districts now.

The PRESIDING OFFICER. The question is on the amendment of the committee.

Mr. BOGY. Let us understand the question. This is the provision of the bill as it comes from the House without amendment.

The PRESIDING OFFICER. The Chair understands the committee move to strike out.

Mr. SARGENT. Exactly. I made the motion myself on behalf of the committee

The PRESIDING OFFICER. The motion is to strike out. The Secretary will report the amendment as proposed by the committee.

The Chief Clerk read the amendment.

The question being put, a division was called for; and there were—ayes 19, noes 14; no quorum voting.

Mr. ANTHONY. There is a quorum present.

Mr. EDMUNDS. Let us have another division. I hope the amendment will be agreed to, as it is recommended by the committee.

Mr. SARGENT. Yes, sir; the committee have recommended it.

The PRESIDING OFFICER. The Chair understands the committee has recommended the amendment.

Mr. BOGY. I call for the yeas and nays.

Mr. SARGENT. It can be reserved in the Senate.

Mr. BOGY. We may as well vote upon it now as then.

The PRESIDING OFFICER. Does the Senator insist on the call?

Mr. BOGY. I will not insist on it.

The question being again put, the amendment was agreed to; there being on a division—ayes 22, noes 16.

Mr. BOGY. I give notice that I shall reserve this amendment in the Senate.

Mr. JOHNSTON. The word "Virginia" has been omitted in line 1115 after the words "York River." It is an accidental omission I suppose.

Mr. SARGENT. There is no necessity for the insertion of the word "Virginia" after the word "River."

Mr. JOHNSTON. I prefer to have it put in.

The PRESIDING OFFICER. The amendment will be made if there be no objection. The Chair hears no objection.

The Chief Clerk continued the reading of the bill.

The next amendment of the Committee on Appropriations was to strike out the following proviso to the appropriation for the construction of a light-house at the mouth of Thunder Bay River, in the State of Michigan, in line 1118:

Provided, That all tolls on vessels entering or leaving the river shall be abolished after the light-house is completed.

The amendment was agreed to.

The next amendment was in line 1133, before the words "fog-signal" insert "light-house and;" so as to read:

For a light-house and fog-signal on Yerba Buena Island, in the Bay of San Francisco, California, $10,000.

The amendment was agreed to.

The next amendment was to insert at the end of the clause making available the unexpended balance of the appropriation for a first-class light-house and fog-signal at Piedras Blancas, California, the following words:

And the balance of the appropriation made by the act of June 10, 1872, for the construction of a light-house and fog-signal at Point Fermin light-station, remaining unexpended, is hereby reappropriated.

The amendment was agreed to.

The next amendment was to insert after line 1143 the following clause:

To enable the Light-house Board to continue its experiments in relation to fog-bells or other signals for the protection of the commercial marine, $5,000.

The amendment was agreed to.

Mr. MORRILL, of Maine. I move to amend by inserting after line 1146 the following:

For building a relief light-ship for general service, in addition to the amount heretofore appropriated, $15,000, or so much thereof as may be necessary.

There was a small sum appropriated, twenty-five or thirty thousand dollars, last year, and it is found on opening the bids that this sum in addition is necessary.

The amendment was agreed to.

The Chief Clerk continued the reading of the bill.

The next amendment of the Committee on Appropriations was to strike out the following clause from line 1197 to line 1200:

To enable the Secretary of War to provide for constructing a military bridge across the North Platte River, at or near Fort Laramie, Wyoming Territory, $15,000.

Mr. SARGENT. The committee withdraw that amendment so that that clause shall stand as part of the text.

The PRESIDING OFFICER. If there be no objection, the amendment will be regarded as disagreed to, so that the clause remains in the bill.

The Chief Clerk continued the reading of the bill. The next amendment of the Committee on Appropriations was after line 1232 to insert the following proviso:

Provided, That the Secretary of War is authorized to employ not exceeding thirteen enlisted men for one year in the Ordnance Bureau.

The amendment was agreed to.

The next amendment was after line 1243 to insert the following:

For continuing experiments with the Moffatt system of breech-loading cannon, under the direction of the Secretary of War, the sum of $10,000 is hereby appropriated.

The amendment was agreed to.

The next amendment was after line 1247 to insert:

For the purpose of testing Mr. Lee's breech-loading gun, under the direction of the Secretary of War, the sum of $10,000 is hereby appropriated.

The amendment was agreed to.

The Secretary continued the reading of the bill, and read the clause making appropriations for the Signal Office.

Mr. OGLESBY. I should like to inquire of the chairman of the Committee on Printing what is meant by "maps" and "bulletins" and how they are printed. I ask the question because I hear it said that while the Bureaus are complaining of a want of accommodations they are putting up printing-presses and crowding in printers, engravers, &c.

Mr. ANTHONY. I think not. There was, as I stated in speaking upon an amendment in the early part of this bill, a time when in nearly all the Departments there were little printing offices. I do not think there was any engraving; but there may have been. They were all abolished after the war by an act of Congress, as they should have been. There is in the Signal Office a little lithographic press for printing the daily reports, the little weather maps that are sent around. That work must necessarily be done in the Signal Office because the maps are altered three times a day, and it would be almost impossible to have that work done properly out of the office. But the general maps and bulletins that they publish are done at private establishments where they ought to be done, and where of course they can be done better than they can at the Government establishment. Undoubtedly work of that kind costs more at a Government establishment than anywhere else. Some of that work must be done there; but that I think does not come under this clause.

Mr. SARGENT. I offer an amendment to come in after line 1298:

For this amount, or so much thereof as may be necessary, for the erection of winter quarters for troops stationed near the Red Cloud and Whetstone Indian agencies, $30,000.

The amendment was agreed to.

The Chief Clerk continued the reading of the bill.

The next amendment of the Committee on Appropriations was to insert at the end of the clause making appropriations for the support of Freedmen's Hospital and Asylum at Washington, District of Columbia, the following proviso:

Provided, That after June 30, 1874, the Freedmen's Hospital in the District of Columbia shall, until otherwise ordered by Congress, be continued under the direction of the Secretary of the Interior, who shall make all estimates and pass all accounts, and shall be accountable to the Treasury of the United States for all expenditures; and all property, including hospital and quartermaster's stores, belonging to said hospital, and now in charge of the War Department, be also transferred to the Interior Department.

The amendment was agreed to.

The next amendment was to insert after line 1314 the following clause:

For the National Association for the Relief of the Colored Women and Children of the District of Columbia, $10,000.

The amendment was agreed to.

The next amendment was in line 1332 to strike out after the words "distributed as" the word "heretofore," in line 1333 before the word "sixty" to insert the words "Congress may hereafter direct," and in line 1335 after the words "edition of" to strike out the word "five" and insert "ten;" so as to read:

For continuing the publication of the Medical and Surgical History of the War, to be distributed as Congress may hereafter direct, $60,000; to be used in the preparation of illustrations for a new edition of ten thousand copies of entire work; *Provided*, That the necessary engraving and lithographing for those publications may be executed under the directions of the Secretary of War, without advertisement.

The amendment was agreed to.

Mr. OGLESBY. What is meant by "ten thousand copies of entire work?" Do the committee mean to republish the two volumes already published? Two volumes of this work have been published. Do I understand the committee to provide for ten thousand additional copies of those volumes?

Mr. SARGENT. Yes; we intend to print those. There is an enormous demand for this book from the Senator's own State, certainly from mine, and every other State.

Mr. OGLESBY. And the object is to reprint those volumes?

Mr. SARGENT. The object is to make a complete edition from the beginning to the end. It is too valuable a book to be printed in the limited amount which we have provided for. It costs too much in proportion to the number we have to give out.

Mr. OGLESBY. I ask the Senator from California if he can state what has been about the cost of each volume.

Mr. SARGENT. The cost of course has been large, because there are so few printed. The cost is in the illustrations and in getting up the book, and of course if a thousand copies of an expensive book are printed, each copy costs a great deal more in proportion than if twenty thousand copies were printed. I cannot tell the cost of each book, but I have no doubt about eighteen dollars.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was to insert after line 1338 the following clause:

For completing the medical statistics of the Provost-Marshal-General's Bureau, the unexpended balance of the appropriation made by the act of July 28, 1866, is hereby continued and made available. And the chief medical purveyor of the Army shall have the rank and pay of colonel.

Mr. SARGENT. After the word "pay" the words "and emoluments" should be inserted, and strike out the word "and" before it.

The PRESIDENT *pro tempore*. The amendment will be so modified.

The amendment, as modified, was agreed to.

The next amendment was to strike out lines 1362 to 1365, inclusive, in the following words:

For a resurvey of the Ausable River, Michigan, and establishing dock lines, not exceeding $1,000, to be paid for from unexpended balance of appropriation heretofore made for the improvement or said river.

The amendment was agreed to.

The next amendment was after line 1381 to insert the following clause:

For improving the portion of Franklin Square on K street lately added to those grounds, and for grading and completing edges of walks, and for granite coping for fountain bowl, and planting trees, $3,000.

The amendment was agreed to.

The next amendment was in lines 1387 and 1388 after the words "Lincoln Square" to strike out the words "or such reservation as the President may select;" so as to read:

For a pedestal for Ball's bronze statue of Lincoln, to be placed in Lincoln Square, $3,000.

The amendment was agreed to.

Mr. SARGENT. In line 1454 "1,500" should be stricken out and "3,000" inserted; so as to make the appropriation, under the head of Washington aqueduct, for building dwelling and office at Great Falls, $3,000.

The amendment was agreed to.

The next amendment was after line 1461 to insert the following:

For widening embankments along the line of the Washington aqueduct, $5,000.

The amendment was agreed to.

The next amendment was to strike out lines 1465, 1466, and 1467, in the following words:

For bounty to seamen, to pay certificates issued to State of New Hampshire, $739.50.

The amendment was agreed to.

The next amendment was, after line 1497, to insert as an additional proviso in the clause appropriating for repairs at the different navy-yards and preservation of the same the following clause:

Provided further, That the Secretary of the Navy be authorized to use, during the ensuing fiscal year, the balance of appropriation heretofore made to the Navy Department for the construction of a floating iron dock, remaining unexpended, for the purpose of completing the repairs on the double-turreted monitors Miantonomah, Puritan, Terror, and Monadnock: *Provided further*, That the period of retirement for naval constructors shall be at sixty-five instead of sixty-two years, as now provided.

The amendment was agreed to.

The next amendment was after line 1540, in the appropriation for custom-house and post-office building at Cincinnati, Ohio, to insert:

And the entire cost of said building, exclusive of cost of site, shall not exceed $4,000,000.

Mr. SARGENT. By some mistake there is a transfer of amounts between Cincinnati and Philadelphia. In order that it may be corrected I move here to strike out "$4,000,000" and insert "$3,500,000," and I shall move a corresponding amendment when we reach the appropriation for the building at Philadelphia.

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

The next amendment was in line 1548 to add the following proviso to the appropriation for custom-house, court-house, and post-office building at Evansville, Indiana:

Provided, That the restrictions as to the material of which said building shall be constructed are hereby removed.

The amendment was agreed to.

Mr. SARGENT. I offer the following amendment to come in after line 1550:

And provided further, That the restrictions as to the material of which the post-office building at Lincoln, Nebraska, shall be constructed are hereby removed.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was to add after the word "dollars," in line 1553, the words "and the entire cost of such building, exclusive of cost of site, shall not exceed $400,000;" so as to read:

Custom-house and post-office, Hartford, Connecticut: For continuation of building, $150,000. And the entire cost of said building, exclusive of cost of site, shall not exceed $400,000.

Mr. SARGENT. The city of Hartford gave the site; and the expression "exclusive of cost of site" is inadvertent, and for that reason I move to strike it out.

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

The next amendment of the Committee on Appropriations was in line 1567 to strike out "$50,000" and insert "$98,868;" and in line 1569 to strike out "$200,000" and insert "$375,000;" in line 1571 to strike out "$200,000" and insert "$375,000;" in line 1573 to strike out "$344,207.82" and insert "$656,705.72;" so as to make the clause read:

Post-office and court-house at New York, New York: For completing building, $794,207.82; for paving, grading, fencing, and sewerage, $198,868; for heating and ventilation, hoisting apparatus, and machinery, $236,000; for furniture, including fittings, fixtures, counters, and carpets, $375,000; making in all the sum of $1,656,705.72.

The amendment was agreed to.

The next amendment was in the proviso to the same clause, in line 1579, to strike out the words "of the amount herein" and insert "which amount is hereby."

The amendment was agreed to.

The next amendment was in line 1585, in the appropriation for the custom-house at Portland, Oregon, to increase the appropriation "for grading, fences, and approaches" from $20,000 to $29,800.

The amendment was agreed to.

The next amendment was to add to the clause for the court-house and post-office at Philadelphia, for the continuation of the construction of the building, the words:

And the entire cost of said building, exclusive of cost of site, shall not exceed $3,500,000.

Mr. SARGENT. This concludes the amendment which I made a few moments ago, reversing Philadelphia to correct a mistake; "$3,500,000" should be stricken out and "$400,000,000" inserted.

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

The next amendment was after line 1607 to insert:

For machinery and fitting up of the new mint building at San Francisco, $18,000, to be available immediately; and for fitting up a refinery in said mint, $34,500.

The amendment was agreed to.

The next amendment was after line 1611 to insert:

For this amount, or so much thereof as may be necessary, for repairing and fitting up the old branch-mint building at San Francisco for sub-treasury and other Government offices, $30,000.

The amendment was agreed to.

Mr. MORRILL, of Maine. I move to insert after the word "dollars" in line 1639 the words:

That the limitation of the cost of the court-house and post-office building at Raleigh, North Carolina, contained in the act of March 3, 1873, is hereby increased to $350,000.

The amendment was agreed to.

The reading of the bill was continued.

The next amendment of the Committee on Appropriations was to insert after line 1639 the following:

That the sum of $100,000 for the erection of a public building for the use of the United States at Covington, Kentucky, appropriated by an act approved February 17, 1873, be, and the same is hereby, continued; and the sum of money authorized to be expended in the construction of said building is hereby fixed at $250,000; and all restrictions as to the materials in said act are hereby repealed; no sum of money in excess of $250,000 shall be expended in the construction of said building; and all acts or parts of acts inconsistent with the provisions hereof are hereby repealed.

The amendment was agreed to.

The next amendment was to insert after line 1652:

That the act entitled "An act for the erection of a public building for the use of the United States at Nashville, Tennessee," approved January 24, 1873, be, and the same is hereby, amended so that the sum of money authorized to be expended in the erection of said building is hereby fixed at $377,000; and all restrictions in said act are hereby repealed; and no sum of money in excess of the amount fixed by this act shall be expended in the construction of said building; and all acts and parts of acts inconsistent with the provisions hereof are hereby repealed.

The amendment was agreed to.

Mr. SARGENT. I am authorized to offer the following amendment in the clause making an appropriation for the continuation of the construction of the building for the State, War, and Navy Departments in line 1670:

And for preparation of granite and commencement of the north wing of said building, $250,000.

The amendment was agreed to.

The next amendment was in the clause appropriating $150,000 for furniture, repairs, and carpets for public buildings under the control of the Treasury Department, in line 1676 to add the words:

Of this amount $20,000 shall be available immediately.

The amendment was agreed to.

The next amendment was after line 1697 to insert the following clause:

Mint of the United States at Carson: For wages of workmen and adjusters, $20,000; for incidental and contingent expenses, $25,000. And so much of the amounts hereby appropriated for the mint at Carson as may be necessary is made available for the expenditure during the current fiscal year.

The amendment was agreed to.

Mr. SARGENT. After line 1704 I move to insert:

For incidental expenses of the New York assay office, $25,000.

The amendment was agreed to.

The reading of the bill was continued.

The next amendment of the Committee on Appropriations was to insert after the amendment just adopted the following:

Loss in the redemption of old copper cents, being the difference between the nominal value of the old copper cents and the value of the same as metal, $7,500.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was to strike out the second section of the bill, in the following words:

That section 9 of the act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1872," approved March 3, 1871, authorizing the President to employ suitable persons to conduct certain inquiries, and to prescribe their duties in respect to appointments in the civil service, be, and the same is hereby, repealed; and the unexpended balance of any appropriation heretofore made for carrying the same into effect shall be covered into the Treasury; that in all the Bureaus and in all Departments at Washington, whenever there shall be a number of applicants for employment therein, a soldier or sailor who fought in the line of duty in war, a soldier's or sailor's widow, wife, daughter, and mother, respectively, being such

applicant, shall have preference in the employments suited to each, respectively; and the same rule shall be observed whenever discharges shall take place in the several Departments and Bureaus by reason of diminution of force therein, respectively: *Provided*, That two persons of the relationship above stated, either by blood or marriage, shall not have employment in any of said Departments or Bureaus at the same time; and it shall be the duty of the officer at the head of each of the Executive Departments at Washington to prescribe and publish rules for ascertaining the qualifications of applicants for appointments at his disposal, or made under his authority, to make such appointments only from candidates who have the qualifications of honesty, efficiency, and fidelity, and not as rewards for mere party zeal, giving preference only to those who have the additional qualification of an honorable record in the military or naval service of the United States, or the widow, wife, daughter, sister, or mother of such soldier, sailor, or marine. And it shall be his further duty to make such appointments as equitably as possible from qualified candidates presenting themselves from the several congressional districts, and with reference to their population; and upon the removal of any appointee, the reason for such removal shall be stated on the records of the Department where the service was rendered.

And in lieu thereof to insert the following:

To enable the President to carry into effect the act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1872," approved March 3, 1872, authorizing him to employ suitable persons to conduct certain inquiries, and to prescribe their duties in respect to appointments in the civil service, $15,000.

Mr. ROBERTSON. I want to know how far that goes. Does that restore the civil-service commission?

The PRESIDENT *pro tempore*. The question is on striking out the second section and inserting the words printed in italics at the end of the section.

Mr. ROBERTSON. Will it restore the civil-service commission?

Mr. SARGENT. I think it will have an effect in that way.

Mr. ROBERTSON. What is the question?

The PRESIDENT *pro tempore*. On agreeing to the amendment of the Committee on Appropriations.

Mr. ROBERTSON. I hope that will not be done. I should like to hear the gentleman having the bill in charge give the reasons for this amendment.

The PRESIDENT *pro tempore*. The question is on the amendment.

Mr. ROBERTSON. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. MORRILL, of Maine. I will say a word, as the Senate are evidently not giving their attention to the subject. The second section of the bill as it comes from the House of Representatives repeals the civil-service act. The amendment of the Senate committee strikes out that section and makes an appropriation of $15,000 to carry out the act. That is the whole story.

The question being taken by yeas and nays resulted—yeas 32, nays 16; as follows:

YEAS—Messrs. Anthony, Bayard, Boutwell, Buckingham, Cooper, Davis, Dennis, Edmunds, Fenton, Frelinghuysen, Goldthwaite, Gordon, Hager, Hamilton of Maryland, Hamlin, Howe, Kelly, McCreery, Merrimon, Morrill of Maine, Morrill of Vermont, Norwood, Oglesby, Ransom, Sargent, Schurz, Scott, Stevenson, Wadleigh, Washburn, Windom, and Wright—32.

NAYS—Messrs. Carpenter, Chandler, Clayton, Conover, Flanagan, Hamilton of Texas, Harvey, Hitchcock, Ingalls, Mitchell, Patterson, Pease, Pratt, Robertson, Spencer, and Tipton—16.

ABSENT—Messrs. Alcorn, Allison, Bogy, Boreman, Brownlow, Cameron, Conkling, Cragin, Dorsey, Ferry of Connecticut, Ferry of Michigan, Gilbert, Johnston, Jones, Lewis, Logan, Morton, Ramsey, Saulsbury, Sherman, Sprague, Stewart, Stockton, Thurman, and West—25.

So the amendment was agreed to.

The reading of the bill was resumed and concluded. The next amendment of the Committee on Appropriations was to the following section:

SEC. 6. To enable the Secretary of War to carry out the provisions of the act approved April 23, 1874, entitled "An act to provide for the relief of the persons suffering from the overflow of the Lower Mississippi River," and also of the joint resolution authorizing the President to issue Army rations and clothing to the destitute people on the Tombigbee, Warrior, and Alabama Rivers, approved May 28, 1874, the sum of $500,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of purchasing supplies of food to be issued under his direction to any and all classes of destitute or helpless persons living on or near the Lower Mississippi, Tombigbee, Warrior, and Alabama Rivers, who have been rendered so by reason of the recent overflow; and that the Secretary of War make detailed reports to the Congress of the expenditure under this act, and of the act and joint resolution aforesaid: *Provided*, That the authority hereby conferred upon the Secretary of War shall expire on the 1st day of September, 1874; and none of the moneys hereby or formerly appropriated shall be expended except in cases where the Secretary of War shall be satisfied that there is an actual and pressing case of destitution, and that such destitution is directly caused by said overflow: *Provided further*, That any balances remaining unexpended from the appropriation provided for in the act of the 23d of April, 1874, aforesaid, may be used for the purposes expressed in either said act or said joint resolution: *And provided further*, That the Secretary of War may use any of the money hereby or formerly appropriated for the relief of the destitute people upon the Tennessee River when satisfied that their necessities arise from the recent overflow of said river.

The amendment was agreed to.

Mr. STEVENSON. My attention was not called when section 3, on page 72, was read. I want to make an immaterial amendment, to strike out in line 2 the words "inquire into," and insert "request the Choctaw national council to present to him." It makes no difference in the sense but saves the Secretary of the Treasury a great deal of trouble, and it will let these claims come before him as claimed by the national council.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Kentucky.

Mr. MORRILL, of Maine. This does not make any change.

Mr. STEVENSON. It saves the Secretary of the Treasury a large amount of trouble. The Secretary of the Treasury cannot make the inquiry without employing a clerical force, and the Choctaw national council can present their own claims to him.

Mr. EDMUNDS. I do not think that section had better be disturbed. It had better be left as it is.

Mr. STEVENSON. I ask to disturb it because it puts the Secretary of the Treasury to a great deal of unnecessary labor which may end in nothing.

Mr. EDMUNDS. I perfectly understood that the Senator from Kentucky asked to disturb it, and I only expressed my humble opinion that it was not wise to disturb it. It may be that the Senator is right. Here is a disputed claim which has been trundling around through claim agents and lobbyists and other people, which may be right or may not; I express no opinion now on that point; the House of Representatives have sent us a section which directs our own officer upon his own authority and our own, and nobody else's, keeping out all attorneys and all Indians and everybody, to make a certain investigation into it.

Now, I do submit to Senators who are desirous of doing justice to these claimants and who are desirous of doing justice to the Treasury and to the people, that we, not being partisans, not being defendants, but being the grand court of the nation, judging or investigating a claim which is laid before us, the true way to make that investigation is to permit the proper officer, the Secretary of the Treasury, for us, having regard to the rights of all parties, as this section leaves it, and without any limitation or constraint by anybody's presentations or influences or arguments, to inquire into the state of this thing and report to us. That is what the bill as it comes to us provides. That, as it seems to me, and that alone, is the true ground upon which we ought to stand. I think we sometimes forget, when we ought to remember, that we are not defendants or partisans, but we are the tribunal of the people for the purpose of adjusting the rights of the people as against the Treasury and protecting the rights of the people in the Treasury against unjust claims; and therefore, acting impartially in that attitude, it is our mission to make an impartial and uninfluenced inquiry into these circumstances in order that we may know what to do. Therefore I desire that there shall be excluded entirely any report, any claim, anything except the authority of the nation confided to the Secretary of the Treasury independently to make this inquiry in respect to the circumstances, that we may know them. So it is that I think the amendment of my friend from Kentucky ought not to be agreed to.

Mr. STEVENSON. No man will go further than I will with the Senator from Vermont in restricting the expenditures of this Government. During my service with him upon the Committee on Appropriations we were always together on that subject; and if I thought that this amendment in any way committed the Government to this claim, I should at once acquiesce in his views. Now, this section does not commit the Government in any way to the payment of any money, directly or indirectly. Section 3 directs the Secretary of the Treasury to inquire into the amount of liabilities due from the Choctaw tribe of Indians to individuals. I move to amend that by asking the Secretary of the Treasury to request the Choctaw council to present to him the amount of liabilities that they claim to be due them. The only point is whether the Secretary of the Treasury shall undertake to go into a thorough investigation of this claim before he receives from them what they claim, or whether they shall present to him the amount that they claim and then he inquire into it. He is not then to be bound by what they claim, but he is still to inquire into the case with this presentation of their claim before him, and then he is "to report the same to the next session of Congress, with a view of ascertaining what amounts, if any, should be deducted from the sum due from the United States to said Choctaw tribe, for the purpose of enabling the said tribe to pay its liabilities, and thereby enable Congress to provide a fund to be held for educational and other purposes for said tribe."

It seems to me that my amendment is in the interest of economy. The Secretary of the Treasury cannot send special agents to investigate these claims without having a special fund for that purpose. The Secretary of the Treasury intends to remodel the whole Treasury Department, and on the 1st of July to dispense with hundreds of employés now in that service. I ask in this amendment merely that the Choctaw national council shall lay before the Secretary of the Treasury what they claim, not to guide the Secretary of the Treasury, but to let the Secretary have their claim, and then he is to investigate whether that claim is right or wrong in whole or in part, and report to Congress in what particulars their claim is erroneous. But now as the section reads the Secretary is required, without knowing what they claim, himself to institute this inquiry and to report. The result would be that he would not have half the information that it seems to me he would have if the Choctaw council were to present this claim to him. It is a mere verbal change.

Mr. BOUTWELL. It seems to me that the section as it comes from the House of Representatives is in the true form. The Secretary of the Treasury is directed to inquire into the amount of liabilities due from the Choctaw tribe of Indians to individuals. The proposition of the Senator from Kentucky is to request the Choctaw tribe of Indians to state it, a very different proposition. If the Secretary of the Treasury makes the inquiry, it will be in the nature of an examination of the claims of individuals against the Choctaw Nation, which

in a certain sense by the twelfth and thirteenth articles of the treaty of 1855, the Government agreed to provide for the payment of. A statement from them may be true or it may be false. The difference to the Government and the difference to the Choctaw Nation is that if it shall be found upon the whole that there is anything due to the Choctaw tribe of Indians, and the amount so found exceeds the liability due from the tribe to individual claimants against the tribe, the balance is to be set aside for educational and other purposes. Therefore it is a matter of consequence to the parties and of consequence to the Government to know with some degree of precision the amount of these liabilities which cannot be ascertained with any certainty from a mere statement by the council or leading persons in the tribe. I hope, for one, that the provision will remain as it came from the House.

Mr. MORRILL, of Maine. This is an old question, somewhat familiar to some of us. It is a very delicate and difficult question between the two branches. The House of Representatives have made a distinct proposition, the design of which is to furnish Congress with accurate information upon this subject. If we amend it, it leads to complications. I hope the Senate will concur with the action of the House and settle the matter.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Kentucky.

The amendment was rejected—ayes 8, noes not counted.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 1572) to amend the several acts providing a national currency and to establish free banking, and for other purposes.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. No. 2655) to provide for the establishment of life-saving stations and houses of refuge upon the sea and lake coasts of the United States, and to promote the efficiency of the life-saving service;

A bill (S. No. 375) for the benefit of the Kentucky Agricultural and Mechanical Association;

A bill (S. No. 688) referring the claim of the owners of the schooner Ada A. Andrews to the Court of Claims;

A joint resolution (H. R. No. 112) directing the Public Printer to keep an account of all expenditures for printing, mailing, and binding the CONGRESSIONAL RECORD, &c.;

A bill (H. R. No. 1572) fixing the amount of United States notes, providing for a redistribution of the national-bank currency, and for other purposes; and

A bill (H. R. No. 2089) for the relief of Mrs. Louisa P. Molloy.

SUSAN B. ANTHONY.

Mr. EDMUNDS. I ask permission of the Senator in charge of this bill to make a report, which has been delayed, from the Judiciary Committee, not for action, but to go on the Calendar.

I am instructed by the Committee on the Judiciary, to whom was referred the petition of Susan B. Anthony, praying for remission of a fine; and to whom also was referred the bill (S. No. 391) to enable Susan B. Anthony to pay a fine imposed upon her by the circuit court for the northern district of New York, to report, asking to be discharged from the further consideration of the petition and recommending that the bill be indefinitely postponed, for the reason that the committee are not satisfied that the ruling of the judge presiding at the trial of the petitioner in the circuit court of the United States for the northern district of New York was precisely as represented by the petitioner; and secondly, that whether so or not, the committee do not find it to be within their province to inquire into and review the judgments of the courts of the United States in matters that are properly before them; and the petitioner, if she believes her conviction to have been erroneous, can apply to the executive department, which alone has the power to grant pardons for any relief to which she may be entitled.

Mr. CARPENTER. I ask leave to present the views of the minority of the Judiciary Committee upon this same memorial and bill, and request that they be printed.

The PRESIDING OFFICER, (Mr. FERRY, of Michigan, in the chair.) That order will be made if there be no objection.

REPORTS OF COMMITTEES.

Mr. WADLEIGH, from the Committee on Military Affairs, to whom was referred the memorial of A. G. Batchelder and Mrs. Alsie F. Thompson, of Lowell, Massachusetts, praying an extension of a patent on an improvement in railroad car-brakes, submitted an adverse report thereon, which was ordered to be printed, and the committee were discharged from the further consideration of the memorial.

He also, from the same committee, to whom was referred the bill (S. No. 525) to authorize the Commissioner of Patents to receive and entertain an application of William Beale Hale, for letters-patent, reported adversely thereon; and the bill was indefinitely postponed.

AMENDMENTS TO APPROPRIATION BILL.

Mr. ALCORN and Mr. CHANDLER submitted amendments intended to be proposed to the bill (H. R. No. 3600) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1875; which were referred to the Committee on Appropriations.

COMMITTEE ON CONTINGENT EXPENSES.

Mr. CARPENTER submitted the following resolution; which was considered by unanimous consent and agreed to:

Resolved, That the Committee to Audit and Control the Contingent Expenses of the Senate have leave to sit during the recess of the Senate.

INDIAN TERRITORY.

Mr. CLAYTON. I should like to take up the following resolution reported yesterday by the Senator from South Carolina, [Mr. PATTERSON:]

Resolved, That the Select Committee on the Levees of the Mississippi River be authorized to sit during the recess, and to investigate and report upon the condition of the levees of the Mississippi River; also upon the propriety of the Government of the United States assuming charge and control of the same, with a view to their completion and maintenance, and that the expenses attending this investigation shall be paid out of the contingent fund of the Senate, upon vouchers approved by the select committee aforesaid.

Mr. EDMUNDS. I make the point of order that that is legislation against the special rule we adopted on this subject.

The PRESIDING OFFICER. Does the Senator offer it as an amendment to the appropriation bill?

Mr. CLAYTON. O, no. I ask for the consideration of the resolution.

Mr. EDMUNDS. I beg pardon.

Mr. CLAYTON. I ask the consent of the Senator from Kentucky to call this up now.

The PRESIDENT *pro tempore*. It is a resolution offered some days ago, and the Senator calls it up now with the consent of the Senator from Kentucky, who had the floor on the appropriation bill.

Mr. EDMUNDS. Let it be read again. I do not understand what the thing is.

The resolution was again read.

Mr. BUCKINGHAM. Let that go over for the present.

The PRESIDENT *pro tempore*. The resolution will lie over.

SUNDRY CIVIL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 3600) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1875, and for other purposes.

Mr. STEVENSON. I offer an amendment from the Committee on Appropriations, after line 711, on page 30, to insert:

That the salary of the special policeman in the office of the Secretary of the Senate shall hereafter be $1,296, and a sum sufficient to pay the increase hereby made be, and the same is hereby, appropriated.

The amendment was agreed to.

Mr. STEVENSON. I am directed by the Committee on Appropriations to offer another amendment:

That the Secretary of the Treasury be, and is hereby, authorized and directed to pay the late firm of Dempsey & O'Toole, as indemnity for loss sustained by them by annulment of a contract with the Post-Office Department for furnishing stamped envelopes and newspaper wrappers, the sum of $29,433.80: *Provided*, That previous to the payment of the sum before mentioned, the said Dempsey & O'Toole shall deliver up, to the satisfaction of the Postmaster-General, all dies and dandy-rolls by them used and provided for the manufacture of the envelopes aforesaid: *And provided further*, That the sum aforesaid shall be received in full satisfaction for all claims and demands of the said Dempsey & O'Toole for or by reason of the annulment of said contract.

Mr. EDMUNDS. I wish to ask the chairman of the committee in charge of this bill if that amendment is in order?

Mr. MORRILL, of Maine. It was considered in committee while I was in the Chamber.

Mr. EDMUNDS. That is not the question. I ask the chairman, not whether it is meritorious; we have had it up here year after year; we all understand what it means; but I ask my friend from Maine whether it is in order to move that amendment on this bill in his judgment?

Mr. MORRILL, of Maine. This is the first time my attention has been called to it, and I do not know whether it is or not.

Mr. EDMUNDS. I make the point of order that is a private claim which has been ruled out forty times.

The PRESIDENT *pro tempore*. The Chair is of opinion that the point of order is well taken.

Mr. ROBERTSON. I offer the following amendment. On page 10, line 218, after "postage-stamps," I move to insert the following:

For each Senator and member of Congress, $300; and.

Mr. MORRILL, of Maine. Does that come from any committee? If not, I raise the point of order.

Mr. ROBERTSON. I offered the amendment several days ago, and had it printed and referred to the Committee on Appropriations.

Mr. MORRILL, of Maine. The rule requires, if I recollect it, that an amendment to an appropriation bill to be in order must be proposed by the authority of a committee.

The PRESIDENT *pro tempore*. The Chair sustains the point of order.

Mr. HOWE. I offer the following amendment to come in after line 332:

For commencing the construction of a new building for the Library of Congress, $200,000: *Provided*, That no expenditure for ground shall be incurred; and the Joint Committee on the Library of Congress, together with the Librarian of Congress, shall have supervision of the location and erection of said building; and said committee is hereby authorized to sit during the recess of Congress.

Mr. ROBERTSON. I raise the point of order on that.

The PRESIDENT *pro tempore*. The Senator will state the point of order.

Mr. ROBERTSON. Does it come from a committee?

Mr. HOWE. Yes, sir; I move it by direction of the Joint Committee on the Library.

Mr. MORRILL, of Vermont. I think the Senate ought to be informed in relation to the full effect of this amendment, if it should be adopted, and I hope that the Senator from Wisconsin has not set his heart upon it, for I know how difficult it will be to resist him if he has. The point in the case is that there is no spot yet designated for the location of the Library building. To be a suitable structure it ought to be half or two-thirds as large as the present Capitol building, and will cost five or six million dollars. I do not think at present that the sentiments of the House and the Senate are agreed upon any spot which would be appropriate for the location of this building. Of course this amendment appropriates but $200,000; but it does not fix the point where the Library shall be located, but it involves the whole amount necessary. I do think it is too important a question to be submitted to anybody but the entire Congress. I have, with the Senator from Wisconsin, labored and studied much on this subject, and I find a wide diversity of opinion as to where this building should be placed. It seems to me, therefore, that it is better for us to defer it until the next session and have it then fully determined and decided upon. I am much in favor of building a library, and building one that is appropriate, to last for centuries, and when it is built I want a proper building and to have it placed in the proper place.

Mr. STEVENSON. I should like to ask the Senator from Vermont whether he has ever had a plan and estimate of a proper library building, which will hold several million volumes?

Mr. MORRILL, of Vermont. There have been various plans submitted and competed for, and the commission that was authorized decided in favor of making an award to three plans according to their several merits, first, second, and third, and they vary in cost from three to seven millions I think. I suppose we cannot build a structure such as we ought to have for less than five or six millions at the very least.

Mr. STEVENSON. If a library building is to cost from five to six millions, or probably ten millions, I do not think the Senate ought to take any step till we determine where it is to be located, the plan of the building, and its cost. We had a lecture read to us last night in the discussion of the pension bill upon the want of money in our Treasury. That was urged against the widows of those poor old soldiers, who if they did no other act certainly helped to save New Orleans from as great an army as England ever sent to this country. That bill was opposed even by the Senator from Louisiana, [Mr. WEST,] upon the ground that the Treasury was in too poor a condition even to let the country express its gratitude to the survivors and the widows of the deceased heroes of that war. I have not a word to say on that subject. I think the Treasury does want vigilant guarding; and therefore it is in the view of economy that I rise to say, without antagonizing with anybody, that I think the suggestions of the Senator from Vermont are entirely correct; that before beginning to lay the foundation of a library building, which I think the Government ought to have, two considerations ought to guide us: first, its location; and, secondly its cost.

If we undertake to put the library on Judiciary Square, which seems to be the favorite project, then the Congressional Library will ultimately sink into a library for the city of Washington; and if we want books we shall have to send several squares to get them. I do not intend to express my opinion about it. I am perfectly willing to let the Committee on the Library take this matter in charge before we spend any money, and let them report to us the plan and the location and the cost. That it seems to me would be the most sensible plan, and to that extent I shall go, and no further, now.

Mr. EDMUNDS. The question is first whether the present necessities of our accumulation of books, pamphlets, &c., require us to take measures for larger accommodations. There is no question, I believe, on that subject. Any gentleman who will go into the library-rooms of the Capitol now will see that they have become really store-rooms where you can get at nothing or do nothing in the broad sense because the place is entirely inadequate to the very valuable and increasing collections of our gathering that are laid in there. There are more than forty thousand volumes, as I am advised by a friend who always makes the proper suggestions to me at the right time, now unable to be shelved or put in condition where gentlemen of Congress and of the country can have accesss to them. Therefore it is plain that we ought to do something and we ought to do it now.

The question is how are we to do it? We must trust somebody. Are you to undertake in this body and in the House of Representatives to determine by discussion and by a vote where you will locate these accumulations or these books—for I think they ought all to be kept together except the duplicates, which may be stored away somewhere. The Library as a library ought to be kept where the hand of every gentleman in Congress can be laid upon it in the shortest possible time, and where the very competent gentleman now in charge or any successor he may have (and I hope that time may be far off) can give us the proper reference and to furnish the proper volume at a moment's notice, because in legislation that is what we must have. I say, then, if consistently with architectural propriety we can have this library provided in the immediate vicinity of the great dome that overshadows this Capitol, we ought to do it If it shall be found impossible and inconsistent with the architectural beauty and decency of this grand building to do that thing, then we must take the nearest and best place that we can, because it is impossible to go on in the present condition of affairs and have the Library of any use to anybody. It is crowding itself to death; it is being strangulated by itself. That is what the truth is.

As I said upon this question of the how and the why we must trust somebody. If the Senate is willing to trust the Joint Committee on the Library in respect to providing these accommodations, then, speaking for myself as one member of that committee, I say that I should strain a point in order that this collection of books should be kept where they are as they ought to be, the companions, the instructors, at our very elbow all the time, of the Senators and Representatives and other officers of the Government who are sent here to take care of the people's interests who require those books for information and for reference; and speaking my individual opinion, I have no hesitancy in saying, from some study of the subject, that there will be found not the difficulty that is supposed by some gentlemen in locating a place for the library, where it will be not only a grand addition to the beauty of this edifice, but also as accessible as it is now.

Mr. HOWE. Mr. President, I want to add one word to what the honorable Senator from Vermont has just said in reference to the necessity of having additional accommodations for your library somewhere and soon. As he has remarked, there are some forty thousand volumes which your industrious Librarian cannot shelve, and through your annual appropriations, small as they are, and through the operations of your copyright laws, you are adding to that number from thirty to forty thousand volumes annually.

Now, Mr. President, a book is not of much value unless it is accessible; and when a book is buried under tons of books it is not so accessible as it is when it is placed on shelves forty rods off. It is therefore indispensable, if you mean to have the use of your library, that you should have additional accommodations for it. It is one of the necessities, not a luxury, not a convenience merely, not a condition; it is a necessity of the country, as it seems to me.

As has been remarked, if these two Houses refuse to enter upon the work of providing these additional accommodations until they shall have agreed where to place the building, what plan to build upon, and what shall be the limit of the expenditures, before they have come to an agreement upon each of these points, your library will be almost useless from the very accumulation of buried volumes. That did not seem to be at all practicable. So the Library Committee instructed me to move this amendment. If the Senator from Vermont who sits farthest from me [Mr. MORRILL] thinks it is so certain that the library building should be placed at some point and nowhere else, it is very easy to take the sense of the Senate upon that question. Let him make his proposition. If any other Senator here has a distinct proposition, a distinct point to name, we can get the sense of the Senate right here upon that proposition. The Library Committee had no such point to propose; I had not. I should be very glad to get the advice of the Senate in reference to all these matters.

Let me say to the honorable Senator from Kentucky, however, that if you knew just where the building was to be, and what the plan of it was, it would be utterly impossible to set limits to its cost. That cannot be done. No architect can do it; no builder can do it. But I was a little surprised that my honorable friend from Vermont, [Mr. MORRILL,] having paid as much attention to this subject as he has, should venture to say that the cost of the building would be $6,000,000, and still more surprised when the honorable Senator from Kentucky said he thought it would cost ten millions. Why, Mr. President, this magnificent pile in which we are to-day has only cost $13,000,000. We have had submitted to us during the past summer some twenty-six or twenty-eight different plans for a library building. The estimated cost under those plans runs all the way from $800,000 to $3,400,000; the highest estimate, if I remember correctly, of the most expensive was $3,400,000.

Mr. MORRILL, of Vermont. I thought it was more.

Mr. HOWE. I think I am not mistaken; I may be; but it is about that. The building should cost a pretty large sum for it should be a credit to the library as well as a credit to the Government providing for the library. I know the honorable Senator frankly does not contemplate anything short of one of the completest collections of books to be found on the face of the globe, and I know he is among those who are ready to furnish ample accommodations. The labor of constructing the building must be a work of years; and it seemed to the committee—I hope it will be the judgment of the Senate—that we cannot commence that work too soon.

I agree with my honorable friend, my colleague on the Library Committee, if there is any other tribunal here that the Senate would

prefer to trust, I should be entirely willing and be glad to have that tribunal suggested, and be very glad to have it substituted. I do not think any member of the Library Committee cares to assume this responsibility; but it is a responsibility that Congress must take itself and execute itself, or it must intrust it to somebody. That is inevitable. I shall be glad to hear any suggestion, any proposition, to get any light.

Mr. MORRILL, of Maine. Will my honorable friend allow me to make one suggestion and see if we cannot compromise so as to facilitate the objects with which I am in sympathy. I agree entirely with what has been said about the necessity of a library building, and at once. I do not think there is any question about that by anybody who has looked into the subject for a moment; and I believe that the structure of the building should be under the supervision of the Committee on the Library, acting conjointly with the Librarian.

On the other proposition of location I think it probably belongs to the Committee on Public Buildings and Grounds, who have by instruction of the Senate jurisdiction, so to speak, of public buildings and grounds. They ought best to understand what can be granted for this purpose with due deference to such other buildings as may in the future be needed in the District. Now, I submit this twofold proposition then, as embodying those two ideas:

For commencing the construction of a new building for the Library of Congress, the supervision of which shall be under the Joint Committee on the Library, $200,000; and the Joint Committee on Public Buildings and Grounds are directed to designate a suitable location therefor, and report the same to Congress.

The PRESIDENT *pro tempore*. Does the Senator offer that as an amendment to the amendment?

Mr. MORRILL, of Maine. I do not offer it as an amendment, because I do not want to push myself forward on this question. I only suggest that as a proper solution of the question.

Mr. MORRILL, of Vermont. I am very sure the Committee on Public Buildings do not desire any part of the responsibility of this undertaking. The difficulty about this phraseology is that it provides "that no expenditure for ground shall be incurred." It follows as a matter of course that we have either got to have somebody give us the ground or we are to take the ground that we now possess. I do not think myself that we have any appropriate ground for this magnificent structure that we ought to have. The only ground that could be used would be an extension of the west or east front of the Capitol or the grounds in front of the Capitol, between here and the Smithsonian grounds, or the park on the east side, or some of the squares that are in the city. All of these squares are altogether too far off.

This Library has grown up under the most excellent management of the present Librarian to be one of the first libraries in the world. I desire that it shall be continued under the prestige of the old name, the Congressional Library, and that it shall be placed near the Capitol building, so as to be accessible to both members of the House and of the Senate. If the Joint Committee on the Library were to designate an extension of this Capitol building in the center, on either side, east or west, I should regard it as absolutely destructive to the symmetry and fair proportions of this the best public building, perhaps, that any government possesses. But there is no proposition that this committee may have an opportunity to get any other ground than they can get without expense.

I should regard it of quite as much importance that this building should have a suitable location as that it should be of suitable proportions and dimensions for the accommodation of the books that in the next half-century or century it will be required to hold. Although I am not wedded to any one particular spot, I think if it were located upon one of the squares on the east side of the Capitol, say, the square where Judge Field lives and the buildings that are occupied by him and others in that vicinity well known to all Senators, that would place the Library within one square of the Capitol; it would be easily accessible; we could send a page at any moment there; and when Senators or members of the House came here with their families, they could easily stop at one place or the other. The building will be an imposing one, and it ought not to be placed right in the shadow of the Capitol to distract attention from this building, and therefore it ought not to be in the park on the east front.

Mr. HOWE. Will my friend allow me to make a suggestion?

Mr. MORRILL, of Vermont. Certainly.

Mr. HOWE. I know very well he does not mean to oppose this, but I ask him why he does not submit his proposition to strike out the words forbidding any expenditure of money in the purchase of grounds so that we may take the sense of the Senate upon that one question? That would settle one point.

Mr. MORRILL, of Vermont. I know that the Senate might defeat separate propositions one by one, but I desire to call the attention of the Senate to the general proposition as proposed here, and this proposition is that no expenditure shall be incurred for ground. Therefore the committee clearly contemplate building on some ground that we now have.

Mr. HOWE. Yes, Mr. President, the committee thought that Congress would be more willing to embark in erecting a library on some ground already owned than to purchase more ground; but that was a mere opinion. I do not care one snap about that provision myself. I am quite willing, if it is thought better to purchase a piece of ground, to see it done, and I should be very glad to have the Senator move that amendment and see what the sense of the Senate is. I will not oppose it.

Mr. MORRILL, of Vermont. These squares upon the east of the Capitol are so largely cut up by streets and avenues that if the Government were to buy them they would have to pay for but little more than one-half the ground in the whole. I think that in the process of time we shall need the whole of those squares; that it will be necessary to build in a few years a building for a national museum of natural history.

But, Mr. President, I only desire to present the whole case to the Senate. It is a grave and important question. I desire to see this library successfully kept up and the present Librarian retained as long as he shall be able to discharge the duties. It seems to me, however, that if we shall go off upon any distant square and separate the great bulk of the library from Congress we shall do a very vicious act.

Mr. STEVENSON. I desire to say but a word on this subject. I am perfectly willing to trust the Joint Committee on the Library with almost anything within the scope of their power; but I still adhere to my original opinion that Congress ought to be chary in making any appropriations for a library until they know exactly where that library is to be. I said that it was proposed to erect a library building at a cost of $6,000,000. The honorable Senator from Wisconsin was surprised at my estimate. It was not my estimate. It was the statement of the chairman of the Committee on Public Buildings before the Committee on Appropriations that it would require six millions.

Mr. MORRILL, of Vermont. If the Senator from Kentucky will permit me, it is possible that I was mistaken in that. I spoke from recollection, and I know that my own convictions were, when I was studying the subject and looking over the different plans, that by the time it was completed we should not get off for less than about five or six millions.

Mr. STEVENSON. I frankly confess I should like to have the judgment of Congress as to whether the library is to quit this building. If it be possible, and I think it very possible, that such an extension of this Capitol can be made as will not interfere with its architectural beauty, and will accommodate the nation with a library worthy of it——

Mr. MORRILL, of Vermont. It will not accommodate it for more than twenty years.

Mr. STEVENSON. I believe this Capitol can be enlarged so as to give sufficient library room looking to our progress in the next twenty years, and I would make that a condition precedent. Why, sir, we are now erecting an enormous building for the accommodation of the War, Navy, and State Departments; and yet in this very appropriation bill we have been buying lots after lots for the War Department. There is scarcely an appropriation bill, notwithstanding the immense amounts of money which are yearly expended in public buildings here, that these Departments do not go outside of the public buildings and buy lots and buildings here, there, and everywhere.

I have only two objects in view in this matter. I desire to do what the learned Senators representing the Committee on Public Buildings and the Library Committee say they desire to provide for the present exigency which is upon us, of taking care of the books in the library. It was contemplated that the library should be fire-proof and it was fire-proof; and yet the necessity of providing room for the books has compelled the Librarian, I believe, to bring two hundred cases of wood into that library, subject to the danger of fire, which it was the object of Congress to prevent. Therefore I agree with them as to the necessity of taking some action in this regard; but I desire to obtain an expression of the opinion of the Senate so that the Committee on the Library can understand what the sentiment of the Senate upon the question, whether if we can accomodate the library and still retain it in this Capitol, it is not their wish that it should be done.

I have had no experience on this subject; I am one of the humblest Senators on this floor; but I have given some thought to this subject; and while I am willing to provide for a large library, it is not by any means, as the Senator from Vermont seemed to think, equal to some of the libraries in the world. But, sir, it will be a library worthy of America, and I want to retain it in the Capitol if possible. If that cannot be done, I wish to see it located as near the Capitol building as possible. I think the Committee on the Library should, if possible, bring it within this building, rather than place it outside; but if they are compelled to go outside, then I want it so near as the distinguished Senator from Vermont said so well and so eloquently, that the purpose of the library shall not be lost to the nation in cutting us off from the consultation of the books in the library, which would be the case if it were removed any distance from the Capitol.

Mr. FRELINGHUYSEN. I agree very nearly with the opinion expressed by the Senator from Kentucky, and I should like to see this amendment changed so as to authorize the Committee on the Library to enlarge the existing library or construct a new one. I believe if this library could be made to last for twenty years here in the building it would be a great gain. My opinion is that you could very much improve this beautiful structure by extending the library, not too far in front, and by making the base for the immense dome, the beautiful dome of this Capitol, larger and better; for if there is any defect in the architecture of this building that is the defect. Then to meet further exigencies, to have a place where you could have your copyright books which you do not need for constant reference, I would

have not so expensive and ornate a building; but I would have a plain, fire-proof, graceful structure, near at hand, in which books that we do not want constantly to use could be placed, and thus relieve the accumulation of volumes in the library itself here at the Capitol.

Mr. CARPENTER, (Mr. ANTHONY in the chair.) I hope the amendment offered by my colleague will prevail. I have no objection to the change suggested by the Senator from Vermont to take away the restriction as to purchasing new ground, and I am not entirely certain that some provision should not be made about the Capitol as suggested by the Senator from New Jersey, to change the central portion of it, and perhaps make provision for the library there; but it is evident that something must be done, and done at once, for the library is being absolutely snowed under with books and will very soon come to a condition where from its own wealth it will be entirely useless.

That library should be in fact what it is in name—it should be the Congressional Library. It should be accessible to members of Congress; it should be where we could reach it in a very few moments for any volume we want, and that not only requires space enough to put the books up so that their location can be known, but it requires that the building or place, whichever it is, shall be located near the Capitol, and we must begin to act on this subject. I am entirely willing to trust the subject to the Committee on the Library; indeed it seems to me it properly belongs there, that the responsibility belongs to them, and they can safely be trusted to exercise it. I shall vote for the amendment as it has been proposed.

Mr. MORRILL, of Vermont. A single word in reference to the point suggested by the Senator from New Jersey. He suggests that there can be ample accommodations provided here for a few years by enlarging the Capitol on the east or west fronts. The eastern front evidently has got to be enlarged within a few years. It should be enlarged to carry out the symmetry of the building; but it will not do to carry out that central front more than a small space beyond the two wings. The front on the western side it would be well enough to have carried out a little farther; but there is no particular necessity for it, and if it should be, it could not be carried out properly more than forty or fifty feet, and therefore it would furnish the most meager amount of addition to the present library.

Under the circumstances it seems to me eminently proper that the Joint Committee on the Library should be looking out for a new library building, for if we attempt any patch-work now, it will be but a few years before we shall be compelled to do this very work that we ought to do now or soon. The only thing that struck me about it was that it is a new subject, and that there was a wide diversity of opinion as to where this building should be located. My only desire is that it shall be placed where it will best accommodate Senators and members of the House. I do not desire to make this a national library, so called, to which we shall contribute something niggardly every year, but make it a part and parcel of Congress, something belonging to Congress; and it seems to me that it cannot be unless it is located near this Capitol. I do not regard the expenditure of a small sum or even a large sum for the purchase of the site of such a building as this, that is to stand for centuries, to be a fire-proof building and to contain what is the very apple of the eye of most Senators, good books; but I do desire that it shall be so placed that there shall hereafter be no regrets.

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) The question is on the amendment.

Mr. BUCKINGHAM. Let it be reported again.

The Chief Clerk read the amendment, which was to insert after line 332 the following:

For commencing the construction of a new building for the Library of Congress, $200,000: *Provided*, That no expenditure for ground shall be incurred; and the Joint Committee on the Library of Congress, together with the Librarian of Congress, shall have supervision of the location and erection of said building; and said committee is hereby authorized to sit during the recess of Congress.

Mr. MORRILL, of Vermont. I will venture, as the Senator from Wisconsin does not do it himself, to suggest an amendment. I really do not wish to interfere, but I will venture to move to strike out after the word "that," to the end of the line; so that the proviso will read:

Provided, That the Joint Committee on the Library, together with the Librarian of Congress, shall have supervision of the location and erection of said building.

Mr. HOWE. How much do you propose to strike out?

Mr. MORRILL, of Vermont. All that limits you about the location.

The PRESIDING OFFICER. The amendment to the amendment will be reported.

Mr. HAMLIN. I suggest to the Senator from Vermont that it would be more in harmony, and put the amendment in a better form to strike out the words "provided that no expenditure for ground shall be incurred." It will then read:

For commencing the construction of a new building for the Library of Congress, $200,000; and the Joint Committee on the Library of Congress, &c.

Mr. MORRILL, of Vermont. I accept the suggestion.

Mr. EDMUNDS. I do not know but that the words "new building" necessarily excludes the idea of enlarging the present library for the time being. I do not think it ought to be excluded. If we are to take this responsibility, we either ought to take it under instructions that the Senate itself perfectly agrees upon, so that we all understand what it means, or else we ought to have a free hand about it. If these words are intended to mean that under all circumstances we are compelled to locate a building somewhere else, and we cannot enlarge this at all, or have any discretion about that, then I for one, as a member of that committee, wish to understand it now. If, on the other hand, it is confided to the discretion of the committee, consulting with my honorable colleague, the chairman of the Committee on Public Buildings and Grounds, touching its effect upon the architecture of this building and so on, to see how we can enlarge it for the time being, for the twenty years spoken of by my friend from New Jersey, then I think the language ought to be a little different, because taking the term in its natural sense a "new building" might seem to imply that it was to be totally separate and distinct and removed from the existing structure. That is begging a question which ought to receive the most careful consideration. Therefore I would suggest to modify that so as to leave out the word "new."

Mr. HOWE. The criticism, I guess, is just; but let us dispose of the other amendment first.

Mr. EDMUNDS. I thought I was speaking to the pending amendment. If I was not I will withdraw my speech.

The PRESIDING OFFICER. The question is on the amendment to the amendment as modified.

The amendment to the amendment was agreed to.

Mr. MORRILL, of Vermont. In reference to the suggestion of my colleague, and also the suggestion of the Senator from New Jersey, I desire to say this: that whenever we have a façade on the west side or on the east side it will take a great deal more money than $200,000 to build it and reface it with marble, and I should be utterly opposed to making an appropriation so small as $200,000 for any such purpose. Whenever it is done it ought to be done in a single year, or two years at the outside.

Besides, I cannot consent without a protest to the idea that you can get any sufficient accommodations for this library by making any extension here. It would last only for a very brief time, and we would have all the work to do over again, and I am quite sure that the beauty and symmetry of this building would be destroyed by attaching any long extension on either side. If you put it upon the west side, you would have a Swiss cottage, one end of it two or three stories high and the wings only half a story high. It seems to me that we ought to preserve the perfection of this building as much as possible, and I trust there will be no one in favor of an extension upon the west side, for the very small amount of accommodations that could be obtained there would be utterly contemptible in a very short process of time.

Mr. WRIGHT. I understand the question is on the amendment as it has been amended?

The PRESIDING OFFICER. That is the pending question.

Mr. WRIGHT. I feel pretty well satisfied myself that the Senate is hardly prepared to enter upon this scheme, and so far as an appropriation is concerned of $200,000, I am in favor of something of this kind, and have been, I may say, ever since I have had a seat in this body. Something near about two years since I offered a resolution instructing the Committee on the Library, or some committee, to inquire into the propriety of erecting such a building, and to give it the name of the Washington Library Building. Now, inasmuch as this proposition is made at this time, coming from the committee, and I do not know that any others are opposed to the enlargement of the room or a new building, it has occurred to me that the better way was to have some investigation on the subject and have a report, and upon that report let the Senate act. I therefore propose as a substitute for the amendment, if it be in order, what I will read, for I am very well satisfied the Secretary would not be able to read it if I were to send it up:

That the Joint Committee on the Library, together with the Librarian of Congress, inquire into the necessity of commencing the construction of a new building for the Congressional Library or of enlarging the present rooms or building, as also upon what terms new ground can be obtained and the probable cost of the new building or enlargement, and report at the next session of Congress.

Several SENATORS. That is right.

Mr. FRELINGHUYSEN. I will suggest to the Senator to insert after the word "building," where it is first used, the words "or both."

Mr. WRIGHT. I have no objection to any amendment.

Mr. EDMUNDS. Will my friend allow me to look at his amendment? [After examining it.] I wish my friend would reduce this to English, so that we could all read it. It is too much for me. [Laughter.]

Mr. HOWE. I wish my friend from Iowa would withdraw that amendment. It will evidently save the Secretary a good deal of trouble, if nobody else. I think it will save me some. Is it not manifest to my friend, is it not manifest to everybody, that the Library Committee will be able to tell you nothing next winter about the necessity of additional accommodations that we cannot tell you now? We can tell you enough to-day. Put us on the stand, and if you are ready to hear a case, we can make a case showing the absolute necessity for undertaking this work.

Now, then, the Senator would instruct us in addition to that to report the cost of grounds. What grounds? That opens to us an inquiry into the value of every square in Washington, for we cannot assume that this square or that is the one that Congress would agree upon. There are two opinions right here in this body you see to-day as to the question whether you should have a new building or an

addition to the present Capitol. We cannot help you to decide that. The Library Committee cannot say a word to make the solution of that question plainer than it is. You severally have your opinions about it. You will have them next winter after all we may say on the subject.

Therefore it seems to me that to agree to this amendment is simply one form of postponing action. You can postpone action by just negativing this amendment, but do not impose any such labor as that on the Library Committee, which would do nobody any good in the world and only vex us. I therefore hope my honorable friend will withdraw the amendment.

The Senator from Vermont sitting nearest to me [Mr. EDMUNDS] just now suggested an amendment which I think myself ought to be made. I say so with deference, considering that I am acting under instructions; but the criticism which he made I do not think occurred to the committee when the amendment was agreed to, and I think it would be an improvement if adopted. I should be very glad to have the sense of the Senate taken upon that; but I really hope the Senator from Iowa will not press his amendment.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Iowa.

Mr. WRIGHT. I will have it in form in a few moments so that it can be read.

CANNON FOR A MONUMENT AT LEXINGTON.

Mr. WADLEIGH. Mr. President, the people of the town of Lexington, in the State of Massachusetts, propose to erect a monument where the first blood of the Revolution was shed, and a bill has passed the House authorizing the Secretary of War to deliver to them ten brass cannon for that purpose. They desire that the bill may be passed at this session, so that they may complete the monument before the centennial anniversary of the battle of Lexington next year. The bill was referred to the Committee on Military Affairs, who have authorized me to report it back and to ask its immediate consideration.

The PRESIDING OFFICER. Is there objection?

Mr. EDMUNDS. What is the question.

The PRESIDING OFFICER. The Senator from New Hampshire asks consent to lay aside informally the pending bill and proceed to the consideration of the bill indicated by him.

Mr. WADLEIGH. It is a bill to authorize the Secretary of War to give ten condemned brass cannon to the town of Lexington to build a monument prior to the centennial celebration of the battle of Lexington.

Mr. EDMUNDS. The only objection I have is that cannon for such a noble purpose ought not to be condemned cannon; they ought to be first-rate; but I will waive that objection and let it go.

The PRESIDING OFFICER. The Chair hears no objection.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 3163) authorizing the Secretary of War to deliver certain condemned ordnance to the municipal authorities of Lexington, Massachusetts, for monumental purposes.

The bill authorizes the Secretary of War to deliver to the municipal authorities of Lexington, Massachusetts, ten pieces of condemned brass cannon, to be used for monumental purposes in commemoration of the battle of Lexington on the 19th day of April, 1775.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN L. T. JONES.

Mr. HAMILTON, of Maryland. There is a bill that I desire to have passed for the benefit of a Mr. Jones, whom all the Senators, I apprehend, know. It will not take three minutes to do it.

Mr. MORRILL, of Maine. That will not do. I ask my friend to look at the army on their feet already prepared to make similar requests. Let us go on with the appropriation bill. I will help the Senator by and by.

Mr. HAMILTON, of Maryland. It will not take three minutes. Let us dispose of Mr. Jones. The bill is No. 696 on the Order of Business.

The PRESIDING OFFICER. The Senator from Maryland asks unanimous consent to lay aside informally the sundry civil bill and take up the bill indicated by him.

Mr. HAMILTON, of Maryland. There will be no trouble about it at all.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 1620) for the relief of John L. T. Jones, of Montgomery County, Maryland, for rent and damage sustained by the destruction of a dwelling-house by accidental fire while the same was being occupied by United States troops for quarters.

The bill directs the Secretary of the Treasury to pay to John L. T. Jones the sum of $4,000, which shall be in full discharge of all claims of said Jones against the United States for rent of building and destruction of the same by accidental fire while being so occupied as quarters by the United States troops in Montgomery County, Maryland, under the command of General Hubert Ward, in November, 1862.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SUNDRY CIVIL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 3600) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1875, and for other purposes.

Mr. EDMUNDS. What is the precise question on that bill?

The PRESIDING OFFICER. The pending question is on the amendment offered by the Senator from Iowa [Mr. WRIGHT] to the amendment offered by the Senator from Wisconsin, [Mr. HOWE.]

Mr. EDMUNDS. I should like to have the amendment stated, so that we may understand exactly how it stands.

Mr. WRIGHT. I will read it as I have now prepared it, and then send it up to the desk.

Mr. STEVENSON. I understand the Senator from Iowa to offer his amendment as a substitute for the amendment of the Senator from Wisconsin.

Mr. WRIGHT. Yes, sir.

Mr. STEVENSON. I desire to offer an amendment to the amendment of the Senator from Wisconsin before the substitute is acted upon.

Mr. WRIGHT. Let me read it. The substitute is this:

That the Joint Committee on the Library, together with the Librarian of Congress, inquire into the necessity of commencing the construction of a new building for the Congressional Library, or of enlarging the present rooms or building, or both, as also upon what terms suitable ground can be obtained, and the probable cost of the new building, or enlargement or both, and report at the next session of Congress.

Mr. SHERMAN. I ask the indulgence of the Senate for a moment on this bill. There is an amendment made necessary by the passage of what is called the currency bill. An amendment has been handed to me which I desire to offer, and to which I think there can be no objection. It is apparent on its face. I am compelled to leave the Chamber to attend a committee of conference, and that is the reason I interpose now, although I am a little out of order.

The PRESIDING OFFICER. The Senator from Ohio asks unanimous consent to lay aside the pending amendment and proceed to the consideration of an amendment offered by him. The Chair hears no objection. The amendment will be reported.

The Chief Clerk read the amendment, as follows:

For the following clerks in the office of the Comptroller of the Currency: two clerks of class three; two clerks of class one; nine female clerks; for extra compensation to four heads of divisions, $2,400; total in all $16,100: *Provided*, That the amount appropriated shall be reimbursed to the Treasury by the national banks, as provided in section 3 of "an act fixing the amount of United States notes, providing for the redistribution of the national-bank currency, and for other purposes."

Mr. SHERMAN. I will say to the Senate that this money does not come out of the Treasury, but comes out of the national banks. It is to provide for the appointment of clerks made necessary in the assorting of national-bank notes. That is all there is of it.

The PRESIDENT *pro tempore*. The question is on the amendment offered by the Senator from Ohio.

The amendment was agreed to.

Mr. EDMUNDS. It is now ten minutes to six o'clock. I move that the Senate take a recess until half past seven o'clock.

Several SENATORS. Say eight o'clock.

Mr. EDMUNDS. Do you all say eight? ["Yes."] Very well, then, I will say eight o'clock.

Mr. MORRILL, of Maine. I want to be heard about that.

Mr. EDMUNDS. It is not debatable, but I do not object to the Senator stating his objection.

Mr. MORRILL, of Maine. Then I want to make a suggestion. We ought not to take a recess, in my judgment. If we do, I think we shall find it to be necessary to stay here another day. If we conclude this bill and send it to the House of Representatives by eight o'clock, in season to be acted upon there, and a conference ordered, on Monday morning we can bring this bill into the two Houses ready to finish it on the conference report. If we take a recess and come back here at half past seven or eight o'clock, the consideration of this bill will run into midnight, and the session will run into Tuesday necessarily. Therefore, I hope the Senate will stand by the bill and sit right straight on.

Mr. EDMUNDS. If the Senator in charge of this bill thinks the public interest requires that we should stay here now, I withdraw my motion.

Mr. MORRILL, of Maine. I would not say so if I did not sincerely feel that it was so.

The PRESIDING OFFICER. The Senator from Vermont withdraws his motion.

Mr. EDMUNDS. I take the judgment of the Senator from Maine. Now I hope we will go ahead

Mr. FERRY, of Michigan. I have one objection to that, and it lies at the door of the chairman of the Committee on Appropriations. If he will yield the appropriation to which I refer I have nothing to say. I understand that a bill is pending awaiting the signature of the President establishing life-saving stations. The Committee on Appropriations is unwilling to appropriate for that object until that bill is signed by the President. As I understand, the President will return here at about ten o'clock and the bill will probably be signed then. If we go right on with this bill it will be concluded before that time and this appropriation will be shut out. There seems to be no objection whatever to the bill and doubtless it will be signed,

and I trust the committee will allow the proper appropriation to be made. It is for the saving of life.

Mr. MORRILL, of Maine. The committee have entertained that proposition.

Mr. EDMUNDS. There is no question of that kind now before us. Let us have the pending amendment.

Mr. FERRY, of Michigan. I am addressing myself to the chairman of the Committee on Appropriations, and I wish to be heard.

Mr. MORRILL, of Maine. I will say, in answer to the Senator's inquiry, that the committee have entertained that proposition and will have it ready the moment they have any information that the bill to which he has referred has become a law and put it on this bill. That can be done at any time before the bill passes from the cognizance of either branch. If the President does not choose to sign the bill, of course we cannot put on an appropriation to carry it out.

Mr. FERRY, of Michigan. Will it be entertained as between the two Houses so as to be subject to the action of the committee of conference?

Mr. MORRILL, of Maine. If the information that that bill has become a law should reach the House before they act upon our amendments, they can put on the appropriation there.

Mr. FERRY, of Michigan. Unless either House acts upon it then, it will not be a subject of controversy to be considered by the conference committee?

Mr. MORRILL, of Maine. The House have as deep an interest in it as we have, and they are very vigilant on that subject. If the President signs that bill before this one leaves either House, we can put the appropriation on this bill, and it seems to me that is the only security we have.

Mr. FERRY, of Michigan. What is the real objection, I will ask the chairman, to allowing the appropriations to be made now? It is a mere question of time.

Mr. SARGENT. I think the amendment the Senator refers to is in the bill. If he will look at page 4 of the bill, I think he will find it there.

Mr. BUCKINGHAM. It is on page 4, line 70.

Mr. SCOTT. I wish to offer an amendment if there is none pending.

Mr. EDMUNDS. Let us have the amendment reported that is pending.

The PRESIDENT *pro tempore*. The Clerk will report the pending amendment and the amendment to that amendment.

The CHIEF CLERK. The amendment is as follows:

For commencing the construction of a new building for the Library of Congress, $200,000; and the Joint Committee on the Library of Congress, together with the Librarian of Congress, shall have supervision of the location and erection of said building; and said committee is hereby authorized to sit during the recess of Congress.

It is proposed to amend that amendment by substituting for it the following:

That the Joint Committee on the Library, together with the Librarian of Congress, inquire into the necessity of commencing the construction of a new building for the Congressional Library, or of enlarging the present rooms, or building, or both, as also upon what terms suitable ground can be obtained, and the probable cost of a new building, or enlargement, or both, and report at the next session of Congress.

The PRESIDING OFFICER. The Chair will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had concurred in the amendments of the Senate to the following bills:

A bill (H. R. No. 1774) for the relief of Matthias Whitehead;

A bill (H. R. No. 3257) authorizing the Secretary of War to sell unserviceable ordnance stores, and for other purposes;

A bill (H. R. No. 3282) providing for the collection of moneys due the United States from the Pacific Railroad Companies;

A bill (H. R. No. 3354) to legalize entries of public lands under the homestead laws in certain cases;

A bill (H. R. No. 3428) to amend an act entitled "An act to provide for the payment of horses and other property lost or destroyed in the military service of the United States," approved March 3, 1849;

A bill (H. R. No. 3431) authorizing the Secretary of War to relinquish and turn over to the Interior Department parts of certain reservations in the Territory of Arizona no longer required for military purposes.

A bill (H. R. No. 225) to amend the act entitled "An act to establish a western judicial district of North Carolina;"

A bill (H. R. No. 2539) relinquishing the rights of the United States in certain lands in the State of Michigan; and

A bill (H. R. No. 2988) to provide for the appointment of a commission of engineers to investigate and report a permanent plan for the reclamation of the alluvial basin of the Mississippi River subject to inundation.

The message also announced that the House insisted on its amendment to the bill (S. No. 733) regulating gas-works, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses, and had appointed Mr. W. L. SESSIONS of New York, Mr. CHARLES O'NEILL of Pennsylvania, and Mr. STEVENSON ARCHER of Maryland, managers at the same on its part.

The message further announced that the House had agreed to the amendment of the Senate to the amendment of the House to the bill (S. No. 784) authorizing the transfer of gold mint bars from the bullion fund of the assay office, New York, to the assistant treasurer at New York.

The message also announced that the House had disagreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 2343) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1875, and for other purposes, further insisted on its disagreement to the amendments of the Senate, asked a further conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. HENRY H. STARKWEATHER of Connecticut, Mr. JAMES B. BECK of Kentucky, and Mr. J. P. C. SHANKS of Indiana, managers at the same time on its part.

INDIAN APPROPRIATION BILL.

Mr. WINDOM. I move that the Senate insist on its amendments to the Indian appropriation bill and agree to the conference asked by the House.

Mr. EDMUNDS. I should like to know what the matter is about this Indian bill.

Mr. WINDOM. I will state it, if the Senator will permit me.

Mr. EDMUNDS. I wish to ask the Senator from Maine, at whose request we are sitting here to-night on the sundry civil bill, why we do not go on with that bill, in the first place?

Mr. MORRILL, of Maine. It seems to me it is desirable that we should have a conference appointed on the Indian bill.

Mr. EDMUNDS. Very well; that being so, I should like to have this matter explained.

Mr. WINDOM. The point of disagreement is with reference to the appropriation for the Apaches in Arizona and New Mexico.

Mr. EDMUNDS. How much did we appropriate?

Mr. WINDOM. The Senate appropriated $700,000. The appropriation last year was $750,000, and the year before $825.000, I think. The committee of conference reduced it to $550,000, the reduced estimate of the Department, and the House disagreed to it.

Mr. EDMUNDS. Then I wish to ask the Senate what attitude we shall be in if we do not agree to the further conference, but stand upon the position we have already taken?

Mr. WINDOM. I ask to have a further conference.

Mr. EDMUNDS. Yes, I see the Senator does; but I want to have the Senate vote and leave it to the House to determine, if it is reduced to that, whether they will accede to this $500,000 or take nothing. That is what I want to have understood. Inasmuch as we are appropriating money out of the Treasury, if the House of Representatives have got to the point that they are willing not to have any appropriation at all and refuse to vote any because we will not appropriate as much as they say, then I think it high time that the Senate should meet them upon that ground.

Mr. SARGENT. We appropriated a little more than they want.

Mr. EDMUNDS. But the committee of conference have agreed to reduce it to $550,000, and when their committee make that report, the House say they will not have it reduced to $550,000; so that I am correct in saying that the point of difference between the two Houses is now that they refuse to agree to this appropriation bill unless we add more money to the appropriation than the committee of the House and the committee of the Senate have agreed would do for this occasion. Now, if we can reach that point and vote, without any further conference on the subject, so as to adhere to our position, I wish to do it. Whether we can or not, the gentleman in charge of the bill can say.

Mr. SARGENT. I should like to inquire if the effect of a vote to adhere is not to kill the bill? Of course we do not want to kill the bill, because it would be an immense labor to get the bill up again. Perhaps the better way would be to insist and grant the conference for fear that a vote to adhere would kill the bill.

Mr. EDMUNDS. No, it will not kill the bill. I make this motion on the statement of the Senator from Minnesota. It has been suggested by my honorable friend from Maine, [Mr. HAMLIN,] who is extremely familiar with parliamentary law as he is with all other law, that we can reach this point by agreeing ourselves to the report of our committee of conference.

Mr. WINDOM. We have already agreed to it.

Mr. EDMUNDS. Very well; then we have agreed to the report of the committee of conference on our side. Now, the House of Representatives say they do not agree. I move that the Senate insist upon its agreement to the report of the committee of conference and decline the further conference proposed by the House, and then it will be for the House to say whether they will recede, or whether they will still adhere to their determination that they shall take $250,000 more out of the Treasury than we are willing to give or hazard the passage of the bill.

Mr. WINDOM. I do not understand the statement of the Senator from Vermont. The House insists upon a less appropriation.

Mr. EDMUNDS. No. The Senator has stated that the conference committee agreed upon $550,000 and the original bill stood at $750,000.

Mr. WINDOM. That was the amendment of the Senate.

Mr. EDMUNDS. Now the House declines to agree to that report.

Mr. SARGENT. But they themselves insist on some $400,000.

Mr. EDMUNDS. Then I retract all that I have said and am in favor of agreeing with the House.

Mr. SARGENT. If the Senator will allow me, it involves another question which was fully argued and determined by a vote of three-fourths of the Senate. We have rescued the Territory of Arizona from a state of lawlessness; we have made it a quiet, peaceable Territory under the peace policy which has been pursued by the President and enforced by the military arm. We have put the Indians on four reservations on which not a grasshopper is grown. We have told them, "Stay there; if you leave we will shoot you down like wolves." Now, the question is whether we will keep our faith with them. We said that if they staid there we would feed them. To feed them will cost the amount of the revised estimate of the Department, which is but $550,000.

Mr. EDMUNDS. I should be glad to know how it has happened that the United States has put these Indians upon four reservations where not a grasshopper is to be grown, as the Senator puts it.

Mr. SARGENT. It is nevertheless true.

Mr. EDMUNDS. I should like to know from the chairman of the Committee on Indian Affairs, whom we all know to be a humane man, if the Senator from California is correct that we have forced these Indians on a poor, barren reservation? That is what the Senator means when he says there is not a grasshopper there——

Mr. SARGENT. That is what I mean.

Mr EDMUNDS. If it is possible that this nation has driven these Indians, no matter whether they are savage or tame, into a contracted region of country that we call a reservation, where they cannot subsist themselves or pursue agriculture; in other words, if they are penned up in a barren place, I should like to have the chairman of the Committee on Indian Affairs tell us now, for this is the best possible opportunity, whether that is so, and if it is so, how it happened.

Mr. BUCKINGHAM. I can hardly say how it happened, because it happened some time ago; but this I believe is true, that the Apaches are on reservations where they are unable by any means at their command to sustain themselves. While they are compelled by law to remain on these reservations, yet we having declined to feed them according to the agreement they have been in a state of starvation, and obliged at times either to starve or leave the reservation for the purpose of obtaining a living. Those I believe are the facts in regard to the Apaches. Whatever mistake we have made cannot be remedied now that I know of; but there is a necessity, if we would retain them and keep them alive, to feed them, otherwise we should put them on a better reservation.

Mr. EDMUNDS. It ought to be provided for. It is amazing.

Mr. SARGENT. I call for the question upon insisting and agreeing to the further conference.

The PRESIDENT *pro tempore*. The Senator from Minnesota moves that the Senate further insist on its amendments to the Indian appropriation bill and agree to the conference asked by the House of Representatives.

The motion was agreed to.

The PRESIDENT *pro tempore* was authorized, by unanimous consent, to appoint the committee; and Messrs. SARGENT, BUCKINGHAM, and GORDON were appointed the conferees on the part of the Senate.

SUNDRY CIVIL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 3600) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1875.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Iowa [Mr. WRIGHT] to the amendment of the Senator from Wisconsin, [Mr. HOWE.]

Mr. FRELINGHUYSEN. It seems to me that it would be wisest to place this provision as the Committee on the Library want to have it. They have thought of this subject and it has been committed to them; and as they prefer that this amendment should not be adopted, I think we had better so vote.

Mr. WRIGHT. I will state my object in offering the amendment. I had very great doubts from the expression given by the Senate whether the Senate were prepared to adopt the amendment suggested by the Committee on the Library. I thought a fair compromise would be to have this matter go to the committee to consider the question during the recess. My proposition is that they shall examine as to suitable grounds and the probable expense and to report at the next session of Congress. It occurred to me that it were better, in view of the condition of our finances and in view of the apparent indisposition on the part of the Senate to go into this measure at this time, that they should investigate the question and report, and then we could dispose of it at the next session after having a full examination and report. I have no doubt myself as to the necessity of some action on this subject, and I shall vote very cheerfully for the proposition of the committee if it is not deemed by the Senate better to refer it to the committee to investigate during the recess.

Mr. HOWE. I want to remind the Senate once more that the Librarian has been year after year expounding the necessity of this structure and he cannot possibly add anything to what he has testified on the subject. Now, the Senator says he doubts whether the Senate is prepared to agree to this amendment I have offered. Just let him withdraw his proposition for the present and take the sense of the Senate. After my amendment shall have been improved according to the suggestion of the Senator from Vermont, then take the sense of the Senate on that amendment. If they are not willing to agree to it, then we can hear what the Senate has to say on the amendment of the Senator from Iowa. I wish he would do that.

Mr. WRIGHT. I think the better way is to take the sense of the Senate on the proposition I stated. If the Senate is in favor of the proposition of the committee, as a matter of course they will vote this down.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Iowa to the amendment of the Senator from Wisconsin.

The question being put, there were on a division—ayes 21, noes 17.

Mr. HOWE. Let us have the yeas and nays.

The yeas and nays were ordered.

Mr. HOWE. The Senator from Rhode Island [Mr. SPRAGUE] wants to know what the question is. I wish it could be stated by the Chair, or I will state it myself.

Mr. SPRAGUE. State it yourself.

Mr. HOWE. The Joint Committee on the Library instructed its chairman to move an amendment appropriating $200,000 to commence enlarging the library or building a new library. The Senator from Iowa thinks that we are not sufficiently enlightened about the necessity for these additional accommodations, and therefore proposes as a substitute an amendment which requires the Committee on the library to report next winter upon the necessity of a new library and the cost of it. I have urged him to withdraw that amendment, reminding him that it is utterly impossible for the committee to tell you anything next winter that you do not know to-day. The librarian has been urging this work for several years. His library is cluttered with books that cannot be shelved. Under the operation of the copyright laws and the purchases the accumulations are from thirty to forty thousand volumes per year.

Agreeing to the amendment of the Senator from Iowa is simply deciding against taking any step to provide for this want. I really hope if the amendment of the Senator from Iowa should be adopted as a substitute for the amendment I moved, that then the substitute would be negatived, for it seems to me it would be utterly useless, imposing a labor on the committee which can do no good whatever.

Mr. ALCORN. Senators in the vicinity where I sit are entirely satisfied on all points save one. We are entirely satisfied over here that more room is needed for the library and that an extension of the building is necessary. Every one who regards the ratio in which the books of this country are increasing yearly knows that we must have more room, and what will become of the books that will accumulate in the next twenty-five years is a question that I will not undertake to consider just now. But I say we are satisfied in regard to the necessity for more room. That point is fixed. We are satisfied that this $200,000 is only a beginning; and the only difficulty is, where will you locate the building? We simply do not want it located away off somewhere where it will be inaccessible. Where will you locate it? Within the grounds surrounding this Capitol? If you say there is where you are going to locate it, so far as I am concerned I will vote with the Senator from Wisconsin. So far as the $200,000 is concerned, that is a mere beginning. Let it cost $10,000,000. The library must be had; it is a necessity indispensable—something you cannot do without. You must have it, cost what it may. The only point that I am here hesitating upon is as to where the library shall be located.

Mr. HOWE. Let me tell my honorable friend that the Library Committee has taken no action upon that point.

Mr. ALCORN. That is the very point. There is where the shoe pinches. I wish the Library Committee to just indicate where they intend to put this library, because that is a question that we want to talk about.

Mr. HOWE. Now, if my friend will just propose a place——

Mr. ALCORN. I have no place to propose, but I want it within reach of the Capitol, close by; but that is a question that I have not investigated, and I now understand that the Committee on the Library have not investigated it.

Mr. HOWE. The Committee on the Library have not considered that question.

Mr. ALCORN. That is their business, not mine.

Mr. HOWE. It will be yours if you instruct them to do it, but you see how it is right here in the Senate. Here are very decided opinions expressed already that this additional accommodation ought to be obtained by enlarging the Capitol either to the west or the east. On the contrary, my excellent friend from Vermont protests that you must not provide for it in that way. Some Senators have suggested one square near the Capitol; other Senators have suggested another square. I am perfectly willing to settle the question of location right here in the Senate if you will make a proposition. If you will not make a proposition, then I ask you to trust somebody, and I do not care who it is, the Secretary of the Interior, the superintendent of public buildings and grounds, the Committee on Public Buildings and Grounds. Only take a step; that is what I ask.

Mr. OGLESBY. The chairman of the Committee on Appropriations has indicated to the Senate a desire to go on with the bill before us, so as to have it completed by eight o'clock. I am a faithful, diligent,

persistent participator and listener as that bill is going through the Senate. I have tasted nothing in the way of substantials to rely on since morning. If all these amendments are to be debated on a proposition for the beginning of a new library building, the chairman of the committee must perceive that eight o'clock will arrive long before we can begin to tell whether the new library will be put in the east part of the city, the west part, the north part, or over in Virginia, or here about the Capitol. It is perfectly obvious that the Senators are not in a condition to vote satisfactorily on this question. The Library Committee has been perfectly candid about it, and one of the gentlemen on the Committee on Public Buildings and Grounds has been very candid and told us that this $200,000 is but a beginning; it may cost a million, it may cost two millions, it may cost three; it probably will cost five millions, and we have not the remotest idea in voting upon this grave question whether it is to be connected with the Capitol, a part of the Capitol, on the public grounds of the nation, or new grounds to be bought for the purpose. The question is too grave, the subject too important, to be shuffled and scuttled around in this way. I think we had better go to dinner. If I had any hope that the chairman of the Committee on Appropriations could go on with his bill and get it through by eight o'clock, I would sit willingly and patiently.

Mr. SARGENT. Let us try.

Mr. OGLESBY. But if these debates are to go on continually, we shall not get through by midnight. I am opposed to this whole library business. I hope it will stand stock still where it is.

Mr. FERRY, of Michigan, (at six o'clock and twenty minutes p. m.) To relieve the Senator from Illinois, I move that the Senate take a recess until eight o'clock.

Mr. SARGENT. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MORRILL, of Maine. I wish to say a word.

The PRESIDENT *pro tempore*. Debate is not in order.

Mr. MORRILL, of Maine. I only wish to say a word. If Senators do that thing, they do not adjourn on Monday according to my notion of the public business. That is all I have to say.

Mr. CHANDLER. I wish to say that I desire to-night to call up and pass the river and harbor bill, and I shall ask the Senator from Maine to give way to that. I think we can pass it in thirty minutes now.

Mr. FERRY, of Michigan. I merely want to say that if we are to sit up all night we ought to have an opportunity to place ourselves in a position, with a full stomach, where we can stand these big bills.

Mr. SARGENT. We can pass the bill in ten minutes if Senators will let us do so.

The question being taken by yeas and nays, resulted—yeas 13, nays 34; as follows:

YEAS—Messrs. Alcorn, Bayard, Bogy, Ferry of Michigan Hager, Hamilton of Texas, Ingalls, McCreery, Merrimon, Mitchell, Oglesby, Pratt, and Robertson—13.
NAYS—Messrs. Allison, Anthony, Boutwell, Carpenter, Chandler, Clayton, Conover, Cooper, Davis, Dennis, Edmunds, Flanagan, Frelinghuysen, Goldthwaite, Gordon, Hamilton of Maryland, Hamlin, Harvey, Hitchcock, Howe, Johnston, Morrill of Maine, Morrill of Vermont, Ramsey, Sargent, Schurz, Scott, Sherman, Spencer, Sprague, Stewart, Washburn, West, and Wright—34.
ABSENT—Messrs. Boreman, Brownlow, Buckingham, Cameron, Conkling, Cragin, Dorsey, Fenton, Ferry of Connecticut, Gilbert, Jones, Kelly, Lewis, Logan, Morton, Norwood, Patterson, Pease, Ransom, Saulsbury, Stevenson, Stockton, Thurman, Tipton, Wadleigh, and Windom—26.

So the motion was not agreed to.

The PRESIDENT *pro tempore*. The question recurs on the amendment of the Senator from Iowa [Mr. WRIGHT] to the amendment of the Senator from Wisconsin, [Mr. HOWE,] upon which the yeas and nays have been ordered.

Mr. ROBERTSON. By voting for the amendment of the Senator from Iowa do we vote against the amendment of the Senator from Wisconsin?

The PRESIDENT *pro tempore*. The Senator from Iowa proposes his amendment as a substitute for the amendment of the Senator from Wisconsin. Those in favor of the amendment of the Senator from Iowa will answer "yea," those opposed "nay."

The question being taken by yeas and nays, resulted—yeas 27, nays 15; as follows:

YEAS—Messrs. Alcorn, Bogy, Chandler, Clayton, Cooper, Davis, Dennis, Ferry of Michigan, Flanagan, Goldthwaite, Hager, Hamilton of Maryland, Hamilton of Texas, Hitchcock, Johnston, Jones, McCreery, Merrimon, Morrill of Vermont, Oglesby, Pratt, Ramsey, Ransom, Robertson, Sherman, Washburn, and Wright—27.
NAYS—Messrs. Allison, Bayard, Buckingham, Edmunds, Frelinghuysen, Hamlin, Howe, Ingalls, Mitchell, Morrill of Maine, Sargent, Schurz, Spencer, Sprague, and West—15.
ABSENT—Messrs. Anthony, Boreman, Boutwell, Brownlow, Cameron, Carpenter, Conkling, Conover, Cragin, Dorsey, Fenton, Ferry of Connecticut, Gilbert, Gordon, Harvey, Kelly, Lewis, Logan, Morton, Norwood, Patterson, Pease, Saulsbury, Scott, Stevenson, Stewart, Stockton, Thurman, Tipton, Wadleigh, and Windom—31.

So the amendment to the amendment was agreed to.

The PRESIDENT *pro tempore*. The question now recurs on the amendment as amended.

Mr. HOWE. Mr. President——

Mr. SARGENT. O, let it go.

Mr. HOWE. No; I beg pardon. I hope the Senate will indulge me now by laying this amendment on the table.

The PRESIDENT *pro tempore*. The Senator from Wisconsin moves to lay the amendment on the table.

Mr. HOWE. I will move that in a moment. I ask this as a matter of justice.

Mr. SARGENT. That will dispose of the whole matter.

Mr. HOWE. I have said over and over again that we really cannot do anything that will be of any service. I accept the judgment of the Senate that they do not wish to enter on this work. I abide by that; it is conclusive. I move now to lay the amendment on the table.

The motion was agreed to.

Mr. SARGENT. On behalf of the Committee on Appropriations I offer the following amendment, to come in on page 50, after the word "section," on line 1232:

But nothing herein contained shall be construed to affect the present jurisdiction of the Second Comptroller of the Treasury in this class of cases.

Mr. EDMUNDS. I should like to know what that means.

Mr. SARGENT. If you will read the preceding words you will see that the clause devolves certain duties on the Third Auditor of the Treasury, which is a provision of the House bill that the Senate has not changed; but the Second Comptroller has an idea that that provision may dispense with his supervision of that class of cases.

Mr. EDMUNDS. Does this add another check?

Mr. SARGENT. It retains the present one, and clears up any obscurity.

Mr. EDMUNDS. And is an additional security against wrong on the Treasury above what this section prescribes?

Mr. SARGENT. That is what we think at any rate. Probably the person who draughted this clause did not intend to dispense with the scrutiny of the Second Comptroller in these matters, but there is a fear that it does do it, and we want to make it clear that it does not.

Mr. EDMUNDS. I understand the Senator then to say that the effect of this is to require the *imprimatur* of two officers instead of one for the passage of these claims?

Mr. SARGENT. Yes, sir.

Mr. EDMUNDS. Then the Senator is right.

The amendment was agreed to.

Mr. SARGENT. On page 54 I offer an amendment, which is made necessary by the changes which have been made in the pension laws requiring $300,000 for the Army of the United States for this year. I move to insert after line 1323:

For Army pensions and expenses thereof, under the various acts of Congress, $300,000, or so much thereof as may be necessary, to be available immediately.

The amendment was agreed to.

Mr. SARGENT. I offer another amendment from the Committee on Appropriations and I believe it is the last one we have. It is to come in on page 60, after line 1463:

For the continuation of the work on the new jail in the District of Columbia, $100,000.

Mr. EDMUNDS. What Department does that come from?

Mr. SARGENT. From the Interior Department.

Mr. EDMUNDS. I should like to see the authority.

Mr. SARGENT. I will give it to you. I have it here in my hand. Does the Senator wish these documents read? [Holding up a bundle of papers.]

Mr. EDMUNDS. No; I do not. I am satisfied the jail here ought to be enlarged and made as perfect as possible.

The amendment was agreed to.

Mr. BUCKINGHAM. I offer the following amendment, to come in after line 849, on page 35:

For the maintenance and support of the Hydrographic Office, including surveys of ocean currents, reefs, and shoals, and incidental expenses, $50,000.

Mr. EDMUNDS. Where does that come from?

Mr. BUCKINGHAM. I will say that it comes with the recommendation of the Secretary of the Navy and is also approved by the Committee on Commerce, and is recommended and strongly urged by the insurance companies and underwriters in New York. I will state still further that this Hydrographic Office prepared within the year ending June 30 last not less that one hundred and nineteen charts and several publications which are useful for seamen, such as instructions, &c., which are regarded as exceedingly important, but they have no means of publishing them. They want two sets of surveyors for service in foreign waters where they make the surveys which relate to reefs, shoals, and dangerous coasts. These maps and charts are interchangeable with like products from foreign countries.

Mr. EDMUNDS. We all understand it.

Mr. BUCKINGHAM. If nothing further is necessary to be said I will say no more.

Mr. MORRILL, of Maine. That is strongly recommended.

The amendment was agreed to.

Mr. BUCKINGHAM. I offer the following amendment to come in on page 54, after line 1317:

For this amount, or so much thereof as may be necessary, for presents to the Sioux of the Red Cloud and Whetstone or Spotted Tail agencies, on condition that said Indians shall relinquish their right, under treaty stipulation, to hunt in Nebraska, $25,000.

By treaty with these Indians made in 1868 they have the right to hunt in the northern part of Nebraska as far as the Platte River. To these agencies from the northern part of the Sioux country has frequently come down a large number of Sioux who are not easily controlled, and they have come when those who belong to the reserva-

tions have been on their hunt. The consequence has been that property has been stolen and murders have been committed at these particular times. It is regarded as very desirable both by the Secretary of the Interior and by the Indian Bureau, as well as by those who have charge of these agencies, that these Indians should relinquish the right to hunt on those plains; and it is for the purpose of persuading them to do so that this amendment is proposed.

I now beg leave to withdraw my objection to the consideration of the resolution offered by the Senator from South Carolina, [Mr. PATTERSON,] not that I approve of it, but I have no objection to its being considered.

The PRESIDENT *pro tempore*. That is not now before the Senate. The sundry civil appropriation bill is pending.

Mr. PRATT. I offer the following amendment, to come in on page 56, line 1358, after the word "dollars:"

Provided, That the clause in the act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1874, and for other purposes," approved March 3, 1873, in these words: "That no claims against the United States for collecting, drilling, or organizing volunteers for the war of the rebellion shall be audited or paid unless presented before the end of the fiscal year ending June 30, 1874," shall not be construed to embrace the claims of States for collecting, drilling, organizing, &c., troops for the United States service

Mr. EDMUNDS. I make the point of order upon that. It is a legislative provision sought to be introduced into this bill.

The PRESIDENT *pro tempore*. The Chair sustains the point of order.

Mr. PRATT. What shall I understand to be the ruling of the Chair?

The PRESIDENT *pro tempore*. The Chair sustains the point of order.

Mr. PRATT. That the amendment is in the nature of a legislative provision?

The PRESIDENT *pro tempore*. Certainly.

Mr. PRATT. May I inquire of the Chair what rule prohibits that?

The PRESIDENT *pro tempore*. It it the rule recently adopted. The rule will be read by the Clerk.

The Chief Clerk read as follows:

Resolved, That during the present session it shall be in order at any time to move a recess, and, pending an appropriation bill, to move to confine debate on amendments thereto to five minutes by any Senator on the pending motion, and such motions shall be decided without debate, and no amendment to any such bill making legislative provisions other than such as directly relate to the appropriations contained in the bill shall be received.

Mr. PRATT. Mr. President——

DISTRICT GOVERNMENT.

Mr. ALLISON. I ask the Senator from Indiana to give way until I make a report. The Joint Select Committee to investigate the Affairs of the District of Columbia, to whom was referred the President's message, received this morning, have directed me to make report. I ask that the report be read.

The Chief Clerk read as follows:

The Joint Committee on the Affairs of the District of Columbia, to whom was referred the message of the President relative to "one feature of the bill entitled an 'Act for the government of the District of Columbia, and for other purposes,'" report:

That the investigation made by this committee discloses the fact that much of the indebtedness proposed to be funded into the bond provided for was created when there was no adequate provision for payment and upon a basis of credit—the contractors understanding at the time that they were to receive evidences of indebtedness, the time of payment of which was uncertain—by reason whereof these evidences were depreciated in value. And while there were no means whereby the committee could determine the matter with absolute certainty, after giving the subject careful consideration, they believe that a bond of the character provided for would be, as a rule, fully equal in value to what the contractors expected to receive under their contracts. Besides this, the funding proposed is permissive and not compulsory. The creditors have all the security they had when the debt was created and in addition the option to accept the bonds provided for. No injustice, therefore, will be done to any creditor who shall take such bonds in lieu of the securities he now holds. The idea that there is anything like repudiation in the bill is a mistake. The bill does not compel any holder of District securities to take bonds for them. It merely gives him the option to do so, or to retain them and receive payment thereof when the District may be able to pay. The changes made in regard to the District government do not discharge or impair its contracts or liabilities. The bill, therefore, is not repudiation, nor is it unjust to any holder of the District securities which may be funded under it. As to small creditors, as such laborers and so forth, the bill contemplates their payment in money.

For the reasons above given, and also because it would be unwise in the opinion of your committee to set an example of issuing fifty-year bonds bearing a higher rate of interest than 3.65 per cent., they fixed that rate in the bill; and their opinion remains unchanged. That there may be no misapprehension as to the pledge of the United States we here repeat it in the exact words of the bill: "And the faith of the United States is hereby pledged that the United States will, by proper proportional appropriations as contemplated in this act, and by causing to be levied upon the property within said District such taxes as will provide the revenues necessary to pay the interest on said bonds as the same may become due and payable, and create a sinking fund for the payment of the principal thereof at maturity."

Your committee ask to be discharged from the further consideration of the message.

WILLIAM B. ALLISON.
A. G. THURMAN.
WILLIAM M. STEWART.
J. M. WILSON.
LYMAN K. BASS.
ROBERT HAMILTON.
JAY A. HUBBELL.
HUGH J. JEWETT.

Mr. ALLISON. I will only add to the report that the committee have the best reasons for stating that the President, after being made familiar with all the facts and circumstances, is satisfied with the provision in the bill.

Mr. SARGENT. That is an extraordinary statement to accompany the report. I think it is rather an improper statement to make on the floor of the Senate. I call the Senator to order.

Mr. THURMAN. It is not out of order, I submit to my friend from California. It is out of order to allude to the opinions of the House of Representatives or of the President to influence legislation; but here was a message of the President in respect to a particular feature in the bill——

Mr. SARGENT. Allow me, with all due respect to the Senator from Ohio himself and to the Senator from Iowa, to suggest that I understood the Senator from Iowa to state that he thought the President was now satisfied that this bill was right, notwithstanding this afternoon he sent in his veto. I thought that was an extraordinary statement and one that must have been intended to influence the votes of Senators.

Mr. THURMAN. There is no vote of the Senate to be taken nor any veto of the bill.

The PRESIDENT *pro tempore*. The message of the President did not return the bill.

Mr. THURMAN. Therefore there was nothing improper in what the Senator from Iowa said.

Mr. SARGENT. Then I withdraw the remark. I misunderstood the case.

The PRESIDENT *pro tempore*. The Chair thinks the remark was not out of order. There is no vote to be taken on the subject.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. No. 3415) to provide for the care and custody of persons convicted in the courts of the United States who have or may become insane while imprisoned, asked a conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. C. D. MACDOUGALL of New York, Mr. JOHN B. RICE of Illinois, and Mr. R. MILTON SPEER of Pennsylvania, managers at the same on its part.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. No. 899) to constitute Montgomery, in the State of Alabama, a port of delivery, asked a conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. OMAR D. CONGER of Michigan, Mr. FREDERICK G. BROMBERG of Alabama, and Mr. JAMES T. RAPIER of Alabama, managers at the same on its part.

The message also announced that the House had passed the bill (H. R. No. 3772) for the relief of John D. Young, of Kentucky; in which it requested the concurrence of the Senate.

The message further announced that the House had appointed Mr. CHARLES O'NEILL, of Pennsylvania, a manager at the second conference on the part of the House in place of Mr. HENRY A. STARKWEATHER, of Connecticut, excused, upon the bill (H. R. No. 2342) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1875, and for other purposes.

SUNDRY CIVIL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 3600) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1875, and for other purposes.

Mr. PRATT. I do not wish to wrestle with the decision of the Chair if the Chair has examined the clause of the bill to which my amendment relates. I will read it:

To indemnify the States for expenses incurred by them in enrolling, equipping, and transporting troops for the defense of the United States during the late insurrection, $250,000.

Mr. EDMUNDS. I wish to ask the Senator if he appeals from the decision of the Chair? I merely do it in the interest of getting on. I should be very glad to hear the Senator, but I want to know where we are.

Mr. PRATT. I wish to know what the decision of the Chair is after I have called the attention of the Chair to the appropriation to which my amendment relates. I think the Senator from Vermont will not object. Here, then, is an appropriation of $250,000 for the purpose of indemnifying the States for expenses incurred in enrolling, equipping, and transporting troops for the defense of the United States. Now there is a statute in force, passed about a year since, that the accounting officers of the Treasury construe to amount to a positive bar against the States prosecuting claims against the General Government after the 30th day of this present month. This amendment recites the law. It was a part of the legislative appropriation bill a year ago. It reads as follows:

That no claims against the United States for collecting, drilling, or organizing volunteers for the war of the rebellion shall be audited or paid unless presented before the end of the fiscal year ending June 30, 1874.

The accounting officers of the Treasury are disposed to construe that as including the States who hold such claims as these against the General Government. Now, you perceive that if this law be susceptible of such a construction, the appropriation which I have just re-

cited here is vain, because upon the 30th of June this bar immediately takes effect prohibiting the accounting officers of the Treasury from examining these claims. Therefore it does seem to me that this amendment is in aid of this appropriation. It seeks to remove a bar to this appropriation being carried out. I respectfully submit these reasons to the Chair why its decision should not stand. I do not wish to prosecute an appeal, of course.

The PRESIDENT *pro tempore*. The Chair has listened to the remarks of the Senator out of respect to his opinion and reconsidered the question, but the Chair is still of opinion that this is clearly a matter of legislation. It does not give any different direction to the $250,000 appropriated, but it repeals an independent provision of a former statute. That must be legislation in the opinion of the Chair, and must be out of order under this very strict rule which requires that the amendment shall "directly relate" to the appropriations in the bill.

Mr. PRATT. I should hope there might be unanimous consent that this amendment might be ingrafted on the bill.

Mr. EDMUNDS. I would agree to give unanimous consent but that I think the appropriation ought to be struck out altogether. Here we are, ten years after the war has ended, providing for paying States for equipping and drilling troops.

Mr. MITCHELL. I arise to a point of order that there is nothing before the Senate.

Mr. EDMUNDS. The bill is before the Senate. I have not the least objection to the Senator from Oregon offering an amendment as I see he desires to do; but I do not propose to be taken off my feet on a point of order when we have the bill up. Now I take my seat.

Mr. PRATT. I believe the statute of limitations did not run against a New England State though the claim originated in 1812.

Mr. MITCHELL. I offer the following amendment which I am authorized to offer by two committees, the Committee on Appropriations and the Committee on Military Affairs. On page 25, after line 598, insert:

For this amount, or so much thereof as may be required to meet certain indebtedness on account of the Indian service at the Malheur reservation, in Oregon, during the fiscal year ending June 30, 1874, $16,145.

Mr. EDMUNDS. I should like to hear that explained, reserving the point of order upon it.

Mr. MITCHELL. I will state for the benefit of the Senator from Vermont that at the time the deficiency bill was under consideration, in consequence of a mistake in the Interior Department no estimate for this had come in, though the reservation had been set apart. After that the mistake was discovered, and the Secretary of the Interior sent letters to the chairman of the Committee on Indian Affairs stating the fact of the deficiency and also the reasons why it was not included in the deficiency estimates and urging upon the chairman of the Committee on Indian Affairs that it be inserted in this bill.

Mr. EDMUNDS. Who wrote the letter?

Mr. MITCHELL. The Commissioner of Indian Affairs, indorsed by the Secretary of the Interior.

Mr. EDMUNDS. What is this "certain indebtedness" mentioned in the amendment? What is it for? Whom is it owing to?

Mr. MITCHELL. It is owing to different parties. These debts were incurred by the agent at the Malheur reservation; they are of the same character as other deficiencies that were included in the deficiency bill.

Mr. EDMUNDS. It is to provide for the payment of private claims. The Senator says here are various people who have debts against this agency; therefore the amendment is evidently not in order. We ought not to consider it now.

Mr. MITCHELL. It is not a private claim, as I understand, by any law.

Mr. EDMUNDS. The Senator has stated frankly—and as he is a gentleman he would of course be frank—that here are certain debts incurred by an Indian agent to private persons for this, that, and the other, and he wants to have those debts paid.

Mr. MITCHELL. This simply provides that this amount shall be appropriated and placed at the disposal of that agent.

Mr. EDMUNDS. Certainly; "to pay certain indebtedness."

Mr. MITCHELL. That is it exactly.

Mr. EDMUNDS. It is "to provide," in the very language of the rule, "for the payment of a private claim." Now let me hear the letter.

Mr. MITCHELL. The letter is in possession of the chairman of the Committee on Appropriations.

Mr. MORRILL, of Maine. Then the chairman of the committee can attend to it.

The PRESIDENT *pro tempore*. The amendment is clearly out of order, in the opinion of the Chair.

Mr. MITCHELL. I now offer the following amendment:

For the necessary expenses of the land office at the Dalles, Oregon: For salaries and commissions of the register and the receiver for the fiscal year ending June 30, 1875, $6,000; and for incidental expenses of said officers, $1,000.

Mr. EDMUNDS. Where is the estimate for that?

Mr. MORRILL, of Maine. I think that is allowable. It is to provide for an office created by law at this session.

Mr. EDMUNDS. All right.

The amendment was agreed to.

Mr. MITCHELL. I offer another amendment, to come in on page 46, after line 1122:

For the construction of a range-light on Sand Island, at the mouth of Columbia River, Oregon, $25,000.

For a fog-signal on Sand Island, at the mouth of Columbia River, $10,000.

Mr. MORRILL, of Maine. I do not know what to say about that.

Mr. MITCHELL. I hold in my hand a letter from the chairman of the Light-House Board.

Mr. MORRILL, of Maine. I want to hear it explained.

The PRESIDENT *pro tempore*. The question is on the amendment. Those in favor——

Mr. EDMUNDS. I do not intend that this amendment shall be adopted without our understanding it.

The PRESIDENT *pro tempore*. The Chair has no alternative but to put the question.

Mr. EDMUNDS. And the Senator from Vermont has no alternative but to get up and address the Chair. Now I ask the Senator from Oregon, because I am interested, as representing certain taxpayers, in this question as well as the Senator in charge of this bill, to tell us where his authority is for this amendment, what committee has reported it, what reference has been made of it to the Committee on Appropriations, what their judgment is upon it, and what estimate of the head of a Department, according to the rule, is the authority for this proposition.

Mr. MITCHELL. I will state that this improvement was petitioned for very largely by all the mariners along the line of this river. The petition was sent to the Secretary of the Treasury with a letter written by myself asking a recommendation from the Light-House Board. The letter and petition were referred to the Light-House Board. At the same time or about the same time I presented this amendment to be offered to this bill, and it was referred to the Committee on Appropriations. I understood that I was authorized by that committee to offer the amendment. I have a letter in my desk from the chairman of the Light-House Board strongly recommending the appropriation.

Mr. MORRILL, of Maine. I understand the Senator has sent a proposed amendment to the Committee on Appropriations. He gave us notice of his intention to offer his amendment on this bill. Here [exhibiting a bundle of papers] is a large package of such amendments, amounting to one hundred perhaps in all. The course the committee are obliged to take on these questions I may state—and that will explain to the Senator the action of the committee in this particular—is this: where amendments are accompanied with such papers as enable the committee to form a judgment, we pass upon them; where they are not, we leave those who submit them to make out their case in the Senate. The Senator has got the documents on which he relies. He is at liberty to move his amendment here and support it as he can from the documents he has.

Mr. MORRILL, of Vermont. It seems to me that the Senator from Oregon has done all that he could be required to do in this case. He has the recommendation of the Secretary of the Treasury.

Mr. EDMUNDS. Let us hear it read.

Mr. MORRILL, of Maine. Let the letter be sent to the Chair and read.

Mr. EDMUNDS. I want to hear the authority read, because I intend that the Secretary of the Treasury shall be responsible for this appropriation if it is made. It may be perfectly right, and I am sure the Senator from Oregon will not misunderstand me when I wish to know that the executive department of the Government is responsible for this being put into the bill. When I ascertain that, then it may make a difference with my opinion upon the subject. If the Senator will be kind enough to send the estimate of the head of the Department recommending this appropriation to the desk that it may be read to us, then we shall know that the Department is responsible.

Mr. MITCHELL. I have here all the correspondence, and I send it to the desk to be read.

The PRESIDENT *pro tempore*. The papers will be read if there be no objection.

The Secretary read as follows:

UNITED STATES SENATE CHAMBER,
Washington, June 8, 1874.

DEAR SIR: I desire to call your special attention to a matter connected with the commerce of the Columbia River, Oregon, with a view of procuring from you a recommendation for an appropriation at the present session of Congress for the construction of a range-light and fog-signal on Sand Island near the mouth of the Columbia.

It is a fact which of course has not escaped the attention of your department, that the commerce of the Columbia River has within the past few years increased with a rapidity that has been both wonderful and gratifying.

The great agricultural productions of Oregon, especially wheat, have attracted European ships to the ports of Portland and Astoria in scores. Nearly three hundred vessels entered the mouth of the Columbia from the ocean last year. As this commerce has gradually increased and as delays and disasters multiply, the necessary facilities for the protection of that commerce became apparent.

Having a personal acquaintance with most of the sea-faring men engaged in that trade, I have during the past year endeavored to inform myself as to their opinions as to any further aids necessary, and I find that but one opinion exists both among those engaged in navigating these waters and citizens who have for years resided near the Columbia in Oregon and Washington Territory, and that is that among the improvements imperatively demanded is a range-light and fog-signal on Sand Island, and it is asserted confidently that by reason solely of the absence of these aids steamships from San Francisco are frequently delayed at sea from twelve to fifteen hours.

Inclosed I transmit a petition signed by all the leading citizens of Astoria and vicinity, including the collector of the port, praying an appropriation for this purpose. I therefore respectfully urge that a recommendation from your department

may be given in favor of an appropriation at the present session of Congress for the construction of a suitable range-light and fog-signal at the port above designated. Should you make the recommendation, please state the amount necessary for such purpose. And as the appropriation bill will soon come up for consideration in the Senate, I will be gratified with an early reply.

Respectfully,

J. H. MITCHELL.

Gen. A. A. HUMPHREYS,
Chief of Engineers, United States Army.

Mr. WEST. With all due respect to the Senator from Oregon, we want a communication from the authoritative head of a Department and not from the Senator.

Mr. MITCHELL. I desire to have the whole correspondence read as it was called for, so that the matter may be understood.

The Secretary read as follows:

TREASURY DEPARTMENT, OFFICE OF THE LIGHT-HOUSE BOARD,
Washington, June, 20, 1874.

SIR: I have the honor to transmit a petition of certain citizens for a light on Sand Island, Oregon, which has been forwarded to the board by Hon. J. H. MITCHELL, United States Senator, and to request that you, as chairman of the committee on lighting, will report upon it as early as possible, that Mr. MITCHELL may be notified without delay.

It was intended to bring this matter up before the board at its session on the 17th instant, but time did not permit.

The inclosures are as follows, and their return is respectfully asked:

1. Letter of Hon. J. H. MITCHELL, United States Senator, dated June 8, 1874, transmitting
2. Petition.

Very respectfully,

PETER C. HAINES,
Engineer Secretary.

C. P. PATTERSON, Esq.,
Chairman Committee on Lighting.

OFFICE OF LIGHT-HOUSE BOARD,
Washington, June 20, 1874.

SIR: The committee on lighting, to whom was referred the letter of Hon. J. H. MITCHELL, United States Senator, and petition of a number of citizens of Oregon for a range-light and fog-signal on Sand Island, at the entrance of the Columbia River, beg leave to report that they have carefully considered the matter and urgently recommend that an application may be made to Congress for the necessary appropriation for the erection of these safeguards to the great and constantly increasing commerce of the Columbia River. The amount required for the range-light is $20,000, and for the fog steam-signal $10,000, making a total of $30,000.

Very respectfully,

C. P. PATTERSON,
Chairman Committee on Lighting.

Professor JOSEPH HENRY,
Chairman Light-House Board, Washington.

Mr. WEST. There is no measure that I would be more inclined to assist than anything that would promote the safety and security of the transit of the bar of the Columbia River, having some knowledge of the difficulties there; but the Senate is now about to depart from a rule that shuts out in a great many instances other appropriations, and has in the consideration of this bill before the committee excluded various recommendations; and that is the rule that a recommendation to be entertained either by the Senate or by its committee must receive the indorsement of the chief of the Department.

Mr. EDMUNDS. "Head" is the language of the rule.

Mr. WEST. This recommendation does not come from the Treasury Department, supervising the Light-House Board, nor does it come from the Secretary of War, controlling the Engineer Corps. It is not in order. I do not specifically object to this, but I will state to the Senator and to the Senate that amendments which I have proposed have been rejected on that ground, and in order to be consistent the Senate cannot entertain this.

Mr. GORDON. I offer an amendment.

Mr. MITCHELL. What disposition has been made of my amendment?

Mr. EDMUNDS. The Senator from Louisiana raises the question of order that it does not fall within the rule.

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) The Chair understands that the letter which has been read is not from the head of a Department nor transmitted through the head of a Department. The Chair therefore thinks the amendment is not in order.

Mr. GORDON. I offer the following amendment to come in on page 66, after line 615:

That the act entitled "An act for the erection of a public building for the use of the United States in Atlanta, Georgia," approved February 12, 1873, be, and the same is hereby, amended so that the sum of money authorized to be expended in the construction of said building is fixed at the sum of $250,000.

The matter has been referred informally to the committee. I had not time to refer it regularly, because a bill for this purpose was only passed yesterday by the House on the recommendation of the Secretary of the Treasury. Everybody understands it I believe.

The amendment was agreed to.

Mr. ALLISON. I offer the following amendment:

For payment for subsistence of the Arickarees, Gros Ventres, and Mandans, during the fiscal year ending June 30, 1874, $48,193.76, or so much thereof as may be necessary.

Mr. EDMUNDS. What is that? What committee reported it?

Mr. ALLISON. Is there anything in the names that is remarkable?

Mr. EDMUNDS. I make the point of order that the amendment does not come within any one of the phrases allowed by the rule. It is not reported from a committee, so far as we know. It has not been referred to the Committee on Appropriations, so far as we know. It is not to carry out the provisions of any existing law, so far as we know. It is not recommended by the head of any Department, as far as we know. These are a few of the first points of order that I have to make. [Laughter.]

Mr. ALLISON. If the Senator from Vermont will allow me one moment, I will state, in the first place, that it has not been recommended by any head of a Department nor has it been reported from any committee.

The PRESIDING OFFICER. The Chair thinks it is out of order.

Mr. ALLISON. Nevertheless it is an expenditure that has been honestly and fairly incurred, and it ought to be paid. I have several documents showing that fact. I desire to present it. Gentlemen may laugh these matters down, but I desire to present it in the interest of two constituents of mine who have expended this money.

Mr. EDMUNDS. Then it is a private claim in addition. That is another point of order, for which I am obliged to the Senator.

Mr. ALLISON. Having discharged my duty in that regard, the amendment being ruled out of order, I have nothing more to say.

Mr. FLANAGAN. On page 51, at the end of line 1250, I move to insert the following:

That the sum of $100,000 for the construction of depot buildings, including shops, offices, and commissary and quartermaster's store-rooms at San Antonia, Texas, appropriated by an act approved March 3, 1873, be, and the same is hereby, continued and made available for the fiscal year 1875.

I suppose there is no objection to that.

Mr. MORRILL, of Maine. I should like to hear some explanation of it.

Mr. EDMUNDS. I wish to reserve all points of order.

Mr. ALLISON. I must also reserve all points of order on every amendment now.

Mr. FLANAGAN. I have here as a basis the law passed March 3, 1873, making this appropriation in accordance with the recommendation of the chief quartermaster located at San Antonio and with the indorsement of General Sherman upon it, on which this act was enacted. The money has not up to this time been used, and we ought to have the privilege of using it the present year. The amendment was regularly presented to the Committee on Appropriations, and it is to carry out the law.

The PRESIDING OFFICER. The Chair thinks the amendment is not in order. It does not seem to be recommended by the head of any Department.

Mr. FLANAGAN. I was told there would be no objection if it was recommended by General Sherman, and it is the law now.

The PRESIDING OFFICER. Does the Senator appeal from the decision of the Chair?

Mr. FLANAGAN. I was told there would be no objection to it by one of the committee. I could not make them report. [Laughter.]

The PRESIDING OFFICER. The amendment is out of order.

Mr. CLAYTON. I offer the following amendment, to insert at the end of that part of the bill relating to the War Department, on page 53:

That the Secretary of War shall grant trade permits at any military post to any person applying for the same who shall give bond in the sum of $500,000 that he will comply with the rules and regulations of the War Department governing traderships; and the sum of twenty-five dollars for blanks, or so much thereof as may be necessary, is hereby appropriated to carry this provision into effect.

Mr. EDMUNDS. That is new legislation.

The PRESIDING OFFICER. It is out of order, in the opinion of the Chair.

Mr. SCOTT. I am authorized by the Committee on Finance to propose the following amendment, of which due notice was given and which was referred to the Committee on Appropriations:

That hereafter the compensation of the Assistant Secretaries of the Treasury, the Solicitor of the Treasury, and the Commissioner of Customs shall be each $4,500 per annum; and a sum sufficient to pay the amount of increase in these salaries is hereby appropriated.

Mr. EDMUNDS. I reserve all points of order on that amendment.

Mr. SCOTT. No point of order has been made. Two of the offices named in the amendment are now vacant. The new Secretary of the Treasury is very anxious that he shall be able to offer such compensation as will secure to him, if not the best, very good services in both those offices, the Solicitor of the Treasury and the Assistant Secretary of the Treasury. As to the Commissioner of Customs, since the new Secretary of the Treasury has assumed his office he has transferred to the head of that Bureau what was perhaps almost a Bureau itself, the special agency service of the Department.

Mr. EDMUNDS. It always belonged to that Bureau.

Mr. SCOTT. The head of that special agency service received $3,500 a year himself, while the Commissioner of Customs received $3,000 salary. It is now proposed to raise his salary to $4,500. I may state without any impropriety that it is very much desired by the Secretary of the Treasury that this amendment should prevail.

Mr. EDMUNDS. I rise to make a parliamentary inquiry. I have not charge of this bill, but I merely rise in order to keep myself informed of the state of legislation. I wish to inquire of the Chair whether, if I will reserve all points of order on this amendment, it will be open to a point of order when the bill gets into the Senate, or whether the point of order would be foreclosed? We are now in Committee of the Whole. If this amendment be adopted subject to the points of order, if I can reserve them so that I can insist upon them when we come into the Senate if I choose, I shall not object.

If not, I insist on their being decided now. If the Chair holds that if this amendment be adopted in committee no point of order can be made upon it in the Senate, I wish to understand it.

The PRESIDING OFFICER. The Chair thinks the point of order must be raised now, if at all.

Mr. EDMUNDS. Then I make the point of order. My point of order is that this is new legislation.

The PRESIDING OFFICER. The Chair sustains the point of order.

Mr. SHERMAN. I believe myself that if the point of order is insisted on, this being new legislation, a change of the existing law fixing the salaries of these officers, the amendment must be ruled out under the rule; but I submit to the discretion of the Senator from Vermont, and all Senators, whether under the circumstances, as a new Secretary has come into the Department, finding two offices vacant, we——

Mr. EDMUNDS. I do not want to interrupt the Senator, but unless he appeals, I want to get on with this bill and get it out of committee. The Senator can offer the amendment in the Senate just as well, and then we can consider how it is going to operate, and go on with the bill now.

Mr. SHERMAN. I must confess that the point of order is well taken if it be insisted upon.

Mr. EDMUNDS. I do not know that I shall insist upon it when we get into the Senate, but in order to have time for consideration I must insist upon it now. I merely want to think of it for a little.

Mr. SHERMAN. I shall not object to that.

The PRESIDING OFFICER. The amendment is ruled out.

Mr. SCOTT. I now offer the following amendment, of which I gave notice and had it referred to the Committee on Appropriations:

To pay the Alleghany Valley Railroad Company the balance due them for transportation of the mails for the fiscal year ending June 30, 1869, $7,232.75.

Mr. EDMUNDS. I should like to have that explained.

Mr. SCOTT. I will send to the Chair and have read a letter from the Department, which shows that this balance was due to the company upon their stated account, that they did not call for it, and under the act of 1870 it was covered into the Treasury.

The PRESIDING OFFICER. The letter will be read.

The Secretary read as follows:

OFFICE OF THE AUDITOR OF THE TREASURY
FOR THE POST-OFFICE DEPARTMENT,
Washington, D. C., May 18, 1874.

SIR: In reply to yours of the 15th instant, I have to state that there is due the Alleghany Railroad Company, on account of service performed in 1868 and 1869, the sum of $7,232.75. This amount cannot be paid until an appropriation is made by Congress under the provisions of the act of July 12, 1870.

Respectfully, yours,

J. J. MARTIN, *Auditor.*

Hon. JOHN SCOTT, *United States Senate.*

Mr. EDMUNDS. I make the point of order that this is to provide for a private claim.

The PRESIDING OFFICER. The point of order is well taken in the opinion of the Chair.

Mr. SCOTT. Allow me to state to the Chair what the nature of the claim is. A contract was made in pursuance of law by the Postmaster-General for carrying the mails upon this railroad. I have in my hand the account stated with the company, showing that this balance was due, if called for, but it was not called for at that time; and I do not see by what other process the money is to be had but by an appropriation.

Mr. EDMUNDS. Neither do I; but I understand that when other citizens have claims on the Government of the United States they file their petition, or some representative of theirs brings in a bill, which goes to the committee of which my honorable friend is the chairman, and they consider the justice of that claim and report upon it by bill. Now this claim may be perfectly just; I have no reason to doubt it; I know nothing about it; but we have stood upon the ground that these appropriation bills were to carry out the provisions of law for carrying on the Government, and the rules have provided expressly that private claims should not be put upon them. I am sorry to say that this bill, in spite of all that can have been done, was pretty well loaded as it came from the House of Representatives with private claims already; but I do not think the Senate ought to follow the evil example of loading up a miscellaneous appropriation bill as you would load up an omnibus by providing for every person who has a private claim when you do not get the distinct report of a committee upon it by itself, instead of putting it into a condition where everybody is tempted to log-roll a bill through because his particular constituent has got an interest in it. That mischief the rule was intended to defeat and provide against; and I submit to my honorable friend whether it is right to press amendments of this character upon an appropriation bill? I of course have no hostility to this company; the Senator knows that; but I submit to him, as the chief of our Committee on Claims and as a member of the Committee on Finance, whether it is not best to stand by the rule and keep this bill as free as we can, because perhaps we cannot control the House of Representatives on matters of this character. I say this without expressing the slightest opinion adverse to the claim of this particular company.

Mr. SCOTT. I agree to the force of all the Senator from Vermont states in reference to what are strictly private claims which come here unestablished by the ordinary evidence from the Departments; but I conceived when this was sent to me in this form that it came within the rule, in the first place being for the purpose of carrying out an existing law; in the second place in pursuance of the acknowledgment of the head of a Department that it is due and all that it needs is an appropriation.

Mr. EDMUNDS. It is not from the head of the Department, the Postmaster-General; nor is the Secretary of the Treasury responsible for this letter. It is the letter of a Bureau officer.

Mr. SCOTT. It is from that officer who has control of the accounts of the Post-Office Department. I do not wish to discuss the point nor appeal from the decision of the Chair, as I do not wish to take up time.

Mr. ALLISON. The Chair has ruled it out of order.

Mr. MERRIMON. I offer the following amendment:

For paying the sum of $8,596.98 to the Wilmington and Manchester Railroad Company for mail service rendered previous to the late war.

Mr. EDMUNDS. I make the point of order that that is a private claim.

The PRESIDING OFFICER. The point of order is well taken.

Mr. MERRIMON. I call attention——

The PRESIDING OFFICER. Does the Senator appeal from the decision of the Chair?

Mr. MERRIMON. I do not; but I wish to call the attention of the Chair to the rule.

The PRESIDING OFFICER. The Chair will listen to the Senator from North Carolina.

Mr. MERRIMON. The last clause of the thirtieth rule is in these words:

And no amendment shall be received whose object is to provide for a private claim unless it be to carry out the provisions of an existing law or a treaty stipulation.

There was an existing law at the time this service was rendered, a general law authorizing contracts to be made and the service to be rendered.

Mr. EDMUNDS. That has been ruled so many times, that the "existing law" understood by this rule as one which declares that a particular person is entitled to have a particular sum paid to him, that I need not spend time to counteract that proposition.

The PRESIDING OFFICER. Does the Senator from North Carolina appeal from the decision of the Chair?

Mr. MERRIMON. Does the Chair rule against the amendment?

The PRESIDING OFFICER. Yes, sir.

Mr. FLANAGAN. I offer the following amendment, to come in on page 18, after line 416:

The Secretary of the Senate is hereby authorized to pay to the page of the Vice-President three dollars per day.

Mr. EDMUNDS. How much is paid to the other pages?

Mr. MORRILL, of Maine. They were formerly paid three dollars a day; they are paid $2.50 now.

Mr. EDMUNDS. Why pay this page three dollars?

Mr. MORRILL, of Maine. Mr. President——

Mr. EDMUNDS. I leave it to the chairman of the committee to say whether he will make the distinction.

Mr. MORRILL, of Maine. I believe the reason submitted to the committee was this: He is the page of the Vice-President; the Vice-President does not hold a session, and we do. He is therefore, I suppose, regarded as being in continuing service, while the young gentlemen who wait upon us here do it while we are in session and then disappear. That, I suppose, is the whole argument. It is submitted to the judgment of the Senate.

Mr. EDMUNDS. That will not do.

Mr. CONOVER. Is he not also a page of the Senate?

Mr. MORRILL, of Maine. No.

The PRESIDING OFFICER. The question is on the amendment.

The amendment was rejected.

Mr. SPRAGUE. By the request of the Senator from Delaware [Mr. BAYARD] I offer the following amendment, to come in on page 66, after line 1626:

For furniture, books, and paper-cases, gas-fixtures, carpets, and mats for the United States court-room and clerk's office, Wilmington, Delaware, $2,000.

Mr. EDMUNDS. I make the point of order that that amendment has not been reported from any committee and it has not been referred to the Committee on Appropriations and it is not in pursuance of an estimate of any head of Department.

Mr. MORRILL, of Maine. I do not know how that is.

The PRESIDING OFFICER. The point of order is well taken.

Mr. SPRAGUE. I withdraw the amendment.

The bill was reported to the Senate as amended.

The PRESIDING OFFICER. Will the Senate concur in the amendments made as in Committee of the Whole?

Mr. EDMUNDS. I reserve them all.

Mr. BOGY. There is one amendment which is reserved particularly.

The PRESIDING OFFICER. The Senator from Vermont reserves all the amendments.

Mr. EDMUNDS. I want to see what they are. We have not tried this bill yet. It is full of improper items, and I say it with some sorrow.

The PRESIDING OFFICER. The question will be taken on the

amendments made as in Committee of the Whole separately. The first amendment will be read.

Mr. EDMUNDS. I have no objection to the first amendment on the second page, so far as I see. I do not know whether Senators have, but we have gone so fast with this bill that I have not been able to keep the run of it.

Mr. MORRILL, of Maine. The Senator has not been here all the time.

Mr. EDMUNDS. No; but the Senator will excuse me if I have not; I have been performing other duties, and I think the Senator will admit that I have given my devoted assistance to his brilliant lead in support of this bill.

Mr. MORRILL, of Maine. The Senator has been very useful; but his criticism about this bill being full of improper things is a little gratuitous.

Mr. EDMUNDS. I do not charge anything for it.

The PRESIDING OFFICER. The first amendment made as in Committee of the Whole will be considered as concurred in. The second amendment will be reported.

Mr. EDMUNDS. I have no objection to that.

The PRESIDING OFFICER. That amendment will be considered as concurred in. The next amendment will be read.

The CHIEF CLERK. The next amendment is on page 4, line 70.

Mr. EDMUNDS. I have no objection to that myself.

The PRESIDING OFFICER. The amendment will be considered as concurred in. The next amendment made as in Committee of the Whole will be read.

The CHIEF CLERK. The next amendment is on page 5, after line 108, to insert:

For the following clerks in the office of the Comptroller of the Currency: two clerks of class three, two clerks of class one, nine female clerks, and for extra compensation to four heads of divisions, $2,400—$16,100.

Mr. EDMUNDS. Is that an increase of the existing force, may I ask?

Mr. SHERMAN. That is an amendment I offered. It is required by the currency act approved by the President.

Mr. EDMUNDS. The new bill?

Mr. SHERMAN. Yes, sir.

Mr. EDMUNDS. I have no objection.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was on page 6, to insert the following clause from line 113 to 124:

For the purchase of an engine and machinery, and for the erection and expenses incident to its operation, for the maceration of national-bank notes, United States notes, and other obligations of the United States authorized to be destroyed, $10,000; and that all such issues hereafter destroyed may be destroyed by maceration instead of burning to ashes, as now provided by law; and that so much of sections 24 and 43 of the national-currency act as requires national-bank notes to be burned to ashes is hereby repealed; that the pulp from such macerated issue shall be disposed of only under the direction of the Secretary of the Treasury.

Mr. EDMUNDS. I have no objection.

The amendment was concurred in.

The PRESIDING OFFICER. The next amendment will be read.

The CHIEF CLERK. The next amendment made as in Committee of the Whole is on page 9, line 188, to reduce the appropriation "for continuing the collection of statistics of mines and mining" from $15,000 to $10,000.

The amendment was concurred in.

The next amendment was in line 206, after the name "F. V. Hayden," to insert "to continue the work westward toward the Green and Colorado Rivers, $75,000;" and after the name "J. W. Powell," in line 208, to insert "in Utah, $15,000," and at the end of the clause to insert the words "in all" before "ninety;" so as to make the clause read:

For the continuation of the geological and geographical surveys of the Territories of the United States by F. V. Hayden, to continue the work westward toward the Green and Colorado Rivers, $75,000; and J. W. Powell, in Utah, $15,000, under the direction of the Secretary of the Interior, during the fiscal year ending June 30, 1875, in all $90,000.

The amendment was concurred in.

The next amendment was on page 11, after line 249, to insert:

That the salary of the special policeman in the office of the Secretary of the Senate shall hereafter be $1,296; and a sum sufficient to pay the same is hereby appropriated.

Mr. EDMUNDS. What is the salary of the other policemen?

Mr. MORRILL, of Maine. Over $1,400.

Mr. EDMUNDS. Why is this distinction made?

Mr. MORRILL, of Maine. He has a special duty confined to the Secretary's office.

Mr. EDMUNDS. Is this an additional officer?

Mr. MORRILL, of Maine. O, no.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was in line 254, page 11, to strike out the words:

And for amount already expended by the Sergeant-at-Arms for postage-stamps, $250.

The amendment was concurred in.

The next amendment was after line 303, to insert:

For the erection of an equestrian statue to Nathanael Greene, in conformity with a resolution of Congress passed August 8, 1786, $40,000; and one member of each House of Congress, to be appointed by the presiding officer of each House respectively, and George Washington Greene, of Rhode Island, be, and they are thereby, appointed a commission to contract for the same.

The amendment was concurred in.

The next amendment was after line 311 to insert:

To enable the Joint Committee on the Library to purchase such works of art for ornamenting the Capitol as may be ordered and approved, $10,000.

The amendment was concurred in.

The next amendment was after line 314 to insert:

To enable the Librarian of Congress to employ two assistants, in connection with the work of the copyright department, and in preparing a complete index of subjects to the documents and debates of Congress, at $1,600 each, $3,200. And the Librarian is hereby charged with the work of preparing such an index, under the supervision of the Joint Committee on the Library; and he is hereby authorized and required to complete the two sets of congressional documents required by existing laws to be deposited in the Library of Congress, and which were partially destroyed by fire; and to this end he may make requisition upon the Secretary of the Interior, in charge of the reserve of public documents; and such volumes as cannot be supplied by the Interior Department may be transferred to the Library of Congress from the documents in charge of the Secretary of the Senate and of the Clerk of the House of Representatives, the Librarian of Congress giving a receipt therefor.

The amendment was concurred in.

The next amendment was after line 332 to insert:

For necessary repairs of the telegraph line connecting the Capitol and the Executive Departments, $1,000.

The amendment was concurred in.

The next amendment was after line 335 to insert:

To enable the Secretary of the Treasury to pay D. L. Phillips, late United States marshal of Illinois, for counsel fees and expenses incurred in executing the *habeas corpus* act, the accounts of which have been passed by the proper accounting officers of the Treasury, $476.53.

Mr. EDMUNDS. I should like to have the chairman of the committee tell us something about that. We have investigated various claims of a similar character in the Committee on the Judiciary, who ought to investigate these questions, and have reported to the Senate very stringently upon them, and have always been sustained. Very likely the chairman of the Committee on Appropriations can tell us what there is about this particular law-officer of the Government which entitles him to be paid for counsel fees that he has expended. I think it my duty to ask for an explanation.

Mr. MORRILL, of Maine. The explanation is what is substantially stated in the text of the amendment. This man had charges for the service mentioned, which were audited by the accounting officers of the Treasury; and this is for the balance of the account thus stated.

Mr. EDMUNDS. This is very extraordinary. We have provided for the Department of Justice appropriations regularly every year and have provided for all the deficiencies that have been asked for. Now there is something about this claim which does not authorize it to be paid either out of the regular appropriations or the deficiencies which we ought to understand. It may be perfectly just; but I submit to the Senate that it is not right to other people similarly situated or right to the public interests to pass private claims of this character unless we understand precisely the ground on which we are going; and thus it is that I take the liberty to ask my friend from Maine to show us the papers on the subject, if he has any; and if he has not, I hope the Senate will disagree to the amendment, because it has no place in a bill of this character. It ought to have been introduced as a separate bill, because it does not fall under the ordinary expenditures. If it did it would not be here at all; and it should have been sent to the proper committee to investigate upon its individual merits, having the means, which the Committee on Appropriations have not in the great pressure upon their time, to make a special investigation into the particular subject.

Mr. MORRILL, of Maine. There are papers here somewhere which explain the whole thing.

Mr. EDMUNDS. That may be; but I should like to know what they are.

Mr. MORRILL, of Maine. I understand the curiosity of my honorable friend.

Mr. EDMUNDS. I hope certainly the Senator from Maine is not offended at my wishing to know how this stands.

Mr. MORRILL, of Maine. No; I am not in the slightest.

Mr. EDMUNDS. Let it be struck out until we can see into it.

Mr. MORRILL, of Maine. No; I do not propose to let it be struck out. I send the papers to the desk to be read.

The Secretary read the following letters:

TREASURY DEPARTMENT, FIRST AUDITOR'S OFFICE,
Washington, July 17, 1873.

SIR: Your accounts for expenses incurred in executing the *habeas corpus* act have been referred to this office by the War Department for examination and settlement, payment to be made from the appropriation provided by the ninth section of "An act making appropriations for sundry civil expenses of the Government," approved March 3, 1863. I find upon inquiry that the unexpended balance of this appropriation has been carried to the surplus fund, and is therefore not applicable for any purpose. I am not aware of any existing appropriation under the control of the Treasury Department from which your claims can be paid.

Respectfully,

H. K. LEAVER,
Acting Auditor.

D. L. PHILLIPS, Esq.,
Springfield, Illinois.

WAR DEPARTMENT,
Washington, D. C., June 28, 1873.

SIR: Referring to your letter of the 4th instant, submitting your account, amounting to $463.63, for counsel fees and expenses incurred in four suits instituted against you as United States marshal of Illinois, and inclosing in support thereof transcripts of the cases as they appear on the docket, together with the certificate of the Hons. O. H. Browning and John M. Palmer that the charges are reasonable

and proper, I am directed by the Secretary of War to inform you that he has approved the accounts for payment, and that the papers in the case have this day been transmitted to the accounting officers of the Treasury for settlement.

The letter of the Attorney-General, dated July 22, 1863, and the order of the Secretary of War, dated July 26, 1862, are herewith returned, as requested. Copies sent with papers to the accounting officers forthwith.

Very respectfully,

W. M. DUNN,
Assistant Judge Advocate-General.

D. L. PHILLIPS, Esq.,
Springfield, Illinois.

Mr. OGLESBY. In regard to this claim I have a word to say. Colonel Phillips was marshal of the State of Illinois and he was ordered at different times and under various circumstances to different portions of the State to arrest those persons who were supposed to be treacherous to the Union, who were under suspicion in various counties of the State. He was ordered to go at once for their arrest. He went, and paid, generally, his own expenses. He had not time to wait. He went into Edgar County, and into Williamson County, and different counties in the State from eighty to one hundred and fifty miles from Springfield. His claim is for the expenses by him incurred in arresting that class of men who were sent here and kept in the Capitol prison under suspicion of infidelity and treason to the Government. He has waited year in and year out until the amount allowed him will scarcely pay his expenses for coming here.

Mr. EDMUNDS. It is very extraordinary that ten years have gone over without any bill being introduced and passed to pay this gentleman if he is rightly entitled to it. He may be rightly entitled to it. The papers that we have here do not show that he is. They show the opinion of the Secretary of War ten years after, that he may be rightly entitled. I do not mean to say that he is not, because I do not know. I only mean to say that other persons who have had similar claims have been obliged to have them sent to the proper committee for an investigation upon their own merits, and have not been allowed to ride them upon an appropriation bill. Therefore I feel it to be a matter of duty and a matter of justice to insist upon it that this appropriation should not be made for this private claim in this bill, and that without any prejudice to the right of this gentleman to present his petition in the proper way and have it properly investigated by the proper committee and reported upon. It seems to me that it is not the right thing to put in a claim that is at least ten years old in an appropriation bill to pay a private citizen for a matter that has so long gone by when we are reporting daily with the approval of the Senate, either *pro* or *con*, on special investigation, the claims of other citizens of like character growing out of their execution of judicial or other duties under the judicial department of the Government. Therefore I make the point of order that this amendment is to provide for the payment of a private claim, and the Committee on Appropriations has no more right to report it than I have or any other person.

The PRESIDING OFFICER. The Chair thinks it is too late to raise the point of order after the amendment has been passed upon in the Committee of the Whole and reported to the Senate.

Mr. EDMUNDS. Then I hope the Senate will disagree to the amendment, and that without prejudice to the right of this gentleman to have his cause heard as other gentlemen have theirs. I think it is right to the Senate and to justice that we should do that thing.

Mr. OGLESBY. If Colonel Phillips shall be turned loose now to browse upon hopeless prospects about the claim any longer it is a heartless and sickening future for him. He paid but little attention to it, tried to get along without it, and finally believing the claim was justly due him from the Government he presented it. Governor Palmer, of the State of Illinois, certifies to it, and so far as the services are concerned fifty witnesses could be brought to establish the facts. It may be true, as the honorable Senator from Vermont says, that the case ought to have come up here through some committee on claims, and I am not prepared to dispute the justice of that proposition; but it has been lingering and dallying and hanging along until the man is heartsick, and I can say for him that if he does not get it now he will give it up forever. A man who did the service that he did I think will abandon it entirely rather than be pressing it.

Mr. EDMUNDS. That is precisely what we do not know.

Mr. OGLESBY. It is a just claim. I am not particularly interested about him; he has not even consulted me about it; he was here this winter, staid two or three days, and bothered me very little about it. He has been disappointed and put off about it so many times that he has a hopeless sort of chance if you do not pay him now.

Mr. EDMUNDS. Why has he been put off?

Mr. OGLESBY. He has been expecting to get it through the judicial department of the Government. It has been postponed and shuffled around, and finally he comes here and gets the recommendation of the Committee on Appropriations and of the proper Department of Government, and they put it on this multifarious sundry civil service bill that covers all creation and takes in everything. I looked at it to-day until it made my head swim. But it turns out a little $430 claim, and that from the interior of Illinois, is not legitimate or constitutional in this bill that takes in all God's creation except Illinois.

The amendment was concurred in; there being on a division—ayes 27, noes 12.

Mr. EDMUNDS. I wish to state now that I withdraw all points of order that I have made against any amendment to this bill in committee, and shall not insist upon any of them against any Senator who chooses to propose anything, because I will not myself be the instrument of granting favors to one person that are to be denied to another, by loading a bill of this kind with private claims which we know nothing about.

Mr. MORRILL, of Maine. I hope then that Senators who desire to reserve particular amendments will do so, and that we shall pass upon the others together.

Mr. EDMUNDS, I have not withdrawn my reservation. The Senate will take its own responsibility and vote upon each one of these amendments; but I think it just and honest to say to the Senators against whom I have been making points of order, that I shall not stand up to oppose them when the Senate chooses to make an exception of this kind for this particular gentleman. The Senator from Maine of course can exercise his own judgment in asserting his own rights, but the responsibility shall not rest upon my shoulders.

Mr. MORRILL, of Maine. I do not understand the lecture which the Senator gives to the Senate or the committee. I do not know which he intends it for. If he intends to lecture me on the subject, I consider it entirely gratuitous.

Mr. EDMUNDS. Certainly. I charge nothing for it. The Senator gets it free.

Mr. MORRILL, of Maine. So far as I am concerned, it is not worth a great deal. I have endeavored to do my duty on this bill faithfully. I do not intend to present any claim to the Senate of the United States that I am not willing to stand by; and I do not intend to be lectured constantly without exhibiting a sufficient degree of resentment. That is all I have to say about that.

Mr. EDMUNDS. The Senator has got his umbrella very wide open for a shower, as it seems to me. I have said nothing about the Senator from Maine except that I renounced in his favor all responsibility. If the Senator considers that a lecture, he is entitled to his opinion no doubt. I thought I had the right (and if I am wrong the Senator from Maine will correct me) to withdraw all objections that I had made to the amendments proposed by the Senator from Oregon and other Senators on points of order, that they were private claims, &c. If I had not that right, without the Senator from Maine jumping out of his seat and considering himself lectured, then he will be good enough to tell us so. The Senator from Maine perfectly well understands how much I regard him and his fidelity, and he must have got somewhat wearied with the great package of good things he has before him to suppose that when I abdicate in his favor I am lecturing him. I shall not do anything of the kind. Now, I hope the Senator from Maine is satisfied.

Mr. MORRILL, of Maine. Yes, sir; I am entirely satisfied, but I have nothing to take back, that the Senator means me when he says that he makes opposition to the proposition here, and then turns away from it in disgust and shakes off the dust from his feet upon all this class of cases, and turns around to the Senator from Maine and says, "He can take his own course." If it has any reference to me at all it means that I am connected with these claims in a way he does not countenance, and he wishes to direct the attention of the Senate to that fact.

Mr. EDMUNDS. Is there any objection to the statement of that fact?

Mr. MORRILL, of Maine. I do not think it is exactly the thing myself. The Senator may very likely think it is a very nice thing to put a man in a very comfortable position. I have done the best I could on these bills. It is not a labor I seek; it is not one of love, rather one of duty; it is irksome and troublesome; and I do not like to be criticised offensively in that way.

Mr. EDMUNDS. I did not mean to offend the Senator—far from it.

Mr. MORRILL, of Maine. I understand. I take no exceptions except that I take occasion to make that remark.

Mr. EDMUNDS. I am satisfied with that. Go ahead.

Mr. SARGENT. Let us have the next amendment reported.

The next amendment made as in Committee of the Whole was after line 341 to insert the following:

For salary of stenographer to the Secretary of the Treasury, $2,400.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was after line 343 to insert:

That of the unexpended balance of the appropriation made for the office of the Treasurer of the United States for the fiscal year ending with June 30, 1874, $20,000, or so much thereof as may be required, for the payment of salaries of clerks, messengers, and laborers to do the necessary work of that office, may be used for the purpose aforesaid, in the fiscal year ending with June 30, 1875: *Provided*, That no part of this amount shall be expended for payment of additional compensation to clerks or employés.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was after line 354 to insert:

To enable the Secretary of the Treasury to collect, procure, preserve, and arrange for use all vouchers, papers, records, and evidence, and to take testimony as to claims against the United States, to be paid only upon the certificate of the commissioners of claims, the sum of $20,000 of the unexpended balance of the appropriation made by act of March 3, 1873, is hereby reappropriated.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was after line 362 to insert:

To enable the Secretary of the Treasury to pay the proprietors of the New York Tribune for advertising in said journal, the sum of $839.10, or so much thereof as

may be necessary, to be paid upon the audit of the proper accounting officers of the Treasury.

The amendment was concurred in.

Mr. EDMUNDS. That is like the Phillips case. It is a private claim, but it is not in order to raise the point now.

Mr. MORRILL, of Maine. I will send to the desk the letter of the Secretary of the Treasury in that case if it is desired.

The PRESIDENT *pro tempore*. The amendment has been concurred in.

The next amendment made as in Committee of the Whole was after line 368 to insert:

For payment of the expense of editing the revised statutes, preparing the same for publication, and distributing the same, and for editing the annual statutes, under the direction of the Secretary of State, $20,000, or so much thereof as shall be necessary.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was after line 373 to insert:

To enable the Secretary of the Navy to complete the observations of the transit of Venus, in December, 1874, and to return the parties of observation to the United States, $25,000, to be expended as provided by the act making appropriations for sundry civil expenses for the fiscal year ending June 30, 1874, approved March 3, 1873.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was after line 381 to insert the following:

For collecting information respecting the condition and importance of the fur trade in the Territory of Alaska, as provided by act of April 22, 1874, $10,000, for the fiscal years 1874 and 1875, to be expended under the direction of the Secretary of the Treasury.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was after line 388 to insert:

For the District of Columbia, the sum of $1,300,000, to be expended by the commissioners of said District, and applied as follows: First, to the payment of interest on the funded debt of said District due July 1, 1874; secondly, to the payment of officers, employés, and laborers of the District, whether of the District proper or of the board of public works; thirdly, to the payment of any indebtedness for which the securities of the District are pledged; and the remainder to the current expenses of said District; all the above sums, except so much thereof as may be paid for interest, as aforesaid, to be considered and adjusted hereafter as a part of the proper proportional sum to be paid by the United States toward the expenses of the government of the District of Columbia.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was to insert after line 401:

For payment of C. H. Evans for services under the direction of the Committee on Ways and Means of the Forty-second Congress, $500.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was after line 401 to insert:

For the payment of M. A. Clancy, for services as stenographer in taking testimony in the matter of the impeachment of Richard Busteed, district judge of the district of Alabama, the sum of $525.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was after line 406 to insert:

For expenses of the Joint Select Committee to Inquire into the Affairs of the District of Columbia, the sum of $6,000, or so much thereof as may be necessary.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was after line 409, to insert:

For this amount, or so much thereof as may be necessary, to enable the Secretary of the Interior to pay for supplies furnished the Yankton Sioux Indians during the winter of 1866 and 1867, to prevent absolute starvation among said Indians, $11,329.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was to insert after line 416:

The sum of $32,220 is hereby appropriated to defray the expenses of the board of health of the District of Columbia for sanitary purposes for the fiscal year ending July 1, 1875; and the commissioners of the District of Columbia be, and they are hereby, directed to reappropriate the same amount, namely, $32,220, from the funds of the District of Columbia, not otherwise appropriated, for the same purpose.

Mr. EDMUNDS. I should like to ask the chairman of the committee, if it will not be offensive to him, and I presume it will not, whether that is intended to make a double appropriation, or whether it is only intended that this sum for the board of health shall be taken out of the fund of the commissioners?

Mr. SARGENT. The whole amount is $64,000 to run the board throughout the year. The purpose is that thirty-two thousand and some hundred dollars shall be expended out of the Treasury of the United States, and the other half out of the District funds, and the authorities of the District are required to make that appropriation.

Mr. EDMUNDS. Then it is intended to provide for $64,000 instead of $32,000. The language is ambiguous. That is why I made the inquiry.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was to insert after line 416:

That the sum of $1,000 is hereby appropriated for the salary of the Government telegraph operators at the Capitol during the recess of Congress; $500 of the same to be paid by the Secretary of the Senate for the salary of the operator of the Senate, and $500 to be paid by the Clerk of the House of Representatives for the salary of the operator of the House.

Mr. EDMUNDS. What is the use of having these operators during the recess of the Senate?

Mr. SARGENT. The amount that they receive is $100 a month. It is impossible to get telegraph operators at less than $1,200 a year. This simply runs to December, when some permanent arrangement will be made. That is all it amounts to.

Mr. EDMUNDS. I should like to have the vote taken upon it.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was after line 471 to insert:

For the purchase for an Indian agency station, the six hundred and forty acres of land situated on Lapwai Creek and Clearwater River, Idaho Territory, heretofore granted to the American Board of Commissioners for Foreign Missions, $15,000: *Provided*, That no part of this sum shall be paid until a perfect title to the said land shall be made to the United States by a warranty deed, to be approved by the Attorney-General.

Mr. EDMUNDS. With due humility, I wish to ask the Committee on Appropriations what this provision means, and how it happens that we have given to this board of commissioners of foreign missions six hundred and forty acres of land and propose to buy it back from them at $15,000?

Mr. SARGENT. I explained that once before in Committee of the Whole, and take great pleasure in replying again. By a law a great many years old there was given to the American Board of Commissioners of Foreign Missions the section of land referred to here, six hundred and forty acres, and there were given to other missionary societies among the Indians pieces of land which they selected. In the progress of time this land passed into the hands of another person. The Government, however, apparently not aware of this title, has put upon this land somewhere from one to two hundred thousand dollars' worth of property in the shape of agency buildings and other improvements in connection with the agency. The title of the individual owner is now set up and is recognized by the local courts, and the alternative of the Government is to abandon the land and lose the large property interest which it has upon the land or to purchase it of the person who has the title. We thought, on the recommendation of the Department, that it was better to buy the title than to lose the property that is upon it.

Mr. INGALLS. Is this the Langford claim?

Mr. EDMUNDS. This is the Langford claim, which we have heard of before, and the Senator from California says that the local courts (by which I suppose he means the territorial courts) have held that the Langford title is a good one.

Mr. SARGENT. They have held that the title to this land is good. I do not recognize the name.

Mr. EDMUNDS. Does the Senator mean to say that in a case in which the United States has been a party, so that we are bound by it, the final tribunals have determined that we have no title to this land?

Mr. SARGENT. I state, as I said before, that I understand the title of this person has been recognized by the local courts. I am so informed by the Department.

Mr. EDMUNDS. I should like to know if the Senator has any communication on that subject?

Mr. SARGENT. Yes, sir; the communications were before the committee.

Mr. EDMUNDS. I should like to have them read.

Mr. SARGENT. In a few moments I can get them. I will have to go to the committee-room and tell the clerk to bring them here.

Mr. BOGY. If the Senator will pardon me, I will state that this same subject was before the Committee on Indian Affairs, and the amount specified in this bill is the result of a compromise. The owner of the claim wanted a much larger compensation. We finally agreed to offer him $15,000, which he agreed to accept with a great deal of hesitation. By the act of 1848 six hundred and forty acres of land were appropriated for all missionary establishments in Oregon Territory. This was one of those establishments regularly made, and has been recognized by the Government of the United States, has been regularly surveyed, and the survey has been regularly approved, and the title, in my estimation and in the estimation of the committee, and I believe it is so recognized by the Commissioner of the Land Department, is beyond all controversy, beyond all doubt, based upon the law of 1848 securing to every establishment of this character six hundred and forty acres of land in the Territory of Oregon.

By treaty made subsequently with the Nez Percé Indians these six hundred and forty acres were included in a large reservation made for those Indians, and the Government has taken possession of that land, and has upon that land very extensive improvements, in buildings, houses, mills, and shops, and the whole entire agency indeed is upon these six hundred and forty acres. The owner of the land would prefer to have his land. It is no doubt worth to him a great deal more now than $15,000.

The Committee on Indian Affairs took all the pains they could in examining the matter. We also corresponded with the Commissioner of the General Land Office, who laid before us all the papers. The survey, I repeat, of that land has been approved, and the title of the missionary society is beyond all doubt, and there is a regular deed from that society to this gentleman; I believe his name is Langford. His title therefore being good, and we having taken possession of his land, and having put large improvements upon that land, we can do

no less than pay him for his land or give him possession of his property, and the price here fixed is the result of a compromise made between him and the Commissioner on Indian Affairs.

Mr. EDMUNDS. It is very extraordinary indeed, as it appears to me—no doubt I am wrong—that the Department of the Interior having charge of the location of reservations and having in its own possession the records which would show whether the American Board of Commissioners for Foreign Missions had lawfully located these six hundred and forty acres for their purposes under the act referred to by my friend from Missouri, should have run the Government into an obligation to pay twenty-five dollars an acre for this land in the Territory of Idaho where we established an Indian reservation. Somebody, in my opinion, deserves censure. The idea that we, in a Territory, are obliged to pay twenty-five dollars an acre for our own land, or land that has been located by somebody else, when there are thousands of square miles there, in order to establish an Indian reservation, is, as it appears to me, a very extraordinary thing. I hope it does not happen very often. Here we are to pay $15,000, which is about twenty-five dollars an acre, for land in the Territory of Idaho, a square mile of land claimed by this man Langford, because we have established an Indian reservation there. It is said he claims a great deal more. Does the Senator from Missouri mean to say that this land, aside from the improvements, is worth twenty-five dollars an acre in Idaho Territory?

Mr. BOGY. I understand it is a most excellent body of land and is very valuable aside from the improvements; that it is a very fine selection of very valuable land. It may not be so valuable as twenty-five dollars an acre; but it is a very fine selection of very valuable land, worth six or eight thousand dollars without any improvements at all.

Mr. EDMUNDS. The Senator from Missouri, with his usual candor, states I have no doubt correctly, that this land itself may be worth six or eight dollars an acre. Now we propose to pay twenty-five dollars an acre for it on account of the improvements that we put upon it ourselves.

Mr. BOGY. The Senator will pardon me. A large part of the improvements was put there by the board of foreign missions, and is there yet.

Mr. EDMUNDS. What are the improvements?

Mr. BOGY. Houses, mills, shops, saw-mills, and grist-mills. All the agency establishments are upon that land.

Mr. EDMUNDS. How did it happen—perhaps there is an explanation of it—that the Indian Department came to locate their reservation embracing this private property? What is the history of that?

Mr. BOGY. That would be very hard for me to answer. By treaties made with the Nez Percé Indians, they were located upon this land, and this is within the reservation, and by the terms of the treaty no white man is allowed to remain among those Indians unless officers of the Government, or Indian agents.

Mr. EDMUNDS. I have no expectation, of course, of preventing the adoption of this amendment; but I have the expectation of putting on the record what has been disclosed by the Senator from Missouri in respect of this most extraordinary transaction; and that is, that this man Langford year after year has had a bill here to provide for buying out his claim to this Indian reservation, the United States having been the original proprietors.

Mr. ALCORN. I will inquire, for information, whether the question of this title has been at any time adjudicated by any committee of this body? Has it been referred to the Committee on the Judiciary?

Mr. BOGY. It was referred to the Committee on Indian Affairs.

Mr. ALCORN. The Committee on Indian Affairs, I believe, is not composed of lawyers.

Mr. BUCKINGHAM. They are all lawyers but one.

Mr. EDMUNDS. We have a legend which the Senator from California gives us, and he does the best he can, that some local court has decided, as he understands, that the title of the United States is not good. It is a mere legend. We have no evidence of it. My friend from California has no evidence of it at all; he has heard so; and in the face of having located an Indian reservation there, we put into this miscellaneous appropriation bill a provision that we shall buy this disputed title to our own land—it was once our own land and for aught we have in evidence to the contrary is still our own land—and will give $15,000 for it in view of the improvements, not that this man, but somebody else, put upon it.

It may be all right, Mr. President, and I dare say it is, because the Committee on Appropriations have recommended it. I shall have done my duty in calling the attention of the Senate to the extraordinary nature of the circumstance that Senate bill No. 630, introduced on the 26th of March, has got into the body of this appropriation bill in spite of the efforts of my friend from Maine, who, no doubt truly, states that he has done his best to keep this bill clear from private bills of this character. I find that Senate bill No. 630, now on your Calendar, is a slightly enlarged edition of this amendment, containing the essential features of the amendment precisely.

Now, Mr. President, I ask the Senate to vote in favor of leaving this subject for further consideration at another session of this Congress in order that we may have from the Department or somebody a definite report which points out, either upon this bill which is on your Calendar for Langford or in some other way, why it is that the United States, in a Territory where we have millions of acres of land, is to be called upon to pay $15,000 to a private claimant for a part of this reservation without any judicial determination against our title.

Mr. BUCKINGHAM. I desire to say a word before the vote is taken on this question. I do not wonder that the Senator from Vermont puts his inquiries. I do not know how any man can look at this claim without making inquiries about it. I do not hesitate to say that when it was presented to the Committee on Indian Affairs they were somewhat puzzled to know how a man like Mr. Langford or any other man could possess by title the land in an Indian reservation; but on inquiry we were perfectly satisfied that that land, six hundred and forty acres, was originally conveyed by the Government to the American Board of Commissioners for Foreign Missions, and that the title in that board was as good as the title which I hold to the house which I occupy. Then we were satisfied also that the American board of missions sold this property to a man by the name of Langford for a very small consideration without doubt.

Mr. EDMUNDS. May I ask the Senator from Connecticut was it granted to the American Board of Commissioners for Foreign Missions in fee, or only for the uses of their mission?

Mr. BUCKINGHAM. I understand in fee.

Mr. EDMUNDS. I think the Senator is mistaken about that.

Mr. BUCKINGHAM. I do not think I am. The Senator asks whether the fee was in this board. I have no doubt of it. Without it they could not have conveyed the fee to Mr. Langford. Certificates from the records of the courts, local courts I suppose, came to the Interior Department and came before the Committee on Indian Affairs showing very clearly that the title to this land was in this man Langford.

Mr. EDMUNDS. I should like to hear those papers read.

Mr. BUCKINGHAM. I have not got them and cannot read them or produce them to be read.

Then I would say still further, the question came up in regard to the value of the land and the necessity of its being reowned by the United States Government, and we found that the Government had established an Indian agency which covered this land, on which the Government had erected buildings of great value. If they had erected them on my land, or on the land owned by the Senator from Vermont, it would have been necessary for them to purchase that land of him or me or remove the buildings. The information which we get from the Interior Department is substantially that they cannot remove those buildings or occupy any other land in connection with that reservation, which is nearly of as much value as this, which is nearly as important to the Government, and the Government cannot remove these improvements without great loss. It may be that the Government has occupied that land in such a manner as to make the gain very great to Mr. Langford; it may be impossible to avoid it; but that is not so much his fault as that of the Government.

The question came up before the Committee on Indian Affairs in regard to the value of this property. Affidavits were presented to that committee which stated that the property was worth, independent of the improvements, from forty to sixty thousand dollars. From whom were these affidavits? I must say I know not. They were by men at a distance, so far off that we could not address them, although there came with those affidavits certificates that the affiants were men of integrity and reliable.

Then the question came up, what shall the committee do for the interests of the Government? Shall we submit it to the courts to determine whether the Government shall take possession of it or not? Shall we submit the question to arbitrators and let them determine what the damage shall be to Langford? If that question should be submitted to any three disinterested men, however well they might be selected, residing in that country, we could not believe in the face of these affidavits that they would give the Government the property as cheap as we propose to buy it now. Believing as I do that this is the most economical way for the Government to get out of this difficulty and to get possession of this property which is essential in order to secure the improvements which they have made, I hope this amendment will be concurred in.

Mr. OGLESBY. I hope the Senate will concur in the amendment as recommended by the Committee on Appropriations, and indeed I am very glad to see it in the bill. I suppose it got there through the instrumentality of the honorable Senator from Oregon, [Mr. KELLY.] This claim came before the Committee on Indian Affairs of the Senate months ago. We gave it careful consideration. A bill was sent down from the Secretary of the Interior providing for settling this claim by arbitration or settling it by a proceeding in the district court of Idaho.

Mr. BOUTWELL. Will the Senator from Illinois inform the Senate when these improvements by the Government were placed upon this land?

Mr. OGLESBY. If the Senator from Massachusetts will take my recollection about it, I can state, within the last twenty years.

Mr. BOUTWELL. I should imagine it would be within the last twenty years. It is only twenty-four or twenty-five years since the land was ceded to the missionary society.

Mr. OGLESBY. I will state to the Senate just what I know about it and as briefly as I can.

Mr. BOUTWELL. If the Senator will allow me, I will state to him what is the suspicious aspect of this case, and as I have known one other in my experience in the Government which was precisely what I suspect this to be I will state it. Whoever put the improve-

ments made by the Government upon this land, the title to it having been confirmed in 1848, knew perfectly well that he was doing that which he had no right to do, and was placing the property of the Government upon land the title to which was in another party. In my judgment, although I have no evidence on the point, there can be no doubt that there was an arrangement and understanding between the person who held the title to this land and the officer of the Government by whose agency the improvements were placed upon it. It is incredible that any other state of facts could have led to the present condition of things.

Mr. OGLESBY. I think the Government will be the gainer, and largely the gainer, by concurring in the amendment of the Committee on Appropriations. Now I will state, and I hope I shall do it in less than five minutes, what I know about it.

The case came before the Committee on Indian Affairs. It was there referred to the Senator from Iowa [Mr. ALLISON] or myself, I think to me, with a bill from the Secretary of the Interior providing that a suit should be brought or that a board or arbitrators should be appointed to settle what the Government owed Mr. Langford. The Government of the United States, through the executive department, officially recognized to Mr. Langford his title in the property. He brought suit in ejectment against the possessors in the territorial courts of Idaho, and received a judgment of ouster and putting him in possession again; and that judgment stands to-day from which the Government has taken no appeal, and it has made no objection to the judgment. It was a regular judgment rendered in an action of ejectment, and the man has stood waiting and waiting to get possession and cannot get possession because he cannot sue the Government to put it out. The property belongs to him. The title was conveyed to him by duly acknowledged deeds from this missionary society. He was put in possession; and it being peculiarly located, far off in the Indian-exposed portions of Oregon, when the Government went there and established an Indian agency, the Government had no other ground, no other place it could go and protect the life of its agent. Therefore it went upon this ground, where a mill has been constructed, a saw-mill and a grist-mill, and the Government went and made material additions to it and took possession of it in order to preserve the life of the Government agent there and to make it a center for the distribution of food and annuities to the Indians, and hold it to this day.

The fear the Committee on Indian Affairs had was that if this Government should continue to hold this ground for a longer period, when this man had made repeated applications for it, it would finally end in a claim of fifty or one hundred thousand dollars against the Government. Therefore we put Mr. Langford off in the Committee on Indian Affairs. We resisted his claim and put him off. He said he was justly entitled to $40,000; but as a compromise, to settle it and let him get his money and get rid of all trouble, he finally agreed to take $20,000. The committee insisted that $10,000 was enough. The matter was referred to me, and I had a bill drawn up and reported to the Senate to give him $15,000, which amount he concluded he would not accept. He refused to accept it until I received this letter from him two weeks ago agreeing to accept the $15,000. [Here the hammer fell.] Is my time up?

The PRESIDENT *pro tempore*. Yes, sir.

Mr. SPENCER. I move that the Senate recede from its amendment to House bill No. 899, to constitute Montgomery, in the State of Alabama, a port of delivery.

Mr. EDMUNDS. Let us dispose of this bill first.

Mr. SARGENT. I object to any business being interposed until we dispose of the appropriation bill.

Mr. OGLESBY. Here is a letter from Mr. Langford agreeing to accept $15,000.

The PRESIDENT *pro tempore*. The Senator's time has expired.

Mr. EDMUNDS. I hope the Senator will be allowed to proceed. I move that he have leave to proceed

The PRESIDENT *pro tempore*. The Senator from Vermont moves that the Senator from Illinois have leave to proceed without limitation.

The motion was agreed to.

Mr. OGLESBY. The honorable Senator from Vermont will allow me to return him my sincere thanks for this courtesy. I will agree to proceed with pleasure if he will promise not to follow me. [Laughter.]

Mr. EDMUNDS. It would be perfectly hopeless. I make the promise.

Mr. OGLESBY. The Committee on Indian Affairs believed, and now believe, that this is the best settlement the Government can ever make of this claim. I have a letter from Mr. Langford, who finally agrees to take $15,000 and settle the matter. If you send it back to that country and allow him to call up witnesses over that Territory to prove the value of that property in a court of justice, the Government will have to pay fifty or one hundred thousand dollars for that land. His title is clear; it is unimpeachable. There is no use to deny it. He has papers from the Government in his possession admitting the title. Now, then, when we have got him to consent to take $15,000 and give a warranty deed to the Government for six hundred and forty acres, give us the title and get rid of the difficulty, my opinion is the Senate will make a mistake if they do not accept the offer.

The PRESIDENT *pro tempore*. The question is on concurring in the amendment made as in Committee of the Whole.

Mr. EDMUNDS. Let us have the yeas and nays.

The yeas and nays were ordered.

Mr. KELLY. I wish to make a statement about this matter as the amendment was suggested by myself. I can indorse everything that has been said by the Senator from Illinois, and I will ask the Clerk to read a letter from the Commissioner of Indian Affairs showing the amount of money the Government has expended upon that land, the title to which certainly belongs to Mr. Langford. There can be no doubt about it, as the Senator from Illinois has said.

Mr. EDMUNDS. Where is the evidence of that, let me ask the Senator? I should like to have it read if there is any evidence of that kind.

Mr. KELLY. I will read it. Mr. Langford holds this land under the seventh section of the act of the 14th of August, 1848, the proviso of which is as follows:

And provided also, That the title to the land, not exceeding six hundred and forty acres, now occupied as missionary stations among the Indian tribes in said Territory, and improvements thereon, be confirmed and established in the several religious societies to which said missionary stations respectively belong.

Again, on the 2d of March, 1853, when the Territory of Washington was organized, there was this provision:

Provided further, That the title to the land, not exceeding six hundred and forty acres, now occupied as missionary stations among the Indian tribes in said Territory, or that may have been so occupied as missionary stations prior to the passage of the act establishing the territorial government of Oregon, with the improvements thereon, be, and the same is hereby, confirmed to the several religious societies to which said missionary stations severally belong.

I will say that this society was established in 1836 among the Nez Percé Indians, and from that time until what was called the Whitman massacre they continued to occupy this as a missionary station. I say there can be no doubt as to the title.

Mr. EDMUNDS. The Senator says there is no doubt about the title, and he reads from a statute.

Mr. KELLY. I do, as quoted in the House report.

Mr. EDMUNDS. It is a copy of the statute, I suppose.

Mr. KELLY. Yes, sir.

Mr. EDMUNDS. In which he says the title is conferred upon the missionary or religious societies.

Mr. KELLY. "Confirmed."

Mr. EDMUNDS. Now where is the statute which gives the original title?

Mr. KELLY. The original title was under the act of the 14th of August, 1848.

Mr. EDMUNDS. Does that provide for any alienation by this religious corporation to its successors or assigns?

Mr. KELLY. It confirmed the title to the society.

Mr. EDMUNDS. But that is not the point, the Senator will see as a lawyer. My point is whether in the original act or in this one, certainly not in this one, there are any words which say that the land is confirmed to the successors and assigns of this religious corporation.

Mr. KELLY. I do not pretend to say that there are such words.

Mr. EDMUNDS. Then if there are not such words, does the Senator say they had a right to alienate this title?

Mr. KELLY. I do say so, certainly. I do say when a title is confirmed to any religious body, that that body is the owner of the land, and that that body has the right to dispose of that land if it thinks proper. They did dispose of it to Mr. Langford. It has been so found by the committee of the Senate and of the House. I am reading from the House report. I say that there can be no doubt about the title.

Before my time expires I wish simply to have read a letter showing that the Indian Department have expended in improvement upon that land $66,000 in buildings, all of which strictly belongs to Mr. Langford. He brought suit, served process upon the Indian agent, judgment was obtained after a contest, and he has it now.

Mr. EDMUNDS. What is the date of that judgment?

Mr. KELLY. I do not remember. It was there three or four years ago.

Mr. EDMUNDS. Why was not an appeal taken?

Mr. KELLY. I cannot account for that. I suppose for the simple reason that they knew there was no hope of gaining it for the United States.

Mr. EDMUNDS. Is there a copy of the record here that we can hear read?

Mr. KELLY. It was before the committee.

Mr. EDMUNDS. Is it here?

Mr. KELLY. I do not know; I am not on the committee. I know there was presented to the committee a certified copy of the record. I now ask to have the letter which I send to the desk read.

The Chief Clerk read as follows:

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, D. C., June 19, 1874.

SIR: In reply to your verbal inquiry, you are advised that it appears from the books of this office that the following sums have been appropriated and placed in the hands of the agent of the Nez Percé Indians since 1860 for improvements on the lands occupied for the agency of said Indians in the Territory of Idaho, and it is presumed have been expended for such purpose, namely:

For the erection of schools and church buildings	$24,700 00
For the erection of blacksmith-shop	5,500 00
For the erection of saw and flouring-mill	19,000 00
For the erection of hospital building	2,400 00
For the erection of buildings for employés	6,500 00
For the erection of buildings for chiefs	34 000 00
Total	61,55C 00

In addition to the foregoing the sum of $4,600 is appropriated annually for keeping said buildings in repair, &c.

There is also embraced within the six hundred and forty acres occupied by the agency fifteen Indian farms, improved and cultivated for the use of the Indians of said agency.

This tract of land on which these improvements have been made by the Government out of Indian funds is that covered by the execution of W. G. Langford *vs.* Robert Newell, United States Indian agent, from the district court of the first judicial district of Idaho Territory.

Very respectfully, your obedient servant,

EDWARD P. SMITH,
Commissioner.

W. G. LANGFORD, Esq.,
Washington, D. C.

The PRESIDING OFFICER, (Mr. FERRY, of Michigan, in the chair.) The Senator's time has expired.

Mr. BOUTWELL. I only want to say to the Senate that we had better find out whether the Government has been the victim of a fraud, as is pretty evident from so much of the transaction as we are made acquainted with, before we decide to pay any sum of money, however small, to one of the parties or the representative of one of the parties, to this fraud; for nothing can be clearer than that the agent of the Government who put this property, churches, stores, and mills upon this land was perfectly well aware that the Government in some sense had parted with the right to control the land—not the ownership of it, not the fee of the land. It was dedicated to a certain purpose in the hands of the missionary society; but I do not believe from the statute that it was an alienable title which the society took from the Government. There are no words in it that authorize the society to alienate the title. At any rate we should stand where we are, and not be deterred by the idea that a claim may arise years hence of $50,000 or $100,000. We should not allow a party to a fraud to take $20,000 or $10,000 or $10 out of the Treasury through the fear that this Government cannot resist those parties.

The excuse that the Indian agency and the buildings of the Government and other property were put upon the missionary lands for the purpose of defense against the Indians is absurd, inasmuch as the missionary agency was there, if these Indians were hostile, under the protection of the Government, and the Government had the power to protect its own agents elsewhere as well as upon the property of the missionary society. My judgment is that the design of this proceeding, as it originated in Idaho, (without the knowledge of course of any member of any committee of either branch of Congress,) is to take from the Government money through a fraudulent intent.

The PRESIDING OFFICER. The question is on concurring in the amendment made as in Committee of the Whole, upon which the yeas and nays have been ordered.

The question being taken by yeas and nays, resulted—yeas 26, nays 19; as follows:

YEAS—Messrs. Allison, Bayard, Bogy, Buckingham, Carpenter, Clayton, Conover, Cooper, Davis, Ferry of Michigan, Flanagan, Gilbert, Gordon, Hamilton of Maryland, Harvey, Kelly, McCreery, Mitchell, Morrill of Maine, Oglesby, Pease, Ransom, Sargent, Stockton, Thurman, and Wadleigh—26.

NAYS—Messrs. Alcorn, Boutwell, Chandler, Edmunds, Fenton, Frelinghuysen, Goldthwaite, Hager, Hamilton of Texas, Howe, Ingalls, Merrimon, Morrill of Vermont, Robertson, Schurz, Scott, Stewart, Tipton, and Wright—19.

ABSENT—Messrs. Anthony, Boreman, Brownlow, Cameron, Conkling, Cragin, Dennis, Dorsey, Ferry of Connecticut, Hamlin, Hitchcock, Johnston, Jones, Lewis, Logan, Morton, Norwood, Patterson, Pratt, Ramsey, Saulsbury, Sherman, Spencer, Sprague, Stevenson, Washburn, West, and Windom—28.

So the amendment was concurred in.

The next amendment made as in Committee of the Whole was in line 507 to increase the appropriation for surveying the public lands in Nebraska from $40,000 to $80,000.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was in line 529 to increase the appropriation for surveying the public lands in Idaho Territory from $20,000 to $30,000.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was in line 533 to increase the appropriation for surveying the public lands in New Mexico Territory from $20,000 to $30,000.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was in line 555 to increase the appropriation for surveying the public lands of Oregon from $40,000 to $60,000.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was in line 563 to increase the appropriation for surveying the public lands in Washington Territory from $40,000 to $60,000.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was after line 612 to insert:

For the necessary expenses of the land office at the Dalles, Oregon, for salaries and commissions of the register and receiver for the fiscal year ending June 30, 1875, $6,000, and for incidental expenses of said office, $1,000.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was after line 615 to insert:

For lathing and plastering the under surface of the roof above the ceiling of the Senate Chamber, $4,000.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was after line 618 to insert:

For a new steam-pump to supply the tanks located in the attic of the Senate wing of the Capitol, $800.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was after line 621 to insert:

For replacing the defective portion of the roof on the Capitol near the Dome by a copper roofing of fire-proof construction, and for erecting fire-walls, $15,000: *Provided*, That the old materials shall be remanufactured and used in the repairs of the Capitol.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was after line 626 to insert:

For a commission, consisting of Fred. Law Olmsted, of New York; William Hammond Hall, of San Francisco, and H. W. S. Cleveland, of Chicago, to consider and report to Congress at its next session by what economical measures the greatest public value may be given to the connected series of Government grounds, including those of the Capitol and those of the Executive Mansion, the sum of $1,500.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was after line 634 to insert the following:

For improvement of Capitol grounds, according to the plans and under the general direction of Fred. Law Olmsted and the Committee on Public Buildings and Grounds of the Senate, to be expended by the architect of the Capitol, $200,000.

Mr. SARGENT. At the time that amendment was adopted in Committee of the Whole the Senator from Wisconsin [Mr. HOWE] stated that he would consider that matter and offer an appropriate amendment. I think from what he outlined his idea was that it should be under the charge of the chairman of the committee of the House and the chairman of the committee of the Senate; the House would hardly agree that this improvement should be under the sole control of the Senate. I ask if he is ready with his amendment? If not, I will move that amendment.

Mr. MORRILL, of Vermont. I hope there will be no such amendment offered.

Mr. SARGENT. Then the words "and the Committee on Public Buildings and Grounds of the Senate" should be stricken out. I move to strike out those words.

The amendment to the amendment was agreed to.

The amendment, as amended, was concurred in.

The next amendment made as in Committee of the Whole was to strike out lines 639 to 642, inclusive, in the following words:

For improving the Capitol grounds, for coping and flagging the foot-walks around the same, and for paving the roadway at the eastern front, $125,000.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was in line 647 after the words "engine-house" to insert "and stable," and in line 649 to increase the appropriation "for the purpose of erecting on Capitol Hill near the Capitol building a suitable engine-house and stable to supply the place of engine-house No. 3 recently ordered removed by Congress," from $10,000 to $15,000.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was to strike out lines 650, 651, and 652 in the following words:

For preservation and repairs of the United States court-house in Washington City, formerly known as the City Hall building, $3,000.

And to insert in lieu thereof:

For extending court-house (old City Hall) in the city of Washington, in accordance with plans of the architect of the Capitol, to be approved by the Secretary of the Interior, for the accommodation of the District courts, Court of Claims, and the Pension Office, and for making the necessary repairs to the old building, $150,000.

Mr. HOWE. Mr. President, when that amendment was before the Senate as in Committee of the Whole, I asked the chairman of the Committee on Public Buildings and Grounds to consent to an amendment which would allow the architect either to extend the present building or to erect a new one. That proposition was declined. I did not then know, I had not then seen, the plan which it seems now has already been provided for extending the present building. Since that time I have seen that plan. I have no hope of changing the purpose of the Senate to agree to that. I only want to enter my protest against it. I do think it would be a great calamity to make this appropriation and to undertake to extend that building. It will be simply erecting a permanent scab on the finest square in the city, to spread over the whole territory there between D and E streets an enlargement of the horse-barracks which already stand there, and which will be a monument for posterity to swear at as long as the building stands. [Laughter.] I want to save myself from receiving any of those anathemas.

The traveler who hereafter shall have occasion to leave East Capitol street and go to Seventeenth street will pass by those buildings to start with. On his way, he will encounter the Post Office, the Interior Department, the Treasury building, and he will bring up at that new State Department which is now being erected—buildings that are not excelled by any in the world; but on his course he will have to pass the building which my excellent friend from Vermont designs placing on this splendid square. I do not think any man of a sensitive nature can travel over that whole course without being thrown into a fever and ague. [Laughter.] I shall have to take the

avenue after that building is put up, for my constitution will not stand that route, I know. [Laughter.]

Mr. MORRILL, of Vermont. The Senator from Wisconsin has a happy faculty of making even respectable things look ridiculous whenever he attempts it. The idea of the committee that reported this amendment was that we should have some means of immediate accommodation for the courts of the District, for the Court of Claims, and for the Pension Bureau now confined to the Seaton House; and this building can be extended under the general style which it now assumes, fronting on Four and a half street, and make a very respectable appearance, and furnish a very large amount of accommodations, and that at an early day. It is economy to finish this building and furnish quarters for these courts, for the Pension Bureau, and for the Court of Claims.

I do not think that the building as it is proposed will give the fever and ague generally; and unless the Senator from Wisconsin is predisposed to that ailment, I do not think that this building when erected will produce any such results. The whole building can be completed at $239,000 additional cost. We propose to appropriate $150,000 of it this year and the balance next year, and the amount appropriated for this year will furnish present and immediate accommodation for the Pension Bureau and the courts. Any gentleman who desires to do so can see the proposed changes, as I have them before me, and they are not to be adopted until approved by a member of the Cabinet.

Mr. HOWE. Temporary accommodations twice as large as are proposed here can be had by putting up board shanties or canvas tents, and then they can be taken down when you no longer have any use for them, and they will not offend anybody.

Now my honorable friend holds up here what seems to be the ground-plan. If he will really resolve that into one of the elevations it will not be so offensive as the elevation that he has had drawn by the architect, [laughter;] and if he would so amend his plan immediately it would be less offensive to me. I do not particularly distrust my own constitution; I never had the fever and ague in my life; and I do not believe I ever shall have, unless I am called upon to pass that building. There is what I suppose is one of the elevations, [exhibiting to the Senate.] I should be a little reluctant after all to say that it was designed for horse-barracks. It looks more to me like a national dove-cote. [Laughter.]

Mr. MORRILL, of Vermont. I desire to say one thing about this proposition. If Congress is disposed to spread a million or a million and a half of money for the same amount of accomodations, so be it. In my opinion this building is not really subject to the criticism of the Senator from Wisconsin. It is not a beautiful building at all, and yet it is not such a monstrosity as he would represent it to be. I think that for the sake of economy, and for the reason that we ought not at the present moment to launch out into very much more of an expenditure for this city at the present time, we ought to accept this proposition.

The PRESIDING OFFICER. The question is on concurring in the amendment.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was to insert after line 664:

To secure the foundation walls and fit up rooms in the basement of the General Post-Office building $100,000, or so much thereof as may be necessary.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was after line 685 to insert:

To pay the indebtedness incurred and now due, and to pay, in part, the expenses of the Reform School of the District of Columbia, for the fiscal year ending June 30, 1875, it being for food and clothing of the boys in said school, the sum of $15,000; to be deducted from any money hereafter appropriated for the District of Columbia.

The amendment was concurred in.

The next amendment made as in Committee of the Whole, in the appropriations for the Columbia Institute for the Deaf and Dumb, was after line 733 to insert:

For continuing the work on the erection, and fitting up the buildings, of the institution, in accordance with plans heretofore submitted to Congress, $20,000.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was after line 761 to insert:

For the Women's Christian Association of the District of Columbia, $25,000; to be expended for the sole purpose of erecting a building on the ground owned by said association in said District, upon and in strict conformity with a plan for said building, which shall be prepared by the architect of the Capitol extension; and it shall not, for building and furnishing, exceed the said sum of $25,000; and no money shall be paid under this appropriation until the Secretary of the Treasury shall be satisfied that a contract, with good security for its execution, has been entered into for the erection and furnishing of said building, at a sum not exceeding the amount hereby appropriated; and all payments for the erection and furnishing of said building shall be made by the Secretary of the Treasury directly upon vouchers to be approved by him: *Provided*, (and this appropriation is upon the express condition,) That none of the money hereby appropriated shall be paid by the Secretary of the Treasury until said association shall file with the recorder of deeds in the District of Columbia a declaration, executed and acknowledged in the manner in which deeds are required by law to be executed for record in the District of Columbia, that said building and the lands on which it is erected, forever, shall be held in trust by said association, without mortgage or security in the nature of mortgage, for the sole purposes of said association, as defined in its charter, of date of December 13, 1870; and the filing of said declaration shall be regarded as notice to all persons who shall purchase said property or take any security thereon.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was on page 33, after line 792, to insert:

For the Little Sisters of the Poor of Washington City, to liquidate a debt on the building and to complete said building, $25,000.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was on page 35, after line 843, to insert:

For building a steamer for the Coast Survey, for use on the gulf coast, $76,000.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was after line 849 to insert:

For the maintenance and support of the Hydrographic Office, including surveys of ocean currents, reefs, and shoals, and incidental expenses, $50,000.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was on page 37 to strike out lines 888, 889, and 890, as follows:

To pay commissions allowed by law to collectors of customs acting as superintendents of lights, $8,000.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was after line 898 to insert:

For re-establishing the light-house at Indian Island, at Rockport Harbor, Maine, $9,000.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was in line 939, on page 39, to strike out "Navasink," and insert "New Brunswick," and to strike out the proviso commencing in line 939, as follows:

Provided, That whenever it may become necessary, in the adjustment of boundary lines or in the opening or changing of necessary roadways affecting lands belonging to the United States and used for the purposes of the light-house establishment at Staten Island, New York, and at the Highlands of Navasink, New Jersey, or any part thereof, the Secretary of the Treasury is hereby authorized to execute for such purposes, touching the property above referred to or any part thereof, the necessary conveyances and assurances, and to receive in consideration therefor such other conveyances or assurances of adjoining lands, or of lands in the immediate vicinity, or other consideration, as may be agreed upon.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was to strike out the following clause, commencing in line 955:

And the Secretary of the Treasury is authorized to place a fog-bell (to be rung during the prevalence of a fog) at such points at or near the entrance to the harbor of New York as may be designated by the proper officers; the expenses thereof to be paid out of any unappropriated money in the Treasury.

The amendment was concurred in.

Mr. SARGENT. I move that with the exception of the amendment of the Committee of the Whole relating to the Light-House Board on the Mississippi River, the other amendments of the Committee of the Whole be concurred in.

The motion was agreed to.

Mr. SARGENT. In reference to that amendment——

The PRESIDENT *pro tempore*. The amendment will be read first.

The CHIEF CLERK. The Senate, as in Committee of the Whole, struck out the following words, commencing in line 1075:

That the jurisdiction of the Light-House Board created by the act entitled "An act making appropriations for light-houses, light-boats, buoys, &c., and providing for the erection and establishment of the same and for other purposes," approved August 31, 1852, is hereby extended over the Mississippi, Ohio, and Missouri Rivers, for the establishment of such beacon-lights, day-beacons, and buoys as may be necessary for the use of vessels navigating those streams; and for this purpose the said board is hereby required to divide the designated rivers into one or two additional light-house districts, to be in all respects similar to the already existing light-house districts; and is hereby authorized to lease the necessary ground for all such lights and beacons as are used to point out changeable channels, and which in consequence cannot be made permanent.

Mr. SARGENT. I ask on behalf of the Committee on Appropriations, after an informal consultation, that that amendment be non-concurred in.

The amendment was non-concurred in.

Mr. SARGENT. On behalf of the committee I offer the following amendment, to come on page 26, after line 621:

For salary of assistant engineer of the Senate in charge of the elevator and elevator-engine, $1,450.

The amendment was agreed to.

Mr. SCOTT. I renew the amendment which I withdrew in Committee of the Whole, to which I presume there will be no objection.

For compensation of the Assistant Secretaries of the Treasury, the Solicitor of the Treasury, and the Commissioner of Customs, each, $4,500 per annum; and a sum sufficient to pay the amount of increase of these salaries is hereby appropriated.

The amendment was agreed to.

Mr. STEVENSON. I offer another amendment which was objected to on a point of order, which the Senator from Vermont has withdrawn:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay the late firm of Dempsey & O'Toole, as indemnity for loss sustained by them by annulment of a contract with the Post-Office Department for furnishing stamped envelopes and newspaper wrappers, the sum of $29,433.89: *Provided*, That previous to the payment of the sum before mentioned the said Dempsey & O'Toole shall deliver up, to the satisfaction of the Postmaster-General, all dies and dandy-rolls by them used and provided for the manufacture of the envelopes aforesaid: *And provided further*, That the sum aforesaid shall be received in full satisfaction for all claims and demands of the said Dempsey & O'Toole for or by reason of the annulment of said contract.

Mr. WRIGHT. My recollection is that that is the same claim precisely which was before the Committee on Claims and rejected.

Mr. STEVENSON. I know it is not.

Mr. DAVIS. I beg to correct the Senator from Iowa. This is not the same claim, but it is a claim of the same parties.

Mr. STEVENSON. I inquired into that point myself.

The amendment was agreed to.

Mr. SCOTT. I have an amendment that was left in charge of a member of the Committee on Finance who has been called out upon a committee of conference, one which will require unanimous consent, and when I state that the officer who sends it says that it will save $600,000 to the country, I presume there will be no objection. The amendment is to add as a new section:

That so much of the act entitled "An act to make appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1874, and for other purposes," as provides "for replacing the worn and mutilated circulating notes of national banking associations and for engraving and preparing, in such manner and on such paper and in such form and design as the Secretary of the Treasury may prescribe, new circulating notes for such associations to replace notes of designs and denominations now successfully counterfeited, $600,000: *Provided*, That each of a said national banking associations shall reimburse the Treasury of the United States the cost of the circulating notes furnished under this provision," be, and the same is hereby repealed.

Mr. ROBERTSON. I object to the amendment. Is it in order?

Mr. SCOTT. There is no appropriation in it, I will inform the Senator from South Carolina. It is to repeal a section of a bill of last year.

Mr. ROBERTSON. I ask if that amendment is in order?

The PRESIDENT *pro tempore*. It is not if objected to.

Mr. ROBERTSON. I object.

The PRESIDENT *pro tempore*. The Senator from South Carolina raises a point of order, and the Chair sustains it.

Mr. INGALLS. At the request of the Senator from New Jersey, [Mr. FRELINGHUYSEN,] who is temporarily absent from the Chamber, I offer the following amendment, to come in on page 60, line 1463:

To enable the Joint Committee on the Library of Congress to procure plans for extending the east and west fronts of the Capitol so as to enlarge the accommodations for the Library and perfect the central building, $2,000.

The amendment was agreed to.

Mr. MITCHELL. When the Senate was in Committee of the Whole I offered two amendments to this bill which were obnoxious to an objection made at that time. The objection having been withdrawn, I am encouraged to try them again. I offer the following amendment, to be inserted after line 598:

For this amount, or so much thereof as may be required to meet certain indebtedness on account of the Indian service at the Malheur reservation in Oregon during the fiscal year ending June 30, 1874, $16,145.

Mr. MORRILL, of Maine. Let the Senator explain the amendment.

Mr. ROBERTSON. I object to the amendment.

Mr. MITCHELL. I hope the Senator from South Carolina will not object.

Mr. ROBERTSON. Is the amendment in order?

The PRESIDENT *pro tempore*. It is not.

Mr. ROBERTSON. Then I object.

The PRESIDENT *pro tempore*. The Chair sustains the point of order.

Mr. ANTHONY. On page 12, after line 267, I move to amend by adding:

And the Congressional Printer is directed to bid for the same at the estimated cost of performing the work.

I do not know why an exception is made of this work of printing to the general rule that prevails throughout the bill. This work is the Official Postal Guide.

Mr. SARGENT. I think the amendment is good. I should like to have the Public Printer compete for that printing.

Mr. ANTHONY. I was asking that some member of the committee would explain to me why it is that this work is made an exception to the general rule that runs through the bill requiring that all printing shall be done at the Government Printing Office.

Mr. SARGENT. This is a clause put in in the House. We did not see fit to strike it out or put it on any other, because we thought this work ought to be printed. The amendment now moved will certainly give an opportunity to the Public Printer to have the money expended by him.

The amendment was agreed to.

Mr. ANTHONY. I wish to offer another amendment which I cannot offer except by unanimous consent. Yesterday a joint resolution was passed directing the Congressional Printer to prepare a careful statement of the cost of printing the RECORD for a year, in order that we might compare it with the cost of printing the debates at private establishments and with the estimates that might be made by other parties. This cannot be done without an additional clerk. I therefore ask leave to offer an amendment which I am aware is not in order unless by general consent. It comes from the Committee on Printing, and it is not in order only because it was not referred to the Committee on Appropriations; but the Senate will recollect that it was only yesterday that the joint resolution was passed which made this necessary. The amendment is:

For one clerk of the third class to keep the accounts of the CONGRESSIONAL RECORD as required by the joint resolution of Congress.

Mr. ROBERTSON. I object.

Mr. ANTHONY. Will the Senator from South Carolina indulge me by allowing me to suggest that Congress yesterday directed the Congressional Printer to do a certain thing; that thing cannot be done without the employment of a clerk. Are we to order him to do a thing and then refuse him the means of doing it? I think the Senator will withdraw his objection on that statement.

Mr. ROBERTSON. I think there are quite enough items in the bill without making further appropriations.

The PRESIDENT *pro tempore*. The Chair will submit to the Senate the question whether the amendment shall be received.

The question being put, it was declared that the ayes appeared to prevail.

Mr. ROBERTSON. I raise the point of order.

The PRESIDENT *pro tempore*. The Senate have decided the point of order.

Mr. SARGENT. The amendment being before the Senate, I move to amend it by striking out "third class" and inserting "first class." Certainly a first-class clerk should be competent for this business.

Mr. ANTHONY. I accept that.

The amendment, as modified, was agreed to.

Mr. DENNIS. I rise to offer an amendment——

Mr. ROBERTSON. I rise to a point of order. Is it quite fair that the Chair receives some amendments and objects to others?

The PRESIDENT *pro tempore*. It is not. It is in the power of the Senate to do what they please. The Chair submitted the question to the Senate whether they would receive the amendment of the Senator from Rhode Island, and they decided that they would, and the Chair could not prevent it.

Mr. DENNIS. I offer the following amendment:

To enable the Secretary of the Senate to pay a sum sufficient to make the salaries of the principal clerk, principal executive clerk, minute and Journal clerk, and financial clerk of the Senate as follows: Principal clerk, $3,600; principal executive clerk, minute and Journal clerk, and financial clerk, $3,000; and a sum sufficient to make the annual salaries of seven of the clerks in the office of the Secretary $2,592 each, $4,836.

The amendment was agreed to.

Mr. BAYARD. I offer an amendment, on page 66, after line 1624, to insert:

For furniture, books, and paper-cases, gas-fixtures, carpets, and mats for the United States court-room and clerk's office, Wilmington, Delaware, $2,000.

The PRESIDENT *pro tempore*. Is there objection to the amendment?

Mr. ROBERTSON. I object, and raise the point of order.

Mr. BAYARD. May I state to my friend from South Carolina that this amendment is not objected to by the Committee on Appropriations. It is absolutely required in order to make these offices of use to the Government.

Mr. STEVENSON. I suggest that this amendment is in order. It is to carry on the public service.

The amendment was agreed to.

Mr. STOCKTON. I have an amendment to offer which is strictly within the rule, as I think. I am directed by the Committee on Naval Affairs to offer the amendment, and I desire to say in addition that the Naval Committee of the House have considered the proposition and have agreed to it, but the bill is not in a condition to pass in the House at this moment, not being in accordance with their rules——

The PRESIDENT *pro tempore*. The Chair thinks it is out of order to refer thus to the proceedings of the other House. The amendment will be sent to the desk and it will be read.

Mr. STOCKTON. The amendment has the approval of the Naval Committee, who have directed me to offer it. I gave notice of it some days ago and it has been referred to the Committee on Appropriations, and I hope and believe the Committee on Appropriations also approve of it. I will add that it is the settlement of a matter that has been often before the Senate and they have always been in favor of it; but we have never been able to get to a direct conclusion on the subject. I hope the chairman of the Committee on Appropriations will accept my amendment.

The PRESIDENT *pro tempore*. The amendment of the Senator from New Jersey will be read.

The Chief Clerk read the amendment, as follows:

That the Secretary of the Treasury be, and he is hereby, authorized and required to pay to the widow of the late Rear-Admiral John A. Dahlgren $50,000 for and on account of the past use and the right hereafter to use, in the manufacture of ordnance and projectiles by the United States, each of the improvements patented by said Dahlgren in the form, the mode of casting, and the finish of naval ordnance and in cast-iron shells; and a sufficient sum for this purpose is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Mr. MORRILL, of Maine. That is too large a sum to go in this way. It has not been examined by the committee. I feel constrained to raise the question of order on that. It is a private claim.

The PRESIDENT *pro tempore*. Does the Senator insist on the point of order?

Mr. MORRILL, of Maine. Yes, sir.

The PRESIDENT *pro tempore*. The Chair sustains the point of order.

Mr. STOCKTON. What is the point of order? The Senator rose and addressed the Chair in a tone of voice that I could not hear.

The PRESIDENT *pro tempore*. The Senator from Maine will restate his point of order.

Mr. MORRILL, of Maine. That it is a private claim.

The PRESIDENT *pro tempore*. The Chair sustains the point of order.

Mr. STOCKTON. I should like to inquire as to that. This amendment was referred to the Committee on Appropriations by the Committee on Naval Affairs. I offered it by direction of the Naval Committee.

The PRESIDENT *pro tempore*. The Secretary will read the rule for the information of the Senator.

Mr. STOCKTON. I know of no rule that forbids it.

The PRESIDENT *pro tempore*. The rule will be read.

The CHIEF CLERK. Rule 30 provides at the close:

And no amendment shall be received whose object is to provide for a private claim, unless it be to carry out the provisions of an existing law or a treaty stipulation.

Mr. STOCKTON. On the objection made by the Senator from South Carolina [Mr. ROBERTSON] a moment or two ago the Chair decided that the Senate had the matter in its own power and by a majority vote could put any amendment on the bill. I now claim the benefit of that decision of the Chair.

The PRESIDENT *pro tempore*. The Chair will submit the question in this case as in that. The question is, Will the Senate receive this amendment?

The question being put, there were on a division—ayes 19, noes 27.

Mr. SCOTT. Mr. President——

Mr. STOCKTON. I ask for the yeas and nays.

Several SENATORS. Too late.

The PRESIDENT *pro tempore*. The Chair will entertain the call.

The yeas and nays were ordered.

The PRESIDENT *pro tempore*. The question is on receiving the amendment of the Senator from New Jersey. The point of order is raised that the amendment is excluded by the rule. The Chair is of that opinion, but at the request of the Senator from New Jersey, submits the question to the Senate.

Mr. STOCKTON. I withdraw the request for the yeas and nays.

The PRESIDENT *pro tempore*. If there be no objection, the call for the yeas and nays may be withdrawn. The Chair hears none. The amendment is not received.

Mr. SCOTT. The Senator from South Carolina gave me to understand that he would withdraw the objection which he made to the amendment I offered a few minutes ago, coming from the Comptroller of the Currency.

The PRESIDENT *pro tempore*. It will be again read and regarded as a new offering of the amendment.

The Chief Clerk read the amendment, as follows:

That so much of the act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1874, and for other purposes," as provides "for replacing the worn and mutilated circulating notes of national banking associations, and for engraving and preparing, in such manner and on such paper and of such form and design as the Secretary of the Treasury may prescribe, new circulating notes for such associations to replace notes of a design and denomination now successfully counterfeited, $600,000: *Provided*, That each of said national banking associations shall reimburse the Treasury the costs of the circulating notes furnished under this provision," be, and the same is hereby, repealed.

Mr. ROBERTSON. I withdraw my objection.

Mr. MORRILL, of Maine. I should like to have a statement as to that.

Mr. SCOTT. I will send to the Chair a letter which has been referred to the Committee on Finance in reference to that amendment.

The Secretary read the following letter:

TREASURY DEPARTMENT,
OFFICE OF THE COMPTROLLER OF THE CURRENCY,
Washington, D. C., June 13, 1874.

SIR: I am quite confident that there will be no objection on the part of the Appropriation Committee to insert in the sundry civil appropriation bill a paragraph providing for the repeal of an item in the sundry civil bill for the fiscal year ending June 30, 1874, providing for the engraving of a new issue of national-bank notes, and I will thank you, if consistent with your views, to suggest to Senator MORRILL, of Maine, and other Senators upon that committee the necessity for such legislation.

Very respectfully,

JOHN JAY KNOX,
Comptroller.

Hon. JUSTIN S. MORRILL,
United States Senate.

Mr. MORRILL, of Maine. The amendment I understand comes from the Committee on Finance?

Mr. SCOTT. The members of the Committee on Finance have conferred together. The obligation remains to provide for the engraving of these new notes with this appropriation of $600,000. It cannot be done with that amount of money, and therefore it is a saving to the Treasury to repeal the clause altogether. There is no new appropriation.

The amendment was agreed to.

Mr. MORRILL, of Vermont. I am directed by the Committee on Public Buildings and Grounds to offer the following amendment:

For additional pay to William E. Webster, assistant engineer of the Capitol in charge of the electric lighting apparatus of the Senate, $300, to take effect from and after the passage of this act.

Mr. SARGENT. What will that make his pay?

Mr. MORRILL, of Vermont. I will make a statement in relation to this amendment. I had been informed that the pay of this engineer was the same as that of the engineer in the House, who only has charge of the lighting overhead, but that is a mistake. He has the same pay, but he works throughout the day below and at night above, doing a day's work throughout the day and then this in addition. It seems to me that he is one of the hardest working men there is about the Capitol, and it has been the judgment of most of those who are conversant with the matter that he ought to have this addition.

Mr. SARGENT. The Senator has not answered my question.

Mr. MORRILL, of Vermont. He gets $1,400.

Mr. SARGENT. That is reasonable.

The amendment was agreed to.

Mr. MITCHELL. I offer the following amendment:

For this amount, or so much thereof as may be required to meet certain indebtedness on account of the Indian service at the Malheur reservation in Oregon during the fiscal year ending June 30, 1874, $16,145.

Mr. ROBERTSON. Has not that been ruled out of order already?

Mr. MITCHELL. I ask that it be submitted to a vote of the Senate. It is recommended strongly by the Department of the Interior, and also by the Committee on Indian Affairs.

Mr. ROBERTSON. I raise the point of order.

The PRESIDENT *pro tempore*. The amendment was offered once before and ruled out of order. At the request of the Senator from Oregon, the Chair will submit the question to the Senate.

Mr. MORRILL, of Maine. I wish to raise the point distinctly whether that is a question to be submitted to the Senate.

The PRESIDENT *pro tempore*. The sixth rule provides that the Chair may submit every question of order to the Senate. Whenever the present occupant of the chair is appealed to by any Senator to do so, after stating his own opinion, he will always comply with that request.

Mr. SARGENT. If the question is whether the Chair has correctly construed the thirtieth rule, then unmistakably we must all vote "ay." On that naked question of law, which addresses itself to our honor and our respect for the Chair, we certainly must vote "ay." If it is a mere question whether we will oblige another Senator or whether we will allow this appropriation, that is different.

The PRESIDENT *pro tempore*. Submitting the question to the Senate is undoubtedly in the nature of an appeal, but a short-hand way to that result.

Mr. SARGENT. That is what I wanted to know. I shall vote with the Chair.

The PRESIDENT *pro tempore*. The Chair submits the question to the Senate whether the amendment shall be received.

Mr. FERRY, of Michigan. I ask in voting on this ought we to vote according to our view of the merits of the question, or on the ruling of the Chair?

The PRESIDENT *pro tempore*. The Chair cannot advise Senators.

Mr. FERRY, of Michigan. I want to understand this matter. Are we to vote on the merits? Here is a distinct rule and the Chair rules upon it. It seems to my mind that we should sustain the Chair; else there is no order in the Senate.

The PRESIDENT *pro tempore*. The Chair has stated his opinion upon the wording of this amendment, that it is not in order. The rule, however, provides that the question of order may be submitted to the Senate. The rules are the rules of the Senate, not of the Chair. The Senate is unquestionably under obligation to enforce its rules as much as the Chair is. The Chair now submits the question to the Senate.

Mr. FERRY, of Michigan. I only inquire for information; I do not wish to take up time. I do not make a point on this particular case because I am inclined to vote for this amendment, but as a question of precedent and as to the order of the Senate, my impression is that the questions which have been submitted to the Senate have been on propositions that have been germane to the subject at issue, but in other instances where there has been a question under this rule the amendment proposed did not come under the rule and has been ruled out of order. Such a case is not generally submitted to the Senate. While I am disposed to vote for the amendment and should like to vote for it, yet on the question of the construction of the rule I feel it to be my duty to be as strict as I feel the Senate ought to be toward any one who occupied the chair.

Mr. BUCKINGHAM. I understand the Chair to have decided that this motion is not in order.

The PRESIDENT *pro tempore*. The Chair has so decided.

Mr. BUCKINGHAM. I wish the Chair to put the question to the Senate whether the decision of the Chair should be sustained.

The PRESIDENT *pro tempore*. That cannot be done unless there is an appeal taken; but the Chair submitted the question to the Senate, which the Chair understands to be the same thing as an appeal; and every Senator, the Chair supposes, will vote on this question as he would decide upon it if he were in the chair.

Mr. MITCHELL. I hope the discussion on the point of order will not prejudice this vote. It is a precisely parallel case to some three amendments offered which have been submitted to the vote of the Senate on their reception.

Mr. MORRILL, of Maine. The Senate ought not to insist that for the sake of getting in any proposition of this description we should violate the rules of the Senate.

Mr. MITCHELL. I only ask that the same rule be applied to this amendment that has been applied to two or three others within the last half-hour.

Mr. MORRILL, of Maine. That is a misconception. The Senate cannot, for the sake of putting upon this bill a claim which is excluded by the rules in the sense of the Chair, unless we believe that he has ruled incorrectly, overrule the Chair without overruling the rules of the Senate and demoralizing the body.

Mr. MITCHELL. I concede that this amendment is technically obnoxious to the rule. I am now appealing to the Senate, and ask that the same indulgence be extended to it as to others.

Mr. MORRILL, of Maine. That can only be done by general consent.

Mr. STOCKTON. I desire to say in reference to this question of order that the Senate cannot by a majority vote suspend a rule of the Senate; and when the President ruled against the Senator from South Carolina in a former case and held that the amendment to which he objected could be put to the Senate, I thought the Chair was mistaken. Afterward I offered an amendment myself from a committee, with the hope and belief that it would be accepted, having given notice of it to the Committee on Appropriations. I made the same point and claimed from the Chair the decision which had been made in the matter objected to by the Senator from South Carolina.

The PRESIDENT *pro tempore*. The Chair made precisely the same decision in both cases.

Mr. STOCKTON. Precisely. The President anticipates what I was going to say. He made precisely the same ruling, and I have no fault to find with the fact in making my point now that he was wrong in the first ruling. I then attempted, believing that I was right, to take advantage of the ruling of the Chair; the Chair then submitted that question to the Senate, and I called for the yeas and nays; but instantly perceiving, as I believed, that the Chair had been wrong in the first ruling, and that he was also wrong in the ruling that I had a right to ask the Senate to vote in reference to the construction of its own rules to adopt my amendment by a majority vote, I rose and withdrew the call for the yeas and nays.

I have felt it my duty before this question is put to the Senate to state that fact. My amendment was not a personal one; it was not a private claim in some senses. The matter had been before Congress so long, before the committees so frequently, and was so perfectly understood by the Committee on Appropriations, that I hoped and expected them to assent to it. They did not, however. I do not believe I had a right under the rule to force that appropriation on the bill even if I got a majority vote for it. My impression is that the President was wrong in his original ruling on the matter raised by the Senator from South Carolina, and that you cannot violate a deliberate rule of the Senate by a majority vote; and if you so decide you see what it comes to. There is not one of us that cannot get any private claim put on the sundry civil bill in spite of the rule by going around and getting one majority in the Senate. The object of the rule is to prevent that. The object of permanent rules is to control the majority in their action at the moment. I make my point very respectfully, and I only do it because I think I was wrong in asking the Chair to decide in my case as he had before decided in the case of the Senator from South Carolina.

The PRESIDENT *pro tempore*. The sixth rule, among other things, provides as follows:

> And every question of order shall be decided by the Presiding Officer, without debate, subject to an appeal to the Senate; and the Presiding Officer may call for the sense of the Senate on any question of order.

Upon the first question just referred to, at the suggestion of Senators, the Chair submitted it to the Senate, and the Senate passed upon the point of order. When the next question arose the Chair ruled the amendment out of order as he had the first. At the request of a Senator, however, he submitted the question to the Senate. The Senate ruled it out of order. The Senator from Oregon now submits an amendment, and the Chair has expressed his opinion upon it, but at the request of the Senator from Oregon he submits it to the Senate, and the Senate will declare whether they will enforce their rules or violate them.

Mr. ANTHONY. I think the Senator from New Jersey, [Mr. STOCKTON,] I am sure unintentionally, did injustice to the first decision of the Chair. I did not understand the Chair to decide that the motion which I made was in order except by unanimous consent, and when I made it I stated that it required unanimous consent, and I understood the Chair to put it to the Senate for a unanimous vote, and it was so decided. The Senator from South Carolina rose to an objection, but the question had been decided, and it was after unanimous consent had been given.

Mr. ROBERTSON. The Senator is mistaken; I did not do any such thing.

Mr. MITCHELL. I will now state to the President and to the Senate that unless the objection is withdrawn so that I have unanimous consent to offer the amendment, I shall not press it. I would appeal to the Senator from South Carolina.

The PRESIDENT *pro tempore*. Is there objection to the amendment?

Mr. FERRY, of Michigan. I hope there will be none on that ground.

The PRESIDENT *pro tempore*. The Senator from Oregon now states that unless unanimous consent be given to offer this amendment he will withdraw it. Is that unanimous consent given?

Mr. ROBERTSON. I have objected.

The PRESIDENT *pro tempore*. The Senator from South Carolina still objects.

Mr. MITCHELL. I withdraw the amendment.

Mr. STOCKTON. I desire to say in reply to the Senator from Rhode Island that that amendment to which he referred was not adopted by unanimous consent. He is mistaken, because we heard the Senator from South Carolina objecting at the time, and the question would not have been put to the Senate on the point of order if there had been unanimous consent. I desire to call attention to the fact that it was an amendment from no committee and it was an amendment that was offered without notice. My amendment I was authorized to offer; I gave notice of it four or five days ago and sent it to the Committee on Appropriations. The result is that one amendment is put on the bill by the decision of the Chair without unanimous consent and my amendment was ruled out. That was the reason I took advantage of the point of order made; but believing, as I said before, that the Chair was wrong in its first ruling, believing that the Senate could not violate its own rules by a majority vote, I preferred not to call for the yeas and nays or to insist on the call. I think the decision of the Chair in the first place was wrong.

The PRESIDENT *pro tempore*. The Senator from New Jersey is laboring under a great misapprehension if he understood the Chair to intimate or express the opinion or to say that the Senate could violate its own rules. On the contrary, the Chair submitted to the Senate the question whether it would obey its own rules, and it decided according to its understanding of the rule.

Mr. STOCKTON. I deny the power of the Senate to decide that it will not obey its own rules. I make that point of order.

The PRESIDENT *pro tempore*. The Chair will read to the Senator once more:

> And every question of order shall be decided by the Presiding Officer, without debate, subject to an appeal to the Senate; and the Presiding Officer may call for the sense of the Senate on any question of order.

Mr. FERRY, of Michigan. I should like to ask one question here. Has it not been the practice of the Chair to submit a question before himself ruling on it? Where there has been a question of doubt, has it not then been the practice for the Chair to submit that question without previously ruling on the case? In this case the Chair has ruled in advance, and at the request of some Senators has submitted the question to the Senate. If the Senate reserved its right and exercises its power to overrule the Chair, I ask the Chair and the Senate how can we preserve order in the Senate?

Mr. ALCORN. Upon this question——

The PRESIDENT *pro tempore*. Upon which question?

Mr. ALCORN. The question just submitted.

The PRESIDENT *pro tempore*. There is no question submitted. If there be no further amendment——

Mr. ALCORN. I have an amendment to offer.

The PRESIDENT *pro tempore*. The Chair will receive it.

Mr. ALCORN. I offer the following amendment:

SEC. —. That the Secretary of War be, and he hereby is, authorized and required to order the Chief Engineer of the Army to cause to be made, without delay, such explorations, surveys, and drawings as may be sufficient to enable him to apply the sum of money herein appropriated in the most economical and practical form, so as to meet the demand for immediate and pressing relief to the levee districts in the States of Mississippi, Arkansas, and Louisiana, and close, as far as may be, all crevasses or broken sections of the levee in the districts named in the most sufficient and permanent manner possible under the circumstances, and so to apply the fund as to give relief to the largest agricultural areas, and thereby preserve the cotton and sugar districts from future disasters from the floods of the Mississippi River.

SEC —. That the said Secretary of War be authorized and empowered to negotiate and contract with the several levee boards, or with the riparian owners of the land, or with the governors of the States named, for that temporary jurisdiction necessary to the work, and for rights of way and cuts for dirt without cost to the United States, so as to avoid all conflicts of jurisdiction in a work undertaken by the national authority upon the urgent appeal of the people most directly interested, and by the Representatives of these States in Congress declared to be a task impossible of accomplishment by the States or people involved in the ruins wrought by the flood just now receding from the districts named. And the said Secretary shall, as far as is practicable, cause the work by him done to harmonize in its execution with the local laws governing the construction of the public levees, and to do all else that may be necessary and proper to execute the design of Congress and give all possible relief to the country. And should any conflicts arise or protests be made by the levee boards or land-owners along the line of said works touching the action of the engineer in charge, appeal may be made to the Secretary of War, whose decision shall be final.

SEC. —. That the work herein contemplated shall be held to extend to all levee work of whatever kind necessary to close broken sections of levee resulting from crevasse or otherwise, and to all repairs proper to old work which may be held necessary to the largest possible protection.

SEC. —. That the works herein contemplated shall be let out to contractors, and, as far as is possible with the economy of the case, employment shall be given to the sufferers by flood, that their calamity may be so ameliorated as to supply them with the opportunity of earning bread while contributing labor to a work for the protection of their farms is being done.

SEC. —. That the sum of $2,000,000 is hereby set apart in the Treasury, out of any money not otherwise appropriated, for the execution of the work contemplated in this act, subject to the order of the Chief Engineer of the Army, countersigned by the Secretary of War, and may, from time to time, be drawn in such sums as may be necessary for the purposes of this act; and the Secretary of War may, at his option, detail a paymaster from the Army, and place him in readiness to meet the necessary demands, so that contractors and employés may be promptly paid.

SEC. —. That one-half the appropriation herein made shall be expended in the district and within the State of Louisiana; and the remaining half shall be expended, one-half within the State of Mississippi and the other half within the State of Arkansas.

SEC. —. That the Secretary of War make a report to the next session of Congress, detailing the work done under this act, with such explanatory suggestions as may be proper to represent clearly his action in this behalf.

Mr. MORRILL, of Maine. I hope my honorable friend has in some sense accomplished his object by having that read as a proposition which he thinks very desirable, and that therefore he will not think very unkindly if I raise a question of order upon it.

The PRESIDENT *pro tempore*. The Senator from Maine will state his point of order.

Mr. MORRILL, of Maine. It is legislation.

The PRESIDENT *pro tempore*. The Chair sustains the point of order.

Mr. STEWART. I offer an amendment to come in on page 24, line 572, after "$40,000."

The Chief Clerk read as follows:

Provided, That the portions of the Union Pacific Railroad and the Central Pacific Railroad, and their branches upon which trains have run during the last year, are hereby accepted as completed, within the meaning of the third section of the act approved July 1, 1862, entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes;" and patents shall issue for the lands granted in aid thereof as rapidly as the surveys of the United States are extended.

Mr. ANTHONY. I rise to a point of order.

Mr. STEWART. Why? I think this will be unanimously adopted.

Mr. ANTHONY. It is legislation.

Mr. STEWART. There is a bill on this same subject that has passed the House of Representatives.

Mr. ANTHONY. I have not charge of the bill.

Mr. STEWART. This relates to surveys, and that is in order I think. I hope the Senator will not object, but allow me a hearing.

Mr. ANTHONY. I will not object; but it is out of order.

The PRESIDENT *pro tempore*. As much of the amendment as has been read is clearly out of order.

Mr. STEWART. It has not been all read.

Mr. SARGENT. I would suggest to the Chair——

The PRESIDENT *pro tempore*. The reading of the amendment will be concluded.

Mr. FERRY, of Michigan. It was ruled not in order.

Mr. STEWART. I rise to a point of order. I have a right to have my amendment read that the Chair may see whether it is in order.

The PRESIDENT *pro tempore*. The Chair sustains the point of order and the reading will be concluded.

The Chief Clerk continued the reading of the amendment, as follows:

Provided, however, That nothing in this act shall be construed to relieve any railroad company from the effect of any forfeiture heretofore suffered or incurred.

Mr. HAGER. I object.

Mr. STEWART. I ask the indulgence of the Senate for one moment.

Mr. HAGER. I wish it understood that I object to the amendment.

The PRESIDENT *pro tempore*. Does the Senator from California raise the point of order?

Mr. HAGER. I make the point of order.

The PRESIDENT *pro tempore*. The Senator from California will state his point of order.

Mr. HAGER. That it is out of order at this time on this bill.

The PRESIDENT *pro tempore*. The Chair sustains the point of order.

Mr. STEWART. I should like to have the preceding clause to which it relates read, so that it may be understood.

The PRESIDENT *pro tempore*. Does the Senator appeal from the decision?

Mr. STEWART. I appeal to the Chair to let the proposed clause be read.

The PRESIDENT *pro tempore*. Does the Senator appeal from the Chair or to the Chair?

Mr. STEWART. I appeal to the Chair to allow that clause to be read.

The PRESIDENT *pro tempore*. The Chair will read the clause to which the amendment is sought to be attached. It is:

For surveying the public lands in Nevada, at rates not exceeding fifteen dollars per linear mile for standard lines, twelve dollars for township, and ten dollars for section lines, $40,000.

Mr. STEWART. Now allow me to explain this matter; and in order to have an opportunity to do so, I appeal from the decision of the Chair.

The PRESIDENT *pro tempore*. The question is, Shall the decision of the Chair stand as the judgment of the Senate?

Mr. STEWART. Mr. President, a brief reference to the legislation of Congress will show not only the propriety of this amendment, but that it is perfectly in order. It has reference to the surveying of the Government lands along the line of the railroad. The clause I seek to amend appropriates money to pay for such surveys, and my amendment provides for the patenting of the railroad lands as the surveys are extended, to the end that they may become taxable as other property. The third section of the act of July 1, 1862, to aid in the construction of the Pacific Railroad, declares that—

All such lands—

That is all lands granted to the road—

And all such lands, so granted by this section, which shall not be sold or disposed of by said company within three years after the entire road shall have been completed, shall be subject to settlement and pre-emption, like other lands, at a price not exceeding $1.25 per acre, to be paid to said company.

It will be seen that the lands after the three years from the time the road was completed were to be open to settlement. By the act of July 2, 1864, in the twenty-first section, it is provided:

SEC. 21. *And be it further enacted*, That before any land granted by this act shall be conveyed to any company or party entitled thereto under this act, there shall first be paid into the Treasury of the United States the cost of surveying, selecting, and conveying the same by the said company or party in interest *as the titles shall be required by said company*, which amount shall, without any further appropriation, stand to the credit of the proper account, to be used by the Commissioner of the General Land Office for the prosecution of the survey of the public lands along the line of said roads, and so from year to year until the whole shall be completed, as provided under the provisions of this act.

By this section, whenever the company want lands they may make the advance and have them surveyed. The language is, "as the titles shall be required by said company." There is nothing in the act compelling them to pay the cost of survey and take out patents. They are to do this only when they require the titles. In 1869 Congress passed another act, the second section of which reads as follows:

SEC. 2. *And be it further resolved*, That, to ascertain the condition of the Union Pacific Railroad and the Central Pacific Railroad, the President of the United States is authorized to appoint a board of eminent citizens, not exceeding five in number, and who shall not be interested in either road, to examine and report upon the condition of and what sum or sums, if any, will be required to complete each of said roads, for the entire length thereof, to the said terminus as a first-class railroad, in compliance with the several acts relating to said roads; and the expense of such board, including an allowance of ten dollars to each for their services for each day employed in such examination or report, to be paid equally by said companies.

This commission made their examination, and on the 30th of October, 1869, reported that it would require an expenditure of $576,650 to complete the Central Pacific Railroad, and $1,586,100 to complete the Union Pacific Railroad; whereupon Mr. Secretary Cox entered an order withholding one-half of the lands granted until the roads were completed. The following letter from Secretary Delano will shed additional light upon this point:

DEPARTMENT OF THE INTERIOR,
Washington, D. C., June 17, 1874.

SIR: I have carefully examined the bill (H. R. No. 3281) to amend the Pacific railroad act of 2d July, 1864, transmitted with your letter of the 9th instant, with request that I give your committee my views thereon and make any suggestions that I may see fit as to legislation on the subject.

A joint resolution was approved April 10, 1869, (16 Statutes, 56) "for the protection of the interests of the United States in the Union Pacific Railroad Company, the Central Pacific Railroad Company, and for other purposes." Under the second section of said resolution the President appointed five "eminent citizens" to examine and report upon the condition of said companies' roads. They made the examination, and on the 30th October, 1869, submitted their report, (copy herewith.) Their estimate for supplying deficiencies in the Central Pacific road was $576,650, and in the Union Pacific road $1,586,100.

To secure the completion of the roads in the matters reported deficient, Mr. Secretary Cox, on the 3d November, 1869, directed the Commissioner of the General Land Office to suspend the issue of one-half the patents for lands granted to said companies. That these deficiencies have been supplied the Executive has had no official information. Mr. Cox's order is therefore still in force, and should in my judgment continue in force until such official information is received. I should long ago have appointed commissioners to re-examine said roads had there been any fund at my command out of which they could have been compensated for their services. Only recently the president of the Union Pacific Company applied for the appointment of commissioners to make such re-examination of their road, but no such application has been made by the Central Pacific Company.

The subsidy in bonds granted said companies has long since been received in full by them, so that this moiety of lands withheld is the only security of the Government for the completion of the road as required by law.

The clause of said bill beginning on the twenty-seventh line of the second page directs "the Commissioner of the General Land Office to prepare and deliver without delay patents for *all* lands applied for by any company as aforesaid, where the same are clearly within the grant and free from conflicting claims," &c. As this clause would *ipso facto* repeal said order of Mr. Cox, I respectfully suggest that it be so changed as to make the mandatory order to the Commissioner contingent on the executors being satisfied that all the deficiencies reported by said "eminent citizens" have been supplied, and that the roads are completed as required by law.

This is the only suggestion that I have to make concerning the bill.

I am, sir, very respectfully, your obedient servant,

C. DELANO,
Secretary.

Hon. W. M. STEWART,
Chairman Committee on Railroads, United States Senate.

Under the act of 1864, as we have seen, it was provided that when the railroad companies "required" the lands they might make the advance for surveys and receive patents. They declined to make this advance, because they did not care for the patents; and then, under the act of 1869, lands were withheld by the Department to secure the completion of the roads.

If the roads had been accepted as completed when trains first commenced running through, in 1869, the companies would have been compelled to make the advance for surveys and take their patents, for in default thereof the three years after which they were to be subject to pre-emption at $1.25 an acre would have expired in 1872. In other words, the companies would have been forced to decide whether they would take their patents before 1872 and sell their lands at good prices, or leave them unpatented and subject to entry and sale like Government lands, at the minimum price of $1.25 an acre.

The bill that passed the House at this session aimed at a remedy for the injustice of allowing these granted lands to remain unpatented and therefore exempt from local taxation. This was right, and I have sought to secure the remedies it proposes, and at the same time to secure the rights of settlers to the benefit intended by the third section of the act of 1862, already cited. There is nothing in the amendment proposed but a declaration that the roads are completed for the purposes of that section, to the end that the three years may commence to run. This never should have been interrupted. The withholding of the lands from the companies under the authority of the resolution of 1869 creating the commission to examine the roads, taken

together with the action of two Secretaries of the Interior, has already postponed for five years the time when the lands granted in aid of these roads are to become subject to pre-emption as other public lands. This amendment proposes to put an end to that delay.

It also provides that patents shall issue as rapidly as the surveys are extended. This would require patents to issue immediately for several million acres of land already surveyed, and would in a short time make all granted lands along the line of these roads available for local taxation. The House bill is defective in that it does not declare the roads completed. The Government in granting the lands in the first instance reserved control of the manner of their disposition for all time except the three years next succeeding the completion of the road. This valuable reservation was to guard against the creation of a great land monopoly. It is defeated so long as the roads are declared by the Government to be incomplete. Congress should not allow these lands to be taxed away by the States, or to enable purchasers under tax sales to monopolize them as against settlers. This is the view taken by the Commissioner of the General Land Office in his letter to the Secretary of the Interior of the 13th instant. Alluding to the House bill he says:

The bill now before me seems to be sufficient to cover the case so far as respects the requirements of the twenty-first section of the act of 1864, and embodies substantially the views expressed by this office in the foregoing communications.

It still leaves untouched, however, the proviso to the third section of the act of July 1, 1862, referred to in the letter from this office to Mr. Kendall, and therefore, in my judgment, fails to remove one of the principal reasons which, according to the decision of the Supreme Court in the case of the Kansas Pacific Railway *vs.* John H. Prescott, "forbid the State to embarrass these rights (of the Government) by a sale for taxes."

The following is the decision of the Supreme Court referred to by the Commissioner:

SUPREME COURT OF THE UNITED STATES.

Nos. 388 *and* 389.—*December term*, 1872.

In error to the supreme court of the State of Kansas.

The Kansas Pacific Railway Company, plaintiff in error, *vs.* John H. Prescott; and same *vs.* Charles C. Culp.

Mr. Justice MILLER delivered the opinion of the court:

This writ of error to the supreme court of the State of Kansas brings before us a record involving the right of that State to tax, under certain circumstances, the land granted by Congress to this company to aid in the construction of their road.

The case was heard in the State courts on an agreed statement of facts which presents the simple question whether the land was subject, in the year 1868, to State taxation. It was contended by plaintiff in error that, under certain provisions of the acts granting this land, it was not.

The statute which gave alternate sections of land on each side of said road, within certain limits, provided that a patent should issue to the company only as each section of forty miles in length should be completed and accepted by the President. It also contained a provision that any of these lands not sold by the company within three years after the final completion of the road should be liable to be sold to actual settlers under the pre-emption laws, at $1.25 per acre, the money to be paid to the company.

The original act of 1862 was amended in 1864 by extending the limits of the grant on each side of the road, and by several other provisions favorable to the company. But by the twenty-first section of the amendatory statute it was declared that before any of the lands granted by the act should be conveyed to the company, the cost of surveying, selecting, and conveying such lands should first be paid into the Treasury of the United States by the company or party in interest, which amount should stand as a fund for the prosecution of the surveys of the public lands along the line of the road until the whole should be completed.

A question is raised whether the latter provision requires this prepayment of the cost of surveying for the lands granted by the original act, or is limited to the lands acquired by the extension of the grant. Looking to the whole scope of the amended act, and to the provision that the money so paid was to constitute a fund for the continuance and completion of the entire surveys along the road where none had been made, we are of opinion that no patent could rightfully issue in any case until the cost of survey had been paid. None of the road had been built when the amendatory act was passed. No right had vested in any tracts of land, and the power, as well as intent, of Congress to require such payment cannot be contested.

While we recognize the doctrine heretofore laid down by this court, that lands sold by the United States may be taxed before they have parted with the legal title by issuing a patent, it is to be understood as applicable to cases where the right to the patent is complete, and the equitable title is fully vested in the party without anything more to be paid or any act to be done going to the foundation of his right.

The present case does not fall within that principle.

Two important acts remain to be done, the failure to do which may wholly defeat the right of the company to a patent for these lands.

1. The first is the payment of the costs of surveying. It is admitted that this has never been done in the present case. If the company have such an interest in these lands that they can be sold by the State under her power of taxation, then the title is divested out of the Government without its consent, and the right to recover the money expended in the surveys is defeated.

As the Government retains the legal title until the company or some one interested in the same grant or title shall pay these expenses, the State cannot levy taxes on the land, and under such levy sell and make a title which might in any event defeat this right of the Federal Government reserved in the act by which the inchoate grant was made.

2. Another important and declared purpose of Congress would be equally defeated by the title thus acquired under the tax sale, if it were valid.

It is wisely provided that these lands shall not be used by the company as a monopoly of indefinite duration. The policy of the Government has been for years to encourage settlement on the public lands by the pioneers of emigration, and to this end it has passed many laws for their benefit. This policy not only favors the actual settler, but is to the interest of those who, by purchase, own adjacent lands, that *all of it* should be open to settlement and cultivation.

Looking to this policy, and to the very large quantity of lands granted by this statute to a single corporation, Congress declared that if the company did not sell those lands within a time limited by the act, they should then, without further action of the company or of Congress, be open to the actual settler under the same laws which govern the right of pre-emption on Government lands, and at the same price. Any one who has ever lived in a community where large bodies of land are withheld from use or occupation, or from sale except at exorbitant prices, will recognize the value of this provision. It is made for the public good as well as for that of the actual settler.

To permit these lands to pass under a title derived from the State for taxes would certainly defeat this intent of Congress. It makes no difference in the force of the principle that the money paid by the settler goes to the company. The lands which the act of Congress declares shall be open to pre-emption and sale are withdrawn from pre-emption and sale by a tax title and possession under it, and it is no answer to say that the company which might have paid the taxes gets the price paid by the settler.

For these reasons we think that though the line of the road had been built, and approved by the President, so far as to authorize the company to obtain a patent for this land, if they had paid the cost of survey and the expenses of making the conveyance, yet the neglect to do this *and the contingent right of offering the land to actual settlers at the minimum price asked for its lands by the Government, forbid the State to embarrass these rights by a sale for taxes.*

The judgment of the State court is therefore reversed, and the case remanded with instructions to proceed in conformity with this opinion.

The same judgment must follow in the case of the same plaintiff *vs.* Culp which falls within the principles here stated.

To hasten the time when the great grants of land to railroads may be open to settlement at the minimum price of $1.25 an acre, and that meanwhile all such lands may be subject to taxation, it is necessary that this amendment should be adopted. It is legislation, but it is germane to the subject-matter of the appropriation provided for in the clause I seek to amend. I trust it may be adopted.

The PRESIDENT *pro tempore*. The question is, Shall the decision of the Chair stand as the judgment of the Senate?

Mr. SPRAGUE. I move to lay the appeal on the table.

The PRESIDENT *pro tempore*. The Senator from Rhode Island moves to lay the appeal on the table.

The motion was agreed to.

Mr. EDMUNDS. The question being on the third reading of this bill, I ask to have read a report made by the Senator from New Jersey [Mr. FRELINGHUYSEN] from the Committee on Indian Affairs on the 16th of May, 1872, relating to this Langford claim, which is in this bill.

The PRESIDENT *pro tempore*. The report will be read.

The Secretary read as follows:

The Committee on Indian Affairs, to whom was referred Senate bill No. 744 for the relief of William G. Langford, respectfully report:

That the claim of Langford, as assignee of the Commissioners of the American Board of Foreign Missions, to the tract of land which forms the subject-matter of this bill, is based upon the act of August 14, 1848, entitled "An act to establish the territorial government of Oregon," (Statutes at Large, volume 9, page 323,) and upon a provision of the act of March 2, 1853, entitled "An act to establish the territorial government of Washington," (Statutes at Large, volume 10, page 173.) The first-named act provides "that the title to the land, not exceeding six hundred and forty acres, now occupied as missionary stations among the Indian tribes in said Territory, together with the improvements thereon, be confirmed and established in the several religious societies to which said missionary stations respectively belong." From a statement made by the Commissioner of Indian Affairs, the missionaries of the said board of missions abandoned the tract in question on the 4th December, 1847, and between that date and 2d of May, 1862, made no demonstration of returning to occupy the same, but were in the intermediate period engaged elsewhere, the tract remaining, during the first eight years of that period, unoccupied and unclaimed, except under the general Indian title to that section of the country. As the act of August 14, 1848, required present occupation for missionary purposes as a condition to the grant, the board, having left the tract prior to that date, would appear to have no claim to the land under that act. The act of March 2, 1853, however, provides "that the title to the land, not exceeding six hundred and forty acres, now occupied as missionary stations among the Indian tribes in said Territory, *or that may have been so occupied as missionary stations prior to the passage of the act establishing the territorial government of Oregon*, together with the improvements thereon, be, and is hereby, confirmed and established to the several religious societies to which said missionary stations respectively belong." While it is not probable that Congress intended by this act, to convey to any religious society lands once held by them as a missionary station, but which had been abandoned by them over five years before, it would appear that a technical title is conveyed by the provision quoted.

It is stated by the Commissioner of Indian Affairs that on the 2d of May, 1862, the American Board of Commissioners for Foreign Missions notified Agent Hutchins, of the Lapwai Indian agency, that the board claimed, under the foregoing provisions of law, the tract of land described in Senate bill 744, being the land upon which said agency was then and is now located, and which is now claimed by Langford as the assignee of said board. In February, 1868, Langdon S. Ward, treasurer of said board, executed a deed of conveyance of the said tract of land to the said Langford, for a consideration named of $500. Suit was commenced by the said Langford, in the district court of Idaho, against the Indian agent, for the possession of the property, and judgment by default was entered in his favor October 9, 1869. These facts having been submitted to the Secretary of the Interior, that official instructed the Indian Bureau that "the land claimed by the mission board, being within the diminished reserve of the Nez Percé Indians, and never having been relinquished by said Indians, will be retained for their agency purposes." Langford applies to Congress for relief. If the treaty of June 11, 1855, with the Nez Percé Indians, by inadvertence wrested from the mission board, or its assignee, rights vested in it by the act of 1853, the claimant, if the legal assignee of the mission board, is entitled to relief, but not to the extent of the sum named in Senate bill 744. The consideration actually paid by him to the mission board for the assignment of their claim would seem to afford an equitable measure for the degree of relief to be afforded; and in accordance with this view the committee recommend the passage of the accompanying substitute for the bill.

Mr. EDMUNDS. I do not intend to delay the passage of this bill by any extended observations; but I think it due to the cause of truth and justice that this unanimous report of the Committee on Indian Affairs, made two years ago upon the subject of this claim, should be read, by which you have the authoritative statement of this committee that this claim in the first place had no foundation in law, that possibly by a later act, in the second place, there may have been a technical and inadvertent title confirmed in this Board of Commissioners for Foreign Missions, they having by the very act confirming the title no power of alienation at all. This speculator bought for $500 the title of these missionary people, or their chance. He then brought an action against the Indian agent, as if he represented the United States, and the Indian agent conveniently did not appear, and the claimant took a judgment by default, which is the judicial determination of the district court of that Territory against the right of the United States! This committee say that if this man has any

equity at all, as he plainly has no legal power to enforce his rights against the United States, it is equity to reclaim his $500 that he paid and no more. In two years, on the report of the Committee on Appropriations, $500 has grown to $15,000! I do not know but that it is best to pass it in this shape. Perhaps there is no help for it now in either case; for in the same ratio if we were to put it off until another year it would grow to $25,000, and so on.

I only call the attention of the Senate to this formal, authoritative, and unanimous report of the Committee on Indian Affairs of two years ago to show that this profound swindle, as this paper shows it to be, of this claimant, and for which the Committee on Indian Affairs only proposed to pay a return of the consideration that this speculator gave of $500, has now grown so that the Treasury of the United States is to be taxed $15,000 to pay this speculator for his chances against the Government of the United States.

Mr. SPRAGUE. I submit a motion to reconsider the vote by which that amendment was adopted. It is on page 20.

Mr. EDMUNDS. I have no right to submit that motion myself, for the reason that I voted against the amendment; but I thought it due to truth and justice to give you the authoritative report of the Committee on Indian Affairs on the subject of this claim.

The PRESIDENT *pro tempore*. The Senator from Rhode Island moves to reconsider the vote by which the Senate concurred in the amendment in Committee of the Whole in regard to this claim.

Mr. BOGY. The report read by the Secretary was before the Committee on Indian Affairs, and was carefully investigated. Many of the facts, stated as facts in the report made two years ago, upon a laborious investigation were found not to be correct, and that report itself admits that the owners of this land, whether Mr. Langford or anybody else, have title, whether they paid $500 or more or less. The man is entitled to compensation for his loss, or nothing at all.

Mr. EDMUNDS. It does not admit that he has any title.

Mr. BOGY. Then why give him $500? If he is entitled to $500 you admit the title in him. He had a title both under the law of 1848 and under the law of 1853. The title has been recognized by the Government of the United States; the land has been surveyed and the survey has been approved as a part of the official surveys of the United States.

Mr. KELLY. As there has been an intimation that there has been swindling going on in this matter, I wish to state, and I may require possibly more than five minutes if it is allowed me, the grounds of this title.

When the Territory of Oregon was organized on the 14th of August, 1848, it was deemed proper to provide for the missionary stations that had been located there many years before. On a certain day in November, 1847, a few months preceding, the Whitman massacre took place, when the missionaries, these among others, were driven from their location. They were not in possession technically on the 14th of August, 1848, on account of the insurrection in the Indian country. All the whites were driven out. Hence it became necessary to secure the title beyond question; and when Washington Territory was organized it was provided—

> That the title to land, not exceeding six hundred and forty acres, now occupied as missionary stations among the Indian tribes in the said Territory, or that may have been so occupied as missionary stations prior to the passage of the act establishing the territorial government of Oregon, with the improvements thereon, be, and the same is hereby, confirmed to the several religious societies to which the said missionary stations severally belong.

That was a confirmation of the title to any missionary station that had been located at any time prior to the 14th of August, 1848. That secured a confirmation of the title. There have been many titles in Washington Territory and in Oregon confirmed to the several religious societies there, and this, among others, is as perfect as any one there. It was settled in 1836. That missionary society christianized the Nez Percés. There was the first printing establishment set up on the Pacific coast. There certain hymns were published in the Nez Percé tongue, and a part of the New Testament was translated for their benefit. That tribe, above all others, is the one that has never shed a drop of white blood. Their civilization commenced by that missionary society, and for that reason Congress thought in that day that it was necessary to reward these faithful men.

The society, not desiring to get into litigation with the United States, transferred the land to Mr. Langford for the nominal consideration of $500 and other services that he had rendered the society. There is no question but what the title is perfect in him. Mr. Langford desires either the possession of his premises or payment for them; and I may here say, if it is proper for me to refer to what a House bill contains, that the House committee propose to leave it to the courts to decide what was the value of the premises. That is perfectly satisfactory to Mr. Langford; or he is satisfied to have the United States appoint one person and let him select another, the two to select a third, and ascertain by arbitration what the value is. Not only that, but he is perfectly willing to let the United States take all its property off his land and give him simply the land and what is a reasonable amount for the use and occupation of it. Either will satisfy him; but he thinks it proper when he has the title to the land, and the United States have put $66,000 worth of improvements on the land, that they should either give him his land or pay him what it is worth.

So far as the value is concerned, I have affidavits (and they were before the committee) from various men swearing from fifteen thousand up to forty thousand dollars as the value of these premises, independent, too, some say, of the improvements placed on them by the United States.

It may be said that because the committee two years ago found that $1,500 was the value, therefore Mr. Langford was bound to accept it. He did not prosecute that case in the other branch of Congress. When that committee made the report he let it go; he would have nothing to do with it; he would not accept it, and I presume no man can force him to give up his land even to the United States for $1,500 if he estimates it as of greater value. He does estimate it at the sum I have stated. The committee found that that was its value after full and fair investigation.

This is all I have to say about it. It seems to me that it ill becomes the United States to hold possession of his land——

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) The Senator has spoken five minutes.

Mr. ALCORN. When this question was being discussed upon the amendment offered by the Committee on Appropriations, I was well satisfied of the injustice of this demand, and while I think the country owes an obligation to the honorable Senator from Vermont [Mr. EDMUNDS] for bringing forward indisputable evidence of the fact that this is an attempt to wrong the Government out of the sum of $15,000, it does not in any degree weaken the judgment that I formed when the question was under discussion.

It was said in the discussion of this section that this party had a judgment against the Government of the United States, a judgment of ouster for this land. It turns out now that the party brought a suit against the Indian agent, and that the Indian agent permitted a judgment by default to be entered against him. Of this the evidence stands here unmistakable, so that there was collusion between this man and the Indian agent from the beginning of this transaction down to the time when this judgment was rendered, and I have no doubt in my mind, without knowing the fact to be so, that whatever may have been recovered from the Government upon this claim would have been divided between the party and the agent.

It was argued here awhile ago that this man could bring an ejectment against the Government of the United States and recover all these buildings and take them unto himself. Is there a lawyer here who will attempt to enforce the idea before the Senate that this party could sue the Government, even though his title was ever so good, and recover a title against the Government, and then take to himself, without any remuneration to the Government, the buildings it had erected upon this land, he standing there and permitting the buildings to be erected, he in collusion with the agent all the while, he standing by and waiting his opportunity to come forward and make this demand of the Government of the United States that he might make $15,000 off an investment upon its face of $500; and how much he paid no one knows? I doubt, looking at this transaction, regarding it from beginning to end as a fraud, whether in truth and in fact he paid anything.

Mr. KELLY. Will the Senator allow me to correct him?

Mr. ALCORN. Certainly?

Mr. KELLY. I have not here the record of the judgment obtained, but I know this is the substance of it; it may be among the papers in the possession of the committee. There was not technically judgment by default. There was a demurrer interposed. Suit was brought and service was made upon the Indian agent as the person in possession. He employed or spoke to the district attorney, who filed a demurrer. The demurrer was held over by the court for one or two terms, and then overruled. Application was afterward made to file an answer, I think; I do not know whether leave was given or not; but no answer was filed and judgment was entered upon the demurrer. If that was default, then there was default.

Mr. ALCORN. Well, Mr. President——

The PRESIDING OFFICER. The time of the Senator from Mississippi has expired.

Mr. EDMUNDS. Have I any time left?

The PRESIDING OFFICER. The Chair is not aware that the Senator has spoken before on this question.

Mr. EDMUNDS. Lest I should violate the rule of the Senate I move to postpone this bill indefinitely. I believe there is not any limit to debate on a motion to postpone indefinitely. I do not intend to weary the Senate.

Mr. OGLESBY. Is there not a motion pending to reconsider?

Mr. EDMUNDS. I suppose there is; I take it a motion to postpone indefinitely overrules that.

The PRESIDING OFFICER. The motion of the Senator from Vermont is in order.

Mr. EDMUNDS. I think it will be difficult, Mr. President, for Senators to avoid finding out what the truth is, if you can believe the unanimous report of the Committee on Indian Affairs as made by the Senator from New Jersey, and then say afterward that they voted in ignorance. That is all I have to do with it.

Now, Mr. President, the Senator from Oregon [Mr. KELLY] says that this was not a judgment by default. He has not the papers here to show it. I assume that he was not the counsel, and that he is acting on information. A responsible committee of this body reports that it was a judgment by default. I leave it to the Senate to determine which is most likely to be right in its opinion.

Secondly, I wish to call the attention of the Senate to what is also stated in this report, that when the circumstances were made known to the Secretary of the Interior, that official—and I now read from the report—

That official instructed the Indian Bureau that "the land claimed by the mission board, being within the diminished reserve of the Nez Percé Indians, and never having been relinquished by said Indians, will be retained for their agency purposes."

The responsible Department of the Government therefore repudiated this claim as having no lawful foundation to stand upon, and asserted the right of the United States to occupy these Indian lands with the consent of the Indians for the purposes of the Indians themselves. I put it to the honorable chairman of this committee, who I know will agree with me upon this subject, that these Indians had a title to these lands which the United States could not lawfully or rightfully dispose of without their consent to anybody; and that the Department of the Government charged with the administration of Indian and other interior affairs acted upon that principle, and held that this board of commissioners, to which Congress had undertaken to make a confirmation of these lands, had no title to them as against the Indians; and that the reservation, it being within the reservation all the time, was entitled to cover it. Then this man, knowing that he had no right in law, applied to Congress for relief.

That was the state of the case, and upon that application for relief the Committee on Indian Affairs two years ago unanimously report that all this man is entitled to, if he is entitled to anything, is the money that he paid for this speculative transaction, to wit, $500. And, Mr. President, instead of conceding, as the Senator from Oregon says, that this man had a title, the Senator from New Jersey, acting for this committee with the learning and caution that characterize him, says: "If the treaty of June 11, 1855, with the Nez Percé Indians, by inadvertence wrested from the mission board, or its assignee, rights vested in it by the act of 1853, the claimant, if the legal assignee of the mission board, is entitled to $500," as a matter of justice, in throwing up a bargain that he had no right to make. Therefore the Committee on Indian Affairs did not recognize this title. They well understood then, and unanimously understood then, that a confirmation to this corporation, without the act stating that it was to its successors and assigns, did not confer a title upon the corporation that it could convey to anybody else; and every lawyer within the sound of my voice understands as well as I do that that is the law. In order to confer a title on a corporation that it may convey, you must state in the statute or in the deed that carries that title that you convey to that corporation, "its successors and assigns." This act of Congress contained no such words. It was not intended that any such right should be granted. These lands were not granted to this corporation for the purposes of speculation and sale; they were granted to this corporation for the purpose of use for their religious objects in improving the condition of these Indians; and therefore the act of Congress, instead of saying that their successors and assigns might have these lands ever, said we confirmed to this Board of Commissioners for Foreign Missions the title to these lands; and then it turns out, even upon that point, on the report of this committee, as the truth and the law was, that the Indian title not having been extinguished, all this confirmation was still subject to the paramount and superior and original right of the Indians to hold and possess this land for the purposes of their reservation.

There is the truth and there is the law about it; and yet in the face of all this this man comes forward and taking advantage of the convenient opportunity of riding a claim that could not stand otherwise, on an appropriation bill, gets $15,000 for his $500. I submit, because I know how much in haste the Senate is, that we ought to agree to the motion of the Senator from Rhode Island and take this out of this bill and let it be considered by itself.

Mr. MORRILL, of Maine. Let us have the vote.

The PRESIDENT *pro tempore*. The question is on the indefinite postponement of the bill.

Mr. EDMUNDS. I withdraw that motion.

Mr. OGLESBY. Mr. President, I am not disposed to sit silently by and hear the Senator from Mississippi and the Senator from Vermont throw calumny and insinuation upon a man who in character can establish himself before this Senate to be the equal of any man in fair standing in the community. He came before the Indian Committee as an honest man. He stood there with a bill sent down by the Secretary of the Interior asking Congress to recognize his title or to create a court by which his title could be tried; and Mr. Langford asked our committee to pass that bill that the Secretary of the Interior recommended. The chairman of the Committee on Indian Affairs introduced the bill into the Senate; it was referred to the Committee on Indian Affairs to create a tribunal to determine his rights, thereby recognizing the rights of this man Langford to this property. He is the just and honest owner of it to-day. Now after this Indian Committee have treated with him and persuaded him to consent to take $15,000 and after the provision has fairly passed in this body, a report is brought in made by an Indian Committee two years ago which report Mr. Langford refused to accept.

What was the amount he asked for his claim then? Forty thousand dollars as I am told by the Senator from Vermont; for that I take his statement. He came here asking for his rights to this property. He says to the Government, "Take your property off; I do not want it; remove these buildings; let me have my ground;" and the Government stands stock-still and refuses to remove them, keeps this man out of his just rights, and drives him away—this man who was there for years and years, ten or fifteen years in that country, and stood among these Indians with that missionary society, and in consideration of his services to the missionasy association as much as for his $500 they gave him the title to this ground. Ask about the man's character! Is he to be maligned by innuendo here as a fraud, and is the Committee on Indian Affairs to be included in the insinuation simply because a man can stand here as a Senator and the man outside cannot reply? I will reply for him, and I resent the imputation—there is no justification for it—that this man has tried to defraud the Government out of a dollar.

Mr. MITCHELL. I should like in the same line with the argument of the Senator from Illinois to inquire of him whether Mr. Langford did not propose originally to submit this whole question as to the amount that he should receive for this claim to a jury of his countrymen?

Mr. OGLESBY. Undoubtedly. The Indian Committee reported a bill to this body—and I had it in my hands an hour or two ago—against the wishes of Mr. Langford, and it is only this last week or two that he consented to accept the $15,000 rather than be put to long delay and greater expense, and in addition to that to be insulted in this body where he cannot reply, he being a man of unimpeachable character, because he comes and makes a claim upon the Government. It is an easy thing to rise here and throw imputations and slurs and slander upon a man's character who cannot answer for himself. The eyes and ears of Senators are opened; they are alarmed, and by loud shouts of "fraud," "fraud," "fraud" they are terrified and Senators move to reconsider. You drive a man from his possessions, hold them yourselves, neither give him his property nor give him compensation!

An official document from the Secretary of the Interior, as the Senator from Connecticut [Mr. BUCKINGHAM] will state, was sent to us with the form of a bill to create a board for the purpose of determining its title to this land. The committee took it up and thought the Government would be on safer ground, far safer ground than to transmit it back there with the character of affidavits we had to read as to this man's title as to what he could show before a jury of his countrymen.

Now, if the Senate will consider this matter, I have only one word more to say. It does not concern me except as I have respect and feeling for the man. I say if the Senate now reconsiders its vote and puts this item out of the bill and out of the body, the chickens will come back to roost again. That man is not going to be pursued and not defend his rights. The best thing the Government can now do is to liquidate this claim, take the title, pay the $15,000, and end the thing. If you do not it will linger in these Halls for years perhaps and end in a big bill of damages ultimately.

Mr. EDMUNDS. May I ask a question? I ask the Senator if he will be kind enough to just allow the communication from the Secretary of the Interior that he speaks of so much to be read, so that we can know what it does say?

Mr. OGLESBY. Am I mistaken about that, I ask the Senator from Connecticut?

Mr. BUCKINGHAM. There was such a communication.

Mr. OGLESBY. And the Secretary of the Interior sent the draught of a bill.

Mr. EDMUNDS. Let us see the evidence of it.

Mr. OGLESBY. I do not happen to have it here. I was instructed to report the bill back and did report it back with the letter, and I asked the Senate to pass that bill and I offered to take it up, but the Senator from California objected and it could not come up. There is no fraud in the matter at all.

The PRESIDING OFFICER. The Senator's five minutes have expired. The question is on the motion of the Senator from Rhode Island to reconsider the vote by which the amendment was concurred in.

Mr. EDMUNDS. I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. SARGENT, (when his name was called.) On this question I am paired with the Senator from Wisconsin, [Mr. HOWE.] If he were here he would vote "yea," and I should vote "nay."

The result was announced—yeas 28, nays 20; as follows:

YEAS—Messrs. Alcorn, Boreman, Boutwell, Carpenter, Chandler, Dennis, Edmunds, Fenton, Ferry of Michigan, Frelinghuysen, Goldthwaite, Hager, Hamilton of Maryland, Hamilton of Texas, Hamlin, Hitchcock, Ingalls, Merrimon, Morrill of Vermont, Robertson, Saulsbury, Schurz, Scott, Sprague, Stewart, Wadleigh, Washburn, and Wright—28.

NAYS—Messrs. Bogy, Buckingham, Clayton, Conover, Cragin, Davis, Flanagan, Gilbert, Harvey, Johnston, Kelly, McCreery, Mitchell, Norwood, Oglesby, Pease, Pratt, Ransom, Spencer, and Tipton—20.

ABSENT—Messrs. Allison, Anthony, Bayard, Brownlow, Cameron, Conkling, Cooper, Dorsey, Ferry of Connecticut, Gordon, Howe, Jones, Lewis, Logan, Morrill of Maine, Morton, Patterson, Ramsey, Sargent, Sherman, Stevenson, Stockton, Thurman, West, and Windom—25.

So the motion to reconsider was agreed to; and the question recurred on concurring in the amendment made as in Committee of the Whole inserting after line 471:

For the purchase for an Indian agency station, the six hundred and forty acres of land situated on Lapwai Creek and Clearwater River, Idaho Territory, heretofore granted to the American Board of Commissioners for Foreign Missions, $15,000:

Provided, That no part of this sum shall be paid until a perfect title to the said land shall be made to the United States by a warranty deed, to be approved by the Attorney-General.

Mr. SPRAGUE. Although that is an amendment of the committee, I raise the point of order on it.

Mr. EDMUNDS. There is no need of raising that. The Senate has determined against it. We can dispose of it in a moment.

The PRESIDENT *pro tempore*. The point of order will be stated.

Mr. SPRAGUE. That being to provide for a private claim, the amendment is not in order.

The PRESIDENT *pro tempore*. The Chair thinks it is too late to raise the point of order now. The Senate has voted on it and voted it in. The question is on concurring in the amendment made as in Committee of the Whole.

The amendment was non-concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. SARGENT. On behalf of the Committee on Appropriations I ask that the following order be made:

Ordered, That the sundry civil appropriation bill be printed with the Senate amendments numbered consecutively.

This is to accommodate the House.

The order was adopted.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had disagreed to the amendments of the Senate to the concurrent resolution of the House for the printing of two thousand copies of the report of the Commissioner of Education, asked a conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. W. G. DONNAN of Iowa, Mr. JAMES MONROE of Ohio, and Mr. EPPA HUNTON of Virginia, managers at the conference on its part.

The message further announced that the House had concurred in the amendments of the Senate to the following bills and joint resolution of the House:

A bill (H. R. No. 352) for the relief of Colonel E. McCarty;

A bill (H. R. No. 753) for the relief of Peter S. Patton;

A bill (H. R. No. 1764) to appropriate lands for the support of schools in certain fractional townships in the State of Missouri;

A bill (H. R. No. 1915) to remove the disabilities of Henry H. Sibley, a citizen of Fredericksburgh, Virginia;

A bill (H. R. No. 2787) to provide for the sale of the present United States marine hospital and site, and the purchase of a new site and erection of a new marine hospital in the city of Pittsburgh, Pennsylvania;

A bill (H. R. No. 3162) for the relief of settlers on railroad lands;

A bill (H. R. No. 2797) making appropriations for the payment of claims reported allowed by the commissioners of claims under act of Congress of March 3, 1871;

A bill (H. R. No. 3173) for the relief of Janes A. McCullah, late collector of the fifth district of Missouri;

A bill (H. R. No. 3508) conferring jurisdiction upon the criminal court of the District of Columbia, and for other purposes;

A bill (H. R. No. 3522) to extend the jurisdiction of the Light-house Board; and

A joint resolution (H. R. No. 95) authorizing the Postmaster-General to perfect title to certain real estate obtained from John W. Norton, a defaulter to the postal money-order bureau.

The message also announced that the House had passed the bill (S. No. 486) to extend the act of March 3, 1873, entitled "An act for the extension of time to the Saint Paul and Pacific Railroad Company for the completion of its road."

The message further announced that the House had passed a bill (H. R. No. 975) to amend the act entitled "An act to provide for the redemption of the 3 per cent. temporary-loan certificates and for an increase of national-bank notes," approved July 12, 1870.

DEFICIENCY APPROPRIATION BILL.

Mr. SARGENT submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 3030) making appropriations to supply deficiences in the appropriations for the service of the Government for the fiscal year ending June 30, 1873 and 1874, and for other purposes, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the Senate recede from their amendments numbered 5, 10, 11, 12.

That the House recede from their disagreement to the amendments of the Senate numbered 3, 4, 8, 13, 17, 20, 21, 22, 23, 24, 28, 31, 35, 36, 37, 44.

That the Senate recede from their disagreement to the amendment of the House to the amendment numbered 42, and agree to the same.

That the House recede from their disagreement to the amendment of the Senate numbered 18, and agree to the same, as follows, namely: Substitute for the words stricken out the following:

"*Provided*, That none of the moneys hereby appropriated for the payment of deficiencies in the Indian service shall be paid until the necessity for the expenditures shall have been examined into by the Secretary of the Interior and any existing board of peace commissioners."

And the Senate agree to the same.

That the Senate recede from their amendment numbered 30, with an amendment as follows: Add after the word "Congress" at the close of the paragraph these words: "And the unexpended balance of the appropriation for wrapping-paper provided for in the act making appropriations for the service of the Post-Office Department for the year ending June 30, 1874, is hereby made available for the purchase of wrapping-paper and twine;" and the House agree to the same.

That the House recede from their disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: Strike out all of the said amendment after the word "the" in line 2 of said amendment, and insert the following: "Remainder of the Forty-third Congress not already paid for, $42,364, in lieu of all compensation otherwise provided for;" and the Senate agree to the same.

That the House recede from their amendment to the amendment of the Senate numbered 41, and the Senate recede from their amendment, and agree to the following as a substitute for the original paragraph, namely:

"To pay the five Official Reporters of the proceedings and debates of the House for the remainder of the Forty-third Congress, $24,815; and hereafter the pay of the Official Reporters of the proceedings and debates of each House shall be $50,000, and the pay of official reporters of committees of the House shall be $5,000 each per annum, and this shall be in lieu of all other compensation for such services in reporting the proceedings of each and all of said committees."

And the House agree to the same.

That the House recede from their disagreement to the amendment numbered 43, and agree to the same with an amendment as follows: Insert after the word "erection" in line 4, page 30 of the bill, the words "and furnishing;" and insert after the word "building," in same line and page, the words "and grounds;" and insert after the word "money," line 9, same page, the words "or any part thereof;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment, as follows: Add after the word "dollars," in said amendment, the following:

"For Army pensions and expenses thereof under the various acts of Congress, $300,000; and there is hereby appropriated a sum sufficient to make the compensation of the clerk of the House Committee on Invalid Pensions equal to $2,160 per annum for the Forty-third Congress, and no longer."

And the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 14, and agree to the same with an amendment as follows: Strike out the word "five" from said amendment and insert in lieu thereof the word "three," and after the word "hundred" in line 21, page 17 of the bill, insert the words "and fifty;" and the Senate agree to the same.

A. A. SARGENT,
LOT M. MORRILL,
JAMES K. KELLY,
Managers on the part of the Senate.

JAMES A. GARFIELD,
EUGENE HALE,
Managers on the part of the House.

The report was concurred in.

THE CONGRESSIONAL PRINTER.

Mr. ANTHONY. I ask the attention of the Senate to a report which I rise to make.

The Committee on Printing, to whom was referred the letter of "F. & J. Rives & Geo. A. Bailey, proprietors of the Globe," charging the Congressional Printer with being a defaulter to the Government of the United States in his paper account and with other malfeasance in office, have had the same under consideration and have instructed me to make a written report. I should like, as the Congressional Printer is an officer of the Senate, to make some remarks pertinent to this matter, but at this late stage of the session I will not do so. I will merely say that the committee have unanimously acquitted the Congressional Printer of the charges, and that the closing sentence of the report, which is signed by all the members of the committee, is in these words:

In conclusion, the committee find nothing whatever in the evidence that impeaches the integrity of the Congressional Printer.

I move that the report be printed.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the following bill and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. No. 3773) to further define and enlarge the powers and duties of the board of health of the District of Columbia; and

A joint resolution (H. R. No. 115) for the relief of certain clerks and employés of the United States.

The message also announced that the House had passed a concurrent resolution authorizing the Clerk of the House in enrolling the seventh Senate amendment to the bill making appropriations for the payment of claims reported by the commissioners of claims, &c., to insert the words "seven thousand five hundred and forty-five," being the sum awarded to the party named in said amendment, and which was omitted from the Senate amendment as engrossed and sent to the House.

RIVER AND HARBOR BILL.

Mr. CHANDLER. I move that the Senate proceed to the consideration of the river and harbor bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 3168) making appropriations for the repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes.

Mr. CHANDLER. I move that the five-minute rule be applied to this bill.

The motion was agreed to.

The PRESIDENT *pro tempore*. The pending amendment will be read.

The CHIEF CLERK. On page 15 the Committee on Commerce proposed to strike out in line 319 the words "for examinations and surveys of rivers and harbors and;" and in line 321 to strike out "seventy" and insert "twenty;" so that the clause would read:

For incidental repairs at harbors for which there is no special appropriation, $25,000.

Mr. CHANDLER. I shall not resist non-concurrence with the amendment of the committee but ask that there be a vote.

The amendment was rejected.

The next amendment of the Committee on Commerce was to strike out section 2.

Mr. CHANDLER. I will not insist upon that amendment either.

The amendment was rejected.

Mr. CHANDLER. I have some amendments from the committee which are not printed with the bill. I move on page 14 after line 3 of section 2 to insert:

Harbor of New Bedford, Massachusetts.

The amendment was agreed to.

Mr. SARGENT. I think if the bill is to pass it would be very much better not to make the inequality which now exists in the bill any more striking. This bill is a most extraordinary one, and finds its parallel only in one or two other river and harbor bills which before this time have passed Congress. The California delegation urged very strongly upon the committee of the House to pay some attention, some degree of respect to the recommendations of the War Department and Engineer Corps and to the estimates which were sent in, plainly and clearly showing the necessity of an improvement of Oakland Harbor. California is the third State in the Union for the extent of its sea-coast. They gave us for that whole extent of sea-coast $25,000 for an item that we do not care one snap about, and have overlooked a harbor through which passes annually two and a half million passengers, through which passes annually $70,000,000 of treasure, through which pass annually hundreds and hundreds of tons of freight, besides an enormous quantity of wheat; and for a harbor so situated, notwithstanding the recommendation of the Engineer Corps and of the War Department, we could not get the ear of the committee because they were so engaged in admiring every little saw-mill creek in Wisconsin or Michigan that they had no ear for anything that was farther off.

I hold in my hand this bill, numbering by the score almost appropriations for little harbors and little creeks scattered all through a little knot of States that seem to have the control of the committees charged with this bill. I find that some other States are recognized occasionally. I suppose it is perfectly proper that in the great State of New York the Great Sodus Bay should have $15,000. When I read the bill, I supposed the adjective "great" entitled them to that; but on looking immediately below I found that Little Sodus Bay in New York has $15,000 also; so that whether it is "great" or whether it is "little," anywhere in New York or anywhere in Wisconsin or anywhere where there are a good many votes to support a river and harbor bill, there is an opportunity for the demands of the Department and for the demands of the commerce of the country to be heard. But when it comes to a great improvement like that for which I speak, which is absolutely necessary to a commerce now carried on under the greatest difficulties, then it cannot be heard!

There was another amendment proposed by my colleague for San Diego Harbor. As it was shown to this committee, it was plain that the river had burst its bounds this last season under the exigencies of the floods, so that that which formerly ran into False Bay had forced its way into San Diego Harbor, so that the second best harbor on the coast, almost the only one outside of San Francisco which is safe for large fleets, was filled up by mud and sediment carried down that river, was rapidly filling up from headland to headland; and it was known that in a year or two it would be so filled up that this magnificent harbor would be entirely obliterated. Could we get the ear of the Senator from Michigan to that for one moment? Notwithstanding that the department themselves had made the surveys, had recognized this exigency and had called the attention of Congress to it, no more could we get the attention of the chairman of the committee of the other House and his committee there, but when it was called to their attention it was passed aside; and we were told, "O, no; we are not going to do any new work." That is what we are told, "no new work," although nature itself has compelled the necessity for the work. You can improve your Little Sodus and your Big Sodus, and you can find your way all through these little places in Michigan, the names of which are so obscure that you will not find them written down on any map, however minute, where perhaps there may not be anything more than a saw-mill or a farm-house seen in the yet uncut forest, and there in order to get saw-logs out of those native wilds you make these improvements; but where there is a town of twenty thousand inhabitants as there is at Oakland, where there is a growing city as there is at San Diego, where there are two and a half million passengers passing over the water-front that we ask to be improved, nothing whatever can be done; and why? Because it is so far off, being on the Pacific coast!

Is it because the representatives of that coast are few in Congress and we cannot be heeded? Or is it true that it is not the policy of Congress, no matter how urgent a case may be, to do anything toward new works of improvement, although they may be so important that you are drying up the sources of your commerce, although they may be so important that without them your harbors will be blockaded up, and the ships will sail for hundreds of miles along an inhospitable coast without opportunity for refuge or opportunity to land their cargoes? The difference between the continent of Africa to-day and that of Europe, and that of America, is that one is not indented with harbors, and there are no waters running from the ocean inland over which commerce can sail and the inhabitants get contact with the outside world. This circumstance makes the difference between barbarism, sterility, and degradation and civilization, cultivation and elevation. The difference is made by access to the ocean.

The PRESIDENT *pro tempore*. The Senator has spoken five minutes.

Mr. CHANDLER. Mr. President, this Oakland, if that be the name, is a place where a railroad has built a trestle-work out into San Francisco Bay on one side of it. It would cost several million dollars, I cannot tell how many, and is for the benefit of this railroad company. The engineers say this:

If such be the views of Congress—

That is it is not recommended, but—

If such be the views of Congress, and if it be decided to improve the harbor of Oakland, we recommend the appropriation of the amount necessary to construct the two training walls and dredge out a channel between them one hundred feet wide, having a depth of six feet at low water, at the present session of Congress, namely, $479,094.

The Committee on Commerce do not look upon this Oakland scheme as a proper one for it to take hold of at this time. If there is any State in the Union that has no reason to complain of the liberality of this Government, certainly it is the State of California. The Senator forgets that we are paying $1,075,000 a year subsidy to two steam lines for the benefit of the commerce of San Francisco. He forgets that we have been paying this enormous sum for years. He forgets that this nation has expended millions and tens of millions of dollars in building a railroad for California and in building this very railroad that now comes into this town of Oakland and asks an enormous appropriation to create a harbor where none exists and when they might have terminated their road upon a good harbor just as well as run it out on trestle-work where there is no harbor. I ask for a vote.

The amendment was agreed to.

Mr. CHANDLER. On behalf of the Committee on Commerce I propose after line 71 of section 2 to insert:

Red River of the North, from Breckinridge to Moorhead.

The amendment was agreed to.

Mr. DAVIS. I wish to make a correction in line 73 of section 2. "West Virginia" should be inserted where "Kentucky" is. The river is in West Virginia.

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) The amendment will be considered as agreed to if there be no objection.

Mr. CHANDLER. After line 80 of section 2 the committee propose to insert:

Big Sandy River, from its mouth to Piketon and to Warfield, in Kentucky.

The amendment was agreed to.

Mr. CHANDLER. After line 85, section 2, the committee propose to insert:

For a channel of land-locked navigation from the Mississippi River, at or near New Orleans, along the lakes, sounds, and estuaries of the gulf shores, thence by river and canal across the peninsula of Florida to harbors of the Atlantic coast.

The amendment was agreed to.

Mr. CHANDLER. In line 89 of section 2, before "Wicomico," the word "Little" ought to be inserted.

The PRESIDENT *pro tempore*. That amendment will be made if there be no objection.

Mr. CHANDLER. There is one amendment that the committee propose on page 14, line 318 of section 1—to insert the following, which does not increase any appropriation, but simply explains how an appropriation shall be expended:

That the appropriation under the act of March 3, 1873, for the improvement of the harbors of Washington and Georgetown, be made to apply to dredging the Virginia or Georgetown channel of the Potomac above and below Long Bridge, and that the earth excavated therefrom be deposited so as to carry out as far as practicable the plan for improving the harbors of Washington and Georgetown in accordance with the report made to Congress December 17, 1872, by a board of survey created by an act of Congress approved March 5, 1872.

The amendment was agreed to.

Mr. HAMILTON, of Maryland. I have a little amendment to offer at the end of the bill for a survey.

Mr. DAVIS. I wish to inquire now whether the second section is retained or not? The committee recommended striking it out.

The PRESIDENT *pro tempore*. That amendment has been disagreed to.

Mr. STEVENSON. I should like to inquire of the gentleman who has the bill in charge whether the committee insist on their amendment to strike out in the bill from line 319 to the end of the first section?

Mr. CHANDLER. No; that amendment has been non-concurred in. That clause remains as it passed the House.

Mr. HAMILTON, of Maryland. I offer the following amendment, to come in after line 190 of section 2, for the survey of a little harbor on the Potomac River:

Harbor of Leonardtown, Britton Bay, Potomac River, Maryland, with a view to remove obstructions.

The amendment was agreed to.

Mr. RANSOM. I offer an amendment on page 10, line 224, to strike out "one" and insert "two;" so that the clause will read:

For continuing the improvement of the Cape Fear River, North Carolina, $200,000.

Mr. CHANDLER. I hope that amendment will not be agreed to. The committee did not recommend an increase of the amount in this bill, but struck out certain items and added the amounts that were stricken out for other works. All the additions that were recommended have been concurred in and none of the diminutions. Now I have upon my desk something over $4,000,000 of proposed amendments to this bill. It must be apparent to every one that if we begin to adopt these amendments they will load the bill so heavily that it will sink.

Now, sir, with regard to Cape Fear River, I hold in my hands the revised estimate of the engineers, which I will read. The original estimate of the board of engineers was: "For Cape Fear River $150,000." The revised estimate was $100,000, and the committee allowed precisely the amount asked for in the revised estimate. I hope the Senate will stand by the committee and by the recommendation of the board of engineers, and retain the Cape Fear appropriation at $100,000, as it stands in the bill.

Mr. RANSOM. Mr. President, I will not detain the Senate at this late hour more than a few moments. The statements made by the chairman of the Committe on Commerce are true. This amendment for $200,000 is not recommended either in the revised or original estimates from the Engineer Department. But there is now before the Committee on Commerce, and I have instructed the clerk to have it here for the information of the Senate, a letter from Colonel Craighill, the engineer in charge of the work. In that letter this officer, distinguished for his skill and judgment and thoroughly acquainted with the Cape Fear Harbor, declares that an appropriation of $250,000 ought to be made for this improvement. I will have the letter read for the information of any Senator who desires it. The experiences of last year leave no doubt that $100,000 is totally inadequate for the consummation of the work. But, in the opinion of this reliable engineer, an expenditure of $250,000 promises results that make it our duty not to hesitate to make the appropriation. Not only his reports, but the concurrent reports of all the officers who have examined the Cape Fear Harbor, without exception, abound with evidence that for the meager amounts appropriated extraordinary results have been accomplished; and I believe that with the expenditure of the sum now asked the highest expectations of the engineers will be realized. I shall not undertake to explain to the Senate the manner in which this improvement is to take place. I will simply state that is the judgment of every competent engineer, fortified by the conclusion of all men of practical sense who have a knowledge of the harbor, and confirmed by uniform experience for half a century.

Nor, Mr. President, is this a mere local work. Let me assure the Senate that it is a great national improvement. Look at our Atlantic coast. You will see that the Wilmington or Cape Fear Harbor lies not very far south of Cape Hatteras, on the great coast line of American trade. It is well known to mariners that Hatteras is one of the most, if not the most, dangerous point upon the American or any other coast. I do not know what to say of it except that it seems to be the rendezvous for all the perils of the sea. Cape Fear Harbor, lying immediately south of this fearful impediment to navigation, is a convenient refuge for the crippled and wrecked vessels that have survived its winds and rocks and storms. I need not say to the Senate how important, how prudent, how humane it is that this harbor of refuge for the commerce of the whole coast should be cared for by the Government.

And let me say that in another sense the port of Wilmington greatly deserves our consideration. Are Senators aware that the exports of Wilmington for the last year amounted to $13,000,000; that thirteen hundred vessels were entered and cleared at her bar; that her shipping-list in the year 1873 increased one hundred and twenty vessels; that her exports of lumber reached twenty million feet, her resin a half million of barrels, her turpentine two hundred thousand casks, her cotton fifty thousand bales? Situated as Wilmington is in the heart of the cotton and great lumber region of the South, at the mouth of the Cape Fear River, which runs back two hundred and fifty miles to the inexhaustible coal and iron beds of North Carolina, with three trunk lines of railway extending north, south, and west, almost in speaking distance of Cuba and the West Indies, and with a coast line from the Gulf to the northern lakes, she must become the great depot and market for lumber, for coal, for naval stores, and for all the productions of that section of the country. Why, there is not a city on the waters of the Atlantic that is not interested in the improvement of Cape Fear Harbor. In Norfolk, Richmond, Baltimore, Philadelphia, New York, Boston, you will find the naval stores, the lumber, the turpentine and resin of Wilmington. The whole country has an interest in this improvement.

There is another consideration which I wish to address to the Senate. I have before me—and I regret that I have not time to read it—a speech of Hon. William S. Ashe, formerly a Representative from the Wilmington district in the other House of Congress, delivered in 1858. I must say that I knew him well, and I never knew a man of more intelligence, more patriotism, or better common sense. In that speech he informed the House that before the erection of Fort Caswell in 1823, the bar at Wilmington drew from sixteen to twenty feet of water. The position of the fort and its influences on the current of water and sand-drifts soon filled the channel and left only some nine feet of water——

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) The Senator has spoken five minutes.

Mr. RANSOM. I appeal to the Senate to adopt the amendment.

Mr. CHANDLER. Permit me to say that the Senator is reading from the local engineer's report. Were we to take the reports of the local engineers on all these different works, $30,000,000 would not begin to carry out their wishes. We take the report of the board of engineers, and we have given every cent that the board of engineers asked for this work, to wit, $100,000, and that is the largest appropriation which has ever been made to that harbor, and the Senator himself says the benefit has been incalcuable from the $100,000 appropriations which we have heretofore made. I hope therefore the Senate will stand by the recommendation of the board of engineers and leave this appropriation as it is. It is the largest made for any harbor in the United States.

Mr. SPRAGUE. I had occasion when this appropriation was first introduced into the Senate to approve of it. I approve of it because the improvement is in a section of the country which makes it national in its character. It is national because we are deriving immense advantages from the industries of that section. Whenever the Congress of the United States can contribute their moiety, their pittance, in any direction where it will be of advantage to that section of country, it is important that Congress should do it.

The Senator from North Carolina has urged this proposition from its local considerations. I urge it from its national considerations. Without the industries as they are developed at the South, this country, bearing its great debt, would be prostrate to-day. Take California, with all its accumulations through mines and minerals, or any other portion of your country, and it cannot compare with this region in the accumulation of balances favorable to your industries. It is upon your foreign balances that you are to-day able to sustain whatever financial credit you have. I trust the Senate will accord to the request of the Senator from North Carolina for the appropriation he desires. It will be the money best spent of any appropriated on any of the bills I have seen entertained in the Senate. I hope that the request of the Senator from North Carolina will be favorably considered.

INDIAN APPROPRIATION BILL.

Mr. SARGENT. I ask leave to submit a report from the second committee of conference on the bill (H. R. No. 2343) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1875, and for other purposes.

The conference report has been heretofore agreed to by the Senate, but was disagreed to by the House of Representatives, and a second committee appointed. The only difference between the two Houses was on the single item of the appropriation for the Apaches, the House disagreeing with the amount which the Senate required for that purpose. The second conference have reduced that appropriation $50,000, making it $500,000 instead of $550,000. That being the only difference, I ask that we have a vote at once on the report.

The report was concurred in.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed a bill (S. No. 732) supplementary to the act entitled "An act to incorporate the Texas Pacific Railroad Company and to aid in the construction of its road, and for other purposes."

The message also announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 3030) making appropriations to supply deficiencies in the appropriations for the service of the Government for the fiscal years ending June 30, 1873 and 1874, and for other purposes.

RIVER AND HARBOR BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 3168) making appropriations for the repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes.

The PRESIDING OFFICER, (Mr. FERRY, of Michigan.) The question is on the amendment of the Senator from North Carolina [Mr. RANSOM] increasing the appropriation for continuing the improvement of the Cape Fear River, North Carolina, from $100,000 to $200,000.

Mr. CHANDLER. I hope it will not prevail.

The amendment was agreed to; there being on a division—ayes 31, noes 10.

Mr. FRELINGHUYSEN. I offer the following amendment to come in on page 12, after line 278:

That the sum of $50,000 is appropriated for the opening and improving of the channel between Staten Island and New Jersey.

Mr. President, New Jersey has made very few applications for appropriations of this kind by the Government. This is a very essential one. There is a narrow strait of water between Staten Island and New Jersey known as Arthur Kill. It does not belong to the jurisdiction of either New York or New Jersey exclusively. All the commerce passing from the city of New York to Philadelphia has to pass

through this narrow strait. As it is now, it is not navigable except at high tide. Consequently, there is a great delay in vessels and a great expense in consequence of vessels getting aground there. I will state that the navigation through that strait which comes from the Delaware and Raritan Canal alone is $40,000,000 a year, and the whole navigation is impeded by the delay in consequence of the necessity of dredging out that strait. We now ask this small appropriation of $50,000, which is really a national appropriation, for no vessel can have any inland navigation between those cities except through that narrow strait.

Mr. CHANDLER. I do not know that it is worth while for me to attempt to resist any additions to this bill. My impression now is that the intention is to load this bill until it is loaded down, and hence I shall not resist anything. I will inquire, does this amendment come from any committee?

Mr. FRELINGHUYSEN. Notice was given of it and it was served upon your committee.

Mr. CHANDLER. My committee did not adopt it.

Mr. FRELINGHUYSEN. No; but notice was given of it.

Mr. CHANDLER. I make the point of order on it.

Mr. FRELINGHUYSEN. What committee could it come from?

The PRESIDING OFFICER, (Mr. EDMUNDS in the chair.) Is the Senate ready for the question?

Mr. CHANDLER. I made a point of order, and I ask the Chair to rule upon it. The amendment is not recommended by any committee.

Mr. FRELINGHUYSEN. Notice was given of this amendment, and it was served on the committee.

The PRESIDING OFFICER. The Chair understands the Senator from New Jersey to say that he gave notice of this amendment and had it referred to the Committee on Commerce.

Mr. FRELINGHUYSEN. I did.

The PRESIDING OFFICER. The thirtieth rule provides in the first place for amendments to general appropriation bills. This bill is not a general appropriation bill, but is a special appropriation bill which does not go to the Committee on Appropriations. In this respect the language of the thirtieth rule provides:

> And in like manner, notice of amendments to bills making appropriations for rivers and harbors shall be given and referred to the committee to which such bills shall be referred.

The Chair is of opinion that the words "in like manner" in connection with what precedes them refer to the fact of notice and do not refer to the provision of carrying out any existing law, &c., for the provision is:

> All amendments to general appropriation bills reported from committees of the Senate, proposing new items of appropriation, shall, one day before they are offered, be referred, &c.

And "in like manner notice of amendments to bills making appropriations for rivers and harbors" shall be referred. The Chair is of opinion that amendments to these bills must be reported from some committee and then referred, but it is not necessary that they shall be made to carry out the provision of an existing law. Therefore, if the amendment of the Senator from New Jersey was referred to the Committee on Commerce on the recommendation of any other committee, it is in order. If it was referred merely on the motion of the Senator from New Jersey alone, the Chair is of opinion that it is not in order.

Mr. FRELINGHUYSEN. Well, Mr. President, for information, with all respect, I ask how is the judgment of the Committee on Commerce ever to be corrected? There is no committee to whom I could apply to have that recommendation.

The PRESIDING OFFICER. The Chair is unable to answer that question, but only undertakes to administer the rule as in the opinion of the Chair it was evidently intended to be administered.

Mr. HAMILTON, of Texas. I send an amendment to the desk, to insert in section 2, making provision for surveys, line 53, after the word "bar" the words "and Red Fish Bar;" so that it will read:

> Cedar Bayou Bar and Red Fish Bar, in Galveston Bay, Texas.

The chairman of the committee agrees to this amendment.

The amendment was agreed to.

Mr. HAMILTON, of Texas. I offer another amendment, to insert in the same section, after line 78, the words "mouth of Saginaw River, Michigan."

The amendment was agreed to.

Mr. WEST. I am instructed by the Committee on Transportation Routes to the Sea-board to offer the following amendment as an additional section to the bill:

> SEC. —. That a board of engineers, to be composed of two from the Army, two from the Coast Survey, and three from civil life, be appointed by the President; which said board shall make a survey of the mouth of the Mississippi River, with a view to determine the best method of obtaining and maintaining a depth of water sufficient for the purposes of commerce, either by a canal from said river to the waters of the Gulf, or by deepening one or more of the natural outlets of said river; and said board shall make a full and detailed estimate and statement of the cost of each of said plans, and shall report the same, together with their opinion thereon, showing which of all said plans they deem preferable, giving their reasons therefor, to the Secretary of War, to be presented at the commencement of the second session of the Forty-third Congress; and that the sum of $50,000, or so much thereof as may be necessary, is hereby appropriated, out of any funds in the Treasury not otherwise appropriated.

The amendment was agreed to.

Mr. WINDOM. I offer the following amendment, to come in on line 125, page 6:

> Strike out "50" and insert "200," so as to increase the appropriation for continuing the improvement of the Falls of Saint Anthony from $50,000 to $200,000.

I ask the attention of the Senate to this amendment. It is one in which I feel a great interest, and I believe that if the Senate understand it there will be no question about its adoption.

When the Department were requested at the opening of this session to revise and reduce their estimates they sent back the following statement:

> Having thus presented the reasons for the scale of expenditure recommended by this department, I have now, in conformity to the resolution of the House of Representatives and the requirements of the President and Secretary of War, to submit revised estimates, taking for guide the appropriations of the last river and harbor act, with the condition added that the estimates shall not be so reduced as to cause serious detriment to the public service. The estimate of amounts needed for the preservation of the Falls of Saint Anthony, and the deepening of the channel at the mouth of the Mississippi River, are instances where the original estimates are retained under the latter condition.

Thus among all the improvements named for the country but two were selected upon which specific stress was laid by the department that the amounts estimated for were required and could not be reduced without serious detriment to the public service.

Now, Mr. President, the amount that I have offered conforms to the reduced estimates of the department. It is the amount which the department say must be appropriated in order that the public service may be subserved. I ask that the amount thus demanded by the department, which they say is absolutely necessary, may be appropriated.

The appropriation recommended here by the department is for the preservation of the Falls of Saint Anthony. We have above those Falls now eighty miles of river navigation. We have around in the region which is benefited by that navigation over two million bushels of wheat produced at present, and within the next three or four years it will be ten millions. The saving produced by this navigation to-day is seven cents per bushel on transportation, amounting to over $140,000 a year. The department tell us that unless the amount they ask for is appropriated there is great peril that the Falls of Saint Anthony will go out within the next year. It is but a thousand feet from the lower edge of the falls to-day to the upper end, and a thin rock alone protects it, and the water is already percolating through the sand below. It is of the most imminent necessity that whatever is done should be done at once in order that that navigation may be maintained, and as our investigations this summer showed, a slight appropriation above the Falls of Saint Anthony will give us five hundred miles of navigation into the finest wheat region in the world.

Now, Mr. President, if these falls are permitted to go out we shall have to expend many millions of dollars in order to build a dam there. If they do go out we shall have eight or ten miles of rapids which can never be improved without the appropriation of many millions. A small amount now will save it, and as the department tell us they must have that amount, and when asked to reduce it say they could not cut it down without serious detriment to the public service, I ask that it may be allowed.

Mr. CHANDLER. I merely wish to state that not one single dollar of this $50,000 or the $200,000 is used even in the interest of navigation. It has no more business in this bill than an appropriation to build a saw-mill on any river in these United States. It is simply to protect a water-power. They have not dug a single foot to improve navigation. They have not done a thing except to spend this money to protect a water-power at the Falls of Saint Anthony.

Mr. President, I am sorry the Senator from Minnesota has offered this amendment, for it will compel me to state the facts in this case. The committee with great reluctance took the appropriation as it stands, because it was in the bill as it came to us from the House. The opinion of the committee was unanimous that this appropriation had no business whatever in this appropriation bill. We are not in the habit of building dams and spending hundreds of thousands of dollars to protect the private water-power of anybody.

Mr. RAMSEY. I will say to the honorable Senator, if that is so, the committee were very poorly possessed of information.

Mr. CHANDLER. We had all the information we could have.

Mr. RAMSEY. I cannot conceive that any committee properly informed on this subject would come to such a conclusion.

The Senator says this is an inappropriate appropriation. By it you save a navigation already in use upon which steamers ply for seventy-five miles, and with a few changes in the channel, with here and there a change, the removal of a bowlder or a few rocks, you can have five hundred miles of good navigation above the Falls of Saint Anthony.

The theory on which the appropriation has been made to Saint Anthony Falls from time to time is that if these falls were swept out the river would be, as my colleague says, a continuation of rapids instead of a navigable stream above. Surely no one wants to let the Father of Waters run down into such a contemptible condition of things as that, and you can save it all by this small appropriation. The common pride of an American citizen would prevent him allowing that kind of degradation to this great river, if there was no other motive.

But, sir, at the Falls of Saint Anthony we have an immense water-power that we desire to save, not for ourselves alone, but for the nation. You may say it is an individual matter, a mere private enter-

prise; but it is so large that it becomes national in its character. There at those falls by the mill-power they have they turn out seven thousand barrels of flour every week; millions and millions of bushels of wheat are turned into flour there; besides a great number of other enterprises. It is one of the largest lumber establishments; a larger amount of lumber-sawing is done there than in almost any other locality on the continent.

Mr. THURMAN. Will my friend allow me to ask a question?

Mr. RAMSEY. I have but five minutes.

Mr. THURMAN. If there is such an amount of business there, cannot the proprietors of those mills secure their works themselves?

Mr. RAMSEY. Well, sir, they have done so; they have almost reduced themselves to poverty by their efforts in this direction. The towns in that vicinity have taxed themselves three or four hundred thousand dollars to save that water-power. Now, would the Senator, in the face of all these facts, and the large interest the nation has in this work, make these people individually tax themselves to their perfect ruin and destruction?

Mr. SPRAGUE. From the statement made by the chairman of the committee who reported this bill, I deem it my duty to move that lines 123, 124, 125, and 126 be stricken from the bill. Those lines read as follows:

For continuing the improvement of the Falls of Saint Anthony and for the improvement of the Mississippi River above the Falls of Saint Anthony, Minnesota, $50,000.

The PRESIDING OFFICER. Is that an amendment to the pending amendment offered by the Senator from Minnesota?

Mr. SPRAGUE. I move that that be laid on the table.

Mr. CHANDLER. Let the amendment be reported. I could not hear the Senator from Rhode Island.

Mr. SPRAGUE. I move to lay the amendment of the Senator from Minnesota on the table.

Mr. WINDOM. I hope the Senator from Rhode Island will allow me to answer the Senator from Michigan.

The PRESIDING OFFICER. The Senator moves that the amendment be laid on the table. The Chair is informed the effect of that motion on this bill will be to carry the bill with it. The question is on the motion, which is not debatable, to lay the amendment on the table.

The motion was not agreed to.

Mr. WINDOM. The Senator from Michigan says that his committee were unanimous in opposing this amendment. If the Senator ventured in the quiet of the committee-room to make such statements as he has made before the Senate to-night and the committee did not take the trouble to investigate them, I do not wonder that the committee were unanimous on that subject, for I assert here just as strongly as the Senator from Michigan has made his assertions, that he is wholly mistaken, and that there is scarcely a word that is true in a single sentence he uttered on the subject.

Mr. CHANDLER. Allow me to ask the Senator whether a dollar was ever expended on the Falls of Saint Anthony for the purpose of navigation?

The PRESIDING OFFICER. The time of the Senator from Minnesota has expired.

Mr. WEST. I move that the Senator have leave to proceed.

Mr. SPRAGUE. I object.

The motion was agreed to.

Mr. WINDOM. I do not desire to proceed more than a moment or two. I simply wish to answer the question of the Senator from Michigan. I say, yes. I say there have been vessels running there for many years. They were suspended for a short time on account of the fact that the railroads were built and the river was not improved above; but recently, within the last year or two, on account of the high prices prevailing upon the railroads, the vessels have again been put upon that river, and are now carrying wheat and corn in large quantities from that section. While it is true that there is an interest there, which is a very large interest, too, that is anxious to have the water-power maintained, it is also a continuation of the navigation of that river for five or six hundred miles.

Another thing is very remarkable, that this should be one of the two things which the department of this Government having this subject in charge say are indispensably necessary to be done. I have known for some time that the Senator from Michigan was determined that nothing should be done here. He has from the very start set his face against this improvement, and determined whatever may be the consequences to the navigation of that country that by every means in his power this thing shall not be done; and I see that determination is sought to be carried out here to-night. Not only have this department when asked to revise their estimates refused to reduce them in this case, but they sent a board of five engineers to make an examination this winter, and when that special board made their examination, they came back and reported the same recommendations that are made here to-night by the report of the Engineer Department to which I have referred.

Now, sir, I say this appropriation is of the utmost importance to five hundred miles of navigation that can be made above the falls at very little expense; and I do not believe that when the Senate have staid here to-night and appropriated $30,000,000 under the other bill that we have just passed without question, they are going to permit this great improvement to remain unfinished and this great peril to the interests of that northern country to be suffered. I ask for a vote on my amendment.

Mr. BUCKINGHAM. I have no doubt of the importance of improving the navigation of the Mississippi above the Falls of Saint Anthony; that there is a long distance there which if improved will promote the interests of commerce; but whenever you bring the products of that country lying above those falls down to that point, before they can take the river below, they must be reshipped, and if reshipped there must be a cartage of a certain distance; it may be one mile and it may be two. It is impossible for this Government to do anything to prevent that transshipment of merchandise. The same thing must take place with anything that is going up the river.

Now the question is, what is the duty of the Government with reference to the preservation of the falls? There is no such thing as preventing a transshipment of the merchandise; but if the Government will spend its hundreds of thousands and preserve the falls, the distance of cartage will be shorter than if the falls are broken away and there become a few miles of rapids. The interest of commerce and the interest of transportation simply depend upon whether you shall do that cartage one or two miles, as you do it now, or shall be obliged to do it five or ten if the falls go away. That is all the difference as far as I understand it, and it is a question whether the Government will appropriate money to provide transportation by teams instead of by water, two or ten miles, more or less.

The PRESIDENT *pro tempore*. The question is on the amendment offered by the Senator from Minnesota, [Mr. WINDOM.]

Mr. CHANDLER. I hope the appropriation will not be increased.

The question being put, there were on a division—ayes 31, noes 10.

Mr. HAMILTON, of Maryland. I call for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 30, nays 21; as follows:

YEAS—Messrs. Allison, Anthony, Bogy, Boreman, Carpenter, Conover, Cragin, Davis, Edmunds, Fenton, Flanagan, Frelinghuysen, Hamlin, Hitchcock, Ingalls, Johnston, Kelly, Mitchell, Morrill of Vermont, Norwood, Oglesby, Patterson, Pease, Ramsey, Ransom, Schurz, Tipton, Wadleigh, West, and Windom—30.

NAYS—Messrs. Alcorn, Bayard, Boutwell, Buckingham, Chandler, Dennis, Goldthwaite, Gordon, Hager, Hamilton of Maryland, Hamilton of Texas, McCreery, Pratt, Saulsbury, Scott, Sherman, Spencer, Sprague, Stevenson, Thurman, and Washburn—21.

ABSENT—Messrs. Brownlow, Cameron, Clayton, Conkling, Cooper, Dorsey, Ferry of Connecticut, Ferry of Michigan, Gilbert, Harvey, Howe, Jones, Lewis, Logan, Merrimon, Morrill of Maine, Morton, Robertson, Sargent, Stewart, Stockton, and Wright—22.

So the amendment was agreed to.

Mr. WINDOM. As a portion of the same amendment I move to insert after the word "dollars," on line 126, page 6, the words, "and $25,000 of said amount shall be expended for the improvement of the Mississippi River above the Falls of Saint Anthony."

This amendment does not increase the appropriation, but simply divides it.

Mr. THURMAN. Let us understand that. Is that $25,000 of the $200,000?

Mr. WINDOM. Yes, sir.

Mr. THURMAN. That leaves $175,000 to be expended on the falls?

Mr. WINDOM. Yes, sir; $25,000 less than the estimates.

Mr. THURMAN. Well, Mr. President, I think this amendment discloses the whole secret of this business. If there was any doubt before about it there cannot be now. Here was an amendment proposed to increase the appropriation for the Falls of Saint Anthony $150,000, and one might suppose that a large portion of that was to improve the navigation of the Mississippi above those falls, which might be a very reasonable thing. Now it turns out only $25,000 is to be appropriated for that purpose and $175,000 for the protection of the mill-owners at the falls. That is the whole of it.

Mr. WINDOM. I stated in the discussion on the other amendment that the $200,000 was for the improvement of the falls, but it is necessary in order to perfect the navigation through the eighty miles I spoke of to have a few loose rocks removed, and we are willing to give a portion of the estimates for the falls in order to do that work. This does not increase the appropriation already made. I will not occupy any further time upon it.

The amendment was agreed to.

Mr. WINDOM. I now offer an amendment to come in at the end of line 318. It is for the surveys which the Senate directed by a resolution passed the other day:

For surveys and estimates for the improvements recommended by the Senate Select Committee on Transportation Routes to the Sea-board, upon the four routes indicated in the report of said committee, and also upon a route from the mouth of the Youghiogheny River, to continue the slack-water navigation up said river to its head-waters at the foot of the Alleghany Mountains, thence by Canal to Cumberland, intersecting there the Chesapeake and Ohio Canal, $200,000, to be expended under the direction of the Secretary of War in such manner as in his judgment will secure the greatest amount of exact information for each of said routes.

Mr. EDMUNDS. I should like the Senator to state where these four routes are precisely, so that we can see what sections of the country they traverse.

Mr. WINDOM. They are the four routes recommended by the Committee on Transportation. One is the Mississippi route from the head to the mouth. The other is known as the northern lake route; the other the central route on the Ohio River, connecting with the Atlantic near Richmond; and the other is a route including the improvement of the Tennessee and its connections with the Atlantic Ocean. I have

a map before me which will explain them to the Senator better than I can. They were fully explained in the report of the committee, and in the discussion the other day. The Committee on Appropriations report this amendment under the instruction of the Senate.

Mr. BOREMAN. I ask the Senator from Minnesota if these are not the routes described in the resolution we passed the other day?

Mr. WINDOM. They are the same.

Mr. BOREMAN. We instructed the committee to do this thing?

Mr. WINDOM. Yes, sir.

Mr. DAVIS. I want to say a word on this amendment. As I understand, this is the amount recommended in the resolution which was discussed for several days in the Senate and passed by a vote on the yeas and nays of 43 in favor of it and but 6 against it.

Mr. ROBERTSON. This is not the amount.

Mr. DAVIS. It is exactly the same amount as was then stated by the chairman of the Committee on Transportation Routes to be necessary.

Mr. HAMILTON, of Maryland. The resolution did not state the amount, as I understand; but I believe this amount was stated in the debate on that resolution.

Mr. DAVIS. It was stated several times.

Mr. ROBERTSON. I have no objection to the surveys being made, but I do object to the large amount appropriated in this amendment. I move to strike out "$200,000" and insert "$50,000."

The amendment to the amendment was rejected.

The PRESIDENT *pro tempore*. The question recurs on the amendment offered by the Senator from Minnesota.

Mr. ROBERTSON. I call for the yeas and nays on that question.

The yeas and nays were ordered.

Mr. ALCORN. I will ask whether the amendment contains a provision that only so much shall be used as may be necessary for the purpose? I suppose it does.

Mr. WINDOM. I believe it does not contain that. I have no objection to making it so, however.

Mr. SHERMAN. That follows in all appropriations.

Mr. ALCORN. If that amendment should be made I think it would be better.

Mr. WINDOM. I will modify it in that way with the consent of the Senate.

Mr. SHERMAN. That would be an unusual form. That follows necessarily. When an amount is appropriated, that is the maximum.

Mr. WINDOM. I have no objection to that modification.

Mr. ALCORN. I do not insist upon it.

Mr. HAMILTON, of Maryland. I do not think that makes any difference. They will expend the whole of it.

The question being taken by yeas and nays, resulted—yeas 39, nays 12; as follows:

YEAS—Messrs. Alcorn, Allison, Bogy, Boreman, Boutwell, Buckingham, Carpenter, Clayton, Conover, Davis, Edmunds, Fenton, Ferry of Michigan, Flanagan, Frelinghuysen, Goldthwaite, Gordon, Hager, Hamlin, Harvey, Johnston, Kelly, Mitchell, Morrill of Vermont, Norwood, Oglesby, Patterson, Pease, Pratt, Ramsey, Sargent, Schurz, Scott, Sherman, Spencer, Stevenson, Stewart, West, and Windom—39.

NAYS—Messrs. Bayard, Cooper, Dennis, Hamilton of Maryland, Hamilton of Texas, McCreery, Merrimon, Robertson, Saulsbury, Sprague, Wadleigh, and Washburn—12.

ABSENT—Messrs. Anthony, Brownlow, Cameron, Chandler, Conkling, Cragin, Dorsey, Ferry of Connecticut, Gilbert, Hitchcock, Howe, Ingalls, Jones, Lewis, Logan, Morrill of Maine, Morton, Ransom, Stockton, Thurman, Tipton, and Wright—22.

So the amendment was agreed to.

Mr. ALCORN. I am instructed by the Select Committee on the Levees of the Mississippi River to offer the amendment I send to the desk, which has been referred to the Committee on Commerce.

The Secretary read the amendment, as follows:

For the protection of the delta of the Mississippi from inundation by flood, to be expended under the direction of the Secretary of War, in rebuilding, repairing, and constructing levees on or near the bank of the Mississippi River, $2,000,000; one-half of which sum shall be appropriated within the State of Louisiana, the other half to be appropriated, one-half within the State of Mississippi, the remainder within the State of Arkansas.

Mr. ALCORN. Mr. President, the demand for the time of the Senate will not allow me, if there was no rule requiring me to confine my remarks to five minutes, to present as fully as the case requires the importance of this subject. The levees of the Mississippi River were destroyed by the armies during the period of the revolution. Up to that time the country had gone forward in the construction of levees on the Mississippi River, and had spent about $20,000,000 or perhaps more. When the war closed full $10,000,000 of that work had been destroyed. Since that time the people of the States on the river have gone forward in the vain effort to attempt to rebuild the levees without any aid from the Government of the United States. Their attempt has been in vain. The recent floods have shown clearly to them and to the whole country that they are not able to accomplish the work; that it is a work impossible of accomplishment upon their part.

If the Congress of the United States can appropriate $200,000 for the purpose of protecting or improving the Falls of Saint Anthony, it occurs to me that it can give $2,000,000 for the purpose of recovering seven hundred miles of waste land upon the Mississippi River that have been recently inundated upon both sides of that stream by the floods upon the Mississippi.

This is a question that attaches to the whole country. It is one in which every man in this nation is interested. Every man who wears a cotton shirt in the United States is interested in this question. Besides the cotton that is produced behind these levees, it is necessary to the interest of the Government of the United States in its commerce. The Secretary of the Treasury in 1869 reported to Congress, when speaking upon the subject of cotton:

The great staples of the South have for many years constituted a large portion of our exports. But for the cotton held in that section at the close of the rebellion the foreign exchanges would have been so largely against the United States that a commercial convulsion would have been imminent if not unavoidable. Even in the deplorable condition of those States, last year more than two-thirds of our exports consisted of their productions; and it is the crop of the present year, small though it may be, that is to save us from ruinous indebtedness to Europe.

By reason of the destruction of the levees the falling off of the cotton crop will be this year, I apprehend, fully two hundred thousand bales. We have made an appropriation in the sundry civil bill of $500,000 to feed the people who have been rendered homeless, whose homes have been overflown by the recent floods of the Mississippi River. Should this amendment that I have offered to the river and harbor bill be adopted, I trust that that amendment which was introduced into the sundry civil appropriation bill will be stricken out, and that the two millions appropriated by this amendment will be applied in such a way as to supply the people who are now starving, as it is reported here, with work, so as to employ them in the protection of their own homes, and thus furnish sufficient for their maintenance during the year.

Five hundred thousand dollars have been appropriated to feed them during this season. What is the condition in which the coming flood will find these people? Unable to reconstruct their levees, the floods of 1875 will have them at their mercy. They can raise no crops this year; they can certainly raise none the coming year unless the levees are reconstructed. They present to you here the fact that they are unable to accomplish this task themselves. A memorial which was presented by me from the levee board in Mississippi presents the fact to the country that they are now——

The PRESIDENT *pro tempore*. The Senator has spoken five minutes.

Mr. ALCORN. I ask to close this sentence and I will say no more. They present the fact that the property there pays an annual tax of 10 per cent. on its assessed value, and they state that it is valued at one-third more than its worth. The people have done this to provide levees and protect the land. We ask the Government now to come and assist us in this great work.

Mr. CHANDLER. Mr. President, the Government has from time to time granted 21,000,000 acres of land, which are said to be the very best lands of the delta, for this purpose. The law relative to the condition as to reclamation on which the grant is made reads as follows:

Provided, however, That the proceeds of said lands, whether from sale or by direct appropriation of any kind, shall be applied exclusively, as far as necessary, to the purpose of reclaiming said lands by means of the levees and drains aforesaid.

To the State of Arkansas the grant was 6,805,000 acres; to Mississippi, 2,681,000; to Louisiana, 8,421,000; to Alabama, 392,000; to Missouri, 3,177,000 acres. These lands, I am told, when the levees are in perfect order, will be worth $100 an acre, which would be $21,000,000. Now, I should like to know what disposition has been made of these lands, and whether it is proposed, after the Government has built the levees, to return the lands to the United States; for it would be an immense speculation if we could get back the lands which we have actually given to build these levees. I suppose the intention is to return these lands to the United States. Is it so?

Mr. ALCORN. I will reply, with the permission of the Senate, that a bill which I had the honor to introduce in the Senate some time since proposed that the lands which belonged to the States of Arkansas, Mississippi, and Louisiana, and which were received from the Government of the United States, should be returned. Some of those lands have been passed into the hands of individuals, and as a matter of course they cannot be returned if held by individuals now. But I will state to the Senate a fact. The memorial to which I referred a moment ago sets forth that in the levee district in Mississippi there are thirteen hundred thousand acres of land. The fact is stated and correctly, I undertake to say, that only four hundred thousand acres of that land to-day pays taxes, that the balance has reverted to the State, and that no taxes have been paid upon it since the war. I venture to say to-day that of the lands which were donated by the Government of the United States to the State of Mississippi—and I speak of what I know; I am not so well acquainted with Arkansas and Louisiana—not 10 per cent. to-day is held and claimed by individuals. The bulk of it has reverted to the State.

Mr. President, may I be permitted here to present the fact as to the district of country on the Mississippi—and I speak now of the State of Mississippi alone; others are better able to speak of Arkansas and Louisiana—that in 1840, before the levees were built, before the grant was made, the country along the Mississippi, the delta on the Mississippi side, produced 39,000 bales of cotton; in 1850, ten years after, and before the grant, there were 42,000 bales of cotton raised, an increase of only 3,000 bales in ten years. The grant was made in 1850. In 1860 the cotton produced in that district amounted to 156,000 bales. Now, with the levees swept away, with the levees destroyed, the country returns to its original condition; it becomes a swamp again.

More than that, instead of producing, as that country did produce in 1861 after this report had been made, 210,000 bales of cotton, I venture to predict that this year it will not produce 50,000 bales of cotton.

If this appropriation be made, the recovery of those plantations which produced two hundred thousand bales will be a fixed fact, and instead of fifty thousand bales as that country will produce this year—I speak of the Mississippi side alone—it will be able next year to produce at least two hundred thousand bales of cotton. Here is a difference, then, in the cash account to the Government of the United States in her exports that exceeds far in value the appropriation that is asked here to-day. I present this question not merely in behalf of the people there; I would put it upon no such ground as that; I would ask it as a measure of national importance, holding as I do that the cotton of this country is necessary to preserve the credit account of the Government of the United States.

The PRESIDENT *pro tempore*. The Senator's time has expired.

Mr. EDMUNDS. Mr. President, it appears to me from a somewhat careful consideration of this subject, that the United States has no constitutional power to enter into any scheme for improving the lands or preserving the territory of a State from overflow or any other calamity. We may give money for charity, as we often have done, although that used to be questioned, but I do not open that question now. But when the United States undertakes to provide for protecting the lands within the sovereignty and jurisdiction of a given State from being overflowed, or from malaria, or from any other thing which relates to the advantageous cultivation of those lands, or to the health of the inhabitants, or to whatever it may relate, it is plain to me that we transcend the limits of our constitutional power and invade the province of the State. I feel quite sure that if this were a proposition for the advantage of the public alone and which a particular State had objection to and chose to take care of itself, everybody almost would agree that we could not undertake to provide for clearing up the swamps of the various States without their consent. The Constitution, supposing these States would consent, does not confer on us the power to tax the people, in my opinion, for the purpose of improving the swamps or drying them up, or doing any other thing which relates to the advantage of the territory of the State in which these lands lie. I think we have no such power; I think it would be dangerous to undertake to exercise it; and upon that point of view alone, without going into any other consideration now, I shall feel obliged to vote against this amendment.

Mr. WEST. Mr. President, I feel reluctant to detain the Senate at this hour of the night; and I also feel quite confident that this subject cannot be discussed appropriately in the brief time that is left under the rules of the Senate; but I shall ask the Senate to recur to the circumstance that in the special session of the Senate commencing with the Forty-third Congress a resolution was passed instructing the Committee on Levees to sit during the recess and to investigate this subject, and to devise a plan to be submitted at the present session, embracing perhaps the constitutional powers of the Government as well as the scientific principles that it might be necessary to apply to redeem those lands. Unfortunately the Southwest was scourged during the past season with a terrible epidemic, and most of the members of the committee did not think it prudent to assemble to carry out the work that was assigned to them. Some of us were there, but not in sufficient number to act as a committee, and our labors did not amount to anything. In the mean time this terrific calamity, this overflow beyond and without a precedent in the history of this country, has devastated an immense area in that region, and the impoverished people of that section have appealed to Congress for relief. Their appeal has been met in a most generous spirit. Congress has to-night completed an appropriation of $500,000, making $690,000 in all given to save those people from absolute famine.

Now, sir, we have truly no specific plan to submit to Congress. We are asked, have we a system that will justify the Government in embarking upon this work? We say no, because in our effort to obtain that system or to study it and present it intelligibly to Congress, we were frustrated by the incident I have mentioned; but having been overtaken by this calamity, with all the barriers against flood broken down, we appeal to Congress now to come to our relief, giving them the assurance that unless they do, the same distress will occur in that region the coming season and probably we shall be compelled unfortunately, and very regretfully you can be assured, once more to appeal to you for relief.

The distribution of this money will not only do what the Senator from Mississippi has pointed out, but it will give labor, it will give bread, it will give occupation to numbers of people there that are desiring to be employed. It will repair the crevasses that have been caused by this flood; it will save the land from overflow again, which will most inevitably occur in the coming season of high water next spring; and although it may not be within the province of Congress, as the Senator from Vermont says, to protect any man's lands from overflow and destruction, yet I am convinced that were this appropriation made the States that are named in the amendment would gladly return any amount of land that now lies utterly useless as a consequence of this overflow.

Mr. EDMUNDS. That would not relieve the constitutional question.

Mr. WEST. It might, because it would be a compensation back again for its outlay. The Government might spend the money and be reimbursed for it, and I do not think the constitutional objection will come in there. However, I will leave that to my friend; he understands it better than I do.

The Senator from Michigan asks what we have done with the land that has been appropriated to us. Mr. President, long before that land was assigned to those States for the purpose named, all the available land on the banks of the river had been taken up, and levees were constructed there by private enterprise and by local authorities to protect those lands; but in the mean time these various crevasses came, and the back water and the high water overflowed our swamp lands, and our swamp lands to-day in the State of Louisiana sell for only twenty-five cents an acre. It is impossible for us to realize anything out of that fund to create such a system of protection as will enable us to realize the actual value of these lands. We are obliged to sell them just as they are. Now, could the United States come in and make this appropriation, undoubtedly the value of those lands would be enhanced very much, and I know that the State of Louisiana would gladly turn over again all the benefit that she has derived from them and all the lands that she has remaining.

The PRESIDENT *pro tempore*. The Senator's time has expired. The question is on the amendment of the Senator from Mississippi.

The amendment was rejected.

Mr. DAVIS. On page 8, line 176, I move to strike out "25" and insert "50;" so as to read:

For continuing the improvement of the Great Kanawha River, West Virginia, $50,000.

I will say that the estimate of the Department was $150,000. Twenty-five thousand dollars is all the bill gives.

Mr. CHANDLER. The revised estimates are $25,000. I will make the point of order that no such amendment was submitted to the Committee on Commerce. We have given precisely the amount of the revised estimates, $25,000. I make the point of order.

The PRESIDENT *pro tempore*. Is the amendment in pursuance of the estimate of the department?

Mr. DAVIS. Certainly it is.

Mr. CHANDLER. The last revised estimates are filled in the bill.

Mr. DAVIS. It is in pursuance of an estimate and recommended.

The PRESIDENT *pro tempore*. If it is in pursuance of an estimate of one of the heads of the Departments, it is within the rule.

Mr. FERRY, of Michigan. I call the attention of the Chair to the latter paragraph of the rule. I do it not so much in this instance as to cover other cases. If this is ruled in I shall be governed accordingly. My understanding has been that the clause "new items of appropriation" applies to an increase of appropriation, and I think that has been the practice of the Senate. The rule reads:

All amendments to general appropriation bills reported from committees of the Senate, proposing new items of appropriation, shall, one day before they are offered, be referred to the Committee on Appropriations.

If my memory serves me aright, the practice of the Senate has been that any increase of appropriation that has been reported by any committee is considered under this technical language as a new item of appropriation. If that be the case, this amendment is without the rule.

Mr. DAVIS. We have already increased two or three items.

Mr. FERRY, of Michigan. I will state that I had it in contemplation to move to raise an appropriation, but on reading the rule and recollecting the fact that it had been ruled several times as I have stated, I desisted from offering the amendment. I think the case of my friend from West Virginia comes within that scope.

Mr. DAVIS. I wish my friend had raised the point on his own amendment and not on mine.

Mr. EDMUNDS. This is a matter of considerable importance as a question of practice. I feel pretty safe in saying that on this bill any Senator who is fortified by an estimate from a head of a Department, which stands for this purpose exactly like providing to carry out the provisions of an existing law in another branch of the rule, is in order. These committees are entitled to report amendments which are not in pursuance of the estimates of heads of Departments, and those being reported from committees and thus having a responsible origin must be referred to the Committee on Appropriations to be considered. When you come to an offer which is to carry out an estimate of a head of Department, it stands on an appropriation bill exactly like the other head of carrying out a law; and any Senator has a right to move it and take the judgment of the Senate upon it, because there is no surprise to anybody. These rules are intended to prevent surprise.

Mr. FERRY, of Michigan. I would add that while the former branch of the rule specifies the manner in which the amendment shall be recommended, yet the latter clause is a general expression, and covers all that comes under the former, for the language is general—

All amendments to general appropriation bills reported from committees of the Senate proposing new items of appropriation.

The question turns upon the words "new items." I think I am correct in stating that there are several cases where it has been ruled in the Senate that any increase of appropriations comes within this clause as a "new item."

Mr. EDMUNDS. No doubt; but "reported from committees of the Senate" is the description there.

The PRESIDENT *pro tempore*. The Chair is of opinion that under the practice of the Senate this comes within the phrase "a new item;" that is, an amendment so far as it proposes an increase of appropriation would fall within that clause as a new item. But the former part of the rule is:

No amendment proposing additional appropriations shall be received to any general appropriation bill unless it be made to carry out the provisions of some existing law—

That is one case—

or some act or resolution previously passed by the Senate during that session—

That is another case—

or moved by direction of a standing or select committee of the Senate—

That is another case—

or in pursuance of an estimate from a head of some of the Departments.

That is another substantive head of jurisdiction.

Mr. FERRY, of Michigan. Now, following that—pardon me for calling the Chair's attention to it—is what? Remember the general term applying throughout the rule, "all amendments to general appropriation bills." And then after what the Chair has read is this as an additional requisite—

All amendments to general appropriation bills reported from the committees of the Senate—

And this is from a standing committee—

proposing new items of appropriation.

This is a new item of appropriation reported by a committee; but in the latter clause has been added recently "and in like manner notice of amendments to bills making appropriations for rivers and harbors," so as to include the very bill that has been reported by the Committee on Commerce within the purview of this latter paragraph to which the general clause "all amendments" applies there shall be one day's notice given.

The PRESIDENT *pro tempore*. The Chair understands that the Senator moving the amendment rests it on the ground that it is to fill an estimate from the head of a Department. If that be so, it certainly could not hurt it that it had also been recommended by a committee. It would stand on either head. The Chair understands the amendment has been referred to the Committee on Commerce.

Mr. FRELINGHUYSEN. In that connection, on this point of order, I would say that I offered an amendment some time ago, when the Senator from Vermont [Mr. EDMUNDS] was in the chair, and he ruled it out of order very properly, I not stating that there had been an estimate from the head of the Department, which is the fact, as there is no doubt in reference to it. Therefore I should like to renew that amendment.

The PRESIDENT *pro tempore*. The question is now on the amendment of the Senator from West Virginia.

Mr. FERRY, of Michigan. May we understand then, from this ruling, that if an amendment comes with the recommendation of the head of a Department or is recommended by a standing committee, there is no necessity of giving one day's notice of the amendment?

The PRESIDENT *pro tempore*. That is another question. All amendments to appropriation bills, no matter which class they fall into, whether they are made to carry out the provisions of an existing law, or some resolution of the Senate passed at the present session, or moved by direction of a standing committee, must be referred to the Committee on Appropriations one day before they are offered in the Senate.

Mr. FERRY, of Michigan. I understand that has not been done in this case. No such notice has been given.

Mr. EDMUNDS. The rule does not require that.

The PRESIDENT *pro tempore*. The Chair is mistaken; the Senator from Vermont is right; this clause does not read as the Chair supposed, "All amendments to general appropriation bills reported from committees of the Senate proposing new items of appropriations shall one day," &c. If the amendment be offered to fill an estimate made by the head of a Department, the Chair does not see that it is necessary to refer it to the committee.

Mr. EDMUNDS. Not at all. The rule was intended, as respects the reports of committees, where a committee reports a new amendment which is not to carry out the provisions of existing law, or an estimate, or a resolution of the Senate, such an amendment although it does come from a committee shall then go to the committee having charge of the bill.

The PRESIDENT *pro tempore*. The report of the committee stands in the same relation to the Senate under this rule as the estimate of a Department does.

Mr. EDMUNDS. Precisely the same.

The PRESIDENT *pro tempore*. So the Chair thinks.

Mr. SCOTT. There is another question; I do not wish to make it as bearing on this appropriation but on the general question, and that is this: It is stated here that there were original estimates which named larger amounts than the revised estimates. The original estimates have been revised; and when as in this case the original estimate of $150,000 is cut down to $25,000, can it be said that an appropriation made here exceeding the revised estimate is in pursuance of the estimate?

Mr. EDMUNDS. Certainly not; nobody would contend for that.

Mr. SCOTT. I understand this case is one of that character.

Mr. EDMUNDS. That we do not know yet. We have to see what the estimate is yet.

Mr. DAVIS. The estimate originally was $150,000, and the revised estimate is $25,000.

The PRESIDENT *pro tempore*. That is the amount in the bill.

Mr. EDMUNDS. What is the motion?

The PRESIDENT *pro tempore*. The motion is to increase it $50,000.

Mr. EDMUNDS. That is above the revised estimate. Then it is not in order, because it is not pursuant to the last estimate.

Mr. CHANDLER. The head of the Department has recommended the revised estimates and no more; and any attempt to raise above the revised estimates is not recommended by the Department.

The PRESIDENT *pro tempore*. The Chair understands the Senator from West Virginia to concede the fact to be as stated by the Senator from Michigan.

Mr. DAVIS. Certainly.

Mr. SARGENT. I ask the Senator from Michigan if the committee in making up the bill followed the revised estimates?

Mr. CHANDLER. Pretty generally, but not always.

Mr. SARGENT. That is, in the case of Michigan, where a place was left out entirely you put that in, as for instance, "Ontonagon, $25,000." That is left out of the revised estimates.

Mr. CHANDLER. There is a special report, which I have here, urgently requesting it. If the Senator desires, I will have it read.

Mr. SARGENT. No; I do not desire to have it read. I only say it is not in the revised estimates.

The PRESIDENT *pro tempore*. The Chair is of opinion that an amendment moved in pursuance of an estimate from the head of a Department must mean the estimate which stands in the Senate at the time the amendment is offered; and if the Department once making a larger estimate has revised it and made a smaller one, so that to-day the Department stands before the Senate recommending only $25,000, a motion to increase it is not in order.

Mr. CHANDLER. That is the way it stands.

Mr. DAVIS. Accepting that as being the ruling of the Chair, that owing to the revised estimate being but $25,000 my amendment is ruled out of order——

Mr. WEST. Will the Senator from West Virginia yield to me for a moment to ask the Chair in regard to the construction he has put upon a recommendation by the head of a Department? It may be very important to us in the future. As I understood the Chair to say that the estimate which should be considered here as coming from the head of a Department must be the amount which is sent in under the estimates, does that render it incompetent for the head of a Department subsequently at any time during the progress of business to make an estimate and make a recommendation?

The PRESIDENT *pro tempore*. The Chair did not state precisely what the Senator from Louisiana supposes. The Chair stated that at the time any amendment is offered under that branch of the rules its being in or out of order must depend upon what is the then existing and pending estimate of the Department, no matter what they might have estimated on a former occasion. If this morning they sent an estimate here of only $25,000 for this purpose and this evening an amendment was offered to increase it to $50,000 the amendment would not be in pursuance of the estimate.

Mr. DAVIS. I think the Chair is right in his ruling, and I submit of course; but there is one other matter which I wish to bring before the Senate. On page 17 there is a provision to survey the Chesapeake and Ohio Canal from its now terminus at Cumberland to the Ohio River. It having been provided for under the general resolution for surveys coming from the Committee on Transportation it is not necessary to have both clauses in, and the retention of the words here might lead to confusion. Therefore I move to strike out the clause in section 2, as it is imperfect.

The PRESIDENT *pro tempore*. The words proposed to be stricken out will be read.

The CHIEF CLERK. The words proposed to be stricken out of the second section are:

And not to exceed $5,000 of the above appropriation may be expended in continuing the exploration of routes for the extension of the Chesapeake and Ohio Canal to the Ohio River, by the north and south branches of the Potomac River.

Mr. CHANDLER. I think that clause had better be stricken out.

The amendment was agreed to.

Mr. ROBERTSON. I move the following amendment, on page 14, after line 318, to insert:

For the improvement of the harbor at Charleston, South Carolina, $18,000.

Mr. CHANDLER. That is the amount recommended in the revised estimates. I cannot object to that.

The amendment was agreed to.

Mr. JOHNSTON. On page 10, line 214, I move to strike out "30" and insert "75," so as to make the appropriation "for continuing the improvement of the James River, $75,000." That is in pursuance of the revised estimates. On page 36 of the revised estimates James River is set down at $75,000. I have the revised estimates in my hand.

Mr. CHANDLER. If that is in the revised estimates it is in order, but I am afraid you are loading the bill pretty heavily.

The amendment was agreed to.

Mr. JOHNSTON. I desire to insert "Norfolk Harbor" for a survey. On page 18, after line 90 of section 2, I move to insert:

Harbor of Norfolk, Virginia.

Mr. CHANDLER. I have no objection to that.

The amendment was agreed to.

Mr. BOREMAN. I offer an amendment for a survey. I move on page 16, line 40 of section 2, to insert:

The Little Kanawha River below Bulltown.

The amendment was agreed to.

Mr. SARGENT. I offer the following amendment, after line 314 to insert:

For the improvement of Oakland Harbor according to the plans reported by the Government engineers, $100,000.

Mr. CHANDLER. I raise the point of order on that. It is not recommended by the engineers.

Mr. SARGENT. It is recommended by the engineers, and I hold the report in my hand. I ask the Senator not to raise the point of order on this amendment. It is the only thing that is proposed on our coast, except $25,000 thrown at us without our request. I ask the Senator not to object. He has in this bill $540,000 for his own State, and I ask for this small sum where there are, as I said before, two and a half million passengers annually traveling over this water-front and we have nothing but an insecure railroad wharf, where there is danger every day and every night of some fearful calamity happening, where there are sixty or seventy millions of treasure annually transported. I ask him not to raise a point of order that will rule this out.

Mr. CHANDLER. I must make the point of order. No notice was served.

Mr. SARGENT. That is a mistake; the notice was served. The amendment was referred to the Senator's committee, and it has been in his hands for ten days.

Mr. CHANDLER. Then I was mistaken about that; but I still make the point of order.

Mr. SARGENT. There is no ground for a point of order stated.

Mr. CHANDLER. It is a new item and not germane to anything in the bill.

Mr. SARGENT. Not germane! This is the river and harbor bill, and this amendment is for the improvement of a harbor.

The PRESIDING OFFICER, (Mr. WEST in the chair.) The Senator from Michigan will state his point of order.

Mr. CHANDLER. It is a new item in the bill.

The PRESIDING OFFICER. The Chair will inquire of the Senator from California whether the amendment is moved in pursuance of an estimate from the head of some Department?

Mr. SARGENT. Yes, sir; the estimate is made by the head of the Department. It is in pursuance of a survey ordered in the bill last year, which was carried out by the Government and a report regularly made and sent to Congress for its information.

The PRESIDING OFFICER. The Chair overrules the point of order made by the Senator from Michigan.

Mr. CHANDLER. I read here a short time ago that it was not recommended, but it was said "if the thing be done." It is not recommended by the head of a Department. I will ask the Senator to read the report. I had it here a short time ago.

Mr. SARGENT. It is recommended in the same way that every other item in the bill is recommended; and I say that this is the simplest justice to this great commercial want to my coast. It does not sound well for the Senator, after he fails in his point of order, to still insist on excluding this appropriation. The Senator the other day in reporting this bill boasted that the committee had not added much to it. Well, they did not add much to it. They only added $110,000, and divided $80,000 of that among the members of their own committee, and Michigan came in for $25,000, nearly one-fourth of the whole amount; Alabama for $5,000; Maryland for $10,000; Massachusetts for $10,000; Connecticut for $5,000; and Georgia for $25,000; making up $80,000 of the $110,000 in States represented by members on this committee. But when I ask simply for $100,000 for a great enterprise like this, where there is so much property and so many lives at stake, I am told it must not be allowed, and a criticism is made whether the Department is more or less warm in its recommendation for it. Here is the report in which the estimate is contained, in which the whole plan of improvement is described and the matter recommended to Congress. I ask it as a matter of justice.

Mr. CHANDLER. I ask that the report be read.

Mr. SARGENT. The report is four or five pages of the book which I hold in my hand. I could not read it in my five minutes. If the Senator has anything he wants read I have no objection.

Mr. CHANDLER. It is a new item, and I raise the point of order.

Mr. SARGENT. The point of order has been overruled.

Mr. CHANDLER. This has not been recommended by the head of the Department.

Mr. SARGENT. The point of order has been decided, and I ask for a vote.

The PRESIDENT *pro tempore*. The amendment stands on a question of fact, and the Chair cannot determine whether it is in pursuance of an estimate or not without seeing the estimate or hearing it read.

Mr. THURMAN. If I understand the statement of the Senator from California, an estimate was made for this work, but the Senator from Michigan says that although an estimate was made the Engineer Department or the War Department did not recommend the appropriation. That I understand to be the case from the statement of the two Senators; and that brings us to the consideration of this rule. Does this rule require that there should be a recommendation of the Department? I submit that it requires no such thing. It is sufficient that an estimate is made, and then Congress may decide whether or not to make that improvement. The object is to have the estimate, so that we may see what will be the probable cost of the work if undertaken, or so that we may see what may profitably be expended in any one year. If that estimate be made, whether there is a recommendation or no recommendation on the subject, I submit that the case comes within the rule, and it is competent to offer the amendment; and therefore, if the statement made by the Senator from California be true that this work has been estimated for, I submit that that fills the requisitions of the rule and the amendment is in order. The rule says:

Or in pursuance of an estimate from the head of some of the Departments.

It does not say "in pursuance of a recommendation" at all. It is only necessary that there should be an estimate, that Congress may see whether or not it will be advisable to enter upon that work.

The PRESIDENT *pro tempore*. The construction put by the Senator from Ohio upon the rule is confined to its exact language; but the Chair thinks that the word "estimate" in this connection means "recommendation." The object of the rule must be taken into account in construing its meaning. It was intended that the Senate should be led in this manner by the recommendation of one of the Departments or by the recommendation of one of its committees. The Departments usually state estimates and make recommendations for the estimates which they send; and although the word here is "estimate" and not "estimate and recommendation," the Chair thinks that the fair meaning of the phrase in this connection is that the amendment must be in pursuance of a recommendation of the head of a Department.

Mr. SARGENT. On that point I appeal from the decision of the Chair.

The PRESIDENT *pro tempore*. The question is, Shall the opinion of the Chair stand as the judgment of the Senate?

Mr. SARGENT. On that question I ask for the yeas and nays.

Mr. SCOTT. How is the question raised?

Mr. SARGENT. The previous occupant of the chair ruled the amendment in order and we were discussing it as in order; and then when the honored President retook the chair the question seems to have been raised by some means again.

The PRESIDENT *pro tempore*. I shall be very happy to retire until the question is settled; but while I am here I must rule as I think the law is.

Mr. SARGENT. Undoubtedly. But I was claiming *stare decisis*.

Mr. EDMUNDS. I shall vote for this appropriation, if it is in order, and I do not know but that it is because we have not yet heard the estimate read; it may fall within the ruling of the Chair or it may not. But I do feel bound to say for the honor of the rule that I think the judgment of the Chair is perfectly correct. We have always acted upon it, I am quite sure, hitherto that the word "estimate" in this rule has meant these estimates that are submitted to us by the Departments for appropriations which they ask or recommend to carry on the business of the Government. Then in order that the Senate should not be confined to these estimates alone it is provided that its own committees, whether the Departments choose to recommend them or not, its own organs may make the proper inquiry and make the proper recommendations. Therefore while as at present advised I sympathize with the amendment of the Senator from California and should like to vote for it, I do feel bound in the interest of the preservation of the rule for all cases to say that I do think the opinion of the Chair is perfectly correct.

The PRESIDENT *pro tempore*. That reminds the Chair that there was nothing to appeal from at the moment when the Senator from California took his appeal. The precise question here is one of fact which the present occupant of the chair has not ruled upon. A parliamentary question was put to the Chair by the Senator from Ohio. The Chair responded to that without any reference to the particular amendment under consideration; and from that opinion on a hypothetical case the Senator from California appealed, which is clearly improper. If the amendment is in pursuance of the recommendation of the head of a Department, or an estimate sent here for the purpose of being acted upon by the Senate, which is equivalent to a recommendation, then it is in order as the Chair understands. If not, it is out of order. That is a question of fact which the Chair cannot decide without being informed what the fact is.

Mr. CHANDLER. As the Senator from California has not read this, I will re-read it:

If such be the views of Congress, and if it be decided to improve the harbor of Oakland, we recommend the appropriation—

That is if Congress decided thus and so—

of the amount necessary to construct the two training walls, and dredge out a channel between them one hundred feet wide, &c.

As I said a few moments ago, this is for the benefit of a railroad which started to reach Goat Island, ran out a trestle-work bridge, and now they want the Government to spend several millions of dollars to build a harbor for that railroad.

Mr. STEWART. That is an utter mistake. My friend from Michigan has been misinformed. It is an arm of the bay extending up

into Oakland where there are twenty thousand people, and the railroad has nothing to do with it. The Senator is entirely misinformed. The people of Oakland and the commerce of the country require it.

Mr. SARGENT. I call attention to the fact that the very language the Senator reads says "if Congress shall be disposed to do so and so, we recommend this appropriation."

Mr. STEWART. It is sent in regularly, as all the others are.

Mr. SARGENT. They refer in the letter of January 24 to this matter, which I have not before me, but I know they recommend it in the same way that they do everything else for which they send in estimates. Other items sent in in exactly the same way are to be found in this bill, and the Senator knows it; and the Senator knows that if it had been sent in in this shape in reference to Michigan it would have been reported immediately.

The PRESIDENT *pro tempore*. The Chair thinks the remark of the Senator from California is a reflection on the Senator from Michigan.

Mr. SARGENT. I do not wish to reflect upon the Senator from Michigan. I simply wish to say that this bill *ex officio* represents two or three States, and only two or three States. Look at the members of the committee. The bill as reported from the committee only appropriated $4,000,000, and of that Michigan has $540,000, New York $531,000, Massachusetts $176,000. Gentlemen from these States are on the committee. Other States have no representation on the committee.

Mr. DAVIS. Michigan has $575,000.

Mr. SARGENT. Alabama has $100,000, Georgia $50,000, Connecticut $80,000, Maryland $80,000. All the States on the committee are very well taken care of; over a fourth of the whole amount is appropriated to them. I think I am justified in saying that if this were in one of the favored States—I will not say Michigan exactly, Wisconsin it might be; for Wisconsin is very well considered in this bill—then there would not be such a nice scrutiny of it. I suppose it is new to the Presiding Officer, it must be somewhat novel to the Chair to find how this bill provides for Wisconsin:

For continuing the improvement of the Fox and Wisconsin Rivers, $300,000.

I have heard of the Fox and Wisconsin Rivers in these bills ever since I have been in Congress. The Fox and Wisconsin River improvement has cost this Government millions and millions of money. Here is $300,000 in this bill, and in every bill if you look back for years past you will find from three to five hundred thousand dollars for the Fox and Wisconsin Rivers, and it will be so as long as water runs or grass grows while the control of the committees of this body is not changed. Now, let me go on:

For continuing the improvements of the harbor at Green Bay, Wisconsin, $10,000.

Will anybody say that harbor is as important as the harbor of Oakland?

Again:

For continuing the improvement of the harbor at Menomonee, Michigan and Wisconsin, $25,000.

For continuing the improvement of the harbor of refuge at the entrance of the Sturgeon Bay Canal, $10,000.

Sturgeon Bay Canal must be a very important place, and I suppose that canal is more sacred than it would be if it were a railroad.

Again, "Ontonagon," a deserted village, and left out of the revised estimates by the Department to show that it desires to dispense with an appropriation, is put in here at $23,000, in the same blessed State of Wisconsin, the Lord love it! Then—

For continuing the improvement of the harbor at Two Rivers, Wisconsin, $15,000.

For continuing the improvement of the harbor at Manitowoc, Wisconsin, $10,000.

That is a place that is unknown to the geography; at any rate to my geography. Its history is to be found, however, in river and harbor bills, or the most important incident of it.

For continuing the improvement of Sheboygan, Wisconsin, $10,000.

Lovely name! [Laughter.]

For continuing the improvement of the harbor at Port Washington, Wisconsin, $10,000.

These were all recommended by the Department in just the same manner as Oakland Harbor was recommended. The anxiety of the Department for these obscure places is marvelous. All the nice discriminations raised against me were not seen by gentlemen when there was an opportunity to put these items into this bill. Let us go on:

For continuing the improvement of the harbor at Racine, Wisconsin, $10,000.

For continuing the improvement of the harbor at Kenosha, Wisconsin, $10,000.

States so comfortably fixed may well fear to do justice to others lest this bill be overloaded.

The PRESIDENT *pro tempore*. The Senator from California evidently misunderstood the remark of the Chair. He did not intend to advocate this bill nor stop the Senator from California in objecting to it; but the remark he made, both in manner and tone, in the opinion of the Chair, was a reflection on the motives of the Senator from Michigan.

Mr. SARGENT. Very well. I do not think what I said of him reflects on him nearly as much as the bill does. [Laughter.]

Mr. SPENCER. I presume that the Senator is aware that the bill originated in the House.

Mr. SARGENT. I am, and I know who controls the committee in the House just as well as who controls the committee in the Senate.

Mr. HAMLIN. I want to say a word——

Mr. SPENCER. The chairman of the committee of the House is a gentleman from New York.

Mr. SARGENT. Yes; and New York's share in this bill I have shown. Wisconsin helps on the committee also. But what I should like to know is whether when this survey was ordered by the Government, when it was made by Government engineers, and they report as in every other case with an estimate of the cost, I am to be ruled out of order?

Mr. EDMUNDS. What is the pending question?

Mr. BAYARD. What has become of the five-minute rule?

Mr. SPRAGUE. I should like to know as to that.

The PRESIDENT *pro tempore*. The rule is in full force, and the Chair now announces that the Senator from California has spoken his five minutes.

Mr. HAMLIN. Will the Chair be kind enough to state to me what is the precise question before the Senate?

The PRESIDENT *pro tempore*. As near as the Chair understands it, it is whether this appropriation is recommended by the department.

Mr. HAMLIN. If that be the question, then I want to say just a word or two. It is said that there are qualifying words to the recommendation in the estimates: "If Congress shall see fit to make an appropriation, then it is recommended." In my judgment these qualifying words have just no importance at all, and the appropriation stands precisely as it would stand if there were no qualifying words there. There is no distinction, there can be no distinction drawn between a naked, unqualified recommendation and one with qualifying words, because if there be an appropriation in words and terms recommended, the qualifying clause is there in our action alike in both cases. It will demand the action of the body in either case alike. The engineers recommend an appropriation, and there are no qualifying words, and it will go into the law if Congress so votes. They put the qualifying words in one case and they leave them for us in the other. You can make no distinction between the two cases; the one stands before us just like the other.

Mr. FERRY, of Michigan. If the construction given by the Senator from Maine be correct, then there are two or three harbors on Lake Michigan that have not been so regarded by the Senate.

Mr. EDMUNDS. Are not all these harbors provided for?

Mr. FERRY, of Michigan. No. I will state to the Senator from Vermont there are several cases to which the attention of the Engineer Department has been called, and in their judgment they have decided that it was not best to attempt to construct harbors at those points, and yet in like manner they have stated that if it was deemed best to construct them the estimate is so much. While stating the amount that would be necessary to construct the harbor, they at the same time give the impression that the whole judgment of the Department is that it is not feasible, it is not for the best interest of the country to do so.

I have no interest in this matter except than to be guided by the rule; we must treat one case as we do another. If this be a recommendation from the Department coming within the rule, then that qualifying word "if" has no bearing whatever upon it. If it is placed there with any point whatever, with any effect, it must be so considered. I leave it to the judgment of the Senate whether this language, stated with the qualifying "if," can be a recommendation from the Department? If that be the case, then I should like to have this bill revised, for there are some other harbors that I should like to have some appropriations provided for.

Mr. SARGENT. It is strange that any harbors have been left out if they are in Michigan. I should like to make one suggestion. It seems to me it is rather a refinement of cruelty to extend the rule by implication so as to require not only an "estimate" but a recommendation, and then when the recommendation is furnished to strain that and exclude it if it is not an unqualified recommendation.

The PRESIDENT *pro tempore*. This question seems to narrow itself down to a mere question of fact. The Chair is of the opinion that if the department have made an estimate in the sense in which that word is used in this rule, then the amendment offered by the Senator from California is in order. That is a question of fact which a court would submit to a jury; and the Chair is inclined to pursue that course here and submit it to the Senate. Senators who will receive this amendment will say "ay," those opposed will say "no."

The amendment was received, there being on a division—ayes 26, noes 13.

Mr. CHANDLER. I will state that if this $100,000 is appropriated $497,000 should be appropriated. The engineers recommend $497,000.

Mr. SARGENT. I have no objection to that being done.

Mr. CHANDLER. Furthermore it means many millions of dollars; and if the Government puts its foot in it, it must complete the work for the benefit of that railroad. That railroad started for Goat Island. It got half way there and was stopped. Now they want a harbor. If the Government makes up its mind to build this harbor for the benefit of that railroad that it has donated a good many millions of dollars to, then of course the appropriation will be voted; but I hope it will not.

A good deal has been said about Michigan. Now I am not disposed to allude to California; but I will tell the Senator from California

that California has had hundreds where Michigan has had dollars out of the Treasury; and what is more, she is receiving more than two dollars to one to-day for the benefit of the commerce that Michigan is receiving. Think of the subsidies to your steamships, taking money out of the Treasury daily. I do not much like this kind of slurs at the State of Michigan coming from the State of California.

Mr. SARGENT. Now, Mr. President, let me say that anything the Government does to maintain the commerce of the country upon the Asiatic seas is for the benefit of the whole country, and nobody ever thought of putting it in for the benefit of San Francisco. It is just as much for the benefit of the Western States in getting cheaper teas; it is just as much for the benefit of the Eastern States, which send their articles of merchandise for sale in China and Japan, as it is for the people of California. It is not to count in that way.

As to any donation that was ever made to the Pacific Railroads, you yourselves hold them down to pay 5 per cent. on the net proceeds of all they receive, and also to pay full interest on the amount of money which you loaned them, and you destroy one-half the value of the favor by throwing it continually in their teeth, when they are paying you as per the contract all the amount of interest on the money you exacted and are able to pay; and they will pay it to the very last cent according to contract. It was nevertheless for the benefit of the whole country and the commerce of the whole country.

I want to say to you, sir, I want to say to the Senate, that California had a right to require that the United States should construct between it and the Eastern States, across those mountains which in all the empires of the world have been barriers across which nations have fallen in pieces, have become severed, some highway by which they could get to the capital of the country without requiring them to get here by going through foreign ports and inhospitable climes, as we were formerly bound to do; and it was a great national duty to do it even if California had never returned one single cent of the amount of the money which was invested for that purpose.

Furthermore, that great highway is the means by which your goods reach the Pacific, for which we are customers, for which we send you back our gold. It is the means by which the population that comes out from your States find homes with us. It is a national accommodation; it is not a provincial thing; it is not merely for the benefit of California, it is for the benefit of the whole country; and I do not believe the country will ever see the time when it will regret what it has done in that direction for the benefit of all parts of it. But because that was done, and done I hope from proper motives, I do not think we should be denied as many rights on this floor as any other State in the Union.

Mr. STEWART. The Senator from Michigan talks about this appropriation of $100,000 not being of any use, and that it is intended for the special benefit of the railroads. If you will expend $100,000 on that Oakland bar it will enable boats to run up into the arm of the sea that is there, accommodate the people, furnish opposition ferries to the railroad, give them communication independent of the railroad, and it is universally desired by everybody there that this bar should be removed. One hundred thousand dollars would make a fine beginning toward removing that bar, and I hope it will be granted.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from from California.

Mr. SPRAGUE. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. HAGER. I desire to say that I was instructed by the Legislature of the State of California to vote for this proposition, and shall vote according to instructions.

The question being taken by yeas and nays, resulted—yeas 28, nays 18; as follows:

YEAS—Messrs. Alcorn, Allison, Bogy, Boreman, Carpenter, Clayton, Cooper, Davis, Edmunds, Flanagan, Hager, Harvey, Hitchcock, Johnston, Jones, Kelly, Mitchell, Norwood, Patterson, Pease, Ransom, Sargent, Scott, Stewart, Thurman, Tipton, West, and Windom—28.

NAYS—Messrs. Bayard, Chandler, Dennis, Fenton, Ferry of Michigan, Frelinghuysen, Gordon, Hamilton of Maryland, McCreery, Merrimon, Morrill of Vermont, Pratt, Sanlsbury, Spencer, Sprague, Wadleigh, Washburn, and Wright—18.

ABSENT—Messrs. Anthony, Boutwell, Brownlow, Buckingham, Cameron, Conkling, Conover, Cragin, Dorsey, Ferry of Connecticut, Gilbert, Goldthwaite, Hamilton of Texas, Hamlin, Howe, Ingalls, Lewis, Logan, Morrill of Maine, Morton, Oglesby, Ramsey, Robertson, Schurz, Sherman, Stevenson, and Stockton—27.

So the amendment was agreed to.

Mr. THURMAN. I have a modest little amendment to offer to this bill. It is all I have to ask. I move to insert after line 95, on page 5, these words:

For preserving and continuing the work upon the pier at Rocky River, Ohio, $10,000.

I do not know that there will be any objection to this amendment by the chairman. If there is I will explain it.

The amendment was agreed to.

Mr. EDMUNDS. I move to amend the bill, which I hope will have the approval of the chairman, on the sixth page, line 120, by striking out the word "15," and inserting "25;" so that it will read:

For continuing the improvement of the harbor at Burlington, Vermont, $25,000.

The PRESIDENT *pro tempore*. The amendment will be considered as agreed to if there be no objection.

Mr. EDMUNDS. If the Chair will pardon me, I ought to state in justice to the Senate, although I was sure there would be no objection, that the district of Vermont carries on a commerce with Canada amounting to about $15,000,000 a year, and it collects and pays into the Treasury of customs almost $1,000,000 every year; and this is according to the revised estimates for the improvement of the harbor.

The PRESIDENT *pro tempore*. The amendment will be agreed to if there is no objection.

Mr. FRELINGHUYSEN. I renew the amendment which I offered some time since, and which under the ruling is now in order. There was an estimate made for the improvement. To show the importance of this improvement, which is to dredge out what is known as Arthur Kill, between Staten Island and New Jersey, I cannot do it in fewer words than by reading a notice that I see in the New York Times of this evening:

The bars that now obstruct navigation have been formed during the past eight or ten years, and the channel is so narrow that many vessels have grounded while endeavoring to get through. A number of rocks can be seen at low water. The channel is a great highway for vessels from New York, Boston, Providence, Philadelphia, Wilmington, Baltimore, and Norfolk, and General Newton considers the removal of the obstructions as important to the commerce of New York as the removal of those at Hell Gate.

I trust that this amendment will be adopted.

Mr. SHERMAN. I desire to give notice that as soon as this bill is disposed of, and before adjournment to-night, I shall ask the Senate to pass the bill repealing the Sanborn contract. I give the notice now so that I may not take any one by surprise.

Mr. FRELINGHUYSEN. I must object to such notices. I have charge of a bill I desire to have action upon.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from New Jersey [Mr. FRELINGHUYSEN] to insert after line 278 the following:

That the sum of $50,000 is appropriated for the opening and improving of the channel between Staten Island and New Jersey.

The amendment was agreed to.

INSANE CONVICTS.

The PRESIDENT *pro tempore*. Before proceeding further with the pending bill, the Chair, with the permission of the Senate, will lay before the Senate certain messages from the House of Representatives asking for committees of conference.

The Senate proceeded to consider the action of the House of Representatives on its amendment to the bill (H. R. No. 3415) to provide for the care and custody of persons convicted in the courts of the United States who have or may become insane while imprisoned.

On motion of Mr. FRELINGHUYSEN, it was

Resolved, That the Senate insist upon its amendments to the said bill disagreed to by the House of Representatives, and agree to the conference asked by the House on the disagreeing votes of the two Houses thereon.

By unanimous consent, it was

Ordered, That the conferees on the part of the Senate be appointed by the President *pro tempore*.

PORT OF DELIVERY AT MONTGOMERY.

The Senate proceeded to consider the action of the House of Representatives on its amendment to the bill (H. R. No. 899) to constitute Montgomery, in the State of Alabama, a port of delivery.

Mr. SPENCER. After consultation with the Committee on Commerce I move that the Senate recede from its amendment.

The motion was agreed to.

ENROLLMENT OF A BILL.

Mr. SCOTT. There is a concurrent resolution on the table to correct an omission in a bill which has passed the Senate. I will ask consent to have it acted upon now.

The PRESIDENT *pro tempore* laid before the Senate the following concurrent resolution of the House of Representatives; which was considered by unanimous consent, and agreed to:

Resolved by the House of Representatives, (the Senate concurring,) That the Clerk of the House be authorized in enrolling the seventh Senate amendment to the bill (H. R. No. 2797) making appropriations for the payment of claims reported allowed by the commissioners of claims under the act of Congress of March 3, 1871, to insert the words "seven thousand five hundred and forty-five dollars," being the sum awarded to the party named in said amendment, said sum having been omitted from the Senate amendment as engrossed and sent to the House of Representatives.

EXTRA COMPENSATION TO PAGES.

Mr. CLAYTON. I have a little resolution for the benefit of the pages, which I should like to ask the Senate to consider.

The PRESIDENT *pro tempore*. It will be reported if there be no objection.

The resolution was read, as follows:

Resolved, That the usual per diem compensation be paid to the pages of the Senate to the 15th of July, 1874.

Mr. EDMUNDS. That is not right. It should be the 1st of July.

Mr. CLAYTON. Well, put it the 1st of July.

The PRESIDENT *pro tempore*. The resolution will be amended to read the 1st of July, and considered as agreed to, if there be no objection.

WITHDRAWAL OF PAPERS.

On motion of Mr. BOREMAN, it was

Ordered, That Charles H. Day have leave to withdraw from the files of the Senate his petition and papers.

RIVER AND HARBOR BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 3168) making appropriations for the repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes.

Mr. MITCHELL. I offer the following amendment: After line 5 of section 2, on page 14, to insert "for the purpose of ascertaining the practicability and cost of constructing canals and locks at such points." I will state that it asks no money whatever. It simply is intended to designate in regard to a particular survey.

Mr. EDMUNDS. How will that read in connection?

Mr. MITCHELL. Read the section as amended.

The Chief Clerk read as follows:

SEC. 2. That the Secretary of War is hereby directed to cause examinations or surveys, or both, to be made at the following points, namely:

Cascades and Dalles of the Columbia River, Oregon, and Washington Territory, for the purpose of ascertaining the practicability and cost of constructing canals and locks at such points.

Mr. MITCHELL. This simply designates what the survey is for.

The amendment was agreed to.

Mr. MITCHELL. I have another amendment. On page 14, after line 6 of section 2, I move to insert:

Yam Hill River, Oregon, for removing rocks and sand-bars.

Mr. SPRAGUE. I inquire if that has been estimated for?

Mr. MITCHELL. It is simply providing for a survey. It does not appropriate anything.

The amendment was agreed to.

Mr. FERRY, of Michigan. I have an amendment to offer. On page 14, line 318, I move to increase the appropriation for continuing the improvement of Saginaw River from $15,000 to $50,000. I did not intend to offer this amendment, because I supposed the ruling of the Chair was to be against it; but under the revised ruling I am induced to offer it. I will state in connection with it that the committee have cut down the appropriation for Saginaw River to $15,000 when the report of the Engineer Department is $56,000. I ask that it be made $50,000; and I will state this fact, without taking up time, the commerce on the river is $22,000,000 annually. That was the amount last year

Mr. DAVIS. Where is that?

Mr. FERRY, of Michigan. In Michigan.

The PRESIDENT *pro tempore* put the question on the amendment, and declared that the noes appeared to prevail.

Mr. FERRY, of Michigan. I ask for a division. This is the only amendment I have asked in the bill, and I want to see if there is to be fish of one and fowl of another.

The question being put, on a division the ayes were 19 and the noes 19.

Mr. SPRAGUE. I ask for the yeas and nays on the amendment.

The yeas and nays were ordered; and being taken, resulted—yeas 20, nays 20; as follows:

YEAS—Messrs. Boreman, Carpenter, Chandler, Clayton, Davis, Ferry of Michigan, Flanagan, Frelinghuysen, Harvey, Ingalls, Mitchell, Morrill of Vermont, Patterson, Pease, Pratt, Ramsey, Spencer, Tipton, West, and Windom—20.

NAYS—Messrs. Bayard, Bogy, Cooper, Edmunds, Goldthwaite, Gordon, Hamilton of Maryland, Kelly, McCreery, Merrimon, Robertson, Sargent, Saulsbury, Scott, Sherman, Sprague, Stewart, Thurman, Wadleigh, and Washburn—20.

ABSENT—Messrs. Alcorn, Allison, Anthony, Boutwell, Brownlow, Buckingham, Cameron, Conkling, Conover, Cragin, Dennis, Dorsey, Fenton, Ferry of Connecticut, Gilbert, Hager, Hamilton of Texas, Hamlin, Hitchcock, Howe, Johnston, Jones, Lewis, Logan, Morrill of Maine, Morton, Norwood, Oglesby, Ransom, Schurz, Stevenson, Stockton, and Wright—33.

So the amendment was rejected.

Mr. PRATT. I propose to amend the pending bill on page 7, line 159, by striking out "$25,000" and inserting "$50,000;" so that the clause will read as follows:

For continuing the improvement of the Wabash River, $50,000.

The original estimate of the department for the improvement of that stream, which is the largest tributary of the Ohio River coming from the north, was $300,000, if I remember aright. It was not far from that figure. Last year $50,000 was appropriated. I strove very hard to increase it at that time to $100,000. This year the original estimate of the department was $150,000 for continuing this improvement. The revised estimate is $50,000. The committee have cut it down to $25,000. The amendment that I propose is that the revised estimate shall be substituted for the recommendation of the committee.

I will only add that when this improvement, costing less than the third of a million of dollars, is completed, a river three hundred and fifty miles in length from La Fayette to the Ohio River is made navigable for one-half the year. I hope the Senate will concur with me in this amendment and vote for it.

Mr. CHANDLER. I hope the amendment will not be adopted.

The question being put on the amendment, it was declared that the noes appeared to prevail.

Mr. PRATT. I will ask for the yeas and nays. ["O, no!"] This is the only thing that I have asked. It is the only appropriation made for the rivers of Indiana, and it is a small boon that I ask when it is considered that last year there was $50,000 given, and the revised estimates this year are for $50,000. The original estimate this year was for $150,000.

Mr. MITCHELL. What have the committee given you?

Mr. PRATT. Twenty-five thousand dollars. I am in earnest about this. I do not often make requests of this sort, and I am in earnest when I make them.

Several SENATORS. Take a division.

Mr. PRATT. Very well; I will ask for a division first.

The question being put, on a division the ayes were 21 and the noes 12; no quorum voting.

Mr. SPENCER. Let us have another division. There is a quorum present.

Mr. FLANAGAN, (at one o'clock and thirty-four minutes a. m. Sunday, June 21.) I move the Senate adjourn, if there is no quorum. ["No!" "No!"]

Mr. DENNIS. Mr. President——

The PRESIDING OFFICER, (Mr. EDMUNDS in the chair.) Debate is not in order. The question is on the motion of the Senator from Texas that the Senate do now adjourn.

The motion was not agreed to.

Mr. WEST. I desire to offer an amendment.

The PRESIDING OFFICER. No amendment is in order until there is a quorum present.

Mr. HAMILTON, of Maryland. Let us have another vote.

Mr. WEST. I move a call of the Senate.

Mr. HAMILTON, of Maryland. That is not necessary. There is manifestly a quorum here.

Mr. STEWART. Call the yeas and nays on the amendment of the Senator from Indiana. That will show a quorum present.

The PRESIDING OFFICER. Senators will be kind enough to observe order. The Senator from Louisiana moves a call of the Senate. The question is, Will the Senate agree to the motion of the Senator from Louisiana?

The motion was not agreed to.

Mr. STEWART. I call for the yeas and nays.

Mr. BAYARD. A division will do.

The PRESIDING OFFICER. What is the motion of the Senator from Nevada?

Mr. STEWART. I call for the yeas and nays on the pending amendment offered by the Senator from Indiana, [Mr. PRATT,] so as to get a quorum.

The yeas and nays were ordered; and being taken, resulted—yeas 21, nays 24; as follows:

YEAS—Messrs. Bogy, Clayton, Cooper, Fenton, Ferry of Michigan, Flanagan, Hager, Harvey, Ingalls, Mitchell, Oglesby, Patterson, Pease, Pratt, Ramsey, Ransom, Schurz, Scott, Tipton, West, and Windom—21.

NAYS—Messrs. Bayard, Boreman, Carpenter, Chandler, Edmunds, Frelinghuysen, Goldthwaite, Gordon, Hamilton of Maryland, Jones, Kelly, McCreery, Merrimon, Morrill of Vermont, Robertson, Sargent, Saulsbury, Sherman, Spencer, Stevenson, Stewart, Thurman, Wadleigh, and Washburn—24.

ABSENT—Messrs. Alcorn, Allison, Anthony, Boutwell, Brownlow, Buckingham, Cameron, Conkling, Conover, Cragin, Davis, Dennis, Dorsey, Ferry of Connecticut, Gilbert, Hamilton of Texas, Hamlin, Hitchcock, Howe, Johnston, Lewis, Logan, Morrill of Maine, Morton, Norwood, Sprague, Stockton, and Wright—28.

So the amendment was rejected.

Mr. HAGER. I desire to offer an amendment, to insert on page 14, after line 314, the following:

For the protection of the harbor of San Diego, California, by turning the San Diego River into False Bay, $80,000, or so much thereof as may be necessary for that purpose.

Mr. President, this is in accordance with the notice I have given and in accordance with the recommendation I believe of every officer of the Government who has charge of any Department that bring harbors within their view. It has been recommended by a resolution of the Legislature of the State of California which I have here and which has been referred to the committee, by General Humphreys, by General Alexander, by Colonel Mendell, by the Coast Survey, and it is petitioned for by all the citizens living in the town of San Diego. It is the only harbor between San Francisco and Mexico, and for three hundred miles below the dividing line between California and Mexico, making a stretch of coast of about one thousand miles. It is the only natural harbor upon that whole coast.

The San Diego River having burst over its natural boundaries is now discharging into the harbor of San Diego. Formerly it discharged in the so-called False Bay; but by breaking over its boundaries it is now discharging directly into this harbor of San Diego, and that is being gradually filled up with *débris*, which comes down with the winter rains and from the mountains and from the sands above. It is estimated that about three hundred thousand cubic yards of sand and *débris* are being deposited there yearly. These officers all say that this fine harbor will be ruined unless it has protection by a barrier to divert the stream so as to throw it into the course in which it naturally and ordinarily flowed hitherto.

I have all these papers here before me and they can be read if there is any opposition to this appropriation. I was in hopes the chairman of the Committee on Commerce would assent to it, inasmuch as the recommendation came in subsequent to the committee's making their report. I will ask that the Clerk read the letters that have recently come in, if there is any desire to hear them. ["No!" "No!"] If there is no opposition, I will not require them to be read.

Mr. STEWART. I think there is no opposition.

The PRESIDING OFFICER. The Senator from California asks that a communication be read.

Mr. HAGER. Not unless the Senate desires it.

Mr. SARGENT. I hope the amendment of my colleague will be adopted.

Mr. CHANDLER. I have no doubt myself that this is a worthy appropriation. In 1602, that is two hundred and seventy-two years ago, False Bay was said to be a harbor, and the river is in the same situation now that it has been in since the acquisition of California. This river has emptied just where it does now for fifty years. I have no doubt it would be desirable to turn the river again into False Bay. In 1853 a dam was built to turn the river, but the first flood carried it away, and since 1853 it has remained in precisely the same situation. The rains in the spring wash down sand, and unquestionably in the process of ages—I cannot tell how many—it will affect the harbor; but it is in the same situation now that it has been since the acquisition of California.

Mr. HAGER. O, no; the Senator is mistaken. I have the map here.

Mr. CHANDLER. There is some filling up. I mean the river has emptied where it is now since that time. There has been some sand filled in.

Mr. HAGER. Here is the report of the Secretary of War in the Forty-second Congress in which the engineers recommend it, and say:

20. *Harbor of San Diego, California.*—This is the only secure harbor on our Pacific coast, south of San Francisco, for the larger sea-going vessels. It is close upon our Mexican boundary. It is to be the terminus of the Southern Pacific Railway, and is important from military considerations.

In the printed annual report from this office, of October, 1870, page 511, and in that of October, 1872, page 998, will be found a description, in detail, of the present condition of this harbor, and suggestions for its improvement.

The engineer officer in charge of the present examination, Major Mendell, repeats the recommendations made by others in the above-mentioned reports, that the best means of remedying the existing evils is the diversion of the river to its old channel into False Bay, by a dam or levee, the cost of which he estimates at $80,000.

I have a letter from the Coast Survey that shows the importance of the matter, and I have also their map showing how the bed is making out directly into the harbor, of which Captain Patterson, of the Coast Survey, being familiar with this coast, being a navigator formerly in one of the mail steamships as commander, and in the habit of entering that port, has told me that in the course of a few years perhaps it may be entirely ruined by decreasing the ebb and flow of the tide, and keep out the necessary scouring of the water at the entrance to the harbor.

I do not desire to take up the time of the Senate, but if there is any doubt about the matter I should like to have those papers read. The latest one is dated April, 1874, last April, from General Alexander, recommending this particularly, giving the details of it; and if any Senator desires the information I have it here before me.

The PRESIDING OFFICER. The Senator's time has expired. The Senator asks that the papers referred to by him be read.

Mr. HAGER. I do not ask for them to be read unless there is opposition.

Mr. DAVIS. I understand this is an appropriation of $80,000.

The PRESIDING OFFICER. It is.

Mr. HAGER. What is the objection?

Mr. SHERMAN. I ask the Senator from West Virginia whether he thinks it is worth while for us to waste time on these amendments? I can assure him all these amendments will be dropped, as a matter of course. At this period of the session, in all human probability, efforts to get amendments on this bill will not amount to much, even if they succeed. I appeal to the good sense of my friend from West Virginia not to make a debate on an amendment of this kind.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from California.

The question being put, a division was called for; and the ayes were 16, and the noes 19; no quorum voting.

Mr. CHANDLER. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. HAGER. Now I desire to say just a few words.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HAGER. But I have a second time, have I not?

The PRESIDING OFFICER. The Senator is not entitled to be heard without leave of the Senate.

Mr. HAGER. I ask the Senate to allow me just three minutes.

The PRESIDING OFFICER. The Senator from California asks unanimous consent to speak three minutes longer on his amendment. The Chair hears no objection.

Mr. HAGER. This, as I have already stated, is a natural harbor, not an artificial harbor. We ask no appropriation for building a breakwater or any artificial harbor. You are in the habit of spending millions of dollars for the purpose of making artificial harbors, and yet here is one prepared by nature which is being allowed to be destroyed for the want of an appropriation of a few thousand dollars. This opposition seems to me the most astonishing thing in the world. Every Department of the Government, as I have stated and I have the documents before me to prove it, is in favor of this appropriation, recommending it for the preservation of a natural harbor, the only one in a distance of one thousand miles; and yet you allow it to be destroyed entirely for the want of a small appropriation. Millions are being expended, as I have said, for artificial harbors, for breakwaters along the coast, and yet you decline on this occasion to make an appropriation to preserve a harbor which nature has provided for you.

If, under these circumstances, as I have stated them, with the recommendations I have from the War Department, from the engineers, and from the Coast Survey, recommending this very appropriation and this very important improvement—if after all that has been done here this night this proposition is defeated, of course I shall have to submit to the decision of the Senate.

The question being taken by yeas and nays, resulted—yeas 24, nays 18; as follows:

YEAS—Messrs. Bogy, Clayton, Cooper, Fenton, Flanagan, Frelinghuysen, Hager, Ingalls, Johnston, Jones, Mitchell, Morrill of Vermont, Oglesby, Pratt, Ramsey, Sargent, Schurz, Scott, Stevenson, Stewart, Thurman, Tipton, West, and Windom—24.

NAYS—Messrs. Allison, Anthony, Bayard, Boreman, Boutwell, Carpenter, Chandler, Davis, Ferry of Michigan, Hamilton of Maryland, Hitchcock, McCreery, Merrimon, Pease, Saulsbury, Sherman, Spencer, Wadleigh, and Wright—18.

ABSENT—Messrs. Alcorn, Brownlow, Buckingham, Cameron, Conkling, Conover, Cragin, Dennis, Dorsey, Edmunds, Ferry of Connecticut, Gilbert, Goldthwaite, Gordon, Hamilton of Texas, Hamlin, Harvey, Howe, Kelly, Lewis, Logan, Morrill of Maine, Morton, Norwood, Patterson, Ransom, Robertson, Sprague, Stockton, and Washburn—31.

So the amendment was agreed to.

Mr. BOREMAN, (at two o'clock a. m.) I move the Senate adjourn.

The motion was not agreed to.

Mr. RAMSEY. I move to amend the bill by inserting after line 9 of section 1:

To continue the construction of the breakwater at Du Luth, $10,000.

Mr. President, there is an estimate for that, and there is a great necessity for it. Some time since the Government to protect the commerce of Du Luth constructed a breakwater, but owing to the storms which prevailed in these high latitudes and on that elevated water the greater part of it was swept away. It was erected mainly for the protection of the depot and the entrance to the railroad station, and the elevator which cost about $150,000. There is really about $300,000 worth of property protected by this breakwater. Carried away as it was by the storms, I think it is the duty of the Government to reconstruct it, and this is the small allowance we ask for to do that.

If we supposed Congress would be more liberal we should ask for more, as there is a necessity for more; but we shall be content with this much to carry us through the summer, when this work can be done and great protection offered to commerce.

If any gentleman supposes there is no occasion for this he is very much mistaken. If he supposes there is no trade at Du Luth he is much mistaken. They shipped from that port over three million bushels last year, say one hundred thousand barrels of flour. Although the town has been joked upon, it is a city of five thousand inhabitants, built in three or four years.

Mr. CLAYTON. I wish to ask where this improvement is to be made?

Mr. RAMSEY. At the city of Du Luth, on Lake Superior; and I will say that this is the only appropriation, in addition to barely $10,000 for the inner harbor, for the whole of that lake in Minnesota, and about one hundred and fifty or one hundred and sixty miles of its coast are within our State. This is the only harbor on that lake in Minnesota for which any appropriation is made. I hope there will be no reluctance on the part of the Senate in giving me this.

Mr. SPENCER. Before voting on this question I should like to have read for the information of the Senate the speech of J. Proctor Knott, of Kentucky. [Laughter.]

Mr. RAMSEY. What would the Senator prove by that?

Mr. SPENCER. It is a long time since I read it, and I wish the Senate to hear it.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Minnesota.

The amendment was rejected—ayes 17, noes not counted.

Mr. WEST. I desire to offer an amendment on page 16, which I understand from the chairman of the Committee on Commerce will not be objected to. It is merely requiring a survey. The amendment I offer is on page 16, to insert at the bottom of that page, after line 57 of section 2, the words:

The Red River at Alexandria, Louisiana.

It will probably cost $100 to make the survey.

The amendment was agreed to.

Mr. RAMSEY. I give notice that as soon as this bill is disposed of I want the Senate to consider the post-route bill.

Mr. FENTON. I desire to offer an amendment to come in at the end of the one hundredth line, in the appropriation for the harbor at Buffalo, New York:

And the Secretary of War is authorized to remove and prevent accumulations of sand at the entrance of said harbor: *Provided*, The same can be done without expense or liability against the United States.

Mr. CHANDLER. I have no objection to that.

The amendment was agreed to,

Mr. BOUTWELL. I propose an amendment to come in after line 301. It is an amendment which the committee would have agreed to if the rule in the committee had not been so firm, but it has been departed from by the Senate. It is a proper appropriation for which estimates have been made by the department. It is very small but very important. I should not have offered it except under the practice of the Senate. It is to insert after line 301:

For removing bowlders from the Merrimac River, near the city of Newburyport, Massachusetts, $6,000.

The amendment was rejected—ayes 14, noes not counted.

Mr. MITCHELL. I offer the following amendment after line 310, on page 14, insert:

For constructing a canal to connect the waters of the Coquille River, Oregon, with the waters of the Coos Bay, Pacific Ocean, $100,000.

I desire to state that at the last session of Congress a survey was ordered and the report has been favorable, and I ask for an appropriation.

The amendment was rejected.

Mr. DENNIS. I offer the following amendment merely for the survey of a harbor; it is offered with the approbation of the Committee on Commerce. After line 90 of section 2 I move to insert:

Survey of the harbor of Crisfield, Somerset County, Maryland, with a view to remove obstructions.

Mr. BAYARD. Is that amendment open to amendment?

The PRESIDENT *pro tempore*. It is.

Mr. BAYARD. I will not offer any, for it is not required.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments made as in Committee of the Whole were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. CHANDLER. I move that this order be entered with the bill:

Ordered, That the river and harbor appropriation bill be printed, with the Senate amendments numbered consecutively.

The motion was agreed to.

JOHN D. YOUNG.

Mr. STEVENSON. I ask the Senate to take up House bill No. 3772. It gives to one of my colleagues in the other House the balance of pay which the House voted to him, and the resolution for which I have on my table, and which the Clerk cannot pay him for want of funds. It is a bill (H. R. No. 3772) for the relief of John D. Young, of Kentucky.

Mr. EDMUNDS. I think it extremely desirable that we should have an executive session for a few minutes.

Mr. STEVENSON. Let this bill pass.

Mr. EDMUNDS. This will be the unfinished business when we open the doors. I move that the Senate proceed to the consideration of executive business.

The motion was not agreed to; there being on a division—ayes 18, noes 30.

The bill (H. R. No. 3772) for the relief of John D. Young, of Kentucky, was read. It appropriates $1,009 to pay to John D. Young the difference between the sum of $2,509 ordered to be paid him by a resolution of the House of Representatives passed February 15, 1869, and the sum of $1,500 which was paid him by order of the Committee on Accounts on the 5th day of April, 1869.

Mr. EDMUNDS. Has the bill been taken up?

The PRESIDENT *pro tempore*. The Chair considers it so.

Mr. EDMUNDS. I shall be glad to have the question taken upon that point.

The PRESIDENT *pro tempore*. The Chair will submit the question to the Senate.

Mr. EDMUNDS. I wish to inquire of the Chair, if I am not out of order, whether this bill is reported from a committee, and what committee, and when?

The PRESIDENT *pro tempore*. It came from the House of Representatives to-night and has not been referred.

Mr. EDMUNDS. Then it requires unanimous consent, I believe. I should like to hear the Senator from Kentucky read the order of the House, or whatever it is, to see whether I object or not.

Mr. STEVENSON. Here it is:

Mr. NIBLACK. I offer the following resolution, which is approved by the Committee on Elections, and demand the previous question:

Resolved, That the Clerk of the House be, and he is hereby, directed to pay to John D. Young, out of the contingent fund of the House, the sum of $2,500 for his expenses in prosecuting his claim to a seat in the House of Representatives for the ninth congressional district of Kentucky.

That resolution passed by ayes 101, noes 60. Mr. Young applied to the Clerk and got $1,500, the receipt for which and the certificate of the Clerk as to which are before me. He cannot get the balance because the Clerk has no money to pay it, and this bill is to give him the balance of that which was due him under this resolution of the House.

Mr. EDMUNDS. Let the Senator read the certificate of the Clerk.

Mr. STEVENSON. Yes, sir.

The books of the office show that there was paid April 15, 1869, to John D. Young the sum of $1,500 for expenses in contesting a seat in the Fortieth Congress.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Kentucky to proceed to the consideration of this bill.

The question being put, there was one negative vote.

Mr. EDMUNDS. That is an objection.

The PRESIDENT *pro tempore*. The bill must be laid aside.

Mr. EDMUNDS. I did not vote no; I make no objection.

Mr. STEVENSON. I desire to know what Senator voted against it?

Mr. WADLEIGH. I voted against it. There are many bills on this Calendar which should pass, and I do not conceive that this bill has any preference over those.

Mr. STEVENSON. It will not take a minute. I appeal to the Senator from New Hampshire to withdraw his objection as a matter of courtesy to me.

The PRESIDENT *pro tempore*. Does the Senator from New Hampshire withdraw his objection.

Mr. WADLEIGH. I withdraw it.

The bill was read three times, and passed.

PRE-EMPTION AND HOMESTEAD ENTRIES.

Mr. HARVEY. I am directed by the Committee on Public Lands, to whom was referred the bill (H. R. No. 3250) to confirm pre-emption and homestead entries of public lands within the limits of railroad grants in cases where such entries have been made under the regulations of the Land Department, to report it back without amendment, and I ask for its present consideration.

Mr. THURMAN. I ask unanimous consent to move that when the Senate adjourns it adjourn to meet on Monday at ten o'clock.

Mr. EDMUNDS. No; there is no necessity for that. The regular hour will do. I have consulted about it.

The PRESIDENT *pro tempore*. The Senator from Kansas [Mr. HARVEY] asks for the consideration of the bill just reported by him. Is there objection?

Mr. EDMUNDS. We passed a bill of that kind to-day. We ought to have a chance to look at it.

Mr. STEWART. I think it ought to be examined.

Mr. WRIGHT. I trust the Senator from Nevada will not object. Let the bill be read.

Mr. EDMUNDS. I object to the consideration of the bill until we hear what it is.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

REPEAL OF SANBORN CONTRACT LAW.

Mr. SHERMAN. I desire to call up House bill No. 3256. It will take but a moment. There is an amendment to it which requires it to go back to the House. It is the bill to repeal the Sanborn contract law.

Mr. BAYARD. I hope there will be no objection to that.

The bill (H. R. No. 3256) to repeal so much of the act approved May 8, 1872, entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1873, and for other purposes," as provides for the employment of persons to assist the proper officers of the Government in discovering and collecting moneys withheld, and for other purposes, was considered as in Committee of the Whole.

The amendment of the Committee on Finance was to strike out section 3.

Mr. SHERMAN. That section is a long penal section, prohibiting certain acts by members of Congress—the substance of the present law. We did not think it necessary to repeat the present law in this act.

The amendment was agreed to.

The bill was reported to the Senate, and the amendment was concurred in.

Mr. FRELINGHUYSEN. I do not rise to debate this bill, and I suppose I shall vote for it; but I wish to take this occasion, by way of debate, to say to the Senate that the Attorney-General has sent a communication to me saying that it is of the first importance that we should pass at this session of Congress a bill for the enforcement of law in Utah. The Judiciary Committee have also committed that subject to my charge. It is a matter of no personal interest to me whether the Senate pass the bill or not. As soon as that subject is mentioned, however, I know that with a great many it is looked upon as if there was a case of persecution or an unpleasant subject to take up. The fact is the bill as it passed the House is, you may say, only for the enforcement of law. The Attorney-General in his communication says the courts are all stopped in that Territory. I would say further that since the bill came into the hands of the Judiciary Committee of the Senate they have modified it so that there is nothing of it but simply a bill to open the courts of that Territory. I think, if the Senate will give me an opportunity that they may hear the bill, it will lead to no debate and will commend itself to the approval of the Senate. I make this statement now while the Senate can hear it, so that when I do move that bill they may decide whether they wish to legislate upon that subject or not.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

COURTS IN ALABAMA.

Mr. SPENCER. I desire to make a brief statement to the Senate, and I hope I shall have its attention.

We are in an unfortunate condition in the State of Alabama in regard to our courts. In the northern and middle districts of Alabama there is no circuit court jurisdiction. The Judiciary Committee of the House of Representatives have to-day agreed to report articles of impeachment of the United States district judge. We have had no courts in Alabama for over a year, and in the northern district, in which I live, for nearly two years. We shall be without any courts during the present summer and fall unless we can procure the passage of the bill which the Judiciary Committee have reported. I move

that the Senate proceed to the consideration of the bill (H. R. No. 2246) relating to circuit courts of the United States for the districts of Alabama.

The motion was agreed to; and the bill was considered as in Committee of the Whole.

The Committee on the Judiciary proposed to amend the bill by striking out all after the enacting clause and inserting:

That hereafter there shall be but one circuit court of the United States in and for the district of Alabama, to be known as the circuit court of the district of Alabama, which shall be held at the city of Montgomery, in said State, and commence on the first Monday in June annually. The said circuit court shall have and exercise in and for the said district of Alabama the same original powers and jurisdiction as are or may be conferred by law upon the circuit courts of the United States; and shall have and exercise appellate and revisory jurisdiction over the decrees, judgments, and proceedings of the district courts of the United States for the southern and northern districts as well as the middle district, of Alabama, under the laws of the United States regulating the jurisdiction, powers, and practice of the circuit courts, and the judges thereof, in cases removed into said court by appeal or writ of error; and the said court, and the judges thereof, shall have the general supervision and jurisdiction in all cases and questions arising in said districts, respectively, under the second section of the act approved March 2, 1867, entitled "An act to establish a uniform system of bankruptcy throughout the United States."

SEC. 2. That all civil causes, actions, suits, executions, pleas, process, and other proceedings now pending in said district courts of the United States for the southern and northern districts of Alabama, which might have been brought, and would have been originally cognizable in a circuit court, are hereby declared to be transferred to the circuit court of the district of Alabama; and the clerks of said district courts shall transmit all the original papers in such causes, and a complete transcript of all the dockets, minutes, orders, judgments, and decrees in such causes as the same appear of record in said district courts to said circuit court of the United States at Montgomery, Alabama; and the said circuit court shall have as full, complete, and ample jurisdiction to proceed, hear, try, and determine said causes thus transferred, and to do any and all acts, and make any and all orders in relation to such records and papers, as if said causes had been commenced originally in said court.

SEC. 3. That all acts and parts of acts contravening the provisions of this act be, and the same are hereby, repealed.

Mr. GOLDTHWAITE. I wish to offer a substitute for the bill reported by the committee. It is the bill passed by the House.

Mr. SPENCER. My colleague I think is mistaken in offering a substitute. He desires to have the Senate disagree to the amendment of the committee, so that we shall pass the House bill as it came to the Senate.

The PRESIDENT *pro tempore*. The Senator will accomplish his purpose by voting against the amendment of the Committee on the Judiciary. The question is on the amendment.

Mr. WRIGHT. There were several bills referred to the Judiciary Committee on this subject and upon the examination of the entire question the committee concluded to recommend the amendment which has just been read. I think it is well, before the Senate vote upon this question finally, that we have the House bill read, and then we can understand the question that is involved here.

The PRESIDENT *pro tempore*. The House bill will be read.

The Chief Clerk read the bill, as follows:

Be it enacted, &c., That there shall be, and is hereby, established a circuit court of the United States for the middle district of Alabama, as said district is now constituted by law, to be held in the city of Montgomery, and a like court for the northern district of Alabama, as said district is now constituted by law, to be held in the city of Huntsville.

SEC. 2. That said circuit courts shall have and exercise, within their respective districts, the same original powers and jurisdiction as are or may be conferred by law upon the circuit court of the United States for the southern district of Alabama at Mobile, and shall have and exercise appellate and revisory jurisdiction over the decrees and judgments of the district courts of the United States for the said middle and northern districts, respectively, under the laws of the United States regulating the jurisdiction, powers, and practice of the circuit courts, and the judges thereof, in cases removed into said courts by appeal or writ of error; and said courts, and the judges thereof, shall have the general superintendence and jurisdiction over all cases and questions arising in said district courts, respectively, under the act approved March 2, 1867, entitled "An act to establish a uniform system of bankruptcy throughout the United States," as is provided for in the second section of said act.

SEC. 3. That there shall be appointed for each of said circuit courts for said middle and northern districts by the circuit judge of the circuit a clerk, who shall take the oath and give the bond required by law of clerks of circuit courts, and who shall discharge all the duties and be entitled to all the fees and emoluments prescribed by law for clerks of circuit courts; and the United States marshals for said middle and northern districts shall respectively act as marshals for said circuit courts, and the United States district attorney for said districts shall discharge the duties of district attorney in said circuit courts for said middle and northern districts.

SEC. 4. That the clerks of said district courts for said middle and northern districts shall transfer to the clerks of the said circuit courts respectively all the original dockets, records, and files of papers in all common law and equity causes which might have been brought and would have been originally cognizable in a circuit court, and which were either disposed of or pending in said district courts while the same were vested with circuit-court powers.

SEC. 5. That the circuit court of the United States held at Mobile, Alabama, shall be designated and known as the circuit court of the United States for the southern district of Alabama; and its appellate and revisory power, upon appeal or writ of error, or by bill or petition, or otherwise, under the second section of said act entitled "An act to establish a uniform system of bankruptcy throughout the United States," is hereby restricted to judgments and decree rendered or causes and questions arising in the district court of the United States for said southern district; and that the fourth section of the act approved March 3, 1873, entitled "An act relating to the circuit and district courts of the United States for the middle and northern districts of Alabama," be, and the same is hereby, repealed.

SEC. 6. That terms of the circuit and district courts for the several districts of Alabama shall be held as follows: For the southern district, the terms of the circuit and district courts shall commence on the fourth Monday of December and the first Monday of June in each year; for the middle district, on the first Monday of May and the first Monday of November in each year; for the northern district, on the first Monday of April and the second Monday of October in each year.

SEC. 7. That the fifth section of the act approved February 22, 1838, entitled "An act to abolish the circuit court at Huntsville, in the State of Alabama, and for other purposes," and the act approved August 4, 1842, entitled "An act to regulate appeals and writs of error from the district court of the United States for the northern district of Alabama," be, and the same are hereby, repealed.

SEC. 8. That all laws and parts of laws inconsistent with the provisions of this act be, and the same are hereby, repealed.

Mr. WRIGHT. When this bill was first before the Judiciary Committee the question was whether we should give to the State of Alabama more than one place for holding the circuit court. It was determined at that time that there should be but one place, and that should be Mobile, and we reported the bill back accordingly, the opinion of the committee being that it was not advisable that there should be three places of holding court in the State of Alabama. In other words, that it was not necessary that there should be a circuit court in each one of the districts of Alabama. We regarded that the expense attending upon these three courts was such that we could not at this time well afford to recommend it, and we reported the bill accordingly. Upon the suggestion of the Senators from Alabama we changed that recommendation, the bill being recommitted, and recommended that a court be held for the State at Montgomery, the capital of the State. The amendment of the committee is that there be one circuit court for the State of Alabama, to be held at Montgomery, having jurisdiction throughout the entire State, instead of at Mobile, as at first recommended, there being three district courts still held in that State.

The bill as passed the House, as I understand it, provides that there shall be three places of holding the circuit court in Alabama. It is for the Senate to determine whether there shall be one place of holding court at Montgomery or whether there shall be three places. I suggest to the Senators from Alabama that if that is not sufficient, then it will be better for them to propose an amendment, so that there shall be two places of holding court, at Mobile and at Montgomery, if it is desirable that there shall be a court held at Mobile; but the committee were of the impression and still entertain the opinion that it is not advisable under the circumstances that there shall be three places of holding court in the State of Alabama. That is the question which is presented. We have recommended that there be one place, and that the capital, for holding the circuit court, and three districts each having a district court. We think this is about the same that is found in other States; but we know that as the House bill stands it provides that there shall be additional clerks provided in each one of these districts.

Mr. SPENCER. I beg pardon.

Mr. WRIGHT. As I remember the House bill, it proposes that there shall be a clerk appointed in the northern and central districts, and that there shall be a marshal also who shall discharge the duties in these districts, and courts shall be held there, and that necessarily increases the expense of holding the courts. The committee have made this recommendation, and it is for the Senate to determine whether there shall be a court held in each one of these places under the circumstances.

Mr. SPENCER. The bill as passed by the House of Representatives was drawn by Judge Wood, the present circuit judge of that circuit. There are already three districts in Alabama. There are two marshals, one for the northern and middle districts, and one for the southern district; there are two district attorneys, and there are three clerks of the courts.

This bill will, in my opinion, add not one dollar to the expenses of the United States. The bill is agreed upon by the entire delegation from Alabama in the House and in the Senate. The entire delegation are unanimous. I have in my hand a telegram from the bar of Mobile. I have in my desk letters from the bar all over the State asking the passage of the bill as it passed the House.

Every one knows that if the bill fails now we shall lose it entirely. Any amendment will be fatal to it. I hope the amendment of the Senate committee will be voted down and the bill passed as it came from the House of Representatives.

Mr. EDMUNDS. I am not much surprised at the speech of the Senator from Alabama. We had considered this bill in the Judiciary Committee as many other bills of a similar character, faithfully, and we thought, knowing what the business of these courts in Alabama is from the official returns, that there was no just excuse for increasing the court facilities there at all.

Mr. STEVENSON. If the Senator will allow me to interrupt him, I will state that we have not any courts in Alabama.

Mr. EDMUNDS. I think I understand the whole subject quite as well as the Senator does, if he will pardon me. I do not know whether they have had courts in fact in Alabama or not. That is a subject which Congress cannot provide for. We cannot make judges do their duty and we cannot get rid of judges by any action of our own independently whom people have got appointed there. But I was saying that carefully considering this bill and other similar bills, the committee were of opinion that the amount of public business as shown by the official returns in that State would not justify any increase of expenses whatever or increase of the places of holding courts. Then the question was whether we should provide that this circuit court (which by implication of law now I think extends over the whole State, but to save the possible question we are willing to provide for that at any rate) should be held at Mobile or Montgomery. It was finally determined, I believe with the concurrence of one of the Senators from Alabama at any rate, that if only one place was to be fixed, Montgomery was the proper one as being the center of the State. Of

course the people of Mobile do not like that. They want a circuit court where they have it now. The people of Montgomery want to have a court there; the people of Huntsville want a court there; and so on; but the United States, as we thought, is not justified in putting the circuit court on wheels and running it around over a State where there is nothing to do. In the middle and northern districts of Alabama the circuit court business is practically nothing at all, as the returns show.

Now, if the committee has done its duty to the Senate and to the country in recommending what is right and resisting what is wrong for the public interests in the regulation of the courts of the United States in that State, certainly the Senate ought to stand by this report. If on the other hand the Senate think that provision ought to be made for having a United States court wherever the people of a locality demand one—and they will demand one in every county as fast as they find they can have one—then the committee ought to be overruled and you ought to give these gentlemen all the courts they ask for. That is the simple question. We have no interest against Alabama, quite the reverse; but having all the official information before us as to what the necessities of the case were and what would justify the expense of holding additional terms and so on, we felt obliged unanimously to report——

Mr. STEVENSON. Not unanimously.

Mr. EDMUNDS. I beg pardon of the Senator; I believe it was not a unanimous report; I think one member of the committee was in favor of something more. I withdraw the observation. I had forgotten the circumstance. We made this report then.

Now I wish to ask the Senate, in the interest of the administration of justice and of securing the Treasury and of keeping the circuit courts of the United States within some bounds, to agree to this amendment recommended by the committee, and then I shall have no objection to the passage of the bill although, as I say, we strained a point in doing anything about it except as to the question of jurisdiction.

Mr. STEVENSON. I have been constrained to differ with the committee, a thing I rarely do, and I desire briefly to state the reasons for that difference. I was the only member of the committee who differed from the majority.

The first ground I take is that the Senators and Representatives of a State know what their wants are, and if there is no increased expense it is the duty of the Senate to yield their assent. When a united representation in the other House and a united representation here say to us "The necessities of the State demand that we shall have three places for holding our courts, and we ask it as a local matter without increasing the expense," I think it ought to be granted.

Mr. EDMUNDS. But you do increase the expense every time.

Mr. STEVENSON. In the next place it appears that the circuit judge himself drew this bill. He knew very well what the necessities of the State were. I have great sympathy for the people of Alabama, a State in which I never was, but I know some little about its situation. It is very much like Kentucky. I believe that we have three places of holding our courts and the distances between them are not near as great as the distances in Alabama are. In addition to that, from Hunstville to Montgomery is two hundred and fifty miles and you have to cross a chain of mountains to go from one to the other. In the impoverished condition of that people, I think that it is a hardship rarely presented to the Senate to deny them the privilege of having a court where they have held it heretofore, where there will be no additional clerk, no additional marshal, and where the people can enjoy the benefit of justice without being put to the expense of two hundred and fifty miles' travel over the mountains from Huntsville to Montgomery.

Then again it is impossible to know what the business will be until you have the court, and they have not enjoyed the benefit of courts for some time.

Mr. SPENCER. For two years.

Mr. STEVENSON. For over two years the Senator from Alabama tells me.

Mr. SPENCER. At Huntsville.

Mr. STEVENSON. Now, sir, in view of all these circumstances and in view of the action of Congress at this session in dividing the State of Louisiana into two judicial districts, is it not a hardship for the Senate to overrule the wishes of the Senators and the wishes of a united representation in the other House from Alabama when what they ask involves no increased cost and has the indorsement of the judge himself? It does seem to me that it makes the strongest appeal I have heard, and therefore I was constrained to differ from the committee and I hope the Senate will grant what is requested.

Mr. GOLDTHWAITE. When I understood that the House bill was before the committee, I immediately went to the chairman, for it is a matter in which the people of Alabama, suffering as they have done for many years under the infliction of an unjust and incompetent judge, feel a deep interest. I went to the chairman of the Committee on the Judiciary, and I found to my surprise that a bill was to be reported providing for but one place of holding a circuit court in Alabama, and that at Mobile or Montgomery. It is true as I informed him that I reside at Montgomery, and it is true also that I did say to him that if the court was located at Montgomery I would receive more benefit from it than I would if it was located at any other point, I told him at the same time that it was in every respect unjust that Alabama, extending from the Gulf of Mexico to the Tennessee line, upward of five hundred miles, that had from the time of its organization as a State been recognized as in three divisions, South Alabama, Middle Alabama, and North Alabama, should be allowed only one circuit court. I told him that it was a matter upon which the entire bar of the State were agreed, so far as they were concerned, that the House bill was drawn at the request of the circuit judge, of whom not one single citizen of Alabama has a right to complain; that it was his wish and the universal wish of the bar and the wish of the people. For a million of people, which is the population of Alabama, to be called upon to go to but one court in the center of the State, would necessarily operate to increase the expenditures to which the people would be subjected by causing the court to continue longer than it would under different circumstances. It is not in accordance with the existing recognition of the people of Alabama dividing their State into three distinct and separate districts, which has been the case from 1819 when it was admitted into the Union.

We have had one district court at Mobile, one at Montgomery, and one also in Huntsville; but, sir, we have now no wish for our district courts. This is owing to the incompetency of the judge who has presided over them, so long an infliction on Alabama which but few States have endured.

So far as the bill is concerned, I understand that there is but one objection to it on the part of the committee, and that is that it increases the expenses. Now, we have a circuit judge who is to hold each of these circuit courts. We have two marshals who, under the bill as proposed by the House, will attend to the three districts. So there is no judge to provide for, there are no marshals to provide for. The only officers of the court that are left are the clerks, and the clerks are paid according to the fee bill by fees alone. So that really, with the marshals and the judge, and the clerks paid from their own fee bills as framed by law, I do not see how there can be one single dollar of expense to the United States. And when the measure proposed is in accordance with the wish of the entire people of Alabama, when not a single member of the bar is arrayed against it, and it involves no expense whatever to the Government, it would seem to me strange that it should be denied to that people under such circumstances.

Mr. FRELINGHUYSEN. It is very clear, I think, that this bill will not pass to-night. A suggestion was made by the Senator from Iowa that an amendment might be prepared providing for two courts, as they have two marshals. This bill for three I do not believe will pass without a great deal of discussion. But at all events I feel it my duty now to move to postpone this bill and proceed to the consideration of the bill for the enforcement of law in Utah.

The PRESIDENT *pro tempore*. The Senator from New Jersey moves to postpone the pending bill and proceed to consider the Utah bill, so called.

Mr SARGENT, (at two o'clock and fifty-two minutes a. m.) I move that the Senate adjourn.

The motion was not agreed to, there being on a division—ayes 15, noes 24.

Mr. SPENCER. I hope we shall now have a vote.

The PRESIDENT *pro tempore*. The question recurs on the motion of the Senator from New Jersey.

Mr. FRELINGHUYSEN. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. SPENCER. I appeal to the Senator from New Jersey to withdraw his motion until we get a vote on this bill. It will relieve the people of Alabama very much.

Mr. STEWART. I hope the Senator will accept the Judiciary Committee's amendment and take the chance of having it acted on in the other House.

Mr. SPENCER. That is asking something very unfair. I am willing to take a vote of the Senate and abide by the decision of the Senate without any further debate.

Mr. STEWART. I fear you will get nothing unless you take the Judiciary Committee's amendment. The House will act on it at once.

Mr. SPENCER. I do not think at this hour anybody wants to debate the question.

Mr. EDMUNDS. It will certainly have to be debated until it is fairly understood. I do not intend to commit this country, with the number of similar demands there are from sundry States to put the circuit court of the United States on wheels to run into every county, without the Senate fully understanding the subject, so that at the next session (if you are to leave it to the citizens of each State to say how many courts they shall have) we shall be relieved of the trouble of settling the question. If you want to turn everything into the Federal jurisdiction, to overthrow all the State courts and invite everybody to sue in the Federal courts everywhere, and double the expenses of the Treasury, then of course you can begin where the Senator from Alabama wants you to begin, by putting the courts in that State on wheels and carrying them into every section of the State, when from the state of business in that State, as everybody knows, it is not once in a long while that anything except a criminal case (which can be tried in the district court) would arise in the northern part of that State. You do enough when you give to that State, whose business, as I say, in the circuit court is so limited, a circuit court either at Mobile or Montgomery, just as the Senators say, for

we left it to them to choose their place, and they said if they could have had but one, and not three as they preferred, they thought the public interests required them to agree on Montgomery.

I repeat if the Senator wishes to say that instead of acting upon sound principles about this business and independent of local wishes you are to turn this subject over to the various States through their representatives to determine for themselves according to local pressure how many circuit courts they will have, then the committee wish to know it fairly on discussion and we will report the rest of the bills according to the wishes of the various Senators and let the Treasury take care of itself. If on the other hand you are to act upon this bill on the principle that upon a careful investigation of what the public good imperatively demands, and as far as the public good will allow you to go, then I wish the Senate to stand by the careful consideration of the committee and give to these people all the court that ends of justice and such conveniences as other States, like New York and Ohio and so on have, require.

But, Mr. President, I do not want at this present stage, when another motion is pending, to take the time of the Senate to discuss this; but we have got to meet this responsibility, and meet it fairly upon its merits, without regard to the special wishes of my friend from Alabama. We have to act upon different ground. If this maatter is to be debated I will send down to the committee-room and get the documents and reports and show the Senate how much circuit-court business there is in Alabama, so that we shall vote understandingly.

Mr. SPENCER. I cannot help saying and believing that the Senator from Vermont is very harsh and very unjust. We have no district court in Alabama. If there was a district court in Alabama we should be perfectly willing to accept the committee's report.

Mr. EDMUNDS. Let me state to my friend that that is a temporary inconvenience, because you have a judge who you think is not a good one. Perhaps he is not; I have no right to pronounce any opinion.

Mr. SPENCER. He does not hold court, and the Judiciary Committee of the House have agreed on a resolution of impeachment.

Mr. EDMUNDS. I have no right to say anything about that. I only point out to the Senate from the Senator's own statement that what they demand here is a regularly organized tribunal in three or four places in the State because for the moment you happen to have a judge that you do not like or who does not do his duty. The circuit judge has a right to order into any one of these districts any other district judge if this man does not do his duty, and the business can be disposed of. The Senator has forgotten that.

Mr. SPENCER. I have not forgotten that. Being forced to do it, I will accept the committee's amendment rather than endanger losing the bill entirely. I will accept the committee's amendment. I do it, however, under protest.

Mr. GOLDTHWAITE. What did I understand my colleague to say?

Mr. SPENCER. That we would accept the amendment of the committee rather than lose the bill.

Mr. GOLDTHWAITE. I should rather lose the bill. It would be rank injustice so far as the people of Alabama are concerned, to bring them from the Tennessee line to the center of the State, and from the Gulf to the center of the State. It is contrary to the wishes of the people. It is contrary to the recognized course of the people. So far as Alabama is concerned she has universally from the time of her admission down to the present hour, recognized three principal divisions of the State, and conformed her judicial proceedings with relation to those divisions. Now, there is not five dollars or certainly not fifty dollars a year to be lost to the Government by this; and every member of the bar, and the entire delegation so far as Alabama is concerned, and the people of Alabama, are for the House bill. It appears to me most singular that Alabama should be denied what her people, her bar, and her circuit judge desire to have.

Mr. SPENCER. If my colleague will allow me a moment, I will state to him, as that he is aware—and I wish the Senate to understand it—that at the present time in two-thirds of the State, in the northern and middle districts, there is no circuit court jurisdiction, and there is no Federal jurisdiction unless this bill passes in some shape. Hence I am willing to take the amendment of the committee rather than to be for the next six months in Alabama without any court.

The PRESIDENT *pro tempore*. The Chair will put the question on the amendment of the Committee on the Judiciary.

Mr. EDMUNDS called for the yeas and nays, and they were ordered.

Mr. EDMUNDS. I am sorry to hear the warm remarks of the Senator from Alabama, [Mr. GOLDTHWAITE,] appealing to the enthusiasm of the Senate to do a particular act for him because his people demand it. Let me tell the Senator, so that there shall be no misunderstanding about this, that the districts of Middle and Northern Alabama never had a circuit court in their lives. The district courts have had circuit-court jurisdiction until within a year or so when, on account of the misconduct of the judge and at the request of Senators from Alabama themselves, we consented to withdraw the circuit-court jurisdiction from those two northern districts of the United States, because they did not wish to have it reposed in the judge. They stated that there was scarcely any circuit-court business there, and he having circuit-court powers was enabled to practice tyranny on the people, it was claimed. We yielded to that demand and withdrew the circuit-court jurisdiction and conferred it, as the act of Congress intended to do, upon the circuit-court judge, embracing the whole State. My opinion is now that that is the effect of the act; but there is a doubt about it; and now they come to us and say "We want that doubt removed." "Very well," we say, "we will remove the doubt." "Then" they say "we want two independent circuit courts set up that have never been set up in the States before in all its history," and which as I say referring to the reports of business existing for a long series of years have no occasion, so far as the interests of business are concerned, to exist at all.

What are the jurisdictions of the circuit court? The district court has criminal jurisdiction concurrent with the circuit court in all cases that arise up there. Then, when you come to civil jurisdiction, it is between citizens of different States, and you find that there is no commerce in that part of the country sufficient to require a large resort to Federal courts; and when you come even to the southern part of the State, the state of its business at this time, and has been for a long time, is such that the amount of proper Federal jurisdiction for the circuit court is not enough to keep one judge for two months in the whole year. That is the fact about it. There are cases in bankruptcy, it is true; there are cases of internal-revenue violations, over both of which the district courts have proper jurisdiction.

I repeat that the circuit judge can now without any law, if this judge does not do his duty in these districts, assign any other judge to go there from town to town and hold the district courts now provided by law. In the face of this, when in the State of New York, having three million inhabitants, their courts are still farther apart by a long distance than those proposed in the State of Alabama, it is said that you shall set up two distinct circuit courts to accommodate the wishes of that people.

As I said before, I have demanded the yeas and nays in order that the committee may be guided in their action upon other bills by the action of the Senate upon this. If the rule is to be adopted that the wishes of Senators and members on the subject are to be the guide of action, then the Judiciary Committee will of course cheerfully return to the Senate, according to the wishes of the various Senators, the dozen or two bills involving a million or two of expense which are before us creating fresh circuits and fresh places of holding courts, and all that sort of thing; and we will take it as the rule that the wishes of the Senators, pushed up by the people who want more terms and more offices, are to be the guide. If, on the other hand, the condition of business, the state of the Treasury, and the history of the transactions that we have had before in reference to these matters are to be the guide, then I do submit to the Senate that, however much we may wish to oblige our friends from Alabama, as I certainly should be glad to do as they know, we ought to stand by the committee and do what we have recommended to be done. That is all I have to say.

Mr. THURMAN. Mr. President, I cannot help thinking that my friend, the chairman of the Judiciary Committee, exaggerates the importance of this bill. It creates no new district. Three districts exist in Alabama already, and have ever since 1819, I believe. I do not think there is any great increase; and now if there is any State in the Union in which a circuit court is not held in every district in the State, with perhaps the exception of the eastern district of New York, I am not acquainted with it.

Mr. EDMUNDS. The Senator ought to remember that there is really only one district in the whole of Alabama. It was divided at the request of Senators into three places of holding courts, but there is only one district and one judge. It is subdivided.

Mr. THURMAN. It amounts to the same thing. There are practically three districts; and I say again I do not know a single State in the Union which is divided into districts in which a circuit court is not held in each district except—and I am not sure of that—in the case of the eastern district of New York, which is just across the East River, consisting of Long Island, if that be an exception.

Mr. WRIGHT. The State of Iowa is precisely like the State of Alabama; it has but one district judge and four places of holding the district court; and we have but one place of holding the circuit court in the State of Iowa.

Mr. THURMAN. How many district judges?

Mr. WRIGHT. One district judge as they have in Alabama, and four places of holding court.

Mr. THURMAN. I see no good reason why in this particular case (if Iowa is an exception it is the only one I know of besides Alabama) Alabama should be treated differently from the mode in which other States are treated. I do not think there is any precedent to be dreaded or any danger of running up the expenses of the judical administration of the United States by passing this bill as the Senators and Representatives from Alabama wish, and as the House has accorded to them.

Mr. STEVENSON. I have only a single remark to make. So far as I am concerned I shall always consult the wishes of Senators and the wishes of Representatives in the other House and the wishes of the judges, if it does not increase the expense; but if it does increase the expense, then I shall wait, and I think the committee will wait. Now I undertake to say that the expense is not increased so far as clerks and marshals go. That is the information I get.

Mr. EDMUNDS. Does the Senator mean to say that there are three marshals in the State of Alabama?

Mr. STEVENSON. No, sir. I do not say that. I say that there are two, and there will be but two under this bill. There will not be one increase.

Mr. GOLDTHWAITE. One marshal for the northern and middle district.

Mr. EDMUNDS. How many grand juries will be summoned and petit juries?

Mr. STEVENSON. No more grand jurors or petit jurors so far as expense goes, because they will be at Montgomery if you have but one court, and how will the Senator satisfy himself when he talks about Federal jurisdiction, when he himself has divided the State of Louisiana into two judicial districts with two judges, with extra officers and extra clerks? That is what I consider increasing Federal jurisdiction when you increase Federal judges and increase Federal circuits. Then you increase expenses. That can be done in Louisiana.

The circuit judge who is to hold this court wrote this bill. That is the highest evidence to me in addition to the united voice both of the Senators and Representatives of the State, that the interests of the people demand it and require it; and if he is willing to do it why should any portion of the Judiciary Committee say "you shall not do it." They cannot say it upon the score of expense. There will not be another marshal and not another clerk. These men have had it from almost time immemorial.

Mr. EDMUNDS. Have had what?

Mr. STEVENSON. Have had courts at three distinct points, and that is all they ask now. Will the Judiciary Committee say that the circuit judge who proposes to hold three courts is not to be consulted? Is his opinion as to the necessity of this measure not to be looked to? Do we not know that whenever there is nothing that requires such a measure in the public interests, the judges affected always write to the Judiciary Committee and make suggestions? Judge Wood not only desires it, but framed this bill, and so far as I am concerned I want every State when the public expense is not increased to be accommodated in judicial matters as far as the desires of their people can be properly accorded.

Mr. WRIGHT. It has been said by the chairman of the committee, the Senator from Vermont, that it is desired by the committee that the Senate should determine this question fairly as to whether they propose to enter upon this scheme of increasing the courts. I need not tell the Senate that the committee have no kind of feeling on earth on this subject except simply to do what is just and right under the law.

It is suggested that the bar of Alabama have petitioned for these courts. There is not a State in this Union but what the bar at the different places would petition the Congress of the United States for an increase of courts, having no kind of regard to and no thought so far as the question of expense was concerned. It is said here that there is no necessary increase of expense. Does not every Senator know that you cannot have an increase of courts without an increase of expense? You have an increase of grand jurors and petit jurors. As you have an increase of the number of courts you have an increase in the days that the courts are held, you have an increase in the expense every day that you hold court in these different places as every person knows. You have a court at Huntsville, Alabama, a court at Montgomery, and a court at Mobile, and you necessarily have an increased expense.

I suppose Judge Wood, in suggesting that these courts be held at different places, acted on the admitted fact that Judge Busteed was not holding these courts. This is a mere temporary inconvenience, as every person understands. That temporary inconvenience can be remedied and would be remedied if another judge was appointed there; and it is suggested that impeachment articles have been preferred against the present incumbent. If a proper judge were appointed to hold the district courts, those courts could be held, and then the circuit court held in one place for the State of Alabama would be quite sufficient. The judicial business in the State of Alabama does not at all compare with that in other States that have but one circuit court. It does not compare with the business in my own State, where we have but one circuit court. It does not compare with other States where they have but one circuit court. They have their district courts or they may have them in three places. This bill provides, as I remember, that there shall be an increase of the clerks of the court. There necessarily follows an increase of days of holding court and all the expenses attending a court.

We have no kind of feeling on this subject except that a rule shall be established that shall be recognized as fair and just in reference to other States. The Senator from Kentucky refers to the case of Louisiana. Whether that be right or wrong under the circumstances does not at all affect this question. The circumstances attending that case were entirely different from what they are here. Louisiana had had two district courts before the rebellion, as we understand; a large State as compared with Alabama, and it was shown here and it was shown to the committee that so far as northern Louisiana was concerned jurors and witnesses had but one place to go to for holding the district court and but one place for the circuit court, and that was New Orleans, and they had to travel from four to five hundred miles and sometimes seven hundred miles to get to court at New Orleans, and the circumstances were so pressing and the recommendation such from the Department of Justice, that the committee felt justified in making that recommendation. In the State of Alabama they are in no different condition so far as the courts are concerned than are dozens of other States in the Union almost.

If the Senate under the circumstances determines that there shall be three places of holding the circuit court, while they have three district courts, and when the returns of the Department of Justice show that they have comparatively but little business in these different places, small as compared with other States of the Union, then you have started upon a scheme of putting these courts on wheels to travel into every county in the State, and the expense that will be entailed upon the Government and the consequence no one can tell.

The truth is, Mr. President, that these things are increasing every day, and it behooves the Senate to stop, else no person can tell where the expense will end. I want the State of Alabama to have all convenient places for holding court. I suggest to the Senators that the best way for them to determine this question is that they let the amendment reported by the committee prevail, let it go to the House; if they refuse to concur there can be a conference, and I believe that then, if it were accepted, they might agree upon a proposition to have a court at Montgomery and one at Mobile, and I am not sure but that might be a fair compromise; but as it stands now they insist on having three places of holding the circuit court, and therefore having a different condition of things than is found in any other State in this Union—but one district, and three places of holding court in that district. No other State can be found where there is a parallel to this so far as I now remember.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from New Jersey to postpone the pending order and proceed to the consideration of the Utah bill.

Mr. FRELINGHUYSEN. I will waive that motion for the present to have a vote on this matter.

The PRESIDENT *pro tempore*. The question then is on the amendment of the Committee on the Judiciary, upon which the yeas and nays have been ordered.

The question being taken by yeas and nays, resulted—yeas 12, nays 31; as follows:

YEAS—Messrs. Anthony, Boutwell, Carpenter, Chandler, Edmunds, Frelinghuysen, Harvey, Oglesby, Ramsey, Scott, Wadleigh, and Wright—12.

NAYS—Messrs. Allison, Bayard, Bogy, Boreman, Clayton, Conover, Cooper, Davis, Dennis, Ferry of Michigan, Flanagan, Goldthwaite, Gordon, Hager, Hamilton of Maryland, Hitchcock, Kelly, McCreery, Merrimon, Mitchell, Norwood, Pease, Ransom, Sargent, Saulsbury, Spencer, Sprague, Stevenson, Stewart, Thurman, and Tipton—31.

ABSENT—Messrs. Alcorn, Brownlow, Buckingham, Cameron, Conkling, Cragin, Dorsey, Fenton, Ferry of Connecticut, Gilbert, Hamilton of Texas, Hamlin, Howe, Ingalls, Johnston, Jones, Lewis, Logan, Morrill of Maine, Morrill of Vermont, Morton, Patterson, Pratt, Robertson, Schurz, Sherman, Stockton, Washburn, West, and Windom—30.

So the amendment was rejected.

Mr. EDMUNDS. Now let the bill be read, that we may see what is in it.

The Chief Clerk proceeded to read the bill.

Mr. ANTHONY. I think at this time of the night we might take a practical view of the question. It is clearly manifest that this bill will not pass until a very late hour of the morning, if at all, after the disposition that has been manifested.

Mr. THURMAN. It will pass in five minutes.

Mr. ANTHONY. It cannot pass in five minutes, because the chairman of the Committee on the Judiciary has declared his intention to debate it. I certainly do not wish to prevent the passage of the bill if it is the desire of the Senate to pass it; but I think we are wasting our strength here which we require for the rest of the session. I move that the Senate do now adjourn.

Mr. HAMILTON, of Maryland. Is it in order to stop the Clerk in reading a bill, to make a motion to adjourn? Let the bill be read through. Let us hear it.

Mr. ANTHONY. I do not think the Clerk has or claims any such privilege as that. It is done always.

The PRESIDING OFFICER, (Mr. CLAYTON in the chair.) A motion to adjourn is in order at all times. It is moved that the Senate do now adjourn.

The motion was not agreed to.

The Chief Clerk resumed and concluded the reading of the bill.

The bill was reported to the Senate without amendment.

Mr. EDMUNDS. I do not intend to occupy the time of the Senate any more. I understand precisely the ground upon which this bill is to pass; but I wish to correct an error into which Senators who have been somewhat warm in their debate about this bill not creating any new offices, have fallen. Those Senators who listened to the reading of the bill, if there were any such, will see that it does set up the entire machinery of circuit courts in the northern and middle districts, there being all the machinery already in the southern district. It provides for the appointment of fresh clerks whose fees I suppose now by law may run up to $5,000 a year, and they have salaries also, which are not large to be sure. It then provides for the appointment I think of one more marshal, so that there is a marshal for each one of the three districts.

Mr. SPENCER. The Senator is mistaken in that.

Mr. EDMUNDS. It may be; perhaps I was mistaken before when I understood all the Senators to say it did not create any new officers at all. The Senator from Kentucky harped on the subject that there was no additional expense; that it did not provide for any; if it did then it would be another thing. Now, you find when you come to

read the bill that it goes the full figure; nothing is left undone to set it up. I merely wish to say now as to this bill that I leave it for one in charge of the Senators who wish to pass it with all the provisions it contains without taking any personal responsibility about it myself.

The bill was ordered to a third reading, read the third time, and passed.

Mr. SARGENT. I move that the Senate do now adjourn.

The motion was agreed to; and (at three o'clock and thirty minutes a. m. on Sunday, June 21,) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

SATURDAY, *June* 20, 1874.

The House met at eleven o'clock a. m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday was read in part, when the reading was suspended to receive a

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had passed a resolution for the suspension of the sixteenth and seventeenth joint rules of the two Houses for the residue of the present session; in which the concurrence of the House was requested.

SUSPENSION OF JOINT RULES 16 AND 17.

Mr. GARFIELD. I move that the House concur in the resolution just received from the Senate for the suspension of the sixteenth and seventeenth joint rules of the two Houses for the remainder of the present session. I may say that I do not know that there is any other reason for the existence of those rules than that they may be suspended.

The SPEAKER. That is all the use the Chair has ever known for them.

Mr. MAYNARD. I would suggest to the gentleman that there might be a time when the rules might become important. They were put there like a sword in a sheath to be used in an emergency.

Mr. GARFIELD. They were designed to be a brake on the business; but there is no need of a brake now.

The SPEAKER. The sixteenth and seventeenth joint rules of the two Houses will be read.

The Clerk read as follows:

16. No bill that shall have passed one House shall be sent for concurrence to the other on either of the three last days of the session.

17. No bill or resolution that shall have passed the House of Representatives and the Senate shall be presented to the President of the United States, for his approbation, on the last day of the session.

The SPEAKER. The Chair believes that there never has been a session since the rules were adopted that they have not been declared inoperative.

Mr. NIBLACK. I have no objection to concurring in the resolution of the Senate; but I would ask, why should those rules be maintained if they are always to be suspended?

Mr. GARFIELD. There is a case in which these rules might be made operative. Suppose we were in this situation, that the Senate wanted to force the House to a final adjournment without passing certain bills, or that the House wanted to force an adjournment without the passage of certain bills. This is a complete check which one House has upon the business of the other if it chooses to exercise it. In some instances it might be of great value.

Mr. G. F. HOAR. If I may be permitted to say a word, I believe these rules were intended to save the country from the passage of those ill-considered and ill-understood bills which get through during the hurry and confusion of the last three days of a session of Congress. They are most wise and salutary rules, although undoubtedly there may be a necessity to suspend them for certain bills essential to the public business. But if instead of consenting to suspend them generally every year as we do, the suspension was limited to appropriation bills and bills of like character, I think it would be one of the greatest safeguards the country would have against ill-considered legislation.

Mr. KELLOGG. I would suggest to the gentleman from Massachusetts that if the rules were enforced as he suggests it would cut off every pension bill that passes in the latter portion of the session.

Mr. WILLARD, of Vermont. Well, then, the pension bills ought to be passed earlier in the session.

Mr. MAYNARD. These are rules which everybody who has studied the matter for a moment will see look to the greater independence of the two Houses of Congress. I may say that owing to the universal comity between the two Houses they have never yet been enforced. They have been suspended, I think, every year by general consent. The rules, however, are right enough, and their suspension is also right enough.

Mr. NIBLACK. I think these rules are right and that they should be enforced; but I do not propose to put myself in the position of objecting to this motion.

Mr. SENER. If this discussion is proceeding by unanimous consent, I object to it.

The SPEAKER. It is not proceeding by unanimous consent; the motion is debatable.

Mr. RANDALL. The fact is that these rules ought to be retained, but an exception should be made in favor of appropriation bills. They should be the only bills allowed to pass between the two Houses on the last three days of the session. The enforcement of this rule would prevent action by the two Houses on bills which are crowded through in the closing hours of the session and which should not pass at all.

The SPEAKER. As this question is before the House, the Chair will make the remark that it is the appropriation bills above all other bills to which the rule should apply.

Mr. RANDALL. They are always delayed until the last days of the session.

The SPEAKER. That is the very evil that these rules were originally designed to correct.

Mr. RANDALL. But they have failed in their purpose.

The SPEAKER. Entirely so; and the Chair believes that every year since 1822 these rules have been suspended at the end of the session, and the proposition to suspend them has uniformly come from the Senate as it does now. It takes a majority vote only to suspend these rules.

Mr. GARFIELD. I now call for a vote on my motion to concur with the Senate in suspending these rules.

The question was taken; and the resolution of the Senate was concurred in.

READING OF THE JOURNAL.

Mr. WILLARD, of Vermont. I now call for the continuation of the reading of the Journal; I believe it was not completed.

The SPEAKER. It was not.

The Clerk resumed the reading of the Journal.

Mr. DAWES. I move that the rules be suspended so as to dispense with the further reading of the Journal.

The question was taken; and (two-thirds voting in favor thereof) the rules were suspended and the further reading of the Journal was dispensed with.

MANAGERS OF NATIONAL HOME FOR DISABLED SOLDIERS.

Mr. ALBRIGHT, by unanimous consent, introduced a joint resolution (H. R. No. 114) to fill a vacancy in the board of managers of the National Home for Disabled Soldiers; which was read a first and second time.

The joint resolution appoints JAMES S. NEGLEY, of Pennsylvania, a manager of the National Home for Disabled Soldiers in the place of Jay Cooke, of Pennsylvania, resigned.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

OWNERS OF SCHOONER ADA A. ANDREWS.

On motion of Mr. EAMES, by unanimous consent, the Committee of the Whole on the Private Calendar was discharged from the further consideration of the bill (S. No. 688) referring the claim of the owners of the schooner Ada A. Andrews to the Court of Claims, and the same was brought before the House for consideration.

The bill provides that the claim of the legal owner or owners of the schooner Ada A. Andrews, her cargo, freight, and personal effects, alleged to have been sunk by collision with the United States vessel of war Ticonderoga on or about the 1st day of May, 1871, be referred to the Court of Claims to hear and determine the same to judgment, with right of appeal as in other cases. No suit is to be brought under the provisions of the act after six months from the date of the passage thereof.

Mr. HOLMAN. Is this a report from a committee?

Mr. EAMES. The passage of the bill is recommended by the Committee on Claims of the House.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

CHANGE OF NAMES OF VESSELS.

Mr. CONGER, by unanimous consent, from the Committee on Commerce, reported back, with the recommendation that it do pass, the bill (H. R. No. 1767) to change the name of the steamboat Kitty Strong.

The bill authorizes the owners of the steamboat Kitty Strong to change the name of said boat to Fanny Ellis, and provides that from and after the passage of the act it shall be entitled to a register by that name.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CONGER also, by unanimous consent, from the same committee, reported back, with the recommendation that it do pass, the bill (H. R. No 3211) to change the name of the schooner Delmar.

The bill authorizes the owners of the schooner Delmar to change its name to Addie Henry, and provides that a register be granted in the new name.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

KENTUCKY AGRICULTURAL AND MECHANICAL ASSOCIATION.

Mr. WILSON, of Iowa. I ask consent to report from the Committee on War Claims, for action at this time, Senate bill No. 375, for the benefit of the Kentucky Agricultural and Mechanical Association.

The SPEAKER. The bill will be read; after which the Chair will ask for objections.

The bill appropriates $25,000 to the Kentucky Agricultural and Mechanical Association to pay for damages to their fair grounds resulting from their occupancy by United States troops during the late rebellion, said sum having been recommended to be paid by the board of claims and by the Secretary of War.

Mr. HOLMAN. I give notice that after this bill shall have been disposed of I will insist upon the regular order.

The bill was received, read the third time, and passed.

Mr. WILSON, of Iowa, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. DAWES. I rise to a privileged report.

Mr. POLAND. I ask the gentleman to yield to me for a moment.

The SPEAKER. The gentleman from Indiana [Mr. HOLMAN] has given notice that he will insist upon the regular order.

Mr. HOLMAN. I do not desire so much to go to business on the Speaker's table as to prevent this indiscriminate legislation that is going on here.

CONDITION OF ARKANSAS.

Mr. POLAND. On yesterday I reported as I supposed all the testimony taken by the committee in relation to affairs in Arkansas. It turns out, however, that I reported only about one-half of it. I desire now to report the rest of it, and also to ask a vote upon the resolution which I reported yesterday.

The SPEAKER. The Chair had forgotten for the moment that the resolution to which the gentleman refers was taken out of its regular place by a privileged report. That resolution really is now pending.

The resolution was as follows:

Resolved, That the select committee of the House appointed under a resolution adopted May 27, 1874, to inquire into the disturbed condition of governmental affairs in the State of Arkansas be continued during the recess of Congress, with the same powers conferred by the resolution under which said committee was appointed.

Mr. POLAND. I desire to say simply this: the committee have already taken the testimony of a considerable number of persons from Arkansas——

Mr. ELDREDGE. I object to any debate on this resolution; it is something like the South Carolina case, and I do not want my friend to get into any embarrassed condition.

Mr. POLAND. I have no purpose to.

Mr. ELDREDGE. It takes a great deal more money out of the Treasury than the South Carolina case did. I object to debate.

Mr. HOLMAN. I have no objection to the report being made, but I believe the resolution is not a part of the report.

The SPEAKER. It is; it was reported on yesterday.

Mr. POLAND. The committee have examined a considerable number of witnesses from Arkansas, and have got a general idea of the condition of things in that State. The committee were unanimously of the opinion, the democratic as well as the republican members of it, that it was necessary for the peace and good order of the State of Arkansas that this investigation should be continued during the vacation. So far as I and the other members of the committee are concerned, we have no special desire to go to Arkansas; but we are of the opinion that it is highly important that the committee should be continued during the vacation. I therefore ask a vote.

Mr. COX. I think——

Mr. POLAND. I call for the previous question.

Mr. ELDREDGE. Is this a privileged resolution?

The SPEAKER. It is; and was reported on yesterday and entertained without objection.

The previous question was seconded; upon a division there were ayes 80, noes not counted; and the main question was ordered.

The question was upon adopting the resolution.

Mr. ELDREDGE. We may as well have the yeas and nays on that question.

The yeas and nays were ordered, there being 27 in the affirmative, (more than one-fifth of the last vote.)

The question was taken; and there were—yeas 139, nays 74, not voting 76; as follows:

YEAS—Messrs. Albert, Albright, Barrere, Biery, Bradley, Buffinton, Bundy, Burchard, Burleigh, Burrows, Roderick R. Butler, Cain, Cannon, Cessna, Freeman Clarke, Clements, Stephen A. Cobb, Coburn, Conger, Corwin, Cotton, Crooke, Crounse, Crutchfield, Curtis, Darrall, Dawes, Dobbins, Donnan, Dunnell, Eames, Foster, Frye, Garfield, Gooch, Gunckel, Gunter, Hagans, Eugene Hale, Benjamin W. Harris, Hathorn, Havens, John B. Hawley, Joseph R. Hawley, Hays, John W. Hazelton, Hendee, E. Rockwood Hoar, George F. Hoar, Hodges, Hooper, Hoskins, Houghton, Howe, Hubbell, Hunter, Hurlbut, Hyde, Hynes, Kasson, Kelley, Kellogg, Lamport, Lawrence, Lawson, Lofland, Loughridge, Lowe, Lowndes, Lynch, Martin, Maynard, McCrary, James W. McDill, MacDougall, Merriam, Monroe, Moore, Morey, Negley, O'Neill, Orth, Packard, Packer, Page, Isaac C. Parker, Pelham, Phillips, Pierce, James H. Platt, jr., Thomas C. Platt, Poland, Pratt, Rainey, Rapier, Ray, Richmond, Ellis H. Roberts, Ross, Rusk, Sawyer, Henry B. Sayler, Scofield, Henry J. Scudder, Isaac W. Scudder, Sessions, Shanks, Sheats, Sherwood, Sloan, Sloss, Small, Smart, A. Herr Smith, George L. Smith, John Q. Smith, Snyder, Stanard, Starkweather, St. John, Strawbridge, Sypher, Christopher Y. Thomas, Todd, Townsend, Tremain, Tyner, Jasper D. Ward, Marcus L. Ward, Wheeler, Whiteley, Wilber, George Willard, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, James Wilson, and Woodworth—139.

NAYS—Messrs. Adams, Archer, Arthur, Ashe, Barnum, Beck, Bell, Berry, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Caldwell, Amos Clark, jr., John B. Clark, jr., Clymer, Comingo, Cook, Cox, Crittenden, Durham, Eldredge, Field, Giddings, Glover, Hancock, Henry R. Harris, John T. Harris, Hatcher, Hereford, Holman, Hunton, Jewett, Kendall, Knapp, Lamison, Leach, Magee, Marshall, Milliken, Mills, Morrison, Neal, Nesmith, Niblack, O'Brien, Hosea W. Parker, Perry, Potter, Randall, Read, Robbins, James C. Robinson, Sener, Southard, Spear, Sprague, Stone, Storm, Strait, Swann, Vance, Wells, Whitehead, Whitehouse, Whitthorne, Charles W. Willard, Willie, Ephraim K. Wilson, John D. Young, and Pierce M. B. Young—74.

NOT VOTING—Messrs. Atkins, Averill, Banning, Barber, Barry, Bass, Begole, Benjamin F. Butler, Cason, Clayton, Clinton L. Cobb, Creamer, Crocker, Crossland, Danford, Davis, DeWitt, Duell, Eden, Elliott, Farwell, Fort, Freeman, Robert S. Hale, Hamilton, Harmer, Harrison, Gerry W. Hazelton, Herndon, Hersey, Killinger, Lamar, Lansing, Lewis, Luttrell, Alexander S. McDill, McJunkin, McKee, McLean, McNulta, Mitchell, Myers, Niles, Nunn, Orr, Parsons, Pendleton, Phelps, Pike, Purman, Ransier, Rice, William R. Roberts, James W. Robinson, Milton Sayler, John G. Schumaker, Sheldon, Lazarus D. Shoemaker, H. Boardman Smith, J. Ambler Smith, William A. Smith, Standiford, Stephens, Stowell, Taylor, Charles R. Thomas, Thornburgh, Waddell, Waldron, Wallace, Walls, White, Jeremiah M. Wilson, Wolfe, Wood, and Woodford—76.

So the resolution was adopted.

Mr. POLAND moved to reconsider the vote by which the resolution was adopted; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

PAY OF HOUSE EMPLOYÉS.

Mr. HOSKINS. I ask unanimous consent to offer the following resolution:

Resolved, That the Clerk of the House of Representatives be, and is hereby, authorized and directed to pay, out of the contingent fund, committee clerks, folders, pages, and other employés of the House for the full month of June, 1874.

Mr. RANDALL. I raise the point of order that the action here proposed requires a law to accomplish it.

FOLKES & WINSTON.

Mr. WHITEHEAD, by unanimous consent, introduced a bill (H. R. No. 3763) for the relief of Folkes & Winston and others, citizens of Lynchburgh, Virginia; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CAPTAIN HUGH HUGHES.

Mr. MACDOUGALL, by unanimous consent, introduced a bill (H. R. No. 3764) granting a pension to Captain Hugh Hughes; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. SUSAN M'ELWAIN.

Mr. MACDOUGALL also, by unanimous consent, introduced a bill (H. R. No. 3765) granting a pension to Mrs. Susan McElwain; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

M. S. & W. G. MEPHAM AND A. H. SHAW.

Mr. STANARD, by unanimous consent, introduced a bill (H. R. No. 3766) for the relief of M. S. & W. G. Mepham and A. H. Shaw, of Saint Louis; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

TUNNEL THROUGH WHITE-PINE MOUNTAIN.

Mr. MCCORMICK, by unanimous consent, introduced a bill (H. R. No. 3767) confirming the right to construct a tunnel through the White-Pine Mountain, State of Nevada, and to purchase public lands contiguous thereto; which was read a first and second time, referred to the Committee on Mines and Mining, and ordered to be printed.

COLORADO RIVER, ARIZONA.

Mr. MCCORMICK also, by unanimous consent, introduced a bill (H. R. No. 3768) for the protection of the banks of the Colorado River at Yuma military depot, Arizona; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SAMUEL H. CANFIELD.

Mr. KELLOGG, by unanimous consent, introduced a bill (H. R. No. 3769) for the relief of Samuel A. Canfield, postmaster at Seymour, Connecticut; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

WILLIAM H. JOHNSTON.

Mr. RUSK, by unanimous consent, from the Committee on Invalid Pensions, reported back adversely the petition of William H. Johnston, praying for a pension; which was laid on the table, and, with the accompanying report, ordered to be printed.

CURRENCY.

Mr. DAWES submitted the following report:

The second committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 1572) to amend the several acts providing a national currency and to establish free banking, and for other purposes, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate,

and agree to the same, with an amendment, as follows: Strike out all of the amendment after "that," in the first line, and insert in lieu thereof the following:

The act entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June 3, 1864, shall be hereafter known as "the national-bank act."

SEC. 2. That section 31 of "the national-bank act" be so amended that the several associations therein provided for shall not hereafter be required to keep on hand any amount of money whatever by reason of the amount of their respective circulations; but the moneys required by said section to be kept at all times on hand shall be determined by the amount of deposits in all respects, as provided for in the said section.

SEC. 3. That every association organized, or to be organized, under the provisions of the said act, and of the several acts amendatory thereof, shall at all times keep and have on deposit in the Treasury of the United States, in lawful money of the United States, a sum equal to 5 per cent. of its circulation, to be held and used for the redemption of such circulation; which sum shall be counted as a part of its lawful reserve, as provided in section 2 of this act; and when the circulating notes of any such associations, assorted or unassorted, shall be presented for redemption in sums of $1,000 or any multiple thereof to the Treasurer of the United States, the same shall be redeemed in United States notes. All notes so redeemed shall be charged by the Treasurer of the United States to the respective associations issuing the same, and he shall notify them severally on the first day of each month, or oftener, at his discretion, of the amount of such redemptions; and whenever such redemptions for any association shall amount to the sum of $500, such association so notified shall forthwith deposit with the Treasurer of the United States a sum in United States notes equal to the amount of its circulating notes so redeemed. And all notes of national banks, worn, defaced, mutilated, or otherwise unfit for circulation shall, when received by any assistant treasurer or at any designated depository of the United States, be forwarded to the Treasurer of the United States for redemption as provided herein. And when such redemptions have been so reimbursed, the circulating notes so redeemed shall be forwarded to the respective associations by which they were issued; but if any such notes are worn, mutilated, defaced, or rendered otherwise unfit for use, they shall be forwarded to the Comptroller of the Currency and destroyed, and replaced as now provided by law: *Provided*, That each of said associations shall reimburse to the Treasury the charges for transportation and the costs for assorting such notes; and the associations hereafter organized shall also severally reimburse to the Treasury the cost of engraving such plates as shall be ordered by each association respectively; and the amount assessed upon each association shall be in proportion to the circulation redeemed, and be charged to the fund on deposit with the Treasurer: *And provided further*, That so much of section 32 of said national-bank act requiring or permitting the redemption of its circulating notes elsewhere than at its own counter, except as provided for in this section, is hereby repealed.

SEC. 4. That any association organized under this act, or any of the acts of which this is an amendment, desiring to withdraw its circulating notes, in whole or in part, may, upon the deposit of lawful money with the Treasurer of the United States in sums of not less than $9,000, take up the bonds which said association has on deposit with the Treasurer for the security of such circulating notes, which bonds shall be assigned to the bank in the manner specified in the nineteenth section of the national-bank act; and the outstanding notes of said association, to an amount equal to the legal-tender notes deposited, shall be redeemed at the Treasury of the United States, and destroyed as now provided by law: *Provided*, That the amount of the bonds on deposit for circulation shall not be reduced below $50,000.

SEC. 5. That the Comptroller of the Currency shall, under such rules and regulations as the Secretary of the Treasury may prescribe, cause the charter numbers of the association to be printed upon all national-bank notes which may be hereafter issued by him.

SEC. 6. That the amount of United States notes outstanding and to be used as a part of the circulating medium shall not exceed the sum of $382,000,000, which said sum shall appear in each monthly statement of the public debt, and no part thereof shall be held or used as a reserve.

SEC. 7. That so much of the act entitled "An act to provide for the redemption of the 3 per cent. temporary-loan certificates, and for an increase of national-bank notes," as provides that no circulation shall be withdrawn, under the provisions of section 6 of said act, until after the fifty-four millions granted in section 1 of said act shall have been taken up, is hereby repealed; and it shall be the duty of the Comptroller of the Currency, under the direction of the Secretary of the Treasury, to proceed forthwith, and he is hereby authorized and required, from time to time, as applications shall be duly made therefor, and until the full amount of $55,000,000 shall be withdrawn, to make requisitions upon each of the national banks described in said section, and in the manner therein provided, organized in States having an excess of circulation, to withdraw and return so much of their circulation as by said act may be apportioned to be withdrawn from them, or, in lieu thereof, to deposit in the Treasury of the United States lawful money sufficient to redeem such circulation, and upon the return of the circulation required, or the deposit of lawful money, as herein provided, a proportionate amount of the bonds held to secure the circulation of such association as shall make such return or deposit shall be surrendered to it.

SEC. 8. That upon the failure of the national banks upon which requisition for circulation shall be made, or of any of them, to return the amount required, or to deposit in the Treasury lawful money to redeem the circulation required, within thirty days, the Comptroller of the Currency shall at once sell, as provided in section 49 of the national-currency act, approved June 3, 1864, bonds held to secure the redemption of the circulation of the association or associations which shall so fail, to an amount sufficient to redeem the circulation required of such association or associations, and with the proceeds, which shall be deposited in the Treasury of the United States, so much of the circulation of such association or associations shall be redeemed as will equal the amount required and not returned; and if there be an excess of proceeds over the amount required for such redemption, it shall be returned to the association or associations whose bonds shall have been sold. And it shall be the duty of the Treasurer, assistant treasurers, designated depositaries, and national-bank depositaries of the United States, who shall be kept informed by the Comptroller of the Currency of such associations as shall fail to return circulation as required, to assort and return to the Treasury for redemption the notes of such associations as shall come into their hands until the amount required shall be redeemed, and in like manner to assort and return to the Treasury, for redemption, the notes of such national banks as have failed, or gone into voluntary liquidation for the purpose of winding up their affairs, and of such as shall hereafter so fail or go into liquidation.

SEC. 9. That from and after the passage of this act it shall be lawful for the Comptroller of the Currency, and he is hereby required, to issue circulating notes, without delay, as applications therefor are made, not to exceed the sum of $55,000,000, to associations organized, or to be organized, in those States and Territories having less than their proportion of circulation, under an apportionment made on the basis of population and of wealth, as shown by the returns of the census of 1870; and every association hereafter organized shall be subject to, and be governed by the rules, restrictions, and limitations, and possess the rights, privileges, and franchises, now or hereafter to be prescribed by law as to national banking associations, with the same power to amend, alter, and repeal provided by "the national-bank act:" *Provided*, That the whole amount of circulation withdrawn and redeemed from banks transacting business shall not exceed $55,000,000, and that such circulation shall be withdrawn and redeemed as it shall be necessary to supply the circulation previously issued to the banks in those States having less than their apportionment: *And provided further*, That not more than $30,000,000 shall be withdrawn and redeemed as contemplated during the fiscal year ending June 30, 1875.

And that the title be amended so as to read as follows:

An act fixing the amount of the United States notes, providing for a redistribution of the national-bank currency, and for other purposes.

H. L. DAWES,
GEO. W. McCRARY,
S. S. MARSHALL,
Managers on the part of the House.
GEO. G. WRIGHT,
T. W. FERRY,
J. W. STEVENSON,
Managers on the part of the Senate.

Mr. KASSON. It occurs to me that in the first proviso of the ninth section the words "circulation previously issued to the banks" should have been read "circulation provided to be issued to the banks."

Mr. DAWES. "Previously issued" is correct.

Mr. KASSON. Then I ask some explanation of that provision, because I do not understand it.

Mr. NIBLACK. I trust the gentleman from Massachusetts [Mr. DAWES] will explain briefly the effect of the amendment proposed by the committee of conference.

Mr. DAWES. I do not know how far the House will care to have its time consumed in explanation or discussion upon this matter which has been so much before it during the session. But this is an important bill; and certainly, at least to the extent of enabling the House to understand the difference between this report and others that have preceded it, it is important that it should be explained.

The committee of conference, in addition to that character which pertains to every committee of conference, was a second committee. The matter submitted to it was a bill which had been discussed for a long time in both branches of Congress; had undergone serious amendment as it passed from this branch to the other; had come back to us and after discussion had been referred to a committee of conference representing according to the rules of both branches their respective majorities, and yet commissioned to make such concessions of the views embodied in the two bills of those majorities as the committee felt it within their power to make in a common bill. The report agreed upon, coming here from the other branch, had been submitted here and had failed. Under those circumstances the second committee of conference was appointed, representing, as the Speaker was bound to make it represent, the indicated majority in this House, to meet another committee representing a similar majority in the other branch, to see whether any further concessions or any departure, consistent with the rules, from the position taken by either branch was possible to bring the two branches together. The result is embodied in the report that has been read at the Clerk's desk. This report, I regret to say, does not contain, as did the first committee's report, any provision either for an early resumption of specie payments on the part of the Government or for any retirement under any circumstances of any portion of its issues. Speaking for myself, I say that so far as I am concerned I regret exceedingly that it has been found impossible to bring the two Houses to any such agreement upon an early resumption of specie payments, a corresponding retirement of the United States notes, and a substitution of national-bank currency in their place.

But, sir, a matter which seemed to some of us not only demanded by the public faith and the obligations of the Government, but also which seemed to some of us at least as easy of accomplishment, it has been found by the two Houses themselves as well as by two conference committees to be utterly impossible to bring the two Houses together upon. Therefore, in the forefront of the consideration of this conference committee was the question whether it were impossible to bring them together upon any such question—upon that question which seemed to some of us to be the most vital of all of them, while to others it seemed as impracticable altogether. The question then arose whether the conference committee should be abandoned at that point, or whether it were worth while for a committee to see whether upon some other ground there might be a mutual agreement and concurrence of action in the two branches. And the two main features of the report submitted to the House are the results of that conference. The other features of it are matters which have been passed upon by both branches, and about which up to yesterday no gentleman in either branch, so far as I have observed, has raised any discussion whatever. Therefore, I do not dwell very much on them.

The committee, Mr. Speaker, has addressed itself to the question of fixing the maximum of the United States notes. It is unnecessary for me to call the attention of the House to the difficulties which have existed for a year or more past in reference to the uncertainty which there has been in that regard in the administration of the Treasury Department, and to the evils which have resulted because of that uncertainty in the business community as well as in the operation of our public affairs. One portion of the people and a large portion of the Legislature held it already had been fixed at $356,000,000. The Treasury Department and the other Departments of the Government held the sum of $356,000,000 was the minimun amount, and that the maximum sum was $400,000,000. The $44,000,000 between these two sums was to remain a floating amount of currency to be held in the hands of one man in Washington, and to be by him put into the column of circulation at his own pleasure or to be by him withdrawn at

his pleasure at any time and under any circumstances which seemed to justify him, whatever might be the distress to the business of the country, or whatever might be the other consequences attending either upon putting it out or taking it in.

This has been the condition of public affairs for the last year or more. This was the condition of public affairs during the late panic which witnessed the spectacle of men already drunk with speculation and staggering about Wall street with the load of their liabilities turning to the Treasury Department of the United States and imploring it to float them over the breakers into some fairer sea by an indefinite issue of a new volume of the currency of the United States. Unless this committee of conference could agree upon something that would put an end to that condition of affairs, it would continue perhaps after the adjournment of Congress indefinitely. Forty-four million dollars of currency were held in the hands, at the will, and at the caprice of one man. It was too great a power to intrust to the hands of one man, however great might be the confidence of the people in the integrity and wisdom of that officer. His whisper would touch the pulse of Wall street as if an electric wire connected his lips with the stock brokers on 'change. With every Bureau of the Treasury Department there was some mysterious communication almost of the unspoken thoughts of the Secretary of the Treasury, some interpretation of his daily walk, if not of his daily utterances, to the exchange of Wall street. There was undue inflation or collapse. Gigantic fortunes were built up or blown down daily in Wall street, affecting throughout the whole country every branch of industry and every enterprise and investment. The committee therefore could not but see they were doing something if they could but put an end to that condition of things. They have in this report agreed to fix a maximum of United States notes at $382,000,000, which happens to be the sum out, and to fix it in such way that it shall not express an opinion to Congress as to the legality of the issue above $356,000,000. At the same time we give to the circulation whatever there may be above $356,000,000 which shall be now out, whether legally out or not. We fix the maximum and give it such character while it is out that it shall not be in the power of any one man hereafter to affect the volume of the currency by putting out or withdrawing any portion of what may be called the reserve. We have fixed the maximum in this report at $382,000,000, and provided what there is out above $356,000,000 shall be a part of the circulating medium and shall appear monthly in the statement of the public debt. We have provided that it shall not be considered in the technical language of the Treasury Department as any portion of the Treasury reserve, which means, in the language of that Department, a volume of currency which can be put out or drawn in at the pleasure of the head of the Department.

Mr. MAYNARD. Will the gentleman allow me to address a question to him at this point of his statement?

Mr. DAWES. I would a little rather go through with it without interruption.

That is the first of the two main features of this conference report. The second is of a different character. The repeated discussions and votes in this House and the other branch have determined several things, so far as this Congress is concerned, past all question. One is, after able and exhaustive debate, in the struggle between conflicting opinions, that there shall be no increase of the volume of United States notes—there shall be no addition to them. Equally clear has it been made to appear by the discussions and votes of both branches that they are equally decided that there shall be no further increase of the national-bank currency. Therefore the country knows, so far as this Congress is concerned, that the whole volume of this currency, national and bank-note, is capable of being ascertained in figures, and is a fixed sum for the present. They have also decided by the results of the vote upon the last conference report, if nothing else, that in the present condition of affairs at least free banking is an impossibility. However much many of us or most of us might desire free banking, however I would myself desire it, as I have advocated it here upon this floor, no gentleman, so far as I have heard, has been willing to advocate free banking without certain safeguards thrown around it that shall give it safety and character and worth. Of course there has been a difference of opinion as to what amount of safeguard is absolutely necessary. But no gentleman that I have heard of has advocated the unlimited right of banking in the present condition of affairs without either a redemption of United States notes by the Treasury or a redemption of the bank-notes.

But the House has voted down a conference report that coupled with early resumption the principle of free banking. Therefore the committee found themselves in this position, that the amount of United States notes fixed the amount of national currency. And they found also staring them in the face two other questions. One large section of this country, according to the universal testimony from all quarters of it, is in need of and demands more currency. The other portion of the country has more than its just and equitable share of this bank currency.

The question, then, for us to consider is this: You deny to the country any more national circulation; you deny them free banking. Shall that portion of the country that has got more than its share hold on to that also, and say that the other portion shall not have an equitable distribution of it?

Sir, it was my misfortune in that committee of conference to be the only representative in it of that portion of the country that has more than its share of the bank-note circulation of the country, while all the other members of that committee of conference represented that portion that had not its share, and was demanding, for what seemed to them the necessities of their portion of the country, more of that currency. I did not deem it to be exactly fair on my part, if I had the power in a committee of six—I did not think that it should come from me, representing those who had more than their share—to say to those who had less than their share, I will neither give you more nor will I let you have that portion which belongs to you and which the section of the country which I represent has.

Mr. HAWLEY, of Connecticut. Will the gentleman allow a question there, or does he propose to allow any debate after he has made his statement?

Mr. DAWES. I will, pretty soon.

I am giving the House the views which led the committee to a unanimous report. I thought, sir, that least of all should opposition to an equitable distribution of this currency come from those who had more than their share. If there was any propriety and just reason against an equitable distribution, it would be more becoming that it should come from other sources than from those who had more than their share. I do not forget, also, that constantly in the debate on this question those representing that section which has more than its share openly proclaimed in both branches of Congress their entire willingness to yield up everything they had of bank-note currency in excess of their share. I had myself so stated. I had heard it from my colleagues and from those representing that section of the country in both branches. I had seen it tendered as an amendment to the pending bill in the other branch from that very section of the country. And under these circumstances I gave in my adhesion to the report which proposed to redistribute $55,000,000 of about $80,000,000 which is now retained by a single section of the country more than it is entitled to according to the ratio of wealth and population.

There is one other feature of the bill to which I wish to call attention for a moment. It is that feature of it which releases the reserve on circulation. This provision was in the original bill reported to this House by the Committee on Banking and Currency and was in the last conference report.

Mr. MAYNARD. And in the Senate amendment also.

Mr. DAWES. Yes; and in the Senate amendment also. It had therefore received the sanction of both branches of Congress by very large majorities. It had excited no discussion in the other branch, either in the discussion of the merits of the two bills or in the discussion of the first conference report.

The theory of the banking law more clearly understood shows to the country that there is no occasion or reason on the principles of the banking law for retaining any reserve for the protection of circulation. This agreement has released and put into the volume of the currency a portion of the United States notes now held as a part of the reserve; just how much it is it is a little difficult to determine. It was stated in the debate in the other branch of Congress, when the former conference report upon this subject was before that branch and was disputed nowhere, that it released about $26,500,000 of United States notes. It releases 2 per cent. on the amount of the United States notes, equal to 2 per cent. on the circulation of all the banks except certain banks in the cities that are required to retain 25 per cent. of their circulation and deposits, and it releases 12½ per cent. of those as nearly as can be calculated. It will release about $26,500,000 of greenbacks that are locked up in the vaults of the national banks practically. It is not always so. I am informed by experienced bankers that practically it is hardly ever so; so that to the extent that that is not so this will make no practical change in the volume of the circulating medium of the country. But while it thus releases about $26,500,000, on the other hand this bill takes out of the power of one man $18,000,000 of United States notes that he cannot only put into the currency when he pleases but can take it out when he pleases, and no man can know whether he has done it or not until he puts his hand upon the pulse of business in Wall street, New York, and in other cities of this country. If this bill passes it will release $18,000,000 of United States notes now held in the hands of the Secretary of the Treasury, claiming and hitherto exercising the power at the most critical moments, inopportune it may be, depending wholly upon his sagacity, and not only upon his sagacity, but upon the impossibility of improper approach to him or to any one under him, and therefore as between the $26,000,000 thus practically put into the circulation of the country and $18,000,000 fixed forever beyond reach, it practically reduces this to only $8,000,000.

But, further, unless this bill passes there are $26,000,000 more besides these $18,000,000—$44,000,000 in all—that can be made a football, that can be made the plaything of speculators, and can work all the evil consequences that it is in the power of men, by inflating the currency, to work upon the business community. Therefore, sir, whatever objection there may be upon the point that releasing this amount of currency to that extent inflates the volume of the currency, it is to my mind vastly counterbalanced by the $18,000,000 forever withdrawn and the $26,000,000 which is practically a part of the currency, being so fixed that it can no longer be withdrawn.

Therefore, sir, I commend this report to the consideration of the House. I commend it particularly to that section of the country that has steadily refused two things—an increase of the volume of the

currency and free banking, and which has at the same time got $80,000,000 more than its share of the currency. I say to that section of the country, "You cannot afford to stand before the people in the attitude of hesitating whether you will do justice in the distribution of what currency there is if you refuse to make any more." I desire to suggest to them that they are ultimately in the power of the other section of the country which now only demands this equitable distribution and nothing more. I suggest to them that to do equity is the surest way to secure equity.

Mr. MAYNARD. I desire to call the attention of the gentleman from Massachusetts to one or two points. I ask him to examine the sixth section of the bill reported. The last clause of that section reads that "no part thereof"—that is, the $38,000,000 legal-tender notes—"shall be held or used as a reserve." This word "reserve" occurs twice in this bill, once in the third section where it has reference to the reserve held by the banks. It is used in that sense invariably in the national-bank act, and in all the amendments to that act. This usage of it here is intended, I infer, to mean a very different thing; not the reserve to be held in banks but the reserve to be held in the Treasury. Now the word "reserve" as connected with the $44,000,000 is not on the statute-book; but the committee use it here. We cannot amend this bill; if we could one or two words would make the matter clear; but I hope the gentleman will take the trouble to put upon the record, in the course of this debate, the sense in which the committee have used the word "reserve" here.

Mr. GARFIELD. Before the question is answered by the gentleman from Massachusetts, [Mr. DAWES,] I would ask if the word "reserve" would exclude the conclusion that the Secretary of the Treasury may not hold the ordinary currency balance in the Treasury? For instance, every month when the books are made up and a statement of the condition of the Treasury is prepared, there is reported so much gold in the Treasury and so much currency. In a proper sense of the term that is a reserve. I know that is not what the gentleman from Tennessee [Mr. MAYNARD] means, but it is a proper meaning of the word. It is a reserve fund which we hold on hand in the Treasury.

Mr. DAWES. I agree with both the gentlemen. The proper meaning of the word "reserve" is just what the gentleman from Tennessee [Mr. MAYNARD] says it is. And that is a proper use of the word "reserve" which the gentleman from Ohio [Mr. GARFIELD] makes of it. But the Treasury Department has a term which it applies to the legal-tender notes over and above $356,000,000; it appears in their official report, and they apply it to that very sum. There is a law which fixes the sum of $356,000,000 as the limit of the legal-tender currency. To all above that amount the Treasury Department applies the term "reserve." We have thought it best to take away that quality and that only from the amount above $356,000,000, to which the Treasury Department has seen fit to apply the term "reserve." They claim that that amount they can hold and not be required to account for it as a part of the public debt, but whenever in their opinion the exigency of the Treasury or of the public requires it they can put it into circulation or take it back. It is that meaning of the word "reserve" attached by the Treasury Department and applied by the Treasury Department to the $44,000,000 that the committee of conference have sought to take away.

Mr. MAYNARD. It has no reference to the reserve held by the banks?

Mr. DAWES. Not at all.

Mr. NIBLACK. I have been unable to hear distinctly all that the gentleman from Massachusetts has said. But if I understood him correctly, the proposed amendment to the national banking law included in this conference report does not increase the aggregate of the bank circulation, but simply redistributes it.

Mr. DAWES. That is all.

Mr. NIBLACK. I am very glad to hear it. While I have been unwilling to vote to increase the aggregate amount of national-bank circulation, I am very glad to have the opportunity to redistribute the present volume of the currency.

Mr. BURCHARD. I desire to ask the gentleman if, under the sixth section of the bill reported by the committee of conference, the Secretary of the Treasury would have the power to retire or cancel any portion of the $382,000,000 of legal-tenders, to reduce what is called the reserve down to the limit of $356,000,000?

Mr. DAWES. If he does so, I do not see how it can be continued as a part of the circulation.

Mr. BURCHARD. The language is "the amount outstanding and to be used shall not exceed $382,000,000."

Mr. MERRIAM. Is it the intention of the committee of conference that the amount shall not be decreased without further authority of law?

Mr. DAWES. It is the intention of the committee to use language that shall make the portion of what has been called the reserve and which is now outstanding just exactly as much a part of the circulation as is the $356,000,000. But we have used this language because a portion of the committee believed that the only legal limit was $356,000,000, but they were willing to say that it should not exceed $382,000,000 because the $382,000,000 was already out, and even if it was in our power it was too late to reduce the amount to $356,000,000.

Mr. MERRIAM. One other question, and that is, can any portion of the $382,000,000 be used in the current expenses of the Treasury?

Mr. DAWES. I think if the Secretary of the Treasury has it there can be no objection to his using it.

Mr. MARSHALL. I desire to say something upon this report, but I prefer to have the floor in my own right.

Mr. DAWES. In that case, then, I will yield five minutes to the gentleman from Connecticut, [Mr. HAWLEY.]

Mr. HAWLEY, of Connecticut. I had not thought at all of speaking upon this report, and had intended to give only a silent vote against it. But the remarks of the gentleman from Massachusetts [Mr. DAWES] have led me to believe that it would be wise, or whether wise or not, at least it would be satisfactory, to say a word or two. There was running all through his remarks, if not the charge, at least the intimation that there is or there might be some selfish purpose on the part of New Englanders to hold on to their present volume of the bank circulation and refuse to yield any portion of it. He gave as an apology for voting for this bill the reason that as a New Englander he could not take the ground that the currency should not be redistributed.

Mr. DAWES. Not as an apology.

Mr. HAWLEY, of Connecticut. Not as an apology; then we may take it for granted that he is proud of his bill. Let him go with that to Massachusetts. Now I wish to say as a New Englander, and one representing a banking center, that I am willing to vote for the $55,000,000 redistribution clause. And if the gentleman from Iowa [Mr. KASSON] had not offered his $25,000,000 redistribution bill as he did, and if I had not relied upon him Monday after Monday to press his bill to a vote, I should myself have brought it forward and asked the action of the House upon it.

Mr. HUBBELL. I desire to say——

Mr. HAWLEY, of Connecticut. Not a word; I do not yield; let me alone. I take the floor without interruption; I have only five minutes anyhow. I say as a New Englander, coming from a section where there is a large number of banks, that you are perfectly at liberty this moment to take away from us all the national-bank currency that may be necessary to equalize the circulation; if the amount be twenty-five millions, say so; if $40,000,000, say so; if $55,000,000, say so. But I will not vote for any measure which increases the volume of irredeemable paper currency, or while leaving it nominally as it now is, increases the volume of currency in actual use and therefore expands prices and broadens the margin between paper and gold, and to that extent postpones, and perhaps indefinitely postpones, the day of resumption. I will vote for any measure necessary to equalize the circulation.

The gentleman says (and this brings me to my second point) that the reserve for circulation is not needed, and therefore this bill releases the banks from all responsibility, from all requirement to keep any reserve for circulation. If then that reserve be unnecessary this is a very admirable opportunity to take back so much of an irredeemable paper currency, to take it out of the world, to burn it up. This is the opportunity the gentleman should have seen in this—not an opportunity to release $70,000,000 of paper to enter into business and inflate prices. If that reserve be not needed in the banks as a reserve against the circulation, retire it, fund it, get rid of it, that we may approach the day of resumption.

One more point. As to the $26,000,000 of the Treasury reserve, I hold, with a great many very able lawyers whom I humbly follow, that that $26,000,000 was issued without any authority of law or Constitution. I believe that the limit of the legal-tenders was three hundred and fifty-six millions, and that the issue of one dollar after we got down to that limit was unconstitutional. The President and the Secretary of the Treasury only used this amount as a reserve, holding it to be their duty, when the emergency had passed, to return again to the legal limit of $356,000,000. I think I state correctly the position of the Administration. I would then return as soon as possible to that limit, and not allow this twenty-six millions to be out. It has been wrongly out, and neither the President nor the Secretary of the Treasury has asked that it should be kept out permanently. But now it is proposed to take advantage of a transient emergency to continue permanently as a part of the legal-tender circulation that twenty-six millions, which course I believe to be not only in violation of sound financial principles but of the Constitution.

I cannot vote for this bill. I am anxious to attain a satisfactory, reasonable settlement on this question. I am willing you should take from the New England banks every dollar that may be necessary to equalize the distribution of the currency. But I will not vote for any measure that expands the volume of the irredeemable paper currency. Gentlemen of all parties, you have got to come to this doctrine, just as sure as grass grows and water runs.

Mr. KELLEY. No, sir; the gentleman has got to abandon his doctrine.

Mr. DAWES. I now yield to the gentleman from Maine, [Mr. HALE.]

Mr. HALE, of Maine. Mr. Speaker, I am, like the gentleman from Connecticut, [Mr. HAWLEY,] willing to vote for a redistribution of the banking currency of the country, knowing as he does that a portion of it will be taken from that part of the country where we both reside. But I go farther than he does. I am not only willing to vote for it as an abstract proposition of fairness, but I am going to vote for this bill. The difference between him and me is that he is in

favor of a redistribution of the currency when the question is not up and cannot be voted for, while I in a spirit of fairness——

Mr. HAWLEY, of Connecticut. That is an unjust and ungentlemanly insinuation. [The Speaker rapped to order.]

Mr. HALE, of Maine. Mr. Speaker, I have been here too long to be——

Mr. HAWLEY, of Connecticut. I insist, sir, that the remark just made by the gentleman is a dishonorable insinuation.

Mr. MAYNARD. I call the gentleman from Connecticut to order, and ask that his words be taken down.

The SPEAKER. The words were entirely unparliamentary.

Mr. HALE, of Maine. Whose words?

The SPEAKER. The language of the gentleman from Connecticut was altogether unparliamentary.

Mr. HAWLEY, of Connecticut. So far as my words may have been of an unparliamentary character, I cheerfully withdraw them.

Mr. HALE, of Maine. I have been here too long to be scolded down by the gentleman from Connecticut.

The SPEAKER. The gentleman from Connecticut was entirely out of order.

Mr. HALE, of Maine. I was saying, and I repeat for the benefit of the gentleman from Connecticut, that he is in favor of a redistribution of the currency when the question is not up, but he has just declared that he will not vote for it when it is up, while I am in favor of it and will vote for it when an opportunity occurs. I will do it, as I believe, in a spirit of fairness and concession to other sections of the country. Though I do not believe in the doctrines which are generally supposed to prevail in that section upon questions affecting the currency, yet I concede the honesty of such views with the men who entertain them, and I am willing to concede redistribution.

Mr. SHANKS. In other words, on this proposition the gentleman admits of our being honest but not very sensible.

Mr. HALE, of Maine. I am speaking of the general sentiment tending to inflation, in which I do not join. Now, sir, I am all the more willing to vote for this bill because as an eastern man I believe that the danger of inflation pure and simple has passed away. The action of this Congress, in this House, in the Senate, and in the conference committees, together with the action of the Executive, makes it plain that the danger of the exercise of what I believe to be a pernicious power on the part of Congress, that of swelling the volume of the greenback currency in time of peace, is I hope a thing of the past. I do not believe it will come up again dangerously. I give more weight to the result of the battle fought here this winter. In holding the position of opposition to inflation here and elsewhere the gentlemen who have represented me in sentiment (I have not myself talked much on the matter) admitted that at present the banking currency is not distributed according to the wealth, business, and population of the country, and that we should allow it to be taken by the West to the extent of its share whenever the West wants it. We never until to-day have had an opportunity to carry out what we have said—what we have promised. This is the first opportunity, and I embrace it. I am not afraid, sir, as an eastern man to go home to my constituents in Maine or anywhere else in New England if need be, and to stand by this proposition. As explained by the gentleman from Massachusetts [Mr. DAWES] there is no real inflation in it. That being so, I abandon no principle in my vote.

I wish, as does the gentleman from Massachusetts, [Mr. DAWES,] that the committee of conference could have agreed to put on the clause here fixing resumption at some early day. But I am free to say on this, as on the matter of inflation pure and simple, I am more hopeful as to the future than some other gentlemen. I believe that question of resumption will in a large degree take care of itself. If gentlemen from the West will pardon me for an expression of opinion upon the sentiment of a people whom they know more about than I do, I believe that in the hearts of the American people East and West the proposition of as early resumption as is practicable is favored. I wish we had it here in the bill, but as it is absent the people must take care that it be not long postponed. It is a proposition that I predict will grow in favor. To me it is clear that all sentiment tending in any way to a lowering of our currency or our national credit has seen its high-water mark. So we can be generous. The least we can do as eastern men is to give to the West the opportunity to take their share of the banking currency. Their business demands it. It is something to escape the reproach of selfishness, whether that reproach is warranted or not.

Mr. DAWES. I now yield to the gentleman from Pennsylvania, [Mr. KELLEY.]

Mr. KELLEY. Mr. Speaker, though this bill will take some of the banking currency from the State which I have the honor in part to represent, I shall vote for it and will do it cheerfully. It does not propose to retire any of the greenbacks or to fix arbitrarily a day for the resumption of specie payment. It does not, it is true, add to the volume of currency, but it does open a way for the use of that which is now uselessly locked up in bank vaults or is put into circulation fraudulently and illegally.

What I desire to say is that I protest against the assertion of the gentleman from Connecticut [Mr. HAWLEY] that we will have to come through contraction to his hard-money doctrine, and that of the gentleman from Maine [Mr. HALE] that the demand for more currency and a system which will give elasticity to our fixed and inelastic currency has been silenced and will never again be heard, and in the name of the Center, the West, and the South, with which the power of empire dwells, to give notice and assurance that from session to session and from election to election the issue will be made until the Government shall be found to reside in the will of the whole people and not in that of the small fraction of the people who reside east of the Hudson and in the minor money centers of the country.

[Mr. MARSHALL addressed the House. His remarks will appear in the Appendix.]

Mr. RANDALL. Mr. Speaker, I have heretofore, as a member of the Committee on Banking and Currency, found myself unable to support, either in committee or in this House, any bill on this subject that has emanated from that source, because there has not yet been such a bill that did not propose to extend and increase what I consider the great evil of the hour, the banking system; and every one of these bills has had the additional objection that while increasing the issue of circulation to the national banking associations, and thus enlarging the profits of a favored few, it took care to diminish the greenbacks and substitute an interest-bearing indebtedness of the Government.

Now, sir, there are three features in this bill which especially commend themselves to me and which will induce me to support it. I wish there could have been added another feature that I very much desire, the fixing of a time for resumption.

The first feature which commands my approval is that which provides for doing away with the reserves of the banks upon their circulation. I have never yet been able to see any reason for those reserves. We have behind the national-bank circulation bonds, the market value of which to-day averages, I believe, one hundred and fifteen to one hundred dollars of face value. There is no authority of law to issue as banking circulation more than 90 per cent. of the face value of those bonds. Therefore the people who in the course of business are obliged to take the national-bank notes have at this time a margin of 25 per cent. to protect them in case of the failure of any bank.

The next feature of the bill which I heartily commend is the provision for settling at once the volume of greenback currency at $382,000,000. I, like the gentleman from Illinois, [Mr. MARSHALL,] have uniformly denied the right of the Secretary of the Treasury either to increase or to diminish the volume of the greenback circulation; and that provision of this bill which recommends it to me more perhaps even than the redistribution feature is the clause taking away from any Secretary of the Treasury the power, (through misjudgment if he be honest or from interested motives if he be dishonest,) to change the volume of the currency according to his judgment or caprice.

I now come to the third feature of this bill—the provision for a redistribution of the national banking currency. I have stood here voting and speaking steadfastly against any increase of the volume of the currency, either the national-bank issues or the greenbacks. There is no increase of either description of circulation in this bill. The amount of greenbacks and the amount of national banking association circulation continue the same as now. The allegation that this bill is inflation has no force or truth whatever. But while this has been my position, I have said to gentlemen on all sides that whenever they would give me the chance I would vote for an honest redistribution of the banking circulation throughout the country. I have been sincere in those declarations, and I mean to be sincere in my vote to-day. No reason in the world can be presented to this House or the country why one section of the nation should have an advantage in respect to the national-bank circulation over another section. Under the distribution which we have had heretofore New England, New York, and my own State have for a long time had an undue proportion of this circulation, with the profits accruing therefrom, while the South has languished and the West has been unable to secure the facilities which would transport her crops to the seaboard. I maintain that no just man can deny to the South and the West this redistribution. More than that, I believe that great good will result from it. The South will have facilities for banking, and she will bloom and blossom as of old. The West will once more be satisfied as to the amount of her banking circulation and her money facilities, and she will again prosper. So that in the future we shall have nothing to do but to fix a day of resumption, when the greenback shall be the equal of gold and when the bank-note shall be the representative of the greenback.

MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was presented by Mr. BABCOCK, one of his secretaries, who also announced that the President had approved and signed bills of the following titles:

An act (H. R. No. 440) to amend the act entitled "An act transferring the control of certain territorial penitentiaries to the several Territories in which the same are located," approved January 24, 1873;

An act (H. R. No. 491) for the relief of Kerry Sullivan, of Company G, Fourteenth Regiment New Hampshire Volunteers;

An act (H. R. No. 886) to provide for the election of Congressmen at large for the State of Alabama;

An act (H. R. No. 1691) for the relief of Thomas Ridgway;

An act (H. R. No. 2064) making appropriations for the legislative,

executive, and judicial expenses of the Government for the year ending June 30, 1875, and for other purposes;

An act (H. R. No. 2398) granting a medal to John Horn, jr., for his heroic exploits in rescuing men, women, and children from drowning in Detroit River;

An act (H. R. No. 2463) for the relief of Joseph S. Read;

An act (H. R. No. 3090) to authorize the issue of duplicate agricultural land scrip where the original has been lost or destroyed;

An act (H. R. No. 3166) to correct the date of commission of certain officers of the Army;

An act (H. R. No. 3573) making additions to the fifteenth section of the act approved July 2, 1864, entitled "An act to amend an act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes,' approved July 1, 1862;"

An act (H. R. No. 311) for the relief of William J. McIntyre;

An act (H. R. No. 950) for the relief of Robert Sutherland;

An act (H. R. No. 1108) for the relief of Alfred Fry;

An act (H. R. No. 1219) for the relief of Charles W. Berry, late private of the Thirty-sixth Regiment Wisconsin Volunteers;

An act (H. R. No. 1773) for the relief of Samuel E. Rankin;

An act (H. R. No. 2207) for the relief of James M. True, late colonel of the Sixty-second Illinois Volunteer Infantry;

An act (H. R. No. 2412) for the relief of Sheridan O. Bremmer, late a private of Company E, Eighteenth Regiment Wisconsin Infantry;

An act (H. R. No. 2698) for the relief of Joseph C. Breckinridge for services in the Army of the United States;

An act (H. R. No. 2892) for the relief of Thomas Simms, late a lieutenant in the Seventy-sixth Regiment New York Volunteers;

An act (H. R. No. 2939) to compensate D. R. Haggard for six months' services as colonel of the Fifth Kentucky United States Cavalry Volunteers; and

An act (H. R. No. 546) for the relief of William B. Morgan.

THE CURRENCY.

The House resumed the consideration of the report of the committee of conference on the currency question.

Mr. MARSHALL. I now yield for five minutes to the gentleman from New York, [Mr. COX.]

Mr. COX. Mr. Speaker, a great part of this bill is broth or froth. There is no strong meat in it for anybody. I do not think such a measure ought to pass. It will give no substantial relief.

Indeed my honored friend from Illinois, [Mr. MARSHALL,] under whose pleasant courtesy I speak, has told you that this is no final settlement. It is only an expedient. It is a mere make-shift. It is poor, pitiful, impotent, unprincipled patch-work. I will not vote for it.

I will vote in favor of no proposition until I see something which is based upon solid sense and definite principle. My principle is laid down in our party platforms of 1872. Your republican platform is before me. It was adopted at Philadelphia in 1872; and it "confidently expected our excellent national currency will be protected by a speedy resumption of specie payment!" O! O! How good and smooth! and yet how delusive!

The democratic platform was adopted in July, 1872. It declared the ineradicable, traditional, economical, rational, and constitutional sentiment of the grand party of the past and future. What does it say? "A speedy return to specie payment is demanded alike by the highest considerations of commercial morality and honest government." Where are ye, platform manufacturers? Where is your "commercial morality?" Where is your "honest government?" Who are the leaders? Where are the leaders of our brave and honest party? Where are they? Who is about me to display the honest banner? These are not declarations by one party. They are by both parties. O, my Christian brethren! O, my democratic brethren! What chances you are missing! What opportunities you will hereafter regret not to have improved! Where is the honesty and morality that chinks and rings in the sterling talk and thought of our early representative men? It is not merely a question of paying your debts and avoiding repudiation. It is a question of constitutional and Federal honor. It concerns the very architects of our splendid fabric of government. How proud I am to be in a minority with the best of our early men and the sage men of our present day.

Mr. Speaker, why do you dabble here by this bill with the reserves and call it economy, when it is nothing but inflation? You wish to drink more for the luxury of being bloated. Why not, if you will have a bloat—why not do it with a square drink? May I refer to what my friend from Illinois has just said here? He would release just so much as is now tied up. He would not have inflation. O, no! but he would only release it for the present. Why, sir, we have a money glut now in New York and elsewhere. Bring your produce and values to New York, and you can get the money. If you want to indulge in real inflation, why whip the evil about the impediment? Take an honest inspiration, instead of indulging a vicious decoction, made up at the tail-end of the session for the mere purpose of saving your republican party from the charge of utter incompetency to deal with this paramount question.

The five minutes which I have will not suffice to show the partisan aspect of this measure. We are all partisan in one sense; but so long as we pretend to make platforms and keep up party discipline, so long will it be just and best to practice sincerity or repudiate our resolves. There are, I fear, however, two parties in trouble on this question. I do not see voting with me here democratic members from Ohio and other Western States, those old-time, hard-money, constitutional democrats with whom I was raised. Where are they now? Wherever they are, for one I shall give no vote for any measure which postpones gold and silver as a standard. I believe the time will come, under Providence, for speedy resumption. Labor will demand it. Commerce and agriculture will revolutionize for it. There is no power under heaven among men to give stability to business and society except we march toward gold and silver!

[Mr. MARSHALL again addressed the House. His remarks will appear in the Appendix.]

Mr. POTTER. I have asked the gentleman from Illinois for a minute in order to say, in the first place, I approve the conference report so far as it provides for a redistribution of the national banking circulation; and secondly, I favor that feature of it which restrains the power of the Secretary of the Treasury in respect of the issue of Treasury notes. I regret, however, that the general direction of the report is such that I am not able to cast my vote for it.

Mr. MARSHALL. I now yield for five minutes to my friend from Indiana, [Mr. HOLMAN.]

Mr. HOLMAN. Mr. Speaker, the leading features of this measure are in striking contrast to the bills which have been heretofore considered by both branches of Congress during this session. The former measures, all of them, led to and contemplated a reduction of the legal-tender circulation, and at the same time to an increase of the issues of the national banks. The main object of those measures seemed to be to secure an early retirement of the greenback currency, the lawful money of the country, by funding the same in interest-bearing bonds, and to substitute in its place national-bank notes. Believing as I do that the high prerogative and enormous profits of issuing paper money belong to the whole people, I could not give those measures my support.

From the beginning of this session of Congress there has been a persistent determination of the national banks to drive out the legal-tender money and enlarge their already enormous wealth by monopolizing the exclusive right to furnish the money of the country. The addition of $356,000,000 to their wealth was no small motive to the banks to exercise their almost irresistible power in our legislation. They were not, it is true, satisfied with the bill that went to the President, for while it increased their capital $46,000,000 it left the greenbacks in the field, but in every succeeding measure they secured the fundamental concession that their notes should supersede greenbacks and that the burdens of the people should be increased by funding the greenbacks in interest-bearing bonds. No partial victory was sufficient; nothing less than an absolute monopoly of issuing money would satisfy the capitalists, who in the main dictate the enactment of our laws. But the temper of the people would not submit to this. The retirement of the greenbacks for the benefit of the banks would add nearly $20,000,000 a year in gold to the burdens of the tax-payers of the country. We approach the hour when the Representative must meet his constituents. And the pending measure is in striking contrast with its predecessors. It neither adds $46,000,000 to the bank capital, as the first bill did, nor does it almost double the wealth of the bondholders, as the so-called free-bank bill proposed, by issuing bank-notes and funding the greenbacks in gold interest-bearing and non-taxable bonds.

This measure has at least the merit, whatever else may be said against it, of actually increasing in its practical effect the volume of the legal-tender currency of the country. It will do it to the extent of at least $26,000,000, for in the absence of this legislation it is now well known that the moment the finances of the country would admit of it the greenbacks would be reduced from $382,000,000 to $356,000,000, and this bill prohibits that $26,000,000 being held by the Secretary of the Treasury as a *reserve*.

In addition to this the greenbacks held by the national banks as a reserve for the redemption of their notes are released by this bill and will enter into the circulation. The absurdity of this reserve of greenbacks to redeem national-bank notes is too manifest, as the faith of the nation and the wealth and honor of the whole people are alike pledged for the bankers' notes and the legal-tenders, the only difference being that the bankers' notes are issued for the benefit of the bankers at the expense of the people, and the legal-tenders are issued for the benefit of the whole people.

The bank reserve, as has been well shown, is without any merit whatever. It is and always has been a mere pretense, and yet it has reduced the actual amount of currency without in any degree increasing the security of the issues of the national banks. The faith of the nation secures that. This bill, then, does not enlarge either the power or the capital or the currency of the national banks. That is a feature which specially commends the measure to my judgment, and I believe will commend it to the country. I do not believe the people of the West desire to enlarge the power nor the currency of the national banks. They would enlarge the volume of their own lawful money. But this bill in another feature is an act of common justice to the West and the South in the partial equalization of the national-bank capital. If the equalization of this capital was complete $80,000,000 would be withdrawn from the money centers of the East and given to the West and South. This bill withdraws $55,000,000 of this bank capi-

tal from the East and gives it to the West and South. This neither increases the power, capital, nor circulation of the banks. It is but a temporary measure looking to the early future when in answer to the demands of the just public sentiment of the country the national-bank currency shall be retired and the money, the profits and benefits of which inure to the whole people—greenbacks—shall be substituted in its place. This, sir, would be a great victory for equal rights and justice for the people over the power of capital.

The gentleman from New York, and other gentlemen representing great commercial centers naturally resist this bill. For so far as the national-bank system is concerned, as has been well shown and seen, the effect of the bank system is to centralize your currency at the commercial centers. New York, of course, will have money to loan at 3½ and 4 per cent. And why? Because the national-bank system, with all its centralizing agencies extending through the whole country, concentrates there the wealth and currency of the nation. I will without hesitation give this bill my support.

Mr. STORM. How does this bill prevent it?

Mr. HOLMAN. Under the provisions of this bill there will be manifestly less of this centralizing power than under the present system of reserves, which by existing law is held at the money centers. But the great measure of justice is yet to be secured, the substitution of greenbacks for the national-bank paper and reducing the burdens of the public debt at least $20,000,000 a year, and giving to the whole people the wealth that capital now monopolizes to itself.

[Here the hammer fell.]

Mr. O'BRIEN. Mr. Speaker, in all the votes that I have cast on the currency question during this Congress I have steadily adhered to the principle that gold is the only legitimate money, and the only safe money to secure the prosperity of the country and maintain unsullied its honor and integrity; that since, as a relic of the war, we are compelled to use an irredeemable paper currency, it is absolutely necessary that its volume should not be expanded, if we are to look forward to a return to specie. While I sympathize with the sufferings of the West and South from the paralysis of industry that prevails throughout the country, I do not believe that a further debasement and expansion of currency will afford them substantial relief. Expansion will not aid the industrial classes; it is only a concession to speculation and the profits of capital.

The prostrate condition of the country is rather owing to the misgovernment of the ruling party, and relief can only be obtained by economy in public administration and integrity and good faith in official life. This bill is a further prop to the national banking interest, which is the most gigantic monopoly known to any country. Before its stature every interest dwindles into insignificance. It is the stronghold of capital, and so long as it maintains its financial power, labor and industry will remain prostrate. I favor the redistribution of the currency, but this conference measure, while it gives that sop to Cerberus, postpones indefinitely the return to specie, and overrides the law which fixed the volume of the legal-tender currency at $356,000,000. I will vote against it, and look forward to a triumph of the democratic party as the only harbinger and guarantee to the people of a return to the sound financial policy of free banking based on gold and silver coin.

[Mr. KELLOGG addressed the House. His remarks will appear in the Appendix.]

Mr. MAYNARD. I shall vote for this report. It contains beneficent provisions, in my judgment, but at the same time I accept the statement of the gentleman from Illinois [Mr. MARSHALL] that it is not a settlement of the question.

The settlement of this question of the currency will have one of two results: free banking on the one hand, or else the annihilation of the present national-bank system. That is the alternative that is before us, and I beg gentlemen to bear that in mind in all their action upon the currency question.

And now, in conclusion, if I can be allowed to say a word to my friend from Connecticut, [Mr. KELLOGG,] I would say that he reminds me of a medical friend of mine who once had a favorite nurse who was noted for never denying his patients anything, but he always coupled his compliance with the condition "not just now, for the doctor thinks it would not be good for you at present."

Mr. KELLOGG. That is just right; you need just such a nurse.

The previous question was seconded and the main question ordered.

Mr. MAYNARD. I call for the yeas and nays on agreeing to the report of the committee of conference.

The yeas and nays were ordered.

The question was taken; and there were—yeas 221, nays 40, not voting 28; as follows:

YEAS—Messrs. Adams, Albert, Albright, Arthur, Ashe, Atkins, Averill, Banning, Barber, Barrere, Barry, Beck, Begole, Bell, Berry, Biery, Bland, Blount, Bowen, Bradley, Bright, Brown, Buckner, Bundy, Burchard, Burleigh, Burrows, Benjamin F. Butler, Roderick R. Butler, Caldwell, Cannon, Cason, Cessna, Amos Clark, jr., John B. Clark, jr., Freeman Clarke, Clements, Clymer, Clinton L. Cobb, Stephen A. Cobb, Coburn, Comingo, Conger, Cook, Corwin, Cotton, Creamer, Crittenden, Crossland, Crounse, Crutchfield, Curtis, Danford, Darrall, Davis, Dawes, Dobbins, Donnan, Duell, Dunnell, Durham, Eldredge, Field, Fort, Foster, Frye, Garfield, Glover, Gooch, Gunckel, Gunter, Hagans, Eugene Hale, Hancock, Benjamin W. Harris, Henry R. Harris, John T. Harris, Harrison, Hatcher, Hathorn, Havens, John B. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, Hereford, Hodges, Holman, Hoskins, Houghton, Howe, Hubbell, Hunter, Hunton, Hurlbut, Hyde, Hynes, Jewett, Kasson, Kelley, Knapp, Lamar, Lamison, Lamport, Lansing, Lawrence, Leach, Lewis, Lofland, Loughridge, Lowe, Lowndes, Lynch, Marshall, Martin, Maynard, McCrary, James W. McDill, MacDougall, McJunkin, McKee, Merriam, Milliken, Mills, Monroe, Moore, Morey, Morrison, Neal, Negley, Niblack, Niles, O'Neill, Orr, Orth, Packard, Packer, Isaac C. Parker, Parsons, Pelham, Perry, Phillips, Pike, James H. Platt, jr., Thomas C. Platt, Pratt, Rainey, Randall, Ransier, Rapier, Ray, Read, Rice, Richmond, Robbins, Ellis H. Roberts, James C. Robinson, James W. Robinson, Ross, Rusk, Sawyer, Henry B. Sayler, Milton Sayler, Isaac W. Scudder, Sener, Sessions, Shanks, Sheats, Sheldon, Sherwood, Sloan, Sloss, Small, A. Herr Smith, George L. Smith, H. Boardman Smith, J. Ambler Smith, John Q. Smith, Snyder, Southard, Speer, Sprague, Stanard, Standiford, Starkweather, St. John, Stone, Stowell, Strait, Strawbridge, Sypher, Charles R. Thomas, Christopher Y. Thomas, Thornburgh, Todd, Tremain, Tyner, Vance, Waldron, Wallace, Jasper D. Ward, Marcus L. Ward, Wells, Wheeler, White, Whitehead, Whiteley, Whitthorne, Wilber, George Willard, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, Willie, James Wilson, Jeremiah M. Wilson, Wolfe, Woodworth, John D. Young, and Pierce M. B. Young—221.

NAYS—Messrs. Archer, Barnum, Bass, Bromberg, Buffinton, Cox, Crooke, Eames, Giddings, Hamilton, Joseph R. Hawley, Hendee, Herndon, E. Rockwood Hoar, George F. Hoar, Hooper, Kellogg, Kendall, Lawson, Luttrell, Magee, McLean, Nesmith, O'Brien, Page, Hosea W. Parker, Pendleton, Phelps, Pierce, Potter, John G. Schumaker, Scofield, Henry J. Scudder, Smart, Storm, Swann, Townsend, Whitehouse, Charles W. Willard, and Woodford—40.

NOT VOTING—Messrs. Cain, Clayton, Crocker, DeWitt, Eden, Elliott, Farwell, Freeman, Robert S. Hale, Harmer, Hersey, Killinger, Alexander S. McDill, McNulta, Mitchell, Myers, Nunn, Poland, Purman, William R. Roberts, Lazarus D. Shoemaker, William A. Smith, Stephens, Taylor, Waddell, Walls, Ephraim K. Wilson, and Wood—28.

So the report of the committee of conference was agreed to.

During the roll-call the following announcements were made:

Mr. BUTLER, of Massachusetts, (when his name was called.) I vote "ay" with a mental reservation.

Mr. HAZELTON, of Wisconsin. I am requested to state that my colleague, Mr. MCDILL, is confined to his room by illness. If present he would vote for this report.

Mr. POLAND. Mr. Speaker, upon this question I have not voted. Upon questions affecting legislation in regard to national banks generally I have felt entitled to vote, although the president of a national bank and a stockholder in it. This bill provides for taking away a portion of the circulation of certain banks, of which the bank with which I am connected will be one. I have therefore felt that I am personally interested in this question, so much so as to come within the rule, and I do not vote.

Mr. ALBRIGHT. I desire to state that my colleague, Mr. SHOEMAKER, is absent on account of a death in his family; if present he would vote "ay."

The result of the vote was then announced as above recorded.

Mr. DAWES moved to reconsider the vote by which the report of the committee of conference was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

IMPEACHMENT OF JUDGE BUSTEED.

Mr. WILSON, of Indiana, by unanimous consent, from the Committee on the Judiciary, submitted a report and resolutions in the matter of the impeachment of Richard Busteed, judge of the district court of the United States for the district of Alabama; which was recommitted to the committee, and ordered to be printed.

Mr. CESSNA also, by unanimous consent, submitted the views of the minority of the committee; which were ordered to be printed.

IMPEACHMENT OF JUDGE STORY, OF ARKANSAS.

Mr. CESSNA. I ask unanimous consent to submit the following resolution:

Resolved, That the Clerk of the House of Representatives be directed to furnish to the Attorney-General, the Secretary of the Treasury, the Third Auditor and the First Comptroller of the Treasury copies of the evidence taken by the Judiciary Committee of the House in the matter of the impeachment of Hon. William Story, judge of the United States court for the western district of Arkansas, for their information and guidance, with the recommendation, that such action be taken by the said Departments as will restore to the Treasury of the United States any moneys wrongfully paid to any of the officers of said court, and to prevent any such wrongful payments hereafter.

Mr. SENER. I desire to move an amendment to this resolution.

Mr. CESSNA. I will hear it read.

Mr. SENER. I move to insert after the word "Arkansas" these words:

And also to each of said officers a copy of the testimony taken before the Committee on Expenditures in the Department of Justice as to the expenses, disbursements, and general management of the western district of Arkansas, since July, 1870.

Mr. CESSNA. I have no objection to that amendment.

The amendment was agreed to; and the resolution, as amended, was adopted.

LOUISIANA CONTESTED-ELECTION CASES.

Mr. LAMAR, from the Committee on Elections, reported the following preamble and resolution; which were read, considered, and adopted:

Whereas it is necessary to a proper determination of the several contests from the congressional districts of Louisiana, now pending in the House, that the Committee on Elections should be in possession of the original election returns of the general election held in that State on the 4th day of November, 1872; and whereas those returns are said to be in the possession of John McEnery, and said McEnery being unwilling to produce said returns except upon order of said committee: Therefore,

Be it resolved by this House, That a *subpœna duces tecum* be issued to said McEnery, requiring him to produce in person before said committee said election returns on or before the first Monday in December, 1874; and also that subpœnas be issued to Archibald Mitchell and William Wareper, of New Orleans, requiring them to be and appear before said Committee on Elections on the first Monday in December, A. D. 1874.

ELECTION CONTEST—BELL VS. SNYDER.

Mr. CROSSLAND. I am instructed by the Committee on Elections to report the following resolution for action at this time:

Resolved, That the contestant, M. S. Bell, in the contested-election case from the second congressional district of Arkansas, be allowed thirty days after the adjournment of the present session of the Forty-third Congress, without further amending his notice of contest, to take further testimony in reference to the vote of Hempstead and Hot Spring Counties; and the contestee, O. P. Snyder, shall have twenty days after the expiration of the said thirty days allowed the contestant, to take testimony by rebuttal in relation to the vote in said two counties, this testimony to be taken on ten days' notice served on the parties respectively.

Mr. HAZELTON, of Wisconsin. In my judgment that resolution should not pass. On behalf of the minority I protest against its passage, and ask for the yeas and nays on it.

The SPEAKER. The resolution cannot be received except by unanimous consent.

Mr. HAZELTON, of Wisconsin. Then I object.

The SPEAKER. The resolution will not be received.

BONDS OF THE DISTRICT OF COLUMBIA.

The SPEAKER laid before the House the following message from the President of the United States:

To the Senate and House of Representatives:

I respectfully invite the attention of Congress to one feature of the bill entitled "An act for the government of the District of Columbia, and for other purposes." Provision is therein made for the payment of the debts of the District in bonds to be issued by the sinking-fund commissioners, running fifty years and bearing interest at the rate of 3.65 per cent. per annum, with the payment of the principal and interest guaranteed by the United States.

The government by which these debts were created is abolished, and no other provision seems to be made for their payment. Judging from the transactions in other bonds, there are good grounds, in my opinion, for the apprehension that bonds bearing this rate of interest when issued will be worth much less than their equivalent in the current money of the United States. This appears to me to be unjust to those to whom these bonds are to be paid, and to the extent of the difference between their face and real value, looks like repudiating the debts of the District. My opinion is that to require creditors of the District of Columbia to receive these bonds at par when it is apparent that to be converted into money they must be sold at a large discount, will not only prove greatly injurious to the credit of the District, but will reflect unfavorably upon the credit and good faith of the United States.

I would recommend, therefore, that provision be made at the present session of Congress to increase the interest upon these bonds, so that when sold they will bring an equivalent in money, and that the Secretary of the Treasury be authorized to negotiate the sale of these bonds at not less than par and pay the proceeds thereof to those who may be ascertained to have valid claims against the District of Columbia.

U. S. GRANT.

EXECUTIVE MANSION,
Washington, June 20, 1874.

Mr. KASSON. Is the bill referred to in the message returned to the House?

The SPEAKER. It is not.

Mr. WILSON, of Indiana. I move that the message be printed and referred to the Joint Select Committee on the Affairs of the District of Columbia.

The motion was agreed to.

REPORT ON VIENNA COMMISSION.

Mr. DONNAN. I report from the Committee on Printing the following resolution:

Resolved by the House of Representatives, (the Senate concurring,) That of the reports of the United States commissioners to the Vienna exposition, there shall be printed, under the direction of the Secretary of State, four thousand copies for the House, two thousand copies for the Senate, and one thousand copies for the Secretary of State.

Mr. HOLMAN. This large increase of public documents of course indicates very clearly——

The SPEAKER. If the gentleman objects the resolution cannot be entertained.

Mr. HOLMAN. I object.

Mr. DONNAN. Does a single objection prevent the resolution from being reported?

The SPEAKER. It does. The House is acting under a suspension of the rules on business upon the Speaker's table, and anything else must be by unanimous consent or of higher privilege.

ASSISTANT DISBURSING CLERK.

Mr. ARCHER, by unanimous consent, reported from the Committee on Accounts the following resolution; which was read, considered, and agreed to:

Resolved, That the salary of the assistant disbursing-clerk of the House be fixed at the same rate with the assistant Journal clerk, and that the Committee on Appropriations provide for the payment of the same.

INDIAN APPROPRIATION BILL.

Mr. LOUGHRIDGE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 2343) making appropriations for the current and contingent expenses of the Indian service for the fiscal year ending June 30, 1875, and for other purposes, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the Senate recede from its amendments numbered 6, 19, 51, 52, 60, 61, 64, 82, 83, 97, 99, 100, 101, 113, 117, 118, and 123.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 9, 10, 11, 12, 13, 14, 15, 16, 18, 20, 21, 22, 23, 24, 25, 26, 28, 30, 45, 47, 50, 53, 54, 55, 56, 57, 58, 59, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 84, 86, 94, 95, 96, 102, 104, 105, 106, 108, 111, 115, 116, and 120, and agree to the same.

That the Senate recede from their disagreement to the amendments of the House to the amendments of the Senate numbered 79, 80, 91, 114, and agree to the same.

That the House recede from their disagreement to the amendment numbered 17, and agree to the same, with an amendment inserting "76" in lieu of "77;" and the Senate agree to the same.

That the House recede from their disagreement to the amendments numbered 41 and 42, and agree to the same with amendments as follows: insert "47" in lieu of "41" and "29" in lieu of "36;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 43, and agree to the same with an amendment as follows: In lieu of "35,000" insert "33,900;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 44, and agree to the same with an amendment as follows: In lieu of "40" insert "30;" and the Senate agree to the same.

That the House recede from their disagreement to the amendments numbered 46 and 48, and agree to the same with an amendment as follows: In lieu of "5" insert "4," and strike out of the text of the bill the words "and fifty" where they occur the first time in the amended paragraph, and in lieu of "700" insert "550;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 62, and agree to the same with an amendment as follows: Strike out of the text of the amended paragraph the words "estimated at eighteen hundred souls;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 65, and agree to the same with an amendment as follows: Restore of the matter proposed to be stricken out all but the words "thirty-six," and in lieu of "60" insert "45;" and the Senate agree to the same.

That the House recede from their disagreement to the amendments numbered 92 and 93, and agree to the same with amendments as follows: In lieu of "75" insert "65," and in lieu of "80" insert "70;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 103, and agree to the same with an amendment as follows: Strike out the nine last words of the amendment; and the Senate agree to the same.

That the Senate recede from their amendment numbered 81, with an amendment as follows: Strike out of the amended paragraph the words "eighteen hundred persons at ten dollars each, and six hundred;" and the House agree to the same.

That the House recede from its disagreement to the amendment numbered 107, and agree to the same with an amendment as follows: Strike out of said amendment the words "United States Statutes at Large, volume 17, page 226;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 109, and agree to the same with an amendment as follows: Before the word "Pillager" in said amendment insert "Mississippi, Chippewas, and to the;" and the Senate agree to the same.

W. LOUGHRIDGE,
JOHN T. AVERILL,
J. HANCOCK,
Managers on the part of the House.
WILLIAM WINDOM,
A. A. SARGENT,
LOUIS V. BOGY,
Managers on the part of the Senate.

Mr. LOUGHRIDGE. Mr. Speaker, there are a great many of these amendments, and I presume it will not be necessary for me to go over them all. The majority of them are unimportant in their character. The Senate increased the amount of the appropriations in this bill about $450,000. The committee of conference have, of course, as such committees are required to do, compromised. The increase as the bill comes from the committee of conference is $250,000 over the amount in the bill we sent to the Senate. This increase is mostly upon two or three items. The Senate increased the amount appropriated to the Apaches of Arizona from $450,000, the amount fixed by the House, to $700,000. After two days' consultation the committee of conference agreed as a compromise to settle upon $550,000, thus dividing the difference between the two Houses. I desire to say in my own vindication that I have not changed my own opinion as to what the amount should be; but I agreed to this amount because, as every gentleman knows, there are two branches of Congress, equal in their powers and authority; and as the Senate insisted upon $700,000 and the House upon $450,000, we were obliged to compromise our differences. The committee of conference thought that the best we could do in this case was to divide the difference.

The next most important increase is with reference to the Crow Indians of the North. The House committee had fixed $50,000 as the appropriation for the Crows, although the Department had recommended $100,000. When the House committee acted on this question it was supposed, and I think my colleague on the committee [Mr. PARKER, of Missouri,] will confirm this statement, that by a certain treaty which had been made since that time those Indians would get $50,000 outside of this bill. This turns out to be a mistake; the treaty was not ratified. Hence the committee of conference have concluded it would not be particularly out of the way to give the Crows the amount proposed by the Senate.

There is a slight increase—$30,000 I think—in the amount of the contingent fund for California, and about the same increase in the contingent fund for Arizona.

I have now mentioned the only important items in the bill which have been increased by the present report. I think the best thing the House can do is to agree to the report. It will leave as the amount appropriated by this bill $5,265,000. The corresponding bill of last year appropriated $5,379,000; so that this bill appropriates between one and two hundred thousand dollars less than the bill of last year. The bill of the year before last appropriated $7,900,000. Thus the House will see that we are decreasing annually our Indian appropriations. I do not desire to occupy further the time of the House. I yield a moment to my friend from Missouri, [Mr. PARKER.]

Mr. PARKER, of Missouri. Mr. Speaker, I am very sorry to be put in the position of being obliged to disagree on this report with my friend from Iowa [Mr. LOUGHRIDGE] and my other colleague on the Committee on Appropriations, the gentleman from Texas, [Mr. HERN-

DON,] because we have all labored assiduously upon the Indian bill during the whole of the present session in order to perfect it.

I desire to say in the commencement of my remarks (in the course of which I shall give my reasons for disagreeing to this report) that in every other bill which has come from the Committee on Appropriations during this session of Congress, and which has been adopted by this House, there has been a large decrease in the appropriations compared with those that were made by the last Congress for the present fiscal year. There was a large decrease in this Indian appropriation bill as it went from the hands of this House to the Senate. The sub-committee of the Committee on Appropriations, in preparing this bill, criticised everything in the closest manner, so that they might save to the Treasury everything possible, without being at all desirous of crippling the Indian service, but on the contrary being friendly to that service and the peace policy under which it is managed.

If this report is adopted this bill goes to the country as the only one in which there is no substantial reduction. It is true there is a reduction of $100,000 and a fraction over the bill of last year, but no more. This is not the fault of the House; this is not the fault of my colleagues on this sub-committee. It comes in that way from the other end of the Capitol.

Upon this branch of the case I desire to give the reason why I cannot agree on this report. The Crow appropriation, which has been increased, to which the gentleman has referred, is proper. I think the House voted $50,000 on the understanding there was an agreement which would be ratified by the Congress of the United States with these Indians giving them $50,000 instead of $31,000. That agreement has not been reached. Therefore I think it proper to appropriate this amount.

The material point in this bill is in reference to the Apaches of Arizona and New Mexico. How does that stand? It will be remembered by the House that the last Congress appropriated for this service $250,000. The Commissioner of Indian Affairs came to the Committee on Appropriations on the 18th of last December and asked we should give $200,000 more as a deficiency for the present fiscal year. The committee, after investigating it, became satisfied that amount would run the service for the remaining portion of this fiscal year, and agreed to give that $200,000.

Now, upon this point I desire to trespass upon the attention of the House by reading the letters of the Commissioner of Indian Affairs. On this point I invite especial attention of the House. I refer to this because it makes up the aggregate that went to supply that service this year, and upon that amendment the sub-Committee on Appropriations took this as a basis and agreed to give this service for the coming fiscal year $450,000. What is the letter of the Commissioner of Indian Affairs? Let me read:

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, D. C., December 18, 1873.

SIR: By the Indian appropriation act for the fiscal year ending June 30, 1874, (Statutes at Large, volume 17, page 440) the sum of $250,000 was appropriated to subsist and properly care for the Apache Indians in Arizona and New Mexico who have been or may be collected on reservations, the amount to be expended for each person not to exceed $100 per annum.

Of the amount thus appropriated there remains now on hand only $10,603.26, all of which will be needed for pay of employés at the respective agencies.

It will be remembered by the House that on the 18th of last December, when half of the fiscal year had gone, there was of the $250,000 to run the service, $10,000 remaining. But let me read further:

To meet absolute necessities for the subsistence and support of the Apaches up to the 30th of June next, including incidental expenses and transportation, will require at least $200,000, which, added to the amount heretofore appropriated, will make the total expenditure for the fiscal year in this branch of the service equal to $450,000, or $64.28 *per capita*, estimating the number of Indians subsisted and to be subsisted at seven thousand, which is as near the correct average as can be ascertained from present information on the subject.

I have the honor to present herewith an estimate for that amount, or so much thereof as may be necessary for the purposes referred to, and to recommend the same for your approval, and for submission to and favorable action by Congress.

Very respectfully, your obedient servant,

H. R. CLUM,
Acting Commissioner.

Hon. SECRETARY OF THE INTERIOR.

Now I desire to call the attention of the House to this fact: On the 18th of December, while we were in session here, the Commissioner of Indian Affairs came before the Committee on Appropriations and told us all the money he required to complete the service for this fiscal year was $200,000 in addition to the $250,000 already given to him by the regular appropriation bill of last year. He said emphatically in his letter that would complete the service up to the 30th day of June next. The committee gave him this additional $200,000, but when the deficiency bill went into the Senate we find added to this $200,000 $300,000 more. We find also distinguished men of that body in the conference insisting instead of giving $200,000 we should give $500,000. For one I protest against it, and I do it in the interest of that economy which all of us have been trying to practice here.

The Commissioner himself, in his letter of the 18th of December, 1873, says that $450,000 will run the service for this fiscal year. He understands his business. He knew what he was about then. We complied with his request, and we took the amount that was asked for and given by our bill last year as a basis for making up the bill this year, and in it we put $450,000. But what does the Senate do? Does the Senate leave that $450,000 remaining there? O, no; when it goes over to that body they put it up to $700,000. They say they did it upon the judgment of the Commissioner of Indian Affairs. They have put it up to $700,000 upon the judgment of the Commissioner of Indian Affairs. Let us see how correct they are in that assertion. Why, here are the revised estimates coming from the Indian Department to this Congress on the 5th of January, 1874, in which the Commissioner only asks for $550,000 for that service, and the Senate actually put in the bill $150,000 more than he asks for. And then we are asked in this House to indorse that.

Mr. AVERILL. Is the gentleman aware that the amount now asked for is exactly in accordance with the estimates made by the Commissioner?

Mr. PARKER, of Missouri. The gentleman does not understand me. I say that the Commissioner asks for a less sum by $150,000 than the Senate have inserted in this bill. I assert that as a fact. The Senate amended this bill for that service in New Mexico and Arizona by putting it up to $700,000; and now the question comes up in the conference committee whether we will agree to what was the judgment of the sub-committee of the Committee on Appropriations when we made up the bill, and what was the deliberate judgment of the whole Committee on Appropriations when that bill was made up? For one I have protested against it, and for one I will not be held responsible by the country for thus increasing the expenditures when I do not conscientiously believe it is necessary.

I have detained the House upon this matter because it is a vital matter; because on it turn the appropriations in two bills, that in the deficiency bill and that in the regular bill.

Now, it may be said that some subsequent letter will be produced here by the Commissioner. I do not know how that may be in reference to these deficiencies, but before I am satisfied in regard to it I want to see what amounts of money have been expended and the vouchers for those expenditures.

Do gentlemen know how much we appropriate for this service this year? Why, sir, in several items covering old deficiencies you appropriate in the deficiency bill $423,000 for deficiencies for the years 1872 and 1873. You appropriate, as it stood in the bill when it passed the House, $200,000 for deficiencies for this year. And now you are asked by the Senate in that deficiency bill to appropriate $300,000 more, and in a regular bill here before us you are asked to appropriate $100,000 more as it is reported from the conference committee.

Gentlemen tell us we must give way and must agree. Well, sir, $100,000 upon this one branch of this service alone is a very considerable amount of money, and if you are to agree to the dictum of the other end of the Capitol and keep on agreeing to it, instead of reducing the expenditures for the Indian service you will increase them year by year. There has been no substantial reduction to this bill as it comes back, there will be no substantial reduction next year, and so the work goes on. They have suddenly discovered that there are nine thousand Indians to be fed. The Commissioner of Indian Affairs said upon the 18th of December last that there were but seven thousand of these Indians. It seems that there have been two thousand captured since that time and brought on the reservation, and yet I have seen no evidence of that fact.

I stand here, sir, willing to give all the money that is necessary to carry on the service and to conduct it properly, but I am unwilling that more shall be given for this service than is necessary. Only the other day the members of this House were frightened out of their propriety and voted against a proposition by the statement that the lobby was full of men interested in what was a very proper measure. If it was right thus to refer to the matter of the lobby, I can say now that since this bill has been pending and the deficiency bill containing appropriations for the Indians, this city has been besieged by lobbyists in the interest of Indian contractors, who have been trying all the while to get the amount of money appropriated in these bills increased. And, sir, when they failed in the House they went to the other end of the Capitol, and there they succeeded. Sir, I protest against the increase of this appropriation, in the face of the fact that the Commissioner of Indian Affairs told us on the 18th of December, by his solemn letter, that it required only $450,000 to run this service last year; and if it only required that amount last year, there is no evidence before us of any character worthy of credence going to show that any more money will be required for the coming year. The Commissioner of Indian Affairs came before us with another letter, stating that there was a deficiency running back for a series of years prior to the fiscal year of 1872–'73, requiring an appropriation of $423,000, a deficiency which had accumulated year by year.

Now, sir, the House can do just as it pleases on this question. I, for one, propose to vote against the report of the committee of conference, and I propose, for one, to assist if I can in maintaining the dignity and power of this House, especially when it is asserted in favor of economy.

Mr. LOUGHRIDGE. I do not think my friend from Missouri takes a proper view of this case. I do not think the House has more dignity than the Senate. I claim that it has as much; but we have no right to set ourselves up and say that when they desire to have an amendment made to a bill they are trampling upon us. Sir, they are our peers. They think that $700,000 is necessary for this purpose; the House thought that $450,000 was necessary. We have agreed to compromise and divide the difference, allowing $500,000. Now these same Indians had appropriated for them $600,000 the year

before last and they had $600,000 last year. There was a deficiency for the last year which we shall have to pay, and in order to show this I send to the Clerk's desk and ask to have read a letter from the Commissioner of Indian Affairs.

The Clerk read as follows:

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, D. C., June 18, 1874.

SIR: Referring to the deficiency estimates of this office for the Apaches in Arizona and New Mexico, namely, one for $200,000 and one for $300,000, I desire to state for your information that the remark in office letter submitting the first-named amount, to the effect that that sum would be required for the remainder of the present fiscal year, was so stated inadvertently. It was really expected there would be two deficiency appropriations this year, same as last; and the first item was intended to meet the wants of the service up to the time the second deficiency bill should be prepared and ready to be reported to Congress, by which time the office would be able to estimate with more certainty for the amount that would actually be required for the whole year.

There is, in fact, now in this office a deficiency in the shape of vouchers, reports of indebtedness, and estimates from the agents at the various agencies in Arizona and New Mexico, as follows: For supplies already furnished and services rendered, represented by vouchers that have been presented for payment, $326,599.59; for beef that has been delivered and will be required till the 1st proximo, for which vouchers have not yet been presented, say, $73,821.20; for indebtedness reported by the agents and estimates submitted by them, to carry on the service to the 30th instant, in addition to the foregoing, $134,670.73; making in all, $535,091.52. This amount may be reduced somewhat by the actual returns of the agents; but it will readily be perceived that the full amount of $500,000 will be absolutely necessary to meet all the indebtedness that has been and will have been incurred on account of the service in Arizona and New Mexico during the present fiscal year.

Very respectfully, your obedient servant,

EDWARD P. SMITH,
Commissioner.

Hon. J. A. GARFIELD,
House of Representatives.

Mr. LOUGHRIDGE. The House will notice by that letter that these deficiencies certified to by the Commissioner as being on file in his office will bring the expenses for the present year up to $750,000, and that is more than $200,000 over what the conference committee report. It is more than the Senate insisted on, and the amount we now appropriate is $200,000 less than the expenses for the present year.

Now, as I said before, I do not differ with my friend from Missouri in his judgment on this matter at all. I agree with him perfectly, but I have lived long enough to know that I do not know everything myself, and that in this country other men know as much as I do, and that I must compromise my own opinions with those of other men. The two Houses of Congress must compromise their opinions, and I think it is a fair compromise between the House and the Senate to split the difference.

Now, Mr. Speaker, let me give the reasons why the Senate insisted on their amendment in this case. They say that there are nine thousand of these Apaches; they say that they are the wildest and most savage tribe on the continent; they say that for years they have been butchering the settlers in Arizona; and they say that since the peace policy has been in force there have been no butcheries. They say we have taken these Apaches and hemmed them in on reservations, and we must feed them or they will leave those reservations and go again to murdering the people.

There are nine thousand of these Indians. Now sit down and figure a little. If you give to these Indians twenty cents a head for the whole year it will make nearly $100,000 more than the committee have agreed upon. What the committee have agreed upon is only seventeen cents a day for each Apache Indian during the year. Certainly that will not feed them very liberally. I act upon the presumption that the rolls of the Department and the rolls returned by the Army show the true number of Indians. I might differ with them; but, as I said before, I might differ with a great many men, and we must compromise our differences. I ask that this report be agreed to.

Mr. HANCOCK. I ask the gentleman to yield to me for a few moments.

Mr. LOUGHRIDGE. I will do so.

Mr. HANCOCK. I desire to say a few words in addition to what has been said by my colleague on the committee in relation to the Apache Indians in Arizona and New Mexico. The gentleman from Missouri [Mr. PARKER] seems to take a single statement and to adhere inflexibly to that statement as the only one upon which he will predicate our action here. The statement to which he refers as having been made by the then Acting Commissioner on the 18th of December last has been corrected twice, I believe, in formal communications, and perhaps a dozen times verbally, as an inadvertent misstatement of the facts and of the actual needs of the Indian service in that regard. The fact is that the deficiency, instead of being $200,000, was really over $500,000; and it is necessary that that amount should be appropriated if the Government is to keep faith with the contractors who have furnished supplies to these Indians.

I do not know how much fidelity or the absence thereof may exist in connection with the administration of the law in reference to these Indians. If, however, the reports we receive of them from officers of the Army and the officers of the Government having charge of the Indian service are to be relied upon, these Indians are not less than seven thousand and perhaps as many as nine thousand in number. If there be but seven thousand of them, the amount proposed to be appropriated by this bill will be only twenty-one cents and a fraction per head. It is impossible that there can be much margin for thieving or for extravagant squandering of money if that number of Indians are kept upon the reservations and fed from this fund. The expense of getting supplies there is probably almost as great as anywhere in the whole country. I do not know any place where it would be greater, or even as great as it is there. This is below the average cost of a ration in any portion of the country where the Government of the United States supplies rations to feed any part of the human family.

I have nothing to say about the deficiency appropriation bill, which the gentleman from Missouri [Mr. PARKER] seems more disposed to combat than the bill now under consideration. I think it is sufficient for me at least to leave that matter in the hands of the very competent gentlemen who have charge of it. If we perform our duties with regard to this matter it will be as much as devolves upon us, and probably as much as it would be worth while for us to undertake on this occasion.

Taking, then, the statements we received in reference to the number of these Indians, we know that the amount here appropriated, $550,000, is not too much money. I beg leave to correct also another statement of the gentleman from Missouri, [Mr. PARKER,] that the amount estimated for was $450,000. I have seen no such estimate, and I do not think any such has been brought to the attention either of the Committee on Appropriations or the sub-committee who have had charge of the Indian appropriation bill. In the first instance the estimates were for $750,000 as the amount necessary to feed the Indians in the Territories of Arizona and New Mexico. According to my recollection, and I do not think I can be mistaken, the revised estimates are $550,000. The Commissioner came afterward before us and said that would be insufficient. You have put a provision in this bill that there shall be no division. You will jeopardize the peace of these Territories if you do not make an appropriation sufficient to feed these Indians for the next year.

My own opinion is that the Senate was nearer right than we were. I do not believe that $700,000 was a dollar too much to appropriate for the purpose of feeding the Indians in New Mexico and Arizona, if we are going to carry out in good faith the peace policy of the Government; and I may remark here parenthetically that that is not our policy; but as it has been adopted by the Government, I am disposed to give it a fair, honest, and *bona fide* test. I believe if it is faithfully administered it will be found much cheaper than to feed, fight, and kill these Indians, apart from the question of humanity which is involved. One regiment of cavalry would cost more than $1,000,000 a year to be kept there. And one regiment would not suffice to compel peace if you force these Indians to leave the reservations and again go to committing depredations.

I would ask the gentleman from Missouri if he has forgotten the scenes of 1870 and 1871, and even up to 1872, when these Indians were butchering the inhabitants of these Territories, were taking their children captives, were desolating the whole Territory, and were finally arrested in their deeds only by the interposition of the army under the command of General Crook, I believe, aided by General Howard, and finally brought upon a reservation, and the principle of feeding them adopted instead of fighting them. And from that time to the present we have had peace with them.

That little collision with the Indians cost us more than $2,000,000 in a single year. As a question of economy, then, if it be necessary to appropriate this amount of money to furnish provisions for these Indians, I say that the bill does not appropriate a dollar too much; and I honestly believe that the amount is not enough.

Mr. BECK. I would like to ask the gentleman one question. What has become of the peace commission? There are some painful rumors about it.

Mr. HANCOCK. I am unable to answer the gentleman's inquiry further than to say that I learn from the newspapers (and I presume the statement is reliable) that for some reason the peace commissioners have resigned. I suppose that probably one reason is that they had performed their duty as long as the novelty, the dignity, and the romance afforded a sufficient attraction to keep them in the service. They received no compensation; and I have very little confidence that any service will last for a great while and be efficiently administered unless there is some compensation given. I do not know anything more than this except in the shape of rumors, which I do not care to repeat.

Mr. COX. I would like the gentleman from Kentucky [Mr. BECK] to answer his own question. From the smile upon his face, I think he knows what has become of the peace commissioners.

Mr. HANCOCK. I presume that the places of these men will be supplied by those who, if not as good men, will probably perform their duties as well as they are able; and perhaps the interests of the Government may not materially suffer.

Mr. BECK. If the gentleman from Texas [Mr. HANCOCK] will allow me, I will say that according to my belief these peace commissioners were so terribly in the way of the Indian agents who desire to send in false vouchers and receive payment of fraudulent accounts that they had to be dismissed because they kept down the stealing. That is the way I understand it.

The question being taken on agreeing to the report of the committee of conference, there were—ayes 75, noes 36; no quorum voting.

Mr. HOLMAN called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 67, nays 150, not voting 72; as follows:

YEAS—Messrs. Albert, Albright, Averill, Begole, Bradley, Bromberg, Buffinton, Cason, Stephen A. Cobb, Crooke, Crounse, Crutchfield, Darrall, Dobbins, Donnan, Field, Foster, Frye, Garfield, Giddings, Eugene Hale, Hancock, Benjamin W. Harris, Hathorn, John B. Hawley, Hays, Hendee, E. Rockwood Hoar, Hodges, Houghton, Howe, Kendall, Lamport, Lansing, Lofland, Loughridge, Lowe, Lowndes, James W. McDill, McLean, Monroe, O'Neill, Orr, Packard, Page, Parsons, Pelham, Pendleton, Poland, Rapier, Richmond, Ellis H. Roberts, Sawyer, Henry J. Scudder, A. Herr Smith, H. Boardman Smith, St. John, Strait, Strawbridge, Thornburgh, Todd, Marcus L. Ward, Wheeler, White, George Willard, John M. S. Williams, and Willie—67.

NAYS—Messrs. Adams, Archer, Arthur, Ashe, Atkins, Banning, Barnum, Barrere, Beck, Bell, Berry, Biery, Bland, Blount, Bowen, Brown, Bundy, Burchard, Burleigh, Burrows, Benjamin F. Butler, Roderick R. Butler, Cain, Caldwell, Cannon, Cessna, John B. Clark, jr., Clements, Clymer, Coburn, Comingo, Conger, Cook, Cotton, Cox, Crittenden, Crossland, Curtis, Danford, Davis, Duell, Dunnell, Durham, Eames, Fort, Gooch, Gunckel, Gunter, Hagans, Henry R. Harris, John T. Harris, Harrison, Hatcher, Havens, Joseph R. Hawley, Gerry W. Hazelton, John W. Hazelton, Hereford, Herndon, George F. Hoar, Holman, Hoskins, Hunter, Hunton, Hurlbut, Hyde, Hynes, Kasson, Kelley, Kellogg, Lamar, Lawrence, Lawson, Leach, Lewis, Luttrell, Lynch, Magee, Martin, Maynard, McCrary, MacDougall, McJunkin, Merriam, Milliken, Mills, Morrison, Neal, Nesmith, Niblack, O'Brien, Orth, Hosea W. Parker, Isaac C. Parker, Perry, Pike, Thomas C. Platt, Potter, Rainey, Randall, Ransier, Ray, Read, Robbins, James W. Robinson, Ross, Rusk, Henry B. Sayler, Milton Sayler, Sessions, Shanks, Sheats, Sherwood, Sloan, Small, Smart, J. Ambler Smith, John Q. Smith, Snyder, Southard, Speer, Stanard, Standiford, Starkweather, Stone, Storm, Stowell, Sypher, Christopher Y. Thomas, Townsend, Tremain, Vance, Wallace, Jasper D. Ward, Wells, Whitehead, Whitehouse, Whiteley, Whitthorne, Charles W. Willard, Charles G. Williams, William Williams, William B. Williams, Ephraim K. Wilson, James Wilson, Wolfe, Woodford, Woodworth, John D. Young, and Pierce M. B. Young—150.

NOT VOTING—Messrs. Barber, Barry, Bass, Bright, Buckner, Amos Clark, jr., Freeman Clarke, Clayton, Clinton L. Cobb, Corwin, Creamer, Crocker, Dawes, De Witt, Eden, Eldredge, Elliott, Farwell, Freeman, Glover, Robert S. Hale, Hamilton, Harmer, Hersey, Hooper, Hubbell, Jewett, Killinger, Knapp, Lamison, Marshall, Alexander S. McDill, McKee, McNulta, Mitchell, Moore, Morey, Myers, Negley, Niles, Nunn, Packer, Phelps, Phillips, Pierce, James H. Platt, jr., Pratt, Purman, Rice, William R. Roberts, James C. Robinson, John G. Schumaker, Scofield, Isaac W. Scudder, Sener, Sheldon, Lazarus D. Shoemaker, Sloss, George L. Smith, William A. Smith, Sprague, Stephens, Swann, Taylor, Charles R. Thomas, Tyner, Waddell, Waldron, Walls, Wilber, Jeremiah M. Wilson, and Wood—72.

So the report of the committee of conference was rejected.

Mr. LOUGHRIDGE. I move the appointment of another committee of conference on this question.

Mr. STARKWEATHER. I hope the same committee will be continued. I think it is worth while for the same committee to make another effort.

Mr. GARFIELD. I move that the House ask for a further conference with the Senate on the disagreeing votes of the two Houses. I will add that I do not wish to be a member of the committee of conference.

The motion of Mr. GARFIELD was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had agreed to the resolution of the House of Representatives to print five thousand copies of the report of John W. Woodworth, supervising surgeon of the marine hospital service of the United States, for the year 1873, with amendments in which the concurrence of the House was requested.

The message further announced that the Senate had agreed to the resolution of the House of Representatives to print the report of the Commissioner of Education, with an amendment in which the concurrence of the House was requested.

The message further announced that the Senate had agreed to the resolution of the House to print six thousand copies of the report, with appendix and evidence, of the Select Committee of the Senate on Transportation to the Sea-board, with an amendment in which the concurrence of the House was requested.

The message further announced that the Senate had passed without amendment a joint resolution and bills of the House of the following titles:

A joint resolution (H. R. No. 113) making an appropriation for the purchase and restoration to the family of the Marquis de Lafayette of the watch presented to him by General Washington;

The bill (H. R. No. 2089) for the relief of Mrs. Louisa P. Molloy;

The bill (H. R. No. 2270) making an appropriation to pay Emanuel Small and Joseph Tate, of Atchison County, Missouri, for carrying the mails;

The bill (H. R. No. 3757) for the appropriation of twenty condemned bronze cannon for the erection of a statue to the late Major-General George Gordon Meade;

The bill (H. R. No. 1578) for the relief of Martin Kalbfleisch's Sons; and

The bill (H. R. No. 1370) to authorize the Secretary of the Interior to settle and pay the accounts of William Pelham, late surveyor-general of New Mexico.

The message further announced that the Senate had passed with amendments, in which the concurrence of the House was requested, bills of the House of the following titles:

The bill (H. R. No. 3162) for the relief of settlers on railroad lands;

The bill (H. R. No. 1764) to appropriate lands for the support of schools in certain fractional townships in the State of Missouri;

The bill (H. R. No. 1915) to remove the political disabilities of Henry R. Sibley, a citizen of Fredericksburgh, Virginia;

The bill (H. R. No. 352) for the relief of Colonel E. McCarty; and

The bill (H. R. No. 753) for the relief of Peter S. Patton.

The message further announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

The bill (S. No. 807) for the relief of Washington Crossland;

The bill (S. No. 524) to protect ornamental and other trees on Government reservations and on lands purchased by the United States, and for other purposes;

The bill (S. No. 806) to extend the time allowed for the redemption of certain lands by the first section of the act entitled "An act to provide for the redemption and sale of lands held by the United States under the several acts levying direct taxes, and for other purposes," approved June 8, 1872, and to suspend the operation of the fourth section of said act;

The bill (S. No. 425) for the restoration to market of certain lands in the Territory of Utah;

The bill (S. No. 743) to remove the political disabilities of Dabney H. Maury, of Virginia;

The bill (S. No. 674) to relieve C. D. Anderson of political disabilities;

The bill (S. No. 744) to remove the political disabilities of Charles M. Fauntleroy, of Virginia;

The bill (S. No. 523) to remove the political disabilities of Thomas M. Jones, of Virginia;

The bill (S. No. 710) for the relief of E. Laws, chief engineer United States Navy;

The bill (S. No. 214) for the relief of Robert Coles;

The bill (S. No. 169) for the relief of Marcus Otterbourg, late consul of the United States at the city of Mexico and minister to the republic of Mexico;

The bill (S. No. 650) explanatory of the resolution entitled "A resolution for the relief of settlers upon the Absentee Shawnee lands in Kansas," approved April 7, 1869; and

The bill (S. No. 608) granting the right of way through the publ lands to construct and maintain a railroad.

PAY OF HOUSE EMPLOYÉS.

Mr. HOSKINS, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Clerk of the House of Representatives be, and he is hereby, authorized and directed to pay, out of the contingent fund, the committee clerks, folders, pages, and other employés of the House for the full month of June, 1874.

ENROLLED BILLS SIGNED.

Mr. HARRIS, of Georgia, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a joint resolution and a bill of the following titles; when the Speaker signed the same:

Joint resolution (H. R. No. 112) directing the Public Printer to keep an account of all expenditures for printing, mailing, and binding the CONGRESSIONAL RECORD, &c.; and

An act (H. R. No. 2655) to provide for the establishment of life-saving stations and houses of refuge upon the sea and lake coasts of the United States, and to promote the efficiency of the life-saving service.

GOLD BANKS.

Mr. MAYNARD. I am requested by the Representatives from the Pacific coast to ask that the Committee of the Whole be discharged from the further consideration of a bill that was reported from the Committee on Banking and Currency at an early day of this session, and that the bill be put on its passage. It is House bill No. 975 to amend the act entitled "An act to provide for the redemption of the 3 per cent. temporary-loan certificates, and for an increase of national-bank notes," approved July 12, 1870.

On this subject I have received from the gentlemen representing the Pacific coast on this floor the following letter:

HOUSE OF REPRESENTATIVES,
Washington, D. C., June 6, 1874.

SIR: Impressed with the belief that the interests of our constituents urgently demand the passage at the present session of House bill No. 975, we respectfully request that you avail yourself of the earliest opportunity that may present itself to call it up for consideration.

Very respectfully,

S. O. HOUGHTON,
C. W. KENDALL,
J. K. LUTTRELL,
H. F. PAGE,
CHARLES CLAYTON,
J. W. NESMITH.

Hon. HORACE MAYNARD.

This bill relates to gold banks; and its only effect is to allow them to have circulating notes at the rate of 90 per cent. instead of 80 per cent. on the bonds deposited as security. With this view the bill proposes to amend the third section of the act of July 12, 1870.

That section now reads as follows:

SEC. 3. *And be it further enacted*, That upon the deposit of any United States bonds, bearing interest payable in gold, with the Treasurer of the United States, in the manner prescribed in the nineteenth and twentieth sections of the national-currency act, it shall be lawful for the Comptroller of the Currency to issue to the association making the same circulating notes of different denominations, not less than five dollars, not exceeding in amount 80 per cent. of the par value of the bonds deposited, which notes shall bear upon their face the promise of the association to which they are issued to pay them, upon presentation at the office of the association, in gold coin of the United States, and shall be redeemable upon such presentation in such coin: *Provided*, That no banking association organized under this section shall have a circulation in excess of $1,000,000.

The bill was read. It provides that section 3 of the act entitled "An act to provide for the redemption of the 3 per cent. temporary-loan certificates, and for an increase of national-bank notes," approved July 12, 1870, be amended so as to read as follows:

SEC. 3. That upon the deposit of any United States bonds, bearing interest payable in gold, with the Treasurer of the United States, in the manner prescribed in the nineteenth and twentieth sections of the national currency act, it shall be lawful for the Comptroller of the Currency to issue to the association making the same circulating notes of different denominations, not less than five dollars, not exceeding in amount 90 per cent. of the par value of the bonds deposited, which notes shall bear upon their face the promise of the association to which they are issued to pay them, upon presentation at the office of the association, in gold coin of the United States, and shall be redeemable, upon such presentation, in such coin: *Provided*, That no banking association organized under this section shall have a circulation in excess of $1,000,000.

Mr. MAYNARD. It is the same as the law now with the exception of allowing 90 instead of 80 per cent.

Mr. HOLMAN. It increases the circulation, then, 10 per cent.

Mr. MAYNARD. It increases the gold circulation of the Pacific coast.

ORDER OF BUSINESS.

Mr. GARFIELD. I move there be an evening session for business, to begin at eight and a half o'clock. It is not necessary to meet as early as usual, but it is necessary we should have an evening session in order to get through with the business and be able to adjourn on Monday next. To do that the sundry civil appropriation bill should go to a committee of conference to-night. The Senate is now at work on it, and they propose to sit it out and pass it before taking a recess to-day. If we get here by eight and a half o'clock this evening we can take up the amendments to the sundry civil appropriation bill, act upon them, and send the bill to a conference to-night.

Mr. O'NEILL. Mr. Speaker, I object to a Sunday session under any circumstances. Let us meet here to-night so as not to have a Sunday session.

Mr. GARFIELD. As some gentlemen think we had better meet at eight o'clock instead of half-past eight o'clock, I now propose that we take a recess at half-past four o'clock until eight o'clock this evening.

Mr. KELLEY. I object.

Mr. GARFIELD. I move to suspend the rules for that purpose.

The SPEAKER. A motion to suspend the rules is not in order, as the House is now acting under a suspension of the rules.

Mr. O'NEILL. I want to know whether gentlemen look to the possibility of a session on Sunday. I object to anything which will lead to our holding a session on Sunday. Let us have a session to-night to complete whatever business there may be to be done.

Mr. GARFIELD. I give notice that I will move to take a recess between four and five o'clock.

Mr. RANDALL. I should like to ask the Chair what he construes to be the operation of the concurrent resolution for adjourning on Monday next—whether the adjournment must take place on Monday at twelve o'clock or whether it will extend over until twelve o'clock on Tuesday, thus giving an additional day?

The SPEAKER. The Chair apprehends that question will not be left open for his decision. If no other order be made the only question to be decided is whether the adjournment shall take place at twelve o'clock midnight on Monday, or at the beginning of the legislative day at eleven o'clock on Tuesday. As between those two constructions the Chair has not made up his mind. The session could not by any possibility, in the judgment of the Chair, extend beyond eleven o'clock a. m. of Tuesday.

Mr. RANDALL. Could it by any possibility in the judgment of the Chair be that the adjournment could take place at twelve o'clock noon on Monday?

The SPEAKER. There is no presumption in favor of it. The only difference is, Monday next, the 22d, being fixed as the day of adjournment, whether it shall take place at the end of the calendar day, at midnight on Monday, or at the end of that legislative day, which is at eleven o'clock on Tuesday.

Mr. RANDALL. Then we might as well adjourn now, because we have a legislative day on Monday.

The SPEAKER. Undoubtedly we have. We are not in the last legislative day of the session.

Mr. HALE, of Maine. But we wish to have conference committees appointed on the pending business before Monday next.

Mr. GARFIELD. The sundry civil appropriation bill will be over from the Senate, and we can consider the Senate amendments this evening and send the bill to a committee of conference before Monday.

Mr. POTTER. Suppose after the legislative day has begun on Monday next the Senate should adjourn at two o'clock, what would be the effect of that on the House?

The SPEAKER. That is a case which has never occurred.

Mr. POTTER. That is a question which has suggested itself to my mind.

The SPEAKER. That is a question, but the Chair apprehends the two Houses will necessarily agree upon the same hour of adjournment. It has never heretofore been otherwise.

Mr. GARFIELD. I desire to inform the House how the public business stands. We have just rejected a conference report, and therefore the Indian bill must go to a second conference. The deficiency appropriation bill is not yet quite completed in conference, but can be this evening. The post-office appropriation bill is not out of conference yet but will be ready for action this evening. Hence the necessity for an evening session to close up all these conference reports. If we expect to get away Monday or Tuesday we must before adjourning over Sunday send the sundry civil appropriation bill, which is a very long and very important one, to a committee of conference. The conferees will be compelled to use most of Sunday in arranging the details of conference, and the report can be made on Monday.

Mr. CONGER. The gentleman has omitted to say anything about the river and harbor appropriation bill.

Mr. GARFIELD. Yes; and there is the river and harbor appropriation bill, which is another conference we have to provide for.

Mr. KELLEY. I would like to state my reasons for objecting. The session can be extended for a day or two if necessary, and it will be much better if the important business we have to do shall be done deliberately rather than crowded through.

Mr. SPEER. Let us have no extension of the session; not one hour.

GOLD BANKS.

The question recurred on Mr. MAYNARD'S motion to suspend the rules.

Mr. MAYNARD. I will make, if the House will permit me, a brief statement in regard to the bill. The act of 1870 provided for the establishment of gold banks, allowing them to have only 80 per cent. in circulation. This bill, in the interest of the Pacific coast, proposes to amend that law so as to increase the amount to 90 per cent., the same as other national banks.

The question was taken; and (two-thirds voting in favor thereof) the rules were suspended and the bill was passed.

ENROLLED BILLS SIGNED.

Mr. PENDLETON, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (S. No. 375) for the benefit of the Kentucky Agricultural and Mechanical Association; and

An act (S. No. 688) referring the claim of the owners of the schooner Ada A. Andrews to the Court of Claims.

COMMERCIAL RAILWAY COMPANY.

Mr. BUTLER, of Massachusetts, by unanimous consent, introduced a bill (H. R. No. 3770) to incorporate the Commercial Railway Company; which was read a first and second time, referred to the Committee on Railways and Canals, and ordered to be printed.

J. T. D. DUNCAN.

Mr. WALLACE, by unanimous consent, introduced a bill (H. R. No. 3771) for the relief of J. T. D. Duncan; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

MRS. GATES.

Mr. COX. I desire to make a motion in behalf of my friend from Minnesota [Mr. DUNNELL] to take up the bill for the relief of Mrs. Gates and put it upon its passage. The case has been investigated by the gentleman from Connecticut, [Mr. HAWLEY,] and the bill ought to be passed.

Mr. DUNNELL. The Committee on Claims have unanimously instructed me to report it back.

Mr. RANDALL. I object.

BUSINESS ON THE SPEAKER'S TABLE.

The House then, under the order made yesterday, proceeded to the consideration of the business on the Speaker's table, to be disposed of by a two-thirds vote.

REGULATION OF GAS-WORKS.

The first business on the Speaker's table was the bill (S. No. 733) regulating gas-works, returned from the Senate with the amendments of the House disagreed to.

The House insisted on its amendments to the bill, and requested a conference on the disagreeing votes of the two Houses thereon.

GOLD MINT BARS.

The next business on the Speaker's table was the bill (S. No. 784) authorizing the transfer of gold mint bars from the bullion fund of the assay office at New York to the assistant treasurer at New York, returned from the Senate with an amendment to the amendment of the House.

The amendment of the Senate to the amendment of the House was read, as follows:

Insert after the word "par" in line 8 the words "and not less than market value," instead of inserting the words "market value" after the word "at" in line 8 as proposed by the amendment of the House.

Mr. MERRIAM. I move that the amendment of the Senate be concurred in.

The amendment was concurred in.

MANDAMUS PROCEEDINGS.

The next business on the Speaker's table was the bill (H. R. No. 1273) to regulate proceedings in *mandamus*, returned from the Senate with amendments.

Mr. ELDREDGE. I move that that bill be referred to the Committee on the Judiciary.

Mr. BUTLER, of Massachusetts. I hope the amendments of the Senate will be concurred in.

The SPEAKER. The first question will be upon concurring.

The amendments of the Senate were read, as follows:

Strike out after the word "may," in line 7, the words "be continued in the name of his" and insert "for the purposes of justice be revived against his."

Add as additional sections the following:

SEC. 2. That the circuit courts of the United States shall have, and are hereby given, power to issue the writ of *mandamus* in all causes at law or in equity of which they have jurisdiction, and in which such a writ by the common or the chancery law is an appropriate remedy, or by way of original proceeding where such writ is necessary to any jurisdiction possessed by said court and is a proper remedy.

SEC. 3. That this act shall have effect from the day of its passage.

The SPEAKER. The question is on suspending the rules and agreeing to the amendments of the Senate.

Mr. McCRARY. I desire to move an amendment to the Senate amendments.

Mr. ELDREDGE. Is it in order to move to refer this bill?

The SPEAKER. The first question is on concurring in the Senate amendments.

Mr. ELDREDGE. I hope the bill will not be passed. It is a bill that was defeated once.

Mr. BUTLER, of Massachusetts. It has passed the House.

Mr. ELDREDGE. There are not ten members on the floor who know what the object of the bill is.

The SPEAKER. It is a House bill returned with Senate amendments.

Mr. McCRARY. I move to amend the Senate amendment by adding:

Any service of any writ or process in any proceeding by *mandamus* shall be deemed sufficient if made in accordance with the statute of the State in which such proceeding is commenced, regulating the service of similar process in the State courts.

Mr. BUTLER, of Massachusetts. I desire to say simply——

Mr. ELDREDGE. I rise to a question of order. I suppose an amendment offered under these circumstances requires a two-thirds vote as well as any other proposition.

The SPEAKER. Of course, it is all settled by one vote, and if two-thirds do not vote for the amendment as proposed to be amended, the bill will remain on the table.

Mr. BUTLER, of Massachusetts. Every higher State court in the Union has the right to issue a writ of *mandamus*. This is only to give the circuit courts within the circuit of their own jurisdiction the same right.

Mr. ELDREDGE. It is a bill intended to take away the rights of the State courts.

Mr. BUTLER, of Massachusetts. O, no; it does not alter the matter a hair except as I have said.

The question was taken upon agreeing to the Senate amendment as proposed to be amended; and upon a division there were—ayes 88, noes 56.

So (two-thirds not voting in favor thereof) the amendment was not concurred in, and the bill and amendment were returned to the Speaker's table.

MATTHIAS WHITEHEAD.

The next business on the Speaker's table was the amendment of the Senate to House bill No. 1774, for the relief of Matthias Whitehead.

The amendment of the Senate was to strike out all after "back pay" in line 6 to the end of the bill, and insert:

Due him to the 31st day of October, 1864, when he was ordered to return to duty, but he shall not be entitled to any bounty.

The amendment of the Senate was concurred in, two-thirds voting in favor thereof.

COLLECTION OF DUES FROM PACIFIC RAILROADS.

The next business on the Speaker's table was the amendments of the Senate to the bill (H. R. No. 3282) providing for the collection of moneys due the United States from the Pacific Railroad Companies.

The amendments were to strike out all after "payment of," in line 2, down to and including line 8, and insert:

The railroad companies, their successors and assigns, or the successors and assigns of any or either of said companies, of all sums of money due or to become due the United States for the 5 per cent. of the net earnings provided for by the act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862, or by any other act or acts in relation to the companies therein named, or any other such company or companies.

Line 10 strike out "a reasonable time" and insert "sixty days."

Line 14, after "collect" insert "or otherwise obtain redress in respect of."

Mr. WILLIAMS, of Michigan. I move that the House concur in the Senate amendments.

The amendments were concurred in, two-thirds voting in favor thereof.

JOHN DOLD.

The next business on the Speaker's table was Senate amendment to House bill 764, for the relief of John Dold.

The amendment of the Senate was to add to the bill the following:

Or the claim of any person in possession of or claiming the same; and also to fully indemnify the United States against all losses and damages in the premises.

Mr. ELKINS. I move that the amendment of the Senate be concurred in.

The amendment was concurred in, two-thirds voting in favor thereof.

INSANE CONVICTS.

The next business on the Speaker's table was Senate amendments to House bill No. 3415, to provide for the care and custody of persons convicted in the courts of the United States who have or may become insane while in prison.

The amendments of the Senate were to strike out all after "insane," in line 9, down to and including line 11; and also in line 15, after "insane," insert:

And there shall not be accommodation for such insane person at the Insane Asylum of the District of Columbia, or if for other reasons the Attorney-General is of the opinion that such insane person should be placed at the State insane asylum rather than at said District asylum, then.

After line 5, page 2, insert:

But no contract shall be made or compensation paid for the care of such insane persons beyond their respective terms of imprisonment.

Mr. MACDOUGALL. I move that the amendments of the Senate be non-concurred in, and a committee of conference asked.

No objection was made, and it was so ordered.

UNSERVICEABLE ORDNANCE STORES.

The next business on the Speaker's table was Senate amendment to House bill No. 3257, authorizing the Secretary of War to sell unserviceable ordnance stores, and for other purposes.

The amendment of the Senate was to strike out the word "fixed" between the words "unserviceable" and "ammunition."

Mr. WHEELER. I move the amendment be concurred in.

The amendment was concurred in, two-thirds voting in favor thereof.

HORSES DESTROYED IN MILITARY SERVICE.

The next business on the Speaker's table was Senate amendment to House bill No. 3428, to amend the act entitled "An act to provide for the payment of horses and other property lost or destroyed in the military service of the United States," approved March 3, 1849.

The amendment of the Senate was to add the following section:

SEC. 2. That no claims under said section or this amendment shall be considered unless presented prior to the 1st day of January, 1876.

The amendment of the Senate was concurred in, two-thirds voting in favor thereof.

RESERVATIONS IN ARIZONA.

The next business on the Speaker's table was Senate amendments to House bill No. 3431, authorizing the Secretary of War to relinquish and turn over to the Interior Department parts of certain reservations in the Territory of Arizona no longer required for military purposes.

The amendments of the Senate were to add to the bill the following:

Provided further, That *bona fide* settlers upon any part of said lands prior to the declaration of the reservation lines shall have the right to acquire title to the lands so occupied by them at said time, not exceeding one hundred and sixty acres each, under the land laws of the United States.

Also amend the title by inserting after "Arizona" the words "as may be."

Mr. McCORMICK. I move the amendments of the Senate be concurred in.

The amendments of the Senate were concurred in, two-thirds voting in favor thereof.

REMOVAL OF CAUSES FROM STATE COURTS.

The next business on the Speaker's table was the bill (H. R. No. 3501) regulating the removal of causes from State courts to the circuit courts of the United States, returned from the Senate with amendments.

Mr. WARD, of Illinois. I move the Senate amendments be referred to the Committee on the Judiciary and ordered to be printed.

The motion was agreed to.

ISLAND IN SAGINAW RIVER, MICHIGAN.

The next business on the Speaker's table was the bill (H. R. No. 2539) relinquishing the rights of the United States in certain lands in the State of Michigan, returned from the Senate with the following amendments:

In line 10, after the word "island," insert "saving and reserving to all persons or parties other than the United States any legal rights acquired therein," and at the end of the bill add the following proviso:

And provided further, That nothing contained in this act shall be construed to affect in any manner the rights of Stephen Marston, one of the proprietors and occupants of said middle ground.

So the bill will read:

That all rights and title of the United States to the middle ground or island in the Saginaw River, lying within the prescribed limits of fractional section 5, in township 13 north, of range 5 east, and sections 29 and 32, in township 14 north, of range 5 east, in the State of Michigan, and hereby relinquished to the riparian owners, respectively, of the lands on the shores of said river in front of or opposite to said island, saving and reserving to all persons or parties other than the United States any legal rights acquired therein: *Provided*, That this act shall not be construed or held to imply a claim of title on the part of the United States to said middle ground, but only as a relinquishment of any apparent right therein to the persons respectively to whom the lands on said shores were patented, their heirs and assigns.

And provided further, That nothing contained in this act shall be construed to

affect in any manner the rights of Stephen Marston, one of the proprietors and occupants of said middle ground.

Mr. TOWNSEND. I move concurrence in the amendments of the Senate.

The amendments were concurred in.

ENROLLED BILLS SIGNED.

Mr. HARRIS, of Georgia, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (H. R. No. 1572) fixing the amount of United States notes, providing for a redistribution of the national-bank currency, and for other purposes; and

An act (H. R. No. 2089) for the relief of Mrs. Louisa P. Molloy.

AMENDMENT TO HOMESTEAD LAW.

The next business on the Speaker's table was the bill (H. R. No. 3354) to legalize entries of public lands under the homestead laws in certain cases, returned from the Senate with the following amendments:

After the word "lands" insert "heretofore," and at the end of the bill add the following proviso:

Provided, That nothing in this act shall have the effect or be construed to impair the valid and paramount adverse rights of any person or corporation to any of such lands, except in so far as the right of Congress to protect the claims or rights of homestead settlers upon land within the limits of grants of lands to any railroad company may have been reserved in the acts making such grants and be now lawfully existing.

Mr. WARD, of Illinois. If there be no objection I move the Senate amendments be referred to the Committee on the Public Lands, and ordered to be printed.

Mr. LOWE. I hope the amendments of the Senate will be concurred in.

Mr. CLYMER. Let them go to the Committee on the Public Lands, and be printed.

Mr. KASSON. My belief is the proviso nullifies the bill. I ask it be read as it will stand if amended.

The Clerk read as follows:

That in all cases of entries of public lands heretofore made under the act entitled "An act to secure homesteads to actual settlers on the public domain," approved May 20, 1862, where the affidavit required by section 2 of said act was made before the clerk of the county of the residence of the person making the entry, without having first made the settlement and improvement required by the provisions of section 3 of the act entitled "An act amendatory of the homestead law, and for other purposes," approved March 21, 1864, said affidavits be, and the same are hereby, legalized and confirmed, so as to have the same force and validity as if the provisions of said last-named act had been strictly complied with: *Provided*, That nothing in this act shall have the effect or be construed to impair the valid and paramount adverse rights of any person or corporation to any of such lands, except in so far as the right of Congress to protect the claims or rights of homestead settlers upon land within the limits of grants of lands to any railroad company may have been reserved in the acts making such grants and be now lawfully existing.

Mr. ELDREDGE. The proviso seems to nullify the effect of the bill.

Mr. CASON. I move to suspend the rules and concur in the Senate amendments.

The House divided, and there were—ayes 80, noes 29.

So the motion to suspend the rules was seconded.

The rules were suspended, (two-thirds voting in favor thereof,) and the amendments of the Senate were concurred in.

INDIAN APPROPRIATION BILL.

The SPEAKER appointed Mr. PARKER of Missouri, Mr. LOUGHRIDGE of Iowa, and Mr. BECK of Kentucky as managers of the conference on the part of the House on the disagreeing votes of the two Houses on the Indian appropriation bill.

INUNDATION OF THE MISSISSIPPI RIVER.

The next business on the Speaker's table was the bill (H. R. No. 2988) to provide for the appointment of a commission of engineers to investigate and report a permanent plan for the reclamation of the alluvial basin of the Mississippi River subject to inundation, returned from the Senate with an amendment increasing the appropriation from $10,000 to $25,000.

The amendment of the Senate was concurred in.

MARSHAL FOR WESTERN JUDICIAL DISTRICT OF NORTH CAROLINA.

The next business on the Speaker's table was the bill (H. R. No. 225) to amend the act entitled "An act to establish a western judicial district in North Carolina," returned from the Senate with an amendment.

The bill proposes to amend section 8 of the act of June 4, 1872, entitled "An act to establish a western judicial district of North Carolina," by adding thereto the following:

There shall also be appointed a marshal of the United States for said western district of North Carolina, who shall receive such fees and compensation and exercise such powers and perform such duties as are fixed and enjoined by law.

The amendment of the Senate is to strike out the following words at the end of the bill:

Receive such fees and compensation and exercise such powers and perform such duties as are fixed and enjoined by law,

And to insert:

Be entitled to a salary of $200 per annum; payment to be made quarterly out of the Treasury of the United States, and in addition thereto the fees of office fixed by law.

Mr. WARD, of Illinois. I move that be referred to the Committee on the Judiciary.

Mr. POLAND. I move concurrence in the Senate amendment.

Mr. WARD, of Illinois. Is it not open to the objection it makes an appropriation?

The SPEAKER. We are now proceeding under a suspension of the rules, which suspends that as well as all other rules.

Mr. POLAND. I will state what the bill is. When the western judicial district of North Carolina was established it was omitted to provide for a marshal. This merely provides in the western judicial district of North Carolina there shall be a marshal. The Senate have merely added a provision for the compensation of that marshal.

Mr. ELDREDGE. There is provision made here not merely for a marshal, but for all the officers of the court.

Mr. POLAND. The Senate only makes one change. We passed a bill in the House providing for a marshal; and the Senate have added on the ordinary provision as to the $200 salary.

Mr. ELDREDGE. We were assured that there would be no additional expense. That has always been the cry; and yet it always results in a new court-house.

The question being taken on suspending the rules and concurring in the Senate amendment, there were ayes 110, noes not counted.

So the amendments of the Senate were concurred in, two-thirds voting in favor thereof.

UNITED STATES MARINE HOSPITAL AT PITTSBURGH, PENNSYLVANIA.

The next business on the Speaker's table was the bill (H. R. No. 2787) to provide for the sale of the present United States marine hospital and site and the purchase of a new site and the erection thereon of a new marine hospital, in the city of Pittsburgh, Pennsylvania, with amendments by the Senate.

The first amendment was after the word "point," in line 14, to insert "and in accordance with designs to be prepared by the Supervising Architect to the satisfaction of the supervising surgeon of marine-hospital service and approved by the Secretary of the Treasury."

The next amendment was to strike out in line 27, after the word "provided," the words "the terms of sale of the present building will not admit of their remaining therein" and insert "it is practicable so to do; but in the event of such provision being found to be impracticable, then the present building shall be occupied for such patients."

Mr. NEGLEY. I move that the amendments of the Senate be concurred in.

The amendments of the Senate were concurred in, two-thirds voting in favor thereof.

JAMES A. M'CULLAH.

The next business on the Speaker's table was the bill (H. R. No. 3173) for the relief of James A. McCullah, late collector of the fifth district of Missouri, with an amendment by the Senate.

The amendment of the Senate was to strike out, commencing in line 12, the words "by affidavits general in their character and applying to said amount in the aggregate;" in line 15 to strike out the words "the same" and insert the words "said taxes;" and in line 16 to strike out the words "it was" and insert "they were;" so as to make the proviso read:

Provided, That such credits shall not be allowed until it shall be shown to the satisfaction of the Commissioner of Internal Revenue that due diligence was used by said McCullah to make collection of said taxes while said lists remained in his hands, and that they were not collected by him; it being the intention of this act to relieve said McCullah from complying with the strict requirements of existing regulations relative to the abatement of uncollected taxes.

Mr. NIBLACK. The amendment is merely verbal in its character and immaterial. I ask that it be concurred in.

The amendment of the Senate was concurred in, two-thirds voting in favor thereof.

CIRCUIT COURT OF THE DISTRICT OF COLUMBIA.

The next business on the Speaker's table was the bill (H. R. No. 3508) conferring jurisdiction upon the criminal court of the District of Columbia, and for other purposes, with amendments by the Senate.

The amendments of the Senate were read, as follows:

In line 2 strike out "concurrent."

In line 2 strike out "with the police court of said District."

At end of line 3 insert "not lawfully triable in any other court, and they are required by law to be prosecuted by indictment on information."

The amendments of the Senate were concurred in, two-thirds voting in favor thereof.

LIGHT-HOUSE BOARD.

The next business on the Speaker's table was the bill (H.R. No. 3522) to extend the jurisdiction of the Light-house Board, with an amendment by the Senate.

The amendment was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof:

That the Light-house Board are hereby directed to cause examinations to be made, and to report to the Secretary of the Treasury what light-houses, lights, beacons, and buoys are required for the better security of navigation on the Mississippi, Ohio, and Missouri Rivers, including specific statement as to the respective localities, where and by whom now maintained, where required, and estimated cost of their construction and maintenance.

Mr. HOLMAN. I trust the amendment will be concurred in.

The amendment of the Senate was concurred in, two-thirds voting in favor thereof.

PORT OF DELIVERY IN ALABAMA.

The next bill on the Speaker's table was the bill (H. R. No. 899) to constitute Montgomery, in the State of Alabama, a port of delivery, with an amendment by the Senate.

The amendment of the Senate was read, as follows:

Add to the bill the following proviso:
Provided, That the law constituting Selma, Alabama, a port of delivery, approved January 27, 1858, is hereby repealed; this act to take effect June 30, 1874.

Mr. SPEER. That is right.

Mr. CONGER. I desire to move non-concurrence.

Mr. SPEER. O, no; the amendment is right.

Mr. CONGER. I move non-concurrence and the appointment of a committee of conference.

Mr. HOLMAN. I ask that the amendment may be again read.

The amendment was again read.

Mr. BROMBERG. I hope the amendment will be non-concurred in.

Mr. HAYS. I move concurrence in the amendment.

Mr. CONGER. This is a bill which was reported from the Committee on Commerce, and the Senate have amended it by repealing an act establishing Selma as a port of entry. Several gentlemen object to that.

The question being taken on suspending the rules and concurring in the Senate amendment, there were—ayes 89, noes 56.

So (two-thirds not voting in favor thereof) the rules were not suspended for concurrence in the amendment.

The SPEAKER. The House having refused to concur, under a suspension of the rules, the question recurs, will the House send the bill to a committee of conference?

The question being taken, there were ayes 104, noes not counted.

So (two-thirds having voted in favor thereof) a committee of conference was ordered.

CLAIMS REPORTED BY THE CLAIMS COMMISSIONERS.

The next business on the Speaker's table was the bill (H. R. No. 2797) making appropriations for the payment of claims reported allowed by the commissioners of claims, under the act of March 3, 1871, with amendment by the Senate.

The amendments of the Senate were read, as follows:

On page 47, after line 7, insert;
To the estate of John Fox, deceased, to be paid to John T. Burns, receiver of the circuit court of Fauquier County, Virginia, to be by him reported to said court to be distributed according to the will of John Fox, deceased.
At the end of the bill add, as an additional section, the following:
SEC. 2. That the case of Whitty M. Sasser, which was reported allowed by the commissioners of claims to the extent of the interest therein of Letitia Elsey and Maria H. Turpin, and the case of John Campbell, administrator of the estate of Stephen S. Springer, deceased, be, and they are hereby, referred to the commissioners of claims for re-examination and report; and the said commissioners of claims are hereby authorized to reopen, examine, and consider the said cases, and to make report thereon to Congress.

The amendments of the Senate were concurred in, two-thirds having voted in favor thereof.

TITLE TO CERTAIN REAL ESTATE.

The next business on the Speaker's table was the amendment of the Senate to the resolution (H. R. No. 95) authorizing the Postmaster-General to perfect title to certain real estate obtained from John W. Norton, a defaulter to the postal money-order bureau.

The amendment was read, as follows:

Strike out all after the enacting clause, and insert:
That whenever any such sale under said trust shall be made, the Attorney-General of the United States may, upon the written agreement of said Jones and his sureties and the sureties of said Norton that the same may be done without discharging or in anywise affecting their respective liabilities in the premises, discharge the purchaser of any of said property under such sale from any obligation to see to the application of the purchase-money thereof.

Mr. PLATT, of New York. I move that the amendment be concurred in.

The motion was agreed to, two-thirds voting in favor thereof.

PETER S. PATTON.

The next business on the Speaker's table was the Senate amendments to the bill (H. R. No. 753) for the relief of Peter S. Patton.

The amendment was read, as follows:

In lines 3 and 4 strike out "510" and insert "420."

Mr. LOWE. I move that the amendment be concurred in.

The motion was agreed to, two-thirds voting in favor thereof.

COLONEL E. M'CARTY.

The next business on the Speaker's table was the amendment of the Senate to the bill (H. R. No. 352) for the relief of Colonel E. McCarty.

The amendment was read, as follows:

Add to the bill the following:
Provided, That the Secretary is satisfied that said McCarty has succeeded to all the rights which said Hough had to make reclamation upon the United States.

Mr. HAWLEY, of Illinois. I move that this amendment be concurred in.

The motion was agreed to, two-thirds voting in favor thereof.

HENRY S. SIBLEY.

The next business on the Speaker's table was the amendments of the Senate to the bill (H. R. No. 1915) to remove the political disabilities of Henry S. Sibley, a citizen of Fredericksburgh, Virginia.

The amendments of the Senate were read, as follows:

In line 2 strike out the words "or legal;" also, insert in the same line, before "Constitution," the words "fourteenth amendment of the." In line 3 strike out the words "or laws." In lines 3 and 4 strike out the words "or any amendment to said Constitution."

Mr. RAINEY. I object to that bill.

The SPEAKER. Does the gentleman object to concurring in the Senate amendments?

Mr. RAINEY. I object to the entire bill.

Mr. HAYS. I move to suspend the rules and concur in the amendments of the Senate.

The motion was agreed to, two-thirds voting in favor thereof.

SCHOOLS IN MISSOURI.

The next business on the Speaker's table was Senate amendments to the bill (H. R. No. 1764) to appropriate lands for the support of schools in certain fractional townships in the State of Missouri.

The amendments were read, as follows:

In line 3 strike out "March" and insert "May."
In lines 13 and 14 insert after the word "Missouri" the words "subject to sale or location at $1.25 an acre."

Mr. HYDE. I move concurrence in these amendments.

The motion was agreed to, two-thirds voting in favor thereof.

SETTLERS ON RAILROAD LANDS.

The next business on the Speaker's table was the amendments of the Senate to the bill (H. R. No. 3162) for the relief of settlers on railroad lands.

The amendments were read, as follows:

In line 13, after "lands," insert "not mineral and."
In line 20 strike out "the" and insert "or extend any."
In lines 20 and 21, after "railroad," insert "or to extend to lands reserved in any land grant made for railroad purposes."

Mr. DUNNELL. I move that these amendments be concurred in.

The motion was agreed to; two-thirds voting in favor thereof.

ADJOURNMENT SINE DIE.

The next business on the Speaker's table was the following concurrent resolution of the Senate:

Resolved by the Senate, (the House of Representatives concurring,) That the President of the Senate and the Speaker of the House of Representatives be, and they are hereby, directed to adjourn their respective Houses without day on the 22d of June, 1874, at 12 o'clock noon.

Mr. DAWES. I move that this resolution be referred to the Committee on Ways and Means.

Mr. RANDALL. I move that the resolution be concurred in.

The SPEAKER. The motion to concur takes precedence of the motion to refer.

Mr. LUTTRELL. I move that the resolution be laid on the table.

The SPEAKER. Strictly speaking that motion is not in order. The question is on suspending the rules and concurring in the resolution.

The question being taken, there were—ayes 96, noes 72.

Mr. RANDALL called for the yeas and nays.

The yeas and nays were not ordered.

So the motion of Mr. RANDALL was not agreed to, two-thirds not voting in favor thereof.

The question being then taken on the motion of Mr. DAWES to refer the resolution to the Committee on Ways and Means, there were—ayes 132, noes 29.

So (two-thirds voting in favor thereof) the resolution was referred.

The SPEAKER. The Chair did not desire to influence the vote upon the question just taken; but he will now say publicly, as he has said during the day privately to several members who have addressed inquiries to him, that unless the House shall sit all through to-morrow (Sunday) it will be a simple impossibility for the adjournment *sine die* to take place next Monday at twelve o'clock.

Mr. DAWES. If at eleven o'clock on Monday the condition of the public business should justify it, it will then be very easy to bring in this resolution and concur in it.

Mr. MAYNARD. I do not see any need for haste in fixing the hour of adjournment. We are paid to remain here and attend to the public business.

Mr. BUTLER, of Massachusetts. Only half paid.

The SPEAKER. The Chair is not aware of any exigency of business which would require the House to sit on Sunday for the purpose of being ready to adjourn by Monday noon.

CHIEF SIGNAL OFFICER'S REPORT.

The next business on the Speaker's table was the following concurrent resolution of the Senate; which was referred under the law to the Committee on Printing:

Resolved by the Senate, (the House of Representatives concurring,) That two thousand copies of the report of the Chief Signal Officer for 1873 be printed and bound for the use of the Secretary of War.

PRINTING OF REPORT ON TRANSPORTATION ROUTES.

The next business on the Speaker's table was the following resolution of the Senate:

Resolved by the Senate, (the House of Representatives concurring,) That one thousand additional copies of the report of the Select Committee on Transportation Routes, with the appendix and evidence taken, be printed, of which three hundred copies shall be for the use of the Senate, six hundred copies for the use of the House, and one hundred copies for the use of the Select Committee on Transportation Routes;

and that there shall also be printed five thousand copies of said report and appendix without the evidence, of which fifteen hundred copies shall be for the use of the Senate, three thousand copies for the use of the House, and five hundred copies for the use of the Select Committee on Transportation Routes.

Mr. DONNAN. Let that lie upon the table. The House has passed a concurrent resolution, which the Senate has amended, and which will be here presently.

The SPEAKER. The resolution had better be disposed of by being referred to the committee.

The resolution was referred to the Committee on Printing.

COAST-SURVEY REPORT.

The next business on the Speaker's table was the following concurrent resolution of the Senate:

Resolved by the Senate, (the House of Representatives concurring,) That there be printed of the report of the Superintendent of the Coast Survey for the year 1873 three thousand extra copies for the use of the Superintendent of the Coast Survey.

Mr. DONNAN. I ask that that resolution be referred to the Committee on Printing.

The resolution was referred to the Committee on Printing.

INDIAN APPROPRIATION BILL.

The SPEAKER. The gentleman from Missouri [Mr. PARKER] has asked to be excused from service upon the committee of conference on the Indian appropriation bill, and the Chair appoints in his place the gentleman from Indiana, [Mr. SHANKS.]

Mr. LOUGHRIDGE. I should like to be excused also. I worked pretty hard for two days upon the committee of conference on that bill, and I prefer that some one should take my place.

Mr. STARKWEATHER. I think that neither of the gentlemen should be excused. They have had this matter in charge on behalf of the Committee on Appropriations, and I think they ought to serve upon the conference committee.

REPORT ON STATISTICS.

The next business on the Speaker's table was the following concurrent resolution of the House of Representatives, returned from the Senate with amendments:

Resolved, (the Senate concurring,) That there be printed of the special report of Edward Young, Chief of the Bureau of Statistics, on the customs-tariff legislation of the United States, with appendix, including the tariff acts approved respectively May 1, 1872, and June 6, 1872, and a tabular arrangement of the rates of duty under said acts, and other statutes now in force, five thousand copies; three thousand for the House, one thousand for the Senate, and one thousand bound for the use of and distribution by the Treasury Department.

The amendments of the Senate were read and concurred in, as follows:

Strike out in lines 8, 9, and 10 the words "five thousand copies; three thousand for the House, one thousand for the Senate, and."

Insert in line 10, after the word "thousand," the word "copies."

In the same line strike out the words "and distribution by."

Mr. DONNAN. I ask that the amendments of the Senate be concurred in.

The amendments were concurred in.

REPORT OF THE COMMISSIONER OF EDUCATION.

The next business on the Speaker's table was the following concurrent resolution of the House, returned from the Senate with amendments:

Resolved, (the Senate concurring,) That there be printed twenty thousand copies of the report of the Commissioner of Education; five thousand of which number shall be for the use of the Commissioner, five thousand for the use of the Senate, and ten thousand for the use of the House of Representatives.

The amendment of the Senate was as follows:

Strike out all after the word "printed" to the end of the resolution, and insert in lieu thereof "five thousand copies of the report of the Commissioner of Education for 1873; of which twenty-five hundred copies shall be for the use of the Commissioner, and twenty-five hundred copies shall be for sale at the cost of paper and press-work, with an addition of 10 per cent., by the Congressional Printer.

Mr. DONNAN. I ask a non-concurrence in that amendment, and that a conference committee be asked upon the disagreeing votes of the two Houses thereon.

The motion was agreed to.

REPORT OF THE COMMITTEE ON TRANSPORTATION.

The next business on the Speaker's table was the following concurrent resolution of the House, returned from the Senate with an amendment:

Resolved by the House of Representatives, (the Senate concurring,) That there be printed six thousand copies of the report, with appendix and evidence, of the Select Committee of the Senate on Transportation to the Sea-board; four thousand of which shall be for the use of the House of Representatives, and two thousand for the use of the Senate.

The amendment of the Senate was read and concurred in, as follows:

Strike out after the word "sea-board" to the end of the resolution and insert in lieu thereof the words "thirty-six hundred copies of which shall be for the use of the House of Representatives, eighteen hundred copies for the use of the Senate, and six hundred copies for the use of the Select Committee of the Senate on Transportation to the Sea-board."

REPORT ON MARINE-HOSPITAL SERVICE.

The next business on the Speaker's table was the following concurrent resolution of the House, returned from the Senate with amendments:

Resolved, (the Senate concurring,) That the Government Printer be instructed to print five thousand copies of the report of John W. Woodworth, supervising surgeon of the marine-hospital service of the United States, for the year 1873; fifteen hundred for the use of the Senate and thirty-five hundred for the use of the House of Representatives.

The amendments of the Senate were read, as follows:

In line 2 strike out "five" and insert "one."

In lines 5, 6, and 7 strike out the words "fifteen hundred for the use of the Senate and thirty-five hundred for the use of the House of Representatives," and insert in lieu thereof the words "for the use of the Treasury Department."

Mr. DONNAN. I move a concurrence in the amendments of the Senate.

The amendments were concurred in.

RAILROADS IN THE TERRITORIES.

The next business on the Speaker's table was the bill (S. No. 378) to provide for the incorporation and regulation of railroad companies in the Territories of the United States and granting to railroads the right of way through the public lands.

Mr. TOWNSEND. I move that that bill be referred to the Committee on the Public Lands.

The motion was agreed to.

LAND GRANT IN MINNESOTA.

The next business on the Speaker's table was the bill (S. No. 486) to revive and continue certain grants of lands heretofore made to the Territory and State of Minnesota to aid the construction of the several lines of the Saint Paul and Pacific Railroad Company.

The following are the provisions of the bill:

That the provisions of the act of Congress approved March 3, 1873, entitled "An act for the extension of time to the Saint Paul and Pacific Railroad Company for the completion of its roads," be, and the same is hereby, revived and extended until the 3d day of March, A. D. 1876, and no longer, upon the following conditions:

First. That all the rights of actual settlers, and their grantees, who have heretofore in good faith entered upon and actually resided on any of said lands prior to the passage of this act, or who otherwise have legal rights in any of such lands, shall be saved and secured to such settlers, or such other persons, in all respects, the same as if said lands had never been granted to aid in the construction of the said lines of railroad.

Second. That the company taking the benefit of this act shall, before acquiring any rights under it, by a certificate made and signed by its president and a majority at least of its directors, and under the seal of the corporation, accept the conditions contained in this act and file such acceptance in the Department of the Interior for record and preservation.

Mr. AVERILL. I move that this bill be put on its passage.

Mr. RANDALL. I move it be referred. I believe this is the third extension which has been asked for.

Mr. SPEER. It is the fourth.

Mr. RANDALL. It is a land grant, and was defeated here last Congress. I call for the yeas and nays on it.

Mr. AVERILL. It is not the third extension; it is the first extension. It has received the indorsement of the Committee on the Public Lands, and I hope it will pass.

Mr. HOLMAN. This is the third extension asked for this road.

Mr. DUNNELL. I ask unanimous consent to make a statement. It is an extension so that a single gap of fifty-seven miles may be completed in a road embracing six hundred and eighty-six miles.

Mr. RANDALL. It takes away the land of the Government. I object to debate.

The SPEAKER. Strictly speaking, it being necessary to pass the bill under a suspension of the rules, the motion to suspend the rules must first be seconded.

Tellers were ordered; and Mr. AVERILL and Mr. RANDALL were appointed.

The House divided; and the tellers reported that there were ayes 123, noes not counted.

So the motion to suspend the rules was seconded.

Mr. RANDALL. I call for the yeas and nays on suspending the rules and passing the bill.

The question was taken; and there were 26 in the affirmative.

Mr. AVERILL. I ask that the other side may be counted.

Tellers were ordered; and Mr. AVERILL and Mr. RANDALL were appointed.

The House again divided; and the tellers reported that there were—ayes 25, noes 147.

So (one-fifth not voting in the affirmative) the yeas and nays were not ordered.

The rules were suspended upon a division—ayes 127, noes 31—two-thirds voting in favor thereof, and the bill was passed.

CORRECTION OF ENROLLMENT.

Mr. LAWRENCE. I ask unanimous consent to correct an error in the enrollment of the southern claims bill. It is the mere omission of the amount appropriated to the estate of John Fox, deceased. I ask that the enrolling clerk be directed to insert the amount, $7,545.

Mr. HOLMAN. Will not that require the bill to go back to the Senate?

The SPEAKER. The Chair thinks not; it is clerical only.

There being no objection, the order was made.

CONFERENCE ON INDIAN APPROPRIATION BILL.

The SPEAKER announced the appointment of Mr. STARKWEATHER, in place of Mr. LOUGHRIDGE, excused, as one of the conferees of the House on the disagreeing votes of the two Houses on the Indian appropriation bill.

REGISTRATION OF DEATHS IN THE DISTRICT.

Mr. ELDREDGE. I am instructed by the Committee on the District of Columbia to ask that a bill be passed in reference to the registration of persons who die in Washington. There is no record now made of persons who come here and die. It is a bill to further define and enlarge the powers and duties of the board of health.

The bill provides that it shall be the duty of the board of health of the District of Columbia to make and enforce regulations to secure a full and correct record of vital statistics, including the registration of deaths and the interments of the dead in said District.

No objection being made, the bill (H. R. No. 3772) was received, read three times, and passed

ORDER OF BUSINESS.

Mr. GARFIELD. I now move that the House take a recess until eight o'clock.

Mr. STARKWEATHER. I desire to say that as we are now working very well, I hope the chairman of the Committee on Appropriations [Mr. GARFIELD] will allow us to go on another half hour, rather than to work after midnight, or Sunday.

Mr. GARFIELD. I must insist upon my motion to take a recess till eight o'clock.

The motion was agreed to upon a division—ayes 128, noes not counted; and accordingly (at five o'clock and ten minutes p. m.) the House took a recess till eight o'clock p. m.

EVENING SESSION.

The House reassembled at eight o'clock p. m., the Speaker in the chair.

COLLEGE HILL COMPANY.

Mr. COTTON. I have a bill to which I think there will be no objection. It is an act authorizing the incorporation of the College Hill Company for the purpose of improving certain real estate contiguous to the city of Washington for the construction of cottage, villa, and other residences.

The bill was read.

Mr. COTTON. This is to help some mechanics and to bring them under the general law, which now does not seem to embrace them.

Mr. MERRIAM. Will it allow them to issue notes?

Mr. COTTON. Of course not.

Mr. ELDREDGE. Why are these not embraced under the general law?

Mr. SPEER. I must object.

PAY TO DISCHARGED EMPLOYÉS.

Mr. BUTLER, of Massachusetts. I ask unanimous consent to introduce the following resolution.

The Clerk read as follows:

Resolved, That the Clerk of the House of Representatives be, and he is hereby, authorized and directed to pay to the clerks, messengers, folders, pages, and laborers——

Mr. RANDALL. There is no use of reading that any further; it has been already passed.

Mr. BUTLER, of Massachusetts. I am glad of it, but the Clerk has read the wrong resolution.

I ask unanimous consent to introduce a joint resolution (H. R. No. 115) for the relief of certain clerks and employés of the United States.

There was no objection, and the joint resolution was read a first and second time.

The joint resolution was read.

It authorizes and directs the Secretary of the Treasury to pay, when discharged, two months' pay to such clerks and employés of the Executive Departments in Washington, District of Columbia, who shall be discharged at the close of the present fiscal year without fault on their part but by reason of the reduction made necessary by legislation at the present session of Congress; provided the amount paid under this resolution shall be deducted from the salary of any person receiving the same who shall be reappointed within six months from the date of such discharge.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BUTLER, of Massachusetts, moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REFUNDING OF DUTIES ON FRUITS.

Mr. MERRIAM. Mr. Speaker, in the early part of the session I introduced a bill to prevent the further funding of duties on fruits, and during the discussion, when the bill was before the House, I stated that $10,000 a day was being refunded. The next day a letter was received from the late Secretary of the Treasury and read in the House and thus placed upon the records. In that letter the Secretary stated there had been but $70,000 refunded altogether. That being a contradiction of the statement I had made, it is now due to me that the letter I send up to the Clerk's desk should be read.

The Clerk read as follows:

TREASURY DEPARTMENT, *April* 7, 1874.

SIR: In reply to your note of the 6th instant, requesting information as to the amount of duties refunded at New York upon imported fruit, I have to say that by returns received on Saturday last from that port, I learn for the first time that in addition to the amount refunded by the Department, there was refunded up to January 8, 1874, from the custom-house at New York, and without the same being made of record in this Department, but under the general direction that fruit is free, the additional sum of $498,164.88.

It seems that when the decision was made that fruit was free of duty, the New York custom-house commenced refunding in accordance with that decision, without a special reference to this Department, not only upon unliquidated entries, but upon entries which had been liquidated.

I am, very respectfully,

WM. A. RICHARDSON,
Secretary.

Hon. C. L. MERRIAM,
House of Representatives.

Mr. RANDALL. From the reading of that letter it appears the gentleman from New York did not state half of the truth.

Mr. ELDREDGE. That letter is as clear as mud. I hope the gentleman from New York will be permitted to explain it.

HALL FOLDING-ROOM.

Mr. COBURN. I ask unanimous consent to offer the following resolution.

The Clerk read as follows:

Resolved, That the Door-keeper of the House be authorized and directed to retain upon the rolls during the coming recess the name of the person now in charge of the Hall folding-room.

Mr. SPEER. Who is he?

Mr. COBURN. Mr. Nealy, the young man now in charge.

Mr. SPEER. Who is he, and what is the reason for the adoption of any such resolution?

Mr. COBURN. I do not pretend to know.

Mr. SPEER. If there be any particular necessity for the passage of this resolution at this time, I should like to know it.

Mr. BUFFINTON. Let it go to the Committee on Accounts.

Mr. COBURN. I do not object to that reference.

The resolution was referred to the Committee on Accounts.

INDIAN APPROPRIATION BILL.

Mr. GARFIELD. I wish to call the attention of the House to the fact that the Indian appropriation bill has been sent to a conference. The list of managers on the part of the House is not complete in consequence of the declination of a member. It is important a full committee should be at once appointed so the conference may go to work.

The SPEAKER. Does the Chair understand the gentleman from Connecticut declines to serve on the conference on the Indian appropriation bill?

Mr. STARKWEATHER. I do.

REORGANIZATION OF THE TREASURY DEPARTMENT.

Mr. KELLOGG. I ask unanimous consent to offer the following resolution, which I do after consultation with the Secretary of the Treasury, and it is in reference to the bill for the reorganization of the Treasury and other Departments. It will cost nothing, and the Secretary wants it done.

The Clerk read as follows:

Resolved, That the sub-Committee on Reform in the Civil Service have leave to sit during the vacation for the purpose of completing bills for the reorganization of the Treasury and other Departments.

Mr. SPEER. I object peremptorily to that resolution.

Mr. KELLOGG. The gentleman cannot prevent my coming here at my own expense.

Mr. SPEER. Well, you can come at your own expense, but I object to the resolution.

INSANE CONVICTS.

The SPEAKER. On the disagreeing votes of the two Houses on the bill (H. R. No. 3415) to provide for the care and custody of persons convicted in the courts of the United States who are or may become insane while imprisoned a conference has been ordered, and the Chair appoints as managers of said conference on the part of the House Mr. MACDOUGALL, Mr. RICE, and Mr. SPEER.

JOHN D. YOUNG.

Mr. BECK. On behalf of the gentleman from Massachusetts, [Mr. DAWES,] who is now absent, I ask consent to introduce and have passed a bill for the relief of John D. Young, of Kentucky.

The bill was read. It appropriates $1,009 to pay to John D. Young, the difference between $2,509, ordered to be paid him by resolution of the House of February 15, 1869, and $1,500 which was paid him by order of the Committee on Accounts on the 15th of April, 1869.

Mr. SPEER. This is simply to give Mr. Young his salary as a member.

Mr. BECK. Yes, sir. The gentleman from Massachusetts [Mr. DAWES] had intended to introduce the bill, but he is now absent.

There being no objection the bill (H. R. No. 3773) was read three times, and passed.

APPOINTMENT OF CONFERENCE COMMITTEES.

The SPEAKER announced the appointment of Mr. CONGER, Mr. BROMBERG, and Mr. RAPIER as conferees on the part of the House on the disagreeing votes of the two Houses upon the bill (H. R. No. 899) to constitute Montgomery, in the State of Alabama, a port of delivery.

The SPEAKER also announced the appointment of Mr. DONNAN, Mr. MONROE, and Mr. HUNTON as conferees on the part of the House upon the disagreeing votes of the two Houses on the concurrent resolution in regard to printing the report of the Commissioner of Education.

DISBURSEMENT OF MONEYS UPON PUBLIC BUILDINGS.

Mr. STRAIT. I ask unanimous consent to take up and pass a bill which has been reported from the Committee on the Public Lands—the bill (H. R. No. 3598) defining the compensation to be allowed for the disbursement of moneys expended in the construction of public buildings.

The bill was read. It provides that the provisions contained in the act approved March 3, 1869, entitled "An act making appropriations to supply deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1869, and for other purposes," limiting the compensation to be allowed for the disbursement of moneys appropriated for the construction of any public building was intended and shall be deemed and held to limit the compensation to be allowed to any disbursing officer who disburses moneys appropriated for and expended in the construction of any public building as aforesaid, to ½ of 1 per cent. for said services.

Mr. SPEER. I desire to ask the gentleman from Minnesota [Mr. STRAIT] whether the limitation fixed in this bill is above or below that now fixed by law?

Mr. STRAIT. It fixes the same amonnt now intended to be allowed by law; but under a construction adopted by the Department a different rule has been established.

Mr. SPEER. Then the passage of the bill will save money to the Government?

Mr. STRAIT. As I understand, it will.

Mr. RANDALL. I desire to say a word about this proposition.

Mr. ELDREDGE. I object to the consideration of the bill.

Mr. RANDALL. I wish the gentleman would withdraw his objection till I have made a statement.

Mr. ELDREDGE. I am opposed to the bill and I understand the gentleman is.

Mr. RANDALL. I am, but I want to show that the Treasury Department is improperly appointing officers who go all over the country receiving a percentage on the money expended upon public buildings.

Mr. ELDREDGE. That is the reason I object to the bill.

Mr. RANDALL. But I wanted to make that statement.

INTERNATIONAL STATISTICAL CONGRESS.

The SPEAKER laid before the House a communication from the President of the United States, transmitting the official report of the delegates selected to represent the United States Government at the international statistical congress held at Saint Petersburg in August, 1872; which, with the accompanying documents, was referred to the Committee on Foreign Affairs, and ordered to be printed.

EXPLORATION OF COLORADO RIVER.

The SPEAKER also laid before the House a communication from the Secretary of the Smithsonian Institution, transmitting the report of Professor J. W. Powell on the exploration of the Colorado River and its tributaries; which was referred to the Committee on the Public Lands, and ordered to be printed.

R. M. AND S. A. DOUGLAS.

The House resumed the consideration of business on the Speaker's table, the next bill being the bill (S. No. 669) referring the petition and papers in the case of Robert M. and Stephen A. Douglas, in so far as the same relates to cotton seized, to the Court of Claims.

The bill was read. It provides that the claim of Robert M. and Stephen A. Douglas, for payment for their cotton seized in March, 1863, be referred to the Court of Claims for its decision, according to law and the practice of that court in such cases and proceedings.

Mr. KELLOGG. I move that the rules be suspended and this bill passed.

Mr. HOLMAN. This measure is now before the Committee on War Claims of this House. The chairman of the committee [Mr. LAWRENCE] can perhaps inform the House whether the committee has reached a decision upon it.

Mr. LAWRENCE. It is a claim that we ought not to pass. Only two members of the committee have examined it.

Mr. RANDALL. Is there any report in the case?

Mr. HOLMAN. I understand not. The sub-committee has never been able to report upon it.

Mr. KELLOGG. I ask that the gentleman from Ohio [Mr. LAWRENCE] have leave to make a statement, and then I would like to follow him, occupying one minute.

Several members objected to debate.

The question being taken on seconding the motion to suspend the rules, there were—ayes 101, noes 28; no quorum voting.

Mr. HOLMAN. I call for tellers. This is a very extraordinary proposition.

Mr. RANDALL. Is there any report?

Mr. HOLMAN. No, sir; the Committee on War Claims has never completed the examination of the case.

Tellers were ordered; and Mr. KELLOGG and Mr. HOLMAN were appointed.

The House divided; and the tellers reported—ayes 118, noes 32.

So the motion to suspend the rules was seconded.

The SPEAKER. The question is on suspending the rules and passing the bill.

Several members called for a division.

Mr. HOLMAN. This is so extraordinary a bill to pass that I must call for the yeas and nays.

The question being taken on ordering the yeas and nays, there were—ayes 17, noes 96.

So (the affirmative being less than one-fifth of the whole vote) the yeas and nays were not ordered.

The SPEAKER. A division having been called for it is the province of the Chair to order tellers, and the gentlemen who acted as tellers before will please act again.

The House divided; and there were—ayes 109, noes 40.

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate still further insisted upon its amendments, disagreed to by the House, to the bill (H. R. No. 2343) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1875, and for other purposes; and insisted upon its disagreement to the amendments of the House to the amendments of the Senate, and had agreed to the conference asked by the House upon the disagreeing votes of the two Houses thereon, and had appointed Mr. SARGENT, Mr. BUCKINGHAM, and Mr. GORDON the conferees on the part of the Senate.

The message further announced that the Senate had passed without amendment bills of the House of the following titles:

A bill (H. R. No. 1620) for the relief of John L. J. Jones, of Montgomery County, Maryland, for rent and damages sustained by the destruction of a dwelling-house by accidental fire while the same was being occupied by United States troops for quarters; and

A bill (H. R. No. 3163) authorizing the Secretary of War to deliver certain condemned ordnance to the municipal authorities of Lexington, Massachusetts, for monumental purposes.

The message also announced that the Senate had passed and requested the concurrence of the House in a bill of the following title:

A bill (S. No. 368) to provide for the establishment of an international commission of maritime powers to lay down ocean courses for steam-vessels, and otherwise provide for increased safety of sea travel.

GERMAN EVANGELICAL CHURCH AT MARTINSBURGH, WEST VIRGINIA.

The next business on the Speaker's table was the bill (S. No. 709) for the relief of the trustees of the German Evangelical church, of Martinsburgh, West Virginia.

The Clerk proceeded to read the bill.

Mr. LAMISON. I move that the House adjourn.

The question being taken on the motion to adjourn, there were—ayes 61, noes 92.

Mr. RANDALL called for the yeas and nays.

The question being taken on ordering the yeas and nays, there were ayes 19.

So (the affirmative not being one-fifth of the last vote) the yeas and nays were not ordered; and the motion to adjourn was not agreed to.

The SPEAKER. The Chair directed the Clerk to cease reading until the House should come to order. The Chair does not believe that more than a few members understand the business that is being transacted.

Mr. WILLARD, of Vermont. Would it be in order to move that the House take a recess for half an hour?

The SPEAKER. It would.

Mr. WILLARD, of Vermont. I make that motion.

The motion was not agreed to.

Several members called for the regular order.

The SPEAKER. The regular order will proceed when gentlemen are in order, and not before. If there are any scandals connected with the closing legislation of this session, the Chair gives notice that they shall not be laid at his door.

Mr. SPEER. May I be permitted to inquire of the Chair whose duty it is to enforce order?

The SPEAKER. It is the duty of the Chair; and he has requested members to be in order. But he cannot physically control them. He can only bring the House to order by invoking the rules of the House. [After a pause.] The Clerk will read the pending bill.

The bill was read.

Mr. WILLARD, of Vermont. As I understand, that bill has not been considered by any committee of the House. I think it ought not to pass without being considered by a committee.

Mr. HALE, of New York. I move that it be referred to the Committee on War Claims.

Mr. HAGANS. I object to its being referred.

The question being taken on referring the bill to the Committee on War Claims; the rules were suspended (two-thirds voting in favor thereof) and the bill was so referred.

PRESIDENT'S MESSAGE ON DISTRICT SECURITIES.

Mr. WILSON, of Indiana. I am directed by the Joint Select Com-

mittee on Investigation into the Affairs of the District of Columbia to present a report on the subject of the President's message, referred to that committee this afternoon.

The Clerk read the report, as follows:

The Joint Committee on the Affairs of the District of Columbia, to whom was referred the message of the President relative to one feature of the bill entitled "An act for the government of the District of Columbia, and for other purposes," report:

That the investigation made by this committee discloses the fact that much of the indebtedness proposed to be funded into the bonds provided for was created when there was no adequate provision for payment, and upon a basis of credit, the contractors understanding at the time that they were to receive evidences of indebtedness, the time of payment of which was uncertain, by reason whereof these evidences were depreciated in value. And while there were no means whereby the committee could determine the matter with absolute certainty, after giving the subject careful consideration they believe that a bond of the character provided for would be as a rule fully equal in value to what the contractors expected to receive under their contracts. Besides this, the funding proposed is permissive, and not compulsory. The creditors have all the security they had when the debt was created, and in addition the option to accept the bonds provided for. No injustice, therefore, will be done to any creditor who shall take such bonds in lieu of the securities he now holds. The idea that there is anything like repudiation in the bill is a mistake. The bill does not compel any holder of District securities to take bonds for them. It merely gives him the option to do so or to retain them and receive payment thereon when the District may be able to pay. The changes made in regard to the District government do not discharge or impair its contracts or liabilities. The bill, therefore, is not repudiation, nor is it unjust to any holder of District securities which may be funded under it. As to small creditors, such as laborers, &c., the bill contemplates their payment in money.

For the reasons above given, and also because it would be unwise in the opinion of your committee to set an example of issuing fifty-year bonds bearing a higher rate of interest than 3.65, they fixed that rate in the bill; and their opinion remains unchanged. That there may be no misapprehension as to the pledge of the United States, we here repeat it in the exact words of the bill: "And the faith of the United States is hereby pledged that the United States will, by proper proportional appropriations, as contemplated in their act, and by causing to be levied upon the property within said District such taxes as will do so, provide the revenues necessary to pay the interest on said bonds as the same may become due and payable, and create a sinking fund for the payment of the principal thereof at maturity." Your committee ask to be discharged from the further consideration of the message.

WILLIAM B. ALLISON.
A. G. THURMAN.
WM. M. STEWART.
J. M. WILSON.
LYMAN K. BASS.
ROBERT HAMILTON.
JAY A. HUBBELL.
HUGH J. JEWETT.

Mr. WILSON, of Indiana. I am directed by the committee to state to the House that after this message was referred to the committee a sub-committee was sent by the committee to confer with the President in regard to this matter. The President has acted under a misapprehension in regard to the facts in this case. There is no difference of opinion between the President and the committee upon this subject.

Mr. DAWES. I rise to a question of order. I have no doubt the communication the gentleman is about to make would be very interesting, but I submit as a point of order that it is unparliamentary.

The SPEAKER. The gentleman from Massachusetts makes the point of order that the communication now being made to the House by the gentleman from Indiana is improper. The Chair sustains the point of order.

Mr. WILSON, of Indiana. Then I withdraw what I have said. I move that the report be printed, and that it do lie upon the table, and that the committee be discharged from the further consideration of subject.

The motion was agreed to.

COMPULSORY PILOT FEES.

The next business on the Speaker's table was the bill (S. No. 365) to relieve ships and vessels from compulsory pilot fees in certain cases.

The Clerk commenced the reading of the bill.

Mr. E. R. HOAR. I move that the bill be referred to the Committee on Commerce.

Mr. BECK. I move again that the House adjourn. The reason I assign for making that motion is that the republican side of the House is so noisy that we cannot transact business.

Mr. CONGER. I ask that the words of the gentleman from Kentucky be taken down, because they reflect upon his fellow-members.

The SPEAKER. The Chair thinks that what the gentleman from Kentucky has said is a very obvious truth. The Chair could not direct the words to be taken down as stating anything other than the truth.

Mr. BECK. I will withdraw the motion if there is any chance of the House coming to order.

Mr. COX. I rise to a point of order. I believe the bill in relation to pilot fees is before the House.

The SPEAKER. If the gentleman will keep his seat the Chair will endeavor to bring the bill before the House.

Mr. COX. The Chair is very unkind and unparliamentary to a man who is endeavoring to secure proper action on the part of the House.

The bill was read.

Mr. E. R. HOAR. I move that the bill be referred to the Committee on Commerce. The chairman of the committee, the gentleman from New York, [Mr. WHEELER,] would have made the motion if he were present. I know that he intended to make it if the bill had come up this afternoon.

Mr. HALE, of Maine. The House has passed this bill in terms, and this is a Senate bill containing the same provisions that the House has already passed.

Mr. COX. I object to debate.

Mr. HALE, of Maine. We ought to relieve our commerce from all these restrictions.

The question was put upon suspending the rules and passing the bill, and (two-thirds not voting in favor thereof) the bill was not passed.

Mr. E. R. HOAR. I now insist on my motion.

Mr. HALE, of Maine. I understood that when a bill came up and was not passed, it retained its place upon the Speaker's table.

The SPEAKER. The motion to refer the bill is in order.

The question was taken on the motion of Mr. E. R. HOAR, and it was agreed to, and the bill was referred to the Committee on Commerce.

POTTAWATOMIE INDIANS.

The next business upon the Speaker's table was the bill (S. No. 218) to enable the Secretary of the Interior to make final settlement with the Pottawatomie Indians of Michigan and Indiana under treaty stipulations existing with them.

Mr. RAINEY. I move to suspend the rules so as to refer that bill to the Committee on Indian Affairs.

The question was taken; and (two-thirds voting in favor thereof) the motion was agreed to, and the bill was referred to the Committee on Indian Affairs.

CIVIL-RIGHTS BILL.

The next business on the Speaker's table was the bill (S. No. 1) supplementary to an act entitled "An act to protect all citizens of the United States in their civil rights, and to furnish the means for their vindication," passed April 9, 1866.

Mr. BUTLER, of Massachusetts. I move that that bill be referred to the Committee on the Judiciary.

Mr. POLAND. I move that the rules be suspended and the bill passed.

Mr. ELDREDGE. The bill ought to go to the Committee on the Judiciary.

Mr. BUTLER, of Massachusetts. I withdraw my motion to refer it.

Mr. ELDREDGE. I renew the motion.

Mr. E. R. HOAR. I hope the House will pass the bill without referring it.

The question was upon suspending the rules and passing the bill.

Mr. G. F. HOAR. Upon that question I call for the yeas and nays.

The yeas and nays were ordered.

Mr. SPEER. Let the bill be read.

The Clerk proceeded to read the bill.

Mr. ELDREDGE. I move that the further reading of the bill be dispensed with; everybody knows the contents of the civi-rights bill.

The SPEAKER. The bill will be read.

Mr. ELDREDGE. Is it not in order for me to move to suspend the rules and dispense with the further reading of the bill?

The SPEAKER. The Chair does not think that that motion is in order.

Mr. ELDREDGE. I would like to know why.

Mr. CESSNA. The motion is to suspend the rules so as to pass the bill, and two motions to suspend the rules cannot be pending at the same time.

The SPEAKER. The bill will be read.

Mr. ELDREDGE. Does the Chair decide that it is not in order to suspend the rules so as to dispense with the reading?

The SPEAKER. The Chair thinks it better that the bill should be read.

Mr. ELDREDGE. It may be better in the opinion of the Chair, but if I have a right to make that motion I desire to make it.

Mr. SENER. There is already one motion pending to suspend the rules.

The SPEAKER. The motion of the gentleman might possibly be in order, but the Chair directs the bill to be read.

The Clerk resumed and completed the reading of the bill.

The question was on seconding the motion to suspend the rules.

Mr. ELDREDGE. I move that the House do now adjourn.

Mr. BUTLER, of Massachusetts. On that motion I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 76, nays 165, not voting 48; as follows:

YEAS—Messrs. Adams, Archer, Arthur, Ashe, Atkins, Banning, Barnum, Beck, Bell, Berry, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Roderick R. Butler, Caldwell, John B. Clark, jr., Clymer, Comingo, Cook, Cox, Crittenden, Crossland, Davis, Durham, Eldredge, Giddings, Gunter, Hamilton, Henry R. Harris, John T. Harris, Hatcher, Hereford, Herndon, Holman, Hunton, Knapp, Lamar, Leach, Luttrell, Magee, McLean, Milliken, Mills, Morrison, Neal, Nesmith, Niblack, O'Brien, Perry, Phelps, Randall, Read, Robbins, Milton Sayler, John G. Schumaker, Sloss, Southard, Speer, Standiford, Stone, Storm, Thornburgh, Vance, Wells, Whitehead, Whitehouse, Whitthorne, Willie, Ephraim K. Wilson, Wolfe, John D. Young, and Pierce M. B. Young—76.

NAYS—Messrs. Albert, Albright, Averill, Barber, Barrere, Barry, Bass, Begole, Biery, Bradley, Buffinton, Bundy, Burchard, Burleigh, Burrows, Benjamin F. Butler, Cain, Cannon, Cason, Cessna, Amos Clark, jr., Clinton L. Cobb, Stephen A. Cobb, Coburn, Conger, Corwin, Cotton, Creamer, Crooke, Crounse, Crutchfield, Darrall, Dawes, Dobbins, Donnan, Duell, Dunnell, Eames, Field, Foster, Frye, Garfield,

Gooch, Gunckel, Hagans, Eugene Hale, Robert S. Hale, Benjamin W. Harris, Harrison, Hathorn, John B. Hawley, Joseph R. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, Hendee, E. Rockwood Hoar, George F. Hoar, Hodges, Hooper, Hoskins, Houghton, Howe, Hubbell, Hunter, Hurlbut, Hyde, Hynes, Kelley, Kellogg, Kendall, Lamport, Lawrence, Lawson, Lewis, Lofland, Loughridge, Lowe, Lowndes, Lynch, Martin, Maynard, McCrary, James W. McDill, MacDougall, McJunkin, McKee, Merriam, Monroe, Moore, Morey, Negley, Niles, O'Neill, Orth, Packard, Page, Hosea W. Parker, Isaac C. Parker, Parsons, Pelham, Pendleton, Pierce, Pike, James H. Platt, jr., Poland, Pratt, Purman, Rainey, Ransier, Rapier, Ray, Rice, Richmond, Ellis H. Roberts, James W. Robinson, Ross, Rusk, Sawyer, Henry B. Sayler, Scofield, Henry J. Scudder, Isaac W. Scudder, Sener, Shanks, Sheats, Sherwood, Sloan, Small, Smart, A. Herr Smith, George L. Smith, H. Boardman Smith, J. Ambler Smith, John Q. Smith, Snyder, Stanard, Starkweather, St. John, Stowell, Strait, Strawbridge, Sypher, Christopher Y. Thomas, Todd, Townsend, Tremain, Waldron, Wallace, Walls, Jasper D. Ward, Marcus L. Ward, White, Whiteley, Wilber, Charles W. Willard, George Willard, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, James Wilson, Jeremiah M. Wilson, Woodford, and Woodworth—165.

NOT VOTING—Messrs. Freeman Clarke, Clayton, Clements, Crocker, Curtis, Danford, DeWitt, Eden, Elliott, Farwell, Fort, Freeman, Glover, Hancock, Harmer, Havens, Hersey, Jewett, Kasson Killinger, Lamison, Lansing, Marshall, Alexander S. McDill, McNulta, Mitchell, Myers, Nunn, Orr, Packer, Phillips, Thomas C. Platt, Potter, William R. Roberts, James C. Robinson, Sessions, Sheldon, Lazarus D. Shoemaker, William A. Smith, Sprague, Stephens, Swann, Taylor, Charles R. Thomas, Tyner, Waddell, Wheeler, and Wood—48.

So the motion to adjourn was not agreed to.

During the call of the roll,

Mr. STOWELL said: I have been requested to state that Mr. PACKER, Mr. TYNER, and Mr. MARSHALL are absent from the Hall on a conference on the post-office appropriation bill.

The question recurred upon the motion to suspend the rules and pass the bill, upon which the yeas and nays had been ordered.

The question was taken; and there were—yeas 139, nays 91, not voting 59; as follows:

YEAS—Messrs. Albert, Albright, Averill, Barber, Barrere, Barry, Bass, Begole, Biery, Bradley, Buffinton, Bundy, Burchard, Burleigh, Burrows, Benjamin F. Butler, Cain, Cason, Cessna, Amos Clark, jr., Stephen A. Cobb, Coburn, Conger, Corwin, Cotton, Crooke, Crounse, Curtis, Darrall, Dawes, Dobbins, Donnan, Dunnell, Eames, Field, Foster, Frye, Garfield, Gooch, Gunckel, Robert S. Hale, Benjamin W. Harris, Hathorn, John B. Hawley, Joseph R. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, Hendee, E. Rockwood Hoar, George F. Hoar, Hodges, Hooper, Hoskins, Houghton, Howe, Hubbell, Hunter, Hurlbut, Kasson, Kelley, Kellogg, Lamport, Lawrence, Lawson, Lewis, Loughridge, Lowe, Lynch, McCrary, James W. McDill, McJunkin, McKee, Merriam, Monroe, Moore, Morey, Negley, Niles, O'Neill, Orr, Orth, Packard, Page, Parsons, Pelham, Pendleton, Pierce, Pike, Thomas C. Platt, Poland, Purman, Rainey, Ransier, Rapier, Rice, Richmond, Ellis H. Roberts, James W. Robinson, Ross, Rusk, Sawyer, Henry B. Sayler, Scofield, Henry J. Scudder, Shanks, Sheats, Sheldon, Small, A. Herr Smith, George L. Smith, H. Boardman Smith, John Q. Smith, Snyder, Starkweather, Stowell, Strawbridge, Sypher, Todd, Townsend, Tremain, Waldron, Wallace, Walls, Jasper D. Ward, Marcus L. Ward, White, Whiteley, Wilber, Charles W. Willard, George Willard, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, James Wilson, Jeremiah M. Wilson, Woodford, and Woodworth—139.

NAYS—Messrs. Adams, Archer, Arthur, Ashe, Atkins, Banning, Barnum, Beck, Bell, Berry, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Roderick R. Butler, Caldwell, John B. Clark, jr., Clymer, Comingo, Cook, Cox, Creamer, Crittenden, Crossland, Crutchfield, Davis, Durham, Eldredge, Giddings, Gunter, Hamilton, Hancock, Henry R. Harris, John T. Harris, Harrison, Hatcher, Hereford, Herndon, Holman, Hunton, Hyde, Kendall, Knapp, Lamar, Leach, Lowndes, Luttrell, Magee, McLean, Milliken, Mills, Morrison, Neal, Nesmith, Niblack, O'Brien, Perry, Phelps, Randall, Ray, Read, Robbins, James C. Robinson, Milton Sayler, John G. Schumaker, Sener, Sloss, J. Ambler Smith, Southard, Speer, Stanard, Standiford, St. John, Stone, Storm, Swann, Christopher Y. Thomas, Thornburgh, Vance, Wells, Whitehead, Whitehouse, Whitthorne, Willie, Ephraim K. Wilson, Wolfe, John D. Young, and Pierce M. B. Young—91.

NOT VOTING—Messrs. Cannon, Freeman Clarke, Clayton, Clements, Clinton L. Cobb, Crocker, Danford, De Witt, Duell, Eden, Elliott, Farwell, Fort, Freeman, Glover, Hagans, Eugene Hale, Harmer, Havens, Hersey, Hynes, Jewett, Killinger, Lamison, Lansing, Lofland, Marshall, Martin, Maynard, Alexander S. McDill, MacDougall, McNulta, Mitchell, Myers, Nunn, Packer, Hosea W. Parker, Isaac C. Parker, Phillips, James H. Platt, jr., Potter, Pratt, William R. Roberts, Isaac W. Scudder, Sessions, Sherwood, Lazarus D. Shoemaker, Sloan, Smart, William A. Smith, Sprague, Stephens, Strait, Taylor, Charles R. Thomas, Tyner, Waddell, Wheeler, and Wood—59.

So (two-thirds not voting in favor thereof) the rules were not suspended.

During the call of the roll the following announcements were made:

Mr. PARKER, of New Hampshire. On this question I am paired with the gentleman from Massachusetts, Mr. CROCKER; if present he would vote "ay" and I would vote "no."

Mr. KNAPP. My colleague, Mr. MARSHALL, is absent on the committee of conference on the post-office appropriation bill; if present he would vote "no."

Mr. SHERWOOD. On this question I am paired with my colleague, Mr. JEWETT; if present he would vote "no" and I would vote "ay."

Mr. STRAIT. I am paired on this question with the gentleman from Missouri, Mr. HAVENS.

Mr. CANNON, of Illinois. My colleague, Mr. MARTIN, is absent on account of sickness.

Mr. MERRIAM. My colleague, Mr. WILBER, is absent on account of sickness.

Mr. COBB, of Kansas. My colleague, Mr. PHILLIPS, is indisposed this evening; if present he would vote "ay."

Mr. PARKER, of Missouri. On this question I am paired with the gentleman from North Carolina, Mr. WADDELL.

Mr. MACDOUGAL. On this question my colleague, Mr. SMART, and myself are paired with our colleague, Mr. POTTER; if present he would vote "no" and we would vote "ay."

Mr. SPRAGUE. I am paired on this question with my colleague, Mr. LAMISON; if present he would vote "no" and I would vote "ay."

Mr. STOWELL. I am requested to state that Mr. PACKARD, Mr. TYNER, and Mr. MARSHALL are engaged on the committee of conference on the post-office appropriation bill.

Mr. COMINGO. My colleague, Mr. GLOVER, is necessarily absent; if here he would vote "no."

Mr. WHITELEY. My colleague, Mr. FREEMAN, is absent by leave of the House; if present he would vote "ay."

Mr. FORT. On this question I am paired with my colleague, Mr. EDEN.

Mr. DANFORD. I am paired on this question with the gentleman from New York, Mr. DEWITT.

The question recurred on the motion of Mr. BUTLER, of Massachusetts, to refer the bill to the Committee on the Judiciary.

Mr. BUTLER, of Massachusetts. I withdraw that motion. Let the bill remain on the table.

Mr. ELDREDGE. I renew the motion.

Mr. G. F. HOAR. I wish to inquire, Mr. Speaker, in what position the call of committees stands.

The SPEAKER. The last committee called was the Committee on Mississippi Levees.

Mr. G. F. HOAR. The Judiciary Committee is the seventeenth on the list, and will probably not be called at all during next session. Therefore to send the civil-rights bill to that committee buries it.

Mr. ELDREDGE. It is buried any way; it has been buried half a dozen times beyond the power of resurrection. It is the deadest corpse you ever saw; and you are all glad of it.

Mr. CESSNA. Mr. Speaker, what position will the bill occupy at the next session as to priority on the Speaker's table if it remains where it is?

The SPEAKER. It might be reached by a motion to go to business on the Speaker's table made at any time after the morning hour.

Mr. CESSNA. Is it not among the very first bills on the Speaker's table?

The SPEAKER. It will, of course, be among the first on the table at the next session. The question recurs on the motion of the gentleman from Wisconsin [Mr. ELDREDGE] that the rules be suspended and the bill be referred to the Committee on the Judiciary.

The motion was not agreed to.

The SPEAKER. The bill remains on the Speaker's table.

ENROLLMENT OF A BILL.

Mr. LAWRENCE. I desire to submit a concurrent resolution for correcting the enrollment of a bill.

The SPEAKER. This is to correct the same error to which the gentleman from Ohio [Mr. LAWRENCE] called attention this afternoon. It has been found that the error was made in enrolling a Senate amendment, and therefore a concurrent resolution is necessary.

There being no objection the resolution was read, considered, and agreed to, as follows:

Resolved by the House of Representatives, (the Senate concurring,) That the Clerk of the House be authorized in enrolling the seventh Senate amendment to the bill (H. R. No. 2797) making appropriations for the payment of claims reported allowed by the commissioners of claims under the act of Congress of March 3, 1871, to insert the words "7,545," being the sum awarded to the party named in said amendment; said sum having been omitted from the Senate amendment as engrossed and sent to the House of Representatives.

TEXAS AND PACIFIC RAILROAD COMPANY.

The next business on the Speaker's table was the bill (S. No. 732) supplementary to the act entitled "An act to incorporate the Texas Pacific Railroad Company, and to aid in the construction of its road, and for other purposes."

The bill was read, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Texas and Pacific Railway Company is hereby empowered to secure, by one or more mortgages upon the whole or any portion of its line, the construction bonds heretofore authorized to be issued, and to cancel the mortgage now on record with the Secretary of the Interior so far as the same can be done without prejudice to existing rights, and to substitute therefor the mortgage or mortgages hereby authorized, which substituted mortgages shall expressly reserve all rights which may have been acquired under the existing mortgage: *Provided,* That the aggregate of the said bonds to be issued under and secured by said mortgage or mortgages shall not exceed the limit heretofore fixed by Congress; and said mortgages for the division east of Fort Worth shall embrace the roads and property of the Southern Pacific Railroad Company and of the Southern Transcontinental Railway Company, heretofore merged in and consolidated with the said Texas and Pacific Railway Company under the authority and requirements of the laws of the State of Texas; and which roads so merged as aforesaid shall for that and all other purposes be deemed and taken to be a part of the said Texas and Pacific Railway, and shall hereafter be subject to all the provisions and limitations of the act of Congress incorporating said company and of the supplements thereto: *And provided further,* That nothing in this act shall be construed or have the effect to entitle said corporation to any other or further rights to public lands or in any other respect as against the United States than such as by law it is now entitled to.

Mr. HOUGHTON. I move that the rules be suspended and this bill be passed. It has been considered by the Committee on the Pacific Railroad; and I am authorized by that committee to recommend its passage.

Mr. SPEER. I hope that the gentleman from California [Mr. HOUGHTON] will be allowed to explain to the House the effect of this bill. The bill is right. It is only necessary that the House should understand its provisions in order to secure its passage.

Mr. HOLMAN. I understand it to be a consolidation of railroad interests.

Mr. SPEER. The bill grants no subsidy; it gives no lands; it

merely allows several mortgages to be taken where under the existing law only one mortgage can be taken. That is the practical effect of it. It does not injure the Government to the extent of a penny, but it in express terms protects all existing rights.

The question being taken on the motion of Mr. HOUGHTON, there were—ayes 103, noes 44.

Mr. HOLMAN. I desire to call the yeas and nays on this question, though I hardly expect to obtain them against a railroad corporation.

Mr. SPEER. That is an unjust insinuation against an honest bill.

Mr. STORM. Then why does not the gentleman help us to get the yeas and nays?

Mr. SPEER. I will do so with pleasure.

The yeas and nays were not ordered; there being ayes 12, noes not counted.

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

CONTRACTORS FOR WAR VESSELS.

The next business on the Speaker's table was the bill (S. No. 141) for the relief of certain contractors for the construction of vessels of war and machinery.

The bill was read, as follows:

Be it enacted, &c., That the claims for building vessels of war and constructing steam-machinery, referred to and embraced in the act entitled "An act for the relief of certain contractors for the construction of vessels of war and steam-machinery," approved March 2, 1867, be, and the same are hereby, referred to the Court of Claims, which is hereby vested with authority and jurisdiction to hear and determine the respective claims of the several parties: *Provided, however*, That the investigation of said claims shall be upon the following basis: The said court shall ascertain the additional cost which was necessarily incurred by said contractors for the building of said vessels of war and in the construction of steam-machinery, in the completion of the same by reason of any changes or alterations in the plans and specifications required, and delays in the prosecution of the work, which were not provided for in the original contract; but no allowance for any advance in the price of labor or material shall be considered unless such advance occurred during the prolonged term for completing the work rendered necessary by the delay resulting from the action of the Government, and then only when such advance could not have been avoided by the exercise of ordinary prudence and diligence on the part of the contractors: *And provided further*, That the compensation fixed by the contracts between the contractors and the Government for specific alterations shall be conclusive as to the compensation to be made therefor: *And provided further*, That all moneys paid to said contractors by the Government over and above the original contract price for the building of said vessels and the construction of said machinery shall be deducted from any amounts allowed by said court by reason of the matters hereinbefore stated; and if the amounts so to be deducted in any case shall exceed the amount allowed by said court, judgment shall be entered for the excess against such claimant in favor of the United States; and said court is directed to certify such judgment and record to the circuit court of the circuit where such claimant resides, and said circuit court is hereby vested with authority to issue execution and to enforce its collection the same as if said judgment had originally been rendered therein: *And provided further*, That if any of such changes caused less work and expense to the contractors than the original plans and specifications, a corresponding reduction shall be made from the contract price, and the amount thereof be deducted from any allowance to be made by said court to said claimants: *And provided further*, That all claims under the provisions of this act shall be presented within one year from the passage thereof and not afterward; and the claimants in their petitions shall stipulate and agree to accept and abide by all the provisions of this act.

Mr. HAZELTON, of Wisconsin. I move that the rules be suspended and that this bill be passed. A corresponding bill of the House has already been approved by the Committee on War Claims.

Mr. KELLOGG. The bill has been acted upon favorably by the Committee on War Claims.

Mr. LAWRENCE. It has never been acted on by the Committee on War Claims.

Mr. HAZELTON, of Wisconsin. A corresponding bill has been.

Mr. LAWRENCE. This bill involves a great deal more.

Mr. ARCHER. It involves $7,000,000.

Mr. NEGLEY. It does not involve $7,000,000.

Mr. HOLMAN. I wish to make a parliamentary inquiry. May not the reading of a report be required upon a motion to suspend the rules and pass a bill?

The SPEAKER. The motion is to suspend the rules and pass the bill.

Mr. HOLMAN. I move the rules be suspended and the report read.

The SPEAKER. The Chair has recognized the gentleman from Wisconsin because he reported a bill somewhat similar in title from the Committee on War Claims, which bill is now before the Committee of the Whole on the Private Calendar.

Mr. ARCHER. It is not the same bill which is in the Committee of the Whole on the Private Calendar.

Mr. RANDALL. I should like to know whether it is not in order to suspend the rules for the report to be read. These reports are prepared for the information of the House.

The SPEAKER. That motion will not be in order any more than a motion to suspend the rules and allow a member to speak for an hour. Besides, there is already one motion to suspend the rules pending. The motion of the gentleman from Wisconsin [Mr. HAZELTON] is the motion in order under the order by which the House has proceeded to the consideration of the business upon the Speaker's table. Is there a second to the motion to suspend the rules?

Mr. HAZELTON of Wisconsin, and Mr. HOLMAN, were appointed tellers.

The House divided; and the tellers reported—ayes 95, noes 51.

So the motion to suspend the rules was seconded.

Mr. RANDALL demanded the yeas and nays.

The yeas and nays were ordered.

Mr. HOLMAN. I ask that the bill be again read.

The bill was again read.

The question was taken; and it was decided in the negative—yeas 115, nays 109, not voting 65; as follows:

YEAS—Messrs. Albert, Arthur, Averill, Banning, Barnum, Barrere, Bass, Bell, Bland, Bradley, Buffinton, Burleigh, Benjamin F. Butler, Roderick R. Butler, Cain, Cessna, Amos Clark, jr., John B. Clark, jr., Clinton L. Cobb, Comingo, Cook, Corwin, Cox, Creamer, Crooke, Crounse, Crutchfield, Danford, Davis, Dawes, Dobbins, Dunnell, Eames, Eldredge, Foster, Frye, Gooch, Hagans, Eugene Hale, Hancock, Benjamin W. Harris, John T. Harris, Harrison, Hathorn, Joseph R. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, Hendee, Herndon, E. Rockwood Hoar, George F. Hoar, Hodges, Hooper, Houghton, Howe, Hynes, Kelley, Kellogg, Knapp, Lansing, Lewis, Lofland, Lowe, Lowndes, Morey, Negley, Nesmith, Niles, O'Neill, Orr, Orth, Page, Hosea W. Parker, Isaac C. Parker, Parsons, Pendleton, Perry, Phelps, Pierce, Pike, James H. Platt, jr., Poland, Rainey, Rapier, Rice, James C. Robinson, Rusk, Sawyer, Milton Sayler, Henry J. Scudder, Isaac W. Scudder, Shanks, Sheats, Sloan, Sloss, H. Boardman Smith, Stanard, Starkweather, St. John, Stone, Strawbridge, Thornburgh, Tremain, Wallace, Walls, Jasper D. Ward, Wells, Whiteley, Wilber, Charles G. Williams, John M. S. Williams, Ephraim K. Wilson, Woodford, and Pierce M. B. Young—115.

NAYS—Messrs. Adams, Archer, Ashe, Atkins, Beck, Begole, Berry, Biery, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Bundy, Burchard, Caldwell, Cannon, Cason, Clements, Clymer, Stephen A. Cobb, Coburn, Conger, Cotton, Crittenden, Crossland, Curtis, Donnan, Durham, Field, Giddings, Gunckel, Gunter, Robert S. Hale, Hamilton, Henry R. Harris, Hatcher, John B. Hawley, Hereford, Holman, Hoskins, Hubbell, Hunter, Hunton, Hurlbut, Hyde, Kasson, Kendall, Lamport, Lawrence, Lawson, Loughridge, Luttrell, Magee, McCrary, James W. McDill, MacDougall, McJunkin, Merriam, Milliken, Mills, Monroe, Moore, Morrison, Neal, O'Brien, Packard, Thomas C. Platt, Randall, Read, Robbins, Ellis H. Roberts, James W. Robinson, Ross, Henry B. Sayler, John G. Schumaker, Scofield, Sener, Sherwood, Small, Smart, A. Herr Smith, John Q. Smith, Southard, Speer, Sprague, Standiford, Storm, Strait, Sypher, Christopher Y. Thomas, Todd, Townsend, Vance, Waldron, White, Whitehead, Whitthorne, Charles W. Willard, George Willard, William Williams, William B. Williams, Willie, James Wilson, Jeremiah M. Wilson, Wolfe, Woodworth, and John D. Young—109.

NOT VOTING—Messrs. Albright, Barber, Barry, Burrows, Freeman Clarke, Clayton, Crocker, Darrall, DeWitt, Duell, Eden, Elliott, Farwell, Fort, Freeman, Garfield, Glover, Harmer, Havens, Hersey, Jewett, Killinger, Lamar, Lamison, Leach, Lynch, Marshall, Martin, Maynard, Alexander S. McDill, McKee, McLean, McNulta, Mitchell, Myers, Niblack, Nunn, Packer, Pelham, Phillips, Potter, Pratt, Purman, Ransier, Ray, Richmond, William R. Roberts, Sessions, Sheldon, Lazarus D. Shoemaker, George L. Smith, J. Ambler Smith, William A. Smith, Snyder, Stephens, Stowell, Swann, Taylor, Charles R. Thomas, Tyner, Waddell, Marcus L. Ward, Wheeler, Whitehouse, and Wood—65.

DEFICIENCY APPROPRIATION BILL.

Mr. GARFIELD. I submit the following conference report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 3030) making appropriations to supply deficiencies in the appropriations for the service of the Government for the fiscal years ending June 30, 1873, and 1874, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from their amendments numbered 5, 10, 11, 12.

That the House recede from their disagreement to the amendments of the Senate numbered 3, 4, 8, 13, 17, 20, 21, 22, 23, 24, 28, 31, 35, 36, 37, 44.

That the Senate recede from their disagreement to the amendment of the House to the amendment numbered 42, and agree to the same.

That the House recede from their disagreement to the amendment of the Senate numbered 18, and agree to the same, as follows, namely: Substitute for the words stricken out the following:

Provided, That none of the moneys hereby appropriated for the payment of deficiencies in the Indian service shall be paid until the necessity for the expenditures shall have been examined into by the Secretary of the Interior and any existing board of peace commissioners.

And the Senate agree to the same.

That the Senate recede from their amendment numbered 30, with an amendment as follows: Add after the word "Congress" at the close of the paragraph these words: "And the unexpended balance of the appropriation for wrapping-paper provided for in the act making appropriations for the service of the Post-Office Department for the year ending June 30, 1874, is hereby made available for the purchase of wrapping-paper and twine;" and the House agree to the same.

That the House recede from their disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: Strike out all of the said amendment after the word "the" in line 2 of said amendment, and insert the following: "Remainder of the Forty-third Congress not already paid for, $42,364, in lieu of all compensation otherwise provided for;" and the Senate agree to the same.

That the House recede from their amendment to the amendment of the Senate numbered 41, and the Senate recede from their amendment, and agree to the following as a substitute for the original paragraph, namely:

To pay the five Official Reporters of the proceedings and debates of the House for the remainder of the Forty-third Congress, $24,815; and hereafter the pay of the Official Reporters of the proceedings and debates of each House shall be $50,000, and the pay of official reporters of committees of the House shall be $5,000 each per annum, and this shall be in lieu of all other compensation for such services in reporting the proceedings of each and all of said committees.

And the House agree to the same.

That the House recede from their disagreement to the amendment numbered 43, and agree to the same with an amendment as follows: Insert after the word "erection" in line 4, page 30 of the bill, the words "and furnishing;" and insert after the word "building," in same line and page, the words "and grounds;" and insert after the word "money," line 9, same page, the words "or any part thereof;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: Add after the word "dollars," in said amendment, the following:

For Army pensions and expenses thereof under the various acts of Congress, $300,000; and there is hereby appropriated a sum sufficient to make the compensation of the clerk of the House Committee on Invalid Pensions equal to $2,160 per annum for the Forty-Third Congress, and no longer.

And the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 14, and agree to the same with an amendment as follows: Strike out the word "five" from said amendment and insert in lieu thereof the word "three," and after the

word "hundred" in line 21, page 17 of the bill, insert the words "and fifty;" and the Senate agree to the same.

JAMES A. GARFIELD,
EUGENE HALE,
Managers on the part of the House.
A. A. SARGENT,
LOT M. MORRILL,
JAMES K. KELLY,
Managers on the part of the Senate.

Mr. GARFIELD. If any gentleman desires to put any questions in regard to this conference report I shall be happy to answer them.

Mr. HOLMAN. I hope the gentleman from Ohio will explain the new features which are incorporated into this bill by the conference committee. And I wish to ask him to what extent the committee have increased the compensation of the reporters of the Senate. I observe from the reading of the report that the pay of the reporters of committees and the reporters of the debates of the House is put at $5,000. What is the increase in the compensation of the Senate reporters?

Mr. GARFIELD. No new matter has been introduced into this report except two subjects that were referred to the conference committee by the House itself. One was a letter from the Secretary of the Interior, informing the House that there would be a deficiency of $300,000 in the appropriation for Army pensions. That has been incorporated into this bill. There has also been referred to us a resolution of the House in regard to the clerk of the Committee on Pensions, a cognate subject.

In answer to the question of the gentleman from Indiana, I will state that the House, it will be remembered, by a very decided majority raised the pay of the reporters of the debates of the House to $5,000 each, instead of a salary of $4,200 as provided earlier in the session. The only change that has been made in that regard is that the managers of the conference on the part of the Senate insisted that the Senate reporters should have equal payment with ours. Although it was admitted that we had more columns of actual report during the session—during this session at least—than the Senate, yet it was suggested that the Senate had an extra executive session after the House adjourns, sometimes lasting a month. They furthermore insisted, and it is true, that there are far more speeches in the House merely printed, not actually delivered, than there are in the Senate, and hence that their reporters had more actual reporting of the proceedings in proportion to the number of pages covered than the reporters of the House. On this ground it seemed to us reasonable that the same amount should be paid to the Senate reporters as to ours. We therefore concur in the amendment with regard to the Senate reporters, with an amendment allowing to the Senate reporters the same pay as to the reporters of the House.

If there is any question which any gentleman desires to ask in relation to any other matter, I shall be glad to answer it. I may remark that there were forty-four amendments in difference between the two Houses. On four the Senate receded absolutely; on sixteen the House receded absolutely; and on the remaining twenty-four there were meetings by mutual concession on the part of the two Houses.

Mr. STARKWEATHER. I wish to ask the gentleman from Ohio what has been done with regard to the deficiency for the Indian service?

Mr. GARFIELD. In regard to that we found the same difficulty that was met to-day in connection with the Indian appropriation bill, and we exactly split the difference after a very long contest.

Mr. STARKWEATHER. How much increase is it over the House appropriation?

Mr. GARFIELD. The amount in the report is $150,000 less than the Senate had insisted on, and $150,000 more than the House originally adopted. We exactly divided the difference between the two Houses on that subject.

Mr. HOLMAN. The deficiency alluded to by the chairman of the Committee on Appropriations as having been referred to the committee of conference, and which was reported to the House from the Pension Bureau, is I believe an entirely new feature in our legislative history. I hope, inasmuch as there is no objection at all, I presume, to that feature of the report of the conference committee being adopted, that the fact shall appear upon the record that it was done by unanimous consent. But I do insist that as a question of parliamentary law the subject could not properly be referred to that committee. But this proposition having been referred to the committee of conference without objection, and coming from it without objection, it will establish no precedent.

Mr. GARFIELD. I think this is a very important matter, and I should be glad to hear from the Chair if there is any precedent for one House referring a new matter to a committee of conference that is not one of the subjects in dispute between the two Houses. In this case it has worked very well. It was vitally important that this matter should come before the committee of conference, for it was discovered that a deficiency was likely to arise in the amount necessary to pay the pensions of Army pensioners for this year. The gentleman from Indiana, [Mr. HOLMAN,] although he does not wish to make any point in this case, raises the question as to what is the parliamentary rule, and I should be glad to know of the Speaker whether u der the rules there is anything unusual or out of order in one House referring a new matter to a conference committee.

Mr. HOLMAN. I desire to submit a remark upon this subject. This report really comes in by unanimous consent, because the new matter which has been referred to the committee of conference was referred to the committee by unanimous consent and is reported by unanimous consent; but the proposition I desire to submit is this, that there is certainly no precedent for such action on the part of one House of Congress, and it should appear rather as being by the unanimous action of the House than as the result of a decision of the Chair that such a proceeding is in order.

The SPEAKER. The gentleman from Indiana will remember that the Chair did not rule that without unanimous consent a new matter could be referred to a committee of conference after it had been appointed. On that ground the Chair would have been bound to rule it out.

Mr. HOLMAN. I am very glad to hear that decision from the Chair.

The SPEAKER. It was only on account of the extraordinary exigency of the case that this matter was admitted and referred by unanimous consent.

Mr. GARFIELD. I will state that this report is the unanimous report of the committee of conference; but the gentleman from Maryland, [Mr. SWANN,] one of the conferees, is absent this evening, and we were unable to obtain his signature to the report. I now call for a vote.

The question was taken, and the report of the committee of conference was agreed to.

Mr. GARFIELD moved to reconsider the vote by which the report of the committee of conference was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 3030) making appropriations to supply deficiencies in the appropriations for the service of the Government for the fiscal years ending June 30, 1873 and 1874, and for other purposes.

The message further announced that the Senate had passed, without amendment, the bill of the House No. 2801 to place on the retired list of the Navy M. H. Plunkett, late second assistant engineer of the regular Navy.

Mr. HOLMAN. I move that the House do now adjourn.

Mr. GARFIELD. I hope the House will not adjourn. We should get two more conference committees appointed before we adjourn. I will state that the Senate has now concluded its work upon the sundry civil appropriation bill. We want to get it here so that it may be referred to the Committee on Appropriations, and then we can adjourn until early on Monday morning. I believe that the committee of conference on the Indian appropriation bill are very nearly ready to report.

Mr. HOLMAN. I desire to move that the House take a recess for fifteen minutes, but I will yield to the gentleman from South Carolina, [Mr. RANSIER.]

CUBAN PATRIOTS.

Mr. RANSIER. I ask unanimous consent to offer the resolution which I send to the Clerk's desk.

Mr. PLATT, of Virginia. If that requires unanimous consent I object.

The SPEAKER. The gentleman from South Carolina desires that his resolution shall be read.

Mr. PLATT, of Virginia. I object.

The SPEAKER. Does the gentleman object to the reading?

Mr. PLATT, of Virginia. Yes, sir; I object.

Mr. RANSIER. I trust that the gentleman will as a matter of courtesy withdraw his objection, and allow the resolution to be read.

Mr. PLATT, of Virginia. Very well, sir; I withdraw it.

The Clerk read the resolution proposed by Mr. RANSIER, as follows:

Resolved, That the patriots in Cuba, for their constancy and courage manifested in a struggle of nearly six years' duration to accomplish the abolition of slavery and the slave trade, and to establish the just equality of all men in the enjoyment of civil and political rights, as well as for their unwavering devotion to the spirit and form of a republican government, and their heroic sacrifice of life and property in the maintenance of the same, are entitled to the unqualified sympathy of the friends of free government throughout the world.

Mr. GARFIELD. I object to the resolution.

Mr. RANSIER. I move that the rules be suspended and the resolution passed.

The SPEAKER. The rules cannot be suspended, because the House is now acting under a suspension of the rules.

Mr. RANSIER. Then I ask the privilege of having the resolution printed in the RECORD and referred to the Committee on Foreign Affairs.

Several members objected.

SAINT CROIX RAILROAD.

The next business on the Speaker's table was the bill (S. No. 655) to extend the time for the completion of a railroad from the Saint Croix River or Lake between townships 25 and 31, to the west end of Lake Superior, and to Bayfield in the State of Wisconsin.

Mr. HOLMAN. I move that the House now take a recess for fifteen minutes. It is reported that the Senate have concluded their consideration of the sundry civil appropriation bill and it will be over here in a few minutes.

The motion for a recess was not agreed to; upon a division—ayes 33, noes not counted.

The House resumed the consideration of Senate bill No. 654.

Mr. SAWYER. I will yield to the gentleman from Michigan, [Mr. BRADLEY,] who is a member of the Committee on the Public Lands, and who desires to move a substitute for this bill.

Mr. RANDALL. This is the celebrated Proctor Knott Du Luth bill.

Mr. BRADLEY. I move that this bill be passed with a substitute which I send to the Clerk's desk.

The Clerk read as follows:

Strike out all after the enacting clause and insert:

That the time for the completion of the railroad from the Saint Croix River or Lake between townships 25 and 31, to the west end of Lake Superior, and to Bayfield in the State of Wisconsin, is hereby extended five years from the passage of this act, and that the act of Congress of June 3, 1856, and the act of May 5, 1864, enlarging the same to aid said State in the construction of said railroad, be, and the same is hereby, continued in full force to said State until the expiration of the said five years: *Provided*, That the provisions of this act shall not apply to any lands that have been sold, entered under the homestead act, or upon which pre-emption rights have attached subsequent to May 5, 1864: *Provided further*, That no benefit shall be received under this act until the company or companies entitled to the same shall file an acceptance in writing with the Secretary of the Interior.

Mr. RANDALL. I move to amend by striking out "five years" and inserting "fifty years," so as to save the time of Congress in extending this grant.

Mr. SAWYER. It is not necessary to do that; I think we can get along with five years.

Mr. BRADLEY. I move to suspend the rules and pass the bill with the substitute which has been read.

Mr. O'BRIEN. On that motion I call for the yeas and nays.

The yeas and nays were ordered.

Mr. SMITH, of Ohio. I rise to a parliamentary question. Do we not have to take a vote on the substitute before we vote on the passage of the bill?

The SPEAKER. The motion is to suspend the rules and pass the bill as proposed to be amended

Mr. RANDALL. What became of my amendment to make it fifty years?

The SPEAKER. That was not in order.

The question was taken; and there were—yeas 92, nays 95, not voting 102; as follows:

YEAS—Messrs. Albert, Albright, Averill, Barber, Bell, Bradley, Burleigh, Benjamin F. Butler, Roderick R. Butler, Cain, Cessna, Clinton L. Cobb, Conger, Cook, Creamer, Crooke, Crounse, Crutchfield, Dawes, Dobbins, Donnan, Dunnell, Eames, Eldredge, Giddings, Gooch, Hagans, Robert S. Hale, Benjamin W. Harris, Henry R. Harris, Hathorn, Joseph R. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, Hendee, Herndon, E. Rockwood Hoar, George F. Hoar, Hodges, Houghton, Hubbell, Kelley, Lansing, Lewis, Lofland, Lowndes, Lynch, McCrary, Alexander S. McDill, McLean, Moore, Morey, Negley, Nesmith, Orr, Pierce, James H. Platt, jr., Poland, Rainey, Ransier, Rapier, Rice, Rusk, Sawyer, Henry J. Scudder, Isaac W. Scudder, Sheldon, Sloan, Sloss, George L. Smith, Stanard, Standiford, St. John, Strait, Strawbridge, Christopher Y. Thomas, Townsend, Tremain, Vance, Waldron, Wallace, Walls, Marcus L. Ward, White, Whitehead, Whiteley, Wilber, Charles G. Williams, John M. S. Williams, John D. Young, and Pierce M. B. Young—92.

NAYS—Messrs. Archer, Arthur, Ashe, Atkins, Barnum, Bass, Berry, Biery, Bland, Blount, Bowen, Bromberg, Brown, Buffinton, Burchard, Caldwell, Cannon, Cason, John B. Clark, jr., Clements, Clymer, Stephen A. Cobb, Coburn, Comingo, Cox, Curtis, Danford, Davis, Durham, Fort, Foster, Gunckel, Gunter, Hamilton, Hancock, John T. Harris, Harrison, Hatcher, John B. Hawley, Holman, Hoskins, Howe, Hunter, Hyde, Kasson, Kendall, Lawrence, Lawson, Magee, Marshall, MacDougall, McJunkin, Merriam, Milliken, Mills, Monroe, Morrison, Neal, O'Brien, Packard, Packer, Page, Hosea W. Parker, Isaac C. Parker, Pelham, Thomas C. Platt, Randall, Ray, Robbins, Ellis H. Roberts, James W. Robinson, Henry B. Sayler, John G. Schumaker, Sessions, Shanks, Sherwood, Smart, A. Herr Smith, H. Boardman Smith, J. Ambler Smith, John Q. Smith, Speer, Sprague, Stone, Storm, Thornburgh, Todd, Wells, Whitehouse, Whitthorne, Charles W. Willard, William Williams, William B. Williams, James Wilson, and Wolfe—95.

NOT VOTING—Messrs. Adams, Banning, Barrere, Barry, Beck, Begole, Bright, Buckner, Bundy, Burrows, Amos Clark, jr., Freeman Clarke, Clayton, Corwin, Cotton, Crittenden, Crocker, Crossland, Darrall, DeWitt, Duell, Eden, Elliott, Farwell, Field, Freeman, Frye, Garfield, Glover, Eugene Hale, Harmer, Havens, Hereford, Hersey, Hooper, Hunton, Hurlbut, Hynes, Jewett, Kellogg, Killinger, Knapp, Lamar, Lamison, Lamport, Leach, Loughridge, Lowe, Luttrell, Martin, Maynard, James W. McDill, McKee, McNulta, Mitchell, Myers, Niblack, Niles, Nunn, O'Neill, Orth, Parsons, Pendleton, Perry, Phelps, Phillips, Pike, Potter, Pratt, Purman, Read, Richmond, William R. Roberts, James C. Robinson, Ross, Milton Sayler, Scofield, Sener, Sheats, Lazarus D. Shoemaker, Small, William A. Smith, Snyder, Southard, Starkweather, Stephens, Stowell, Swann, Sypher, Taylor, Charles R. Thomas, Tyner, Waddell, Jasper D. Ward, Wheeler, George Willard, Willie, Ephraim K. Wilson, Jeremiah M. Wilson, Wood, Woodford, and Woodworth—102.

So (two-thirds not voting in favor thereof) the rules were not suspended.

LEAVE TO PRINT.

Mr. WOODFORD asked and obtained leave to have printed in the RECORD, as a portion of the debates of this House, some remarks he had prepared upon the report of the committee of conference on the currency bill this day adopted by the House. (See Appendix.)

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate had agreed to the report of the second committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 2343) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1875, and for other purposes.

INDIAN APPROPRIATION BILL.

Mr. SHANKS. I rise to a privileged report from the second conference committee on the disagreeing votes of the two Houses on the Indian appropriation bill. I will state that the only change that we have made in the report of the former committee of conference is in relation to the forty-sixth and forty-seventh amendments of the Senate concerning the Apache Indians. I would suggest that in order to save time only that portion of the report need now be read.

The SPEAKER. If there be no objection that will be done.

There was no objection.

The Clerk read as follows:

That the House recede from their disagreement to the amendment numbered 46 and agree to the same with an amendment as follows:

In lieu of the sum proposed to be inserted by said Senate amendment insert the sum of $375,000.

And the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 47, and agree to the same with an amendment, as follows:

Strike out the word "fifty," and insert in lieu thereof the word "twenty-five."

And the Senate agree to the same.

The report of the committee of conference was agreed to.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. DAWES. I move, Mr. Speaker, that the House take a recess from now until half-past ten o'clock on Monday morning. I am informed it will be some hours before the sundry civil appropriation reaches the House from the Senate, and that an arrangement will then be made by which it can be informally submitted to the Committee on Appropriations as if done by a vote of the House, so that everything will be accomplished that could be by our remaining here.

MAIL CONTRACTS.

Mr. PACKER, from the Committee on the Post-Office and Post-Roads, submitted a report in regard to mail contracts and temporary service; which was laid upon the table and ordered to be printed.

MRS. GATES.

Mr. RANDALL. Before we take a recess, Mr. Speaker, I wish to withdraw my objection to the bill for the relief of Mrs. Gates to which I objected this morning. I find I was wrong and now wish to put myself right as soon as possible.

Mr. DUNNELL. Mr. Speaker, the gentleman from Pennsylvania having withdrawn his objection to the bill, I now ask to have put on its passage a bill (H. R. No. 3774) for the relief of the widow and children of Colonel William Gates, United States Army.

The bill was read. It authorizes and directs the Secretary of the Treasury to ascertain the value of the property lost by Colonel William Gates, of the United States Army, who was on board the steamship San Francisco in the month of December, 1853, when she was wrecked between New York and San Francisco, said property consisting of furniture, wearing apparel, &c., of his family then on board, and the amount so ascertained shall be paid out of any money in the Treasury not otherwise appropriated; provided that no allowance be made for any property except such as was necessary and proper for an officer of that grade ordered on such service; and further provided, that such amount as may have been received by said Gates, if any, for property lost, under the law of March 27, 1854, be deducted from whatever may be adjudged to be due him under the act previous to the payment of the same, and the sum so found due shall be paid.

Mr. DUNNELL. This is the unanimous report of the Committee on Claims.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed unanimously.

Mr. DUNNELL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REMOVING OBSTRUCTIONS IN THE RED RIVER, ETC.

Mr. SMITH, of Louisiana, by unanimous consent, introduced a bill (H. R. No. 3775) authorizing the Secretary of War to use certain unexpended balances of appropriations for dredging bars and removing obstructions in the Red, Ouachita, and Atchafalaya Rivers; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

NEW STATE OUT OF TEXAS AND LOUISIANA.

Mr. SMITH, of Louisiana, also, by unanimous consent, introduced a bill (H. R. No. 3776) for the erection of a new State out of certain portions of the States of Texas and Louisiana; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

And then, on motion of Mr. DAWES, (at eleven o'clock and forty minutes p. m.,) the House took a recess until Monday morning at half-past ten o'clock.

AFTER RECESS.

The recess having expired, the House (at ten o'clock and thirty minutes a. m. Monday, June 22) resumed its session.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the Senate had agreed to the concurrent resolution of the House for correcting an error in the enrollment of the bill (H. R. No. 2797) making appropriations for the payment of claims reported allowed by the commissioners of claims.

The message also announced that the Senate had passed bills of the following titles, with amendments in which the concurrence of the House was requested:

A bill (H. R. No. 3168) making appropriations for the repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes;

A bill (H. R. No. 3600) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1875, and for other purposes; and

A bill (H. R. No. 3256) to repeal so much of the act approved May 8, 1872, entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1873, and for other purposes," as provides for the employment of persons to assist the proper officers of the Government in discovering and collecting moneys withheld, and for other purposes.

The message also announced that the Senate had passed without amendment bills of the following titles:

A bill (H. R. No. 2246) relating to circuit courts of the United States for the districts of Alabama; and

A bill (H. R. No. 3772) for the relief of John D. Young.

The message also announced that the Senate had receded from its amendment to the bill (H. R. No. 899) to constitute Montgomery, in the State of Alabama, a port of delivery.

LEAVE TO PRINT.

Mr. MONROE, by unanimous consent, obtained leave to print in the RECORD some remarks on the currency bill. (See Appendix.)

THOMAS H. MARSTON.

Mr. COX. I offer the following resolution:

Resolved, That Thomas H. Marston, door-keeper of the reporters' gallery of the House of Representatives, be continued on the rolls during the recess of Congress at the present rate of compensation, to be paid out of the contingent fund of the House.

Mr. GARFIELD. That cannot be done under the rules.

Mr. COX. It was done under the rules last session.

Mr. GARFIELD. It has to be done by law.

Mr. COX. I move that the resolution be referred to the Committee on Accounts, with the right to report at any time.

The motion was agreed to.

WILLIAM TOD HELMUTH.

Mr. SCHUMAKER, of New York. I move that the Committee on the Library be discharged from the further consideration of the bill (H. R. No. 3506) for the relief William Tod Helmuth, of New York, and that the same be passed.

The bill was read. In its preamble it states that William Tod Helmuth, M. D., of the city of New York, has composed and is the author of a book entitled "A System of Surgery, by Wm. Tod Helmuth, M. D.," in the entering of the title of which book with the Librarian of Congress at Washington, on or about the 22d day of August, 1872, an imperfect copy of the title thereof was deposited, and the act relating to copyrights has been otherwise not complied with, but without any improper intent on the part of said William Tod Helmuth, M. D. The bill therefore provides that William Tod Helmuth, M. D., the author of the book entitled "A System of Surgery, by Wm. Tod Helmuth, M. D.," may, within ninety days from the passage of the act, enter an amended and corrected title of the book, and deposit two copies of said book with the Librarian of Congress at Washington, who is directed to receive the same; and that upon complying with this law, the right of said William Tod Helmuth, M. D., to his said book, and to the copyright thereof, shall be the same in all respects as though all the requirements of the copyright laws of the United States had been duly complied with when said imperfect title was first recorded with the Librarian of Congress in 1872, and when said book was first published. And it shall not be necessary for said William Tod Helmuth, M. D., to insert in the copies of such book any other or further notice of copyright thereto than would have been required had the copyright laws been originally duly complied with.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

ALEXANDER HENDERSON.

Mr. ALBERT. I ask unanimous consent to report back from the Committee on Foreign Affairs, with the recommendation that it do pass, the bill (S. No. 828) for the relief of Alexander Henderson.

The bill was read. It directs the Treasurer of the United States to pay to Alexander Henderson $234.71 for balance due him as late consul at Londonderry, in Ireland.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

DR. MARY E. WALKER.

Mr. SCUDDER, of New York. I ask unanimous consent to report from the Committee on War Claims the bill for the relief of Dr. Mary E. Walker.

The bill was read.

Mr. CRUTCHFIELD. I object.

REPORT OF COMMISSIONERS TO VIENNA EXPOSITION.

Mr. DONNAN, from the Committee on Printing, reported the following resolution; which was read, considered, and agreed to:

Resolved by the House of Representatives, (the Senate concurring,) That of the reports of the United States commissioners to the Vienna exposition there shall be printed, under the direction of the Secretary of State, four thousand copies for the House, two thousand copies for the Senate, and one thousand copies for the Secretary of State.

Mr. DONNAN moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REPORT OF CHIEF SIGNAL OFFICER.

Mr. DONNAN, from the same committee, reported back the following Senate concurrent resolution with the recommendation that it be concurred in:

Resolved by the Senate, (the House of Representatives concurring,) That two thousand copies of the report of the Chief Signal Officer for 1873 be printed and bound for the use of the Secretary of War.

The resolution was concurred in.

Mr. DONNAN moved to reconsider the vote by which the resolution was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REPORT OF SUPERINTENDENT OF COAST SURVEY.

Mr. DONNAN, from the same committee, reported back the following Senate concurrent resolution, with the recommendation that it be concurred in:

Resolved by the Senate, (the House of Representatives concurring,) That there be printed of the report of the Superintendent of the Coast Survey for the year 1873 three thousand extra copies for the use of the Superintendent of the Coast Survey.

The report was concurred in.

Mr. DONNAN moved to reconsider the vote by which the resolution was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PRINTING OF NATIONAL-BANK NOTES, ETC.

Mr. MERRIAM. I offer the following resolution:

Resolved, That the Speaker be, and he is hereby, authorized to appoint a committee of three to examine into the printing of national-bank notes, cost of paper, and other materials, and the general management of the affairs in the office of the Comptroller of the Currency, said committee to report to Congress at the next session.

The SPEAKER. If the gentleman intends that power shall be given to the committee to sit during the recess, the resolution, as worded, will not do that.

Mr. MERRIAM. I desire to have that power, and will modify the resolution accordingly.

Mr. HURLBUT. I object to the present consideration of the resolution.

ENROLLED BILLS SIGNED.

Mr. DARRALL, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills and joint resolutions of the following titles; when the Speaker signed the same:

A joint resolution (H. R. No. 113) making an appropriation for the purchase and restoration to the family of the Marquis de La Fayette of the watch presented to him by General Washington;

A joint resolution (H. R. No. 95) authorizing the Postmaster-General to perfect title to certain real estate obtained from John W. Norton, a defaulter to the postal money-order bureau;

An act (H. R. No. 225) to amend the act entitled "An act to establish a western judicial district of North Carolina;"

An act (H. R. No. 352) for the relief of Colonel E. McCarty;

An act (H. R. No. 753) for the relief of Peter S. Patton;

An act (H. R. No. 764) for the relief of John Dold;

An act (H. R. No. 1370) to authorize the Secretary of the Interior to settle and pay the accounts of William Pelham, late surveyor-general of New Mexico;

An act (H. R. No. 1578) for the relief of Martin Kalbfleisch's sons;

An act (H. R. No. 1764) to appropriate lands for the support of schools in certain fractional townships in the State of Missouri;

An act (H. R. No. 1774) for the relief of Matthias Whitehead;

An act (H. R. No. 1915) to remove the political disabilities of Henry H. Sibley, a citizen of Fredericksburgh, Virginia;

An act (H. R. No. 2270) making an appropriation to pay Emanuel Small and James Tate, of Atchison County, Missouri, for carrying the mails;

An act (H. R. No. 2539) relinquishing the rights of the United States in certain lands in the State of Michigan;

An act (H. R. No. 2787) to provide for the sale of the present United States marine hospital and site, and for the purchase of a new site

and erection thereon of a new marine hospital, in the city of Pittsburgh, Pennsylvania;

An act (H. R. No. 2801) to place on the retired list of the Navy M. H. Plunkett, late second assistant engineer of the regular Navy;

An act (H. R. No. 2988) to provide for the appointment of a commission of engineers to investigate and report a permanent plan for the reclamation of the alluvial basin of the Mississippi River subject to inundation;

An act (H. R. No. 3162) for the relief of settlers on railroad lands;

An act (H. R. No. 3163) authorizing the Secretary of War to deliver certain condemned ordnance to the municipal authorities of Lexington, Massachusetts, for monumental purposes;

An act (H. R. No. 3173) for the relief of James A. McCullah, late collector of the fifth district of Missouri;

An act (H. R. No. 3257) authorizing the Secretary of War to sell unserviceable ordnance stores, and for other purposes;

An act (H. R. No. 3282) providing for the collection of moneys due the United States from the Pacific Railroad Companies;

An act (H. R. No. 3354) to legalize entries of public lands under the homestead laws in certain cases;

An act (H. R. No. 3428) to amend an act entitled "An act to provide for the payment of horses and other property lost or destroyed in the military service of the United States," approved March 3, 1849;

An act (H. R. No. 3431) authorizing the Secretary of War to relinquish and turn over to the Interior Department parts of certain reservations in the Territory of Arizona as may be no longer required for military purposes;

An act (H. R. No. 3508) conferring jurisdiction upon the criminal court of the District of Columbia, and for other purposes;

An act (H. R. No. 3522) to extend the jurisdiction of the Light-House Board;

An act (H. R. No. 3757) for the transfer of twenty bronze cannon for the erection of a statue to the late Major-General George Gordon Meade;

An act (S. No. 784) authorizing the transfer of gold mint bars from the bullion fund of the assay office, New York, to the assistant treasurer at New York;

An act (S. No. 486) to extend the act of March 10, 1873, entitled "An act to extend the time of the Saint Paul and Pacific Railroad Company for the completion of its road;"

An act H. R. No. 2343) making appropriation for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the fiscal year ending June 30, 1875, and for other purposes; and

An act (H. R. No. 2797) making appropriations for the payment of claims reported allowed by the commissioner of claims under the act of Congress of March 3, 1871.

SOUTHERN CLAIMS COMMISSION.

Mr. YOUNG, of Georgia, by unanimous consent, introduced a bill (H. R. No. 3777) to provide for the discontinuance of the southern claims commission; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CONTRACTS FOR INDIAN SUPPLIES.

Mr. AVERILL. I am directed by the Committee on Indian Affairs to report the evidence taken by that committee touching the awarding and execution of contracts for Indian supplies and transportation for the fiscal years ending June 30, 1873, and June 30, 1874. I move that the report with the accompanying documents be printed and laid on the table, and that the committee be discharged from the further consideration of the subject.

Mr. ADAMS. I object to that action if I have the right.

The SPEAKER. As objection is made, the report may be printed and recommitted.

Mr. ADAMS. I object, for the reason that, as a member of the committee, I desire to make a minority report.

Mr. AVERILL. The committee was authorized to report at any time. This is a privileged report. I ask that the committee may be discharged.

Mr. ADAMS. But the resolution giving the committee authority to report at any time did not contemplate that the House should act on the subject immediately upon the making of the report. I object to the present consideration of the report.

Mr. AVERILL. I submit that the gentleman has no right to object. I move the previous question.

The SPEAKER. As objection is made, the report will be printed and recommitted. This question between the gentlemen can be settled hereafter.

REORGANIZATION OF TREASURY DEPARTMENT.

Mr. KELLOGG. I ask unanimous consent to offer the following resolution:

Resolved, That the sub-committee upon the bill for reorganizing the Treasury Department have leave to sit at their own expense during the vacation for the purpose of completing the bill for the reorganization of said Department,

Mr. SPEER. I objected to a resolution of this kind on Saturday evening, but as now modified I think it is right.

Mr. G. F. HOAR. I must object to the resolution unless the gentleman from Connecticut [Mr. KELLOGG] will strike out the words "at their own expense."

Mr. KELLOGG. I will do so.

Mr. G. F. HOAR. I do not think that this House ought to charge a committee with an official duty and then compel it to pay its own expenses.

Mr. ELLIS H. ROBERTS. I object to the resolution absolutely.

MISCELLANEOUS APPROPRIATION BILL.

Mr. GARFIELD. I report back from the Committee on Appropriations the amendments of the Senate to the sundry civil appropriation bill. We have not had the time to have printed the report on the subject; and I request that the Speaker may announce as each amendment is read the recommendation of the committee.

Mr. SPEER. What is the aggregate amount which the Senate has added to this bill?

Mr. GARFIELD. The Senate has added about $4,500,000 to the bill as it left the House. Most of this increase is in two or three large amounts, which will be discussed as we reach them in order. The Committee on Appropriations of the House spent four or five hours yesterday (I am sorry to say we were compelled to sit yesterday) in going carefully over these amendments. I move that the House now proceed to consider the amendments under the five-minute rule.

The SPEAKER. There being no objection, that order will be made.

The amendments of the Senate were read, and, except in the cases noted below, were severally concurred or non-concurred in *nem. con.*, according to the recommendations of the Committee on Appropriations.

The first amendment of the Senate was read, as follows:

In the paragraph making appropriations for printing of the various Departments strike out the following:

And the amounts herein designated for the several Executive Departments may be distributed to the Bureaus thereof, at the discretion of the head of each Department, who shall certify such distribution to the Public Printer.

And insert the following:

Provided, That hereafter the Congressional Printer shall print, upon the order of the heads of the Executive Departments, respectively, only such limited number of the annual reports of such Departments and necessary accompanying reports of subordinates as may be deemed necessary for the use of Congress: *Provided, however*, That no expensive maps or illustrations shall be printed without the special order of Congress.

The Committee on Appropriations recommended concurrence.

Mr. RANDALL. I would like the chairman of the committee [Mr. GARFIELD] to state with whom is left the discretion to designate the number of these reports to be printed.

Mr. GARFIELD. This amendment is, we believe, in the interest of economy——

Mr. RANDALL. I know that; but who has the discretion as to the limitation of the number of the annual reports?

Mr. GARFIELD. The heads of the various Departments.

Mr. RANDALL. They will still have that discretion?

Mr. GARFIELD. This provision takes it out of the power of Bureau officers to order large numbers of these documents. I think it is right and ought to be concurred in.

The amendment was concurred in.

The fourth amendment was read, as follows:

On page 4 of the printed bill insert the following new paragraph:

For establishing new life-saving stations on the sea and lake coasts of the United States, as authorized by law of the present Congress, $342,304.44.

The Committee on Appropriations recommended concurrence.

Mr. SPEER. Will the chairman of the Committee on Appropriations please state why concurrence is recommended? I understand the reason; but I want it to appear on the record.

Mr. GARFIELD. Because a law was passed a few days ago enlarging the number of life-saving stations.

Mr. SPEER. That has become a law since this bill passed the House?

Mr. GARFIELD. Yes, sir; and this appropriation is necessary to conform to the law as it now stands.

The sixth amendment was read, as follows:

For the purchase of an engine and machinery, and for the erection and expenses incident to its operation, for the maceration of national-bank notes, United States notes, and other obligations of the United States authorized to be destroyed, $10,000; and that all such issues hereafter destroyed may be destroyed by maceration instead of burning to ashes, as now provided by law; and that so much of sections 24 and 43 of the national currency act as requires national-bank notes to be burned to ashes is hereby repealed; that the pulp from such macerated issue shall be disposed of only under the direction of the Secretary of the Treasury.

Mr. GARFIELD. I wish to state to the House that this is a question of cremation or maceration. I am personally of the opinion that it is cheaper to treat the mutilated notes that have to be destroyed in the manner suggested by this amendment than in any other way. It is a matter upon which I should be glad to have the judgment of the House.

Mr. MERRIAM. It is the unanimous opinion of the Committee on Banking and Currency that this is the proper mode of disposing of mutilated notes.

Mr. GARFIELD. Since the committee examined and reported upon these amendments we have found that the Committee on Banking and Currency unanimously recommended this provision, and therefore I feel authorized to change the recommendation of the committee.

The amendment was concurred in.

Mr. DAWES. I move that the House do now adjourn.

The motion was agreed to; and thereupon (at ten o'clock and fifty-eight minutes a. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. BARBER: The petition of citizens of Brodhead, Wisconsin, for the passage of the bill to aid in the construction of the Continental Freight Railway, to the Committee on Railways and Canals.

By Mr. CROUNSE: The petitions of grange organizations and citizens of Elmeruk and York, Nebraska, of similar import, to the same committee.

By Mr. DUNNELL: The petition of citizens of Freeborn County, Minnesota, of similar import, to the same committee.

By Mr. EAMES: The petition of Charles H. Arnold and 27 others, of Rhode Island, masters and owners of vessels, for the abolition of compulsory pilotage, to the Committee on Commerce.

By Mr. LOFLAND: The petition of N. H. Coverdale, for relief, to the Committee on Claims.

By Mr. McCRARY: The petition of the grange organization of Mount Pleasant, Iowa, for the passage of the bill to aid in the construction of the Continental Freight Railway, to the Committee on Railways and Canals.

By Mr. ORR: The petition of citizens of Story County, Iowa, of similar import, to the same committee.

Also, the petition of citizens of Calhoun County, Iowa, of similar import, to the same committee.

By Mr. PACKARD: The petition of citizens of Newton County, Indiana, of similar import, to the same committee.

By Mr. RAY: The petition of grange organizations of Warren County, Illinois, of similar import, to the same committee.

By Mr. ELLIS H. ROBERTS: The petition of Evan Jones, in relation to the duty on crude petroleum oil, to the Committee on Ways and Means.

By Mr. STANDIFORD: The petitions of Louis Surkant, Frank Fenster, William McDowell, and Samuel Sutterfield, respectively, for arrears of pension, to the Committee on Invalid Pensions.

By Mr. STRAIT: The petitions of grange organizations of Nicolet County, Minnesota, for the passage of the bill to aid in the construction of the Continental Freight Railway, to the Committee on Railways and Canal.

By Mr. TYNER: The petition of citizens of Howard County, Indiana, of similar import, to the same committee.

By Mr. VANCE: The petition of R. W. Hume and E. J. Arton and other citizens of Transylvania and Buncombe Counties, North Carolina, that French Broad River, from Brevard to Buncombe line, be declared a navigable river, and that an appropriation be made to remove obstructions therefrom, to the Committee on Commerce.

By Mr. WILLIAMS, of Michigan: The petition of Ravina Grange, Muskegon County, Michigan, for the passage of the bill to aid in the construction of the Continental Freight Railway, to the Committee on Railways and Canals.

IN SENATE.

MONDAY, *June* 22, 1874.

The Senate met at eleven o'clock a. m.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

Mr. SHERMAN. I move that the reading of the Journal be dispensed with, and I desire to state before the motion is put that I ask the attention of the Senate to the importance of passing at least a few clauses of the tariff and tax bill sent us by the House. I propose as soon as I can get the floor to call up that bill and ask the Senate to act only on such points in the House bill as to which there is no objection here. There are some few points in it that ought to be passed, for the benefit of the revenue, and to insure certainty in the revenue. I do not desire to act upon any matter which will give rise to debate. I am informed that if this course is pursued by the Senate we can promptly and without delay pass a few items of the bill as to internal revenue and as to customs duties which the Department are anxious and desirous we shall act upon without any prolonged debate.

Mr. RAMSEY. I entirely agree with the Senator from Ohio, and in this connection would give notice that the post-route bill is yet unacted upon. It is a long bill; the amendments are numerous and must go into the hands of the clerks to be engrossed and the whole bill to be enrolled unless you intend to lose it. If there is no objection, I ask the Senate now to act on it, concurring with the Senator from Ohio in all he has said about his bill.

Mr. SHERMAN. I move that the reading of the Journal be dispensed with with a view of taking up the tariff and tax bill. It will not take more than half an hour under this arrangement.

Mr. RAMSEY. Allow me first to pass the post-route bill so as to get it in the hands of the clerks.

Mr. SHERMAN. The tariff bill is of much more importance.

The PRESIDENT *pro tempore*. Is there objection to dispense with the reading of the Journal of Saturday's proceedings? The Chair hears no objection, and the reading is dispensed with.

INSANE CONVICTS.

The PRESIDENT *pro tempore* appointed as conferees on the part of the Senate on the disagreeing votes of the two Houses on the bill (H. R. No. 3415) to provide for the care and custody of persons convicted in the courts of the United States who have or may become insane while imprisoned, Mr. FRELINGHUYSEN, Mr. WRIGHT, and Mr. STEVENSON.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had agreed to the report of the second committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 2343) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1875, and for other purposes.

The message also announced that the House had passed a bill (H. R. No. 3774) for the relief of the widow and children of General William Gates, United States Army, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the bill (S. No. 669) referring the petition and papers in the case of Robert M. and Stephen A. Douglas, in so far as the same relates to cotton seized, to the Court of Claims.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (S. No. 486) to extend the act of March 3, 1873, entitled "An act for the extension of time to the Saint Paul and Pacific Railroad Company for the completion of its road;"

A bill (S. No. 784) authorizing the transfer of gold mint bars from the bullion fund of the assay office, New York, to the assistant treasurer at New York;

A bill (H. R. No. 764) for the relief of John Dold;

A bill (H. R. No. 2797) making appropriations for the payment of claims reported allowed by the commissioners of claims under the act of Congress of March 3, 1871;

A bill (H. R. No. 1774) for the relief of Matthias Whitehead;

A bill (H. R. No. 3257) authorizing the Secretary of War to sell unserviceable ordnance stores, and for other purposes;

A bill (H. R. No. 3282) providing for the collection of moneys due the United States from the Pacific Railroad Companies;

A bill (H. R. No. 3354) to legalize entries of public lands under the homestead laws in certain cases;

A bill (H. R. No. 2270) making an appropriation to pay Emanuel Small and Joseph Tate, of Atchison County, Missouri, for carrying the mails;

A bill (H. R. No. 3757) for the appropriation of twenty condemned bronze cannon for the erection of a statue to the late Major-General George Gordon Meade;

A bill (H. R. No. 1578) for the relief of Martin Kalbfleisch's sons;

A bill (H. R. No. 1370) to authorize the Secretary of the Interior to settle and pay the accounts of William Pelham, late surveyor-general of New Mexico;

A bill (H. R. No. 3428) to amend an act entitled "An act to provide for the payment of horses and other property lost or destroyed in the military service of the United States," approved March 3, 1849;

A bill (H. R. No. 3431) authorizing the Secretary of War to relinquish and turn over to the Interior Department parts of certain reservations in the Territory of Arizona no longer required for military purposes;

A bill (H. R. No. 1620) for the relief of John L. J. Jones, of Montgomery County, Maryland, for rent and damages sustained by the destruction of a dwelling-house by accidental fire while the same was being occupied by United States troops for quarters;

A bill (H. R. No. 3163) authorizing the Secretary of War to deliver certain condemned ordnance to the municipal authorities of Lexington, Massachusetts, for monumental purposes;

A bill (H. R. No. 225) to amend the act entitled "An act to establish a western judicial district of North Carolina;"

A bill (H. R. No. 2539) relinquishing the rights of the United States in certain lands in the State of Michigan;

A bill (H. R. No. 2988) to provide for the appointment of a commission of engineers to investigate and report a permanent plan for the reclamation of the alluvial basin of the Mississippi River subject to inundation;

A bill (H. R. No. 2343) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1875, and for other purposes;

A bill (H. R. No. 2801) to place on the retired list of the Navy M. H. Plunkett, late second assistant engineer of the regular Navy;

A bill (H. R. No. 352) for the relief of Colonel E. McCarty;

A bill (H. R. No. 753) for the relief of Peter S. Patton;

A bill (H. R. No. 1764) to appropriate lands for the support of schools in certain fractional townships in the State of Missouri;

A bill (H. R. No. 1915) to remove the disabilities of Henry H. Sibley, a citizen of Fredericksburgh, Virginia;

A bill (H. R. No. 2787) to provide for the sale of the present United States marine hospital and site, and the purchase of a new site and

erection of a new marine hospital in the city of Pittsburgh, Pennsylvania;

A bill (H. R. No. 3162) for the relief of settlers on railroad lands;

A bill (H. R. No. 2797) making appropriations for the payment of claims reported allowed by the commissioners of claims under act of Congress of March 3, 1871;

A bill (H. R. No. 3173) for the relief of James A. McCullah, late collector of the fifth district of Missouri;

A bill (H. R. No. 3508) conferring jurisdiction upon the criminal court of the District of Columbia, and for other purposes;

A bill (H. R. No. 3522) to extend the jurisdiction of the Light-House Board;

A joint resolution (H. R. No. 95) authorizing the Postmaster-General to perfect title to certain real estate obtained from John W. Norton, a defaulter to the postal money-order bureau; and

A joint resolution (H. R. No. 113) making an appropriation for the purchase and restoration to the family of the Marquis de La Fayette of the watch presented to him by General Washington.

EDUCATION REPORT.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives non-concurring in the amendment of the Senate to the resolution of the House for printing copies of the report of the Commissioner of Education for 1873.

The amendment of the Senate was to make the resolution of the House read:

Resolved, (*the Senate concurring,*) That there be printed five thousand copies of the report of the Commissioner of Education for 1873, of which twenty-five hundred copies shall be for the use of the Commissioner, and twenty-five hundred copies shall be sold at the cost of paper and press-work, with an addition of 10 per cent., by the Congressional Printer.

The House non-concurred in this amendment and asked for the appointment of a committee of conference.

Mr. ANTHONY. There is no time for a committee of conference to meet and report upon a matter of printing. I think the Senate had better settle this question now. The House passed a resolution to print twenty thousand copies of the report of the Commissioner of Education. The Senate amended the resolution by providing for printing five thousand, one-half for the Commissioner, the other half for sale at cost and 10 per cent. added. The House has non-concurred in that amendment and asks for a conference. The members of the House are very anxious to have this document printed. The number is very large, twenty thousand, and that being much more than the Senate have agreed to on any proposition, the Committee on Printing did not feel at liberty to recommend it. I would prefer to have the judgment of the Senate upon that, either to concur or non-concur.

The PRESIDENT *pro tempore*. Does the Senator from Rhode Island make a motion?

Mr. ANTHONY. I make a motion *pro forma*, to bring the question before the Senate, that the Senate recede, the effect of which will be to order twenty thousand to be printed.

Mr. SHERMAN. If the Senator will wait until we get the post-office appropriation bill acted on, I have no doubt the matter will be settled readily; but it cannot be done now.

Mr. ANTHONY. Let it lie over, then.

The PRESIDENT *pro tempore*. The matter will be laid aside.

TAX AND TARIFF BILL.

Mr. SHERMAN. I move now to proceed to the consideration of the bill (H. R. No. 3572) to amend existing customs and internal revenue laws, and for other purposes, giving notice that I do not intend to press any debatable matter?

Mr. SCHURZ. I would ask the Senator from Ohio whether he intends to drop those amendments that were reported by the Committee on Finance?

Mr. SHERMAN. O, no; not those to which there is no objection.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to the consideration of the bill, which had been reported from the Committee on Finance with amendments.

The first amendment of the committee was in section 1, line 3, to strike out the words "date of the passage of this act" and insert 30th day of June, 1874;" so as to read:

That from and after the 30th day of June, 1874, in lieu of the duties heretofore imposed, &c.

The amendment was agreed to.

Mr. FRELINGHUYSEN. Do I understand the Senator from Ohio to say that anything to which there is objection is to be passed over or to be discussed?

Mr. SHERMAN. Any matter that gives rise to any considerable debate, any more than a passing comment, I propose shall be stricken out. I do not propose at this stage of the session to pass in this bill any matter on which there is a substantial difference of opinion, but to save for the revenue on this bill, which came to us so late that we cannot act on it in the usual way, such matters as give rise to no debate and no controversy.

THE POST-ROUTE BILL.

Mr. RAMSEY. I want to appeal to the Senator from Ohio to give way to me to pass the post-route bill. I think it will take but five minutes. Let the tariff bill be laid aside informally.

The PRESIDENT *pro tempore*. Is there objection to the proposition of the Senator from Minnesota?

Mr. SHERMAN. I expect that is the quickest way to satisfy my friend from Minnesota.

The PRESIDENT *pro tempore*. The Senator from Minnesota is recognized, and the post-route bill will be taken up.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 3804) to establish certain post-routes.

Mr. DAVIS. I move to dispense with the reading of the bill.

The PRESIDENT *pro tempore*. Is there objection?

Mr. EDMUNDS. Yes, sir. No bill shall pass that is not read.

Mr. RAMSEY. I will state that there is nothing in the bill but an enumeration of the post-routes which it provides for.

Mr. MORRILL, of Maine. I want the Senator to tell the Senate what the enumeration is, how much it amounts to, and what service it provides for. This is the second installment this session. The first was a very big one.

Mr. RAMSEY. I suppose Congress will pass the bill finally. It has done so at every session since the Government began. There are about seven hundred routes in the bill.

Mr. MORRILL, of Maine. I am unwilling on that statement to allow the bill to pass.

Mr. SHERMAN. The reading of this bill being called for, I insist on the regular order.

STATUE OF ADMIRAL FARRAGUT.

The PRESIDENT *pro tempore*. The Chair will state to the Senate that a motion was made on Saturday to reconsider the vote by which the Senate passed the joint resolution (H. R. No. 59) in regard to the statue of Admiral Farragut. A motion was made to lay the motion to reconsider on the table, and the Chair is informed that it is the universal custom of the Senate when a motion to reconsider is laid on the table to send the bill to the other House; but the Senator from Vermont [Mr. MORRILL] gave notice that he would call up this motion to reconsider, and therefore, out of courtesy to him, the Secretary has withheld the resolution for the present; but unless the Senate act upon it this morning or otherwise instruct the Secretary upon it he will, under the practice, have to send the resolution to the other House.

Mr. MORRILL, of Vermont. I simply desire to occupy the time of the Senate for a few moments in discussing the propriety of this measure and showing that there is a vital amendment that ought to be proposed to it.

Mr. SHERMAN. I am quite sure my friend from Vermont will not ask that, as he knows about as well as I that the tariff bill should not go over for anything of this kind now.

The PRESIDENT *pro tempore*. Very well; let the regular order proceed.

Mr. MORRILL, of Vermont. We can settle this matter after a while.

TAX AND TARIFF BILL.

The PRESIDENT *pro tempore*. The regular order is before the Senate, being the bill (H. R. No. 3572) to amend existing customs and internal-revenue laws, and for other purposes, and the reading will be continued.

The Chief Clerk continued to read the bill. The next amendment of the Committee on Finance was in section 1, line 23, after the word "over," to insert the words "in value;" so as to read "25 per cent. or over in value of cotton, flax, wool, or worsted."

The PRESIDENT *pro tempore*. The amendment will be agreed to if there be no objection. The Chair hears none.

Mr. FRELINGHUYSEN. If this bill is going through at that rate I want to move on the second page, line 21, after the word "*ad valorem*," to insert:

On vulcanized India-rubber and all manufactures of the same, not otherwise provided for 35 per cent. *ad valorem*.

Mr. SHERMAN. I object. That raises a very troublesome question. I hope the Senators who look to this bill now will stand by the Committee on Finance and reject all amendments except such as are generally assented to. This is a proposition to introduce the subject of vulcanized rubber, a matter that has not been considered at all by the committee of either House. If we open any question of this kind the Senator from New Jersey will see that the passage of the bill now is defeated.

Mr. FRELINGHUYSEN. But this part of the bill does change the law and makes 60 per cent. duty on vulcanized Indian-rubber.

Mr. SHERMAN. I know that.

Mr. FRELINGHUYSEN. Then you are effecting an important change in the matter of vulcanized rubber.

Mr. SHERMAN. The law as it is now here is as it is understood in the Tresury Department and as it was acted upon, but it was reversed by an inconsiderate decision, as I think, recently, by which the revenue has suffered. This section simply returns to the law as it was understood.

Mr. FRELINGHUYSEN. The case is this: The Senator moves this important bill in the last hours of the session, when the understanding is that no new matter is to be introduced, and introduces a provision by which we increase from 35 to 60 per cent. *ad valorem* the duty on vulcanized rubber.

Mr. SHERMAN. I said no new matter other than that which is

already in the bill as sent to us by the House of Representatives. As a matter of course all this may be considered as new matter; but we introduce nothing; we propose no amendment of the law.

Mr. FRELINGHUYSEN. I will move it to another part of the bill.

Mr. SHERMAN. This part of the bill has nothing to do with rubber, except in connection with silk. Perhaps the Senator is mistaken about it. When rubber is used in silk goods, it may come in under this duty here fixed; but certainly the Senator's amendments ought not to be introduced here.

Mr. FRELINGHUYSEN. Very well.

The PRESIDENT *pro tempore*. The reading will proceed.

The Chief Clerk resumed the reading of the bill. The next amendment of the Committee on Finance was to strike out "50" in line 6 of section 2, and insert "40;" so as to make the clause read:

On all still wines imported in casks, 40 cents per gallon.

Mr. SARGENT. I dislike very much to take up time in debate at this stage of the session; but at the same time the provision of the House bill is very reasonable in this matter and gives only fair protection to an immense interest and is in favor of pure wines. The section of the House bill interests not only California but Ohio and many other States where the American wine interest is growing to be a very important industry, and more especially is it important in my State where our hills are covered with the finest vineyards and where our processes for making wine are improving every year. I really hope that the amendment of the committee will be withdrawn and that we may stand on the House bill. Only the exigency of this being the last day of the session prevents me urging the case at greater length.

Mr. SHERMAN. I will state briefly to the Senate the whole of this matter. The present rate of duty actually collected on nearly all the wine imported into this country is 25 cents. It is a kind of specific and compound specific and *ad valorem* duty. That duty is very much evaded, and out of 8,000,000 gallons of wine imported, I think 6,000,000 come in at the rate of 25 cents. This is an increase of the duty on still wines and makes it uniform at 40 cents a gallon; and therefore it is largely in favor of the California and Ohio wine interest represented by the Senator from California and partly by myself. This was satisfactory to both sides. The trade desires a specific duty on all wines; and after the most careful examination and hearing both sides, both the wine-makers of the country and the wine importers, the committee decided to fix it at 40 cents. And we understood all were satisfied. We are assured that if the duty is put up to 50 cents a gallon, it will prohibit a large portion of wine now introduced, thus reducing the revenue instead of increasing it. The section as it now stands will give us perhaps $1,000,000 more revenue from wine, and we regard it as the most important feature of this bill.

Mr. SARGENT. I ask my friend whether, this being a specific duty of 40 cents, there is not an opportunity to bring in wines heavily charged with alcohol and distill them into brandy?

Mr. SHERMAN. The Senator will see that the clause here provided is:

Provided, That any wines imported containing more than 24 per cent. of alcohol shall be forfeited to the United States.

Mr. SARGENT. I think this is a great relief, so far as it goes; but the amendment does not go quite so far as I want. I withdraw my objection, however, considering that it is some relief.

The amendment was agreed to.

The next amendment of the Committee on Finance was in section 2, line 8, to strike out "$2" and insert "$1.60;" so as to read:

On all still wines imported in bottles, $1.60 per case of one dozen bottles, &c.

Mr. SHERMAN. That is part of the same matter.

The amendment was agreed to.

The next amendment of the Committee on Finance was in section 2, lines 18 to 23, inclusive, to strike out the following proviso:

Provided, also, That there shall be an allowance of 2 per cent. for leakage on the quantity which shall appear by the gauge to be contained in any cask of wines, and 5 per cent. on all wines, liquors, cordials, and distilled spirits in bottles, to be deducted from the invoice quantity in lieu of breakage.

The amendment was agreed to.

The next amendment was to strike out line 8 of section 34 in the following words:

On hops, 10 cents per pound.

Mr. FERRY, of Michigan. I hope this amendment will not be concurred in. I am not disposed to debate the question at this time. It would be unreasonable to do so. We are raising hops to some extent, and under the present tariff of 5 per cent. that interest is not protected sufficiently, and the hop-growers feel as though in view of the large importations there should be an increase of the tariff.

Mr. SHERMAN. I can only say that the present duty on hops is 5 cents a pound, not 5 per cent. That is equivalent to about 33 per cent. on hops. If the people of our country cannot raise hops with a protection of 33 per cent., I think it is perfect folly for us to talk about protecting them. We heard both sides and we thought the duty on hops ought to stand as it is, 5 cents a pound.

Mr. FERRY, of Michigan. I call the Senator's attention to the point he has made that both sides were heard. He will remember that there were parties who wished to be heard, and on account of the shortness of time they were excluded.

Mr. SHERMAN. I think the Senator himself represented one side very well.

Mr. FERRY, of Michigan. I was merely reflecting others. I am not a grower of hops myself, nor a drinker of hops brewed, distilled, or otherwise. I was only representing the views of others, and I think the chairman will bear me out in the statement that I persisted in having the other side heard.

Mr. SHERMAN. Yes.

Mr. FERRY, of Michigan. The brewers and distillers of hops were heard largely, and I thought it was nothing more than fair that the growers should be heard. I hope that the amendment will be non-concurred in.

Mr. SHERMAN. I represent an agricultural State which grows some hops; and if we cannot compete in that simply agricultural product with a protective duty of 33 per cent., I think we ought to give up the raising of hops. We did hear the brewers who were very much opposed to this increase, and I thought we had heard the other side. However, the whole matter is in a nut-shell. Is not 33 per cent. a sufficient duty on hops?

Mr. WRIGHT. I only desire to say that there were two sides to the question in the committee, as the chairman will remember, and I desire that the vote shall be taken on the single proposition whether we shall strike out this item or not. It will be remembered that some members of the committee insisted on retaining the clause as it is. I am among that number.

Mr. CHANDLER. I hope the amendment will not be concurred in. There is no reason on earth why all the hops required for use in the United States should not be raised in this country. I hope the amendment will not be concurred in, but that the duty will remain at the rate fixed by the House.

The PRESIDENT *pro tempore*. The question is on the amendment of the Committee on Finance.

Mr. BAYARD. The present duty even of 5 cents per pound on hops is very heavy when rated in *ad valorem*. It amounts, I think, to something like 35 or 40 per cent.

Mr. SHERMAN. The value of the hops I think is somewhere from 10 to 15 cents in gold. The duty is 5 cents a pound.

Mr. BAYARD. I do not propose to detain the Senate, for I feel that to undertake the discussion of a bill of this character at this hour would be, to say the least, impracticable, if not impossible. Nevertheless where a proposition is made to double the duty upon an article of such large and general consumption, and in so important a branch of the manufactures of the country, upon which the excise duties depend so largely, it is a very serious question for the Senate to undertake to double that duty. You have now a duty of more than the average of the tariff on this article of American production; and in the face of that large duty you exported in the last five years a very large amount of hops. The exportation reached, I think, in the year 1871 or 1872 nearly seventeen million pounds. It is an enormous article of export. You therefore have the absurdity of a country able to export a very large amount of a commodity proposing to raise the duty on it, when it is simply and purely an interference with a business on which our excise revenue largely depends.

I have not at this moment, not anticipating this discussion, the tables of the exports of hops from the United States for the last five years; but I can say with confidence to the Senate that they have been very large; and in the face of our having an oversupply that we send to other countries, it is proposed now, without reason, to double the duty!

Mr. President, the article of hops enters largely into, and its chief consumption is in, the production of malt liquors. These malt liquors form a very large and very useful and as compared with other drinks harmless portion of the beverages of the country. The revenue of the Government to-day from the item of malt liquors alone amounts to about $9,000,000 a year. Do Senators propose hastily to interfere with a buisness of this magnitude? Do they propose to interfere with a business which is taxed, and one of the leading articles of taxation in the country, and without any reason in the world, as I have shown, to double the duty on an article so universally used and produced in this country to such an extent that the surplus must be exported and is exported in large quantities every year? What can be the meaning of such a tax? Nay, further, let us look at this subject in another way. The Senate has lately been made the scene of a discussion in respect to the matter of temperance. The abuse of alcoholic stimulants has been made the subject of grave congressional investigation. Any man who has considered the subject with that interest which I trust we all feel must be satisfied that one of the best steps toward a reformation of this alleged abuse is the substitution of a milder stimulant; and the use of the lighter beers and malt liquors is to be encouraged, in my opinion, and not to be discouraged.

I am not disposed, however, to treat this in the light of a sumptuary law; I dislike by law to invade the domain of morals and of individual taste; but I merely will say that upon the plainest grounds of political economy the imposition of a double tax, making it equivalent to about 70 per cent. *ad valorem*, upon an article entering into consumption so widely as does the article of hops, an article produced so abundantly by our soil, strikes me as being not only unwise, not only without warrant, but in every respect in which it can be viewed highly prejudicial.

I understood from that class of our citizens largely engaged in the

consumption of hops that the hops imported are some from Austria and from Italy, and that there are certain kinds of beer made in this country which require a small amount of the infusion of the flavor of foreign hops in order to suit the taste of the public. Of course, as the Senator from Ohio reminds me, the great bulk of the hops used in this country is of American growth. I cannot tell precisely the proportion, but the enormous majority of the hops used is of American growth. We cultivate enough for that purpose, and the history of the last five years shows that our hop-growers have abundant protection.

On every ground I hope the action of the Committee on Finance will be sustained, and that this excessive increase of duty, so unnecessary in point of revenue and so absurdly unnecessary on the ground of what is called protection, may not be favored by the Senate, but that the amendment reported by the Committee on Finance will receive the approbation of the Senate.

Mr. SCHURZ. I think it must be clear to every one that if this bill is to pass it must pass without much discussion; and that can be accomplished only in one way, and that is by adopting all the amendments as they are reported by the committee. There are in this bill many good things and a great many things which I would not assent to. But as soon as the amendments of the committee are once interfered with then I give notice that I shall move a number of amendments, which undoubtedly will cause debate.

As far as this amendment is concerned, it must be clear to every unprejudiced man in the country that if the hop culture cannot flourish with a protection of 33 per cent. in its favor, it ought not to flourish. A large quantity of hops is imported for one very good reason, because hops of those varieties are needed. The hop culture can be stimulated in no better way than by importing foreign hops so far as is necessary for the purpose of improving the cultivation here. I hope the amendment will be made.

Mr. FERRY, of Michigan. I do not wish to discuss the question; but out of compliment to the House of Representatives, the popular branch that reflects the will of the people, I feel as though my vote ought to be in accord with its action.

The PRESIDENT *pro tempore*. The question is on the amendment of the Committee on Finance.

The question being put, there were, on a division—ayes 30, noes 16.

Mr. WRIGHT. I think we had better have the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 33, nays 14; as follows:

YEAS—Messrs. Alcorn, Bayard, Bogy, Boutwell, Cooper, Davis, Flanagan, Frelinghuysen, Goldthwaite, Hager, Hamilton of Maryland, Hamilton of Texas, Hamlin, Ingalls, Kelly, McCreery, Merrimon, Morrill of Maine, Morton, Norwood, Ransom, Robertson, Sargent, Saulsbury, Schurz, Sherman, Sprague, Stevenson, Stockton, Tipton, Washburn, West, and Windom—33.

NAYS—Messrs. Anthony, Carpenter, Chandler, Clayton, Conover, Edmunds, Ferry of Michigan, Gilbert, Howe, Mitchell, Oglesby, Pratt, Wadleigh, and Wright—14.

ABSENT—Messrs. Allison, Boreman, Brownlow, Buckingham, Cameron, Conkling, Cragin, Dennis, Dorsey, Fenton, Ferry of Connecticut, Gordon, Harvey, Hitchcock, Johnston, Jones, Lewis, Logan, Morrill of Vermont, Patterson, Pease, Ramsey, Scott, Spencer, Stewart, and Thurman—26.

So the amendment was agreed to.

The next amendment of the Committee on Finance was in section 4, line 9, after "four" to strike out "and a half;" so as to read:

On chromate and bichromate of potassa, 4 cents per pound.

The amendment was agreed to.

The next amendment was in section 4, line 11, after "vermicelli," to strike out "3 cents per pound" and insert "and" before "on," and after "on" insert the words "all similar," and after "preparations" strike out "similar thereto, 2," and insert "2;" so that the clause will read:

On macaroni and vermicelli and on all similar preparations, two cents per pound.

The amendment was agreed to.

The next amendment was in section 4, line 16, before the word "cents" to strike out "quarter" and insert "tenth;" so that the clause will read:

On tin in plates or sheets and on terne and tagger's tin, 1.1 cents per pound.

The amendment was agreed to.

The next amendment was in section 4, line 22, to strike out "one-half," and insert "five-eighths," and in line 25 to strike out "one-eighth," and insert "one-half;" so as to read:

On anchovies and sardines, packed in oil or otherwise, in tin boxes, 15 cents per whole box, measuring not more than five inches long, four inches wide, and three and one-half inches deep; 7½ cents for each half-box, measuring not more than five inches long, four inches wide, and one and five-eighths inches deep; and 4 cents for each quarter-box, measuring not more than four inches and three-quarters long, three and one-half inches wide, and one and one-half inches deep; when imported in any other form, 60 per cent. *ad valorem*.

The amendment was agreed to.

The next amendment was to add to section 4 the following proviso:

Provided, That cans or packages made of tin or other material containing fish of any kind admitted free of duty under any existing law or treaty, not exceeding one quart in contents, shall be subject to a duty of 1½ cents on each can or package; and when exceeding one quart, shall be subject to an additional duty of 1½ cents for each additional quart, or fractional part thereof.

The amendment was agreed to.

The next amendment of the Committee on Fnance was to strike out the following proviso at the end of section 7:

And provided further, That bags other than of American manufacture in which grain shall have been actually exported from the United States may be returned to the United States free of duty under regulations to be prescribed by the Secretary of the Treasury.

Mr. SARGENT. Before the question is put on striking out that proviso, I move to insert after the word "returned," in line 9, the word "empty;" so that it may read:

That bags other than of American manufacture, in which grain shall have been actually exported from the United States, may be returned empty to the United States free of duty, &c.

Mr. SHERMAN. There is no objection to that because they would have to be returned of course.

Mr. SARGENT. The proviso relates to grain-bags of foreign manufacture which have once been imported into the United States and paid duty. They are used to ship grain to the Liverpool market and to other foreign places. They are used by the million in shipment from the Pacific coast. We cannot ship in bulk on account of shifting the cargo and sweating the cargo, and so we have to resort to the very expensive process of using grain-bags. The House of Representatives provided that these bags might be returned under regulations of the Secretary of the Treasury without paying the duty over and over again. That clause we desire to have retained, and there are abundant precedents for it heretofore; as, for instance, petroleum casks are allowed to be returned free of duty a second time. I want to put in the word "empty," so as to remove any fear that they might be returned with something else; and then I ask that the amendment of the committee be not concurred in, but that the proviso remain. The amendment of the committee is to strike out the proviso that the bags may be returned free of duty.

Mr. FRELINGHUYSEN. I should like to know from the Senator from California or from the Senator from Ohio why jute-butts should not be on the free list?

Mr. SARGENT. I should be very happy indeed, on account of the enormous interest of my people in this matter, to have them on the free list; but I have not urged that on account of the condition of the revenue. To do that would be an enormous relief to our people, I admit. If I could hope that the Houses would agree to a provision of that kind I certainly would urge it; but meanwhile I take what I can reasonably get, and I therefore ask that we be allowed to return these grain-bags without paying duty for the second and third time and over and over again. I have no doubt that the Secretary of the Treasury can make the same regulations in the matter of grain-bags that he does in the matter of petroleum casks and other matters to prevent any fraud on the revenue.

Mr. FRELINGHUYSEN. I understand that the article provided for in this seventh section is not grown in this country at all, and it does not need any protection, and it would be a great relief if it were placed on the free list.

Mr. SHERMAN. The question now before us is whether grain-bags being sent abroad with grain in them shall be returned duty free. The committee struck out the proviso, having a great deal of doubt about it, but I do not myself see any objection to allowing these grain-bags, when they are returned empty, to come in free of duty.

Mr. FRELINGHUYSEN. As I understand it, the question before the Senate is the adoption of the seventh section of the bill.

Mr. SHERMAN. Not at all. The question is on the amendment of the committee striking out the proviso, and that is a question every Senator can form a judgment upon at once, whether bags that have once paid duty and gone abroad with American produce in them shall be returned duty free. The committee thought the proviso ought to be stricken out; but as far as I am concerned I think it a doubtful question.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from California.

Mr. SARGENT. I believe I have said all I desire to say upon it. I do not want to take up time in debate. I trust the Senate will stand with me. It is the plainest provision in the bill.

Mr. SHERMAN. The word "empty" is inserted.

Mr. SARGENT. Yes, sir.

Mr. SHERMAN. It is due to the committee to state that the reason why they proposed to strike out this proviso was because of the absolute impossibility of identifying the bags and ascertaining whether or not they were the same bags, and of preventing fraud on the revenue by allowing all bags to be admitted duty free. The Senator from California will see, if he will look at section 9, that we provide "that barrels and grain-bags, the manufacture of the United States, when exported filled with American products, or exported empty and returned filled with foreign products, may be returned to the United States free of duty."

Mr. SARGENT. But those made in the United States are only a small part, a mere drop in the bucket, as compared with the number used. The great bulk of them we have to import from Dundee.

Mr. SHERMAN. The great difficulty is in identifying the particular bag.

Mr. SARGENT. There is not any more difficulty in the case of bags of foreign manufacture than in the case of bags of domestic manufacture. At any rate, the Secretary of the Treasury can prescribe the necessary regulations, and I should like to try the experiment of admitting these bags duty free.

Mr. SHERMAN. They can tell in a moment the difference between a home-manufactured and a foreign bag.

Mr. HAGER. I want to call the attention of the Senator from Ohio to the ninth section, which he referred to. It does not meet the case at all. The bags provided for there must be returned filled with foreign products. We wish to have the return of bags empty merely for the grain trade of California. We do not want to be required to bring them back filled with foreign articles, but we desire to have the privilege of returning the bags empty for the grain trade of California. That is a very important thing. The provision as it stands in section 7——

Mr. SHERMAN. If a bag is exported filled with American products, it may be returned either empty or filled.

Mr. HAGER. No; the language is "returned filled with foreign products may be returned to the United States free of duty." They must be filled with foreign products. We wish to have the privilege of returning them empty. That is not provided for in section 9. Therefore I hope section 7 will stand as it is. They can be returned under consular certificate without any difficulty at all. I hope the amendment of the committee will not be agreed to.

Mr. SHERMAN. The Senator is mistaken. Section 9 reads as follows:

That barrels and grain-bags, the manufacture of the United States, when exported filled with American products, or exported empty and returned filled with foreign products, may be returned to the United States free of duty.

In either case they may be brought in.

Mr. HAGER. If the Senator will consent to amend section 7 by inserting after the words "United States" the words "or upon which duties have once been paid to the United States," I have no objection; but there is no necessity of paying duties twice on these grain-bags. It is a hardship and unjust to impose a double tax upon the people of California in their efforts to maintain their relations with foreign countries in the exportation of grain.

Mr. BAYARD. I must confess that I think the amendment of the Senator from California [Mr. SARGENT] to the clause proposed to be stricken out would be a proper one, and if it should be adopted I think we should disagree to the amendment of the committee striking out the proviso. When these grain-bags have once paid their duty and the Government has received its revenue from them, it is simply another illustration of the embarrassment of trade and commerce to say that when they come in again empty or used in the way they were first brought in, they shall be subjected to a second tax. Section 9, which has been referred to, provides that grain-bags of American manufacture, when exported filled with American products, or exported empty and then filled with the produce of other countries, shall not be taxed. If a man has once paid the duty on an imported article to the Government, why should it not be for all intents and purposes the same as if it were an American manufacture? If the duty has once been paid, why should it be taxed a second time?

The provision as it now stands is rather a facility to commerce, and we need all our facilities to commerce, especially in regard to our exports. No embarrassment should be thrown around them. I trust therefore that the motion of the Senator from California will prevail, that we shall amend this section so as to provide that these grain-bags may be returned empty, and then that the section may be retained in the bill as the House passed it.

Mr. SPRAGUE. I desire to state to the Senate that if the amendment of the committee is not agreed to by the Senate, in my judgment not a year will pass before every manufacturer of grain-bags in the United States will be prostrated. In addition to the present competition you introduce a new element; and under such loose provisions as these new bags as well as old ones will inevitably come in, and the result will be the destruction of this branch of industry. I speak not in the interest of the constituents whom I immediately represent, but there are grain-bag manufacturers throughout the United States, and this provision of the bill will in my judgment evidently prostrate that employment.

Mr. STEWART. This repetition of tariffs on grain-bags is very much embarrassing the agricultural pursuits of the Pacific coast. The grain there is shipped in bags altogether, while here you ship in bulk to a great extent. It is suggested that if we retain this proviso and pay the duty on grain-bags but once it will embarrass the manufacture of grain-bags. Now, I submit that it is equally important to refrain from embarrassing wheat-growing as manufacturing grain-bags. It is quite as important an interest, and I cannot see any justice or propriety in embarrassing the great wheat-growing interest of the country for the simple purpose of building up manufactures and sustaining them. It seems to me unjust to impose a tariff to such an extent for such a reason, which falls directly on production, limits production, limits exportation, limits your revenues, and limits your commerce. Wheat-growing is carried on to the very verge of bankruptcy on the part of those who are producing wheat. They do it as long as they can live by it; and the slightest burden imposed upon them operates to destroy the production of wheat. It seems to me if they pay duty once on their bags they should not be required to pay it a second time. If you say this provision cannot be executed, that the Government officers cannot determine whether they are the same bags or not, then I say the great wheat-growing interest demands that this duty on grain-bags should be removed altogether, and it will have to be done. If this proviso cannot be executed Congress will be certain, in view of this oppresive burden upon wheat-growing, to remove the duty altogether.

Mr. MORRILL, of Vermont. In the committee I voted to retain this proviso, which is now desired to be retained by the Senator from California. It seems to me that it is carrying the doctrine of protection to an unreasonable extent to ask that, after an article has once paid duty and come in here, it shall not then stand on an equal footing with American manufactures. I would no more make a discrimination against an article after it has paid a duty and been once admitted here, than I would make a discrimination against a naturalized citizen coming in again from abroad.

Now, it is proposed to allow American bags to be exported and reimported without duty, but that we shall not allow foreign bags to be exported and reimported without duty. The Secretary of the Treasury is to prescribe regulations under which this is to be done. If he can prescribe regulations under which he will know whether a bag is an American bag or not, there is no more difficulty in prescribing regulations by which a foreign-made bag can be known. Therefore it seems to me unreasonable for us to stickle in the bark in relation to this proposition of the House. I shall vote for it.

Mr. SARGENT. Let us have a vote.

Mr. SPRAGUE. If the agriculturists of this country desire to extend the markets from whence they will derive their necessary articles three thousand or four thousand miles, then they are at perfect liberty to adopt a proposition of this sort; but I tell them they are injuring themselves at the same time, that they inevitably destroy one important branch of industry in the United States.

Mr. SARGENT. The amendment of the committee is to strike out the proviso. We want that voted down.

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) The Chair understood the Senator from California to move to insert the word "empty."

Mr. SARGENT. That was put in without objection.

The PRESIDING OFFICER. Then the question is on agreeing to the amendment as reported by the committee, to strike out the proviso to the seventh section.

The amendment was rejected.

Mr. BAYARD. I desire to offer the following amendment to that section——

The PRESIDING OFFICER. The amendments of the committee have not yet been completed.

Mr. BAYARD. It will shorten the question to dispose of it now. I merely desire a vote upon it.

The PRESIDING OFFICER. It is in order to proceed first with the amendment of the committee. The Chair will receive the amendment of the Senator from Delaware by unanimous consent.

Mr. SHERMAN. I must insist on the regular order—on this bill especially. The Senator can offer his amendment afterward.

Mr. BAYARD. Very well.

The Chief Clerk resumed the reading of the bill, as follows:

SEC. 8. That on and after the date of the passage of this act the importation of the articles enumerated and described in this section shall be exempt from duty; that is to say——

Mr. SHERMAN. I desire to insert the words "from and after the 30th day of June, 1874," in lieu of the words "on and after the date of the passage of this act." I move that amendment.

The amendment was agreed to.

The next amendment of the Committee on Finance was in section 8, line 6, to strike out from the free list—

Peas exclusively for seed purposes.

The amendment was agreed to.

The next amendment was in section 8, line 7, to strike from the free list "quicksilver."

Mr. STEWART. I hope that will not be done. The price of quicksilver is enormously high, so much so that it is becoming almost an embargo on the production of precious metals and no revenues are derived from it. The only effect of the duty is to keep up the price, which has got now so very high that it is almost destructive to a great interest. There is no reason for putting a tariff on quicksilver.

Mr. SHERMAN. Upon representations made to the Committee on Finance we concluded, upon a hearing, that it was best not to put quicksilver on the free list, but to leave it where it is now. If, however, the Senators from California, where this quicksilver is produced and consumed, say to us that they think on the whole it ought to be on the free list, I for one am disposed to change my vote.

Mr. HAGER. California produces quicksilver and it is used in extracting gold and silver from the quartz in the States of California and Nevada and in the Territory of Utah. It is very extensively used and it is extensively produced in California; but there is now an existing monopoly, that is to say, the European producers of quicksilver have entered into a combination with the producers in America by which the price is put so high as almost to make it necessary to resort to some other process.

Mr. SHERMAN. I will ask the Senator from California if he and his colleagues on the Pacific coast desire quicksilver to be placed on the free list?

Mr. HAGER. Yes, sir; I believe all of us on the Pacific coast favor putting it on the free list in order to relieve ourselves from the difficulty in which we are placed at this time.

The amendment was rejected.

The next amendment of the Committee on Finance was in section

9, line 1, to insert the word "and" between "barrels" and "grain-bags;" and after the word "include," in line 7, to strike out "boxes, barrels, exported in shooks," and insert "shooks" when returned as barrels or boxes as aforesaid;" so that the section will read:

SEC. 9. That barrels and grain-bags, the manufacture of the United States, when exported filled with American products, or exported empty and returned filled with foreign products, may be returned to the United States free of duty, under such rules and regulations as shall be prescribed by the Secretary of the Treasury; and the provisions of this section shall apply to and include shooks, when returned as barrels or boxes as aforesaid.

The amendment was agreed to.

The next amendment was in section 11, after the word "oaths," in line 4, to strike out "to such collector within three months" and insert "generally;" after the word "generally" insert "and;" and in line 7 to strike out "Comptroller of the Treasury" and insert "Commissioner of Customs;" so as to read:

That the oaths now required to be taken by subordinate officers of the customs may be taken before the collector of the customs in the district in which they are appointed, or before any officer authorized to administer oaths generally; and the oaths shall be taken in duplicate, one copy to be transmitted to the Commissioner of Customs, and the other to be filed with the collector of customs for the district in which the officer appointed acts, &c.

The amendment was agreed to.

The next amendment was in the proviso to section 13, line 15, after the word "collected" to strike out "or from other circumstances," and after the word "allowances," in line 17, to insert "but no such allowance shall be made except within one year after such services are rendered;" so as to read:

Provided, That the Secretary of the Treasury, on the recommendation of the Commissioner of Internal Revenue, be authorized to make such further allowances, from time to time, as may be reasonable, in cases in which, from the territorial extent of the district, or from the amount of internal duties collected, it may seem just to make such allowances; but no such allowance shall be made except within one year after such services are rendered.

The amendment was agreed to.

The next amendment was in section 16, line 10, after the word "not" to insert "less than $100 nor;" and in line 12, after the word "not" to insert "less than thirty days;" so as to read:

That any person who shall carry on the business of a rectifier, wholesale liquor dealer, retail liquor dealer, wholesale dealer in malt liquors, retail dealer in malt liquors, or manufacturer of stills, without having paid the special tax as required by law, or who shall carry on the business of a distiller without having given bond as required by law, or who shall engage in or carry on the business of a distiller with intent to defraud the United States of the tax on the spirits distilled by him, or any part thereof, shall, for every such offense, be fined not less than $100 nor more than $5,000, and imprisoned not less than thirty days nor more than two years.

The amendment was agreed to.

The next amendment was in section 18, line 33, after the word "packages," to strike out "where such assessments were," and in line 36, after the word "amended," to strike out "made;" so as to read:

Provided further, That any assessments of additional special tax against wholesale liquor dealers or retail liquor dealers, or against brewers for selling malt liquors of their own production at the place of manufacture in the original casks or packages, made by reason of an amendment to section 59 of the internal-revenue act approved July 20, 1868, as amended by section 13 of the act approved June 6, 1872, further amending said section 59 by striking out the words "malt liquor," "malt liquors," "brewer," and "malt liquors" in the three several paragraphs in which they occur, shall be, on proper proofs, remitted.

The amendment was agreed to.

The next amendment was to strike out section 23, as follows:

SEC. 23. That all acts and parts of acts imposing fines, penalties, or other punishment for offenses committed by an internal-revenue officer or other officer of the Department of the Treasury of the United States, or under any Bureau thereof, shall be, and are hereby, applied to all persons whomsoever, employed, appointed, or acting under the authority of any internal-revenue or customs law, or any revenue provision of any law of the United States, whether such persons are designated as officers or otherwise.

The amendment was agreed to.

The next amendment was to strike out section 24, as follows;

SEC. 24. That from and after the passage of this act any farmer or planter may sell, at the place of production, tobacco of his own growth and raising at retail directly to consumers to an amount not exceeding $100 annually, subject to such rules and regulations as may be prescribed by the Commissioner of Internal Revenue.

Mr. MERRIMON. I trust this section will not be stricken out. The internal revenue at best operates very harshly upon the producers in the tobacco-growing sections, and it would be very hard if they could not sell a few pounds of tobacco without paying a tax. I do not care to discuss it; but on concurring in that amendment I call for the yeas and nays.

Mr. SHERMAN. I call the attention of the Senate to this section. If it is retained, as a matter of course it will defeat this bill. The object of the bill is merely to clear certain difficulties which have arisen in the administration of the tariff and internal-revenue laws. This section, which was inserted in the House of Representatives against the advice of the Committee on Ways and Means, allows every man at every farm, at every cabin, to raise $100 worth of tobacco and sell it without regard to law. The passage of that section would, in my judgment, lose us eight or ten million dollars of tobacco tax. That was the statement made to us by manufacturers of tobacco in Virginia and manufacturers all over the country. The proposition to allow any person to sell of his own growth or raising $100 worth of tobacco annually without any tax whatever, without being required to pay any tax, would, in the opinion of the tobacco manufacturers, and I think of all intelligent persons who have examined the subject, actually destroy the tax on tobacco, which now yields us twenty-five or thirty million dollars. I have no doubt we should lose from five to ten million dollars of revenue. Therefore if you want to collect the present large tax on tobacco you must extend it to all. The provisions of the old law are ample to enable every person who raises it to sell it to licensed dealers, and there is ample competition all over the country. This section no doubt would be a great convenience to persons who raise small quantities of tobacco, by allowing them to sell it for the use and consumption of their own neighborhood. But there is no reason for it, and its effect would be absolutely destructive of the whole tobacco tax.

I think I have said enough to direct the attention of Senators to the importance of this section and the necessity of striking it out. The Commissioner of Internal Revenue supposed as a matter of course this would be stricken out; but he said if this section were adopted it would very greatly impair the tobacco tax, and the harm done by this section would be ten times more than the good that would be secured by the passage of this bill.

Mr. MERRIMON. I think if the internal-revenue officers would see the law properly executed the difficulty that the Senator anticipates would not arise. I am the more anxious for the adoption of this section because this provision of the internal-revenue law in my country is more odious than any other. The people regard it as a very great and intolerable burden. I think the Government loses a vast deal of its revenue growing out of the fact that there is no exception of this sort. I do not care to discuss the question. I simply call for the yeas and nays upon it.

The yeas and nays were ordered; and being taken, resulted—yeas 33, nays 10; as follows:

YEAS—Messrs. Anthony, Bayard, Boutwell, Buckingham, Chandler, Clayton, Conover, Davis, Fenton, Ferry of Michigan, Flanagan, Frelinghuysen, Hager, Hamilton of Maryland, Hamlin, Howe, Ingalls, Mitchell, Morrill of Vermont, Morton, Oglesby, Pease, Pratt, Ramsey, Scott, Sherman, Sprague, Stockton, Wadleigh, Washburn, West, Windom, and Wright—33.

NAYS—Messrs. Bogy, Cooper, Goldthwaite, Kelly, McCreery, Merrimon, Norwood, Ransom, Robertson, and Saulsbury—10.

ABSENT—Messrs. Alcorn, Allison, Boreman, Brownlow, Cameron, Carpenter, Conkling, Cragin, Dennis, Dorsey, Edmunds, Ferry of Connecticut, Gilbert, Gordon, Hamilton of Texas, Harvey, Hitchcock, Johnston, Jones, Lewis, Logan, Morrill of Maine, Patterson, Sargent, Schurz, Spencer, Stevenson, Stewart, Thurman, and Tipton—30.

So the amendment was agreed to.

The next amendment was to strike out section 25, as follows:

SEC. 25. That upon all manufactured tobacco exported under the provisions of any act of Congress, the manufacturer exporting the same shall be entitled to a drawback equal to the amount of duties which shall be shown to have been paid upon imported licorice which has entered into the manufacture thereof; and the quantity so used in such manufacture shall, under rules and regulations to be prescribed by the Commissioner of Internal Revenue and approved by the Secretary of the Treasury be ascertained, and certified by the collector of internal revenue of the district from which the manufactured tobacco shall be removed for exportation to the collector of the port whence the same shall be exported, by whom the same shall be duly examined, and the amount of duties reported for drawback in accordance with the regulations of the Secretary of the Treasury; and the same shall be allowed and paid as in other like cases of drawback of duties on manufactured articles exported.

The amendment was agreed to.

The next amendment was to strike out section 29, in the following words:

SEC. 29. That on and after the 1st day of July next there shall be levied and paid a tax on all sales of stocks, bonds, gold and silver bullion, coin, and other securities, at the rate of $\frac{1}{20}$ of 1 per cent. on the amount of the sale thereof; that every person, firm, or corporation engaged in the business of selling stocks, bonds, gold and silver bullion, coin, and other securities, either for their own account or on the account of others, shall keep a true and accurate record thereof, under oath, that the same is true and correct, to the collector of the district where such business is carried on, on or before the 1st and 15th day of each month, and the collector shall thereupon assess and collect a tax of $\frac{1}{20}$ of 1 per cent. on the gross amount of such sales. The said list or return shall be made in such form or manner as may be prescribed by the Commissioner of Internal Revenue.

Mr. WRIGHT. I wish to call the attention of the chairman to the twenty-eighth section, which is an extension of the time for the redemption of direct-tax lands. I ask whether there was not a bill passed here on Saturday covering that ground?

Mr. SHERMAN. It passed here, but it may not pass the House. I think the same provision had better be made here also.

Mr. WRIGHT. I thought it was a House bill?

Mr. SHERMAN. No; it was a Senate bill. I think that section had better be retained here.

The PRESIDING OFFICER. The question is on the amendment striking out the twenty-ninth section.

The amendment was agreed to.

Mr. SCOTT. That is the last of the amendments of the committee, I believe.

The PRESIDING OFFICER. The amendments of the committee are completed.

Mr. SCOTT. Mr. President, two years ago, when the act of 1872 was passed, I announced upon the floor of the Senate that I hoped there would be no further change in the tariff laws for five years to come. It was with exceeding reluctance that I agreed to report a bill making even these changes unless a general revision was necessary; but for the purpose of securing some needed changes in the internal-revenue laws and correcting some revealed defects in the act, these few amendments have been agreed to, with one or two which

are necessary to increase the revenue and which require immediate action.

There are several subjects upon which I should like to amend this bill, particularly by a repeal of the second section of the act of 1872, by imposing a tax on the deposits in national banks and in private banks on which they pay interest—I mean deposits upon call, or for a period of not more than thirty days, and also a provision with regard to the limitation of suits under the internal-revenue laws. All these I should like to offer; but it is manifest that if we begin to offer amendments on this bill we shall defeat all that is in it, and probably defeat action upon the subject altogether. I therefore shall refrain for the present from offering any of these amendments, in the hope that we can obtain immediate and favorable action upon the bill; but if other Senators deem it their duty to offer amendments to this bill so as to give rise to any protracted debate, then of course I shall not only feel at liberty, but shall deem it my duty to my constituents to offer the amendments in which I feel such great interest.

Mr. HAMLIN. The Senator from Pennsylvania has expressed precisely what is my own position. There are sundry amendments which I would myself very much like to offer to this bill, amendments which I deem important, but acting precisely in that line of duty which guides and directs the Senator from Pennsylvania, I shall refrain from offering any amendments, believing it better and wiser now to do the little—and there is something—which this bill accomplishes than hazard all by attempting to do that which we cannot accomplish.

Mr. DAVIS. I ask that on the vote upon section 24 my vote be changed from "yea" to "nay," from the fact that I voted under a misapprehension. I supposed the question was on agreeing to the section. It will not change the result.

The PRESIDING OFFICER. That cannot be done. The rule positively prohibits it.

Mr. DAVIS. Then I shall reserve section 24 for separate action in the Senate.

The PRESIDING OFFICER. The Senator accomplishes his object by making the statement to go in the RECORD.

Mr. BAYARD. I have heard what the Senator from Pennsylvania [Mr. SCOTT] has said and I concur with him. I will not profess that this measure meets my approbation. Neither the frame-work of the measure nor the tendencies are those that I desire, and I am sorry that the tariff question should be submitted to this kind of patch-work at the end of the session. Yet nevertheless the bill has been prepared, and I do not propose to risk the labor of so many gentlemen by making amendments, although I consider them just and proper. There are several that I desire earnestly to offer and earnestly to recommend to the Senate; but looking to the expression of opinion by the Senator from Pennsylvania and others that they do not propose at this stage to embarrass and perhaps defeat the entire measure, I shall not press the amendments that I had intended to offer or make the opposition to many that I had intended to make. I think on all these questions of a general public law there must be a consideration of the entire case and a consideration of the labors and the opinions of our associates here as well as of our own. I think that is a proper and catholic spirit of legislation, and for that reason I shall follow the example of my friend from Pennsylvania, and abstain from impeding the passage of this bill and hazarding the loss of the bill by amendments offered at this stage.

Mr. FENTON. In view of what has been said by other Senators, I feel constrained to withhold several amendments which I had intended to offer to this bill. I am satisfied that it is the sense of the Senate to pass the bill in the shape recommended by the Finance Committee without further amendment or change. So, while I feel that the bill is in some respects very unsatisfactory, acting as do other Senators who also have a desire to further amend the bill, I shall not urge the amendments which I had intended to present.

Mr. FRELINGHUYSEN. I desire the ear of the Senator from Ohio. This bill, by reason of the amendments already passed, will have to go to the House again, as I understand.

Mr. SHERMAN. I will say that the proper committee of the House have already considered every amendment that has been adopted.

Mr. FRELINGHUYSEN. I have a number of amendments which I should like to offer, and I am very sorry that the bill has not been considered at a time when it could be amended. There is one amendment which I would ask the Senator from Ohio whether it would embarrass the bill to make or not, and that is on the sixth page, ninth and tenth lines of section 8. There is a manufactory of spurs and stilts which has been established in this country. The free list of this bill includes "spurs and stilts used in the manufacture of earthen, stone, or crockery ware." All parties engaged in the manufacture of earthen, stone, and crockery ware, as well as these manufacturers of spurs and stilts, desire the item stricken from the free list. I do not suppose it would be any embarrassment just to strike that from the free list.

Mr. SHERMAN. That little item of spurs and stilts was very carefully considered in both Houses. We heard the parties on both sides and we came to the conclusion that it was better to leave it where it is now. It would embarrass the bill to take it off the free list.

Mr. FRELINGHUYSEN. There is but one manufactory in the United States, and that is in New Jersey.

Mr. SHERMAN. We know that; but as a matter of course all these people have to use the stilts.

Mr. FRELINGHUYSEN. There is no other State where they make as much crockery or earthen ware as in New Jersey, and the manufacturers there request it. I move to strike out those lines. It will not create any embarrassment.

Mr. SHERMAN. I will state that I have quite a number of papers about this particular item, and I can make a statement that will satisfy the Senate that we are right. The House committee put this in, and the Senate committee after full examination concurred. I do not want to debate it. I hope the question will be put and the amendment voted down.

The PRESIDING OFFICER. The question is on the amendment of the Senator from New Jersey to strike out on the ninth and tenth lines of section 8.

Mr. MORRILL, of Vermont. This is a very small manufacture, and it has got its growth in New Jersey, as the Senator from New Jersey says. It seems to me that it is a hardship to strike it down. I hope therefore that the amendment of the Senator from New Jersey will prevail.

The PRESIDING OFFICER. The question is on the amendment of the Senator from New Jersey.

The Chair put the question and declared that the noes appeared to prevail.

A division was called for.

Mr. SHERMAN. If the Senate is to be divided on this question, I desire to send for some papers to show the reasons why the committee acted as they did. If we open the door to amendment, there is an end to the bill.

The question being again put, the amendment was rejected—ayes 10, noes not counted.

The bill was reported to the Senate as amended.

Mr. BOUTWELL. I wish to reserve the amendment in regard to the duty on tin plates unless the suggestion I made to the chairman of the committee should lead him to change that.

Mr. SHERMAN. I have no objection to the reservation.

The PRESIDING OFFICER. The remaining amendments made as in Committee of the Whole will be considered as concurred in.

Mr. WRIGHT. I desire that the vote in Committee of the Whole on the last section shall be reserved for action in the Senate.

The PRESIDING OFFICER. That amendment will be reserved. The question is on concurring in the other amendments made as in Committee of the Whole.

Mr. DAVIS. I ask for a separate vote on the twenty-fourth section, because I voted upon it under a misapprehension.

The PRESIDING OFFICER. That will be reserved.

The remaining amendments were concurred in.

The PRESIDING OFFICER. The first reserved amendment will be read.

The CHIEF CLERK. On page 4, line 16, the Senate as in Committee of the Whole struck out "quarter" and inserted "tenth" after "one," so as to make the clause read:

On tin in plates or sheets and on terne and taggers' tin, 1.1 cents per pound.

Mr. SHERMAN. I do not understand the Senator from Massachusetts as proposing any amendment to the section, but he doubts the policy of a specific duty on tin plates.

Mr. BOUTWELL. I do not object to the rate of duty, but I do apprehend that there will be frauds upon the revenue in consequence of a change from *ad valorem* to specific duties. I am not sufficiently acquainted with the mechanical processes to state as a matter of opinion even what the results may be; but the duty on Banca tin at 15 per cent. amounts to about 4½ cents a pound; that is, the metal called tin. I can imagine from what I have seen and heard that plates which are of iron may be heavily loaded with tin beyond the quantity required for the ordinary purposes to which tin plates are put, and received in this country at $1\frac{1}{10}$ cents a pound; and then this extra loading may be taken off and tin introduced at $1\frac{1}{10}$ cents instead of 4½ cents a pound. I make the suggestion. I do not know what will happen, but that is what I anticipate.

Mr. SHERMAN. If the Senator from Massachusetts could suggest to me a more specific definition of the article than is contained in these two lines, I would accept his definition. As a matter of course tin in its pure state is a very expensive article; but tin in plates or sheets as in the ordinary article of commerce is quite different. The great body of it is iron. As a matter of course, this duty of $1\frac{1}{10}$ cents a pound is on "tin in plates or sheets and on terne and taggers' tin." This does not change the existing rate of duty on the article the Senator mentions; but he thinks that by fraud or by the free use of the article with another, making a new article, the revenue may be defrauded. That may be so now. The same opportunity might apply under a specific as an *ad valorem* duty.

Mr. BOUTWELL. The honorable chairman will see the difference, that if iron plates were now under an *ad valorem* duty heavily loaded with Banca tin, that is the pure metal, beyond the quantity necessary for the uses to which tin plates are applied, the cost of the plates on the other side would be augmented precisely in proportion to the quantity of the pure metal used. But now if you put a specific duty by the pound upon tin plates, the weight of which ordinarily is chiefly iron, there is an opportunity furnished for those who might be disposed to avail themselves of it to load these plates heavily with the pure metal and introduce the whole body at 1.1 cents a pound and

then remove the surplus quantity of Banca tin which by itself would be subject to a duty of about 4½ cents a pound, and get an advantage of 3½ cents a pound on the importation of the pure metal.

Mr. SHERMAN. The only change proposed by this bill is a change that has been recommended by the Treasury Department, has been demanded by the dealers in this article, has been called for by the custom-house officers and by everybody, and it is recommended by the President, that is that we should as far as practicable change the *ad valorem* into specific duties. The duty now proposed to be imposed on tin in sheets is a little higher than the present *ad valorem* duty; but the present *ad valorem* duty has given rise to a great deal of litigation, to a great deal of trouble, and many lawsuits and controversies without number. It has given rise to oppression and abuse as charged on one side, and to fraud on the other.

Under these circumstances it is of the highest importance to have a specific duty if practicable on the article of tin in plates; and the suggestion now made, just at the heel of this debate, is the first suggestion I have ever heard from any one that this article was more subject to frauds under a specific duty than under an *ad valorem* duty. If the Senator would suggest to me an amendment providing that if tin plates were charged more than their due and ordinary proportion with pure tin, they should be confiscated or should be subject to an *ad valorem* duty, I would accept the amendment without hesitation; but there can be no difficulty between now and the next session. I do not believe there is any danger of surcharging tin plates with too much tin in order to take it off here and evade a trifling duty. I think it is rather a fanciful danger than a real one. At any rate, it is one that has never been suggested to the committee of either House, and never so far as my attention has been called to the subject been mentioned by any one either in the customs-revenue service or in the trade. I hope therefore the Senator will run the risk till the next session of Congress at least of any possible fraud.

Mr. BOUTWELL. The committee must run the risk. I only felt it to be my duty with the present ideas I have to make known to the committee what I fear.

Mr. SHERMAN. If the Senator had made this difficulty known to the committee earlier, when we were considering the bill, we should probably have tried to guard against it. I have invited him to suggest an amendment, but he is not now prepared to do so.

Mr. BOUTWELL. No amendment would avail except to strike out the line. You cannot put a specific duty on tin plates that would admit of their importation and guard against the fraud which I apprehend.

Mr. MORRILL, of Vermont. I think that the idea of the Senator from Massachusetts is entirely imaginary. In the first place, if the tin should be melted off these plates what would the iron plates be worth? In the next place, why should the importer go to that immense amount of labor to get the tin when he can import it free without any such trouble? It is now free in the shape of raw material.

Mr. BOUTWELL. Do you say so?

Mr. MORRILL, of Vermont. Yes, sir.

Mr. BOUTWELL. Where is the law?

Mr. MORRILL, of Vermont. Here it is. [Handing a book to Mr. BOUTWELL.]

Mr. EDMUNDS. If it is free of course there is no danger; but if it is not free, it could be done just as easy as not.

Mr. BOUTWELL. I was looking at the law of 1871, which imposes a duty of 13 per cent. I see now there is no danger.

Mr. SHERMAN. It is all right then?

Mr. BOUTWELL. Yes.

The PRESIDING OFFICER. The question is on concurring in the amendment made as in Committee of the Whole.

The amendment was concurred in.

The PRESIDING OFFICER. The next reserved amendment is to strike out the twenty-fourth section.

The Chief Clerk read the section, as follows:

SEC. 24. That from and after the passage of this act any farmer or planter may sell at the place of production tobacco of his own growth and raising at retail directly to consumers to an amount not exceeding $100 annually, subject to such rules and regulations as may be prescribed by the Commissioner of Internal Revenue.

Mr. DAVIS. That is a section in which the State that I in part represent has a considerable interest and the people living in that region of country. I ask for a division on the section. I do not wish to take time by calling for the yeas and nays.

The PRESIDING OFFICER. The question is on concurring in the amendment to strike out the twenty-fourth section.

The amendment was concurred in; there being on a division—ayes 38, noes 13.

The PRESIDING OFFICER. The next reserved amendment is to strike out the twenty-ninth section.

The Chief Clerk read the section, as follows:

SEC. 29. That on and after the 1st day of July next there shall be levied and paid a tax on all sales of stocks, bonds, gold and silver bullion, coin, and other securities, at the rate of $\frac{1}{20}$ of 1 per cent. on the amount of the sale thereof; that every person, firm, or corporation engaged in the business of selling stocks, bonds, gold and silver bullion, coin, and other securities, either for their own account or on the account of others, shall keep a true and accurate record thereof, under oath, that the same is true and correct, to the collector of the district where such business is carried on, on or before the 1st and 15th day of each month, and the collector shall thereupon assess and collect a tax of $\frac{1}{20}$ 1 per cent. on the gross amount of such sales. The said list or return shall be made in such form or manner as may be prescribed by the Commissioner of Internal Revenue.

The amendment was concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the bill (S. No. 828) for the relief of Alexander Henderson.

The message also announced that the House had passed a bill (H. R. No. 3506) for the relief of William Tod Helmuth, of New York; in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to the concurrent resolution of the Senate for the printing of two thousand copies of the report of the Chief Signal Officer for 1873, to be printed and bound for the use of the Secretary of War.

The message also announced that the House had agreed to the concurrent resolution of the Senate for the printing of three thousand extra copies of the report of the Superintendent of the Coast Survey for the year 1873 for the use of the Superintendent of the Coast Survey.

The message further announced that the House had passed a concurrent resolution for the printing of the reports of the United States commissioners to the Vienna exposition.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. E. BABCOCK, his Secretary, announced that the President had on the 20th instant approved and signed the following acts:

An act (S. No. 41) granting a pension to Margaret E. Alexander, widow of Edwin A. Alexander, deceased, late a private in Company K, Eighth Regiment of Indiana Cavalry Volunteers, known as the Thirty-ninth Indiana Regiment;

An act (S. No. 503) for the relief of Susan R. Moore, the relative and legatee of Phœbe Sofield, a pensioner;

An act (S. No. 536) granting a pension to Livanna Ingraham;

An act (S. No. 609) granting a pension to Margaret A. Hoffner;

An act (S. No. 613) granting a pension to Jefferson A. French;

An act (S. No. 690) granting a pension to Thomas Smith;

An act (S. No. 767) granting a pension to Andrew J. Lasley;

An act (S. No. 768) granting a pension to John S. Long;

An act (S. No. 814) granting a pension to Ebenezer W. Brady;

An act (S. No. 877) granting a pension to John W. Truitt;

An act (S. No. 954) prohibiting the publication of the revised statutes of the United States in the newspapers at the expense of the United States;

An act (S. No. 311) for the relief of Joseph Montanari;

An act (S. No. 595) for the relief of Benjamin Cooley and James W. Boswell;

An act (S. No. 176) to encourage the establishment of public marine schools.

The message also announced that the President had this day approved and signed the following acts:

An act (S. No. 482) to authorize the construction of a bridge over the Willamette River at Salem, in the State of Oregon;

An act (S. No. 758) to authorize and provide for the construction of a substantial iron and masonry bridge and a causeway across the Anacostia or Eastern Branch of the Potomac River, at or near the site of the present navy-yard bridge;

An act (S. No. 375) for the benefit of the Kentucky Agricultural and Mechanical Association;

An act (S. No. 486) to extend the act of March 3, 1873, entitled "An act for the extension of time to the Saint Paul and Pacific Railroad Company for the completion of its road;" and

An act (S. No. 688) referring the claim of the owners of the schooner Ada A. Andrews to the Court of Claims.

THE POST-ROUTE BILL.

Mr. RAMSEY. Now, Mr. President, I move that the Senate resume the consideration of House bill No. 3604, sometimes called the post-route bill.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 3604) to establish certain post-routes.

The PRESIDING OFFICER. The bill will be read.

Mr. MORTON. I hope nobody wants to hear that read. I ask unanimous consent to dispense with the reading.

Mr. EDMUNDS. I move that the Senate proceed to the consideration of executive business. It will take but a short time.

Mr. RAMSEY. Let this bill pass first.

Mr. EDMUNDS. It will not pass without reading.

The PRESIDING OFFICER. The question is on the motion of the Senator from Vermont.

Mr. DAVIS. I think it very important that the post-route bill should be passed.

The PRESIDING OFFICER. The motion is not debatable. The question is on the motion of the Senator from Vermont.

The motion was not agreed to.

EXECUTIVE BUSINESS.

Mr. EDMUNDS. There is some business that I have in charge and some in which I feel a very deep interest, and nothing but this post-

route bill being up, I ask to have the eighteenth rule read, and then I will see whether I can say anything to the Senate that public interests require to be stated or not.

The PRESIDING OFFICER. The rule will be read.

The Chief Clerk read as follows:

18. On a motion made and seconded to shut the doors of the Senate, on the discussion of any business which may, in the opinion of a Senator, require secrecy, the Presiding Officer shall direct the gallery to be cleared; and during the discussion of such motion the doors shall remain shut.

Mr. EDMUNDS. I move that the doors be closed under the eighteenth rule.

Mr. FRELINGHUYSEN. I second the motion.

Mr. EDMUNDS. The motion is seconded by the Senator from New Jersey.

Mr. SARGENT. I should like to have the rule read again.

The PRESIDING OFFICER. The rule will be read.

The Chief Clerk read Rule 18.

The PRESIDING OFFICER. Is the motion seconded?

Mr. FRELINGHUYSEN. Yes, sir.

Mr. HAMLIN. The post-route bill is now before the Senate; it is within our control now. I suggest that we had better go into executive session, and when we come out the bill will be up; there will be no necessity for a vote to take it up. Making this suggestion with the consent of the Senator from Vermont, other business having now intervened, I move that the Senate proceed to the consideration of executive business.

Mr. RAMSEY. Very well.

Mr. SHERMAN. Allow me a moment. I shall vote for the motion of the Senator from Maine, but before the precedent now sought to be set is established, I wish to say that before a Senator can of his own will turn everybody out of the galleries and close the Senate he must state himself, upon his responsibility as a Senator, that upon the pending question, in the language of the rule, the public interest demands that the galleries should be cleared. When he has made that statement under the rule he probably can at any time clear the galleries.

Mr. EDMUNDS. This is an interesting question.

Mr. SHERMAN. The Senator ought to state——

Mr. EDMUNDS. The Senator would be a little wiser if he would read the rule.

Mr. SHERMAN. I ask the Senator to read it.

Mr. EDMUNDS. I will read it:

On a motion made and seconded to shut the doors of the Senate, on the discussion of any business which may, in the opinion of a Senator, require secrecy——

Mr. SHERMAN. He must state his opinion.

Mr. EDMUNDS. Be kind enough to let me read the rule through—

the Presiding Officer shall direct the gallery to be cleared; and during the discussion of such motion the doors shall remain shut.

I made the motion and stated that there was business to be discussed which I thought (as of course I must think as to executive business) requires secrecy, and business of high importance. Thereupon I make the motion that the doors be shut, and I have a precedent for what I say, a motion made by the colleague of my friend from Maine, now deceased, (Mr. Fessenden,) where we had a question which ought to be considered in secret session, not "the pending question" which was before the body on the bill that happened to be up for the relief of John Jones, or for a post-route, but matters within the possession of the Senate, and the motion was made, the matter was considered, and the doors were closed. Although it is of no consequence at this time probably, for everybody now, I believe, is willing to go into executive session, I beg leave to state to the Senator from Ohio that he is mistaken in supposing that a Senator must state that the pending question before the Senate it is necessary to discuss in secrecy. The question is whether there is any business before the Senate which in the conscientious judgment of a Senator requires that the doors should be immediately closed that it may be considered.

The President of the United States may send a message to this body at this moment of the highest importance to the national interests, of a confidential character, and it may be that an opposition to the Administration would say, "We intend to drag this session through before you can have the message communicated to the Senate for its action, in order that it may judge whether it will prolong its session or whatever may be necessary." And therefore, inasmuch as Senators cannot say that the post-route bill requires secrecy, this motion cannot be made. The Senator has forgotten the history of this ancient rule, and the motives for it. What were they? When the Senate was small, and it was supposed every Senator understood what the confidential business before the Senate was, when any subject that a Senator thought required secrecy and action was before the Senate—I do not mean up for debate in public, but in possession of the Senate, on its table yet unopened—he might take the responsibility, subject of course to public disgust and all that sort of thing by his brother Senators if he was making a frivolous demand, of having the doors closed.

I only mention this in vindication of the rule and in vindication of myself. I can state that I think I am entirely within the eighteenth rule, and that I have a perfectly satisfactory motive for it.

Mr. SHERMAN. Before the question is put—lest this might be a precedent, and a very inconvenient one in practice—I wish again to call attention to the language of the rule to show the meaning of it, and I could go into the history of it if I chose:

On a motion made and seconded to shut the doors of the Senate, on the discussion of any business which may, in the opinion of a Senator, require secrecy.

The "business" must be pending under discussion. Then any Senator has a right to say, "I desire to make some statement to the Senate in regard to this question under discussion which in my opinion demands secrecy; I do not choose to give it to the galleries around me;" and on that motion being seconded then the Senate must perforce, willing or unwilling, give the opportunity to the Senator to state what he desires, in confidence, to the Senate. That is the rule. But I have no objection to an executive session now. I agree that we ought to proceed to the consideration of executive business, but I do not want this to be made a precedent.

Mr. EDMUNDS. It has been acted on over and over again, and my construction is the safest way.

The PRESIDING OFFICER. It is moved that the Senate now proceed to the consideration of executive business.

The question being put, there were, on a division—ayes 21, noes 11; no quorum voting.

Mr. SARGENT. We had better have the yeas and nays. ["No!" "No!"]

The PRESIDING OFFICER. There is a quorum present and the Chair will put the question again.

The question being again put, there were, on a division—ayes 27, noes 14.

So the motion was agreed to.

DETROIT ARSENAL.

Mr. KELLY. I wish to make a report before the doors are closed. I am directed by the Committee on Military Affairs, to whom was referred the bill (H. R. No. 3435) to provide for the sale of the buildings and grounds known as the Detroit arsenal, in the State of Michigan, to report it back with amendments; and I ask for the present consideration of the bill.

Mr. EDMUNDS. That will not do.

The PRESIDING OFFICER. The bill will be placed on the Calendar, objection being made to its present consideration.

EXECUTIVE SESSION.

The Senate proceeded to the consideration of executive business. After three hours spent in executive session the doors were reopened at four o'clock and five minutes p. m.

While the doors of the Senate Chamber were closed the following legislative business was transacted:

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (S. No. 7) for the creation of a court for the adjudication and disposition of certain moneys received into the Treasury under an award made by the tribunal of arbitration constituted by virtue of the first article of the treaty concluded at Washington the 8th of May, A. D. 1871, between the United States of America and the Queen of Great Britain.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (S. No. 732) supplementary to the act entitled "An act to incorporate the Texas Pacific Railroad Company and to aid in the construction of its road, and for other purposes;"

A bill (S. No. 828) for the relief of Alexander Henderson;

A bill (S. No. 669) referring the petition and papers in the case of Robert M. and Stephen A. Douglas, in so far as the same relates to cotton seized, to the Court of Claims;

A bill (H. R. No. 899) to constitute Montgomery, in the State of Alabama, a port of delivery;

A bill (H. R. No. 3772) for the relief of John D. Young, of Kentucky;

A bill (H. R. No. 2246) relating to circuit courts of the United States for the districts of Alabama; and

A bill (H. R. No. 3030) making appropriations to supply deficiencies in the appropriations for the service of the Government for the fiscal years ending June 30, 1873 and 1874, and for other purposes.

The message further announced that the House had agreed to the amendment of the Senate to the bill (H. R. No. 3256) to repeal so much of the act approved May 8, 1872, entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1873, and for other purposes, as provides for the employment of persons to assist the proper officers of the Government in discovering and collecting moneys withheld, and for other purposes.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. No. 3168) making appropriations for the repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes, asked a conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. PHILETUS SAWYER of Wisconsin, Mr. GEORGE W.

McCRARY of Iowa, and Mr. ERASTUS WELLS of Missouri, managers at the same on its part.

RIVER AND HARBOR BILL.

The Senate proceeded to consider the action of the House of Representatives on its amendments to the bill (H. R. No. 3168) making appropriations for the repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes.

On motion of Mr. CHANDLER, it was

Resolved, That the Senate insist on its amendments to the said bill disagreed to by the House of Representatives, and agree to the conference asked by the House on the disagreeing votes of the two Houses thereon.

By unanimous consent it, was

Ordered, That the conferees on the part of the Senate be appointed by the President *pro tempore*.

The PRESIDENT *pro tempore* appointed Mr. CHANDLER, Mr. BUCKINGHAM, and Mr. DENNIS.

WITHDRAWAL OF PAPERS.

On motion of Mr. WRIGHT, it was

Ordered, That W. R. Brown have leave to withdraw his petition and papers from the files of the Senate.

HOUSE BILL REFERRED.

The bill (H. R. No. 975) to amend the act entitled "An act to provide for the redemption of the 3 per cent. temporary-loan certificates and for an increase of national-bank notes," approved July 12, 1870, was read twice by its title, and referred to the Committee on Finance.

MANAGERS OF HOME FOR DISABLED SOLDIERS.

By unanimous consent, the joint resolution (H. R. No. 114) to fill a vacancy in the board of managers of the National Home for Disabled Volunteer Soldiers was read three times, and passed.

STEAMBOAT KITTY STRANG.

By unanimous consent, the bill (H. R. No. 1767) to change the name of the steamboat Kitty Strang was read three times, and passed.

REGISTRATION OF DEATHS IN THE DISTRICT.

By unanimous consent, the bill (H. R. No. 773) to further define and enlarge the powers and duties of the board of health of the District of Columbia was read three times, and passed.

SCHOONER DELMAR.

By unanimous consent, the bill (H. R. No. 3211) to change the name of the schooner Delmar was read three times, and passed.

PAY TO DISCHARGED EMPLOYÉS.

By unanimous consent, the joint resolution (H. R. No. 115) for the relief of certain clerks and employés of the United States was read three times, and passed.

WILLIAM TOD HELMUTH.

By unanimous consent, the bill (H. R. No. 3506) for the relief of William Tod Helmuth, of New York, was read three times, and passed.

CAPTAIN HALL'S WIDOW.

On motion of Mr. ALLISON, the bill (H. R. No. 3422) for the relief of Mercy Ann Hall, widow of Captain Charles F. Hall, was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

ORDER OF BUSINESS.

The doors having been opened,

Mr. FRELINGHUYSEN. We have received from the House of Representatives the report of the committee of conference on the Geneva award bill. I move to proceed to its consideration.

Mr. RAMSEY. That postpones the post-route bill, which is regularly before the Senate.

Mr. WEST. I desire to offer a report from the committee of conference on the post-office appropriation bill, having been advised by the member in charge from the House that the House is waiting to consider that report. I ask the Senate to judge between the two reports, whether they will consider the Geneva conference report or the report on the post-office appropriation bill, with almost the assurance that the debate on the Geneva award bill will detain the Senate some hours.

Mr. RAMSEY. May I say a word in behalf of the bill that I have been urging for two weeks and have at last got before the Senate? There seems to be some malign purpose on the part of gentlemen to crowd out that bill and prevent its passage during this session. I hope gentlemen will defer their reports until the post-route bill is disposed of. I ask the Chair what will be the effect of entertaining these propositions or either of them? Would it displace the bill now up?

The PRESIDENT *pro tempore*. The post-route bill being before the Senate, the Senator from New Jersey or any other Senator can move to postpone that bill.

Mr. FRELINGHUYSEN. I move to postpone that bill.

Mr. RAMSEY. I hope that will not be done.

Mr. STEVENSEN. I suggest to the Senator from New Jersey, as I do not wish to antagonize the presentation of his report upon the Geneva award, that he had better fix some hour this evening for considering it; and I will state my reason for this suggestion. There are a great many bills from the House, not only the bill of the Senator from Minnesota, but other bills from the House, of an important character, each of which it will not take a minute to pass; and by fixing a certain hour when we can reach the Geneva-award bill, which is certain to elicit debate and perhaps consume the whole of the evening, we can attend to that without losing a great many bills which we can now pass.

Mr. FRELINGHUYSEN. I shall ask the Senate to vote upon the motion which I have made. The Geneva-award report ought to elicit no debate whatever, for the result of the conference which has been arrived at pays those that every member of the Senate and every member of the House of Representatives voted should be paid, and it pays no one else, and it leaves the fund subject to future disposition and to claims by the war-premium men, the insurance men, and those who have lost by other vessels than those included in the bill. The simple question is whether, when a conference has arrived at an agreement which pays those whom every member of Congress of both Houses say should be paid, the Senate will deprive them of their money.

Mr. WEST. I understand the Senator from New Jersey moves to take up the report of the conference committee on the Geneva award.

The PRESIDENT *pro tempore*. The Senator from New Jersey moves to postpone the pending order and proceed to the consideration of that report.

Mr. WEST. I move to amend the motion of the Senator from New Jersey, that the Senate proceed to the consideration of the conference report on the post-office appropriation bill.

The PRESIDENT *pro tempore*. That motion is not in order.

Mr. RAMSEY. I hope the Senate will vote down both motions and allow the post-route bill to pass. It cannot possibly occupy over thirty minutes.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from New Jersey.

Mr. EDMUNDS. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. EDMUNDS. Mr. President, I do not think that a question of this importance ought to be disposed of on the run. At the last session of Congress we passed the bill through the Senate as it was passed at this session almost word for word. It went to the House of Representatives and was met with an amendment of the character substantially of that of this year. We had a conference; and the conferees on the part of the Senate, containing my honorable friend from Ohio [Mr. THURMAN] as one of them, after we had exhausted all other means of getting at a result that would dispose of the whole question, proposed to the House conferees that we had just passed the Senate bill which provided for a class of citizens in respect to whom everybody said indemnification ought to be made and would remit to the next Congress the question which other citizens raised with the Government in respect to their claims. The whole body of the Senate conferees, I say, a year ago, including the Senator from Ohio, proposed to the House conferees, inasmuch as we could all agree as to one class of our citizens, that justice, good faith, honor, and every sentiment which belongs to fair dealing required us to provide for them now, and leave questions that we could not solve to be settled in the future. The House conferees refused to do that, and insisted that we should do more or the less, as the case might be, or nothing should be done. The House stood by them upon that, and accordingly nothing was done.

This year the conference again meets upon the same substantial attitude between the two Houses, and the House conferees, instead of refusing to do that which they refused to do last year, pressed by this sense of justice to people whom all sides agree ought to have their money, have agreed to a report which simply gives to the owners of the vessels who were uninsured, and their captains and crews, the money that they are entitled to, and in terms leaves the subject of other disputed questions and claims to the future disposition of Congress. Can anybody say that that is not equitable and right? That is all it does.

Then when you come to the suggestion of the other Senator from Ohio, [Mr. SHERMAN,] that the clause about the payment in gold being stricken out doubles the claim, let me tell the Senator, from a pretty careful investigation that we made of that subject, that the clause paying in gold nearly doubles the claims. There is the difference. I suggested that to the Senate in the confusion and hurry when the bill was up before; but as nobody was listening, as I assume, the motion of the Senator from Ohio was made and carried putting in the clause providing for payment in gold, which makes an arbitrary standard when gold and the values of shipping and of the cargoes and all other things were different at different times. Some men by this gold rule would be almost ruined in getting their pay now; others would make large profits, depending upon the particular period of time when the destruction took place, as all our values, as everybody knows, were currency values. So we pay the currency value, which gives justice and uniformity to all classes of the people.

Mr. President, I shall be surprised and sorry to see the Senate of the United States say to the uninsured owners of the ships that were sunk on the high seas or burned up, and to their crews and officers and to the merchants who had uninsured property on board those ships, "We refuse to give you your money that our agents a year ago in-

sisted should be given and we did, but the House failed to do it; and now that the House has done it, we will turn around and refuse to do this which we unanimously agreed ought to be done, because we are unable to agree with the House to do something else." That is precisely what the question is; and, as I say, a year ago on that question the conferees of the Senate were unanimous in their action, and so reported to the Senate of the United States.

Now, I do not see upon what ground it is that my friend from Ohio who sits farthest from me [Mr. THURMAN] should find it to be his duty to refuse to do this on account of his views upon another branch of the subject, when that other branch of the subject is left open for the action of the next session of Congress. Here is a class of our citizens whose vessels and cargoes have been destroyed on the high seas and in respect of whom the United States has recovered a certain indemnity, and as to those everybody says they ought to have the measure of the just losses they have incurred. This report of the conference committee gives it to them and does not undertake to decide any other question at all. It leaves all the rest of the question exactly where it was before, so that at a future session any insurance company, any war-premium man, any person injured by the cruisers outside of the time named, stands on exactly the same footing where he stands at this moment to have his claim considered. Yet here are these people whose claims we have considered and all parties agree ought to have their money, some of them sailors and officers who have little else in this world to rely upon, some of them whose whole property was involved in these ships uninsured that were destroyed, and who have now been delayed too long, upon the simple ground that there are questions connected with this subject which we cannot now decide.

It does appear to me that it would be an inexcusable act of injustice to fail to agree to report, inasmuch as it appears to me clearly from the reading of it that all other questions are left without any prejudice to the rights of any claimant who may come forward at the next session.

Mr. FLANAGAN. I do hope that the bill before the Senate will not be postponed. It is an important one. Every State is directly and deeply interested in a post-route bill. The other is a matter as to the merits of which I have nothing to say, but in due time it will come up. But the bill regularly before the Senate now must necessarily be returned to the House for action on our amendments, and I hope the Senate will stand by it and dispose of it.

Mr. WEST. What is the pending question?

The PRESIDENT *pro tempore*. The pending question is, will the Senate postpone the post-route bill and proceed to consider the report of the committee of conference on the Geneva award bill, upon which the yeas and nays have been ordered.

Mr. THURMAN. If the report of the conference committee were clearly and unequivocally, without any ambiguity whatever, what the Senator from Vermont supposes it to be, and if there were no other thing in it that was objectionable, there would not have been a divided report from the Senate managers. But I apprehend that that is not the nature of this report; and whenever it shall be taken up, I hope to be able to satisfy the Senate that the Senator from Vermont is mistaken in what he supposes to be the character of this report. I think that which is reported is an extremely dangerous proposition, and I hope that I may have the attention of the Senate, when the time comes whenever it shall be taken up, to explain why I think so. I am as willing and as anxious as the Senator from Vermont or anybody else to pay, and to pay without one moment's delay, those persons who we all agree are entitled to be paid. The Senate knows I was last year, and I am so again; but I do not want anybody to be deceived about the effect of this bill should it become a law.

But the question now is shall the other measure be postponed and this taken up, and under that I have no right to discuss the merits of this conference report. I therefore refrain from saying anything about them until the report shall be taken up.

Mr. RAMSEY. I hope the Senate will now adhere to the post-route bill.

Mr. SHERMAN. I shall vote for taking up the first conference report that is offered. Here we are in the last hours of the session and we have to act upon both these reports, and we must do it to-night. There is no help for it, if we set sixty hours in consecutive session. I hope we shall waste no time. I shall vote to consider the first conference report that comes in. Which of these reports has now the preference?

Mr. FRELINGHUYSEN. This.

Mr. SHERMAN. What is the question?

The PRESIDENT *pro tempore*. The question is, Will the Senate postpone the post-route bill and proceed to the consideration of the report of the committee of conference on the Geneva award bill?

Mr. SHERMAN. I shall vote to postpone everything to take up a conference report at this stage of the session.

Mr. WEST. To take up the Geneva award bill now is absolutely to kill the post-office appropriation bill.

Mr. FRELINGHUYSEN. O, no!

Mr. WEST. Yes; this Geneva award bill will be talked all night.

The question being taken on Mr. FRELINGHUYSEN'S motion by yeas and nays, resulted—yeas 15, nays 38; as follows:

YEAS—Messrs. Alcorn, Anthony, Boutwell, Buckingham, Carpenter, Chandler, Edmunds, Frelinghuysen, Gilbert, Morrill of Maine, Morrill of Vermont, Oglesby, Sherman, Washburn, and Wright—15.

NAYS—Messrs. Bayard, Bogy, Boreman, Clayton, Conover, Cooper, Davis, Fenton, Flanagan, Goldthwaite, Gordon, Hager, Hamilton of Maryland, Hamlin, Harvey, Hitchcock, Howe, Ingalls, Kelly, Lewis, McCreery, Merrimon, Mitchell, Patterson, Pease, Pratt, Ramsey, Ransom, Robertson, Sargent, Saulsbury, Sprague, Stevenson, Stockton, Thurman, Wadleigh, West, and Windom—38.

ABSENT—Messrs. Allison, Brownlow, Cameron, Conkling, Cragin, Dennis, Dorsey, Ferry of Connecticut, Ferry of Michigan, Hamilton of Texas, Johnston, Jones, Logan, Morton, Norwood, Schurz, Scott, Spencer, Stewart, and Tipton—20.

So the motion was not agreed to.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the Speaker of the House had signed the following enrolled bill and joint resolution; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. No. 3256) to repeal so much of the act approved May 8, 1872, entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1873, and for other purposes," as provides for the employment of persons to assist the proper officers of the Government in discovering and collecting moneys withheld, and for other purposes; and

A joint resolution (H. R. No. 59) amending joint resolution of April 16, 1872, relating to a statue of the late Admiral Farragut.

DISTRICT GOVERNMENT—JOINT COMMITTEE.

The PRESIDENT *pro tempore*. Under section 5 of an act for the government of the District of Columbia, and for other purposes, being House bill No. 3680, a joint select committee is provided for, two members to be appointed by the Presiding Officer of the Senate and two by the Speaker of the House. Under that section the Chair appoints Mr. MORRILL, of Maine, and Mr. HAMILTON, of Maryland, the members of the committee on the part of the Senate.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had appointed Mr. R. C. PARSONS, of Ohio, a conferee on the disagreeing votes of the two Houses on the bill (H. R. No. 3168) making appropriations for the repair, preservation, and completion of certain public works on rivers and harbors and for other purposes, in place of Mr. GEORGE W. MCCRARY, of Iowa, excused.

POST-ROUTE BILL.

The PRESIDENT *pro tempore*. The post-route bill is before the Senate.

Mr. WEST. I think it is pretty well known to every Senator that it is not much worth while to consider the post-route bill unless you have the money with which to run your mails over the routes; and there is another consideration on which I shall appeal to certain members of the Senate, who will understand precisely that it was agreed that appropriation bills should have priority over other matters. The House of Representatives at the present moment has no business to consider on appropriation bills from the fact that we do not send them over to them.

Mr. EDMUNDS. That is not in order.

Mr. WEST. It may not be in order, but I have stated the fact; and if it is not in order I will withdraw it. [Laughter.]

Mr. RAMSEY. What is the use of appropriating money unless you have some use for it?

Mr. WEST. We have plenty of use for the money. I move to postpone the post-route bill for the purpose of considering the report from the committee of conference on the post-office appropriation bill.

Mr. DAVIS. I suggest to the Senator from Minnesota that he just lay his bill aside informally in order to allow the conference report to be made. It will only take a moment.

Mr. RAMSEY. If I do, I must do the same thing with the other report.

Mr. DAVIS and Mr. HAMILTON, of Maryland. O, no.

Mr. EDMUNDS. What is the pending order?

The PRESIDENT *pro tempore*. The pending question is the motion to postpone the post-route bill and proceed to the consideration of the report of the committee of conference on the post-office appropriation bill.

Mr. EDMUNDS. Has the post-route bill been read?

The PRESIDENT *pro tempore*. It has not been.

Mr. EDMUNDS. It must be read before it is debated.

Mr. WEST. Must it be read before it is proceeded with?

Mr. EDMUNDS. Yes.

Mr. WEST. If we have to stand that——

The PRESIDENT *pro tempore*. The bill will be read.

Mr. EDMUNDS. I only want to remind my friend from Louisiana that there is some liberty left, and now I withdraw for his motion. The bill need not be read now; but I withdraw the call for the reading, subject to its being read when it is taken up for action.

The PRESIDENT *pro tempore*. The Senator from Louisiana moves to postpone the post-route bill.

Mr. DAVIS. Only informally.

Mr. EDMUNDS. No sir; nothing is done informally.

The PRESIDENT *pro tempore*. The Senator from Louisiana moves to postpone the post-route bill and proceed to the consideration of the report of the committee of conference on the post-office appropriation bill.

The question being put a division was called for, and the yeas were 32.

Mr. RAMSEY. As this will involve the loss of the post-route bill, I call for the yeas and nays.

The yeas and nays were ordered.

Mr. GORDON. I should like to inquire the effect of this vote. Will the effect be to displace the post-route bill entirely?

The PRESIDENT *pro tempore*. It will.

Mr. SHERMAN. It can come up again on motion.

Mr. DAVIS. Is it in order to amend the motion of the Senator from Louisiana, so as to lay the post-route bill aside informally?

The PRESIDENT *pro tempore*. It is not.

Mr. SARGENT. That can be done by general consent.

Mr. DAVIS. I ask unanimous consent that it be done.

The PRESIDENT *pro tempore*. The Senator from West Virginia asks unanimous consent to lay aside the post-route bill informally and proceed to the consideration of the report of the committee of conference on the post-office appropriation bill.

Mr. RAMSEY. The same request has been refused in the other case.

Mr. HAMILTON, of Maryland. It will not be refused now.

The PRESIDENT *pro tempore*. Is there objection.

Mr. RAMSEY. I object.

The PRESIDENT *pro tempore*. The roll-call will proceed.

The question being taken by yeas and nays, resulted—yeas 27, nays 26; as follows:

YEAS—Messrs. Alcorn, Bayard, Boutwell, Buckingham, Carpenter, Davis, Edmunds, Frelinghuysen, Gilbert, Hager, Hamilton of Maryland, Hitchcock, McCreery, Morrill of Maine, Morrill of Vermont, Oglesby, Sargent, Saulsbury, Scott, Sherman, Sprague, Stockton, Thurman, Washburn, West, Windom, and Wright—27.

NAYS—Messrs. Bogy, Boreman, Chandler, Clayton, Conover, Cooper, Dennis, Fenton, Flanagan, Goldthwaite, Gordon, Hamlin, Kelly, Lewis, Logan, Merrimon, Mitchell, Norwood, Patterson, Pease, Pratt, Ramsey, Ransom, Robertson, Stevenson, and Wadleigh—26.

ABSENT—Messrs. Allison, Anthony, Brownlow, Cameron, Conkling, Cragin, Dorsey, Ferry of Connecticut, Ferry of Michigan, Hamilton of Texas, Harvey, Howe, Ingalls, Johnston, Jones, Morton, Schurz, Spencer, Stewart, and Tipton—20.

So the motion of Mr. WEST was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had non-concurred in the amendments of the Senate to the bill (H. R. No. 3572) to amend existing customs and internal-revenue laws, and for other purposes, asked a conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. HENRY L. DAWES of Massachusetts, Mr. WILLIAM D. KELLEY of Pennsylvania, and Mr. JAMES B. BECK of Kentucky managers at the same on its part.

TAX AND TARIFF BILL.

The Senate proceeded to consider the action of the House of Representatives on its amendments to the bill (H. R. No. 3572) to amend existing customs and internal-revenue laws, and for other purposes.

On motion of Mr. SHERMAN, it was

Resolved, That the Senate insist on its amendments disagreed to by the House of Representatives, and agree to the conference asked by the House on the disagreeing votes of the two Houses thereon.

By unanimous consent, it was

Ordered, That the conferees on the part of the Senate be appointed by the President *pro tempore*.

The PRESIDENT *pro tempore* appointed Mr. SHERMAN, Mr. MORRILL of Vermont, and Mr. BAYARD.

POST-OFFICE APPROPRIATION BILL.

Mr. WEST. I now submit the report of the committee of conference on the post-office appropriation bill.

The Chief Clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 3094) making appropriations for the service of the Post-Office Department for the year ending June 30, 1875, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 13 and 15.

That the House recede from its disagreement to the amendments numbered 2 and 5, and agree to the same.

That the House recede from its disagreement to the sixth amendment, and agree to the same with an amendment as follows: Strike out the words "library of the office of the Assistant Attorney-General," and insert in lieu thereof the word "use;" and the Senate agree to the same.

That the Senate recede from its disagreement to the amendments of the House to the eighth amendment, and agree to the same with amendments as follows: In line 1 of said Senate amendment after "on" insert "and after the 1st day of January, 1875;" strike out all after "provided" in line 7, and insert "that nothing in this act shall be held to change or amend section 99 of the act entitled 'An act to revise, consolidate, and amend the statutes relating to the Post-Office Department,' approved June 8, 1872;" and in section 6, line 1, after "that" insert the words "on and after the 1st day of January, 1875;" and the House agree to the same.

That the Senate recede from its disagreement to the amendments of the House to the twelfth amendment, and agree to the same with amendments as follows: In the second amendment of the House to said Senate amendment strike out "taken" and insert "made;" in line 31 of said Senate amendment strike out "one;" and the House agree to the same.

That the House recede from its disagreement to the fourteenth amendment, and agree to the same with amendments as follows: In line 9 strike out "eight" and insert "six;" in line 33 strike out "eight" and insert "six;" in line 67 strike out "fifty" and insert "sixty;" in line 68 strike out "forty" and insert "fifty;" in line 69 strike out "thirty" and insert "forty;" and the Senate agree to the same.

That the House recede from its disagreement to the sixteenth amendment, and agree to the same with an amendment as follows: In line 87 strike out the words "a letting under advertisement can take place" and insert in lieu thereof "the service shall have commenced under a contract made according to law;" and the Senate agree to the same.

That the House recede from its disagreement to the seventeenth amendment, and agree to the same with an amendment as follows: Insert in lieu of said amendment the following:

That hereafter the postage on public documents mailed by any member of Congress, the President, or head of any Executive Department, shall be ten cents for each bound volume, and on unbound documents the same rate as that on newspapers mailed from a known office of publication to regular subscribers, and the word "Public documents" written or printed thereon or on the wrapper thereof, and certified by the signature of any member of Congress, or by that of the President, or head of any Executive Department, shall be deemed a sufficient certificate that the same is a public document; and the term "public document" is hereby defined to be all publications printed by order of Congress, or either House thereof.

And the Senate agree to the same.

J. R. WEST,
ALEX. RAMSEY,
Managers on the part of the Senate.

JAS. N. TYNER,
S. S. MARSHALL,
Managers on the part of the House.

Mr. SHERMAN. I regret very much that I was not able to agree to the report of the committee of conference on account of the very large reduction it makes in the rate of postage on newspapers. It is reduced by this bill to one-half the present rate. The present rate of postage on newspapers is 20 cents per annum on a weekly paper. These papers weigh about 2 ounces, so that 52 papers weighing 104 ounces are now carried through the mails at 20 cents or a trifle over 3 cents a pound. This bill reduces the postage on newspapers to 1½ cents a pound, or $30 a ton, to be distributed all over the United States. In other words, it is a reduction in the rate of postage on newspapers to one-half. The postage on periodicals is by a somewhat different scale; the precise rate I am not able to state, but no doubt the Senator from Louisiana can tell.

Mr. WEST. Three cents.

Mr. SHERMAN. I mean the old rate on periodicals and large magazines.

Mr. WEST. The same, three cents.

Mr. SHERMAN. The proposition now is to fix the rate of postage at 1½ cents a pound on newspapers and at 3 cents a pound on periodicals. On both the reduction is about one-half. To reduce the rate of postage on newspapers at this time, when we are looking around for new sources of revenue, when our expenses are coming close to our receipts, seems to me a most unwise mersure, improvident, and unjustifiable in every sense of the term. I cannot therefore consent to it.

In the amendment sent to the House the Senate proposed a rate of postage of 4 cents a pound on all newspapers and periodicals alike, whichwas perhaps a very slight advance on the present rate, but it was a uniform rate and therefore much preferablerate either to the House or the rate now in force. The present rate does not depend upon the size or weight of the paper but is equal to from 3 to 4 cents a pound; therefore the proposed rate of 4 cents a pound prepaid would be a slight advance on the existing rate of postage. I would have agreed with great pleasure to a uniform rate of 3 cents a pound on books, newspapers, and periodicals; for it was not the purpose of the Senate to either increase or diminish the rate, but only to substitute a specific uniform rate to be prepaid like all other postage.

Perhaps Senators have not all of them been familiar with the question of the rate of postage. If you compare the rate of postage on newspapers with letters, the comparison is very striking indeed. We now charge for letters at the rate of 96 cents a pound. For a half-ounce of letter matter we charge 3 cents. So that the rate proposed on newspapers is one-sixtieth of the rate of letter postage. The old rate was about one-thirtieth part. Another thing: the total revenues of the Postal Department are now $23,000,000 a year. The revenue collected from newspapers is $1,000,000 or less; the postage on letters $22,000,000; so that out of the whole mass of our revenue for postage only one-twenty-third is furnished from printed matter, while the printed matter is 80 per cent. of the whole mail matter.

Mr. WEST. Not the newspaper matter.

Mr. SHERMAN. The printed matter.

Mr. WEST. Printed matter and matter of the third class, including all seeds and merchandise, which is quite a large percentage, amounts to that.

Mr. SHERMAN. Even newspaper matter is something over 80 per cent. I wish Senators to bear in mind that the present weight of newspapers alone going through the mail is four-fifths of the entire mail in weight, so that if you divide the expenditures of the Postal Department, now amounting to twenty-nine millions, in proportion to the weight between letter and printed matter, the printed matter including newspapers ought to pay $26,000,000 and the written matter ought to pay $3,000,000, while the actual fact now is that the letter matter pays twenty-two millions and the printed matter pays less than a million, so gross is the present discrimination in favor of newspapers. Indeed the amount collected on newspapers does not pay for the mere expense of delivering them. It does not pay one-fourth of the expense of the railroad transportation. It does not pay one-seventh of the expense of the postmasters of the country alone. It is so gross, so disproportionate as finally to have excited the attention of the country. To correct that the Senate proposed slightly to

increase the rate of postage on newspapers and also to require it to be prepaid.

Not only are the newspapers carried at this grossly disproportionate rate to the letter mail, but they have always had heretofore the franking privilege in the most offensive form; that is, newspapers are carried without prepayment, the postage to be collected at the other end of the line. Every publisher of a newspaper could frank the whole edition of his newspaper without paying a cent of postage, the postage being supposed to be collected at the other end of the line.

Mr. WEST. Generally it was not collected.

Mr. SHERMAN. That was a privilege granted only to the publishers of newspapers. Any private citizen who sent any newspaper or book or other printed matter had to prepay the postage at a much larger rate, and anybody, however poor, however difficult it might be for him to find the means for doing it, was compelled always to prepay the postage on either written or printed matter at a largely increased rate, while the newspaper publishers sent their mail matter practically free, or to be collected at the other end of the line. The result was that while the postage on newspapers should have been $2,700,000, the whole amount received by the Government of the United States was only about $340,000. Two-thirds of the actual postage levied by law upon newspapers never gets into the revenues of the General Government, but is either wasted by the failure to collect it or the failure of postmasters to return the amounts collected. Therefore it has been proposed to adopt a system of prepayment of postages, which is the rule as to all other postal matter in every other country that I know of.

It has thus far been found impossible to secure a system of prepayment of postage, and now this simple measure of equity and justice is opposed unless the rate of postage be enormously reduced. I was not prepared for one, and am not now, to vote for a reduction of newspaper postage so gross as this, while at the present rates the postage on written matter is thirty times as great as it is on printed matter, and while the printed matter now only yields to us $1,000,000 of revenue to $22,000,000 collected on letters, though the actual cost of carrying that mail matter is at least $14,000,000. If you make due allowances for the difference between printed and written matter and count the whole mass of printed matter as only costing as much as the whole mass of written matter, the cost of carrying newspapers and pamphlets through the mails would be $14,000,000. In truth and in fact the mass of written matter does not cost as much to transport it as the whole mass of printed matter. We know it does not cost one-fourth as much, because it only bears the relation in weight of 1 to 10.

Under these circumstances it seemed to me but right and just that the postage on newspapers should be prepaid without a reduction of the rate. The publishers ought to be willing to accede to that. They should pay some small proportion of the expense to the United States of carrying their printed matter through the mail. When I offered the proposition the other day in the Senate to make a uniform rate of 4 cents a pound on newspapers I did not dream that I was exciting such indignation of interested parties or treating of a very delicate question. We had been in the habit of levying taxes on the people, fixing rates of postage, dealing with great questions affecting the rights and interests of the whole people, and no complaint was made. The people sustained us if we did about what was right. But the very moment the proposition was made to make the newspapers pay one-fifth part of the actual cost of carrying their merchandise through the mails, that moment a great clamor was made.

When I submitted that proposition I had no conception that my motives would be impugned; that I would be charged with doing this thing out of spite or to punish some one; or that all at once I was to be assailed and arraigned by telegraph and press as guilty of some high crime or misdemeanor. Sir, all this is sheer folly. I may have made a mistake, but I think not, and am not likely to be deterred from doing a plain duty by any kind of clamor. It was with me a purely revenue question, the measure being proposed in the hope to derive some little more revenue from carrying printed matter through the mail, so that it should be required at least to pay about one-fifth of the cost of carrying it. But it seems the House of Representatives took a different view and thought the rate was too high, and insist upon a rate of 1½ cents a pound.

England has adopted a cheap-postage system and was the first to adopt it. They charge 1*d.*, or 2 of our cents, for carrying a letter; they charge ½*d.*, or 1 cent, for carrying a newspaper. They charge one-half as much for carrying a newspaper as they do for carrying a letter, while under the operations of this bill the charge for carrying a newspaper through the mail, if sent from the office of publication, is only one-fifth of one cent, though weighing two ounces; while if you carry a letter it is three cents, though weighing but half an ounce. This discrimination in favor of newspapers it seems to me is enormous and unjust.

Mr. RAMSEY. The Senator should recollect that England formerly had a stamp duty on newspapers and no postage at all. They have now abolished the stamp duty and in lieu of it put on the postage rate.

Mr. SHERMAN. Every newspaper that goes through the mails, the London Times and every other newspaper in England, has to pay one half penny.

Mr. RAMSEY. I admit that; but that is in lieu of the stamp duty theretofore imposed.

Mr. SHERMAN. It is for postage.

Mr. RAMSEY. It is a revenue in lieu of the stamp duty which they abolished. That is one reason it is so high there.

Mr. SHERMAN. Very well; but the postage on newspapers there is ½*d.* or 1 cent, while we propose to reduce it down to ⅛ of a cent, while we leave letter postage at 3 cents.

Under the proposed rates the difference between letter postage and newspaper postage is so enormous as to naturally excite attention. As I said before, when I first made this proposition and it was voted unanimously by the Senate there was no talk here but that it was a simple, pure revenue measure; and yet the very next morning brought back to us accounts in the newspapers that the Senate, especially Senator SHERMAN, out of spite, had been striking at the newspapers! Mr. President, I have no quarrel with the newspapers. The great body of the newspapers have always treated me, so far as I know, with great kindness; and if any of them have treated me unkindly or unfairly, generally other newspapers took a different view and came to my relief. I have no quarrel with the newspapers. My whole effort in this matter has been simply to impose a reasonable rate of postage on newspapers in view of the present condition of the country. The idea now in our present condition, when we are levying new taxes, when we are compelled to cut down all branches of our service, reducing our expenses in all Departments—the idea that now we should repeal one-half the rate of postage on newspapers, which now do not pay more than one-fifth the cost of transporting them, it seems to me is trifling with a great subject and it ought not to be yielded, and I for one will not do it.

Mr. President, a great deal of comment has been made upon the proposition of the Senator from New Jersey [Mr. FRELINGHUYSEN] to carry a public document through the mails at 25 cents. With some hesitation we put the minimum charge on public documents at 25 cents. We made an inquiry and we found that a public document, on the average, weighed 2 pounds; so that the rate proposed by the Senator from New Jersey was 12½ cents per pound; that is, we were required to pay, or anybody who received a document from us was required to pay, postage at the rate of 12½ cents per pound; and yet in that same bill it is proposed to charge newspapers only at the rate of 1½ cents per pound, or at the rate of 3 cents for newspaper matter equal to a public document. In this report the committee have reduced the rate of postage on public documents to 10 cents and require us to prepay it. A document published at public expense at the Public Printing Office, before it can be sent by us to our constituents, must, under this report, be prepaid at the rate of 10 cents, or 5 cents a pound. Even this rate I regarded too low, and yet now it is proposed to carry newspapers by the pound at 1½ cents; and I am arraigned for proposing to charge 4 cents a pound, or about one-fifth of the actual cost of the service to the United States.

Mr. WEST. Is the Senator exactly stating the case fairly? A newspaper is not a bound book. We are to pay on public documents that are bound 10 cents per document; that is, 5 cents per pound; but the Senator knows very well that there is a provision in this report that if the documents are unbound they shall only pay the same rate as newspapers.

Mr. SHERMAN. When you pay by weight, what is the difference between bound or unbound documents? Printed matter sent from any printing office in this country can be carried from San Francisco to New York or *vice versa* at $30 a ton, or 1½ cents a pound less than the cheapest freight by rail between these points; and yet if that same information is put in the form of a public document sent by us, the postage, to be prepaid by us, costs 5 cents a pound. Sir, you might as well abandon all postage on newspapers. If there is not courage enough in Congress to deal with this question of a fair rate of postage on newspapers, I would far rather carry in the mails newspapers free than pretend to collect at the rate of 1½ cents per pound, which is totally inadequate. If we dare not provide for a reasonable rate let us make the newspapers free at once. If it is necessary for the United States to distribute newspapers to disseminate information among the people, why charge anything? Why put the publishers to the trouble to weigh their merchandise unless you mean to charge them a reasonable rate for the service you do them?

Again, sir, why discriminate against pamphlets? The pamphlets are the selected literature of the day, the winnowings of the chaff. They are charged by this bill at the rate of 3 cents per pound. Why this discrimination? Why discriminate against pamphlets and in favor of newspapers? Is there any reason for it? If your object is to disseminate information, then pamphlets are a much better form of current intelligence and should be favored rather than charged double; and yet here is a discrimination of one-half.

It seems to me this whole proposition is based upon the idea that we must carry the mail for the benefit of the newspapers. It has been said that if we make the rates too high the newspapers will be carried by the express companies. Why, sir, to the extent that express companies carry newspapers it is a relief to the Treasury. Our Post-Office Department would be more than self-sustaining if three-fourths of the newspapers were carried by express companies. The only reason why we have a deficiency, increasing year by year until now it amounts to $8,000,000, is because we carry the newspapers through the mails without charge or with an insufficient charge. If there was a reasonable charge put upon newspapers our Post-Office Department would be self-sustaining. If we put on newspapers one-

half of the rate levied in England the Department would be self-sustaining. The real secret of the deficiency in our postal revenue is that we make no charge on newspapers worth naming; that is, we carry nine-tenths of the mail for $1,000,000, while the carrying of the whole mail costs us $29,000,000. Is this right? Have we no power to correct it?

Complaint was made that in my proposition to the Senate the other day the time for the taking effect of this amendment was not fixed. It was fixed. That was a misrepresentation. In the very amendment I offered it was fixed for the 1st of January next. I handed the proposition to the Senator from Minnesota [Mr. RAMSEY] to offer it, and he did offer it.

Now, Mr. President, it does seem to me the Senate of the United States, under the present circumstances, might very properly recommit this report and levy a uniform rate on all printed matter of about 3 cents a pound. In the proposition adopted by the Senate we put it at 4 cents a pound, because that was slightly in advance of the present rate, but only a mere fraction; but if the rate was fixed at 3 cents a pound, the newspapers and printed matter would yield a revenue of from three to four millions and to some extent make good the deficiency in the postal service.

To show you that the public press have not annually concurred in the clamor made about this amendment, I desire to say I have received both telegrams and letters from intelligent publishers in this country who not only do not complain, but say this is right, and if the public are to pass on this question, they will say it is right. There is no good reason why the commodities of newspapers should be carried through the mails unless they pay some proportion of the cost. I am happy to say I have here a letter from a very respectable member of the press, the publisher of a well-known weekly newspaper. In speaking of the rate proposed in the House bill, 1½ cents, he says:

> Your rate of 4 cents is far better, and that will bring country papers down as follows: oz. 1½ × 52 × 4 cents—19½ cents—for an average paper of an ounce and a half.

That is, 52, the number of issues in a year, multiplied by 1½, the number of ounces, gives 78 ounces, or less than 5 pounds; which at 4 cents a pound makes 19½ cents. That is the cost of postage of a weekly paper for a year weighing 1½ ounces, which is the ordinary weight, at the rate of 4 cents, while under the present law it is 20 cents. The present law makes the rate of postage on country papers a little higher than 4 cents on an ordinary weekly paper; but when you take the great weekly papers published in the metropolitan cities, they weigh more, and consequently the present rate upon them is only about 3 cents a pound. Taking the average country weekly papers published in cities of twenty thousand inhabitants and less, the present rate is 4 cents a pound.

Then he goes on:

> As an illustration, my own paper is printed on paper that weighs 40 pounds to the ream, and while it is now being run through the press I find that 11 damp sheets weigh a pound. This brings the postage on my paper, which is 27 by 38 inches, on 40-pound paper, at 4 cents per week, to 19 cents a year, and my paper is above the average. Now, even including wrappers, your rate will really bring the average on country papers below the present rate of 20 cents a year. This ought to be more generally known.

Now, Mr. President, why should not this be done? Why should not the newspapers be willing to bear some portion of the expense of transporting their product through the mails? Remember this is not a tax upon newspapers. We are not now levying a tax on newspapers. There is no tax whatever levied on a newspaper. They pay no tax to the General Government, and we do not charge them even now more than one-tenth of the actual cost of transporting their commodities, and this report proposes to reduce that one-tenth down to one-twentieth, and all because we require them to prepay their mail matter!

Sir, publishers of newspapers are like all other men. They are governed in the main by their interests. They are generally honorable men, engaged in an honorable calling. I have not one word to say against the public press. I believe the public press of our day and generation is stronger, better, and purer than it has been in former times, although it is still subject to great abuses. The public press is a great power in this country. No public man would seek to engage in a contest with them. The danger is not that we would do anything to spite them, but the danger is that in fear of their power we will not do our duty to the country.

Now, sir, when the newspaper press were called upon to prepay their postage they complained a great deal about it; but public sentiment had gradually so developed itself that it was felt to be the fixed law that they had to prepay their postage like other people who use the public mail. The Postmaster-General has for years requested us to pass a law requiring newspaper postage to be prepaid, and public opinion has so developed itself that finally the publishers of the country have been compelled to yield to that public sentiment; but while yielding they demanded a reduction in the rate of postage. Why so? Why should the amount of postage, now totally inadequate, be reduced? No good reason can be given for it.

Why, sir, if this question is looked upon as it affects the public at large, there is no reason why the newspaper press should not pay the whole cost of carrying their mail matter. The general distribution and dissemination of newspapers throughout the country is undoubtedly useful; no man would desire to interfere with that; but is it unjust to charge them but one-fifth of the cost of the labor done for them?

I hope, therefore, although these are the last hours of the session, the Senate will pause and consider well before they make this large reduction in the rate of postage. Let us at least seek another conference with the House of Representatives on the subject. I believe a uniform rate of 3 cents a pound on all printed matter, pamphlets, newspapers, and periodicals would yield a considerable revenue, would not increase the present rate of postage, and would be of vast service to the country. The newspapers might complain a while, but I hope we all dare to do our duty whether complaints come from one quarter or another. I at least shall not vote to concur in this conference report.

Mr. WEST. The very little attention that the Senate has given to the Senator who has just spoken would hardly encourage me to think I can command its attention; but I do not think the Senate ought to be asked by a committee of conference to vote for a proposition that they have seen proper to submit, when it is contested by one member of that committee without its being supported by the other members.

The Senator from Ohio admitted away his whole case very early in his argument. He said you could not secure the prepayment of this postage unless you reduced the rate. That is the Senator's proposition. He stated it distinctly. That is the experience of all postal service, and the Senator has stated it correctly. What is his proposition? His proposition is to raise the rate and to insist on prepayment. The rate now is three cents. The Senator's proposition is to make it four cents and insist on prepayment. The committee wanted prepayment, and in order to get that prepayment we had to reduce the rate, but we did not reduce it, as the Senator says, from four to one and a half cents uniformly on all newspapers. Read the recommendation of the committee as it is presented here. One and a half cents on all newspapers published as often as once a week, and three cents on all published less frequently than once a week. That is the proposition; so that the great bulk of your newspapers throughout the country are charged three cents.

Mr. SHERMAN. All the daily papers one and a half cents.

Mr. WEST. I admit that; but take the majority of publications in this country, and you will find the majority of them are in the other class.

Mr. SHERMAN. I assure the Senator he is mistaken. Ninety-nine one-hundredths of the newspapers are published at least as often as once a week.

Mr. WEST. I do not think I am mistaken. There are a great many semi-monthlies and a great many monthlies and periodicals.

Mr. SHERMAN. Periodicals are but a small proportion compared with the daily and weekly papers.

Mr. WEST. Very well. Now, the Senator says there is a fallacy in reducing the rates of postage when we are requiring prepayment of postage. The fallacy is simply this: by insisting on prepayment we recover what the Government does not get. The total postage on all newspaper matter now throughout the country is $3,000,000; only $1,000,000 of it goes into the Treasury. By the prepayment proposition you will get more, and a good deal more, of it.

Mr. SHERMAN. According to what my friend says we shall get a million and a half, and the newspapers will save a million and a half.

Mr. WEST. I never heard such a proposition coming from the chairman of the Committee on Finance, that by the imposition of duty on an article, that duty came out of the importer. That is the Senator's proposition here, that by imposing a duty on newspapers, requiring prepaid postage on them, it comes out of the newspapers. It comes out of the people who pay the postage on the newspapers, just as much as the tariff on sugar comes out of the man who consumes it.

Mr. SHERMAN. The people pay now $2,700,000 for postage excepting what is not collected, and the postmasters get some of it. The Government gets but $900,000.

Mr. RAMSEY. Over a million last year.

Mr. WEST. The Senator complains that the newspapers carried throughout this country only pay $3,000,000. His proposition is to make them pay four millions. The great discrepancy between the cost of newspaper mail and post-office mail he only proposes to encroach upon to the extent of $1,000,000; whereas we contend that under this reduced rate of postage we shall collect more than three out of four cents, and the Post-Office Department is of that opinion. Why? Because if you compel them to pay four cents, they will resort to express companies on short hauls, where we would gain an advantage at one and a half, and throw on the Department the whole weight of their long hauls away into Oregon and California. That is the difference.

But, sir, I am convinced that the Senate is disposed to stand by the report of the committee. It is made in accordance with the views of the Post-Office Department, and is also made in accordance with the views of the House of Representatives, the body most recently coming from the people; and I do not think it worth while to detain the Senate any longer on the subject.

Mr. MORRILL, of Maine. I am very sorry not to be able to concur in the action of the committee of conference on this bill; but there are certain principles I think so clearly to be observed in matters of this kind, that I cannot see my way clear to do it. This is a reduction of the postage heretofore paid on newspapers.

Mr. WEST. A reduction of one-half on what was assessed and not collected.

Mr. MORRILL, of Maine. It is a reduction of one-half of the postage heretofore charged upon newspapers. Can anybody answer to himself or the country or anybody else why that should be done now? Has anybody stated any reason why that reduction should be made? When the expenses of this Department are increasing so largely, when your revenues are running behind $30,000,000, and you will have on the day when this fiscal year goes out $30,000,000 of deficiency, is this a good time to do that? Is it the patriotic sense of the newspaper press of this country that it is a good thing to do, to relieve themselves at this time of one-half the burden which should fall equitably and honestly and fairly upon them in the transaction of their business on rates which were always very low, and that this is the time to do that thing? Does my honorable friend from Minnesota [Mr. RAMSEY] who has charge, so far as the Senate is concerned, of the Post-Office Department, think he is to sustain the credit of that Department by allowing such a thing as this to be done at this time?

Sir, what is this service? From the beginning we have levied a tax on this service, for its support chiefly; and now you propose to relieve that part of the service which contributes more than eighty hundredths part of the entire burden, so that what it contributes will be merely nominal. My honorable friend from Minnesota, the chairman of that committee, tells you that we only collected $1,072,000 from the newspaper press of the country as the rate stood before, and now you reduce it one-half.

Mr. President, the newspaper press of this country cannot afford to accept any such proposition as that. While you are putting $22,000,000 upon the people of this country who pay letter-postage it is a public indecency to say that you will only collect less than $1,000,000 upon that service which contributes more than eighty hundredths of the entire burden. I am amazed that the House of Representatives, if it is true, as my honorable friend who has charge of this bill represents, should insist upon any such thing at the present time; and it seems to me the Senate of the United States will be wanting in ordinary self-respect to allow any such thing as that to be done under any circumstances that I can conceive of.

What earthly reason is there for it? The newspaper press of the country do not appeal to anybody for this that I know of. They have not asked it; and I have too exalted an opinion of the newspaper press of this country to believe that they desire any such thing as this. Do the newspaper press of this country want their papers to go through the mails free? Are they willing to impose a burden upon the people of this country and to allow a deficiency of many millions to be paid out of the Treasury that their papers may go free? I do not believe any such thing. I have seen no newspaper anywhere that asked any such thing. I am sure there has been no representative here in their behalf that they desired any such thing.

Reluctant as I am, Mr. President, to postpone or delay the business of the session, I should regret extremely that the Senate of the United States should allow itself to do any such thing as is proposed by the adoption of this conference report.

Mr. RAMSEY. I am surprised at the course of the honorable Senator from Maine, the chairman of the Committee on Appropriations. It is notorious that in all time it has been impossible to collect the postage upon newspapers, no matter how high the charge was. In your policy pursued in general commerce you very often reduce your duties for the purpose of breaking down smuggling and really getting a revenue from an article. So you should do in this case. Notwithstanding every effort has been made the Government has only received for the transportation of the immense mass of newspapers published in this country $900,000, and finally last year it rose to $1,072,000. The true policy of the administration of the Post-Office Department is to insist upon prepayment in every possible instance, even although you do reduce your postages. Now, with the certainty of making out of this reduced postage by insisting on prepayment $3,000,000, which is the estimate of the Post-Office Department, I think the Senate ought not to hesitate to accept this new rule as established by the report of the committee of conference, yielding to the determined position of the House of Representatives on the subject.

Mr. MORRILL, of Maine. O, the House of Representatives! What has that to do with the duty of the Senate?

Mr. RAMSEY. The great thing is to secure prepayment.

Mr. MORRILL, of Maine. My honorable friend expresses some surprise that I should oppose this proposition, and says I know or ought to know that the Department have only been able to collect from seven hundred thousand to one million dollars out of the two and a half millions which they ought to have had from newspaper postage. I should like to know how long my honorable friend has known that, and I should like to know how long he has delayed to perform his duty to see that some method had been proposed here by which that evil could have been remedied.

Mr. RAMSEY. Prepayment is the remedy.

Mr. MORRILL, of Maine. Why has it not been done, if the honorable Senator is aware of the fact?

Mr. RAMSEY. "Better late than never."

Mr. MORRILL, of Maine. So it is; but it does not follow because there has been laches or neglect somewhere in that particular, that we are to take off one-half the tax on that amount. Who has asked it? The newspaper press has not asked it. Nobody has asked it. If it is a boon proffered to these people, it is a very cheap performance in my judgment. You will get no thanks for it. Nobody wants it. The newspapers of this country do not want to be forced through the mails free. They cannot afford to have it done, nor can the people of this country afford to allow it to be done, in my judgment.

Mr. President, there is no apology under heaven for such a proposition as this while the people of this country are borne down by taxes, while your revenues are running short, while everybody knows now that you are trying to eke them out by a proposition reported here by my honorable friend from Ohio, which I will not characterize as I believe it ought to be, eking out at the rate of $2,000,000 taxes when we know that we are running behind $10,000,000, and making no effort to increase the taxes at all adequate to our demands, and then in this style cutting down the sources of your revenue when nobody asks it. For one I protest against it.

Mr. FERRY, of Michigan. I should like to put a question to the Senator. Does he not consider it is a gain to establish the principle or policy of prepayment on papers as well as letters? We have already established that upon letters. Would it not be a gain on newspapers?

Mr. MORRILL, of Maine. Undoubtedly it would be a gain; but is that a question to be compromised? Are we so impotent, are we so weak, are we so far gone, that we cannot lay an honest tax on any interest in this country without asking the parties who are taxed? Can we not say that the tax which they have been paying and which is small, which is only about one-fifth of the amount put upon the poor men of this country, shall be prepaid without being humiliated by the idea that we have got to compromise that question? I would abandon the whole of it before I would agree to that.

Mr. FERRY, of Michigan. I have one more question to put. The Senator has responded that it would be a gain to that extent; it would be an advantage to change the system on newspapers and make it agree with the system on letters. Now, I put another and a practical question to the Senator: I ask him if it would not be far better to adopt a system that collects all its postage rather than assess a postage which is not collected?

As stated by the Department, the present rate assessed, when collected at the point of delivery, falls far short of the amount now proposed to be assessed by prepayment. I ask the Senator, and repeat my question as a practical one, is it not far better when we have a system of prepayment to arrive at an amount that we know is definite; and then if we find there is a large deficiency we can regulate that hereafter?

Mr. MORRILL, of Maine. The same spirit which yields this now will yield it forever. That is my answer to all that. Nobody has suggested any necessity for it. It is just as easy to put the tax at three cents, where it was before, as it is to put it at one and a half cents. It is optional with Congress. Nothing on earth stands in the way of it.

Mr. FERRY, of Michigan. The difficulty has been this: the Postmaster-General in his estimates in presenting his claims to Congress for appropriations has predicated them on the collection of postage at the point of delivery; and it has not been until the close of the fiscal year that the deficit has become apparent. Now, I say as a practical question it is far better that we should adopt a system that speaks for itself upon its face so that when the Postmaster-General makes his report here he may know what he will get, not what he expects, but what really he does get. So the adoption of the proposition now before the Senate is coming back to the better policy of providing for prepayment; and if, as has been said, it shall be found that the rate is too low we can hereafter fix it, because then it is determinate and we know just where we stand.

The great difficulty is that a year ahead we expect we are to derive a certain revenue, and at the close of the year we find we have not received what we supposed was our due. In other words, your postmasters in the little offices are compelled by force of circumstances to donate this postage, and even pay it sometimes out of their own pockets rather than be troubled with these little driblets. Any man who has observed this process of collecting in small amounts the quarter's postage on newspapers must know that the postmasters are driven either to ignore their duty or to pay it themselves. It is far easier to roll the responsibility on the Government than to take it out of their pockets on a mere salary of twelve dollars per annum sometimes.

Mr. WEST. Mr. President, I know that the Senate is impatient on this subject, but I think one proposition has been broadly and unwarrantably asserted by the Senators who oppose the adoption of this report that ought not to go without refutation; and that is that this yielding of the rate is in response to the demand of the newspapers. The Senators could with the same propriety say that a reduction of the tariff on any imported article was a yielding to the threats or the menaces of the importers.

Mr. MORRILL, of Maine. I have disclaimed that I have said distinctly that I heard no desire on their part for it.

Mr. SHERMAN. Allow me to state that when I submitted the proposition I did not believe that the large papers of the country would oppose it. I thought their sense of justice would see the propriety of it.

Mr. WEST. Then it is intimated that we are reducing the tax on newspapers, and that that is the motive of the committee. Now, sir, it must be self-evident to any man who knows anything about it that the postage is not to be paid by the newspapers. The postage

is going to come out of the public. There is where all postage comes from. We are trying this experiment whether we cannot collect more postage out of the public by this process than by the one in vogue.

Mr. SCOTT. Mr. President, there is another feature of the report as I heard it read at the table that has thus far elicited no comment; it is the last section incorporated by the conference committee, and which provides, if I apprehend it aright, that each public document, without reference to its weight, shall be carried in the mail at ten cents.

Mr. RAMSEY. Prepaid.

Mr. SCOTT. Prepaid, provided it be franked with the name of the President, the head of a Department, or the member of Congress certifying it is a public document, and that frank makes it presumptive evidence that it is a public document.

Now, Mr. President, that is a feature which I think is a little more reprehensible than any one we have had yet proposed on this bill, either in the Senate or in the House. I suppose the CONGRESSIONAL RECORD of this session will make up about six or seven volumes of the ordinary size, and each volume will weigh from three to five pounds; so that that work will go through the mail at ten cents a volume. The Smithsonian Report will go for ten cents; the Agricultural Report for ten cents; Raymond's report for ten cents; these three books, all together not weighing as much as one volume of the CONGRESSIONAL RECORD. That is the equality in postage which is introduced by this bill, and that is a restoration of the franking privilege by moieties and driblets in that form.

I have heretofore said that I should vote for no kind of insidious approaches toward the restoration of the franking privilege. I will not agree to get back to it by sapping and mining, for the purpose of reaching it, like a mole. If we want it, come out in the daylight and say so; restore it pure and simple, and not impose this inequality of burdens. If there is a man willing to take the CONGRESSIONAL RECORD and at the other end of the line pay for it let him pay the freight that is necessary to carry it through the mails. Upon many of the lines the transportation of the postal cars is charged for by weight, and thus we shall have on some of the lines public documents carried, charged for by weight by railroad companies, and parties receiving them at less than is charged for carrying them. That is a feature of this report for which, it seems to me, it should be sent back if there were no other in it.

Mr. RAMSEY. The Senator ought to recollect that a conference is a negotiation of two parties. We cannot get everything that we desire. The Senator probably has never been on a committee of conference where he got all he desired. In return for this the House abandoned the objectionable feature as we thought of passing about three or four hundred thousand volumes of the Agricultural Report entirely free through the mails. It may be increased to a million hereafter. They abandoned that. We got the principle conceded of prepayment. You had yourselves allowed documents to pass without prepayment, the postage to be paid at the other end of the line, and you would never have got that money, as you have failed to get your money on newspapers. We then insisted on the principle of prepayment. We got them to abandon sending through the mails an immense mass of matter for nothing, and we got something in return.

The PRESIDING OFFICER, (Mr. EDMUNDS in the chair.) The question is on agreeing to the report of the conference committee.

The question being put, there were on a division—ayes 17, noes 16; no quorum voting.

Mr. WEST. I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. HOWE, (when his name was called.) On this question I am paired with the Senator from Kentucky, [Mr. MCCREERY.] If present he would vote for agreeing to this report and I should vote against it.

The result was announced—yeas 19, nays 21; as follows:

YEAS—Messrs. Bayard, Boutwell, Carpenter, Clayton, Conover, Cooper, Ferry of Michigan, Flanagan, Frelinghuysen, Goldthwaite, Ingalls, Jones, Kelly, Logan, Morrill of Vermont, Ramsey, Sargent, Tipton, and West—19.

NAYS—Messrs. Alcorn, Davis, Edmunds, Gordon, Hamilton of Maryland, Hamilton of Texas, Merrimon, Morrill of Maine, Norwood, Oglesby, Patterson, Pease, Pratt, Ransom, Robertson, Scott, Sherman, Sprague, Stevenson, Stockton, and Wright—21.

ABSENT—Messrs. Allison, Anthony, Bogy, Boreman, Brownlow, Buckingham, Cameron, Chandler, Conkling, Cragin, Dennis, Dorsey, Fenton, Ferry of Connecticut, Gilbert, Hager, Hamlin, Harvey, Hitchcock, Howe, Johnston, Lewis, McCreery, Mitchell, Morton, Saulsbury, Schurz, Spencer, Stewart, Thurman, Wadleigh, Washburn, and Windom—33.

So the report was non-concurred in.

Mr. RAMSEY. Now I move that the Senate proceed to the consideration of the post-route bill again.

Mr. MORRILL, of Maine. I move that a further committee be asked for on the post-office appropriation bill.

The PRESIDING OFFICER. The Senator from Maine moves that the Senate further insist on its amendments and on its disagreements to the amendments of the House of Representatives, and request another conference on the subject of this bill.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the committee; and Messrs. WINDOM, ALLISON, and DAVIS were appointed conferees on the part of the Senate.

THE GENEVA AWARD—RECESS.

Mr. FRELINGHUYSEN. I rise to make a report from the committee of conference on the Geneva award bill.

The PRESIDING OFFICER. The Senator from New Jersey presents a report which will be read.

The Chief Clerk commenced to read the report.

Mr. PATTERSON. I move that the Senate take a recess until eight o'clock.

Mr. STEVENSON. I rise to a question of order.

The PRESIDING OFFICER. The Senator from South Carolina moves that the Senate take a recess until eight o'clock, and the Senator from Kentucky rises to a question of order.

Mr. STEVENSON. Yes, sir; to know why the Clerk is reading that report—whether it has been taken up.

The PRESIDING OFFICER. The Clerk is reading the report presented by the Senator from New Jersey from the committee of conference on the bill, pending which the Senator from South Carolina moves to take a recess till eight o'clock. The question is on the motion of the Senator from South Carolina.

Mr. STEVENSON. Before that question is put, I still have not the point of order I raised answered.

The PRESIDING OFFICER. The Chair cannot entertain the question of order at this time because it is not before the Senate. The question is on the motion of the Senator from South Carolina.

Mr. STEVENSON. I ask the Senator to withdraw the motion for a moment.

The PRESIDING OFFICER. The question is on the motion of the Senator from South Carolina.

Mr. DAVIS. Is it in order to move seven o'clock instead of eight?

The PRESIDING OFFICER. It is in order by the special rule of the Senate to move to take a recess at any time.

Mr. DAVIS. The Senator from South Carolina moves to take a recess till eight o'clock. I think that is too long.

The PRESIDING OFFICER. Debate is not in order.

Mr. DAVIS. Can I not move to amend the motion?

The PRESIDING OFFICER. The Senator can move to amend the motion.

Mr. DAVIS. At the suggestion of Senators, I move to amend by saying "half past seven."

Mr. PATTERSON. I accept the amendment.

The PRESIDING OFFICER. The question is on the motion as amended to take a recess until half past seven o'clock.

The motion was agreed to; there being on a division—ayes 33, noes 14; and the Senate (at five o'clock and forty-six minutes p. m.) took a recess until half past seven o'clock p. m.

EVENING SESSION.

The Senate reassembled at half past seven o'clock p. m.

CLERKS OF COMMITTEES.

Mr. ANTHONY. I offer the following resolution, which is customary at this stage of the session:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized to pay the salaries of the clerks of committees up to and including the 10th of July.

The resolution was agreed to.

ARKANSAS VALLEY RAILWAY.

Mr. SCHURZ. I would ask unanimous consent to call up a bill which is of great importance to the western interests, being House bill No. 2884.

Mr. FRELINGHUYSEN. I will let the regular order be waived for a moment.

By unanimous consent, the bill (H. R. No. 2884) granting the right of way through the public lands to the Arkansas Valley Railway Company was considered as in Committee of the Whole.

The bill grants the right of way through the public lands to the Arkansas Valley Railway Company, a corporation duly created under the laws of the Territory of Colorado, its successors and assigns, for a railroad and telegraph line, now partially completed and in operation from a point on the line of the Kansas Pacific Railway at Kit Carson; thence southward to West Las Animas; thence westward along or near the Arkansas River to Pueblo, a distance of about one hundred and fifty miles, and within said Territory of Colorado, to the extent of one hundred feet in width on each side of the railroad where it may pass through the public domain and military reservation at Fort Lyon, including grounds for station-buildings, work-shops, depots, machine-shops, switches, side-tracks, turn-tables, cattle-yards, and water-stations, to the amount not exceeding ten acres, not mineral-lands, for each station, and for not more than one station in every ten miles.

Mr. EDMUNDS. Is there any provision in that bill which limits the time within which this railway shall exercise the right granted?

Mr. SCHURZ. Yes; six months.

Mr. EDMUNDS. I should like to have the clause read.

The PRESIDENT *pro tempore*. That part of the bill will be read.

The Chief Clerk read as follows:

Provided, That within six months from the passage of this act the said Arkansas Valley Railway Company shall file with the Secretary of the Interior a map, to be approved by him, exhibiting the line of the railroad of said company as the same has been located,

Mr. BOGY. The road is built all the way through.

Mr. SCHURZ. I think I can satisfy the Senator from Vermont on that point.

GEORGE HENRY PREBLE.

Mr. HAMLIN. While the gentlemen are looking at that matter I ask to take up a bill which places Commander Preble according to his proper position in the Navy.

By unanimous consent, the bill (H. R. No. 2892) authorizing the President to appoint George Henry Preble, now a captain on the active list of the Navy, to be a commodore, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment.

Mr. EDMUNDS. I move that that bill be indefinitely postponed, and on the motion I wish to say a word. I have no idea that it will be postponed, but in order to enter my protest, as I do not want to take up time by the taking of the yeas and nays, I make this motion. I have heard something about this case, and believing it to be a jumping of an officer of the Navy when he ought not to be jumped over the heads of others, my only way now is to move that it be indefinitely postponed, so that the Journal shall show so far as I am concerned that I have no hand in the business.

Mr. HAMLIN. Before the question is put I want the attention of the Senate for a moment. This bill has twice met the approval of the Senate. It only restores Commander Preble to the precise position he would be in to-day but for the action of the Secretary of the Navy, and that action has been overruled by a board of inquiry.

The PRESIDENT *pro tempore*. The question is on the motion to postpone the bill indefinitely.

The question being put, there were on a division—ayes 17, noes 19; no quorum voting.

Mr. EDMUNDS called for the yeas and nays, and they were ordered; and being taken resulted—yeas 14, nays 23; as follows:

YEAS—Messrs. Alcorn, Cooper, Edmunds, Frelinghuysen, Gordon, Hitchcock, McCreery, Robertson, Sargent, Spencer, Stevenson, Thurman, Wadleigh, and Wright—14.

NAYS—Messrs. Bayard, Boreman, Boutwell, Carpenter, Clayton, Davis, Fenton, Flanagan, Hager, Hamlin, Ingalls, Merrimon, Morrill of Maine, Morrill of Vermont, Pratt, Ransom, Schurz, Scott, Sherman, Stockton, Tipton, Washburn, and Windom—23.

ABSENT—Messrs. Allison, Anthony, Bogy, Brownlow, Buckingham, Cameron, Chandler, Conkling, Conover, Cragin, Dennis, Dorsey, Ferry of Connecticut, Ferry of Michigan, Gilbert, Goldthwaite, Hamilton of Maryland, Hamilton of Texas, Harvey, Howe, Johnston, Jones, Kelly, Lewis, Logan, Mitchell, Morton, Norwood, Oglesby, Patterson, Pease, Ramsey, Saulsbury, Sprague, Stewart, and West—36.

So the motion was rejected.

The bill was ordered to a third reading, read the third time, and passed.

ARKANSAS VALLEY RAILWAY.

Mr. SCHURZ. The objection to the bill (H. R. No. 2884) granting the right of way through the public lands to the Arkansas Valley Railway Company is no longer persisted in, and I ask that it be disposed of.

The Senate, as in Committee of the Whole, resumed the consideration of the bill.

The bill was reported to the Senate.

Mr. EDMUNDS. I merely wish to say that that bill ought to contain a limitation of time in which the company should exercise this right or it should be forfeited; but it is a small matter, and they say the road, is really built so that practically there will be no need of that limitation. Therefore I do not insist upon the point; otherwise I should think it my duty to see that there should be a limitation.

The bill was ordered to a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had agreed to some and disagreed to other amendments of the Senate to the bill (H. R. No. 3600) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1875, and for other purposes, and agreed to further amend with amendments, asked a conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. JAMES A. GARFIELD of Ohio, Mr. EUGENE HALE of Maine, and Mr. WILLIAM E. NIBLACK of Indiana, managers at the same on its part.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolutions; and they were thereupon signed by the President *pro tempore*:

A bill (H. R. No. 3422) for the relief of Mercy Ann Hall, widow of Captain Charles F. Hall;

A bill (H. R. No. 1767) to change the name of the steamboat Kitty Strang;

A bill (H. R. No. 3211) to change the name of the schooner Delmar;

A joint resolution (H. R. No. 114) to fill a vacancy in the board of managers of the National Home for Disabled Volunteer Soldiers; and

A joint resolution (H. R. No. 115) for the relief of certain clerks and employés of the United States.

SUNDRY CIVIL APPROPRIATION BILL.

The Senate proceeded to consider the action of the House of Representatives on its amendments to the bill (H. R. No. 3600) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1875, and for other purposes.

On motion of Mr. MORRILL, of Maine, it was

Resolved, That the Senate insist on its amendments to the said bill disagreed to by the House of Representatives, disagree to the amendments of the House to other amendments of the Senate, and agree to the conference asked by the House on the disagreeing votes of the Houses thereon.

By unanimous consent, it was

Ordered, That the conferees on the part of the Senate be appointed by the President *pro tempore*.

The PRESIDENT *pro tempore* appointed Mr. MORRILL of Maine, Mr. SARGENT, and Mr. STEVENSON.

JOSEPH WILSON.

Mr. DAVIS. I move that the Senate proceed to consider the bill (S. No. 926) referring the case of Joseph Wilson to the Court of Claims.

The motion was agreed to, and the bill was read the second time and considered as in Committee of the Whole.

The claim of Joseph Wilson, for compensation for mules captured by the rebels in July, 1864, in consequence of the refusal of the pickets of the Army to allow him to pass within the lines and deliver the mules to the Government on his contract, is by the bill referred to the Court of Claims for its decision according to the law and the practice of that court in such cases and proceedings.

Mr. SCOTT. I deem it my duty to state that that bill did not receive the unanimous indorsement of the Committee on Claims, and I do not think it ought to pass. The party named in the bill had a contract with the Government to deliver mules in the city of Washington. He was endeavoring to fulfill his contract and got his mules near to the city of Washington at the time when Early's raid was made upon the city, and an order was issued prohibiting all persons from coming inside the picket lines. In consequence his mules were detained outside the picket lines, notwithstanding he was ready to deliver them, and they were captured by the enemy. A portion of them were recovered, and this bill proposes to send to the Court of Claims this case for the purpose of permitting him to make a claim against the Government for those that were not recaptured. I do not discover any difference between this man whose property on the way to be delivered to the Government was captured by the enemy and that of any other citizen whose property was captured by the enemy, and therefore I think it my duty to oppose the passage of the bill.

Mr. DAVIS. The bill, as the chairman says, was not unanimously reported, but pretty nearly so. This man had a contract to deliver the mules. If he has no right, the Court of Claims will say so. The bill refers it to the court for decision.

Mr. BOUTWELL. Is the bill before the Senate?

The PRESIDENT *pro tempore*. It is.

Mr. HOWE. No; the question is on taking it up.

Mr. SCOTT. That reminds me of another feature in the case. It is a contract; and if the party had desired to bring himself into the Court of Claims he could have done so at any time within six years from the time the contract was made. He did not do so, but preferred to present his case to Congress. I do not think it is one where Congress ought to grant relief.

Mr. FRELINGHUYSEN. As this is going to lead to discussion, I call for the regular order and ask for the reading of the report of the committee of conference.

Mr. DAVIS. I did not know that we had any regular order.

Mr. FRELINGHUYSEN. I call for the reading of the report of the committee of conference, which the Senate was engaged in when the recess was taken.

Mr. DAVIS. This will only take a moment. I only ask a vote.

Mr. FRELINGHUYSEN. If we can have a vote immediately I have no objection.

The bill was reported to the Senate.

The PRESIDENT *pro tempore*. Shall the bill be engrossed for a third reading?

The question being put, there were, on a division—ayes 15, noes 21; no quorum voting.

Mr. STEVENSON. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. STEVENSON. I wish to say a single word. This man, Wilson, entered into a contract with the Government for the delivery of a certain number of mules at the city of Washington. He took all the risks and got here upon the edge of the city, just upon the line, ready to deliver his mules, and waited there forty-eight hours. In consequence of an order of the provost-marshal he was prevented delivering them. The War Department would have paid him this claim; but he went and fulfilled his contract. He does not ask a dollar from this Congress. All that he asks is permission to go to the Court of Claims and there present his right for an infraction of a covenant which he thinks he has suffered by the act of the Government in regard to the delivery of these mules.

What objection can there be to allowing him to present his claim to the Court of Claims with a right to go to the Supreme Court of the United States? No class of contracts has been more frequently judicially acted on than this; and but three weeks ago the Senate allowed a gentleman to go to the Court of Claims whose claim had been barred by time.

Mr. BOUTWELL. Will the Senator inform us why this claimant did not go to the Court of Claims within six years?

Mr. STEVENSON. I will. Mr. Wilson, who is as reputable a man as my State has, came on the advice of my colleague, now dead, Mr. Garrett Davis, to Congress, and for several years attempted to get his claim through. I believe it passed one House, but I am not certain of that; but I am perfectly certain, because Mr. Davis told me so, that a juster claim never was presented in the world. He labored here for years and attempted to get it through. As we all know, just claims frequently are delayed. He is a farmer; he knew nothing about the statute of limitations or anything about his rights. He relied upon his Senator in good faith and he failed; and now all that he asks is to go to the Court of Claims with an appeal to the Supreme Court, to have it decided whether the Government broke its contract with him. If he has a contract, surely the Senate will not refuse him that privilege.

Mr. BOUTWELL. The case has this aspect: that this claimant did not avail himself of his legal right to go to the Court of Claims under his contract if he had one, or color of contract if there were color of contract, but chose to resort to Congress during the period of six years; and having failed up to this time he now asks Congress to let him go to the Court of Claims. That is, he had the right to go to the Court of Claims during six years; he did not avail himself of it, and now he asks to be put out of the usual condition of citizens of the country. If he had not the color of contract, then the proposition is to give him a standing in the Court of Claims which under the general law of the country he never had.

Mr. STEVENSON. And has it come to this, that a Government like this will put itself upon the technicality of defeating an honest claim because the man is not a lawyer and did not resort to the Court of Claims?

Mr. BOUTWELL. He had representatives.

Mr. STEVENSON. I say to the Senator from Massachusetts—I do not know how he voted on that case—that in the claim from North Carolina of the sons of Stephen A. Douglas they were allowed to go to this court. They had slept on their rights; and yet after the six years had expired the Senator, not more than four weeks ago, notwithstanding that they had been barred by time, passed a bill to allow them to go to the Court of Claims. Now, sir, do not make fish of one and flesh of another.

I know how pressed the Senate is for time, and I do not desire to take a moment. This bill, it seems to me, has a precedent in two or three cases, and the War Department itself, as I was informed, would have sent this claim of its own motion to the Court of Claims but for the fact that after this man had brought his mules here and waited twenty-four hours ready to deliver them, although they were taken from him he went back at his own cost and bought new mules and brought them here and filled his contract; and for that he is to be punished because he made a mistake in coming to Congress when the Senate themselves have allowed similar claims to go before the Court of Claims.

Mr. President, if this man has a just claim, why will Senators deprive him of the right to go to a judicial tribunal? Surely the Supreme Court of the United States acting as the court of last resort are able to say whether this man has been injured and has a right of action against the Government. That is all he asks, and I appeal to Senators as they did it in the case from North Carolina so to do it in this case from my State.

Mr. SCOTT. The reference to another case requires me to say one word more about this case. The case to which the Senator from Kentucky refers, in which the children of Hon. S. A. Douglas were permitted to go to the Court of Claims, was an entirely different case from this. In the first place both of them were minors and were unable to go into the Court of Claims for that reason. They had not capacity to sue in their own right. In the second place, and the controlling reason why they were permitted to go into the Court of Claims by special act, was that another party was claiming before the Court of Claims the same property for which the young Douglases were making a contest, and it became necessary to permit them to go to the Court of Claims so that the relative claims of the contesting parties might be heard upon the evidence before that court. These were the two controlling reasons which entirely distinguish that case from the case that is now before us.

I do not place my opposition to this case going to the Court of Claims upon the fact that the party could have gone during the six years that he might have brought suit upon his contract. I put it upon the broad ground that this is simply asking to go to the Court of Claims for the purpose of recovering compensation for property captured by the rebel army. There is the principle involved. There is no distinction between this property captured by the rebel army and any other property that was captured by them. The fact that he was endeavoring to fulfill his contract in good faith makes no difference. If a farmer in driving his mules from Baltimore to Wilmington had had them captured during that time, we would not think of paying him. This man was in the course of his business fulfilling his contract, and he met with the misfortune of having his property captured and it was not recaptured. There is the broad principle to be settled in this bill: shall we pay for property captured by the enemy? I say we ought not to do so. If I could yield my convictions on this subject for any personal considerations, I would yield them to the Senator from Kentucky; but the principle is too broad and too pernicious to receive the sanction of the Senate without opposition.

Mr. STEVENSON. I deny the fact stated by the Senator that this property was taken by rebels as an act of war. Mr. Wilson was here on the day he agreed to be here. He waited more than a day after he was here, and there is no principle better settled in contracts than that if I make a contract to deliver property personally on a particular day, and the other party does not receive it and by his own act puts it out of my power to deliver it, he is liable to me. While I bow to the distinguished Senator from Pennsylvania as a better lawyer than myself, I propose not to say that he is wrong and that I am right, but I ask the Senate as a matter of justice to leave this question to a cool, calm, judicial court, with the right of appeal to the Supreme Court of the United States; and if they decide that the Senator from Pennsylvania is wrong, it seems to me he ought to yield his opinion.

The Senator says that the Douglas claim was different from this. It is the first time I ever heard that infants could not sue. Why could not they sue by their guardian?

Mr. SCOTT. They had none.

Mr. STEVENSON. The Senator says they had none. I do not know whether they had any or not. I know that the administrator of Stephen A. Douglas did come to Congress, did petition Congress, did ask Congress, and did lose his time, as my constituent is losing his in seeking relief. The Senator can see in that case merit. Sir, I would vote for that claim, and I would vote for any claim that I believed to be just and right, without regard to the position or standing of the claimant. Let it not be said that the distinguished name of one man led the Senate to do an act which they are unwilling to do for a hard-working, honest, upright man, who brought his property here under a contract with the Government, who waited twenty-four hours and was then prevented from delivering it by the act of the Government itself, and who now asks not to be paid, but appeals to the Senate and says, "Let me go to the Court of Claims; if I have got a case I will get what I deserve; and if I am not entitled to anything, I will lose the $20,000 that I invested in carrying out my contract." Can it be possible that Congress will say to him, "No; we did it in one case, but we will not do it in yours." Senators, be just. Senators, look to no condition or class of cases.

> Honor and shame from no condition rise,
> Act well your part, there all the honor lies.

This man is an upright, honest, plain farmer, in the county of Bourbon, and he appeals to the Congress of his country to allow him to go to a court to say whether he has a claim or not, and that claim has a precedent hardly dry upon your statute-books; and I ask the Senate as an act of justice to grant this request.

Mr. EDMUNDS. "Acting well your part," so far as the Senator from Kentucky and his political associates are concerned, is to vote every time in favor of any species of claim growing out of the war by citizens south of Mason and Dixon's line. I think I speak by the record when I say that on every vote which has been taken in the Senate since I have been here, for eight years, the part of the Senator from Kentucky during his presence and of all his political associates has been to vote without exception and in solid phalanx, in favor of every claim growing out of the war; certainly in favor of every claim south of the line I name. Of course they do it from patriotic motives; they do it upon principle. We all understand that.

But, Mr. President, when you come to look at this particular case, it is cutting a little fatter. You will find this bill goes a little farther, on the face of the bill, (for the eloquence of the Senator from Kentucky is not put into the enactment,) than any bill that has ever been presented to the Senate. The Milton Best bill and all that class of bills on the face of them profess to be for something that the Union Army has taken for its use in one form or another so as to fall within a principle that we all understand. This bill, on the contrary, puts this man and his property outside of the neutral lines, and therefore in the country of the enemy. It puts him in the attitude of coming from the lines of the enemy, and while coming through the lines of the enemy, and while waiting to undergo the ceremonies which war required us to have with any people coming within our lines from the other side, his property is captured. The bill itself settles the question for the Court of Claims that his capture was "in consequence of the refusal of the pickets of the Army to allow him to pass." He starts in the Court of Claims with our determining that, without knowing anything about it to begin with.

Then it is a claim "for compensation for mules captured by the rebels." It is not for compensation for any act of the Government of the United States in violating a contract, but it is "compensation for mules captured by the rebels in July, 1864, in consequence of the refusal of the pickets of the Army to allow him to pass within the lines, and deliver the mules to the Government on his contract."

Now, I should be glad to know how this man and his mules, before we send this case to the Court of Claims, came through the rebel lines; what information he got there; what information he intended to carry back if he was to return by the same road he came, as I assume he was.

Mr. DAVIS. I will inform the Senator that the mules came from Kentucky, and were driven in from the Union lines, from Baltimore.

Mr. EDMUNDS. From where?

Mr. DAVIS. From Baltimore, in this direction. They came from Kentucky.

Mr. EDMUNDS. So I remember the Union Army was driven in from Baltimore at one time, too.

Mr. DAVIS. And many other places.

Mr. EDMUNDS. Certainly they were; the Senator is right. We were not able to resist the pressure of his friends at all times, I admit.

Mr. DAVIS. If the Senator will allow me, he asked where the mules came from, and he said they came from the confederate lines, or wondered if that was not so. In response to that, without meaning to have said they came inside or outside of the lines, I intended to tell the Senator where they did come from, and he knows as well as I do that Kentucky in 1864 was in possession of the Union Army and so continued almost the entire time.

The facts of the case are these: Wilson contracted with the Government to deliver five or six hundred mules here. When he approached——

Mr. EDMUNDS. I thought I had the floor.

The PRESIDING OFFICER, (Mr. INGALLS in the chair.) Does the Senator from Vermont yield to the Senator from Kentucky?

Mr. EDMUND. Of course I do; how can I help it?

Mr. DAVIS. I understood the Senator to say he would yield. However, as I have commenced I will state that the facts are, the mules were driven to the picket lines out near Bladensburgh, and by the pickets, under a general order they were kept there, as has been stated by the Senator from Kentucky, for twenty-four hours. On the following day, while they were retained there, the rebel cavalry came around in some way and drove the mules off. I believe that is the whole story.

Mr. EDMUNDS. The Senator need not have taken all this time to convince me that the mules came from Kentucky. That was stated before, and the zeal of my honorable friend from Kentucky showed that also. We can take it for granted that the mules came from Kentucky. So a good many people in the rebel army, who on that very day were attacking us in Fort Stevens, in July, 1864, came from Kentucky. Kentucky was a State that was about half-way betwixt and between these people. I do not speak of its government. My honorable friend, the Senator from Kentucky, I believe, was governor part of the time, and a more vigorous and honorable warfare than he made against the rebels never was made so far as I have any reason to know.

But, Mr. President, in July, 1864, the very time when this celebrated capture occurred, the rebel army had almost surrounded the city of Washington; you may say it had quite surrounded it on the land side; it was within four miles of the spot where I am now speaking, cannonading the outworks of this city; and now it is proposed because this man on that very day, coming from outside our lines, was delayed by the pickets, when we were in the heat of this extreme stress and discomfort at that time, to say that he has a higher claim than anybody else, and he must be sent to the Court of Claims instead of his case being tried here on its merits. It seems to me to be a very extraordinary proposition; and I say that this bill commits the United States on the face of it to the fact that we are bound to agree to the circumstance that it was through the fault of the United States that the capture was made. What evidence have we of that? Is there no stress of war which will justify the Government of this country in keeping up military lines around this city? And if you do keep them up, are you to say that everybody who chooses to come to Washington to carry out his contracts shall not submit to the overruling military necessities of the occasion, and if he gets captured himself, or his property gets captured, he has a claim upon the Government of this country for reimbursement? That is the question.

I say therefore I am justified in the remark that this bill, on the face of it as it reads, goes beyond anything that has ever been contended for on this floor before by any member of the Senate whose views have been in favor of maintaining the Union and maintaining the Administration that saved it. We have differed as to whether the case of Best and cases of that character fell within a particular principle or fell without it; but no one has ever before proposed to declare what this bill on the face of it declares. It says nothing whatever about a liability on a contract or a right to sue upon a contract; but it declares that in the stress of war, when this city was invested by rebel arms, the property of this citizen being without our lines, and therefore either in the debatable country or in the country of the rebels at the moment, happened to be captured on account of the fact that the stress of war made it impossible for him to get through our lines with his property, he shall be repaid.

So, Mr. President, you may repay everybody through the whole four years of that struggle who, detained in the Southern States or kept outside of our lines by those reasons of military prudence that apply, as we all understand, in such instances, can come here and say, "What you have done for Wilson of Kentucky do for me." You see the effect of bad precedents very readily here. The Senator from Kentucky now stands most eloquently and vigorously upon the Douglas precedent. That may be a bad precedent. The Senator from Pennsylvania entirely distinguishes that case from this. If he is correct, as I have no doubt he is, it is a clear distinction, and the Senator from Kentucky well understands it. He thinks the Senator from Pennsylvania is not correct. But you see the force of precedents, because now the Senator hangs with such vigor on the fact that we have done something like this. Now, suppose you do this, and say you will send to the Court of Claims the claim of a citizen for compensation for mules captured by rebels in 1864 in consequence of military operations. That is what the words "refusal of the pickets" to let him in mean. The army engaged in defending this city had to be a little cautious in respect to what people it let within the lines. Therefore, in consequence of the stress of military operations, it is said he was delayed. Take it that he was; we do not know that; we have had no testimony under oath and no cross-examination of witnesses; we do not know what the case was. The Senator from Kentucky believes it undoubtedly; I am not questioning his beliefs; but we cannot pass bills upon faith which involve consequences like these. We must pass them upon facts.

Mr. SCOTT. If the Senator from Vermont will permit me to correct what perhaps is a misapprehension in his mind, the Douglas case was not for property captured by the enemy, but it was for property taken and used by our own Army upon their plantation.

Mr. EDMUNDS. That I perfectly understand. I did not refer to that from the fact that the distinction which the Senator stated as to the circumstances under which they were allowed to go to the Court of Claims was so complete that it was not necessary to occupy the time of the Senate in going over the other ground.

Now, as the Senator suggests on the subject itself, the subject of the Douglas claim was one which if just in its origin fell clearly within the principle of cases wherein we ought to pay, as we all agree. In this case, the bill upon the face of it declares that this is a warlike capture. It refers to the date when this city was invested by the enemy, and it states as a reason for our liability that the stress of military operations compelled us to exclude this man from our lines, he being upon the other side, and so his property was captured; and I say the bill settles that so far; it does not leave it open even for the Court of Claims to judge upon that. But I do not care abont that. I say we never did and we never ought to submit to the Court of Claims any question of that character. If this man is to be paid, let the Senate take the responsibility of declaring that they will pay for property captured outside of our lines by the superior force of the rebel arms. Let us say so; but do not send to the Court of Claims a thing nobody ever thought of sending there before, so far as I know, the clear case of a man demanding pay for property captured by force of war when a city near which he was attempting to enter to perform a contract with the Government was surrounded and invested by the rebel forces. That is this case; and I am surprised that my friend from Kentucky should urge it.

Mr. STEVENSON. Mr. President, the Senator from Vermont may justly aspire to be called the Aristides of the Senate if his justice to the Government is to be measured by his persistent opposition to almost every private claim. But if even that Senator knew all the facts in this case I am sure that he would not oppose the passage of this bill.

I deny *in toto* the proposition of the Senator of Pennsylvania, [Mr. SCOTT,] that the mules for which compensation is sought was an ordinary capture by the enemy in war. This claimant seeks damages for the violation of a contract by the Government in preventing him from delivering a number of mules which he had bound himself to deliver for the use of the Army at the city of Washington on a particular day during the war. The Government refused to allow him to enter the city with his mules either upon the day before or the day named in the contract for the delivery of said mules in Washington. He was on the boundary line of the city, in full view of the Capitol, for twenty-four hours before the day of the delivery. He tried to obtain permission to enter the city, but by military authority was prevented from doing so, and was prevented thereby from delivering the mules. It was the direct act of the Government which prevented the delivery. A day after, in front of Washington, the mules were taken by the confederates. The claimant lives in Bourbon County. When he left Kentucky there was no indication or suspicion of an attack upon Washington. So sudden was the demonstration by the confederates upon Washington that President Lincoln, though warned by rumor of their advance, did not believe they would attempt to come to Washington, and refused for several days to take any steps by recalling troops from other points for the defense of the capital. He believed it a device. The battle at the Monocacy alarmed and struck terror into the people of Washington, because of the want of a sufficient force to repel the threatened attack. This claimant left Kentucky without any reason to fear any assault on Washington, nor had he ground to apprehend any encounter whatever with any portion of the Army. It required two or more weeks to drive his mules from Kentucky to Washington City. At the time of his departure there was no enemy between Kentucky and Washington. It was only after Wilson had been for many days on the road with his mules that the confederates determined to make a demonstration upon Washington. He was in advance of them and they in his rear.

He did reach Washington twenty-four hours in advance of the confederates. He notified the War Department that he had reached the outward lines of the city with the mules a day before the period named in the contract for their delivery and he was anxious, ready, and willing to deliver said mules. The military authorities in consequence of the approach of the enemy had issued an order forbidding

ingress or egress from Washington. Wilson was refused admittance into the Federal lines with his mules. The confederate army approached and took the mules, but by energy and effort he recovered a portion; the others were never recovered and their value was a total loss. Wilson having been ready to deliver, according to the terms and tenor of his contract, at the place and time, the Government interposed—it matters not for what purpose—and prevented the delivery of the mules. Is Wilson entitled to an action for a breach of his contract with the Government? Able and eminent Senators, who rank as lawyers of pre-eminent ability, deny that the Government is liable in the premises. Why not? It failed to permit and absolutely prevented Wilson from delivering his mules and thereby became liable for any damages sustained by Wilson in consequence thereof.

The claimant Wilson now comes to Congress and asks to be permitted to set up his claim in the Court of Claims with an appeal to the Supreme Court of the United States. The application is simple. It is just. If Wilson is entitled to nothing he gets nothing, he will get nothing. Why are the Senators from Pennsylvania and from Vermont opposed to this bill? The right of the claimant is purely a judicial question. To what better tribunal could the claim be referred than to the Court of Claims?

What objection can be urged against its passage? The Senator from Pennsylvania says the claim is bad. He denies all liability on the part of the Government. I deny it. Why not allow the Supreme Court, upon an appeal from the Court of Claims, to tell us what the law is? His denial of liability of the Government begs the question. That is the point upon which the claimant desires adjudication. The Senator from Pennsylvania says you shall not sue in the Court of Claims, because the Government owes you nothing.

Mr. President, I was pained to hear the Senator from Pennsylvania, who is the chairman of the committee by which this bill was reported, attempt to excite the Senate by referring to Kentucky as neutral during the war. He was pleased to talk in grandiloquent style about loyalty to the Government. The Senator from Pennsylvania is a good lawyer, and if he is satisfied that is legal position in the construction of this contract Wilson can recover nothing. Why awaken the bitter strife of the war? Why does the Senator seek to defeat this just claim by depriving the claimant of appealing to the judicial tribunals? Why arouse party animosities and sectional feeling? Justice is represented as blind, holding the balance with an even hand, unable to perceive the litigants.

Let this claimant appeal from this forum, where party and passion too often blind and mislead us, to that quiet, calm, judicial tribunal by which justice is sought to be administered without any external disturbing influence.

I hope Senators will lend me their aid in passing this bill.

Mr. SCOTT. Mr. President, I had no idea when my friend from West Virginia asked to take up this bill that we were to be precipitated into such a discussion as this; but the appeals which are made by my friend from Kentucky to Senators, the very earnestness of those appeals and the manner of them, warn me that as the chairman of the Committee on Claims I have a duty to perform before the final vote is taken on this bill.

Now, sir, if the Senator from Kentucky will cast his mind's eye back for a short period he will see that there has been no disposition to discriminate against Kentucky claims. It was, perhaps I do not go far wrong in saying, neutral ground for a long period of time. When he remembers that to the one city of Lexington more claims have been awarded, and larger claims than to any other city that I can now call to mind except Nashville, he certainly will agree that there has been no disposition here to discriminate against Kentucky. A literary institution there received $25,000; an agricultural and mechanical association, within the last few days, has had voted to it $25,000 more for the occupation and destruction of its grounds; a bill was passed at the instance of the Senator himself a few days ago to pay a lady in the city of Lexington for the occupation of her property; and now, sir, we are asked to take up a bill, and because the claimant is a citizen of Kentucky we are appealed to upon grounds of sympathy to set a precedent which will return to plague us before very long.

I have said Kentucky was neutral ground. How often was it invaded by the confederate army and how many mules were captured and run off from Kentucky by that confederate army? I wish my friend were in his seat to answer the question.

Mr. STEVENSON. I am here.

Mr. SCOTT. How many mules were captured in Kentucky by the confederate army and run away from their owners during the four years of the war?

Mr. STEVENSON. I cannot tell.

Mr. SCOTT. Hundreds of them, thousands of them perhaps; and now I ask any one who recognizes the rule that a government is not responsible to its citizens for property captured by the superior force of the enemy to point to me the distinction between the claim that will be made for the mules captured on the farms of loyal men in Kentucky and the mules captured outside of the city of Washington when forces led, if I am not mistaken, a part of them, by a distinguished citizen of Kentucky against the Union, were beleaguering the city. Where is the distinction? The Senator says that this citizen of Kentucky was here endeavoring to fulfill his contract with the Government. So he was. Was it the fault of the Government that he did not get his mules here?

Mr. STEVENSON. Yes.

Mr. SCOTT. The fault of the Government?

Mr. STEVENSON. Yes, sir.

Mr. SCOTT. Surely my friend is not considering the extent of his assertion when he says it was the fault of the Government in issuing an order for the purpose of preventing the entrance here of an enemy that sought to dismantle this capital and destroy this Union. That was what the Government did. It issued an order to prevent access to this capital by those who were seeking the nation's life and were in battle array for the purpose of taking it. Tell me it was the fault of this Government to issue that order which kept that man and his mules out of Washington! If it was, it was the fault of the Government in issuing every order from the 12th of April, 1861, down to the day that the rebel army surrendered in Virginia. It was the exercise of the sovereign power of the Government for the purpose of preserving the nation's life; and the fact that that order prevented this man from coming into Washington gives him no more claim against the Government than the fact that the war was raging would give to every loyal man in the nation for property captured by the enemy.

Within the last few days we have had a discussion in this Chamber and a vote which warns us where we are drifting; and I want to say to the men of the South who have been standing here asking for the payment of loyal citizens of the South, that the course which is now being taken has led many of those who have been the advocates of the payment of loyal citizens to consider seriously whether the point which we have now reached is not the one from which our steps should be retraced in giving payment to loyal citizens of the South, whether the danger which menaces us in the precedent set in this Chamber a few days ago, if followed by passing this bill, is not one which bids fair to bring upon us hundreds of millions of claims as well founded as this one or as the one to which I refer.

Mr. President, I had intended to say very little, I had intended to call the attention of the Senate simply to the facts in this case, to a principle which it involves, and to permit the Senate to vote upon that principle calmly and dispassionately; but the fervent appeals that have been made here by my friend from Kentucky to the sympathies of Senators, appeals to do for this man what he alleges they have done for others—his earnestness in doing all this has led me to say that we have a duty to perform in standing between such claims and the Treasury of the United States; for if we admit this, the torrent which will soon rush in will render opposition vain, vain, sir, to any of the classes of claims which are now hovering around us and seeking for precedents upon which to place themselves.

Mr. STEVENSON. I shall not, Mr. President, imitate the example of the Senator from Pennsylvania [Mr. SCOTT] in fighting over in this Chamber the battles of the late rebellion. If that Senator feels that to defend the passage of this bill recommended by a majority of his own committee it is necessary for him to rekindle the expiring embers of that bloody strife which every patriotic heart should desire to extinguish—if his success demands an appeal to the party passions and sectional prejudices of the dominant majority of the Senate rather than to their judgment and justice, be it so.

Mr. SCOTT. I have awakened no passion.

Mr. STEVENSON. Awakened no passion? Attempted to arouse no bitter sectional animosity against this humble, honest claimant by endeavoring to indirectly rail at the disloyalty of Kentucky!

The PRESIDING OFFICER, (Mr. INGALLS in the chair.) The Senator will address the Chair.

Mr. STEVENSON. I am addressing the Chair. I have a right while debating a bill to turn to the Senator to whom I am replying without entrenching upon any rule of this body.

Mr. SCOTT. The Senator asks me what appeals I made. I believe I stated a historical fact—if I am wrong he will correct me—that in the raid upon Washington in 1864 a portion of the army besieging the capital was led by a distinguished citizen of Kentucky. Am I wrong in that statement?

Mr. STEVENSON. The Senator is not wrong in his historical statement. But why that reference? *Cui bono?* What matters it to one proper decision of the question before the Senate whether the confederate forces before Washington were led by a Kentuckian or a Marylander? Why this allusion to a brave and gallant Kentuckian, now in private life, who linked his fortunes with the confederate cause and distinguished himself upon many a battle-field, winning the admiration of his foes? Was such a reference pertinent to the merits of the bill? Is not the motive of such allusion transparent? Had it any other object? Did it seek any other end than the defeat of this bill by awakening the animosities of the war and rekindling the prejudices of the past against Kentucky, because brave men in that Commonwealth differed in their views and sought service alike in both the Union and confederate armies?

The Senator from Pennsylvania is pleased also to refer to the property of the United States captured by the confederates in Kentucky during the war. But still he says he is making no sectional appeals. Mr. President, Kentucky sprang from the loins of Virginia; bone of her bone and flesh of her flesh. How natural the sympathy, the affection, the interest of the daughter for the mother in a clash of arms? But while the Senator from Pennsylvania endeavors to arouse sec-

tional passion against my State because many of her sons flocked to the confederate standard, he seems oblivious to the historical fact that thousands and tens of thousands of brave Kentucky hearts, separating themselves from all the ties of section, kindred, and natural sympathy, rallied to the flag of the Union and gave their lives and their fortunes for the unity of these States.

Does the Senator from Pennsylvania forget how many Kentucky soldiers found bloody graves and now sleep in the national cemetery at Gettysburgh? Would he prove his gratitude to their heroism in saving his own Commonwealth from confederate rule by attempting to defeat the right of a Kentucky citizen to go into the Court of Claims to have an adjudication upon his claim against the Government for supplies furnished to the Union in that gigantic struggle? Is there anything unusual in this application? Are not the archives of Congress, the records of the Court of Claims, and of the Supreme Court of the United States full of precedents in support of the privilege granted by the pending bill? Do not Senators personally know that the War Department often and justly refer meritorious claims, barred by time, to the courts for adjudication? Is not such a course just and proper? But this claimant lives in *disloyal* Kentucky, and however loyal himself, because Kentuckians went into the rebellion, the bill must be rejected!

Mr. President, I am tired and sick of this continued attempt in Congress to defeat just claims by appeals to the passions and prejudices. In God's name, let the dead past bury its dead; let our charity, our justice, our love of country forget the past, and look to the future.

Kentucky needs no defense against assaults from any quarter. Her past history as a State is her highest eulogium. She asks equality and seeks justice for her people. From the bloody fields of the Thames and the Tippecanoe to the city of Mexico, Kentucky soldiers who fell in the honor and defense of their country quietly sleep. If you ask a pension for these old soldiers who live or their widows who survive them, the cry is still made, were they loyal? Widows in Kentucky, whose farms were taken and occupied for years during the rebellion, timber cut and fences destroyed, are denied compensation upon the *ipse dixit* of a mere quartermaster's clerk that they were disloyal. Thousands of dollars' worth of quartermaster's stores were furnished by the best and worthiest men in Kentucky, taken by the Government, and they are denied compensation because they sympathized with the rebellion.

And now a worthy, upright citizen of Bourbon County, Kentucky, who contracted with the Government of the United States in 1864 to deliver on a certain day named several hundred mules in Washington City for the Army, who fulfilled his contract, and upon the day preceding the day named in the contract for the delivery arrives at Washington with his mules, but is prevented by a military order issued by the Government from entering the city, which subsequently fall into the hands of the enemy, asks Congress to allow him to go into the Court of Claims and assert his right to damages for a breach of contract, and it is sought to defeat him because it is a capture of property pending the war for which the Government is not liable! If the doctrine asserted by the Senator from Pennsylvania [Mr. SCOTT] and the Senator from Vermont [Mr. EDMUNDS] be law, then the Court of Claims, or the Supreme Court of the United States to which there is an appeal, would so declare, and this claimant would get nothing.

I deny that this claim rests on the doctrine asserted by the Senator from Pennsylvania. It does not stand on the ground of property captured by the enemy.

In contracts for the delivery of personal chattels the Government occupies the same position as a private individual, and is governed by all the rules of construction applicable to them. If the Government contracts for the purchase of personal chattels, to be delivered by the contractor at a place and day named, and the Government by its strong arm prevents the delivery, the contractor is entitled to all the damage which he sustains by the act of the Government. The Senator [Mr. SCOTT] denies the proposition of law asserted by me. I insist upon its correctness. Why not allow the courts to decide it?

Senators, be just, as I know you will be; let not the appeals of the Senator from Pennsylvania to your passions and your prejudices lead you to deny to this worthy and honest Kentucky farmer the privilege of an adjudication upon his rights by the judicial tribunals of his country. He can get nothing without, by the judicial construction of the law, he be entitled to it. Surely you would not deny him what the law accords. He asks nothing more; he should receive nothing less. I ask that this bill may be passed.

Mr. TIPTON. Mr. President, if I can be instrumental in one word in allaying this storm of passion which has swayed the Chamber for the last half-hour, I shall certainly have brought the Senate to a proper frame to contemplate peace and harmony and domestic felicity in the Territory of Utah. [Laughter.] I wish to call attention to the fact that while the Senator from Kentucky has shown a little warmth in regard to the patriotism, as he thinks, of his constituency and his State, on the other hand the Senator from Vermont, as I think, appealed to the prejudice of the country and to that bitterness and asperity which we trusted had been allayed forever. When I saw a general of the Union army on the one side of this Chamber and a general of the confederate army on the other side of this Chamber, I supposed that we had entered upon a reign of peace and amity and comity and friendship, that it would not be considered legitimate debate to make appeals to the passions and references to the bloody past; but the honorable Senator from Vermont seems to think otherwise. When therefore his attention is called to the fact that a Kentuckian has a claim before the Senate, his first reply is, "Why, there were rebels in Kentucky." But the answer is made, "Yes, but he had a contract under seal with the Government of the United States." "Very well," says he in reply to the contract; "did not Kentuckians attack us in the war?" "Yes; but he brought his mules from Maryland." "O, but was not the Union Army attacked in Maryland;" and it is blood and thunder and the Union Army that is to be the omnipotent reply to a contract under seal in the hands of a loyal Kentuckian. I find the prototype of this and of the honorable Senator on this occasion in the history of a distinguished Captain Blakely, of Vermont.

Captain Blakely was at some place in the vicinity of the Chincha Islands engaged in the guano trade, as many another man from the State of Vermont has made his fortune, and many orators have had embellishments from the garlands plucked from the Chincha Islands. Captain Blakely's mate was killed by a celebrated captain who was outlawed on the coast. Captain Blakely arrested the officer who had killed his negro mate, sent out word to all the captains in the port that he wished them at nine o'clock in the morning to come on board his vessel and see him execute the man that had killed his "nigger," as he termed him. "But," said they, "Captain Blakely, has the man been tried?" "Tried!" says he; "certainly not; didn't he kill my nigger?" "Ah, well, but you wouldn't hang him without a trial; how would it sound?" Said he, "Sound be hanged! Didn't he kill the nigger?" [Laughter.] "Of course nobody denies that." "Well, then I am going to hang him anyhow." "O, well, but that would be murder." "Well, then, let us hang him first and try him afterward," says the captain from Vermont. "Well," said they, "but you will have to have him tried or your country may be involved in difficulty." "Yes; but I should reply to them, 'Didn't he kill the nigger?'" Accordingly he yielded to the trial. "How long will it take?" "Only a few minutes." "Very well, then; I will bring the prisoner and bring the rope at the same time. Go on with your trial." After they went through with the trial and found the captain guilty of murder, he took out his old Bible that he had carried down from the State of Vermont with him, and read to the criminal the first two chapters of the book of Genesis. After he had got through reading to him, with the rope around his neck, the first two chapters of the book of Genesis, he turned to him and said: "Now, didn't you kill the nigger?" He got no confession. Said he: "I have done for you more than most men would do; I have read to you the first two chapters of the book of Genesis;" and he swung him off, taking out his watch deliberately and timed him for just thirty minutes, cut him down, and as he was about to hand him over for burial, and gazing upon his prostrate body, finally he showed some emotion, some twinges of conscience, and when all was excitement to understand what was operating upon the heart of the captain, he looked sad and dejected, and said he, "Well, I have just been thinking perhaps I ought to have burned him at the stake, but then I was trying to do for the best." [Laughter.] And here comes the honorable Senator with all the mercilessness of attack on this loyal Kentuckian, slays him here in the Senate house of the nation, and has only compunctions that perhaps he had not done his duty and did not burn him at the stake.

Mr. FLANAGAN. I shall not certainly make any lengthy speech; but I think I can demonstrate in about fifteen words that this party ought to be relieved. In the first place, it is manifest that there was a contract entered into clearly and fairly, and that in good faith the mules were delivered directly near the point where they were to be received; but from the fact that the pickets were so arranged as not to permit them to be delivered, the party contracting could not comply. But, sir, what are the facts? The rebel army captured these mules. If that be a good plea, as is strongly urged by distinguished Senators, the force of it is subsequently lost, because finally the United States Government captured them, and yet has them in possession, and it must now pay for them agreeably to the original contract because it is now possessed of the property.

Mr. SCOTT. The Senator is very much mistaken; they were not all recaptured.

Mr. THURMAN. Mr. President——

Mr. FRELINGHUYSEN. If we can have a vote I will give way, but otherwise I must call for the regular order.

Mr. THURMAN. There is no regular order.

Mr. FRELINGHUYSEN. I think there is.

Mr. THURMAN. This is the regular order.

The PRESIDING OFFICER, (Mr. INGALLS in the chair.) The Senator from Ohio has the floor.

Mr. THURMAN. I do not like to intermeddle in this mule matter, which is the source of so much eloquence and wit; but I desire to say in about ten sentences that if this were a controversy between two individuals, I do not think there is a lawyer in the Senate who would hesitate a moment how it ought to be decided. If I agree to deliver a certain article at a specified time within the house of another, and when I go with the article at that time he locks the door and will not let me in, no matter how good reason he may have had for locking the door, no matter though in morals and in conscience and in delicacy he was perfectly right in locking the door, yet I may set the article outside of the door, and it is at his risk. If that is not law, I do not know what law is.

Here was this man bound to deliver these mules within the city of Washington. For a good reason, if you say so, the Government did not see fit to let him come with his mules inside the city of Washington just as a man for a good reason will not let him come inside his house to deliver the article which he proposes to deliver in that house. For a good reason the Government did not do that; but that was the misfortune of the Government; the man had done all he could do; and if the Government for reasons sufficient to itself prevented him from making that delivery, kept him outside of the house, kept him outside of the city, the property was then at the risk of the Government. That is the whole case.

Mr. EDMUNDS. It is not quite the whole of this case, as I see from a communication from the Secretary of War which I find in the papers. This petition has been before Congress regularly since 1868, or earlier, has been reported upon adversely once at any rate, but of course that does not bar the Senate now although we do have a rule that when there has been an adverse report on a claim it shall not be brought up again except on fresh testimony. There is no fresh testimony here; but I do not mind that.

The Senator from Ohio says that it is exactly like the case of a private citizen who makes a contract and the other party tenders performance and he is entitled to pay. Suppose this man had contracted for these mules with the Senator from Ohio, to be delivered in Washington in July, 1864, and through the stress of war the week before an order had been made that the military authorities would allow nobody to pass through the lines dividing the Federal from the rebel forces; and this man comes from the rebel side of the line with his property and is prevented by the military forces from coming in. Now is the Senator from Ohio liable in such a case? Of course he knows that he is not. Is the Government of the United States liable in such a case? The Senator concedes by his argument, as I understand him, that it would not be. If I am wrong in that——

Mr. THURMAN. I did not hear the case exactly as put by the Senator.

Mr. EDMUNDS. I said supposing this contract had been made by this gentleman and the Senator from Ohio to have these mules delivered on the 12th of July, 1864, at the Capitol gate in the city of Washington. On the 6th of July, owing to the rebel attack and investment of the city, the President of the United States and Commander-in-Chief of the forces made a general order commanding that no person be allowed to pass the picket lines of the Union Army surrounding the city either way. That was the order. We have it here. That order having been in force for six days, or three days, or one day—no matter about the time—the actual owner comes with his mules to bring them into the city to deliver them to the Senator from Ohio. He is prevented by the military forces, in obedience to military order and necessity. Now, I say the Senator from Ohio would not be liable.

Mr. THURMAN. What has that to do with this case? The Senator from Ohio was not the Government and could not be the Government. Take the case where the Government itself prevented the delivery.

Mr. EDMUNDS. Will the Senator be kind enough to answer the question? The Senator does not answer it because he sees it has something to do with the case. That is what is the matter. I take it therefore to be clear that the Senator from Ohio would be under no obligation to this citizen from Kentucky. Would the Government of the United States be under any obligation to the citizen from Kentucky in the same case because it through military necessity to defend its capital had established a military line around here resisting the rebel forces at that time, and had therefore delayed the entrance of the citizen with his property into the lines of an invested city? Clearly not, although I dare say that will be the law if the numbers of our adversaries on the other side increase after a few years, as I am glad to hope they will not. But now the law is plainly that the United States would not be responsible.

Then, what difference does it make when the United States in its capacity of carrying on business happens to be the contractor, and in its sovereign capacity as defending its capital in a state of war happens to be a belligerent, that because in order to defend its capital, treating all citizens alike and not directing its refusal to this particular man in order to break up his contract, but through military necessity to keep up an absolute cordon impassable about this city, the man loses his property? Where is the difference? In the one case he has contracted to deliver to my friend from Ohio; in the other case he has contracted to deliver to the Quartermaster-General. In neither case is the United States liable, because what is called a breach of contract was a breach from overruling necessity of war. That absolves all parties; and that necessity was just as overruling when the Government in its capacity as sovereign, bound to defend the capital, resorted to this general method of defense by preventing any passage of the lines, applying to its citizens who came to deal with it as well as those who came to be among themselves. There is no difference.

But, Mr. President, I do not want to discuss that question. I only want to say that this bill, upon the face of it, takes it for granted and excludes the Court of Claims from any right to inquire through whose fault in fact it was that this property did not come through the lines; whether this man was keeping his mules back, under pretense of inability to get through, in order that the rebels might take them, or whether he was not. You do not allow the court to inquire into that subject at all. Your bill declares that he shall have compensation in consequence of the refusal of the pickets to let him through. You take all that to be proved now. You do not allow the court to take testimony on the subject. Is that the way to get at the truth? I do not mean to say that I have any knowledge or suspicion that this man did not do everything he could. I only say if you are going to have a trial in court, have one; do not undertake to decide in advance and without any testimony the part of the case which makes you liable, and then send the man to a court to get his pay.

Mr. President, if this had been a bill which simply declared that under the circumstances of this man's trying to get redress through Congress he had been misled in not going to the Court of Claims for the breach of his contract, and simply declaring that it removed the statute of limitations upon any right of action that he might have had, without foreclosing that question, it would have been a very different bill from the one before us. Then the man would have had exactly the right for a breach of this contract that he had the day after it was broken, if it was broken at all. But this does not undertake to do that. There would be grave doubts about the propriety as a matter of precedent to other citizens, because every one of these things is drawn into precedent, if even consenting to remove the statute bar. But this bill takes the whole thing by the body and does not treat it as a question of violation of contract at all; it treats it as a question of belligerent capture and declares that there was such a capture on account of the military operations of the United States; and then says that the court according to its rule of practice—and who in the world knows what that is? I do not—shall proceed to determine the amount this man shall have.

Mr. President, I move that this bill be postponed until the first Monday in December, when we can have time to consider more particularly the important questions contained in it.

Mr. DAVIS. I believe the yeas and nays have been ordered.

The PRESIDING OFFICER. The Chair so understands.

Mr. EDMUNDS. That was on the third reading. I want the yeas and nays now on the motion to postpone.

The PRESIDING OFFICER. The Chair understands that the yeas and nays have been ordered on the third reading of the bill; but the motion to postpone takes precedence.

Mr. HOWE. If the question of postponement can be taken now, I am willing to vote without saying anything.

Mr. STEVENSON. Will the Senator from Vermont withdraw his motion for a second?

Mr. EDMUNDS. No, sir.

Mr. STEVENSON. I only want to offer an amendment to meet his objection.

Mr. EDMUNDS. I want to consider amendments when they come, not in the heat and haste we have now. If the Senator is sincere, as I have no doubt he is, in the belief that this man ought in some way to have reasonable relief, this being a Senate bill, at this time of night on the last day of the Senate, I think he will agree with me that it is not very hard, considering the doubt and difficulty that surround the question in the form it now stands, to let the matter be postponed till the first Monday in December, (because there is no hope that the bill can pass to-day anyhow,) when we consider it fairly, and I confess there will be a good deal of force in the argument then that if you put him back exactly where he was, there might be some ground for it, though I do not commit myself on that point Therefore I insist on my motion to postpone the bill till the first Monday in December.

Mr. STEVENSON. I call for the yeas and nays on that motion.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. WADLEIGH, (when his name was called.) The Senator from Kentucky having agreed to amend the bill to remove the objection of the Senator from Vermont——

Mr. EDMUNDS. Debate is not in order.

The PRESIDING OFFICER. Debate is not in order.

Mr. WADLEIGH. I wish to explain my vote.

The PRESIDING OFFICER. Debate is not in order during the call of the roll.

The roll-call being concluded, the result was announced—yeas 19, nays 29; as follows:

YEAS—Messrs. Allison, Boutwell, Buckingham, Carpenter, Chandler, Edmunds, Ferry of Michigan, Frelinghuysen, Gilbert, Hamilton of Texas, Howe, Ingalls, Jones, Pratt, Sargent, Scott, Stewart, Washburn, and Wright—19.

NAYS—Messrs. Alcorn, Bogy, Boreman, Clayton, Conover, Cooper, Davis, Fenton, Flanagan, Goldthwaite, Gordon, Hager, Hamlin, Harvey, Kelly, McCreery, Merrimon, Mitchell, Norwood, Pease, Ransom, Robertson, Saulsbury, Spencer, Stevenson, Stockton, Thurman, Tipton, and Wadleigh—29.

ABSENT—Messrs. Anthony, Bayard, Brownlow, Cameron, Conkling, Cragin Dennis, Dorsey, Ferry of Connecticut, Hamilton of Maryland, Hitchcock, Johnston, Lewis, Logan, Morrill of Maine, Morrill of Vermont, Morton, Oglesby, Patterson, Ramsey, Schurz, Sherman, Sprague, West, and Windom—25.

So the motion was not agreed to.

Mr. STEVENSON. Now, to obviate the objection suggested by the Senator from Vermont, so as to avoid all conclusions of fact, I move in line 4, after the word "consequence," to add the words "as he alleges."

Mr. HOWE. Mr. President, I voted to postpone the further consideration of this bill. I shall vote against the passage of the bill. It does seem to me that the Senator from Kentucky on a little con-

sideration would agree that whether Wilson ought to be paid for these mules or not, we ought never to pass this bill. Why do we send this man to the Court of Claims? Is there a question of fact on this record to be tried anywhere? Is there anything but the plainest question of law to be settled? It seems to me not. The bill recites that this man Wilson agreed with the quartermaster to sell him on behalf of the Government some mules, and to deliver them to him in the city of Washington; that he did not deliver them to him because he could not pass through the picket lines when he was on his way to deliver them. Therefore he did not deliver the mules. Now you propose to send that contract to a court of law to adjudicate. I cannot assume to know that court of law would not say that when Wilson was stopped out here at Bladensburgh by a picket line he was in Washington and tendered his mules to Rucker. I can only say if the court did so I would vote to impeach every one of the judges if they were presented here for trial. It seem to me that every lawyer must say that that is not delivery.

I was absolutely astonished at a proposition of law submitted here just now by the Senator from Ohio. If I understood him correctly, he affirmed this broad proposition: that if a man promised to deliver to another at a given time and place anything, and brought it to his house and found the doors locked, although rightfully locked, he might leave the property in the street, and that was a good performance of the promise. If he means to say just that, it amounts to this: that if you promise to pay a sum of money on a given day and go to the place at nine or ten o'clock and find the doors locked, you may lay the money down on the door-step, and you have tendered the money and canceled your contract!

I do not know but that there may be equitable considerations which should call upon Congress to pay for these mules. There may be legal considerations, in spite of what I say to the contrary; but if there are legal considerations, know it to-day; there is the whole record before you. Why ask the advice of the Court of Claims? If upon this statement Wilson ought to have pay for his mules, pay him, not dodge, not send the question to any other tribunal. The Court of Claims I should think would be apt to inquire of you why you did not pay him yourself. There is no question that you want to have settled; there is no dispute as to the facts of the record as presented. There may be other considerations in the case that are not suggested.

Mr. President, there may be equitable considerations which call upon the Government to pay for these mules. Those considerations do not arise from the fact that the contractor was on his way to Washington and was stopped because there was a picket line extended between him and Washington. That picket line was rightfully there. If he tried to communicate with the Government through that picket line, if the officer of the guard received notice that he was there, a contractor with property which he had undertaken to deliver in Washington, and the officer would not send that communication, which he could have done within thirty minutes, if he made his best endeavors to communicate that fact to the Government, it may be that we should take that into consideration and make good to him the loss; but the Court of Claims ought not to do it. That is a court of law. That court can only give judgment when the contract is not only proved but the performance is proved, and there is no pretense that there was a performance of the contract in this case.

I was struck with the fact appearing in the report of the committee, the statement that although this man alleges that he was stopped by the picket line, it does not appear that he made any attempt to communicate with the Government until the next day, when he took the cars and rode into Washington.

Mr. DAVIS. The Senator will allow me to say that the proofs are he did make the best effort he could, and was stopped at three different points by the pickets, and then one of the three parties at the picket line got into Washington the following morning, but could not reach the commanding officer.

Mr. HOWE. The report is different.

Mr. DAVIS. I made the report, and I think I am stating the facts.

Mr. HOWE. I just read the report, and I think the Senator is mistaken about it, or I am. I understand the report to say that there were two parties in charge of the mules; Mr. Wilson was not one of them; so that I understand the report to say that he tried to get in that day, but it does not say what efforts he made, but that he did come in the next day, and came in by the railway on a regular train. The report does not explain why he could not have come in on the first day.

Mr. DAVIS. The report does not state all the details, but as I understand the case the facts are that the mules were in two lots, the first lot in charge of two men, and the other man made three attempts at different points to get into Washington, but could not get in; and finally he got upon the cars and came in.

Mr. HOWE. My friend is mistaken. The first lot was delivered; the next lot of one hundred and seventy or one hundred and ninety was not.

Mr. DAVIS. My friend can hardly say that I was mistaken because the two lots came to the picket lines; the one hundred and seventy mules came through in two lots separated from each other. They were not all together when they came to the picket lines.

Mr. HOWE. The report is right here in the hands of my friend from New Hampshire, [Mr. WADLEIGH.]

Mr. DAVIS. I am not mistaken about that.

Mr. HOWE. The Senator may not be mistaken about the fact, but he is mistaken about the report, because it is right here in the hands of the Senator from New Hampshire, and he corroborates what I say.

Mr. DAVIS. What the report says I may not recollect, because it does not contain all the details; but the facts are as I state and as the papers bear out.

Mr. HOWE. I am not disputing the fact; I do not know how the fact is; I am speaking of the report. The report says that the one hundred and seventy mules were in charge of two servants of the contractor, Wilson; that he could not come in because of the picket line. The report does not say that he applied to the officer in charge of the picket line at all; but the second day, it says, one of the men in charge of the mules came into Washington on a regular train, got the order to bring in the mules, and went out and then the mules were taken.

This, however, has nothing to do with the question whether we are to refer this case to the Court of Claims. I am opposed to referring it to the Court of Claims, because there is no case stated here upon which a court of law could honestly give judgment, and I would not invite them to give a dishonest judgment.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Kentucky.

The amendment was agreed to.

Mr. WADLEIGH. It seems from the report made by the committee in this case that this claimant was a loyal man; that he made with the Government a contract to deliver here in this city a certain number of mules; that he delivered a part of those mules here according to his contract and was proceeding to deliver the rest according to the contract, and got near to this city and to a point from which he might have reached the city and could beyond any doubt have reached the city and delivered the mules according to the contract, but he was stopped by the agents of the Government who were acting under the orders of the Secretary of War, and acting rightfully. But by those orders and by the action of the Government itself he was prevented from carrying out his contract, and there was nothing in the world to prevent him from carrying out his contract except the order of the Government of the United States. Under these circumstances I should be in favor of paying this man a just and equitable compensation.

My friend the Senator from Wisconsin has said that he did not deliver the mules according to his contract. That is perfectly true; the mules were not delivered in Washington; but he offered to deliver the mules in Washington and the Government refused to accept them; and they should pay damages for the non-acceptance of the mules according to the contract, he having done everything in his power to perform the contract, being prevented from performing it only by the act of the Government itself. My friend from Pennsylvania [Mr. SCOTT] shakes his head as if I was wrong; and knowing him as I do, I am almost inclined to believe I am; but I must be guided by my own convictions of right and duty, and guided by those convictions of right and duty I am ready to vote for this bill as amended on the motion of the Senator from Kentucky.

The PRESIDENT *pro tempore*. The question is on ordering the bill to be engrossed for a third reading, on which the yeas and nays have been ordered.

The question being taken by yeas and nays, resulted—yeas 29, nays 16; as follows:

YEAS—Messrs. Alcorn, Bogy, Boreman, Clayton, Cooper, Davis, Dennis, Fenton, Flanagan, Goldthwaite, Gordon, Hager, Harvey, Hitchcock, Kelly, McCreery, Merrimon, Mitchell, Morton, Norwood, Patterson, Ramsey, Ransom, Saulsbury, Sprague, Stevenson, Stockton, Thurman, and Wadleigh—29.

NAYS—Messrs. Allison, Anthony, Boutwell, Buckingham, Chandler, Edmunds, Ferry of Michigan, Frelinghuysen, Gilbert, Hamilton of Texas, Howe, Ingalls, Pratt, Scott, Washburn, and Wright—16.

ABSENT—Messrs. Bayard, Brownlow, Cameron, Carpenter, Conkling, Conover, Cragin, Dorsey, Ferry of Connecticut, Hamilton of Maryland, Hamlin, Johnston, Jones, Lewis, Logan, Morrill of Maine, Morrill of Vermont, Oglesby, Pease, Robertson, Sargent, Schurz, Sherman, Spencer, Stewart, Tipton, West and Windom—28.

So the bill was ordered to a third reading. It was read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House further insisted on its disagreement to the amendments of the Senate to the bill (H. R. No. 3094) making appropriations for the service of the Post-Office Department for the year ending June 30, 1875, and for other purposes, agreed to further conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. J. N. TYNER of Indiana, Mr. J. G. CANNON of Illinois, and Mr. S. S. MARSHALL of Illinois, managers at the second conference on its part.

The message further announced that the House had passed the bill (S. No. 930) to authorize the Farmers' National Bank of Greensburgh Pennsylvania, to change its location and name, with an amendment in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills:

A bill (S. No. 277) making an appropriation for the payment of $792.46 due the late James L. Day, of Connecticut for transporting the mails over post-route No. 8151;

A bill (S. No. 443) to provide for the payment of legal services rendered by Edmund Randolph to the United States;

A bill (S. No. 552) to refund to E. & J. Koch certain customs duties;

A bill (S. No. 875) for the relief of Thomas Hughes; and

A bill (S. No. 849) to prevent hazing at the Naval Academy.

REPORTS OF COMMITTEES.

Mr. CARPENTER, (Mr. WRIGHT in the chair,) from the Committee to Audit and Control the Contingent Expenses of the Senate, who were by a resolution of the Senate of January 26, 1874, instructed to inquire into the expediency of excluding all articles from the stationery-room except paper, pens, pencils, ink, envelopes, and macilage, asked to be discharged from the further consideration of the subject; which was agreed to.

He also, from the same committee to whom was referred a resolution offered by Senator WEST directing the Secretary of the Senate to pay John Ray and William L. McMillen each full compensation as Senator for the unexpired term for which they were elected, as shown by their respective credentials, until the 4th of March, 1873, submitted a report thereon, which was ordered to be printed; and accompanied by the following resolution:

Resolved, That the actual expenses necessarily incurred by John Ray and William L. McMillen, claimants to a seat in the Senate from the State of Louisiana in the Forty-second Congress, in presenting their respective claims to a seat in the Senate, be paid out of the contingent fund of the Senate, which expenses shall be presented, itemized, and verified by the oaths of said Ray and McMillen, respectively, and the amounts shall be audited by the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. CARPENTER also, from the same committee, to whom was referred the motion of Mr. HAMLIN that hereafter no order or requisition for stationery for the use of the reporters' gallery of the Senate shall be issued by the Presiding Officer of the Senate, which reference was accompanied with instructions to the committee to report to the Senate when the practice of furnishing stationery to the reporters' gallery began, the cost of stationery furnished, and whether such practice should not be discontinued, submitted a report thereon; which was ordered to be printed, accompanied by the following order, the adoption of which is recommended by the committee:

Ordered, That the Select Committee on the Revision of the Rules direct the supply of such articles of stationery as they may deem expedient to those entitled to admission into the reporters' gallery, and that their orders therefor be filled by the keeper of stationery.

Mr. CARPENTER. I am directed by the Committee on the Judiciary, who were by a resolution of the Senate of May 8, 1874, instructed to inquire whether section 3 of the "act to establish a police court for the District of Columbia, and for other purposes," approved June 17, 1870, in so far as it denies a trial by jury, be constitutional, to ask to be discharged from the further consideration of the resolution. A bill was reported on this subject the other day, and this resolution should have been returned at that time, but was overlooked by mistake.

The PRESIDING OFFICER, (Mr. WRIGHT in the chair.) The committee will be discharged if there be no objection.

GENEVA AWARD.

Mr. FRELINGHUYSEN. The conference report on the Geneva award bill was partially read when the Senate took a recess. I ask that the reading proceed.

The Chief Clerk resumed and concluded the reading of the report, as follows:

The committee on conference on the disagreeing votes of the two Houses on the bill (S. No. 7) for the creation of a court for the adjudication and disposition of certain moneys received into the Treasury under an award made by the tribunal of arbitration constituted by virtue of the first article of the treaty concluded at Washington the 8th of May, A. D. 1871, between the United States of America and the Queen of Great Britain, having met, and after full and free conference, have agreed to recommend, and do recommend, to their respective Houses, as follows:

That the House recede from its amendment to the bill of the Senate and agree to the same with the following modification, namely: Strike out section 5 and insert as section 5 a new section in the words following:

"SEC. 5. That the President may designate a counselor at law, admitted to practice in the Supreme Court of the United States, to appear as counsel on behalf of the United States, and represent the interests of the Government in said suit, and in all claims filed for indemnity for losses, as provided by this act, subject to the supervision and control of the Attorney-General. Such counsel shall receive for his services and expenses such reasonable allowance in each claim as may be approved by the court, to be apportioned in each claim adjudicated, and paid from said award upon the certificate of one of the judges."

Strike out, commencing on line 11, section 11, "and all claims provable or to be allowed under this act shall be stated and adjudged upon the basis of United States gold coin at the time of the loss" and insert instead "all claims."

Strike out in section 14, commencing on line 4, the words "shall retain in the Treasury 5 per cent. of the amount of the judgments rendered by the said court," and on the eighth line of same section strike out "95 per cent. of." Commencing on the twenty-second line of the same section strike out the words "deducting nevertheless from each of the said judgments and retaining in the Treasury 5 per cent. of the amount of the said judgments respectively."

On second line of the fifteenth section strike out the words "in coin."

On the twenty-seventh line of the same section strike out the words "the same shall be carried to the general fund of the Treasury," and insert instead "the same shall be and remain a fund from which Congress may hereafter authorize the payment of other claims thereon."

After the sixteenth section insert the two following sections, to wit:

"SEC. 17. In ascertaining the amount of such losses, the memorials, affidavits, depositions, and any other papers in the several cases of losses claimed respectively, now filed in the State Department, or official copies thereof, may be read in evidence: *Provided*, That no affidavit shall be read except where it appears to the satisfaction of the tribunal that the affiant cannot be produced before it as a witness or his testimony taken by commission upon interrogatories; and in the hearing of the cause any party claiming shall produce all books, papers, letters, and documents that may be called for by a general description thereof by any opposing party, or satisfactorily account for their loss or non-production, or suffer such judgment as is prescribed in section 15 of the act entitled "An act to establish the judicial courts of the United States," approved September 29, 1789; and on the hearing of the cause any competent evidence may be produced by either party, either *viva voce* or by deposition taken upon interrogatories; and for this purpose depositions may be taken by either party *de bene*, or the court may admit affidavits where it is satisfactorily shown that the witness cannot be produced or his examination by interrogatories and cross-examination cannot be had.

"SEC. 18. That in case any judgment is rendered by said court for indemnity for any loss or claim hereinbefore mentioned against the United States at the time of the giving of the judgment, the court shall, upon motion of the attorney or counsel for the claimant, allow out of the amount thereby awarded such reasonable counsel and attorney fees to the counsel and attorney employed by the claimant or claimants respectively as the court shall determine is just and reasonable, as compensation for the services rendered the claimant in prosecuting such claims, which allowance shall be entered as part of the judgment in such case, and shall be made specifically payable as a part of said judgment for indemnification to the attorney or counsel, or both, to whom the same shall be adjudged; and a warrant shall issue from the Treasury in favor of the person to whom such allowance shall be made respectively, which shall be in full compensation to the counsel or attorney for prosecuting such claim; and all other liens upon, or assignments, sales, transfers, either absolute or conditional, for services rendered or to be rendered about any claim or part or parcel thereof provided for in this bill heretofore or hereafter made or done before such judgment is awarded and the warrant issued therefor, shall be absolutely null and void and of none effect."

And the Senate agree to the same.

F. T. FRELINGHUYSEN,
GEO. G. WRIGHT,
Managers on the part of the Senate.
BENJ. F. BUTLER,
WM. P. FRYE,
Managers on the part of the House.

Mr. THURMAN. I wish to know the status of this report. I was not in when the reading commenced, and I was told upon my return by half a dozen Senators or more that no vote was taken upon proceeding to the consideration of the report and that the question was will the Senate proceed to its consideration, and that thereupon a call was made for the reading of the report for information.

The PRESIDING OFFICER, (Mr. WRIGHT.) The Chair understands the question to be on agreeing to the report of the committee of conference. The report is now before the Senate.

Mr. THURMAN. It is very indifferent to me how it is; but I was told by divers Senators that the motion was made and never put whether the Senate would proceed to the consideration of the report.

The PRESIDING OFFICER. The report is before the Senate.

Mr. THURMAN. The Senator from New Jersey who makes the report is entitled to state what it is to the Senate, if he desires to do so.

Mr. FRELINGHUYSEN. Mr. President——

Mr. CLAYTON. I wish to ask the Senator from New Jersey, without displacing the regular order, to allow me to call up a resolution from the Committee on Territories.

Mr. FRELINGHUYSEN. If it does not take time.

The PRESIDING OFFICER. The resolution of the Senator from Arkansas will be read.

Mr. CLAYTON. It was a resolution reported the other day from the Committee on Territories to authorize the committee to sit during the recess.

Mr. BOUTWELL. I object to the resolution.

The PRESIDING OFFICER. The Senator from Massachusetts objects, and the resolution cannot be considered now.

Mr. FRELINGHUYSEN. The committee of conference had many interviews in reference to this bill. The result was that the House of Representatives receded from its amendments and adopted the Senate bill with some modifications. Passing by formalities, the shape of the report and of the bill which will be formed on this report now, is this: that those are paid out of this fund who every Senator here and every member of the House of Representatives unanimously agree are entitled to be paid; and that is all. There ought to be no doubt or question as to the propriety of adopting this report when the report provides that those shall be paid who every Senator and every Congressman has voted should be paid.

Mr. MORTON. Will the Senator name the class?

Mr. FRELINGHUYSEN. The class to be paid are those who have suffered losses by the Alabama, the Florida, the Shenandoah after she left Melbourne, and their tenders, those whose claims were allowed by the Geneva arbitration. That includes those insurers who have suffered loss. But the report is much more liberal toward other classes than the Senate bill. The Senate bill provided that after those were paid the remainder of the fund should be covered into the Treasury. The report expressly provides that it shall remain a fund subject to such claims as Congress may authorize against it. Therefore all that we do is to pay those that everybody agrees are entitled to be paid, leaving the question as to war premiums, as to insurance companies, as to those who suffered loss by means of other confederate cruisers, to be determined hereafter. It seems to me that it would be a great act of injustice, it would be a great act of dishonesty for this nation, after two or three years, to withhold payment from those who every member of Congress of both Houses agrees are entitled to be paid.

The House of Representatives further concede to the Senate the right to have this question determined by a commission, instead of going through the courts. So that we have substantially the Senate bill modified in that it leaves the question open for further claimants. Of course we had to concede something, and there is a certain machinery as to the attorneys and counselors and the compensation which they are to receive. In that regard we adopted the House bill;

but that subject is always open and under the control of Congress. That provision, which was introduced here in the Senate against the will of the committee, that the claimants should settle their accounts in gold, has been stricken out and the whole subject is left open to the adjudication and determination of the tribunal. I hope that this bill will at once receive the approval of the Senate.

Mr. THURMAN. Mr. President, I know how difficult it is to defeat the report of a conference committee, no matter how unjust and erroneous that report may be. The very worst legislation that passes Congress passes in the shape of the adoption of the reports of conference committees. They pass at the last hours of the session when it is almost impossible to get the ear of anybody; and I do not know now that I shall be listened to on this subject by one-third of the Senators whose votes will ultimately determine the fate of this bill. But, sir, I am serious in this matter, and I hope that some at least will listen to the objections I have to this report.

The Senator from New Jersey says that it would be an act of great dishonesty not to pay those who every member of Congress agrees are entitled to be paid. I say so too; I said so a year ago when we sought then to get the managers on the part of the House to agree to precisely a bill of that character; and if this bill was that which it has been described to be, a bill to pay those who every member of Congress agrees are entitled to be paid and remit the claims of others to the consideration of Congress at a future day, then it would receive my support if another error in the bill were corrected. But is it that bill? I am very glad to hear the Senator from New Jersey say that that is the bill; I was very glad to hear the Senator from Vermont this afternoon say that was the bill; and I hope that their interpretation placed on the bill will not be forgotten in the future. But I do say that if even ambiguous words were used to be brought up in the future to defeat that very interpretation, this bill contains those words. If that was the object of this bill, why in Heaven's name was it not placed in clear and honest language? It could have been put in ten lines, that all the uninsured property destroyed by the cruisers for whose acts Great Britain was held to be responsible, should be paid out of this fund—that is all that was necessary—and that the claims on the residue of the fund should be remitted to Congress to determine in future. That would have been all simple, all plain. There could have been no question at all about it.

But what is the language of the bill? So far from that being the case, the managers take the twelfth section of the Senate bill, containing among other things this provision:

> And no claim shall be admissible or allowed by said court by or in behalf of any insurance company or insurer, either in its or his own right, or as assignee, or otherwise, in the right of a person or party insured as aforesaid, unless such claimant shall show, to the satisfaction of said court, that during the late rebellion the sum of its or his losses, in respect to its or his war risks, exceeded the sum of its or his premiums or other gains upon or in respect to such war risks; and in case of any such allowance, the same shall not be greater than such excess of loss.

This conference bill then provides for the adjudication and payment of all the uninsured property which everybody agrees ought to be paid for. It then goes further and provides that insurance companies may be paid, if upon an exhibit of their business they have sustained loss, the excess of their loss above their profits. It expressly, therefore, provides for insurance companies, but limits the amount of their payment to the excess of their losses over and above their profits. It contains that very provision in the bill which upon the fullest vote that was taken in the Senate was voted out of the bill in the Senate by 8 majority.

Mr. EDMUNDS. Will the Senator allow me to suggest to him——

Mr. THURMAN. I would rather not be broken in upon right here in the midst of a sentence. I will listen to the Senator with pleasure after a while.

Now, sir, every member of Congress did not admit the right of insurance companies even to that amount of payment, for there are votes for excluding them entirely; but this bill provides, as I said before, for the payment of the uninsured property destroyed by the guilty cruisers; and by "guilty cruisers" I mean those whom the tribunal at Geneva held to be guilty. It provides for the payment of uninsured property, which every member of Congress and everybody else admits are valid claims and ought to be paid; and then it goes on to provide that the insurance companies may be paid their losses over and above the gains upon their business, the excess of loss—not paid the amount of their claims, not paid for the property which they had insured and which had become theirs by virtue of subrogation and assignment, but simply shall be paid, provided upon an exhibit of a balance-sheet by them it shall appear that their losses exceeded the amount of their gains, and then they shall be paid only the excess.

Having provided, Mr. President, for payment to these insurance companies who sustained loss on their whole business the amount of the loss, provided that amount does not exceed the amount of the policy, what further does this bill provide in respect to the remainder of the fund? Why, sir, it provides that after having paid for the uninsured property, and after having paid the insurance companies the excess of their losses over and above their gains growing out of the fund, then "if there shall remain any part of the said money"—now comes the conference committee's language—"the same shall be and remain a fund from which Congress may hereafter authorize the payment of other claims thereon." What is meant by "other claims thereon?" What will it be said to mean next winter? It will be said to mean claims other than claims of insurance companies; it will be said to mean that the claims of insurance companies are provided for in this bill and limited to a certain recovery, and that the other claims which may come in upon the remainder of this fund are the claims other than those of the insurance companies. That is the meaning of this language, or at least that is what will be claimed to be its meaning when this matter comes up next winter if the bill should pass.

Mr. EDMUNDS. I should like to ask a question. I will not now put the question I desired to put when the Senator declined to yield, because he has gone beyond that part of the subject. On this part he says it will be claimed next winter that the words he has read will be construed to mean other claims than those of the insurance companies. Does the Senator think that is the true and fair meaning of the language as it reads? Or is it the fair and true meaning, as it reads, that claims other than those allowed or adjudicated upon by the tribunal are open for the further adjudication of Congress, and inasmuch as we only authorize the adjudication of a certain class of insurance claims and not those in respect of which the companies made a profit, is not the fair meaning, let me ask the Senator, that there will be open for consideration next winter the claims of insurance companies to the full extent that they have demanded, except so far as we have already provided for them by the cases which we have allowed?

Mr. THURMAN. What is far more important to those who I think are entitled to justice in this case, is that I should know what the Senator from Vermont thinks of this bill.

Mr. EDMUNDS. Does the Senator decline to answer the question I put to him?

Mr. THURMAN. No, sir; but I would prefer greatly to have the Senator's answer first.

Mr. EDMUNDS. I think I will have the Senator's answer first, because I put the question first, and then I will answer him when it is my turn.

Mr. THURMAN. I will only say that if I had to decide it I should put upon those words this construction: that "other claims" would include the claims of insurance companies to that which they had not received under this bill but which they claim they are entitled to receive.

Mr. EDMUNDS. Then the Senator thinks they would be entitled under this act to come in for a further claim.

Mr. THURMAN. I say if I had the decision, that would be my decision.

Mr. EDMUNDS. And if the Senator had the decision he would decide according to his honest judgment?

Mr. THURMAN. Certainly I should.

Mr. EDMUNDS. I should decide in exactly the same way, and that answers the Senator's question.

Mr. THURMAN. I am glad to hear the Senator say so.

Mr. EDMUNDS. I have no doubt of it at all.

Mr. FRELINGHUYSEN. Will my friend permit me?

Mr. THURMAN. Certainly. I should like to have as many as possible.

Mr. FRELINGHUYSEN. I may further say, I should decide that question exactly as the Senator from Ohio and the Senator from Vermont have stated that they would decide it, and I would strengthen my decision by referring to the context to which I call the attention of the Senator from Ohio:

> And after the payment of the said judgments and the reimbursement of the expenses as herein provided, if there shall remain any part of the said money, the same shall be and remain a fund from which Congress shall hereafter authorize the payment of any other claims thereon.

"Any other claims" means other claims than those which have been paid, and clearly includes the war premiums, the insurance companies, the losses by other confederate cruisers, if Congress think that either of those classes is a proper claim.

Mr. THURMAN. Well, Mr. President, I must say that I am rejoiced to hear that interpretation put upon it by these managers; and I hope it will not be forgotten next winter should this bill become a law; but I venture to say that if we live to see this subject up again before us, there will be men, not the Senator from New Jersey, not the Senator from Vermont, but there will be men to put directly the opposite interpretation upon these words.

Mr. EDMUNDS. May I ask the Senator a question?

Mr. THURMAN. Certainly.

Mr. EDMUNDS. I do not mean to interrupt the Senator in his remarks unless he is entirely satisfied.

Mr. THURMAN. It is no disturbance.

Mr. EDMUNDS. I should like to ask the Senator, supposing his interpretation upon this point, and mine and that of my friend from New Jersey, to be the correct interpretation, as we all agree it is, what is the objection to agreeing to this report because in that point of view it seems to provide merely for the time being for those who both parties agree ought to be paid anyhow?

Mr. THURMAN. Because the Senator from New Jersey, the Senator from Vermont, and the Senator from Ohio do not constitute the whole Senate of the United States and much less the Congress of the United States, and I have seen enough on this subject to make me doubt exceedingly—and I say it without disrespect to anybody—whether those who have to settle this great question will always settle it according to the sound dictates of justice and common sense. I am too much afraid of outside pressure and outside influence. I am

not speaking at all of any corrupt influence, I never impute any such thing, but of that pressure that bears on members of Congress and makes them see things in a light that without any such pressure would never in the world be seen by them.

Mr. EDMUNDS. May I ask the Senator what he means by "outside pressure?" Does he mean the pressure that is well understood to have been made by the insurance companies during all this session?

Mr. THURMAN. I do not know of any such pressure.

Mr. EDMUNDS. I do.

Mr. THURMAN. If the Senator does, then the Senator has more knowledge than I have. I spoke of that pressure which unaccountably arrays people of a particular section where particular losers are against anybody else but those losers. That is the kind of pressure that I meant, which influences the member of Congress, who has war-premium men in his district and has no other claimants, to go for the war-premium men whether they have a right to any of this money or not, and which in the same way make the representatives of those whose property was not taken by either of the guilty cruisers in favor of bringing them all in within this award although their claims were expressly rejected by the tribunal at Geneva, and I know very well that those men are not likely to be governed by what is said by three Senators on this floor as to the meaning of this report, for they will say that those Senators might speak for themselves, but they had no right to speak for the Senate of the United States. That will be it. "Who authorized any three Senators to speak for the whole Senate of the United States?" will be the question which these men will put when this subject shall come up again next winter.

I say, further, on this subject that it may be argued, and argued with great plausibility, that four such men as have signed this conference report if they had meant simply that the uninsured property should be paid for would have said so in so many plain words, and it would not have taken ten lines to say it, and that when they have gone all around the bush with three long sections to express that idea, they must have meant something more than that the uninsured property which was lost by the depredation of the guilty cruisers should be paid for, and which every man agrees ought to be done.

I say, then, this report ought to be recommitted, if for no other purpose, to be put in good, plain, honest English, without any ambiguity. We cannot amend it in the Senate. If we could amend it, we could make it plain so as to convey exactly the idea which is said to be its meaning by the Senators from Vermont and New Jersey. But we cannot amend it, and it ought to be sent back that those gentlemen who are quite masters of the English language might employ plain, simple, unambiguous words to express the idea which they mean to convey.

But, Mr. President, there is another reason why this conference report ought not to be adopted, and it is this: The Senate, after careful deliberation and no little discussion, on the motion of my colleague inserted this clause in the bill:

> And all claims provable or to be allowed under this act, shall be stated and adjudged upon the basis of United States gold coin at the time of the loss.

These words are stricken out by the conference committee. What is the meaning of striking those words out? As long as those words were in there was a perfect standard by which to try the measure of the losses of these claimants, and no one could obtain any advantage over another. There was a perfect, unvarying standard by which their claims could be tried and adjusted. Now, what is the effect of striking these words out? The effect of striking them out is simply this, and I beg your attention to it: These valuations are to be made as at the time of the losses, according to the affidavits that have been filed in the Department of State. The loss is valued in greenbacks. The consequence is if A had a ship worth $5,000, and B had another ship worth precisely the same amount of money, and A's ship was lost when gold was 280 and B's ship was lost when gold was only 140, the claim of the one who lost his ship when gold was 280 is exactly twice the amount of his fellow-citizen's who lost exactly the same amount of property in value at a time when gold was 140. That is precisely it. And now the proposition is that men shall have that advantage, that you shall have no uniform standard. Must you not have a uniform standard? How are you to find out what is the amount so that justice may be done relatively between these two parties, so that no man may get any advantage over another by false or erroneous valuations? You must come to some standard. Do greenbacks furnish you that standard? When greenbacks were shifting in value from day to day from 5 to 10 and 20 per cent. when gold went up from 40 per cent. to 280, or greenbacks, in other words, ran down to only thirty-two or thirty-three cents on the dollar, do greenbacks furnish any such standard? Everybody sees at once they do not. The only way in which you can get a proper standard so that each man's loss should be relatively correct with regard to every other man's loss, is to take the gold standard and reduce the loss when stated in greenbacks to the gold standard, and thereby make the same standard for each and every one of these losers. Striking out this clause and giving greenbacks therefor does the grossest injustice to the man whose property was lost when greenbacks were at a less disproportion than they were at the time when another man's property was lost.

But, sir, there is still another objection to that. In addition to the gross inequality that will result from striking out these words, there is this further injustice, and I might say dishonesty. We received this award in gold; it was paid to us in gold; and having received it in gold we ought to pay the losers in the same medium. There is no propriety in our receiving it in gold and then paying them in a depreciated currency. These valuations were made, assumed to be made at least, on a gold basis, for the award was to pay it in gold, and it cannot be presumed that the estimate was made by the Geneva tribunal on a paper basis, and that then the amount upon that paper basis was ordered to be paid in gold. It must therefore be assumed, and such is undoubtedly the fact, that the estimate upon which that tribunal went was that the amount of $15,500,000 represented in gold our losses and the interest upon those losses allowed by that tribunal.

Mr. EDMUNDS. Does the Senator say, if I do not trouble him by asking him a question—if I do I certainly do not wish to interfere—does the Senator mean to say that he believes the Geneva tribunal reduced the American claims to a gold basis at the various dates when the destructions took place?

Mr. THURMAN. I say they did as near as they were able to do it, in my belief. I cannot suppose they were guilty of the absolute nonsense of taking those claims upon a paper basis that was fluctuating every day, and ordering Great Britain to pay them in gold. I cannot believe any such thing. We do not know precisely the process by which they did arrive at it; but we do know something of the process. We know that the British counsel argued, and the British Board of Trade argued, that most probably the claims were stated in greenbacks and ought to be reduced to gold. That we know because it is in the report; but when it was provided in the treaty and when the award of the Geneva tribunal was that the payment was to be in gold of the amount found due by them, it must be held that they understood that the damages were that much in gold. It cannot be upon any other principle. They could not have awarded it upon any other principle. They did not mean to award damages that never were sustained. They meant to award the damages that were sustained, and the damages that were sustained were so many millions in gold. That is the award which they made, and now we propose to take that gold, and instead of paying that to the sufferers, to pay them in a currency that is depreciated 12 or 13 per cent. That is what we propose to do.

Mr. FRELINGHUYSEN. If my friend will permit me, I do not think there is anything in this report—if there is I am not aware of it—that decides how the payment shall be made. The bill as passed by the Senate and the report together amount to this: that we appoint a competent court, consisting of five members, who are to decide the several cases that come before them in conformity with the principles of law and the merits of the several cases, without determining one way or the other whether the calculation is to be made in greenbacks or in gold; and I do believe, with all respect to my friend, that a competent court of five judges will come to as just a determination with calm deliberation as we shall in these expiring hours of a weary session.

Mr. THURMAN. Mr. President, I would think so too if it did not happen—I wish I had a greenback in my pocket——

Mr. FRELINGHUYSEN. I have got one which I will lend the Senator.

Mr. EDMUNDS. I supposed the last act we passed would have filled your pockets before this time.

Mr. THURMAN. I did not understand the Senator.

Mr. EDMUNDS. I supposed the grand finance act would have filled the Senator's pockets with greenbacks before this time.

Mr. THURMAN. I was against inflation.

Mr. EDMUNDS. I supposed you would have your share after you got it.

Mr. THURMAN. I have got a one-dollar note. I am very much afraid if this matter is left as this conference committee reports it, when the claimant comes for his money the Secretary of the Treasury or the Secretary of State will pull out a greenback and read to him these words:

> This note is a legal tender at its face value for all debts, public and private, except duties on imports and interest on the public debt.

Mr. FRELINGHUYSEN. If they should do so the only result would be that there would be more of the fund left for the war premiums, the insurance companies, and those who suffered by the general losses from the cruisers.

Mr. THURMAN. That is all very true; and if greenbacks were only worth twenty-five cents on the dollar and you paid them in greenbacks there would be more left yet, and we might divide it among the people *per capita* and produce a little inflation in that way. The plain matter of it cannot be misunderstood. What would you say of a lawyer that would receive a thousand dollars in gold for his client and instead of paying him the thousand dollars which he had recovered for him should say, "I will give you my promissory note, worth eighty-five cents on the dollar, and I will take 15 per cent. profit and shave on this transaction?" You would say that was a dishonest lawer. You would put him over the bar very quick, any honest court would, and yet that for which you would debar an attorney it is proposed this great Government shall do; that it having received this award in gold for those who have suffered by the depredations of those cruisers, shall then pay them in its depreciated notes worth not more than eighty-five cents on the dollar and take the remaining 15 per cent. and give it to somebody who was not entitled to it under

the award. If that is honesty I cannot see it. If there is anything that is consistent with justice, with the honor, with the character of this great Government in such a proceeding as that, I confess I am totally unable to see it. That which would make a private man infamous cannot be consistent with the justice and the honor of a great nation.

These are the two principal objections that I have to this conference report. There are some others, but they are of minor importance. There is one that I will allude to, wherein I think it is entirely wrong; and that is that this court of ours are to fix the compensation that attorneys are to receive from the claimants, and that the amount of the compensation thus fixed by the court is to be paid out of the Treasury of the United States out of this award, that is, out of the judgment in favor of the particular client. I always supposed that it was the safest way to let clients and their attorneys make their own bargains, that it was safest for the client and safest for the attorney; but this bill proposes to disable clients from making any such contract, and declares that all such contracts heretofore made, and all that shall hereafter be made, shall be null and void, and that the court shall determine what shall be the compensation of the lawyer, and that the compensation the court shall decree to be taken out of the amount awarded to his client; in other words, disabling those two men from making any contract whatever in regard to the compensation of the attorney. It may possibly be that practically that will work for the benefit of some of these claimants. In some cases, I dare say, it will protect them against dishonest attorneys; but considering what kind of a tribunal it is that this bill contemplates, considering that it is to be a tribunal of five distinguished lawyers, well paid for their services, and before whom the meaner sort of the profession are not likely to appear, it does seem to me that for one case in which a man may be protected by this provision against the exorbitant charges of an attorney, there may be ten cases in which the amount awarded by the court to the lawyer will be exorbitant and excessive; for in a long experience at the bar I have found it to be almost always the case that allowances of lawyers' fees by the courts were far in excess of the amounts that lawyers receive from their clients by contract. That is the general rule, and I think that is a bad feature in this bill; but if the bill were right in other respects—if the bill were not of that ambiguous character that I have pointed out in regard to claims that are reserved for adjudication hereafter, or for the action of Congress hereafter, and if the bill were right in respect to the standard by which the losses are to be tried—I might forego any objection to this minor matter of the allowance of counsel fees by order of the court.

I have only a few more words to say. I have already occupied as much of the time of the Senate as I care to do, but I will mention what I ought to have said when I was considering this question of striking out the provision that the claims should be stated and adjudged upon the basis of gold coin at the time of the loss. One might suppose from the remarks of the Senator from New Jersey that the court would exactly adopt that standard; but can it be supposed, after those words were inserted upon a full debate, if Congress afterward strikes them from the bill, that any court will feel at liberty to administer the act as if those words were retained in it, the very words which Congress has stricken out? I fear not; and therefore I say that those words ought to remain in the bill, and this conference report with those words stricken out ought not to be agreed to.

I shall not to-night attempt to reargue the question about the exclusion of the insurance companies. I know that, unless my mind shall undergo a change, which I do not think it is likely to undergo, I never can vote for any bill that does that great injustice as I believe; and I do say now, and say it in all solemnity, that in my humble judgment there never was so deleterious an example set by any government in the world as is set by the provision in this bill that insurance companies shall recover upon their claims if they have not made profit, but shall not recover if they have made profit. Stripped of its verbiage, stripped of its disguise, tearing away the sophistry from it, it amounts simply to this, that the Congress of the United States says to the people of the United States, a man shall recover upon his claim not according to the validity of his claim, but according to the length or the brevity of his purse. If he is already rich enough, no matter how legal and valid his claim may be, the court shall turn him away from its doors and say, "You have enough already;" but if he has been unfortunate in business, or improvident in business, or in rash and unprincipled speculations, or has taken hazards that no prudent or honest man ought to take, and he has lost in his business, then upon a claim of precisely the same nature the court shall hold out its hands, welcome him to the portals of justice, give judgment in his favor, and execution to enforce the judgment. Talk about communism; talk about red republicanism; there never has been any greater communism than that which is written in this bill which says that a man shall recover, not upon the validity of his claim, not upon the law which applies to it, but shall recover according to whether he has been successful or unsuccessful in business.

Mr. EDMUNDS. I do not want to occupy the time of the Senate in discussing the ethical question with which the Senator from Ohio has concluded his very entertaining speech. As a peroration, I certainly admire it, because it goes into the regions of fancy and eloquence in such a way as to gild, as the setting sun does the atmosphere, this conference report which usually is rather a dry thing you know. So I do not propose to begin by that kind of illumination or to leave off by it. It is enough to say that that question is now before the Senate.

The conference report has provided merely to pay all those that both Houses agree ought to be paid, and at this time has not provided to pay anybody else, because the two Houses cannot agree as to paying anybody else. What the use, therefore, is of going into a quantity of midnight eloquence over the subject of those unhappy insurance companies who divided 20 per cent. in coin every year, as I understand, I am not able to appreciate, unless it might be to prejudice the minds of people against the justice of paying those who ought to be paid now, as all agree, and to break down this report, which is of course the end of the bill for this session. That is the question.

I only want to take a few minutes. The Senator is afraid that the term "other claims," which are to be provided for at a future session of Congress if Congress think fit, will exclude the claims of the insurance companies, because they do under this bill file a claim within the jurisdiction of the court. Mr. President, how extraordinary that is! Here we create a court and give it a jurisdiction to try one kind of insurance claims, and that is where the insurance has met a loss. We do not authorize the court to try any insurance claim either way, to reject it or affirm it, where the insurance company made a profit. Those cases are left out altogether.

Then we say that having paid the ship-owner who was not insured, having paid the losses of insurance companies who did not make a gain, having paid the owners of merchandise not insured, and the officers and the sailors, the rest of this money shall be subject to the future disposition of Congress in providing for other claims that may be presented. Now, can anybody doubt that an insurance company is entitled to present its other claim and get it if Congress in its judgment shall think it is entitled to it? The Senator himself—and that ought to be enough for the Senate on this question of justice to these poor men, sailors and officers, who have waited now for three years—the Senator himself says that this report as it reads does not exclude the future consideration of these insurance claims. He does not express himself any doubt about it, on the face of it, and he knows that the other gentlemen of the conference committee and the other members of the Committee on the Judiciary agree with him entirely. He knows if he has read the debate—and I have a right to refer to it on a conference report—that the House of Representatives agreed to this upon the same understanding precisely. Therefore, did I not know the Senator from Ohio, I should imagine that he was resorting to a parliamentary expedient to break down this report altogether and send these empty-handed men who have never been redressed in any way over to some future Congress, because forsooth some other claim that he wanted in did not get in because it was under dispute. But of course I respect the honorable Senator from Ohio too much to believe that he means that; but he acts in exactly the way he would act if he did mean it. So much for that.

Let no man, therefore, vote against this report who wishes to pay the uninsured ship-owner, as the Senator wishes to do and as I wish to do, and the sailor and the officer and the uninsured merchandise-man, upon the idea that he is afraid that the construction of this bill will prevent the stock insurance companies from appealing to Congress hereafter. He says himself it will not. We have all stated that it will not. Any intelligent person who can read it will see that it will not. The House of Representatives has agreed to it on the ground that it will not, and upon the simple ground that we will do the justice to the uninsured people that we ought to have done last year and leave disputed questions to be considered next time. And as my friend from Wisconsin [Mr. CARPENTER] very properly suggests, if the bill said in terms that it should bind them it would not have the slightest effect. It is the right of every citizen to petition Congress at every session and to get this law reversed if it stood so; but I need not argue that. The Senator from Ohio himself says it does not say so. All of us say it does not say so. The House of Representatives, according to the debate, say it does not say so. Wherefore, then, are you pressed to reject this report, which carries everything over to the next session, upon any such ground? I know the Senator from Ohio does not mean it; but if he were so much in love with these insurance claims that he would ruin all until he could get them, he would pursue precisely the course that he does now. But, as I say, I know he does not mean that. He is overexcited on the subject.

Now let us go a little further. The next trouble is the gold payment. The Senator says the Geneva tribunal made this award in gold. So they did make it in gold. He says they stated the account on a gold basis, reducing all claims to gold, as he supposes. I ask him for the evidence of it. The only evidence he can furnish is the argument of the British counsel, who said that our claims were exaggerated because they suspected that they were stated in currency, and therefore that they were altogether too high. If they were stated in the currency of this country, where they had to build their ships and pay for them in currency and where they bought their merchandise and paid for it in currency to send to foreign countries, where they fitted out their whalers and paid for their supplies in currency, there would be some sense in providing for the payment in such a way that they might be made good. But what is the practical use in saying that these claims shall be stated in gold or shall be stated in currency? If you leave the matter to the tribunal without command either way, as this bill does, that they shall hear and determine these

claims according to their justice, without undertaking to say that they shall be stated in currency or in coin, leaving them a free and wholesome jurisdiction, what are they to do? They are to find out what the real and honest loss of the man was according to the circumstances of his case, and then they can provide either that he shall have an allowance in currency large enough to make it good to him in gold, or that he can have an allowance in gold if they choose so to render the judgment, for the Supreme Court of the United States has decided that it is open for any court in which a party is entitled to have his claim considered as one to be paid in gold to render a judgment for the specific payment. The Senator well understands that. Therefore the leaving out of these words is not a decision adverse to the views of the Senator from Ohio who proposed that clause, [Mr. SHERMAN;] it is not a decision adverse to the view of the Senator from Ohio who now opposes it in his observations, [Mr. THURMAN.] It only refuses to cramp a jurisdiction by laying down in advance a rule the application of which we cannot precisely see, to guide the tribunal; and now, as the bill is left with that struck out, we give the tribunal plenary jurisdiction without undertaking to control its exercise either way, except we say that they shall be guided by the principles of justice and truth. Can anybody complain of such a jurisdiction? I think not, Mr. President; and it is very far from being clear that laying down an iron rule providing for the payment in coin and the statement of the account in coin would resolve itself into an advantage for the claimant who was honest or to the benefit of the Treasury, because it would drive the tribunal to enter into almost every month of the state of the coin premium during the whole war and the value of the ship and cargo—a ship built at one time, fitted out at another, its cargo bought at another. All that would enter into the thing, and the consequence would be that you involve the ship-owners in a constant series of inquiries where they may be overreached by parties who may choose to overreach them, or where the commission may do injustice to a party who does not try to overreach them. Now, if you leave their jurisdiction free as you leave the jurisdiction of every other court free, as you leave the Court of Claims free, to decide according to the law as it is now and to do justice, then the court is enabled to do justice according to the case that is made to it. Why do we not decide, on the Senator's principle, that the Court of Claims for all losses that occurred during the rebellion, contracts unperformed, property taken and used, shall settle with the claimant on a coin basis, have it reduced to that in order that his claim upon us may not be exaggerated or may not be made too small? Because everybody sees that really it is entirely an immaterial question. If you decide these cases upon the basis of currency now and pay them on that basis, you have a uniform standard; and if a man bought or sold on an inflated currency in 1863 so that he really did not lose as much as he appeared to do, then all you have to do is to mitigate his claim accordingly; and if that is the law in the Court of Claims, the law in all the courts of the United States acting between parties, why should it not be the law in a claim against the United States?

On the other hand, suppose the law ought to be that as we got coin we ought to pay coin, then I repeat what I said before that this bill allows the tribunal, it having complete jurisdiction over this subject, to render a judgment payable in coin if it thinks justice requires it to render such a judgment, because over the subject that is committed to it it has just as broad a jurisdiction as has any court over a subject committed to it, and we all know, as the Senator from Ohio does himself, that it is the settled law of this country now that any court in rendering judgment on a claim may declare, if in its judgment the contract or law requiring it, that it shall be paid in coin. That being the case there is no foundation for rejecting this report on the ground that we have not tied up the court in respect to how the account shall be stated, whether in coin or currency. That clause was struck out, not because the conferees of the Senate wished to disobey the vote of the Senate, but because the House would not submit to insert it; and we were endeavoring to reach the point that the Senator with me so strenuously strove for a year ago, and that was to do the very thing this bill now contains. Then the Senator agreed with me that we ought to make everything bend, as we did make everything bend, in offering to the House of Representatives to provide for these uninsured claimants, ship-owners, and sailors, and officers. A year ago when we did that neither the bill of the Senate nor the bill of the House contained anything on the subject of gold statement. Nobody thought that injustice was being perpetrated then; and I very much doubt, if we had not had a screed for a fortnight on the subject of gold, whether it would have entered ito anybody's head to make such a proposition. It was a sudden thought that came into the mind of the Senator from Ohio who sits nearest to me, [Mr. SHERMAN,] and who had had his head pretty full of gold and currency questions for the last few weeks before. Nobody ever thought before that there was any necessity for this proposition. It had a certain plausibility. It was agreed to by the Senate, but the House would not agree to it; and now the Senate recedes from that and leaves the tribunal, as we proposed a year ago, with a complete jurisdiction to do the very thing the Senator from Ohio wishes to have done if it thinks complete justice and equity require it.

Where, then, would be the justification for this body to postpone the payment of the claims that all parties on all sides, excepting a very small number in another place that I have no right to refer to on that point—that all just men I think of all parties agree that it is a shame we did not pay a year ago, on this hair-splitting about what possible construction somebody can put on the bill against the judgment of my friend and all other Senators here on the question of other claims and on dialectics upon the subject of how the account ought to be stated, when we leave it to the tribunal to state it as it thinks according to justice and equity it ought to be stated?

Why, Mr. President, it appears to me that we should occupy an attude that would not give us much pride to turn over to the world tomorrow morning the statement that we had refused to pay the uninsured ship-owner now that we had the opportunity; that we had refused to pay the poor sailor and the poor officer and the uninsured merchandise-man who have been waiting so long upon the ground that we thought some dishonest or misguided man a year hence might pretend that this law meant something which we say it does not mean or it was possible that this tribunal might not state an account in a way to do justice between all parties when they had the power to do it. I should say,

O, shame! where is thy blush?

Mr. President, there is no foundation for this opposition to this report if Senators are really in earnest in saying that they are willing to give relief to those to whom we ought to give it as they agree, without undertaking to defeat them, because we have not provided for somebody else now, whom Senators believe ought to be provided for. But then the Senator from Ohio says that there is provision about the compensation for attorneys. The Senator well understands the reason why that was put in, I have no doubt. That is to guard the large number of officers and sailors of these vessels and small interests in ships, small interests in merchandise, from the greed of attorneys, who take contingent fees and really swallow up the whole of a man's property in pretending to get it for him, whereas in all those cases where there is no dispute about the facts as we know, it is unnecessary that an attorney should have any fee at all or more than a small one. The party's evidence is in the hands of the State Department now; it is laid before the tribunal by this bill; and if the necessity for an attorney exists at all, it will be where the compensation ought to be almost nominal, because there is very little to do. It was to protect this class of our citizens, as we do now in all the pension cases and as we have for years by the universal acquiescence of both Houses of Congress, against the greed and extortion of that class of attorneys who are constantly preying upon the community, taking contingent fees and exaggerating the difficulties of getting through claims against the Government when there is no need of their services at all. I should have supposed that that would have commended itself to my friend, and so far I think from his remarks it did, but he thought that in large cases of large ship-owners they might be entitled to pay their attorneys what they choose. That might do if they were all of that class; but you cannot make one law for one and another for another. So on the whole I think that is a very wise and proper provision.

I am sorry, Mr. President, that I have taken up so much time as I have, because the gentlemen who have charge of this report are much more competent than I to discuss it.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the following bills:

A bill (S. No. 906) to relieve C. L. Stevenson, of Virginia, of his political disabilities;

A bill (S. No. 252) to remove the disabilities of John Julius Guthrie;

A bill (S. No. 313) to confirm the purchase of a portion of the site of Fort Houston, at Nashville, Tennessee, and to provide for the donation of the same to the Fisk University for educational purposes; also to confirm in the purchase of certain land at Fort Hamilton, New York; and

A bill (S. No. 325) to remove the political disabilities of Van R. Morgan, of Virginia.

The message also announced that the House had passed a bill (H. R. No. 3778) changing name and location of Pittsfield National Bank, Pittsfield, New Hampshire, to Second National Bank of Manchester, Hillsborough County, in said State; in which it requested the concurrence of the Senate.

EDUCATION REPORT.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives non-concurring in the amendment of the Senate to the concurrent resolution of the House for the printing of twenty thousand copies of the report of the Commissioner of Education.

The amendment of the Senate was to strike out all after the word "resolved" and insert:

That there be printed five thousand copies of the report of the Commissioner of Education for 1873; of which twenty-five hundred copies shall be for the use of the Commissioner, and twenty-five hundred copies shall be for sale at the cost of paper and press-work, with an addition of 10 per cent., by the Congressional Printer.

Mr. ANTHONY. I suggested when this matter was first presented to the Senate that it was so late that a conference committee was hardly necessary, that it might be better to take the judgment of the Senate upon the direct issue between the two Houses. The House of Representatives are very anxious to print a large number of this document. The Senate has not been in favor of printing so many.

The Senate proposed to print five thousand, twenty-five hundred for the use of the commissioners and twenty-five hundred for sale at cost and 10 per cent. added. The House wish to print twenty thousand for the Senate, the House, and the commissioners. I move, to take the sense of the Senate, that the Senate recede from its amendment, which will leave the order stand for printing twenty thousand. I understand that the post-office appropriation bill makes provision for sending these documents through the mails at a reasonable price.

The PRESIDENT *pro tempore*. The Senator from Rhode Island moves that the Senate recede from its amendment.

Mr. SHERMAN. I must object to the consideration of this matter until the Senator from Maine [Mr. MORRILL] is present, who is now engaged in committee of conference on the sundry civil appropriation bill I am told. As soon as the post-office appropriation bill is settled there will be no difficulty in passing on this question.

Mr. ANTHONY. Is there not another concurrent resolution on the table from the House?

The PRESIDENT *pro tempore*. Does the Senator wish to have this resolution laid aside?

Mr. ANTHONY. Yes, sir.

VIENNA EXPOSITION REPORTS.

The PRESIDENT *pro tempore* laid before the Senate the following concurrent resolution of the House of Representatives:

Resolved by the House of Representatives, (the Senate concurring,) That of the reports of the United States commissioners to the Vienna exposition there shall be printed, under the direction of the Secretary of State, four thousand copies for the House, two thousand copies for the Senate, and one thousand copies for the Secretary of State.

Mr. ANTHONY. These reports, if they are at all like the reports of the Paris exposition, are very valuable and should be printed. The reports of the Paris exposition are among the most valuable documents we have printed since I have been connected with that department of the public service, and I think they have paid back to the Government many times the cost of our representation at the exposition. I move that the Senate concur in the resolution.

The motion was agreed to.

CHANGE OF LOCATION OF A BANK.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. No. 930) to authorize the Farmers' National Bank of Greensburgh, Pennsylvania, to change its location and name.

The amendment was at the end of section 2 to add the following proviso:

Provided, That all expenses incident to the proposed change, including engraving, shall be borne and paid by said bank.

Mr. SCOTT. I move that the Senate concur in that amendment.

The motion was agreed to.

HOUSE BILLS REFERRED.

The bill (H. R. No. 3774) for the relief of the widow and children of General William Gates, United States Army, was read twice by its title, and referred to the Committee on Claims.

The bill (H. R. No. 3778) changing name and location of Pittsfield National Bank, Pittsfield, New Hampshire, to Second National Bank of Manchester, Hillsborough County, in said State, was read twice by its title, and referred to the Committee on Finance.

GENEVA AWARD.

The Senate resumed the consideration of the report of the committee of conference on the bill (S. No. 7) for the creation of a court for the adjudication and disposition of certain moneys received into the Treasury under an award made by the tribunal of arbitration constituted by virtue of the first article of the treaty concluded at Washington the 8th of May, A. D. 1871, between the United States of America and the Queen of Great Britain.

Mr. THURMAN. Mr. President, the answer of the Senator from Vermont [Mr. EDMUNDS] to the objection I have taken to this report because it strikes out the words "that the claims shall be stated on a gold basis, and paid in gold," is, I submit, no answer at all. It certainly is no answer to that to say that last winter when this bill was before this body no one had noticed the injustice that would result from the want of such a provision as that. I confess that it did not occur to me; it did not occur to the Senator from Vermont; it was not mentioned in the debate, long and earnest as that debate was; no one thought of it, but the moment my colleague suggested it at this session and moved his amendment it struck everybody almost as being not only a proper amendment, but as being a necessity, in order to do justice between the different claimants. Hence it was carried and carried I think by a very large majority of this body, and it ought never to have been abandoned. It is no answer at all to say that the necessity for that was not discovered beforehand. Why, sir, bills have sometimes passed this body—and we can recollect some notable instances too—in which the effect of the bill was directly the opposite to that which was intended by its promoter, and nobody ever yet thought that it was a subject of censure or a matter of logical argument to say, "You did not object at the time," when the truth was that the person spoken to did not discover the defect in the bill.

Now, one thing is perfectly certain: if you would do justice between these different claimants you must have one uniform standard by which to measure their losses. Nothing can be clearer than that. You must have a uniform standard. The Senator from Vermont says that the court may do justice according to the equity of each case. The court cannot do justice according to the equity of each case unless it does in every case value the property by the same standard. It is a simple impossibility. You might as well say that it could do justice by having a different yard-stick or a different ton-weight for each measurement of each particular vessel that was lost or destroyed. You must have one standard to which all claims are to be referred, or relatively between the different claimants some men will be paid too much and others will not get their share. Now, what standard can you have? In the very nature of things it is impossible that you can have any other standard than gold. You cannot have greenbacks as the standard. They were fluctuating during the time these depredations took place from 5 to 10 per cent. a day, and ran down until ultimately gold was 280 and greenbacks therefore were worth only thirty-two or three cents on the dollar. That was the state at the time that some of these losses occurred.

Now, says the Senator from Vermont, contracts were made payable in greenbacks, and the courts enforce them, and the judgments are paid in greenbacks now, years afterward. That is not an analogous case to this. These vessels were lost on the high seas. They were lost far off. They were lost where greenbacks were not then used. It is not like the case of an injury or a contract happening here upon land, where payment of the damages is made every day. It is a case where the loss takes place at a distance, not a subject of a contract at all, but the subject of damages which have been paid to us.

That being the case, what are we to do? Are we not to do equity between these people relatively? Are we not to award to each one of them such an amount for his loss as will do him no injustice and do no injustice to anybody else? Are we to adopt a standard which will enable one man to get twice as much as another, when the property lost by each was of precisely the same value? That is what must inevitably result if you do not adopt some uniform standard; and, as I said before, there can be no uniform standard but that of gold.

This matter was overlooked before. It is not so much a question about mere payment in gold now, but it is for the other reason which I spoke of before; it is because you cannot do justice between these different claimants unless you measure their claims by the same yard-stick, unless you try their losses by the same standard, and you cannot do that unless you value them in gold.

Again, I do say, and the argument is perfectly irresistible and it has not been answered at all, that the Geneva tribunal must have computed these losses in gold, must have considered that it did so. It never intended to compute them in a currency worth but seventy-five or fifty cents in the dollar at the time the losses occurred, and then make Great Britain pay for them in gold. It was guilty of no such absurdity as that. The treaty provided for payment in gold, and the award being in gold, it is utterly impossible that those sensible and able men should ever have computed them in any other medium than gold. Then, as they allowed interest, they must have gone on the hypothesis that these losses at the time they occurred were represented by such an amount in gold. Upon no other hypothesis can their award be explained. It would be perfectly absurd to say that they awarded in gold unless they estimated the losses in gold. Then, the tribunal having gone upon that ground, it necessarily follows that we should go upon the same ground in the distribution of this money, that we should find out by the unvarying standard what was the amount of each man's loss at the time that loss occurred. That is necessary in order to do justice between the different claimants.

But, sir, in respect to the other view which I presented of this subject, the Senator from Vermont has not vouchsafed any answer at all. I put it once more to the Senate, is it honest in us to receive payment in gold and then put off these men with a currency worth but eighty-five cents on the dollar? Is that honest? The Senator talks about these poor sailors and the like. I have as much sympathy for them as he has; but I am not very much accustomed to make professions of sympathy. Is it honest to them, when the amount of their losses has been paid for by Great Britain in gold, that we shall take fifteen cents out of every dollar of the amount to which they are entitled? For that is the result of this bill if you pass it. It will not do to say that the commission here may award the money in gold. They will not dare do it if Congress strikes out these words, for it will be said at once that, these words being stricken out by Congress, it is the deliberate judgment of Congress that these damages must not be paid in gold.

Mr. EDMUNDS. That is not a fair argument.

Mr. THURMAN. Again, the Senator from Vermont treats my objection to this section in regard to insurance companies and the words "other claims" as if it was a mere hair-splitting, and he was pleased almost to insinuate that my motives could not have been exactly right in opposing the conference report. I am glad to see that he shakes his head; but one thing I will say——

Mr. EDMUNDS. I shook my head on that point when the Senator was speaking; but I told him before that I knew the reverse was true, that the Senator could not have such a motive.

Mr. THURMAN. I am very sorry to say, although I would rather it was that, that the Senator has paid a very poor compliment to my understanding, (and I would rather he should underrate that than un-

derrate my morality,) because he said that if I had been engaged in parliamentary tactics to defeat an honest measure, I would have pursued precisely the same course that I have, or words to that effect. Well, Mr. President, he says now that I have very honest motives, and yet I am pursuing exactly the course that a dishonest man would to defeat a bill by parliamentary tactics. That is very much the same as saying that the Senator from Ohio is little better than a fool. I cannot agree to either one or the other. I know that I am not a judge in my own case; but really I will not give a *cognovit* to confess judgment that I am a fit subject for a lunatic asylum, and I certainly will not that I am a fit subject for the penitentiary.

I do not know that I wish to say anything more on this subject. I have no feeling in this matter in the world and can have none other than that what I believe to be the law of my land and the honor of my country shall be obeyed and preserved.

Mr. WRIGHT. Mr. President, as a member of the committee of conference, having agreed to this report, I desire the attention of the Senate for a very few minutes.

Three objections are made to the report as I understand. After stating the first and second, the Senator from Ohio concludes what he has to say in the way of objections to the report by a third point that I will refer to first. The third point is that by the terms of this report the commission or court is to determine what compensation shall be allowed counsel for prosecuting these claims; and so it turns out that after two years of effort to settle this question and pay to honest men, men who are entitled to it, this money, we are to defeat this report because of this third point. It was a question with the committee in the Senate as in the House, a question before the Senate as before the House, whether it were better to leave all these claimants to the contracts and agreements that might be made between them and counsel with reference to the numberless cases that may be brought before this tribunal, or whether it were better that the power should be given to the commission to settle and determine the compensation to counsel in each case. In view of the numberless small cases of claims in favor of seamen and small demands of different natures that might arise, it was finally determined that the better way was to leave this question to the court and let the court in each individual case settle what should be the compensation. In this way fair justice will be done to claimants and unquestionable fair justice to counsel.

The second point mentioned is that we have omitted from this bill the provision inserted by the Senate that the judgment should have reference to the amount of the loss in gold coin at the time of the loss; and it is said that good faith on the part of the Government, that that honor which we should observe as a Government and we here as representatives of the Government, demands that having received gold we should pay gold. I submit that there is nothing in this bill which prevents the tribunal from taking everything of this kind into consideration and squaring its judgment accordingly. I submit that it would be most anomalous if in providing for the erection of a tribunal to determine with reference to any claims against the Government or between individuals or the payment of any demand, we should provide that the judgment should be in gold. The judgment is that of the law. The tribunal when it has determined what shall be allowed takes into consideration all the circumstances at the time the loss occurred and squares its judgment accordingly and renders its award accordingly; and when it comes to render its award, will any person tell me what line there is in this report that prevents the tribunal from taking into consideration what was the value of the loss of the person at the time it occurred? The language is that the tribunal is to decide according to law on the merits of each case. I say it is a most unheard-of thing in legislation to provide by law that the judgment shall be paid in coin.

You say that this is a strict trust; that we took the money as gold and should pay it out as gold. I say that I do not recognize it as a strict trust; but whether it be so or not, the money is there; we received gold; the tribunal determines under all the circumstances what each man shall receive considering what gold was at the time and considering what is right now and the interest that is to be allowed.

But one point remains, and that is that this report does not go far enough, or it is ambiguous in its terms. This is to me most extraordinary and amazing. This Government received this money; the award was made two years ago. At the last session of Congress both Houses passed a bill on this subject. It was referred to a committee of conference and they were unable to agree, and thus it occurred that claimants who were entitled to from three to five or seven million dollars of this award were delayed in the receipt of what every person acknowledged ought to have been paid to them at that time. The matter passed over; and now we are in the expiring hours of this session, after more than a year has expired from the time the former committee was unable to agree. Every member of both Houses of Congress I understand agrees that with reference to certain losses there ought to be payment. We do not agree as to whether there ought to be payment beyond these. The Senator from Ohio and every member of the Judiciary Committee agreed that with reference to certain losses there ought to be payment. Now when we had agreed as to certain losses which ought to be paid, one question was whether the door should be closed and no others paid. Another question was whether we should pay those we all agreed ought to be paid and as to all other claims leave the matter open to subsequent legislation. By the bill that passed the Senate it was provided that what remained after paying these claims which we all agreed should be paid should be covered into the Treasury. Now it is provided that the claims which we all agree shall be paid being provided for, then the fund shall be still left open for other claims. Now, we all agree that with reference to other claims there is no conclusion, there is nothing settled. Every member of the conference committee and every member of the Judiciary Committee agrees in this; and the question that is now submitted to the Senate is this: Every man knows that good faith demands that we should pay these men; every member of the Senate and House knows that honesty demands that we should pay these men; every person knows that they have been delayed already too long in the payment of this debt; and now the Senate is to determine at this time in the session whether we will provide for the payment of honest debts that we all agree upon and leave the question open for subsequent legislation in reference to claims that can then be presented and be provided for by subsequent legislation. I say it will be a disgrace to the American Congress, it is a disgrace to the American name when we have agreed with reference to these honest men who ought to be paid, when there is no question but that they ought to be paid, if we adjourn this Congress and leave the question open because we cannot agree with reference to other claims and when there is nothing in the bill with reference to such other claims.

I therefore appeal to the Senate, in view of the good name of the nation, in view of the length of time that has elapsed since we received this money, in view of what is just and fair to honest men who have been kept out of their claims, not to hesitate in the discharge of our duty because we cannot agree in regard to some other matters that are unimportant as compared to the rights of the men who come here and have been begging us to discharge the trust that honestly devolves upon us and I insist has been delayed too long. Now, if we adjourn, it is delayed another year, and again it will be a reproach to the nation as it has been since we had this money in our hands.

Mr. MORTON. Mr. President, it occurs to me that so far as the question of the assessment of damages, whether in gold or greenbacks, as made by the Senator from Ohio is concerned, it is not important. I do not think that there can be a fairer question to be left to be determined by this commission, after full argument and consideration, than the question as to how these damages shall be computed, whether in gold or in United States notes; and upon that point I see no difficulty. It is a question of law settled by general principles of law as to what shall be the principle upon which these damages shall be computed; and so far as that is concerned there is no objection to this report, in my judgment.

But this report is to me unsatisfactory in some other particulars. First, it is unsatisfactory because it settles but one question out of many, according to the construction given to it by the Senator from New Jersey, by the Senator from Vermont, and by the Senator from Ohio. It leaves many questions, and the most difficult questions of all, open for future difficulty and wrangling; and according to the construction they all agree in giving to this report it is an invitation to open all these questions next winter. The bill provides that the insurance companies shall not be paid except where their losses exceed their profits, taking their whole business into consideration during the war. If on the whole they have lost more than they have made, then they shall be paid for that loss over and above their profits. That is the express provision of the bill; and in the absence of the construction given it by the Senators, I should have said that the phrase here "other claims" does not include the insurance companies because the claim of the insurance companies is adjudicated upon; it is mentioned; it is defined; it is said what they shall have and what they shall not have. But there are claims that have been put forward, for instance war premiums and others which have been mentioned, which are not excluded by the terms of the bill, are not adjudicated upon, and I should say in my simplicity reading this report, if it had not been for the construction given it by the authors of it, that the words "other claims" do not include the insurance companies at all, and that this bill would be regarded as a settlement of the questions so far as the insurance companies are concerned. But as these Senators all agree that this phrase "other claims" does include the claim of the insurance companies that is adjudicated upon in the bill nothing is settled, and we shall have these claims back here by express invitation under this report next winter.

Mr. President, when we consider the limited character of the claims that are allowed under this bill we may fairly conclude that when all are paid that are authorized to be paid under this bill, not more than one-half of this fund will be exhausted. I doubt whether one-half of it will be exhausted.

Mr. THURMAN. Not near one-half.

Mr. MORTON. There will at least be one-half left for future struggle and contest in Congress, to which the insurance companies are also invited, and I now make the prediction that the insurance companies will yet get that money. My friend from Ohio need not have any uneasiness. They concur in giving this report a construction that the whole insurance question is left open. They are invited to come back and look after the balance of this fund. We know their strength; we know their pertinacity; and I now make the prediction here to-night—I may not live to see it realized—that the insurance companies

will yet get the balance of the fund. I should very much have preferred that this bill should have settled the whole question and that we should have been done with it; but it is so framed according to the construction given to it by its authors that it settles nothing and we are to have it all over session after session until this fund has been exhausted.

Mr. BAYARD. Mr. President, I do not desire to prolong this debate, but I cannot forbear to add my strong expressions of dissent to the report which has been submitted to the Senate.

Last October the government of Great Britain paid $15,500,000 in gold, or its equivalent in bonds of the United States, into the Federal Treasury. In the first place, let me remark, it was paid in gold or its equivalent, paid in gold-bearing bonds of the United States worth gold at par and by the assent of the United States accepted as the equivalent of gold coin. There is a perfect simplicity in the transaction that shall direct the payment of the money over to those to whom it is justly due, precisely in the same coin and in the same description of money as we received it.

I was amazed that the Senator from Vermont should talk of the fluctuations in gold between the time when these losses by the depredations of the southern cruisers occurred, and the present day. Sir, gold has not fluctuated. It was a standard then and is to-day; and as we received this money in gold, as the value of the losses sustained was estimated in gold, if we pay in gold there will not be the slightest difficulty upon the subject. If this method of distribution had but the one merit of simplicity, it would have enough to commend it to the Senate; but when you add to that that when you depart from the gold basis and take the basis of paper, you subject claimants to gross injustice, because the men who suffered in 1863 lost a very different amount as to paper money compared with those who lost in 1862 or 1864. Therefore I say that if the principle upon which I conceive this money was received by the Government of the United States and under which alone honestly and honorably it can be disbursed is to be considered and respected, we will pay these claimants, our own citizens, precisely in the same money that we received the amount for them in. By doing so all calculation will be rendered unnecessary and the simplicity will accord with the honor and justice of the transaction.

But, Mr. President, passing away from the question of how they shall be paid, whether in gold or in paper, let us consider what this fund was. Was it money paid into the Treasury of the United States as due to the nation? Was it due to the people of the United States as a people? All I can say is that if that proposition had been made Great Britain would have gone to war before she would have paid you one cent, and no man within the sound of my voice can doubt it. Your indirect claims, as they were termed, embraced the only claims of a national character; these claims were not of a national character, they were the claims of individual citizens for their individual losses incurred by reason of the infraction of the neutrality laws of Great Britain by certain persons under her jurisdiction. This is no national claim. It seems to me that when these propositions are stated, and when they are admitted, everything is ended in regard to a proper distribution of this fund. This money has no place in the national Treasury except as a resting place between it and the hand of the American citizen who is to receive it.

Sir, if any portion of this money, which is now denied to those insurance companies in whose name it has been claimed, shall remain after the satisfaction of their claims, it is the property of Great Britain and not of the United States, and self-respect and propriety will compel us to carry out the treaty stipulation and pay it back. I do not propose to reiterate the legal argument now. It has been made more ably than I can state it. It has not been answered or pretended to be answered by any gentleman to my hearing in the Senate that the rights of the man who insured another are quite equal in law to those of the man who insured himself. The United States presented both these classes of claims, and upon the basis of each the money was equally allowed. The contract of insurance is a legitimate contract; it is an honest contract; it is upheld by law; it is sustained by morals; it has every foundation in equity. Why, then, is it that in an act of this kind, for the first time in the history of our adjudications, we should propose to stamp the contract of insurance as unlawful, as unwarrantable, and compel men to submit to different terms in regard to payment of their subrogated claims than we impose upon others whose claims are made in their own right? It is a plain, simple fact that the American people can consider.

These vessels were destroyed. By an alteration and an amendment of the law Great Britain said that she would pay for them, and has paid for them. In some of the cases they were insured, in other cases they were not. You agreed to pay the owner in the one case and you refuse to pay the man who paid him for his losses under a contract of insurance in the other. This principle is entirely familiar in our courts; it is beyond contradiction or the possibility of contradiction, that a man who insures another upon a lawful voyage and then upon the occasion of loss has paid the other the amount of his insurance stands directly in his shoes with all the rights, legal and equitable, which his insured had at the time of the loss. There is no gainsaying these propositions; but here for the first time the attempt is made to stamp the contract of insurance as illegal, as impolitic, as not to be favored by law. Mr. President, the contract is directly the reverse. The contract of insurance is legal, and is in every respect to be encouraged and to be protected by law. Such contracts ever have been protected by law; and if the Government of the United States, with the view of diverting or perverting this fund from the plain course which an execution of their trust would lead them to make it follow, they do this at the cost of the law as set forth by their own highest tribunals, and I fear they will do it at the cost of the respect of every respectable nation of the world. I would not desire to see my Government stand in that attitude. It never shall stand so with my consent. The proposition is too plain, too self-evident; it needs no elaboration to prove that this is an attempt to escape from principles of law well ascertained and which are now denied for the first time in the history of our legislation.

But, Mr. President, look at one thing else. Here is a round sum of $15,500,000 in gold. It lies here for disbursement to its true owners, who are citizens of the United States. Whether they be the women and the men and the children who may own stock in our insurance companies, or whether they be merchants who own vessels themselves, or whether they be rich or poor, holding much or little of these claims, it matters not. It was our pride and our boast that all stood equal before the law, and here now it is proposed to change that equality, and for some reason, for which no just argument has yet been offered, we are to deny these men rights never heretofore denied. But here is a sum of $15,500,000. The bill as originally introduced proposed that these claims should be passed upon, excluding the insurance companies who did not prove by bringing their books into court that they had lost more money than they had gained during the continuance of the war premiums. The bill provided further that after these judgments were ascertained by the commission appointed for that ascertainment, the Secretary of the Treasury should retain in the Treasury 5 per cent. of the amount of all these judgments, and then, further, that after all these judgments had been ascertained and the amount retained, the Secretary of the Treasury should distribute in ratable proportions among the parties in whose favor the judgments were rendered such moneys as had been so received into the Treasury, so that the distribution should be a ratable distribution.

See, now, the absurdity of the present bill. You propose to distribute part of the award, which is variously estimated at from five to seven and a half or ten millions, and you propose to make a ratable distribution under the law of all the judgments. Here you have a report that proposes to pay out say $10,000,000, and to pay it in full. Now mark the sequel. You will have paid $10,000,000, part of these claims, in full. Suppose hereafter, as justly it well may be, the claims now rejected by you shall be considered and approved by a future Congress, and the fund of $15,000,000, reduced by your present bill to $5,000,000, shall be insufficient to pay that award, then what becomes of your ratable proportion? You have paid the present claims in full; you will not have the fund to pay the remainder in full. Will you undertake, in the face of moneys paid to you in trust for a legal and equitable and just distribution *pro rata* among these claimants, to throw the dimunition upon those whom you have now excluded when you have paid others in full? Why, sir, it is not only rank injustice, but it is absurdity for a trustee so to act.

What is the rule in regard to distribution of any trust fund? Take the ordinary case of an assignment in bankruptcy. Take the case of any other trust fund to be distributed. You must know what are the claims that are upon it. Let the Congress of the United States sit in equity as they should in this case; all the parties must come before you; their claims must all be known; the distribution must be according to your law, ratably made; and how can you pretend to make a ratable distribution when you start out by paying a portion of your claims in full? Is this the way to deal? Would a man be suffered to deal in this way with a fund if he were a private trustee? Certainly not. There is not a court of equity in the land but would arrest such a proceeding, and tell him that if he sought to distribute moneys in this way he must do it at his own risk. All the parties must be before the court; all the rights must be adjudicated upon before you can undertake to say what each shall be entitled to.

Therefore I say this report is a "most lame and impotent conclusion" after the care that has been given to this bill. It does propose to pay a part of these claims in full, and that very payment will deprive you of the power to pay other claims which may be hereafter adjudicated upon and the consideration of which you entirely postpone for some reason or other unknown to me. But, Mr. President, let them be paid in full or not, if it be the purpose of the Senate to change and pervert the character of the United States on which they have received this money, if they choose to strain the public faith by calling this a public fund, it may be done, but it will not be done without my vote being recorded against it, as now my remarks are uttered by way of protest.

It is perfectly clear to me that not one cent of this money, and no man who hears me can deny it, would ever have reached the Treasury of the United States if you had told the government of Great Britain that she paid it to you as a nation and as a people for your own use. Every Senator who hears me knows that every claim of a national nature was discarded by the arbitration, as it was denied by the government of Great Britain. We consented to abide by that arbitration; and, Senators, is it honest, is it honorable, for you and for me in this body to change the character of that fund, to declare that to be a fund paid for national purposes which was paid only for individ-

ual purposes, to reimburse an enumerated, nominated class of people? They are there; their names are all before you; there is no difficulty in discovering them; you will find them all there, and the question is whether you now shall undertake to treat any of this money as otherwise than the property of your individual citizens, in whose name you asked it, for whose sake the public law of nations was altered by Great Britain in order to have it paid, and who never paid you one cent or one dollar as a national contribution to your national losses.

Mr. President, it cannot be. The amount of money is important to those who have lost it. I am anxious to see it reach their hands. I believe the claim of the insurer is just as honest in law and as sound in morals as the claim of the sailor, the merchant, or the owner of merchandise himself. All this is so, and I do not think we can without injustice to our own people exclude those who have saved others their money under the contract of insurance. But of one thing I am certain, that the money either belongs to the men in whose name we claim it, or it belongs to the nation who paid it to us. We can have no profit as a nation in this business. That was denied. The national claims were excluded. The Government of the United States signed the stipulation of submission to the arbitration that did exclude them. And now if this country shall by indirection make a profit from that fund, it will be at the cost of the honor of the Government of the United States, and that shall never be by my assistance, by my vote, and without my earnest protest, which I here make, against its being accomplished.

Mr. FRELINGHUYSEN. I rise to say a few words, and I will not detain the Senate from a vote for three minutes.

The complaint against this report is, originating with the Senator from Ohio and those who have believed that the insurers ought to be paid, that we have not made provision for paying the insurance companies, those who met with no loss. I have simply to say that the conference committee had no more power to provide for the payment of the insurance companies than they had to provide for the payment of the debt of Great Britain. This House had voted that they were not to be paid. The House of Representatives had voted that they were not to be paid. What possible power had a committee of conference of the two Houses to send you a report that they should be paid? It is the veriest absurdity in argument that I ever heard presented. We have done all we could do to protect the rights of the insurance companies for the future, if they have any. We have gone further than the bill passed by the Senate went, in providing that this fund shall remain subject to all claims that Congress may hereafter make against it; and it ill becomes the advocates of the insurance claims to complain against this report.

The Senator from Delaware says that we pay the claims here included in full and then provide for a *pro rata*. Did not the Senate of the United States agree to pay these in full? Have we made provision by this report for the payment of any others than the Senate voted should be paid and the House also? And if it is a "lame and impotent" report, to use the courteous language of the Senator from Delaware, that limping and that impotence was in the Senate of the United States, and not in the committee. We have paid those that the Senate said should be paid, and no others.

Then there is a complaint made about gold payment, that the Government of the United States is going to play some shabby trick. It makes no kind of difference whether the payment is made in gold or whether it is made in currency. The Government of the United States will pay all that is in the Treasury of this fund, whether it pay it in gold or in currency. And as to the idea that injustice will be done, inequality, as the Senator from Ohio says, paying one set of creditors in gold and another in currency, I say there is not a surrogate in Ohio, there is not an administrator in that vast State who would administer an estate paying according to a different rule; and I take it that the five judges that this bill provides for have sufficient intelligence, when they are directed to distribute this fund according to the principles of law and the merits of the case, to exercise the ordinary intelligence of administrators in the country.

One class of Senators object to this report because we exclude the insurance companies; that is the point of the Senator from Ohio and the Senator from Delaware; but the Senator from Indiana objects to the report because we do not exclude them. What we have done is to say that these honest men who every Senator and every member of the House agrees ought to be paid shall be paid, and that the fund shall be consecrated and sacred to such claims as Congress shall hereafter authorize against it, and I cannot see how any one can give a vote against that report without, according to my view, violating the principles of ordinary honesty.

The PRESIDING OFFICER, (Mr. CLAYTON in the chair.) The question is will the Senate agree to the report of the committee of conference.

Mr. BAYARD and Mr. THURMAN called for the yeas and nays.

The yeas and nays were ordered.

Mr. THURMAN. The Senator from Vermont [Mr. EDMUNDS] and myself are paired. If present he would vote "yea" and I should vote "nay."

The question being taken by yeas and nays, resulted—yeas 38, nays 17; as follows.

YEAS—Messrs. Allison, Anthony, Boreman, Boutwell, Buckingham, Carpenter Chandler, Clayton, Conover, Ferry of Michigan, Flanagan, Frelinghuysen, Hamilton of Texas, Hamlin, Harvey, Hitchcock, Howe, Ingalls, Jones, Kelly, Logan, Mitchell, Morrill of Maine, Morton, Patterson, Pease, Pratt, Ramsey, Robertson, Sargent, Scott, Sprague, Stewart, Wadleigh, Washburn, West, Windom, and Wright—38.

NAYS—Messrs. Bayard, Bogy, Cooper, Davis, Dennis, Fenton, Goldthwaite, Gordon, Hager, Merrimon, Norwood, Ransom, Saulsbury, Schurz, Stevenson, Stockton, and Tipton—17.

ABSENT—Messrs. Alcorn, Brownlow, Cameron, Conkling, Cragin, Dorsey, Edmunds, Ferry of Connecticut, Gilbert, Hamilton of Maryland, Johnston, Lewis, McCreery, Morrill of Vermont, Oglesby, Sherman, Spencer, and Thurman—18.

So the report was concurred in.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON its Clerk, announced that the House had passed the bill (S. No. 436) for the relief of Lieutenant John Shelton.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. No. 2884) granting the right of way through the public lands to the Arkansas Valley Railway Company;

A bill (H. R. No. 2897) authorizing the President to appoint George Henry Preble, now a captain on the active list of the Navy, to be commodore;

A bill (H. R. No. 3506) for the relief of William Tod Helmuth, of New York; and

A bill (H. R. No. 3773) to further define and enlarge the powers and duties of the board of health of the District of Columbia.

TAX AND TARIFF BILL.

Mr. SHERMAN. The committee of conference on the disagreeing votes of the two Houses on the amendments to the tariff bill have agreed to a report, which I send to the Chair.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments to the bill (H. R. No. 3572) "to amend existing customs and internal-revenue laws, and for other purposes," having met, after full and free conference have agreed to recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 32, and 36; and agree to the same.

That the Senate recede from its amendment numbered 31.

That the House recede from its disagreement to the fifth amendment of the Senate, and agree to the same with an amendment as follows: Insert in lieu of the words proposed to be stricken out the words: "*Provided also*, That there shall be an allowance of 5 per cent., and no more, on all effervescing wines, liquors, cordials, and distilled spirits in bottles, to be deducted from the invoice quantity in lieu of breakage;" and the Senate agree to the same.

That the House recede from its disagreement to the thirty-third amendment of the Senate, and agree to the same with an amendment as follows: In lieu of "23," (the number of the section,) proposed to be inserted, insert "24;" and the Senate agree to the same.

That the House recede from its disagreement to the thirty-fourth amendment of the Senate, and agree to the same with an amendment as follows: In lieu of "24," (the number of the section,) proposed to be inserted, insert "25;" and the Senate agree to the same.

That the House recede from its disagreement to the thirty-fifth amendment of the Senate, and agree to the same with an amendment as follows: In lieu of "25," (the number of the section,) proposed to be inserted, insert "26;" and the Senate agree to the same.

They further recommend that in section 7, page 5, line 21, after the word "returned," the word "empty" be inserted.

JOHN SHERMAN,
JUSTIN S. MORRILL,
T. F. BAYARD,
Managers on the part of the Senate.
H. L. DAWES,
WM. D. KELLEY,
Managers on the part of the House.

The report was concurred in.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLINTON LLOYD, its Chief Clerk, announced that the House had passed a resolution to extend the present session to 4 o'clock p. m. of Tuesday, the 23d day of June.

FINAL ADJOURNMENT.

Mr. SHERMAN. I hope that resolution will be laid before the Senate at once.

The President *pro tempore* laid before the Senate the following concurrent resolution of the House of Representatives:

Resolved, (*the Senate concurring,*) That the present session of the Forty-Third Congress be extended until 4 o'clock p. m. of Tuesday, the 23d day of June instant, at which hour the President of the Senate and the Speaker of the House of Representatives shall be authorized to close the same by adjourning their respective Houses without day.

Mr. SHERMAN. I move that the resolution be concurred in.

The motion was agreed to.

HOUR OF MEETING.

Mr. HAMLIN. By consent of the Senate, I hope I may be allowed to make a motion that when the Senate adjourns to-day it adjourn to meet at ten o'clock to-morrow morning.

The motion was agreed to.

RIVER AND HARBOR BILL.

Mr. CHANDLER submitted the following report, which was read:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 3168) making appropriations for the

repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend, to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 24, 29, and 45.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 5, 6, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 22, 23, 25, 26, 27, 28, 31, 33, 34, 35, 36, 37, 39, 40, 41, 42, 43, 44, 46, 47, 48, and 49; and agree to the same.

That the Senate recede from its amendment numbered 4, and substitute the following words: "For the improvement of the harbor at Erie, Pennsylvania, $20,000;" and the House agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: Strike out the words "two hundred" and insert the words "one hundred and fifty" in lieu thereof; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment as follows: Strike out the words "seventy-five" and insert the word "fifty" in lieu thereof; and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 21, and agree to the same with an amendment as follows: Strike out the words "two hundred" and insert "one hundred and fifty" in lieu thereof; and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 30, and agree to the same with an amendment as follows: Strike out the words "according to the plans reported by the Government engineers;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 32, and agree to the same with an amendment as follows: After the words "two hundred thousand dollars" insert "or so much thereof as may be necessary;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 38, and agree to the same with an amendment as follows: After the word "and" insert "$10,000 is hereby appropriated for the improvement of;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 50 and agree to the same with an amendment, as follows: strike out the word "three" and insert "one" in lieu thereof; also strike out the word "fifty" and insert the word "twenty-five" in lieu thereof; and the Senate agree to the same.

Z. CHANDLER,
WM. A. BUCKINGHAM,
GEO. R. DENNIS,
Managers on the part of the Senate.
PHILETUS SAWYER,
RICHARD C. PARSONS,
ERASTUS WELLS,
Managers on the part of the House.

Mr. DAVIS. I should like to ask the Senator from Michigan who has charge of this bill a question. What change, if any, is made in the surveys ordered by the bill?

Mr. CHANDLER. Not any.

Mr. DAVIS. It appears to me from the reading of the report that there is some change made in the surveys mentioned in the report of the Transportation Committee.

Mr. CHANDLER. No, sir. There was a change made in regard to a survey at a bar in Texas, which did not require a survey. Ten thousand dollars is appropriated to continue the improvement of Red Fish Bar instead of putting it in for a survey. The commission for the survey of the mouth of the Mississippi River is changed to three Army engineers, one officer of the Coast Survey, and one from civil life.

Mr. DAVIS. Do I understand from the Senator that no survey that was ordered in the original bill as passed by the Senate is disturbed?

Mr. CHANDLER. Not one.

Mr. WEST. The Senator from Michigan has replied to the question of the Senator from West Virginia to the effect that the only change that has been made in the surveys recommended by the Senate Committee on Transportation was a change of the organization of the board as recommended by that committee. Stated as it was——

Mr. CHANDLER. Will the Senator pardon me while I correct an error I made? The board is two Army engineers, two from the Coast Survey, and one a civilian.

Mr. WEST. Stated as it was, this looked like a very unimportant change, a change of the word "three" to "one;" and yet the result is to change entirely the conclusion at which the Senate Committee on Transportation unanimously arrived after devoting the whole session to the consideration of the subject intrusted to them, and more particularly the conclusion they came to as to what was advisable to do in connection with the proposed improvement at the mouth of the Mississippi River. It looks like a very trivial matter; but the consequence of it is that the labors of a committee of this body, composed of nine of your members, reporting unanimously on one subject have been neutralized in a moment by three members of a committee who have never paid any attention to the subject whatever. That is the result, and that is a result that I think the Committee on Transportation and I hope the Senate will not submit to.

We have had the perplexity of the obstruction of the mouth of the Mississippi River before Congress for years. We have had the Engineer Department of the Army scratching at it for thirty-five years, and we have had but eighteen feet of water at the utmost there for the last twelve months, and every attempt that has ever been made to induce the Corps of Engineers of the Army to listen to the recommendations made by the ablest civil engineers in the country has been resisted with an obduracy that is beyond belief. I state it here from my own knowledge that the Chief of Engineers has refused to allow any civil engineer to approach him who differed with him in opinion. I know it. I have made the attempt myself to get the Chief of Engineers to consult with engineers of equal ability in civil life.

The consequence is that if you adopt the report of this conference committee you confine again the consideration of this subject that has vexed and agitated the whole community of the West for years to the same sources of information, to the same prejudices that have hitherto prevented the removal of these obstructions. I will only say that much. Other Senators who will follow me will call your attention to the desirability of invoking the aid of civilians throughout the country that something may be done to relieve the mouth of the Mississippi River from these obstructions. Pass this bill as it stands now; agree to this report; and again you will have an ineffective and imperfect report come before you here, similar to the last that has excited nothing but the ridicule of the Committee on Transportation. Take the report of the board of engineers on the question of opening the mouth of the Mississippi River, full of inconsistencies, full of improbabilities, contradictory in every respect, and we are called upon once more to go back to that board and submit to what? Submit to the locking up of your grain in the vast productive regions of the West just because this board is not willing to yield a moment to be enlightened by others quite equal to them. What has the Committee on Transportation done? It patiently and deliberately considered this subject the whole winter, disagreed with the House in the recommendation to pass the canal bill, consulted as to the best character of a board that could be organized, recommended it here to you unanimously as their conclusion; and a committee of conference who have paid no attention to the matter at all—speaking with all due deference to them in their ability to scrutinize this matter in the brief period that was allotted to them—come in here and wipe this board away and tell us we must go back again to the obstructionists who are a greater obstruction to the mouth of the Mississippi than all the mud and the bars there.

Sir, I hope the Senate will see the propriety of allowing this board to stand as the Committee on Transportation unanimously recommended it. I ask how should it stand? What was the recommendation of the committee? Two engineers of the Army and two members of the Coast Survey, bringing into the organization of that board a new element, an element concerned in the maritime approaches of an outlet to the Mississippi River, the consideration of which has never been attempted by any board of engineers. They have only thought whether it was practicable to open the mouth of the Mississippi that way, and they never asked whether it was practicable to get to the mouth of the Mississippi after you did open it. Two members of the Coast Survey were provided for, that with their experience of maritime movements they might understand how vessels could approach the mouth if it was open, and then three civilian engineers to be appointed by the President, so that we might call into requisition whatever engineering ability the country possessed outside of the Army.

I ask Senators are they willing to say that there is nobody in this country to judge of how obstructions ought to be removed from the mouth of the Mississippi River except the engineers of the Army? And if they come to that conclusion, it is inevitable we shall have thirty-five years more of scratching and obstruction. I cannot conceive it possible that this Senate will, on the recommendation of a committee of conference who have given two hours' consideration to this subject, set at naught the whole labors of the Committee on Transportation with reference to that particular subject. I do not think it ought to be done. Perhaps the gentlemen of the committee can give us some good reason why it should be done, but I do not think we ought to ostracize whatever ability the country may possess in the walks of civil life and confine those investigations entirely to the Army. I do not believe in it, because my experience is that the engineers of the Army have failed every time they have essayed to keep the mouth of that river open; and are we to be committed once more to their mercy, year after year?

Mr. BUCKINGHAM. If this question had been submitted to the Committee on Transportation you would undoubtedly have had a very different report, but it was not submitted to them. It is a question which was submitted to the members of this committee of conference and they have had it under consideration and given it such consideration as their time would permit. The committee of conference have not been willing to underrate the value of the engineers of the Army; and they have a high estimate of the ability of men engaged in the Coast Survey, and fully appreciate the importance of having both classes of engineers engaged in this survey. But I may say that the question in the committee was whether we should increase this commission from the Army, whether we should increase that part of the commission which is so objectionable to the Committee on Transportation, or whether we should make the report which the committee has submitted. It was a question of compromise with the committee as it now stands, and it seems to me it is a compromise which does not discredit the Army engineers or the engineers connected with the Coast Survey; nor does it set aside, as the Committee on Transportation would intimate, the talent of civil engineers.

There is another thing connected with it also. It was the judgment of the committee of conference that five members of this commission were abundantly able to make such investigations and surveys as were necessary between now and December next. It did not appear to be important to the committee of conference to whom this question was referred that we should have a larger number. These are the reasons why we have struck two from the number proposed of the civil engineers and left the two standing from the Army and two from the Coast Survey.

Mr. SCHURZ. Mr. President, I desire to address to the Senate a

few remarks on this question. At the last session of the Senate we appointed a committee to institute inquiries on a subject which of late has occupied the attention of the country in an unusual degree—the subject of cheap transportation. That committee after many months of assiduous and faithful labor submitted to us an elaborate, able, and very instructive report. One of the principal recommendations made in that report, indeed the recommendation urged above all things, was that the water-route be improved which runs through the very heart of the Republic and is easily accessible to far more than one-half of the surplus grain raised in this country; that is to say, that the course of the Mississippi be made practicable and safe for navigation, and that its mouth be deepened so as to admit large vessels. The opening of the mouth of the Mississippi has been a subject of interest to this country for more than a generation. Thirty-seven years ago the Engineer Department of the Army took the matter in hand, and for thirty-seven years they have been planning and reporting upon the matter, and scratching and scraping at the mouth of the Mississippi, and to-day the depth of water is no greater than it was then. In other words, they have effected nothing.

Mr. President, I do not hesitate to pronounce it one of the great scandals of American history that a water-route the equal of which can scarcely be found in any country of the earth should have been permitted to remain virtually closed to the great commerce of the world for the three-quarters of a century that that river has been under the exclusive control of this Republic. I think I am not speaking too strongly; I am indulging in no extravagant language when I say that such a fact is simply scandalous, and we ought not to indulge in any delusion about it. It is absolutely inexcusable. The population of the Mississippi Valley have long and quietly submitted to such a state of things. In the mean time they have grown in numbers; grown enormously in prosperity and productive power. The time is not far when the center of population will be in the Mississippi Valley, as it is already the center of agricultural production; and the people of that valley naturally look to the great river as the highway of their commerce, as the great outlet for their productive labor. Their desire is as natural as it is urgent that the mouth of that river should be made navigable for large vessels so as to be accessible to the great commerce of the world. Now they know, it is their sad experience, that all the efforts which so far have been made have been almost entirely unavailing. They have waited long and most patiently that the engineers of the Army would discover and show themselves able to carry out a plan which would make the great river what it ought to be, but they have waited in vain. At last, after mature consideration, such as our committee has devoted to this great subject, it is proposed to furnish new light to penetrate our councils. Having for thirty-seven years permitted the engineers of the Army to control this matter—with what success I have already indicated—they insist that the genius and skill of the civil engineers of America shall have an opportunity to compete with the Army in the solution of this great problem.

I desire Senators to remember the fact that this is probably the only civilized country on the face of the globe where such enterprises are left exclusively to military engineering. Even in those European monarchies which are so military in their character, governments would not think a moment of excluding the civil engineer from public works which are not absolutely of a military nature. On the contrary almost all—ay, I might say all—of such work is done by the civil engineer exclusively. Why should this Republic, then, rely upon the military alone? I invite you to look at the corps of civil engineers in this country. Have they achieved less than the civil engineers of the Army? Surely I do not want to disparage the latter; but who has tunneled our mountains; who has run our railroad tracks many thousands of feet above the level of the sea? Who has sunk the foundations of the great bridge at Saint Louis, one of the boldest and most magnificent structures in the world, ninety feet below the bottom of the river? It is the civil engineer who has done it. These are his triumphs, and such triumphs are among the most resplendent glories of the Republic.

And now, when we have so splendid a corps of men in this country, unsurpassed anywhere, are we to say that their inventive genius, their skill shall be excluded from the solution of one of the most important problems in that line that we have in our day before us? Are we sensible men? Have we entangled ourselves more inextricably in official red-tape than even the military monarchies of Europe? If it were so, should we not hide our heads in shame? And now, what is the question in issue? We come before the Congress of the United States with a proposition which certainly cannot be called unreasonable. We ask for a commission of engineers to examine the different methods of opening the mouth of the Mississippi which have been proposed; we ask that the military engineers who have occupied themselves so many years with this problem shall have two men on that commission to represent their views. We ask that another body, of Government officers of recognized skill, members of the Coast Survey, shall have two members; but then we insist that the civil engineers of America, more numerous and perhaps more experienced than either, men who have planned and achieved greater enterprises than either, shall have an opportunity to offer their genius and skill to the country, and have a representation worthy of them on this commission. Is that an unfair demand? Must we of the Mississippi Valley when we come before you and ask in this bill for nothing but this, be told that there shall be nothing for us in respect to this great interest, but those old methods of which the experience of a generation has shown us that they are unavailing and fruitless? Are we to be told that all new light shall be excluded from our councils? Must our hopes in that direction be postponed once more? Are they to be postponed indefinitely? Why this? Is it, then, such an enormity we demand—three eminent men from the corps of civil engineers on this commission against four Government officers? Is there anything else we want to accomplish than what is absolutely necessary for the great agricultural and commercial interests of the country? Since the military engineers for thirty-seven years have shown us how not to do it, have we of the Mississippi Valley not a clear right to demand that at last the advice of professional men be taken who may be expected to show us how to do it? And that is what we do demand, a commission with three civil engineers upon it, to be selected by the President from the foremost ranks of the profession. And even that the conference committee attempt to deny us.

The Senator from Connecticut tells us that such a commission would be cumbersome. I wish it were larger than it is here proposed, for we desire to have the opinions of as many able men as possible. We do not expect them to agree all upon one plan; but we do expect them each one to give us the best he can give upon this subject according to the measure of his experience and ability. We want to hear all sides, and for that very reason we want to have all sides represented by the ablest exponents.

Now, what do the conference committee propose? To add not three, as we desire, but only one civil engineer to a commission of four Government officers. Thus the element which is most important to us is to be reduced to the smallest possible measure of representation and influence. One civil engineer, one stray sheep, lost and lonesome, against four Government officers. Why this? Why thus discourage the civil engineering element on so important a commission? Is there any reason for it? Is this perhaps another method how not to do it, how to prevent that which by all means ought to be done? Must we by all means have more such unavailable majority reports as we have had so far, and is this a well-considered plan to insure such a result? I tell you frankly that we want to have the civil engineering element in such strength on that commission that it can make its influence felt; and if we are to be denied that, we do not care to have any commission at all. Then we may, instead of a new report, just as well read over once more the stale productions of the board of engineers to which we have been accustomed and of which we are tired, for we want something done and accomplished.

We of the Mississippi Valley, and I represent a constituency that is as much interested in the success of this enterprise as that of any Senator on this floor—we of the Mississippi Valley demand energetic action at last, and to secure it we ask for a commission such as I have described; we demand that the Congress of the United States shall employ the best engineers that the country possesses, to open those channels of commerce which a bountiful nature has designed, and which are necessary for our prosperity. We are tired of dilly-dallying. We want serious work. Upon this we insist, and I think the people of the Mississippi Valley have a right thus to insist.

To that end I ask that this conference report be not agreed to, and that a new conference be ordered.

Mr. BUCKINGHAM. I judge from what the honorable Senator from Missouri says that it was the design of the Committee on Transportation to have the skill of civil engineers, and they are very much disposed that the majority of this commission, or at least a large number of them, are not to be civil engineers if this report be adopted. I understand them to take the ground that these surveys have been under the control of the engineers of the War Department for some thirty-seven years, and yet under the operation of the skill and the intelligence and the scientific ability of these men the water is no deeper now than it was then, and therefore they would discard the engineers connected with the War Department and have only civil engineers; and yet I understand also that they do present this idea, that there shall still be a share of men on this commission who are of that class who have failed to accomplish anything heretofore.

Now, Mr. President, I have some faith in the Engineer Corps of the Army of the United States. The report leaves two of those engineers upon this commission; it also brings in a new element from the Coast Survey and also from civil life, and that new element is the majority of the commission. And how will the members of this Transportation Committee, and who would discard all those who belong to the Engineer Department, and how can they, ask anything better than that there shall be outside of the Army a majority who can control them in their conclusions?

Mr. SCHURZ. The Senator from Connecticut is speaking persistently of a desire on our part to discard the Army officers. Nobody expects to discard them—nobody proposes it. The only thing that we want is to open the door widely to that engineering skill and genius which exists in this country outside of the Army. I have high respect for the Army officers, but I do not believe that all the engineering ability in America is buttoned up in blue and brass. I believe, nay I know, that the civil engineering skill in this country as well as in every other, has accomplished vastly more than that of the Army. I have pointed out some of their achievements. In every country on the face of the globe you will find this experience corroborated. Look at the Suez Canal which has so enormously shortened the way

to India; look at the Mount Cenis tunnel, at the mountain railroads in Switzerland, in Austria, in India.

But why multiply instances? They are as notorious as the air the world over. And where such works were undertaken, not by private corporations, but by governments, they have always been put into the hands of civil engineers, while the military engineers had the control of military works. This is the natural order of things. Why should the most civil, the least military government in the world so violently depart from it? Now I do not desire to question the ability of our military engineers in their peculiar branch. As military engineers they may be among the best in the world. I merely state a thing which as a historical fact cannot be denied, that for thirty-seven years they have been planning and working at the mouth of the Mississippi River, and have achieved nothing. Every one who is acquainted with our history knows this to be true. And finally they have submitted as their only plan and the sum of their wisdom a proposition which has been condemned by a unanimous vote of our Committee on Transportation.

The people of the Mississippi Valley have this thing at heart sincerely and earnestly.

I can understand how this subject may be more or less indifferent to the Senators from Connecticut and from Maryland, although they are surely men of patriotic impulses; but the matter does not come home to them as it comes home to us. The people who live in the Mississippi Valley see in the Mississippi the great highway which connects them with the sea and the commerce of the world. On that river they want to ship their crops. By the competition offered by that river they expect to escape from the extortions practiced upon them by grasping transportation monopolies. The opening of the mouth of that river is therefore to them a matter of tremendous interest, and as such I urge it.

As the advocate of that tremendous interest I make a demand which every fair-minded man will admit to be a very modest one, and therefore I urge it strongly; not that the engineers of the Army should be discarded, but that an influential proportion should be yielded to the civil engineering skill of this country on the commission proposed to prepare at last the way for intelligent and energetic action in the accomplishment of an object which is most necessary to us. Is that asking too much? Must that policy of obstruction which hitherto has so often prevailed be necessarily adhered to?

I repeat, it is one of the great scandals of our history that the Mississippi, which, so to speak, is the Atlantic Ocean running thousands and thousands of miles into the interior, presenting water facilities scarcely equaled in any country, should have been permitted more than half a century of our control to remain in the half useless condition in which it is to-day. What we want is that it should be opened for large vessels as speedily and as completely as possible—not, if such a thing can be avoided, by a canal, closing the great harbor of the Mississippi Valley with a lock, where vessels must be lifted up or let down when they pass out and in, but an open mouth, where ships can pass out and in freely without hinderance and detention. We want to know whether the engineering skill of this country is able to give us that open river mouth; and in order to ascertain this we want upon this commission the civil engineering element fairly and influentially represented. Is this asking too much? Surely, considering the greatness of the object, considering the mighty population interested in this great end, it is a most modest demand, and I stand amazed that a proposition so moderate should find any opposition in this body.

Mr. BOGY. Mr. President, this subject to us in the West is of the very greatest importance. For nearly forty years has this Government been making appropriations for the opening of the mouth of the Mississippi. Appropriations have been made annually and have always been on a large scale. For forty years have these appropriations been placed under the control of the Army of the United States without any direction whatsoever as to the mode and manner of expending that money; and up to this time nothing has been accomplished toward opening the mouth of the Mississippi River. Indeed the navigation of the mouth of the Mississippi River to-day, after forty years of continued large expenditure, is not as practicable as it was forty years ago. There is truly less water upon the bars of the various channels of the Mississippi River now than was there thirty or forty years ago.

We of the West for many years have attached the greatest importance to this question. During the war the soldiers who fought under the flag from the West were rallied under that flag by the appeal that under no circumstances would the western country permit the mouth of the Mississippi River to be controlled by a nation different from the nation which occupied the upper portion of the Mississippi River. It was the great question during the war that there should be one continuous ownership of that vast river from its head to its mouth. We had flattered ourselves that the time had come when the great object which we had been aiming to accomplish for thirty or forty years was about being carried out; that is, that the Government of the United States should in an intelligent manner take such steps and provide such means as would make the effort at least in a scientific way to open the mouth of the Mississippi River.

Without at this late hour of the session pretending to detain this body, I would say that two projects presented themselves, one a project to open one of the main outlets on the river, the other the canal project. The canal project has not received the assent of those people residing high up on the Mississippi River. It has been condemned by the entire population of the Mississippi River excepting a few persons, or perhaps a majority of the inhabitants of the city of New Orleans. Our object is to have an outlet, whether it be a canal or whether it be one of the main channels of the river. How are we to obtain an outlet? How are we to ascertain which one of these projects is the true one to accomplish this great object? It is only by a scientific examination of the object to be accomplished.

We have believed that the Army had not exhibited the proper scientific skill to accomplish that object. For nearly forty years have the Army engineers been employed on that work and nothing has been done. We therefore ask Congress here to appoint a commission composed in part of Army officers, in part of officers connected with the Coast Survey, and in part of civilians, reserving to the Government of the United States a majority of this commission, that is, two from the Army, two from the Coast Survey, and three from civil life, making seven, securing to the Government upon that commission one majority. We are not asking much. There can be no just reason why this should be refused. The expense certainly is of no consequence. We of the West demand it; we say it is our right; we say that our great trade demands an outlet to the ocean. There is no other outlet but the Mississippi River. That is now obstructed and we wish it open; but, sir, we are not even able to obtain from the Congress of the United States any appropriation to pay a small commission to accomplish the object. The misfortune was exhibited in the formation of the committee itself. Upon the committee of conference there was not a single man from the Senate residing on the waters that flow into the Gulf of Mexico. In the House there was but one. I do not speak of these things with a view of finding fault with individual members of the committee, but the fact is that not a single member of the committee of conference on the part of the Senate resides on the waters that flow into the Gulf of Mexico. One is from Michigan, another from Maryland, and another from the State of Connecticut, and not one is in sympathy with us, not one is in interest with us. So it was with the committee on the part of the House. But a single member of that committee on the part of the House was from the West. All the other persons reside on the waters that flow into the Atlantic Ocean, or near to it.

Now, sir, I am not dwelling here upon the difference as to the ability of the engineers in civil life or in the military department of the Government; but it is not saying much to say that the civilians have exhibited an amount of engineering skill, to say the least, equal to the Army; and indeed they have exhibited more ability in the accomplishment of great works of improvement in every portion of this country. My colleague says they have exhibited more in Europe and the world over. I believe they have; but without dwelling upon an argument of this character or finding fault with those men all we asked and all we ask now is that a number of eminent civilians shall be put upon this commission to co-operate with a majority of Government officers, that is two from the Army, two from the Coast Survey, and three from civil life, so as to make a commission of seven men to examine this great project, a work of importance to us which is incalculable, because unless we can get an outlet to the ocean the whole western world for all time to come will be paralyzed in its energy. It is true we can get there by railroads; it is true we can get there by the use of small crafts; but the time has come when the great commerce of the West cannot be restrained, cannot be limited, and certainly what objection can there be? Why should the Senate, why should Congress, hesitate for a moment to give the proper commission here? Is it the expense? Is it eight, ten, or fifteen thousand dollars, more or less of cost? I was astonished when I heard the report of the committee that there could be hesitation on a matter of this kind. Why should Eastern Senators at all hesitate on a subject of this kind? We who know the interests of the West, who represent their interest on this floor, claim it; and why should it not be given to us? We do not ask for a large appropriation. We only ask for a scientific exploration, and if that scientific exploration does not prove that the great work can be accomplished in a proper way the report of this commission would so show and there would be an end of the whole thing. All we ask is the means to ascertain the great fact whether that work can be done.

Hence, Mr. President, I hope that that portion of the report of the committee of conference will not be received, that another committee will be appointed, and that in the creation of that committee the Presiding Officer will not forget that there are members of this body who reside on the waters that flow into the Gulf of Mexico, and that those men are presumed to know their interests perhaps a little better than those who reside in the extreme North and East. We claim it as a right due to us, because we look upon this commission, organized as it is, as an entire and complete defeat of all which we thought we had accomplished, or nearly accomplished. Let another committee be appointed, not composed of western men entirely, but let the western men be represented on that committee by a sufficient number at least to make their interests known to that committee.

I hope, Mr. President, that that portion of the report which has changed the organization of this commission entirely will not be approved by the Senate.

Mr. CHANDLER. The Senator from Missouri seems to be under a slight misapprehension. This report represents the views of the

House of Representatives. They made a point, and a very strong point, on this amendment. The committee on the part of the House was composed of one member from Ohio, one from Missouri, and one from Wisconsin.

Mr. BOGY. Will the Senator permit me one word?

Mr. CHANDLER. Certainly.

Mr. BOGY. The member from Ohio resides on the lakes; the member from Wisconsin also resides on the lakes; and there was only one member of the committee on the part of the House who resides on the waters that flow into the Gulf of Mexico.

Mr. CHANDLER. They could hardly be called eastern men, any one of them. Fault has been found with the board of engineers for not having accomplished more for the mouth of the Mississippi River. It is but justice to that board of engineers to state that they have brought in plan after plan for the improvement of that river, but appropriations have never been made by Congress to carry out their plans. At this very session a report has been submitted to Congress in which this work is recommended almost unanimously by the board of engineers. The House demanded more than the Senate would yield. The House desired to add one to the number of Army engineers. The committee on the part of the Senate would not yield that, but it allowed two from the Board of Army engineers, two from the Coast Survey, and one from civil life, taking the absolute control of the board out of the hands of the engineer officers of the Army.

Mr. SCHURZ. May I ask the Senator from Michigan since this talk about the proceedings of the committee, is it not the fact that the House proposed three Army engineers, one from the Coast Survey, and three from civil life?

Mr. CHANDLER. I think so.

Mr. SCHURZ. Precisely; and then after having admitted three from civil life, a proposition with which we would have been perfectly satisfied, two engineers from civil life were stricken out.

Mr. CHANDLER. The Senate committee would not consent to strike out two from the Coast Survey. At any rate we made the very best terms we could make with the House committee, and I think that the President nominates them all, and we shall have a good board of engineers, probably the best that will be found in America when it shall have been made; but of course it is for the Senate to decide whether the report shall be received or rejected.

Mr. BOGY. I understand the Senator from Michigan to say that the House committee was willing to appoint three from civil life, three from the Army, and one from the Coast Survey, and that the Senate committee was unwilling to agree to that. The House committee was much more liberal on the subject than the Senate committee, and that is the argument I made a while ago, that on that committee western men in the Senate had no representation at all, and the best evidence of that is that western men would not have agreed to this proposition.

Mr. LOGAN. Mr. President, I have but little to say, but what I shall say will be in answer to the argument made by the Senator from Connecticut [Mr. BUCKINGHAM] in reference to this question.

I am in favor of the report made by the Committee on Transportation. I think if that report had been adopted it would have been a great deal better for several reasons than the report that has been agreed to in conference. The Senator from Connecticut seemed to find fault with the number of three civil engineers, on the ground that it would be too expensive, or at least that was my inference from his remarks.

Mr. BUCKINGHAM. That they would be unnecessary.

Mr. BOGY. We will raise the money to pay them, if it is necessary.

Mr. LOGAN. I was going to answer that in this way: When we are going to enter on a great enterprise like the opening the mouth of the Mississippi River, either by the making of canals or by some other mode, and when before that is accomplished, which I have no doubt will cost this Government probably $10,000,000, especially if it is to be a canal as expensive as it must necessarily be, it strikes me as a strange kind of economy to strike out two civil engineers for the purpose of saving money, thus preventing the board from having the number desired. This seems to me to be a very strange argument.

I think it would be economy to get a board of engineers made up of different kinds of engineers. Take them from the Army, from the Coast Survey, and from civil life, and we would get a proposition before the Congress of the United States that could be carried out and would be of great advantage to the country. So far as the Army is concerned, I have no fault to find with the engineers of the Army; but I would suggest that the engineers of the Army are already committed in divers ways to a certain plan for the opening of the mouth of the Mississippi River.

My friend from Michigan [Mr. CHANDLER] says they are to be appointed by the President. I presume he means they are to be detailed by the Chief Engineer to perform that work. I suppose that is what he means. I do not know whether the bill provides that these engineers shall be appointed by the President and confirmed by the Senate or not.

Mr. WINDOM. The appointment of the corps of engineers is by the President.

Mr. LOGAN. Very well; then this is to be a mere detail. The appointment by the President in the corps of engineers is merely an order to the Chief Engineer to detail the number of officers provided for in the bill, nothing more, nothing less. The same order is given to the Coast Survey, and the detail is made by the chief of that department. It is not an appointment at all, nor a selection by the President; but as this bill makes it, it is a mere detail from the Corps of Army Engineers and from the Coast Survey. Hence the only appointment made by the President is the appointment of the one civil engineer that you mention in your bill. It would be perfectly natural, then, for the details to be made, so far as the Army is concerned, from the same parties who have heretofore examined and made reports on this subject. In the Coast Survey it would be different, for they have made no report on this subject.

I do not wish to repeat what has been said here by both Senators from Missouri in reference to the grand achievements which have been accomplished by civil engineers; but I do assert as a fact that the great achievements in this country by engineers have been by men in civil life. As I said, I do not desire to find fault with or criticise the Engineers of the Army; but I will say this, and the Senator from Michigan knows it, they can spend more money and do less work than any set of men that ever lived; and that is a historical fact in this country.

As an illustration of this, in order to show you some of the fine engineering and the ingenuity that exist in the minds of some men, take this Capitol, laid out by an engineer, the plans all made, the ventilation arranged. Then step over to the House, and there you find a thermometer on the walls, standing there yet that has not been taken down, to show that the heat could never be above 70° and never could get down below 50°; and why? Because the apparatus was made so that the mercury never could rise above 70° or get below 50°, and it is there on the walls to-day. That is the ingenious part of the department, and so it is in reference to its work. There never has been a great work done by them yet that had not to be done over again by some civil engineer. I have a letter in my possession from the Chief of Engineers showing that the work of the department is carried on, I will not say in the major part, but in a great part, by civilians. One of the greatest expenses of that Bureau is that they have to employ civilians. I will not say that work cannot be performed by the officers, but in that Bureau they employ civilians in the making of maps, laying out plans, designs, specifications, and indeed all work done by that department is done to-day by civilians; and some of them are employed at as high a salary as your Senators get.

These are undeniable facts, and hence my judgment is that the best engineers we have in this country are civilians; and there is a reason for it. These men are good engineers—nobody doubts that; but will anybody tell me that the course of study at West Point years ago, until it was changed, could make good engineers and good scholars in the length of time they had to go through their studies there? It was impossible. Any man who will take up and read that which was required of these men until within the last three or four years will see that it was an impossibility. They might become good engineers with practice afterward, but you could not make an engineer that could compete in science with those men who had given years and years of study to it and are practical operators besides. Hence I am in favor of putting as many civilians on this board as have been suggested, for the reason that I believe we shall get then a better report; all the different phases of these plans will be examined, and examined in such a way as to give us an account that will cost the least money to the Government, and one that will be the most beneficial to the country, too. I say we do feel an interest in this great work in the West. I do not make any appeal on account of the West, but it has been well said by the Senator from Missouri, [Mr. BOGY,] it is a great water outlet to the commerce of that country, and one that the people of the West feel such an interest in that they are willing to make such appropriations as will give them that outlet at all seasons of the year. But you now propose that the engineers shall have control of this commission, which they will have as it is to be organized, because they have made report after report and have been contending with the difficulties for thirty-odd years, and they will have the control unless you put civilians enough on the commission, so that with the engineers from the Coast Survey they will make the proper examinations and examine all the different plans and find the feasibility of each one of them.

For these reasons I think the committee from the Senate of the United States should, without speaking about expenses, without speaking about the commission being too large, be willing to place such number of civilians upon it as will make it certain when the report comes in that we may rely upon it, having them altogether, civilians, Coast Survey, and Army engineers, and insure such a report as will be reliable.

Mr. ALCORN. I will not detain the Senate more than a few moments in giving the reasons why I think this report should be sent back to another committee of conference. That the Senators who have spoken to-night are not satisfied with the organization as at present made would be a sufficient reason with me though I had no other. The object of this survey is to have one that the country can rely upon; and it is altogether necessary that the board of engineers should be fixed in such a way as to go into the work supported with the confidence of the people. I have every confidence in the ability and in the capacity and scientific attainments of the Army Engineer Corps, and also in that of the Coast Survey Corps; and that we

have engineers of the highest skill in civil life there can be no question. From all these sources we could obtain men of sufficient ability to solve the great problems that are to be solved before the Government enters on this work. It is a great work, and the determination of this country is that the work shall be done. Then how shall it be begun? By a report from a board of engineers. Then, in Heaven's name, let us have that board of engineers such a one as will represent the views of the different sections of the country, if sections can enter into the calculations of scientific men.

I apprehended when these men of science meet together to solve this problem there will be no great divergence upon the questions of fact involved in the true theory of this plan. But it will be said here, unless this board of engineers is altered from the arrangement now made, a certain representation necessary to the true development and true exposition of the facts has not been made. I say with full confidence in the corps of engineers as established by the committee of conference, that I would be perfectly willing myself, if it was satisfactory, to vote for it. I have faith in the report they will make. Still from the fact that it is not satisfactory to Senators who have spoken, and who reflect a sentiment that exists in the country, I will vote now to make it satisfactory to them, and I think it is a sufficient reason when they say they are not satisfied, that I should vote to make it satisfactory to them.

Mr. WINDOM. Perhaps no more important or difficult question will be presented to the Senate at its next session than that which will be involved in the report to be made by this commission. The Committee on Transportation have given a great deal of attention to this subject. They have studied it with care, earnestly believing that the people of this country demand the opening of the mouth of the Mississippi by the best possible method that can be adopted. The amendment which they proposed to the bill and which was adopted by the Senate that committee believe will best effect that object.

Now, Mr. President, I want to say for one that I have confidence in the board of engineers; but at the same time it is well known that there are two or three different means proposed for that improvement. One is by a canal; another is by an open mouth of the Mississippi, to be effected by a system of jetties; and another is by utilizing the South Pass by means of locks at its head, which will have the effect of giving us a channel five hundred feet in width. It is believed by very many that the Engineer Department is committed to one plan; and for this reason the committee thought, as we must have information on this subject, that it is very important that we bring to bear on it all the talent that the country has or that we can afford to employ; and that the commission of seven, as provided for by the amendment of the Senate, would give us more reliable information, information upon which we should be more certain to act at the next session of Congress; and without detaining the Senate with any further remark, I believe that this matter is of sufficient importance to justify us in asking for a further conference with the hope of obtaining another commission for this purpose.

I believe that if we bring in new life into this commission, men who have not committed themselves to any scheme, men who will study the whole subject and take in all the plans and report on them at the next session of Congress, we shall have a report upon which we can act more safely, and I think more certainly, than as provided for by this conference committee report; and although the session is near its end, I think there will be but little difficulty if we reject this report, in changing the commission in a way that will be more satisfactory to the people most interested in the subject, and on behalf of the Committee on Transportation who have recommended the commission, I think the Senate should give us another conference.

Mr. WEST. I wish to say one word to the Senate as to the progress that has been made by the Engineer Corps of the Army of late years in investigating this subject. On the 14th of March, 1871, the House of Representatives passed this resolution:

> That the Secretary of War be, and he is hereby, requested to cause an examination and survey, with plans and estimates of cost, to be made by an officer of engineers, for a ship-canal to connect the Mississippi River with the Gulf of Mexico, or the navigable waters thereof, of suitable location and dimensions for military, naval, and commercial purposes, and that he report upon the feasibility of the same to the House of Representatives.

Mark you, that duty was imposed on the Engineer Corps in March, 1871. After spending three years surveying, boring, planning, specifying, &c., we find this conclusion. Here is their report, made in the spring of this year. After three years' examination of this subject they come to this result:

> To determine, however, the best line for the location of the canal across the peninsula, and the best point for its entering the river, and also the position and manner of its entering Isle au Breton Pass, requires further survey, borings, and other examinations and measurements, and the preparation of plans based upon their results.

In the name of conscience for how many more years do you intend to commit that problem to the Engineer Corps of the Army of the United States, when at the end of three years they say they have not even *prepared* the plans for opening the mouth of that river? Now is this an unreasonable request after such a result as that, after three years with the whole ability of the Engineer Corps of the Army of the United States devoted to it, when they come back here with a partial report and say they want more time to prepare that plan? I think the great interests involved in this case ought to be committed to men who know something about the subject and who will not come in after three years and want more time.

Mr. SHERMAN. In a matter of this kind very often on a single point a committee of conference may not have made a very satisfactory arrangement. I have do doubt at all that now if this matter was recommitted to the committee they would make a report perfectly satisfactory. I know the feeling with regard to the organization of this commission is that civil engineers should be represented on the board for the examination of this work. I therefore, to expedite the matter, move that the report be recommitted to the same committee of conference, both of the Senate and House, and I have no doubt, for I have conversed with members of the committee, that in five minutes they can arrange this matter satisfactorily.

Mr. DAVIS. I will agree to this recommittal with the understanding that the committee will bring in the number sufficient.

Mr. SHERMAN. They understand that perfectly.

Mr. WEST. I move that the report be recommitted to the same committee of conference with instructions to increase the number of civil engineers. ["O, no."]

Mr. SHERMAN. I would not instruct them at all.

Mr. WEST. It may not be understood.

The PRESIDENT *pro tempore*. The Chair will observe that the practice has been against such instructions.

Mr. SHERMAN. I move that the report be recommitted to the same committee of conference.

Mr. HAGER. I desire simply to express my regret that the committee have left out the appropriation for the harbor of San Diego, which was put in the other day on my motion in the Senate. I say so because I have been told by the Coast Survey Department that unless the harbor is protected, it will cost at least $2,000,000 to restore that harbor in the course of a few years, and that is the report of General Alexander, of the Corps of Engineers, who has telegraphed recently calling the attention of the department to the importance of the preservation of that harbor, the only one, as I stated, for a thousand miles on that coast where the ocean steamers are in the habit of putting in in stress of weather.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Ohio to recommit the report to the conference committee.

The motion was agreed to.

ORDER OF BUSINESS.

Mr. HARVEY. I move that the Senate proceed to the consideration of House bill No. 3250.

Mr. WINDOM. I have a report from a committee of conference to submit.

Mr. BOUTWELL. I object until I know what the bill is.

The PRESIDING OFFICER. The title of the bill will be read for information.

The CHIEF CLERK. A bill (H. R. No. 3250) to confirm pre-emption and homestead entries of public lands within the limits of railroad grants in cases where such entries have been made under the regulations of the Land Department.

Mr. MORRILL, of Vermont. I think conference reports ought to be received before anything else is done.

The PRESIDENT *pro tempore*. The question is, "Will the Senate proceed to consider this bill?"

Mr. BOUTWELL. I know enough about that bill to be able to say that it cannot pass the Senate without a great deal of discussion. It will require, in order that it may be acted upon with a proper understanding of the subject, a good deal of examination. I hope the Senate will not undertake to consider it at this session.

Mr. HARVEY. I am ready for the discussion, but I apprehend it will not take long to make it fully understood by the Senate.

Mr. MORRILL, of Vermont. Is a conference report in order?

The PRESIDENT *pro tempore*. A conference report, under the rules of the Senate, has no privilege. The Senator from Kansas moves to consider the bill named by him.

Mr. WRIGHT. I trust that the bill moved by the Senator from Kansas, reported from the Committee on Public Lands, will be taken up. If this bill should lead to discussion let it be so. It is a matter of the greatest importance to settlers and all persons interested in public lands that this bill should be taken up and passed, if possible. I trust therefore the Senate will take up the bill and act upon it.

Mr. STEWART. I hope it will not be taken up, for I think the bill has a good many defects in it that the committee, if they consider it more deliberately, will be able to remedy.

Mr. MORRILL, of Vermont. I wish to say that the enrolling clerks think it will be impossible for them to enroll the bills in the hands of conference committees unless they can have them at once, and I hope therefore we shall proceed with the conference reports before anything else is done.

Mr. WRIGHT. I think the bill should be taken up even if it has to be laid aside informally for conference reports.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Kansas to proceed to the consideration of House bill No. 3250.

Mr. HARVEY. I hope the bill will be taken up.

The motion was not agreed to.

GAS-WORKS.

The PRESIDENT *pro tempore*. The Chair will recognize any Senator with the report of a committee of conference.

Mr. MORRILL, of Vermont, submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments to the bill (S. No. 733) regulating gas-works, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the Senate recede from its disagreement to the first amendment of the House, and agree to the same.

That the Senate recede from its disagreement to the second amendment of the House, and agree to the same with the following amendments: Strike out the words "eight dollars" and insert in lieu thereof the words "eight dollars and fifty cents-" and after the words "ensuing year," insert the words "excepting the Ritchie mineral and the Richmond coal, the cost of which shall not enter into any calculation in making up an average, which statement shall be."

The committee also recommend the following amendment to section 16: Strike out the words "Washington Gas-light Company" and insert in lieu thereof the words "any gas-light company in the District of Columbia."

JUSTIN S. MORRILL,
WM. B. ALLISON,
HENRY COOPER,
Managers on the part of the Senate.

W. L. SESSIONS,
CHAS. O'NEILL,
STEVENSON ARCHER,
Managers on the part of the House.

Mr. DAVIS. I should like to ask the Senator from Vermont whether the report makes any change in the cost of gas?

Mr. MORRILL, of Vermont. None at all.

The report was concurred in.

INSANE CONVICTS.

Mr. FRELINGHUYSEN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 3415) to provide for the care and custody of persons convicted in the courts of the United States who have or may become insane while imprisoned, having met, after full and free conference have agreed to recommend, and do recomend, to their respective Houses as follows:

That the House concur in the Senate amendments.

F. T. FRELINGHUYSEN,
GEORGE G. WRIGHT,
J. W. STEVENSON,
Managers on the part of the Senate.

C. D. MACDOUGALL,
J. B. RICE,
R. M. SPEER,
Managers on the part of the House.

The report was concurred in.

POST-OFFICE APPROPRIATION BILL.

Mr. FRELINGHUYSEN. Mr. President——

The PRESIDENT *pro tempore*. Does the Senator from New Jersey rise with another conference report?

Mr. FRELINGHUYSEN. I desire to have the floor for the purpose of calling up a bill——

The PRESIDENT *pro tempore*. The Chair will recognize any Senator with a conference report.

Mr. WINDHAM. I desire to submit the report of the committee of conference on the post-office appropriation bill.

The Chief Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 3094) making appropriations for the service of the Post-Office Department for the year ending June 30, 1875, and for other purposes, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the Senate recede from its amendments numbered 13 and 15.

That the House recede from its disagreement to the amendments numbered 2 and 5, and agree to the same.

That the House recede from its disagreement to the sixth amendment.

Mr. WINDOM. Perhaps I may save time by stating that this is precisely the same report heretofore submitted with two exceptions. First, the charge for newspaper postage is 2 cents instead of 1½ cents, and the committee provide also that the daily CONGRESSIONAL RECORD may be sent through the mails at 1 cent each. Those are the only changes from the previous report.

The report was concurred in.

ORDER OF BUSINESS.

Mr. FRELINGHUYSEN. I move that the Senate proceed to the consideration of House bill No. 3097 in relation to courts and judicial officers in the Territory of Utah.

Mr. SPENCER. We cannot pass that.

Mr. RAMSEY. Is that the report of a committee of conference?

The PRESIDENT *pro tempore*. The Chair is informed it is not, but the Senator from New Jersey obtained the floor for the purpose of calling up the bill.

Mr. RAMSEY. I thought I had the floor before and I was ruled out simply because I had not the report of a committee of conference. If the Senator from New Jersey rises with other business I claim the floor.

The PRESIDENT *pro tempore*. The Senator from Minnesota is mistaken as to the matter of fact. He did not have the floor.

Mr. DAVIS. I give notice that I intend to press the Calendar of unobjected cases, and I shall object to any bill so that we may go along with the Calendar of unobjected cases.

Mr. FRELINGHUYSEN. I move that the Senate proceed to the consideration of this bill.

Mr. DAVIS. I understand that is the bill relating to Utah, which of course will give rise to some discussion.

Mr. FRELINGHUYSEN. I think not.

Mr. DAVIS. I have heard Senators say they meant to discuss it. I do not intend to discuss it myself. There is a large number of unobjected cases on the Calendar, and I think they ought to be considered. It is only intended to consider such as are unobjected to, and I think we ought to proceed with them.

Mr. FRELINGHUYSEN. I think we ought to proceed with the Utah bill.

Mr. LOGAN. I was one who proposed to discuss the bill, but in view of the circumstances I shall not do so.

Mr. SPENCER. Every committee of the Senate has had a day except the Committee on the District of Columbia, and there are two bills reported from the Committee on the District of Columbia that ought to be passed. There is House bill No. 2179 to incorporate the Inland and Sea-board Coasting Company of the District of Columbia that will not require any discussion whatever. Every Senator on hearing it read will agree to the necessity and justice of passing it. I move that the Senate proceed to the consideration of House bill No. 2179. It will not take two minutes; and the Committee on the District of Columbia have not had one hour during this session.

The PRESIDING OFFICER. The motion of the Senator from New Jersey to proceed with his bill is pending.

Mr. SPENCER. If the Senator is willing to yield to me to pass this bill I will then vote for his motion.

Mr. FRELINGHUYSEN. I want the Utah bill taken up first.

Mr. WRIGHT. At the last session of Congress a bill much less severe and much more objectionable than the bill that is now presented to the Senate—I mean much more objectionable to any persons who deem that legislation on this subject is advisable—passed the Senate. I am not aware that the bill as it stands now is particularly objectionable. This fact is patent that in Utah they are substantially without courts and without any of the machinery that is necessary to enforce the law. Now we are within sixteen hours of the adjournment. The question is whether we shall take up this bill at this time and if possible pass it, or whether we shall occupy our time in pressing private bills. I believe this bill can be passed in half an hour or an hour.

Mr. ALCORN. I rise to a point of order.

The PRESIDENT *pro tempore*. The Senator from Mississippi will state his point of order.

Mr. ALCORN. It is whether the question of taking up the bill is debatable.

The PRESIDENT *pro tempore*. It is; but not as to the merits. The question of taking it up is debatable; the merits of the bill are not debatable on this motion. The Senator from Iowa has not touched the merits of the bill, but is trying to show that it ought to be taken up now.

Mr. ALCORN. I thought he was talking about the condition of the Territory, and the bill that was passed by the Senate at the last session of Congress.

Mr. WRIGHT. I have said nothing in reference to the merits of this bill, as to how we should vote or what disposition should be made of it. I am only speaking of the necessity of some action on the subject. That we should pass some bill, either this with amendments or some other bill, in view of the condition of things in Utah, it seems to me is patent to every person. Now, the question is whether we shall spend half an hour or an hour at this time of the night for the purpose of disposing of this bill, or whether we shall have a scramble here over private bills and let this go over. It seems to me that on every principle I can possibly think of, it is due to the country that we should take up this bill and make some disposition of it.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from New Jersey.

The question being put, there were on a division—ayes 20, noes 18

Mr. SARGENT called for the yeas and nays; and they were ordered.

Mr. THURMAN, (at one o'clock and two minutes a. m.) I move that the Senate adjourn.

The motion was not agreed to; there being on division—ayes 18, noes 22.

The PRESIDENT *pro tempore*. The question recurs on the motion of the Senator from New Jersey to take up the Utah bill.

The question being taken by yeas and nays, resulted—yeas 26, nays 23; as follows:

YEAS—Messrs. Allison, Anthony, Boreman, Boutwell, Buckingham, Carpenter, Chandler, Conover, Ferry of Michigan, Flanagan, Frelinghuysen, Harvey, Logan, Mitchell, Morrill of Vermont, Pease, Robertson, Scott, Sherman, Spencer, Sprague, Tipton, Wadleigh, West, Windom, and Wright—26.

NAYS—Messrs. Alcorn, Bayard, Bogy, Clayton, Cooper, Davis, Dennis, Goldthwaite, Gordon, Hager, Hamilton of Texas, Hitchcock, Ingalls, Kelly, Merrimon, Norwood, Ransom, Sargent, Saulsbury, Schurz, Stevenson, Stockton, and Thurman—23.

ABSENT—Messrs. Brownlow, Cameron, Conkling, Cragin, Dorsey, Edmunds, Fenton, Ferry of Connecticut, Gilbert, Hamilton of Maryland, Hamlin, Howe, Johnston, Jones, Lewis, McCreery, Morrill of Maine, Morton, Oglesby, Patterson, Pratt, Ramsey, Stewart, and Washburn—24.

So the motion was agreed to.

RAILROAD POSTAL SERVICE.

Mr. MITCHELL. In the Senate on the 24th of March, 1873, the following resolution was adopted:

Resolved, That the Select Committee on Transportation Routes to the Sea-board be directed to inquire and report to the Senate, at its next session, as to the nature and extent of the obligations subsisting between the railroad companies and the postal service of the country; and whether any and what additional legislation is necessary to guard the postal service against interruption or injury by hostile action on the part of any or all of said railroad companies.

In pursuance of this resolution the Select Committee on Transportation Routes to the Sea-board took a large amount of testimony, and the whole matter was a few weeks ago referred to myself as a sub-committee to report to the committee. The sub-committee has prepared a report and submitted it to the committee, and they have instructed me, not having time to examine it, to present the report to the Senate and ask that it be printed and recommitted for examination during the recess; and in that connection they have also instructed me to offer the following resolution, which I ask for the immediate consideration of:

Resolved, That the Select Committee on Transportation Routes to the Sea-board be authorized to report at the next session of Congress a bill providing for the compensation for postal-car service; and for that purpose the said committee is authorized to sit at Washington City during the recess of Congress, and to make such further investigations as it may deem proper, and to employ a clerk; and that the actual necessary expenses be paid out of the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

Mr. ROBERTSON. Can that resolution be considered if there be one objection?

The PRESIDENT *pro tempore*. It cannot.

Mr. ROBERTSON. I object.

The PRESIDENT *pro tempore*. The question is on printing the report.

The report was ordered to be printed.

The PRESIDENT *pro tempore*. The resolution will lie over, objection to its present consideration being made.

COMMITTEE ON THE LIBRARY.

Mr. ALLISON. I submit the following resolution on behalf of the Library Committee:

Resolved, That the Committee on the Library have leave to sit during the recess of the Senate.

The resolution was considered by unanimous consent, and agreed to.

PAY OF PAGES.

Mr. FLANAGAN. I offer a small resolution:

Resolved, That the usual per diem compensation be paid to the pages up to the 10th of July.

Mr. WRIGHT. I believe an order was made on that subject up to the 1st of July the other day.

Several SENATORS. That is long enough.

Mr. FLANAGAN. The little boys will be kept here a considerable time yet. There is a good deal of business for them to do. I hope they will be encouraged.

The resolution was considered by unanimous consent, and agreed to.

TEXAS JUDICIAL DISTRICTS.

Mr. WRIGHT. I wish to make a report. The Committee on the Judiciary, to whom was referred the bill (S. No. 736) to change the boundaries of the eastern and western judicial districts of the State of Texas, and to fix the times and places of holding courts in the same, have instructed me to report it back and recommend its passage.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

PROTECTION OF PERSONS OF FOREIGN BIRTH.

Mr. ANTHONY. As the Utah bill has been taken up——

Mr. FRELINGHUYSEN. Let us get on with it.

Mr. SARGENT. There is a bill which has passed the House to prevent the slavery of Italian children reported favorably by the Judiciary Committee of this body. I do not think it will take a minute to pass it. If it is passed, there is an amendment reported by the Judiciary Committee that the House can concur in. It is a most humane bill, and I trust it may be allowed to pass.

By unanimous consent, the bill (H. R. No. 3581) to protect persons of foreign birth against forcible constraint or involuntary servitude was considered as in Committee of the Whole.

The bill had been reported by the Committee on the Judiciary with amendments.

The first amendment was to strike out commencing in line 7 of section 1 the following words:

And whoever shall knowingly and willfully hold any other person in involuntary confinement or to any involuntary service, or who shall transfer any such service to any other person except for the purpose of acquiring a trade or occupation, in the United States, or the Territories thereof.

The amendment was agreed to.

The next amendment was to strike out the third section of the bill in the following words:

SEC. 3. That every person charged with the felonies herein declared may be tried in the district in which the same have been committed, or in any district in which the person so inveigled, brought, kidnapped, sold, or held has been taken under such confinement or holding to involuntary servitude.

The motion was agreed to.

Mr. THURMAN. I move to strike out the fourth section.

The Chief Clerk read the fourth section, as follows:

SEC. 4. That upon the trial of the felonies herein declared, the consent of the person so held, confined, or kidnapped shall not be a defense unless it appear satisfactorily to the jury that such consent was not extorted by threats or by duress.

Mr. THURMAN. That section admits that consent, not extorted by duress or violence, is a defense, and well it may admit it because the *gravamen* of the charge is that one person holds another in involuntary servitude, which cannot be the case where the party so held consents. The idea of there being consent shows that there is no involuntary servitude; but now this fourth section provides that although consent be given, it shall be no defense unless it shall appear that that consent was not the result of duress or violence.

Mr. SARGENT. I do not think it is necessary to debate it. I have no objection to the section going out.

The PRESIDENT *pro tempore*. The question is on the amendment to strike out the fourth section.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

RIVER AND HARBOR BILL.

Mr. DENNIS. I am instructed by the committee of conference to submit a second report on the bill (H. R. No. 3168) making appropriations for the repair, preservation, and completion of certain public works for rivers and harbors, and for other purposes.

Mr. FRELINGHUYSEN. I suggest that the Clerk read the change and not the whole report.

The CHIEF CLERK. The change is in the last paragraph of the report, which now reads:

That the House recede from its disagreement to the amendment numbered 50, and agree to the same with an amendment as follows: strike out the words "two from the Army, two from the Coast Survey," and insert in lieu thereof "three from the Army, one from the Coast Survey;" also strike out the word "fifty" and insert the words "twenty-five" in lieu thereof; and the Senate agree to the same.

Mr. STEWART and Mr. SHERMAN. How will it read then?

Mr. BUCKINGHAM. The word "three" is restored in the second line.

Mr. SHERMAN. Meaning three from civil life?

Mr. BUCKINGHAM. Yes.

Mr. WEST. I see that they have cut the appropriation down to $25,000; and how are you to pay the civil engineers?

Mr. SHERMAN. We shall have to raise the money for them.

Mr. WEST. Very well; we will raise the money for them.

Mr. BUCKINGHAM. I should like to have the Clerk report the clause as it is amended, "three" being inserted instead of "one" on the second line, so as to read "three from civil life."

The CHIEF CLERK. The conference committee propose to amend the third section inserted by the Senate as an amendment so as to make it read:

SEC. 3. That a board of engineers to be composed of three from the Army, three from civil life, and one from the Coast Survey, be appointed by the President; which said board shall make a survey of the mouth of the Mississippi River, with a view to determine the best method of obtaining and maintaining a depth of water sufficient for the purposes of commerce, either by a canal from said river to the waters of the Gulf, or by deepening one or more of the natural outlets of said river; and said board shall make a full and detailed estimate and statement of the cost of each of said plans, and shall report the same, together with their opinion thereon, showing which of said plans they deem preferable, giving their reasons therefor, to the Secretary of War, to be presented at the commencement of the second session of the Forty-third Congress; and that the sum of $25,000, or so much thereof as may be necessary, is hereby appropriated, out of any funds in the Treasury not otherwise appropriated, to defray the cost of said survey.

The report was concurred in.

THE CONGRESSIONAL PRINTER.

Mr. ANTHONY submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That one hundred extra copies of the report of the Senate Committee on Public Printing on the charges preferred against the Congressional Printer be printed for the use of the committee.

THE SUMNER EULOGIES.

Mr. ANTHONY submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That fifty extra copies of the eulogies on the late Hon. Charles Sumner be printed and suitably bound for the use of the committee appointed to attend his remains to Massachusetts.

HOUR OF MEETING.

Mr. MORRILL, of Maine. I desire to reconsider the vote by which the Senate fixed the hour of meeting for to-morrow at ten o'clock. It becomes necessary to meet a little earlier on account of the presentation of the report of the committee of conference on the sundry civil appropriation bill, which we hope to have ready at that time, and it is necessary to get it to the other House in season for action upon it, it first having to be presented here. I move therefore to reconsider the vote fixing the hour of meeting to-morrow at ten o'clock with a view to making it nine.

The PRESIDENT *pro tempore*. The Senator from Maine moves to

rescind the vote by which the Senate ordered that when it adjourn to-day it be to meet to-morrow at ten o'clock.

The motion was agreed to.

Mr. MORRILL, of Maine. I now move that when the Senate adjourn it be to meet to-morrow at nine o'clock.

The motion was not agreed to.

Mr. MORRILL, of Maine. Then, gentlemen, fix the time to suit yourselves; you understand the business.

Mr. ALCORN. I rise to an inquiry of the Chair. The Senator from Maine——

Mr. FRELINGHUYSEN. I believe there is a bill that I have a right to demand the regular order on. I have allowed many things to come in.

Mr. SHERMAN. I move that when the Senate adjourns to-day it be to meet to-morrow at half past nine o'clock.

Mr. BAYARD. I hope the Senator from Ohio will take a rather broader view of the situation and move to make it ten o'clock.

Mr. SHERMAN. We have just reconsidered that.

Mr. BAYARD. I move to amend the motion by saying ten o'clock.

The PRESIDENT *pro tempore*. The Senator from Delaware moves to amend the motion by striking out "half past nine" and inserting "ten o'clock" to-morrow as the hour of meeting.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The question is on the motion as amended, which is that when the Senate adjourns to day it be to meet to-morrow at ten o'clock.

The motion was agreed to.

Mr. SHERMAN. Now I move that the Senate adjourn.

Mr. FRELINGHUYSEN. I think I have the floor.

The PRESIDENT *pro tempore*. The Utah bill being before the Senate, and being the unfinished business, the Senator from Ohio moves that the Senate do now adjourn.

Mr. FRELINGHUYSEN. I call for the yeas and nays.

The yeas and nays were ordered; and being taken resulted—yeas 26, nays 24; as follows:

YEAS—Messrs. Alcorn, Bayard, Bogy, Clayton, Cooper, Davis, Dennis, Goldthwaite, Gordon, Hager, Hitchcock, Jones, Kelly, Morrill of Vermont, Norwood, Pratt, Ransom, Robertson, Saulsbury, Schurz, Scott, Sherman, Stewart, Stockton, Tipton, and Washburn—26.

NAYS—Messrs. Anthony, Boreman, Boutwell, Buckingham, Carpenter, Chandler, Conover, Ferry of Michigan, Flanagan, Frelinghuysen, Harvey, Howe, Ingalls, Logan, Merrimon, Mitchell, Pease, Ramsey, Spencer, Sprague, Wadleigh, West, Windom, and Wright—24.

ABSENT—Messrs. Allison, Brownlow, Cameron, Conkling, Cragin, Dorsey, Edmunds, Fenton, Ferry of Connecticut, Gilbert, Hamilton of Maryland, Hamilton of Texas, Hamlin, Johnston, Lewis, McCreery, Morrill of Maine, Morton, Oglesby, Patterson, Sargent, Stevenson, and Thurman—23.

So the motion was agreed to; and (at one o'clock and thirty-five minutes a. m. Tuesday, June 23) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *June* 22, 1874.

The House met at eleven o'clock a. m.

The Chaplain, Rev. J. G. BUTLER, D. D., offered the following prayer:

Thou sovereign God before whom the nations live and die, upon whom we depend, who hast led us all these years, now in parting bless us. Sanctify to us, we pray Thee, the kind providence which has spared us during these months. Sanctify to us the dispensations of Thy providence which have brought death to this Chamber. O, let Thy spirit now guide our feet in the paths of obedience and peace, that we may enjoy ever Heaven's benediction, whether we live here or in that world in which we never die. We pray Thee bless the legislation of this session. Have our Government, in all its departments, in Thy holy keeping. Dwell Thou in every heart by Thy Holy Spirit. Abide with those who remain; go with those who go; and grant, O God, that this land may be Immanuel's land; that truth and righteousness and peace may everywhere prevail; and that we among the nations of the earth may continue to be abundantly blest, illustrating before the world the power of the divine life.

Father, wherein we have sinned against each other help us to forgive as Thou hast forgiven us. Guide us ever by Thy Divine counsel, and may we ever follow Him who hast taught us to pray:

Our Father, which art in Heaven; hallowed be Thy name. Thy kingdom come. Thy will be done on earth, as it is in Heaven. Give us this day our daily bread. And forgive us our trespasses, as we forgive those who trespass against us. And lead us not into temptation; but deliver us from evil: For Thine is the kingdom, and the power, and the glory, forever and ever. Amen.

READING OF THE JOURNAL.

On motion of Mr. DAWES, by unanimous consent, the reading of the Journal of Saturday last was dispensed with.

GENEVA AWARD.

Mr. BUTLER, of Massachusetts. I submit the report which I send to the Clerk's desk from the committee of conference upon the Geneva award bill.

The Clerk read the report as follows:

The committee of conference on the disagreeing votes of the two Houses on the bill (S. No. 7) for the creation of a court for the adjudication and disposition of certain moneys received into the Treasury under an award made by the tribunal of arbitration constituted by virtue of the first article of the treaty concluded at Washington the 8th of May, A. D. 1871, between the United States of America and the Queen of Great Britain, having met, and after full and free conference, have agreed to recommend and do recommend to their respective Houses, as follows:

That the House recede from its amendment to the bill of the Senate and agree to the same with the following modification, namely: Strike out section 5 and insert as section 5 a new section in the words following:

SEC. 5. That the President may designate a counselor at law, admitted to practice in the Supreme Court of the United States, to appear as counsel on behalf of the United States, and represent the interest of the Government in said suit, and in all claims filed for indemnity for losses, as provided by this act, subject to the supervision and control of the Attorney-General. Such counsel shall receive for his services and expenses such reasonable allowance in each claim as may be approved by the court, to be apportioned in each claim adjudicated, and paid from said award upon the certificate of one of the judges.

Strike out, commencing on line 11, section 11, "and all claims provable or to be allowed under this act shall be stated and adjudged upon the basis of United States gold coin at the time of the loss" and insert instead "all claims."

Strike out in section 14, commencing on line 4, the words "shall retain in the Treasury 5 per cent. of the amount of the judgments rendered by the said court," and on the eighth line of same section strike out "95 per cent. of." Commencing on the twenty-second line of the same section strike out the words "deducting nevertheless from each of the said judgments and retaining in the Treasury 5 per cent. of the amount of the said judgments respectively."

On second line of the fifteenth section strike out the words "in coin."

On the twenty-seventh line of the same section strike out the words "the same shall be carried to the general fund of the Treasury," and insert instead "the same shall be and remain a fund from which Congress may hereafter authorize the payment of other claims thereon."

After the sixteenth section insert the two following sections, to wit:

SEC. 17. In ascertaining the amount of such losses, the memorials, affidavits, depositions, and any other papers in the several cases of losses claimed respectively, now filed in the State Department, or official copies thereof, may be read in evidence: *Provided*, That no affidavit shall be read except where it appears to the satisfaction of the tribunal that the affiant cannot be produced before it as a witness or his testimony taken by commission upon interrogatories; and in the hearing of the cause any party claiming shall produce all books, papers, letters, and documents that may be called for by a general description thereof by any opposing party, or satisfactorily account for their loss or non-production, or suffer such judgment as is prescribed in section 15 of the act entitled "An act to establish the judicial courts of the United States," approved September 29, 1789; and on the hearing of the cause, any competent evidence may be produced by either party, either *viva voce* or by deposition taken upon interrogatories; and for this purpose depositions may be taken by either party *de bene*, or the court may admit affidavits where it is satisfactorily shown that the witness cannot be produced or his examination by interrogatories and cross-examination cannot be had.

SEC. 18. That in case any judgment is rendered by said court for indemnity for any loss or claim hereinbefore mentioned against the United States at the time of the giving of the judgment, the court shall, upon motion of the attorney or counsel for the claimant, allow out of the amount thereby awarded, such reasonable counsel and attorney fees to the counsel and attorney employed by the claimant or claimants respectively as the court shall determine is just and reasonable, as compensation for the services rendered the claimant in prosecuting such claims, which allowance shall be entered as part of the judgment in such case, and shall be made specifically payable as a part of said judgment for indemnification to the attorney or counsel, or both, to whom the same shall be adjudged; and a warrant shall issue from the Treasury in favor of the person to whom such allowance shall be made respectively, which shall be in full compensation to the counsel or attorney for prosecuting such claim; and all other liens upon, or assignments, sales, transfers, either absolute or conditional, for services rendered or to be rendered about any claim or part or parcel thereof provided for in this bill heretofore or hereafter made or done before such judgment is awarded and the warrant issued therefor, shall be absolutely null and void and of none effect.

And the Senate agree to the same.

BENJ. F. BUTLER,
WM. P. FRYE,
Managers on the part of the House.
FRED'K. T. FRELINGHUYSEN,
GEO. G. WRIGHT,
Managers on the part of the Senate.

Mr. BUTLER, of Massachusetts. I ask the attention of the House for a moment while I explain this report.

Mr. Speaker, the committee of conference upon the Geneva award bill have agreed first to the payment of the uninsured losses by vessels for which the Geneva tribunal held Great Britain liable. They have agreed to the Senate bill so far as it does not allow the insurers and underwriters to be paid except where upon stating the account of profit and loss it appears that the underwriters have incurred losses on the whole business. They have also stricken out from the Senate bill the provision that these losses shall be adjudicated in gold, finding that nearly impracticable.

We have agreed to strike out what is known as the 5 per cent. clause, that is the clause providing that the Government should retain 5 per cent. for doing the business—a sort of claim-agent fee—and only pay 95 per cent. of the judgment. Then we have inserted a clause that instead of covering the balance into the Treasury, it shall be allowed to remain as a fund from which Congress may hereafter pay other losses. We have agreed to a court of commission instead of the circuit court, and in order to prevent the great evil to be feared from a court of commission we have provided as did the House bill against all assignments for services, all contingent fees, and have made provision that the court of commission shall determine the claims for services in each case.

I believe these are all the provisions of the report and all the changes that have been made. Upon some questions both Houses have agreed, to wit, that the uninsured losers by the cruisers for which the Geneva tribunal held Great Britain liable, including the insurance companies that have suffered losses, on striking a balance, both have agreed. Upon the question of paying insurance companies beyond that both Houses have agreed. And the other amend-

ments are rather amendments of mode, of distribution. I will now answer any questions that any gentleman may desire to ask.

Mr. POLAND. I desire to ask about what amount of money it will take to pay the claims that are provided for by this bill as the committee of conference have left it?

Mr. BUTLER, of Massachusetts. My belief is not more than $3,000,000.

Mr. POLAND. What provision is made for the balance of the money?

Mr. BUTLER, of Massachusetts. That is provided for in this way: "If there shall remain any part of said money, the same shall be and remain a fund from which Congress may hereafter authorize the payment of other claims thereon."

Mr. TREMAIN. As to war-premium claims, as to the owners of uninsured vessels that were destroyed by other cruisers than the three for which Great Britain was held responsible, and as to the insurance companies who cannot show by an account of their general business that they sustained losses, I understand that this report does not preclude them from asking for and obtaining payment out of the fund by subsequent congressional legislation.

Mr. BUTLER, of Massachusetts. On the contrary, this report leaves open to the war-premium men and the men who lost by cruisers other than the three named in the award and the Shenandoah before Melbourne—in regard to them the report is silent. As to the underwriters who have not suffered a loss in their whole business, the report simply says that they cannot receive any pay before this tribunal. It is silent as to the war-premium men and the other men precisely as the Senate bill is.

Mr. POLAND. Does this bill as it is left by the committee of conference positively and actually forbid any payment to be made to insurance companies for the vessels for which you do provide for payment?

Mr. BUTLER, of Massachusetts. It absolutely forbids it by this court, by this commission; it leaves it to be ordered by legislation hereafter as it does to war-premium men.

Mr. E. R. HOAR. Having failed to get exactly the purport of the explanation of the gentleman, I wish to ask whether this conference report, summing it up, amounts to this: That it provides for the payment of those classes of claimants about whose claims there have been no disputes, and leaves all others for the future judgment of Congress.

Mr. BUTLER, of Massachusetts. Exactly that; I now yield to the gentleman from Wisconsin, [Mr. ELDREDGE.]

Mr. ELDREDGE. I hope this conference report will not be agreed to by this House. It is now conceded, not only by the majority of the Committee on the Judiciary of this House, but it is conceded by the conference committee of the Senate and House of Representatives now making this report, that this fund belongs absolutely to the United States. No such agreement could have been come to as has been made by this committee of conference if in law, equity, and justice this fund belonged to individuals. It is therefore agreed by everybody who has at all considered this subject officially that this money is absolutely the property and money of the United States. Now, I put it to this House whether this being conceded we should go to work and distribute this entire fund or any portion of it any more than we would distribute other moneys that are in the Treasury of the United States, when according to the concession of all parties who have been connected with this matter at all it is agreed that this fund is as much the property and money of the United States as any money in the Treasury. I understand that the conference committee agree that this fund is not to be distributed upon adjudicated claims. They set up a proposition here that there are no adjudicated claims, no considered and agreed claims; but that there are some on which no dispute arises, and it proposed to pay those claims only which were not disagreed to by the persons appearing before the arbitrators at Geneva. I can see no earthly reason why Congress should go to work and distribute this fund on the plan proposed. Who knows whether these claims are just and right? Has there been any proof presented? Is there any one here who can vouch for them? Why are they to be paid and the whole money not distributed? If this money was adjudicated upon claims presented to and considered by the Geneva arbitration, then every dollar of it should be distributed, and distributed upon the adjudication. Congress has no right to say that certain claims shall be paid and certain others not paid without investigation or consideration. It is either adjudicated money agreed to belong to individuals, or it belongs to the Government. I say the committee have conceded that it belongs to the Government, and I hope the House will never agree to this report.

Mr. BUTLER, of Massachusetts. I now yield to the gentleman from Maine, [Mr. FRYE.]

Mr. FRYE. I desire to say a word or two in relation to this report. The doctrine of the gentleman from Wisconsin [Mr. ELDREDGE] seems to me monstrous, that this money, which has been paid by Great Britain for the losses suffered in consequence of the acts of the privateers which she sent out upon the ocean, shall be covered into the Treasury of the United States. It seems to me that the power exercised by the United States in withholding money belonging to the French spoliation claimants has been a monstrous exercise of power.

Mr. ELDREDGE. Allow me to ask a question.

Mr. FRYE. It seems to me that the withholding from Japan the money that we have in our Treasury to-day is a monstrosity on the part of the United States.

Mr. ELDREDGE. In the report to which the gentleman from Maine [Mr. FRYE] has affixed his own name, does he not say that this money belongs to the United States free and clear from any legal or equitable claim whatever?

Mr. FRYE. I say in the report which I signed that this money belongs to the United States, and that it is held by the United States to be distributed as the laws of justice and equity demand.

Mr. ELDREDGE. The gentleman uses the exact words, or very nearly the exact words that I have quoted—that the money belongs to the United States free and clear of all claims whatever, equitable or legal.

Mr. FRYE. And this money belonging to the United States, citizens of the United States entitled to the protection of the Government, having had their vessels destroyed by pirates fitted out in Great Britain, come to Congress and ask that they shall be reimbursed for those losses; and there is force in their claim which ought to impel every member Congress to answer by giving them bread, not a stone.

I have not given up a jot of my convictions. I hold to-day as I held in the beginning, that the insurance companies have no right whatever in this fund. I hold that we are not justified as a Congress in paying the insurance companies one dollar. All the discussion in the committee of conference, which has been long, has not tended at all to convince me that the position I took is not sound. I have not yielded my convictions on this question. I propose hereafter, if my constituents should send me here, to fight it out on that line to the bitter end. I will never consent to subordinating the claims of the war-premium men, equitable in every respect, to the claims of the insurance companies unjust in every respect.

But, sir, the question came before us, "What shall we do?" We could not agree. There are certain men about whose rights there is no dispute—honest men, poor men; and money belonging to them under the rules of equity is lying in the Treasury of the United States. In our fight between the war-premium men and the insurance companies, shall the payment of these poor and honest claimants, about whose rights there is no dispute, be deferred year after year until they die wearily waiting for what belongs to them, or shall we say like men, "There is no dispute about these claims; and therefore, while we put off the fight as to the rest until some future day, these men shall have their pay now."

Sir, I could not justify myself to my conscience if I permitted this Congress to adjourn without letting these men have what is justly their own; and I trust, sir, that at a future session this fight will be renewed, and that right will in the end prevail. I hope that the conference report will be adopted, and that these men will be paid.

Mr. TREMAIN. Mr. Speaker, there is a strong equity in declaring that claimants whose claims are undisputed, whose losses were presented by our Government, acting in behalf of its citizens, to the tribunal at Geneva, and whose claims were allowed and included in that award, shall not be compelled to await payment of their claims until these matters about which disputes have arisen shall be determined by Congress. I should therefore concur cheerfully in this report were it not for an expression in it which may hereafter perhaps be construed as laying down a precedent that may be unfavorable to the insurance companies. I refer to the provision declaring that before insurance companies under this bill can be allowed for any of their claims they must show by an account of their business during the war that the premiums received by them were not sufficient to indemnify them for their losses. It is true that that provision applies only to this bill. It is said that this bill will only call for the payment of about two million five hundred thousand dollars or three million dollars; and if that clause were struck out I should have no hesitation whatever in casting my vote in favor of the bill. The chairman of the conference committee, however, states that this bill will not preclude insurance companies or war-premium claimants or the owners of uninsured vessels which were destroyed by other cruisers than the Florida, the Alabama, and the Shenandoah before she touched at Melbourne from having their claims considered and allowed by any future Congress or by this Congress at its next session. If the gentlemen who are here now were to constitute the only tribunal to be called upon hereafter to decide this case I suppose that this disavowal might be regarded as having influenced the action of this House, and that therefore no injury would result to the insurance companies.

As to the payment of the $2,500,000 of uninsured claims on the part of owners of vessels that were destroyed and whose claims were allowed at Geneva, nobody questions their right. We concede that their claims were allowed at Geneva and formed a part of the award. The very principle upon which we advocate the claims of the insurance companies requires that these undisputed demands should be allowed; and while this bill only goes, as we understand, so far as to allow claims that were thus recognized at Geneva and formed a part of the award, it by no means sanctions the principle advocated by the gentleman from Wisconsin [Mr. ELDREDGE] that the Government does not hold this fund as trustee but as absolute owner, but on the contrary, it concedes a principle directly the reverse. If the uninsured owners whose claims were not allowed or the war-premium claimants who it is said have an equitable claim upon this fund were

proper subjects for indemnity, they have just as good a right to come in and as strong a claim to be recognized under this bill as those whose claims were recognized and allowed at Geneva.

Mr. HAWLEY, of Illinois. I wish to inquire whether this conference report gives anything to the insurance companies?

Mr. TREMAIN. I have already stated that it only recognizes the claims of insurance companies who upon an account of their general business may be able to show upon the whole a loss.

Mr. KELLOGG. Will my friend from New York [Mr. TREMAIN] state whether, in his judgment, that provision will prevent future action of this or some other Congress doing full justice to the insurance companies?

Mr. TREMAIN. I have already stated that I asked the chairman of the conference committee whether this would preclude the insurance companies or these other claimants—the war-premium men and the owners of vessels destroyed by other cruisers than those mentioned—and he said it would not.

Mr. BUTLER, of Massachusetts. It would not by this act.

Mr. TREMAIN. Not by this act. The distinguished gentleman from Massachusetts [Mr. HOAR] asked the question of the chairman [Mr. BUTLER] whether insurance companies were precluded in the future from coming in, and he answered unequivocally that they were not. The bill does provide the balance of the fund over and above the amounts allowed by its provisions shall remain in the Treasury subject to the future action of Congress. But what I object to in the report, and that is all I do object to, is that there should have been any provision made for insurance companies at all under those circumstances. What I call the attention of the House to, and leave for them to judge, is when it lays down the doctrine under this bill that an insurance company can only be allowed where it can show by the account of its business during the war it has met with losses; in other words, that its premiums were not sufficient to pay its losses, to say nothing of the expense of its business, it may be urged hereafter that it is a congressional recognition of the principle that insurance companies cannot be allowed on the mere naked doctrine of subrogation by being substituted in the place of the original owners. Of course Congress has plenary power over the subject, and may do what is right with the fund still remaining in the Treasury; but as I said before, if that section were stricken out I should cheerfully vote for the report, and the only embarrassment I have is that this matter may not be determined at the next session of Congress, and succeeding sessions of Congress, not having heard these disavowals accompanying and forming part of this report and influencing the action of this House in voting for or against it, looking only to the law, may interpret it as a recognition of a principle adverse to the doctrine for which we have contended.

But what I wish to say, and I desire to say it now, is that so far as it goes it is an express recognition of the principle for which we have contended, that only those claims allowed shall be paid out of the fund—that were allowed at Geneva and formed part of the award. So far it adopts a sound and just principle; and I have only this to say in answer to the gentleman from Maine, [Mr. FRYE:] I do most sincerely from the bottom of my heart regret that this Congress is about to adjourn without carrying out to its legitimate conclusion the logic of this report; I do most sincerely regret that we shall stand before the world for another period of time with a stain resting upon us because we have failed promptly to respond to a demand clearly established by the principles of law and equity and resting upon our honor and upon our plighted faith.

And when the gentleman from Maine says that these insurance companies have no claim, I take occasion to say to this House that our action in passing the House bill, which I rejoice has been promptly rejected by the Senate, has called from all parts of this country, from the best talent of the country, and from the most honored jurists of the country, a universal expression of disapproval, in which I undertake to say no prominent jurist and no leading newspaper of the country has sanctioned the principle of the spoliation and confiscation of the property of these insurance companies. Mr. William Beach Lawrence, perhaps second to no publicist in the United States, has written a letter on the subject of this bill to the Providence Journal, in which, after alluding to the claims for war premiums as being properly rejected because they belonged to "the indirect claims," he says:

> And for the first time it is believed, either in municipal law or international discussions, has an attempt been made to deprive insurers of the title vested in them by the payment of the losses insured against.

He then adds:

> One thing I conceive to be certain beyond all question: If Congress should either apply the $15,500,000 received from England to the purposes of the Treasury, or make a different distribution of the funds from that provided by the treaty and the award of the Geneva tribunal, a fatal blow is given to arbitration. No civilized power will ever make a treaty with the United States, dishonored as they will be by the greatest breach of trust recorded in history.

I ask also to publish with my remarks a most learned and able article from the London Economist, called out by this bill, entirely impartial and independent, showing how the action of this House in disregarding the claims allowed at Geneva, if it shall formally be sanctioned by law, will tend to bring discredit on international arbitration and destroy it forever.

THE CLAIMANTS OF THE ALABAMA INDEMNITY.

[From the London Economist, May 30.]

It may be thought that we in England, having paid over to the American Government, in liquidation of the Alabama claims, the money for which the Geneva tribunal adjudged us to be responsible, have no concern in the disposition of the fund among the persons on whose behalf the authorities at Washington made their demand against us. Nor would the mere delay that has taken place in the distribution of the indemnity justify us in being curious or critical about such purely domestic matters of administration and account in a foreign country. But all the circumstances surrounding and prolonging the delay have a significance that we ought not to neglect. In the first place, the controversies arising out of the business in the United States, involve admissions that throw much light—though now only the light of speculative interest—on the history of the Alabama claims, of the negotiations about them, and of the award of the arbitrators at Geneva. But, moreover, they raise questions of public law and constitutional practice of the very gravest kind.

Whether international arbitrations are or are not likely to be accepted in the future as a convenient and humane method of settling quarrels between contending countries, it is easy to conceive that the custom of arranging disputes by the payment of pecuniary indemnities will become even more common than it has been. In most cases such indemnities will be paid to the Government claiming to be aggrieved, not on account of the nation it represents, but on account of certain classes or individuals marked out from the rest of the community as special sufferers by the wrong, and therefore specially entitled to indemnification. The extent to which the nation receiving the indemnity, without an express charge of trust, becomes by implication a trustee for the classes or individuals having a special claim, is a point that, we should say, ought to be very easily determined; but in the United States it has been seriously brought into question, and the doubts thrown upon what we have been accustomed to consider the broad and plainly marked path of public honesty may hereafter mislead other countries where popular pressure or political intrigue may chance to offer temptations for going wrong.

The tribunal of Geneva refused to take cognizance of two classes of claims presented by the American Government; it declined to award anything to the United States on the score of national injury, or to make any indemnification of individuals for indirect or consequential damages. There remained, therefore, to be compensated by England simply the direct losses suffered by certain individual ship-owners in the United States, whose vessels were captured by the cruisers in the operations of which this country was held to be implicated, and by certain insurance companies that had become liable for the value of other captured vessels. It is plain that any painstaking tribunal could easily determine what claims coming under these two categories were valid and the precise amount of them. If the Geneva arbitrators had exercised the discretions granted to them by the treaty of Washington, and had ascertained by the aid of assessors the actual amount of the direct claims, the present disputes and delays would never have disturbed the United States. But the arbitrators thought it easier, and withal more complimentary to the American character, to award a lump sum; and accordingly a sum was awarded which, though paid with promptitude and without remonstrance by our government, was generally thought in England to be in excess of the just measure of damages due upon that part of the American demand that was admitted by the tribunal.

It is now urged on all sides in the United States—by those who advocate the strict distribution of the fund, as well as those who contend that it should be more "liberally" dealt with—that the amount of the indemnity does exceed the amount of any direct claims that can possibly be proved, though it is needless to say that there is no suggestion anywhere that the surplus should be paid back into the British exchequer. If, however, the American Government had desired to avoid any trouble, as well as any appearance of unfairness in dealing with the money handed over by our Government, it was easy to send the direct claimants before the ordinary courts of the Union, which would have settled each claim according to established principles of law; and when all the claims so disposed of had been paid out of the indemnity, if there had remained a surplus—and of this there seems to be no doubt—Congress, if it disdained the too chivalrous honesty of returning it to England, might have proceeded to legislate for the application of the balance to some purpose at least analogous to the avowed object of the award. But in the present moral condition of American politics, the temptation to get the control of a large sum of money with which public opinion may be drugged or muddled, is almost irresistible with the persons who are now all-powerful in Congress.

For two years the matter has been held in abeyance, while a succession of bills have been introduced, both in the Senate and the House of Representatives, prescribing certain schemes for distributing the money, and the Judiciary Committee of the House has bewildered itself with an infinitude of irrelevant arguments. The result is that the claimants, even those whose rights are perfectly clear, have not yet touched a penny of the money paid out of English pockets in compensation of the losses they suffered more than ten years ago. The money lies in the Treasury at Washington, and some politicians profess themselves already in favor of leaving it there to relieve the general taxation of the Union. Others, repudiating this suggestion, are laboring to set aside as many as possible of the direct claimants, in order to give a share in the distribution to classes and individuals whose alleged rights, after a careful hearing, the tribunal at Geneva declined to admit.

The ship-owners, who refused to insure their vessels at war rates when the rebellion broke out, relying on the power of the United States Government to exact compensation for losses, if any should happen, are indisputably entitled to indemnification out of the money paid by England. Even General BUTLER does not contest this; but while Congress is squabbling about the disposition of the very large surplus that will certainly remain after all such claims have been paid, they are very unfairly kept out of their money. Again, the claims of the insurance companies which have paid the losses of ships captured by the Alabama and her consorts, are manifestly within the scope of the award; and though a doubt may arise whether the premiums paid by the owners of these vessels come under the head of direct or indirect damages, this point is one which need not be determined till the insurance companies, who have clearly a first charge, have been paid.

The losses of ship-owners who sold their vessels on the outbreak of the war, and those incurred by the payment of heavy war premiums on vessels not captured, come under the head of consequential damages. Of course there is no objection that, after the direct claims have been paid, the United States Government, if it should not see fit to return the surplus to England, of which we have no expectation whatever, should apply the balance in spite of the arbitrators' decision, to the compensation of the indirect claimants, or even of other sufferers by the war who have no relation to the British indemnity at all. The award does not seem to have restrained the United States, at least in express terms, from doing something of this kind; but it did distinctly constitute the payment of the direct claims a trust upon the fund, which should, in simple honesty, take precedence of every other charge this Congress may choose to make upon the indemnity. The utterly irrelevant and inequitable argument that General BUTLER and others of the demagogic faction are raising against the claims of the insurance companies is a disgrace to the United States.

Specific losses have been suffered, and an international tribunal invested with the amplest powers has allocated a certain sum of money paid by a community responsible for particular acts to the compensation of those losses. But General BUTLER and his allies demand that they shall be allowed to investigate the whole business career of the sufferers during the period within which the losses took place,

with the object of ascertaining whether damage in one way was not redressed by gain in another way, though the gain may have no relation whatever to the cause of the damage. The insurance companies naturally decline to open their books to such an investigation; and, indeed, the whole mercantile community of the United States denounce the pretension as monstrous. But there is a large and noisy class who are interested in cutting down the legitimate claims as much as possible, in order that a large balance may be left for illegitimate claimants. Meantime, not only the insurance companies, but the uninsured ship-owners remain without a penny of the compensation that was paid over by England so long ago.

RIVER AND HARBOR APPROPRIATION BILL.

On motion of Mr. SAWYER, by unanimous consent, the House took from the Speaker's table the amendments of the Senate to the bill (H. R. No. 3168) making appropriations for the repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes, and the same were referred to the Committee on Claims.

GENEVA AWARD.

Mr. E. R. HOAR. It was my hope that this Congress would be able to pass a bill at this session making a final disposition of the Geneva award. I think that our position before the civilized world required it if possible. It is not proved to be possible or practicable to reconcile conflicting views. When that was ascertained in the committee of conference I went to those gentlemen and begged them for the honor of the country, for the honor of this Congress at least, to report a measure that would provide for the payment of the undisputed claimants upon the fund, so that this Congress should not go by and leave them unpaid, and leave the rest to be considered in the next Congress without prejudice to the rights of any man.

Now I do not believe that any considerable proportion of this Congress or of the people of this country sympathizes with the views of the gentleman from Wisconsin, [Mr. ELDREDGE,] and I do not propose to take up any time in referring to them. But I do think there is a strong feeling that the undisputed claimants should be paid at once, and when it goes upon the record by the avowal of every member of the committee that the purpose of this is to leave without prejudice every other claim, I cannot see that the objection of the gentleman from New York [Mr. TREMAIN] is important. I therefore hope that without any further consideration of the statements made on the one side or the other about the equities of the particular claims that we cannot now discuss and come to any agreement upon in this Congress, we shall pass this conference report with substantial unanimity.

Mr. POLAND. I understand the gentleman from Massachusetts [Mr. E. R. HOAR] to say that he understands that other claims except those provided by this conference report are left to stand——

Mr. E. R. HOAR. Without prejudice.

Mr. POLAND. There I think the gentleman is entirely mistaken.

Mr. E. R. HOAR. Will the gentleman allow me to say that I asked that specific question fifteen minutes ago of the chairman of the committee, and he answered me categorically in the affirmative.

Mr. POLAND. The report expressly provides that claims of insurance companies shall not be paid.

Mr. BUTLER, of Massachusetts. At this time.

Mr. E. R. HOAR. But they stand like all others to come before a future Congress for adjudication.

Mr. POLAND. I think the gentleman is very much mistaken, whatever the chairman of the committee may have said.

Mr. BUTLER, of Massachusetts. I will read the words from the report.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the Senate insisted on its amendments, disagreed to by the House, to the bill (H. R. No. 3415) to provide for the care and custody of persons convicted in courts of the United States who have or may become insane while in prison, agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. FRELINGHUYSEN, Mr. WRIGHT, and Mr. STEVENSON, conferees on the part of the Senate.

The message further announced that the Senate had passed without amendment the joint resolution (H. R. No. 59) amending joint resolution of April 16, 1872, relating to a statue of the late Admiral Farragut.

GENEVA AWARD.

The House resumed consideration of the report of the committee of conference on the bill in relation to the Geneva award.

Mr. POLAND. I ask the gentleman from Massachusetts [Mr. BUTLER] to yield to me for one or two moments.

Mr. BUTLER, of Massachusetts. I yield to the gentleman.

Mr. POLAND. The gentleman from New York, [Mr. POTTER,] who was a member of the conference committee, being obliged to leave, gave me a written statement as his views, which he desired me to present to the House. I ask the Clerk to read the gentleman's letter.

The Clerk read as follows:

HOUSE OF REPRESENTATIVES,
Washington, D. C., June 20, 1874.

MY DEAR SIR: The United States claimed that Great Britain had been remiss in the discharge of her duties as a neutral. For injuries thus occasioned our citizens had no *remedy* against Great Britain; but they had a *right*. Their claims together with the claims of other citizens for enhanced premiums and certain national claims were presented by our Government to Great Britain. They were subsequently by treaty submitted to the tribunal at Geneva. That tribunal decided in terms against *all the national claims* and against *all the private claims except only* the vessels destroyed by the Alabama, Florida, and Shenandoah after Melbourne. These vessels were ninety-four in number. Their value, and that of their cargoes and earned freight, &c., was estimated by the tribunal, including interest at over $15,400,000.

The fund paid in pursuance of this award seems to me, therefore, to be held "in trust" (as the Supreme Court in Vasse's case said) for the persons interested in those vessels; and I have accordingly not felt at liberty to join in any report which either debarred those interested in those vessels from getting their share of this award, or which distributed the money to any person whom the tribunal declared *not* entitled to it.

I am compelled to leave to-night, and as you and I have been in entire accord in the Judiciary Committee on this question, I now write you that you may make such representation to the House in respect of my action on the conference committee as you may see proper in my absence.

I remain, dear sir, truly yours,

CLARKSON N. POTTER.

Hon. LUKE P. POLAND.

Mr. POLAND. As Mr. POTTER says in that letter, we got pay from England for ninety-four vessels and cargoes. The value of these vessels and cargoes was figured up and made the basis of the Geneva award. This bill as it is left by the conference report provides that all the owners of those ninety-four vessels shall be paid, deducting what they have received from insurance companies. Now we got pay for the ninety-four vessels at their full value.

Mr. ELDREDGE. The gentleman will have difficulty in finding any table or any adjudication that will show the precise sum of $15,500,000, or that it is based upon any specific claims.

Mr. POLAND. I cannot yield. This statement of the gentleman from New York [Mr. POTTER] is absolutely true. Now, we say that the owners of these ninety-four vessels and cargoes shall get their money, deducting such sums as they have received from insurance companies. Who shall have the balance? We have it. It seems the plainest statement in the world. I would agree with the gentleman from Massachusetts [Mr. E. R. HOAR] who has just spoken, that if this matter was left entirely free and open so that insurance companies could come before Congress, or come before a tribunal and stand unbiased and unprejudiced with the war premiums and the owners of vessels destroyed by the other rebel cruisers—I would agree with him that to the extent to which this bill now goes by the report of the conference committee it would be better to pay it out of the fund to the claimants who we all agree are entitled to it. But I tell the House and I tell the gentleman from Massachusetts [Mr. E. R. HOAR] that this bill as these gentlemen have left it absolutely forbids any payment to insurance companies. To be sure we may hereafter repeal this law which we are now enacting and agree to pay the insurance companies; but when the gentleman from Massachusetts and the gentleman from Maine say that they have left all claims of insurance companies to stand for the unprejudiced action of some future Congress, they make a statement that is entirely different from my construction of the bill which they present.

Mr. KELLOGG. I desire to ask the gentleman from Vermont a question.

Mr. BUTLER, of Massachusetts. I cannot yield further.

Mr. POLAND. I ask the gentleman to yield to me for just one word more. Our conference committee went to the Senate and they came back shorn. They have absolutely abandoned the entire House bill. What remains here is the Senate bill. The Senate bill has a great deal less of abomination in it than ours had. To that extent I commend the efforts of these gentlemen.

We had one thing in the bill that was not in the Senate bill, and which was abandoned by the conference committee, which was not a good thing. It provided that each claim should go before one of the organized and established legal tribunals of the country. The Senate provided for one of these three-cornered commissioned courts.

Mr. BUTLER, of Massachusetts. O, no; five-cornered.

Mr. POLAND. I have always been a little jealous of special tribunals to decide questions of right between men. I think myself that the regularly organized legal tribunals of the country are the proper tribunals to decide disputed cases that may arise; they are far cheaper, they are far more likely to arrive at the truth when facts are in dispute, and far more likely to decide the law correctly, and the whole is more uniform and honest.

Mr. Speaker, I have such strong objection to the report of the committee of conference that I cannot vote for it. It is true that so far as the bill provides for the paying out of the money now, it provides for paying only to the men who all agree are entitled to it under the Geneva award. In that respect it goes absolutely against the doctrine of the report of the gentleman from Massachusetts, that this was the money of the nation. The committee have agreed as far as they go that the money due to individuals under that award shall be paid to them. The legitimate result and consequence of going as far as the conference report proposes must be that the insurance companies have the money they paid for the vessels which were included in the award. If I did not fear that this bill would be claimed as barring insurance companies hereafter, I would not object to it.

Mr. BUTLER, of Massachusetts. I will now yield for one minute to the gentleman from Kentucky, [Mr. BECK,] and then I shall ask the previous question upon agreeing to the report.

Mr. BECK. I desire to say a word only. When this question was up in the last Congress I then opposed the bill that finally passed the House. I believed then, and I believe now, that this Congress is obliged, certainly good faith and national honor require us, to distribute this money among the owners of the ships that were destroyed by the Alabama, Florida, and the Shenandoah, or to the persons who,

by payment for losses, are subrogated to their rights. I believe that we hold the money in trust for them, and that we have no more right to keep it in the Treasury of the United States and apply it to general use, than would an executor, guardian, or trustee have the right to pocket the money of his *cestui que trusts*. The Government presented these claims against Great Britain because individuals under our Constitution cannot deal with foreign nations. They had to apply to the Government as their agent and representative to do so, and having so applied—the United States having withdrawn its own claims as a government, indeed the arbitrators having refused to act until we did so—the money evidently belongs to the individual claimants, and for one I would rather see it sunk to the bottom of the Atlantic Ocean than to see it appropriated by the Government of the United States for the common use of the people. Upon this question I differ totally with my friend from Wisconsin, [Mr. ELDREDGE,] and I think that when he comes to examine the question he will agree with me, that we cannot with honor use the money for any other purpose than to pay these individual claimants who represent the ninety-odd ships destroyed by the Alabama, Florida, and Shenandoah. I believe, whether it is equitable or inequitable, that these insurers, who were by law as well established as the common law itself subrogated to the rights of others, are obliged to come in for their share of the distribution. I am sorry that it is so, but I bow to the law as the courts expound it. It was so decided under the Spanish treaty, under the old Danish treaty, and in the French spoliation cases. What are the facts? England did us no damage—so the arbitrators decided—except what she did by her negligence in allowing the three ships I have named to go out from her ports upon the high seas as confederate cruisers, and it is the persons who were injured by the acts of those ships that alone ought to share in the money which the arbitrators award. It is England's money we are now disposing of, *not ours*. Those injured by her, and none others, are entitled to it. She has the right to have wrongs done by her satisfied out of her money.

Mr. Speaker, I have read the debate upon this subject very carefully, and I want to say to the House that the argument made by the distinguished Senator from Ohio [Mr. THURMAN] upon this question the other day never *has been* and never *can be* answered. I agree with him, and am proud of it, as the bold, manly utterances of a great democratic lawyer and Senator. Sir, Congress is called upon to act as judge in the consideration of these claims, and I do not know of any more unfit set of judges to decide upon such questions. I prefer that the question should be transferred to the courts, who can decide upon these cases according to their merit.

Mr. BUTLER, of Massachusetts. I desire to say but a single word, and then I will call the previous question and ask for a vote. I agree as a matter of course, upon the premises taken, that the argument that there is subrogation of rights of insurance companies is unanswerable. But we are here to make laws, to put the law as it ought to be. And we are putting the law now as it ought to be; or rather we did in the House bill. But the present bill does not do anything of the sort. We leave that as an adjourned question. I want to put in only one caveat. It is said that we have agreed that the insurance companies shall come in here unprejudiced. I cannot agree to that. They came in here unprejudiced by this report; but they never will come in here with a claim to get paid twice without a great deal of prejudice against them.

Mr. DAWES. I desire to say a single word. There are some things in this report that perhaps I would make different if I could. But I agree that the importance of distributing this award is so great that we ought to yield minor matters of detail; every dollar of it that can be distributed justly ought not to stay an hour in the Treasury or in our possession merely because we cannot distribute the whole of it. I agree that it is most desirable that we should dispose of the whole of it now, and I for one would prefer to do it through the courts. But if that cannot be done, I have confidence enough in any tribunal that will be created to distribute the whole of it, if that is possible, and if not, to distribute as far as we can. But this report is going thus far right, and I shall vote for it, although I should prefer that the whole of this award should be distributed to those who in equity and justice have a right to it. A reproach hangs over this Government for holding for seventy long years the French spoliation award, and the money we have received by treaty stipulations, and which we stipulated to pay to the parties to whom it belongs, and which money we hold in the Treasury because we have the power to hold it. That is a reproach to which we should not add that of keeping the Geneva award or one dollar of it one hour beyond the time we can distribute it.

Mr. BUTLER, of Massachusetts. I now call the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof, the report of the committee of conference was agreed to.

Mr. BUTLER, of Massachusetts, moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MOIETIES.

Mr. FOSTER. The Senate has returned with an amendment House bill No. 3256, to repeal so much of the act approved May 8, 1872, entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1873, and for other purposes," as provides for the employment of persons to assist the proper officers of the Government in discovering and collecting moneys withheld, and for other purposes, The amendment is to strike out the third section of the bill. I move the amendment be concurred in.

The motion was agreed to.

Mr. FOSTER moved to reconsider the vote by which the amendment was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ELECTION OF PRESIDENT AND VICE-PRESIDENT BY THE PEOPLE.

Mr. SMITH, of New York, from the Committee on Elections, reported a joint resolution (H. R. No. 116) proposing an amendment to the Constitution in respect of the election of President and Vice-President; which was read a first and second time.

The joint resolution was read, as follows:

Resolved, &c., (two-thirds of each House concurring,) That the following article is hereby proposed as an amendment to the Constitution of the United States, and when ratified by the Legislatures of three-fourths of the several States, shall be valid to all intents and purposes as a part of the Constitution.

ARTICLE —.

SECTION 1. The President and Vice-President shall be elected by a direct vote of the people in the manner following: Each State shall be divided into districts, equal in number to the number of Representatives to which the State may be entitled in the Congress, to be composed of contiguous territory, and to be as nearly equal in population as may be; and the person having the highest number of votes in each district for President shall receive the vote of that district, which shall count one presidential vote; and no voter in any State shall vote for candidates for President and Vice-President who are both citizens of the same State with himself.

SEC. 2. The person having the highest number of votes for President in a State shall receive two presidential votes from the State at large.

SEC. 3. The person having the highest number of presidential votes in the United States shall be President.

SEC. 4. If two persons have the same number of votes in any State, it being the highest number, they shall receive each one presidential vote from the State at large; and if more than two persons shall have the same number of votes in any State, it being the highest number, no presidential vote shall be counted from the State at large. If more persons than one shall have the same number of votes, it being the highest number, in any district, no presidential vote shall be counted from that district.

SEC. 5. The foregoing provisions shall apply to the Vice-President.

SEC. 6. The Congress shall have power to provide for holding and conducting all elections of President and Vice-President. The returns of such elections shall be made to the Supreme Court of the United States within thirty days after the election. Said court shall under such rules as may be prescribed by law, or by the court in the absence of law, determine any contest in respect of such returns, canvass the same, and declare within ninety days after such election by public proclamation who is elected President and who is elected Vice-President.

SEC. 7. The States shall be divided into districts by the Legislatures thereof; but the Congress may at any time by law make or alter the same.

SEC. 8. No person who has been a justice of the Supreme Court shall be eligible to the office of President.

Mr. SMITH, of New York. I move that the joint resolution with the accompanying report be printed and recommitted to the Committee on Elections.

The motion was agreed to.

Mr. SMITH, of New York. I ask consent that the Committee on Elections have leave to report this joint resolution at any time during the next session.

Mr. ELDREDGE. I object.

ELECTION CONTEST—BELL VS. SNYDER.

Mr. SMITH, of New York. I ask consent to report from the Committe on Elections for consideration at this time the following resolution:

Resolved, That the contestant, M. S. Bell, in the contested-election case from the second congressional district of Arkansas, be allowed thirty days after the adjournment of the present session of the Forty-third Congress, without further amending his notice of contest, to take further testimony in reference to the vote of Hempstead and Hot Springs Counties; and the contestee, O. P. Snyder, shall have twenty days after the expiration of the said thirty days allowed the contestant to take testimony by rebuttal in relation to the vote in said two counties, this testimony to be taken on ten days' notice served on the parties respectively.

Mr. TODD. I object.

THREE SIXTY-FIVE BONDS.

Mr. KELLEY. I ask consent to submit the following resolution for consideration at this time:

Resolved, That the House will immediately after the morning hour of Tuesday, the 8th of December, go into Committee of the Whole for the consideration of bill No. 539, being a bill for the issue of convertible bonds and the reduction of interest on the funded debt.

Mr. KELLOGG. I object; there is a special order for the reorganization of the Treasury Department which will come up at that time.

ENROLLED BILLS SIGNED.

Mr. DARRALL, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

An act (H. R. No. 3030) making appropriations to supply deficiencies in the appropriations for the service of the Government for the fiscal years ending June 30, 1873 and 1874, and for other purposes.

Mr. PENDLETON, from the same committee, reported that they had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

An act (S. No. 669) referring the petition and papers in the case of

Robert M. and Stephen A. Douglas, in so far as the same relate to cotton seized, to the Court of Claims.

MISCELLANEOUS APPROPRIATION BILL.

The House resumed the consideration of the amendments of the Senate to the sundry civil appropriation bill.

The thirteenth amendment was read, as follows:

On page 12 of the printed bill insert the following as a new paragraph:

That the salary of the special policeman in the office of the Secretary of the Senate shall hereafter be $1,296; and a sum sufficient to pay the increase hereby made be, and the same is hereby, appropriated.

The Committee on Appropriations recommended concurrence in the Senate amendment with an amendment adding thereto the following:

And the salaries of the assistant disbursing clerk and the clerk of the Committee on Appropriations of the House are hereby fixed at the same rate as that of the assistant Journal clerk; and a sufficent sum to meet the increase is hereby appropriated.

For folding documents for the House of Representatives, $50,000.

For extra stenographic reporting for committees of investigation of the House of Representatives for the first session of the Forty-third Congress, $6,000, or so much thereof as may be necessary, to be audited and paid under the direction of the House Committee on Accounts.

Mr. WILLARD, of Vermont. I would inquire of the Chair whether it is in order to amend the Senate amendment by putting on it an appropriation for the folding-room of the House? There is nothing in the Senate amendment touching that subject.

Mr. GARFIELD. I desire to call the attention of the House to the several subjects embraced in this amendment. Let the point of order be reserved.

Mr. WILLARD, of Vermont. Very well; I reserve the point of order.

Mr. GARFIELD. The amendment reported by the Committee on Appropriations to be attached to this amendment of the Senate brings the House face to face to some of its own work and some that is not its own work. Two or three days ago, without my knowing it at all until it was done, (and I suppose the same is true of a great many other gentlemen,) a resolution was passed *sub silentio* increasing the pay of one of the clerks in the Clerk's office of this House to $3,000, and directing the Committee on Appropriations to make provision for it on an appropriation bill. Thus there came to the Committee on Appropriations from the House a resolution mandatory in its character, requiring us to single out one clerk in the office of the Clerk of the House and raise his pay to $3,000. Now, because we raised the pay of five clerks here in the House there is further on in the bill a proposition from the Senate to increase the pay of twelve clerks in that body so as to correspond exactly.

Now the Committee on Appropriations desire to say that for the clerk of such a committee as that on appropriations, who has been employed every secular day except four since this session began and has worked a large number of nights, to be left with $2,500 while a group of clerks who work only during the session of Congress are to be put $500 above him, is an inequity that we desire not to have continue. We therefore submit this amendment for the consideration of the House. My own opinion is that the whole provision ought to go out; but the Committee on Appropriations is bound to obey the order of the House and to report this addition. If you select one of the assistants in the Clerk's office to receive an increase of pay, why not also take, in the next room, those who are in charge of enrolling bills, and who work for hours at night when the other officers of the House have no work at all.

There is another amendment to which I wish to call attention. We have recommended an appropriation of $50,000 to pay for the folding of documents. We do this upon a letter from the Door-keeper calling our attention to the fact that since our bill embracing the appropriation for the folding of documents passed and became a law the House and Senate have agreed to print the Agricultural Reports for two years, which when we made the former appropriation for folding had not been ordered to be printed. To print all these additional documents will render necessary a very large amount of folding.

Mr. SMITH, of Ohio. What number of those Agricultural Reports has been ordered to be printed?

Mr. GARFIELD. So many as $50,000, the sum which we appropriated, will publish, the type being already set and the work having thus far gone on. But we have not a dollar appropriated for folding those reports. In addition to that we have appropriated $60,000 for publishing the Surgical History of the War. Besides that, a large number of other documents have been ordered to be printed; and if the report that has been made up on a conference upon the post-office appropriation bill should go through, the postage on no public document can be higher than ten cents, and the CONGRESSIONAL RECORD will be subjected merely to the rate of newspaper postage, one and one-half cents a pound; so that members will be able to send at that rate tons of speeches printed in the RECORD. Now, all these must be folded; and if we should stand by the legislation which seems in the main to have passed both Houses we must make an appropriation of about the amount now reported for the folding of documents. This work requires, of course, the employment of folders and the payment of their salaries, in addition to the cost of printing. If this $50,000 be appropriated the appropriation for the folding-room will still be $25,000 less than we appropriated last year.

Mr. KASSON. I wish to ask the gentleman from Ohio [Mr. GARFIELD] whether the documents to which he refers will be in the folding-room in time to be folded during the coming recess?

Mr. GARFIELD, Yes, sir.

Mr. KASSON. Not the Surgical History?

Mr. GARFIELD. No, sir; but the others will. The Agricultural Report is already in type; the force will be set to work upon it probably as soon as we get away.

Mr. KASSON. Let me ask the gentleman one other question. Does he propose to fix salaries of officers by reference, as is proposed in this amendment? I think I have heard him condemn the practice of making one officer's salary the same as some other officer's, without designating the amount. If that amendment is to be adopted, I wish the figures inserted so that we may know exactly what the amount is.

Mr. GARFIELD. Well, $3,000 can be inserted.

There is one other amendment to which I wish to call attention. The Committee on Rules have directed me to offer to the House the last clause of this amendment, providing for paying, under the direction of the Committee on Accounts——

Mr. BUFFINTON. Not at all.

Mr. GARFIELD. Why does the gentleman say "not at all?"

Mr. BUFFINTON. Because there is no money to pay that account, and we do not ask to have any appropriated.

Mr. GARFIELD. The gentleman from Massachusetts [Mr. BUFFINTON] does not traverse anything that I am saying. I say that the Committee on Rules, not the Committee on Accounts, have instructed me to move an appropriation of $6,000, or so much thereof as may be necessary, to pay the cost of extra stenographic reporting of investigating committees which has been done by order of the House this session. Those items are in the amendment. I hope the House will strike out the provision for increase of salary; and I say that against the clerk of the Committee on Appropriations who as much deserves increase of salary as any other officer in the Capitol. When by a kind of quiet, silent arrangement a resolution is shoved through the House making it mandatory on the Committee on Appropriations to report this increase of salary, while I will as chairman of that committee loyally obey the order of the House, yet as an individual member of the House, I ask it now to undo its own mischief. I have done my duty as chairman of the committee in reporting it, but I ask personally that the amendment be rejected in that regard. In relation to the provision for folding documents and for extra stenographic reporting, I suppose we will have to agree to that.

Mr. WILLARD, of Vermont. Some time ago I made a parliamentary inquiry. The thirteenth amendment of the Senate is one in reference to a special policeman in the office of the Secretary of the Senate. What I wish to know is how far these matters, which do not at all relate to that provision for a policeman, can be inserted as an amendment in this House. I make the point of order that this amendment is entirely out of order. Neither the clause for increase of salary, nor that in relation to the folding of documents, nor that in relation to stenographic reporting is at all germane to the Senate amendment.

The SPEAKER. Does the gentleman raise the point of order that the amendment is not germane to the Senate amendment?

Mr. WILLARD, of Vermont. I do.

The SPEAKER. The Chair cannot see how he can do otherwise than sustain the point of order. It can come in therefore only by a suspension of the rules.

Mr. GARFIELD. The amendment of the Senate relates to an officer of the Senate. I think it has been customary, on a bill between the two Houses, that an amendment relating to the officer of one could be amended by a provision relating to an officer of either of the Houses.

Mr. WILLARD, of Vermont. But there is also here an appropriation for folding documents.

Mr. GARFIELD. The appropriation for folding documents perhaps will not be germane.

The SPEAKER. That is what the gentleman makes his point of order on.

Mr. GARFIELD. I thought he made it on the whole amendment.

The SPEAKER. The other part the Chair would rule to be in order.

Mr. WILLARD, of Vermont. I wish to say a word.

The SPEAKER. If the gentleman insists on his point of order the amendment is not before the House.

Mr. WILLARD, of Vermont. I do insist on my point of order in relation to the appropriation for the folding-room.

The SPEAKER. The Chair sustains the point of order.

Mr. KASSON. I ask the amendment be reported.

Mr. HAWLEY, of Illinois. I move to strike out the whole amendment.

The amendment of the Senate was again read, as well as the amendment moved by the Committee on Appropriations.

The SPEAKER. The Chair rules the amendment to the amendment to be in order, excepting that part relating to the folding of documents, which is ruled out.

Mr. DAWES. Is it in order to add to the amendment providing for a clerk to the Committee on Ways and Means?

The SPEAKER. It is, as that is an amendment only in the third degree.

Mr. DAWES. I do not wish to antagonize any motion to strike out, but I do not know why the clerk of the Committee on Ways and Means should be left out when he has so much to do. If the House decline to strike out, I will then move to include the clerk of the Committee on Ways and Means.

The SPEAKER. It is in order now.

Mr. RANDALL. I wish to say a word on the motion to strike out.

Mr. DAWES. I move to include the clerk of the Committee on Ways and Means.

The motion was agreed to.

Mr. KELLOGG. If it be in order, I wish to move an amendment in regard to another clerk.

The SPEAKER. It is in order if the gentleman from Ohio leaves it open to amendment.

Mr. KELLOGG. I move to include the clerk of the Committee on War Claims at $2,500. He has to remain here the year through, and that salary is what the committee of the House agreed he should have. I move that amendment.

Mr. GARFIELD. I now call the previous question.

The previous question was seconded and the main question ordered.

Mr. RANDALL. There is a principle to my mind involved in the Senate amendment. The Constitution of the United States gives to each House the control of its own officers, and following that each House has the right to settle what the pay of its officers shall be. It is hardly fair that we should load down with amendments the Senate amendment which merely relates to its own officers. I should have liked therefore that there had been separate amendments. For I have always said here and in committees of conference on legislative appropriation bills that each House had the right to fix the salaries of its own officers. Now, while I demand that right for this House I am at the same time consistently willing to give it to the Senate. Therefore I think the Senate amendment No. 13 as it stands should be adopted.

Mr. GARFIELD. I move the previous question and call for a vote.

The previous question was seconded and the main question ordered

The SPEAKER. The first question is on the amendment of the gentleman from Connecticut [Mr. KELLOGG] to appropriate $2,500 as salary to the clerk of the Committee on War Claims.

The amendment was not agreed to.

The SPEAKER. The question is next on striking out the amendment which the Clerk will read.

The Clerk read as follows:

And the salaries of the assistant disbursing clerk, and the clerks of the Committees on Appropriations and Ways and Means of the House are hereby fixed at the same rate as that of the assistant Journal clerk, and a sufficient sum to meet the increase is hereby appropriated.

Mr. SPEER. Does not negativing that carry with it the amendment of the Senate also?

The SPEAKER. O, no; this amendment which it is proposed to strike out is to amend the Senate amendment by adding these words to it.

Mr. SPEER. Then the vote on the Senate amendment will come afterward?

The SPEAKER. Yes.

The question being taken on striking out the words just read, it was decided in the affirmative; and the words were stricken out.

The SPEAKER. The question is next on adding to the Senate amendment the words which the Clerk will read.

The Clerk read as follows:

For extra stenographic reporting for committees of investigation for the House of Representatives for the first session of the Forty-first Congress, $6,000, or so much thereof as may be necessary, to be audited and paid under the direction of the House Committee on Accounts.

Mr. SPEER. I desire to say a word upon this. It appears that for the reporting done for the Committee on Expenditures in the Department of Justice a bill has been presented for over $500. The gentleman who did that work of course should be paid; but it was my understanding that there were reporters here employed by the year and paid for doing that work. When I asked where were the reporters who should do that work I was told that one of them had leave of absence from the House. It appears that he had leave of absence from service but not from drawing his pay, so that if this amendment prevails we shall be paying two persons for doing this work.

Mr. RANDALL. I think I can answer the gentleman satisfactorily. In the first place, he will agree with me that those reporters who have done the work should be paid.

Mr. SPEER. I do.

Mr. RANDALL. Therefore whether the manner in which the work was done was regular or irregular, and I think it was irregular, the parties who actually performed the work ought to be paid. This appropriation of $6,000 is absolutely necessary to pay these reporters who did the work As to the pay of the absent man the Committee on Rules will report a change of rule that will in the future correct this matter, making the salaries of the officers so much each year, and providing that the two officers for the salaries thus paid shall meet every expense for the reporting of committees.

The question being taken on the amendment to the Senate amendment, it was agreed to.

The SPEAKER. The question is, will the House agree to the thirteenth amendment of the Senate as thus amended?

Mr. FORT. I desire to submit an amendment to appropriate $25,000 for folding the Agricultural Report. I understand it was ruled out just now on a point of order. Would it be in order to move to suspend the rules and make that appropriation?

The SPEAKER. The Chair will submit that motion when this amendment is disposed of.

The question being taken on concurring in the Senate amendment, with the amendment adopted by the House, it was decided in the affirmative, ayes 83, noes not counted.

So the amendment of the Senate, as amended, was concurred in.

Mr. FORT. I move that the rules be suspended, and that the following amendment be adopted:

To pay to the Door-keeper, for the folding of the Agricultural Report, $25,000, or so much thereof as may be necessary.

Mr. WILLARD, of Vermont. Let it be provided that none of the money shall be expended for any other purpose.

Mr. SPEER. These reports are printed, and ought to be folded.

Mr. PARKER, of Missouri. Would it be in order to move an amendment to the pending amendment?

The SPEAKER. It would not; the motion being for a suspension of the rules.

Mr. PARKER, of Missouri. I ask the gentleman to accept the words "and other documents."

Mr. FORT. I am urged by the gentlemen around me not to do that.

The question being taken on suspending the rules and agreeing to the amendment, there were ayes 121, noes not counted.

So (two-thirds having voted in the affirmative) the rules were suspended and the amendment was agreed to.

The fifteenth amendment of the Senate was read, as follows:

Add on line 290, page 13, the following:
And the Congressional Printer is directed to bid for the same at the estimated cost of performing the work.

The Committee on Appropriations recommended non-concurrence.

Mr. PLATT, of Virginia. I should like to know why the Committee on Appropriations recommend non-concurrence in this amendment; it seems to me to be a perfectly fair and proper one.

Mr. GARFIELD. The reason is this: We were compelled to choose between appropriating a large sum of money to publish our official Post-Office Directory or to authorize the Postmaster-General to make arrangements with some publishers to give them the work of publishing this directory quarterly on condition that the Government should take a certain number of copies. He has had offers from a number of publishing houses in the country and they say that for $20,000 a year, with a contract for five years, they can furnish it quarterly. The theory is that there will be a sufficient number of persons interested in this work to desire copies of it who will become subscribers, and thus there will be a saving to the Government.

ENROLLED BILLS SIGNED.

Mr. PENDLETON, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (S. No. 732) supplementary to the act entitled "An act to incorporate the Texas Pacific Railroad Company and to aid in the construction of its road, and for other purposes;"

An act (H. R. No. 899) to constitute Montgomery, in the State of Alabama, a port of delivery;

An act (H. R. No. 2246) relating to circuit courts of the United States for the districts of Alabama; and

An act (H. R. No. 3772) for the relief of John D. Young, of Kentucky.

Mr. DARRALL, from the same committee, reported that the committee had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

An act (S. No. 828) for the relief of Alexander Henderson.

MISCELLANEOUS APPROPRIATION BILL.

The House resumed the consideration of the amendments of the Senate to the sundry civil appropriation bill.

The seventeenth amendment of the Senate was read, as follows:

To enable the Joint Committee on the Library to purchase such works of art for ornamenting the Capitol as may be ordered and approved, $15,000.

The Committee on Appropriations recommended non-concurrence.

Mr. GARFIELD. I will say in reference to that amendment that while we ought unquestionably to allow them some appropriation for this purpose, the amount named is too large.

The amendment was non-concurred in.

The twenty-second amendment of the Senate was read, as follows:

That of the unexpended balance of the appropriation made for the office of the Treasurer of the United States for the fiscal year ending with June 30, 1874, $20,000, or so much thereof as may be required, for the payment of salaries of clerks, messengers, and laborers to do the necessary work of that office, may be used for the purpose aforesaid in the fiscal year ending with June 30, 1875: *Provided*, That no part of this amount shall be expended for payment of additional compensation to clerks or employés.

The Committee on Appropriations recommended concurrence in the amendments with amendments as follows:

Insert in line 374, page 16, before the word "clerks," the words "such additional temporary."

After the word "laborers," in the same line, strike out the words "to do the necessary" and insert in lieu thereof the words "as the Secretary of the Treasury may find necessary for the."

Mr. GARFIELD. The clause will then read as follows:

That of the unexpended balance of the appropriation made for the office of the Treasurer of the United States for the fiscal year ending with June 13, 1874, $20,000, or so much thereof as may be required, for the payment of salaries of such additional temporary clerks, messengers, and laborers as the Secretary of the Treasury may find necessary for the work of that office, may be used for the purpose aforesaid, in the fiscal year ending with June 13, 1875: *Provided*, That no part of this amount shall be expended for payment of additional compensation to clerks or employés.

That leaves it to the Secretary of the Treasury to judge of the necessity of employing additional laborers, and does not make the action of the Treasurer independent of the Secretary.

Mr. SPEER. Ought not the proviso to be stricken out?

Mr. GARFIELD. No; we do not want to give additional compensation to anybody.

Mr. SPEER. Is not this additional compensation?

Mr. GARFIELD. It is not; it is for additional clerks which are made necessary by the currency bill that passed the other day, which requires 5 per cent. of the circulation of the national banks to be deposited here to redeem mutilated notes, and which requires the Treasury to assort and redeem them.

Mr. SPEER. Does not the first part of the paragraph provide for additional services?

Mr. GARFIELD. For additional services, but not for additional compensation to anybody.

Mr. SPEER. What law controls the Secretary in regard to the additional clerks?

Mr. GARFIELD. He can take them only under existing law.

Mr. KELLOGG. I want to ask the chairman of the Committee on Appropriations if his amendment will not necessitate the turning out of such regular clerks as are not provided for in the other bill?

Mr. GARFIELD. I hope so.

Mr. KELLOGG. We cut down the fourth-class clerks in the Treasury from twenty-eight to seventeen; we cut down the force 40 per cent., more than I thought was right. By the new currency bill we impose additional duties. I do not like the amendment of the gentleman from Ohio, [Mr. GARFIELD,] because it necessitates the turning out of good men who are experts and putting in other men.

Mr. GARFIELD. The Secretary can employ the same men if he wants.

Mr. KELLOGG. If that is the fact I care little about it.

The amendment, as amended, was concurred in.

The twenty-fourth amendment of the Senate was read, as follows:

To enable the Secretary of the Treasury to pay the proprietors of the New York Tribune, for advertising in said journal, the sum of $839.10, or so much thereof as may be necessary, to be paid upon the audit of the proper accounting officers of the Treasury.

The Committee on Appropriations recommended non-concurrence.

Mr. RANDALL. That depends upon whether the money is due or not.

Mr. GARFIELD. Since the action of the committee I have received a letter from the Secretary of the Treasury saying that the money was due.

Mr. RANDALL. Then the amendment should be concurred in.

Mr. SPEER. Why has it not been paid, if due?

Mr. GARFIELD. The appropriation ran out.

The amendment of the Senate was concurred in.

The twenty-sixth amendment of the Senate was read, as follows:

To enable the Secretary of the Navy to complete the observations of the transit of Venus, in December, 1874, and to return the parties of observation to the United States, $25,000, to be expended as provided by the act making appropriations for sundry civil expenses for the fiscal year ending June 30, 1874, approved March 3, 1873.

The Committee on Appropriations recommended non-concurrence.

Mr. CONGER. I hope this amendment will be concurred in. Congress last year appropriated an amount of money to enable the United States to join with other countries in placing observers at different stations in different parts of the world to observe the transit of Venus. Preparations have been made and the parties have all been selected and the instruments purchased. There is a deficiency in the appropriation of $25,000, necessary to complete and carry out the work as planned and provided for by Congress and by the commission in charge.

The House may not be aware of the importance of this subject to our commerce and navigation, and to all the nautical interests of the world. All our almanacs, charts, and calculations for navigation are based upon the accuracy with which calculations are made in regard to the size of the earth and the determinations of latitude and longitude. In those charts which we now have are errors which have proved fatal to some of our vessels during past years, errors of ten or fifteen miles in some of the calculations and observations. The opportunities of observing the transit of Venus occur but twice within a period of about one hundred and twenty-five years. Two of these transits occur within eight years of each other, one in December next and one eight years afterward. The next opportunity after that will be in the year 2004. The whole commercial world is interested in obtaining careful and accurate observations of this transit at both of these periods, by means of which important errors may be corrected and our nautical charts improved and rendered more valuable to the entire commercial world.

Our Government has joined with all the other civilized nations in making preparations for this observation. If it is not made at the two periods I have mentioned, next December and eight years from that time, then over one hundred years will elapse before another opportunity will be presented. There needs to be appropriated this additional $25,000 to complete all the arrangements which have been made to enable our Government to join in this work and lead in these observations, and to gain to itself the honor and the distinction and the profit of correcting the nautical charts of all the seas of the world. I wonder the Committee on Appropriations have recommended that this amendment be non-concurred in. I doubt if they would have done so had they understood the importance of it to the entire commerce and navigation interests of the world.

The amendment of the Senate was concurred in.

The twenty-eighth amendment was read, as follows:

Insert as a new paragraph the following:

For the District of Columbia, the sum of $1,300,000, to be expended by the commissioners of said District, and applied as follows: First to the payment of interest on the funded debt of said District, due July 1, 1874; secondly, to the payment of officers, employés, and laborers of the District, whether of the District proper or of the Board of Public Works; and the remainder to the current expenses of said District; all the above sums, except so much thereof as may be paid for interest as aforesaid, to be considered and adjusted hereafter as a part of the proper proportional sum to be paid by the United States toward the expenses of the government of the District of Columbia.

The Committee on Appropriations recommended concurrence in the Senate amendment, with an amendment inserting after the words "current expenses of said District" the following:

The money herein appropriated shall be drawn from the Treasury from time to time, as the same may be needed, and only upon detailed statements of amounts to be paid, and the persons to whom or on what account payable, to which statements shall be appended the certificate of such commissioners that they have carefully examined such accounts, and that they believe them to be just, and due to the respective claimants thereof. Copies of said statements, together with the report of all receipts and disbursements of said District government, shall be transmitted to the President, to be by him transmitted to Congress at the beginning of the next session.

Mr. SPEER. I wish to inquire first what amount is required to pay the interest on the funded debt of this District; and secondly, what amount is due to employés and laborers of the District; so that we may know how much of this $1,300,000 will go to current expenses of the District?

Mr. GARFIELD. In regard to this amendment, the Committee on Appropriations called on the gentleman from Indiana, [Mr. WILSON,] chairman on the part of the House of the joint committee appointed to investigate affairs in the District of Columbia. In a long conference which we had with him he informed us that this action met with the unanimous approval of that committee in both branches. He told us that they had made this classification after a full examination of the whole case; that under the first head, for the payment of interest, some four or five hundred thousand dollars—he could not tell exactly the amount—would be required. As to the second head, I do not know nor did he know precisely what would be the amount of expenditure; but the object is to pay that class of employés to whom payment is due for services directly to the District government; in other words, all workmen who have worked directly for the government, not those who have been employed through the medium of contractors. The only question was whether we should go a step further and include the latter class. It was represented to us that there were some laborers or workingmen who had served contractors who had had contracts with the District, and the desire was expressed that we should see that they were paid. The committee were, however, of opinion that Congress could not go to that extent. If a contractor with the Government, or with any officer of the Government, or with any officer of the District has received his pay from the Government or from the District, we could not go behind that settlement and appropriate money to pay the persons whom he employed.

Mr. MAYNARD. Could we not provide where contractors have not been paid in full that before they shall be paid the balance due to them it shall be ascertained that their workmen have been paid?

Mr. GARFIELD. Possibly we might do that.

Mr. MAYNARD. Would it not be just?

Mr. GARFIELD. It would very greatly complicate the accounts and disbursements to make an arrangement like that.

The gentleman from Pennsylvania [Mr. RANDALL] handed me this morning an amendment on this subject which he proposed to offer. Unfortunately I have mislaid it; and I ask that he may be permitted to offer that amendment.

I wish to say that the whole arrangement for the disbursement of whatever money is here appropriated is made definitely and specifically under the bill passed by both Houses on the recommendation of the Joint Investigating Committee upon District Affairs. I think that we had better not go into any special legislation about that matter. We have had a most careful report from the special committee on this subject, and I think it best that we should follow their recommendations. The Committee on Appropriations have, however, added to the amendment of the Senate what they think a very important protective clause, providing that this money shall not be paid over in a lump to the commissioners, but shall be paid on vouchers as presented to the proper accounting officers of the Treasury, and that the commissioners shall make full and detailed reports to Congress, at the beginning of the next session, of every payment they make under this appropriation and all other expenditures generally for the District.

Mr. MAYNARD. Will the gentleman tell us whether in the appro

priations that have been made any money has been placed to the credit of these commissioners which they can handle themselves; or is the fund to be drawn upon by them on proper vouchers, leaving the money to be handled by somebody else?

Mr. GARFIELD. They can draw the money only on vouchers coming under these three heads, the third being for current expenses.

Mr. KASSON. On that very point I wish to inquire of the chairman of the committee whether he has accomplished the purpose of having payments made directly from the Treasury? I think not. I think this money is left to be drawn upon by the commissioners upon detailed statements. I do not believe, and I think the chairman of the committee does not believe, in the propriety or necessity of such an arrangement when the Treasury is right here at the capital. I would therefore suggest an amendment to insert the words "shall be paid only to the parties to whom the payments are due."

Mr. GARFIELD. I do not yield for that amendment; and I will state why. Under the third head, the current expenses, it would be utterly impossible for any body of commissioners to wait as to every small item of necessary current expenses until vouchers had been made up before they could pay the money. That would not do.

I am very sorry the gentleman from Indiana [Mr. WILSON] is not here. At our request the chairman of the Committee to Investigate the Affairs of the District of Columbia on the part of the House, the gentleman from Indiana, [Mr. WILSON,] drew the amendment very carefully, and in his judgment it will cover the case fully. We adopted it on his recommendation.

Mr. KASSON. In the bill reorganizing the government of the District of Columbia there is no clause which puts anybody under bonds as disbursing officer.

Mr. GARFIELD. These three commissioners are under bonds each to the amount of $50,000.

Mr. KASSON. But this is a large appropriation.

Mr. GARFIELD. And $50,000 is an unusually large amount of bond.

Mr. KASSON. Not for disbursing officers.

Mr. SPEER. I wish to know whether this refers to this class of indebtedness. It is known that a large number of contractors paid to their laborers these certificates of indebtedness. They were taken at from thirty to twenty cents below par. They may be held by laborers or by men calling themselves laborers, or they may be put by those who bought them at sixty or seventy cents in the hands of laborers. Is this to pay that class of indebtedness? A large body of these certificates of indebtedness was issued to contractors for work done in the city.

Mr. GARFIELD. That all depends upon the character of the law which we passed the other day for the reorganization of the District of Columbia.

Mr. SPEER. If it does they should only be paid what they gave for those certificates.

Mr. GARFIELD. The act we passed the other day required the interest to be paid shall be refunded out of the taxes from the District of Columbia hereafter. This is not a final expenditure out of the Treasury; it is only an advance. It is to be accounted for hereafter in any adjustment Congress may make next year as to the relative proportion.

Mr. WILSON, of Indiana. This seems to be an unhappy way of expressing it

Mr. HALE, of Maine. This is an exception in favor of the Government. This interest is a cash fund.

Mr. GARFIELD. I demand the previous question.

Mr. COBURN. Does this mean contractors or persons directly in the employ of the District authorities?

Mr. GARFIELD. The latter is understood.

Mr. COBURN. This is not intended to pay contractors at all?

Mr. GARFIELD. I suppose they can pay contractors where they have done their work and their work has been accepted. That comes in under the general law where it provides for funding this debt.

Mr. KASSON. If the gentleman will allow me I will move to add that "all sums due to any party exceeding fifty dollars shall be paid only by checks on the Treasury issued directly to the party to whom the same is due." That leaves the smaller sums to be paid in money.

Mr. GARFIELD. That puts a large and onerous duty on these three men.

Mr. SPEER. Does it allow a majority or require the whole of them?

Mr. GARFIELD. I do not know what the general law is.

Mr. MERRIAM. The checks will be vouchers.

Mr. GARFIELD. Of course.

Mr. SPEER. What general law do you refer to?

Mr. GARFIELD. The law passed the other day creating this commission and stating what their duty is.

Mr. SPEER. That does not define the duty imposed by this bill upon them.

Mr. GARFIELD. Yes, it does. It tells how they shall disburse and how account for any money coming into their possession by Congress or from the District.

Mr. SPEER. Has it become a law?

Mr. GARFIELD. I believe it was signed yesterday. I ask we adopt this amendment with the understanding that the gentleman from Pennsylvania [Mr. RANDALL] shall have the right to offer his amendment hereafter. He gave it to me but I mislaid it. On that condition I demand the previous question.

Mr. CANNON, of Illinos. Is it in order to move to strike out this whole section?

The SPEAKER. That will be in order if the previous question is not seconded.

Mr. COBURN. Before the previous question is seconded I ask the amendment be again reported.

Mr. CANNON, of Illinois. I wish to make a motion to strike out.

Mr. SPEER. Is the amendment of the gentleman from Iowa pending?

Mr. KASSON. I ask the gentleman from Ohio to have a vote on the proposition that a hundred dollars shall be paid directly on checks on the Treasury.

Mr. GARFIELD. I am willing to vote on that.

Mr. KASSON. I think it ought to be done. We have lost money already through Jay Cooke & Co. for want of such a provision as this. I send my amendment to the desk.

The Clerk read as follows:

Add to the amendment proposed by the Committee on Appropriations these words:

And all sums due to any party exceeding $100 shall be paid only by check on the Treasury issued directly to the party to whom the same is due.

The previous question was seconded and the main question ordered.

The question being taken on Mr. KASSON'S amendment to the amendment of the committee, it was agreed to.

The amendment proposed by the Committee on Appropriations, as amended, was agreed to.

The question was next on agreeing to the twenty-eighth amendment of the Senate with the amendment adopted by the House.

Mr. CANNON, of Illinois. I move to strike that out.

The SPEAKER. That is what is now to be submitted to the House in another form. The amendment is struck out if the House does not concur in it.

Mr. CANNON, of Illinois. Mr. Speaker, I am opposed to concurring in the Senate amendment for the following reasons: I do not believe it is good policy or good legislation to appropriate money for the District of Columbia until we know to a certainty the proportional share the United States ought to pay on account of Government property in the District. Why, sir, the Joint Select Committee to Inquire into the Affairs of the District of Columbia reported a few days ago and recommended legislation by which the United States should guarantee over $8,000,000 of bonds to be exchanged for that amount of the non-funded indebtedness of the District. At the same time the committee tell us that such indebtedness was contracted by the District ring without authority of law and in the teeth of the act of Congress organizing the District government and that the same is void. Congress saw proper to pass the bill. At the same time the committee tell us this supposed indebtedness grew out of the rankest kind of jobbing and fraud, and instance one case where a contract was awarded for paving, to the amount of $400,000, for the alleged procurement of which the contractors paid $97,000. And this is the kind of indebtedness, at least in part, in exchange for which the holders are to receive bonds guaranteed by the Government!

But we are told that many innocent persons who have done work are the holders in part of this indebtedness. A sufficient reply to this is that all persons are chargeable with a knowledge of the law, and the rule everywhere is that if men become the creditors of a municipal corporation, the corporation having no power to contract the indebtedness, they have no remedy. But I am credibly informed that a large portion of this indebtedness has been bought up by speculators at forty and fifty cents to the dollar. They having full knowledge of the law in the premises and going into the speculation with their eyes open, with the intention of getting this or some other legislation—and no doubt some of them being the very persons who are responsible for the frauds committed in the teeth of the law—if I had my way they should never realize one cent from the venture. However, if there is no way to distinguish between these men who went in upon the ground floor and helped to rear this structure in the teeth of the law, having "fraud" written upon their foreheads so that "he who runs may read," I would at most only pay them what the work is reasonably worth, and in my opinion if they receive anything a commission should have been appointed to inquire what the work was reasonably worth, and only that amount paid. For that reason I voted against the bill offered by the joint committee a few days ago. On top of that legislation we are asked to appropriate $1,300,000 more, a large portion of which is to go into the pockets of this ring of speculators in payment of interest on bonds and otherwise. I will not vote for it; I will not vote one dollar of appropriation for the District until the rights of the Government and of the property-holders in the District are settled, and when that is done I am willing the United States should pay according to the property owned by the Government in the District and not one cent more. And then the owners of personal as well as real estate in the District should pay taxes. It looks to me like this fraudulent indebtedness by this legislation is in effect about to be fastened upon the United States and upon the District; and I hope that in our anxiety to adjourn we shall not hastily pass this bill. We had better stay here indefinitely than to do so, and I give notice now that I shall call for a vote upon concurring

in this amendment, and appeal to members to give us a vote by the yeas and nays so a record can be made on the same.

Mr. GARFIELD. I rise to reply and yield my time to the chairman of the investigating committee.

Mr. FORT. Before the gentleman from Indiana proceeds, as I do not have the privilege of the floor, I desire merely to say that I indorse everything which my colleague [Mr. CANNON] has said.

Mr. GARFIELD. As we have had one volunteer speech after the previous question was seconded, I think it is only fair that there should be a response. I have therefore yielded to the gentleman from Indiana for that purpose.

Mr. WILSON, of Indiana. I only came upon the floor as the gentleman from Illinois [Mr. CANNON] was concluding his remarks; and not having heard his arguments against this particular section of the bill, as a matter of course it is impossible that I should be able to reply to them. I desire, however, to say in a word or two why I think and why the committee that have had this matter of the investigation into the affairs of the District thought that an appropriation of this kind should be made. If gentlemen have the report of the committee before them, they will find on page 27 a paragraph following a review of the financial situation of this District from which I will read a single sentence. And, by the way, I may remark here that there was a good deal of complaint made upon the floor the other day, when the other bill was before the House for its consideration, as to the rate of taxation that had been recommended to be imposed on the District for the current year. The committee make this remark in their report:

> Thus, making the fullest allowance for taxes to be paid by July 1, there will be a deficiency at that time of $1,000,000 at least.

It will be more than that—it will be more than $1,000,000. Now taking into consideration the financial condition of this District, the committee came to the conclusion that the best thing that could be done and the thing that we ought to do would be to place this District on a cash basis once more, if possible; and in order to do that we proposed to levy upon the property, the real estate, of this District for the ensuing year, 3 per cent. on property in the city of Washington, 2½ per cent. in Georgetown, and 2 per cent. in the county outside of these two cities. But after doing all that we found there would be still more than $1,000,000 of deficiency, and therefore we recommend that this amount should be appropriated.

Now, in this connection I desire to say that although it was done without warrant of law, yet since the last appropriation was made in March, 1873, there has been work done which in all probability will cost over $500,000 by the board of public works around the public property in this city. It would not be right, sir, to make the people of the District pay that money. It is for work absolutely done around the property of the Government, and the people of this District are not responsible for what the board of public works has done. My friend from Illinois [Mr. CANNON] cannot say words in denunciation of the men who have been managing the affairs of this District that I will not indorse. He cannot find language too strong for that denunciation in my judgment, but the people of this District are not responsible for this action that has been taken by the board of public works. I admit, as I have said, that it has been done in defiance of law, but the work has been done around the property of the Government, and therefore if anybody is to pay for it the Government ought to do it. I say this much in justice to the people of the District.

Mr. COBB, of Kansas. I would ask the gentleman why the Select Committee to Inquire into the Affairs of the District did not in reporting their bill include this appropriation of $1,300,000, so as to give Congress an opportunity to vote upon the question disconnected with other appropriations?

Mr. WILSON, of Indiana. I will explain to the gentleman why that was. The select committee had this matter under consideration and they did not put the appropriation in their bill because they thought it would come more properly from the Committee on Appropriations.

Mr. SMITH, of Ohio. Did not the last Congress vote over $3,000,000 to pay for this work in the District?

Mr. WILSON, of Indiana. No, sir; the gentleman is under a misapprehension in regard to that. On the 8th of January, 1873, Congress made an appropriation of one million two hundred and forty-odd thousand dollars for a specific purpose, to pay for work that had been done around the public grounds.

Mr. ALBRIGHT. A large part of this appropriation is to go to laborers who have done work for the board of public works and are now in indigent circumstances.

Mr. KELLOGG. I desire to ask the gentleman from Indiana if the board of public works has not employed and agreed to pay wages to laborers under an act of Congress, and if those wages do not remain unpaid to this day?

Mr. WILSON, of Indiana. I shall come to that point in a moment if gentlemen will allow me to proceed.

Mr. KELLOGG. Is it not our duty to pay these men under these circumstances?

Mr. WILSON, of Indiana. I will answer that question as I proceed. I will say in answer to the gentleman from Ohio [Mr. SMITH] that there was another appropriation made of $913,000, and that was to pay for work that had been done by the old corporation of Washington, and there were other appropriations of like character made. If any gentleman will take the trouble to look into the matter he will see that the Congress of the United States most obviously was intending by these appropriations to clear up old scores and pay for work that had been done anterior to the time of the foundation of the present government of the District, and then they put into each appropriation bill a provision that no further indebtedness should be incurred for public works in this District for which Congress should be liable. I say therefore that the board of public works violated the law, because in the face of that provision they did $570,000 worth of work about the Government property. Gentlemen will remember that the bill which passed the House the other day contemplated that we should ascertain hereafter what is the proper proportion that this Government should pay of the current expenses of the District of Columbia. The select committee contemplated that and put a provision in the bill looking to that, leaving it to Congress hereafter to determine what the proper proportion would be. It is properly provided by the Committee on Appropriations in the provision now under consideration that of this $1,300,000 now appropriated a certain amount shall go to pay the interest on the public debt of the District of Columbia. It is necessary to do that for this reason: there are nearly $4,000,000 of the bonds of this District which have been sold and are owned abroad and the interest on them falls due on the 1st of July. The government of the District, under the mismanagement to which it has been subjected for the last few years, is today almost without a dollar in its treasury. It has no money, and it is simply a question whether or not this District, the capital of the nation, shall be discredited by the non-payment of the interest upon its debt.

[Here the hammer fell.]

Mr. SPEER. I want to ask if any of these laborers have been employed by the Government of the United States, and, if any, whether the amount due them is not for services rendered to the District government in express violation of law?

Mr. WILSON, of Indiana. It is proposed out of this appropriation to meet this interest. It is also provided in the other bill that that interest shall be refunded to the United States out of the revenues to be collected from taxes which we impose by that act. We have made ample provision between the two bills to meet the whole question. The interest is to be paid back to the United States.

In the next place it provides for the payment of officers, employés, and laborers of the District, whether of the district proper or of the board of public works. They are all employés. There are men here who have been working upon the streets in the employment of the District government and clerks who have been working for the board of public works. Those clerks and the employés of the District government, either of the District proper or of the board of public works, have been without their money, some of them for more than eight months, and some of them for more than a year. I believe there is more suffering in this city than perhaps in any city on this continent north of Mason's and Dixon's line, if not in any city in any part of the country. These people are absolutely suffering on account of not receiving what is due them. I have had old men and old women, and young men and young women, white men and black men, come to me with tears in their eyes and implore us to do something for their relief.

Mr. COBURN. I would ask whether these laborers the gentleman speaks of are the laborers employed by the contractors?

Mr. WILSON, of Indiana. Not at all. This bill does not provide for the payment of the laborers employed by the contractors, but only for those employed by the District proper or the board of public works. We provide that after this interest has been refunded, then the balance of the appropriation shall hereafter be adjusted in fixing the proportional share that the United States is hereafter to pay. This whole amount, involving all this appropriation, will be settled and adjusted, and the United States will get credit for it in the future when this matter is settled.

Mr. GARFIELD. An amendment was received in behalf of the gentleman from Pennsylvania, [Mr. RANDALL,] and I now offer it.

The Clerk read as follows.

> Add to the amendment of the Senate the following:
> *And provided further*, That the sum of $75,000 of said sum hereby appropriated shall be used for the payment of the workingmen employed on public improvements on the streets and excavations of Washington under the board of public works of the District of Columbia or the contractors of the same; and the commissioners are hereby authorized and ordered to retain from the several contractors who are indebted to the workingmen, and whose accounts have not been settled by the board of public works, the several sums due the workingmen.

Mr. GARFIELD. That is, that where the contractors have not been paid there shall be reserved this much until the workingmen themselves are paid.

Mr. WILLARD, of Vermont. If this work has been let out by contract and the District of Columbia is liable to the contractors, how can we pay the contractors and the workingmen both?

Mr. GARFIELD. We do not; this is to be reserved from the amount due the contractors.

The amendment to the amendment was agreed to.

Mr. MERRIAM. I ask the chairman to allow me to have an amendment read.

The SPEAKER. That would require unanimous consent.

Mr. BARRY. I object.

The question was upon agreeing to the amendment of the Senate as amended; and being taken, upon a division there were—ayes 105, noes 21; no quorum voting.

Mr. CANNON, of Illinois. I call for a further count.

Tellers were ordered; and Mr. BURCHARD and Mr. GARFIELD were appointed.

Mr. BURCHARD. In order to save time I call for the yeas and nays.

Tellers were ordered on the yeas and nays; and Mr. BURCHARD and Mr. GARFIELD were appointed.

The House divided; and the tellers reported that there were—ayes 33, noes 145.

So (one-fifth not voting in the affirmative) the yeas and nays were not ordered.

The House then divided upon agreeing to the amendment of the Senate as amended; and the tellers reported that there were—ayes 119, noes 38.

So the amendment, as amended, was agreed to.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. SAWYER. I am instructed by the Committee on Commerce to move that the rules be suspended and the amendments of the Senate to the bill (H. R. No. 3108) making appropriations for the repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes, be non-concurred in, and that a conference be requested upon the disagreeing votes of the two Houses thereon.

The motion to suspend the rules was seconded; and (two-thirds voting in favor thereof) the rules were suspended and the order made.

The SPEAKER subsequently announced the appointment of Mr. SAWYER, Mr. MCCRARY, and Mr. WELLS as the conferees on the part of the House.

SUNDRY CIVIL APPROPRIATION BILL.

The House resumed the consideration of the amendments of the Senate to the sundry civil appropriation bill, and the fortieth amendment of the Senate was read, as follows:

For the necessary expenses of the land-office at the Dalles, Oregon: For salaries and commissions of the register and the receiver for the fiscal year ending June 30, 1875, $6,000; and for incidental expenses of said officers, $1,000.

The Committee on Appropriations recommended non-concurrence.

Mr. NESMITH. I hope this amendment will be concurred in. It is very important that this land office should be established in that remote part of the country. There is an intervening range of impassable mountains, and for a great portion of the year it is impossible to reach the present land office by way of the river. I trust that Congress will give the people of that remote frontier this land office.

The amendment of the Senate was not concurred in.

The fifty-seventh amendment was read, as follows:

Insert as a new paragraph the following:
For the Little Sisters of the Poor of Washington City, to liquidate a debt on the building and to complete said building, $25,000.

The Committee on Appropriations recommended non-concurrence.

Mr. E. R. HOAR. Mr. Speaker, I hope that the House will concur in this amendment. The only objection made to this proposition the other day, when the House acted upon it, arose from an idea that this property would be under the control of some church authorities. I have carefully inquired into the matter, and I find that no such thing is true. This is an incorporated society of the District of Columbia, under no ecclesiastical authority whatever, although to be sure it consists of Catholic women. The property is held in strict trust, to be used sacredly as a home for aged persons. It cannot be diverted from that use by any authority. If such diversion should be attempted the Attorney-General could prevent it through the intervention of a court of chancery.

This is a purely charitable institution; and it seems to me that as we have abolished the government of the District of Columbia, and the charities of this District are now left dependent upon the action of Congress, this is a charity equally deserving with others that we have recognized. I hope the House will concur in the amendment of the Senate. The managers of this institution exercise in the administration of their charity no discrimination of sex, color, or religious belief. The benefits of the institution are extended without any such discrimination to all old people of sixty years or more who are destitute and infirm.

Mr. GARFIELD. I desire in a very few words, not to argue the merits of this case but to give the ground on which the Committee on Appropriations made their recommendation. Having stated that ground, I shall leave the question to the discretion of the House.

I agree with everything that the gentleman from Massachusetts [Mr. E. R. HOAR] has said about the worthy charitable work of this organization known as the Little Sisters of the Poor. I agree that they distribute their charity without the slightest regard to denominational belief. The only ground on which I make a distinction (and it is a distinction I wish the House to understand) is this: Here is an organization composed exclusively of people of one religious denomination. Under its charter the members are wholly and only of one religious sect, and of one society within that religious sect. I take it that no woman in America, not a Catholic, could be one of the corporators in this home. At any rate I take it for granted that the members would not act in conjunction with any corporation not of that sect as a joint controller of the institution.

Now, I make the point—and the Committee on Appropriations made the point—that we ought never to commit ourselves to the aid of an exclusively sectarian institution. I would say the same were this institution under the control of a Protestant church, even if it were a church to which I myself belonged. The divorce between the church and the state ought to be absolute. It ought to be so absolute that no church property anywhere in any State or in the nation should be exempted from equal taxation; for if you exempt the property of any church organization, to that extent you impose a church tax upon the whole community.

If the House deems this a point that ought not to be considered, I shall be very glad to see these Little Sisters of the Poor helped. If the fifty-sixth amendment, making an appropriation for the work for the Women's Christian Association were in favor of any one sect, I should vote very quickly to strike it out.

Mr. BUTLER, of Massachusetts. Will you allow me just one inquiry?

Mr. GARFIELD. I will.

Mr. BUTLER, of Massachusetts. Do you know of, or do you believe there is or can be, a single Catholic in the Women's Christian Association of this District?

Mr. GARFIELD. I know of no reason in the world why any woman, Catholic or otherwise, cannot be in that association if she desires to be. Furthermore, that is a corporation whose corporators are not of any one religious sect.

Mr. BUTLER, of Massachusetts. Is there a single Catholic among the corporators?

Mr. GARFIELD. I do not know that there is; but there is nothing excluding any Catholic woman.

Mr. BUTLER, of Massachusetts. Is there any more restriction in the one corporation than in the other?

Mr. GARFIELD. Very much more.

Mr. BUTLER, of Massachusetts. How?

Mr. GARFIELD. The association known as the Women's Christian Association does not as such belong to any church. The members of that corporation are from various churches. But here is an association whose very title, "Little Sisters of the Poor," is, as I understand, descriptive of an order within the Catholic Church.

Now, I admit that at the last session Congress made a grant of $25,000 (the appropriation being passed in this House over the head of the Committee on Appropriations) to a similar organization of the Episcopal Church. In that respect we did just what we are now asked to do. But I think Congress was wrong in making that appropriation. It so happened that the money then appropriated was lost in the failure of Jay Cooke & Co.'s banking-house, and never reached the object intended.

Mr. BUTLER, of Massachusetts. I will guarantee that if you make the appropriation here proposed, neither Jay Cooke nor anybody else than the needy people sought to be benefited will ever get the money.

Mr. CESSNA. I wish to ask the gentleman from Ohio whether Protestants as well as Catholics are not allowed the benefit of the institution for which this appropriation is asked?

Mr. GARFIELD. I understand that the beneficiaries of the Little Sisters of the Poor are taken without regard to any circumstance of religious faith; and in that respect this is a most commendable charity.

Mr. CESSNA. Then I say they ought to have the money.

Mr. GARFIELD. I will not further detain the House, but will yield to my colleague, the gentleman from Missouri, [Mr. PARKER.]

Mr. PARKER, of Missouri. Mr. Speaker, I am sorry to see the chairman of the Committee on Appropriations put himself in opposition to this appropriation. He is too broad and liberal in his views to oppose a charity of any kind, no matter by whom that charity is performed.

I am no Catholic, and practically I am not much of a Protestant; but, sir, I want to call the attention of this House to one fact, and especially that of my friend from Ohio, [Mr. GARFIELD,] who gallantly led one of the divisions of our Army during the late war, and that is when the noble women of these different orders were upon the battle-fields of our country, gathering up the wounded and the dying and pouring consolation into their souls, moistening their lips with cold water, talking to them of home, mother, and friends, cheering their dying moments by leading their minds to the mercy of that God who was so soon to judge them—when they kneeled before our brave soldiers upon their dying beds, did the gentleman or the loyal people ever stop to inquire what was the religious faith of these people? Did they stop to inquire whether they were Catholic or Protestant, Jew or Gentile? When the white-bonneted nuns were seen carrying consolation to the gallant soldiers of the Republic upon every battle-field where our patriots struggled for the national existence, they were not asked as to their religion. Now for the American Congress, made up of distinguished men from all parts of the country, wedded to our institutions, devoted to the cause of liberty, after what we have done already here to-day, to refuse to give this institution what is asked here, must be done upon grounds which we cannot justify. It is too narrow a view to take of it. Patriots and gallent men cannot do this. No citizen of this Republic can undertake to maintain any such position as that.

The title to this property is in these people. This society of the "Little Sisters of the Poor" was organized in 1840. It was chartered in this District on the 15th day of July, 1873. The work of this order

is to care for poor aged men and women. No one can be admitted who is not over sixty years of age. There are now fifty-three persons in this institution, and if they do not care for these aged paupers the District of Columbia will have to do it, and it will cost the District $8,000 to do it. It is therefore a saving of expense if we vote in favor of this appropriation.

Do you know, Mr. Speaker, that it is a fact that these "Little Sisters of the Poor" are not permitted under the obligations of their order to partake of a single mouthful of food until the inmates of their asylum are first fed? Do you know they go to the hotels and restaurants and wherever they are permitted to go in this city and gather what is left of the crumbs which have fallen from the tables for the purpose of feeding these poor aged outcast men and women who are not able to take care of themselves? I ask the House to stand by this appropriation. I ask the House to give this amount of money to this worthy object.

Mr. BUTLER, of Massachusetts. I desire to add a single word; I will detain the House but a moment. This question came up again in another form. I carried to New Orleans six thousand men. I had but six hundred Catholics among them. When those men were dying in that inclement climate of fever and of malaria from the swamps they were taken care of in the hospitals by Sisters of Charity, and the question never was asked, "What is their faith?" The only question asked was, "Are these men sick and dying?" And when that question was answered the soldier was taken in and he was treated as well and as carefully as if he had been of their own faith. Now, sir, with that knowledge and with the remembrance which my friend from Missouri [Mr. PARKER] has called to my attention of how glad our boys used to be to see these white bonnets coming upon the battle-fields and into the hospitals where they nursed the sick and dying, I would cut off my right hand before I would strike down this appropriation in behalf of any religious prejudices against their religion.

My friend from Ohio says nobody but a Catholic can belong to this association. That is true in this sense: nobody will undertake the self-denying vows, that entire devotion to charity but those who have been driven by stern religious faith; but when they have once taken those vows they go forward to their labors to take care of the sick and dying without question as to their religious faith. I hope and trust we will vote for this appropriation without any division.

Mr. RANDALL. What is the question?

The SPEAKER. Concurring in the Senate amendment.

Mr. RANDALL. If we concur that leaves it in.

The SPEAKER. It does.

Mr. RANDALL. That is all right.

Mr. GARFIELD. I desire to say a single sentence in reply.

Cries of "Vote!" "Vote!"

Mr. O'BRIEN. I desire to make a single statement.

Cries of "Vote!" "Vote!"

Mr. O'BRIEN. I desire to make a single statement that will be contained in one single sentence; and that is that the property belonging to this order and its title are vested in this institution, and that no church or sect has any control or authority over it whatever. That is all I desire to say.

Cries of "Vote!" "Vote!"

The question being taken on concurring in the Senate amendment, there were—ayes 102, noes 43.

Mr. SMITH, of Ohio. I call for the yeas and nays.

On the question of ordering the yeas and nays there were ayes 21.

So (the affirmative not being one-fifth of the last vote) the yeas and nays were not ordered, and the amendment of the Senate was concurred in.

The sixty-sixth amendment of the Senate was read, as follows:

For building a light-house at or near Solomon's Lump, in Kedges Strait, between Tangier Sound and Chesapeake Bay, $15,000: *Provided*, That the light-house at Fog Point be discontinued after the completion of the above.

Mr. GARFIELD. The committee recommend non-concurrence.

Mr. SENER. I move that the amendment be concurred in.

The question being taken, the amendment was not concurred in.

The sixty-eighth amendment of the Senate was read, as follows:

Strike out these words:

That the jurisdiction of the Light-House Board, created by the act entitled "An act making appropriations for light-houses, light-boats, buoys, &c., and providing for the erection and establishment of the same, and for other purposes," approved August 31, 1852, is hereby extended over the Mississippi, Ohio, and Missouri Rivers, for the establishment of such beacon-lights, day-beacons, and buoys as may be necessary for the use of vessels navigating those streams; and for this purpose the said board is hereby required to divide the designated rivers into one or two additional light-house districts, to be in all respects similar to the already existing light-house districts; and is hereby authorized to lease the necessary ground for all such lights and beacons as are used to point out changeable channels, and which in consequence cannot be made permanent.

Mr. GARFIELD. This is a misprint. The Senate did not strike that out. I ask that it be passed over.

Mr. CONGER. If the gentleman is sure of that I have no objection. But I have followed the report in the RECORD through, as far as I could, to ascertain what the action of the Senate was in regard to that matter; and as far as I can learn from the RECORD the Senate did make this amendment.

Mr. GARFIELD. They made it in Committee of the Whole, but not in the Senate.

Mr. CONGER. I read the RECORD differently. Let us non-concur in the amendment.

Mr. GARFIELD. For safety we may enter non-concurrence, but the fact I believe is as I have stated it.

The amendment of the Senate was non-concurred in.

The seventy-third amendment of the Senate was read, as follows:

To enable the Light-House Board to continue its experiments in relation to fog-bells, or other signals, for the protection of the commercial marine, $5,000.

Mr. GARFIELD. The committee recommend non-concurrence.

Mr. CONGER. I ask the House to concur in that amendment.

The Light-House Board are engaged in a series of examinations and experiments in regard to fog-bells and other signals, and a small appropriation of $5,000 seems to be necessary to enable them to perfect these, and in that way to decide between the different modes of alarming vessels in a fog and in the night, for the protection of commerce. It is but a very small amount, and may accomplish a very valuable purpose.

Mr. GARFIELD. There is a large appropriation for general purposes for the Light-House Board, and we think that we should not give away any more.

The question being taken on concurring in the Senate amendment, there were ayes 6, noes not counted.

So the amendment was not concurred in.

The Clerk read the seventy-fourth amendment of the Senate, as follows:

For building a relief light-ship for general service, in addition to the amount heretofore appropriated, $15,000, or so much thereof as may be necessary.

The Committee on Appropriations recommended concurrence in the amendment.

Mr. CONGER. I hope the House will non-concur in that amendment. I would like the chairman of the Committee on Appropriations to explain to the House why he asks a concurrence in an appropriation of $15,000 for a relief light-ship, when we have an appropriation for general expenses of this kind and he would not allow an appropriation for experiment?

Mr. GARFIELD. The department cannot build a light-ship out of the general fund. They can only do it when we appropriate it especially for a ship of the kind, but they have a right to make experiments out of the general fund. If, however, the gentleman wishes that this appropriation shall be stricken out, I have no objection to a non-concurrence in the amendment of the Senate.

Mr. CONGER. I have no such desire, but I confess that I do not see the difference between this case and the one which was up a moment ago.

The amendment of the Senate was concurred in.

The Clerk read the seventy-fifth amendment of the Senate, as follows:

Add to line 1297, on page 53, the following:

But nothing herein contained shall be construed to effect the present jurisdiction of the Second Comptroller of the Treasury in this class of cases: *Provided*, That the Secretary of War is authorized to employ not exceeding thirteen enlisted men for one year in the Ordnance Bureau.

The Committee on Appropriations recommended concurrence in the amendment of the Senate, with an amendment as follows:

Strike out the word "effect" in line 1299, and insert in lieu thereof the word "affect."

The amendment recommended by the Committee on Appropriations was agreed to.

Mr. STRAWBRIDGE. I move to amend that amendment of the Senate by adding thereto the following:

In line 1303, after the word "Bureau" insert the following:

And to retain during the next fiscal year, and no longer, such portion of the force of employés now on duty in the Surgeon-General's Office as may be actually necessary for the service thereof; but nothing in this act shall be so construed as to increase the aggregate force now employed in said office.

The SPEAKER *pro tempore*, (Mr. WHEELER in the chair.) That amendment is not in order, because in the first place it is not germane to the amendment of the Senate, and in the next place it is new legislation.

Mr. STRAWBRIDGE. I move that the rules be suspended and that the amendment be adopted.

Mr. G. F. HOAR. I rise to a question of order on this amendment.

The SPEAKER *pro tempore*. The Chair has ruled the amendment out of order, but the gentleman from Pennsylvania moves to suspend the rules so as to adopt it.

Mr. G. F. HOAR. Well, I raise the point of order whether this amendment can be adopted as an amendment to the Senate amendment without a suspension of the joint rules of the two Houses.

Mr. ALBRIGHT. Why, Mr. Speaker, the same thing was done this morning.

The SPEAKER *pro tempore*. The Chair holds that the rules may be suspended for that purpose. Of course the amendment will have to go to the Senate for consideration. The Chair has already ruled that this amendment is not germane to the amendment of the Senate, that it does not properly attach to it; but the gentleman from Pennsylvania moves to suspend the rules.

Mr. G. F. HOAR. This is a very important question. The point is whether or not when a bill which has passed the House comes back from the Senate with an amendment all that the House can do is either to concur or to non-concur with the Senate amendment, and whether any new matter not involved in the amendments of the Sen-

ate can be added to the bill except by a suspension of the joint rules of the two Houses.

The SPEAKER *pro tempore*. The Chair rules that this bill is so far in the possession of the House that it can be amended by a suspension of the rules. .

The question was put on seconding Mr. STRAWBRIDGE's motion to suspend the rules; and on a division there were ayes 10, noes not counted.

So (two-thirds not voting in favor thereof) the rules were not suspended.

The Clerk read the seventy-sixth amendment, as follows:

For continuing experiments with the Moffatt system of breech-loading cannon, under the direction of the Secretary of War, the sum of $10,000 is hereby appropriated.

The Committee on Appropriations recommended non-concurrence in the amendment of the Senate.

Mr. HAZELTON, of Wisconsin. I hope this amendment of the Senate will be concurred in. This is only half the amount recommended by the Secretary of War and the Chief of the Ordnance Department for this purpose. It is for continuing experiments with a class of breech-loading guns of very great importance, and they have attracted very general attention, and I hope the amendment of the Senate will be concurred in by the House.

Mr. CONGER. I move to amend the amendment of the Senate by striking out the words "Moffatt system of," so that it will provide for continuing experiments with breech-loading cannon and not confine it to any particular arm.

Mr. GARFIELD. I desire to say that the Committee on Appropriations recommended non-concurrence in this and the following amendment because they propose to make appropriations for two individuals by name. It seemed to us that Congress ought hardly thus to distinguish between the various inventors of the country.

It is precisely on a similar principle that we did not wish to distinguish between churches, and we thought we ought not to distinguish between individuals in this way. If the name is stricken out and the sum appropriated for a general purpose, I will have no objection to it. I have seen this gun of Mr. Lee, and it seems to me to be a very wonderful gun; I should say it was the best small-arm I have ever seen. Still I do not think we should legislate for it by name.

Mr. COBURN. I think the gentleman from Ohio [Mr. GARFIELD] pays a very just compliment to the gun of Mr. Lee. I have never seen anything that will at all compare with it in the shape of a small-arm. But the gentleman says that we should make this appropriation general. Now, it would be utterly impossible with $10,000, or even with $20,000, to experiment on all kinds of small-arms. If the amendment of the gentleman from Michigan [Mr. CONGER] shall be adopted, it will defeat the entire purpose of this appropriation. With this small sum we cannot go into a general investigation. And now that we have before us two meritorious inventions, as we have discriminated in other things, why not at least investigate as to whether these two arms are the best? Why not have the tests made upon them? If we make this an entirely open investigation, we entirely destroy the effect of the appropriation. We have appropriated infinitely more to things not worth one-tenth as much.

Mr. CONGER. The experiments may be made under direction of the Secretary of War with this or any other gun if my amendment is adopted; but it does not direct that any one particular patent of any one man shall receive investigation to the tune of $10,000. If the Department wishes, under this appropriation, to investigate this particular gun, I have no objection; but I do object to appropriating this amount to any one patent.

Mr. HAZELTON, of Wisconsin. The Secretary of War recommends twice this sum for experiments with this gun. It is the usual course; it is always done.

The amendment of Mr. CONGER was then agreed to; and the amendment, as amended, was concurred in.

The seventy-seventh amendment of the Senate was read, as follows:

For the purpose of testing Mr. Lee's breech-loading gun, under the direction of the Secretary of War, the sum of $10,000 is hereby appropriated.

The Committee on Appropriations recommended concurrence.

Mr. BUTLER, of Massachusetts. I move to amend the amendment of the Senate so that it will read:

For the purpose of testing magazine and breech-loading guns, under the direction of the Secretary of War, the sum of $10,000 is hereby appropriated.

The amendment of Mr. BUTLER was adopted; and the amendment, as amended, concurred in.

The seventy-eighth amendment of the Senate was read, as follows:

For this amount, or so much thereof as may be necessary, for the erection of winter quarters for troops stationed near the Red Cloud and Whetstone Indian agencies, $30,000.

The Committee on Appropriations recommended non-concurrence.

Mr. STEELE. I desire to call the attention of the House for a few minutes to this Senate amendment. General Ord, a most competent and careful officer, who is in command of the Department of the Platte in which these agencies are located, was in the city a few days since, but was not able to appear before the Committee on Appropriations of the House while they were preparing this bill. But he appeared before the Senate committee, and that committee reported in favor of appropriating $30,000 for building quarters for the troops at these two agencies.

I accompanied General Ord when he went to the Indian Department to ascertain whether it would be necessary to maintain the troops at these two agencies, they having been stationed there during the present season, five companies at each agency. He informed the Indian Department that he had barracks and quarters sufficient for the troops at the regular posts in the department if he could be allowed to withdraw them from the agencies. But he was informed by the Indian Department that it was absolutely necessary to maintain these troops there; that without them the agencies could not be maintained. There are from five to six thousand hostile or semi-civilized Sioux at each of these agencies.

The appropriation of $30,000 is simply to provide the doors, sashes, chimneys, flooring, and such things as the troops cannot manufacture for themselves. The proposition of General Ord is to build huts as winter quarters. The troops are now in tents, and General John E. Smith, a gallant officer and thorough soldier, in command at the agencies, reports that it is impossible for them to remain there in tents during the coming winter. This appropriation is to pay for such articles as the troops cannot manufacture from the timber to be found there. The troops will cut the timber and build the huts if this small appropriation is made, which is to provide winter quarters for ten companies of troops, without which they cannot remain in the country where they are now located; and the Indian Department says it is absolutely necessary that they should remain at the agencies. The Commissioner of Indian Affairs told me this morning on the floor of the House that it would be utterly impossible to maintain the agencies at these points and carry on the operations of the Indian Department under the present policy without these troops to protect the agencies and maintain order. I hope the amendment of the Senate will be concurred in.

The amendment of the Senate was not concurred in.

The seventy-ninth amendment of the Senate was read, as follows:

Add to paragraph relating to Freedmen's Hospital and Asylum at Washington, District of Columbia, the following:

Provided, That after June 30, 1874, the Freedmen's Hospital in the District of Columbia shall, until otherwise ordered by Congress, be continued under the direction of the Secretary of the Interior, who shall make all estimates and pass all accounts, and shall be accountable to the Treasury of the United States for all expenditures; and all property, including hospital and quartermaster stores, belonging to said hospital, and now in charge of the War Department, be also transferred to the Interior Department.

The Committee on Appropriations recommended concurrence.

Mr. WILLARD, of Vermont. What is the reason for this amendment?

Mr. GARFIELD. I ask the Clerk to read a letter from the Secretary of War.

The Clerk read as follows:

WAR DEPARTMENT,
Washington City, March 26, 1862.

DEAR SIR: I have the honor to suggest that the appropriation which is now made annually by Congress for the support of the Freedmen's Hospital and Asylum, at Washington, be henceforth disbursed under the Interior or some other Department of the Government. This may simply be done by changing in the sundry civil appropriation bill a few words, and putting the appropriation in another part of the bill.

The suggestion is made, not because the War Department will not cheerfully and faithfully carry out any tasks imposed upon it by the Legislature, but because the Medical Department of the Army 's so much reduced in its force that the duties required of it in connection with the Freedmen's Hospital might with more advantage be given to the military service; and in this view it might be well to place this hospital under the care of a civil head.

Very respectfully,

WM. W. BELKNAP,
Secretary of War.

Hon. HANNIBAL HAMLIN,
United States Senate.

Mr. WILLARD, of Vermont. Will this involve any ultimate increase of expense?

Mr. GARFIELD. Not at all; I do not see how it can.

Mr. BUTLER, of Massachusetts. I wish to say that I am not convinced even by the letter of the Secretary of War. No doubt he would be very glad to get rid of the care of the Freedmen's Hospital; he has no great affection for it, and I should not have if I had to take care of it. But the Department of the Interior was not organized for the purpose of running hospitals. The War Department has had very great experience in this business. It has a medical staff with the Surgeon-General at its head; it has all the machinery for doing this work. The Interior Department has not any surgeon except an examining surgeon for pensions; and he has enough to do—indeed too much. The Interior Department has no force, no staff, nobody to take care of or look after this hospital.

I know it is unpleasant for the surgeons of the Army to take care of negroes; but then I insist that they shall do it, or else that they shall not have their salaries. I hope this recommendation will not be agreed to. I move to amend the amendment by striking out the last four lines providing for a transfer of this hospital from the War Department to the Interior Department.

Mr. WILLARD, of Vermont. I call attention to the last part of the letter of the Secretary of War:

This suggestion is made, not because the War Department will not cheerfully and faithfully carry out any task imposed upon it by the Legislature, but because the Medical Department of the Army is so much reduced in its force that the duties required of it in connection with the Freedmen's Hospital might with more advantage be given to the military service; and in this view it might be well to place this hospital under the care of a civil head.

It is obvious from this that the Secretary of War proposes to have the medical force of the Army withdrawn from this service if the amendment be adopted; and if that be done, of course the medical service of this hospital will have to be provided for in some other way, involving of course some further charge upon the Treasury.

Mr. GARFIELD. That would naturally appear to be true; but it is not so.

Mr. WILLARD, of Vermont. It is, according to that letter.

Mr. GARFIELD. It is not true even according to that letter, as the gentleman will see if he will listen a moment. The Surgeon-General is the one to whom the reports of this hospital are made; but the hospital is in charge of a civil surgeon, who is not an Army officer at all.

Mr. BUTLER, of Massachusetts. He is hired by the Surgeon-General's office.

Mr. GARFIELD. He is hired under this appropriation and paid under it. This is the only appropriation that goes to the support of that hospital; and whether the management of it be transferred or not, this amount of money will be required.

Mr. WILLARD, of Vermont. What does the Secretary of War mean when he says that the medical force can more properly be employed elsewhere?

Mr. GARFIELD. As the gentleman from Massachusetts [Mr. E. R. HOAR] said the other day in reference to another matter, I will make an explanation which I had trusted I should not be called upon to make, for I had hoped that the reading of the letter would be sufficient. Since, however, the gentleman from Vermont insists on a fuller explanation, I will state that as I understand it there is not entire harmony of feeling and opinion in the War Department about the management of the Freedmen's Hospital; and it will settle a rather unpleasant difference of opinion to put the hospital under the Interior Department. Again, the hospital building is owned by the Howard University, having been built when the head of that university was taking care of the freedmen; and a small rental is annually paid to the university for the use of the hospital building. It was understood and expected that the clinic, the surgical operations, of this hospital should be wholly open to the colored medical students in the university. Some difficulties have arisen in this regard; and the students feel that they are not getting a proper opportunity for attending the clinics in the hospital. Because of this question and the differences that have arisen about it in the War Department, the Committee on Appropriations are informed that it will disentangle the trouble to put the hospital under the control of a Department where there is no such antagonism. That is the meaning of the Secretary's letter. The change will not cause any increase of expense. The Surgeon-General does not get any additional pay for taking charge of this institution. He does not detail an Army officer at all for that purpose. The officer now in charge of the institution is a civilian; but he has to make his reports now to the Surgeon-General, while if this transfer be made he will make his reports to the Secretary of the Interior.

I am acquainted with the officer in charge of the hospital, who is an excellent man; and I know that he is not an Army officer. I understand that the officers and students of the university very much desire this change; the colored physician, who is one of the professors in the college, is also very desirous for the change; the Secretary of War, who has charge of the hospital, recommends it; and it occurs to me it is a proper thing for us to do.

Mr. HARRISON. Will the gentleman inform us how the Secretary of the Interior can better settle the difficulties than the Secretary of War can?

Mr. GARFIELD. The Secretary of the Interior has no Surgeon-General's Department.

Mr. WILLARD, of Vermont. That is the very reason why there will have to be an entirely new organization of a medical force if this transfer is made.

Mr. GARFIELD. Not at all.

The question being taken on the amendment of Mr. BUTLER, of Massachusetts, it was agreed to.

Mr. BUTLER, of Massachusetts. In order to make this section conform to the amendment just adopted, I move to strike out the word "Interior," in line 1380, and insert "War."

The amendment was agreed to.

Mr. G. F. HOAR. I move further to amend the amendment of the Senate by adding the following:

To pay, under the direction of the President of the United States, the expenses of Major-General O. O. Howard in employing counsel and summoning witnesses in his defense before an investigating committee of the House of Representatives and before a court-martial, $7,000.

Mr. SPEER. That amendment is surely not in order. I make the point of order on it. It was ruled out once before.

The SPEAKER. The gentleman from Pennsylvania makes the point of order the amendment is not in order.

Mr. G. F. HOAR. I move to suspend the rules and make it in order.

Mr. SPEER. On that I demand the yeas and nays.

Mr. G. F. HOAR. This was an investigation instituted on the part of the Government.

Mr. SPEER. I object to debate unless both sides can be heard.

Mr. YOUNG, of Georgia. I demand the regular order.

Mr. ELDREDGE. This provides for paying some $7,000 to General O. O. Howard.

Mr. YOUNG, of Georgia. Let us have the yeas and nays.

Mr. BECK. If it be in order, I will move an amendment to pay Andrew Johnson $40,000 for the expense of his impeachment.

Mr. G. F. HOAR. I suggest five minutes of debate be allowed on each side.

Mr. ELDREDGE. I object, unless the proposition of the gentleman from Kentucky can be debated. We want the whole question considered at the same time. We want Andrew Johnson's bill paid.

The question recurred on seconding the motion to suspend the rules.

Tellers were ordered; and Mr. G. F. HOAR and Mr. SPEER were appointed.

The House divided, and there were—ayes 80, noes 40.

So the motion to suspend the rules was seconded.

Mr. SPEER demanded the yeas and nays.

Mr. ELDREDGE. I think we had better wait until we have the opinion of the Judge Advocate-General in the case of General O. O. Howard.

Mr. RANDALL. We are asked to pay this expense without knowing what the decision of the court of inquiry is.

The question was taken; and there were—yeas 123, nays 95, not voting 71; as follows:

YEAS—Messrs. Albert, Albright, Averill, Barber, Barry, Bass, Biery, Bradley, Buffinton, Bundy, Burleigh, Benjamin F. Butler, Roderick R. Butler, Cain, Cason, Cessna, Amos Clark, jr., Freeman Clarke, Clinton L. Cobb, Coburn, Conger, Crooke, Danford, Dobbins, Duell, Eames, Field, Foster, Frye, Garfield, Glover, Gunckel, Hagans, Eugene Hale, Robert S. Hale, Benjamin W. Harris, Harrison, Havens, Joseph R. Hawley, Gerry W. Hazelton, John W. Hazelton, E. Rockwood Hoar, George F. Hoar, Hodges, Hooper, Hoskins, Houghton, Howe, Hubbell, Hunter, Kasson, Kelley, Kellogg, Lamport, Lansing, Lawson, Lofland, Loughridge, Lynch, Maynard, McCrary, MacDougall, McKee, Merriam, Monroe, Morey, Negley, Nunn, O'Neill, Orth, Packard, Page, Isaac C. Parker, Parsons, Pendleton, Phelps, Pierce, Pike, James H. Platt, jr., Thomas C. Platt, Poland, Purman, Ransier, Rapier, Ray, Rice, Richmond, Ellis H. Roberts, Ross, Rusk, Sawyer, Henry B. Sayler, Scofield, Henry J. Scudder, Isaac W. Scudder, Sessions, Shanks, Sheats, Sherwood, Smart, A. Herr Smith, George L. Smith, H. Boardman Smith, St. John, Stowell, Strait, Strawbridge, Sypher, Christopher Y. Thomas, Townsend, Tremain, Tyner, Wallace, Walls, Marcus L. Ward, Wheeler, Whiteley, Wilber, George Willard, John M. S. Williams, William Williams, James Wilson, and Woodford—123.

NAYS—Messrs. Adams, Archer, Arthur, Atkins, Beck, Bell, Berry, Bland, Bowen, Bright, Bromberg, Brown, Buckner, Burchard, Caldwell, Cannon, John B. Clark, jr., Clements, Clymer, Stephen A. Cobb, Comingo, Cook, Corwin, Cox, Creamer, Crittenden, Crossland, Crounse, Crutchfield, Darrall, Donnan, Dunnell, Durham, Eldredge, Gunter, Hamilton, Hancock, Henry R. Harris, John T. Harris, Hatcher, John B. Hawley, Hereford, Herndon, Hunton, Hyde, Kendall, Knapp, Lamar, Luttrell, Magee, Marshall, Martin, James W. McDill, McLean, Milliken, Mills, Moore, Morrison, Neal, Niblack, O'Brien, Hosea W. Parker, Perry, Phillips, Randall, Read, Robbins, James C. Robinson, Milton Sayler, Sener, Sloss, Small, J. Ambler Smith, Southard, Speer, Sprague, Standiford, Stone, Storm, Thornburgh, Todd, Vance, Waldron, Jasper D. Ward, Wells, Whitehead, Whitehouse, Whitthorne, Charles W. Willard, Willie, Wolfe, John D. Young, and Pierce M. B. Young—94.

NOT VOTING—Messrs. Ashe, Banning, Barnum, Barrere, Begole, Blount, Burrows, Clayton, Cotton, Crocker, Curtis, Davis, Dawes, DeWitt, Eden, Elliott, Farwell, Freeman, Giddings, Gooch, Harmer, Hathorn, Hays, Hendee, Hersey, Holman, Hurlbut, Hynes, Jewett, Killinger, Lamison, Lawrence, Leach, Lewis, Lowe, Lowndes, Alexander S. McDill, McJunkin, McNulta, Mitchell, Myers, Nesmith, Niles, Orr, Packer, Pelham, Potter, Pratt, Rainey, William R. Roberts, James W. Robinson, John G. Schumaker, Sheldon, Lazarus D. Shoemaker, Sloan, John Q. Smith, William A. Smith, Snyder, Stanard, Starkweather, Stephens, Swann, Taylor, Charles R. Thomas, Waddell, White, Charles G. Williams, William B. Williams, Ephraim K. Wilson, Jeremiah M. Wilson, Wood, and Woodworth—71.

So (two-thirds not having voted in favor thereof) the rules were not suspended and the amendment was not received.

During the roll-call,

Mr. COX said: The gentleman from Indiana, Mr. HOLMAN, has gone home in consequence of the dying condition of his daughter.

The result of the vote was then announced as above recorded.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that that body had agreed to the conference asked for on the disagreeing votes of the two Houses on the bill (H. R. No. 3168) making appropriations for the repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes, and had appointed Mr. CHANDLER, Mr. BUCKINGHAM, and Mr. DENNIS as managers of said conference on its part.

It further announced that the Senate had passed a bill (H. R. No. 3572) to amend existing customs and internal-revenue laws, and for other purposes, with amendments; in which the concurrence of the House was requested.

It further announced that the Senate had passed bills and joint resolutions of the following titles; in which the concurrence of the House was requested:

Joint resolution (H. R. No. 114) to fill a vacancy on the board of managers of the National Home for Disabled Volunteer Soldiers;

Joint resolution (H. R. No. 115) for the relief of certain clerks and employés of the United States;

An act (H. R. No. 3506) for the relief of William Tod Helmuth, of New York;

An act (H. R. No. 1767) to change the name of the schooner Kittie Strang;

An act (H. R. No. 3211) to change the name of the schooner Delmar; and

An act (H. R. No. 3773) to further define and enlarge the powers and duties of the District of Columbia.

PRESIDENTIAL APPROVALS.

A message from the President, by Mr. O. E. BABCOCK, his Private Secretary, announced that the President had approved and signed bills and joint resolutions of the following titles, namely:

Joint resolution (H. R. No. 112) directing the Public Printer to keep an account of all expenditures for printing, mailing, and binding the CONGRESSIONAL RECORD;

An act (H. R. No. 203) to create two additional land districts in the State of Kansas;

An act (H. R. No. 526) for the relief of James De Long;

An act (H. R. No. 622) for the relief of John N. Newman, late an acting first lieutenant of Company B, Ninth Tennessee Volunteer Cavalry;

An act (H. R. No. 1206) for the relief of Charles J. Sands, of Brooklyn, New York;

An act (H. R. No. 1215) to revise and consolidate the statutes of the United States in force on the 1st day of December, A. D. 1873;

An act (H. R. No. 1227) granting a pension to Eliza A. Maxham;

An act (H. R. No. 1507) to create an additional land district in the Territory of Colorado;

An act (H. R. No. 1572) fixing the amount of United States notes, providing for a redistribution of the national-bank currency, and for other purposes;

An act (H. R. No. 1587) for the relief of William H. Pilkenton, late a second lieutenant in Company G, Fifth Regiment Indiana Cavalry Volunteers;

An act (H. R. No. 1948) granting a pension to Mary J. Blood;

An act (H. R. No. 2089) for the relief of Mrs. Louisa P. Molloy;

An act (H. R. No. 2092) for the relief of John W. Divine, late assistant surgeon of the Eleventh Regiment of Tennessee Cavalry;

An act (H. R. No. 2095) granting a pension to Charles Macarty;

An act (H. R. No. 2223) for the relief of Robert F. Winslow;

An act (H. R. No. 2292) for the relief of William Walker;

An act (H. R. No. 2450) to provide for the apportionment of the Territory of Wyoming for legislative purposes;

An act (H. R. No. 2655) to provide for the establishment of life-saving stations and houses of refuge upon the sea and lake coasts of the United States, and to promote the efficiency of the life-saving service;

An act (H. R. No. 2670) granting a pension to Mary S. Howe;

An act (H. R. No. 2671) granting a pension to General A. C. Voris;

An act (H. R. No. 2701) to relieve William G. Jones, of Alabama, of political disabilities;

An act (H. R. No. 2788) for the relief of Henry P. Ingram and John H. Askins;

An act (H. R. No. 2879) revising and embodying all the laws authorizing post-roads in force on the 1st day of December, 1873;

An act (H. R. No. 3002) for the relief of Isaac Riseden, late a first lieutenant of the Eleventh Tennessee Cavalry;

An act (H. R. No. 3003) for the relief of George A. Bacon;

An act (H. R. No. 3265) amending the charter of the Freedman's Savings and Trust Company, and for other purposes;

An act (H. R. No. 3309) granting to the Nevada Narrow-Gauge Railroad Company a right of way through the public lands for a railroad;

An act (H. R. No. 3332) to fix the time for the election of Representatives in the Forty-fourth Congress from the State of Mississippi;

An act (H. R. No. 3349) to revise and consolidate the statutes of the United States, general and permanent in their nature, relating to the District of Columbia, in force on the 1st day of December, A. D. 1873;

An act (H. R. No. 3351) to ascertain the possessory rights of the Hudson's Bay Company and other British subjects within the limits which were the subject of the award of His Majesty the Emperor of Germany, under the treaty of Washington of May 8, 1871, and for other purposes;

An act (H. R. No. 3417) to relieve Thomas Claiborne, of Tennessee, of political disabilities imposed upon him by the fourteenth amendment to the Constitution of the United States;

An act (H. R. No. 3421) making appropriations for the payment of invalid and other pensions of the United States for the year ending June 30, 1875;

An act (H. R. No. 3586) to authorize the construction of a bridge across the Mississippi River at or near the city of La Crosse, in the State of Wisconsin;

An act (H. R. No. 3606) granting a pension to Mary E. Grosvenor;

An act (H. R. No. 3652) providing for publication of the revised statutes and the laws of the United States;

An act (H. R. No. 3680) for the government of the District of Columbia, and for other purposes;

An act (H. R. No. 3740) to create the Bozeman land district in the Territory of Montana; and

An act (H. R. No. 3748) directing the Secretary of the Treasury to report upon the necessity for a public building at Brooklyn, New York, and the cost of the same.

SUNDRY CIVIL APPROPRIATION BILL.

The House resumed the consideration of the amendments of the Senate to the sundry civil appropriation bill.

The eightieth amendment of the Senate was read, as follows:

To enable the Secretary of the Senate to pay a sum sufficient to make the annual salaries of the principal clerk, principal executive clerk, minute and Journal clerk, and financial clerk of the Senate, as follows: Principal clerk, $3,600; principal executive clerk, minute and Journal clerk, and financial clerk, $3,000 each; and a sum sufficient to make the annual salaries of seven of the clerks in the office of the Secretary $2,592 each, $4,836.

Mr. GARFIELD. The committee recommend non-concurrence.

Mr. HOOPER. I offer the following amendment:

Add to the eightieth amendment the following:

Also the sum sufficient to enable the Clerk of the House of Representatives to pay in future the file, printing, and principal engrossing clerks at the same rate of compensation each received on the 1st day of January last.

That has always been the case, that these clerks have received the same pay as the corresponding clerks in the Senate.

Mr. GARFIELD. I desire to call the attention of the House to this matter. This is the chalice which we offered to the lips of the Senate and it comes back to our own. We raised the pay of four of our clerks. The Senate proposed to raise the pay of twelve of theirs. Now, the only way to make the House even is to put in five or six more House clerks; and in doing that to make every clerk about this House whose pay is not raised believe that he is wronged and degraded by having his friends and associates put up, and to make every officer of the same grade in the Executive Departments at Washington feel that we pay special and partial attention to our own employés around us under our eyes and leave others out of our view.

Now, I firmly believe that there is no justice and no equity in the course we have entered upon. I firmly believe that when the question is stated to the country they will condemn us for every step we have taken in this regard. Yet here we are in the midst of it. The real fair thing, the real just thing to do would be to adopt an amendment repealing all increase of salary that we ourselves have made in the case of our own clerks, in the law that has lately been signed as the legislative appropriation bill. If we do that it would be a plain, square matter of letting salaries alone this session. That is the right path for us to pursue. I am not authorized by the Committee on Appropriations to offer that amendment. I do not offer it; but I say that that is a path that would lead us back to a fair and equitable adjustment of the matter by letting the whole subject alone.

By the other course you make the whole group of men holding positions around this House feel that they are hurt and wronged. There is the clerk of the Committee on Appropriations; I venture to say he has worked more hours than any other employé in the Capitol this winter.

Mr. BUTLER, of Massachusetts. Except the clerk of the Committee on the Judiciary.

Mr. GARFIELD. I cannot except him, though perhaps he has come near it. Then there are the clerks of the Committee on Commerce, the Committee on Ways and Means, the Committee on Pensions, the Committee on War Claims—a whole row of them—and our engrossing clerks who sit up all night and keep up with our work. Now, what are you going to do? Those who do not press you, who do not ask for it, do not get their salaries advanced, while those in whom you are more particularly interested get advanced. For my own part I have tried to wash my hands of the tangle in which the House has got itself by these amendments.

Mr. CONGER. I wish to ask the chairman of the Committee on Appropriations if there is any other committee of this House that has a clerk, door-keeper, and messenger, and the whole paraphernalia of its rooms so well provided for as the Committee on Appropriations? I venture to say that there is no other committee of this House which is so expensive.

Mr. GARFIELD. The Committee on Ways and Means are provided for in the same way.

Mr. CONGER. I have also noticed that when the gentleman from Ohio has feathered his own nest handsomely he lies down in it and takes his repose.

Mr. GARFIELD. What nest?

Mr. CONGER. The committee-room of the Committee on Appropriations.

Mr. GARFIELD. It is not better provided than the room next to it, the room of the Committee on Ways and Means.

Mr. DAWES. Why does the gentleman from Michigan not speak of the Committee on War Claims? He should not stop until he has gone over the whole ground.

Mr. CONGER. It is singular that I cannot make a remark without the chairmen of these committees attempting to overwhelm me.

Mr. DAWES. The gentleman is overwhelmed by being called upon to state the facts; that is all.

Mr. CONGER. I do not know that I am overwhelmed by the greatness of the chairman of the Committee on Ways and Means, but I may be mistaken about that.

Mr. DAWES. There are very many committees that have just exactly the same appointments as these committees. If the gentleman would only enlarge a little his horizon, his statements would be more correct.

Mr. STARKWEATHER. I would like to say a word or two on this question. I am sorry that our economical chairman should have created so great an excitement about so small a matter. I am willing for one to take the responsibility of voting a fair sum to pay for honest work here. I think the sums we voted to our reading clerks were all right. I voted for them. I do not believe that the country is going to condemn us because in certain cases we have voted that

men who have responsible positions and hard work should have fair pay. This talk about washing our hands and the country holding us responsible for this increase, or rather for voting what we have heretofore voted for these hard-working clerks, is getting up a great excitement about a small matter. If the republican party or the democratic party is ever to be condemned or ought to be condemned, it will not be because it has paid these men these sums.

Why, sir, every day we vote away sums without discussion any one of which would cover and more than cover all that would be necessary to pay these men. For one, I am anxious and willing to vote to the clerks of the Committee on Appropriations and the Committee on Ways and Means and any other clerk that does as much work the sum they ask for here—no, not what they ask for, for they have not asked it. But the committees for which these clerks labor and the members of this House have placed these sums here as a just and fair compensation for them. I scout the idea, I do not believe it, that this country is to be revolutionized in its politics or that the people care one straw about the amount appropriated to pay our working clerks. These clerks are working, some of them, all night in order to get our business ready for us. They are furnishing us with information which is of vast importance to us. The clerks of the Committee on the Judiciary, of the Committee on Appropriations, of the Committee on Ways and Means, and of the Committee on Commerce save us more time and money by the information they furnish us, a great deal more, than it costs us to pay the clerks. Those clerks save as much time by the information as we pay for their labor, and more. I believe this session has been shortened in its labors one month by the knowledge and experience of these men. I am sorry to hear the chairman of the Committee on Appropriations—who I know does it in the interest of economy, but there is no real economy in it—ask that these men shall not be properly paid. I am willing to stand by my vote in favor of paying these men a just and fair compensation.

Mr. GARFIELD. I was discussing the increase in the number of Senate clerks.

Mr. STARKWEATHER. O; they have put on eight or ten clerks, but that is no reason why we should not do justice to our clerks who have earned their money. Neither the gentleman from Ohio nor any one else will lose a vote or the good opinion of any man for standing up squarely for a proposition of this kind.

The question was then taken upon the amendment moved by Mr. HOOPER; and it was not agreed to.

The amendment of the Senate was non-concurred in.

ENROLLED BILLS SIGNED.

Mr. DARRALL, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill and joint resolution of the following titles; when the Speaker signed the same:

An act (H. R. No. 3256) to repeal so much of the act approved May 8, 1872, entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1873, and for other purposes," as provides for the employment of persons to assist the proper officers of the Government in discovering and collecting moneys withheld, and for other purposes; and

Joint resolution (H. R. No. 50) amending joint resolution of April 16, 1872, relating to a statue of the late Admiral Farragut.

SUNDRY CIVIL APPROPRIATION BILL.

The eighty-first amendment of the Senate was read, as follows:

For one clerk of the first class, to keep the accounts of the CONGRESSIONAL RECORD, as required by resolution of Congress.

The Committee on Appropriations recommended concurrence.

Mr. DAWES. I move to concur with the addition of the following:

And the clerks of the Committees on Ways and Means and Appropriations shall hereafter receive the compensation now allowed to the assistant Journal clerk, and the amount to pay the same is hereby appropriated.

I believe the House understands the whole merits of this question. They know the services and value of these clerks. This amendment will put them upon precisely the same footing as the assistant Journal clerk, at $3,000 a year. I move the previous question on the amendment I have offered.

Mr. SAWYER. I desire to offer an amendment to the amendment, in regard to the clerk of the Committee on Commerce.

Mr. DAWES. That can come in as a separate and independent proposition.

Mr. SPEER. It is hardly fair to make a speech and then call the previous question.

Mr. DAWES. The merits of this case are fully understood.

Mr. SPEER. Will the amendment of the Senate be open to debate after the amendment of the gentleman from Massachusetts shall have been acted upon?

Mr. DAWES. Certainly.

Mr. WILLARD, of Vermont. I suggest to the gentleman to put in the specific sum, $3,000 a year, and not say "the rate of compensation now allowed to the assistant Journal clerk."

Mr. DAWES. I will modify the amendment as suggested.

Mr. SPEER. What do these clerks get now?

Mr. DAWES. They now get $2,600 each.

The question was taken upon the amendment of Mr. DAWES, and upon a division there were—ayes 54, noes 61; no quorum voting.

Mr. STARKWEATHER. I call for tellers.

Tellers were ordered; and Mr. DAWES and Mr. SPEER were appointed.

The House again divided; and the tellers reported that there were—ayes 80, noes 68.

Before the result of this vote was announced,

Mr. HAWLEY, of Illinois, called for the yeas and nays.

The yeas and nays were ordered, there being 34 in the affirmative; more than one-fifth of the last vote.

The question was taken; and there were—yeas 109, nays 102, not voting 78, as follows:

YEAS—Messrs. Albert, Archer, Arthur, Ashe, Averill, Barnum, Barry, Beck, Berry, Benjamin F. Butler, Roderick R. Butler, Cain, Cessna, Amos Clark, jr., Comingo, Conger, Cook, Creamer, Crooke, Crossland, Darrall, Davis, Dawes, Dobbins, Duell, Eames, Eldredge, Field, Foster, Frye, Garfield, Giddings, Gooch, Eugene Hale, Robert S. Hale, Hancock, Benjamin W. Harris, Hays, John W. Hazelton, George F. Hoar, Hodges, Hooper, Houghton, Howe, Hynes, Kasson, Kelley, Kellogg, Kendall, Lamison, Lamport, Loughridge, Lowndes, Luttrell, Maynard, Alexander S. McDill, MacDougall, Mills, Mitchell, Moore, Negley, Niblack, O'Brien, O'Neill, Page, Hosea W. Parker, Isaac C. Parker, Pendleton, Perry, Pierce, Pike, James H. Platt, jr., Purman, Randall, Ransier, Rapier, Rusk, Sawyer, Scofield, Isaac W. Scudder, Sener, Sessions, Shanks, Sheldon, Sherwood, Sloan, Sloss, Small, J. Ambler Smith, Snyder, Speer, Stanard, Starkweather, Stone, Stowell, Sypher, Todd, Townsend, Tremain, Waldron, Wells, Whiteley, Charles W. Willard, George Willard, John M. S. Williams, William Williams, Woodford, John D. Young, and Pierce M. B. Young—109.

NAYS—Messrs. Adams, Albright, Atkins, Barber, Bell, Biery, Bland, Blount, Bowen, Bradley, Bromberg, Brown, Buffinton, Bundy, Burchard, Burleigh, Burrows, Caldwell, Cannon, Cason, John B. Clark, jr., Clements, Stephen A. Cobb, Corwin, Cotton, Crittenden, Crounse, Crutchfield, Donnan, Dunnell, Durham, Fort, Glover, Gunckel, Hagans, Henry R. Harris, Harrison, Hatcher, Havens, John B. Hawley, Joseph R. Hawley, Herndon, E. Rockwood Hoar, Hoskins, Hunter, Hunton, Hurlbut, Hyde, Lawrence, Lawson, Lynch, Magee, Marshall, Martin, McCrary, James W. McDill, McLean, Merriam, Milliken, Morrison, Neal, Nunn, Orth, Packard, Pelham, Phelps, Thomas C. Platt, Pratt, Ray, Read, Richmond, Robbins, Ellis H. Roberts, James W. Robinson, Ross, Henry B. Sayler, Henry J. Scudder, Smart, A. Herr Smith, H. Boardman Smith, Southard, Sprague, Standiford, Storm, Strait, Strawbridge, Christopher Y. Thomas, Thornburgh, Vance, Wallace, Walls, Jasper D. Ward, Whitehead, Whitehouse, Whitthorne, Wilber, Charles G. Williams, William B. Williams, Willie, James Wilson, Wolfe, and Woodworth—102.

NOT VOTING—Messrs. Banning, Barrere, Bass, Begole, Bright, Buckner, Freeman Clarke, Clayton, Clymer, Clinton L. Cobb, Coburn, Cox, Crocker, Curtis, Danford, DeWitt, Eden, Elliott, Farwell, Freeman, Gunter, Hamilton, Harmer, John T. Harris, Hathorn, Gerry W. Hazelton, Hendee, Hereford, Hersey, Holman, Hubbell, Jewett, Killinger, Knapp, Lamar, Lansing, Leach, Lewis, Lofland, Lowe, McJunkin, McKee, McNulta, Monroe, Morey, Myers, Nesmith, Niles, Orr, Packer, Parsons, Phillips, Poland, Potter, Rainey, Rice, William R. Roberts, James C. Robinson, Milton Sayler, John G. Schumaker, Sheats, Lazarus D. Shoemaker, George L. Smith, John Q. Smith, William A. Smith, Stephens, St. John, Swann, Taylor, Charles R. Thomas, Tyner, Waddell, Marcus L. Ward, Wheeler, White, Ephraim K. Wilson, Jeremiah M. Wilson, and Wood—78.

So the amendment of Mr. DAWES to the amendment of the Senate was agreed to.

Mr. SAWYER. I move to amend by adding to the amendment just adopted the following:

And there is hereby appropriated a sum sufficient to make the compensation of the clerk of the House Committee on Commerce equal to $2,190 per annum for the Forty-third Congress, and no longer.

Mr. G. F. HOAR. I submit that this amendment is not germane to the Senate amendment.

The SPEAKER. The Chair thinks it is.

Mr. SAWYER. As to the merits of this amendment, it is known to most members of the House that the clerk of the Committee on Commerce works very laboriously indeed.

The question being taken on agreeing to Mr. SAWYER's amendment, there were—ayes 41, noes 71; no quorum voting.

Tellers were ordered; and Mr. SAWYER and Mr. ROSS were appointed.

The House divided; and the tellers reported—ayes 81, noes 77.

Mr. BURCHARD called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 82, nays 111, not voting 96; as follows:

YEAS—Messrs. Albright, Archer, Barnum, Barrere, Bradley, Burrows, Roderick R. Butler, Cain, Cannon, Amos Clark, jr., Coburn, Corwin, Creamer, Duell, Dunnell, Eames, Field, Hagans, Robert S. Hale, Benjamin W. Harris, Harrison, Hathorn, Hays, Gerry W. Hazelton, Hodges, Hoskins, Houghton, Howe, Hynes, Kelley, Kellogg, Kendall, Loughridge, Lowndes, Maynard, Alexander S. McDill, MacDougall, Monroe, Negley, Nunn, O'Neill, Packard, Page, Isaac C. Parker, Parsons, Pendleton, Perry, Purman, Randall, Ransier, Rapier, Rusk, Sawyer, Milton Sayler, Henry J. Scudder, Sener, Sessions, Sheldon, Sherwood, Sloan, J. Ambler Smith, Snyder, Stanard, Starkweather, Stowell, Strawbridge, Sypher, Thornburgh, Todd, Townsend, Tremain, Wallace, Walls, Wheeler, Whiteley, Wilber, George Willard, John M. S. Williams, William Williams, William B. Williams, Willie, and Woodford—82.

NAYS—Messrs. Adams, Albert, Arthur, Ashe, Atkins, Barber, Beck, Bell, Biery, Bland, Blount, Bowen, Bright, Brown, Buckner, Buffinton, Bundy, Burchard, Caldwell, Cessna, John B. Clark, jr., Clements, Clymer, Stephen A. Cobb, Comingo, Crittenden, Crooke, Crossland, Crounse, Crutchfield, Danford, Donnan, Durham, Eldredge, Fort, Frye, Giddings, Glover, Gunckel, Gunter, Hancock, Henry R. Harris, Hatcher, Havens, John B. Hawley, Joseph R. Hawley, Herndon, E. Rockwood Hoar, George F. Hoar, Hunter, Hunton, Hurlbut, Hyde, Kasson, Knapp, Lamar, Lawrence, Lawson, Leach, Lofland, Lowe, Lynch, Magee, Marshall, Martin, McCrary, James W. McDill, Merriam, Milliken, Mills, Morrison, Niblack, O'Brien, Orth, Hosea W. Parker, Pelham, Pike, Ray, Rice, Richmond, Robbins, Ellis H. Roberts, James W. Robinson, Ross, Shanks, Smart, A. Herr Smith, H. Boardman Smith, John Q. Smith, Southard, Speer, Sprague, Standiford, Stone, Storm, Strait, Christopher Y. Thomas, Tyner, Vance, Jasper D. Ward, Wells, White, Whitehead, Whitehouse, Whitthorne, Charles W. Willard, Charles G. Williams, James Wilson, Wolfe, John D. Young, and Pierce M. B. Young—111.

NOT VOTING—Messrs. Averill, Banning, Barry, Bass, Begole, Berry, Bromberg, Burleigh, Benjamin F. Butler, Cason, Freeman Clarke, Clayton, Clinton L. Cobb, Conger, Cook, Cotton, Cox, Crocker, Curtis, Darrall, Davis, Dawes, DeWitt, Dobbins, Eden, Elliott, Farwell, Foster, Freeman, Garfield, Gooch, Eugene Hale, Hamilton, Harmer, John T. Harris, John W. Hazelton, Hendee, Hereford, Hersey, Holman, Hooper, Hubbell, Jewett, Killinger, Lamison, Lamport, Lansing, Lewis, Luttrell, McJunkin, McKee, McLean, McNulta, Mitchell, Moore, Morey, Myers, Neal, Nesmith, Niles, Orr, Packer, Phelps, Phillips, Pierce, James H. Platt, jr., Thomas C. Platt, Poland, Potter, Pratt, Rainey, Read, William R. Roberts, James C. Robinson, Henry B. Sayler, John G. Schumaker, Scofield, Isaac W. Scudder, Sheats, Lazarus D. Shoemaker, Sloss, Small, George L. Smith, William A. Smith, Stephens, St. John, Swann, Taylor, Charles R. Thomas, Waddell, Waldron, Marcus L. Ward, Ephraim K. Wilson, Jeremiah M. Wilson, Wood, and Woodworth—96.

So the amendment of Mr. SAWYER was not agreed to.

The amendment of the Senate, as amended, was concurred in.

Mr. GARFIELD. I move to suspend the rules so that all the remaining amendments of the Senate to this bill may be non-concurred in, and a conference with the Senate be asked on the disagreeing votes of the two Houses. I make this motion in order to get the bill to a conference as speedily as possible and to save the time of the House.

Several MEMBERS. That is right.

Mr. KELLOGG. I have an amendment which I would like to refer to the committee before that is done.

Mr. BUTLER, of Massachusetts. I desire to know what the committee are going to do with civil service?

Mr. GARFIELD. We have recommended non-concurrence in the amendment on that subject.

Mr. BUTLER, of Massachusetts. Is that merely formal, and are you going to drop it?

Mr. GARFIELD. The Committee on Appropriations were overwhelmingly on that side. That is all I have to say. The gentleman cannot get anything more than non-concurrence, so far as I can see.

The question being on seconding the motion to suspend the rules, tellers were ordered; and Mr. GARFIELD and Mr. KELLOGG were appointed.

The House divided; and the tellers reported ayes 123, noes not counted.

So the motion was seconded.

The question then recurring on agreeing to the motion to suspend the rules, it was agreed to, two-thirds voting in favor thereof.

The SPEAKER subsequently announced the appointment of Mr. GARFIELD, Mr. HALE of Maine, and Mr. NIBLACK as the committee of conference on the part of the House.

TARIFF AND INTERNAL REVENUE.

Mr. DAWES. The bill (H. R. No. 3572) to amend existing customs and internal-revenue laws, and for other purposes, has been returned from the Senate with amendments. I move that the rules be suspended so as to non-concur in all the amendments and ask a conference with the Senate on the disagreeing votes of the two Houses. If the House will indulge me a few moments, I will make a brief explanation.

The Senate has added no item whatever to this bill; all its amendments are in the line of reduction. I should be glad if the House would concur in every one of these amendments. Any motion to that effect would take precedence of a motion to non-concur. Any gentleman who will send for the bill as printed by the Senate with the amendments of its committee will see just what the Senate has done, with a few exceptions. I will state those exceptions: On the sixth page the Senate committee proposed to strike out a proviso which has not been struck out in the Senate. They also proposed to strike out from the free list quicksilver, which has not been struck out. Every other amendment of the Senate committee has been agreed to by the Senate. At this late hour I apprehend that the best method of proceeding would be to concur in these amendments, but I am urged by gentlemen about me to make the motion I have made, which is to suspend the rules, non-concur, and ask a conference.

Mr. TREMAIN. Will the motion to concur be in order?

The SPEAKER. Not in that form. If the bill came up in regular order the question would be, of course, on concurring in the amendments. But by a suspension of the rules the negative vote of non-concurrence may be made.

Mr. STARKWEATHER. I hope we will non-concur. It strikes out the only important thing in the bill, and that is the tax on bonds &c., which by a majority of four to one was passed by this House. I hope the Committee on Ways and Means will keep it in.

Mr. SPEER. Does the gentleman propose to impose a tax on United States bonds?

Mr. SAYLER, of Ohio. I should like to ask the gentleman from Massachusetts [Mr. DAWES] whether this amendment strikes out the additional tax on hops?

Mr. DAWES. It leaves the tax on hops as under existing law.

The SPEAKER. The pending motion is to suspend the rules and non-concur in the remaining amendments of the Senate so as to send the bill to a committee of conference.

Mr. RANDALL. Is not a motion to concur the first motion in order?

The SPEAKER. It would be if we were acting under the rules, but the gentleman now moves to suspend the rules and non-concur in the remaining Senate amendments.

Mr. STARKWEATHER. I hope the Committee on Ways and Means will permit the sense of the House to be tested in reference to the amendment taxing bonds, &c.

Mr. DAWES. That is the difficulty of the motion.

Mr. STARKWEATHER. I should like to have a vote in the House on the question of taxing bonds and stocks, &c., to see whether the New York Stock Exchange controls this House or whether this House controls the New York Stock Exchange.

Mr. DAWES. I insist on the motion to suspend the rules and non-concur in the remaining amendments of the Senate.

The motion to suspend the rules was seconded.

So (two-thirds voting in favor thereof the rules were suspended) and the remaining amendments of the Senate were non-concurred in.

Mr. GARFIELD. I move there be a committee of conference appointed on the disagreeing votes of the two Houses.

The motion was agreed to.

The SPEAKER appointed as managers of said conference on the part of the House, HENRY L. DAWES of Massachusetts, W. D. KELLEY of Pennsylvania, and JAMES B. BECK of New York.

ENROLLED BILLS.

Mr. HARRIS, of Georgia, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills and joint resolutions of the following titles; when the Speaker signed the same:

An act (H. R. No. 1767) to change the name of the steamboat Kitty Strang;

An act (H. R. No. 3211) to change the name of the schooner Delmar;

An act (H. R. No. 3422) for the relief of Mercy Ann Hall, widow of Captain Charles F. Hall;

Joint resolution (H. R. No. 114) to fill a vacancy in the board of managers of the National Home for Disabled Volunteer Soldiers; and

Joint resolution (H. R. No. 115) for the relief of certain clerks and employés of the United States.

LEAVE TO PRINT.

Mr. YOUNG, of Georgia, by unanimous consent, was granted leave to print in the RECORD some remarks on the bill (H. R. No. 3777) to abolish the southern claims commission. (See Appendix.)

SUSPENSION OF THE RULES.

Mr. RANDALL. Mr. Speaker, I am directed by the Committee on Rules to report the following:

The Clerk read as follows:

Resolved, That the one hundred and forty-fifth rule of the House be amended by striking out the word "ten" and insert in lieu thereof the word "six."

Mr. RANDALL. The Committee on Rules are unanimously in favor of this change of the rules.

Mr. DAWES. That is in reference to the suspension of the rules during the last ten days of the session.

Mr. RANDALL. The rule at present gives opportunity during the last ten days of the session to suspend the rules and pass bills. Recent events show it is too long a time, and the Committee on Rules have directed me to report this so as to confine the opportunity for suspension of the rules at the close of the session to a legislative week of six days.

Mr. GARFIELD. That ought to be done by all means.

The resolution was adopted.

Mr. RANDALL moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

EVENING SESSION.

Mr. GARFIELD. I hope we will now have a recess to half past eight this evening. We can certainly get through if the House will stay to-night long enough to finish the post-office appropriation bill and the river and harbor appropriation bill.

STENOGRAPHERS OF COMMITTEES.

Mr. MAYNARD. I have a further report to make from the Committee on Rules.

Mr. ELDREDGE. I do not think we should undertake to amend the rules in the closing hours of the session.

The SPEAKER. This amendment is imperatively necessary under the circumstances.

Mr. GARFIELD. I hope gentlemen will allow it to be offered; it is absolutely necessary.

The Clerk read as follows:

Resolved, That rule —— be amended by adding, after the word "House" in the first line, the words "including stenographers of committees."

The SPEAKER. The Clerk will read the rule which it is proposed to amend. It is a rule which was adopted this session.

The Clerk read as follows:

The appointment and removal of the Official Reporters of the House shall be vested in the Speaker, and in addition to their other duties——

Mr. MAYNARD. That is sufficient. The whole rule need not be read.

The SPEAKER. The amendment is to insert after the words "Official Reporters of the House" the words "including stenographers of committees."

Mr. SPEER. That is right.

Mr. MAYNARD. I wish to say that in addition to the Official Reporters engaged in reporting our debates are two stenographers employed to report for committees. The amendment to the rules which I have offered is that the Speaker shall have the appointment and the removal of the stenographers precisely as he has the appointment and removal of the reporters of the debates.

The amendment to the rule was adopted.

Mr. MAYNARD moved to reconsider the vote by which the amendment to the rule was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. GARFIELD. I renew my motion that the House take a recess until half past eight o'clock.

The motion was agreed to.

And thereupon (at four o'clock and fifty minutes p. m.) the House took a recess until eight o'clock and thirty minutes p. m.

EVENING SESSION.

The recess having expired, the House resumed its session at eight o'clock and thirty minutes p. m.

CHANGE OF LOCATION OF NATIONAL BANK.

Mr. RANDALL. I ask unanimous consent that the bill (S. No. 930) authorizing the Farmers' National Bank of Greensburgh, Pennsylvania, to change its location and name may be taken from the Speaker's table and passed.

The bill was read. It provides for the removal of the Farmers' National Bank of Greensburgh, in the county of Westmoreland, State of Pennsylvania, to the city of Pittsburgh, county of Alleghany, in said State, and for changing the name to the Fifth National Bank of Pittsburgh, Pennsylvania.

Mr. MERRIAM. Will the gentleman accept an amendment, providing that all the expenses, including those of engraving, involved in the change of location shall be borne by the bank?

Mr. RANDALL. I accept that amendment.

The amendment was agreed to.

The bill, as amended, was read three times and passed.

SIR LAMBTON LORRAINE.

Mr. ORTH, by unanimous consent, from the Committee on Foreign Affairs, reported adversely on the joint resolution (H. R. No. 88) tendering the thanks of Congress to Sir Lambton Lorraine, of the British navy; and the same was laid on the table, and the accompanying report ordered to be printed.

AMERICAN SHIP-BUILDING.

Mr. NEGLEY, by unanimous consent, from the Committee on Commerce, made a report in writing on the resolutions passed by the Legislature of Pennsylvania in favor of the building of American ships by American mechanics and out of American materials, and moved that it be printed, and recommitted to the Committee on Commerce.

The motion was agreed to.

E. & J. KOCH.

Mr. SYPHER. There is a bill now on the Private Calendar which was considered by the Committee on Ways and Means and unanimously reported back by that committee. I ask that it may now be put upon its passage.

The bill (S. No. 552) to refund to E. & J. Koch certain customs-duties was read. It authorizes the Secretary of the Treasury to refund to Messrs. E. & J. Koch $2,916.65, gold, being the amount paid by them in the New Orleans customs district on an importation of machinery for the manufacture of beet-root sugar in the year 1873.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

MANAGEMENT OF POST-OFFICE DEPARTMENT.

Mr. STOWELL, by unanimous consent, from the Committee on the Post-Office and Post-Roads, presented a report in writing on the management of the Post-Office Department; which was ordered to lie on the table and be printed.

CHINA MAIL SERVICE.

Mr. STOWELL also gave notice that he would file a minority report on the China Mail Service.

CHANGE OF LOCATION OF NATIONAL BANK.

Mr. HAWLEY, of Connecticut, by unanimous consent, introduced a bill (H. R. No. 3778) changing the name and location of the Pittsfield National Bank; which was read a first and second time.

The bill provides for changing the location of the Pittsfield National Bank, New Hampshire, and changing its name to the Second National Bank of Manchester, Hillsborough County, in said State.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

MESSAGE FROM THE SENATE.

A message from the Senate by Mr. SYMPSON, one of their clerks, informed the House that the Senate had disagreed to the report of the committee of conference on the bill (H. R. No. 3094) making appropriations for the service of the Post-Office Department for the year ending June 30, 1875, and for other purposes, asked a further conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. WINDOM, Mr. ALLISON, and Mr. DAVIS to be the managers of the conference on the part of the Senate.

The message further announced that the Senate insisted on its amendments to the bill (H. R. No. 3600) making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1875, and for other purposes, disagreed to by the House of Representatives, agreed to the conference asked for by the House on the disagreeing votes of the two Houses, and had appointed Mr. MORRILL, of Maine, Mr. SARGENT, and Mr. STEVENSON to be the conferees on the part of the Senate.

The message further announced that the Senate insisted on its amendments to the bill (H. R. No. 3572) to amend existing customs duties and internal-revenues laws, and for other purposes, disagreed to by the House of Representatives, and had appointed Mr. THURMAN, Mr. MORRILL of Vermont, and Mr. BAYARD to be the conferees on the part of the Senate.

The message further announced that the President of the Senate *pro tempore* had appointed Mr. MORRILL of Maine and Mr. HAMILTON of Maryland members on the part of the Senate of the joint committee authorized to be appointed by the fifth section of the act for the government of the District of Columbia, and for other purposes.

The message further announced that the Senate had passed without amendment bills of the House of the following titles:

The bill (H. R. No. 2884) granting the right of way through the public lands to the Arkansas Valley Railway Company; and

The bill (H. R. No. 2892) authorizing the President to appoint George Henry Preble, now a captain on the active list of the Navy, to be a commodore.

COMMITTEE ON THE LIBRARY.

Mr. FRYE. I ask unanimous consent to offer the following resolution:

Ordered, That the Joint Committee on the Library be authorized to sit during the recess.

Mr. ELDREDGE. I object.

Subsequently Mr. ELDREDGE said: I desire to withdraw my objection to the granting of leave to the Committee on the Library to sit during the recess. I understand that they are to sit at their own expense, and merely to vote upon some propositions in regard to statuary. I had supposed that it was intended that they should sit here to carry on investigation during the summer.

Mr. FRYE. O, no; it is only proposed that they shall sit to vote upon certain propositions regarding statuary.

The resolution offered by Mr. FRYE was agreed to.

MAJOR J. W. NICHOLLS.

Mr. PARKER, of Missouri. I ask unanimous consent that the bill (S. No. 769) for the relief of Major J. W. Nicholls, paymaster United States Army, be put upon its passage.

The bill was read for information. It directs that there be paid to Major J. W. Nicholls, paymaster United States Army, the sum of $4,500, erroneously charged due and paid by him in the settlement of his accounts.

Mr. SPEER. I must object unless some explanation be made.

Mr. PARKER, of Missouri. I will explain the matter. This is a Senate bill for the relief of a paymaster now in the Army and who has been a great many years in the Army. When this bill was introduced in the Senate I introduced a similar bill in the House, in the hope that the Committee on Military Affairs would have time to consider it; but the pressure of business has been such upon them that the bill has not been considered. I have talked with most of the gentlemen of that committee and stated the facts of the case to them, and I think I may say that they approve the bill. I have investigated the case myself, and many gentlemen upon the floor, especially the Tennessee delegation, are familiar with the facts in the case. It is a case where a mistake was made in the payment of money to Paymaster Nicholls of this amount which is named in the bill. I hold in my hand papers which show the facts to be as I have stated. There is no question as to the honesty and integrity of this officer. He is indorsed by nearly all the principal officers of the Army from General Meade down. The bill has unquestionably merit in it, and I think there can be no opposition to it. I call it up at the request of a sister of the claimant who is here, while Paymaster Nicholls is away upon the frontier attending to his duties. My friend from Tennessee [Mr. MAYNARD] has full knowledge of the facts in the case, and is able to corroborate what I have said.

Mr. MAYNARD. I have been acquainted with Paymaster Nichols for many years, and I take great pleasure in corroborating what has been said by the gentleman from Missouri. I will not take up time by going into the merits of the case in detail.

Mr. SPEER. I object to the bill.

HOT SPRINGS RESERVATION IN ARKANSAS.

Mr. MOREY. I ask unanimous consent to call up the bill (H. R. No. 608) extending the time for filing suits in the court of claims to establish title to the Hot Springs reservation in Arkansas.

Mr. SNYDER. I object to that bill.

THOMAS HUGHES.

Mr. WILSON, of Iowa. I ask unanimous consent to report from the Committee on War Claims the bill (S. No. 875) for the relief of Thomas Hughes.

The bill was read for information. It directs the accounting officers of the proper Department to settle and pay the late Lieutenant Thomas Hughes, regimental quartermaster Twenty-eighth Iowa Volunteer Infantry, who was mustered out of the service on the 1st of June, 1865, but who actually performed service under the orders of Colonel Bonneville at Benton barracks, Saint Louis, Missouri, until the 8th of July, 1865, his full pay and perquisites for all the time that he actually served.

No objection being made, the report was received.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. WILSON, of Iowa, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

POST-OFFICE APPROPRIATION BILL.

Mr. TYNER. I ask unanimous consent that the request of the Senate be granted for a new conference upon the disagreeing votes of the two Houses on the bill (H. R. No. 3094) making appropriations for the service of the Post-Office Department for the year ending June 30, 1875, and for other purposes.

No objection was made, and it was so ordered.

The SPEAKER appointed, as conferees on the part of the House, Mr. TYNER, Mr. CANNON of Illinois, and Mr. MARSHALL; the same conferees as before, except that Mr. CANNON of Illinois was appointed in the place of Mr. PACKER, who is absent.

ORDER OF BUSINESS.

Mr. GARFIELD. I desire to make a suggestion to the House. So far as the appropriation bills are concerned, the only necessity for the House remaining here is to obtain the reports of the committees of conference on the post-office appropriation bill and the river and harbor appropriation bill and act upon them. It will take a good portion of the night to complete the work on the sundry civil appropriation bill, which is now in conference. But if we can get the post-office and the river and harbor appropriation bills through to-night, so as to send them to the enrolling clerks to be finished by the morning, we shall have for to-morrow only the report of the committee of conference on the sundry civil bill to dispose of.

Mr. ELDREDGE. What time is it expected the reports upon those bills will be here?

Mr. GARFIELD. I understand that the report on the river and harbor appropriation bill is nearly completed and will be ready probably in the course of half or three-quarters of an hour. The report of the committee of conference on the post-office bill has been rejected, and a second conference has been appointed, and it will take an hour or more for them to prepare their report.

Mr. ELDREDGE. Had we not better take a recess until about the time we may expect those reports? The gentleman from Ohio [Mr. GARFIELD] knows, as we all know, that most of the legislation transacted at this hour of the session is mischievous—legislation which absolutely should not be done.

Mr. GARFIELD. I know that. I think the report on the river and harbor bill will be here in perhaps ten or fifteen minutes.

Mr. COBB, of Kansas. There is one important bill not yet returned from the Senate, and that is the post-route bill.

Mr. GARFIELD. It will not take long to dispose of that.

The SPEAKER. The House will now resume the consideration of business upon the Speaker's table under the two-thirds rule.

MRS. NANCY DAY.

The first business on the Speaker's table was the bill (S. No. 277) making an appropriation for the payment of $792.46 due the late James L. Day, of Connecticut, for transporting the mails over post-route No. 8151.

The bill appropriates the sum of $792.46 to Mrs. Nancy Day, widow of the late James L. Day, of Connecticut, being the balance found due said James L. Day on the 31st day of May, 1861, the time of adjusting an account with him for transporting the mails over post-route No. 8151, which amount remains unpaid.

Mr. STARKWEATHER. I move that that bill be passed.

Mr. ELDREDGE. I think this bill should be referred to the Committee on the Post-Office and Post-Roads. [After a pause.] I will withdraw my objection. I understand the gentleman from Connecticut [Mr. STARKWEATHER] is willing to husband the bill; whether he is the claimant or not, I do not know.

No objection being made, the bill was read three times, and passed.

HAZING AT NAVAL ACADEMY.

The next business on the Speaker's table was the bill (S. No. 849) to prevent hazing at the Naval Academy.

The bill provides that in all cases when it shall come to the knowledge of the Superintendent of the Naval Academy, at Annapolis, that any cadet midshipman or cadet engineer has been guilty of the offense commonly known as hazing, it shall be the duty of said superintendent to order a court-martial, composed of not less than three commissioned officers, who shall minutely examine into all the facts and circumstances of the case and make a finding thereon; and any cadet midshipman or cadet engineer found guilty of said offense by said court shall, upon recommendation of said court, be dismissed; and such finding, when approved by said superintendent, shall be final; and the cadet so dismissed from said Naval Academy shall be forever inelligible to reappointment to said Naval Academy.

Mr. SPEER. Does that apply to offenses committed before this time?

Mr. ARCHER. It does not. I move that the rules be suspended and the bill passed.

Mr. CLYMER. Was not a bill of this character voted down in this House some time ago?

Mr. ARCHER. It was not. I asked unanimous consent to have this bill put upon its passage and it was not given.

The rules were suspended, (two-thirds voting in favor thereof,) and the bill was passed.

EDMUND RANDOLPH.

The next business on the Speaker's table was the bill (S. No. 443) to provide for the payment of legal services rendered by Edmund Randolph to the United States.

The bill provides that there shall be paid, out of any money in the Treasury not otherwise appropriated, the sum of $12,000 to the legal representatives of the late Edmund Randolph, of California, in full satisfaction and discharge of balance of professional services rendered by him in the cases of The United States *vs.* John Parrott and others, and Andres Castillero *vs.* The United States, provided that on receipt of said sum the said legal representatives shall execute a full discharge of all claims in favor of the estate of said Randolph against the United States.

Mr. SPEER. In my judgment that bill should not pass. It appropriates $12,000.

Mr. HOUGHTON. A similar bill has been considered by the Committee on the Judiciary of the House and reported favorably upon by them. I move that the rules be suspended and the bill passed.

Mr. KENDALL. This is not one-half the amount that should be allowed him.

Mr. LUTTRELL. Mr. Randolph reported five large volumes, some hundreds of pages in each volume, besides other services.

Mr. POLAND. A similar bill was introduced in this House and referred to the Committee on the Judiciary, by whom it was unanimously reported. It is now on the Calendar.

Mr. HOUGHTON. This amount is due under a contract made with the Government by Mr. Randolph in his life-time.

The motion to suspend the rules was seconded.

The question being on agreeing to the motion, there were—ayes 62, noes 24; no quorum voting.

Tellers were ordered, and Mr. HOUGHTON and Mr. SPEER were appointed.

Mr. LUTTRELL. This bill has been reported——

Mr. SPEER. I object to debate.

The House divided; and the tellers reported—ayes 104, noes 43.

So (two-thirds voting in favor thereof) the rules were suspended and the bill was passed.

NATIONAL PARK ON THE ISLAND OF MACKINAC.

The next business on the Speaker's table was the bill (S. No. 28) to set apart a certain portion of the island of Mackinac, in the Straits of Mackinac, within the State of Michigan, as a national park.

The bill was read, as follows:

Be it enacted, &c., That so much of the island of Mackinac, lying in the Straits of Mackinac, within the county of Mackinac, in the State of Michigan, as is now held by the United States under military reservation or otherwise, (excepting the Fort Mackinac and so much of the present reservation thereof as bounds it to the south of the village of Mackinac, and to the west, north, and east respectively by lines drawn north and south, east and west, at a distance from the present fort flag-staff of four hundred yards,) hereby is reserved and withdrawn from settlement, occupancy, or sale under the laws of the United States, and dedicated and set apart as a national public park or grounds, for health, comfort, and pleasure, for the benefit and enjoyment of the people; and all persons who shall locate or settle upon or occupy the same, or any part thereof, except as herein provided, shall be considered trespassers and removed therefrom.

SEC. 2. That said public park shall be under the exclusive control of the Secretary of War, whose duty it shall be, as soon as practicable, to make and publish such rules and regulations as he may deem necessary or proper for the care and management of the same. Such regulations shall provide for the preservation from injury or spoliation of all timber, mineral deposits, natural curiosities, or wonders within said park, and their retention in their natural condition. The Secretary may, in his discretion, grant leases for building purposes of small parcels of ground, at such places in said park as shall require the erection of buildings for the accommodation of visitors, for terms not exceeding ten years; all of the proceeds of said leases, and all other revenues derived from any source connected with said park, to be expended, under his direction, in the management of the same and in the construction of roads and bridle-paths therein. He shall provide against the wanton destruction of game or fish found within said park, and against their capture or destruction for any purposes of use or profit. He also shall cause all persons trespassing upon the same, after the passage of this act, to be removed therefrom, and generally shall be authorized to take all such measures as shall be necessary or proper to fully carry out the objects and purposes of this act.

SEC. 3. That any part of the park hereby created shall at all times be available for military purposes, either as a parade or drill-ground in time of peace, or for complete occupation in time of war or whenever war is expected, and may also be used for the erection of any public buildings or works: *Provided*, That no person shall ever claim or receive of the United States any damage on account of any future amendment or repeal of this act, or the taking of said park, or any part thereof, for public purposes or use.

During the reading of the bill,

Mr. HALE, of New York, said: Mr. Speaker, is it in order to move to suspend the rules so that the further reading of the bill be dispensed with and that it be referred to the Committee on the Public Lands? I make that motion.

The SPEAKER. The first motion in order is to put the bill on its passage upon a two-thirds vote. If that fails the Chair will put the question upon the motion of the gentleman from New York, [Mr. HALE.] The reading of the bill will be completed.

The Clerk concluded the reading of the bill.

Mr. COBURN. The Committee on Military Affairs have had this bill under consideration while it has been on the Speaker's table, and have unanimously directed me to ask that it be amended by striking out in the second section the clause from lines 8 to 16, which provides that a part of this land may be leased. We also propose to amend by adding to the bill a provision that "the United States shall not be liable for any demands connected with any improvement thereof, nor incur any expenses for such improvement, nor become committed to any future appropriation therefor."

If these amendments be made, all that will remain of the bill will be a declaration that these grounds shall be a national park under the care and protection of the military authorities, who will be authorized to control the same and to keep off trespassers.

Mr. HALE, of New York. I wish to ask by what authority the Committee on Military Affairs has had this bill under consideration since it has been upon the Speaker's table?

Mr. COBURN. We have had it under consideration informally.

Mr. HALE, of New York. I do not understand that it is within the jurisdiction of the Military Committee to take bills from the Speaker's table and report favorably upon them. I think the bill should go to the Committee on the Public Lands, and I trust the House will send it there.

Mr. COBURN. It is no new practice for committees of the House to consider informally bills upon the Speaker's table.

Mr. ELDREDGE. It is a much more important question by what right the military authority should control the public lands. I do not believe in placing the public lands under such control. I think they should be controlled by the civil authorities.

Mr. COBURN. Questions relating to the military reservations, their enlargement, diminution, or other disposition of them, have been put under the control of the military authorities.

Mr. ELDREDGE. This is not a military reservation.

Mr. COBURN. There is a military reservation there.

Mr. ELDREDGE. As I understand, this reservation is a public park.

Mr. COBURN. It is not, except in name.

Mr. SPEER. How may acres are embraced in this park?

Mr. COBURN. The exact number cannot be definitely stated; but it is something like five or six hundred acres.

Mr. SPEER. Does the gentleman suppose that his amendment will prevent parties coming to succeeding Congresses and asking appropriations to pay for the improvement of this park?

Mr. COBURN. If the gentleman had listened to the reading of the bill he would have learned that this ground is not to be given to anybody. It is merely a military reservation, of which it is now proposed to make a national park.

Mr. SPEER. What do you mean by calling it a park and then declaring that the Government shall never be liable for any expenditures for its improvement?

Mr. ELDREDGE. I would like the gentleman from Indiana [Mr. COBURN] to read that portion of the bill which appropriates this land for a military reservation. I did not gather any such intention from the bill. If it be the object to reserve this ground for military purposes without any necessity for that, then I am opposed to it.

Mr. COBURN. There is nothing in the bill contrary to the idea of a military reservation.

Mr. SPEER. This bill, as I understand, will simply commit the Government to an expenditure of thousands of dollars hereafter for the improvement of this park.

Mr. HALE, of New York. I rise to a question of order. Some time ago I moved that the rules be suspended and that this bill be referred to the Committee on the Public Lands.

Mr. SPEER. I raise the point of order that the amendment of the gentleman from Indiana [Mr. COBURN] is not in order on a motion to suspend the rules.

Mr. HALE, of New York. I ask that the question be put on my motion.

The SPEAKER. While proceeding with these bills upon the Speaker's table, it has been the habit to recognize in the first place a motion to suspend the rules and pass the pending bill. The Chair supposed the gentleman from Michigan [Mr. CONGER] was on the floor for that motion.

Mr. CONGER. I rose for that purpose; I only waited that the chairman of the Committee on Military Affairs [Mr. COBURN] might present his amendment, to which there can be no possible objection. It is in furtherance of the object of the bill. This Gibraltar of the lakes must always be kept by this Government as a military reservation against all comers. It never can be surrendered for any other purpose. It is a large, rocky elevation in the straits commanding the entrance to Lake Michigan; and the Government can never abandon it as a military reservation. The object of this bill is to dedicate this reservation, subject to military use, to the people of the United States, thousands of whom have for a long period of years flocked there during the heats of summer from all parts of the South and Southwest.

But sometimes the military station is not kept up, the troops being away. Sometimes strangers and others trespass upon the land and destroy the beautiful groves there and mutilate the sugar loaves and other curiosities. It is necessary this should be preserved as a national park, subject to military authority. There can be no objection to dedicating it to the whole American people as a place of summer resort during the hot weather.

Mr. SPEER. Cannot the people go there now if they wish to?

Mr. CONGER. Yes; but they will be under the control of every martinet, whether he be a lieutenant or corporal, who happens to be there. Those who now go there are liable to the annoyance of being interfered with by every military officer, as every man knows of the thousands who seek that resort in the summer. It is in the interest of those who seek to go up this mountain during the summer for pleasure. We wish to do away with this martinet interference by these military officers, and to make it a place really of pleasure resort during the summer.

Mr. ELDREDGE. It seems to me there is an impropriety in turning this military reservation into a national park. The gentleman says every military martinet will interfere with every one who goes there for pleasure, and yet he puts it under military authority. He says this bill does not provide for any such thing, when the bill provides for its being a national park, and yet places it under military authority. It does that and nothing else.

Mr. CONGER. This bill makes it a national park and not a parade-ground for military martinets.

The question recurred on the motion of Mr. COBURN to suspend the rules and pass the bill with the amendment indicated.

The motion to suspend the rules was seconded.

Two-thirds not voting in favor thereof, the House refused to suspend the rules on Mr. COBURN's motion.

Mr. HALE, of New York. I now move to suspend the rules and refer the bill to the Committee on the Public Lands.

Mr. COBURN. I move to substitute for that a motion to suspend the rules and refer the bill to the Committee on Military Affairs.

Mr. HALE, of New York. I hope not, as it ought to be referred to the Committee on the Public Lands.

The SPEAKER. The question will first recur on the motion of the gentleman from New York, [Mr. HALE.]

The motion to suspend the rules was seconded.

The House refused to suspend the rules, (two-thirds not voting in favor thereof,) and the bill was not referred to the Committee on the Public Lands.

The question then recurred on the motion of Mr. COBURN to suspend the rules and refer the bill to the Committee on Military Affairs.

The motion to suspend the rules was seconded.

The House refused to suspend the rules, (two-thirds not voting in favor thereof,) and the bill was not referred to the Committee on Military Affairs.

The SPEAKER. The bill remains on the Speaker's table.

FISK UNIVERSITY.

The next business on the Speaker's table was a bill (S. No. 313) to confirm the purchase of a portion of the site of Fort Houston, at Nashville, Tennessee, and to provide for the donation of the same to the Fisk University for educational purposes; also to confirm the purchase of certain land at Fort Hamilton, New York.

The bill, which was read, provides in its first section that the purchase by the United States, on the 21st day of August, 1865, from Russell Houston, of certain land, consisting of about three and one-fourth acres, situate in the city of Nashville, Tennessee, with the buildings thereon standing, and being the same premises described in a deed of said date from said Houston to the Chief Engineer of the Army, in trust for the United States, recorded in book 35, page 241, in the register's office of Davidson County, Tennessee, be, and the same thereby is, ratified, sanctioned, and confirmed, so that the said purchase, and the said deed thereupon executed, shall have the same legal validity and effect as if the same had been by a previous act of Congress specifically authorized.

The second section provides that the Secretary of War be, and he thereby is, authorized and directed to grant and convey to the Fisk University of Nashville, Tennessee, all the right, title, interest, and estate of the United States in and to said tract of land for educational purposes; provided that no further expense relative thereto shall be incurred by the United States; and provided further that the trustees of the said Fisk University be, and they are thereby, authorized to sell and dispose of the above-described property at their discretion and to use the proceeds elsewhere for educational purposes in connection with the said Fisk University.

The third section provides that the purchase, by order of the executive department, under an authority supposed to be conferred by the act of February 20, 1862, making appropriations for the construction, &c., of certain fortifications, &c., of certain land at Fort Hamilton, New York, consisting of about twenty-one acres, as a site for additional batteries, and conveyed to the United States by deed of Julia Delaplaine, of September 9, 1862, which said deed has been pronounced by the Attorney-General, by opinion of November 22, 1862,

to vest a good and valid title in the United States, and upon which said land the said batteries have been duly constructed, be, and the same thereby is, confirmed.

Mr. HARRISON. I hope I will be indulged a moment to say to the House that bill passed the House at the last session, having been very thoroughly examined by the Committee on the Public Lands. So far as it refers to the land at Nashville proposed to be donated to the Fisk University, it is not of great value. It is probably worth from three to five thousand dollars. It lies not far from the location selected for the Fisk University, the finest school for colored people anywhere in the United States.

The object is a very good one. This property cannot be of any service to the United States unless it is directed to be sold and the proceeds paid into the Treasury. The donation really amounts to about $5,000. There was a question as to whether the title was vested in the United States, and this bill was introduced and has been passed by the Senate to confirm the title so far as congressional action can do it. Mr. Houston, the party from whom the purchase was made, claimed that he still had an interest in the property, as he insisted that the United States having ceased to use it for military purposes the title had reverted to him under the contract with the Secretary of War. I hope the bill will be passed.

The rules were suspended (two-thirds having voted in favor thereof) and the bill was passed.

ORDER OF BUSINESS.

Mr. CASON. I ask unanimous consent to call up from the Private Calendar a very meritorious bill, for the purpose of putting it upon its passage.

Several members called for the regular order.

The SPEAKER. The regular order being called for, the House will continue the consideration of bills on the Speaker's table in their order.

AMERICAN FORK RAILWAY COMPANY.

The next business on the Speaker's table was the bill (S. No. 332) granting to the American Fork Railway Company a right of way through the public lands for the construction of a railroad and telegraph.

The bill was read.

Mr. HOUGHTON. I move that the rules be suspended and that the bill be passed.

Mr. CLYMER. I hope that the bill will not be passed.

Mr. RANDALL. Will the gentleman from California [Mr. HOUGHTON] state what width of land is granted for right of way?

Mr. HOUGHTON. Two hundred feet; one hundred feet on each side of the railroad.

Mr. CLYMER. It is merely a horse-railroad.

Mr. HALE, of New York. The bill ought to go to the Committee on the Public Lands.

Mr. CLYMER. This bill has this extraordinary provision in it: that while this is a mere narrow-gauge road, the bill grants ten acres for every four miles of road for station purposes; while the rule of the Committee on the Public Lands has been to grant only ten acres for every ten miles. The bill has never been considered by our committee, and I hope it will not pass.

The question being taken on suspending the rules and passing the bill, two-thirds did not vote in the affirmative, and the rules were not suspended.

Mr. HALE, of New York. I move that the bill be referred to the Committee on the Public Lands.

The bill was referred to the Committee on the Public Lands, two-thirds voting in favor thereof.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate had passed a bill (S. No. 926) referring the case of Joseph Wilson to the Court of Claims; in which the concurrence of the House was requested.

SIERRA IRON COMPANY.

The next business on the Speaker's table was the bill (S. No. 514) granting to the Sierra Iron Company a right of way through the public lands for a railroad and telegraph.

Mr. HOUGHTON. I move that the rules be suspended and that the bill be passed.

Mr. CLYMER. I would like to state once for all, with reference to these grants of land for right of way through the public domain, that the Committee on the Public Lands have adopted certain rules with regard to the width of land to be granted for that purpose, with regard to the quantity of land to be given for stations, and with regard to crossings with other roads, so that we may have a uniform system applicable to all these bills. And if the House will pass these bills in this way without their being reported on by the Committee on the Public Lands, they will destroy the effort on the part of that committee to establish a uniform system.

Mr. HOUGHTON. This bill is in conformity with a number of bills that have already passed.

The question being taken on suspending the rules and passing the bill two-thirds did not vote in favor thereof, and the rules were not suspended.

Mr. HALE, of New York. I move that it be referred to the Committee on the Public Lands.

The bill was referred to the Committee on the Public Lands, two-thirds having voted in favor thereof.

EXAMINATION OF BOUNTY-LAND WARRANTS.

The next business on the Speaker's table was the bill (S. No. 763) to exempt military bounty-land warrants, and the lands obtained thereby, from sale on execution, or by virtue of any order or decree of court.

The bill was read.

Mr. KASSON. Let that bill go to the Judiciary Committee.

Mr. HURLBUT. It ought to go to the Committee on the Public Lands, and I move that it be so referred.

The bill was referred to the Committee on the Public Lands, two-thirds having voted in favor thereof.

DANIEL S. MERSHON, JR.

The next business on the Speaker's table was the bill (S. No. 134) for the relief of Daniel S. Mershon, jr.

The bill was read.

Mr. HAYS. This bill has been considered by the Committee on Naval Affairs, and has been agreed to by that committee both in this Congress and the last.

Mr. SPEER. No bill of this kind, appropriating so large a sum as $46,000, should pass on the last night of the session without debate.

Mr. HAYS. I move that the rules be suspended and that the bill be passed.

The question being taken on suspending the rules and passing the bill two-thirds did not vote in the affirmative, and the rules were not suspended.

Mr. HALE, of New York. I move that the bill be referred to the Committee on Claims.

Mr. SMITH, of Pennsylvania. The bill ought to be referred to the Committee on War Claims.

Mr. ARCHER. The Committee on Naval Affairs have made an elaborate examination of this case, and the bill ought to go to that committee.

Mr. LAWRENCE. It properly belongs to the Committee on War Claims.

Mr. SPEER. It should go to the Committee on Claims.

The SPEAKER. The first motion was that of the gentleman from New York [Mr. HALE] that the bill should be referred to the Committee on Claims. The Chair will submit that motion.

The question being taken, the rules were suspended, (two-thirds voting in favor thereof,) and the bill was referred to the Committee on Claims.

THE NAVAL MONUMENT.

The next business on the Speaker's table was the bill (S. No. 711) providing for the completion and location of the naval monument.

The bill was read.

Mr. PLATT, of Virginia. I desire to add to the commissioners named in the bill for the purpose of selecting the location for this monument the Commissioner of Public Buildings and the Admiral of the Navy, and with this amendment I move that the rules be suspended and that the bill be passed.

The question being taken on suspending the rules and passing the bill, two-thirds did not vote in the affirmative, and the rules were not suspended.

Mr. HALE, of New York. I move that the bill be referred to the Committee on Public Buildings and Grounds.

The bill was referred to the Committee on Public Buildings and Grounds, two-thirds voting in favor thereof.

VAN R. MORGAN.

The next business on the Speaker's table was the bill (S. No. 325) to remove the political disabilities of Van R. Morgan, of Virginia.

The bill was read.

Mr. HUNTON. I move that the rules be suspended and that the bill be passed.

Mr. G. F. HOAR. I desire to make a parliamentary inquiry. Can that bill be amended by adding to it the civil-rights bill?

The SPEAKER. The Chair, in pursuance of the order under which the House is acting, must first recognize the gentleman from Virginia, [Mr. HUNTON,] who moves to put the bill on its passage.

The question being taken on suspending the rules and passing the bill, there were ayes 96, noes not counted.

So (two-thirds having voted in favor thereof) the rules were suspended, and the bill was passed.

JOHN JULIUS GUTHERIE.

The next business on the Speaker's table was the bill (S. No. 3252) to remove the disabilities of John Julius Gutherie.

The bill was read.

Mr. RAINEY. I object to that bill being passed.

Mr. PLATT, of Virginia. I move that the rules be suspended and that the bill be passed.

The rules were suspended, (two-thirds voting in favor thereof,) and the bill was passed.

C. L. STEVENSON.

The next business on the Speaker's table was the bill (S. No. 906) to relieve C. L. Stevenson, of Virginia, of his political disabilities.

Mr. SENER. I move that the rules be suspended and the bill be passed.

The question was taken; and (two-thirds voting in favor thereof) the rules were suspended, and the bill was passed.

UNITED STATES DISTRICT COURTS IN LOUISIANA.

The next business on the Speaker's table was the bill (S. No. 88) for the better organization of the district courts of the United States within the State of Louisiana.

Mr. WARD, of Illinois. It is not necessary to read that bill. I move that the rules be suspended and that the bill be referred to the Committee on the Judiciary.

The question was taken; and (two-thirds voting in favor thereof) the rules were suspended, and the bill was referred to the Committee on the Judiciary.

CLERKS OF UNITED STATES COURTS.

The next business on the Speaker's table was the bill (S. No. 752) to compel the performance of certain duties by clerks of courts of the United States.

The first section of the bill provides that if any clerk of any district or circuit court of the United States shall willfully refuse or neglect to make any report, certificate, statement, or other document required by law to be by him made, or shall willfully refuse or neglect to forward any such report, certificate, statement, or document to the Department, officer, or person to whom, by law, the same should be forwarded, the President of the United States is empowered, and it is hereby made his duty, in every such case to remove such clerk so offending from office by an order in writing for that purpose. And upon the presentation of such order, or a copy thereof authenticated by the Attorney-General of the United States, to the judge of the court whereof such offender is clerk, such clerk shall thereupon be deemed to be out of office, and shall not exercise the functions thereof. And such judge, in the case of the clerk of a district court, shall appoint a successor; and in the case of the clerk of a circuit court, the circuit judge shall appoint a successor. And such person so removed shall not be eligible to any appointment as clerk or deputy clerk for the period of two years next after such removal.

The second section provides that if any clerk or other officer of the United States mentioned in the preceding section shall willfully refuse or neglect to make or to forward any such report, certificate, statement, or document therein mentioned, he shall be deemed guilty of a misdemeanor, and shall be punished by a fine not exceeding $1,000, or by imprisonment not exceeding one year, in the discretion of the court; but a conviction under this section shall not be necessary as a precedent to the removal from office provided for in section 1.

Mr. MAYNARD. It seems to me that this bill ought not to pass. The clerks of the United States courts are created by judicial authority; they are a part of the judiciary, and I think a provision allowing the Chief Executive of the nation to interpose in certain cases and give to him the power of removal is wrong, because that power should remain with the appointing power; that is to say, the courts. I trust, therefore, that this bill will be referred to the Judiciary Committee where it can be amended.

Mr. SENER. Mr. Speaker, there is great need for the passage of just such a bill as this. The appointing power is in the courts, as the gentleman says, and Judge Busteed, of Alabama, appointed his corrupt son-in-law to this office and he defrauded the Government to the extent of $12,000, and that clerk was not until very recently removed.

Mr. MAYNARD. That is a very good reason why the judge should be impeached, and if the gentleman knows the fact which he states, it is a reason why he should prepare articles of impeachment.

Mr. SPEER. The Attorney-General in his annual report complained of the defect in the law in regard to the appointment of these clerks.

Mr. SENER. The House virtually passed a bill like this, and they did it at the request of the Attorney-General.

Mr. MAYNARD. I have no doubt the Attorney-General would be glad to run the courts of the United States, and perhaps the President would.

Mr. HALE, of New York. I hope the bill will be referred to the Committee on the Judiciary.

Mr. SENER. I insist on my motion that the rules be suspended and the bill passed.

The question was taken on Mr. SENER'S motion; and, on a division, there were ayes 14, noes not counted.

So (two-thirds not voting in favor thereof) the bill was not passed.

Mr. MAYNARD. I move that the rules be suspended and that the bill be referred to the Committee on the Judiciary.

The question was taken, and (two-thirds voting in favor thereof) the rules were suspended and the motion was agreed to.

OXYGEN GAS COMPANY OF THE DISTRICT OF COLUMBIA.

The next business on the Speaker's table was the bill (S. No. 856) to incorporate the Oxygen Gas Company of the District of Columbia.

Mr. SESSIONS. I move that the rules be suspended and that that bill be referred to the Committee on Public Buildings and Grounds.

Mr. BUNDY. I hope the bill will pass, and I move that the rules be suspended for that purpose.

Mr. RANDALL. It seems to me that it ought to be examined by some committee of the House.

The bill was read.

Mr. SESSIONS. I hope this bill will be referred to the Committee on Public Buildings and Grounds.

Mr. MAYNARD. This bill is in opposition to a monopoly, and it ought to pass.

Mr. O'NEILL. I move that it be laid upon the table.

Mr. RANDALL. Has any committee of the House examined the bill? I think it should be referred to the Committee on the District of Columbia.

Mr. BUTLER, of Tennessee. Is it not in order to refer the bill?

The SPEAKER *pro tempore*. There is a motion pending to suspend the rules and pass the bill, which takes precedence.

The question was put on seconding the motion of Mr. BUNDY to suspend the rules and pass the bill; and on a division, there were—ayes 50, noes 60; no quorum voting.

Tellers were ordered; and Mr. BUNDY and Mr. SESSIONS were appointed.

The House divided; and the tellers reported—ayes 69, noes 79.

So the motion to suspend the rules and pass the bill was not seconded.

Mr. HALE, of New York. I move to suspend the rules and refer the bill to the Committee on the District of Columbia.

Mr. BUNDY. I hope the bill will remain on the Speaker's table.

Mr. PELHAM. I moved to refer the bill to the Committee on Public Buildings and Grounds, and I now withdraw that motion.

The SPEAKER *pro tempore*. It was the gentleman from New York [Mr. SESSIONS] who made the motion.

Mr. SESSIONS. I now move that the rules be suspended and the bill be referred to the Committee on the District of Columbia.

Mr. BUNDY. I object to that.

The question was put on seconding Mr. SESSION'S motion to suspend the rules; and on a division there were—ayes 74, noes 15; no quorum voting.

Tellers were ordered; and Mr. CESSNA and Mr. SESSIONS were appointed.

Mr. CESSNA. I desire to inquire if this is a Senate bill?

The SPEAKER *pro tempore*. It is.

Mr. CESSNA. If the motion to refer is voted down, will the bill remain upon the Speaker's table?

The SPEAKER *pro tempore*. It will.

Mr. CESSNA. I hope the House will then refuse to refer.

Mr. O'NEILL. I hope the House will refer the bill and get it out of the way.

Mr. SESSIONS. I withdraw the motion to refer.

The SPEAKER *pro tempore*. The motion to refer being withdrawn the bill will remain upon the Speaker's table.

BILLS REFERRED.

The following bills were taken from the Speaker's table, and under a suspension of the rules (two-thirds voting in favor thereof) referred to the Committee on Military Affairs:

A bill (S. No. 323) for the relief of Charles W. Biese, late second lieutenant of the Eighty-second Regiment Illinois Volunteers;

A bill (S. No. 344) for the relief of William Bowlin;

A bill (S. No. 324) for the relief of M. von Entress Fuerstenck, late second lieutenant of the Sixty-eighth New York Volunteers; and

A bill (S. No. 345) for the relief of Alvis Smith.

JOHN SHELTON.

The next business on the Speaker's table was the bill (S. No. 436) for the relief of Lieutenant John Shelton.

The bill directs the Paymaster-General to pay to John Shelton, late lieutenant Company E, Second North Carolina Mounted Infantry, out of any money appropriated for the pay of the Army, the full pay and allowance of a first lieutenant of infantry from the 1st day of September, 1863, to August 16, 1865, less the pay he received as a private in said company.

Mr. VANCE. I move that the rules be suspended and this bill passed.

Mr. GUNCKEL. I move that it be referred to the Committee on Military Affairs.

The SPEAKER *pro tempore*. The question is first upon the motion to suspend the rules and pass the bill.

The House divided; and there were—ayes 23, noes 30; no quorum voting.

Tellers were ordered; and Mr. VANCE and Mr. HURLBUT were appointed.

Mr. VANCE. I have the report of the Senate committee here, and it can be read if desired.

The SPEAKER *pro tempore*. No debate is in order.

The House divided; but before the tellers reported the result of the vote,

Mr. HURLBUT, (one of the tellers) said: I withdraw the demand for any further count.

So the motion to suspend the rules was seconded; and (two-thirds voting in favor thereof) the rules was suspended and the bill passed.

ENROLLED BILLS SIGNED.

Mr. PENDLETON, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (H. R. No. 2884) granting the right of way through the public lands to the Arkansas Valley Railway Company;

An act (H. R. No. 2897) authorizing the President to appoint George Henry Preble, now a captain on the active list of the Navy, to be commodore;

An act (H. R. No. 3506) for the relief of William Tod Helmuth, of New York; and

An act (H. R. No. 3773) to further define and enlarge the powers and duties of the board of health of the District of Columbia.

ORDER OF BUSINESS.

Mr. RANDALL. I move that the House now take a recess until eleven o'clock.

Mr. FIELD. I hope not.

Mr. MAYNARD. What is the hour of final adjournment?

The SPEAKER *pro tempore*. No hour is fixed by the order of the two Houses.

Mr. KELLEY. I call for the yeas and nays on the motion for a recess.

The yeas and nays were not ordered, there being only 6 in the affirmative.

The question was taken on the motion for a recess; and upon a division there were—ayes 78, noes 30.

Before the result of this vote was announced,

Mr. PARKER, of Missouri, called for tellers.

Tellers were not ordered, there being 15 in the affirmative, not one-fifth of a quorum.

So the motion was agreed to; and accordingly (at ten o'clock and forty minutes p. m.) the House took a recess until eleven o'clock p. m.

AFTER THE RECESS.

The recess having expired, the House reassembled at eleven o'clock p. m., Mr. WHEELER in the chair as Speaker *pro tempore*.

ORDER OF BUSINESS.

Mr. BUTLER, of Massachusetts. I ask unanimous consent to introduce a bill for the relief of political disabilities.

The SPEAKER *pro tempore*. The Chair does not feel at liberty to entertain that proposition, as the House is engaged in carrying out a previous order, the consideration of business on the Speaker's table, under a suspension of the rules.

Mr. BUTLER, of Massachusetts. I move to suspend the rules for the purpose of passing this bill.

Mr. ELDREDGE. I move that the House take a recess until nine o'clock to-morrow morning.

Mr. BUTLER, of Massachusetts. Why is not my motion in order to suspend the rules?

The SPEAKER *pro tempore*. The House is acting now under a suspension of the rules.

Mr. ELDREDGE. I understand that the post-office and the river and harbor appropriation bills will not be here to-night, and I insist upon my motion for a recess until nine o'clock to-morrow morning.

The motion for a recess was not agreed to.

WILLIAM M. KIMBALL.

The House proceeded to the consideration of business on the Speaker's table; and the next bill was Senate bill No. 455, for the relief of William M. Kimball.

Mr. O'BRIEN. I move that the rules be suspended and this bill referred to the Committee on Military Affairs.

The motion was agreed to, (two-thirds voting in favor thereof;) and the bill was accordingly referred.

ORDER OF BUSINESS.

Mr. BURCHARD. I move that the House take a recess until twelve o'clock p. m.

Mr. CESSNA. I hope that the gentleman will yield to allow me to report a joint resolution from the Judiciary Committee.

Mr. BURCHARD. I cannot yield.

The question being taken on the motion of Mr. BURCHARD, there were—on a division, ayes 72, noes, 30.

Mr. ELDREDGE called for tellers.

Tellers were ordered; and Mr. ELDREDGE and Mr. BURCHARD were appointed.

The House divided; but before the tellers had reported,

Mr. BURCHARD said: I withdraw my motion for the present.

ENROLLED BILLS SIGNED.

Mr. PENDLETON, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (S. No. 277) making an appropriation for the payment of $792.46 due the late James L. Day, of Connecticut, for transporting the mails over post-route No. 8151;

An act (S. No. 443) to provide for the payment of legal services rendered by Edmund Randolph to the United States;

An act (S. No. 552) to refund to E. and J. Koch certain customs duties;

An act (S. No. 849) to prevent hazing at the Naval Academy; and

An act (S. No. 875) for the relief of Thomas Hughes.

ORDER OF BUSINESS.

Mr. ELDREDGE. I move that the House take a recess till nine o'clock to-morrow morning.

Mr. FIELD. Make it seven.

The question being taken on the motion of Mr. ELDREDGE, there were—ayes 35, noes 42; no quorum voting.

Tellers were ordered; and Mr. ELDREDGE and Mr. ELLIS H. ROBERTS were appointed.

Mr. SPEER. May I ask the Chair when Congress will be compelled to adjourn under the resolution already passed, if no further action be taken on that subject?

The SPEAKER. Unless some arrangement be made for a prolongation of the session, Congress will be compelled to adjourn at eleven o'clock to morrow.

Mr. SPEER. Then I think we ought not to take a recess until to-morrow morning.

Mr. ELDREDGE. The important bills that are to come over from the Senate will not be here to-night; and we may just as well take a recess till nine o'clock in the morning as to stay here.

Mr. MOREY. I am informed that if we should adjourn *sine die* at eleven o'clock to-morrow morning, it will be impossible to have all the important bills enrolled by that time.

Mr. MAYNARD. If we meet to-morrow morning at nine o'clock it will be very easy to extend the session for a few hours; and that will be much better than staying here to-night at this late hour and trying to legislate.

Mr. KASSON. In view of the fact stated by the gentleman from Louisiana [Mr. MOREY] that the enrolling of the important bills cannot be completed in time if we should adjourn *sine die* at eleven o'clock to-morrow, and in view also of the fact that we cannot act to-night on the important bills yet pending unless we remain here very late, I move the following concurrent resolution:

Resolved by the House of Representatives, (the Senate concurring,) That the two Houses of Congress shall be adjourned *sine die* at three o'clock p. m., June 23.

Mr. SPEER and others. O, no!

Mr. SENER. What is the regular order?

The SPEAKER. The regular order is the count by tellers on the motion of the gentleman from Wisconsin [Mr. ELDREDGE] for a recess till nine o'clock to-morrow morning.

Mr. SENER. Then I call for the regular order. I believe that is my right as a member.

The SPEAKER. The Chair is waiting to see whether some accommodation can be reached.

Mr. ALBRIGHT. Why can we not go on now with the consideration of business on the Speaker's table?

Mr. GARFIELD. I hope that the House will not take a recess until to-morrow morning, before the conference report on the post-office appropriation bill has been acted on.

The SPEAKER. Can the chairman of the Committee on Appropriations give any statement as to how the bills which are in conference stand?

Mr. GARFIELD. The conference on the sundry civil appropriation bill is two-thirds completed; but we cannot get through that to-night; and unless the other conference reports—those on the river and harbor bill and the post-office bill—can be disposed of to-night, the business of enrollment will be crowded so much that I do not believe we shall be able to adjourn *sine die* by eleven o'clock to-morrow.

The SPEAKER. The Chair does not hesitate to say that he has no idea that the two Houses can adjourn *sine die* at eleven o'clock to-morrow.

Mr. KASSON. I ask the chairman of the Committee on Appropriations why it would not be better to fix three, four, or five o'clock to-morrow afternoon for the adjournment *sine die*, and then commence business to-morrow morning at nine o'clock, and proceed with it regularly so as to allow the clerks to finish up the work properly?

Mr. WILLARD, of Vermont. Has the chairman of the Committee on Appropriations any idea when the reports on the appropriation bills still pending will get here from the Senate?

The SPEAKER. The Chair observes that the gentleman from Indiana, [Mr. TYNER,] chairman of the conference committee on the post-office appropriation bill, is now in the Hall. He can doubtless state the condition of business on that bill.

Mr. TYNER. The conference committee on the post-office appropriation bill has agreed on its report; but it will probably take an hour to draft the report to be presented to the Senate. After the Senate shall have acted on the report it will of course come to the House for its action; but I may say in this connection that probably the report will provoke very considerable debate in the Senate, and it is impossible to indicate at what time it will be disposed of there.

Mr. GARFIELD. I ask the gentleman from Missouri, [Mr. WELLS,] who is upon the conference committee on the river and harbor bill, to state whether the committee on that subject has yet agreed?

Mr. WELLS. The committee has agreed on its report.

The SPEAKER. The Chair understands that the Senate is now engaged in considering the conference report upon the Geneva award.

Mr. MAYNARD. Mr. Speaker, how many conference committees are there now out?

The SPEAKER. The conference committee on the post-office appropriation bill, on the river and harbor bill, on the sundry civil appropriation bill, and on the tariff bill. The report on the Geneva award, which has been agreed to in the House, is still pending in the Senate.

Mr. MAYNARD. All these conference reports must be considered first in the Senate under the rule before they get to the House.

Mr. COBURN. I hope we will now take a recess for an hour.

The SPEAKER. If the Chair be allowed to make a suggestion, and it is his duty to do so at this time, it will be obviously impossible in the present condition of the public business, without much hurry, for the House to adjourn at eleven o'clock to-morrow morning; and therefore a later hour, I hope, will be suggested to the Senate, to see if some arrangement cannot be made between the two Houses in that regard.

Mr. CESSNA. I rise to make a parliamentary inquiry. Suppose the House should extend the session until to-morrow at three o'clock in the afternoon, and the Senate should not agree to that concurrent resolution on the part of the House, what then would be the condition of affairs?

The SPEAKER. The two Houses would be compelled to adjourn at eleven o'clock a. m. to-morrow if no further action be taken by the two Houses extending the hour of adjournment. If the two Houses do adjourn at eleven o'clock to-morrow morning some of the bills will be lost.

Mr. CESSNA. But suppose the House take a recess from now until seven o'clock to-morrow morning?

The SPEAKER. The House would then sit here two hours without a quorum.

Mr. CESSNA. If the two Houses should agree to extend the session to three o'clock to-morrow and the House should they move to take a recess until ten o'clock to-morrow morning, does the Chair think we could accomplish the public business without further difficulty?

The SPEAKER. The Chair thinks under that arrangement the public business could be done. The four conference reports now due must be first reported in the Senate. Under the parliamentary law they must all be considered first in the Senate before they come to the House for its action.

Mr. CESSNA. Then I make that motion.

The SPEAKER. The question now pending is on the motion of the gentleman from Iowa, [Mr. KASSON,] that a concurrent resolution be passed by the House and sent to the Senate that the President of the Senate and the Speaker of the House adjourn their respective Houses on Tuesday, 23d of June, at three o'clock p. m.

Mr. KASSON. At the suggestion of gentlemen about me I will make it four o'clock.

Mr. GARFIELD. I believe if the House adjourns until seven o'clock in the morning we can get through with the business by the hour of eleven o'clock for final adjournment.

The SPEAKER. The Chair suggests if that course be taken the public business will then be done with extraordinary haste, and so far as the Chair can see without any compensation for the risks involved.

Mr. GARFIELD. I am willing to agree to an extension of the session until three o'clock to-morrow afternoon.

The SPEAKER. The Chair will put it in that form, that the President of the Senate and the Speaker of the House shall adjourn their respective Houses on Tuesday, June 23, at four o'clock p. m.

Mr. BUTLER, of Massachusetts. Before we agree to anything of the kind I wish to ask a question of the chairman of the Committee on Appropriations, whether there will be any attempt to revive the civil service?

Mr. GARFIELD. The committee of conference have not reached that portion of the bill.

Mr. BUTLER, of Massachusetts. That will take some time.

Mr. ELDREDGE. If we are to act on any proposition I should like to know what is going on on the republican side of the House, for we cannot hear on this side what is going on.

Mr. SPEER. I move that the House take a recess for half an hour.

The SPEAKER. The pending question is more highly privileged. As the motion has been amended it now is that a concurrent resolution be passed by the House to the effect that the two Houses shall adjourn *sine die* on Tuesday, June 23, at four o'clock p. m.

The concurrent resolution was adopted.

Mr. KASSON moved to reconsider the vote by which the concurrent resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. PARKER, of Missouri. I now move to take a recess until nine o'clock to-morrow morning.

Mr. GARFIELD. I think we had better wait until we hear from the Senate in reference to this concurrent resolution.

Mr. ELDREDGE. I move to take a recess for half an hour.

The motion was agreed to.

And then (at eleven o'clock and twenty minutes) the House took a recess until ten minutes to twelve o'clock m.

AFTER THE RECESS.

At ten minutes to twelve o'clock m. the House resumed its session.

Mr. RANDALL. I move to take a recess until nine o'clock to-morrow morning.

Mr. Speaker, has the Speaker any information that the concurrent resolution adopted by the House has been concurred in by the Senate?

The SPEAKER. The House has not been officially notified of the fact, but the Chair understands that the concurrent resolution has been adopted by the Senate.

Mr. BECK. I hope we will not take a recess, as we will soon receive the report of the committee of conference on the tariff bill.

Mr. RANDALL. I withdraw my motion.

JOHN R. POLK.

The next business on the Speaker's table was the bill (S. No. 476) for the relief of John R. Polk.

Mr. WILLARD, of Vermont. I move that bill be referred to the Committee on Military Affairs.

The motion was agreed to.

MRS. LOUISA JACKMAN AND MRS. MARTHA VAUGHN.

The next business on the Speaker's table was the bill (S. No. 502) for the relief of Mrs. Louisa Jackman and the legal representatives of Mrs. Martha Vaughn.

The bill was read.

Mr. DURHAM. I move that the bill be put on its passage.

Mr. WILLARD, of Vermont. That should be referred to the Committee on War Claims.

Mr. DURHAM. It has been thoroughly investigated in the Senate, and I insist on my motion that the bill be passed.

The question being taken on suspending the rules and passing the bill, two-thirds did not vote in the affirmative and the rules were not suspended.

Mr. WILLARD, of Vermont. I move that the bill be referred to the Committee on War Claims.

The bill was referred to the Committee on War Claims, two-thirds voting in favor thereof.

WILLIS N. ARNOLD.

The next business on the Speaker's table was the bill (S. No. 574) for the relief of Willis N. Arnold.

The bill was read.

Mr ATKINS. I move that the bill be referred to the Committee on War Claims.

The bill was referred to the Committee on War Claims, two-thirds voting in favor thereof.

WRECK OF THE BARK TORRENT.

The next business on the Speaker's table was the bill (S. No. 704) for the relief of the non-commissioned officers and men of the United States Army who were sufferers by the wreck of the bark Torrent.

The bill was read.

Mr. WILLARD, of Vermont. I move that the bill be referred to the Committee on Military Affairs.

Mr. SPEER. The bill ought to be referred to a committee by all means. It specifies no sum.

The bill was referred to the Committee on Military Affairs, two-thirds voting in favor thereof.

REPRESENTATIVES OF GEORGE SCHWARTZ.

The next business on the Speaker's table was the bill (S. No. 718) for the relief of the legal representatives of George Schwartz, deceased, late a private in Company F, Fifth Regiment Wisconsin Volunteers.

The bill was read.

Mr. HAZELTON, of Wisconsin. I move that the rules be suspended and that the bill be passed.

The question being taken on suspending the rules and passing the bill, two-thirds did not vote in favor thereof, and the rules were not suspended.

Mr. COBURN. I move that the bill be referred to the Committee on Military Affairs.

The bill was referred to the Committee on Military Affairs, two-thirds voting in favor thereof.

FORT BRADY MILITARY RESERVATION.

The next business on the Speaker's table was the bill (S. No. 757) to donate a certain portion of the military reservation of Fort Brady to school district No. 1, in township of Sault Sainte Marie, and State of Michigan, for school purposes.

The bill was read.

Mr. WILLARD, of Vermont. Has that bill been considered by any committee?

Mr. HUBBELL. It has been considered fully in the Senate.

Mr. WILLARD, of Vermont. Has it been considered by any committee of the House?

Mr. HUBBELL. It has not been considered by any committee of the House, but it is all right. I know it is. I move that the rules be suspended and that the bill be passed.

The question being taken on suspending the rules and passing the

bill, two-thirds did not vote in favor thereof, and the rules were not suspended.

Mr. ELLIS H. ROBERTS. I move that the bill be referred to the Committee on Military Affairs.

The bill was referred to the Committee on Military Affairs, two-thirds voting in favor thereof.

ALEXANDER MINOR.

The next business on the Speaker's table was the bill (S. No. 671) for the relief of Alexander Minor, of West Virginia.

The bill was read.

Mr. WILLARD, of Vermont. That bill should go to the Committee on Military Affairs.

Mr. LOWNDES. I move that the rules be suspended and that it be put upon its passage.

The question being taken on suspending the rules and passing the bill, two-thirds did not vote affirmatively, and the rules were not suspended.

Mr. WILLARD, of Vermont. I now move that the bill be referred to the Committee on Military Affairs.

The bill was referred to the Committee on Military Affairs, two-thirds voting in favor thereof.

DANIEL H. KELLY.

The next business on the Speaker's table was the bill (S. No. 841) to place the name of Daniel H. Kelly upon the muster-roll of Company F, Second Tennessee Infantry.

The bill was read.

Mr. WILLARD, of Vermont. I move that the bill be referred to the Committee on Military Affairs.

The bill was referred to the Committee on Military Affairs, two-thirds voting in favor thereof.

MAJOR J. W. NICHOLLS.

The next business on the Speaker's table was the bill (S. No. 769) for the relief of Major J. W. Nicholls, paymaster United States Army.

The bill was read.

Mr. BANNING. I move that the rules be suspended and that the bill be passed.

Mr. SPEER. I objected to that bill two or three hours ago, but I have been assured by the gentleman from Ohio [Mr. BANNING] and the gentleman from Tennessee [Mr. MAYNARD] that the bill is right. They so stated to me on their own personal knowledge, and I withdraw my objection.

Mr. ELLIS H. ROBERTS. Has the bill been before a House committee?

Mr. PARKER, of Missouri. When this bill was introduced into the Senate I introduced a similar bill in the House and it went to the Committee on Military Affairs. The majority of the committee approved the bill, although they have not formally reported it.

The question being taken on suspending the rules and passing the bill, two-thirds did not vote in the affirmative, and the rules were not suspended.

The bill remained on the Speaker's table.

Mr. ELDREDGE. I renew my motion to take a recess, and will make the hour ten o'clock instead of nine.

E. C. GILLEWATERS.

Mr. LAMAR, by unanimous consent, introduced a bill (H. R. No. 3779) for the relief of E. C. Gillewaters, one of the sureties of A. W. Patterson, late United States maashal for the northern district of Mississippi; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

REMOVAL OF POLITICAL DISABILITIES.

Mr. MORRISON. I ask leave to have passed a bill for the removal of the political disabilities of Marcellus P. Christian, of Lynchburgh, Virginia.

Mr. RANSIER. I object.

Mr. MORRISON. I move that the rules be suspended and the bill passed.

The SPEAKER. That cannot be done.

Mr. CONGER. I desire to make some reports from the Committee on Commerce.

Loud cries of "Regular order."

Mr. ELDREDGE. I now insist on my motion for a recess.

Mr. DAWES. I hope the gentleman will withdraw that motion for a few moments that we may receive the report of the committee of conference on the tariff bill.

The SPEAKER. Has the gentleman from Massachusetts any information as to the position of that bill?

Mr. DAWES. The report of the committee of conference was agreed to in the other branch of Congress half an hour ago.

The SPEAKER. Then what detains it?

Mr. DAWES. I really do not know.

Mr. ELDREDGE. That bill can easily be engrossed in the morning, and our remaining in session to-night will not facilitate matters at all.

Mr. HAZELTON, of Wisconsin. The House is too thin to act on a measure of that importance to night, and I hope that the motion of the gentleman from Wisconsin will be agreed to.

Mr. O'NEILL. I hope we shall not take a recess. Another committee of conference will soon be ready to report.

The SPEAKER. What committee is that?

Mr. O'NEILL. The committee of conference on the bill regulating gas-works.

The question was on the motion of Mr. ELDREDGE, that the House take a recess.

Mr. ELDREDGE. I observe that the Clerk of the Senate is here with a message, and I withdraw my motion for the present.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the Senate had agreed to the amendment of the House to the bill (S. No. 930) to authorize the Farmers' National Bank at Greensburgh, Pennsylvania, to change its location and name.

The message further announced that the Senate had agreed to the concurrent resolution of the House providing for the printing of the reports of the United States commissioners to the Vienna exposition, under the direction of the Secretary of State.

The message further announced that the Senate had agreed to the concurrent resolution of the House providing that the present session of the Forty-third Congress be extended until four o'clock p. m., Tuesday, June 23.

The message further announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (S. No. 7) for the creation of a court for the adjudication and disposition of certain moneys received into the Treasury under an award made by the tribunal of arbitration constituted by virtue of the first article of the treaty of Washington of May 8, 1871.

The message further announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 3572) to amend existing customs and internal-revenue laws, and for other purposes.

TARIFF AND INTERNAL-REVENUE LAWS.

Mr. DAWES. I submit the report, which I send to the Clerk's desk, from the committee of conference upon the tariff bill.

The Clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments to the bill (H. R. No. 3572) "to amend existing customs and internal-revenue laws, and for other purposes," having met, after full and free conference have agreed to recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 32, and 36; and agree to the same.

That the Senate recede from its amendment numbered 31.

That the House recede from its disagreement to the fifth amendment of the Senate, and agree to the same with an amendment as follows: Insert in lieu of the words proposed to be stricken out, the words: "*Provided also*, That there shall be an allowance of 5 per cent., and no more, on all effervescing wines, liquors, cordials, and distilled spirits, in bottles, to be deducted from the invoice quantity in lieu of breakage;" and the Senate agree to the same.

That the House recede from its disagreement to the thirty-third amendment of the Senate, and agree to the same with an amendment as follows: In lieu of "23," (the number of the section,) proposed to be inserted, insert "24;" and the Senate agree to the same.

That the House recede from its disagreement to the thirty-fourth amendment of the Senate, and agree to the same with an amendment as follows: In lieu of "24," (the number of the section,) proposed to be inserted, insert "25;" and the Senate agree to the same.

That the House recede from its disagreement to the thirty-fifth amendment of the Senate, and agree to the same with an amendment as follows: In lieu of "25," (the number of the section,) proposed to be inserted, insert "26;" and the Senate agree to the same.

They further recommend that in section 7, page 5, line 21, after the word "returned," the word "empty" be inserted.

H. L. DAWES,
WM. D. KELLEY,
Managers on the part of the House.

JOHN SHERMAN,
JUSTIN S. MORRILL,
T. F. BAYARD,
Managers on the part of the Senate.

Mr. HARRISON. I wish to inquire of the chairman of the committee [Mr. DAWES] whether the amendment of the Senate in relation to giving producers of tobacco the privilege of selling $100 worth annually on the premises has been agreed to?

Mr. DAWES. I will state to the House the nature of the report on which we have agreed. As I said when the conference committee was appointed, all the Senate amendments were reductions; no new article was put into the bill by the Senate; whatever changes that body has made were reductions of the rates fixed by the House.

There were two points upon which I regret to say the House conferees were compelled to yield to the Senate. One was the point just alluded to by the gentleman from Tennessee, [Mr. HARRISON.] We were obliged to assent to striking out the provision inserted by the House to permit the sale of $100 worth of tobacco annually upon the premises where it is grown. The other is the advance of five cents a pound upon hops. I will state the reasons why the committee were compelled to yield.

Upon the question of tobacco the House committee were met by a unanimous committee on the part of the other branch, and by the Commissioner of Internal Revenue, enforcing upon them the argument that while there might be some hardship in denying to a small producer of tobacco the privilege of selling it upon the premises without a license, still it would, in the opinion of the Commissioner

of Internal Revenue and of the conferees from the other branch, break down the entire system. That was the argument, as it has been the argument of the Executive Department of the Government for many years. This question was raised in the last Congress, and this identical provision was at that time adopted by the House, and when it went to the Senate the same arguments from the Commissioner of Internal Revenue and those employed under him to collect the tax had precisely the same effect as has been had in this case. The provision was struck out. We were compelled in a more general revision of the tariff, at the last session, to yield that point as we have been compelled to yield it to-day or lose this tariff bill.

Upon the question of hops the committee of the House presented to the Senate committee the fact of the vote of this House; and we were met by the information that the Senate upon a yea and nay vote, after discussion, had by a very strong majority stricken out that item of the bill. The conference came pretty near being broken up on this point. The committee on the part of the House only yielded at the last moment to avoid an entire breaking up of the conference.

The conference committee has agreed to the duty upon still wines as it was fixed by the Committee on Ways and Means when the bill was brought into this House—40 cents a gallon.

Mr. ELDREDGE. I would like to know whether the gentleman from Massachusetts [Mr. DAWES] cannot shorten up his speech on this subject. He always talks the same length of time. Why can he not shorten up?

Mr. DAWES. Mr. Speaker, if I met with the same discouragements in every quarter in making men understand intelligible language that I do in the quarter from which this interruption comes, I should have stopped long ago.

Mr. ELDREDGE. The gentleman has talked the same thing over until we are tired of it.

The SPEAKER. The gentleman from Wisconsin [Mr. ELDREDGE] is grossly out of order.

Mr. ELDREDGE. Well, the Speaker sometimes gets out of order.

The SPEAKER. The gentleman from Wisconsin was entirely without justification in rudely assailing the gentleman occupying the floor.

Mr. ELDREDGE. I have not rudely assailed the gentleman.

The SPEAKER. The course of the gentleman from Wisconsin was undoubtedly beyond all limits of parliamentary propriety.

Mr. ELDREDGE. It does not become the Speaker to say that to me.

The SPEAKER. The gentleman from Wisconsin has transcended the limits of propriety in a gross manner by his interruptions of the chairman of the Committee on Ways and Means.

[Mr. ELDREDGE addressed the Chair, but his voice was drowned by the rapping of the Speaker's gavel.]

Mr. ELDREDGE. The Speaker cannot rap me down with his gavel.

Mr. DAWES. I will be as brief as I can be.

The SPEAKER. The gentleman from Massachusetts [Mr. DAWES] is entitled to speak for the length of time that the rules allow; and the Chair will protect him in that right.

Mr. DAWES. There was another section of the bill which was added to it upon the motion of the gentleman from Connecticut, [Mr. STARKWEATHER,] providing for taxing sales of gold, bonds, &c., at the brokers' boards. I apprehended at the time it was offered that it would be found entirely impracticable in the short time allowed to us to perfect the machinery by which that tax could be collected.

Mr. STARKWEATHER. The Commissioner of Internal Revenue himself, on consultation with some of the best men in the country and after months of deliberation, perfected a bill and submitted it to the Senate Committee on Finance. He said to them, and he authorized me to say to the gentlemen of the Ways and Means Committee, as I have done, that he could execute that law, and could collect under it $12,000,000 annually without any considerable additional force; that under the bill which he had perfected he could collect this tax just as well as he could collect the whisky tax or the tobacco tax. This is what he testified before the Finance Committee of the Senate.

Mr. DAWES. What the gentleman says is very proper to be submitted to the House, but I think it would have kept till it was his turn to speak.

Mr. STARKWEATHER. I do not always have a "turn to speak" when the gentleman has the floor or afterward.

Mr. DAWES. I do not mean any discourtesy; only I was obliged to stop my own speech to allow the gentleman from Connecticut to make his.

Mr. STARKWEATHER. I wanted you to have all the information you desired.

Mr. DAWES. Mr. Speaker, I was remarking that I apprehended there would be some difficulty in perfecting the machinery for the collection of this tax. The committee on the part of the Senate and the Senate itself were unwilling to take up that question of the proper method of collecting the tax. They agreed with the House and with the committee on the part of the House that it was a very desirable subject of taxation so far as the sales were the fictitious and gambling sales of the stock market, and not real sales of gold for the purpose of paying duties. But they were unable to apply themselves, or at least did not apply themselves, to devising the machinery. The committee on the part of the House called their attention to a bill to which the gentleman from Connecticut has alluded in advance of what I was going to say about it. We called their attention to the method proposed by the gentleman. We were met by the answer that in the last hours of this session to adopt an entirely new, untried, and uncertain experiment upon so large a matter of taxation as that suggested by the gentleman from Connecticut was hazardous, and that it would be better to postpone the subject till the next session of Congress. I will say, as I think it is proper to say, that it is the intention of the committees of both branches before the meeting of the next Congress to prepare themselves, with the assistance of the Treasury Department, to present very early in the next session—on the very first day if possible—a more mature and comprehensive bill upon this subject. Of course no one can tell to what extent it will embrace particular subjects either of internal taxation or of customs duties; but they do not intend, if this bill be adopted, to leave it as the whole work of the Forty-third Congress upon the subject of the tariff. They intend to carry it on with the help of such efforts as may be made during the recess by the two committees. The committee on the part of the Senate, it may be proper for me to say, have already received formally official communications upon the subject from the official authorities most interested in the operation of this law.

Therefore I have to ask the House to adopt this bill for what there is in it; not to vote it down for what there is not in it. I say to the gentlemen interested in the tobacco question and the gentlemen interested in the hop question that this contains no hostile legislation to those interests. If this is voted down, that will not help those interests. They will be left exactly where they are now if it is voted up. But it is hardly fair to what is in the bill, if it is of any value, to vote that down because we have failed to get into this bill provisions which we think ought to be in it.

This report is not here in the shape it is from any disposition on my part to give up those questions or to have given them up to-day, if it be proper for me to say so much. I ask the gentlemen who feel disposed to take hostile action against this bill to remember that their action would be directed against matters which are in no way connected with what are left out of the bill, and for which the Committee on Ways and Means of the House of Representatives are in no way responsible.

The Committee on Ways and Means have endeavored to put certain measures in this bill which they are now obliged to leave out of it. They have not put into it anything hostile to those measures, and what is in the bill, as I stated to the House in the early part of the consideration of this measure, will add about two and a half millions to the revenue without endangering any other interest, although we have not got those interests into the bill as we had hoped. It is confidently believed by those who know more about it than the Committee on Ways and Means, and the Committee on Ways and Means concur in that view, that by the passage of this bill and the changes in regard to silk, bank-checks, and wine, at least two and a half millions will be added to the revenue. And I now submit this report as all that can be obtained at this session to the judgment of the House and to the favorable judgment of those very gentlemen who feel as if they ought to have had in this bill what they have failed to get. I say to them that it is impossible for them to get at this session by voting down this measure those provisions of law which they desire. They will by voting this down leave those provisions just where they will be left by passing the bill. On the other hand, by passing it they will add to the revenue what I have stated. I call the previous question.

Mr. BECK rose.

Mr. MAYNARD. I do not understand from the gentleman from Massachusetts whether we gain anything by the action of the conference committee or whether we give up all.

Mr. DAWES. I have agreed to yield to my colleague on the committee, the gentleman from Kentucky, [Mr. BECK.] How much time does he desire?

Mr. BECK. Not more than ten minutes. Probably I will not occupy more than five minutes.

Mr. DAWES. I yield to the gentleman ten minutes. But before he proceeds I wish to announce to the House, with a due share of cheerfulness, that jute-butts are in the bill at six dollars a ton. I did all I could to get them out of the bill. The only thing in which that part of the country which I have the honor to represent was distinctly interested was to keep jute-butts free. But I have laid jute-butts on the altar of my country, and I hope that those gentlemen who feel hostile to the action of the committee will follow my example.

Mr. SAYLER, of Indiana. The sacrifice is worthy of the gentleman and his cause.

Mr. BECK. I suppose the last remarks of the gentleman from Massachusetts [Mr. DAWES] were directed to me with the idea, doubtless, that I ought to vote for the bill because jute-butts are taken from the free list and my people are supposed to desire protection on hemp. I hope the bill will be defeated. Jute-butts will then be free as heretofore. I do not regard them as competing with hemp in any way. The flax-men may attend to them if they choose. I have declined to sign this report for various reasons. The first is that by the provision of the bill in the first section of it the duty is raised on all mixed silk goods from 50 to 60 per cent. The pretense was set up before our committee that there were fraudulent importations of silk

goods that had a strand or two of cotton in them that came in under the general provision imposing an *ad valorem* duty of 50 per cent. on that class of goods. We endeavored to correct certain rulings of the department in that regard. When the bill went to the Senate, the words "*in value*" were added to the House bill, so that the proviso at the end of the section should read as follows:

Provided, That this act shall not apply to goods, wares, or merchandise which have, as a component material thereof, 25 per cent. or over *in value* of cotton, flax, wool, or worsted.

The value of cotton is about twenty cents per pound; of course I do not pretend to give the figures exactly. The value of silk is about six dollars per pound. So that if there is less than seven and a half times as much cotton as there is silk in any article which is required in order to make it one-quarter in value, it will be taxed 60 per cent. instead of 50 as it now is. The whole effect of this bill is by a cunning pretense to increase the duty on all mixed silk goods from 50 to 60 per cent., and to add that much to the protection, now amounting almost to a prohibition, for the benefit of a few men in New Jersey and elsewhere—10 per cent. more than is now allowed. I do not propose to increase duties by indirection; my struggle has always been to bring protection to the revenue standard. This bill will result in a diminution of the revenue and an increase of protection; it will prevent the importation of mixed cotton and silk goods, the purpose being to prevent competition with a few silk manufacturers here. That is the object of the bill by those who fully understand its scope and purpose.

Again, the committee have agreed to fix the tax on the wines imported into the country, all the still wines which now pay 25 cents, 60 cents, and $1, down to 40 per cent. instead of 50 per cent. as agreed on by the House, so that all the high-priced wines, the sherries and Madeiras, which are now at $1 and $1.25 *ad valorem*, are brought down to 40 cents. The House, as I said, fixed it at 50 cents, and the committee of conference agreed with the Senate at 40 cents; so as to accommodate those who desire to buy first-class wines cheap, they put the duty down to 40 cents.

Next, they agreed to strike down the duty on hops. They fixed it at 5 cents per pound, which is 40 per cent. *ad valorem*. The House put it at 10 cents per pound. The committee reduce it to 5 cents. That I agree to. It is about the only good thing done.

The gentleman talks about the duty on jute-butts and thinks I will approve that. I care nothing about it. If he wishes to strike that provision out, I will go with him and leave them on the free list.

Another clause of the bill relates to the sales by producers of their tobacco. The manufacturers of tobacco came before the Committee on Ways and Means two years ago and said to us, "If you will make the tax on tobacco uniform—it being then at 16 and 32 cents—at 20 cents, we will agree that men living remote from market who are raising small patches of tobacco shall not be interfered with in their sales to the amount of $100 a year; we will be satisfied with that limitation." Many of these small producers live so far from market that they could not carry their products to the point where the manufacturers or their agents were, and it was a great hardship upon them to deprive them of the power to sell their product. The House unanimously passed that provision in the last Congress; immediately after we did so, the manufacturers rushed over to the Senate, and raised the cry that the Government was going to be defrauded out of its revenue if that privilege was allowed. Those small producers of tobacco who lived remote from market were of course unable to dispose of their tobacco, unless they sold it to sub-agents in the vicinity at any price they offered, and they appealed to us to grant them the right to sell in small quantities of less than $100 worth in a year; the House granted them that right. The moment it passed this House, as I said, the tobacco manufacturers rallied and clamored around the Senate, and they succeeded, as they have again in this instance, in having that provision stricken out of the bill.

For one, I shall vote against the bill in consequence of the bad faith, not to say frauds, practiced by these manufacturers upon the poorest class of the producers of tobacco—a product which they have as much right to raise as other men have to raise wheat, corn, or anything else. Tobacco being the only product that many men can raise, their right to do so should be recognized and protected. The fraudulent course pursued by the tobacco manufacturers to those humble citizens ought to meet with the condemnation of the representatives of the people, and I hope it will here and now. We may not succeed in granting them rights. We can at least condemn action which looks to indorsing the wrongs done them. It is bad enough to make poverty pay what wealth should furnish to support the Government, without adding insult to injury by sanctioning wrong by our action here.

Again, the gentleman from Connecticut [Mr. STARKWEATHER] made a proposition, which the House adopted, to collect a tax of $\frac{1}{20}$ of 1 per cent. on gold and stock sales. The Commissioner of Internal Revenue has prepared a bill under which he says he can collect that tax as easily as he can any other. The conference committee have stricken that out, because the gold gamblers of New York, who sell often at the rate of $60,000,000 in gold a day, as I am informed, raised a hue and cry against this amendment. On Black Friday it is said they sold $250,000,000 gold, a large portion of the sales not being genuine.

Mr. CREAMER. That is not a fact.

Mr. BECK. It is the fact, as the gentleman from Connecticut [Mr. STARKWEATHER] tells me.

Mr. CREAMER. It is an entire misrepresentation.

Mr. BECK. On one day last week $60,000,000 gold were sold. Is not that true, I ask the gentleman from Connecticut?

Mr. STARKWEATHER. That is true.

Mr. BECK. And they sold $250,000,000 on Black Friday.

Mr. CREAMER. Black Friday occurred five years ago. The gentleman has no need to go back as far as that.

Mr. BECK. I will give the gentleman the source of my information.

Mr. CREAMER. The gentleman should not go to Connecticut to find out what takes place in New York.

Mr. BECK. The gentleman from Connecticut [Mr. STARKWEATHER] has studied this question carefully, and he has laid before us a bill prepared by the Commissioner of Internal Revenue, under which he says that he can collect $12,000,000 a year from this source.

I am told, and I believe it to be a fact, that there is not one-tenth of these sales of gold and stocks that is genuine; it is simply a bet on the price of gold to-morrow or next day. Yet you fail to tax them because they are rich and powerful, while you oppress the poor. I say that a bill so presented ought to be voted down by the Representatives of the people, and allowed to go over until December, when we can see if we cannot do something that approaches justice, something which will make men and business that can afford to pay taxes pay them. I will never vote to increase the tariff 10 per cent. on mixed silk goods for the benefit of half a dozen men to the detriment of the revenue. It is at a point now where it is a protective and not a revenue tariff. I will not ruin the poor producers of tobacco, white and black, who cannot raise enough to make a hogshead and send it to market, to benefit a few greedy manufacturers; and I will not consent to exempt gold gamblers from taxation while the laboring poor are taxed on their products, and on all they use from their cradle to their coffin.

Mr. DAWES. I would like to make a parliamentary inquiry. Is there anything in the way of the gentleman from Kentucky [Mr. BECK] offering the bill which he has been showing about the House and having it passed if the House wants to pass it? I now yield to the gentleman from Illinois, [Mr. BURCHARD.]

Mr. BURCHARD. I desire to call the attention of the House to the second amendment proposed by the Senate to the bill that passed the House and which the committee of conference recommend be concurred in. It is proposed to insert the words "in value." The effect of that is to raise the duty so silk-mixed goods, that have for twenty years been admitted at a rate of duty 10 per cent. less than silk goods, to the same rates as silk goods, from 50 to 60 per cent. *ad valorem*. In 1871 we imported $5,500,000 of silk-mixed goods at 50 per cent. duty; in 1872 we imported about $7,000,000, and in 1873 about the same amount.

When gentlemen who are now distinguished members of the Senate were members of the Committees on Appropriations and Ways and Means of this House years ago they made a difference of 10 per cent. between silk goods and silk-mixed goods, and that has been the rule from that time until the present. We endeavored to cut off the frauds by requiring that one-fourth of all materials in these goods should be materials other than silk—that is that three-fourths of the materials must be silk in order that the goods might come in as silk-mixed goods. By inserting the words "in value" it would require that about nine-tenths of the materials should be other than silk goods to be admitted at 50 per cent. duty. Practically it would prevent any silk-mixed goods from coming in at 50 per cent. *ad valorem*. That is the intention not of the gentlemen who are presenting this bill, but of those who presented the bill to the Committee on Ways and Means. We at first, without considering, reported it as presented to us; but upon consideration the committee were unanimous in reporting the bill to the House as it passed.

I desire to say this: this is a little thing, as has been said, and it is not worth while to tinker at the tariff for the purpose of getting $2,500,000 of revenue, when for the present fiscal year we need at least $25,000,000 to meet the requirements of the sinking fund. When we come together at the next session, if it is necessary to raise more revenue, we can incorporate a provision like that of the gentleman from Connecticut, [Mr. STARKWEATHER,] and if necessary we can re-enact the income tax. I hope this report of the committee of conference will be voted down.

Mr. DAWES. I now yield five minutes to the gentleman from Virginia, [Mr. HARRIS.]

Mr. HARRIS, of Virginia. I am sure this House does not understand the practical working of the tobacco provision in this bill upon the producer in the interior of the country. Do members of this House know the fact that the man who raises a few pounds of tobacco cannot sell it unless he sells it to the leaf dealer or to the tobacco manufacturer? And there may not be a leaf dealer or manufacturer within a hundred miles of him. This affects greatly our poor people, especially the colored people, who were reared to raising tobacco, and who have their little patches and raise a thousand pounds or so, worth perhaps eighty to one hundred dollars. After they have grown their tobacco, cured it, and prepared it for market, they have no place to sell it. The change of the law which was adopted last year prevents the country merchant from buying leaf-tobacco, because the tax

is 50 per cent. on every dollar's worth which he sells. Consequently the country merchant cannot buy, and nobody can buy it but the leaf dealer or the manufacturer, and he lives from fifty to one hundred or two hundred miles from the grower of the tobacco. The consequence is that you starve the poor man in the interest of the capitalist.

The poor never get before the Committee on Ways and Means. It is the tobacco manufacturer with his capital who goes before the Commissioner of Internal Revenue and impresses his views upon him; and he comes with a rebound upon the Committee on Ways and Means who are all willing to listen to him, and who never listen to the poor colored man or the white man who raises his thousand pounds of tobacco and has no place to sell it. Two years ago this provision in regard to one hundred pounds of tobacco was put in by the House and was left out by the Senate. Again this year it gets into the House a week before the session closes, and the rules have practically to be suspended in order that it may be passed. The $100 clause is in, and it is proposed to leave it out so that the poor tobacco-grower, white or colored, is made to suffer, and we are obliged to vote for a tariff bill containing a provision for his relief, which might otherwise be obnoxious to us, because we want to do justice to this poor agricultural class. Again, the same provision is adopted in this House. The Senate committee struck it out before, and they have struck it out again. The Senate concurs, but the House nonconcurs. The chairman of the Committee on Ways and Means [Mr. DAWES] is on the committee of conference; and had he acted in good faith, had he co-operated with my friend from Kentucky, [Mr. BECK,] there would have been no report in favor of striking out that clause in reference to selling $100 worth of tobacco on the premises. I almost fear my friend from Massachusetts was too willing to give way. I almost fear that he threw in this provision as a bait to southern men who live in the tobacco-growing sections, so that he might get this tariff bill through; that he was willing the Senate with capitalists at its back should, at the instance of the Internal Revenue Commissioner, strike out this provision, so that he would get all he wanted and nothing that he did not want. It looks so to me, Mr. Speaker. I hope the House will non-concur.

Mr. DAWES. I yield five minutes to the gentleman from Connecticut, [Mr. STARKWEATHER.]

Mr. STARKWEATHER. Mr. Speaker, the gentleman has given me five minutes; I hope he will give me ten, if necessary. I want to state a few facts to this House. This bill was brought in here, and after much discussion of the subject in the newspapers, after the attention of the gentlemen of the Ways and Means Committee had been called to it, this little tariff bill was reported, and the House by a vote of nearly four to one put upon it as an amendment this provisionfor the taxation of sales of gold and stocks. The bill went to the Senate; an array of brokers from New York came down upon the Senate and besieged it. They put in their little statements. Their newspaper organs, owned by Jay Gould & Co., cried out against the proposition. The only newspapers in the whole country that spoke unfavorably of the bill which I introduced and the amendment which this House passed, so far as I observed, were two newspapers in New York City owned by these stockholders. East and West, republican and democratic papers everywhere, said that this was the proper manner in which to raise some of our revenue.

The gentleman from Massachusetts [Mr. DAWES] says that we have not time to perfect a bill for the collection of this tax. Why, sir, the only thing in this tariff bill that is perfected is this very clause which I introduced as an amendment.

Mr. BUTLER, of Massachusetts. Will the gentleman be good enough to name the papers to which he has referred?

Mr. STARKWEATHER. Does the gentleman mean the papers that oppose the proposition?

Mr. BUTLER, of Massachusetts. Yes, sir.

Mr. STARKWEATHER. If I were to undertake to name the newspapers that favored the measure, I would have to name almost the whole press of the country.

Mr. BUTLER, of Massachusetts. I want the names of the papers that opposed it.

Mr. STARKWEATHER. One was the New York Tribune, the majority of whose stock is owned by Jay Gould, the man who got up the gold panic (the report upon which I hold in my hand) when $250,000,000 of gold was sold in a single day, carrying up the price to nearly 200.

Mr. BUTLER, of Massachusetts. What is the other newspaper that the gentleman has referred to?

Mr. STARKWEATHER. Well, there is no use in mentioning the name.

Mr. BUTLER, of Massachusetts. O, yes; there is.

Mr. STARKWEATHER. It is of too little consequence. Jay Gould's organ was the leading paper in this opposition.

Mr. BUTLER, of Massachusetts, and others. Name the other paper.

Mr. STARKWEATHER. Do not interrupt me, gentlemen. I want to discuss the principles of this bill.

Mr. BUTLER, of Massachusetts. Well, I hope the gentleman will tell me the name.

Mr. STARKWEATHER. I have no objection.

The gentleman says this bill is not perfected. Why, sir, the Commissioner of Internal Revenue, after three months' consultation with leading financial men, drew a bill on this subject and said to the Finance Committee of the Senate—I heard him say so—that he could execute this bill and bring in $12,000,000 to the Treasury annually. He says that he can execute it cheaply without any considerable additional force; that he can execute it as cheaply as he can collect the tobacco and whisky tax. But the gentleman from Massachusetts, [Mr. DAWES,] upon a little bill of this kind, with nothing in it except a reduction of duty on a few choice wines and the imposing of a little additional duty on silk goods—a matter that will not bring any considerable revenue into the Treasury—proposes to give up the only substantial thing in the measure, a proposition which the Commissioner of Internal Revenue says will bring in $12,000,000 annually. The gentleman from Massachusetts, instead of going to the Senate and joining with the gentleman from Kentucky [Mr. BECK] in urging this measure, proposes to say, "Here is a measure which we all agree is a good thing, an excellent thing, but which we have not time to perfect." They have had time to put a duty on silk, they have had time to readjust the duty on choice wines, they have had time for everything but to tax this great and overshadowing interest which, as proved in this book, the Gold Panic, has done the country more damage than all other influences combined in depressing business. They say these brokers have reformed themselves. Why, sir, I have here a report showing that on one day last week $60,000,000 of gold were sold, and that only two millions of this were for any legitimate business purpose.

Why, sir, the panic of last fall, like the panic of Black Friday, was brought about by these men by their stock-gambling, their fictitious sales of stocks and gold, and by their hoarding the currency of the country, doing anything to deplete the Treasury and advance their own interests to the ruin of the country. That panic was brought about and all our panics since the war have been brought about by these men who are living on the life-blood of the nation, and who will cry out against any taxation of themselves and in favor of putting it on the land and labor of the country.

I call on the gentleman from Massachusetts [Mr. DAWES] to stand by the action of the majority of this House, and when he goes back to the Senate the best and most experienced men of the Senate will stand by him, and every man there will stand by him who has not been committed in this matter prematurely. This book shows how that tax was repealed.

Several MEMBERS. What book is that?

Mr. STARKWEATHER. It is the history of the gold panic reported to the House two years ago. Do gentlemen forget the influences which controlled the House before?

Mr. DAWES. I must resume the floor.

Mr. STARKWEATHER. I say let the House vote down this conference report and ask a further conference, and you will have a bill that is worth something and that will give us these twelve millions to pay our debts.

Mr. DAWES. Am I entitled to the floor?

Mr. KELLOGG. I wish to ask my colleague whether he confines his amendment to sales of stock?

Mr. DAWES. I ask the Chair which of these gentlemen from Connecticut, if either of them, has the floor? I thought I had it.

The SPEAKER. The gentleman from Massachusetts has the floor.

Mr. STARKWEATHER. It was yielded to me.

Mr. DAWES. If I understand the rules correctly, when I yield five minutes to a gentleman he ought to stop when his five minutes are out.

Mr. STARKWEATHER. I would stop when I got through. I have been interrupted.

The SPEAKER. The time of the gentleman from Connecticut [Mr. STARKWEATHER] has expired.

Mr. STARKWEATHER. Then I will simply ask gentlemen to vote down this report.

The SPEAKER. The gentleman from Massachusetts [Mr. DAWES] resumes the floor.

Mr. DAWES. I yield to my colleague on the committee, the gentleman from Iowa, [Mr. KASSON,] five minutes.

Mr. KASSON. I have but a very few moments, and I desire to use them in speaking of the measure reported by the committee. There are four points upon which a difference seems to exist in the House. I will first take up the gold sales. There are few men in this House, I apprehend, who do not remember the previous attempt that was made in the same spirit in which this is made by the gentleman from Connecticut [Mr. STARKWEATHER] with the same *ad captandum* appeals to the House and the country to regulate gold sales in New York. And does not the gentleman remember the success which attended them? Does he remember how many days our legislation remained in force? And now his proposition is upon a bill reported by himself without the sanction of a committee and with no written recommendation from the Commisioner of Internal Revenue, nothing but a report of what the Commissioner said, furnished by him to the House. He asks this House to reject a conference report because it does not contain the clause which he recommended to the House and the House adopted after a five-minutes speech.

The fact is clear that this House does not want to pass a bill which, in the former case, they repealed in thirty days. They do not wish to make themselves ridiculous in the eyes of the country by passing a measure which they cannot yet see their way through. And, again,

if the Senate refuses the measure, how is the action of that gentleman, or of this House, going to make the Senate pass it in the last hours of the session, or at any other time? The only way in which we can expect to get this measure through is by maturing it early in this House if the Senate is not in favor of it, and going early to the Senate when they have time to discuss it, and the friends of the measure have time to win the Senate to its support.

For myself I shall be glad to realize $12,000,000, or even $4,000,000 from that source, but I know from practical experience in the former case that it is vain for us to attempt to try it in this House against the deliberate opinion of the Senate and expect to get it through at this time. I come now to the wine question.

Mr. CESSNA. Before the gentleman leaves the other point which he has been discussing, will he allow me to ask a question bearing upon it?

Mr. KASSON. If it will not occupy much of my time.

Mr. CESSNA. I wish to know if the gentleman can tell the House why and how that bill on a former occasion was repealed within thirty days?

Mr. KASSON. I cannot go just now into a discussion of the old bill. I only refer to the fact that when we did attempt such legislation it was done with the same eagerness, and was followed by most disastrous results, raising the premium on gold so high that the whole country was alarmed; and I fear the same result would now follow hasty and unwise legislation. Such a bill should be matured after consultation with the business interests affected, so that we may know what its effect will be, instead of dealing rashly with the subject here.

Secondly, upon the duty on wines the gentleman says that this bill only reduces the duty upon the high grades of wines. The gentleman in making that charge certainly must have forgotten that we raised the duty upon the low grades of wine from twenty-five to forty cents a gallon, and taking a period of five or six years it will be found that nine-tenths of the wines imported are of the low grade. It is now proposed to get rid of *ad valorem* duties, and to make the duties specific, and it is estimated that this will increase the revenue not less than $1,000,000.

The third point is in reference to the tobacco question. We desired to benefit the manufacturers by giving them a drawback on the amount of licorice used in the manufacture; but the committee left in the bill the clause which relates to the exportation of manufactured tobacco, which greatly enhances the export trade from this country.

The only remaining question in the report is that of jute-butts, to which the gentleman from Kentucky seems to attach very little importance. Upon that question I have only to say that I have letters in my possession which show that nearly ninety flax-mills in the Northwest went out of existence in consequence of this article being placed upon the free list. We have in this bill placed a duty upon it which will not only yield us some revenue, but will revive that industry in the Northwest.

Mr. LAMISON. I would ask whether the report increases the duty on this article?

Mr. KASSON. No; it is substantially the old duty.

Loud cries of "Vote!" "Vote!"

Mr. DAWES. I call for the previous question.

The previous question was seconded and the main question ordered, being upon agreeing to the report of the committee of conference.

Mr. HARRIS, of Virginia. Upon that question I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 49, nays 136, not voting 104; as follows:

YEAS—Messrs. Albert, Albright, Barber, Bass, Biery, Bradley, Buffinton, Amos Clark, jr., Conger, Crooke, Dawes, Dunnell, Eames, Foster, Gunckel, Robert S. Hale, Benjamin W. Harris, Joseph R. Hawley, E. Rockwood Hoar, Hubbell, Kasson, Lawson, Lowe, Lowndes, Merriam, Moore, O'Neill, Pendleton, Rapier, Rice, Ellis H. Roberts, Rusk, Sawyer, Henry B. Sayler, Scofield, Henry J. Scudder, Isaac W. Scudder, Sheldon, A. Herr Smith, George L. Smith, Sprague, Stanard, Todd, Townsend, Waldron, Charles W. Willard, JohnM. S. Williams, James Wilson, and Woodford—49.

NAYS—Messrs. Adams, Arthur, Ashe, Atkins, Averill, Banning, Barnum, Barrere, Barry, Beck, Bell, Bland, Blount, Bowen, Bright, Bromberg Brown, Bundy, Burchard, Burleigh, Benjamin F. Butler, Cain, Caldwell, Cannon, Cason, Cessna, John B. Clark, jr., Clements, Clymer, Stephen A. Cobb, Comingo, Cook, Corwin, Creamer, Crossland, Crounse, Crutchfield, Danford, Darrall, Davis, Durham, Eldredge, Field, Frye, Giddings, Glover, Gooch, Gunter, Hagans, Hamilton, Hancock, Henry R. Harris, John T. Harris, Harrison, Hatcher, Havens, Gerry W. Hazelton, John W. Hazelton, Hereford, George F. Hoar, Hodges, Houghton, Howe, Hunton, Hyde, Hynes, Kellogg, Kendall, Lamar, Lamison, Lamport, Lawrence, Leach, Lofland, Loughridge, Lynch, Magee, Marshall, Martin, Maynard, James W. McDill, MacDougall, McLean, Milliken, Mills, Morrison, Packer, Isaac C. Parker, Phillips, James H. Platt, jr., Pratt, Randall, Ransier, Read, Robbins, James C. Robinson, James W. Robinson, Ross, Milton Sayler, Sener, Sessions, Shanks, Sheats, Sherwood, Sloan, Sloss, Smart, John Q. Smith, Snyder, Speer, Standiford, Starkweather, St. John, Stone, Stowell, Strait, Sypher, Thornburgh, Tyner, Vance, Wallace, Walls, Jasper D. Ward, Wells, White, Whitehead, Whitehouse, Whiteley, Whitthorne, Wilber, George Willard, Charles G. Williams, William B. Williams, Willie, John D. Young, and Pierce M. B. Young—136.

NOT VOTING—Messrs. Archer, Begole, Berry, Buckner, Burrows, Roderick R. Butler, Freeman Clarke, Clayton, Clinton L. Cobb, Coburn, Cotton, Cox, Crittenden, Crocker, Curtis, DeWitt, Dobbins, Donnan, Duell, Eden, Elliott, Farwell, Fort, Freeman, Garfield, Eugene Hale, Harmer, Hathorn, John B. Hawley, Hays, Hendee, Herndon, Hersey, Holman, Hooper, Hoskins, Hunter, Hurlbut, Jewett, Kelley, Killinger, Knapp, Lansing, Lewis, Luttrell, McCrary, Alexander S. McDill, McJunkin, McKee, McNulta, Mitchell, Monroe, Morey, Myers, Neal, Negley, Nesmith, Niblack, Niles, Nunn, O'Brien, Orr, Orth, Packard, Page, Hosea W Parker, Parsons, Pelham, Perry, Phelps, Pierce, Pike, Thomas C. Platt, Poland Potter, Purman, Rainey, Ray, Richmond, William R. Roberts, John G. Schumaker, Lazarus D. Shoemaker, Small, H. Boardman Smith, J. Ambler Smith, William A. Smith, Southard, Stephens, Storm, Strawbridge, Swann, Taylor, Charles R. Thomas, Christopher Y. Thomas, Tremain, Waddell, Marcus L. Ward, Wheeler, William Williams, Ephraim K. Wilson, Jeremiah M. Wilson, Wolfe, Wood, and Woodworth—104.

So the report of the committee of conference was rejected.

During the roll-call the following announcements were made:

Mr. CLARK, of Missouri. I desire to state that my colleague, Mr. CRITTENDEN, is detained at home by sickness. If here he would vote "no."

Mr. GUNCKEL. I desire to state that my colleague, Mr. MONROE, has been compelled to leave the Hall on account of indisposition.

Mr. SPEER. I desire to state that my colleague, Mr. STORM, is paired with the gentleman from New York, Mr. WHEELER, upon all political questions. I do not know whether this is to be regarded as a political question.

Mr. RANDALL. O, no! I protest against the tariff being regarded as a political question.

Mr. SPEER. My colleague, Mr. STORM, if here would vote "no." I do not know how Mr. WHEELER would vote.

Mr. MAYNARD. I move that a new conference be requested upon the disagreeing votes of the two Houses upon this bill.

The motion was agreed to upon a division—ayes 98, noes 48.

The SPEAKER announced the appointment of Mr. MAYNARD, Mr. STARKWEATHER, and Mr. BECK as the conferees upon the part of the House.

Mr. BECK. I think I must ask the Chair to excuse me.

The SPEAKER. By parliamentary usage the gentleman is entitled to serve.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced to the House that the Senate had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the following bills:

A bill (S. No. 733) regulating gas-works;

A bill (H. R. No. 3094) making appropriations for the service of the Post-Office Department for the year ending June 30, 1875, and for other purposes; and

A bill (H. R. No. 3415) to provide for the care and custody of persons convicted in the courts of the United States who have or may become insane while imprisoned.

INSANE CONVICTS.

Mr. MACDOUGALL, submitted the report of a committee of conference, which was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 3415) to provide for the care and custody of persons convicted in the courts of the United States who have or may become insane while imprisoned, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the House concur in the Senate amendments.

C. D. MACDOUGALL,
J. B. RICE,
R. M. SPEER,
Managers on the part of the House.

F. T. FRELINGHUYSEN,
GEORGE G. WRIGHT,
J. W. STEVENSON,
Managers on the part of the Senate.

The report of the committee of conference was agreed to.

ENROLLED BILLS SIGNED.

Mr. PENDLETON, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. No. 7) for the creation of a court for the adjudication and disposition of certain moneys received into the Treasury under the award made by the arbitration constituted by virtue of the joint article of the treaty concluded at Washington the 8th day of May, A. D. 1871, between the United States of America and the Queen of Great Britain;

A bill (S. No. 252) to remove the political disabilities of John Julius Gutherie;

A bill (S. No. 313) to confirm the purchase of a portion of the site of Fort Houston, at Nashville, Tennessee, and to provide for the donation of the same to the Fisk University for educational purposes; also to confirm the purchase of certain lands at Fort Hamilton, New York;

A bill (S. No. 325) to remove the political disabilities of Van R. Morgan, of Virginia;

A bill (S. No. 436) for the relief of Lieutenant John Shelton;

A bill (S. No. 906) to relieve C. L. Stevenson, of Virginia, of his political disabilities; and

A bill (S. No. 930) to authorize the Farmers' National Bank of Greensburgh, Pennsylvania, to change its location and name.

Mr. RANDALL. I move that the House now take a recess until ten o'clock to-morrow morning.

The motion was agreed to; and accordingly (at one o'clock and twenty-five minutes a. m.) the House took a recess until ten o'clock a. m.

AFTER THE RECESS.

The recess having expired, the House reassembled at ten o'clock a. m., (Tuesday, June 23, 1874,) the Speaker in the chair.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 3168) making appropriations for the repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes.

The message further announced that the Senate had passed with amendments, in which the concurrence of the House was requested, a bill of the House of the following title:

A bill (H. R. No. 3581) to protect persons of foreign birth against forcible constraint or involuntary servitude.

JOHN FLETCHER.

The House then resumed the consideration of business on the Speaker's table under a suspension of the rules; and the first bill was the bill (S. No. 792) for the relief of John Fletcher, surviving partner of Fletcher & Powell.

Mr. LOWE. I move that the rules be suspended and the bill passed.

Mr. SPEER. I move that the bill be referred to the Committee on War claims.

Mr. LOWE. I hope the gentleman will not object.

Mr. SPEER. I will object; you cannot appeal to me this morning.

Mr. LOWE. I have the Senate report here, showing that this is a strong case.

Mr. SPEER. Debate is not in order.

Mr. RANDALL. This meeting of the House is rather *pro forma* than anything else for the present.

The SPEAKER. Does the gentleman from Kansas object to its going to the Committee on War Claims?

Mr. HAWLEY, of Illinois. It should not go to the Committee on War Claims, but should be referred to the Committee on Claims.

Mr. LOWE. Let it be so referred.

The bill was so referred.

THE REGULATION OF GAS COMPANIES, DISTRICT OF COLUMBIA.

Mr. SESSIONS. I rise to a privileged report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments to the bill (S. No. 733) regulating gas-works, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the Senate recede from its disagreement to the first amendment of the House and agree to the same.

That the Senate recede from its disagreement to the second amendment of the House and agree to the same with the following amendments: Strike out the words "eight dollars" and insert in lieu thereof the words "eight dollars and a half," and after the words "ensuing year" insert the words "excepting the Ritchie mineral and Richmond coal, the cost of which shall not enter into any calculation in making an average, which statement shall be."

The committee also recommend the following amendment to section sixteen: Strike out the words "Washington Gas Company" and insert in lieu thereof the words "any gas-light company in the District of Columbia."

W. L. SESSIONS,
CHARLES O'NEILL,
STEVENSON ARCHER,
Managers on the part of the House.

JUSTIN S. MORRILL,
WILLIAM B. ALLISON,
HENRY COOPER,
Managers on the part of the Senate.

The report was adopted.

Mr. SESSIONS moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

INCREASE OF SOLDIERS' PAY.

The next business on the Speaker's table was the bill (S. No. 800) to amend the act entitled "An act to increase the pay of soldiers in the United States Army, and for other purposes," approved June 20, 1864.

The bill was read.

Mr. HAWLEY, of Connecticut. I do not know who has that bill in charge. The subject was before the Committee on Military Affairs and was discussed. I think the bill is entirely safe.

Mr. COBURN. An act has been already passed on that very subject. It is the law now.

Mr. HAWLEY, of Connecticut. Has it passed both Houses?

Mr. COBURN. Yes, sir.

Mr. ELDREDGE. I move it be referred to the Committee on Military Affairs.

The motion was agreed to.

CONDEMNED CANNON TO MASSILLON, OHIO, FOR MONUMENTAL PURPOSES.

The next business on the Speaker's table was the bill (S. No. 924) donating condemned cannon to the city of Massillon, Ohio, for monumental purposes.

The bill was read.

Mr. ELDREDGE. I hope that will not be passed. We have given cannon away without knowing anything of the value of them. I hope that business will be stopped.

Mr. SPRAGUE. I move to suspend the rules and pass the bill.

The House divided; and there were—ayes 21, noes 25.

So (two-thirds not having voted in the affirmative) the rules were not suspended, and the bill was not passed.

On motion of Mr. ELDREDGE, the bill was then referred to the Committee on Military Affairs.

PROTECTION OF PERSONS OF FOREIGN BIRTH.

The next business on the Speaker's table was the bill (H. R. No. 3581) to protect persons of foreign birth against forcible constraint or involuntary servitude, returned from the Senate with the following amendments:

Strike out all after "service" in line 7 down to and including "thereof" in line 12, and strike out sections 3 and 4; so it will read:

That whoever shall knowingly and willfully bring into the United States, or the territories thereof, any person inveigled or forcibly kidnapped in any other country, with intent to hold such person so inveigled or kidnapped in confinement or to any involuntary service, and whoever shall knowingly and willfully sell or cause to be sold, into any condition of involuntary servitude, any other person for any term whatever, and every person who shall knowingly and willfully hold to involuntary service any person so sold and bought, shall be deemed guilty of a felony, and, on conviction thereof, be imprisoned for a term not exceeding five years, and pay a fine not exceeding $5,000.

SEC. 2. That every person who shall be accessory to any of the felonies herein declared, either before or after the fact, shall be deemed guilty of a felony, and on conviction thereof, be imprisoned for a term not exceeding five years, and pay a fine not exceeding $1,000.

Mr. PAGE. I move that the House concur in the amendments of the Senate.

The amendments were concurred in.

Mr. PAGE moved to reconsider the vote by which the amendments of the Senate were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ALLEGHANY VALLEY RAILROAD COMPANY.

The next business on the Speaker's table was the bill (S. No. 854) extending the right of way heretofore granted to the Alleghany Valley Railroad Company through the arsenal grounds at Pittsburgh, Pennsylvania.

The bill was read. It authorizes the Alleghany Valley Railroad Company to extend its tracks over and occupy the ground between the present track and the Alleghany River where the track, under the act approved February 14, 1853, was laid through the grounds of the United States at and near the Alleghany arsenal, in the county of Alleghany, in the State of Pennsylvania; provided that the mode and purpose of occupation shall first be submitted to and approved by the Secretary of War; and the value of the right of way herein granted, as fixed by a board of Army officers as the Secretary of War may detail to make such valuation, shall be paid into the Treasury before occupation in pursuance of the act.

Mr. NEGLEY. I move to suspend the rules and pass the bill.

Mr. COBURN. I hope the gentleman will be allowed to explain it.

Mr. NEGLEY. This bill contemplates the occupancy of a small piece of valueless land lying outside of the railroad track near the river. It is of no use to the Government; but still whatever value it may have will be paid for.

The motion of Mr. NEGLEY to suspend the rules and pass the bill was agreed to, two-thirds voting in favor thereof.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. SAWYER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 3168) making appropriations for the repair, preservation, and completion of public works on rivers and harbors for the fiscal year ending June 30, 1875, and for other purposes, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 24, 29, and 45.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 5, 6, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 22, 23, 25, 26, 27, 28, 31, 33, 34, 35, 36, 37, 39, 40, 41, 42, 43, 44, 46, 47, 48, and 49, and agree to the same.

That the Senate recede from its amendment numbered 4 and substitute the following words: "For the improvement of the harbor at Erie, Pennsylvania, $20,000;" and the House agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: Strike out the words "two hundred" and insert the words "one hundred and fifty" in lieu thereof; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 20 and agree to the same with an amendment as follows: Strike out the words "seventy-five" and insert the word "fifty" in lieu thereof; and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 21, and agree to the same with an amendment as follows: Strike out the words "two hundred" and insert "one hundred and fifty" in lieu thereof; and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 30, and agree to the same with an amendment as follows: Strike out the words "according to the plans reported by the Government engineers;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 32, and agree to the same with an amendment as follows: After the words "twenty thousand dollars" insert "or so much thereof as may be necessary;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 38, and agree to the same with an amendment as follows: After the word "and" insert

"$10,000 is hereby appropriated for the improvement of;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 50, and agree to the same with an amendment as follows: Strike out the words "two from the Army, two from the Coast-Survey" and insert in lieu thereof "three from the Army, one from the Coast-Survey;" also strike out the word "fifty" and insert the word "twenty-five" in lieu thereof; and the Senate agree to the same.

Z. CHANDLER,
WM. A. BUCKINGHAM,
GEORGE R. DENNIS,
Managers on the part of the Senate.
PHILETUS SAWYER,
RICHARD C. PARSONS,
ERASTUS WELLS,
Managers on the part of the House.

Mr. WILLARD, of Vermont. How much does this conference report reduce the appropriations in the bill as it passed the Senate?

Mr. SAWYER. About $250,000.

Mr. WILLARD, of Vermont. How much more does the bill appropriate than when it left the House?

Mr. SAWYER. A little less than half a million dollars besides the $200,000 for surveys. The amount now appropriated by the bill is altogether about $700,000 over the amount appropriated by the bill as it left the House, and a little over half a million dollars less than the appropriations in the similar bill last year.

Mr. SPEER. I understand that this bill appropriates now about $750,000 more than when it passed the House?

Mr. SAWYER. About $700,000.

Mr. SPEER. These are pet appropriations put in by Senators, I suppose?

Mr. SAWYER. No, sir; a great many of them are for works which had been officially recommended and which were entirely proper if we entered upon any new work.

Mr. SPEER. Is there anybody that the gentleman knows of that is now not provided for in this bill?

Mr. SAWYER. O, lots of them.

Mr. HALE, of Maine. There are enough for another bill next year.

Mr. SPEER. Would it not be well to amend the bill and put them all on?

The report of the conference committee was adopted.

Mr. SAWYER moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LEAVE TO PRINT.

Mr. GARFIELD, by unanimous consent, obtained leave to have published in the RECORD some remarks on the subject of surveys for transportation routes, and on the general question of transportation and railroads. (See Appendix.)

POST-OFFICE APPROPRIATION BILL.

Mr. TYNER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 3094) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1875, and for other purposes, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the Senate recede from its amendments numbered 13 and 15.

That the House recede from its disagreement to the amendments numbered 2 and 5, and agree to the same.

That the House recede from its disagreement to the sixth amendment and agree to the same with an amendment as follows: Strike out the words "library of the office of Assistant Attorney-General," and insert in lieu thereof the word "use;" and the Senate agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the eighth amendment and agree to the same with amendments as follows: In line 1 of said Senate amendment, after "on" insert "and after the 1st of January, 1875;" and on line 4 of the House amendment to the said Senate amendment strike out the words "one cent and five mills" and insert "two cents;" and strike out all after "provided," in line 7, and insert "that nothing in this act shall be held to change or amend section 99 of the act entitled 'An act to revise, consolidate, and amend the statutes relating to the Post-Office Department, approved June 8, 1872,'" and in section 6, line 1, after "that" insert the words "on and after the 1st day of January, 1875;" and the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the twelfth amendment, and agree to the same with amendments as follows: In the second amendment of the House to said amendment strike out "taken" and insert "made;" in line 31 of said Senate amendment strike out "one;" and the House agree to the same.

That the House recede from its disagreement to the fourteenth amendment and agree to the same with amendments as follows: In line 9 strike out "eight" and insert "six;" in line 33 strike out "eight" and insert "six;" in line 67 strike out "fifty" and insert "sixty;" in line 68 strike out "forty" and insert "fifty;" in line 69 strike out "thirty" and insert "forty;" and the Senate agree to the same.

That the House recede from its disagreement to the sixteenth amendment and agree to the same with an amendment as follows: In line 87 strike out the words "a letting under advertisement can take place," and insert in lieu thereof, "the service shall have commenced under a contract made according to law;" and the Senate agree to the same.

That the House recede from its disagreement to the seventeenth amendment and agree to the same with an amendment as follows:

Insert in lieu of said amendment the following:

That hereafter the postage on public documents mailed by any member of Congress, the President, or head of any Executive Department shall be ten cents for each bound volume and on unbound documents the same rate as that on newspapers mailed from the known office of publication to regular subscribers; and the words "Public document" written or printed thereon, or on the wrapper thereof and certified by the signature of any member of Congress, or by that of the President, or head of any Executive Department, shall be deemed sufficient certificate that the same is a public document, and the term "public document is hereby defined to be all publications printed by order of Congress or either House thereof: *Provided*, That the postage on each copy of the daily CONGRESSIONAL RECORD mailed from the city of Washington as transient matter shall be one cent.

And the Senate agree to the same.

JAMES N. TYNER,
J. G. CANNON,
S. S. MARSHALL,
Managers on the part of the House.
WM. WINDOM,
WM. B. ALLISON,
H. G. DAVIS,
Managers on the part of the Senate.

Mr. TYNER. I will demand the previous question on the adoption of the report unless some gentleman desires to ask questions in regard to it.

Mr. SPEER. Will the gentleman state how the postage question is left?

Mr. ELLIS H. ROBERTS. I would like to ask the gentleman from Indiana [Mr. TYNER] what has been done, first, as to the time when prepayment would be required on newspapers, and second, as to the rate upon newspapers?

Mr. TYNER. The conference report provides that the prepayment of postage on newspapers shall commence on the 1st day of January, 1875. It also provides that the rate of postage on newspapers shall be 2 cents per pound upon all newspapers published weekly and more frequently, and 3 cents per pound upon all publications published less frequently than once a week.

Mr. BUNDY. That includes magazines.

Mr. TYNER. Yes; it includes magazines. That was the main point of difference between the House and the Senate. The Senate had inserted 4 cents a pound on newspapers. The House in the bill passed a few days ago, and which was incorporated almost bodily in the post-office appropriation bill, had agreed upon 1½ and 3 cents. When the first committee of conference met we found it almost impossible to agree upon any sum less than 4 cents. But an agreement was effected by the concurrence of two of the Senate conferees at the rates which the House had previously fixed, to wit, 1½ and 3 cents. When the conference report was submitted to the Senate, one of the conferees opposed it upon the ground that the rate of postage upon newspapers was too little, and the conference report was defeated.

When we came together last evening we found that the conferees on the part of the Senate considered themselves under instructions not to yield to the House conferees, and the only compromise that we could get that seemed to come anywhere near to what the House desired was the rate of 2 cents per pound.

Mr. ELLIS H. ROBERTS. Will the gentleman allow me another question?

Mr. TYNER. Certainly.

Mr. ELLIS H. ROBERTS. The House adjusted the newspaper postage in a separate bill; the Senate put that upon an appropriation bill. Now, as I understand, the Senate by having the bill upon an appropriation bill seeks to compel the House to yield to it its judgment upon the question of postage; and I desire to make this point: that the Senate by ingrafting legislation upon an appropriation bill is able now to compel the House to yield against its own judgment.

Mr. TYNER. It does not become me as a member of the House, or as one of the conferees on the part of the House, to say that the Senate has compelled us to do anything. It is true that we sent to them a clean appropriation bill without any legislation in it whatever. The Senate exercising its right did ingraft upon that bill a vast amount of legislation, and just such legislation as never ought to be forced through the two Houses upon an appropriation bill or in any other way than after the most thorough examination and the fullest deliberation.

Now, as I said before, it is not part of my purpose, nor would it be becoming in me to criticise that action on the part of the Senate. But I say this, and I take this occasion to say it perhaps for the first time publicly since I have been a member of the House, that in my judgment the rules ought to be so changed that not a single item of legislation should ever be ingrafted on any appropriation bill. But the rules do permit this to be done. It has been done, and we have to meet it now as we find it.

Mr. COBB, of Kansas. I understand that the conferees on the part of the House have also yielded to the amendment of the Senate which emasculated the House bill that we passed some time back relative to the letting of contracts, and that as it now stands the Postmaster-General in making contracts for temporary service or regular service in case of the failure of the original contractors is confined to the list of bidders bidding in the first instance, instead of being permitted, as he was allowed to do by the original bill which left the House, to let it to the bidders in the first instance and afterward to go to all the world, provided they would take it at the same price, without the necessity of an additional advertisement.

Mr. TYNER. In response to that I will say that the bill which the House sent to the Senate required that the bids for contracts in the Post-Office Department should be accompanied by bonds. It was designed to break up the vicious system of what is known as straw-bidding. This provision was materially amended by the Senate, who ingrafted in this appropriation bill, as a part and parcel of it, a provison which was entirely different from that originally passed by the House. The legislation adopted by the conference committee entirely defeats the legislation originally provided

by the House. I have no hesitation in saying that the House bill upon this subject was decidedly better than that which is here proposed. I desire further to say in this connection that as one of the conferees on the part of the House I would not have agreed at all to the amendments of the Senate if I had not believed that it was a slight improvement on the present law.

Mr. COBB, of Kansas. Then I understand by the reply of the gentleman from Indiana that the bill is emasculated as I stated. And I wish to put it on record as a fact that it is in my judgment the triumph of the contractors again in the Post-Office Department by reason of this pernicious system of legislation of attaching laws to appropriation bills.

Mr. ELDREDGE. I desire to ask the gentleman a question.

Mr. TYNER. I will yield for that purpose.

Mr. ELDREDGE. As I understand it the report of the committee of conference leaves the law as it existed before any amendment was made. It allows the Government to be cheated by this class of bidders, known as straw-bidders. Instead of protecting the Government against these bids, these rings and combinations, the Postmaster-General is allowed to give out contracts to any one he pleases, even though no bid be made.

Mr. TYNER. I will answer that point. I think the gentleman from Wisconsin has taken a little too broad a view in regard to what is accomplished by the report. The law as it now stands provides that any party making a bid for the transportation of the mails shall send in a written statement signed by one or more persons that he will faithfully perform his contract; but this bill provides that at the time a proposed contractor files his bid he shall also file his bond signed by securities who must first take an oath that they have real estate of more than double the value of the amount involved.

Mr. ELDREDGE. What is the penalty attached to such bond?

Mr. TYNER. The penalty is the liquidated damages on the amount of the bond.

Mr. ELDREDGE. What is the amount of the bond that the bidder is required to be responsible for in fact?

Mr. TYNER. Such amount as the Postmaster-General may indicate in the advertisement for the proposals for the route.

Mr. ELDREDGE. Does not the gentleman know that the old law required bonds; but does he know a single instance in which the penalty was recovered? Did he ever know a case in which forfeiture was made of the bonds of the defaulting contractors?

Mr. TYNER. I think the gentleman does not give to the conference report the full credit that it deserves. The law as provided for in this report is undoubtedly better than the law under which the Post-Office Department has hitherto given out contracts. I do not know a single instance under the old law where damages have been recovered on the bond of a defaulting contractor.

If the gentleman will listen to me I will state briefly all the provisions of the pending law as we propose to amend it. In the first place the bidder must file his bonds with the Postmaster-General, and if that bid exceeds the sum of $500,000 he must also file a certified check for the amount, with 5 per cent. interest. There are these two securities.

Then, in order to identify the sufficiency of the bond, the sureties and the bidders must take an oath that they own unincumbered real estate worth double the amount in value of the amount named in the bond. Then in addition to that still further, the postmaster, who approves the sufficiency of the bond, by the present law, in the event he shall knowingly approve a bond which he believes to be insufficient, or shall approve it without proper and due examination, is not only to be removed from office, but disqualified forever from holding a post-office. Then in addition to that the penalty imposed upon that postmaster, in the event of a prosecution and conviction, may be not less than $5,000, whereas under the present law it would not exceed the sum of $1,000.

Again, under the last law, under which only one single letting has been made, the Postmaster-General, when the accepted bidder failed to enter upon his contract, was authorized to go to the second bidder only. In the event the second bidder would not take the contract, then he was authorized to make a contract with outside parties for twelve months. This bill provides that after the first contractor fails the Postmaster-General shall go to the second if his bid be not too high, and if the second fails then he may go on up the list to the last bidder, and make a contract at any price that he does not consider too high. In the event that he cannot thus obtain a contractor, then he is authorized to let a temporary contract for a period not exceeding six months and at a price not above that of the last regular contract on that route.

Now I submit to the gentleman from Wisconsin [Mr. ELDREDGE] that while this bill does not meet my views, while I believe I could frame a provision that would most effectually cut off straw-bidding, a provision which would tally precisely with the provision of the bill sent by the House to the Senate, yet when we cannot get all we want, is it not wise to get all we can if it is better than what we now have?

Mr. ELDREDGE. I concede that it is wise to get the best that we can; there is no doubt about that. But the bill of the House, as I understood it, provided for the reletting of the contract by advertisement; it took away this discretion which has been vested in the Postmaster-General and which has been so much abused. I do not believe in leaving that discretion there. I do not say that the suggestion of the gentleman that the Postmaster-General has the right to go up the list and not let a contract at a higher price than contracts had been previously let is any protection whatever. We know very well that when the old contractor is on the ground, with his horses and wagons and his stock in general, he can keep everybody else from that route. It must be an actual letting under an advertisement or it will amount to nothing but straw; and straw-bidding will continue, in my judgment, in spite of all the things which the gentleman has suggested.

Mr. TYNER. The gentleman from Wisconsion is very correct in his views that under the present law, in the event of the failure of the contractor to perform the conditions of his contract, the Postmaster-General then must let a temporary contract to the man who has stock on hand and is ready to go upon the route and perform the service. But the gentleman ought to remember that under the present law the Postmaster-General may make that temporary contract for twelve months, while the bill we are now considering provides that he shall not let it for more than six months, and shall not in that contract exceed the amount of the last regular contract on that route. I apprehend the gentleman from Wisconsin will see at once that this is a little advantage. It is not all we want; it is not what the gentleman wants; nor is it what any gentleman in this House wants who has honestly, carefully, and wisely considered the subject. We will, in my judgment, never get a law which is anything like right until we require the Postmaster-General, upon the failure of the accepted bidder, to go outside and contract with other parties.

Mr. ELDREDGE. I would like to know what force there is operating in this House and in the Senate that prevents this wholesome provision which the gentleman himself says that we ought to have. I have no doubt of the sincerity of the gentleman. I believe he does sincerely want to guard against these frauds. But what power is there, secret or otherwise, which overcomes him in his efforts to get an honest provision of law to protect the Government? Is it in this House or around this House or in the Department? What power is there so mysterious as to balk all the efforts of this Congress to do what ought to be done?

Mr. TYNER. The gentleman from Wisconsin ought to know that I am not able to answer his question. I have been in this House for five years, during which time I have been more or less intimate with the affairs of the Post-Office Department as they come here. If there is a ring or a lobby or any other kind of influence about this House or the other House that prevents the passage of such bills as are necessary to protect the Government in this regard, I say to him frankly that I never saw them; I know nothing about them. No man has ever approached me on the subject; no man ever dared to.

Mr. ELDREDGE. I do not suppose the gentleman has ever been approached in that way. I hope he did not understand me as intimating any such thing.

Mr. TYNER. I do not.

Mr. ELDREDGE. I do not believe that the gentleman can be approached. But there is some mysterious force at work so that when we find an almost unanimous opinion in Congress in favor of adopting such a provision as shall protect the Government, we cannot accomplish that purpose. I say that we should stay here till next August, nay, till the time for the next session to commence, before we should allow ourselves to be balked in our effort to provide against this crying evil.

Mr. LUTTRELL. I hope that this matter will be recommitted to the conference committee; and let us, as the gentleman from Wisconsin [Mr. ELDREDGE] says, stay here, if need be, till the commencement of the next session in order to break up this combination to defrand the Government. I say that we should refuse to adjourn until this system of "straw-bidding" is broken up.

Mr. TYNER. The indignation of the gentlemen is all right; but we are getting now a law better than we have had.

I yield a moment to the gentleman from Connecticut, [Mr. HAWLEY;] and then I propose to yield for a short time to the gentleman from Pennsylvania, [Mr. PACKER.]

Mr. HAWLEY, of Connecticut. Mr. Speaker, I am very sorry that the conference committee thought it necessary to yield upon the subject of postage on newspapers, because I am sure that the report in that respect is, as it now stands, an error. I feel very sure, indeed I know, that the judgment of the Postmaster-General is with me in this matter. I know from his own most emphatic expressions on the subject that he would have preferred to risk the failure of the appropriation bill rather than yield to the original demand of the Senate; and it is with great reluctance that he has yielded to this final settlement.

I have no right to speak of gentlemen's motives as unworthy; but I do think it is an unworthy motive if gentlemen believe that in adopting such a measure as this they are in any way punishing any class of people. I hear intimations of that sort sometimes; but it seems to me such considerations ought not to enter into legislation. If any gentlemen fancy that they have given abundant protection—a heavy protective tariff as it were—to the country or local newspapers, and that it is at the same time a matter of congratulation that we have put a sudden, unexpected, and very heavy burden upon papers of wider circulation, I think they look at this matter in the wrong light.

There is no paper that is circulated exclusively within the county of its publication; there is scarcely any paper that is located precisely within the center of its county. Many of these local papers circulate about equally in several counties. Hence you do not, by the action here proposed, exempt any newspaper entirely from postage, while you put an unforeseen and very heavy tax upon the majority of them.

In concurring with the Senate—in yielding the point of putting the rate at 2 cents—we are partly defeating the object of the movement.

Prepayment of postage is just and right; but there is this consideration which you must look at: you may put your rate so high that you will defeat your object. When you fix the rate at 2 cents a pound or $40 a ton for papers which in the majority of cases go but a comparatively short distance, only an exceptional few circulating hundreds or thousands of miles, you make it an object for all newspapers of any considerable circulation—for all of them in fact—to avoid the mails as much as possible. Every publisher whose circulation is at all considerable and who can take advantage of railroad facilities will make an arrangement by the year with the express companies, which have shown themselves more liberal in this matter toward the newspapers than Uncle Sam. They will take the papers at lower rates and will on the average beat Uncle Sam in prompt delivery. Thus by this legislation you induce the newspaper publishers to avoid to the utmost of their ability the post-office and seek arrangements with railroad companies or the express companies.

If on the contrary you would fix the rate lower—if you would fix it as low as the House fixed it, 1½ cents per pound, or 1 cent per pound as I think it should be, and for the country papers ½ cent, so that everybody would pay something, while the whole rate would be low—you would get nearly the whole business except where the newspapers might be compelled to take advantage of early trains or where the mails could not give them sufficient accommodations; and thus your aggregate revenue would be greater than it will be under this arrangement. Besides that, you would avoid what it is always desirable to avoid in taxation—the unnecessary exasperation or worrying of those who are to pay the tax with a sense of inequality and injustice.

I think you ought to make all the papers pay postage; I do not think there is any justice in exempting any of them entirely. But you should make the rate very low for short distances, within the county or within a hundred miles of publication and larger for greater distances. I think there would be no difficulty in having rates discriminated as to distance. Let all the papers pay something; but make the rates so low that you will increase your revenue. As the law now stands you do not get one-half, I suppose you do not get one-fourth, of the postage you are entitled to. By fixing the postage at the low rates I am advocating you will offer an inducement to publishers to make use of the mails and will very considerably increase your revenue, while at the same time this will be a more satisfactory form of taxation.

In conclusion, let me say that I join with the chairman of the conference committee [Mr. TYNER] in emphatic condemnation of this whole business of attaching general legislation to appropriation bills. I have thought again and again during this session that if I should come here another session I would begin on the very first day and resist every proposition to put general legislation on appropriation bills.

I hope there may be adopted some joint resolution, some provision as rigid as can be made, to avoid the whole of it. Nothing but mischief comes out of it. We have ten times the discussion on appropriation bills we ought to have or we would have if appropriations were only included which were authorized by law. We have only wrangles, disagreements between the two Houses, conference committees, and general dissatisfaction because of the abuse complained of.

Mr. SPEER. Let me ask the gentleman whether he did not vote to suspend the rules and allow the Choctaw claim to be placed upon one of the appropriation bills?

Mr. HAWLEY, of Connecticut. Quite likely I have sinned with the rest. It seemed to be the only way to get justice done to the Choctaws. We owe that money to the Choctaws just as much as the gentleman's washing bill is due to his laundress.

Mr. SPEER. I have settled that bill, and so do not owe anything.

Mr. HAWLEY, of Connecticut. Then change the illustration—as much due as his will be.

Mr. TYNER. My colleague on the committee of conference, the gentleman from Illinois, [Mr. MARSHALL,] desires to be heard for a very short time. I have also promised to yield to the gentleman from Pennsylvania, [Mr. PACKER,] chairman of the Committee on the Post-Office and Post-Roads.

Mr. RANDALL. I suggest that we now adjourn, as it only lacks five minutes of the expiration of this legislative day.

Mr. TYNER. Very well.

And then, on motion of Mr. RANDALL, (at five minutes to eleven a. m.,) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. AVERILL: The petitions of Eden, Prairie, and Miltona Granges, of Hennepin and Douglas Counties, Minnesota, for the passage of the bill to aid in the construction of the Continental Freight Railway, to the Committee on Railways and Canals.

By Mr. BARRERE: The petition of Morris Pinchouer, for a charter to construct a canal in Nevada, to the Committee on the Public Lands.

By Mr. BUNDY: The petition of 56 citizens of Columbiana County, Ohio, for the restoration of the 10 per cent. duty on certain imports, to the Committee on Ways and Means.

By Mr. BURCHARD: The petition of citizens of Oregon, Ogle County, Illinois, for the passage of the bill to aid in the construction of the Continental Freight Railway, to the Committee on Railways and Canals.

By Mr. BUTLER, of Massachusetts: The petition of Joseph Fuller for a pension, to the Committee on Invalid Pensions.

By Mr. FORT: Three petitions of citizens of Illinois for the construction of a double-track freight railway from the Missouri River to tide-water on the Atlantic, to the Committee on Railways and Canals.

By Mr. HARRIS, of Virginia: The petition of Samuel Senger, of Rockingham County, Virginia, to be compensated for stock driven off by order of General Sheridan, to the Committee on War Claims.

Also, the petition of Peter Ritchie, of Rockingham County, Virginia, of similar import, to the same committee.

By Mr. HOUGHTON: The petition of Manuel Ferrer and his wife to be allowed to prosecute an appeal in a land case in California, to the Committee on Private Land Claims.

By Mr. McCRARY: The petition of grange organizations of Iowa, for the construction of the Continental Freight Railway, to the Committee on Railways and Canals.

By Mr. PLATT, of Virginia: The memorial of the board of trustees of public schools of Washington, District of Columbia, asking that the statue of Thomas Jefferson, now located near the Executive Mansion, be transferred to the grounds of the Jefferson school building, to the Committee on Public Buildings and Grounds.

By Mr. PACKER: The memorial of H. T. McAlister in relation to his patented voting apparatus, to the Committee on Rules.

Also, the petition of citizens of Sunbury, Pennsylvania, for a donation of condemned cannon to ornament the grounds surrounding a soldiers' monument in that place, to the Committee on Military Affairs.

Also, the petition of citizens of Sunbury, Pennsylvania, for an increase of the volume of currency, to the Committee on Banking and Currency.

Also, the petition of druggists of Northumberland County, Pennsylvania, for a repeal of the stamp-tax on medicines, to the Committee on Ways and Means.

Also, resolutions of the Philadelphia County Medical Society in relation to promotions in the Medical Department of the Army, to the Committee on Military Affairs.

Also, resolutions of the Dauphin County Medical Society, of similar nature, to the same committee.

Also, numerous petitions of citizens of Pennsylvania, for the restoration of 10 per cent. of duty on certain imports, to the Committee on Ways and Means.

By Mr. PRATT: The petition of Prairie Grange, Wright County, Iowa, for the construction of the Continental Freight Railway, to the Committee on Railways and Canals.

By Mr. ROBINSON: The petition of W. B. Brown and 54 others, for the passage of a law to secure the right of franchise notwithstanding their temporary absence in Government employ, to the Committee on the Judiciary.

By Mr. SAYLER, of Indiana: Twenty-six petitions from citizens of fourteen States, containing 504 signatures, for the passage of a law to authorize the manufacture of patent-right articles by others than owners of patent rights upon payment of a reasonable royalty thereon, to the Committee on Patents.

By Mr. YOUNG, of Kentucky: The petition of Elizabeth Rice for a pension, to the Committee on Invalid Pensions.

IN SENATE.

TUESDAY, *June* 23, 1874.

The Senate met at ten o'clock a. m.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

Mr. RAMSEY. I move that the reading of the Journal be dispensed with and that the Senate proceed to the consideration of the post-route bill. If that is not done, I would as soon have the Journal read.

Mr. WASHBURN. I ask that the reading of the Journal be dispensed with.

There being no objection, the reading of the Journal was dispensed with.

CLERKS AT SPRINGFIELD ARMORY.

Mr. WASHBURN. There are two private bills that I should like to have disposed of. The first is House bill No. 1410, to fix the salaries of the clerks of the United State armory in Springfield, Massachusetts.

Mr. FRELINGHUYSEN. I think the unfinished business of yesterday should come up.

The PRESIDENT *pro tempore*. The unfinished business will come up at the expiration of the morning hour, at eleven o'clock.

Mr. FRELINGHUYSEN. It is necessary that that bill should go to the House. I have no personal interest in it. It is a matter that affects every member of the Senate, and I think it will take no more time now than it will at any other period. I do not think it will occupy more than half an hour, and I hope we shall proceed with it at once.

Mr. WASHBURN. These two private bills will not take a minute.

Mr. FRELINGHUYSEN. So it was last night when to accommodate everybody I gave way, and consequently the bill was passed over.

The PRESIDENT *pro tempore*. The bill indicated by the Senator from New Jersey will come up of its own force at eleven o'clock.

Mr. FRELINGHUYSEN. I should like it to come up by force of a vote before that so that it may be passed before that time.

The PRESIDENT *pro tempore*. The bill indicated by the Senator from Massachusetts being before the Senate, the Senator from New Jersey moves to postpone the same and proceed to the consideration of the Utah bill.

Mr. WASHBURN. I hope that will not be done.

Mr. HAMLIN. Mr. President, there is a resolution upon the table reported by the Committee on Foreign Relations in regard to peace, proclaiming peace and good will to all men. It is not legislative; but there is to be a peace convention held during the recess of Congress, and it is very desirable that we should have an expression of this body upon the resolution which has been submitted. It is a simple resolution in accordance with the doctrines laid down in the treaty of Washington. I ask that that resolution may be taken up and passed. I think it will take no time.

The PRESIDENT *pro tempore*. The question before the Senate is on the motion of the Senator from New Jersey.

Mr. HAMLIN. I ask unanimous consent to take up the resolution I have referred to.

Mr. FRELINGHUYSEN. I withdraw my motion for the present.

The PRESIDENT *pro tempore*. The bill indicated by the Senator from Massachusetts being before the Senate, the Senator from Maine asks unanimous consent to proceed to the consideration of the resolution named by him.

Mr. WASHBURN. I hope not.

Mr. HAMLIN. It will not take a minute.

Mr. WASHBURN. It will not take a minute to pass this bill.

Mr. HAMLIN. Very well.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 1410) to fix the salaries of the clerks of the United States armory, in Springfield, Massachusetts. It provides that hereafter in lieu of the compensation now allowed to the clerks at the United States armory in Springfield, Massachusetts, including fuel and quarters, there shall be paid to each an annual salary of $1,650.

Mr. ROBERTSON. I should like to have this matter explained. Are the clerks there entitled to more pay than at any other place?

Mr. WASHBURN. The Senate will not object, I am sure. This bill does not give them any more pay than they receive now, and does not raise their pay; but they are entitled to fuel and quarters, and the officers at the armory sometimes want to use the quarters which they have. This bill merely provides that the clerks shall receive this pay instead of the fuel and quarters, if the superintendent has not the quarters to give them. He wishes to give the quarters to the officers. The bill is recommended by the superintendent of the armory, and also recommended by the Ordnance Department here. It gives no increase of pay, and only makes this provision when the superintendent cannot furnish the quarters to the clerks.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

Mr. WASHBURN. There is a pension bill I should like to have passed, Senate bill No. 862.

There being no objection, the bill (S. No. 862) granting a pension to Margaret S. Hastings, was considered as in Committee of the Whole. It provides for placing on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Margaret S. Hastings, widow of Charles B. Hastings, late a private in Company E, Forty-fifth Regiment Massachusetts Volunteers, and for paying her arrears of pension from the date of the death of her husband to the time her present pension commenced.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

APPROPRIATION COMMITTEES.

Mr. MORRILL, of Maine. I have a resolution relating strictly to the public service which will take but a moment. The Secretary of the Treasury desires its passage, and I ask for its present consideration:

Resolved, (the House of Representatives concurring,) That the Committees on Appropriations of the two Houses of Congress be authorized to meet at the Capitol during the recess of Congress to make inquiry into and report any method by which reforms may be made in the expenditures in the several branches of the civil service, and the estimates of appropriations, and the appropriation bills.

The resolution was considered by unanimous consent, and agreed to,

INTERNATIONAL ARBITRATION.

Mr. HAMLIN. Now I ask unanimous consent to take up the resolution to which I have referred.

There being no objection the Senate proceeded to consider the following resolution reported from the Committee on Foreign Relations on the 9th of June:

Resolved, That the United States, having at heart the cause of peace everywhere, and hoping to help its permanent establishment between nations, hereby recommend the adoption of arbitration as a just and practical method for the determination of international differences, to be maintained sincerely and in good faith, so that war may cease to be regarded as a proper form of trial between nations.

The resolution was agreed to.

REPORTS OF PRINTING COMMITTEE.

Mr. ANTHONY, from the Joint Committee on Printing, to whom were referred the following resolutions and memorials, asked to be discharged from their further consideration; which was agreed to:

Resolutions of the House of Representatives to print additional copies of the report of the Commissioner of Agriculture for the years 1872 and 1873;

A memorial of the executive committee of the board of commissioners of pilotage of New Jersey, remonstrating against the passage of Senate bill No. 675 providing for the abolition of the present system of compulsory pilotage;

A resolution of the House of Representatives instructing the Joint Committee on Printing to inquire as to whether the Government Printing Office cannot be dispensed with;

A memorial of the employing printers of Washington remonstrating against printing by the Government Printing Office;

A memorial of citizens of Buffalo, New York, to fix the cost and price list of all publications under laws of Congress;

A resolution to print seventy-five hundred copies of the report of the Smithsonian Institution for the year 1873, with the amendment of the House of Representatives thereto;

A memorial of journeymen bookbinders of Washington, District of Columbia, protesting against a reduction of their wages;

A memorial of journeymen pressmen (letter-press printers) of Washington, District of Columbia, protesting against a reduction of their wages;

A memorial of the journeymen printers of Washington, remonstrating against the reduction of the wages of the journeymen printers at the Government Printing Office; and

A resolution offered by Mr. MORRILL, of Maine, instructing the Committee on Printing to inquire into the cost of reporting and printing the debates of Congress as the same is now being done.

RAYMOND'S MINING REPORT.

Mr. ANTHONY. The Committee on Printing, to whom was referred a resolution to print additional copies of Professor Raymond's report on mining statistics, have instructed me to report back the same with an amendment and to recommend its passage.

There being no objection the Senate proceeded to consider the resolution.

The amendment reported by the Committee on Printing was to make the resolution read:

Resolved by the House of Representatives, (the Senate concurring,) That of the report of R. W. Raymond on mining statistics, with the accompanying engravings, there be printed twenty-two hundred and fifty copies, of which one thousand copies shall be for the use of the Treasury Department, two hundred and fifty for the use of the Commissioner, and one thousand copies shall be for sale at the cost of paper and press-work, with an addition of 10 per cent. by the Congressional Printer.

The amendment was agreed to.

The resolution as amended was concurred in.

MORSE MEMORIAL SERVICES.

Mr. ANTHONY. The Committee on Printing, to whom was referred a resolution of the House of Representatives to print five thousand copies of the memorial services held in the Hall of the House of Representatives April 16, 1872, on the occasion of the death of the late Samuel F. B. Morse, have instructed me to report back the same with an amendment. That amendment is that the proceedings be printed.

Mr. SHERMAN. They have already been printed in the Congressional Globe, I suppose.

Mr. ANTHONY. They were not proceedings of the body; they were proceedings held in the Hall of the House.

Mr. SHERMAN. I do not think we ought to do it.

Mr. ANTHONY. Being objected to, it goes over.

The PRESIDENT *pro tempore*. The resolution will be laid over.

EDUCATION REPORT.

Mr. ANTHONY. I reported a resolution yesterday to print the report of the Commissioner of Education. Our amendment was nonconcurred in by the House of Representatives and a committee of conference asked. I thought it was so late that we had better have the sense of the Senate upon it. The Senate can either recede from its amendment or insist upon it without debate.

Mr. SHERMAN. I move that the Senate insist on its amendment.

Mr. ANTHONY. And grant the conference?

Mr. SHERMAN. The House probably will agree to our proposition.

Mr. ANTHONY. It would hardly be courteous to insist and refuse a conference.

Mr. SHERMAN. I have no objection if the Senator thinks it worth while.

Mr. ANTHONY. I move then that the Senate insist on its amendment and agree to the committee of conference.

The motion was agreed to.

By unanimous consent the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Messrs. ANTHONY, HOWE, and SAULSBURY were appointed.

COMMITTEE ON PRINTING.

Mr. ANTHONY. Congress has imposed upon the Committee on Printing duties which cannot be discharged during the session of Congress, requiring their supervision of printing that goes on during the recess. For that purpose, and not with any desire to hold meetings, but that we may exercise the authority which Congress imposes upon us, I offer the following resolution:

Resolved by the Senate, (the House of Representatives concurring,) That the Joint Committee on Public Printing is hereby authorized to sit during the coming recess of Congress.

The resolution was agreed to.

Mr. ANTHONY. Now, not knowing what will be the fate of this resolution, I move that the Committee on Printing on the part of the Senate have leave to sit during the recess.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had disagreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 3572) to amend existing customs and internal-revenue laws, and for other purposes, asked a further conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. HORACE MAYNARD of Tennessee, Mr. HENRY H. STARKWEATHER of Connecticut, and Mr. JAMES B. BECK of Kentucky, managers at the same on its part.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (S. No. 3415) to provide for the care and custody of persons convicted in the courts of the United States who have or may become insane while imprisoned, and to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (S. No. 733) regulating gas-works.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (S. No. 436) for the relief of Lieutenant John Shelton;

A bill (S. No. 930) to authorize the Farmers' National Bank of Greensburgh, Pennsylvania, to change its location and name;

A bill (S. No. 906) to relieve C. L. Stevenson, of Virginia, of his political disabilities;

A bill (S. No. 252) to remove the disabilities of John Julius Guthrie;

A bill (S. No. 313) to confirm the purchase of a portion of the site of Fort Houston, at Nashville, Tennessee, and to provide for the donation of the same to the Fisk University for educational purposes; also to confirm in the purchase of certain land at Fort Hamilton, New York;

A bill (S. No. 325) to remove the political disabilities of Van R. Morgan, of Virginia;

A bill (S. No. 277) making an appropriation for the payment of $792.46 due the late James L. Day, of Connecticut, for transporting the mails over post-route No. 8152;

A bill (S. No. 443) to provide for the payment of legal services rendered by Edmund Randolph to the United States;

A bill (S. No. 552) to refund to E. & J. Koch certain customs duties;

A bill (S. No. 875) for the relief of Thomas Hughes;

A bill (S. No. 849) to prevent hazing at the Naval Academy; and

A bill (S. No. 7) for the creation of a court for the adjudication and disposition of certain moneys received into the Treasury under an award made by the tribunal of arbitration constituted by virtue of the first article of the treaty concluded at Washington the 8th of May, A. D. 1871, between the United States of America and the Queen of Great Britain.

JESSE F. MOORE AND CHARLES W. LEWIS.

Mr. MERRIMON. I ask to be allowed to call up an unobjected case which will not take a minute. It is House bill No. 2990.

There being no objection, the bill (H. R. No. 2990) for the relief of Jesse F. Moore and Charles W. Lewis, was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to Jesse F. Moore and Charles W. Lewis $1,041.06, in full pay and satisfaction for a lot of tobacco improperly seized at Macon, Georgia, in November, 1867, from Jesse F. Moore, and sold January 31, 1868, by J. C. McBurny, acting as collector of internal revenue, and the proceeds of which have been covered into the Treasury.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

TARIFF AND TAX BILL.

Mr. SHERMAN. In regard to the tariff bill, (H. R. No. 3572,) as it is perfectly manifest that we cannot do anything further with it now, I move that it be postponed till the first Monday in December next.

The motion was agreed to.

WASHINGTON AND GEORGETOWN RAILROAD.

Mr. ROBERTSON. I am instructed by the Committee on the District of Columbia, to whom was referred the bill (H. R. No. 3641) to amend an act entitled "An act to incorporate the Washington and Georgetown Railroad Company," approved May 17, 1872, to report the same without amendment and ask that it be put on its passage. There will be no objection to the bill, I feel confident.

Mr. SPENCER. I shall be obliged to object.

The PRESIDENT *pro tempore.* The bill will be placed on the Calendar.

SALE OF INDIAN LANDS.

Mr. INGALLS. I move to proceed to the consideration of House bill No. 3352, reported from the committee of conference.

The motion was agreed to; and the bill (H. R. No. 3352) to further provide for the sale of certain Indian lands in Kansas was considered as in Committee of the Whole.

Mr. SHERMAN. Is that bill subject to objection?

The PRESIDENT *pro tempore.* It is not.

Mr. BUCKINGHAM. I hope there will be no objection.

Mr. SHERMAN. I think that before a bill of this kind, involving we know not how much land, changing our whole land laws, allowing land to be sold on credit, is passed it is due to the Senate, at this period of the session, that it should be fully understood no bill should pass now unless it is perfectly manifest on the face of the bill that it should pass. I ask for an explanation.

Mr. INGALLS. This matter has been fully examined by both committees in the House and Senate at this session. The bill receives the commendation of the Department on Indian Affairs, and is open to no objection whatever on the ground that the Senator mentions.

Mr. SHERMAN. The Senator ought to be prepared then to tell us, either by a written or verbal statement, the number of acres.

Mr. INGALLS. There is a report accompanying the bill which may be read, but there certainly can be no objection to the consideration of the bill.

Mr. SHERMAN. I ask for the reading of the report.

Mr. SCOTT. It is entirely manifest that the only fair and just mode of proceeding this morning is to take up the Calendar under the Anthony rule and proceed with unobjected cases; otherwise there is nothing but a scramble for the floor; and therefore I move to postpone this bill and proceed with the Calendar under the Anthony rule.

Mr. MORRILL, of Vermont. I hope the Senator from Pennsylvania will allow me to call up Senate bill No. 937, a bill of a public nature, in relation to the market company here, and pass it. It will take no longer than it will to read the bill.

Mr. SCOTT. I have no control over it. There are House bills that I should like to have passed of a public nature also, but I desire to get something done.

Mr. INGALLS. There is a question pending, I believe.

Mr. BUCKINGHAM. I beg leave to say a word on the question before the Senate. If I remember the facts connected with this bill, they are simply these: By law provision was made for the sale of these lands some two or three years ago. Under that provision of law a few lands have been sold, and those that have been have not been paid for; and this is a mere extension of time for the payment of those lands. Am I not substantially right?

Mr. INGALLS. That is correct.

Mr. BUCKINGHAM. I hope no one will object to it.

Mr. SHERMAN. If the report is here let it be read.

The PRESIDENT *pro tempore.* The question is on the motion of the Senator from Pennsylvania to postpone the bill and take up the Calendar of unobjected cases.

The motion was agreed to.

The PRESIDENT *pro tempore.* The first bill on the Calendar will be read.

Mr. BOUTWELL. Now I move that we take up only House bills in the first place.

The PRESIDENT *pro tempore.* Is there objection to that suggestion?

Mr. STEWART. I object. Let us go on with the Calendar regularly.

The PRESIDENT *pro tempore.* The question is on the motion of the Senator from Massachusetts.

The motion was agreed to.

JOAB BAGLEY.

The PRESIDENT *pro tempore.* The first House bill on the Calendar at the point where the Calendar was last left off will be reported.

The bill (H. R. No. 294) for the relief of Joab Bagley was considered as in Committee of the Whole.

The preamble recites that it is alleged that on the 30th of September, 1858, under and by virtue of an act of Congress approved March 3, 1855, land warrant No. 95,116, for one hundred and twenty acres of land, was issued to one James McAdory, and by him afterward duly sold and assigned to Joab Bagley, a citizen of Jefferson County, Alabama, who, on the 21st of September, 1862, located the land warrant in the purchase of the southwest quarter of the southwest quarter and the south half of the northeast quarter of section

6, township 18, range 2 west, in the Tuscaloosa land district, Alabama; which location is alleged to have been made in good faith, but under a law (or pretended law) of the State of Alabama, authorizing the location of land warrants in that State; that it is alleged that the land-warrant has been lost or destroyed, and that the same has not been returned to or filed in the office of the Commissioner of the General Land Office, but that notice of the loss thereof has been given to the Commissioner. The bill therefore provides that upon the payment, by Bagley, of the minimum price to the proper officer of the Government of the United States for the land named, estimating the warrant at its value, $1.25 per acre, the balance to be paid in cash, the title be confirmed in Bagley, his heirs and assigns.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

CIVIL-SERVICE EXAMINATIONS.

The next business on the Calendar was the joint resolution (H. R. No. 51) in relation to civil-service examinations.

Mr. HITCHCOCK. I object.

The PRESIDENT *pro tempore*. The resolution will be laid aside.

LANDS IN SCOTT COUNTY, MISSOURI.

The next House bill on the Calendar was the bill (H. R. No. 2187) authorizing and requiring the issuance of a patent for certain lands to the county of Scott, in the State of Missouri; which was considered as in Committee of the Whole.

The preamble recites that by the act of Congress entitled "An act to quiet the title to certain lands in the State of Missouri," approved December 27, 1872, certain lands therein mentioned were granted to the county of Scott, in the State of Missouri, which were not specifically described, and that no provision for the issuance of a patent was made in the act. The bill, therefore, makes it the duty of the Commissioner of the General Land Office to cause a patent to be issued to the county of Scott, in the State of Missouri, for all the lands included in that portion of township No. 27 north, of range 12 east of the fifth principal meridian, lying east of Settle River, as the same appears on the plat of survey on file in the General Land Office.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

JAMES L. COLLINS'S SURETIES.

Mr. CONOVER. I have been trying for the past month with all the patience and modesty I possessed to get the attention of the Senate to two or three little unimportant bills that can be passed without objection, and I hope the Senate will allow me the privilege of calling them up now.

Mr. BOUTWELL. I wish to do the same thing myself.

Mr. CONOVER. The Senate knows that I have occupied its attention but very little, and I hope it will lay aside the regular order and allow me to call up two or three bills that are unobjected to.

The PRESIDENT *pro tempore*. Is there objection?

Mr. INGALLS. I object.

The PRESIDENT *pro tempore*. The next bill will be reported.

The next House bill on the Calendar was bill (H. R. No. 1939) for the relief of the sureties of James L. Collins, deceased; which was considered as in Committee of the Whole.

The first section releases Hamilton G. Fant, William Craig, John S. Watts, Vincent St. Vrain, and William W. Mills, sureties of James L. Collins, deceased, upon his official bond as late receiver of public moneys and as designated depositary at Santa Fé, New Mexico, their heirs and legal representatives, from all liability on the bond, and from the judgment recovered thereon in favor of the United States.

The second section authorizes the Secretary of the Treasury, on final adjustment and settlement of the accounts of James L. Collins, deceased, late receiver and United States designated depositary of public moneys at Santa Fé, New Mexico, to pass to his credit the amount of money stolen from the United States depository at Santa Fé, New Mexico, after the murder of Collins, on the night of June 5, 1869, and for which a judgment was recovered in the district court of New Mexico in favor of the United States against Collins's sureties, or part of them, for $32,561.03, and $6,032.32 interest; and to pay to his legal representatives such sum, not exceeding $1,168.18, as may be shown to have been due and owing Collins at the time of his murder.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

OSAGE INDIAN LANDS.

The next House bill on the Calendar was the bill (H. R. No. 3088) to extend the time for completing entries of Osage Indian lands in Kansas; which was considered as in Committee of the Whole. By its terms all actual settlers upon the Osage Indian trust and diminished reserve lands in the State of Kansas will be allowed one year from the passage of the act in which to make proof and payment; but all purchasers who avail themselves of this provision are to pay interest on the purchase-price of their lands at the rate of 5 per cent. from the date when payment was required by previous laws to the date of actual payment.

The Committee on Indian Affairs reported an amendment to add to the bill the following proviso:

And provided further, That no further extension of payment shall be granted than that provided for in this act, and that all occupants now upon said Osage lands shall file their application to purchase the lands occupied by them within three months after the passage of this act, or forfeit all right or claim to the same.

The amendment was agreed to.

The bill was reported to the Senate as amended; and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had agreed to the amendments of the Senate to the bill (H. R. No. 3581) to protect persons of foreign birth against forcible constraint or involuntary servitude.

The message also announced that the House had passed the bill (S. No. 854) extending the right of way heretofore granted to the Allegheny Valley Railroad Company through the arsenal grounds at Pittsburgh, Pennsylvania.

FEMALE ORPHAN ASYLUM.

The next House bill on the Calendar was the bill (H. R. No. 3411) to amend an act entitled "An act to incorporate the trustees of the Female Orphan Asylum in Georgetown, and the Washington City Orphan Asylum, in the District of Columbia," approved May 24, 1828; which was considered as in Committee of the Whole. It proposes to amend section 3 of an act entitled "An act to incorporate the trustees of the Female Orphan Asylum in Georgetown, and the Washington City Orphan Asylum, in the District of Columbia," approved May 24, 1828, so as to authorize these corporations, or either of them, to increase the annual income of property acquired or to be acquired by either to a sum not exceeding $25,000 per annum.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

COLUMBIA RAILWAY COMPANY.

The next bill on the Calendar was the bill (H. R. No. 3154) amendatory of the act to incorporate the Columbia Railway Company of the District of Columbia, approved May 24, 1871.

Mr. ANTHONY. Is there not an error in that bill? I notice the date of a law is given as at a time when I think Congress was not in session—May 24, 1871.

Mr. STEWART. I should like to have some explanation of the bill. What is meant by "noiseless propelling power?"

Mr. HITCHCOCK. I object to its consideration.

The PRESIDENT *pro tempore*. The bill will be laid aside.

JOSEPH J. PETRI.

The next House bill on the Calendar was the bill (H. R. No. 1579) for the relief of Joseph J. Petri.

Mr. SCOTT. That will lead to discussion. I object to it.

The PRESIDENT *pro tempore*. The bill will be laid aside.

CORNELIUS S. UNDERWOOD.

The next House bill on the Calendar was the bill (H. R. No. 1193) for the relief of the estate of Cornelius S. Underwood, deceased, late major and additional paymaster United States Army.

Mr. HITCHCOCK. I object to that.

The PRESIDENT *pro tempore*. The bill will be laid aside.

WILLIAM GREEN.

The next House bill on the Calendar was the bill (H. R. No. 3176) for the relief of William Green.

Mr. ROBERTSON. I object to the consideration of that bill.

The PRESIDENT *pro tempore*. The bill will be laid aside.

JAMES LILLIE.

The next House bill on the Calendar was the bill (H. R. No. 2088) for the relief of James Lillie, postmaster at Lisbonville, Ray County, Missouri; which was considered as in Committee of the Whole. It directs the Auditor of the Treasury for the Post-Office Department to credit, in the account of James Lillie, as postmaster at Lisbonville, Ray County, Missouri, the sum of $22.26, being the value of stamps and stamped envelopes destroyed by fire in that post-office on the 19th of January, 1873, without negligence on the part of the postmaster.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PROTECTION OF LINES OF TELEGRAPH.

The next House bill on the Calendar was the bill (H. R. No. 3432) to protect lines of telegraph constructed or used by the United States from malicious injury and obstruction; which was considered as in Committee of the Whole. It declares that any person or persons who shall willfully or maliciously injure or destroy any of the works or property or material of any telegraphic line constructed and owned, or in process of construction, by the United States, or that may be hereafter constructed and owned or occupied and controlled by the United States, or who shall willfully or maliciously interfere in any way with the working or use of any such telegraphic line, or who shall willfully or maliciously obstruct, hinder, or delay the transmission of any communication over any such telegraphic line, shall be deemed guilty of a misdemeanor, and, on conviction thereof in any district court of the United States having jurisdiction, shall be punished by a fine of not less than $100 nor more than $1,000, or with imprisonment for a term not exceeding three years, or with both, in the discretion of the court.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN HENDERSON.

The next House bill on the Calendar was the bill (H. R. No. 1955) for the relief of John Henderson, of New Orleans.

Mr. HITCHCOCK. I object to that; it was reported adversely.

The PRESIDENT *pro tempore*. The bill will be laid aside.

GEORGE A. SCHREINER.

The next House bill on the Calendar was the bill (H. R. No. 2997) for the relief of George A. Schreiner.

Mr. SPRAGUE. That is reported adversely also. Let it go over.

Mr. MORRILL, of Vermont. That bill might as well be indefinitely postponed.

Mr. WRIGHT. It had better remain on the Calendar. The Senator from Kansas [Mr. HARVEY] has it in charge.

BURKE & KUNKEL.

The next House bill on the Calendar was the bill (H. R. No. 2349) for the relief of Burke & Kunkel; which was considered as in Committee of the Whole. It authorizes and directs the Secretary of the Treasury to pay to Burke & Kunkel $3,849, being amount of pig-iron taken by the agent of the Treasury Department by mistake as confederate property, July 18, 1865, and being the net proceeds covered into the Treasury of the United States to the credit of the captured and abandoned property fund.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LOUISA ELDIS.

The next House bill on the Calendar was the bill (H. R. No. 2891) for the relief of Mrs. Louisa Eldis, of Sandusky, Ohio; which was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to Mrs. Louisia Eldis, of Sandusky, Ohio, $691.83, in full compensation for losses sustained by the occupancy of her stone building in Sandusky, Ohio, by the One hundred and third Regiment of New York Volunteers during the months of January, February, March, and April, 1864.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

E. CAROLINE WEBSTER.

The next House bill on the Calendar was the bill (H. R. No. 1305) granting a pension to E. Caroline Webster, widow of Lucius H. Webster; which was considered as in Committee of the Whole. It directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of E. Caroline Webster, widow of Lucius H. Webster, late a private in Company H, Seventh Regiment Michigan Cavalry Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES COATS.

The next House bill on the Calendar was the bill (H. R. No. 104) for the relief of James Coats, of Jackson, Mississippi; which was considered as in Committee of the Whole. It authorizes the Secretary of the Treasury to pay to James Coats, of Jackson, Mississippi, $936.70, in full for labor and repairs and materials and furniture furnished to the United States court-house at Jackson, Mississippi.

The bill was reported from the Committee on Claims with an amendment in line 6 to strike out "$936.70" and insert "$300."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

It was ordered that the amendment be engrossed and the bill read a third time.

The bill was read the third time, and passed.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. MORRILL, of Maine, submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 3600) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1875, and for other purposes, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the Senate recede from their amendments numbered 7, 14, 15, 20, 32, 39, 44, 46, 49, 50, 51, 52, 54, 59, 70, 80, 84, 86, 89, 96, 101, 102, 103, 104, 106, 114, and 121.

That the House recede from their disagreement to the amendments of the Senate numbered 3, 26, 27, 34, 38, 40, 43, 47, 48, 53, 55, 60, 64, 66, 73, 78, 83, 85, 88, 90, 91, 92, 93, 98, 100, 105, 107, 108, 109, 110, 112, 115, 117, and 118; and agree to the same.

That the House recede from their disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: Strike out after the word "clerks" in line 3 of said amendment all down to the end of line 4, and strike out "sixteen thousand one" and insert in lieu thereof "thirteen thousand seven;" and the Senate agree to the same.

That the House recede from their amendments to the amendments of the Senate numbered 9, 10, and 81, and agree to the same.

That the Senate recede from their disagreement to the amendments of the House to the amendment numbered 13, and agree to the same with an amendment as follows: After the word "necessary" in line 4 of said House amendment add the following: "for the folding-room of the House;" and the House agree to the same.

That the House recede from their disagreement to the amendment numbered 16, and agree to the same with an amendment as follows: Add at the end of said amendment the words:

"*Provided*, That the same shall be erected under a contract, the amount to be paid under which shall not exceed $40,000."

And the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 17, and agree to the same with an amendment striking out the word "fifteen" and inserting in lieu thereof the word "ten;" and the Senate agree to the same.

That the Senate recede from their disagreement to the amendment of the House to the amendment numbered 22, and agree to the same with an amendment as follows: After the word "five" in line 9 of said amendment add the words "and for temporary clerks in the Treasury Department, $40,000;" and strike out the word "this," at the end of the line, and insert the word "these," and add to the word "amount," at the beginning of line 10, the letter "s," and at the end of said amendment add the following: "and so much as may be necessary to enable the Secretary of the Treasury to carry into effect the joint resolution for the relief of certain clerks and employés of the United States, approved June 22, 1874, is hereby appropriated;" and the House agree to the same.

That the Senate recede from their disagreement to the amendment of the House to the amendments numbered 28 and 76, and agree to the same.

That the House recede from their disagreement to the amendment numbered 35, and agree to the same with an amendment as follows: Strike out the word "eighty" and insert in lieu thereof the word "sixty;" and the Senate agree to the same.

That the Senate recede from their disagreement to the amendment of the House to the amendment numbered 45, and agree to the same.

That the House recede from their disagreement to the amendment numbered 62, and agree to the same with an amendment substituting the word "Neversink" for the word proposed to be inserted; and the Senate agree to the same.

That the Senate recede from their amendment numbered 63, with an amendment substituting for the word "Navesink" in line 8, page 27 of the bill, the word "Neversink;" and the House agree to the same.

That the House recede from their amendment to the amendment numbered 77, and agree to the same.

That the House recede from their amendment to the amendment numbered 79, and agree to the same.

That the House recede from their disagreement to the amendment numbered 87, and agree to the same with an amendment as follows: Strike out all of said amendment after the word "available" in line 5 of said amendment; and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 94, and agree to the same with an amendment as follows: Strike out the words "one hundred" and insert in lieu thereof the word "fifty;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 95, and agree to the same with an amendment as follows: Strike out of said amendment all after the word "for" in line 21 down to and including the word "enlarge" in line 3, and substitute the word "of" in lieu of "for" in same line, and strike out the words "and perfect the central building" in line 4, and strike off the letter "s" from the word "accommodations" in line 3; and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 99, and agree to the same with an amendment as follows:

Insert in lieu of the proposed words the following as a substitute:

Provided, That the said building may be built of stone, and its cost, exclusive of the cost of site, shall not exceed $200,000.

And the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 111, and agree to the same with an amendment as follows: Add at the end of the amendment the words "which shall be the entire cost of said building;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 97, and agree to the same with an amendment as follows: Strike out in line 6 of the amendment the word "the" and insert in lieu thereof the word "such," and strike out lines 7, 8, 9, and 10 of the amendment and insert in lieu thereof the following: "As the Secretary of the Navy may deem necessary for the public service."

That the House recede from their disagreement to the amendment numbered 113, and to agree the same with an amendment as follows: After the word "restrictions," in line 6 of said amendment, insert the words "as to materials;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 116, and agree to the same with an amendment as follows: Strike out the word "five," in line 3 of said amendment; and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 119, and the Senate recede from that portion of their amendment which proposes to insert new matter; and the House and Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 120, and agree to the same with an amendment as follows: Strike out the word "five," in line 10 of said amendment, and insert in lieu thereof the word "four;" and the Senate agree to the same.

LOT M. MORRILL,
A. A. SARGENT,
J. W. STEVENSON,
Managers on the part of the Senate.
JAMES A. GARFIELD,
EUGENE HALE,
WILLIAM E. NIBLACK,
Managers on the part of the House.

The report was concurred in.

E. L. WINDER.

The bill (H. R. No. 3254) to relieve the persons therein named of their legal and political disabilities was considered as in Committee of the Whole. It provides that all the legal and political disabilities imposed by the fourteenth amendment of the Constitution of the United States on E. L. Winder and A. W. Stark, citizens of Norfolk, Virginia, late lieutenants in the United States Navy, are removed.

The bill was reported from the Committee on the Judiciary with an amendment in line 4 to strike out the words "legal and;" in line 6 to strike out the words "and A. W. Stark, citizens;" and in line 7 to strike out "lieutenants" and insert "lieutenant;" so as to read:

That all the political disabilities imposed by the fourteenth amendment of the Constitution of the United States on E. L. Winder, of Norfolk, Virginia, late lieutenant in the United States Navy, be, and the same are hereby, removed.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in. It was ordered that the amendment be engrossed and the bill be read a third time.

The bill was read the third time, and passed, two-thirds of the Senate voting in favor thereof.

The title was amended so as to read, "A bill to relieve E. L. Winder of his political disabilities."

Mr. SPRAGUE. I move that the morning hour be extended half an hour.

Several SENATORS. Extend it an hour.
Mr. SPRAGUE. I do not object to that.
Several SENATORS. I object.
Mr. DAVIS. Is the motion in order?
The PRESIDENT *pro tempore*. The Chair thinks the motion is in order.
Mr. RAMSEY. On the same matter the Chair once ruled that a single objection would carry it over.
The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Rhode Island to extend the morning hour one hour.
The motion was agreed to.

RICHARD T. ALLISON.

The next House bill on the Calendar was the bill (H. R. No. 3253) to remove the political disabilities of Richard T. Allison, of Maryland; which was considered as in Committee of the Whole.
The bill was reported from the Committee on the Judiciary with an amendment to strike out the words "all legal" and insert "the," so as to read:

That the political disabilities imposed, &c.

The amendment was agreed to.
The bill was reported to the Senate as amended, and the amendment was concurred in.
It was ordered that the amendment be engrossed and the bill be read a third time.
The bill was read the third time, and passed, two-thirds of the Senate voting in favor thereof.

SARDINE G. STONE.

The next House bill on the Calendar was the bill (H. R. No. 3172) to relieve Sardine G. Stone, of Alabama, of political disabilities; which was considered as in Committee of the Whole.
The bill was reported from the Committee on the Judiciary with an amendment in line 3, to strike out the word "all," and in line 4 to strike out "and legal" and insert "the," so as to read:

That the political disabilities, &c.

The amendment was agreed to.
The bill was reported to the Senate as amended, and the amendment concurred in.
It was ordered that the amendment be engrossed, and the bill read a third time.
The bill was read the third time, and passed, two-thirds of the Senate voting in favor thereof.

J. W. BENNETT.

The next House bill on the Calendar was the bill (H. R. No. 3091) to release J. W. Bennett from political disabilities; which was considered as in Committee of the Whole.
The bill was reported from the Committee on the Judiciary with an amendment to insert after the word "all," in line 3, the word "political," so as to read:

That all political disabilities imposed, &c.

The amendment was agreed to.
The bill was reported to the Senate as amended, and the amendment was concurred in.
It was ordered that the amendment be engrossed and the bill read a third time.
The bill was read the third time, and passed, two-thirds of the Senate voting in favor thereof.

L. L. LOMAX.

The next House bill on the Calendar was the bill (H. R. No. 3408) to relieve the political disabilities of L. L. Lomax, of Virginia; which was considered as in Committee of the Whole.
The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed, two-thirds of the Senate voting in favor thereof.

GEORGE E. PICKETT.

The next House bill on the Calendar was the bill (H. R. No. 3086) to remove the political disabilities of George E. Pickett, of Virginia; which was considered as in Committee of the Whole.
The bill removes all political disabilities imposed upon George E. Pickett, of Richmond, Virginia, by the act of July 2, 1862, and the fourteenth amendment to the Constitution of the United States.
Mr. FRELINGHUYSEN. I move to strike out the words "the act of July 2, 1862, and."
The amendment was agreed to.
The bill was reported to the Senate as amended, and the amendment was concurred in.
It was ordered that the amendment be engrossed and the bill read a third time.
The bill was read the third time, and passed, two-thirds of the Senate voting in favor thereof.

A. S. TAYLOR.

The next House bill on the Calendar was the bill (H. R. No. 3027) to remove the disabilities of Van Ranselear Morgan, Thomas M. Jones, and Charles M. Fauntleroy, of Virginia, and A. S. Taylor, of Maryland; which was considered as in Committee of the Whole.
The bill was reported from the Committee on the Judiciary with amendments in line 3 after "that," to strike out the word "all;" in line 4 strike out the words "legal and;" in lines 5, 6, and 7, strike out the words "Van Ranselear Morgan, Thomas M. Jones, and Charles M. Fauntleroy, citizens of the State of Virginia and on;" so as to read:

That the political disabilities imposed by the fourteenth amendment to the Constitution of the United States on A. S. Taylor, a citizen of the State of Maryland, be, and the same are hereby, removed.

The amendment was agreed to.
The bill was reported to the Senate as amended, and the amendment was concurred in.
It was ordered that the amendment be engrossed and the bill read a third time.
The bill was read the third time, and passed, two-thirds of the Senate voting in favor thereof.
The title was amended so as to read: "A bill to remove the political disabilities of A. S. Taylor, of Maryland."

JOSEPH WHEELER.

The next House bill on the Calendar was the bill (H. R. No. 3406) to relieve Joseph Wheeler, of Lawrence County, in the State of Alabama, from all legal and political disabilities imposed by the fourteenth amendment to the Constitution; which was considered as in Committee of the Whole.
The bill was reported from the Committee on the Judiciary with an amendment in line 4, to strike out the words "legal and."
The amendment was agreed to.
The bill was reported to the Senate as amended, and the amendment was concurred in.
It was ordered that the amendment be engrossed and the bill read a third time.
The bill was read the third time, and passed, two-thirds of the Senate voting in favor thereof.
The title was amended so as to read: "A bill to relieve Joseph Wheeler, of Lawrence County, in the State of Alabama, from all political disabilities imposed by the fourteenth amendment to the Constitution."

GEORGE N. HOLLINS.

The next House bill on the Calendar was the bill (H. R. No. 3252) to remove the political disabilities of George N. Hollins, of Maryland; which was considered as in Committee of the Whole.
The bill was reported from the Committee on the Judiciary with an amendment, in lines 3 and 4 to strike out the words "all legal and" and insert "the;" so as to read:

That the political disabilities imposed, &c.

The amendment was agreed to.
The bill was reported to the Senate as amended, and the amendment was concurred in.
It was ordered that the amendment be engrossed, and the bill read a third time.
The bill was read the third time, and passed, two-thirds of the Senate voting in favor thereof.

STAMPING OF DOCUMENTS.

The next House bill on the Calendar was the bill (H. R. No. 3413) to provide for the stamping of unstamped instruments, documents, or papers; which was considered as in Committee of the Whole. It provides that all instruments, documents, and papers heretofore made, signed, or issued, and subject to a stamp duty or tax under any law heretofore existing, and remaining unstamped, may be stamped by any person having an interest therein, or, where the original is lost, a copy thereof, at any time prior to the 1st of January, 1878. Such instruments, documents, and papers, and any record thereof, shall be as valid, to all intents and purposes, as if stamped when made, signed, or issued; but no right acquired in good faith before the stamping of such instrument, document, or paper, or copy thereof, shall in any manner be affected by such stamping.
The bill was reported from the Committee on Finance with amendments.
The first amendment of the committee was in line 9 to strike out "1878" and insert "1876," so as to read "at any time prior to the 1st of January, 1876."
The amendment was agreed to.
The next amendment was in lines 12 and 13, after the word "faith," to strike out the words "before the stamping of such instrument, document, or paper, or copy thereof;" so as to read:

But no right acquired in good faith shall in any manner be affected by such stamping as aforesaid."

The amendment was agreed to.
The next amendment was to insert at the end of section 1 the following proviso:

Provided, That to render such stamping valid, the person desiring to stamp the the same shall appear with the instrument, document, or paper, or copy thereof, before some judge or clerk of a court of record, and before him affix the proper stamp; and the said judge or clerk shall indorse on such writing or copy a certificate, under his hand when made by said judge, and under his hand and seal when made by said clerk, setting forth the date at which, and the place where, the stamp was so affixed, the name of the person presenting said writing or copy, the fact that it was thus affixed, and that the stamp was duly canceled in his presence.

The amendment was agreed to.
The bill was reported to the Senate as amended, and the amendments were concurred in.

It was ordered that the amendments be engrossed and the bill read a third time.

The bill was read the third time, and passed.

ORDER OF BUSINESS.

Mr. FRELINGHUYSEN. I call for the regular order.

Mr. DAVIS. The morning hour has been extended by a vote of the Senate.

The PRESIDENT *pro tempore*. The morning hour has been extended one hour by a vote of the Senate.

Mr. FRELINGHUYSEN. I rise to a point of order, that that cannot be done; that it requires one day's notice to change a rule of the Senate.

The PRESIDENT *pro tempore*. That objection would have been considered if made when the motion was made to extend the morning hour, but it was not.

Mr. FRELINGHUYSEN. I did object when the motion was made.

The PRESIDENT *pro tempore*. The Chair did not hear the objection.

Mr. FRELINGHUYSEN. The Chair I think stated that one objection was made and then put the vote.

The PRESIDENT *pro tempore*. The Chair understood a single objection was made and then put the vote; but the Chair did not understand the Senator to raise any point of order.

Mr. FRELINGHUYSEN. The point of order could not properly be made until I had an opportunity to call up the bill.

The PRESIDENT *pro tempore*. If the motion was out of order the Senator should have raised the point of order when the motion was made. The Senator not having done so then, it is too late to raise the point of order now. The next House bill on the Calendar will be reported.

JOHN FORSYTH.

Mr. GORDON. There is a House bill removing the disabilities of John Forsyth, of Alabama, which I desire taken up. I wish to state to the Senate that by mistake of the Judiciary Committee the Senate bill was reported instead of the House bill. They were both before the committee and the committee's intention was to report the House bill, but instead of that they reported the Senate bill, and I simply ask to substitute the one for the other.

The PRESIDENT *pro tempore*. When the bill has been reached on the Calendar the Senator can make that motion.

Mr. GORDON. It has been reached and passed this morning. It is House bill No. 2702.

The PRESIDENT *pro tempore*. The Senator from Georgia asks unanimous consent to substitute the House bill which is in the same language as the Senate bill which was passed this morning. Is there objection? The Chair hears none.

The bill (H. R. No. 2702) to relieve John Forsyth, of Alabama, of political disabilities was read.

Mr. SPENCER. I object to the consideration of that bill.

Mr. GORDON. It is a mere matter of form, and the committee unanimously recommend it.

The PRESIDENT *pro tempore*. Is there objection to substituting this bill in place of the one passed this morning?

Mr. SPENCER. I object.

Mr. GORDON. Then I appeal to the Senate to move that this bill be substituted for the other. The whole committee have recommended it unanimously.

Mr. CLAYTON. There has been no such bill passed.

Mr. GORDON. It is a mere matter of form.

The PRESIDENT *pro tempore*. The Senator from Georgia is mistaken as to matter of fact. The Senate bill did not pass the Senate.

Mr. GORDON. The Chair misunderstood me. The committee intended to report the House bill. They were both before the committee, and they by mistake reported the Senate bill.

The PRESIDENT *pro tempore*. Is there objection to the passage of this bill?

Mr. SPENCER. We are proceeding under the Anthony rule, as I understand, and a single objection will carry the bill over. I object to its consideration.

The PRESIDENT *pro tempore*. The bill will be laid aside.

JOHN J. HAYDEN.

The next House bill on the Calendar was the bill (H. R. No. 2798) for the relief of John J. Hayden, which was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to John J. Hayden $150 in full compensation for services rendered by him for the United States in the year 1864, in the office of John H. Farquher, captain in the Nineteenth Regiment United States Infantry, and mustering and disbursing officer at Indianapolis, Indiana, in relation to the draft accounts of that State.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

OLIVER P. MASON.

The next House bill on the Calendar was the bill (H. R. No. 763) for the relief of Oliver P. Mason, which was considered as in Committee of the Whole. It appropriates $787.50 for the payment of Oliver P. Mason for services rendered as assistant provost-marshal in the Department of Kansas.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HOLMES WIKOFF.

The next House bill on the Calendar was the bill (H. R. No. 3006) authorizing the President to nominate Holmes Wikoff an assistant surgeon in the Navy.

Mr. EDMUNDS. What committee reported that?

The PRESIDENT *pro tempore*. The Committee on Naval Affairs.

Mr. EDMUNDS. Is there a report?

Mr. CLAYTON. I object to the consideration of the bill.

Mr. CONOVER. I hope that bill will not be laid aside. There is no objection to it. It was reported unanimously by the Naval Committee. It does not require any report. It simply authorizes the President to nominate Mr. Wikoff an assistant surgeon in the Navy.

The PRESIDENT *pro tempore*. Is the objection withdrawn? The objection is not withdrawn. The next bill on the Calendar will be reported.

WILLIAM I. BLACKISTON.

The next House bill on the Calendar was the bill (H. R. No. 554) for the relief of William I. Blackiston, of Saint Mary's County, Maryland, which was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to William I. Blackiston $972, in full for services as a board of trade, in Saint Mary's County, Maryland, from December 15, 1862, to September 15, 1863.

Mr. EDMUNDS. "For services as a board of trade?" I think that ought to have some explanation.

Mr. SCOTT. I will explain that, and I hope there will be no objection to this bill. That man is the shadow of a former vigorous man. His property was devoted to the Union cause in Maryland, and he was appointed an agent for the purpose of preventing contraband trade under the regulations of the Treasury Department. Fees were authorized to be given to him for the services he rendered, but they amounted only in the course of this time to about twenty-five or thirty dollars. In an application made to the Treasury Department for pay this amount was recommended to be paid, and it is but a small part of the compensation for the money actually expended in attempting to do the duties of the office. I think he ought to have it without any endeavor to make any special appeal for it.

Mr. EDMUNDS. The Senator does not need to make any special appeal but just state the facts. We do not go by appeals, but go by facts, as I understand.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

COMMERCE BY RAILROAD AMONG THE STATES.

The next House bill on the Calendar was the bill (H. R. No. 1385) to regulate commerce by railroad among the several States.

Mr. CLAYTON. I object.

The PRESIDENT *pro tempore*. The bill will be laid aside.

IMPORTATION OF ANIMALS.

The next House bill on the Calendar was the bill (H. R. No. 3500) to authorize the importation of certain animals for the Zoological Society of Philadelphia, Pennsylvania, free of duty.

Mr. HITCHCOCK. I object.

Mr. SCOTT. Let me state to the Senator that objection was made when this bill was formerly reached, and I was authorized by the Committee on Finance to report a general bill covering such cases, which I move as a substitute for that bill.

Mr. EDMUNDS. Let us hear it read, subject to objection.

Mr. SCOTT. I am authorized to report a substitute, to remove the objection of its being a special bill.

The CHIEF CLERK. It is proposed to amend the bill so that it will read:

That all wild animals, birds, and reptiles which shall be imported into the United States by any association duly authorized under the laws of the United States, or any State, for the promotion and encouragement of natural science, in good faith, for exhibition upon its own ground only, and not for sale, shall be admitted without the payment of duty, or of customs' fees or charges, under such regulations as the Secretary of the Treasury shall prescribe: *Provided*, That in case any animal, bird, or reptile imported under the provisions of this act shall, within three years from the date of its importation, be sold, it shall be subject to the duties, if any, imposed on such object by the revenue laws in force at the date of importation.

Mr. ROBERTSON and others. I object.

The PRESIDENT *pro tempore*. The bill will be laid aside.

STEAMER CLARA DOLSEN.

The next House bill on the Calendar was the bill (H. R. No. 2101) for the relief of the owners of the steamer Clara Dolsen; which was read.

Mr. EDMUNDS. Is there a report in that case?

Mr. SARGENT. Yes, sir; there is a report from the Naval Committee.

Mr. EDMUNDS. Was the Clara Dolsen used by the Navy Department?

Mr. SARGENT. During the war she belonged to loyal citizens and was seized by the confederate forces and recaptured.

Mr. EDMUNDS. I think that bill had better go over.

The PRESIDENT *pro tempore*. The bill will be laid aside.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the following bills:

A bill (S. No. 169) for the relief of Marcus Otterbourg, late consul

of the United States at the city of Mexico and minister to the republic of Mexico; and

The bill (S. No. 806) to extend the time allowed for the redemption of certain lands by the first section of the act entitled "An act to provide for the redemption and sale of lands held by the United States under the several acts levying direct taxes, and for other purposes," approved June 8, 1872, and to suspend the operation of the fourth section of said act.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. No. 3415) to provide for the care and custody of persons convicted in the courts of the United States who have or may become insane while imprisoned; and it was thereupon signed by the President *pro tempore*.

HOMESTEADS TO ACTUAL SETTLERS.

The next House bill on the Calendar was the bill (H. R. No. 1760) to secure homesteads to actual settlers on the public domain.

Mr. HITCHCOCK. I object to that.

Mr. SPRAGUE. I move that the Senate proceed to the consideration of that bill.

Mr. HITCHCOCK. That is out of order. Let it go for the present; you cannot get it through.

The PRESIDENT *pro tempore*. The Senator from Rhode Island moves to postpone the Calendar to proceed to the consideration of this bill.

Mr. EDMUNDS. Is that in order? Was there not unanimous consent that the Calendar of unobjected cases should be proceeded with during the morning hour?

The PRESIDENT *pro tempore*. The Calendar was taken up by a vote of the Senate, and the morning hour was extended one hour by vote of the Senate. The Chair understands that the Senate can now postpone the Calendar and proceed to consider this bill.

Mr. SPRAGUE. This bill has been read through. There are but two amendments upon it. It will not give rise to any debate.

Mr. HITCHCOCK. There are three amendments on this bill that are each of them objectionable to every representative of the western country. I think the bill will certainly give rise to considerable discussion before it can pass.

Mr. INGALLS. It is a very long bill, and it ought to be discussed at least a week. It makes some very important changes.

The PRESIDENT *pro tempore*. Does the Senator from Rhode Island insist on his motion?

Mr. SPRAGUE. This measure is in the interest of western Senators, and certainly if they object I will not press the motion. It is no interest of mine.

The PRESIDENT *pro tempore*. The Senator from Rhode Island withdraws his motion.

SUITS AGAINST INDIANS.

The next House bill on the Calendar was the bill (H. R. No. 618) to amend the act entitled "An act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1871, and for other purposes," approved July 15, 1870.

Mr. HITCHCOCK. I object.

Mr. BUCKINGHAM. I hope there will be no objection to that bill. Let it be read for information.

Mr. CLAYTON. There is objection made.

The PRESIDENT *pro tempore*. It will be laid aside on objection.

COURTS IN THE DISTRICT OF COLUMBIA.

The next House bill on the Calendar was the bill (H. R. No. 3098) to amend the act entitled "An act to reorganize the courts in the District of Columbia, and for other purposes," approved March 3, 1863; which was considered as in Committee of the Whole. It provides that the justice of the supreme court of the District of Columbia holding a criminal term may, when not engaged in the proper business of the criminal term, hold sittings of the circuit court, and employ the petit juries drawn for the criminal term in the trial of such cases depending in the circuit court as the justice presiding therein may assign to him for that purpose; and the business done at such sittings shall be recorded in the minutes of the circuit court.

Mr. EDMUNDS. That ought to pass.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

QUORUM OF COURT OF CLAIMS.

Mr. FRELINGHUYSEN. The next House bill on the Calendar is reported adversely from the Committee on the Judiciary by mistake. It is necessary the bill should pass. It is for the regulation of a quorum in the Court of Claims.

The bill (H. R. No. 2770) to amend the act entitled "An act to amend an act entitled 'An act to establish a court for the investigation of claims against the United States,'" approved August 6, 1856, was considered as in Committee of the Whole.

The bill requires three judges of the Court of Claims to constitute a quorum, and makes the concurrence of three judges necessary to the decision of any case.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ADMISSION OF NEW MEXICO.

The next House bill on the Calendar was the bill (H. R. No. 2418) to enable the people of New Mexico to form a constitution and State government, and for the admission of the said State into the Union on an equal footing with the original States.

Mr. INGALLS. I object. Let it go over.

The PRESIDENT *pro tempore*. The bill will be laid aside.

INLAND AND SEA-BOARD COASTING COMPANY.

The next House bill was the bill (H. R. No. 2179) to incorporate the Inland and Sea-board Coasting Company of the District of Columbia.

Mr. CLAYTON. I object to that.

Mr. SPENCER. I hope the Senator will withdraw his objection.

Mr. CLAYTON. Very well; I will withdraw it.

Mr. ROBERTSON. I object to it.

SLAUGHTER OF BUFFALOES.

Mr. SPRAGUE. I move that the Senate proceed to the consideration of House bill No. 921 to prevent the useless slaughter of buffaloes within the Territories of the United States.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Rhode Island.

Mr. BOREMAN. Is that the regular order?

The PRESIDENT *pro tempore*. It is the next House bill on the Calendar. The bill will be read for information.

The bill was read, as follows:

Be it enacted, &c., That it shall hereafter be unlawful for any person who is not an Indian to kill, wound, or in any manner destroy any female buffalo of any age, found at large within the boundaries of any of the Territories of the United States.

SEC. 2. That it shall be in like manner unlawful for any such person to kill, wound, or destroy in said Territories any greater number of male buffaloes than needed for food by such person, or than can be used, cured, or preserved for the food of other persons or for the market. It shall be in like manner unlawful for any such person or persons to assist or be in any manner engaged or concerned in or about such unlawful killing, wounding, or destroying of any such buffaloes. Any person who shall violate the provisions of this act shall, on conviction, forfeit and pay to the United States the sum of $100 for each offense, (and each buffalo so unlawfully killed, wounded, or destroyed shall be and constitute a separate offense,) and on a conviction for a second offense may be committed to prison for a period not exceeding thirty days. All United States judges, justices, courts, and legal tribunals in said Territories shall have jurisdiction in cases of the violation of this act.

Mr. WRIGHT. I should like to have the last clause of the second section read again.

The Chief Clerk again read the bill.

Mr. WRIGHT. The committee who reported this bill certainly do not want to have it passed in this shape.

The PRESIDENT *pro tempore*. Does the Senator object to its consideration?

Mr. WRIGHT. I do not object.

Mr. CLAYTON. The Senator from Iowa can move an amendment to perfect it.

Mr. HARVEY. I move to amend the bill by striking out in lines 3 and 4 the words "who is not an Indian;" so as to read:

That it shall hereafter be unlawful for any person to kill, wound, or in any manner destroy any female buffalo of any age, &c.

Mr. HITCHCOCK. That will defeat the bill.

Mr. FRELINGHUYSEN. That would prevent the Indians from killing buffaloes on their own ground. I object to the bill.

The PRESIDENT *pro tempore*. The bill will be laid aside.

Mr. SPRAGUE. I move that the Senate proceed to the consideration of that bill.

Mr. SARGENT. I understand the only objection is to the words "not an Indian." Of course those words ought not to be struck out. I think we can pass the bill in the right shape without objection. Let us take it up. It is a very important bill.

Mr. FRELINGHUYSEN. I will withdraw my objection with the understanding those words will not be stricken out.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Rhode Island to postpone the Calendar and proceed to the consideration of the bill indicated by him.

The motion was agreed to; there being on a division—ayes 22, noes 16.

Mr. INGALLS. I hope my colleague will withdraw the amendment.

Mr. SARGENT. It destroys the whole force of the bill.

Mr. INGALLS. Certainly this is a very important bill. Unless some measure of this kind is adopted the entire race of buffaloes will be exterminated in a very few years, and although the bill is not well drawn, it ought to be passed in some shape.

Mr. STEWART. The Indians themselves are much more careful of the buffalo than the whites are, and if you put in a provision that nullifies the bill, it will be charged that the Indians did it, and nobody will be responsible.

Mr. SARGENT. Not only that, but it will deprive the Indians of their food, which ought not to be done.

Mr. STEWART. The Indians will not object to this law. They want the buffalo for food.

Mr. CLAYTON. I simply desire to say that the Committee on Territories gave to this bill careful consideration. They regard the buffalo as the natural herd of the Indian. The Indians depend to a great extent on the buffalo for their food during the winter season, and they are careful and cautious about the destruction of the buffalo. It is

the white man that destroys it. I hope the amendment will be withdrawn.

Mr. HARVEY. I withdraw the amendment.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

JEFFERSON W. DAVIS.

The next House bill on the Calendar was the bill (H. R. No. 1054) granting a pension to Jefferson W. Davis, first lieutenant Company F, Sixty-fourth Regiment New York Volunteers.

The Committee on Pensions reported an amendment to strike out at the end of the bill the words "the date of his discharge" and insert "and after the passage of this act."

Mr. FENTON. I hope the amendment will not be concurred in. It is a House bill, and if the amendment is adopted the bill will be lost.

Mr. PRATT. I hope the suggestion of the honorable Senator from New York will not prevail.

Mr. FENTON. Then let the bill lie over without action, for I do not wish to take up time.

Mr. PRATT. Very well.

The PRESIDENT *pro tempore*. The bill will be laid aside.

MICHAEL WEISSE.

The next House bill on the Calendar was the bill (H. R. No. 700) granting a pension to the minor children of Michael Weisse, deceased, which was considered as in Committee of the Whole. It provides for placing on the pension-roll, subject to the provisions and limitations of the pension laws, the names of the minor children of Michael Weisse, late of Company K, Ninth Regiment Michigan Infantry, that were under sixteen years of age on the 1st day of October, 1871.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

PEKIN ALCOHOL MANUFACTURING COMPANY.

The next House bill on the Calendar was the bill (H. R. No. 3266) for the relief of the Pekin Alcohol Manufacturing Company; which was considered as in Committee of the Whole.

The Commissioner of Internal Revenue is directed by the bill to enter satisfaction on the export bond for that portion of the distilled spirits of the Pekin Alcohol Manufacturing Company of the State of Illinois said to have been destroyed at Urbana, Ohio, while in transit for export to the port of Genoa, upon proof satisfactory to him, and to the Secretary of the Treasury, of the destruction of the spirits without fraud, collusion, or negligence on the part of the owners.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

WASHINGTON CITY AND POINT LOOKOUT RAILROAD COMPANY.

The next House bill on the Calendar was the bill (H. R. No. 3025) supplementary to the act entitled "An act to authorize the Washington City and Point Lookout Railroad Company to extend a railroad into and within the District of Columbia," approved January 22, 1873; which was considered as in Committee of the Whole.

The Committee on the District of Columbia reported the bill with an amendment to strike out all after the words "Aqueduct bridge," in line 35, as follows:

And that all the rights conferred by this act are to be exercised and enjoyed by said company only upon the condition that said company shall first remove all the work it has done toward locating its track between the Insane Asylum and the Potomac River, and on the further condition that it shall never locate or operate said road, or any part thereof, between said asylum and the Potomac River.

And in lieu thereof to insert:

And provided further, That said Washington City and Point Lookout Railroad Company shall construct its railroad in the county of Washington herein authorized so that wherever it shall cross any public road it shall cross the same by an overgrade or undergrade crossing, by bridge or tunnel, so as not to impede public travel upon said roads, and shall construct that part of said railroad along Rock Creek, in the valley of said creek, passing west of the P-street bridge, by a tunnel through the hill west of said P-street bridge; and said road crossings and said tunnel shall be located and constructed in accordance with plans and specifications to be first approved in writing by the engineer in charge of public buildings and grounds.

Mr. SCOTT. I see indications of an intention to debate the bill, and I object.

Mr. HITCHCOCK. I hope the Senator will not object.

The PRESIDENT *pro tempore*. The bill will be laid aside, and the next House bill will be reported.

BALTIMORE STEAM-PACKET COMPANY.

The next House bill on the Calendar was the bill (H. R. No. 1778) granting permission for a railway from the wharf of the Baltimore Steam-Packet Company at Old Point Comfort, Elizabeth City County, Virginia, to Mill Creek bridge, in the same county.

Mr. HITCHCOCK. I object.

The PRESIDENT *pro tempore*. It will be laid aside.

INDIAN LANDS IN KANSAS.

The next House bill on the Calendar was the bill (H. R. No. 3352) to further provide for the sale of certain Indians lands in Kansas.

Mr. INGALLS. The Senator from Ohio who objected to this bill before has withdrawn his objection. There is no objection to the passage of the bill.

Mr. CONOVER. I object.

The PRESIDENT *pro tempore*. The bill will be laid aside.

SENECA NATION OF INDIANS.

The next House bill on the Calendar was the bill (H. R. No. 3080) to authorize the Seneca Nation of New York Indians to lease lands within the Cattaraugus and Allegany reservations, and to confirm existing leases.

Mr. WEST. That bill is reported adversely, and I object.

The PRESIDENT *pro tempore*. It will be laid aside.

WILLIAM C. BRASHEAR.

The next House bill on the Calendar was the bill (H. R. No. 2198) for the relief of the heirs at law of William C. Brashear, an officer of the Texas navy.

Mr. INGALLS. I object.

The PRESIDENT *pro tempore*. The bill will be laid aside.

FRANKLIN STONER.

The next House bill on the Calendar was the bill (H. R. No. 2791) granting a pension to Franklin Stoner; which was considered as in Committee of the Whole. It proposes to place the name of Franklin Stoner, late a private in Company G, of the Eighty-fourth Regiment of Pennsylvania Volunteers, on the pension-roll, subject to the provisions and limitations of the pension laws.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

IRA DOUTHART.

The next House bill on the Calendar was the bill (H. R. No. 3016) granting a pension to Ira Douthart; which was considered as in Committee of the Whole. It provides for placing on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Ira Douthart, late a private in Company D, Thirteenth Regiment Iowa Volunteers.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

J. E. INGALLS.

The next House bill on the Calendar was the bill (H. R. No. 3175) for the relief of J. E. Ingalls, postmaster at Denmark, Lee County, Iowa; which was considered as in Committee of the Whole.

The Auditor of the Treasury for the Post-Office Department is by the bill directed to credit the account of J. E. Ingalls, postmaster at Denmark, Lee County, Iowa, with the sum of $185.44, for postage-stamps stolen from his office on the 3d of September, 1872, without any fault or negligence on his part.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

EXECUTIVE BUSINESS.

Mr. ANTHONY. It is desirable to have a short executive session before we proceed to the business which comes up at the expiration of the morning hour. I move that the Senate proceed to the consideration of executive business.

Mr. SPRAGUE. Wait till the hour expires.

Mr. ANTHONY. Then it will interfere with the bill of the Senator from New Jersey.

Mr. WEST. We shall be through with the Calendar in a few moments.

Mr. ANTHONY. Very well; I withdraw the motion for the present.

ADMISSION OF COLORADO.

The next House bill on the Calendar was the bill (H. R. No. 435) to enable the people of Colorado to form a constitution and State government, and for the admission of the said State into the Union on an equal footing with the original States.

Mr. CLAYTON. Let that go over.

Mr. STEWART. No; that is just the thing to pass.

The PRESIDENT *pro tempore*. The bill will be passed over.

The next House bill on the Calendar was the bill (H. R. No. 3528) providing for the sale of the Kansas Indian lands in Kansas to actual settlers and the disposition of the proceeds of the sale.

Mr. STEWART. I move to postpone all other orders and take up the Colorado bill.

Mr. ANTHONY. If anything is coming up except the Calendar I insist on the motion to proceed to the consideration of executive business. It will take but a little while.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Rhode Island.

Mr. STEWART. I hope the Colorado bill will be taken up. I believe the time has come when Colarado ought to be admitted. The bill has passed the House and the question is well understood. The whole Senate understands the condition of Colorado. It has now come up to the point where the State is entitled to be admitted. It has about the requisite amount of population, is a grand Territory, and it is time it should be admitted. There cannot be a more appropriate occasion than the present. I hope we shall proceed to consider the bill. This case was here some seven or eight years ago. There was a bill passed then providing for the admission of Colorado. The question has been before the Senate several times and the bill once passed. The Territory has been growing very much since then. It has now got hundreds of miles of railroad and large cities. It has got to be a

Territory that is thoroughly capable of maintaining a State government.

Mr. FRELINGHUYSEN. Is this debate on the merits of the bill in order?

Mr. STEWART. At all events I was going on to say that it is entitled to have consideration.

The PRESIDENT *pro tempore*. Debate on the merits is out of order.

Mr. STEWART. Colorado is entitled to have its bill considered.

The PRESIDENT *pro tempore* The Senator from Nevada is out of order in discussing the merits of the bill.

Mr. SPRAGUE. I move to lay this motion on the table.

Mr. STEWART. On that motion I call for the yeas and nays.

The PRESIDENT *pro tempore*. The Senator from Nevada moves to postpone the Calendar and proceed to the consideration of the Colorado bill, and the Senator from Rhode Island moves that that motion lie on the table.

Mr. STEWART. Is that in order?

The PRESIDENT *pro tempore*. It is. The Senator from Nevada calls for the yeas and nays.

The yeas and nays were ordered.

Mr. ANTHONY and Mr. FRELINGHUYSEN addressed the Chair.

The PRESIDENT *pro tempore*. The motion is not debatable.

Mr. ANTHONY. I do not rise to debate it. I rise, in view of the fact that we are going to waste until the expiration of the morning hour in calling the yeas and nays, to move that the Senate proceed to the consideration of executive business. We ought to have a short executive session.

The PRESIDENT *pro tempore*. Pending this motion the Senator from Rhode Island moves that the Senate proceed to the consideration of executive business.

The motion was not agreed to; there being on a division—ayes 15, noes 34.

The PRESIDENT *pro tempore*. The question recurs on the motion of the Senator from Rhode Island [Mr. SPRAGUE] to lay on the table the motion of the Senator from Nevada, [Mr. STEWART.]

Mr. DAVIS. I appeal to Senators to take a division, and not call for the yeas and nays.

The question being taken by yeas and nays resulted—yeas 33, nays 20; as follows:

YEAS—Messrs. Anthony, Bayard, Boreman, Boutwell, Buckingham, Clayton, Conover, Cooper, Davis, Dennis, Edmunds, Fenton, Flanagan, Frelinghuysen, Goldthwaite, Hager, Howe, McCreery, Merrimon, Morrill of Vermont, Morton, Norwood, Pease, Pratt, Ramsey, Robertson, Saulsbury, Scott, Sherman, Sprague, Stevenson, Washburn, and Wright—33.

NAYS—Messrs. Alcorn, Allison, Bogy, Ferry of Michigan, Gordon, Hamilton of Texas, Harvey, Hitchcock, Ingalls, Jones, Kelly, Logan, Mitchell, Patterson, Sargent, Spencer, Stewart, Tipton, West, and Windom—20.

ABSENT—Messrs. Brownlow, Cameron, Carpenter, Chandler, Conkling, Cragin, Dorsey, Ferry of Connecticut, Gilbert, Hamilton, of Maryland, Hamlin, Johnston, Lewis, Morrill of Maine, Oglesby, Ransom, Schurz, Stockton, Thurman, and Wadleigh—20.

So the motion was agreed to.

COURTS IN UTAH.

Mr. FRELINGHUYSEN. I now move that we proceed to the consideration of the Utah bill. I have this statement to make——

Mr. SPRAGUE. We have five minutes yet for the Calendar.

Mr. FRELINGHUYSEN. I have this statement to make——

The PRESIDENT *pro tempore*. The bill will come up in six minutes without any notice.

Mr. FRELINGHUYSEN. I have the floor now and I wish to make my statement. The bill as it will be presented to the Senate will be free from all objection by any one who wants to have order and law in Utah, for I have prepared a series of amendments which will prune the bill of anything that could be objectionable to any one who wants law there. The Attorney-General has written to us. He has told me this morning that you cannot convict any person who is guilty of crime, and that the Territory is in a lawless condition. Now it seems to me that when we have that opinion from the Administration, when the House of Representatives has passed a bill, that it is our duty not to adjourn until we establish law there.

And now I want further to say, that if any member of the Senate thinks that the amendments which I will propose do not render the bill unobjectionable, I will accept any amendments in reference to polygamy and bigamy, so as just to have a bill which establishes law in that Territory as in every other, and with those modifications I think the bill can be passed in ten minutes.

Mr. SARGENT. I wish most earnestly with the Senator that there may be good order in the Territory. I think the proposition the Senator makes to eliminate from the bill anything relating to a disturbing course there, which he mentioned, may facilitate the passage of the bill. I am afraid, and have been for some years past, on account of the high condition of fanaticism of certain people in that Territory, that we might have a civil war there. I know they will go to the wall if that civil war comes. I know that their fertile fields will be plowed with the plowshare of war, and their homes will be devastated; that the thrift, the commendable thrift which now exists throughout the Territory will cease and there will be desolation, because they cannot contend against the Government of the United States; but I also know that they will stand up. I speak from considerable and a somewhat intimate knowledge of the persons and conditions of things in Utah. I believe they will stand up and involve these consequences.

I further think that the progress of time, the influx of gentiles, is wearing away that prejudice, religious or otherwise, on the part of the people of Utah, and is gradually solving this question. I think they are in the condition of an iceberg that has broken from its fastenings in the north and floated down into warmer seas, dissolving on all sides, and that soon this question will disappear from public view, unless you aggravate it by aggressive measures, unless you bring force to bear against them and compel them to resist, and we all know religious wars never succeed or very rarely succeed in putting down the sect against whom they are waged. I think it is better to leave that question to time, as I say; and if these provisions can be eliminated from the bill, and an amendment which I wish to propose, saving the jurisdiction of probate courts, which are the county courts of Utah, to pass upon the matters relative to town sites as is provided by the United States laws in regard to town sites, I will make no opposition to the bill, certainly no factious opposition; I will not attempt to talk against time or embarrass the Senate in any way. With that understanding I have no objection to the bill coming up and being considered.

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) The question is on the motion of the Senator from New Jersey.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 3097) in relation to courts and judicial officers in the Territory of Utah.

Mr. RAMSEY. I hope the Senator from New Jersey will allow the bill to be laid aside informally to take up the post-route bill.

Mr. FRELINGHUYSEN. I have no power to give way to any one and shall not.

Mr. RAMSEY. Then, Mr. President, I will make a last effort to save the post-route bill. I move to lay this bill aside and proceed to the consideration of the post-route bill, which will require some time for its enrollment, in which every one here is more or less interested and for which I am very much importuned both by members of the House and Senate.

The PRESIDENT *pro tempore*. The Senator from Minnesota moves to lay aside the present and all prior orders and proceed to the consideration of the post-route bill.

Mr. FRELINGHUYSEN and Mr. HOWE called for the yeas and nays.

The yeas and nays were ordered.

Mr. HOWE. I simply want to say myself that if we never have another post-route bill in the Senate of the United States, I will try to be content, if it is necessary to forego any more, in order to have that small modicum of legislation which is required in order to commence and prosecute a suit to judgment in any one of the courts of the United States whether within the limits of a State or within the limits of a Territory. You cannot do that to-day in the Territory of Utah; you cannot convict a criminal there; and I think the first work for us to do is to accomplish that labor; and if we cannot accomplish that, as I said before, save at the expense of that very important bill which is in the hands of my friend from Minnesota, I would rather sacrifice that. If the Senate differ from me, I want to know who the individuals are that differ.

Mr. MORTON. There is need for legislation in Utah; there is no doubt about that; but I think there is not time to deal with so delicate and difficult a question as exists there, in the few hours we have left. I am satisfied that this bill will give rise to discussion and that there will be differences of opinion about several provisions in it. I think there is not time, and for one I shall vote for the motion made by the Senator from Minnesota.

Mr. FRELINGHUYSEN. Mr. President, I would say to the Senator from Indiana that I have submitted the bill to those who have been most opposed to it, and I think they will eliminate from it everything that is objectionable, and I will accept the amendments.

Mr. BOUTWELL. It is quite plain that there is no difficulty in passing both bills. We have agreed to adjourn at four o'clock; but no doubt the House will concur in a resolution extending the time to ten or twelve this evening, or until twelve to-morrow, and either of these bills is of sufficient importance not only to justify but to require the extension of the session for a few hours. Therefore I hope that whichever bill we take up—I am in favor of taking up the bill relating to Utah and shall so vote—we shall act upon both these bills before we adjourn. There is really no difficulty in the way. There is no necessity for an adjournment at four o'clock this afternoon.

Mr. DAVIS. Nearly every State in the Union is interested in the post-route bill, and unless it passes within the next hour it probably cannot become a law this session. The Utah bill can follow it, and if it passes ten minutes before the expiration of the session it can become a law. I hope the post-route bill will be taken up and acted on. There is no objection to it.

Mr. WRIGHT. I have just one word to say about this bill. We have been here seven months. The law officer of the Government has pressed upon us almost every week since we have been here the necessity of action upon this bill. There is the most incontestable evidence that such a state of lawlessness obtains in that Territory that it is impossible to organize a jury and have a trial and have any criminal brought to punishment. Now we are hesitating here whether we shall take this bill up and pass it when everybody knows that we can, if we will give our attention to it, pass that, and the post-route

bill also, before four o'clock. There need not be, there should not be, any trouble in reference to this bill. The Senator having it in charge has stated that it will be eliminated of everything that is objectionable, the only and sole object being to give them a law so that they can organize their courts and juries and have the administration of justice in that Territory as they have in the States and other Territories. And yet at this time it is insisted that we shall lay this bill aside and pass a bill that we are as certain to pass before we adjourn as any bill that we have passed on the Calendar before.

Mr. RAMSEY. Why does the Senator so infer?

Mr. WRIGHT. I am very certain that there will be no adjournment of this Congress without passing the bill the Senator from Minnesota has in charge. We can pass this bill and pass that just as easily if we turn our attention to them, as we have done the business this morning.

Mr. RAMSEY. The post-route bill is an important bill to all the new portions of the country, in the West and South, the poorer portions of the country; they have the greater interest in it; without it they cannot get their mails. Improvements are extending and settlements are thickening both in the South and West, and yet you deny them mail facilities. With all the expenses of the Post-Office Department they cannot participate unless these post-routes are legalized by law. The older portions of the country are indifferent to it. The State of Maine, that the honorable Senator comes from who has opposed the taking up of this bill so strenuously, has its mails supplied by railroads. They are post-routes by law; they require no special legislation; but these remote and new settlements in the West and South are entirely without these facilities unless this bill passes, however trifling some gentlemen may consider the thing to be.

Mr. LOGAN. It seems to be almost impossible to have any legistion in reference to questions involving certain matters connected with the Territory of Utah. Time and again the attempt has been made. I do not say, nor will I, that it is a disgrace to Congress that they will not act upon a proposition of this kind, but if there is anything approaching a disgrace attaching to the Congress of the United States now in existence it is the fact that in one end of the Capitol a polygamist sits, and no man has the nerve to turn him out of the Congress of the United States. If there is another approaching disgrace, it is that Congress has not the manhood and the boldness to stand up and strike at this shame and disgrace to the institutions of this country——

The PRESIDENT *pro tempore*. The Chair thinks it is not in order to make such references to the other House.

Mr. LOGAN. Then I withdraw what I said in reference to the House, but I do not in reference to the polygamist. I appeal to Senators on this floor, I know many of us have been reminded during this session that the republican platform had something to do with legislation; I do not think platforms have anything to do with legislation; but inasmuch as I have been reminded of it, let me remind Senators here that time and again you have announced to the world that this "twin relic of barbarism" should be extirpated from this country; and yet in the last session of Congress, and now, when this bill is brought forward to give power to the courts to administer justice in that Territory the same as it is elsewhere, in conformity with the law, we find men ready in every possible way to thwart legislation for the purpose of allowing the courts to administer justice in that Territory.

Why is it? Has polygamy stretched out its arm until it fastens its power on every man in this Chamber? Is it true that the head of the Mormon church has more power in Congress than the morals of the whole country? Is it true that the head of that theocracy, after boasting that he could control Congress, is able to say to the country that Congress is afraid to deal with him?

Sir, these are facts. The country will ask us why it is that we are afraid to deal with polygamy; why we are afraid to give the courts the power to deal with it; why we are afraid to legislate in the direction of Mormonism; why we are afraid of the power of the head of the church of Mormonism, this polygamic church. Sir, if the Congress of the United States is afraid to deal with such barbarism as this, it is not fit to represent the Republic that we do represent.

Mr. TIPTON. Mr. President, I do not understand that it is any evidence of cowardice on the part of republican members of the Senate that they have not acted affirmatively on this question of Utah and her institutions. If that is to be taken as evidence of cowardice, then I say that there is equal evidence of cowardice on another question, not so far as the Senate is concerned; but we are told that the platform of the party requires something on this subject. I ask the honorable Senator, then, how does it come that the platform of the party also requires something on the question of civil rights, and yet the bill that was passed by the Senate has not yet become a law, as I understand, while there is power enough in the Congress of the United States belonging to that party to make it a law?

Mr. LOGAN. Will the Senator allow me a word right there?

Mr. TIPTON. Yes, sir.

Mr. LOGAN. In reference to the platform, I said that I asked no legislation on account of any platform, but that it was thrown in the teeth of certain Senators here that platforms said certain things, and I only retorted on that by reference to legislation on this subject.

Mr. TIPTON I undoubtedly labored under a misapprehension; and as time is so important I accept the apology of the Senator from Illinois and will not continue my remarks.

Mr. BOGY. I hope that the bill in charge of the Senator from Minnesota will be taken up. It has been urged upon the Senate for several days. It will take but a few moments. It is a very important bill, and I think it will meet with no opposition, while the bill in relation to Utah will involve a great deal of discussion. I hope, therefore, the bill of the Senator from Minnesota will at once be taken up and disposed of.

Mr. RAMSEY. It can be passed in fifteen minutes.

Mr. BOGY. To the western country it is very important.

The PRESIDING OFFICER. The question is on the motion of the Senator from Minnesota to postpone the pending order with a view to take up the post-route bill, upon which the yeas and nays have been ordered.

The question being taken by yeas and nays, resulted—yeas 33, nays 24; as follows:

YEAS—Messrs. Alcorn, Bayard, Bogy, Carpenter, Clayton, Cooper, Davis, Dennis, Flanagan, Goldthwaite, Gordon, Hager, Hamilton of Texas, Hamlin, Hitchcock, Jones, Kelly, McCreery, Merrimon, Morton, Norwood, Patterson, Pratt, Ramsey, Ransom, Robertson, Saulsbury, Schurz, Sprague, Stockton, Thurman, and Tipton—33.

NAYS—Messrs. Allison, Anthony, Boreman, Boutwell, Buckingham, Chandler, Conover, Ferry of Michigan, Frelinghuysen, Howe, Ingalls, Logan, Mitchell, Morrill of Vermont, Oglesby, Pease, Scott, Sherman, Spencer, Stewart, Washburn, West, Windom, and Wright—24.

ABSENT.—Messrs. Brownlow, Cameron, Conkling, Cragin, Dorsey, Edmunds, Fenton, Ferry of Connecticut, Gilbert, Hamilton of Maryland, Harvey, Johnston, Lewis, Morrill of Maine, Sargent, and Wadleigh—16.

So the motion was agreed to.

So the motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 3604) to establish certain post-routes.

Mr. SARGENT. Let the bill be read.

Mr. RAMSEY. I ask unanimous consent to dispense with the reading of the bill.

Mr. STEWART. I object.

The PRESIDING OFFICER. The reading of the bill will proceed.

The Chief Clerk proceeded to read the bill.

Mr. FERRY, of Michigan. I appeal to the Senator from Nevada to withdraw his objection to suspending the reading of the bill. According to the new rule every amendment to the post-route bill has been referred to the Committee on Post-Offices and Post-Roads, and the committee have examined each case. The bill is merely a formal one, including all routes that the committee concluded to recommend. I trust no time will be taken up in reading a merely formal bill.

Mr. STEWART. I do not wish to insist on the reading of the bill for the purpose of consuming time, if the Senate could be engaged in something that would be valuable; but there are many bills that are coming in and going through so rapidly that we hardly know where we stand. If the Utah bill or some bill for discussion after this is coming up, I withdraw my objection.

Mr. CLAYTON. I object to suspending the reading.

The PRESIDING OFFICER. The Senator from Arkansas objects, and the reading will proceed.

The Chief Clerk continued the reading of the bill.

Mr. HAGER. There are errors in spelling names in the California routes.

The PRESIDING OFFICER. The Senator will send the corrections to the Clerk and they will be made.

Mr. BOGY. Would it be in order to move that the amendments reported by the Post-Office Committee be concurred in without reading the bill from one end to the other?

The PRESIDING OFFICER. It would be in order by unanimous consent.

Mr. BOGY. I make that motion.

The PRESIDING OFFICER. The Senator from Missouri asks that the amendments reported by the Committee on Post-Offices and Post-Roads be agreed to without reading. The Chair hears no objection, and they are agreed to.

Mr. BOGY. I move that the further reading of the bill be dispensed with.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 3168) making appropriations for the repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes.

The message also announced that the House had passed a bill (H. R. No. 3780) to relieve the political disabilities of Robert Tansill, of Prince William County, Virginia; in which it requested the concurrence of the Senate.

WITHDRAWAL OF PAPERS.

On motion of Mr. SHERMAN, it was

Ordered, That Lieutenant P. H. Breslin, United States Army, have leave to withdraw his petition and papers from the files of the Senate.

On motion of Mr. SHERMAN, it was

Ordered, That Samuel Wilson have leave to withdraw his petition and papers from the files of the Senate.

On motion of Mr. SPENCER, it was

Ordered, That J. T. Newcomer have leave to withdraw his petition and papers from the files of the Senate.

REPORTS OF COMMITTEES.

Mr. ALLISON, from the Joint Select Committee to inquire into the Affairs of the District of Columbia, to whom was referred the resolution passed by the House of Representatives May 5, 1874, directing that committee to inquire whether the officers or employés of the United States or any officers or employés of the District government have been engaged in any conspiracy to defeat or hinder the investigation ordered by Congress into the affairs of the District, and particularly in this connection to inquire into all the circumstances connected with the late robbery of the safe in the office of the United States attorney for the District of Columbia, submitted a report; which was ordered to be printed.

Mr. BOREMAN, from the Committee on Territories, to whom was referred the bill (H. R. No. 3749) to provide for the reapportionment of the Legislative Assembly of Idaho Territory, reported it without amendment.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLINTON LLOYD, its Chief Clerk, announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 3600) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1875, and for other purposes.

COURTS IN UTAH.

Mr. FRELINGHUYSEN. I move that the Senate proceed to the consideration of the Utah bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 3097) in relation to courts and judicial officers in the Territory of Utah.

The Committee on the Judiciary proposed to amend the bill by striking out section 7, in the following words:

SEC. 7. That the common-law of England, as the same is defined and modified by the courts of last resort in those States of the United States where the common law prevails, shall be the rule of decision in all the courts of said Territory so far as it is not repugnant to or inconsistent with the Constitution and laws of the United States and the existing statutes of said Territory.

The amendment was agreed to.

Mr. FRELINGHUYSEN. I offer an amendment to come on page 6, in the sixty-third line, after the word "appeals."

Mr. BAYARD. Is the seventh section stricken out? That seems to me a most innocent-looking section.

Mr. FRELINGHUYSEN. I would say to the Senator from Delaware that the seventh section was stricken out at the instance of those who thought it might confer some criminal jurisdiction which was objectionable.

The PRESIDING OFFICER, (Mr. EDMUNDS in the chair.) The amendment of the Senator from New Jersey will be reported.

The CHIEF CLERK. On page 6, in line 63, after the word "appeals," it is proposed to insert:

A writ of error from the Supreme Court of the United States to the supreme court of the Territory shall lie in criminal cases where the accused shall have been sentenced to capital punishment or convicted of bigamy or polygamy.

The amendment was agreed to.

Mr. FRELINGHUYSEN. There were a number of amendments which I proposed to make to this bill that do not go as far as some amendments which those who have been opposed to the bill propose to make, and therefore I will hear what amendments they desire to make.

Mr. SARGENT. On page 4, section 3, line 12, I move to strike out all after the word "divorce" down to and including the whole of line 28, on page 8.

The Chief Clerk read the words to be stricken out, as follows:

When a bill is filed by a woman to declare a marriage or pretended marriage void, on account of a previous subsisting marriage of the defendant to another woman, the court or judge thereof may grant such reasonable sum for alimony and counsel fees as the circumstances of the case will justify; and may likewise, by final decree, make such allowance for the maintenance of the complainant and her children by the defendant as may be just and reasonable. And whenever, in any proceeding for divorce, or in any civil cause, or in any criminal prosecution, it is necessary to prove the existence of the marriage relation between two persons, it shall not be necessary to prove the same by the production of any record or certificate of the marriage, but evidence of cohabitation between the parties as husband and wife, and the acts, conduct, declarations, and admissions of the parties shall be admissible, and the marriage may be established like any question of fact.

Mr. FRELINGHUYSEN. I intended to modify that part of the bill by making it apply only to the future; but under the view which is taken by those who are opposed to the bill, I submit it to the judgment of the Senate without making any opposition.

The amendment was agreed to.

Mr. SARGENT. On page 5, line 38, after the words "district court," I propose the following amendment:

Nothing in this act shall be construed to impair the authority of probate courts to enter land in trust for the use and benefit of the occupants of towns in the various counties of the Territory of Utah according to the provisions of an act for the relief of inhabitants of cities and towns upon public lands, approved March 2, 1867, and an act to amend an act entitled "An act for the relief of inhabitants of cities and towns upon public lands," approved June 8, 1868, or to discharge the duties assigned to the probate judges by an act of the Legislative Assembly of the Territory of Utah entitled "An act prescribing rules and regulations for the execution of the trust arising under the act of Congress entitled 'An act for the relief of the inhabitants of cities and towns upon the public lands.'"

There is no county court in Utah. The act of Congress provides that the county court shall execute this trust for the benefit of the towns. By an act of the Territory of Utah, however, for the purposes of that act of Congress the probate courts are made county courts. Of course if we repeal all jurisdiction of probate courts, this must be reserved. I believe this is accepted by the gentleman who reports the bill, and there is no objection to it.

Mr. FRELINGHUYSEN. I have made such inquiry as I could in reference to the propriety of that amendment, and as far as I can learn it is not objectionable.

The amendment was agreed to.

Mr. SARGENT. On page 8 after the word "challenges," in line 53, of section 4, I move to strike out all down to and including the word "same" in line 57. The words to be stricken out are:

And in the trial of any prosecution for adultery, bigamy, or polygamy, it shall be a good cause of principal challenge to any juror that he practices polygamy, or that he believes in the rightfulness of the same.

This amendment being adopted makes this bill as it was intended by the Senator from New Jersey this morning under all the circumstances of the case, so that it shall give efficiency to the courts there, untangle them in their civil and criminal proceedings, and leave the question of polygamy untouched for future consideration.

Mr. FRELINGHUYSEN. It had been my purpose to restrict that provision to future crimes. It is insisted, however, by those who are opposed to the bill that it must be taken out of the bill entirely, and rather than that the bill should fail and that there should be no law in Utah, I do not oppose the amendment.

The amendment was agreed to.

Mr. SARGENT. I have one other amendment, and it is the last. I am obliged to the Senator for his courtesy. On page 8, after the word "challenges," in line 53, I wish to insert "except in capital cases, where the prosecution shall be allowed five and the defense fifteen challenges."

When a man is being tried for his life three challenges is rather limited. I think there is no State in the Union that does not give at least fifteen, and some are even more liberal than that. I propose that the prosecution shall have five and the defense fifteen.

Mr. FRELINGHUYSEN. I move to amend that amendment so that the prosecution and defense each shall have fifteen, if that is the number. They ought to have the same.

Mr. SARGENT. That never is so under any law I ever heard of.

Mr. FRELINGHUYSEN. O, yes.

Mr. SARGENT. I do not know that there is any especial objection to the prosecution having fifteen. The main point is that the defense shall have fifteen. I will assent to that modification, so that it shall be fifteen.

The PRESIDING OFFICER. The amendment of the Senator from California will be modified so as to read "except in capital cases, where the prosecution and defense shall each be allowed fifteen challenges."

The amendment was agreed to.

Mr. INGALLS. I offer the following as an additional section to the bill:

That in all cases in which any person was deprived of his or her property in the Territory of Utah prior to the year 1860 by the action of the Mormons, or who before that time was forced to leave the Territory in consequence of the hostility of the Mormons, and whose property was taken, used, disposed of, or appropriated by the said Mormons, or who suffered any deprivation of property or personal wrong at the hands of said Mormons, he or she, or his or her heirs or legal representatives shall have the right to sue and recover for such losses and injuries to person or property against the individual Mormons, or against those who then had control of the Territory; or they may sue for and recover the identical property, real, personal, or mixed, of which the original party was deprived as aforesaid, the same in all respects as if the suit had been brought at the time the wrongs were committed: *Provided*, That such suits shall be brought in the proper courts within three years from this date.

It is well known, Mr. President, that in the disturbances in this Territory prior to the year 1860 a large number of people were expelled and their property confiscated and otherwise disposed of. Since that time there have been no courts to which parties could resort for the enforcement of their rights or the redress of their wrongs, and by lapse of time now that the courts are established they will be barred. The intention of this section is simply to remove the bar of the statute of limitations which has been enforced by the act of the Mormons themselves and to allow parties to sue in the courts for the recovery of their property or for the redress of their wrongs.

Mr. SARGENT. Will the Senator state what the statute of limitations in the Territory of Utah is?

Mr. INGALLS. I do not know what it is.

Mr. SARGENT. I think I am very reliably informed that there is no statute of limitations at all in the Territory of Utah. In that case

the amendment is entirely unnecessary. It raises a great many questions that I think would be necessary to be considered by the Senate. The amendment cannot pass without discussion. It embraces too many propositions of a novel character. There is no necessity for it, for the reason I have mentioned. I do not think any Senator can controvert the proposition which I make, that there is no statute of limitations, and has not been, in the Territory of Utah. That would dispose of any necessity for the amendment, and would answer the reason which is given by the Senator himself. The proposition itself, however, is of very doubtful character. It may be a question whether under it old hatreds will not be stirred up, whether on false pretensions persons may not be persecuted who are entirely innocent, and whether persons who are not at all responsible for the actions complained of may be held liable for them. If I understood the reading of the amendment it provides that anybody who had control in Utah in the ordinary sense, who held any office of power there, should be responsible for the acts of any one, no matter who, that was lawless in any part of the Territory extending for years back.

Certainly provisions of this kind ought not to be incorporated in this bill. If there was any necessity for anything of the kind, if anybody complained that the courts of Utah which are opened by the bill have not been open all the time, so that he could begin a suit, or that he is prevented from so doing by any statute of limitations, then we might give it a respectful hearing; but it will take too much time to justify us in adopting this amendment in the loose manner in which it is drawn.

Mr. INGALLS. It is a matter of public notoriety that the courts in Utah have been closed during the period to which the amendment refers, and the bill that is now under consideration is for the express purpose of providing courts in Utah by which these questions may be tried. So far as the questions involved in the amendment are concerned, I would state to the Senator from California that they are neither numerous nor novel. It is simply and purely a question whether the bar of the statute of limitations shall be removed as against the persons by whom these crimes were committed; and the difficulty has been that the courts having been closed there has been no forum, no tribunal to which those parties could apply for redress. It appears to me that the amendment is so humane, it is so just, it is so in accordance with all the principles of law that there ought to be no discussion whatever in the Senate upon it. It should be adopted without controversy.

Mr. THURMAN. I must confess my surprise that such an amendment as this is pressed on this bill, and I should be more surprised were it not that I have a very firm conviction that one of the great objects of this bill, if not the greatest object of it, is to stir up litigation whereby certain gentlemen of the profession in Utah may make money. I believe that but for that special interest of stirring up litigation in that Territory, we should hear nothing of this bill.

We hear a great deal about a failure of the courts there and of a want of courts. If there is want of courts there, it is the want of the officials. There is law enough for courts now; but it seems that some gentlemen must have an act passed that shall give rise to litigation in Utah; and here is a proposition to go back to 1850, to go back fourteen years; to stir up suits for assaults and batteries, for trespass, and the like, suits that in every State of this Union that has a civil code are barred in one or two years—to go back and take them up and revive the causes of action against not simply the wrong-doers, but to create a cause of action against those who were in the government of the Territory whether they were the wrongdoers or not; to revive actions absolutely barred. Where does the Senator get his authority to do that, I should like to know?

Mr. INGALLS. The Senator, certainly, as a lawyer, must be familiar with the fact that if the Mormons themselves have kept the courts closed and refused parties the forum in which these matters can be tried, when we now attempt to institute courts and provide for the administration of justice, these claims ought certainly to be sometimes tried and heard.

Mr. THURMAN. It will not do to say that the Mormons have refused a forum. Ever since 1856 there have been courts of the United States in that Territory, I believe before 1856; courts maintained by the power of the General Government and competent to afford redress to anybody who was wronged in that Territory. This proposition therefore is, as I said before, to revive causes of action that are absolutely barred; and I once more demand of the Senator to know where he finds authority to do such a thing as that? He has no more right to revive a cause of action where the bar has become complete, than there is to legislate that his house shall become my property. You may before the bar becomes complete, in a case of the statute of limitations, extend that act; but after the bar of the statute becomes complete the Legislature has no power to revive that cause of action.

Mr. INGALLS. Does not the Senator admit the fact that the statute of limitations never runs against fraud?

Mr. THURMAN. I do not admit any such thing.

Mr. INGALLS. It has been established by the Supreme Court of the United States repeatedly.

Mr. THURMAN. I do not admit any such thing as that the statute of limitations does not run against fraud. It runs against many cases where there is fraud, actions of deceit, actions for obtaining money by false pretenses, and a vast variety of cases.

But, sir, that is not the question. The Senator's amendment goes to everything; it goes to the question of an action of ejectment for real estate forsooth when it is as well-settled law in this country as anything can be settled that where the bar of the statute of limitations is complete in respect to real estate, it operates to divest the title of him who has been out of possession and to vest title in him who has had the possession required by the statute. You propose to take a man's property, which is his as much as if he held it by patent from the United States, and to take it by an act of Congress! Surely, sir, it cannot be necessary to back against such a proposition as this amendment unless we are prepared to stir up the very worst state of things that can exist in any country—a universal litigation from one end of it to the other, and that with a feeling on the part of nine-tenths of the people of that Territory that this litigation is part of a persecution they are to endure, and endure perhaps even to the death.

Mr. FRELINGHUYSEN. Mr. President, I shall vote against this amendment. There are a great many amendments which have been made to this bill which I have agreed to, not because I thought they ought to be made, but because by reason of the situation of the bill I do not think it is wise when we are within two hours of the end of the session to introduce on this bill new matter which has nothing to do with the great object we have in establishing law in that Territory; and therefore I shall vote against the amendment.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Kansas.

The amendment was rejected.

The bill was reported to the Senate as amended, and the amendments made as in Committee of the Whole were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

Mr. SPRAGUE. I ask for the yeas and nays on the passage of the bill.

The yeas and nays were not ordered.

The bill was passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had agreed to the amendment of the Senate to the bill (H. R. No. 3088) to extend the time for completing entries of Osage Indian lands in Kansas.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. No. 3168) making appropriations for the repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes; and it was thereupon signed by the President *pro tempore*.

HARPER'S FERRY PROPERTY.

Mr. DAVIS. A day or two ago I offered a resolution in regard to the Government property at Harper's Ferry. I now ask leave to call it up and have it acted on.

There being no objection, the Senate proceeded to consider the following resolution, submitted by Mr. DAVIS on the 20th instant:

Whereas what is known as the Harper's Ferry armory property was sold at public sale in 1869 to F. C. Adams by direction of the War Department, and the entire purchase-money thereof has long since been due, but no part thereof has been paid; and whereas from the neglect of said property it is fast depreciating and being destroyed in value, to the pecuniary loss and suffering of the people of Harper's Ferry; and whereas a decree from the proper court has been granted for the resale of said property in order to obtain the purchase-money, with interest and costs: Therefore,

Resolved, That the Attorney-General be requested to proceed at once by all legal means to enforce the collection of the amount due the Government by F. C. Adams and his sureties on said purchase and to effectuate a resale of said property.

Mr. DAVIS. I wish to amend the resolution by striking out the latter part about effecting a resale. The words proposed to be stricken out are "and to effectuate a resale of said property."

The amendment was agreed to.

The resolution, as amended, was agreed to.

NIAGARA RIVER BRIDGE.

Mr. FENTON. I ask leave to take up a little bill, only a few lines, House bill No. 2909.

There being no objection, the bill (H. R. No. 2909) to declare the bridge across the Niagara River, authorized by the act of Congress approved June 30, 1870, a post-route, was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had agreed to the concurrent resolution of the Senate authorizing the Committees on Appropriations of the two Houses of Congress to meet at the Capitol during the recess of Congress to make inquiry into and report any method by which reforms may be made in the expenditures in the several branches of the civil service, and the estimates of appropriations therefor, and the appropriation bills.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had

signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (S. No. 169) for the relief of Marcus Otterbourg, late consul of the United States at the city of Mexico and minister to the republic of Mexico;

A bill (S. No. 806) to extend the time allowed for the redemption of certain lands by the first section of the act entitled "An act to provide for the redemption and sale of lands held by the United States under the several acts levying direct taxes, and for other purposes," approved June 8, 1872, and to suspend the operation of the fourth section of said act;

A bill (S. No. 854) extending the right of way heretofore granted to the Alleghany Valley Railroad Company through the arsenal grounds at Pittsburgh, Pennsylvania;

A bill (S. No 733) regulating gas-works.

COMMITTEE ON TERRITORIES.

Mr. PATTERSON. I desire to call up a resolution I reported from the Committee on Territories a few days ago.

Mr. SHERMAN. I move that the Senate proceed to the consideration of executive business.

Mr. PATTERSON. This will not take a minute.

Mr. SHERMAN. The Senator can have it pending when the Senate resumes legislative session.

The PRESIDENT *pro tempore.* The resolution indicated by the Senator from South Carolina will be considered as before the Senate. The Senator from Ohio moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened.

WASHINGTON CITY AND POINT LOOKOUT RAILROAD.

Mr. HITCHCOCK. I move to take up House bill No. 3025.

The motion was agreed to; and the bill (H. R. No. 3025) supplementary to the act entitled "An act to authorize the Washington City and Point Lookout Railroad Company to extend a railroad into and within the District of Columbia," approved January 22, 1873, was considered as in Committee of the Whole.

Mr. ROBERTSON. I think the Senator from Nevada [Mr. STEWART] objected to that bill, and it was laid over.

The PRESIDENT *pro tempore.* The Senate has taken up the bill on motion, and it is before the Senate as in Committee of the Whole. The question is on the amendment of the Committee on the District of Columbia which was before read.

The amendment was agreed to.

Mr. ROBERTSON. I ask that the bill be read. I have not heard it.

The PRESIDENT *pro tempore.* The bill has been read.

Mr. ROBERTSON. Has it been reported from the Committee on the District of Columbia?

Mr. HITCHCOCK. Yes, sir; it has been reported from that committee.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

Mr. ROBERTSON. I call for the yeas and nays on the passage of the bill. I will say that the bill was up during the morning hour and was laid over.

Mr. HITCHCOCK. That does not make any difference.

The PRESIDENT *pro tempore.* The Chair thinks a sufficient number has not risen to second the call for the yeas and nays. The question is on the passage of the bill.

Mr. ROBERTSON. I wish to record my vote against it.

The PRESIDENT *pro tempore.* The call for the yeas and nays is not sustained.

The bill was passed

Mr. ROBERTSON. I enter a motion to reconsider the bill.

Mr. HOWE. I ask——

Mr. HITCHCOCK. I move that we act on the motion to reconsider.

The PRESIDENT *pro tempore.* The question is on the reconsideration.

The motion to reconsider was not agreed to.

Mr. ROBERTSON. Can a motion to reconsider be acted on the same day it is made, unless by unanimous consent?

The PRESIDENT *pro tempore.* Certainly it can.

VIENNA EXPOSITION COMMISSIONERS.

Mr. HOWE. I move to proceed to the consideration of Senate bill No. 623.

The motion was agreed to; and the bill (S. No. 623) to enable the Secretary of State to pay salaries to certain of the commissioners to the Vienna exposition, appointed under authority of joint resolution approved February 14, 1873, was considered as in Committee of the Whole.

The bill allows the Secretary of State to pay out of any balance now remaining unexpended of the moneys appropriated in joint resolution approved February 14, 1873, entitled "Joint resolution to enable the people of the United States to participate in the advantages of the international exposition to be held at Vienna in 1873" the sum of $500 to each of the six practical artisans, five scientific men, and four honorary commissioners, appointed under authority of that joint resolution, who, in addition to undertaking reports upon special subjects at the exposition, either served upon international juries or were detained in Vienna by reason of assisting in the arrangement of the American department of the exposition or the performance of other duties imposed upon them by the State Department for a period of more than seventy-five days, as shown by the records on file in that Department.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the following bills:

A bill (S. No. 683) to authorize the use of gilt letters for the names of vessels;

A bill (S. No. 600) for the relief of Captain James B. Thompson; and

A bill (S. No. 794) to legalize the muster of Reuben M. Pratt as second lieutenant.

The message also announced that the House had agreed to the concurrent resolution of the Senate authorizing the Joint Committee on the Library to sit during the recess.

The message also announced that the House had agreed to the amendments of the Senate to the following bills:

A bill (H. R. No. 104) for the relief of James Coats, of Jackson, Mississippi;

A bill (H. R. No. 3254) to relieve the persons therein named of their legal and political disabilities;

A bill (H. R. No. 3253) to remove the political disabilities of Richard T. Allison, of Maryland;

A bill (H. R. No. 3172) to relieve Sardine G. Stone, of Alabama, of political disabilities;

A bill (H. R. No. 3091) to release J. W. Bennett from political disabilities;

A bill (H. R. No. 3086) to remove the political disabilities of George E. Pickett, of Virginia;

A bill (H. R. No. 3027) to remove the disabilities of Van Ranselear Morgan, Thomas M. Jones, and Charles M. Fauntleroy of Virginia, and of A. S. Taylor of Maryland;

A bill (H. R. No. 3406) to relieve Joseph Wheeler, of Lawrence County, in the State of Alabama, from all legal and political disabilities imposed by the fourteenth amendment to the Constitution;

A bill (H. R. No. 3252) to remove the political disabilities of George N. Hollins, of Maryland; and

A bill (H. R. No. 3413) to provide for the stamping of unstamped instruments, documents, or papers.

COMMITTEE ON TERRITORIES.

Mr. PATTERSON. Now I call up the resolution I reported from the Committee on Territories.

The Senate proceeded to consider the following resolution:

Resolved, That the Committee on Territories be authorized to sit during the recess, and to investigate as to the manner of the execution of the laws of the United States in the Indian Territory; also as to the wants and sentiments of the inhabitants of said Territory, and the advisability of creating a territoral form of government for said Indian country; said committee to have power to take testimony and send for persons and papers; and that the expenses attending this investigation shall be paid out of the contingent fund of the Senate, upon vouchers approved by the chairman of the said committee.

Mr. HAMLIN. I move to amend that resolution by inserting "and that each of the other committees of this body also have leave to sit during the recess and rove over the country and do about what they please."

That is a most vicious thing. I have not heard anything here like it. I believe we have authorized the Committee on the Library to sit, but they have some specific duty to perform which we have imposed upon them. This resolution, I take it, will meet the approbation of no Senator unless it be amended as I propose, so that we shall have a good time riding over the country.

Mr. CLAYTON. What is the business before the Senate? Is the resolution before the Senate?

The PRESIDENT *pro tempore.* It is.

Mr. CLAYTON. Then I should like to make a few remarks.

This resolution is reported by the Committee on Territories. That committee by direction of the Senate had under consideration a bill for the organization of a territorial form of government in the Indian country; it also had a petition signed by a large number of persons claiming to be colored people inhabiting the Indian country. They set forth that they neither had the rights of American citizens nor the rights accorded to Indians. They set forth a very deplorable condition. It will be recollected that the treaty of 1866 attempted to provide a way whereby that question should be adjusted to the satisfaction of both the Indians and the colored people, but for some reason or other that treaty never was carried into execution, and to-day the Indians and the colored people there desire Congress to settle the question.

In addition, it is well known that there is a great deal of lawlessness in the Indian Territory. It is asserted on the one side that the machinery of the Federal Government through the United States courts does not grant sufficient protection to the people there and does not execute the laws. On the other side it is asserted that it does. There is a difference of opinion even among the Indians as to what

they ought to have. Some think they ought to have an Indian government and some think the present condition of affairs ought to continue.

It does seem to me that Congress ought to have some knowledge upon these various questions. There it no portion of this country that is so little understood as this Indian reservation. They have no newspapers there; white people are excluded from them; and the only information Congress has in relation to the doings in this Territory comes from interested parties—Indian agents, Indian traders, &c. It seems to me if Congress through a committee would give more investigation into the manner of executing the law in the Indian country, in the Indian reservation, they would save a great deal to the Government and they would do a great deal for the Indian. I think we should have some opportunity to ascertain the exact condition of affairs there before we are called to recommend to the Senate any measure looking toward the establishment of a government or anything else.

The territorial government measure has been before Congress for two or three years. It has attracted the attention of Congress. All we have is the information of lobbyists who hang around Congress and a few long-haired Indians who come here paid to represent a certain state of affairs. It seems to me that if you want reliable information on this subject or other subjects which have been referred to this committee, you must allow us to investigate the matter.

There has been a proposition made, and it is on our tables now, for Congress to appoint a commission, to create new officers to make this investigation. It seems to me while Congressmen are paid a salary they can afford to devote a little time to investigate this matter for the benefit of the Senate. I do not expect to be able to attend to this business myself. I have no idea that I shall; but there are members of the Committee on Territories who are willing to give it their attention and endure the labor and hardships attending such an investigation.

The PRESIDENT *pro tempore*. Does the Senator from Maine insist on his amendment?

Mr. HAMLIN. Yes, sir.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Maine which, will be read.

Mr. SPRAGUE. I move a short executive session. I desire to make a report on executive business.

Mr. CLAYTON. I ask the Senate to dispose of this question.

Mr. SPRAGUE. I withdraw the motion.

Mr. SHERMAN. I am informed by the Senator from Arkansas that several other committees are authorized to sit during the recess—the Committee on Naval Affairs, and some others. I did not know that any were. I desire to say that this is a very modern innovation. I do not know that I have voted for any except one and I happened to be a member of that committee; and if that was not an exception, I do not know of any. That was the Committee on Transportation, where it was necessary for the committee to go around, and the committee felt themselves under peculiar circumstances, and they did not expend as much as the same number of gentlemen would expend ordinarily in traveling the same distance. I think this habit of sending out committees of this body all over the country is not to be indulged in. It has gone too far already.

This matter to be investigated is a question of general legislation affecting a small portion of the country. We can act on every matter that is embraced in this inquiry just as well without sending a committee of this body to the Indian country as in any other way. Every bill that is up, every measure that is presented, presents fully as strong reasons for sending a committee of the body over the country as this. In the case of a contested election or the like there may be some necessity for sending away a committee. In the case of the Transportation Committee everybody can see the necessity of it; but I do not think the thing ought to be carried further.

The Secretary of the Treasury at this very session requested the Committee on Ways and Means and the Committee on Finance to meet here in the city of Washington during the coming recess to hold a special session for certain purposes, to revise the laws; but we felt a delicacy about it, and were not disposed to ask the Senate to concur in that, although it would cost the Government nothing; and we declined to do it.

It seems to me we ought now to stop; we ought to go no further. Perhaps we have furnished precedents that are bad, which would naturally lead the Senator who offered the resolution to propose it.

Mr. CLAYTON. This proposition is made by a committee, not by a Senator.

Mr. SHERMAN. But, at all events, it seems to me that the proposition that we are called upon to consider is purely a matter of public information, which can be brought to the Senate of the United States just as well through the ordinary channels by the executive authorities as by sending out committees of the Senate on a roving commission.

I shall feel myself bound to vote against the resolution without any discourtesy to the committee or to any one who may vote for the proposition. Unless there is some special reason, some peculiar circumstances, some necessity for examining the *locus in quo* under circumstances that a proper court would order a jury to go and examine the premises, I will not vote for any more of these roving commissions, and this case does not present that exception. The Indian Territory is just as well known to the people of the United States as many States of the Union. Although we have not been there we legislate about, it and we can just as well legislate about the condition of affairs in the Indian Territory on information of an official character spread on our records as we can by sending a few of our members there to see the Indian country.

It seems to me that we ought not to detach a portion of the Senate of the United States in their official character on a mere question of public policy, on the passage of a law affecting certain portions of the country, to go roving around. There is no justification for it. The expense involved is not very great, although it will amount probably to about $10,000. That is about the ordinary expense of one of these committees. The Committee on Transportation cost something less than that, traveling all over the country. The question of expenses is not so important; but consider the example that is being set, which will be continued and increased until finally all the committees of the Senate will be wandering over the country for some time carrying the flag of the Senate of the United States, having a good time generally, seeing what is to be seen and being feasted and treated. Unless there is some special reason, some special case that has not yet been named by the Senator, I think the Senate ought to put a stop to this business by rejecting the proposition.

Mr. HAMLIN. I want to modify my amendment and simply make it apply to the Committee on Mines and Mining. I think this body understands really as little of the value and locality and what belongs to the mining industry as of any subject that comes before us, and it is a vast subject. I think they can group more information that will be useful to this body than a half-dozen Indian committees. I will therefore confine it to that.

The PRESIDENT *pro tempore*. The Senator from Maine moves to amend the resolution by adding "the Committee on Mines and Mining."

Mr. BUCKINGHAM. I have refrained from saying anything on this subject, but I will not refrain longer. If any committee is to visit the Indian Territory it seems to me it should be the Committee on Indian Affairs, the committee to which is committed more particularly those questions which refer to the government of Indians and the relations which the Government of the United States sustain to them; not that I want to go, not that I desire to have the Committee on Indian Affairs go. I have no such desire. On the contrary, I think we can otherwise secure all the information which is necessary to enable us to establish good government and maintain good government over the Indian Territory as we can over the Territories of Washington and Colorado. It seems to me the Committee on Territories, with all due respect to their judgment, are stepping a little out of their latitude, although I agree that when the question of territorial governments comes up they consider it as belonging to them.

Mr. HAMILTON, of Texas. If I could be surprised at anything now in the way of enormities, it would be at the proposition of the Senator from Arkansas to send the Committee on Territories out to work up a job that has been persistently worked up for the last twelve or eighteen months.

Mr. CLAYTON. I want to say to the Senator from Texas in the first place that this is not my proposition. I have said over and over again that this is a proposition submitted to this body by the Committee on Territories. I want to say to him more than that—that this is not a proposition to work up any job. He assumes too much when he assumes that it is.

Mr. HAMILTON, of Texas. Mr. President, I live on the border of the Indian Territory, and I feel interested in this matter. I know what the Indians want——

Mr. PATTERSON. I wish to correct the Senator from Texas.

Mr. HAMILTON, of Texas. I have been appealed to again and again by the friends of one or two railroad companies that pass through that Territory and by a number of persons living around the Indians, in Kansas and Missouri and Arkansas and in Texas. I know that all the people in that region of country, or nearly all of them, want the Indian Territory settled up. They all tell me so. I say to them "You cannot invade the rights of the Indians in the Territory without their consent. They are under treaty stipulations with the Government of the United States, and the Government is bound to protect them." The Indians do not want the organization of a territorial government there. They have told you so almost in a body. I think every Senator on this floor knows the fact. They have kept delegations here all this winter at heavy expense in order to protest against this thing, because they feared that it would be sprung upon them and carried through without their knowledge.

Mr. President, I see from the papers in Kansas—and the headquarters of the force that is working up this scheme is at Lawrence, Kansas—that they say there are from ten to fifteen thousand people now waiting on the southern border of Kansas to go into this Territory as soon as it is organized.

Mr. INGALLS. I will say to the Senator that the sentiment of the people of Kansas is almost unanimous against this territorial organization.

Mr. HAMILTON, of Texas. I am very glad to hear the Senator say so; but I recollect that one of his citizens was in Baltimore last fall lecturing on the subject, and he stated a very different thing.

Mr. INGALLS. What citizen was that?

Mr. HAMILTON, of Texas. I have forgotten his name.

Mr. INGALLS. A Colonel E. C. Boudinot, from the Indian Nation.

Mr. HAMILTON, of Texas. No; I know Colonel Boudinot; this was another gentleman.

Mr. STEWART. Will the Senator give way to me that I may move to reconsider the railroad bill which we passed in what was really executive session, the Point Lookout Railway?

Mr. HITCHCOCK. That motion has been made and voted on.

Mr. STEWART. I was taking lunch, supposing the Senate was in executive session, and was watching that bill.

Mr. HAMILTON, of Texas. With due deference to the statements and sentiments of the Senator from Kansas——

Mr. STEWART. Allow me——

The PRESIDENT *pro tempore*. The Chair would like to understand whether the Senator from Texas yields to the Senator from Nevada to allow him to enter a motion to reconsider the vote referred to.

Mr. HAMILTON, of Texas. Yes, sir.

The PRESIDENT *pro tempore*. Then the motion is entered.

Mr. DAVIS. I rise to a point of order. A motion was made to reconsider the vote by which the Senate passed the bill that the Senator moves to reconsider, and that motion was voted down within the last half-hour. Now is it in order to make another motion to reconsider?

The PRESIDENT *pro tempore*. The Chair had forgotten that. The Senator from West Virginia is right. A motion to reconsider was made and voted down, and it cannot be renewed.

Mr. HAMILTON, of Texas. Now I hope I shall not be interrupted again. I was going to remark, with due deference to the statement made by the Senator from Arkansas, that the troubles and lawlessness in the Indian Territory are not a bit worse than they are in Arkansas, and I do not think they are as bad. My opinion is that Arkansas and some of the other surrounding States are not much better off than the Indian Territory as far as that is concerned.

I have to say, once for all, that if this scheme is carried, it means the breaking up of the Indian Territory. Everybody understands that. There is not an intelligent man anywhere in that region of country who does not know that every Indian, except perhaps a few civilized half-breeds who will become citizens of the United States, will be scattered upon the plains to forage on the frontier of Texas for his subsistence. You get a legislature in session there in the Indian Territory, and it will be bought up by a railroad ring in less than forty-eight hours; the lands will be sectionized and thrown into market; the Indians will be crowded out and driven God knows where, and you will develop a party of Captain Jacks before you get through with it, and every portion of the frontier will suffer in consequence of it.

But it is said that it is a necessity. The wants of commerce and the progress of civilization require that these people should give way. There is a long line of railroad at every passage of that country that does not pay the expenses and they want the country settled up in order to enable them to extend their lines.

I protest against any action on the part of the Congress of the United States looking toward the organization of a territorial government there until a majority of all the Indian tribes within the limits of the Territory shall petition the Government of the United States to that end. If you do it before that you destroy their rights; it means spoliation; it means the destruction of the remnant of the Indians that we are trying to civilize there.

I move to lay the resolution on the table.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had concurred in the amendments of the Senate to the bill (H. R. No. 3023) for the relief of Andrew Mason.

The message also announced that the House had passed the bill (S. No. 321) reorganizing the several staff corps of the Army.

The message further announced that the House had concurred in the concurrent resolution of the Senate authorizing the Joint Committee on Public Printing to sit during the coming recess of Congress.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (H. R. No. 294) for the relief of Joab Bagley;

A bill (H. R. No. 763) for the relief of Oliver P. Mason;

A bill (H. R. No. 1305) granting a pension to E. Caroline Webster, widow of Lucius H. Webster;

A bill (H. R. No. 1410) to fix the salaries of the clerks at the United States armory in Springfield, Massachusetts;

A bill (H. R. No. 1939) for the relief of the sureties of James L. Collins;

A bill (H. R. No. 2187) authorizing and requiring the issuance of a patent for certain lands in the county of Scott, in the State of Missouri;

A bill (H. R. No. 2088) for the relief of James Lillie, postmaster at Lisbonville, Ray County, Missouri;

A bill (H. R. No. 2349) for the relief of Burke & Kunkle;

A bill (H. R. No. 2791) granting a pension to Franklin Stoner;

A bill (H. R. No. 2891) for the relief of Mrs. Louisa Eldis, of Sandusky, Ohio;

A bill (H. R. No. 2990) for the relief of Jesse F. Moore and Charles W. Lewis;

A bill (H. R. No. 3088) to extend the time for completing entries of Osage Indian lands in Kansas;

A bill (H. R. No. 3406) to relieve Joseph Wheeler, of Lawrence County, in the State of Alabama, from all political disabilities imposed by the fourteenth amendment to the Constitution;

A bill (H. R. No. 3411) to amend an act entitled "An act to incorporate the trustees of the Female Orphan Asylum in Georgetown, and the Washington City Orphan Asylum in the District of Columbia," approved May 24, 1828;

A bill (H. R. No. 3432) to protect lines of telegraph constructed or used by the United States from malicious injury and obstruction; and

A bill (H. R. No. 3581) to protect persons of foreign birth against forcible constraint or involuntary servitude.

E. MELLACH.

Mr. STOCKTON. I have not asked a courtesy from the Senate this session. There is a little bill that I want to have taken up and put through the Senate. It is a bill from the Naval Committee, a bill that is eminently right, and if any gentleman wants it explained I will explain it. It is a very small matter, and concerns a constituent of mine in my own town.

There being no objection, the bill (S. No. 898) to authorize the settlement of the accounts of Passed Assistant Paymaster E. Mellach, United States Navy, was read the second time, and considered as in Committee of the Whole. It directs the accounting officers of the Treasury of the United States, in settling the accounts of E. Mellach, passed assistant paymaster United States Navy, to credit him with all stoppages charged against him, amounting to $25,104.98, and to allow him his pay from the 2d of May, 1872, to the 7th of April, 1874.

The bill was reported to the Senate, ordered for a third reading, read the third time, and passed.

COURTS AT EVANSVILLE.

Mr. WRIGHT. I am instructed by the Committee on the Judiciary, to whom was referred the bill (H. R. No. 2534) to change the time for holding the circuit and district courts at the city of Evansville, to report the same back without amendment, and I ask that it be put on its passage.

By unanimous consent, the bill was considered as in Committee of the Whole. It provides that the terms of the circuit and district courts of the United States for the district of Indiana, which are provided by law to be holden at the city of Evansville, shall hereafter be held at that city on the first Mondays of April and October in each year.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

INDIAN LANDS IN KANSAS.

Mr. CONOVER. House bill No. 3352 was up this morning, to which I objected under a misapprehension. I wish now to withdraw my objection, and move to take up the bill.

The motion was agreed to; and the bill (H. R. No. 3252) to provide for the sale of certain Indian lands in Kansas was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

WILLIAM C. BRASHEAR.

Mr. CONOVER. There is a bill for the relief of William C. Brashear, of the Texas navy, which I think will take but a moment, and I ask that it be considered. It is House bill No. 2198.

Mr. INGALLS. That bill was laid aside this morning on my objection, but after examination I withdraw the objection.

There being no objection, the bill (H. R. No. 2198) for the relief of the heirs at law of William C. Brashear, an officer of the Texas navy, was considered as in Committee of the Whole. It provides for the payment to the heirs at law of William C. Brashear the amount of leave pay per annum, from the date of the annexation of the republic of Texas to the date of his demise, it being the rate and pay to which he would have been entitled as an officer of the Texas navy under the twelfth section of the act entitled "An act making appropriations for the naval service for the year ending June 30, 1858," approved March 3, 1857, in the event that he had lived to the passage of that act.

The bill was reported to the Senate, and ordered to a third reading.

Mr. WASHBURN. I suggest to the Senator if he wishes this bill to pass he had better let it remain where it is. He will lose his bill if it passes here, as it cannot be enrolled.

Mr. CONOVER. It is a House bill.

Mr. WASHBURN. I understand that House bills that passed an hour ago cannot be enrolled before the adjournment.

The PRESIDENT *pro tempore*. They can be enrolled at the next session.

Mr. CONOVER. It is a matter in which I have no interest, but the bill is eminently just and proper.

Mr. WASHBURN. I do not object to the bill, but I think it would put the bill in a bad position to pass it now.

Mr. HAMLIN. Any bill, as the Senator says, that is passed now is

killed; it goes off the Calendar. If there be merit in it let it remain on the Calendar and we can take it up at the next session.

The PRESIDENT *pro tempore*. The Chair would suggest, with all deference to the Senator from Maine, that bills passed and not enrolled can be enrolled at the commencement of the next session. It is a step in the regular progress of the bill.

Mr. HAMLIN. Very well.

The bill was read the third time, and passed.

INTRODUCTION OF BILLS.

Mr. FENTON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 961) for the relief of John R. Harrington; which was read twice by its title, and, together with the petition in the case, was referred to the Committee on Patents.

Mr. WRIGHT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 962) to authorize the Commissioner of Patents to extend certain letters-patent therein described; which was read twice by its title, and, together with accompanying papers, referred to the Committee on Patents.

KANSAS INDIAN LANDS.

Mr. BUCKINGHAM. We stopped on the Calendar in the order of business No. 675. The next bill is one that is regarded as important by the Committee on Indian Affairs, and I ask that it be taken up.

There being no objection, the bill (H. R. No. 3528) providing for the sale of the Kansas Indian lands in Kansas to actual settlers, and for the disposition of the proceeds of the sale, was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

IMPROVEMENT OF OOSTENAULA RIVER.

Mr. GORDON. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. No. 3327) to provide for the improvement of the Oostenaula River, in the State of Georgia, to report it without amendment, and ask for its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It appropriates the sum of $10,000 for the improvement of the Oostenaula River, in the State of Georgia.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PUBLIC BUILDING AT AUBURN, NEW YORK.

Mr. MORRILL, of Vermont. I move that the Senate proceed to the consideration of House bill No. 3761.

The motion was agreed to; and the bill (H. R. No. 3761) directing the Secretary of the Treasury to report upon the necessity of a public building at the city of Auburn, New York, was considered as in Committee of the Whole. It directs the Secretary of the Treasury to report to Congress at the beginning of its next session whether the present needs of the Government require the erection of a public building at Auburn, New York, and the estimated cost of the same.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

J. SCOTT PAYNE.

Mr. CLAYTON. I ask the Senate to take up the bill (H. R. No. 2771) for the relief of J. Scott Payne, second lieutenant Sixth United States Cavalry, late first lieutenant Fifth United States Cavalry.

Mr. EDMUNDS. I wish to ask the chairman of the Committee on Military Affairs to explain, before this bill is taken up, how it affects the question of jumping this person into the rank of a first lieutenant over all the second lieutenants, and over all the first lieutenants below him?

Mr. LOGAN. I do not know anything about the bill. It was reported in my absence. The Senator from Arkansas has charge of it.

Mr. EDMUNDS. I had forgotten that the Senator from Arkansas was a member of the Military Committee. I should be glad to hear my friend from Arkansas explain how it operates, before the bill is taken up.

Mr. CLAYTON. There is a report in the case and perhaps the reading of it would be more satisfactory to the Senator. It is a report of the House committee which the Senate committee adopted. The facts are about these: This officer tendered his resignation to take effect some three months ahead. The resignation was accepted before that time. The conditions of the resignation were not compiled with. This proposition is merely to give the President authority if he sees proper—it does not require him do it but merely authorizes him—when a vacancy occurs to place this officer in the position he would be entitled to occupy if he had not resigned. He withdrew the resignation.

Mr. EDMUNDS. How could the officer withdraw his resignation after it was accepted, I should be glad to know?

Mr. CLAYTON. It was not accepted in accordance with the terms of the resignation. He resigned to take effect some time in December and the resignation was accepted to take effect in September, accepted immediately. The terms of the resignation were not complied with in the acceptance.

Mr. EDMUNDS. I should like to hear the report read.

The PRESIDENT *pro tempore*. The report will be read.

The Chief Clerk read the following report, submitted by Mr. DONNAN from the Committee on Military Affairs of the House of Representatives on the 2d of May last:

The Committee on Military Affairs, to whom was referred the House bill No. 2771, having had the same under consideration, respectfully submit the following report:

In the month of June, 1868, J. Scott Payne, then first lieutenant Fifth United States Cavalry, tendered his letter of resignation, to take effect December 1 of same year. Subsequently charges were preferred against him, and he was summoned to appear before a court-martial at Washington, District of Columbia, early in August, 1868. Pending the trial he applied to the then Secretary of War for the withdrawal of his resignation, which was declined. The court-martial acquitted him of the charges, but the resignation which he had asked to withdraw was accepted September 12, 1868.

On the 30th of January, 1869, the War Department issued Special Order No. 25, as follows:

[Extract.]

8. By direction of the President so much of the Special Orders No. 220, paragraph 4, from this office, dated September 14, 1868, as accepts the resignation of First Lieutenant J. Scott Payne, Fifth United States Cavalry, to take effect September 12, 1868, is hereby revoked.

* * * * * * *

By command of General Grant.

E. D. TOWNSEND,
Assistant Adjutant-General.

It is claimed that the President could not restore to the service an officer who had resigned by revoking the acceptance of his resignation, and no effect has been given to Special Order No. 25, above stated. Last year the President appointed Payne a second lieutenant in the Sixth United States Cavalry. The bill before the committee provides in case of the first vacancy that this officer be reinstated in the grade which he held in his old regiment, thus giving effect to the special order of the War Department of January 30, 1869.

The bill is, however, imperative in its terms. The committee recommend striking out of lines 6 and 7 of the bill the words "shall be appointed," and inserting after the word cavalry in the fourth line the words "the President is hereby authorized to appoint."

And being so amended, the committee recommend the passage of the bill.

Mr. EDMUNDS. I do not think this bill can be finished in some considerable time. It involves the question of jumping an officer who under charges offers his resignation, although the charges are not technically proved afterward, over the heads of those who would come before him and were promoted in consequence, a thing that is perfectly destructive to all discipline and good feeling in the Army, and it will require a good deal of consideration before this bill can pass or be rejected. We ought to understand exactly what we are about. There are matters which require consideration in another capacity, and I move that the Senate proceed to the consideration of executive business.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Vermont.

Mr. CLAYTON. I hope that will not be done.

Mr. EDMUNDS. The motion is not debatable.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Vermont.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had agreed to the amendments of the Senate to the bill (H. R. No. 3097) in relation to courts and judicial officers in the Territory of Utah.

The message also announced that the House had passed the following bills:

A bill (S. No. 633) for the relief of A. H. Von Luettwitz, late lieutenant in Third United States cavalry; and

A bill (S. No. 775) to authorize the construction of a railroad bridge over the Willamette River, at Portland, in the State of Oregon.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (S. No. 653) to authorize the use of gilt letters for the names of vessels;

A bill (S. No. 794) to legalize the muster of Reuben M. Pratt as second lieutenant;

A bill (H. R. No. 104) for the relief of James Coats, of Jackson, Mississippi;

A bill (H. R. No. 3094) making appropriations for the service of the Post-Office Department for the year ending June 30, 1875, and for other purposes;

A bill (H. R. No. 3091) to release J. W. Bennett from political disabilities;

A bill (H. R. No. 3086) to remove the political disabilities of George E. Pickett, of Virginia;

A bill (H. R. No. 3252) to remove the political disabilities of George N. Hollins, of Maryland;

A bill (H. R. No. 3253) to remove the political disabilities of Richard T. Allison, of Maryland;

A bill (H. R. No. 2909) to declare the bridge across the Niagara River authorized by act of Congress approved June 30, 1870, a post-route;

A bill (H. R. No. 3266) for the relief of Pekin Alcohol Manufacturing Company; and

A bill (H. R. No. 2798) for the relief of John J. Hayden.

THANKS TO PRESIDENT PRO TEMPORE.

Mr. BAYARD submitted the following resolution; which was unanimously agreed to:

Resolved, That the thanks of the Senate are due, and hereby are tendered, to the Hon. MATTHEW H. CARPENTER, for the courtesy and ability with which he has presided over their deliberations.

TRIAL OF F. A. DOCKRAY, IN CUBA.

Mr. CONOVER. I move that the Senate proceed to the consideration of the resolution offered by me on the 14th of May last, in reference to the arrest, imprisonment, and trial of F. A. Dockray, a citizen of Florida.

The motion was agreed to; and the Senate proceeded to consider the following resolution:

Resolved, That the President of the United States is hereby requested, if in his opinion compatible with the public interest, to lay before the Senate the correspondence between the Government and our consular agents in Cuba and the Spanish government in reference to the arrest, imprisonment, and trial of F. A. Dockray, a citizen of the United States, for alleged political offenses committed in Cuba.

Mr. CONOVER. Mr. President, there is nothing so peculiar in the conduct pursued by the Spanish authorities in Cuba toward Mr. Dockray that alone would have led me, as a representative of the State of which he is a citizen, to move the resolution relative to him. His case, unfortunately, is not singular. We have been made too familiar in the past with arbitrary arrests, military trials, and illegal executions of American citizens by those who have held despotic authority in the island of Cuba to be surprised by any new arrest. I am well satisfied that the executive department has been mindful of Mr. Dockray's claim upon its protection, and that all proper steps to obtain for him that kind of trial and those safeguards of liberty which are guaranteed to him by the treaty between the United States and Spain have been taken.

Had Mr. Dockray been arrested in any one of the European kingdoms, charged with an offense against its sovereignty, I should have presented my application for governmental interference in his behalf to the Executive only, confident that the nation by whose authority he was arrested would concede to him a fair trial before impartial judges, and all proper means of defense; but when I recur to the modes of proceeding which have in Cuba supplanted judicial inquiry and deliberate, honest judgments; when I consider who it is that governs in the island, that armed mobs overawe captains-general and force capital convictions by the terror with which they inspire those who sit to try the accused, I cannot allow this session to pass without an effort to have the Executive action morally strengthened by such a manifestation of the sentiment of this branch of the legislative body as will indicate to the Spaniards in Cuba, whether they be the lawful rulers or the lawless power behind and above them, that the people of the United States will brook no further outrages such as they have hitherto allowed to pass unrequited and unavenged.

The passage of the resolution will, I think, obtain for the Senate information which will enable this body and the people of the United States to learn on what pretexts American citizens are arrested and detained without trial, secluded in filthy dungeons, and subjected to all the outrageous cruelties that have become the fixed rule in Cuba.

And now that the Senate is considering this single case, and its attention is called to the dangers which menace the citizen of the United States whose presence in Cuba attracts to him the suspicion of the Spanish authorities, and the dangers to which he is exposed when accused of complicity with the Cuban revolutionists, it is not inappropriate to consider further whether the United States should longer refrain from expressing in some suitable and proper form its sympathy with those who are struggling to overthrow Spanish rule in the island, or, should it be deemed contrary to our duty as a nation to make a solemn public declaration of those sentiments which it may be assumed our people individually entertain in favor of the Cuban patriots, whether we should not extend to them that measure of support which their struggle will derive from a recognition by the United States of their claim to be regarded as belligerents, and entitled to the rights and privileges which, in accordance with the usages and laws of nations, we may accord to them as such.

The government of Cuba is a despotism, the captain-general having by the royal decree of 1825 the same powers possessed by a military commander where military law exists; superadded to that the power of banishment, confiscation, and imprisonment without trial, and the right to impose taxes without being accountable for the taxes collected.

I read from the decree:

His Majesty the King, our lord, desiring to obviate the inconvenience which might result in extraordinary cases from division of command and from the interferences of powers and prerogatives of the respective officers; for the important end of preserving in that precious island (Cuba) his legitimate sovereign authority and the public tranquillity through proper means, has resolved, in accordance with the opinion of his council of ministers, to give to your excellency the fullest authority, bestowing upon you all the powers which by the royal ordinances are granted to the governors of besieged cities. In consequence of this, His Majesty gives to your excellency the most ample and unbounded power not only to send away from the island any persons in office, whatever be their occupation, rank, class, or condition, whose continuance therein your excellency may deem injurious, or whose conduct, public or private, may alarm you, replacing them with persons faithful to His Majesty and deserving of all the confidence of your excellency, but also to suspend the execution of any order whatsoever or any general provision made concerning any branch of the administration as your excellency may think most suitable to the royal service.

The natives are entirely excluded from office and viewed as enemies; "driven from all profitable occupations in order to make room for Europeans; molested in the enjoyment of their property; and obliged, in order to obtain a precarious personal security, constantly to make presents and pay black-mail to the agents of the government." The taxes imposed and carried away from the island annually are about $35,000,000.

I quote from reliable authority:

The amount of taxes collected in 1866 by the Spanish government was $26,806,382. As we have no later official reports, we estimate that, with the new taxes imposed in 1867, the public revenues in 1868 must have amounted to $35,000,000. About $12,000,000 of this amount is derived from the custom-house, $2,000,000 from the government lottery, $11,000,000 from tax upon the productions of the soil, and the balance from taxes on trade and other sources. To this amount there can be added from fifteen to twenty million dollars more, which the people pay in fraudulent exactions and contributions.

The government of Madrid has been for the last ten years receiving from Cuba from five to six millions annually, called the *ultra-marine surplus*, and it has made Cuba pay the expense of the penitentiary of Fernando Po, off the coast of Africa, which costs not less than $200,000 a year.

Cuba also paid the expenses incurred by the Mexican expedition in 1863, which amounted to $10,000,000, and of the war with San Domingo, which amounted to about $22,000,000.

None of this money is used for public works, schools, hospitals, or sanitary regulations, and moneys extorted from private citizens ostensibly for these purposes have been appropriated and carried away from the island. These operations have led to several efforts for freedom, commencing at the time the South American republics revolted; all of which have been failures up to the present revolution, which began in 1868. In 1844 military means were set to work to suppress an alleged conspiracy. The parties accused were rich, free colored men, who were put to death and their property confiscated; "their lives taken by wholesale on the scaffold, while not a few of them died under the lash, which was freely and mercilessly used to compel them to confession." All efforts to obtain reform and all petitions to the throne proved failures, owing to the influence of the Spaniards in the island.

Leading Cubans desire the abolition of slavery. The Spaniards desire to perpetuate it and to increase the number of laborers in bondage by the introduction of coolies and African apprentices, which furnish an additional reason for the hostility of the Spaniards to the native Cubans, notwithstanding the despotic power of the captain-general is bad enough.

I propose now to show that Spain is utterly powerless to govern in Cuba, and exercises no control except such as is agreeable to the volunteers.

Since the commencement of the revolution the "volunteers" have completely defied both the captain-general and the home government. They drove out General Dulce and treated the Spanish minister who came to the island with contempt, and boldly declared that they would not obey any decree of the home government which did not suit them. We have the highest authority that these evils exist in speeches of leading republican members of the Spanish Cortes in the presence of the ministers, and not by them refuted. Señor Quintero on one occasion said, in reply to a remark of the colonial minister:

I have no objection to reply that I fully recognize the services rendered by the Havana volunteers so far as regards the murders committed at the Café del Louvre and elsewhere, as also in expelling and sending back hither General Dulce; as I am thoroughly well aware of the ignominy heaped upon the Spanish government for suffering such an attack upon its dignity. If there had been any sense of decorum in the government General Dulce would have returned with a squadron at his back strong enough to force him upon these rebels, for in plain truth the real Cuban rebels are the slaver volunteers of Havana.

Señor Benot said in a debate in the Cortes:

What have I not to fear, when under the name of love for Spain they send our captain-general back to us again? Spain does not govern in Cuba, for if she did she would not suffer innocent children to be shot down as they have been. Most of you, my lords, are fathers. Picture to yourselves in your mind's eye your sons, being absent from the university of Havana in consequence of the absence of a professor, going in a spirit of boyish light-heartedness to a neighboring cemetery to play. Imagine, for this irreverence and a certain want of confidence that existed in the authorities, a ferocious and riotous mob taking your sons prisoners, subjecting them to a council of war, accusing them falsely of injuring the tombs whose glass fronts still remain intact! Imagine again the council of war acquitting them, and this savage rabble, worked up to a pitch of paroxysm at human blood being denied them, subjecting your innocent sons, after they had been acquitted, to another council of war; and there at the point of the bayonet, and under the fears inspired by the howls of these blood-thirsty hyenas there condemning eight of your sons to death and the rest to the common jail! Authorities in the Havana have ceased to exist since the rising has thrown into prison those that were in power; and thousands upon thousands of fierce, lawless men, with dire ferocity necessary to murder your sons unrestrained by law, present, indeed, a fearful picture! But you can hardly even yet form a just idea of this savage scene. The children numbered forty-four, and the second council of war ordered them to draw lots who should die; and among the others it fell to the lot of two brothers, and the stony hearts of the judges even, thinking it hard to deprive the father at one blow of both his sons, pardoned one of them; but in order that the arithmetical operation should remain correct and the due number of victims be retained, they substituted for the pardoned boy another, because he happened to be somewhat older than the rest, without thinking or caring that they were breaking the heart of another father by murdering his innocent son—so innocent indeed that he had not been in Havana on the day of the alleged demolition of the tombs. What should you say, O upright senators, who have grown gray in the administration of justice, if one of your sons had been condemned to death and shot like a dog for the fearful crime of being a little older than his unfortunate companions? This crime, then, incredible as it is and unexampled in the annals of history, remains still unpunished. * * * And yet the government tells us that crime is proscribed, while this is known to the whole world! Would to God that the bitter tale were hidden from the nations of the earth! I assure you, my lords, that I enter on the discussion of the colonial

question with fear, for it horrifies me to have to pick my way over governmental robberies, judicial murders, and the usurpation of parliamentary powers. * * *

Cuba is growing under the scourge of arbitrary power. There is no law, no code, no constitution; the privileges of modern law are trampled in the dust, and the ancient laws are disregarded. Children are immolated; judgment is passed on the dead; the innocent suffer for the guilty; human ears are fried and eaten; the only power is brute force, the vile greed of bad officials, and the infamy of pirates, tyrants, and slavers.

Similar utterances were made at divers periods by other distinguished members of the Cortes. Señor Payela, in speaking of the purposes of the revolution, said:

They wish to preserve slavery to enable them to continue building up fortunes with the slave trade; they hate freedom because it is an impertinent informer of all the bad tricks which they have been accustomed to employ in certain mercantile transactions.

Señor Garrido also said on a similar occasion, in 1872:

You say you want twelve thousand more men to crush the Cuban insurrection; but this insurrection has already existed four years, and now you come and tell us that you want twelve thousand men to subdue it. This besides the fifty thousand or more that you have sent already! Ah! what you must do with Cuba is not to send twelve thousand more men from Spain, but send back from Cuba hither the twelve thousand vultures which are devouring it; what you must do with Cuba is to send her liberty and a great deal of it, because liberty attracts, mollifies, and renders thankful its recipient. Let this liberty be sent thither, and allow the Cubans to govern themselves like the rest of the Spanish provinces. I can tell you that the question of Cuba is for you an insoluble one. You may send your twelve thousand men there, as you have sent many times twelve thousand already during the last four years, but you will not settle the question for all that. You cry out that you must preserve the territorial integrity, and it appears that there is a tendency to believe that we on our side of the house do not wish to do so; but that is a mistake. We wish for it as much as you, and we wish for national unity; but we also wish for liberty, for without liberty there can be no real fatherland; and the Cubans have the same right to administer their island as we have to govern and administer our provinces and local interests.

Against tyranny there is always the right of rebellion, and we, who for fifty years were always rising against despotism, cannot deny the right of rising to those whom we ourselves oppress. Instead of sending twelve thousand men to settle the Cuban question, the republican party would settle it by federation, giving the Cubans the liberty we had ourselves; for if the insurrectionists cry "death to Spain," it is because Spain means to them oppression, tyranny, and plunder.

On another occasion Señor Payela said:

I have now to ask the minister of war whether, having already sent seventy-six thousand men and the Cuban affair not being nearly at an end yet, he thinks he is going to finish the war by sending still more soldiers? I think not; and although as I do not wish to raise a storm in the house, and will not speak about the Havana volunteers, I have only to say to his lordship that since he now asks for a conscription of forty thousand men because he thinks the war is coming to a finish, he will have to ask for a great many more when it really comes to an end, for he will then have to deal with an insurrection a great deal more to be feared than the present one, namely, an insurrection of the volunteers themselves. The government is asking us for soldiers to send to Cuba, as if it really commanded in the island. I can tell you, gentlemen, that the power that commands now in Cuba are the volunteers of Havana; and they command there because, for some reason which I do not know, they fear for their lives and fortunes and they believe it better to think and act for themselves in the matter of Cuba. The patriotism of the volunteers only means looking after their own interests. The seventy-six thousand men you have already sent have not sufficed to finish the war, nor will the twelve, fourteen, or even twenty thousand more you may send, because the insurrectionists are much more important than you think, and the volunteers are of more importance still. The proof of this is that we send them generals and they send them back to us again.

The Spanish government has hitherto in its communications with foreign governments characterized the efforts of the Cubans as the acts of outlaws and them as banditti, without arms, money, or organized government, led by a few disaffected reckless adventurers, and that the most populous and important parts of the island are free from war and whose population is quiet and loyal; that they have not been able to establish themselves at any important point on the coast, but are held within the mountain wilderness where they carry on a mere guerrilla and predatory warfare. The sentiment of the native Cubans may be inferred from what was stated by General Concha in 1852 when he was in command in Cuba. I read from his secret circular published in the New York Herald of May 2, 1874. It is fitly introduced here to show how he understood the sentiment of the natives, and it also marks the character of the man and the measures of oppression which he may be expected to resort to. It must be observed that this circular was issued secretly, and at a time when there was no hostile force on the island; it is as follows:

[Secret circular.]

Captain General of the Ever-faithful Island of Cuba:

This government being well aware that the traitorous enemies of Her Majesty, encouraged by the magnanimous indulgence with which until now the queen has treated them, and secretly protected by the new Administration of the United States, are projecting an invasion of this island in considerable numbers, and convinced at the same time of the necessity of putting down with a strong hand the revolutionary tendencies of the natives of the country, I order, under the sanction of the supreme government, that, in addition to the decrees communicated to you on the 3d of May and the 15th and 30th of July of this year, you will execute without delay or consideration of any kind the following precautionary measures:

First. At the first news of the disembarkation of pirates you will reiterate the order of the 13th of May about confining to barracks the forces at the disposal of the government in that place, placing them under arms and arranging the inactive classes of the police, firemen, militia, and enrolled sailors, and will also form unattached companies of all the young men and Spanish shop-keepers, in which the natives who are known to be well disposed toward the just cause of Her Majesty may be admitted.

Second. Simultaneously, without loss of time, and using armed force if it be necessary, you will have conveyed to the government house the principal creoles formerly designated in the list sent by you to this superior government as influential persons on account of their knowledge, riches, and revolutionary spirit. When gathered together there you will make them sign a manifest in conformity with the form I sent you on the 30th of last July. You will then order the immediate publication of such manifest, taking care to add to the general offer of lives and properties made there in the particular guarantee of all that each one may own according to your own judgment.

Third. Aware as this government is that it can only count upon the adhesion of Spaniards and of commercial men, and also persuaded at the same time that all the creoles are enemies, or at least indifferent to the triumph of the sacred cause of Her Majesty, and that in the end their means will go to serve traitors and revolutionists, you will collect from said gathering of creoles all the ready money which they may have, as a special and individual offering of the number which may have before signed the manifest.

Fourth. Taking into consideration the present penury of Her Majesty's revenues, in consequence of great military expenditures which the government has been obliged to raise because of the disaffection of the sons of this country, I authorize you, in the name of Her Majesty, in case of need, to exact from the Spaniards and commercial people, as a forced loan also, bearing 6 per cent. interest, any sum up to $2,000,000 to sustain the war. And as it is not just that these people should be the first to be ruined on account of their loyalty, they will be given by this government local bonds or coupons, emitted on the usual terms in such cases, which you will order to be signed and guaranteed jointly and separately by all the creoles who may compose the meeting spoken of in the second article.

Fifth. To secure the execution of the preceding measure you will order a guard to take in custody and watch the said junta of creoles, so that none of them, under any pretext whatever, may leave the place designated by you as general headquarters. Said guard shall have for ostensible object that of protecting the creoles from the vengeance of their countrymen, and therefore you will treat them apparently with the greatest consideration, trying to make them understand, if it is possible, that all this is done for their good and personal safety.

Sixth. As it may be necessary for you to move to several places in your jurisdiction, according to the fortunes of war, in no case will you leave behind the before named creoles, but will take them with you to all places so as to not lose the moral force which their apparent co-operation will give to the government, preventing at the same time any use which the enemies of the crown might make of them.

Seventh. The disaffection of the natives being so marked that undoubtedly some of the above-mentioned creoles will make great efforts to mock our vigilance and desert from the side of the government, you will suppress with a severe hand any attempt of this nature, or any expression of discontent, by means of previous government measures; and in case you esteem it necessary to inflict exemplary punishment, so as to impose respect and absolute submission, you will shoot (*posar por las armos*) one or more of them, being sure to execute the sentence when you are distant from the city and the troops are on the march.

Eighth. And, it being most important for the triumph of the royal cause to make sure of all the results which the government proposes to obtain from these regulations in particular, I charge you with the greatest secrecy and the strictest compliance with them under the severest responsibilities of your life and office, requiring you to acknowledge the receipt of this communication.

God guard you many years.

The Herald comments on this circular as follows:

All the prominent Cubans in the city who have expressed an opinion upon the subject agree that the Spanish government in calling Concha for the fourth time to office in Cuba virtually confesses its inability to subdue the insurrection there. The patriots here have been in high glee ever since the arrival of the Marquis of Havana, whom they look upon as an aged tyrant who represents in himself every trait of the Spanish character that is most distasteful to Cubans, and they believe that during his present administration Cuba will emancipate herself from the mother country. The failure of Jovellar and his call for twenty thousand troops were measures that made manifest to the world the weakness of Spain. Also the action of Concha, who is taking a money compensation in lieu of drafted men that ought to be sent into campaign, shows the kind of pandemonium to which the new captain-general admits the island to be reduced. The Cuban newspapers here are bringing to light Concha's no very glorious antecedents, and predict the speedy abandonment of the island by the Spaniards, and in so doing but reflect the opinions of their wisest and most experienced leaders. The Cubans are daily on the lookout for news of another battle, and point with pride to the fact that General Portillo, the pacificator of the Cinco Villas, has showed himself to be, in Puerto Principe, entirely unable to cope with the astute and intrepid Maximo Gomez.

Mr. President, if he correctly expressed the sentiments of the native population in 1852, we have every reason to suppose that the friendly feeling in Cuba for Spain, if any, has not increased, when we find that so many causes for discontent have accumulated since. In this connection we cannot overlook the position of the colored population, as to which side their sympathies are with. There can be no doubt in this regard, since the Cuban government has decreed the emancipation of all slaves in the island. The strength of the revolution is in the unanimity of that portion of the population which comprises seven-tenths of the whole—the natives.

The actual results of the Cuban arms must be ascertained, of course, not merely by the magnitude of the forces pitted in battle at any one time against the Spaniards, the character of their equipments, the state of their treasury, or whether or not they are possessed of seaports and shipping. We must look to the effect produced upon the Spanish powers, their losses in battle, and the treasure consumed; the data for which we find in public documents and the press of Spain, as well as from other reliable sources. Mr. Sickles, in a dispatch to Mr. Fish, a year ago, stated that the Spanish government had lost in four years sixty thousand men. Señor Payela, we have seen, stated the loss at seventy-six thousand, to which is to be added at least twenty-five thousand for the past year because of the greater frequency of encounters and the greater number of forces employed in them.

The amount of money levied by Spain in Cuba during the war and actually applied is about $100,000,000. Besides that, it is said there is a debt of nearly $40,000,000. Money has been obtained by every means, ordinary and extraordinary, until their treasury is literally bankrupt. General Valmaseda not long ago, when in command, asked the home government for the insignificant amount of $12,000,000, which was refused him for the reason that "it had not the money to give and its credit was too poor for it to be able to borrow that sum."

These facts and the recent financial decrees of the captain-general show that the means of carrying on the war have been exhausted, and that there is evidence that Spain is no longer able to furnish money or men, for the advices from Cuba inform us that General Concha has ordered a conscription even among the native Spaniards, and has also ordered the organization of a certain number of battalions of slaves.

These results have been produced by operations carried on by the

Cuban commanders, and they are cogent evidence in favor of their claims to be considered a belligerent nation. These facts address themselves to the consideration of our Government when deciding whether it is proper to recognize the Cuban government, leaving out of question our sympathy with their efforts to establish a republic, to put an end to slavery, and to do away with the existing injuries upon our commerce, irrespective also of our duty to interpose a check to the outrageous manner in which the Spanish generals have carried on the war. But we cannot ignore these cogent reasons why we should accord to the Cuban revolutionist that moral support to which they have entitled themselves by their military successes:

First. An independent republic in Cuba instead of the present system of rule there is certainly desirable by the people of the United States.

The abolition of slavery in Cuba is also a matter of the first importance, and the President has candidly stated to the government of Spain that it is a matter which the United States feels a deep interest in, and in fact insisted that it was its duty to have put an end to it. The diplomatic correspondence is full of the promises of Spain on the subject, made to the United States and England; but there has been nothing but evasion on the part of Spain. As was stated by Señor Payela in the Cortes, there is a power in Cuba greater than Spain. The Spanish volunteers and those who grew rich by the slave trade and large slave-owners boldly declare that they will obey no edict of emancipation if one should be issued by the Spanish government.

The manner and conduct of the war and the atrocities perpetrated are to be found in a publication entitled "The Book of Blood," wherein it appears that up to 1873 there were twenty-nine hundred and twenty-seven prisoners put to death in cold blood. This statement is made on the authority of the Havana newspapers. It is also alleged that more than five thousand have disappeared whose fate has never been made known, but no one doubts that they likewise perished. A large number have been arrested in civil life, tried by court-martial and condemned to death, to imprisonment in penal fortresses, or to the disgraceful punishment of labor in the chain-gang. Among these were some of the most distinguished and highly educated inhabitants of the island. The proclamation of Valmasado is well remembered, but I will reproduce it here in part, to show the brutality and inhumanity of the Spanish officials in their conduct of the war in Cuba:

First. Every man from the age of fifteen years and upward found away from his habitation and does not prove a justifiable motive therefor, will be shot.

Second. Every habitation not occupied will be burned by the troops.

Third. Every habitation over which does not float a white flag as a signal that its occupants desire peace, will be reduced to ashes.

Women that are not living at their own houses or at the house of their relatives, will collect near the town of Jiquani or Bayamo, where maintenance will be provided. Those who do not present themselves will be conducted forcibly.

This pronunciamento called from Mr. Fish, the Secretary of State, the following remonstrance, addressed to Mr. Lopez Roberts, under date of May 10, 1869:

In the interests of Christian civilization and common humanity, I hope that this document is a forgery. If it be indeed genuine, the President instructs me in the most forcible manner to protest against such a mode of warfare.

One instance of a trial, and what the court-martial was expected to do, is found in the order of the captain-general consigning the president and members of the court to prison for two months, for too great clemency in sentencing a civilian to six years' hard labor in the chain-gang for seditious language:

Don José Dominiquez, captain of Spanish infantry, was in the village of Veguita in the jurisdiction of Colon. On September 27, 1870, he ordered a peaceable man to be shot because he suspected him to be an insurgent, and that as soon as he was executed his ears should be cut off and his tongue cut out. On the following morning he invited three of his friends, brother officers, to breakfast, and presented to them as a choice dish the ears and tongue of the insurgent, cooked! His friends were horrified, and reported it to the commanding officer. The cannibal was tried and condemned to death; but he was subsequently pardoned by special order of the King of Spain, who was thoroughly cognizant of the circumstances of the case, and restored him to his command.

The American people, Mr. President, cannot look upon the struggle in Cuba with indifference. On the one side it is a struggle for life, for liberty, for property; on the other, for subjugation, abject and complete. In their declaration promulgated at Manzanillo in October, 1868, the Cubans state the case thus:

In arming ourselves against the tyrannical government of Spain, we must, according to precedent in all civilized countries, proclaim before the world the cause that impels us to take this step, which, though likely to entail considerable disturbances upon the present, will insure the happiness of the future.

It is well known that Spain governs the island of Cuba with an iron and blood-stained hand. The former holds the latter, deprived of political, civil, and religious liberty. Hence the unfortunate Cubans being illegally prosecuted and thrown into exile or executed by military commissions in times of peace; hence their being kept from public meetings and forbidden to speak or write on affairs of state; hence their remonstrances against the evils that afflict them being looked upon as the proceedings of rebels, from the fact that they are bound to keep silence and obey; hence the never-ending plague of hungry officials from Spain to devour the product of their industry and labor; hence their exclusion from public stations and want of opportunity to skill themselves in the art of government; hence the restrictions to which public instruction with them is subjected, in order to keep them so ignorant as not to be able to know and enforce their rights in any shape or form whatever; hence the navy and standing army which are kept upon their country at an enormous expenditure from their own wealth to make them bend their knees and submit their necks to the iron yoke that disgraces them; hence the grinding taxation under which they labor and which would make them all perish in misery but for the marvelous fertility of their soil. On the other hand, Cuba cannot prosper as she ought to, because white immigration, that suits her best, is artfully kept from her shores by the Spanish government. And as Spain has many a time promised us Cubans to respect our rights without having hitherto fulfilled her promises; as she continues to tax us heavily, and by so doing is likely to destroy our wealth; as we are in danger of losing our property, our lives, and our honor under further Spanish domination; as we have reached a depth of degradation utterly revolting to manhood; as great nations have sprung from revolt against a similar disgrace after exhausted pleadings for relief; as we despair of justice from Spain through reasoning, and cannot longer live deprived of the rights which other people enjoy, we are constrained to appeal to arms to assert our rights in the battle-field, cherishing the hope that our grievances will be a sufficient excuse for this last resort to redress them, and secure our future welfare.

To the God of our conscience and to all civilized nations we submit the sincerity of our purpose. Vengeance does not mislead us, nor is ambition our guide. We only want to be free, and see all men with us equally free as the Creator intended mankind to be. Our earnest belief is that all men are brethren. Hence our love of toleration, order, and justice in every respect. We desire the gradual abolition of slavery with indemnification; we admire universal suffrage, as it insures the sovereignty of the people; we demand a religious regard for the inalienable rights of man as the basis of freedom and national greatness.

For seven years, Mr. President, has this "appeal to arms" continued. Spain has exerted all her power to overcome the resistance to her despotic rule; but who can say that she is any nearer success than she was six years ago? Nay, is not success less probable now than it was when the war first began? I admit that the question is one of great delicacy and should be treated with due regard to a continuance of friendly relations with the Spanish government. But all things must eventually reach their end. It cannot be expected that the forbearance of the American Government is to continue forever, or that we shall confine our action in the future as in the past to mere diplomatic remonstrances. So far from it, I submit that the time has come for a policy having in view a speedy pacification of the island. That we should quietly regard a struggle almost within sight of our shores, characterized by a brutality worthy the most ferocious of the savage tribes of our own country, is little creditable to our humanity. It may be true that governments may have nothing to do with sentiment, but in this case the instincts of humanity unite with statesman-like prudence in urging a course which will both tend to put a stop to the further prosecution of a bloody strife and to preserve peace between the two countries. So long as the war in Cuba continues peace with Spain is constantly menaced. No one knows how soon the country may be startled and shocked by a second Santiago de Cuba massacre; and so deeply impressed is the public mind with the danger of a repetition of that terrific butchery that the Government has found it necessary to keep a fleet of war vessels within easy reach of the Cuban coast at a cost of merely fitting out the fleet of $6,000,000, occasioned by the manifest disregard by the Spaniards of our rights as a nation and their defiance of our Government.

No other government situated as we are, with all our sympathies pointing in one direction and our interests following the direction of our sympathies, could have exhibited to the world in the face of great persecution such a spectacle of forbearance. The question to be determined is as to the nature of the "new departure" to be adopted toward Cuba. I am not aware that to accord belligerent rights to the Cubans could be construed as an act of hostility to Spain, and this, unless indeed the policy of official remonstrance and delicate suggestion which experience has shown to be barren of practical results is to continue to mark our treatment of the subject, is the least that can be done. Recognition of Cuban independence would be far more in consonance with our own history as a nation and far more in accord with the genius and spirit of our Government. Expressions of sympathy for the success of the Spanish colonies of South America struggling to establish their liberty and independence were adopted by the House of Representatives in 1821, and in the following year recognition of their independence was voted with extraordinary unanimity by the same body. In urging this step on Congress President Monroe said:

In proposing this measure it is not contemplated to change thereby in the slightest manner our friendly relations with either of the parties, but to observe in all respects as heretofore, should the war be continued, the most perfect neutrality between them. Of this friendly disposition an assurance will be given to the government of Spain, to whom it is presumed it will be, as it ought to be, satisfactory. The measure is proposed under a thorough conviction that it is in strict accord with the law of nations; that it is just and right as to the parties, and that the United States owe it to their station and character in the world, as well as to their essential interests to adopt it.

In the debate on the resolution reported by the Committee on Foreign Relations in the House, in March, 1822, Mr. Poinsett said:

Sir, if ever there was an occasion that justified a revolution, that called upon the people to recur to first principles, and to seek relief from an abuse of power by an appeal to arms, this was one. The revolution of the Spanish colonies did not arise from a mere question of abstract right but from actual suffering and grievous oppression; from causes radical and certain though gradual in their operations, causes that would have inevitably produced a revolution without the violent crisis to which the mother country was exposed and which only accelerated that event. It was felt in their government, in the administration of justice, in their agriculture, in their commerce, and in their pursuit of happiness. Governed by viceroys responsible in name, but in fact as arbitrary as the King of Spain himself, who commanded not only the military governors and intendants of provinces but presided over the tribunals of justice. And let any one imagine what kind of government the miserable colonists must have enjoyed under European Spaniards vested with such powers and who had nothing to dread but an examination of their conduct before a tribunal two thousand leagues from the theater of their injustice. The colonist could not even enjoy the natural advantages by which he was surrounded.

This language, Mr. President, was uttered fifty-two years ago, and yet, sir, it is as applicable to the character of Spanish rule in Cuba to-day as it was when Spanish tyranny drove the South American colonies to take up arms to redress their grievances. While other nations

have learned to respect the aspirations of the subjects for a more enlarged freedom, Spain remains as imperious and blind in her tyranny as when she "lost Flanders through her cruelty." "We have now the right," said a member of the Cortes, in speaking of the treatment of the Cubans by Spain, "of being held up as the most inhuman people in all civilization." To me the establishment of a republic in Spain, while the effort is made to force upon the Cubans a government by means which provoke the abhorence of all Christendom, has more the appearance of a solemn mockery than a reality. From having once been the most powerful nation of the earth, she has lost her provinces one by one through oppressive cruelty, and her statesmen of the present day appear to know no better instrument of government or effective means of challenging the confidence and affections of their distant subjects than the sword and blood, wielded and shed by rapacious generals and a brutal soldiery.

"The provinces belonging to this hemisphere are our neighbors," said Mr. Monroe, and we cannot avoid, if we would, feeling a deep solicitude in their welfare.

The suspension of our neutrality laws would soon end the contest in Cuba. Granting to the struggling Cubans belligerent rights would be a step toward the same end, while a recognition of their independence would as certainly be the means of insuring that independence as that effect follows cause. Chili and Peru have already extended that recognition, and I am persuaded that a similar act on the part of the American Government could not fail of carrying with it such moral force as to result in changing the character of the war waged by Spain and in restoring peace to the island.

Sooner or later, Mr. President, will one or the other of these lines of policy be adopted, and sooner or later will Spanish domination in the Gulf cease. Cuba may not in the life of the present generation become one of the States of the American Union, but that she will cease to be a dependency of Spain is inevitable. This catastrophe has been hastened by the course of the mother country in persistently denying to the Cubans "their inborn rights," and by subjecting their lives and property to the will of rulers whose rapacity, arrogance, and pride see in those who are not of Spanish blood only enemies to be plundered and in time to be imprisoned and slain.

These struggling people have established a government which appeals to us for recognition and sympathy, and for one I am prepared to take my share of responsibility for the consequences that may follow the acknowledgment of the fact. In the case of Texas, after the battle of San Jacinto and before peace had been made with Mexico, Mr. Webster said, "That if the people of Texas had established a government *de facto* it was undoubtedly the duty of this Government to acknowledge their independence." Of the million and a half of people inhabiting the island, it is estimated that thirteen-fifteenths are earnest sympathizers with the rebellion, while authentic information shows that the Cuban army numbers more men than General Washington was able to concentrate at any one point during the whole period of the revolutionary war. Of pure Spanish blood it is supposed that there are not exceeding one hundred thousand persons in Cuba, and it is from this class of the population that the "volunteers" are made up, and it is through them that Spain expects to continue her grasp upon the fairest gem of her West India possessions. To use the language of a Senator in urging the recognition of the South American governments:

Shall we as a nation stifle all our sympathies in favor of free government to gratify the vain-glorious pride of Spain? If we do, we shall betray the rights and interests of republics. Heaven, in giving freedom to us first, made it our primal eldest duty to go forth first and acknowledge it in others. Honor and duty call alike upon us to perform the rightful mission. The same Providence that gave us success in our revolutionary struggle is conducting the other nations of America through bloody wars to peace and independence. Our approbation may inspire them with fresh confidence and stimulate their love of liberty.

The commerce of the United States has been injuriously affected by the civil war which has existed in Cuba and because of the various impositions made upon it by the decrees of the captains-general when seeking to obtain the means to meet the extraordinary expenses made necessary thereby. The trade of the United States with Cuba amounts to about one hundred millions yearly. The State which I have the honor in part to represent has been deprived of a commerce which formerly furnished employment to many vessels and men and considerable capital. It was constantly growing and capable of extension. I allude to the exportation of live and cured fish to Cuba, a business which has been entirely destroyed by the repeal of the liberal system of free trade established in respect to vessels carrying fish to Havana by Captain-General Tacon, a man who although of an arbitrary character, acted upon a wise and enlightened policy in matters of trade.

If we had free trade with Cuba the ports of Florida would be found well situated for interchange of products of Florida and western products for those of Cuba. This mode of communication between Cuba and the West was formerly used to some extent, but the recent construction of railroads connecting the rivers and sea-ports of Florida with Louisville, Saint Louis, and Cincinnati has greatly increased the means of communication with the island and lessened the cost. The Gulf States could furnish Cuba with lumber, live stock, &c., and take from it many articles not now imported because of the restriction in trade on them imposed by the government of Cuba. The particular operation of these restrictions on our commerce and the amount of our consequent losses I will not undertake to specify; they are easily ascertained by reference to the reports on the subject made to Congress by the Secretary of the Treasury. I allude to the subject only to show that our people suffer loss by the civil war in Cuba, and that they are sensible thereof, and for this and other more potent reasons desire that our Government should take proper and becoming action, such as will tend to restore peace and establish a liberal government in the island. That such is the public sentiment of Florida appears from the declarations made of them by the Legislature of the State; that the people have given expression to their sympathy with the Cuban patriots in the most emphatic and positive manner I am able to assert. What has tended forcibly to arouse feelings of interest in behalf of the Cubans and dislike of Spanish rule in Cuba has been the forced emigration to Florida of thousands of native Cubans who fled to the United States to escape from the cruel and arbitrary rule which exists in their native land. These people were cut off from their countrymen who are in arms against Spain and had no other refuge from death or imprisonment save in voluntary exile; with them came many faithful servants of the colored race, whose stories of the wrongs and injuries which are inflicted by the military tyrants who hold sway in Cuba are such that the colored citizens of Florida are specially affected thereby as well as by the continuance of African slavery in Cuba, and they are anxious that the United States should extend some aid to those who are fighting in Cuba to procure freedom for all its inhabitants without respect to race. So strong is this feeling among the colored citizens of Florida that thousands of them would gladly give their active assistance to the Cubans.

Could they do so without violating the laws of the country? At a recent period when hostilities with Spain seemed probable, large numbers of the colored citizens of Florida consulted together for the purpose of tendering their services to the Government to serve in any military force that should be sent to Cuba. The strongest military spirit was displayed among them, and they regret that the opportunity they coveted to aid their brethren in Cuba was lost to them. Should the occasion ever come when they can be employed in such manner I undertake to pledge that their services will be tendered by them with the greatest enthusiasm.

The Cubans who have made their homes in Florida are a peaceable, industrious, and law-abiding people; they have established branches of industry with which they were familiar, which increases the resources of our State and pays to the national Treasury a large sum of money annually, more than half of the receipts from all other sources of internal revenue in the State.

I have not confined myself strictly to the subject of the resolution which I have offered, because I feel that the safety of American citizens demands something more than a remedy confined in its operation to the redress of any particular injury to a citizen who travels to Cuba for business or pleasure, but that the true course for the Government to pursue is such a one as will secure him perfect protection in the future and render the constant repetition of the wrongs inflicted impossible. It is therefore relevant to speak of the conduct of the war in Cuba, its probable termination in favor of Cuban independence, and the reasons why we should extend such moral countenance and support to the cause with which we cannot but sympathize and as our duty as a neutral will permit.

Mr. EDMUNDS. I move that the resolution be referred to the Committee on Foreign Affairs.

The motion was agreed to.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. No. 700) granting a pension to the minor children of Michael Weisse, deceased;

A bill (H. R. No. 3254) to relieve E. L. Winder of his political disabilities;

A bill (H. R. No. 3408) to relieve the political disabilities of L. L. Lomax, of Virginia;

A bill (H. R. No. 3172) to relieve Sardine G. Stone, of Alabama, of political disabilities;

A bill (H. R. No. 554) for the relief of William I. Blackistone, of Saint Mary's County, Maryland;

A bill (H. R. No. 3023) for the relief of Andrew Mason;

A bill (H. R. No. 3027) to remove the political disabilities of A. S. Taylor, of Maryland;

A bill (H. R. No. 3413) to provide for the stamping of unstamped instruments, documents, or papers; and

A bill (H. R. No. 3327) to provide for the improvement of the Oostenaula River, in the State of Georgia.

EXTENSION OF THE SESSION.

The message also announced that the House had passed a resolution to extend the present session of the Forty-third Congress to six o'clock p. m. to-day; in which the concurrence of the Senate was requested.

The Senate proceeded to consider the following resolution of the House of Representatives:

Resolved by the House of Representatives, (the Senate concurring,) That the President of the Senate and the Speaker of the House of Representatives shall be author-

ized to close the present session of Congress by adjourning their respective Houses on the 23d of June, 1874, at six o'clock p. m.

The resolution was agreed to.

EXECUTIVE SESSION.

The Senate proceeded to the consideration of executive business, and after two hours spent therein the doors were reopened.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the bill (S. No. 406) to allow the schooner Ocean Wave to take the name of Edith E. Wright, and be registered under that name.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. No. 3025) supplementary to the act entitled "An act to authorize the Washington City and Point Lookout Railroad Company to extend a railroad into and within the District of Columbia," approved January 22, 1873.

RECESS.

Mr. SHERMAN. I move that the Senate take a recess till a quarter after five o'clock.

The motion was agreed to; and (at four o'clock and twenty-five minutes p. m.) the Senate took a recess until a quarter after five o'clock, at which hour the Senate reassembled.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed a resolution appointing Mr. HORACE MAYNARD of Tennessee, Mr. JEREMIAH M. WILSON of Indiana, and Mr. S. S. COX of New York, a committee on the part of the House of Representatives to join a committee of the Senate to wait upon the President of the United States and inform him that unless he have some further communication to make the two Houses of Congress are ready to close the session.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. No. 921) to prevent the useless slaughter of buffaloes within the Territories of the United States;

A bill (H. R. No. 3025) supplementary to the act entitled "An act to authorize the Washington City and Point Lookout Railroad Company to extend a railroad into and within the District of Columbia," approved January 22, 1873;

A bill (H. R. No. 3352) to further provide for the sale of certain Indian lands in Kansas;

A bill (H. R. No. 3528) providing for the sale of the Kansas Indian lands in Kansas to actual settlers, and for the disposition of the proceeds of the sale;

A bill (H. R. No. 2770) to amend the act entitled "An act to amend an act entitled 'An act to establish a court for the investigation of claims against the United States,'" approved August 6, 1856;

A bill (H. R. No. 3016) granting a pension to Ira Douthart;

A bill (H. R. No. 3098) to amend the act entitled "An act to reorganize the courts in the District of Columbia, and for other purposes," approved March 3, 1863;

A bill (H. R. No. 3534) to change the times of holding the circuit and district courts in the city of Evansville;

A bill (H. R. No. 3175) for the relief J. E. Ingalls, postmaster at Denmark, Lee County, Iowa;

A bill (H. R. No. 3097) in relation to courts and judicial officers in the Territory of Utah;

A bill (H. R. No. 2198) for the relief of the heirs at law of William C. Brashear, an officer of the Texas navy;

A bill (H. R. No. 3600) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1875, and for other purposes;

A bill (H. R. No. 3761) directing the Secretary of the Treasury to report upon the necessity of a public building at the city of Auburn, New York;

A bill (S. No. 633) for the relief of A. H. Von Luettwitz, late lieutenant in Third United States Cavalry;

A bill (S. No. 321) reorganizing the several staff corps of the Army;

A bill (S. No. 600) for the relief of Captain James B. Thompson;

A bill (S. No. 406) to allow the schooner Ocean Wave to take the name of Edith E. Wright, and be registered under that name; and

A bill (S. No. 775) to authorize the construction of a railroad bridge over the Willamette River at Portland, in the State of Oregon.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. E. BABCOCK, his Secretary, announced that the President had this day approved and signed the following acts:

An act (S. No. 7) for the creation of a court for the adjudication and disposition of certain moneys received into the Treasury under an award made by the tribunal of arbitration constituted by virtue of the first article of the treaty concluded at Washington the 8th of May, A. D. 1871, between the United States of America and the Queen of Great Britain;

An act (S. No. 252) to remove the disabilities of John Julius Guthrie;

An act (S. No. 169) for the relief of Marcus Otterbourg, late consul of the United States at the city of Mexico and minister to the republic of Mexico;

An act (S. No. 277) making an appropriation for the payment of $792.46 due the late James L. Day, of Connecticut, for transporting the mails over post-route numbered 8151;

An act (S. No. 313) to confirm the purchase of a portion of the site of Fort Houston, at Nashville, Tennessee, and to provide for the donation of the same to the Fisk University for educational purposes; also to confirm in the purchase of certain land at Fort Hamilton, New York;

An act (S. No. 325) to remove the political disabilities of Van R. Morgan, of Virginia;

An act (S. No. 436) for the relief of Lieutenant John Shelton;

An act (S. No. 443) to provide for the payment of legal services rendered by Edmund Randolph to the United States;

An act (S. No. 552) to refund to E. and J. Koch certain customs duties;

An act (S. No. 683) to authorize the use of gilt letters for the names of vessels;

An act (S. No. 733) regulating gas-works;

An act (S. No. 794) to legalize the muster of Reuben Pratt as second lieutenant;

An act (S. No. 806) to extend the time allowed for the redemption of certain lands by the first section of the act entitled "An act to provide for the redemption and sale of lands held by the United States under the several acts levying direct taxes, and for other purposes," approved June 8, 1872, and to suspend the operation of the fourth section of said act;

An act (S. No. 875) for the relief of Thomas Hughes;

An act (S. No. 849) to prevent hazing at the Naval Academy;

An act (S. No. 854) extending the right of way heretofore granted to the Alleghany Valley Railroad Company through the arsenal grounds at Pittsburgh, Pennsylvania;

An act (S. No. 906) to relieve C. L. Stevenson, of Virginia, of his political disabilities; and

An act (S. No. 930) to authorize the Farmers' National Bank of Greensburgh, Pennsylvania, to change its location and name.

EDUCATION REPORT.

Mr. ANTHONY submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the resolution of the House to print extra copies of the Report of the Commissioner of Education for the year 1873, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the said resolution, and agree to the same.

H. B. ANTHONY,
T. O. HOWE,
ELI SAULSBURY,
Managers on the part of the Senate.

JAMES MONROE,
EPPA HUNTON,
Managers on the part of the House.

The report was concurred in.

HOSPITAL FOR WOMEN.

The PRESIDENT *pro tempore.* Under chapter 415 of the laws of 1872, in regard to the Columbia Hospital for Women and Lying-in Asylum, it is required that for this institution one Senator shall be appointed, and two Representatives by the Speaker of the House, the President of the Senate to appoint the Senator. Under this section the Chair appoints Senator SARGENT, of California.

NOTIFICATION TO THE PRESIDENT.

Mr. EDMUNDS. I move that the Senate take up the communication of the House on the subject of closing the session.

Mr. MORRILL, of Vermont. The chairman of the Committee on Agriculture desires that Senate bill No. 912, to annex certain land to reservation No. 2, occupied by the Department of Agriculture, be acted upon. It has been accidentally overlooked. I ask that it be taken up.

Mr. EDMUNDS. This will not interfere with that. This action does not prevent it at all.

The PRESIDENT *pro tempore.* The Senator from Vermont moves to proceed to the consideration of the resolution of the House in regard to the close of the session. Is there objection? The Chair hears none, and the resolution will be reported.

The Chief Clerk read as follows:

Resolved, That a committee of three members of the House of Representatives be appointed to join such committee as may be appointed by the Senate to wait upon the President of the United States, and inform him that if he has no other communication to make the two Houses are ready to close the present session of Congress.

Mr. EDMUNDS. I move that the Senate concur in the resolution, and that the Chair appoint three members of the Senate to act in concurrence with the members of the House.

The motion was agreed to; and the President *pro tempore* appointed Mr. EDMUNDS, Mr. ANTHONY, and Mr. BAYARD as the committee on the part of the Senate.

JOHN FORSYTH.

Mr. GORDON. I move that the Senate proceed to the consideration of Senate bill No. 823; and I wish to substitute the House bill for it with the consent of the Committee on the Judiciary.

Mr. EDMUNDS. What is the bill of the Senator from Georgia?

Mr. GORDON. It is a bill to remove the political disabilities of John Forsyth, of Mobile, Alabama. The House passed a bill in the same words. I wish simply to substitute one for the other.

Mr. EDMUNDS. I believe that is all right, and the Senate ought to consider it.

Mr. CLAYTON. If there is any further legislation I ask the Chair to decide the point of order I raised before the recess.

The PRESIDENT *pro tempore*. What is the point of order?

Mr. CLAYTON. The point of order is that at the time the Senate proceeded to the consideration of executive business the Senate had under consideration House bill No. 2771. That bill was not postponed or laid aside. The Senate proceeded to the consideration of executive business, and I claim that that bill is now the unfinished business.

The PRESIDENT *pro tempore*. The Chair thinks that is so.

Mr. EDMUNDS. That being so, I think it in the interest of public——

Mr. CLAYTON. I should like to address the Chair on that subject if it is in order.

Mr. EDMUNDS. If the Senator will pardon me, here is a nomination we must act on within the next half hour. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to.

After five minutes spent in executive session the doors were reopened.

Mr. GORDON. I ask that the Forsyth bill be considered now.

There being no objection, the bill (H. R. No. 2702) to relieve John Forsyth, of Alabama, of political disabilities was considered as in Committee of the Whole.

Mr. EDMUNDS. I have no objection, but I wish to state so that it will be in the RECORD that we have considered this bill; this gentleman has put in his petition in the proper way, and he falls clearly within the class of cases for whom we make this removal of disabilities, and therefore it is right. The Senator from Georgia is the friend of this gentleman, and it is right to him that we should pass this House bill, because he does not stand on any other ground than the others.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed by a two-thirds vote.

AGRICULTURAL DEPARTMENT.

Mr. MORRILL, of Vermont. I now move that the Senate proceed to the consideration of Senate bill No. 912.

The motion was agreed to; and the bill (S. No. 912) to annex certain lands to reservation No. 2, occupied by the Department of Agriculture, was considered as in Committee of the Whole. It enacts that the public ground which lies immediately north of reservation No. 2, now in the occupancy of the Department of Agriculture, made by the filling-up of the canal, be attached to and shall hereafter be a part of the said reservation No. 2, in the occupancy of the said Department of Agriculture.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

J. SCOTT PAYNE.

Mr. CLAYTON. I should like to know what has become of the bill which was taken up on my motion.

The PRESIDENT *pro tempore*. The Senator's bill is pending.

Mr. CLAYTON. I ask action on the bill, as it is just and right.

The PRESIDENT *pro tempore*. If there be no objection the bill (H. R. No. 2771) for the relief of J. Scott Payne, second lieutenant Sixth United States Cavalry, late first lieutenant Fifth United States Cavalry, is before the Senate as in Committee of the Whole.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

EXECUTIVE SESSION.

On motion of Mr. EDMUNDS, the Senate proceeded to the consideration of executive business. After four minutes spent in executive session the doors were reopened.

PUBLIC BUILDINGS COMMITTEE.

Mr. MORRILL, of Vermont. I move that the Committee on Public Buildings and Grounds have leave to sit during the recess.

The motion was agreed to.

FORT SEDGWICK RESERVATION.

Mr. HITCHCOCK. I move to take up the bill (S. No. 721) for the restoration of public lands in Fort Sedgwick reservation, in Colorado and Nebraska, to settlement and entry.

Mr. SHERMAN. That is too important to be acted on now.

Mr. HITCHCOCK. It is reported by the Committee on Military Affairs in accordance with the recommendation of the War Department, and it is simply to return the land to settlement by settlers. I am quite sure there ought to be no objection to the passage of the bill.

Mr. SHERMAN. Is it a military reservation?

Mr. HITCHCOCK. It has been.

Mr. SHERMAN. It might involve a very large amount. Suppose it was proposed to open the Fort Leavenworth reservation?

Mr. HITCHCOCK. I presume it would be difficult to obtain the indorsement of the Secretary of War to open the Fort Leavenworth reservation.

Mr. SHERMAN. Does this bill provide that the land should be sold at public outcry?

Mr. HITCHCOCK. That it shall be open to settlement and entry. The land lies over five hundred miles west of Omaha, on the western border of our State.

Mr. SHERMAN. But it might be worth more than $1.25 an acre.

Mr. HITCHCOCK. I think not.

Mr. SHERMAN. It is for the Senate to say whether we ought to open a military reservation, which has been reserved, to ordinary pre-emption and homestead settlement. It is really giving away reserved land.

Mr. HITCHCOCK. It is giving it to citizens of the United States. The Senator himself can go out there and pre-empt if he chooses.

Mr. SHERMAN. But I think if I should go out and pre-empt land reserved by the Government of the United States I would get an advantage over other citizens.

Mr. HITCHCOCK. The advantage is open to all.

Mr. SHERMAN. I have no objection to the bill being read that we may know what it is, but we ought not to act on anything now but matters of minor moment.

The PRESIDENT *pro tempore*. The bill will be read.

The Chief Clerk read the bill.

Mr. SHERMAN. I object to it unless the land is to be sold in the ordinary way.

The PRESIDENT *pro tempore*. The Chair will put the question on proceeding to the consideration of the bill.

The motion was not agreed to.

COINAGE OF TWENTY-CENT PIECES.

Mr. SARGENT. Senate bill No. 468, authorizing the coinage of twenty-cent pieces of silver at the mints of the United States, is reported favorably by the Committee on Finance, and I ask that it may be considered.

There being no objection, the bill (S. No. 468) authorizing the coinage of a twenty-cent piece of silver at the mints of the United States was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

JAMES L. PUGH.

Mr. GOLDTHWAITE. I move that the Senate proceed to the consideration of Senate bill No. 781.

The motion was agreed to; and the bill (S. No. 781) for the relief of James M. Pugh, was considered as in Committee of the Whole.

The Committee on the Judiciary propose to amend the bill by striking out "M" and inserting "L."

The amendment was agreed to.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed by a two-thirds vote.

DENVER AND RIO GRANDE RAILWAY.

Mr. SCOTT. I ask the Senate to consider no more harmless a bill than to correct a clerical error in a former act, Senate bill 867.

The motion was agreed to; and the bill (S. No. 867) to correct a clerical error in the act granting the right of way through the public lands to the Denver and Rio Grande Railway Company, approved June 8, 1872, was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the resolution of the House to print extra copies of the report of the Commissioner of Education for the year 1873.

The message also announced that the Speaker of the House had appointed Mr. EBENEZER ROCKWOOD HOAR, of Massachusetts, and Mr. ALEXANDER MITCHELL, of Wisconsin, members on the part of the House of the joint committee authorized to be appointed by the fifth section of the act for the government of the District of Columbia, and for other purposes.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. No. 3604) to establish certain post-routes;

A bill (H. R. No. 2771) for the relief of J. Scott Payne, second lieutenant Sixth United States Cavalry, late first lieutenant Fifth United States Cavalry; and

A bill (H. R. No. 2702) to relieve John Forsyth, of Alabama, of political disabilities.

SHOSHONE INDIANS.

Mr. BUCKINGHAM. I ask the Senate to consider House bill No. 2104. It is like Senate bill No. 604, which has been recommended by the Committee on Indian Affairs.

The Chief Clerk read the title of the bill, as follows:

A bill to confirm an agreement made with the Shoshone Indians (Eastern band) for the purchase of the south part of their reservation in Wyoming Territory.

Mr. ROBERTSON. Has that bill ever been reported by the Senate committee?

Mr. BUCKINGHAM. A bill precisely like that has been reported by the Committee on Indian Affairs and is on the Calendar as a Senate bill. This House bill on the same subject passed in the House, and I am authorized now to report that for action.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. LOGAN. I move the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

POSTAL-CAR SERVICE.

Mr. MITCHELL. I was directed yesterday by the Committee on Transportation Routes——

Mr. SPENCER. Will the Senator yield to me for a moment?

Mr. MITCHELL. Not now.

Mr. SPENCER. Only for a second.

Mr. MITCHELL. Yesterday I was instructed by the Committee on Transportation Routes to the Sea-board to submit a resolution, which was laid on the table. I ask its present consideration.

The resolution was read, as follows:

Resolved, That the Select Committee on Transportation Routes to the Sea-board be authorized to prepare and report to the next session of Congress a bill providing for compensation for postal-car service, and for that purpose such committee is authorized to sit at Washington city during the recess of Congress and to make such further investigations as they may deem proper, and to employ a clerk; and that the actual and necessary expenses be paid out of the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

The PRESIDENT *pro tempore*. The question is, Will the Senate proceed to consider the resolution?

Mr. CLAYTON. Can that be considered without lying over one day?

The PRESIDENT *pro tempore*. It was reported yesterday and laid over under the rule. It is in order now to proceed to its consideration.

Mr. CLAYTON. I want to speak on that.

Mr. MITCHELL. It does not provide for a roving commission.

Mr. CLAYTON. During the afternoon a resolution introduced by the Committee on Territories was considered which I think is as important as this resolution. The information asked for there it seems to me can be obtained of one of the Departments of this Government, and I do not see why this committee should sit for this purpose any more than any other.

Mr. STEWART. Will not the Senator allow me to offer a resolution?

Mr. CLAYTON. I yield for that purpose.

Mr. SPENCER. Mr. President——

The PRESIDENT *pro tempore*. Does the Senator from Arkansas yield?

Mr. CLAYTON. Temporarily.

Mr. SPENCER. I ask the Senate to reconsider the vote by which the disabilities of John Forsyth of Alabama were removed to-day.

Mr. GORDON. Allow me to interrupt the Senator. I hope he will state his reasons for the reconsideration.

Mr. SPENCER. I objected to that bill. I believe in the courtesy of the Senate. The Senator from Georgia very well knew that I objected to the passage of the bill, and it passed by a *viva voce* vote, when the Constitution of the United States requires that two-thirds of all the Senators present shall vote to relieve the disabilities of any man. Mr. Forsyth has invited the assassination of republicans because they believed in republican principles in the South, and he is a man who has been a violent rebel. I have been as liberal to those who have been rebels as anybody in the Senate of the United States, and am willing to be so in the future; but I insist that the motion to reconsider shall be entered, and that the Senate reconsider this bill, and that a yea and nay vote be taken on that motion to reconsider.

The PRESIDENT *pro tempore*. The Chair will inform the Senator that the bill has been enrolled and sent to the President, and it is past the power of a motion to reconsider.

Mr. STEWART. I submit the following resolution——

Mr. MITCHELL. I believe the question was as to whether the Senate would proceed to the consideration of the resolution reported by me yesterday.

The PRESIDENT *pro tempore*. The Senator from Oregon is correct. The question is on the motion of the Senator from Oregon to proceed to the consideration of the resolution indicated by him.

The motion was not agreed to.

CLERK OF A COMMITTEE.

Mr. STEWART. I offer the following resolution:

Resolved, That the clerk of the Joint Committee on District Affairs be, and is hereby, included in the resolution heretofore adopted allowing pay to committee clerks until July 10, 1874.

He has earned it, and has done a good deal more work than the others.

Mr. MORRILL, of Maine. I object to that resolution.

Mr. STEWART. I will state what it is.

Mr. MORRILL, of Maine. Let it be read again.

Mr. STEWART. It is to pay the clerk of our investigating committee the same as the other clerks up to the 10th of July.

Mr. MORRILL, of Maine. Is that all?

Mr. STEWART. That is all.

Mr. MORRILL, of Maine. I have no objection.

The resolution was agreed to.

COMMITTEE TO WAIT ON THE PRESIDENT.

Mr. EDMUNDS. The committee appointed to wait on the President of the United States and inform him that the two Houses of Congress had concluded the business of the session and were ready to adjourn, have the honor to report that they have visited the President of the United States, who has informed them that he has concluded the duties that devolve upon him in respect to this session, and has no communication to make to the two Houses. I therefore move, Mr. President, that the Senate adjourn without day.

Mr. SARGENT. We had better wait until six o'clock.

Mr. EDMUNDS. Very well. I withdraw the motion.

THE GREENE STATUE.

The PRESIDENT *pro tempore*. Under the miscellaneous appropriation bill which authorizes the President of the Senate to appoint a commissioner in regard to the statue of General Nathanael Greene the Chair appoints the Senator from Vermont, Mr. MORRILL.

BILL POSTPONED.

Mr. BUCKINGHAM. I ask the indefinite postponement of the bill (S. No. 604) to confirm an agreement made with the Shoshone Indians (Eastern band) for the purchase of the south part of their reservation in Wyoming Territory, which is just like the House bill that we have passed.

The motion was agreed to, and the bill was indefinitely postponed.

ASBURY DICKINS.

Mr. ANTHONY. Now there are two or three minutes left of this session, and let us close it by an act of grace to the representatives of an old and faithful servant of this body. I hope the Senator from Wisconsin will withdraw his motion to reconsider the bill for the relief of Asbury Dickins.

The PRESIDENT *pro tempore*. Does the Senator from Wisconsin withdraw?

Mr. HOWE. Mr. President, I have not withdrawn, and I do not know of any reason why I should.

Mr. ANTHONY. Because I ask you to.

Mr. HOWE. I will take that into consideration, and I will inform my friend at the next meeting.

Mr. SARGENT. Would it be in order to call it up and move to lay it on the table?

The PRESIDENT *pro tempore*. The Senator can move to proceed to the consideration of it.

Mr. SARGENT. I do move it.

The PRESIDENT *pro tempore*. The Senator from California moves to proceed to the consideration of the motion to reconsider the vote on the bill for the relief of the heirs of Asbury Dickins.

Mr. EDMUNDS. Mr. President——

Mr. SARGENT. If the Senator desires to debate it I will withdraw the motion.

Mr. EDMUNDS. No; I am ready to hear the Senator from California on the propriety of taking up this bill.

Mr. SARGENT. We have so little time to take it up, provided there is the slightest objection——

Mr. EDMUNDS. I shall be glad to hear the Senator.

Mr. SARGENT. It was debated at great length, and I think the Senator must have been convinced by debate. As the Senator from Rhode Island says, it is an act of grace to pass it. We cannot do better during the closing minutes of the session, and I hope the vote may be taken at once.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by MCPHERSON, its Clerk, announced that the House had passed the bill (S. No. 781) for the relief of James L. Pugh.

FINAL ADJOURNMENT.

The PRESIDENT *pro tempore*, (at six o'clock p. m.) Senators, I should do great injustice to my own feelings if I did not return to you my heartfelt thanks for your kindness at the present session.

It is remarkable that the more we see of the Constitution of the United States and the more familiar we become with it in practice, the more we admire the wisdom of its provisions. I have since presiding here by your favor at this session, come to esteem as I never did before the wisdom of that provision which separates the Presiding Officer from the members of the body. He who occupies this chair, the duties of which are so nearly judicial, ought not to be a Senator, for as a Senator he must more or less participate in debate and take more or less interest in the questions which are pending here; and, if not suspected by others of partiality toward those questions in which he takes an interest, he must, if he be a right-minded man, suspect himself of partiality, and it may be, in endeavoring to avoid that, lean too far the other way.

I thank you again, gentlemen, for your courtesy, your kindness, the patience with which you have borne the errors which were necessarily the result of my inexperience as a presiding officer; and hoping that you will in safety reach your homes and there meet an approving constituency, that we shall meet here again in December in health and prosperity, and returning to the corps of clerks before me my thanks for their co-operation in performing the duties of the Chair, I now proceed to execute the order of the two Houses of Congress, and declare that the Senate of the United States is adjourned *sine die*.

HOUSE OF REPRESENTATIVES.

TUESDAY, *June* 23, 1874.

The House met at eleven o'clock a. m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

Mr. MAYNARD. I move to dispense with the reading of the Journal of yesterday.

Mr. SPEER. I object.

The SPEAKER. Never since the beginning of Congress has the Journal been demanded to be read under like circumstances.

Mr. MAYNARD. I move to suspend the rules to dispense with the reading of the Journal.

The rules were suspended, (two-thirds voting in favor thereof,) and the reading of the Journal was dispensed with.

ENROLLED BILL.

Mr. DARRALL, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill (H. R. No. 3415) to provide for the care and custody of persons convicted in the courts of the United States who have or may become insane while imprisoned; when the Speaker signed the same.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 3600) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1875.

HYACINTHE DE ST. CYR.

On motion of Mr. GIDDINGS, by unanimous consent, leave was granted for the withdrawal from the files of the Committee on War Claims of the papers in the case of Hyacinthe de St. Cyr; no adverse report having been made thereon.

J. B. CHAPMAN.

On motion of Mr. RAINEY, by unanimous consent, leave was granted for the withdrawal from the files of the House of the papers in the case of J. B. Chapman, which had been favorably reported on from the Committee on Indian Affairs.

ED. T. PRESTON.

On motion of Mr. HUNTON, by unanimous consent, leave was granted for the withdrawal from the files of the House of the papers in the case of Ed. T. Preston.

BRACKEN & HINES.

On motion of Mr. HAVENS, by unanimous consent, leave was granted for the withdrawal from the files of the House of the papers in the case of Bracken & Hines.

BREVET BRIGADIER-GENERAL J. M. ROBERTSON.

On motion of Mr. NESMITH, by unanimous consent, leave was granted for the withdrawal from the files of the House of the private papers in the case of Brevet Brigadier-General J. M. Robertson, no adverse report having been made thereon.

ROBERT TILLSON & CO.

Mr. KNAPP. I move, by unanimous consent, that leave be granted for the withdrawal from the files of the House of the papers in the case of Robert Tillson & Co.

Mr. LAWRENCE. I object to the withdrawal of those papers.

PETER J. KNAPP.

On motion of Mr. MCCRARY, by unanimous consent, leave was granted for the withdrawal from the files of the House of the papers in relation to the bill for the relief of Peter J. Knapp, no adverse report having been made thereon.

CLARA MORRIS.

On motion of Mr. ARTHUR, by unanimous consent, leave was granted for the withdrawal from the files of the House of the papers in the case of Clara Morris; no adverse report having been made thereon.

MRS. WOLF.

On motion of Mr. SWANN, by unanimous consent, leave was granted for the withdrawal from the files of the House of the papers in the case of Mrs. Wolf, which were referred to the Committee on War Claims, no adverse report having been made thereon.

MISS ANNA ELLA CARROLL.

On motion of Mr. MAYNARD, by unanimous consent, leave was granted for the withdrawal from the files of the House of the papers in the case of Miss Anna Ella Carroll, now before the Committee on War Claims, no adverse report having been made thereon.

CHARLES COSBY.

On motion of Mr. READ, by unanimous consent, leave was granted for the withdrawal from the files of the House of the papers in the case of Charles Cosby, no adverse report having been made thereon.

MARTIN KALBFLEISCH & SONS.

On motion of Mr. WILLARD, of Vermont, by unanimous consent, leave was granted for the withdrawal from the files of the House of the papers in the case of Martin Kalbfleisch & Sons, a bill in their behalf having passed both Houses of Congress.

CAPTAIN JOHN DAVIS.

On motion of Mr. TOWNSEND, by unanimous consent, leave was granted for the withdrawal from the files of the House of the papers pertaining to the claim of administration of the affairs of Captain John Davis, a soldier of the Revolution.

LAWSON & BRENIS.

On motion of Mr. HERNDON, by unanimous consent, leave was granted for the withdrawal from the files of the House of the papers in the case of Lawson & Brenis, now before the Committee on War Claims, no adverse report having been made thereon.

LEAVE TO PRINT.

Mr. COOK, by unanimous consent, was granted leave to print in the RECORD, as part of the debates, some remarks he had prepared on the subject of war claims. (See Appendix.)

SAGG FORT, TENNESSEE.

Mr. BUTLER, of Massachusetts. I move, by unanimous consent, that leave be granted for the withdrawal from the files of the House of the papers in the case of Sagg Fort.

Mr. LAWRENCE. I object to that, as there has been an adverse report in that case.

The SPEAKER. The Clerks are instructed not to allow the withdrawal of papers from the files where there has been an adverse report, but where any gentleman of the House knows the fact it is better to state it.

Mr. RANDALL. It is the understanding, I suppose, that copies in in all these cases are left on file.

Mr. HAWLEY, of Illinois. I should like to ask a question. When these papers are withdrawn is the correspondence with the Departments, and other public papers in reference to the claim, also withdrawn at the same time?

The SPEAKER. Nothing is withdrawn by the parties but what they themselves have filed.

Mr. HAWLEY, of Illinois. Then I am to understand they do not withdraw all the papers.

The SPEAKER. No; only those which they themselves have filed.

ROBERT TANSILL AND MARCELLUS CHRISTIAN.

Mr. BUTLER, of Massachusetts, by unanimous consent, introduced a bill (H. R. No. 3780) to relieve the political disabilities of Robert Tansill, of Prince William County, Virginia; which was read a first and second time.

Mr. MORRISON. I move to include in that bill also the name of Marcellus Christian.

The amendment was adopted.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed, two-thirds voting in favor thereof.

The title was amended so as to include the name of Marcellus Christian.

Mr. BUTLER, of Massachusetts, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. GARFIELD. In view of the fact that we have just received notification from the Senate of the adoption by that body of the report of the committee of conference on the sundry civil appropriation bill, I hope the gentleman from Indiana [Mr. TYNER] will consent to postpone the post-office appropriation bill for the present so that we may take up the sundry civil appropriation bill, as it will require more time for its engrossment.

Mr. TYNER. I do not object to that.

DIRECT TAXES.

Mr. DAWES. I ask both of these gentlemen to give way to me for a moment. There is a bill on the Speaker's table from the Senate, an act (S. No. 806) to extend the time allowed for the redemption of certain lands by the first section of an act entitled "An act to provide for the redemption and sale of lands held by the United States under the several acts levying direct taxes, and for other purposes," approved June 8, 1872, and to suspend the operation of the fourth section of said act. The same bill was attached to the tariff bill; it has passed both Houses of Congress. Now, in consequence of

the postponement of the tariff bill until December next, I ask that this bill be taken up and passed.

There was no objection.

The bill, which was read, provides that the time allowed by the first section of the act approved June 8, 1872, be extended for the term of two years from the 1st of June, 1874. The second section provides that the operation of the fourth section of said act be suspended until the expiration of the said term of two years from the said 1st day of June, 1874.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. DAWES moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PERSONAL EXPLANATION.

Mr. YOUNG, of Georgia. Mr. Speaker, I notice in the RECORD of June 2, during my absence from the House, that my colleague [Mr. COOK] stated that if I were present I should vote in favor of the bill then under consideration, which provides that every female citizen of the United States otherwise qualified shall be admitted to practice as attorney and counselor at law in the several courts of the United States. I have ever been opposed to that measure, and my colleague ought to have known it. If present I should have opposed it.

MARCUS OTTERBOURG.

Mr. COX. I ask unanimous consent to take from the Speaker's table and put upon its passage the bill (S. No. 994) for the relief of Marcus Otterbourg, late consul of the United States at the city of Mexico and minister to the republic of Mexico.

This is a bill to pay our ex-minister to Mexico who never received a cent simply because he could not find a proper officer to swear before, and the bill has been informally considered by the Committee on Foreign Affairs of the House, and has their approval.

The bill was read. It directs the Secretary of the Treasury, out of any money in the Treasury not otherwise appropriated, to pay to Marcus Otterbourg, late consul of the United States at the city of Mexico, and having been designated minister plenipotentiary to the republic of Mexico, in full compensation for his services as minister to Mexico from June 21 until September, 1867, both inclusive.

There being no objection, the bill was taken from the Speaker's table, read three times, and passed.

Mr. COX. I ask that by unanimous consent the report on this case made to the Senate by Mr. Sumner be printed in the CONGRESSIONAL RECORD.

There was no objection, and it was so ordered.

[The report of the Committee on Foreign Relations of the Senate is as follows:

Mr. Marcus Otterbourg was appointed consul of the United States at the city of Mexico in August, 1861. In July, 1865, he tendered his resignation, assigning as a reason that his salary, by law fixed at $1,000 per annum, was inadequate to permit him to represent the country creditably. His resignation was accepted by Mr. Hunter, acting Secretary of State, with the request that he would continue to hold the office until the arrival of a successor at his post of duty.

Of subsequent facts of importance in this case Mr. Seward, then Secretary of State, made the following official statement, dated February 23, 1869:

Mr. Otterbourg returned to the United States. In March, 1866, he went back to Mexico, as consul, and to take charge of the archives of the legation, Mr. William H. Corwin, acting chargé d'affaires, having been recalled. He reported himself as having arrived at Mexico on the 8th day of April, 1866, and as being occupied in verifying the inventory of archives and other property of the legation, which was finally completed, and he put in charge thereof by Mr. Corwin, in pursuance of the instructions of the State Department, on the 20th day of the same month. He was thenceforward recognized as a consular officer, performing, and authorized to perform, diplomatic functions, so far as such were necessary and practicable in the exceptional condition of Mexico and of the relations of this government to the usurping government of Prince Maximilian, in actual possession of the capital, and to the rightful government of President Juarez, which was generally remote therefrom and migratory with the vicissitudes of war.

Mr. Otterbourg kept the Department informed of the political situation in Mexico. His dispatches, not concerning his commercial functions as consul, but those of a political agent, were classified and preserved among the diplomatic archives. In October, 1866, Mr. Otterbourg again returned to Washington, with the approval of the Department, and was directed to make a confidential report on the situation in Mexico at that time. He was furnished with a copy of the instructions to Lewis D. Campbell, who had been appointed minister to Mexico, with whom, on his return, he was directed to communicate.

He proceeded to Mexico and made a report, which he delivered to our minister on his arrival at Vera Cruz. During the whole period, from April, 1866, to June 21, 1867, during which Mr. Otterbourg was consul, and in charge of the legation as aforesaid, there was not in that country any other officer of the United States authorized to perform diplomatic functions therein, except, or otherwise, than that Lewis D. Campbell, a duly commissioned minister, was for a day or two upon its coast, or in the harbor of Vera Cruz, whence he returned without proceeding to the interior, or putting himself in communication with the government of Mexico, except when, in April, 1867, he addressed, from New Orleans, a letter to the Mexican secretary for foreign affairs, requesting humane treatment for Maximilian in case of his capture.

In response to interrogatories for the United States: The United States had at no time a representative accredited to the government of Prince Maximilian. We had no other minister appointed to the government of Mexico during the time for which Mr. Otterbourg claims compensation, and who accepted, or made any attempt to proceed upon his mission, except Lewis D. Campbell, of whom I have before spoken, and no one who, during that period, presented his letters of credence. The office for which Mr. Otterbourg claims salary was not occupied by any other person. During the whole period of the occupation of Mexico by Prince Maximilian, Congress made the usual annual appropriation for a minister to Mexico, with no other variation than that, in the act making appropriations for the consular and diplomatic service for the year ending June 30, 1866, the words "Republic of Mexico" were substituted for Mexico, the same language being repeated in subsequent acts. This Government never recognized the government of Maximilian, in the sense of acknowledging or treating with it. We knew it only as an awkward political fact, or rather political pretension, supported by force and foreign intervention.

WILLIAM H. SEWARD.

On June 21, 1867, Mr. Otterbourg was nominated by the President minister plenipotentiary and envoy extraordinary of the United States to the republic of Mexico. The Senate adjourned on July 21, 1867, without having confirmed the nomination of Mr. Otterbourg; but he continued to discharge the duties of minister plenipotentiary until August 28, 1867, when he received the notification of the lapse of his commission in consequence of the adjournment of the Senate as above. Mr. Otterbourg thereupon returned to the United States and reported at the State Department November 1, 1867, leaving the consulate in the charge of a competent person.

Having presented his account for his services, it was certified by the Fifth Auditor, as for consul in charge of legation, from April 8, 1866, to June 20, 1867, at the rate of $2,800 per annum; and for minister from June 21 to September 30, 1867, at the rate of $12,000 per annum. The First Comptroller, however, deducted all allowance to him as consul in charge of legation and as minister, but admitted and certified the salary of consul.

The case was taken to the Court of Claims, where judgment was rendered for $85.80 for exercising diplomatic functions from the 19th of August to the 9th of September, 1867, in addition to a further sum due for his services as consul. The court refused to allow salary as minister on the technical objection that Mr. Otterbourg took his oath of office before the consul general of Switzerland, whose authority for that purpose does not appear. There was, however, no one else before whom he could have taken the oath unless he had returned to Washington for that purpose; and furthermore the Department of State regarded him as minister, and promised him compensation as such.

In accordance with the above statements the committee report a bill giving compensation to Mr. Otterbourg as consul performing diplomatic functions from April 8, 1866, until June 20, 1867, both inclusive; and as minister from June 21 to September 30, 1867, deducting what he has received as consul, and the sum of $85.80 awarded him by the Court of Claims for exercising diplomatic functions from the 19th of August to the 9th of September, 1867.]

COMMITTEE ON BANKING AND CURRENCY.

Mr. MAYNARD. I ask on behalf of the Committee on Banking and Currency that they be allowed to have printed for their own use the testimony in two investigations they are making in reference to the Ocean National Bank of New York and in reference to the Bureau of Printing and Engraving.

Mr. RANDALL. For the use of the committee?

Mr. MAYNARD. Certainly.

There was no objection, and leave was granted.

PUBLIC BUILDING AT JEFFERSON CITY, MISSOURI.

Mr. CRITTENDEN. I ask unanimous consent to introduce a bill directing inquiry to be made into the necessity of erecting a public building at Jefferson City, Missouri.

Mr. BURCHARD. I object, and call for the regular order.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. GARFIELD. I present the report of the committee of conference on the sundry civil appropriation bill.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 3600) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1875, and for other purposes, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the Senate recede from their amendments numbered 7, 14, 15, 20, 32, 39, 44, 46, 49, 50, 51, 52, 54, 59, 70, 80, 84, 86, 89, 96, 101, 102, 103, 104, 106, 114, and 121.

That the House recede from their disagreement to the amendments of the Senate numbered 3, 26, 27, 34, 38, 40, 43, 47, 48, 53, 55, 60, 64, 66, 73, 78, 83, 85, 88, 90, 91, 92, 93, 98, 100, 105, 107, 108, 109, 110, 112, 115, 117, and 118, and agree to the same.

That the House recede from their disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: Strike out after the word "clerks" in line 3 of said amendment all down to the end of line 4, and strike out "sixteen thousand one" and insert in lieu thereof "thirteen thousand seven;" and the Senate agree to the same.

That the House recede from their amendments to the amendments of the Senate nembered 9, 10, and 81, and agree to the same.

That the Senate recede from their disagreement to the amendments of the House to the amendment numbered 13, and agree to the same with an amendment as follows: After the word "necessary" in line 4 of said House amendment add the following: "for the folding-room of the House;" and the House agree to the same.

That the House recede from their disagreement to the amendment numbered 16, and agree to the same with an amendment as follows: Add at the end of said amendment the words:

"*Provided*, That the same shall be erected under a contract, the amount to be paid under which shall not exceed $40,000."

And the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 17, and agree to the same with an amendment striking out the word "fifteen" and inserting in lieu thereof the word "ten;" and the Senate agree to the same.

That the Senate recede from their disagreement to the amendment of the House to the amendment numbered 22, and agree to the same with an amendment as follows: After the word "five" in line 9 of said amendment add the words "and for temporary clerks in the Treasury Department, $40,000; and strike out the word "this," at the end of the line, and insert the word "these," and add to the word "amount," at the beginning of line 10, the letter "s," and at the end of said amendment add the following: "and so much as may be necessary to enable the Secretary of the Treasury to carry into effect the joint resolution for the relief of certain clerks and employés of the United States, approved June 22, 1874, is hereby appropriated;" and the House agree to the same.

That the Senate recede from their disagreement to the amendment of the House to the amendments numbered 28 and 76, and agree to the same.

That the House recede from their disagreement to the amendment numbered 35, and agree to the same with an amendment as follows: Strike out the word "eighty" and insert in lieu thereof the word "sixty;" and the Senate agree to the same.

That the Senate recede from their disagreement to the amendment of the House to the amendment numbered 45, and agree to the same.

That the House recede from their disagreement to the amendment numbered 62, and agree to the same with an amendment substituting the word "Neversink" for the word proposed to be inserted; and the Senate agree to the same.

That the Senate recede from their amendment numbered 63, with an amendment substituting for the word "Navesink" in line 8, page 27 of the bill, the word "Neversink;" and the House agree to the same.

That the House recede from their amendment to the amendment numbered 77, and agree to the same.

That the House recede from their amendment to the amendment numbered 79, and agree to the same.

That the House recede from their disagreement to the amendment numbered 87, and agree to the same with an amendment as follows: Strike out all of said amendment after the word "available" in line 5 of said amendment; and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 94, and agree to the same with an amendment as follows: Strike out the words "one hundred" and insert in lieu thereof the word "fifty;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 95, and agree to the same with an amendment as follows: Strike out of said amendment all after the word "for" in line 21 down to and including the word "enlarge" in line 3, and substitute the word "of" in lieu of "for" in same line, and strike out the words "and perfect the central building" in line 4, and strike off the letter "s" from the word "accommodations" in line 3; and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 99, and agree to the same with an amendment as follows:

Insert in lieu of the proposed words the following as a substitute:

"*Provided*, That the said building may be built of stone, and its cost, exclusive of the cost of site, shall not exceed $200,000."

And the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 111, and agree to the same with an amendment as follows: Add at the end of the amendment the words "which shall be the entire cost of said building;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 97, and agree to the same with an amendment as follows: Strike out in line 6 of the amendment the word "the" and insert in lieu thereof the word "such," and strike out lines 7, 8, 9, and 10, of the amendment, and insert in lieu thereof the following: "As the Secretary of the Navy may deem necessary for the public service."

That the House recede from their disagreement to the amendment numbered 113, and agree to the same with an amendment as follows: After the word "restrictions," in line 6 of said amendment, insert the words "as to materials;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 116, and agree to the same with an amendment as follows: Strike out the word "five," in line 3 of said amendment; and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered, 119, and the Senate recede from that portion of their amendment which proposes to insert new matter; and the House and Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 120, and agree to the same with an amendment as follows: Strike out the word "five," in line 10 of said amendment, and insert in lieu thereof the word "four;" and the Senate agree to the same.

JAMES A. GARFIELD,
EUGENE HALE,
WILLIAM E. NIBLACK,
Managers on the part of the House.

LOT M. MORRILL,
A. A. SARGENT,
J. W. STEVENSON,
Managers on the part of the Senate.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate had passed a concurrent resolution, in which the concurrence of the House was requested, authorizing the Joint Committee on Public Printing to sit during the coming recess of Congress.

The message further announced that the Senate had adopted a resolution, in which the concurrence of the House was requested, authorizing the Committees on Appropriations of the two Houses of Congress to meet at the Capitol during the recess of Congress to make inquiry into and report any method by which reforms may be made in the expenditures in the several branches of the civil service and the estimates of appropriations therefor and the appropriation bills.

The message further announced that the Senate had concurred in the resolution of the House for the printing of the report of R. W. Raymond on mining statistics, with an amendment; in which the concurrence of the House was requested.

The message further announced that the Senate had passed without amendment bills of the House of the following titles:

The bill (H. R. No. 1305) granting a pension to E. Caroline Webster, widow of Lucius H. Webster;

The bill (H. R. No. 3432) to protect lines of telegraph constructed or used by the United States from malicious injury and obstruction;

The bill (H. R. No. 2349) for the relief of Burke and Kunkel;

The bill (H. R. No. 2088) for the relief of James Lillie, postmaster at Lisbonville, Ray County, Missouri;

The bill (H. R. No. 3411) to amend an act entitled "An act to incorporate the trustees of the Female Orphan Asylum in Georgetown, and the Washington City Orphan Asylum, in the District of Columbia," approved May 24, 1828;

The bill (H. R. No. 1939) for the relief of the trustees of James L. Collins, deceased;

The bill (H. R. No. 2187) authorizing and requiring the issuance of a patent of certain lands to the county of Scott, in the State of Missouri;

The bill (H. R. No. 2990) for the relief of Jesse F. Moore and Charles W. Lewis;

The bill (H. R. No. 1410) to fix the salaries of the clerks at the United States Armory, in Springfield, Massachusetts;

The bill (H. R. No. 294) for the relief of Joab Bagley; and

The bill (H. R. No. 2891) for the relief of Mrs. Louisa Eldis, of Sandusky, Ohio.

The message further announced that the Senate had passed with amendments, in which the concurrence of the House was requested, bills of the House of the following titles:

The bill (H. R. No. 104) for the relief of James Coats, of Jackson, Mississippi; and

The bill (H. R. No. 3088) to extend the time for completing the entries of the Osage Indian lands in Kansas.

The message further announced that the Senate had passed a bill (S. No. 862) granting a pension to Margaret S. Hastings; in which the concurrence of the House was requested.

Mr. GARFIELD. Unless some gentleman desires to ask some question, I will call the previous question on the report.

Mr. KENDALL. I desire to ask the gentleman what has been done with the Senate amendment No. 116, in regard to the Carson mint in Nevada.

Mr. HALE, of Maine. That is in.

Mr. BUTLER, of Massachusetts. I desire to ask the gentleman from Ohio a single question in regard to this civil-service matter. Will the gentleman state what is the condition of the amendment in relation to that?

Mr. GARFIELD. The exact condition of the civil-service question is this: the Senate appropriated the usual sum of $15,000, together with the unexpended balance; the House repealed the law authorizing the civil-service commission altogether. There being a difference between the two Houses, the committee of conference agreed to drop the subject out of the bill, and it is not included in it in any way.

Mr. BUTLER. How about the unexpended balance?

Mr. GARFIELD. On the 1st day of July all the unexpended balances for all purposes, except in some cases in which exceptions were made, will be covered into the Treasury.

Mr. BUTLER, of Massachusetts. Well, that is all right; civil-service reform has died instead of being killed.

The report of the committee of conference was agreed to.

Mr. GARFIELD moved to reconsider the vote by which the report of the committee of conference was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. GARFIELD. I desire to say in reference to the bill that the committee cut down the total amount appropriated by the bill about $950,000. At some period during the session I propose to make a statement of what has been done with the appropriation bills.

POST-OFFICE APPROPRIATION BILL.

The House then resumed the consideration of the report of the committee of conference on the post-office appropriation bill.

Mr. TYNER. I desire to yield to my colleague on the conference committee from Illinois, [Mr. MARSHALL.]

Mr. BUTLER, of Massachusetts. I wish to offer a resolution in relation to the employment of soldiers in the Executive Departments, to which I think there will be no objection.

Mr. MARSHALL. I prefer to go on with my remarks now.

The SPEAKER. The Chair will recognize the gentleman from Massachusetts later on in the day.

Mr. MARSHALL. Mr. Speaker, there is no such thing as perfect legislation upon earth. All legislation is the result of compromise. Mankind is fallible, and all the work of men partakes of their fallibility. The House and the Senate here at the end of the session have found themselves radically differing on some matters of legislation on the post-office appropriation bill. Conference committees have been appointed. Conference committees are only appointed for the purpose, if possible, of bringing the two Houses together on matters on which they differ. If either House insists upon its position, standing on its own position and will not move, the adjustment of differences by this means is impossible.

If any gentleman asks me if I think the bill now reported by the conference committee is a perfect bill, I must answer most emphatically no. I think we ought to have better legislation than this furnishes for the protection of the Government against rings organized to plunder the Government in the contracts let for carrying the mails. But the Senate, governed doubtless by an honest purpose to correct these evils, differs with us as to the means to secure the end. But even if it were possible for Congress to pass a perfect law, unfortunately no law can execute itself. We are still compelled to rely to a great extent upon the efficiency and integrity of the Executive Departments of the Government. It is not to be assumed, at least there ought to be no cause even for suspicion, that the head of a great Department of the Government would at any time enter into collusion with organized plunderers to rob the Treasury. Be this as it may we all know that there is no possible means of protecting the Treasury against raids made under the direction or connivance of corrupt or incapable public officials. We must perform our duty, and if the President and his appointees fail in theirs we cannot be justly blamed therefor.

In reference to this mail service it is known that in regard to large contracts none but capitalists, or those who are able to command capital, can approach the Government for the purpose of obtaining contracts; and it is known that for years men have organized themselves for the purpose of obtaining, and have obtained from the Government, for the mail service double, treble, and even fourfold the value of the service they rendered. By these combinations, and it is generally believed by the connivance if not active co-operation of Government officials, the Treasury has year after year been robbed of

millions of the people's money. The object of this proposed legislation is to protect the Government as far as possible from these organized plunderers. But, as I said before, a great deal must necessarily be left, in the execution of all laws of this kind, and their practical efficiency must depend upon the executive officers. I feel confident that this report, if adopted as the law of the land, furnishes additional guarantees to the people, and is on the whole better than the law we have had heretofore or have now. My colleagues on the conference committee, the gentleman from Indiana, [Mr. TYNER,] the gentleman from Pennsylvania, [Mr. PACKARD,] and the gentleman from Illinois, [Mr. CANNON,] have from their official position here necessarily given more attention to and have much more knowledge in regard to the practical operations of the postal laws than I have. My colleague [Mr. CANNON] especially has devoted much time, labor, and practical ability to this subject, and did more I think than any other member toward perfecting the bill of the House thereon, and I have had the benefit of the judgment and superior information of these gentlemen as to the practical operation of existing laws and the effect of this proposed legislation. And I think it proper to add that every one of my colleagues on the conference committee acted loyally as the representatives of the views of the House, and for the purpose of effecting if possible a compromise which would retain all the conservative principles of the bill as it passed the House. And it was only after various meetings of the committee that the House conferees found it necessary, for the purpose of getting this legislation which we must pass in some form before we can go home, to yield or modify some of their own views in regard to some of the points in controversy.

It was the opinion of every member who had given any attention to the subject that the bill now before the House, although far from perfect, although not precisely what we want, is a great improvement upon existing law. We rarely if ever in legislation get precisely what we would prefer. If this is an improvement on existing law, why not pass it? If it is not, if it furnishes additional means to the robbers and plunderers who are seeking to get the money of the Government without giving an adequate return for it, then vote it down. But it is conceded I believe on all hands that the proposed legislation is an improvement upon existing law. If it is executed by the head of the Post-Office Department loyally in the interest of the Government, and with a determination not to permit the Government to be plundered by these organized bands, it will to a very great extent effect the object we all have in view. And, as I have heretofore said, we are compelled to rely to a great extent upon the ability and integrity of our executive officers. There is no possible escape from this dilemma.

Now as to other points; and I desire to detain the House but a minute or two longer. In regard to postage, the House with great labor and care framed a bill which went to the Senate. I believe, as I have already stated, that my colleague across the way, [Mr. CANNON,] one of the conferees on the part of the House, devoted as much time and labor and ability to the preparation of the bill and securing its passage by the House probably more than any other member of the House. He was on the committee of conference and used all his skill and intelligence in endeavoring to get the Senate conferees to agree to the views of the House. But in this we failed in part. The present bill proposes a reduction of at least 50 per cent. upon the present rate of postage on newspapers, providing, however, that in all cases the postage shall be prepaid, and while the postage on newspapers is thus reduced 50 per cent., it has been demonstrated by figures that there will be brought into the Treasury more than double what we now get for carrying and delivering newspapers, resulting from the fact that only about one-third of this postage is now collected. Therefore, although we held out as long as there was any hope of getting the precise measure passed by the House fixing the postage on newspapers at 1½ cents per pound, for the purpose of getting through what we believed would be beneficent legislation, we consented to the 2 cents per pound presented in this report. The Senate yielded four times as much as we did; that is, 2 cents per pound, while we advanced but half a cent. Therefore there has been no degradation of the House or derogation from the dignity thereof by the action of its conferees. I do not think it has been satisfactorily made to appear that this provision in regard to postage would operate injuriously to any newspaper establishment in the country. Under the provisions of this bill all the weekly newspapers will circulate without any charge for postage in the counties where they are published. This will furnish a relief which, has been demanded by the small weekly newspapers of the country, and I believe is approved by nearly the whole public, and this provision releases to them a large part of what would otherwise be a considerable burden to them.

Mr. HAWLEY, of Connecticut. How much will ½ cent per pound make on the whole revenue?

Mr. MARSHALL. My colleague [Mr. CANNON] will be better able to tell you. I have not the precise figures with me.

Mr. HAWLEY, of Connecticut. What will 2 cents a pound make?

Mr. MARSHALL. My colleague has all the details and will state them. But I must ask to be allowed to proceed with what little I have to say now. The Senate conferees were very strongly of the opinion that the action of the Senate was proper, and that 4 cents per pound and nothing less ought to be fixed as the postage to be prepaid by the publishers of newspapers. They considered themselves instructed not to yield to the demands of the House. But they have come down 50 per cent., that is to one-half of their own proposition as it passed the Senate, and to within ½ cent per pound of our own proposition as passed by the House. I do not think myself if we adopt the principle of prepayment at all, about the policy of which I have some doubt, that the amount here proposed would be oppressive to any newspaper publisher in the whole country, although I would much prefer retaining, if it could be done, the postage as fixed by the House bill.

Now in regard to the sending of documents. The House had provided that the Agricultural Report should go free through the mails. The Senate struck out that provision and put in a clause providing that all documents should go through the mails at a uniform postage of 25 cents per volume, and providing that the CONGRESIONAL RECORD should go through the mail free. That is changed in this report in this way: All bound documents if sent by a member of Congress, the President, or the head of a Department, that is, public documents issued by order of Congress, will go through the mails at a uniform postage of 10 cents per volume. This was adopted to obviate and avoid the present clumsy and troublesome law which requires that every document must be weighed before you can know what postage to pay thereon. A number of documents were weighed in the Senate post-office, and we were informed that it was thus ascertained that the public documents issued by order of Congress would average about two pounds a volume. That is, on the bound volumes of public documents sent through the mails by members of Congress we must prepay the postage, and at a rate 150 per cent. greater than we require of newspaper publishers for carrying their merchandise. By the provisions of this conference report, if it becomes a law, nothing goes through the mails free. The postage is reduced, but the revenues will be very considerably increased, as everything carried will pay the Government for the service rendered.

Yet this arrangement will be a great convenience to members of Congress and beneficial to the people. The documents which we publish ought to be sent to the people. I believe all members can afford—and will do so—to send the documents, Agricultural Reports and all, to the people, and prepay the postage thereon. Now they are not sent through the mails. Members who have not large incomes cannot afford to send them. I think this is a very great improvement on existing legislation. The CONGRESSIONAL RECORD, instead of going free, as provided by the Senate bill, will, under this bill, go at a uniform postage of 1 cent per number of the daily issue. That provision was adopted to obviate the necessity of sending each daily issue to be weighed in order to ascertain what was the amount of postage upon it. The average through the session of the daily RECORD will not, I suppose, be above two ounces. But it is always troublesome to be compelled to weigh them before you can know what postage you ought to pay. If you make a mistake as to postage they do not go through the mails, but are thrown aside as waste matter. By fixing the postage at a uniform rate this trouble and inconvenience is obviated. These are all the controverted points I believe, and I do not desire to go into the matter any further.

Mr. TOWNSEND. All these documents are to be prepaid?

Mr. MARSHALL. All prepaid here; none are to go through the mails without prepayment. All documents and all mailable matter whatever of every kind must be prepaid.

Mr. SPEER. Who puts the designation on the documents? Is it to be stamped on by the Door-keeper or by whom?

Mr. MARSHALL. It must be done by the officer sending them, the President, the head of a Department, or by a member of Congress. He must put upon the cover of the document his signature, certifying it to be a public document. It will be sent out under his name, and he must take the responsibility to see that none but public documents are thus sent.

Mr. BROMBERG. If a document be mailed by a member from his place of residence is the postage still 10 cents?

Mr. MARSHALL. I believe we did not retain the clause providing that these public documents must be sent from Washington City only.

Mr. TYNER. No, sir.

Mr. MARSHALL. They may be sent from any place, but must be certified as public documents by a member of Congress, the President, or the head of a Department.

Mr. TOWNSEND. Will the bound volumes of the CONGRESSIONAL RECORD go free through the mails?

Mr. MARSHALL. They will go as other public documents, at ten cents on each bound volume. That will be the uniform rate on any volume of public documents.

Mr. MERRIAM. The postage will not be ten cents on a Congressional Directory?

Mr. MARSHALL. All bound volumes of public documents, large or small, sent in this way will be subject to the uniform rate of ten cents per volume. Public documents unbound will be charged at the same rate we fix for newspapers sent by the publishers thereof.

Mr. HAWLEY, of Connecticut. If a bound volume now goes at the rate of six cents, will this bill increase the rate to ten cents?

Mr. MARSHALL. It may and I think will have that operation; but this would not be a very serious burden, and it is not in many cases that the postage will not in fact be less than the present rates. While this bill is of course not perfect; while it is not precisely what any of us would prefer, it is unquestionably, I think, a great improvement upon the existing law.

One word only in regard to newspaper postage and prepayment. The provisions of this bill on that subject will not take effect until the 1st of January next. I believe I am right on that point.

Mr. TYNER. The gentleman is correct.

Mr. MARSHALL. Hence, if it should be found upon consideration that any marked injustice or oppression is likely to result to anybody from these provisions, Congress, which will be in session one month before the law will go into operation, can correct next winter anything of that kind.

Mr. SPEER. Does this bill provide that books ordered to be published by Congress may not be sent through the mails under the bill until next January?

Mr. MARSHALL. They may be sent immediately. I am referring to the change of the rate of postage upon newspapers and the matter of prepayment. Those provisions do not go into effect until January next.

Mr. SOUTHARD. Under this bill will newspapers circulate free in the county of their publication?

Mr. MARSHALL. They will.

Mr. TYNER. I think that the House now understands the provisions of this conference report, and I call the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the report of the committee of conference was agreed to.

Mr. TYNER moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CLAIMS FOR INDIAN DEPREDATIONS.

Mr. SHANKS, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Secretary of the Interior be, and he is hereby, instructed to report to the House early at its next session a detailed statement of the amounts of money paid out of the various funds belonging to Indians on claims for depredations committed by Indians, with the names of the claimants, the amount of the claims, and the amounts allowed and paid, with the dates.

PREFERENCE OF SOLDIERS IN CIVIL EMPLOYMENT.

Mr. BUTLER, of Massachusetts. I ask unanimous consent to introduce for action now a joint resolution giving preference to soldiers in civil employments.

The resolution was read. It provides that in all Bureaus and Departments of the Government, whenever there shall be a number of applicants for place or employment therein, a soldier or sailor who fought in the line of duty in the war, a soldier's or sailor's widow, wife, daughter, mother, son, or father, respectively, being such applicant, shall have preference in the places and employments suited to each, respectively; and the same rule shall be observed whenever discharges shall take place in the several Departments and Bureaus, by reason of diminution of force therein, respectively. But two persons of the relationship above stated either by blood or marriage shall not have employment in any Department or Bureau at the same time, unless both are so entitled because of service. It is made the duty of the appointing officer to make such appointments as equitably as possible from qualified candidates presenting themselves from the several congressional districts and Territories and the District of Columbia, with reference to their population; and upon the removal of any appointee the reason for such removal is to be stated on the records of the Bureau or office from which the removal has been made.

Mr. KELLOGG. That matter is now before our committee; I must object to this resolution.

Mr. HAZELTON, of Wisconsin. I ask the gentleman from Massachusetts [Mr. BUTLER] to modify the resolution by inserting "sister" at the appropriate place.

Mr. BUTLER, of Massachusetts. Certainly; I will make that modification.

Mr. ARCHER. I object to the resolution.

Mr. BUTLER, of Massachusetts. I move then to suspend the rules and put the resolution on its passage.

The SPEAKER. No motion to suspend the rules is in order except for bills on the Speaker's table.

ORDER OF BUSINESS.

Mr. BRADLEY. I ask unanimous consent to make a report from the Committee on the Public Lands.

Mr. BUTLER, of Massachusetts. I object.

Mr. RANDALL. Mr. Speaker, I believe that all the appropriation bills have now passed both Houses; but there must of course be some delay in enrolling them. The one that will take the longest time in enrollment is the sundry civil appropriaton bill, which I understand will not be ready till three o'clock. It is idle to undertake further legislation now; for if we pass more bills they cannot be enrolled. I therefore move that we take a recess until half past two o'clock.

Mr. HERNDON. Before that is done I ask that the following resolution be read, and I will move to suspend the rules for the purpose of passing it.

Mr. BRADLEY. Has not the gentleman from Pennsylvania gotten through all the bills for his own district, he is so anxious to do no more business?

Mr. MAYNARD. The clerks cannot enroll any more bills if we do pass them.

Mr. RANDALL. It is utterly impossible.

PIEDMONT RAILROAD.

Mr. CESSNA. I ask unanimous consent to report a bill from the Judiciary Committee in order that it may be printed and recommitted.

Mr. RANDALL. I do not object.

Mr. CESSNA, by unanimous consent, from the Committee on the Judiciary, reported a joint resolution (H. R. No. 117) relative to the Piedmont Railroad Company; which was read a first and second time, ordered to be printed, and recommitted, not to be brought back by a motion to reconsider.

ORDER OF BUSINESS.

Mr. HERNDON. I hope my resolution will be read by the Clerk.

Mr. BUTLER, of Massachusetts. I object.

Mr. MAYNARD. I have a resolution to introduce to which I think there will be no objection.

Mr. HERNDON. Is there objection to having my resolution read.

Mr. BUTLER, of Massachusetts. I object.

Mr. MAYNARD. Let my resolution be read.

The Clerk proceeded to read as follows:

Resolved, The Clerk of the House of Representatives——

Mr. HERNDON. I object to that.

Mr. MAYNARD. I think he would not object if he understood what it is.

Mr. RANDALL. I modify my motion and move to take a recess until two o'clock.

Mr. CONGER. I wish to take up a Senate bill.

Mr. BUTLER, of Massachusetts. I object, until every one of our soldiers and sailors can get a hearing.

Mr. MAYNARD. There is a class of committee clerks, generally soldiers, who came here at the salary as we recollect of nearly six dollars a day. We cut that down to less than five dollars a day.

Mr. BUTLER, of Massachusetts. I object to debate.

Mr. MAYNARD. While the Senate clerks are getting over seven dollars our clerks have been cut down to less than five. I propose by resolution to give a small additional compensation to that class of committee clerks.

Mr. BUTLER, of Massachusetts. I object.

Mr. RANDALL. I ask a vote on my motion to take a recess until two o'clock.

The House divided; and there were—ayes 69, noes 62.

Mr. RANDALL demanded tellers.

Tellers were ordered; and Mr. RANDALL, and Mr. SMITH of Louisiana, were appointed.

The House again divided; and the tellers reported—ayes 101, noes 58.

Mr. TYNER demanded the yeas and nays.

Mr. GARFIELD. I should like to make a detailed statement in reference to the appropriation bills.

Mr. SPEER. That had better be postponed until we have decided whether we will take a recess or not.

The yeas and nays were ordered.

The question was taken, and it was decided in the negative—yeas 80, nays 131, not voting 78; as follows:

YEAS—Messrs. Archer, Arthur, Ashe, Atkins, Banning, Barnum, Barrere, Barry, Bass, Beck, Berry, Blount, Bowen, Bromberg, Brown, Burchard, Caldwell, John B. Clark, jr., Clymer, Coburn, Comingo, Cook, Cox, Crittenden, Crossland, Darrall, Davis, Duell, Durham, Frye, Glover, Gunckel, Gunter, Hamilton, Hancock, John T. Harris, Havens, Hooper, Howe, Hunton, Knapp, Lawson, Leach, Magee, McJunkin, McKee, Milliken, Mills, Moore, Morey, Morrison, O'Brien, Pelham, Perry, James H. Platt, jr., Randall, Rice, Robbins, James C. Robinson, Milton Sayler, John G. Schumaker, Scofield, Sener, A. Herr Smith, George L. Smith, Snyder, Southard, Speer, Standiford, Christopher Y. Thomas, Todd, Vance, Waldron, Wells, White, Whitehead, Whitehouse, Whitthorne, Charles W. Willard, and Wolfe—80.

NAYS—Messrs. Albert, Albright, Barber, Bell, Biery, Bland, Bradley, Bright, Buffinton, Bundy, Burleigh, Burrows, Benjamin F. Butler, Roderick R. Butler, Cain, Cannon, Cason, Amos Clark, jr., Clements, Stephen A. Cobb, Conger, Corwin, Crooke, Crounse, Crutchfield, Curtis, Dunnell, Eames, Field, Fort, Freeman, Garfield, Giddings, Gooch, Hagans, Eugene Hale, Benjamin W. Harris, Henry R. Harris, Harrison, Hatcher, Hathorn, John B. Hawley, Joseph R. Hawley, Gerry W. Hazelton, John W. Hazelton, Hereford, Herndon, Hodges, Hoskins, Houghton, Hubbell, Hunter, Hurlbut, Hyde, Hynes, Kasson, Kelley, Kellogg, Kendall, Lamar, Lawrence, Loughridge, Lowe, Lowndes, Luttrell, Lynch, Marshall, Maynard, Alexander S. McDill, MacDougall, Merriam, Monroe, Negley, Niblack, O'Neill, Orth, Packard, Page, Isaac C. Parker, Parsons, Pendleton, Phelps, Pierce, Pike, Poland, Pratt, Purman, Rainey, Ransier, Rapier, Ray, Ellis H. Roberts, James W. Robinson, Ross, Rusk, Sawyer, Henry B. Sayler, Isaac W. Scudder, Shanks, Sheats, Sherwood, Sloan, Sloss, H. Boardman Smith, J. Ambler Smith, John Q. Smith, Sprague, Stanard, Starkweather, St. John, Stone, Stowell, Strait, Strawbridge, Charles R. Thomas, Thornburgh, Townsend, Tremain, Tyner, Wallace, Jasper D. Ward, George Willard, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, Willie, James Wilson, Jeremiah M. Wilson, Woodford, and Woodworth—131.

NOT VOTING—Messrs. Adams, Averill, Begole, Buckner, Cessna, Freeman Clarke, Clayton, Clinton L. Cobb, Cotton, Creamer, Crocker, Danford, Dawes, De Witt, Dobbins, Donnan, Eden, Eldredge, Elliott, Farwell, Foster, Robert S. Hale, Harmer, Hays, Hendee, Hersey, E. Rockwood Hoar, George F. Hoar, Holman, Jewett, Killinger, Lamison, Lamport, Lansing, Lewis, Lofland, Martin, McCrary, James W. McDill, McLean, McNulta, Mitchell, Myers, Neal, Nesmith, Niles, Nunn, Orr, Packer, Hosea W. Parker, Phillips, Thomas C. Platt, Potter, Read, Richmond, William R. Roberts, Henry J. Scudder, Sessions, Sheldon, Lazarus D. Shoemaker, Small, Smart, William A. Smith, Stephens, Storm, Swann, Sypher, Taylor, Waddell, Walls, Marcus L. Ward, Wheeler, Whiteley, Wilber, Ephraim K. Wilson, Wood, John D. Young, and Pierce M. B. Young—78.

So the motion that the House take a recess was not agreed to.

Mr. RANDALL. I call for the regular order.

OSAGE INDIAN LANDS IN KANSAS.

The SPEAKER. The regular order being called, the House resumes the consideration of business on the Speaker's table.

The next business on the Speaker's table is the bill (H. R. No. 3088) to extend the time for completing the entries of Osage Indian lands in Kansas, with an amendment by the Senate which the Clerk will read.

The Clerk read as follows:

Insert at the end of the bill these words:

And provided further, That no further extension of time shall be granted than that provided for in this act; and that all occupants now upon said Osage lands shall file their application to purchase the lands so occupied by them within three months after the passage of that act, or forfeit all right and claim to the same.

Mr. LOWE. I move that the amendment of the Senate be concurred in.

The amendment of the Senate was concurred in.

Mr. LOWE moved to reconsider the vote by which the amendment was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ROBBERY OF SAFE IN DISTRICT ATTORNEY'S OFFICE.

Mr. WILSON, of Indiana. I rise to make a privileged report. I present the following report from the Joint Committee of Investigation into the Affairs of the District of Columbia.

The Clerk read as follows:

The Joint Select Committee to Inquire into the Affairs of the District of Columbia, to whom was referred the following resolution, passed by the House of Representatives May 5, 1874, namely: "*Resolved*, That the Joint Committee on the Affairs of the District be, and they are hereby, directed to inquire whether the officers or employés of the United States, or any officer or employés of the District government, have been engaged in any conspiracy to defeat or hinder the investigation ordered by Congress into the affairs of the District, and particularly in this connection to inquire into all the circumstances connected with the late robbery of the safe in the office of the United States attorney for the District of Columbia," report:

That they have diligently endeavored to make the investigation required by the resolution, but in doing so have examined a number of witnesses, and they have learned the names of other witnesses who ought to be examined, but whose attendance they have not been able up to this time to procure. The testimony taken is in many material respects conflicting and irreconcilable; and in some very important particulars the contradictions cannot be accounted for upon any theory of mistake or want of memory in the conflicting witnesses. The testimony satisfies your committee that one of the objects of the burglary was to falsely implicate Columbus Alexander, one of the memorialists. But in the absence of the testimony of the witnesses hereinbefore referred to, whose attendance has not been procured, it would in the opinion of your committee be improper for them to express any opinion upon the question, "Who were the conspirators?" Indeed, considering that the burglary must be the subject of investigation in the criminal court of the District, your committee beg leave to suggest that an expression of opinion by them that any particular person or persons are guilty might be unwise, if not improper, for reasons that will readily be discovered upon reading the testimony.

Your committee think that it should be brought to the notice of the Secretary of the Treasury and the Attorney-General, and in this connection the committee beg to call especial attention to the telegrams which were sent from Michael Hays to H. C. Whitley and to I. C. Nettleship, and also to the other telegrams and letters produced in evidence. They therefore report the testimony and the following resolution, and ask to be discharged from the further consideration of this subject:

Resolved, That the Clerk of the House of Representatives be, and he is hereby, instructed to transmit to the Secretary of the Treasury and to the Attorney-General, each, a copy of the evidence taken by the Joint Select Committee in Relation to the Affairs of the District of Columbia, so far as the same relates to the "late robbery of the safe in the office of the United States attorney for the District of Columbia," for their information and guidance.

WILLIAM B. ALLISON.
A. G. THURMAN.
WILLIAM M. STEWART
J. M. WILSON.
JAY A. HUBBELL.
LYMAN K. BASS.
HUGH J. JEWETT.
ROBERT HAMILTON.

Mr. WILSON, of Indiana. I ask to have the report and the testimony printed, and I also move the adoption of the resolution reported by the committee, and on that I call for the previous question.

Mr. BECK. I wish to ask the gentleman from Indiana whether the testimony does not absolutely demand that the committee should recommend that criminal prosecutions be instituted against Whitley and Nettleship, for high crimes and misdemeanors.

Mr. WILSON, of Indiana. I think the committee have made significant suggestions in the resolution which they have reported.

Mr. BECK. I think not. The suggestions are so mild that the Secretary can hardly tell what the committee desire. What I wish to ask the chairman of the committee is, whether there has not been proof before the committee which compels that committee to conclude that those two men have been guilty of high crimes and misdemeanors?

Mr. WILSON, of Indiana. I have no hesitancy at all in saying that there is that in the testimony that indicates that the law-officers of the Government should take active measures in the courts for the purpose of having this matter thoroughly investigated and the parties who have been connected with the conspiracy brought to justice. But I did not think, and the committee did not think that it was proper for them, inasmuch as this was a case for an investigation in a court, to indicate who they believed ought to be prosecuted.

Mr. BECK. I wish to say I have no doubt, according to the testimony I have seen and heard of, that those men, Whitley and Nettleship, ought to-day to be in the penitentiary for that crime.

Mr. WILSON, of Indiana. The committee preferred that every man should read this testimony and form his own judgment for himself.

Mr. SPEER. Who are these men?

Mr. BECK. They are the chiefs of the detective service, and their character was well known when they were appointed as being absolutely infamous.

The previous question was seconded and the main question ordered; and under the operation thereof the resolution reported by the committee was agreed to.

The report and the accompanying testimony were ordered to be printed, and to lie upon the table.

TARIFF.

Mr. COBB, of Kansas. I rise to make a privileged motion. I move to reconsider the vote by which the report of the committee of conference on the tariff bill was rejected.

Mr. BUTLER, of Massachusetts. Is that motion of higher privilege than the business of the House which is proceeding under a suspension of the rules?

The SPEAKER. Reports of conference committees are of higher privilege than suspensions of the rules; and a motion to reconsider the rejection of a conference report has the same privilege.

Mr. RANDALL. I move to lay the motion to reconsider on the table.

Mr. COBB, of Kansas. I do not yield to the gentleman from Pennsylvania to make that motion. I yield to the gentleman from Ohio, [Mr. GARFIELD.]

Mr. SPEER. Was the object of the motion of the gentleman from Kansas to allow the gentleman from Ohio, at this late hour of the session to make his speech, to which there could be no reply, for the purposes of the coming campaign.

Mr. GARFIELD. Mr. Speaker, I was entitled to an hour this morning, if I had chosen to use it, on the conference report on the sundry civil appropriation bill. But it was so important that the bill should go at once to the engrossing clerks that I occupied no time in general debate, but said I should ask the indulgence of the House later in the day, for no political speech, as my friends across the way seem to apprehend, but simply for the purpose of making, as far as I can and as accurately as possible, a summary of what has been done this session in regard to public expenditures. I therefore avail myself of the courtesy of the gentleman from Kansas [Mr. COBB] to state what has been done in the way of appropriations.

Gentlemen will remember that when the legislative appropriation bill was called up for action on the 5th of March I spoke somewhat at length upon the general subject of revenues and expenditures, and indicated the leading features of the bills which the Committee on Appropriations would recommend to the House, and what we believed would be possible in the way of reduction of the expenditures for the next fiscal year.

The reductions then suggested were of two kinds: first, the actual mustering out of expenditures by the repeal or scaling down of laws authorizing and requiring payments from the Treasury; and second, the postponement of such items of expenditure which, though ultimately necessary, could be postponed for a year or more without serious detriment to the public service until the pressure on the Treasury had passed. It was of great importance that we should be able to tide over the present and the next fiscal years without additional taxation, and for the time being the postponement of an expense was almost as valuable as a permanent reduction. In that speech I expressed the belief that by postponing some expenses and abolishing others we could reduce the appropriations for the next fiscal year about $34,000,000 below the estimates of the several Departments, and that we could scale down the expenditures for the next fiscal year to an aggregate of $270,000,000, exclusive of the sinking fund. We have now reached the end of the session, and it is worth while to see how far the expectations of four months ago have been realized. I presume that not all gentlemen have thought sufficiently upon this subject to appreciate the difficulty of scaling down without injuring the efficiency of so vast and complicated a machine as is the Government of the United States. It is a vast Colossus, whose every motion depends upon the expenditure of money; the motive-power of the vast machine is money; and the appropriations made by Congress determine and limit the activity of every function, from the highest to the lowest. I say that few people have considered how difficult it is to take such an organization and scale it down about 10 per cent. and still preserve its necessary working force unimpaired. We might by an unwise reduction cripple some one function and thus block the operations of a whole Department, but I believe that this Congress has made its reductions so carefully that no serious injury will follow.

Before stating the amounts appropriated by the several bills I will point out some of the measures of legislation which have been incorporated into these bills for the purpose of reforming the laws which regulate the expenditures of public money.

In the first place, we have endeavored to take a further step in the direction in which Congress has been trying to move for several years past; I mean the effort to bring all expenditures, as far as possible, directly under the eyes of Congress.

We have transferred several important items of expenditure from the list of permanent appropriations, over which Congress had no immediate supervision, and have placed them in the annual appropriation bills. This has necessarily swollen the annual bills, but it has brought all that class of expenditures, where they ought to have been

brought long ago, under the immediate eye of the people through their representatives in Congress. And here I will remark that there is no more curious illustration of the growth of our legislative history than this, that we have been steadily for the last forty years bringing all the Executive Departments more closely under the eye of Congress. For the first fifteen years of the Constitution the appropriations for the public service were placed in one short bill, which appropriated so many millions to enable the Secretary of State to carry on his Department, and so many millions to enable the Secretary of War to carry on his Department, and so with all the Departments. The details of expenditure were left wholly to the discretion of the heads of the various Executive Departments. They determined the number and salaries of the clerks, messengers, and other subordinate employés, and their expenditures were limited only by the amount of money granted by Congress. It was not until after about twenty years in the history of our Government that Congress began to divide the appropriations into separate bills for the different Departments; but even then most of the appropriations were made in lump.

There is no hope of insuring a careful economy in expenditures without specific provision, declaring the object of an appropriation and limiting the amount to be expended. During the present session the Committee on Appropriations have proposed several improvements which have been cordially indorsed by the House, and which I think will prove to be of very considerable service to the Government. As an instance of this I refer to the expenses of the national loan, which amounted to $3,806,000 last year. That amount was expended in maintaining the Bureau of Engraving and Printing and in the employment of several hundred clerks and other employés, and both their number and pay were left wholly to the discretion of the Secretary of the Treasury. It was too great a discretion to put in the hands of any one man in the ordinary work of the Government. It enabled him to employ, and he had in his employment when this session commenced, not less than eighteen hundred people, paying them from $5,000 a year down to seventy-five cents a day at his discretion. I think that upon the whole the work was reasonably well done. I do not think there was corruption or misuse of Government funds; but it was an extravagant method of conducting the public business. All that has been swept away by an amendment to the legislative bill. All the money now appropriated for this service is in specific sums, and in every case, except as to the number of employés in the Printing Bureau of the Treasury, a definite number of persons are to be employed and their salaries are fixed. In doing this we have made a reduction of $500,000 in that one item alone; but of course the effect of this change is to swell the amount of the annual appropriation bills about $3,250,000 above what they would have been but for the adoption of this reform, though it correspondingly reduced the amount to be expended under the head of permanent appropriations.

A similar reform has been made by the aid of the Committee on Military Affairs and the Committee on Civil Service Reform in regard to the employment of soldiers as clerks in the War Department. By the provisions of laws passed during the war and soon after its close many hundreds of enlisted men were detailed for duty as clerks and messengers in that Department, receiving extra compensation for rations and quarters, which raised their pay to about $1,000 a year, while they were in fact soldiers of the Army at the rate of thirteen dollars per month. All that has been swept away. We have made appropriations for the employment of these persons at a fixed salary, and have limited the number to be employed. The effect of this was to swell the amount appropriated by that bill nearly half a million dollars; but it reduces the permanent appropriation by considerably more than that amount, and it has mustered out a large number of persons who were thus employed, and has made the force of civil employés a fixed and definite number.

In this connection also I will mention another feature of the appropriation bills of this session, which I think will everywhere be recognized as an improvement on the old method.

Hitherto it has been the custom to appropriate contingent funds in the lump for the several Departments. But this year the Committee on Appropriations have brought all the contingent funds down to items. For example, instead of appropriating $350,000 for contingencies in the Treasury Department, we have separated it into all the various items, and they cover several closely printed pages of the law as it now stands, and state definitely so much for rent, so much for fuel, so much for lights, so much for the other items, leaving an actual contingent fund of only some $25,000 to meet expenses that could not be enumerated. That plan has been carried through all the appropriation bills, and I believe in so doing we have done a good service in limiting the expenses of the Government.

When I addressed the House in March last I presented a detailed statement of expenditures of the last fiscal year, so grouped and exhibited as to show what portion of the expenditures were directly in consequence of the war and what were employed in carrying on the ordinary functions of the Government. With the leave of the House I will here republish that analysis, because it forms the basis of all the reduction we have attempted to make for the next fiscal year.

ANALYSIS OF EXPENDITURES FOR LAST FISCAL YEAR.

For the information of the House, I have made a careful analysis of the actual expenditures of the fiscal year which ended on the 30th of June, 1873. I have grouped these expenditures into three classes: First, those payments which were made directly on account of the war; second, the expenses of the Army and Navy; third, all other expenditures, including the civil establishment and public works.

I. Amounts paid during the fiscal year 1873 on account of expenses growing directly out of the late war:

Joint Select Committee on Alleged Outrages in Southern States		$1,087 20
Investigations in relation to elections in Louisiana and Arkansas		20,000 00
Payment of judgments, Court of Claims		489,034 70
Southern claims commission		52,800 04
Tribunal of arbitration at Geneva		62,210 22
Expenses of national currency		181,654 84
Expenses of national loan		2,806,863 94
Refunding national debt		54,726 83
Cost of assessing and collecting internal revenue, including payments of drawbacks and amounts illegally collected		6,687,039 49
Defending claims for cotton seized		52 95
Salaries of direct-tax commissioners		540 55
Expenses of collecting direct tax in Delaware		22 46
Repayment for lands sold for direct taxes		9,075 00
Return of proceeds of captured and abandoned property		1,960,679 26
Collection of captured and abandoned property, records and evidence respecting same		84,459 50
Refunding internal taxes illegally collected		1,507 44
Refunding proceeds of cotton seized		3,282 00
Premium on bonds purchased in currency		5,105,919 99
Payment of interest on the public debt		104,750,688 44
Bounties		465,049 14
Keeping, transporting, and supplying prisoners of war		258,080 11
Military telegraph		17,220 36
National cemeteries		431,219 22
Maintenance of steam-rams		14,548 93
Gun-boats on western rivers		33,408 28
Providing for comfort of sick and discharged soldiers		1,305 79
Payment of stoppages or fines due National Asylum for Disabled Volunteer Soldiers		193,750 59
Traveling expenses of California and Nevada volunteers		28,000 00
Traveling expenses of First Michigan Cavalry		500 00
Commutation of rations to prisoners of war in rebel States		2,000 00
Draft and substitute fund		42,792 84
Appliances of disabled soldiers		8,000 00
Transportation of insane volunteer soldiers		1,000 00
Support of Freedmen's Hospital and Asylum, Washington, D. C.		72,000 00
Support of Bureau of Refugees, Freedmen, and Abandoned Lands, (regular)		93,924 79
Support of Bureau of Refugees, Freedmen, and Abandoned Lands, (transfer)		12,871 95
Horses and other property lost in the military service		99,975 85
Reimbursing State of Kansas for military expenses		336,817 37
Reimbursing State of Kentucky for military expenses		525,258 72
Refunding to States expenses incurred in raising volunteers		758,110 31
Defraying expenses of minute-men and volunteers in Pennsylvania, Maryland, Ohio, Indiana, and Kentucky		28,762 32
Supplying arms and munitions of war to loyal citizens in revolted States		945 38
Capture of Jefferson Davis		2,051 00
Claims of loyal citizens for supplies furnished during the rebellion		927,910 19
Bounty for destruction of enemy's vessels		133,802 28
Payment to captors of the rebel ram Albemarle		202,912 90
Payment to officers and crew of the United States steamer Kearsarge		141,377 00
Pensions*		29,359,426 86
Relief acts, (various)		797,748 78
Total		157,262,416 81

II. Military and naval establishments:

For the Army, after deducting payments for the late war, already mentioned in group 1, and for improvements of rivers and harbors, and other public works	$32,524,548 64	
For the Navy	21,474,433 61	
		53,998,982 25

III. Civil service proper; being all the expenditures not named in the first and second groups:

1. Civil establishment:		
The civil list, including expenses of legislative, judicial, and executive offices of the Government not including Internal Revenue and Customs Departments	$16,026,321 32	
Increase of salaries by act of March 3, 1873	1,948,210 04	
Foreign intercourse	1,292,008 49	
Indians	7,946,809 53	
Expenses of mints, Coast Survey, light-house service, revenue-cutter service, and marine hospitals	4,812,183 58	
Cost of collecting customs duties, exclusive of revenue-cutter service and building and repairing custom-houses, including the refunding of excess of deposits and amounts illegally collected	12,586,045 93	
Deficiencies in the revenues of the Post-Office Department	4,765,475 00	
Mail-steamship service	725,000 00	
Expenses of eighth and ninth censuses	105,762 44	
Survey of public lands, and land funds to States	1,401,971 27	
Government of Territories	271,985 36	
Steamboat-inspection service	221,917 50	
2. Extraordinary expenses:		
Investigation of senatorial election in Kansas	20,000 00	
Survey of boundary between United States and British possessions	2,304 63	
Commissioners to international penitentiary congress at London	5,000 00	
Copies of proceedings of same	1,362 65	
International exposition at Vienna	111,146 26	
Payments for coin, nickels, &c., destroyed by fire at Chicago	370,813 24	
Miscellaneous	1,662,634 86	
		$54,277,052 10
3. Public works:		
Custom-houses and post-offices, and repairs and preservation of same	3,270,329 90	
Marine hospitals	61,928 73	
Light-houses and repairs	1,408,851 49	

*A portion of this amount is for pensions to soldiers of the war of 1812.

Court-houses, post-offices, and building for State, War, and Navy Departments	$5,352,452 34	
Arsenals and armories, and Military Academy buildings	916,476 33	
Forts and fortifications	1,801,766 92	
Rivers and harbors	6,371,687 32	
Navy-yards	1,370,587 06	
Interior Department building	10,000 00	
Buildings, Government Hospital for Insane, Columbia Hospital, and Columbia Institution for Deaf and Dumb	179,800 00	
Improvements of public grounds, streets, and avenues in the city of Washington, including Washington Aqueduct and bridges across the Potomac River, extension of Capitol grounds and Capitol building	4,062,915 08	
		$24,806,785 17
Grand total		290,345,245 33

It will be seen by an examination of this analysis that every expenditure enumerated in the first group is a direct charge of the late war. Now, that group amounts in the total to $157,262,416.81; that is, 54 per cent. of all the expenditures of the Government, excluding the sinking fund, for the last fiscal year. In examining those items one by one I find but a single place where it seems to me there has been any extravagance whatever; and that is the expenses of the national loan, to which I will refer before I am done. I ask gentlemen to go over those items, and say what portion of the $157,000,000 expended in paying the charges of the war could possibly have been left out with justice?

In the second group I have placed the Army and the Navy—not counting in the public works for rivers and harbors, navy-yards, arsenals, and the like, that have been built in connection with the Navy and the Army, but the net charges of the Army and Navy themselves. These make the second group, and they amount to $53,998,982.25; that is just 18 per cent. of the whole expense for the year.

The third group embraces all other expenditures, and I have sub-grouped them for convenience into three heads: First, the civil service proper, the civil establishment represented by this bill and other kindred appropriations; secondly, extraordinary expenses that came in during the year, but of a civil kind; thirdly, public works of all kinds grouped together. Now this third group and its sub-groups amount in the total to $79,803,947.27, or 28 per cent. of the entire expenses of the Government.

Now, Mr. Chairman, take the results: $290,000,000—54 per cent. directly for the war; 18 per cent. for our military and naval establishments; and 28 per cent. for all other expenses put together. Going through the items carefully one by one, when gentlemen attack the economy of this Government they ought to specify the item that is extravagant; they should specify the item that is wrongfully there. It will not do to declaim against extravagance in general and not specify where it is. I have endeavored, in this statement, to spread out as on an open scroll the expenditures of the Government; and I ask the help of every man in this House to point out the places in this list where real, effective, wise retrenchment can be made.

It will be observed that in the first group I have placed only those items of expenditure which grew directly out of the war; yet it will not be denied that a very considerable portion of the expenses in the other two groups were made necessary in consequence of the war. But as they all belong to the annual expenditures of our civil and military establishments, it is difficult to say just what portion is fairly chargeable to that cause.

It will not be denied that the vast masses of accounts for bounty, for back pay, for materials furnished, for war claims, in all their innumerable forms, that came to the Treasury for settlement, have required a very great increase of clerical force in all the auditing and accounting departments of the Government; and the numerous payments which have been made on account of the war fund up to the current year show that a large portion of the force in all these departments is still employed on this business.

Again, the destruction of our light-houses along the southern coast, the neglect of our rivers and harbors, and public buildings, in all the States lately in the rebellion, has brought upon the country the necessity for restoration, repair, and rebuilding, which has greatly increased that class of our expenditures. We are still maintaining an increased civil establishment because of the war. And it is in this part of our civil administration where we will find most opportunity for retrenchment, where we will find it possible to muster out employés and abolish expenditures, which, though they have been needed, can be dispensed with in the future without crippling the ordinary service of the Government.

In the pending bill the Committee on Appropriations have indicated, by legislative provisions, such measures of retrenchment as they believe the service will bear without injury. And they invite the House to examine with the closest scrutiny the items of expenditure exhibited in the table I have given, and to aid the committee in pointing out places where further reduction can possibly be made.

Let our criticisms be accompanied by legislative provisions that will rectify the errors we complain of.

Now, Mr. Chairman, I have drawn a few conclusions from my own study of these groups, as to what can be done. I speak for the Committee on Appropriations when I say that we have agreed upon this principle, that we will not undertake to cut the appropriations down at all hazards to the level of revenues, however low that level may be. We do not believe in that. We believe that if a cutting down, such as ought to be made for its own sake, does not carry the Treasury through, then it is the busines, of Congress to provide ways and means; it is the business of Congress to tax whenever taxation is needed to prevent a deficit.

But the Committee on Appropriations propose two things: first, that wherever an expenditure has grown out of the war, or grown up in any other way, or an abuse has crept in, that expenditure and that abuse should be lopped off—in other words, if any expense can be mustered out, we propose to muster it out for all future time. Having done that, there is just one other thing we think can be done. Going over the proper and fitting expenditures of the Government, if we come to any that can be postponed for a year without seriously impairing any great national interest, we say, postpone it. When we have done those two things, we do not propose to cut down another dollar anywhere. And if in this bill gentlemen can show us that we have anywhere cut into the life of the Government or its necessary functions, we desire to restore what has been taken away. If in any place we ought to have increased expenditures or appropriations, and have not done so, point it out and we will move an increase.

Guided by these two principles, the Committee on Appropriations desire to suggest in what ways retrenchment can be made.

I then suggested the different items on which reduction could safely be made, and expressed the belief that the appropriations for the next fiscal year could be reduced by the sum of $34,000,000 below the estimates made by the several Departments, and that this reduction could be made from twenty to twenty-five millions below the actual appropriations of last year. An examination of the situation as it then existed, March 5, led to the following conclusion:

And now, Mr. Chairman, from a review of the facts in the case, I am warranted in the assertion that if the House will pursue the course which I have indicated, we shall pass through the present and the coming fiscal year without crippling any of the necessary expenditures of the Government, without abandoning any great and important public work already begun, and neither encounter a deficit nor bring the Treasury to protest, nor the public credit to shame. I believe that with the revival of business and with the restoration of public confidence we shall be enabled to get through this year and the next without additional taxation.

In this connection I call the attention of the House to one element that all will admit enters largely into the problem of public expenditures. Gentlemen sometimes say that the aggregate expenditures of the Government during its first fifty years were no more than they are now for one year. That is a striking and to some a startling statement. But I call the attention of the House to the growth of the country, to the area of square miles at four or five different periods of our history. When the Constitution was adopted we had, under the treaty of peace of 1783 with Great Britain, an area of 780,722 square miles. In 1803, by the acquisition of Louisiana, we more than doubled the amount of our territory by enlarging it to the amount of 1,941,000 square miles. Forty-five years later, in 1848, by our acquisitions from Mexico and the neighboring territory, we had 2,928,000 square miles. To-day we have 3,682,000 square miles of territory, being nearly five times the area of the territory we had when the Constitution went into operation. Now, these increments of growth have not been mere additions of territory; they have been accompanied by the creation of new States and Territories, at a rate even more rapid than the growth of our area in square miles. Of course every new State and Territory has added to the expenditure of the Government.

I will detain the House no longer except to call attention to the appropriations made at the present session. Making a comparison between law and law, not between estimates and appropriations, I present a table which exhibits the appropriations of last year and the corresponding appropriations made during this session:

Twelve regular appropriation bills for the years 1874 *and* 1875.

Title of bill.	For fiscal year ending June 30, 1874.	For fiscal year ending June 30, 1875.	Increase.	Decrease.
Navy	$22,276,257 65	$16,818,946 20		$5,457,311 45
Army	31,796,008 81	27,788,500 00		4,007,508 81
Fortification	1,899,000 00	904,000 00		995,000 00
Legislative, executive, and judicial	23,753,633 86	20,613,880 80		3,139,753 06
Indian	5,541,418 90	5,656,171 00	$114,752 10	
Military Academy	344,317 56	339,835 00		4,482 56
Deficiencies	12,978,418 69	4,083,914 26		8,894,504 34
Post-Office	5,396,602 00	5,497,842 00	101,240 00	
Consular and diplomatic	1,311,359 00	3,405,404 00	2,114,045 00	
Pension	30,480,000 00	29,980,000 00		500,000 00
Sundry civil	32,186,129 09	26,895,545 25		5,290,583 84
River and harbor	6,102,900 00	5,218,000 00		884,900 00
Total decrease				26,863,006 96

By glancing over this table gentlemen will see in what bills the reductions of appropriations have been made.

In the naval bill the reduction amounts to nearly $5,500,000; and part of this reduction arises from the fact that we have reduced the rank and file of the Navy and also reduced the enlisted force of the Marine Corps 20 per cent., and part of it arises from the fact that last year we made a large appropriation, a little more than $3,000,000, for building new sloops of war, which does not appear in the bill for this year.

The appropriations for the Army are reduced a little more than $4,000,000. This was made possible mainly by the fact that we provided for the reduction of the enlisted men of the Army by the number of five thousand.

The fortification bill shows a reduction of very nearly $1,000,000, and is an example of a public expenditure that can be postponed without detriment to the public service.

The legislative appropriation bill shows a reduction of a little more than $3,000,000 below the corresponding appropriations of last year. The reduction would have been $6,000,000 but for the fact that there has been placed in this bill more than $3,000,000 which formerly were expended under the head of permanent appropriations for the national loan. The reduction has been effected mainly by the repeal of the salary bill, which alone made a reduction of $1,000,000, by reducing the force in the various departments of the civil service, and by reducing contingent expenses.

The Indian appropriation bill shows a small increase over that of last year; but it should be remarked that a large portion of our deficiencies have been for the Indian service of the current year.

The appropriations for the Military Academy are nearly the same as those of the current year, although the number of cadets has been increased forty-nine.

The deficiency bill of this year appropriates nearly $9,000,000 less than the deficiency bills of last year.

The appropriations from the Treasury for postal service are about $100,000 greater than the amount for last year. It will be noticed that I have set down only the amount appropriated out of the Treasury. The revenues of that Department are not covered into the Treasury, but are expended directly for the service by the Department itself.

The total expenditures of that Department will be over $2,000,000 greater for the next fiscal year than for the current year. But the increase of the rates of postage provided for in the bill will it is estimated produce about $2,000,000 of additional revenue.

The consular and diplomatic bill appropriates about the ordinary amount for the service of that Department; but there has been added this year nearly $2,000,000 to that bill as the amount required to pay the award of the mixed British and American commission under the treaty of Washington.

The pension bill this year is half a million dollars less than the pension bill of last year. But the legislation of the session in regard to pension laws leads me to believe that we shall have to appropriate a deficiency in the pension bill of next year enough to bring up the appropriation to what it was last year. Had I known when the pension bill was under consideration what I know now about the expenses of that Bureau, I should have insisted upon keeping the amount the same as last year. You may therefore expect half a million for deficiencies in the pension bill of next year.

Mr. ELDREDGE. Does the gentleman think there will not be some deficiency in the Post-Office Department?

Mr. GARFIELD. I hope not; I cannot tell.

Mr. ELDREDGE. There never has been a time when there was not a deficiency there.

Mr. GARFIELD. All our appropriations for the Post-Office Department are deficiencies, except the postal revenue. The amount of deficiency to be paid from the Treasury is what we speak of when we refer to deficiencies for the Post-Office.

The sundry civil bill shows a reduction of $5,250,000 below that of the corresponding bill of last year. This arises in the main from a reduction in the amounts appropriated for public buildings; but the bill of this year has been increased by an appropriation of $400,000 to aid the sufferers by the overflow of southern rivers.

The river and harbor bill of this year shows a decrease af $885,000 below that of last year, and——

Mr. CONGER. I wish the gentleman would state that in the river and harbor bill of this year about $200,000 are added for general surveys in connection with schemes of cheap transportation all over the country between the East and the West—an appropriation which is no part of the river and harbor appropriation bill proper.

Mr. GARFIELD. The gentleman has stated that fact so well that I do not need to repeat it.

Summing up the results of the table here presented, the aggregate appropriations made in the twelve regular appropriation bills are $26,863,006.96 less than the amounts appropriated in corresponding bills of last year.

I have not taken into account in this statement the $4,000,000 appropriated in what was known as "the naval emergency bill;" but on the other hand I have more than balanced this $4,000,000 by including in these bills the appropriations for expenses of the national loan and other similar appropriations, which have been transferred from the list of permanent appropriations to the regular bills. Nor have I included in this statement the amount appropriated by Congress in the form of claim bills and relief bills. Though the number of private bills which have passed at this session is probably greater than those of the preceding year, yet I am satisfied that the amount appropriated in such bills is considerably less than the appropriations of last year. The appropriations of this class amounted last year to $3,354,842.17. I do not believe that this year they will reach $1,500,000.

The summing up of the amounts appropriated in the bills that have passed within the last day or two has been done somewhat hurriedly, and I will not vouch for the absolute correctness of the figures here given; but I am satisfied they are not far out of the way. I may safely affirm that the appropriations made at the present session of Congress are in the aggregate $25,000,000 less than those of last year. I ought also to add that in this statement no account has been taken of the unexpended balances in either year.

I desire to say in conclusion, for myself and for my associates on the Committee on Appropriations, that we feel under great obligations to the House for the confidence with which it has accepted our work. At times I have no doubt that we have appeared to many members unreasonable in our opposition to measures of expenditure, but the House has generally shown an unwavering purpose to follow the line of genuine economy in its management of public affairs. In this connection I may state (and I do so in no disparaging or invidious spirit) that almost every bill sent from this House to the other has come back to us larger in the amount of the appropriation than when it left us; and in almost every instance the bills that have come from a conference committee into the House have come in with a smaller amount of appropriation than when they were sent to the conference. No conference committee on any of the appropriation bills has enlarged the bill in its charge; but on the contrary nearly all of such committees have decreased the appropriations.

I shall watch with deep interest the financial history of the next fiscal year, with some apprehension that in some places we have cut too deep. But I shall confidently expect to see the expenditures kept within the aggregate of the permanent and annual appropriation bills.

Mr. PARKER, of Missouri. Is my friend from Ohio [Mr. GARFIELD] prepared to state to the House the difference between the estimates for this year and the actual appropriations?

Mr. GARFIELD. I cannot do that, because I do not know precisely the amount of the miscellaneous appropriations.

Mr. PARKER, of Missouri. I hope the gentleman will be prepared to incorporate such a statement in his published speech.

Mr. GARFIELD. It will take some time to work up all the items. But the Clerk of the House is required by law to publish a full summary of the amounts appropriated for all purposes, and we may expect to see his statement soon.

Mr. COX. I object to gentlemen making speeches of this kind here in the last hours of the session without any opportunity for a reply.

Mr. COBB, of Kansas. I yield to the gentleman from Massachusetts, [Mr. DAWES.]

Mr. RANDALL. I would like to know how much time the gentleman from Kansas has remaining.

The SPEAKER *pro tempore*. Thirty-five minutes.

Mr. COBB, of Kansas. I yield ten minutes to the gentleman from Massachusetts.

Mr. COX. Is any reply to be permitted to these speeches, or are they to be published after we adjourn without any opportunity for an answer?

Mr. DAWES. Mr. Speaker, I do not desire to occupy any great length of time; but I wish to bear testimony to the fidelity of the Committee on Appropriations, and to say that they may well congratulate themselves upon the result of their labors. They will go home to their constituents presenting a result which cannot but commend itself to the public judgment as well as to their own private convictions. I know a little something of the difficulties of their work, although not as much as they do themselves. My experience only went just far enough to learn that fact, but the gentleman has not only had an opportunity to learn how difficult it is, but an opportunity to learn better than I did how to discharge his duties so as to overcome those difficulties.

I desire, however, Mr. Speaker, as he has presented one side of the public ledger in a manner so flattering and so desirable to the country, to say but a single word as to the other side of that ledger. Nobody can ask more at the hands of this committee and this Congress in reference to the expenditures for the next fiscal year than has been rendered by this Committee on Appropriations. But how is it on the other side of the ledger? Is there any fair prospect before the people that this condition of expenditures will be met by sufficient receipts from our sources of revenue? The Committee on Ways and Means took instruction from the House in the early part of the session, and have adhered to it until this day. The House by an overwhelming vote instructed that committee not to impose any increase of taxes, having faith in the work on the other side of the ledger and faith in that recuperative power of the American people to cure themselves, if left without doctors and varying treatments, of all the ills under which they have suffered in the diminution of receipts and increase of expenditures. But what are the indications now? Although falling back in the receipts in the early months of this session, causing anxiety in the Treasury Department and anxiety upon this floor lest we should be compelled to impose new burdens, we find all these have been wiped out by the increased receipts of the Treasury. Within the last few months six or seven millions more than the current expenditures have been brought into the Treasury.

The internal-revenue taxes have yielded for the year more than was estimated by that department at the beginning of the year when everything was prosperous and without taking into account the sad experience of distress during the autumn. Every one of the internal receipts is more in the total than was promised by that department.

As yet the customs duties have not quite come up to the estimates; but taking them all together with the other receipts I have the utmost confidence, and authority I believe on the part of the committee and those who have studied the subject, to say that this side of the ledger which shows the receipts to meet these expenditures will be equally gratifying to the American people; that not only the current expenditures will be found met by the receipts of the Government but there will be over and above more than enough to meet the sinking fund, so that the policy in operation at the commencement of this Administration and adhered to through all these adversities will still be continued. That policy is to reduce the taxes on the one side and the expenditures on the other, keeping in view two things, the safety of the sinking fund and a moderate reduction of the public debt from twenty-five to fifty million dollars. I believe the sinking fund will be safe with the present receipts and with the reduction of expenditures for the next fiscal year. If, therefore, our receipts met the expenditures for last year and ran over $5,000,000, with the expenditures next year $26,000,000 less and the receipts equal to what they were last year, gentlemen will see we will certainly be in a condition to meet our expenditures and the sinking fund, and more too.

So, without taking any credit to the Committee on Ways and Means for their policy, for their policy has been a negative policy, holding back in obedience to a vote of the House instructing them not to impose new taxes until it was found absolutely necessary, and with such a reduction of expenditures as we have seen, a failure to recover from the past deficiency in the receipts so as to meet every demand upon us need not be looked for. The receipts will be equal to all the demands upon them to carry on the service of the Government for the next fiscal year.

I have not risen to commend the work of the Committee on Ways and Means. As I said, their policy has been mostly a negative policy. They have introduced some reforms in the revenue service and the administration of it, in reference to which much has been said in the House. The result they hope will meet with the just expectation of the committee. Others differ in this regard, but I do not wish to provoke any discussion on the subject. I only mean to say, Mr. Speaker, that the other side of the ledger will be quite as commendable as to the receipts of the revenue as that side of the ledger in reference to the expenditures which has been so flatteringly presented by the gentleman from Ohio.

ENROLLED BILLS SIGNED.

Mr. DARRALL, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled bills of the following titles; when the Speaker signed the same:

An act (H. R. No. 3168) making appropriations for the repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes; and

An act (H. R. No. 3415) to provide for the care and custody of persons convicted in the courts of the United States who have or may become insane while imprisoned.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that that body had passed, without amendment, bills of the House of the following titles:

An act (H. R. No. 3016) granting a pension to Ira Douthart;

An act (H. R. No. 3175) for the relief of J. E. Ingalls, postmaster at Denmark, Lee County, Iowa;

An act (H. R. No. 3098) to amend the act entitled "An act to reorganize the courts in the District of Columbia, and for other purposes," approved March 3, 1863;

An act (H. R. No. 2770) to amend the act entitled "An act to amend an act entitled 'An act to establish a court for the investigation of claims against the United States,'" approved August 6, 1856;

An act (H. R. No. 3408) to relieve the political disabilities of L. L. Lomax, of Virginia;

An act (H. R. No. 3798) for the relief of J. J. Hayden;

An act (H. R. No. 3266) for the relief of the Pekin Alcohol Manufacturing Company;

An act (H. R. No. 554) for the relief of William I. Blackistone, of Saint Mary's County, Maryland;

An act (H. R. No. 2291) granting a pension to Franklin Stoner;

An act (H. R. No. 700) granting a pension to the minor children of Michael Weisse, deceased;

An act (H. R. No. 921) to prevent the useless slaughter of buffaloes within the territories of the United States; and

An act (H. R. No. 763) for the relief of Oliver P. Mason.

It further announced that the Senate had passed, with amendments, bills of the following titles; in which the concurrence of the House was requested:

An act (H. R. No. 3413) to provide for the stamping of unstamped instruments, documents, or papers;

An act (H. R. No. 3172) to relieve Sardine G. Stone, of Alabama, of political disabilities;

An act (H. R. No. 3354) to relieve the persons therein named of their legal and political disabilities;

An act (H. R. No. 3353) to remove the political disabilities of Richard T. Allison, of Maryland;

An act (H. R. No. 3027) to remove the political disabilities of Van Ranselear Morgan, Thomas M. Jones, and Charles M. Fauntleroy, of Virginia, and of A. S. Taylor, of Maryland;

An act (H. R. No. 3406) to relieve Joseph Wheeler, of Lawrence County, in the State of Alabama, from all legal and political disabilities imposed by the fourteenth amendment to the Constitution;

An act (H. R. No. 3086) to remove the political disabilities of George E. Pickett, of Virginia;

An act (H. R. No. 3091) to release J. W. Bennett from political disabilities; and

An act (H. R. No. 3252) to remove the political disabilities of George N. Hollins, of Maryland.

Mr. COBB, of Kansas. I yield now for five minutes to the gentleman from New York, [Mr. COX.]

Mr. COX. I do not intend to occupy the time of the House to any great extent. I think a vote of thanks ought to be passed for the gentlemen on the other side because of the wonderful amount of their goodness and sanctity during this session. I have no doubt, Mr. Speaker, the two gentlemen who have given us these mournful eulogies intended to do something in the interest of economy. I think I may quote in this case a phrase from Whittier:

> Saving as shrewd economists their souls
> And winter pork, with the least possible outlay
> Of salt and sanctity.

I never knew gentlemen at the end of the session make this sort of eulogy of themselves; but I am glad, however, to see the gentleman from Massachusetts [Mr. DAWES] agree with my friend from Ohio, [Mr. GARFIELD.] I am glad to see those two gentlemen, who started out so divergent in their paths at the beginning of the session, so harmonious just before the elections this fall. I do not believe these beautiful, fine speeches would have been made if it were not for these fall elections. I know it is a good thing to feel your responsibility to the people, but I do protest, Mr. Speaker, against the gentleman from Ohio, [Mr. GARFIELD,] who is familiar with the details of the appropriation, and the gentleman from Massachusetts, [Mr. DAWES,] who raises the Ways and Means, coming in at the last end of the session, when no response can be made, with a view of finishing their speeches after the adjournment and having them printed and sent out as campaign documents without any opportunity for reply on this side. I say it is not fair; it is not a fair, square dealing with this side of the House.

I know gentlemen say they have been so good they do not need any defense from this side of the House. All you have done good over there you have done grudgingly. What has my friend done from the Committee on Ways and Means? Proposed a moiety bill after a great effort, after being driven to it by public opinion and the public press. What has he done? His little, petty tariff bill, that infant which left this House in such a bad condition, has been postponed until December next! Will we have it up again? Are we to have any real reform in that insidious, unjust, and invidious sort of legislation?

The gentleman says there have been increased receipts in the Treasury to make up for deficiencies. If so, it is not to be credited to these gentlemen. If they have practiced economy and shown a little better condition of expenditure than last year perhaps they thereby confess to the House and to the country that for ten or twelve years they have been in every regard derelict so far as economy in expenditure is concerned. They now come in just before the election and make these specious statements at the tail end of the session when there is no chance to reply.

What has the majority of the House done in the way of relieving the burdens of the people in reference to taxation? Point us to some specific thing. The gentleman from Ohio referred to one committee the business of which I am familiar with, the Committee on Foreign Affairs—the only thing with which I am familiar, perhaps, in regard to these appropriations, and I say here they have appropriated $150,000 more in that regard than for the last year.

These gentlemen, after bragging all the session about reduction, come in at the very last moment and add to their bills—both the Senate and the House—in many respects. But I think there is one thing we should have done—and I say it with a view to the future and our responsibility to that future wherein there is peril and wherein there may be panic—and that is that you have kept up these false balances which are abomination to the Lord. After all your talk about resumption of specie payments, after all the brave talk of your President, his veto and his memorandum, he comes and signs your bill at the last moment when you all believe he would have vetoed it if he had acted in conformity with his own just judgment heretofore expressed.

[Here the hammer fell.]

Mr. COX. Just a word more. And now you go home to your people and expect them to stand that. No, sir; they will burn down the Administration barn to get rid of the rats, or they will sink the ship to get rid of the cockroaches.

Mr. COBB, of Kansas. I yield to the gentleman from Iowa, [Mr. KASSON.]

Mr. HARRIS, of Virginia. Will the gentleman from Iowa yield to me for a moment to ask a question?

Mr. KASSON. I yield for a question.

Mr. HARRIS, of Virginia. On the 23d of March last, the gentleman from Georgia [Mr. YOUNG] offered a bill to authorize the payment of mail agents and mail contractors for services rendered previous to April 4, 1861. The chairman of the Committee on Appropriations entreated the House not to pass the bill in the crude form in which he said it was presented, for the reason that his committee was then inquiring into the amount necessary to pay those claims.

Mr. KASSON. The question, if you please.

Mr. HARRIS, of Virginia. The result has been that no provision has been made for the payment of the claim, the action of the House having been influenced by the statement of the chairman of the Committee on Appropriations.

Mr. YOUNG, of Georgia. The majority of the House voted for the bill, but it did not receive the necessary two-thirds.

Mr. GARFIELD. The Committee on Appropriations carefully considered that matter. They found that in 1867 Congress passed a law forbidding the payment of any of that class of claims until Congress should by its express legislation provide for it. It would require the suspension of the rules to put it into any bill; and we found in many instances that old mail contracts in the South had been adopted by the confederate government, and that the contractors had got their back pay for carrying the mails before secession, on the condition that they would go on and serve under the new confederate government. Now, I do not want to give back pay to anybody who has been paid once already by the rebel government.

Mr. KASSON. We have had, Mr. Speaker, from our friend on the other side, the gentleman from New York, [Mr. COX,] one of those delightful attacks to which we are so accustomed from him. He complains that he did not know before of the speeches to be delivered by the chairman of the Committee on Appropriations and the chairman of the Committee on Ways and Means, and therefore he apolo-

gizes for not making an adequate and sufficient reply to them. Let my friend from New York tell us how we could have accommodated him any better, inasmuch as several of the bills have been passed within forty-eight hours and we could only have footed them up this morning? Why did not the gentleman himself, in the interest which he undoubtedly has to serve his country and enlighten his constituency, make up the figures without waiting for the chairmen of these committees to do so? Why did he not examine into the subject earlier in the session instead of attempting to derogate from the honor which I believe belongs clearly and honestly to the Committee on Appropriations for the great reforms they have carried out.

Mr. COX. I think my friend from Iowa [Mr. KASSON] who served with the democratic side of the House for several weeks in the beginning of this session has got on the other side in this speech.

Mr. KASSON. The gentleman seeks again to claim my efforts at reform as belonging to the democracy—another of his errors in endeavoring to steal the credit to the democracy for all the reforms, every one of which has been carried by the republican side of the House and originated with the republican side of the House.

Mr. ELDREDGE. What reforms do you speak of? Be a little specific.

Mr. KASSON. The repeal of the Sanborn contracts is one, and the repeal of the moieties another; the reduction of expenditures and of the force in the Treasury is another; the reduction of every appropriation bill below those of last year is another.

Mr. ELDREDGE. The gentleman from Kentucky [Mr. BECK] has the credit of the repeal of the Sanborn contracts and the moieties. It is he who has got the scalps at his belt in those cases.

Mr. KASSON. I would refer to the salary reduction for another.

Mr. COX. In the Senate such democrats as Mr. BAYARD and Mr. Casserly began that reform for which the gentleman seeks credit.

Mr. KASSON. There is one thing, the only thing which I am aware of, of which the gentleman from New York [Mr. COX] can complain. The Committee on Ways and Means put the tax at two or three cents per pound on macaroni, and I am glad that I can sympathize with my friend from New York over the defeat of the tariff bill, in view of the fact that macaroni is saved. Mr. Speaker, let me ask the attention of my friends on both sides of the House to the question whether the exhibit made here this morning showing that there has been a saving in the appropriations of over $25,000,000 is not one of which the whole House, both sides of it, republicans and democrats, may well be proud—for all our friends on the other side of the House take their part of the credit so far as they have assisted to bring about this result? I say this although this side of the House, the majority, are entitled to the credit if they are bound to take the responsibility which belongs to the action of the House.

Mr. ELDREDGE. Wait till the deficiency bill comes in, and then see how much credit either side is entitled to.

Mr. KASSON. Ah, Mr. Speaker, that is a prediction that we have heard before.

ENROLLED BILLS SIGNED.

Mr. PENDLETON, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. No. 169) for the relief of Marcus Otterbourg, late consul of the United States at the city of Mexico, and minister to the republic of Mexico;

A bill (S. No. 733) regulating gas-works;

A bill (S. No. 806) to extend the time allowed for the redemption of certain lands by the first section of the act entitled "An act to provide for the redemption and sale of lands held by the United States under the several acts levying direct taxes, and for other purposes," approved June 8, 1872, and to suspend the operation of the fourth section of said act; and

A bill (S. No. 854) extending the right of way heretofore granted to the Alleghany Valley Railroad Company through the arsenal grounds at Pittsburgh, Pennsylvania.

POST-OFFICE APPROPRIATION BILL.

The House resumed the consideration of the motion to reconsider the vote by which the second committee of conference on the disagreeing votes of the two Houses upon the amendments of the Senate to the tariff bill was ordered.

Mr. KASSON. I only wish to say one thing more. I do not think there has been a session to which any gentleman of the House can refer for many years past, which has been so clear of the passage of bills containing private speculations, or "jobs." I think, sir, that both sides of the House are entitled to such credit as belongs to them respectively in that regard. A very small amount of money has been appropriated for the payment of claims, and the only apprehension is that in our desire to be conscientious we may have been unjust to claimants. I now move that the motion to reconsider be laid upon the table.

The motion was agreed to.

LEAVE TO PRINT.

Mr. STARKWEATHER. I ask unanimous consent to print some remarks upon the tariff bill.

Mr. SPEER. I must object if the gentleman is going to inject into the RECORD a speech such as he made some time ago.

Mr. STARKWEATHER. The gentleman never interjected any thing. This is not a political speech at all; it relates only to the tariff question.

Mr. SPEER. Then I have no objection.

No objection being made, leave was granted. (See Appendix.)

STAMPS ON LEGAL DOCUMENTS.

The House resumed the consideration of business on the Speaker's table.

The next business on the Speaker's table was the bill (H. R. No. 2413) to provide for the stamping of unstamped instruments, documents, or papers, returned from the Senate with amendments.

The amendments of the Senate were read and concurred in, as follows:

In line 6 strike out "78" and insert "76."

In line 9 strike out all after the word "faith" to and including the word "thereof" in line 16.

At the end of line 11 insert the following:

Provided, That to render such stamping valid the person desiring to stamp the same shall appear with the instrument, document, or paper, or copy thereof, before some judge or clerk of a court of record, and before him affix the proper stamp; and said judge or clerk shall indorse on such writing or copy a certificate under his hand when made by said judge, and under his hand and seal when made by said clerk; setting forth the date at which, and the place where, the stamp was so affixed, the name of the person presenting said writing or copy, the fact that it was thus affixed, and that the stamp was duly canceled in his presence.

PAY OF COMMITTEE CLERKS.

Mr. MAYNARD. I ask unanimous consent to submit the following resolution, in regard to which the gentleman from Massachusetts [Mr. BUTLER] objected a short time since.

Mr. BUTLER, of Massachusetts. I now withdraw my objection to the resolution.

The resolution was read, as follows:

Resolved, That the Clerk of the House of Representatives be authorized, and he is hereby directed, to pay to all of the clerks of committees of the House of Representatives who do not receive annual salaries their salaries for the months of July and August, 1874.

Mr. WILLARD, of Vermont. Has that been considered by the Committee on Accounts?

The SPEAKER. The Chair does not know.

Mr. WILLARD, of Vermont. I do not think it should be passed unless it has been considered by that committee.

Mr. MAYNARD. I move to suspend the rules and pass the resolution.

The SPEAKER. That is not in order. The House is acting under a suspension of the rules upon business on the Speaker's table.

Some time subsequently,

Mr. MAYNARD said: The gentleman from Vermont [Mr. WILLARD] agrees to withdraw his objection to the resolution in regard to committee clerks if I will modify it so as to limit it to July.

Mr. WILLARD, of Vermont. I said that I would not object to it if it was limited to one month from the close of the session.

Mr. MAYNARD. Very well; I will modify it in that way.

Mr. GARFIELD. I believe there is not money enough appropriated for that purpose, and I do not know how the clerks can be paid.

Mr. SENER. Let it go.

Mr. RANDALL. It will be a deficiency.

No objection was made; and the resolution was adopted.

Mr. MAYNARD moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

COMMITTEES ON APPROPRIATIONS DURING THE RECESS.

The House resumed the consideration of business on the Speaker's table; and the next business was the following concurrent resolution of the Senate:

Resolved by the Senate, (the House of Representatives concurring,) That the Committees on Appropriations of the two Houses of Congress are authorized to meet at the Capitol during the recess of Congress to make inquiry into and report any method by which reforms may be made in the expenditures of the several branches of the civil service, and the estimate of appropriations therefor, and the appropriation bills.

Mr. GARFIELD. I move that the rules be suspended and the resolution concurred in.

The motion was agreed to, two-thirds voting in favor thereof.

ORDER OF BUSINESS.

Mr. BUTLER, of Massachusetts. I ask unanimous consent to introduce for action at this time a joint resolution giving preference to soldiers in civil employment.

Mr. CREAMER. I object; I think the gentleman has indulged in enough humbug this session.

Mr. HERNDON. I ask unanimous consent to——

Mr. BUTLER, of Massachusetts. I call for the regular order. Nobody on that side of the House shall get in anything by unanimous consent until Congress adjourns.

REMOVAL OF POLITICAL DISABILITIES.

The House resumed the consideration of business on the Speaker's table; and the amendments of the Senate to the following House bills were concurred in by a suspension of the rules, two-thirds voting in favor thereof:

A bill (H. R. No. 3027) to remove the disabilities of Van Rensaeller Morgan, Thomas M. Jones, and Charles M. Fauntleroy of Virginia, and A. S. Taylor of Maryland;

A bill (H. R. No. 3086) to remove the political disabilities of George E. Pickett, of Virginia;

A bill (H. R. No. 3091) to release J. W. Bennett from political disabilities;

A bill (H. R. No. 3172) to relieve Sardine J. Stone, of Alabama, of political disabilities;

A bill (H. R. No. 3252) to remove the political disabilities of George N. Hollins, of Maryland;

A bill (H. R. No. 3253) to remove the political disabilities of Richard T. Allison, of Maryland;

A bill (H. R. No. 3254) to relieve the persons therein named of their political disabilities; and

A bill (H. R. No. 3406) to relieve Joseph Wheeler, of Lawrence County, in the State of Alabama, from the legal and political disabilities imposed by the fourteenth amendment to the Constitution.

ORDER OF BUSINESS.

Mr. RANDALL. I move that the House now take a recess until three o'clock.

Mr. MERRIAM. I understand the post-route bill will be here in a few minutes.

The question was taken on the motion for a recess; and upon a division there were—ayes 53, noes 78.

Mr. RANDALL. Is that a quorum?

Mr. ELDREDGE. I call for the yeas and nays.

The yeas and nays were not ordered, there being but 14 in the affirmative.

So the motion for a recess was not agreed to.

JAMES P. COATES.

Mr. MAYNARD. I call for the regular order.

The House resumed the consideration of business on the Speaker's table; and the next business was the amendment of the Senate to the bill (H. R. No. 104) for the relief of James P. Coates, of Jackson, Mississippi.

The amendment of the Senate was to strike out $986.70 and to insert $800.

Mr. HOWE. I move that the rules be suspended and the amendment concurred in.

The motion was agreed to, two-thirds voting in favor thereof.

COMMITTEE ON PRINTING.

The next businesss on the Speaker's table was the following concurrent resolution of the Senate:

Resolved by the Senate, (the House of Representatives concurring.) That the Joint Committee on Printing is hereby authorized to sit during the coming recess of Congress.

Mr. HAZELTON, of Wisconsin. What is the object of that resolution?

Mr. SENER. Let it remain on the table.

Mr. KASSON. My colleague, [Mr. DONNAN,] the chairman of the House Committee on Printing, desired that this resolution should be concurred in. It has been agreed upon by some arrangement between the two committees. If I recolleet aright, it was stated in the Senate that it would be without expense. I move that the rules be suspended and the resolution concurred in.

Mr. RANDALL. I think it is right; the gentleman from Iowa [Mr. DONNAN] explained it to me before he left.

The rules were suspended, (two-thirds voting in favor thereof,) and the resolution was concurred in.

RAYMOND'S REPORT ON MINING STATISTICS.

The next business on the Speaker's table was the amendment of the Senate to the following concurrent resolution of the House:

Resolved by the House of Representatives, (the Senate concurring,) That of the report of R. W. Raymond on mining statistics, with the accompanying engravings, there be printed three thousand copies for the House, two thousand for the Senate, one thousand for the Treasury Department, and one thousand for the Commissioner.

The amendment of the Senate was to strike out all after the word "printed" and to insert the following:

Twenty-two hundred and fifty copies, of which one thousand shall be for the use of the Treasury Department, two hundred and fifty copies for the use of the Commissioner, and one thousand copies shall be for sale at the cost of paper and press-work, with an addition of 10 per cent, by the Congressional Printer.

The SPEAKER. The question is on concurring in the amendment of the Senate.

Mr. McCORMICK. I hope it will not be concurred in.

The SPEAKER. In the absence of a motion to suspend the rules and concur in the amendment, the resolution will be returned to the Speaker's table.

AGRICULTURAL REPORT FOR 1873.

Mr. GARFIELD. I ask to have read for the information of the House a letter from the Congressional Printer. I think we may desire to take some action upon it.

The Clerk read as follows:

OFFICE OF THE CONGRESSIONAL PRINTER,
Washington, June 23, 1874.

DEAR SIR: Are you aware of the fact that the Commissioner of Agriculture has not made his report for 1873 to Congress, and that hence the usual number has not been printed? It is not in type here. The report of 1872 is in type and ready for press.

Very respectfully, &c.,

A. M. CLAPP,
Congressional Printer.

Hon. J. A. GARFIELD.

Mr. GARFIELD. It was stated the other day that both these reports were in the hands of the Congressional Printer and in type, and an appropriation was made to print them. As Congress is the only authority to order the printing of the Agricultural Reports, I thought that probably we might desire to take some action on this subject.

Mr. FORT. I do not know who stated that the Agricultural Reports for 1873 was in print. That for 1872 is in print. It is by law made the duty of the Commissioner to make his report to the President, and of course that report can be printed when it is made.

Mr. GARFIELD. It is sent to the Printer through Congress.

Mr. MAYNARD. All the heads of the Departments make their annual reports to the President directly.

Mr. FORT. I desire to offer a resolution that the report of the Commissioner of Agriculture for 1873, when made, shall be printed.

Mr. WILLARD, of Vermont. Is that in order?

The SPEAKER. It is not.

Mr. WILLARD, of Vermont. Then I object.

Mr. MAYNARD. I wish to inquire whether the Commissioner of Agriculture made his annual report to the President last December?

Mr. DUNNELL. He did.

REUBEN M. PRATT.

The next business on the Speaker's table was the bill (S. No. 794) to legalize the muster of Reuben M. Pratt as second lieutenant.

The bill was read. It directs the Secretary of War to place the name of Reuben M. Pratt on the rolls of Company H, Sixth Regiment Pennsylvania Reserve Corps Infantry as a second lieutenant, and his muster into service as such heretofore made to date from the 1st day of August, 1862, is recognized; but the provisions of the act are not to be construed as granting any claim against the United States except the right of pension to the minor heirs of Pratt.

Mr. ALBRIGHT. I move that the rules be suspended and this bill passed.

The motion was agreed to, two-thirds voting in favor thereof.

CAPTAIN JAMES B. THOMPSON.

The next business on the Speaker's table was the bill (S. No. 600) for the relief of Captain James B. Thompson.

The bill was read. It states in the preamble that James B. Thompson, late of Company G, First Pennsylvania Rifles, was captured while in the line of his duty, May 30, 1864, at the battle of Bethesda Church, Virginia; on the 6th of June, 1864, was commissioned first lieutenant in Company F, One hundred and ninetieth Pennsylvania Volunteers, and on the 19th of September, 1864, another commission was issued to him as captain in same company and regiment, he being at the issuing of both commissions absent as a prisoner of war in the hands of the enemy: that he endured the horrors and privations of Andersonville for a period of nearly seven months, escaping twice and being once run down and recaptured by hounds, but at the third attempt eluding his pursuers and reaching the Union lines at Atlanta, Georgia, after traveling for one whole month entirely by night; that his failure to be mustered was through no fault or neglect of his own but solely by reason of his unavoidable detention as a prisoner of war. The bill therefore directs the proper accounting officers of the Treasury to pay to Thompson the pay and emoluments of a first lieutenant of infantry in active service from June 6, 1864, to September 19, 1864; and to pay him the pay and emoluments of a captain of infantry in active service from September 19, 1864, to March 1, 1865, from which date his muster as an officer commences.

Mr. MAYNARD. It seems to me that bill ought to pass. I move to suspend the rules and pass it.

The motion was agreed to, two-thirds voting in favor thereof.

WILLIAM L. ADAMS.

The next business on the Speaker's table was the bill (S. No. 382) for the relief of William L. Adams, late collector of customs at Astoria, Oregon.

The bill was read.

Mr. MAYNARD. Unless some explanation be given of this bill I think it should be referred.

Mr. WILLARD, of Vermont. It should go to the Committee on Claims. I move that reference.

The motion was agreed to, two-thirds voting in favor thereof.

WILLIAM J. PATTON.

The next business on the Speaker's table was the bill (S. No. 459) for the relief of William J. Patton.

The bill was read.

Mr. WILLARD, of Vermont. This bill ought to be referred to the Committee on Claims.

Mr. HYNES. The bill is all right. I move to suspend the rules and pass it.

The motion was not agreed to.

Mr. WILLARD, of Vermont. I move that the bill be referred to the Committee on Claims.

The motion was agreed to, two-thirds voting in favor thereof.

NORTHERN PACIFIC RAILROAD COMPANY.

The next business on the Speaker's table was the bill (S. No. 797) to amend an act in relation to the survey of certain lands granted to the Northern Pacific Railroad Company.

Mr. LUTTRELL. That ought to be referred to the Committee on the Public Lands.

Mr. DUNNELL. I move that the rules be suspended and the bill passed.

Mr. RANDALL. It ought not to be passed, but ought to be referred to the Committee on the Public Lands for examination.

Mr. DUNNELL. It has been examined by the Committee on the Public Lands.

Mr. RANDALL. It is a land grant, and ought not to pass.

The SPEAKER. The bill will be read.

The bill was read. It provides that so much of the act entitled "An act making appropriations for sundry civil expenses of the Government for the year ending June 30, 1871, and for other purposes," approved July 15, 1870, as requires the payment by the Northern Pacific Railroad Company of the cost of surveying and conveying the lands granted said company be, and the same is thereby, repealed, and no cost for surveying shall be collected from said company.

Mr. SPEER. That bill should not pass.

Mr. KENDALL. The bill ought not to pass. It ought by all means to be referred to the Committee on the Public Lands. I make that motion.

Mr. DUNNELL. I have a motion pending to suspend the rules and pass the bill.

The motion to suspend the rules was seconded.

The House refused to suspend the rules, (two-thirds not voting in favor thereof,) and the bill was not passed.

On motion of Mr. KENDALL, the rules were suspended and the bill was referred to the Committee on the Public Lands.

ROSA VERTNER JEFFREYS.

The next business on the Speaker's table was the bill (S. No. 878) for the relief of Rosa Vertner Jeffreys.

The bill, which was read, authorizes and directs the Secretary of the Treasury to pay to Rosa Vertner Jeffreys, out of any money in the Treasury not otherwise appropriated, the sum of $5,000, in full compensation for the use of and damages done to her property in Lexington, Kentucky, by reason of occupation of the same by the military authorities of the United States in the years 1862, 1863, 1864, and 1865.

Mr. BECK. I hope the House will suspend the rules and pass that bill.

Mr. LAWRENCE. It should go to the Committee on War Claims.

Mr. BECK. I move the rules be suspended and the bill passed.

The motion to suspend the rules was seconded.

The House refused to suspend the rules, (two-thirds not voting in favor thereof,) and the bill was not passed.

Mr. LAWRENCE. I move the bill be referred to the Committee on War Claims.

Mr. BECK. I object to its going there.

Mr. LAWRENCE. I move to suspend the rules and refer it to the Committee on War Claims.

The motion to suspend the rules was not seconded.

The SPEAKER. The bill remains on the Speaker's table.

WRITS OF ERROR IN CRIMINAL CAUSES.

The next business on the Speaker's table was the bill (S. No. 935) to provide for writs of error in certain criminal causes.

Mr. WARD, of Illinois. I move that it be referred to the Committee on the Judiciary, and ordered to be printed.

The motion was agreed to.

THE NAMES OF VESSELS.

The next business on the Speaker's table was the bill (S. No. 683) to authorize the use of gilt letters for the names of vessels.

The bill, which was read, provides that section 3 of an act entitled "An act concerning the registering and recording of ships and vessels," approved December 21, 1792, is thereby so amended as to allow the names of vessels to be painted on the stern in yellow or gilt.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

THE REORGANIZATION OF STAFF CORPS.

The next business on the Speaker's table was the bill (S. No. 321) reorganizing the staff corps of the Army.

Mr. NIBLACK. Is it expected to adjourn at four o'clock to-day when we are passing all these bills?

Mr. RANDALL. We are not passing many of them, but are merely taking them up and referring them.

Mr. CONGER. I move to refer that to the Committee on Military Affairs.

Mr. YOUNG, of Georgia. I hope not. It ought to pass.

The bill, which was read, in its first section provides that the Inspector-General's Department shall consist of one colonel, two lieutenant-colonels, and two majors, with the rank, pay, and emoluments of officers of said grades; and the Secretary of War may, in addition, detail officers of the line, not to exceed four, to act as assistant inspectors-general; provided that officers of the line detailed as acting inspectors-general shall have all the allowances of cavalry officers of their respective grades; and no new appointment shall be made in the Inspector-General's Department until the number of inspectors-general is reduced to five.

The second section provides that the Bureau of Military Justice shall hereafter consist of one Judge Advocate-General, with the rank, pay, and emoluments of a brigadier-general; and the said Judge Advocate-General shall receive, revise, and have recorded the proceedings of all courts-martial, courts of inquiry, and military commissions, and shall perform such other duties as have been heretofore performed by the Judge Advocate-General of the Army. In the corps of judge-advocates no appointment shall be made as vacancies occur until the number shall be reduced to four, which shall thereafter be the permanent number of the officers of that corps.

The third section provides that hereafter there shall be three assistant commissaries-general of subsistence, with the rank, pay, and emoluments of lieutenant-colonel, instead of the two now allowed by law of said grade in the Subsistence Department; that the number of commissaries of subsistence, with the rank, pay, and emoluments of a captain of cavalry, is hereby reduced to twelve, and no appointment to fill a vacancy in said grade shall be made until the number thereof shall be reduced to twelve; and the number thereafter shall remain fixed at twelve.

The fourth section provides that the Medical Department of the Army shall hereafter consist of one Surgeon-General, with the rank, pay, and emoluments of a brigadier-general; one assistant surgeon-general, and one chief medical purveyor, each with the rank, pay, and emoluments of a colonel; and two assistant medical purveyors, with the rank, pay, and emoluments of lieutenant-colonels, who shall give the same bonds which are or may be required of assistant paymasters-general of like grade, and shall, when not acting as purveyors, be assignable to duty as surgeons by the President; fifty surgeons, with the rank, pay, and emoluments of majors; one hundred and fifty assistant surgeons, with the rank, pay, and emoluments of lieutenants of cavalry for the first five years' service, and with the rank, pay, and emoluments of captains of cavalry after five years' service; and four medical store-keepers, with the same compensation as is now provided by law; and all the original vacancies in the grade of assistant surgeon shall be filled by selection by competitive examination; and the Secretary of War is thereby authorized to appoint from the enlisted men of the Army, or cause to be enlisted, as many hospital stewards as the service may require, to be permanently attached to the Medical Department, under such regulations as the Secretary of War may prescribe. And the number of contract surgeons shall be limited to seventy-five on or before the 1st day of January, in the year 1875; and thereafter no more than that number shall be employed.

The fifth section provides that the Ordnance Department shall consist of one Chief of Ordnance, with the rank, pay, and emoluments of a brigadier-general; three colonels, four lieutenant-colonels, ten majors, twenty captains, sixteen first lieutenants; and all vacancies which may hereafter exist in the grade of first lieutenant in said department shall be filled by transfer from the line of the Army; provided that no appointment or promotion in said department shall hereafter be made until the officer or person so appointed or promoted shall have passed a satisfactory examination before a board of ordnance officers senior to himself.

The sixth section provides that no officer now in service shall be reduced in rank or mustered out by reason of any provision of law therein made reducing the number of officers in any department or corps of the staff.

The seventh section provides that as vacancies shall occur in any of the grades of the Ordnance and Medical Departments, no appointments shall be made to fill the same until the numbers in such grade shall be reduced to the numbers which are fixed for permanent appointments by the provisions of the act; and thereafter the number of permanent officers in said grades shall continue to conform to said reduced numbers; and all other grades in said Ordnance and Medical Departments than those authorized by the provisions of the act shall cease to exist as soon as the same shall become vacant by death, resignation, or otherwise, and no appointment or promotion shall thereafter be made to fill any vacancy which may occur therein.

The eighth section provides that so much of section 6 of an act entitled "An act making appropriations for the support of the Army for the year ending June 30, 1870, and for other purposes," approved March 3, 1869, as applied to the Ordnance, Subsistence, and Medical Departments of the Army be, and the same are, hereby repealed; provided that this section repealing said section shall not apply to any of the grades of the Medical or Ordnance Departments which are omitted or abolished by the provisions of the act.

Mr. ALBRIGHT. I move the rules be suspended and the bill be passed.

Mr. FORT. It seems to me to be in the line of economy and ought to be passed.

Mr. COBURN. I wish to say a word on the bill. I think it ought not

to pass. It is not in the line of economy. It creates new offices, opens promotions, and adds to the expenses of the Government largely. Two new brigadiers, one for the subsistence and one for the ordnance, are created, besides several other officers. The increased annual expense will be at least $75,000. We have sent a proper bill to the Senate, and should await their action on the subject as an entirety, as a system. When we open promotions it should be done regularly and equitably, not in piecemeal as is here proposed. I am in favor of a regular system.

Mr. ALBRIGHT. It is similar to the bill the House has already passed.

Mr. COBURN. It ought not to be passed.

Mr. ALBRIGHT. I insist on my motion.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate had passed, with amendments in which the concurrence of the House was requested, bills of the House of the following titles:

The bill (H. R. No. 3023) for the relief of Andrew Mason; and

The bill (H. R. No. 3097) in relation to courts and judicial officers in the Territory of Utah.

The message further announced that the Senate had passed without amendment, the bill (H. R. No. 2909) to declare the bridge across the Niagara River authorized by the act of Congress approved June 30, 1870, a post-road.

REORGANIZATION OF STAFF CORPS.

The House resumed the consideration of the bill reorganizing the several staff corps of the Army.

The SPEAKER. The gentleman from Indiana, [Mr. COBURN,] the chairman of the Committee on Military Affairs, desires that the bill shall be referred to that committee. The gentleman from Pennsylvania, [Mr. ALBRIGHT,] of the same committee, moves that the rules be suspended and that the bill be passed. The Chair will order tellers on seconding the motion to suspend the rules and passing the bill; and appoints the gentleman from Indiana, Mr. COBURN, and the gentleman from Pennsylvania, Mr. ALBRIGHT.

The House divided; and the tellers reported—ayes 89, noes 58.

So the motion to suspend the rules was seconded.

The SPEAKER. The question recurs on suspending the rules and passing the bill.

Mr. SENER. On that question I call for the yeas and nays. This is an important bill.

The question being taken on ordering the yeas and nays, there were ayes 30.

So (the affirmative being more than one-fifth of the last vote) the yeas and nays were ordered.

Mr. FORT. I ask that the gentleman from Pennsylvania [Mr. ALBRIGHT] be heard for five minutes.

Objection was made.

The question was taken, and there were—ayes 135, nays 58, not voting 96; as follows:

YEAS—Messrs. Albert, Albright, Arthur, Averill, Barrere, Barry, Bass, Biery, Bland, Bowen, Bright, Buffinton, Bundy, Burrows, Benjamin F. Butler, Roderick R. Butler, Cain, Cessna, John B. Clark, jr., Clements, Clymer, Stephen A. Cobb, Comingo, Conger, Cook, Corwin, Creamer, Crooke, Crossland, Crounse, Crutchfield, Darrall, Dawes, Dobbins, Dunnell, Durham, Eames, Eldredge, Field, Fort, Foster, Frye, Hagans, Benjamin W. Harris, Harrison, Hathorn, John B. Hawley, Joseph R. Hawley, John W. Hazelton, Hereford, Herndon, Hodges, Hooper, Houghton, Howe, Hubbell, Hynes, Kasson, Kelley, Kellogg, Kendall, Lamar, Lamport, Lawrence, Lewis, Lowe, Lowndes, Luttrell, Lynch, Magee, Martin, Maynard, Alexander S. McDill, Merriam, Monroe, Morey, Negley, Niblack, Niles, O'Brien, O'Neill, Page, Isaac C. Parker, Parsons, Pelham, Pendleton, Perry, Pierce, Poland, Rainey, Randall, Ransier, Rapier, Rice, Richmond, James C. Robinson, Ross, Rusk, Henry J. Scudder, Isaac W. Scudder, Sener, Sessions, Shanks, Sheats, Sheldon, Sherwood, Sloss, George L. Smith, J. Ambler Smith, Snyder, Speer, Stanard, Stone, Stowell, Strawbridge, Sypher, Charles R. Thomas, Christopher Y. Thomas, Thornburgh, Todd, Townsend, Tremain, Waldron, Wallace, Walls, Jasper D. Ward, Marcus L. Ward, Wells, Whitehouse, Whiteley, George Willard, John M. S. Williams, William Williams, James Wilson, and Pierce M. B. Young—135.

NAYS—Messrs. Archer, Ashe, Atkins, Banning, Barber, Beck, Bell, Bradley, Bromberg, Buckner, Burchard, Burleigh, Caldwell, Cannon, Cason, Coburn, Crittenden, Danford, Duell, Garfield, Giddings, Glover, Gooch, Gunckel, Henry R. Harris, Hatcher, Hunter, Hunton, Hyde, Lawson, Leach, Loughridge, James W. McDill, MacDougall, Milliken, Moore, Morrison, Nunn, Orth, Packard, Pratt, Robbins, Ellis H. Roberts, Sawyer, Henry B. Sayler, A. Herr Smith, H. Boardman Smith, John Q. Smith, Southard, Sprague, Strait, Tyner, Vance, Whitehead, Whitthorne, Charles W. Willard, Willie, and Woodworth—58.

NOT VOTING—Messrs. Adams, Barnum, Begole, Berry, Blount, Brown, Amos Clark, jr., Freeman Clarke, Clayton, Clinton L. Cobb, Cotton, Cox, Crocker, Curtis, Davis, DeWitt, Donnan, Eden, Elliott, Farwell, Freeman, Gunter, Eugene Hale, Robert S. Hale, Hamilton, Hancock, Harmer, John T. Harris, Havens, Hays, Gerry W. Hazelton, Hendee, Hersey, E. Rockwood Hoar, George F. Hoar, Holman, Hoskins, Hurlbut, Jewett, Killinger, Knapp, Lamison, Lansing, Lofland, Marshall, McCrary, McJunkin, McKee, McLean, McNulta, Mills, Mitchell, Myers, Neal, Nesmith, Orr, Packer, Hosea W. Parker, Phelps, Phillips, Pike, James H. Platt, jr., Thomas C. Platt, Potter, Purman, Ray, Read, William R. Roberts, James W. Robinson, Milton Sayler, John G. Schumaker, Scofield, Lazarus D. Shoemaker, Sloan, Small, Smart, William A. Smith, Standiford, Starkweather, Stephens, St. John, Storm, Swann, Taylor, Waddell, Wheeler, White, Wilber, Charles G. Williams, William B. Williams, Ephraim K. Wilson, Jeremiah M. Wilson, Wolfe, Wood, Woodford, and John D. Young—96.

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. GORHAM, its Secretary, informed the House that the Senate had passed without amendment bills of the following titles:

The bill (H. R. No. 2198) for the relief of the heirs at law of William S. Brashears, an officer of the Texas navy;

The bill (H. R. No. 3534) to change the times of holding the circuit and district courts at the City of Evansville; and

The bill (H. R. No. 3327) to provide for the improvement of Oostenaula River, in the State of Georgia.

The message further announced that the Senate had passed the bill (S. No. 623) to enable the Secretary of State to pay salaries to certain of the commissioners of the Vienna exposition appointed under authority of the joint resolution approved February 14, 1873; in which the concurrence of the House was requested.

ENROLLED BILLS SIGNED.

Mr. PENDLETON, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (H. R. No. 294) for the relief of Joab Bagley;

An act (H. R. No. 763) for the relief of Oliver P. Mason;

An act (H. R. No. 1305) granting a pension to E. Caroline Webster, widow of Lucius H. Webster;

An act (H. R. No. 1410) to fix the salaries of the clerks at the United States armory in Springfield, Massachusetts;

An act (H. R. No. 1939) for the relief of the sureties of James L. Collins, deceased;

An act (H. R. No. 2088) for the relief of James Lillie, postmaster at Lisbinville, Ray County, Missouri;

An act (H. R. No. 2187) authorizing and requiring the issuance of a patent for certain lands to the county of Scott, in the State of Missouri;

An act (H. R. No. 2349) for the relief of Burke and Kunkle;

An act (H. R. No. 2791) granting a pension to Franklin Stoner;

An act (H. R. No. 2891) for the relief of Mrs. Louisa Eldis, of Sandusky, Ohio;

An act (H. R. No. 2990) for the relief of Jesse F. Moore and Charles W. Lewis;

An act (H. R. No. 3406) to relieve Joseph Wheeler, of Lawrence County, in the State of Alabama, from all political disabilities imposed by the fourteenth amendment to the Constitution;

An act (H. R. No. 3088) to extend the time for completing entries of Osage Indian lands in Kansas;

An act (H. R. No. 3411) to amend an act entitled "An act to incorporate the trustees of the Female Orphan Asylum in Georgetown and the Washington City Orphan Asylum, in the District of Columbia." approved May 24, 1828;

An act (H. R. No. 3432) to protect lines of telegraph constructed or used by the United States from malicious injury and obstruction; and

An act (H. R. No. 3581) to protect persons of foreign birth against forcible constraint or involuntary servitude.

ANDREW MASON.

The next business on the Speaker's table was the bill (H. R. No. 3023) for the relief of Andrew Mason, returned from the Senate with amendments.

The amendments of the Senate were read, as follows:

In line 3, after the word "processes," insert the words "heretofore and hereafter to be."

In lines 4 and 5, after the words "New York," insert the words "or elsewhere."

Mr. HOOPER. I move that the rules be suspended and the amendments of the Senate be concurred in.

The question was taken; and (two-thirds voting in favor thereof) the rules were suspended and the amendments of the Senate were concurred in.

RECESS.

Mr. ELDREDGE. I move that the House now take a recess for one hour.

The question was taken, and the motion was not agreed to.

COURTS IN UTAH.

The next business on the Speaker's table was the bill (H. R. No. 3097) in relation to courts and judicial officers in the Territory of Utah, returned from the Senate with amendments.

Mr. POLAND. I move that the rules be suspended and the amendments of the Senate be concurred in.

Mr. CROUNSE. Is it in order to call for the reading of the bill?

The SPEAKER. Strictly speaking it is not in order to call for the reading of the original bill, for the House is supposed to understand what it has passed. But it is proper to call for the reading of so much of the bill as will render intelligible the effect of the amendments made to the bill by the Senate.

Mr. POLAND. The Senate have struck out so much of it that I think my friend from Nebraska [Mr. CROUNSE] will be satisfied.

The amendments of the Senate were read, as follows:

Strike out after "divorce" in line 15, page 3, down to and including "fact" in line 6, page 4.

On page 4, line 15, after "court" insert:

Nothing in this act shall be construed to impair the authority of the probate court to enter land in trust for the use and benefit of the occupants of the towns in the various counties of the Territory of Utah, according to the provisions of an act for the relief of the inhabitants of cities and towns upon public lands, approved March 2, 1867, and an act to amend an act entitled "An act for the relief

of the inhabitants of cities and towns upon the public lands,'" approved June 8, 1868; or to discharge the duties assigned to the probate judges by an act of the Legislative Assembly of the Territory of Utah entitled "An act prescribing rules and regulations for the execution of the trust arising under the act of Congress entitled 'An act for the relief of inhabitants of cities and towns upon the public lands.'"

Page 5, line 10, after "appeals" insert;

A writ of error from the Supreme Court of the United States to the supreme court of the Territory shall lie in criminal cases where the accused shall have been sentenced to capital punishment, or convicted of bigamy or polygamy.

Page 8, line 4, after "challenges" insert;

Except in capital cases where the prosecution and the defense shall be allowed fifteen challenges.

Page 8, line 4, strike out all after "challenges" in line 4 down to and including "same" in line 8.

Strike out section 7.

Mr. POLAND. I move that the rules be suspended and the amendments of the Senate concurred in. A great deal that was good in the bill has been struck out by the Senate, and a great deal that is good is still left in it.

Mr. CROUNSE. I do not think there are half a dozen members in the House who understand the effect of these amendments. I call for the reading of the bill as amended.

Mr. POLAND. I move to suspend the rules so as to dispense with the reading of the bill and to concur in the amendments of the Senate.

Mr. CROUNSE. I move that the House take a recess for three quarters of an hour, during which time members may have an opportunity to examine the amendments of the Senate.

The SPEAKER. That motion is not in order pending a motion to suspend the rules.

Tellers were ordered; and Mr. POLAND and Mr. CROUNSE were appointed.

The House divided; and the tellers reported that there were—ayes 112, noes 36.

So the motion to suspend the rules was seconded.

The question was upon seconding the rules and concurring in the Senate amendments.

Mr. ELDREDGE. On that motion I call for the yeas and nays.

The question was taken upon ordering the yeas and nays; and upon a division there were—ayes 21, noes 96; not one-fifth in the affirmative.

Before the result of this vote was announced,

Mr. ELDREDGE called for tellers on ordering the yeas and nays.

Tellers were not ordered, there being 22 in the affirmative, not one-fifth of a quorum.

So the yeas and nays were not ordered.

The rules were then suspended, (two-thirds voting in favor thereof,) and the amendments of the Senate were concurred in.

REPORTS FROM THE COMMITTEE ON AGRICULTURE.

Mr. CAIN, from the Committee on Agriculture, presented reports upon a memorial in behalf of the agricultural labors of the South and West, and a petition of Professor Edward Powers for producing rain by firing artillery; which reports were ordered to be printed, and recommitted to the Committee on Agriculture.

NATIONAL HOME FOR DISABLED SOLDIERS.

Mr. BUTLER, of Massachusetts, presented the annual report of the board of managers of the National Home for Disabled Volunteer Soldiers for 1873; which was ordered to be printed, and referred to the Committee on Military Affairs.

ENROLLED BILLS SIGNED.

Mr. PENDLETON, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (H. R. No. 104) for the relief of James Coats, of Jackson, Mississippi;

An act (H. R. No. 2798) for the relief of John J. Hayden;

An act (H. R. No. 2909) to declare the bridge across the Niagara River, authorized by the act of Congress approved June 30, 1870, a post-route;

An act (H. R. No. 3086) to remove the political disabilities of George E. Pickett, of Virginia;

An act (H. R. No. 3091) to release J. W. Bennett from political disabilities;

An act (H. R. No. 3094) making appropriations for the service of the Post-Office Department for the year ending June 30, 1875, and for other purposes;

An act (H. R. No. 3252) to remove the political disabilities of George N. Hollins, of Maryland;

An act (H. R. No. 3253) to remove the political disabilities of Richard J. Allison, of Maryland; and

An act (H. R. No. 3266) for the relief of the Pekin Alcohol Manufacturing Company.

Mr. DARRALL, from the same committee, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (S. No. 683) to authorize the use of gilt letters for the names of vessels; and

An act (S. No. 794) to legalize the muster of Reuben M. Pratt as second lieutenant.

ORDER OF BUSINESS.

Mr. BECK. I move that the House now take a recess until three o'clock.

Mr. WOODFORD. I trust not; there are one or two bills on the Speaker's table which absolute justice requires should be passed. They have already been examined by committees of this House and lie next upon the table.

RECESS.

The SPEAKER. The pending motion is that of the gentleman from Kentucky [Mr. BECK] for a recess until three o'clock.

Mr. MAYNARD. Before a recess is taken——

Mr. SENER. I object to any debate.

The motion was not agreed to.

TARIFF BILL.

Mr. CONGER. I move that the Senate be requested to return to the House the bill (H. R. No. 3572) to amend existing customs and internal-revenue laws, and for other purposes.

Several members objected.

BRIDGE OVER WILLAMETTE RIVER.

The next business on the Speaker's table was the bill (S. No. 775) to authorize the construction of a bridge over the Willamette River at Portland, in the State of Oregon.

The bill was read, as follows:

Be it enacted, &c., That it shall be lawful for the Oregon and California Railroad Company of Portland, Multnomah County, in the State of Oregon, or for the said company jointly with the Oregon Central Railroad Company of Portland, in said State, on such terms as to division of expense as may be agreed upon between said companies, to build a railroad bridge across the Willamette River at the city of Portland, in said county of Multnomah, at a point to be selected and determined by the said railroad company or companies constructing such bridge: *Provided*, That there shall be placed in said bridge a draw of not less than three hundred feet in width, with a center abutment not to exceed fifty feet wide, and ten feet above the water line, leaving a passage on each side of the abutment of not less than one hundred feet in width, and so constructed as not to impede the navigation of said river, and allow the easy passage of vessels through said bridge. Such bridge shall be so constructed as to have a wagon and foot-way below the railroad-track: *Provided further*, That the said bridge shall be so constructed and built as not to obstruct, impair, or injuriously affect the navigation of the river; and in order to secure a compliance with these conditions, the corporation, association, or company proposing to erect the same, previous to commencing the construction of the bridge, shall submit to the Secretary of War a plan of the bridge, with a detailed map of the river at the proposed site of the bridge, and for the distance of a mile above and below the site, exhibiting the depths and currents at all points of the same, together with all other information touching said bridge and river as may be deemed requisite by the Secretary of War to determine whether the said bridge, when built, will conform to the prescribed conditions of the act not to obstruct, impair, or injuriously affect the navigation of the river: *Provided further*, That the Secretary of War may detail an officer to superintend the survey and examination of said river with a view to said location.

SEC. 2. That the Secretary of War is hereby authorized and directed, upon receiving said plan and map and other information, and upon being satisfied that a bridge built on such a plan and at said locality will conform to the prescribed conditions of this act, not to obstruct, impair, or injuriously affect the navigation of said river, to notify the said corporation, association, or company proposing to erect the same that he approves of the same; and upon receiving such notification the said corporation, association, or company may proceed to the erection of said bridge, conforming strictly to the approved plan and location. But until the Secretary of War approve the plan and location of said bridge, and notify the said corporation, association, or company of the same, the bridge shall not be built or commenced.

SEC. 3. That the right to alter or amend this act so as to prevent or remove all material obstructions to the navigation of said river by the construction of said bridge is hereby expressly reserved; and the expense of all improvements or repairs at any time made shall be borne by the company or companies constructing said bridge.

Mr. DUNNELL. I wish to inquire if this bill has been before the Committee on Commerce?

Mr. CONGER. A bill similar to this was reported by the Committee on Commerce and was passed by the House. The Senate in this bill has added in detail, so far as applicable, the restrictions which we impose upon bridges over the Ohio and Mississippi, which had been done in shorter language in our bill. There is no objection to passing this bill. I move that the rules be suspended and the bill passed.

The motion was agreed to, two-thirds voting in favor thereof.

A. H. VON LUETTWITZ.

The next business on the Speaker's table was the bill (S. No. 633) for the relief of A. H. von Luettwitz.

The bill was read. The preamble states that A. H. von Luettwitz, late a first lieutenant in the Third United States Cavalry, who was cashiered from the United States service by sentence of a general court-martial on the 8th day of July, 1870, has established his innocence of the charges upon which he was so cashiered the United States service. The bill therefore directs the Secretary of War to amend the record of the said A. H. von Luettwitz so that he shall appear on the rolls and records of the Army for rank as if he had been continuously in service. But nothing is to be paid to him for the interval of time from the 8th day of July, 1870, until the passage of the act.

Mr. WOODFORD. I move that the rules be suspended and that this bill be passed.

Mr. SPEER. I hope that the gentleman will give us some explanation of it.

Mr. WOODFORD. The bill has been examined by the House Committee on Military Affairs, and is identical with a bill reported in this House.

The motion to suspend the rules and pass the bill was agreed to, two-thirds voting in favor thereof.

COMMITTEE ON WAR CLAIMS.

Mr. LAWRENCE. I am instructed by the Committee on War Claims to report a resolution and to ask that it be passed. The resolution was prepared by the gentleman from North Carolina, [Mr. COBB,] and the committee directed it to be reported to the House. If adopted, it does not necessarily follow that a sub-committee will be appointed. The committee will consider the propriety of it. I do not intend now to say such sub-committee should or should not be appointed; but it is safe to give the committee power to do so if deemed best. There are some claims about which it may be desirable to take testimony in order to protect the Government. And I am ready to give to the people of the South every fair means of having their claims considered and justice done them. I would build up the waste places made desolate by the war; I would be just and generous to the people of the South. We belong to one common nationality, and it is alike duty and interest to cultivate fraternity and good will. Besides this, the material interests of the South should be cared for. This is essential to the prosperity of our people North and South. The North want to trade with the South. And especially now do I desire that every just claim should be paid. I want no delay. Whatever is due should be paid, and speedily paid. It is a crying shame that some tribunal is not provided that can without delay consider all claims and pass on them. It is better to do it now before evidence perishes.

I offer the following:

Resolved, That the Committee on War Claims be, and it is hereby, authorized to investigate during the recess of the present Congress the practical workings of the act creating the commissioners of claims and the acts amendatory thereof, and for this purpose to appoint a sub-committee, which shall be authorized to sit during the recess, which may proceed to such points in the States lately declared in insurrection as may be deemed advisable, and in the prosecution of this inquiry to subpœna witnesses, send for persons and papers, administer oaths, and take testimony, the expense of which shall be paid from the contingent fund of the House on the order of the chairman; and the said committee shall report at the commencement of the next session of the present Congress the result of their investigation and recommend what legislation, if any, in their judgment is necessary to secure to the loyal people in said States lately declared in insurrection the substantial justice contemplated in the acts named.

Objection was made.

RECESS.

Mr. HEREFORD. I move that the House take a recess until a quarter after three o'clock this afternoon.

The motion was agreed to; and accordingly (at ten minutes before three o'clock) the House took a recess.

The recess having expired, the House resumed its session.

NOTIFICATION TO THE PRESIDENT.

Mr. MAYNARD submitted the following resolution; which was read, considered, and agreed to:

Resolved, That a committee of three members of the House be appointed to join a similar committee on the part of the Senate, to wait upon the President of the United States and inform him that the two Houses of Congress are ready to adjourn if he has no further communication to make to them.

The SPEAKER subsequently announced the appointment of Mr. MAYNARD, Mr. WILSON of Indiana, and Mr. COX, as the committee on the part of the House.

ENROLLED BILLS SIGNED.

Mr. DARRALL, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (H. R. No. 554) for the relief of William J. Blackistone, of Saint Mary's County, Maryland;

An act (H. R. No. 700) granting a pension to the minor children of Michael Weisse, deceased;

An act (H. R. No. 3023) for the relief of Andrew Mason;

An act (H. R. No. 3027) to remove the political disabilities of A. S. Taylor, of Maryland;

An act (H. R. No. 3172) to relieve Sardine G. Stone, of Alabama, of political disabilities;

An act (H. R. No. 3254) to relieve E. L. Winder of his political disabilities;

An act (H. R. No. 3327) to provide for the improvement of the Oostenaula River, in the State of Georgia;

An act (H. R. No. 3408) to relieve the political disabilities of L. L. Lomax, of Virginia; and

An act (H. R. No. 3413) to provide for the stamping of unstamped instruments, documents, or papers.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the Senate had passed bills of the following titles, without amendment

An act (H. R. No. 3528) providing for the sale of the Kansas Indian lands in Kansas to actual settlers, and for the disposition of the proceeds of the sale;

An act (H. R. No. 3352) to further provide for the sale of certain Indian lands in Kansas; and

An act (H. R. No. 3025) supplementary to the act entitled "An act to authorize the Washington City and Point Lookout Railroad Company to extend a railroad into and within the District of Columbia," approved January 22, 1873.

It further announced that the Senate had passed a bill of the following title, with an amendment in which the concurrence of the House was requested:

An act (S. No. 898) to authorize the settlement of the accounts of Passed Assistant Paymaster E. Mellach, United States Navy.

WASHINGTON CITY AND POINT LOOKOUT RAILROAD COMPANY.

The next business on the Speaker's table was the bill (H. R. No. 3025) supplementary to the act entitled "An act to authorize the Washington City and Point Lookout Railroad Company to extend a railroad into and within the District of Columbia," approved January 22, 1873, returned from the Senate with the following amendment:

Strike out the following:

And that all the rights conferred by this act are to be exercised and enjoyed by said company only upon the condition that said company shall first remove all the work it has done toward locating its track between the Insane Asylum and the Potomac River, and on the further condition that it shall never locate or operate said road, or any part thereof, between said asylum and the Potomac River.

And in lieu thereof insert the following:

And provided further, That said Washington City and Point Lookout Railroad Company shall construct its railroad in the county of Washington herein authorized, so that whenever it shall cross any public road it shall cross the same by an overgrade or undergrade crossing, by bridge or tunnel, so as not to impede public travel upon said roads, and shall construct that part of said railroad along Rock Creek in the valley of said creek, passing west of the P-street bridge by a tunnel through the hill west of the P-street bridge; and said road crossings and said tunnel shall be located and constructed in accordance with plans and specifications to be first approved in writing by the engineer in charge of public buildings and grounds.

Mr. RICE. I move that amendment of the Senate be concurred in.

The motion was agreed to; and the amendment of the Senate was concurred in.

DEFENSE OF SPEAKER AGAINST SUITS.

Mr. WILSON, of Indiana, by unanimous consent, submitted a resolution; which was read, as follows:

Resolved, That the House assume the defense of the Speaker and the Sergeant-at-Arms in the suits against them by Joseph B. Stewart for alleged false imprisonment while in custody, under the order of the House, as a recusant witness, in February, 1873, recently decided against Stewart by the supreme court of the District of Columbia, and the expenses of said defense be paid by the Clerk from the contingent fund of the House, upon the approval of the Committee on Accounts.

The SPEAKER. The Chair desires to make a brief statement. After the adjournment of the session last March a writ was served upon the Speaker, and afterward on the Sergeant-at-Arms, by Joseph B. Stewart, claiming $100,000 damages for false imprisonment. The Speaker of the House of the Forty-second Congress—the present occupant of the chair—immediately transmitted the papers to the Attorney-General's office. Of course he had no authority as Speaker to say so, but he ventured to say that if any expenses attended the defense of the House in this respect, these it might be expected would be provided for by order of the House. It is in pursuance of that that the gentleman from Indiana offers the resolution.

Mr. MAYNARD. I am very glad that the suit has been brought. It will enable the judiciary department of the Government to pass upon the authority of the officers of the House. It will be a case analogous in this country to one brought against the speaker of the House of Commons in England which settled the authority of the officers of the House of Commons. This will pass into the reports as a valuable precedent.

The case I refer to is Burdette *vs.* Abbott, 14 East., 1, decided in 1811. The imprisonment in that case was of one of the members of the House of Commons, sentenced for breach of privilege, and is very instructive. The defendant was speaker of the house, and signed the warrant for the plaintiff's arrest.

The SPEAKER. The Chair is informed that the expenses connected with the suit have not been at all considerable.

There being no objection, the resolution was adopted.

BENJAMIN E. SHEPPARD.

Mr. LEWIS, by unanimous consent, introduced a bill (H. R. No. 3782) for the payment of $134.07 to Benjamin E. Sheppard, late route agent, &c.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

TIME FOR FINAL ADJOURNMENT.

The SPEAKER. The Chair desires to make a communication to the House. He is this moment informed by the principal enrolling clerk of the House that it will not be mechanically possible to have the sundry civil appropriation bill enrolled in time for a final adjournment at four o'clock. The enrollment has been a very prolonged and laborious work, the amendments being so numerous and complicated.

Mr. SENER. If it be in order to move to extend the session to six o'clock, I make that motion.

The SPEAKER. The Chair will ascertain in a moment what time the enrolling department consider necessary for the completion of their work.

CHANGE OF NAME OF SCHOONER.

Mr. CONGER. While the House is waiting for that I ask unani-

mous consent to take from the Speaker's table and pass the bill (S. No. 406) to allow the schooner Ocean Wave to take the name of Edith E. Wright, and to be registered under that name.

There being no objection, the bill was taken from the Speaker's table, read three times, and passed.

Mr. RANDALL. I hope no more bills will be passed. It only increases the work in the enrolling department.

TIME OF FINAL ADJOURNMENT.

The SPEAKER. The Chair, from what he is informed by the enrolling clerk, thinks the extension of the session ought to be to at least half past five o'clock.

Mr. STOWELL. I doubt if that will be sufficient. The post-route bill has not yet come down from the Senate.

The SPEAKER. The Chair, from what has been stated in regard to the post-route bill, as well as the sundry civil bill, thinks that six o'clock would be a better hour to fix for the final adjournment, and if it is not desired to transact further business, the Chair would suggest that the hour of final adjournment be extended to six, and that a recess be taken.

Mr. RANDALL. I offer the following concurrent resolution:

Resolved by the House of Representatives, (the Senate concurring,) That the President of the Senate and the Speaker of the House of Representatives be authorized to close the present session of Congress by adjourning their respective Houses on the 23d of June, 1874, at six o'clock p. m.

The SPEAKER. If the House shall agree to that resolution, and if it is understood that the post-route bill when it comes over from the Senate may be sent to the Speaker for his signature, the Chair thinks it will be safe to take a recess.

Mr. NIBLACK. I move to amend the concurrent resolution so as to make it eight instead of six.

The SPEAKER. The Chair thinks there will be ample time allowed by extending the session until six.

The concurrent resolution was adopted.

MESSAGE FROM THE SENATE.

A message was subsequently received from the Senate, by Mr. SYMPSON, one of their clerks, informing the House that the Senate had agreed to the concurrent resolution of the House of Representatives extending the time of the final adjournment to six o'clock p. m.

The message also announced that the Senate had passed, with amendments, in which the concurrence of the House was requested, the bill (H. R. No. 3604) to establish certain post-routes.

RECESS.

Mr. CLYMER. I now move that the House take a recess until five o'clock.

The motion was agreed to.

And accordingly (at three o'clock and thirty minutes p. m.) the House took a recess until five p. m.

The recess having expired the House resumed its session at five o'clock p. m.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate insisted upon its amendment to the resolution of the House for printing the report of the Commissioner of Education, disagreed to by the House of Representatives, agreed to the conference asked by the House, and had appointed Mr. ANTHONY, Mr. HOWE, and Mr. SAULSBURY the committee on the part of the Senate.

PRINTING REPORT OF COMMISSIONER OF EDUCATION.

Mr. MONROE. I present the report of the committee of conference on the disagreeing votes of the two Houses on the concurrent resolution for printing the report of the Commissioner of Education.

With the permission of the House I will state in a word the situation in which the matter is left. The House ordered the printing of twenty thousand copies. The Senate amended the resolution by making the number five thousand, which was a considerable difference. The House disagreed to that amendment, and asked for a committee of conference. In the committee of conference it was found impossible to get any increase of this number in the Senate, although the Committee on Printing in the Senate would be very glad to have a larger number; and while I am almost ashamed to submit to the number being cut down from twenty thousand to five thousand yet it is much better to have that number than to have none, and as it will enable the Commissioner to supply teachers of schools during the summer with copies, as he has been in the habit of doing, we have thought it best to get what we could.

The Clerk read the report of the conference, as follows:

The committee of conference on the disagreeing votes of the two Houses on the House concurrent resolution for printing the report of the Commissioner of Education having met, after full and free conference agreed to recommend, and do recommend, to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the said resolution and agree to the same.

JAMES MONROE,
EPPA HUNTON,
Managers on the part of the House.
HENRY B. ANTHONY,
ELI SAULSBURY,
TIMOTHY O. HOWE,
Managers on the part of the Senate.

PENSIONS AND PAY OF NURSES.

Mr. HAWLEY, of Connecticut, by unanimous consent, presented memorials in relation to pensions and the payment of nurses, and asked unanimous consent that they be printed in the RECORD.

No objection was made.

The memorials are as follows:

BOSTON, *June* 1, 1874.

To the honorable Senate and House of Representatives in Congress assembled:

The undersigned, commander-in-chief of the Grand Army of the Republic, respectfully represents that the organization of which he is the chief executive officer is composed of many thousand citizens, each of whom served in the Army or Navy of the United States during the war of the rebellion; that the objects of the order are fraternal and benevolent; and that at the annual session of the National Encampment, May 13, 1874, the following preamble and resolutions were unanimously adopted:

"Whereas it appears that great injustice and hardships are inflicted upon our comrades in arms by the insufficiency of pensions paid to wounded and disabled soldiers: Now therefore be it

"*Resolved*, That it is the solemn conviction of the representatives of the Grand Army of the Republic that pensions should be increased in every grade, that all of the totally disabled should receive a sum sufficient for their maintenance, and that all other grades of disability should be so increased in due proportion that these brave men may not become objects of charity so long as they may survive.

"*Resolved*, That the commander-in-chief be requested to forward a copy of this resolution, in such terms as in his judgment he may see fit, to the President of the Senate and the Speaker of the House of Representatives of the United States, and ask that Congress take immediate and favorable action thereon."

In accordance therewith, I do hereby respectfully petition your honorable body to make provision for the disabled soldiers of the late war, as therein requested.

CHARLES DEVENS, Jr.,
Commander-in-Chief Grand Army of the Republic.

BOSTON, *June* 10, 1874.

To the honorable the Senate and House of Representatives in Congress assembled:

The following preamble and resolution were adopted by the eighth National Encampment of the Grand Army of the Republic:

Whereas a bill (No. 1535) has been introduced in the House of Representatives providing for certain compensation to the female nurses of the Union soldiers during the late war: Therefore,

Be it resolved, That the National Encampment, recognizing their self-sacrificing devotion and faithful labors, most earnestly urge upon the Congress of the United States the passage of the said bill.

I respectfully request their consideration by your honorable bodies.

CHARLES DEVENS, Jr.,
Commander-in-Chief.

ENROLLED BILLS SIGNED.

Mr. DARRALL, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (S. No. 321) reorganizing the several staff-corps of the Army;

An act (S. No. 406) to allow the schooner Ocean Wave to take the name of Edith E. Wright, and be registered under that name;

An act (S. No. 600) for the relief of Captain James B. Thompson; and

An act (S. No. 775) to authorize the construction of a bridge over the Willamette River, at Portland, in the State of Oregon.

Mr. PENDLETON, from the same committee, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (H. R. No. 554) for the relief of William I. Blackistone, of Saint Mary's County, Maryland;

An act (H. R. No. 700) granting a pension to the minor children of Michael Weisse, deceased;

An act (H. R. No. 921) to prevent the useless slaughter of buffaloes within the Territories of the United States;

An act (H. R. No. 2198) for the relief of the heirs-at-law of William C. Brashear, an officer of the Texas navy;

An act (H. R. No. 2770) to amend the act entitled "An act to amend an act entitled 'An act to establish a court for the investigation of claims against the United States,'" approved August 6, 1856;

An act (H. R. No. 3016) granting a pension to Ira Douthart;

An act (H. R. No. 3023) for the relief of Andrew Mason;

An act (H. R. No. 3027) to remove the political disabilities of A. S. Taylor, of Maryland;

An act (H. R. No. 3098) to amend the act entitled "An act to reorganize the courts in the District of Columbia, and for other purposes," approved March 3, 1863;

An act (H. R. No. 3172) to relieve Sardine G. Stone, of Alabama, of political disabilities;

An act (H. R. No. 3175) for the relief of J. E. Ingalls, postmaster at Denmark, Lee County, Iowa;

An act (H. R. No. 3254) to relieve E. L. Winder of his political disabilities;

An act (H. R. No. 3327) to provide for the improvement of the Oostenaula River, in the State of Georgia;

An act (H. R. No. 3352) to further provide for the sale of certain Indian lands in Kansas;

An act (H. R. No. 3408) to remove the political disabilities of L. L. Lomax, of Virginia;

An act (H. R. No. 3413) to provide for the stamping of unstamped instruments, documents, or papers;

An act (H. R. No. 3534) to change the times of holding the circuit and district courts at the city of Evansville; and

An act (H. R. No. 3600) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1875, and for other purposes.

RECESS.

Mr. WILLARD, of Vermont. I move that the House take a recess until five minutes to six o'clock.

The SPEAKER. The Chair would suggest that perhaps that would leave too short a time for the closing business of the session.

Mr. WILLARD, of Vermont. Then I will move that the House take a recess until half past five o'clock.

Mr. CONGER. I understand that a resolution is coming from the Senate asking for a further extension of the session until nine o'clock. If we take this recess as proposed, it is doubtful if the post-route bill can be brought in and signed.

The SPEAKER. The proposition now is to take a recess until half-past five o'clock, and that will leave half an hour for the closing business which the Chair thinks will be sufficient. It is doubtful if there is a quorum present, and the Chair cannot allow any business to be done under any circumstances without the presence of a quorum. It requires unanimous consent to take a recess without a quorum.

By unanimous consent the motion of Mr. WILLARD, of Vermont, was agreed to, and thereupon, (atten minutes past five o'clock p. m.,) the House took a recess until half past five o'clock p. m.

AFTER THE RECESS.

The recess having expired, the House reassembled at five o'clock and thirty minutes p. m.

APPOINTMENTS BY THE SPEAKER.

The SPEAKER. It is the duty of the Chair to nominate for the biennial term two directors of the Columbia Hospital. For the ensuing two years the Chair nominates JAMES A. GARFIELD, of Ohio, and SAMUEL J. RANDALL, of Pennsylvania.

The Senate has sent a message to the House that under the law lately passed providing for a joint committee to frame a form of government for the District of Columbia, the President *pro tempore* had appointed LOT M. MORRILL, of Maine, and WILLIAM T. HAMILTON, of Maryland, as members of the committee on the part of the Senate. The Chair nominates as the members on the part of the House, EBENEZER ROCKWOOD HOAR, of Massachusetts, and ALEXANDER MITCHELL, of Wisconsin.

The sundry civil appropriation bill contains a provision for an equestrian statue of General Nathaniel Greene, and directs the President of the Senate and the Speaker of the House each to name a member of their respective bodies to serve as a commission to execute that provision of the act. The Chair names as the member of the commission on the part of the House BENJAMIN T. EAMES, of Rhode Island.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the concurrent resolution of the House to print extra copies of the report of the Commissioner of Education.

The message further announced that Mr. EDMUNDS, Mr. ANTHONY, and Mr. BAYARD had been appointed a committee on the part of the Senate to join the committee appointed on the part of the House of Representatives to wait upon the President of the United States and inform him that the two Houses of Congress are ready to adjourn.

The message also announced that the Senate had passed, without amendment, bills of the House of the following titles:

A bill (H. R. No. 2702) to relieve John Forsyth, of Alabama, of political disabilities; and

A bill (H. R. No. 2771) for the relief of J. Scott Payne, second lieutenant Sixth United States Cavalry, late first lieutenant Fifth United States Cavalry.

ENROLLED BILLS SIGNED.

Mr. DARRALL, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (H. R. No. 2702) to relieve John Forsyth, of Alabama, of political disabilities; and

A bill (H. R. No. 3604) to establish certain post-routes.

REPORT OF THE COMMITTEE TO WAIT ON PRESIDENT.

Mr. MAYNARD. The committee appointed on the part of the House to join a similar committee on the part of the Senate to wait upon the President of the United States and inform him that the two Houses are ready to adjourn have performed that duty, and conveyed to him the expression of the two Houses of a desire to know if he had any further communication to make to them during the present session. He informed us that he had no further communication to make, tendered us his congratulations, and gave us a parting salutation.

ENROLLED BILLS SIGNED.

Mr. PENDLETON, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

An act (H. R. No. 2771) for the relief of J. Scott Payne, second lieutenant Sixth United States Cavalry, late first lieutenant Fifth United States Cavalry.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate had passed, without amendment, a bill of the House of the following title:

A bill (H. R. No. 2104) to confirm an agreement made with the Shoshone Indians (eastern band) for the purchase of the south part of their reservation in Wyoming Territory.

The message further announced that the Senate had passed and requested the concurrence of the House in, bills of the following titles:

A bill (S. No. 781) to relieve James L. Pugh, of Alabama, of his political disabilities; and

A bill (S. No. 912) to annex certain land to reservation No. 2, occupied by the Department of Agriculture.

JAMES L. PUGH.

Mr. CALDWELL. I ask unanimous consent to take from the Speaker's table and pass at this time Senate bill No. 781, to relieve James L. Pugh, of Alabama, of his political disabilities.

Mr. RAINEY. I think I must object at this late hour of the session.

Mr. HAYS. I hope no one will object.

Mr. RAINEY. I withdraw my objection.

The bill was taken from the Speaker's table by unanimous consent, read three times, and passed, two-thirds voting in favor thereof.

FINAL ADJOURNMENT.

The SPEAKER. By concurrent resolution of the two Houses, the final adjournment of this session is ordered for Tuesday, June 23, at six o'clock p. m. That hour has arrived. Wishing you all, gentlemen, a safe and happy return to your homes and families, I now declare the first session of the Forty-third Congress adjourned without day.

APPENDIX.

APPENDIX

TO THE

CONGRESSIONAL RECORD.

Salaries of Members of Congress.

SPEECH OF HON. JASPER PACKARD,

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES,

December 19, 1873,

On the bill (H. R. No. 471) to repeal the increase of certain salaries and to regulate the same, and to cover undrawn and returned balances into the Treasury.

Mr. PACKARD. Mr. Speaker, it is from no desire to prolong this debate that I ask to be heard briefly on the subject now before the House; but having voted for the appropriation bill of last March, which contained the provision for the change in the salaries of Senators and Representatives, and others, it is, perhaps, due to myself that I should say a word in explanation of the action I shall take now.

In regard to the retroactive feature of the legislation of the 3d of March last, I shall say nothing; it was but following a long line of precedents sanctioned by many of the very best men of the country, honored then and ever since. To go no further back, it will be remembered by all that there was retroactive legislation of this kind both in the Thirty-fourth and Thirty-ninth Congresses, extending in each case over a period of about eighteen months. The Senators and Representatives from Indiana, who participated in the benefits of that legislation, were, for the Thirty-fourth Congress, Jesse D. Bright, Graham N. Fitch, Smith Miller, William H. English, George G. Dunn, Will Cumback, D. P. Holloway, Lucien Barbour, H. D. Scott, Daniel Mace, Schuyler Colfax, Samuel Brenton, and John U. Pettitt; and for the Thirty-ninth Congress, Thomas A. Hendricks, Henry S. Lane, William E. Niblack, M. C. Kerr, Ralph Hill, John H. Farquhar, George W. Julian, E. Dumont, G. S. Orth, Schuyler Colfax, J. H. Defrees, and Thomas N. Stillwell.

The only real question was then, and is now, whether the increase made was wise and proper. The actual increase was very much less than has been popularly supposed; for if we include the franking privilege, the mileage, and other allowances, and add them to the old salary of $5,000, the pay now will not exceed the former average of pay by more than $1,000; or, if we disregard the frank in the calculation, the average increase is still less than $2,000 for each member.

My own view was that we ought to cut off all allowances, which have long been denounced, perhaps unjustly, but condemned nevertheless as abuses, and provide a salary that should be the whole of the pay. My short experience here had taught me that the pay ought to be somewhat increased, but I was willing to accept the slight increase represented by a fixed salary of $6,500, and for that amount I voted when it was introduced by the gentleman from California, then a member of this House. I believe it is bad policy to provide such salaries as will virtually exclude from official position many of the best men of the country, because fortune has not smiled on them as it has on others. Railroad presidents and rich capitalists could receive official honors and the pay be a matter of no consequence; but the country does not desire to confine legislation to that class of men, however worthy and capable they may be. Recent developments all over the country, and especially among the quiet, intelligent agricultural population of the Western States, must convince us that things are somewhat out of joint. Great monopolies and large moneyed corporations are believed to have obtained undue influence; and there seems to be a rigid determination to meet and check their growing power. So general a movement must have some foundation. There are abuses which it is determined to remedy. The laboring masses affirm that capital has more than its just share of representation. They demand recognition, and that they shall have a voice and a share in the governing power of the country. I believe there is much force and justice in such demands, and I thought it best to adopt such a policy in regard to salaries as would make it possible for the poor man—the laboring man—to come here at the call of his fellow-citizens, and be enabled, in order to his usefulness to his constituents, to forget for a time "the slings and arrows" of poverty; to come here and perform the proper duties of a legislator without being constantly hampered and crushed in spirit by the necessity of giving his best thoughts to the ways and means of providing the every-day necessaries of life.

My opinion is wholly unchanged as to the better policy of providing such a salary as will lift the man who must depend wholly on his salary above immediate and pressing want, and further enable him, with close economy, to save a little for his future necessities. To this end the present salary is not an excessive one, and no man knowing what we all know, who have had to live on the salary only, can say that $6,500 is a dollar too much; but I am compelled to believe that the majority of the people have reached a different conclusion, and as they are the paymasters, I am not prepared to deny their right to be heard. If the question involved great principles of moral right or wrong, I should inflexibly adhere to my own convictions of duty; but it is a question of expediency or policy only, in which I am ready to go to the very verge, not over the boundary, of injury to the best interests of the country, in order to assent to the wishes of the people. I do so the more readily, also, because at this time the country is experiencing the effects of financial depression. The wages of labor have been reduced, and in all the avocations of life men are expecting smaller rewards for their industry than they expected six months ago. In this condition of the country it is not inconsistent with our former action to fix the salary now at a lower figure than was insisted on last March.

I am opposed to the re-enactment of the mileage, preferring such a salary as shall be ascertained by adding to the old pay of $5,000 an equal proportion to each member of the whole amount of the former mileage and other allowances, so that we may have a definite fixed salary that everybody will understand. Let it be made $6,000, which I think is a fair equivalent for the old pay, taking no account of the franking privilege, or even $5,500; and I shall support either as I have opportunity.

Civil Rights.

SPEECH OF HON. M. I. SOUTHARD,

OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

January 7, 1874,

On the bill to protect all citizens in their civil and legal rights.

Mr. SOUTHARD. Mr. Speaker, in the twenty minutes allotted for the discussion of this question I cannot do more than take a very general and hasty view of the subject; but I feel constrained to interpose my objections, even in this imperfect manner, to the passage of this bill; and in doing so I would not be understood as desiring or attempting to prevent the enjoyment of civil rights or of opportunities of intellectual or moral culture and development to any class of citizens, be they white or black.

On the contrary, sir, I would maintain the just privileges and immunities of all, and would open wide the avenues of acquisition in the way which should seem most expedient and proper within the limits of the Constitution; for I believe in the principle of justice to all men, and in the virtue of educating the masses of the people. But whilst this is so, it yet remains to be demonstrated that the legislation here proposed will be conducive to these beneficent results. The civil and legal status of colored persons is fully protected by

the Constitution and laws now in force. The Constitution confers upon them the boon of freedom, the right of the elective franchise, and the honor and dignity of citizenship of the United States, with all the privileges and immunities attaching thereto. The act of Congress of 1866 provides that they shall be entitled to

The same right in every State and Territory in the United States to make and enforce contracts, to sue, be parties and give evidence, to inherit, purchase, lease, sell, hold, and convey real and personal property, and to full and equal benefit of all laws and proceedings for the security of person and property as is enjoyed by white citizens, and shall be subject to like punishment, pains, and penalties, and to none other, any law, statute, ordinance regulation or custom to the contrary notwithstanding.

What more is needed? What further protection of rights?

But it is now proposed to supplement all this by a measure prohibiting any distinction whatever, whether by the States or people, on account of race, color, or previous condition of servitude

In any public inn, or of any place of public amusement or entertainment for which a license from any legal authority is required, or of any line of stage-coaches, railroad, or other means of public carriage of passengers or freight, or of any public school supported in whole or in part at public expense or by endowment for public use.

And it is said these are privileges and immunities based as of right upon the Constitution itself. But I cannot yield my assent to the doctrine that the action here sought is but the legislative assertion of a right guaranteed to colored citizens under the Constitution. In my judgment, sir, neither the letter nor spirit of that instrument reaches to such extent. The rights claimed under this bill are not those comprehended in the national Constitution. But they are in the nature of local and social privileges, and as such belong to the domestic polity of the States and the people, and therefore not only do not have the warrant of the Constitution for their enforcement by Congress, but fall within its inhibitions, as I shall endeavor to show. The advocates of the bill rely upon the fourteenth amendment, which provides that—

SECTION 1. All persons born or naturalized in the United States, and not subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

To determine how far this provision is applicable to the question before us it becomes necessary to inquire more closely into its scope and character. It is clear that its letter defines and fixes the citizenship of the colored race and secures to all equal protection of the laws. But what more? What interpretation shall be given to the clause which forbids any State "to make or enforce any law which shall abridge the privileges or immunities of citizens of the United States?"

What privileges and immunities of the citizen are covered by this clause?

Happily this is no longer a mooted question. It is settled by judicial decisions. It has become *res adjudicata* in my own State. It was passed upon by the supreme court of Ohio, at the December term, 1871, in the case of The State of Ohio, *ex rel.* William Garnes *vs.* John W. McCann and others.

The statute of the State provides for the education of the colored youth separate and apart from the white, and the action was brought to test the right of admission of colored youth to the public schools provided for white children, and was decided adversely to the claimant.

In passing upon the question the court say:

This involves the inquiry as to what privileges or immunities are embraced in the inhibition of this clause. We are not aware that this has been, as yet, judicially settled. The language of the clause, however, taken in connection with other provisions of the amendment and of the Constitution of which it forms a part, affords strong reasons for believing that it includes only such privileges or immunities as are derived from or recognized by the Constitution of the United States. A broader interpretation opens into a field of conjecture limitless as the range of speculative theories, and might work such limitations of the power of the States to manage and regulate their local institutions and affairs as were never contemplated by the amendment.

If this construction be correct, the clause has no application to this case; for all the privileges of the school system of this State are derived solely from the constitution and the laws of the State. If the General Assembly should pass a law repealing all laws creating and regulating the system, it cannot be claimed that the fourteenth amendment could be interpretated to prevent so grievous an abridgment of the privileges of the citizens of the State; for they would thereby be deprived of privileges derived from the State, and not of privileges derived from the United States.

A similar construction of the fourteenth amendment is given in what is known as the Slaughter-house cases by the Supreme Court of the United States, the highest and most august tribunal of the land. It is thus made perfectly clear that the privileges and immunities mentioned in the fourteenth amendment are such only as are derived from the Constitution of the United States, and not such as are derived from the constitutions and laws of the several States of the Union. These privileges and immunities, which are so derived from the Constitution of the United States, are fundamental in their nature, and belong as of right to the citizens of all free governments, but do not include every right, for many are peculiar to citizens under the laws of the States. The Constitution, as it was originally ordained and established, provides that, (article 4, section 2)—

The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

At that time, nor until recently, were colored persons held to be citizens of the United States, and this provision of the Constitution therefore had no application to them, but was confined to white citizens. As such it received interpretation by the courts, and the privileges and immunities therein contained were held to include only those fundamental rights of all citizens of which I have spoken. Through the whole history of the Government, down until the adoption of the fourteenth amendment, this interpretation of the meaning, scope, and effect of the original provision was fully recognized by legal authority and judicial decision. The adoption of the fourteenth amendment so enlarged the Constitution as to confer citizenship upon colored persons; and by virtue of it the same rights, and none others, are now conferred upon them, in this respect, that were accorded to white citizens under the original instrument. Having, therefore, determined what these rights were under the original provision, we have settled the rights of colored persons under the fourteenth amendment. These rights are fundamental in their character, and have no relation to the peculiar and special privileges comprehended in the bill before the House. So much, Mr. Speaker, upon the question of the grant of authority under the Constitution.

But there remains to be noticed another and more important consideration, in view of the limitations and prohibitions of the Constitution. I do not propose at the present time to go into any refined speculations upon this subject, or to attempt to draw the exact limit where the powers of the General Government cease and those of the States begin, but only wish to point out some general principles and features bearing upon the present inquiry.

It is said—

There are but few solid principles in the moral and intellectual world which lie back of everything, and which govern every operation of thought and emotion.

The same is true in the political world. A few solid and controlling principles lie at the basis of all constitutional government. Our federal system is the work of the large experience and transcendent genius of the revolutionary fathers, and its superstructure rests upon the principles of delegated and limited powers. Their theory and philosophy of just government they molded into practical form through the instrumentality of the national Constitution, and commended it to us for our approval, guidance, and protection. And, administered according to the letter and spirit of that instrument, I believe the Government approaches nearer perfection than any other system devised by human wisdom since the institution of governments among men. It is based upon the idea of popular right and personal liberty; it leaves the people free to manage and control their own domestic affairs in their own good way, yet contains ample power for the protection of life, liberty, and property, and for the perpetuation of its own existence and authority. Such is a general idea of the nature and character of our Government. It is written in the Constitution that—

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

Here is a clear limitation upon the powers of the General Government, and express reservation of the rights of the States and the people; and, but for the natural thirst of man for power and dominion, there need be no mistake about the relative rights and duties of the national and State governments and of the people. But under the doctrine of implied powers, there has been a constant struggle—on the one hand, for a stronger and more absolute government than is sanctioned by the strict letter of the Constitution; and, on the other, for the rights of the States and the people. Opposed to this doctrine of implied powers, in the beginning, stood Thomas Jefferson, the grandest of patriots and statesmen, exposing its fallacies, resisting its progress, and pleading for the rights of the people under the limitations of the Constitution.

These principles are as good now as they were in the time of Jefferson. They are as well adapted to a nation of forty millions as they were to a nation of three millions in the beginning of the Government. They are cardinal principles of the democratic party and of constitutional government; and to abandon them now is to abandon our institutions, to subvert the free system and vital principles of local self-government, and to build up instead a colossal fabric of centralized power.

In accordance with this doctrine of delegated and limited powers has been the general practice since the foundation of the Government. Hitherto the States have exercised the right to control their own local affairs. They have established public schools for the education of the youth, and prescribed the class of persons for admission to them upon the basis of age, sex, color, or intellectual acquirements. In many of the States separate schools for colored youth have long been established, with the like liberal opportunities for education that were afforded white youth. So, too, have the States been left free to incorporate companies for the purposes of carriage of freight and passengers; for purposes of public amusement and public worship; of sepulture and the like, and to fix the mode and manner of the enjoyment of the privileges thus conferred; to regulate the fisheries in waters navigable or otherwise within their territorial limits, and to confer peculiar and special privileges upon their citizens in that behalf; to prescribe the mode and manner of exercising the right of the elective franchise, and of taking and holding property under laws of descent and distribution. All these privileges, and many more of like nature, have been conferred upon citizens by State authority, and the exercise of them has been uniform in practice and recognized as right by a long course of judicial decision.

Now, sir, the rights claimed under the bill before the House are precisely similar in character, and many of them identical in kind, with those I have enumerated as belonging to the States. I submit, therefore, that the legislation here proposed is in plain violation of the prohibitory provisions of the Constitution and against the practice, the theory, and the philosophy of our federal system. It finds no justification on principle or authority. It is the offspring of that spirit of usurpation which has seized hold of Congress since the close of the war, and given direction and character to its force legislation against the South—legislation overriding State constitutions; dispersing State Legislatures; subverting civil governments, and putting in place the strong arm of military power to annoy, oppress, and impoverish the people. One more feature I wish to notice, which is the inexpediency and impropriety of this legislation.

It will be well here to note the distinction between or rights privileges in themselves and the manner of their enjoyment, and to bear clearly in mind that the effect of this measure is, not to secure the enjoyment *per se* of the rights named, but to secure that enjoyment in a particular manner, which is in social relation with the white race. However it may be disclaimed this is the real scope and effect of the bill. It seeks to confer, by force of law, social privileges—not civil rights as such. It compels to a social companionship in many of the relations of life that may be against the will and repugnant to the situation, disposition, and tastes of the individual. No matter how ample may be the provision for the education of the colored race; no matter how convenient or commodious their means of transit and transportation; no matter what their accommodations at places of public amusement or entertainment, separate and apart from the white race, still it is all not enough, according to the provisions of this bill, without the further qualification of the absolute right of individual participation and social fellowship. This is neither right in itself nor can it be beneficial to the colored race. The true dignity and development of that race depend, not upon acts of Congress declaratory of their equality with the white race, but upon their own conduct, their manly exertion, their high, noble effort, united with time, patience, and a generous forbearance. This social equality is not the subject of enforcement by law. It is not an element of civil or legal right, or of citizenship. "It can neither be created nor controlled by constitutions, legislative enactments, or judicial decisions. It is the creature of a higher and more subtle law than any or all of these.

"The *lex scripta* which prescribes, defines, and enforces it, is recorded only in the affections, the sensibilities, the intellectual tastes and affinities in the inner life of the man and woman."

God himself has set His seal of distinctive difference between the two races, and no human legislation can overrule the Divine decree. Legislate as we may, the race passions and prejudices, the social tastes and inclinations, will remain, and forever keep the two classes upon terms of actual inequality.

Believing, therefore, as I do, that this bill not only has no warrant of authority in the Constitution, but is in violation of its letter and spirit, and inimical to the highest and best interests of both races, I must withhold my support from it.

Civil Rights.

SPEECH OF HON. HIRAM P. BELL,

OF GEORGIA,

IN THE HOUSE OF REPRESENTATIVES,

January 7, 1874,

On the bill to protect all citizens in their civil and legal rights.

Mr. BELL. Mr. Speaker, I should be recreant to the trust confided to me by my constituents if I failed to oppose my voice and my vote to the passage of this bill. I do not propose to examine nor discuss its constitutionality. Its unconstitutionality has been unanswerably demonstrated by my distinguished colleague from the eighth district. [Mr. STEPHENS.] I invite the attention of the House to the expediency—to the question of policy involved. I approach its consideration with a profound sense of its importance.

The colored people, for whose benefit it is insisted this measure is to be passed, reside mainly in the Southern States of the Union; those who urge its passage represent a constituency among whom but comparatively few colored people reside and who will not, therefore; be materially affected by its consequences. The people of the South accepted the situation resulting from the war, and repledged their fidelity to the Constitution in the oath of allegiance imposed upon them. This pledge they have kept. All the rights secured to the colored people by the Constitution are respected by the people and enforced in the courts. This, at least, is certainly true in the State of Georgia. The great mass of the colored people in the South are quiet and contented; they neither know nor care anything about the provisions of this bill. It is no reply to the truth of this proposition that conventions have memorialized Congress upon this subject. We all understand who manipulate them and incite mischievous spirits to create excitement upon this subject.

It is unfortunate and unwise in the extreme, by this agitation, to disturb the good feeling and harmony now existing between the races.

The white people of Georgia, in common with those of the other Southern States, are now earnestly engaged in an effort to solve the great problem of free labor which emancipation thrust upon them—a question upon the successful solution of which, not only the material prosperity of the white race depends, but upon which the subsistence itself of the black race depends. Encouragement to visit places of public amusement, to travel on pleasure excursions, and join processions, is a sorry way to promote the pursuits of honest industry—the only means with them of support. Subsistence is indispensable; honest industry is the only legitimate means with them of obtaining it. And if not obtained in this way it is not difficult to conjecture how it will be procured; indeed, the number of convictions for larceny since their emancipation shows to what means they would resort to secure it. Justice to them, and a watchful solicitude over their interests, demand that they should be saved from the temptation to idleness which this measure furnishes.

Again, the southern people are exerting all their energies to develop the intellectual capabilities of these people, and for this purpose they have taxed themselves heavily to maintain a public system of education, to the equal benefits of which both races are alike entitled; and this, too, while the negroes have been organized into hostility to them and manipulated for partisan purposes by those who felt no real sympathy for them nor interest in them except in the mere question of how they vote. The greatest difficulty we have had to meet in our new relations with them has resulted from the spirit of antagonism inculcated by a set of adventurous creatures, destitute alike of patriotism and principle—vultures, who followed the wake of the Federal Army to satiate their hungry greed for plunder, wrung by robbery from a suffering and helpless people. Yet, surrounded with these difficulties, we have made in the South rapid progress toward their enlightenment and intellectual elevation. As to the right to participate in the benefits of our system of public education, they stand upon a footing of perfect equality in every respect with us; they have precisely the same kind of schools that we have, supported by a common fund raised by taxation which we in the main pay. This bill does not give them a single right in reference to their education that they do not now possess and enjoy upon terms of perfect equality with us. Except that this bill seeks to coerce an unnatural alliance between the races, unpleasant to them and disgusting to us, in our social relationships, it cannot be disguised that the object of this measure is to enforce social equality between the races, and that, too, by severe penalty. This is wrong in theory and impossible in practice; our social relations are controlled by laws peculiar to our social system, and independent of municipal regulations. The whole social fabric rests upon affinity, upon congeniality, upon those qualities of mind, heart, and person which challenge admiration, conciliate esteem, and beget affection.

Our fathers were wise enough not to interfere with the operation of these laws by legal enactment; but they left every one perfectly free to seek such associations as were agreeable—such companionship as taste and inclination might suggest as desirable. Those who oppose this bill would not deprive any one of the pleasure, and refining and elevating influence of negro association who may desire to enjoy it. But what we insist upon is, that it is a matter that ought to be left to choice. There being no municipal law forbidding or preventing it, of course those who desire it can enjoy it to the fullest extent.

Those who do not enjoy it nor desire it ought not to be controlled in their taste; indeed, they cannot be. You may pass this bill, secure convictions, enforce penalties, and inflict punishment, but you cannot control taste, revolutionize habits, nor change color by legislation. You may pass this bill, and divert the negro from the pursuits of remunerative labor and honest industry, and inspire him with hopes and aspirations for social position from which his habits, tastes, education, and color exclude him, and thus retard and not promote his legitimate elevation in the social scale; but you cannot benefit him by dragging the white race down to his degraded level, and enforcing the degradation by the infliction of penalties.

You may pass this bill, but when you do so you will find that it will not secure equality between the races. It will accomplish results, but not those contemplated. It will destroy those wise provisions and humane institutions established by law and supported by white men in the Southern States for the support, protection, and education of the unfortunate blind, lunatic, and deaf and dumb. It will destroy our general system of common education, supported by taxes paid by the white race, and to equal benefit of which all are entitled by law, without regard to race or "previous condition of servitude." This bill subjects us to the alternative of sending our children to mixed schools, or exclusion from an equal participation in the common-school fund, which we have furnished the money to provide and support. It denies to us the benefit of instruction for which we pay, unless we subject our children, male and female, to associations dangerous to their habits, disgusting to their tastes, and revolting to our sense of parental obligation.

Would you have us pay our money to support schools from which we are practically and to all intents and purposes excluded? Would you compel us to support a system of public or common schools by taxation, and in addition thereto educate our children at our private expense? No one, I suppose, can be so ignorant of the southern

people as to suppose for one moment that they will subject their children to associations in childhood—the period when character is formed for weal or woe—dangerous to their morals and repugnant to their tastes. Nor will they tax themselves to educate the negro children, and then educate their own at their private expense. The result of this bill is easily predicted, if it should become a law. College charters will be surrendered, endowments withdrawn, the common-school system abandoned, the white people who are able to do so will educate their children at private schools at their own expense, and the colored people will be left without the means of education.

There is another most formidable objection to this bill. If it become a law it will inaugurate a war between the races. When it is remembered that but a few years have elapsed since the colored people were recognized as property by the Constitution and laws of the United States, as well as the constitution and laws of the several States in which African slavery existed; and when it is remembered that the relations of the races involved servitude on the one hand and dominion on the other; and when it is borne in mind that bad men for selfish purposes have constantly incited the colored race to hostility to the white, the relations of concord and peace now existing between them is a wonder, and alike creditable to both races. This peaceful relationship and intercourse has resulted from the fact that the line of social distinction has been kept distinctly marked. The colored people have never sought to cross or obliterate it. This bill seeks to blot it out. This attempt at its abolition invites the negro to take his position in the social scale with the whites. This will be resisted at the very threshold by all classes, and will never be submitted to nor allowed, whatever consequences may result. The southern people have shown their patience under the infliction of wrong. They may languish in prisons, the remnant of their substance may be exhausted in fines, but they will perish before they will submit to the humiliating degradation of social equality with emancipated free negroes.

Civil Rights.

SPEECH OF HON. JOHN M. GLOVER,

OF MISSOURI,

IN THE HOUSE OF REPRESENTATIVES.

January 7, 1874,

On the bill to protect all citizens in their civil and legal rights.

Mr. GLOVER. Mr. Speaker, up to this moment I have said not one word, by way of debate, in consumption of the time and attention of the House. But, sir, the bill now under consideration is one which so vitally affects the best interest of the white and colored races of the Southern States, where the evils of this bill are almost wholly to be felt, and one in which my constituents of all parties will feel so lively an interest, that I cannot refrain from giving expression to what I deem to be their objections to it. It is impossible, sir, to discuss the merits of this measure in the brief time of twenty minutes to the extent that its gravity demands. In the beginning of my remarks allow me to say that I am the friend of the negro race in this country, that I wish the negro all the good possible, with due regard to the rights and interests of others. But, sir, I would not elevate him by pulling down my own race. I would not widen the field of his privileges by narrowing that of the white man, who, I humbly submit, is entitled to some consideration at the hands of this Government and at the hands of his white brother. I would not teach the colored man that he is, of all other men in this country, the most important, and that he is the especial ward and pet of the nation, to whom forty millions of white men should pay tribute and admiration. I would not eternally parade him before Congress and the nation, and thus teach him to despise the State government under which he lives, and to look elsewhere for protection than to that ever to be cherished nursery of domestic virtue and civil liberty. I would not teach him to hate his white neighbor at the South; nor would I pass one law to that end. I would not teach him that all his tastes, habits, and desires are right, and that all who oppose them are necessarily his enemies. But I would teach him that to be respected he must first respect himself and others. I would teach him that human achievements in the way of individual elevation, moral excellence, social position, intellectual development, civilized life and its enjoyments, are not his merely by an act of Congress. And if he cannot reach the respective high planes upon which these glories have been won and are now enjoyed, each one for himself, he must not expect a crime to be committed through a so-called civil-rights bill, which would drag all these down into the low planes, upon which, unfortunately, the great body of his race in the South stand to-day. No, sir; I would leave all these things just as they are, as stimuli and rewards of personal merit for white and black. I would teach the colored race that civilization is not the result of a statute—a discriminating, leveling statute—but the result of ages of individual effort and sacrifice. The fourteenth and fifteenth amendments of the Constitution of the United States have brought the colored race of this country upon the same plane with the white race, and there the two races should be left, the individuals of each to work out their own destiny. Upon this view I base my opposition to this measure.

Sir, I have considered the bill in all its bearings. The first aspect is, that in its title it is a misnomer. It is not a bill to protect citizens in their legal and civil rights, but should be denominated a bill to regulate the associations, companionship, tastes, and feelings of the people. As such it is not a proper subject of legislation. I deny that any man, white or black, has a legal or civil right to force his association on any one who does not want him. I deny that any man whose brain is not crazed claims any such right. The laws of association and companionship belong to the tastes and feelings of the people, and cannot be created by legislation.

The bill implies the hopeless inferiority of the negro race, and proposes to cure this inferiority by an act of Congress. If this inferiority exists, Congress cannot change it by a statute. It may repeal its own laws, but cannot repeal the laws of God. If this inferiority does not exist—if the negro is equal to the white man or superior to the white man—if his intellectual powers and social graces come up to or above the white standard, they will soon make themselves felt, in an unmistakable way, by their own forces. And in that case there is no need of this bill. Sir, any legislation to counteract natural principles or to repeal natural laws or to obliterate natural distinctions, is impotent for good. Why does not some learned gentleman introduce here a bill to regulate the rain-fall and to provide for the movements of winds and tides? It would belong to the same class. Such bills do no good, but are pregnant with untold evils to the white and colored people of that section of country in which the bill is unmistakably designed to operate. My theory is, sir, that while the negro has liberty no more can be done for him; and a wise friend will not undertake to regulate, in his interest, the feelings, the companionship, and tastes of others. In this regard the same principle applies to white and black alike. But how stands this bill in this respect? It comes here in the undisguised and odious form of race and class legislation—a bill wholly for the benefit of negroes, to the exclusion of white men. When did the interests and rights of colored men come to be more sacred in the eyes of the law than those of white men? Since the foundation of the Government no such legislation has been instituted in the interest of white men. The gentleman from Massachusetts [Mr. BUTLER] asks:

> Now, then, who shall say that this bill ought not to pass? What is the ground of possible opposition to it?

I answer, I cannot conceive one solitary reason for the passage of such an alarming measure as this. I have no hesitancy in saying that this bill ought not to pass. I believe it will not pass, if only members will look at the appalling, sweeping powers and effects of this measure—the relative situations and conditions of the people of the South, by whom and upon whom the bill is to operate. Why, sir, without one single condition or qualification expressed in the bill, every railroad, stage line, steamboat, public school, college, university, every first-class hotel and theater, is at the mercy of any low-bred, vulgar self-degraded negro vagabond. He has only to apply for first-class accommodation, at any of these institutions, and if he be rejected he can instantly have at his back the marshals and courts of the United States, to be followed by the Army and Navy if necessary. The bill pledges all this. It is not to protect the cultured and civilized colored man, but clothes the disgusting vagabond with all these dangerous powers.

Now, Mr. Speaker, by common consent, by universal custom, understood and recognized by all, at those institutions which subsist by public patronage, the measure of accommodation is the measure of personal fitness, merit, or qualification to receive and use, and not an absolute, unconditional right. Three elements or ingredients have heretofore entered into the adjustment of these matters—the rights of the property-owners, the rights of those patrons upon whom these institutions hope to live and thrive, and the rights of the questionable third party in a given case.

Now, sir, what is to govern the question where there is a conflict of antagonistic rights, interests, and privileges? I answer, the preponderance of pecuniary interest and the preponderance of personal merits. Sir, is it not a civil right to keep a first-class hotel, a first-class theater, to provide first-class accommodations on railroads and steamboats, &c., for worthy, respectable, and congenial persons, and to protect them in the enjoyment of the same? But now, sir, under this so called civil-rights bill these just, convenient, necessary, and comfortable arrangements are no longer to exist; but in every public place where people of gentility may seek such accommodations and companions as are congenial to them, this civil-rights bill can seize the most revolting specimen of the negro race and thrust him in upon them, and there is no escape. When has it been that a white man who did not maintain respectability in appearance and conduct could force his way into a first-class hotel, into the dress-circle or orchestra of a first-class theater simply because he tendered the regular fare? Never, sir! To the proprietor or manager, by public judgment, has been conceded the right to determine who are admissible to the best accommodations, and the right to protect those from disagreeable intrusion. But by the potencies and plenitudes of this bill any negro—any negro who can boast the distinguishing qualifications of "race, color, or previous condition of servitude"—is alone a fit recipient of the highest and best accommodations, and

becomes the enforced associate and accompaniment of the most refined and accomplished ladies and gentlemen in the land. All this is pledged this gentleman of "color and previous condition"—and more. He is pledged, against all who dare offend him in his attempt to offend others, a suit for damages, and a further most gratifying assurance that his victim is subject to a fine in addition of from $100 to $5,000. And while all this is being enacted the white men must take back seats. Can the gentleman from Massachusetts [Mr. BUTLER] perceive no ground of possible opposition to it?

Under this bill, Mr. Speaker, it is possible within ten days after its passage into a law to close every respectable hotel, theater, free white school of this city and throughout the South. I humbly submit that the value of property, the value of business occupations, the tastes and comforts of refined people in this country, are entitled to some consideration. Where is the necessity of such a monstrous law? Who has demanded it; the white people North or South? I deny it. Is not the silence of forty millions of people on this subject of some significance? Had not Congress as well pause until it has instructions from all those States, north and south, which have separate schools for their white and colored people? Why close your fine hotels, theaters, and free white schools here, or degrade them?

But, Mr. Speaker, there is one inexplicable mystery about this question. Why do the supporters of this bill want a compulsory law to constrain them to do what it is their privilege now to do? I am in favor of retrenchment and reform. Hence I am totally opposed to calling into requisition the whole power of the courts of the United States, the Army, and the Navy, to compel the gentleman from Massachusetts [Mr. BUTLER] to do what he wants to do, but which he has not yet succeeded in doing, into full social and civil equality with the colored people. I want him to have the grace to do that without compulsion. As every law must have the approval and sanction of the people, why can we not have a few examples of compliance with the terms of this bill by some of its most enthusiastic advocates before it becomes a law?

Mr. Speaker, it has been admitted in all times the world over that teaching by example is the best evidence of sincerity and comports best with the purest ethics. The President of the United States has recommended "the enactment of a law to better secure the civil rights which freedom should secure to the enfranchised slave." In the face of such a precept from such high authority on so delicate a subject, has not the country the right to expect that the Chief Magistrate of the nation would give his approval by practice of an act which he has commended to the observance of others? But where are we to find the illustrious example?

When has President Grant chosen to take his children from a white school and send them to a colored school? When has he seen fit to leave his box at the theatre and go to the pit or the gallery to get in contact with those who cannot come to him? If the mountain cannot come to Mahomet, why does not Mahomet go to the mountain? Why have we never witnessed the "civil rights" advocates setting one solitary example of the propriety, the advantage, and the excellence of a law which they propose to enforce against their remonstrating countrymen with fire and sword? Why don't we see them leaving Williard's and going to some colored hotel? Why do we not see them, by a delicious choice, going to worship in a colored church and sending their children to negro schools? Why, sir, do they not do what they say is all right and proper, before they attempt to coerce us into compliance with an act the most monstrous that has yet been brought before the American Congress, and one which should be resolutely opposed by every means known to honor and loyalty by every brave and self-respecting citizen in the land? Now, I exhort the House to look at the character of this bill, with its sectional hostility, originating in Massachusetts, but designed to vent its fury on the people of the South.

To the better understanding of the bill, in its effects upon every part of the country, allow me to direct attention to the relative race populations of the North and South, and in the sections:

Massachusetts has 1 colored person to 103 whites; Connecticut, 1 to 54½; Illinois, 1 to 90; Indiana, 1 to 69; New York, 1 to 80; Maine, 1 to 389; New Hampshire, 1 to 547.

This will show the House how insignificant will be the effects of this law in the Northern States, many of which, like us in Missouri, have separate white and colored schools, and, having them, do not consider themselves criminals.

How different is the showing in the South. South Carolina has 126,147 more colored persons than white; Louisiana, 2,155 more colored persons than white; Mississippi has 61,304 more colored persons than white; the State of Alabama, alone, has 236,283 more colored people than there are in all the 20 so-called Free States. Representatives from the North can form some conception with what horror we regard this bill as matters stand in the South to-day.

Mr. Speaker, my remarks are predicated, not upon the idea that this bill, if it becomes a law, is to be a dead letter, but that, as pledged upon its face, it is to be enforced with extreme severity against the white people of my section. The gentleman from Massachusetts [Mr. BUTLER] is in favor of State-rights but is opposed to State-wrongs. Has it never occurred to him that while, in his judgment, so many States are so liable to the commission of "wrongs," that the Federal Government may commit a wrong? How is it that men in Congress are infallible and the representatives in State governments are so erring? He calls lustily upon us to obey the Constitution of the United States. I commend to him and the people of his own State to observe that sacred injunction. But have they always done so? Is this bill constitutional? In my humble opinion it is most grossly unconstitutional. When and where has it been given to the Federal Government to stalk into the States, institute police regulations, seize upon and control their local corporations, and regulate or destroy their public free-school systems?

But it is not my intention to discuss the unconstitutionality of this question, as that has been ably done by other gentlemen. Now, sir, is it not a pertinent question to ask the advocates of this bill, right here, what great and distinguishing acts of generosity and magnanimity they have ever performed for which they can be regarded as the benefactors of the colored race? Will they tell the colored race and the country to-day what they have done, out of their own resources, above and beyond all others? We know what the colored people have done for them. Who are the true, liberal, and magnanimous benefactors of the negro race in this country to-day? They are the despised and persecuted and impoverished white population of the South, who are sought to be made the victims of this bill. Millions upon millions of money have they provided from their own resources to educate and protect these poor but ungrateful people, who are ever ready to vote them into degradation and dishonor. In my own State, sir, without any suggestions from New England, we first emancipated our slaves; then we gave them the ballot; then by constitutional enactment we provided for their education; and all this without reconstruction acts.

But, sir, after mature deliberation in my State, we have separate schools for white and black. We think we are competent to decide that question for ourselves. We think it is our constitutional right. We know what is best for the white and black children, and we do not intend to surrender that sacred trust at the behest of any power. But now comes this leveling, destructive, so-called civil-rights bill, and says, you shall unite these schools or you shall have no public free schools for white or black children. Do the friends of this measure mean to take the responsibility of destroying all means of education for colored children in the South? Let me say to these gentlemen that the separation of the schools in my State has received the indorsement of all our people of all parties. Let me say to them that they do not understand the sullen temper of the two million people whom I have the honor in part to represent, if they suppose even the power of the Army and Navy are adequate to the task in hand. They can destroy free schools for negro children; but to unite the schools, never! Now, in conclusion, allow me to say I am opposed to this bill because it is virtually an abolition of the States—a centralization of all power in the hands of the Federal Government. I am opposed to this bill because it is destructive of the value of property and business occupations of the people. Because it destroys the civil and legal rights of the many for the few. Because it proposes to degrade and brutalize our children. Because it plants anew the seeds of discord between the white and black races at the South, where there ought to be peace, harmony, and earnest co-operation. Because it tends to destroy the industry and material prosperity of the South, in which we of the West and Northwest are so much interested. Because I fear, whether so designed or not, it will have the effect to induce the corrupt and designing demagogues to seize upon the ballot-box and to drive the people into revolt, or to submit to the destruction of all their liberties.

Civil Rights.

SPEECH OF HON. ROBERT M. KNAPP,

OF ILLINOIS,

IN THE HOUSE OF REPRESENTATIVES,

January 7, 1874,

On the bill to protect all citizens in their civil and legal rights.

Mr. KNAPP. Mr. Speaker, upon yesterday I offered the following as an amendment to the civil-rights bill:

That the declaration of intention to become a citizen of the United States, when made by any person in good faith according to the statute in such cases made and provided, without distinction of race or color, shall, *prima facie*, entitle such persons to the protection of the Government of the United States, and, when desiring temporarily to absent himself from the territorial area of this Government, to the proper passports, fully guaranteeing such protection in all respects as though he had been regularly naturalized; and all laws and parts of laws or regulations in conflict with this act be, and the same are hereby, repealed and rescinded.

I now desire to say I know of no more appropriate occasion than the present to consider this amendment. The tendency of the age looks to and encourages the release of the individual from despotic restraints. It makes but little difference to me whether the precedents of diplomatists chiefly under the control of despotic governments are or are not against a fair construction of the amendment. I know only that in its results it will work a blessing to the great mass of mankind, and will, at the same time, give additional impetus to the development of the unworked resources of this vast country, the sooner enabling us to reach those proportions which will give us the power

to dictate destruction to all despotic control over the individual and the emancipation of the human race.

During the last week I was called upon by one of my constituents to secure a passport for a German who through years of toil had amassed a sufficient sum to bring himself and family to this country. Circumstances had occurred that made his presence in his native state an imperative necessity. He has declared his intention to become a citizen of the United States; has renounced all allegiance, under the solemn sanction of an oath, to his native prince; has, in pursuance of such intentions, by industry surrounded himself with the comforts of a home; and yet, by a diplomatic decree, whenever he leaves our shores this Government, instead of affording him protection, proclaims him beyond the pale of its laws, and offers him a sacrifice against the policy of our state and country and the decrees of an advanced civilization.

Mr. Speaker, I have the honor in part to represent a State whose already developed resources make her a magnate in our system. Rob us of the results of the labor of the Irishman, the German, the Swede, and of the immigration that has flooded our country from the more densely populated districts of the Old World, and the consequence would be the destruction of more than half our wealth.

The national banks and class legislation, protecting wealth and more favored industries, are exhausting too much of the time of our national Legislature. Is it not due to the age, to the interests of the country and humanity, that the blood, bones, and muscle of the people for whom we are supposed to legislate should receive at our hands some consideration? As one of the Representatives of the State of Illinois, a large mass of whose citizens are not native-born, I demand the abolition of these cruel and inhuman decrees awarded by cowards to the greedy demands of despots. The situation of an alien inhabitant, after having renounced the protection of his native prince, and until his final naturalization here, is truly an anomaly under the regulations of our State Department. He is merely a waif and an outlaw, beyond the protection of the one by his own act and not yet within the protection of the other.

While we are manifesting so much anxiety to secure the largest liberty to the colored citizens of the country, let us, by the adoption of this amendment, do something practical for our foreign-born residents, in compensating them somewhat for the sacrifices they have made in leaving the country of their nativity and renouncing their nationality. To illustrate that this doctrine of American nationality is not a new one in this country, allow me to furnish a single extract from the letter of Mr. Marcy, while acting as Secretary of State under the administration of Mr. Pierce, in reply to Mr. Hulsemann, who had addressed a note to our Government on behalf of the Austrian government in reference to the Martin Koszta case, then pending. Mr. Marcy says:

> It is not contended that this initiatory step in the process of naturalization invested him with all the civil rights of an American citizen; but it is sufficient for all the purposes of this case to show that he was clothed with an American nationality, and in virtue thereof the Government of the United States was authorized to extend to him its protection at home and abroad.

By the adoption of this amendment let us retrace our steps from the paths into which they have wandered, and once more intrench ourselves on this broad ground of human rights and security for personal liberty.

Cheap Transportation.

SPEECH OF HON. WM. LOUGHRIDGE,

OF IOWA,

IN THE HOUSE OF REPRESENTATIVES,

January 10, 1874,

On the bill to regulate commerce between the States, and to provide for fixing reasonable charges for carrying freight in transit from State to State upon railways.

Mr. LOUGHRIDGE. Mr. Speaker, on the 15th day of last month I introduced in this House a bill "to regulate commerce between the States, and to provide for fixing reasonable charges for carrying freight in transit from State to State upon railways;" which bill was referred to the Committee on Railways and Canals, and which, or some bill having the same object in view, will, I trust, be soon brought before the House for its action.

The President called the attention of Congress to this subject in his message to the third session of the Forty-second Congress, and in his recent message again refers to it as a very important subject.

I undertake to say that in all the range of questions pressing upon us for consideration there is no one of more importance, as bearing upon the prosperity of the country, than that of cheap transportation of the products of the country; more especially is it an important one to the producers of the West.

For years the farmers of the West have been oppressed by the extortion of the railroad companies. The charges for carrying western produce to market have been unreasonable and oppressive; and the legitimate profits of their toil, instead of going into the pockets of the producers, have gone to swell the fortunes of railroad kings.

The railroad companies having been controlled in that respect by no law, having the regulation of their rates absolutely in their own hands, the tariffs have been so regulated that the farmers have received but the actual cost to them of their produce, counting their labor at a cheap rate. And this makes the relation between the farmers and the railroads one of extreme hardship to the farming class. The market of the farmer is at the sea-board; he must send his produce there. The railroad company is the carrier, and, in the necessity of things, must be. The farmer's surplus must be sent to the sea-board by rail—for it is worth nothing at home—and the amount of profit to be realized by the farmer is thus entirely within the discretion and will of the railroad companies.

In the business of life, as a general rule, both parties to contracts have some voice and option; but here is a peculiar case in which one of the parties has the absolute dictation. The railroad companies being controlled only by the old maxim, "Never kill the goose that lays the golden egg," and acting upon this, have so regulated their tariffs as to enable the producer to subsist, by the exercise of industry and great economy. And when I so speak I am not exaggerating, for I speak what I know when I say that there is not on the face of the earth a more industrious people than the farmers of the Northwestern States, toiling in seed-time and in harvest, in summer's heat and in winter's cold; exercising the most rigid economy and self-denial, industry and economy, which ought to insure for them, as a class, wealth and opulence, and surround them with the comforts and luxuries of life; and yet, as I have said, the mass of them do not much more than obtain a living, and, instead of increasing in wealth, they do not more than make ends meet at the expiration of the year; while we see tens of thousands of non-producers, "who toil not, neither do they spin," and yet "Solomon in all his glory was not arrayed like one of these;" wealth pours into their coffers, and luxury is the portion of their lives.

Now, sir, the fact that the great class of producers of the country obtain so small a portion of its increasing wealth is evidence that something is wrong.

The producer of the country is the creator of all its wealth, and if any class is more entitled than another to a large share of that wealth it is the producer. Yet the great producing sections and populations of the country are comparatively poor, and the surplus wealth flows to the cities. The reason of this unjust condition of affairs is found in the existence of the monopoly in the transportation business of which I have spoken.

The important question, then, is, what is the remedy for this state of things? It is not in competition; for the capital invested in railroads is so immense that it can control any and all roads that may be built by private means, and the interest of the existing lines is so strongly in the direction of keeping up the rates that they will not permit competition to reduce them materially or permanently.

There is but one certain and reliable remedy, and that is the law. The strong arm of the Government should be evoked and brought to the aid of the people. I would have the law interpose and regulate the tariffs and charges upon railroads for carrying freights, fixing the compensation at such rates as would be just both to the producer and to the carrier, giving the carrier a reasonable compensation, and protecting the producer against extortion.

As to the power of the Legislature of a State to regulate the charges of railroad companies for carrying freight and passengers within such State, there can be no doubt on principle, unless the Legislature is prohibited from doing so by the constitution of the State. The railroad is a public corporation; it exists by virtue of public law; it exercises through the authority of the State the sovereign power of eminent domain, taking without the consent of the owner private property for its use, and it has attached to it the qualities of a public corporation, which bring it within the control of the law, for the safety and rights of the public.

Again, on the grounds of necessity, the Legislature has this power, on the same principle that the Legislature exercises the power to regulate the price of the use of money. Money is power, more peculiarly so than any other species of property, and he who has it has the means, at times, of oppression; and, therefore, to protect the borrower, the law, by virtue of a power conceded by common consent, regulates the price, and prohibits under penalties the sale of the use of money for a higher price than thus fixed by law.

But a great difficulty arises in relation to the regulation by State laws of the charges upon freights going from one State into and through another and different States. The produce of the farmer of Iowa goes through the States of Illinois, Indiana, Ohio, Pennsylvania, and New Jersey to the market at New York. The laws of Iowa, although they may regulate the charges while the freight is in transit within that State, cannot extend beyond the borders of the State, and the Iowa farmer is then at the mercy of the railroad, or has to depend upon the uncertainty of the protection of the laws of five different States. So that practically there can be no reasonable prospect of adequate relief and protection by State laws. To give adequate relief, there must be some power that can follow the commerce in its transit through all the States. I have no doubt in my own mind that Congress has the power under the Constitution to pass laws to regulate the charges upon railroads for carrying freights from one State to another or through different States.

The provision giving that power is in section 8 of article 1 of the Constitution, which reads as follows:

The Congress shall have power * * * to regulate commerce with foreign nations, and among the several States.

If this power to regulate amounts to anything, it clearly gives the right to protect the people against unreasonable charges and impositions which might amount to an embargo upon internal commerce.

Upon this question we have had the opinion of an able committee of this House. The Committee on Railways and Canals, in the second session of the Fortieth Congress, being instructed by the House to examine and report as to whether Congress had the power to regulate the charges on railroads engaged in commerce between the States, made a full and exhaustive report, sustaining the power, from which report but two of the committee dissented.

This question was also raised in the Supreme Court of the United States in the case of Gray *vs.* The Clinton Bridge Company, in which Justice Miller, in giving the opinion of the court, used the following language:

For myself, I have no doubt of the right of Congress to prescribe all needful and proper regulations for the conduct of this immense traffic over any railroad which has voluntarily become part of one of those lines of interstate communication, or to authorize the creation of such roads when the purposes of interstate transportation of persons or of property require it.

Thus, sir, both upon reason and upon authority, does it appear that Congress possesses this jurisdiction over this subject; and, possessing this power, I insist that it is of the highest importance that it should be exercised. It is not to be much longer endured that, upon all the immense commerce from the West to the sea and from the sea to the West, soulless corporations should have the absolute power to levy such contributions as suit their pleasure or satisfy their cupidity. I do not pretend to say at what precise rates railroads ought to carry the freights of the West or what would be reasonable charges; I am not sufficiently informed; but the proper and just rates could be ascertained without difficulty by a board of experts. This I do know, that as a general rule the farmer of Iowa has to give one-half of his grain to get the other half to market; and if railroads cannot convey at any lower rates, then there should be another and cheaper means of transportation provided by the Government.

I trust, sir, that the committee having this subject in charge will give it a thorough and exhaustive examination, and give us the proper information upon which to act upon some line of relief. It is the policy of a wise government to encourage by all proper means its internal productions and to remove all burdens from the industries of the people.

To this end I am in favor of an extensive but wise system of internal improvement by the Government; a system not confining its benefits to any locality, but extending them over the whole country, north, central, and south. I desire to see great lines of transportation, penetrating into all sections, connecting together the North and the South, the East and the West. Let the energy, industry, and capital of the nation be turned in this direction, and the Government give its aid and its assistance, and thus insure to the millions of producers of the country cheap transportation and easy access to good markets. Then, sir, the people will be prosperous and contented; and then mighty industries will soon lift the country from its financial embarrassments and remove its burden of debt. And how much more wise this course than to expend the resources of the nation in the direction of conquest and of military power and glory.

I do not care much, Mr. Speaker, what this system of internal improvement may cost, so that it is done wisely and prudently; for, cost what it will, it will soon be repaid by increased prosperity; and it can be done without any actual expenditure by the Government, by means of the issue of its bonds, the interest to be paid by the revenue arising from the works.

There are several different projects, the most of which have merit. I do not desire now to speak of them in detail, nor to do more than to speak of the general question, and of the duty of the Government, and wait for the rest until bills are introduced by the proper committees.

And I desire to say, in conclusion, that I trust this Congress will take a proper view of the magnitude and the importance of this subject; for it is one of paramount importance, and one in which the interests of every laboring man in this broad land are involved. It is emphatically a question in which the people are interested as against corporations and monopolies. It is, in short, the people *versus* monopolies. It is a question that reaches further into the future, and has more bearing in its influence upon the stability and prosperity of our country, than we are apt to imagine. When I look at the map of the United States and see the intricate web and net-work of railroads extending into every section of the country—when I reflect that substantially all of the immense products of the country must pass over those roads to get to market, and that the toll to be exacted from the producer is entirely at the option of the owners of the roads; that it is for them to say whether they will leave the producer a reasonable profit, or whether they will take all and leave to the producer but the pittance for his labor; and when I reflect that this great net-work of railroads is controlled substantially by half a dozen corporations, the controlling power of which centers in a few eastern cities—I confess, sir, that I look with concern upon the future. The true condition of a free, happy, and prosperous people is, that the wealth and power should be fairly distributed among the people and sections; I do not mean absolute equality, but I mean the absence of great extremes of wealth and of poverty. Wealth is power; and the tendency of wealth, as of power, is to creep from the hands of the many into the hands of the few; and of all the schemes ever devised the corporations of this country tend the most strongly to this result.

Look at the facts as they now exist. The entire assessment of all the property in the United States, of all kinds and descriptions, real and personal, in 1870, was $30,000,000,000; and of this the assessed value of the railroads and their fixtures was $3,000,000,000, or one-tenth of the whole. There is rising here, and growing rapidly, a money power which will give great trouble in the future unless controlled by the strong and restraining hand of the Government. Against this power, now so immense, the people in their individual capacity cannot contend; to its will they must submit in the matter of their fortunes and their subsistence, unless the Government will come to their relief. This they ask; this they expect; this they have a right to demand, and do demand.

The mutterings and rumblings of popular discontent have been and are being heard among the people of the great Northwest, and they are but the prelude of the coming storm; they are the just complaints of the laboring classes; men of strong arms and patriotic hearts; men who love their country, and have given freely of blood and treasure to save this Government; men who will ask nothing but what is right, and will not always submit to what is wrong. And, sir, if this Congress is wise it will give this great question patient and thorough investigation, and take such action as the interests of the people and the prosperity of the country require.

Dekota Indians, War of 1862.

SPEECH OF HON. M. K. ARMSTRONG,

OF DAKOTA,

IN THE HOUSE OF REPRESENTATIVES.

January 16, 1874.

On the bill (H. R. No. 209) to provide for the adjustment of the Dakota War Claims of 1862—

Mr. ARMSTRONG. Mr. Speaker, nearly three years ago I presented to the Forty-second Congress a bill to provide for the payment of an Indian war debt of $28,137.17, which the United States Government has justly owed to the Territory of Dakota since the great Sioux outbreak of 1862, whose ravages extended over Western Minnesota and Southern Dakota.

This claim has been long since carefully examined and reported upon by the territorial auditor, and the report approved by the territorial Legislature, which latter body has repeatedly memorialized Congress for the payment of the debt. By an examination of the legislative report and memorial, which have already been printed and laid before this House, it will be found that the claim is one of singular merit and moderation in comparison with that for similar services rendered by other Territories.

By a proclamation of the governor of Dakota, bearing date at Yankton, the capital of said Territory, August 30, 1862, the entire population subject to military duty was called into active service to protect border settlements against the impending invasion of the hostile Sioux Indians, who had but recently murdered, in cold blood, several hundred innocent men, women, and children in the adjoining counties of Minnesota.

In response to this proclamation some three hundred men in the Territory immediately left their fields and workshops and enrolled themselves into militia companies for the protection of life and property, furnishing their own arms, subsistence, clothing, &c., for a term of two months. By distributing themselves through the several counties these self-equipped companies of pioneers succeeded in holding the Indians in check and preventing an open war until the Federal Government could spare reenforcements to be sent to the frontier from the field of the southern rebellion.

Not, however, were these faithful pioneers relieved from their posts and vigilant duties until their ripening and neglected harvests had become wasted and ruined in their fields; two farmers had been savagely murdered while attempting to gather their crops within a mile of the village of Sioux Falls; the town was attacked by a war party of Indians, the citizens shot at and driven from the place, and the village afterward burned to ashes; a mail-carrier between Sioux Falls and Yankton was waylaid and robbed; a stage-driver on the public highway from Fort Randall was shot dead, and his horses stripped from the stage and driven to the plains; two unarmed citizens were attacked and shot in their wagons at a public ferry, within three miles of the capital of the Territory. In Yankton County the farmers were driven from their fields and shot at in their doorways, until forced to retreat to the town for safety. Neither did these troubles end until two years after the Government had sent re-enforcements to the beleaguered border. Even while United States troops were patrolling the settlements in 1864–'65 the emboldened and daring Sioux dashed

upon a party of farmers, making hay near Richland, in Union County, killing one man, wounding another, and fleeing to the plains upon their victims' horses. Another party of murderous savages crossed the Dakota border into Nebraska, twelve miles below Yankton, and after committing horrid outrages and butchery upon an unprotected family of five children, they eluded the United States cavalry, recrossed the river into Dakota, and escaped up the Vermillion Valley.

Upon the first outbreak of this great Sioux Indian war in the autumn of 1862, and when the territorial militia were called to arms by order of the governor, all the farming settlements and exposed towns were quickly abandoned, some sending their women and children to the neighboring States for safety, while others resorted with their families to the capital of the Territory to unite with the villagers for mutual protection. Above Vermillion a skirmishing war party for a time prevented travel upon the stage-road. At Yankton all the citizens in the surrounding country had assembled and joined with the militia in throwing up hasty fortifications around half a dozen buildings for shelter in the center of the town. Within these rude barracks the citizens remained under arms day and night, until United States troops began to arrive and the Indians retreated from the embargoed settlements. The people then ventured back to their devastated homes and fields to glean a winter's subsistence from their damaged havests and scattered herds.

Now, Mr. Speaker, the neighboring State and Territory of Minnesota and Montana have both been reimbursed by the Federal Government for similar services and expenses borne by them in repelling Indian invasions within their borders. Dakota has repeatedly, through its Legislature, petitioned Congress to refund to the Territory the small amounts so justly due the members of the Dakota militia for their timely services, given when the nation needed all its men in the southern war, and when the women and children of the frontier were left to the mercy of a barbarous foe.

These pioneer militia are obliged to come to Congress as their last and only resort for reimbursement. In the early part of the Forty-second Congress I made application in their behalf to the Secretary of War, but was informed by him, under letters of March 22, 1871, and March 20, 1873, which I hold in my hand, that, notwithstanding the "apparent merit" of the claim, he possessed no power to pay the same until authorized to do so by Congress under a special appropriation for the purpose, inasmuch as the governor of the Territory should have first asked and obtained permission from the Government before calling the territorial militia into service. I then introduced a bill into the last Congress, asking a special appropriation for the purpose of $28,137.17, and also sent back to the Territory and procured evidence, which was submitted to the Committee on Military Affairs, explaining that the scene of the Indian outbreak was, at the time, several hundred miles distant from the nearest railroad station or telegraph office; and that the first murders, and the consequent panic, fell upon the settlements so suddenly, and without warning, that the governor found it necessary to rally the militia to arms at once, and accordingly quite a force of armed men was put upon duty before nightfall of the same day.

In the midst of the excitement and imminent danger the governor was of opinion that his appointment by the President as governor and commander-in-chief of the militia gave him full authority to call out the militia force in case of emergency or public danger.

Upon the evidence presented with this bill to the Military Committee of the House in the last Congress, that committee reported back a bill, which passed the House, authorizing the Secretary of War to examine the accounts and report to Congress the amounts found justly due and necessary to be paid. This bill was also examined and reported upon favorably by the Military Committee in the Senate, March 1, but among many other bills it was not reached on the Calendar before the final adjournment of last Congress.

Hence I have brought the bill again before the present Congress, and I now again ask that justice be done this handful of territorial militia of 1862, who periled their lives in defending the outposts of western civilization and settlement. In reference to the fairness of the claim the Military Committee of the last House, in their published report, speak as follows:

> The action of the governor in calling out the troops, and of the citizens in responding promptly in the emergency, seemed to be all that could be done, and the only thing that could be done, for the defense of the people of the Territory, since no troops of the General Government could come in time to the rescue, and it seemed madness to wait till the authorities at Washington could be reached and could furnish military aid.
>
> The accounts seemed to have been carefully examined by the commission and to have met the approval of the auditor, and are set out in full, with the items. The sum, $28,137.17, seems to be a reasonable and fair one, and we feel justified in recommending its payment.

The report of the territorial Legislature gives the names of three hundred and thirty-six persons as entitled to pay, making the aggregate amount of $28,187.17, or an average of about $87 to each claimant.

The following is a recapitulation of the auditor's report to the Legislature:

Pay, commutations, &c., of Company A, Dakota militia, of Yankton County, for two months	$4,629 00
Pay, commutations, &c., of Company B, Dakota militia, of Bon Homme County, for two months	2,206 00
Pay, commutations, &c., of Company C, Dakota militia, of Clay County, for two months	4,811 00
Pay, commutations, &c., of Company D, Dakota militia, of Union County, for two months	$3,128 00
Pay, commutations, &c., of Captain Fuller's Company, (mounted rangers,) for two months	2,027 00
Recruiting service and pay of staff, for two months	3,320 82
Quartermaster's department for two months	2,312 85
Commissary department for two months	5,095 75
Surgeon and hospital expenses for two months	406 75
Incidental expenses for two months	200 00
Total	28,137 17

Mr. Speaker, it is unnecessary for me to recall to the attention of this House the manifold perils and hardships, wrongs and sufferings, exposures and cruelties endured by the early pioneer families of the great West. I would be met by the old and oft-repeated argument of philanthropists and theorists that "the white man is always to blame." This declaration, sir, is thoughtlessly made by men who look at and admire the "noble red man" as pictured in the distance through the romance and poetry of enthusiastic and imaginative authors. Of all races of men upon the globe it is a historical fact that those who are the most ignorant and uncivilized are everywhere the most depraved and barbarous. But, notwithstanding this acknowledged rule of mankind, we find many prominent Christian statesmen and distinguished philanthropists of the present enlightened day so blinded by sympathy for the heathen races that they openly avow their belief that the wild and superstitious tribes of the West, who grope in their predatory dens, beyond the light of Christianity and civilization, are among the most noble and praiseworthy creatures on earth. This opinion to a great extent pervades in the Halls of Congress and at the Departments of the Government, and in accordance therewith millions of dollars of the people's money are annually appropriated to feed and clothe these "noble red men" of the West, including all tribes, the good and the bad alike. Wild and speculative reports as to the exaggerated population of the wild tribes to be clothed and fed are annually received and acted upon, and large supplies shipped into the wilderness, based upon a census of thousands of Indians who do not exist.

But the white settler is obliged to go into the far West to hew out his home and sustain his wife and little ones upon the resources of his own industry; and these defenseless settlers are the ones who first fall beneath the avenging tomahawk of the red man whenever a wild tribe becomes enraged at the neglect or tardiness of the Government in supplying their promised subsistence.

Such was the cause and the terrible effect of the Dakota war of 1862. The helpless and innocent women and children of the frontier were indiscriminately murdered to avenge the wrong and deception practiced by the General Government in making the promised payments to the neighboring Sioux of Minnesota. In proof of this I need only to cite the fact that prior to the Sioux troubles which broke out in Dakota in 1862, the frontier settlers of the Territory had experienced no serious annoyance from the Indians; while tourists, fur-traders, and scientific explorers had for half a century previous been accustomed to travel unharmed among all the wild tribes of the Territory from the Missouri River to the Rocky Mountains. And as a further evidence that the most friendly relations existed between the early settlers and the Indians of Southern Dakota, I need only to repeat that no murders or depredations were committed upon the lives or property of the pioneer immigrants until the neighboring Sioux of Minnesota were provoked into open and savage war upon all whites by the faithless treatment received at the hands of the Federal Government.

Ever since 1859 all of Southern Dakota has been formally open to immigration and settlement. In that year the Yankton-Sioux Indians delivered up to the Government their possessions of lands in this section, in accordance with a treaty concluded at Washington the previous year, by the provisions of which treaty they are guaranteed by the United States the sum of $1,666,000, to be paid in annual installments for fifty years, in addition to a reservation of 400,000 acres. In the following year the United States Government commenced the survey of its newly-acquired landed purchase, and proclaimed the country open to immigration, thereby inviting colonization and settlement under the ample protection of the laws of the United States.

In 1861 Congress even went further, and gave to the people a territorial government in order that they might feel the fullest protection afforded by the strong arm of the Government to all its citizens engaged in the peaceful pursuits of industry. But how have they been protected? I need not again detail the wrongs and sufferings, rapine and murders, sustained by the early pioneers at the hands of a horde of enraged savages precipitated upon them from a neighboring State, at a time when they were living upon terms of peace and friendship with their own neighboring Indians, the Yanktons. Neither does it seem necessary for me to inform this House of the fact that while in the midst of these Indian troubles the pioneers of Dakota enlisted and furnished from their own thin ranks two full companies of cavalry for the United States Army.

And what grand results have they accomplished since the organization of that Territory? Sir, they have maintained the outposts of frontier civilization from 1862 to 1865, while harassed by Indians in their fields, at their homes, and upon the highways. They have, by steady and unceasing industry, overcome their disasters, and are fast becoming a productive and prosperous people. They have subdued the plains, opened farms and thoroughfares, established schools and

churches, founded most beautiful villages, and organized many flourishing counties. They have built railroads and telegraph lines without Government aid; they have constructed bridges and established steam ferries, and have built depots of trade, and induced boats of traffic to the navigable rivers of the Territory. They have converted the wild prairies into blooming grain-fields and lovely homes, and have advanced from a handful of struggling pioneers to a population of forty thousand people, producing their annual millions of grain and paying taxes upon their assessed millions of wealth. What people, I ask, sir, have done more or deserve better at the hands of Congress?

West Virginia Contested Elections.

SPEECH OF HON. G. W. HAZELTON,

OF WISCONSIN,

IN THE HOUSE OF REPRESENTATIVES,

January 21, 1874.

The House having under consideration the resolutions reported from the Committee on Elections on the West Virginia contested-election cases—

Mr. HAZELTON, of Wisconsin, said:

Mr. SPEAKER: I am aware how irksome to the House the discussion of such a question as this is likely to be, and I shall endeavor in the remarks I have the honor to submit to be as brief as I can consistently with the ground which it is necessary to travel over.

I am sorry to say, as a member of the Committee on Elections, that this case comes before the House in such a broken condition, with such a want of harmony of view on the part of the Committee on Elections, that it becomes the duty of every member upon this floor to examine this case and to decide it upon his own judgment and his own individual responsibility. It is true that by a majority of one the Committee on Elections incline to hold that the October election was the valid election. But it is also true that one of that number files, with his concurrence in the report of the majority, a protest against the October election, which more than neutralizes the significance of his assent to the majority report. It is also true that, of the remaining five, three affirm in the most emphatic manner possible that they are not willing to rest their concurrence upon the ground set forth and embodied in the report of the learned chairman of the committee; and so they have attempted to fortify and prop up that report by a sub-majority report of their own.

It is usual in similar cases, Mr. Speaker, for members of a committee who concur in the conclusion to which the majority arrive to sign the report of the majority, while withholding their assent to all the reasons by which such conclusions may be reached, and to wait until the discussion of the case upon the floor of the House in order to state their peculiar views in detail. But the learned gentlemen who prepared the sub-majority report have seemed unwilling that this case should go to the House and the country upon the argument and the reasoning embodied in the majority report. They have seemed, if they will pardon the expression, to regard the report of the learned chairman of the committee as a bane to be accompanied by an antidote; and so we have in support of the October election eighteen pages of legal lore for the purpose of sustaining a proposition which we are assured is almost a self-evident one. Now, Mr. Speaker, when a half dozen able gentlemen sit down to deliberate upon a case, and resolve in favor of a common proposition, and no three of the number are able to render a reason for their opinion, which satisfies, I will not say the public mind, but which satisfies the other three, it is fair to infer that there is some inherent weakness in the position itself. And such I affirm to be the fact here. The circumstance that we have such an amplitude of argumentation, such a display of legal acumen and legal research and ingenuity on the part of the majority, is not due to any spirit of vainglory on the part of any of the gentlemen constituting the majority of the committee, nor is it due to any want of ability on the part of the chairman of this committee to do ample justice to the question under consideration. It springs from another cause. It springs, Mr. Speaker, from the inherent and insurmountable infirmity of that position. It springs from the difficulty there is in explaining to the common understanding how, under a law which provides that members of Congress shall be elected at a general election for State and local officers, they may just as well and just as properly be elected two months after such general election has transpired. That is the difficulty with this position which the majority of the Committee on Elections assume.

Now, Mr. Speaker, with all deference, it seems to me that this case is in a very narrow compass. It is not necessary to go far to find it. I beg to call the attention of the House to the language of the two sections of the code of West Virginia of 1869, which embrace the law involved in this discussion; and I ask gentlemen who do me the honor to listen to me, if they have one of the reports before them, to look at the language as quoted on page 19 of the minority report. It may facilitate their investigation upon this subject; for, as stated by the minority report, this question really turns upon the construction to be given to the two sections of the West Virginia code. The first section reads as follows:

SECTION 1. The general elections for State, district, county, and township officers, and members of the Legislature, shall be held on the fourth Thursday of October,

The following is the second section:

SEC. 2. At the said elections in every year there shall be elected delegates to the Legislature, and one senator for every senatorial district. And in the year 1870, and every second year thereafter, a governor, secretary of the State, treasurer, auditor, and attorney-general of the State; a prosecuting attorney, surveyor of lands, recorder, and the number of assessors prescribed by law, and a Representative in the Congress of the United States, for the term beginning, &c.

"At the said elections." Now, then, what is the meaning of that phrase? I may stop here to say that in quoting this law the authors of the sub-majority report, when they came to this provision of the second section, found a difficulty in their way. The law as it stands, and as it was written, does not read to suit them. But they are by no means discouraged by so slight a circumstance as that. Instead of changing their views to correspond with the law, they adopt the other course of changing the law to correspond with their views. And so at the end of the words "at the said elections" they interpolate a whole sentence which does not stand in the law at all.

Mr. LAMAR. Mr. Speaker, if the gentleman will allow me——

Mr. HAZELTON, of Wisconsin. The gentleman will pardon me for declining. He will have an opportunity to be heard.

Mr. LAMAR. The gentleman does not mean to say that we misquoted the section?

Mr. HAZELTON, of Wisconsin. No; I do not mean that. I say that if any gentleman will look at the sub-majority report he will see that in their construction of the second section of the code, after the words "at the said elections," they interpolate, "to wit, on the said fourth Thursday of October." They read that section of the code as if it contained those specific words, and then ask the House to pass upon the meaning of that section as thus amended.

Now, Mr. Speaker, although it might be well enough, if we had time, to discuss here what the law might be under certain circumstances, it seems to me altogether more pertinent to consider what the law is. What is the significance of this language? I ask members of the House to consider the force of the word which introduces this sentence, "*at* the said elections" members of Congress shall be elected. At what said elections? Why, at the elections referred to in the first section of the code—"the general elections for State, district, county, and township officers, and members of the Legislature." It is that election at which members of Congress are to be elected. And the whole difficulty with those who champion the October election has grown out of the impossibility of showing to an ordinary mind how members of Congress who are required to be elected "at the general elections" may just as well be elected two months after the general elections. No amount of legal ingenuity can overcome that insuperable difficulty in the way of those who assume that position.

What is meant by this word "at?" To my mind it has a wonderful significance in this sentence. It is a word which signifies something to be done in conjunction with some other thing. It is a word which signifies the matching of one event with another event. It is a word which we do not apply to a day in the calendar, nor to a day of the week. We do not say, "at the fourth Thursday of October;" "at the first day of the week." But we uniformly and always apply that word to an occasion; as, for instance, "at the beginning of an epoch;" "at the assembling of Congress;" "at the dawn of the day." We use this word "at" to imply an occasion in conjunction with which we locate an event.

Mr. SMITH, of New York. Permit me to ask a question.

Mr. HAZELTON, of Wisconsin. I beg the gentleman's pardon. He had his time extended for ten minutes, and I must be allowed to proceed without interruption. I say this with all respect to my learned friend, the chairman of the committee.

Now, then, I insist that from this second section of the code it appears that it was clearly the intent of the Legislature of West Virginia to fix the occasion of electing members of Congress at the time of the general election in that State. I say it appears from the language of the section itself, from the general language of the section. The section provides that the State and local officers, *and* members of Congress shall be elected at this general election. I infer this, also, from the specific language of the section, from the use of the term to which I have adverted, "at the said general elections."

Now, it does seem to me that the other construction destroys the entire meaning and significance of the first and second sections of this code.

Let me employ an illustration. In some of the States the laws provide that the county boards in the several counties shall meet on the first Wednesday after the general election; and also provide that at such meeting the votes cast at the general election immediately preceding shall be canvassed and the result declared. Now, I ask any fair-minded lawyer on this floor, if the time of the meeting of that board should be changed by an act of the Legislature, should be postponed for a week, would it not be the understanding that when that board convened under the law that duty which they were required to do *at their meeting* would then devolve upon them?

Take another illustration, which I have mentioned in the report of the minority. Suppose, for instance, that the first section of a law

should provide for fixing the time of the annual assembling of the Legislature in the State. Suppose it should provide that the annual meeting of the Legislature shall be on the fourth Thursday of October. Suppose, now, that the second section should provide that *at the said meeting* the governor shall deliver his annual message. What would be the meaning of those two sections, as they stand thus related? Why, sir, the first points out an occasion upon which a certain thing mentioned in the second is to be done, and the two are necessarily connected. Now, suppose the time of the meeting of the Legislature shall be postponed for a month; will it be contended that the message of the governor, which he is required to deliver "at the said meeting" may just as properly be delivered a month before that meeting occurs? The language does not bear that construction.

Now, I need only add further that there was no general election in October at which members of Congress could be elected. Therefore, if the election which transpired in August was not a general, legal, and valid election, then no valid election was held in that State that year. And it cannot be claimed, in my judgment, that any person was legally elected to a seat in this House from West Virginia unless at the general election which did occur in August. To this point I shall recur in a moment.

But before proceeding it may be well right here to allude to the burden of the argument of the learned chairman of the committee, [Mr. SMITH, of New York.] He seems to have predicated the larger part of his speech upon the fact that the word "district" is employed in the election law of West Virginia, and that in the schedule to the new constitution that word is omitted. In reply to that I may say that this point which the chairman raises and insists upon with so much pertinacity, was not raised upon the argument of this case at all. It was not suggested by either of the learned and distinguished counsel who appeared before the committee. It was not suggested, so far as I know, by any of the local attorneys or by the parties interested up to the time of submitting this case and the conclusion of the arguments upon it. But this fact furnishes no reason why the argument should not be fairly considered. It does seem to me, however, with all respect to the chairman of the committee, that when the Legislature of West Virginia used the term "district officers" in a law making provision for the election of assessors, of senators, of delegates, of judges——

Mr. SMITH, of New York. Will the gentleman allow me to correct him? Does he mean to assert that assessors are district officers?

Mr. HAZELTON, of Wisconsin. I do mean precisely that—that assessors are district officers.

Mr. SMITH, of New York. Assessors are county officers under the constitution of West Virginia. So many assessors are to be elected in each county as there are districts in the county.

Mr. HAZELTON, of Wisconsin. But I think the chairman will find that assessors are recognized as district officers.

Mr. SMITH, of New York. They are county officers.

Mr. HAZELTON, of Wisconsin. The chairman is in error, or I am; but there are district officers under the election law of the State of West Virginia besides assessors; and I insist that it is not a fair inference from the employment of that language in the law of the State that the Legislature intended to embrace the officers of another government, namely, members of Congress; not only because they are officers of another government, but because they are not necessarily district officers at all. A member of Congress may be elected by a State at large, as many members of this House have been elected. Members of Congress may be elected by the Legislatures of the States, as they were in some States in *ante bellum* times. They may be elected in one district to represent another district. So that I submit the employment of the words "district officers" in the election law of the State of West Virginia does not raise any fair legal inference that the framers of that law meant to include as district officers members of Congress.

[Mr. HAZELTON here gave way to a motion to adjourn.]

January 22, 1874.

Mr. HAZELTON, of Wisconsin, (resuming.) Mr. Speaker, when this question was under consideration yesterday, it was objected by the chairman of the Committee on Elections [Mr. SMITH, of New York] that assessors in the State of West Virginia are not by the code of 1869 district officers, as stated by me. I desire to send to the Clerk the code of West Virginia, from which I ask the Clerk to read two sections which I have marked.

The Clerk read as follows:

SEC. 2. When there is more than one district in a county the board of supervisors may by ordinance lay off and change the boundary between such districts; but in laying off or changing the said boundary, no township shall be divided. But this section shall not apply to the county of Berkeley.

SEC. 3. The authority and duty of an assessor shall not extend beyond his district, except to grant license for a privilege which may lawfully be exercised in or out of the district.

Mr. SMITH, of New York. Will my colleague on the committee allow me to call his attention to the close of section 1, which provides that the voters of each county shall elect one assessor for every district therein? The point I made was that the assessors are county officers within the meaning of the constitution, and of section 1 of the law.

Mr. HAZELTON, of Wisconsin. It is on that point that I take issue with my friend. The code of West Virginia says they are district officers; and it seems to me it is conclusive upon this subject; so that we have in my view not only this class of district officers, but also senators, delegates, and judges, all of whom were district officers under the election law and under the code of 1869.

Now, then, the chairman of the committee in his remarks yesterday desired, he said, to hear from his colleague from Wisconsin (referring to myself) as to whether certain district officers and circuit judges were to be elected in 1874, under existing laws, on the fourth Thursday of October or at some other time.

It is perhaps unnecessary for me to consume my time in adverting to this subject. I only do so for the purpose of reminding the chairman of the committee that by looking critically at the constitution of West Virginia he will find that circuit judges hold their office for a term of eight years; and that by the common understanding of all parties in that State interested in the election of 1872 those judges were all elected at the August election for that period of time; and as a matter of course there can be no election of circuit judges in 1874 in that State.

Now, Mr. Speaker, in the remarks I hurriedly submitted to the House yesterday I undertook to demonstrate that the October election, as it is called, cannot in any possible view be maintained as the valid election of that State for that year.

Mr. SMITH, of New York. Let me say——

Mr. HAZELTON, of Wisconsin. I decline to be interrupted. The chairman has already had more than an hour in which to express his views; another member of the majority is to follow me; and I desire to proceed with my argument.

In further support of my proposition that the October election was clearly invalid in any point of view, I call attention to the fact that the new constitution, which in terms, as well as by legal effect, repealed all laws inconsistent with its provisions, provided expressly that the election for 1872 should be held on the fourth Thursday of August; and after that year on the second Tuesday of October; thus repealing the statute which designates the fourth Thursday of October as the day of the general election. Whatever may be said as to the August election it seems to me as clear as a mathematical demonstration there was no law in existence for an election of any kind on the said fourth Thursday of October. I undertake to say in my judgment there was no earthly power in that State which could move the machinery for holding a general election on that day. There was no obligation resting on any one of the election officers to lift a finger holding an election or making returns of election on the fourth Thursday of October in that year.

Now, sir, with this I dismiss this part of my argument, and pass to the other question, namely, was the election on the fourth Thursday of August in that year a valid election for Representatives in Congress? Up to the fourth Thursday of August, 1872, the law stood as already quoted. The new constitution, prepared in the winter of 1872, simply struck out "October," in the first section of the code, and inserted "August." It is not denied it was entirely competetent for the constitutional convention to do this. There is no question raised here as to the plenary power of the constitutional convention to deal with that subject. The day of the election at which the Legislature had declared Representatives in Congress should be elected was transferred, transplanted, by competent and proper authority from October to August. This being done, we are only giving effect to the language and the clear intent of the Legislature, when we insist that Representatives in Congress should be elected at said election. To me the argument seems conclusive. I cannot understand wherein it is faulty. If gentlemen will observe again the second section of the code, to which I called attention yesterday, they will see it applies with precisely the same force to the election in August as if it had remained in October. "At the said election," to wit, the election of State and local officers, whenever the same may be held pursuant to law, Representatives in Congress shall be elected. This will be still more manifest if we refer to the old election law of West Virginia, the law of 1863, which, strangely enough, is quoted here in the majority report for the purpose of supporting the views of the majority, that Representatives in Congress must be elected on the fourth Thursday of October, whether the general election should occur on that day or not.

Now it will be seen that, when the codification of the laws of West Virginia was made in 1869, there is a significant omission of the terms of the law of 1863, which limit the election of members of Congress to a specified day. Those words are eliminated from the law as if for the very purpose of leaving the second section of that code unembarrassed in case the occasion of a general election should be in the history of the State at any time thereafter changed by competent authority from the fourth Thursday of October to any other day.

But it is objected that under this theory the convention, and not the Legislature, prescribes the time. Not at all. Here, in my judgment, is precisely where our adversaries fall into error. The Legislature stated in the plainest terms it could employ that Representatives in Congress shall be elected at the general election; and when that general election was changed, no matter by what competent authority, the voice of the Legislature was still heard repeating its edict, and it is still repeating its edict to-day, that Representatives in Congress shall be elected at the general election. That, it seems to

me, is the whole argument in regard to the August election. The Legislature having prescribed that Representatives in Congress shall be elected at the general election for State and local officers, when that general election is transferred from one period to another, by lawful authority, the election of members of Congress follows the general election precisely as the shadow follows the substance, as the incident follows the principal.

But it is insisted on the part of our adversaries that the August election was not the general election. Now, Mr. Speaker, I do not think it is important for me to spend much time on that objection. It is conceded that all the officers from the governor down to the lowest town officer were elected in August, and that they qualified in due time and entered upon their functions, and are still discharging their duties as officers of the State of West Virginia. There is no feature of a general election which this August election does not meet and answer in every particular. It was an election to provide the entire official staff of that State. It was an election under the general election laws of that State. It was an election which, had it been held two months later, every gentleman on this floor would concede was the general election. Therefore, call it what you will, it was precisely that thing which, had it transpired two months later, everybody would regard and recognize as the general election, and which when it occurs on the second Tuesday of October next year everybody will recognize as the general election.

I have before me, Mr. Speaker, a ticket, which I find in the Wheeling Register of the date of August 10, 1872, which is the leading democratic paper for the State of West Virginia. This newspaper, responding to several inquiries which had come up from different parts of the State as to the form of ticket to be used at the August election, furnished its readers and the public with a sample ticket. And I find on looking over this ticket, headed "Democratic State Ticket," that it included every officer from governor down to constable. It included the governor, the attorney-general, the auditor, the treasurer, the superintendent of schools, judges of the supreme court, judges of the circuit courts, and all the local officers, and also Representatives in Congress; and that ticket was furnished to the people of that State as a sample of the ticket to be employed at the August election.

I say, therefore, that there is no view, no fair view of this objection, which can recognize in it any force or significance whatever. If this was not a general election no general election was held that year in that State. If it was not a general election no general election will be held in that State in 1874, because nothing will be done on the second Tuesday of October, 1874, to constitute a general election, which was not done on the 4th of August, 1872.

But it is again objected that, conceding that this was the general election, the time was not sufficiently prescribed. Now, Mr. Speaker, I will not dwell long upon that objection. It does not seem to me, in view of the precedents in this House, which are spread over a history of forty or fifty years, that it is necessary to go into any elaborate discussion of that question. When the Constitution of the United States requires that the time for holding an election for Representatives in Congress shall be prescribed by the Legislature, I suppose it simply means that the time shall be designated or fixed by legislative authority; or in pursuance or under the sanction of legislative authority.

Now, so far as this term "prescribe" applies to the election in August, if I understand the legal force of terms, there was ample legal prescription. The new constitution and schedule were, if ratified, to be in full force and effect during every part of the fourth Thursday of August. That constitution was the law of the State, therefore, when the polls were opened on the said fourth Thursday of August; it was the law of that State because it was subsequently ratified in whole and in every part, and thus made the law by the sovereign voice of the people having ample authority to so determine and elect. Before a vote was polled, therefore, the law was in full force which made that day the time for electing Representatives in Congress. This was a sufficient prescription.

But, Mr. Speaker, even if there were any doubt on this subject, as an original question, it has been settled by the uniform rule and practice of the House. It is too late, therefore, to say that such a prescription of time was not within the Constitution of the United States.

The authorities are so uniform and so conclusive upon this subject, that I only need advert to them, and then I will dismiss this branch of my subject.

The constitution of California was, without any enabling act, framed on the 13th of October, 1849. It was ratified on the 13th of November, 1849. The eighth section of the schedule contained these words:

> At the general election aforesaid, namely, the 13th day of November next, there shall be elected a governor, lieutenant-governor, members of the Legislature, and also two members of Congress.

On the 9th of September, 1850, the State was admitted and the Representatives took their seats.

The State of Arkansas framed a new constitution in 1868, which was submitted for ratification or rejection on the 13th day of March, 1868, and on successive days; and at the same time the people were authorized to elect "members of the House of Representatives and State officers."

In 1867 the State of Louisiana framed a new constitution, which was submitted to the people on the 17th and 18th days of April, 1868. The schedule provided for the election of State officers and "congressional Representatives" on the same days.

Precisely the same thing occurred in the States of Minnesota, Mississippi, South Carolina, Nebraska, Nevada, Alabama, and Texas.

Now, Mr. Speaker, I submit, with all deference but with great confidence, that it is too late in the history of this country, it is too late in the history of this House, upon this identical question, to insist that the prescription thus afforded the voters of that State was not an adequate and legal prescription. It seems to me that these cases settle that proposition beyond any question.

But, Mr. Speaker, I will not dwell longer upon the law of this case, for I see my time is rapidly expiring. I insist that the facts which surround these election cases are significant, and that this House cannot pass upon this question without looking these facts squarely in the face. It is not denied that at the August election almost 45,000 votes—in exact numbers 44,918 votes—were polled, while at the October election, or so-called election, there were but 22,177 votes polled.

Mr. SMITH, of New York. Am I to understand my colleague to mean that he will not yield for any question?

Mr. HAZELTON, of Wisconsin. That is precisely what the chairman of the committee is to understand. I give him the aggregate vote of the State, not the vote of these two districts; but as bearing upon the question of fact herein involved it is material to be considered.

Now for the facts in these two districts. I desire to send to the Clerk's desk, to have read, a call, duly published, of the democratic executive committee of the first district for a convention in August to put in the field a candidate for Representative in Congress from that district.

The Clerk read as follows:

> The delegates appointed to nominate a democratic candidate for the first congressional district are requested to meet at Clarksburgh, on Tuesday, August 6, for the performance of that duty.
>
> A. J. PANNELL,
> J. W. GALLAHER,
> JOHN BASSELL,
> WILLIAM P. THOMPSON,
> *Democratic Executive Committee for First District.*

Mr. HAZELTON, of Wisconsin. In pursuance of that call Mr. Wilson was placed in nomination, and by himself and his friends entered upon an active canvass of that district, following it up until the very night preceding the August election, on one occasion at least he and his competitor in that canvass having a joint discussion upon the political issues involved. Both candidates went through that canvass and submitted their names to the electors of that district. When the votes were polled and canvassed it turned out that a larger vote had been polled for the candidates for Congress in that district than had ever been polled before; some 4,000 larger than had been polled at the election two years previous. More votes were polled for Representative in Congress than were polled for the State treasurer, the State auditor, and for several other candidates on the respective party tickets.

Not only that, but two days after that election had transpired, when it was believed that Mr. Wilson had been elected, when the returns received seemed to point to his election, the Wheeling Register, an old democratic paper in that State and district, came out with the announcement, under the proper head-lines, as follows:

> There seems to be no reason to doubt that Colonel Benjamin Wilson has been elected to Congress in this district over Hon. John J. Davis, the latter running largely behind his ticket in many of the precincts heard from.

Right in this connection, I desire to have the Clerk read the remarks of Senator Jacobs, a democrat, never a republican, and never acting with the republican party, a prominent citizen of Wheeling, and as high-minded and honorable a gentleman as there is in that State. These remarks were made in the senate of West Virginia, at the time a certain bill was under consideration, directing the secretary of state to certify the election of Wilson and Martin as Representatives in the Forty-third Congress.

The Clerk read as follows:

> Senators on this floor complain that the governor did not give certificates. The governor did give the certificates. As to the proper day for the election, there was a great difference of opinion. Some said the 22d of August was the day, others, equally entitled to respect for their opinions, thought it was in October, but there had yet been no decision of the question. The schedule of the new constitution provided that the general election for county and State officers should be on the 22d of August. In the first district both parties agreed before the election that the 22d of August was the time to vote for members of Congress, and nominations were made and the candidates voted for just as though it was all settled that that was the day. The leading democrats all agreed that the 22d of August was the day, and I did not hear of a dissenting voice to that proposition till after the election and the result was ascertained. There never would have been a word said if Hon. J. J. Davis had not succeeded. Davis beat Wilson, and then the cry was raised that the day was not right. That was the trouble. It was not that the day was not legal, but that the right man was not elected! There was another election held in October, when only a few more than 4,000 votes were given. And the fact that the people did not turn out then shows that they had settled upon the 22d of August as the day of voting for members of Congress.

Mr. HAZELTON, of Wisconsin. This testimony of Senator Jacobs is, that he never heard the question raised as to the legality of the August election until after it had become known that Mr. Wilson had been defeated in that contest. He says, furthermore, that it was agreed between those parties, between the opposing candidates, that the election in August should be taken as the regular and valid elec-

tion; and that they entered upon their canvass with that understanding. Mr. Jacobs resided at Wheeling, the center of political influence in that district as well as in the State. And when he says, as he does here, that he heard no question raised at all until after it was ascertained what the result of the August election was; when he says that no question was raised as to that being the regular election, it does seem to me that he states a fact which ought not to be overlooked, and which cannot be ignored in passing upon this case.

We have, then, these facts: A contest or election held on the fourth Thursday of August; a contest between these opposing candidates; a joint discussion between them; a larger vote polled in that district on that day than had ever been polled before. We also have the statement made, which it seems to me is entitled to credit, that no question was raised by anybody after these nominations were made, and when this canvass was entered upon, as to that being the legal day of election for that year.

I wish to know if this House of Representatives is prepared to say that it will deny a seat to the gentleman regularly and fairly elected in that contest, and open its doors to a gentleman who, being repudiated by the people on a full vote in August, ran alone on the fourth Thursday of October, when there was no general election, and who, if elected at all, was elected upon an aggregate vote of 4,179, at a so-called election, when but that number of votes in all were polled? I do not believe that this House is prepared to take that course.

Now, so far as the second district is concerned, I have only a word to say. It seems that a smaller vote was polled there, a much smaller vote than was polled in the first district. Mr. Hagans ran in that district without the benefit of a regular party nomination. It would seem that rival candidates, demagogues, and interested parties labored together to keep the vote for Representative in Congress as low as possible. But running as an independent candidate on the republican ticket, Mr. Hagans, without the aid of a party indorsement, received something like 4,000 votes.

Mr. SMITH, of New York. He received some 3,400 votes.

Mr. HAZELTON, of Wisconsin. He received over 3,400 votes at an election where the aggregate vote was larger than at the election in the first district in October, under which Mr. Wilson claims a seat. Therefore it does not lie in the mouth of any gentleman who seeks to seat Mr. Wilson upon the vote he received to say that Mr. Hagans did not receive a fair and adequate vote in the second district.

Mr. SMITH, of New York. As the gentleman's time has expired, perhaps he will permit me to ask him whether there were not eleven counties in the second district in which there was not a vote cast in August for Representative in Congress?

Mr. HAZELTON, of Wisconsin. I do not know whether that is true or not; we have no evidence in the case upon that point. The gentleman may take as true statements which are floating around in newspapers if he sees fit; but we have not one scintilla of evidence upon that subject before the House, as I understand it.

Mr. SMITH, of New York. I beg the gentleman's pardon. It was stated by counsel, and was uncontroverted, that in eleven counties not one vote was cast for Representative in Congress.

Mr. HAZELTON, of Wisconsin. Possibly that may be true; but there is not a particle of evidence of it; and certain it is the vote was not more sparse in the second district in August than in the first district in October, under which the chairman of the committee seeks to seat Mr. Wilson.

The Currency—Specie Payments.

SPEECH OF HON. JOHN B. GORDON,

OF GEORGIA,

IN THE SENATE OF THE UNITED STATES,

January 20, 1874.

The Senate having under consideration the following resolution, reported by Mr. SHERMAN from the Committee on Finance:

"*Resolved*, That it is the duty of Congress during its present session to adopt definite measures to redeem the pledge made in the act approved March 18, 1869, entitled 'An act to strengthen the public credit,' as follows: 'And the United States also pledges its faith to make provision at the earliest practicable period for the redemption of the United States notes in coin;' and the Committee on Finance is directed to report to the Senate, at as early a day as practicable, such measures as will not only redeem this pledge of the public faith, but will also furnish a currency of uniform value, always redeemable in gold or its equivalent, and so adjusted as to meet the changing wants of trade and commerce;"

The pending question being on the amendment submitted by Mr. FERRY, of Michigan, to strike out all after the word "resolved," and insert the following:

"That the Committee on Finance is directed to report to the Senate, at as early a day as practicable, such measures as will restore commercial confidence and give stability and elasticity to the circulating medium through a moderate increase of currency"—

Mr. GORDON said:

Mr. PRESIDENT: I propose to discuss this question of finance chiefly as it relates to the agricultural interests of the country, which are the foundations of all other interests; and as the basis of the remarks which I shall make I submit three distinct propositions, the truth of which I think will not be denied, and which are so nearly self-evident that they may be regarded as axioms of political economy.

First, when in any agricultural country, such as the United States, the cultivation of the soil ceases to be remunerative; when its profits are, year by year, absorbed by others than the tillers of the soil; when the producer grows poorer and the non-producer grows richer; when wealth ceases to disseminate itself among the producers of the wealth and concentrates in the hands of a few, *then* there is a fundamental evil, a *radical wrong*, either in the financial system or the legislative polity, or both, of such agricultural country.

The second and third propositions are correlative to this, and may also, I think, be regarded as axioms of economic science. They are these:

Secondly, that when in any large agricultural community, such as ours, an inconsiderable number of its citizens possess the power to divert from the ordinary purposes of trade a sufficiency of the circulating medium to depress or inflate the prices of commodities at will; or,

Thirdly, when the price paid for the use of the circulating medium is for successive years so excessive as to be altogether disproportioned to the profits made by the producer, then in each and all these cases is the evidence infallible of a wrong, a false system of finance.

I shall not consume the time of the Senate by an array of facts to prove that the state of things I have hinted at does exist in this country at this time. There are facts, sir, which are so notorious that the bare mention of them carries conviction to the mind as forcible and thorough as elaborate proof.

It is a notorious fact that the cultivation of the soil in this country is not remunerative. It is a notorious fact that its profits are year by year absorbed by others than the tillers of the soil. It is a notorious fact that the price paid for the use of money is and has been for years so exorbitant as to make it rather a burden than an aid to the producer. It is a notorious fact that wealth disseminates itself less and less, and that the power of concentrated money is fast becoming so measureless that, like Omnipotence, it has but to speak and it is done; but to will, and values expand and diminish according to its will; but to stretch forth its arm, and the wheels of industry stand still. And I verily believe if this system of finance, unaltered, unmodified, with its rigidity of volume, with its non-elasticity, with the ability, therefore, of capitalists to control it, is to continue, the day is not remote when *concentrated money* will dictate the profits on every industry and enterprise of this country; will hold in its own hands the material interests, if not the private rights and personal liberties of the citizen; will dictate the legislation that is to be had in both wings of this Capitol, as it does now in some of the States, and will in no small degree become the arbiter of this experiment of representative government.

Sir, are these things true? Who doubts them? And why are they true? Why, in a country so new as ours, so vast, so limitless in its resources, is it possible for such an anomaly of industry to exist? Let the apologists of our unfortunate system—unfortunate as manipulated—explain the recent panic as they may, or fail, as they will, to find any satisfactory explanation, it is still true that the recent commercial convulsion, the disasters from which no scales can measur- and no mathematician can calculate, which has changed in a day opulence to ashes, and, what is of infinitely greater moment, has deprived the laborer of his daily toil and his daily bread, is no inexplicable financial catastrophe. It is but the legitimate outgrowth of the same fundamental evil which has bred and fostered all the other evils of which I have spoken. It is but the crowning effort of a system which can be perfected, but which is far from perfect at present.

How vain are the efforts to explain this recent disaster upon any other hypothesis! Some of these efforts at explanation would be absolutely amusing if the subject were not so serious.

Says one, the system is good, but the banks in New York have certified too heavily the checks of the stock brokers. Well, now, Mr. President, I do not stand here as the apologist of the stock brokers; but I believe the facts are that of the thousands of millions of dollars so held at risk, no single bank in New York has lost any considerable sum by the certification of the check of any single member of the stock exchange.

Another says the panic is caused by our producing and exporting too lightly and importing too heavily, and that we have thus built up against us large foreign balances. Well, now, Mr. President, it would doubtless have been better for us if we had produced and exported more, and imported less. But can this account for the absence of money from the trade of the interior? Sir, what are the facts? Providence has been propitious. The soil has bountifully yielded her increase; and I believe that the ratio of our exports to imports as compared to years free from panic has been rather in our favor, and the most important of our foreign balances, the gold bonds, have been driven abroad by the system itself. Do you ask how? I will explain how. The farmer or the merchant having in hand his gold 6 per cent. bond, and forced to borrow money, found that it cost him, not 6 per cent., but 12, 18, or 24 per cent. He could not therefore hold his bond, and when he offered it upon the market the holder of the greenbacks who could invest found in turn that his greenbacks could be lent at from 12 or 18 to 24 per cent. The 6 per cent. bond, therefore, was forced to seek a market abroad, where 6 was above the average per cent.

"But," says another, "the system is good; the people have only lost confidence." And he sighs for some one with voice loud enough and potential enough to be heard and respected by the whole country to sound the word "confidence."

What sort of confidence has been lost, Mr. President? Certainly

not the confidence in the value of the money. Otherwise there could have been no hoarding; otherwise the bankers of my town could not have developed the fact which they did, that gold could be more easily borrowed than greenbacks; otherwise debts would have been paid with commendable promptness; otherwise money would have rushed into investments all over the country. O, no, Mr. President; whatever loss of confidence there has been, sir, has been the loss of confidence in the *quantity* and not in the quality of the money. If greenbacks had been as plentiful as confidence in the greenbacks, we should have had far less of panic.

Another says we have built too many railroads where they are not needed; but this has been so fully answered that I shall not repeat it.

The last effort at explanation which I shall notice is that reported to have been made by the honorable Senator from Massachusetts, [Mr. BOUTWELL,] the late Secretary of the Treasury. And if an apology be needed for introducing upon this floor words not spoken in this Chamber, I trust it will be found in the importance which the country will naturally attach to any expression of opinion upon finance by so distinguished a legislator and so able a financier. The honorable ex-Secretary is reported to have attributed in one of his recent speeches to the public much of the recent disaster to the overmanufacture of cotton goods. I am at loss to understand how the honorable Senator can reconcile such an opinion with the fact that the raw material bears nearly the same relation to the manufactured article that it has hitherto borne; or with the fact which exists in my State, at least, namely, that the manufacture of cotton is still, of all our enterprises I believe, the most profitable, paying annual dividends of from 10 to 20 per cent. upon the capital invested.

I have referred to these efforts at explanation only to show their fallacy, and to call the attention of the Senate and the country to the real evil. Those who seize upon these as sufficient explanation for the recent panic grasp but the bubbles upon the surface and have not sounded the deep undercurrent of the evil, which is found stated in the rigidity of volume, the non-elasticity, and therefore insufficiency of currency.

I wish I had the time to analyze all the objections which I think lie against the present system. I think it would be easy to prove that, by the very operation of the law which lies at the bottom of the system, it does induce at seasons undue flow of money to New York and to the great centers.

That these accumulations do encourage speculations, and speculations create panics.

I think it would be easy to show that its very rigidity of volume, its non-elasticity, its insufficiency make it the subject of control by heavy capitalists, and thereby place at the mercy of Wall street the profits on the legitimate industries of the country.

That it prevents competition, and thereby insures a high rate of interest, which is death to the debtor and to the producing sections.

That it brings of necessity the Treasury into competition with Wall street in the sale of gold, and thus makes it not only a speculator in its own promises, but an absorber of the currency already insufficient for the people.

It changes, in a word, the Government into a gigantic banking establishment which, in violation of every principle of equity, and unmindful of its effects upon the morals of the people, demands payment in one currency, while it makes payment in another.

It thus sets an example whose pernicious influence is fast debauching the people and changing the nation into a nation of speculators and gamblers.

Mr. President, these are evils which I think exist in this system, and evils which can be easily, and I hope will be, remedied by the legislation of this Congress.

I come now to the most important question, the question of remedies. And here in the application of these remedies we cannot afford to make mistakes. How are we to avoid mistakes? It is a great question. How, in the multiplicity of the conflicting plans, are we to determine which plan will bring present and permanent relief to the country? What is to be the standard that is to try these plans? Is it to be your opinion, or mine, or the opinions of any number of Senators or financiers, however infallible? Nay, but every proposition, every plan, every theory, must be tested by the plummet, not only of reason, but of experience and of the history of other countries as well as ours. Whatever plan, whatever suggestion is not supported by this test of experience must forever perish. Let every theory, however warmly embraced or venerable with age, be silent in the presence of controverting experience and of contradicting facts. Let experience, let history, let facts stand; let all else perish in the investigation of this great subject.

With this simple rule, which no Senator will deny is a just one, let us come to the examination first of the theory so ably defended by the honorable Senator from Vermont, [Mr. MORRILL,] by the honorable Senator from Massachusetts, [Mr. SUMNER,] by the honorable Senator from New York, [Mr. FENTON,] and by other able Senators, and more recently by the able chairman of the Finance Committee, [Mr. SHERMAN,] namely, a speedy return to specie payments.

This, sir, is a remedy hoary with age; but, as I shall show, hoary with failure also.

In all that I have to say on this subject I trust I shall not be understood as opposing specie payment when consistent with the best interests of the producing classes of this country; but I do wish to be understood as taking issue, broad and emphatic, with the position that a speedy return to specie payment under our circumstances, or any forced return at any date which this Congress could set, will relieve the country, is practicable, just, or expedient.

First, can it relieve the country? The honorable Senator from Michigan, [Mr. FERRY,] in his able remarks on this question, referred to the well-known fact that specie payment never had prevented disaster when it existed; and it is true. In 1837 the suspension of specie payment followed, and did not precede, the commercial difficulties of the country. Suspension was the consequence, not the cause, of the disaster. Our whole commercial fabric was shaken from turret to foundation before a solitary bank in the United States suspended. The honorable Senator from Indiana [Mr. MORTON] showed clearly the additional fact that a return to specie payment had never been successfully resorted to to relieve commercial disaster. Absolutely the reverse is true. Suspension has been the remedy. It has been so in this country; it was so in England and everywhere.

Senators seem to have forgotten the good old adage that an ounce of prevention is better than a pound of cure; but the force of their logic would lead us to conclude that an ounce of cure was better than a pound of prevention. For if existing, established specie payments could not prevent a coming disaster, how—will Senators tell us how—can a prospective resumption cure an existing disaster? I leave to the ingenuity of Senators to reconcile such incongruous logic and bring it to the apprehension of the Senate.

I am unable, Mr. President, to see the wisdom of insisting on a programme which, as has been shown, has never prevented disaster when it existed, has never cured disaster when resorted to, and which cannot relieve the country, and is neither practicable, just, nor expedient.

Is it practicable? Can we return to specie payments within any short period? The honorable Senator from Vermont [Mr. MORRILL] said in his remarks that it was not a question of the ability of the Government to redeem its currency in gold, but a question of will; and he facetiously added that "we might pardon the inability to pay, but who could defend the lack of will?" The honorable Senator will pardon me for suggesting that if a day were now set by this Congress upon which the Treasury of the United States should begin the redemption of its greenbacks, and proclamation made thereof, in an incredibly short time thereafter the speculators on Wall street would control every dollar of gold in that Treasury, or that is likely to be in the Treasury within any given time. I think I could show this if I had time, but I hasten on.

Mr. President, this is not a question of whether Mr. A or Mr. B shall receive at the Treasury five dollars for his five-dollar greenback when it is presented, but it is the infinitely greater question of whether the tens of thousands of holders of greenbacks all over this country shall be subjected to irretrievable loss by having the Government undertake to redeem when it cannot redeem, and thereby leave the millions of greenbacks dishonored in the pockets of those who fail to secure redemption.

But, if forced resumption were practicable, would it be just? If my surroundings were those of the honorable Senators from Vermont, Massachusetts, and New York, if the people who sent me here were creditors, as are their constituents, instead of debtors, then I, too, might look upon this proposed change in our financial status with some degree of philosophic complacency.

But, sir, the people of the South and of the West are debtors; and their obligations were formed, mark you, when gold was at 110 to 150; and now to force them to pay in a currency equal to gold would be simply to increase their debts by the amount of 10 to 50 per cent.

But if it were both practicable and just, would it be expedient, would it be consistent with the best interests of the producers, to return to specie payments within any limited space of time? This is the great question, after all. I apprehend that there are but two roads with a government currency to specie payments. One is by contracting the currency, as proposed here, to within a certain relation to the specie which you may hold in the Treasury, which would bring bankruptcy to the country; the other by giving vitality to production, which can only be done by giving facilities for production. To give facilities for production we must give money at low interest in order that our exports, our trade, internal and foreign, may be built up, and that we may enhance individual as well as national wealth.

Which of these two roads shall we take? That is the question on which the Senate is to vote. Shall we contract, or shall we give to the country more currency? Here the battle is joined; here the roads diverge. I ask which shall we take? To my mind, supported, as I think I am, by experience and history, the latter is the shortest, surest, easiest, and best. We cannot pay gold for greenbacks until we get gold; we cannot get gold until we bring it back to this country; we cannot bring it back to this country until our exports and our sales bring it to us. We cannot increase our sales until we increase our productions; we cannot increase our productions until we increase our facilities for production, by giving to the producers money at low interest—not an inflated or redundant currency, as Senators would term it—but a sufficiency of low-rate money.

Sir, I want no inflation, which means a volume unduly swollen beyond all the legitimate wants of the country; but I make bold to say that when a people are burdened with debt, when every enterprise languishes, when every industry is prostrate, when wide-spread blight

is upon us, even inflation, which, like the stimulant to the enfeebled pulse, may give new life and vigor, is better than insufficiency. I repeat, I want no inflation. Do you inflate the sick man starving for food by furnishing to him the nutriment which shall bring blood to his veins, flesh to his bones, and vigor to his whole system? Inflation is one thing; sufficiency is a very different thing.

Much has been said in this debate, particularly by the honorable Senator from Ohio, [Mr. SHERMAN,] as to the relative amount of currency in this country, and in France and England. Now, sir, our population, by the statistics of 1870, was, in round numbers, 38,500,000. If we calculate that the population will double every thirty years, it would now be, in round numbers, 42,500,000. Our circulation is in round numbers about $700,000,000, and if you deduct the reserves and the amount absorbed upon occasion by the Treasury in its sales of gold, the average available currency cannot exceed $560,000,000, or about $13.17 *per capita*. England has statistically $19.48; but when you make allowance for short-time bills, for the amount of gold in currency and change, it cannot be less than $25 per head. In France, during the war her currency was at one time $40 *per capita*, and it cannot now be less than $32 *per capita*. Now, sir, I ask is it inflation to give to the people of the United States an amount of currency approximating the amount which the most conservative nations in the world have demonstrated is essential to healthy trade? If the experience of England demonstrates, as it has done, that twenty-five dollars is not too much for her people; if the experience of France demonstrates that thirty-two dollars is not too much for the French, how is it that the enlightened statesmanship of the United States has discovered that $13.17 is enough for us? Are our necessities any less than the necessities of England and France? I apprehend they are greater—always greater in a sparsely settled country—for circulation—it is a rule of currency—is more rapid in densely populated countries. If therefore a five-dollar bill pays ten debts per day, it is equal in value as a circulating medium to a fifty-dollar note which pays but one debt per day. I argue, therefore, that when we take into consideration the small amount allowed to us as compared with France and England, and the additional thought that we need even more *per capita*, we have not in reality more than half the currency actually needed. I believe that to be the truth.

But Senators talk of the idea of increasing the currency at all as a subject of alarm. Mr. President, are the teachings of history and our own experience to go for naught in solving this important and complex problem? Have Senators forgotten what history and our own experience have taught us upon this point? Let me repeat that mere theory should be silent when facts and history talk. Why, sir, look at Scotland, within the short space of twenty-five years nearly quadrupling her wealth after doubling her currency. Look at France, with her currency more than doubled, I believe, or quite doubled during the war. Notwithstanding her devastation she has been able, by quickening her enterprises and her industry, to pay her indemnity of one thousand millions in gold to Germany, to keep her interest at 6 per cent. per annum, to make her paper money receivable for all dues to government and individuals alike, and now confronts us with the overwhelming argument of this increased volume at par with gold. These are stubborn facts, Mr. President. Look at England, too, again and again, in times like these, by an act of government, suspending specie payment and authorizing an increase of the currency, even at the cost of the suspension of the most solemn enactments of the British Parliament. What was the effect there? Are the effects here to belie the effects everywhere else in the universe? What were the effects there? They were absolutely magical, as I intend to show. Panic subsided immediately; failures abated; commercial confidence was restored; and, what is a most significant fact, gold flowed into the country. Hear what a distinguished writer upon this subject has to say. I read from Thornton, a distinguished member of the British Parliament. Speaking of the increase of exchequer bills authorized by the government when the panic was at its height, he says:

This expectation—

Mark that, if Senators please—

This expectation cured in the first instance the distress in London, and then it lessened the demand for guineas in the country through the punctuality in effecting London payments which it produced and the universal confidence which it thus inspired. The sum permitted by Parliament to be advanced in exchequer bills was £5,000,000, of which not one-half was ever taken.

But what say the committee appointed by Parliament to investigate the effect of this increase of currency upon the finances and industrial interests of England?

The advantages of this measure—

Say the committee—

were evinced by a speedy restoration of mercantile transactions, which produced facility in raising money that was presently felt, not only in the metropolis, but throughout the whole extent of Great Britain. Nor was the operation of the act less beneficial with respect to a variety of eminent manufacturers, who, having in a great degree suspended their works, were enabled to resume them, and to afford employment to a number of workmen who must otherwise have been thrown out of employment.

Therefore, Mr. President, the relief which this expansion gave to England was not even delayed until the money reached the hands of the people; the very expectation of the money's coming gave relief; and I make the prediction here to-day that if this Senate and the other wing of the Capitol should announce by a vote that they intended to give more money to the people, and give it flexibility, the very hour that the electric telegraph bore the intelligence to the country, that very hour would relief be practically inaugurated, and it would bring millions of hidden greenbacks from the safes of the hoarders. I have no question about it. History does not belie itself. The people of England are not unlike the people of this country. The same disasters which were cured there by certain remedies can be cured here by the same remedies, and in no other way.

But, sir, it is worthy of note—and I want the speedy resumptionists to stick a pin just there for future reference—that though the panic was created in England by a dearth of gold, (which is not true here,) by an overdemand for guineas, it was not cured by a supply of guineas. Hear what this author says on that subject. He says that it was the "expectation of the increase of exchequer bills." A panic created absolutely by the dearth of gold was not cured, as these speedy resumptionists propose to cure this, by a supply of gold. No, sir; but by *exchequer bills*, and relieved by the very expectation of the exchequer bills.

Mr. President, *history* ought to be worth something in the investigation of this subject.

But now I wish to examine the effect of the opposite course—the course so eloquently pleaded for by the speedy resumptionists. I have shown what was the effect of expansion; now what was the effect of contraction? They tried that in England, too. At a later day, when commercial disaster approached, they did contract and they did resume; but did they cure the panic? Did they bring relief to the country? Nay, sir; hear again the facts:

It is clear at least that it did not in the more recent instance succeed, by the diminution of notes, in curing the evil which it aimed to remedy.

Where is the Senator who will answer these facts? But I have read enough upon that subject.

Now, sir, I believe it is conceded that no portion of English history furnishes a parallel in prosperity to the twenty years of suspension of specie payment; but I am not going into that question. I think our own experience teaches precisely the same lesson. Why, sir, at the South during the war, with one dollar of gold worth sixty dollars of southern money, there was less of financial distress in the country than there is to-day. And what was the truth at the North? Prosperity reigned everywhere, notwithstanding your young men were in the Army. Do you tell me that it was the mere semblance of prosperity; that it was a mushroom growth of wealth? Nay, sir; it remains there still, in your improved lands, in your railroads, in your bonds, in your banks, and your brown-stone fronts.

But what was the effect of the opposite course of contraction in this country? At the end of the war there were about $900,000,000 in all of currency, seven-thirties and compound-interest notes—so estimated. The Secretary of the Treasury began a course, which has been much applauded by the specie resumptionists, of contraction, of calling in the seven-thirties and the compound-interest notes; and then, as was stated on this floor a few days ago, within two months contracting $16,000,000. What was the effect? Interest became high, agriculture began to languish, and disaster has followed.

Now, Mr. President, in view of all these facts is it wise to refuse to the people the currency which experience and history and reason demand should be furnished? To give currency to industry is a course, the wisdom of which is suggested by reason, sustained by experience, and demonstrated by history.

But, again, this contraction, which was inaugurated by the former Secretary of the Treasury, was inaugurated at the most inopportune time. It was just when the South was being restored to the Union, without a dollar of currency, without a bank, with more than $5,000,000,000 of her property gone down forever in revolution; and with four millions of her newly emancipated population all paupers. It was therefore a time for more currency rather than less.

Before taking leave of this subject of specie payment, permit me to say that I was impressed by the remark of the honorable Senator from Indiana [Mr. MORTON] in his opening speech on this subject. He said that he was not so much of a hard-money man as he once was. When, a few years ago, business engagements turned my attention to the investigation of this subject, I set out, as he did, with the idea that gold and silver were the only basis for currency—the only basis of a credit. I was born into that idea. It strengthened with my boyhood, and grew stronger with all of my political associations. But upon investigation, upon mature reflection, I have found the position less and less tenable, less and less supported by the experience and financial history of all countries. That specie is a good basis, no one denies. That it is the only basis, I do emphatically deny. That it is even the best basis which this Government can find I think will be seriously questioned before the country is much older. Why, sir, the suggestion that our houses, and our lands, and our crops, and our cattle upon a thousand hills would lose any portion of their value, or that their value would be less ascertainable if gold were banished from this country, occurs to me as the most irrational of propositions. All the gold of the universe could not pay for the property of the people of the United States; and if it were brought here and molded into a monument it would stand in one corner of this Chamber, and would not then make a respectable monument to the absurdity of such a dogma. If every dollar of gold now in the Treasury or in the pockets of individuals in the United States were banished from this country, and every gold and silver mine upon the continent were obliter-

ated by Jehovah's fiat, or sunk by an earthquake, it would not make one farthing's difference in the productive value or the prosperity of this country, provided in lieu thereof we had a currency universally recognized; a currency universally receivable by Government and individuals alike; a currency founded upon the good faith and the stability and the revenues of the Government itself. Why, sir, some of the most beggarly countries in the world are countries where there is nothing but specie payment. Look at Spain, and Portugal, and Mexico. While some of the eras of greatest prosperity, as I have shown, in many of the leading countries of the world have been eras of the suspension of specie payment.

Mr. President, it seems to me difficult to determine which is the more irrational, the laws of old Sparta that forbade gold coming into the country, or of modern Spain that forbade gold going out of it; but, more irrational than either is the effort of the United States to bring gold in and keep gold in the country by stifling industry, which is the surest way to keep gold out of it.

A sufficient supply of circulation of cheap money—cheap money which insures productions and enterprise; enterprise and productions which insure exports and domestic traffic—these are the links of natural consequence in which the blessedness of commerce lies. These are the links of natural consequence which lead to specie payments, too. Show me a country without cheap money—and I mean by cheap money, cheap interest for money—and I will show you a country where agriculture languishes. Cheap money is the one thing needful for the agricultural and productive interests of this country; and let the debt-burdened West and the debt-burdened South heed it. Cheap interest is what we want. If you will show me a country that pays, as we do in the South, from 15 to 26 per cent. per annum for its currency, I will show you a country where prosperity is dead or dying, and every industrial interest prostrate. High interest is *high* evidence of *low* prosperity. It is at the same time the evidence and the cause of the destruction of the prosperity of any community.

Mr. SAULSBURY. Will the Senator allow me to ask him a question?

Mr. GORDON. Certainly.

Mr. SAULSBURY. I ask him if that high rate of interest did not occur under, and if it was not the result of, the very system which he is advocating?

Mr. GORDON. I am glad the Senator has asked me that question. When I inform the Senator, as I intended to do further on in my speech, that the South has a little over two dollars of these greenbacks for each man, he will understand very readily how that two dollars *per capita* are insufficient for the demands of the industries of the South, and must of consequence command these exorbitant rates of interest. But I will come to that directly. I will inform the Senator in advance that I am not advocating greenbacks under the present system, but under a system which I shall indicate directly, and which I hope this Senate will adopt.

Now, sir, talking of the South, I trust the Senate will bear with me one moment while I discuss very briefly the high rate of interest and its effect upon the cotton culture, as well as the rate at the West and its effect upon the grain-growing. I affirm whereof I do know when I assert that the South is poorer to-day than she was the day Lee surrendered at Appomattox Court-House. Her lands, which after the surrender commanded from ten to thirty dollars per acre in the cotton-belt, can be bought to-day at from two to five dollars per acre; and the cotton-planters are so hopelessly involved, that unless this Congress gives them speedy and permanent relief, nothing but utter ruin and bankruptcy await them in the near future. Burdened with debt, each succeeding year, with its oppresive interest, adds to the burden.

May I hope to arrest the attention of the Senate and the country by inquiring why these things are so? Why, in a section so blessed by nature, with such a staple, with a climate unrivaled, with a soil fertile, with the balmy skies which a benignant God still bends above us—why is it possible for us to have descended to this low estate? It is largely due, of course, to the disorganization of labor; but that is not enough to account for it. It is patent to every man who has lived in the South, and observed the energies of our people and the progress of our agriculture, that the high rates of money are the prime cause of the disasters upon us. Why, sir, who could conceive of a cultivator of the soil borrowing money at the rate paid in Georgia? The ruling bank interest is from 1 to 1½ per cent. per month, and has been ever since the war, and that discounted from the face of the note and compounded every thirty or sixty days; so that at the end of the year it amounts to from 24 to 27 per cent. I ask Senators what industry on the face of the earth can survive such a rate of interest? Did any ever do it in any country, however blessed of Heaven? Sir, this rate of interest has so impoverished us, that if the old laws of imprisonment for debt were in force, and I owned the debts, I could turn the jail-keys within six months upon seven-tenths of the cotton-growers of Georgia.

Am I asked why we borrow money at this exorbitant rate of interest? I will answer that question when I am told how our people, without a dollar, without a bank, without mules to plow, without food to feed the laborer, could begin their enterprises without borrowing; and each year's interest has not only eaten up the profit, but has brought the planter deeper and deeper into debt, and subjected him year after year to the necessity of additional loans and increasing loans.

I referred a few moments ago to the fact that the South had $2.98 *per capita* of currency—that is shown by the Comptroller's report—while New England has thirty-one dollars and over *per capita*. Am I asked why the South did not take more currency when it was offered to her, when she had the opportunity? Why, sir, we were without money to invest in the bonds, and if we had the money, under the system of requiring deposits, every bank that we formed reduced the circulation from 25 to 35 per cent. Mr. A, and Mr. B, and my neighbor C, and eight others, have $10,000 each—$110,000. That is $110,000 in circulation. They propose to form a bank. They give that $110,000 for $100,000 of bonds. There is 10 per cent. gone. Upon that $100,000 of bonds there are issued $90,000 of currency. Of that $90,000 they are forced to deposit 15 per cent., leaving us, after the bank is formed, instead of $110,000 with which we began, only $76,000 for circulation; so that the more banks we formed the less currency we had.

But, Mr. President, we are told that as a means of relief we must diversify our labor. No man is more impressed with the importance and the necessity of diversity of labor than I am; but I shall appreciate that advice, so kindly given and so kindly meant, much more if Senators would also tell me how the people, without any money, with interest already at from 18 to 25 per cent., are to live, much less inaugurate new enterprises. Give us the means, give us a sufficiency of circulation to make interest cheap, and we will diversify our labor. Give us the means, and we will seize upon all the advantages which nature has given us. Give us the means, and we will soon wake up from our mountains, from their long sleep, our coal and iron, those twin sons of Hercules, whose stalwart arms will assist to lift us from our low estate. Give us the means, and we will improve our water-powers, until the murmurs of discontent shall be lost in the chorus of the water-wheel and the music of the spindles—until our very atmosphere shall revel and thrill and tremble with the triumphs of our industry. Give us the means. This is what we ask of Congress. Give us a financial system which shall secure to us money at rates which rule in England and France.

But, sir, to return for one moment to the subject of cotton culture. It is a truth, which the national Legislature would do well to note, that cotton has been grown in the cotton-belt since the war at a loss. This cannot continue, of course. We can cease to make cotton and learn to make the grain and the meat which we now purchase from our brother farmers in the West; but we cannot continue to make cotton, which loses us money every year. The four million bales must soon give place to the three millions, the three to the two, and the two to the one. Already a convention of the farmers of Georgia have, by formal resolution, declared that they will not plant during the next year more than one-third of their crop in cotton; and the planters of Alabama have determined the same thing, I believe, as well as the planters of other States. Sir, it is time that this great industry were rid of its burdens.

Do you tell me that it is a local interest, and therefore cannot be considered in the discussion of a great question like this?

Mr. President, no industry that gives food, or clothing, or employment to the people, that adds to our exports or to the revenues of the Government, however insignificant it may be, is unworthy of the attention of the proudest statesman and the lordliest intellect in this Chamber or in this Union.

Is it a local industry which employs in its production four millions of people and in its manufacture over twenty-five millions, whose yearly wages amount to over $37,000,000?

Is it a local interest which gives motion to over $133,000,000 of the machinery of the United States?

Is it a local interest which furnishes the mills of the East with employment and the farms of the West with a market?

Is it a local interest which, according to a late Secretary of the Treasury, prevented commercial disaster to the whole country at the end of the war, and now, to use his own language, "maintains its supremacy as an article of export?"

Is it a local interest which, like the ligament which bound together the twins of Siam, so unites the sections of this country that you cannot separate it without bringing disaster to all?

It is time, I repeat, that the national Legislature looked to this interest; at least that the national Legislature should relieve it of its burdens of high money. Do this, or England will drive this—your heaviest export—from every market of the world. Already by her wise policy she has become an exporter of cotton. In the years 1862, 1865, 1867, 1871, and 1872 England absolutely exported an average of two hundred and fifty million pounds of cotton. Already she gives her money at low interest, and by her enterprise, by her appropriations of a thousand millions of money poured into the lap of India, she has almost driven us from the markets of the world; and now she stretches out her hands to Turkey, to India, to Prussia, to Austria, to Italy, to Brazil, to Peru, to Portugal, to Spain, to Egypt, and to Africa, and even Morocco and Greece are held in reserve for a last final assault upon the cultivation of cotton in America.

Sir, it is high time that the agriculture of both the South and the West were relieved of 25 per cent. money. It is high time that the agricultural interest, which is the foundation of all other interests, should have some special attention of this Government. Both the South and the West are prostrate. With money to the farmer at 18 and 25 per cent., with cotton below the cost of production at such a per cent. for money, with grain unable to pay its freights to market,

with a financial system which places the productions of the country at the mercy of speculators, which in the striking language of the gifted Frenchman, Le Play, is "the art of oppressing the people," is it any wonder that this interest has at last aroused to a sense of its danger, and has combined for its protection?

Why should it not combine? Has not every other interest combined? Is not the money power of the country combined, and did it not dictate the financial policy of 1862, which has brought such disaster to the producer, and does it not now even at this very hour while I speak, by its delegations from Boston, from New York, and elsewhere, block the doors of this Chamber to influence the vote of this body? Labor combines, and receives at the hands of Government an eight-hour law. The fisheries combined, and received from the Government a bounty. Manufacturers combine, and receive a high protective tariff. The iron-mongers combine, and, unlike the farmer's pigs which must be fed from his own crib, they have their iron-pigs fattened at the Government crib. Railroads combine, and by Government bounties and Government grants they scale the mountains and link with bands of steel our eastern and western oceans. But, sir, this great interest, which lies at the foundation of all other interests; this interest, without which no other interest can survive; this interest, which numbers among its subjects near 25,000,000 of the 40,000,000 of the population of this country; this interest, which bears on its Atlantean shoulders the wealth, the commerce, the manufactures, and the very civilization of the country, has to-day less influence in shaping the legislation of the country than the fishers of salty cod-fish on the shores of New England. Sir, it is time, I repeat, that this were changed; it is time that agriculture was heard.

But, sir, I have already occupied so much more time than I had anticipated that I shall not be able to finish the discussion of the remedies which I wanted to propose. Suffice it to say that I hope we shall give to the people more money. I hope we shall give to the money elasticity by the issue of convertible and reconvertible bonds, and I hope we shall do so without delay.

If we require the Secretary of the Treasury to prepare bonds, bearing say 3 per cent. interest, in which greenbacks may be invested, and require that these bonds shall be reconvertible at the option of the holder, we shall give at once the elasticity to the currency which is essential to move it beyond the control of speculators. If we will then require the greenbacks, which are converted by the voluntary action of the people into these bonds, to be immediately reinvested by the Secretary of the Treasury in 6 per cent. bonds, we shall increase the volume of circulating medium, and, at the same time, rapidly reduce the public debt. If this be true, who can doubt the wisdom of this course? It requires no argument to show that, if the greenbacks which are received by the Treasury for 3 per cents be reinvested in 6 per cents, the interest of the public debt is being reduced at the rate of one-half the present interest. But would the people invest in 3 per cent. bonds? Fortunately it is not a question to be demonstrated. When the opportunity was offered the 3 per cents were taken. They would be taken again. Nor would they be returned to the Treasury for exchange for currency except under the most extraordinary circumstances. I challenge dispute to the proposition that, if any Senator upon this floor had $10,000 due him, which he expected to retain in his safe for thirty days, he would prefer to be paid in 3 per cent. bonds rather than in greenbacks. These bonds would command a premium. They did command a premium when, under a former Secretary of the Treasury, fifty-seven millions of 3 per cent. bonds were issued and made reconvertible at the option of the holder. It is a fact of history that none of these bonds were reconverted, but were at a premium in the hands of the holders. So that these bonds, sir, would take, in large transactions, the place of currency, and if made available to the banks as reserves would turn loose the greenbacks now locked up in the bank vaults, and the reinvestment of the greenbacks so received by the Government for the 3 per cent. bonds, would keep these greenbacks in circulation also. Again, sir, the great desideratum to the agriculture of the country, to wit, cheap interest, would be secured. The Government rate would become the ruling rate. It would give to us money at little above the Government rate.

It would make the money so elastic that it could no longer be made to subserve the purpose of heavy combinations to depress or inflate the prices of productions.

It would make panics impossible.

It would reduce rapidly the public debt.

It would, in a word, if we will but take one additional step, which I desire to see taken, solve the financial problem of America, and give to American agriculture and American enterprise an "Independence Day" which would be celebrated for all time to come.

The other step to which I refer is to strike from the laws the words "except duties on imports," and make Government money receivable for all dues to Government and to individuals alike. Do you desire to see the currency at par with gold? You will not see it as long as the Government dishonors its own currency, by making it a legal tender to the citizen, and refusing it for dues to itself. I should be glad for any Senator to answer how Government money can be kept at par with gold while the Government itself repudiates its own money? Sir, to this serious mistake—not to use the juster phrase, crime, against the people—is directly traceable all the depreciations of the currency, all the speculations in gold, all the "corners" to control the price of gold, and much of the disaster which has followed. The day we take this step the demand for gold will cease. It will be no longer needed for purposes of domestic trade or by Government. Relieve the merchants of the necessity of buying gold to pay duties, and that day the occupation of the Wall-street gold kings, like Othello's, is gone. Gold being no longer needed for individual purposes, or by Government save to pay interest, would cease to be in demand, and the whole coin of the country would be upon the market without buyers. It must of necessity therefore fall to par, and if we continue this course would remain so forever. The amount of coin needed to pay interest would be largely supplied by the mines and receipts from abroad. If more were needed, let it be purchased abroad and not here. Free the farmers from the merciless claws of the speculators and the burden of high interest, and their exports will soon take care of foreign balances.

Mr. President, the day we take the step I have indicated, that day we shall proclaim a new Declaration of Independence—a declaration of the independence of our industries from the effects of our own money-changers and "combiners," and of foreign intermeddlers with our currency. Let a dollar mean a dollar and not a promise to pay a dollar.

But I see upon the faces of some of my friends around me an expression of surprise that I should give utterance to such sentiments. Sir, these views are not new, nor are they untenable. In my efforts to determine the value of these opinions, which I have long entertained and have before given expression to, I have been in no small degree strengthened by some of the great men who have preceded us, and whose opinions I have in the volumes before me.

Mr. Calhoun, in his speech on Treasury notes, in this Chamber, September 19, 1837, said:

> It appears to me, after bestowing the best reflection I can give the subject, that no convertible paper, that is, no paper whose credit rests on a promise to pay, is suitable for currency. It is the form of credit proper in private transactions between man and man, but not for a standard of value to perform exchanges generally, which constitutes the appropriate functions of money or currency. * * *

Again, he says:

> Believing that there might be a sound and safe paper currency, founded on the credit of the Government exclusively, I was desirous that those who are responsible and have the power should have availed themselves of the opportunity.

In his speech of October 3, 1837, he used this language:

> I hold *credit* to possess, in many respects, a *vast superiority over the metals themselves.* I object to it in the form which it has assumed in the banking system, for reasons that are neither light nor few, and that neither have nor can be answered. The question is not whether credit can be dispensed with, but what is its best possible form, the most stable, the least liable to abuse, and the most convenient and *cheap.* I threw out some ideas on this important subject in my opening remarks. I have heard nothing to change my opinion. I believe that Government credit, in the form I suggested, combines all the requisite qualities of a credit circulation in the highest degree, and also that Government ought not to use any other credit but its own in its financial operations.
>
> We are told the form I suggested is but a repetition of old continental money—a ghost that is ever conjured up by all who wish to give the banks an exclusive monopoly of Government credit. The assertion is not true; there is not the least analogy between them. The one was a promise to pay when there was no revenue, and the other a promise to receive in the dues of Government when there is an abundant revenue.

In his speech of March 22, 1838, he maintains the constitutional powers of Congress to use such money "according to the most rigid rule of construing the Constitution."

If I had the time I should be glad to read extracts from the writings of Jefferson, which show that he too desired to suppress all paper circulation except that issued by the Government alone, or else to force all banks to redeem in specie or in Government notes, as in Great Britain, thus placing the Government circulation on a par with gold.

But sir, more potent than the opinions and the name of the great Jefferson; more overwhelmingly convincing than the logic of Calhoun, is the testimony of history. Once again, and finally, let me repeat that, in the investigation of this great subject of finance, which Burke so justly denominated "the state," all theories must be condemned which are not supported by experience. Let facts stand—let all else perish!

I challenge successful refutation of the following facts: The old North State, (North Carolina,) from which my friend upon my left [Mr. RANSOM] I believe is proud to come, issued, after the Revolution and prior to her connection with the Union, a very large amount of paper, which "was made receivable for all dues to her." This money continued to circulate for, I believe, twenty years or more after North Carolina came into the Union; and although it was not based upon gold—was no promise to pay—it was always at par. It was at par solely because it was based upon the credit of the State and receivable in dues to the State, although not more than one dollar in five was needed for this purpose.

Russia, in 1827, maintained at par with gold a paper circulation of near $120,000,000, with a revenue amounting to less than half that sum. She maintained it, I believe, without fluctuation, solely because based upon the credit of the government, and receivable for all dues to the government.

But why need we go beyond our own experience? I appeal to that. Is it or is it not true that the sixty millions of notes issued by the United States during the war and made receivable for all dues to Government were constantly at par with gold? Was there ever an hour while these notes were in existence when every dollar of them was not at par? Did they or did they not rise as gold rose, until they were all absorbed by duties to the Government?

Mr. President, no sophistry can explain away the significance of these facts. No logic can answer them. You may theorize forever; but the arguments of these facts will remain unanswered. Their power will be appreciated by the people, and they will yet demand that the currency upon which the rewards of their toil depend shall be taken from the control of Wall street and the monopolists. They will override the power which the *money-changers* can command, and *rebuke the lobbyists of the gold rings which beleaguer this Capitol.* Equal rights to all demand a currency which gives equal benefits to all. From out of the black pall of smoke from the burning grain on the western prairies and the desolation of agriculture all over the land the murmurs of discontent are already ominous. In their right to regulate wrong by the ballot the producers, despising party lines and party associations, will, sooner or later, rid the country of a system which, by its discriminations, but perpetuates their bondage to poverty.

And now, sir, I am done. I rejoice that in the discussion of this, the most important subject which will come before this body, party politics have no place. If, in the course of my remarks, I have said anything which had better been left unsaid, I trust it will be set down to the credit of mere pleasantries in debate. If I have strongly criticised measures which have been popular, it was because I felt that the gravity of the ills which followed them demanded it. I have uttered no opinion of the correctness of which I am not fully persuaded, nor have I "set down aught in malice." I trust that such action will be had upon this great question as will lead to the relief of my overburdened section and to the general welfare of the whole country.

The Currency—Specie Payments.

SPEECH OF HON. GEO. S. BOUTWELL,

OF MASSACHUSETTS,

IN THE SENATE OF THE UNITED STATES,

January 22, 1874.

The Senate having under consideration the following resolution, reported by Mr SHERMAN from the Committee on Finance:

Resolved, That it is the duty of Congress during its present session to adopt definite measures to redeem the pledge made in the act approved March 18, 1869, entitled 'An act to strengthen the public credit,' as follows: 'And the United States also pledges its faith to make provision at the earliest practical period for the redemption of the United States notes in coin;' and the Committee on Finance is directed to report to the Senate, at as early a date as practicable, such measures as will not only redeem this pledge of the public faith, but will also furnish a currency of uniform value, always redeemable in gold or its equivalent, and so adjusted as to meet the changing wants of trade and commerce;"

The pending question being on the amendment submitted by Mr. FERRY, of Michigan, to strike out all after the word "resolved," and insert the following:

"That the Committee on Finance is directed to report to the Senate, at as early a day as practicable, such measures as will restore commercial confidence and give stability and elasticity to the circulating medium through a moderate increase of currency"—

Mr. BOUTWELL said:

Mr. PRESIDENT: On the 14th of the present month the Senator from Missouri who sits on this side of the Chamber [Mr. SCHURZ] was pleased to arraign me for the opinions incidentally expressed upon financial questions in this Chamber, and perhaps more at large stated elsewhere; and he was pleased also to characterize those opinions as "the do-nothing policy." In that he did me undeserved honor, inasmuch as he chose to personify in me opinions which for five years have been the opinions of the people of this country. Moreover, these opinions have been illustrated in a policy which was alike the policy of the legislative and executive branches of the Government.

I have been reluctant to take part in this discussion; and but for that arraignment, which was not much in itself, I should have been silent except upon incidental questions that might have arisen in the course of the debate. I am not sure, however, that it is not due to the opinions I entertain, whether I entertain them alone or whether they are the opinions of the country, that I should make a statement of those opinions and enforce that statement by such argument as I can command.

We have passed through—I say "through"—a financial difficulty. That financial difficulty has taught us a lesson. As a lesson it is to be considered, as a teacher it is to be respected; but as a dictator, or as a reason for abandoning a policy that has been tried, or as a reason for entering upon a policy which has not been tried, it is the most dangerous of authorities. If it be true, as it is true, that in private affairs, excitement, fear, any of the passions, are the worst of all possible monitors, and lead with invariable exactness to disastrous results, is it not more conclusively true that in the performance of public duties, public men should never act under the influence of the passions or of apprehensions arising from an extraordinary condition of things?

To my mind, the recent difficulty neither is nor has been serious in its general results. It has, to be sure, disturbed the interests of three classes of persons. First, it has involved in utter ruin several leading commercial and banking houses. They were foremost in great undertakings, and they and their undertakings have fallen together. I do not condemn the class to which these representative men belong. They are the pioneer men of the country; they engage in enterprises which ultimately bring great results, enterprises which more careful and conservative men would not undertake; and even though they sustain losses, ruinous losses, yet upon the whole it may be considered an open question whether their careers are not advantageous to the public. But at any rate I have no words of censure for them, but rather feelings of compassion and sympathy. They are, however, the exceptional men of the country; they are few in number. The interests which they have undertaken and carried forward for awhile, if they be important interests, will be taken up by others, if not again by themselves, and finally brought to a successful conclusion. The number of failures in the country has not been large. In the State that I represent I know not one of any considerable magnitude. The evil, then, affecting this class, serious to individuals, is not general in its results.

There is a second class of men, the business men of the country, who have not been injured in their capital, and who at the worst were only filled with lively apprehensions as to the possible consequences of the sudden change in financial affairs. These men are solvent; are prepared to take up the business of the country, and they will enjoy in the future full profits. To them the panic was only a postponement of gains for a few weeks or a few months.

The laboring classes have suffered, and are still suffering, from reduction of wages and loss of labor. They are most entitled to the consideration of the country; and to their interest, I think, Congress should address itself. I hope to be able to show, to the satisfaction of some minds at least, that an inflation of an irredeemable paper currency is an inevitable way to disasters which, however they may affect other and more fortunate classes, inflict substantial and lasting evils upon laboring men.

I attribute the panic to the inflation of the currency locally; and when there is an inflation of the currency, whether it be a paper currency or a metallic currency, it is always local. It may be local to a city; it may be local to a State; it may be local to a country; but with reference to the great field of the world in which currency performs an important part, inflation is always local. During the last season there was no inflation of the currency of this country appertaining to the whole country, but there was inflation of the currency limited to the city of New York; and the example which that city furnishes in the crisis through which it passed, from the month of April to the month of December, is a living and vivid illustration of the evils of an inflated currency, whether affecting a city, a State, or the nation itself.

The processes by which the currency of the city of New York was inflated are generally well understood. The statistics show that the deposits of the banks of the city of New York, including the national banks and the banks established under the laws of the State, were increased $50,000,000 between the month of April and the month of September. Four banks in that city were indebted during a portion of that period of time to the extent of more than $50,000,000. The presence of this vast sum of money in New York, accumulated by unnatural processes, brought upon that city, and then upon the whole country secondarily, the evils which we are now called to consider.

There is a natural process, which no legislation can interrupt permanently, by which currency, whether paper or coin, used for the purposes of business in a particular place, when it has performed that function, flows naturally and necessarily to the source from whence it came. Therefore it is, and ever will be, that when you have exhausted all legislative power for the purpose of distributing currency over this country you will then have failed. Obedient to a law of its nature money returns to the hand of its owner when the particular duty on which it was sent has been performed. If the State of South Carolina is indebted to New York, money sent into the former State and used in the purchase of cotton soon finds its way back to New York; and legislation is, and ought ever to be, futile to arrest the process. That tendency is strongest in the summer months of the year. In the absence of general active business the capital of the country, as far as it is represented by the currency, flows to the places where it belongs. Therefore it naturally accumulates in the city of New York. Superadded to this natural tendency, which in itself would produce some difficulties in the active months of the autumn, is the general practice of the banks of that city, of paying interest upon deposits. The result was that money which belonged in Chicago and Saint Louis, and in all the intermediate places, flowed into the city of New York. Fifty, sixty, or seventy million dollars were there accumulated subject to call. Of course judicious, careful men would not loan money so acquired upon paper payable at a time future and certain. Hence they went into Wall street and loaned it to brokers and speculators. If you look at the prices-current you will see that stocks advanced considerably during this period. The failure of a great house on the 18th of September merely made that day memorable rather than some other day which would have soon followed if the disaster had not come on that day. The failure was merely an occasion of the difficulties, but in no sense the cause of them. When the owners of this money in the West, when those who owned it in the East, and who desired to use it for the purpose of moving the crops from the West and the South, made their demands on the banks of the city of New York they were unable to respond, and this from the very nature of the case.

Consider how evil this practice is. If a man give a note payable on time, three or six months hence, that note matures by the operation of time; nothing can change it except the consent of the parties; but a note given on call matures when the party holding the note sees fit to make the demand. He makes the demand under the pressure of his own wants, or he makes the demand from apprehension or fear; and when he makes the demand from apprehension or fear, every other man who is similarly situated makes a like demand under the influence of the same apprehension or passion. Therefore when demand notes have been given in large sums there is a demand at the same time for the same reason, and generally the parties on whom the demand is made are alike unable to respond. At any rate such was the condition of things in the city of New York on the 18th of September last.

If, therefore, anything can be inferred from the experience of the last autumn it is this: that the accumulation of currency in the city of New York by artificial means produced an inflation, led to speculations, to excitement, disaster, an ruin; and I deduce from this, as I think with unerring certainty, the conclusion that a similar inflation of the currency for the country will in time produce substantially the same results. Therefore I am opposed to any increase of the volume of paper money.

On the other hand, I am opposed to any contraction of the currency. And this leads me to make the remark that a depreciated currency is not in itself a serious evil. By that I mean to say, that if the currency of the country be depreciated, and if it be held at a particular point for so long a time that the business of the country, the prices of labor, and the products of labor shall have become accommodated to the existing condition of things, then there are no substantial evils. I do not mean, however, to say that there are any particular advantages affecting the general prosperity of the country which can be stated. In this connection I will deal with a point argued by the Senator from Missouri and stated previously by writers on political economy. As far as I know, the authorship of it belongs to Massachusetts, but for myself I have no disposition to claim it as an additional glory to my State. The proposition is, that in consequence of a depreciated currency, the farmers of the West, whose products in whole or in part are exported to foreign countries where the currency is coin or notes redeemable in coin, are in a worse condition relatively than they would be if the currency of this country were coin. I hope I shall not be mistaken at this point by the assumption that I am now speaking of a depreciating currency. I am speaking of a depreciated currency; but of a currency stationary in its volume. If, as an example, you consider the article of wheat, which is a great product of the West, you may assume, as a fundamental proposition in regard to its price, that it can never be less at any point in this country than its price in Liverpool, less the costs and profits of transportation. If that be so, then the price of a bushel of wheat at Saint Louis, measured in coin, the currency of England, is less than the price measured in coin at Liverpool by the cost of transportation there, and only by that, and this result is entirely independent of the fact as to the depreciation of our own currency. For our present purpose we deal in the currency of the world, and if wheat be worth fifty pence a bushel at Liverpool, and the cost of transporting it there, profits and all, be ten pence, it is worth forty pence in coin in Saint Louis; and it is worth that because a party in Saint Louis can send it to Liverpool and can get his coin in Liverpool, and after paying all expenses he will have forty pence in hand for his bushel of wheat.

Now, if this person wish to buy sugar or coffee in return, he can buy his sugar or his coffee with coin in the markets of exportation; and if the cost of a pound of sugar in coin laid down in Saint Louis, brought from Havana and paid for in coin, is ten cents, he has established the relation between his product exported and the necessaries of life imported, and that upon a coin basis. What, I now ask, is the business of trade, of commerce, between one country and another, and this without regard to the currencies of the different countries? It is to resolve all questions of currency, all questions of expense, all questions of custom-house duties, into coin; and the remainder, after all these expenses are paid, represents the cost in coin of the article imported on the one hand, and the value in coin of the article to be exported on the other.

Therefore I say, and I say it with great confidence, that the producer in this country is not disturbed in his relations, for the reason that what he can do by following the process through for himself, and upon his own responsibility, is done by the artisans of trade, whose business it is to do that particular thing, and they do it effectually; and the price of gold, whether it be 8 or 10 per cent., does not disturb the relations between the products of our own industry and the products of the industry of other countries. To what the man sells, measured in coin, is added in currency the difference between coin and currency in commercial value, and to what he buys is added the difference between coin and currency in their commercial value; and he neither loses nor gains by the process.

Mr. HOWE. I understand the Senator to be speaking now of the results following from the use of a currency merely depreciated, but stable in its value, and not a currency both depreciated and unstable in its value.

Mr. BOUTWELL. Yes, sir. I may as well submit the observation here, that so far as the value of our paper changes while these transactions are going on, then the operator might lose or gain, and that is one of the elements which the merchant who both exports and imports or the merchant who exports, and the merchant who imports, are required to take into the account.

One of the objects sought by theorists is what is called elasticity of the currency. By that I understand an automatic elasticity, by which, without special intervention, the public will have more money when more is needed and will have less when less is needed. The experience of commercial countries is precisely the opposite. The elasticity of the currency when left to the operation of any system, without special intervention from the authorities, is this: that you have much currency, when little is wanted, and you have little when much is needed. This is the elasticity of every system of currency, whether coin or paper, that is left to the operation of law without special intervention by authority, and it is in the nature of the case that it should be so. If you have a given sum of money in a country, whether it be coin or paper, and there is little use for it, many persons desire to lend it; but let a panic arise, as occurred in September last, and every man holds what he has and gathers up what he can reach, for he apprehends that at some day future, but not certain, he may need this augmentation of his immediate resources. Therefore it is that every system, when left to its operation under law, produces the result of which I have spoken.

There are three ways, or certainly two ways, of affording the desired relief, but neither is automatic.

When we had the State bank system, and distress overtook the commercial classes, there was immediately a struggle between the merchants and the banks for self-preservation, it being inevitable that one class or the other must go to the wall. So long as the banks stood firm and paid specie for their notes, the merchants went to the wall, and one after another were ruined; but when the banks, generally acting in the end under the influence of commercial ideas and mercantile necessity, suspended specie payments and issue without limit, there came relief to the merchants, who paid their debts in a less valuable currency than that in which they had contracted them. That was a relief; but it was a relief worked out of necessity. It was not by the automatic operation of a system, but rather a proceeding in violation of the law on which the system was founded, and in violation also of the natural law on which the system ordinarily acted.

When there is a crisis in England, as in the year 1857, and again in the year 1866, the Bank of England, which holds not only the reserve for all the financial interests of Great Britain, but to a large extent the reserves for the financial countries of continental Europe, intervenes under the authority of the ministry and makes loans largely in excess of those which it had been accustomed previously to grant. In 1857 the loans of the Bank of England in a very few days were increased to the extent of $60,000,000; in 1866 they were increased in a like period of time to the extent of $75,000,000; and thus relief was afforded to the mercantile classes, and consequently to the financial interest of all Europe. This is another and a different process; but it is not an automatic process. England has never been able to discover any means by which relief under such circumstances can be attained without the personal intervention of men possessing power, by which they depart from the ordinary course of things and establish new relations between debtors and creditors by force. In no other way can relief be obtained.

Mr. MORTON. Allow me to ask the Senator a question right there, rather in explanation of what he has just said. The statement was, that in 1857 the Bank of England increased her loans $60,000,000, and in 1866 $75,000,000. I ask the Senator if that was not an inflation of the currency, by putting out money that was not in circulation before? Was it not temporary and sudden inflation?

Mr. BOUTWELL. I do not so understand it. I understand the process to have been not by the department of issue, but by the banking department, and showed itself in increased loans and discounts, probably, for the most part, given to the customers of the bank, and passed to their credit on the books of the bank.

Mr. SHERMAN. By a diminution of her ordinary reserve.

Mr. BOUTWELL. Of course the reserve wasted.

Mr. MORTON. But I ask the Senator if those loans were not made of money that was not in circulation before the panic, but was in reserve?

Mr. BOUTWELL. To some extent, certainly.

Mr. MORTON. And therefore the currency for the time was inflated to that extent.

Mr. BOUTWELL. No, sir; not to the extent of the increase of the loans. The banking deartment of the Bank of England held certain reserves in Bank of England notes. Although I am not prepared to state from any examination, yet, undoubtedly, the amount of those reserves was largely diminished during the panic; but the greatest relief was furnished by discounts granted by the banking department of the Bank of England to customers of the bank, to private bankers and banking associations throughout England, by which their balances were increased and they themselves made secure for a certain time in the future and relieved from apprehensions. Thus the panic was a allayed.

Mr. SHERMAN. I will ask my friend whether the banks of New York did not precisely that thing during the recent panic?

Mr. BOUTWELL. They did.

Mr. SHERMAN. And to a greater extent than the Bank of England ever did.

Mr. BOUTWELL. I do not know to what extent; but the same process, in principle, was applied to the then existing condition of things.

Mr. SCHURZ. If the Senator will permit me, the bank act was suspended, but there were no additional emissions of credit by virtue of the suspension of the bank act, as far as I am aware.

Mr. MORTON. The Senator must bear in mind that while they did not make new currency, these new loans of $60,000,000 and $75,000,000 were made of money that was held in reserve and was not in circulation before; and therefore it was increasing, for the time, the circulation to that extent.

Mr. BOUTWELL. The Senator from Indiana, I think, in his statement covers two facts which coexisted. One was that the reserve of the banking department was diminished by the drafts that were made upon it, and so far the active circulation of the country was increased.

Mr. SCHURZ. If the Senator will permit me an increase of discounts and loans does not involve an increase of the currency.

Mr. BOUTWELL. Certainly not; that is the statement I have been trying to make. The other part of the transaction was an increase of discounts and loans which were shown upon the books of the bank to the credit of persons to whom the discounts were made, but it did not involve necessarily and immediately an issue of notes. Many of these balances were consumed by the payment to the Bank of England of paper which was then maturing and afterwards matured.

In this country, for four years of the last five, the Treasury Department has acted under an authority of law which, I think, ought never to have been questioned, but which has been questioned. I allude to the right of the Department to issue the $44,000,000 of reserve, as it is called. This debate, if the claim were open to inquiry or controversy before, has settled, I think, the legal right of the Treasury Department to use the $44,000,000 reserve; but if it be not settled by an examination of the law, nor by the opinion of the Supreme Court of the United States, I suppose it must remain open for those who desire to participate further in the controversy. But the Treasury Department has acted upon the idea that it had the right to use the $44,000,000 whenever an exigency occurred, bearing in mind always that it was not to be added permanently to the volume of currency in the country, but that it was to be restored to the Treasury at the earliest moment practicable. I trust that this idea will take possession of the Government and the people of the country in reference to the issue that has been made since September last, and that we shall devise means by which what has been issued shall be restored to the Treasury without delay.

Mr. SCHURZ. I desire to put a question to the Senator, if it is not inconvenient to him. I think it is of interest to the Senate to get at the idea of the Senator correctly. As I understand him, he maintains that the Treasury had the legal right to issue the $44,000,000. Does he also think that the Treasury has the legal right, or that it is in any way bound, to withdraw the $44,000,000 again, and keep them again in the Treasury as a reserve?

Mr. BOUTWELL. You mean as a matter of policy.

Mr. SCHURZ. Well, in the first place, as a matter of lgal right; and, in the second place, as matter of policy.

Mr. BOUTWELL. Keeping in view the legislation of Congress in reference to the volume of currency, it is the duty of the Treasury, not in consequence of any specific legal direction, but as a deduction from the whole policy of the country, to restore the forty-four million and to hold it as a reserve for emergencies. It is the policy of the country to keep three hundred and fifty-six million currency in circulation as the permanent volume; and any excess can only be justified by an exigency. When the exigency has passed, it is the duty of the Treasury to use whatever power it possesses to reduce the volume to three hundred and fifty-six millions.

Mr. SCHURZ. As I understand the Senator, the legal right of the Treasury to issue the forty-four millions was derived from the original act limiting the issue of the currency to four hundred millions. Was it not?

Mr. BOUTWELL. There were several acts.

Mr. SCHURZ. And then, by an act of Congress, the Secretary of the Treasury was directed, or authorized—I do not remember the exact language of the act—to withdraw currency at the rate of four millions a month.

Mr. BOUTWELL. Mr. President, I think I will rest this part of my argument upon a quotation which I did not intend to read, but which I will read, from an opinion given by the Supreme Court; and those who take a different view of it can have an opportunity to discuss it at their leisure. In the case of The Banks *vs.* The Supervisors, (7 Wallace, 26,) the Chief Justice said:

> The act of February 25, 1862, provided for the issue of these notes to the amount of $150,000,000. The act of July 11, 1862, added another $150,000,000 to the circulation, reserving, however, fifty millions for the redemption of temporary loan, to be issued and used only when necessary for that purpose. Under the act of March 3, 1863, another issue of one hundred and fifty millions was authorized, making the whole amount authorized four hundred and fifty millions, and contemplating a permanent circulation, until resumption of payment in coin, of $400,000,000.

That opinion was indorsed by the Supreme Court, after the passage of all the laws, I believe, to which the Senator from Missouri has referred.

Mr. SHERMAN. Will the Senator give the date of that opinion?

Mr. BOUTWELL. I have not the date. It will be found in 7 Wallace, page 26. Acting upon that authority, and keeping in view the declaration of Congress that the minimum circulation of the country was to be three hundred and fifty-six million, the Secretary of the Treasury in September last and subsequently has used of this forty-four million the sum of $27,000,000, leaving only about seventeen million not yet put in circulation. This action was in its effect, and in the nature of the proceeding substantially what is done by the government of Great Britain through the Bank of England. The Secretary furnished temporary relief, not precisely in the same way, by loans, because the Government of the United States is not engaged in making loans, but by adding to the circulation of the country, diminishing its value unquestionably in its integral parts, and changing the relations of debtor and creditor. In fine, it was an act of the highest character in reference to the finances of the country; but an act in the exercise of a power authorized by law, and, in my judgment, consistent in a high degree with the public interest. Clothed with authority by law, seeing the evils which had been brought upon the country by a policy for which the Government was responsible, the Secretary of the Treasury could not sit silent and inactive while ruin was blasting the prospects of many and creating the most serious apprehensions in all parts of the country. It was a great responsibility; but it is a responsibility which must be taken by men who are clothed with the authority; and they are clothed with the authority that they may take the responsibility when the exigency arises.

Mr. FERRY, of Michigan. Will the Senator from Massachusetts allow me to put a question to him?

Mr. BOUTWELL. Yes, sir.

Mr. FERRY, of Michigan. I would ask him to state to the Senate his view of the action of the banks in trenching upon the reserve; and to say whether, if the banks had not irregularly, trenched upon that reserve, the whole forty-four millions would have been sufficient to meet the exigency of the panic?

Mr. BOUTWELL. I cannot go into that. It may be, in the mind of the Senator, important.

Mr. FERRY, of Michigan. Allow me once more. I wish to state this fact, which I believe is generally admitted: The amount of reserves of all the banks was one hundred and fifty millions, and it has been stated, I believe, by a good observer, that that reserve was reduced to seventy millions. Thus, the banks irregularly issued the difference between $70,000,000 and $150,000,000, the regular reserve.

Mr. BOUTWELL. I do not care to enter upon the discussion of the point raised by the Senator from Michigan; I am dealing rather at this stage of my remarks with the course of the Government—the Government during four of the last five years.

Mr. SCHURZ. I hope the Senator will permit me, before he passes from that point, to make a suggestion to him which I think may be of interest to the Senate. He says that the Secretary of the Treasury took a very great responsibility in issuing any part of the forty-four million reserve. At the same time he argues that the Secretary ot the Treasury had the legal right to do so. Now, it seems to me that in executing a legal right the Secretary of the Treasury did not take any responsibility at all.

Mr. FRELINGHUYSEN. Certainly it was an exercise of discretion.

Mr. SCHURZ. I think the history of the case is rather this: that when the crisis broke out the $44,000,000 reserve, nor any part of it, was not issued at all; but that the $44,000,000 reserve came out as the revenues of the Government fell short of the expenditures, and it was used in paying daily expenses after the panic was over to a very great extent.

Mr. BOUTWELL. Well, it is not worth while for the Senator from Missouri and myself to enter into a critical inquiry concerning facts which are so related to each other that they cannot be separated. On the 18th day of September the Treasury had in hand between $13,000,000 and $14,000,000, called currency balance, being accumulations entirely independent of the $44,000,000 reserve. The President and the Secretary of the Treasury must have known perfectly well that if they used the $14,000,000 for the purchase of bonds, as the $14,000,000 were used for the purchase of bonds, with the impending fact that the revenues of the country in consequence of the panic would be immediately reduced, they would be obliged to use the $44,000,000 for the current expenses of the Government. Therefore the use of these $14,000,000, for the purchase of bonds and the relief of the business of the country, was substantially the same transaction—and the Senator from Missouri must comprehend it—substantially the same transaction as though they had held the $14,000,000 currency balance for the ordinary expenses of the Government and taken $14,000,000 out of the $44,000,000 reserve to purchase bonds. Is not that so? Has the Senator from Missouri any criticism to make upon the proposition that, in a business point of view, and with reference to the duty of the Government, it was substantially the same transaction?

A word in regard to the responsibility. There is a responsibility in exercising discretion, although the law may have vested the discretion in an officer of the Government. It was understood, and had been for four years, that it was the policy of the Government to limit the volume of paper money to $356,000,000. All the business of this country rested upon that idea. Every transaction between debtor and creditor implied the existence and the perpetuity of that policy

on the part of the Government. Now, when the Secretary of the Treasury came in and issued a portion of the forty-four million, however small, he changed the relations of debtor and creditor. If that were not a great responsibility in a country of forty million people, with various interests locking and interlocking with each other, then I know not what responsibility is. It is not a legal responsibility, but it is a business and a moral responsibility of the highest character.

And now that I have touched upon the moral aspect of this question, perhaps I had better not depart from it lest I may never return to it. There is, in all these propositions, a moral question which we are bound to consider. If by forced contraction, by legislative power directly applied, you contract the volume of currency below $356,000,000, you have required the debtor to pay something more to the creditor when he pays his debt than he would have paid if you had left the volume of currency untouched. But there is not in this aspect of the case a moral consideration of the importance that attaches to the converse of this policy, the policy of inflation. I ask what excuse, in the absence of the sternest necessity, can be offered to the country if you add to the volume of currency and enable debtors to pay their debts with less value than would have been required under the currency that existed when the debts were contracted. In the war we had an excuse; it was a valid excuse. The country was in peril; every interest was in jeopardy. Individual rights under such circumstances are comparatively unimportant. Necessity, stern necessity, is the excuse; it is the defense. But in time of peace, when the country, notwithstanding the present disaster, is prosperous, when its resources are great, when its future is bright, I ask what excuse have we to offer to ourselves or to the country if we add to the volume of the currency, and change the relations of debtor and creditor to the injury of the creditor?

I know it is sometimes said that the creditor class is a prosperous class; that its members are opulent; that it is unnecessary to consider their interests or rights. These are views which we ought not to tolerate, and which an honest man can only exhibit to condemn. The question is a question of right between man and man.

The Senator from Missouri, in an undertone, makes a remark which calls to my mind what he said upon the floor of the Senate on a former day—I think it was the Senator from Missouri—that there was no debtor class as an independent class, and no creditor class as an independent class. That is by no means a truthful statement. With deference to the author, there is a creditor class, there is a debtor class; and there is a large class of business men who at the same time are both creditors and debtors. It would be difficult upon any particular day to state whether they belong rather to the creditor or to the debtor class. There is, however, a large agricultural population in the country who owe much and have nothing due to them. They constitute a debtor class. There is also a considerable number of persons who have much owing to them and who never owe anything; they are a creditor class. Therefore there are three classes of people. But if there were but two, we have no right morally, except in the presence of a stern necessity, to change the relations of these classes, whether they compose a hundredth, a twentieth, a tenth, or a half of the population of the country.

During the war we were in the presence of a necessity; we acted under the influence of that necessity. Such was the order of events. But the injustice of the proceeding was considered. We offered to the creditors of the country who held notes without interest the opportunity to exchange those notes for bonds bearing interest; and by the policy of the Government and the purposes of the people those bonds have become as valuable as coin. Therefore the creditor class that was at first compelled to receive in payment of debts currency less valuable than that which existed when the debts were contracted, by investing the moneys which they thus received in the securities of the Government, transferred the loss first imposed upon themselves to the country as a whole. Considering the creditor class of the years 1862, 1863, and 1864 together, they suffered nothing by the transaction. But how will it be if we now inflate the currency for the purpose of furnishing means to carry on the Government? We change all the relations of debtor and creditor without a sufficient reason; and we leave the creditor class to bear a burden which, if it is to be imposed, if it is to be borne by any, should be borne by the country itself. The expenses of maintaining the Government should be borne by the country, and, as I shall have occasion to say before I close my remarks, they can be fairly borne only through the purpose, the resolution, the act of Congress to furnish the means by taxation for carrying on the Government. Every scheme which adds to the volume of currency has in it the element of immorality and the quality of injustice.

Mr. President, something has been said from time to time of the pledges that were given to the country. With the exception of the pledge given to establish a sinking fund by the act of February 25, 1862, which was not fulfilled till far into the year 1869, I know of no pledge which has been given by Congress to the country or to the world that has not been, in good faith, redeemed. I speak this in the presence of the statements and arguments that have been made upon the point that the refusal of the Government, at the present time, to allow holders of greenbacks to convert them at will into Government bonds is a violation of the public faith. The public faith upon that point was sufficiently met by the act of March, 1863, in which it was declared that the holders of United States notes might, at any time between that month of March and the 1st of the following July, convert the legal-tender notes of the United States into United States bonds. The Government was prepared during all that period of time to allow that to be done which by previous acts of Congress had been authorized and permitted.

If I am, as I am, in favor of the resumption of specie payments, with such limitations as were set forth in the annual report of the Secretary of the Treasury for 1872, I may be asked why not come at once to specie payments? The statement has been made here that during four years no progress has been made toward resumption. I am incapable of comprehending the value of facts if considerable progress has not been made. In 1868 the average premium on gold was 39½ per cent.; in 1869 it was 32½; in 1870 it was a trifle less than 15; in 1871, a little less than 12; in 1872 it was 12.4; and in 1873 it was 13.84. Consider, if you please, four years. In 1869 the premium on gold was 32½, and in 1873 it was 13.84.

Do not these facts, in themselves considered, open to explanation of whatever sort, demonstrate conclusively that in these four years we have made an advance toward resumption, unless the delusion has taken possession of men's minds that it is of no consequence whether, commercially considered, paper and coin are substantially at the same value or not when we consider the ability of the country to resume specie payments? If the theory be abroad that it is of no consequence whether the premium on gold be much or little, that the ability of the country to resume specie payments is substantially the same in each case, then I can only say that those who entertain that opinion are beyond the reach of any argument which I can present.

Mr. MORTON. Will the Senator allow me in this connection to ask him a question?

Mr. BOUTWELL. Yes, sir.

Mr. MORTON. I ask him to give his opinion, if he will, to the Senate as to the cause of the decline in the price of gold from March, 1869, to March, 1873, and how much of that decline does he attribute to the influence of the act respecting the public credit passed in March, 1869?

Mr. BOUTWELL. I attribute great importance to that act, because it was an initial step in a policy by which the public credit was established—a policy by which up to this time the public credit has been maintained. When that act was passed the credit of the United States in Europe was substantially that of Italy, Spain, Turkey, and the dishonored countries of Europe that for a generation have been struggling under the weight of heavy debt and have not yet received those ideas by which the resources of nations are developed.

From the passage of the act of March 18, 1869, which declared the purpose of the country, followed as it was by the collection of the public revenues and the appropriation of the surplus to the payment of the public debt, the credit of the country steadily and rapidly advanced, until in all the markets of Europe it has been the equal of that of any other nation. For three years our bonds have been sold in more markets of Europe than the bonds of any other state, and commanded as high a price as any. But the depreciation in the price of gold, due largely to that fact, was not due exclusively to it. It was due also to the fact that the business of the country increased, that the uses for money were enlarged, that the field in which money circulated was extended; and it is to further similar progress, which is a natural progress, supported, as I should hope it might be, by such legislation as would develop the resources and increase the business of the country, especially with reference to its commercial marine, that I look to the ultimate, and not distant, equalization, commercially, of the value of paper and coin. Until that time arrives, I say advisedly, until that time arrives, any policy looking to a resumption of specie payments by direct and specific legislative action is fraught with the greatest danger to public and private interests.

There are two ways of securing specie payments. One is by a contraction of the currency. By contracting the currency you can diminish the volume, so that a dollar in paper, commercially, shall be of the value of a dollar in coin. But that process of force will prostrate the business of the country, close up our factories and workshops; not only reducing the wages of labor, but driving hundreds and thousands of men from employment in every part of the land. Believing this, I of course cannot consent to any policy by which the power of the Government is to be applied directly in the contraction of the currency. Not apprehending merely, but believing, knowing even, as far as I can know anything in the future that is not capable of absolute demonstration, that results like those which I have stated, or results kindred to them are sure to follow, I cannot take the responsibility imposed by a policy of direct specific contraction. On the other hand, I am certain that the development of the resources of the country, the increase of its business, the addition of uses to which currency can be applied, will certainly and without great delay close the slight difference that exists between the value of paper and the value of coin.

Mr. GORDON. Will the Senator allow me to ask him a question?

Mr. BOUTWELL. Yes, sir.

Mr. GORDON. The Senator referred a moment ago to the fact that our paper had gradually approached the price of gold. I should like to ask the Senator whether the prosperity of the country, particularly the producing classes of the country, has proportionately increased as we have approached the par of gold?

Mr. BOUTWELL. I am of opinion that the process of holding the currency inflexible and allowing the business of the country to grow up to the volume of currency is a natural, in a certain degree an insensible process, which does not interfere appreciably with the general prosperity. I believe that the country has never from the beginning of the Government enjoyed five years of such undisturbed prosperity as it has enjoyed during the last five years. And if it be true, as the Senator from Georgia has asserted, that there is an absence of prosperity in the South, I apprehend, from the observations I have been able to make, that it is due to circumstances entirely independent of the policy of the Government. I call the Senator to witness that the cities of Charlotte in North Carolina, Columbia and Charleston in South Carolina, Jacksonville in Florida, Savannah, Macon, and Atlanta in Georgia, Chattanooga and Knoxville in Tennessee, are all more prosperous now than they were at any period before the war—that in all these cities there has been an increase of population, an increase of business, and an increase of wealth for the purposes of business.

Mr. GORDON. That is true.

Mr. BOUTWELL. That is true.

Mr. GORDON. But that does not answer my question. My question was as to the producing classes in the country, not as to the growth of cities.

Mr. BOUTWELL. Cities are the outgrowth, the evidences of general prosperity. They exist only in the sunshine of general prosperity; and when you have demonstrated that a city is prosperous, increasing in numbers and wealth through months and years, you have established incontrovertibly the fact that that city is situated in a prosperous community. Nothing can be truer; else all history is false, and all observation of no consequence. If the Senator from Georgia will pardon me, I will allude to a remark which he made in this Chamber touching the condition of the South. There are two classes of people in the South, as I have learned from observation. There are men who before the war were large land-holders, and the possessors of immense estates in personal property and slaves. The fortunes of war divested them of all property except the land. They now hesitate to sell the land. Taxes are high, and they are unable to procure the capital for the economical and successful culture of their fields, and they are day by day growing poorer. Naturally they ask for some relief. There is also in the South a class of people, both black and white, a large and constantly increasing class of laborers who, either upon lands that they lease or upon lands that they have bought, are producing to the acre larger products than were realized under the old system. The aggregate products of the South demonstrate incontestably the fact that the South is prosperous as a whole.

Mr. GORDON. The Senator will pardon me; I dislike very much to interrupt him; but I cannot permit that remark to go unnoticed. The increased production of cotton does not come from the fields formerly cultivated in cotton. It comes from a different area entirely. It comes from labor and from land heretofore not appropriated to the cultivation of cotton at all. The increased production of cotton, therefore, is not due to any great facilities that have been furnished to the production of cotton, but it is due entirely to the fact that new fields, new areas, higher latitudes, heretofore appropriated only to the growth of grain and grasses, are now used for the cultivation of cotton, and the cotton lands proper have, as I stated in my remarks, so depreciated in value that they are no longer regarded as security for debt.

Mr. BOUTWELL. The statement made by the Senator from Georgia is undoubtedly true. It is, if I do not misunderstand him, the process that was going on before the war. When lands were impoverished the owners abandoned them and sought new fields. That is what the owners of lands are doing now. But the general fact remains undisturbed that the South is a prosperous section of the country as compared with any previous condition of its history. Before I pass from this branch of the subject, I wish to call the attention of the Senate to a remark made by the Senator from Georgia, which he submitted as a means of relieving the distresses which he imagined were afflicting his section. He demanded with emphasis and with repetition, "cheap money," "cheap money." If he meant by that demand to secure additional circulation of paper money for the purpose of cheapening it, I advise him to recall what must be to some extent his own experience in the South during the war. If we are not misinformed the South then had cheap money, an abundance of it; so cheap that a householder would go to market in the morning with a basketful of currency and carry home his dinner in his waistcoat pocket. [Laughter.]

Mr. GORDON. I will not interrupt the Senator any more if he will just allow me to state what I meant by cheap money. I did not mean cheap money as the Senator understands it. I meant cheap interest upon money—money lent cheaply.

Mr. BOUTWELL. That is what I supposed the Senator might say in reply; otherwise I should have commenced this part of my speech at the other end. [Laughter.] If an increase of paper money diminished the rate of interest, then there would be one view of this subject which I could take with some degree of complacency. The theory on which an increase of paper money is demanded is, that it stimulates business, inspires activity, opens new avenues for enterprise. Who does not see that the very processes alleged to be beneficial upon which we are invited to accept the theory of inflation demonstrate conclusively that by the operation of those processes the price of interest must continually advance? But I ask gentlemen to consider further. Suppose a man wishes to deal in flour, and he can buy one hundred barrels of flour, as a stock in business, for $800. He wishes to borrow the money, and he can borrow the money for 8 per cent.; and with that capital invested in one hundred barrels of flour he can proceed with his business, and at an annual interest cost of sixty-four dollars. Suppose the country enters upon a system of inflation, and the volume of paper currency is increased 50 per cent., and by an inevitable law prices advance 50 per cent., so that in order to buy one hundred barrels of flour he must have $1,200 of money. Everybody else is in the same condition. At what rate must his interest be in order that he can avail himself of capital to pursue his business as he would have pursued it under the old system? Twelve hundred dollars must be hired for sixty-four dollars in order to place him in the same condition that he would have been without inflation—that is, 5⅓ per cent. The reverse, then, is the truth. The rate of interest increases when you inflate the currency. The interest on the capital required to do a particular business is not only greater from the fact that additional capital is required, but it is greater from the fact that every dollar of the capital so required demands and will obtain a higher rate of interest. Therefore the operator, whether he be a farmer owing for his farm, a manufacturer or a merchant who depends upon borrowed capital to enable him to conduct his business, is impoverished by each and both of these processes.

Mr. FERRY, of Michigan. Will the Senator allow me to put a question?

Mr. BOUTWELL. Yes, sir.

Mr. FERRY, of Michigan. The Senator has stated that the rate of interest runs parallel with the volume of currency, as I understood him; that if the volume is greater, necessarily the rate of interest is greater. Do I misunderstand the Senator?

Mr. BOUTWELL. That may be the conclusion of the Senator's mind; it is not exactly what I said.

Mr. FERRY, of Michigan. I would now ask the Senator how he accounts for the fact that during the summer months, when there is a redundancy of currency in New York, the rate of interest is much below the rate in the winter, when there is a scarcity of currency. Why, sir, currency goes begging in New York during the summer when there is that redundancy, and during the winter money can hardly be obtained there, which is the fact to-day.

Mr. BOUTWELL. Mr. President, one of the difficulties in dealing with every financial and economical question is, that there are many influences at work the effect of which cannot be measured; and therefore it is that what is called statistical information is so untrustworthy. The inquiry made by the Senator from Michigan leads me to reflect upon one of those influences, operating temporarily in the city of New York.

If you look at the price of money in that city on the 1st day of July, you will find it very low. If you look at the price of money on the 1st day of September, you will usually find it very high; and probably on the 1st day of September there is as much money in the city of New York as there was on the 1st day of July, as the demand for means to move the crops does not usually commence till about or after that time. The people of New York have a custom of taking a holiday in the month of July. That is a social fact, and yet it has a bearing upon the financial question which the Senator from Michigan has chosen to put. Money accumulates in the city of New York by natural and artificial processes during the month of July; but the operators, the merchants, the speculators are taking recreation, and they are giving very little attention to the price of money. They have squared their accounts on the 1st of July; they have gone to the watering-places, or to the country, or to Europe, for recreation. But when the 1st of August comes, and these men return to their stores and their banking-houses, speculation begins; the prices of stocks advance; fortunes are made; the rates of interest increase; when, finally, in the month of September or October, there is an active demand for money to keep the margins good on the stocks that have been bought by irresponsible people and a demand also by responsible merchants for money to move the crops. Then and thus the borrowers are ground between the upper and nether millstone. This is the process that takes place every year, and is a satisfactory explanation of the phenomenon stated by the Senator from Michigan.

Mr. President, there are various bills before the Senate looking to resumption. I purpose to examine those bills before I close, but I wish to deal further in the way of statement, if not of argument, with the subject of resumption in the present condition of the country; and when I speak of the present condition of the country, I refer to its condition from 1861 to the present time.

The difficulty in the way of resumption can be expressed in one word, which I have never yet had the courage in this connection to use. That word is "poverty"—not individual poverty, but national poverty; not that poverty which deprives citizens of any of the necessaries, comforts, or luxuries of life; not that poverty which puts it out of the power of a people to maintain in good faith all their obligations at home and abroad; but I speak of that poverty which is incident to a new community, to a society that requires the accumulations of other countries in other times or in other centuries for the development of natural resources. This is the poverty of which I speak; it is the poverty which this country suffers—hardly suffers—experiences; as compared with the wealth of England, the accumulation of many

centuries of industry, the results of great national prosperity, of a vigorous commerce which has been cherished by a wise government through ages until it has taken control of all the oceans of the world and of the islands of the sea; a wealth which has gathered up from every clime the results of the labor of every people, poured them into the lap of Great Britain, and so stimulated the city of London, for example, that its growth from the year 1861 to 1873 measures, in its population and in its structures erected, the entire population and material presence of the city of New York. The wealth of London is so great, that if her four million people were to suspend labor, and the income of the investments which have been made were to continue unimpaired and to be equally distributed for the support of the inhabitants, they, and the generations that are to follow them, could live on in idleness and in comfort. This is the wealth of which I speak—the accumulated wealth of generations. I contrast it with the condition of this country, and in the difference of condition I find the solution of the difficulty under which we labor. England is a creditor country; we are a debtor country. She derives revenue from capital invested in America, North and South, in Africa, in India, in Australia. We contribute—every nation contributes; she receives. Her financial strength is at once the foundation of her naval power, and the source of that commercial greatness by which she holds a large part of the industrial world in her embrace.

The poverty of which I speak does not affect individuals. If the Senators from Iowa will allow a reference which is not invidious in its purpose I can illustrate the point that I am now endeavoring to present. In all the privileges and advantages of domestic and social life the people of Iowa are the equals of the people of Massachusetts, and I am not sure that their average condition in these respects may not be even better. Nevertheless the State of Iowa, as a State, is poor in accumulated wealth when compared with the State of Massachusetts. Poor, because she is new; because she has only the earnings of the living generation. We have the accumulations of two centuries and a half, and during those two centuries and a half our people have been a prosperous people; they have been an industrious people; they have been an economical people. As one evidence of their wealth I mention the fact that the deposits in the savings-banks amount to $175,000,000. Other evidences of wealth might be adduced. In those days when commercial pursuits were prosperous our ships traversed every sea. In those days the merchants of the town of Salem, in the county of Essex, for example—a town now deserted, whose harbor is bare of ships—were princes in wealth. They gathered riches upon the coast of Africa, on the island of Madagascar, in the Chinese seas, and in every quarter of the world. These are the evidences of the accumulations and the means by which some of these accumulations were made. In the nature of things it is not to the credit of the people of Massachusetts, nor to the discredit of the people of Iowa that this difference exists. When Iowa has had a life of two and a half centuries, with her immense resources, when compared with those of the State of Massachusetts, likely enough she will be even more wealthy than Massachusetts will be at that distant time. But the fact remains that, as between States and as between nations, there is wealth and there is poverty; and poverty, in the sense in which I am speaking, is the reason why we cannot immediately resume specie payments and permanently maintain resumption. To resume and then fail is to involve the country in difficulties from which, happily, we are now free.

It has been customary—not here, but elsewhere—to speak disparagingly of a theory that sometimes has been offered to the public; the theory that we must wait until the balance of trade is in our favor. I am compelled to accept this theory as in some degree a truthful one. It has also been said that the balance of trade is against Great Britain, and nevertheless she is a prosperous country, and maintains specie payments.

Mr. SCHURZ. With the permission of the Senator, I desire to say a word in explanation of a remark of mine thrown into the speech of the Senator from Illinois [Mr. LOGAN] the other day. I said that what is commonly called the balance of trade is against Great Britain. I wish to state here that I know very well that the real balance of trade is not against Great Britain.

Mr. BOUTWELL. This is another instance, Mr. President, of the uncertainty of trusting statistics implicitly. Taking the five years closing with the year 1872, the returns show that Great Britain imported £1,579,000,000 sterling of the products of industry, and that she exported in the same period of time £1,307,000,000 sterling of the products of her own industry; exhibiting a balance of trade in these five years, against Great Britain of £172,000,000 sterling. The natural inference would be, from the statistics, that Great Britain was importing more than she exported. The explanation is very simple. We make up our returns of imports from the market value of the articles at the places of exportation. The imports into Great Britain are valued in the markets of Great Britain, including the charges of importation, and including whatever of profit there may have been to the importer. The exports are found upon a home valuation. These facts alone solve the difference which appears upon the tables furnished by the Statistical Bureau.

But in addition to the statement already made there is a consideration which I urge upon the Senate and upon the country, showing, or tending to show, the importance of cherishing our commercial marine. These vast quantities of the products of the industry of Great Britain were sent out on British bottoms. The equally vast quantities of the products of the industry of other people in all sections of the world were brought into the ports of Great Britain mainly upon British bottoms. The usual estimate is that 8 per cent. of the value of articles carried upon the water across the Atlantic is consumed in the expenses of transit; but if you allow but 6 per cent. as the expense of carrying the exports and the imports of Great Britain, you have wiped away entirely the difference between the value of the imports and the value of the exports, without regard to the consideration I have already suggested—that the valuation is a home valuation instead of a foreign one. The balance of trade in favor of Great Britain is shown by the fact that during these same five years there was imported into Great Britain £90,000,000 sterling in coin, equal to $90,000,000 a year. The theory that Great Britain imports more than she exports is utterly false; false in the nature of the case, false upon the demonstration I submit to the Senate.

If our own trade upon the ocean were in American bottoms, so that the earnings and profits of that business inured to the people of this country, and could be felt in its influence upon foreign exchange by the credits that would arise in other countries of the world, the balance of trade against us would disappear. The carrying trade between this country and other countries of the world is worth, at least, $100,000,000 a year, of which until the last year we enjoyed but 24 per cent. and the people of other countries, chiefly the people of Great Britain, enjoyed 76 per cent. During the year 1873, under the influence of a measure which, if it did not originate with the then Secretary of the Treasury, was encouraged and advocated by him, in reference to remitting the duties upon articles used in the construction of American vessels, we have gained 3 per cent. A small matter, to be sure; but if we could inaugurate a policy by which our commercial marine should be placed upon a substantial basis, so that it could earn five-eighths of what is paid by the people of this country for the transportation of their own products abroad, and the importation of the products of other countries for their use, we should wipe out the balance of trade against us, and advance to a condition where we could resume payments in specie without fear and without dependence upon others.

And do not consider, Mr. President, that this is a matter of no consequence. The old doctrine of supply and demand comes in to determine the price of gold. The actual demand, chiefly in the city of New York, is $5,000,000 a week; partly to pay duties on goods imported, and partly to meet the demand abroad. I may be met by the suggestion that for the last two months the balance of trade has been in our favor. That is very true, owing to extraordinary circumstances. The depression in business in this country during the autumn months had something to do with it; the scarcity of the harvest in Europe had more to do with it. This probably is a temporary condition of things to be followed by large importations within six or twelve months, and a considerable demand for specie to go abroad. We cannot enter upon the business of resumption until this relation between the United States and other countries is changed permanently in our favor; nor until that change is wrought into the business and the policy of this country and other countries, so that it is an accepted fact. Then the demand for specie will diminish or cease altogether, and we can take up the business of resumption without trouble.

We are referred to the history of England during and following the Napoleonic wars. For more than twenty years specie payments were suspended. Many efforts were made, but, as a matter of fact, the resumption of specie payments in England was not due to legislative enactments directly applying to the subject-matter under consideration, but to the growth of the country, to the increase of its business and its wealth, when finally the time arrived that the resumption of specie payments could be taken up without producing any trouble to the business world. We have to consider further that the great debt of England was due exclusively to her own people. There was no interest account running against her payable to countries abroad.

The case of France within the last two or three years is an illustration on this point. During the last three years, when France was broken down by the consequences of the war, when her people had been drawn into the ranks of the army, and her industry disturbed, the imports of France nominally exceeded her exports only to the extent of $20,000,000 a year. With that slight demand upon the immense resources of France in precious metals she issued three milliard and one hundred million francs of paper money, equal to about $600,000,000, and yet her currency did not depreciate exceeding 2½ per cent. Since then, by a reduction—and this is to the point of contraction, because we have the recent and positive experience of France—by a reduction which she has made of 400,000,000 francs in her circulation, she has brought paper and specie comparatively together, so that for commercial purposes there is no difference.

Mr. FENTON. Mr. President, if I do not inconvenience the honorable Senator, I will thank him to answer me two questions. First, referring to the statement a few moments since in regard to resumption in England, after the long suspension, does the Senator believe that England would have grown up to specie payment in 1822 without the aid of Peel's bill, or some like measure? Second, does the Senator believe it possible to maintain a stationary condition, with an irredeemable currency, a sufficient length of time to enable us to grow up to the specie basis? In other words, if we attempt to do nothing—simply try to wait for the country to advance to a specie condition—can we

carry a steady hand, can we withstand the pressure which tends to carry us up to-day and down to-morrow?

Mr. BOUTWELL. Well, sir, I am so much of a heretic that I do not attribute any considerable importance to Peel's bill. Legislation, unless it operate upon the business, unless it develop the resources of a country, is impotent with reference to a financial question such as England was called to consider during the first quarter of this century.

As to the other point, whether I suppose it is possible to maintain a depreciated currency in a stationary condition, I offer our own experience as the best evidence to that fact.

Mr. MORTON. Will the Senator allow me to suggest a correction right there? Was not that bill in regard to specie payments passed in 1816, at a time when notes were only at 2½ per cent. discount, giving five years to get over that discount of 2½ per cent.? The bank succeeded in doing it in 1819, in three years, but it resulted immediately in very hard times and general bankruptcy.

Mr. FENTON. The bankruptcy resulted in 1825 from other causes, owing to a remarkable expansion of the currency from 1824 to 1825.

Mr. BOUTWELL. Thus, Mr. President, I have presented the considerations which influence me to do what I can to hold the Government of the country to its present policy, believing that a forcible contraction of the currency will end in disaster, believing also that the expansion of the currency, however it may be effected, will lead to the evils which we have experienced temporarily during the last autumn, and which are the necessary result of every local expansion of a currency, whether it be of paper or of coin. The Senator from Missouri, I think, must bear witness to the fact that the accumulation of coin in Germany has compelled the government to be constantly on the alert to prevent the evil results of inflation.

Mr. SCHURZ. If the Senator from Massachusetts will allow me, it is not the accumulation of coin particularly, but it is a very remarkable inflation of the paper currency in Germany which has led there to a disturbance of business. If I remember correctly, in 1852 the aggregate volume of paper currency in Germany amounted to something like 92,000,000 thalers, while at the present moment it is 485,000,000, or even 500,000,000 thalers, so that an unusual amount of paper currency is afloat there.

Mr. BOUTWELL. It is all redeemable in coin.

Mr. SCHURZ. Of course.

Mr. BOUTWELL. So that it is due to an accumulation of coin and to the increase of paper consequent upon the accumulation of coin. And this leads me to make a remark bearing upon our old system of banking, and having, as I trust, some relation to the questions that are before us. It is possible to have a depreciated currency, and yet the paper in circulation be nominally redeemable in coin. Such was the condition under the old banking system. When communication with Europe was less expeditious than it is now, and when credits were more usually employed in the transaction of business between this country and Europe, it was common for merchants to buy goods on credit to be shipped one month, two months, three months, and to be paid for in four, five, or six months. The consequence often was that large engagements for the payment of money in Europe would arise with reference to the future, while the present demand for that purpose would be little or nothing. During that period of time banks nominally paying specie went on increasing their circulation; there being no test applicable to them for the purpose of determining the question whether they could pay or not. Prices advanced in consequence of the inflation of the currency. The revenue laws became inoperative in the way of protection, as the cost of goods to the importer was measured nominally in the currency of this country; but when the payment was made it was made in gold, and the gold taken out of the country for the purpose of meeting obligations thus incurred finally brought the banks to suspension, as in 1837 and in 1857. It is the result of this experience that you may have an inflated currency, and yet that currency may nominally and for a time be redeemable in ocin; for until there is a considerable demand for coin, you have no test that you can apply.

It is, therefore, for I will not disguise what I think to be the truth, one of the happy incidents of the present condition of things that we have a test that is every day applied and that solves the question of the value of the currency. I do not mean to say "every day" without qualification, for there are days when under excitement or by the force of combinations, the premium on gold is advanced beyond a natural point; but it is the result of my observation that the average price of gold for a year measures the depreciation of the paper money. But if it does not measure it with accuracy, it is the only test—it is certainly the best test—that we have, and every article of property is in the course of business subject to this test, and whether it be of foreign or domestic production, it is resolved into a coin value by its practical application. Therefore, for all the purposes of business, however much you may theorize and maintain that the depreciation is more or less than the real difference between coin and paper, the actual market difference is the measure of the depreciation of the paper. Apply practice: You can take a certain quantity of paper money on a given day and in the market you can purchase a certain quantity of coin; and, therefore, for the purposes of that transaction the difference does measure the depreciation of the paper, and for that day that difference measures the appreciation of every article of merchandise in the whole country—domestic products and foreign products alike.

Mr. SCHURZ. If the Senator will permit me, I wish to correct the statement I made a moment ago. I have looked in the mean time at the figures. In the year 1851 there were in all Germany, Austria excluded, 98,000,000 thalers of government and bank currency, and last April there were 481,000,000 thalers of bank currency and 60,000,000 of government paper currency; in all 540,000,000 thalers.

Mr. BOUTWELL. Mr. President, kindred to the view I have just taken is another which I wish to present bearing upon the subject of free banking. I think it is a common idea that if the ultimate payment of a note issued for circulation is secured, you may go on indefinitely with the issue, if there be an arrangement by legislation which requires the party issuing to redeem the notes in coin. The remarks that I made in reference to our old system of banking apply with equal force to what is known as the free-banking system. We have $1,722,000,000 of United States bonds, and the proposition is to allow free banking, based on these bonds, provided the bankers are under obligations to redeem their notes in coin. Who does not see that under such a system the currency of the country might be vastly increased? I think it would be increased, and we are bound to deal with the possibilities of the scheme. The temptations offered by the Government would lead many persons to purchase bonds, organize banks, issue notes, promises to pay in specie; but before the time came for redemption the quantity issued would be so vast that when there was a demand upon the country for specie, as in the case of the opening of the Austrian-Prussian war in 1866, or the opening of the French-German war in 1870, when there was a call for $15,000,000 or $20,000,000, the banks would be unable to respond. Poor consolation is it under such circumstances that there is security, to wit, the bonds of the Government which can ultimately be converted and applied to the redemption of the notes. You have all the evils of an inflated currency in the first place, and you have the certain assurance that the time will come when a demand will be made for the redemption of notes which the banks themselves will be unable to meet.

When I have said that I am opposed to the contraction of the currency I have, of course, said in substance that I am opposed to the proposition of my colleague, [Mr. SUMNER,] which is the earliest, I believe, on the files of the Senate. This is a proposition to convert all the outstanding legal-tender notes into compound-interest-bearing notes, having, I suppose, three years to run, convertible at the end of two years into 5 per cent. bonds. Who does not see that this proposition works a contraction of the currency of the country? These notes bearing compound interest would very soon be hoarded. As they were hoarded, the currency of the country would be contracted by unknown processes to an extent which nobody could foresee, and therefore with results which nobody could predict. I have this to say once for all, that if we are to contract the currency as a means of placing the country in a condition to resume specie payments, let us do it openly; let us say that the Secretary of the Treasury shall contract it to a certain extent per month, so that every merchant and business man in the country may see what is going on, and judge for himself as to what the results will be. But when you have issued $356,000,000 of 6 per cent. compound-interest notes, having three years to run——

Mr. SUMNER. My colleague will observe that by the bill the issue is to be gradual—only a certain sum per month.

Mr. BOUTWELL. Twenty million dollars a month; but if we deal with the whole we deal with its parts in a case like this; and the whole of this is to be put out in the space of eighteen months, or $20,000,000 a month. The moment the interest accumulates the holders of these notes have two inducements to retain them. One is, that there is a certain amount of interest already accumulated which they do not wish to lose by passing the notes to the next man; the other is, that at the end of two years they can exchange them for gold-interest-bearing bonds of the United States. The result of this measure is, that in the period of two years the whole volume of United States notes is to be withdrawn from circulation and nothing substituted in its place.

The Senator from Vermont, [Mr. MORRILL,] and the Senator from New Jersey, [Mr. FRELINGHUYSEN,] have each introduced a bill, the substantive parts of which, as far as I desire to deal with the measures, are the same. The Government is to borrow gold in the markets of the world with which to redeem the outstanding legal-tender notes. There are two facts within our own observation that bear upon this proposition, of one them known to everybody, and the other known to me as an officer of the Government.

When the negotiations were going on in London for the sale of the largest amount of United States bonds that have ever been sold there at one time, it was foreseen by the Bank of England that a quantity of coin would accumulate as the proceeds of these bonds to the credit of the Government of the United States. As a matter of fact there was an accumulation of about $21,000,000. The Bank of England, foreseeing that there would be an accumulation of coin to the credit of the United States which might be taken away bodily in specie, gave notice to the officers of the Treasury Department of the United States that the power of that institution would be arrayed against the whole proceeding unless we gave a pledge that the coin should not be removed, and that we would reinvest it in the bonds of the United States as they were offered in the markets of London. We were compelled to comply. It was in the interest of the Government that we should do so, because we did not want the coin; and we did want the bonds.

But it shows the feeling that animates that central financial power of Great Britain, and it shows a policy on the part of that institution, and of every kindred institution on the continent of Europe, sustained by all the banking and commercial classes, by which, if it were necessary, and this proposition should become a law, the bonds of the United States would be excluded from the stock markets of every financial city. There are in the nine great banks of Europe only $600,000,000 in specie. That specie is held as a reserve with reference to their local business and with reference to the great transactions that take place between the countries of the continent of Europe and Great Britain. I may say, without disparaging the authors of these propositions, that it is useless for Congress to waste time upon legislation looking in that direction.

There is another fact, known to all. We recovered at Geneva an award against Great Britain of $15,500,000. When this claim was maturing the banking and commercial classes of Great Britain induced the government to interpose, and by diplomatic arrangements through the State Department here, operating upon the Treasury Department, secured the transfer of securities and thus avoided the transfer of coin. In the presence of these facts, is it to be assumed for a moment that we can go into the markets of the world and purchase coin with which we can redeem four, three, two, or one hundred million outstanding legal-tender notes?

Mr. MORTON. I should like to ask the Senator whether, in his opinion, the legal-tender notes can be brought to par value in gold by the contraction of a part of them?

Mr. BOUTWELL. I have no doubt of it. The recent history of France furnishes sufficient evidence of that.

Mr. MORTON. Without making any provision for the redemption of the balance?

Mr. BOUTWELL. Yes, sir; undoubtedly.

Mr. MORTON. That a currency which is irredeemable can be maintained at par simply by its contraction?

Mr. BOUTWELL. I have no doubt about it, with the Government of the United States behind it.

Mr. MORTON. That redeemability is not necessary to par value?

Mr. BOUTWELL. Redeemability would be a consequence, of course. When you ask me if they could be brought to par in coin, that implies redemption.

Mr. MORTON. No; I beg the Senator's pardon. Suppose, for the sake of the argument, we contract one hundred and fifty millions of our legal-tender notes and cancel them, will that have the effect to bring the rest of them to par value unless there be first some arrangement made by which the rest of them may be redeemed in coin upon the demand of the holder?

Mr. BOUTWELL. If we should go on redeeming and destroying these notes in monthly installments, other things remaining the same—war, famine, or pestilence would affect the result—the premium on gold would gradually disappear, and persons, without any action on the part of the Government, would accept the notes, and the Government would receive and pay out notes or coin without considering that there was any difference between them, and resumption would be practically taken up without any legislative action whatever. Its maintenance would depend upon the prosperity of the country as shown by its foreign trade balances.

Mr. MORTON. I ask the Senator, as he has evidently given much more attention to this subject than I have, if any bank could bring its currency to par, when it had suspended specie payments, by the simple contraction of the volume of currency, without making preparations and announcing them for the redemption in coin of the balance of them?

Mr. BOUTWELL. The case of an individual bank is different. We are now considering the wisdom and effect of a policy of contracting the volume of currency for the whole country, and not the effect of contraction by a bank which could have no perceptible effect upon the whole volume.

What I have said upon free banking is applicable to the bill submitted by the honorable Senator from Connecticut, [Mr. BUCKINGHAM.] His bill contains a proposition to create a system of free banking with a possible capital of $1,722,000,000. It is also an incidental proposition that the system of reserves shall be given up. The United States notes are to be redeemed in coin or with 5 per cent. bonds as the Treasury may decide, and United States bonds are to be exchangeable for notes; and it is with this proposition, which is a new and different proposition submitted by the Senator from Connecticut, that I desire to deal. It is a proposition which has taken large hold in one form or another of the public mind. By many it is thought to be possible to establish a system by which with safety, with advantage, the United States shall issue bonds bearing 3.65, or 5 or 6 per cent. interest in exchange for notes, and that persons holding these bonds shall have the opportunity to obtain the notes for them. Notes and bonds are to be interchangeable, and the bonds when out are to bear interest at some fixed rate.

The time was when there was neither the financial capacity in means and probably not the disposition, to form great organizations against the Government for the purpose of making money; but, unhappily, that time, if it ever existed, has passed away. The fortunes that were accumulated during the war, and the prosperity which has attended individual undertakings in some of the great cities, have at last put it in the power of men to organize themselves for the purpose of preying upon the business of the country for the advancement of their own interests. They have made the attempt repeatedly. They have failed sometimes, and sometimes they have in a degree succeeded. It is not an exaggeration to say that it is possible in the city of New York for men—I do not say unscrupulous men, but men having a desire to add to the fortunes they have already accumulated—to mass for the purposes of speculation ten, twenty, or thirty million dollars. What are the facilities which this system opens to these men? Take the month of July, for example, when currency is abundant and the demand for it slight. They accumulate twenty, thirty, or forty million dollars. They place it in the Treasury and take three sixty-five bonds for it. What is the Government to do with the money? Note the processes. Is the Government to be stakeholder of the surplus money which capitalists may have? Is the Treasury, when money is not needed for the purposes of business, to take any surplus which capitalists may have on hand and pay interest, either 3.65 or 5 per cent.? Is this the purpose of the Government? Is this the duty of the Secretary of the Treasury and all his servants in all sections of this country as officers of the Government and under pay of the Government? I think not. But suppose it were undertaken, and speculators mass in the month of July twenty-five or forty million dollars in the city of New York and take three sixty-five bonds; shall the Government hold the money, or shall it buy 6 per cent. outstanding bonds? There is a difference of opinion upon this point among the friends of the policy. Suppose, however, you buy 6 per cent. outstanding bonds. The volume of currency is thus restored to what it was before the deposit was made, and the Government has redeemed 6 p per cent. bonds and has issued three sixty-five bonds which it may be called upon to redeem at any moment. Resting here, the organization of speculators has secured a control of the volume of currency to the extent of the bonds held by them. Thus you grant to unknown men a power which you now hesitate to trust to the officers of the Government.

Suppose, further, these people wait until the month of September, when persons engaged in business and in speculation begin to be anxious as to the means by which they are to meet their liabilities. The speculators then mass fifteen, twenty, or thirty million dollars, withdraw it from the channels of business, and deposit it in the Treasury. The fact is known. They make the fact known to the country without delay. A panic ensues; prices fall. With other means at their command, they enter the market and speculate upon disasters which they themselves, under the authority of the Government, have produced. The Secretary of the Treasury, stimulated to perform what merchants and bankers think would be a proper discharge of duty, advertises immediately for 6 per cent. bonds. He is compelled by the force of public sentiment to put this hoarded money again in circulation. He advertises, and in three days, or six days, he is able to buy bonds and put the money which has been forced into the public vaults again into the channels of trade. Relief comes. The organization first speculated upon an adverse condition of things which they themselves produced; and they still have on hand the three sixty-five bonds that can be converted into currency at will. First, they have by this process reduced the volume of currency, and then by the force of circumstances it has been restored to its original condition; and at last they go to the Treasury and demand the redemption of the millions of three sixty-five bonds. Thus they precipitate an additional volume of currency on the market. Prices are temporarily inflamed, and the speculators profit by the sale of stocks at enormous prices which they have bought at low prices, taking advantage of both conditions brought about by their own conduct under the authority of law. Thus does the proposition of the Senator from Connecticut [Mr. BUCKINGHAM] place the business and finances of the country at the mercy of irresponsible speculators.

Mr. SHERMAN. I should like to ask a question of my honorable friend upon this very point. Does not the whole weight of his argument rest upon the assertion that these persons who combine to convert their notes and bonds can present their bonds for payment at their own pleasure?

Mr. BOUTWELL. Yes, sir.

Mr. SHERMAN. But let me put this case: Suppose they could only convert their notes, when they chose to convert them, into a bond which was redeemable at the pleasure of the United States after several years; in other words, into a bond that is not due for years, in the nature of a permanent investment. I ask him to carry out his argument and see how it would apply in such a case. Would they have the power then to combine against the Government?

Mr. BOUTWELL. No, sir; but that would be a contraction of the currency; that would be open to the objections I made to the other proposition.

Mr. SHERMAN. Then let us suppose that immediately under the general authority conferred by the same law, the Secretary of the Treasury has a right to go into the market the next moment and buy 6 per cent. bonds, and this operation should continue until $1,200,000,000 6 per cent. bonds were converted into 5 per cent. bonds.

Mr. BOUTWELL. The Senator is referring to his own proposition.

Mr. SHERMAN. Yes, sir.

Mr. BOUTWELL. I will not forget it.

Mr. FERRY, of Michigan. I should like to put a question to the Senator from Massachusetts if he will allow me. The Senator, as I understand him, has stated a case, where, for instance, in the city of

New York—though I do not know that he named New York, because my attention was called otherwise—by a combination of capital a contraction of the currency might be made by which speculation might follow. I ask the Senator if this currency was funded, or, rather, converted into bonds, scattered throughout the land, would there be a possibility of creating such a contraction when at the West the bonds could be reconverted into currency to meet the emergency? As an example let me cite to him a fact coming within my own knowledge. In the late panic in New York a bank at the West, unable to draw its balance from that bank, was enabled to save itself from suspension and insolvency by resorting to a certificate provided for by law, by which the western bank drew from the Government on its certificate of deposit $10,000; drawing on a certificate of deposit from the sub-treasury in New York, saved the bank from insolvency or suspension when it could not draw its balance due it in a New York bank.

Mr. BOUTWELL. That is just the question which I endeavored to dispose of a few minutes since, and I restate it: Should the Government be the custodian of the money either of individuals or of banks which for the time they do not wish to use, or should they be left to take care of it in their own way and get what income they can from it? If it is the business of the Treasury of the United States to take care of the money of the banks, pay interest on it, and see that they do not deposit it where they cannot get it again, then the plan of the Senator from Michigan may do.

Mr. FERRY, of Michigan. I only cited it as an instance to show that where the surplus currency of the country was converted into a bond of the Government it was safer in that bond than it was accumulating in the banks in New York.

Mr. BOUTWELL. I have no question about that.

Mr. FERRY, of Michigan. That is the point I made.

Mr. BUCKINGHAM. I understood the Senator from Massachusetts to say that by a combination of capitalists they might put a large amount of money into the Treasury and draw from it bonds; and after they had so done, it would be the duty of the Secretary of the Treasury to go, or he might go into the market and buy the 6 per cent. bonds of the Government, and therefore flood the country with currency and enable these men who had commenced a circle of speculation to complete it. Now, I would ask if there is anything in the bill which I introduced authorizing the Secretary of the Treasury, under such circumstances, to buy 6 per cent. bonds?

Mr. BOUTWELL. I think, Mr. President, I stated in the alternative what the Secretary of the Treasury might do. He might hold this money and the Government would be paying the interest on it, without any return; or he might invest it in bonds; and I endeavored to state the consequences of either course, that they would be disadvantageous to the Government, and in one case disastrous to business.

Mr. BUCKINGHAM. Whether the Government shall be a stake-holder of its own indebtedness may be a question of propriety and expediency. What has the Government out against it? The circulation of a large amount of money; they have promised to pay; and now when I go and ask the Government to pay and it refuses to pay, why should it not become a stake-holder of its promise and pay me interest until it can redeem it?

Mr. BOUTWELL. The inquiry of the honorable Senator from Connecticut includes an assumption which I thought had been disposed of in this body, as to the immediate duty of the Government under the law to redeem these notes at a stated time. It is the duty of Congress to provide for their payment when in its judgment it can be safely done. That is the obligation. If it be admitted that there is no other or different obligation resting on the Government, then the inquiry of the Senator from Connecticut falls.

The proposition of the Senator from Michigan as modified is, as I understand, merely a proposition for a moderate increase of the volume of the currency.

Mr. FERRY, of Michigan. The Senator will understand that that is the question before the Senate now. "The Senator from Michigan" has not withdrawn from what he proposed in the earlier stages, except as to the question immediately pending now before the Senate.

Mr. BOUTWELL. Then I will reserve what I might be disposed to say upon the original proposition of the Senator until it is actually before the Senate.

Mr. FERRY, of Michigan. I will state to the Senator that in modifying my proposition, (and I think the Associated Press has done me injustice in stating that I had withdrawn from the proposition I originally made,) I stated most fully and clearly I think, as the RECORD will show, that I merely waived it for the time being, and rested now upon the primary question of relief, and that was an increase of currency. As it is modified now, it stands "a moderate increase of currency."

Mr. BOUTWELL. I shall content myself with two observations. One is, that so much of what I have said in regard to the proposition of the Senator from Connecticut and to the general proposition as relates to the interchangeability of bonds and United States notes is applicable to the original proposition of the Senator from Michigan. His present proposition is open to the objection which I have made in various forms of speech, that it is an inflation of the currency, that it is calculated to inflame prices, promote speculation, lead people to engage in hazardous and unprofitable undertakings, and in the end to bring upon the country a panic and all the evils that flow from panics; and just in proportion as his "moderate increase" of the circulating medium is increased, just in that proportion will the evils to which I have referred follow.

If we are to cut away entirely from all idea that the precious metals are the standard of value; if we are to revoke the practice of the world through all historical times; if we are to deny the wisdom of practical and theoretical men in all countries and in all ages, by saying that we can abandon absolutely all reference to the value of the precious metals, and go on increasing the volume of paper money, then we enter upon a policy that can be appreciated; and the country and the business men of the country will do well to take notice of it, and prepare themselves for the disasters that await all private and public undertakings. And now that we have a depreciated currency, and should be struggling by such means as are at our command to return to a specie basis, I hold it to be unwise in a high degree to do anything which tends in the opposite direction. Therefore I am entirely opposed to the proposition of the Senator from Michigan.

I come next to the resolution reported by the honorable chairman of the Committee on Finance, and with great diffidence I utter anything in the way of criticism or opposition; but facts which cannot be kept out of sight had better be accepted and treated. The proposition is that "a currency of uniform value shall be furnished, always redeemable in gold or its equivalent;" and the Senator, in the remarks he made, said that two things, each equal to a third, were equal to each other. That, as a proposition in geometry, is true. But we are not dealing with propositions in geometry, and we are dealing with actual facts in finance.

There are three great domains of thought, two of which are open to examination, and the third is as yet beyond the reach of human inquiry. The first (and it includes all subjects of human consideration) is an inquiry into the existence or organization of things, and the second is an inquiry into the laws and the operation of laws by which things that are *are*. In matters of finance we must deal first with the facts; and in examining these facts we generally ascertain something of the laws by which they are controlled. A fact, a patent fact, is that gold has no equivalent. Every man either thinks it better or worse, more valuable or less valuable, than something else. That condition of the mind is the origin of all trade. Otherwise the business of the world would come to a stand-still; nothing would be done. If you go into a shop and buy a hat for seven dollars in gold, you take the hat because you consider it better than the gold; the merchant takes the gold because he thinks it better for him than the hat; but if the next person who goes into that shop is told by the merchant that you took a hat and gave him seven dollars, and that you thought the hat was more valuable than the gold, and therefore he should do the same, the second man may, and probably would, refuse the hat upon the terms proposed. He might say "I have no use for a hat, but I have use for the gold." There is no equivalent for gold in the affairs of men. Every exchange proceeds upon the idea that something is more valuable or less valuable, in the estimation of one of two people, than the other thing.

What I have said of the ordinary transactions of life is equally true in regard to the Government bonds. To some persons, under some circumstances, they would be worth more than gold. Under different circumstances, or to other persons, they would be worth less than gold. Therefore the committee ask us to instruct the committee to do that which manifestly cannot be done.

The expression in the concluding part of the resolution comes within the scope of some observations which I have already submitted in regard to an elastic currency "so adjusted as to meet the changing wants of trade and commerce."

But, passing from the resolution, I come to the proposition which was submitted to us by the Senator from Ohio. I have not the bill before me, and must deal with his proposition from recollection. If I err in the statement of facts I shall consider it a favor to be corrected. It is, in substance, that the Government upon demand shall issue a 5 per cent. bond in exchange for United States notes, and that those notes shall be applied by the Secretary of the Treasury to the purchase of 6 per cent. bonds.

Mr. SHERMAN. I will state the proposition a little differently, if the Senator will allow me. It is, that the Government of the United States will redeem its notes after a certain time, either in coin, or, at the option of the Government, in a United States bond bearing interest at 5 per cent., and that the Secretary of the Treasury shall issue the notes as the needs of the Government require to pay its current expenses, if they are more than the revenue receipts, and with the balance purchase or pay off 6 per cent. bonds. That is the general proposition I submitted last year.

Mr. BOUTWELL. That is, shall pay the notes in a year in coin or 5 per cent. bonds.

Mr. SHERMAN. Yes, sir.

Mr. BOUTWELL. That proposition submitted to the country by Congress would produce in the public mind one of two impressions or a condition of doubt. Some might believe that at the end of a year these notes would be redeemed in coin; others might believe that they would be redeemed in 5 per cent. bonds; and others would remain in doubt as to what would happen. Uncertainty in the policy of a Government in reference to finance is one of the worst of public evils. If you can mark out a policy, if it be not the wisest policy that could be devised, if, nevertheless, it is a clear and positive policy, if it opens to the public mind the ideas of Congress and the course that

is to be pursued, men at once adapt themselves to it. Business is flexible; it accommodates itself to the law; and the business of the country would go on with a degree of prosperity affected favorably or adversely by the legislation of the country.

The first objection, then, that I make to the proposition of the Senator from Ohio is, the uncertainty in which for twelve months the public mind of the country would be placed. Suppose, however, that the larger part should accept the idea that these notes would be redeemed in coin. Coin to-day is 11 or 12 per cent. premium. Immediately every person in possession of United States notes would act upon the expectation that in a year the notes would command the coin. The opinion might, and I think would, prevail, that the Government of the United States could not stand the strain that would be made upon it, and that after the payment of twenty, or fifty, or one hundred million dollars at most, the Treasury would be obliged to close its doors and suspend specie payments, and that specie would then advance in price. Who does not see that the prevalence of that idea in the public mind would produce the withdrawal from circulation of the entire volume of greenbacks, to be followed by all the disasters which I have attributed to the plan of my colleague?

But suppose none of those things should happen, and you proceed to the point of action, and the Government should do, what I imagine upon that proposition it would do—offer to the holders of United States notes 5 per cent. ten-forty bonds. The currency received would be paid out by the Secretary of the Treasury for five-twenty bonds. The 5 per cent. bonds would be issued by the Government and sold at par. Operators would take their tables, which are open in every banking-house in the country, and having found the value of a ten-forty bond to be par in legal-tenders, would at once resolve the question of the value of the 6 per cent. five-twenty bonds.

Mr. SHERMAN. Will my friend allow me there. I do not wish to interrupt him, because I know how troublesome it is; but I will say that the value of the 6 per cent. bonds is now limited to par in gold because of the right of the United States to step into the market and buy in all the 6 per cent. bonds now at par in gold. Hence there is a maximum beyond which we cannot be required to pay for our bonds. If, therefore, the 5 per cent. bonds now being issued are worth 99½, as they are to-day, presuming that it will not be changed by the operation of this bill, then the Government would have to pay one-half of 1 per cent., the difference between the par value of the 5 per cent. bond and the legal value of the 6 per cent. bond, which cannot rise above par in gold, because we have the right to pay it off in gold. That is an element that I desire the Senator to consider.

Mr. BOUTWELL. This is an element which I should not have introduced into my argument except upon the suggestion of the Senator from Ohio. But will he not see that without a reserve of coin, such as cannot be commanded from the revenues of the Government during the next year, and in view of the position which I have taken and I think demonstrated, that it is not possible to borrow coin in other countries for the purpose or redeeming these notes, that when he has issued 5 per cent. ten-forty bonds and taken in exchange the United States notes, he has then nothing with which he can redeem the five-twenty bonds outstanding, and that the result of that policy is to convert the entire volume of United States notes outstanding into ten-forty 5 per cent. bonds, and work a contraction of the currency? The only escape from the difficulty in which the proposition now lies is in following the suggestion I was about to make, that the Secretary of the Treasury be allowed to go into the markets of the country and buy the 6 per cent. bonds at the market price with the United States notes which he has received into the Treasury for the 5 per cent. bonds.

Mr. MORTON. I should like to have the Senator's opinion upon one point in connection with that. The theory of the Senator from Ohio is, that by authorizing United States notes to be converted into a 5 per cent. bond, which is now at par, he will bring the notes up to par. I wish to ask the Senator from Massachusetts a question in regard to that. The 5 per cent. bond being now barely at par, when it can only be purchased from the Government in gold at par, would that remain at par when you authorized the conversion into it of a currency which is at 10 per cent. discount?

Mr. BOUTWELL. I will not undertake to state the results of two hypothetical propositions. My belief is that gold would be, at first, at some premium, notwithstanding the power of conversion.

I was about to say that the only escape from the position in which the country would be placed, if the power of the Treasury were limited to the redemption of the 6 per cent. five-twenty bonds in coin, is to be found in granting to the Secretary of the Treasury authority to buy 6 per cent. bonds with United States notes and at the market value of the bonds. Otherwise the machine would not work; but working upon those propositions, let us see what would be the result. Five per cent. ten-forty bonds being worth par in United States notes bankers would at once fix the value of a 6 per cent. five-twenty bond in United States notes. Bonds of the latter class could not go below that price. The process goes on; it might go on until the 6 per cent. five-twenty bonds outstanding were all thus redeemed. What would be the result in the end? The interest on our debt would be 5 per cent.; the interest on each $100,000 would be less; but the capital of the debt would be increased by the difference multiplied by the number of bonds sold and purchased between 100, the par value of the ten-forty bonds, and the market price of the five-twenty bonds purchased; so that in the end you would owe a larger sum of money, bearing substantially the same aggregate amount of interest. The percentage of interest would be reduced, but the volume of interest would remain the same, as the capital of the debt of the country would be increased proportionately. We should in the end, be with reference to specie payments, if the thing could be done in a day, precisely where we are now. We should have just as many dollars of United States notes in circulation as we have to-day, and should be in the same condition with reference to specie payments.

I have thus, Mr. President, dwelt on the various propositions that have been submitted——

Mr. FRELINGHUYSEN. I have avoided interrupting the Senator from Massachusetts, and have listened to every word of his argument with great pleasure. I wish now to ask him a question. I understand him to maintain that it is demonstrated that you cannot make an accumulation of gold in the Treasury, because it would provoke hostile legislation and hostile measures on the part of other countries; that even the bringing here of fifteen millions to answer the award was guarded against. Now, the bill which I had the honor to introduce fixes no time within which the accumulation of gold shall be made, and consequently the Secretary of the Treasury would buy the gold when he could get it and not when he could not; it would be done deliberately, and so harmonize with the interests of the country. We at one time had $100,000,000, without that derangement being produced; and the present product of our mines is $40,000,000, and it is estimated that it will be $60,000,000 the coming year; and it is agreed on all hands that there are $100,000,000 of gold hoarded in this country. I ask my friend whether the fact of there being no time fixed and these considerations do not at least leave it an open question, and not a demonstration, that the gold cannot be accumulated.

Mr. BOUTWELL. Of course, if there is no time certain as to when a thing is to be done, nobody can say that it cannot be done, because time is an element in the doing of everything. Unless you have a limit to the time there is no assurance as to what may happen.

The suggestion made by the Senator from New Jersey, as to the products of our mines, leads me to recall his attention to what I said in regard to the balance of trade. The products of our mines have been thus far consumed by the demand at the ports of export to meet the balance of trade against us; but if the time should come, as I trust it may come, and that speedily, when the balance of trade shall be in our favor, or not materially against us, then the products of our mines accumulating in the Treasury of the United States and in the banking institutions of the country will furnish a safe foundation on which we can resume specie payments. If the Senator from New Jersey does not contemplate resumption until that times arrives, I am surely with him, and nothing that I have said militates against the position which he appears to occupy.

I was about to say that, having made such observations as I thought the circumstances required upon the various propositions that have been submitted, I have in the end to lament that the Senator from Missouri did not submit a proposition to the Senate. Through a labored, and ingenious, and exceedingly acceptable argument he asserted and stated that the thing could be done; that specie payments could be resumed. I remember that it was said by a person of high authority that if a thing could be done, an ingenious man could tell how, and I did hope that the ingenuity of the Senator from Missouri would be sufficient to enable him to tell us how the thing is to be done. I did not listen to all of his speech, being absent at the commencement of it, but what I did not hear I read.

I find that the first part was devoted to an arraignment of the Senator from Massachusetts for a declaration made by him, as was asserted by the Senator from Missouri, which on a subsequent day, with entire propriety and without any feeling on my part, he retracted, in regard to the duty of the Government to redeem the United States notes whenever it was able. Therefore, that part of his speech was disposed of by what he himself said on the subsequent day.

A part of his speech was devoted to a statement of the evils of an inflated currency. Upon that point I agree with him entirely.

Another portion of his speech was devoted to the duty of resumption, which he stated with precision and argued with force.

But the fourth and last part of his speech contained an admission which, in my opinion, was an entire refutation of all that he had said in regard to resumption—that he did not look for it within the next two or three years.

I think I have a right to insist that if the Senator from Missouri is in favor of resumption he shall show us how it is to be done. If he believes that it can be done by legislative processes, those processes, in the nature of things, must take effect at a specific time. Let him name the time. I have observed here a strong disposition to put more confidence in days future, of which we know nothing, than in the days present, of which we have some means of judgment. I am reminded of those credulous and incredulous old gentlemen who make their wills and devise their property to their grandchildren whom they have not seen, not daring to trust their children whom they have seen.

Mr. SCHURZ. Will the Senator allow me a word?

Mr. BOUTWELL. Very well.

Mr. SCHURZ. All I have to say in reply to what the Senator from Massachusetts has just stated is this: We are now discussing a resolution to instruct the Committee on Finance to report to us certain bills. We are not discussing specific remedies for the present difficulties, nor any specific measure for the resumption of specie payments. As soon as the Committee on Finance shall have reported,

then it will be time to discuss the specific bills also. But then there are two parts to this business. In the first place we want to prevent inflation, and there the Senator is with us; and when we have prevented inflation, then I think we shall discuss further what is to be done.

Mr. BOUTWELL. I remember that the Senator from Missouri the other day, in some interlocutory remarks that we had, said he had been endeavoring to satisfy me that the true way to prevent inflation was to go for contraction, and that those of us (if I am allowed to say "us" in this connection) who think that the strong point is to stand on the present policy of the country and resist contraction on the one hand and inflation on the other, are really in the interest of the inflationists. Further, that the strongest position we could occupy was to step off from this platform, to abandon this citadel, intrenched as we are in the settled policy of the country, and enter upon a contest outside; and then, in case we should be defeated by the inflationists, try to regain our position and hold to the old policy of the country. I am not sure that this may not be military strategy. There is certainly a great example in that direction. There was a student at West Point by the name of Derby, known to the literary world as "John Phœnix." While a student there, it is said that a professor demonstrated, according to his ideas of demonstration, that a city or a citadel closely besieged could not hold out more than sixty days. That being demonstrated, he turned to the class, addressing them as a whole, but expecting answers of course by individuals, and said, "Young gentlemen, what would you do if you were commanding a force in a citadel subject to close siege?" "Well," said Derby, "upon the proposition that you have demonstrated, I would march out of the citadel, and let the enemy in, then I would besiege it closely, and in sixty days I would take it and reoccupy it." [Laughter.]

We have a citadel, and we had better keep in it. If we are driven out, we shall then only be in the position which the Senator from Missouri advises us voluntarily to accept. If those who are in favor of contraction and those who are in favor of the present condition of things, that is, a permanent volume of $356,000,000, are together unequal in the contest with those who demand an addition to the currency, I do not see how, even with the oration of my friend the Senator from Missouri, those who are in favor of contraction alone will be able to maintain their position.

But there is a difficulty before us which seems to me more serious than any that we have encountered. There has been an inflation of the currency, growing out of events with which we are familiar, amounting now to $27,000,000. The aggregation due to that inflation shows itself chiefly in the city of New York. Already the men accustomed to speculate have become active; stocks have advanced in some instances to wthin 1 per cent. of the highest point reached during the year 1873. If this process of inflation goes on, I am not sure if it goes no further than the issue of the forty-four million, it will inevitably be followed by events corresponding in character to those which occurred in the month of September last. Therefore I advance the position that it is the duty of Congress to so legislate, and to legislate immediately, as to arrest this danger and avoid the evil to the extent that it is capable of being avoided. It will not do to rely upon the Treasury Department. The Treasury Department is under orders. You have made appropriations for the fiscal year ending the 30th day of next June. You cannot revoke your orders in season to avoid the dangers to which we are tending. Nor is it, in my judgment, wise or proper to borrow money either by the issue of three sixty-five bonds or 5 per cent. or 6 per cent. bonds.

I ask if, after five years of struggle, in which I have had some humble part; if after five years of struggle to establish the credit of this country, to put it upon such a foundation that it is respected in all financial centers; if after having made provision for the payment of the national debt, and by its payment inspired anew republican ideas on the continent of Europe in the example we set of the power of a republic and of a free people to perform faithfully and to their full extent all their obligations, we are now in time of peace and in comparative prosperity, not substantially disturbed by the events that have taken place, to go into our own markets or into the markets of the world begging for money to pay the current expenses of this Government?

The present system of revenue is inadequate, and a revival of trade will not furnish the means of supporting the Government and paying a reasonable sum annually upon the public debt. Our experience under the present system justifies the opinion that we shall fail to meet our obligations under the act establishing the sinking fund.

There then is but one remedy. The remedy is not here; but I can speak to the people of the country beyond these walls. There is but one remedy for the existing condition of things, and but one means by which we can ward off the evils which menace us—the remedy is taxation. I do not say on what, either of persons, classes, or property; but taxation there must be, or else the evils of an inflated currency, or the disgrace of borrowing money to pay the current expenses of the Government, will fall upon the people. Moreover, a loan does not redeem our pledge to maintain the sinking fund. The inflation of the currency, which is one way, and a poor way, of borrowing money, does not redeem our plighted faith to the world. When we have exhausted every resource in the matter of economy, as it is our duty to exhaust every resource, then, as between taxation and borrowing, as between burdens and disgrace, I will put burdens on the people; but I will not consent to disgrace them.

Cuban Belligerency.

SPEECH OF HON. JOSIAH T. WALLS,

OF FLORIDA,

IN THE HOUSE OF REPRESENTATIVES,

January 24, 1874,

On the joint resolution declaring the right of the Cuban republic to recognition as a belligerent.

Mr. WALLS. Mr. Speaker, I feel moved to press the adoption of this joint resolution in obedience to what I understand as the prevailing sentiment of the American people—that sentiment which soars above the selfishness of traditional dynasties, or the soulless ordinances of international law. The progress of the human family is indicated all along the line of its march by bright epochs, embodied in the heroic endeavor of peoples in the upbuilding effort of self-government, and in opposition to the pernicious habit of government under the extinct prerogative of divine right. Experiments in the establishment of governments of the people have met with almost uninterrupted failure in the past, down to the time when the continental patriots of our own land arose in their honesty, their might and majesty, and their devotion to truth and justice, to throw off the yoke of a tyranny less odious than that under which the Cuban patriots suffer at this moment, and pledged their lives, their fortunes, and their sacred honor to the maintenance of the principle that "all men were created equal," and entitled to life, liberty, and the pursuit of happiness; and that when governments are subversive of these ends, they ought to be altered or abolished. The grand emotion of liberty enkindled in the hearts of the brave men of America in the resolution which spoke the nation into life touched a responsive chord in the hearts of patriots the world over; and following in our exemplary path, under the lead of the peerless La Fayette and other bright spirits of France, came that memorable revolution of the people of that country, which planted the germ of republicanism, the growth of which has made the tenure of kingcraft and imperialism of doubtful duration. And it must not be forgotten that in the dark hours of our struggle for independence such men as La Fayette and Kosciusko, willing to lay down their lives for the principle of liberty, as were the brave Crittenden, Ryan, Fry, and their compatriots, who, educated in the school of the Republic, and appreciating the immeasurable advantages of a government of the people, by the people, and for the people—inspired with nerve, valor, and devotion to humanity—went to the rescue of the intrepid patriots of the Cuban republic.

It is a fact beyond controversy, that the erection of a republic on this continent placed the possessions of European powers on our soil beyond the possibility of rehabilitation, and created the desire for liberty in the hearts of all peoples to whom the glad tidings went, that in this endless waste of the western world, whither the star of empire takes its way, the full fruition of the hopes of mankind was fully realized. Even in the breasts of chattel slaves of Hayti, supposed to be brutalized by the oppression of centuries, the divine inspiration sprouted into patriotism, and out of the revolt there came a brain-power and a capacity which successfully secured emancipation, enfranchisement, the defeat of the great Napoleon, and the final establishment of the Haytian Republic.

Then came the struggle of the peoples of the Spanish possessions in South and Central America to throw off the yoke of the tyranny under which the Cuban republic now suffers without encouragement or assistance.

These republics, under the genial influences of the sympathies of this and other great governments, came to the front in the struggle for national existence; and by the proffer of belligerent rights, which came to them as the spontaneous offering of the great nations which are the guardians of human rights, achieved their independence and were bidden God-speed in the march upward to the glory and grandeur of equal liberty.

The Greek rebellion is another instance of the revolt of the people against oppression—in which a people struggled heroically for seven years, under untold suffering and privation—for the boon of liberty. The tyranny of the Turkish government toward the Greeks bears a strong resemblance to that of Spain toward the Cubans. The Greeks, like the Cubans, exhibited the noblest qualities of character—bravery, patience under suffering, and unconquerable resolution. The blood shed at Constantinople, the execution of the patriarch, and the massacres of Scio, find their adequate parallels in the repeated and cold-blooded murders of non-combatants, foreigners, women and children, by the Spanish authorities in Cuba. But here the comparison ceases. These acts of the Turkish government toward the Greeks created a profound sympathy for them throughout the world, and summoned to the cause of Greek independence brave spirits and lovers of liberty from every land. Contributions of money, the necessaries of life, and the munitions of war went out to them from all parts of civilization; and our own land was not lacking in this grand benevolence. Under the magnetic influence of the eloquence of Clay, Webster, Everett, and other statesmen of that time, the nation was equal to the occasion, and the moral effect of her sympathy and recognition contributed greatly toward the final result, decisively accomplished at the battle of Navarino by the destruction of the

Turco-Egyptian fleet by the combined fleets of England, France, and Russia.

Thus was the independence of an oppressed people—greatly tyrannized over by a so-called paternal government, but less brutally governed than are the Cubans by Spain—achieved mainly through the aid, comfort, and tangible assistance rendered by governments which created the precedents and conditions of international law, but upon whom its requirements are powerless when in conflict with the God-given privilege of self-government.

In these later times, when the space of a century stands between us and the struggle of the fathers for liberty, and the heroism and sacrifices of our own patriots are falling unto forgetfulness, and the conditions of neutrality still the best impulses of the heart and paralyze the strong arm that was ever ready to protect the weak and assist the oppressed to a higher plane of manhood, it seems that history has ceased to repeat itself; and we have forgotten the grand principle which underlies our institutions; ceased to have a "manifest destiny;" have given the "Monroe doctrine" to the winds of heaven; while upon our own soil continued atrocities are committed in violation of every principle we have enunciated in the past. While we honor the fearless commander of the British gun-boat Niobe, and are grateful for his timely and noble defense of our flag, and his protection of the lives of our citizens at Santiago de Cuba, we can but feel the humiliation, and earnestly pray for the time to come when this great Government will return to the duty of protecting its own flag and citizens.

For every effort to achieve independence throughout the world, in the century of the existence of this Republic, the nation is measurably responsible by the proud example of July 4, 1776. And the sympathies of this great people have not been lacking, neither has the government of the country been tardy in recognizing the efforts of peoples striving to attain the form of government proved by trial in the crucible of adversity to be the best instituted among men.

That this Congress will immortalize itself by following the traditions of the past, and obey the behests of civilization and humanity, by conceding belligerent rights to the republic of Cuba, there is little doubt; and the friends of Cuban liberty and emancipation are willing to rest their case and trust to the magnanimity and love of equity, individually and collectively characteristic of the war-making power of the land.

Aside from the claims of the brave patriots of Cuba, battling for national existence, there are half a million of people whose race this American nation has started on the high road to equality, and whom they are teaching the world to respect as citizens of the best government on earth, suffering under the galling chains of an abject serfdom, upon which we have placed the stamp of our condemnation in our land, and which continues in all its horrors under Spanish rule in Cuba, in spite of the kindly offices of Christian nations and in flagrant violation of the most sacred treaty obligations.

The course of Spain in the matter of emancipation has been one of continued duplicity and fraud, and the institution of slavery is as flourishing to-day in the Spanish possessions in America as before the time when God, in His mercy, waked this nation to light and life. Existing a foul blot at our doors and a disgrace and a reproach to the institutions of which we are representative, and a foul stigma upon the civilization of the time, Spain has reveled in the blood-bought wealth of this heinous traffic for more than three centuries; and even now, when Russia and even Brazil have followed in our footsteps in the noble work of emancipation, the Spanish government insults the Christian world by perpetuating human slavery.

The Cuban patriots first incurred the hatred of Spanish officials, and incited their persecution, by their outspoken hostility to the African slave trade, which Spain had solemnly agreed with Great Britain to prohibit, and their advocacy of emancipation in some shape.

As early as 1848 an assemblage of Cuban planters, all slave-owners themselves, declared the time had come for the illicit traffic in African slaves to cease, and characterized it as "the scorn of the civilized world, a hideous abyss in which was buried all hope of security and future welfare;" and requested the inflexible prosecution of those engaged in the traffic. "Finally the commissioners from Cuba and Porto Rico, elected by the city councils of those islands, and sent to Madrid to report upon the reforms which their constituents claimed, demanded, on January 29, 1869, that the African slave trade be declared piracy." In 1865 a private association of Cubans was formed in Havana to suppress the traffic; and the members pledged themselves on their honor not to acquire property, from the date of joining the association, in any African slave landed on the island subsequent to January 29, 1869. And in a constitutional convention assembled at Guaimaro, the provisional capital of the republic of Cuba, in the first year of the declared independence of that republic, a constitution was unanimously adopted, the twenty-fourth article of which provides that "all inhabitants of the republic of Cuba are absolutely free!"

The contest in Cuba is waged on the part of Spain for continued supremacy in her possessions on this continent, pride in the prospective dominance of the Latin races in America, and the perpetuation of African slavery in the western world as a continued menace to our institutions. The existence of the so-called republic of Spain, professing to be inspired by the *magna charta* of American liberty, which pronounced "all men created equal," is a travesty upon humanity and a libel upon civilization while it extends the protection of the Spanish government to the most pronounced slave oligarchy that has ever existed among men.

If, for this reason alone, this Government were to forcibly remonstrate with the Spanish maladministration in Cuba, and, as an act of humanity in consonance with the common law of nations, grant belligerent rights to the young republic of Cuba, Christianity would condone and civilization justify the act.

We have reached the proud position occupied by the Republic today by a course which some construe as above the law, yet none will regret that the foul blot of slavery has been removed from our bright escutcheon, and the nation placed in the foremost rank of the nations of the civilized world above the law, according to the technical construction of those who tolerate the violation of all law, human and divine, if a captious selfishness furnish a pretense. International law is a compact of precedents, the majority of the parties to which are opposed to human progress, and the construction upon its requirements construed to subserve the ends of governments constructed upon the violated rights of the people. The comparatively new idea of republicanism necessitates a new construction of the ordinances and rescripts of the indefinite provisions of international law, and a republic in its intercourse with the nations of the earth should, while observing equity, pursue a policy which would comport with the dignity of a great nation and conserve and propagate the principles upon which it is founded.

The farce of emancipation has been indulged in by Spain through a series of years, to satisfy the remonstrance of civilization and quiet the conscience of the Christian world.

The so-called emancipation act of the Spanish Cortes in 1870 is an insult to all peoples of all countries who have striven to have their institutions conform with the requirements of the age by elevating their peasant classes to the plane of manhood equality. This act provides that all those shall be free—

First. Who are born after the publication of the act. (Art. 1.)

From what we know of Spanish honesty and fair dealing, it is just to presume that either the law was not promulgated in the Spanish sense of publication, or there have been no African children born in Cuba since the publication of the act.

Second. Those who have served in the Spanish army, or have assisted the troops during the present insurrection. (Art. 3.)

Of course the Spanish officers in power in Cuba will decide in the fullness of their benevolence who have served in the Spanish army or assisted the troops in the present insurrection, and how far this act will relieve them from the chains of slavery, and general emancipation will ensue.

Third. Those who at the date of the publication of the act, may have attained the age of sixty years, and others when they attain that age. (Art. 4.)

In plain terms, as long as the slave retains capacity to be useful, he or she is under sixty years of age, and cannot be emancipated under the act. When so old as to be unable to earn bread for subsistence, then he or she is considered over sixty, and is emancipated under the act.

Fourth. The slaves of the government and those known as *emancipados*. (Art. 5.)

It is rather a reflection upon Spanish officers who have no regard for the lives and property of American citizens, with the protection of this Government shadowing them continually, to give them credit for entertaining consideration for the liberty of the chattel slave in whom every Spanish official considers he has common property. Neither is it probable that *emancipados*, declared free by treaty with Great Britain, but who have been held in slavery in defiance of treaty obligations, will be benefited more than others supposed to be emancipated by this fraud called a law.

Fifth. Those who have been cruelly punished, and their owners are punished by law for the offense. (Art. 17.)

This is cool, in view of the fact that slaveholders in Cuba are not held accountable for the most hideous barbarities practiced upon their slaves, or punished for their murder.

Sixth. Those who are not registered as slaves in the census to be taken December 31, 1870. (Art. 19.)

If a grain of comfort could be extracted from the preceding provisions, this clause would invalidate all that goes before. The census, as a matter of course, was in the hands of the Spanish officials, whose sympathies and inclinations are all on the side of the slaveholders, and whose interests required, in their narrow view, the continuance of the institution of slavery in Cuba.

If any one was emancipated by the act promulgated June 23, 1870, we would do gross injustice to these officials if we did not concede their willingness to register every man, woman, and child of the African race within Spanish jurisdiction as slaves, in the register of the census taken December 31, 1870, without the slightest uneasiness of conscience, and by that act invalidate the provisions of the so-called emancipation act, which was prepared and passed for foreign consumption, and not for home use.

This legislation of the Spanish Cortes is an excellent sample of the buncombe and subterfuge which attempt to foist upon the world a bastard republic, which, under the plea of Spanish pride, tolerates the most horrible crimes against humanity, and protects with all the

power of the government an institution repugnant to every sense of decency and right.

Thus much for Spain in her record on a question upon which all the civilized nations of the earth have placed themselves right; and I repeat, if for this reason alone this Congress would concede belligerent rights to the Cuban republic as a means of peace and emancipation, it would be fully justified in the eyes of the world and vindicated in history.

But, in addition to this, we have on record, to be placed to the account of Spain, the heinous crimes running through a series of years, committed by the accredited agents of Spain in the suppression of a rebellion which the Spanish government persists in declaring does not exist—the violation of the laws of war and the laws of God and man. These atrocities even antedate the Cuban rebellion. The dance of death opened more than twenty years ago with the assassination of the gallant Lopez and the cold-blooded murder of the brave Crittenden and his followers, and is appropriately supplemented by the thousands of brutal outrages and murders committed in recent years, and is a fitting preparation for the massacre of the school-children two years ago at Havana, the crowning horror committed upon the Virginius prisoners at Santiago de Cuba, and the gross insult to the flag, the honor of which every American ought to defend with his life if need be.

Spain insists that there is no war in Cuba, and proceeds to place her construction upon international law as applied to neutrals in a state of war, and gracefully permits us to rehabilitate her navy, furnish arms and ammunition, and legal opinions if you will, to enable her to prosecute a war which is no war, and suppress a rebellion which is no rebellion. The tide of events so well developed by the gallant Cubans persuades us there is a war of some dimensions in Cuba, to suppress which Spain has repeatedly violated the rules of civilized warfare, and to exterminate the men who dare to die rather than accept a questionable liberty under Spanish tyranny, and reforge the chains of slavery on the limbs of half a million human beings who will never bask in the sunlight of freedom till this Government asserts in its power that no slave shall exist upon this continent. While the republic of Cuba is struggling against the fearful odds of the wealth and munitions of war freely furnished Spain by the peoples of the world without hinderance, with no sympathy but that cheap and safe kind which emanates from mass-meetings and is couched in resolutions; shut out from the light of the world, as it were; fighting like Spartans in the fastnesses of Cuba; decimated and dying, but never surrendering; the footsteps of her sympathizers are dogged by Spanish spies—even followed within the jurisdiction of neutral powers, and on the high seas captured and murdered in cold blood for the crime of sympathizing with the heroic struggle of a brave people who demand liberty or death.

The Spanish government has continued to suppress the Cuban rebellion, which they persist is no rebellion, every year since its inception, at the cost of twenty thousand lives and hundreds of thousands in treasure; and if no argument and no plea will reach this Congress from the voice of the struggling patriots or of the oppressed slaves of Cuba, in God's name let us interpose to save Spain and the so-called Spanish republic. If the continued violation of all law, the confiscation of the property, and the imprisonment of American citizens, and their indiscriminate murder; the unblushing protection of the institution of slavery in its most repulsive form, repugnant to every instinct of free government; the insult to our flag, and the brutal murders of women and children without the forms of law, do not arouse this nation to duty and to action, then, in the name of the Spanish republic, if such an anomaly can exist in the present state of affairs in that unhappy country, I appeal to this Congress to relieve her of one of the insurrections on her hands so that she can have a fair trial in her new-found republican experiment.

Grant belligerent rights to the republic of Cuba, and aside from the inestimable boon of liberty conferred upon a million of people who are with us and of us, we relieve a European republic of entangling alliances, and give their scheme a fairer chance among the crumbling dynasties of the Old World. As a representatlve in part of the people of the State of Florida, I join my feeble effort with the earnest appeal of the present governor of that State, who, in his last annual message, refers to the Cuban question as follows:

> There is a very large, rich, and beautiful isle, only eighty miles from the shores of Florida, whose good people have constant commercial intercourse with us, many of whom have fled to Florida and are residing here from the persecutions of a despotic European power, and a large majority of whose people have been for several years and still are engaged in a severe and bloody revolutionary struggle, as our forefathers once were, for liberty from the tyranny of foreign domination and freedom from the chains of slavery.
>
> As our great and beloved national Government has constitutional control over the entire subject of our foreign affairs, it may not become me to say more than that, in common with the whole of our country, we do most heartily sympathize with every people, and especially with our neighbors, in any of their efforts to be free.

I also submit the following memorial and resolutions adopted by the Legislature of the State of Florida:

> Whereas the people of the island of Cuba have been and are still struggling for their national existence, and are striving to establish a free government for themselves and their children; and whereas the war waged by the Spanish government has no parallel, for its inhumanity, in modern times, and should not be permitted by any civilized nation: Therefore,
>
> *Be it resolved by the people of the State of Florida, represented in senate and assembly*, That the Congress of the United States is requested to adopt such legislation as may be necessary to enable the national Government to extend such aid to the people of Cuba as becomes a great republic, whose people so ardently sympathize with an oppressed nation.
>
> *And be it further resolved*, That our Senators and Representatives in Congress are requested to present these resolutions to their respective bodies, as expressive of the sense of the people of Florida.

With the submission of these earnest declarations, and the facts presented, I commend the question of Cuban recognition; the emancipation of the slaves in the Spanish possessions in America; the guardianship of the free institutions of an advanced civilization; the protection of our citizens, and the vindication of our flag, to the favorable consideration of the Forty-third Congress.

Finance—Currency.

SPEECH OF HON. C. L. MERRIAM,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

January 24, 1874,

On the legality of the forty-four million reserve.

Mr. MERRIAM. Mr. Speaker, the authority of the Secretary of the Treasury to issue any portion of the legal-tender notes, known as the forty-four million reserve, has been under discussion by the press and the people of our country for some three years.

The Finance Committee of the Senate has made two reports, the majority report being adverse to the ruling of the officers of the Treasury, while the minority report sustains the legality of their action. The House of Representatives, just before the close of the Forty-second Congress, instructed the Committee on Banking and Currency to examine and report upon the same subject, but owing to the multiplicity of business at the close of the session they were unable to present a report, although a sub-committee thoroughly examined all the laws bearing upon the issue and cancellation of legal-tender notes.

During the present Congress distinguished gentlemen upon this floor have expressed as their opinion that there was no authority for its issue; and the distinguished gentleman from Kentucky [Mr. BECK] in his debate upon the naval appropriation bill declared that the Secretary of the Treasury had issued some twenty-three millions of the reserve in direct violation of law. Notwithstanding this is a question of vast importance in itself, as affecting the business interests of our country; and notwithstanding this is a question affecting the integrity of an executive officer of our Government, and hence bearing upon the dignity and stability of our laws in their strict observance, yet neither the gentleman from Kentucky, with his well-known disposition to treat public matters and public officials with entire candor and fairness, nor any other gentleman in either branch of Congress, has (as was their duty if they had reason to believe the Secretary was "directly violating the laws of Congress") brought in either a bill to impeach or a resolution to define the law, and thus relieve the anxiety of the country and the embarrassment of the Secretary. I submit this is an injustice unworthy the accusers.

The honorable gentleman who has so unmistakably made these charges, bearing upon the honor of the administration of one of the most important branches of our Government, and affecting the morality of administration, could not expect action to be taken by those who have, with great care, examined all the laws bearing upon the issue of United States notes, and who believe that a true construction of the various acts fully justifies the Secretary—nay, imposes it upon him as a duty—to use "in times of public exigency" any portion of the forty-four million reserve, not in lending it to banks or bankers, but in paying the maturing obligations imposed by authority of Congress whenever the revenues of the Government are inadequate. The question of the policy of intrusting such vast powers in the hands of any one man, as would enable him at his will to contract or expand the currency, and, if he were not true and honorable, enabling him to speculate with undue advantage over the legitimate transactions of business, may well invite the thoughtful consideration of Congress. Fortunately for the credit of our nation and the confidence of our people, no man has, thus far, the least suspicion of the integrity of our financial ministers. The late Secretary, who first issued from the reserve, was returned to the Senate of the United States from a proud and sensitive constituency, and we might argue their acquiescence in the legality and necessity of the issue, from the fact that, as a class, they are bullionists, "hard-money men," and that by the election of the late Secretary to one of the highest positions within the gift of the people of this Republic, they indorsed his action.

And although I appreciate the possible danger and am opposed to the continuance of such power vested in any one man by the continuance of a reserve, it is well that we examine with entire candor and bring to bear upon it the common sense of plain and practical business, that we may comprehend the motives of those legislators who framed the law. It is the habit, especially of men of our day, to decide even grave matters at once and without analysis, either in accordance with their own personal wishes or their own preconceived ideas of the safety or the policy of the act.

Those who have studied the necessities of our Treasury during and since the war, and who have considered the importance to the people of building up and maintaining the credit of the nation, realize the wisdom of those patriotic and able financiers who carried us through peril to safety; and few measures aided them more than this provision of a fund always available for use to meet public exigencies—not only in war, but when industry struggled for the rewards of peace. It is evident that their sagacity anticipated a contingency like the recent financial crisis which so affected the revenues of our Government.

I will assume that no citizen of this country, in or out of Congress, would be willing to see the credit of this nation blackened by default.

An acquiescence in the continuance of the reserve, as such, by Congress—when aware of its use in the past and probable use in the future, "if public exigencies seemed to require it"—ought to be a full justification of the action of the Secretary; for we all know that a resolution of three lines and the action of a few hours could have prevented its use forever; and I now submit to Congress that the dignity of legislation demands its immediate determination; but in justification of past action, let us not forget that the cash account of the treasury of a nation is in one sense like the cash account of a merchant or banker—all have large daily receipts and large daily payments. If large payments must be made next week or next month, all who are prudent financiers will provide in advance to cover contingencies. The Secretary of the Treasury especially must provide money in advance, or endanger the nation's credit; for he has no authority to borrow. Either at one end or the other of his cash account must stand a reserve; if it is not in a fixed sum, like the forty-four millions, he must provide it at the other end of the account by selling gold and hoarding currency to meet expected and unexpected demands. Now, I submit to this House and the country that the ability to use from this forty-four millions during this crisis has gone far toward the restoration of confidence and business, without which we could not hope for the return of adequate revenues to meet our obligations, and it has at least illustrated the wisdom of the framers of this law of reserves for a contingency like the present. The panic broke upon a country fat with the wealth of industry. In an hour, banks, merchants, and manufacturers went down in a crash. In an hour the hum of a million spindles was hushed; willing labor walked idle in the streets; universal financial distress threatened a nation at the hour of its unequaled prosperity. The nation's revenues shrank far below its immediate necessities. The reserve—wise at least in this emergency—came to our relief. By its use confidence, which is greater, broader, and more powerful than gold, is surely and rapidly, day by day, hour by hour, coming back to us. Manufacturers are again giving work to thousands and thousands of willing hands, who joyfully earn bread and happiness for their families. The great wheels of busy industry are again being put in motion, and men are no longer scared at phantoms of financial dissolution. Except for the reserve, we must have sold our gold for currency; and gathering it up, intensified and lengthened the distress, which would have still more endangered law and order in our large cities by an accepted excuse for riot and mischievous communism.

The use of the reserve, it is true, is an expansion, with all its present effects. The sale of gold would have been a contraction, and one at this moment more dangerous than any Wall-street lock-ups, which have caused such frequent distress to the commercial community in years past. In consideration of our recent and present experiences, and what is greatly due to a people suspicious from the charges that have been made, and to an officer whom we all believe to be honest and who desires to perform his duty, I crave your indulgence while examining the law that justifies his action; for nothing can be gained to our honor or credit as a nation by a passionate verdict upon so important a question, about which good men disagree. It is not in justification of Mr. BOUTWELL or Mr. Richardson I would do it, but in justification of the administration of an important branch of our Government.

Let us, then, examine if the Secretary of the Treasury has had the power to issue United States notes in amounts within the $44,000,000, which form the difference between the minimum of aggregate circulation ($356,000,000) fixed by the act of February 4, 1868, and the maximum ($400,000,000) prescribed by the acts of February 25, 1862, July 11, 1862, and March 3, 1863, and affirmed by the act of June 30, 1864.

In other words, can the Secretary, under the laws regulating the original issue, the reissue, and the retiring of United States notes, make an issue of notes to replace such as have been retired and deducted from the aggregate circulation; or has the retiring of United States notes imposed a limit upon the aggregate circulation allowable, which is final so far as the power of the Secretary is concerned, and cannot be exceeded, except under a new authority from Congress?

After a careful review of the acts of Congress involved, and of the circumstances and financial condition under which they were passed, I have reached the conclusion that an issue of United States notes, which in effect restores to the circulation a sum previously retired, does not exceed the powers of the Secretary, so long as the aggregate of $400,000,000 is not exceeded, but is warranted by law within that limit, whenever, in the judgment of the Secretary, strong considerations of public interest require it.

The claim is that the general authority conferred upon the Secretary, by law, to reissue United States notes extends to notes which have been retired, and continues in full force to the present day. The objection is, that, even conceding the existence of the power while the Secretary was retiring notes at his discretion, and that he might, without positive direction of law, but upon his own knowledge of the fiscal situation, restore retired notes when necessary to meet an increased demand for circulating medium, still this power ceased when Congress intervened (by the acts of 1866 and 1868) to determine the amount of notes to be retired; that these acts, in effect or by implication, repealed any authority to restore retired notes to circulation, which might, previously, have been deduced from the laws authorizing reissues.

The laws authorizing issues and reissues of United States notes are the following:

The act of February 25, 1862, chapter 33, section 1, (12 Statutes at Large, 345.) This act, after authorizing the Secretary to issue $150,000,000, (fifty millions thereof to be in lieu of demand Treasury notes theretofore authorized,) expressly declares that—

> Such United States notes * * * may be reissued from time to time, as the exigencies of the public interests shall require.

There are no expressions making it obligatory upon the Secretary to issue the notes or all of them, or to maintain the full amount at all times as a circulating medium; nor any expressions limiting the power of reissue to mutilated or destroyed notes and notes paid into the Treasury in course of dealings with the Government, or to cases in which a reissue should be required for the service of the Government.

The act of July 11, 1862, chapter 142, section 1, (12 Statutes at Large, 532.) This act, after again authorizing the Secretary to issue, in addition to the amounts previously authorized, one hundred and fifty millions, declares that—

> The Secretary of the Treasury * * * may reissue the notes so received in exchange; may receive and cancel any notes heretofore lawfully issued under any act of Congress, and in lieu thereof issue an equal amount in notes such as are authorized by this act.

There are no expressions requiring the Secretary to maintain a uniform aggregate of circulation, or restricting him, in reissues, to replacing worn-out notes, and placing notes paid in at the Treasury again in circulation.

The act of March 17, 1862, chapter 45, section 4, (12 Statutes at Large, 370.) This act provides—

> That in all cases where the Secretary of the Treasury is authorized by law to reissue notes, he may replace such as are so mutilated or otherwise injured as to be unfit for use with others of the same character and amount.

This language implies that there were, previous to the act, more cases than one in which the Secretary of the Treasury was authorized to reissue notes, and that the exchange of mutilated notes for new ones was not one of those intended; for such exchange is now spoken of as newly authorized.

The act of March 3, 1863, chapter 73, section 3, (12 Statutes at Large, 710.) This act, after authorizing the Secretary—

> If required by the exigencies of the public service, for the payment of the Army and Navy, and other creditors of the Government, to issue on the credit of the United States the sum of $150,000,000 of United States notes—

(To include an amount previously authorized by joint resolution,) declares that—

> Any of the said notes, when returned to the Treasury, may be reissued from time to time as the exigencies of the public service may require. And in lieu of any of said notes, or any other United States notes returned to the Treasury and canceled or destroyed, there may be issued equal amounts of United States notes, such as are authorized by this act.

Here, it will be observed, the original issue of the notes authorized, is directly confided, as respects amount, to the official judgment of the Secretary, and a reissue is allowed upon the simple fact that notes have been returned to the Treasury and either canceled or destroyed.

The act of June 30, 1864, chapter 172, sections 1 and 2, (13 Statutes at Large, 218.) This act (after authorizing an issue of Treasury notes—a matter not material to a question involving only the amount allowable of United States notes) declares that—

> The Secretary of the Treasury may redeem, and cause to be canceled and destroyed, any Treasury notes or United States notes heretofore issued under authority of previous acts of Congress, and substitute in lieu thereof an equal amount of Treasury notes, such as are authorized by this act, or of other United States notes.

And it then declares in a proviso—

> Nor shall the total amount of United States notes issued or to be issued ever exceed $400,000,000.

The acts reviewed in their connection, and construed in the light of the fiscal condition of the country, and the actual management of the national finances during the period covered, clearly confer upon the Secretary a power to reissue notes previously withdrawn or withheld from circulation. For it should be carefully borne in mind that the period was one during which the Government was endeavoring to readjust, as rapidly as consistent with the general commercial prosperity, an immense mass of obligations contracted under the exigencies of war.

The majority of the Senate Committee on Finance, in their report upon the power of the Secretary to issue United States notes, &c., made January 14, 1873, exhibit the general facts attending this

course of legislation in a very clear and striking manner. They say that the power of issuing United States notes, conferred by the acts of February 25, 1862, July 11, 1862, and March 3, 1863, above mentioned—

> Was felt to be a dangerous one, liable to abuse, and was carefully limited and guarded. Though the war continued two years and more after the passage of the act of March 3, 1863, and immense sums were borrowed upon various forms of security, the limit of United States notes was not enlarged.
> The close of the war was followed with measures by both the executive and legislative branches of the Government to still further limit and reduce the volume of legal-tender notes.

These measures are then rehearsed, showing that Secretary McCulloch in his annual report in December, 1865, expressed the opinion that the circulating medium of the country was altogether excessive and urged measures for a reduction; and that the House of Representatives passed a resolution, introduced March 15, 1866, to the effect that—

> This House cordially concurs in the view of the Secretary of the Treasury in relation to the necessity of a contraction of the currency, with a view to as early a resumption of specie payments as the business interests of the country will permit, &c.

These facts corroborate and explain the permission given to the Secretary in the express terms of the acts already quoted, to reissue notes. The general policy of the acts was that the smallest amount of notes necessary for the public service should be issued in the first instance; that whenever causes should arise diminishing the volume of circulation required notes were to be retired; that a reduction or contraction in the aggregate amount was desired, and was anticipated from the course of action indicated to the Treasury Department; and that the variations in amount of circulation needed from time to time, and any evils consequent upon retiring too large a quantity of notes at one date, were to be met and relieved by a reissue of such sum as the Secretary might perceive to be temporarily needed by the country.

An executive power to reissue notes is indispensably necessary to the safe and harmonious operation of any system of rapid and continuous contraction of paper currency.

If the act of retiring notes is made absolutely final, and they can in no event be restored to the circulation without authority of the legislative body, there is then no timely remedy for grievous inconveniences which may result if the process of retiring is at any time, or from any cause, pressed too rapidly forward.

It is clear, then, that the acts in force prior to April, 1866, authorized the Secretary to reissue notes which had been retired, when he should ascertain that the public interest required it. Has this power been impaired by subsequent legislation?

The acts of Congress indicated as depriving the Secretary of this power are the act of April 12, 1866, chapter 39, sections 1 and 2, (14 Statutes at Large, 31,) and the act of February 4, 1868, chapter 6, (15 Statutes at Large, 34.)

Neither of them contains any expressions abating or affecting the power to reissue. The first contained provisions modifying the duties of the Secretary in disposing of bonds, and in applying the proceeds of bonds sold, and contained the following proviso:

> That of United States notes not more than $10,000,000 may be retired and canceled within six months from the passage of this act, and thereafter not more than $4,000,000 in any one month.

And the latter simply declares that—

> The authority of the Secretary of the Treasury to make any reduction of the currency by retiring or canceling United States notes shall be, and is hereby, suspended; but nothing herein contained shall prevent the cancellation and destruction of mutilated United States notes and the replacing of the same with notes of the same character and amount.

These acts, then, imposed first a check, (1866,) and then a prohibition, (1868,) upon the process of contraction; they restricted and at last forbade the retiring of United States notes. But a prohibition upon retiring notes affords no just or reasonable implication against a power to restore them. The acts in question do afford ground for the inference, that, in the judgment of Congress, the Secretary of the Treasury had, in a period immediately previous, retired more notes than a prosperous condition of the money affairs of the country would justify or permit; but this inference points to and encourages a restoration of some of such retired notes to the circulation, rather than discourages it.

The Secretary had retired more notes than was expedient. Congress directed that he should do so no longer; leaving his power to reissue them untouched. The natural construction is that Congress might even have directed a reissue, if they had not known the power to be vested in the Secretary, and believed that, if increasing stringency required, the power would be promptly and faithfully exercised, in deference to the clear will of Congress, though contrary to the previous policy of the Department.

But it is said that the act of 1868, in effect, prescribes the aggregate volume of United States notes allowable, and thereafter the executive officer must not increase it. Nothing in the act, and nothing in the policy disclosed by previous acts, indicates any purpose to prescribe an aggregate actual amount of circulation. The three acts authorizing three issues of United States notes (February 25, 1862, July 11, 1862, and March 3, 1863) do indeed prescribe a limit which the Secretary must not exceed; but they do not prescribe an actual aggregate. The first two impliedly, and the last explicitly, make the aggregate actual circulation depend upon the official judgment of the Secretary.

It is entirely clear that under the act of March 3, 1863, the aggregate actual circulation might have been increased from time to time to any amount between three and four hundred millions, according as the Secretary found the issue of notes required for the payment of creditors of the Government.

This is irrespective of any power to reissue. The aggregate might also be diminished—prior to 1866—indefinitely by retiring notes; and it might be restored again by reissuing.

The act of 1864 carried the allowable limit up to $400,000,000 (additional to those required for redemption of temporary loan;) but it did not fix four hundred millions as the aggregate circulation. The sum to be in circulation always depended upon the judgment of the Secretary, acting under the authority given by the law, (act of 1863,) and controlled only by the statement of a specific sum as a limit. The amount of notes in circulation never became four hundred millions, unless by some determination, or successive determinations, of the Secretary, that an issue of notes to that amount was requisite to the payment of the creditors of the Government; and there was no requirement of law that the actual amount should continue at any specific sum, but it might be varied by subsequent exercise of the power to retire and reissue.

The act of 1868 betrays no intent to change the settled policy of the Government in this respect, by fixing a permanent amount for the circulation of United States notes. It operates simply to fix a minimum limit below which the Secretary cannot carry a reduction; just as the act of 1865 fixes a maximum which he must not exceed. Between these two limits, the actual amount remains dependent, as it was under the act of 1865, upon the official judgment of the Secretary, exercised upon occasion for retiring or reissuing notes, as the varying condition of affairs may require.

The formal and emphatic manner in which Congress, by the act of June 30, 1864, fixed a maximum of issue has not been paralleled in any subsequent enactment relating either to an expansion or a contraction of the currency. "Nor shall the total amount * * * ever exceed," &c., is the phraseology employed; and although the word "ever" is to be qualified by the words "at any one time," understood, yet no language could have more clearly expressed the deliberate intent of Congress to fix a permanent limitation of issue.

No language so forcible and direct as this is used in any subsequent act bearing on the question of limitation. The Secretary "may at his discretion issue," &c., (act of March 3, 1865,) "not more than $4,000,000 in any one month," may be thereafter retired, &c. (Act of April 12, 1866.) "The authority of the Secretary to make any reduction of the currency * * * is hereby suspended," &c. (Act of February 4, 1868.) In all these later enactments the language used is well fitted to indicate provisions of a temporary character or the exercise of a discretionary power, but not to change an arbitrary limit enacted in the most express and positive manner possible. All inferences, therefore, drawn simply from the text of the different statutes cited, are necessarily to the effect that Congress, by the act of 1864, fixed, beyond peradventure, a positive limitation of issue which it has not since, in any direct mode, or by any direct words, altered or reduced.

It is further to be remarked that, at the very time the act arresting contraction was passed, (February 4, 1868,) and which is claimed to fix both the maximum and the minimum at the exact amount then outstanding, there were more than thirty millions of fractional currency outstanding and redeemable by law in United States notes, for which, if that construction be correct, no provision whatever was made. Moreover, Congress (March 2, 1867) authorized the issue of fifty million 3 per cent. certificates, subsequently (July 25, 1868,) increased to seventy-five millions, all payable in lawful money on demand. Without a reserve, how could these certificates be met if they came in suddenly, as, in fact, they did in September, 1869, when the Secretary was obliged to issue a million and a half of the reserve of $44,000,000 to meet the demand? There was then no other reserve in existence, the one of fifty millions, mentioned in the acts authorizing four hundred and fifty millions in all, being applicable only to a particular class of temporary deposits, known as temporary loans. These had all been paid, and the issue made for that purpose being above the permanent limit, *i. e.* four hundred millions, had all been redeemed and canceled according to law, so that that reserve no longer existed when the act restraining contraction was passed. But the fractional currency was still outstanding, and an issue of fifty millions of 3 per cent. certificates, (afterward increased to seventy-five millions,) payable on demand, had in the mean time been authorized by Congress.

It has undoubtedly always been the opinion of the Department, the Secretary, the Treasurer, (General Spinner,) and the First Comptroller, whose decisions are, by law, to a certain extent authoritative in the Treasury Department, and who can have no personal interest in the law or in the way it should be construed, that between the maximum of four hundred millions, as fixed by the laws authorizing the issue of United States notes, and the minimum of three hundred and fifty-six millions, at which the process of contraction was arrested, the difference, forty-four millions, constituted a reserve which, in the language of the act of February 25, 1862, "may be reissued from time to time as the exigencies of the public interest may require." In these views, it seems to me, impartial minds must concur.

West Virginia Contested Elections.

SPEECH OF HON. R. MILTON SPEER,

OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

January 27, 1874.

The House having under consideration the resolutions reported from the Committee on Elections on the West Virginia contested-election cases—

Mr. SPEER said:

Mr. SPEAKER: I shall not follow the bad example of the gentleman from Massachusetts [Mr. BUTLER] by injecting into this discussion a partisan appeal. I know that the House of Representatives is not in its organization a judicial body. But there is nothing in the relative strength of the political parties on this floor, and there is nothing in the cases now pending, that should excite party feeling, or that should lead the members of the House away from their plain, sworn duty, fairly to judge of the elections of these claimants to seats here.

In 1872 there were two elections for Congressmen held in West Virginia, one on the fourth Thursday of August, and the other on the fourth Thursday of October. They were both regularly held by the officers duly authorized to hold elections, as appears by the certificate of the governor of the State. There is no allegation of fraud, violence, or intimidation. Every legal voter in that State had the full right to deposit his ballot if he wished so to do; hence, whether the vote at the one election or at the other election was large or small, it resulted not from anything connected with the conducting of the election itself, but from the indisposition of the voters to vote, and to some extent from doubt as to the legal day.

If the October election was the legal election, then Messrs. Wilson and Martin beyond all question are entitled to their seats. If the August election was the legal election, then Mr. Davis is and Mr. Hagans may be entitled to his seat. If neither was the legal day of election, then neither set of claimants are entitled to seats.

Before I proceed further let me say a word upon the merits of these cases. It is true that in the first district the vote polled in August is much larger than the vote polled in October. This results from the fact that there was an exciting contest then over the adoption or rejection of the new constitution. It was warmly supported upon the one side and warmly opposed upon the other. The whole State was aroused upon that single issue. Subordinate to it was the election of governor and other State officers. The names of the candidates were upon one slip of paper, forming but a single ticket; and many persons, doubtless, voted the ticket without knowing that they were voting for Congressman at all. This accounts for the large vote cast in August in the first district.

But I desire this House, in justice to Mr. Wilson, to know and remember that, believing the legal day of holding the congressional election was the fourth Thursday of October, he did not intend to be voted for in August; but his friends urged him, as a matter of safety, to enter the August canvass, with the understanding that, even if elected then, he was also to run again in October, as Mr. Hereford did in the third district, and thus avoid any shadow of question as to getting his seat here. But it was now so late that he could not have tickets with his name on distributed throughout the entire district, which was territorially very large, and on this account and for this reason only he lost more votes than would have elected him. As it was, he was beaten but 413.

I hold in my hand the affidavit of Mr. Leonard, who was a member of the constitutional convention from Wirt County, which sustains my statement on this point, and I ask the Clerk to read it.

The Clerk read as follows:

WEST VIRGINIA, *Wood County, to wit:*

This day personally appeared before me, David D. Johnson, a notary public in and for the county and State aforesaid, D. H. Leonard, who, after being sworn in due form of law, says that he was a resident of Wirt County, West Virginia, at the time of and for several years before the election for State, county, and other officers on the fourth Thursday of August, 1872; that before said election, and when the democratic committee for said Wirt County were about to have the tickets printed for said election, they asked deponent (he having been a member of the State constitutional convention from that senatorial district) if it was necessary and proper to have the name of Colonel Benjamin Wilson, the democratic candidate for Congress, printed on said tickets to be voted for at said August election; deponent told them it was not necessary to do so as there would not be, in his opinion, an election for member of Congress until the fourth Thursday in October, and that is the opinion of the members of the convention. And for this reason Wilson's name was not printed on said tickets with other candidates, and was not voted for at said election in said county.

D. H. LEONARD.

Subscribed and sworn to before me this 20th day of November, 1873.

Witness my hand and notarial seal.

[SEAL.] DAVID D. JOHNSON, *Notary Public.*

Mr. SPEER. While the other democratic candidates received in this county about 550 votes, Mr. Wilson received only 163, showing a loss to him, by reason of the belief that August was not the legal time for the election, of nearly 400 votes, or about the number by which he was beaten in the district. The same state of facts existed at different polls in other counties. In those counties where the tickets with his name on were fully circulated he ran ahead of his party vote.

At the election in October a much smaller vote was polled than in August. There were no candidates voted for but members of Congress; and, coming so soon after the exciting struggle over the new constitution, it was not to be expected that a full vote would be cast. But Wilson was voted for in every one of the fifteen counties composing his district. In August there were over 36,000 less votes polled in the State for the candidates for Congress than were cast for and against the constitution, thus showing that that number of voters present at the polls and voting refused to participate in the election of Congressmen on that day, evidently from the belief that it was not the legal day.

I have thus referred to the facts in the first district, not because I believe they affect the question upon which this contest turns, but for the purpose of correcting an erroneous impression which has pervaded this entire discussion.

But what are the facts in the second district? There the leaders and representatives of both political parties met in convention before the August election; and after discussing the question as to when Representatives in Congress should be elected, both conventions concluded that the fourth Thursday of October was the legal day; and therefore they adjourned without making any nomination for Congress. Of one of these conventions Mr. Hagans, now one of the claimants for a seat from that district, was a member. After the adjournment of his party convention, for the reason that August was not the lawful time for holding the election, Mr. Hagans, on his own account, and without a nomination from any party or convention, and without the knowledge of either party in several of the counties, had his name printed on the slip containing the names of the republican candidates, and was voted for in only four out of the eighteen counties composing the district. He received 3,441 votes in a district that, at the same election, gave the republican State ticket over 14,000 votes; and of the 3,441 he got 2,919 in two counties—his own and an adjoining one on the line of the railroad. In eleven counties there was not a single vote cast for any person for Congress at this election. The district embraced a large extent of territory, and in many parts of it the voters of both parties were blissfully ignorant that Mr. Hagans, even in imagination, was a candidate. His candidacy and pretended election were a fraud—a palpable fraud upon the people irrespective of party. Now, in view of these facts, unanswered and unanswerable, he claims a seat on this floor. In my judgment, he is no more entitled to admission here, either in law or justice, as a Representative of the people of the second congressional district of West Virginia, than is the king of the Ashantees. If successful, his success may be fitly described, in the language of the Berkeley Union, a republican journal of his own district, as the "larceny of the position," to which he was never legally chosen. So much for the merits of these cases.

In my argument upon the law, I shall reverse the order of time, and consider the October election first. And just at this point permit me to say that it appears to me much confusion and misapprehension have been introduced into this discussion all the way through by forgetting the fact that the Legislature of West Virginia, in providing for elections in that State, acted under authority derived from two separate and distinct sources. When it provided for the election of State officers, it was carrying out the authority which it derived from the State constitution. When it provided for the election of Congressmen, it was exercising authority derived, not from the State constitution, (because the State constitution could not confer it,) but derived from the national Constitution. Hence, if in a separate section the Legislature of West Virginia had provided for the election of State officers in execution of its authority under the State constitution, and then in another section had provided for the election of Congressmen under the authority derived from the national Constitution, and had in each section prescribed the same day, there would have been no question left then as to the proper construction of the statute. It has, however, done substantially that very thing, except that it has blended the execution of its dual authority into a single section, or, to speak more accurately, into two dependent sections.

I trust that this distinction will be borne in mind, because it has an important bearing on the argument in this respect: When the constitutional convention, as is alleged by the advocates of the August election, changed the time of holding the general election, it had jurisdiction over only the State election. The authority of the Legislature to prescribe the time for the congressional election had not been derived from any constitutional convention, and such a body had no jurisdiction over it. It had no authority to fix it as against an existing provision of the Legislature on the subject, and no authority to change it. And if it had no authority to change it directly, it had no authority to change it indirectly or by implication. Hence, in construing the provisions of the constitution which it framed relative to elections, the fair and legal inference is, in the absence of express words to the contrary, that they refer only to such elections as the convention was competent to authorize, and not to those whose regulation as to time, place, and manner is placed by the Federal Constitution in the State Legislature.

What, then, was the legal day for holding the congressional election in West Virginia in 1872? To answer this question, is to determine this case. The majority of the committee believe, and have so reported, that the day prescribed by law was the fourth Thursday of October. Upon the other hand, two members of the committee hold that the

legal day was the fourth Thursday of August; and two other members hold that there was no time legally prescribed for the election of Representatives in Congress in 1872.

I maintain that the Legislature of West Virginia prescribed the fourth Thursday of October as the day, and that no competent authority has changed or attempted to change the day.

The Federal Constitution, article 1, section 4, provides that—

> The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

Observe the language. The *times* "*shall* be *prescribed*" "by the *Legislature;*" not "*may* be," leaving it to legislative discretion. The grant of the power is mandatory, not permissive; and devolves a *duty*—upon whom? The *Legislature*, composed, of course, of two houses. To do what? To *prescribe*, establish, make known beforehand, the *time* of electing Representatives in Congress. This *duty shall* be performed by the Legislature in advance of the election.

Having imposed this obligation, the Federal Constitution goes a step further, and requires in article 6 that—

> The Senators and Representatives before mentioned, *and the members of the several State Legislatures * * * shall be bound by oath or affirmation* to support this Constitution.

Having granted the power and imposed the duty, it enjoins the faithful execution of that power and the faithful discharge of that duty by the most solemn sanction known to the law. Mr. Webster, in the Massachusetts constitutional convention of 1820, declared that "whatsoever was enjoined on the Legislature by the Constitution of the United States the Legislature was bound to perform."

And, right here, let me say that the doctrine that a constitutional convention can exercise the power of prescribing the time for congressional elections, as against an existing provision of the Legislature, seems to me as dangerous as it is unwarranted. The members of a constitutional convention are not required to be sworn to support the Constitution of the United States; and if they have the power to do what it is not made their duty to do, they are a law unto themselves in its exercise. If the convention may prescribe the time, it may deny to the Legislature the power to prescribe it; and having taken from the Legislature the right to fix the time, may refuse to fix it itself; and, without the violation of any legal obligation, may, at its pleasure, leave the State absolutely unrepresented in Congress. Such a doctrine rests upon the theory that the Federal Government has sown in its very womb the seeds of its own destruction.

With its duty plainly before it, the Legislature of West Virginia, on the 13th of November, 1863, passed "An act to regulate elections by the people," which, in section 1, provides:

> And on the fourth Thursday of October, 1864, and the same day in every second year thereafter, a governor, secretary of state, treasurer, auditor, and attorney-general for the State; *a Representative in the Congress of the United States for each congressional district, for the term commencing on the 4th day of March next after the election;* and a prosecuting attorney, surveyor of lands, recorder, county treasurer, and the number of assessors prescribed by law for every county.

Here was a specific day named, to wit, the fourth Thursday of October; and had this law remained unchanged in its letter this contest could not have arisen. But how came the letter of this section to be changed? In the same year that it was passed the Legislature passed "An act to provide for revising, collating, and digesting into a code, the statute laws now in force in this State." The title shows its object and purpose to be, not to enact new legislation, but to codify existing laws. The work provided for under this act was completed on the 29th December, 1868, and adopted as the code of West Virginia.

The preamble is as follows:

> Whereas it is necessary and expedient that the general statutes of this State should be reduced into one act, and divided into proper chapters and sections, in order that omissions and defects should be supplied and remedied, and the whole rendered concise, plain, and intelligible——

The language of this preamble shows most clearly that it was not the intention of the Legislature to alter and repeal statutes, but to arrange, simplify, and systematize them. Turn to chapter 3 of the code relating to elections, and read its title: "The officers to be elected and the *time* of their election"—not the "occasion."

And this brings me to the existing law.

The first two sections of chapter 3 of the code of West Virginia are in these words:

> 1. The general election of State, district, county, and township officers, and members of the Legislature, shall be held on the fourth Thursday of October.
>
> 2. At the said elections in every year there shall be elected delegates to the Legislature, and one senator for every senatorial district. And in the year 1870, and every second year thereafter, a governor, secretary of state, treasurer, auditor, and attorney-general for the State; a prosecuting attorney, surveyor of lands, recorder, and the number of assessors prescribed by law, and a Representative in the Congress of the United States, for the term beginning on the 4th day of March next after the election, for every congressional district; and in the year 1870, and every fourth year thereafter, a judge of the supreme court of appeals for the State, and a clerk of the circuit court, and a sheriff for every county; and in the year 1874, and every sixth year thereafter, a judge for every circuit.

These sections are dependent and inseparable, and the one must aid in the interpretation of the other. The office and purpose of the first section is to prescribe the time of the election. The existing law fixed the fourth Thursday of October, and provided that on that day a Representative in Congress should be elected in every second year. The code separating the time of the election from the designation of the 1863 expressed in one. All that is in the section of the old law above officers to be elected expresses in two sections what the election law of cited is incorporated in the new, with the addition of certain officers whose election is also provided for. The act of 1863 prescribed a day certain, by name, for the election of Congressmen. The code, abbreviating the language, but not intending to change the law, provided in section 1 that the general election should be held on the fourth Thursday of October. There is no change in the day, and there is no change in the officers whose election was provided for on that day. But the first section ends after naming the time. That is its specific and only purpose.

Section 2 then follows with a designation of the officers to be elected. When? On the day prescribed in the first section. The second section is introduced with the words "at the said elections;" but this phrase is a mere form to connect the sections; the second section does not fix or change the time of the election; but it, *ex necessitate rei*, refers to the time already named in the first section. When it requires a Representative in Congress to be elected in every second year, it means that the day of his election shall be the fourth Thursday of October. The words, "at the said elections," used to introduce the second section and connect it with the first, do not mean at the general election *whenever* held, because that would not be "the said election" named, but another. The "said election" is the one held at the "said" *time* designated. If held at another time, and under another authority, it may be a general election, but it clearly is not "*the* said election" prescribed by the code, to which the second section refers.

Again, the words "at the said election," occur but once in the second section, and then their office plainly is to connect it with the first. They are not found in the sentence providing for the election of Representatives in Congress. The language is:

> There shall be elected * * * in the year 1870, and every second year thereafter, a * * * Representative in the Congress of the United States, for the term beginning on the 4th day of March next after the election, for every congressional district.

Observe, he is to be elected for the term beginning on the 4th of March next after the election; not after the general election, *whenever* it may be held, but after the election required to be held on the fourth Thursday of October. If the time of the election had not been regarded as definitely fixed, the commencement of the term of service would not have been designated by reference to the election, but by naming a specific date. For if the time of the election is ambulatory, unsettled, subject to occur in the first or the last month of the year, then the term of service may be rendered uncertain in its beginning, if not in its duration.

Time is an essential requisite in all legal elections. In this case the Legislature was bound to prescribe it. It named the fourth Thursday of October, and substantially provided that on that day Congressmen should be elected. If the code had left the law in one section as it found it, does anybody suppose that the language of the section would have been changed? Not at all. There was no thought of changing the day of holding the congressional election. But the codifiers, in arranging the various sections of the election law, had to transpose the words occasionally, in order to secure grammatical accuracy. They were not drawing a new act, but simplifylng, as they thought, the old.

Is not, then, the fair reading of the first and the second section of the code this? "The general election shall be held on the fourth Thursday of October; and on said day, in every other year Representatives in Congress shall be elected?"

It cannot affect the provision for the congressional election that the election of various State officers is provided for in the same section; for all that relates to these may be omitted and the section stand complete.

The sense of the second section may be more fully seen by inserting after the words "at the said elections," the words "namely, on the fourth Thursday of October;" and the two sections would then read:

> SECTION 1. The general election shall be held on the fourth Thursday of October.
>
> SEC. 2. At the said elections, namely, on the fourth Thursday of October in every second year, Representatives in Congress shall be elected.

Numerous instances of this exact phraseology may be found in the legislation of the various States.

In view of the duty of the Legislature to prescribe the time, and in the light of the history of the legislation of West Virginia upon the subject, the legal construction of the code is, in my judgment, that the day, and not the "occasion" of the congressional election, is prescribed.

But it is claimed, on the other hand, first, that the Legislature prescribed the time for the general election, and provided that at the general election, whenever held, members of Congress should be elected; and, secondly, that the new constitution changed the day for holding the general election in 1872 to the fourth Thursday of August, and hence carried to that day, *ex vi termini*, the election of Congressmen.

The first position assumes that the Legislature discharges its duty, under the Federal Constitution, of prescribing the time, by prescribing an "occasion" or event. That the Legislature may legally make the date of the election of Congressmen depend upon the happening of an event, may be admitted, so long as the Legislature controls the event itself. But when the claim is that the Legislature has fixed the time by making it dependent upon an event which it cannot control, then the statute should not be so construed unless its terms ab-

solutely require it. Where two interpretations are sought to be given to the same words, that one is to be preferred which attributes to the enacting power a faithful performance of its duty, and a strict observance of the limitations under which it acts. The Federal Constitution requires that the time shall be prescribed by the Legislature, not that the Legislature shall authorize or permit some other body to do it. The thing to be done is a legislative act, and cannot be delegated—at least not beyond the controlling power of the Legislature.

In Cooley's Constitutional Limitations, page 116, it is said, on the subject of delegating legislative power:

> One of the settled maxims in constitutional law is, that the power conferred upon the Legislature to make laws cannot be delegated by that department to any other body or authority. Where the sovereign power of the State has located the authority, there it must remain; and by the constitutional agency alone the laws must be made until the constitution itself is changed. The power to whose judgment, wisdom, and patriotism this high prerogative has been intrusted cannot relieve itself of the responsibility by choosing other agencies upon which the power shall be devolved, nor can it substitute the judgment, wisdom, and patriotism of any other body for those to which alone the people have seen fit to confide this sovereign trust.

And the same doctrine is well expressed by Chief Justice Gibson, in 5 Watts and Sergeant's (Pennsylvania) Reports, page 283, thus:

> Under a well-balanced constitution the legislature can no more delegate its proper function than can the judiciary. It is on the preservation of the lines which separate the cardinal branches of the government that the liberties of the citizens depend; for a consolidated sovereignty, in whatever form, is a despotism, in so far as it subjects the governed, not to prescribed rules of action, to which he may safely square his conduct beforehand, but to the unsettled will of the ruling power, which cannot be foreseen; and a government becomes consolidated in proportion as its legislative branch abandons its own function, or usurps those which have been vested elsewhere.

See also Brightly's Leading Cases on Elections, pages 3 to 26.

It is conceded that it is not a legitimate argument to say that because the Legislature cannot legally prescribe an "occasion" for the holding of congressional elections, therefore it has not done so. But where the inquiry is, what has the Legislature done? it is proper, in interpreting its words, to remember that of the two interpretations insisted upon, one lies within the limit of its power, and the other beyond it. In the absence of controlling words the presumption is in favor of the former and against the latter.

Whence comes this word "occasion?" It is not found in either the Federal or the State constitution, nor in the code; it exists only in the theories of these who sustain the validity of the August election. It is legally true that that is certain which can be rendered certain; but rendered certain by whom? Can it be said, in any just sense, that the Legislature has prescribed the time by prescribing an event the happening of which is subject to a power independent of the Legislature?

In such a case the event is not certain, nor can it be rendered certain by the body whose duty it is to prescribe the time. For if the Legislature discharges its duty by naming the event, and the time for the happening of the event can be legally fixed or altered by a constitutional convention, then it logically follows that the convention can refuse to prescribe the time of the event, and hence no congressional election at all could be held. The Legislature may legally prescribe the event, which event may legally never occur! Besides, this theory invests the convention with the power to do indirectly what it cannot do directly. If it cannot prescribe the time, how can it prescribe the time of the event or occasion on which the election is to be held? The practical result is the same in either case; and if there is no power to do the one, there is none to do the other.

Suppose the constitutional convention had extended the terms of the State officers, and provided that no general election should be held in West Virginia until 1874. Then, upon the theory that the election of Representatives in Congress depended upon the occurrence of the general election, the State would be absolutely without repr esenta tion in the present House; and this, too, in the teeth of the code, which provides that Representatives shall be elected in every second year.

If the Legislature can discharge its duty by prescribing an event, and leaving the time of the event to be determined by a constitutional convention, why may not the happening of the event be as well determined by a board of school directors, or by John Doe and Richard Roe?

No construction which leads to such results should be given to the act of the Legislature, if a more reasonable one can be supported by any fair use of the words employed. It was the duty of the Legislature to prescribe the time of the congressional election. In performing this duty, it prescribed a day for the general election; and then provided that Congressmen shall be elected at "the said election." If it still be insisted that their election was dependent upon an event or occasion, the answer is twofold: first, that the Legislature, in naming the event, prescribed the day on which it should occur; and, secondly, that as to the election of Representatives in Congress, no power in the State or out of it was competent to separate the event from the time except the Legislature itself. In prescribing the time for the State election, the Legislature was acting under the State constitution; but in prescribing the time for the congressional election, it acted under the power granted by the Federal Constitution. It blended in one act its exercise of these distinct powers; but this fact did not change the character of the act or blend into one the separate sources which gave it life. The presumption is that the Legislature, in adopting the language of the code, was mindful of the dual authority under which it was acting, and intended to discharge in good faith the sworn duty resting upon each one of its members.

If the code, as I have endeavored to show, prescribed a day and not an "occasion" for the congressional election, then the argument is at an end; but if it did not, then it is urged by the advocates of the August election, secondly, that the convention changed the general election in 1872 from the fourth Thursday of October to the fourth Thursday of August, and therefore carried the congressional election to that day.

Mr. CRITTENDEN. Will the gentleman yield to me for a question?

Mr. SPEER. With pleasure.

Mr. CRITTENDEN. When was this constitution of West Virginia voted on? Was it not on the 22d of August?

Mr. SPEER. Yes, sir.

Mr. CRITTENDEN. Suppose that constitution had been defeated, what would have been the result of these congressional elections held in August?

Mr. SPEER. I thank the gentleman for his suggestion. It is in the line of my argument, and I will answer it at a later stage.

I submit—

First. That the election held on the fourth Thursday of August was not a general election.

Secondly. That the time of holding it was not *prescribed*, as required by the Federal Constitution, for the election of members of Congress.

Thirdly. That the convention, in authorizing it, did not change or attempt to change the time of electing Congressmen; and even if it did change it, its act was void.

Let us see what the powers of this convention were.

In the first place, article 12, section 1, of the old constitution of West Virginia, under which the constitutional convention was called, provided that it should only be amended by a convention called as therein specified, and that—

> All acts and ordinances of said convention shall be submitted to the voters of the State for ratification or rejection, and shall have no validity whatever until they are ratified; and in no event shall they, by any shift or device, be made to have any retrospective operation or effect.

In the second place, it was called under the authority of "An act to take the sense of the people upon the call of a convention, and for organizing the same," passed 23d of February, 1871, from which I quote two sections:

> SEC. 17. The persons who shall be elected in pursuance of this act shall, on the third Tuesday in January next, meet and assemble at the seat of government, in general convention, to consider, discuss, and propose a new constitution, or alterations and amendments to the existing constitution of this State.
>
> * * * * * * *
>
> SEC. 20. The said convention shall provide by ordinance or otherwise for submitting the said constitution to the people for ratification or rejection.

It will thus be seen that the convention was called for a specific object, and after having accomplished that object, it was authorized to submit its work to the people for ratification or rejection. Under the constitution and law, which gave it all the life it had, it was expressly provided that all its acts and ordinances shall have no validity whatever until ratified; and by no shift or device shall they be made to have any retrospective operation or effect. This was the law of its being, and when it transgressed it, its act was void.

Vague notions of the powers of constitutional conventions have largely prevailed since the war; originating mainly in the dangerous and ragged precedents furnished by the reconstruction of the Southern States. These conventions are not above the law; they cannot enact law; but they are under the law, and their work must remain subject to the law, until the people by their votes stamp it with the royal seal of sovereign power.

In the most able and exhaustive work of Professor Jameson upon constitutional conventions, after an elaborate discussion of the question, he says, on page 326:

> On the contrary, as we have seen, both reason and authority concur in assigning to the convention a particular function, limited by the act under which it convenes, which is its charter or constitution.

I desire to read an extract from a recent decision of the supreme court of Pennsylvania. In that instance a constitutional convention had been authorized to submit a new constitution, and to submit it in such manner as it might think proper. It appointed a special election board for the city of Philadelphia. Ignoring the general election officers, it named a commission of five to hold the election. Bills were filed for an injunction against the commissioners, and they were enjoined, the supreme court in a unanimous opinion using this language:

> The convention is not a co-ordinate branch of the government. It exercises no governmental power, but is a power raised by law in aid of the popular desire to discuss and propose amendments, which have no governing force so long as they remain propositions. While it acts within the scope of its delegated powers it is not amenable for its acts; but when it assumes to legislate, to repeal, and displace existing institutions before they are displaced by the adoption of its propositions, it acts without authority, and the citizens injured thereby are entitled, under the declaration of rights, to an open court, and to redress at our hands.

I will read also a resolution offered in the Massachusetts constitutional convention of 1820, with the remarks thereon by Mr. Justice Story.

> *Resolved*, That the constitution ought to be so amended as to provide that the representatives of this Commonwealth in the Congress of the United States, and so many of the electors of President and Vice-President as are equal to the number

of the Representatives aforesaid, shall be chosen by the people in each convenient district as the Legislature shall direct; and that the Legislature of this Commonwealth shall be required at their session next after every apportionment of Representatives by the Congress of the United States to provide by law, by dividing the Commonwealth into districts, for the choice of not more than two Representatives or electors in any one district, and such law shall not be repealed or altered until after a new apportionment of Representatives by the Congress of the United States.

Mr. Story, in the discussion, said:

The question then was whether we have a right to insert in our constitution a provision which controls or destroys a discretion, which may be, nay, which must be, exercised by the Legislature, in virtue of powers confided to it by the Constitution of the United States. The fourth section of the first article of the Constitution of the United States declares "that the times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof; but the Congress may, at any time, by law, make or alter such regulations, except as to the places of choosing Senators." Here an express provision was made for the manner of choosing Representatives by the State Legislatures. They have an unlimited discretion in the subject. They may provide for an election in single districts, in districts sending more than one, or by general ticket for the whole State. Here is a general discretion, a power of choice. What is the proposition on the table? It is to limit this discretion, to leave no choice to the Legislature, to compel Representatives to be chosen in districts; in other words, to compel them to be chosen in a specific manner, excluding all others. Was not this plainly a violation of the Constitution? Does it not affect to control the Legislature in the exercise of its legitimate powers? Does it not interfere with the superintending authority of Congress? * * * * * *

The members of the Legislature are under oath to support the constitution of the State. They are also under oath to support the Constitution of the United States. Will it not be a violation of their oaths to bind themselves not to choose Representatives in any manner that the Constitution of the United States allows, except that stated in the gentleman's proposition, when they are satisfied that the public interest requires another manner of choice? They may bring their consciences into jeopardy by such proceedings. It would be a direct and manifest departure from their duty. * * * * * *

It assumes a control over the Legislature which the Constitution of the United States does not justify. It is bound to exercise its authority according to its own views of public policy and principle; and yet this proposition compels it to surrender all discretion. In my humble judgment, and I speak with great deference for the convention, it is a direct and palpable infringement of the constitutional provisions to which I have referred.

Here the proposition was simply to limit the discretion of the Legislature as to the *manner* of electing Representatives in Congress; and Justice Story believed even this to be unconstitutional, and the resolution failed.

But the convention of West Virginia having been called under the authority stated, with the sphere of its powers clearly defined, what did it do? It submitted a new constitution to the people on the fourth Thursday of August, 1872, for their ratification or rejection, providng that, in the event of its ratification, it should be operative and in full force from and including the whole of that day. It was ratified.

The election was held under the authority of section 3 of the schedule, which provides:

SEC. 3. The officers authorized by existing laws to conduct general elections shall cause elections to be held at the several places of voting, established by law in each county, on the fourth Thursday of August, 1872, at which election the votes of all persons qualified to vote under the existing constitution, and offering to vote, shall be taken upon the question of ratifying or rejecting this constitution and schedule.

There was no law of the State authorizing any election on this day; and the schedule, in providing for this election, directs the officers, authorized by existing law to conduct general elections to hold it.

If the schedule had stopped here, no one could pretend that the election ordered was a general one. Up to this point it has but a single object, and that not to elect a single officer. And as the gentleman from Wisconsin [Mr. ELDREDGE] at my side suggests, if the convention itself had intended it to be a general election, it would have used the words, "The officers authorized to hold *other* general elections shall hold this one." The provision that the officers of the general election shall conduct this one clearly recognizes the distinction between the two elections.

But the schedule further provides:

SEC. 7. On the same day, and under the superintendence of the officers who shall conduct the election for determining the ratification or rejection of the constitution and schedule, elections shall be held at the several places of voting in each county, for senators and members of the house of delegates, and all officers, executive, judicial, county, or district, required by this constitution to be elected by the people.

Observe the special character of the election as recognized in this section. It is designated "the election for determining the ratification or rejection of the constitution and schedule." Such it literally was, and such only could it lawfully be. The power that called it into being had specially defined its duty and limited its action.

The gentleman from Massachusetts [Mr. BUTLER] says that if the election of members of Congress at this election was illegal, then there is no lawful State government to-day in West Virginia. Not so, however; the gentleman in his zeal has lost his usual clearness. The Constitution of the United States requires the time for the election of Representatives in Congress to be prescribed by the Legislature; but the constitution of West Virginia does not require the time for the State election to be prescribed by any authority. This is the distinction, and this the answer.

The provision for the election of State officers does not change the special *purpose* for which the election is held, and therefore cannot change its special *character*. The election of the officers named, at the time named, is contingent and dependent—hinged entirely upon the result of the election at which they may be voted for. If the constitution fails, there are no offices to be filled.

Let it be here distinctly remembered that the validity of the congressional election in August, in the tenderest view that can be taken of it, must rest absolutely upon the proposition that this election, authorized solely by the schedule, is the general election designated and prescribed in the first section of the code. If this proposition fails, the August election fails.

First. The schedule is advisory and provisional, to be worn for a little while as a garment and then cast off. Its office was to cover the transition period from the old to the new constitution.

Granting to the schedule all the power that it expressed or claimed to exercise, we find that by its direct terms the election authorized by it in section 7 is limited to the officers named "and those required by this constitution to be elected by the people." Representatives in Congress are not named, and there is not a word in the constitution requiring them to be elected. How, then, in all candor, can they be included as among the officers whose election is provided for by the schedule? They are not only not included, but they are by the terms of the section absolutely excluded.

Secondly. The constitution by the express terms of section 6 of the schedule was in force every moment of time from twelve o'clock on the night of the 21st of August, that is, seven hours before a single vote was cast for it or against it. During the whole of the 22d of August it was the supreme organic law of West Virginia, and it provided in section 7 of article 4 that—

The general election of State and county officers, and of members of the Legislature, shall be held on the second Tuesday of October, until otherwise provided by law.

Hence it follows, as surely as day follows night, that during every hour of the 22d of August it was ordained by the constitution of West Virginia that the "general elections of that State shall be held on the second Tuesday of October, until otherwise provided by law." And this being so, how could the "general election," thus fixed on the 2d Tuesday of October, be legally held under any authority, much less under the authority of the schedule, on the 22d day of August? Not only was the "general election" not authorized on that day, either by law or schedule, but the highest law of the State, the constitution, required it to be held on another day.

Thirdly. The code provides that "at the said election" "there *shall* be elected" Representatives in Congress. But at the election authorized by the schedule it was impossible for anybody to be elected unless the constitution was ratified. A candidate at this election might have received every vote cast, and yet have been practically defeated by a smaller vote polled, not against him but against the constitution. It put it in the power of the voter to say to a candidate, "I will vote for you, but at the same time I will cast another vote which will render your election impossible." And the singular spectacle was presented in West Virginia of candidates soliciting votes for themselves while earnestly opposing the constitution upon whose adoption alone they could succeed. An election is the means authorized by law of ascertaining the choice of voters; but here the choice of the voters for officers was to be regarded only upon the condition that at the same time they chose to ratify the constitution.

Fourthly. The code required the election of Representatives in Congress *by districts*, and no voter of one district could vote for the candidate of another district. But at this August election a candidate for Congress was dependent for success, not upon the number of votes cast for or against him in his district, but upon the number cast for or against a separate and independent proposition in another district. It thus enabled a voter who could not legally vote *for* a candidate, legally to vote *against* him. For instance, Mr. Davis, who claims a seat under the August election, might have received every vote in his district, and the new constitution might have had a majority there, and yet the voters of the other two districts in the State could have defeated him, not by voting against him, but by voting against the constitution. Who ever heard before, in all the wide world, of such a congressional election? It was not only without law, but in utter defiance of the law. The proposition when laid naked is simply this, that the schedule took the place of the code, and provided for the election of members of Congress by districts on the fourth Thursday of August, and yet at the same time put it in the power of any *one* of the three districts in the State to defeat an election in *all* of them. A majority of one against the constitution would override a majority of ten thousand for a candidate. The minority outvote the majority! Whatever necessity there may have been for providing for an election of State officers simultaneously with the submission of the constitution, there was clearly none in the case of members of Congress. The office was not created by the constitution, and would have to be filled whether it was ratified or rejected.

Fifthly. The August election was special in the authority that provided it; special in its purpose; special in its time, and especially special and exceptional in the fact that the success of any person voted for at it was dependent, not upon the number of votes he received, but upon the number cast for the very instrument which authorized the election. Special in authorization, purpose, time, and results, how can it be seriously said that this was "the general election" prescribed by the code, at which one Representative in every district *shall* be elected? That cannot be the election authorized by law for members of Congress which, by its terms, virtually says they shall not be elected unless the one hundred or more propositions in a proposed State constitution are also elected. It is a conditional election; Congressmen may be elected provided something else be done at the same time.

Mr. LAMAR. The election of members of Congress should never depend upon a contingency.

Mr. SPEER. It is no answer to all this to say that the voters of the whole State had a right to vote, and that all the State officers were voted for, and hence the election was general. These, undoubtedly, are two characteristics of a general election. They are good as far as they go, but they do not go far enough. All the voters had the right to vote for or against the constitution; but this fact would not make an election, held for submitting it to the people, a general election. On the other hand, an election may be general at which no State officers are voted for. At the general elections in many, if not all, the States, there are years when no State officers are elected. The general election *must be authorized by law*, and must not be dependent upon the will of the voters as to whether it shall be an election at all or not. Instead of the August election being the general election, one of the sections of the constitution which it ratified declared that the general election "*shall* be held on the second Tuesday of October." It was not the general election, but it determined *when* the general election should annually occur.

Suppose the President were to convene the two Houses of Congress in extra session. When convened, the extent of their jurisdiction would be precisely the same as if they were in regular session. There would be no difference in the scope of their powers. But would the fact of equal and general legislative jurisdiction take from the called session its special character? So the fact that the voters at the general election had the right to vote at the August election does not determine or change the essential character of that election.

Hence it seems to me as clear as a mathematical demonstration that the August election was special and not general. The election was never to be held again under the same authority; it was never to be held again for the same purpose; it was never to be held again on the same day; and it was never again to make the success of candidates depend, not upon the number of votes cast for or against them in their own county or district, but upon the number of votes cast for or against the constitution in other counties or districts. This election no more resembles "the said election" prescribed and established by the code, at which members of Congress "shall" be elected, than the corpse resembles the living, breathing, moving man.

Here the argument in behalf of the August claimants helplessly fails; but there are still other insuperable objections. Whether that election was special or general, the time of holding it was not *prescribed* as required by the Constitution of the United States for the election of Representatives in Congress.

Not insisting on any technical meaning for the word "prescribe," all admit that it means to determine, to establish. Now, was the August election established by any authority, competent or incompetent, in advance? Who could tell up to the last hour of that Thursday, whether there would be any election at all for members of Congress? The schedule under which the election was held submitted the question to the people, whether or not they would ratify the constitution. When it was known they did ratify it, *then*, and not until then, was it determined, or could it be determined, that that was the time for the election of anybody.

The civilized world execrates Caligula for writing his laws in characters so small, and hanging them on walls so high, that the people could not read them. But here we have a proposition dependent ever for having the force of law, on the undiscovered will of the voters, unwritten, and unhung upon any wall, converted by a legal fiction into a binding, prescribed law, not only before that will was known, but before a single vote had been cast. If the constitution had failed there would have been no election, and hence no time for any; whether the constitution would or would not fail, could not, in the nature of the case, be known until the polls were closed, and was not in fact known for many days afterward. Now, can it be said, or with patience be heard, that, when the *time* of the election is dependent upon the *result* of the election itself, the time is, in any legal or just sense, *prescribed*? In such a case no human being can know the time until he knows the result. And no sophist has ever yet proved that the result of an election, however certain, was prescribed by law. To state the proposition is to exhibit its rank absurdity.

The requirement of the Federal Constitution is identical as to time, place, and manner. Suppose the convention of West Virginia had provided, in submitting the constitution to the people, that the *places* of voting for candidates for Congress should be at those polls where a majority of the votes cast shall be for the constitution; or hat the manner of voting, whether *viva voce*, or by ballot, shall be determined by the result of the vote on the new constitution. Under such circumstances, could it be said that the *places* and the *manner* of electing Representatives in Congress were established or known beforehand? Would it be possible for any voter to know either the place or the manner until he knew the result? The election would make certain *for the future* the place and the manner, but that is not prescribing them. The Constitution of the United States, in requiring the times, places and manner of holding congressional elections to be prescribed, intended to have all doubt and uncertainty removed, and to secure freedom and fullness of choice to the voters. The August election had not been prescribed, but was authorized *to prescribe itself*. So far as relates to Representatives in Congress, it was a bastard—without parentage; and it should die, childless.

But it has been singularly claimed that the election both in August and in October was illegal; which is simply saying, that the convention had the power to pull down, but not to build up; to destroy, but not to create. If it could not, and did not, change the congressional election from the fourth Thursday of October to the Fourth Thursday of August, it did not attempt to change it to any other day for that year. I listened with great pleasure to the able argument of my friend from Maryland [Mr. WILSON] upon this point, but it did not satisfy me. The code expressly provides for the election of Congressmen in 1870, and in every second year. The Legislature has not changed this provision, and if by any means, direct or indirect, the convention rendered an election in 1872 impossible or illegal, it repealed, nullified the code, and its act was void. But it did not attempt to do any such thing. There is not a word in either the schedule or the constitution upon the subject; but the thirty-sixth section of article 8 of the constitution provides that—

> Such parts of the common law, and of the laws of this State, as are in force when this constitution goes into operation, and are not repugnant thereto, shall be and continue the law of the State until altered or repealed by the Legislature.

It was the law of "this State" that Representatives in Congress "shall be elected in 1870, and in every second year thereafter," at "the said elections," prescribed in the code. This law was not "repugnant" to the constitution, for in terms it does not refer to members of Congress, and does not say a word about their election. It is not to be inferred that it abolished the prescribed day of their election without naming another; and as no other is named, the day fixed by the code stands. The constitution changed the day of the general election of State officers; but it had no power (and if it had it did not exercise it) to change the time of the congressional election. And if it could not do this directly, no inference can arise that it did it indirectly.

In the case of Chase *vs.* Miller, in Pennsylvania, Justice Woodward said:

> Constitutions, above all other documents, are to be read as they are written; judicial glosses and refinements are misplaced when laid upon them. Carefully considered judicial implications may, indeed, be made upon them in support of statutes, (never to defeat statutes) when such implications are grounded in the constitution itself, and tend to accomplish its obvious purposes, as well as to promote the public welfare.

The repeal of statutes by implication is not favored. Mr. Justice Story, in Wood *vs.* The United States, (16 Peters, 363,) uses this language in delivering the opinion of the court:

> The question then arises whether the sixty-sixth of the act of 1799, chapter 128, has been repealed, or whether it remains in full force. That it has not been expressly or by direct terms repealed is admitted; and the question resolves itself into the more narrow inquiry, whether it has been repealed by necessary implication. We say by necessary implication, for it is not sufficient to establish that subsequent laws cover some or even all of the cases provided for by it; for they may be merely affirmative, or cumulative, or auxiliary. But there must be a positive repugnance between the provisions of the new laws and those of the old; and even then the old law is repealed by implication only *pro tanto*, to the extent of the repugnancy. (See also Dwarris on Statutes and Constitutions, pages 150, 154, and 10 Barr., 448.)

In 9 Barb., 308, it is held that—

> Where a late statute is absolutely repugnant to a former one only in part, it repeals the former only so far as the repugnancy extends, and leaves all the remainder in force.

In 1 Black U. S. R., 470, it is said:

> A repeal by implication is not favored; the leaning of the courts is against the doctrine, if it be possible to reconcile the two acts of the Legislature together.
>
> Hence a repeal by implication is not favored; on the contrary, courts are bound to uphold the prior law if the two acts may well subsist together. (By Nelson, Bowen on Leases; 5 Hill, 225, 226; Dr. Foster's case, 11 Coke, 63.)
>
> The repeal of a law by implication and construction of a subsequent statute should be so clear as to leave no reasonable doubt that such was the intention of the Legislature It should not be deduced by an ingenious course of argument, but should appear at once. (Crabbe's Rep., 356.)
>
> It seems to be well settled that a general statute without negative words cannot repeal a previous statute which is particular, even though the provisions of one be different from the other. (9 Harris, 43, citing 6 Report, 19.)
>
> The repugnancy between the provisions of two statutes must be clear, and so contrary to each other that they cannot be reconciled, in order to make the latter operate a repeal of the former. This rule is the result of a long course of decisions, and we know of no reason why it does not equally apply, where the repugnancy is alleged to exist, between a constitutional provision and a legislative enactment. (Ohio *ex rel.* Evans *vs.* Dudley, 1 Ohio State Reports, new series, 441; 2 Ohio State Reports, new series, 607.)
>
> The principle prevails even where the statutes are penal, and where the humanity of the law would plead for another construction. (9 Harris, 43.)
>
> Where both are merely affirmative, and the substance such that both may stand together, both shall have a concurrent efficacy. (1 Blackstone's Commentaries, 89.)

In the light of this unbroken line of judicial decision there is no room for inference. It is one of the highest rights of a State to be represented in Congress, the Legislature of the nation. West Virginia had done, by her legislative body, all that was required to secure her representation here, and it is the duty of this House to admit the persons elected under her law. Even if there was a *conflict* between the Legislature and the convention as to the time of the election, which there is not, a decent respect for consistency, if not for law, would require the House to follow its own precedents.

In the case of Baldwin *vs.* Trowbridge, in the Thirty-ninth Congress, this House held that "where there is a conflict of authority between the constitution and the Legislature of a State, in regard to fixing the place of elections, the power of the Legislature is paramount."

If paramount as to place, it must be paramount as to time.

But if there be doubt, it is our duty to adopt that construction of the constitution and law of West Virginia which has been given to them by the State authorities.

The Committee on Elections of the last Congress, in the Tennessee cases, held this language:

If, however, the question as to whether by the act of 1870 the time for holding the election in question was changed from August to November was one of doubt we should feel bound to follow the construction given to it by all the authorities of the State of Tennessee, whose duty it has been to construe it and to execute it. It is admitted that the governor, and all other authorities in Tennessee having anything to do with the construction and enforcement of this act of 1870, have construed it as in nowise affecting the act of 1868, and by common and universal assent the election was held at the time fixed in the latter act. It is a well-established and most salutary rule that where the proper authorities of the State government have given a construction to their own constitution or statutes, that construction will be followed by the Federal authorities. This rule is absolutely necessary to the harmonious working of our complex governments, State and national; and your committee are not disposed to be the first to depart from it.

And the House unanimously adopted the report.

The contemporaneous construction so universally given to these acts would be entitled to great weight if the question were doubtful. But other reasons make the case too clear to require the aid of this authority. (9 Harris's Pennsylvania State Reports, pages 43 and 44.)

In West Virginia the State officers specially authorized by law to declare the result of the congressional election in 1872 have declared October as the legal time; and, as a matter of fact, it was publicly stated in the constitutional convention, at the time the schedule was under discussion, that it did not embrace the election of Representatives in Congress, and was not intended to embrace it; and before the August election the president of the convention, the chairman of the committee on schedule, the chairman of the committee on elections, and the chairman of the committee on the judiciary, all published letters stating that, in their judgment and from their knowledge of the purpose and work of the convention, the legal day for the election of Congressmen was the fourth Thursday of October. In the face of the law and of this common understanding of it, the House is asked to seat the claimants under the August election. Political majorities may override or disregard the law, but they cannot make the wrong the right; and, however long delayed, the time will come when these acts of usurpation will return to torment their inventors. Partisan appeals may crown with their triumph the work of this day, but with calmer moments will come the sincere regret that, in the struggle now closing, the crack of the party lash was permitted to hush the individual judgment, and to bury in silence the call to fearless duty.

Wood and Water for the Western Plains.

SPEECH OF HON. M. K. ARMSTRONG,

OF DAKOTA,

IN THE HOUSE OF REPRESENTATIVES,

January 24, 1874,

On the bill (H. R. No. 208) for the relief of settlers on western prairies.

Mr. ARMSTRONG. Mr. Speaker, the farmers and tillers of the soil upon the woodless prairies of the great West deserve and should receive from the national Congress some favorable legislation to encourage the planting of forests and utilizing the water-courses of the plains. These vast prairies are among the most fertile regions of the American continent, and need only the fostering hand of the Government to render them most populous and productive. Political economy teaches us that nations become rich and powerful in proportion as they develop their resources, reclaim their uncultured wilds, and improve and utilize their inland waters. The peculiar qualities of the soil of our western prairies naturally adapt them to become the inexhaustible grain-fields of America, provided the national Congress will but encourage the cultivation of groves of timber thereon for the uses and habitations of man. Congress, at its last session, in answer to appeals from the representatives of the Western States and Territories, passed a law entitled "An act to encourage the growth of timber on western prairies." This law was in the nature of a homestead act, and granted a hundred and sixty acres of prairie land to any person who would plant and keep in a growing condition thereon for ten years forty acres of timber. By some oversight in framing the bill, only one year from the date of entry was allowed to settlers in which to go through the whole process of breaking the prairies and planting the trees. It is well known that the stubborn turf of our western prairies cannot be sufficiently subdued within one year to admit of the prosperous growth of young transplanted trees. Hence lengthy petitions have come to this Congress from the farmers of the West, asking such a modification of the "timber-culture act" as will allow at least one year for the planting of young trees after the sod has been turned under by the plow. The amended bill now before this House provides that the plowing and planting shall take place in installments of ten acres each year until the whole is completed. Under the encouragement of such a law, our western prairies would become dotted with beautiful groves, serving as a protection against the droughts of summer and the rigors of winter.

In advocacy of national legislation upon this subject we have an abundance of favorable precedents in many of the older European states. We are informed that in France and Italy the destruction of the forests within the last few centuries has materially affected the climate, so much so that in many places the cultivation of wheat, the olive, and the grape has been partially abandoned or driven several leagues inland by the harsh winds that invade the inland from the naked coast.

By the felling of the woods on the Apennines the destructive sirocco prevails in the valley of the Po, damaging the harvests and vineyards and often ruining the crops of the season, like the ravaging tornadoes and summer hail-storms of our great American prairies. In those sections of Europe where once the straw roofs of the peasants withstood the power of the winds, tiles and slabs are now required. One of the oldest pine woods in that foreign country having been destroyed, the region was only relieved from the increasing siroccos and fitful storms by replanting the forests to resinous trees. In many parts of Italy, France, and Switzerland a perceptible lateness of spring is complained of since the destruction of the forests which formerly screened and warmed the adjacent areas.

Travelers inform us that from the cathedral of Antwerp, in Belgium, where forty years ago nothing could be seen but a vast desert plain, are now visible extensive forests planted by the hand of man, the trees being set in regular rows. These sylvan plantations have softened the climate, induced rain, and transformed the barren sands into fertile fields.

Experience in forest planting has proved that rows of trees, ten feet high and standing one hundred feet apart, will protect the intervening ground against winds and drifting snows, inasmuch as the currents of air move so nearly parallel with the earth's surface. Trees standing in rows, three hundred feet apart and thirty feet high, will also afford proportionate protection to the intervening ground on western prairies. It is also a fact too well known to be repeated here that in winter the soil in the open fields and naked prairies freezes from two to four feet deep, while the ground in the woods is barely crusted with frost, and that winter wheat and green tufts of grass survive the whole winter when surrounded by trees, while the cutting wind of the open prairie lays bare the tender roots to killing frosts and icy sleets. The heat, also, that is generated by living groves, and often by a single tree, is attested by the many instances of a solitary oak or evergreen clinging to and growing upon a cold rock in the cliffs, with barely soil enough to cover its roots, and of the many groves upon frosty mountain heights, which flourish in snow and ice through the winter months, drawing warmth with their roots from the frozen earth, and sending to the remotest branches of the trees a life-sap, like the blood in a child's fingers.

Scientific investigation has shown that trees maintain, at all seasons of the year, a constant mean temperature of fifty-four degrees above zero, even while the state of the atmosphere is far below the freezing point, and that this mean temperature of the groves sensibly ameliorates and softens the air of adjacent plains, producing rains. The American elm, for instance, has been known to produce, in one season, seven million leaves, or a foliage surface of about five acres, upon one tree, while the sugar maple of Vermont often yields eight gallons of sap per day for the season.

Philosophy informs us that as the lightning-rod abstracts the electric fluid from the skies, so the forest attracts to itself the rain from the clouds, which, in falling, refreshes not itself alone, but extends its showers to the neighboring fields. The terrible droughts which desolate the Cape Verde Islands are attributed to the destruction of its original forests, while in the island of Saint Helena the wooded area has largely extended since the exile of Napoleon, and in consequence thereof the rains there are twice as frequent and copious as in former days. Coultas says that the woods, winds, and sea form the several parts of nature's grand distillery; the sea is the boiler in which vapor is raised by the rays of the sun, the winds are the conducting tubes which carry the steam-clouds to the forests which possess a lower temperature. This naturally accumulates and condenses the misty vapor into rain-clouds, which, becoming too heavy to float in the air, descend to the earth in showers.

Sir John Herschel ascribes the extreme aridity of Spain to the proverbial hatred of the Spaniards toward trees, while in Egypt, he asserts that recent plantations of the palm tree have caused rains in desert regions where hitherto such a thing was almost unknown. In Palestine and many other parts of Asia and Northern Africa, which in ancient times were the granaries of Europe, fertile and populous, the lands have become deserts, deprived of rain, springs, and water-courses, brought about by the gradual prostration of the forests. From the same cause, many districts in Southern France have become barren wastes of stone, where once the grape and olive yielded in profusion.

The great scarcity of springs and running streams all over our American prairies can also be accounted for by the absence of groves and forests. It is well established that the protection afforded by forests against the escape of moisture from the soil insures the permanence and regularity of natural springs and running brooks. In the settlement of the American States it has always been observed that clearing the grounds of forests not only causes running springs to disappear, but dries up ponds and reduces the water-courses.

In the valley of Araqua, Europe, Humboldt relates an instance of a lake drying up by the clearing of the forests to such an extent that, from the sixteenth to the eighteenth century, the waters retreated two and a half leagues, deserting a city formerly founded

upon its shores. The lands laid bare by the retreat of the waters were converted into admirable plantations of cotton, bananas, and sugar-cane. Numerous instances are recorded, in the older agricultural regions of the globe, where streams and flowing springs have become so reduced by the felling of the forests over great areas that the mills and factories formerly erected upon these water-courses have long since been abandoned for want of sufficient water to drive their wheels.

The influence of forests on springs is strikingly illustrated by many instances in European countries. Near the town of Heilbronn the woods on the hills surrounding the town are cut in regular succession every twentieth year. As the annual cuttings approach a certain point the springs yield less water, some of them none at all; but as the young growth shoots up they flow more and more freely, and at length bubble up again in all their original abundance. Another instance is related of a great fountain, imbedded in the deep woods of France, which formerly supplied all the fountains of a large village, but since the clearing of the surrounding forests this great reservoir sends forth but a mere thread of water. William Cullen Bryant, the great American author, says that fifty years ago large barges loaded with goods went up and down the Cuyahoga River, and that a large vessel was built upon its shores and floated down its channel to the lake. Now, in an ordinary stage of water, a skiff or canoe can hardly pass down the stream. Professor Hayden, United States geologist, also confirms what every settler on our great plains has often observed, that the creeks and rivers which meander long distances through our naked and woodless wastes contain no more water a hundred miles down the stream in the open prairies than near their sources among hills and bluffs. Many of our prairie streams also, which furnish a supply of living water near their sources, are known to sink beneath the ground, and can be traced only by standing pools which rise to the surface under some protecting bank or shade, away from the sun and winds of the desert. Groves planted along these dead water-courses on our western prairies have been known to bring to the surface living ponds of water.

The day is approaching when a national system of irrigation will be required to reclaim our great American prairies of the Northwest, whereby the larger streams and water-courses may be diverted, in part, through constructed channels, to the woodless and waterless regions of the interior. The natural lakes and water-courses of the West are merely reservoirs for the plains, which must be utilized and distributed by the hand of man. And this can be done at a much less cost than was incurred by the New England pioneers in clearing the forests and stumps from those sections which now constitute the most flourishing States in the Union. In the Territories of Colorado and Utah much has already been done by irrigation companies to cause the desert to blossom as the rose. In the vicinity of Salt Lake City, as I am informed by the intelligent Delegate from that Territory, irrigation has for many years been resorted to with great success in the cultivation of field and garden. In that Territory irrigation laws have been enacted, and water companies chartered, which are limited to certain areas, and by means of drains and ditches the waters of the rivers are tapped and led over large fields and through dead furrows, which divide the plowed area into lands about one rod in width, thereby infiltrating the entire surface.

This subject has become of such national importance in reclaiming the vast timberless domain of the Northwestern Territories, that the President of the United States, in his last annual message to Congress, recommends the enactment of laws to promote irrigation over the waterless plains of the West, by conducting portions of the river waters through artificial canals to the parched interior plains. For this purpose a portion of the public lands in alternate sections should be set aside and disposed of to such corporations or local governments as will reclaim from sterility the remaining and adjacent sections belonging to the United States.

Irrigation has been carried on successfully for many years in a number of the older countries of the eastern hemisphere. In France, Lombardy, and Sardinia there are more than three thousand square miles of artificially-watered lands, to say nothing of the vast areas in Italy, Egypt, Syria, Turkey, and the Mediterranean basin, which have been reclaimed and rendered suitable for cultivation by the process of irrigation alone.

An ancient writer informs us that the first inhabitants of the sandy valley of the Nile were desert-dwellers, with the nomadic Arabs as neighbors. But the civilized people of Egypt transformed, by irrigating canals, the desert waste into the richest granary of the world, and liberated themselves from the shackles of rock and sand. The river Nile receives not a single tributary stream in its whole course through Egypt; there is not so much as a living spring in the whole land, and with the exception of a narrow strip of coast, the rain-fall in the territory of the Pharaohs is not two inches in the year. We are also informed that one-fifth of the whole volume of water which is carried by the Nile to the Mediterranean is diverted from its natural channel through artificial canals, and applied to irrigating about three and one-half million acres of land throughout Egypt.

Artesian wells have also been sunken in many countries, for the double purpose of obtaining water in the dry regions and at the same time penetrating deposits of coal or other minerals hidden beneath the surface. The French government within the last number of years has bored numerous artesian wells in the Algerian desert, every one of which became the nucleus of a settlement proportioned to the supply of water. In 1860 several nomadic tribes had established themselves around these wells and planted more than thirty thousand palm trees, besides other perennial fruit-bearing shrubs.

The same policy could be adopted with advantage upon the great prairies of America, and would doubtless result in tapping concealed coal-beds in many localities, while in other sections subterranean waters would be reached and forced to the surface of the parched desert for the uses of settlement. In Canada, Brazil, and other countries immigrants have been furnished by the government with transportation for themselves and families, besides a supply of tools, utensils, seeds, food, and lumber for one year, the amount advanced to be secured by mortgage on their new farms, at low interest on long time. Why cannot our Government do as much?

Nearly one-half the area of our American domain is yet but sparsely settled, and a large proportion of our Northwestern Territories, though fertile in soil, suffer from a scarcity of timber and running streams. It is the duty of the Government to develop its hidden resources, and encourage its people in new fields of industry and enterprise. Enact such generous laws as will induce immigration, and open new homes and harvest-fields all over the broad and uninhabited prairies of the West. Then will our own grain-fields supply Europe with bread, and bring money to our shores in return for the one million in gold which we are taxed yearly to pay as interest on our national debt.

I hope the bill, as reported by the Committee on the Public Lands, will pass this House and become a law.

Cheap Transportation of the Products of the West.

SPEECH OF HON. ERASTUS WELLS,

OF MISSOURI,

IN THE HOUSE OF REPRESENTATIVES,

January 31, 1874,

On the several propositions in regard to transportation routes between the West and the sea-board, and on river and harbor improvements.

Mr. WELLS. Mr. Speaker, the absolute necessity that exists for cheap and permanent methods of transporting the surplus products of the West to markets of collection and distribution is a sufficient reason for the urgency with which representative commercial bodies of the West press upon the attention of this House propositions for the improvement of navigable streams, and in some instances demand national legislation upon, if not aid to lines of railroads extending from or through centers of production to the sea-board.

I expect, sir, to add but little to the forcible arguments presented to this House from the Union Merchants' Exchange of my own city, (Saint Louis;) and I take this opportunity to address the House more particularly in favor of appropriations in aid of river and harbor improvements than the purpose of discussing the transportation question. In fact, sir, the demand for cheap transportation has passed beyond mere argument, and is now a question only as to the methods and manner of carrying the acknowledged requirements of a nation into practical and ready effect. The demand, if I apprehend it aright, is less for legislation to prevent extortionate charges upon artificial methods of transportation, than for a wise and generous support and encouragement of competition, by the improvement of navigable streams and the increase of facilities for water transportation.

Nor, sir, is it necessary to the prosperity of Eastern States, or even to the successful operation of existing or contemplated railroads, that the improvement of navigable streams should be refused or but haltingly carried on. The West cannot grow rich without advancing the wealth of the East; nor can a cheap carriage of the surplus products of the West to the sea-board be obtained, even at points remote from the now established centers of exportation in the East, without creating such new industries, developing such additional commercial relations, as to return and augment the freightage between that portion of the country and the East. I therefore decline to believe that the real interests of the East are opposed to the free outlet of western produce through the natural channels appertaining to the Mississippi Valley; or that its representative men indorse the desire for the construction of national railroads through States and communities abundantly able to construct such roads themselves; still less, sir, do I believe that the mere construction of one, or even any number, of trunk roads, from west of the Mississippi River to the Atlantic sea-board, at New York or Philadelphia, can permanently and absolutely chain the produce of the West to the East, or prevent the final change of the direction of grain exports to a southern outlet. This consummation may be delayed, but the evil effects of such a delay cannot be confined to the West alone.

The commerce of fourteen of the most productive States of the Union, employing upon navigable streams traversing or bordering their own lands a larger marine than is owned and employed by the sea-board States in foreign commerce, cannot be ignored, nor yet safely neglected, while aid is being extended to other and, if you

please, rival interests. The statistics presented in the report of the Merchants' Exchange, to which I have alluded, show that, of the estimated surplus of wheat grown in the Northwestern States, over seventy-four million bushels, or more than 80 per cent., are grown in localities for which the Mississippi River and its tributaries form a natural outlet, while of the surplus of one hundred million bushels of corn over ninety million bushels are produced in localities bearing similar relations to the Mississippi and its tributaries.

But the importance of free river transportation in the Mississippi Valley is not to be gauged alone by the amount or value of the cereals, the growth of Northwestern States, which is exported or might be rendered available for export to foreign countries. Cereals are not the only products demanding carriage by water in the Mississippi Valley, nor is the foreign trade and commerce the only gauge of the value of the surplus production of that region to the nation of which it forms a part.

As I have said, sir, I believe the demand of the hour is less for legislation to prevent extortionate charges upon artificial methods of transportation than for a wise encouragement of water transportation. Competition is, in my opinion, the sole safeguard against extortion of this character, and I know of no manner in which a proper competition in this respect can be so readily or practically assured as by aiding in the building up of new sources of demand at the same time that increased freight facilities are offered. In this respect I urge extreme appropriations to the navigable streams of the West.

It is certainly as wise to create a demand in our own country for the surplus produced in one section as to provide solely for the shipment of that produce to other countries. A limitation must always exist to the shipment of many articles of the West to export points on the eastern sea-board, by the necessary condition of moving those articles along lines of latitude upon which they are produced. Thus not only are the corn and wheat produced in Illinois, Iowa, Missouri, Kansas, Wisconsin, Minnesota, and Nebraska, when moved only to the East, brought into competition with the cereals produced in the corn and wheat growing States of Ohio, Indiana, Michigan, Pennsylvania, and New York, but many vegetable products, too bulky or of too little comparative value to withstand the cost of rail transportation, are rendered valueless to the producer, and only cumber the earth from which they have been drawn with toil and care. Not so with a route leading to the South, and which conveys the products of one climate to be exchanged for the products of a different region, stimulating industries and rendering profitable cultures and crops which otherwise would be unavailing and worthless.

Many articles which do not enter into the foreign trade of the Union are interchanged between the corn and wheat grower of the Northwest and the cotton and sugar planter of the South, and each added article of freight, passing up or down the river, lessens the cost of this transportation of necessary vegetable products, enhances the profit alike of the southern planter and the northern farmer, and, adding to the wealth of the nation, augments at once the prosperity of the East and the West. This would of itself be sufficient reason for completing the improvements of the Mississippi River at the rapids above the mouth of the Missouri, to defend the channel between the Missouri and the mouth of the Ohio, and to remove all obstructions from snags between the mouth of the Ohio and New Orleans; but when to the added encouragement thus given to southern productions you add the saving to the farmer of the Northwest of even but one or two cents upon each bushel of grain exported, you add millions to the national wealth.

But, Mr. Speaker, I have digressed somewhat from the line of argument to which I had proposed to confine myself. I advocate the extending of liberal aid to our western navigation as a mere matter of justice to the largest producing classes of the Union, and as a wise continuation of a policy that has become traditional in all commercial nations, and which is none the less urged upon this nation because it has an interior commerce to be served by its marine larger than that of the foreign and home commerce of many individual sovereignties. Appropriations have been made from the national Treasury annually since 1824 for the improvements of rivers and harbors of the country, and such expenditures have been acknowledged necessities from the formation of the Government. Naturally the earlier and larger appropriations have been made to the Eastern or sea-board States, and it is only within the past five years that the claims of the Mississippi Valley have been considered as equal even to those of the States bordering the lakes. That the character and amount of these appropriations may be apparent, I present the following statistical statement showing the amount appropriated to each work in each State from 1824 up to the close of the last fiscal year, the total amount expended being $42,607,416.31:

Maine:	
Machias River	$12,000 00
Saint Croix River	10,000 00
Camden Harbor	10,000 00
Belfast Harbor	5,800 00
Rockland Harbor	15,000 00
Kennebeck River	135,950 00
Richmond Island	90,000 00
Cobscook Bay	5,900 00
Saco Harbor	174,275 00
Kennebeck River	54,175 00
Portland Harbor	250,111 00
Gut Back River	16,500 00
Maine—Continued.	
Piscataquis River	$8,250 00
Union River	30,000 00
Penobscot River	125,000 00
Narraguagus River	22,000 00
Sullivan River	35,000 00
Royals River	20,000 00
Wells Harbor	5,000 00
New Hampshire:	
Piscataqua River	10,000 00
Cocheco River	30,000 00
	1,064,961 00
Vermont:	
Burlington Harbor	281,222 22
Hero Island	20,000 00
Swanton Harbor	15,000 00
Otter Creek	10,000 00
	326,222 00
Massachusetts:	
Merrimac River	160,336 72
Great Brewster Island	1,314,900 00
Sandy Bay	500 00
Wood's Hole	2,500 00
Rainsford Island	22,353 00
Marblehead	500 00
Deer and Sewall Islands	169,390 00
Duxbury	25,000 00
Plymouth Beach	57,266 00
Plymouth Harbor	110,329 44
Bass River	30,000 00
Hyannis Harbor	107,931 82
Edgarton	392,527 00
Taunton	40,000 00
New Bedford	10,000 00
Nantucket	44,265 00
Connecticut River	20,000 00
Gloucester Harbor	10,000 00
Boston Harbor	325,000 00
Wellfleet	5,000 00
Provincetown Harbor	17,000 00
Wareham Harbor	20,000 00
Salem Harbor	15,000 00
	2,899,799 00
Rhode Island:	
Church's Cove	28,000 00
Providence	55,000 00
Warren River	4,000 00
Pawtucket	52,000 00
Block Island	205,000 00
Pawcatuck River	30,000 00
Wickford Harbor	5,000 00
Newport Harbor	8,500 00
	387,500 00
Connecticut:	
Stonington Harbor	61,753 83
Thames River	65,000 00
Saybrook Harbor	20,000 00
Bridgeport Harbor	120,000 00
Fairweather Island	26,550 00
Saugatuck Harbor	1,000 00
Westport Harbor	16,516 00
Cedar Point Harbor	1,500 00
New Haven Harbor	106,000 00
Mill River	10,587 43
Southport	2,500 00
Connecticut River	180,000 00
Housatonic River	40,000 00
Norwalk Harbor	20,000 00
	455,407 26
New York:	
Dunkirk	337,274 93
Buffalo	934,043 05
Black Rock	52,098 00
Hell Gate	1,260,400 00
Oak Orchard	140,000 00
Charlotte	311,278 40
Big Sodus Bay	226,771 80
Little Sodus Bay	145,340 41
Oswego	793,162 87
Sackett's Harbor	6,000 00
Staten Island	19,500 00
Hudson River	1,109,288 00
Cattaraugus Creek	57,410 00
Portland	55,466 00
Whitehall	33,000 00
Black River	42,401 00
Salmon River	50,000 00
Plattsburgh	130,500 00
Olcott	95,000 00
Ogdensburgh	96,000 00
Pultneyville	30,000 00
Port Jefferson	30,000 00
Peconic River	25,000 00
Port Chester Harbor	12,000 00
Rondout Harbor	30,000 00
Huntington Harbor	22,500 00
Waddington Harbor	10,000 00
East Chester Creek	25,000 00
	6,149,521 46

New Jersey:	
Brunswick	$13,963 00
Hackensack	5,000 00
Passaic River	55,000 00
Little Egg Harbor	15,000 00
South River	20,000 00
Cohansey Creek	10,000 00
Salem River	4,000 00
Shrewsbury River	19,000 00
	141,963 00
Pennsylvania:	
Erie Harbor	416,217 23
Delaware River	90,000 00
Chester Harbor	10,000 00
Marcus Hook	104,000 00
Schuylkill	105,000 00
	725,217 23
Pennsylvania and Delaware:	
Fort Mifflin	88,413 00
Delaware:	
Port Penn	51,000 00
New Castle	147,000 00
Wilmington	63,356 00
Breakwater	2,168,402 70
Broadkiln River	10,000 00
	2,439,758 70
Maryland:	
Susquehanna River	10,000 00
Baltimore	648,930 00
Chester River	15,000 00
Queenstown Harbor	11,000 00
Wicomico River	10,000 00
Worton Harbor	12,000 00
North East River	10,000 00
Cambridge Harbor	25,000 00
	741,930 00
Virginia:	
Accotink Creek	5,000 00
Dismal Swamp	25,000 00
Appomattox and James Rivers	340,000 00
Nomoni Creek	10,000 00
Aquia Creek	3,500 00
Elizabeth River	15,000 00
Occoquan River	5,000 00
Nansemond River	15,000 00
Rappahannock River	45,000 00
	463,500 00
North Carolina:	
Ocracoke Inlet	132,750 00
Pamlico River	15,000 00
Croatan Sound	50,000 00
Beaufort Harbor	55,000 00
Cape Fear River	608,228 92
Roanoke River	40,000 00
	900,978 92
South Carolina:	
Charleston	106,700 00
Ashepoo River	1,300 00
	108,000 00
Georgia:	
Savannah River	441,073 06
Brunswick Harbor	10,000 00
Saint Mary's Harbor	88,000 00
	539,073 06
Florida:	
Saint Augustine	3,000 00
Saint Mark's River	37,030 00
Ochlochong River	5,000 00
Escambia River	10,500 00
Choctawhatchie River	10,000 00
Holmes River	5,000 00
Apalachicola River	13,000 00
Apalachicola Harbor	18,700 00
Mosquito Lagoon	6,500 00
Saint Johns River	40,000 00
Cedar Keys	7,500 00
	156,230 00
Alabama:	
Mobile Harbor	432,997 60
Pass Au Heron	18,000 00
	450,997 60
Louisiana:	
Mouth of Mississippi	1,684,350 00
Lake Pontchartrain	25,000 00
Red River	862,950 00
Ouachita River	25,000 00
Tones Bayou	171,000 00
Calcasieu Pass	15,000 00
Chifauck River	6,000 00
Tangipaha	2,500 00
	2,791,800 00
Texas:	
Colorado River	$20,000 00
Galveston Harbor	86,000 00
Cypress Bayou	60,000 00
	166,000 00
Mississippi:	
Pascagoula River	25,000 00
Yazoo River	40,000 00
Tombigbee River	10,000 00
	75,000 00
California:	
San Diego	30,000 00
San Francisco	129,700 00
Wilmington Harbor	326,900 00
	486,600 00
Kentucky and Tennessee:	
Cumberland River	230,000 00
Tennessee River	405,095 00
	635,095 00
Kentucky:	
Louisville Canal	912,200 00
Arkansas:	
Little Missouri	10,000 00
Arkansas River	160,000 00
Ouachita River	60,000 00
White and Saint Francis Rivers	60,000 00
White, Black, and Little Red Rivers	10,000 00
	300,000 00
Missouri:	
Saint Louis Harbor	75,000 00
Osage River	75,000 00
Currant River	5,000 00
	155,000 00
Iowa:	
Des Moines Rapids	3,028,200 00
Dubuque Harbor	53,000 00
	3,081,200 00
Indiana:	
Michigan City	426,918 59
Wabash River	100,000 00
	526,918 59
States bordering on the Mississippi, Missouri, Arkansas, Tennessee, and Ohio Rivers	4,230,640 00
Illinois:	
Illinois River	314,150 00
Chicago	876,005 00
Waukegan	15,000 00
Rock Island Bridge	700,000 00
Rock Island Rapids	989,650 00
Calumet Harbor	130,000 00
	3,024,805 00
Ohio:	
Ohio River	505,000 00
Huron River	94,773 71
Black River	138,204 77
Cleveland Harbor	309,244 84
Grand River	169,670 29
Ashtabula Creek	197,901 21
Conneaut Harbor	104,139 39
Cunningham's Creek	19,781 12
Sandusky City	136,580 00
Sandusky River	30,000 00
Vermillion River	85,942 31
Toledo Harbor	274,700 00
Port Clinton Harbor	8,000 00
Rocky River Harbor	10,000 00
Maumee River	7,000 00
	2,090,937 64
Michigan:	
Saint Clair Flats	840,650 00
Saint Mary's River and Canal	1,110,692 00
Monroe Harbor	200,618 34
Black Lake Harbor	156,615 31
New Buffalo Harbor	78,000 00
Clinton River	11,500 00
Grand Haven	214,866 15
Saint Joseph	213,113 00
Ontonagon River	107,600 00
Eagle Harbor	65,000 00
Marquette	261,730 00
Au Becs Scies	157,859 85
Manistee	109,000 00
Pere Marquette	111,185 00
Pentwater	142,820 00
White River	158,550 00
Muskegon River	94,000 00
Saugatuck	74,939 00
South Haven	100,000 00
Au Sable	87,971 00
Saginaw River	106,000 00

Michigan—Continued.	
Menomonee Harbor	$75,000 00
Ludington Harbor	25,000 00
Frankfort Harbor	20,000 00
Sheboygan Harbor	45,000 00
Harbor of Refuge	275,000 00
Mouth of Black River	15,000 00
	4,847,509 00
Wisconsin:	
Southport	37,500 00
Manitowoc	191,320 00
Milwaukee	252,087 45
Racine	157,285 00
Sheboygan	148,448 91
Winnebago Lake	500 00
Green Bay	192,559 00
Kenosha	110,807 41
Superior City	257,550 00
Wisconsin River	140,000 00
Port Washington	60,000 00
Almapee Harbor	50,000 00
Two Rivers	75,000 00
Green Bay and Mississippi Canal	445,000 00
Sturgeon Bay Canal	40,000 00
	2,158,057 77
Minnesota:	
Minnesota River	77,500 00
Falls of Saint Anthony	200,000 00
Meeker's Island	25,000 00
Du Luth Harbor	110,000 00
	412,500 00
Oregon:	
Willamette River	196,200 00
Upper Columbia River	53,000 00
Umpqua River	22,500 00
	271,700 00
West Virginia:	
Monongahela River	91,000 00
Great Kanawha River	25,000 00
	116,000 00
District of Columbia:	
Washington and Georgetown Harbor	50,000 00

It will be seen, sir, from the above statistics, that the annual expenditures upon these works of harbor and river improvement have averaged less than $1,000,000 per year; that the largest portion has been employed in the construction of harbors of refuge, or the protection of harbors giving facilities to the commerce of districts rather than States; and that the entire aggregate of the expenditures of a half a century, in behalf of water navigation, have not equaled the increase in actual money credits extended by the Government to the gigantic railroad enterprise which has connected the Atlantic and Pacific sea-boards. I will not, however, enter into any comparison as to the aid extended to different sections of the country. The people I have the honor to represent rejoice equally in the prosperity of each section, and are even more willing to extend aid to the sea-board and lake harbors, to encourage our lake and ocean marine, than they are ready to press their own claims upon governmental protection. We of the West do not, sir, ask to reduce in any, even the least, particular appropriations which may be necessary to afford safety to navigators of the high seas, or to extend the commerce of our lake frontiers, however small may be the district served by the construction of improvements, or however remote such works may be from the center of production. Each one of these works has aided the advancement of our nation, and each additional expenditure will assure future progress.

We ask only, sir, that the interest of the producer of the West shall not be overlooked; that the money power of the nation shall not be abused by providing artificial lines of communication, to the utter neglect of those natural channels of commerce which, after all, are the true sources of the rapid progress of civilization and production in the center of this continent.

It will be noted, from the report of expenditures that I have given, that the total amount so far appropriated to the Mississippi River and its tributaries has been less than $14,000,000, and that of this amount only about $1,500,000 have been expended in protecting and enlarging the mouth of the Mississippi. Yet this system of internal navigation covers an area extending from the Alleghanies to the Rocky Mountains, from the extreme northern limit of the temperate to the margin of the tropic zone. Within its limits are gathered the staple products of nearly every climate of the world. Parallel lines of artificial communication must seek in vain to carry these products arbitrarily to the East. The twenty thousand miles of navigable streams penetrating the most remote parts of this vast area have marked the path of this commerce, and it remains but for man to render these navigable streams accessible to his inventions for transportation. This is not the age, and certainly this is not the country, in which a halt can be called in the progress of commerce. The restless activity of our people forbids that any source of wealth should be blockaded by obstructions which the ingenuity of man can remove, or that, neglected, may deprive one region of the country of a market, and doom another to undue cost in production.

I advocate, therefore, a liberal expenditure in the improvement of the western rivers; not more in the interest of any State than in that of the nation, and, in this respect, I urge especially three works as of a distinctive character, which should be completed with the least loss of time and in the most effective manner.

First in order stand the improvements at the mouth of the Mississippi. These are not, as in the case of single improvements on the Atlantic sea-board, a work conferring advantages upon one part only, or even a limited district. It is a national work, affording an outlet to the products of fifteen of the most productive States of the Union, and of States more rapidly increasing in population and material wealth than any others in the Union. This work should not alone be retained in its present state, but should be pressed forward to a condition that shall afford free and ready access to the ocean marine of the world. Expenditures at this point, judiciously and promptly made—and to be made judiciously they must be made promptly—will augment the taxable wealth of the country far beyond the outlay, by inciting a larger commerce from the North to the South, and the use of improved and enlarged means of transportation on the river to meet the encouragement thus afforded to foreign shipments.

Second only in importance to the improvement at the mouth of the Mississippi is the completion of the works at the rapids above the mouth of the Missouri—works not only necessary to give full sway to competition in the carriage of the wheat and corn surplus of the great Northwestern States to the granaries of the world, but indispensable to the supply of the South with food and forage at values which will retain to this country its superiority in cotton production, and eventuate in its lead in manufactures of that staple.

Following naturally in the line of these two great works comes the improvement of the Mississippi, from the mouth of the Missouri to the mouth of the Ohio, as the necessary connecting link between two great works, the one an outlet for the extreme North to the South, the other an outlet from the South to the world.

Other and needed improvements are also suggested in reports made to this body, both by commercial representation and individual members of the House. All these varied measures for the improvement of the tributaries of the Mississippi I heartily support; but first and foremost, above considerations for the connection of the great lakes with the Mississippi by canals, and beyond the construction of freight railroads from the West to the East, I urge this House to aid and encourage the main artery of the commerce of the Mississippi Valley by sufficient and liberal aid to the three distinctive works I have named.

Louisiana Affairs.

SPEECH OF HON. OLIVER P. MORTON,

OF INDIANA,

IN THE SENATE OF THE UNITED STATES,

January 30 and February 2, 1874.

The Senate having under consideration the resolution relative to the admission of P. B. S. Pinchback as a Senator from the State of Louisiana—

Mr. MORTON said:

Mr. PRESIDENT: I will detain the Senate but a few minutes this evening. The Senator from Wisconsin, [Mr. CARPENTER,] in conclusion, has developed the whole intent and purpose of his new agitation. It is for a new election in Louisiana and to overturn the existing government of that State. Now, sir, I want to inquire, very briefly, who it is that is demanding a new election in the State of Louisiana.

First, I will tell the Senate who does not demand it.

The republican party of Louisiana does not demand it, is unanimously opposed to it, regards it as a movement in favor of its enemies, a movement to put it in the power of its enemies. The colored men of Louisiana regard it as a movement to put them into the power of their deadly, their mortal, enemies. Sir, the republican party of Louisiana, as an organization, as a body, composing a large majority of the people of that State, are utterly opposed to this movement on the part of the Senator from Wisconsin.

Then, Mr. President, so far as the democratic party is concerned, the best part of that party are opposed to it, and opposed to it utterly.

The business men of New Orleans, I am informed and believe, are opposed to it. I believe it can be shown satisfactorily to the Senate that the business men of New Orleans, the men of property, the men who are interested in the preservation of order and protecting honest labor, are opposed to it. They are not the political friends of Kellogg; they would not vote for him; but they desire the preservation of order; they desire the protection of property. They are opposed to anarchy; they have had enough of it; and they understand full well that the overturning of that State government and all it has done would be a new signal for disorder and the shedding of blood.

Sir, there is blood in this movement, blood and crime in it, such as have characterized Louisiana for the last eight years.

At the end of a two days' speech the Senator from Wisconsin admits away the whole case. He talks about Louisiana being controlled by military power, about Louisiana being crushed and her people held

down by military power; all of which, disguise it as he may, is a direct condemnation of the Administration; and yet in the same breath he admits, what everybody knows to be true, that a large majority of the people of Louisiana are to-day republicans; admits that which I know to be true, and we all know who are well informed, that the Kellogg government is to-day in sympathy with and is sustained by a large majority of the people of Louisiana. He admits that that majority was overwhelmed by fraud. He admitted in his report a year ago, and I have it here in his report, that the control of the machinery of that election by Governor Warmoth was equal to 20,000 votes, and that the republican party was defrauded in the elections in every possible way. He there reported that it was an organized fraud; and yet we are told in the same breath, thus the Senator blowing hot and cold, that the people of Louisiana have been crushed by a military despotism, and a government forced upon them that they did not want. If the Senator can reconcile these things he can do more than I can do—more than his audience can do. If he can justify this new movement he can do more than I think anybody else can do.

Sir, his speech is a tissue of contradictions from beginning to end. He brushes aside the decisions of the supreme court of Louisiana. He assumes to understand the law of Louisiana better than the supreme court of that State. He denies the jurisdiction of the court in one case, and he assumes that the law in another case is unconstitutional. Why, sir, that court compares favorably with the courts of other States. It is composed of four members, three of whom were chosen in 1868, and have had no connection with the present troubles at all; and the chief justice of that court is a man of legal character, and whose personal character and reputation for ability are of an order of which the Senator from Wisconsin need not be ashamed. Every question that he has discussed here has arisen under State laws, and has been decided by the supreme court of that State. But the Senator assumes that he understands the laws of Louisiana better than that court does. He treats them with contempt. He says the court is not entitled to the respect of anybody. He tramples upon all the rights of the State, and upon the tribunals of the State, and asks Congress to set aside the State government and order a new election—in whose interest? I will tell you in whose interest. In the first place, in the interest of Governor Warmoth, who has been on the floor of the Senate engineering this movement for a new election, who is at the head of this movement—a man of consummate ability and tact; and he is here to-day, and his trusty lieutenants are here to-day, and John McEnery, the governor whose criminal pretensions have caused bloodshed and murder in that State. He is engaged in this movement, and he is upon the floor of the Senate.

I have not time to go into the full details of this case, and do not intend to do so to-night; but I promise that it shall be ventilated to the satisfaction even of the Senator from Wisconsin. But I remarked that his speech was a bundle of contradictions and of inaccuracies. The Senator does not state anything correctly. He goes about with his pick, and he picks a little mortar out here, and a little there; finds fault with everything, and states nothing correctly. I do not say he intends to state incorrectly, but I say he does not make a correct representation of any feature. I called the attention of the Senate to one absurdity here upon the floor this afternoon. After a lengthy argument to place the President in the wrong, to show that he had issued his proclamation of May last without authority, I asked the Senator the question, "Do you mean to say it was issued in violation of law?" After some hesitation he said, "No; not in violation of law, but in the absence of law." Sir, it was either issued by authority of law or in violation of it. There can be but one of these two things. And after showing, or attempting to show, for he utterly failed, that the President had been guilty of a great offense—for it would be a great offense if he, without authority of law, had done this indefensible and this wicked thing—he then turns around and says that it is a good thing after all, and he is glad the President issued the proclamation; it had an excellent effect; as if the exercise of an unconstitutional power could be a good thing, and could have an excellent effect!

Mr. President, I have said there is blood in this thing, and so there is. Of course I except my friend from Wisconsin, but I tell him that the great body of men who are moving in this thing now in the State of Louisiana are the men who are covered with blood; they are the assassins of 1866, of 1868, and of 1873. You remember that in 1866 nearly three hundred men were killed and wounded in less than twenty minutes in and around the Mechanics' Institute in the city of New Orleans, and what for? For merely proposing to hold a convention to amend the constitution of that State, to propose amendments; and they were chiefly killed by the police, substantially by the authority of the mayor and part of the State officers. And in 1868, within sixty days before the presidential election, more than two thousand people were killed and wounded in that State for political offenses, nearly all of them colored people. Ay, sir; more than two thousand were killed and wounded in less than sixty days before the presidential election in 1868. What was the effect of it? The republicans carried the State for governor and the Legislature in May, 1868, by 26,000 majority; but after this terror had done its work and the Ku-Klux had ravaged the State, Seymour carried the State by 41,000 majority, making a change of 68,000 votes. In one parish General Grant did not get a vote at all where the republicans had had 2,600 votes in the spring before. In other parishes he got five votes, ten votes, or twenty votes. Sir, Louisiana was a vast slaughter-house; blood was shed in every parish and almost upon every plantation, and the assassins of 1868 are there yet.

But now, sir, we come up to 1873. I will not detain the Senate to-night, but I have the evidence here to show that John McEnery organized the mob in New Orleans who made the assault on the police stations on the night of the 5th of March, 1873, where a number of men were killed. Why, Mr. President, are you aware of the atrocities of the Colfax massacre? How was it? Colfax is the county seat of Grant Parish. It was proven before this committee in the very report that the Senator read from that the returns from Grant Parish, what he calls the official returns, were forgeries outright. When I talked about forgeries here this afternoon the Senator said he had never heard of them. Why, sir, there is the evidence that the returns from Grant Parish were forgeries. The Lynch board returned the sheriff and the parish officers who were on the republican ticket as being elected. They were commissioned by Pinchback in the month of January, 1872; and more than two months afterward, about the 1st of April, a man of the name of Nash, who had been the democratic candidate for sheriff of Grant Parish, commenced collecting forces, as he avowed, for the purpose of taking forcible possession of the sheriff's office and of all the parish offices in that parish. He continued this collection of forces until the 13th of April. In the mean time the sheriff, hearing about this, collected a *posse* for the purpose of protecting himself and the other parish officers, composed almost entirely of colored men. They gathered in and about the court-house, and threw up a little intrenchment, a mere trifle of a fortification. On Easter Sunday, thirteen days after, Nash commenced his operations; he and Hadnot, the other leader, surrounded the court-house and these colored men in the fortification. The colored men at once retired to the court-house, and, when driven into the court-house, they offered to surrender, provided they would be allowed to go home in safety. Nash and Hadnot refused to receive the surrender unless it was unconditional. They refused to surrender unconditionally, because they expected to be murdered. Firing was had upon the part of the assailants. They finally approached the court-house on a side where there was no window. They set fire to the roof, and when the flames had spread throughout the building the colored men in the court-house held out white handkerchiefs and other emblems as a token of surrender, and when they could stay there no longer they rushed out, some of them covered with fire, and as they went out of the court-house they were met at the door and murdered, and stabbed, and mutilated. The evidence before the grand jury, of which I have an extract here, shows that three or four men would seize a colored man and another man put his pistol in his mouth and blow his brains out; and that they were mutilated and their abdomens ripped open after they were dead. And the evidence shows further that scarcely a body was found there that had not from three to a dozen wounds upon it. Some thirty of them were captured and were marched back in front of the court-house after dark, and there they were put in lines and shot as the Virginius prisoners were shot in Cuba. A large number of them were taken to the bank of the river after dark and there they were shot, and their bodies thrown into the river. One was only wounded, and he managed to swim across the river and make his escape. The evidence further shows that when this massacre took place at night on the bank of the river, they tried experiments on them with their arms. They put them breast to back, three or four or five each, and then a man would stand at the end of the line to see how many bodies he could send a bullet from his rifle through. The testimony is that over one hundred men—they cannot tell how many, but the number is known to exceed one hundred—were murdered on that occasion. Colonel De Klyne and Colonel Wright, who afterward went there by order of Governor Kellogg, found fifty-seven bodies still upon the ground in and around the court-house, three days afterward, that they buried.

Why, Mr. President, the whole world was shocked by the murder of fifty-three filibusters captured with the Virginius—men who were going upon a hostile, an unlawful expedition. But because they were tried by a court-martial and hurried out of existence, although time was allowed them to make their confessions and to say their prayers, it was regarded by us as cause of war unless satisfaction was made to us by the government of Spain. But here were one hundred of our own people killed on the 13th day of April last, and I have heard of nobody proposing to go to war upon that account. One of the leaders, and the principal leader, of that mob was a man by the name of Hadnot, a member of the so-called McEnery legislature, a resident of the parish of Grant. He was killed, and the only man killed upon that side; over one hundred killed upon the other; and when this so-called McEnery legislature met in New Orleans about four weeks ago, in session, they passed resolutions declaring that Hadnot had perished in his attempt to enforce legal authority, and that he was murdered by a mob, thereby recognizing upon the part of McEnery and his friends that that massacre at Colfax was done by their authority and in the name of the McEnery government.

From 1866 to 1873 there have been a series of murders continually. The life of a colored man in Louisiana is considered of no more account than that of a mad dog; and for all the murders that have been committed in that State from 1866 to 1873 not one of the murderers has been punished.

As I said before, every question that has arisen in this case has

arisen under the laws of the State and been decided by the supreme court of that State, has been settled by the tribunals provided by the State; and according to the admission of the Senator in the very conclusion of his argument this government of Kellogg has not only been recognized by all the courts of that State, but it does actually represent to-day the politics, the feelings, the wishes, and the interests of a large majority of the people of that State, because a large majority are republicans and they are unanimous in the support of the Kellogg government. But, to go further, the better part of the democratic party—the men of substance, the business men, as I am informed and as I believe—are utterly opposed to this movement. They believe it would result in that which has gone before. They have had enough of it. They are democrats in politics, but their interests lie in the paths of peace.

What, then, is the proper course? It is that the Kellogg government shall go on. I have nothing to say about the faults and the follies of Kellogg or of any other man. I stand not here as the advocate of any man. If I am called upon to do it, or if my duty requires me to do it, I will prosecute Pinchback, or Kellogg, or any of them, whose faults or crimes come within the purview of my jurisdiction. I shall not present myself as a cover or protection for any of them. But there are grave constitutional considerations involved here, great political considerations that entirely transcend all the petty considerations that have been mentioned by the Senator from Wisconsin; and one of them is, that when a State government is in existence and is going on, the Government of the United States shall not interfere and set it aside upon the ground that there has been a fraud committed in a State election, cognizable by State laws, by State tribunals, which has been settled by the highest judicial tribunal of the State. When the Congress of the United States shall just one time set aside a State government upon that ground, it will place every State government at the mercy of the Federal Government, for all time to come. That precedent will be like the sword of Damocles suspended over this nation by a frail thread, liable to fall at any time and to pierce its vitals. Sir, we cannot afford to set that precedent; we will not. If we have a regard for our complex system of government, if we believe that State governments are a necessity, if we would preserve the State governments, we must recognize that they have rights in their sphere which we cannot invade and cannot overthrow.

[At this point the honorable Senator yielded for an executive session.]

MONDAY, *February* 2, 1874.

Mr. MORTON, (resuming:) Mr. President, the Senator from Wisconsin, now in the chair, [Mr. CARPENTER,] on Friday last gave notice that on this morning he would introduce a bill to provide for a new election in the State of Louisiana. That bill, I am informed, will be introduced to-morrow morning, and I learn that one of a similar character will be presented in the House of Representatives. As a large part of the remarks of my friend from Wisconsin were addressed to that bill of which he gave notice, a very considerable portion of what I shall say will also be addressed to the same subject, regarding it as the most important proposition that has been or can be made in this Congress.

I will begin by stating the principal positions and the logical attitude of the Senator from Wisconsin in the long speech with which he has favored the Senate.

His first position, which was argued at great length, was that, according to the official returns of the election in Louisiana, those made out by the officers of the election, McEnery and his colleagues upon the State ticket were elected by some 9,000 majority, and that a majority of the same party were elected to the Legislature. This position he laid down as the foundation-stone of his whole argument.

His next position was that, by the unlawful interference of Judge Durell, district judge of the United States, and by the improper use of a portion of the Army, by the unlawful intervention of the Federal authority, McEnery and his associates were prevented from being inducted into office, and what was known as the Kellogg government was installed and placed in possession of the executive and legislative power of the State. This unlawful interference by the Federal authority, by which McEnery and his colleagues were defrauded of their offices, and the establishment of the Kellogg government in power, was denounced by the Senator, in bitter terms, as a gross fraud and outrage upon the people of Louisiana—trampling the State under foot, and the substitution of Federal usurpation for State authority. He declared not only that the Kellogg government had not been elected, but that it had been installed in defiance of law and the wishes of the people of the State, and maintained ever since by the protection of Federal bayonets.

From these two positions, thus taken by the Senator, the inference was inevitable that if the Government of the United States should interfere at all, it must be to oust the Kellogg government, and to establish in power the McEnery government—to give to McEnery and to his colleagues those offices and that authority out of which they had been so unlawfully and wickedly defrauded.

But now I come to state his third and last position, which is that McEnery and his colleagues were not elected at all, and that they have no right to enter into the possession and control of the State government of Louisiana—that the election of the 4th of November, 1872, was an organized fraud by which the will of a majority of the people of Louisiana was subverted. He took the ground that a majority of the people of Louisiana were republicans, and that but for the fraudulent use of the machinery of elections Kellogg and his associates would have been elected, and that the election was so completely fraudulent, so entirely subversive of the will of the people, that McEnery and his associates have no title to the offices, and that it is the duty of Congress to order a new election. This part of the Senator's position is very clearly set forth in the report which he made to the Senate, from which I quote the following language:

> A careful consideration of the testimony convinces us that had the election of November last been fairly conducted and returned, Kellogg and his associates, and a Legislature composed of the same political party, would have been elected. The colored population of that State outnumbers the white, and in the last election the colored voters were almost unanimous in their support of the republican ticket. Governor Warmoth, who was elected by the republicans of the State in 1868, had passed into opposition, and held in his hands the entire machinery of the election. He appointed the supervisors of registration, and they appointed the commissioners of election. The testimony shows a systematic purpose on the part of those conducting the election to throw every possible difficulty in the way of colored voters in the matter of registration. The polling places are not fixed by law, and at the last election they were purposely established by those conducting the election at places inconvenient of access in those parishes which were known to be largely republican; so that, in some instances, voters had to travel over twenty miles to reach the polls. The election was generally conducted in quiet, and was, perhaps, unusually free from disturbance or riot. Governor Warmoth, who was the master-spirit in the whole proceeding, seems to have relied upon craft, rather than violence, to carry the State for McEnery. In the canvass of votes, which determined the McEnery government to be elected, the votes of several republican parishes were rejected.
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> The testimony shows that leading and sagacious politicians of the State who were acting with Warmoth entertained the opinion before the election that Warmoth's control of the election machinery was equivalent to 20,000 votes; and we are satisfied by the testimony that this opinion was well founded. We believe that had registration been accessible to all, and polling places been properly established, the result of the election would have been entirely different. And although we cannot approve of such a canvass as that made by the Lynch board, who seem to have acted upon the principle of "fighting the devil with fire," and circumventing fraud by fraud, and cannot say that Kellogg's government was elected, nevertheless we believe that Kellogg's government was defeated, and the popular voice reversed by the fraudulent manipulation of the election.
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> If the Senate should be inclined not to go behind the official returns of the election, then the McEnery government and Legislature must be recognized as the lawful government of the State, and McMillen, if regularly elected by that Legislature, should be seated in the Senate in place of Kellogg. But your committee believe that this would be recognizing a government based upon fraud, in defiance of the wishes and intentions of the voters of that State.

In this passage of his report he distinctly affirms four propositions:

That a majority of the people of Louisiana were at the time of the election republicans.

That the colored people were in a majority over the white people.

That the control by Governor Warmoth of the machinery of the election, he having under the law the appointment of all the election officers, the fixing of places for registration and for the holding the elections, and the general power conferred upon him by law, was estimated by democratic politicians, in the coalition which they formed with him in 1872, as being equal to 20,000 votes in their favor; and he declares that the evidence taken before the committee shows that it was equal to 20,000 votes.

He further affirms that but for these frauds, perpetrated through the machinery of the election, Kellogg and his associates would have been elected, and a majority of republicans elected to the Legislature.

He then closes by declaring that the election was void for fraud, and that a new election should be ordered by Congress.

It thus clearly appears, from the last position taken by the Senator, that but for the interposition of Judge Durell and the Federal authority, the McEnery government, which he says was wholly fraudulent and had no title whatever, would have been inaugurated, and that by such interference the Kellogg government was inaugurated, which does represent the majority of the people of the State, and would have been elected at the polls but for the organized fraud which he so graphically describes. His distinct admission that the election of the McEnery government was a nullity because of gross frauds, and that the Kellogg government would have been elected but for such frauds, puts the whole case in an attitude with which the supporters of the Kellogg government ought to be satisfied, but leaves the Senator not an inch of ground to stand upon.

The legal proposition involved in this medley is, that whenever the governor or Legislature of a State is elected by fraud, it is the duty of Congress to intervene and order a new election. In 1868 the governor of New York was elected by an enormous fraudulent vote cast in the city of New York, and, according to the Senator, it was the duty of Congress to go forth as a great reformer, turn the fraudulent governor out, order a new election, and pay the expenses of it.

The moral proposition evolved from the medley is, that when Judge Durell kept out a governor elected by fraud and put one in who, but for that fraud, would have been elected, his conduct may have been wholly illegal, but was, in another way, giving representation to the voice of the people.

The Senator from Wisconsin said that my present position was inconsistent with my action last winter, in not at that time moving to seat Mr. Ray on a *prima facie* case. The resolution passed by the Senate, instructing the Committee on Privileges and Elections to inquire whether there was a legal State government in Louisiana, was passed some days before the credentials in the Ray case were presented to the Senate, and the investigation had already commenced. That investigation resulted in a division of the committee. I reported that

the Kellogg government was the legal government, and my position has been sustained by the President and by the House of Representatives; and for more than a year the Kellogg government has been the sole government in Louisiana; it was also sustained by the Senate by the rejection of the bill to set aside the Kellogg government and provide for a new election.

The case from Rhode Island, decided by the Senate in 1842, of Potter *vs.* Robbins, is directly in point. There were in that case two claimants, each holding under an election from a distinct Legislature, the second Legislature denying the legality of the first; and the claimant elected by the first Legislature was seated on a *prima facie* case. The fact that the two Legislatures did not sit at the same time makes no difference, so long as the legality of the existence of the one was incompatible with that of the other.

The position of the Senator, that the Legislature making the election should first be shown to be a competent body, destroys the very idea of a *prima facie* case, if that fact is to be shown by any evidence beyond the certificate of the governor and the facts of which the Senate can take judicial knowledge. A *prima facie* case arising upon the credentials implies a case established upon sufficient though not conclusive evidence. Assuming the certificate of Pinchback to be the certificate of the governor of the State, the statement in that certificate, that he was elected by the Legislature of Louisiana, must be taken to be true until overthrown by an investigation, which, according to the usage of this Senate from its first existence, could only be made after Pinchback had taken his seat. The statement made by the committee in the case of Potter *vs.* Robbins, that if there were two Legislatures, each claiming to be the lawful Legislature, the Senate might inquire which was the lawful Legislature was undoubtedly correct; but bear in mind, that statement was made in the final report of the committee after Potter had taken his seat, and had no reference to an inquiry to be made before Potter had taken his seat. And I say distinctly in this case, that after Pinchback has taken his seat it is competent for this Senate to inquire whether he was elected by the Legislature of Louisiana. But in answering that inquiry, the Senate would undoubtedly be governed by the other doctrine laid down in the case of Potter *vs.* Robbins, that in determining which was the Legislature of Louisiana they would look to the decisions of the courts, and also in the case of Luther *vs.* Borden that they would look to the action of the President of the United States, had in pursuance of a law of Congress.

In answer to the allegation of the Senator, that there was no legally organized board of canvassers in Louisiana, it is enough to say that the supreme court of Louisiana have decided that the Lynch board was the legal returning board. The alleged inconsistency between that decision and the Wittgenstein case is inferential and fine-spun. It is enough that the court have decided in this identical case that five persons, four of whom made this canvass upon which the Kellogg government was established, did constitute the legal board. The court themselves met and answered the suggestion that Bovee was the real secretary of state and Herron only *de facto* secretary; and that answer is the authoritative exposition of the law of Louisiana upon this point. Whether the supreme court of Louisiana had jurisdiction in that case and in the other cases in which they held that the Kellogg government was the government of Louisiana, and that the Legislature that elected Pinchback was the lawful Legislature, was a question which they had a right to decide, and were required to decide; and their decision is as binding upon the question of jurisdiction as upon any other point. And I assume that their decisions are intrinsically entitled to much greater weight than the opinion of any outside lawyer or politician who dips into Louisiana law for an occasion. The Senator from Wisconsin must be presumed to understand the constitution and laws of Wisconsin better than those of Louisiana; and yet he would probably admit that he has been very often mistaken in regard to the laws of Wisconsin.

As to the allegation that the returning board had before it only imperfect evidence and had not any formal returns, I answer that from the admitted character of the local election boards throughout the State, which were organized for the purpose of fraud and falsification, and from the character of the returns, as an inspection of them disclosed and the testimony showed, the evidence which the Lynch board had before them, poor as it was, according to the Senator's own admission came much nearer to representing the actual wish and voice of the people of Louisiana than the so-called official returns. It was in evidence, and will not be denied, that the Lynch board, before proceeding to make their count, twice formally demanded from Governor Warmoth what were called the official returns; that those returns were withheld from the board, were hidden away, and it was not known where they were. The equity doctrine, *omnia præsumuntur contra spoliatorem*, applies: the parties who suppress the evidence shall not be permitted to gain by the suppression; and we ought not to be asked to overturn a State government because the Lynch board had not the official returns before them at the instance of the very men who unlawfully withheld that evidence.

While the Senator admits, not only in his report but in his speech on this floor, frauds in the election against the republicans equal to 20,000 votes, and while, as was stated by the Senator from Illinois, [Mr. LOGAN,] a number of those returns were forgeries from end to end, patent to the eyes of the committee on mere inspection, yet he insists that they must be received, because they complied with the forms of law. I inquire whether the decision of the returning board is not a form of a law, and whether the decisions of the supreme court of Louisiana upon every material point are not forms of law of the highest character, and are not controlling authority. But the Senator's regard for the forms of law conveniently stops with the consideration of these fraudulent returns.

But his position involves another legal proposition, that while these fraudulent official returns must be received as the only evidence by the returning board and the courts of Louisiana, they ought to be rejected by the high court of chancery, otherwise called Congress, and a new election ordered.

To his argument that the promulgation of the board of returning officers relative to their canvass of the votes could not, by the decision of the supreme court, be revised by it, I answer that that decision applied to cases where the time required by law to elapse before the issuing of commissions had actually expired, and the commissions had issued. In those cases it was held that the statute prohibited any revision of the count of the votes by the court. Was not this a correct decision? It results from no new statute, but is provided for by an act of 1855; nor is it a new construction of that statute. It results from the manner in which the political power of the State has assigned a political function. That function could have been vested by the Legislature in the court undoubtedly, but it was not, but was vested in a separate tribunal called the returning board. The laws of the United States assign to the district courts of the United States one jurisdiction, to the circuit courts another jurisdiction, and to the Court of Claims still a third jurisdiction; and so, by the laws of Louisiana, the authority to count the votes in a State election and to declare who were elected members of the Legislature and State officers was vested in a special tribunal created for the purpose, and the decisions of that tribunal were made valid and final.

Mr. HOWE. Has the Senator got the statute?

Mr. MORTON. I have not got it here, but I can furnish it to my friend.

The misfortune of the Senator is that he is combating at every point the decisions of the courts of last resort of the State of Louisiana, and is compelled to resort to argument, to assertion, and to ridicule to overthrow them. If the statutes of Louisiana, when applied to the confused state of facts there recently existing, work out a particular result, we must accept it. It is of the very nature of government, and essential to its existence, that tribunals be provided for the decision of every class of questions that may arise, and that the decisions of such tribunals must be accepted as the final exposition and declaration of the law and the facts. If the decisions of these tribunals are liable to be questioned and set aside collaterally, or utterly disregarded, because in the opinion of parties interested they have not been rendered upon sufficient and proper grounds, that would be the end of organized government.

Mr. STEWART. If the Senator will allow me, I desire to inquire whether any court having the case before them undertook to pass upon the merits of the case? Have the merits of the question of this election been passed upon in any case?

Mr. MORTON. The question as to who constituted the legal returning board was before the supreme court and argued at great length, and the court decided it. Questions as to whether the laws passed by that Legislature were valid laws were before the court, and in several cases they decided and were required to find that the Kellogg Legislature was the lawful Legislature of the State and that Kellogg was the governor of the State. The question arose in divers ways, I suppose, perhaps in a dozen cases.

The argument of the Senator that the interference of the Federal court under which Kellogg and his officers were installed and for a time maintained through physical force, furnished by that court, goes only to the manner in which, as a physical fact, these men reached the several offices. It steers clear of the question of the title. The real question should have been, and is, not who overcame the physical obstacles or difficulties in the way, or kept off overpowering force, but, are these men actually in possession of the offices in accordance with the decisions of the tribunals specially empowered by the laws of the State to decide such questions? According to the declarations of the Senator in his speech and in his report, Kellogg and his associates, and a Legislature composed of the same political party, would have been elected if the election had been fairly conducted. Here, then, is a set of officers declared by the courts of the State to be the lawful officers, and admitted by the Senator himself to have the fullest equitable title, if that expression may be allowed with reference to such a subject, and the objection he makes is that they got possession of their offices by the irregular and unauthorized action of a court.

Suppose a man is in possession of a piece of ground to which he has a legal title, will you turn him out because he was put in possession by a court which acted irregularly or without authority? No; the question would be determined by the character of his title, and his continued possession would depend upon the decision of that question.

A title which the highest legal tribunal has declared to be good is not impaired by unlawful interference, even by violence, in its support. And admitting the illegality of Judge Durell's action as fully as the Senator claims it, it only amounts to this, that the district court of the United States has unlawfully interfered to do certain things which the highest tribunal of the State decides to be lawful

and proper in themselves. The supreme court of the State having held that the Legislature was the lawful one which was organized by the admission of such persons only as were returned by the Lynch board, is the legality of that organization affected by the fact that the circuit court of the United States interfered to prevent the organization of the Legislature by persons who were not returned as elected by the Lynch board? If an officer in the performance of his duty were aided by a mob, the performance would not be made illegal by the presence and co-operation of an unlawful assembly. The fact is, that there is no question now involved in the proper decision of this great controversy before the Senate which is at all dependent upon the former action or opinions of Judge Durell.

The Senator took the broad position that the action of the President did not constitute a recognition of the Kellogg government, because there was no case presented under the law which authorized him to act or to make such recognition, and that the proclamation of the President issued on the 23d of May, 1873, in which he recognized the validity of the Kellogg government and declared his purpose to maintain it, was made without authority of law, and was a mere nullity. The argument was that the statute of 1795 gives the President the right to intervene only in case of "insurrection against the State," while the application made by Kellogg for aid did not state that there was an insurrection existing against the State, but only declared that there was domestic violence which the State could not repress. The language of the Constitution is:

The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion, and on application of the Legislature, or of the executive (when the Legislature cannot be convened) against domestic violence.

The Constitution does not use the word "insurrection" at all; but declares that the United States shall protect the State, upon proper application, "against domestic violence." It was undoubtedly the intention of Congress in the act of 1795 to cover the whole ground included in the constitutional provision; and there can be no possible reason shown why there was any purpose to make the provision of the law more narrow than that of the Constitution. The word "insurrection" is defined by Webster as "a rising against civil or political authority; the open and active opposition of a number of persons to the execution of law in a city or State; rebellion; revolt; a rising up of individuals to prevent the execution of law by force of arms;" and thus in itself the word covers every species of domestic violence consisting of the open and active opposition of any number of persons to the execution of law in a city or State; so that an attempt by a combination of any number of persons to resist the government of a State in the execution of a particular law is as much an insurrection against the State as an attempt to overturn the State government itself.

The act of 1807 is in the following language:

In all cases of insurrection or of obstruction to the laws, either of the United States or of any individual State or Territory, where it is lawful for the President of the United States to call forth the militia for the purpose of suppressing such insurrection or of causing the laws to be duly executed, it shall be lawful for him to employ for the same purpose such part of the land or naval forces of the United States as shall be judged necessary, having first observed all the prerequisites of the law in that respect.

Here it is declared that the President may interfere in case of insurrection or obstruction to the laws of any State by the use of the land and naval forces in any case where it would be lawful for the President to call forth the militia, that is, upon the proper requisition being made by the Legislature or by the governor of the State, as provided in the Constitution and the act of 1795. The narrow construction which the Senator attempts to place upon this law in effect strikes out these words, "or obstruction to the laws either of the United States or of any individual State or Territory." His construction of both statutes is exceedingly narrow, and comes little short of being absurd.

President Tyler in his letter of May 4, 1842, to Governor King, of Rhode Island, (which was understood to have been written by Mr. Webster,) having direct reference to his power under the acts of Congress referred to, declares that he "will, if need be, interfere to suppress 'lawless violence' in the State of Rhode Island." In this Louisiana case there was the application of the Legislature of the 9th of December, and the application of Governor Kellogg after the adjournment of the Legislature. The language of the resolutions of the Legislature is that "certain persons are reported to be forming combinations to disturb the public peace, defy the lawful authority, and the State is threatened with violence." The language of Governor Kellogg's letter is, "domestic violence which the State cannot repress." The language of the application in the Rhode Island case, made by Governor King, is that "the State is threatened with domestic violence;" and the only recognition which the President gave to the charter government of Rhode Island was in the letter to which I have referred, and by sending a company of troops to Newport, in that State. Subsequently the Legislature passed resolutions invoking the aid of the United States to suppress threatened insurrection; and to that the President replied that the Dorr rebellion had already been suppressed, and there was no occasion for his interference. The recognition thus given by President Tyler in his letter to Governor King was treated by the Supreme Court of the United States as a recognition of the charter government, and a decision made by him in pursuance of the power vested in him by the act of 1795. In that case the President issued no proclamation at all, but declared his purpose to Governor King, if need be, to suppress "lawless violence in the State," but used no word in regard to "insurrection."

As before stated, on the night of the 9th December, 1872, what is known as the Kellogg Legislature passed a resolution asking protection against threatened violence, and two days afterward the President sent a dispatch, through the Attorney-General, declaring that he recognized that Legislature, and Pinchback as the acting governor of the State. Subsequently came the message of the President, in which he stated that he had sustained the Kellogg government, and should continue to do so until Congress otherwise directed. Afterward, on the 23d day of May, the President issued his proclamation upon the request of the governor, in which he declared that the Kellogg government had been pronounced the legal government of Louisiana by the supreme court of the State, warned all persons to cease their opposition to it, and announced his purpose to give it protection. The argument of the Senator that the President had never recognized the Kellogg government seems to be trifling with the whole matter. He did formally recognize the Legislature; but if he had not, and had only recognized the governor, that would have been the same in effect, for the title of the governor and that of the Legislature rested upon the same facts and decisions of the courts.

While the Senator was hair-splitting on the definition of words and the phraseology in Governor Kellogg's letter, the great fact was that just before that letter was written more than a hundred men had been murdered in cold blood in the name of the McEnery government. The recognition by the President of the Kellogg government was in pursuance of laws passed by Congress, and was in every sense an act of the Government of the United States; and consistency, harmony, and public good require that it should be respected by the Senate, acting in its separate capacity, until by constitutional legislation it has been overruled or set aside.

The spirit and logic of the law is that the recognition of a State government by the President, made in pursuance of an act of Congress, must stand as the act of the whole Government and be conclusive until such time as it is reversed by law. Such reversal cannot be made by the separate action of either House. Suppose there were three claimants for the office of governor of Louisiana and the President should recognize one, the Senate another, and the House a third. Such a state of things would lead to dangerous confusion and absurdity, and might result in anarchy and bloodshed; and the only escape from such dilemmas is in the doctrine that the recognition of a State government by the President in pursuance of an act of Congress must stand for the whole Government until reversed by law.

Mr. President, the proposition to set aside the State government of Louisiana and to order a new election is one of the gravest possible character. I may remark that it could not be done without setting aside a part of the constitution of Louisiana. That constitution requires the governor to be elected on the 4th of November every four years; it provides that the Legislature shall be elected on the 2d of November every two years. If we should now set aside this government and order a new election, still the constitution of Louisiana would require a new election to be held for members of the Legislature in November next. This new Legislature, elected under our law, could not hold beyond that time unless we set aside the constitution of Louisiana. And how would the new governor be inaugurated? The constitution of Louisiana requires that the votes shall be counted by the Legislature and he declared to be elected by it, and that is all the commission he ever gets; for the governor of a State gets no other commission. We cannot, therefore, set aside this State government and order a new election without setting aside a part of the constitution of Louisiana.

Under the constitution the new Legislature would not meet until January, 1875, unless called by the new governor, and he can only be declared elected by the Legislature.

Mr. CONKLING. If the Senator from Indiana will allow me, before he takes leave of the President's proclamation, I should like to make an observation.

Mr. MORTON. Very well.

Mr. CONKLING. The argument of the Senator from Wisconsin, aimed at the act of the President in addressing a proclamation to those threatening the public peace in Louisiana, proceeded on the idea that the President must act upon the information contained in the application from the governor, and upon that alone. He argued as if the whole foundation of that proclamation must be the application of the executive of the State of Louisiana. It seems to me nothing could be more fallacious as a test of the power or of the right or duty of the President thus to act. The Constitution declares that—

The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion, and on application of the Legislature, or of the executive (when the Legislature cannot be convened) against domestic violence.

Nothing here implies that the United States, or the President acting for the United States, shall know nothing save only from the application, and must be blind and deaf to all else. Take the fact of the impossibility of convening the Legislature; must the President rely and act solely upon the statement of the governor for that? Or is he to judge of it from the statements of the application of the governor, and from all other facts he learns? So, as to the necessity of interference; is he confined and concluded, as to jurisdictional

power and facts, to the statement made by the governor? Not at all. If turbulence exists or impends in any State of the Union, and the President knows it, or is satisfied of it, and receives only a cry for help from the governor, saying "For God's sake send troops here to restore order," the President's power is as complete as if the application recited all the particulars and history of the case, and quoted all the words of all the statutes in any way bearing on it.

I am not left alone to insist that the President is to judge whether the case demands his action. I call attention to the case of Martin *vs.* Mott, reported in 12 Wheaton's Reports, page 19, and will read from it briefly. The court says:

> If it be a limited power, the question arises, by whom is the exigency to be judged of and decided?

That is the very exigency now in question.

> Is the President the sole and exclusive judge whether the exigency has arisen, or is it to be considered as an open question, upon which every officer to whom the orders of the President are addressed may decide for himself, and equally open to be contested by every militia-man who shall refuse to obey the orders of the President? We are all of opinion that the authority to decide whether the exigency has arisen belongs exclusively to the President, and that his decision is conclusive upon all other persons.

Suppose Governor Kellogg had in any other form, however incomplete, summoned the President to his feet, the Legislature being absent and the President being satisfied that the Legislature could not be convened, the application would have committed to the President first and last, as the sole and absolute judge, the question whether he ought to interpose. In deciding it, he had a right to take into consideration the resolution of the Legislature which the Senator from Indiana has read, the communication addressed by Mr. Pinchback, acting governor, on the 19th of December; and it was the right of the President to avail himself of all information, however conveyed or by whomsoever conveyed, which might aid his judgment. Upon the whole of his knowledge and information as to the actual predicament in Louisiana, and not upon any part of it alone, the President had the right and it was his duty to judge.

On this point, it seems to me, the argument of the Senator from Wisconsin, which at some time I may again refer to, so far from disproving the warrant of the President to do all he did, degenerates into a mere criticism upon the verbiage of the proclamation; and even in that respect I think the argument is not unanswerable. My purpose was merely to suggest that even if it could be shown that the application of the governor of the State was too narrow by itself to show the need of executive action, that is not the sole jurisdictional fact by which the President's act must stand or fall.

Mr. MORTON. Mr. President, I have no doubt of the entire soundness of the position taken by the Senator from New York, and I will say further that there is high authority for saying that the President may himself take notice of the condition of affairs in a State and interfere without any application, under the general provision that he shall see that the laws are enforced.

The late insurrectionary States at the end of the war were without governments of any kind. They were without governors, Legislatures, courts, State or subordinate officers, and the United States had the power to provide for the reconstruction of the State governments, and it was their duty to do so. The broad difference between the condition of Louisiana at present and the insurrectionary States at the end of the war must be comprehended by all. The interference of the United States at that time and undertaking the work of reconstruction was a constitutional and political necessity. * * * *

But it is not every irregularity in a State government that will destroy its existence or impair its republican or legal character. A State government consists of too many constituent parts to say that the absence of the governor or the presence of a fraudulent one will destroy its existence; and the constitution and laws have provided the machinery by which the intruder may be expelled, and the lawful governor put in his place. Should the Legislature be broken up by the secession or resignation of a majority of its members leaving it without a quorum, which has happened in many of the States, that would not destroy the existence of the State government, or if it be irregularly or fraudulently organized by the admission of persons as members who were not elected, it could not be said to have destroyed the State government. It is hardly necessary to consider how many of the constituent parts of a State government must disappear before the government ceases to exist. The presence of governors and State officers who have secured their offices by fraud has occurred many times in our political history, and has never been held to have destroyed the existence of a State government or its legal character, or to have authorized the interference of Congress. And we know there have been numerous instances where State Legislatures have been broken up by the resignation of members or by what is commonly called "bolting," and yet it was never claimed that such a result destroyed the State government or took away its legal character.

The theory of our system is, that every State government possesses the power and machinery to correct the wrongs and frauds within itself, practiced under color of, or in open violation of, its own laws, and that the decisions of its own tribunals, created by its constitution and laws for such purpose, must be received as final. When the constitution of a State provides that each house of the Legislature shall be the judge of the election and qualification of its members, full faith and credit must be given to their action; and should the Government of the United States go behind their action to inquire whether the members have been lawfully elected to the Legislature, their independence would be wholly destroyed and the validity of their action made to depend upon the will of Congress. So when the laws of a State have constitutionally created a returning board to ascertain who are elected State officers and members of the Legislature, if Congress may go behind the decisions of that board and inquire whether they had the returns before them, and whether they were acting in accordance with the laws of the State, the election of State officers and members of the Legislature would be placed absolutely under the control of Congress. The Constitution says that—

> The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six years.

The manner of constituting the Legislature is left absolutely to each State, and the question of its organization must be left to be decided by such tribunals or regulations as are provided by the constitution and laws of the State; and the only question about which the Senate may inquire in determining the admission of Senators is, whether they have been chosen by the Legislature of the State—that Legislature recognized by the State, or whose organization has been accepted by other departments of the State government. Under our complex system of government all questions of the organization of State governments under their own laws must be left to the decision of the tribunals in such States created for that purpose; and when such decisions have been made, they must be accepted by the Government of the United States in their dealings with the States. It is no answer to this to say that, in a particular case, such tribunals will or have decided wrongfully. The Government of the United States has no right to review their decisions so long as the State possesses a government republican in its form.

Murder is the highest crime; but it is not every court that has jurisdiction to punish it, and one court cannot assume such jurisdiction upon the ground that another, to which it has been granted, will not properly exercise it; and Congress has not the jurisdiction to examine and redress every great wrong that may take place in a State. Where, by the constitution and laws of a State, legal remedies are provided for the redress of all wrongs that may take place in regard to elections, it would be inconsistent with the independence and integrity of the State governments for the United States to interfere and assume jurisdiction upon the ground that the State tribunals have acted wrongfully and fraudulently, or will so act. This doctrine in no wise recognizes the blood-stained theory of State sovereignty, which has been the evil spirit in our political system, and to which the present troubles in Louisiana may be traced back, but springs from the great fact that the States have a vast body of rights distinctly guaranteed and recognized by the Constitution of the United States, and that among these is the right to constitute their own Legislatures and determine by their own tribunals the legality of their organization.

The great power to guarantee to each State a republican form of government is intended only for the highest and most solemn occasions. If it is invoked for every disorder in a State it must result in the absorption of the State governments, and subvert the whole theory and plan of our political institutions. While we are a nation in which alone the sovereignty resides, yet local self-governments which preceded the Constitution, and are recognized and continued by it as a part of the great plan of political salvation, are indispensable to our liberty, progress, and happiness, and must be preserved

While it would be imprudent to attempt to define the cases that come within its scope, it may be safely said that it does not comprehend a disorder in a State arising under its own constitution and laws, for which those laws provide remedies, a State in which there is profound peace, and in which the State government is republican in its form, and discharging its functions in every department without interruption. Even in cases that come within its scope it should not be exercised except in the last resort, and the States should be left to work out their own relief and reformation as long as there is any hope.

There is a government in Louisiana. In all outward aspects it is legal and normal. Profound peace prevails throughout the State. The government, through the courts and through its Legislature and administrative officers, is operating without interruption or hinderance. Should Congress determine to undertake the work of reconstruction it must first overturn an actually existing government which is republican in its form.

Should Congress declare that Louisiana has no legal government, and provide by law for a new election, it would establish a precedent for overturning State governments and setting up new ones, under which the government of every State would be at the mercy of Congress as controlled by the passions or exigency of parties.

Deploring this condition of things in Louisiana, and earnestly hoping that the people will take warning, and with one accord insist upon honest elections and the faithful observance of the laws, it is my deliberate judgment that it is better for them to bear the ills they have, and seek reformation and relief under their own laws and tribunals, than to invoke the national Government to the assertion of a power under which State governments would exist hereafter only by sufferance.

Those who seek a solution of the troubles in Louisiana must look

further back than the election of 1872. The results of that election, and the events that have happened since, are rather results flowing from events which occurred before. Louisiana has had a double demoralization:

First, that growing out of the rebellion, in which the foundations of civil society were to some extent broken up and slavery abolished. Full one-half of the people of the State, held before as slaves, were admitted to the enjoyment of civil and political rights, to the destruction of what was called slave property, and consequent impoverishment of many who were before considered rich as the owners of that property. Civil war makes fearful ravages upon the public and private virtue of a people. It gives license to shed the blood of those who but yesterday were brothers, to capture and destroy private property; it operates powerfully to sear the conscience, break down regard for human life and respect for private rights, to destroy habits of industry and thrift, and suggest violence as the remedy for wants and grievances. From such a revolution as this it would naturally take any people a long time to recover, and its traces and consequences must linger, not only in the public memory, but in the actual condition of the State, for many years.

But the second demoralization to which Louisiana has been subjected, not less than the first, and growing out of the first, has come from the massacres and numerous murders which have taken place since that time. A state of actual war, such as existed during the rebellion, is far less destructive to the integrity, spirit, and enterprise of a people than another condition in which murder and violence prevail, where terror takes the place of law, where every man is afraid of his neighbor, where murder, terror, and violence in every form are resorted to as the means of securing elections and seizing upon the government of the State. Living in terror not only disarms the morals but the judgment of men, and they come to act either as children, idiots, or lunatics. During the last seven years Louisiana has been drenched with blood by the murderer's hand.

These wholesale murders that made the civilized world turn pale sank deeply into the minds of the colored people of Louisiana, upon whose race they were chiefly inflicted. They came to regard the leaders of the democratic party in that State as their natural and mortal enemies; they shrank from them in horror. They believed they could receive from them nothing but injustice and oppression; and that under their rule there was no security for their lives, liberty, or property. From 1866 to 1868 the evidence shows that there were not less than two thousand colored men killed and wounded in that State from enmity to their race and to their politics, a number nearly equal to one twenty-fifth of the whole adult male colored population of the State. Under such circumstances the colored people of Louisiana were asked to perform impossibilities. They were asked to be calm, to look with confidence upon democratic leaders and politicians, to forget all their wrongs, not only for generations back, but the murder of their brothers, husbands, fathers, and sons. Crimes which in other countries would stir the blood of generations, and the memory of which could not be effaced by centuries, the negroes were asked to forget at once, and to have confidence in and even affection for their perpetrators.

It is these unpunished murderers so steeped in blood who have lately disturbed the peace of Louisiana, and under the pretext of supporting what is called the McEnery government recently renewed their bloody deeds at Colfax in that State, and, under circumstances of great treachery and cruelty, inhumanly murdered more than one hundred negroes. These unpunished murderers, made bold by their escape from justice, having come to believe that they may commit any number of crimes upon the colored people with impunity, attempted to seize into their hands the State government of Louisiana. Shall I call them savages? That would be complimentary. The Modocs who so treacherously murdered General Canby and Dr. Thomas laid no claim to civilization, were educated only in the traditions of their tribe, and were smarting under what they believed to be the wrongs of their race, almost extinct. Compared with the murderers of Louisiana the Modocs were gentle and amiable warriors.

The murder business must stop. I say to the people of Louisiana, unless they would have a fatal blight to fall upon their State, withering its every interest, blasting its reputation and prospects, they must stop this murder business. The blood of the innocent cries to Heaven, and makes barren the soil upon which it is shed. The people that instigate murder must perish. God has declared it in His Holy Word and throughout all the history of mankind. The land that has been sown in blood will spring up with the poisoned teeth of the dragon. It is not possible that this murder shall go on without bringing on its perpetrators, their aiders and abettors, ruin, desolation, death. People of Louisiana, you must not, you cannot, tolerate these crimes. Innocent blood contaminates like the plague. If the people of Louisiana tolerate these crimes, connive with the murderers, and shelter them from punishment, they must perish with them. Not to do so would be to reverse the decree of the Almighty.

I might refer to the massacre of 1866—I spoke of that the other day very briefly—when between two and three hundred men or more were killed and wounded within thirty minutes about the hour of noon in the city of New Orleans in and around the Mechanics' Institute, whose sole crime was that they were proposing to meet and hold a convention to propose amendments to the constitution of the State; and that murder was chiefly inflicted by the police of the city, by the authority of the city government, and by the connivance of a part of the State authorities. To show what the negroes of Louisiana and the republican party of Louisiana have had to pass through in the last six or seven years, I ask the Secretary to read an extract from the report of the House Committee sent down there to investigate.

The Chief Clerk read as follows:

The committee examined seventy-four persons as to the facts of violence and bloodshed upon that day. It is in evidence that men who were in the hall, terrified by the merciless attacks of the armed police, sought safety by jumping from the windows, a distance of twenty feet, to the ground, and as they jumped were shot by police or citizens. Some, disfigured by wounds, fought their way down stairs to the street, to be shot or beaten to death on the pavement. Colored persons at distant points in the city, peaceably pursuing their lawful business, were attacked by the police, shot, and cruelly beaten. Men of character and position, some of whom were members and some spectators of the convention, escaped from the hall covered with wounds and blood, and were preserved almost by miracle from death. Scores of colored citizens bear frightful scars, more numerous than many soldiers of a dozen well-fought fields can show—proofs of fearful danger and strange escape; men were shot while waving handkerchiefs in token of surrender and submission; white men and black, with arms uplifted praying for life, were answered by shot and blow from knife and club; the bodies of some "were pounded to a jelly;" a colored man was dragged from under a street crossing and killed at a blow; men concealed in out-houses and among piles of lumber were eagerly sought for and slaughtered or maimed without remorse; the dead bodies upon the street were violated by shot, kick, and stab; the face of a man "just breathing his last" was gashed by a knife or razor in the hands of a woman; "an old gray-haired man," peaceably walking the street at a distance from the institute, was shot through the head; negroes were taken out of their houses and shot; a policeman riding in a buggy deliberately fired his revolver from the carriage into a crowd of colored men; a colored man two miles away from the convention hall was taken from his shop by the police, at about four o'clock on the afternoon of the riot, and shot and wounded in side, hip, and back; one man was wounded by fourteen blows, shots, and stabs; the body of another received seven pistol balls. After the slaughter had measurably ceased carts, wagons, and drays, driven through the streets, gathered the dead, the dying, and the wounded in promiscuous loads, a policeman in some cases riding in the wagon seated upon the living men beneath him. (Reports of Committees House of Representatives, second session, Thirty-ninth Congress, page 10.)

Mr. MORTON. Mr. President, the election held in Louisiana under the reconstruction law in May, 1868, was protected by the military authority of the United States; it was a fair election; and the republicans carried the State by about 26,000 majority. Some sixty days before the presidential election that occurred in November following the Ku-Klux were organized, developed themselves, and commenced operations all over the State. What they accomplished will be shown by reference to the report of the Committee on Southern Outrages, appointed by this body, and I will ask the Secretary to read the passage I have marked, commencing on page 21.

The Chief Clerk read as follows:

The testimony shows that over 2,000 persons were killed, wounded, and otherwise injured in that State within a few weeks prior to the presidential election; that half the State was overrun by violence; midnight raids, secret murders, and open riot kept the people in constant terror until the republicans surrendered all claims, and then the election was carried by the democracy. The parish of Orleans contained 29,910 voters, 15,020 blacks. In the spring of 1868 that parish gave 13,973 republican votes. In the fall of 1868 it gave Grant 1,178, a falling off of 12,795 votes. Riots prevailed for weeks, sweeping the city of New Orleans, and filling it with scenes of blood, and Ku-Klux notices were scattered through the city warning the colored men not to vote. In Caddo there were 2,987 republicans. In the spring of 1868 they carried the parish. In the fall they gave Grant 1 vote. Here, also, there were bloody riots.

But the most remarkable case is that of Saint Landry, a planting parish on the river Teche. Here the republicans had a registered majority of 1,071 votes. In the spring of 1868 they carried the parish by 678. In the fall they gave Grant no vote, not one; while the democrats cast 4,787, the full vote of the parish, for Seymour and Blair.

Here occurred one of the bloodiest riots on record, in which the Ku-Klux killed and wounded over two hundred republicans, hunting and chasing them for two days and nights through fields and swamps. Thirteen captives were taken from the jail and shot. A pile of twenty-five dead bodies was found half buried in the woods. Having conquered the republicans, killed and driven off the white leaders, the Ku-Klux captured the masses, marked them with badges of red flannel, enrolled them in clubs, led them to the polls, made them vote the democratic ticket, and then gave them certificates of the fact.

Mr. MORTON. As an evidence of what was accomplished by this murder and terror in the November election held in 1868, I call the attention of the Senate to some of the returns. At the spring election the republicans polled 628 votes in the parish of Bienville; in the fall election but 1 vote. In the parish of Bossier they polled 727 votes in the spring; in November 1 vote. In the parish of Caddo they polled 1,242 votes in the spring; in November 1 vote. In Claiborne Parish they polled 719 votes in the spring; in November 2 votes. In De Soto Parish they polled 649 votes in the spring; in November none. In Jackson they polled 490 votes in the spring; in November none. In La Fayette they polled 743 votes in the spring; in November none. In Morehouse they polled 547 votes in the spring; in November 1. In Sabine they polled 196 votes in the spring; in November 2. In Saint Bernard they polled 524 votes in the spring; in November 1. In Saint Landry they polled 2,514 votes in the spring; in November none. In Saint Martin they polled 1,057 votes in the spring; in November 25. In Union they polled 287 votes in the spring; in November 1. In Vermillion they polled 133 votes in the spring; in November none. In Washington they polled 145 votes in the spring, and in November none.

Mr. President, the men who did that devilish and bloody work are now clamoring for a new election. They want a fair election.

After 1868 the murder business still went on. They did not shoot the negroes in droves as before, but they shot them in the woods and in the lonely fields; and the reign of terror still continued, until the colored people came to look upon these men as their mortal enemies, and the idea of these men coming into power filled them with a con-

sternation that can only be compared to that produced by the ravages of the yellow fever at Memphis or at Shreveport.

Governor Warmoth was elected by the republicans as governor in 1868—a man of ability and of personal magnetism. The democrats charged him with being the evil genius of Louisiana. They called him the Mephistopheles of politics. They charged him with the financial ruin of Louisiana. They said that he had procured the passage of bad laws; that he procured bonds to be issued, and that he had used those bonds or scattered them abroad without consideration, and for his own benefit. These were their charges. Governor Warmoth lost all caste and standing in the republican party; and it became evident to him in 1871 that the party would slough him off, would no longer carry him. He left the party with his personal adherents and went to the democratic party in 1872. They formed a coalition with him; and it is in evidence in that volume, and so stated by the Senator from Wisconsin himself, that they believed, and that was the consideration of the trade, that by means of the machinery of the election being in his hands he could carry to them 20,000 votes; that he could commit frauds equal to 20,000 votes; and they took him for that purpose. That was the consideration; and on the other hand it was said—I know not how true that is—that he was to be elected to the Senate. But be that as it may, one thing is certain, the republican party went into that contest in 1872, knowing that they were to be cheated and swindled and outraged upon every hand; and we have the testimony of the Senator from Wisconsin that it was done, for he himself states that the evidence in that volume shows that the manipulations of Governor Warmoth were equal to 20,000 votes, and that but for that fraud Kellogg and his ticket and the republican party would have carried the State by from 10,000 to 15,000 votes. There was fraud on the republican side. But fraud begets fraud; persecution begets persecution; and always did. The Senator from Wisconsin in his report made to the Senate said, in speaking of the Lynch board, that the republicans in Louisiana were "fighting the devil with fire." The Senator seems to have become somewhat reconciled to his majesty now and is only opposed to the fire; but he described the conduct of the republicans as "fighting the devil with fire." They knew what they had suffered, what they had to contend with, and he furnished that sort of justification or excuse for them.

I make no defense for what has been wrongfully done, but I do present the history of politics in Louisiana for the last seven years as furnishing a substantial vindication for the mass of the republican party in that State. I say they have been shamefully slandered and calumniated throughout the land. Newspapers and politicians have held up the wrongs and the irregularities committed before the Lynch board, and have made those things to obscure and to conceal all the rest that had been done. The election frauds that were committed by the republicans were but the drift-wood upon a pool of blood. For them I have no defense, no excuse to make; but I call upon the Senate and I call upon the country to take notice of the trials, the ordeals, the persecutions that party have passed through in Louisiana for the last seven years. And, Mr. President, how stands the matter, after all, when the Senator from Wisconsin, the great champion of a new election, the great foe of the Kellogg government, comes forward, and in conclusion admits that, but for a fraud of 20,000 votes committed at the election, under the management of Governor Warmoth, Kellogg would have been elected by 10,000 majority or more, and the republicans would have carried the Legislature and all the other offices?

Mr. President, what is the effect of this agitation in Louisiana? What was the effect last winter? It was to take away as far as possible the moral power of the Kellogg government. The enemies of that government, the men who were stained with blood, those who had been committing the deeds that I have described, took courage from what was said and done in the Senate of the United States; and I say to my friend from Wisconsin that his speech upon this occasion, which I heard with profound regret, will give hope and encouragement to those men. It takes away from the strength of that government. There was a dispatch sent from this Senate Chamber, as I am advised, on the night of the debate here in February last—a dispatch sent by the presiding genius of the McEnery government to Louisiana, to this effect: "If you have a government, do something. Action, action, action is required." McEnery issued his proclamation calling upon the militia to arm, issued a commission to Waggaman and to many other men, attempting to organize an armed mob; and I have a copy of the very bond that he gave for the purchase of arms, and with which that mob was armed that made the assault on the police stations on the night of the 5th of March.

What I want to say, Mr. President, and I say it in conclusion, is, that it is a matter of importance to the people of Louisiana that this agitation should cease. They have a government. Whatever may be its faults, and I defend no fault it has, that government is the best that Louisiana has had since the end of the war. It will not be set aside. I have no apprehension of that—none whatever; but the agitation of the question here does harm; the proposal to investigate the question does harm; the proposition in the Pinchback case to send the credentials to the committee with instructions to inquire whether he was elected by a legal Legislature does harm, and can only do harm. That Legislature is now in session. It is enacting laws. We hear no complaint of it. It passed one hundred and nineteen acts at the last session which are all being enforced in the State of Louisiana. These proposals to inquire whether it is a lawful Legislature only contribute to decrease the power of the Kellogg government and to bring about anarchy, and I say to my friend from Wisconsin we know not what day the bloody scenes of the Mechanics' Institute or of Colfax may be renewed in the city of New Orleans or elsewhere; and those who encourage those men, who give them ground to believe that that government will be overturned, however good may be their intentions, will have a fearful load of responsibility to carry if these things again happen. I know very well what was the effect in New Orleans and in Louisiana of what was said upon this floor last winter, and I know what joy, what exceeding joy, was carried to the hearts of those men by this movement on foot now for a new election. I am informed who are moving in it, who are controlling the secret springs; and I hope for the sake of the people of that State, I hope for the sake of the people of the Union, that this agitation will cease; that we shall hold that the Kellogg government is the government of Louisiana, and let it go on until in the course of time and under the constitution and laws of Louisiana it shall pass away.

Claims for Quartermaster and Commissary Stores.

SPEECH OF HON. L. LOWNDES, JR.,

OF MARYLAND,

IN THE HOUSE OF REPRESENTATIVES,

February 7, 1874,

On the bill (H. R. No. 1009) making appropriations for the support of the Army for the fiscal year ending June 30, 1875, and for other purposes.

Mr. LOWNDES. Mr. Speaker, the last three sections of the Army appropriation bill yet remain to be acted upon. It is in regard to one of these sections, and that is the last one, to which I desire to call the attention of the House for a few moments.

The gentleman from New York [Mr. WHEELER] who has charge of this bill said in his speech a few days ago, that it was not the province of any general appropriation bill to change or repeal an existing law. He stated the rule most correctly, a rule which should never be varied or waived, and which is only set aside and violated when gentlemen wish to get through this House a measure which is objectionable, and which they know is not able to stand on its own merits. It is one of our most just rules, one that gives protection not only to the members of this House but to the whole country at large, and any attempt to violate this standing rule should be looked upon with suspicion.

While this bill does not set forth the repeal of any existing law, yet on its passage the act of July 4, 1864, which provides that claims of loyal citizens in States not in rebellion, for quartermaster and commissary stores actually furnished to the Army of the United States, shall be filed with the Quartermaster and Commissary-General's Departments, which have exclusive jurisdiction over the same, will be wiped from the statute-books, and we shall have the following in lieu thereof:

SEC. 4. That all citizens who remained loyal adherents to the cause and Government of the United States during the war, for stores or supplies taken or furnished during the rebellion for the use of the Army of the United States, and for the use or loss of vessels or boats while employed in the military service of the United States, including any such claims now pending and undetermined in any Department of the Government, shall be presented before the 1st day of November, 1874, to the commissioners of claims created by act of March 3, 1871, who shall have exclusive jurisdiction to hear and determine the same. And all such claims which shall not be presented to said commissioners on or before said day shall be barred, and shall not be entertained without further authority of Congress: *Provided*, That nothing herein shall be deemed to affect or impair the limitation for the time for the presentation of petitions prescribed by section 2 of the act of March 3, 1873. Such commissioners shall, under the provisions of the act of March 3, 1871, and the acts in amendment thereof, receive, examine, and consider the justice and validity of such claims as shall be brought before them, and shall make report of their proceedings, and of each claim considered by them, at the commencement of each session of Congress, to the Speaker of the House of Representatives, who shall lay the same before Congress for consideration.

It is for this House to determine which is the better law for the people of this whole country.

This is a most important question; one which affects thousands of claimants, who represent millions of property; one in which the border States are deeply interested; and the members of this House, who have the good of their people at heart, should look well at this law before they pass upon it.

Now, Mr. Speaker, before an existing law is repealed, we should inquire as to the necessity for such a repeal, and study well the old law. The present one went into force on the 4th of July, 1864, and takes away from the jurisdiction of the Court of Claims all claims for quartermaster and commissary stores of citizens in States not in rebellion, and gives exclusive jurisdiction over the same to the Quartermaster and Commissary Generals. That law has been in operation now nearly ten years. Let us see whether it has given satisfaction to the claimants affected by it and what has been done under it.

By reference to the Quartermaster-General's report for 1871, we find that from 1864 to 1871 there were filed in his department 28,039 claims. Out of that number 4,950 were approved, and claims allowed amounting to the sum of $2,078,083.05. There were 12,923 claims rejected, which amounted to $8,308,254.07; and 6,231 were suspended, amounting to $2,663,036.35; and only 3,935 claims remained to be acted upon, representing the sum of $3,884,094.45.

A great many of the claims marked "suspended" are virtually rejected, as they have been laid aside on account of insufficiency of proof; which insufficiency or deficiency can never be given or supplied.

Since the report of 1871, there have been filed in the department 3,087 claims, representing $3,508,039.34; and during the same time 1,905 claims, representing $2,232,340.59, have been acted upon, leaving about 5,116 claims, amounting to $5,159,793.20 still pending, requiring action by the department. For, Mr. Speaker, we must not include in this account the claims that are suspended, for they have received action. From this you will perceive that the department has passed upon 27,010 claims, which is upward of 2,700 a year, and by the same rate they would get through their labors, with the work before them, within the next two years.

A great many of these cases which have not yet been acted upon have been perfected at considerable expense to the claimants, and in many cases with considerable trouble. They are now undergoing investigation by the proper officers, preparatory to final settlement.

Should any change be made in this law giving to another tribunal jurisdiction of these claims, it would not only be inflicting a grievous wrong upon a meritorious class of citizens, but would result in an unnecessary and unwarrantable expenditure of the public money. And, Mr. Speaker, what is the change that is sought to be made? It is to take these claims from the Quartermaster and Commissary Generals and bring them before the claims commission, whose report shows that they already have more work before them than they can accomplish within the time prescribed by the law.

Let us examine for a moment the law under which this commission was created, and what it has accomplished since its organization.

By the act of Congress of March 3, 1871, the President was authorized to appoint a board of three commissioners, to be designated as commissioners of claims, commissioned for two years, with power to examine and consider the justice and validity of such claims as should be brought before them, of loyal citizens, for stores or supplies, taken or furnished during the rebellion for the use of the Army of the United States, in States proclaimed as in insurrection against the United States, including the use and loss of vessels or boats while employed in the military service of the United States; each commissioner to receive a salary of $5,000 per year, with a clerk at a salary of $2,500; a short-hand reporter at a salary of $2,500, and a messenger at a salary of $1,200.

Under this act they organized, and three reports have been made to Congress. Their first report shows that the business before them was so great that complaint is made by them of the great "burden of duty" upon the clerk, and they state that assistance was granted them by detailing four clerks from the War and Treasury Departments, and the same report asks Congress to grant them additional clerical force. Congress, always ready to comply with the wishes of this commission, on the 11th day of May, 1872, passed an act granting them power to appoint three additional clerks, at a salary of $1,200 each. Power was also given them to appoint special commissioners to take testimony, their fees to be paid by the claimants. They were also authorized to appoint three special agents at a compensation of six dollars per day.

After being in operation two years, when their commissions were about expiring, they made their second report to Congress, stating that they had work before them, which "by diligence and industry" would occupy four years longer to finish, and Congress was asked to extend the time. Agreeably to their wishes, Congress, by act of March 3, 1871, extended the jurisdiction of the commission for four years from the 10th of March, 1873, and limited the time for the filing of claims to March 3, 1873.

Now, Mr. Speaker, what has this commission, with all their powers and clerical force, and, I might say, with the freedom of Congress, accomplished that fits them as the proper and only tribunal before whom the claimants from loyal States shall present their claims, which for years they have been perfecting and waiting patiently for settlement?

Their third report, made in December last, shows that there have been filed with them 22,298 claims, amounting to $60,258,150.44, and 5,254 claims, representing in the aggregate $10,224,386.32, have been acted upon by them. Of the amount passed upon—that is $10,224,386.32—but $1,794,580.55 have been allowed and $8,429,805.77 disallowed. There remain, therefore, 17,044 claims, amounting to $50,033,764.12, yet to be disposed of.

By the same report they again ask Congress to grant them additional clerks, in order that they may dispatch the business pending before them; and they make use of this most forcible language:

> It is a great hardship for a loyal and honest claimant to be delayed year after year in the examination and payment of his just claim. But it would be unjust to the Government to allow claims without thoroughly and carefully examining all reasonable sources of information in order to determine whether the claimant is loyal and the claim just.

To aid them in expediting business the chairman of the Committee on War Claims has reported a bill increasing the clerical force, and which is now upon the Speaker's table, to be taken up when reached in the Committee of the Whole.

From the foregoing you will perceive that this commission has work now before them to keep them employed with "diligence and industry" for the next four or five years.

Is it not apparent from this that great injustice would be done to those claimants who have their claims now undergoing investigation and in process of adjudication in those departments authorized by the act of July 4, 1864, by forcing them to transfer the same to a docket already stocked with work—a docket that will keep the commission, with "industry and diligence," busy during the limit of their existence; and the claims proposed to be transfered could not be reached until the present docket is cleared? It is no answer to say that the claims are not taken up in their order of presentation, but in the order of preparation.

The rules of the commission require that all claims should be proven before commissioners appointed by themselves especially for that purpose, or before the commissioners themselves, in Washington; the consequence of which would be, that claims proven before the Quartermaster-General and awaiting final action would necessarily have to be prepared and proven anew before action would be taken by the commissioners.

Experience has demonstrated the impracticability of transferring to other hands than old and experienced Army officers the multitudinous class of claims arising for property appropriated for Army use during the war. Long experience in the service; a thorough knowledge of the wants and requirements of armed forces when operating in the field; access to and familiarity with the records and archives of the Government, and, in addition, a personal knowledge of the movements and operations of the armies of the Union during the late war, render the Quartermaster-General and the Commissary-General the only proper persons to adjudicate claims for payment for supplies furnished or taken for the use of their respective departments, subject of course to the right of appeal to the proper accounting officers of the Treasury, as provided for in bill No. 556, that I had the honor to introduce and which is now before the Committee on War Claims. This does away with one of the objections made by the gentleman from New York, [Mr. WHEELER,] that of the one-man power as in the existing law.

One of the points made by the gentleman from New York in his argument is the delay experienced by the claimants in having their claims adjudicated by the departments; but the reports show that all the claims can be, and will be, closed up in the next two years.

For whose benefit, Mr. Speaker, is this bill sought to be passed? I have endeavored to show, not for the claimants. Is it for the benefit of the Government? The Secretary of War, in his testimony before the Military Committee, in most emphatic language opposes the transfer, and says:

> The departments that now have charge are the proper ones to decide and pass judgment, and these claims can be disposed of sooner and with less expense than could be done were they transferred to the claims commission.

Is this change sought to be made on account of economy? The gentleman from New York states that $45,000 can be saved in the Quartermaster-General's Office on the passage of this bill. What is the expense of maintaining the claims commission for last year? Fifty-two thousand eight hundred dollars. Pass this bill as it now stands and you will have the commission here begging for additional clerical force, and before this Congress is over a bill will be introduced increasing the number of commissioners and doubling their present force, so that the expense for the coming year will be $100,000, instead of $52,800.

The committee who have reported this bill have had before them the heads of the different Bureaus of the Government and all have been examined in regard to the business appertaining to the same. But you cannot find an officer of the Government recommending the passage of this bill, either in his testimony or in any of his reports. On the contrary, all who have spoken have opposed the proposed change in the strongest language.

A most serious objection to the bill is, that it discriminates against the loyal people of the border States. Instead of commending their patriotism for their efforts in keeping their States loyal and in the Union during that long and bloody struggle, and recognizing their sacrifices and their struggles for the Union cause, they are to be placed under the ban and be made to suffer the disabilities imposed upon those who rebelled against the Federal Government.

Under this act of March 3, 1871, the presumption of disloyalty rests against every man who appears as an applicant for its benefits. Is the Congress of the United States prepared to violate the plighted faith, law, precedent, and public policy, by stigmatizing as disloyal a people who bore the brunt of our great civil war, and whose States were not in insurrection or in any respect in hostility to the Government of the United States; is this House ready and willing to pass an act by which this class of claimants will be longer kept out of their just dues, many of whom are in great distress, and anxiously waiting payment of their claims for horses, cattle, hay, and corn, taken to support and sustain the armies of the Union in their efforts to subdue the rebellion, which supplies were as important to the Government as soldiers and guns?

Banking and Currency.

SPEECH OF HON. AMOS CLARK, JR.,

OF NEW JERSEY,

IN THE HOUSE OF REPRESENTATIVES,

February 7, 1874,

On the question of banking and currency.

Mr. CLARK, of New Jersey. Mr. Speaker, I would like to make a few observations upon the present banking law, and then upon the bill before the House as touching any changes proposed in that law; for if there is one subject more than another agitating the public mind at the present time, it is the subject of finance. The whole country is looking to this Congress to do something that may relieve the present uncertainty. Capital is lying idle, waiting for the action of this body. Meetings are being held all over the country, memorializing Congress to do something to help them out of their difficulties. Some are strongly in favor of inflation, others again are for contraction, whilst the solid men of large cities are sending petition after petition praying for some action that will lead to resumption. Hardly two men think alike even in this House; and probably at least one man in every ten from every part of the land has some plan to recommend, believing that his is the panacea for all our woes. But, sir, the country at large are looking to us to correct any evils that may exist in our banking system, and if we at this time pass any act altering many or all of the provisions of the existing law created by Congress, and called the national banking act, without improving it, we will receive, and deservedly, the condemnation of the entire country.

What is the attitude, Mr. Speaker, of this Congress at this present time? It is in much the same attitude as when the old United States Bank was first created, and afterward renewed, when called upon to legislate for a country depressed. Some hold it to be no part of the duty of Congress to legislate on this subject; but I for one stand by the fathers, for it seems to have been the opinion of the founders of this Government that Congress should create the institution by means of which the country should be supplied with the necessary currency to carry on the affairs of commerce and business.

The Congress of that time was greatly influenced by the report on finance made by Alexander Hamilton, and the discussions which at that time took place resulted in the charter of the Bank of the United States in the year 1791. This bank went into existence and continued for twenty years, the time limited in its charter, and ceased to exercise its functions in the year 1811. The war with Great Britain, known as the war of 1812, was declared soon after the banking capital furnished by the Bank of the United States was withdrawn and diverted into other channels. The war of 1812 tested the strength and power of the nation; and after peace was declared, in 1815, the country was left in a very depressed condition in its financial affairs.

To lighten the calamities with which the nation was afflicted in its business and commerce, the Bank of the United States was again chartered, in the year 1816, for the period of twenty years, and by the terms of its own limitations it ceased to exist in the year 1836.

In anticipation of the expiration of the charter of the bank, State banks were created and increased, and the Government deposits which had been removed from the Bank of the United States were placed in the State banks; and these local institutions were induced to enlarge their circulation, and increase what are generally called banking facilities among men of business.

This state of facts will account for the great inflation of the currency which took place in the years 1833, 1834, 1835, 1836, and the ruin and disaster which overwhelmed the men who were engaged in trade and business in the year 1837. The country, in consequence of this great inflation and the bankruptcy which ensued, sunk down into a low state of commercial depression, and the business men of the country sought relief through the aid of a bankrupt act, which was passed by Congress in the year 1842. The losses sustained by the public by the failure of many banks to redeem their bills in the year 1837 led the Legislature of the State of New York, in the year 1838, to authorize free banking based on bonds and mortgages. This banking system, based on an unconvertible security, such as a mortgage, produced a redundant circulation, but when commercial disasters came the holders of bank-notes looked in vain for a prompt security, in pledges of houses and lands, which could not be handed over the counters of banks, to redeem their promises to pay. The national experience in inflation and the disasters consequent thereon induced the Legislature of New York, in 1840, to make the State stocks of that State and the United States a basis to secure bank circulation. Though stocks were made a security for bank circulation, the banking system was defective, inasmuch as no reserves were made necessary to secure depositors and give permanent strength to banks. The people of our country were induced to follow the example of the State of New York, and free banking was authorized very generally by the States of our Government, based on stocks, and bonds, and mortgages; sometimes on stocks wholly, and in other cases on stocks, and bonds, and mortgages. Banks were created, located in remote and desolate positions, simply to issue currency which could not be redeemed, and when the necessity for redemption came the redemption frequently came through the hands of a receiver. The parties who got out the circulation having kept it out as long as they could, and having accomplished their purposes, permitted their institutions to be wound up by the judicial tribunals.

The great panic, which in 1857 was caused by the expansion of our currency, can be accounted for without difficulty. A great expansion of the currency stimulated speculation. Farms were laid out into lots; railroads were constructed far beyond the ordinary limits of our western settlements, and enterprises far in advance of the necessities of the times were projected. The country, filled with energetic men, arose after the depression of 1857 to a fair condition of prosperity, when the great calamity of our civil war, or war of the rebellion, broke out in the year 1861. A confederate government was founded in the South; depression consequent upon frequent disasters greatly affected our northern people; our commercial marine disappeared from the ocean; our credit was strained, and our promises to pay met with distrust even among a patriotic and confiding people; but finally the great measure of relief came in our national banking law of 1864. The credit of the nation was at once strengthened by placing the Government bonds as a basis for bank circulation. The circulation thus created was better than had been provided at any previous period in the history of the Government; its great merit being that in our widely extended country it was of equal value in every State and Territory; and though it was not redeemable in specie, the country having full confidence in the payment of the national debt in gold, a well-founded belief was entertained that day by day every bank-note in the land was approximating to the specie standard. It was the existence of this currency, and this system of banking with its reserves and safeguards, which next to the patriotism and valor of our brave soldiers and sailors carried us safely through the dreadful calamities of our civil war and averted bankruptcy at its close.

This banking law has now been in existence for ten years; and once more there seems to have arisen, through the rapid growth of our country and its extending business, a difficulty which is attributed to various causes, and it is generally believed that this difficulty can be removed by changes in this admirable law.

Mr. Speaker, this particular Congress has a great responsibility resting upon it. The laws enacted at this time, if for good, will not only satisfy the country, but will add new luster to the brilliant achievements of this Government; but if for evil, they will be the millstones about our necks, dragging us down into the depths of disaster. I, for one, sir, will be very careful how I vote to impair the provisions of the present national banking law—a law which in the main, I think, cannot be improved. This, sir, is the impression gained from the experience I have had in banking under the provisions of this law. And I am the more convinced that I am right in adhering to this law, with its restrictions, when I remember what efforts were put forth by Secretary Chase to establish the present system, and that it was with difficulty that the leading bankers of New York, Philadelphia, and other large cities could be persuaded to change from their old established State laws and adopt the present system. But they soon perceived the advantages of the law; and the system created has been finally established in every State and Territory in the Union. Taking up the report of the Comptroller of the Currency, I read that, since 1863, of the 2,129 banks organized under this law, only 32 have failed—only 32 out of 2,129. Where can such a record be found under any other system? During the past year only 11 have failed, and 21 gone into voluntary liquidation. Only 11 banks out of 2,000 that have not weathered the late financial storm; and even then no bill-holder has lost one dollar.

Mr. Speaker, I have no record, nor do I know that there is any of value I can make upon this subject, but I venture to say, without fear of contradiction, that prior to the war, and under the old system of banking then in vogue, there would have been more failures in each and every State during the fearful monetary panic just passed than has occurred over the entire country under the regulation of our present law. Thus my well-founded belief is conclusive to my mind that the present law with its reserve clause and other restrictions is a good law, and this Congress will do well to hesitate before changing any of these enactments.

Mr. Speaker, I consider the reserve the very life of safe banking; I mean safe to all concerned; and I wish to call the attention of this House to the proposed changes in this portion of the law. It is proposed by some parties to do away with this altogether; by others again to alter its present condition. Under no pressure let us do away with it altogether, or essentially reduce it. It is the sheet anchor which, as I have said, brought us safely through the late storms, and which kept us from drifting upon the breakers.

I confess I am not able to perceive the benefits to be derived from several at least of the sections of the bill reported by the Committee on Banking and Currency, especially as touching this reserve. I fully believe in the reserve, and I further believe it was intended to be used in just such an emergency as has passed. That the law does not contemplate such use I dispute. The framers of the law saw that it would be simply impossible to specify such times as it could be used, and believed that each institution for itself would be the best judge of that.

That section of the bill before the House amending the reserve section of the old law so as to require no reserve on the amount of circulation, but only on the deposits is, to say the least, a questionable

benefit for the banker, and certainly no direct advantage to the bill-holder.

The provisions of section 3, changing the place of redemption from the large cities to Washington, will, I am convinced, be apparent to every member of this House as simply needless. I, for one, sir, can see that no benefit would accrue to any one, not even to the Government, in this provision that a 5 per cent. reserve shall be deposited in Washington.

If it be the intention of the act to make the Treasury a redemption bureau for mutilated currency, then pray what advantage will that be to the banks? Should some remote bank have a sum, more or less, of mutilated bills of a bank distant from it, would it not be just as convenient to send the bills home to the bank of issue as to send to the Treasury of the United States, and allow the banks the use of the 5 per cent., instead of compelling it to lie idle at Washington? For it can be doing nothing; it will be so much dead capital. The Government cannot use it nor can it be of any service to the banks in time of financial distress as part of their reserve; nor yet can it be counted in the bank statements as so much money on hand. Then, sir, what is the object of this clause? Is it that our redemption agents, now regulated by law, shall not have the trouble to redeem our mutilated bills and to sort and send them back to us, or is it because the city banks will be able to send national notes to Washington and get greenbacks in lieu thereof? Of what real advantage is that? Are not national-bank notes, secured by United States bonds and distributed to the various banks at the rate of 90 per cent. of their bonds, as good as greenbacks? I think they are, and I have always found the public ready and willing to take the national-bank notes for any and every purpose. Now, Mr. Speaker, what will this dead capital amount to in the aggregate? Five per cent. on three hundred and fifty millions is just $17,500,000 locked up, thereby reducing the available circulation by just that amount; or, on the other hand, the loss of interest to the banks now loaning this sum, at 4 per cent., amounting to $700,000.

To those who are not bankers, and unacquainted with that feature of the present law called reserves for circulation, I will state what are the advantages which are now provided by the law and is not being improved upon by this bill before the House. The present law provides that every banking association in the country, as distinct from the cities, shall keep on hand 9 per cent. of its circulation in its bank of redemption in the cities. I think I can convince this House that the present method of redemption is better than that proposed. We will take for an example the banks in my city. Every bank officer throughout the country already knows which is our bank of redemption. Our mutilated currency is sent to that bank, and it redeems it and sends it to us to be sorted and canceled and transmitted to Washington to be burned. Under the proposed bill this mutilated currency will be sent to Washington and there redeemed; then by the Treasury sent to us to be sorted and canceled; then we will be obliged to transmit it to Washington to be burned, and to receive from thence again new bills. There is too much transportation in this plan, to say nothing of the extra expense to the banks.

If this plan is proposed as being a better security to the country banks, I think they will join with me in stating that they are satisfied with the present security, if the extra amount of reserve required by the law to be held by these redemption banks is not altogether done away with or reduced.

Mr. Speaker, does any member of this House imagine that the large banks in the cities will oppose this provision. They certainly will not, because the bill before the House repeals that portion of the present law obliging them to keep on hand 25 per cent. as reserve on their circulation; 25 per cent. on both deposits and circulation they contend is onerous and needlessly oppressive; because, as they say, a bank whose capital is $1,000,000, circulation $900,000, and deposits $5,000,000, is obliged to keep always on hand $1,500,000. I cannot agree with those who think this excessive, because the banks are depositories for everybody and are the clearing-houses for all country banks, and unless they are compelled to keep this reserve, (I know there are some exceptions,) they would not keep sufficient to make everybody secure. Besides this the national banks are largely the custodians of the funds of the savings-banks, insurance companies, trust companies, and kindred institutions, and for this reason alone must be secure themselves to make these large and numerous depositors secure.

But there are at the present time several projects before this House to allow the banks to hold three sixty-five bonds as a part of their reserve, which in time of financial distress no one would refuse, and I would recommend that the Committee on Banking and Currency amend this bill before the House by allowing the banks to hold these three sixty-fives as part of their reserve.

I have here a statement from a published report showing the amount of money deposited in savings-banks, and the small percentage of cash held by each. In the six New England States, at the close of 1872, the savings-banks held as deposits the enormous sum of $349,395,377, while the national banks held but little over $100,000,000. This is in the proportion of 77 to 22, or nearly 3½ to 1. We can see, then, what the difference in deposits is between these two classes of institutions; yet I will state that the savings-banks owe their continuance to-day to the help received from the national banks, and they were enabled to give just this assistance, and at the time most needed, because of the reserve they were obliged to keep on hand.

The percentage of money held by these savings-banks, as against their deposits, was 1.67 per cent.; only about 1½ per cent. of all their liabilities to depositors, or a little over $5,000,000 on a deposit of about $350,000,000.

Now, sir, what could these savings institutions do in the event of a run upon them caused by a panic in the money market? They would be obliged to fall back upon the national banks for help, as they did do during the recent panic. What is true of these eastern banks is true of all the others in this respect.

The Bank of England, sir, according to the last report of that institution, keeps a reserve on hand varying from 30 to 50 per cent., the lowest rate being greater than our banks are obliged to keep. Is there any one in this House who questions the banking intelligence of the managers of that institution? And I think, sir, that the experience of well-tried business men and bankers is that business of no kind can be conducted safely through the financial troubles that seem to be periodic in this extended country of ours without having a reserve to fall back on. Men such as Astor, Stewart, and Vanderbilt are known to always keep a reserve easily converted into the circulating medium. The elder Astor, it is stated, held some of the old United States bonds long after the Government tried to retire them, but he would not part with them, giving as his reason that they were good stock for a reserve; that they paid a low rate of interest for a business man, was true, but as an offset to that, the Treasury of the United States stood at all times not only ready, but eager to give money for them, and that some day, in the extended business he was conducting, he might need the ready money.

The West and South, and also the Middle States, are clamoring for more currency; which is hardly the road to resumption. On this account the bill for free banking is proposed as being the means of furnishing more money, and with proper restrictions will not lead to disastrous inflation.

The last section of the bill proposed by the committee makes provision looking to resumption, but the time allowed is extended almost into the next century. Redeeming $2,000,000 per month, or say $25,000,000 per annum, on a circulation of $400,000,000, will take just sixteen years to draw in the full amount; and then, under the existing state of affairs, what guarantee have we that the coin passed out will be retained? It will be seen that if this section of the bill is adopted, the anti-resumptionists have little to fear.

Mr. Speaker, I have attempted to give you some idea of what I think will be the effect of any change in this well-established law; and in the belief that Congress will pass a free-banking law, I do hope that rather than relax any of the provisions of the reserve clause, they will conclude to increase the requirements in that respect.

What does free banking permit? It permits any set of men, in any city, county, or State, to establish a bank, and that the Comptroller of the Currency will have no discretion in the matter of granting a charter. Of course, they must first purchase the bonds as a basis of circulation, and comply with the other requirements of the law. But those who are familiar with banking and have passed through the different phases of financial affairs know there are few men who understand the proper principle of banking. Yet many having the capital will establish a bank under the free law not to benefit a community, but to use the circulation only as a means of filling their own purses. This can be done easier under the proposed law because it lessens the reserve required as security to the bill-holders. I think that on the whole the people of the country are satisfied with the present law. The regulations of banking are not in fault, but the want of elasticity in the currency. This must be remedied by other means, and I think that by granting this free-banking law we will meet the demands of the time and satisfy the country.

I, for one, sir, am prepared to vote a free banking law, but I cannot avoid again expressing the hope that the regulations of the existing law shall continue in their present force in relation to free banking.

The following is the bill referred to by Mr. CLARK in his remarks:

A bill to amend the several acts providing a national currency, and to establish free banking, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section thirty-one of the act entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved on the 3d day of June, in the year 1864, be so amended that the several associations therein provided for shall not hereafter be required to keep on hand any amount of money whatever by reason of the amount of their respective circulations; but the moneys required by said section to be kept at all times on hand shall be determined by the amount of deposits, in all respects as provided for in the said section.

SEC. 2. That section 21 of the said act and the several amendments thereto, so far as they restrict the amount of notes for circulation under said act, be, and the same are hereby, repealed; and that section 1 of the act entitled "An act to provide for the redemption of the 3 per cent. temporary-loan certificates, and for an increase of national-bank notes," approved July 12, 1870, be amended by repealing the second proviso in said section contained.

SEC. 3. That every association organized, or to be organized, under the provisions of the said act and of the several acts in amendment thereof, shall at all times keep and have on deposit in the Treasury of the United States, in lawful money of the United States, a sum equal to 5 per cent. of its circulation, to be held and used only for the redemption of such circulation; and when the circulating notes of any such association or associations shall be presented, assorted or unassorted, for redemption, in sums of $1,000 or any multiple thereof, to the Secretary of the Treasury or to the assistant treasurer in the city of New York, the same shall be redeemed in United States notes. All notes so redeemed shall be charged by the Secretary of the Treasury to the respective associations issuing the same, and he shall notify them severally, on the first day of each month, or oftener, at his discretion, of the amount of such redemptions; whereupon each association so notified

shall forthwith deposit with the Treasurer of the United States a sum, in United States notes, equal to the amount of its circulating notes so redeemed. And when such redemptions have been so reimbursed, the circulating notes so redeemed, or, if worn, mutilated, or defaced, new notes instead, shall be forwarded to the respective associations: *Provided*, That each of said associations shall reimburse to the Treasury the costs of redemption and of supplying new notes in place of those redeemed. And the associations hereafter organized shall also severally reimburse to the Treasury the costs of engraving and printing their circulating notes: *And provided further*, That the entire amount of United States notes outstanding and in circulation at any one time shall not exceed the sum of $400,000,000, now authorized by existing law.

SEC. 4. That any association organized under this act or any of the acts of which this is an amendment, desiring to withdraw its circulating notes, in whole or in part, may, upon deposit of lawful money within the meaning of said acts, in sums of not less than $10,000, with the Treasurer of the United States, withdraw a proportionate amount of bonds deposited in pledge for such circulation; and he shall redeem, cancel, and destroy an amount of the circulating notes of such association equal to the amount issued upon such bonds.

SEC. 5. That sections 31 and 32 of the said act be amended, by requiring that each of the said associations shall keep its lawful money reserves within its own vaults, at the place where its operations of discount and deposit are carried on. And all the provisions of the said sections requiring or permitting any of the said associations to keep any portion of its lawful money reserves elsewhere than in its own vaults, or requiring or permitting the redemption of its circulating notes elsewhere than at its own counter, except as provided for in this act, are hereby repealed.

SEC. 6. That upon all circulating notes hereafter issued, or hereafter to be issued, whenever the same shall come into the Treasury in payment or deposit for redemption or otherwise, there shall be printed, under such rules and regulations as the Secretary of the Treasury may prescribe, the charter numbers of the associations by which they are severally issued.

SEC. 7. That associations without circulation may be organized under the provisions of the said act upon the deposit, with the Treasurer of the United States, of not less than $10,000 of United States registered bonds, as provided in section 16 of said act; and associations already organized without circulation are authorized to withdraw their bonds in excess of $10,000.

SEC. 8. That the Secretary of the Treasury is hereby authorized and directed to issue, at the beginning of each and every month from and including July, 1874, two millions of United States notes not bearing interest, payable in gold two years after date, of such denominations as he shall deem expedient, not less than ten dollars each, in exchange and as a substitute for the same amount of the United States notes now in circulation, which shall be canceled and destroyed, and not reissued. And any excess of gold in, or hereafter coming into, the Treasury of the United States, after payment of interest on the public debt and supplying any deficiency in the revenues provided to meet the current expenses of the Government, shall hereafter be retained as a reserve for the redemption of such notes.

Currency—Finance.

SPEECH OF HON. J. W. KILLINGER,

OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

February 19, 1874,

On the several propositions connected with finance and the national currency.

Mr. KILLINGER. Mr. Speaker, under the rules and practice prevailing in the House, no individual member can bring to an immediate issue any question, however urgent and necessary he may deem its solution to the welfare of the country. The uppermost thought with me, since the meeting of Congress, has been the urgency of the questions connected with the currency. But no method of taking the sense of the House has been afforded, because all propositions bearing on these questions have been remorselessly consigned to one or the other of our standing committees.

The inaction, if not indifference, of Congress has hung through the winter like a dark cloud over the whole country, threatening disaster to business enterprises, and involving many families in actual ruin. It has appeared to me that we have failed to appreciate the prostrate condition of many of our manufacturing and mechanical interests. Thousands of able-bodied men have been subjected to enforced idleness during all the time that this Congress has been in session. The managers of those beneficent establishments have been unable to procure the currency to meet their monthly payments without serious sacrifice and inconvenience. I rejoice to believe, however, that the cloud is lifting, and that the skies are brightening. With that recuperative energy which is essentially a feature in the American character our people are struggling against adverse fate, and are overcoming, in good degree, the obstacles which have been in their path.

In the mean time, our committees have been seeking counsel, not from the producers of wealth, but from money-lenders and operators in stocks. These are the trained Shylocks of our day. They are for the most part non-producers, have nothing in common with the toiling millions, and are only concerned to realize large profits from idle capital that takes no risks. They toil not, neither do they spin; but by their magic influence and experience in the ways of legislation they have crowded our statute-books with cunningly conceived contrivances that are fatal to individual enterprise, and are reducing our producing classes to the condition of the pauper population of Europe. We are, in other words, wearing the fetters of associated wealth. Our rich people are day by day growing richer. Our poor people are as surely growing poorer, by no fault of theirs.

Productive labor is the only source of our wealth. The development of our resources has so far kept the demand for labor in excess of the supply, and it has met a liberal reward. But as capital accumulates in the hands of individuals and corporations, its tendency is to oppress labor, forgetful of the fact that nothing is so utterly helpless and useless as capital without the co-operation of labor. Without that co-operation there is neither employment nor increase for capital. When labor, in self-defense, occasionally strikes in concerted action, production ceases, capital suffers the loss of its dividends, and the tax-paying capacity of the country is curtailed. The taxes come ultimately from the consumers, and they are the laborers. The Government may collect them in the first instance from the manufacturer and the importer, but at last upon the broad backs of our workingmen fall the exactions of the money power, the extortions of the money-lenders.

The scarcity of money, high rates of interest, and the crushing monopoly of associated wealth in the form of our national banking system—these are among the links in the chain which legislation has forged for the limbs of the free-born laboring and producing classes of America. The trade in money has been the most profitable business in this country for ten years past. The average net dividends of our national banks have been not less than 15 per cent. per annum during that period of time. The rates of interest which our business men have been compelled to pay, in utter defiance, too, of the provisions of the national banking law, are crushing out some of our most beneficent industries and driving capital out of employment in those channels of trade. No legitimate business can be sustained, wholly or in part, on borrowed capital, if it is required to pay the present exorbitant rates of interest.

What, Mr. Speaker, is at least one remedy for this admitted state of facts? The best evidence of the sufficiency of the supply of our circulating medium is the ruling rate of interest. When rates are reasonable, it is plain that money is abundant; when unreasonably high, its scarcity is indisputable. When we occupied less than half of our present widely extended territory; when we had half our present population, and when we had less than half the business demands for money that we now have, there were probably a thousand or more millions of currency in circulation. In the last eight years our currency has been reduced to $750,000,000, and of this amount one-fourth has been kept out of circulation, as reserve. This vast contraction of our circulation has been going on steadily, while our trade, commerce, manufactures, and agricultural pursuits were being as steadily enlarged by the increase of population and the spread of territorial empire.

Does any sane man suppose that we can satisfactorily and successfully transact the vast exchanges which this increased business involves with our present inadequate supply of money? As well might you navigate your navy in a mill-pond, or transport your country's products across the Atlantic in a canoe.

No system of revenue or finance will bring the country to a healthy condition, or render our business solvent and sound, that does not embrace as its elementary principle an excess of exports over imports. The solution of the problem that is now upon us will be facilitated by a study and adoption of the theory involved therein. A government like ours—of the people and for the people—cannot divorce its interests from those of the whole people without doing violence to the theory upon which it rests. When the country is unemployed its revenues diminish. When the people are prosperous, and industry receives fair remuneration, the public revenues are abundant. Within the last ten years we prospered as never before; all branches of trade flourished, our railroads were widely extended, and our population increased in an unprecedented ratio. These were the results of active industry, encouraged and sustained by the principle and policy of protection. Adhere to this policy, strengthen this principle by practical adaptation, and you will put new blood in the veins of your exhausted treasury, restore confidence in business circles, and credit to the Government. Then you may go on with your public works, and promote the interests of your partially completed transcontinental lines of railway. Increase the amount of your circulating medium, furnish money at reasonable rates of interest, and repeal your unwise reduction of 10 per cent. on the duties imposed by the tariff act of 1872. In addition thereto, I would have you instruct your Secretary of the Treasury to add to your present duties on foreign imports, discriminating in favor of those articles that are strictly the product of American labor and growth, 10 per cent. every ninety days, until the imports, including gold interest paid to foreigners, shall be less than the exports.

This policy may not suit money-lenders, importers, or stock-jobbers, here or abroad. But, on the other hand, it will set the whole industrial machinery of the country in active and profitable operation. Thus the fountain of our revenues will be again opened up, and the fertilizing streams will give impetus to trade and cover the land with blessings and benefits.

It should never be forgotten that to secure the most general prosperity, legislation should protect the producing classes in their right to labor, and so add to the wealth of the country. They carry forward, for the most part, the great interests that give value to free institutions. They take the hazards of new enterprises, are the pioneers of our advancing civilization, and to crown their efforts with success we require a steady as well as beneficent policy of revenue and finance.

When currency is scarce, its possession gives the lender great power and advantage over the borrower, and oppression and extortion are

too often the result. It seems indisputable that with the increase of population and the multiplication of business, larger facilities would be required. The census reports of 1850 showed the gross amount of property in the United States to be $7,135,780,000. In 1870 it was reported to be $30,000,000,000. Common sense would indicate that the circulating medium should increase with resources, population, and trade. If, instead thereof, the policy of the Government is continual contraction of the currency, common sense likewise teaches that we must retrograde in business, decay in enterprise, and lose prestige among the commercial nations of the world.

Estimating our population at forty millions, we have a circulation of about fourteen dollars *per capita*. According to the last report of the Comptroller of the Currency, England has a circulation *per capita* of nineteen dollars, and France of twenty-five dollars. That is to say, while our currency averages fourteen dollars to every man, woman, and child of our population, that of England averages nineteen dollars, and that of France twenty-five dollars. So far from needing less currency, all the circumstances surrounding us require more. With an area of country nearly equal to the whole of Europe, developed under higher prices paid for labor, and greater transporting distances, involving more time and money relatively to effect our exchanges; with railways spanning the continent from ocean to ocean as parts of a vast system compared to which those of Europe dwindle into insignificance; with an ever-increasing population, stimulated by emigration, and with an immense crop of cereals and cotton blocking our commercial capacities in their efforts to reach a market—can there be a doubt that we have outgrown our circulation? Twenty-five dollars *per capita* would give us a currency of one thousand millions; and, in my judgment, the interests of the country, the wants of legitimate business, require that amount. But no human intelligence can fix unalterably the limit of currency required, for it varies with the seasons, and is constantly changing with the lapse of time. As well try to fix the number of yard-sticks or half-bushel measures needed in the country as to make the allowance fixed and unchangeable. Let us have currency free as water, to adjust itself to the level which business supplies. This is what our people want, and sooner or later will have. If this Congress fails to respond to the public demands, the next may be more mindful of the popular will.

In this connection, I will name another issue that will sooner or later present itself to the consideration of the country. I allude to the monopoly of banking facilities. There is said to be no royal road to knowledge, and there should be no exclusive privileges granted to associated wealth, as we have them recognized in our national banking system. The business of banking, like any other business, should be open to competition.

Free banking is the necessity of the hour. The monopoly hitherto enjoyed in this respect must cease, and opportunity given for a free use and employment of capital in this direction. There are over twenty-one hundred national banks in operation, employing a paid-up capital of $500,000,000, and having an outstanding circulation of $350,000,000. Their loans and discounts amount to $100,000,000, with an aggregate of deposits of $600,000,000. As any one can see, this vast system permeates the whole country like the air we breathe. It controls the whole bank-note circulation of the country, and receives 6 per cent. in gold on the bonds deposited with the Government, as security for its ultimate payment. In addition thereto it is allowed to charge interest equal to the lawful interest in the States where the banks are located. Practically it is exempt from the current redemption of its notes, which are scattered far and wide, and are rarely presented for payment.

It is plain that such a system needs the strong hand of legislation to curb and restrain its exactions and extortions. The obstacles which this monopoly interposes to free banking must be overthrown, before the people can secure "equality before the laws" in this respect.

Like our greenback system, the Bank of England owes its existence to the necessities of war. It was organized in 1694, in the reign of William and Mary. It has scarcely ever redeemed its circulation in specie, and in 1797 was actually restrained from doing so by an order from the privy council. England cannot to day pay one-tenth of her debt in gold, without borrowing. The basis of her commercial prosperity, therefore, is not the bullion in her vaults, but her paper-money system, surrounded by checks and balances, and sustained by the confidence of her people in the stability of their bank and government.

Standing as we do, Mr. Speaker, on the eve of our centennial celebration, with a history and an experience peculiar and significant, it is not becoming in us to bend in humble adoration before the brazen god of gold! This colossal idol, like the golden calf of old, must be shattered before we reach our Canaan. A gold currency, or a resumption of specie payments, so called, is a delusion and a snare. It is no more essential to our financial prosperity than the fly on the driving-wheel is essential to the speed of the train. Our people want a Government currency, bearing the impress of solvency and security, and plenty of it, to enable them to solve the problem of their manifest destiny.

The worn out countries of Europe furnish no parallels for us. The lamp of their experience sheds no light on our path in this regard. Their population is stationary, if not actually diminishing. They do not, from year to year, increase the values of their property, and develop new resources. Their maximum has been reached. Their territory is circumscribed, and they know no such inspiring watchword as "Westward the star of empire takes its way." We, on the other hand, are a live, growing nation—a thrifty, aggressive people. We are not yet enervated by the vices and corruptions of an enfeebled old age—a decaying nationality. We are in the vigor of a ripe manhood, and we have to do with the activities of the present, the possibilities of the near future, and not with the moss-covered relics and ivy-grown ruins of the dreary long-ago.

Inequality of the Distribution of the National-Bank Circulation.

SPEECH OF HON. E. CROSSLAND,

OF KENTUCKY,

IN THE HOUSE OF REPRESENTATIVES,

February 14, 1874.

The House, as in Committee of the Whole for debate only, having under consideration the several propositions in regard to the currency and the national-bank circulation—

Mr. CROSSLAND said:

Mr. SPEAKER: I beg the attention of the House to a few words on the financial condition of the South and Southwest. The people in these sections are threatened with wide-spread ruin and almost universal bankruptcy. Every mail brings petitions from them imploring Congress to take some step for their relief. We have been here almost three months, and nearly all that time has been wasted in windy speeches made solely in the interest of those who have delivered them, and generally to prove the speakers champions of economy and friends of the people. We have had a vast display of learning and science on the question of finance, and few, if any, have been in any degree enlightened by it.

I have no theory to present, no scientific learning to parade before you on this subject. I have only a plain, simple story of truth to tell, and, in the name of the sufferings of the people of the Southwest, to ask from you that which by every idea of justice and fairness they are entitled to. The Southwest needs money, and must have money, to avert the impending calamities. Our farmers tell us that the crop of last year has for months been ready for the market; that on the faith of the proceeds of that crop indebtedness was incurred. Creditors are making urgent demands to be paid. The tradesmen have no money; prices of produce are down to ruinous figures, and depression pervades every department of industry and business.

This direful situation of our people has been presented to Congress, and, as I have remarked, been answered by fine-spun theories of financial science, by which we are taught that there is money enough. Of this I have heard enough, and refuse to be deceived by it. I know from whom it comes and what it means. It comes from Pennsylvania, New York, and New England—from the States and the people who have now all the money; and as you have all and enough for you, there is therefore enough for the country. Now, I propose to exhibit the facts, and make plain the reason why you think the volume of the currency sufficient.

Of the national-bank circulation New York has $61,000,000—about $14 for each man, woman, and child in the State. Pennsylvania has $42,000,000 of bank circulation and $12 *per capita*. The six little New England States have one hundred and ten and a half million dollars—a circulation of $31.68 for each man, woman, and child in those States. And the eight States, New York, Pennsylvania, Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut, have $213,000,000 of national-bank circulation—certainly enough.

Now look at the other picture. The great agricultural South and Southwest, composed of the fourteen States, of Virginia, West Virginia, North Carolina, South Carolina, Florida, Georgia, Alabama, Mississippi, Louisiana, Texas, Arkansas, Tennessee, Kentucky, and Missouri, have divided among them the sum of $37,000,000 of bank circulation, about $2.75 *per capita*. Look at it; eight Eastern States have $213,000,000 of national-bank circulation, while fourteen Southern and Southwestern States have only $37,000,000. Rhode Island has for each man, woman, and child in the State $61.59; Tennessee has $2.66; Massachusetts has $40.84 *per capita;* Kentucky, $5.87; Connecticut has, *per capita*, $33.48; Missouri, $3.76; Massachusetts has for her share of this money over $59,500,000; Kentucky only $7,500,000; Rhode Island, not much larger than one of the counties in my district, has $13,385,671; Tennessee a fraction over $3,000,000.

The national-bank laws require the banks in the country to have on hand at all times in lawful money of the United States an amount equal to at least 15 per cent. of the aggregate amount of notes in circulation and of its deposits for the redemption of the notes and payment of deposits. And the law requires each bank in the country to select a bank in some city where it will redeem its circulating notes at par; the bank selected must be approved by the Comptroller of the Currency, and he required to give notice of the city and city bank at which each of the banks in the country is required to redeem its notes. In compliance with this law our banks select a bank in New York where they will redeem their notes. In order to redeem there they must constantly keep part of their legal-tender money there on deposit with their redemption bank for that purpose; and in this way 15 per cent. of our thirty-seven millions is kept in New York banks. The banks are required to keep on hand an amount equal to 15 per cent. of the deposits, and the reserve thus required by the banks to be

held at all times takes out of circulation between six and seven millions, leaving only an actual bank circulation of about $30,000,000.

Before the war we had an abundant, sound, convertible currency. Our State-bank notes were redeemed with gold whenever presented at the counters. You taxed and legislated the State banks out of existence, drove the gold and silver out of circulation, deprived us of our reliable, sound circulation, and in return give us only about $30,000,000 of the circulation you by force substituted for ours. You need not tell the people that this unequal distribution of the circulation results from the operation of the laws of commerce and trade. They do not know what that means; nor do you know. The laws of trade would not work such iniquities. You have the money because it was given to you by the Comptroller of the Currency, and not because the laws of trade forced it into your banks. We have $37,000,000, all he gave us; and we have kept that in spite of your theories of laws of commerce and trade.

I repeat, you have nearly all of the circulation, and have plenty for you, and, therefore, plenty for the country. You have it all, and you do not want any more given to the destitute sections, because you are enjoying the benefits of a monopoly. You have it all, and the contraction that has been going on for seven years has, day by day, made it more valuable, (I mean the interest, use, hire, profits on it.) You have all the money, and dictate profits on it. You have it without competition, and you fix prices of produce to suit your own interests. You can force the produce to seek your money and the producer to accept your price. You make the profits on your money high, the price of produce low. You refuse to give us a fair division of the national-bank circulation because you do not wish to give up any portion of the enormous profits you are making on it. You do not wish to give up the benefits of your monopoly. You will not agree to increase the circulation, and give our destitute sections the benefit of the increase, for the reason that this increase would be brought into competition with your money, fight down your profits, and bring up the price of our produce. This is the secret of your horror of inflation—it would lessen the profits on your money. You have contracted, until you buy to-day for seventy-five cents produce which costs the farmer a dollar to make. You say contraction makes our money more valuable, and next week we will get the dollar's worth for sixty cents; contract, and in a month more the farmer's needs and distresses will force him to sell us the dollar's worth for forty cents; contract, and swell our dividends in bank stocks and profits on produce we buy at half price.

If you are candid in your assertion that there is plenty of money, divide it fairly with us, and thus prove it. Give us the amount we need and must have, not the paltry sum offered in the Senate—twenty-five millions. Add to the thirty-seven millions in the fourteen destitute States about half of the two hundred and thirteen millions that have been given to the eight Eastern States, and prove your sincerity about the abundance of money you tell us the country has. Agree to this in fairness, and avoid the calamities of inflation that haunt you. This will relieve us and guarantee you against the evils of inflation.

I desire to examine and meet another argument that has been offered in defense of this unequal distribution of the money. We are told that we do not need money, that we have nothing to sell. I have not been able to procure an accurate estimate of the value of our products last year, but I have been to the Bureau of Statistics and have procured a statement showing a part of what we produced "and had to sell" and did sell during the last fiscal year. I append a table showing the value of domestic exports, gold valuation:

Coin and bullion		$73, 905, 000
Cotton		227, 340, 475
Tobacco		25, 666, 000
Grain and products of grain		100, 000, 000
Manufactured goods		208, 440, 000
Unmanufactured goods		15, 468, 000
Total domestic exports		650, 819, 475
Deduct coin and bullion		73, 905, 000
Total domestic produce exported		576, 914, 475
Value of cotton exported	$227, 340, 475	
Value of tobacco exported	25, 666, 000	
Value of cotton and tobacco exported		253, 006, 475
Value of all other exported		323, 908, 000

From this table and these figures we see that the total domestic exports, exclusive of coin and bullion, amount to $576,914,475, and of this the cotton and tobacco produced and exported from the Southern and Southwestern States amounted to $253,006,475. All the products exported from all of the balance of the States, and all other products exported from the Southwest, amount to $323,908,000. Two articles produced and exported from the South and Southwest constitute nearly half of the value of domestic exports. I have said nothing of other articles exported from this section, nor of the value of products sold in the home markets. I have not even claimed our share in the $100,000,000 worth of grain exported, a part of which went from the Southwest.

Now, I desire to put before the eyes of gentlemen the gross inequality of this distribution of money, compared by products and exports. The Comptroller of the Currency tells us in his report that the national-bank circulation amounts to $353,968,249; the fourteen Southern and Southwestern States have $37,000,000; the other States $316,968,249. Total domestic exports, $576,914,475; two articles exported from Southern and Southwestern States $253,006,475; all the exports from all the other States and all other products from the Southwestern States amount to only $323,908,000.

The Southern and Southwestern States produce nearly half the value of the entire domestic exports in two articles, and they have thirty-seven millions of the bank currency. All the other States produce but little over half of the exports, and have $316,968,245. And we are told that we have nothing to sell, and therefore are not entitled to a fair distribution of this currency. From the aggregate of national-bank circulation, as stated above, there ought to be deducted about $4,000,000, that amount having been withdrawn from circulation by bank failures.

I do not desire to be understood as an advocate of this national-bank system. I am not. I abominate it. It is oppressing and eating up the profits of the labor and enterprise of the country by its usurious exactions—the double usury that the people pay to it. The banks deposit the bonds, the credit of the Government, the credit of the people, and procure the notes or bills; the people pay 6 per cent. interest in gold on the bonds, and on the notes from 12 to 25 per cent. per annum. I do not believe a much worse system could be devised; but while the banks exist and the people of my section are taxed to sustain and support them, I demand an equitable share of the benefits derived from them.

Notwithstanding the numerous vices that appertain to the national-bank system, unless we are relieved by a division of the present bank circulation I shall vote for such an increase of it as is necessary to meet the wants and relieve the distresses of the people of the destitute sections. I would prefer not to increase this currency, and do not think it would be difficult to devise means for a better circulation; but the needs of my people are urgent, and the ponderous financial wisdom of Congress moves so slowly that I fear the sheriff's hammer will be raised over the property of the people of our section and their ruin consummated before it will develop a plan to secure a good currency, and believing that the evils that are impending, and which may be averted by an increase of this money, are greater than the evils which such increase will entail, I shall vote for it.

A certain amount of currency is necessary for a certain amount of business. The amount of business depends upon the number of people engaged and the amount they produce. If the volume or amount of the currency exceeds the amount demanded by the business, the value of the whole of it will be no more than the value of the necessary amount; if the amount of the currency is below the necessary amount demanded by the business of the country, the value of the products of the business must shrink. In other words, if the business of the country requires one thousand millions of currency and it is increased to two thousand millions, the two thousand millions would be worth no more than the necessary one thousand millions was; and if the business required one thousand millions and it was reduced to five hundred millions, the products of the business would shrink to half of its real value.

Now let us compare the amount of the currency and the amount of the business of the country at this time with the amount of each before the war, and with the amounts of the currency and business in other countries, and I think I can prove that the amount of the circulation now is certainly not redundant, and if stripped of the evils the system imposes, in my judgment, not enough to meet the demands of the industries, the labor, and commerce of the country.

The whole amount of money in circulation on the 1st of last November, as shown by the report of the Comptroller of the Currency, is as follows:

National-bank currency	$350, 332, 884
Legal-tender notes	360, 952, 206
Fractional currency	47, 876, 149
Total	759, 161, 239
Deduct the amount held by the Treasury and the banks	128, 140, 727
Leaving in circulation	631, 020, 512

according to the Comptroller's report; but the law requires the city banks to keep on hand as a reserve in legal-tender notes, 25 per cent. of their liabilities; and many of the country banks keep on hand a much larger reserve than the 15 per cent. required by law, and this will reduce the total very much below the amount stated. I have not been able to ascertain the amount actually in circulation, nor is it material, for I propose to arrive at the amount necessary for the business of the country.

In 1861 we had a sound, good currency, gold and its equivalent, and the produce of the country sold for fair remunerative prices. At that time the currency amounted to $477,000,000, and the yearly product of the country was estimated at $4,000,000,000, specie basis. In 1864 the same product was estimated at six thousand millions, and by the same ratio of increase the yearly product would amount now to over nine thousand millions. But say that it amounts to only eight thousand millions, then we test the question in proportion—if a yearly product of $4,000,000,000 requires $477,000,000 of currency, what will $8,000,000,000 call for? The answer is, $954,000,000. Since 1861 the population of the country has increased ten millions at least, and if a population of thirty-one millions requires four hundred and seventy-seven millions, how much will be required for a population of forty-one millions with the vast increase of products of business?

Great Britain has a population of thirty-two millions, and has a total circulation of coin and notes of £141,239,000, equivalent in United

States gold coin to $686,421,540—the circulation *per capita* $21.45 in gold. France has a population of thirty-six millions, and has a circulation of 6,047,727,206 francs, equivalent to $1,209,545,441 in United States gold coin—over thirty-three dollars *per capita*. North Germany has a population of thirty millions, and a circulation in coin and notes of 785,594,504 thalers, equivalent in United States gold coin to $557,772,097.84.

The population of the countries mentioned is dense, the territory of all of them not equal to a fourth of ours, nor their industries so varied or extensive as ours.

It requires a much larger volume of currency to accommodate the necessities of a people like ours, who are dispersed over such a vast extent of territory, than it does to supply the wants of a thickly populated country. In a city $100 may pay debts amounting to $1,000 and enter into a dozen business transactions in a day; in the country it would be otherwise, and ten dollars received from a sale may remain in the pocket a month, and probably not be used in three business transactions in a year. Every immigrant that reaches our shores becomes at once a productive unit in society, earning wages and expending wages. With all these lights before me, I do not see the dangers which would result from an increase of circulation that seem to haunt gentlemen. With a larger population, twenty times the territory, and double the business of France, our circulation does not amount to half as much as hers. With less of everything that creates demand for money, Great Britain has in circulation more than we have.

In six years we have contracted our circulation over $300,000,000. The increase of population, increase of industries, increase of productions, must increase the demand for currency. And when the amount of it falls below a sufficiency to supply these increasing demands, the price of the products is inevitably reduced. I am an old-fashioned State-rights, "hard-money" democrat, and believe that the suspension of specie payment was unwise and unnecessary, and that steps ought to be taken now for gradual resumption. The national banks and capitalists desire to resume at once. This cannot be done without disastrous effect upon the interests of the classes we should be most careful to protect—the laborer, the producer. You caused the suspension thirteen years ago, drove gold and silver out of circulation, and force on us the present paper-money system, and since that time the business of the country has been conducted and transacted on that basis; purchases have been made and debts incurred under it. The unsold crop of last year was raised at paper-money cost. Debtors expected to pay their debts, and creditors expected to receive their dues in this currency. And if you adopt specie payment, rise suddenly, without notice or warning, and tell every debtor that his national-bank paper-money debts must be paid in gold, his crop, raised at paper-money cost, must be sold at gold prices, tell every creditor that he may demand, exact, extort gold for all debts due him, you will have wrought the means of wide-spread ruin and distress; you will send the constable to half the habitations in the Southwest, and will cause the sacrifice of property that costs years of labor and toil to earn. Such an enactment is repugnant to every idea of justice and fairness. The present indebtedness was created, as I have argued, in this paper system; let it be paid in that currency. This is equal justice to the debtor and creditor—let our farmers sell their crops for the same money used to make it.

Where is the specie necessary to meet the present demands of the country? Where will the poor debtor get the gold to pay the execution when the sheriff has levied on his house, his corn, or tobacco? The coin is not to be had. And we insist that you shall give us time to work off the dose you have forced us to swallow, and not murder us by a sudden change of treatment in our weakness.

Let us shut our ears to the clamors of the national banks; they are dictated by selfishness and greed. Let us cease to give heed to the arguments of the stockholders, presidents, and directors; their patriotism knows nothing, cares nothing, for the suffering people; their financial wisdom is solely directed to swell dividends on bank stocks. I hope Congress will declare its independence of national banks, and legislate for the country. Let us emancipate the labor of the country from the slavery in which it is held by these corporations. Let us represent the people and not the banks. In conclusion, I urge and beseech the House to act promptly in relief of the people of the Southern and Southwestern States.

Free Exchange and Transmission of Newspapers, and Distribution of Public Documents.

SPEECH OF HON. JOHN B. PACKER,

OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

February 18, 1874.

The House having under consideration the bill (H. R. No. 825) to provide for the distribution of the public documents printed by the authority of Congress, and of seeds furnished by the Agricultural Department, for the free exchange of newspapers between publishers, and for the free transmission of weekly newspapers by mail within the county where published—

Mr. PACKER said:

Mr. SPEAKER: In reporting this bill for the action of the House, it certainly cannot be regarded as necessary that we should enter upon a general discussion of the franking privilege as it existed prior to the 1st day of July, 1873, for that has been disposed of by congressional enactment, and, with its advantages and disadvantages, its uses and abuses, whatever they have been, is now a thing of the past.

Equally foreign and irrelevant to the question now presented for the consideration of the House is the subject to which reference is sometimes made in this connection, of the additional cost of printing, and of increased expenditures in the preparation and publication of the public documents for distribution among the people.

This bill does not provide for either, but is expressly limited in its operation, by its own terms, to providing means for the distribution, without charge, to citizens of the United States or persons residing therein, of the public documents, books or publications, and printed matter published and issued by authority of Congress, and of such packages of seeds, cuttings, roots, and scions as may be furnished by the Agricultural Department under authority of law. It makes no provision for printing a single document or book not already published, and does not contemplate or require that any more shall be ordered for publication; leaving that question for the decision of Congress when it shall properly arise.

But we have now, sir, in the folding-rooms of this House, bound, folded, and ready for distribution, about one hundred and thirty-three thousand volumes of the most valuable books printed by the direction and under the authority of Congress. In the public-document room of the Senate they have about the same number, making in all about two hundred and sixty-six thousand volumes; besides many pamphlets containing much useful information upon questions of national importance and of great interest to the public.

That these books belong to the people there can be no question. Their money has paid for them, and their right to have them cannot be doubted; while the letters, almost without number, coming to us from our constituents by every mail attest their anxious desire to have them.

Heretofore, as their representatives, members of Congress have been charged with the duty, somewhat laborious it is true, but still a pleasant duty withal, of making a judicious distribution of the quota of these documents apportioned to each congressional district among those for whose use, information, and benefit they were printed. Then, however, the law provided the means for making this distribution, and of giving the information so highly prized by many of our citizens, and which is collated, prepared, and printed at considerable cost to the public, free of expense and without charge to the people for transportation in their own mails.

Charged simply with the duty of distribution, certainly the representative could not be expected to pay the cost of sending these publications either by mail or by express, or other means of transportation, to the constituents to whom they belong. As well, and just as reasonably, might he be asked to furnish the paper upon which they are printed, and to pay the cost of printing and binding the books, or to contribute a portion of the expenses incurred in the preparation of the different works for publication.

It is true, the distribution of a limited number of documents, even at our own expense, might not be oppressively onerous, but the principle is the same whether the amount is small or large, and the people would not fail to recognize the injustice of the burden to which every member of Congress would be subjected by a repetition of similar favors to any considerable number of his constituents.

From a statement I have before me of the weight of each of the documents in the folding-room, it appears that the postage, at the rates now fixed by law, would range from about twenty-five cents on the smaller books to about $1.76 upon the largest, and reaching, for a set of the Globe of the Forty-second Congress, the respectable figure of $7.82.

These rates of postage, charged upon the whole number of documents each member of the House sent to his constituents and actually distributed among the people during the sessions of the Forty-second Congress, would have amounted to $1,953.06, or the sum of $976.53 per annum.

Each Senator's postage would have been, during the same Congress, upon his quota of documents, if charged at the present rates, $921.87 per annum.

This calculation is based, however, upon the whole number of documents actually sent; and as they include some lying over from former years, I have procured from the folding-room a statement of the number properly allotted to each congressional district during the three sessions of the late Congress, and distributed by the members of the House, from which it appears, by a careful computation of the rates of postage upon each book sent, that the aggregate of each member's postage would have been, upon these documents alone, $1,785.14. The average rate of postage being forty-six cents per document, upon the one hundred and thirty-three thousand volumes now on hand in the House folding-room, which were authorized before but not furnished until after June 30, 1873, the postage, at present rates, would be in excess of $61,000, while the charges upon the books in the Senate document-room would be about the same.

Since the expiration of the franking privilege on the 1st day of July last, but few, if any, of these documents have been sent by mail, those that have been distributed having been sent by express; and it is, therefore, very obvious that comparatively few will reach their proper owners, especially if they reside at great distances from the capital, and off the line of the express companies' routes.

In nearly all the States in which the policy of publishing and distributing official documents for the information of the people has been adopted, the State, it is believed, pays for the stamp put upon the package by the officer or person sending it by the mail, and practically that plan has been adopted and is now employed, under the act of Congress, by the Executive Departments of the Government at Washington.

The principle of the payment of postage upon official papers, documents, books, &c., by the Government, is, therefore, fully recognized and acted upon now by all the Executive Departments, in sending under official stamps provided by the Government the very large proportion of these documents authorized by Congress to be printed for their use and furnished by the Government Printer to them, although charged to the account of Congress. And this bill only proposes to carry that principle into effect, for the benefit and advantage of the people themselves, and for the purpose of securing the distribution of a portion, at least, of these publications to those whom we represent, by a method which will, it is believed, stand the test of a comparison with that now in use by the Departments to which I have referred.

Let us examine for a moment, sir, the practical operation of this departmental, or official postage-stamp system. Upon the abolition of the franking privilege of course it became necessary to make some provision to enable the several Departments to transmit their official mail matter through the mails, and therefore it was enacted by the fourth section of the act making appropriations to supply deficiencies, &c., approved March 3, 1873—

That the following amounts, or so much thereof as may be necessary, are hereby appropriated for the following-named officers and Departments for purchase of postage-stamps for use during the fiscal year ending June 30, 1874:

For Executive office, $600; for Department of State, $83,000; for Post-Office Department, $800,000; for Treasury Department, $504,000; for Navy Department, $38,000; for Interior Department, $220,000; for Agricultural Department, $52,000; for Department of Justice, $15,000; for War Department, $153,000; for offices of the Clerk of the House of Representatives, the Secretary of the Senate, and the Sergeant-at-Arms of the House of Representatives, $100 each; making, in all, $1,865,900: *Provided*, That the Postmaster-General shall cause to be prepared a special stamp or stamped envelope, to be used only for official mail matter, for each of the Executive Departments; and said stamps and stamped envelopes shall be supplied by the proper officer of said Departments to all persons under its direction requiring the same for official use.

Under this act there were furnished to the Executive Departments, from the 30th of June to the 8th of December, 1873, a period of five months and eight days, official postage-stamps and stamped envelopes of the nominal value of $1,190,478.02, in the following proportions:

Department.	Official stamps.		Official stamped envelopes.		Total.	
	Number.	Value.	Number.	Value.	Number.	Value.
Executive	5,150	$200 00	.....	.....	5,150	$200 00
State	81,595	22,619 70	.....	.....	81,595	22,619 70
Treasury	7,842,500	407,000 00	.....	.....	7,842,500	407,000 00
War	580,800	27,197 00	988,800	$14,884 82	1,569,600	42,081 82
Navy	247,230	12,239 00	.....	.....	247,230	12,239 00
Post-Office	12,136,460	436,736 00	5,647,500	170,880 00	17,783,960	607,616 00
Interior	1,228,900	73,391 50	.....	.....	1,228,900	73,391 50
Justice	65,400	3,900 00	.....	.....	65,400	3,900 00
Agriculture	315,000	21,430 00	.....	.....	315,000	21,430 00
Total	22,503,035	1,004,713 20	6,636,300	185,764 82	29,139,335	1,190,478 02

By turning to the reports of these officers, we learn how these stamps and stamped envelopes, supplied in such large numbers, are disposed of by them.

The Secretary of the Treasury, in his circular to officers and clerks of the Treasury Department and others, instructs them that—

These stamps are to be used on all official correspondence of whatever nature, and other official mail matter, whether addressed to officers lately entitled to the franking privilege, to other officers of the Government who had not the privilege, or to private persons on official business; thus entirely doing away with the use of the ordinary postage-stamp for official purposes.

And then he informs us that his Department furnishes such stamps to the following: 42 officers of the Department in Washington, 10 assistant treasurers, 5 designated depositaries, 7 mint and assay officers, 21 light-house inspectors and engineers, 46 supervising and local inspectors of steam-vessels, 42 revenue-marine and life-saving service, 11 surgeons in charge of marine hospitals, 39 superintendents construction and repairs public buildings, 22 special agents, 1 commissioner of fish and fisheries, 171 customs officers, 225 collectors of internal revenue, 26 revenue agents, 10 supervisors of internal revenue; a total of 678 officers receiving them directly from the Department; but of the number of clerks and assistants of these officers to whom they are thus intrusted we are not advised.

The State Department furnishes them to the Secretary of State, the Assistant Secretary of State, the Second Assistant Secretary, the chief clerk of the Department, the examiner of claims, the dispatch agent at New York, and the dispatch agent at Boston.

The Attorney-General reports that the Department of Justice—

Has furnished official postage-stamps to 54 United States district attorneys, 56 United States marshals, and 62 courts of the United States, making in all 172 persons who have been supplied with these stamps for the purpose of paying postage on official correspondence. Stamps are also used upon the official correspondence of this office and the office of the Solicitor of the Treasury. In a few instances where letters have been written to persons not officers or employés of the Department, asking for information, postage-stamps have been inclosed to pay the return postage. This, however, has only been done in that branch of the Department relating to the Court of Claims, where the return papers were voluminous.

He also states that—

About one-half the time of a first-class clerk is employed in keeping an account of the postage-stamps, and transmitting them to the officers entitled to them, and a considerable portion of the time of one messenger is now occupied in delivering mail matter in the city.

The Navy Department furnishes them to the eight Bureaus of the Navy Department, including the Naval Observatory, Hydrographic Office, Nautical Almanac Office, Signal Office, naval hospitals; the commandants of the several navy-yards, and the rendezvous, receiving-ships, and offices connected therewith; the Superintendent of the Naval Academy; the Admiral of the Navy; the governor of the Naval Asylum; the purchasing paymasters at Portsmouth, New Hampshire, Boston, New York, Philadelphia, Baltimore, Washington, Norfolk, and San Francisco; naval stations at League Island, New London, Mound City, and New Orleans; naval examining and retiring board; and such of the vessels of the United States Navy as may be in our ports.

In the War Department the stamps are furnished to the Adjutant-General, the chief clerk of the office, and, in his absence, another clerk, designated by the Adjutant-General, and a clerk who affixes the stamps to the letters and packages to be mailed; Inspector-General R. B. Marcy; Inspector-General E. Schriver; employés Inspector-General's office; clerk Inspector General's office; to the chief clerk of the Bureau of Military Justice.

In the Quartermaster-General's office, a clerk is designated to take charge of and account for the official stamps, &c., and eight clerks are supplied with them.

In the office of Commissary-General of Subsistence, the stamps required for the use of the office are placed in charge of one clerk of class two.

In the Surgeon-General's office, the Bureau of Medical Statistics, the Paymaster-General's office, and the office of the Chief of Engineers, the stamps are placed in the hands of clerks, while the number of officers and employés in or connected with the Signal Office, at the various stations of observation throughout the country who are furnished with official postage-stamps, for the purpose of paying postage on official correspondence, is 112.

In the Post-Office Department they are issued to the following officers and employés: 1 Postmaster-General, 3 Assistant Postmasters-General, 1 Assistant Attorney-General for Post-Office Department, 1 superintendent of foreign mails, 1 superintendent of money-order system, 1 chief clerk of Department, 1 chief of division of mail depredations, 1 postage-stamp agent at New York, 1 postal-card agent at Springfield, Massachusetts, 73 special agents, 343 railway post-office head clerks, 917 route agents, 193 mail-route messengers, and 33,780 postmasters; a total of 35,317.

In the Department of the Interior, in the Secretary's office the official postage-stamps are in the custody of the superintendent of documents, who issues them, on the requisition of the chief clerk of the Department, to the chief messenger and to the clerk in immediate charge of the document-room, who stamp all official mail-matter leaving the Department.

Official stamps are also issued by the superintendent of documents to the following Bureaus, on requisition of their respective heads: The Bureau of Indian Affairs, the Bureau of Education, the Patent Office, the General Land Office, the Pension Office, the Census Office, and the National Museum.

In the Bureau of Indian Affairs the official stamps are in the keeping of a clerk of the first class, whose duty it is to stamp all official mail. Stamps are also furnished by this Bureau to the following officers: To 5 Indian inspectors, 4 superintendents of Indian affairs, and 77 Indian agents.

In letters written to persons not connected with the Bureau, asking for information, it is customary to inclose official stamps for return postage.

In the Bureau of Education the chief clerk has charge of all matters pertaining to postage and the sending out of official mail. In this Bureau it is customary, when the correspondence renders a reply important for the information of the office, to inclose official stamps for return postage.

In the Patent Office the financial clerk has custody of the official stamps, but is not allowed to use them himself. A lady clerk has charge of stamping all the official mail, with the exception of letters written and mailed after office hours, which are stamped by either the Commissioner, Assistant Commissioner, or chief clerk.

In the General Land Office one clerk has the entire charge of the official stamps, and, for the stamping of the official mail, they are issued by him daily to the chief messenger of the Bureau, who affixes them to said mail. The clerk referred to also furnishes stamps quarterly to the following officers, upon their requisition: To 17 surveyors-general; 19 registers of the local land offices, and 90 receivers of the local land offices.

The deputy commissioner of pensions in the Pension Office is the custodian of the official stamps. They are issued by him to one clerk in the office, whose duty it is to stamp all official mail. The deputy

commissioner of pensions also issues official stamps to 1,400 examining surgeons for the payment of postage of certificates of examination of pensioners.

It is the custom of this Bureau, when official letters are addressed to persons not interested in the contents thereof, to inclose official stamps for return postage.

Mr. ALBRIGHT. Will my colleague from Pennsylvania allow me to ask him a question?

Mr. PACKER. Certainly.

Mr. ALBRIGHT. What I wish to know is, whether all the persons who are supplied with official stamps, and authorized to use them according to the gentleman's statement, were endowed with the franking privilege prior to the 30th day of June, 1873?

Mr. PACKER. No, sir. The franking privilege was limited to the President, the Vice-President, the chiefs of the several Executive Departments, Senators, Representatives, and Delegates in Congress, and the Secretary of the Senate and Clerk of the House of Representatives, to cover their correspondence, all printed matter issued by the authority of Congress, and all speeches, proceedings, and debates in Congress; such principal officers of the Executive Departments, being heads of Bureaus or chief clerks, as the Postmaster-General might by regulation prescribe, to cover official communications only; postmasters, to cover official communications to other postmasters only, and assessors and collectors and their assistants and deputies, for the interchange of official communications only.

And then it was expressly provided, by the revised act of 1872, as a protection against fraud, and as a guarantee of the official character of the paper or correspondence sent, that—

No person entitled by law to the franking privilege shall exercise said privilege otherwise than by his written autograph signature on the matter franked.

Thus, Mr. Speaker, it will be seen that under the present system it has been found necessary, in the operation of the extensive and complicated machinery of the Government, to scatter these official stamps almost broadcast, in every quarter, and I submit, sir, if all these thousands of officers, and tens of thousands of clerks and subordinates all over the country, can be and are intrusted with the custody and use of these stamps, (and I do not for a moment believe they make an improper or unauthorized use of them,) why may we not trust the Secretary of the Senate and the Clerk of the House with the care and use of the stamp or stamped envelope for public documents as provided for and authorized by this bill?

Several MEMBERS. Why not give the stamps to the members themselves?

Mr. PACKER. I will tell the gentleman why I would not have them furnished directly to the Senators and members themselves. Every member receiving them would expose himself to the charge of making an improper use of them, just as we hear it stated now, that the official postage-stamps of the Departments are applied to private or unofficial mail matter, and just as members of Congress were charged, over and over again, without the slightest evidence, with making an illegal use of their frank under the old system. The old charges of irregularities and abuses would be revived, and as it would be difficult to prove a negative it might be impossible to meet the charge. These stamps or wrappers are intended for the benefit of our constituents and not of ourselves; and our best and surest protection against all accusations and assaults will be, not to take them into our custody or possession, but leave them in the hands of the officers designated, whose duty it will be to attach them only to such public documents, or printed matter, or seeds, as may be authorized to be distributed by congressional enactment.

In view also of the objection frequently urged against the former system of franking, whether well founded or not, that other parties could counterfeit or fraudulently use the frank of a member of Congress, more especially in former years when the use of engraved *facsimile* stamps or dies was permitted, the committee have placed around the plan submitted by them such checks and guards as must, it is believed, effectually and certainly prevent every attempt to abuse it. And it may be remarked, in passing, sir, that a great, if not the major, part of the opposition to the franking privilege, grew out of its supposed or alleged abuse; for the privilege, when properly and honestly and legally exercised, was undoubtedly the privilege of the people themselves, intended for their benefit, in facilitating their communication with their agents or representatives upon the questions coming before Congress affecting their rights and their interests, or the welfare and prosperity of the country.

By the second section of this bill it is provided—

That the Secretary of the Senate and Clerk of the House of Representatives of the United States shall cause to be prepared, for their respective Houses, a special stamp, or stamped envelope or wrapper, of such form and design as shall be directed and approved by the Postmaster-General, to be used by the said Secretary and Clerk, or by such assistants as may be appointed by either of them, for their respective Houses, only upon such printed matter or documents or packages of seeds, cuttings, roots, and scions as aforesaid, as the Vice-President, the Senators, Representatives, and Delegates in Congress, the Secretary of the Senate and Clerk of the House of Representatives may, by their respective written autograph signatures, indorsed upon the wrappers or envelopes thereof, direct to be so sent by mail, as is provided in the foregoing section of this act.

Thus the matter that may be sent free of charge is, in the first place, limited to the public documents published by direction of Congress, and to the seeds, &c., furnished by the Agricultural Department, under authority of law, as before stated, and does not include the official, much less the private, correspondence of members. In the next place, it can only be sent under a special stamp, or stamped envelope, or wrapper, of such form and design as shall be directed and approved by the Postmaster-General, to be attached, or used, only by the proper officer of the House.

And then, as an additional measure of protection, and to prevent the officers designated, or any one else, from making an improper or unauthorized use of the stamp, it is required that the person authorized to send the package, the Vice-President, Senator, Representative, or Delegate in Congress, or the Secretary of the Senate, or the Clerk of the House, shall also indorse his signature upon the wrapper or envelope, in his own handwriting.

Again, as a further security against improper practices, the committee have provided in the fourth section of the bill—

That any person who shall knowingly, and with intent to defraud the Government of the United States, use, or cause to be used, any of the said stamps, stamped envelopes, or wrappers, herein authorized to be prepared and used, for any other purpose or in any other manner than as is hereinbefore authorized, or who shall counterfeit the name or signature of any person herein authorized to indorse his autograph signature upon the wrappers or envelopes aforesaid, or who shall willfully utter or use any such counterfeit indorsement, with the intent to avoid the payment of postage, shall, on conviction thereof, be deemed guilty of a misdemeanor, and be punished by a fine of not less than $100 nor more than $1,000, or by imprisonment not less than three months nor more than twelve months, or by both fine and imprisonment, in the discretion of the court.

To meet also the apprehension of the very able, energetic, and vigilant head of the Post-Office Department, who has inaugurated so many acknowledged improvements, and, with the aid of his faithful and intelligent assistants, has succeeded in establishing and maintaining the most complete, efficient, and admirable postal system in the world, and recognizing the force of his objection that there might, at times, be difficulty in providing immediate means for the expeditious transmission of these official documents, along with the other mail matter, upon a few of the trunk lines, and particularly those leading from the city of Washington, the committee have inserted in the bill a provision authorizing the Postmaster-General, if the welfare or exigencies of the service shall require, to make rules and regulations delaying in whole or in part the transmission of these documents and packages for any period not exceeding thirty days from the time of delivery for mailing.

Mr. HURLBUT. If the gentleman will allow me, I desire to ask him whether the contracts of the Post-Office Department for carrying the mails have been in any respect reduced by the abolition of the franking privilege?

Mr. PACKER. I am not aware that any of the rates of compensation have been reduced up to this time. Whether a reduction shall be made in the future, on this account, cannot be absolutely determined, but I shall presently submit some statistics from which gentlemen can have no difficulty in drawing their own conclusions.

Mr. KASSON. With the leave of the gentleman from Pennsylvania I will answer the gentleman. No new contracts have been made since the franking privilege was abolished. But the Postmaster-General informs me that there has been a reduction in the cost on account of the mails being carried by weight.

Mr. PACKER. That, I fear, is rather the expression of a hope than a realization upon the part of the Department. Upon at least three-fourths of the 256,000 miles of mail service, and upon a very large proportion of the 63,457 miles of transportation by railroad, the difference in the amount of mail matter would be small, and scarcely appreciable, and it is only upon the leading lines of railway that it is claimed there will be lower rates upon account of the absence of public documents from the mails. On these there has not yet been any reduction from the maximum rates heretofore claimed and allowed, and I venture the opinion that any saving there may be in the future will come from competition between rival lines, and will not be in consequence of the exclusion of these documents from the mail. In looking through the official estimates of the probable future expenditures I do not find any place in which this claimed reduction asserts itself.

Without troubling the House with a reference, at this moment, to the gross amount of the receipts and expenditures of the Department, I prefer to call attention to what seems to me a more legitimate subject of inquiry in this connection—the cost of the inland transportation of the mails. It amounted in the fiscal year ending—

June 30, 1868, to	$12,647,949 61
June 30, 1869, to	13,485,406 15
June 30, 1870, to	13,356,251 85
June 30, 1871, to	11,529,395 00
June 30, 1872, to	12,566,802 00
June 30, 1873, to	13,635,341 00
For the current fiscal year, ending June 30, 1874, there were appropriated, on official estimates	$14,840,020 00
And for readjustment of pay on railroad routes, under act of 3d March, 1873	500,000 00
Making total amount appropriated for current year	15,340,020 00
In the estimates for 1875 the Department sets down the estimated cost of this service at	$15,878,821 00
And the increase of compensation on railroad routes, under act of March 3, 1873, at	535,000 00
Making the estimated cost for the the next fiscal year	16,413,821 00

The whole cost, then, it will be seen, of inland transportation of the mails for the year ended June 30, 1873—the last year of the franking privilege, and including the unusual amount of free matter thrown upon the mails during the last three months of its existence—was $13,635,341, while the sum appropriated for the current fiscal year ending on the 30th day of June next, upon the estimates of the Department, and including the $500,000 appropriated for readjustment of pay on railroad routes under the act of 3d March, 1873, amounted to $15,340,020. And the amount Congress is now asked to appropriate for the next fiscal year for the same purpose is $16,413,821.

Of course a very large proportion of this increase is chargeable to the establishment of new post-offices, the extension of mail-routes, and of the improved mail facilities afforded, and no one who will take the trouble to examine the subject with any degree of care can doubt it is entirely legitimate and proper. But it is just as evident that the abolition of the franking privilege has not produced the benefits predicted by the friends of the measure, and that the increased revenue which was expected to result from its repeal has not been sufficient to dispense with or diminish the usual appropriations for the deficiencies in the revenues of the Department.

And I am entirely free to admit, sir, that I cannot comprehend the line of argument which, taking the whole number of documents formerly sent to the people of the country under the frank of members of Congress, and computing the total amount of the postage that would be chargeable upon them if sent by mail at the present rates, assumes that such sum represents the amount the Post-Office Department would gain by the abolition of the privilege. If the same number of books and documents should be sent by the mail, at the same rates, of course the conclusion would be correct, and the revenues would be increased by the amount paid thereon; but if they are not put in the mail, and are forwarded by express, it is difficult to understand how the receipts of the Department will be augmented, or how any person will be benefited except the stockholders of the express companies.

It was not, sir, because I believed the Government would derive any very substantial pecuniary advantage from the abolition of the franking privilege that I uniformly voted as I did in the last Congress in favor of its repeal, but because many persons had come to regard it as a personal privilege of members of Congress, and believed, whether properly or not, that it was not only liable to abuse, but that is was abused by those entitled to its exercise as well as by others. For the same reason I should now vote against its re-enactment, in its original objectionable form, and would oppose its restoration with any features that could be regarded as conferring a privilege personal to the member himself, in any sense or degree, or as granting privileges which could in any manner be abused or perverted to improper or unauthorized purposes.

Mr. SMALL. Will the gentleman yield to me for a question?

Mr. PACKER. Certainly.

Mr. SMALL. I desire to ask the gentleman from Pennsylvania whether the estimate which has been submitted for the expense of carrying the mail for the next year includes the expense of carrying so much of it by express as the Department chooses to carry by express, and whether that was done last year?

Mr. PACKER. I feel very confident the Post-Office Department does not send the mails or mailable matter by express. It is said some of the other Departments do send matter by express which they formerly sent in the mails under the frank, but to what extent I am not advised.

Mr. SMALL. You have no account, then, of the expenses that have been incurred in carrying by express during last year?

Mr. PACKER. No, sir; I have no reliable data from the other Departments. It may be proper for me to explain, in this connection, however, that although the Post-Office Department does not send by express, it does send free in the mails, without the use of the official postal stamp, such articles as are regarded in the nature of "supplies" for the Department itself; such as wrapping-paper, twine, mail-bags, locks and keys, marking-stamps, blanks, stamped envelopes, &c., the daily average of which is, I understand, in the neighborhood of half a ton in weight. If postal stamps were put upon these, the apparent revenues of the Department would be increased by that amount, but whether the country would be any richer by the operation is a problem I leave to others more skilled in such mysteries to explain.

Now, sir, having referred to the "deficiency" in the Post-Office Department, permit me to say that I do not think it will be difficult to show whence it comes, nor to demonstrate to the House and the country why the expenditures in this Department are in excess of the receipts.

In the forty-eight States and Territories, including Alaska and the District of Columbia, the expenditures for the fiscal year ended June 30, 1873, exclusive of the amount paid for foreign mails, mail-bags, postage-stamps, and items of a general nature, and including a small amount of miscellaneous items, were $26,609,963.93. And the receipts, exclusive of money-order business, fines, dead letters, &c., were $22,905,658.48—leaving a total deficit on this account of $3,704,305.45.

In only seven of the States did the receipts exceed the expenditures, namely:

New Hampshire	$29,983 83
Massachusetts	641,860 27
Rhode Island	104,593 04
Connecticut	122,642 97
New York	1,392,526 59
New Jersey	2,058 06
Pennsylvania	398,448 54
Total excess of receipts	2,692,113 30

While, in all the other States and in the Territories, the expenditures were in excess of the receipts, and some of them very largely, as follows:

Maine	$18,274 81
Vermont	30,954 90
Delaware	2,300 37
Maryland	102,858 06
Virginia	218,718 81
West Virginia	60,076 91
North Carolina	117,648 53
South Carolina	79,998 74
Georgia	84,242 90
Florida	166,059 60
Ohio	224,749 11
Michigan	112,003 65
Indiana	145,504 83
Illinois	200,882 59
Wisconsin	77,758 76
Iowa	230,024 59
Missouri	264,758 56
Kentucky	129,052 52
Tennessee	136,430 81
Alabama	173,738 60
Mississippi	155,587 98
Arkansas	272,350 01
Louisiana	145,483 21
Texas	478,825 10
California	587,513 28
Oregon	66,400 36
Minnesota	126,002 68
Kansas	249,467 69
Nebraska	309,325 79
Nevada	145,047 44
Colorado	141,590 59
Utah	346,588 65
New Mexico	312,941 22
Washington	162,742 36
Dakota	20,461 41
Arizona	70,438 07
Idaho	100,552 60
Wyoming	4,753 27
Montana	116,748 31
Alaska	206 38
District of Columbia	62,313 61
Total excess of expenditures	6,452,277 72

In the eleven States of Virginia, North Carolina, South Carolina, Georgia, Florida, Tennessee, Alabama, Mississippi, Arkansas, Louisiana, and Texas, there was an excess of expenditures over receipts of $2,029,084.29, and in Utah and New Mexico the excess was $659,529.87.

It is manifest, therefore, even from the hurried reference I have made to the official records, that these deficiencies are occasioned principally by the extended lines and additional service upon our mail-routes, and not by an increased volume or bulk of mail matter transported. In the older and more thickly settled States, with their larger population, greater commercial activity, and more fully developed resources, and where the mails are heavier, the receipts, it will be observed, are much in excess of the expenses, while in the more sparsely populated districts, where the mails are lighter, and the distances greater, the expenses not only exceed the receipts in their own sections of the country, but absorb the balances in favor of the service in the other States, and swell the deficiencies to the proportions I have already stated.

It is possible, I believe, sir, that some of these expenditures, especially in the Territories, may be reduced without detriment to the service or serious inconvenience to the inhabitants, by limiting the amount of service upon some of the routes; and at the proper time I shall, in the interest of economy and retrenchment, call the attention of the House to that subject. But while I hold it to be the duty of Congress to economize and reduce expenditures in every form and in every direction in which the burdens of the people may be lightened, and while I shall continue to give in the future, as I have in the past, my earnest support to every just measure of economy, yet I do not wish to be understood as advocating the policy of abridging the proper mail facilities of the public, or of crippling the postal service and depriving the people of the incalculable benefits and advantages enjoyed by them, merely because the Post-Office Department is not, in this age of improvement and development to which it contributes so largely, a paying or self-sustaining institution. The War and Navy Departments do not exhibit a cash balance in their favor upon the ledger of the Government, and yet, useful and necessary as they are justly admitted to be, it is doubtful whether both of them combined can be regarded as so potent an agent of civilization as this.

Let but half a dozen of our enterprising citizens plunge into the wilderness and commence to-day a settlement far beyond the boundaries of civilized life, and before the smoke shall have curled a fortnight above their humble dwellings, they will be asking for the establishment of a post-office and a post-route to reach it. And it is right and proper that it should be so. The millions of acres of our public lands

awaiting development will remain unoccupied and unimproved, and will pay no taxes and furnish no revenues to aid in the support of Government, unless the hardy pioneer, braving the perils and enduring the privations of frontier life, is advised that the Government will treat him like all the rest of his fellow-citizens, and will not regard him as an exile from the old home and friends he has left behind.

I have referred to these statements, Mr. Speaker, to show why it is we are having these "deficiencies," and why we have had them, from year to year, every year, I believe, with the exception of one, since 1851; but I do not believe, sir, that the most searching examination of the details of these expenditures will furnish any, even the slightest, ground for adverse criticism of the Department whose officers have honestly, economically, and faithfully performed their whole duty to the Government, and have so successfully met the highest expectations of the people.

The attention of the House was called, a few days since, by the distinguished gentleman from Massachusetts [Mr. DAWES] to the increase in the gross expenditures of the post-office from 1837 to the present time, but he omitted to give us, along with his general statement of the expenses, any information in relation to the increased receipts of the Department during the same period, and, what was far more important, in my opinion, he failed to make any reference to the wonderful development of the country which has so largely and imperatively demanded a corresponding increase in our postal accommodations and facilities.

At the commencement of the period he has seen proper to select we had a population of less than 15,000,000, who were accommodated with about 11,000 post-offices, supplied by 125,000 miles of post-roads, not one mile of which was recognized as railroad service. At the end of the second period (1855) our population did not exceed 27,000,000, and we had but 24,410 post-offices, employing about 228,000 miles of post-roads; while, at the termination of the next period indicated by him, (1866,) with a population of about 34,000,000, we had 23,828 post-offices, using 180,921 miles of post-roads; and at the close of the last fiscal year, (1873,) with a population of at least 40,000,000, we had 33,244 post-offices, with 256,210 miles of post-routes, 3,457 miles of which were upon the railroads of the country.

With post-offices more than treble in number, with a population much more than double, with postal service twice and thrice a day in place of weekly mails, and with post-routes more than twice as long as they were thirty-seven years ago, it is not surprising that there should be the increase spoken of in the amount of the expenditures of the Department.

A comparison with the expenses of the "post" established by the United Colonies on the 26th of July, 1775, when Benjamin Franklin was chosen the first Postmaster-General, to hold his office at Philadelphia, with a salary of $1,000 per annum for himself, with power to appoint a secretary, if necessary, at an annual salary of $340, and directing "the establishment of a line of posts from Falmouth, in New England, to Savannah, in Georgia, with as many cross-posts as the Postmaster-General should think fit," would show more astonishing increase, and yet it would but serve to prove the still more astonishing progress and advancement of the country.

That the question of the postal revenues and expenditures may be more fully understood, I also ask attention to a statement made from the records of the Department, showing the number of post-offices and length of post-roads in the United States, the annual amount paid for mail transportation, and the amounts of postal revenues and expenditures, at periods of five years from 1790 to 1840, inclusive, and in each year from 1840 to 1873, inclusive, with the length of the railroad portion of the post-roads, the length of railway post-office lines, and the cost of the railroad portion of the transportation, from the date of the commencement thereof. (See tabular statement foot of next column.)

The third section of the bill will, if passed, be substantially but a re-enactment of the law authorizing the free exchange of newspapers, periodicals, and magazines between publishers, and the free circulation of newspapers to actual subscribers residing or receiving the same within the county of publication, as it stood prior to the 1st day of July last.

In tracing the origin of this provision it is remarkable at how early a date the fathers of the Republic recognized the value and importance of this means for the dissemination of intelligence and information among the people.

The men who believed that governments derived their just powers from the consent of the governed, and who were seeking to establish justice, to insure domestic tranquillity, provide for the common defense, promote the general welfare, and to secure the blessings of liberty to themselves and their posterity, could not long remain indifferent to this most powerful agency for the education and enlightenment of those in whose keeping the new government was to be intrusted, and therefore we find that the Second Congress under the Constitution, at its first session, made full provision for the free exchange of newspapers through the mails.

In the first general ordinance for regulating the post-office of the United States of America, after the declaration of independence, and passed on the 13th day of October, 1782, it was ordained by the United States in Congress assembled—

That letters, packets, and dispatches, to and from the members and secretary of Congress, while actually attending Congress; to and from the Commander-in-chief of the armies of these United States, or commander of a separate army; to and from the heads of the Departments of Finance, of War, and of Foreign Affairs of these United States, on public service, shall pass and be carried free of postage.

At the first session under the Constitution, Congress, by an act approved September 22, 1789, enacted that the regulations of the post-office should be the same as they were under the resolutions and ordinances of the late Congress, and this provision was continued and re-enacted from time to time, until February 20, 1792, when, in the first law passed by the Congress of the United States "to establish the post-office and post-roads" within the United States, containing general rules and regulations for the government thereof, it was enacted—

That the following letters and packets, and no other, shall be received and conveyed by post, free of postage, under such restrictions as are hereinafter provided, that is to say: all letters and packets to or from the President or Vice-President of the United States, and all letters and packets, not exceeding two ounces in weight, to or from any member of the Senate or House of Representatives, the Secretary of the Senate or Clerk of the House of Representatives, during their actual attendance in any session of Congress, and twenty days after such session; all letters to and from the Secretary of the Treasury, and his assistant, Comptroller, Register, and Auditor of the Treasury, the Treasurer, the Secretary of State, the Secretary of War, the commissioners for settling the accounts between the United States and individual States, the Postmaster-General and his assistant.

And by the twenty-first section of the same act it was provided—

That every printer of newspapers may send one paper to each and every other printer of newspapers within the United States free of postage, under such regulations as the Postmaster-General shall provide.

And that privilege was continued, in some form, from that date until the passage of the act of March 3, 1873, when, by a sweeping provision, inadvertently inserted as a proviso to the third section of the act making appropriations for the service of the Post-Office Department, and passed without sufficient, or perhaps any consideration, in the confusion attendant upon the last hours of the session, all laws permitting the transmission by mail of any free matter after June 30, 1873, were repealed, and this privilege, which had been enjoyed for a period of eighty-one years, nearly as long as the franking privilege of members of Congress, heads of Departments, and other officers of the Government, was taken away.

Statement showing the number of post-offices and length of post-roads in the United States, &c.

Years.	Number of post-offices.	Length of post-roads in miles.	Length of the railroad portion of such post-roads.	Length of railway post-office lines.	Paid for transportation.	Paid for railroad portion of such transportation.	Postal revenues.	Expenditures.
1790	75	1,875	.....	.....	$22,081 00	.....	$37,935 00	$32,140 00
1795	453	13,207	.....	.....	75,359 00	.....	160,620 00	117,893 00
1800	903	20,817	.....	.....	128,644 00	.....	280,804 00	231,904 00
1805	1,558	31,070	.....	.....	239,635 00	.....	421,373 00	377,367 00
1810	2,300	36,406	.....	.....	327,966 00	.....	551,684 00	495,969 00
1815	3,000	43,748	.....	.....	487,779 00	.....	1,043,065 00	748,121 00
1820	4,500	72,492	.....	.....	782,425 00	.....	1,111,927 00	1,160,926 00
1825	5,677	94,052	.....	.....	785,646 00	.....	1,306,525 00	1,229,043 00
1830	8,450	115,176	.....	.....	1,272,156 00	.....	1,919,300 00	1,959,109 00
1835	10,770	112,774	.....	.....	1,553,222 00	.....	3,152,376 00	2,585,108 00
1840	13,468	155,739	.....	.....	3,213,042 61	§$595,353	4,543,521 92	4,718,235 64
1841	13,778	155,026	.....	.....	3,034,813 91	§585,843	4,407,726 27	4,449,527 61
1842	13,733	149,732	3,091	.....	4,192,196 06	432,568	5,029,506 65	5,674,751 76
1843	13,814	142,295	3,714	.....	2,982,512 47	531,752	4,296,225 43	4,374,753 71
1844	14,103	144,687	.....	.....	2,912,946 78	§802,206	4,237,287 83	4,296,512 70
1845	14,183	143,940	4,092	.....	2,808,630 48	562,141	4,439,841 80	4,320,731 99
1846	14,601	149,670	4,402	.....	2,597,454 66	587,769	4,089,089 97	4,084,332 42
1847	15,146	153,818	4,735	.....	2,476,455 68	597,923	4,013,447 14	3,971,275 12
1848	16,159	163,208	4,957	.....	2,545,232 12	587,204	4,161,077 85	4,326,850 27
1849	16,747	167,703	5,497	.....	2,577,407 71	635,740	4,705,176 28	4,479,049 13
1850	18,417	178,672	6,886	.....	2,965,786 36	818,227	5,499,986 86	5,212,953 43
1851	19,796	192,026	8,255	.....	3,538,063 54	985,019	6,410,604 33	6,278,401 68
1852	20,901	210,020	10,146	.....	3,939,971 00	1,275,520	6,925,971 28	7,108,459 04
1853	22,320	217,743	12,415	.....	4,495,968 00	1,601,329	5,940,724 70	7,982,756 59
1854	23,548	219,935	14,440	.....	4,630,676 00	1,758,610	6,955,586 22	8,557,424 12
1855	24,410	227,908	18,333	.....	5,345,238 00	2,073,089	7,352,136 13	9,968,342 29
1856	25,565	239,642	20,323	.....	6,035,374 00	2,310,389	7,620,821 66	10,407,868 18
1857	26,586	242,601	22,530	.....	6,622,046 00	2,559,847	8,053,951 76	11,507,670 16
1858	27,977	260,603	24,431	.....	7,795,418 00	2,828,301	8,186,792 86	12,721,636 56
1859	28,539	260,053	26,010	.....	9,468,757 00	3,243,974	7,968,484 07	14,964,493 33
1860	28,498	240,594	27,129	.....	8,808,710 00	3,349,602	9,218,067 40	14,874,772 89
1861	*28,586	†140,399	‡22,018	.....	†5,309,454 00	‡2,543,709	9,049,296 40	13,606,759 11
1862	*28,875	†134,013	21,338	.....	†5,853,834 00	2,498,115	9,012,549 56	11,125,364 13
1863	*29,047	†139,598	22,152	.....	†5,740,576 00	2,538,517	11,163,789 59	11,314,206 84
1864	*28,878	†139,171	22,616	.....	†5,818,469 00	2,567,044	12,438,253 78	12,644,786 20
1865	20,550	142,340	23,401	.....	6,246,884 00	2,707,421	14,556,158 70	13,694,728 28
1866	23,828	180,921	32,092	.....	7,630,474 00	3,391,592	14,386,986 21	15,352,079 30
1867	25,163	203,245	34,015	4,435	9,336,286 00	3,812,600	16,137,026 87	19,235,483 46
1868	26,481	216,928	36,018	7,019	10,266,056 00	4,177,126	16,292,600 80	22,730,592 65
1869	27,106	223,731	39,537	7,201	10,406,501 00	4,723,680	18,344,510 72	23,698,131 50
1870	28,492	231,232	43,727	8,252	10,884,653 00	5,128,901	19,772,230 65	23,998,837 63
1871	30,045	238,359	49,834	11,208	11,529,395 00	5,724,979	20,037,045 42	24,390,104 08
1872	31,863	251,398	57,911	14,117	12,572,264 00	6,502,771	21,915,426 37	26,658,192 31
1873	33,244	256,210	63,457	14,866	13,635,341 00	7,257,196	22,996,741 57	29,084,945,67

* Including suspended offices in rebellious States.
† Exclusive of routes in rebellious States.
‡ Six thousand eight hundred and eighty six miles in length, and $978,910 in cost. discontinued in rebellious States.
§ Railroad and steamboat service combined.

This action of Congress having been made the subject of much adverse criticism, it may be interesting, at least, to state briefly its history, as shown by the official records.

By the act approved January 31, 1873, entitled "An an act to abolish the franking privilege," which originated in the House of Representatives, it was enacted—

That the franking privilege be, and the same hereby is, abolished from and after the 1st day of July, anno Domini 1873, and that thenceforth all official correspondence, of whatever nature, and other mailable matter sent from or addressed to any officer of the Government or person now authorized to frank such matter, shall be chargeable with the same rates of postage as may be lawfully imposed upon like matter sent by or addressed to other persons: *Provided*, That no compensation or allowance shall now or hereafter be made to Senators Members, and Delegates of the House of Representatives on account of postage.

This, it will be observed, did not reach or affect the free transmission of newspapers or exchanges, but only took the franking privilege from members of Congress and the officers of the Government. At a later period in the session, however, and after the annual post-office appropriation bill had passed the House and had gone to the Senate, without any provision in relation to that subject, the Senate Committee on Appropriations reported an amendment to the bill as follows:

Provided, That all laws and parts of laws permitting the transmission by mail of any free matter whatever be, and the same are hereby, repealed, from and after June 30, 1873.

And the Senate, on February 21, 1873, agreed to the provision—ayes 24, noes not counted.

The bill having been returned to the House on February 24, 1873, Hon. Frank Palmer asked and obtained unanimous consent from the House to have the bill taken from the Speaker's table and referred to the Committee on Appropriations.

On March 2, 1873, Mr. Palmer reported the bill back, and asked and obtained a non-concurrence in the Senate amendments, and a committee of conference was ordered.

So that it will be seen the House refused to adopt this amendment of the Senate.

Upon the 3d of March, 1873, the last day of the session, the committee of conference, appointed as before stated, made report as follows, (see Congressional Globe, page 2094:)

The committee of conference on the disagreeing votes of the two Houses on a bill (H. R. No. 3498) entitled "An act making appropriations for the service of the Post-Office Department for the year ending June 30, 1874," respectfully report that having met, after full and free conference thereon, have agreed to recommend, and do recommend, that the House recede from their disagreement to the amendments of the Senate, numbered 1, 2, 4, 6, 7, and 10, and agree to the same.

That the Senate recede from its amendments numbered 3 and 9.

That the House recede from its disagreement to the amendment of the Senate numbered 5, with an amendment, as follows:

Line 4, page 5, strike out all after the words "to wit," down to the word "that," in line 6, and agree to the same.

The previous question was seconded and the main question ordered; and under the operation thereof the report was adopted.

Thus, under the operation of the previous question, without a word of explanation of the nature of the amendments, in the closing hours of the session, this important amendment was adopted, adding another to the long list of unwise laws that have been passed through legislative bodies upon the eve of an adjournment when sufficient time could not be taken for their consideration.

That this Congress will correct the error by the passage of this bill, I have no doubt. There never was any good reason for the enactment of the law it proposes to repeal, which could only be regarded as imposing an unjust tax upon intelligence; and I am glad to find that the Postmaster-General, in a recent communication, takes occasion to express his approval of this proposition of the committee, and gives the powerful aid of his official position and influence in its support.

At the dawn of the Revolution there were but thirty-six newspapers published in all the land. In New Hampshire, one; Massachusetts, six; Rhode Island, two; Connecticut, four; New York, four; Pennsylvania, nine; Maryland, two; Virginia, two; North Carolina, two; South Carolina, three; and in Georgia, one.

In 1870 we had 4,295 weekly newspapers, having a circulation of 10,594,643. We had, at the same time, 574 daily papers, with a circulation of 2,601,547; 107 tri-weekly, and 115 semi-weekly newspapers, and with the monthly and quarterly publications making a grand total of 5,871, with a circulation of 20,842,475, and the enormous aggregate of 1,508,548,250 copies issued annually.

The history of the newspaper press in this country, and of its steady advancement and magnificent success, would be but the history of the country itself. Defending, educating, or leading public opinion, it has, as a rule, been found in the advance in all measures of progress and reform, and who so bold as to venture to conjecture how much this country is to-day indebted to this agency, fostered, encouraged, and protected by the people and the Government as it has been in the past, for our national greatness, prosperity, and renown.

These weekly newspapers, let me add, reaching as they do every fireside, every workshop, every abode of civilized life, and shedding their rays of intelligence even in the remote and waste places not penetrated by other means or agencies of education and information, exert an influence at once too powerful to be neglected, and of far too much national importance not to command and receive the respectful consideration of the representatives of the American people.

Finance—Currency.

SPEECH OF HON. LEWIS V. BOGY,

OF MISSOURI,

IN THE UNITED STATES SENATE,

February 19, 1874.

The Senate having under consideration the bill (S. No. 432) to amend the act entitled "An act to provide for the redemption of the 3 per cent. temporary-loan certificates, and for an increase of national-bank notes," approved July 12, 1870—

Mr. BOGY said:

Mr. PRESIDENT: The subject of finance in its various bearings, including expansion and contraction, resumption of specie payments and its opposite, the relative difference as well the relative advantages or disadvantages between national currency and legal-tenders, and finally, the issue of bonds of low interest, convertible at the option of holders into legal-tenders, has been discussed by different Senators. The discussion has been, Mr. President, very instructing, exhibiting great research and reflection. It is therefore with no little diffidence that I undertake at this late hour to venture to say a few words.

I am, strictly speaking, a hard-money man. I profess to belong to the school at whose head stood, many years ago, the most illustrious of my predecessors on this floor. Well do I remember the time when Colonel Benton made this question the corner-stone of his party in my State. I hope it will not be considered out of place for me, while engaged in the discussion of a subject in which he exhibited such wonderful abilities, to say that I am truly proud to be the successor, however humble, of one so distinguished as he was. It may be considered, therefore, very strange, after such an avowal, for me to advocate a policy apparently the very opposite of what he advanced and successfully carried out. Hence the necessity for me to give the reasons of this apparent inconsistency. This I will now undertake to do as briefly as possible.

The present system of making paper and calling it money I do not approve. But the fact that this system does exist cannot be denied; and it is not in my power to change it. My object is simply to secure, from a system not approved by me, all the advantages which I think the trade and commerce of my section stand in need of. It is not necessary to go into a formidable array of figures to establish the fact that the currency of the national banks is not fairly distributed between the East and the West. This is admitted by every Senator on this floor. This being the case, I claim we have the right to a fair distribution, based on wealth and population, extent of trade and productions. Who can honestly deny our right to a fair distribution? I presume no one will rise to his feet on this floor and deny our rights in this respect. The right being conceded, the next question is, have we the wealth and population, the trade and productions, which justly entitle us to more currency?

I will not detain the Senate by going into the details to establish our just right to an increase of currency. It will be sufficient to say that the Comptroller of the Currency, whose report is able, founded on official facts that nobody denies, says that the East obtained at the outset an excess of ninety millions. Since then fifty-four millions have been issued, leaving yet a large deficiency. Senators from the East admit in argument the fact as stated, but say, first, that we have not the bonds in the West to get this currency; secondly, if we had, the creation of banks would not add to our circulation; and, thirdly, the balance of trade being against us, if the money was issued in the West, would immediately find its way to the great money centers of the East, as water will find its level.

I answer, if we have not got the bonds, parties in the East who have them would gladly avail themselves of the opportunity to engage in the banking business in the West, for the simple reason that capital will always seek for places where it can be profitably engaged. Nor is it strictly correct that we have not the means to organize banks. There is money in the West; it may be scattered in small sums among many persons, but if a good opportunity was offered to invest it in safe bank stocks much that is now hid away would come out from its hiding places. If the business of the West will justify banking, no one can doubt but that the banks would be organized. I will not take the time of the Senate to argue this point.

In answer to the second point, I will say that it is true the creation of banks under this banking law does not add to the wealth of the country. Bonds being worth a premium of 15 per cent., the sum of one hundred and fifteen dollars will only yield ninety in currency. But we need banking facilities, banking machinery, and in other words the aggregation of money at one center, which is called a bank. Without banks, or this concentration of money at common centers, commerce at this age cannot be carried on. This is a fact so well known to persons who have made this a study that it need not be argued. Banks are a necessity of this commercial age. No nation, no city, no man, can carry on commerce and have nothing to do with banks; and with the extension of commerce are banks multiplied.

In answer to the third objection—namely, that even if currency was issued in the West and South it would soon find itself in the great money centers of the East—I will say that this argument is

founded on one of the most singular mistakes that ever entered into the mind of anybody. It is not true that the balance of trade is in favor of the East and against the West and South. Cast up the value in dollars of the products of the West and South and the reverse of this will be found to be the fact. Time will not allow me to go into these details. I merely state the fact. I have still a better and stronger argument.

If we can succeed in getting for the West the amount of currency that we are so justly entitled to, it will enable us to turn our attention and energies to new fields of labor. Thus far we have mainly been engaged in agriculture; but if we could get the means, there is no country in the world that would be able to compete with us in manufactures. My own State is burdened with minerals, rich in quality, various in kind, and inexhaustible in quantity, with water, timber, soil, climate, and rivers. Yet, because we do not manufacture, but buy everything from abroad, we are poor and have no money.

I could mention from twenty-five to fifty towns in my State—not now prosperous—which would flourish and prosper by establishing in each one an extensive manufacture. Locate a bank of $250,000 in any of these towns, and it would at once enable some men of enterprise to engage in some new branch of business. And without this banking facility, the means do not exist, because it is not concentrated in one common center; it may exist, but it is scattered in very many hands and hid away in old stockings.

We now produce more meat and breadstuffs than we can find a market for, and even the market we have is too distant, and our profits are all eaten up by cost of transportation, and by the middle-men, who have necessarily to be employed as long as the market is so far away.

Formerly, within my recollection, we had a market at home, for two reasons: our products were limited, because our population was small, and the immense immigration flowing into the Western States of Indiana, Illinois, and Missouri consumed everything at home. This is no longer the case; hence the time has come when we must create a home market, and for this we need money.

Therefore I am in favor of an increase of currency; I do not admit that I am in favor of expansion, still less of an irredeemable currency. I hold that when we take into consideration the population, wealth, production, and the energy and intelligence of our people, we are certainly entitled to as much money *per capita* as the people of England, France, or Germany; and I see no reason why the West should not have as much per head as New England.

The legalizing of the forty-four millions legal-tender reserve, and the additional issue of forty-six millions of national-bank notes—making four hundred millions of legal-tenders, and four hundred millions of national notes, say eight hundred millions—would give twenty dollars a head for the entire nation, which is less than they have in the commercial nations of Europe.

That this augmented issue would to some extent impair the profits of a certain class I have no doubt; but this class is not the producing one; it consists of money-lenders and capitalists in favor of high interest. That this amount of money would enable the West to engage in new enterprises is to my mind as clear as any rule in arithmetic. To allow to this people a sufficient amount of currency—although it may be an augmentation of the present volume—is not inflation. I understand inflation to be an amount beyond the business wants of the country; but within the limits required by the needs of trade and commerce it is not inflation. I admit it is not competent for the national Government to do this wisely, and hence I offered a resolution, now pending before the Finance Committee, to to leave this question to the different States. But as long as I am forced to live under the system as it is now, I desire that we should get what our rights and business necessities require.

The whole West is poor, and far from being prosperous. The seasons have been favorable, and our crops large, and prices not bad; yet we have no money, and our people can hardly pay their taxes. Give us this increase, and in less than two years the valley of the Mississippi in its whole extent will be the most prosperous country of the world. Having all the elements of wealth in abundance, all we need is the vital spark to be infused into us.

But, sir, we have heard much about the ruinous effects of expansion and the terrible and more than ruinous effects of an irredeemable paper issue. Senators have given wings to their imaginations, and have gathered arguments from other nations and other ages. The facts stated by them are no doubt historic facts, but their application to our age and country requires, indeed, more imagination than sound logic. No one will deny that too much medicine will kill. But, on the other hand, is not death as certain to happen if no medicine be given in cases where it is admitted to be necessary?

An excess of currency, or an irredeemable paper currency, is certainly as destructive to public prosperity as anything can well be. An issue of money like the continental money, or the French *assignats*, or the money of John Law, is the financial ruin of any nation that will tolerate it. But is this the fact with our currency, whether legal-tenders or national notes? Who can say that it is not good; who can say that it will not always be good It may be true that it is not equal to gold; but is it valueless, like the continental money or the French *assignats*? I would certainly prefer gold; but if we cannot get gold, are we to do without the next best thing? I agree with those Senators who have spoken so well and eloquently as to the advantages of gold, and that it is the only true money of the commercial world. The theories laid down in the books are correct, and are sustained by the experience of mankind in all ages.

The first transaction in real estate was the purchase by Abraham from the sons of Heth. The Good Book tells us that Abraham paid "four hundred shekels of silver, current money witht the merchants," to the sons of Heth for the purchase of Machpelah, where Sarah was buried. This was in "the field of Ephron, which was in Machpelah, which was before Mamre." This, I repeat, was the first transaction in real estate, and paid for with coin, being current money. From that day to this, coin, whether silver or gold, has been the recognized medium of exchange by all nations of the world. I am not here to argue against this fact, for indeed I profess to be a disciple of that school myself. Statesmanship is practical; and however correct theories may be, there are times and places when true wisdom dictates a departure from them.

I doubt very much whether our foreign commerce will be as great and as profitable with paper as our medium as it would be with gold. I know that at the counter of the great clearing-house of the commercial world, where every nation has once a year to make a settlement, nothing is received but gold. Hence, I repeat, until we do resume I doubt if our foreign commerce will be what it would if we had gold as our medium. But I do say that resumption under the present condition of our commerce, and the fact that thirteen hundred millions of our bonds are held in Europe, is impossible.

I will read a few words from the report of the Secretary of the Treasury on this subject:

During the fiscal year ending June 30, 1873, the value of merchandise imported into the United States was $642,029,539, as against $626,595,077 for the previous year.

The export of gold and silver in excess of the imports was $53,127,637, as against $66,133,845 for the previous year.

The balance of trade in merchandise has been largely against the United States for many years, and the country has exported during the twenty years, ending with the last fiscal year, gold and silver to the extent of more than $1,000,000,000 over and above the amount imported.

In twenty years this nation has exported over $1,000,000,000 of gold, while not one of the other commercial nations of the world has exported one dollar more than it imported. Other nations have exported gold, of course, but the imports have exceeded the exports. England, France, Germany, Italy, Austria, each and all, during that same period of time, increased continually their gold supply; while we have been exporting until in the last twenty years we have exported $1,000,000,000. I say as long as this fact continues and gold only receivable in payment of duties, it will be difficult, if not impossible, to resume specie payments successfully.

I will not here undertake to refute the arguments on this branch of the subject, for they are doubtless true, but they are not applicable to our situation. With the balance against us and in favor of foreign nations of sixty-three millions a year, and one hundred millions to be paid for interest on our bonds, namely, on eight hundred millions of United States bonds, and five hundred millions of State, city, and railroad bonds, and the fact that all duties, amounting to two hundred millions, are required to be paid in gold, resumption is as impossible as it would be to fly to the sun with the wings of the fellow of old who made the trial, but fell and lost his life.

Hearing this learned discussion reminds me of that dismal place spoken of by Milton—

> That Serbonian bog
> Betwixt Damatia and Mount Casius old,
> Where armies whole have sunk.

The subject has been mystified by too much learning about other nations. Our position is different from any other nation on the globe. We are growing and getting greater and richer by mere natural growth, while other nations have obtained their zenith and many of them are on the down-hill course.

To resume specie payment is to contract, and every proposition which has been made leading to resumption was based either on contraction of the currency or on accumulation of gold in the Treasury of the nation. To contract is to bring every business man as well as every branch of business in the West under the greatest pressure, and many of our most enterprising and careful men to utter ruin. This I look upon as the most cruel thing which this Government could do: to force men to be ruined in spite of their industry, sobriety, prudence, and judgment; to be ruined by the Government that should give you all the help and protection possible.

Contraction is utter folly. To accumulate gold is not better. There are in this country, according to the best-informed statisticians, about one hundred and fifty millions of gold. Of this amount the Government has all the time on hand from fifty to one hundred millions, or about seventy-five millions on an average. Very little more, therefore, could be obtained from our own country. How can we get it from abroad? It must be remembered that the balance of trade is against us to an amount of about sixty millions annually. Therefore we could not get gold in the way of our foreign commerce. How, then, are we to get it? There is only one other way—to sell bonds in Europe for gold, and thereby increase our foreign bonded debt. But could this be done; and, if it can, ought it to be done? No one, I think, will get up in this body and sustain the proposition. How, then, are you to get the gold? Another way suggests itself to my mind, which is for the Government to buy all the cotton of the Southern States with greenbacks and sell it for gold; this would realize some two hundred to three hundred million dollars; but then how would

you pay for the importations of foreign goods now settled for by our cotton crop, amounting to about three hundred millions? You see in what a vicious circle of absurdities you would find yourself.

Desiring resumption myself at a proper time, I see but two ways to reach it: first, by giving more money to the West so as to enable it to manufacture, and thus stop foreign importations, and in this way turn the balance of trade in our favor; and, secondly, by providing that at least one-half of the duties on imports shall hereafter be paid in paper money.

The amount of duties collected annually is about two hundred millions. About one hundred millions are required to pay the interest on our bonds held abroad. By collecting one-half in paper money, we still would have enough to pay this annual interest. The demand for gold would cease, and the premium would, as a consequence, soon be but nominal. The advocates of resumption are all, however, opposed to this. They themselves depreciate the paper of the Government, and it does seem to me that as long as this continues no resumption can take place. For, rest assured, the mere saying that we will on a given day resume will amount to nothing, and resumption would be of very short duration. This must come, when it does, as the natural outgrowth of a wise system, and not by any arbitrary enactments.

Yet, Mr. President, I hope to see the day when this whole system will be wiped out; when such a thing as the Federal Government making paper and calling it money will be a thing of the past. The whole subject should be as speedily as possible removed from the Halls of Congress and remitted to the States. The resolution I introduced some time ago, and now before the Committee on Finance, fully explains my views on the subject. Let each State be the judge of the amount of banking capital its business wants require, as also the number of banks. Let each one provide what security it may deem proper for its depositors. Yet, as the notes issued perform a function which is national, because they circulate in every part of the country, the security for their redemption should also be national. This would be effected by the deposit of Government bonds as now required by the national banking law—*State independence with national security.*

I regret, Mr. President, that I have spoken so long; it was not my wish. But in attempting to consume as little time as possible, I have stated merely the heads of my position. I feel, sir, that I know the interest of my section. I think I know the wants of our business men and manufacturers; and although I am not willing to be considered a sectional man in the discharge of the duties devolving upon me as a Senator of the United States, nevertheless, as different sections have different interests, it becomes a duty to plead for those who sent me here—to speak for them. In this spirit I present you their case, believing that the prosperity of the West and the South would increase the prosperity of the East and the North, and in this way the common good of all would be promoted.

Franking Privilege.

SPEECH OF HON. BENJ. F. BUTLER,

OF MASSACHUSETTS,

IN THE HOUSE OF REPRESENTATIVES,

February 25, 1874.

The House having under consideration the bill (H. R. No. 825) to provide for the distribution of public documents printed by authority of Congress, and of seeds furnished by the Agricultural Department, and for the free transmission of weekly newspapers by mail within the county where published—

Mr. BUTLER, of Massachusetts, said:

Mr. SPEAKER: I had but lately thought of taking part in this debate, and if I consulted my own convenience or health I would not do it now. But as my views upon this subject differ widely from many I have heard expressed, I wish to state them to the House and the country, that we may see exactly what is the matter about which we are legislating. Let us therefore go back to the beginning.

In our Constitution was given to the Government the right of establishing post-offices and post-routes. For what purpose? For the sole purpose that the Government might do its own business. There was no other way by which its orders could be sent out; by no other channel could the Government communicate with the people and its officers. Therefore post-riders, with saddle-bags upon the backs of horses, started from the capital with the messages of the Government, and they were franked; that is to say, they were free, because they were part of the machinery of government. Then the people desired to send their own messages by the Government's agents, and the Government put on the price according to the distance. So the system went on until, from the four-quire book in which Franklin kept the whole accounts of the Post-Office Department, it grew up to the immense establishment we have now.

In the mean time there has come a revolution so complete that we are discussing the proposition whether the Government shall pay its own expenses on its own messages and documents, and the documents of the people shall go free by the Government mails. So great is the revolution of thought as to the uses of the post-office. It is upon that point, Mr. Speaker, I desire the attention of the House.

Our fathers, our economical fathers, our pure and upright fathers, those to whom we are so fond of going back and saying how pure they were in the old days, used the franking privilege for all purposes of the agents of the Government, when every document had to be carried on horseback at an expense ten times greater than now, and nobody thought of abolishing it. This change of opinion is because of something which has grown up in our day.

In the process of time the newspaper press has taken possession of the mails, and printed matter has become by far the greatest bulk of our mail transportation. Let me state—for I have taken pains not to generalize but to get the very facts themselves, though I will not stop to read them even in the tabulated form—for the information of the House what I find to be a fact. Fifty-eight and a half tons of mail matter leave New York on an average daily, sometimes as high as one hundred tons, and of that amount eight and a half tons only are sealed packages of letters and correspondence. The rest is what? Forty-seven and a half tons of regularly issued newspapers and two tons of transient printed matter.

Now, I stop right here to notice in the very remarkable speech of my colleague what he claims to be the grand post-office abuse, calling for reform in administration. And that I may not deal with him unfairly, I send an extract to the desk to be read.

Mr. GARFIELD. Who speaks?

Mr. BUTLER, of Massachusetts. Mr. DAWES, the only one of my colleagues who makes remarkable speeches. [Laughter.] The speeches of my other colleagues are good; his are remarkable.

The Clerk read as follows:

Turn to the Post-Office itself. Has any gentleman looked at the gross expenses of the Post-Office for the last twenty years? From 1837 to 1850 the gross expenditures of the post-office were less than $4,500,000; from 1850 to 1855 they were only $8,000,000; from 1855 to 1866, after the war, they were only $15,000,000; but in 1873 they were $29,000,000; the estimates for the next year are $33,929,912. Now the whole expenses of the Government in 1846 were, as I have said, but a little more than $26,000,000. I know that the people of the United States demand every possible mail facility, and that the extension of mail facilities contributes to postal receipts, which, however, have not kept pace with the expenditures. The deficiencies are now twice what they were at the period to which I have referred, and were a million more last year than they ever were before.

But there are reforms in the Post-Office which I submit the people of this country will exact of us. Look at the fact that we are running the Post-Office in opposition to the express companies; that we load our mails with dead weight at half the rates at which we would carry printed matter. You can send dead weight under a certain limit for just half the rate at which you can send a book. Almost the entire bullion of the Pacific coast goes through the mails in this manner instead of being sent by express, because postage is cheaper than expressage.

A friend of mine went into a postal car the other day when the clerk was opening the mail-bag. There rolled out of the bag a great iron bolt of a peculiar construction, which, as appeared from the label upon it, was sent from Springfield, Massachusetts, to some large machine establishment in Ohio, and ten cents postage had been paid on it. It was one of the interchangeable parts of a machine manufactured at Springfield. This particular bolt had been broken, and the owner of the machine in Ohio had written to Springfield for the corresponding part, which was made and sent by mail at ten cents postage, instead of being sent by express at a cost of probably five or six times that amount. I only suggest this as one of the many things in which there is room for improvement.

Mr. BUTLER, of Massachusetts. Now, Mr. Speaker, we had a man in Massachusetts (unfortunately for the scientific world now deceased) who, if you could give him a single shell, could truly designate the age of the world in which the animal that bore it had existed. But he is dead, and his mantle has not fallen on my colleague. Now from that single "bolt," which could not have weighed more than ten ounces, because the postage on it was limited to ten cents, and which my colleague designates a "great bolt" because of the use he made of it, my colleague has attempted to fasten on the republican party the responsibility of a great abuse. Let us see in how far has he succeeded.

I have told the House that fifty-eight and a half tons of mail matter go out daily from New York on an average, and that forty-seven tons, leaving out the odd hundreds, are newspapers; the rest are books and transient printed matter, except eight and a half tons of letters. Now New York must send out more matter other than printed matter, known as "miscellaneous mail matter," than probably any city of the United States, because of samples of merchandise, &c., which would be likely to be sent from this center of commerce. How much do you suppose is the amount of all the miscellaneous matter, outside of printed matter, of the fifty-eight and a half tons, which is sent in the mails in daily average on which my colleague has framed an indictment of the extravagance of the republican party? Why, sir, four hundred and ten pounds. I speak by the card. I speak by exact statistics which I propose to print in the RECORD and which tell the exact story. The quantity of matter sent in "opposition to the express companies" amounts to four hundred and ten pounds daily only, while the newspapers weigh forty-seven and a half tons. We shall hardly break down the express companies by such an opposition as that, especially as the postage is greater, by nearly double in price by weight on the miscellaneous mail matter, than the price for the same matter by express.

Now, then, let us go a little further and see where the real profit and loss of the postal service is. How much postage do the letters pay? Over $20,000,000. How much postage do the newspapers pay? A little over $1,000,000. The weight of the letters is eight and a half tons, and if you add to that all the matter outside of newspapers, all the printed matter, transient papers and books, the weight is only about eleven tons, while the weight of the regular newspaper mail is forty-seven tons.

The following are the statistics in detail:

POST-OFFICE, NEW YORK, *February* 3, 1874.

SIR: In reply to your letter of the 24th ultimo, requiring an estimate of the number of pieces, weight and bulk of matter, of the third class, covering merchandise and samples of merchandise, and all other matter included under that head, *except printed matter*, I have to respectfully inform you that the following is an exhibit, made from actual count and weighing, for the week ending January 31, 1874, and is a fair average for the heaviest month in the year.

Date.	Pieces.	Weight.
	Number.	*Lbs. oz.*
January 26	1,931	554 4
January 27	1,788	497 8
January 28	1,445	350 2
January 29	1,973	382 4
January 30	1,320	330 1
January 31	1,540	349 5
Total	9,997	2,463 8

At 75 pounds to the sack, 2,463 pounds 8 ounces will equal about thirty-three sacks, or about ½ of 1 per cent. of the entire average quantity of matter, other than letters, dispatched from this office during a week.

Yours, very respectfully,

T. L. JAMES, *Postmaster.*

Hon. GEORGE S. BANGS,
General Superintendent of Railway Mail Service.

Average quantities of mail matter disposed of in one day at the New York post-office.

	Letters.	Bags.	Pounds.	Tons.
LETTER MAIL.				
Drop letters, for other offices, at ½ oz.	259,976	.....	8,124	.....
Received in mails for other offices, at ½ oz. (Average weight of pouch without contents, 7 lbs.)	19,273	.....	602	.....
Whole number of pouches dispatched for 338 post-offices and 92 routes	.....	624	4,368	.....
PAPER MAIL.				
Average number of sacks of matter received for distribution 1,473, at an average weight of 70 lbs. (Weight of sack without contents, 38 oz.)	.....	.....	103,110	.....
Whole number of sacks dispatched for 308 post-offices and 128 routes	.....	653	1,550	.....
	279,249	1,277	117,754	.....
FOREIGN MATTER.				
Received per steamer:				
Average number of letters	24,689	.....	502	.....
Contained in bags	.....	20	60	.....
Average number of bags of paper matter	.....	49	1,779	.....
	24,689	69	2,341	.....
Dispatched per steamer:				
Average number of letters	30,025	.....	556	.....
Contained in bags	.....	25	75	.....
Average number of bags of paper matter	.....	45	1,490	.....
	30,025	70	2,121	.....
LOCAL-LETTER MATTER.				
Carrier delivery:				
Mail letters	107,154	.....	3,348	.....
Drop letters	67,035	.....	2,094	.....
	174,189	.....	5,442	.....
Lock-box delivery:				
Mail letters	71,435	.....	2,232	.....
Drop letters	44,688	.....	1,396	.....
	116,123	.....	3,628	.....
RECAPITULATION.				
Domestic matter	279,249	1,277	117,754	52.56
Foreign matter inward	24,689	69	2,341	1.04
Total of matter dispatched over inland routes.	303,938	1,346	120,095	53.61
Foreign matter outward	30,025	70	2,121	0.95
Local matter:				
Carrier delivery, 174,189 letters; lock-box delivery, 116,123 letters	290,312	.....	.....	4.04
Carrier delivery, 5,442 pounds; lock-box delivery, 3,628 pounds	.....	.....	9,070	
	624,275	1,416	131,286	58.60

These tables were accompanied by the following memorandum:

As you will see by inclosed tables there is a daily average of fifty-eight and a half tons of mail dispatched from the New York post-office. There are days of every week in the year when one hundred tons are received and dispatched. There is a daily average of six hundred and twenty-four thousand two hundred and seventy-five letters received and dispatched, weighing eight and a half tons.

Of mail matter of the "third class," (see chapter 12, section 133, Post-Office Regulations,) except printed matter belonging to that class, only four hundred and ten pounds daily are received at the New York office. More samples of merchandise are received in the New York office than any half dozen other offices in the Union.

Of the daily average of fifty-eight and a half tons of matter sent from New York, over forty-nine tons are newspapers, magazines, pamphlets, books, and *transient* printed matter.

The assertion frequently made that the Post-Office Department is carrying what is called "express matter" *is not* true to any great extent. The mails, as a rule, are not used for merchandise and samples, &c., except in cases when *time* is an object, or where there are no express accommodations at either the place of dispatch or delivery; and there is the best reason in the world why the people do not use the mails instead of the express—*it costs more* in almost every instance.

All mail matter should be prepaid at the office of dispatch.

The letters pay $20,000,000; the newspapers pay $1,000,000. And yet they call upon us to relieve them even of this burden upon their business, and have the Government pay for all its own business from taxation of the people, and require everybody else to pay postage, while their business, paying now less than one-twentieth of the cost, causes quite six times the expense.

Sir, I propose to consider the franking privilege, or, I will say, the greatest abuse alleged against it; the one that has been most harped upon, the one that has been most attacked by the newspapers, and see whether even that is not perfectly defensible and to be justified. I think I can convince the House and the country that it is not an abuse.

It is said that at every presidential election the several parties—and there is no complaint that it is not done equally by all parties—that the several political parties in the country frank many millions of speeches and documents. That is true. To whom are they sent? To the people. What are those speeches and other documents? They are the best presentation of political ideas on the one side or the other that the managers of the several parties can find; the ablest presentation, the best method of putting their case, or they would not buy and fold and circulate them. What are they circulated for? For the education of the people. What are they? They are solid, compact, well-written documents, containing valuable information, with not a waste sheet of paper about them.

If the same speech is printed in a newspaper, then it is said it ought to go free. Why so? Is it any better? Are not those speeches and documents so prepared, chosen, and sent out quite equal to the ordinary daily effusions of the newspaper? Are they not carefully prepared, carefully delivered in the face of the country; prepared and delivered for the very purpose of enhancing the writers' or orators' reputations as debaters and statesmen before the country? Are they not then as likely to be quite as good as what some man, whom you might hire for twenty-five dollars a week, will get off in his attic daily in the newspaper? If no better, I trust nobody will say worse. Then why should it be an abuse to frank the speech if the newspaper article ought to go free?

Perhaps I might not object to the newspaper articles if they went through the mails by themselves and carried no dead weight with them. But, in order to send those articles in the newspapers through the mails free, you have four or five pages of business advertisements to carry free also. In order to get one column of the editor's ideas you have to take four or eight pages of everybody else's business cards in the shape of advertisements.

Which is the abuse? Sending this matter, much of which, giving it its highest character, is largely useless, or sending to the people without their paying anything for them, except so much by the ton on the railroad, the speeches which are made and the documents which are issued by both Houses of Congress?

Assume the argument is sound that the Post-Office should be used to educate the people by sending the newspapers free, are not these, our documents, quite as likely to be good vehicles of thought and instruction to the people as the newspapers, and far less bulky and costly of transportation than they are with these columns of local advertisements of no use to anybody?

What is the other abuse of the franking privilege that is complained of most loudly? It is that our committees and the Departments prepare reports by the most learned men upon all branches of human knowledge, and all matters of governmental concern, which are printed and compressed into the smallest space, and sent to the people; that is the "head and front of our offending" in this regard. They are sent to the people for what? For the use of the people and for no other purpose; for the instruction of the people, for the education of the people. Are they not quite as valuable as this broadside of advertisements telling who can sell baby-chairs, dolls, or whisky in some city? Here, now, is a paper, and not a bad paper as papers go, [holding up a paper in his hand.] Now, in order to get two columns of editorials to the people, you must send them this great paper, three-fourths of it covered with advertisements. They may be very valuable in the city where the paper is printed, but out on the prairies how useless, after they have been transported thousands of miles at public cost, but free to the newspaper makers. I am comparing the alleged abuse of the franking of documents and books by Congress with the fact. We send six times more in bulk every day of these papers than we do of letters. And we send only ½ of 1 per cent. in weight of seeds, cuttings, mineral specimens, "great bolts," and everything else, known as "miscellaneous matter" not printed. Yet this "miscellaneous matter" is the only abuse of which, in terms, in this part of his speech, my colleague [Mr. DAWES] complains—four hundred and

ten pounds daily of this, and forty-seven tons of newspapers. "One pennyworth of bread to all this sack."

I agree the newspapers are great educators. No man has an idea of the extent to which they educate the people, but also no man has any idea of *how* they educate.

We hear daily of murders, robberies, larcenies, rapes, burglaries, counterfeiting, defalcations, and frauds happening all over the country. When and whence comes this appalling increase of crime? The newspapers give every detail of how a murder has been, and often the way it may be, committed; how counterfeiting has been and can be practiced; how banks are broken open; how safes are robbed; every minutia is given. If there is a man with an insane delusion about murder, he is thus taught the way in which murder can be committed safely. And the last words of the dying murderer, as he expiates his crime on the gallows, are given with minuteness of detail; the prayers that are made over him; the heroic manner with which he bore himself on the scaffold, and that he died in the hope of a glorious immortality. Others with murder in their hearts are thus taught that they can be made famous at least by murder, and most probably enhance their hopes of final salvation by a repentance of their great sins on the scaffold. Do not these descriptions, illustrated by pictures, tend to enhance and stimulate murderous tendencies? The most thoughtful students of the psychology of crime have advised that executions should be private, because of their demoralizing tendencies; and in many of the States executions are allowed to be witnessed but by a few; yet by the newspaper descriptions all the details, dressed in the most glowing and sensational language, are brought to the eye of many, many thousands. A few hundreds only could see these executions, or hear the words of the condemned, if they were ever so public; but by printing and pictures they are visibly present to hundreds of thousands.

And if there is a case in court where prurient details must come out for purposes of justice, which ought to be heard by the triers only, in cases where in the old English courts, when any such details were to be heard for purposes of justice, the crier was ordered to proclaim, "Let the women and children withdraw"—all these are spread out in the newspapers in all their sickening and disgusting details, and we are asked to send them free to the people, to educate the youth of the country and familiarize their minds with obscenity and crime.

Sir, if any congressional committee ever franked any documents containing matter like this I would take away not only the franking privilege from the committee, but I would take away the committee itself. If we have ever ordered any such stuff to be printed, I will vote to expel the man who suggested the thought.

The question recurs, which is the abuse?

Yet we are told we must circulate such educational matter as this free. Nay, more, we are told that we ought to curtail our own privilege as public servants to correspond with our constituents, in order that the mails may be thus loaded down with this degrading, vicious, and poisonous matter. Think of it a moment, gentlemen; think of it fathers, brothers, good citizens. Ask your wives, mothers, sisters, daughters, what they think of it. They will tell you with one voice, sweet with angel purity, "Shut out, O, shut out, for virtue's sake, such demoniac stuff from family circles, our homes and our firesides."

Think not how much the people are educated by the newspapers, but how they are educated by the newspapers. Will you not only give a premium to have such pictures and details of crime sent to your families to be read by your children, but, in order that it may go free, will you abandon the right to send them the antidote to all this poison, thus poured into their young minds when you are away from them, in good advice, warning, and virtuous instruction, with equal facilities?

I call the attention of the country to this. It is said I am an enemy of the newspapers. By no means; I am an enemy only to their abuses. I desire that the children of this country shall not be taught where bad books can be bought, where lewd instruments can be found, and how to use them. I propose that the burglar shall not know the experience of every other burglar. I do not desire that the man who has an insane mind, ready to commit murder, shall be told exactly how it can be done, and done safely. I do not desire that the speech of the man on the gallows, wherein he claims that he is going straight from the foot of the scaffold to heaven, by the shortest road, may be sent abroad to induce every other person, who desires, to commit murder in order that he may reach heaven by the same road. If all this destructive and deleterious matter must go to our youth, I would rather it should not do so at the expense of the Government, if you please. Therefore I have no desire to pass this bill.

If I were content that all this matter shall be circulated free, I do not propose that the servants of the Government shall be themselves restricted in order to do it.

Who are we here? We are the servants of the Government, the servants of the people, responsible to the people for our action. We desire to communicate with our constituents; we cannot do it now except we pay for it. If a slander is charged upon one of us, we cannot reach our constituents with the refutation, while the slander is spread broadcast free by this bill. You, Mr. Speaker, may be attacked by a newspaper in your district. You get up here in Congress and repel the attack. How can you get that to your constituents? The newspaper that attacks you will not publish your answer?

I can give you an illustration. As gentlemen will remember, I rose the other day and stated that, in regard to a certain bill about Judge Durell, it had been charged in the papers that I had advocated it. I said that I had never heard or known anything about it; that the whole thing was a falsehood; that I did not know whether the bill legislated Judge Durell out of office or not. It was called "MOREY'S bill" in the newspapers. Mr. MOREY, of Louisiana, in aid of my explanation, rose and said that not only was what I had said true, but that the bill itself would not disturb Judge Durell. Now how do you suppose the newspapers, to which I called the attention of the House, treated that explanation? Why, sir, the next morning I saw substantially this in the newspapers: "General BUTLER rose to a personal explanation, and got into a controversy on a question of veracity with Mr. MOREY, of Louisiana." [Laughter.] That is all the retraction there was; that is all of the explanation that was given. The only way I could send it to a single man was to buy a CONGRESSIONAL RECORD and pay the postage upon it, while forty-seven tons of those lies were going through the mails at twenty-six cents a year; and even that, it is suggested, ought not to be paid.

Let us see exactly how this so-called franking privilege affects the members of Congress.

I do not mean to speak boastingly, but I wish to state the exact fact as to one member. I receive on an average over ten thousand letters a year. I have had a little examination made, and I find that in not one in twenty of those letters have I any personal concernment. They come from the widow of the soldier, from the maimed soldier, from my old army associates asking for pensions, and from persons all over the county asking for documents or for information from the Departments, or concerning matters before Congress, and the like. Up to this time I have paid out of my more than abundant salary the postage upon the letters I write in return. The poor soldier sending me a letter must prepay three cents postage. The letter asks me, for example, to send and get documents from a given Department and send them to him in order that he may make out a claim for pension. I have to pay postage when I send to the Department asking for those documents. The Department pays postage in sending them to me; or sends a special messenger with them. When they come to me they weigh perhaps two or three ounces, so that to send them to the soldier or other correspondent costs me ten, twelve, or fifteen cents. What am I to do? Am I to refuse to send them, or am I to pay the postage? If I send to my constituent to inform him that the documents are in my hands and that the postage must be paid upon them, I must pay three cents in writing to him, and he must pay three cents to send me the money or the stamps with which to pay the postage. As a matter of fact I send the documents and pay the postage. I cannot say, as did my colleague, "I do it cheerfully;" but I do it from a sense of duty and because I can afford to do it. But a still greater burden comes upon me from this correspondence, as it would be impossible for me to do even the formal work. To answer all these letters I have to keep two assistants to attend to this sort of business, or I should not have an hour even to look up a mistake of my colleague about the Post-Office [laughter] or any other matter of public business. Those assistants of mine, I am very certain, work more hours than any clerk in the Departments. These expenditures amount to a very considerable tax. At the end of the year I may tell the country how much, when I make up the expenses incident to congressional life.

Now, I presume that my experience corresponds precisely with that of other gentlemen. Not one in ten of your letters—not one in twenty perhaps—relates to any business that concerns you. You have all this correspondence to attend to; you have to get information or documents from the Departments and send it to your constituents; and more than that, you have to run the risk, where the amount of postage is doubtful, of having the document detained in the post-office because not fully prepaid. Not very long ago I had a very important document which was to go abroad. I did not know how much the postage was. My clerk put on as many stamps as he supposed to be right, and the document was mailed. Twenty days afterward it was returned to me through the dead-letter office. By this delay the document had become useless. The time had gone by in which it could serve the purpose for which it was designed. That document concerned the public service, and nothing else.

Yet we here are to bear all these expenses as an extra tax on ourselves. Why? Because our fathers did? By no means; but because somebody has abused the franking privilege at some time. I agree that there have been abuses of the franking privilege. There are bad men everywhere—fewer in Congress than elsewhere, because we are the chosen men of the people. I speak with reverence, I hope, in saying that when Omniscience undertook to select the twelve disciples one of the twelve had a devil, [laughter;] therefore I insist that there must be bad men everywhere, and that the franking privilege, like everything else, may be abused. But all general laws work loss in some special cases. One would suppose that the general laws of nature could have been so framed by Omniscience and Omnipotence as to work no injury to men. But the divine wisdom has not so arranged the universe. The lightning, which clears the air and renders it salubrious, may at the same time strike and kill the poor man's cow. Gravitation holds all things, and yet the poor workman falling from the scaffold, under the operation of that law, strikes the ground a crushed and shapeless mass.

[Here the hammer fell.]

Several MEMBERS. Go on.

The SPEAKER *pro tempore*. If there be no objection the gentleman will proceed.

There was no objection.

Mr. BUTLER, of Massachusetts. But, sir, the abuse in connection with the franking privilege is a very small matter, because it is now demonstrated that since the abolition of the franking privilege the mails go no cheaper than they did before. I think gentlemen misunderstand what swells the cost of carrying the mails. Mail freight is the cheapest of all possible freight that can be carried on a railroad. Why? Because there is no demurrage and no handling. Just as the mail train is about to start, somebody brings the mail matter; and as soon as the train stops, somebody comes and takes it away. Thus this is the cheapest of all freight that can be carried. Why then this trouble with the railroads? It is because we insist that they shall drag post-offices on wheels—moving public buildings. To what extent this is done may be inferred from what I am told by the postmaster at New York, that if the postal cars and their means of assorting the mails and getting them ready for delivery should be stopped, he could not, with all the force at his command, distribute in ten days the mail matter coming to New York in a single day. Therefore the Post-Office Department requires the railroad companies to haul these public buildings; for that is what the postal cars are. Mail matter itself could be hauled for little, but the railroads are now obliged to have this strong, well-made passenger car, in addition to being a freight car, and haul it with great speed. So that I say again the mere increase of weight by mail is nothing at all because of the franking privilege.

Now, then, shall we be allowed, as our fathers were, the privilege of communicating with our constituents without paying postage? It is not our privilege, but the privilege of our constituents. Why, sir, one-half of my labor—yea, two-thirds—would stop, if I did not answer any letter which should come to me without stamp to prepay an answer to it. So it is with every member of this House; and I appeal to your honors and consciences whether I am not right.

I heard my friend from New York, [Mr. MELLISH,] to whom I yielded the floor, say he would vote against the franking privilege because it was an unequal taxation. Sir, it is unequal taxation. When you abolish the frank you put the taxation on members of Congress to a greater amount than to any other class in the country, and you put the tax on your constituents who have public business and public rights to be attended to. The question is here whether we consider ourselves capable to do that business.

Mr. MELLISH. In regard to the application of soldiers for pensions, &c., would not the better plan be for the Department to be conducted in such a liberal spirit and with a sufficient number of clerks, so that the humblest citizen of the land—including the limping soldier—could write directly to the Department and get the information he wants without applying through a member of Congress?

Mr. BUTLER, of Massachusetts. It would be well, Mr. Speaker, if this world all went just right, but it does not. That is my answer to my friend.

Mr. MELLISH. I want to make it as nearly right as possible, by establishing equality on the part of all applicants to the Departments.

Mr. BUTLER, of Massachusetts. You cannot make it right, because, in the first place, the clerk in the Department can only do that which is assigned to him. He cannot know, and he cannot have any interest in, the poor lame soldier I saw limping by my door when I was home, and who asked me when I came to Congress if I would not look into his case to see what it was that delayed his pension. The abolition of the frank has done this; it has sent the soldier into the hands of the claim agents, until he has been robbed of a large portion of the bounty the Government gave him for his services and his wounds.

Mr. MELLISH. Will the gentleman allow me to ask him one other question?

Mr. BUTLER, of Massachusetts. Certainly.

Mr. MELLISH. I wish to ask why the Department cannot treat the soldier limping by your door with as much consideration as a Congressman? If it does not do it, it does not, in my judgment, do its duty.

Mr. BUTLER, of Massachusetts. I will tell you why, (and they do their duty besides;) because the soldier sends to me, and I take his bundle and go down to the Department where his case is. I go about once a week to these Departments. I sit with some clerk, and I say, "I wish this thing looked up." Well, he goes and finds this was passed upon so and so. "I know it," I say; "but this man now says he can get new evidence to show where he was the day when he was wounded. If he gets that evidence, will that pass his pension?" "Yes." Then I write to the soldier to send an affidavit and more evidence, so and so; to go to the lieutenant of his company, so and so, and get him to make an affidavit, or to certify on honor, when and how you were wounded. That is the reason why I have the power to do what the soldier has not. He cannot come here. I hold it is my duty, as a member of Congress, to do that business. And I appeal now, in the presence of the country—for the soldiers of the country have been in a large degree my constituents—how well I have attended to that duty, acting for hundreds and thousands whom I never heard of otherwise; and, I declare here, never receiving a penny therefor.

Now, sir, I desire to see whether that soldier shall not communicate with the Department free. He limps by my door with nothing to eat, with a starving child. How is he to spare ten, fifteen, or twenty cents to send his document to the Department?

Mr. MELLISH. I would ask the gentleman if it costs anything more to send it to the Department than to a Congressman?

Mr. BUTLER, of Massachusetts. No, sir; but I will explain to the gentleman what he will find out when he has been here a little longer, if he does his duty, as no doubt he will. I have no doubt that it is the Congressman's duty to attend to this business. But the question is, ought you to pay a little something for the privilege of going to the Department to do this business, besides your coach hire carrying you there? That is the question I am trying to argue. Does the gentleman understand that? [Laughter.] That is the question at issue, whether we are called upon to pay something besides doing the business.

Mr. MELLISH. I think—without intending to reflect in the least upon the Department, which has always attended promptly to any applications I have made—that the Department ought to do the business.

Mr. BUTLER, of Massachusetts. I agree that this world ought to be all right, as I said before. But it is not right, and we must take it just as it is.

Mr. MELLISH. The Department is paid for doing this work, is it not?

Mr. BUTLER, of Massachusetts. That may be all very true; but there are a great many men who ought to do business who do not do it. But why should we pay for the privilege of doing it ourselves if they do not do it? Why tax us for their misfortune or their negligence?

I have been led away from the line of my argument in the course of these remarks. In regard to the use of the Post-Office by members of both Houses of Congress for sending public documents, I do not think that it would be well to grant a subsidy—I mean to set aside a sum of money out of which postage has to be paid. Some would put that into their pockets; they would not do the business and would keep the money. But lazy men in the House cannot use the franking privilege unless they take the trouble first to get the document, or, second, to buy the speech, and then to put their names upon the document or the speech and the address of their constituents.

Now, the effect of that is to put every member of the House in the hands of the newspapers of the metropolitan cities, because the country newspapers are being crushed out. There is not a man here who does not know it, and the newspapers too know that every Congressman is dependent on them, because he has no other means of reaching the people. The newspaper man sends out a hundred thousand of his sheets containing charges which it would ruin any man to attempt to reply to, if he undertook to give the same circulation to his reply, outside of the newspapers. Let me give you an illustration. I wrote a letter on the salary question which I wanted to get to my constituents, and it cost me $400 for postage and express charges alone to get it distributed, while the distribution to the same extent of the misrepresentations that went into the newspapers would not have cost four hundred cents for postage. I am told that anybody who undertakes to go for the restoration of the franking privilege is to be disemboweled—that, I believe, is the word—by the newspapers, or they may commit hari-kari. [Laughter.] Well, sir, I have done that so often that I have become used to it. [Laughter.] I am not to be frightened out of my propriety by that. I am ready to meet whatever may come. I have never, thank God, been afraid of expressing my honest convictions without fear or favor, and my head is too bald to begin now. I am willing that they shall have that. But I am not willing to crush out every country newspaper. Let the city newspapers circulate within a hundred miles, if you please, free; let all the newspapers circulate within a certain distance free. Let every communication to a member of Congress come free. And let every communication from him go free which he, on his official responsibility, will mark upon the outside "public business." Let that go free, and make it felony, if you please, without benefit of clergy, for any man to put that upon any matter of mere private business. I am willing to exercise the franking privilege, under that limitation. Open the way between our constituents and their representatives. Let a petition come to Congress for the redress of grievances without taking toll on it. Let the Government do its own business, through its own post-offices, at its own expense.

What has made this great deficiency of which my colleague [Mr. DAWES] complains? It is not the carrying the mails on the railroads, but it is the establishment of non-paying post-offices in so many small towns, villages, hamlets, and country places. God forbid that they should be taken from them. I would pay twice as much more, if necessary, to have them there; but how is it done? New England pays two dollars for every dollar that her post privileges cost. New York pays two dollars for each one her post-offices and mail matter cost. Pennsylvania more than pays the expense of her post-offices; so do Illinois, Ohio, and many other States; but the majority of the States do not pay, and thence comes the deficit; the Southern States do not pay, and thence comes the deficit. But would I recommend the cutting off a single mail-route to the most remote settler, because we have to pay a little more in New England on that account? Not if I know myself. I would send that agency of civilization just as far as the farthest pioneer raises his cabin in the wilderness to be the nucleus of a future city.

"When it will pay," some one says. Pardon me; talk about the Post-Office paying! Why, sir, our light-houses do not pay any money into the Treasury that I know of. Our life-saving stations are not a source of revenue. The sun that warms us and the air we breathe do not pay anything into the Treasury. Everybody thinks—no, pardon me, some few think—that everything that the people have must in some way pay something back to the Government. By no means. If it pays in civilizing, in enlightening the people, in aiding the efforts of the adventurous men who carry forward the civilization of the country; if it pays in aiding commerce, in breaking down the rates of transportation between the West and the East; if it pays in opening a way between the producer and the consumer; all such expenditures, in my judgment, are economical, and shall receive my vote. And the forerunner of them all in this country is the post-office. Next I want to see transportation carried as cheaply as possible just as far as the Post-Office and the mail go now. And I would pay the money for it cheerfully and willingly, although I know much the larger share of it must come out of my constituents. I would vote it cheerfully and readily, and with their ready concurrence, in behalf of those who are engaged in making this country what it ought to be—the home of the oppressed, the asylum of freemen, the place where every man may find land on which to live and die a good citizen.

The Currency Questions, in connection with Capital and Labor,

SPEECH OF HON. SIMEON K. WOLFE,

OF INDIANA,

IN THE HOUSE OF REPRESENTATIVES,

February 28, 1874,

In the Committee of the Whole on the state of the Union, on the several propositions in regard to the currency and its relation to the capital and labor of the country.

Mr. WOLFE. Mr. Chairman, there is no subject before this Congress or before the American people of greater importance, or about which the people are more concerned, than the subject of finances, and especially when considered in connection with capital and labor, and the relations which each bear to the other. The subject of the currency, as one branch of our financial system, is, in my judgment, so important that it should have been taken up as the very first to be considered, to the exclusion of all others, and never laid aside until it was finally and correctly disposed of.

But this has not been done; and the reason why it has thus far been ignored in this body the overwhelming majority of the friends of the Administration here ought to be able to explain to the country, for they will most undoubtedly be called upon for such an explanation. They certainly cannot fail to know that there has been for the past five months a more feverish excitement, a deeper-seated anxiety, expressed and felt by the people throughout the country on this subject than upon any other that has been agitated since the close of the war. Yet three months are now gone, fully one-half of the session, and nothing has been accomplished. So far the people have been treated with the utmost contempt. Not only has the relief asked for not been granted, but it has not even received serious consideration in this House. We have not had the question up for regular debate or action, and the only opportunity that has yet been afforded to say a word upon it has been, as now, when the House is in Committee of the Whole on the state of the Union, when all things are in order.

Now, sir, I have a great anxiety to hear what excuse the majority are going to offer for this delay; and the suffering people are anxious on the subject. They want to know why you could find time to spend, not only days and weeks, but months, in discussing "civil rights," so called, but really social privileges for the negro, and other matters, in relation to which nine out of ten of the white people have no interest or concern, and yet this vital question, which deeply concerns everybody, upon which millions upon millions of their property depend, has been permitted to lie buried in your Committee on Currency and Banking until a few days ago, when a bill was reported, but as yet no action has been taken upon it.

At the beginning of the session when there was such a rush apparently to repeal the salary law, by listening to the remarks of members I had begun to hope that Congress for once had found out that there was a "dear people" behind them with "hay-seed" in their hair and the whip of public opinion in their hands, intent upon lashing their delinquent public servants into an honest and faithful discharge of their duties; and having made that important discovery, I did suppose that this granger-scared Congress would ere this have brought forth fruit meet for repentance.

But no, my hope was based upon a delusion; and we find the majority here, like hell-scared sinners, have gone back into their old evil ways. The salary repeal it seems was only intended as a "tub thrown to the whale," or a bone thrown to a dog, to quiet him, to stop his growling. But if I am not greatly mistaken in the signs of the times and in the temper of the people it will require more than such a bone as that to satisfy them. That will do for a beginning, but it will not do for an ending.

Is it possible that the majority here are ignorant of the fact that a great political revolution is going on in this country; that there is an upheaval, a ground-swell, a real, genuine "tidal wave" that is destined to shake down and wash out the strongholds of vice and corruption? Is it possible that this majority are laboring under the delusion that the old order of things which produced this revolution will be permitted to remain unchanged, and that political vices that stink in the nostrils of honest men everywhere, without distinction of partisan slavery or previous condition of party servitude, will be permitted longer to run riot over this fair land; and that the cormorants and public plunderers, in the form of rings or a bloated moneyed aristocracy, or pampered wealth in any of its forms, shall be longer permitted to rob honest labor of its just reward, either by open violation of law, or under the guise of laws cunningly devised to enable them to accomplish their purpose? If such a delusion is entertained, then, indeed, is the old adage true, "Whom the gods would destroy they first make mad;" for this would be both madness and blindness.

The financial situation has produced one of the great questions now so deeply agitating the country. In every part of this broad land the life-blood of the nation is coursing slowly in its arteries and veins. Trade, commerce, the manufacturing and especially the agricultural interests, are prostrate or languishing. The story of the financial revolution which overwhelmed the country last September, and which still sits like a horrid nightmare upon labor and productive business, need not be repeated by me to show the wide-spread ruin that followed in the wake and as the legitimate result of the vicious financial system with which the country is now cursed.

Nor ought there to be any argument necessary to establish the proposition that any system which produces such results, or permits such results to be produced, is essentially a vicious system, and ought to be reformed. Nothing in this world or in any other world, so far as I know, is produced without a cause. All nature tells us, and revelation confirms it, that we do not gather figs from thistles or grapes from brambles; but that every tree and shrub and living thing brings forth fruit after its own kind. So even is it in moral and political matters. "By their fruits ye shall know them," is no less a golden standard by which to measure the conduct of man than it is to measure the useful or vicious character and tendency of a human law or a system of human government. When we behold a nation whose laboring masses are in poverty, vice, and ignorance, we know that such a nation is ruled by despotic and unjust laws, by which the people are crushed into their degraded condition. We know this just as well as we know, when we see in autumn the withered grass and flowers and leaves, that such desolation was produced by the biting frosts of that season which Bryant, with more beauty than truth, describes as "the melancholy days," "the saddest of the year." But, ah, sir, when we behold on the one side the withered prospects and the prostrate and hopeless condition of the laboring masses, and on the other the "money oligarchy," whose iron heel is more blighting and crushing to the interests of the laborer than are the biting frosts of autumn to the flowers that bloom around that laborer's cottage, how truthfully, and beautifully, too, might we appropriate the language of the poet, and say indeed—

> The melancholy days are come,
> The saddest of the year.

Melancholy and saddest, because of the dark night that always closes around a nation whose yeomanry have lost their power and their independence.

Mr. Chairman, what is the voice of history? What lessons do we learn from its pages? Ah, sir, it is a sad and gloomy story. It is the old, old story. I need not repeat it. A very few words comprise it. A contest of the strong few against the weak many; and in all such contests the weak have gone to the wall. Money has more power than numbers; capital has more power than labor, because the sons of toil have not the time, the means, or the opportunity to defend and protect themselves against the schemes and machinations of the lords of capital. Our fathers supposed they had struck the key-note when they proclaimed against the rule of the kingly scepter and placed the ballot in the hands of a nation of freemen. But while they chained the monster of political tyranny, and gave us the best government on earth, they failed to put a curb upon the power of aggregated wealth and to restrain the evils of class legislation. For these evils a new key-note will have to be struck. It may be that it is striking now. It may be that the rumbling that we hear on the broad prairies of the great Northwest is but the gathering of the clans for the onset; and, if so, I might say to the lords of capital, as the wizard did to the Highland chieftain:

> Lochiel, Lochiel, beware of the day
> When the Lowlands shall meet thee in battle array.

Or, as it might be travestied,

> Capital, Capital, beware of the day
> When the Grangers shall meet thee in battle array.

That there are differences of opinion and a variety of theories as to what is the best remedy to cure the national malady and to prevent its recurrence, is not at all to be wondered at. The minds of men are so different, and their temperament, interests, education, and local surroundings are so various, that even honest men do not all see alike in regard to the plainest and simplest propositions.

But, sir, I cannot understand how it is possible that there should be two honest, disinterested opinions in regard to the main proposition, that some remedy is necessary, that something ought to be done by this Congress, and that speedily, to arrest the evil, to remove the incubus, that is now weighing down and crushing out the productive industries of the country.

Yet we have a class of financiers—I do not know how large their bank accounts are—who tell us in most dazzling eloquence and sparkling brevity that all we have to do is to do nothing; simply to let the whole subject alone and the evils will remove themselves. When it is remembered that that proposition comes with eloquent gusto from that class who are "clothed in purple and fine linen," and are now in the full enjoyment of the "good things" which their favored position enables them to occupy, the coolness of the proposition is about equal to a sojourn in midwinter at the north pole. It is in fact about as modest as was the demand of the whilom president of the southern confederacy, who, when in the zenith of his power, asked to be let alone.

I, sir, am in favor of letting things alone when they are right; but error and evil need to be assaulted in their strongholds. Nick Biddle, that pigmy of a financial king, when compared with some of our modern controllers of aggregated wealth, only wanted to be let alone. Certainly it is not at all unnatural for one who has a "good thing" to want to keep it. The world, or at least nine-tenths of it, is filled with exactly that kind of benevolence. But Jackson did not heed the demand. He took the responsibility. He saw the enemy and moved upon his works. O, that we had a Jackson, or some one imbued with the honesty and courage of that old hero, to lead the coming contest! Then would there be hope for the toiling millions that they should have at least an equal chance in the battle of life.

These gentlemen who want to be let alone are controlled by the fact that the present system "brings water to their mill," and many golden grists besides; or else they base their false theory upon the assumption that there has been, in fact, no actual monetary revulsion at all; that the trouble was only a panic, a scare, brought about by the failure of Jay Cooke & Co. This is their great error. It is undoubtedly true that the failure of that great banking house, followed as it was by other like gambling institutions, hastened the crisis; and it is equally true that, as in all such cases, a panic was also produced. But it is both ridiculous and absurd to suppose that such a general and wide-spread crash could have resulted alone from such a cause. But even if that were true, it would do the "let-alone" policy no good. It would, in fact, be a strong argument in support of the proposition that our financial system is terribly defective. If we had a sound system of finance, one that would promote stability, security, and prosperity to the general business of the country in all its various departments, I tell you, sir, if all Wall street should collapse in a single day, it would not materially affect the general business of the country at large.

One of the great evils of our present system lies in the fact that it is largely within the control of Wall street and other great money centers of the country. In other words, the finances of the country are at the mercy of the capitalists, the stock-gamblers, and money-lenders of the country generally. It is a system devised in the interest of capital, and enables them by Black-Friday transactions and other like shrewd manipulations to disorganize the legitimate business of the country. These evils have been existing so long and the people have submitted to them so quietly that we are disposed at first blush to look upon them as unavoidable evils that must be submitted to as a matter of course, as we do to the visitation of an epidemic.

Now, sir, I do not know that these evils can be entirely eradicated. I know the power of capital is great and will make itself felt, not only here in controlling and shaping legislation, but in the administration of any system that may be devised. But I do believe that a financial system could be established over which the power of the capitalists to control it in their interest would be very materially diminished. To do that, if possible, is the duty which this Congress owes to the laboring masses of all sections of the country; a duty which, if not faithfully discharged, will seriously retard the future development of the country.

A financial system, to be independent and free from the control of aggregated capital at the money centers of the country, must be based upon the cardinal doctrine that it is the duty and exclusive prerogative of the Government to determine both the quality and the quantity of the currency which may be in circulation.

The money of this country at the present time is of three kinds: coin, Treasury notes, and bank-bills. Money being a representative of values and a medium of trade and exchange of commodities, its quantity should not be left to the control of any private interest. Being a medium of exchange of commodities, its quantity should be regulated by the quantity of commodities to be handled. Everybody understands that it requires more money or more credit to raise or to handle ten thousand bushels of wheat, at a given price, than it does to raise or handle one thousand bushels. As the productive industry of a country increases, the amount of the circulating medium must be increased in like proportion, or else the prices of labor and the products of labor will be reduced in like proportion.

Coin has an intrinsic value on account of the metals of which it is made. Gold and silver, whether coined or uncoined, have a commercial value the same as other commodities, and their values are regulated exactly like the values of all other commodities, by the supply and the demand. But aside from the usefulness of these metals, as metals, a gold or silver dollar has no more value than any other kind of dollar as a circulating medium.

The value of money is measured by its purchasing power, and assuming that the supply and demand for labor and the productions of labor remain the same, then the value of a given sum of money as a medium of exchange is regulated by its proportion to the whole amount in circulation. This rule is demonstrated by a simple illustration. Suppose the whole amount of money in circulation of all kinds is $800,000,000—and that is not far from the amount with which this country is now carrying on business, though a part of that is not actually employed. Then suppose that any one individual is the owner of $1,000,000 in cash. In such case he would be the owner of one eight-hundredth of all the money in the country. But then, again, suppose the amount of the circulating medium should be reduced to four hundred millions. Now the individual with his million would own one four-hundredth part of the whole, which would be practically doubling the value of each one of his dollars. So, if the amount of the circulating medium should be increased to $1,600,000,000, the man with his million would own only one sixteen-hundredth part of the whole, and by the same rule his wealth would be depreciated one-half in value.

The result follows clearly, that as you diminish the amount of money in circulation, you in the same ratio increase the relative value of the money owned by the capitalists; and, on the other hand, as you increase the amount of money in circulation, you practically diminish the value of that which is owned by them.

If these deductions are true—and I think they cannot be successfully overthrown—we ought to be at no loss in understanding why the capitalists are opposed to what they are pleased to term "inflation." But it must be remembered that a proper increase is not inflation, any more than to eat a sufficient quantity to satisfy the demands of the body is gluttony, or any more than *zwei lager*, to a German, is drunkenness.

And from the same deductions it will appear equally clear why the capital classes—those who have their coffers filled, or have stiff bank accounts standing to their credit—are in favor of a reduction in the amount in circulation, or at least to be let alone under the present decreased condition of the currency. In each case it is simply a question of self-interest.

And, on the other hand, it need not be denied, for it is a truth, that the non-capital classes are in favor of an increase in the amount of money in circulation, for the sole reason that such increase would be for their interest. I have no desire to conceal the fact—for it is a fact—that the whole controversy is between the two classes. On the one side is capital seeking the best investments, where it can earn the largest dividends and draw the largest per cent. in interest. And on the other side is labor, seeking for the poor boon of working for a fair reward. On the one side is the creditor, with his bonds and his mortgages and other obligations for the payment of money; and on the other side is the debtor, looking to his resources to pay his debts. He knows that with an increase of currency would come an increase in business and the demand for labor, which would make the dollars come easy and save him from the bankrupt court or the sheriff's execution, which is now staring him in the face. Certainly these classes are each contending for exactly the kind of legislation that would promote their respective interests. There need be no concealment on that point.

Need I stop to argue the indictment against human nature which charges that it is selfish? With most men *pro bono publico* means, practically, for the good of self. I know, sir, we have in theory those exalted virtues called patriotism and benevolence; and we have read about them in romance and in story. They teach that private interests should be subordinated to the public good; but unluckily for the reputation of our common nature, it generally turns out in practice that it is the private interests of somebody else, and not of self, that is meant. The world is wonderfully inclined to fashion their conduct in such matters after the pattern furnished by A. Ward, who was willing to sacrifice all his wife's relations to save the Union.

It was said by the wisest teacher that ever spake to man that it is as hard for a rich man to get to heaven as it is for a camel to go through the eye of a needle. This doubtless was only intended as an illustration of the deplorable selfishness of that class of mankind who make money-getting their sole avocation in life, and who worship not God but Mammon. For my part I shall build no hopes, I shall construct no financial scheme upon the delusive and uncertain theory that capital is a safe guardian of the rights and the interests of labor. I do not believe the capital classes are here demanding non-legislation, to be let alone, all in the interest of labor. It will be time enough to believe in such a marvelous exhibition of self-denial when we can find a single instance like it in all the history of mankind.

No, sir; the congressional lobby, once known as the "third house," and now known as the "ring," is not organized to promote the interests of any but its own members. It is a close corporation. Its members are numerous and powerful. The atmosphere here is malarious with their breath; and their influence is seen at all points. In their mouth is the song of the siren, and upon their lips is the poison of the asp. To touch the hem of their garments is to risk the taint of leprosy. Before their dazzling splendor strong men stand bewildered.

The temptation is sometimes too great. Some have yielded, have entered the gilded saloons of corruption, have drunk of the poisoned wine, embraced the political harlot, joined in the giddy dance, and to-day the effects of these fearful debaucheries are felt in every artery of business throughout the country.

But there is another peculiarity surrounding the question. We are told that the subject of finance is too complicated and abstruse to be understood by any one except a close student of political economy; and for that reason it is claimed that we ought to give weight to the testimony, theories, and arguments of those who have made it their study. And hence we ought to heed what the great financiers tell us.

Now this argument looks plausible, and has misled many. But it is a dangerous fallacy. These financial experts are all interested parties. Their theories are constructed to support their interest. A good financial system, in the eyes of a great financier like Jay Cooke, is one that will assist him in filling his coffers. That celebrated great financier looked upon Secretary Boutwell's syndicate scheme as quite an advantageous invention, because it enabled him and his associates to fleece the Government. And I remember reading a few years ago from the pen of the same great financier a pamphlet elaborating the proposition, that "a national debt is a national blessing." And I have no doubt that much of our national blessing, of that peculiar kind, was brought upon the country by the advice and upon the theories promulgated by that great financier and others like him.

But, sir, let us look back a little and see what other great financiers have done for us in the way of showering national blessings, in the form of national indebtedness, upon us. During the first years of the war, when it became necessary that the Government should have more money than its ordinary sources of revenue would produce, the question was presented, what would be the best means of raising the money? The ordinary sources of revenue—the tariff, and other systems of taxation, the sales of the public lands, and other incidental sources of revenue—were manifestly insufficient. Only two other plans were available. Nations, like individuals, when compelled to purchase, if short of funds, must either borrow or purchase on credit. The great financial experts, bankers and other capitalists, were consulted, and they decided that borrowing was not the true policy. Yet we all know that if that policy had been resorted to the price of all articles purchased by the Government would have been kept at the old gold values; and in that case the expenses of conducting the war, and the consequent indebtedness of the nation growing out of it, would not have been much, if any, over one-half what it was.

But such a result was not in the interest of the great financiers whose teachings were then followed. It would not have resulted in such a large crop of national blessings, in the form of Government bonds, as followed the system that was adopted. Now it is admitted that an increase in the volume of the currency would tend generally to increase the price of labor and the productions of labor. Indeed, the fact that such an increase would be the result is one of the principal reasons urged against that policy. The plan adopted was for the Government to buy on credit. Greenbacks were issued, as the notes or promises of the Government, without interest, and they were made legal tenders in all private transactions. These notes thus became a part of the money of the country. They were issued as follows:

In 1862	$147,700,000
In 1863	263,500,000
In 1864	237,900,000
In 1865	49,800,000
Total	698,900,000

Besides these there were other large sums, in various, forms of Government promises (not bonds) that went into circulation and were used as money. The amount of these last-named substitutes for money was over $1,200,000,000, thus swelling the actual amount of Government promises that were used as money to over $2,000,000,000. My object in referring to these figures is to show that the currency became greatly inflated; largely more than double in quantity what it is now.

It was under that inflated condition of the currency, and equally inflated condition of prices and values, that the entire Government indebtedness was created. But in addition to that indebtedness, many hundred million dollars of State, county, and municipal debts were created. And that does not end the catalogue. We must still add to these many hundred million dollars of private debts. That this was extremely bad financiering for the interest of the people, who are burdened with the payment of all these debts, I presume no one will now deny. But the unwise policy did not stop there. Not only were these debts created while the currency and prices were inflated, but, to make matters still worse, as soon as there was no longer any necessity for the Government to go in debt, and before any of the debts were paid, the policy of contraction or reduction in the amount of the circulating medium was begun. This policy of reduction began in 1866, and has been going on ever since. In a word, the policy pursued was to make money plenty until the debts were created, and then make it scarce when the debts and interest are to be paid. And this is the policy that our wise financiers have given us. And we are told that we must still look to them for wisdom to shape the policy for the future! Well, verily, I do not want any more of their wisdom. We have already had too much of it.

Those who oppose an increase are at no loss to find financial witnesses, and any quantity of arguments, to sustain their theory. Why, sir, these disinterested friends of the dear people literally load—I might say litter and load—our desks with their voluntary contributions to the financial literature of the country. They pile up fearful columns, I might almost say pyramids, of figures, to prove that specie payment is the great panacea for all the ills with which the country is now afflicted.

Now, while we cannot remedy the evils of the past, nor undo the blunders which produced the present indebtedness of the country, the fearful result at least furnishes us with an illustration of the danger of following the advice of men who are so largely interested in the result. As well might you call upon a manufacturer of iron, or any other commodity, for his advice and theory in regard to the amount of "protection" you ought to allow him, as to call upon bankers or other capitalists for the best basis upon which to settle the currency question. As a matter of course, these gentlemen do not want the volume of the currency increased, because such increase would not be to their interest. Every dollar you add to the volume of the currency diminishes, in the same proportion, the relative quantity in their coffers, and in the same proportion diminishes the burdens upon the debtor class by increasing the debtor's ability to raise money to pay his debt. A farmer who is in debt $1,000, and has on hand five hundred bushels of wheat for sale, is not in a distressing condition, provided he can sell his wheat for two dollars per bushel. In that case the wheat would pay the debt. But if he could sell it for only one dollar per bushel, he would be left in debt $500. It is, then, perfectly plain that anything that increases the price of that farmer's wheat produces the same effect as if the amount of the debt itself was diminished, and anything that diminishes the price of the wheat practically increases the amount of the debt—that is, the amount of labor that it requires to pay it, which is practically the same thing to the debtor.

The existing indebtedness of the country—I mean of the Government and the people—and the inflation of the currency when they were created, are important facts to be considered in fixing a proper and fair basis for the settlement of the currency problem.

And upon that point I hold to this cardinal proposition, that it is but just and fair to the debtors that the quantity of the currency in circulation at the time the debts were created should not be reduced before the time for their payment.

Any such reduction would be practically equivalent to an increase of their debts; for it would require an increased amount of labor to earn the money to pay them. If you buy a horse to-day and agree to pay $200 for him, and the price of a day's work is two dollars a day, you, in effect, agree to work one hundred days to pay for the horse; or if wheat be worth two dollars per bushel, you, in effect, agree to give the proceeds of the sale of one hundred bushels of wheat to pay for him. Now suppose, before the money is to be paid, by some turn in the financial wheel the quantity of money in circulation is reduced, and with it down goes the price of a day's labor, or a bushel of wheat, to one dollar. The effect of that turn in the wheel to you would be, that it would require you to work two hundred days or give the proceeds of the sale of two hundred bushels of wheat to pay the debt.

The amount of the entire indebtedness of the country, Government, State, county, municipal, and individual, is not certainly known and can only be approximated; but from the best data that can be arrived at it is certainly as much as $5,000,000,000. Any policy, therefore, that will have the effect of diminishing permanently the price of labor and the productions of labor, even to so small an extent as 10 per cent., is equivalent, exactly, to adding 10 per cent., or $500,000,000, to the value of the bonds, mortages and other securities held by the creditor class. By value, I mean the purchasing power; that is, the power to purchase labor.

Mr. Chairman, so far as I am concerned I do not desire to make, or to see made, any unjust war upon any class. The prosperity of the country, and especially of the laboring classes, cannot be restored or maintained by any wicked spirit of communism which seeks to level down the rich instead of leveling up the poor. I will not say there is no antagonism between capital and labor; but I do say there ought to be none; and that it is the duty of Congress so to legislate that no such antagonism can be successfully maintained. But to do that, all class legislation, privileges, immunities, bonuses, and other abominable devices to foster capital at the cost and sacrifice of labor, must be withdrawn. It is true that labor and capital ought to go hand in hand, each the helper of the other. But, sir, that desirable condition of things cannot exist while one has such an advantage as shall injuriously and unjustly oppress the other.

In support of the position that the volume of the currency ought not to be increased, we hear it sometimes said that we already have more money *per capita* than either England, Germany, or France. This statement is not true. It is just the other way exactly. Of the four countries, the United States has the least, as is shown by the following statement:

United States:	
Total volume of currency	$869,000,000
Less gold and paper reserves	200,000,000
Total actual circulation	669,000,000
Circulation *per capita*, $16.72.	

England:	
Total volume of currency	$884,943,000
Less reserves	112,259,000
Total actual circulation	772,684,000
Circulation *per capita*, $24.28.	
Germany:	
Total volume of currency	$1,296,000,000
Less reserves	205,000,000
Total actual circulation	1,091,000,000
Circulation *per capita*, $26.80.	
France:	
Total volume of currency	$1,650,000,000
Less reserves	540,000,000
Total actual circulation	1,250,000,000
Circulation *per capita*, $34.72.	

Of these three European nations it will be observed that England has the smallest amount of currency *per capita;* yet when we compare the United States with England, we find it would take $331,000,000 to be added to our currency to give us the amount *per capita* enjoyed by the people of that country. Yet we hear a hundred millions spoken of as inflation; and even the little bill to restore the $44,000,000 reserve to the circulating medium is opposed on the score of inflation. But suppose it were true that we have more currency *per capita* than either of those European countries, it would prove nothing in our case. Our institutions, politically, morally, and socially; our habits, manners, and customs; and our interests, agricultural, manufacturing, and commercial—indeed everything that goes to make up the characteristics of a people—are so peculiarly American, and essentially different from any other country, that any such comparison fails almost wholly to illustrate any single political truth.

Nor is it true that the amount of currency required by a nation is measured by the number of its population. The amount of money *per capita*—that is, that would fall to each man, woman, and child, if the whole was equally divided—has but little to do in determining the amount of money needed. The necessities for money are largely controlled by a variety of other facts, a few of which I will mention. A country that is new and in the active process of development, where vast public improvements and private enterprises are demanded, requires more money than an old, finished country, whose institutions are moss-covered, and whose resources are fully developed. Extent of territory also should be considered. A country like ours, whose territory includes almost every productive latitude, extending from ocean to ocean, whose soil yields every variety of productions, and whose mountains are ribbed and vertebrated with the richest mineral deposits, needs much more money for its development than any of the "pent-up Uticas" of Europe. The amount of money should be measured, not by the number of the people, but by their necessities. The number of business men, the amount and kind of business done, the price of labor, the cost of material, the expense of transportation, and many other like matters, must be considered in determining the amount of currency required. If we expect to see our country march onward and upward in the line of progress, we must afford the people, whose labor alone it is that moves the world, all the necessary supplies and equipments for the grand campaign. With the great achievements to be wrought in the development of this magnificent empire, in all the departments of the arts, sciences, and labor, Wall street and the Shylocks must not interfere. If they cannot be enlisted in the grand work they must not be permitted to retard it.

But, sir, let us look over the field to see how goes the fight, or how the battle has gone. What is the result of the ten years' campaign from 1860 to 1870? What are the facts?

> Theories often fail, for errors often breed them;
> But facts are stubborn things, and honest men will heed them.

The census of 1870 contains some stubborn facts that should be heeded by every honest man in the land, facts that show how the battle between capital and labor has resulted during the last decade. We need not go to the census to learn that labor is prostrated. The thousands and tens of thousands of unemployed laborers all over the country tell us that in language too plain to be misunderstood. But the census, by its incontrovertible figures, shows the cause and the extent of that prostration. It shows that long before the recent revulsion in monetary affairs the causes were at work which would certainly produce a crash. The census figures, when carefully studied, reveal the fact that, during the last decade—from 1860 to 1870—the relative wealth of the laboring classes and that of the capital classes has undergone a wonderful change. Without going into the details I may say that the census discloses the fact that, while there has been a general increase in the wealth of the country since 1860, the proportion owned by these two respective classes is changed, greatly to the disadvantage of the labor classes. It shows the extraordinary and fearful fact that the capital classes have increased their relative proportion of the wealth of the country $6,000,000,000; while the wealth of the laboring classes has decreased relatively in the same proportion. With these facts staring us in the face, is any further argument needed to establish the fact that our whole financial system is radically wrong, and that it must be reformed before there can be any real prosperity among the laboring classes? These facts explain why the capitalists are remonstrating against any increase in the volume of the currency, and why they are asking us to let the finances alone. Occupying the vantage ground as they do, by which they are gradually absorbing the wealth of the country, they can very well afford to be let alone. But, sir, I do not believe they will be let alone much longer. This Congress may obey their mandates, and fail to do anything that will materially change the situation; but if it does so fail it will raise such a storm of indignation throughout the country, outside of New England and the great money centers, as has not been witnessed for many years.

What now is the condition of the country? Is it simply laboring under the scare of a panic without any legitimate cause? I wish to speak more particularly in regard to the West because I am more familiar with the condition of that section. The prime, admitted fact, throughout the entire Mississippi Valley is that there is a scarcity of money; and the same is true, I understand, in regard to the South, and, to a considerable extent, in the Middle States. As an evidence of this fact, I need but refer to the experience of every active business man in that part of the country, and the almost universal cry for relief that we hear throughout that great valley. Business of all kinds, if not actually suspended, is being prosecuted under great disadvantages and embarrassments, and generally without any adequate returns in the way of profits. Debtors cannot pay their debts, and people are forced to reduce their expenditures to the point of actual necessity. Almost all kinds of improvements, both public and private, are stopped, throwing out of employment thousands upon thousands of laboring men, and reducing the wages of those who are retained to almost the starving point. But the gloomiest feature of the situation is its utter hopelessness under our present system. If that system is not changed there is no particle of ground of hope that the situation will materially improve. The changes in the season, and good crops, would, as usual, have temporarily a beneficial effect; but no permanent relief need be looked for in that direction. The inexorable laws of trade, as now adjusted under the Wall street and "the New England policy," are constantly draining the agricultural regions of their material resources.

Let me say to gentlemen from New England in all candor, we of the West and Northwest do not want any contest with you. We do not desire to diminish your prosperity, or in any way interfere with your rights. We are proud of the great archievements in literature, in science, and in the arts and industries, which have found their birth among your rugged hills, and given our entire country an enviable character throughout the civilized world. I know "your men are brave, your women fair and lovely." I know there is any energy and moral courage in you that ought to be imitated by others. In fact, I confess I love the New England character, saving always its faults; yet I must say to you that as well as we love and honor you, we cannot longer afford to let you rule the country, and control its legislation in your interest, and to the manifest injury of our own section. You may, by your united vote, defeat any reform in the finances of the country. But if the evils that now afflict the agricultural regions of the country are continued because your solid vote prevents them being removed, such action would very much tend to unite other sections against you; and it may be that, in the contest which you are driving us to make in order to get our rights, you may lose some of yours; or, at least, some of your high prerogatives.

But in addition to the scarcity of money as a cause of the trouble, the whole financial system seems as if it had been organized in the interest of the capitalists. The tax laws have been so adjusted that labor is unequally burdened. A protective tariff compels the consumer to pay not only the tariff tax upon imported goods, but they are also compelled to pay the manufacturer at home at least as much as goes into the Treasury, which in 1873 was $188,089,522.70 as a bonus or protection. The total amount of receipts into the national Treasury last year from all sources was $333,738,204.67. By adding the protection or bonus paid to manufacturers, we have in round numbers $522,000,000 as the sum paid the last year, in the form of taxes, to support the General Government. And, in addition, they paid their State, county, city, town, and township taxes, which in 1870 amounted to the sum of $280,591,521, making in all the enormous sum of $802,591,521 per annum. Under the order of things brought about by contraction in the amount of money in circulation, and the corresponding contraction in the business of the country, this large sum of money annually drawn from the pockets of the people has become a terrible and oppressive burden. For it must be remembered that while the money has become scarcer by its unwise withdrawal from circulation, the expenditures of the Government have not been diminished in like proportion. The reason why we hear so much complaint of high taxes and large expenditures is not because either has been increased within the last few years, but because the people's income has been materially decreased; I mean the income of the laboring classes, for the income of the capital classes has been constantly increasing. As money becomes scarce, borrowers become plenty, and as borrowers become plenty, interest and other profits of the lenders are increased.

Mr. Chairman, the only remaining topics that I desire to discuss—or rather allude to briefly, for I have not time to discuss them at length—is in regard to the manner in which the volume of the currency should be increased, and the amount of the increase. The question in regard to the manner is this: Shall it be done by issuing more greenbacks, or by increasing the circulation of the national banks?

I have no doubt that it should be done by increasing the amount of greenbacks; first, by restoring the $44,000,000 reserve to the circula-

tion; secondly, by authorizing the issue of at least $50,000,000 more. That would make the amount of the greenback circulation $450,000,000. To that there should be added, in the third place, new bonds for $100,000,000 more, drawing a low rate of interest, say 3.65 per cent., to be convertible into greenbacks at the option of the holder. Such a plan would give new life and vigor to the business of the country. It would, it is true, still leave the greenback circulation much below what it was a few years ago. As a portion of the reserve is already in circulation, it would not add over about seventy millions to the permanent circulation; and the convertible bonds would prevent the accumulation of bank deposits in the great money centers at those seasons of the year when a less quantity of currency is needed. Western produce dealers, after the season for using their money is over, have been in the habit of sending it to New York, on deposit in the banks there, in order to save it from lying idle. That policy has caused large sums to accumulate in the New York banks, and has led to many evils. If these dealers had the opportunity of investing their funds in these bonds, upon which they could get greenbacks again whenever they needed them in their business, they would not send their money to New York or other money center, to inflate it and excite those schemes of speculation so destructive to the prosperity of the country.

As to the other plan, of increasing the currency by extending the circulation of the national-bank bills, I must say that I am entirely opposed to it. If I had the power to do so, I would abolish the whole banking system. I allude to banks of circulation. Such banks are not only wholly useless in facilitating commercial transactions, but, in fact, are the fruitful sources of many of the evils which afflict our financial system. With that system abolished, and the $353,968,249 of bank-bills withdrawn from circulation, and their place supplied with greenbacks, the Government would save twice as much in one year as would be required to construct that great and much-needed work, the Fort Saint Philip Canal. As it is, the Government is giving the bankers a bonus of about $20,000,000 a year, in the form of interest on bonds deposited by the banks, while all those great public improvements for opening up the avenues of commerce and cheapening transportation are to be postponed for want of money. Why is it, that in order to give to the people the bank circulation just named, the Government should be required to pay that large bonus every year? Why not provide that the Government take up the bonds and cancel them, and thereby save the interest on them, and give the people greenbacks for them drawing no interest?

Would any sensible individual refuse to arrange with his creditors in that way? Suppose you owed me a debt of $10,000, or any other sum, secured by mortgage on your land, and drawing 6 per cent. interest, which is to be paid in gold. Now, if you could adjust that debt on the basis that you shall take up your mortgage and give me your notes drawing no interest, to be paid whenever it should suit you, would you not, I ask, accept such an offer? If you would refuse to do so, your neighbors would be justified in regarding you as a fit subject to be placed under guardianship. And yet that is exactly what the Government has been doing for the last ten years; and the bank advocates say it was such a wise financial transaction that its operations ought to be extended to an unlimited extent under the name of free banking.

The bonds deposited in the Treasury by the national banks and held to secure their circulation, according to the report of the Comptroller of the Currency, on the 1st day of November, 1873, amounted to $392,852,100. Of that sum $235,022,150 draw 5 per cent. interest, and $160,829,950 draw 6 per cent. interest. Upon these bonds there was then an authorized outstanding bank circulation of $353,968,249. The whole number of banks then in operation was 1,975, which were distributed as follows:

Locality.	Banks.	Circulation.
6 New England States	506	$110,489,966
5 Middle States	584	134,608,139
14 Southern and Southwestern States	201	38,160,308
9 Western States	668	78,785,148
11 Pacific States and Territories	22	1,924,688
Total	1,975	353,968,249

These figures show a great disparity, both in the number of banks and especially in the amount of the circulation allotted to the different sections—a disparity greatly against the West. It is claimed that with free banking that evil would be remedied. I am not disposed to deny that such would be the effect. But the difficulty is that while removing or lessening one evil the remedy would create many others of much greater magnitude; a few of which only I have time to mention. In the first place, it would largely increase the extent and power of this already mammoth combination of corporations; because, although not a single corporation, there is a common interest among them all that would always induce them to make common cause in any scheme that their common interest would dictate. In the second place, it would largely and dangerously increase the power and influence of capital by giving its owners special privileges which are contrary to the spirit of our free institutions. In the third place, it would violate what I have already stated to be an essential prerogative of the Government, by allowing capitalists, and not the Government itself, to fix or limit the amount of the paper circulating medium. In the fourth place, by leaving the capitalists to regulate and control the amount of paper money, they would have the power to inflate the currency at times to any amount which their interests might dictate, and then, again, to contract the same when their interest would require contraction, thus keeping the business and values of the country constantly in a ruinous state of instability and uncertainty. That it is always to the interest of the money-gamblers and money-lenders to keep up that condition of uncertainty is proved by the constant operations of Wall street within the last ten years. In the fifth place, banks have no disposition, even if they have the power, to prevent a monetary revulsion, as is proved by their action in the struggle last September, in which the banks, instead of being able, or willing if able, to give any relief, were interested in withholding it, and they did so; and just the time when accommodations were the most needed was just the time when they could not be obtained. In view of these evils, and in the face of such experience, I would look upon the adoption of the free-banking scheme as one of the greatest financial evils that could afflict the country.

We hear much said about specie payments, and the pledge that Congress made in 1869, that the greenback should soon be redeemed. As to specie payment, all must know that it is simply impossible. There is not specie enough in the country, if every dollar of it was in the Treasury, to pay or redeem so much as one-half of the Treasury notes in circulation. True, if it could be done gradually, the Government might begin with the few millions in coin in the Treasury. But that cannot be done. It would be unfair to the holders of the part that cannot be paid for want of the coin. But the great objection to specie payment is, that it means a contraction of the volume of the currency. The greenbacks, if redeemed or paid, would be canceled, and would no longer constitute any part of the circulating medium. This would be ruin to everybody except the capitalists, as I have already shown. The cry of specie payments is therefore a delusion, intended to subserve no beneficial purpose. If desirable at all, the only way that specie payments could be reached is by the adoption of such a policy by the advancement of all our productive industries as shall enable us to export more of our commodities to foreign countries, and thereby turn the balance of trade in our favor. But while the vast agricultural interests of the West are crippled and burdened by a scarcity of money, and the impositions and extortions of railroad monopolies, and by the obstructions in the water lines to the sea-board; and while the South, that land of former abundance, is so crippled, robbed, and devastated by maladministration as to render her incapable of furnishing her quota in cotton to swell those exportations to their former dimensions, it is in vain that we look for a change in that regard. Until these obstructions to the agricultural productiveness of the country are removed, the hope for specie payments must remain an unrealized and visionary dream. And the best we can do in the mean time is for us to authorize the Government to supply the people with the next best thing to coin, as a circulating medium, which is the greenback Treasury note, in such reasonable quantities as shall once more give life and vigor to trade and business.

Educational Fund.

SPEECH OF HON. C. W. MILLIKEN,

OF KENTUCKY,

IN THE HOUSE OF REPRESENTATIVES,

February 28, 1874.

The House, as in Committee of the Whole for debate only, having under consideration the bill (H. R. No. 477) to establish an educational fund, and to apply the proceeds of the public lands to the education of the people—

Mr. MILLIKEN said:

Mr. SPEAKER: I regret it has not been within my power to prepare the remarks that I propose to offer upon this occasion, so as to present them in better shape than I fear I shall be capable of doing.

I wish, as briefly as the nature of the case will admit, to offer to this House and to the country the reasons which induce my opposition to the bill offered by the distinguished gentleman from Massachusetts, [Mr. G. F. HOAR,] entitled "A bill to establish an educational fund, and to apply the public lands to the education of the people."

I approach the discussion of this bill with much more diffidence than I otherwise would because of the eminent source from which it comes.

It is my purpose to endeavor to show that its provisions are unjust, unequal, and in violation of the plain letter and spirit of the Constitution of the United States, and tending to class legislation in the interest of the colored, to the prejudice of the white race in the several States.

In doing this, and that I may not do injustice to its true import and meaning, I will read the several sections to which I wish to call the attention of the House as I reach them in the course of my remarks.

To begin, I read:

SEC. 2. That the Secretary of the Interior shall cause an account to be taken upon the close of each fiscal year, and ascertain the total receipts from the sale or other disposition of the public lands of the United States, including all fees received at the General and district land offices during such year, and the amount of expenditures during said year incurred or occasioned by the survey, sale, location, entry, or other disposition of such lands, including appropriations for the expenses of the said offices for said year, and shall certify to the Secretary of the Treasury the amount of the net cash proceeds from the sale, entry, location, or other disposition of such lands as aforesaid, after deducting such expenses and expenditures.

Then by the third section it is provided—

That upon the receipt of such certificate the Secretary of the Treasury shall cause one-half the amount so certified to be invested in bonds of the United States, bearing interest at the rate of 5 per cent. per annum, which said amount so invested shall constitute a perpetual fund in the Treasury of the United States, to be known as the national educational fund.

It is provided by the fourth section—

That upon the receipt of the certificate of the Secretary of the Treasury, as provided by section 3 of this act, the Commissioner of Education, under the direction of the Secretary of the Interior, shall proceed to apportion to the several States and Territories, and to the District of Columbia, upon the basis of population of the said States and Territories between the ages of four and twenty-one years, one-half of the net proceeds of the public lands for the previous year, together with the whole amount of the income of the said educational fund so certified, such apportionment to be according to the last preceding general census of the United States.

Now, Mr. Speaker, from the history of the States and their status, each toward the other, before, up to, and at the time of the organization of the Government of the United States under the Constitution, without a citation of that history, I conclude that the public lands of the country were then, and now are, a property held in common by all the States, each holding and owning an equal undivided interest therein with all the others; that the rights of no one of them are either greater or less than those of any other one; that they are held in the nature of a trust by the Congress of the United States as the agent alike for each and all the States, with instructions, certain, but stipulated and restricted.

This conclusion, however, is in effect denied, first, by the proviso in section 4, which at this point I merely wish to give a passing notice. It is as follows:

Provided, however, That for the first five years the distribution of the said fund to and among the several States and Territories, including the District of Columbia, shall be made according to the numbers of their respective population of ten years old and upward who cannot write, as shown from time to time by the last preceding published census of the United States.

It will not be, I hope, denied that they were equal while in a colonial state, and so recognized by each other, and by all the nations of the earth, at the time of their acknowledged independence. Then, if they were and are not equal now, when and where did the inequality take place, and where is the authority for it? No authority can be found where they or either of them have surrendered any portion of their rights to the public lands since the adoption of the Constitution of the United States. If in this statement I am wrong I will thank any gentleman to correct me. Assuming that I am right, let us see what will be the distributable share under this proviso between the State of Massachusetts, the State of the gentleman, [Mr. G. F. HOAR,] and that of Kentucky, my own State.

By the last general census the population of Massachusetts was 1,457,351. Out of this number there were 97,725 persons ten years old and over who could not write. By the same census the population of Kentucky was 1,321,011, and out of this number there were 132,128 persons ten years old and over who could not write; thus proving to a mathematical demonstration that by this bill the State of Kentucky will receive one-third more of the public lands than will the State of Massachusetts, though the latter has 136,340 more inhabitants than has the former.

But, to illustrate further, I will take the States of New York and Mississippi, which, by the same census, are as follows: that of New York was 4,382,757, out of which 239,152 ten years old and over could not write; that of Mississippi 827,922, and out of these there were 312,128 ten years old and over who could not write. Thus it will be seen that this bill gives to the State of Mississippi over one-third more of the public lands than it does to the State of New York, notwithstanding the State of New York is five times greater in population than Mississippi, and the State of Mississippi will receive over three times as much as will the State of Massachusetts, though the latter has a population of 629,429 more than the former. But it will be remembered that of the number in Mississippi who are to be the recipients under this bill 234,002 are negroes and 37,226 are whites, which establishes the further fact that the negroes there receive of this distribution nearly eight times as much as do the whites, and nearly as much as both the States of New York and Massachusetts, whose populations are almost entirely white.

While I may be charged with indiscretion in my opposition to this bill, I hope not to be charged with a want of candor and honesty of purpose in refusing to accept a proposition which seems to give to my State an advantage in this distribution over many of the Northern and Eastern States, for I can accept no proposition, however advantageous to me or the people whom in part I have the honor to represent, when its acceptance involves a sacrifice of principle, as would be the case, in my judgment, were I to support this measure. I want justice to be done to each and every State, and to each individual in every State of this Union. I want no State or individual to have any advantage by this or any other law over my State or myself, nor do I want my State or myself to have any advantage, by this or any other law, over any other State or person of this Union. This I believe to be the true theory of our Government, and the feeling that should prompt every gentleman on this floor in casting his vote upon this and all other measures, it being equal rights to all and exclusive privileges to none. And believing this, I am led to inquire what prompts such excessive overflow of philanthropy as is contained in this bill, whether there is not some selfish or political end to be sooner or later accomplished by it; for the principle in human nature to gather together as much of this world's goods as possible, by all honorable means, is as boundless as civilization itself. Then why this bountiful gratuity if self is not to be benefited some way or somewhere, sooner or later?

While I opposed with all the earnestness of my nature the passage of the thirteenth, fourteenth, and fifteenth amendments to the Constitution, by which the negro was set free and citizenship and franchise conferred upon him, I have no unkind feeling toward him. He is not to blame for either. They were thrust upon him without his solicitation, and he has simply put on and is wearing the garment without complaint that was cut out and put on him. I thought at the time of the passage of the thirteenth amendment, and yet believe, it was a great outrage upon the rights of those who owned slaves, and an outrage upon other existing parts of the same Constitution then in full force and effect. That outrage, among other things, consisted in the disfranchisement of those who owned property in those slaves, in order to pass this amendment, and thereby, without compensation to the owner, deprive him of a property fully recognized and protected by the law. By the passage of this amendment, millions upon top of millions of dollars have been swept from the States that owned them; and immediately following this amendment oppressive military governments were placed over them and men appointed and installed into their several offices, in a majority of instances, who had no local identity of interest either with the States or the people over whom they ruled and tyrannized, outside of pelf and plunder, which has left them poor indeed.

On top of all this came, and yet comes, unequal and unjust taxation both by State and Federal law, by excessive tariffs, internal revenue, and levies to maintain a State militia to hold in subjugation those who pay the taxes; thus daily grinding and pressing them to deeper humiliations. In addition to all this, there is a public debt hanging over us, as shown by the reports of the last fiscal year, of $2,234,482,993, with an interest of $104,750,688, but which has been reduced to some extent; and to this may be added the fact that our imports exceeded our exports more than $15,000,000, a falling off of customs and internal revenues, and a cost of about $300,000,000 annually expended in the administration of the Government.

Sir, with these startling facts and figures before us we are asked to take from the public Treasury annually the sum of $2,882,312, which was the amount of receipts from the public lands at the close of the last fiscal year. Such an act would necessarily carry with it heavier and more burdensome taxation in one or another shape. Especially will it be required with a bankrupt Treasury, as we had at the convening of the present session of Congress, and thereby add depression to the oppression that is crushing the energies and industries of the whole South.

While I charge that this legislation looks almost, if not entirely, to the education of the colored race of the Southern States, and not to that of the whites in any part of the country, I do not wish it understood that I oppose the education of the negro or any other race on the earth; for I tender my readiness to assist in the education of all persons, of whatever race or nationality, when and wherever the same can be done in justice to all parties concerned. But I cannot and will not give my consent to take from the public Treasury the public moneys by congressional legislation to educate anybody. I have been the negro's friend on more than one occasion when he was in need of a friend, and this, too, since his freedom, and will continue to be whenever and wherever it is right, in my judgment, to do so.

I do not charge the gentleman with an attempt to commit a fraud or a wrong on the States or the people by this bill, for such is certainly not his deliberate purpose; but, at the same time, the effect of its passage will be both a fraud and a wrong, because of the unjust and unequal distribution of the public lands among the States and the whole people therein, as provided and contemplated by the details of the bill.

But, Mr. Speaker, the inauspicious times in which we live are pregnant with frauds, wrongs, and usurpations.

Falling within the purview of this description of legislation is a bill now pending before this House, known as the civil-rights bill, but which may more properly be called the social-rights bill, for such is its only effect upon those sought to be affected by it.

Which of these two measures is the greater usurpation and fraud upon the reserved rights of both the States and the people I am unable to determine, for both alike disregard either, and are looking to the advancement of the colored, regardless of the white race. That they are closely related one to the other is clear, as they both came from Massachusetts together, registering themselves at the same hotel and destined for the South; in fact, they spring from the same parent stem. Like Chang and Eng, they travel together, they are at home together, they lie down together and get up together, they sleep together and wake together, and I hope will soon die together.

But, sir, if it be true that all men are equal before the law in our country, then the civil-rights bill is surplusage and this school bill a libel on that truth. Be that as it may, the purpose of these bills is too palpable to be misunderstood. They are so clearly class legislation in the interest of the colored race, that he who runs can read and understand it, for it is known by the friends of the civil-rights bill that if it shall become a law, it will disorganize and break up the public-school system throughout the South, because it of necessity mixes the races in those schools. In that event this school bill stands ready to reorganize those schools, and thereby apply every dollar of the public lands assigned to those States to the education of the colored race.

Then the question presents itself, is this character of legislation designed for the good of the whole country, or is it to accomplish some political end? Can a general law affecting the whole people, and affecting them unequally, be a just law, and consistent with the Constitution? If so, the Constitution itself is defective, and should be amended. But this is not true; the Constitution knows no favorites, few or many, to the prejudice of others, but recognizes the exalted and the humble alike. As it now stands, the rights of all persons are equal and the same, regardless of color or previous condition of servitude. This is a phrase you have inserted into the Constitution yourself, or at least your party did. Now stand by it. It does seem that further legislation in this direction can be prompted by no higher motive than a gratification of some further or other selfish political end; for every conceivable device and strategy have been sought for, and put on foot, since the war, to estrange the feelings of the colored man from his former master, who is to-day his truest and best friend; while, on the other hand, all things possible have been done to gain his confidence, by telling him falsehoods, and thereby securing his support at the polls. I confess there are honorable exceptions to this unpardonable sin, and I am proud to know it.

But, sir, the more I think and reason on this subject, the more monstrous its provisions grow, and the more thoroughly I am convinced that there is not a paragraph or sentence in the whole bill that is not inconsistent with public and private rights, and subversive of constitutional guarantees.

I will dwell no longer on this part of the subject, but call your attention to the consideration of the fifth section, which reads as follows:

That each of the States and Territories, and said District, shall be entitled to receive its share of the first distribution under such apportionment, which shall, before the first day of January, 1875, or within two months of the first meeting of its Legislature thereafter, have, by its Legislature, engaged that it will provide by law for the free education of all its children between the ages of six and sixteen years, and will apply all moneys which it shall receive under this act in accordance with its conditions.

How startling is this proposition! No party before has ever held to a theory or advocated a policy that was inconsistent with the principle I laid down in the beginning, that is, that the public lands are a common property to all the States, and that the title of no State in and to the same is paramount to that of any one or more of the others. This idea has been uniform with both lawyers and politicians at all times, so far as I am advised. Sir, does not this section disregard, deny, and overturn the idea that a State has any rights whatever, either absolute or qualified, in these lands or their proceeds?

The proposition, when reduced to its simple meaning, is that if the State will by solemn act of its Legislature enter into a contract binding itself unconditionally, and without qualification, to educate all its children between the ages of six and sixteen years, free of charge to them, then and in that event only it may obtain the little pittance by this law allotted to it. In other words, the several States may have and use that which is their own, provided they will use it as their agent (Congress) orders them; and provided, further, that they will obligate themselves to exhaust their State free-school fund, their sinking fund, their treasuries, and all other money resources, if it shall take this sum, to educate all who are within the ages of six and sixteen.

Nothing short of this is the demand made of the States, for this section does not restrict them to the use of the land proceeds to educate these children, but the demand is unconditional and unqualified that they shall educate them, which fairly and logically bears the construction that they shall be educated, let the sacrifice be what it may; and if they fail or refuse to comply with any of these mandatory conditions, they (those refusing) shall not receive and enjoy that which by law is their own, by vested and absolute right, in a joint and common property to them all. Was ever a more arbitrary and high-handed measure taken by despotic governments, much less by a legislative body claiming to bear the name and attributes of a republic?

The word "educate" occupies an important position in this entire bill. Further along you will find there is a Commissioner of Education, who is invested with immense power and authority; and the word "educate," being indefinite in its extent, will give this Commissioner, if he be a bad man, (which is very likely, for there are a great many of them nowadays,) a pretext under this fifth section to withhold the distributable shares from one or more States as he may see fit, upon the ground that this word means more or less education than that promised to be given by the State in its acceptance of the terms contained in this section.

Nor have we yet reached the end of these qualifying and restricting conditions upon which this money may be had.

I now read section 7, which is as follows:

That each State and Territory, and said District, shall be entitled to receive its share of every apportionment after the first.

And three additional conditions, the first of which is that the State will again reiterate the promise made in the fifth section. The second is—

That it shall have applied all moneys by it previously received under this act in accordance therewith.

That is, in accordance with each and every condition in the whole bill. The third is:

Thirdly. That it shall, through the proper officer thereof, for the year ending the 30th day of June last preceding such apportionment, make full report of the number of public free schools, the number of teachers employed, the number of school-houses owned and the number of school-houses hired, the total number of children taught during the year, the actual daily attendance, and the actual number of months of the year schools shall have been maintained in each of the several school districts or divisions of said State, Territory, or District, and the amounts appropriated by the Legislature for the purpose of maintaining a system of free public schools.

Here contemplating again the exhaustion of the school fund of the State, the exhaustion of the State treasury, and all other private resources of the State, over which Congress has no more rightful control than a single private individual of England. Yet you are bound to surrender these private and reserved rights of the States before they can receive a dollar.

We have now reached the eighth section, in which is contained the almost unlimited power of the Commissioner of Education under this bill, and which reads as follows:

That on or before the 1st day of September, in each year, the Commissioner of Education shall certify to the Secretary of the Treasury, as to each State, Territory, and District, whether it is entitled to receive its share of the apportionment under this act, and the amount of such share, which shall thereupon be entitled to receive the same. If the Commissioner shall withhold a certificate from either, its share of such apportionment shall be kept separate in the Treasury until the close of the next session of Congress, in order that it may, if it see fit, appeal to Congress from the determination of the Commissioner. If Congress shall not at its next session direct such share to be paid, it shall be added to the general educational fund.

Here you discover him monarch of the field and sole arbiter as to whether the State or States have complied in detail with all the conditions and restrictions of this most unjust law, including the word *educate;* that is, whether or not the State has educated its several children between the ages of six and sixteen up to the standard fixed by him; if not, of course he refuses to give the required certificate. Then what is the remedy? An appeal to Congress is the only remedy from the determination of this monster in authority. Then suppose Congress shall have a quantity of general public business to transact, and consequently not have the time to devote to the little trivial matters pertaining to the rights of one little and insignificant State, or shall refuse or neglect to act in the premises, the appeal is unavailing, and the money thus lost to the State is added to the general educational fund, thereby increasing the educational interests of each of the other States, whose representatives may negligently or carelessly have deprived the former of its just rights, if indeed any right under this bill may be termed just.

Nor is this all the difficulty attending this appeal. The costs attending it, with counsel and witnesses, in many characters of cases that might be cited, would be immense, because of the extravagantly high prices of living in this national capital city, and the uncertain times at which a trial might be had, all of which must come out of the State treasury, for it can come from nowhere else. She cannot touch one dollar of the money in controversy for any other than for school purposes under any circumstances, or for any purpose or purposes, and hence the value of the entire amount in controversy may be lost in the effort to get it.

Why, sir, what would be the sense of the State of California in taking an appeal and bringing her witnesses and records to Washington City in the effort to get the pittance that might be assigned her, or the States of Oregon, Florida, Texas and others that could be mentioned, whose distance from the capital renders a successful effort by appeal almost hopeless, especially where witnesses might be required before a committee to inquire after and report the facts?

And now, dismissing these objections, I pass on to another feature in this bill that is seriously objectionable to me, whatever may have been the practice in the Federal courts, or whatever may have been the phraseology of the Federal statutes heretofore.

To reach this objection I read section 11:

SEC. 11. That in case any State or Territory shall misapply, or allow to be misapplied, or in any manner appropriated or used other than for the purposes herein required, the funds, or any part thereof, received under the provisions of this act, or shall fail to comply with the conditions herein prescribed, or to report, as herein provided, through its proper officers, the disposition thereof, such State or Territory shall forfeit its right to any subsequent apportionment by virtue hereof, until the full amount so misapplied, lost, or misappropriated shall have been replaced by such State or Territory, and applied as herein required, and until such report shall have been made; and all apportionments so forfeited and withheld shall be added to and become part of the principal of the educational fund hereby created; and the officer or officers, person or persons, willfully so misapplying, misappropriating, squandering, or embezzling such funds, or knowingly consenting thereto, shall be deemed guilty of a felony, and, upon conviction thereof, shall be punished by a fine in double the amount so misapplied, misappropriated, squandered, or embezzled, or by imprisonment not less than one nor more than three years, or by both such fine and imprisonment, in the discretion of the court.

The objection that I here refer to is the discretion given the court by the latter part of this section. But before I urge my objections to this feature of the section I wish to notice more fully its other restrictions and demands.

By other provisions of the bill, it will be remembered, the several school officers of the State are made the officers of the Federal Government to receive and disburse the moneys herein distributed by virtue alone of their State official position. Therefore each of the States must surrender to the Federal Government an interest in the time and labor of her officers in order that she may receive and enjoy this benign bounty from the hand of her master, Congress. She must further engage to indorse, and be responsible for, all his acts under this law, under penalty of a forfeiture of her distributable share of this fund. And if any one of these several officers shall fail in any of the requirements of the bill, or if he shall misuse, misapply, or embezzle any portion of this money, the State thereby forfeits all interest therein to a future distribution, unless she will take from her treasury an equal amount and supply the deficit occasioned by the bad faith of that officer. If the engagements of the State are such that the amount is not in her treasury, then she must make a levy on her citizens and require them to replace the amount, otherwise she is disinherited forever; hence you see she is made the surety of each one of these officers, not willingly, but forcibly, as the only condition upon which she is permitted to receive and enjoy this money. And while the officer who is to receive and disburse the money is liable to both fine and imprisonment, upon his bad faith, inattention, or other misfeasance, malfeasance, or nonfeasance in office, he is not paid a cent for his services. It would, doubtless, be amusing to see how many of the thousands around this city, who are in the employment of the Government, could be found at their posts of duty a week from to-day if assured by act of Congress they would receive no compensation for their labor, but be fined and imprisoned in the penitentiary if what they did do was not well and faithfully done.

But I now come to the consideration of the latter part of this section, that part of it which gives to the judge of the Federal court the discretion of fixing the punishment as between the two extremes, and the period covered by them. It seems to me that this part of the bill is an abridgment of the right of trial by jury, and in violation of that part of our Constitution which has given such universal pride and confidence to our citizens in all parts of the country in our system of government. At any rate, it grates harshly on my ear, as a violation of the true spirit, meaning, and intent of our system and theory of government.

Mr. G. F. HOAR. Would it disturb the gentleman if I were to tell him why that provision is inserted in the bill?

Mr. MILLIKEN. It would not.

Mr. G. F. HOAR. I do not understand that it is the purpose of that bill, or that the effect of it would be, to deprive anybody of trial by jury. It proposes that certain courts should have jurisdiction of the offenses specified. Of course the trial would be by jury, and this I understand to be the ordinary provision in the case of all offenses against the Government.

Mr. MILLIKEN. The gentleman is right, I concede, in the ordinary provisions with respect to all offenses against the Government; and to these ordinary provisions I object, as well as to the gentleman's bill. I wish to construe it fairly; but to do so I must be allowed to speak of it as it is, and not with any explanation of the gentleman outside the bill.

Mr. G. F. HOAR. I will ask the gentleman if this bill, in this respect, varies at all from the language ordinarily used in provisions of the United States statutes in all cases relating to crimes?

Mr. MILLIKEN. I have stated that in this the gentleman is doubtless right so far as the United States statutes are concerned, and it is to this I object. The State statutes, so far as I am aware, are, however, different, and I think are correct, and the Federal legislation wrong, on this subject; because, as in this law, there is a discretion given the court in fixing the period of confinement within and including the two extremes. The period of confinement, not being fixed positive and certain by the statute, is not matter of law, but a question of aggravation and mitigation to be determined from the facts and circumstances of each case, just as the guilt or innocence is to be determined from the same facts and circumstances. The only province of a court, in trying a person for his life or liberty, is to judge and expound the law to the jury as it is, they alone being the judges of the facts and circumstances, limited in their verdict by the law as given them by the court.

The Constitution guarantees to each citizen the right of trial by a jury composed of his peers. Then what is the province of that jury? It is to act upon the facts, and determine from them the guilt or innocence of the party accused. Therefore if they, and they alone, determine from the facts that the party accused is guilty, should they not also say how guilty, or to what extent guilty? If it is safer for a jury to say whether or not a law has been violated than the judge of the court, are they not for the same reason safer than he to determine to what extent it has been violated, and to what extent the party violating it shall be punished, they having and acting upon all the facts and circumstances, while the judge of the court acts or fixes the period of punishment alone by reason of the finding of the jury under the law as it now is?

Mr. G. F. HOAR. I understand that there are no cases in the statutes of the United States which provide, nor are there any United States courts where the jury fixes, the amount of penalty; in all cases that is done by the court. Does the gentleman know of any case where the jury in a United States court fixes the amount of penalty?

Mr. MILLIKEN. It is to this I object, and I know of no better time to correct either a wrong or an error than when the same is discovered, and this and other similar statutes are to my mind errors that should receive immediate attention and correction.

The twelfth section gives jurisdiction alone, and is as follows:

> The circuit courts of the United States shall have exclusive jurisdiction of all offenses committed against the provisions of this act, and shall have power and authority, by proper writ, to compel the performance of the duties herein required by any officer herein mentioned.

It will be remembered that by a previous section the State officers are made the recipients of the money to be distributed, not by the consent of the State, or of the individual officers, but by the unbounded and limitless will of the Federal Government. She steps into the State and takes possession of its civil officer, and applies him to the use of the congressional will. This, gentlemen, is a bold, daring, and high-handed assault upon the reserved rights of the States, as well as those of each and every private citizen of every State of the Union, and one which every member on this floor should feel himself specially called upon to resist with all his ability; for by the provisions of this section, should that private officer, either willfully, by negligence, or otherwise, fail to comply with the full requisitions of this bill, the judge of the Federal court has exclusive jurisdiction of his offense, whatever it may be, with authority to arrest and take him from the use and employment of the State, whose officer he is, and against whose laws he has committed no offense.

If Congress has the power to take charge of the school commissioners of a State, and does take charge of them, has it not equal power to take charge of the probate judge of a county, the circuit judge of a district court, the supreme judge of the State, or its governor; and will it not do it whenever it thinks proper to do so? Most assuredly. For the same power can be found in the Constitution for making the governor of a State this receiving and disbursing officer that is found for making a school commissioner of a school district. And should that governor in the discharge of this national official position fail to discharge all its duties, a Federal judge issues his Federal warrant and puts it in the hands of a Federal marshal who executes its high command by arresting the highest officer known in State authority. Would this not subvert every principle of local self-government, wipe out State lines, and at one blow centralize in the various departments of the Federal Government every vestige of State and individual rights worth living for? Certainly this conclusion cannot be denied; for when the power is once admitted, the will to exercise it is ever ready. And thus will end the proudest and happiest government the world has ever known.

I now call your attention and ask you to consider it with me in its constitutional bearing for a few moments. For this purpose I read all of that part of section 3, article 4, of the Constitution of the United States touching upon the power of Congress to legislate upon the subject of the territories, and the only clause in the Constitution where any power to legislate as to the territories is given to Congress. It is as follows:

> The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States.

The power is clearly given to *dispose* of the territories and to make all *needful* rules and regulations respecting them. But does this language carry with it the correlative power to dispose of and make all needful rules respecting the proceeds arising from the disposal of them? If so, how? In what way? The language of the law does not say how nor in what way, nor does it by implication give such power; for the only power that is given is direct, clear, and positive; and if the framers of that instrument had intended to give the power to dispose of the proceeds arising from a sale of the territories, is it not reasonable to suppose they would have said so in as clear and concise language as they did in conferring the power to dispose of the territory itself? If not, why not? for they certainly knew as well what the effect of the language here used was, as that used anywhere else in the same instrument. It certainly would have been as easy, and certainly clear enough for any one to have understood it, if they had said that Congress shall have power to dispose of and make all needful rules and regulations respecting the public lands and the proceeds arising therefrom, as to have said what they did say; but they have not said this, nor have they used language from which a reasonable inference can be drawn that they meant or intended to give such power, or any other than that plainly and clearly expressed in the language quoted.

The gentleman may fall back, though, on the latter part of the last paragraph of article 1, section 8, and claim that we have the power by inference or implication, as by this section all power is given to Congress which shall be necessary and proper for carrying into execution the vested powers. But if he will carefully examine the language used in this section, and that used in the section which gives to Congress the power to dispose of the public lands, he will find as little authority in one as the other; for Congress can only exercise the implied power when the expressly given powers are insufficient

cise any authority not clearly given it by the Constitution. Nor can it assume to itself the right then in reference to the public lands, unless it appear to be both necessary and proper to do so. Hence it will be seen that the discretion which is given in section 8 of article 1 is qualified by section 3 of article 4. Therefore, as there was no power given to Congress to dispose of the proceeds arising from a sale of the territories, and none that can be legitimately inferred, what is the most natural and safe course to be pursued by Congress? Clearly, I think, to place the money in the public Treasury and let it go in liquidation of this enormous public debt that is sucking the very life-blood from the South and West, irrespective of party association.

Why, sir, if Congress, with this flimsy and far-fetched inference, may exercise the right of using this money in this way, may it not (and is not the power equally clear that it may) invest these lands in railroads on speculation, in railroad bonds, in town lots, in magnificent mansions for rental purposes, and in anything else, without stint or hinderance?

This is not all; and that my argument may be more clearly understood, I read the whole of the last paragraph of article 4, section 5:

> The Congress shall have power to dispose of and make all needful rules and regulations respecting the territories or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State.

Certainly, sir, this puts the idea of the rejection of this bill beyond question, for two facts are clearly, and beyond doubt, established by this paragraph: first, that the territories are the common property of all the States, otherwise they could not have enacted this section, they, at the time, being in convention of the whole States, and certainly as such would not have acted upon any matter which did not affect all alike; secondly, because in this same article, section, and paragraph, in which is given to Congress the power to dispose of the territories, and make all needful rules, regulations, &c., respecting them, are also found restrictions to the effect that nothing in the Constitution shall be so construed as to prejudice any claim of the United States, or of any particular State. In construing this law the whole paragraph must be considered together in order to reach the full power, and no more, that is intended to be given Congress, for the reason that the power to dispose of the territories, and the restrictions that nothing in the Constitution shall be construed so as to prejudice the rights of either the United States or those of the States, are bound together by the copulative conjunction, and making the whole paragraph one sentence, and hence precluding every other hypothesis than that to exercise the power given to dispose of the territories, it must be done with a due regard to the equal rights of each State as well as the United States, otherwise the power given cannot be exercised without the usurpation of power clearly withheld from it.

I hold, sir, that Congress is but the creature and agent of the States; that it has no existence outside of the Constitution of the United States. Nor has it any power outside that instrument. To destroy the Constitution would be the destruction of Congress and the abrogation of all the powers now legitimately exercised by it. And hence the Constitution is the life-giving power to Congress and the power of attorney by virtue of which alone it acts or can authoritatively act.

The Congress, therefore, acting under specified and restricted instructions, should not, as a prudent and discreet body, watchful of the best interests of its principal, exercise any authority or privilege not plainly given, unless the exercise of it should become an absolute necessity, to accomplish the end sought to be accomplished by the principal, and it the only means by which the desired object could be attained. This view was most certainly the one in which the framers of the Constitution looked on the powers conferred upon Congress. And in confirmation of this conclusion I read the tenth article of the amendments, which is as follows:

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

This article is the palladium, the great safeguard and bulwark, of our boasted liberties; and when we, as the representatives of the people, have violated these sacred restrictions, we have that moment sinned against light and knowledge, and deserve the execrations of an outraged people and frowns of a just God.

When the restrictions thrown around us by the constitution are once broken over, a field as boundless as imaginary space lies before us. The tyrant, whose ambition for place and power never ceases to burn within him, would be surfeited in viewing the feast spread out before him. Then, sir, the rights of the people are gone forever. Liberty will desert us, and discord and confusion, pain and war, will take the place of order, quietude, peace, and happiness; this, too, in every section of the land.

Think not that one member of this political union of States, or any other number, can be wrongfully and foully dealt with, and the rights of the others remain intact; such is not the truth. Like any other body, when you have wounded or severed any portion of it, the whole body, by the natural course of things, will sympathize, and sooner or later decay will follow.

Hence I pray you, who have lived in peace and affluence since and during our late war, be not content to fold your arms and look quietly at the ravages of the rights of the Southern States, in the confidence that your States and your liberty are secure from the same red right of themselves to accomplish and carry into effect the object sought to be accomplished by those powers thus expressly given. Hence, when they fail, and not till then, can Congress rightfully assume to exerhand, for I warn you now to fly the wrath to come. Oppression knows no friends, and its wrath is as certainly destined to reach you as it has reached them, unless reform is invited to the rescue. For by the passage of this bill your rights and those of your States are invaded as well as those of the South, and it is but the entering-wedge of another and another, of like and even more serious usurpations of power, if possible, until, finally, there will be but one legislative body in all the length and breadth of this Union of States, and but one great centralized governmental power.

By way of awakening your jealousies as well as your judicious scrutinies to a full and thorough examination of this bill, let me here refer to some authority for our cautious guidance, as showing the great care with which we should approach the exercise of doubtful legislative power as members of Congress.

I read from page 331, of volume 4, of Thomas Jefferson's Works. He says:

> The true theory of our Constitution is surely the wisest and best: that the States are independent as to everything within themselves, and united as to everything respecting foreign nations.

Is not the idea contained in this bill put to blush when confronted by this language, coming as it does from a source so eminent?

On the same subject I now read from page 758, volume 7, of the same Works. Among other things he says:

> With respect to our State and Federal governments I do not think the relations are correctly understood by foreigners. They generally suppose the former subordinate to the latter. But this is not the case. They are co-ordinate departments of one simple and integral whole. To the State governments are reserved all legislation and administration in affairs which concern their own citizens only; and to the Federal Government is given whatever concerns foreigners or the citizens of other States—these functions alone being made Federal.

Can you for one moment reasonably conjecture that Thomas Jefferson ever dreamed that Congress, at any time in the history of this Government, would assume to itself the right to enter the limits of a State of this Union for the purpose of taking hold and control of the education of its children? If so, these sentiments were willful deceptions, for which posterity should never forget to despise him. But, sir, such an idea was never entertained by him. He thoroughly understood the design sought to be reached, and the relative rights reserved by the States, as well as those surrendered to the United States Government; and no better definition of their powers respecting each other can be given in fewer and simpler words than is in these two quotations. It is at any rate clear to my mind that if the States have the right to regulate and control their own internal social relations the Federal Government has not, and if the Federal Government has it the States have not; but for the Federal Government to have it, it must have been given to it by the States, somewhere or somehow. I will wait for the gentleman from Massachusetts [Mr. G. F. HOAR], to tell us where and how, if he can. If he does not, the inquiry recurs, is this not a matter which concerns her own citizens only? unless the gentleman may argue that the education of the people of the several States is not a matter which concerns the State only, but one which concerns the Federal Union or Government in a national point of view. If he takes this view, then there is no way to meet him; for if that position be tenable, Congress may, by its legislation, regulate the relation between husband and wife, guardian and ward, landlord and tenant, and all other social, financial, and industrial relations of life between the citizens of a State; for it is as much interested in each of these as in the education of the people of a State. The well-being of the citizen in a social and financial point of view tends to give character and wealth to the General Government as well as does the education of the citizen of a State. And by parity of reasoning the States have no rights that may not be invaded and wrested from them by Congress. Thomas Jefferson was insane when he wrote this book, or never knew what principles the Government was based upon if this bill is in harmony with the Constitution.

I have now said all I have to say on this subject at present, and may never be heard on it again. I therefore appeal to each member on this floor, irrespective of party affiliation, to vote against this measure, to unite as one man in an effort to return within the limitations prescribed by the Constitution in the exercise of legislative power, and to reform in the expenditure of the people's money, that they may feel and know their servants are faithful and obedient to the trust that has been confided to them. Let not the laboring multitudes of our whole country, who are staggering like a drunken man under the burdensome taxes that are now weighing them to the ground, cry out against us because of additional taxes made necessary by the passage of this bill. Should this appeal be unheeded by you, I then appeal to the people in every nook and corner of the land to look well to their own interest, to demand of Congress reform and retrenchment in the expenditure of their money. And from every consideration that is near and dear to an American citizen I appeal to them to require of their public servants, in every official position, to confine their official acts strictly within the limits prescribed by the Constitution of the country, else return them to private life, where they can sin no more.

Free Trade—Interstate Commerce.

SPEECH OF HON. WM. E. ARTHUR,

OF KENTUCKY,

IN THE HOUSE OF REPRESENTATIVES,

March 3 *and* 4, 1874.

The House having under consideration the bill (H. R. No. 1385) to regulate commerce between the several States—

Mr. ARTHUR said:

The proposition, by act of Congress, to make a Federal incursion into the reserved province of executed contracts between man and man in the several States, and seize and vest in nine persons, to be appointed and removed at the pleasure of the Executive, the whole subject of personal intercourse, with rates and charges for carrying men for hire, and property for hire, over all chartered railways in the Union, connecting or intersecting across State lines, is manifestly a proposition sufficiently startling.

The novelty and magnitude of the subject, the popular sentiment converging upon it, the public men supporting it, together with its relations to the fundamental law, by which it must be judged, demand for it the gravest consideration which can be awarded it by the House and the country. If I may be permitted so to speak, the proposition is in the nature of an experimental exploration of the elasticity of constitutional government, penetrating not only the known and real, but the unknown and conjectural; searching not merely the most vital center of Federal power, but equally the faintest shadows of its most imaginary extremities.

To the continued constitutional regulation of commerce among the several States, in the future as in the past, as illustrated by congressional legislation through a period of more than eighty years of unexampled commercial prosperity, there is, I believe, universal assent. The proposition so to construe a grant of limited power as to make its scope in effect unlimited and universal, and under color of such construction to push the legislation of Congress to an extreme heretofore unheard of, forms an occasion for the temperate consideration and candid judgment of the American public, aided by all the light which can be obtained from the exhaustive deliberations of those early and succeeding American statesmen and jurists whose investigations and opinions continue to shed luster upon all the principles and powers of institutional government. On a very interesting occasion Mr. Madison said:

It will be remembered that a frequent recurrence to fundamental principles is solemnly enjoined by most of the State constitutions, and particularly by our own, as a necessary safeguard against the danger of degeneracy to which republics are liable as well as other governments, though in a less degree than others. And a fair comparison of the political doctrines, not unfrequent at the present day, with those which characterized the epoch of our Revolution, and which form the basis of our republican constitutions, will best determine whether the declaratory recurrence here made to those principles ought to be viewed as unreasonable and improper, or as a vigilant discharge of an important duty. The authority of constitutions over governments, and of the sovereignty of the people over constitutions, are truths which are at all times necessary to be kept in mind; and at no time, perhaps, more necessary than at present.

At the termination of the revolutionary war the States found that they were not in a condition to realize its fruits. The Articles of Confederation proved wholly inadequate, whether as a basis of union or as a constitution of government. The Confederation was neither suited to the domestic nor the foreign relations of the States. The government in virtue of it was plainly incompetent. But it manifested the extraordinary greatness of promptly consenting to forego its own existence and aid in transferring its functions, enlarged, multiplied, and strengthened, to its successor under the present Constitution. No necessity contributed more powerfully to the formation of the present Government than that of the regulation of commerce.

Two of the major evils which it was especially designed to remedy were, first, commercial restrictions at home; and, secondly, commercial restrictions abroad. Free and untrammeled commerce among the States and with foreign nations formed the paramount object to be promoted. Freedom, fairness, competition, and equality, combine the influences under which it was known to achieve its greatest triumphs.

The States had pursued systems of retaliatory restrictions upon each other, which uniformly resulted in adversity to their own commerce, and in prosperity to that of rival powers.

Before the Constitution existed the States taxed the commerce and intercourse of each other. This was the leading cause of abandoning the Confederation and forming the Constitution; more than all other causes it led to the result. (Mr. Justice Catron in the Passenger cases in 1849.)

Said Mr. Hamilton, illustrating by quotation:

The commerce of the German Empire is in continued trammels from the multiplicity of the duties which the several princes and states exact upon the merchandise passing through their territories, by means of which the fine streams and navigable rivers with which Germany is so happily watered are rendered almost useless.

Though the genius of the people of this country, he said, might never permit this description to be strictly applicable to us, yet we might reasonably expect from the gradual conflict of State regulations, that the citizens of each would, at length, come to be considered and treated by the others in no better light than that of foreigners and aliens.

And Mr. Madison represented that if one State imposed high duties on the goods or vessels of a foreign power, to countervail the regulations of such power, the next adjoining States imposed lower duties, to invite those articles into their ports, that they might be transferred thence into other ports, securing the duties to themselves.

This contracted policy in some of the States was soon counteracted by others. Restraints were immediately laid on such commerce by the suffering States, and thus had grown up a state of affairs, disorderly and unnatural, the tendency of which was to destroy the Union itself, and with it all hope of realizing those blessings which had been anticipated from the glorious revolution which had been so recently achieved.

The sole power to regulate commerce among the States was in the States severally. Its exercise was inevitably conflicting, irritating, and disastrous. The evil was restriction, the remedy freedom. Hence the several powers in each of the States to regulate commerce were, to a limited extent, merged in the Federal power to regulate commerce among the States, in order that the General Government should have authority to remove and preclude restrictions and secure uniformr freedom of commerce among the States. Instances of the evils of such restrictions upon interstate commerce were plentiful at that early day when American trade was yet in its infancy. The States which imported and exported through the Atlantic States required relief from the burdensome duties and imports of the latter.

Were these at liberty to regulate the trade between State and State, it must be foreseen that ways would be found out to load the articles of import and export, during the passage through their jurisdiction, with duties which would fall on the makers of the latter and the consumers of the former. We may be assured by past experience that such a practice would be introduced by future contrivances; and both by that and a common knowledge of human affairs, that it would nourish increasing animosities, and not improbably terminate in serious interruption of the public tranquillity. To those who do not view the question through the medium of passion or of interest, the desire of the commercial States to collect, in any form, an indirect revenue from their uncommercial neighbors must appear not less impolitic than it is unfair; since it would stimulate the injured party, by resentment as well as interest, to resort to less convenient channels for their foreign trade.—*Madison.*

There were incidents and details legitimately within the compass of the American sense of the power to regulate commerce with foreign nations, and among the several States, and with the Indian tribes, not relevant to that branch of the subject now under consideration. What we are now especially concerned with are the origin, identity, and objects of the grant of the power to *regulate* commerce. It is important to keep in view those ultimate limits of this division of the question. The oppressed and degraded state of American commerce was chief among the most insufferable grievances. Even among the States alone it lay prostrate before the cupidity of foreign nations, and every American effort at counteraction by suitable restrictions was made abortive by divided councils and conflicting instrumentalities.

The New England States were then, as subsequently, eminently commercial in their popular pursuits. Under the British Crown they had enjoyed a profitable foreign trade with the English West India islands, and also with the French islands. In the whale and cod fisheries on the American coast they had scarcely any formidable competition. The British posts scattered along the line to a considerable extent of our northern frontier had covered a lucrative fur trade. From this trade New York and Pennsylvania had realized large profits. By the terms of the treaty of peace those posts were to be broken up and evacuated. But upon sundry pretexts the British government still retained them, and, with the view of diverting this valuable trade to Canada, cut off or broke up the communication and intercourse of the States with the Indian country. American commerce was excluded from the ports of the English West Indies. The numerous ports on the Mediterranean Sea had afforded ample marts for the produce of our fields and fisheries, but all these operations speedily fell a prey to the rapacity of the pirates and corsairs by whom that sea was with impunity infested; and wherever had sailed the foreign commerce of the States it was ceasing to appear.

The envy and jealousy of the maritime powers of Europe had been kindled by the manifold displays of the adventurous spirit of American commerce. All too apparent had become its capacity to command navigation, the carrying trade, and naval supremacy. Hence were fostered by foreign nations divisions and conflicts in the commercial policy of the States to answer "the threefold purpose of preventing our interference in their navigation, of monopolizing the profits of our trade, and of clipping the wings on which we might soar to a dangerous greatness."

The foregoing reflections and citations will suggest inquiries which may serve to lead the mind of the House to the paramount facts in this connection, that in the then lamentable condition of things commerce among the States was crushed under State restrictions, and commerce with foreign nations was crushed under foreign regulations.

Early in 1786 commissioners were appointed by the State of Virginia to meet such commissioners as might be appointed by the other States, for the purpose of—

Considering how far a uniform system in the commercial regulations may be necessary to their common interests, and their permanent harmony; and to report to the several States such an act relative to that object as, when unanimously ratified by them, would enable Congress effectually to provide for the same.

A meeting ensued at Annapolis; but subsequently assembled in Phil-

adelphia, in May, 1787, that convention which framed the Federal Constitution.

Animated pre-eminently by the facts and considerations which I have sought, suggestively, to revive in the recollection of the House, that convention founded and constructed the power to regulate commerce as we find it amid the grants enumerated in the Constitution.

It would be quite tedious, if not impracticable, to dwell with any degree of minuteness upon the debates and proceedings of the convention in this regard, although upon the commercial power great unanimity prevailed, and the debates, &c., were comparatively brief.

Said the Supreme Court in 1852, by Mr. Justice Daniel, in Veazie *vs.* Young and Moore:

> The design and object of that power (to regulate commerce) as evinced in the history of the Constitution, was to establish a perfect equality among the several States as to commercial rights, and to prevent unjust and invidious distinctions which local jealousies, or local and partial interests, might be disposed to introduce and maintain.
>
> Those were the views pressed upon the public attention by the advocates for the adoption of the Constitution, and in accordance therewith have been the expositions of this instrument propounded by this court, in decisions quoted by counsel on either side of this cause, though differently applied by them.

With this brief review I now take leave of the preliminary branch of the discussion by again adverting to the principal fact that the paramount object of the grant to Congress of the power to regulate commerce among the States was to remove from it, and to preclude the restrictions and burdens inseparable from rival systems of State legislation, and so secure to it the only boon it asked, the charity of being let alone, subject only to such general regulations or rules by act of Congress as would inure to its safety and freedom.

> An unrestricted intercourse between the States themselves will advance the trade of each. * * The veins of commerce in every part will be replenished, and will acquire additional motion and vigor from a *free circulation.—Hamilton, in the Federalist.*

IS IT EXCLUSIVE?

Keeping that consideration in view, the further inquiry properly arises as to whether the grant so made was designed to and did vest in Congress the sole, absolute, and exclusive power to regulate commerce among the States? This inquiry is specific; it is not as to the nature and extent of the power, or the subjects and means embraced in it, but whether that specific power was so absolutely and wholly surrendered by the respective States and the people thereof that the exercise of such power by a State would thenceforth be and remain unconstitutional and void? Upon the proper solution of this question, it is well known there has been a conflict of the opinions of eminent men ever since the origin of the Government, and recurring legislation upon the one theory and upon the other, both on the part of the State and the Federal governments. But the supremacy of the Federal law, within the limits and objects of the grant, over laws of the States, all concede.

Mr. Justice Story, in his Commentaries on the Federal Constitution, insists that the Federal power to regulate commerce among the States is exclusive of all or any part of the same power in the States. He says:

> It is general and unlimited in its terms. The full power to regulate a particular subject implies the whole subject, and leaves no residuum. A grant of the whole is incompatible with the existence of a right in another to any part of it. A grant of a power to regulate necessarily excludes the action of all others, who would perform the same operation on the same thing.

And the same views are maintained by Mr. Justice Story in his dissenting opinion in The City of New York *vs.* Miln, in the Supreme Court, in 1837.

In the convention, however, which framed the Constitution, on the 20th day of August, 1787, it was moved and seconded to insert the words "sole and exclusive" before the word "power," so as in express terms to give to Congress the sole and exclusive power to regulate commerce; and on the vote being taken, *the amendment was rejected by a vote of 6 to 5:*

> Yeas—New Hampshire, Massachusetts, Pennsylvania, Delaware, and South Carolina—5.
>
> Nays—Connecticut, New Jersey, Maryland, Virginia, North Carolina, and Georgia—6.

Unquestionably there is great significance in that proceeding. It would be quite unreasonable in this connection to dispute the weight of such authority. It is in fact an *express refusal* to delegate the *sole and exclusive* power. And it operates as a restriction upon the grant, running with the grant and qualifying it.

In the memorable case of Gibbons *vs.* Ogden, in the Supreme Court in 1824, Mr. Webster contended for the exclusiveness of the power. He said, "The people intended, in establishing the Constitution, to transfer from the several States to a general government, those high and important powers over commerce, which, in their exercise, were to maintain a *uniform and general* system." From the very nature of the case, these powers he thought must be *exclusive;* that is, *the highest branches of commercial regulation* must be exclusively committed to a single head. He was of the opinion, speaking in general terms, that roads, bridges, and ferries, though, of course, affecting commerce and intercourse, are not of such importance and elevation as to be deemed the subjects of *commercial regulation.* In his opinion a reasonable construction should be given to the Constitution; and such construction is as necessary to the just power of the States as to the authority of Congress.

But Mr. Oakley, of counsel on the other side, maintained the opposite ground with equal plausibility and force, and contended that it was perfectly settled that an affirmative grant of power to the United States does not, of itself, divest the States of a like power, and that the question was no longer open for discussion in the Supreme Court. But the case of Gibbons *vs.* Ogden did not decide this question.

In delivering the opinion of the court, Chief Justice Marshall said, in this connection, that many of the powers formerly exercised by the States are transferred to the Government of the Union; yet the State governments remain and constitute a most important part of our system.

> When each government exercises the power of taxation, neither exercises the power of the other. But when a State proceeds to regulate commerce with foreign nations, or among the several States, it is exercising the power that is granted to Congress, and is doing the very thing which Congress is authorized to do. There is no analogy, then, between the power of taxation and the power of regulating commerce. * * * In discussing the question whether this power is still in the States, in the case under consideration, *we may dismiss it from the inquiry* whether it is surrendered by the mere grant to Congress, or is retained until Congress shall exercise the power. We may dismiss that inquiry, because it has been exercised, and the regulations which Congress deemed it proper to make are now in full operation. The sole question is, can a State regulate commerce with foreign nations and among the States while Congress is regulating it?

And in the Passenger cases in the Supreme Court in 1849, Mr. Justice McLean, in delivering the opinion of the court, observed, in referring to the commercial power, that the States retained every attribute of sovereignty which is not *plainly* vested in the Federal Government and *inhibited* to the States, and whether he considered the nature and object of the commercial power, the class of powers with which it was placed, the decision of the Supreme Court in Gibbons *vs.* Ogden, and in Brown *vs.* Maryland, he was brought to the conclusion that the power to regulate commerce with foreign nations and among the States was by the Constitution exclusively vested in Congress. But he maintained, with equal stringency, that *all commercial action within the limits* of a State, which does not extend to any other State or foreign country, is exclusively under State regulation. That commerce, he contended, Congress had no more power to regulate than a State had to regulate commerce with foreign nations.

And Mr. Justice Wayne, in the same cases, in considering the subject-matter of the grant in the Constitution, was satisfied that the meaning of the terms used was to exclude the States from regulating commerce in any way except as to their own internal trade. The power in Congress could not be said to be unlimited, because it was expressly prohibited from levying any tax or duty on articles exported from any State. This was an insuperable restriction. Inspection laws, quarantine laws, health laws, and all laws regulating the internal commerce of a State, and laws relating to turnpikes, roads, ferries, &c., he said, were "component parts of that immense mass of legislation which embraces everything within the territory of a State, not surrendered to the General Government."

In the case of Cooley *vs.* The Board of Wardens of Philadelphia, in the Supreme Court in 1851, Mr. Justice McLean insisted upon the exclusiveness of this power, and in his dissenting opinion observed—

> That a State may regulate foreign commerce, or commerce among the States, is a doctrine which has been advanced by individual judges of this court; *but never before, I believe, has such a power been sanctioned by the decision of this court.* In this case, the power to regulate pilots is admitted to belong to the commercial power of Congress; and yet it is held that a State, by virtue of its inherent power, may regulate the subject until such regulation shall be annulled by Congress. This is the principle established by this decision. * * * *The power is recognized in the State,* because the subject is more appropriate for State than Federal action; and, consequently, it must be presumed the Constitution cannot have intended to inhibit State action. This is not a rule by which the Constitution is to be construed. It can receive but little support from the discussions which took place on the adoption of the Constitution, and none at all from the earlier decisions of this court.

But the doctrine of the foregoing opinion of that eminent jurist was again overruled by the Supreme Court in 1865 in the case of Gilman *vs.* Philadelphia, where the same subject was under consideration. The opinion of the court was delivered by Mr. Justice Swayne. The court, after reciting that the Federal Government possesses no powers but such as had been delegated to it; that the States retain all but such as they have surrendered; that the power to authorize the building of bridges is not to be found in the Federal Constitution; that that power has not been taken from the States; that it must reside somewhere; that the States had it before the Constitution was adopted, and that they have it still, affirmed the doctrine of the case last above cited. The court said:

> The power to regulate commerce covers a wide field, and embraces a great variety of subjects. Some of those subjects call for uniform rules and national legislation; others can be best regulated by rules and provisions suggested by the varying circumstances of different localities, and limited in their operation to such localities respectively. To this extent the power to regulate commerce may be exercised by the States. Whether the power in any given case is vested exclusively in the General Government *depends upon the nature of the subject* to be regulated. *Pilot laws are regulations of commerce,* but if a State enact them in good faith, and not covertly for another purpose, they are not in conflict with the power to regulate commerce, committed to Congress by the Constitution.

As late as 1872 this subject came up for consideration in the Supreme Court in the case of the Reading Railroad Company *vs.* The State of Pennsylvania. The opinion of the court was delivered by Mr. Justice Strong. In that opinion it was deemed unnecessary to review the much-debated question whether the Federal power to regulate commerce among the States was exclusive. The earlier decisions of the court had held to the affirmative. It had been often argued, and sometimes intimated, that in the absence of congressional regula-

tions State regulations might be made. This was denied. Cases that had been decided in support of State laws related to bridges, dams, police, health, or subjects of a kindred nature, not involving strictly commercial relations. Transportation of passengers or merchandise through a State, or from one State to another, is within the power of Congress to regulate commerce among the States, and cannot be subjected to State taxation.

Merchandise is the subject of commerce. Transportation is essential to commerce, and every burden laid upon it is *pro tanto* a restriction. Whatever, therefore, may be the true doctrine respecting the *exclusiveness* of the power vested in Congress to regulate commerce among the States, we regard it as established that no State can impose a tax upon freight transported from State to State, or upon the transporter because of such transportation.

The House cannot be insensible to the gravity of a question which perplexes and divides such intellects as those of Marshall, Taney, Story, McLean, and others scarcely less commanding. With all their transcendent powers of analysis, generalization, and reflection, they have left this question where they found it, and the divided sovereignty between the local and the general governments still remains in the two lineal institutions, instinct with harmonious vitality, in shares practically undefined and undefinable. However superficial or profound may be the researches into our twofold system, its phenomena will probably continue to divide and perplex in the future as in the past, so long as it shall rest upon its original foundation. Efforts of construction to reduce great constitutional barriers to the low level of exact lines, minute intersections, and fixed quantities, in the administration of its details, amid the shifting gales of expediency or passion, run into metaphysical subtilty, and end in consolidation.

In our systems of civil polity, the mutual dependence, the ceaseless action, of the State and Federal governments is vital, organic, and omnipresent. The power to regulate commerce among the States may, metaphysically, be said to be a unit, to be incapable of division, to be exclusively in Congress. In the same sense sovereignty is said to be a unit, incapable of division, exclusively in the people; but many of its powers are classified and delegated, or reserved, to be exercised by designated agencies upon subjects upon which they are designed to act.

And the subjects upon which the commercial power must act, as act it everywhere must, on and over the merely theoretical boundaries of both local and Federal jurisdictions, are multifarious and inseparable, and wholly beyond the single compass of either the one or the other. Those kindred co-operating jurisdictions are poised and adjusted within their appropriate limits by the checks and balances subject to whose restraining influences they act and react the one upon the other. But the subjects, instruments, and agencies which are comprehended by and which compose commerce are, and have ever been, and must continue to be, dealt with and regulated by both the State and Federal governments in their blended proportions. And in the light which our political and judicial history sheds upon this interesting fragment of delegated power, it is most obvious that, if we speak with the exactness and precision of inexorable fact, though it may be said the Federal power to regulate commerce among the States is supreme within the limited range of its objects, it cannot properly be affirmed of it that it is, has ever been, or can ever be, in the past and present condition of the Federal Constitution, incompatible with the co-existence of a right in the States to any part, and in that sense exclusive.

IS IT CONCURRENT?

The greatest masters of thought and expression have conceded the difficulty in definitions and distinctions to speak always with absolute precision and exactness. Certainly in the hurry and turmoil of congressional discussion such difficulty disputes every step of our progress with questions of the character of the one now under consideration. To find the true solution of the problem of constitutional power to legislate in the manner proposed by this bill, due circumspection demands of us to walk reverently through the aisles and corridors, and beneath the enduring monuments of the august structure, and to thoughtfully feel our way to its sanctuaries, guided by the sages and jurists who have contributed to originate, illustrate, and expound it.

Under the best auspices difficulties will be found still to confront us. If any gentleman friendly to this bill should lay down the proposition that State legislation and Federal legislation relating to commerce had not, from time to time, and continually from the organization of the latter, co-operated, contributed to the same event or effect—that along the mathematical boundaries of the one jurisdiction and the other, through the great seas, lakes, rivers, and over the great mountains and plains which bound or intersect our dominion, the one had not accompanied and was not found collaterally connected with the other—I venture to say he would find it quite impossible to maintain it in the face of the weightiest mass of testimony to the contrary, of the most commanding authority, running through the whole period of our Federal history. And it is as to the adequacy of that testimony to produce conviction that the exercise of the power to regulate commerce among the States has been, and continues to be, concurrent in the two governments, that I propose now briefly to marshal parts of it before the House.

In the debate in the convention of 1787 pending the discussion, Mr. Sherman said that no danger was to be apprehended from a concurrent jurisdiction in the States in the regulation of commerce, because the grant of power to Congress would be supreme within the range of its objects, and would preclude interfering or conflicting legislation.

Of a like opinion was President Monroe, in his special message to the House on May 4, 1822:

The national Government begins where the State governments terminate, except in some instances where there is a concurrent jurisdiction between them. This Government is also, according to the extent of its powers, a complete sovereignty. I speak here as repeatedly mentioned before, altogether of representative sovereignty, for the real sovereignty is in the people alone.

In delivering the opinion of the Supreme Court, in 1819, in Sturgis *vs.* Crowninshield, Chief Justice Marshall, adverting to the question now under consideration, observed that when the American people created the national Legislature, with certain enumerated powers, it was neither necessary nor proper to define the powers retained by the States. Those powers remained, after the adoption of the Federal Constitution, what they were before, except so far as they were abridged by the grants in that instrument. In some instances, as in making treaties, the Constitution contains express prohibition against the States, and these show the sense of the convention to have been, that the mere grant of power to Congress *does not imply a prohibition* on the States to exercise the same powers. It does not follow, however, that this concurrent power of legislation extends to every possible case in which its exercise by the States has not been expressly prohibited.

Whenever the terms in which a power is granted to Congress, or the nature of the power, requires that it should be exercised exclusively by Congress, the subject is as completely taken from the State Legislatures as if they had been expressly forbidden to act on it.

But even in that class of cases the difficulties in the way of drawing the line where one begins and the other ends, remain. And they are adverted to by the Chief Justice, in construing the power to "establish uniform laws on the subject of bankruptcies throughout the United States." Bankruptcy and insolvency, in the common and legal acceptation of those terms, import the state or condition of a person who is unable to pay his debts. In common parlance they are equivalents. The supposed necessity for them arises out of the exigencies of commerce. It was at one time contended that Congress possessed the exclusive power to regulate both bankruptcy and insolvency. But that shell of contention was long ago exploded. The Chief Justice said:

The establishment of uniformity is, perhaps, incompatible with State legislation, on that part of the subject to which the acts of Congress may extend. But the subject is divisible in its nature into bankrupt and insolvent laws; though the line of partition between *them is not so distinctly marked as to enable any person to say, with positive precision*, what belongs exclusively to the one, and not to the other class of laws. The difficulty can arise only in our complex system, where the Legislature of the Union possesses the power of enacting bankrupt laws; and those of the States, the power of enacting insolvent laws.

He said the line of distinction must be, in a great degree, arbitrary. The two systems have existed apart from each other, and the connection between them is such as to render it difficult to say how far they may be blended together. Much inconvenience would result from that construction of the Constitution which should deny to the State Legislatures the power of acting on this subject, in consequence of the grant to Congress. It may be thought more convenient that much of it should be regulated by State legislation, and Congress may purposely omit to provide for many cases to which their power extends.

It is not the mere existence of the power, but its exercise, which is incompatible with the exercise of the same power by the States. * * The Constitution does not grant to the States the power of passing bankrupt laws, or any other power; but finds them in possession of it, and may either prohibit its future exercise entirely, or restrain it so far as national policy may require.

Mr. Justice Story delivered an elaborate dissenting opinion in the Supreme Court in Houston *vs.* Moore in 1820. In that opinion the same general doctrine was adhered to by him. There are many similar powers in the two governments, of vital importance to each. It is not true that a mere affirmative grant of powers to Congress vests therein an exclusive sovereignty over all the subjects to which it relates. The powers granted *are never exclusive by construction merely.* They are exclusive only where they are expressly so; where their exercise by the States is prohibited, or is repugnant, or incompatible. In all other cases the power of the States is concurrent. This is so upon two grounds: first, upon the soundest principles of general reasoning; and, secondly, upon the tenth amendment to the Constitution:

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively or to the people.

Any friction which might ensue in the practical operation of this concurrent jurisdiction is precluded by force of the sixth article, which declares:

This Constitution, and the laws of the United States which shall be made in pursuance thereof, * * shall be the supreme law of the land.

And Mr. Justice Johnson, who also dissented from some of the views in the opinion of the court, but concurred in the judgment rendered, used this remarkable language:

This is a branch of the exploded doctrine, that within the scope in which Congress may legislate the States shall not legislate. That they cannot, when legislating within that ceded region of power, run counter to the laws of Congress, is denied by no one; but, as I before observed, to reason against the exercise of this power from the possible abuse of it, is not for a court of justice.

And Mr. Justice Washington, who delivered the judgment of the court, held that Congress has power to provide for organizing, arming, and disciplining the militia; that it is presumable that the framers of the Constitution contemplated a full exercise of the power. But, if Congress had declined to exercise it, it was competent to the State governments to provide for organizing, arming, and disciplining their respective militia, in such manner as they might think proper.

That this and other merely affirmative grants in the Constitution are concurrent is sustained by an inference quite conclusive from the terms of that portion of the sixth article of the Constitution just quoted. That important fortification in the Federal structure relating to the supremacy of the law once omitted, the power of the States might have followed their commerce by land and by sea. To that self-imposed restraint they have ever yielded as to a volition of their own undisputed sovereignty, but the fact still remains that the concurrent exercise of the power to regulate commerce among the States is so "intermixed with the materials which compose it, so interwoven with the web, so blended with its texture, as to be incapable of being separated from it without rending into shreds" the harmony and completeness of the Federal system.

In the course of the argument of the celebrated case of Gibbons *vs.* Ogden, in 1824, Mr. Emmet observed that it had been said by very high authority that the power of Congress to regulate commerce "sweeps away the whole subject-matter." If so, it makes a wreck of State legislation, leaving only a few standing ruins to mark the extent of the desolation.

Sundry acts of Congress, in 1796 and 1799, directed certain officers of the General Government to assist in the execution of State legislation affecting commerce among the States and with foreign nations by means of quarantine and health laws. Those acts of Congress were political recognitions of the constitutionality of the State laws. It is true the acts of Congress designated the State laws as quarantine and health laws; but it is equally true that, call them by whatever name, their nature and effect were the same, and by their nature and effect they were regulations of commerce among the States and with foreign nations. And in adverting to those and other State laws regulating pilots upon the coast, equally within the commercial power, Chief Justice Marshall, in delivering the opinion of the court, said that the recognition of the State laws was in the spirit of harmony and conciliation incumbent upon the two governments, in pursuance of which Congress had adapted its legislation to the laws of the States operating upon and affecting the identical subject-matter; that when the Government of the United States was brought into existence, it found a system for the regulation of sea pilots in force in every State; that the acts of Congress alluded to adopted the State laws and gave to them the same validity as if their provisions had been specially made by Congress; that although Congress could not confer upon a State power to legislate, and could not give validity to a State law in conflict with the Constitution, it could adopt the provisions of a valid State law; and that the congressional acts referred to unquestionably manifested a disposition to leave the subject of these State laws entirely to the States until Congress should see proper to otherwise interpose.

In 1829 the Supreme Court decided a case of very great interest in this connection, Wilson and others *vs.* The Blackbird Creek Marsh Company, (2 Peters.) It involved the question of repugnancy to the commercial power of the Constitution by the Delaware act authorizing the building of a dam across Blackbird Creek, a navigable stream and public highway, through which the tide ebbed and flowed. Chief Justice Marshall delivered the opinion of the court.

The act of Assembly stopped a navigable creek, and so interfered with the right of the public in the habit of navigating it. But the interference, unless in conflict with the Federal Constitution, or a Federal law, was an affair of the State of Delaware and the citizens thereof, of which the Supreme Court could not take cognizance:

> If Congress had passed any act which bore upon the case, any act in execution of the power to regulate commerce, the object of which was to control State legislation over those small navigable creeks into which the tide flows, and which abound throughout the lower country of the Middle and Southern States, we should feel not much difficulty in saying that a State law coming in conflict with such act would be void. But Congress has passed no such act. The repugnancy of the law of Delaware to the Constitution is placed entirely on its repugnancy to the power to regulate commerce with foreign nations and among the several States, a power which has not been so exercised as to affect the question. We do not think that the act empowering the Blackbird Creek Marsh Company to place a dam across the creek can, under all the circumstances of the case, be considered as repugnant to the power to regulate commerce in its *dormant* state, or as being in conflict with any law passed on the subject.

In the License cases in the Supreme Court, in 1847, the question to be decided was whether a State was prohibited by the Federal Constitution from making any regulations of foreign commerce, or of commerce with another State, confined to its own territory, for its own interest, and not in conflict with a law of Congress. Chief Justice Taney delivered the judgment of the court, and in his opinion explained the law to be that the mere grant of power cannot be construed to be an absolute prohibition to the exercise of any power over the same subject by the States. For the convenience of its trade, for the health of its citizens, for its own ports and harbors, and for its own territory, the State may make regulations which will be valid if not in conflict with a law of Congress. This construction was unquestioned at the time of the adoption of the Constitution, and the decisions of the Supreme Court maintained the power of the States.

> If it was intended to forbid the States from making any regulations of commerce, it is difficult to account for the omission to prohibit it, when that prohibition has been so carefully and distinctly inserted in relation to other powers, where the action of the State over the same subject was intended to be entirely excluded. But if, as I think, the framers of the Constitution (knowing that a multitude of minor regulations must be necessary, which Congress amid its great concerns could never find time to consider and provide) intended merely to make the power of the Federal Government supreme upon this subject over that of the States, then the omission of any prohibition is accounted for, and is consistent with the whole instrument.

The laws in relation to pilots and pilotage, health and quarantine, are regulations of foreign commerce; they deal with the ship, cargo, and crew, detaining and inspecting them, and destroy the cargo if deemed dangerous to health. And the expense in executing the State law is imposed upon the ship. This power has always been exercised by the States, recognized by Congress, and affirmed and enforced by the Supreme Court. The doctrine of the exclusive power of Congress is comparatively modern. It was never seriously put forward until after the decision in Gibbons *vs.* Ogden. But it is not the doctrine of the opinion in that case. That opinion establishes the doctrine that a State may in the execution of its powers of internal police make regulations of foreign commerce; and that such regulations are valid, unless they conflict with a law of Congress.

The States exercise their own powers in laying taxes for State purposes, although the same thing is taxed by Congress; and they exercise powers granted to Congress when they make regulations of commerce.

> In the first case, the State power is concurrent with that of the General Government, is equal to it, and is not bound to yield. In the second it is subordinate and subject to the superior and controlling power conferred upon Congress. And it is solely with reference to this distinction, and in the midst of this argument upon it, that the court in Gibbons *vs.* Ogden uses the expressions which are supposed to maintain an absolute prohibition to the States.

The case was not decided upon that ground, but upon the ground of a conflict between the law of New York and the law of Congress. In Wilson *vs.* The Blackbird Creek Marsh Company, five years after the opinion in Gibbons *vs.* Ogden, the court held that the law of Delaware was not invalid merely because it made regulations of commerce. Chief Justice Marshall delivered both opinions, and the later opinion is considered as an exposition of what he meant to decide in the former. And this interpretation of the opinions of Chief Justice Marshall in those two cases is given to them alike by Chief Justice Taney and Justices Thompson and Catron.

In the Passenger cases, in the Supreme Court, in 1849, in concluding a very learned opinion against the doctrine of exclusive power in Congress to regulate commerce among the States, Mr. Justice Woodbury said:

> This construction of the Constitution, upholding concurrent laws by a State where doubts exist, and it is fairly open for adoption, has much to commend it in this instance, as the States which singly become feebler and weaker daily as their number and the whole Union increases—being now thirty to one instead of thirteen to one—will not thus be rendered still feebler, and the central government, daily becoming more powerful and strong, will not thus be rendered still stronger. So the authority of the latter will not thus, by mere construction, be made to absorb and overwhelm the natural and appropriate rights of sovereign States, nor mislead them by silence.

Two years afterward was decided in the Supreme Court the interesting case of Cooley *vs.* Board of Wardens of Philadelphia, in which the question in discussion was squarely met and adjudged in favor of the State power. Mr. Justice Curtis delivered the opinion of the court, and it was held that the power to regulate commerce included navigation. The regulation of pilots, the modes and times of their services, their responsibilities, their powers, and the subject of penalties, constitute regulations of navigation and commerce within the meaning of the commercial clause of the Constitution. The act of Congress of 1789, providing that pilots shall continue to be regulated by such laws as the States may enact for that purpose, instead of being inoperative as an attempt to confer on the States a power to legislate of which the Constitution had deprived them, manifests the understanding of Congress at the outset of the Government that the subject is not such as to require its exclusive legislation. Such has been the practice of the States and the Federal Government since the origin of the latter. The act of 1789 gives its sanction only to laws enacted by the States. This implies a constitutional power in them so to legislate. For the courts say only a rule enacted by the sovereign power of a State, acting in its legislative capacity, can be deemed a law enacted by a State.

> We are of opinion that this State law was enacted by virtue of a power residing in the State to legislate; * * * that it does not interfere with any system which Congress has established by making regulations, or by intentionally leaving individuals to their own unrestricted action; that the law is therefore valid; and the judgment of the supreme court of Pennsylvania in each case must be affirmed.

Fifteen years had elapsed when the Supreme Court reiterated the same doctrine in 1865 in the case of Gilman *vs.* Philadelphia. The opinion was delivered by Mr. Justice Swayne. The power to regulate commerce may be exercised by the States. Whether in any case the power is vested exclusively in Congress depends upon the subject to be regulated. Pilot laws are regulations of commerce. A State may enact them. Bridges are connecting parts of streets, turnpikes, and railroads, and are instruments of commerce. The municipal power may regulate them:

> The States have always exercised this power, and from the nature and objects of the two systems of government they must always continue to exercise it, subject, however, in all cases, to the paramount authority of Congress, whenever the power of the States shall be exerted *within the sphere* of the commercial power which be-

longs to the nation. * * * If it be objected that the conclusion we have reached will arm the States with authority potent for evil, and liable to be abused, there are several answers worthy of consideration. The possible abuse of any power is no proof that it does not exist. Many abuses may arise in the legislation of the States which are wholly beyond the reach of the Government of the nation.

In 1872 arose in the Supreme Court the case of the Reading Railroad Company *vs.* Pennsylvania. The opinion was delivered by Mr. Justice Strong. The case decided a State tax upon the *carriage* of merchandise from State to State to be in conflict with the Federal Constitution.

The emancipation of commerce among the States, by the creation and delegation of a central power to remove and preclude State restrictions and obstructions, mainly contributed to the adoption of the Federal Constitution. This fact was established in the consideration of the first branch of this discussion. The decision in the Reading case, just mentioned, removed just such a restriction or obstruction, by giving effect to the power delegated.

The court said transportation is essential to commerce, and every burden laid upon it is *pro tanto* a restriction. But they neither discuss nor decide the question of exclusiveness:

Whatever may be the true doctrine respecting the exclusiveness of the power vested in Congress to regulate commerce among the States, we regard it as established that no State can impose a tax upon *freight transported from State to State* or upon the transportation, because of such transportation. But while holding this, we recognize fully the power of each State to tax, at its discretion, its own internal commerce, and the franchises, property, or business of its own corporations, so that interstate intercourse, trade, or commerce, be not embarrassed or restricted. *That must remain free.*

Subsequently to the former one, the State of Pennsylvania passed another revenue act to meet the exigency, by which a tax was imposed on the gross receipts of the Reading Railroad Company. It, too, was resisted by the company, and litigated on the same ground of repugnancy to the congressional power to regulate commerce among the States. It was contended that this act imposed, under a different form, the same burden or restriction upon interstate commerce. But the Supreme Court, by the same justice, held the State law to be constitutional and valid:

That its ultimate effect may be to increase the cost of transportation must be admitted. So it must be admitted that a tax upon any article of personal property that may become a subject of commerce, or upon any instrument of commerce, *affects commerce itself.* If the tax be upon the instrument, such as a stage-coach, a railroad-car, or a canal, or steamboat, its tendency is to increase the cost of transportation. Still it is not a tax upon transportation or upon commerce, and it has never been seriously doubted that such a tax may be laid.

In a later case in the Supreme Court, in 1872, Chief Justice Chase said, in delivering the opinion of the court in Osborne *vs.* Mobile, there are several cases in which the court has asserted the right of the State to legislate, in the absence of legislation by Congress, upon subjects over which the Constitution has clothed that body with legislative authority.

The review of authorities upon this branch of the subject may terminate here. I regret the time consumed. I think I do not mistake the weight of the evidence adduced when I assume that the affirmative is clearly established, and that the doctrine has been settled that the States do now, and have always, exercised a concurrent power in regulating the subject of commerce.

EXAMPLES OF STATE LEGISLATION.

A cursory survey of the statute laws of the States will demonstrate innumerable instances of very important regulations materially affecting commerce. The details would expand into a mass. Those laws stand and have stood through every vicissitude. Instances of a familiar class are apparent. On and over navigable waters they have created and regulated steamboat and other commercial companies, and exclusive ferry franchises, which more or less interrupt or appropriate the freedom of navigation. Over land they have authorized and regulated roads of every description, canals, and stage and transportation lines for passengers and freight, which commonly intersect continuous routes at the boundaries of adjoining States. Over all these and all other species of highways their sovereignty has operated unchallenged by any questions of repugnancy to Federal power. Founderies, factories, machine-shops, mills, manufactories, steamboat and ship yards, and many varieties of incorporated companies, whose whole material, business, and production enter into the vital substance of commercial imports and exports with foreign nations and among the States, stand precisely in the same category. To declare these laws void would be a measureless mischief. Federal control of the commerce which they regulate would be State annihilation and monopoly and centralization of the direst form.

From the foundation of the Federal Government, or their accession to the Union, Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Louisiana, Alabama, New York, and other States, have habitually passed and enforced quarantine, passenger, wreck, seaman, harbor, health, pilot, and other laws affecting commerce.

Quarantine laws direct possession to be taken of vessels arriving, their crews, passengers, and cargoes, and they are detained, and all intercourse with the shore forbidden. So also health laws, with the power to purify, and, if necessary, to destroy the cargo. These laws interfere directly with foreign commerce, and control cargo, crew, vessel, intercourse, and transit, pending the voyage. It is admitted they are laws materially regulating commerce; that the subjects they regulate belong to commerce, and are amenable to the regulations of Congress. And whether entitled "an exercise of the reserved police power of the States" or "a concurrent power to regulate commerce," the fact remains the same. Commerce *is* so regulated by the State law, and the constitutionality of those laws has been conceded, sanctioned, and deferred to by every department of the Federal Government, from the day of its organization. More than one hundred and thirty of such laws in the States were cited in the argument in 1837 in New York *vs.* Miln.

THE PRACTICE OF THE FEDERAL GOVERNMENT.

Fresh from the contemporaneous debates upon the formation, construction, and adoption of the Federal Constitution, and composed in part of persons eminent in framing it, the First Congress assembled under it, in 1789, enacted a law, providing—

That all pilots in the bays, inlets, rivers, harbors, and ports of the United States shall *continue to be regulated* in conformity with the *existing laws of the States*, respectively, wherein such pilots may be, or *with such laws as the States may, respectively, hereafter enact for that purpose.*

A clear, conclusive, contemporaneous exposition of the meaning of the provisions involved, of the Constitution, by the First Congress, composed in part of the framers of the instrument.

Another instance of congressional recognition of the validity of these State laws may be cited in the law of March 2, 1837, providing that masters of vessels coming in or going out upon waters *forming the boundaries* of States might lawfully—

Employ any pilot, duly licensed or authorized by the *laws* of either of the States *bounded* on the said waters to pilot said vessel to or from said port.

And, recognizing the great weight of these legislative expositions of the Constitution, the Supreme Court, in Cooley *vs.* The Board of Wardens, &c., said, if the States had been divested of the power to legislate on this subject by the grant of the commercial power, it is plain Congress could not confer upon them power thus to legislate. If the Constitution excluded the States from making any law regulating commerce, certainly Congress could not grant, or in any manner reconvey, the power to the States. The acts of Congress sanctioned *only laws* enacted by the States, not usurpations of power or void acts of States; and hence was recognized the plenary constitutional power in the States to enact those laws.

In the License cases Mr. Justice Catron adverted to this class of legislation. All necessary and many general regulations of commerce existed in the States when the Constitution was adopted. Those in harmony with that instrument were continued. They have since greatly accumulated, both as to commerce among the States and foreign commerce. So minute and complex are the necessities of commerce, that not even States legislation is adequate to all its wants between ship and shore. To that end the States have descended to another division of institutional government, and vested the power in city corporations. Suitable regulations must be variant, with the varying circumstances of the different ports and places where commerce enters and clears, and would be difficult, if not impracticable, to congressional legislation nor could the latter depute the power to corporations, as the States do.

With the increase of commerce those difficulties would increase, especially on large rivers and along inland borders by land and water. Congress could not do what the States have done, are doing, and must continue to do, from a controlling necessity. All this was too manifest to have escaped the attention of the convention, and the Constitution was framed accordingly.

On many of those subjects and instruments of commerce, as regulated by the States, coming within the scope of a proper exercise of the power of Congress to regulate commerce among the States and with foreign nations, Congress has also legislated, and the two jurisdictions so interlaced have concurred down to our time without any serious jar. And throughout all the general and particular, the concurrent and the exclusive, legislation of Congress, from 1789 to 1874, no instance is to be found of the power to regulate commerce with foreign nations and among the States being exercised, to fix the rates of fare and freight for persons and things entering into what composes commerce in one form or another. Upon every subject fit for, or susceptible of, constitutional regulation, Congress has acted or acquiesced in the concurrent action of the States. Certainly with a freedom and boldness fully up to the measure of its constitutional functions, it has searched the heights and depths, the shoals and boundaries of Federal jurisdiction and sovereignty in a period of more than three-quarters of a century of constitutional history, distinguished by a material prosperity and expansion which in their magnitude and splendor rival the creations of fiction.

Though at times—some perhaps not remote from the present—the influence of the Government upon commerce might be shown to be ill judged and disastrous, this has not proceeded from the proper exercise of the congressional power to regulate it, consistently with its objects. And evidences of the proper exercise of that power, with careful regard to its just limits, may be found interspersed all through the seventeen large volumes of Federal statute law. These form an immense mass of theoretical and practical construction and exposition of the objects and limitations of the power to regulate commerce by the Federal Legislature, composed of forty-three Congresses, which deserve the respect and ought to secure the acquiescence of the House and country.

The enumeration of some examples may be suggestive, that if the

power has been minutely and circumstantially exerted upon all its proper objects, it is equally true that it has reached its confines, beyond which is the deluge. The power is construed, applied, and exhausted in existing regulations, such as those which relate to beacons, buoys, imposts, non-importation, non-intercourse, embargo, enrollment, registry, &c., of boats, ships, and vessels, highways, navigation, pilots on the coasts, lakes, and rivers, quarantine, regulation and protection of seamen, rivers and harbors, tonnage, trade, for the security of the wages of seamen, regulations for passenger-ships and other vessels, railroads and canals, bridges, ports of entry and delivery, and for the better security of life, &c., upon the Ohio and other rivers, licenses, supervisors, inspectors, construction, equipment, officers, crews, and so on.

In looking with some care through that great mass of statute law I have been unable to find one letter or syllable which countenances the proposition of the pending bill, for the Federal Government to enter the counting-room, or upon the road of, at this time, one only of the many forms of transportation chartered by the State laws, and shackle and obstruct commerce by fixing an arbitrary schedule of rates and hire for the labor, skill, enterprise, and property of the citizen owner or operator, and compel him to take it under penalty of being prosecuted for crime.

Said Mr. Madison, in a letter to Mr. Cabell, in March, 1827:

If every new Congress were to disregard a meaning of the instrument uniformly sustained by their predecessors for such a period, there would be less stability in the fundamental law than is required for the public good in the ordinary expositions of law. And the case of the chancellor's foot, as a substitute for an established measure, would illustrate the question as well as the lesser evil of uncertainty and mutability.

The Constitution may be as grossly violated by acting against its meaning as against its letter.

THE OBJECTS OR NATURE AND EXTENT OF THE POWER.

The violence done to the spirit and meaning of the Constitution by perverting and forcing a general power over commerce among the United States into the details of the private affairs of citizens of the States will not fail to be conspicuous upon candid investigation and reflection concerning the object or nature and extent of the power in the circumstances of its origin, theory, and practical history.

The Congress shall have power to regulate commerce with foreign nations, and among the several States.

The terms used to express the grant are general. Undoubtedly, in a state of isolation, the words are sufficiently sweeping. Must construction be confined exclusively to the words employed, or must it not explore the whole genius and context of the instrument, together with the history of its formation and its contemporaneous explanation and application, in order to arrive at the objects or nature and extent of its powers? The words used comprehend every species of commercial intercourse. They are without inherent limitation. But does any person contend there are consequently no constitutional limitations upon the grant of power to regulate commerce? The Constitution is said, by high authority, to be one of enumeration, and not of definition. It is permeated with limitations by expression, implication, reservation, by the subjects to be affected, and by the nature and extent of the powers to be exercised. In the very next section an express limit was put upon the power, by denying to Congress the right to prohibit the immigration or importation of such persons as the States might see proper to admit. And another by denying to Congress the right to lay a tax or duty on articles exported from any State. And another by providing that—

No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another; nor shall vessels bound to or from one State be obliged to enter, clear, or pay duties in another.

And another by providing that—

No person shall be * * * deprived of life, liberty or property, without due process of law; *nor shall private property be taken for public use without just compensation.*

These are familiar examples of express limitations upon the commercial power.

Of some of the implied limitations upon that power, or limitations arising from its subjects, its nature and extent, embracing operations and values known to the House to be of such vast scope and vital importance, Chief Justice Marshall gave an example in Gibbons *vs.* Ogden, when he said:

It is not intended to say these words comprehend that commerce which is completely internal, which is carried on between man and man in a State, or between different parts of the same State, and which does not extend to or affect other States. Such a power would be inconvenient, and is certainly unnecessary.

And these limitations he finds; not in the words of the grant, but in the nature or objects and extent of the power as founded and circumscribed "by the genius and character of the whole Government."

And examples of limitations by reservation are equally familiar in articles 9 and 10 of the amendments.

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

To give the exercise of the power an operation coextensive with the words of the grant would carry it wherever commerce can be found, and commerce is everywhere. This would be to practically abolish the barriers erected in the Constitution against arbitrary government and to establish a central despotism. We have a wholesome dread of implied or constructive power; we need fear nothing, but hope much, from implied and constructive restrictions supplementing the more definite ones of reservation and prohibition.

Said Mr. Madison, in a letter to Mr. Cabell, in 1827:

The meaning of the power to regulate commerce is to be sought in the general use of the phrase; in other words, in the objects generally understood to be embraced by the power when it was inserted in the Constitution.

And again, in 1828:

In all doubtful cases, it becomes every government to lean rather to a confidence in the judgment of individuals, than to interpositions controlling the free exercise of it.

And in the forty-fifth number of the Federalist he designated external objects, such as those of war, peace, negotiation, and foreign commerce as the class upon which the few and defined powers of the Federal Government were designed mainly to operate; and those of the States upon all the objects which in the ordinary course of affairs, concern the lives, liberty, and property of the people, and the internal order, improvement, and prosperity of the State.

Power to regulate commerce among the States is a power to control State legislation imposing restrictions upon commerce among the States, by prescribing uniform regulations of a general nature when necessary to secure facility and safety in its vehicles; not a power to enter into the intrinsical operations and minute details, *per se*, of commerce, and fix the prices, rates, and hire of personal intercourse, transportation, labor, and property. Such petty, inquisitorial meddling and tyranny in the abuse of delegated power would be fatal to that freedom which is essential alike to the States and to the enterprise of the citizens whose operations they regulate. It would be tantamount to a sort of federal communism, if the expression may be allowed. In striving to exorcise all the evil spirits in arbitrary power, the framers of the Constitution calculated this one had gone into the sea with the herd.

The power to regulate commerce among the States is in the same words with the power to regulate commerce with foreign nations. If Congress can impose duties to protect American industry against foreign competition, does it not follow that Congress may impose duties to protect the industry and productions of the States against the competition of each other? It was in response to a query like this that the following interesting doctrine was enunciated in a letter in 1832, designed for Professor Davis, of the University of Virginia, by Mr. Madison:

Waiving the constitutional obstacles presented by the communion of rights and privileges among citizens of different States, the difficulties, the inutility, and *the odium of such a project* would be a sufficient security against it; a better security than can be found against abuses incident to most of the powers vested in every government. The power to regulate commerce among the States *was well known* and *so explained* by the advocates of the Constitution, when before the people for their consideration, *to be as a necessary control on the conduct of some of the importing States toward their non-importing neighbors.* A recurrence to the angry legislation produced by it among the parties, some of whom had passed commercial laws more rigid against others than against foreign nations, will well account for the constitutional remedy.

This important paper is corroborative of the position heretofore urged in this discussion, and is a commanding exposition and proof of the fact that the power delegated to Congress to regulate commerce among the States had for its especial object the removal and preclusion of State restrictions upon it, and the security to it of freedom and competition unshackled by the invidious control of rival governments. Duties, burdens, restrictions, and even embargoes, &c., might become proper, and even indispensable, in the exercise of the power to regulate commerce with foreign nations, but Federal interference with, and restrictions upon, commerce among the States, under color of the power to regulate it, were wholly different, incompatible, and inadmissible, and had no foot-hold or advocate anywhere, as we have before seen in the progress of this discussion.

In the lecture-room of the University of Virginia, in 1832, Professor Davis laid down this canon of construction:

The purpose for which a power is granted constitutes an inherent and essential limitation of it, which those invested with it can no more disregard than the most express terms of limitation. * * * It may be that Congress may so mask this, and many other usurpations under the forms of the Constitution, as seemingly to exercise only their legitimate powers; but they do not, therefore, the less violate the charter which they profess to respect. To defend such encroachments on the ground of the facility with which they may be committed, and the difficulty with which detected, is to advance the principle that impunity is the test of right—a principle as inadmissible and monstrous in politics as in morals, and which would equally, in both, justify any other act of treachery or crime.

The British Parliament, prior to the Revolution, exercised arbitrary control in the regulation of commerce between the different ports of the empire. The Virginia Legislature declared it to be *mere practice without right*, and contrary to the true theory of the British constitution. So long as its exercise was convenient and equitable the abuse was acquiesced in or overlooked. But so soon as it became the instrument of party and oppression, feeling and reflection were aroused.

And the moment the claim to a *direct and indefinite* power was ingrafted on the precedent of the regulating power, the *whole charm was dissolved*, and every eye opened to the usurpation.

It was in view of the fatal tendencies of construing away the definite objects and the specified and enumerated powers of the Constitution that Mr. Madison in 1817, in his message vetoing the bank bonus bill, so solemnly averred that—

Seeing that such a power is not expressly given to the Constitution, and believing that it cannot be deduced from any part of it, without *an inadmissible latitude* of

construction; * * and believing also, that the permanent success of the Constitution depends on a *definitive partition* of powers between the General and State governments, and that no adequate landmarks would be left by the constructive extension of the powers of Congress, as proposed in the bill, I have no option but to withhold my signature from it.

To the like effect said Mr. Jefferson, in 1791:

To take a single step beyond the boundaries thus specially drawn around the powers of Congress, is to take possession of a boundless field of power, *no longer susceptible of any definition.* * * It would reduce the whole instrument to a single phrase, that of instituting a Congress with power to do whatever would be for the good of the United States; and as they would be the sole judges of the good or evil, *it would be also a power to do whatever evil they pleased.*

Mr. Justice Story was not a strict constructionist. He was friendly to the largest and most vigorous constitutional power. In his commentaries he has elaborately examined and expounded the objects which come within the extent of the commercial power, both among the States and with foreign nations; but he has nowhere said or intimated, either in terms or inferentially, that fixing the price of services or of things entering into commerce, by land or water, was embraced among those objects. He has said, what we have already shown, that an essential object of this power was the freedom of commerce among the States to enterprise and competition by the relief of the States which import and export through other States from improper contributions levied upon commerce by the latter. He has elaborately explained the meaning of the words used to express the grant. He has minutely shown to what they have been applied and to what they may be applied, as heretofore noticed in this discussion. He shows that the power extends to the regulation of navigation and the coasting trade and fisheries, within as well as without any State, wherever it is connected with the commerce or intercourse within any other State, or with foreign nations. But it never occurred to him that it could fix the wages of the navigator, the value of the merchandise, or the price of the fish. It extends to the regulation and government of seamen on board of American ships, but he did not perceive that it could fix the pay or hire of the seaman, and say what he should receive for his labor or skill, and what the master or owner should pay. True, it has made regulations by which to secure fair play to the seaman in the payment of his wages according to his contract, at home and abroad, but it has not yet, that I am aware of, put a price on him. It extends to the regulation of passenger and freight vessels, but it has not fixed the fare of the passenger *per capita*, nor the price of the freight *per pound*. But these reflections cannot be extended.

That eminent jurist adds, further along in his Commentaries, what it may be well to ponder at this epoch:

If the Constitution is to be only what the administration of the day may wish it to be, and is to assume any and all shapes which may suit the opinions and theories of public men, as they successively direct the public councils, it will be difficult, indeed, to ascertain what its real value is. It cannot possess either certainty, or uniformity, or safety. It will be one thing to-day, and another thing to-morrow, and again another thing on each succeeding day. The past will furnish no guide, and the future no security. It will be the reverse of a law, and entail upon the country the curse of that miserable servitude, so much abhorred and denounced, where all is vague and uncertain in the fundamentals of government.

In Mr. Hamilton's celebrated opinion as to the constitutionality of the Bank of the United States in 1791, he, too, elaborately reviewed the objects of this power, with the same result as that subsequently experienced by Mr. Justice Story. He went into minute details such as the prohibition of commodities from our ports; to impose duties on them; to subject them to custom-house regulations; to grant them exemptions or privileges; to prohibit the exportation of commodities; to prescribe rules concerning the characteristics and privileges of an American bottom; how she shall be navigated, whether by citizens or foreigners, or both; of regulating the manner of contracting with seamen; the police of ships in their voyages; for the regulation of seamen in the merchant service; the granting of bounties to certain kinds of vessels, and on dried and pickled fish and salted provisions; for inspection; regulation of policies of insurance; of salvage; of pilots; regulation of bills of exchange between merchants of different States.

Such are examples of Mr. Hamilton's searching analysis of the objects and extent of the power to regulate commerce, but the discovery of the supposed constitutional authority to fix the price of services and of things entering into commerce baffled all his learning and sagacity.

It is true this is negative proof. But negative proof is in many instances the only proof of which the subject-matter is susceptible, and then it is unanswerable. It is said the non-user does not prove the non-existence of a power. But it is equally true that that which does not exist cannot be used. Existence and non-user are *sometimes* found together; but non-existence and non-user *are always* found together. They are inseparable. Long and uniform non-user repeals statutes. And it is impossible to overlook or underrate the influence and utility of that spontaneous concert of action, that invisible power, by which without shock or commotion a people does justice upon bad laws, protects society against hasty or inconsiderate legislation, and in fact guards the legislator against himself.

The Federal Constitution gives nothing to the States or to the people. Their rights and powers existed before it was formed, and are founded in the nature of sovereignty and the principles of freedom. They gave to the Constitution all it gives to Congress, and the exercise of the grants should be limited to their nature and to the objects to be subserved for the sole good of the States and people. - The indefinite enlargement of the extent and range of those grants would absorb the one and enslave the other.

To make regulations of commerce by which it shall be carried on, to prescribe rules for transportation by land and water among the States, *is not to fix the prices at which the articles and subjects of commerce shall be bought and sold; is not to fix prices for transportation of persons or things;* nor is it anything of the same nature. The transportation, *per se*, of the pound of freight, or the bale of goods, is private property in the carrier, in as plenary a sense of that term as the pound of freight or the bale of goods *per se* is private property in the owner. If Congress has power to fix the price of the one species or article of private property, it has power to fix the price of the other species or article and of every species or article. They are all equally the subjects of commerce. The analysis of the proposition so to confiscate private property is a demonstration of some of the consequences of such indefinite enlargement of the extent and range of the grant under consideration. And if Congress under the power to regulate commerce among the States shall fix the price of the transportation *per se*, what but its own discretion is to restrain it from fixing the price of the pound of freight or of the bale of goods, and to enforce these regulations wherever commerce can be pursued and harassed, whether among the States or with foreign nations?

It would involve a palpable and sweeping usurpation of the functions of contract, of the imprescriptible right which every man has to demand his own price for whatever he has to sell, and to have his price from the buyer. It would be difficult to state a more unconstitutional and pernicious invasion of private right, domestic government, and commercial freedom. It would forge a chain of restrictions upon the limbs and arteries of commerce among the States by the agent specially constituted to remove and preclude restrictions, of a description far, far more irritating, unjust, and destructive of the interests involved, than all the previous restrictions of the States under the Articles of Confederation. In the deluge of its encroachment upon rights, both public and private, hitherto sacred, it would presently ingulf all forms of industry and enterprise in the nature of inland carriers, by land and water, and carriers by sea, including owners of stage wagons and coaches and railroad trains, who carry goods as well as passengers for hire; wagoners, teamsters, cartmen, draymen, porters, masters and owners of ships, vessels, and all water craft, including steam-vessels and steam tow-boats, belonging to internal as well as coasting and foreign navigation, lightermen, barge-owners, canal-boatmen, ferries, and so on to the end of the alphabet; and in due time all other agents and operations directly or indirectly connected with trade among the States or with foreign nations, until every man's business would be managed by a Federal bureau, and every man's income be measured by a Federal office-holder.

What would have been thought of such *miscalled* regulation by the framers of the Constitution? Can any man doubt that the assertion of such an undefined and undefinable power by Madison, Hamilton, and Jay, in the commentaries composing the Federalist, would have resulted in the instant and inexorable rejection of the Constitution?

In Gibbons *vs.* Ogden, Chief Justice Marshall declares that the grant of Federal power was not made so as to inure solely to the benefit of the grantee, and its nature and extent must be collected and measured, not merely from the language of the instrument, but from the known purposes for which the powers were conferred. And then he proceeds to make one of those definitions, so luminous and so axiomatic, in which he indicates the characteristic objects of the power:

Commerce undoubtedly is traffic, but it is something more; it is intercourse. It describes the commercial intercourse between nations and parts of nations, in all its branches, and is regulated by prescribing rules for carrying on that intercourse

And then he speaks of legitimate objects, by instancing laws concerning navigation; laws for the admission of vessels into ports; rules for the conduct of individuals in buying and selling, or of barter; laws prescribing what shall constitute American vessels; laws requiring vessels to be navigated by American seamen. But it never occurred to him that Congress might fix the price of the articles of traffic, or the fare for the intercourse, or the value in dollars and cents of the services of the navigator, or the charges for passage or freight upon the vessel entering or leaving the port, or the price or equivalent that individuals might lawfully demand and have for their private property bought, or sold, or bartered, or the wages or hire of the seamen, any more than what they should eat, drink, or wear, or how much or how little they should buy, or sell, or barter. His ideas of Federal power, liberal as they were, left some few of the minute details of human affairs to the sovereignty of the States and the volition of the citizen.

To regulate commerce, says he, among the States, or intermingled with the States; commerce cannot stop at the external boundary line, but may be introduced into the interior. But these words do not apply to commerce between man and man, or between parts of the same State. We have seen examples of its limitations as to objects; here are examples of its limitations as to intercourse and boundary.

Commerce, as the word is used in the Constitution, is a unit, every part of which is indicated by the term. This is the language of the Chief Justice. And he proceeds to show that this unit is *e pluribus unum*, that its objects, its intercourse, its divisions, its operations, partake of the nature of the infinitesimal; that some of its objects, intercourse, and operations are not only beyond, but are actually in-

accessible to the utmost reach of Federal power, and have been so from the birth of Adam to the date of this bill, and he demonstrates that the extent and range of the grant must be ascertained by the words used *taken in connection with the purposes and objects for which the grant was made.*

Neither from its words, its purposes and objects, nor any of its surroundings, can a colorable pretext be found for assuming that its scope embraced the right to fix the price of the intercourse, of the services, or the property of the citizen employed in commerce anywhere, whether among the States or with foreign nations. The States and people delegated no such power, the Constitution contains no such power, the Government was created for no such purpose, and the genius of the people, the freedom of commerce, and the purity of future congressional legislation, alike forbid the usurpation.

In support of the assumed existence of the constitutional right so to legislate can be found no color, in any expression from the tongue or pen of any of our jurists or statesmen before or since the era of 1787–'89.

The ample power to regulate, to prescribe rules for carrying on commerce, (not to fix the price of the commodity,) does not stop at jurisdictional lines of the States. And the Chief Justice proceeds to show that if the commerce which is designated be the subject of a voyage commencing or terminating at a port within a State, then the regulating power of Congress may be exercised on it there, and that this is no interference with the internal commerce excluded from the regulating power of the latter.

Precisely what he understood to be the meaning of the word "regulate," as used in the Constitution, he proceeded to explain by reference to the act of September 1, 1789, for registering and clearing vessels, regulating the coasting trade, regulating the transportation of goods from and to Philadelphia and Baltimore across the State of Delaware, and for other purposes, and by reference to other acts of a like character. And this power, so limited by its objects, &c., as we have seen, he says, may be exercised to its utmost extent; that it is plenary; that is, full, complete, *as to its objects*, and as to them is vested in Congress as absolutely as it would be in a single government, *having in its constitution the same restrictions on the exercise of the power as are found in the Constitution of the United States.*

And then the power of the States to pass inspection laws, which are regulations of commerce among the States and with foreign nations, is adverted to. It is a power founded in the sovereignty of the States, which, subject only to the Federal Constitution, is unlimited and undefined, whilst the powers of the United States are few and defined. Those inspection laws of the States—

> Form a portion of that immense mass of legislation, which embraces everything within the territory of a State not surrendered to the General Government—all which can be most advantageously exercised by the States themselves. Inspection laws, quarantine laws, health laws of every description, as well as laws for regulating the internal commerce of a State, and those which respect turnpike roads, ferries, &c., are component parts of this mass. No general power over these objects is granted to Congress; and, consequently, they remain subject to State legislation.

And when Mr. Webster eloquently argued that the phrase "to regulate" implied in its nature full power over the thing to be regulated, that it excluded necessarily the action of all others that would perform the same operation on the same thing, the Chief Justice refused to so decide it; and again adverted to the importance, in construing the grant, of interpreting the words used by the nature and objects of the power, as understood at the time of the adoption of the instrument, and *make them the test* of the arguments to be examined.

And in the subsequent case, in 1827, of Brown *vs.* State of Maryland, he again emphasized the paramount importance of that rule of construction for the examination of the general objects to be accomplished. The object of the powers conferred and the nature of those reserved must always be taken into view in expounding the words of any clause.

If those enlightened rules of construction are to be disregarded, and the words only to be looked to, what part of commerce is left to the State or the citizen?

If it be adhered to, the just distinction will be maintained between the two classes of powers—delegated and reserved—which in some respects, like "the intervening colors between white and black, approach so nearly as to perplex the understanding, as colors perplex the vision in marking the distinction between them."

And the Chief Justice, in the opinion of the court, again gave great prominence to the object of delegating to Congress the power to regulate commerce among the States. The grant, says he, was meant to be *as extensive as the mischief.* What was the mischief? He specifically points it out:

> The oppressed and degraded state of commerce previous to the adoption of the Constitution can scarcely be forgotten. It was regulated by foreign nations with a single view to their own interests; *and our disunited efforts to counteract their restrictions were rendered impotent by want of combination.*

But down to that era, even the most despotic of foreign nations had in no instance undertaken to fix the price of the subjects of commerce. The citizen or subject was left free to fix his own price for his services or his effects. Such a mischief had not existed then; its introduction was left for our improved era, under the benign auspices of our grant of power to Congress to remove and preclude restrictions upon commerce among the States. It is inconceivable that the power should now be used to introduce a system of restrictions upon the freedom of that identical commerce, far more odious and impolitic than those which it was especially designed to exclude.

In Brown *vs.* State of Maryland the court decided that the State could not tax the importer's sale of the goods in bulk. Such a tax would be inconsistent with the Federal power to regulate commerce. It was in the nature of a State restriction upon commerce. Congress has a right not only to authorize importation, but to authorize the importer to sell. The astonishment of the court would doubtless have been great, if it had been intimated, in argument, that Congress had power to fix the price of the bale of goods in bulk, the charges of the ship which brought it into port, the wages of the seamen who worked the vessel, the hire of the stevedore who hoisted the cargo, of the lighterman who brought it to the shore, of the drayman who drayed it to the warehouse of the importer. Yet commerce covers all that and these. But the nature and objects of the power to regulate commerce with foreign nations and among the States not only do not embrace them, but exclude them as wholly incompatible with the generality, spirit, and intent of that power.

As well might it be claimed the power may be used to fix the price of cotton, tobacco, whisky, hemp, wheat, corn, potatoes, cattle, mules, locomotives, steamboats, ships, railway iron, dry goods, and groceries, manufactures, &c., employed in commerce among the States or with foreign nations; for all these are of its legitimate objects; and, indeed, the inevitable logic of the exercise of the power, as sought to be construed, must carry it, in the discretion of Congress, to all these objects, and others, "which, in the ordinary course of affairs, concern the lives, liberties, and properties of the people, and the internal order, improvement, and prosperity of the State," as to which the authority of the State government is complete, unqualified, and exclusive.

Undoubtedly the power to regulate commerce with foreign nations has a breadth and operation different from that to regulate it among the States. The relations which the Government of the Union bear to foreign nations are wholly unlike those which bind it to the States. The former involve international and undefined considerations and exigencies; the latter definite objects and partitioned jurisdictions. The vitality of the Government, defined in the Constitution, is the organization composing the respective States, which embraces everything but certain designated Federal objects. In the argument of the Passenger cases, in the Supreme Court, in 1849, it was forcibly urged that the limitation of the Government to those defined objects secures to it its proper strength and usefulness, and that no course could be more unwise and fatal than to arrogate to it the power of the States, by taking from them what they have been accustomed to enjoy, including nine-tenths of the whole subject of commercial regulations, through every vicissitude of our Federal career. Subjects interminglе. Commerce, manufactures, agriculture, are concerned in ship-building. Scarcely an act can be named which is not affiliated. Commerce, in its enlarged sense, covers nearly all the business relations of society. The means employed to regulate it are as diverse as nature, and are more free to the States than to the Federal Government, because the means of the former are minute in their nature, unlimited and undefined, while those of the latter are general in their nature, few and defined. If the words of the grant were to be decisive of the extent, &c., of the power, the enigma would be of easy solution, and the friends of the pending bill might rejoice in the absoluteness and universality of the words used. But the purposes and objects of the grant lie across their path. These Chief Justice Marshall declares to be limitations upon the power. It derives no increased latitude from the difficulty to precisely draw the line *in all cases.* Mr. Justice McLean, in 1849, declared in the Passenger cases that—

> No one has yet drawn the line clearly, because, perhaps, no one can draw it between the commercial power of the Union and the municipal power of a State.

But at that time it had never been pretended that, under the commercial power, Congress might fix the vendible price of private property, consisting of services or things employed in trade or transportation. It is, perhaps, not too presumptuous to say that, if it had been otherwise, Mr. Justice McLean would not have hesitated one moment to draw the line long and deep, and to have placed those things on the other side of the line, far, far beyond the utmost extent or range of the Federal power. And Mr. Justice Wayne, in the same cases, declared that, in construing the words "regulate" and "commerce," the etymology of the words would be wholly unsatisfactory; and that, to arrive at their meaning, as used by the framers of the Constitution, it is indispensable to have recourse to the subject-matter.

And in the same cases Mr. Justice McKinley, rejecting the theory that the power granted was coextensive with the meaning of the words used as absurd, said, "Where does the power of the United States over this subject end, and where does the State power begin?" And then declared, "This is, perhaps, one of the most perplexing questions ever submitted to the consideration of this court." And he adverted to the case of Brown *vs.* Maryland, before mentioned, in which the court carried out the power of Congress to regulate commerce with foreign nations upon the subject then under consideration to the line which separates it from the reserved powers of the States, and plainly established the power of the States over the same subject-matter beyond that line.

And the doctrine that the power is unlimited, because of the words

used, was met and repelled as wholly inadmissible by Mr. Hamilton in the Federalist. Said he:

Notwithstanding the affirmaive grants of general authorities, there has been the most pointed care in those cases, where it was deemed improper that the like authorities should reside in the States to insert negative clauses prohibiting the exercise of them by the State.

Chief Justice Taney gives prominence to another of the numerous limitations upon the power. He says, in his opinion in the Passenger cases:

It has always been held that the power to regulate commerce does not give to Congress the power to tax it, nor prohibit the States from taxing it in their own ports and within their own jurisdiction. The authority of Congress to lay taxes upon it is derived from the express grant of power, in the eighth section of the first article, to lay and collect taxes, duties, imposts, and excises; and the inability of the States to tax it arises from the express prohibition contained in the tenth section of the same article.

The phrase "to regulate," then, is a phrase of a restricted meaning; it means to prescribe rules for the carrying on of commerce, and does not mean the power to tax the service or commodity, and far less does it mean to fix the price of the service or commodity employed in commerce.

In the same cases Mr. Justice Daniel, in deploring the evils of indefinitely enlarging the objects and extent of specific grants, said the practice would result in the creation of a power transcending that which called it into existence—a power single, universal, engrossing, absolute. Everything in the nature of civil or political right is thus ingulfed in Federal legislation. What, then, must be thought in our day, and in future times, of a doctrine which, under a Government professedly one of charter exclusively, claims, beyond the terms of that charter, not merely the absolute control of civil and political rights, but the power to descend to, and regulate *ad libitum*, the private and personal concerns of life? By permitting such an abuse every limit may be removed from the power of the Federal Government. Once let the barriers of the Constitution be removed, and the march of abuse will be onward and without bounds.

The most careful definitions must equally be understood with reference to their subject-matter. This may be illustrated by a quotation from Chief Justice Marshall, much, but erroneously, relied on by the friends of this bill. He says, in Gibbons *vs.* Ogden:

Commerce is undoubtedly traffic; but it is something more. It is intercourse. It describes the commercial intercourse between nations and parts of nations in all its branches, and is regulated by prescribed rules for carrying on that intercourse.

But to superadd to the word "commerce," as used in the Constitution, the word "traffic," or the word "intercourse," cannot operate to multiply the objects or enlarge the extent of the power. Such an assumption would be wholly foreign to his meaning. It would be trifling with the judgment to proceed to argue that which is self-evident, to wit, that all traffic is not within the power to regulate commerce, nor is all personal intercourse within that power; for the greatest mass of traffic is confessedly of State cognizance, and the greatest amount of personal intercourse is partly of State cognizance, and the residuum not commercial at all.

I submit that nothing can prove more unreasonable than to insist that the definition of the great jurist can be used to sanction the fixing of the charges for transporting the articles or subjects of traffic in the nature of commerce, or of persons traveling in the employment of commerce, or otherwise.

The absurdity and the vice of this bill were most forcibly drawn by Mr. Justice Daniel in Gibbons *vs.* Ogden:

This word *intercourse*, nowhere found in the Constitution, implies infinitely more than the word *commerce*—intercourse "with foreign nations, among the States, and with the Indian tribes." Under this language not only might national, commercial, or political intercourse be comprehended, but every conceivable intercourse between the individuals of our own country and foreigners, and among the citizens of the different States, might be transferred to the Federal Government. * * * It would embrace the right of transit for persons and property between the different States of the Union, and the power of regulating highways and vehicles of transportation. We have here a few examples of the mischiefs incident to the doctrine which first interpolates into the Constitution the term *intercourse* in lieu of the word *commerce* contained in that instrument, and which then, by an arbitrary acceptation given to this term, claims for Congress whatsoever it may be thought desirable to comprise within its meaning. * * * And no engine of usurpation could be more conveniently devised than the introduction of a favorite word which the interpolation would surely have as much right to interpret as to introduce. This would be fulfilling almost to the letter the account, in the Tale of the Tub, of Jack, Peter, and Martin engaged in the interpretation of their father's will.

The case of Veazie & Young *vs.* Moor, in the Supreme Court, in 1852, settled the validity of a law of the State of Maine, investing the defendant with the exclusive right to navigate the Penobscot River above Old Town for a term of years. It was claimed the law was repugnant to the Federal power to regulate commerce. Such was not the opinion of the court, by Mr. Justice Daniel:

Because the products of domestic enterprise, agriculture, manufactures, or the arts may ultimately enter into commerce among the States or with foreign nations, it does not follow that they are within the regulating power of Congress. Otherwise that power would extend to contracts between citizen and citizen of the same State, to the pursuits of the planter, the grazier, the manufacturer, the mechanic, the immense operations of the collieries, mines, and furnaces. The results of every one of these industries are the subjects of commerce among the States and with foreign nations. And they are borne by turnpikes, canals, railways, boats, or vessels from mart to mart within and beyond State lines. The exercise of such a power would paralyze every effort of internal improvement and individual enterprise; because upon the pretext that such works were objects or instruments in the nature of commerce among the States and with foreign nations, their charges, income, and economic interests would be brought under the control of Congress. The *design and object* of the grant in the Constitution were the removal of commercial restrictions and the establishment of commercial freedom among the States. Those were the views of the founders, and they have been sustained by the rulings of the court.

The case of Gilman *vs.* Philadelphia was decided in the Supreme Court in 1865. A bridge had been built across the Schuylkill, an ancient river and common highway of the State, pursuant to an act of the Pennsylvania Legislature. Commerce had been floated on it in all kinds of vessels for many years. The bridge seriously obstructed it. The act was resisted for its alleged repugnancy to the commercial power of Congress. Mr. Justice Swayne delivered the opinion of the court, sustaining the act. The power to authorize the building of bridges is not to be found in the Federal Constitution. It has not been taken from the States. It must reside somewhere. They had it before the Constitution was adopted, and they have it still.

And the court says, of the limitations and objects of the grant:

The power to regulate commerce covers a wide field, and embraces a great variety of subjects. Some of these subjects call for uniform rules and national legislation; others can be best regulated by rules and provisions suggested by the varying circumstances of different localities, and limited in their operation to such localities respectively. To this extent the power to regulate commerce may be exercised by the State.

The case of Gray *vs.* The Clinton Bridge, was heard in the United States circuit court in 1861, before Mr. Justice Miller. It was on a bill in chancery filed by Gray, complaining of a railway bridge erected in pursuance of State charters across the Mississippi River between the towns of Clinton, Iowa, and Albany, Illinois, on the ground that it presented a serious obstacle to the navigation of the river, and praying for its abatement as a nuisance. The bridge was sustained.

The court said the power to regulate commerce was one of the most useful confided to the Federal Government; that the exercise of it had essentially contributed to create and foster that strongest bond of our nationality, a community of interest among the States. The power of Congress to regulate commerce is the same by land and water. The railway now shares with the steamboat the carrying trade. Congress has made salutary regulations for commerce by steamboat, and it may do so for commerce by railway. To regulate them is to regulate commerce. And the court adverts to the invidious State restrictions upon commerce among the States under the Confederation, and says that the removal of these fetters led mainly to the adoption of the Constitution.

For myself, I must say that I have no doubt of the right of Congress to prescribe all needful *and proper regulations* for the conduct of this immense traffic over interstate railways.

Now, what does the court evidently mean by *proper regulations?* Why it could mean only such regulations as lie within the extent and objects of the grant. As to the objects, they were of the class comprehended in the safety, equality, and freedom of commerce, imperiled and fettered under the Confederation. As to the extent, it is found in the examples in the statutes for the regulation of commerce on steamboats. These were definite and tangible illustrations of the meaning of the court. The objects furnish no authority to this bill. The examples limiting the extent furnish none, because the statutes regulating steamboat commerce leave the carriers free to fix their own price, fare, and freight. And not the remotest intimation is given by the court that the power to regulate embraces in its objects or extent the subject of tolls, fare, or freight; and the court excludes any such conclusion by instancing the regulations of steamboat commerce as of the nature and extent of what is meant by the phrase "proper regulations."

The interesting case of The Reading Railroad *vs.* Pennsylvania, in the Supreme Court in 1872, involved the validity of the State tax on freight taken up within the State and carried out of it, or *vice versa*. This was held to be a State restriction upon commerce among the States, and void for repugnance to the Federal Constitution. It was a modern restriction of the ancient class, which, under the Confederation, led to the grant of the power to remove and preclude them and secure equality and freedom of commerce among the States. The opinion of the court was delivered by Mr. Justice Strong. The transportation of freight, or of the subjects of commerce, for the purpose of exchange or sale, is a constituent of commerce. The transportation of articles of trade from one State to another was the prominent idea in the minds of the framers of the Constitution when to Congress was delegated the power to regulate commerce. "A power to prevent embarrassing restrictions by any State was the thing desired."

Whether by land or water, the rule is the same. When the Constitution was adopted transportation among the States was principally by land. The State might, with the same propriety, establish custom-houses on her border and demand a duty for allowing commerce to pass. And the court say:

We concede the right and power of the State to tax the franchises of its corporations, and the right of the owners of artificial highways, whether such owners be the State, or grantees of franchises from the State, *to exact what they please for the use of their ways. That right is an attribute of ownership.*

This would seem to be decisive of the adverse fate of the pending bill, if it still survives. The bill and the opinion cannot stand together.

And the court continues:

The tax is not compensation for services rendered by her or by her agents. * * * Tolls and freights are a compensation for services rendered, or facilities furnished to a passenger or transporter. * * * A tax is a demand of sovereignty; a toll is a demand of proprietorship.

This was an interstate railway within the meaning of the bill. Does the reasoning or language of the court give color to the assumption that Congress has power to fix the tolls or freights? On the contrary, the court declare in the most positive terms *the right and power* of the owners of the railway *to exact what they please for the use of their ways*, and expressly decide that that right is an attribute of ownership.

And in another case entitled of the same parties, in the same court, in the same year, involving the validity of the State tax upon the gross receipts of the road, the State law was held to be constitutional, the same justice delivering the opinion of the court:

The Federal Constitution ought not to be so construed as to impair, much less destroy, anything that is necessary to their [the States'] efficient existence.

In the very recent case of Osborne *vs.* Mobile in the Supreme Court, in 1872, involving the question whether an ordinance of the city of Mobile requiring the Southern Express Company to pay a license to transact there a business extending beyond the limits of Alabama was repugnant to the power to regulate commerce among the States, the court held it was not repugnant. The opinion was delivered by Chief Justice Chase. He adverted to The Reading Railroad *vs.* Pennsylvania:

The tax was held to be unconstitutional because it was in effect a *restriction* upon interstate commerce, *which by the Constitution was designed to be entirely free.*

And as late as December, 1872, in Railroad Company *vs.* County of Otoe, in the Supreme Court, Mr. Justice Strong again gave prominence to the indispensable canon of construction that—

In construing the Federal Constitution, Congress must be held to have only those powers which are *granted expressly or by necessary implication*, but the opposite rule is the one to be applied to the construction of a State constitution. The Legislature of a State may exercise all powers which are properly legislative, *unless they are forbidden* by the State or national Constitution. This is a principle that has never been called in question.

The late case of Olcott *vs.* The Supervisors, in the Supreme Court, in the winter term of 1872–'73, decided the validity of an act of the Legislature of Wisconsin in aid of the construction of a railroad by taxation, &c. Mr. Justice Strong delivered the opinion of the court. Expressions found in that opinion have been quoted and relied on in support of the bill. But it is a vain reliance. The opinion was delivered by the same justice and by the same court that delivered the opinion in Reading Railroad *vs.* Pennsylvania, and in the same term, month, and year.

Ever since passage and transportation by railways have had an existence they have been held to be public highways. Though the ownership is private the use is public. So turnpikes, bridges, ferries, canals, &c., although made by individuals or companies under grants, are regarded *publici juris*. The right to exact tolls or charge freights is granted for a service to the public. And it is the *right and the power* of the owners to *exact what they please for the use of their ways*. Chief Justice Marshall said, in Dartmouth College *vs.* Woodward, that a corporation was an artificial being, the creature of law; it possessed only those powers which the charter of its creation conferred upon it. These are such as are supposed to be best calculated to effect the object for which it is created; among the most important are immortality, individuality, perpetual succession. These enable a corporation to acquire and hold property, and *to manage its own affairs*.

THE POLICY OF EXERCISING IT.

But if, peradventure, all the foregoing views be founded in error; if I have misstated the origin of the power to regulate commerce, confounded the exclusive with the concurrent, or the municipal with the Federal; mistaken the practice of the State governments, and the practice of the central Government, and misunderstood and misinterpreted the nature, objects, and extent of the grant; and if it be true in theory and in fact that a source of power so undefined and undefinable lurks concealed among the *few and defined* powers which alone were delegated, then, I submit, the exercise of it, by the Congress of the United States, would be unnecessary and dangerous, if not pernicious in the extreme.

The Union is a first power among the first powers of the habitable globe All that it is has been the work of a single century. A few trickling springs of trade have expanded into a boundless sea of commerce. For a century in its progress from penury to power, that commerce has floated upon the oceans, lakes, and rivers which bound or intersect our territory, and been transported overland among the States. For more than forty years of that time the railway has borne a constantly increasing part in adding to its power, beneficence, and glory. Throughout that one hundred years, throughout that unparalleled progress of commercial prosperity, the power under discussion was never exercised. No jurist, no statesman, no politician, no Congress, no President, no Administration or party, ever so much as named, divined, or imagined its exercise. The need of it was never felt. For one hundred years by land and water, by vessel or rail, that growing commerce has been carried, yet no statesman or party proposed to fetter it by thrusting a politician into its free domain to fix the charges or freight of the carrier, or the price or equivalent of the bale or commodity.

The triumphs and the logic of the past are then against its exercise. Are these deserving of no consideration?

A statesman, than whom a purer and a greater never lived to shed luster upon his country, has said:

Ours is not a Government of precedents, nor can they be admitted, except to a limited extent, and with great caution, in the interpretation of the Constitution, without changing in time the entire character of the instrument. The only safe rule is the Constitution itself, or, if that be doubtful, the history of the times.

If, then, we leave the face of the Constitution, and search, as we have done, for its spirit and intent in unbroken precedent and contemporaneous history, we cannot fail to be impressed with the coinciding and concentrated authority of both, against the exercise of the power proposed by the pending bill.

Is the entire past history of the States and the Union to be put behind us? Is the system that has conducted their twofold march to greatness, to opulence, and to glory to be held for naught? Is a new and untried system to be interpolated, unknown to our past, alien to our present, and malign to our future? Will you fix the fare for a passenger and the charge for a pound of freight on the railways used in commerce among the States, and leave untouched the fare for the same passenger and the charge for the same pound of freight on our rivers, lakes, and coasts among the States, and on the oceans, in our commerce with foreign nations? Or will you overturn and annul as to these last-named ancient highways the system of regulations founded by the fathers, continued by our predecessors and practiced by ourselves, during near a century past and gone, and fix the fare and charges for every passenger or thing carried by land or water in our commerce among the States and with foreign nations, because intercourse and property are sometimes the subjects and instruments of commerce? And if yea, how long will it be before the deluge of congressional legislation will fix the merchantable price or equivalent for the goods, wares, and merchandise carried, which are equally the instruments and subjects of the commerce designated, equally subject to the exercise of the power, and even in a greater degree, and in more respects, the objects of high prices, excessive exactions, and vexatious monopoly? The diversity in the innumerable descriptions of vehicles by land or vessels by water, their cost, construction, equipment, running expenses, accommodations, &c., render the regulation of fare and freight practically impossible under any other auspices than those of the carrier, his agents or employés, and the passenger or owner, subject to the laws of competition and of supply and demand. I say impracticable under our system of private right and public law. Elsewhere it might be practicable, but only under a despotism. And if it shall be established here, the railways will either absorb Congress or Congress the railways, and in either event the farmer, consumer, producer, and merchant will be the sufferers.

Self-government, general as well as local, is indispensable to our liberty, but interference and dictation are the essence of absolutism. Absolutisms presume to do everything and provide for everything. Robespierre, in his "great speech" for the restoration of the Supreme Being said, "The function of government is to direct the moral and physical forces of the nation."

The policy of the bill once incorporated, its jurisdiction, equipments, and staff will speedily sweep from center to circumference of agriculture, manufactures, and all the arts and industries of peace employed in commerce. One by one the reservations of power by the States will be insidiously absorbed, until in a little while their control of even their own local commerce will be drained off into the Federal vortex. Encroachments, disguised by arguments of expediency, establish precedents which ultimately devote a generous and unsuspicious people to all the consequences of usurped power. The staff of office-holders, their supernumeraries, dependents, and minions, will incubate and swarm over and eat out the industries of the citizen. It now requires sixty-odd pages of the Blue Book to hold the names alone of the office-holders in the custom-house and revenue service And who can foretell what numberless pages will have to be added to enable the rank and file of this new army of political emissaries commissioned to wage a war of espionage and dictation upon individuals and property employed in the pursuits of commerce? And what new ways and means will be devised and instituted still further to burden the industry and production of the country to raise revenue wherewith to meet the demands of the new pay-roll?

Gloomy or ardent and bold times may try men's souls, but periods of material prosperity and public depression try a country's institutions. They are the most difficult times, and liberty is lost at least as often by stranding on pleasant shores as by wrecking on boiling breakers.—*Lieber.*

A new cabinet officer must be appointed and salaried, and new bureaus and desks established, and new tables of statistics explored and classified, to digest a system of fares, freights, and charges, for all the countless forms of transportation of a commerce in its external values exceeding $1,300,000,000, and an unestimated internal commerce of perhaps $5,000,000,000 per annum.

This new and alarming order of things must prove only a question of time; it will follow the enactment of this bill as the day the night, the night the day. For years the States have been steadily increasing in number and diminishing in strength, and this last volition of encroachment and centralization is a mighty stride toward not only their utter degradation but the enslavement of enterprise and the reduction of commerce, like finance, to a partisan institution and an administration patronage.

The great Emperor Napoleon once exclaimed, "Poor nation! in spite of all your enlightened men, of all your wisdom, you remain subject to the caprices of fashion, like individuals."

Has the patronage of the Executive not become strong enough? Does any friend of the present incumbent, and yet a friend of his country, wish that patronage extended? Let speak the experience of the recent past. The advocates of extension, if advocates there

be, should place their hands upon their mouths, and their mouths in the dust.

In the adjustment of this new internal and external revenue system of fixing the rates of fare and freight, of hire or wages, for the labor and property of citizens employed as carriers of passengers and merchandise, ashore and afloat, what will be the basis of uniformity, permanency, and equality? The diversities of ships and vessels are countless, as to cost, equipment, and expenses, and these fluctuate with the fluctuations of the labor, finance, and commerce upon which they depend. The same may be said of railways, canals, bridges, turnpikes, &c., which, by their intersection, traverse State boundaries.

The construction cost of railways per mile varies most materially. In Florida the cost is estimated at $15,000; in California, $98,000; in Pennsylvania, $88,000; in New York, $76,000; in Massachusetts, $73,000; in Kentucky, $45,000; and in Illinois, $48,000. And the variations in cost in the thirty-seven States range from the minimum to the maximum in the States cited.

Costs of equipment are quite as various; and so of running expenses, and employés, and business done, and terms and conditions of their franchises, and State taxes, and so on to the end of the alphabet.

Will detachments of this vast army of official invaders of private rights make daily incursions upon every link of road in every State, county, township, and precinct, and into the counting-rooms and books and vouchers of citizens and companies, in order to adapt their tariff of rates to the table of costs, and fluctuate their rates with the fluctuations of business or income, as these are controlled by the vicissitudes in labor, currency, and trade upon which they subsist? Or will all those fundamental discrepancies be disregarded, and the greatest and the least, and all intermediate grades, be cut off, or stretched out, to fit one common and indiscriminate scale?

The House can form some adequate idea of the capital, ability, and energy employed in the carrying of commerce by land and water. The cost of 71,564 miles of railway and equipments alone is estimated at $3,728,416,958, their gross receipts per annum at $478,885,597, and their net receipts at $174,350,913. Every one of these roads, in any one of the thirty-seven States of this Union, derives its essential legal existence, from the voluntary act of the representatives of the people, in the State Legislature assembled. Would it be desirable to recruit the lobby of this Capitol, and to beleaguer the patronage of the Administration with the numberless aids and appliances of such a combination in legislating to fix a tariff of rates, or in the appointment of commissioners to fix it; or is it not far better that all that capital, ability, and energy, and all their forms and combinations, be left where they have always gathered and diffused enterprise and wealth, unestimated and inappreciable, subject only to the supreme law of the Union, as heretofore expounded and applied; subject to the laws of the States where situate, and the terms and conditions of their charters, if chartered, and to those unwritten laws of competition, supply, and demand, which form the vital spirit and the potential genius of a flourishing commerce?

The regulations of the Federal Government should continue or be extended within the limits and for the purposes as practiced and approved through more than eighty years of constitutional supremacy. And the States should be wary and circumspect in erecting corporations and granting franchises, particularly where they are, like railways, public in their uses but private in their ownership. The State undoubtedly has not always been wary and circumspect. But let the Congress of the United States study its own statutes for the erection of corporations, and learn a lesson of charity in its animadversions upon the States.

If the State has already conferred exclusive privileges upon citizens or incorporated companies, in faith of which they have expended their funds, incurred liabilities, and constructed great works, their privileges are their property, which they have bought and paid for with a price; the contract is executed, and the Supreme Court declares all such to be sacred and inviolable. And though the consequences of such exclusive privileges are oftentimes oppressive in practice, as well as odious in name, fortunate for us, and perhaps for our public and private fidelity to the obligations of contract, such is the character of the American people and the resources of their country, that just so soon as those exclusive privileges are so used as to oppress and plunder, they are corrected or rendered valueless by powerful agencies of competition, constructed with all the limitations and guards enjoined by the experience of the past. Here lies the appropriate remedy for the evils of hasty and injudicious legislation. It does not lie in usurpation of power, nor in repudiation of the obligations of contract. To rob them of their franchises, or to so burden them as to seriously impair their utility would be to dry up the arteries of our commerce, and to remit the States to corduroy bridges, wooden sleds, and bark canoes.

At common law, enforced in perhaps every State in this Union, every company is obliged to carry whatever is brought to it, and is restricted to reasonable charges for passage and freight, unless it is otherwise provided in its charter. It is further burdened with liabilities, in the nature of those of an insurer, for the safety of passengers, baggage, freight, &c., and for losses by theft, &c., unless occasioned by inevitable accident or the public enemy. All these, and others of a like and of a dissimilar nature, have proved in the past restrictions upon those lines of transportation, adequate to the best interests of the people, the States, and the Union, and the creation and carrying of a commerce rivaling the most magnificent in the world.

This bill, we have seen, proposes to take from the carrier his proprietary right to fix his own charges, as to which the Supreme Court, in Reading Railway *vs.* Pennsylvania, declares that he may exact what he pleases. If this Government has power over one part of the carrier's charges, it has power over every part; and if it can forbid or abolish one part, it can forbid or abolish every other part, and take from him all. But the Supreme Court say:

> Tolls and freights are a compensation for services rendered, or facilities furnished to a passenger or transporter. A toll is a demand of proprietorship. The right to make terms for the use of the roadway *is in the grantee* of the franchises, *not in the grantor.*

And Congress has the same right to fix the price of his locomotive as of his freight or tolls. For those tolls, which are the carrier's private property, he has at common law a lien upon the thing carried; he may keep it until his charges are paid, and if not paid he may go into equity and sell it for his charges. Yet, in the face of all these decisions and considerations and more, the provisions of this bill propose to give to a coterie of persons, to be appointed by the President, absolute control over those tolls or freights by the absolute abolishment of such part of them as they see proper, to which the carrier must submit, under the penalty of being arraigned and prosecuted for crime in a United States court. This is not law; it is arbitrary power. Says Edmund Burke:

> Law and arbitrary power are in eternal enmity. * * It is a contradiction in terms; it is a blasphemy in religion; it is wickedness in politics, to say that any man can have arbitrary power. * * And he that will substitute *will* in the place of *law* is an enemy to God.

It is centralism. It embodies a policy which in its tendency would bring everything under the political control of Congress, and effect everything through the political patronage of the Administration. I submit it to the House and country, for the past few years the fearful strides of the central Government in that direction have increased, are increasing, and ought to be diminished.

Professor Lieber observes:

> It is necessary to have seen nations who have been forced for centuries to submit to constant and minute police interference, in order to have any conception of the degree to which manly action, self-dependence, resoluteness, and inventiveness of proper means can be eradicated from a whole community. On this account systematic interference weakens governments instead of strengthening them; for in times of danger, when popular energy is necessary, when every man must do his duty or the state is lost, men, having forgotten how to act, look listlessly to the government, not to themselves.

Within the last few years Congress has given away to railroads over two hundred and fourteen million acres of the public lands, and with more than regal munificence has invested the companies in whose favor it has legislated with almost every conceivable form of exclusive privilege and perpetuity which the owners and managers could wish, including the prerogative of unlimited railway tolls and unlimited railway consolidation. And in no instance in which it had the power in the acts and grants it made within its exclusive jurisdiction in the District of Columbia and in the Territories, and public lands, where and when it lawfully might, did it ever undertake to fix tolls and freights, from the act granting the right of way to the Baltimore and Washington Railway in May, 1828, to the act for the creation of railway and other corporations in this District in May, 1870, although those acts are pregnant with minute stipulations and regulations in most all other respects; and this with but a single exception. This exception refers alone to the act of July, 1862, to aid in the construction of the Union Pacific and the Central Pacific Railways, wherein it was provided that Congress reserved the right to establish the rates of fare by law, if then unreasonable, whenever the net income should exceed 10 per cent. of their cost, and 5 per cent. to be paid the United States. I have observed no other exception from the otherwise uniform practice of Congress.

The tribunal created by this bill and invested with arbitrary power over the tolls and freights, being the private earnings and property of citizens and companies, is of no republican lineage, but is despotic in its origin, as well as in its nature. It is imported from England, and is the *scion of a royal stock.* It is an American imitation of Her Majesty's lords of the privy council acting as a board of trade. The introduction at this time, of an equivalent institution, in a republican country, inhabited by the descendants of that band of patriots who fought seven long years to break from the bondage of that very privy council and board of trade, and transmitted to posterity these States and this Union, and their deathless hatred of arbitrary power, at once as a legacy, a trophy, and an admonition of that struggle, and its motive is a circumstance most ominous indeed of a day when the legatee may have occasion to turn away from the *husks* and the *swine,* and exclaim:

> I will arise and go to my father, and I will say unto him, Father, I have sinned against Heaven and before thee, and am no longer worthy to be called thy son.

The power to create a corporation is an ancient, hereditary prerogative of the King of England, who, in the English theory, is the fountain of honor, of office, and privilege. The King's consent, previously given, is absolutely indispensable to the erection of any corporation; and it is usually evidenced by act of Parliament in the form of a charter. Instance the ancient charter of the East India Company of 1600, given by Queen Elizabeth; the ancient charter of Virginia in 1584, given by that Queen to Sir Walter Raleigh; the ancient charter of Massachusetts in 1606, given by James I; the ancient charter of Maryland in 1632, given by Charles the First to Lord

Baltimore. But the creative act is that of the King in virtue of his royal prerogative:

It is held that if the King grants to a set of men to have *gildam mercatoriam*—a mercantile meeting or assembly—*this alone is sufficient to incorporate and establish them forever.*

In the respective States of this Union, railway corporations exist only by act of the State Legislature, in virtue of the original, inherent, unlimited sovereignty of the people there assembled by their representatives; unlimited, save by the self-imposed limitations composing the *few and defined* powers delegated to the Union. Of those the power to erect a corporation *per se* is not one; though it has been held that Congress may create a corporation if it be a necessary and proper mean to carry out an express power.

Now the power of the State government over its corporations is unlimited in all respects, save only two. The first in reference to any privilege conferred, which it has contracted not to interfere with; the second, the power delegated to the Union, which within its prescribed limits is the supreme law as to its objects; and notwithstanding the unlimited and undefined power of the State, it lies not within the sphere of even State sovereignty to go back upon a franchise granted, and fix the tolls and charges, or price of the services and property of its owners, *unless* in the exercise of a power to do that thing, reserved from the act of its creation. The power is not only not in the Federal Government, and never was, because it is not among the powers delegated, express or implied; but as to vested rights, it is not even in the State government, though it was inherent and original in the State, because the State has parted with it to the citizen or company for a consideration, and the right so acquired is inviolable and irrevocable. It is manifest that as to existing corporate privileges, which are executed legislative contracts by the sovereign with the citizen, the power to fix or abolish them, in whole or in part, contrary to the will of the grantee, exists nowhere within the range of American institutions except for public use and upon just compensation.

In the absence of reservations to that effect in the general law, or, what is equivalent, in the special law of the corporation, the State possesses no more power to fix or limit its charges within the territory of the State than the Federal Government, which has none at all, and never had any, and can never have any while the Constitution stands as it is.

Hence I presume the committee have no reference to existing and unrestricted charters by the States, when they say in their report:

It will hardly be claimed, however, at this day, that a State has no power to fix or limit the charges of railroads within its territory.

I cannot say that I correctly apprehend the meaning of the report of the committee in the following extract:

The power of the State over the railroad commerce within its limits is not derived from the fact that railroads are chartered by the State—

I am not aware that it has ever been contended by any theorist or utilitarian in this country that the power *of the State* is derived from charters *by the State*. I think the opinion prevails that, however a State may *limit* its power *by its charters*, at all events it can never *derive its power from its charters*—

but it is derived from the fact that railroads are public highways, and therefore necessarily subject to legislative control.

Now, my understanding is, that the power of the State is derived, not from highways, but from the sovereignty of the people. A railway is a highway, public in its use, private in its ownership. It is the creature of legislative authority; and the Legislature, in the formation and structure of the charter or franchise, which is its vital existence, can endow it with any privileges, or fetter it with any restrictions or conditions, within its legislative discretion. But having done that, this offspring of plenary legislative sovereignty can not only not be harmed by its creator, but it retroacts and becomes a law of limitation to its creator of the highest obligation, and as such is universally held to be inviolable and irrevocable. I am, therefore, at a loss to conceive how the sovereign power of the State can properly be said to be derived from highways.

Involuntarily leaning upon the analogies of the monarchical institutions of England for the power proposed by the bill, the report asks:

Is the authority of Congress, when exercising the powers conferred upon it by the Constitution, more limited than that of Parliament? We think not.

I aver, then, upon the enduring authority of the founders, the plain terms of the instrument, and the decisions of the Supreme Court, that the Government created and defined in the Federal Constitution is essentially a government of limitations, as to its objects, as to its powers, and as to its means. And I aver, upon the proof of the English constitution, Sir Edward Coke, and Chief Justice Marshall, that the authority of Parliament is an unknown quantity, without limitation, as to its objects, as to its powers, and as to its means. Can anything be better settled?

Said Mr. Madison, in the Federalist:

The powers of the Federal Government are few and defined.

Said the Supreme Court, in McCulloch *vs.* Maryland:

We admit, as all must admit, that the powers of the Federal Government are limited, and that its limits are not to be transcended. Should Congress, in the execution of its powers, adopt measures which are prohibited by the Constitution; or should Congress, under the pretext of executing its powers, pass laws for the accomplishment of objects not intrusted to the Government, it would become the painful duty of this tribunal to say that such an act was not the law of the land.

Said Chief Justice Marshall, in Dartmouth College *vs.* Woodward:

According to the theory of the British constitution, their Parliament is omnipotent. To annul corporate rights might give a shock to public opinion, which that government has chosen to avoid; but its power is not questioned.

Said Sir Edward Coke:

The power and jurisdiction of Parliament is so transcendent and absolute, that it cannot be confined, either for causes or persons, within any bounds. It hath sovereign and uncontrollable authority in the making, confirming, enlarging, restraining, abrogating, repealing, reviving, and expounding of laws, concerning matters of all possible denominations, ecclesiastical or temporal, civil, military, maritime, or criminal: this being the place where that absolute despotic power, which must in all governments reside somewhere, is intrusted by the constitution of these kingdoms.

I submit to the House and the country the power to regulate commerce among the States is limited by its objects. Its objects are safety, equality, and freedom, to be secured, it may be, by prescribing rules for carrying it on, as in the past and the present; but not by imposing arbitrary laws for the valuation and sale of services and things employed in its pursuit, as proposed by the pending bill.

Without confusing and confounding all limitations, the power to regulate, that is, to prescribe the rule by which commerce is to be conducted, cannot be construed to comprehend the *far greater power* to arbitrarily fix the commercial value and vendible price of the private property, skill, and labor of the citizen.

The bill is advocated because it is claimed to be in the interest of the people and against monopoly.

I oppose the bill because in the combinations to which it may lead, it is in the interest of monopoly and against the interest of the people. If it should become the law, thenceforth there will be but *one* check upon it, to wit, Congress; whereas now there are *thirty-seven* checks in so many Legislatures, composed in the aggregate of more than *four thousand* representatives fresh from the people, and, presumed at least to be, vigilant in the protection of the interests of the people.

I do not know for my part, nor do I care, whether the wealthy corporations of this country desire this fusion with the Government or not. If they do, I would oppose it; because it would form an unconstitutional and adulterous intercouse of political monopoly with chartered monopoly. If they do not, I would oppose it, because it would form an unconstitutional and pernicious interference with commercial freedom and vested right. But especially would I oppose it, because it is centralization, and centralization is the sepulcher of liberty.

The effect of it all would be in the end a consolidated monopoly—monstrous, inordinate, and universal, by land and sea, ashore and afloat.

Against monopoly, if by that word are to be understood exclusive privileges, unjust, and oppressive of the many by the few, or of the few by the many, are arrayed all the convictions and instincts of my natural being; all the lessons and experience of my youth and manhood; all the circumstances of my temporal existence. But the monopoly which my observation has taught me most to deplore is that monopoly of power in the central government of our federative system, which, in the name of the people, beginning with the dreadful prerogative of war and circling the entire globe of human affairs, in its course annihilating or absorbing the functions of the States and the enterprise of the citizen, ends only in the despotic control of the minutest circumstances of capital, intercourse, and trade.

Mr. Speaker, I desire, again, to renew my cordial acknowledgments to the House for repeated evidences of courtesy throughout this very protracted discussion.

State of Louisiana.

SPEECH OF HON. M. H. CARPENTER,

OF WISCONSIN,

IN THE SENATE OF THE UNITED STATES,

March 4, 1874.

The Senate having under consideration the bill (S. No. 446) to restore the rights of the State of Louisiana—

Mr. CARPENTER said:

Mr. PRESIDENT: The true office of debate, like that of pleadings in an action at the common law, is to separate from the subject all immaterial things, eliminate all as to which both sides agree, and present the propositions affirmed on one side and denied on the other, upon which the matter under discussion depends. I shall endeavor to conform to this method; and my object to-day will be to set before the Senate the admitted facts, and state the contested points between the Senator from Indiana [Mr. MORTON] and myself touching the existing state of things in Louisiana; and I shall endeavor to show that the admitted facts warrant the passage of the bill now under consideration.

Those facts are summed up in the preamble to this bill, which I will ask the Clerk to read.

The Chief Clerk read as follows:

Whereas there is no governor, lieutenant-governor, secretary of state, attorney-general, auditor of public accounts, or superintendent of education in the State of

Louisiana, holding said offices, respectively, under an election by the legal voters of the State of Louisiana, in pursuance of the constitution and laws of said State; and whereas there is not in said State any Legislature elected by the legal voters of said State, according to the constitution and laws thereof; and whereas there is no provision in the constitution or laws of said State for the election of a governor, lieutenant-governor, secretary of state, attorney-general, auditor of public accounts, or superintendent of education, until the next regular election, to be held in November, A. D. 1876; and whereas the offices of governor, lieutenant-governor, secretary of state, attorney-general, auditor of public accounts, and superintendent of education are now filled *de facto* by persons claiming the right to hold said offices, in virtue of a pretended canvass of the votes given at the last general election in said State, on the 4th day of November, A. D. 1872, by John Lynch and others, but which canvass has been shown to be fraudulent and void; and whereas a body of men in said State now claim to be the members of, and to constitute, the Legislature of said State, and were organized as a Legislature in pursuance of illegal orders issued by a judge of the circuit court of the United States for the district of Louisiana; and whereas the President of the United States, in May, A. D. 1873, issued his proclamation recognizing the person now holding *de facto* the office of governor of said State as legal governor of said State, and the persons now holding *de facto* the offices of lieutenant-governor, secretary of state, attorney-general, auditor of public accounts, and superintendent of education in said State as legal officers of said State government, which proclamation was issued upon representations made by said persons holding said offices, or on their behalf, but it now appears that said persons holding said offices are not legal officers of said State; and whereas said pretended Legislature is now in session, pretending to enact laws for said State, which said pretended governor is pretending to approve, under which pretended laws it will be claimed rights have vested, so that the people of said State may be oppressed and involved in vexatious and expensive litigation before the next general election under the constitution and laws of said State, in A. D. 1876; and whereas the public peace in said State is at present preserved, and can only be preserved during the existing state of things in said State, at the expense of the United States, and by retaining a part of the Army in said State: Therefore, to quiet the discontent, and restore the State to its full rights, and give it officers of its government which shall be chosen by the legal voters of said State, * * *

Mr. CARPENTER. This preamble sets forth the general propositions which I claim result from the facts of this case either conceded or clearly established by the evidence. My first purpose is to establish this, and if I succeed in doing so, I think it will not be very difficult to satisfy the Senate that Congress ought to apply some remedy. I shall then contend that a new election is the only adequate remedy for such a case; that when the people of a State have been defrauded of the result of an election, and all the State officers and the Legislature are usurpers, the proper remedy is to give the people another opportunity to elect their officers.

In the first place, let it be borne in mind that the general election in that State, for the election of presidential electors, governor and other State officers, half of the senate and all the members of the lower house of the Legislature, was held on the 4th day of November, 1872.

I ask the attention of the Senate to the fact that at this election electors of President and Vice-President ought to have been elected, because I claim that the decision of both Houses of Congress rejecting the vote of the electors of that State, and denying Louisiana any voice whatever in the election of President and Vice-President, is an adjudication by Congress that no result was accomplished by the pretended election of November 4, 1872. If anything was accomplished at that election, then presidential electors, a governor and other State officers, and a Legislature were elected. But if no presidential electors were elected, then no election of governor and other State officers and members of the Legislature was effected. Congress having decided that the election was void as to presidential electors, it follows that the election of State officers and members of the Legislature held at the same time, and subject to the same objections, must be void also.

Let us consider this election, the canvass of votes, and the subsequent determination of Congress in the premises.

The election passed off quietly; no riots or violence interfered with its progress; and the returns were generally made to the governor of the State in conformity with the statute law of the State. But these returns were never canvassed, except by the De Feriet board, appointed by Governor Warmoth under the act of November 20, 1872, and the Foreman board, appointed by the pretended McEnery legislature. The result of both these canvasses was to declare that McEnery and his associates on the State ticket were elected by about 9,906 majority.

The Lynch board never made a canvass of the returns, because they never had the returns before them; but in a manner wholly unwarranted by any law, and in open defiance and flagrant violation of the law under which they pretended to act, entered into an investigation at large, to estimate the result of the election. This board certified that a certain number of persons, who may be designated the Grant electors, were duly elected; that Kellogg and his associates on the State ticket were elected; and that members now constituting the Kellogg legislature were also duly elected at that election.

The validity of the election as respects presidential electors was necessarily involved in the question whether their votes for President and Vice-President should be counted. The subject was referred to the Committee on Privileges and Elections; and I shall refer the Senate to the unanimous report of that committee, made by its chairman, the Senator from Indiana, [Mr. MORTON,] as bearing upon that subject. Before doing so, however, permit me to refer to the objections which I have made against the validity of the canvass by the Lynch board, the only canvass relied upon to establish the right of Kellogg and his associates to hold the offices of that State.

First. I showed that the Lynch board, so called, never had a legal existence; that Longstreet and Hawkins, who pretended to be members of that board, never were elected; and that Bovee was disqualified, because he was a candidate at that election.

Secondly. That the persons claiming to be members of this board were enjoined from canvassing anything but the official returns.

Thirdly. That the board was abolished by the act of November 20, 1872.

Fourthly. That this board never had the returns before them.

Fifthly. That they had no warrant of law, even conceding that they were a legal board, for doing what they pretended to do—that is, inquire at large into the result of the election; that all that even the legal board could do was to canvass the legal returns.

Sixthly. That if the board had been duly elected, had not been enjoined, and if it had not been abolished, and had the official returns and had been authorized by law to depart from the returns and inquire at large to ascertain the result of the election, still their proceedings were corrupt and fraudulent, as admitted and sworn to by the members of the board, to such extent as to invalidate their proceedings; to such an extent as would nullify the effect of the judgment of a judicial court clothed with jurisdiction to make such inquiry.

Now, let me refer to the report of the committee, drawn and presented by the Senator from Indiana, [Mr. MORTON,] to see how far it sustains the objections I have made to the canvass by the Lynch board. The subject being considered was the result of the election as to presidential electors. After setting out the election law of 1870, and the circumstances under which it is claimed the Lynch board and the Warmoth board were elected and organized, the report proceeds as follows:

The election for presidential electors, members of Congress, State officers, and members of the Legislature, was held in Louisiana on the 4th of November, and the returns of the election in the various parishes were sent to the governor by the supervisors of registration, as required by law. The governor refused to act with the board known as the Lynch board, or to open and lay before that board the returns of the election from the various parishes; but opened them and prepared to make the count before what is known as the Wharton board, which was then enjoined from further proceedings by Judge Durell. The official returns which had been sent to the governor were by him withheld from the Lynch returning board, and never at any time came into the possession or under the examination of that board. The Legislature of Louisiana, at its session in the winter of 1872, passed an act abolishing the returning or canvassing board, as created by the act of 1870, and authorizing the State senate to elect a returning board, to have the same powers as the former, and making other changes in the mode of conducting the elections; and on the 20th of November, 1872, the governor, who had not signed this act, but kept it in his possession during the pendency of these proceedings in the circuit court of the United States, and also proceedings of a like character commenced in the eighth district court of the State, signed the bill and published it as a law.

This is the act which abolished the Lynch board.

Again the report says:

Some two or three days preceding the 4th of December, the Lynch board officially declared that M. F. Bonzano, J. Lanabere, C. H. Halstead, L. C. Croudanez, A. R. Johnson, Milton Morris, J. Taylor, and John Ray, whom we shall designate as the Grant electors, had received a majority of all the votes in the State for electors of President and Vice-President; and the secretary of state *de jure*, Mr. Bovee, not then in possession of the office of secretary of state or the State seal, but who had been decided by the supreme court of the State a few days before to be the lawful secretary, made a certificate of election to the persons so declared chosen as electors, and on the fourth of December they met and cast their votes for President and Vice-President, according to the requirements of the act of Congress. They did not, on that day, however, seal up their vote, but kept it open for several days until Mr. Bovee, the secretary of state, got possession of the State seal, so as to attach it to their certificates of election. The secretary of state had no right, under the law, to make any certificate upon the subject, unless for the information of the governor, and his certificate constitutes no legal evidence of the election of the persons therein named—the Lynch board.

And I call attention to the language of the Senator from Indiana in this his first report from the committee, which was unanimous:

The Lynch board, in making the count and declaration as to the election of electors, did so without having before them any of the official returns of the election as made out by the officers of the election under the laws of the State, and had no legal evidence before them at all upon which they could count the votes, but their count was made upon documents, affidavits, and statements, *ex parte* in their character, having no legal validity, and which could not, in the nature of things, form the basis of an accurate and reliable declaration of the result of the election.

There, Senators, is the judgment passed by the Senator from Indiana upon the validity of the canvass by the Lynch board.

Upon pages 5 and 6 of this report he proceeds as follows:

The third section of the act of Congress of 1792 declares what shall be the official evidence of the election of electors, and provides that "the executive authority of each State shall cause three lists of the names of the electors of such State to be made and certified, to be delivered to the electors on or before the first Wednesday in December, and the said electors shall annex one of the said lists to each of the lists of their votes." The certificate of the secretary of state is not required, and the certificate of the governor, as provided for in this section, seems to be the only evidence contemplated by the law of the election of electors and their right to cast the electoral vote of the State. If Congress chooses to go behind the governor's certificate, and inquire who had been chosen as electors, it is not violating any principle of the right of the States to prescribe what shall be the evidence of the election of electors, but it is simply going behind the evidence as prescribed by an act of Congress; and, thus going behind the certificate of the governor, we find that the official returns of the election of electors, from the various parishes of Louisiana, had never been counted by anybody having authority to count them.

* * * * * * *

It is claimed on behalf of this board, that, by the demand upon Governor Warmoth that he should produce before them the official returns of the elections, and his refusal to do so, a foundation was laid for the introduction of secondary evidence to prove the contents and character of said official returns, upon which secondary evidence the count might be made. Without entering into the discussion of the legal question whether a sufficient foundation had thus been laid for the introduction of secondary evidence as to the character of the returns, it is sufficient to say that if such foundation had been laid it could only justify the introduction of secondary evidence to prove the actual character and contents of the returns, and

the testimony before the committee shows that the evidence which the Lynch returning board had before them went to contradict the face of the returns, to show fraud, and what the vote should have been, and that in making their count, the board did not rely so much upon evidence as to what the official returns showed, but upon evidence which, in many cases, contradicted and denied their correctness. Among other evidences, the Lynch board counted some five thousand affidavits as votes for presidential electors, State officers, and members of the Legislature. These affidavits purported to have been made by persons, mostly persons of color, who had been denied the right of registration, and whose votes had been refused at the polls. In many of them it was stated that these rights had been denied them because of race, color, or previous condition of servitude, and many of them contained no such statements. It is urged that these affidavits might be counted as votes under the provisions of the act of Congress of 1870, to enforce the fifteenth amendment to the Constitution. A brief examination of that act will show that this claim is unfounded. By the third section of that act it is provided that where a person has offered to register or to perform any act required by law preliminary to voting, from the performance of which he has been wrongfully hindered by any officer or person in authority, the offer to register or to perform the preliminary act shall be taken as a performance, and, upon proof thereof, such person shall have a right to vote just as if such preliminary act had been performed. But there is no provision in the law that if any person has been refused the right to vote and has performed such preliminary act, or offered to perform the same, as provided in the third section, his offer to vote shall be taken and counted as a vote. In the twenty-third section of the act it is provided that if any person has been defeated in obtaining an office by reason of such denial to any person or persons of the right to vote on account of race, color, or previous condition of servitude, such person may bring a suit in the courts of the United States to recover the office; but the section expressly provides that its benefits shall not extend to candidates for the State Legislature, for Congress, or for electors for President and Vice-President. The section clearly contemplates a suit in court, to which the person who, it is claimed, has been fraudulently elected, shall be made a party, and that upon legal proof that the plaintiff has been deprived of his election by the exclusion of persons from voting on account of race, color, or previous condition of servitude, he shall be entitled to recover the office.

The statute of Louisiana authorizes the supervisors of registration in the parishes, or the commissioners of election, to make affidavit in regard to any violence, tumult, fraud, or bribery by which a fair election has been prevented, which shall be forwarded to the returning board, along with the returns, and upon which the returning board may reject the vote of a poll in making the count; and if the evidence of the officers of the election is not sufficient to satisfy the minds of the returning board in regard to the matters charged, they are authorized to send for persons and papers and take further testimony upon the matter; but they have no authority to make such investigation unless the foundation is first laid by the sworn statements of the officers of the election, as before mentioned. The Lynch board, in making their count without having the sworn statements of the officers of the election to give them jurisdiction to investigate, received affidavits, the statements of supervisors of election appointed under the act of Congress, letters and verbal statements upon which they assumed the authority, in some cases, to reject the entire vote of parishes, and in many instances to throw out the vote of particular polls and wards, and in others to estimate and fix the vote at about what they supposed it ought to be from their knowledge of the political status of the parish or locality. The evidence submitted to the board, and which has been described to the committee, undoubtedly produced the conviction in their minds that the election had been an organized fraud. Governor Warmoth, under the act of 1870, had the whole machinery of the election in his own hands. He had the appointment of the supervisors of registration in the different parishes, and they the appointment of commissioners of election, and those officers, with but few exceptions, were appointed from the ranks of those who were opposed to the republican party, and we think, from the informal evidence before the returning board and from what this committee has learned in the course of this investigation, there is little doubt that those advantages were used to the utmost, and every means resorted to in order to secure the triumph of the party with which Governor Warmoth was acting. Great difficulties were thrown in the way of registration; republicans in many parishes were put to great inconvenience to find the registrar, and in many instances were unable to do so; places of registering and of voting in many parishes were fixed at points remote from the centers of population, often without notice of the place being given; false registration papers, double voting, stuffing ballot-boxes, and other frauds and irregularities, were charged in a majority of the parishes, and there is not much room to doubt that the Lynch returning board were of the opinion that, upon a fair election, the republican party would have carried the State, and had been cheated and hindered in every way possible by the power that controlled the machinery of the election. But, notwithstanding all this, the Lynch returning board, with the sort of evidence which was before them, had no power under the law of the State to investigate these charges of fraud and injury, or to act upon their convictions of wrongs that had been suffered.

Mr. President, bearing in mind that the Senator, in this report, was speaking of the election of November 4, 1872, for the election of presidential electors, State officers, and Legislature, and that the same objections exist to the validity of the election of State officers and Legislature as in regard to presidential electors; that the election for all was held at the same time, under the same election laws, and that the returns for all these officers were made in the same way; that the canvass by the Lynch board was made in the same manner as to all these officers, and that if one is invalid so, also, is the other, am I not justified in saying that the Senator from Indiana, by this report, in effect determined that the election failed as to State officers and Legislature, as well as in regard to presidential electors? What we call an election consists of several parts. There is, first of all, a registration of voters; secondly, the casting of ballots; and hirdly, the counting and canvassing of votes. Each step in this process must be performed according to law to secure the legal result which we call an election.

It will be seen, by carefully examining this report, that the fact that the votes were not legally canvassed and certified was regarded as conclusive that the election as to presidential electors was void.

The two Houses of Congress adopted, or at least acted upon, the doctrine of this report, and decided that the so-called Grant electors had not been duly elected, and therefore the votes cast by them for President and Vice-President could not be counted.

Now, Mr. President, it is clearly established that the election of the Kellogg government was subject to all the objections and afflicted with all the infirmities which both Houses of Congress held conclusive against the election of presidential electors. It will bear repetition that the election of the Kellogg government was, at the same time, in the same manner, surrounded by the same circumstances, canvassed by the same board, and in the same manner, and in every particular affecting its validity, identical with the election of the Grant electors, which both Houses of Congress have declared to be absolutely void.

Therefore, am I not warranted in declaring that Congress has already, in effect, declared that the Kellogg government never was elected?

In connection with this report, I should add that the decision of the supreme court of Louisiana was made before that report, as appears by the following addendum thereto:

A majority of the committee were of opinion that no reference should be made in the report to the decision of the supreme court of Louisiana as to which was the legal returning board, upon the ground that the decision was made subsequent to the 4th of December, when the electors were to cast their votes for President and Vice-President; but it seems to me that the history of the whole matter would not be complete, and the Senate would not be placed in possession of all the material facts, without a statement of the character of that decision, and that the fact that it was made after the casting of the vote by the electors would furnish no sufficient reason why it should not be referred to in the report. Decisions of courts of last resort are made at the end of causes, and not at the beginning, and are held to relate back, and establish the rights of the parties throughout the whole controversy.

On the 14th day of November, 1872, a proceeding was commenced in the eighth district court of Louisiana, by the attorney-general, on the information of the returning officers of elections, to enjoin what was called the Wharton board from canvassing the official returns and making any finding thereon, and requiring the returns to be placed in the hands of the Lynch board. And to this suit Governor Warmoth, Hatch, Da Ponte, and Wharton were made parties. This case was appealed to the supreme court of the State, and by that court decided on the —— day of January, 1873. The court held that the board consisting of Lynch, Longstreet, and Hawkins, together with Governor Warmoth and Mr. Bovee, who was the secretary of state who had been suspended by Governor Warmoth when he first appointed Herron, and who had been restored by a decision of the supreme court, constituted the legal returning board, and that Da Ponte, Wharton, and Hatch had no authority whatever.

This shows that notwithstanding the decision of that court, now relied upon by the Senator from Indiana to establish the validity of the election of the Kellogg government, because it held that the Lynch board was the legal returning board, the Senator from Indiana regarded the pretended canvass by that board as absolutely void, in consequence of the irregularity of their proceedings, and the fact that the returns never were before them; which objections exist in full force, and must be equally fatal, in regard to the election of the Kellogg government.

Let me say that, although this report was made as a preliminary report by the committee, yet all the testimony subsequently taken by the committee tends to increase rather than lessen the objections to the validity of that election.

Congress will stand in an unenviable attitude before the country if in regard to an election for several officers, held at the same time and conducted in the same manner as to all, it shall decide that as to one it is void and as to the other valid; if it shall hold that as to presidential electors it was void, and yet as to State government it was valid.

In recent discussions the Senator from Indiana has carefully abstained from laying stress upon the canvass by the Lynch board. Apparently aware that its invalidity and the irregularity and lawlessness of its proceedings could not be defended, he has contended that the Senate is precluded from inquiring into the validity of the Kellogg government upon two grounds: fiirst, the supreme court of that State has decided that the Lynch board was the legal returning board, from which the Senator argues that the legal returning board can do no wrong, and that its canvass is conclusive upon all the world; and secondly, that the recognition of the Kellogg government by the President in his proclamation of May 23, 1873, is conclusive upon Congress, and therefore we are precluded from inquiring into this question for ourselves.

Having shown, from the mouth of the Senator himself, that the proceedings of the Lynch board are absolutely void upon their merits, I come now to examine the two grounds upon which the Senator from Indiana denies to the Senate the power to investigate these merits.

And, in the first place, let me consider the proposition of the Senator, that this investigation has been precluded by the supreme court of the State. I considered this subject to some extent in the remarks which I made the other day. But in his reply the Senator from Indiana again interposes the decision of the State court as a shield for the Kellogg government, and I propose here and now to put that decision out of this case in the estimation of every lawyer of this body.

I protest against this decision as an authority binding upon us, for the following reasons:

1. I say it is a question no judicial court can settle. The question is in its nature political, not judicial; and no judicial court, State or national, can settle it so as to preclude Congress from inquiring into it and settling the question for itself. Speaking upon this subject, in the Rhode Island case, the Supreme Court, by Taney, Chief Justice, say:

Indeed, we do not see how the question could be tried and judicially decided in a State court. Judicial power presupposes an established government, capable of enacting laws and enforcing their execution and of appointing judges to expound and administer them. The acceptance of the judicial office is a recognition of the authority of the government from which it is derived. And if the authority of that government is annulled and overthrown, the power of its courts and other officers is annulled with it. And if a State court should enter upon the inquiry proposed in this case, and should come to the conclusion that the government under which it acted had been put aside and displaced by an opposing government, it would cease to be a court, and be incapable of pronouncing a judicial decision upon the question it undertook to try. If it decides at all as a court, it necessarily affirms the existence and authority of the government under which it is exercising judicial power.

The Constitution makes it our duty to guarantee to every State of this Union a republican government. Everybody concedes that this power includes the right in Congress to determine whether the government existing at any time in a State is republican in form. Suppose it were to-day suggested that the government existing in Massachusetts is not of the republican form or kind; and that Congress, examining the subject, should decide that it was not, and should pass a law to overthrow it, and establish in its place a republican form or kind of government. Then suppose the Legislature of that State, as by law it may do, should call upon its supreme court for an opinion upon that subject; and suppose that court unanimously to decide the existing government to be republican; and thereupon the Legislature should pass a joint resolution, which should be approved by the governor, declaring the government to be republican, and should transmit the resolution and the opinion of the supreme court to Congress, and rely upon them as a bar to any further proceedings by the United States in the premises. Will any lawyer maintain that Congress would be thereby estopped? Certainly not; because, if it were so, it would rest with each State, and not with the United States, to determine whether the State had a republican government; and although the government of the State might be monarchical in form, it would be in the power of the State to preclude the United States from doing what the Constitution of the United States says the United States shall do, that is, guarantee—or see to it and take care—that the State of Massachusetts shall at all times have a republican government. For the benefit of my State-rights friends, who, if anybody, will be offended by this assertion, let me prove it by the words of John C. Calhoun, of whom many harsh things, and possibly some unjust things, have been said, but who was never accused of favoring centralization in Federal hands, or of injustice toward the States. In his Discourse on the Constitution of the United States, (1 Calhoun's Works, page 332,) he says:

> Take, for illustration, what is called the "guarantee section" of the Constitution, which, among other things, provides that "the United States shall guarantee to each State in this Union a republican form of government, and protect each of them, on application of the Legislature, or of the executive, (when the Legislature cannot be convened,) against domestic violence." Congress, of course, as the representative of the United States, in their legislative capacity, has the right to make laws to carry these guarantees into execution. *This involves the right, in reference to the first, to determine what form of government is republican.*

The supreme court of a State is a part of the State government. Its decisions are doubtless entitled to great respect. But the appellate power, that is, the ultimate power of decision upon this question, is in Congress, and not in the State government or any department thereof. And, in the case supposed, it would be the duty of Congress to exercise its own judgment and conscience; and if it believed the decision of the supreme court of Massachusetts, and the opinion of its Legislature and governor, to be erroneous, it would be the clear duty of Congress to disregard them.

2. The decisions of the State court of Louisiana upon this subject are conflicting, and for that reason Congress is at liberty, when within the principle decided by the Supreme Court of the United States, to follow the one which is most consonant with sound principle. (See Ohio Life and Trust Company *vs.* Debolt, 16 How., 432; Gelpecke *vs.* Dubuque, 1 Wallace, 175; Havemeyer *vs.* Iowa County, 3 Wallace, 294.) In the Wittgenstein case, decided in May, 1872, six months before this election, the court decided that Herron never was secretary of state; and they said that, even conceding, which they did not, that Warmoth, after having removed Bovee, could appoint Herron to discharge the duties of the office *ad interim*, his powers could only extend to a discharge of the routine duties of the office, and that Herron *could not appoint an assistant secretary of state, because he was not himself secretary of state.* But after the election, and when the court had determined to sustain the Kellogg government, in the case of State *ex rel.*, &c., *vs.* Wharton *et al.*, they decided that Herron *was* secretary of state, and as such was entitled to act as a member of the returning board; which was certainly not routine duty.

Speaking of these two decisions, the conflict of which is direct and expressed in words, the Senator from Indiana said, "The alleged inconsistency is inferential and fine-spun." That is to say, when, speaking of the same animal, one man says, "That horse is black," and another, "No, that horse is white," the Senator from Indiana says "the alleged inconsistency" between the two propositions is "inferential and fine-spun."

Again, the Senator from Indiana says:

> In answer to the allegation of the Senator that there was no legally organized board of canvassers in Louisiana, it is enough to say that the supreme court of Louisiana have decided that the Lynch board was the legal returning board.

The Senator then proceeds to deliver me a lecture upon my audacity in assuming to question the decision of the State court of Louisiana upon what he is pleased to style a State question. But when we find that court, in a line of decisions made previous to the election of 1872, deciding one thing, and in the decisions subsequent to that election, for the purpose of sustaining the Kellogg government, deciding exactly the reverse, this cannot fail to arouse suspicion.

3. But, again, in the case of the State *ex rel.*, &c., *vs.* Wharton *et al.*, as I showed in my former remarks, the court had no jurisdiction under the constitution of that State. The case was this: Persons claiming to be members of the Lynch board sued the persons claiming to be members of the Wharton or Warmoth board for intrusion into the offices of the returning board; and the court below decided in favor of the Wharton board. By the constitution of the State the supreme court has no jurisdiction except in cases where the amount involved exceeds $500. It is well settled, by a long line of decisions in that State prior to this difficulty, that where an office is in question the salary fixed for the office is the amount in controversy. The law gave no salary to the officers of the board. Consequently the members of the Lynch board, defeated in the court below, could not appeal; but Mr. Field, who had been canvassed into the office of attorney-general by the Lynch board, claimed the right to intervene, upon the ground that his salary was $1,500 per annum, and appealed to the supreme court. The supreme court, composed of five judges, two dissenting, held this intervention proper, and sustained the appeal taken by Field on behalf of the defeated parties who had no right of appeal. But, in thus sustaining its jurisdiction in this case, the court disregarded their former adjudication upon this subject made prior to the election. In State *vs.* Markey, 21 Annual, 743, the controversy was between certain parties claiming to be aldermen and assistant aldermen of the city of New Orleans. The city intervened and appealed. Motion was made to dismiss the appeal, on the ground that the city had no pecuniary interest in the suit. The court say:

> The law grants the right of appeal to any one, though not a party to the suit, if he have an interest in the subject-matter of the suit. (C. P., 571.)
>
> But he must allege and show that interest, and it must be a direct pecuniary interest. (1 N. S., 308; 4 N. S., 342; 4 N. S., 622; 2 R., 391.)
>
> The matter at issue is the right to office—whether the relators or the defendants are, under the law, entitled to hold the offices of aldermen and assistant aldermen.
>
> We have examined the record in vain to ascertain what the interest of this city in this suit is. What is decided against the city? What can be decided in her favor on appeal?
>
> Whether there be any pecuniary value attached to the offices or not, it is clear that the city has no direct pecuniary interest in the suit.
>
> It has been decided that in a suit for something which has an appreciable money value the oath of the appellant may supply the omission of evidence as to the value of the thing in controversy. But we are not prepared to say that a mere affidavit of one that he is interested in a suit between other parties will authorize an appeal by him. We had occasion to decide otherwise in the case of Samuel Johnson.
>
> And the appeal was dismissed.

In Sullivan *vs.* Mount, 21 Annual, 755, which was a contest for the office of board of directors of public schools of the city of New Orleans, Kendall, claiming to be secretary of the board with a salary of $1,800, intervened and took an appeal. Motion was made to dismiss the appeal, upon the ground that Kendall had not such an interest as would authorize him to intervene. Wyly, judge, delivering the unanimous opinion of the court, said:

> What is the matter in dispute? It is the office of school directors, and the books and papers and other property pertaining thereto. To these the appellant sets up no claim whatever. His office, secretary of the board, is not in dispute. From his statements we cannot perceive that he has any interest whatever in the matter
>
> And the appeal was dismissed.

It is perfectly clear that the former decisions of the court were sound, and upon the same principle the court ought not to have taken jurisdiction of the controversy between these returning boards, and manifestly would not have done so but for the fact that the Kellogg government could in no other way be sustained.

When we find a court thus reversing its own decisions, and disregarding well-settled principles of law, we are moved to inquire by what motive the court could have been controlled. By the constitution of that State the governor and two-thirds of each house of the Legislature may remove the judges of the supreme court. The Kellogg legislature, on the day it assembled, impeached Governor Warmoth, in flagrant violation of a statute of the State which provides that before any officer shall be impeached the case shall be referred to a committee, the party accused shall be notified, testimony shall be taken, and if the committee shall decide against the impeaching, that shall end it. The judges of the supreme court who had seen this statute trampled under foot, who had seen Warmoth impeached, and had seen the senate organized as a court of impeachment to try him within six hours after the Legislature assembled, might well conclude that, if they thwarted the purposes of this government, their turn would come next, and that against such a government, sustained by Federal authority, they could offer no effective resistance. They are entitled to the benefit of such palliation as this fact may afford them. History has settled that judges removable at the executive will cannot be expected to act with independence.

Mr. STEWART. If the Senator will allow me to make a suggestion to him, in looking over this opinion it occurred to me, and I had the impression the other day, that this was all a mistake about the supreme court of Louisiana ever having decided the case at all. On the contrary, they decided that it was not before them, and that they had no jurisdiction to decide it.

Mr. CARPENTER. I entirely concur with the Senator from Nevada, and take the same view of all their decisions which he seems to entertain. But the Senator from Indiana takes a different view, and I am answering him.

4. But it is well settled, even in cases where one judicial court is passing upon the judgment of another, that nothing is concluded by the record except the matters directly involved and necessarily determined by that judgment.

In the terse language of a judge of the olden time, "nothing is precluded by the record except the matters which terminate in the judgment."

To quote the language of the Supreme Court of the United States in Hopkins *vs.* Lee, (6 Wheaton, page 114:)

To points which came only incidentally under consideration, or were only incidentally under cognizance, or could only be inferred by arguing from the decree, it is admitted that the rule does not apply.

The supreme court of Louisiana never had the question whether the Kellogg government was the legal government of the State directly before them, nor whether any particular persons had been elected members of the Legislature. In the nature of things no such question could come before them. In a case in which I have shown that court usurped jurisdiction, they did pretend to decide that the Lynch board was the legal returning board of the election of 1872. But it is due to that court, degraded and dishonored by its own decisions as it is, to say that it has never decided and never been called upon to decide that such proceedings as the testimony before us shows that board were guilty of could be the foundation of any legal right.

Mr. STEWART. That is the point to which I would like to call the attention of the Senator. It seems to me it does not make any difference whether the Lynch board was a legal board or not. There is no use in wasting time on that point. I believe it is admitted that it never had anything before it to canvass, and never did make a canvass. I suppose it makes no difference what it was if it never canvassed any returns. I do not suppose, practically, there is a judgment unless the court that assumes to render it has a case before it.

Mr. CARPENTER. The Senator from Nevada and myself do not differ a particle; but the Senator from Indiana and myself do, and I am following his argument.

To proceed with the objections to the estoppel which the Senator from Indiana claims to result from the decision of that court, holding that the Lynch board was the legal board.

5. That court has itself repeatedly decided, and this doctrine is affirmed in its latest decisions, that it has no jurisdiction to inquire into the fact of an election. It held this directly and expressly in Collin *vs.* Knoblock and Bonner *vs.* Lynch.

Collin and Knoblock were opposing candidates for the office of parish judge of La-Fourche at the election on the 4th of November, 1872, and Collin proceeded against Knoblock under the intrusion act. The court below found that Knoblock had received a majority of the votes, and rendered judgment in his favor, from which Collin appealed. The supreme court said, (Judge Wyly dissenting:)

It is only under the statute of 1855 that courts can proceed to supervise the counting of votes, correct calculations, purge the polls of illegal votes, and ascertain and establish majorities. This act applies only to cases in which no commissions have issued. It expressly requires that the contestation shall commence within ten days; that it shall be conducted summarily, and it directs the withholding of commissions until the investigation may be completed and the result legally proclaimed.

In cases under the intrusion law courts cannot go behind commissions legally issued. To determine the validity of a commission, they cannot go beyond the returns and report of the legal returning officers for all elections of the State. The returns made by the legal State board and officially promulgated by that board as the general returning officers for the State at large constitute the basis upon which the governor is authorized to issue commissions. These returns are, by the act of 16th March, 1870, made *prima facie* evidence in all courts of justice and before all civil officers, until set aside after a contest according to law, of the right of any person named therein to hold and exercise the office to which he shall by such return be declared elected.

This *prima facie* evidence, it is provided, may be rebutted and set aside; but this, we apprehend, could only be done by proceedings under the statute of 1855. No authority is delegated to the judiciary under the intrusion act to discuss, modify, or abolish the official returns of the regular State returning officers.

As we have already said, the adjustment and compilation of election returns, determining the number of legal and illegal votes cast for each candidate, declaring the result of an election, and furnishing the successful candidate with the certificate; in short, superintending and controlling all the details of an election, belong primarily and properly to the political department of the Government.

It is well settled that the judiciary have no warrant or authority to exercise jurisdiction in matters of elections, unless it be expressly delegated by the co-ordinate branch of the government controlling the political department; and no express authority is granted under the intrusion act to inquire into the correctness of election returns officially promulgated by the legal returning officers. Such a right cannot be assumed as an implied power.

The case of Bonner *vs.* Lynch was a controversy under the intrusion act for the office of judge of the fourth district court. Bonner alleged that at the election of 4th November, 1872, he was elected judge of the fourth district court for the parish of Orleans, and was commissioned by Governor Warmoth; and that defendant Lynch had intruded into and taken possession of the office, and was unlawfully holding and exercising the functions of that office. Lynch demurred that the matters alleged were not of judicial cognizance; that the counting of votes is not a judicial function, and that the court was without jurisdiction *ratione materiæ*. He also plead a general denial, and alleged that he was duly elected to the office, and returned elected by John Lynch, Longstreet, and Bovee, the board of returning officers; and that he was duly commissioned by acting Governor Pinchback. From the judgment maintaining the exception and dismissing the suit Bonner appealed. The supreme court said, (Justice Wyly dissenting:)

The returns are only *prima facie* proof of the results of the election. The question, however, as to the election of officers is a political question, and courts of justice have jurisdiction over them only so far as the political department may have authorized them to exercise jurisdiction. No statute conferring upon the courts power to try cases of contested elections, or title to office, authorizes them to revise the action of the returning board.

The Legislature has seen proper to lodge the power to decide who has or who has not been elected in the returning board. It might have conferred that power upon the courts, but it did not.

The only power the courts have under the intrusion into office act is to decide if one or neither of the contestants has a legal title to the office; and the commission is evidence of that. Having no power to revise the action of the board of returning officers, we have nothing to do with the reasons or grounds upon which they arrived at their conclusions. Admitting everything alleged in the petition to be true, it appears that Lynch was returned by the legal returning board as having been duly elected judge of the fourth district court, and commissioned thereupon by the acting governor of the State; and therefore it is shown that the petition discloses no cause of action.

It cannot be seriously maintained that the judgment of a court which has no jurisdiction to inquire into the fact of an election can, by what it may say upon the subject, preclude Congress. The most solemn judgment of the highest court is void if the court had no jurisdiction; and this court especially renounces jurisdiction to inquire into the subject now under consideration.

Mr. President, any one of these objections—and they are all well founded—would deny to the decisions of that court such effect as is claimed for them by the Senator from Indiana.

And here let me say that such frauds as were committed by the Lynch board in their canvass—frauds conceded on all hands, and testified to by the members of the board themselves—would render absolutely void the judgment of any judicial court having jurisdiction. The judgment of the highest judicial court may be attached collaterally for fraud. And if the statute had conferred upon the supreme court of that State the jurisdiction to canvass the votes and determine who had been elected governor, and it could be proved that in making such canvass the court had been guilty of such frauds as are proved upon this board by the testimony of its own members, taken before your committee, its decision would be utterly void. But let me repeat, it is due to that court to say that no case has ever been presented to it showing the atrocious frauds committed by the board, or calling upon the court to decide whether the frauds committed by the board would invalidate its canvass.

Mr. THURMAN. Has that court ever decided that the Lynch board had any returns before it?

Mr. CARPENTER. No; it is conceded on all hands that the board did not have any returns. The report made by the Senator from Indiana, which I have already read, declares distinctly and in words that the Lynch board never had the returns before them.

I come now to consider the second ground upon which the Senator from Indiana claims that the Senate is precluded from inquiring into the facts of this case. In my remarks the other day, replying to the claims set up by that Senator that Congress was estopped to make inquiry into the validity of the Kellogg government, because the President had recognized it by his proclamation, I expressed the opinion that there was not such a case made to the President of the United States as authorized the issue of his proclamation of May 23, 1873. This the Senator from Indiana in his reply characterizes as a direct condemnation of the Administration; and again he says:

After a lengthy argument *to place the President in the wrong*, to show that he had issued his proclamation of May last without authority, I asked the Senator the question, "Do you mean to say it was issued in violation of law?" After some hesitation he said, "No; not in violation of law, but in the absence of law." Sir, it was either issued by authority of law or in violation of it. There can be but one of these two things. And after showing, or attempting to show, (for he utterly failed,) that the President had been guilty of a great offense—for it would be a great offense if he, without authority of law, *had done this indefensible and wicked thing*—he then turns around and says that it is a good thing after all, and he is glad the President issued the proclamation; it had an excellent effect; as if the exercise of an unconstitutional power could be a good thing, and could have an excellent effect.

Mr. President, the Senator from Indiana, in this paragraph, was endeavoring to demonstrate his own fidelity to the Administration, a thing wholly unnecessary for him to do. His friendship for the President, his interest in the present and future popularity of the President, are well enough known to excuse him from these constantly repeated efforts to bolster himself by denouncing somebody else.

Why, Mr. President, suppose that General Grant were conceded to have fallen into a mistake in construing a particular statute, or half a dozen statutes. God has not conferred all gifts upon any one man. The greatest general of the age can hardly be expected to be the greatest lawyer of the age; and I protest against the idea that I am opposing this Administration, or attacking General Grant, because I suggest that acting upon the advice of the Attorney-General—an officer appointed and compensated to be his legal adviser—he has issued a proclamation where, by a strict and technical construction of the law, it ought not to have been issued. Why, Mr. President, such a judge as Mansfield or Kenyon, Marshall or Story, would listen kindly for days to an argument intended to show that he had decided erroneously upon any legal question; while a justice of the peace might commit you for contempt if you should hint that he had made a mistake. I protest that General Grant should not be defended as a justice of the peace would defend himself. I am as loyal to the republican party, and entertain as warm an affection for General Grant, as the Senator from Indiana; and, believing that a great mistake has been committed in this Louisiana business, as a loyal republican and a faithful friend of General Grant, I desire to see that mistake corrected; and I prefer that it should be corrected *now* by the republican party, rather than leave it as capital to our opponents in the next presidential campaign. I have stated the facts in regard to this business, and no man can gainsay them. And if the republican party be injured, it will not be because mistakes were committed inadvertently and corrected timely by the party

itself, but because the party, after it knew the mistakes, refused to correct them.

The Senator from Ohio [Mr. SHERMAN] only the other day stated that more than one-half of the forty-four million reserve fund had been issued by this Administration in defiance of the law; that he had carefully studied the law in his closet, and he had no doubt about the opinion he expressed; and on the suggestion of the Senator from Illinois [Mr. LOGAN] he said that the Administration had violated the law in the distribution of the currency. The Senator from Indiana did not denounce either the Senator from Ohio or the Senator from Illinois. We are a part of this Administration, and if mistakes are committed, it is our duty to correct them. No man who exercises reasonable prudence and honestly commits a mistake deserves censure; but the man who, convinced of his error, obstinately adheres to it, is neither a true republican nor a true man. I have noticed that some newspapers, in commenting on my course upon this subject, have declared that I meditated a break with the Administration; but I am happy to say this suggestion has only appeared in newspapers which have always been unfriendly to me, and which for months have teemed with misrepresentations of my official conduct and obscene libels upon my private character. No, sir; I speak as a friend, not as an enemy, of the Administration. I desire only to rid the republican party of all cause of offense.

In discussing this subject, after careful examination, I expressed the opinion that the President's proclamation of May 23, 1873, was issued unadvisedly, because the application of Governor Kellogg did not show "a case of insurrection in that State against the government thereof;" the only case in which, under the act of 1795, the President is authorized to interfere. After listening attentively to the criticisms which have been made upon my opinion, and reconsidering the subject, I remain of the same opinion. That opinion, formed as a lawyer, I cannot change to suit the convenience of the politician.

But I was somewhat surprised to hear the Senator from Indiana declare that it was an "indefensible and wicked thing" for the President to issue the proclamation in question if the law did not authorize it. After the great Chicago fire, when thousands of women and children fled from their smoldering homes, and were sleeping unprotected in open fields, this Administration placed at their disposal all the tents and blankets belonging to the Quartermaster's Department of the Army, and sent troops to guard the ruins against burglars and thieves. Certainly no law authorized this proceeding, but it was dictated by the kindliest emotions of human nature. Was it an "indefensible and wicked thing" for the Administration to do this because no law authorized it?

But what the Senator from Indiana styled my attack upon the Administration brought to their feet two distinguished Senators, my friend from New York [Mr. CONKLING] and my friend from New Jersey, [Mr. FRELINGHUYSEN.] The Senator from New Jersey, in order to show that it was not necessary for the State to apply in the language of the statute, maintained that the President had authority to proceed under the Constitution without any statute whatever; and then my friend from New York maintained that no particular form of application by the State was necessary. From the positions assumed by these two Senators, the State governments would be at the mercy of the President. And if the governor of New York should invite the President to come to New York with a company of artillery and help to celebrate the Fourth of July, the President might declare the celebration to be an insurrection against the government of the State, and proceed by declaration of martial law and otherwise to suppress it.

That I may not do injustice to either of these Senators, I propose to quote from their remarks as published in the CONGRESSIONAL RECORD.

The Senator from New Jersey said:

> Domestic violence is less than anarchy; because it supposes the existence of a governor and a Legislature capable of making the demand for protection. This the President is to do; he is the arm of the United States for that purpose; and in the four acts which have been passed administering and carrying out the provision of the Constitution he is recognized as the branch of the Government that shall render protection against domestic violence. The President is by the Constitution required to protect a State against domestic violence when called upon by the State; and the State of Louisiana did call on President Grant for that protection in the very words of the Constitution.
>
> Mr. CARPENTER. Will my friend allow me to interrupt him a moment?
>
> Mr. FRELINGHUYSEN. I will be glad to hear the Senator. I was wishing to be very brief.
>
> Mr. CARPENTER. I simply wish to understand the Senator and not to reply to him. I want to know if he claims that under the Constitution itself the President can act at all without legislation on the part of Congress?
>
> Mr. FRELINGHUYSEN. I do.

Mr. FRELINGHUYSEN. The only point to which I call the attention of my friend is that he did not read all my answer.

Mr. CARPENTER. The Senator made a long speech; I cannot read it all, but I will stop and let him read as much of it as he pleases.

Mr. FRELINGHUYSEN. My answer was this—it was not an hour or a minute. I added:

> The President being required by the Constitution, in its language, "to take care that the laws be faithfully executed," and being required to swear that he will faithfully execute his office, if he knows that the laws are being violated and that an insurrection exists, if called upon by the governor or the Legislature of a State, in the language of the Constitution, to protect the State from domestic violence, he is bound, if he has the requisite force, in the absence of any statute, to protect that State. The Constitution administers itself without the aid of Congress. He is as much bound to do so as to perform the injunction to "take care that the laws be faithfully executed." There is no statute re-enacting that injunction, I believe.

Mr. CARPENTER. Mr. President, there is but one man in the United States who will receive that declaration with joy, and he is the late President, Andrew Johnson. He entertained precisely the views of the Senator from New Jersey; he maintained that he was to execute the Constitution; that he was the United States; that because the Constitution provided that the United States should guarantee a republican government to the State of North Carolina, and he found that State without a government, he, as President of the United States, could execute that guarantee, and set up a government in that State; and if the Senator from New Jersey is right, I do not see how or wherein President Johnson was wrong.

Mr. FRELINGHUYSEN. Will my friend permit me?

Mr. CARPENTER. Certainly.

Mr. FRELINGHUYSEN. The Constitution says that the United States shall guarantee to each State a republican form of government. Our Government is divided into three distinct branches—the legislative, judicial, and executive. Now, I understand that it may be the duty of the judiciary to enforce that guarantee of the United States. For instance, if in any State there should be laws passed which looked to the organization of an aristocracy or a monarchy, it would be their duty under that provision to wipe out those laws, to declare them null and void. So it may be the duty of the Legislature, as it was in the case of the Southern States where there were no governments; and there is where Andrew Johnson did wrong. It may be the duty of the Executive, where the arm of the Government is all that is required. I hold that that guarantee is to be enforced by the judiciary, where it is an adjudication that is required; that it is to be enforced by the Legislature, when it is legislation that is required; that it is to be enforced by the Executive, where it is force that is required to maintain order in a State.

Mr. CARPENTER. The last remark of the Senator from New Jersey seems to me to demonstrate the unsoundness of his views. If the President, under the clause of the Constitution which makes it his duty to take care that the laws are faithfully executed, has power to do all the things which under the Constitution the United States is authorized or bound to do, then congressional legislation can neither limit nor restrict the power of the President, and the necessity of a Congress is not apparent; the President may perform all the duties conferred by the Constitution upon the United States. Then ours is a Government of force, and not of laws. But I am sure that slight reflection will satisfy the Senator that he is wrong. The powers conferred by the Constitution upon the President are few and simple. He is commander of the Army and Navy; he may grant reprieves and pardons; may nominate, and by and with the advice of the Senate appoint, the officers of the United States; and he must "take care that the laws be faithfully executed."

The fourth section of the fourth article of the Constitution provides:

> The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion; and on application of the Legislature, or of the executive, (when the Legislature cannot be convened,) against domestic violence.

Three cases are here provided for: first, the United States shall guarantee to every State in this Union a republican form of government; secondly, and shall protects each of them against invasion; thirdly, and on application of the Legislature, &c., against domestic violence.

If the President can execute any one of these three guarantees without legislation by Congress, he may execute them all; and, therefore, so far as I can see, President Johnson was perfectly justified in proceeding under the Constitution, without legislation of Congress, to confer upon each of the Southern States a republican form of government. No distinction can be drawn between the constitutional power of the President to guarantee a republican form of government to a State, and his power to guarantee the State against domestic violence. The fallacy of the Senator's argument is that, in reading the Constitution, he substitutes "the President" for "the United States." If the Constitution read "the President shall guarantee," &c., the three things provided by the Constitution, the Senator's argument would be unanswerable. But unfortunately for his position the Constitution provides—

1. The United States shall guarantee, &c.;
2. The Congress shall have power to make all laws which shall be necessary and proper for carrying into execution the powers vested by this Constitution in the Government of the United States; and
3. The President shall take care that the laws be faithfully executed.

Therefore, all the President can do to execute these guarantees of the Constitution is to execute the laws which Congress may have passed for that purpose. The objection made to the course pursued by President Johnson to set up republican governments in the rebellious States was that he was executing no law of Congress in that behalf.

Mr. FRELINGHUYSEN. With the permission of my friend, I will remind him that the Constitution does say that Congress shall have the power to pass all laws necessary and proper to carry these powers into effect; but I think that that is rather begging the question. If it is not necessary, they need not pass the law; if it is not proper, they may not pass the law; and, therefore, as the question between my friend and myself is whether it is necessary, I do not see how his referring to that part of the Constitution helps him. But I will not

further interrupt the Senator now; I will take occasion when he is through, or at some convenient time, to vindicate the view that I have taken.

Mr. CARPENTER. Well, Mr. President, I turn the Senator over to the republican party, which has a record upon this subject utterly at variance with the Senator's present position. President Johnson is the only man who, to my knowledge, has entertained and acted upon the theory of the Constitution declared by my friend from New Jersey.

Mr. FRELINGHUYSEN. I would only say to my friend that his information is very limited; and, if he does not know any authority for it, I will try to show it to him.

Mr. CARPENTER. One of the greatest delights I experience is in having my information enlarged, and I shall listen to that Senator with the patience of a disciple at the feet of a master, when he attempts to show me that, without any legislation whatever, the President can determine that there is insurrection existing in a State, and proceed to put it down in his own way and at his own pleasure.

The Senator from New Jersey having dispensed with the necessity of any act of Congress to enable the President to suppress insurrection in a State, from which it follows of course that it is immaterial whether Governor Kellogg presented a case within the act or not, let me now turn to the argument of my friend from New York, [Mr. CONKLING,] attempting to show that no particular application from the State is necessary. I quote his words, as officially reported:

Mr. CONKLING. The argument of the Senator from Wisconsin, aimed at the act of the President in addressing a proclamation to those threatening the public peace in Louisiana, proceeded on the idea that the President must act upon the information contained in the application from the governor, and upon that alone. He argued as if the whole foundation of that proclamation must be the application of the executive of the State of Louisiana. It seems to me nothing could be more fallacious as a test of the power or of the right or duty of the President thus to act. The Constitution declares that "the United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion; and, on application of the Legislature, or of the executive, (when the Legislature cannot be convened,) against domestic violence."

Nothing here implies that the United States, or the President acting for the United States, shall know nothing save only from the application, and must be blind and deaf to all else. Take the fact of the impossibility of convening the Legislature; must the President rely and act solely upon the statement of the governor for that? Or is he to judge of it from the statements of the application of the governor and from all other facts he learns? So, as to the necessity of interference; is he confined and concluded, as to jurisdictional power and facts, to the statement made by the governor? Not at all. If turbulence exists or impends in any State of the Union, and the President knows it, or is satisfied of it, and receives only a cry for help from the governor, saying "*For God's sake send troops here to restore order*," the President's power is as complete as if the application recited all the particulars and history of the case, and quoted all the words of all the statutes in any way bearing on it.

Then, proceeding with the argument on that subject, the Senator says:

I am not left alone to insist that the President is to judge whether the case demands his action. I call attention to the case of Martin *vs.* Mott, reported in 12 Wheaton's Reports, page 19, and will read from it briefly. The court says:

"If it be a limited power, the question arises, by whom is the exigency to be judged of and decided?"

Then the Senator, pausing in reading from the book, says, "That is the very exigency now in question;" and then, proceeding with the report, he reads as follows:

Is the President the sole and exclusive judge whether the exigency has arisen, or is it to be considered as an open question, upon which every officer to whom the orders of the President are addressed may decide for himself, and equally open to be contested by every militia-man who shall refuse to obey the orders of the President? We are all of opinion that the authority to decide whether the exigency has arisen belongs exclusively to the President, and that his decision is conclusive upon all other persons.

My friend from New York does not often make a mistake; but in this instance he did, trusting to a digest, and not having the report before him. Speaking of the exigency of insurrection in a State against the government thereof, he referred to the case of Martin *vs.* Mott, and read the opinion of the court to show that in such case the President is the sole judge as to whether the exigency exists which authorizes his interference.

The act of 1795 provides for three exigencies:

That whenever the United States shall be invaded, or be in imminent danger of invasion, from any foreign nation or Indian tribe, it shall be lawful for the President of the United States to call forth such number of the militia of the State or States most convenient to the place of danger or scene of action, as he may judge necessary to repel such invasion, and to issue his orders for that purpose, &c.

In such case no lawyer would question that the power of determining whether the United States were invaded, or in imminent danger of invasion, was vested in the President, who is to act in the case. The decision of Martin *vs.* Mott was made under that clause of the statute. The case was "imminent danger of invasion," during the war of 1812, of the United States. The case came from the State of New York, and the court was speaking of the first exigency provided for by the statute, namely, "imminent danger of invasion" of the United States, where the President has the power of determining whether the exigency exists, because he is required to act if the exigency does exist.

Now turn again to the statute:

And in case of an insurrection in any State, against the government thereof, it shall be lawful for the President of the United States, *on application of the Legislature of such State, or of the executive, (when the Legislature cannot be convened,)* to call forth such number of the militia, &c.

Then comes the third exigency provided for by the statute:

That whenever *the laws* of *the United States* shall be opposed, or the execution thereof obstructed, in any State, by combinations too powerful, &c., it shall be lawful for the President of the United States to call forth the militia, &c.

In the first and the third cases it is perfectly clear that the statute clothes the President with the exclusive right to determine whether the exigency is such as to demand his interposition. The decision of the court in Martin *vs.* Mott was in a case which arose under the first clause of the statute, a threatened invasion of the United States; and in that case every lawyer would agree that the President was vested with the power of determining whether the exigency existed which would authorize Federal interference. And this is all that was decided in Martin *vs.* Mott.

Referring again to this clause of the Constitution, it is manifest from the Constitution itself that in the case of domestic violence in a State the power of determining whether a case for Federal interference exists, and from the act of 1795 whether an insurrection in any State against the government thereof exists, is to be determined by the State, and not by the Federal Government. The provisions of the Constitution and act are conclusive upon this subject. In case of the invasion of a State, which must also be an invasion of the United States, the Federal Government must interfere without application from the State. So, whenever the people of a State are oppressed or afflicted by a government not republican, the United States is bound to interfere without application from the State, because the United States can only receive application from a State through its government, and it is absurd to suppose that a government which was oppressing the people of a State would apply to the United States to interfere against itself. But, in the case of domestic violence directed against the government of a State, it is provided that the Federal Government shall interfere only upon the application of the State government. The reason is plain why the provisions in this case differ from those pertaining to the other cases. The State government is the best judge as to whether it is encumbered by a degree of turbulence which it cannot suppress. And under the act of 1795 the President is authorized to interfere only upon application made by the State government.

But the Senator from New York maintains that no particular form of application need be made on behalf of the State. He says if the President knows that turbulence exists in the State, and hears a cry from the governor, "For God's sake come and help us," shouted through reverberating atmosphere, or sent over telegraphic wires, that is enough. But I submit to the Senator that his proposition cannot be maintained. A court of record cannot decide a case without having a record before it. Why? Because it is a court of record. And what is a court of record? It is a court having a clerk and a seal. Without vanity I think we may say the United States is a Government of record, having a clerk and a seal; and it would be strange if, in a case calling for the exercise of one of the most delicate powers of the Government, no application was required complying with the terms of the statute. But what, above all other things, shows the argument to be unsound is that the Constitution and the act intended to leave it to the authorities of the State to determine whether a case existed to authorize Federal interference. If this be so, the application from a State must show that the State itself has decided that a case exists which, under the statute, authorizes the President to interfere; that is, the application must show a case of insurrection in that State against the government thereof.

I find in volume 6, Calhoun's Works, page 214, a discussion of this subject, as follows:

But if any doubt should still remain that the protection of the *government* of the State is the object, the wording of the guarantee would suffice to remove it. It expressly provides that the protection shall be on the application of the Legislature of the State, or its executive, if its Legislature cannot be convened; and thus vests in the *government of the State*, and not the Federal Government, the right to determine whether there has been a case of domestic violence or not, and also of the necessity and propriety of applying for protection. It is *only on such application* that the Federal Government has any right whatever to interfere. This provision, of itself, would strongly indicate that the Government was the object of protection; but as strong as the indication is, of itself, it will be greatly strengthened by adverting to the reasons for inserting it, deduced from the character of our system of government.

In our complex system, the objects for which governments are instituted are divided between the Federal and State governments. The former is the common government of all the States; and to it is specifically delegated the powers necessary to carry into effect all the objects in which they have a common interest. The latter are the separate and peculiar governments of each, and to them and the people all the other powers are reserved. Among them are embraced those that refer to the internal peace and safety of each State; to the governments of which it *exclusively* belongs to determine what may endanger or destroy them, and the measures proper to be adopted to protect them. It is in strict accordance with this distribution that protection, in case of domestic violence, should be on application of the government of the State against which it is directed. What adds to the force of the reasoning is that the provision is omitted in the other two guarantees, when the cause of inserting it does not exist. That it does not in the case of invasion is clear.

This language was held in regard to the Constitution, which authorizes "the United States" to interfere on application, &c., in case of any kind of domestic violence. But it is equally applicable to the statute of 1795, which authorizes "the President" to interfere, not in all cases of domestic violence, but in a particular kind of domestic violence, namely, insurrection in any State against the government thereof. And it follows that the application ought to show that the State has decided that a case of insurrection against its government does exist; and failing to show this, the President is not authorized

to interfere. Under the Constitution an insurrection of slaves, not against the government of the State, but against the authority of their masters, might constitute a case of "domestic violence," but would not be a case in which the President, under the act of 1795, would be authorized to interfere. (See Federalist, No. 43.)

But whether I am right or wrong in the view I have taken that the President ought to interfere without a formal application showing that the State has decided that a case under the statute exists authorizing Federal interference, is not at all conclusive upon the particular point in discussion between the Senator from Indiana [Mr. MORTON] and myself, because, conceding that the application in this instance was in form, the interference of the President and his recognition of the Kellogg government do not preclude Congress from inquiring into the subject and deciding that the Kellogg government has no validity. It is the duty of the President in such a case to restore order, and, for this purpose and for the time being, he must recognize one of the contending parties as the legitimate government; but it rests with Congress ultimately to decide upon the same question, and its decision is binding upon every department of the Government. This was expressly decided by the Supreme Court of the United States in the Rhode Island case, (Luther *vs.* Borden, 7 Howard, 1.)

Therefore, it is immaterial whether the application in this case was sufficient under the statute or not. If it was, the President's proclamation settles nothing to estop Congress in the matter now under consideration. And with these remarks I dismiss that part of the subject.

Assuming now that Congress has the power to inquire and determine whether Louisiana has such a State government as it is the duty of Congress to guarantee, I come to the consideration of that question. And here let me restate the facts.

By the constitution of that State it was provided that a general election for presidential electors, officers of the State government, and members of the Legislature, should be held on the 4th day of November, 1872. A pretended election for this purpose did take place on that day. The official returns of this election show that McEnery and his associates were elected by about 9,906 majority, and that the McEnery legislature, so called, was also elected. The question arises at this point whether Congress can go behind the official returns of the election. If it cannot, then the question is settled that Kellogg's government was not elected, and that McEnery's was; or, in other words, the Kellogg government is a usurpation.

In the discussion the other day the Senator from Indiana claimed that certain of these official returns were forgeries, and that this was shown in the testimony taken by the committee.

The returns, filling two or three large boxes, were produced before the committee. Mr. Ray, Senator-elect and certified by the Kellogg government, and Mr. McMillan, Senator-elect and certified by the McEnery government, appeared before the committee, and were permitted to act as counsel on their respective sides of the controversy. Some suggestion was made in regard to the integrity of some of the returns. The committee directed them to be submitted to the inspection of Ray and McMillan; and on a subsequent day, and after such inspection, Mr. Ray called the attention of the committee to that point, and all that appears in the testimony is the following.

Mr. Ray, recalled as a witness, on page 1005 said:

> The WITNESS. I desire to call the attention of the committee to a statement at a suggestion made by one member of the committee yesterday. I examined and found, and if the committee will act as experts they will find, that the commissioners of elections in several cases in the parishes have their names forged to the affidavits. For instance, there is one from Madison Parish, [exhibiting the papers,] and so in the parish of Grant also, and in the parish of Point Coupee, and the parish of East Baton Rouge, which, if the committee will examine as experts, they will find it very evident in some cases that they were forged.

These four parishes, according to the official returns, gave Kellogg 213 majority over McEnery. Conceding these to be forgeries, all that any board canvassing the returns under the laws of that State could do would be to reject them; in which case McEnery's majority, as shown by the returns, would be 10,190.

The McEnery canvassing boards, as they were authorized to do by the statute, rejected the returns from five parishes, on the ground of fraud. The Lynch board estimated that these five parishes gave Kellogg a majority of 3,326, and they estimated that the four parishes from which some of the returns were, in Mr. Ray's opinion, forged, gave Kellogg a majority of 3,969. Deducting the estimate of the Lynch board of Kellogg's majority in these four parishes, and in the five parishes, the returns of which were rejected by the board which canvassed them, from McEnery's majority, 9,906, and McEnery would still have a majority of 2,611.

So it will be seen that it is impossible, if these returns are to be considered, to establish Kellogg's election. And the Lynch board, which declared Kellegg to be elected, acted upon testimony wholly apart from these returns; testimony which the Senator from Indiana, in the report from which I have read, declares they had no right to take or consider

But a Federal judge, without a shadow of jurisdiction, organized the Kellogg legislature by a *mandamus* and injunction. Upon this subject I refer to the views of the Senator from Indiana on page 76 of the report. He denounces in as clear language as the majority of the committee the action of Judge Durell. He declares it to be without a shadow of jurisdiction. He declares it to be an unjustifiable and gross usurpation in this very report This is his language:

> The conduct of Judge Durell, sitting in the circuit court of the United States, cannot be justified or defended. He grossly exceeded his jurisdiction, and assumed the exercise of powers to which he could lay no claim. The only authority he had in the matter grew out of the act of Congress of 1870 to enforce the fifteenth amendment, and the act amendatory of that, passed in 1871, which gave to the courts of the United States jurisdiction in all cases in law and equity arising under the former act. Under the first act two classes of cases might arise: first, actions to enforce the rights of those who had been illegally denied the right to vote upon the ground of race, color, or previous condition of servitude; and, second, actions to enforce the rights of those who had been deprived of office by reason of the denial to persons of the right to vote on account of race, color, or previous condition of servitude; and suits in equity, ancillary or in aid of these rights of action, would come within the jurisdiction of the circuit court of the United States, among which would be a suit to perpetuate testimony. But the pretense that in a suit to perpetuate testimony the court could go beyond the natural and reasonable jurisdiction, to decide who constituted the legal returning board under the laws of Louisiana, and to enforce the rights of such as it might determine to be members of that board, and to enjoin others who were not, is without any foundation in law or logic.
>
> In the Antoine case, Judge Durell not only assumed to determine who constituted the legal returning board, but to prescribe who should be permitted to take part in the organization of the Legislature, and to enjoin all persons from taking part in such organization who were not returned by the Lynch board as elected; and this assumption of jurisdiction was made in the face of the express provision in the act of 1870 that its benefits should not extend to candidates for electors, for Congress, or for the State Legislature. His order, issued in the Kellogg case to the United States marshal, to take possession of the state-house, for the purpose of preventing unlawful assemblages, under which the marshal called to his aid a portion of the Army of the United States as a *posse comitatus*, can only be characterized as a gross usurpation.

And yet we know that under that gross usurpation of a Federal judge this Legislature was organized by a *mandamus* and an injunction, and then, under the protection of that organization and in a state-house held by Federal troops, this Kellogg government was inaugurated and set up; and that government is to-day supported by United States troops. The peace of that State is to-day preserved at the expense of the Union.

I was in New Orleans last May; and, conversing with officers of the Army high in authority, they assured me that, in their opinion, if the Federal troops were withdrawn from that State the Kellogg government could not stand a week. I know that Mr. Kellogg was of a different opinion. He thought he could defend himself and maintain his ground without Federal support; but nobody else seemed to think so. And it is my belief, founded upon all that I heard in that city, that, if the Federal troops were even now withdrawn, his government would be overthrown by the people.

The Kellogg government rests to-day not upon the ascertained result of the election, but upon a canvass confessed to be fraudulent and void, and the support given to it by the Federal Government.

I have heretofore enforced the opinion embodied in the report of the Committee on Privileges and Elections, that the pretended election was utterly void in consequence of Governor Warmoth's abuse of his power to control the machinery of the election; and that, although the returns show McEnery's election, yet in fact the people of the State were defrauded of their choice, and McEnery ought not to be considered as the governor of the State. But I am now attempting to show that the government in existence there is without right.

Assuming the case as I claim it to be, two questions arise in regard to the bill now under consideration for holding a new election in that State under Federal authority: first, has Congress the power to pass such a bill? and, secondly, if it has the power, is it expedient to exercise it?

I shall first consider the question whether Congress possesses such power. Many of our friends, for whose judgment I have great respect, doubt its existence; and we all agree that, if the power does exist, it is one of the most delicate attributes of this Government, and ought not to be exercised except in case of necessity. But I maintain that, if the necessity exists, it is our imperative duty to exercise this power discreetly, prudently, but so as fully to meet the existing case and remedy the existing evil.

The Constitution makes it our duty to guarantee to the State of Louisiana a republican form of government. What does the phrase, "republican form of government," mean? I answer, it means a republican kind of government, or a republican government; and that the essential element of a republican government is that its offices shall be held by persons chosen for that purpose by the people; that no government is republican, within the meaning of the guarantee clause, the powers of which are administered by persons not chosen by the people. To construe the Constitution so as to hold that as long as a State government observes the form it may depart from the reality of republican government, is to render the guarantee clause utterly worthless. The Supreme Court has often declared that the Constitution must be so construed as to secure the substantial results contemplated by its framers; that forms and fictions are not enough.

All history demonstrates that the greatest danger to free government is from the usurpation of rulers and the perversion of forms. The cunning hypocrisy of Augustus established a despotism in Rome after the sword of Julius Cæsar had failed. Augustus established the empire in the name of the republic; and long after his power was complete, and the imperial government in full operation, maintained republican *forms;* that is, it was "republican in form," but imperial in fact. Napoleon, the first consul, gradually ripened into the emperor. We have recently seen the republic of Spain, without any change of form, assum-

ing and exercising imperial power. The pretended election of Napoleon III was, in form, republican; in fact, a fraud. And illustrations might be multiplied indefinitely. If republican governments on this continent are ever overthrown, it will be accomplished by employing the forms of a republic to mask departure from its substance. The literature of 1789 shows that our fathers were keenly alive to this fact; and it would be strange, indeed, if in framing a constitution designed, as its preamble declares, to insure domestic tranquillity and secure the blessings of liberty to themselves and their posterity, and in establishing a government to preside over and protect the States, no provision was made to guard them against the greatest and the most common danger that besets free institutions; and yet it will be conceded that no such provision was made unless it is contained in the clause under consideration.

If I am right in saying that it is the vital element of republican government that its rulers are chosen by the people, it follows that the present government of Louisiana, lacking this, is not a republican government. And in regard of the *power* of Congress to interfere at this time, it is evident that, if such power does not exist, it would not if in 1876 Kellogg and his associates should run again and be defeated by 20,000 majority, and Durell should set them up; and in 1880 the same thing should take place, and be repeated in 1884, and so on during Kellogg's natural life. These repetitions would make the outrage more manifest, but would not increase the power of Congress. If Congress cannot interfere in the first year of such a usurpation, it cannot in the fiftieth; because our power is derived from the Constitution, which is the same at all times; and what we cannot do at once, we cannot do ultimately. If Kellogg and his associates should be thus continued in power for twenty years, and avow the purpose of remaining during their lives by the use of the same means, would it be contended that the State had a republican government? It might, indeed, be said that the State had a government republican in form, but it would be true that the form was used to continue a despotism. There is nothing in the Constitution, taken as a whole, nor in the literature of that day, which will justify us in saying that the framers of the Constitution were sticklers for form, and intended to provide that in usurping the functions of free government, and transforming the States into despotisms in fact, the usurpers should be confined to a particular method of accomplishing that result, namely, an observance of the forms of a republican government. It was intended to preserve not the form merely, but the reality; not the fiction but the fact of free government, republican government, a government elected by the people; and that, too, not occasionally, and after long interruptions, but at all times. And if Congress ascertains that at any time such government does not exist in a particular State, its duty is imperative to take the proper steps to give such a government to the State. And what laws may Congress pass in such a case? The Constitution answers this question. "The Congress shall have power to make all laws which shall be necessary and proper for carrying into execution all the powers vested by this Constitution in the Government of the United States"—one of which is the power to guarantee to every State a republican form or kind of government.

Now, in the case before us, what law is necessary and proper to confer upon the State of Louisiana a government chosen by its people? Evidently a law which shall authorize the people of that State to fill the State offices with persons of their own choice in place of the present usurpers. The constitution of that State is republican, the judges of the supreme court are properly in their places, but the political department of the government is held by usurpers. The extent of our legislation in a given case should be measured by the evil to be corrected. In 1865 you found that State without any government whatever, and then you took the proper steps to establish a republican government there. You provided for a convention to frame a State constitution. You provided for an election by the people to fill the State offices and the Legislature. It was necessary at that time to do these things, because there was no government and no part of a government intact in that State. Now it is necessary to do only a part of these things. It is not necessary to frame a constitution, for the State has one adopted by the people. It is not necessary to provide for the election of judges, because the judicial department of that government has not been usurped. But it is necessary to provide for the election of State officers and a Legislature, because those places are held by usurpers; and because the government is not republican in kind, unless its political department, its law-making power, is held by persons who have been elected by the people. I do not see how any one who supported the reconstruction acts of Congress can question the constitutionality of this bill. As certainly as the whole includes its parts, so certainly, if Congress has the power to set up a whole government, and authorize an election to fill all its offices, it has the power to reclaim one department of the government from usurpers and restore it to the people.

It is said that this bill is in conflict with the theory of State rights; but what right can be dearer to a State than the right of self-government? The people have been deprived of this right, and this bill proposes to restore it. The people of every State have a right to demand that the United States shall guarantee to them a government, and a whole government, of their own choosing, and shall rid them of a government which exists only by usurpation. They secured this right by the adoption of the Constitution of the United States, vesting the power in us, and thereby casting the duty upon us, to do this thing. And if any State, at any time, is compelled or permitted to submit to a usurping government, it is because we fail to perform the duty imposed upon us. And whether we fail from timidity, or from party prejudice or policy, it is equally a disregard of our duty.

If I am right in asserting that it is the duty of the United States to guarantee a republican government to every State, and right in saying that a government held by usurpers is not a republican government, then it is impossible to deny the constitutionality of this bill; because, if we have the power to interfere at all, the manner of interference is a matter entirely within the discretion of Congress. The powers conferred upon this Government are sovereign powers; that is, powers unlimited, save as the Constitution regulates their exercise; and they override all State constitutions and laws. This power to guarantee a republican government to the States is an absolute and sovereign power, and its exercise wholly unrestricted by the Constitution. Congress is authorized to do a certain thing, and the mode of doing it is committed entirely to the discretion of Congress. We may do in every case just what the case requires; and in this case it is evident that what this bill proposes is the only remedy, the only way, to give that State for the next two years a government of its own choosing.

Mr. FERRY, of Connecticut. I do not wish to interrupt the Senator, but I should like to ask a question. Who is to decide whether the officers exercising the governing power in a State have been chosen by the people of that State?

Mr. CARPENTER. Ultimately, no doubt, we must decide it.

Mr. FERRY, of Connecticut. Then I understand that in all cases where the officers exercising the governing power of a State have not been elected, or are alleged not to have been elected by the people of that State, Congress has the right to inquire, decide, intervene, and order a new election?

Mr. CARPENTER. I say undoubtedly, as a question of power. My friend is seeking to force me upon what he thinks the great objection to this power; but let me suggest to him that I am discussing the power itself, and not the propriety of exercising it in every case; and that the objection suggested by his question is more properly directed against the exercise of the power improperly than against its existence. It is undoubtedly true that this power might be abused; but the same is true of every power conferred upon the Government. The principal arguments I have heard and seen against the existence of this power are designed to show, and do conclusively show, that the power, if abused, would lead to disastrous results; and the fear is always expressed that if the power were conceded it would be abused. But why is there more danger of the abuse of this than of many other powers of the Government? No one will question, I presume, that, as regards mere power, Congress might to-day decide the existing government of Connecticut not to be republican in form, and take steps to supplant it by another. This would of course be a scandalous abuse of the power. But does any one fear that it will be so abused? There is no doubt of the existence of the power, nor that it was wisely conferred. The safeguard against its abuse lies in the fact that the same proceeding might be taken in regard to any other and every other State; and Senators are not likely to vote proceedings against another State which they would be unwilling to have applied to their own.

Everybody, in the discussion of this question, refers to the election in New York when Griswold was elected, but Hoffman was canvassed in as governor of that State; and it is asked triumphantly, is it the duty of Congress to interfere in such a case? I say *no;* not because Congress did not possess the power, but because such a case would not justify the exercise of it. There is no parallel between that case and this. In the first place, in the New York case, no application was made to the United States, and the United States did not interfere. In this case application has been made, and the usurpers were put in their places by a Federal judge, and are to-day sustained by Federal authority. In the New York case everybody acquiesced. There were not, as in Louisiana, two persons claiming to exercise the functions of the office of governor. The courts of New York had jurisdiction, and the courts of Louisiana have not, to try such a question. In that case the Senate was not called upon to decide anything about it, because no person claimed a seat on Griswold's credentials; while here two persons are claiming the seat; one elected by the Kellogg legislature, and certified by Kellogg, the other elected by the McEnery legislature, and certified by McEnery. In New York there was no question in regard to the Legislature, and there never were two legislatures and two governors. In Louisiana the legislature that was not elected is passing laws, and the governor who was not elected is approving them; and this government was organized and inaugurated by a Federal judge without any pretense of jurisdiction. It is quite evident that the two cases are so dissimilar that the interference of the Government in the Louisiana case to arrest a bogus legislature engaged in passing election laws to continue themselves in office, levying burdensome taxes and repudiating the State debt, oppressing the people and disgracing the nation, would be no precedent for interference in such a case as that in New York. Indeed, each case must be judged of by its own circumstances and surroundings; and while Congress ought not to exercise this power upon slight occasion, or to correct a mere irregularity not productive of important consequences, yet in a case like this it would seem that, if Congress possesses the power, it ought to be exercised.

The Senator from Connecticut must be aware that extreme cases are not proper tests of general principles. There are cases in which Congress should interfere. There are cases in which it should not. There may be other cases of which it would be difficult to say to which class they belong; and where Congress should be in doubt, prudence would dictate that no action should be taken.

Mr. FRELINGHUYSEN. In New York they had a republican form of government, and that is all the Constitution guarantees.

Mr. CARPENTER. This suggests again the question I have already discussed in regard to the meaning of the phrase "republican form." If you merely mean the form of government fixed by the State constitution——

Mr. FRELINGHUYSEN. I was using the words of the Constitution.

Mr. CARPENTER. The words of the Constitution must be construed; and the same word is used in different senses in the Constitution. The constitutional phrase is, the State shall have a "republican *form* of government;" which I claim means a republican *kind* of government, or a *republican* government. If the Senator from New Jersey can maintain that while the constitutional structure of the government is republican it is immaterial whether it be administered by those who were elected or by those who were defeated by the people, then, in Wisconsin, which has a republican constitution, and where at the last election the democrats carried their State officers and the Legislature, while republicans enough to have changed the result staid at home and did not vote, if Governor Washburn had said to his successor, "True, you were elected, but I think I will stay in;" and the members of the old Legislature had said, "We don't like to see democrats in our place; we will hold over," the government thus administered would have been republican in form, if the Senator from New Jersey is right, and would have satisfied the requirements of the Constitution. If this be so the States of this Union are the legitimate prey of fraud and violence, and the guarantee of the Constitution is utterly worthless. A construction of that instrument which gives the people of a State over to the usurpation of their rulers, and denies them all remedy, is, to say the least of it, not wisely devised to insure the domestic tranquillity, or to secure the blessings of liberty to ourselves and our posterity.

Mr. FRELINGHUYSEN. I think that the Senator from Wisconsin strikes out of the Constitution the word "form," and makes the Constitution read that there shall be a republican government. I think that word "form" has great significance. I think the two things that were guaranteed are a republican form of government, and tranquillity, peace, government. If the people of a State have a republican form of government, and if the United States maintain order and peace and tranquillity so that the people can correct their own errors, their own mistakes, I think that then we have done all that we ought to do; and that for the United States to intervene and force an election upon them is taking from them a republican form of government.

Mr. CARPENTER. The word "form" is in the Constitution, but the question is, what does it mean? I think it is synonymous with "kind" or "class," and the phrase is equivalent to "republican government." There is no doubt that the object intended to be secured by this provision was to compel the States to remain republics, and prevent their becoming monarchies; to perpetuate government in which the people should enjoy the right of self-government by electing their officers, and to forbid governments in which the people should be governed either under the pretext of divine right or by usurpation; and any construction of the Constitution under which it fails to accomplish this end must be a misconstruction. Such a construction does injustice to the memory of the fathers; and it is trifling with the whole subject to say that so long as usurpation and despotic power observe republican forms in administration they are protected by the Constitution.

Mr. THURMAN. Will the Senator allow me to interrupt him for a moment?

Mr. CARPENTER. Certainly.

Mr. THURMAN. I wish to make this suggestion: There is nothing in the Constitution of the United States that requires that a State shall have a written constitution. Its constitution may be like that of Great Britain, without one word of writing. Now if the word "form" be taken in its most narrow sense, pray what is the guarantee worth in a case where there is no written constitution of a State?

Mr. CARPENTER. That well illustrates what I was trying to illustrate in another way, and it comes back to this: the question is whether by that article of the Constitution it was intended to guarantee something to a State, or nothing; whether it was meant to deal with the reality of the thing or with the mere fiction and form?

Mr. NORWOOD. Before the Senator passes from that point, I wish to ask him a question; and I will state in advance to the Senator that my object is to get light on this subject, because it is in my opinion the main point in the case, and the one in regard to which I have felt greatly embarrassed. I wish him to state whether he thinks there is but one remedy where a republican form of government has been destroyed or overthrown. The remedy he proposes is by act of Congress to order a new election. Does he consider that a better remedy than for Congress, if it ascertains, as he says it can, by a review of an election in the State, that a minority has overthrown the majority and taken possession of the government, to determine that the majority shall have control of the Government; and, if necessary, to authorize the Executive to see that the majority shall be installed?

Mr. CARPENTER. The Senator, of course, is aware that I do not think that McEnery was in fact elected, although the returns show that he was.

Mr. NORWOOD. I understand that. I am merely asking the Senator whether he thinks it is better to order a new election than to have those put in power whom the returns show were elected.

Mr. CARPENTER. If I believed that McEnery was in fact elected at that election, the logic of the situation would dictate that Congress, if that were necessary, should recognize his government. But, in the first place, I do not believe that the McEnery government has any more right than the Kellogg government. In the second place the McEnery government never had an existence in fact. McEnery abdicated all claim to be governor, and has been, according to the Senator from Indiana, on this floor, representing his government and asking for re-election; so that in this case, and under the circumstances of this case, I do not see how any other remedy can be applied than to send the matter back to the people.

Mr. BAYARD. May I ask the Senator a question?

Mr. CARPENTER. Certainly.

Mr. BAYARD. The Senator used the phrase just now that McEnery had abdicated as governor of Louisiana. Was not that a compulsory abdication? Was it not that he abdicated under the compelling power of Federal bayonets alone? Was there any voluntary abdication? Was it not a mere act of force that compelled him to refrain from exercising the duties of his office?

Mr. CARPENTER. Undoubtedly that is true; but still the fact exists. The McEnery government, as they call it, is no government to-day, and it never has been one. I am not considering why it was not, but simply dealing with the facts. It would be better to say he surrendered than that he abdicated. But it is not to-day a government *de facto*, exercising any governmental powers whatever; and its members are asking for a re-election.

Mr. NORWOOD. The Senator will pardon me one moment. I do not think he answered directly the question I put. There are some here, probably, who think that McEnery was elected, and that he was wrongfully deprived of his office, and that the candidates for the Legislature of his party were also elected. In such a case is the remedy to order a new election, or is it to see that those who were elected are installed?

Mr. CARPENTER. If I entertained such an opinion as the Senator intimates some men may, I should vote in the first place to recognize the McEnery government; and failing in that, I should vote for a re-election.

Mr. FERRY, of Connecticut. I am anxious to obtain light in regard to this matter, and not to make interlocutory arguments. The question is a very grave one, and I want to understand precisely the position of the Senator from Wisconsin. He is deducing the authority for his bill from the guarantee clause of the Constitution. Now, I wish to inquire whether in his judgment the United States under that clause can proceed upon its own information, acquired at its own suggestion, to set aside a *de facto* government because it is not elected by the people, and order a new election without waiting for any application from the State at all? I ask the question because the present proceeding was initiated by the Senator himself, by the introduction of a resolution a year ago, inquiring whether Louisiana had an existing State government. So that this proceeding seems to be initiated by the United States itself; and the Senator will see the connection between my present inquiry and the one I made before.

Mr. CARPENTER. Undoubtedly the United States may do this of its own motion. The language of the Constitution is:

> The United States shall guarantee to every State in this Union a republican form of government.

It is not provided that the United States shall do this upon the application of the State, but it is one of the continuing, imperative, ever-existing duties of the United States to see to it that every State, at all times, has such a government. How can it discharge this duty if it has not the power to determine whether an existing State government is republican or not? This has been conceded, so far as I know, by all judges, lawyers, statesmen, everybody who has written upon the subject. Let me read again what Mr. Calhoun says upon the subject:

> Take, for illustration, what is called the "guarantee section" of the Constitution, which, among other things, provides that "the United States shall guarantee to each State in this Union a republican form of government, and protect each of them, on application of the Legislature, or of the executive, (when the Legislature cannot be convened,) against domestic violence." Congress, of course, as the representative of the United States, in their legislative capacity, has the right to make laws to carry these guarantees into execution. *This involves the right, in reference to the first, to determine what form of government is republican.*

The Senator is familiar with the phrase "the court takes judicial notice." The court takes judicial notice of the general history of the country, of its geography, of its political divisions, and so forth. The mind of the court may not be directed to it for forty years, and yet the court is supposed to have been dwelling on each one of those things all the time. So we are bound to take legislative notice of the condition of the States of this Union, and we are supposed to be pondering upon it hourly. We are bound to take notice of every change that takes place in the government of New York, or of Pennsylvania, because our duty is to see that they always have a republican form of government; and if a change is made which is not republican, then we have a duty to perform, and that duty, under this section,

does not depend upon application made by the State. Mr. Calhoun elsewhere says that the reason is obvious. I read from volume 6, page 215, of his works:

I come now to the last in the order in which I am considering them, but the first as they stand in the section, and the one immediately involved in the question under consideration—I mean the guarantee of a republican form of government to every State in the Union.

I hold that, according to its true construction, its object is the reverse of that of protection against domestic violence.

And speaking of the guarantee of republican government, he says:

I hold that, according to its true construction, its object is the reverse of that of protection against domestic violence; and that, instead of being intended to protect the *governments* of the States, it is *intended to protect each State* (I use the term as explained)—

He has explained before that he means the people of each State—

against its government; or, more strictly, against the ambition or usurpation of its rulers. That the objects of the Constitution, to which the guarantees refer—and liberty more especially—may be endangered or destroyed by rulers will not be denied. But, if admitted, it follows as a consequence that it must be embraced in the guarantees, if not inconsistent with the language of the section. But if embraced, it must be in the guarantee under consideration, as it is not in the other two. If it be added that, without this construction, the guarantees would utterly fail to protect the States against the attempts of ambition and usurpation on the part of rulers to change the forms of their governments and to destroy their liberty—the danger above all others to which free and popular governments are most exposed—it would seem to follow irresistibly, under the rule I have laid down, that the construction which I have placed on the provision, as to the object of the guarantee, is the true one.

That is, that it is to protect the people of a State against the government of a State. Now hear this:

But if doubts should still remain, the fact that it fully explains why the provision which requires the application of the State, in case of the guarantee against domestic violence, is omitted, would place it beyond controversy; for it would be *a perfect absurdity to require that the party against which the guarantee is intended to protect should make application to be protected against itself.*

Mr. MORRILL, of Maine. Will the Senator allow me to make a single suggestion on the point of the guarantee? The point which I wish to submit to the honorable Senator is this: upon the question of the duty of the Government of the United States to guarantee a republican government in fact, whether there are any precedents in our history which justify the inference that that is the duty of the Government, or whether there is any instance in our history where the Government of the United States has undertaken to exercise an authority either to recognize that fact, the power to institute a government republican in fact, or from which an inference could be derived that it could exercise such a power.

Mr. CARPENTER. I see the Senator's point. I concede there is not. I hope there never will be another case like this.

Mr. MORRILL, of Maine. I was going to remark it is manifest that the Government has never attempted to exercise such an authority from the beginning.

Mr. CARPENTER. It has never had occasion to do so.

Mr. MORRILL, of Maine. I suppose we all see most clearly, from the stand point we now take of republican States, that from the beginning we have had in our system States anti-republican in fact—republican in form, but anti-republican in fact. A government which ignored the rights, civil and political, of more than one-half of its people could not by any fair sense be said to be republican in fact; and yet nobody ever contended that the Government of the United States had authority to investigate that question and define republicanism, and so apply it to the States.

Mr. CARPENTER. Mr. President, prior to 1861 there never was a precedent in this country of the United States coercing a State, and the people of nearly one-half of the country maintained, because there never had been a precedent for it, that the power did not exist.

Mr. MORRILL, of Maine. My honorable friend, I suppose, is aware that up to that period no circumstances ever justified the Government in asserting that extreme power which lies simply in the power of self-defense. That was not under the clause of the Constitution which the honorable Senator is now arguing.

Mr. CARPENTER. No; but the argument is just as good against any other power as it is against this. If it is a sufficient answer to a clear delegation of power in the Constitution to say that the power has never been exercised, there is no precedent for it, then it was a perfectly good answer to the power of the Government to coerce a State, because no State had ever been coerced before that time. No occasion has existed until this time calling for any such interference as this bill proposes. When before in the history of this country has a whole State government been conceded to exist by usurpation? When before did a Federal judge assume to organize a State Legislature? When before was a State Legislature organized in a state-house held by Federal troops? Never; and because the case never existed, the precedent has never been set.

These interruptions show how sensitive Senators are in regard to the power to pass this bill. I had proposed to consider the expediency of passing the bill later in my remarks; but let me make one suggestion to the Senator from Maine at this point. If the absence of precedents in our former history, owing to the fact that no occasion has existed for the exercise of this power, is so formidable when the exercise of this power is now for the first time invoked, consider the effect of the precedent we shall set if in a case so aggravated as this we refuse to pass this bill—what encouragement our example will give to lawlessness in all the Southern States. Their circumstances are peculiar. They have just emerged from civil war. A new population has just come to exercise the franchise; the prejudices and bitterness engendered by the strife are not yet subsided, and the elements of society are not yet composed to quiet. Is it quite safe, in this condition of things, for us to declare to them that for the existing state of things in Louisiana Congress can provide no remedy? Will not the ambitious spirits of the future build their hopes upon such a precedent; and will they not infer from it that fraud and violence, if successful in seizing upon the powers of a State government, will be recognized and protected by Federal authority? Is this a wholesome lesson to teach future generations in this country? I beg Senators to pause and consider well the consequences likely to flow from our deciding that for such a case no peaceful remedy exists. Suppose McEnery and his associates should act upon this theory, raise a tumult in New Orleans, butcher Kellogg and his Legislature, and seize the State government. Are you quite willing to say that in such a case Congress could not interfere? And yet how could you, if you cannot interfere in this case? Force gives as good a title as fraud, and is far more respectable than fraud. When a man draws his sword to capture a government he puts his life at hazard, and gives his victims a chance for resistance. But when a man skulks beneath the soiled robes of a Federal judge, to seize what he has no right to, his conduct not only merits censure but inspires contempt.

There are two sides to this question when you look to expediency. I deplore the necessity of interfering in this case as much as the Senator does. But the case is upon us, and in my opinion, looking to the future of this country, non-interference is far more dangerous than interference.

Mr. FERRY, of Connecticut. I suggest to the Senator that I had made no inquiry as to the question of expediency, but as to the question of law. Now, there is one final question of law which I put to the Senator. The Senator remarked in answer to one of my inquiries, and I thought that the remark indicated the weak point in the whole of his argument, that the supreme court of Louisiana had decided that there was no power in the judicial tribunals of that State to set aside this Kellogg election, or pretended election. But in States where the courts have that power, and have exercised it, as they did in Wisconsin, has the United States, under the guarantee clause, a supreme power over the decision of the court between the contending parties?

Mr. CARPENTER. That is only varying the question the Senator put to me before. It all comes back to this: who is to determine whether a particular existing government be republican or not within the meaning of this provision?

Mr. FERRY, of Connecticut. That is not it.

Mr. CARPENTER. Let me get through this point and then I will let the Senator question me further.

Mr. FERRY, of Connecticut. I do not think you understand my question, from the commencement of your remarks in reply.

Mr. CARPENTER. Then I will stop now.

Mr. FERRY, of Connecticut. The court are called upon to decide whether the State officers returned were actually elected by the people of the State. They go behind the return of the canvassers and decide that the officers actually returned were not so elected, and upon their judgment the officers who had been rejected by the canvassers are installed. Congress, or rather the United States—for I use the language of the Constitution now—decides the other way. According to his whole theory, would not the judgment of the United States be supreme, and the action of the State courts in that matter be overruled? And therefore the remark which he made, that there was no law in Louisiana authorizing the courts to act, would be entirely irrelevant in the case.

Mr. CARPENTER. It is true that the fact mentioned by me that the State court of Louisiana had no jurisdiction was irrelevant, except in reply to the claim made by the Senator from Indiana, that the State court decision estopped the Senate. But the question now put by the Senator is only another form of asking whether the power of deciding whether the United States ought to interfere with a State government rests with the United States or with that State. I have endeavored to show, in a former part of my remarks, that this power is vested in the United States, and I read from Calhoun's Works to prove it, and the decision of the Supreme Court in the Rhode Island case, Luther *vs.* Borden, (1 Howard, 1,) is a full authority upon this point:

If all the departments of a State government decide that such government is republican in form, or that its offices are filled by persons elected by the people, and yet we know to the contrary—know that the government is not republican in form, that its offices are not filled by persons elected by the people; know that all the offices of the State are filled by usurpers, colluding together to establish and maintain their own authority; that the governor, the judges, and the Legislature are usurpers and rascals, it is our duty to disregard their decisions, and decide upon the facts as we know them to exist.

Of course it would require a very strong case to induce Congress to exercise the power under such circumstances. I put a strong case; but in a case where, for instance, it was well known that the three departments of a State government were colluding together to maintain themselves in power, in violation of the very constitution and laws they were pretending to administer; and that no election had been held in the State for twenty years; or, if there had been an election in form, it had been so managed by the authorities as to defeat the popular will; and suppose the people, unable longer to endure such tyranny, were rising in arms to overthrow the usurping

government, would the Senator, in a case like that, maintain that the United States did not possess the power to determine the question whether such government was or was not republican? And yet, if we would have power in such a case, we have it in the case before us. The power of the United States to determine whether a State government be republican or not cannot depend upon the extent to which that government has departed from a republican form. A slight departure is as unconstitutional as a great one, and the power of Congress is as complete in the one case as in the other.

Mr. FERRY, of Connecticut. I will not interrupt the Senator again. I rise now merely to say that I have ascertained distinctly the position the Senator takes. I am much obliged to him for his courtesy in replying to my inquiries; but I am compelled totally to differ from his conclusions.

Mr. CARPENTER. The only thing I regret is that the Senator is compelled to differ. I do not complain of his interruptions. I regret that in his opinion, if Kellogg and Company and that supreme court join hands and stand in their places for fifty years, in utter, open, flagrant, corrupt defiance of the election franchise of that State, Congress is powerless to interfere.

Mr. FERRY, of Connecticut. I will explain the remedy by and by.

Mr. CARPENTER. Mr. President, if there is any remedy whatever which the Federal Government can apply, Congress is the exclusive judge of what is the proper remedy; and if in our opinion this bill is the proper remedy, we have as much right to pass it as we have to adopt any other remedy. If the Senator means a remedy inside of the State, in which the Government of the United States has no hand, then he means revolution and violence; then he means the very state of things the Constitution was designed to prevent. He means to say that these State governments are the inevitable prey of fraud and violence; and if a band of ruffians seize upon the sovereign powers of a State, and hold and exercise them for twenty years, there is no power in Congress to interfere.

Mr. FERRY, of Connecticut. I mean to say just this: that under our system of government there is within the State governments a remedy for a usurpation of their governments, or else republican government is a total failure—one of the two.

Mr. CARPENTER. The remedy against usurpation in all free and independent governments is revolution; but under our Constitution this remedy is denied to the people of a State. If a State government is threatened with revolution, the United States, on its application, will suppress the insurrection and restore order; and, when order is restored, it is the duty of Congress to consider the case, and apply the proper remedy, if the government be not such a one as is guaranteed by the Constitution. This whole subject—first, on behalf of the people to be protected in the enjoyment of republican government against usurpers, and, second, on behalf of the State government to be saved from insurrection against its authority—is taken from the States and conferred upon the General Government by this very article of the Constitution. This renders revolutions in a State *impossible*. But if there is a remedy in the State, what is the necessity for this constitutional provision?

Mr. FERRY, of Connecticut. I will not argue the case at length now. I intend, at a convenient time, to take occasion to explain the views that I entertain with regard to the subject-matter and with regard to the remedy for just such a state of things as this.

Mr. CARPENTER. As my friend from Ohio [Mr. THURMAN] suggests to me, suppose the people of a State do not want a republican form of government, are determined not to have one—and that case I desire to press home on my friend from Connecticut. Suppose the people of Connecticut to-morrow unanimously declare that they will have a monarchy, that they are sick and tired of republican government, and that they will have no more of it, that they will have a monarchy, and they take steps to establish one; they say, if you please, "You may call our ruler a governor, but he shall be governor for life, his sons succeeding; the legislature shall hold for life;" and every man in that State wants to have it so.

Mr. FERRY, of Connecticut. The remark that I made was this: that according to our system there is a remedy within the States for the usurpation of a State government. The remedy for the whole people of a State preferring a monarchical government is a very different thing, and that remedy may well be in the Constitution of the United States. The subject-matter before us is the usurpation of a government in the State of Louisiana, and I entirely concur with the Senator from Wisconsin, that the present *de facto* government of Louisiana is root and branch a usurpation; and yet, at the same time, I cannot concur in his remedy. But of course, in this desultory way, I cannot go into an argument to explain the views I entertain with regard to that remedy. I rose in the outset, as I said, simply to get clearly before my mind at least the position of the Senator, that I might understand it when I came to explain my own views.

Mr. CARPENTER. In a debate of this kind I am under the disadvantage of a man in the open field contending with a force in ambush. My friend will not give me his views, but is criticising mine. But the Senator concurs with me in all that I deem sufficient to justify this bill; that is to say, we agree as to the existing evil, and it only remains to decide what is the proper remedy. If the Senator has in his brains a better remedy than this, let him reveal it, and I am for it.

Mr. FERRY, of Connecticut. I intend to do so.

Mr. CARPENTER. If my friend can suggest a better remedy than this bill proposes, I shall abandon the bill and support his remedy. I wish to secure the result the Constitution guarantees to that people; I wish to rid them of such a usurpation as my friend and myself believe now exists in that State.

Mr. President, these interruptions (of which I do not complain) have drawn me somewhat away from the line of argument I intended to pursue, compelled me to interrupt the order in which I intended to discuss the topics involved, so that in returning to my subject I may repeat some things I have said. But I will resume, as well as I can, the thread I had in hand when I was interrupted.

In the first place, if the present state of things in Louisiana amounts to a usurpation, then Congress may prescribe a remedy, or it can prescribe no remedy in case of any usurpation in a State. I had supposed that it was universally conceded that this article of the Constitution was intended to vest this power in the General Government, that the guarantee of republican government was intended to protect the people against usurpation, and that the guarantee against domestic violence was intended to protect the State government against turbulence within the State; and that the jurisdiction to determine whether the state of things existing in a State authorized the General Government to interfere for the purpose of executing the first of these guarantees was vested exclusively in the General Government, not in the State; and I have read from the writings of Mr. Calhoun, the great champion of State rights, in support of this view.

And when it is conceded, as it is by the Senator from Connecticut, that the only existing government in Louisiana is, "root and branch, a usurpation," I supposed Congress had the power, and was obliged, to provide some suitable remedy; and the bill under consideration seems to me to provide the only suitable remedy.

But what seems to me a very important element of this case is, that we are not now considering in the first instance whether the Federal Government ought to interfere. The fact is, the Federal Government has already interfered through its judicial department. A Federal judge, acting not only without jurisdiction, but in confessed violation of an act of Congress, has organized this usurpation; and the question is whether Congress has the power to undo the wrong he has done, by restoring to the people of that State the right of which he has deprived them. Can it be maintained that a Federal judge, in open defiance of Federal law, may take a State government from the hands of the people, confer it upon usurpers, and that Congress is powerless in the premises? It may be said the judge might be impeached. This would punish him, but would not redress the wrong. The Kellogg government would still exist, protected by Federal troops, unless Congress should interfere; and I can imagine no form of interference that would redress the wrong, except to restore to that people, as this bill proposes, the right they have been deprived of, to choose their own rulers. And I shall be curious to hear the Senator from Connecticut point out any other remedy. For that, however, I must wait until he shall see fit to reveal it.

I understand that the supreme court of the State is in collusion with Kellogg, has already corruptly decided many cases in his favor, and will continue in the same course. There can be no judicial remedy in that State, and the remedy of force is forbidden by the Constitution of the United States. This State government will not inaugurate any movement to overthrow itself. The people of the State cannot; because, first, the Constitution of the United States forbids it; and, second, because, if they should attempt it, they would be confronted with Federal bayonets. Now, sir, what is the device locked up in the mind of the Senator from Connecticut which will meet this case?

Let me return once more to this question of power, from which I have been so often drawn to answer the questions that have been put to me. The Constitution provides that the United States shall guarantee to every State a republican government. The State of Louisiana has not such a government at present. What remedy may we employ? I answer, in the language of the Constitution, any proper and necessary remedy; and we are the exclusive judges of the means proper to be employed, provided we possess the power to do anything in the premises. I deny that any power conferred by the Constitution upon the United States is subject to the consent, or falls by the dissent, of any State. The powers conferred upon this Government are sovereign powers; they are unlimited, except where the Constitution itself has regulated their exercise. Where the Constitution confers power over a given subject, and does not regulate the exercise of the power, the power of this Government is as absolute as the power of the Czar of Russia. Take the power to declare war. Has not this Government as much power in that respect as the Czar of Russia or the Sultan of Turkey? Take the power of taxation. In certain particulars it is restricted by the Constitution; but, excepting those restrictions, it is an unlimited and arbitrary power. We may declare war to-morrow, with or without cause, against any nation or all mankind. We may, by the power of taxation, withdraw the last dollar from the pockets of the people and place it in the Treasury. We may put every man, woman, and child into the Army. Take the power to establish post-offices and post-roads. This is one of the unlimited powers conferred by the Constitution, and Congress may establish as many or as few as it pleases, and provide such method as it pleases for carrying the mails.

The Constitution of the United States was intended to classify and distribute the powers of sovereignty between the General and State

governments. It enumerates the powers which shall be possessed by the General Government, but does not, like a code of procedure, prescribe the mode, manner, or extent of their execution. All that is committed to the discretion of Congress. What is proper to be done within the limits of reason is for Congress to determine.

The Constitution says nothing about a military academy; but it authorizes Congress to raise and maintain armies. How they shall be raised, whether by encouraging volunteering or by draft, how they shall be armed, disciplined, and regulated, all that is committed to Congress by that provision of the Constitution which empowers Congress "to make all laws necessary and proper" to raise and maintain armies. Congress has deemed it advisable to establish a school of instruction at West Point as a means of securing suitable officers of the Army.

Now, take this power to guarantee a republican government to a State, and assuming, as the Senator from Connecticut agrees, that the existing State government is a usurpation, and assuming, as I maintain, that a republican government is a government by the people, and that a government by usurpation is not a republican government, and that the United States are bound to correct this evil, no man can deny the constitutionality of this bill, because it provides one, if not the best, remedy for the evil. In other words, if the United States have the power to interfere in this case, the mode in which that interference shall be made is entirely within the discretion of Congress; and by passing this bill we shall determine that this is a proper mode. Those who deny the power of Congress to pass this bill deny the power of Congress to interfere at all; deny—if they concede, as my friend from Connecticut does, that this is a case of usurpation—the power of Congress to interfere in case of any usurpation of a State government. If this be a sound doctrine, then the Constitution of the United States secures to the people of a State not "the blessings of liberty," but the evils of usurpation and despotism. The people cannot by force overthrow such usurpation, because the government *de facto* will appeal to the President, as this government has done, and will be supported by him, as this is. It must be presumed that the clause of the Constitution under consideration was inserted for some purpose; and if not for a case like this, for what purpose was it inserted? To deny that it authorizes Congress to interfere in the most flagrant case of usurpation, is to deny that it has any effect whatever; and if it applies to a flagrant case of usurpation, it applies to every case of usurpation.

But the great objection which this bill encounters is as to its expediency. It is said that to pass this bill would be a dangerous precedent. What is meant by saying that this would be a dangerous precedent? It is a dangerous precedent to hang a man, and it might be argued that if a government were clothed with power to hang a murderer, it might abuse that power, or make a mistake, and hang a man for murder who had not committed that offense. Calomel is a dangerous remedy, and it might be argued that to allow physicians to administer it would set a precedent for them to administer it where it was unnecessary. But all this class of argument merely tends to show that, if the power to pass this bill were conceded, it might encourage the passage of a similar bill in a case where it was unnecessary; in other words, the power might be abused. But if this is a satisfactory argument against this power, it would be against every other power conferred by the Constitution. Chief Justice Marshall said, in a case long ago, that there was no power conferred upon the Government that might not be abused; therefore that a particular power might be abused was no argument against its existence. This power is undoubtedly one of the most delicate of those conferred upon this Government, and its abuse would be attended with wide-spread and disastrous results; but it was thought necessary to confer it in order to prevent revolutions in the States, which would be likely to result in monarchy. It was said in the Federalist the existence of such a power would in most cases render its exercise unnecessary. And so it has proved. For nearly a century no other case has arisen that called for its exercise. But, now that the case has arisen, to deny the existence of this power would encourage the repetition of such wrongs to an extent that cannot be foreseen. We may well wish the necessity for our decision had not arisen; but it has without our fault. If you were crossing Long Bridge, prudence would dictate that you should avoid running off on the right-hand side; but if to avoid this accident you should drive so far from that side as to go off on the other, your very prudence would cause your calamity. So here it is as dangerous not to act when the case calls for action as it is to act when the case does not call for it. And I cannot resist the unpleasant conclusion that for Congress to refuse to act in a case like this, and to deny its power to do so, would be setting a precedent to be followed by fatal results.

There is another consideration we cannot overlook. The Senate is in a situation where it cannot remain passive. Louisiana has but one Senator on this floor. The Constitution says she shall have two. Mr. Pinchback claims the vacant seat in virtue of an election and certificate by the Kellogg government. Mr. McMillan claims the same seat in virtue of an election and certificate by the McEnery government. If we seat Mr. Pinchback, we thereby recognize the Kellogg government; if we seat Mr. McMillan, we recognize the McEnery government. But suppose we refuse to seat either of them, what then? Then manifestly we declare that neither government is entitled to be recognized by us. The Senator from New Jersey, [Mr. FRELINGHUYSEN,] in his speech the other day, declared that he would not vote to seat Mr. Pinchback. Why not? I ask my honorable friend from New Jersey, *Why not?* It is certified to this body in due form by Kellogg, as governor of that State, that Mr. Pinchback was duly elected by the Legislature of the State; from which we understand that he was elected by the Kellogg legislature. Why will not my friend from New Jersey vote to seat him? The only ground upon which he can honestly be denied his seat is, that the Kellogg government is not entitled to elect a member of this body. If not, it must be because that government is not such a State government as is contemplated by the Constitution; and then it is not such a State government as the people of Louisiana are entitled to have. And, when we determine this, we have determined that a state of things exists in that State making it our imperative duty to execute this guarantee of the Constitution, and confer upon that people a State government which will be authorized to elect a Senator to the vacant seat in this body.

And here let me say to my republican friends, as a matter of party policy and political expediency, that to recognize the Kellogg government, and declare it to be the legal government of that State, and yet deny a seat to Mr. Pinchback, who has every title to it which that government can confer, is an affront to the colored race, whose representative he is, which they will not be slow to resent. Let us be consistent. Let us examine this subject and come to a conclusion. If we decide that the Kellogg government is legal, let us seat Mr. Pinchback. If not, let us take steps to set up such a government there as will be entitled to send Mr. Pinchback, or whomsoever else they may elect, as a Senator from that State.

I understand the Senator from New Jersey to favor the policy of letting things in that State drift for a few years, to see what will come of it. But the Constitution of the United States does not make it our duty to establish a republican government in that State after an interregnum of one, two, or three years, but the guarantee is that it shall have a constitutional State government all the time; and if we may omit to perform this duty for three years, we may for fifty years. The power in question is not conferred upon the General Government to be exercised or not in its discretion. The Constitution lays upon us the ever-continuing, never-ceasing duty. When the case arises it is our duty to act at once. The language of the Constitution is—and it is a command—"The United States *shall guarantee*," &c. Guarantee *when;* after what lapse of time? Guarantee always, at all times. And any State left without a constitutional government longer than is necessary for the United States to establish one is deprived of a right secured to it by the express provision of the Constitution; and deprived of it because we neglect the performance of a duty imposed upon us by a Constitution we have sworn to support.

There is another point touching the expediency of passing this law to which I wish to call the special attention of Senators. The present term of governor and other State officers in that State will not expire until 1877. No election of governor can be held under the constitution and laws of that State until the next presidential elections in November, 1876. If this wrong be not sooner redressed by interposition of Congress, it will rankle and fester in our national politics, enter largely into the next presidential campaign, and cast its baneful shadow over the canvass of votes for President and Vice-President in February, 1877. I have already reminded you that in the last count of votes for President the vote of Louisiana was rejected. No serious consequences followed, because the result was not affected by rejecting that vote. But we cannot expect so decisive a result of the next presidential campaign. There may be several candidates; or if there are but two, the vote may be close, and the result may depend upon the vote of Louisiana. Every intelligent man knows that the weak point in our Government, the one from which more than from all others civil war may be apprehended, is in regard to the election of President and Vice-President. Ours is the only free government in the world which does not control the election of its own chief magistrate. But the election of our President depends entirely upon the operation of machinery in the hands of the States. And it seems to me little short of madness to adjourn the difficulties now attending the State government of Louisiana, which are almost certain to be revived in the count of votes for the next President. There is now no temptation to do anything wrong. This State government can be reorganized to the satisfaction of all parties, and thus a most troublesome and dangerous question can be kept out of the next count of presidential votes. And I appeal to Senators to consider the risk we take if we refuse to settle it before that time. My fixed belief is, that had the result depended upon the vote of Louisiana at the last count, there would have been bloodshed in the Hall of Representatives, followed by evils which can neither be enumerated nor estimated. And I implore the Senate to guard against the same danger in the future by administering the remedy now.

The Senator from Indiana, not now in his seat, declaimed against this bill the other day, upon the ground that it would be followed by bloodshed. He said:

First. I will tell the Senate who does not demand it. The republican party of Louisiana does not demand it, it is unanimously opposed to it, regards it as a movement in favor of its enemies, a movement to put it in the power of its enemies. The colored men of Louisiana regard it as a movement to put them into the power of their deadly, their mortal, enemies. Sir, the republican party of Louisiana, as an organization, as a body, composing a large majority of the people of that State, are utterly opposed to this movement on the part of the Senator from Wisconsin.

Then, Mr. President, so far as the democratic party is concerned, the best part of that party are opposed to it, and opposed to it utterly. The business men of New Orleans, I am informed and believe, are opposed to it. I believe it can be shown satisfactorily to the Senate that the business men of New Orleans, the men of property, the men who are interested in the preservation of order and protecting honest labor, are opposed to it. They are not the political friends of Kellogg; they would not vote for him; but they desire the preservation of order; they desire the protection of property. They are opposed to anarchy; they have had enough of it; and they understand full well that the overturning of that State government and all it has done would be a new signal for disorder and the shedding of blood.

Sir, there is blood in this movement, blood and crime in it, such as have characterized Louisiana for the last eight years.

Why, Mr. President, by whom is all this blood to be shed? If all the republicans, a large majority of the people of the State, are a unit in support of Kellogg; if all the decent democrats are for him; if all the wealthy and influential business men are for him, this bill will give them an opportunity to elect Kellogg and his associates, and thus continue them as the State government; and they will hold by a title which we can recognize without dishonor and without danger to free institutions everywhere. Does the Senator from Indiana suppose that the United States, with a whole Army and Navy at hand, cannot preserve the peace in that State while an election is taking place? If they cannot, then this Government had better furl its banners, and be put into the hands of a receiver at once. Such an appeal to our fears is an insult to our understanding.

In contrast with this I will read an extract from a speech made by Mr. Kellogg in this body as late as May 8, 1872. The Senator from Indiana rehearsed the massacres of 1868, and so on. I have no taste to follow him in that direction. I certainly would condemn them as emphatically as he has; but here in this body when representing Louisiana, May 8, 1872, Kellogg used these words in regard to an election in that State:

Sir, I repeat, all that we ask is a fair election, and wherever there is a thief in office in the guise of republicanism, or wherever any man or set of men under color of law, calling themselves republicans, liberal or otherwise, propose to take from the people their right to the elective franchise, their right to be represented by honest officials, I say, in the language of the Bee, and of the majority of the people of Louisiana, let us, if we cannot remedy these abuses otherwise, have Federal interference.

This is the language of Senator Kellogg himself when in this body. He demanded for the people of that State and in their name an honest election, and, if need be, by Federal interference.

Again, he said:

So it is, sir, that I am thus concerned regarding the people I represent, to the end that they may secure an honest government. I say to Senators here, give us all the law you can to secure this result, and the people of Louisiana, and I believe of other Southern States, will hail such action with gladness. Give them a fair election; if you will do so, rest assured the people now will have honest officers.

And right here let me say, do not get the idea that the people of Louisiana are intolerant. No, sir; in all this broad country to-day there is not a State where the people are more loyal, more generous, and more hospitable than they are in the city of New Orleans and in the State of Louisiana. Louisiana is without a Ku-Klux, and peace reigns in her borders. Charity should plead, their grievances considered, a full acquittal and forgiveness for whatever they may have done in violation of law heretofore. The chariot of Mars had swept over them. Their plantations lay in ruins. Their gin-houses and their sugar-houses were in ruins. Many of them were imbued with that sort of despair and recklessness engendered by the war. But, sir, notwithstanding the burdens that have since and are still oppressing them under the guise of outrageous laws, their plantations are beginning to show the result of industry. The din of commerce and the hum of industry are heard in the city of New Orleans and throughout the State. The State, struggling under terrible difficulties, has begun, I am glad to say, its march of progress, and the people do not want any more riots, they do not want any more violence; but they desire to pursue such a course as will invite northern capital and northern immigration, which has stood so long upon the borders of the State, and said, "There is a grand arena, a grand field for investment, and we desire to go thither, but first let us be assured of peace and an honest government." Sir, what the people want is peace. What they want is good laws, honestly administered; but they know well they cannot have this without a fair and honest election.

Mr. President, one seat in this Chamber is vacant which ought to be filled by the State of Louisiana. This vacancy was occasioned by Mr. Kellogg's resignation. But this vacant seat still speaks—speaks in the words of its last occupant, inscribed upon the records of the Senate. His words ought to linger in our ears. His parting appeal to this body was for Federal interference, if necessary to secure an honest election; and I can add nothing to that appeal except to remind you that two years have elapsed since it was made, and no honest election has yet been held in that State.

Interstate Commerce.

SPEECH OF HON. JOHN McNULTA,

OF ILLINOIS,

IN THE HOUSE OF REPRESENTATIVES,

March 6, 1874.

The House having under consideration the bill (H. R. No. 1385) to regulate commerce by railroads in the several States—

Mr. McNULTA said:

Mr. SPEAKER: The bill now pending is the beginning of a series of legislation which will be more important in its results to the masses of the people of the country than any that ever commanded the attention of Congress. That it is defective in some points and deficient in its provisions, I do not doubt, yet it is declaratory of the power and expressive of the intention of Congress to provide a remedy for a great and growing evil, which, if permitted to go on with the gigantic strides it has within the last ten years, bids fair to overturn our whole system of Government.

Commentators upon the civil and common law have taught that there is no wrong without a remedy. In all the opposition that has developed to this measure no gentleman has attempted to controvert the existence of the great evil which is sought to be remedied by this bill.

The first question, then, arises, where is the remedy? It is urged that the provision of the Constitution which provides that Congress shall have power "to regulate commerce with foreign nations, and among the several States, and with the Indian tribes," is not such a grant of power as will warrant the Federal Government in interfering with railroads in the transaction of their business in transporting passengers and freight among the States and Territories; that it was not contemplated by the framers of the Constitution, and no attempt has ever been made, to fix the price for the carrying of passengers or freight, the pay of seamen, or other thing entering as an element of commerce. And the gentleman from Kentucky [Mr. ARTHUR] has with great skill and eloquence presented to the House reasons why Congress should not enter into this "petty inquisitorial meddling" in the "reserved province of contracts," as authority to do so cannot be found even in the faintest shadows or imaginary extremities of constructive or implied powers.

I insist that the power for the passage of this bill is one of the clearest grants of power—not an implied or constructive, but a clearly expressed grant; clear from the language and confirmed by the circumstances which led to the adoption of this paragraph of the Constitution—not limiting the right of traffic, or buying and selling, or the interchange of commodities, but extending it to commerce, in its broadest and clearest sense, as definitely understood then and now.

The commercial article in the Articles of Confederation is in article 4:

The better to secure and perpetuate mutual friendship and intercourse among the people in the different States in this Union, the free inhabitants of each of these States, paupers, vagabonds, and fugitives from justice excepted, shall be entitled to all privileges and immunities of free citizens in the several States, and the people of each State shall have free ingress and egress to and from any other State, and shall enjoy there all the privileges of trade and commerce, subject to the same duties, impositions, and restrictions as the inhabitants thereof respectively: *Provided*, That such restrictions shall not extend so far as to prevent the removal of property imported into any State to any other State of which the owner is an inhabitant: *Provided also*, That no imposition, duties, or restrictions shall be laid by any State on the property of the United States, or either of them.

This was found to be an insufficient power. It was sought by Congress, in 1784, to have a grant of an increased commercial power conferred by the States, which was at that time denied, and afterward a similar resolution was negatived by Congress.

The absence of sufficient power in Congress over commerce was the chief element of weakness in the Government, and one of the principal reasons which led to the adoption of the Constitution, "to form a perfect Union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity."

The States had made numerous and conflicting laws regulating commerce, each according to its own interest, and in some cases vindictive in their character, as a punishment to a neighboring State for some real or fancied wrongs. Virginia levied a tax upon the tobacco of North Carolina, for the purpose of excluding it from her ports, where it was sold in competition with the product of that State; and this example was very generally followed by the States along the coast, which brought about a state of affairs that was insufferable.

It was urged, pending the ratification of the Constitution by the States, that this grant to regulate commerce was one of the most important principles proposed to be adopted; that it was a power vital to the prosperity of the Union, and without it the Government would scarcely deserve the name of a national Government, and would soon sink into discredit and imbecility. (Federalist, Nos. 4, 7, 11, 22, 37.) In 1786 Virginia appointed commissioners to confer with such commissioners as might be appointed by other States, to "consider how far a uniform system in the commercial regulations may be necessary to their common interests and perfect harmony," which culminated in the framing of the Constitution in the following year, and which went in operation in 1789.

The first authoritative Federal action on interstate commerce was the adoption of the ordinance of 1787, which had been pending for three years during the pendency of the warmest and most thorough discussion of the proposition to grant the power to regulate commerce to the Federal Government.

In this ordinance for the government of the Northwest Territory it is provided:

The navigable waters leading into the Mississippi and Saint Lawrence, and the carrying places between the same, shall be common highways, and forever free as well to the inhabitants of said Territory as to the citizens of the United States, and those of any other States that may be admitted into the Confederacy, without any tax, impost, or duty therefor.

While the Federal Supreme Court by a divided bench, Judge Taney rendering the decision of the majority, (on a question touching the liberation of two slaves by being brought within this Territory,) decided that this ordinance was merged into the Constitution and ceased to be the law except as its provisions were found in that instrument, the supreme courts of the several States formed from that Territory, as well as the United States circuit court for Ohio, (Judge McLean,) have uniformly held that this ordinance is the supreme law.

It was manifestly the clear intention of the framers of this instrument to keep these highways and the carrying places between them free from tax, impost, or duty.

The language of the Constitution subsequently adopted for this same purpose was broader, more general and comprehensive. "To regulate commerce" clearly meant all that was intended by the ordinance, and more. It meant to make rules for, to govern and control, commerce; which meant to regulate the highways named in the ordinance, and all others.

It will be seen that the commercial article of confederation gave ample power to the citizens of each State to traffic, to buy and sell or interchange commodities in any one of the several States, as it is claimed this clause of the Constitution was intended for.

The trouble was not, did not arise, in buying, selling, or exchanging or trafficking in commodities; it was in the intercourse, the moving of these commodities from one State to another. And the obstructions placed upon this intercourse, which was a constituent element of commerce, were sought to be remedied by granting to Congress the whole power to regulate commerce among the States.

There arises a question as to the meaning of the term "to regulate commerce."

To regulate means to adjust or control by rule or law; therefore to regulate commerce is to adjust or control commerce by rule or law.

Bouvier defines commerce to be—

> The various agreements which have for their object facilitating the exchange of the products of the earth or the industries of man with intent to realize a profit.—2 *Bouvier's Law Dictionary*, 29.

The sense in which the word "commerce" is used includes not only traffic but intercourse and navigation. (9 Wheaton, 190, 191, 215, 229; 12 *id.*, 419; 1 Tucker's Blackstone's Commentaries, Appendix, 249, 252; 17 New York, 488; 4 Johnson's Chancery, New York, 150; 5 *id.*, 300; 6 *id.*, 160; 3 Cowan, North Carolina, 713; 1 Halstead, New Jersey, 236, 285; 1 Brockenbrough, Circuit Court, 423; 11 Peters, 102; 6 *id.*, 515; 3 Dana, Kentucky, 274; 13 Sergeant and Rawle, Pennsylvania, 205.)

The presentation of the law in respect to this power, by the chairman of the committee, seems to me to be conclusive and unanswerable.

In Redfield on Railways, a work found as standard authority in the library of every railroad attorney, we find, (pages 720–722:)

> The natural import and construction of the terms of the Constitution would not seem to admit of much doubt, judging from the language merely. The meaning of the word "commerce," at the time the Constitution was adopted must have been definitely settled, and well enough understood. The word, as well understood, is derived from the Latin *commercium*, and which is found almost in its original form in most of the languages of modern Europe. It means, in its most literal sense, intercourse and exchange both of persons and commodities. It is more nearly synonymous with "traffic" than with any other word in the language probably. Its great natural divisions for ages have been "foreign" and "inland." The regulation of all the former and that portion of the latter which extended beyond the limits of a single State was, as we have seen, by the organic law of our national Government secured to the nation, and the remainder was naturally left to the particular State where it exclusively existed.
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> It is obvious that the purpose of the provision was not to be confined to future commerce carried on in the same mode it then was, *i. e.*, by ship and boat navigation propelled exclusively by wind. If that had been so, the provision could not have been applied to that large portion of commerce now carried on by steam-power, which has already become very considerable, and is constantly increasing in a rapidly advancing ratio. * * * * * * *
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> The fact that the entire subject of regulating all commerce among the different States, including all the means and appliances by which it was carried on, was committed to Congress, and that thereafter the States were to have no concurrent action in the regulation of the same, would seem to reduce the question of Congress having the power of regulating interstate railway traffic to the single inquiry whether it forms any portion of the commerce of the country which requires to be regulated at all. Those who assume to argue that Congress has no power to regulate the traffic upon these extended lines of railway, reaching from one end of the Union to the other, must, if they would meet the question fairly, either say the traffic on these extended lines of railway, amounting to many millions annually, probably ten times as much as the entire commerce of the country at the time of the adoption of the Constitution, is not commerce at all, or, if it be, is not subject to any regulation or control whatever. For it is certain the States have neither the power nor capacity to regulate to any purpose, or with any efficiency, this interstate railway traffic. It must, then, come under the control of Congress or be left to its own devices and impulses—an experiment never yet tried in any other country.

About fifty years ago, when the navigation of vessels by steam was first fairly inaugurated, it was urged that this provision of the Constitution did not apply to them, upon the same hypothesis that it is now urged that it does not apply to railroads; because the framers of the Constitution knew nothing of the power of steam, and therefore could not be supposed to have intended to legislate particularly in reference to it; that their intention was to limit the meaning of the word "commerce" to traffic and buying and selling, and that it in no way comprehended intercourse and navigation. But the Supreme Court demonstrated the fallacy of this argument. In Gibbons *vs.* Ogden, (9 Wheaton, 1,) Chief Justice Marshall, delivering the opinion of the court, discussing the extent of this power, says:

> It has, we believe, been universally admitted that these words comprehend every species of commercial intercourse between the United States and foreign nations.
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> No sort of trade can be carried on between this country and any other to which this power does not extend. It has been truly said that *commerce*, as the word is used in the Constitution, is a unit every part of which is indicated by the term. If this be the admitted meaning of the word in its application to foreign nations, it must carry the same meaning throughout the sentence, and remain a unit unless there be some plain, intelligible cause which alters it.
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> The object to which the power is next applied is to commerce among the several States. The word "among" means intermingled with. A thing which is among others is intermingled with them. * * * *
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> It is the power to regulate, that is, to prescribe the rule by which commerce is to be governed. This power, like all others vested in Congress, is complete in itself; may be exercised to its utmost extent, and acknowledges no limitations other than are prescribed in the Constitution. These are expressed in plain terms, and do not affect the questions which arise in this case, and which have been discussed at the bar. If, as has always been understood, the sovereignty of Congress, though limited to specified objects, is plenary as to those objects, the power over commerce with foreign nations and among the several States is vested in Congress as absolutely as it would be in a single government having in its constitution the same restrictions on the exercise of the power as are found in the Constitution of the United States. * * * * * *
>
> The regulation of commerce, since it has been placed exclusively under the control of the Federal Government, has justified the wisdom of our fathers. But are we to remit the most valuable part of that commerce again to the control of the States, and to the consequent vexations and burdens which the States may impose through whose territories it must be carried on? And must all this be permitted because the carrying is done by a method not thought of when the Constitution was framed?
>
> The completely internal commerce of a State, then, may be considered as reserved for the State itself.

This alone would seem to clearly demonstrate the existence of the power. But the Supreme Court in the Pennsylvania State-tax case (15 Wallace, 232) has laid down the law in its direct application to the principles underlying the measure proposed in this bill. Here the Supreme Court say:

> Beyond all question, the transportation of freight, or of the subjects of commerce for the purpose of exchange or sale, is a constituent of commerce itself. This has never been doubted, and probably the transportation of articles of trade from one State to another was the prominent idea in the minds of the framers of the Constitution when to Congress was committed the power to regulate commerce among the several States. * * * Nor does it make any difference whether this interchange of commodities is by land or by water. In either case, the bringing of the goods from the seller to the buyer is commerce.

It is proposed by this bill to regulate "the transportation of articles of one State to another," in pursuance of this "prominent idea in the minds of the framers of the Constitution;" nothing more, nothing less. To fix a price for the doing of a thing is to regulate the manner of doing it. To suppose that Congress has the power to say how a thing shall be done, and that the corporations have the right to arbitrarily fix the price for the doing of it, is contradictory and inconsistent in itself.

The power to arbitrarily fix the price necessarily implies the power to prohibit. Should Congress say that commerce between the States should be carried on in a certain manner, some lines of railroads might come in and fix a prohibitory rate, saying in effect, notwithstanding the mandate of the law, that it should not be done at all.

The court further say:

> It is not necessary to the present case to go at large into the much debated question whether the power given to Congress by the Constitution, to regulate commerce among the States, is exclusive. In the earlier decisions of this court it was said to have been so entirely vested in Congress that no part of it can be exercised by a State. It has, indeed, often been argued, and sometimes intimated by the court, that so far as Congress has not legislated on the subject the States may legislate respecting interstate commerce. Yet, if they can, why may they not add regulations to commerce with foreign nations, beyond those made by Congress, if not consistent with them? For the power over both foreign and interstate commerce is conferred upon the Federal Legislature by the same words. And certainly it has never yet been decided by this court that the power to regulate interstate as well as foreign commerce is not exclusively in Congress.
> * * * * * *
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> The rule has been asserted with great clearness that whenever the subjects over which a power to regulate commerce is asserted are in their nature national, or admit of one uniform system or plan of regulation, they may justly be said to be of such a nature as to require exclusive legislation by Congress. Surely transportation of passengers or merchandise through a State, or from one State to another, is of this nature.

The argument of the inviolability of contract is without force in the pending question. It matters not for the purpose of the passage of this bill whether the charters of railroads are or are not in the nature of contracts between such corporation and the State bringing it into existence.

The provision in the Constitution prohibiting the passage of a law impairing the obligation of contracts is an express prohibition against such action by the States, and no similar provision of restraint appears upon the Federal Government in the exercise of the enumerated powers granted. Section 10 of article 1 provides:

> No State shall * * * pass any bill of attainder, *ex post facto* law, or law impairing the obligation of contracts.

In paragraph 3 of section 9, restraining Congress in the exercise of powers granted, it is provided:

> No bill of attainder or *ex post facto* law shall be passed.

Comparing these parts of the Constitution with each other, and construing the instrument as a whole, in view of the fact that the language restricting the exercise of the power to pass a bill of attainder or *ex post facto* law is almost identical in both instances, and that the prohibition of the passage of a law impairing the obligation of contracts is alone made applicable to the States, the inference is irresistible that a like prohibition upon the Federal Government was purposely omitted from our organic law, that a construction might

not be given which would allow States or individuals to enter into contracts that would restrict the national Government in the exercise of its powers. That the Government could in no instance impair, defeat, or avoid its own obligations, is conceded as one of the clearest principles of paramount law. And it is not proposed to impair the obligation of any contract, even if we should admit that charters are contracts in the broadest sense, that the opponents of this measure might claim for them. It is an incontrovertible principle that the law enters into and becomes a part of every contract.

At the time of the adoption of the Constitution there was no railroad charter in existence. Every charter was subsequently made and is clearly subject to its provisions and such laws as may be made in pursuance thereof by Congress, the same as though there was an express reservation of this character in each act of a Legislature granting a franchise for the construction of a railway. The State could not vest in the corporation a power in conflict with the Constitution.

The whole power was primarily in the States. The power to regulate commerce among the States was granted to the national Government; not a part, but all of this power passed, and whatever power the States possessed the Government now possesses, to the fullest extent that the States did at the time of the grant. Therefore, whatever any State may have done prior to the grant to regulate commerce can now be done by Congress to regulate commerce among the States, without any impediments from rights vested in individuals by contracts. Congress has made none, and no State has power to do so so as to restrict the Federal power. All restraining laws were originally adopted to prevent some evil that existed prior to the passage of the law.

Competition was relied upon as the great regulator of the affairs of men until it was found inefficient in regulating public servants who would take advantage of the necessities of the public and perpetrate extortion and wrong. And in reply to the statement that no man ever sought to fix a rate or price for the doing of the service, the wages of the seaman, the stevedore, the dockman, or the drayman, I need only call attention to the fact that in many of our cities the price of dockage is fixed by local law. The law fixes specifically what sum the drayman shall have for a given service. Here it regulates the price of commerce, as it does in the case of hackmen in almost every city in the Union, for the reason that experience has demonstrated that competition would not do so to an extent to give protection to the public.

In the opening up of our country, ferries and bridges were made across streams. In the absence of the power of government the owners charged such prices as they pleased, but when governments were established the prices for the use of these public necessities were definitely fixed by law. The miller invests his private funds in the establishment of a public mill, and the law steps in and fixes the toll he shall receive for the grinding of the grist. The pay for the services of notaries public and all public officers is definitely fixed by law. The rate of interest for the use of money is fixed by the States. Hotels and places of public resort are under regulation. The Government has fixed by law specifically what price attorneys prosecuting certain classes of claims before the Departments shall have for their services. Some States have made a like provision for the payment of fees for some specified services to lawyers in general practice. It surely cannot be said that the power delegated by the State to the municipality is more effective there than when delegated by Congress.

It is claimed that property in railways is private property and cannot be interfered with or a price fixed for its use; that the owners, by virtue of the provisions of their charters, have the sole power to fix rates for the transportation of passengers and freight, limited only by the common-law provision to what is reasonable. Property in the dock, the dray, the hack, the ferry, the bridge, the mill, in the money loaned, in the services of the public officer, is also private property; but the price for its use has been fixed by law, for the reason that it was held out, like railway property, by the owner for public use, and the owner became a kind of public servant.

Carriers of goods and passengers who set themselves before the public as ready to carry for all who apply, become a kind of public officers, and owe to the public a general duty independent of any contract in the particular case.—*Redfield on Carriers and Bailments*, section 132.

The power to regulate commerce was conferred by all of the States. No State can withdraw or impair it. As the Supreme Court say—

The power, like all others vested in Congress, is complete in itself, may be exercised to its utmost extent, and acknowledges no limitations other than are prescribed in the Constitution.

Mr. STORM. Does the gentleman quote from the Ogden case?

Mr. McNULTA. Yes; from the case of Gibbons *vs.* Ogden reported in 9 Wheaton.

This will also surely come within the rule laid down in McCulloch *vs.* Maryland, (4 Wheaton, 421,) where the Supreme Court adopt as a rule testing the constitutionality of an act:

Let the end be legitimate, let it be within the scope of the Constitution, and all means which are appropriate, which are plainly adapted, to that end, which are not prohibited, but consistent with the letter and spirit of the Constitution, are constitutional.

In Ward *vs.* Maryland (12 Wallace, 430) the court say:

Grant that the States may impose discriminating taxes against the citizens of other States, and it will soon be found that the power conferred upon Congress to regulate interstate commerce is of no value, as the unrestricted power of the States to tax will prove to be more efficacious to promote inequality than any regulations which Congress can pass to preserve the right contemplated by the Constitution among the citizens of the several States.

In Crandall *vs.* Nevada, 6 Wallace, 35, the court decides that a State cannot levy a tax upon passengers, and in the Pennsylvania State freight-tax case, 15 Wallace, 271, nor on freight passing from one State to another, as it would be in violation of the commercial clause in the Constitution. I submit for the consideration of this House if a railway company shall be conceded greater power than the State, the creature more powerful than the creator. All that is charged by railroad companies over a reasonable rate is a tax upon the freight. And the chairman of the committee has not overestimated this tax upon the people when fixing as a reasonable price for that transportation double its actual cost, as estimated by experts. There were collected in excess of a reasonable rate by these extortionate charges from the people $85,000,000 during the past year in violation of law.

In the case of Gray *vs.* The Clinton Bridge Company, referred to by the committee, decided by Mr. Justice Miller, of the Supreme Court, and reported in the American Law Reporter for January, 1868, the learned judge says:

Navigation, however, is only one of the elements of commerce. It is an element of commerce, because it affords the means of transporting passengers and merchandise, the interchange of which is commerce itself. Any other mode of effecting this would be as much an element of commerce as navigation. When this transportation or interchange of commodities is carried on by land it is commerce, as well as when carried on by water, and the power of Congress to regulate it is as ample in the one case as in the other. The "commerce among the States," spoken of in the Constitution, must, at the time that instrument was adopted, have been mainly of this character, for the steamboat, which has created our great internal commerce on the rivers, was then unknown.

Another means of transportation, equal in importance to the steamboat, has also come into existence since the Constitution was adopted, a means by which merchandise is transported across States and kingdoms in the same vehicle in which it started. The railroad now shares with the steamboat the monopoly of the carrying trade. The one has, with great benefit, been subject to the control of salutary congressional legislation, because it is an instrument of commerce. Is there any reason why the other should not? However this question may be answered in regard to that commerce which is conducted wholly within the limits of a State, and is, therefore, neither foreign commerce nor commerce among the States, it seems to me that where these roads become parts of great highways of our Union, transporting a commerce which embraces many States, and destined, as some of these roads are, to become the channels through which the nations of Europe and Asia shall interchange their commodities, there can be no reason to doubt that to regulate them is to regulate commerce, both with foreign nations and among the States; and that to refuse to do this is a refusal to discharge one of the most important duties of the Federal Government. As already intimated, the shackles with which the different States fettered commerce, in their selfish efforts to benefit themselves at the expense of their confederates, was one of the main causes which led to the formation of our present Constitution. The wonderful growth of that commerce, since it has been placed exclusively under the control of the Federal Government, has justified the wisdom of our fathers. But are we to remit the most valuable part of that commerce again to the control of the States, and to the consequent vexations and burdens which the States may impose through whose territories it must be carried on? And must all this be permitted because the carrying is done by a method not thought of when the Constitution was framed?

For myself, I must say, that I have no doubt of the right of Congress to prescribe all needful and proper regulations for the conduct of this immense traffic over any railroad which has voluntarily become part of one of those lines of interstate communication, or to authorize the creation of such roads, when the purposes of interstate transportation of persons and property justify or require it.

One more citation of law to support the exercise of the power by Congress:

It is not doubted that Congress has the power to go beyond the general regulations of commerce which it is accustomed to establish, and to descend to the most minute directions if it shall be deemed advisable; and that to whatever extent ground shall be covered by those directions the exercise of State power is excluded. Congress may establish police regulations as well as the State, confining their operation to subjects over which it is given control by the Constitution.—*Cooley on Constitutional Limitations*, 586.

A denial of the power to pass the pending bill is equaled only by the denial of the existence of a power in the Constitution to save the Constitution and the Union, and arises from a belief that the power ought not to exist; therefore does not exist.

Congress did exercise this power in the passage of the act of March 3, 1873, to prevent cruelty to animals on cars when in transit from one State to another. It is asked if we propose to take the property of individuals out of their hands and use it for the benefit of the public. And if we have power to take railway property, or reduce profits on its use, have we not the same power to compel them to transport freight for nothing, and thereby wholly deprive the owners of the benefits of their property? And if one class of property can be taken, why not another? And is this not the first step toward agrarianism?

I hold, Mr. Speaker, that property in the railway, the farm, or the hammer of the artisan, stands upon the same footing before the law, and is entitled to the same protection. There is no power in either State or Federal Government to divest the owner of his title or restrain him in the legitimate use of his property or the fair profits accruing therefrom, unless for public use and upon the rendering of just compensation for whatever may be taken. Yet every man must use his property so as to not interfere with his fellow-man in the exercise of like rights and privileges. Railways are highways, and no man can put his property in them to restrict the public in their use by exorbitant charges. Primarily it was the duty of the public to construct all highways, but from motives of governmental polity individuals were permitted to make these modern improvements, with an implied un-

derstanding that they should receive a reasonable profit upon their investments.

Let us look at the case of Olcott *vs.* The Supervisors, 16 Wallace, 678, where it is said:

That railroads, though constructed by private corporations and owned by them, are public highways, has been the doctrine of nearly all the courts ever since such conveniences for passage and transportation have had any existence. Very early the question arose whether a State's right of eminent domain could be exercised by a private corporation created for the purpose of constructing a railroad. Clearly it could not, unless taking land for such purpose, by such an agency, is taking land for public use. The right of eminent domain nowhere justifies taking property for a private use. Yet it is a doctrine universally accepted that a State Legislature may authorize a private corporation to take land for the construction of such a road, making compensation to the owner. What else does this doctrine mean, if not that building a railroad, though it be built by a private corporation, is an act done for public use? And the reason why the use has always been held a public one is, that such road is a highway, whether made by the Government itself or by the agency of corporate bodies, or even by individuals when they obtain their power to construct it from legislative grant. It would be useless to cite the numerous decisions to this effect which have been made in the State courts. We may, however, refer to two or three, which exhibit fully not only the doctrine itself, but the reasons upon which it rests. Whether the use of a railroad is a public or private one, depends in no measure upon the question who constructed it or who owns it. It has never been considered a matter of any importance that the road was built by the agency of a private corporation. No matter who is the agent, the function performed is that of the State. Though the ownership is private, the use is public. So turnpikes, bridges, ferries, and canals, although made by individuals under public grants or by companies, are regarded as *publici juris*. The right to exact tolls or charge freights is granted for a service to the public. The owners may be private companies, but they are compellable to permit the public to use their works in the manner in which such works can be used.

By virtue of and under the power of the law the property of the citizen is taken. The axiom of the common law, that every man's house is his castle, is held not to be good in this case. The old homestead, with all the fond memories that gather around it, dearer to the hearts of its occupants than any material things, must be torn down and the tenderest of human feelings violated, the graves of the dead desecrated and torn open, and the bones and ashes of departed kindred and friends removed, to make way for the railway track. And for what? That the capitalist may build a railway to gratify his greed for wealth? No; but in compliance with a universal law, *salus populi suprema lex*. The sacredness of private property is ignored, human affections disregarded, the citizen compelled to convey his property against his most earnest wish, not at a price fixed by him, but fixed by a process of the law, which acknowledges no measure for damages done to the feelings or the severing of the dearest associations. *It is taken for public use.* It could not be taken for any other purpose. The public interest demanded that it should be taken. The citizen yielded obedience, and acknowledged "that regard be had to the public welfare is the highest law." Private rights and private feelings have thus yielded to the public good in the exercise of this extraordinary power of Government in the construction of every important line of railroad in the country. The property of the citizen was taken for the use and benefit of the public. Whenever it shall cease to be used for that purpose the easement of the corporation over it fails, and it must revert to the original owner or his grantees.

Shall it be said that by the law the property of the citizen is forcibly taken by the corporation for the public use, at a price fixed, not by the citizen, but by a process of the law, and that when the corporation has possession of it and its use is demanded by the public for the identical use for which it was taken, the price is fixed, not by the law, but by the corporation, and the law is impotent and powerless? If this be true, it seems indeed that it makes "a great difference as to whose ox was gored."

There is no mutuality in this. It is not justice; it is not, it cannot be law. The great commentator has said that "law is a rule of civil conduct prescribed by the supreme power in a state, commanding what is right and prohibiting what is wrong." This wrong we may safely say is prohibited and not permitted by the law; and where it is done to the injury of the citizen, it is clearly in violation of law.

The gentleman from Pennsylvania, [Mr. STORM,] who preceded me, as against the policy of the bill urges that it places too much power in the hands of nine men. Nine men are to fix a schedule of rates for interstate commerce on each railway, which shall be *prima facie* evidence of the reasonableness of the rates therein specified—nothing more, except to report facts for the information of Congress. These men act under oath, are appointed by the President, subject to removal, and to fine, imprisonment, and disqualification from holding any office of emolument or honor for malfeasance in office. To-day there are *five men*—not railway commissioners, but commonly known as "railroad kings"—who fix schedules of rates, alter, amend, and change the same as their interests or their inclinations may dictate, thereby lowering or raising the price of any product of the soil that is transported over the long lines at their pleasure; fixing rates without reference to cost; limiting their charges only by the ability of the producer to pay; obstructing these great highways of commerce for the purpose of wringing from the owners and occupants of the soil the profits that justly belong to them; appointed without authority of law; acting in violation of law. Because of the inadequacy of remedies, these self-constituted dictators eat out the substance of the people and defy the law.

That the commissioners' control will be infinitely better than the present mode of management I see no room for doubt, and any improvement should be gladly accepted; yet while the commissioners will be an important auxiliary force in arriving at a correct solution of "this problem," I would much prefer a different mode of arriving at what should be charged as reasonable rates. I would prefer that the courts should determine, as a matter of fact, the actual investment in money in each line of railway. Let the officers of the company fix in an equitable manner the rates for doing business, so that the net earnings, after the payment of all actual and necessary expenses and reasonable compensation to all employés for services actually rendered, should pay a net dividend, say, of 10 per cent. on the amount actually invested. If by chance the rates were fixed so low that only 8 per cent. were rendered as a net profit, then, after sufficient notice to prevent a sudden effect upon the markets, they should be raised for the ensuing year, so as to not only bring the 10 per cent., but also the 2 per cent. deficit. And, in like manner, should it be found that the product was too great, the proper sum should be divided and the surplus held and added to the profits for the next ensuing year, and the rates lowered accordingly. A reasonable rate necessarily is a fair compensation for services and a fair profit upon the amount invested, taking into account the risk of loss in the enterprise; and as the pay for services comes out of the gross profits, a net profit on the investment is a reasonable rate.

That this process would bring about an advance in the pay of the employés of the companies I do not doubt; yet the advance in this way would be but a small percentage upon the dividends now made on fictitious stocks. The people living along the line of a railroad by furnishing it with business support it and pay all the dividends that are made. If these profits are invested along the line, as they would be if paid to the workmen, the communities that pay them would derive a permanent benefit from them, which is not the case when they are paid to the foreign holder of fictitious stock. This would be an equitable transaction, they being fairly earned in one case and not in the other.

I know it will be inquired, what shall be done with the fictitious stock? I answer, nothing, save, perhaps, giving to it what is asked for the roads, "the cold charity of being left alone." Allow the road a net profit on the actual investment, and let the companies distribute this to the owners of the road, each according to his interest, and if there arises a conflict of interest they shall settle that among themselves. It is their reasonable profit, and private property, in which the public has no concern.

I deem it safe to make the assertion that there has not been a dollar of money invested by the builders of any important road in the Northwest in the past ten years. I am not surprised that gentlemen shrug their shoulders and look incredulous, but, nevertheless, I doubt if any gentleman can point to an exceptional case. I believe the statement to be correct. "Impossible to build a road without money?" No, not at all; but, on the contrary, one of the easiest of things for one of our railroad kings to do.

The people wanted these improved highways, and charters were freely given. The municipalities along the line subscribe for from five to fifteen thousand dollars per mile of stock, or make a direct donation of that amount, payable in interest-bearing bonds, to be paid by taxes levied upon the people. The work begins and is paid for out of the proceeds of these bonds, and the road in this unfinished condition is mortgaged, not for part of its value, but for so much that the proceeds of these bonds, at eighty to eighty-five cents on the dollar, will pay for the entire construction and equipment of the road, leaving a profit of all the local subscriptions, and often a considerable percentage of the first-mortgage bonds and stock of from five to ten times the amount subscribed and paid for by the municipalities.

The mortgage bonds bearing a high rate of interest are bought at a heavy discount, not upon the basis of the cost of the property by which their payment is secured, but upon the supposed power of the corporation to compel payment for the use of the road in a sum sufficient to pay interest and principal—which has been done, and more—profit up this fictitious stock. Addition large sums for the improvement of these roads and stock issued on this as a basis. This, it is clear, instead of investing money in the operations of the enterprise, takes money out of the road.

I ask upon what principle the people should be compelled to pay profits where no capital was invested? Is it not demanding something for nothing? The innocent holders of this fictitious stock are entitled to no higher rights than the innocent inhabitants along the line of the road. The holder of the fictitious stock stands the same before the law as the holder of a fictitious bank-note, and might as well demand payment from the public for one as for the other. He ventured and lost. The public made no venture, and should not pay individual losses.

Mr. Speaker, one point more, and I will close.

It is urged that the only remedy is in making competition. This was found inefficient in the cases of drays, hacks, ferries, bridges, public mills, and money-lenders. They got up "pools" of the same kind that the railways do, and governmental power stepped in and fixed prices for them. It has not done so for the railways yet, but it will be done. It is their turn next. The other institutions are the oldest, and therefore their evils first felt and first regulated. There is no efficient remedy in competition; there can be none.

In July, 1872, there were in Illinois sixty-two hundred and fifty-

eight miles of railroad, representing a nominal capital of $254,912,563.

Seventy-three per cent. of all the land in the State lay within five miles, 21½ per cent. between five and ten miles, 4 per cent. between ten and fifteen miles, and only 1½ per cent. more than fifteen miles distant from a line of railroad in operation; from which it will be seen that there is not much land but what should be benefited by the roads when fairly conducted, and but little room left for competing lines, which, if constructed, will be mostly capital unnecessarily invested.

The Illinois railway commissioners have given the following opinion, after a careful and thorough examination, upon the question of competition:

It has also been claimed that competition would sufficiently protect the public; that railroad corporations should be allowed to charge what they choose for transportation, just as the merchant, the mechanic, and the lawyer set their own prices on what they offer for sale, and that the law of supply and demand would regulate their charges. But competition between railways exists only to a limited extent, and soon ends in combination. A railway is in its nature exclusive, and therefore inevitably a monopoly between all stations where there are no competing lines, and in this respect there is no analogy between railways and the common highways on land and sea. There can be no absolute monopoly of transportation on common roads and streets, still less can there be such monopoly at sea—the highway of the nations. There are as many courses in the roads and streets as there are stages, coaches, and omnibuses, and there are as many tracks in the sea as there are steamers and ships. The ordinary common carrier by land or sea is free to choose his points of departure, stopping, and destination, in obedience to the dictates of self-interest and the law of supply and demand. The competing railway carrier is confined to its iron track, and cannot leave it for the relief of the isolated towns and villages on the line of its rival's route. The locomotive has driven away all other modes of conveyance, and these communities are at the mercy of an unrestrained monopoly, unless the Government interferes for their protection. Nor is the condition of communities at terminal and so-called competing points much better, for the competitors are few, and combination readily follows the construction and operation of rival lines. It was an apothegm of George Stephenson, that wherever combination is possible competition is impossible.

Mr. Charles F. Adams, jr., in a speech delivered on the 14th of February last, before a committee of the Legislature of Massachusetts, ably handles the whole subject of competition. "The only thing," he says, "which can enable competition to exist is the presence of competing forces too numerous to combine. Look abroad over this country, and you will see at a glance what competition amounts to so far as railroads are concerned. Take, I pray you, the case of New York and Chicago, two cities a thousand miles apart, between which railroads have been constructed as fast as private capital could construct them. Every gentleman on this committee knows that not a rate is charged between New York and Chicago which is not established by combination. You know that every time the tariff is to be raised or lowered the freight agents of the several companies meet in convention, and they decide how much it shall be raised or how much it shall be lowered, and the change agreed upon takes effect upon all the roads on a given day. You know, every man who has looked into this subject knows, that the only competition which exists is between land transportation and water transportation. When water enters into the struggle, when navigation opens, then the freight agents meet, and rates are reduced; when the lakes freeze up, then the freight agents meet again, and rates are raised. Whether reduced or raised, however, the change always is the result of combination."

Again, let us look at this question from another point of view. The idea of competition certainly implies the existence of several agents. As regards railroads, however, even the combination of competitors is limited to a few localities. Except at competing points—points, that is, upon which railroads converge—transportation by rail is a pure absolute monopoly, affected only by municipal law and considerations of self-interest, and in no degree subject to the influence either of competition or of supply and demand. Now, how large a proportion of all the towns on our railroads are points of railroad convergence? In other words, how many of them can look to competition for even a pretense of protection against monopoly? Take, for example, the Boston and Albany road. It runs through a densely inhabited region filled with manufacturing cities and towns; it is two hundred miles in length; it has eighty stopping places; but of points of railroad convergence—places at which a possibility of competition exists—it numbers just seven. Take again, the Central road of New York, including its Auburn division. It has four hundred and five miles of road in the very garden and central thoroughfare of the continent. On the whole four hundred miles there exists just nine points of convergence. Six hundred miles of railroad, with sixteen competing points, and those inhabiting all the other localities may use the Central or the Boston and Albany, as the case may be, or they may stay at home, whichever they prefer. But is it not something of a mockery to refer this system for its regulation to the principles which control the production of boots and cotton cloths? And if this is so here in the manufacturing East, it is not hard to imagine what must result in the agricultural West, where the very nature of the leading industry renders it impossible for population to concentrate at points of railroad convergence. In the West the mass of the people feel themselves helpless, and hence the angry feeling now prevailing against the railroad companies throughout that region.

We often have reason to believe "that the longest way round is the shortest way home," by seeing our freights hauled two and three hundred miles from the most direct route, and shipped to some central point, and back on the same track past our doors. Water transportation is suggested and relied upon as the regulator. Although its influence is great, it is not sufficient, as will be seen by comparing the following:

Statement showing the entire movement of flour and grain during the year 1873 at Chicago, Illinois.

RECEIPTS.

Received by—	Flour.	Wheat.	Corn.	Oats.	Rye.	Barley.
	Barrels.	*Bushels.*	*Bushels.*	*Bushels.*	*Bushels.*	*Bushels.*
Lake	47,875	39,490	----------	230	----------	1,628
Illinois and Michigan Canal	15,180	20,915	6,880,938	979,757	9,545	1,473
Chicago and Northwestern Railway	1,202,002	12,824,663	1,660,424	3,676,556	204,174	2,267,296
Illinois Central Railroad	209,885	3,538,680	7,024,925	2,335,460	125,175	639,825
Chicago, Rock Island and Pacific Railroad	133,535	3,560,950	4,471,323	2,875,018	315,940	485,322
Chicago, Burlington and Quincy Railroad	238,831	5,095,679	9,143,520	6,691,455	447,360	583,708
Chicago and Alton Railroad	87,100	51,120	7,961,576	907,960	79,590	7,130
Chicago, Danville and Vincennes Railroad	700	1,020	991,750	282,810	3,650	900
Chicago, Milwaukee and Saint Paul Railroad	538,721	1,120,381	3,790	97,223	3,200	217,877
Chicago and Pacific Railroad	----------	710	2,040	8,210	----------	18,005
Michigan Central Railroad	3,429	966	----------	----------	----------	----------
Lake Shore and Michigan Southern Railway	7,010	4,533	12,776	7,703	430	1,075
Pittsburgh, Fort Wayne and Chicago Railway	2,553	----------	650	4,042	----------	----------
Pittsburgh, Cincinnati and Saint Louis Railway	555	7,455	3,520	22,300	400	16,000
Total receipts	2,487,376	26,266,562	38,157,232	17,888,724	1,189,464	4,240,239
Flour manufactured in the city	264,363	----------	----------	----------	----------	----------
In store December 31, 1872	25,582	1,047,633	1,595,252	844,669	201,674	307,039
Total	2,777,321	27,314,195	39,752,484	18,733,394	1,391,138	4,547,278

SHIPMENTS.

Shipped by—	Flour.	Wheat.	Corn.	Oats.	Rye.	Barley.
	Barrels.	*Bushels.*	*Bushels.*	*Bushels.*	*Bushels.*	*Bushels.*
Lake—To Buffalo	253,192	9,151,199	25,190,311	4,514,401	637,871	627,430
To Oswego	117	282,763	910,317	10,829	100	54,826
To Erie	64,236	659,521	950,532	232,400	15,000	----------
To Ogdensburgh	17,247	62,282	1,303,247	55,870	----------	----------
To other American ports	69,405	448,063	3,380,988	1,073,883	23,001	86,513
To Montreal	21,531	766,235	110,745	----------	----------	----------
To Kingston	951	2,810,620	1,147,260	----------	----------	----------
To other Canadian ports	1,642	1,348,301	1,493,805	98,571	14,037	----------
Total by lake	428,321	15,528,984	34,487,205	5,985,954	690,009	768,769
Illinois and Michigan Canal	1,012	245,708	12,627	----------	----------	----------
Chicago and Northwestern Railway	29,807	236,538	35,193	114,740	1,064	67,195
Illinois Central Railroad	49,825	109,950	6,650	10,800	13,650	104,300
Chicago, Rock Island and Pacific Railroad	6,814	32,728	11,124	17,144	6,785	62,273
Chicago, Burlington and Quincy Railroad	450	17,850	----------	----------	----------	4,900
Chicago and Alton Railroad	4,108	113,199	----------	----------	400	84,105
Chicago, Danville and Vincennes Railroad	9,480	21,491	4,283	5,860	6,152	48,766
Chicago, Milwaukee and Saint Paul Railway	20	----------	3,500	----------	----------	----------
Chicago and Pacific Railroad	186	----------	----------	----------	----------	----------
Michigan Central Railroad	430,105	2,891,584	898,313	5,430,480	25,287	634,858
Lake Shore and Michigan Southern Railway	351,435	2,405,015	824,718	3,110,200	69,711	627,255
Pittsburgh, Fort Wayne and Chicago Railway	619,864	1,725,700	360,500	645,080	71,600	589,520
Pittsburgh, Cincinnati and Saint Louis Railway	372,063	1,126,910	110,830	373,875	75,955	374,100
Total shipments	2,303,490	24,455,657	36,754,943	15,694,133	960,613	3,366,041
In store December 31, 1873	45,700	1,591,058	1,213,238	463,051	72,113	468,360
City consumption unaccounted for	428,131	1,267,480	1,784,303	2,576,210	358,412	712,877
Total	2,777,321	27,314,195	39,752,484	18,733,394	1,391,138	4,547,278

All-rail freights eastward from Chicago during the year 1873.

Dates.	To New York.				To Boston and Portland.				To Providence and other New England points.				To Montreal, Brockville, and Prescott.				To Buffalo, Suspension Bridge, and Toronto.				To Philadelphia and Baltimore.				To Pittsburgh, Bridgeport, and Bellaire.			
	Flour, per barrel.	Grain, per 100 lbs.	Bulk meats, per 100 lbs.	Dressed hogs, per 100 lbs.	Flour, per barrel.	Grain, per 100 lbs.	Bulk meats, per 100 lbs.	Dressed hogs, per 100 lbs.	Flour, per barrel.	Grain, per 100 lbs.	Bulk meats, per 100 lbs.	Fourth class, per 100 lbs.	Flour, per barrel.	Grain, per 100 lbs.	Bulk meats, per 100 lbs.	Fourth class, per 100 lbs.	Flour, per barrel.	Grain, per 100 lbs.	Fourth class, per 100 lbs.	Dressed hogs, per 100 lbs.	Flour, per barrel.	Grain, per 100 lbs.	Bulk meats, per 100 lbs.	Fourth class, per 100 lbs.	Flour, per barrel.	Grain, per 100 lbs.	Bulk meats, per 100 lbs.	Fourth class, per 100 lbs.
January 1 to April 13	130	65	75	85	140	70	80	90	150	75	85	75	120	60	70	60	70	35	35	45	120	60	70	60	80	40	45	40
April 14 to April 20	120	60	70	85	130	65	75	90	140	70	80	70	110	55	65	55	65	32½	32½	45	110	55	65	55	70	35	....	35
April 21 to April 29	110	55	65	85	120	60	70	90	130	65	75	65	100	50	60	50	60	30	30	45	100	50	60	50	70	35	....	35
April 30 to May 20	100	55	65	85	110	55	70	90	120	55	75	55	90	50	60	50	60	30	30	45	100	50	60	50	70	35	....	35
May 21 to September 4	90	45	55	85	100	50	60	90	110	55	65	55	85	42½	....	42½	60	30	30	45	80	40	....	40	70	35	....	35
September 5 to September 14	100	50	60	85	110	55	65	90	120	60	70	60	90	45	....	45	60	30	30	45	90	45	....	45	60	30	....	30
September 15 to December 7	110	55	55	85	120	60	60	90	130	65	65	65	100	50	....	50	60	30	30	45	100	50	....	50	60	30	35	30
December 8 to December 31	120	60	70	85	130	65	75	90	140	70	80	70	110	55	65	55	65	32½	32½	45	110	55	65	55	70	35	40	35

The great reduction during that portion of the season most favorable to navigation must have been a loss, or an exorbitant profit was charged during the winter tnmohs, the latter being no doubt the fact.

Lake (steam) and rail freights for the season of lake navigation in 1873.

Weekly rates of freight by propeller lines to Buffalo or Erie, and thence by rail to New York, Boston, Philadelphia, and Baltimore.

Week ending—	To Buffalo.			To New York.			To Boston.			To Philadelphia and Baltimore.		
	Wheat, per bushel.	Corn, per bushel.	Oats, per bushel.	Flour, per barrel.	Grain, per 100 lbs.	4th class, per 100 lbs.	Flour, per barrel.	Grain, per 100 lbs.	4th class, per 100 lbs.	Flour, per barrel.	Grain, per 100 lbs.	4th class, per 100 lbs.
	Cents.	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*
May 3	.. to 10	.. to 9	.. to 7	90 to 100	.. to 55	50 to 55	100 to 110	50 to 55	50 to 55	.. to 80	40	40
10	8 to 9	7 to 8½	.. to 6	.. to 90	.. to 45	.. to 45	.. to 100	.. to 50	.. to 50	.. to 80	40	40
17	6¼ to 9	5½ to 6	5 to 5½	80 to 90	40 to 45	40 to 45	90 to 100	45 to 46½	45 to 50	75 to 80	37½	37½
24	6 to 7	5½ to 6	4 to 4½	80 to 90	.. to 40	.. to 40	90 to 100	45 to 46½	.. to 45	70 to 80	35	35
31	6 to 6½	5 to 5½	4 to 4½	.. to 80	33 to 39	35 to 40	.. to 90	44½ to 45	.. to 45	.. to 70	30	30
June 7	6 to 7	5¼ to 6	4 to ..	.. to 80	33 to 39	35 to 40	.. to 90	44½ to 45	.. to 45	.. to 70	30	30
14	6½ to 9	6 to 8	4 to 6	.. to 80	34 to 40	35 to 40	.. to 90	33 to 45	.. to 45	.. to 70	30	30
21	7 to 8	6 to 7½	4 to ..	.. to 80	31 to 40	36 to 40	.. to 90	41 to 45	.. to 45	.. to 70	31	31
28	6 to 7½	5 to 7	3½ to 5	.. to 80	34 to 40	34 to 40	.. to 90	41 to 45	.. to 45	.. to 70	33	33
July 5	6 to 7	5¾ to 6½	4 to 4½	.. to 80	38 to 40	40 to ..	.. to 90	41 to 45	.. to 45	.. to 70	35	35
12	6 to 6½	5 to 5½	4 to 4½	.. to 80	33 to 40	40 to ..	.. to 90	41 to 45	.. to 45	.. to 70	35	35
19	6 to 6½	5½ to 6⅝	4 to 4½	.. to 80	31 to 40	40 to 50	.. to 90	41 to 45	.. to 45	.. to 70	35	35
26	6 to 6½	5 to 5¾	4 to 4½	.. to 80	29 to 36	40 to 42½	.. to 90	41 to 45	.. to 45	.. to 70	35	35
August 2	5¾ to 6⅝	5¼ to 6	4 to ..	.. to 80	29 to 40	40 to ..	.. to 90	41 to 45	.. to 45	.. to 70	35	35
9	6 to 6½	5½ to 6¼	4 to 4½	.. to 80	29 to 38	40 to ..	.. to 90	41 to 45	.. to 45	.. to 70	35	35
16	5 to 6	4 to 5	3½ to 4	.. to 80	29 to 38	40 to ..	.. to 90	41 to 45	.. to 45	.. to 70	35	35
23	4½ to 6	4 to 5½	4 to 4½	.. to 80	30 to 39	40 to 42½	.. to 90	41 to 45	.. to 45	.. to 70	35	35
30	7 to 7½	6 to 7	.. to 4½	.. to 80	.. to 40	40 to ..	.. to 90	41 to 45	.. to 45	.. to 70	35	35
September 6	8 to 14	7 to 13	.. to 5	.. to 80	36 to 53	40 to 42½	.. to 90	41 to 45	.. to 45	.. to 70	35	35
13	14 to 15	.. to 14	.. to 11	.. to 90	52 to 53	40 to 45	100 to 100	.. to 50	50 to 55	.. to 80	40	40
20	9 to 14	8 to 13½	6 to 8¼	90 to 100	50 to 53	45 to 50	100 to 100	50 to 55	50 to 55	.. to 80	40	40
27	8 to 13½	7 to 12	5 to 8	.. to 100	48 to 50	.. to 50	.. to 110	50 to 55	.. to 55	.. to 90	40	45
October 4	8 to 8½	7 to 8	5 to 6	.. to 100	43 to 50	.. to 50	.. to 110	52 to 55	.. to 55	.. to 90	45	45
11	9 to 10	.. to 8	5½ to 6	.. to 100	43 to 50	.. to 50	.. to 110	52 to 55	.. to 65	.. to 90	45	45
18	7 to 9	6 to 7½	5 to 5½	.. to 100	40 to 50	.. to 50	.. to 110	51 to 55	.. to 55	.. to 90	45	45
25	6 to 8	5 to 7½	4 to 4½	.. to 100	40 to 50	.. to 50	.. to 110	52 to 55	.. to 55	.. to 90	45	45
November 1	8 to 9	7½ to 8½	4½ to 6	.. to 100	40 to 43	.. to 50	.. to 110	47 to 55	.. to 55	.. to 90	45	45
8	7 to 9	6½ to 8½	5 to ..	.. to 100	40 to 47	.. to 50	.. to 110	47 to 55	.. to 55	.. to 90	45	45
15	8 to 9	6 to 7	5 to ..	.. to 100	41 to 47	.. to 50	.. to 110	50 to 55	.. to 55	.. to 90	45	45
22	8½ to 9	.. to 8	6 to ..	.. to 100	41 to 47	.. to 50	.. to 110	49 to 55	.. to 55	.. to 90	45	45
29	.. to 8½	.. to 8	.....	.. to 100	40 to 46	.. to 50	.. to 110	48½ to 55	.. to 55	.. to 90	45	45

Lake freights (per bushel) on grain by sail from Chicago during the season of navigation in 1873.

Week ending—	To Buffalo and Port Colborne.			To Oswego and Kingston.		Canal freight on corn from Buffalo to N. York.	Week ending—	To Buffalo and Port Colborne.			To Oswego and Kingston.		Canal freight on corn from Buffalo to N. York.
	Wheat.	Corn.	Oats.	Wheat.	Corn.			Wheat.	Corn.	Oats.	Wheat.	Corn.	
	Cents.	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*		*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*
March 8	.....	13⅜	.....	.....	.....	.....	July 19	6 to 6⅜	5⅛ to 6	4¼ to 4⅜	10⅛ to 11	10⅛ to 11⅛	8⅜ to 9
March 15	13⅛ to 14	13 to 13⅜	.....	.....	.....	.....	July 26	5⅛ to 6⅜	5 to 6	4 to 4⅜	10⅜ to 11½	10 to 10⅜	9 to 9½
March 22	14 to 14⅜	13 to 14	.....	.....	.....	.....	August 2	6 to 6⅜	5⅛ to 6	4¼ to 4⅜	11 to 12	10⅜ to 11½	9½ to 9⅝
March 29	17 to 17⅜	15 to 16	.....	.....	.....	.....	August 9	5⅜ to 6⅜	5 to 6	4 to 4⅜	11 to 12	11 to 11¾	9½ to 9⅝
April 5	16	15	.....	21	20	.....	August 16	5 to 6	4 to 5	4 to 4½	11¾ to 12¾	10½ to 11	9⅛ to 10
April 12	16	15	.....	21	20	.....	August 23	5 to 8½	4 to 6½	4 to 5	11¾ to 13⅜	10¾ to 13⅜	9¾ to 10
April 19	16	15	.....	21	20	.....	August 30	7 to 9½	6½ to 9	5 to 5½	14¾ to 15⅜	12 to 14	9¾ to 10
April 26	16	15	.....	18 to 20	18 to 20	.....	September 6	10½ to 14½	10 to 13	6 to 7⅜	17⅓ to 22	15 to 20	9⅛ to 9¾
May 3	10⅛ to 12	9⅛ to 11	.....	16 to 18	14 to 16	.....	September 13	14 to 16	13 to 14	7 to 9	21 to 22	19 to 20	9¾
May 10	7⅛ to 7¾	6⅜ to 9¾	5¾	14 to 15	12 to 13	.....	September 20	13⅛ to 14⅛	12⅛ to 13	7 to 8	21 to 22	19 to 20	10 to 11½
May 17	6 to 8	5⅛ to 6⅜	4 to 5	12 to 13⅛	11 to 12	11 to 11⅜	September 27	8⅛ to 10⅜	7⅛ to 10	5 to 7	14 to 15	13⅓ to 15	10 to 12
May 24	6⅜ to 7	5⅛ to 6	4 to 4⅜	13 to 13⅜	11⅛ to 12	10⅛ to 11	October 4	8 to 9	7⅛ to 8	5 to 6	14 to 15⅛	13 to 14	10 to 11
May 31	6 to 7	4⅛ to 5⅛	4 to 4⅛	12 to 12⅛	11 to 11⅛	10 to 10⅛	October 11	8⅛ to 9	7⅛ to 8	5⅛ to 6	14 to 15	13 to 14	11 to 12
June 7	5⅛ to 7⅛	5 to 7	4 to 4⅛	11 to 12	10 to 11	10	October 18	6⅛ to 8⅛	6 to 7⅛	5	12 to 15	11⅛ to 13⅛	11 to 12
June 14	6⅛ to 7	5⅜ to 6⅛	4 to 4⅛	12⅛ to 13⅜	11⅛ to 12	9⅛ to 10	October 25	5⅛ to 6⅛	5 to 6	4⅛	.....	11⅛	11 to 0
June 21	6 to 6⅜	5⅛ to 6⅛	4 to 4⅛	12 to 12⅛	11 to 11⅛	9⅛	November 1	8 to 9	6⅜ to 8	5	.....	.....	11⅛ to 0
June 28	6 to 6⅜	5 to 6	4 to 5	11 to 11⅛	10 to 10⅛	9⅛	November 8	7⅛ to 8	6⅛ to 7	.....	.....	.....	10⅜ to 11
July 5	5⅛ to 6⅜	5 to 6	4 to 4⅛	11 to 11⅛	10 to 10⅛	9⅛	November 15	7 to 8	6 to 7⅛	.....	11⅛ to 12	.....	10 to 10⅛
July 12	6 to 6⅛	5 to 6	4 to 5	10⅛ to 11	10 to 10⅛	9⅛ to 9⅛	November 22	8	7⅛	.....	.....	12 to 13	.....

Corn from La Salle to Chicago, shipped July 1, 1873, winter, 9 cents; summer, 7 cents.

First-class freight, winter, 45 to 50 cents; summer, 15 to 20 cents.

Second-class freight, summer and winter, about 30 cents.

I have no doubt that the small difference in the freight on corn in winter and summer is that winter storage for grain is cheaper in La Salle than in Chicago. Consequently the railroad could make nothing by advancing the winter rates on that kind of grain.

It is a well-known fact that but a small percentage of the surplus product lies within reach of the water lines, and that the grossest extortions and unjust discriminations are made upon the short hauls.

To show you the influence of the canal and river over freights, I add:

Route.	First class.	Second class.	Corn.
CHICAGO, BURLINGTON AND QUINCY RAILROAD.			
From Princeton to Chicago	$0 60	$0 50	$0 15
From Kewanee to Chicago	63	53	21
From Galesburgh to Chicago	70	60	23
From Burlington to Chicago	65	50	20
CHICAGO AND ROCK ISLAND RAILROAD.			
From La Salle to Chicago, (100 miles) as above			
From Annawan to Chicago	60	50	15
From Tiskilwa to Chicago, (125 miles)	50	40	15
From Henry, (on Peoria branch of same road and about same distance as Tiskilwa, but on Illinois River and in competition with canal)			9 to 10
NORTHWESTERN RAILROAD.			
From Dixon to Chicago, (100 miles)	50	45	18
From Morrison to Chicago, (125 miles)	62	56	21
ALTON AND SAINT LOUIS RAILROAD.			
From Chicago to Bloomington, (120 miles)	50	45	15
From Chicago to Lincoln	65	55	18

The amount of the difference of the cost of transportation between the all-rail line and the water line is arbitrarily added to the price for taking it to the water, and the distant producer is thereby deprived of the benefit of the water lines, and the water lines cannot produce sufficient competition to alone remedy the evil.

There is but one remedy, and that is in the action of this Congress; not in the doing of a violent thing, but by giving, as is proposed in this bill, some of the protection thrown around the citizen by the clearest principles of the common law; by the performance of one of the most obvious duties we owe as the representatives of the people under the Constitution and our oath; by the exercise in this great emergency of the power conferred by the States upon the Federal Government to regulate commerce among the different States. If we do our duty we will find and enforce an effective remedy.

Mr. Speaker, I thank the House for the courtesy and attention given to my remarks. Firm in my convictions of the right, and zealous in the advocacy of that right, I cannot but believe that the House will, as it ought to, act favorably on this proposed remedy. Again thanking the House for the consideration shown me, I resume my seat.

Carpenter's Painting of the Signing of the Proclamation of Emancipation.

SPEECH OF HON. R. HOLLAND DUELL,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

March 7, 1874,

On the joint resolution in regard to Carpenter's painting of "The Signing of the Proclamation of Emancipation."

Mr. DUELL. Mr. Speaker, I desire to address a few remarks to the House in support of House resolution No. 66, introduced by the gentleman from Ohio [Mr. MONROE] on the 2d instant, and referred to the Committee on the Library. It is in these words:

Joint resolution in regard to Carpenter's painting of "The Signing of the Proclamation of Emancipation."

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Joint Committee on the Library are hereby instructed to make inquiry, and report to the House, whether Carpenter's painting, known as "The Signing of the Proclamation of Emancipation," can be purchased by the United States, and if so, at what cost.

At the last session of the Forty-second Congress I had the honor to propose a resolution of inquiry upon the same subject, but although the Joint Library Committee were unanimously in favor of the purchase of the painting referred to, the proposition failed then for want of time. I thank the gentleman from Ohio [Mr. MONROE] for introducing this resolution now, and I earnestly hope that Congress will make the necessary appropriation at an early day, to the end that this great historical painting may become the property of the United States and be placed, along with other historical paintings, in the Capitol of this nation.

I need not say that the promulgation of the proclamation of emancipation, giving freedom to four million human beings, was second in importance only to the Declaration of Independence. It was a thing well worthy to be made the subject of a historical painting, and that, too, for preservation in the art archives of the nation.

Mr. Carpenter has wisely chosen the one scene by which he could best embody and preserve the memory of the great event; and he has succeeded in rendering the scene and its actors with rare fidelity. He has achieved a historical painting in every worthy sense of that often-abused term. You see before you the old, familiar, plainly furnished room, where our statesmen so often met in council. It was the room wherein Mr. Lincoln and several of the Presidents who preceded him held their Cabinet meetings. There is where the late martyred President, during his wise administration of the Government, toiled and suffered through the long, wearisome years of our national agony. Up and down that room was heard the pacing of his tireless feet deep into the night of sorrow that followed some grave disaster to the arms of the Republic; and out of that room he would emerge with the light of hope and faith upon his furrowed face after some tidings of success.

The grouping of the eight figures in this painting is artistic and admirable, while the faces upon this canvas are life-like and natural. There is Mr. Blair, the Postmaster-General; it is a good likeness today in spite of all the changes time has wrought. There is the rugged honesty of Mr. Bates, the Attorney-General, the legal adviser of the darker days of Mr. Lincoln's administration. There is Caleb B. Smith, to whom the vast interests of the Interior Department were then confided. There is the venerable figure of Mr. Welles, under whose management, whatever his critics may say, our Navy wrought the quickly succeeding miracles of a war which rendered all old-time sea-fighting obsolete. There may be seen the intellectual and dignified Chase, our late Chief Justice, in whose brain our existing financial system took form, and to whom the care of the national purse came as a summons for the exertion of almost superhuman power. There, too, in the foreground of the picture and of the occasion, are the figures of Seward and Stanton, the pen and the sword, the wisdom and the right arm of Lincoln's Presidency. The man whose subtle prudence and profound statecraft kept Europe at bay, while his coworker in the War Department wore his strong heart out and freely wasted all life and strength in presiding over the management of our armies, there they are, drawn to the life, and all but speaking for themselves.

So much for the Cabinet as represented in this picture; but I almost hesitate to speak as I would of the central figure of all. The grief of the nation is still fresh over the untimely end of the lamented Lincoln. His tomb in after times will be a shrine for the pilgrimage of freedom's votaries, and upon his grave the future patriot will rekindle the dying flames of liberty. And when his enemies shall be forgotten, and their memories perish from among men, it will be said of Abraham Lincoln that he—

> Hath borne his faculties so meek, hath been
> So clear in his great office, that his virtues
> Will plead like angels, trumpet-tongued, against
> The deep damnation of his taking off.

There is no other such portrait of Lincoln as the one found in this great painting by Carpenter; no other which began and grew under his own roof with daily studies by the artist, in free and careless moments, such as no other could or did ever have. There is not to my knowledge any other portrait than this which gives so truthfully the prevailing melancholy of that rugged and powerful face, with the added intensity of meaning in the sad, far-seeing eyes, which the deep thought and feeling of such an hour would surely bring. So satisfied was Mr. Lincoln himself with this and the other portraits upon this canvas, and so deeply did he feel the national import and future interest of the occasion, that it was his own earnest wish, as I am informed, that this work should eventually become the property of the nation, as we are proposing at this time.

The original paper of the proclamation as shown upon the canvas is not now in existence. It passed from Mr. Lincoln's hands to the possession of Mr. W. O. Stoddard, formerly assistant private secretary of Mr. Lincoln, and some months after it was presented to the patriotic fair at Chicago, to be sold for the benefit of our wounded soldiers; bought at a high price, and presented to the Chicago Historical Society, it perished amid the pitiless devastation of the great fire, as this picture itself may very probably perish if left to the uncertain protection of private ownership. The paper itself is gone, and so are six of the eight men who met that day to listen to its first reading. Welles and Blair yet remain for a time, but Lincoln, Seward, Chase, Stanton, Bates, and Smith, have passed away from among the generation for which they worked so unselfishly and so well. No reproduction of this picture, no rival work, no similar pictorial trophy of the time and the event is therefore possible. This painting is, and must forever be, absolutely unique and unrivaled, for it is the truth itself concerning the men whom it represents and the mighty deed they did.

The practice has been established, and had its inception at the

completion of the Capitol, that it should from time to time be ornamented and embellished with works of art. The popular conviction now is, however, that such productions of the sculptor's or the painter's genius as found a shrine in this, our nation's gallery, should be confined to literal representations of men or of events whose prominence in our national history would fairly warrant such special commemoration. The very few exceptions to this rule in later days do but emphasize the propriety of its observance. With regard to this picture, then, I would suggest that the history of the Anglo-Saxon race has given the world three great state papers, never to be forgotten, difficult to overestimate. They are Magna Charta, the Decaration of Independence and the Proclamation of Emancipation. Even political partisanship can hardly now be found so bitter as to deny the equal rank of the latter as marking an era of our history; hardly any to refuse a feeling of pride in its world-wide honor and influence.

Allow me, in conclusion, Mr. Speaker, to submit this question for the consideration of the American Congress. Not undervaluing any other embellishment of the Capitol, before what painting or sculpture within these walls, if this painting shall be here, will the people of the next and of all succeeding generations linger with most of genuine interest and with the deepest throbs of patriotic feeling? Will not black and white alike, the gray-headed and the young together, turn from fanciful, from legendary, from doubtful representations, to stand before Carpenter's painting and say, "Here, at least, is truth; this was painted on the spot, and is a reality?"

Legislative and Judicial Appropriations.

SPEECH OF HON. S. W. KELLOGG,

OF CONNECTICUT,

IN THE HOUSE OF REPRESENTATIVES,

March 11 *and* 14, 1874.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. No. 2064) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1875, and for other purposes—

Mr. KELLOGG said:

Mr. CHAIRMAN: I should not have sought the floor on this occasion had it not been that, under the order of the House, I have been for a few weeks past investigating to some extent a large portion of the subjects embraced in this legislative appropriation bill. Under that order of the House I have undertaken, as one of a sub-committee of the Committee on Civil Service Reform, to do what the distinguished gentleman from Massachusetts [Mr. DAWES] said, in his able speech a short time since, ought to have been done years ago, and which had not been attempted by him or by any other member of the House during nearly twenty years of his service here.

I do not know whose fault it was that we have been going on year after year, as gentlemen have told us, with two thousand or more employés in the Treasury Department without law, or rather without any authority of law, except what is found in the successive annual appropriation bills. It certainly was not the fault of the one hundred and eighty new members of the House. It certainly was not the fault of those of us who have been here for one or two Congresses past, but who have never until this session been upon any committee that brought them in contact with the Treasury Department.

This session, under the order of the House, the Committee on Civil Service Reform, if they do not accomplish anything else, have undertaken in good faith to investigate the different Departments, and to find out what is necessary by law for each Department. And the sub-committees will in due time report bills for such Departments as, in our judgment, need reorganizing. We are endeavoring to do this thoroughly, having due regard to all the requirements of an effective and sufficient working force in the Departments on the one hand, and a judicious and thorough economy in the administration of the Departments on the other. If our work, when done, is as good as our intentions and efforts are to do the work well, we trust we shall have the cordial support of the House in carrying it into effect as a law.

Now, in regard to the bill before the House, I have read it with care, for it embraces nearly all the appropriations in regard to the Treasury Department. I have also read Report No. 139 that accompanies the bill, being mainly the testimony taken by the Committee on Appropriations; I have read that report with a great deal of interest and care. I will say this for that committee: able as its members are, and well as they do their work, in my judgment it will be utterly impossible for them to carry out the rule which my colleague, who has just taken his seat, [Mr. STARKWEATHER,] has announced they have adopted, of cutting down one-fourth or one-eighth the force of every Bureau in the Department without regard to its necessities; putting them all upon a Procrustean bed, and cutting the legs of each just short enough to fit it, whether they can bear it or not. I think that gentlemen will find, in the course of the discussion upon the details of this bill, that reductions have been made in some places in the Treasury Department beyond what the interests of the civil service will justify.

I do not look upon it as good civil service to impair the efficiency of any one of your Bureaus or Departments, or to fix the salaries of those in charge of them so low that you cannot get men who will discharge their duties with competency, efficiency, fidelity, and honesty. It is not good civil service reform and economy to cut down any Department or any Bureau so much that the work cannot be done promptly and well, or to pay the officers so small a salary that you cannot get proper and suitable men to fill the places. But it is good civil-service reform, if we can find any useless offices, to abolish them. Wherever we can find an unnecessary or a useless office, we should strike it off. But we should pay those whom we are obliged to employ so that they can discharge their duties honestly and faithfully, and not feel that they must do something else to keep the wolf from their doors.

The Civil Service Reform Committee have been investigating the Departments for this purpose. We have agreed to report a bill to abolish those useless appraisers that the gentleman from Massachusetts [Mr. DAWES] spoke of in his excellent speech awhile ago, although he was chairman of the committee that had that branch of service under its charge all the last Congress. Nor was it his speech that led us into that investigation, as our reply made in January from the Treasury Department, in answer to inquiries from our committee, and made two weeks before the speech of the gentleman from Massachusetts, will show.

I find, in looking over this bill, that there has been a very handsome reduction from the amount of appropriations last year and the estimates for this year. There ought to be a reduction. The bill which I have nearly prepared for reorganizing the Treasury Department reduces the appropriations of last year some $300,000 or more, and dispenses with some three hundred and odd clerks and employés. But it does not make a general cutting down of one-eighth, in every Bureau and division, without regard to its necessities.

Mr. NIBLACK. I wish to ask the gentleman whether, after the examination he has given this subject, he is not fully convinced that no intelligent reduction can be made in any Bureau or Department, without the active co-operation of the head of that Bureau or Department?

Mr. KELLOGG. Certainly; I agree with the gentleman there. But I have found the Treasury Department entirely willing to make all possible reductions consistent with the efficiency of the service.

Mr. NIBLACK. I concur with the gentleman entirely that indiscriminate cutting down by a committee of this House is not necessarily a measure of reform.

Mr. KELLOGG. It will not bear the test of the practical working of the Department to cut down its force in every Bureau in the same proportion.

I think the gentlemen of the committee will in some places correct their own bill.

I find here that the appropriations by this bill for the Treasury Department proper were last year $2,351,880. This year the Department asked in the estimates $2,384,260—an addition of a little more than $30,000. But the committee have cut down this item to $2,028,720. This is not all.

The expenses of the national loan are for the first time taken out of the permanent appropriations and placed in the form of specific appropriations in the general appropriation bill. The expenses of the national loan are one of the permanent appropriations heretofore spoken of, and of which the gentleman from Massachusetts [Mr. DAWES] complained in his speech a short time since. But this branch of expenditures was made a permanent appropriation, I believe, in the Forty-first Congress, when the gentleman himself was chairman of the Committee on Appropriations. The expenses of the national loan last year were $2,806,000. The permanent appropriation amounted to something like $5,000,000, if I remember rightly; but only the amount I have named was used. This year the Department itself proposed a reduction of almost $600,000, their estimate being $2,236,589; but the committee proposeto cut down the appropriation still lower, down to $2,151,413.50.

Right here I will say that these gentlemen of the committee, able as they are, have doubtless done all that men could be expected to do when charged with the preparation of so many appropriation bills. It is impossible for them, with all their labors, to go through every Bureau and division in the Departments and see for themselves which can bear reduction, and which require, for the prompt and faithful execution of their work, all its present force. This labor the sub-Committee on Civil Service Reform, of which I happen to be chairman, are trying to do, though our labor is by no means completed.

The Committee on Appropriations, in bringing this permanent appropriation into the body of the general appropriation bill, have included what has been known as the loan division in the office of the Secretary of the Treasury—a division through which, in the course of one year, $1,250,000,000 in Government bonds have gone to be examined, verified, canceled, or exchanged for other bonds; a division through which $750,000,000 in bonds passed during the last year.

[Here the hammer fell.]

The CHAIRMAN. One hour of the time allowed for general debate has expired.

Mr. GARFIELD obtained the floor.

Mr. KELLOGG. I hope the gentleman from Ohio [Mr. GARFIELD] will yield me the fifteen minutes left.

Mr. GARFIELD. O, I cannot do that.

Mr. KELLOGG. Well, ten.

Mr. GARFIELD. I yield to the gentleman ten minutes.

Mr. KELLOGG. It is useless for me to undertake to discuss this subject in less than half an hour. I know that after the eleven members of the Committee on Appropriations have gone through with the discussion of a bill, it is almost useless for any one outside the committee to undertake to speak upon the subject. After the stream of debate has ran through four or five leading men on our side, and two or three leading men on the other side, it becomes insipid, if not "stale, flat, and unprofitable." But I will do the best I can to say what I intended to say in the little time left me to-day.

The loan division, through which these millions of dollars in amount of bonds pass annually, the division to which every registered or coupon bond sold or exchanged by one of your constituents with another must be sent, is one of the most important in the Department. In such a division as that you must have ability, fidelity, and honesty. To that division $10,000,000 worth of coupons, cut from Government bonds, have come from the other side of the Atlantic in one batch within two weeks past. Yet the Committee on Appropriations propose to put this division in charge of an eighteen hundred dollar clerk. They have made no other provision for it. They do not even make a division of it. I say, sir, that such responsibilities ought not to be put upon any eighteen hundred dollar clerk in the land. It is not a fair compensation for such responsibility; it is not right. It is not good economy, nor is it good civil-service reform. I know the men in charge of that division. They are competent, faithful, honest men, who cannot stay there for any such salary as that.

So, too, of the Bureau known as the Bureau of Engraving and Printing. I think the Committee on Appropriations propose to cut down this Bureau more than it will bear. I never was in that Bureau until during the present session. I have recently been through it carefully with the sub-committee of which I am a member, and I believe there was not one of us who was not perfectly satisfied that it was the hardest-worked and poorest-paid Bureau in all the Departments of the Government, the employés getting but little more than enough to pay their board, as prices are at the cheapest boarding-houses in Washington, with scarcely enough left to keep themselves decently clothed from one end of the year to the other. Gentlemen will remember that he backs of the bonds and notes have been, and are now, partly printed in New York; then they are sent here, where the faces are printed in the Bureau of Engraving and Printing; then they pass through another process in the Bureau for the printing of the numbers; and then by still another process the seals are printed upon them in the Bureau. In addition to the currency and bonds of the United States Government, millions of dollars' worth of stamps are printed in that Bureau. All the sheets of currency and bonds have also to be separated, and prepared for use. For the labor in all this vast Bureau, embracing twelve or fifteen hundred employés, this bill proposes to appropriate the sum of $500,000 only. For printing the backs of the notes and bonds an appropriation of $625,000 is proposed in the bill, and $150,000 for transportation.

I have no time to allude to other branches of this subject; but I presume the gentlemen of the committee themselves will be willing to make corrections in some points when they come to the details of the bill. I have statements from many of the Bureaus and divisions of the Treasury Department as to the actual wants there; and expect to have like statements from the others, and examine them all carefully before the bill for reorganizing the Treasury Department comes up for action.

And now I have a few words to say to my friends on the other side of the House. In the speeches that have been made by them they seem to have followed the cue that has been taken up here, and attempted to prove that, within the last two years especially, there has been an immense increase in the number of Government employés, and a wonderful growth of extravagance in the administration of the Government.

The gentleman from New York, [Mr. WOOD,] in his speech on Saturday last, took the Blue Book, and from it, as he claimed, gave us the tables showing the wonderful increase in the number of employés since 1859, and in the last two years. Looking at the tables, I find that in 1859, during Mr. Buchanan's administration, the number of employés in the civil service of the Government was 44,527, if he has given them correctly. Turning to 1871, twelve years later, I find that the whole number of civil employés of the Government amounted at that time to only 57,605, according to his tables—an increase of only a little more than one-fifth. In view of all the vast interests that have sprung up in recent years, all the interests growing out of the war, I say that no nation on the face of the earth can show a greater economy in the increase of its civil employés under similar circumstances. To talk about its being practicable that the expenses of the Government should be no more to-day than they were in the days of James Buchanan, or at any period before the war, is absurd. You might as well compare the expenses of a couple when newly married with their expenses fifteen or twenty years later, when they have a family of six or eight children around them. [Laughter.] There is just as much difference in the position to which the country has grown; especially when we look at all the pensions, and all the work on bonds and currency, and other expenses that have grown up in consequence of the late war.

A few words more about my neighbor's Blue-Book tables, which he read with so much gusto. He says that in the Blue Book there were eighty-six thousand and odd names in 1873. How does he make it out?

I turn to the Blue Book, and I find that in the War Department he has given us the number of sixteen hundred and sixty-six; and although he designated it as the civil-service list—and that is the way it was spoken and the way it now reads in the RECORD—yet there are less than one thousand on the civil list of the War Department. How his figures were made, and who made them, I do not know. He must have included some of the officers of the Army, and perhaps he included even the cadets at West Point.

And so it was in reference to the Navy Department. He states there are eighty-two hundred and forty-one in the civil service of the Navy Department. I confess those figures somewhat startled me. He says he got them, or they were got, from the Blue Book. A glance at the book will show there is no such number there as the gentleman has indicated.

And I find another interesting fact, in a hurried examination of the book. Turn to this Blue Book, and take it as the gentleman brought it in here. Out of the one thousand and twenty-two pages of that Blue Book, six hundred and sixty-eight pages are taken up with the Post-Office Department alone, and only three hundred and fifty-four pages are given to all the other Departments of the Government. How have the officers in the Post-Office Department increased? Hundreds of pages are given to small postmasters, to route-agents, letter-carriers, postal clerks, &c. The number has increased from year to year until they have grown up to such an extent as to cover these hundreds of pages of this Blue Book. Gentlemen here know how this has happened. It is because of the increase of mail facilities; because of cheap postage and daily mails all over the country. Without the present mail facilities you could not get your mails through New York City. If you would cut down the system from what it is, it would be impossible to get your mails through New York City for a single day. We have traveling post-offices on every great line of railroad. Everybody here knows you could not do it, if you should return to the old system. The chief increase during the last four years, as the statement of the gentleman from New York has shown, has been in the Post-Office Department.

Mr. PACKER. If the gentleman from Connecticut will allow me I would like, in this connection, to make a further correction of the figures taken by the gentleman from New York [Mr. WOOD] from the Blue Book.

Mr. KELLOGG. I will yield to the chairman of the Committee on the Post-Office and Post-Roads.

Mr. PACKER. The gentleman from New York, [Mr. WOOD,] in his speech on Saturday last, stated the "number of the employés of the Post-Office Department as 495 at Washington and 59,730 elsewhere, making a total of 60,225."

The truth is there were, at the commencement of this fiscal year, in the Post-Office Department in this city, but 354 employés, including all the clerks, laborers, and watchmen, &c.; and all the other officers and agents throughout the entire country, including postmasters, contractors, clerks in post-offices, letter-carriers, route-agents, railway-post-office clerks, mail-route messengers, local agents, and special agents, were but 46,656; making a total of 47,010, instead of 60,225 as stated by the gentleman from New York. The Blue Book gives the names of all persons employed, even for a fractional part of the year, and consequently includes the names of incumbents who may have died or resigned, as well as of those appointed to succeed them, and hence the gross inaccuracy of the gentleman's statement.

Mr. KELLOGG. That makes a difference of thirteen thousand and odd in the figures which were given the other day by the gentleman from New York, [Mr. WOOD.] I thank the gentleman from Pennsylvania heartily for his information. He is more familiar, from his position, with the Post-Office Department than I am. I could not see, unless the mail service had increased faster than I supposed, how it was possible that it could have run up from forty-three thousand to sixty thousand or more in two years.

I have something more in detail to say in regard to the tables. The gentleman from Massachusetts, too, gave us some tables—some seven or eight pages of them. I have some tables here, too, but I will not print them in my speech, with the exception of one or two of them. After we have had four or five speeches from leading gentlemen on the committee on each side of the House, in which are spread out at large tables of figures from our financial reports, it seems to me that we have as many figures as we ought to have in the CONGRESSIONAL RECORD. My head feels like an ant-heap of figures when I get through reading one of them. But the fact stands out as admitted by the gentlemen themselves in their speeches, that for the last two years of the administration of Andrew Johnson the average expenditures amounted to about $350,000,000 annually in round numbers; and that the increase ran up to $370,000,000 in 1868, and that then the expenditures run down to $290,000,000 while at the same time we paid off $400,000,000 in that period of the public debt.

[Here Mr. KELLOGG yielded the floor for a motion that the committee rise; when the death of Senator SUMNER was announced.]

SATURDAY, *March* 14, 1874.

The House, as in Committee of the Whole, having under consideration the bill (H. R. No. 1385) to regulate commerce by railroads in the several States—

Mr. KELLOGG. I ask unanimous consent for half an hour to com-

plete a speech which I commenced on Wednesday last—not on this subject.

The SPEAKER *pro tempore*. The House hears the request made by the gentleman from Connecticut, [Mr. KELLOGG.] Is there objection?

Mr. EDEN. I understood that this day was set apart for the consideration of the particular question of transportation.

The SPEAKER *pro tempore*. The Chair so understands, and if objection is made the request of the gentleman from Connecticut cannot be entertained.

Mr. KELLOGG. I am aware that it is only by the unanimous courtesy of the House that I can obtain the floor for the purpose I have indicated.

Mr. EDEN. I do not object to the gentleman's proceeding.

The SPEAKER *pro tempore*. If there be no objection, the gentleman from Connecticut will be allowed to speak on the subject he has indicated for half an hour.

There was no objection.

PUBLIC EXPENDITURES.

Mr. KELLOGG. Mr. Speaker, I thank the House heartily for this courtesy.

When I yielded the floor the other day, for the announcement of that sad event which shocked and startled all at this Capitol, and cast a shadow of gloom over all the land, I was proceeding to make some further remarks on the speech delivered on Saturday last, containing a vast amount of statistics, by the gentleman from New York, [Mr. WOOD,] who I am sorry is not now in his seat. But if I make any misstatements, I shall be very happy to meet him at any time on this floor, and to make ample corrections if such be necessary.

I have a few words more to say in regard to the Blue Book, from which the gentleman, as he said, drew his tables in regard to the Post-Office Department. I have given this matter a careful examination, and find that, as the gentleman from Pennsylvania [Mr. PACKER] kindly informed me while speaking, the gentleman has included in his list, as he gave it here, all the clerks in every post-office through the whole country, railway postal clerks—a class of officers unknown in 1859, with which he made the comparison—route-agents, mail-messengers, all the letter-carriers in every city in the land where the letter-carrier system has been established, some 400 of them in New York City alone, besides those in Brooklyn. If the gentleman when here seeks to bring in a bill to abolish this letter-carrier system in the large cities, especially in New York, I presume many of us will vote with him. But I submit it will give a wrong impression to the country, as the gentleman's speech was evidently calculated to give a wrong impression to the country, to compare this increase in the number of employés with the number of employés in 1859, before either of the systems of railway postal service or letter-carrier service was established. There are certainly none of either class in the Blue Book of 1859.

Then there are one hundred pages of the Blue Book given to mail-contractors. All the mail-contractors in the whole country are included in the gentleman's speech as civil officers. And, reckoning them 60 to a page, for often a name is repeated of a party having more than one contract, and there are not as many names upon a page as in case of postmasters or mail-agents, there are some 6,000 of those. Then there are at least 6,000 special-mail-service men; and those he includes in his speech in order to swell the list to the amount, as he claims, that it has been swelled to in the year 1873. I will read a few names from my own State as they stand at the head of the list: H. E. Allen, $4 compensation during the year ending June 30, 1873; J. Anderson, $2; G. L. Baker, $8.25; H. Ambler, $50; E. H. Bronson, $73; W. C. Beecher $30; J. S. Bunnell, $19; W. H. Binn, $2; and so on. And the highest but one in the whole list in my State received an amount of $300. That is an illustration of the manner in which the gentleman has swelled the list of the civil employés of the Government in the Post-Office Department. Every man or boy who is employed to pick up a mail-bag thrown off at a railroad depot, or from a stage at the door of a country tavern, and carry it across the street to the post-office, for which he receives five, ten, or twenty dollars a year, is put down as an employé in the civil service of the Government. How monstrously extravagant our civil service has become!

But the gentleman's figures were all wrong. He gave the increase, as was stated the other day, as being from 43,351 in 1871 to 60,225 in 1873. Now, Mr. Speaker, deducting these mail-contractors and the special-mail-service men, who cannot in any reasonable or fair sense of the term be called civil employés of the Government, there are just five hundred and twenty-eight pages left of the Blue Book taken up by the Post-Office Department; and if you reckon 80 names to the page, which is more than the average, there are not over 42,240 persons in the civil service of the Post-Office Department, including all the postmasters, all the post-office clerks in every post-office, railroad postal clerks, who did not exist in 1859, route-agents, letter-carriers, and all; and the number, as given by the gentleman's own table, of post-office employés in the service of the Government in 1859, when neither the letter-carriers nor these railway postal clerks existed, was, in Buchanan's administration, 38,234. The contractors and special-mail-service men were included then, as they are now; but their number was much smaller in 1859 than now. And the fact mentioned the other day by the chairman of the Committee on the Post-Office and Post-Roads, [Mr. PACKER,] who has the official figures all before his committee, shows that the gentleman from New York has got his figures 13,000 or more too high in any view of the subject.

So in regard to the Interior Department. The gentleman's table gives the number in the Interior in 1873 as 3,581. I have examined the Blue Book carefully. There are forty-eight pages in the Blue Book covered by the names of employés in the Interior Department. They are not printed as thickly as those in the Post-Office Department, and on comparison I find there cannot be over 70 names on the page. That would give 3,480, so near his figures that it is a little surprising to find it so. But sixteen pages of this portion of the Blue Book, or just one-third of it, are taken up with Indian agencies under the old treaties, all or nearly every one made before this Administration came into power. And in that list, forming one-third of what the gentleman calls the civil employés of the Government in the Interior Department, you will find every blacksmith, every blacksmith's apprentice, every laborer, every farmer, every workingman of any kind or character employed in every Indian agency all over the vast territories of this land. He has got every one of these persons included, and then the total does not come up to his number. And not only that, but in some of these Indian agencies, occupying one-third of his whole list of the Interior Department, he has got the Indians themselves in. I find such employés of the civil service as Little De Cora, Red Blanket, Little Bear, Big Bear, Big Bear's Brother, Gray Wolf, Yellow Bank, Fish Tail, and the like. There is a good part of a column of these Indians in the employ of the civil service in some way or other at one agency alone, and the gentleman calls them civil employés of the Government. Then, in another agency, I find such names as Joe Stine, Stick Joe, Jim Swail, Big Tom, and so on. Why, there are Indians running all through it. I find no Indians in the Blue Book of 1859. They had not civilized the Indians enough then to employ any of them in the civil service of the Government, even at the agencies on the remote frontier.

Mr. ELDREDGE. Why are they put in the Blue Book if they are not in the civil employ of the Government?

Mr. KELLOGG. I suppose they are employed in some way. "Jim Swail" is a herder; "Big Tom" is a farm hand; and "Fish Tail" is a policeman at his agency. I see by the book——

Mr. ELDREDGE. I do not suppose that the compiler of the Blue Book was deceiving the country or anybody.

Mr. KELLOGG. Not at all; but I am showing the character of a number of these employés, which makes such an extravagant increase of officials the last few years——

Mr. ELDREDGE. Is not the gentleman accomplishing this showing that there is an unnecessary number employed?

Mr. KELLOGG. No, sir. I do not know anything about the necessities of the Indian agencies under these treaties. They were established before this Administration. This Administration put its foot on every one of the Indian treaties, and refused to ratify them when they called for unnecessary expenses; but we are obliged to carry out the provisions of these old treaties and employ these men. I presume there are useless men employed at many of the agencies; but the law is, as the gentleman well knows, that we are obliged to employ such men as we have stipulated to employ under those old treaties.

But one word more about the Interior Department. There are some institutions which have been established in this District, and the officers and employés of these institutions are included here. For instance, there is the Government Hospital for the Insane in this District, and the compiler of the Blue Book has put in it every cook, and assistant cook, and laundress, and dairywoman, and chambermaid employed in that institution, and you will find their names here. Here are some of them: Johanna Fitzgerald, cook; Mary Anderson, chief laundress; Eliza Allen, laundress; Mary O'Day, dairywoman; Bridget Davis, table-girl; Eliza Crawford, chambermaid; and so on, and a great many of them. They are all included. Here is also the Columbia Institution for the Deaf and Dumb, and all its employés are included here, which does not appear at all in the Blue Book of 1859; and its employés are of the same description; and all used to swell the list.

Mr. ELDREDGE. Was it a democrat who got up that Blue Book in order to make it appear that too large a number of persons were employed?

Mr. KELLOGG. I do not know whether it was a democrat who got up the book; and I care not, if he did his work faithfully and well; but I am taking the speech of my friend from New York as he made it, comparing the Blue Book of 1873 with the Blue Book of 1859.

Mr. ELDREDGE. But supposing all that is so, because the Blue Book of 1859 did not contain the names of all the officers and employés, is that any reason why the Blue Book of 1873 should not contain them all?

Mr. KELLOGG. Not at all. The Blue Book of 1873 is correct, I presume; but I am only showing the nature of the work of many of the employés who are paraded as a monstrous list of Government officials. If the gentleman will not interrupt me too much, I will endeavor to make no statement but what is true by this book; and I will hold myself ready to answer my friend or any other gentleman on the opposite side in regard to its truth.

Now, a word as to the Department of Justice, where the gentleman from New York said there was an enormous increase, being from 304 employés in 1871 to 728 in 1873. That was one of the points in the table that struck me as astonishing, and I could not understand why such an increase should have been made in the Department of Justice.

But when I turn to the Blue Book I find that of the 728 names about 300 are Metropolitan police, besides the guards for the jails; and these Metropolitan police were not included in the old Blue Book. We have taken the District of Columbia under our supervision and government, and we have some 300 Metropolitan police around the city, now under the Government instead of under the District as formerly, and these have been brought in by the gentleman from New York in order to swell the number of civil employés of the Department of Justice.

But perhaps the most startling figures that he gave us the other day were those in regard to the Navy Department. He stated the increase from 1871 to 1873 to be from 201 in the former year to 8,241 in the latter year. How that could be in the Navy Department, I could not see; but in this case I have taken the Blue Book, from which the gentleman spoke, and had the names accurately counted; and I find that in the whole Navy Department, including not only the civil-service employés, but all the officers of the Navy Department, and all the officers in the Navy, from Admiral down to powder-monkey, if there is such an officer, including chaplains, boatswains, lieutenants, and midshipmen, and throwing in all the cadets at Annapolis besides, there are only 2,349 persons in all the Navy Department, at Washington and elsewhere. There are 131 employés in Washington, according to the Blue Book, but this includes the naval officers here; and yet the gentleman has sent forth to the country, in his table, that in the civil service of the Navy Department, in 1873, there were 8,241 employés. There were but 132 civil employés in the Navy Department, according to the Blue Book, and the gentleman from New York made a mistake of 8,110 in the list of the civil employés of the Navy Department alone. A small mistake for a reliable table of figures, given from the book!

Now for the War Department. I have had an accurate count made of the employés in that Department. The gentleman stated in his table that in 1859 the civil-service employés in the War Department were 336, and in 1873, 1,666. Now, I have had them accurately counted, as given in the Blue Book, at Washington and elsewhere, and not including the officers of the Army; for I find they are not included in the gentleman's table, because if they were they would swell the amount above 1,666. There are at Washington 478, and 514 elsewhere, making 992 in all. You can include West Point cadets and officers enough to make it up to 1,666 if you please; but we are talking about the civil employés of the Government. Compare the number of our Army in 1859 with the number and extent of the service of the Army in 1873 and show me where there is any extravagance in that increase.

Next comes on my list the State Department. That is one of the Departments which the gentleman speaks of as having naturally had a very small increase. He gave the increase as from 373 in 1859 to 464 in 1873. I have had the names accurately counted in the Blue Book in this case also; and I find that in order to make up his number he has included 91 of these centennial commissioners for which our friends from Philadelphia are responsible, and who are in the service of the Government without any pay whatever from the Government.

Mr. KELLEY. And whose traveling expenses and hotel bills are paid by the city of Philadelphia, out of its municipal fund, though they represent the United States.

Mr. KELLOGG. That is true. But those 91 commissioners are put in there to swell the number of civil-service employés in the State Department. I see, also, the seven gentlemen composing the civil service reform commission are in there; and that we all know is a new thing since the Blue Book of 1859.

The gentleman from New York, in the early part of his speech, when referring to the table of figures given in some speech or other, or in some such connection, if I caught his words right, said that "figures do lie confoundedly sometimes." I do not find those words in his speech as revised; perhaps the expression was not quite elegant enough to suit the gentleman's taste, in connection with the rest of his speech. But I submit to the House whether a better illustration was ever given of figures lying than the tables which the gentleman from New York was unfortunate enough to have prepared for him; for I do not suppose that he intentionally and knowingly had those figures so monstrously devoid of truth prepared purposely.

Mr. ELDREDGE. Does the gentleman from Connecticut charge the gentleman from New York with lying?

Mr. KELLOGG. Not at all. If the gentleman had paid attention to what I have just said he would not have asked such a question.

Mr. ELDREDGE. But that the tables lie?

Mr. KELLOGG. That is it. The tables lie. I do not claim that the gentleman from New York knew what these tables contained. Somebody, I do not know who, probably got them up for him.

Mr. ELDREDGE. If you are only accusing the tables of lying——

Mr. KELLOGG. That is all. I hope I have too much sense of propriety and too great courtesy to accuse any gentleman on this floor of anything of that kind. And that it may be plain that I have not misrepresented the gentleman from New York, I will publish right here, as a part of my speech, the tables which he gave us, with the context in his own language. Here it is:

I present herewith a series of tables gathered from the Biennial Register or Blue Book for the years named, which conclusively prove this. Indeed, a general extravagance and waste pervade each of the Executive Departments. The chairman, Mr. DAWES, has referred to some of them, but only to a few. I have followed the line of investigation, which he but began, and present a series of tables, carefully gathered from official sources, which show and prove this:

Statement of the number of employés borne upon the civil list of the United States from 1859 *to* 1873 *inclusive, compiled from the Biennial Register.*

Departments.	1859.			1861.			1863.			1865.			1867.			1869.			1871.			1873.		
	At Washington.	Elsewhere.	Total.	At Washington.	Elsewhere.	Total.	At Washington.	Elsewhere.	Total.	At Washington.	Elsewhere.	Total.	At Washington.	Elsewhere.	Total.	At Washington.	Elsewhere.	Total.	At Washington.	Elsewhere.	Total.	At Washington.	Elsewhere.	Total.
State.....	34	339	373	33	366	399	34	374	408	37	398	435	39	434	473	47	528	575	57	387	444	63	401	464
Treasury...	487	3,295	3,782	494	2,697	3,191	1,103	3,721	4,824	2,067	4,176	6,243	2,529	5,582	8,111	2,451	5,631	8,082	2,543	6,050	8,593	2,800	8,630	11,430
Interior.....	607	691	1,298	875	610	1,485	829	634	1,463	924	583	1,507	774	984	1,758	1,322	849	2,171	1,452	1,412	2,864	1,590	1,991	3,581
War.....	90	246	336	120	703	823	670	749	1,419	924	2,379	3,303	1,645	1,023	2,668	644	692	1,336	564	968	1,532	584	1,082	1,666
Navy.....	73	19	92	81	17	98	115	23	138	118	23	141	115	48	163	80	93	173	111	90	201	119	8,122	8,241
Justice.....	6	206	212	8	268	276	9	204	213	9	212	221	11	219	230	41	198	239	44	260	304	47	681	728
Post-Office .	101	38,193	38,294	107	39,506	39,613	160	38,574	38,734	173	40,971	41,144	234	42,189	42,423	289	41,057	41,346	426	42,925	43,351	495	59,730	60,225
Legislative	140	.....	140	164	.....	164	176	.....	176	173	.....	173	287	.....	287	285	.....	285	316	.....	316	325	.....	325
Total...	1,538	42,989	44,527	1,882	44,167	46,049	3,096	44,279	47,375	4,425	48,742	53,167	5,634	50,479	56,113	5,159	49,048	54,207	5,513	52,092	57,605	6,023	80,637	86,660

The gentleman brings in his indictment against the republican party at the close of his speech. The specifications run almost through a whole column of the RECORD, from first down to fifteenthly, inclusive, more heads than there used to be in an old-school sermon forty years ago; and it would take more divinity than was ever embodied in one sermon to sanctify such a speech as that. Here is the gentleman's language:

In conclusion, I present a series of allegations implicating this party. *I defy contradiction as to the accuracy and truth of every one of them.*

* * * * * * *

Fourthly. It has increased the civil list from 44,500 persons in 1860 *to* 86,660 *persons in* 1873.

But I have not quite done with the gentleman's figures yet. I will now turn to some of these other figures—to the very first table which the gentleman gave us, showing a large increase, as he claimed, of expenditures, the appropriations for 1873 and 1874, and the recommendations for 1874 and 1875.

The first item is that for the United States mints and assay offices. There is, as he claims, a larger increase in that item, a much larger increase, than in anything else in this table. The others are small. The gentleman has placed the amount appropriated for 1873 and 1874 at $762,180; and the amount recommended for 1874 and 1875 at $1,026,240. Those who have examined the reports know that this work has largely increased the past year. Now I find by examination that the gentleman from New York was evidently led into an error by this appropriation bill. The appropriation bill gives on the last page as the amount appropriated for that purpose $762,180. Now if the gentleman had tested his own figures, and had turned to the estimates, as given on page 26 of the Book of Estimates, he would have found that the actual appropriations for mints and assay offices last year were $953,472 instead of $762,180. Those are the figures given in the Book of Estimates, which comes with the voice of authority from the Treasury Department; and the person who made up these tables for him—if any one else made them up—led him astray by a mistake in the figures which were given on the last page of this appropriation bill.

Mr. GARFIELD. The figures given on the last page of the appropriation bill show what was appropriated in that bill only, and not in the other appropriation bills for last year.

Mr. KELLOGG. Certainly; that is the case exactly, and it shows how heedlessly the gentleman's figures have been prepared. But I find upon looking at the estimates that one item this year is $145,000 for the mint at New Orleans, which is estimated for the coming year, and which

was not in the appropriation bill of last year at all. Besides all that, the report of the Director of the Mint shows that down to last April a large proportion of the expenses of the Mint was paid out of what was called the cent-coinage fund; that more than $100,000 of the expenses of the mint at Philadelphia was paid out of that fund. But last year we changed the law, and the gentleman from New York advocated the change as he says, and voted for it. By that change of law, since the 1st of April of last year, this cent-coinage fund is turned into the Treasury of the United States, and the whole expenses of the Mint and assay offices are paid by appropriations directly out of the Treasury. That, I think, is a perfect answer to the gentleman's figures upon that point, and it shows a reduction rather than an increase of expenditures, though the work has increased and is rapidly increasing.

I suppose that the gentleman from New York, [Mr. WOOD,] in giving his statistics and figures, had not digested or examined them thoroughly to know whether they were correct or not. Probably they were made up for him by some clerk, or somebody else. But whoever did it overshot the mark; he made the charge altogether too heavy. The gentleman, in loading his blunderbuss to destroy the republican party for their extravagance, (for his speech was a veritable blunderbuss, so far as his statement of facts and figures was concerned,) ought to have remembered the fate of the old poet's marksman—

> Whose musket, aimed at duck or plover,
> Bore wide, and kicked its owner over.

Mr. ELDREDGE. I would like to know how it was in regard to the figures in New Hampshire—whether they were a "blunderbuss" that "kicked its owners over." [Laughter.]

Mr. KELLOGG. The figures from New Hampshire are right, of course; the smiling face of my friend over there from New Hampshire [Mr. PARKER] verifies those as right without any more interference of the gentleman from Wisconsin. But the figures of the gentleman from New York were made up for just about that time in New Hampshire; and I propose to have some of them corrected before there is an election in any other State. In my statements I have spoken by the book, and if gentlemen will find any mistakes in what I have stated, as found in this Blue Book, I will make ample retraction on this floor or anywhere else.

The gentleman from Pennsylvania, [Mr. RANDALL,] who is about the only man on that side of the House who has spoken upon the merits of the bill, and who treated it in a sensible way, told us something about what is called the "slush-fund" in the Treasury Department, and which has been used to pay an additional amount to certain important officers, so as to make their salaries sufficiently large to keep them there. Last year that fund in the Secretary's office was only $22,500, and in the Treasurer's office $8,500, making $31,000 in all.

Mr. ELDREDGE. I wish the gentleman would tell us what that "slush-fund" is. The name does not seem to explain it, and a great many do not understand what it is.

Mr. KELLOGG. I will tell the gentleman if he will keep quiet.

Mr. ELDREDGE. And then tell us whether that fund is not a part of the moneys of the Government.

Mr. KELLOGG. I will answer the gentleman if he will not interrupt me longer, for he is taking altogether too much of my time. It is a fund appropriated in the appropriation bills year after year for the purpose of enabling the Secretary and the Treasurer to add certain sums to the salaries of certain important officers in their Departments. Last year it was only $31,000, while during Johnson's administration, when McCulloch was Secretary of the Treasury, he had two hundred and fifty or three hundred thousand dollars a year for this very slush-fund given him by appropriation bills.

Mr. ELDREDGE. That is back pay, is it not?

Mr. KELLOGG. No, sir; it is not back pay; it is addition to the regular pay, which was fixed by law when prices were low, long before the war. I admit it is the wrong way to do it, and we will try to make it right by making the salaries what they ought to be by law, without these extra additions. It works in this way: The Treasurer obtained the services of a cashier, one of the most valuable men in the Department. His salary was $2,800 a year by law. A little bank out in Omaha offered him $3,800 a year and took him away. When this fund was given to the Treasurer he took $1,000 of it and added it to the regular salary, making it $3,800 a year, and got the cashier back again. That is the way it has been applied. We propose to change it all, to abolish the whole of this slush-fund, and to pay each man a proper salary to be fixed by law. Instead of this slush-fund being anything chargeable to this Administration, during the last three or four years the Committee on Appropriations have reduced it from $300,000 a year down to $31,000.

Sir, the expenses and increase of force in the Treasury Department have not kept pace with the increased amount of labor that the results of the war and the growth of the country have thrown upon that Department. There is a willingness to reduce expenses there as far as it can be done safely and with justice to the service. As I said in reply to the gentleman from Kentucky [Mr. BECK] the other day, that Department has cut down its number of Bureaus and divisions largely since 1868. The Secretary has reduced in his office the number from twenty-three to twelve, namely:

The following is a list of the divisions or Bureaus which existed at the close of the Johnson administration: Appointment, Civil Warrants, War and Navy Warrants, Public Debt Statement and Finances, Sub-Treasury, Revenue Marine, Internal Revenue, Stationery, Printing, Libraries, Special Agents, Steamboat Inspection, Files and Binding, Note, Loan, Miscellaneous, and seven Customs Divisions, as follows: Warehouse, Fines and Forfeitures, Rates of Duties, Navigation, and three Law Branches.

Under the reorganization of 1869, these were consolidated, and now exist as follows: Appointment, Warrant, Independent Treasury, Customs, Revenue Marine, Internal Revenue, Navigation, Record and Files, Stationery and Printing, Mail, Note, Loans.

I did not intend, Mr. Speaker, to publish any of these tables, which are official, and I will not publish any of them now except one, which will show the increase of labor and expenditures as compared with the increase of force in the office of the Auditor of the Treasury for the Post-Office Department from 1864 to 1873, inclusive. They were prepared with care at the Department, and not by myself. Any one by examination at the Department can test their accuracy. The table is as follows:

Comparative statement showing the force employed, the business transacted, and the annual rate of increase in the office of the Auditor of the Treasury for the Post-Office Department from 1864 *to* 1873, *inclusive.*

Years.	Number of employés.	Amount involved in postal settlements.	Amount involved in money-order settlements.	Rate of increase of employés.	Rate of increase of postal business.	Rate of increase of money-order business.
1864	135	$25,083,039 98	Not in operation	.....	.....	.....
1865	140	28,250,886 98	$2,652,094 74	3.7	12.6	.....
1866	141	29,739,065 51	7,829,098 77	.....	5.3	195.2
1867	141	34,472,510 33	18,207,202 43	.....	15.9	132.5
1868	140	39,023,193 45	32,174,359 58	.....	13.2	76.7
1869	165	42,042,642 22	49,295,435 95	17.8	7.7	53.2
1870	165	43,771,058 28	67,712,924 98	.....	4.1	37.4
1871	165	44,427,149 50	83,869,785 06	.....	1.5	23.9
1872	173	48,573,618 68	96,557,938 60	4.8	9.3	15.1
1873	198	52,081,687 24	114,416,565 92	14.4	7.2	18.5

Total amount of business transacted	$860,180,257 76	
		Per cent.
Average annual increase of employés		4.5
Average annual increase of postal business		8.5
Average annual increase of money-order business		61.4
Average annual increase of entire business		69.9
Increase of employés since 1865		41
Increase of postal business since 1865		85
Increase of money-order business since 1865		4,214.2
Number of post-offices in operation July 1, 1864	19,976	
Number of post-offices in operation July 1, 1873	33,511	
Increase in post-offices since July 1, 1864		67.8

As to the gentleman from Kentucky, [Mr. BECK,] I will omit to say some things I would have said if he had been here. The gentleman from Ohio, chairman of the Committee on Appropriations, has pretty well disposed of a large part of his speech. He gave us the same old speech that he has given us for five years in succession, and sometimes two or three times a session, with a few additions; a speech reiterating the same charges of extravagance, which he always tells us he is going to prove. Why, sir, take this legislative bill, and you will find that the only place in which the Committee on Appropriations have not made a large reduction in the expenditures of the Treasury Department is in the Internal Revenue Bureau, which the gentleman from Kentucky himself examined, and upon which he made a report to the committee.

One thing I thought he was going to neglect. He began to tell us again about the decline in the shipping interest, and he went on in the same strain in which he has indulged every year for the last five years. But, sir, if he had turned to the finance report, he would have found that during the last year the increase in building of the shipping interest has been almost tenfold what it was the year before. They are building ships now in Maine; they are building ships on the Delaware at Chester; also at Wilmington and other places. During the last year the amount of tonnage built has been nearly ten times what it was in the previous year. I give him an extract from the report of the Secretary of the Treasury, page 23:

The increase in ship-building in the country is decided. Official numbers were awarded by the Bureau of Statistics to 1,699 vessels of the aggregate tonnage of 313,743 tons, while, during the year preceding, the addition to our mercantile marine was only 38,621 tons. Since the close of the fiscal year still greater activity has prevailed in the ship-yards on the Atlantic sea-board. From the 1st of July to the 1st of November documents have been issued to 1,288 completed vessels of 181,000 tons in all, while such returns as have been received, incomplete as they are, indicate that there were building in October last 386 vessels of the tonnage of 177,529 tons; including 69 steamers with a tonnage of 67,007 tons, of which 18 iron steamers with an aggregate of 38,492 tons are in course of construction on the Delaware.

The gentleman from Kentucky admits that the tables given in the speech of the gentleman from Massachusetts [Mr. DAWES] were, in general, right. Sir, that speech, when corrected at the suggestion of the gentleman from Ohio, [Mr. GARFIELD,] shows that the expenses of the Government have been reduced from $377,000,000 in 1868, to $290,000,000 last year, in round numbers. The expenses last year were only $290,345,245.33, aside from the sinking fund, as the gentleman from Kentucky admits.

I quote the table of expenditures as given in the speech of the gentleman from Kentucky on page 14 of the RECORD of March 8:

Year.	Expended by administration.
1867	$357, 542, 675 16
1868	377, 340, 284 86
1869	322, 865, 277 80
1870	309, 653, 560 75
1871	292, 177, 188 25
1872	277, 517, 962 67
1873	290, 345, 245 33
Totals	2, 227, 442, 194 82

The river and harbor improvements, and the increase in expenditures on public buildings, will account for a part of the increase over 1872, in the year 1873. The gentleman from Kentucky [Mr. BECK] said also that "the Secretary of the Treasury has used a fund of three millions a year in organizing Bureaus and chiefs of staff all through the Treasury Department," referring to the "slush-fund," I suppose, which I have already shown is only $31,000, under the present administration of that Department. And in his second speech, made four days after that of the gentleman from New York, when he ought to have examined the figures before he indorsed them, he used the following language near the close of his speech:

The gentleman from New York [Mr. WOOD] showed conclusively in one of his tables the other day, if anything were needed further to prove what I have stated, that all ordinary expenditures are rapidly increasing to an alarming extent.

If he always indorses paper so recklessly, he will need something more than an increase of salary to honor his indorsements.

Now, the figures as given in the speech of the gentleman from Massachusetts, [Mr. DAWES,] and which the gentleman from Kentucky admits to be correct, and requotes, prove that the expenses of the Government, instead of increasing have been constantly diminishing from year to year down to 1873. We have cut them down something like $70,000,000 or $80,000,000 within the last six years; and at the same time, as these other tables show, we have reduced the public debt nearly $400,000,000, and have cut off about $40,000,000 of annual expense in the way of interest, &c. When gentlemen on both sides admit these figures, I am not to be frightened from my propriety by any charge that the present administration is more extravagant than any other.

I notice that a leading paper of New York City on Monday last, following up the speeches of the gentleman from New York and the gentleman from Kentucky, gave the following table, among others, to show the enormous increase in the expenditures of the Government. It is taken from pages 16 and 17 of the tables annexed to the last annual report of the Secretary of the Treasury. For simplicity round numbers are given for the figures below the hundreds of thousands:

Year.	Army.	Navy.	Pensions.	Interest.
1866	$283, 200, 000	$43, 300, 000	$15, 600, 000	$133, 100, 000
1867	95, 200, 000	31, 000, 000	20, 900, 000	143, 800, 000
1868	123, 200, 000	25, 800, 000	23, 800, 000	140, 400, 000
1869	78, 500, 000	20, 000, 000	28, 500, 000	130, 700, 000
1870	57, 700, 000	21, 800, 000	28, 300, 000	129, 200, 000
1871	35, 800, 000	19, 400, 000	34, 400, 000	125, 600, 000
1872	35, 400, 000	21, 200, 000	28, 500, 000	117, 400, 000
1873	46, 300, 000	23, 500, 000	29, 400, 000	104, 800, 000
1840	7, 100, 000	6, 100, 000	2, 600, 000	175, 000
1850	9, 700, 000	7, 900, 000	1, 900, 000	3, 800, 000
1860	16, 500, 000	11, 500, 000	1, 100, 000	3, 100, 000

Now, sir, it is only necessary to remark, that of course such items as pensions and the interest on the public debt must have greatly increased since the war.

In my remarks to-day I have spoken, as I have said, by the book—the same book which has been referred to by the gentleman from New York, and which he held in his hand when speaking; the book from which have been taken, as was claimed, the statistics which have spread, as my genial friend from New Hampshire [Mr. PARKER] is aware, all over his State, and which are spreading all over the country. I have sought to make some corrections in these figures.

The able speech of the gentleman from Massachusetts, [Mr. DAWES,] which has led to these other speeches, has been the means, perhaps, of misleading some people in the country as to whether extravagance was on the increase in the Government or not. Several days after that speech was made, the New York Tribune—I believe that was the paper, the same from which I have quoted the table—said that two or three leading men on this side of the House, together with my humble self, were preparing to answer it, and were going to engage in the work of "stoning a prophet." Stoning a prophet! Why, sir, if the gentleman from Massachusetts himself were here, he would say, from what he knows of me, that instead of throwing a stone at him, I would throw around him the arms of encircling love. I have loved him long; and he knows it. I have admired him from the time when, as a boy, I rode over the hills in Western Massachusetts to hear him lead off in the lyceum debates in the village of the county in which we lived. Ever since that time I have admired him and his speeches. Only, as he grows older, he grows, I think, somewhat despondent; and is disposed to be frightened as to the future of the country. I think this vein of despondency runs through his recent speech. He gets the blues on about once in two years, when he makes his biennial speech.

The great thing in that speech liable to mislead was his stretching a drag-net over all the expenditures of the Government, the necessary and permanent expenditures which have been heaped up by the war, and which we in recent years under his administration and under other leaders in the House have been steadily reducing. He stretched a drag-net over them all. He piled them up like a mountain mass before our eyes, and frightened the House and the country by their magnitude.

I will say, however, when that speech is carefully studied, it will produce good, in my judgment. It will produce good if it will lead us to a judicious economy in all the expenditures authorized by this Congress. I agree with every one of his conclusions most heartily, that we should not have an increase of the public debt, that we should not resort to any forced loans to meet our current expenditures, but that we should cut down our expenditures by a judicious and careful discrimination, so as to bring them within our revenues during the year that is to come. I believe that he and all of us are now satisfied that we can do this.

I thought at the time the gentleman from Massachusetts rose in his place in December last to announce that there was danger of forty millions more of taxation, that it was unnecessary to alarm the country by saying we might have to impose forty millions more of taxes. I thought then, also, and think now, that any new loan is unnecessary; and that no more taxation is necessary. The country was, and has been, alarmed by it; and it has brought business to a stand-still in some parts of the country in the articles that were proposed for taxation. No man knew what to do, whether to buy or sell, when an uncertainty was hanging over him on this matter of taxation. I believe the RECORD shows that I rose in my place at the time, and suggested that there was no need of sending back the estimates for revision; and the result has proved this to be true. We could have cut down the estimates on the public buildings and other matters ourselves, without alarming the country. And what has all this debate been about? Simply upon the two little bills to repeal the taxes on matches and bank-checks; bills which the Committee on Ways and Means reported unanimously against, and which reports would have been accepted without debate if the committee had not put them at the head of the Calendar.

Few of us would have thought of taking off those taxes this session in the state of the Treasury after the late panic. I trust they will both come off the next session. Both these bills were introduced by me at the last Congress, as well as by others. I did not introduce them this session, in view of the condition of the Treasury. Both of these taxes were repealed by both Houses of the last Congress, and ought to have staid repealed, instead of some other taxes that were taken off. Both of them were put back again by three men in each House, in a committee of conference, contrary to the recorded will of the American people, as expressed by a vote of their representatives in both Houses—a practice that I propose to say something more about before the session closes. And yet gentlemen have been making their speeches upon these little bills, reported against unanimously, for a month—ever since the gentleman from Massachusetts led off in the debate.

Why were these bills placed at the head of the Calendar, before the forty-four million bill, and before the bills for settling the question of the currency? You alarmed the country with the question of more taxes, and the business interests of the country have been paralyzed all winter with the uncertainty of our action upon the question of the currency. We upon this floor, outside of two or three leading committees, have no power over these matters; we cannot say which bill shall be reported first, and which shall go to the head of the Calendar, and we are not privileged to report at any time, as they are. I believe the country desires action at once upon the question of the currency; it wishes to know, at least, whether we will take any action upon it, whether we will increase it or leave it as it is. And if we do not take action soon, I believe that if we could under the law pass appropriation bills for two years within a few days, and adjourn and go home, with no power on earth to call us together for two years to come, it would be a blessing to the country; for it would leave the business men of the country to work out their own salvation, as they would know better what to do than now.

A New Territory.

SPEECH OF HON. M. K. ARMSTRONG,

OF DAKOTA,

IN THE HOUSE OF REPRESENTATIVES,

March 14, 1874,

On the bill to create a new Territory out of the north half of Dakota.

Mr. ARMSTRONG. Under instructions of the Territorial Legislature of Dakota, I introduced a bill in the early part of the last Con-

gress, providing for the organization of a separate territorial government out of that portion of Dakota north of the forty-sixth parallel. Notwithstanding the urgent memorials of the Legislature of that Territory upon this subject, Congress has thus far arrived at no definite action in the premises, and the bill is again before the present Congress, backed by the petitions of thousands of citizens residing in the northern part of said Territory.

The only objection raised to the bill in the last Congress was that the proposed new Territory was too thinly settled and too poor in wealth and development to warrant self-government.

These objections, sir, have in a good measure been removed within the past year, and cannot now be fairly urged against the present bill.

Two hundred miles of the Northern Pacific Railroad have been pushed westward across that Territory from the fertile valley of the Red River to the navigable waters of the Upper Missouri. Two newspapers are published in the proposed Territory, and stirring and enterprising towns have been built up at Fargo, Jamestown, and Bismarck on the said railroad, while immigration and settlement are rapidly filling up the accessible river valleys. Steamboats navigate the Red River nearly two hundred miles into the proposed Territory, returning with thousands of tons of freight for the Hudson Bay settlements; while along said stream in Dakota new towns and mills are being established. Nearly four hundred miles of telegraph line are in operation, and at Pembina, Grand Forks, Fargo, and Richville, quite a trade is already carried on in the way of shipping and reshipping freights. United States courts are held at Fargo, Bismarck, and Pembina, and a United States land office has recently been established at the former place, while the settlers are urgently petitioning for a land office at Bismarck to accommodate the increasing settlements in the Missouri Valley. Many large steamboats ply for several hundred miles through the proposed Territory on the waters of the Missouri, and pass far above the mouth of the Yellowstone into Montana, carrying Government freight for the forts and agencies, and mercantile goods for the mining districts. Already several thousand people have gone into this northern territory, and are preparing farms, homes and villages, in anticipation of the favorable action of Congress upon this bill.

As early as 1864 the United States Government virtually declared the Red River Valley open to settlement when it purchased the same by treaty from the Red Lake and Pembina Indians, and invited white settlers to locate upon the newly acquired lands. In accordance therewith, homestead settlers have gone into that country and can be found located in nearly all the river valleys and Northwestern Dakota; especially upon the Pembina, Turtle, Goose, Cheyenne, and Wild Rice Rivers.

Many worthy and adventurous settlers also established their pioneer claims in the country prior to the location of the Northern Pacific Railroad, and upon lands that the Government had proclaimed as open to settlement; but at a later date they were apprised of the fact that a mysterious and undiscovered treaty with the Wapeton and Sisseton Indians made in 1867, covered the whole domain, and reserved these lands for the Indians as against settlers.

Notwithstanding this treaty, the Government had in the mean time ignorantly extended its surveys over portions of this reservation, thus inviting settlements to follow. Not until 1873 did the United States succeed in correcting, by an act of Congress, this blind treaty of 1867; and during this interval the Northern Pacific Railroad Company had pushed its surveyed line through the country and filed its plat for withdrawal of lands with the Secretary of the Interior, February 21, 1872. Hence so soon as this treaty cloud was cleared up by the act of Congress, the railroad survey being on file, immediately attached to all odd numbered sections within its granted limits, thus covering the homestead claims of many of the poor and needy settlers, who, by the ruling of the General Land Office, had acquired no rights to their homesteads while they were upon these lands reserved for Indians, between the years 1867 and 1873; and in face of the fact that Congress originally granted only the unoccupied odd sections to the railroad. These settlers have continued to reside in the Territory; and all those upon odd numbered sections are now put to the hardship and injustice of removing from their improved lands, and beginning new homes upon the even numbered sections, unless relief is afforded by the Government.

Sir, I can but repeat here in behalf of these deserving people what I once said before in this House, in a defense of the early pioneers of the West, that if there is any class of American citizens who are entitled to the same regard from the General Government that is bestowed upon the soldiers who fought the battles of our country, it is the hardy pioneers of the frontier, who venture into the wilds, defying danger, subduing the plains, establishing villages, and planting upon the confines of our public domain the beacon lights of progress and civilization. Rude cabins, uncultured lands, bridgeless streams, uncertain mails, isolated schools, distant markets, and Indian dangers, are few of the many troubles that have been encountered by these early settlers in Northern Dakota. Separated as they are from the settlements in Southern Dakota by a broad belt of uninhabited prairies some two hundred miles in extent, the interests of the two sections are not at all identical.

The northern settlements having been made at a more recent date, they have but a small representation in the Territorial Legislature in comparison with the older and more populous counties in the southern part of the Territory.

Notwithstanding this diversity of local interest between the north and south, no unfriendly feeling exists between the people of the two sections, which is evidenced by the fact that the legislative representatives of southern Dakota have repeatedly memorialized Congress to give to the northern section an independent territorial government.

The proposed line of division would separate Dakota by an east and west line into two halves, approximately; each containing about seventy-five thousand square miles, equal in extent to one of the largest States in the Union. The south half, or Dakota proper, contains at present about thirty thousand inhabitants, and the north half, which this bill proposes to create into the new Territory of Pembina, embraces an estimated population of ten thousand people Very many of the Territories of the United States have been organized by Congress with less than half this number of inhabitants, and with not a mile of railroad within their border.

In 1861 the Territory of Dakota was established with a population of a little over four thousand, and its limits covered all the country between the Red River and the Rocky Mountains. Since then the march of western progress has been such that in 1863 the Territory of Idaho was created by Congress out of Western Dakota, and in 1864 Congress also organized the new Territory of Montana out of what was once a part of Dakota; and still later, in 1867, the Union Pacific Railroad had pushed across Southeastern Dakota, and Congress again erected therefrom a new Territory by the name of Wyoming.

Now, sir, the Northern Pacific Railroad Company has completed one hundred and ninety-five miles of road through Northern Dakota; and the people therein are to-day petitioning this Congress to create the new Territory of Pembina.

True, the plea of economy is raised against this bill on the ground that when the Government is so financially embarrassed as at present, when the United States Treasury is being so rapidly depleted, when the receipts of the national revenues are falling behind our expenditures, it is no time to talk of setting up the new and expensive machinery of a territorial government, thereby involving the country in an additional yearly expense of some $50,000. But, sir, the United States Government should not make treaties and purchase lands of the Indians, and survey them, and open land offices to induce settlers, unless it is ready and willing to afford its citizens the benefits of local government and national protection. It has never been the policy of this Government to take a step backward whenever it has once set out in the march of progress and civilization.

Sir, the total expense to the United States, incurred during the last fiscal year for sustaining the local governments in the nine organized Territories of the Union, amounted to less than $300,000, or only about $33,000 each. The sessions of the territorial Legislatures being, by law of Congress, made biennial, the annual expense thereof to the Government is now only about one-half as much as it was at the time of the organization of the present Territories.

Already the United States Government has expended nearly $100,000 in extending the surveys of the public lands for settlement over the proposed new Territory. Large tracts have been subdivided into sections, a United States land office has been established therein, and the country formally opened to immigration.

The resources of the Territory are as yet but slightly developed, but extensive and valuable coal-fields have already been discovered west of the Missouri River, within convenient distance of the Northern Pacific Railroad, at Bismarck. A very large proportion of the country consists of rich and rolling prairie lands, naturally adapted to grazing purposes; while the valleys of the Territory are favorable to the production of wheat and the smaller grains. The climate is similar to that of Northern Minnesota and Wisconsin in the same latitudes. The occasional dryness of summer, which is now attributed to some portions of the higher prairies in these northern latitudes, will rapidly disappear as the settlement of the Territory increases, and the cultivated fields and planted groves of homestead settlers dot the surface of the country.

The day has passed, sir, when it can be safely said of any portion of the great West that it is utterly worthless. The western portion of the present rich and populous State of Iowa was once pronounced by Thomas H. Benton, in Congress, as a poor country for cultivation and settlement. And the members of this House can well remember when, but a few years ago, portions of the present State of Nebraska and the now populous Territories of Colorado and Utah were described as parts of the great "American Desert," unfit for cultivation and worthless for settlement. To-day one of the public highways of the nation traverses that region to the western ocean, and settlements and villages have sprung up along its track. The climate has changed, rains are more frequent, the soil produces abundantly, young groves have sprung up, and that whole region is becoming an inviting field for immigrants.

The proposed new Territory of Pembina suffers under no such natural disadvantages as those above enumerated. Its larger streams are lined with ample forests of oak, ash, and cottonwood; its numerous deep, clear lakes in the northern part are skirted with beautiful groves and stocked with the finest of fish; while many small creeks and brooks meander through the great prairies, which are in turn everywhere clothed with a luxuriant growth of nutritious grasses.

No single act of Congress, appropriating so small an amount of

money, would so far conduce to the development of this section of the Northwest as the passage of this bill organizing a new Territory out of the north half of Dakota, at an annual expense of less than $50,000 to the General Government. Several times as much money as this is each year appropriated by Congress to clothe and feed the Indian tribes located upon reservations in this same Territory, who, instead of developing our northwestern resources and enriching the nation by their toil, are an incubus upon civilization and progress, and a constant tax upon the revenues of the country.

No rigid census of population or statistical statements of location are required to be furnished of the Indians, as of the white settlers, in order to obtain an appropriation from Congress. It is my own belief, sir, from long residence in the Territory, that, were a tribal census made of all the wild Indians in the United States, there would be found a great reduction in the number that is annually reported for the charities of the Government. Millions of money could be saved by enforcing a thorough system of classifying or listing by name the Indian population of each tribe, band, or lodge, after the manner of enrolling soldiers in companies and regiments. Every Indian has a "local habitation and a name," and belongs to some particular band of his tribe or nation, and should not be loosely permitted to draw his rations under a half dozen assumed names, and at the councils of as many different bands.

Let the national Government do equal and deserved justice by both Indians and settlers in the West, and we will hear fewer complaints of frauds and Indian troubles upon our western borders.

The people in Northern Dakota have struggled with the trials and misfortunes of a pioneer life, and have steadily advanced in civilization and settlement, until they now have their railroads and telegraph lines, their steam navigation and prosperous villages, their public schools and religious institutions. They come to Congress through their petitions of several thousand citizens, asking that they may be invested with the rights and privileges of local laws and civil government. They are intelligent, law-abiding, and industrious. They have planted their homes permanently in the new Territory, as farmers and producers. Unlike a changeable mining population, they have selected their homes for the purposes of agricultural pursuits and abiding industry. All they ask is that Congress shall deal fairly by them, and throw around them the shield and protection of local laws and self-government, which as American citizens they have a right to expect. Give them this, and they will build up a Territory which shall be an honor to themselves and a credit to the nation.

Relations of the District of Columbia to the General Government—Is Washington City the Capital of the United States, or the Capital of the District of Columbia?—The Duty of the Nation toward its Capital.

SPEECH OF HON. N. P. CHIPMAN,

OF THE DISTRICT OF COLUMBIA,

IN THE HOUSE OF REPRESENTATIVES,

February 28, 1874,

In the Committee of the Whole on the state of the Union, on the relations of the District of Columbia to the General Government, and the duty of the nation toward its capital.

Mr. CHIPMAN. Mr. Chairman, the difficulty which I have found in tracing the relations of the District of Columbia to the General Government, and the embarrassment I have experienced in ascertaining important facts upon that subject, have induced me to relieve others of the labor which I have been forced to undertake by presenting a succinct history of these relations; and growing out of this subject I have found equal difficulty in determining precisely what has been done by the nation for its capital in the way of improvements of streets, avenues, parks, reservations, and the like, and what has also been done by the local authorities.

It occurred to me that the great public interest now being felt upon this subject would warrant a careful examination into it, and that I might be able to render the House some service in collating the essential facts; and I shall feel amply repaid if I shall be the means of enlarging the vision of any member toward the national capital, or of enlightening a public sentiment which I believe is ready to demand of Congress that the Government shall no longer neglect the pledges of the early fathers to build here a metropolis which shall illustrate the origin, growth, and progress of our civilization.

PRELIMINARY HISTORY.

One of the first important questions which challenged the attention of the Continental Congress at the close of the Revolution was the selection of a permanent seat of Government. Congress was practically on wheels, and had held its sessions at Philadelphia, Baltimore, York, Princeton, Annapolis, Trenton, and New York City. The fathers saw that the permanency of the capital would have much to do with the permanency of the Government itself, and it became, therefore, one of the first questions seriously considered.

When in June, 1783, Congress, sitting at Philadelphia, felt itself insulted by a band of mutineers whom the State authorities could not quell, the subject of possessing territory for a permanent seat of Government, exclusively within Government control, became a practical question, and continued to be discussed until the adoption of the Constitution.

In October, 1784, after full debate, Congress, sitting at Trenton, passed an ordinance creating a commission, with full power to lay out a district on the Delaware River for the Federal city.

The ordinance and the debate form an important link in the history of the location of the capital, and illustrate the enlarged views thus early entertained, and which were subsequently carried out in the final location of the capital on the Potomac River.

The location upon the Delaware seemed not satisfactory, and it was probably owing to that cause that the commissioners never entered upon their duties; but the subject continued to attract public attention, and came before the Continental Congress in various forms.

The debates which took place and the public sentiment which found expression in pamphlets and newspapers show that few questions have excited greater interest or seem to have been regarded as fraught with greater importance to the country.

Some of the ablest men of the time took part in the discussion, and treated the subject as one eminently worthy to arouse the patriotism of the people.

Without suggesting the various considerations of climate, locality, &c., which led to the establishment at the present spot, I need only, for my present purpose, refer to one on which there was general agreement, namely, that the present and future good of the Republic demanded that the location should be remote from any of the great cities then springing up. It was thought impolitic to attach it even to the suburb of a commercial city, or that it should itself become one, and it was therefore resolved to found a new city with reference only to the convenience, safety, and glory of the nation.

It was directly with reference to this fact that a provision was placed in the Constitution withdrawing from the States all legislative control over the district in which the capital might be located, and placing it in the exclusive power of Congress. This exclusive control was regarded as essential to bestow dignity and independence on the Government.

Upon this question Mr. Madison wrote in the Federalist:

Without it, not only the public authority might be insulted and its proceedings be interrupted with impunity, but a dependence of the members of the General Government on the State comprehending the seat of government, for protection in the exercise of their duty, might bring on the national councils an imputation of awe, or influence equally dishonorable to the Government, and dissatisfactory to the other members of the Confederacy. This consideration has the more weight, as the gradual accumulation of public improvements at the stationary residence of Government would be too great a public pledge to be left in the hands of a single State, and would create so many obstacles to a removal of the Government as still further to abridge its necessary independence.

But without noticing further in this connection the preliminary history, I assert *that the history of the location of the capital, the declarations of its founders, the provisions of the deed of conveyance made by the proprietors of the soil, the contemporaneous acts, the plan of the city, and the legislation of Congress, show a distinct and unmistakable purpose on the part of the United States to build here a Federal city at Federal expense.* I cannot hope, in the limit which I am forced to place on myself on this occasion, to present more than a skeleton of the evidence establishing this proposition.

LOCATION OF THE CAPITAL.

I have alluded to the debates upon the subject as showing the importance attached to it.

Mr. Scott said:

The future tranquillity and well-being of the United States depend as much on this as any question that ever had or could come before Congress.

Fisher Ames remarked:

That every principle of pride and honor, and even of patriotism, was involved in it.

No Senator or Member treated the subject except as one of the profoundest importance; and this feeling must be considered when we come to notice what was ultimately done in relation to it.

It must be remembered that our capital city was located in the midst of a virgin forest; it was literally the creation of the Government. No consideration was allowed to stand in the way of making it precisely what the Government desired it should be, and this purpose was reached after that calm deliberation which characterized all the important acts of the early fathers.

There was involved in the very idea of building up a great political and non-commercial city, with the chief view of accommodating the necessities of the Government, the implied pledge that Government would take upon itself the burden of public improvements in that city.

A city deprived of commerce and manufactures is deprived of the means of self-support. The founders could not have been ignorant of the fact that to make the capital what they designed it to be was impossible except under the fostering care of Government.

A city without revenues could not provide those expensive means essential alike to health and comfort.

To build a great city, as was the evident purpose of the founders this should be, without aid of the Government, and without local

revenues, was an impossibility. No nation before had ever attempted it, and it is absolutely certain that ours never intended to do so.

Turning to the Old World, we find that all the great cities have been either the creation of the state, or have been fostered and aided by the state, notwithstanding most of them have large commerce, manufactures, and revenues.

I will venture to say that since Washington City became our capital, the government of France has expended not less than $200,000,000 upon the city of Paris. Under the first Napoleon over $20,000,000 were expended on public works. Louis Philippe continued these liberal expenditures, while Louis Napoleon surpassed all his predecessors in his zeal for embellishing their capital city. For the ten years following 1859 the expenditures for public works were limited to 18,000,000 francs annually, of which the State paid 5,000,000. During all this period Paris has had a revenue greatly exceeding the expenditures both of government and the city, and her citizens have not felt the burden of this great outlay; while the citizens of our capital, with a revenue but little more than sufficient to pay its ordinary municipal expenses, may be said to have done almost everything that has been accomplished so far toward the realization of its founders.

The act for establishing a permanent seat of government was approved July 16, 1790. It authorized the President to appoint three commissioners, who should under his direction have power—

To purchase or accept such quantity of land * * * as the President shall deem proper *for the use of the United States*, and *according to such plans as the President shall approve*, and also to provide suitable buildings for the accommodation of Congress, for the President, and for the public offices of the Government of the United States, the same to be in readiness by the first Monday of December, 1800.

The language, as well as its spirit, shows clearly that the city was founded for the use of the United States. Its plan was to be formed by the United States commissioners, and approved by the President. No interests were consulted except those of the United States, as we shall soon see. The plan of the city finally adopted was in keeping with the enlarged views of its founders, and in direct and absolute violation of every law which should govern in laying out a commercial or business city.

DEED OF CONVEYANCE.

The commissioners entered upon their duties with great zeal, while the watchful eye of President Washington was always upon them.

The present limits of the city were fixed upon, and on the 29th of June, 1791, the deed of conveyance by the original proprietors of the soil was executed.

The deed was made upon certain special trusts, some of which I will notice as important in showing the purpose of the founders. The first one was:

That *all* the said lands are hereby bargained and sold, *or such part thereof as may be thought necessary* or proper, to be laid out, together with other lands within the said limits *for a Federal city*, with such streets, squares, and parcels and lots *as the President of the United States for the time being shall approve.*

Thus the proprietors parted with all the soil for the purpose of building here a Federal city, leaving it exclusively with the President to select from the whole whatever he might deem necessary or desirable for that purpose. No reservation was made in the deed for the benefit of the proprietors, other than that after the President had indicated all the streets, squares, parcels, and lots that he should deem proper for the use of the United States, there should be—

A fair and equal division of the remaining lots, and the United States should pay for its reservations and lots at the rate of twenty-five pounds sterling per acre.

The deed does not provide for the dedication of any public squares, streets, or avenues to the public use, but the absolute fee-simple vested in the United States, so that the Government could at any time close a street or occupy a public square for such purposes as it deemed proper.

The question as to the scope of the deed in this regard came up early in a dispute between the commissioners and the proprietors. The latter thought that the United States had the right only to use the streets as public highways, and not to alienate them, or divert them to other uses.

Attorney-Generals Lee, Breckinridge, Wirt, and Cushing advised that the United States had the fee-simple title to the streets, and avenues, and reservations, and it was so held in the case of Van Ness *et ux. vs.* The City of Washington. (4 Peters, 232.)

Of this grant the Supreme Court says:

The grants were made for the foundation of a Federal city, and the public faith was necessarily pledged when the grants were accepted to found such a city.

Again:

Congress must forever have an interest to protect and aid the city.

The city was designed to last in perpetuity—*Capitoli immobile saxum.*

No imperial government ever possessed greater powers over the soil than was conveyed in this deed.

This absolute control is further seen in the following clause of the deed, which I will notice:

But the said conveyance to the said grantor—

The Government was to reconvey to the grantor what it did not require—

his heirs or assigns, as well as the conveyance and purchase, *shall be on and subject to such terms and conditions as shall be thought reasonable by the President for the time being, for regulating the materials and manner of the buildings, and improvements on the lots generally in the said city, or any particular streets, or parts thereof, for common convenience, safety, and order.*

Here we have the very construction of the houses and the improvements generally subject to the exclusive will of the President.

Can there be any doubt that the purpose of the Government in making this deed was to leave the purchasers of private lots and the proprietors no judgment on, or participation in, the direction of the plan of the city, or its control after being planned?

There was a handful of people here at the time, a few families composing the proprietors of the soil, that were desirous of retaining their present buildings and grounds, and the little graveyard which they had set apart for the home of their dead, but these were not so sacred as to stand in the way of establishing just such a city and upon just such a plan as the President and his commissioners, acting under authority of Congress, should devise; and it was therefore provided, that "in case the arrangement of the streets, lots, and the like will conveniently admit of it," the grantors shall retain their buildings and graveyard by paying at the rate of "twelve pounds ten shillings per acre for the land so retained."

The private owners of lots did not complain then, nor do they now, that the Government possessed itself thus absolutely of every interest of the city; for if the original idea had been consistently carried out, Washington would be to-day the finest metropolis in the world. But what the citizens from the first have had reason to complain of, and what they now complain of, is, that while the Government has in many ways acknowledged its obligations to build here a great Federal city at Federal expense, it has practically thrown almost the whole burden upon private property, as I shall hereafter show.

PLAN OF THE CITY.

The first record evidence of arrangements made for laying out the city of Washington that I have found, is a letter of General Washington, dated March 11, 1791. In a subsequent letter, of April 30, the same year, he speaks of it as the "Federal city," but in a letter of the commissioners, dated September 9, 1791, they informed the architect, Major L'Enfant, that they had agreed to call the Federal district the "Territory of Columbia," and the Federal city the "city of Washington."

L'Enfant was a French officer who sought service here during the Revolution. Having attracted the attention of General Washington he served near his person; but it was probably through the influence of Mr. Jefferson that he was selected as the architect to plan the future Federal city. Mr. Jefferson, who took great interest in the plan, mentions in a letter to Washington that he had furnished L'Enfant with large and accurate maps of all the principal cities of the continent.

To this French officer are we indebted for the general idea ultimately adopted in the plan, although the one adopted finally and reported to Congress, engraved, and circulated through Europe, was prepared by Major Ellicott.

This plan, as agreed upon, was submitted to Congress in the following message, December 13, 1791:

I place before you a plan of the city that has been laid out within the district of ten miles square, which was fixed upon as the permanent seat of the Government.

G. WASHINGTON.

UNITED STATES, *December* 13, 1791.

If members will take the trouble to examine this plan, now on file in the office of Public Buildings and Grounds, all doubt will disappear as to the fact that the Government intended this city to be developed and improved at Government expense.

The evidences of the intention of the Government to make this a great city at Government expense are everywhere apparent. Standing at the site of the Capitol building as the center, we have this immense area divided by wide streets crossing each other at right angles, while radiating to every point of the compass, and in remote parts of the city crossing diagonally the rectangular streets, are broad, magnificent avenues, with many reserved sites for public buildings, and seventeen large reservations for parks, or for Government use, dotting the plan in all parts of the city.

Of these, varying in width from ninety to one hundred and sixty feet, there are one hundred and ninety-five miles of streets and sixty-five miles of avenues; the area thus appropriated to thoroughfares being more than all the area of the reservations and building lots together.

No one looking at the plan would conclude that convenience and economy for transacting business, which are the first considerations in laying out commercial cities, for a moment entered into the minds of the founders of this great city.

That gentlemen may see by comparison of street areas in other cities how far Washington excels them all in its "magnificent distances," I give in this connection the following table:

Ratio of areas of certain cities.

	Per cent
Paris	25.08
Vienna	35.08
Philadelphia	29.08
Berlin	26.04
Boston	26.02
New York	35.03
Washington	54.05

From this table it will be seen that Paris, thought by many to be the most beautiful city of Europe, notwithstanding its grand boulevards, and its Champs Elysées, has less than one-half the street area

of Washington City. The greater part of the business streets of Paris are, for the convenience of business, made narrow, while their avenues and boulevards are broad and beautiful; but here there is not a street less than double the width of Broadway, New York.

That Government ever could have designed to tax private property in this city for the entire improvement of these streets and avenues is to the last degree absurd.

Mr. Wirt, Attorney-General, in speaking of this plan of the city, said:

I consider sales made under the public exhibition of this plan as amounting to a contract between the public and the individual purchasers, from which it would be unwarrantable to depart.

If the honor of the nation was pledged in this plan, when Congress authorized it to be engraved and sent to the leading cities of Europe, how much more was the honor of the nation pledged that the proceeds of lots should be used to improve the city, as well as that the burden and responsibility of this improvement should fall upon Government.

Every purchaser of Government lots—and Government owned half of all—and every original owner had the right to assume that Government was pledged not only to the plan, but, back of this, to carry out its promises that this should be a Federal city, under Federal protection, and sustained and improved at Federal expense.

The grandeur of this plan, and the magnificent intention of its makers, may further be seen by noticing some of the features embraced in it.

I shall here give the explanations, observations, and references to be found upon the original plan prepared by Major L'Enfant, which is now hanging in the office of General Babcock; the only one in existence, much marred, and scarcely distinguishable in many of its features. I do this as furnishing one of the highest evidences of the purposes of the original founders, and as giving information which is probably unknown to a large number of members.

Observations explanatory of the plan.

First. The positions for the different grand edifices, and for the several grand squares, or areas of different shapes, as they are laid down, were first determined on the most advantageous ground, commanding the most extensive prospect, and the better susceptible of such improvements as the various intents of the several objects may require.

Secondly. Lines or avenues of direct communication have been devised to connect the separate and most distant objects with the principal, and to preserve through the whole a reciprocity of sight at the same time. Attention has been paid to the passing of those leading avenues over the most favorable ground for prospect and convenience.

Thirdly. North and south lines, intersected by others running due east and west, make the distribution of the city into streets, squares, &c., and those lines have been so combined as to meet at certain given points with those divergent avenues, so as to form on the spaces first determined the different squares or areas, which are all proportioned in magnitude to the number of avenues leading to them.

Breadth of streets.

Every grand transverse avenue, and every principal divergent one, such as the communication from the President's House to the Congress House, &c., are one hundred and sixty feet in breadth, and thus divided:

	Feet.
Ten feet of pavement on each side	20
Thirty feet of gravel walk, planted with trees on each side	60
Eighty feet in the middle for carriage-way	80
	160

The other streets are of the following dimensions, to wit:

	Feet.
Those leading to public buildings or markets	130
Others	110
Others	90

L'Enfant then informs us how these lines were drawn. I quote again:

In order to execute the above plan, Mr. Elliott drew a true meridional line by celestial observation, which passes through the area intended for the Congress House. This line is crossed by another line due east and west, which passes through the same area. These lines were accurately measured and made the basis on which the whole plan was executed. He ran all the lines by a transit instrument, and determined the acute angles by actual measurement, and left nothing to the uncertainty of the compass.

I quote again, as showing the grandeur of the idea:

References.

A. The equestrian figure of George Washington; a monument voted in 1783 by the late Continental Congress.

This is the site now occupied by the unfinished Washington Monument.

B. A historic column, also intended for a mile or itinerary column, from whose station (a mile from the Federal House) all distances of places through the continent are to be calculated.

This spot is now what is known as Lincoln Square, near the terminus of East Capitol street.

C. A naval itinerary column, proposed to be erected to celebrate the first rise of the Navy, and to stand a ready monument to consecrate its progress and achievements.

This spot is near the steamboat landing, at the foot of Seventh street.

D. This church is intended for national purposes, such as public prayer, thanksgivings, funeral orations, &c., and assigned to the special use of no particular sect, or denomination, but equally open to all. It will be likewise a proper shelter for such monuments as were voted by the late Continental Congress for those heroes who fell in the cause of liberty, and for such others as may hereafter be decreed by the voice of a grateful nation.

This was to have been our "Westminster Abbey," and its site is now occupied by the Patent Office, while the heroes and sages whose memory was to have been perpetuated in this monumental church lie in unknown graves, unwilling to be mentioned in connection with their country's history, so long as the monument of their leader remains an unfinished, forgotten, and broken column.

E. Five grand fountains intended with a constant spout of water.

N. B. There are within the limits of the city above twenty-five good springs of excellent water, abundantly supplied in the driest season of the year.

These fountains were to have been located: one on Pennsylvania avenue between Twentieth and Twenty-second streets west; another on New York avenue between Twelfth and Thirteenth streets; another on Pennsylvania avenue and Ninth street; one on New Jersey avenue and G street southwest; another on Maryland avenue and Eighth street northeast.

F. Grand cascade formed by the water from the source of the Tiber.

This was at the base of the Capitol.

G. Public walk, being a square of twelve hundred feet, through which carriages may ascend to the upper square of the Federal House.

This is what is now known as the Mall.

H. Grand avenue, four hundred feet in breadth and about a mile in length, bordered with gardens, ending in a slope from the houses on each side. This avenue leads to the Monument, A, and connects the Congress garden with

I. The President's Park, and the

K. Well-improved field, being a part of the walk from the President's House, of about eighteen hundred feet in breadth and of three-fourths of a mile in length. Every lot deep-colored red, with green plats, designates some of the situations which command the most agreeable prospects, and which are the best calculated for spacious houses and gardens, such as may accommodate foreign ministers, &c.

All this ground is familiar to gentlemen of the House. Most of it is occupied for business purposes instead of the spacious dwellings which L'Enfant invited.

L. Around the square, (Capitol Square,) and all along.

M. The avenue from the two bridges to the Federal House, the pavement on each side will pass under an arched way, under whose cover shops will be most conveniently and agreeably situated. This street is one hundred and sixty feet in breadth, and a mile long.

He refers here to Pennsylvania avenue east and East Capitol street, and here we have the only suggestion that the idea of business being transacted in Washington ever entered into the mind of the architect, and he places the shops, as they are found in some European towns, under arcades.

I must remind gentlemen that these are not wild, visionary notions of the French architect which were finally discarded and reduced to plain, practical business notions, such as would govern in laying off a commercial town; but they are ideas which were ultimately crystallized in the shape of legislation, and formed a part of the plighted faith of the nation with regard to its metropolis.

But in this very interesting piece of history, connected with this subject, I must abstract from this original, and to most persons inaccessible, plan some further observations which are recorded upon it, and which form a part of this important history. The architect further says:

The squares colored yellow, being fifteen in number, are proposed to be divided among the several States in the Union for each of them to improve, or subscribe a sum additional to the value of the land for that purpose, and the improvements around the squares to be completed in a limited time.

The center of each square will admit of statues, columns, obelisks, or any other ornaments such as the different States may choose to erect, to perpetuate not only the memory of such individuals whose counsels or military achievements were conspicuous in giving liberty and independence to this country, but also those whose usefulness hath rendered them worthy of general imitation to invite the youth of succeeding generations to tread in the paths of those sages or heroes whom their country has thought proper to celebrate.

The situation of these squares is such that they are the most advantageously and reciprocally seen from each other, and as equally distributed over the whole city district, and connected by spacious avenues around the grand Federal improvements, and as contiguous to them, and at the same time as equally distant from each other as circumstances would admit. The settlements around these squares must soon become connected.

The figures colored red are intended for the use of all religious denominations, on which they are to erect places of worship, and are proposed to be allowed them in the manner as those colored yellow to the different States in the Union, but no burying grounds will be admitted within the limits of the city, an appropriation being intended for that purpose without.

N. B.—There is a number of squares, or areas, unappropriated, and in situations proper for colleges, academies, and of which every society whose object is national may be accommodated.

What a humiliating spectacle, Mr. Chairman, it must have been to those heroes and sages who had passed away from this scene, leaving these grand intentions to be carried out by posterity, to look down upon this Government and behold it selling at public auction for gain the very squares and plats of ground that had been thus sacredly dedicated!

But I shall make but one further extract from this interesting and rare old plan, which is as follows:

This mode of taking possession of and improving the whole district at first must leave to posterity a grand idea of the patriotic interest which promoted it.

What higher evidence could be placed before the committee in support of the proposition which I am now endeavoring to establish?

Patriotic pride could not resist the temptation to remind us that the work which our fathers entered upon was to be handed down as an evidence of the great interest in the future of their country which filled their hearts. Here is the highest declaration of the purpose to take possession of and improve at once as a unit this grand Federal

capital, and to leave to posterity in this plan and in this work "a grand idea of the patriotic interest which promoted it."

But I must not longer dwell upon this old plan, the very atmosphere and surroundings of which are redolent with the touch of Washington, and every line and tracing upon which is sacred.

The emotions that must have filled the hearts of the fathers as they saw laid out here a city which in the vision of the future was to illustrate at once the power, grandeur, and glory of the nation, may well be recalled by us at this moment.

When, in November, 1800, Congress assembled here for the first time, President Adams said:

I congratulate the people of the United States on the assembling of Congress at the permanent seat of their government, and I congratulate you, gentlemen, upon the prospect of a residence not to be changed. * * * *

May this Territory be the residence of virtue and happiness; in this city may that piety, fraught with wisdom and magnanimity, that constancy and self-government which adorned the great character whose name it bears, be forever held in veneration. Here and throughout our country may simple manners, pure morals, and true religion flourish forever.

It is for you, gentlemen, to consider whether the local powers of the District of Columbia, vested by the Constitution in the Congress of the United States, shall be immediately exercised. If, in your opinion, this important trust ought now to be executed, *you cannot fail, while performing it, to take into view the probable situation of the Territory, for the happiness of which you are about to provide. You will consider it as the capital of a great nation*, advancing with inexhaustible rapidity in arts, commerce, in wealth, and in population, and possessing within itself those energies and resources which, if not thrown away or lamentably misdirected, will secure to it a long course of prosperity and self-government.

That Mr. Adams, and all who were working with him to place the Government on lasting foundations, regarded this capital city as the "only child of the Union," whose ultimate greatness and grandeur were to depend solely upon the Government, there can be no doubt.

Later, in laying the corner-stone of the Capitol extension, the spirit of the great and good men of the past seized upon Daniel Webster, who upon that interesting occasion said:

Fellow-citizens, what contemplations are awakened in our minds as we assemble here to re-enact a scene like that performed by Washington. Methinks I see his venerable form now before me, as presented in the glorious statue by Houdon, now in the capitol of Virginia. He is dignified and grave, but concern and anxiety seem to soften the lineaments of his countenance.

The Government over which he presides is yet in the crisis of experiment. Not free from troubles at home, he sees the world in commotion and in arms all around him. He sees that imposing foreign powers are half disposed to try the strength of the recently established American Government. We perceive that mighty thoughts, mingled with fears as well as hopes, are struggling with him. He heads a short procession over these then naked fields, he crosses yonder stream on a fallen tree, he ascends to the top of this eminence, whose original oaks of the forest stand as thick around him as if the spot had been dedicated to Druidical worship. And here he performs the appointed duty of the day.

But let me advance in the argument.

CONTEMPORANEOUS ACTS AND VIEWS.

I am endeavoring, Mr. Chairman, to show to the committee that but one purpose animated the founders of the capital, which was to make it a magnificent metropolis at the Federal expense. In the overwhelming array of facts and circumstances clearly establishing this proposition, I shall next present some contemporaneous acts and expressions of those most prominent in carrying out the wishes of Congress.

In March, 1791, Washington, in a letter to Mr. Jefferson, written from Mount Vernon, felicitated himself upon having reconciled the contending interests of land-owners, and of "uniting them in such an agreement *as permits* the *public purposes* to be carried into effect on an *extensive* and *proper scale*."

In his reply, Mr. Jefferson declares the acquisitions to be "really noble," and adds, "I think very liberal reserves should be made for the public."

Again, writing to the commissioners of the city of Washington, he says:

When you are in the situation to begin opening the avenues, it is presumed those which will be more immediately useful will be first cleared.

While executing the wishes of Congress with regard to the capital, the President found it necessary to make a loan from the State of Maryland. His correspondence shows how deeply interested he was, and what anxious solicitude he felt for the growth and prosperity of the city; and his entire intercourse with the commissioners exhibits a fraternal feeling toward this child of the Union utterly inconsistent with any idea that it was to be built by private citizens. Washington did not, however, live to witness the fulfillment of his wishes. He died on the 14th of December, 1799, nearly a year before the Government occupied the capital he had contributed so much to found.

I have already called attention to President Adams's opening speech to Congress on its assembling in Washington, in which he spoke of this city as the capital of a great nation, for the happiness of which Congress was to provide.

The Senate replied:

We meet you, sir, and the other branch of the national Legislature, in the city which is honored by the name of our late hero and sage, the illustrious Washington with sensations and emotions which exceed our power of description. * * * * Great indeed would have been our gratification if his sum of earthly happiness had been completed by seeing the Government thus peaceably convened at this place. * * * * The question whether the legal powers over the District of Columbia, vested by the Constitution in the Congress of the United States, shall be immediately exercised, is of great importance, and in deliberating upon it we shall naturally be led to weigh the attending circumstances and every probable consequence of the measures which may be proposed.

The House replied:

A consideration of those powers which have been vested in Congress over the District of Columbia will not escape our attention, nor shall we forget that in exercising these powers a regard must be had to those events which will necessarily attend the capital of America.

But without extending these contemporaneous expressions, allow me to read an extract from an article in the Philadelphia Herald of the 4th of January, 1795. This article is a general review of the plan of the city, and commences as follows:

To found a city in the center of the United States, for the purpose of making it a depository of the acts of the Union and the sanctuary of the laws which must one day rule all North America, is a grand and comprehensive idea, which has already become with propriety the object of public respect. In reflecting on the importance of the Union, and on the advantages which it secures to all the inhabitants of the United States collectively or to individuals, where is there an American who does not see, in the establishment of a Federal town, a natural means for confirming forever that valuable connection to which the nation is indebted for liberation from the British yoke? The Federal city, situated in the center of the United States, is a temple erected to liberty, and toward this edifice will the wishes and expectations of all true friends, of every country, be necessarily directed. *The city of Washington, considered under such important points of view, could not be calculated on a small scale. Its extent, the disposition of its avenues and public squares, should all correspond with the magnitude of the object for which it was intended; and we need only cast our eyes upon the situation and plan of the city to recognize in them the comprehensive genius of the President, to whom the direction of the business has been committed by Congress.*

Here, I think, Mr. Chairman, is the absolute proof of my proposition, that contemporaneously with the location of the seat of government it was the well-understood purpose of its founders to establish a city which was to be national, and in whose growth and prosperity the whole country was to take an interest.

This city was to be a grand civic monument—the one spot in which were to be gathered the treasures of succeeding ages, and whatever might tend to strengthen the Union, and combine in one patriotic bond the whole people of the nation.

LEGISLATION OF CONGRESS.

Prior to June 1, 1802, the government of the city was in a board of commissioners, created by the act of the 16th of July, 1790, but on May 1, 1802, an act passed abolishing the office of commissioners and providing that the affairs of the city should be thereafter under the direction of a superintendent, to be appointed by the President.

The improvements of the city were made directly by the United States, and to aid in this a city fund was started from the proceeds of the sale of lots by the United States, which it was thought at the time would, by judicious management, go far toward the development of the magnificent intentions of the founders. And the act to which I have just alluded directed a sale of lots to re-enforce this city fund.

President Jefferson, January 11, 1802, in a message to Congress, says:

If indulgence for the funds can be admitted, these lots will probably form a reserve of great and permanent value.

He further says:

That if the sale is forced for the payment of Government loans he fears the whole property will be sacrificed, and the residuary interest of the city entirely lost.

I understand this residuary interest to be none other than a right to the proceeds of the sale of lots for the purpose of improving the city.

The act of March 3, 1803, fixes the salary of the superintendent and of the surveyor of the city, and makes appropriation for the expenses of their offices, to be paid out of the city funds; but these funds, as we have seen, arose from the proceeds of lots belonging to the United States. This same act appropriates from the Treasury of the United States $50,000, among other things, "for keeping in repair the highway between the Capitol and other public buildings."

Up to this time the government of the city, in all its details, was directly by legislation of Congress. It was found, however, that the growing wants of this young city would require certain local municipal legislation, which it would be inconvenient always to be obliged to apply to Congress for, and the inhabitants were given a charter of incorporation. The mayor was appointed by the President, and the council elected by the free white male tax-payers. The usual powers were conferred, except, however, that no authority was extended over the streets and avenues, other than that the corporation was permitted "to keep them in repair, agreeably to the plan of the said city." This charter expired two years after its creation, and was renewed from time to time until March 5, 1820, when a charter of more extended powers was granted. Meanwhile the interests of the United States passed into the control of an officer known as the Commissioner of Public Buildings and Grounds—now the engineer in charge of public buildings and grounds.

Gradually, as the city increased in population and the Government became absorbed in the consideration of great national questions, and largely owing also to attempts to revive the question of removal of the capital, Congress seemed to have drifted away from its early policy, and left the question of local improvements entirely to the citizens. I do not find that between 1807 and 1823 the Government had expended a single dollar upon the improvements of the streets. The fund arising from the sale of lots, instead of being used for the improvement of the city, was almost entirely devoted to the erection of public buildings.

The revenues of Government in that day were small, and Congress probably found itself compelled to divert the improvement fund, throwing the burden upon private property, or leaving the realization of the early intentions as to the capital to be worked out by posterity.

That by these acts of incorporation permission was given the citizens to carry out the great work which the Government was itself obliged by every consideration of honor to do, is no answer to the argument. If the Government, when poor, could not do this work or encourage the citizens to do it, now, that the Government has grown powerful and rich and amply able to remove the burden to its own shoulders, I insist that the obligation is even stronger to do so. But I was noticing the legislation as tending to establish my proposition; and although the Government has stood by and seen the private property of this District taxed almost to confiscation in the effort to make the city what its founders designed it should be, and has scarcely lent a helping hand, still its legislation nowhere denies its obligations, but on the contrary, whenever any has been passed, it has been in recognition of the theory I am endeavoring to establish.

In the charter of 1820 the Commissioner of Public Buildings is directed—

To reimburse to the said corporation a just proportion of any expense which may hereafter be incurred in laying open, paving, or otherwise improving any of the streets or avenues in front of, &c., any of the public squares or reservations, * * * out of any moneys arising from the sale of lots in the city of Washington belonging to the United States.

A similar provision was in the act of May, 1826, and the act of 1848, and there was in this last act a still stronger recognition of the duty of the Government. The twelfth section provides that the Commissioner of Public Buildings shall—

From time to time cause to be opened and improved such avenues and streets, or parts or portions thereof, as the President of the United States shall deem necessary for the public convenience, and he shall defray the expenses thereof out of any money arising, or which shall have arisen, from the sale of lots in the city of Washington belonging, or which may have belonged, to the United States.

The act also directs the Commissioner to keep in repair certain pavements, gutters, footways, &c., around the public squares, reservations, and other property of the Government. Here we have a full recognition of the obligations of Government, but unfortunately the fund mentioned had disappeared, mainly on the public buildings, and by the improvident disposition of the lots had diminished by millions of dollars, so that practically this liberal provision of Congress did little toward its object.

In this review let me return a moment to the action of the Twenty-third Congress.

The city had made such efforts to improve its condition and do the work which the Government had assumed in the beginning that it had incurred an indebtedness of nearly $2,000,000. Its resources had become so exhausted and its burden so great that it was compelled to appeal to Congress for aid. Its Holland creditors were threatening to foreclose on the property, and, as was said in the debates in the Senate on the subject by one of the Senators, "the capital of the nation was about to be sold out to the Dutch." Up to this time the total expenditures of the Government for the improvement of the streets was $208,925.67½, all of which, with the exception of about $10,000, was for the improvement of Pennsylvania avenue and the streets immediately around and adjoining the Capitol and President's Square. Throughout the whole city the Government had expended, with this exception, for its improvement, up to December, 1834, only about $10,000, while it had received from the sale of lots about $750,000. The neglect of Government to carry out its plighted faith, and the extraordinary efforts of the city to discharge the obligations of Government, attracted the attention of Congress at that time, and the subject was thoroughly examined and reported upon to the Senate February 2, 1835.

The report of the committee, Mr. Southard, chairman, goes quite fully into the relations existing between the capital and the Government.

As Congress sanctioned the report of the committee in the highest possible form, by coming to the relief of the city, the positions assumed by Mr. Southard may be regarded as giving the legislative expression of the Congress of that day, and we may well consider what some of these views were. Mr. Southard says that in improving the streets the city authorities "have been misled into expenditures which did not properly belong to them, although," he adds, "the views by which they were governed were of a liberal and public-spirited character." He refers to the unusual magnitude and extent of the city; the great width of the avenues and streets; the creation of the city in that short space of time, and the pressure for public improvements being sudden; that the population is but twenty thousand, more than half of which are people of color and temporary residents, contributing nothing to the city revenue; that, in addition to the large expenditures made from the city treasury for improvement of streets, the citizens have been compelled to create their market-houses, infirmaries, water privileges, lamps, fire-engines and houses, and pay their police, and the like expenses, and adds:

The committee are of the opinion that the Government was bound by every principle of equal right and justice to pay a proportion of the expenses incurred upon this subject equal to the amount of property which it held, and which was to be increased in value and benefited by it, and this would have been greatly more than one-half. If the streets are its property and to be regarded as altogether under its control, it is not easy to perceive why it should call upon or permit others to keep that property in order; and if the streets are to be regarded as for the joint convenience of the Government and the inhabitants, the expenses of maintaining them should be joint, and in proportion to their respective interests; and that the early action of the Government was in conformity to this principle.

The committee notice also that the immense property of Government, which has been equally benefited by improvement, has been at all times free from taxation, while the property of individuals adjoining it has been subject thereto; that in several States of the Union, where the Government holds landed estate, it has paid taxes upon it, and those taxes have been expended for the ordinary municipal purposes of the place where the same is situated. The hardship to private property-holders in exemption of Government property from taxation is strikingly illustrated when we remember that the Government has been the owner of lots held for sale ever since the capital was located here, and yet these lots not reserved for public use, but held by the Government for speculation, have paid no taxes. The committee conclude their report as follows:

In the investigation of the subject committed to them, and of the relief to be proposed, the committee have been unable to separate the interests of the District from the interests of the United States. They regard it as the child of the Union, as the creation of the Union for its own purposes. That the design of the Constitution and its founders was to create a residence for the Government, where they should have absolute and unlimited control, which should be regulated and governed by them without the interference of partial interests in the States; which should be built up and sustained by their authority and resources, not dependent upon the will or resources of any State or local interest.

If this had not been the design, a temporary or permanent seat of government would have been selected in some populous city, or some territory, subject to State jurisdiction; and, if this was the design, it is not easy to comprehend either the principle which would prevent the Government from a liberal appropriation of the national resources to accomplish the object, or the policy which could confine the city to the means possessed by the inhabitants for its improvement.

This report is important in many particulars, but more than all in this one, to wit, that it forms the connecting link between the present period and the revolutionary period, and embodies at once the record evidence as well as the tradition and common understanding and belief of the founders of the Republic and those who immediately succeeded them. I believe that upon this evidence any court would convict the United States of a palpable and gross violation of its original purpose in founding this capital city; and the subsequent congressional history as touching this subject confirms the fact, that while in theory this principle has always been acknowledged, in practice it has been almost entirely ignored. But an examination of this legislative history will show that at different periods absorbing subjects have drawn the public mind away from the capital as a national object, but it has been one of the results of the recent war that public attention has returned again to this city. An examination of the statutes will show that more than four times as much money has been appropriated by the Forty-first and Forty-second Congresses for improvements in the city as during the previous seventy years. But I cannot longer dwell upon this branch of my subject.

I think if any question is susceptible of demonstration not mathematical, yet absolutely certain, the one which I started out to prove may now be placed in that category. I have shown the history of the location of the capital, the purpose of its founders, and the obligations of the United States in relation to it. I have now to notice what has actually been done by Government, what has been done by the municipal authorities, and what it is the duty of the national Government still to do.

SOME ERRORS CORRECTED.

A common error prevails over the whole country that the United States at this time pays all the expense of the government of the District of Columbia and the improvements at the capital. Within a week I have been asked by persons high in official position if the United States did not pay for our recent improvements.

Now, Mr. Chairman, I propose to lay bare the short-comings of Government, and place its neglect side by side with the efforts made by private citizens. We are set down as a miserable community of paupers and beggars, hanging on the skirts of Congress for sustenance; whereas the truth is the United States for the past seventy years have kept this people down in a condition of vassalage, squeezing the last possible penny out of them to carry on the very work which the founders of the capital had pledged their faith should be done by the United States.

The United States have stood by and have seen their capital become a by-word and scoffing throughout the civilized world. They have seen the shafts of scorn and contempt and satire pointed toward it without making a single creditable effort to avert them.

Not only this, but they have themselves largely contributed to the condition of things which, until within a few years, made us a just object of contempt.

We shall find in this examination of what has been done and left undone a striking evidence of the utter want of unity of purpose and design on the part of the Government in its exercise of control over this District.

For thirty years it did little more than hew out some paths to the public buildings, and stake off the streets and avenues for the people of the District to improve; the exact amount expended by Government in this period being $20,000—less than $700 a year.

Who can defend this miserable parsimony, and who can justify the conduct of Government in this trifling with a great public duty imposed upon it by the founders of the capital, especially when it is remembered that during the same period it had realized $700,000 from the improvident sale of lots—funds which had been pledged for the benefit of improvements?

Look at your superb Capitol building. There has never been a moment since it was erected when its surroundings would compare favor-

ably with a New England barn-yard. Twelve million dollars in this marble pile, of grand promise without and disappointment within, but surrounded worse than a western court-house. It only lacks a horse-block and hitching-rack to make it perfectly primitive and rural.

Look at the original plan of the city, which drew forth eulogiums from all quarters of the globe, and which occupied many of the best hours of many early patriots, and see how it has been hacked and defaced.

With no common feeling of pride in the capital pervading the country, and thus through the people reaching Congress, and with no one to protest against encroachments upon the idea which found expression in the original plan, the surprise is rather that we have a city left at all of sufficient proportions and form to elicit the admiration of any one.

It has been charged also that we are here not only supported by Government, but that we are an unproductive, thriftless community, drawing from and giving back nothing to Government. When we ask aid, the question is treated from a local stand-point and not a national one, and appropriations are always heralded as so much money given to the people of the District; whereas every dollar expended here by Government is more closely brought home to every citizen of the country than an appropriation in any form that can be named. This is the only spot common to the whole people on the face of our vast empire, where the humblest citizen can come and claim he is in the midst of his own, and where he feels he has a personal pecuniary interest in everything he beholds.

But, sir, I will not allow the impression to go uncontradicted that we feed upon and do not nourish Government. The truth will show that these District barnacles and leeches are the most remarkable of their genus.

The report of the Commissioner of the Internal-Revenue Bureau for 1873 shows (page 153) that the District of Columbia, since 1863, has paid, exclusive of tax on income, into the United States Treasury, $4,695,119.94—more than all the other Territories combined; more than Arkansas, Florida, Kansas, Minnesota, Nebraska, Nevada, or Oregon; *and more than the expenditures of the United States for improvement of the capital since its foundation.* In ten years this tax-burdened District has more than reimbursed the Government for every dollar laid out here for the common benefit of its own and private property.

Need I stop to apply these facts to remove the false impression I am combating?

It would seem to the natural vision that these leeches and barnacles would be profitable to Government if the species could be propagated and sent into some of the States.

Mr. Chairman, this city belongs to the United States. It cannot be wiped out without giving a vital blow to the Government. It cannot be trampled under foot without visiting a wrong upon every man, woman, and child in the nation. It cannot be longer ignored without humiliation and shame. A combination of events has brought the duty of Congress prominently before the country, and members must reach some conclusion, and it must be one they can defend before the world.

I have read the press closely since we have been placed in the crucible, and I say that even the papers most unfair and prejudiced against the *personnel* of our local government and its management, take a high patriotic stand when speaking of the duty of Congress. I have yet to find a paper which advocates the narrow view that the United States shall do nothing toward improving and beautifying the nation's capital, especially as the Government owns half the real estate and possesses absolute proprietary control over every street, avenue, alley, square, park, and reservation in it. Even Mr. Dana's Sun, whose columns pour red-hot lava upon the heads of our officers daily, has never suggested that Congress should stand by and see our people taxed out of their homes to improve Government property, but, on the contrary, has urged just what I urge, that it is the duty of Congress to contribute its just proportion of the municipal expenses.

I appeal to every member of this House whose constituents have visited this city within the last year whether they have not gone home believing it to be the duty of Government to aid in making Washington the pride of the nation; and I appeal to him also to tell me whether he has not blushed with shame when obliged to tell them howl ittle the United States have done to place the capital where it now is.

Why, sir, France expended $15,000,000 to open the Boulevard Sebastopol, in Paris, and yet we must plead as for a charity when we ask this rich people to make a just, fixed, and certain appropriation annually to carry on improvements in which the whole country are interested.

I confess, Mr. Chairman, I weary of this contest year after year to obtain simple justice for the District of Columbia. I weary of the indifference of Congress to the plighted faith of the nation. I weary of the abject dependence of this community and the position of obsequiousness which their agent must submit to lest he offend some congressional propriety or step on some congressional toe. I weary of combating the assumption that the District of Columbia has no rights which Congressmen are bound to respect; and I would turn hopelessly away from these Halls if I did not see around me republicans and democrats who will never willingly see Congress fasten upon this people a perpetual bondage as the result of their unexampled efforts to redeem the nation's capital from disgrace.

No, Mr. Chairman, it is a broader question we are discussing than mere aid to a community; it is whether the plans and purposes of the early fathers shall be carried out and the country's faith be kept; it is whether you shall have here the finest public buildings in the world, and shall hold half of the soil in reservations, and all the streets and avenues in fee, and yet do nothing to light your city, to pave its streets, to protect your houses and Departments from fire and from robbers, to secure proper sanitary protection—in short, whether you will adopt a wise, patriotic, consistent, and well-defined policy toward the capital, and will act with some reference to the common pride in it which all intelligent Americans feel.

STATEMENT OF THE ACCOUNT.

Now, Mr. Chairman, let me endeavor to present to the House the exact expenditures of the general and local government in the District of Columbia for improvements, such as we think should be shared by both governments in some just proportion.

I have obtained from the Treasury Department a statement of the expenditures of the General Government since 1800, and it is of such value in this discussion that I shall spread it at length before the House and the country. It gives the amount, as shown by vouchers in the Treasury Department, expended by Government upon streets and avenues in the way of improvements. I shall omit the description of the purpose for which the appropriation is made, remarking generally that the items cover pavements, sewers, sidewalks, bridges in the city on canal, and Tiber Creek, grading, &c.

Statement of expenditures on account of improvements of avenues and streets in the city of Washington, from 1800 *to* 1871, *inclusive.*

1800	$10,000 00
1823	5,000 00
1824	5,000 00
1832	60,000 00
1833	76,680 00
1834	9,233 70
1838	2,280 00
1842	12,000 00
1843	3,933 26
1846	10,000 00
1848	16,000 00
1849	3,754 11
1850	26,280 50
1851	44,845 64
1852	36,277 33
1853	15,329 37
1854	36,933 77
1855	17,666 69
1856	7,229 58
1857	17,500 00
1858	15,000 00
1859	6,550 00
1860	3,000 00
1861	13,518 87
1862	3,300 00
1863	11,846 13
1864	13,223 66
1865	8,926 58
1866	56,841 88
1867	72,973 69
1868	20,100 00
1869	321,575 00
1870	2,051 76
1871	10,000 00
Total	1,002,785 52

In 1832-'33 Congress had an improvement spasm, and expended in laying a cobble-stone pavement on Pennsylvania avenue $136,680; and, having thus secured a communication between the President's House and the Capitol, relapsed into its usual indifference, and for the next thirty years did comparatively nothing.

In 1869 the wooden-pavement period began here, by a compulsory law of Congress, requiring owners of property abutting on Pennsylvania avenue to pave it with that costly material. To this forerunner of the new era for Washington Congress contributed $321,575. The appropriation for 1870, immediately following this, was $2,051.76, and strikingly illustrates the utter lack of a policy toward the District, or any comprehension of its needs.

Then came the new District government and the Forty-second Congress, and with them a regeneration of the capital.

Since George Washington consecrated the seat of government, and John Adams baptized it in the name of the patriot fathers, no Congress has shown anything like the intelligent, practical, and patriotic devotion to the nation's capital exhibited by the Forty-second Congress. It placed to the credit of the improvement fund $3,597,801.18—more than three times the amount voted by the forty-one preceding Congresses, while the citizens submitted their property and purses cheerfully to the awful demand of the board of public works, and gave in two years $11,175,978.76, which, added to previous expenditures of the District—$9,199,431.94—makes the appalling sum of $20,375,410.70!

Now, compare the two governments, local and national. The former has expended an average since 1800 of more than six times the amount expended by the latter.

There never has been a time when the interest of Government here was not equal to that of the private property-holders, even if we look

at the question in its narrowest form. The account, therefore, at this point would stand thus:

Expended by District of Columbia	$20,375,410 70
Expended by Government	4,600,586 70
	15,774,824 00
To reimburse District of Columbia excess of expenditures one-half of difference	7,887,412 00

To make the account square, Congress should appropriate this sum.

This is the exact statement of the account between the national and local governments at this time in the matter of improvements of streets and avenues, including the system of sewers.

The expenditures of the national Government I have upon the authority of the Secretary of the Treasury; and the expenditures of the local government upon the authority of the governor of the District, in his return to the present committee of investigation, printed page 461.

To further illustrate the share which Government has borne of the ordinary necessary expenses of the city, let me notice some of the branches of the local service separately. I have heretofore claimed that the United States should bear at least half of the municipal expenses of the District of Columbia. I do this upon the evidence which is to be found throughout the whole period of our history, that the interest of the General Government has always been regarded as at least half of that of the local government. It was so treated by Congress in 1835. (See report of Senator Southard, February 2, 1835.) It was so treated in 1858. (See report of Senator Brown, May 15, 1858.) And the recent careful valuation confirms this apportionment. (See Governor Shepherd's answer, pages 461, 462.)

When the founders laid off this capital city, they must have contemplated that at some time, beside paved streets and sewers, it would need a police force; a supply of water; means for lighting the streets; a board of health officers for sanitary protection; a fire department; a system of common schools; and, in short, the usual requisites for securing health and protection common to great cities. They saw that while these were wants of any city, they would, from the nature of the plan of this one, be greatly augmented, and much more than ordinarily expensive. The broad streets and avenues, and the frequently recurring public squares and parks, necessarily contemplated a city here whose inhabitants would be widely scattered over the area.

To protect such a community by proper police, by fire department, sewers, gas, and the other comforts of city life, it would necessarily be more expensive to the inhabitants than in those densely crowded cities where the same facilities would reach a much larger number at the same cost. And we have here another reason for concluding that the original purpose was to hold the Government responsible, in part at least, for securing these necessary privileges.

I propose briefly, in this connection, to present to the committee, as near as I am able, from data which I have procured from officers of the Government and from Federal records, precisely what the local and what the national Government has done in this regard.

POLICE.

On the 23d of August, 1842, an act of Congress was approved organizing the police force known as the "Auxiliary Guard."

Previous to this that service had been performed by constables, whose compensation was derived from fees. The Auxiliary Guard was paid exclusively by the General Government, and was increased from time to time by acts of Congress, until August, 1861, when the present Metropolitan police was substituted; and for the better protection of the interests of Government the United States assumed entire police control within the District.

For three years, to June 30, 1864, this force was paid exclusively by the United States, when by an act of Congress the number of employés of the board of police was increased 50 per cent., but the act required the local authorities of the District to pay for this increase.

On the 11th of March, 1851, the corporation of Washington organized a salaried police force, consisting of fifteen men, and in 1858 increased the number to twenty-five. This was the first and only police force organized by the local authorities, and continued until the organization of the Metropolitan police. The chief of this department, Major Richards, informs me that by an approximate estimate, which he has been able to make from official records, he finds that the United States have paid for police service in the District, since August 23, 1842, to the expiration of the present fiscal year, about $2,400,000. The cost of the police force to the local authorities since March 11, 1851, has been about $1,148,643.33. Here we have the highest recognition of the duty of Government to aid in the payment of municipal expenses. Here the obligation is fully acknowledged and fully discharged; but while the wisdom and justice of it must be admitted, it will seem strange to members that this is the only department of the local government adequately sustained, and, with one or two exceptions, the only department in the least assisted.

WATER DEPARTMENT.

March 3, 1859, Congress enacted a law for the preservation of the works constructed by the United States for bringing the Potomac water into the cities of Washington and Georgetown, for supplying the water for all Government purposes, and for the use and benefit of the inhabitants of said cities.

The act extended to Washington and Georgetown the right to supply their inhabitants with Potomac water from the aqueduct mains, and to make laws and regulations for its distribution, subject to the restrictions of the act of Congress, and it was specially provided that *no expense should devolve upon the United States in consequence of this distribution;* and the act further provides that *whenever the supply of water is found no more than adequate to meet the wants of the General Government, the engineer in charge of the water-works shall stop the supply to the said cities.* The same act authorized the corporations to fix the water rates, and provided that they should *never be a source of revenue,* other than sufficient to provide a supply of water.

A later act of Congress authorized the corporations to levy a tax to pay for mains which they might lay for the supply of the inhabitants.

But I am informed by the water registrar of the District, Colonel Lubey, that the revenues derived from water rents have barely met the outlay.

Here we find that the supply of water brought to the city at the expense in the first instance of the General Government, was done for their sole use; and although afterward it was ascertained that the supply was ample for the use of the Government and the inhabitants, and the corporations were allowed to avail themselves of it, Congress nevertheless reserved the exclusive control over the right to the water as against the inhabitants.

The United States have expended upon the water-works about $3,500,000, while the inhabitants of the District, in laying mains, the erection of fire-plugs, hydrants, &c., have expended about $1,500,000. The daily consumption of water in both cities is eighteen million gallons, of which it is estimated that the Departments of Government use and waste fully one-half. No more important or useful improvement has been undertaken by Government. The result has been to bring an inexhaustible supply of water to the capital at a cost of three and a half millions. This is certainly gratifying when it is remembered that the city of Baltimore expended for a like purpose over four millions; Boston twelve millions; Brooklyn twelve millions; Philadelphia six millions; and New York City over twenty millions.

GAS.

The Washington Gas-light Company was chartered in 1848, and since the use of gas here the United States has paid for lighting streets and avenues $272,340.40. The corporation of Washington and the board of public works have paid $415,087.29 The gas was introduced into Georgetown in February, 1854. The corporation paid for gas supplied to 175 lamps, from 1857 to 1866, $38,965.30. During that period the United States caused to be erected 115 lamps on Bridge and High streets, and paid for gas to supply the same, $34,650.45, but refused after 1866 to light them longer. The corporation thereafter paid the expense to 1871, amounting to $28,991.50, after which the territorial government increased the number of lamps, and paid up to July 1, 1873, $21,698.40. Total paid in Georgetown by local authorities, $85,340.35. Total paid by the United States in Georgetown, $38,465.30. Formerly, and until a recent period, the United States paid for lighting their squares and the lamps around them, Pennsylvania avenue, and other streets, but these are all now lighted by the District government. With the exception of 103 lamps at the President's House and around the Capitol building, every lamp in the District is paid for by the District government. In 1868 the General Government refused to light Four-and-a-half, Sixth, and Twelfth streets, across the Mall, and in 1870 refused to light the avenues, and in 1872 refused to light the streets bordering upon the public squares, and in 1873 ceased to light inside of the squares. At one time the Government paid for 715 lamps, and now but for 103, while the District is paying for 3,130, at an annual cost of about $150,000.

I need not speak of the uses of gas, or of its indispensability, both to the Government and to the city. All must concede this, when it is remembered that not only the comfort of those here in the service of the Government demands the use of it, but the safety of the Government buildings and Government interests generally make its use indispensable; and yet substantially the whole burden is now thrown upon the citizens.

HEALTH DEPARTMENT.

No one can deny that a sanitary and health department is of equal importance to the general as well as the local government.

The United States are morally responsible for securing to their servants at the capital, not only every proper and needed comfort, but protection against disease so far as it is possible. The United States are also responsible for securing the protection and health and comfort of foreign ministers resident at the capital; and these two interests, mentioning no other, are always large and increasing; but until the last Congress made an appropriation, I have been unable to discover any expenditure on the part of the General Government to support our health department.

I have not been able to ascertain what the local government expended prior to our organic act. Our present very efficient board of health is a department of the General Government,

Congress has appropriated for its uses	$69,000
The District government has appropriated	83,000

FIRE DEPARTMENT.

Many years ago Congress made a small appropriation for erecting

an engine-house in the western part of the city, and later a similar appropriation for the engine-house of the Columbia fire company near the Capitol.

During the rebellion the United States maintained at the capital what was known as the Government fire brigade, composed of three steam fire-engine companies; but it was independent and separate from the city fire department, and was kept with reference more particularly to the protection of Government property. They remained here five years; but the brigade was disbanded in 1869, and the engines sent away from the city.

The present city fire department was organized in 1865, and has cost the city of Washington, since its organization to the present time, $605,000. At least two more engines are very much needed. With more valuable interests to protect than any city in the country, and with a larger area in proportion to the population, we have a smaller fire department than any city in the Union of our population. In this department the United States has taken no interest whatever, and contributes to it absolutely nothing; and yet the scattered records of the Government in all parts of the city, exposed daily to fire, are of incalculable value.

PUBLIC SCHOOLS.

From an early day efforts have been made to attract the attention of Congress to the importance of sustaining here at the capital a common-school system. When the Government entered upon its land-grant policy in aid of education, efforts were made to obtain a grant for this District; and I believe the Senate passed a bill for that purpose, but it failed in the House.

The atmosphere of Washington in those days was not favorable to common schools; and besides the District then, as now, was looked upon as of little consequence, and by its very abject attitude toward the Government inspired contempt rather than interest or pride.

Public schools dragged along without any assistance from Government, and in 1861 cost the city $26,000.

With the war came a vigorous growth in population, mainly from the North. Finding no free schools here worthy the name, they united their efforts with the local authorities and enlarged the school facilities, and increased the school fund, so that I find that during the three years commencing 1870 the total expenditures for this purpose reached the sum of $1,095,000. With absolutely no school property worth mentioning in 1861, we now own real estate amounting to over $1,000,000.

In 1861 the number of pupils attending public schools could not have exceeded 4,500, and included no persons of color. Since 1863 the city of Washington has extended facilities to this class of children, so that there are four thousand colored pupils on the rolls now. Besides paying the current expenses of their schools, permanent building sites have been purchased, and school-buildings have been erected for them to the value of $250,000.

While I cannot go into this subject fully, but must refer to the argument addressed to the Forty-second Congress, to be found in the Globe of January 27, 1872, I will be pardoned for pointing out a few of the reasons why the General Government should aid our public schools. I think no one will question that we have done all in our power to make the school facilities adequate to the needs of the community; and yet the startling fact remains that there are in the city of Washington of school age 25,935 persons, while there are seats provided for only 11,910, leaving 14,025 persons without the benefit of public schools. Of this number 6,759 are reported by the Commissioner of Education as pupils in private schools, leaving 7,266 absolutely destitute of all school privileges.

Why should the Government assist in educating these children? I answer—

First. That the superintendent of schools reports that upon an examination he finds only 26.82 per cent. of parents or guardians of pupils are tax-payers; or, in other words, 73.18 of the parents whose children attend school pay no taxes. I am aware that generally a considerable percentage of parents whose children attend public schools do not pay taxes, but the percentage here is so unusually large as to challenge attention, and I think that when the reason for it is known a strong argument will be discovered in favor of Government aid.

Secondly. In the report of the superintendent for 1872-'73 a table is given, from which I find that of the children attending public schools in the city 3,037 were the children of parents in Government employment, or 30.79 per cent. Some of these persons pay taxes, but a comparatively small number. Usually they have no income but their salary, and the uncertain tenure of office deters them from investing in real estate.

Thirdly. From the same report I find that 32.46 per cent. of the school population are colored, and an examination of the United States census will show that this large proportion is due to the results of political causes, rather than to any economic or social law. Most of them were invited here by the laws of Congress which first gave them freedom, and next the ballot, and where they have felt peculiarly under the protection of the Government, and they now number about one-third of the whole population. From no fault of their own, but rather by reason of their peculiar condition—due to the laws of the country—they are unable to assist very materially in supporting the common-school system.

These two classes which I have named have a right to demand of the General Government some provision for school advantages.

Education here should be free as air, and the District government will never discriminate against any one class, but it will continue to demand of Congress some assistance in this direction. The embarrassment to the District government which we find running through its whole system is here felt even more than elsewhere, to wit, that so large a portion of the property of the District is exempt from taxation.

The United States have no right to expect, and ought not to expect, to retain the services of honest, faithful public servants at low salaries, and force them to live at a place where they will have none of the comforts or necessities of life, or the privileges which will enable them to rear their families properly. Nor have the United States any right, moral or other, to hold out special inducements to any class of our fellow-citizens, inviting them to take up their residence under the shadow and protection of Government at its capital, and cast the whole burden of taxation to furnish these persons with educational advantages and privileges upon the private citizens.

But aside from these special considerations, the policy of the Government, long established, should control its action in this matter. It has already given in aid of public schools nearly one hundred million acres of public lands. Over thirty-four and one-half million acres have gone to the other Territories. We have a greater school population than some of these Territories ever can have. Besides this magnificent land grant, other special and valuable assistance has been extended to the States and Territories in aid of education.

At one time $37,000,000, the proceeds of public lands, were distributed to the States, and much of it for the benefit of public education. It cannot be that the District of Columbia was excluded because it has contributed nothing to the support of Government; for an examination will show that this District has paid into the Internal-Revenue Bureau since its organization, as I have shown, more than all the other Territories combined, and more than several of the States that might be named. I am utterly at a loss to discover any reason for refusing aid, while there are many that must appear convincing why the Government should aid this important work.

I have been unable to ascertain the cost of public schools prior to 1860, but since that time to the present the total expense has been $2,168,000 The Government has not paid one penny, and its donation of a lot, formerly General Jackson's stable-lot, made some years ago, did not exceed in value $1,000.

ACCOUNT—SECOND STATEMENT.

I have thus, Mr. Chairman, gone over about all the expenses which enter into the local government, and I will again state the account with the United States, as affected by the items just mentioned:

Expended by old corporations and the new government for improvements since 1800	$20,375,410 70
Expended by same for police department	1,148,643 33
Expended by same for water department	1,500,000 00
Expended by same for gas department	415,087 29
Expended by same for health department	83,000 00
Expended by same for fire department	605,000 00
Expended by same for public schools, (since 1860)	2,168,000 00
Total expended by local government	26,295,141 32

Expended by General Government for improvements since 1800	$4,600,586 70
Expended by same for police department	2,400,000 00
Expended by same for water department	3,500,000 00
Expended by same for gas department	272,340 00
Expended by same for health department	69,000 00
Expended by same for fire department	.....
Expended by same for public schools	.....
Total expended by General Government	10,841,926 70

ACCOUNT—THIRD STATEMENT.

I know, Mr. Chairman, it is claimed that our citizens enjoy the public parks and reservations in common with Government, and that we should make some allowance for the amount expended heretofore exclusively by Government upon these public grounds. I suppose, however, that no one would insist that the citizens should share the expense of the grounds immediately connected with the Departments, the Capitol, and President's House. But, to leave no room for cavil, I have procured from General Babcock a statement of appropriations made by acts of Congress for the improvements in the parks, reservations, and grounds around the public buildings since December, 1834. Prior to that time I have ascertained the expenditures for this purpose from the report of the Commissioner of Public Buildings and Grounds, appended to Senator Southard's report of February 2, 1835.

General Babcock's report to me is a tabular statement of the date of the acts of Congress, the amount of the appropriations, and for what purpose made. It is of too great length to embody in my remarks, but I will give the results. It covers expenditures on the Capitol grounds, at the President's House and grounds, the grounds of all the different Departments, and, in short, everything but the public buildings themselves. It includes the Mall and reservations generally, and the small triangular squares at street intersections, and also the salaries of officers, amounting to nearly $150,000.

With this explanation I will restate the account from the balance shown in second statement already given:

Grand total expended by District government for all purposes		$26,295,141 32
Total expended by the General Government, as shown in second statement, for municipal expenses, streets, &c	$10,841,926 70	
Total expended by Government around public buildings, and on squares, parks, &c., to December 29, 1834	49,119 00	
Total expended on public grounds, parks Capitol and President's House, Smithsonian, and grounds around the Departments, as per General Babcock's report, since 1834	1,978,318 09	
Grand total of Government expenditures		12,869,363 79
Difference between expenditures of the United States and the District of Columbia, in favor of latter		13,425,777 53
Necessary to reimburse the District of Columbia, being one-half the difference		6,712,888 76

I should observe that some items of the expenditures given by the Treasury Department as improvements of streets are also included in General Babcock's statement as improvements of squares, parks, &c., and really increase the credit side of the account of the Government; but I have not separated them, as it involved an examination of vouchers for which I had not the time to devote. The amount will not exceed $100,000 probably, and may fall below it. I must also observe that I have given the District government no credit for its expenditures on account of salaries of officers and employés other than those connected with the board of public works. Still, Mr. Chairman, it will be seen that, after allowing the United States credit for every cent it has expended which in the remotest degree has contributed to the joint benefit of the local and General Governments, we find the United States indebted to the District of Columbia in the sum of $6,712,888.76.

If I am right in my assumption, and I think that the closest calculation will not materially change it, that the United States should reimburse the District its excess of one-half the expenditures here for the common good, I am brought to the statement of the first duty of Congress, namely, to appropriate money sufficient to make this reimbursement.

If we were trying this case on a bill in equity, there would be a large item of interest properly chargeable to the United States on account of the advances made by the District government. There would also be another large item in the proceeds of sale of lots, and interest upon the amount. These, if considered, would more than double the balance which I have shown to be due.

But we seek to drive no hard bargain with the United States, and would not even ask reimbursement if we had a business interest, manufactures, trade, commerce, or revenues, to which we could look in the immediate or remote future for reimbursement.

But, sir, if we have any rights which can be enforced by an appeal to a sense of common justice, to a sense of national honor and fair dealing, I must believe that this first duty which I have pointed out will sooner or later be discharged.

Our statute-books are filled with precedents for reimbursements to the States upon precisely the same principle as that involved in this claim. I would not pretend to give the number of millions of dollars which have been appropriated by Congress to refund to States moneys which they had paid out for the common benefit of the whole people.

The second and imperative duty of Congress is to devise an intelligent apportionment of the expenditures at the seat of government.

It is not of half so much importance that large appropriations should occasionally be made, as that there should be a fixed and definite sum appropriated annually, which shall be disbursed with reference to an intelligent and wise development of the extraordinarily beautiful plan of our capital city. An appropriation annually by Government, which would not exceed five cents *per capita* of the whole population of the United States, together with local taxation, would sustain a fund sufficient in twenty years—yes, even in ten years—to make here a city unparalleled for its beauty.

There is no city in the Old World of which I have any knowledge that can compare for a moment with ours in the magnificence and grandeur of its plan. In all London there is not a street or avenue, after leaving the public parks, over which there is the least pleasure to drive. Almost the same thing may be said of Paris, with the exception of two or three boulevards and the Champs Elysées. Unter den Linden, of Berlin, is paved with Belgian pavement, with surface drainage through its gutters, a rough, unkempt, untidy, and disagreeable street, and one must go beyond the western gate for a pleasure drive. The Ring Strasse of Vienna is a broad macadam avenue encircling a busy hive of active industries, whose devotees are crossing and recrossing and traversing this busy thoroughfare, rendering a pleasure drive upon it next to impossible; and here, as in Berlin, for air and refreshing recreation, the inhabitants are driven beyond the confines of the city. So of Brussels; so of Munich; so of Rome; so of Naples, except, perhaps, a portion of Chiai; so of Florence, except its suburban drives.

But here, when the bordering grass of our broad avenues and streets shall have become a mat of green, and our many varieties of beautiful forest trees shall lift their heads aloft and throw their grateful shade over lawn and pavement, the beautiful vistas which will be opened up, the superb works of architecture, which in our public buildings surpass anything in the world of their kind, breaking in picturesque variety the view, with the lovely spring and autumn skies which overspread us for half the year, will make Washington City what its founders promised for it.

True the capital cities of the Old World have their splendid monuments and works of art, old and time-honored and splendid private mansions, that are a delight to behold; but seen, and known, and familiar with, one must go beyond all these for that rest and recreation which of all things, to the thoughtful, overtasked mind, is indispensable.

Monuments, statues, and works of art will come to us in time; they are the result of many years; they will add a charm to the capital; but whether we ever have these or not, nothing can prevent this city from being the most delightful on either continent, if Government will only extend to it that fostering care which its founders promised.

Your ten thousand, and rapidly increasing number, of overworked, brain-weary public servants will have only to step from their offices or their homes into the open street to be in the midst of repose and quiet, and in the grateful presence of lawn and forest. The wisdom of our patriot fathers, who secured our public servants from the close, hot, and feverish atmosphere of a crowded, dense city of strife and panic and money-getting, and placed them with quiet and rural surroundings, is being vindicated day by day, as the growing wants of Government invite here the best blood of the nation to assist in its management.

What even small appropriations will accomplish when regularly made is so favorably exemplified by the present engineer in charge of public buildings and grounds, that I point to his work as a complete demonstration of the wisdom of this course. He has made the desert smile and the waste places blossom, and yet his expenditure has not been felt. A similar policy pursued toward improvements outside the parks and reservations, added to local effort, will repay the outlay a thousand times.

Nothing can be more clear, upon even a cursory view of the local government and its relations to the parent Government, than that the United States have never acted upon any well-defined theory, or with any consistency or unity; that while it has been just—indeed, almost generous—in certain directions, it has been parsimonious and mean in others; that its policy has been fitful and vacillating and uncertain, and calculated to keep the citizens of the District government in the most deplorable and abject condition.

What is needed above all things here is a consistent, well-defined policy on the part of Congress in the support of this District government. I think the local government has the right to ask that a proper balance-sheet should be struck between the United States and the District of Columbia.

The United States should have credit for its expenditures on behalf of improvements in the District of Columbia, and generally its aid in maintaining the local government, excluding, of course, those appropriations which are made to all the Territories or States. The District government should have credit for all its expenditures of like character. The United States should then appropriate a sufficient sum to meet its just proportion of the difference in favor of the District of Columbia. And there should then be determined a fair and just proportion of future expenditures to be borne by the United States and by the District of Columbia.

I have no special theory or choice as to how this common fund—the appropriations made by Government, and the revenues derived by taxes upon the private property—shall be managed or disbursed.

I believe, however, that a more inexpensive form of local government can be devised than the present one; but as the property of private citizens and the interest of private citizens are equally involved with those of the Government, I believe that in any form which may be finally adopted the people should have a just representation. I do not believe that the general principle which underlies our theory of government ought to be violated, because of any peculiar political relations which this District sustains to the General Government.

I believe the people here are as competent to determine what is to their interest as the people of any other community; and as our theory of government submits that question to a vote of the people in all communities, and has done so in this for seventy years, I cannot give my consent to see this principle violated.

The large interest of Government here I concede can have no other representation than that provided by Congress, and Congress must judge as to the best means for protecting its interests.

I shall quarrel over no form Congress may prescribe. Give us some guarantee that the Government will henceforth do its duty, and will lift some of the burdens under which we are groaning, and we will cheerfully trust the wisdom of Congress to provide a just government for the District. Our interests are common. We who have chosen this city for our homes will never be found wanting in devotion to it as the nation's capital. I point with pride to the efforts of our citizens in former years, and especially under the new government, as proof of what we shall always stand ready to do.

The monuments of this devotion are seen on every hand. Ingratitude, envy, and hate of the hour may blur the vision of some, and shut out all generous and patriotic emotions from the hearts of others, but the work of the last two years will vindicate itself, and the prominent persons in this era of Washington's regeneration will stand side

by side in history with the founders of this noble city. No man must hope for justice in his day. This is the age of slander; and if it were not for the courageous souls scattered here and there in public life, we might surrender hope and succumb to the ghouls.

There is one brave man who has dared to lift up his voice out of the midst of clamor, and remind Congress of its duty. He did it under a sense of high official responsibility. He did it, too, not upon the recommendation of some head of Department, and upon second-hand evidence, but from actual observation of the progress of improvements here. I will venture to say that no one man in the District of Columbia, not even the governor himself, has been the daily witness of so much of the work in its detail as this man. Like his great prototype, Washington, who watched the unfolding of the plan of the city with the same keen interest that a botanist would the unfolding of a rare flower, or an artist the development of a great picture, President Grant has watched the rescue of the capital from national disgrace, and, unsolicited, his strong sense of justice plainly reminds you of a duty too long neglected.

Mr. Chairman, I began my remarks by reminding gentlemen of the paternal interest felt by President Washington in the future of this beautiful city, and the deep solicitude shared by his patriotic associates around him for its future prosperity. I showed how the seal of the nation's plighted faith was stamped thus early upon it. I may, I think, with becoming fitness conclude my remarks by quoting from President Grant's annual message to this Congress. He says:

> Under the very efficient management of the governor and the board of public works of this District the city of Washington is rapidly assuming the appearance of a capital of which the nation may well be proud. From being a most unsightly place three years ago, disagreeable to pass through in summer in consequence of the dust arising from unpaved streets, and almost impassable in the winter from the mud, it is now one of the most sightly cities in the country, and can boast of being the best paved.
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> The work has been done systematically, the plans, grades, location of sewers, water and gas mains, being determined upon before the work was commenced, thus securing permanency when completed. I question whether so much has ever been accomplished before in any American city for the same expenditures.
>
> The Government having large reservations in the city, and the nation at large having an interest in their capital, I recommend a liberal policy toward the District of Columbia, and that the Government should bear its just share of the expense of these improvement. Every citizen visiting the capital feels a pride in its growing beauty, and that he, too, is part owner in the investments made here.

Mr. Chairman and gentlemen of the committee, I have endeavored to do my duty by pointing out yours. I commit the subject to your earnest, intelligent, and patriotic consideration.

Finance—Currency.

SPEECH OF HON. JOHN A. LOGAN,

OF ILLINOIS,

IN THE SENATE OF THE UNITED STATES,

March 17, 1874.

The Senate, as in Committee of the Whole, having under consideration the bill (S. No. 432) to amend the act entitled "An act to provide for the redemption of the 3 per cent. temporary-loan certificates, and for an increase of national-bank notes," the pending question being on the motion of Mr. BUCKINGHAM to refer the bill to the Committee on Finance, with the instructions adopted on the motion of Mr. MERRIMON—

Mr. LOGAN said:

Mr. PRESIDENT: I dislike very much to trespass again upon the time of the Senate on this question of finance; but some statements have been presented and some assumptions made which I do not feel willing to let pass unnoticed. And since the first conflict between the opposing parties appears to be the one which is to decide the issue, so far as this body is concerned, it is perhaps as well to discuss the subject now as to go over the whole field at another stage.

My chief object in addressing the Senate at this time is, however, to reply to some of the arguments presented by the Senator from Missouri, [Mr. SCHURZ,] and to call attention to a few facts which I think have been somewhat overlooked, notwithstanding the length and wide range of the discussion.

As no attempt has, so far, been made to controvert the statements I heretofore made in regard to the amount of money in European nations, they may be considered as admitted, and the argument on this basis, with which the advocates of specie payment started out, must now be considered as abandoned by them. I have no desire now to inflict upon the Senate an array of statistics on this point; but to show that my figures were not exaggerated, notwithstanding the statistical statement recently placed upon our desks, I will call attention to some further evidence in regard to the amount of money in England. I find that the amount of gold alone in circulation is, according to the Bank of England estimate, £105,000,000, or about $520,000,000. (See Westminster Review, October, 1873, page 136.) It is true, Jevon's estimate is £80,000,000, and that of the Chief of the Bureau of Statistics, which is based on Jevon's, is but £84,000,000; while others estimate it as high as £120,000,000; but that of the Bank of England is considered by English writers as the most reliable. I now have here before me the London Economist of December 13, 1873, with a list of all the private and joint-stock banks of England, and of all the Scotch and Irish banks, with the amount of circulation and specie reserves of each.

If to the amount of gold in circulation we add the silver and bronze money, the amount of coin and bullion in reserve in the banks, and the notes in circulation, we shall have an amount considerably larger than that given in my former speech, as I had not then collected all the data on this point

Amount of money in Great Britain.

Amount of gold in circulation, according to the Bank of England estimate, (see Westminster Review, October, 1873, page 136)	$525, 000, 000
Amount of silver coin in circulation. (Bureau of Statistics, page 10)	75, 000, 000
Amount of bronze in circulation. (Bureau of Statistics)	5, 740, 000
Total coin circulation	605, 740, 000
Notes of the Bank of England	$187, 259, 000
Notes of private banks, (November, 1873)	13, 606, 675
Notes of English joint-stock banks, (same date)	11, 958, 550
Notes of Scotch banks, (same date)	29, 468, 290
Notes of Irish banks, (same date)	38, 208, 640
Total paper circulation	280, 501, 155

(London Economist, December 13, 1873.)

Amount of bullion and reserves:

Bullion and coin in Bank of England	$112, 259, 000
Specie reserves in Scotch banks	19, 646, 000
Specie reserves in Irish banks	14, 874, 000
Total coin reserves	146, 779, 000

(Speech, page 26; London Economist, December 13, 1873.)

Adding these several amounts together:

Coin circulation	$605, 740, 000
Note circulation	280, 501, 155
Coin and bullion reserves	146, 799, 000
Total, counting five dollars to the pound	1, 033, 020, 155
Deduct 3 per cent. to reduce to the true amount	30, 990, 604
	1, 002, 029, 551

I have followed the estimate of the Bureau of Statistics in regard to the amount of silver in circulation, but, judging from the Mint statistics, I think this is too large, and would place it at about $40,000,000, which would reduce the total to $967,000,000. Even if we take the Bureau estimate, and add the coin and bullion reserves not included, and the additional gold in circulation as estimated by the Bank of England, we find the amount to be over $938,000,000, or $70,000,000 more than my former statement.

Total circulation, (Bureau)	£141, 239, 000
Coin reserves not included	15, 774, 000
Addition to equal Bank of England estimate	20, 450, 060
Bullion reserves, Bank of England	16, 900, 000
Total	193, 463, 000

Equal to $938,295,000 at gold value. Deducting the reserves, we find the amount in circulation to be $784,182,000, nearly twelve millions more than my estimate, calculating the pound sterling at its true value in gold. I will here add my former tables in reference to France, Germany, and England, which I presented on the 19th of January, 1874, as follows:

United States.

Greenbacks	$350, 000, 000
National-bank notes	300, 000, 000
Reserve	44, 000, 000
Fractional currency	50, 000, 000
Gold and silver	125, 000, 000
Total amount of money	869, 000, 000
Deduct gold and paper reserves	200, 000, 000
Total actual circulation	669, 000, 000

Amount money *per capita*, $21.72; amount circulation *per capita*, $16.72.

England.

Bullion in Bank of England	$113, 259, 000
Notes of the bank (including reserves)	187, 259, 000
Notes of other banks in circulation	85, 425, 000
Coin admitted to be in circulation	500, 000, 000
Total amount of money	884, 943, 000
Deduct reserves	112, 259, 000
Total circulation	772, 684, 000

Population, April, 1871, 31,817,108; amount of money *per capita*, $27.80; amount of circulation *per capita*, $24.28.
(American Annual Encyclopedia, 1872.)

Germany.

Bank circulation	$315, 000, 000
Cash reserves	205, 000, 000
Coin in circulation	776, 000, 000
Total amount of money	1, 296, 000, 000
Reserve	205, 000, 000
Total amount in circulation	1, 091, 000, 000

(Bagehot's Lombard Street; North American Review, January, 1874.)
Population, (including Alsace and Lorraine,) 41,058,196; amount of money *per capita*, $31.56; amount of circulation *per capita*, $26.60.
(American Annual Encyclopedia, 1872.)

France.

Circulation of the Bank of France	$550,000,000
Coin and bullion on hand	100,000,000
Gold and silver as per Bonnet (deducting that in bank)	940,000,000
Total	1,650,000,000
Amount as per Baird, (deducting amount in bank)	$540,000,000
Total amount, as per Baird	1,250,000,000

Population, (exclusive of Alsace and Lorraine,) 36,102,921; amount of money *per capita*, first estimate, $45.70; amount of money *per capita*, second estimate, $34.62.

(Bagehot's Lombard Street; North American Review, January, 1874; Revue des Deux Mondes, November 1, 1873.)

And let these speak for themselves.

But, sir, it is unnecessary for me to pursue this proof any further, as the Senator from Missouri, in his recent speech, appears to have wholly abandoned his *per capita* argument, brought forward in his first speech with such a flourish of trumpets.

What, therefore, is the fair inference to be drawn from this sudden silence on the subject of statistics? Are figures and facts of no value in this debate? If they were so valuable as testimony at the outset of this discussion, how does it happen they are now thrown to the "dogs," and the theories of Mill, Price, and Amasa Walker substituted in their place? Why is it that they are wholly ignored while the statements of Marco Polo, whose history of his travels was once in great doubt as to whether it was fiction or fact, but is now considered authentic, are substituted as arguments on this floor in regard to finance? Sir, the simple reason for this change of tactics is that they were wrong, and they cannot face the facts and figures, knowing that when correctly presented they are against them; and knowing that an appeal to other nations for evidence on this subject will show clearly that the amount of money we have is too small for the population, wealth, and business of the country.

It is a little singular, Mr. President, that the contractionists on this floor do not attempt to rely either upon facts or figures to sustain their position, but wholly upon theory and assumption; and as an evidence of this I need only to refer to the recent speech of the Senator from Missouri. Why, Mr. President, even the few facts and statistics presented in his former speech seem to have been abandoned in the latter. But many of the theories and assumptions of the former were reiterated with great emphasis in the latter. The same tirade against "irredeemable currency," the same outcry against speculation and gambling, the same assumptions in regard to interest, and the same sophistry in reference to the farmers and laboring classes, were repeated; but his facts and figures were carefully omitted, and no attempt was made to present any new ones, or to controvert those brought forward by those opposing his views.

This, Mr. President, is somewhat significant, and indicates, as it seems to me, the basis on which the contractionists stand. *Theory* and *theory* alone, although in nowise applicable to the present facts or conditions of the business of our country; and, sir, when practical facts produce a different result from the theory laid down, theory must fall, and the facts must stand. To sustain this proposition I will read from one of the political economists so much relied on by our theoretical friends. Bowen, in his American Political Economy, quotes from John Stuart Mill, as follows:

> Political economy is a *deductive* science so far as it reasons from assumptions, not from facts. It supposes an arbitrary definition of a man as a being who invariably does that by which he may obtain the greatest amount of necessaries, conveniences, and luxuries with the smallest quantity of labor and physical self-denial with which they can be obtained in the existing state of knowledge. It predicts only such of the phenomena of the social state as take place in consequence of the pursuit of wealth. It makes entire abstraction of every other human passion or motive, except those which may be regarded as perpetually antagonizing principles to the desire of wealth, namely, aversion to labor, and desire of the present enjoyment of costly indulgences. * * * *
>
> The conclusions of political economy, consequently, like those of geometry, are only true, as the common phrase is, *in the abstract;* that is, they are only true under certain suppositions, in which none but general causes—causes common to the whole class of cases under consideration—are taken into the account. In proportion as the actual facts recede from the hypothesis, the political economist must allow a corresponding deviation from the strict letter of his conclusion; otherwise, it will be true only of things such as he has arbitrarily supposed, not of such things as really exist. That which is true in the abstract is always true in the concrete, *with proper allowances.* When a certain cause really exists, and, if left to itself, would infallibly produce a certain effect, that same effect, *modified* by all the other concurrent causes, will correctly correspond to the result really produced.—*Bowen's American Political Economy*, page 11.

That is from Mr. Mill; and in reference to which Mr. Bowen says:

> All legislation which is designed to affect the economical interests of society, or which relates immediately to its commerce, agriculture, or manufactures, is, in truth, an application of the principles of some system of political economy to practice, be that system a wise or a mistaken one. It is often a very injurious application of them, because the circumstances which actually limit the principles are lost sight of, and the abstractions by which they were obtained are forgotten. Mischief results; and "practical men," seeing that the consequences do not square with the theory, call in question the science itself, instead of attributing the error to the faulty application of it. Hence arises an unhappy dissension between theory and practice, to the lasting detriment of both.
>
> The political economists themselves are somewhat to blame for this result, by pressing too eagerly for the reduction of their favorite doctrines to practice without regard to the particular circumstances of each case. The general doctrine of free trade, for instance, which may be correct when applied to two nations which are similarly situated in every respect, which have grown up under the same institutions and the same laws, and in which the profits of capital, the wages of labor, and the ratio of population to territory are nearly on a level, is extended, by a hasty generalization, to two countries that are contrasted with each other in all these respects, and in its application to which, to say the least, the correctness of the principle is very doubtful. We have in this country the largest extension of the system of free trade which the world ever witnessed; we have free trade between Maine and Louisiana, between California and Massachusetts; and no one doubts that the system is equally beneficial to all these States. But before the system is carried out between England and the United States we may reasonably inquire whether it will not necessarily tend to an equalization of profits and wages in the two countries, and whether it is desirable here to hasten the operation of the causes which are rapidly reducing the rates of both to the English standard. This subject will be considered hereafter, but I may say here thatthe question does not relate to the correctness of the general principle in economical science, but only to its applicability under particular circumstances. That all terrestrial bodies gravitate to the center of the earth is a general law which is not disproved by the floating of a "cork in a basin of water."

Here political economists themselves say that the principles relied upon by these gentlemen, which are nothing but their theories, are not applicable in all cases to all countries; but that the principle is correct when carried out as applying to a condition of things which is in accordance with the theory; and yet we have been told that we despise books of political economy. We do not; but we say that political economy on finance, from an English stand-point, does not square with the condition of this country.

The writer further says:

> Another prejudice against political economy has arisen from an error of an opposite character; from too strict a limitation of it to the causes affecting the increase of national wealth, the other interests of a people being undervalued or left out of sight. The English economists of Ricardo's school have most frequently fallen into this error; looking merely to the creation of material values, they have tacitly assumed that this was the only interest of society, the only end which legislation should have in view.

What legislation? What end? The only end this writer says, that the school of Ricardo, and those men who follow him have, is looking merely to the creation of material value. They have tacitly assumed that this was the only interest of society, and the only end which legislation should have in view—creating more wealth in the hands of the wealthy and taking it from the less wealthy.

> The proposition on which they act, though they seldom directly enunciate it, is, that the augmentation of national wealth is at once the sign and the measure of national prosperity. We may admit that it is so, *if the wealth be distributed* with some approach to equality among the people. But if the vast majority of the nation is beggared, while enormous fortunes are accumulated by a few—if pauperism increases at one end of the social scale as rapidly as wealth is heaped up at the other—then, even though the ratio of the aggregate wealth to the aggregate population be constantly growing larger, the tendency of things is downward, and, sooner or later, if a remedy be not applied, society will rush into degradation and ruin.—*Bowen's American Political Economy*, pages 12, 13.

So much, then, for the theory of political economists when they write from a stand-point in reference to the London exchange, or in reference to the condition and wants of a people confined in narrow limits, where their business and their exchanges are made every day and where they nearly all are circumscribed within the limits of cities. Then this theory of Mill, of Ricardo, of Bonamy Price, and the other authors that are so frequently alluded to by these Senators, will apply. But, says this political economist and says Mr. Mill, the circumstances must be such as to relate to the principle, or else the application is not good.

Then, sir, I will only ask whether the circumstances and present condition of the people of this country are such as to justify an application of these principles, that relate only to the condition of the people in England, circumscribed in area, and whether we should not consider the greater opportunities afforded for transactions of a business character in this country?

But, sir, leaving that for the moment, I will say that even the chairman of the Committee on Finance, [Mr. SHERMAN,] abandoning the high stand he at first occupied, has gone back, as a final resort, to the records of the past to hunt up the former statements of individual Senators. Has he also abandoned his guns, and left the field of open warfare? A question like this, bristling on every hand with facts concerning its various phases, certainly does not need a resort to the past expressions of an individual Senator to sustain a true and correct position in reference to it. The Senate will long remember the difficulty the Senator found himself in by referring to former records on this question, his own speeches having been immediately produced showing him the leading advocate in the Senate Chamber of the same principles now advocated by our side of this question. It is strange, sir, but it is true, that men like the chairman of the Committee on Finance do within a short period of time change their opinions on great questions.

Sir, with a century of history behind us, marked with all the vicissitudes known to a republic except death, with the history of England for centuries, it would seem as though facts and illustrations might be produced to sustain a correct theory on this subject, without relying wholly upon the opinions of political economists, and without hunting up the previously expressed views of Senators.

What is the great burden of all the arguments against an increase of the currency, and against any attempt to repeal the restrictions of the present banking law, so as to prevent monopoly and give to all equal rights? It is "speculation, speculation, speculation!" Sift all their arguments of their rhetorical flourishes, extravagant assumptions and theories, and this will be about all the substance that will remain. And yet they fail to tell us what train of horrors is to follow in the wake of speculation.

Certainly, Mr. President, I am not wrong when I say that the fear of speculation was the chief, if not the only prominent, objection of the Senator from Missouri. Yet I failed to learn what fearful results were to follow from speculation, except that he charged to this cause the late panic in monetary affairs. I admit that the panic has been very injurious in many respects to the business of the country; and

if it was brought about by a speculation produced by a redundant currency, then I will concede that this will form a strong argument against continuing the same financial condition which preceded it. I have no desire to avoid the full force of this argument if the facts in the case sustain the theory. But if, upon an examination, the Senator is found to be wrong on this point as to the facts, his whole argument falls to the ground, and with it all his anathemas against an irredeemable currency. Does he not know that England, with her boasted financial system, which is held up before us by contractionists as a model, has had many panics; one in 1784, in 1793, in 1810, in 1819, in 1826, in 1837, in 1847, and again in 1857, and one in 1862? Is it not a historical fact that panics are common to all commercial countries, and occur at times not to be accoun ted for on any reason able hypothesis?

But, sir, if an examination shows that there was nothing in the character of the currency to produce speculation or panic; if it shows that there was not a redundancy, then I ask in all candor, is not the Senator's whole argument without any force? And I call special attention to these two propositions, on which hangs the entire force of the contractionists' arguments, so far as they refer to the recent panic: it must have resulted from a superabundance of the currency or from its character, or their theory is wrong.

Now, let us examine these two points candidly and dispassionately, and with a desire to profit by the lesson; and with the facts which have already been presented here it will take but a moment to do this.

But let me first state their argument. It is this: A redundant currency induces speculation; speculation produces panics; the only way to remedy the evil is by a resumption of specie payment, which we all know at this time can only be done by reducing the currency.

Now, it has been shown here that the amount of money in the United States, in proportion to population and wealth, is less than in England, or France, or Germany. If there is a redundancy in the United States, then the condition of England and Germany and France in this respect must be far worse. If the redundancy here led to wild speculation and panic, how does it happen that a greater redundancy in France and England has not resulted in a like disaster at the same time? That they have a greater amount according to population and wealth than we have cannot be controverted. If it could be, it would have been done long ago. If we have a superabundance, then they must also have a superabundance. If the excess here produced disaster, the same cause ought to produce the same effect there, especially as the panic here produced great alarm there. But such has not been the case, and consequently, so far as this evidence goes, it proves their theory erroneous.

But we are met by the reply that in England and France they have paper based on gold. Then we must infer that the panic was not due to an excess of the currency, but to its character; that it was not on account of a redundancy, but on account of the kind of currency we employ. Do these Senators not know that the greatest panics the commercial world has ever witnessed were when the paper money was based on gold alone, both in Europe and in this country? And is it not a further fact, well known, that gold currency induces speculation just the same as paper currency does? But, sir, who ever heard in this country of an attempt being made to contract the circulation of gold currency? An attempt was once made by the landed proprietors of England to induce the Parliament to prohibit increased circulation of gold, so as to produce a reduction in prices and wages, and give them a greater power and control; but it did not prevail.

But, sir, that the panic was not due to the character of our currency is proved by the history of the panic itself, and by the steady decline in the premium on gold during the past four or five years. We all know that it was not caused by a depreciation of our currency, for this never was better than during the panic; it was good previous to the panic; it was better during that time than at any other; and is good now. No, sir, the cause was not attributable to the character of the currency, but to a money famine, as all the evidence will show, and to nothing else. In the very midst of the panic we saw the leading bankers and business men of New York pressing and urging the President and the Secretary of the Treasury to let loose twenty or twenty-five millions more of the same paper for their relief; the very same men who to-day denounce it as a disgrace to our Government. It was good enough when they were in trouble; but now, since New York, Boston, and Philadelphia have, as the Senator from Missouri tells us, increased their piles by the addition of over twenty-three millions, it has become a miserable, "shameful" currency, a "disgrace to the nation." And right here, although leaving for the moment my line of argument, I want to call attention to one very significant fact which the Senator's figures reveal.

He tells us that of the $25,000,000 greenbacks issued the past year, and since the panic, those three cities have received nearly twenty-four millions, while the rest of the country received but little more than one million. Now they want contraction and a speedy return to specie payments. Is it any wonder? Is there anything strange in this? Nothing whatever; it is very natural. But it is a little strange, at least it appears so to me, that the honorable Senator who resides in and represents Missouri, which received scarcely enough of it to pay for a steamboat, should stand here in this Hall as the leader in the effort for contraction and the war on greenbacks. Now that these cities have been relieved, by pouring into their coffers these millions, and say they have enough, it does seem strange to me that the Senator from Missouri should say to his constituents, who are asking for but a little share, "Nay, be still, you don't know your own wants; you are led astray by a taking catch-word; just wait awhile, and you will recover your senses." I have no doubt the Senator thinks he is taking the wisest course for the welfare of his people and the nation; but still I am so dull as to retain a lingering opinion that if more was good for New York, a little more at least might be good for Saint Louis; but perhaps this is a mistake, and grows out of my not thoroughly understanding first principles, as taught by Marco Polo and the Chinese classics.

My friend from Missouri read Marco Polo to the Senate, and he has had the country papers producing Marco Polo's revelations in reference to China just as though no other human being had ever read Marco Polo's travels. Now, in order that this thing may be well understood as to Marco Polo, I will call the attention of the Senate for a few moments to this nomadic writer. It is known by all the school-boys, even, who Marco Polo was. Marco Polo, Nicolo Polo, and Maffeo Polo, three brothers who were born and raised at Venice, large merchants, in the thirteenth century, about the year 1255 started on a trading expedition for the purpose of selling and trading jewelry for other commodities. Marco Polo visited the interior of China, and there he found, as the Senator said, that the Khan, the imperial power of one of the districts of that country, had a fashion of minting certain character of paper, and I will read what he says:

> In this city of Kanlalu is the mint of the Grand Khan, who may truly be said to possess the secret of the alchemists, as he has the art of producing money by the following process: He causes the bark to be stripped from those mulberry trees the leaves of which are used for feeding silk-worms, and takes from it that thin inner rind which lies between the coarser bark and the wood of the tree. This being steeped, and afterward pounded in a mortar, until reduced to a pulp, is made into paper resembling (in substance) that which is manufactured from cotton, but quite black. When ready for use, he has it cut into pieces of money of different sizes, nearly square, but somewhat longer than they are wide. Of these, the smallest pass for a denier tournois; the next size for a Venetian silver groat, &c.

The Senator read that to prove that paper money had been made in the thirteenth century, (he said a thousand years ago,) by the Khan, that circulated; and he compares our character of paper money to this. If the Senator would only read a little further, he would find that this money depended upon the will of the Khan and not upon its being based upon any credit or faith of government or anything else, as ours is; and yet he reads that and compares it with the money of this country. That may be a very cheerful and proper way of showing to the people of this country that we are a set of ignoramuses and know nothing about the basis of money or currency, and try to convict those that desire an increase of the currency of desiring to have a character of currency corresponding with that which the Khan of a district in China by his own will issued to the people. The man who uses such arguments must think his hearers are without any knowledge on this subject. If the Senator from Missouri would only read a little further he would find that in the thirteenth century, in other districts in China, where the use of paper money existed, and long before, there were manufacturers in certain towns named, and thousands of persons employed at good wages, and that the people dressed then in a dress corresponding almost to the people in more civilized countries. And he will find, according to this very man's statements, that the people then were advanced a thousand years beyond what they are to-day. I do not go to Chinese classics for my theory of currency; I do not desire to adopt their theory, nor does any one else that I know of; and if the Chinese, as he asserts, tried paper money a thousand years ago and then returned to specie, and specie alone, without having any other circulating medium but that, we have in their present condition an evidence of the result. What is it? Isolated from the world, idolaters, semi-barbarous, governed by superstition, less enlightened and less advanced to-day than they were in the days of Confucius, their only ambition when they come into enlightened nations being to wash clothes and become menial servants to others. If the credulous old Venetian is correct, then the example is against the theory of the Senator from Missouri and not in support of it. But will he compare the money of China in the thirteenth century, based on nothing but the will of a despot, to our money based upon gold-bearing bonds of the best Government in the world? He may do it, sir; but the people will not agree with him.

But, to return from this digression, let us now proceed directly to the consideration of the arguments of the honorable Senator from Missouri. And in doing this I shall refer to both of his speeches, as I suppose he has no desire to withdraw from any position taken in either.

In his last speech he sets out with this remark:

> I want it distinctly understood that the object of the remarks I am going to make will be distinctly this: I desire to show, first, that the gentlemen who favor an expansion of the currency labor under an essentially erroneous conception of the nature of the difficulties for which they want to provide; and, secondly, that the remedies which they propose will not effect a cure at all, but will rather aggravate the evil.—*Congressional Record*, February 24, page 1718.

And, with the apparent intention of enlightening us, he proceeds to the discussion of these points, and, to show us that we are mistaken as to the evil which needs a remedy, makes two assumptions: first, that a continued depreciation of currency which is properly secured, as compared with gold, is a sure sign that there is an excess, that there is more than the business of the country requires; and this, he says,

remains unanswered. Mr. President, this assumption has been answered over and over again. I answered it in my speech on January 19, by presenting a table showing the decline in the price of gold, and appreciation of greenbacks, from January, 1865, up to January, 1874, from which statements, then made, I will now quote:

No, sir; the price of gold is regulated just as the price of any other article of merchandise is, by the supply and demand. It is needed in this country for but two purposes—to pay interest on the public debt, and pay duties on imports. I have labored pretty hard for a few days past to get the facts and figures to verify every proposition that I make, as far as I can, and I have here the figures showing the price of gold from January, 1865, down to January, 1874:

Date.	Price.	Difference, per cent.	Date.	Price.	Difference, per cent.
1865—January	234½		1869—May	144¾	Rise 12⅝
May	128⅝	Fall 106	December	119½	Fall 24⅛
October	149	Rise 20½	1870—January	123½	Rise 4
1866—March	136½	Fall 12⅝	March	110½	Fall 13
April	125	Fall 11½	July	122⅝	Rise 12½
May	141½	Rise 16½	November	110½	Fall 12½
June	167¾	Rise 26¼	1871—September	115⅝	Rise 5½
September	143¾	Fall 24¼	December	108⅜	Fall 7
December	131½	Fall 12	1872—August	115⅝	Rise 7¼
1867—September	146⅝	Rise 15½	December	111⅜	Fall 4⅛
December	133	Fall 13⅜	1873—April	119¼	Rise 7¼
1868—August	150	Rise 17	September	114	Fall 5½
November	132⅜	Fall 17⅞	October	108	Fall 6
			1874—January	111	Rise 3

Thus it will be seen that the price of gold has been on a sliding scale downward from 1865 to the present day, and during the crisis, and during the issuance of a portion of the reserve of greenbacks, it has been lower than at any time since the date first mentioned. By examining this table you will find that the variations in the price of gold are not regulated by the amount of currency in any way whatever, but are regulated by the time of payment of duties and interest, and according to the bulls and bears of New York, without any reference whatever to the greenbacks or the currency, the amount great or small.

If that be true, then I ask, what is there in the assumption the Senator makes that the continued premium on gold is evidence that there is an excess of currency in the country? It shows that his assumption is false, that it has no basis whatever, but that the facts are just the contrary from his statement.

And, sir, we also know that some of the most experienced financiers of our country who now favor a resumption of specie payments assert directly the opposite both as to fact and principle. The New York Chamber of Commerce, in the memorial which I alluded to in my former speech, assert positively that the present amount of currency is necessary to keep our commerce in motion. I now quote from the memorial of the Chamber of Commerce of New York, page 8:

Whatever policy might have been judicious before, it is vain to talk of contraction now, when three hundred and fifty millions of greenbacks and three hundred millions of national-bank notes are employed unceasingly to keep the wheels of an extended commerce in motion.

This is answered by the very men, or a portion of those who here a few days ago presented a petition for contraction. But a few weeks ago they asserted that the present amount of currency was absolutely necessary to keep the wheels of commerce in motion. Thus you see, Mr. President, the Senator's assumptions are contradicted by the statements of his own adherents, in this unexampled raid upon the credit and money of our country. Again, these same memorialists assert "that our currency can be brought to par without decreasing the volume." Now, without adopting either proposition, I present this opinion of astute financiers and specie-payment advocates to show the Senator that the money-lenders in his own camp did, only a short time since, stand in direct opposition to him, both as to fact and principle.

I will call attention to a few articles in the New York and Boston papers on the condition of the business of the country at the present time. The Senator remarks that there is no necessity for an increase of currency, that currency is piled up everywhere, and that business is going on, and quotes from the papers of the country to show that business is active. Let me read, for the benefit of the Senator, two or three articles that I have taken recently from some of the leading papers in the large cities.

The New York Times, Friday, March 6, says:

THE STATE OF TRADE.—It is not to be concealed that the prospect for general spring trade is far from encouraging. There is a feeling of hesitancy in the business community, which finds very uniform expression among merchants, not only in our own city but from all parts of the country. Explain it how we will—and there are conflicting opinions in regard to the cause—the fact is not to be questioned. The ordinary enterprises which usually spring into active operation as the season of navigation on the northern rivers approaches, are this year entered on with notable timidity, or are wholly avoided. The importers, the manufacturers, and the jobbers—three classes who together supply, directly and indirectly, the retail trade of the country—are agreed that there is a dullness little less than stagnation in every quarter, and the opinion of those engaged in transportation is in substantial harmony with that of the other classes.

This is taken only a few days ago from one of the leading papers in this country, which advocates a contraction of the currency and a return to specie payment. Yet it is bound to confess the fact that there is a general stagnation in business throughout the whole country.

The New York Tribune, March 9, says:

The week opens upon the same stagnant condition of business—

What same stagnant condition? The same before alluded to as existing throughout the country and of which the people are complaining so bitterly, and of which we are trying to convince the Senate. It goes on to say:

The week opens upon the same stagnant condition of business which gentlemen at Washington have succeeded in bestowing upon the country for the last two months. Until they can be coaxed or driven into doing something which shall give the business community a definite knowledge of what the volume of the currency is to be, no revival need be expected. Men will not buy or sell cloth till the length of the yard-stick is fixed.

The Tribune, of course, lays the stagnation of business to Congress. This is to be expected, as Congress is now made the scape-goat for all the ills that the country is heir to; and when it is found that the stagnation of business is disproving their arguments, what is the result? They always attribute it to Congress; they are at fault; nobody else but Congress. I presume Congress brought about the panic. I presume that Congress kept the panic going, and I presume, according to their doctrines, Congress will keep it up for years. But, nevertheless, accuse what you may, the fact still remains that there is a stagnation in business throughout the whole country. The fact of the stagnation of business is admitted, and the country can well understand the cause.

I will also read an article from the Boston Journal of Commerce, Saturday, March 14, 1874:

STATE OF TRADE.—The spring trade thus far has not come up to the expectation in our own city, and the question is put more often than usual to the market reporters of facts and current prices who visit men in most descriptions of business, "Don't you find it more dull than usual at this season?" while at the same time the principal commercial journal of New York asserts that there is no disguising the fact that the spring trade has thus far been disappointing, and it is therefore natural that a more or less dissatisfied feeling should pervade business circles. The disappointment is the greater because the fall trade, which promised so fairly, and looked so healthful and cheering, was nipped in the bud by the money panic, and the business which was expected was not realized. But if the goods would not sell in the fall, they would be required in the spring; for the country was everywhere reported to be unusually bare of stocks of goods and merchandise, and the impression prevailed among the greater portion of our mercantile men—the jobbers particularly—that they should and must have a good spring business. The natural reaction which usually follows a season of depression in trade was confidently expected; but the confidence has not been sustained in the event.

Then, sir, we view the decline in the enterprises of the land, as well as the stagnation in business everywhere, as patent facts, staring us in the face, in opposition to the unsupported assumptions of the Senator.

In the second place, he undertakes to show us that we are mistaken in regard to the difficulty to be overcome, by denying directly that there is an insufficiency of currency. Now, I undertake to say, and I think I can demonstrate it, that the only proof the Senator attempts to present on this point is, in fact, directly against him.

If the Senator's argument is of any force whatever, it must be because it applies to the financial condition immediately preceding the panic; for, if redundancy caused the panic, that redundancy must have existed previous thereto. If an increase now would flow to New York and New England, for the purposes of speculation, the same must have been true previous to the panic, if there was an excess then. And now, if a still greater excess be added thereto, would not this excess seek another and more profitable place of investment? This must be correct if the Senator's argument is correct. Now let us examine the facts in the case and see whether they sustain this view of it or not. I have shown that the difference between gold and paper decreased rather than increased during the panic, when the very opposite should have been the case if redundancy was the cause of the panic. In the second place, it is a well-known fact that the bankers and leading business men of New York, by joint action and individually, demanded of the Government more paper money—not gold but greenbacks—that "irredeemable, miserable paper" which had brought on the disaster, according to the Senator's view!

In order to show that I am correct in saying that they did appeal in the manner I have stated, I will call the attention of Senators to what the Secretary of the Treasury says in reference to this point in his last financial report. After discussing the panic, and what he considers as the cause that produced it, speaking of the business men of New York, he says:

In this condition of things great pressure was brought to bear upon the Treasury Department to afford relief by the issue of United States notes. The first application came from a number of gentlemen in New York, suggesting that no measure of relief would be adequate that did not place at the service of the banks of that city $20,000,000 in United States notes, and asking that the assistant treasurer at New York should be authorized to issue to those banks that amount of notes as a loan upon a pledge of clearing-house certificates, secured by ample collaterals, and for which certificates all the banks were to be jointly and severally responsible.

This proposition was declined, yet it shows that these very men during that time appealed to the Secretary of the Treasury, not only to do this act, but in doing it to violate the very law under which he was acting, in order that they might be relieved from their distress. Relieved how? By issuing this irredeemable currency that has been so fearfully denounced here in this Senate Chamber. More than that; they not only appealed to the Secretary of the Treasury, but they besieged the President, the Executive of this nation, and the Secretary both, gathering around the hotels in excited crowds, with despair on every countenance, sending in their most select and best-known citizens to plead for a release of twenty to twenty-five millions, to satisfy their wants and save them from ruin. Was there enough money there then for the wants of business and trade? He must certainly be a bold man who ventures to affirm this. Yet if the Senator

from Missouri is correct, money was redundant and the excess had been drawn into New York, the great center, as he asserts, of speculation. Then, sir, so far as the facts go, they agree with the statement of the chamber of commerce, that there was no redundancy; in fact, so far as they show anything, they show just the opposite. We may theorize and explain with all the sophistry we are masters of, yet these facts remain unimpeached and unimpeachable.

One day he reads the money articles in newspapers to show that money is easy in these cities now, and the next he presents statistics to show that Boston, New York, and Philadelphia have received twenty-four out of the twenty-five millions of the reserves issued during the year since the panic. This explains itself, and proves, as clearly as facts can prove anything, that what the bankers and merchants said during the panic was true, that they needed more money for the transaction of business. And the very fact that money is now piled up in the great cities, if correct, proves that business is stagnant elsewhere, and that the vast operations in the interior which previously kept it in circulation have been curtailed. But, sir, with all the boasting of these bankers that money is now so plentiful with them, it can only be obtained on the very best class of paper on short loans and on call.

In order to satisfy some gentlemen that I am not misstating the facts in this case, I will give the views of some business men to show that the statement of Senators made upon this floor in reference to money being obtainable in New York and other places at fair rates of interest is not the fact. I have a letter here from a gentleman in Ohio, a constituent of the excellent chairman of the Committee on Finance. The letter is as follows:

HAMMONDSVILLE, JEFFERSON COUNTY, OHIO, *March* 12, 1874.

DEAR SIR: We are watching with interest the discussion of the financial question in Congress. We think in this important matter you are taking the right ground. While favored depositors can obtain all needed funds to carry on their business, especially when, like the present, there is a plethora of currency in the money centers, what is the condition of things throughout the country? Outside of the money marts stringency without accommodations or facilities has been the order of the day. And let an outside party with security unexceptionable apply for accommodation, and he is refused upon the ground that larger depositors must be cared for. The business community has suffered all through the panic, and is still suffering, for want of means to prosecute the legitimate business enterprises.

While money in New York is quoted even as low as 3 to 4 per cent. on call, the best institutions in that city demand at the rate of 12½ per cent. per annum to outsiders, while the favored can obtain it at 7 per cent., giving them an advantage of 5½ per cent., because they do business in the said money mart. We hand you rates demanded by an institution with which we have done business for a number of years. Is this state of things fair? Is this great country to be retarded in its onward march toward development, prosperity, and greatness, because a comparatively few will profit thereby?

The whole principle is cruel and oppressive. Let there be currency enough to supply all the legitimate wants of the country, so that all that can furnish the needed security can obtain a supply, both in city and country, leaving the user of funds to be his own judge as to how much it will be safe for him to secure. In short, let demand and supply be the predominating principles to govern the whole matter of our currency, as well as, or the same as, all other matters touching the well-being of the country.

May you carry out successfully your views in the premises is the wish of your obedient servants,

W. H. WALLACE & SONS.

General LOGAN, *United States Senate.*

With this letter they sent me an answer from a banker in New York to an application made by them to borrow money, which is as follows:

FIRST NATIONAL BANK, NEW YORK, *February* 6, 1874.

DEAR SIR: We will do some good Cleveland paper, thirty days, 7 per cent. and ½ per cent. exchange; sixty days, 7 per cent. and 1 per cent. exchange. This is the best we can do on an account that runs so small as yours.

Respectfully,

GEORGE F. BAKER.

W. H. WALLACE & SONS,
Hammondsville, Ohio.

There is an application from a firm to borrow money on first-class paper. The bank will do the paper at high rates of interest on thirty and sixty days, but only do that because the account was small, and if they had a larger account they would do better.

I also have a letter here that I will read, from a business man in New York, showing that he has hundreds of thousands of dollars of property that he is willing to put up, and yet he cannot get one dollar of money unless he has bonds that are worth one and a quarter each on each dollar he gets, and then pay a high rate of interest. He says:

NEW YORK, *March* 8, 1874.

Hon. JOHN A. LOGAN, *United States Senate:*

I see it admitted in debate by some friends of ample currency in the Senate that money is plenty in New York. This is not true in the sense in which it is made. To be sure, among stock gamblers and the banks with which they are confederated, and who thrive upon usury and the frequent opportunities for loaning at ½ per cent. a day on safe collaterals, money is frequently quoted at very low interest. This is upon call. Not so in all other business. For over six weeks now past I have had out application for loan upon city lots. The case is this: A friend of mine held a mortgage upon four full city lots, situated on Seventy-seventh street, within three hundred feet of the residence of Hon. FERNANDO WOOD, among the most desirable property in all the city, and which at auction would bring somewhere from twenty-five to forty thousand dollars. The mortgage, with a rich bondman, a gentleman of fortune whose interest had always been regularly paid by a banking-house, was for $15,000, having two and a half years yet to run. My friend authorized me to offer $1,000 bonus for getting it cashed. It bore 7 per cent. interest, payable semi-annually. I placed the application in the hands of numerous respectable negotiators of loans, men who daily advertise large sums "to loan on good real estate in the city and county of New York or Brooklyn." It is not yet taken. The money-lenders all through demanded a bonus of $1,500 to cash the mortgage. At last one came down to $1,200, and lawyers' fees, &c., for search of title, about $250. This is to my certain knowledge a fair picture of the value of money on this first-class property in the city of New York, and if the application extends outside of the city, in remote parts of the State, the loan cannot be obtained at all.

I have a property covering about one-quarter of the land embraced in the village of Niagara Falls, including a canal, which with the lands stands me in over $600,000. I cannot borrow $50,000 on this property, even at 12 per cent. In the face of such a condition of money in New York, it is only fair that the truth should be told. There has not been a period for three years past but when I could borrow one-quarter of its value, to erect factories and mills, at 7 per cent. Mine is not an isolated case, it is only a type; and every money negotiator in New York knows the fact to be so, and I may safely challenge contradiction.

I also have a letter from a firm in New York, or a member of the firm, well known throughout this country—the firm of Peake, Opdycke & Co.—written, however, to another party, in which this gentleman says:

NEW YORK, *March* 11, 1874.

DEAR SIR: * * * * * We are in favor of more currency in some way, for the country needs it. Give us the $400,000,000 of greenbacks if we cannot have more currency in any other way, and also give us free banking.

We need some action speedily on the currency question, so we can know what to depend upon in arranging business action in the future, for you know in large mercantile operations we have to make calculations for months ahead.

Yours, truly,

W. I. PEAKE.

I introduce these letters merely to show that the people of the country, and business men too of the East, do not look upon this condition of things in the same light that Senators here, who have presented their views, look upon it, and that it is not true that the business of the country is in a good condition, as has been stated here.

Mr. WRIGHT. Will the Senator from Illinois allow me to interrupt him?

Mr. LOGAN. Certainly.

Mr. WRIGHT. I have a letter on the very point he is now discussing, and with his permission I will refer to it. It is a letter from a gentleman who may perhaps be regarded as the third largest capitalist in his own city, written to me a few days since, in which he says:

While a great many capitalists and banks are opposed to an increase of currency the great manufacturing and agricultural interests want more currency.

He also says:

The West needs something to give confidence and to enable business men to carry on their business different from what it now is. The fact of such large accumulations of currency in New York banks only goes to show that business is stagnant, and that what money is there cannot be had to carry on the great industries of the country.

I read this, being exactly in the line of the argument the Senator is making.

Mr. LOGAN. I am very much obliged to the Senator, for it is exactly in the line of my argument, and is a true statement of facts, too.

Mr. President, there are other facts in reference to this question which the Senators have not alluded to, which they do not tell us, and which perhaps will throw some light on this subject.

It is well known that during the panic the banks in the leading cities formed associations and issued certified checks based on imaginary deposits, which were used as substitutes for money, and these were issued to the amount of millions of dollars. In the city of New York alone, if I recollect rightly, some $20,000,000 of these checks were issued to supply the place of money, and in this way only did the banks of New York find the ability to get through the clearing-house and save themselves from bankruptcy. And yet, according to the assumption of the Senator from Missouri, it was a superabundance of money that caused them to devise this scheme to save themselves. If there was such an excess, why did these astute financiers resort to this expedient? Why was there such an appeal for more money by all those papers now arguing so strenuously for resumption of specie payment? And yet, if the Senator's argument has any force in it, he must maintain there was an excess, and that this was directly or indirectly the cause of the panic.

Why did he not give us some facts in regard to the monetary affairs in his own State? In his own city of Saint Louis, following in the wake of New York, they substituted clearing-house certificates for money, and in this way passed themselves through the panic. I suppose that is the kind of evidence which convinces the Senator from that State that they had a surfeit of money at the same time in his own city. Why did he not tell us what the rate of interest is in the interior of Missouri, that we might judge of her wants? The large cities appear to have a strange fascination for him, so far as this debate is concerned; and although he undertakes to instruct the farmers and producers of the West as to what is best for them, he takes good care not to go to them for evidence. I believe he did in one instance allude to the statement of some one at Omaha, but, unfortunately for his theory and assertion, this correspondent informed him interest ranged there from 12 to 24 per cent. Sir, this letter is but a specimen of hundreds that I and other Senators from the West receive from our constituents. Let the Senator read the various papers from Indiana, Illinois, Iowa, Wisconsin, Missouri, Kansas, and Nebraska, and he will find nine out of every ten telling us that they have not enough money for the business of the country. Are they all mistaken in regard to their own wants?

Money articles from Chicago papers have been read here to create the impression that the West is flooded with currency. Does not the Senator know how these money articles are made up? If not, I will tell him. A reporter goes round to the banks and asks the question,

"How are loans to-day?" "Is money easy?" What must be the answer of the banker who has his credit to sustain? As a matter of course that is all lovely. So these papers make up their reports; and they are paraded here as evidence before the country that money is plenty. That is, the bankers say that money is plenty, and yet nobody can get it from them. The people say it is not plenty; the bankers to keep up their own credit and business say it is; therefore Congress must agree with the bankers, and disbelieve every other character of evidence. But in spite of all this, as all the Senators are aware, I have already presented petitions from thousands of the citizens calling for an increase of the currency. I have also presented the petition of many members of the Illinois Legislature to the same effect.

Iowa has spoken officially through her Legislature, as I am informed. And four out of every five of the Senators and Representatives from that section tell the same story; and the same story is repeated morning, noon, and night, from all parts of this land, except from the mouths of the money-lenders and the money-brokers.

I will now read from the Agricultural Report, coming from different sections of the country and given here officially, to show the condition of things throughout the whole land, not in one State, but all around through the different States. In the monthly report for last January, a writer to the Commissioner says in reference to Montcalm, Michigan—I do not know anything about the place; the Senators from that State do; there is such a place, I presume:

Corn, oats, and hay have not been so low for years as now, on account of a decrease in the business of lumbering. Owing to the tightness of the money market, there is but very little being done in that line this winter. Flat River runs through this county. Last winter two hundred million feet were put into this river. This winter the highest estimate is twenty million feet.

That is the condition of the lumber business in one portion of Michigan; last year two hundred million feet were put into the river, this year but twenty million.

I will also read an extract from a report from Perry, Alabama:

To show the prospects, I will refer to two rentings for the present year: Eight hundred acres of prairie lands, as good as any land in the county, rented for seventy-five dollars.

The whole eight hundred acres in Perry County, Alabama, rented for seventy-five dollars in January last, so this man says. What else?

Five hundred acres of good prairie land rented for eighty dollars; good improvements on each place.

This is the condition of things in that country; and yet we are told that money is superabundant; that it is like the leaves upon the trees when the autumn frosts come, and it will fall and cover the earth around, according to the arguments advanced by Senators here representing the Finance Committee on this floor, and the Senator representing in part the State of Missouri.

Here is the report from Attala, Mississippi:

The agricultural industry is mostly made up of small farmers, who are themselves inured to labor, and are doing very well under the improved prices of all products—though "the panic" has now greatly deranged the prices of everything, reducing them nearly one-third, except of corn, which remains the same as last year, that is one dollar to one dollar and a quarter per bushel. Our corn will have to be supplied from other States.

I will now read an extract from Cedar, Missouri, the Senator's own State. I do not know anything about this place. The Senator from Missouri on my left [Mr. BOGY] will recognize the locality in his State that this refers to:

The failure of banks and the almost total absence of money in this section have compelled farmers to hold their stock and produce. Many who have purchased with a view of selling the past fall have to hold and feed over, notwithstanding the great scarcity of feed. This state of affairs has produced a stringency and hardness upon the masses, the like of which has never been known here. The farmers, in the perhaps vain hope of ousting those in high places to whom they ascribe a great part of their calamities, are organizing granges in nearly every school district, and their strength is only limited by their ability to get means to pay an initiation fee.

The Senator [Mr. SCHURZ] here expatiates upon the condition of the country, while from his own State, published officially in the city of Washington in one of the official reports, it is shown that in one district in his State they cannot obtain money to move a bushel of their crops, and that there is such hardship there as has never been known since Missouri was a State. Yet he as one of the organs of that State stands upon this floor and says that money is plenty. Now, I ask, does all this evidence that is being produced here every day prove nothing to Senators? Are they so astute, so able, and so great that no evidence can make an impression upon their minds except the intuitive knowledge which they have themselves and by which they will alone be guided? Will the Senator from Missouri, in the face of all this testimony, tell the people that they are not aware of their own condition; that they do not know their own wants? If I understand the force of language, this is exactly what he has been doing. If what I have stated be true—and I do not think it can be controverted—I should like to know who it is that "labors under an essentially erroneous conception of the nature of the difficulties for which we want to provide"—we who judge from the facts before us, or those who rely upon abstract theories alone?

The second primary proposition laid down by the Senator from Missouri is, "that the remedy we propose will not effect a cure at all, but will rather aggravate the evil;" and against this is directed the great part of his argument. Against any proposition for an increase he raises the cry of "irredeemable currency," "inflation," "gambling," and a host of other fearful chimeras hatched in his own fertile imagination. Senators use the word "inflation" to scare old women and children, a word which does not properly apply to money at all, but would more properly apply to those persons who, by being encouraged by the money-changers of the land, have recently become the advocates of contraction and extortion. In his first speech he says:

You can, and you will, by this measure, revive and endow with new and greater strength all those pernicious influences which our inconvertible currency has exercised for the last eleven years upon the business of the country.

Notice carefully this language, "pernicious influences;" notice the time, "for the last eleven years." Now, I should like very much to know what "pernicious influences" our currency has exercised over the business of the country for the last eleven years. Is the Senator wholly oblivious to our progress and development during that period? Has he been wrapped in a Rip Van Winkle slumber all that time, dreaming over Ricardo, Mill, and Price? Why, sir, it has been shown again and again during this debate, by official reports, by figures and facts, which not even the Senator from Missouri will dare deny, that the past eleven years form a period of prosperity unexampled by any previous period of our history as a nation. Is this one of the "pernicious influences" to which he alludes? He appears to have a mortal dread of New York gold-gambling; yet this currency withstood the most stupendous gold-ring combination the world has ever known; and lately the panic has scarcely produced a ripple in the premium quotations; nor has this long debate, holding as it were millions suspended in uncertainty, been able to affect it as much as 2 per cent. Are these some of the "pernicious influences" of this money to which he alludes?

The Senator has become so absorbed in his theories, and so infatuated with the arguments of New York and Boston bankers and commercial men, that he seems wholly to have forgotten that he is from the West. It is somewhat strange to me that he does not sometimes refer to Saint Louis and Missouri for his illustrations. Why has he not told us some of the "pernicious influences" of this currency on the industries of Missouri? Why has he failed to tell us that her real and personal property in the past eleven years has increased from $501,000,000 in value to $1,285,000,000; and the value of her farms from $230,000,000 to $393,000,000? Why has he also failed to tell us that her manufactured products have increased from $41,000,000 to $206,000,000? Why has he failed to mention the fact that the manufactured products of Saint Louis County alone amounted in 1870 to over $158,000,000—nearly four times as much as those of the entire State ten years previously?

Are these some of the "pernicious" results produced by the use of this "irredeemable currency" in his own State? Were these the effects of speculation in the chief city of Missouri? Why has he failed to point to the facts in that section of which he is presumed to have the most intimate knowledge? Why did he not, as a proof of his position, point us to deserted farms, idle manufactories, and languishing business during those eleven years of "miserable currency" and "irredeemable paper," against which he thunders forth such fearful denunciations? For the simple reason, Mr. President, that the facts at home are all against him. Are we to presume that while he is so familiar with all the writers on political economy, and the monetary affairs of Europe, he is ignorant of the condition of his own State? By no means, sir. And if the facts were in favor of his position we may be sure that he would be the first to avail himself of them. But they are against him, and for this reason he passes over them in silence.

There are a number of valuable tables and statistics found in our public documents which have a strong bearing on this question. And as Mr. KELLEY, the honorable Representative from Philadelphia, has anticipated me and collated them, I will merely call attention to them, and introduce them here from his speech of the 8th of this month.

Table showing the receipts from customs.

For the six years they were as follows:

1856	$64,022,863 50
1857	63,875,905 05
1858	41,789,620 96
1859	49,565,824 38
1860	53,187,511,87
1861	39,582,125 64

After 1861 the revenues were derived from customs, internal taxes, and direct taxes; and the amount collected in each year was as follows:

1862	$50,851,729 35
1863	108,185,533 96
1864	212,532,936 05
1865	295,593,048 88
1866	490,248,219 12
1867	446,645,582 01
1868	357,340,334 82
1869	339,170,573 10
1870	379,667,223 81
1871	349,948,917 05
1872	347,012,464 49
1873	302,134,091 35

A comparison of these tables, with our knowledge of the monetary condition of the country, will show in an unmistakable manner the effect of a sufficient and insufficient currency on the receipts of our Government. There is over $188,000,000 difference between now and 1866, when we had the largest amount of currency. When our currency

was at its highest figure our revenues amounted to $490,000,000, and the people of this country paid their taxes without complaint. They paid $490,000,000 and complained not; and to-day, with $188,000,000 decrease in taxation, they pay with complaint every day, and tell us the money afforded is hardly sufficient to pay the taxes placed upon them at this time, although much lower than they were before.

Mr. KELLEY then proceeds to show the relation of currency to immigration as follows, during our convertible currency into gold:

Let me, therefore, proceed rapidly to examine the facts of the case, and, continuing the line of illustration I have presented, let me recur to table "G," page 10, of the appendices to the report of the Secretary of the Treasury. It is a statement of the receipts of the United States from March 4, 1789, to June 30, 1873, by calendar years to 1843, and by fiscal years ending June 30, from that time. This statement shows that the total receipts of the Government, during its whole existence, prior to June 30, 1873, from customs, internal revenue, and direct taxes, amounted to $5,289,467,480.30. During the seven years to which I have heretofore referred, to wit, from 1856 to 1862 inclusive, the amount received from these sources—and I shall consider the receipts from no others—was $362,874,580.75; the average receipts per year having been something over $50,000,000. During the same years we received 1,033,697 immigrants. The immigration into the country is an element of wealth and taxable power that cannot properly be omitted from such a consideration as that in which we are now engaged. I therefore propose to present the two subjects in parallel columns:

Years.	Revenue.	Immigration.
1856	$64,022,863 50	200,436
1857	63,875,905 05	251,306
1858	41,789,620 96	123,126
1859	49,565,824 38	121,282
1860	53,187,511 87	153,640
1861	39,582,125 64	91,920
1862	50,851,729 35	91,987
Total	362,874,580 75	1,033,697

I pause for the present but to invite attention to the facts that the revenue received in 1856 was over $64,000,000, but in 1861 the receipts had sunk to but little more than $39,500,000, and that immigration, which in 1856 was over 200,000, had by 1861 fallen to less than 92,000. These were the results produced: Every industry of the country was paralyzed; no effort was making to develop its resources, and the vast army of unemployed laborers had served notice upon their brethren in their respective fatherlands that they were better at home, let them endure what governmental oppression they might, than they could be in a republic which denied its citizens permission to earn wages by employing their industry upon its boundless stores of multiform raw material.

Let me now present the receipts from the same sources, and the number of immigrants received for another series of seven years, beginning with 1866:

As I have said, the total receipts from the foundation of the Government to the close of the last fiscal year were $5,289,467,480.30. Let me now show that more than one-half of the whole sum, or $2,710,033,324.40, was recived in the years 1866 to 1872, inclusive, during which the volume of our inconvertible currency was at its maximum. The annual receipts and number of immigrants were as follows:

Years.	Revenue.	Immigration.
1866	$490,248,219 12	318,494
1867	444,645,582 01	298,358
1868	357,340,334 82	297,215
1869	339,170,573 10	395,922
1870	379,667,233 81	378,796
1871	349,948,917 05	367,789
1872	347,012,464 49	449,483
Total	2,710,033,324 40	2,506,057

The average receipts per year during this period having been $387,147,617.77, or more than $20,000,000 per year in excess of the total receipts of the last seven years of convertible currency.

In this connection, as also bearing upon this point, and as standing directly opposed to the theory of the Senator from Missouri, for reduction instead of an increase of money, I give the following additional statistics, as furnished by Mr. J. C. Dore, of Chicago, to the National Board of Trade, with his remarks, as follows:

I have, in order to elucidate my ideas still further, and to show that we have not an excess of currency, obtained a statement of facts as to the products and manufactures of the country. And it appears to me that if these arguments are of no use—if these statistics have no force in enabling Congress to determine the requirements of the country in respect to the necessary amount of currency—it might be about as well to abolish all the Bureaus which furnish such information, and which are attended with so much expense.

The total number of manufacturing establishments in the United States and Territories, in 1860, producing the value of $500 and upward, was 140,433; in 1870, 252,148. Hands employed in 1860, 1,311,246; in 1870, 2,053,996. Amount of wages paid in 1860, $378,878,966; in 1870, 775,584,343. Value of materials used in 1860, $1,031,665,092; in 1870, $2,488,427,242—a great deal more than 100 per cent.

The value of products for the year 1860 was $1,885,861,676; and in 1870 it was $4,232,325,442. These figures certainly show very remarkable results. The wonderful increase of the value of products is largely to be attributed to the increase of labor-saving machinery.

The value of live stock in the country in 1860 was $1,089,329,915; and in 1870 $1,525,560,457, an increase of 50 per cent. The amount of wheat produced in 1860 was 173,104,924 bushels; in 1870, 287,745,626 bushels. The amount of Indian corn in 1860 838,792,742 bushels; in 1870 it was less—but that was an exceptional year, and should not be taken as a fair showing—it was 760,945,559 bushels; in 1872 it was 1,100,000,000 bushels. The hay crop in 1860 was valued at $18,083,896, and in 1870 $28,316,048. This crop has increased materially in price as well as in amount. The valuation of real and personal estate—a very important item in my judgment—in 1860 was $16,000,000,000; and in 1870, $30,000,000,000. The exports of Indian corn, rye, wheat, &c., in bushels, in 1860, was 8,800,000; in 1870, 39,000,000; and in 1871 45,000,000, flour not included.

I have offered these statistics, showing the rapidity of growth in the country in population and material wealth, to prove that a very much larger amount of money is requisite to transact the business of the country now than in 1860 when the population, wealth, and industries were so far below what they are now.

But, sir, how does the Senator from Missouri attempt to answer the array of facts heretofore presented in reference to population and business? He has with a wave of the hand referred us to the interior of Africa with its teeming millions of savages, and asks us if they require an equal amount of currency. Sir, such a dodge as this would only be worthy a less enlightened man. He might as well refer us to the wild Comanche Indians of the West, or a herd of buffalo, and ask why they should not have an equal amount of currency with enlightened nations. Does he think that this Senate is made up of a set of asses, or that the people are so ignorant that they will not see the absurdity of comparing the wants of savage barbarians without trade, commerce, or wealth, or any medium of exchange other than shells, beads, skins, and the like, with the wants, business, commerce, and currency of a great people like this? Sir, this argument is not worthy of any other notice.

Do these tables prove nothing? Do they show the "pernicious influences" upon the country, spoken of by the Senator, or does he wish to return to the days of 1859 and 1860, to find good influences on the industries and energies of the people as compared with those of the succeeding years? These questions he must answer in his own conscience. Does the Senator wish to disregard facts and experience in this country, or will he refer the matter to Ricardo, Smith, Mill, or Amasa Walker, to ascertain the amount of money his State of Missouri has, or how much she needs for the transaction of her business? Would he check her growth, or cripple her industries, and put her back to her condition in 1860 and 1861, because the bulls and bears of New York gamble in gold and stocks? Such would appear to be the tendency of his arguments; such would most certainly be the result of his theory if carried out. Has he ever seen a time, or does he ever expect to see a time, when speculation and gambling in stocks will not be carried on in Wall and Broad streets, in New York? Are there not places and times in every civilized nation on earth when and where speculation is rife? When he refers to speculation, when he says that our currency is the cause of speculation, and that speculation is the cause of panics in this country, does he expect that intelligent people will believe such assumptions? If he does, I wish to call attention for a few moments to a few facts in reference to speculation, and to show that it exists and has existed to a greater extent in other countries, and especially in countries where the money was gold and silver, than it ever has existed in this country, or in my judgment ever can exist here.

In 1695, and from that period to 1701, in Scotland, there was a scheme gotten up by a man by the name of William Paterson, called the Darien scheme. His idea was to establish a great city on the Isthmus of Darien and connect the oceans, and to do that he devised this scheme and issued stock which was taken by the Scotch. In order to show Senators and the country the condition of things then and the character of this scheme, let me just read for a moment:

The Darien scheme having thus received the sanction of public authority, Paterson opened the subscription. Instantaneously the whole country was thrown into a ferment. The frenzy of the Scotch nation to sign the solemn league and covenant did not exceed the rapidity with which they ran to subscribe to the Darien company. The nobility, the gentry, the merchants, the people, the royal burghs, without the exception of one, and most of the other public bodies, subscribed. Young women threw their little fortunes into the stock; widows sold their jointures to get the command of money for the same purpose. Almost in an instant £400,000 were subscribed in Scotland, although it is known that at that time there was not above £800,000 of cash in the kingdom. Extensive premises were built in the neighborhood of Bristo Port, Edinburgh, to serve as an office for the company, and as warehouses in which to store up the rich merchandise, the silks, the gold, the spices which the company's ships were to bring from across the Atlantic.—*Chambers's Miscellany*, volume 10, No. 172.

There was a speculative scheme gotten up in Scotland as far back as 1695, to establish a grand city on the Isthmus of Darien. The Scotch subscribed, paid in their money; they sent six ships to Darien loaded with emigrants. They nearly starved, became sick, a portion returned; the bubble burst; the scheme ended; the people of Scotland were the losers. Yet gold and silver was the money then in use in that country. I ask whether it was the character or the amount of the money in Scotland at that time that produced this bubble?

Mr. CAMERON. I wish to remind the Senator that there was another Scotchman, John Law, who got up the Mississippi scheme.

Mr. LOGAN. I will call attention to that. I want to show that afterward. I will give the Senator from Missouri bubbles enough that have burst in other countries besides this, where people have been injured—if the Senate has the patience to listen to me—to show that his whole theory of speculation on account of our currency is on a false basis and is as fallacious as anything can be.

There was another speculation called "the Mississippi scheme," gotten up by a man by the name of John Law, born in Edinburgh, Scotland, in 1671. His father was a noted goldsmith and banker. The young man, possessing a prepossessing appearance and excellent education, became a great schemer. In 1694 this man—who is the same John Law to whom my friend from Missouri refers—having gotten into a quarrel in England and killed his antagonist, was cast into prison for murder, where he remained for five years, but was afterward pardoned out and went to France. Here he induced the people to believe that he had a theory of finance which would make that

country rich; and finally obtained authority from those in power to test his theory. This he did by starting a bank; not based upon the faith and wealth of the government, as we propose, but based upon gold after the manner which you who favor specie payment now propose.

And to make it more secure, he required that the gold with which the paper was to be redeemed must be of the same fineness and quality of that existing when the paper was issued, so as to prevent alloy and insure redemption in pure gold. The matter was under the direction of the French government, and Law was made the principal director of the bank, which was also a government institution. Thus the scheme was started, and prospered for awhile.

He then attached to it what has been called "the Mississippi scheme," named after the Mississippi River, which flowed through the lands then owned by France, upon which stocks were issued, which stocks were made a part of the assets of the bank controlled by Law.

The issue of money went on until it was so far in excess of the basis that there was no power of redemption. When the day for redemption came the bills were presented in such amounts that the supply of gold, which was the only basis, was wholly inadequate; and, there being no other security of any value, the bubble burst; and the great financial scheme of John Law, a true advocate of specie payment, went to naught; and he went forth a vagabond to wander over the face of the earth.

Such is the history of another one of the schemes of money based upon gold. That was not caused by an irredeemable currency that the Senator speaks about, but by the very kind of banking that he himself has been in favor of; and he calls our attention to the fact, and accuses every Senator who is in favor of an increase of the currency of attempting to establish a John Law scheme in this country. Why, sir, there are other schemes, and I might call the Senator's attention to many, some of them modern.

There was the South Sea scheme, started by the celebrated statesman, Harley, Earl of Oxford, in 1711, which produced a great bubble, and which we all know was based upon gold.

But the strangest speculative mania which history records was the Tulipomania of Holland. There among the good, old, quiet, steady Dutch, where money, and hard money at that, has always been plenty, in 1634 citizens of every class from the highest to the lowest were suddenly seized with a desire to speculate in tulip roots. And to such an extent was this carried that it has since been termed in history the *Tulipomania*. The tulip roots or bulbs were sold just as stocks are now sold in market. Certain varieties, which were very rare, brought enormous prices, and were only sold to the wealthy and noblemen; other more common varieties were sold at less prices. They were sold to be delivered at a certain time; if the price rose between the time of sale and delivery, the purchaser paid the difference, just as in stock transactions. This mania raged in Holland in 1634, and even spread to other countries. Was this owing to the character or abundance of the currency? Yet the Senator from Missouri insists that the mania for speculation has been caused by the currency of our country; and that we are advocating a theory which will produce a similar state of affairs. Was the tulip mania of Holland caused by a superabundance of irredeemable paper? I would ask him to explain.

There was another singular speculative mania that raged in this country between 1830 and 1840. I do not recollect the exact year, but perhaps some of the older Senators here do. I believe they called it the *Morus multicaulis* speculation, a kind of tree producing leaves on which silk-worms are fed. For a time people in some sections went crazy over it. I know that in my own country two or three men lost their little fortunes by engaging in this wild scheme. Was that attributable either to the character or quantity of money then in use? I want the Senator to tell me.

I want now to call his attention to a speculative mania that occurred in England in modern times, in 1824 and 1825, and in 1845—a railroad mania that raged to such an extent that the people were perfectly frantic in that country, producing such a condition of things in reference to dealing in stocks as never has existed in this or any other country except England. Was that caused by the quantity or character of the money then in use there?

He says that speculation in this country is produced by the character and amount of our currency. Let him tell me what caused this speculation in railroad stocks in England, in 1824 and 1845. Was it the character of their money? The money of England was at that time based on gold; nor was the amount then by any means excessive, as t was previous to the discovery of gold in California and Australia. And yet, as the Senator ought to know, the rage for dealing in railroad stocks, was carried to an extent never known in this country. And these stocks not in railroads building or to be built, but wholly imaginary ones. Schemes started without any intention of carrying out the enterprises. I suppose the Senator from Missouri will attribute that mania to the currency of that country, as he attributes all the speculation of our country to the character and quantity of our currency. The one is just about as true as the other.

Does the Senator imply that he can stop speculation? Is he going to stop speculation by making a raid on the money of this country? Can he stop gambling by creating a money panic? Does he expect to improve the condition of the country by reducing it to poverty? Will he beggar the country and stop the wheels of enterprise because some men engage in reckless schemes? His colleague [Mr. BOGY] who certainly cannot be charged with any love for a paper currency, tells us that Saint Louis needs more money, and that her business is suffering for want of it. He even goes so far as to say that even the evils of inflation, which he by no means estimates lightly, would be less injurious to them now than contraction.

On what, then, does the Senator base his assumption of the "pernicious influences" of this currency, when all these facts confront him, uncontroverted and undenied? Does he suppose that all the rhetoric of Hamilton, Coleridge, or Mill can convince a man that he has one hundred dollars when his own eyes tell him there are but fifty? No more can he convince the people of the West and South that they have an abundance, when their hard daily experience shows them just the contrary.

So hard is the Senator pressed by the evidence of our rapid increase in wealth and business that he ventures to introduce a new axiomatic proposition into the canons of political economy. Here it is:

> I know it is said that our general business has grown so immensely that not only not the same aggregate amount of currency, but not the same ratio per head, would be sufficient. I ask, sir, would an increase of business transactions at the same, or even a greater, rate render necessary a corresponding increase of the volume of the currency? I answer that it would not.

In other words, it is all folly to suppose that we need any more money now than we did in the days of Washington; or that Saint Louis needs any more money to carry on her business than Jefferson City or Saint Joe; that the New York merchants were all mistaken during the panic when they thought they needed more currency; that the chamber of commerce of that city are wholly ignorant of first principles when they contend that we need the present currency to "keep the wheels of our extended commerce moving." He then goes on to tell us that the business can be done through clearing-houses by means of bills, checks, &c. He imagines himself again in New York City, and seems to forget that the farmers, mechanics, and country traders of Missouri and Illinois do not have clearing-houses scattered all over these States at every village and cross-road. The Senator and others on that side of the question contend that money is so plentiful in New York that interest is very low, and the supply greater than the demand; and then proceeds to argue that if more banks were allowed in the South and West, the issues would not stay there, but would flow to the East. If they have too much already, and more than necessary to supply the demand—as he argues—I should like to know what would draw it there, unless it be to pay loans made to other sections, which those sections ought to have the facilities to obtain at home. If these cities can transact their business with bills and checks through clearing-houses, and require but a small amount of money; if money is already a drug there and interest so low, while it is excessively high elsewhere, how can it be that money put afloat in North Carolina and Missouri will flow into the place where it is most plentiful and not needed without flowing out again? And yet the Senator argues that money seeks the best market, and would not even admit, as suggested by the Senator from Pennsylvania, the preference for home loans at lower rates.

This may be in accordance with the Senator's idea of the teachings of John Stuart Mill and Bonamy Price; but, as a plain matter of fact, it appears to me to contain inconsistent and contradictory propositions.

In other words, he tells us in one breath that money will seek the place where it is in greatest demand and the best price can be obtained; while in the next he informs us that it will flow away from the place where it is in greatest demand to the place where it is already superabundant.

But the most singular portion of the Senator's speech was his attempt to convince the Senator from North Carolina that his State would lose more than it would gain by attempting to establish more banks there. For if, as he argues, an act should pass allowing more banks to be established in that State, not having the bonds, they would have to go to New York to buy them; and for each $1,000 spent they would only have about $865 to put into circulation. Consequently, for each bank established with $100,000 worth of bonds, the circulation in that State would be decreased $13,500.

I find that there is a remarkable agreement between the letter of B. F. Nourse, published in the Boston Financial Record, and our friend, the Senator from Missouri, on this subject.

Let us read from a newspaper article:

> In the debate on the currency question in the Senate on Tuesday last, Mr. MORTON, alluding to the speech of Mr. SCHURZ, said, "The cheapest of all political learning is that obtained by cramming." That the hit was a palpable one is shown by the following coincidence between a passage in Mr. SCHURZ's speech and a recent letter of Mr. B. F. Nourse, published in the Boston Financial Record. Mr. Nourse says:
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> "The more bank currency we have, the less capital will there be to loan. The bonds, $1,000,000, required to be deposited for an issue of $900,000, are worth at least $1,120,000. The bank invests in bonds $220,000 more than the amount of currency received. Then it must hold a reserve against the circulation, 15 per cent. in the country bank, or 25 per cent. in the redeeming cities—an average of over 20 per cent.; say $180,000 in legal-tenders against the $900,000 in circulation. Therefore it is that of every $1,120,000 invested in bank currency there are $400,000 dead capital. Before the investment the whole $1,120,000 was loanable; after the investment only $920,000 can be loaned."
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> Mr. SCHURZ said:
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> "The Senator from Indiana had argued that the organization of new national banks would be to increase the currency, as money would be loaned by them and

returned to the bank every thirty, sixty, and ninety days. That argument was a fallacy. Persons to establish these banks must buy bonds in New York to deposit in the Treasury, in order to get circulation. A $1,000 bond would cost $1,120. The money to buy this bond would be taken out of the home circulation, and for that $1,000 bond they would get just $900 circulation; so that it would cost $1,120 to get $900."

By the substitution of $1,000 for $1,000,000 Mr. SCHURZ very ingeniously appropriates as his own the argument and illustration of Mr. Nourse, and promulgates them to the world from the national Senate Chamber.

Does he not know that the amount paid for the bonds would go into general circulation, and that the 90 per cent. issued as circulation on the bonds would be that much added to the volume of the currency? And does he not know further that the 90 per cent. issued as circulation for the bank in North Carolina would return home, or an equal amount of other bank circulation, every thirty, sixty, or ninety days, according to the time upon which loans were made by the bank, and thereby become a local circulation? Does he not know that money returns to the place where it is issued; and does he not know that where a bank is not established the circulation is afloat and has no attraction except for investment, and naturally flows away from that country and returns to the banks again where it started? Does he not know that one of the great benefits to a community in banking is to localize the currency and have that currency or an equal amount of it circulated in that vicinity? Does he not know that one of the great advantages to the people is this, that where the circulation is local and the borrowing can be done at home, the interest is paid at home, and the $10,000 interest paid on $100,000 loaned in your own State increases the amount of money in your State, whereas if that interest were paid to Rhode Island or Massachusetts it would deplete the amount of money in your State $10,000 and increase the amount of wealth in Rhode Island $10,000? Does he not know that? Is he so devoid of knowledge in this particular that he is willing that his own people shall pay interest as long as they live, to other States, increasing their wealth and decreasing the wealth of his own people, rather than to have banks established in his own State and have loans effected at home? I should like to know if this is the policy he adopts for his own constituency.

But, sir, it may even be possible that there are a few bonds in North Carolina; but, even supposing there are not, if the proposed increase is granted, it is possible that those who hold bonds elsewhere might be induced to bank on them there, where the investment would pay such good interest. I presume the Senator and people of North Carolina would like to have the privilege of trying the experiment.

I am inclined to think that the Senator from North Carolina looks upon it as rather severe to have the poverty of his State cast in his teeth as a reason why she should not have the same privileges allowed to her as to other States. Possibly this is sound theory, but it is rather severe practice, to say the least of it, in my judgment. I would have been glad if the Senator had included Illinois and Missouri in his illustration of his view on this point; for I would like the Senate to have before it the response which would come up in answer thereto. I am rather disposed to believe that Saint Louis would undertake to furnish a few millions of bonds if she had the opportunity to do so. And even Chicago, although burdened, as the Senator contends, with a superabundance of money, would, I think, risk a few more thousands at least. Possibly some of those plethoric New York bondholders might conclude they could turn an honest penny by establishing a few banks out there; and perhaps we might, with our grain and pork, catch a few drops from the stream ere it flowed back to the great ocean.

Why, sir, I sympathize most sincerely with the Senator from North Carolina. His constituents tell him, as our constituents tell us, that they need more money to carry on their business operations, and to develop the resources of the State. He makes known their condition here, and argues in their behalf with fervor and eloquence. But he is met by the Senator from Missouri, who seemed anxious to induce him to rest content with his condition, with the reply that if we issue more currency New York and the East, although burdened with money, will get it all, and you will be no better off then than now. And if we authorize you to establish banks this will only leave you in a worse condition, for it will take money away from you instead of giving you more. Truly, sir, this is rather a gloomy prospect for that State, which is so anxious to extend her business and give employment to her people. Perhaps the matter might be remedied by getting New York, while she is annexing Brooklyn, also to annex the State of North Carolina.

Mr. President, it has been left for the Senator from Missouri to administer soothing-sirup to all the States in behalf of the interests of New York and New England. As well might he say to these States, "Hold on; you know not what you want. You will be ruined by more money, as you do not know how to use it. Borrow from the East and pay a high rate of interest, and transfer annually the amount from the profits arising from your capital, in your own State, to Rhode Island, Massachusetts; or Connecticut; it will finally absorb your capital and wealth, and make you poor indeed, but will make them rich. This, however, will aid them to build up manufactories, and increase their banking capital, while you shall till the soil and become mere hewers of wood and drawers of water for them." This is his logic, this his theory, and to this he appears to be bending all the powers of his mind.

But, sir, the Senator from Missouri reaches the climax in the following statement on this point:

The greater the inflation, therefore, the more speculation will control the currency, and the less a proportion will be left for legitimate business. Far from giving greater facilities to the transactions of legitimate business, increased inflation will only tend to increase the want far in excess of the supply. Inflation will increase the want, for it will run up the premium on gold, and have the effect of raising general prices, rendering thereby a greater volume of currency necessary to effect the same exchanges. Inflation will not in proportion increase the supply, for it will drive a larger proportion of the currency into the channels of speculation, and divert it from the channels of legitimate business. One hundred millions will not help you, and if you put out two hundred millions it will help you still less, for the appetite will not be satisfied; it will only be stimulated by the supply.—*Congressional Record*, February 24, page 1720.

This is certainly a startling doctrine if true, and ought to cause us of the West and South to plead with Congress to make all possible speed to draw in the greenbacks and contract the circulation. The greater the volume of money in circulation, the less we get; the less the volume, the more we get. Truly this is refreshing news, and if the correctness of the theory can only be established, we can easily devise a remedy. We have only to direct the withdrawal of the excess of bank currency from those States which have more than their share, and by thus tapping the eastern resorvoir, a proportion of what is left will then flow South and West, and business will revive, and we will again be on the high-road to prosperity. It will not come until it is reduced. How does this proposition suit the Senator from Rhode Island? Will he come to the rescue, following the Senator from Missouri in this grand scheme of reform and recuperation? Will he empty some of the redundancy out of his pockets and retire it, and decrease the amount, that more may flow out to his needy neighbors, and that he may have more at home? According to the doctrine of the Senator from Missouri, it will most certainly result in filling them fuller than they were at first.

Mr. President, the Senator from Missouri attempted to amuse the Senate and galleries by describing his effort to teach "Old Tatum" astronomy, and the obstinacy with which Old Tatum relied upon facts, as he saw them, instead of theory. The story is by no means new, but I suppose the Senator met with him again. But when the Senator presents a proposition so new and wonderful as this, "that the more you get the less you have, and the less you get the more you have," I think he beats Old Tatum's astronomy, and presents a proposition that Newton would scarcely have accepted as a part of his theory.

This, Mr. President, might be considered simply as an attempt to amuse by a display of oratory and the power of sophistry, if it stood alone; but when we bring together some of the different propositions laid down by the honorable Senator, and compare his arguments and illustrations with those of eastern capitalists, the whole matter assumes a much more serious phase, and the cry of the West and South against this eastern monopoly will appear to be not wholly without ground. I have no desire to array one section against another, for we have already experienced the bitter fruits of such a course; but I do desire, if in my power to do so, to induce eastern Senators to look at this matter in a broad and national point of view. Here we are told by the Senator from Missouri that, if we issue million after million of currency, it will only increase the amount in the East and lessen the amount in the West; and that if we authorize more banks in these needy sections the result will be just the same. And this we find is the very line of reasoning used by eastern capitalists and money-holders. And when a proposition is made to remove some of the bank surplus from the States which have an excess, the Senator from Rhode Island, with the utmost honesty and candor, tells us that a number of years' experience has shown that his State has but the normal amount needed to transact their business, which I believe is now about sixty dollars *per capita;* while we of the West and South have only about from two to thirteen dollars *per capita.* Is it any wonder, then, that when we see such a strong attempt on the part of the East to curtail the amount now in circulation, and such arguments as these used to accomplish this end, we should look upon it as a movement on the part of the East to control the vast industries of the West and South, by controlling the money-power of the nation?

Sir, I charge no Senator with intending such a result as this, but I do claim that such would be the effect, and that the people of the West look upon it in this light. I do not wonder so much at eastern Senators who look at the matter from their stand-point (I will not say a selfish one) taking this view, but when those from the West are found in the very front of this policy, I cannot help thinking they have had their better judgments blinded by the arguments and reasonings in favor of capitalists without hearing the reasonings of the less opulent. Are we to presume that the present extensive movement among the farmers and laboring classes of this country has no foundation in actual grievances? Are we to believe that the present labor combinations and workingmen's unions are wholly without significance? Are we so silly as to suppose they can be convinced that lessening the amount of currency will increase the price of wages and products? Even if we could do this, they would soon learn by experience that we had deceived them, and would by their ballots drive those from power who did it. Sir, it matters not what the theory of political economists may be, the experiment now is dangerous; yes, dangerous in the extreme. The laboring classes and producers have learned the use of money and the advantages of good prices for their labor; they have, for the past ten years, learned its advantages; and call it irredeemable or what you will, they have learned to believe in its soundness. Are we then so blind as to think that they will see it withdrawn without a severe struggle? No, sir, we are badly deceived if we have any such idea as this. They prefer to fight their own bat-

tles with speculators and monopolies, and they will, if we give them the weapons to do it with.

But there is one very material fact in this connection which Senators appear to have entirely overlooked. They seem to forget that while our issues were largest in amount they had no circulation worth mentioning in the South, but were confined to the North and West; but since that day eleven million people have been added to the number to be supplied, and an area equal to an empire in extent. In comparing our condition and wants before the war with our condition and wants now they forget that four million slaves have been made free and are now learning the lessons of self-support and business life. These, sir, are no small items in the account. And those who talk so flippantly in regard to Senators who are guided by facts, would do well to consider them. And when they denounce our currency in such unmeasured terms, they would do well to remember that it has stood successfully a test that no other paper currency has ever undergone, with the whole amount nearly double what it is at present, confined almost exclusively to the Northern States, and while an unprecedented internal war was raging the gold-brokers of New York were plying all their arts against it. When the war ceased, and the wall of separation was withdrawn, and the wants of a nation increased in numbers nearly one-third, and an area nearly one-half, doubled in activity and operators, all to be supplied with a medium of exchange, just then we commence a reduction in the volume of our currency, and when we take into consideration the amount in circulation in 1865 and 1866, and the amount in circulation now, it is no wonder the people look upon this attempt at still further contraction as something alarming; and in order to show the condition the country must be reduced to if the currency be not increased but contracted, I will give the following tables, showing the amount of currency in circulation in the years 1865 and 1866:

1865.	
National-bank notes outstanding	$171,321,903
Legal-tender and other notes	698,918,800
State-bank notes, (estimated)	58,000,000
Total	928,240,703
Seven-thirties of 1864 and 1865	830,000,000
Total	1,758,240,703

1866.	
National-bank notes	280,253,818
State-bank notes	9,748,025
Legal-tender and other notes	608,870,825
Total	898,872,668
Seven-thirties	830,000,000
Total	1,728,872,668

Since which time contraction has gone on until the whole amount of currency of every kind now outstanding is only $742,000,000. Add the twenty-five millions of reserves, since issued, making $767,000,000, as shown in the following table:

1873.	
National-bank notes	$339,081,799
State-bank notes	1,188,853
Legal-tender and other notes	401,527,267
Total	741,797,919
Seven-thirties outstanding	274,100
Total	742,072,019
Add twenty-five million of reserve issued	25,000,000
Total	767,072,019
Amount of currency in 1865	928,240,703
Amount of currency in 1873	767,072,919
Amount of contraction	181,778,784
Add the seven-thirties	829,725,000
Total contraction	1,018,167,784

If we estimate the population of the portion of the United States using this currency in 1865 at thirty millions, it gives a *per capita* of nearly thirty-one dollars, excluding the seven-thirty bonds.

Senators will admit this was a contraction if we include the seven-thirty bonds in the calculation. But let us exclude them, and wes till find the contraction has been $180,448,000 since that time. Yet some on this Senate floor tell me that we have had no such thing, and they try to make me believe it. Perhaps some Senators will dispute these figures. If any one disputes them, I refer him to a book written by the Secretary of the Treasury, on the Currency, and put forth by him as such Secretary, (pages 94 and 96.) I also refer him to the report of the Comptroller of the Currency, commencing at page 2, where the amount of currency for the various years is given. I have taken the report of the Comptroller of the Currency, and the Finance Report of the Secretary of the Treasury, and made this statement from them, and know that it shows correctly the amount of contraction which has taken place in the currency of the country since 1866. And by whom was the larger amount used? It was in circulation in the Northern States alone, exclusive of the people of the South, for but little of this money went into circulation in that section until after 1866, and after this contraction began.

Now, sir, in looking at the prosperity of the country then, and its want of an equal prosperity now, who is there that can say that we have a sufficient amount of money, at this time, unless it be one who is working in the interests of the few against the many, of capital against labor, of the money-lenders against the money-borrowers, of the moneyed power of the East to control all the industries of the South and West, and finally of the old countries against the young and growing.

Right here, sir, let me give an illustration of what the theories of some of these gentlemen would do with this country, by reading from one of the great teachers on political economy, who has been before our Committees on Finance this winter, thundering into their ears the necessity of a contraction of the currency, who is also one of the great lights whom our friend from Missouri delights to honor. I read from The Science of Wealth, by Amasa Walker, page 238. In speaking of the national banks he says:

> The Government has out, as we have seen, four hundred millions, an amount almost double the circulation in 1860, and of course much more than the natural wants of the country require; so that the three hundred millions furnished by the banks was just so much in addition to the previous redundancy. Not a dollar of it is now wanted, or has ever been needed. The result has been an excessive derangement of the monetary affairs of the country, and of all trade at home and abroad.

There is one of the great writers on political economy in 1868. He says, when we reduced our currency to $400,000,000, it was more than we needed, and was a redundancy of currency; and the $300,000,000 bank-notes added to it was just that much in excess of redundant currency, and was not then and never had been needed.

Now, I have but one or two remarks to make in reference to this. If we never needed more than $400,000,000 in this country, and did not even need that, will my friend from Missouri or my friend from Ohio tell me how you would have paid your Army? You would have had to pay money. How would you have kept your business going? Does not any man that knows anything, who can figure up two and three to be five, know that you cannot keep an army of one million men on $400,000,000, and also allow for the business of a country like this? If a man does not know that, he does not know anything about armies. If a man will sit down and make the calculation, in two minutes he will see that that amount of money would not have kept the Army paid and supplied; and yet this writer says we did not need it then, we never did need it, and do not need it now, and that it is all a redundancy of currency!

There is where my friend from Missouri gets his idea of contracting the currency, perhaps; and I expect our friend, the Senator from Ohio, gets some of his ideas there. I have not a word to say against our friend Walker, because he is a writer on political economy. If a man in this Senate should attack the theories of a writer on political economy, he would be set down by our contraction friends as wanting in knowledge. The political economists know all things, and facts amount to nothing. It is true Mr. Walker has written a great deal. He has made some strange figures and some strange illustrations. He says a leather cap is better than a paper cap, and so it is; that an iron plow is better than a wooden plow, and so it is; and many other things which are true. As a scientific man, he may be a success. As a political economist, in the light of our friends from Missouri and Ohio, doubtless he is a success; but as a political economist, writing for the benefit of mankind other than bankers and the rich and opulent, he is a failure. I do not know how extensive this thing of writing is in the Walker family. We have a book written by a person by the name of Walker other than Professor Walker—Dr. Mary Walker, of this city. She has written a work called Hit. I have not read the Hit; I do not know whether it is a hit or not; but if it teaches the theory of finance, and exhibits as much ignorance as there is in that Science of Wealth, by Professor Amasa Walker, about the necessities and wants of this country, I do not want to read it; I want to save myself that trouble. [Laughter.]

There is another great fact connected with this question which appears to be forgotten in this debate: that near the close of the war, and for a year or two after it, when our currency was so much more abundant in proportion to those using it, and before the South was fully opened to its use, the system of cash payments became almost universal in the interior of the country, and, in fact, in most business transactions everywhere. But the increased demand to supply the wants of the South, and in consequence of the system of contraction adopted by the then Secretary of the Treasury, forced the people to expand the credit policy in a corresponding ratio, or to curtail all the works of improvement and manufacturing which had been undertaken during this period. It was therefore the contraction and increased want of currency, and not a superabundance, which produced the necessity for running in debt, of which there is so much said on this floor. Why, sir, the people were never freer from debt in proportion to the business done than in 1865, at the close of the war, when Mr. McCulloch began his system of contraction, and at the very time eleven millions more of people were to be supplied.

Was it to be supposed that the activity and energy which the adequate supply of money had put into operation, and which was giving prosperity and happiness to the country, would suddenly dwarf itself to suit financial notions without a severe struggle? The inevitable result was an expedient to meet the consequent want, and credit was expanded. At the very moment, above all others, when an adequate supply was needed, the opposite course was adopted; and right here

lies the true cause of the late panic, which resulted from a money famine, and not from an excessive supply. But still, like Patrick Henry's cry of "beef, beef," the cry of the Senator from Missouri is "speculation, speculation!" Speculation in what, and where? The bulls and bears of New York use only a portion of the currency in their operations. In what kind of speculations, then, is it used? In railroad schemes and stocks. Admit it. Can railroads be built without labor and materials? Are not laborers by the thousands drawn from the cities and given employment and wages; do not our western farmers supply them with provisions? Does not Pennsylvania furnish the iron, and New Jersey the engines? The money paid for the construction is scattered through the country in a thousand rivulets; inventive genius is pressed forward into new fields of discovery; manufactories which have been lying idle are started into active operation; the farmer finds a home market for his produce at a good price, and his widening fields, expanding barn, and new dwelling show the effect. But we are told that the bubble will soon burst, and that those who hold the stock will find it worthless. It is true this often turns out to be the case in reference to railroad and other stocks; yet still the road is there, giving life and activity to a newly opened section; the profit to the iron manufacturers is still in their pockets or in their business; the enlarged farm, barn, and dwelling are still there, and the way to market open. The speculators may be injured, but the laborers and producers, as a whole, are not to any very great extent. I am no advocate of wild and reckless speculation, but the disastrous effect of speculation in stocks as a general rule falls on the right parties—those who indulge in it. But in his numerous allusions to this, as connected with the recent panic, the Senator from Missouri has failed to mention one very important fact, and one which he, so familiar with European affairs, certainly should not have overlooked. It is this: that a large portion—yes, a very large portion—of the railroad bonds thrown into market, to carry on the larger railroad schemes of this country, has been taken in Europe. And why taken in Europe? Because there they have money and we have not; and not only does the profit, that is the interest, go there on them and our Government bonds, but it is paid in gold, and keeps our country constantly drained of all the gold we can produce or obtain. And we are told that most of the loans now made in Europe are required to be paid in gold.

Let us take one example: the Northern Pacific Railroad scheme claimed to be wholly on a gold basis, as I understand. Jay Cooke, adopting the theory of these Senators, determined to secure those who held these bonds from all the evils and vicissitudes of a fluctuating currency. He determined to take "the great steamer of five thousand tons, and, defying the storm and angry sea, break his course" through the waves of a fluctuating money. We all know the sequel. Was this one of the sins of the greenbacks? I am rather inclined to believe it was for the lack of greenbacks, and not on account of their being in excess of the business wants of the country. No, sir; it was want of faith in the enterprise on which the bonds were predicated which caused them not to be taken in sufficient amounts to carry the enterprise through, and Jay Cooke not being enabled to procure the money, when the money was not in the country to be procured, that caused the explosion of the scheme. But perhaps I have not looked far enough into the Senator's model authorities, "Marco Polo" and "Amasa Walker," to see the connection between the cause and effect.

Mr. President, this cry of "speculation" and "gambling" is the veriest sophistry, coupled with an attempt to injure the credit of our country. We know, and these Senators know, that millions after millions of railroad bonds and State bonds are now held in Europe, which have been negotiated there in the last five or six years—I do not know the amount, but it is admitted to be several hundred millions—and yet Senators here are raising a cry of alarm, as though the heavens were about to fall, because we propose to increase the circulation a few millions, secured by the wealth and gold bonds of the Government. Come back to specie payment, they say, and the mania for speculation will be cured. Why, sir, are they trying to create an alarm about our money and the credit of our Government, both in Europe and at home, for the benefit of speculators, the very class they so roundly denounce? It would seem so indeed. Many ungenerous people even say so. I will not, however.

Speculators are ever ready, however, to catch up such words of alarm sounded in high places, and use them to their own advantage; and the junior Senator from Massachusetts [Mr. BOUTWELL] was right in saying "Such a course injures our credit more than our outstanding notes."

In this connection, and in order to show the correctness of my position and that the Senator from Missouri is mistaken so far as the facts go, I will introduce from the last report of the Comptroller of the Currency the following table, showing the condition of the New York banks for the past five years:

Condition of the New York banks for past five years.

Resources.	October 9, 1869.	October 8, 1870.	October 2, 1871.	October 3, 1872.	September 12, 1873.
	54 banks.	54 banks.	54 banks.	50 banks.	48 banks.
Loans on United States bonds on demand	$9,414,376 00	$9,012,964 10	$5,661,498 50	$3,180,738 35	$2,938,875 98
Other stocks, bonds, &c., on demand	48,650,888 51	53,809,602 90	70,185,331 18	53,409,624 68	57,916,130 34
Loans payable in gold				3,411,738 28	4,381,571 00
Loans, all other	100,237,639 30	105,146,590 54	122,806,969 10	123,183,624 55	133,924,310 47
Overdrafts	241,054 67	112,928 40	215,166 19	225,675 50	182,450 04
Bonds for circulation	41,762,450 00	40,856,550 00	38,337,600 00	34,312,100 00	33,870,100 00
Bonds for deposit	1,474,000 00	700,000 00	4,569,000 00	1,066,750 00	650,000 00
United States bonds on hand	5,011,500,00	6,569,750 00	5,684,050 00	4,310,700 00	3,332,400 00
Other stocks and bonds	6,514,988 07	6,990,261 39	5,949,250 03	4,400,397 21	4,552,797 40
Due from national banks	13,952,536 46	12,617,724 05	15,342,721 82	13,225,611 01	15,740,765 99
Due from State banks	1,806,730 94	2,472,529 36	3,173,841 40	3,232,205 48	2,077,286 04
Real estate, furniture, and fixtures	7,422,039 95	7,833,189 04	8,034,205 88	8,061,352 99	8,460,984 33
Current expenses	1,103,007 65	1,282,525 00	1,250,116 17	1,117,471 34	905,622 11
Premiums paid	805,508 82	921,615 25	1,232,601 10	804,339 19	706,179 69
Cash items	3,487,581 39	2,330,751 92	2,765,929 97	3,649,474 86	2,058,769 53
Clearing-house exchanges	78,555,991 12	66,527,335 53	75,858,034 12	89,971,391 35	67,897,740 69
National-bank notes	1,755,346 00	2,691,519 00	1,833,474 00	2,724,791 00	2,618,583 00
Fractional currency	611,751 74	331,076 76	294,857 09	293,901 02	338,394 32
Coin	1,792,740 73	1,607,742 91	1,121,869 40	920,767 37	1,063,200 55
Gold Treasury notes	16,897,900 00	7,533,900 00	7,590,260 00	5,454,580 00	13,522,610 00
Legal-tender notes	21,070,062 00	17,648,577 00	32,044,183 00	27,004,485 00	21,468,530 00
Three per cent. certificates	12,050,000 00	11,140,000 00	500,000 00	575,000 00	
United States certificates of deposit				5,855,000 00	10,810,000 00
Clearing-house certificates	15,945,000 00	17,015,000 00	17,895,000 00	5,585,000 00	
Total	390,563,093 35	375,152,133 15	422,345,958 95	395,976,719 78	389,486,310 48

Liabilities.	October 9, 1869.	October 8, 1870.	October 2, 1871.	October 3, 1872.	September 12, 1873.
	54 banks.	54 banks.	54 banks.	50 banks.	48 banks.
Capital stock	$73,218,100 00	$73,435,000 00	$73,235,000 00	$71,285,000 00	$70,235,000 00
Surplus fund	17,768,667 71	18,835,099 19	19,468,615 29	20,878,877 81	21,923,211 45
Undivided profits	10,964,277 76	10,039,181 42	10,388,683 51	11,049,162 30	11,210,470 03
National-bank circulation	34,683,075 00	32,945,080 00	30,632,976 00	28,070,951 00	27,482,342 00
State-bank circulation	243,974 00	235,959 00	226,479 00	189,575 00	146,525 00
Dividends, unpaid		236,860 65	265,569 71	261,830 46	205,979 60
Individual deposits—currency	136,660,848 70	127,991,339 01	141,091,424 39	117,749,902 19	111,463,264 04
gold				6,170,566 29	12,101,731 10
Certified checks	52,580,265 47	37,689,570 53	44,679,638 56	63,827,794 36	42,695,185 81
Cashiers' checks	1,282,332 36	1,329,457 01	891,358 43	778,729 10	1,252,481 79
United States deposits	253,692 98	241,961 99	4,073,218 32	238,092 15	296,877 39
Deposits of United States disbursing officers				3,213 37	40,297 13
Due to other national banks	50,065,913 23	55,947,455 65	76,701,443 53	60,580,921 60	72,257,769 25
Due to State banks and bankers	12,901,946 14	16,225,168 70	20,630,052 21	14,852,279 01	18,113,050 50
Notes and bills rediscounted			61,500 00		
Bills payable				39,825 14	62,125 39
Total	390,563,093 35	375,152,133 15	422,345,958 95	395,976,719 78	389,486,310 48

Reserve, 24.4 per cent.

It will be seen by this that their condition at the commencement of the panic was not materially different from that of the previous years, and that the extended loans give no evidence of superinducing that extravagant speculation which has been charged on the currency as the cause of the panic. It makes it certain that we must look elsewhere for the cause than in the extraordinary drain of money for speculative purposes. The amount of the entire loans for each year, exclusive of the item of "other stocks, bonds, &c., on demand," as shown by this table, is as follows, using millions in round numbers only: in 1869, $109,000,000; in 1870, $114,000,000; in 1871, $128,000,000; in 1872, $130,000,000; in 1873, $140,000,000; the last being in excess of the previous year only ten millions, an amount certainly too small to indicate an unusual drain for vicious speculation.

If speculation in this time had increased to an extensive degree, the error cannot be charged to the character or the amount of our currency, any more than the "tulip mania" was chargeable to the kind or quantity of money in Holland during that strange excitement, or the Darien scheme to the money of Scotland. That there has been during the past seven years an extensive speculation in railroad stocks is certainly true. But when we learn that contraction of our circulating medium has kept pace almost with indebtedness for carrying out great enterprises, it is morally certain that it has not been owing to the amount of currency in circulation in this country. Add to this the debts contracted by States, cities, towns, &c., and this fact becomes too clear to need further proof.

If this mania for running in debt is traced to its true cause it will not be found in the character or amount of our currency. It will not be traced to its superabundance, but to its constant contraction during the last few years, during which our need for it has increased so rapidly. But it is said the panic has to a great extent shut us out from borrowing abroad. This is doubtless true, and in many respects it is well that it is so; but this very fact increases the necessity for more money at home. Let us have the means of borrowing at home, and thus keep the interest here, and stop the constant drain on our resources for the benefit of foreign money-lenders.

But, sir, the immense legitimate business put into operation through the influence of a greater amount of money must languish if all its resources are suddenly cut off. And what must be the further effect if, in addition, we now still further contract the currency? Does the Senator from Missouri want to see the iron manufactories, not only of Pennsylvania, but of Saint Louis, lying idle, and the owners and operators thrown out of employment? The venerable Senator from Pennsylvania understands too well the interests of his own State to advocate such a destructive policy as this.

Sir, turn this matter as we will, and look at it from any side whatever, and it does present the appearance of being a stupendous scheme of the money-holders to seize this opportunity of placing under their control the vast industries of the nation. Therefore I warn Senators against pushing too far the great conflict now going on between capital and labor. It is not our duty to legislate exclusively for either, but as far as possible to try and harmonize the interest of the two. Capital rests upon labor; but when it attempts to press too heavily upon that which supports it in a free republic, the slumbering volcano, whose mutterings are beginning already to be heard, will burst forth with a fury that no legislation can quell. Both should be equally fostered and both equally protected.

And here let me quote from a Michigan authority, the Berrien County Record, to show the feeling in some parts of that section on this subject; and I quote this, not because it is from any particular paper, but because the language is a true statement of the case:

> It is a lamentable fact that the financial question is leading to a conflict between capital and labor, money and production. The capitalists, the possessors of money, who stand isolated from the laboring and producing classes, are getting themselves in hostile array to oppose with might and main every effort to increase the currency of this country to something like an equal ratio with other commercial nations. The East, especially the Wall streeters and banks, want no more money. They prefer to have the volume of currency limited so that combinations may be entered into and the money cornered. Every time a few millions of the currency are locked up in the East, the West suffers, the products of the West decline in price, and the western producer suffers, while the eastern capitalist makes money. The time has come when this state of affairs should and must be remedied. The interests of the South and West are identical on this point, and unless the East will yield to that which is just and right, the result cannot be otherwise than disastrous in the end. This the money-lenders of New York will learn, but perhaps not until it is too late.
>
> It is folly for contraction and specie-payment Senators and Representatives in Congress to be talking constantly about the evils of an irredeemable currency. The people have tried it, and are perfectly satisfied with it. They have been suffering, as were the entire business interests of the West and South, from the gradual but certain contraction of the currency which has been in progress since the close of the war. The people have and do fully realize that their most prosperous times were when currency was the most plentiful. It is true it was not so good for the money-lender and the capitalist, but for the laborer, the manufacturer, and the producer, for three-fourths of the people of the entire country, it was far better than it is to-day.

What, Mr. President, does this hue and cry against our greenbacks mean? What is intended by branding them with such epithets as "irredeemable currency," "debased paper," "disgrace to the nation," "lie on its face," &c.? What do Senators, even those who helped to give origin to this money, mean by comparing it to confederate scrip, French *assignats*, and the Chinese money of the thirteenth century? Why, sir, one would almost be led to think we have a gold-room here in this Senate Chamber. One would think, from their frantic declarations against depreciated paper and speculation, that a John Law was at the head of our financial affairs, and that we were on the point of starting him on another Mississippi scheme. Sir, there is no parallel between the two. His paper was not based upon a secure foundation, hence in no sense similar to our money, or that which we now propose, except that it was stamped on paper; but in one particular it was similar to the plans proposed by our specie-payment advocates—it was to be paid in gold on demand; but when the alarm came among the people, and they demanded their gold, and it was not there with which to redeem the notes, of course a crash came, the whole thing went up in a balloon, and the people of France were the sufferers. We have had experiences even in this country of bank-notes being based on gold, when the banker did not have the gold, nor did he ever expect to have it; and when the banks failed to pay, the people who held the notes were the sufferers—a state of things which never can exist under our present system while our Government, with all its wealth and resources, stands at the back of our currency, unless these gentlemen succeed in destroying the credit of the Government by their attempt to bind it hand and foot and turn it over to the money-changers. Their success in either proposition, of at once returning to specie payments or redeeming the greenbacks with a 5 per cent. gold-bearing bond, as proposed by the chairman of the Finance Committee, would accomplish this result. The idea of returning to specie payments at this time, with the amount of specie in this country, is too absurd to admit of argument.

But, sir, in order to show these gentlemen—but they do not need to be shown, however, because they know it themselves—that it is impossible to return to specie payments at once or within any short time, it is but necessary to take the report of the Secretary of the Treasury. With his annual report is communicated that of the Director of the Mint, who says:

> It is true that the mines of the world produce annually about one hundred millions of gold; but in considering this as a stock to be drawn upon for coinage, it must be remembered that the consumption of gold in the arts has largely increased during the last twenty-three years, and now approximates to about twenty-five millions per annum.

That leaves about $75,000,000 per annum of gold to go into coin as a circulating medium. He further says:

> The coin, except as to the Pacific-coast States and Territories, being as a general thing in the Treasury and banks, the present time is a favorable one for estimating the amount of gold and silver coin in the country. From the most reliable data obtainable, the gold coin is estimated at $135,000,000, and subsidiary silver $5,000,000—total $140,000,000.

Making the total amount of coin in this country, of gold and silver, $140,000,000. With $742,000,000 of paper to be redeemed, with interest to be paid upon about $400,000,000 of railroad and other securities in Europe, with interest to be paid amounting to $60,000,000 per annum by this Government to foreign countries, with a drain of from fifty to sixty millions of our gold for traveling expenses of travelers abroad, and with a production in the country not beyond $60,000,000, I want some mathematician to tell me how we are to return to specie payments. If he can, I shall be obliged to him. While the balance of trade is against us, while we are paying about $50,000,000 of gold to Cuba alone, and export there of other articles but about $15,000,000, who will tell me how we can resume, with that flow of gold from this country, at this time? I hope some good genius will arise and dictate to us the manner in which it is to be done, because none of us can now devise the plan.

Sir, it would seem, if we judge by the arguments and plans of the eastern bankers and brokers, that there is behind this a scheme to fix upon the necks of the people an interest-bearing debt of $400,000,000, in order to drain the public Treasury of twenty millions annually in gold for the benefit of those who have capital to buy up the greenbacks. Why does every scheme proposed by those in favor of contraction contain some plan for converting the greenbacks into interest-bearing bonds, free from taxation? Somehow these two propositions, in some shape, are found in every plan they bring forward.

Sir, the scheme is a grand, and I might say startling one, that may well arouse the people of the country. Withdraw the greenbacks by converting them into these interest-bearing gold bonds, and thus add twenty millions annually to the profits of the money-lenders, and not reissue the greenbacks, thereby contracting to the $400,000,000. Then allow them to make the additional profit by banking on them. Require all the country banks to pool their gold reserves in New York, and the whole money-power of the Union is in their hands; and, having drained the Treasury of its gold reserves, there is no check left upon the power which will be centered at New York. The interior banks and the public Treasury itself will be at their mercy.

Mr. President, in order to satisfy the Senator from Missouri that other men of equal experience with himself entertain views somewhat different from his own, I will read some extracts from a letter of Mr. Isaac Buchanan, in response to an article published last fall in the Chicago Inter-Ocean, attributing to Mr. Buchanan the honor of having first suggested our present financial system to Mr. Salmon P. Chase, then Secretary of the Treasury. This letter is published in the Spectator, a newspaper published at Hamilton, province of Ontario, Canada, November 26, 1873, in which the contractionists will find something from a Canada stand-point worthy of consideration.

Mr. Buchanan quotes from a communication in the Evening Telegraph, as follows:

> In the case of England the above simply means that with about $350,000,000 of specie, and over $5,000,000,000 of bank and other credits, she has undertaken to

make the larger volume interchangeable at pleasure with that portion of the smaller—about $116,000,000—which is within the control of the banks, and that a small abstraction from the amount will render it entirely impossible to settle even the trifling portion of the $5,000,000,000, which is at any one time called for in days of financial quiet.

In the struggle to retain this trifling amount of specie, immense interests are crippled or entirely sacrificed, large numbers of workmen are eventually thrown out of employment, and society is disturbed in its relations, the rich being made richer and the poor poorer. These terrible things are done because mankind still barbarously worship the golden idol.

The reformers in England have for half a century been endeavoring to improve the condition of the masses, but not knowing the cause of the disease, their remedies have utterly failed to produce a cure. If the British government would take into its own hands, where it belongs, the issue of the currency, furnish from time to time such a volume as the business of the country demanded, and make it interchangeable with consols, England might one day reach stable financial and industrial ground. Circulating notes which would cancel any debt as they moved, would cause a curtailment of credit, and crises having nothing to start from or feed upon, would be an utter impossibility. Then might the poor and the moderately rich hope to rise; but such crises as that of 1868, from which Great Britain took five years to recover, if often repeated in the future, will render such improvements out of the question. Let our own people learn by the lesson which is now being given to them abroad—

Referring to this country—

as they have from that at home, and all will soon be well with us.

Mr. Buchanan proceeds to say:

I wrote the same views as this letter contains in the New York newspapers in 1837 against "A Hard-Money Bigot," I being then president of the Board of Toronto, and having arrived from England at New York in the midst of the money panic. In May, 1837, I was mainly instrumental in getting the Upper Canada Parliament called together at Toronto to save this country from the effects of the specie suspension in United States, and my evidence can be seen in the journal of the assembly at that time. You know I differ from the original paper-money or "taxation-notes" advocates in England by my insisting that the legal tender should have gold as its security though not as its standard. And the details of my views were expressed as follows at the international banquet given at Hamilton on 1st August last:

"No conspiracy against humanity was ever so Machiavellian, or so fatal, as the aristocratic class interest and hard-money conspiracy against mankind in England has been. England had paper money forced on her at the end of last century by the necessities of the continental war, and through it she triumphed not only in her wars but in her far greater achievement of securing the prosperity and happiness of her own domestic industry, or, in other words, of the great mass of her people. It was seen that the question of labor and the question of money are one question; the solution of the one being the solution of the other; plentiful, and therefore cheap money, being a convertible term for plentiful and well-paid employment; but the people in those days had no legislative power to guard this great blessing even if they had the intelligence, which we may fairly infer they had not, seeing that even in the present day, after the working classes have got votes, they seem humbugged into the idea that the possession of the power to reform is reform, and they do not exercise the power given them by their votes to do away with class legislation, the opposition to which cost hundreds of their fathers their lives on the scaffold and at the block, ten years before the reform bill passed; and the operation of which class legislation has caused, and still causes, the degradation and misery of the proletarians it has created, and of the better class who have been ruined by its hard money and contraction of the currency."

Sir, here we have evidence of past experience in England, so far as the effects upon all save the aristocracy is concerned, and as we will have in this country upon all but money-holders, should the Senators succeed in their schemes of oppression.

But let us return once more to the speech of the honorable Senator from Missouri. He tells us that increase will injure the poor men and laboring classes of this country; because they have $950,000,000 deposited in the savings and other banks, and two hundred and fifty millions of wages owing to them, and if you increase the currency you will depreciate it and cause them to lose to the amount of the depreciation.

Then the poor are not so poor after all, as they are generally thought to be, as they have on deposit three times as much money as has been spent annually in the entire Union for construction by all the railroads which have been built. They have, if the Senator is correct, more money on deposit than there is money in the United States; and if they should all demand their money now, there is not enough in the whole country to pay it. This is certainly no indication of great distress; but perhaps it is one of the "pernicious influences" of the "irredeemable currency" we have been using for the last eleven years. The Senator should be careful how he handles his weapons, for this, if correct, is more against his theory than for it. According to his theory it was an excess of paper currency that either directly or indirectly caused the panic; then all this hoarding must have been done during that period of excess; it must have been done during that period of wild speculation of which he speaks. If this is so, then such a condition of monetary affairs certainly is not oppressive to the poor and the laboring class. It is also strange that if an excess runs the money all to the eastern cities, only to be used in gambling and speculation, there should have been such opportunities for the laboring classes throughout the country to accumulate such a large amount. Somehow the Senator's arguments and theories do not appear to fit together very well; and the few statements of fact he presents agree still less with them.

What are the facts in the case? Look at New York to-day. While a few are giving grand receptions and sumptuous entertainments, surrounded by all the luxuries of wealth, it requires all the energies of the benevolent to feed the hungry thousands who are daily pleading for bread, with emaciated forms and sunken eyes, which tell with fearful reality the tale of their sufferings. I am glad to know that the people of that city are responding willingly to this appeal for relief. Even in my own city I learn there is also much destitution and suffering, which calls for the assistance of our citizens, and to which are they quietly responding. And such is the case in all our larger cities to a greater or less extent. The want of money for the business of the country had strained credit until the crash came; a large portion of the productive operations ceased, and the employés were thrown out of employment, and hence the present distress. Is not this a plain statement of facts, known even to the boys on the street? But the Senator from Missouri tells us they have money hoarded by the millions. I presume this will be good news to them, and that they will be asking for some of it as soon as they read the Senator's speech.

Let this suffice in regard to his theories and arguments. The show of oratory and well-rounded sentences fail to hide their fallaciousness from view. Prick the bubble anywhere with reason or fact, and it bursts into air. With one hand he has reared a huge man of straw, and with the other he has destroyed it.

Let us therefore turn for a moment to the question before us, lest we forget it in this butterfly chase. No one is here, Mr. President, asking the Government to set in motion her presses to grind out an unlimited quantity of "irredeemable paper." No one is here asking for an issue of currency which is not well secured, and by a gold bond backing it at that. No matter what propositions may have heretofore been presented, nor how good nor how bad they were, there is nothing of the kind now before us. The simple question in substance is this: shall we increase to a moderate degree the present bank currency under the present banking law, especially in those States which have not received their proportion according to wealth and population? Or, to change the form but not the substance, it is this: shall simple justice and equality be extended to the Western and Southern States; shall the farmers, mechanics, business men, and producers of the West be reduced to the condition of hewers of wood and drawers of water for eastern capitalists; shall they be forced to give their labor, toil, and sweat to eastern money-lenders for interest? This, Mr. President, is the real question before us. Twist it, turn it, and manipulate it as you will, this is the real point at issue.

As an evidence of the monopoly in this matter, and of the injustice which is being done the West and South, I present the following table from the last report of the Comptroller of the Currency, which exhibits the apportionment of the whole amount of circulation authorized by law ($354,000,000) to the different States and Territories, upon the basis of population and wealth as given in the census returns of 1870, together with the amount outstanding and authorized, and the excess and deficiency:

SOUTHERN AND SOUTHWESTERN STATES.

States and Territories.	Apportionment on population.	Apportionment on wealth.	Aggregate apportionment.	Outstanding and authorized circulation.	Excess.	Deficiency.
Dist. Columbia	$604,560	$743,400	$1,347,960	$1,530,091	$182,131	.....
Virginia	5,624,042	2,407,200	8,031,242	3,902,342	.....	$4,128,900
West Virginia	2,029,041	1,115,100	3,144,141	2,360,307	.....	783,834
North Carolina	4,918,022	1,539,900	6,457,922	1,819,300	.....	4,638,622
South Carolina	3,239,045	1,221,300	4,460,345	2,319,500	.....	2,140,845
Georgia	5,435,587	1,575,300	7,010,887	2,365,605	.....	4,645,282
Florida	861,846	265,500	1,127,346	90,000	.....	1,037,346
Alabama	4,576,646	1,185,900	5,762,546	1,541,133	.....	4,221,413
Mississippi	3,800,529	1,239,000	5,039,529	5,876	.....	5,033,653
Louisiana	3,336,863	1,893,900	5,230,763	3,646,870	.....	1,583,893
Texas	3,757,640	838,100	4,695,740	930,960	.....	3,764,780
Arkansas	2,223,936	920,400	3,144,336	192,495	.....	2,951,841
Kentucky	6,064,027	3,557,700	9,621,727	7,637,900	.....	1,983,827
Tennessee	5,777,118	2,938,200	8,715,318	3,341,736	.....	5,373,582
Missouri	7,901,509	7,557,900	15,459,409	6,476,193	.....	8,983,216
Total	60,150,411	29,098,800	89,249,211	38,160,308	182,131	51,271,034

MIDDLE STATES.

New York	$20,118,813	$38,267,400	$58,386,213	$60,976,006	$2,589,793	.....
New Jersey	4,159,382	5,540,100	9,699,482	11,026,890	1,327,408	.....
Pennsylvania	16,167,317	22,425,900	38,593,217	42,055,781	3,462,564	.....
Delaware	573,873	566,400	1,140,273	1,296,615	156,342	.....
Maryland	3,584,651	3,787,800	7,372,451	9,252,847	1,880,396	.....
Total	44,604,036	70,587,600	115,191,636	124,608,139	9,416,503	.....

PACIFIC STATES AND TERRITORIES.

Nevada	$195,052	$177,000	$372,052	$11,864	.....	$360,188
Oregon	417,377	300,900	718,277	225,000	.....	493,277
California	2,571,783	3,752,400	6,324,183	.....	.....	6,324,183
Colorado	182,903	123,900	306,893	548,990	$232,102	.....
Utah	398,386	88,500	486,886	419,829	.....	67,057
Idaho	68,852	35,400	104,252	90,000	.....	14,252
Montana	94,540	88,500	183,040	252,000	68,960	.....
Wyoming	41,855	35,400	77,255	72,000	.....	5,255
New Mexico	421,742	194,700	616,442	270,000	.....	346,442
Arizona	44,334	17,700	62,034	.....	.....	62,034
Dakota	65,096	35,400	100,496	45,000	.....	55,496
Washington	109,964	88,500	198,464	.....	.....	198,464
Total	4,611,974	4,938,300	9,550,274	1,924,688	301,062	7,926,648
Grand total	177,000,000	177,000,000	354,000,000	353,968,249	80,589,742	80,621,493

EASTERN STATES.

States and Territories.	Apportionment on population.	Apportionment on wealth.	Aggregate apportionment.	Outstanding and authorized circulation.	Excess.	Deficiency.
Maine	$2,877,818	$2,053,200	$4,931,018	$8,029,252	$3,098,234	
N. Hampshire	1,461,138	1,486,800	2,947,938	4,624,525	1,676,587	
Vermont	1,517,376	1,380,600	2,897,976	6,932,030	4,034,054	
Massachusetts	6,689,889	12,549,300	19,239,189	59,523,671	40,284,482	
Rhode Island	997,747	1,752,300	2,750,047	13,385,840	10,635,793	
Connecticut	2,467,152	4,566,600	7,033,752	17,994,648	10,960,896	
Total	16,011,120	23,788,800	39,799,920	110,489,966	70,690,046	

WESTERN STATES.

Ohio	$12,234,726	$13,151,100	$25,385,826	$23,876,370		$1,509,456
Indiana	7,714,871	7,469,400	15,184,271	14,706,415		477,856
Illinois	11,659,230	12,496,200	24,155,430	17,824,209		6,331,221
Michigan	5,435,357	4,230,300	9,665,657	7,485,043		2,180,614
Wisconsin	4,841,403	4,141,800	8,983,203	3,253,316		5,729,887
Iowa	5,481,081	4,230,300	9,711,381	5,674,385		4,036,996
Minnesota	2,018,445	1,345,200	3,363,645	3,330,414		33,231
Kansas	1,672,754	1,115,100	2,787,854	1,825,496		962,358
Nebraska	564,592	407,100	971,692	809,500		162,192
Total	51,622,459	48,586,500	100,208,959	78,785,148		21,423,811

A single glance at this table is sufficient to show the gross injustice and unfairness with which the Western and Southern States are being treated in this matter. The Eastern States, New York, and New Jersey, together, have received one hundred and eighty-two millions, or considerably over half the amount to be distributed to the entire Union. Massachusetts was entitled to but four-fifths of the sum apportioned to Illinois, yet her excess, over the amount she was entitled to under the law alone, amounts to nearly three times the amount received by Illinois; and Rhode Island, the smallest of the group, receives seven times as much as North Carolina. Is it any wonder, then, that these sections cry out against such inequality and such injustice? If you of the Eastern and Middle States need what you have, we do not desire to take it away from you; but we do ask you to deal with us with equal generosity.

But in order to show still further the extent of this injustice, especially in its bearing on my own State, I will introduce here some other statistics from the report of the Commissioner of Internal Revenue for 1873, showing the amount of internal revenue received from the New England States as compared with that received from Illinois.

Receipts of internal revenue for 1873.

Maine	$212,893
New Hampshire	324,089
Vermont	67,475
Massachusetts	3,669,950
Rhode Island	322,701
Connecticut	871,871
Total	5,468,979
Illinois	16,470,208

From this it will be seen that Illinois pays three times as much internal revenue as all New England. But look at the table of the money distribution and see how the two compare: New England $110,489,966, while Illinois receives but $17,824,209, just one million and a quarter more than the annual amount of her internal revenue.

In order to show the relation of taxation to the amount of circulation, I give the following statement of the taxes the people have annually to pay:

State tax, 1870	$68,051,298
County tax, 1870	77,746,115
Town and city tax, 1870	134,794,108
Total	280,591,521
Customs, 1873	188,089,522
Internal revenue, 1873	113,729,314
Tax on circulation of national banks	6,830,037
Marine-hospital tax	333,003
Steamboat fees	259,092
Direct tax	315,254
Tax on seal-skins	252,181
Grand total	590,399,924

The total active circulation was, according to my former estimate, $669,000,000, showing that there are but $78,600,000 more of circulation than the annual tax which has to be paid. And this, Mr. President, is not done through the clearing-house mentioned by Senators, but is paid directly by the people to the various collectors. Will any one tell me that there is a redundancy of money, and that business would prosper with less, when it requires nearly the whole of the volume in circulation to be turned over to the tax-gatherers annually, and much of it locked up in the different State treasuries one-fourth of the year?

Sir, our western country is indebted largely to eastern capitalists.

In the census report of 1870, collated by Mr. Walker, on page 5, this statement is made: "Hundreds of millions are owned in the East, in the form of mortgages on the real estate of the West." Not a few millions, but hundreds of millions. You do not find anywhere in this report that the East owes the West or the South anything; but the South and the West are indebted to the money-lenders of the East in hundreds of millions of dollars. When we Senators from the West appeal to the Senate in behalf of our constituents, and ask you not to reduce the volume of the currency to a gold standard at once, and reduce the value of property 10 or 11 per cent. by bringing things to a gold standard, for if you do the hundreds of millions we owe to the East must be paid on the gold standard out of our property, on which it was loaned at a currency standard, you persist in saying that it is right that this should be done and you insist on crushing and grinding the very life out of the western people, because they are debtors to those in the East who have money to loan; and I am sorry to say that foremost in the van leading this raid on the debtors of the West are the Senators from Missouri and Ohio, both representing western constituencies; but I do not believe their constituents can agree with them—I am sure they cannot. Why is it that representatives forget the interests of their own section and stand up here as the advocates of the gold-brokers and money-lenders and sharks, the same class of men whose tables Christ turned over, and whom he lashed out of the temple at Jerusalem?

If we can have no more money than we require to pay our taxes how are we to improve our country and produce sufficient of profits on our present capital to pay these debts? Will you shrink the value of our property to a gold basis, and then by forced sales impoverish us? This would only be worthy of a Shylock indeed; and it is not in harmony with our present civilization.

Turn for a moment to another view of this many-sided question, and see whether it indicates an excess in the amount of our currency. When Senators speak of clearing-houses and bank-checks, do they forget that this is but another form of money which marks the business wants of a medium of exchange? Take, for instance, the London clearing-house. The amount of checks passing through this for the year ending April 30, 1873, was $30,000,000,000, or nearly $100,000,000 per day. Check this for three days, and what would have been the effect upon the business of that city? The amount of currency exchange alone which passed through the New York clearing-house for the year 1873 was $33,972,773,942, or $111,022,137 per day, exceeding even the boasted business transactions of the clearing-house of the world; yet the average daily balances, paid in settlements of clearings, were but $3,765,921, or less than 4 per cent. of the amounts which changed hands. Does this indicate that England needs more money than this country? Suppose this mill should cease grinding for a few days, what would be the consequence to the business of New York? Suppose that money should be required in each transaction, do you think there would long be a surplus in that market? I am rather inclined to think petitions from that city would roll in here in such a flood that the Clerk's desk would be overwhelmed with them. As money is getting to be a drug there, suppose the Senator from Missouri tries his hand awhile at thundering against the bank-checks, and thus relieve that overburdened city of its surplus. These checks are but paper based chiefly on faith in the drawer, and also on that irredeemable currency the Senator from Missouri so much dislikes. Suppose he withdraws them, or portion of them, from circulation. If this should be done, how much money do you think would be required for that city alone? Why, sir, the entire circulation of the United States would scarcely furnish a supply; and even with this amount we must suppose a complete return to the original hands every six days. The money circulation of the city, it is admitted, would not run the business for one day. But, by means of these checks four dollars in money are made to perform the work of one hundred. Now pass from the metropolis to the country and see how the case is there. No clearing-house is provided there to supply the place of money by means of bank-checks. When a dollar is paid, it must be paid in money; and business being done in rural districts on this basis, who can say there is enough currency to properly act as a medium of exchange?

Is it not strange that every argument used here as to the excess of our currency is made from a New York stand-point, and from a clearing-house stand-point, although clearing-houses only exist in the large cities, and actual money is required in every small town and rural district? It shows that when men get to the Senate of the United States they forget the laboring man, the muscle, the bone, the sinew that makes the wealth of the country, in the advocacy of the interests of moneyed men. Some gentlemen seem to imagine themselves the representatives here of clearing-houses or banking institutions alone. If I were to tell them that bank-checks could not be passed through a clearing-house in the little city of Carbondale, where I used to live, they would open their eyes in amazement at learning that I represented anybody except the clearing-house interest of Chicago. They should remember that business is not done in this country as it is in London; it is not done all over the country as it is in New York; the people require a medium of exchange, money with which to transact their business.

Let us look at this subject, Mr. President, in that broad and liberal view the great expanse of our country, its vast resources and rapid increase and development, require; and here let me quote some tables

and comments from the recent speech of my friend from Michigan, [Mr. FERRY.]

I now submit a table of population and increase or decrease for respective years, being the latest comparison officially obtainable:

Countries.	Date.	Population.	Date.	Population.	Gain or loss.	Per cent.
Great Britain	1863	29,800,000	1871	31,800,000	Gain, 2,000,000	.7
France	1863	37,380,000	1872	36,100,000	Loss, 1,280,000	.35
Germany	1863	35,430,000	1871	41,060,000	Gain, 5,630,000	1.6
United States	1860	31,443,321	1870	38,555,983	Gain, 7,112,662	2.3

Not to be unjust in this tabulated comparison of European countries in the percentage of gain or loss given here for a less number of years than a decade of the United States, I add the proportion to make up for the deficient years, and find Great Britain's increase of population for ten years to be .8 per cent.; the loss of France 4.4 per cent.; the gain of Germany nearly 2 per cent., while that of the United States is 2.3 per cent.

Let me now give a table of area, railroads, and telegraph lines, in miles, of the same countries, respectively, for 1873:

Countries.	Area.	Railroads.	Telegraph lines.
	Sq. miles.	*Miles.*	*Miles.*
Great Britain	121,111	15,497	22,000
France	204,091	10,954	26,226
Germany	208,619	13,005	22,076
United States	3,611,844	71,109	70,511

With this relative extent of territory of the several countries, the vaster area of the United States in comparison is illustrated with significant force in the great system of railways and electric wires creeping apace with the development of the territorial and commercial demands of the nation. With 6,427 miles of road constructed in 1872, and 4,005 miles in 1873, in these two years building nearly as much as the whole railway system of France, and but little less than the whole of Germany, the financial wants of a nation like this find no adequate measure by the comparative needs of compact nations, covering less than one-eighteenth part the territory of the United States.

With such rapidly increasing wealth as the late census has revealed, and the constant increase of our population in far greater ratio than that of European nations; with the multiplied enterprises necessitated by such development, this growth must either be facilitated by sufficient means, or be dwarfed by a policy looking more to contraction than to expansion of the riches and prosperity of the nation. Every intelligent observer knows well that the broader the country the greater the time consumed in making exchanges, and of necessity the greater volume of circulation needed to carry on the same total of labor and business.

Let us also remember in this connection that the latent energies of the South are yet to be developed to that extent of which they are capable, and which a former mistaken policy never brought to light. The mountain streams of Virginia, West Virginia, and Tennessee furnish a power which, with a liberal policy, will give employment to thousands of hands and immense capital, and open up a new market for the products of southern plantations. The vast coal fields of Indiana and Illinois contain an unlimited store-house of power which we were just beginning to develop when the panic came and crippled this new industry which promises such bright hopes for our future. The vast iron resources of Missouri are as yet but just beginning to be developed. Inventive genius has not yet exhausted its power. Give it an opportunity of developing its resources, and the time is not far distant when by new appliances and more perfect machinery, we will no longer have to look abroad for those things which can be produced at home. But to do this capital must have the means of converting itself from one form into another; to do this there must be an ample medium of exchange which can be readily and conveniently exchanged and transferred.

Let us remember that the productive soil of the West and South assists labor to rapidly increase the material wealth of that section, and that it needs a corresponding increase in the medium of exchange.

Let us remember that the South is just entering upon a new life, and is rapidly waking up to a knowledge of her vast resources; and that almost the entire amount of her medium of exchange for this work has yet to be supplied.

Let us remember that the four million freedmen who are just starting into life as citizens also need the sinews of business in the battle of life.

When we take all these facts into consideration, shall we halt in the line of duty for a few moneyed men and capitalists whose vessels are already sufficiently ballasted to outride the severest financial storm?

Carry out the theory of the contractionists and what must be the inevitable result? Every enterprise and industry must be dwarfed in like proportion. The busy hum of the spindle will cease its sound in many a mill which now gives employment to hundreds of active hands, and supplies the comforts of life to many a happy home. The bright blaze of many an iron foundery, which gives life and cheerfulness to the grand scenery along the streams of Pennsylvania, will cease to gild the night with its rays. And the same industry in my own city and that of the Senator from Missouri, which has been so rapidly increasing of late, will be crippled, and hundreds who now find employment there will be compelled to seek a home elsewhere for want of work. The undeveloped resources of the South and West, which we have just begun to appreciate, will rest in abeyance until a wiser policy shall bring them into use.

But I need not describe in detail the depressing effects which must follow if we adopt the views of the contractionists. We will bequeath to our descendants a heavy burden of debts and taxes, with the means of paying them dwarfed, and the vigor and energy of business cramped and hampered for want of a sufficient medium of exchange.

I will here read an article from the Inter-Ocean, of February 28, 1874:

The republican party, which has fought and won so many political battles, which has performed so grand a service to the country, is to-day passing through the most critical period of its history. It has always been emphatically the party of the people. It was born to protest against oppression. It lived to grind to powder the most insolent oligarchy that ever antagonized the theory and practice of equal political rights. It was but natural that a free and intelligent people should flock to the standard of an organization which did not hesitate to offer as a sacrifice to the spirit of exact justice to all, the lives and fortunes of all. The call of the masses of the people to the republican party now is as pronounced, as urgent, and as imperative as it was in 1861, when Senators stalked out of the capital, breathing treason, and hurried southward to inaugurate the crusade of rebellion and carnage. Nor are the principles underlying the two contests materially different. Slavery is only another name for greed. The black man was not held in bondage for the mere pleasure of the ownership, but that *the white man might subsist, in idleness, off his labor.* On the strength of this supreme greed of a few thousand owners of black men, all the millions of the white men of the South were wrought up to a fury of passion, pressing them forward to the sacrifice of their lives and fortunes on the altar of a false cause.

What is the situation to-day? The same battle is being waged in a different field, with different weapons. In the national Senate Chamber a bitter contest is in progress by the representatives of the moneyed aristocracy, on the one hand, and by the representatives of the masses of the people on the other. The proposition on the part of the capitalists is to grasp and firmly hold the largest possible percentage of the profits of all the labor of the country. They want high rates of interest whereby they may tax traffic, and low rates of wages whereby they may tax labor. By contracting the currency they secure both of these objects, for they force traffic to supplicate the banks for loans, and drive labor to beggary; and as the necessities of merchants render more pressing their importunities for loans, the rate of interest is advanced to cover the increased risk, and as the demand for labor declines the price also declines.

On the other hand, the proposition of the people, those who live by labor and traffic, is to expand the volume of currency, thereby cheapening money, and so stimulating manufacturing and other industries into such activity as will insure employment to the laboring classes at remunerative rates of wages. No contest was ever more clearly defined. At no time in the history of the country, not even in the instance of the rebellion, has it been more evident that the interests of the many clash with those of the few.

Mr. President, I feel it my duty, in behalf of my constituents and what I believe to be the best interest of the whole country, to raise my voice against such a course.

And in order that we may relieve, so far as we can, the present financial distress, I have voted, and still shall vote, for the proposed increase of $46,000,000 of bank currency. Not because I think it adequate to the wants of the country, but because it offers a partial remedy; and if it is the best we can obtain, I feel it to be my duty to aid, as far as I can, in granting relief.

I believe the wisest plan would be to remove the present restriction on national banking, so far as relates to the amount of circulation, and make it free to all alike who comply with the conditions. In other words, wipe out that feature which now makes it a monopoly, and renders one portion of the country dependent upon the other for its currency.

Sir, this is the only true and equitable ground; this is the only plan by which we can place all on an equal footing in regard to this matter.

While it would leave to wealth, capital, and financial ability all their rights and all their legitimate advantages, it would give to the humbler classes the opportunity to enter into competition on equal footing, so far as the privilege is concerned. It gives to them the power to combine and protect themselves against being forced to give all their hard earnings to the money-lenders for interest.

Sir, I would make it free that the farmers, where they desire it, may combine and establish banks for their own benefit, and thus assist them in moving their products, or aid them to hold them in times of depression and low prices. As it is now, the receivers and purchasers alone control this matter. I would give to the farmers and producers the means to counteract this influence, and protect themselves against this power.

I would give, in this way, to the mechanics and business men of small capital the same means to guard their interest and assist their operations.

And why should we not do this? It is simple justice, it is right; and there is no just ground for withholding it from them.

If free banking is not dangerous with the greenbacks retired, as the gentlemen who disagree with us say it is not, how can it be any more dangerous with them under the present law? Greenbacks form a limit, and business another, and these two will limit and restrict the circulation in the country. With the bond of the Government deposited and 90 per cent. of it given in circulation, with a $100 gold-bearing bond at the back of ninety dollars of currency, if our Government is worth what we estimate it, if it is the Government that we pretend it is, if it is the responsible Government that we say it is, if this is the energetic people, the industrious people, the people of honor, as we claim in this country, when you give them the opportunity with their honor, their will, and the means and all combined to secure the payment of this currency, I ask where the danger is in a currency of this kind? If our Government is not good, then our currency is not good; if our Government is good our currency is good; and with a Government so cherished, so endeared to the people of this

land that they would spend billions upon billions of money and rivers and rivers of the best blood to preserve it, I ask you where the man is who will stand up here and curse it and say it is not responsible for the circulation of the country? Why, sir, men who have by their attacks indirectly assailed the character and credit of this American Government have sinned against the enlightenment of this age.

But Senators still cry against pledges unfulfilled. Why, sir, the country does not ask you to fulfill them now in our present condition. I have heard of no one that has asked for these pledges to be fulfilled now, except a few Senators on this floor have asked it, and a few bankers and moneyed men, when they found that Senators would advocate it, sent in a petition here, said to represent $500,000,000, not so many honest citizens, as every one has a right to petition, but dollars. Well, I like that. I like in a free country to see gentlemen get up and say, "We represent so many dollars." Under the Constitution every citizen of the United States has an equal right to petition the Congress of the United States, no matter whether he has a dollar or whether he has not. On this theory, I suppose, if a man was going to vote, he would be asked how much money he had; if he petitions Congress, how much money have you got? A petition representing money weighs more with certain Senators than a petition representing muscle, industry, and brains. Well, sir, if we have got to that point in this country, that petitions are weighed by the amount of money they represent, I think John Randolph's expression about the man who owned a jackass where it required $250 of property to allow a man to vote would be applicable. Said he, "Suppose the jackass died before the election, you could not vote, could you?" "O, no." "Which would vote, then, you or the jackass?" That would be the question; which is petitioning here, the money or the man? If you present a petition representing money, and you do not pay attention to one that does not represent money but do to the one that does, it is a marvelous affair, it is a wonder it had not been framed and a resolution passed to hang it upon the wall of the Senate for future ages to gaze upon and see how much money was represented in a petition at one time to ask the passage of a law giving them greater power to continue their extortion upon the people. Would not that read well in the future history of this great Republic? And yet certain gentlemen seem to think that money and wealth is all that has a right to be legislated for in this Chamber. Is its influence greater than brains, than muscle, than honesty, than industry, than justice—ay sir, than all things else? If this is to be our future policy, may God help the Republic.

Sir, in our boasted Republic of equal rights, as a principle which is the very mainspring of our life and prosperity as a nation, I desire to see that equality applied to that which is the life of our business and commerce—the currency, the money of our country. The principle of equality in man, and the same principle of equality in rights to do business in this land, should apply to all its citizens.

I have, sir, with others on this floor been contending for the masses, against the concentration of the monetary power of the country in the hands of the few. With them I have used whatever power and influence I have to break the strength of the moneyed monopoly which mistaken legislation has already made, and which the contraction policy would further strengthen. With them I have battled against that policy which would swell the volume of our national interest-bearing debt, and deprive the people of a currency which they approve and with which they are satisfied.

Sir, the people know their wants. They also know their rights; and if we prove recreant to our duty they will take the matter in their own hands and put those here who will strike down the feature of monopoly now connected with national banking; and if national banks must continue, they can only do so by removing the restrictive monopoly feature. If that is not done, they must go down, and the defenders of their grasp upon the people must go down with them.

Railroad Monopoly.

SPEECH OF HON. W. S. HOLMAN,

OF INDIANA,

IN THE HOUSE OF REPRESENTATIVES,

March 17, 1874.

The House having under consideration the bill (H. R. No. 1385) entitled "An act to regulate commerce by railroads in the United States"—

Mr. HOLMAN said:

Mr. SPEAKER: I have listened with great pleasure to the very interesting and ingenious argument of the gentleman from New Jersey, [Mr SCUDDER.] But I think, sir, the arguments submitted, especially in the concluding remarks, are much more specious than sound. There is always a disposition, in discussing a proposition involving even remotely constitutional powers, to indulge in brilliant generalizations. Gentlemen are reluctant to come down to the simple, practical details of a measure; It is so much easier to indulge in general terms and pleasant and eloquent abstractions than to deal with the dry matter of fact.

I do not agree with the gentleman from New Jersey upon the main questions involved in this bill. I wish to call the attention of the gentleman and of the House to the real question. What is the scope and purpose of this bill? The answer to this inquiry, I think, will show how absolutely irrelevant are most of the arguments against the pending measure that gentlemen have advanced.

If it were true, as the gentleman has argued, that this bill proposed to delegate to the commissioners referred to in the bill legislative power, there would be but one answer: "It cannot be done; legislative power is vested in Congress by the Constitution; it is a power that admits of no delegation." But, sir, is there any approach to a delegation of power here? Is there in this bill anything more than the prescription of certain principles of law and rules of evidence that shall prevail in the courts of justice in litigation between the citizen and railroad companies engaged in the commerce between the States of the Union? If there were anything more than this involved in this bill I should be apprehensive that we were trenching upon doubtful powers. But let us take up this bill and look at its provisions, and I think it will be apparent how irrelevant the eloquent speeches on constitutional power, which gentlemen have indulged in, are to the measure before the House. Let me read the few lines that involve the real gist of this measure, that express the real substance of the bill:

That each and every line of railroad extending into or through two or more States, and employed in carrying freight or passengers between points or places in different States, and whether owned or operated by one company, corporation, or person, and known by one name, or owned and operated by several companies, corporations, or persons, and known by several different names, shall be regarded as employed in commerce among the several States.

That no such company, corporation, or person so engaged in operating a line of railroad into or through two or more States, as aforesaid, shall charge, collect, demand, or receive more than *a fair and reasonable rate of toll or compensation* for the transportation of freight of any kind, or of passengers, or for the use or transportation of any railroad-car upon its track, between places in different States.

This is the fundamental provision of the bill, that railroads engaged by combination of lines in the interstate commerce shall transport passengers and freight at "*a fair and reasonable rate.*" Can gentlemen question the soundness of that proposition? The bill merely proposes that Congress shall adopt, with reference to common carriers in interstate commerce, the principle of the common law; nothing more, nothing less. The common carrier is bound to transport at fair and reasonable rates. The regulation of commerce among the States—*interstate commerce*—would seem to be exclusively within the control of Congress. If regulated at all, it would seem that it must be done by Congress. Among the powers delegated by the States to the Federal Government and vested in Congress is the power—

To regulate commerce with foreign nations, and among the several States, and with the Indian tribes.

And if Congress has the power to regulate commerce between the several States, Congress has unquestionably the power to adopt the principle of the common law with reference to common carriers, where those carriers are engaged in commerce among the States. Therefore, when Congress says that these railroads, which by combination are carrying freight or passengers into or through more than one State, shall transport this freight and these passengers at fair and reasonable rates, thus asserting the well-known principle of the common law, will gentlemen contend that Congress is overstepping its authority? Will they assert that we are assuming a doubtful power when we propose the re-enactment of a principle of the common law, a law regulating common carriers, recognized as a just rule for centuries?

Mr. ELDREDGE. Will the gentleman allow me to suggest an answer to that?

Mr. HOLMAN. Certainly.

Mr. ELDREDGE. The common law required common carriers to fix reasonable rates; there is no doubt about that proposition. But the common law never assumed to fix in advance the rates at which common carriers should carry freight or passengers.

Mr. HOLMAN. I fully agree with the gentleman. The common law did not and could not fix the rate of compensation, except that it should be reasonable.

Mr. ELDREDGE. The common law recognized the right of the courts to set aside the rates fixed because they were either fraudulent or unreasonable to such an extent that the contract itself—being so hard a bargain—was void at common law, on the ground of its being unreasonable, unjust, inequitable.

Mr. HOLMAN. My friend from Wisconsin will excuse me; he and I agree on that point. I am not now considering the question as to how this reasonable rate should be ascertained. I am merely laying down the proposition (and neither my friend from Wisconsin nor any other lawyer will, I think, controvert it) that Congress possesses, as to transportation among the States, the power of enacting the common-law rule that that transportation shall be at fair and reasonable rates. If my friend from Wisconsin or the gentleman from New Jersey controverts that proposition, I should be glad to know it, because this principle lies at the foundation of the bill. It does not contain a provision that is not designed to give practical effect to that manifestly just proposition of the common law.

Mr. ELDREDGE. Does my friend claim that at common law any tribunal or court ever assumed the power to fix the rates in advance?

Mr. HOLMAN. I am not discussing that proposition at all. I am

merely considering the first and prominent feature of this bill in which Congress undertakes to prescribe the rule of the common law, that those who transport persons and freight from one State to another shall do it upon fair and reasonable terms. There, sir, is the "hard-pan" of this measure.

Mr. ELDREDGE. That is not this bill.

Mr. HOLMAN. That is this bill. That is the whole substance of the bill. All else about it is the mere machinery for carrying that fundamental maxim into effect.

Mr. Speaker, I go one step further, because there is only one other fundamental proposition in the bill, that *prescribing a rule of evidence.* Now, I know gentlemen cannot say that the prescription of a rule of evidence which shall apply to commercial transactions among the States is not within the scope of the authority of Congress under its power to regulate commerce.

If Congress can declare that common carriers, engaged in commerce among the States, shall transport passengers and freight at "fair and reasonable rates," then Congress can certainly prescribe the rules by which such fair and reasonable rates can be ascertained. This, indeed, is involved and embraced in the power of Congress to establish courts of justice. And if beyond the simple re-enactment of a rule of the common law there is anything in this bill beyond establishing rules for ascertaining what are fair and reasonable rates for transportation, thus giving effect to that rule of the common law, I should like to see it pointed out.

If Congress can prescribe the rule to regulate commerce among the States, has Congress no power to prescribe the mode of giving effect to that rule, determining the kind of evidence applicable, and how it shall be applied, and upon whom the burden of proof shall rest? Then, sir, how are you to ascertain what is fair and reasonable? By the courts? I should like the learned gentleman from New Jersey [Mr. SCUDDER] to answer that question. Will he say that it is not competent for Congress to empower the courts of justice, established by the Federal Government, to determine what are fair and reasonable rates and to prescribe the rules of evidence? That is the next step in the inquiry. No one will question that the courts of justice may determine what are reasonable rates and that Congress may prescribe the rules of evidence by which they shall be ascertained.

Congress may declare by general rules what shall be evidence, what shall be presumptive, what conclusive, and upon whom the burden of proof shall rest, in cases cognizable in the Federal courts.

This bill, as to common carriers, proposes to prescribe rules of evidence as to what are fair and reasonable charges for transportation among the States. The whole of that is embodied in a single proposition in this bill, which is to be found in the eighth section—evidence for the courts, presumptive evidence. The important and controlling parts of the bill, the first and second sections, I have already read to the House. The eighth section prescribes the application and the rule of evidence in a suit between the citizen and the railroad company, to give to the citizen the benefit of the common-law rule of fair and reasonable rates.

What is that eighth section? It is that any corporation, company, or person being engaged in the operation of any line of railroad *into or* through two or more States as aforesaid, who shall, after such schedule shall have taken effect in relation thereto, be guilty of extortion by charging, collecting, demanding, or receiving more than a reasonable rate of toll or compensation for the transportation of freight, passengers, or cars over or upon any such line, shall forfeit and pay for each offense a sum of not less than $500 nor more than $5,000, to be recovered by action to be brought in the name of the United States in any district or circuit court of the United States, or if in a Territory, in any district court of the United States therein, in the form of an action of debt, or by such other form of action as may be provided by the law of the State in which such action is brought in like cases; and it shall be the duty of the district attorney for the proper district to institute and prosecute all suits for the recovery of the penalty aforesaid; and the corporation, company, or person being guilty of such extortion shall also be liable to the party injured thereby for the damages caused by such extortion, including a reasonable sum for attorneys' fees, to be fixed by the court trying the case, which such injured party may recover by action in his own name in either of the courts aforesaid; and the form of the action may be the same as in case of a suit to recover the penalty as hereinbefore provided.

Either party to any action brought under the provisions of the act shall have the right to a trial by jury; and in any action instituted under its provisions, whether it be a suit to recover the penalty aforesaid, or a suit by the party injured to recover damages as aforesaid, any number of separate and distinct violations of the provisions of the act may be stated separately in separate counts, and a recovery may be had upon each.

If, upon the trial of any such suit, brought either to recover said penalty or to recover damages as aforesaid, it shall be made to appear that the defendant has charged, collected, demanded, or received, for the transportation of freight, or passengers, or cars, a rate of toll or compensation greater than that fixed by the schedule aforesaid, then, and in that case, such defendant shall be deemed and held guilty of extortion and liable therefor, unless such defendant shall show affirmatively that the rate charged, collected, demanded, or received for such transportation was, nevertheless, fair and reasonable.

The third, fourth, fifth, sixth and seventh sections of the bill provide for the appointment of a commission, and directs their mode of procedure to determine what are fair and reasonable rates for the transportation of persons and freights by these railroads; and directs them to prepare a schedule of such rates, and file a copy in each district court; and provides that, when that schedule is so made and determined by these commissioners, it shall simply be presumptive evidence that the charges so determined are fair and reasonable. So much for the schedule. This schedule is, then, simply presumptive evidence of what are fair and reasonable rates for transportation of passengers and freights by railroad—interstate commerce—and throws upon the railroad corporation the duty of repelling that presumption. Talk about excessive legislative powers, when you are but prescribing a simple rule of evidence in a court of justice, when you are simply adopting a rule of evidence for putting the citizen upon a footing where he can stand up with something like equal chances side by side with a compact and solid corporation, which has been guilty, as he may allege, of extortion in the employment of its vast powers in controlling the commerce and business of the country.

Mr. ELDREDGE. The gentleman asks, more particularly in his remark addressed to the gentleman from New Jersey, [Mr. SCUDDER,] whether there is anything wrong in this proposition. It strikes me there is great wrong, and the moment I suggest it to my friend from Indiana I think he will acknowledge it. It reverses the rule of evidence. Here is a crime, a *quasi* crime, denominated extortion in the bill, and the party charged with that extortion is made presumptively guilty, according to the very terms of the bill. He has to prove himself innocent. The rule of evidence in regard to criminal cases is entirely reversed; and the party, upon the mere charge, must stand guilty of extortion, unless he is able affirmatively to prove his innocence.

Mr. HOLMAN. My friend states the proposition with reasonable fairness, and it is a proposition I am perfectly willing to meet. The rule prescribed by this bill does change the usual rule of evidence which prevails in litigation between citizen and citizen. But what becomes of the argument of my friend from New Jersey, [Mr. SCUDDER,] of delegated legislative power? The bill simply modifies a rule of evidence.

Mr. ELDREDGE. I do not admit that that is all that it does.

Mr. HOLMAN. That is all that it does. It modifies, and in some sense reverses, the common rule of evidence. Now, the question is not as to the power of reversing a rule of evidence, for the gentleman from Wisconsin admits that the legislative power may determine that; but the question is where the burden of proof in such litigation shall rest. Shall it rest on the citizen or the corporation?

Mr. ELDREDGE. I do not believe that the legislative power can determine that in all cases. I do not believe it is in the power of legislation to declare a man guilty of a crime without proof of the fact; and even if it could be done, it is not in accordance with the policy or spirit of our laws or of our institutions that a man is to be declared guilty without proof of a criminal act. But in this case you make him guilty, and he has to clear his skirts of the crimes charged.

Mr. HOLMAN. I agree with the gentleman, if there is no proof; but this is not properly legislation in reference to a crime. Extortion at common law is a crime. If committed by a citizen, he was subject to indictment at common law; and there presumptions of innocence should prevail in the absence of all proof. But here obedience to the law is sought to be enforced by a penalty. The action for the penalty is a civil action. It is the only way you can reach these corporations. It is not by a criminal proceeding, but through a civil action, you enforce the penalty. You can recover against the corporation a penalty for the extortion; and there is no reason why, in such case, you should not adopt the rules of evidence which are reasonable in any other civil action; for, unfortunately, you cannot, except by a pecuniary penalty, punish the corporation for its extortions injurious to the whole people; and you are conferring by this bill upon a citizen who has been wronged and oppressed by the corporation by extortion, by a like civil action, the right to recover the damages he may have sustained. And you are fixing a rule of evidence that, upon certain facts being made to appear against the corporation, creating a reasonable presumption against it, the burden its proof shall fall upon it to show, if it can, to court and jury that of charges have been fair and reasonable.

Now, I am perfectly willing to stand upon the proposition that just and legitimate legislation by Congress and by every State of the Union upon this subject, within the scope of their respective powers, requires, from the nature of the case, such a rule of evidence.

Is the rule proposed unreasonable? Can the citizen obtain justice without it? Is it possible for the individual citizen to devote the necessary time to the inquiry as to what are fair and reasonable charges for railroad corporations to make? Are the facilities within his reach to prove affirmatively what are extortionate charges? Can he reach the books and records of the corporation? Why, sir, he must devote not only such time to such an inquiry, even as to a comparatively short line of railroad, as would virtually deny him a remedy, but he must bring to the task an ability in affairs far beyond the experience and attainments of most of us. He charges that the railroad corporation has violated its obligations to the public by extortionate charges against himself, and the burden of proof rests upon him, when in the nature of things the proof alone is in the hands of the defendant.

What chance has the citizen for justice in such a contest? The books and records of the corporation are perhaps in some remote city; and

the cost of the road, the watering of the stock, the creation of fictitious capital, the enormous mortgages on the road and its income, resorted to for the purpose of adding at once millions to the wealth of the unprincipled managers, and whatever may seem to enter into the question of reasonable charges on the basis of capital apparently invested, and the amount of business done, are all matters known to the corporators, but how shall the citizen unaided drag them from their hiding-places and lay them before a court?

This bill proposes simply that after investigating the cost, the expenses of running of the various railroads of the country, the real and the fictitious capital, the frauds and swindling of fictitious stocks, and reaching as far as may be what would be reasonable charges for transportation on the basis of honest investment and honest management, that a schedule of such charges shall be prepared, and that this schedule shall be presumptive evidence that the charges in that schedule *are fair and reasonable*. If the railroad denies the fairness of the schedule, the question comes before court and jury. There is the right of trial by jury. Can the corporation complain of that? My friend from New Jersey [Mr. SCUDDER] has said that the schedule of charges is to be final, even beyond the revision of Congress; that the commissioners are vested with legislative power, a power that is "final," to use my friend's own vigorous words—a power that is final. In truth the schedule is but evidence, indeed only presumptive evidence. This bill but prescribes a rule of evidence for the courts, a just and reasonable rule. Congress does not revise. The courts of justice revise and review the evidence, and juries weigh it and pronounce their verdicts under the safeguards and sanction of law. Is there anything to complain of in this? If the rates of charges are in fact unreasonable, cannot the corporation, the sole depository of all the facts, readily prove it?

Will you leave these corporations absolutely irresponsible? Will you perpetuate their power to manipulate and magnify their capitals by the countless subterfuges of stock-jobbing, invented by Wall street to defraud the country and tax its industries, and permit dishonest inflations of capital and pretended cost to create presumptions against the citizen, and yet refuse to arm him with a reasonable rule of presumption which will compel the corporation to disclose the facts? If you do, sir, you simply deny justice to the citizen, and leave him the slave of monopoly. Out of this system of irresponsible corporate powers have grown up these enormous and hitherto unexampled fortunes in your commercial centers, coined out of fictitious stocks, oppressing labor in countless forms, marring and imperiling our free institutions of government, and destroying the just and equal rights of our people.

I do not understand the solicitude felt for these corporations. Is it an unreasonable thing to say to a railroad corporation, possessed of full knowledge of its affairs, with its books under its own control, with the cost of its construction unknown except to those connected with its affairs, the burden of proof shall lie upon you to repel, if you can, a reasonable presumption based upon an examination of your affairs? Is it unjust to say to them there is a reasonable presumption that you are charging excessively, and it is for you to show that your charges are not excessive? Is that an unreasonable rule to adopt between the powerful corporation and the private citizen who has been the victim of extortion? I say it is a reasonable rule. It gives the citizen no more than an equal chance with the corporation before the courts of justice.

Mr. SCUDDER, of New Jersey. I do not like to interrupt the gentleman, but, with his permission, I would suggest a question to him there.

Mr. HOLMAN. I have no objection to being interrupted by the gentleman. This is a subject which ought to receive the closest scrutiny.

Mr. SCUDDER, of New Jersey. If the regulations established by this bill be regulations of commerce which belong, under the Constitution of the country to Congress, can these regulations be passed upon by twelve men?

Mr. HOLMAN. Passed upon by twelve men?

Mr. SCUDDER, of New Jersey. As a jury.

Mr. HOLMAN. Cannot the evidence of reasonableness, or want of reasonableness, of the rates of transportation be passed upon by a jury?

Mr. SCUDDER, of New Jersey. No; that is not the question. The question is, if the question of the reasonableness and validity of the regulation of commerce by Congress can be determined by any jury?

Mr. HOLMAN. Cannot Congress prescribe rules to regulate commerce among the States, and establish rules of evidence in the Federal courts? This rule of evidence is that where, upon official inquiry under oath, a conclusion has been reached that a given rate for transportation is reasonable and proper, the duty shall be devolved on the corporation to show, if it can, before a court and jury that it is not reasonable and proper, but that some larger charge is reasonable. I admit that if the question of what is reasonable and proper did not go before a court and jury there would be some force in the brilliant generalities in which my friend from New Jersey has indulged. To fix an arbitrary rule and give the corporation no hearing would be unjust.

Mr. ELDREDGE. But leaving out the brilliancy, ought not the Constitution to read, in order to bear the construction my friend puts upon it, that Congress may regulate commerce or make rules regulating it subject to be reversed by a jury of twelve men?

Mr. HOLMAN. Courts and juries are in the main employed in determining questions of fact under the laws of evidence in commercial transactions. Some of the rules of evidence established by Congress are much more arbitrary than the one proposed here.

The gentleman from Wisconsin has, within my certain knowledge, voted for a law which authorized the Secretary of the Treasury to prescribe commercial rules under which men might be punished criminally without any action of Congress whatever, upon the rules prescribed.

Mr. ELDREDGE. What law is that? I have voted for a great many strange things, but I forget having voted for any such law.

Mr. HOLMAN. Let the gentleman look back to the legislation of 1871, and turn to the law regarding the commercial channels through which merchandise was to be carried to the inland ports of entry, and he will find that Congress allowed the Secretary of the Treasury alone to prescribe the rules governing those commercial transactions, under which penalties may be enforced.

But, again, let me call the attention of my friend to some other legislation. We passed a bill a year or two ago—so recently that my friend cannot have forgotten it—under this power to regulate commerce, an act to secure the lives of passengers on steam-vessels; and by that law we delegated to a board of supervising inspectors the power to prescribe rules under which citizens might be punished criminally. These two acts, passed so recently that the original bills are scarcely off our tables, passed almost without comment, and with none as to constitutional power; and yet when it comes to a contest between the citizens with a power which has grown into such magnitude that no one citizen can fairly resist, it is claimed that you cannot even prescribe a reasonable rule of evidence which will give the citizen a reasonable foot-hold in a court of justice, and arm the people with a reasonable power of resistance to oppressive extortion.

But, sir, leaving that subject, I assume that this bill, so far as its substantial qualities are concerned, simply enacts the common law with reference to corporations engaged as common carriers in the commerce of the States, and then prescribes a reasonable rule, by which the citizen shall be put on an equal footing with the corporation.

I come now to consider what I deem an incidental question, which the gentleman from New Jersey has discussed so well, and in regard to which so many eloquent things have been said within the last two weeks; and yet I cannot regard the question of the constitutional power of Congress over commerce as in fact in issue.

I am not willing that Congress should assume any doubtful power; and even a power vested in Congress, in my judgment, should not be called into use if from the nature of the subject the several States of the Union can as well give that power effect in promoting the general welfare of the country. Congress should be confined to powers which are in their nature national, and leave all questions of local legislation exclusively to the several States.

The States may unquestionably control and regulate the railroads within their respective borders, and the transportation of passengers and freights confined to their limits.

But the power to regulate commerce among the States and with foreign nations has been exercised by Congress from the beginning. I find as far back as 1790 an act, full of details, regulating commerce upon the high seas. Gentlemen cannot close their eyes to the fact that the power to regulate the interstate commerce is vested in Congress under exactly the same clause of the Constitution and in the same terms in which it is authorized to regulate commerce with foreign nations. This act of 1790, embracing fifty-three sections and going into minute details, was passed by the men who formed the Constitution. Not one of those fifty-three provisions is less a regulation of commerce than this prescription of a rule of evidence in the interstate commerce. Let us see what Congress thought about the power then. I read the last section of the act in regard to providing for the comfort and safety of crews of vessels and furnishing provisions:

> And in case the crew of any ship or vessel, which shall not have been so provided, shall be put upon short allowance in water, flesh, or bread, during the voyage, the master or owner of such ship or vessel shall pay to each of the crew one day's wages beyond the wages agreed on for every day they shall be so put on short allowance, to be recovered in the same manner as their stipulated wages.

Now, my friend from New Jersey [Mr. SCUDDER] would have said in 1790, when the men who framed that law had but recently risen from the work of providing for the American people this grand instrument, the Constitution, "You cannot do any act by which the profits of this commercial business may be diminished. You cannot interfere with the business of the citizen." And on the question of expediency he would have said that there was no necessity for such legislation; that competition between ships engaged in commerce would regulate all this. But our fathers thought it prudent under this power to regulate commerce, having used in the Constitution the most vigorous and comprehensive words "the power to regulate," as expressive of their purpose, to apply that power at once to the regulation of commerce.

That they should have used in the Constitution this word "regulate," to prescribe rules—not one rule, but all rules—was but the natural outgrowth of the condition of things which impelled the people of the thirteen States to the formation of that instrument. The fact that restrictions were imposed within the limits of the several States on the commerce of the country was so repugnant to their

mutual interests, that a new compact had to be formed; and we are told that a principal motive for the Union and the adoption of the Constitution was to invest the Federal Government with the power to regulate foreign commerce and commerce among the States, to escape from the discordant policy and mutual jealousy of the States.

And a similar condition of things is now upon us in a different form. Here is this new and grasping power which has grown up in our midst, this marvelous development of our own times—a power which our fathers could have contemplated only as a possibility, already the absolute master of our varied industries, and controlling and directing commerce in every State. The fact is evident that it has become already able to control and regulate the commerce of the country for its own benefit, and restrain and tax it without limit, as was the case in the thirteen States under the Articles of Confederation; and it presents now for our consideration very much such a question as our fathers had occasion then to meet.

Is Congress powerless to resist the extortionate exactions of this new power? The various acts of Congress with reference to steamboats engaged in commerce between the States, from the time steam was first applied to the promotion of commerce, and steamships on the lakes and oceans, to the last act passed by Congress, assume the power to regulate commerce without limit. No act prescribes a limit on charges for passengers or freight, for the oceans, lakes, and rivers are the free highways of commerce and monopoly impossible. There is no one of these acts but is broader in its scope than this power to prescribe a rule of testimony to ascertain what is a reasonable charge for the transportation of the person and property of a citizen from one State to another.

Jefferson sneered at this as "the art of definition," which is always connected with the abstract discussion of constitutional power. The language here used in the Constitution seems too clear and definite to admit of controversy. Congress shall have power "to regulate commerce with foreign nations and among the several States and with the Indian tribes." And yet in the interest of these corporations the arguments against the power and policy of interference by Congress have been endless, and it seems questionable whether any other regulating power, except that of Congress, is available. I have yet to see the opinion delivered by the Supreme Court of the United States, from its beginning to this hour, which even questions the power of Congress to regulate interstate commerce, or which recognizes such a power in the States.

Why did the Supreme Court annul the legislation of Nevada, imposing a tax on stage-coaches and railroads of one dollar for every passenger transported beyond the limits of that State? It was because States could not exercise such a power. Why? Because the power to regulate commerce between the State of Nevada and every other State of the Union was a power vested in Congress alone. Why did the Supreme Court declare void the law by which Pennsylvania sought to impose a duty of two cents per ton upon all coal mined in that State, and shipped beyond her borders? It was because Pennsylvania was assuming the power to regulate commerce between the States, and that power was one reserved to Congress under the Constitution.

Mr. ELDREDGE. Does the gentleman think that Congress could have imposed a tax of one dollar *per capita* upon passengers from Nevada under the power to regulate commerce?

Mr. HOLMAN. No, sir. There is a principle of public policy entering into our Government, and standing side by side with the Constitution, and a part of it, which I admit would be in conflict with the exercise of any such power. I do not believe that Congress has any such power.

The bent of my own mind is always to resist the exercise by Congress of even the power it possessed unless it appears to be absolutely demanded by the public good, and yet I would not abridge any power conferred on Congress by the Constitution.

Mr. ELDREDGE. Will the gentleman give a reason why Congress could not impose a tax of a dollar each upon every person who may pass through the State of Nevada, or the State of Maryland, under the authority to regulate commerce?

Mr. HOLMAN. That has nothing to do with the question before us. I do not propose to enter into that discussion. I am very confident that in his opinion Congress does not possess any such power, and I fully agree with him.

Mr. ELDREDGE. I suppose that the real reason is that to do any such thing is not a regulation of commerce.

Mr. HOLMAN. Well, sir, that is not a safe ground. Two of the clearest minds and most accomplished jurists we have ever had upon the Supreme bench have differed with the gentleman from Wisconsin. I refer to Chief Justice Chase and Mr. Justice Clifford, the latter one of the strongest and most vigorous intellects that ever adorned that bench. Both of these great jurists held, as the gentleman is well aware, in the State of Nevada case, that the power which the State of Nevada exercised, or rather attempted to exercise, in imposing that tax was a power to regulate commerce. The gentleman is, of course, aware of that.

But, sir, I again refer to the opinion which has been already frequently alluded to, delivered by Chief Justice Marshall in the case of Gibbons *vs.* Ogden, so generally considered the leading case on this question of the power of Congress over interstate commerce. If that case decides anything clearly and beyond question, it is that where the subject-matter of commerce in its nature is national, the rules with reference to it cease to be within the authority of the States, and are exclusively within the constitutional power of Congress. Where the subject is in its nature national; where it pervades and extends into different States of the Union, it is subject solely to the regulation of Congress.

In the case referred to (Gibbons *vs.* Ogden, Peters's Supreme Court Reports, volume 5, page 562,) Chief Justice Marshall said:

> This power, like all others vested in Congress, is complete in itself, may be exercised to its utmost extent, and acknowledges no limitations other than are prescribed in the Constitution. These are expressed in plain terms, and do not affect the questions which arise in this case, or which have been discussed at the bar. If, as has already been understood, the sovereignty of Congress, *though limited to specific objects*, is plenary as to those objects, the power over commerce with foreign nations and among the several States is vested in Congress as absolutely as it would be in a single government having in its constitution the same restrictions on the exercise of the power as are found in the Constitution of the United States. The wisdom and discretion of Congress, their identity with the people, and the influence their constituents possess at elections, are in this as in many instances—as that, for example, of declaring war—the sole restraints on which they have relied to secure them from abuse.

This great jurist, in this opinion, further says:

> But when a State proceeds to regulate commerce with foreign nations or among the several States, it is exercising the very power that is granted to Congress, and is doing the very thing that Congress is authorized to do.

And again:

> It is obvious that the Government of the Union, in the exercise of its express powers, that—for example—of regulating commerce with foreign nations and among the States may use means that may also be employed by a State in the exercise of its acknowledged powers; that, for example, of regulating commerce within the State.

And again:

> Vessels have always been employed in the transportation of passengers, and have never been supposed to be, on that account, withdrawn from the control or protection of Congress.

And the following passage in this early opinion of our Supreme Court indicates the boundary line between Federal and State authority:

> The genius and character of the whole Government seem to be that its action is to be applied to all the external concerns of the nation and to those internal concerns which affect the States generally; but not to those which are completely within a particular State, which do not affect other States, and with which it is not necessary to interfere for the purpose of executing some of the general powers of the Government. The *completely* internal commerce of a State, then, may be considered as reserved for the State itself.

Mr. Speaker, my only purpose in this inquiry is to ascertain what the powers of Congress are over this subject, and how far the several States possess the power to regulate and control those corporations.

I come to the last important case decided by the Supreme Court bearing on this subject. I refer to the Reading Railroad Company *vs.* Pennsylvania, (Wallace's Supreme Court Reports, volume 15, page 232,) decided in December, 1872. The State of Pennsylvania had, by statute, imposed a tax of two cents per ton on all coal mined in that State and transported by railroad companies. No question was made as to the right of the State to impose this tax on coal transported to places within the State.

Mr. Justice Strong, in delivering the opinion of the court, stated the case thus:

> The case presents the question whether the statute in question—so far as it imposes a tax upon freight taken up within the State and carried out of it, or taken up outside of the State and delivered within it, or, in different words, upon all freight other than that taken up and delivered within the State—is not repugnant to the provision of the Constitution of the United States, which ordains that "Congress shall have the power to regulate commerce with foreign nations and among the several States."

And the learned judge, in considering this question and delivering the opinion of the court, said:

> It has indeed often been argued, and sometimes intimated by the court, that so far as Congress has not legislated on the subject the States may legislate respecting interstate commerce; yet if they can, why may they not add regulations to commerce with foreign nations beyond those made by Congress, if not inconsistent with them, for the power over both foreign and interstate commerce is conferred upon the Federal Legislature in the same words, and certainly it has never yet been decided by this court that the power to regulate interstate as well as foreign commerce is not exclusively in Congress. Cases that have sustained State laws, alleged to be regulations of commerce among the States, have been such as relate to bridges or dams across streams *wholly within a State*, police or health laws, or subjects of a kindred nature, not strictly commercial regulations. The subjects were such as (in Gilman *vs.* Philadelphia, Wallace's Supreme Court Reports, volume 3, page 713,) it was said "can be best regulated by rules and provisions suggested by the varying circumstances of different localities, and limited in their operation to such localities respectively." However this may be, the rule has been asserted with great clearness, that whenever the subjects over which a power to regulate commerce is asserted are in their nature national, or admit of one uniform system or plan of regulation, they may justly be said to be of such a nature as to require exclusive legislation by Congress. (Cooley *vs.* Port-Wardens, 12 Howard's Supreme Court Reports, page 299.) "Surely transportation of passengers or merchandise through a State, or from one State to another, is of this nature. It is of national importance that over that subject there should be but one regulating power."

And the court held the statute of Pennsylvania void as being an unauthorized regulation of commerce.

I again say, Mr. Speaker, that I present these authorities only with a view to ascertain what the constitutional power of Congress and of the States is over the subject of commerce, and not to fortify any dogmas of my own, for I should prefer to find the powers of the States over these corporations as agents of commerce sufficient to enable them to impose the restraints on them now absolutely demanded.

Is it possible to say that this rule laid down by the Supreme Court

does not apply to this vast system of railroads which pervades and penetrates every State and section of the Union? Can gentlemen deny that one *rule of evidence* for commercial transactions in determining fair and reasonable rates of transportation may apply equally to interstate commerce everywhere in the Union, and that in its nature the rule must be national? The Supreme Court, in this opinion, seem to have decided that the interstate commerce by railroad can only be regulated by Congress, for the subject in its nature is national; that from the necessity of the case, from the terms employed in the Constitution, the regulation of that national interest must be by the legislation of Congress.

But, again, we have been accustomed of late years to regard Judge Redfield as a great authority on the law of railroads. In the number of the American Law Register for January of the present year, in a very able discussion of this whole subject, and reviewing the opinion of the Supreme Court last referred to, Judge Redfield, after quoting the passages which I have quoted from that opinion, says:

This being the final declaration of the court of last resort, we need occupy no more time in showing that the entire question of the regulation and control of railway fares and freights, upon lines of railway extending across the line of two or more conterminous States, belongs exclusively to Congress; for this very question was directly involved and squarely decided in the case from which we have just quoted the language of the opinion of the court. If, then, there is any control or power of regulation over the traffic upon through lines of railway, it must be sought for exclusively in Congress. Unless we are prepared to say that one of the most unlimited and overwhelming monopolies it is possible to conceive of, after it is once set in operation, may safely be committed to the impulses of its own selfish instincts and interests, without any supervision or control whatever, we may demand the interposition of Congress in this matter.

Again the same author says:

The object is one, no doubt, of most unquestionable magnitude; scarcely less than that which existed under the old Confederation, when every State was struggling to enact commercial regulations of such a character as to bring the most advantage to itself, and at the expense of any or all the others. If this was then felt to be intolerable in a commercial country, not less so is the present complication, where all business and almost existence itself is at the mercy of railway transportation. It has become so indispensable to the very existence of the country, and such an overwhelming monopoly that the very life of all the internal trade and commerce of the country is already at its mercy, and must forever remain so, unless Congress shall interpose some effective remedy. The States have, as we have seen, no power to act in the matter of interstate communication, and this is the principal seat of the difficulty; and if the States had now the same power they had under the old Confederation, it needs no argument to show that forty independent Legislatures could never agree upon any effective system of interstate commercial intercourse; or, even if they could agree upon such a plan, which is scarcely less than impossible, they have no combined judicial machinery to carry it into effect There could be no hope of relief from any imaginable source but in the national prerogatives.

Such is the current of authority upon this question from the early period of our history, through multitudes of decisions, to the present time. The growing and already overwhelming power of these corporations has forced this subject upon and will demand the best effort and judgment of legislators and courts for years to come. I am seeking for the truth. I am trying in this discussion to ascertain by the light we already have what and where the constitutional power is that shall restrain the now unlimited power of this new force in the field of our industries and on the highways of our commerce, but I am forced to the belief that the language used by Judge Redfield is no stronger than will be uttered by the Supreme Court of the United States, the final arbiter, whenever the proper case shall come before it for decision.

In view of these authorities, let me inquire of my friend from New Jersey how this rule of commerce would be established, if not by Congress? How would he regulate and control the shipment of freight from New York to his own State? Does my friend say that that interstate freight, in the progress of its transit from one State to the other, can be regulated by the laws of New York or by the laws of New Jersey? I do not think my friend would regard that ground tenable.

I wish it were otherwise, consistent with the general welfare. There never should be a law enacted by any vote of mine in Congress affecting, in the remotest degree, the business industries of the States if there were any effective method of avoiding it through the local agency of the several States. By no consent of mine shall the powers of Congress in legislation, or the subject-matters of legislation, be enlarged or increased. And yet, when Congress has been invested with a power by the Constitution and the public welfare demands its employment, I will not hesitate to give full and complete effect to that power. The State, as to "completely internal commerce," may curb and regulate its commercial agents. Each State may unquestionably regulate the charges for transporting passengers and freights "completely," to use the term of the illustrious Chief Justice, within her borders. The chartered franchises of the corporation will not shield it from such regulation and control. The State, not the corporation, is the sovereign. But what as to the commercial intercourse among and between the States? This is the subject of national and not of State legislation, and involves the larger portion of our industries. To shield this vast interest in its countless forms from the oppressions of monopoly would seem to demand the powers of the National Government. There seems to be no other remedy. No matter how exorbitant the charges, how oppressive, if it is interstate commerce, New York cannot regulate it; New Jersey cannot regulate it; no State can regulate it.

The corporations deny the right of Congress to interfere with their affairs; yet I remember that only a few years ago these interstate railroad combinations themselves appealed to Congress to exercise this power to regulate the commerce passing from and into and through the State of my friend from New Jersey. Only eight years ago they appealed to Congress to regulate commercial intercourse between New Jersey and her sister States for the purpose of breaking down an intolerable railroad monopoly, even against the railroads, and Congress promptly granted the relief, and new lines of commerce passed freely across her borders.

When that appeal was made in behalf of railroad corporations against railroad corporations, I found gentlemen who are now standing by the corporation raising no question of the right of Congress to interpose; and we are now told that Congress is powerless to interpose in behalf of the people. Congress then gave the benefit of this great constitutional power to legislate in behalf of interstate commerce, and New Jersey and her sister States have been deriving benefit from it ever since. I have never heard that New Jersey raised her voice against it.

The solicitude for the great corporations, the anxiety shown lest injustice should be done them by Congress, is quite remarkable. Every presumption must, we are told, be indulged in their favor. The sacredness of vested franchises is dwelt on with refreshing earnestness. Why should the words of the Constitution be distorted from their natural meaning in behalf of perpetual franchises?

I find some vigorous words in regard to corporate power from Chief Justice Taney. In the case of Charles River Bridge *vs.* The Warren Bridge, (11 Peters, 544,) quoted in the Binghamton Bridge case.

Chief Justice Taney, after referring to the indignation even of the British courts at the overreaching power and arrogant pretensions of the corporations of England, so greatly to the detriment and injury of the people that even the English courts—inspired by the spirit of old Coke—cried out against them, said:

It would present a singular spectacle, if while the courts of England are restraining within the strictest limits the spirit of monopoly, and exclusive privileges in the nature of monopolies, and confining corporations to privileges plainly given them in their charter, the courts in this country should be found enlarging these privileges by *implication*, and construing a statute more unfavorably to the public and to the rights of the community than would be done in an English court of justice.

And shall Congress abandon the duties of its great public trust for fear monopoly may be shorn of some of its power to injure and oppress?

It strikes me with astonishment that here in America there is an effort being made day by day on this floor to torture the language of the Constitution into forms that may shield these corporations from a proper and legitimate control by the only power which can reach their interstate transactions. However much we may regret the exercise of power by the Federal Government, we must still more deplore and condemn the grasping selfishness and uncontrolled power of this vast body of corporations, formed and organized by the liberality of the people—not for their own unlimited profit, but for the public good—who now oppress the country, and hesitate at no corruption that will increase their power.

Now as to the necessity of this legislation.

The rule sought to be prescribed by this bill as to interstate commerce is the same which has been adopted in the State of Illinois, and in other States, to regulate their local commerce.

The board of railroad commissioners of Massachusetts, with Charles Francis Adams, jr., at their head, in their report made last January, speaking of the efforts of Illinois to control her railroads, say that that State has encountered repeated failures, because the very magnitude of the subject is such that no reasonable body of men could expect entire success at the beginning; for the power which in thirty years has absorbed over one-tenth of the wealth of the Union, certainly could resort to expedients in legislation producing failure and delay. At last some reasonable rules and regulations are reached. The Massachusetts board say:

In addition to these general principles of decisions the railroad commissioners of the State [Illinois] were further directed to prepare schedules or tariffs for the several roads, which they were empowered to change as might prove to be expedient, and the charges contained in these schedules were to be judicially held to be reasonable until decided to be otherwise by a verdict of a jury. In other words, the effect of the law was to shift the burden of proof in each particular case of alleged extortion upon the corporation; the schedules of the commissioners were not declared to be in themselves reasonable, but were declared *prima facie* evidence of what was reasonable, and it devolved upon the defendants to prove that they were otherwise.

This brief statement of the Illinois railroad law, and effect and design, presents fully the design and scope of the present bill. I like the language throwing the burden of proof upon the corporation, which knows the fact, instead of upon the citizen, who does not know the fact.

Mr. ELDREDGE. Would my friend from Indiana make a distinction as to the rule of evidence between an individual and a corporation?

Mr. HOLMAN. I would consider it a proper rule of evidence which throws the burden of proof, where a fair presumption has been raised, on the party who had the proof in his possession, while his adversary had not the proof in his possession. There is no injustice in this.

Mr. ELDREDGE. The gentleman does not answer my question. Would he make one rule for a corporation and a different rule for an individual?

Mr. HOLMAN. I unhesitatingly would in cases where the corporation would otherwise have an unfair advantage. I would regard myself as legislating very unjustly if I left the citizen and the corporation subject to exactly the same rules of evidence, and did not give the citizen some effectual method of overcoming the artificial advantage which the corporation might possess, and thus give them an equal footing in court.

I do not believe there is a State of the Union which has not found it necessary to legislate so as to deprive the corporation o the advantage resulting from its artificial structure. Corporations have rights and franchises beyond the citizen, and cannot complain if the law seeks to equalize them in the courts of justice. But the other proposition, that the burden of proof may, on a fair presumption being raised, be properly thrown upon the corporation that has the proof in its possession, is a proposition too reasonable to be denied.

Mr. ELDREDGE. Suppose that one individual owned a railroad running through a State right by the side of a corporation also running a railroad through the State, would it be reasonable to make one rule for the corporation and a different rule for the individual owning another road?

Mr. HOLMAN. The rule should equally apply to both, if the rights, franchises, and sources of knowledge were equal.

Gentlemen will readily recall many instances where the law raises presumptions upon the proof of given facts by which the burden of proof is thrown upon the adverse party. The official certificate of a head of a Department of a given fact throws the burden of proof upon the defendant. The law makes the mere certificate evidence of the facts recited, sometimes presumptive only, and sometimes conclusive.

These Massachusetts commissioners further say in their report:

The law went into operation upon the 1st day of July, 1873. Although the corporations refused to acknowledge its validity, on the ground that it, no less than the previous law, was an infringement of their chartered rights, they declared their intention of revising their tariffs in strict conformity to its provisions so far as they related to the matter of discrimination. Accordingly a new set of tariffs was arranged by them, to take effect on the 1st day of July. The State commissioners and the friends of the law allege that these tariffs were prepared, however, with a view to rendering the law odious by bringing its oppressive features, where any such could be developed, into prominence.

And these gentlemen add:

It is not improbable that such was the case.

Here the State of Illinois alone attempts to free her people from the oppressive grasp of the monopolies, but it is apparent that railroads passing through that and adjoining States in the prosecution of the interstate commerce may defy Illinois and defeat, in the main, her legislation; for they assert that Illinois is attempting to regulate commerce not entirely confined within her own limits, but interstate commerce, and they deny her power to do this. Hence, as this railroad system is national, it would seem that the legislation to reach the evil must be national. If all of the thirty-seven States of the Union could adopt the same system of laws, it is possible that the States themselves might regulate this subject and curb these great monopolies. But you cannot hope for such a thing. Judge Redfield has pointed out the insurmountable difficulties.

No one can doubt that the power of the railroad corporations of the whole Union—and their interests to resist any restraints are a unit—could at least produce conflicts in the laws of the several States, and thus render all legislation, except as to the purely local traffic, abortive; so that, from the absence of uniformity of legislation in the States through which a given railroad passes, it would be impossible that the rights of the citizens should be properly protected, and, indeed, any limitation whatever imposed on the corporation; for it would seem from the authorities already quoted that even if uniform legislation could be secured in all the States, such laws could not operate on the interstate commerce.

Indeed these railroad corporations have ceased to be a body of separate and distinct corporations as organized in the several States, but have already become by combination one system, organized into three or four vast joint-stock companies, the members of which are the corporations of the several States, with absolute and uncontrolled power of monopoly and controlling and taxing at their own will the industries of the people of the United States from one ocean to the other and from the lakes to the Gulf. They have outgrown by combination all limits but the limits of the nation. The seats of this imperial power are not found in the several States where the original corporations were formed, but in remote cities—Baltimore and New York, Philadelphia and Boston. They have made their power of monopoly national, and yet we are told the people are powerless to assert national prerogatives to curb their extortions. And the citizen is to be left solitary and alone to assert his rights against such a power, unaided even by reasonable presumptions of law.

Now, Mr. Speaker, one other fact. We have heard fervent appeals to the Constitution against this bill. It is singular how we shift ground here in this House on constitutional questions. This subject has been before Congress once before. I brought it to the attention of the House of Representatives in 1864. It was then sufficiently manifest that at an early day the exercise of this power by Congress would be inevitable, unless the whole country was to be left at the mercy of these monopolies. It was then manifest, as it is now, that it was not the intention, and had not been, of these corporations to content themselves with a reasonable profit on their investments. When was monopoly ever moderate in its demands? The power of monopoly was too great; and great power inevitably leads to great abuses.

Everybody in this country knows that that which is made to represent the wealth of these corporations, the bonds in various forms, and the stocks, represents a wealth far beyond the capital actually invested, and on which reasonable profits should be made. Everybody saw years ago that the thing to be condemned and resisted was the systematic struggle of these corporations by the consolidation and monopoly to make the industries and labor of the whole country pay a profit on fictitious capitals.

It was very manifest in 1864 that the railroads were determined that their fictitious stocks should pay dividends. The times were favorable for such schemes, for the attention of the whole country was engrossed by the then impending struggle for the Union. Taxation was inevitable, and the railroads were resisting taxation.

When I brought this subject to the attention of Congress, I brought it in the best form I could under the necessities of the hour. Congress was considering the subject of the taxation of railroad corporations; it had imposed a tax of 2½ per cent. on the gross earnings, and inasmuch as in New York and some other States east of the mountains had, as to some of their roads, limited the charges for passengers, the people on that side of the mountains having been much more vigilant and considerate of their rights as to these corporations than the States of the West, they were not able to add this tax of 2½ per cent. to the charges which they were authorized to make. Congress, therefore, was proposing to enable them to escape bearing the burden of the tax themselves by providing that a railroad corporation might add the tax imposed upon it to the cost of transportation of persons and freight, notwithstanding it was limited in its charges by the act creating it. This was a case in which the interference of Congress was invoked in behalf of the railroad.

[Here the hammer fell.]

Mr. HOLMAN. I ask for a few moments longer.

Mr. WILSON, of Iowa. I ask unanimous consent that the gentleman be allowed to proceed.

There was no objection.

Mr. HOLMAN. Congress was asked by the republican leader of this House to override the legislation of the States fixing the cost of transportation, by permitting citizens to be taxed by the railroads to pay the very tax which was imposed upon the corporations. I then brought forward this proposition in an amendment:

That whenever any railroad company shall demand or receive a rate of tax for passengers over and above three cents per mile for each mile that any passenger may be carried, the excess over such rate shall be deemed and taken as a tax levied upon such railroad company, to be returned and paid in the same manner as is provided in this act for the collection of the per cent. on the gross receipts of said company: *Provided however*, That nothing herein shall be so construed as to authorize any railroad company to charge and receive a higher price for the conveyance of passengers than shall be allowed by the laws of the State chartering the same.

Would any gentleman suppose that that was a violation of the Constitution? But, sir, strangely enough the appeal to the Constitution on behalf of railroad corporations came from the other side of the House. A gentleman from Vermont appealed to the doctrine of State rights against this manifestly just and fair proposition.

In submitting this proposition to the House I said:

I trust the importance of this proposition will secure it some consideration. I think no more important subject has been brought to the attention of this committee since the consideration of this bill commenced. It will be observed that the duty imposed on the gross amount of the receipts of railroads is 2 per cent., and the question is whether that 2 per cent. duty imposed upon the railroads shall be paid by the railroads themselves or by the traveling public who are compelled to resort to that mode of transportation. The effect of the amendment is to compel the railroads to bear this duty, and if they charge more than three cents per mile—which is a very fair and liberal compensation—that surplus shall be deemed a tax, and be paid into the Treasury of the United States instead of into the treasury of these corporations.

Mr. GANSON. I would suggest to the gentleman that if the whole excess over three cents a mile shall go into the Treasury of the United States, no railroad company will charge more than that. I therefore suggest that he make the amount so to be paid in one-half.

Mr. HOLMAN. I think my proposition will very effectually accomplish the object I have in view. It is to prevent the railroad from adding the tax to the fare on travelers. If they charge more than three cents a mile let the people have the benefit of it through their Government. If you simply propose to tax them upon their gross earnings, they will add not simply 2 but 4 or 5 per cent., and in some instances 10 per cent. upon the travel of the country by the increased fare they will exact. It is asserted that railroads are compelled to increase the fare with the tax. I have compiled from the American Railroad Journal a statement of dividends of a number of the leading roads, East and West, to repel that pretense, and indicate their earnings at the present rates. I ask that it may be read by the Clerk.

The statement, which was read, is as follows:

Dividends and price of stock of certain railroads during the past year.

Railroads.	Dividends, per cent.	Price of shares.
Illinois Central	7	130
Terre Haute and Richmond	13	125
New York and New Haven	12	160½
New Castle and Frenchtown	9	.....
Indianapolis and Cincinnati	9	100
Michigan Central	8	141½
Camden and Amboy	10	186
Central New Jersey	10	175
Buffalo and State Line	11	201
Cincinnati, Hamilton and Dayton	10	132
Cleveland, Columbus and Cincinnati	20	170
Cleveland, Painesville and Ashtabula	33½	180
Columbus and Xenia	15	.....
Little Miami	15	140
Pittsburgh, Fort Wayne and Chicago	10	114
Pennsylvania	8	75½
New York Central	7	135½

Mr. HOLMAN. I take the dividends on the Illinois Central from other sources than the Journal referred to, but equally reliable.

Mr. MORRILL. I desire to ask the gentleman from Indiana whether that percentage is not calculated on the capital of these roads merely, and not on all their indebtedness?

Mr. HOLMAN. I understand that these are the dividends declared on their capital stock. I take the statement from the American Railroad Journal.

Mr. MORRILL. Many of those roads have got three or four times as much money represented in their indebtedness as in their capital.

Mr. HOLMAN. A single instance will illustrate how these dividends are made, and whether the basis is reliable or not. The Illinois Central declared a dividend of 7 per cent. during the past year, and still had remaining of cash assets, after the paying of the last February's dividend, $2,000,000. That is but one of many instances indicating the extraordinary profits of these roads. I take this statement from a leading New York paper. Under the influence of the war the profits of most of the leading roads have more than doubled in four years. The capital is mostly held by European capitalists, from whom you receive no other tax than what is imposed upon the roads themselves. They are managed with no reference to public interests or convenience, but only for their own profit, favored monopolies; and yet you impose upon them less tax than the individual citizen must pay, and give them an opportunity—yes, you invite them by the proviso I propose to strike out—to impose the tax you impose on them on the traveling public who possess no remedy against their exactions. The enormity of this proviso I will not attempt to argue. It is infamous, and only needs to be read to be condemned.

Mr. Price, of Iowa, opposed the proposition, and said in the course of his remarks:

It is impolitic to authorize or restrict railroad companies, for they will always manage in some way to escape from your restrictions.

Mr. Farnsworth, of Illinois, supported the proposition, and said:

We might as well come at once and declare a tax upon passengers on railroads, for unless you place restrictions in the way, the railroad companies that you tax will exact their taxation out of the passengers. They will increase the rates of fare so as to cover the taxes twice over. This we can prevent them doing in a very simple, easy manner, such as the gentleman from Indiana proposes.

Mr. James C. Allen, of Illinois, supported the measure, and in the course of his remarks said:

Now, sir, gentlemen who know anything about railroads, in the West particularly, know that as soon as the tax bill passed last Congress they advanced both their passage fares and their freight charges, not in proportion to the tax imposed on them, but upon the principal roads in the West they advanced their fare one cent a mile; and I believe some of the roads running eastward to New York advanced their freights from seventy-five cents to $1.50 on a barrel of flour, and on a barrel of pork for which they formerly charged $1.25, they now charge three dollars; so of everything in proportion.

Mr. MORRILL, of Vermont, answering the gentleman from Illinois, said:

I desire to ask the gentleman a question. I ask the gentleman whether he does not think that these are State institutions which ought not to be interfered with by the Government?

Mr. James C. Allen, in reply to this, said:

Mr. Chairman, we in the West suffer enough now from the exactions of railroad corporations; we have in one sense become their slaves.

The proposition was defeated, but it was evident, from the spirit of the debate, that the oppressive exactions of these corporations would be ultimately resisted.

Mr. E. B. Washburne, of Illinois, was, at the time of this debate, in the chair, and therefore did not engage in the discussion, but he was an earnest supporter of this attempt to limit railroad charges, and was, during his long period of service in this House, the most able, effective, and persistent enemy to the encroachments and exactions of corporations.

Now, sir, having considered the end sought to be accomplished by this bill, namely, declaring that charges made by railroad corporations engaged in interstate commerce shall be fair and reasonable, and the prescription of a rule by which such fair and reasonable charges shall be ascertained by court and jury, I come to consider the necessity of such legislation as resulting from the policy of these corporations.

It must be admitted that the right of eminent domain and sovereign prerogatives which have been employed under the authority of the several States in the creation of these railways, appropriating the property of the citizen and subordinating his rights to a corporation, would never have been tolerated except to promote a high public purpose. Certainly all this has not been done and these corporations invested with perpetual franchises simply for the aggrandizement of the stockholders. Such an interpretation of the laws which underlie this vast system of railway corporations would be repugnant to the spirit of our institutions. No, sir; these railways are public highways, and these corporations are invested with great franchises for public purposes, and the aggrandizement of the stockholders is subordinate, and must be subordinate to the public purpose of securing commercial channels at a reasonable cost to the people. The good faith of the States and of the nation require that these corporators shall be entitled to charge and receive a reasonable compensation for transportation based, perhaps, on the capital actually invested, nothing more; and no charter granted by any State can receive any other interpretation. A charter attempting anything more would be still subject to this limitation by the law of the highest public policy.

I deny that a State of this Union can clothe a corporate body with a portion of her sovereignty and with unlimited power to tax the industry of the people by the monopoly even of advantages, and beyond and above legislative control. "If the Dartmouth College case sustains such pretensions—grants of the State sovereignty from the control of successive Legislatures forever—I deny its authority at this day." But the power of Congress to regulate commerce is not limited by special franchises.

This vast net-work of railways by the consolidation of corporate power not only monopolizes the channels of commerce, but monopolizes all advantages, and its power is wielded by a handful of successful adventurers. A handful of men emerging from the stock-gambling chambers of Wall street have almost the entire labor of the country at their mercy. A convention at New York of a few railroad kings, made such by the successful manipulation of stocks, determine what tax the industries of the country—this great nation of farmers and mechanics and workmen in every field of productive industry—shall bear. The country has seen how competition disappears before consolidation.

It is said that there are 73,539 miles of railway in the United States, of the assumed value of $3,159,423,057, exceeding one-tenth of the entire value of the real and personal property of the United States, the value of the real and personal property of the United States being estimated, according to the census of 1870, at $30,000,000,000. It is said that this $3,159,423,057 of railway capital is represented by bonds to the amount of $1,571,578,944, and capital stock to the amount of $1,607,844,113, and that the gross annual income of these railways is $473,241,055, and that their net annual earnings amount to 5.2 per cent. These figures indicate the magnitude of the subject, and the creation of this immense capital within a few years explains the overgrown estates which shrewd adventurers have accumulated.

Here is the most imperial power of centralism that the world has ever witnessed. With the leverage of this monopoly the railway managers seek to force the industry of the country to pay interest and dividends on the fictitious values represented by bonds and stock.

Let us see how this pretended wealth, to give real value to which the country is to be taxed, is created.

I read from the recent report of the committee of the New York Association on Railway Transportation. The high character of this association is a guarantee of its correctness:

The obligations of the New York Central and Hudson River Railroad at this time amount to about $90,000,000, while it is susceptible of proof that the total cost to its stock and bond holders was less than $25,000,000; 8 per cent. dividends are regularly paid on the former sum, thus imposing an annual burden on the commerce of this State and city on sixty-five millions of fictitious capital, amounting, at 8 per cent., to over $5,000,000. The outstanding obligations of the Lake Shore and Michigan Southern Railroad now amount to about seventy-five millions, for which not more than twenty-five millions was ever paid by its stock and bond holders. The watering of stock, in one form or another, has been practiced by nearly all of the principal companies in this country, and it is estimated that about one-third of all the stock of railway companies in the United States has been issued upon a fictitious basis.

I believe this to be a fair example of the methods by which this immense body of bonds and stocks (and it is wealth to the holders of these bonds and stocks) has been created which now rest heavily on the labor of the country. This vast body of real and fictitious capital is made available and productive by the uncontrolled monopoly which a few men have obtained over the commerce and business of the country.

Take another instance, the Cedar Rapids and Missouri Railway, a land-grant road well known to the House. I am assured by a gentleman of the highest respectability familiar with the facts, that in the construction of that road, two hundred and fifty-nine miles in length, two gentlemen, one formerly a member of this House, obtained the entire land grant, amounting in value to $23,000 per mile, of that road; of the first-mortgage bonds, $16,000 per mile; of the stock, $16,000; of the income bonds, the first charge upon the income of the road after the payment of the interest on the first-mortgage bonds, $3,000 per mile; local subsidies of towns, townships, counties, and the State of Iowa through its swamp lands in the counties through which the road passed, $1,200 per mile; making an aggregate of $59,240 per mile, and the gentleman states that the road was never equipped with rolling-stock, but was leased on completion to the Chicago and North Western road, and the whole cost of the construction of the road was $11,800 per mile, leaving a profit on this enterprise of $47,440 per mile. The bonds—first mortgage, $16,000 per mile, and income, $3,000 per mile, and stock $16,000 per mile; in all $35,000 per mile—will represent the capital invested, while the actual cost is $11,800 per mile, leaving a fictitious capital of $23,200 per mile.

And we are told that this road, which constitutes and must constitute a part of one of the channels of our commerce between many of the States of this Union, is to be permitted by the leverage it possesses to control the business of the country to derive a revenue, not on the basis of $11,800 per mile, but on the sum of $59,240 per mile, and the country must pay a tax on a fictitious capital twice as large as the real.

It was to promote such schemes as these that the rich inheritance of the people, the public lands, have been applied—a cursed monopoly of lands, followed by an unlimited power of extortion, and gentlemen tell us no remedy shall be applied. Take another instance.

The Union Pacific Railroad cost the nation $94,640,287.20. It actually cost the Credit Mobilier to build it $50,720,958.94. Here is a fictitious capital of $43,929,328.26, and the United States is made a party to this fraud upon the people, a natural result of this system of subsidies; and yet some gentlemen propose that the Government shall go into the business of building railways and canals!

Conscious that I have already occupied more time in the discussion of this subject than I should have done, I wish to say, in conclusion,

simply that while it seems to me this legislation is inevitable; that the evil is such that it can be reached only by national legislation; that it must be so reached, or these imperial corporations, surrounded by perpetual franchises and high prerogatives of power, sovereign corporations within sovereign States; no, States subordinate to their own irresponsible corporations—would restore, if it were possible, the feudalism, in a mercenary form, of the Middle Ages; a people oppressed and spoiled by petty despots and looking in vain to their Government for relief. A feudalism sordid and mercenary, not the chivalric plundering of the olden time, yet a feudalism that will build up as of old imperial estates, consigning multitudes to poverty and wretchedness.

Our people justly complain of the increase of official salaries as begetting cupidity in public affairs and increasing the public burdens. Have gentlemen considered the enormous salaries paid by these corporations and assessed upon the labor of the country—salaries such as monarchies delight in?

I thank God that history cannot repeat itself, notwithstanding the maxim to the contrary; for the world moves. The nearest approach to the repetition of history which can be conceived would be inevitable if the doctrine of perpetual franchises and vested rights of corporations were accepted by the American people, and the mercenary and sordid spirit of monopoly was permitted to rule the nation. And yet we are told the people have no power to regulate these powerful monopolies. I think, sir, the footsteps of the power that will peacefully and firmly lay its restraining hand on the aggressive and monopolizing power can now be distinctly heard. The people are still their own masters.

I have said this much in reference to the general features of this bill. But indispensable as I deem this legislation to be, there are serious objections to some features in this bill.

Among the great evils of the country is the magnifying of public employment, the enlarging and increasing of public employment. There is no necessity for creating a new bureau, with its army of employés, to give effect to this measure. This is a serious objection to the bill. The cupidity inspired by this multiplying of public offices is intolerable. There never was a bureau established in this capital that did not furnish a leverage for an expense far beyond that of the bureau itself. I must appeal to the gentleman from Iowa [Mr. McCRARY] to abandon that feature of the bill. There is too much machinery about it. A good measure should not furnish an excuse for fastening another horde of cormorants upon the Treasury.

Again, one other very grave objection to this bill, almost insurmountable to my mind, is the appointment of these nine commissioners. I do not care what party is in power; the result would be the same. Whatever party might be in power these commissioners would be appointed largely under partisan influences. It is absolutely necessary for the success of this legislation that it should receive the recognition and cordial support of the country. That great body of men, the producers of our wealth, should have the most implicit confidence in the acts of this board of commissioners. If they are appointed under partisan influences, as they inevitably would be under this bill, they would from the beginning be subjected to severe suspicion. A mistake, a suspicion of their integrity, or of favoritism in their proceedings, would render the whole commission odious, and would, perhaps, postpone for years the application of a proper remedy.

I think a far better mode would be to take men whose employments are and have been such as relieve them from all active connection with party politics, and have familiarized them with public works, and whose rigid educations fit them for severe and impartial inquiry into facts, and whose integrity is beyond question. We have such a body of men in our employment.

I refer to your Corps of Engineers. If a provision was ingrafted upon this bill authorizing the President to detail five engineers of the regular corps who had been in service not less than ten years, I must believe that the act would be received with universal approval. Their pursuits eminently qualify them for this duty. In the expenditure of late years of millions annually on public works, not a whisper of suspicion against their integrity has been heard. If you select as commissioners men who have heretofore been engaged in railroading, you incur the risk of suspicions arising of favoritism of the corporations. If you employ men who have never been in railroad employment, it would require years for them to familiarize themselves with the details of this business.

In this Corps of Engineers, men singularly above suspicion, you get a body of men whose labors will command the respect and confidence of the entire country. No other branch of your service stands in public confidence like this corps. Through all periods of the war, and since that time, these gentlemen, with defalcations on every hand, have been above suspicion or reproach. They are among the most accomplished of our scholars, and devoted to their professions. These are the men for this work if impartiality and firmness, ability and experience are the qualities desired.

I must say that the gentleman from Iowa, [Mr. McCRARY,] who deserves the credit of inaugurating this attempt to accomplish by appropriate legislation a most important result would, in my judgment, render the country a most invaluable service, if, instead of proposing nine gentlemen taken from civil life, and who will be charged from the beginning with partiality, he would propose to devolve upon the Corps of Engineers this important work. And then, sir, no army of new employés would be fastened on the Treasury. I make this suggestion earnestly. What can be more appropriate? A body of men whose pursuits and whose high character for integrity would at once not only qualify them for this investigation, but assure the absolute confidence of the country in the results of their labors.

Mr. Speaker, I do not think this bill, if it becomes a law, will be found fully adequate to the purpose designed. There may be years of patient investigation before the question of regulating and controlling these corporations shall be solved. I believe the only effective remedy will be found in national legislation. The constant vigilance of the people can alone give effect to this or any other measure of reform. Their vigilance can alone secure the integrity and firmness of those who shall be employed in prescribing rules for restraining the extortions of these powerful monopolies. Indeed, sir, without the constant vigilance of the people republican government cannot be maintained. That vigilance is fully aroused; and the best boon that Heaven can vouchsafe to this nation is that it shall sleep no more.

Mr. SCUDDER, of New Jersey. I wish to say to my friend from Indiana [Mr. HOLMAN] that the fallacy of all his legal argument is this: he calls the determination of commissioners in fixing the rates of transportation mere questions of evidence.

Mr. HOLMAN. Not questions of evidence, but rules of evidence.

Mr. SCUDDER, of New Jersey. Well, rules of evidence; the gentleman can have his amendment.

Interstate Commerce and Opposition to National-Bank and Tariff Monopolies.

SPEECH OF HON. JOHN D. C. ATKINS,

OF TENNESSEE,

IN THE HOUSE OF REPRESENTATIVES,

March 24, 1872.

The House having under consideration the bill (H. R. No. 1385) to regulate commerce by railroad among the several States—

Mr. ATKINS said:

Mr. SPEAKER: The evils sought to be remedied by this bill may be cured in a different way, in my judgment. These evils are the result of a system of measures which to the casual thinker may appear illogical; but to my mind no effect was ever more plainly traced to its cause. The subject is a comprehensive one, and strictly considered affords ample scope for discussion; but when viewed in the light which I have suggested, the field is enlarged beyond the limits appropriate to a single speech. And yet, with my convictions of it, I must embrace this more general view, even at the sacrifice of greater thoroughness in the discussion of particulars. In adopting this view of the subject, I shall speak of the injustice of some of our laws and of the necessity of reform. I would not be viewed as a political Cassandra or a complaining censor. I do not speak from the stand-point of sectionalism or partyism, but I trust from that broader and nobler basis, the good of the whole country. I am conscious that the prejudices which have grown and hardened into practical usage in this House may cause the majority to misinterpret my motives; but having faith in the truth of my utterances, I entertain no fears of misapprehension by the people at large, and more especially by those whom I have the honor to represent upon this floor.

The bill now under discussion presents to my mind serious difficulties, viewed either from an affirmative or negative stand-point. If we look on the one side at the overgrown railroad monopoly which threatens to overshadow all other interests, possessing now over one-tenth of all the property of the country, real and personal, being $3,159,423,057, its interests in one sense forming it into a grand consolidated combination, which extends from State to State, and spans the continent from ocean to ocean, and threatens by its vast wealth and corrupting influences to usurp the prerogative of government itself, we may well inquire if there is not some power lodged somewhere to check the giant strides of this huge Colossus.

The advocates of this measure plant themselves upon that clause of the Constitution which authorizes Congress "to regulate commerce with foreign nations, and among the several States, and with the Indian tribes." The discussion has been ably conducted upon both sides. For myself, though ever jealous in the concession of doubtful powers to the Federal Government, my mind, I confess, inclines strongly to the opinion that Congress has jurisdiction of interstate commerce to the extent of enforcing its perfect freedom and preventing any obstruction to it which the spirit of fraud and extortion or State jealousy might interpose. The utter impracticability of the different States in the old Confederation agreeing upon any system of regulations by which commerce could be carried on successfully among the States was the chief and leading inducement to establish and ordain the Constitution under which we live. On the other hand, there are those who have ingeniously and ably argued the unconstitutionality of the pending bill both as to its principle and its details.

Laws are very often constitutional, and at the same time highly inexpedient. If Congress possesses the power claimed in this bill to fix the rates of freights and fares upon railroads extending across two or more States, which is stoutly disputed by able gentlemen on this floor, the expediency of such a measure, involving such vast interests and subjecting them to the exclusive control of Congress, is certainly an experiment which should be maturely considered, and only adopted when it shall become evident that the evils now justly complained of by the people cannot be remedied elsewhere and by totally different agencies. For myself I think they can, short of an appeal to congressional action.

It is true the immense power which the railroad companies possess over the products of industry, especially those of agriculture, rendering them by extortionate charges comparatively valueless when remote from market, has become a sore burden; and yet, in engineering around one evil, are we not imminently exposed to a more alarming danger in investing Congress with the duty of controlling absolutely all the great and varied commercial interests of the country? As commerce among the States is so intimately interwoven with all the affairs of the people, to throw them before Congress for legislation would be to concentrate at the Federal capital all those subjects which happily heretofore have devolved upon the local authorities. The evils growing out of such centralization would, I fear, in the end more than counterbalance the temporary disadvantages which these corporations have subjected the people to; and I have concluded, after mature reflection, that this bill is not the best mode of escape, and that, so far as it is concerned, it—

> Makes us rather bear those ills we have,
> Than fly to others that we know not of.

The Supreme Court of the United States has decided that it is admissible for the States, through their Legislatures, to tax the gross earnings of any railroad company operating within their limits. That decision affords a very important check upon the spirit of monopoly and extortion which seems to have seized the functions of these corporations in these degenerate days.

Again, the right of eminent domain is an attribute of sovereignty, and no Legislature of a State has the right to grant to a corporation franchises which are in conflict, or may afterward be used to conflict, with the interests of the citizens of that State. A Legislature so acting transcends the limits of its rightful powers, and the people, who are sovereign, can resume those franchises which are used by the corporation as an engine of oppression. The original object in granting the franchise was for the benefit of the people, that the corporation might serve them as a public carrier, and not for the sole benefit of the corporation. Hence, when it fails to subserve the purposes of its creation, and becomes an oppressor instead of a benefactor of the people, it is essentially within the power of the State to correct the evil by withdrawing the franchise.

No State ever intends to destroy itself or voluntarily surrender its power to protect itself against harm. To yield that principle would be to surrender the liberties of the people and State sovereignty into the hands of a Legislature or its creature, a corporation. The Legislature is not sovereign; it represents sovereignty; it is only an agent; it may misrepresent the sovereign will. And shall we be told that sovereignty shall not protect itself against the abuses of its agents and creatures, by a resumption of franchises which have been abused? If it cannot, then the liberties of any State may be bartered off by an ignorant or knavish Legislature.

If this reasoning be correct, it follows that every State through which a railroad may run may through its convention protect the public interests against the unjust exactions of the corporation; and under the decision referred to, the power is vested in the Legislature to reduce any company to reasonable terms through the power of taxation. What more, then, is needed to secure reasonable fares and freights for the transportation of persons and things? It is not sound public policy to cripple or destroy the railroads; and, under the view here expressed, they cannot charge extortionately for their service as public carriers. Under the common law they would be required to charge only reasonable rates.

The attention which is everywhere awaking to the superiority of water transportation over railroad for heavy and bulk freights, and the growing favor with which it is being viewed by the people, State Legislatures, and Congress, together with reform in the currency which will prevent panics, retrenchment in expenditures, and the reduction of the present protective tariff to a simple revenue standard, with greater fidelity in the collection and disbursement of the public moneys, and the people encouraged to a diversity of industries and practical domestic economy, will solve the much-mooted problem of cheap transportation; when the railroad companies, from necessity, will become the allies of the people as public carriers instead of their oppressors.

The oppressions of the railroad companies are not the cause of the general poverty of the people, but rather are the effect of that poverty, which has been brought about by the very agencies of which I have just spoken. It is in this view that I desire to discuss this question, waiving any direct further argument to the expediency or the jurisdiction of Congress over the subject, other than to add that the appointment of a commission by Congress and clothing it with legislative power is in violation of a well-settled principle of common law in both England and America, that power delegated cannot be relegated—*delegatus non potest delegare.*

The evils and inequalities to which I have referred trace their immediate development to the era of our great civil war, and have descended to us as a kind of inheritance from that memorable drama. Yet it must be confessed that from the inception of the Government their germ existed, although generally in an inactive state. The opportunities and necessities of the war, however, vitalized the seed which has taken root and grown into a mighty power, subordinating every interest of the people and the Government itself to do its bidding. I allude to the power of capital.

The ablest writers upon political science have ever held the interests of capital and labor under judicious and just laws to be harmonious, if not identical; but the history of American legislation for the past dozen years has produced an irrepressible conflict between these great agents. Instead of co-operating to each other's mutual advantage, they are now at war with each other. No monarch of the Old World, sustained by the bayonets of a hireling soldiery, exacts unwilling tribute from his subjects with more unsparing hand than does this prince of fortune, enthroned in the hearts of too many of the rulers of the people, whose fiat in this Capitol is law; whose janizaries fill the land as tax-gatherers, official or unofficial, demanding everywhere, with Shylock remorselessness, its ill-deserved tithes from labor, until a cry has come up from all over this broad land—from professions, mechanics, and agriculture—to the doors of this Congress, demanding relief from those burdens of inequality, and asking for all only "justice, that venerable virtue without which freedom, valor, and power are but vulgar things."

At no former period of this country's history has there been such universal unrest of the public mind. The apprehensions for the existence of the Government have given way to feelings of foul suspicion and wide-spread distrust of the public officials; and the people are waking up from their Rip Van Winkle sleep to find that the system of abuses and violations of equal rights of citizens which grew out of the plea of "military necessity to save the life of the nation"—a phrase ever courted by the corrupt and ambitious—is fastened upon the general polity of the Government, by which the few are benefited at the sacrifice of the rights and interests of the many. I propose to notice some of these evils. I will first notice the financial evil.

The public mind of the people and their representatives, staggering under the pressure of the late panic, the bastard offspring of an unlawful alliance between the national banks, bondholders, and a few railroad kings, has been diverted from the consideration of the true cause of the present national financial distemper. The Congress, the press, and the country have exhausted the fields of political science to find a cure for our pecuniary ills. The theories of political scientists down to the paper resolves of the last village chamber of commerce, have been passed in review before the eyes of the country, hoping to find some principle or fact which might serve as a key to the solution of the financial problem; and yet we are not much nearer a satisfactory conclusion than we were at the beginning of the crisis, except that the House, on Monday last, voted to increase the legal-tenders to $400,000,000.

If we did not owe a large national, State, and municipal debt, amounting to billions, much of which is in the hands of foreign holders, and if we did not as individuals owe to each other a very large private debt, then indeed a much smaller sum or volume of currency might answer our purposes. But since these obligations are upon us, and as the annual interest we owe abroad consumes largely more than the sixty-six millions of gold and silver products annually exported, and as the United States in the last ten years have exported over $700,000,000 in specie, there is not the metal in the country to serve as our medium of exchange, however desirable and however in accordance with the theories of certain financiers, who have voted for chartering national banks, own large shares of stock in these institutions, and now clamor for gold and silver or their equivalent. The doctrine is sound in theory; but these theorists have forced a condition of things upon the country that, to reduce that theory now or in the early future to practice, would bankrupt the debtor class, which is mostly the agricultural and retail mercantile class of the country. To be compelled to pay their indebtedness in a more valuable currency than the currency was when the debt was contracted will produce wide-spread financial disaster, besides legalizing the immorality of such injustice.

A plain statement of a few leading facts, it seems to me, should suffice. Deducting the loss and the reserve which the redemption banks are required by the law organizing them to keep constantly on hand, there is of legal-tenders and national-bank notes about $620,000,000 in circulation. This would, if distributed, be about $12 for each soul of the 43,000,000 inhabitants. Of that amount the New England States have $31, the West have less than $7, and the South has something less than $3 *per capita.*

The Western and Southern States have a large territorial area, thinly inhabited, with comparatively no facilities for exchange as New England and the North have; and yet the West has less than one-fourth, while the South has less than one-tenth as much. While one dollar in New England and in New York City would perform the office as a medium of exchange, three dollars in the South and West would not perform it so well, on account of the diversity and scattered situation of the population of the latter sections of the country.

Even the dense population of England has nearly $25 *per capita*, while Germany has nearly $26, and France nearly $35.

Now, these facts demonstrate that in this country, so full of resources, so comparatively new and undeveloped, and yet developing more rapidly than history gives any account in ancient or modern times of any other country, (without particularizing it will be enough to illustrate the growth and progress of this young Republic, its masterly leap into the arena of a first-class power, in the last fourteen years having gone up in wealth from $14,000,000,000 to $30,000,000,000,) a much larger volume of currency is required to fill the various channels of commercial intercourse than in those old countries where the regular order of things has not been disturbed for centuries by any startling events of progress which have marked the civilization of this, but a few years ago, western wild—such as the acquisition of a vast area of uninhabited districts except by a few nomadic tribes of savages; the founding of flourishing villages, populous cities, and great States, springing full-orbed, as Minerva from the brain of Jupiter; the opening of mines, of farms; the building of railroads and tunneling mountains; the opening and bridging of rivers, and the erecting and conducting of all the varied arts and industries of private enterprise.

Now it is the duty of this Government—of every government—to furnish a uniform currency; one that will do for the capitalist as well as for the laborer. It is admitted we have not the metal, as has been stated. Why, then, cannot the Government issue its own Treasury notes, based upon its sacred faith, to be redeemed hereafter in coin, making them a legal tender for all debts, public and private, except the interest on the public debt, and repealing all charters heretofore granted to national-bank corporations, and thus save $21,000,000 gold interest paid to this favored class for the exclusive privilege of shaving the people at the rate of 15 to 20 per cent.? A currency thus constituted would command the respect of the people and would be equivalent to gold.

As to the amount that should be issued, it does not matter materially if the sum is not greater than $800,000,000. Each State, according to population, should be allowed its equal distributive share, so that the unjust and unequal condition of things which now exists, producing painful alienation, should not hereafter be tolerated. But our poverty is every day thrown in our teeth, and we are told that we have not the capital with which to purchase the bonds and currency. It is true that the South has been plundered as never a conquered race was before in the history of civilized warfare. But our resources are great and our recuperation wonderful.

It is idle to say that the South, with her annual cotton crop worth $227,000,000; the South and West, with their other crops aggregating for export about as much more, have not got the basis which will command their share of the circulating medium. It is not for the want of resources, but for the unjust discrimination which this Government has practiced for a series of years towards these two sections, that to-day finds them powerless, as it were, in the hands of the Shylocks and money-changers of Wall street.

Frequent applications during this session of Congress have been made to the Comptroller of the Currency for an exchange of currency for United States bonds without effect by members for their constituencies in the West and South, and they were invariably told that the entire amount authorized to be issued by law had been drawn. Who drew it? Capitalists of the East and North have thus appropriated their own share, and much of the shares belonging to the West and South; and yet we are told by the Representatives of those sections, when we demand the redistribution of the currency, and ask to be allowed to establish national banks in our midst, that we have no capital with which to command currency, which is not true; and the Treasury officer tells us that the currency is all issued.

I am not speaking at random. I have submitted applications myself for some of the Patrons of Husbandry, of Montgomery County, in my district, and was denied the currency, while the little State of Rhode Island has $61 *per capita*, and Tennessee has $2.62 only per head. I am in favor of repealing the statute which authorizes the whole brood of monsters; but if that cannot be attained, then I trust banking will be made free to all citizens alike, and that no privileged class shall be allowed to enjoy the monopoly.

If there is too much currency and a healthy condition of it requires contraction, why are the North and East unwilling to give up any part of the lion's share which they so tightly clutch? The East has nearly three dollars to one that she is justly entitled to. Was it this greed that made a Massachusetts Secretary of the Treasury pay $40,000,000 to bondholders in excess of what they were entitled to under the law creating these bonds, by paying the gold instead of currency? If the law under which the Secretary redeemed these five-twenty bonds admits of doubtful construction, then it was conceived in sin and hypocrisy, and if it is clear that they were to be redeemed in currency, as Hon. Thaddeus Stevens declared upon the floor of the House, and who, I believe, reported the bill from the committee, and therefore should be recognized as good authority, then their payment in gold becomes an oppression of the whole people, not to use a harsher phrase.

Many do not understand the law creating the national banks. The system is organized chiefly in the interests of the bonded aristocracy of the great cities—who are drawing semi-annually from the Treasury 6 per cent. in gold upon their United States bonds, which, too, are exempt from all kinds of taxation—while other people are taxed upon everything they own or live upon. Capitalists hypothecate these bonds with the Comptroller of the Treasury simply as collateral security, and draw 90 per cent. of their face value in currency, upon which they go to banking, loaning it to their customers at from 10 to 20 per cent. per annum. In other words, the Government exempts United States bonds from taxation, pays semi-annually 6 per cent. in gold interest upon them, and authorizes the bondholder, if he has, say, as much as $100,000, by becoming a banker, to issue $90,000, which he loans to the people upon real-estate mortgage or other indubitable security at a ruinous rate of interest. First, the bondholder pockets on his bonds $6,000 in gold interest drawn from the Treasury; and next he makes the interest upon the $90,000 of banking capital; which is generally from ten to twenty thousand more.

I wish in this connection to add that in the early days of this session I introduced a joint resolution, instructing the Committee on Banking and Currency to report a bill providing for the payment of the bonds of the Government known as the five-twenty bonds, which are now due to the amount of $400,000,000, in currency, as the act of Congress authorizing their issuance plainly defines. Had that been promptly done, coupling it with the repeal of the national banking system, we should now have reduced our national debt $400,000,000, and would have annually saved to the Government, that is to the people, $24,000,000 in gold interest now paid semi-annually to the holders of this class of bonds.

But the people are languishing under the terrible afflictions of a distempered financial system by which bankers and railroad kings, with their retinue of gambling speculators in bogus stocks of various kinds, have been enabled to inflate or contract, at their option, as it may best suit their infamous schemes, and thus to subject the values of all property to the standard of their greed and lust for lucre.

It is believed and asserted that the Government has given countenance, and moral, if not actual, support to these speculating schemes, by which court favorites have reaped heavy profits in these illicit transactions. In any event the farmers of the West and South, that dividends may be declared upon watered stock or fictitious capital, have been victimized by the extortionate tolls upon their produce *in transitu* to the sea-board. These pressing evils of stringency in the money market and high freights are the result of combinations between the banks and a few railroad monopolists, by means of which the farmers' products are bought up at half-price, and overgrown fortunes are suddenly amassed for those who belong to the ring.

These combinations, by which "corners" are made at the expense of honest labor, can be prevented by the States taxing the gross receipts of the railroads, and if need be by resuming their perverted franchises, and by Congress passing an act repealing the national banking system, or else throwing wide the door and making it free to all. By this means the weight which now hangs like an incubus upon the producing and mercantile classes will be only partially removed. I undertake to say that all legislation, whether State or national, which confines itself strictly to these two propositions—transportation and currency—will fall far, very far, short of effecting a permanent cure.

The disease is more deeply rooted—it is nearly constitutional through mere precedents; certainly it is chronic. It pollutes the very blood of the arteries of the body-politic, not because it is inherent or is necessarily found in the Constitution—it is not in the Constitution; it is abnormal; the result of malpractice, the prescription of false political doctors, fatally bent upon maintaining a system which will preserve and pamper a few, but is death to the million.

Sir, the real foundation of all this disturbance in the land; the scarcity of money in some sections and plethora of it in others; the penury of the laboring classes, and the enhanced purchasing power of the money of capitalists; the low price of subsistence products in the West, and the high price of every article they consume to keep their bodies from freezing in the keen rigors of the northern blast, this wail of distress that comes up to the doors of this Capitol and forces its unwelcome sounds into the very ears of this Congress, all, all is the natural product of seeds sown long ago, as before suggested, and which have brought forth abundant harvests of penury for the masses, but of overgrown wealth for the few; and of the subordinating of States and sections as fair by nature as God's sun ever shone upon, as fertile of soil as the boasted Nile, and as salubrious as the sunny climes of France or Italy, to the ambitious and selfish greed of a small section of the country.

Now, sir, it is to this great fact that I call the attention of the whole country as solemnly as I know how. But, sir, more particularly do I wish to reach the people of Tennessee, my native State. Nor do I address them as partisans, but as patriotic citizens of a great Commonwealth, whose energies, if properly directed, will in the next decade carve out a destiny for her and achieve a victory in moral and material development which shall place her side by side with the foremost of her contemporaries in the great sisterhood of States. In spite of Federal legislation some of the States can do much toward obtaining relief, if they will but improve the advantages which nature has bountifully spread before them.

Before proceeding to notice specifically the operation and effect of the protective system upon the prosperity of the whole country, and especially the exhausting drain it makes upon all other industries

except the darling objects of its parental care, in which light I particularly desire to view it onthis occasion, I wish to submit a few local facts, and to accompany them with a few practical suggestions of domestic economy.

If these monopolies of the tariff, and national banks particularly, (of which costly transportation is the legitimate offspring, as I think is clear,) cannot be reached through legislation—and I confess I see no hope of that for some years, as the political complexion of both Houses of Congress is at present constituted—then must the people turn and look into their own domestic economy for relief. Indeed it is perhaps wise, if not necessary, that they adopt that course in any event.

I cannot resist the temptation just here, although it may seem a little foreign, to speak for the State I in part have the honor to represent. With the advancement she is now making in manufacturing, her liberal invitations and treatment of immigrants, her fostering encouragement and substantial support given to schools, colleges, and universities, until she has fairly won the honor of wearing the proud title of the "Athens of the South," it will require but a few years of self-denial and habits of strict economy and intelligent industry, to place ourselves upon the high plane of material independence. Tennessee is not surpassed by any State in the Union in point of climate, fertility of soil, adaptation to the growth and maturity of all the great staples of North America, except sugar. Her mountains are full of minerals, especially iron and copper, and of exhaustless coal-measures; and added to all these advantages there is a superabundance of water-power, not surpassed, if equaled, on the continent. What, then, is our manifest duty? Make ourselves wholly independent of the tariff, of the money-changers, and the railroad rings. How? By diversifying our industry, and from our fertile soil first produce our own subsistence. Cotton and tobacco should be made surplus crops; mills and manufactories should be erected everywhere upon our water-courses suited to the purpose, and utilize those motive-powers which nature has provided, in the manufacture of everything we wear. At the world's fair in London, in 1852, let not the fact be forgotten that Tennessee took the premium both in cotton and wool.

The water-power for driving machinery is abundant in every county within the limits of the State. Her mountains, hills, and valleys furnish inexhaustible pasturage for sheep the year round. In most if not in every county cotton grows to maturity from one-third to two-thirds of a bale per acre. The means of transportation with small expenditure lies convenient to every portion of the Commonwealth. With her commercial and agricultural advantages Tennessee only needs the spirit of manufacturing to insure a glorious destiny.

This is the road to financial and commercial independence. The people will then be prepared to appreciate the appropriateness of the remark of John Randolph upon the floor of Congress, when he exclaimed that he had discovered the philosopher's stone, which was simply "pay as you go."

No slavery is worse or more abject than the slavery of debt. Benjamin Franklin said, "When you run into debt you give to another power over your liberty." If the South is ever relieved from the losses of the war and the debt forced upon her by the reconstruction policy; if she is ever rehabilitated, she must look to the future, and forget the past only as a bitter experience. And since she is utterly powerless to inaugurate any policy in Federal legislation, she must act with the West in throwing off those enormities, the protective tariff and the national banks, and under which both southern and western agriculturists are especially groaning and day by day becoming poorer, while these imperial corporations and festering rings are growing richer and more and more insolent every hour.

These are the vampires that are sucking the life-blood from the people. Where is the remedy to be found? One would naturally turn to the American Congress for the correction of these evils, since it is under and by means of Federal legislation that they had their birth and have grown to their present stature. But, sir, it is a vain wish and a delusive expectation, I fear. It would be strange, indeed, if a change is not imperatively demanded; and that the party or parties, no matter what their professions of equality and right, which fail to secure this meed of justice, will be swept away with the hand of the avenger.

In vain may gentlemen inveigh against the exactions and oppressions of the protective policy, and yet vote to so organize this House and construct the committees, which, under the rules, enable a half-dozen leaders to thwart the will of a majority—shrewd, experienced politicians, who are kept here from year to year and term to term on account of their familiarity and dexterity in the crooked arts of legislation, by which they manage to keep the masses saddled with a high protective tariff, and the lords of the loom, booted and spurred, with whip in hand, astride their backs.

The South, with her varied internal resources and facilities for diversified industries, may, nay, if she is wise, will be able to bear up under the load of taxation; but can the West, with all its boundless fertility of soil, remote from navigation and with less varied resources and industries, longer endure it without danger of bankruptcy?

Government, to be safe and free, must consist of representatives having a common interest and a common feeling with the represented.

If that political epigram of the great Virginian be sound doctrine, it necessitates a change in the political complexion of the majority in both branches of Congress in reference to these vital questions; otherwise the people are doomed to this worse than serfdom—a vassalage as abject and as burdensome as that which chains at this moment the tenantry of England, Ireland, Scotland, and Wales to the chariot wheels of a British landed aristocracy.

How many farms in the South and West in the last few years have been mortgaged to eastern capitalists? An answer to that inquiry would develop a startling disclosure of dependency among our agricultural population, which portends evil, and only evil, weighed down as are the people of the South and West under the accumulating burdens of taxation, with the intolerable drawbacks upon the value of their products in the form of exacting tolls for transportation, and seeing their capital melt away year by year, with a certainty at no distant day of bankruptcy overtaking them and overwhelming their families in destitution.

One of the leading objects of politics is the creation and proper distribution of a nation's industry. It can only be done by and through a well-regulated commerce, that consumes a very small proportion of the value of the products for interchange and traffic. Without a healthy and active commerce nations stagnate, decline, and fall into decadence, just as the physical man declines and dies for want of proper exercise. Commerce is the life-breath of the state.

As before suggested, one of the prime causes and controlling influences which led to the formation of the Union of the thirteen original States was for the better protection, regulation, and freedom of commerce. If you ask a western man to-day what was his principal motive for maintaining war with the southern confederacy, he will tell you that it was for the freedom of commerce, the undisputed navigation of the Mississippi River. History would not have to record the gallant charge of the six hundred at Balaklava, or recount the marshaling of hostile armies upon the sanguinary field of Sebastopol, and the trailing of the Russian banner in the Crimea, had it not been for the exactions with which the Ottoman fettered the limbs of commerce upon the Black Sea, and closed its ports against the subjects of the Czar. Then the rich harvests gathered from the grain-fields of the Crimea, Wallachia, and Moldavia no longer competed for the markets of Western Europe with the golden harvests of the United States. And when the allied armies had by heavy artillery closed up the Black Sea, the natural highway of commerce, and laid an embargo upon the freedom of the sea, and Russia, foiled, folded her arms, then the thought of connecting the Danube and the Rhine carried the point which neither Russian diplomacy nor valor could accomplish.

England, wise, far-seeing, and progressive, repealed her tariff and corn laws, and removed all restrictions upon foreign commerce, until free trade has become the policy of the advanced civilization of all Europe. With free trade, and that canal opened, Russia pours her wheat into the markets of Western Europe at cheaper rates than England can afford, and at less cost of transportation than is at present possible to the United States; and again Russia holds the vantage-ground.

Commerce is the handmaid to civilization, expanding its power and enlarging its benefits. Its protection and freedom in every land illustrate the pages of history with splendid feats of diplomacy or victories won by contending hosts on sanguinary fields. And yet our commercial marine, once the pride of the ocean, by a narrow, selfish, and mistaken policy, has been driven from the seas by foreign competition, and now comes tottering, knocking at the door of this Capitol, saying "Give me some drink, Titinius."

The present high rate of duties imposed upon foreign importations for the benefit of a few of the favored sons of Mammon in New England has driven our customers with their cheap goods to other more favorable markets, with whom they can barter upon principles approximating free trade, while our wares and products lie in our shops and rot in our fields, and the masses of the people are forced to buy the American manufacture at ruinous cost to the consumer.

Our present prohibitory tariff, besides restricting our agricultural industries by preventing the freedom of exchange, has crippled our commerce and destroyed our tonnage, which in 1860 brought us in over $20,000,000, but which under the present order of things costs the American people $80,000,000, as stated by the President in his message last December to Congress; which sum is paid to foreign bottoms to transport our products, making a difference of $100,000,000 against us in adjusting the balance of trade.

With our present system of costly transportation our domestic exports have decreased $56,000,000 in the space of ten years. These figures speak volumes in condemnation of the policy of our prohibitory customs duties, and of our imperfect system of internal transportation, and the suicidal restrictions upon our navigation laws. The country has long groaned beneath these burdens. This policy of killing the goose to get the golden egg has at last aroused the just apprehensions of the farmers of the whole country.

The repeal of these obnoxious measures, which, like the baleful bohun-upas, sheds its seductive but poisonous perfume on all around, is imperatively demanded. But, sir, this Congress dares to turn a deaf ear to that demand. When the gentleman from Indiana (a democrat) proposes a reduction of the tariff, under the new rule which my colleague [Mr. MAYNARD] championed and put through by a strict party vote, even the yeas and nays are denied; and no record goes to the country showing how the friends of the people vote on the subject of taxes.

The so-called opponents of tariff monopolies, and all kinds of monopoly, voted against a resolution which proposed a reduction of the present high protective tariff, which—more than dear transportation, a depreciated currency, with a scarcity at that; gold-gambling, stock-gambling, stock-watering; extravagance and corruption in the collection and disbursement of the revenue, or all combined—retards the growth and prosperity of the agricultural interest, and eats up the substance of the people. It is the ghoul of American politics. So long as it stands as the policy of the country, just so long will the energies and industry of the rural population of the land be drafted upon to their utmost capacity; just so long will labor be taxed to the utmost limit beyond which subsistence fails, so that protected capital, oftentimes wholly untaxed, as in the case of the United States bonds, may continue to pile up its annual usurious percentage.

The tariff shows that many articles of prime necessity are taxed to the point of prohibition, and that leaves our consumers entirely at the mercy of the American manufacturer. Now, when it is understood by the masses of the people how small are the importations when compared with the home production—being, I believe, about $680,000,000 of imports, of which $199,000,000 are free goods, to $3,000,000,000 of home manufactures, upon all of which they pay an average duty of 45 per cent.—they will begin to see that the sum of $180,000,000, which they pay into the Treasury as customs duties for the support of the Government, sinks into insignificance, large as that sum is, when contrasted with the unaudited sum which lines the gilded pockets of a few thousand manufacturers and capitalists, the legislative pets of this country, who control the country through their Representatives, whom they have continued in Congress for many long years, and through a hireling press and a corrupt lobby, by diverting the minds of the people from these unjust and unequal laws to an insane cry about the wrongs done the black man and about the ulterior aims of the rebel democracy; and thus upon these myths, these political hobgoblins, as false as they are ridiculous, contrive to lead the people away from the consideration of their real interests to the contemplation of these false issues.

The duty upon railway iron for the fiscal year 1873 was $3,027,904.41. The profits of American manufacturers of iron rails can be easily estimated by subtracting two-thirds from the whole cost of production, and the remaining third is clear profit in the pocket of the manufacturers. So in regard to the very many constituent elements which are necessary to complete a railroad and put it in operation, the profits to the manufacturer are simply immense. Of course all this profit which railway companies pay to the manufacturers comes out of the people who employ the railroads to transport themselves or their products and wares. These heavy expenditures incurred by railroad companies, from the ax and pick and shovel that move the first pound of dirt to the harnessing of the locomotive, are thus increased, that tribute may be paid to the American manufacturer at the expense of the community at large. The farmer who ships a bushel of grain, or a bale of cotton, or a hogshead of tobacco, pays his share of the large profits which the manufacturer reaps by the protection afforded by the tariff, as before illustrated.

The legislation of Congress for the last ten years seems to have been based upon the idea of a rich government and a poor people, together with the concurrent idea that a few rich manufacturers, bankers, and bondholders are the only persons whom the Government seem to care for. In no other way can we hope for prosperity and material independence while forced to bear the onerous burden of taxation, which, although ever so indirect and insidious, is none the less grievous.

Any statesman who would propose to collect one-half the revenue now collected by customs duties by direct taxation would be considered a public enemy by the people, and would be indignantly driven from power.

A glance at its details will show its injustice, and in whose interests this domestic spoliation is framed. Rousseau said, "A great deal of philosophy is needed to understand the facts which are very near to us." So it is with the working of the tariff.

The people do not seem to realize that they are taxed at all when they pay for every pound of iron they use at the rate of $9 per ton on pig-iron, or 35½ per cent.; upon bar-iron, 35 per cent.; upon steel, 35 per cent.; iron squares for carpenters, 56⅔ per cent.; sheet-iron, 31 to 45 per cent.; screws, 42 per cent.; round iron, 37½ per cent.; cast iron, 50 per cent.; railway bars, 30½ per cent. This is the duty *ad valorem*. Now take salt. Everybody uses salt; the farmer uses more than any other class of citizens, in this, that he requires it for the use of his stock. The average duty reduced to *ad valorem* on salt in bulk is 75 per cent. Manufactures of gold and silver, such as epaulettes, galloons, laces, knots, stars, tassels, tresses, embroideries, and wings of gold and silver, from 31½ to 35 per cent. Diamonds cut, cameos, mosaic gems, pearls, rubies, &c., 10 per cent. to 25 per cent. Laces, 31½ per cent.

The framers of the tariff laws seemed to labor to tax heavily articles of prime necessity and to put a light duty upon articles purely for ornament, and thus discriminate against the masses for the benefit of the few who are able to indulge in such luxuries.

If, instead of arranging a schedule at a percentage which in many instances is simply prohibitory, and taken as a whole yields only $180,000,000 of revenue, it is believed by those who have given the subject much study and reflection that if the duty on many articles was reduced 50 per cent., a much larger revenue would be derived, while at the same time our exports would be greatly increased to meet the foreign demand. It needs no argument to prove that, as it is accounted for upon the simplest law of trade, the principle of barter or exchange.

No one objects to a tariff which will afford sufficient revenue to pay the interest on the public debt, set aside the sinking fund, and defray the ordinary expenditures, economically and honestly administered; but the people have a right to object to a rate of duty which, while it may not swell the revenues of the Government at all, yet enhances the profits of the American manufacturer two and three fold. This is class legislation. It is unequal and unjust, and contrary to both the letter and spirit of the Constitution.

Upon no other principle can we account for the exemption of United States bonds from taxation, for the extra and peculiar privileges granted to bankers, and the endearing sympathy with which it has thrown its fostering arms around the manufacturer and made him the pet of the protective system, by which he has become a millionaire.

There are men in this country whose private fortunes sum up from twenty to thirty million dollars, pensioners upon Government bounty. Upon no other principle can we account for the tax of three cents per pound upon lint cotton for two years, which cost the poor and struggling people of the South $60,000,000. Upon no other principle can we account for the present invidious tax upon leaf-tobacco, which comes directly out of the pockets of every poor laboring man, white or black, who toils beneath a summer solstice and by his own hands does well if he can produce in one year's labor in addition to his subsistence for himself and family $100 worth of tobacco for market. Upon no other principle can we account for the favor shown to patent-right inventors by extending their patents and enabling them to demand from the public their royalty—very many of whom can scarcely compute their own wealth, or rather I should say their assignees; for the man of genius is generally swindled by some shrewd trickster out of the profits of his brain labor.

Nineteen-twentieths of all the farming implements and mechanical and agricultural machinery, as well as that used for commercial purposes, are this day paying tribute under patent-rights, many of which, after enriching the owners, have been extended, doubtless improperly. When this fact is pondered the people can begin to find out what they pay for the use of these various implements and machinery which intelligent labor is now compelled to employ in order to successfully compete with the more enterprising.

These are inequalities in our laws the injustice of which operates directly and peculiarly upon the farmers. They have a right to complain, and they do complain through their Representatives. This Congress has repeatedly been asked to remove from the statute-book these unjust laws. It remains to be seen whether it is done. Various propositions have been introduced to remedy this injustice in the many particulars to which I have referred. A vigorous effort has been made to repeal the law taxing leaf-tobacco in the hands of the small producer. My able colleague from the sixth district [Mr. WHITTHORNE] and the able and indefatigable member from the first Kentucky district [Mr. CROSSLAND] have especially insisted upon the repeal, to which I add my humble exertions.

If, instead of the policy of gathering taxes from the producer almost below the power of production; if, instead of arranging the internal-revenue taxes by the system of moieties and other corruptions, which irritate and fleece the people and benefit the Government but little, but which enrich the favored official of the Administration, (for instance, three Federal office-holders receive in the city of New York annually over $100,000 each;) if, instead of subsidies and extravagance, the creation of new and unnecessary offices for partisan favorites; and if, instead of the dishonesty and corruption—hard words, "pity 'tis, 'tis true"—that pervade certain branches of the public service; if, instead of all this, the policy of economy, with a tariff simply for revenue to meet expenditures, the currency settled and made uniform, our great national water-lines to the sea-board improved and opened, affording cheap transportation for freights, we would then hear no more appeals to Congress to take charge of railroads and regulate and fix the price of their freights and fares—powers which, if granted in the Constitution, may become exceedingly dangerous to the rights and liberties of the citizen if exercised.

The reforms which I have mentioned put in force, then this bill is unnecessary and pernicious. Had they been in force all along, this bill would never have existed, but as a people we should be enjoying the repose and prosperity which ever follow upon just and wholesome legislation.

Extravagance and corruption of officials have helped to swell this cry of distress.

I have compiled the figures to which I invite attention from the annual report of the Secretary of the Treasury upon the state of the finances. Take the last eight years, commencing with June 30, 1866, the fiscal year after the conclusion of the war, years of peace with all nations and with ourselves, and I find the expenditures for the Department of War ending June 30, 1873, foot up the immense sum of $755,278,693.65. Deriving my information from the same authentic source, I find the American Navy, of which the House heard so much at the beginning of the session—and which debate has about established the fact that it is but little better than a fleet of rotten hulks, which can scarcely resist the storms of wind and wave, much less oppose in successful combat the splendid navies of European powers—

has cost, inefficient as it is, the modest sum of $206,083,157.59 for the same years.

I shall not stop here to dilate upon the use and benefit which the people derive from these two arms of service. Of course it would be unwise to dispense with them entirely. War, it is hoped, for the balance of this century at least, if not for all time to come, upon this continent has "smoothed his wrinkled front." The plain citizen does not see the need or delight in viewing the splendors of a magnificently appointed army in a time of profound peace. He cannot see the necessity of expending in eight years $961,361,851.24 upon the Army and Navy. And this large sum is exclusive of property sold, amounting to over $100,000,000, since the war, and is of course to be added to these figures; a fact frequently brought to the attention of the House by the able and vigilant member from the Lexington (Kentucky) district, [Mr. BECK.]

And just here I might add, quoting the same unimpeachable authority, that our miscellaneous expenditures for the same years sum up to the enormous sum of $449,239,512.34.

I will attempt no analysis of the figures under the head of "miscellaneous." No doubt they were miscellaneous, involving extravagance and luxuries which eclipse in variety, magnificence, and splendor any court in Europe.

I might refer at this point to the Indian Bureau, and show that the red man of the West has caught the contagion of reckless extravagance. Reading from the same authority, I find that in those same identical eight years the Indians cost the United States $44,729,635.76. Costing double what they did ten years ago.

For many years the people have been hoodwinked and made the dupes of this partisan chicanery; made to believe, if they intrusted the democrats with power, they would undo what has been accomplished and settled by the war; indeed, that they would, if elevated to power, assault the very citadel of liberty itself and strike at the integrity of the Government. But the people, goaded by the burdens of taxation, see that, instead of diminishing, the amount they pay into the Treasury of the United States annually increases $10,000,000 to $12,000,000, having gone up in 1866 to $176,000,000; in 1867 to $164,000,000; in 1868 to $180,000,000; in 1869 to $194,000,000; in 1870 to $206,000,000, and in 1872 to $216,000,000, exclusive of the interest and sinking fund.

The official tables show that in five years General Grant's administration has collected from the people the enormous sum of $1,872,610,750.84. In the same years it expended $1,492,559,233.80. In the five years named the Government collected $380,051,517.04 more than it expended. I have taken these figures from the Finance Report of 1873, page 12. A sum larger by $285,166,282.63 than the entire cost of the Government from 1791 to 1861, being $1,587,444,468.21; including the Indian war, the war of 1812-'15, and the Mexican war; including the cession of Florida, the Louisiana purchase, by which an empire was added to our national domain; including the annexation of Texas and the vast area acquired under the treaty Guadalupe Hidalgo, stretching from longitude 105° across mountains of solid mineral to the golden shores of the Pacific, possessing a fabulous wealth, the increasing development of which will astonish generations yet unborn, and prove how wise and beneficent the forecast of that statesmanship which secured it will be viewed by the millions who are to succeed us.

Extravagance and corruption, as history informs us, have always crept into the walks of official life. Old nations especially are apt to become corrupt and extravagant. But I doubt not, if half is true that is charged, the present Administration stands without a parallel in any of its predecessors or in any government of like age in the civilized world. If we take only the testimony of some of the leading republicans themselves, this Administration cannot stand acquitted of either charge before the bar of public opinion. The leader of the House, the chairman of the Committee on Ways and Means, confesses to both. Other members of the same party admit the fact, and pledge themselves to bring the guilty parties to justice.

The favoritism shown to classes in exempting their property from taxation; in granting large subsidies and giving away vast areas of the public lands to corporations and investing them with peculiar and exclusive privileges; in protecting certain industries at the expense of others; allowing large salaries and moieties to Government officials and agents; with a general proneness among high officials to violate the laws and afterward to plead necessity as a justification of their unlawful acts, with many other wrongs that might be detailed, to say nothing of the disregard shown to the popular will of States and the prostrate form of freedom that lies bleeding within their limits under the heel of the petty tyrant, sustained by Federal bayonets, is sufficient to awaken the liveliest apprehensions of the patriotic of all parties.

I trust and believe that, whatever of corruption may have crept into the official walks of our political life as a nation, it has not yet extended its deadly virus to the popular heart; that as a people we have not yet reached the condition imputed by a distinguished English historian to the people of Rome during the eventful times of the contending factionists, Marius and Sylla, where he speaks of the "profound deterioration of the public morals."

Let us, Mr. Speaker, take warning by the fate of the ancient republic. While the eloquent appeals of Cicero and other patriots in behalf of popular liberty found a responsive echo in the intelligence and virtue of the people, Cæsar paused upon the banks of the Rubicon; but when ignorance, vice, and luxury entwined their fascinating coils around their necks, and they foolishly and criminally gave themselves over to the blind folly of worshiping these alluring but false gods, and became willing captives at the feet of ambitious and corrupt leaders, the usurper boldly crossed the sacred boundary, and marched his triumphant legions, covered with the splendors of foreign conquest, and planted the standard of his own personal government upon the dome of the Roman senate.

It is doubtless true that nations, like individuals, are apt to be enervated by the luxury which wealth affords, and feeling no necessity of effort lapse into decline.

It is of this healthy independence, this moral selfhood, peculiar to young men and young nations, of which greatness is born. Imbued with this energy, our country's future is clouded in no mystery if we but remember that the tree of liberty, which God planted only upon the soil of public virtue, can be alone nurtured and watered by the grateful dews which general intelligence and official integrity shall shower upon it. If the people would maintain and control this Government in practice, as it is theirs in theory, they must more than ever look to the capacity, identity in interest, and fidelity of their representatives. The power is yet in their own hands. Will they assert it?

Interstate Commerce.

SPEECH OF HON. JOHN COBURN,

OF INDIANA,

IN THE HOUSE OF REPRESENTATIVES,

March 24, 1874.

The House having under consideration the bill (H. R. No. 1385) to regulate commerce by railroad among the several States—

Mr. COBURN said:

Mr. SPEAKER: Among the many questions presented for consideration to this Congress, no one surpasses in gravity that now under discussion. The prevailing dissatisfaction as to the manner, the supply, and the charges for transportation across our wide country has caused a demand unlike any ever made before for the interference and aid of the national Government.

The corporations created by the States cannot be confined in their operations by State lines, but in the matters of trade and travel almost invariably go beyond them and connect their business often with the remotest parts of the Union. The cars that run from Portland and Boston find their way to Chicago, New Orleans, Galveston, or San Francisco, and ten thousand intermediate points; and those that are loaded with the cattle of Texas, the wheat of Nebraska, the corn of Missouri, or the hogs of Indiana, wander far over the mountains to the East, and find the sea-ports of many States. All these States have different laws as to corporations, have a different line of legal decisions, have diverse interests, and have no power to go an inch beyond their limits for good or evil.

The business of transportation is essentially national, is an integral part of the general frame-work of our society, and in its very nature can only be advantageously controlled by the whole people. Whatever management in long lines is intrusted to mere local authority must in so far balk and hinder that general system which operates over the whole country; whatever the States may do is confined to their boundaries exclusively.

Combinations have overthrown on many lines all competition, and the carrying is done at the caprice of those who control the majority of the stock in the companies. Freights are carried or refused, charges are put up or down, trains are delayed or hurried through, places are favored or discriminated against, to contribute solely to the advantage of the carrier, regardless of the interests or profits of the owner of the articles transported. When water-lines are closed, freights are put up; where there is little or no competition, charges are greatly increased; and, in fine, every device that may be planned is resorted to to obtain the largest amount of profits on the stock, and is adopted to secure this end by a large number of roads.

That this matter of complaint is universal is by no means true, but a sufficient number of facts have been ascertained to authorize and justify action in the premises. In the interior the prices of all the surplus is thus reduced, and the profits on agricultural products, or articles manufactured for export, are almost entirely cut off, while the cost of all things brought from the sea-board is greatly enhanced.

This also operates with equal disadvantage to the inhabitants of the sea-coast States, who rely upon the interior for their supply of provisions and raw material. The man of the East and the arid ridges of the Atlantic slope stand side by side with the dwellers in the rich plains and in the great valleys of the Ohio, the Mississippi, and the Missouri, in demanding reasonable rates of transportation. Both alike know the value and importance of railroads, both point with pride to their construction, both glory in their prosperity, but both feel the necessity of saying that they shall not be used for the mere purposes of speculation, for extortion upon the business of the people, for the worst uses of monopolies.

What then can be done to protect the interests of the people without crippling the enterprise and marring the efficiency of the great lines of transportation? To fix absolutely freights and charges is a task beyond that which Congress can perform. The data which enter into the calculations necessary to do this are numerous, and can only be collected with great labor and the most assiduous care. The cost of construction, the cost of running, the cost of repairs, the wear and tear, the kind and character of business done, the amount of earnings, the amount of profits, and many other facts peculiar to each road and differing widely in neighboring localities, all enter into the matter of the consideration of reasonable charges, and would make the task an impossible one for a legislative body.

The most that Congress can do will be to adopt a few general principles of action, based upon experience and a just regard for the public welfare and applicable to the subject in hand. But at the very threshold it is denied that Congress has any power whatever to act in the premises.

Has Congress the power to do so? The often-quoted paragraph of the Constitution expresses that power in general terms:

Congress shall have power to regulate commerce with foreign nations, and among the several States, and with the Indian tribes.

Upon this rests the argument for the action demanded to-day. The power to regulate, thus expressly given, is a broad one, and clothes Congress with every attribute necessary to the complete control of the subject. What is commerce, the present subject of regulation? Need I prove that the business done on railroads is commerce; that the vast trains that pass daily, hourly, or rather constantly to and fro are the instruments of commerce? Need I point to the travelers who, by the million every year, pass up and down on these roads? Need I recall to mind the vast cost of these lines of trade and travel, and the enormous outlays to keep them open and in running order, or the still vaster proceeds and profits from their use, to show that it is all commerce? Commerce on land has outgrown commerce on water, and the flying car, not the sailing ship, is the fit emblem of that mighty interest that involves the prosperous progress of every civilized nation.

The highest courts of the land have recognized the power of Congress in the premises. I will quote from some of their decisions. The first decision, in the mouth of every advocate of the doctrine, is that of Gibbons *vs.* Ogden, in which Chief Justice Marshall says:

If, as has always been understood, the sovereignty of Congress, though limited to specified objects, is plenary as to those objects, the power over commerce with foreign nations and among the several States is vested in Congress as absolutely as it would be in a single government having in its constitution the same restrictions on the exercise of the power as are found in the Constitution of the United States.

The wisdom and discretion of Congress, their identity with the people, and the influence which their constituents possess at elections, are in this, as in many other instances, as that, for example, of declaring war, the sole restraints on which they have relied to secure them from its abuse. They are restraints on which the people must often rely solely in all representative governments.

And again, in this decision, he says:

The genius and character of the whole Government seems to be, that its action is to be applied to all the external concerns of the nation, and to those internal concerns which affect the States generally; but not to those which are completely within a particular State, which do not affect other States, and with which it is not necessary to interfere for the purpose of executing some of the general powers of the Government. The completely internal commerce of a State, then, may be considered as reserved for the State itself.

Judge Miller, of the Supreme Court of the United States, in the Clinton Bridge case, says:

When these roads [railroads] become parts of the great highways of the Union, acting an important part in a commerce which embraces many States, and destined, as some of these roads are, to become the channels through which the nations of Europe and Asia shall interchange their commodities, there can be no reason to doubt that to regulate them is to regulate commerce both with foreign nations and among the States, and to refuse to do this is a refusal to discharge one of the most important duties of federal government. As already intimated, the shackles with which the different States fettered commerce, in their selfish efforts to benefit themselves at the expense of their confederates, was one of the main causes which led to the formation of our present Constitution. The wonderful growth of that commerce since it has been placed exclusively under the control of the Federal Government has justified the wisdom of our fathers. But are we to remit the most valuable part of it to the control of the States through whose territory it must be conducted and to all the vexations which they may impose? And must all this be permitted because the carrying is done by a method not thought of when the Constitution was framed?

Judge Redfield, of Vermont, says:

The power of Congress in regard to interstate commerce—that is, commerce between different States, whether two or more—is most unlimited, by the very terms of the national Constitution. It extends as far as the national sovereignty extends. In regard to the regulation of fares and freights upon existing railways, Congress has the same power to regulate commerce among the States, whether upon land or water, and to the same extent that any national legislature has to regulate upon its railways or its vessels or ships of any kind. This will become very apparent by the consideration that this power resided, to its full extent, exclusively in the States before the adoption of the national Constitution, and that it was transferred entire to the national Government by enumerating among the exclusive powers delegated to the national Government the power to regulate commerce with foreign nations and among the several States.

See, also, Story on the Constitution, volume 2, section 1067:

It has been settled upon the most solemn deliberation that the power (to regulate commerce among the States) is exclusive in the Government of the United States. The reasoning upon which this doctrine is founded is to the following effect: The power to regulate commerce is general and unlimited in its terms. The full power to regulate a particular subject implies the whole power, and leaves no residuum. A grant of the whole is incompatible with the existence of a right in another to any part of it. A grant of a power to regulate necessarily excludes the action of all others who would perform the same operation on the same thing. Regulation is designed to indicate the entire result applying to those parts which remain as they were, as well as to those which are altered.

In 15 Wallace the decision of Judge Strong, of the Supreme Court, contains the following definition as to commerce:

Beyond all question, the transportation of freight, or the subjects of commerce, for the purpose of exchange or sale, is a constituent of commerce itself. This has never been doubted, and probably the transportation of articles of trade from one State to another was the prominent idea in the minds of the framers of the Constitution when to Congress was committed the power to regulate commerce among the several States. * * * Nor does it make any difference whether this interchange of commodities is by land or by water. In either case the bringing of the goods from the seller to the buyer is commerce.

Here, then, we have the best judicial authority of the land to support the power of Congress to make the needful regulations of commerce; that they must be of such a nature as not to destroy commerce, as not to harm the people, as not to prohibit business, as not to bring distress and loss upon those engaged in trade. To do these things would be to go beyond the power conferred and to destroy that which was only intended to be protected, aided, and fostered. But to make regulations which prevent excessive charges, which secure fair rates, which restrain wrong-doers of all kinds in the management of commerce, is the very first duty of the Government expressly charged with this power.

It is not safe to leave the regulation of this matter of commerce among the States to them. We have had several memorable instances within a few years of the unjust and injurious interference of States in this very business. Look at the attempts of New Jersey to tax all commerce that traversed that State by rail; to its efforts to compel all trade and travel to pass over the Camden and Amboy Railroad, because the State had an interest in it. There was also a notable interference in Pennsylvania, at Erie, in which an effort was made to regulate all the lake-shore commerce that must needs cross by rail a little corner of that State. It led to riots and almost war. So likewise there was the struggle in Indiana where this same line of road passes to Chicago and the West around the head of Lake Michigan. There was the most violent opposition for years. Fortunately these things have passed away, but if the State had absolute power, and the United States none, the most serious consequences might follow. States are sectional, narrow, jealous, and essentially, in matters like the one under consideration, prone to assert a right to all local advantages. The United States alone should control here.

The question then arises, are these regulations needed, and shall the General Government intervene? Nothing could be more harmful than officious intermeddling, both to the business of the country and in its effect on the people politically. Unless there is a strong necessity the subject should not be touched, however great the powers of Government may be. Has an emergency arisen to call forth the exercise of these powers? I will state a few facts bearing upon this point indicating abuses that need a remedy or preventive.

First of all, many of the roads are at the very outset built upon a false basis and as speculations. Designing men unite together and form companies, without paying in a dollar upon their stock, but merely with an organization, and in many instances with very little personal credit, propose to the people to build roads upon subscription by them of a large sum to the mile; in many cases sufficient to do the grading; the road is then bonded for the iron and the rolling-stock, the shares are watered, and dividends must be made upon all the stock. This hollow and false basis is of course ruinous.

I will quote from a writer on this subject:

Prominent among the defects and abuses in our present system are:

1. The present method of undertaking the construction of railways without a paid-up capital.

2. The inflation commonly known as "watering of stock" by which its nominal value is largely increased, thereby making it necessary to unduly tax travel and commerce to secure it a value.

3. By rings in their management, through which both the public and the non-managing stockholders are fleeced to enrich a few prominent officials and managing stockholders.

4. The present system, which necessitates the operation of passenger and freight traffic over the same road-bed in which the passenger traffic has the right of way, thus making it necessary for freight trains to lie up two-thirds of the time when they should be rolling on to their destination.

5. The but partial representation of the stockholders in the boards of direction.

The first of the defects above mentioned has been forcibly illustrated by a recent writer, who says:

"The reckless and unprincipled manner in which some railroads are built would astonish many persons, and we give the following as a sample: A charter is obtained and a few men get together without a dollar in ready money, form a company, issue construction bonds 'secured by mortgage upon the road,' and a committee of directors is sent to New York to 'place' the bonds. The committee enter into negotiations with some prominent banker to undertake the placing of the bonds, he to get what he can for them and allow the road say 70 cents on the dollar, the road to pay the advertising bills. If the committee are honest the road ultimately gets 70 cents, less the advertising bills, but many committees are not honest, and as soon as they have found a banker to undertake the job at 70 they communicate with the board of directors at home, stating that the best they can do is 60, and ask for authority to place the bonds at that figure. Having their confederates at home in this inside ring, the authority is easily obtained, and by arrangement with the banker he settles with the road at 60, and pays 10 per cent. over to this syndicate for their personal use and benefit. If there is a happy combination of circumstances, such as absence of financial disturbances, suspension of the banker, &c., and if they get all the counties, cities, and towns along their route to issue bonds liberally, the road may be finally built and furnished with rolling-stock; then our worthy friends of the board of management divide the stock between themselves without equivalent, fix the rates for freight and passengers high enough to pay interest on the face value of the bonds and par value of the stock, and then, after voting themselves fat salaries, proceed to foist the stock off upon an unsuspecting public. As soon as the members of the ring manage to sell most of their stock they go to work and organize a 'fast freight-line,' to which they give a contract which soon impoverishes the road and enriches them, so that when the road passes into bankruptcy they are enabled to buy it in, issue new stock, and

repeat their little financial arrangement over again. In sketching the completion of this road we forgot to say that there was a 'construction' ring; this ring had their slice from every contract made, and not a mile was graded or tie laid, not a rail or engine or car purchased, not a depot erected or nail driven, but a percentage went into the pocket of the ring.

"As for the banker, by a free use of the religious press, (who lend the weight of editorial columns to the project,) he succeeds in 'placing' the bonds at 90 or 95 among the widows, orphans, and other unsophisticated persons of small means who have confidence in the banker and editor that recommends the conversion of Government bonds into the 'equally reliable and better paying railroad securities.' Everything goes smoothly until some morning the railroad stops paying interest upon its bonds, passes into bankruptcy, sells for little or nothing, and that is the end of it so far as the banker, the editor, and the persons of small means are concerned. In the mean time the managers of the road find it necessary to buy the usual number of legislators and retain all the best legal talent along the line of the road in order to 'protect their rights from the encroachments of the people' who have languished under extortionate freight charges and who have been groping blindly about to find a way to remedy the evils which, notwithstanding that they labor early and late and raise crops which are the admiration of the world, are making them poorer each year. Now, while we are far from desiring an indiscriminate war upon railways, we claim that public opinion must be awakened to these abuses, and that they must be eliminated from our present railway system. The people of this country are beginning to find that these defects in our transportation system are the 'Old Man of the Sea' upon the shoulders of the commerce of the country, and when they realize that the watered stocks and other swindles in this line are a greater burden than our entire national debt, we may be sure that they will work out a remedy, even if it bankrupts every stock-jobber and railway banker in Wall street."

As an instance of the watering of stock on one of our great railroad lines, a writer upon the subject, Mr. Abbott, says:

The Hudson River and New York Central Railroad, now united in one company, forms one of the most important lines of road there is upon this continent. Over this line flows a steady and constant stream of travel and freight, which is more than sufficient to employ its utmost capacity. Yet, with all this immense patronage, it is unsatisfied with its present rich-paying dividends, notwithstanding that it has several millions more of diluted stock than it has of honest or real capital invested. The waterings of this consolidation road are as follows: the Hudson River, $17,123,800; New York Central, $31,560,400; making a total of $48,684,200. The share capital of the consolidated roads, including the scrip dividends, is $90,000,000. The waterings, therefore, exceed the cash capital actually paid in by $7,368,400. The dividends annually paid upon the waterings, at 8 per cent., equal the sum of $3,894,360. To pay this dividend, extortionate charges are levied and collected upon every bushel of grain and every pound of freight that is carried over that road. In all these waterings, no part of this amount has gone into the roads, nor has their capacity to earn been increased a single dollar. At the time of the formation of the Central company, which was in 1854, waterings in the form of certificates, bearing 6 per cent. interest, were made, equaling $8,894,500. This sum, added to the more recent waterings, makes a total of $57,576,700. The interest and dividends accruing annually on this sum equal $4,228,030; and the total waterings equal $130,264 to the mile of the main line of these roads. The annual interest on this sum amounts to nearly $10,000 a mile.

Upon competent authority, coming directly from railway officials, he says that all freight and passengers can be transported by railway at one-fourth the present average cost. A shipment of five car-loads of corn which very recently started in Iowa and came to Chicago, via Chicago and Northwestern Railway, was then transferred to the Erie and North Shore line, and came directly through to New York, where it was sold. This shipment of corn sold at 56½ cents per bushel, the charges amounting to 48½ cents per bushel, leaving to the western shipper the sum of 8 cents per bushel for his corn. He says 10 cents per bushel of fifty-six pounds would pay a fair and legitimate dividend upon the actual capital employed for transporting corn from the interior of Iowa to the city of New York. Is it any wonder, then, when corn is worth only 56½ cents per bushel in New York, and 48½ of that must go for transportation and commissions, that the great producing class of the country are creating a revolution in the sentiments of the people that is destined also to work a revolution in the schedule of prices and in the control of this great monopoly?

It is stated on good authority that the outstanding stock and bonds of the Lake Shore and Michigan Southern Railroad Company is $75,000,000, for which not more than $25,000,000 were paid in by its stock and bond holders, only one-third of the amount which must pay dividends. This system of watering stock prevails everywhere, and its extent can only be ascertained by the scrutiny of men authorized by the nation to go through these corporations and sift their frauds.

It is said upon good authority that in 1869, while navigation was open, the railroad companies carried flour from Milwaukee to New York for 75 cents to $1 a barrel; when winter stopped navigation and closed the lake the price of freight was at once put up to $1.20. Then the price of wheat was low. Some time after this it rose to from $2 to $2.75 a bushel; the freight per barrel was put up from $1.20 to $2 and $2.75 per barrel. The railroad could carry for the same price at either time, and reaped all this profit; the farmer got none of it. It is also stated that the railroads carry wheat from the West at lower rates than flour, so as to discourage the manufacture of flour there, and encourage it in the East. The railroads in the summer, it is said, reduce their freights along the lake shore to the East in order to break down the carrying by water, and to continue in their own hands the monopoly. The prices of wheat, corn, pork, lard, beef, whisky, and flour in New York are regulated by the prices in London, but the prices of these articles in Cincinnati, Indianapolis, Saint Louis, Chicago, and Milwaukee are regulated by these less the freights, and they are high or low as the railroads say.

It is also said, on good authority, that another abuse in the railroad system arises from the fact that the managers of companies are largely engaged in speculations in articles carried, such as provisions, produce, grain, and flour; that they carry for themselves at cheaper rates than for others; that at the times their freights are on the way the rates are low; that they are hurried through, while the freight of others must wait. One can well see how the grossest outrages may thus be perpetrated upon the people. Whether a remedy can be applied is to be seen.

I beg leave to refer to the statement made in the New York Tribune of January 1, 1874, quoted by the chairman of the committee, [Mr. McCRARY,] going to show the extraordinary raising of the rates of freight this winter, after the close of navigation:

For some time past the subject of an increase of freight rates to the West by the trunk lines, as the New York Central, Erie, and Pennsylvania Railroads are known, has been discussed by the officials of the roads mentioned. Heretofore the rates have been raised when navigation on the lakes closed, as then the competition by steamers is abruptly ended. It is understood that this year the opposition of the Grand Trunk Railroad of Canada and the Vermont Central Railroad has been the cause of the delay in raising the rates to and from the West. The new rates go into effect from January 1. The following is a comparative statement of the old and new rates for the five classes of freights per one hundred pounds:

To Cleveland: old rate, 49, 46, 39, 30, 23; new rate, 65, 59, 49, 39, 30.
To Cincinnati: old rate, 70, 64, 55, 41, 32; new rate, 92, 83, 70, 55, 41.
To Indianapolis: old rate, 71, 66, 57, 43, 33; new rate, 95, 85, 71, 57, 43.
To Louisville: old rate, 86, 81, 71, 55, 44; new rate, 113, 102, 86, 81, 75.
To Saint Louis: old rate, 97, 91, 79, 61, 49; new rate, 128, 116, 97, 79, 61.
To Quincy: old rate, 97, 91, 79, 61, 49; new rate, 128, 116, 97, 79, 61.
To Chicago: old rate, 75, 70, 60, 45, 35; new rate, 100, 90, 70, 60, 45.
To Detroit: old rate, 53, 49, 42, 32, 25; new rate, 70, 63, 53, 42, 32.
To Toledo: old rate, 58, 54, 46, 35, 29; new rate 77, 64, 58, 46, 35.

These figures interest all shippers, either East or West. The increased rate has been anticipated for some time past, and therefore it will not cause much surprise. In consequence of this belief, large quantities of freight have been sent forward during the past two or three weeks, and it is probable that shippers will, during the next three days, forward all the freight they can, in order to take advantage of the old schedule of rates.

Now, every sane man knows that this great increase in the price of freight is owing to nothing but the fact that competition by water is shut off by ice, and that this is the repetition in 1874 of a game of grab that has gone on for so many years that the managers in these great corporations count their dollars by millions, and corrupt all the avenues of trade by their dishonest speculations. The men who produce at either end of the line and the men who consume, heretofore mute as sheep at the shearing, have submitted to these extortions. How long this shall continue is the question before us to-day. No one acquainted with business would say that there should be no discrimination as to freights both as to kinds, customers, distances, and seasons. All roads are not built at the same cost; all cannot be run at the same cost; all have not an equal share of business; all have not the same kind of business; all do not pass over the same kind of country. Some traverse sparse populations; some go through thick settlements and great multitudes; some have largely local freights; some have much through freight; some have freights in one direction and not in the other. These things must greatly modify charges. Wages are not the same at all points; the cost of living varies; the seasons vary; one year yields an abundant harvest, another a scarce crop; new interests are springing up at some localities—factories, mills, mines, farms, and gardens—which need and deserve help and some favoritism on the part of roads to nurse them into strength.

To increase business, to encourage growth, to urge forward enterprise is the prime object of railroads, aside from the full and fair remune ration they earn for their labor. So far they have done a mighty work; so far they have advanced the country beyond all the other appliances of modern trade. The world has witnessed nothing like it.

The incalculable strides of the last forty years astonish the gravest mindsa nd bewilder those who would look into the future. We have in this country over seventy-one thousand miles of railroad, which have cost over $3,728,000,000, mainly the growth of the last twenty years. And this investment has had the effect in that time to more than double all values of property, real and personal.

How, then, can these vast interests and this complicated system be grasped, regulated, and controlled so as not to cut off fair profits, so as not to hamper business, so as to protect those who do business with them. To fix absolutely the rates per mile for all the land will not do; a thousand varying circumstances must modify these rates, just as they modify the charges for all kinds of labor and goods. The facts connected with the various roads must be obtained and classified; in a word, their history written, their business defined, their ability measured, before anything just can be done. Sudden and arbitrary action is not to be thought of where such great interests are involved.

A mere glance at the enormous amounts of freights that pass annually eastward over the four great trunk lines of railroad and the New York and Welland canals will give a faint conception of the difficulties in the way of easy or early adjustment. It is said in the memorial of the Merchants' Exchange of Saint Louis, dated in January, 1874, that the quantity of grain thus moved amounted last year to 6,100,000 tons, and over 2,000,000 tons of other agricultural products, and in addition 13,000,765 tons of other freight. This alone is the surplus of the fields, the mines, and the forests, going to the seaboard over these lines. A large portion of the grain comes from the region adjacent to or west of the Mississippi River. Pennsylvania, Ohio, Indiana, and Illinois do not now produce the great proportionate surplus for market they once did; their heavy populations consume a large part of their products, and heavier production has sprung up in the West. The location of the surplus is farther west.

In 1850 Ohio, Indiana, and Michigan produced over 12,000,000 bushels of surplus grain, and all the other States West only 10,000,000 bushels.

In 1860 these States produced 17,000,000 bushels of surplus, and the rest of the States west produced 33,500,000 bushels.

In 1870 the States east of Illinois and Wisconsin produced 44,000,000 bushels of surplus, and the States west of the Mississippi 37,000,000,

and the line of equal division of surplus passed through the western portion of Illinois and Wisconsin.

Of the surplus of 1872, 20,000,000 bushels surplus were produced by the States of Ohio, Indiana, and Michigan, and over 35,000,000 surplus by the States west of the Mississippi River.

In 1850 the States of Iowa, Minnesota, Missouri, Kansas, and Nebraska produced but 4,000,000 bushels, and but 1,000,000 of this was surplus. In 1870 they produced 82,000,000 bushels, with a surplus of 50,000,000 bushels.

Now, what is said of wheat applies in a great degree to other farm products. The great surplus is on an average a thousand miles from the sea-board. The hog product is largely made at Cincinnati, Louisville, Indianapolis, Saint Louis, and Chicago, on an average eight hundred and fifty miles from the sea-board. The cattle are coming and to come from Texas, double this distance. This State must supply the bulk of the beef consumed or exported hereafter; States north and east of her cannot compete with her in cattle-raising; there they grow without feeding and fatten for the market without shelter upon the native grass.

The eastward-bound freights are to the westward as eleven to one, and this renders the charges higher than if an equal amount of freight was carried both ways. It may be safely said that this proportion is likely to continue with the increased development of the West and Southwest.

The nation is interested vitally in regulating such a commerce. There is no avoiding the responsibility, there is no shifting the burden to the shoulders of the States. The whole nation must get its bread and meat and much of its wool and iron from this rich region, and it must be carried across the lines of many States. No power but that of the nation is adequate to the task of adjusting the freights and protecting the interests of all.

How shall this be done? Shall we construct great trunk lines with double tracks to be used like rivers under certain regulations? This will be vastly expensive, but will, by competition, reduce rates to a reasonable standard. The cost seems too great for a present undertaking. Shall we buy the great east and west lines and run them in the interest of the nation? This will create still greater expense and an innumerable horde of officers, and it may prove a source of vast losses and frauds.

Shall we fix an arbitrary rate of tolls with an even scale of so much per mile? This would be grossly unjust.

The bill before the House provides that railroads engaged in interstate commerce shall charge and collect only a fair and reasonable rate of toll or compensation for the transportation of cars, freight, and passengers; which rates shall be fixed by a board of nine commissioners to be appointed by the President; that the board shall ascertain all the material facts in relation to the railroads and fix a schedule of fares, tolls, and charges. I will quote the eighth section, which provides that the schedule shall be *prima facie* evidence of the fairness and reasonableness of the fares and charges on a trial in any suit for penalties or damages incurred by charging unreasonable rates. The bill provides that the rates of fare shall not be unreasonable or extortionate, and that there shall be no unjust discriminations. These two provisions are but a reassertion of the principles of the common law. The eighth section is as follows:

SEC. 8. That any corporation, company, or person, being engaged in the operation of any line of railroad into or through two or more States, or parts of States, as aforesaid, who shall, after such schedule shall have taken effect in relation thereto, be guilty of extortion, by charging, collecting, demanding, or receiving more than a reasonable rate of toll or compensation for the transportation of freight, passengers, or cars over or upon any such line, shall forfeit and pay for each offense a sum of not less than $500, nor more than $5,000, to be recovered by action, to be brought in the name of the United States, in any district or circuit court of the United States, or if in a Territory, in any district court of the United States therein, in the form of an action of debt, or by such other form of action as may be provided by the law of the State in which such action is brought in like cases; and it shall be the duty of the district attorney for the proper district to institute and prosecute all suits for the recovery of the penalty aforesaid; and the corporation, company, or person being guilty of such extortion shall also be liable to the party injured thereby for the damages caused by such extortion, including a reasonable sum for attorneys' fees, to be fixed by the court trying the case, which such injured party may recover by action in his own name in either of the courts aforesaid; and the form of the action may be the same as in case of a suit to recover the penalty as herebefore provided. Either party to any action brought under the provisions of this act shall have the right to a trial by jury; and in any action instituted under the provisions of this act, whether it be a suit to recover the penalty aforesaid, or a suit by the party injured to recover damages as aforesaid, any number of separate and distinct violations of the provisions of this act may be stated separately in separate counts, and a recovery may be had upon each. If, upon the trial of any such suit, brought either to recover said penalty, or to recover damages as aforesaid, it shall be made to appear that the defendant has charged, collected, demanded, or received for the transportation of freight, or passengers, or cars, a rate of toll or compensation greater than that fixed by the schedule aforesaid, then and in that case such defendant shall be deemed and held guilty of extortion, and liable therefor, unless such defendant shall show affirmatively that the rate charged, collected, demanded, or received for such transportation was, nevertheless, fair and reasonable: *Provided*, That nothing in this act contained shall be deemed and taken to diminish or take away any common-law right of action on the part of individuals aggrieved against such railroad corporation or common carriers, or any action taken in the matter by any State so far as regards commerce within the control of such State.

This creates a rule of evidence, makes the schedule presumptive evidence of the fairness and reasonableness of the tolls and charges therein prescribed. If this schedule is unfair and unreasonable, if it makes improper discriminations, then it is open to be contested and overthrown in court. The burden of proof rests upon the railroad company to show that the rates are unreasonable when it has exceeded the rates in the schedule, and that is all. The company has the knowledge, the facts, the data upon which the evidence of reasonableness and fairness is based. It has them, and no one else has them so completely. The whole matter is to be settled by the jury, and they alone find the facts of the fairness and reasonableness of charges. At last the whole question must be settled there, and if the juries of the country overthrow the schedule, we can say that it has been done by a tribunal in which we all confide, and to which we all resort, and which is justly regarded as one of the great bulwarks of our freedom.

I shall vote for the bill as the best measure that is presented at this time. I hope that, in addition to this measure, outlets will be provided by water both to the South and the East.

The mouth of the Mississippi River should be opened for the largest ships, and I stand ready to vote for any appropriation that will secure this object effectually.

The route by the lakes and the Saint Lawrence to the ocean should also be opened to ships of heavy burden. Whatever the two nations can do to improve this route should be inaugurated at once. Five years should not elapse till large vessels could come and go from all of our lake ports to the ocean. These things accomplished, the railways will in some measure be relieved from the enormous pressure now upon them and yearly increasing.

The lakes should be connected with the Mississippi River, so that large boats could pass to and fro. This will be an enormous advantage, both in time of peace and war. Mere legislation as to railroads will not secure the desired object; the water-lines are of equal importance, and Congress will fall short of meeting the demands of business if it fails to make ample provision for them.

Interstate Commerce.

SPEECH OF HON. W. LAWRENCE,

OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

March 26, 1874,

On the bill (H. R. No. 1385) to regulate commerce by railroad in the several States.

Mr. LAWRENCE. Mr. Speaker, I do not suppose this bill is perfect, but it is in the right direction. It is not urged in any spirit of hostility to railway companies, but only as a means of securing great public interests without wrong to any.

The agricultural and grazing States of the great interior of the continent are interested in finding a *permanent market* and *adequate prices* for all their products. Some of the elements which enter into these, are a *demand* for all they produce, and *cheap transportation* to the place or places where required for consumption. The eleven States of Ohio, Kentucky, Indiana, Illinois, Missouri, Kansas, Nebraska, Iowa, Minnesota, Michigan, Wisconsin, and the Territory of Dakota produced for market in the year 1872—

Wheat, bushels	325, 844, 800
Corn, bushels	1, 021, 937, 476
Hogs, head	22, 660, 040
Wool, pounds	70, 292, 814

In the same year they had—

Sheep, head	35, 146, 407
Cattle, head	13, 362, 492
Hogs, head	22, 660, 040

These were estimated at $706,168,624 in value where produced.

The demand for all this was either where produced, or in the New England States, or in the Southern cotton-growing States, or in the mineral regions, or in Europe.

It is a fact which we all know that the cost of freight to reach a distant market must be paid by the producer, and is a tax on his industry which too often consumes all his profit, and leaves him with nothing but unrequited labor. Even the cheapest form of transportation is a tax on the producer.

The best condition for producer and consumer is when they are side by side, or in close proximity. The best possible market is that created by an adequate demand at home. This cannot exist in our agricultural States except by a vast increase of our manufacturing industries. If such cities as Springfield and Piqua, in the district which I have the honor to represent, were scattered all over the great interior, the question of cheap transportation and foreign demand would soon be settled.

The manufacture of agricultural implements and water-wheels of surpassing utility at Springfield, and of some of these and other products of skill at Piqua, has built up beautiful cities, has diversified labor, has made homes for industrious, intelligent, skilled artisans, has made a demand for agricultural products, and sent out machinery to many parts of the world. A multiplication of such cities, and of these and other manufacturing industries, is now the greatest American need. The heart of the great agricultural regions, abounding as it does in water-power and coal and iron and other metals, should become the seat of manufacturing industry, and our national and State legislation should encourage this by reduced taxation, an ade-

quate currency, facilities of transportation by water-routes and railways, and all the encouragement which legislation can rightfully give to promote industry.

At no remote period a population engaged in manufacturing and other industries should furnish a market for our agricultural staples near by the place of production, and then our surplus would go abroad as exports to foreign countries, to turn the balance of trade in our favor, and maintain a supply of coin which would leave no question as to specie payments. But until this time shall come our products must seek other markets. Where shall these be?

If Europe could furnish a demand for all our surplus agricultural products it must always be an undesirable market. The cost of shipment must be an immense tax, to be paid by producers. Any continuous export would carry away the fertility of the soil and in time leave only a barren waste. But foreign countries cannot be relied on as a permanent market.

The total products of cereals, consisting of wheat, Indian corn, oats, rye, buckwheat, and barley, in the United States, amounted—

	Bushels.
In the year 1840, to	615, 835, 077
In the year 1850, to	867, 454, 032
In the year 1860, to	1, 238, 138, 987
In the year 1870, to	1, 357, 230, 096

The average exports of wheat and corn from this country have been:

Period.	Wheat, bushels.	Corn, bushels.
From 1820 to 1830	19, 000	800, 000
From 1830 to 1840	243, 000	400, 000
From 1840 to 1850	1, 340, 000	4, 600, 000
From 1850 to 1860	5, 500, 000	6, 300, 000
From 1860 to 1870	20, 400, 000	9, 400, 000
In 1871 and 1872	30, 500, 000	22, 000, 000

The result of this by percentages is the following, viz:

Period.	Wheat, increase per cent.	Corn, increase per cent.
From 1820 to 1830	1, 000	100
From 1830 to 1840	120	1, 100
From 1840 to 1850	100	.....
From 1850 to 1860	400	50
From 1860 to 1870	300	50
In 1871 and 1872	50	50

But one of the ablest statisticians in this or any country, E. D. Mansfield, tells us that, *while exportation has increased faster than production*, and especially under a temporary demand in Europe during recent wars, yet—

Two facts come out, which startle the farmers of the West, and which are the real causes of the excitement among them. They are, 1, that the *production* increases immensely, 2, while the *price* actually falls. The result is that the farmers get no more money for the increased crop than they did for the smaller one. The product of corn in the six States of Iowa, Kansas, Nebraska, Wisconsin, Illinois, and Missouri was—

	Bushels.
In 1866	272, 989, 900
In 1871	444, 015, 000
Increase	171, 025, 100

But when we look at the money value, we find this:

States.	Value per bushel.	Total value.
VALUE OF CORN, 1866.	*Cents.*	
Iowa	44	$23, 000, 000
Kansas	63	4, 000, 000
Nebraska	68	1, 424, 000
Wisconsin	82	7, 720, 000
Illinois	43	67, 000, 000
Missouri	58	27, 000, 000
Total	.....	130, 144, 000
VALUE OF CORN, 1871.		
Iowa	23	22, 774, 000
Kansas	29	7, 160, 000
Nebraska	25	1, 407, 000
Wisconsin	43	9, 200, 000
Illinois	32	65, 000, 000
Missouri	31	27, 000, 000
Total	.....	132, 941, 000

And Mansfield says—

That an enormous increase of the crop has brought the farmer little or no increase of money. For this there are two or three causes. The first is over-production in the States mentioned; a second is the want of a home market.

We cannot, then, look to foreign countries as a permanent adequate market.

The manufacturing districts of the United States furnish a nearer, greater, and more reliable market. It is shown by the census of 1870 that the New England States alone consume annually one hundred million bushels of grain over and above their own product. This demand is to be supplied from the States west, and this fact shows the importance alike to producer and consumer of cheap transportation. A saving of only ten cents per bushel on this would add $10,000,000 a year to the net receipts of the farmers.

But there is another market for western products—the cotton-growing States of the South. The four States of Georgia, South Carolina, Alabama, and Florida had in 1870 a population of 3,074,455. These States produced 57,215,600 bushels of grain, while their annual average consumption is 104,521,470, leaving to be supplied from other States 47,305,870.

In a report made to the House on the 13th of February, 1873, by the gentleman from Pennsylvania, [Mr. NEGLEY,] it is shown that these States produce 2,682 hogsheads of sugar, 172,232,812 pounds of rice, and 1,167,705 bales of cotton—nearly half the cotton product of the country. The census of 1870 shows the average prices in these States to be, per bushel of corn, 97 cents; wheat, $1.91; while in the cotton-belt corn frequently reaches $1.50 and even $2 per bushel.

The obstructions in the Mississippi River, the want of other adequate transportation, and the high cost of freight, make these high prices, and the result is, as we learn from the report to which I have referred, that in these States five million acres are devoted to raising grain which otherwise would be devoted to cotton.

In Miscellaneous Document No. 147, printed by order of this House at this session of Congress, it is said:

The South plants millions of acres in food crops, employs half their capital and labor in cultivating corn and wheat, depriving the West thereby of a market for fifty million bushels of grain, which remains wasting and worthless in that section while it enhances the cost of producing and manufacturing, and imposes additional hardships upon the agricultural laborer; and all this is due to the fact that we have no adequate means for the cheap interchange of our various products.

While the people of Iowa were burning fifty thousand bushels of corn a day it was selling in other parts of the country for $1.40 per bushel.

Millions of bushels of wheat remained upon the hands of the producer, while in the South flour was worth twelve dollars per barrel.

If our western river navigation can be improved, additional means of transportation created, and the freight charges sufficiently reduced, the farmers of the great interior will realize adequate prices for their products, the Southern States will convert their grain-fields into cotton-fields, a new and increased demand will be made for all farm products, our export of cotton will be increased, the annual balance of trade—now largely against this country—will be turned in our favor, the time for resumption of specie payments will come, and a new and advancing career of prosperity will be opened up to us.

There is a necessity for regulating railroad freights. Competition has almost ceased; combination has taken its place. Freights are regulated mainly by railroad combination, and here is the end of competition. By this means there was in January last on most of the great trunk lines of railway from the eastern cities an increase in freights of about 33 per cent., and this, too, when the whole commerce of the country was suffering from the effects of the recent financial panic.

In Miscellaneous House Document No. 140, printed at this session, it is said:

In the year 1873 about three hundred and fifty million bushels of grain raised in the valley of the Mississippi were transported by railroad to the Atlantic slope; the average freight per bushel was fifty cents. In the same year the average cost per train per mile on all the railroads in Massachusetts was $1.26. At this rate, the cost of moving a train of thirty cars, of ten tons each, from the Mississippi River to New York, by an air-line railroad, would have been $1.260, or twelve and eight-tenth cents per bushel. Allowing an equal sum for interest and dividends on the cost of a railroad connecting the same points, or 50 per cent. of the gross receipts, wheat could have been transported to New York at twenty-four and two-tenth cents per bushel—equal to a saving of $85,000,000 on the amount transported.

I now proceed to show in a few words that Congress has power to legislate on these subjects.

A person or corporation whose business it is to carry goods or persons for hire, and who holds himself out to the public as such, is denominated in law a "common carrier." The railroad companies of the United States are such common carriers, just as are the proprietors of steamships engaged in carrying commerce to and from foreign nations, or of steamboats engaged in our interior river commerce. It was determined as early as 1703, by the King's Bench in England, in Coggs *vs.* Bernard, (2 Lord Raymond's Reports,) that a common carrier "exercises a public employment;" and in Harris *vs.* Packwood, (3 Taunton,) it was decided, in 1810, that—

A carrier is bound by law to carry everything which is brought to him, *for a reasonable sum* to be paid, * * * *and not to extort what he will.*

Chief Justice Redfield has demonstrated, in the American Law Register for January, 1874, by an array of authorities which leaves no room for doubt, that this is the rule of law which applies in the United States to railroad companies and other carriers. (Fitchburgh Railway Co. *vs.* Gage, 12 Gray's Mass. R., 398; Clinton Bridge case, 1 Woolworth's Circuit Court R.; 12 Howard, 528; 18 Howard, 283-421; see House Report 31, first session Thirty-eighth Congress.)

In Olcott *vs.* The Supervisors, (16 Wallace, 678,) the Supreme Court said that a "*railroad is a highway.*"

Without any act of Congress, or any State legislation fixing freight rates, it is therefore the right of every person to have his goods carried by common carriers at a "*reasonable price,*" and this is a *question*

of fact which does not depend upon, and is not controlled by, the regulations or freight tariffs prescribed by steamship, or steamboat, or railway companies.

But it is evident that there must be some mode of determining *the fact* as to what is a *reasonable price*, and some mode of enforcing an observance of this reasonable rate of charges. There is a remedy by action at common law against a carrier who refuses to carry when a reasonable price is tendered, or by action to recover back extortionate charges when paid under protest as a necessity to secure the carriage of goods.

But these remedies are slow and wholly inadequate for the evils which exist.

The questions therefore arise whether a remedy can be applied; and, if so, by what authority?

And these questions, too, have been determined by the Supreme Court of the United States. In the Pennsylvania State freight-tax case, decided in 15 Wallace's Reports, 232, it was determined in principle that the States have no power to regulate interstate commerce, but that this power is vested *exclusively in Congress*.

In that case the court said:

> Whenever the subjects over which a power to regulate commerce is asserted are in their nature national, or admit of one uniform system or plan of regulation, they may justly be said to be of such a nature *as to require exclusive legislation by Congress*. Surely *transportation of passengers or merchandise through a State or from one State to another is of this nature.*

I might multiply judicial authorities; but when a question is settled by the highest court, that ends the judicial controversy. (Gibbons *vs.* Ogden, 9 Wheaton, 1.)

And if the States may make regulations in the absence of any by Congress, the power of Congress may be exercised, and when it shall be it will be supreme and controlling.

It is perhaps not denied but that Congress may make regulations affecting the safety of persons and property, regulations as to seaworthiness of vessels or the capacity of engine boilers, &c. But it may be said the power "to regulate commerce" is not a power *to limit the prices of freights*. It might as well be said that the power "to establish post-offices and post-roads" is only a power to say what roads shall be post-roads, and does not include a power to carry mails and fix rates of postage, or appoint postmasters and fix their pay.

But this question of the power as to freight charges has in *principle* and effect been determined by the Supreme Court. In the great case of Gibbons *vs.* Ogden, Chief Justice Marshall said of this power:

> If, as has always been understood, *the sovereignty of Congress, though limited to specified objects, is plenary as to those objects, the power over commerce with foreign nations and among the several States is vested in Congress as absolutely as it would be in a single government having in its constitution the same restrictions on the exercise of the power as are found in the Constitution of the United States.*
>
> The wisdom and discretion of Congress, their identity with the people, and the influence which their constituents possess at elections, are in this, as in many other instances, as that, for example, of declaring war, *the sole restraints on which they have relied to secure them from its abuse.* They are restraints on which the people must often rely solely in all representative governments.

And in Olcott *vs.* The Supervisors, (16 Wallace, 678,) the Supreme Court said, as to the legislative power over a railroad:

> Its use can be defined; *its tolls and rates for transportation may be limited.*

This may be done upon the same principle that mills, ferries, turnpike roads, and other agencies for public convenience, which by their existence in some sense exclude competition, are limited by law as to their charges.

Many of the States have, by legislative provision, *limited* the price of freights on commerce carried *within the State.*

The English Parliament has always made such limitations. Chief Justice Marshall says in effect, as I have shown, that as to foreign and interstate commerce Congress has a power over railroads as plenary as Parliament. Hence Chief Justice Redfield has affirmed that—

> In regard to regulation of fares and freights upon existing railways Congress has the same power * * * and to the same extent that *any* national legislature has.

I might multiply these authorities, but this is unnecessary. They have been fully referred to in this discussion and in the able report of the Committee on Railways and Canals. (Report 28, first session Forty-third Congress.) I regard it as clear, then, that Congress may provide the means of ascertaining what are reasonable freight charges, and of securing the evidence thereof. Nor can railway companies claim, as against Congress, any right by *State legislative authority* to charge any *prescribed rate of freight* on interstate commerce. It has been shown that the power to regulate interstate commerce is, or may be, *exclusively in Congress*; and if States can exercise it in the absence of regulations by Congress, any such regulations must yield to the higher power of Congress when once exercised. In the Clinton Bridge case Mr. Justice Miller, referring to this power, said:

> I have no doubt of the right of Congress to prescribe all needful and proper regulations for the conduct of this immense traffic over any railroad which has voluntarily become part of one of those lines of interstate communication, or to authorize the creation of such roads, when the purposes of interstate transportation of persons and property justify or require it.

This is no new doctrine. On the 7th of February, 1828, forty-five years ago, the senate of Kentucky adopted the report of a committee which declares that the power of Congress to construct national internal improvements—

> Is to be found expressly delegated in the Constitution of the United States.

What, then, should Congress do? I answer, in my judgment—

I. Congress should require some one of the departments or officers created for the purpose and clothed with the powers to send for persons and papers and take testimony to ascertain from time to time what are proper rates of freight charges of every kind, and Congress should make these at least *prima facie* if not conclusive evidence of what may be reasonable. The Government, ordained as it was to "establish justice" and "promote the general welfare" on the subjects defined in the constitutional grant of power, is in duty bound, when other means fail, to secure freight charges *reasonable in amount*—no more, no less. This will require an inquiry into the real cost of constructing roads, their actual value, the economy of their expenditures, the honesty with which they are operated, &c. If "fast freight-lines" and "palace-cars" are given special privileges on railways, the profits thereof should not be permitted to inure to combinations of men controlling them for their own benefit, in disregard of the interests of stockholders in railway corporations, or of the public, nor should such combinations be permitted to rob the public or stockholders by fraudulent modes of furnishing machinery and supplies for conducting operations. The public should not be made to pay dividends on watered stock, representing neither money invested nor interest on capital paid in.

II. The operations, expenditures, income, profits, and dividends of railway, express, and telegraph companies should be ascertained and made public as fully as similar facts in relation to national banks or the revenue operations of the Treasury Department, because these are all agencies for public convenience, and whatever is essential to intelligent legislation should be known.

III. Congress should provide that way passengers and freight shall not be, as a general rule, subjected to higher rates of charge per mile than the lowest rates which may be charged on the same line for the same service over any part of the line, subject only to a just compensation for the necessary expenses of lading and unlading way freights.

IV. Congress should authorize any association to make railroads across State lines which may choose to do so, and thus secure new and competing lines of road. If it should hereafter be found an absolute necessity and practicable for the Government to construct or aid the construction of new lines of road, Congress can do so. But the public finances now will admit of no such inquiry, no such exercise of power.

V. Express and telegraph lines should, as agencies of commerce, be regulated for the same reasons applicable to common carriers generally.

VI. Congress should secure unobstructed navigation on the Mississippi River, and by such other channels of water transportation as may be practicable. A few millions expended for these objects would be vastly more beneficial, and in our present financial condition more desirable, than expensive granite buildings to adorn our great cities, or other schemes which are demanding millions with no promise of an equivalent in return.

I do not say these are all the provisions that should be made. The whole subject demands earnest, careful consideration, in no spirit of hostility to railroad companies, but for the purpose of doing justice to the whole people.

Currency and Free Banking.

SPEECH OF HON. M. C. HUNTER,

OF INDIANA,

IN THE HOUSE OF REPRESENTATIVES,

March 27, 1874.

The House having under consideration the bill (H. R. No. 1572) to amend the several acts providing a national currency and to establish free banking, and for other purposes—

Mr. HUNTER said:

Mr. SPEAKER: There is no question that can or will be presented to this Congress that is of as much importance to the people of the whole country as the one involved in the proper adjustment of our finances. Money is the life-blood of the nation. To keep the nation healthy and strong, this money must be good, and, like blood in the human system, must circulate freely in every part of it; otherwise the parts thus affected, for the want of proper circulation, like parts of the human body from the same cause, become more or less paralyzed, and cease to perform their proper functions.

Many bills have been presented to Congress on the subject of finance; but the whole question seems to have resolved itself into three distinct plans, which deserve consideration at our hands. They are as follows, to wit:

1. That we should return to specie payments by a gradual contraction of the currency.

2. That our currency should be composed entirely of United States notes, commonly called greenbacks, the amount increased, and the national banks done away with.

3. That the national-banking system, should be retained, and the law so amended as to make it free as well as correct its evils.

In arranging a financial system, we have to take things as we find them, and not as we would have them. This the country should fully understand in order to appreciate the real difficulties that attend us in providing a plan that will meet the absolute requirements of the Government without violating the Constitution, and at the same time give satisfaction to the people. As each of the plans above named has its advocates in the press and among the people, and they cannot see why theirs should not at once be adopted by us, I propose to give to them, as nearly as I can, the substantial objections to each; then they can better judge of the merits of their respective schemes and of our action in reference to them. Let us now proceed to examine each in the order above stated.

Those advocating the first plan contend that gold is the only true standard by which the value of commodities can be properly measured, and therefore our circulating medium should be gold or a currency convertible into gold at the pleasure of the holder. They insist that our greenbacks, not being redeemable by the Government on demand, are but broken or worthless promises and not money; that their circulation as such is a positive injury to the country; that they inflate the currency and produce unhealthy speculation on account of their volume and depreciated condition; that they should be redeemed by the Government, even if it had to borrow gold for that purpose, and canceled, so as to contract the currency to a gold basis; contraction in their judgment being the only safe and sure way of returning to specie payments.

Mr. Speaker, I differ with this class of financiers. They believe we have too much currency, and favor legislation that looks to a contraction of it by the withdrawal of the greenbacks from circulation; insisting that it was the superabundance of currency in this country that induced the gambling and wild-cat speculations in New York last fall, which destroyed public confidence, and aided so largely in producing the late panic; when in fact this accumulation of money grew out of defects in our present banking law, that permitted three-fifths of the bank reserves to be deposited in New York which ought to have remained at home in their own vaults. It was this accumulation of money at New York, and not the superabundance of it in the country, that intensified the panic. The prevention of this injurious accumulation of money, and an increase of its volume, are what the country wants, and not a contraction of it.

As to the various causes that combined to produce the late panic, I will not stop to inquire. The immediate cause was the failure of Jay Cooke. His failure was not brought about by the superabundence of money in the country, but it grew out of a general hostility of the people to railroads on account of their oppressive tariffs in shipping the products of labor to market. This hostility soon affected the price of railroad securities. Jay Cooke, as the financial agent of the Northern Pacific Railroad, prior to this trouble, had disposed of a large number of the bonds of the company to raise money to build his road. To give these bonds value in the market, he had invested largely in them of his own means, as well as those of his banks. When this hostility commenced affecting them in value, he redoubled his energies to keep up their price, as he had too much money as well as reputation at stake to let them go down. In so doing he not only exhausted his own means, but all the available funds of his banks, hoping to tide over the storm and keep his pet enterprise in full life, and thus save his investments; but the demands for money became so great that he was unable to meet them and had to fall under their weight. His condition soon became public. When the depositors rushed upon his banks for their money it was not there. Neither could it be realized out of the securities. It was then for the want of money, and not on account of too much of it, to meet his obligations, that he failed.

When the great banker surrendered without means to pay his creditors, the people at once commenced losing confidence in the banks, and depositors everywhere rushed upon them to withdraw their money. So many of them being call-deposits (that is due on demand) most of the banks were unable to pay, and a general suspension ensued. It was a depositors' panic brought about suddenly when the banks did not expect it and were not prepared for it. It could have occurred under specie payments as well as the currency we had. It was not caused from a depreciation of the money, but from a sudden demand for it by depositors that could not be supplied. The bank reserves above referred to that were deposited in New York intensified the panic, but did not produce it. Neither can you trace the cause of the panic to our paper currency or its superabundance, by charging that the building of the Northern Pacific Railroad would not have been commenced; or Jay Cooke would not have failed; or the speculative fever that existed all over the country would not have been induced, had it not been for our irredeemable paper money, as it is styled, any more than you can trace the burning of Chicago to the owner of that unfortunate cow that kicked over the lantern that lighted the hay that burned the stable that set the city on fire, by charging that if the man had not kept the cow, the lantern would not have been kicked over, the stable would not have been burned, or the city consumed by the flames.

The panic was produced by a combination of circumstances and cannot be traced to our paper money as the real cause. The business of the country that was so prosperous prior to the panic, and which had added by its prosperity during the last ten years to the material wealth of the nation more millions than had been added during any fifty years of its existence prior thereto, and which was so severely injured by the panic, and so many millions lost to the country in consequence of it; the injury in every instance can be traced to the want of money and not to a superabundance of it. And yet it is insisted, that in order to restore the business of the country, which is suffering for money, we must take from it still more of its life-blood by contracting the currency beyond the dead-line of the panic. Contraction means death to business and a state of pauperism for the labor of the country. The people so understand it, and will never indorse it; they suffered too much of ruin, misery, and want during the last fall, from its cheerless and blighting hand to again welcome its return to their doors. Should we now adopt it as a policy it would stop the few new enterprises in the country still remaining; close most of our workshops and manufactories that survived the panic; throw out of employment thousands of laboring men, and reduce them and their families to beggary, as they are dependent upon their daily labor for a support. It would bankrupt every man of enterprise who had extended his credit beyond his present ability to pay. In short, such a policy would bring upon the country in the brief period of one year a loss equal to one-half the entire national debt. It must be remembered that labor produces the real wealth of the nation, and if not employed to its full capacity the country loses millions each day for the want of this employment.

A limited currency upon a gold basis, such as is contended for, may do for a country like England, small in territory and densely populated; with most of her people employed in the workshop; where the greater part of the business is done through drafts and bank-checks, and but little money actually passes from one to another in their daily transactions, and therefore but little money is needed as a circulating medium.

But when you take a country like ours, extending from ocean to ocean, covering almost a continent; divided by mountain ranges, rivers, and lakes; with populous cities thousands of miles from each other; with railroads equal in number of miles to all the rest of the railroads on the inhabited globe; with soil and climate of varied variety, adapted to the production of everything that the wants of man require for food and raiment; and under proper cultivation would produce sufficient in quantity to not only feed our own population were it increased an hundred-fold, but sufficient to supply the markets of the world beside; the earth filled with the richest of minerals, enough for the wants and industries of the whole human family; our people full of enterprise and energy, with views broad and comprehensive, who do everything on a grand scale and with railroad speed; the country still new and her vast resources undeveloped; to talk of contracting the present volume of currency and limiting such a people and such a country to a circulating medium not equal in amount to that of Great Britain, an old and finished country, whose population at present is at least ten millions less than ours, and whose territory is not equal to the thirtieth part of it, you might as well talk of limiting the freedom of our people, and would give about as much satisfaction as to talk of limiting the circulating medium to an amount that would dwarf their energies and destroy their business. The people of this country, should we adopt such a policy, would rise up almost as one man and drive from these walls every one who would dare support a policy that deprives them of the very life-blood that is necessary for the existence of themselves and families with any degree of prosperity and comfort, so as to make life in this world, as God intended it should be, a blessing instead of a curse.

A few weeks since the New York papers were deploring the fact that a part of the forty-four million reserve had been reissued, for the reason, as they urged, it made money too plenty there; and they insisted that the Secretary of the Treasury should call it in. Our New York friends must remember that the superabundance of money there now, and that was there prior to the panic, is not, or was not, on account of the volume of circulation being too great for the business of the country, but on account of defects in our present national banking law, as before stated, which enables all the country banks to keep three-fifths of their reserves in New York, and which are loaned there. I hope this Congress will make such a change in the law that not a single reserve of any bank outside of the city can go there and be deposited, and that the only money that shall find its way to New York as well as to all other business centers, shall be through the regular channels of trade. My impression is that when that is done you will hear no further complaints from that or any other quarter about having too much money, but their cry will be for more.

To make our circulating medium equal to gold, and at the same time keep the country in the highest degree of prosperity, is not by contracting the currency, but by giving to the people all the currency that the legitimate wants of business require. Stimulate home production, and home consumption of our own manufactures. That will give employment to labor, and a market to the farmer. Keep the balance of trade in our favor, if necessary, by prudent legislation, so that we will not be required to ship all the gold we produce from our mines each year to pay foreign balances against us. When that is done gold will accumulate here, and by the legitimate laws of trade the Government and the banks would soon be not only prepared to place our currency upon a specie basis, but to maintain it on that basis, and the number of banks in existence, or the amount of their notes in circulation, would make no difference. Then, and not

till then, can we safely resume specie payments. We are now shipping to Europe, and have been for some time, and I suppose will continue to do so, unless we learn wisdom, gold at the rate of more than $1,000,000 per week, to pay balances against us, because we buy from Europe more than we sell to her by that amount, including interest on our public debt. And yet we have men who insist that, with all this drain upon us, we should make preparations to resume specie payments by a contraction of the currency.

If we should resume, how long could we continue it? About as long as the Secretary of the Treasury continued, during the last fall, to redeem greenbacks with silver. That lasted, I am informed, just one week. Most of the capitalists from New England—at least those with whom I have conversed—like our New York friends, are impressed with the belief that we have too much instead of too little currency, and hence favor contraction. It is easily accounted for. New England, upon an average, has $31.68 *per capita*, bank circulation, while the Western States have $7.09 *per capita*, and the Southern and Southwestern States have $2.91 *per capita*. The ratio of circulation to wealth is nearly in the same proportion. The New England banks necessarily draw around them a large amount of money, as it is needed and kept there by the laws of trade in order to meet the constantly maturing bills that are due the banks. But because money is plenty there, and the pockets of these capitalists are well filled, is no evidence that the people West and South have a sufficient supply. Their reasoning is upon the same principle of that of the boy who was in a large open room on a cold day, which was filled with people. He was near the stove, and in consequence of it warm and comfortable. He regarded those on the outside of the room, who were suffering with cold, as very great fools, because they demanded that the room be made warmer in order that they might have some benefit from the heat.

New England has more than her share of bank capital, while the West and South have less than theirs. Legislation looking to equalizing this circulation, it strikes me, would be far better for the country than to contract it. The opinions of bankers and traders, who are skilled in monetary affairs and who favor contraction, will be arrayed here as evidence of the fact that contraction is the true policy for the best interests of the country. But I find that they are not generally the safest men from whom to derive such information. What is best for them, as a general rule, is not best for the great mass of the people, and especially is this so with reference to the producers of the West and South. It is often the case that capital reaps its richest harvests out of the misfortunes of the producer, and in order to enable it to do so it is necessary that money should be kept scarce in the producing districts, so that the products of the farm may be bought cheap. The pork and beef of the West were purchased this last fall, on account of the scarcity of money, far below their real value. The farmers did not realize as much by one-third, at least, for their pork as they would have done had money been reasonably plenty. During the next summer and fall, when this crop of bacon shall be disposed of by the capitalists who have purchased it, it will not be sold by them to the consumers any cheaper on account of the low price they paid for it to the farmers, but they will put on it the highest price, and hence they, and not the farmers, will make the money out of it. This loss to the producer and gain to the purchaser was on account of the scarcity of money West during the last season, while there was a full supply East.

It must be evident to every one that the effect of contraction would be to shrink the value of property and lessen the ability of the debtor class to pay their indebtedness, while the debts due the creditor class would remain the same in amount, and be payable in money nearer the value of gold. Contraction, then, would injure the debtor and benefit the creditor. If the debt due the creditor could be made to shrink in the same proportion that the property of the debtor is made to by contraction, then there would be more equity in the scheme. But looking upon the plan of contraction as I do, I can see nothing but ruin in it to the debtor and laboring classes of the country, who are the real working bees in the great national hive, that produce the honey upon which we subsist. Believing, therefore, that labor is the real basis of all national prosperity, and that contraction of the currency would tend materially to injure it, I shall oppose all legislation looking in that direction.

I come next to a consideration of the second financial plan, the advocates of which contend that gold should only be regarded as a commodity, to be bought and sold in the market the same as wheat and pork; that United States notes, commonly called greenbacks, being the promissory notes of the Government, secured by the entire wealth of the nation, should be the real money of the country and the only circulating medium; that gold is too cumbersome for that purpose, and is a mere relic of barbarism, and behind the progress of the age. They further insist that national-bank circulation should be withdrawn and replaced by greenbacks, for the reason that it is too costly to the people. This plan of issuing more greenbacks is exceedingly popular, because it is believed it will give to the country a sounder and cheaper currency than any other that can be devised. But there are three objections urged to it, either of which, if true, will condemn it before the people. They are as follows:

1. Its adoption would be a violation of the plighted faith of the nation.

2. That Congress has not the power, under the Constitution of the United States in time of peace, when no necessity exists for such action, to authorize the issue of United States notes, and make them *a legal tender*.

3. That it would depreciate the currency and in the end make money dearer to the people.

Let us examine these objections in the order in which they are stated, and see if either of them is well founded.

To authorize the issue of more greenbacks the Government would violate its plighted faith in this: On the 30th day of June, 1864, Congress passed an act authorizing an additional issue of greenbacks, so as to increase the amount to $400,000,000, and declared that the amount then issued and to be issued, should never exceed that sum except to redeem a small temporary loan that had prior to that time been made. The language of the act making the limit is as follows:

> Nor shall the total amount of United States notes issued, or to be issued, ever exceed $400,000,000, and such additional sum, *not exceeding* $50,000,000, as may be *temporarily* required for the redemption of *temporary loan*.

The reason of this limit was that the country at the time became alarmed at the great excess of money in circulation, and Congress feared that unless the people should be assured that no more than that amount of greenbacks would ever be issued, that they might refuse to accept them from the Government as money, through fear that they would become worthless in their hands as such; and hence it provided in the law authorizing their issue, and the people accepted them with that understanding, that the amount then issued, and to be issued, should never exceed $400,000,000, which amount we have now authorized to be put in circulation under that law. And from that day to this Congress has steadily adhered to that promise, and not a single greenback has been authorized to be issued since that time. Many persons now who own these greenbacks insist that this agreement upon the part of the Government shall be carried out. To issue more greenbacks would be a violation of the faith pledged in that act.

On the 18th day of March, 1869, Congress, in order to strengthen the public credit, passed another act, in which the following language is used:

> It is hereby provided and declared that the faith of the United States is solemnly pledged to the payment in coin or its equivalent of all the obligations of the United States not bearing interest, known as United States notes. * * * And the United States also solemnly pledges its faith to *make provision* at the *earliest practicable period* for the *redemption* of the *United States notes in coin*.

I submit the question to every candid mind whether an additional issue of greenbacks would not weaken the power of the Government to comply with the above act to the extent of such issue, and, therefore, would be a violation of that plighted faith? If so, should we do it? And especially when the interests of the people do not require it. The second objection is that a law now passed in time of peace by Congress, authorizing the issue of greenbacks and making them a legal tender, when no necessity for such a law can be shown, would be a violation of the Constitution of the United States.

Many persons both living and dead, whose opinions are entitled to great weight, sustain this view of the law.

Daniel Webster, one of the ablest constitutional lawyers that this country ever produced, in a speech in the United States Senate, the specie circular being under discussion, said:

> Most unquestionably there *is no legal tender*, and *there can be no legal tender in this country* under the *authority of this Government, or any other* but *gold and silver*, either the coinage of our own mints or foreign coins, at rates regulated by Congress. This is a constitutional principle perfectly plain and of the highest importance. The States are expressly prohibited from making anything but gold and silver a tender in payment of debts; and although no such express prohibition is applied to Congress, yet as Congress has no power granted to it, in this respect, but to coin money and regulate the value of foreign coins, *it clearly has no power to substitute paper or anything else for coin, as a tender in payment of debts and in discharge of contracts*. Congress has exercised this power, fully, in both its branches. It has coined money, and still coins it; it has regulated the value of foreign coins, and still regulates their value. *The legal tender, therefore, the constitutional standard of value, is established and cannot be overthrown*. To overthrow it would shake the whole system.

Can language be stronger than this, as to the power of Congress to make paper money a legal tender? And when we consider its author, is it not almost conclusive on that point, except when exercised as a *war power*?

Mr. Spaulding, of New York, who was a member of Congress from that State in 1862, and a member of the Committee of Ways and Means, and the gentleman who introduced the bill into Congress from that committee, authorizing the issue of our present greenbacks and making them a legal tender, made an able speech in favor of the passage of the bill. In speaking of this law in 1868, he said:

> Introducing the legal-tender bill early in January, 1862, immediately after the suspension of specie payments, in this great crisis I advocated the bill as a *war* measure, a measure of temporary relief to the Treasury, and on the ground that it

NOTE.—In the following table the money is reduced to its gold value, and shows that the United States has less *per capita* than either:

Country.	Active circulation.	Population.	Circulation per capita.
Great Britain	$683,000,000	32,000,000	$21.34
France	1,509,000,000	36,000,000	41.91
Germany	704,000,000	39,400,000	17.87
United States	587,700,000	41,000,000	14.33

was an imperative necessity to preserve the life of the nation. I conceded that it was a forced loan, and could only be justified on grounds of necessity. As a war measure, passed during war, continuing during the war, and as long as the exigency lasted, I believe it was necessary and proper to successfully carry on the war, and was therefore constitutional. I am equally clear that as a peace measure it is unconstitutional. No one would now think of passing a legal-tender act, making the promises of the Government (a mere form of credit) a legal tender in payment of all debts, public and private. Such a law, passed while the Government is on a peace footing, could not be sustained for one moment.

At the December term, 1869, of the Supreme Court of the United States—the court being composed of eight judges—the validity of the law was passed upon in the case of Susan P. Hepburn and Henry H. P. Hepburn *vs.* Henry A. Griswold, in error to the court of appeals of the State of Kentucky. The case was ably argued on both sides. Chief Justice Chase delivered the opinion of the court, four of the other seven judges coinciding with him. In summing up the case he used this language:

We are obliged to conclude that an act making mere promises to pay dollars a legal tender in payment of debts previously contracted is not a means appropriate, plainly adapted, really calculated to carry into effect any express power vested in Congress; that such an act is inconsistent with the spirit of the Constitution; and that it is prohibited by the Constitution.

At the December term, 1870, of the same court, Judge Grier, one of the five judges who decided the law unconstitutional, having resigned, his vacancy having been filled, and an additional judge added to the court, making the number of the judges nine, the validity of the same law was again passed upon by said court, and five judges out of the nine—being a majority of one—overruled the former decision and sustained the law as constitutional.

The court, in the majority opinion, use the following language:

The controlling questions in these cases are the following: Are the acts of Congress, known as the legal-tender acts, constitutional when applied to contracts made before their passage; and, secondly, are they valid as applicable to debts contracted since their enactment? These questions have been elaborately argued, and they have received from the court that consideration which their great importance demands. It would be difficult to overestimate the consequences which must follow our decision. They will affect the entire business of the country, and take hold of the possible continued existence of the Government. If it be held by this court that Congress has no constitutional power, under any circumstances, or in any emergency, to make Treasury notes a legal tender for the payment of all debts, (a power confessedly possessed by every independent sovereignty other than the United States,) the Government is without those means of self-preservation which, all must admit, may in certain contingencies become indispensable, even if they were not when the acts of Congress now called in question were enacted. It is also clear that if we hold the acts invalid as applicable to debts incurred, or transactions which have taken place since their enactment, our decision must cause, throughout the country, great business derangement, wide-spread distress, and the rankest injustice. The debts which have been contracted since February 25, 1862, constitute, doubtless, by far the greatest portion of the existing indebtedness of the country. They have been contracted in view of the acts of Congress declaring Treasury notes a legal tender, and in reliance upon that declaration. Men have bought and sold, borrowed and lent, and assumed every variety of obligations contemplating that payment might be made with such notes. Indeed, legal-tender Treasury notes have become the universal measure of values. If now, by our decision, it be established that these debts and obligations can be discharged only by gold coin; if, contrary to the expectation of all parties to these contracts, legal-tender notes are rendered unavailable, the Government has become an instrument of the grossest injustice; all debtors are loaded with an obligation it was never contemplated they should assume; a large percentage is added to every debt, and such must become the demand for gold to satisfy contracts that ruinous sacrifices, general distress, and bankruptcy may be expected. These consequences are too obvious to admit of question.

At another part it uses the following language:

We do not propose to dilate at length upon the circumstances in which the country was placed when Congress attempted to make Treasury notes a legal tender. They are of too recent occurrence to justify enlarged description. Suffice it to say that a civil war was then raging which seriously threatened the overthrow of the Government, and the destruction of the Constitution itself. It demanded the equipment and support of large armies and navies, and the employment of money to an extent beyond the capacity of all ordinary sources of supply. Meanwhile the public Treasury was nearly empty, and the credit of the Government, if not stretched to its utmost tension, had become nearly exhausted. Moneyed institutions had advanced largely of their means, and more could not be expected of them. They had been compelled to suspend specie payments. Taxation was inadequate to pay even the interest on the debt already incurred, and it was impossible to await the income of additional taxes. The necessity was immediate and pressing. The Army was unpaid. There was then due to the soldiers in the field nearly a score of millions of dollars. The requisitions from the War and Navy Departments for supplies exceeded fifty millions, and the current expenditure was over one million per day. The entire amount of coin in the country, including that in private hands as well as that in banking institutions, was insufficient to supply the need of the Government three months, had it all been poured into the Treasury. Foreign credit we had none. We say nothing of the overhanging paralysis of trade, and of business generally, which threatened loss of confidence in the ability of the Government to maintain its continued existence, and therewith the complete destruction of all remaining national credit.

It was at such a time and in such circumstances that Congress was called upon to devise means for maintaining the Army and Navy, for securing the large supplies of money needed, and, indeed, for the preservation of the Government created by the Constitution. It was at such a time and in such an emergency that the legal-tender acts were passed. Now, if it were certain that nothing else would have supplied the absolute necessities of the Treasury, that nothing else would have enabled the Government to maintain its Armies and Navy, that nothing else would have saved the Government and the Constitution from destruction, while the legal-tender acts would, could any one be bold enough to assert that Congress transgressed its powers? Or if these enactments did work these results, can it be maintained now that they were not for a legitimate end, or "appropriate and adapted to that end," in the language of Chief Justice Marshall? That they did work such results is not to be doubted. Something revived the drooping faith of the people; something brought immediately to the Government's aid the resources of the nation, and something enabled the successful prosecution of the war, and the preservation of the national life. What was it if not the legal-tender enactments?

From the above extracts it will be seen that the court regarded the making of our greenbacks *a legal tender* during the war, as an absolute necessity for the preservation of the life of the nation; and that they were also fully impressed with the overwhelming necessity of sustaining the law. Otherwise the whole business interests of the country were ruined beyond the hope of redemption.

The action of Congress in making the law, and the decision of the court in sustaining it, were not only indorsed by the people, but the action of each body was received by them with the profoundest gratitude, and hailed as the harbingers of financial safety. Yet, had it not been for that overwhelming necessity, it is difficult to believe that the first decision of the court would ever have been disturbed. But to prevent financial ruin, public necessity, the mother of law, demanded that it be overruled and the business interests of the nation preserved. Our present legal-tender act was a war measure, passed and sustained on the ground of public necessity; which action I indorse with all my heart, and hope that the power of Congress to pass such a law, under similar circumstances, will never again be questioned. But should Congress now go forward in time of peace, when there is no necessity for it, and enact a law authorizing the issue of an additional amount of greenbacks sufficient to supply the wants of the country as a circulating medium, and make them *a legal tender* and provide for the repeal of our present banking system?

With these conflicting opinions, and the fact of the judges being so nearly equally divided upon the validity of our present law, which public necessity demanded should be sustained, what would be the result? Many persons would refuse to accept these new greenbacks in payment of debts, claiming that Congress had no power to pass a law in time of peace making the promises of the Government money and a legal tender in payment of debts. The question would soon be brought into the courts, and doubts would rest on this new currency as to its validity, which would greatly depreciate it in value, seriously disturb business, and cause the people to lose millions of dollars. How would the courts decide the question? No one can certainly tell; our ablest lawyers and jurists are divided on the question. The decision on our present legal-tender act, above referred to, cannot be implicitly relied on as settling the question as to how the courts would decide on the new law, for the reason that the facts in the case are entirely different. The present law was passed, as before remarked, in time of war, when the necessities of the country imperatively demanded that the greenbacks be made a legal tender, otherwise debts could not have been paid. There was not enough gold or silver in the country, neither could they be had, and therefore the necessity was absolute and overwhelming that our greenbacks should be made a legal tender.

Judge Bradley, one of the *five* judges who decided the present law constitutional, delivered a separate opinion in the case. In it he used the following language:

It follows as another corollary from the views which I have expressed, that the power to make Treasury notes a legal tender, while a mere incidental one to that of issuing the notes themselves, and to one of the forms of borrowing money, is nevertheless a *power* not to be resorted to except on *extraordinary* and *pressing occasions*, such as *war* or other *public exigencies of great gravity and importance*; and should be no *longer exerted* than all the circumstances of the case demand.

From the above it is evident that Judge Bradley does not believe that Congress has the right to exercise the power to pass such a bill unless there is some great necessity for it. Yet as to the *necessity* of its exercise, Congress and not the court, say the majority of the judges, must be the judge.

It must be evident to every one that no such necessity as referred to by Judge Bradley now exists in time of peace for the exercise of such power; neither will any member base his action in voting for such a law at this time on the ground of any such necessity, but will place it on the broad ground of right under the Constitution to pass such a law at one time as well as another, without any reference to the question of necessity. Otherwise it could not get five votes in this House.

The question under a law passed now with that understanding would go to the courts under very different circumstances from the one under the law passed in time of war, when it was claimed to be passed by Congress on the ground of necessity, and would, therefore, make it a very doubtful one indeed as to how the courts would decide it. The doubt would be sufficient to affect very seriously the soundness of the new issue of legal tenders.

Let us next examine the third objection, which is, if we should pass a law authorizing the issue of greenbacks that it would be injurious to the country for the reason that it would depreciate our money below its present standard, and in the end prove a loss to the people beyond what they now sustain. That we may fully understand this subject, let us first inquire, what are these United States notes, commonly called greenbacks? They are nothing more nor less than the promissory notes of the United States agreeing to pay the holder of them the amount stated on their face; the same as the promissory note of any private individual. In what kind of money are they payable? The Supreme Court of the United States, at its December term, 1868, decided that they are payable in gold; and, in addition, Congress, in 1869, declared, by positive law, that they are payable in gold. Should the United States then issue her greenbacks and with them purchase her interest-bearing bonds to the amount of such issue, she would not thereby really pay or extinguish the debt, as many suppose. She would merely change its character from a bonded debt, not due, but bearing interest, to one which the Government agrees to pay, as construed, at its pleasure in gold. In others words, she would

take the load from one shoulder and put it on the other. In the common transactions of life, where a man is unable to pay his debts for the want of present means, which is the exact condition of the United States at this time, such an exchange of debts would not be desirable, but would be considered foolish in the extreme. Its only effect would be to embarrass the debtor, for it would place him in a condition to be forced to pay his debt on demand when he was not in condition to do so except at great sacrifice. The only difference between the United States and an individual in such case, would be, the individual would be forced to pay his debt on demand, while the United States could not be.

When we consider the amount of our liabilities, and that by express law, passed on the 18th day of March, 1869, the solemn faith of the nation is pledged, that our greenbacks and bonded debt, amounting to over two thousand millions of dollars, shall be paid in gold; that the interest on this debt is payable in gold, one-half of it every six months; and that all our foreign balances due from us for goods purchased abroad, as well as the principal and interest due upon all the railroads and other bonds of this country, held abroad, must be paid in gold, it raises a very serious question. Whether it is to the best interests of the people for the government to increase her promissory notes or greenbacks, to an amount sufficient to supply the wants of the people for a circulating medium, (when the very act of issuing them would depreciate their value,) for the reason that gold must be raised by the Government and people for the purposes above named, and there would be no way of getting it except by purchasing it, with the circulating medium such as we would have. The less valuable the currency, the more of it would it take to purchase the gold. The loss in its purchase, in the end, would have to be sustained by the people. It must be evident to every one, that these new greenbacks, if issued as above stated, would soon depreciate, for the reason, if the greenbacks now issued by the Government, and which are limited to four hundred millions, are not worth their face in gold, notwithstanding they have been issued more than ten years, and the faith of the nation has been pledged for their redemption in gold, for five years, the reason must be, because the nation is not able to redeem them in gold. If the nation then is unable to redeem her promises in gold, her pledge of faith to do so is not equal to gold; and hence, the greater the number of her promises out in the shape of greenbacks to circulate as money, the less in value they become, and especially would this be so if the Supreme Court of the United States should decide that Congress had not the power, *in time of peace*, to issue greenbacks, and make them a legal tender for pre-existing debts, and there are serious doubts on this point, as our present legal-tender act, *passed during the war*, was sustained by a majority of only one of the judges of the Supreme Court. If we should then go forward and issue greenbacks to the amount that would be required for a circulating medium, and they not legal tenders, nor in any way convertible into our present legal tenders, they would depreciate in value still more than our present greenbacks, which are legal tenders, and which are now at a discount of 12 per cent. below gold.

Some persons urge that the question of the redemption of the greenbacks by the Government has nothing to do with their value; that there is no real necessity for redeeming them; that we want them kept in circulation as currency, and not redeemed; that by so doing, the Government saves interest upon that amount of her debt, which she would otherwise have to pay. But I insist that this question of redemption does, and in the very nature of things must, enter into consideration in determining their value. If the Government was able to redeem her greenbacks to-day in gold, they would to-day be worth their face in gold. Or, if the Government was prepared, and their redemption in gold was fixed for the first day of July next, they would now be almost at par with gold. But as there is no time fixed for their redemption in gold, except as stated on their face, and in the act of March 18, 1869, and as all consider that the Government has not, nor cannot get the gold at this time, unless she borrows or purchases it at great sacrifice, and but few are ready and willing to make that sacrifice, they are worth to-day 12 per cent. less than gold. Hence I insist that this question of redemption is of the highest importance to the people. If the Government, instead of looking to the making of her present greenbacks equal to gold at the earliest practicable moment, which the solemn faith of the nation is pledged as beforesaid, that she shall do, but should inaugurate a policy to do away with national banks, and supply all the currency needed for business by an additional issue of her promises to pay, when she is not able to pay those already out, in my judgment they would depreciate in value, in one month after the enactment of such a law, 10 per cent. below what they are now, for the reason, that would be evident to every person, that having taken that step, no provision could or would be made within any reasonable time for their redemption, unless by funding them into bonds; and the very act of exchanging them for bonds, would be to again put them at interest as now, and take them out of circulation, and hence contract the currency, which would then be oppressive to the people. A moment's reflection must satisfy every candid mind that such a policy is not the true road out of our present financial embarrassments.

The Government is like thousands of individuals, it is amply able to pay, but needs time. To gain that time, it must not do an act that will violate its plighted faith. To authorize another issue of its promises to pay, in the shape of greenbacks to circulate as money, without first making provision for the payment of its present promises, is certainly a violation of that faith; and in no sense of the word can it be beneficial to the people. By so doing, we do not pay our debt, only change it from bonds to greenbacks; but in such change we increase the debt to the amount of the difference in value between the bond and the greenback. We are as much bound to pay one as the other, and both are payable in gold. The advocates of this issue say, by so doing we break down the banks and save the interest on the bonds that we pay to them. The argument is delusive, and if we suffer ourselves to be deceived by it, and adopt the plan, in my judgment it will prove a sad day to the people. What good do we accomplish by breaking down the banks? Will we save one cent of interest to the people by so doing? I answer, no, for the banks now pay to the Government and the States, in the shape of taxes, which is paying it to the people, as much, if not more than the amount of interest received by them on the bonds, that the greenbacks would purchase, if issued to take the place of the national-bank notes, as I will show when I come to the discussion of the bill now before the House. Would the new greenbacks be any better than the national-bank notes? I answer, not as good, as I will then also show. What benefit, then, do we accomplish for the people by this policy? I answer, none. But on the contrary, if we should adopt it, we would inflict upon them a positive injury. The country now owes the banks nearly a thousand millions. To force them to wind up would compel a collection of that amount from the people, by suit or otherwise; which would bankrupt thousands of them that would otherwise worry through with their debts. These collections would seriously derange business, and cause the country to lose millions. The greenbacks would certainly depreciate in value, as I have shown; but even if their issue saved to the people the interest we now pay the banks, (which it would not,) still, in the amount of business we do in the whole country, aggregating at least five hundred millions daily, the people would lose during the year, in consequence of their depreciation, a greater sum than the amount of interest that the Government would save by furnishing the circulation herself, instead of providing for it to be furnished through the banks; which I believe is, in the end, the cheapest, safest, and best, for the people and the country. To adopt, then, a financial policy by which the Government would furnish the currency, in order to save the interest on her bonds, which she now pays to banks, and at the same time lose more by way of depreciation of currency than the amount of interest thus paid, saying nothing of the loss of taxes now paid by the banks, I regard as neither wise nor prudent legislation.

For the Government to furnish the currency would make out of the national Treasury nothing more nor less than a bank; which would require more officers, create more expense, and subject the Government to greater losses. The Government may authorize banking and make the system a success; but when she undertakes it herself, it will prove a failure, and in the end disastrous to her and the people.

I come next to a discussion of the bill now before the House, reported from the Committee on Banking and Currency. It will be seen from the bill that the committee has not attempted to inaugurate a new system of finance, but has contented itself with making some important amendments to our present national-banking system. As the committee's bill favors a supply of currency to the country through national banks, instead of issuing greenbacks for that purpose, it is but proper and right that some of the reasons should be given to the country why this is done. Two of the important reasons are:

1. The national-banking system has been in existence for some ten years; during that time the country has had a better currency and enjoyed greater prosperity than it has for the same length of time during any period of its existence. The system has become so identified and thoroughly established with our people, that should we now break it down and compel it to withdraw its circulation we would most certainly derange our finances and seriously affect the business of the country. The people are largely indebted to the banks, and many of them cannot pay. To wind up the banks gradually as you may, will ruin and bankrupt thousands of them. The system has defects, and the committee believed that it was better for the country that Congress should cure these defects, than to undertake to inaugurate a new and untried system.

2. The committee believed that a well-regulated national-banking system would and could furnish to the people a cheaper and better currency than any other system that had been presented to Congress.

Before entering into a discussion of the merits of the committee's bill, having given the objections that are urged against the issue of more greenbacks, I desire to present some of the objections that are urged against the national-banking system, and then contrast the two, so that Congress, as well as the people, can judge of the merits of each, and decide which, in the end, is the cheapest and best for the country.

One of the principal objections to the national banking system is that it is too costly to the people. It allows the banks to deposit their Government bonds as a security for the bill-holders, and draw the interest on them; it then requires the Government to issue to the banks ninety cents on the dollar in currency on the par value of these bonds. This looks to many like paying a premium to the banks to loan money that the Government furnishes them; and they insist that the Government should take this money it furnishes the banks and purchase

its bonds, and save this premium in the shape of interest on the bonds which it pays the banks. At first blush, it looks as though the objection was well founded, but when you come to realize the responsibilities that the banks assume, and the burdens that are really taken from the shoulders of the Government in the arrangement, and then put its workings into practice, it shows a different state of affairs. It must be remembered that this currency that is issued to the banks are the promises of the banks to pay the amount specified on the face of the notes, and not the promises of the Government. These notes are to circulate as money, and the banks have agreed that they shall be at all times equal in value to the present greenbacks. If the Government, then, will make her greenbacks equal to gold, and her solemn faith is pledged by act of March 18, 1869, that she will do it at the earliest practicable moment, then the banks are pledged to make their notes equal to and redeem them in gold. And for the fulfillment of this promise they have pledged with the Secretary of the Treasury United States bonds worth their face in gold, at the rate of one hundred dollars for every ninety dollars of their notes that are put in circulation.

If the Government should undertake to issue enough greenbacks to answer the wants of the people for a circulating medium, and do away with national banks, it could not keep their value equal to the present value of our greenbacks, for the reason that their value would be regulated by its ability to redeem them in gold; and its ability to redeem would be decreased in proportion as it increased their amount, and hence the value of the greenback issue would be worth less than a national-bank issue to the amount of such depreciation, which would be an absolute loss to the people to that amount. Another important advantage in favor of the national-bank issue is that it would not be subject to the constitutional objection that would be raised against the *legal-tender* provision of the greenback issue, as I have before shown, which would make it much more desirable to the people, as no doubts about its legality would exist. It is as much a *national currency* as greenbacks, and would be more valuable than a new issue of them, as I have shown. And when the Government is able to make her present greenbacks equal to gold, the banks must make their notes equal to it, and then all the trouble and expense of redeeming our currency and keeping it equal to gold will be taken from the Government and thrown upon the banks, where it naturally belongs. These are the responsibilities that the banks assume for the seeming advantage given them by the Government in issuing the circulation to them instead of issuing it in the name of the United States.

Are these advantages above named, which are given to the banks, burdensome and unjust to the people? This is a question of the highest importance, and deserves our careful consideration. I shall discuss its application to my own State, (Indiana,) where the law allows 10 per cent. interest. If the banks are made to comply with the law, let us see how the balance-sheet would stand:

1. To start a national bank with a capital of $100,000, it would require the bank to purchase $100,000 in 5 per cent. gold-bearing bonds to deposit as security for the bill-holders. These bonds would cost in currency		$115,000 00
2. On these $100,000 in bonds the Government would issue to the bank in currency		90,000 00
3. The bank is required to keep out of this $90,000, 15 per cent. as a reserve, which would make		13,500 00
This would leave for bank to loan		76,500 00
4. On this $76,500 the bank at 10 per cent. (all it is allowed by law to charge) would realize in interest		7,650 00
On the $100,000 in Government bonds the bank would receive as interest in gold		5,000 00
Premium on this gold at 15 per cent., which is above the price, would make		750 00
Making amount received by bank		13,400 00
5. Out of this the bank has to pay a tax to the Government of 1 per cent. on its circulation, which individuals and private bankers do not pay. Its circulation being $90,000, the Government tax on that sum would be $900, (national banks pay to the United States a tax on their deposits and on their capital not invested in bonds, but as private bankers pay substantially the same I will make no note of them here)	$900 00	
6. In Indiana, stockholders in banks are taxed on their bank stock as personal property, (individuals owning money to loan are not liable to this tax,) which for State, county, and township purposes will never be less than 1 per cent., which on $100,000 of bank stock would make	1,000 00	
		1,900 00
Net bank profits		11,500 00

Which is precisely the amount that the $115,000 paid for the bonds would have brought if loaned at 10 per cent., without the trouble and expense of banking.

But says one in answer to all this, the bank loans its money only for sixty and ninety days at a time, and takes its interest in advance, and by that means it can make more than its 10 per cent. That is true; but in addition to the expenses I have stated above, banks must have office room to do business, must have officers, and bank-books, all of which cost money. Private individuals do not require these.

Says another, the banks charge more than 10 per cent. That is true, and so do individuals; in this respect both violate the law, and escape punishment because no one enforces the law against them. One will ask, where then is the advantage of banking? The money in banking s made principally out of the deposits. The bank loans them at a high rate of interest, while it pays for them but a small rate, and in many cases pays nothing.

Suppose national banks were done away entirely, and the money was furnished by the Government in the shape of greenbacks, and the courts should decide them constitutional. What would the difference be to the people who wanted to borrow money? They are the men I want to protect. Would they get money any cheaper then than now? There would be banks all over the country, but they would be private banks instead of national ones. When any one called to borrow money would he get it at any cheaper rate of interest from the private banker than from the national banker? I answer, no; and the experience of the money-borrowers throughout the country will sustain me in my answer.

No doubt some will say, if we would provide by law for depositing our present bonds with the Secretary of the Treasury, and drawing therefrom their amount in greenbacks as a loan, while the bonds remain there as security for it, then interest would be cheaper to the people, than through banks. Would it? It must be remembered that the men in this country, who own bonds which could be deposited for such purposes are lenders of money and not borrowers of it. Men who own bonds do not want to borrow money. Would they then deposit their bonds for the loan of this money, even if the Government had the money and could accommodate them? If it was to their interest they would, otherwise they would not. Would it be to the interest of a man to take, say $100,000 in Government bonds and deposit them with the Secretary of the Treasury and draw therefrom $100,000 of greenbacks to loan to the people? I should think not, when he could take those same bonds and sell them in the market for at least $117,000, and thereby have $17,000 more to loan. It will not do to say that such men who loan money, only want to loan it for a short time as an accommodation, and then want to draw and hold their bonds, and for that reason they would prefer depositing their bonds and borrowing the money, instead of selling them. It must also be remembered that Government bonds, bearing 6 per cent. in gold, (and they are the kind that are principally held by the people) and being free from all State, county, township, and municipal taxation, are equal to money in most of the States at 9 per cent.

Could men then owning these bonds, incurring the expense of depositing them and drawing the greenbacks, loan the money to the people at less than 10 per cent., if they loaned it at cost? Does any man suppose that an owner of bonds would go to all that trouble to procure money to loan unless he made a profit by it? If he made a profit sufficient to justify the expense and trouble would he not have to loan his money above 10 per cent.? Then where is the benefit to the borrowers of money? They are the men I want to protect. Capital is able to take care of itself. My object is not to provide protection for capital, but to protect the men who have to borrow it. Cheap interest is what I want, it is what the people want, but it must be evident to every one that this plan would not make money cheaper to them, even if it could be accomplished. The Government has no money to loan. If we should adopt such a plan, greenbacks would have to be issued, and then would arise all the objections I have stated against their issue, which would at once be fatal to the scheme. If no benefit can arise from it to the people, I can see no use in its adoption.

Do as we may, we will always find that there will be banks in the country. If not national ones, they will be private ones, and men who borrow money will be compelled from absolute necessity to borrow it from them. I am therefore satisfied that it is best for the people for us to perfect our national-banking system for the reason, as I think, money can be furnished cheaper to the people through national banks than through private ones, because the Government enforces her laws more stringently than the States, and I hope and believe tha this Congress will enact a law and require its enforcement, that will be strong enough to prevent *usury*, which is a curse to any country where it is tolerated. A living price should be given to the money-lender and with that he ought to be made satisfied. If usury can be prevented the people can and will be enabled to borrow money cheaper from national banks than from any other system that can or will be established.

Let us next ascertain whether all the money received by the banks from the Government in the shape of interest, is clear gain to the banks, and a loss of that amount to the people, or in other words, if the Government should do away with the national banks, and issue greenbacks to supply the place of the bank-notes, how much would she save in the operation? Let the figures speak, and they will tell:

On the 12th day of last September, (date of last report,) the amount of national-bank notes then outstanding, was	$339,081,797
Out of this amount the banks were required to purchase, and keep a reserve in greenbacks of 15 and 25 per cent., (in redemption cities 25, and outside of them 15 per cent.,) which would average 20 per cent., making	67,816,359
Amount banks were permitted to loan at that date	271,265,438

If the Government had then wound up the banks, and issued in greenbacks $271,265,438 to take the place of the bank-notes in circulation, upon which the banks drew an interest as above shown, (if they did not depreciate,) it could have purchased with that amount of

greenbacks bonds of the United States, (one-half bearing 5 and the other half bearing 6 per cent. in gold, counting them at a premium of 16 per cent.,) amounting to $227,862,968.

The interest upon these bonds in gold at 5 and 6 per cent., one-half at each, would amount to	$12,532,463
Premium on this gold at 12 per cent	1,503,895
Making amount of interest Government would save by issuing greenbacks	14,036,358

We have now shown what the Government would save by doing away with the banks. Let us next inquire what the people would lose by it.

The capital stock of the national banks on the 12th day of last September amounted to $491,072,616. This stock under the law is taxable in each of the States as personal property.

In 1867, 1868, and 1869 the taxes in the States averaged about 2¼ per cent. I doubt if they are less than that now. But counting the tax at 2 per cent., the banks and stockholders paid to the States on this stock as taxes for 1873	$9,821,452
They paid to the United States taxes for 1873, as follows:	
On circulation	3,390,817
On deposits	3,113,427
On capital not in bonds	513,711
Making amount paid by banks	$16,839,407
Deduct amount saved by Government, as above shown	14,036,358
Amount Government and States would lose	2,803,049

The above statement shows that if the banks were done away and greenbacks issued to supply their place, the Government and States instead of gaining would lose $2,803,049. In answer to this it may be said that if the national banks were broken down the most of them would go into private banking, and would then pay a large amount of taxes to the Government as private banks now do. I suppose this loss of $2,803,049 would be made up in that way. But by breaking down the national banks you strike out of existence $491,072,616 of taxable property in the shape of bank stock, which now pays to the States a tax of at least $9,821,452, which private bankers would not pay. You also strike out of existence $339,081,797 of bank circulation, upon which national banks pay to the United States a tax of $3,390,817, which private banks would not pay. If these banks are to redeem our money with gold, when we return to specie payments, and save the Government all this trouble and expense, could they possibly do it upon terms more reasonable than the figures show?

I come now to a discussion of the defects in our present national-banking system, and the remedies I propose in order to correct them.

The first defect that I will suggest is, it limits the amount of bank circulation, which makes banking at present a monopoly, and none can bank except those engaged in it, as all the banking circulation is taken up. This limitation should be stricken out, and banking made free to all persons who shall organize for that purpose, and comply strictly with the provisions of the law, and deposit the requisite amount of Government bonds as a security for the bill-holders. This would remove the objectionable feature of monopoly, and also take from Congress the right to say how much money the country should have, and leave that question to be regulated by the laws of supply and demand. The people then could have money that would be good and as much or as little of it as they pleased, and have it East, West, North, and South, as they wished, according to the wants of trade. And as banks increased in number, and the currency increased in amount, they would naturally come in competition with each other, which would cheapen money to the people, and make the banks more useful and accommodating to them. The people would then cease looking to Congress for money; but would depend upon themselves for all they wanted. This feature of the system, leaving the amount of money in the country to be governed by the law of supply and demand, I regard as perfection, and the only true mode of solving that question.

Secondly, another defect is allowing banks to pay interest on call deposits. They should only pay interest on money that is deposited for a fixed period, say one month or more, as may be agreed upon, and the interest should cease the day the deposit is due. The object of this amendment is to prevent banks being taken by surprise. When a time is fixed for payment the bank must be ready, like an individual, to pay. If the depositor does not call for his money when due, and receive it or redeposit it again, the bank can afford to lay his money aside, as it costs nothing, interest having ceased. If, at the breaking out of the panic, the deposits had been on *time* instead of on *call*, the banks would not have suspended and the country would have suffered but little. I know some object to this on the ground that it interferes with the rights of the banks, that they should be permitted to manage their own affairs in their own way. My answer to that is this: Banks are chartered for the public good as well as their own, and they should not be permitted to do anything that is liable to break them down, and thereby seriously injure the public.

I know it is said that prudent bankers would not pay interest on call deposits, and therefore there is no use for this amendment. All bankers are not prudent, and hence the necessity of it. The prudent ones cannot certainly complain if they are restrained from doing a thing that they would not do if left free. It will be urged that by this provision you injure national banks, and drive all call depositors from them to the private banks that will pay them interest. There is but little money made on call deposits; and so soon as men whose deposits are valuable see that a bank is paying interest on them, they will shun such banks, and place their money with national banks, which refuse the risk of such deposits.

Thirdly. The present law requires all banks in certain cities to keep a reserve of 25 per cent. of their circulation and deposits, and all banks out of these cities to keep a reserve of 15 per cent. of their circulation and deposits. It also allows the banks out of the redemption cities to keep three-fifths of their reserves on deposit with banks in the redemption cities as available funds for the purpose of redeeming their circulation.

I see no necessity of banks being required to keep such a large reserve on their circulation, as the bill-holders are secured by the deposit of bonds with the Secretary of the Treasury. It keeps a large amount of money out of circulation that would be beneficial to the people. The banks should be required to keep a sufficient reserve in their own vaults to redeem their own bills at their counters when presented. Let the banks be the judges as to the amount that will be required. The amount of reserves on deposits is little enough, but each bank should be required to keep them in its own vaults and not allow them to loan or deposit them with any one.

Allowing three-fifths of these reserves to consist of balances deposited with banks in New York, is what drains the country of its money and takes it to New York, and hence the country complains for the want of money and New York grumbles because she has too much. To require each bank to keep its reserves within its own vaults will correct this evil. Some insist that banks should not be required to keep their reserves in their own vaults for the reason that they cannot keep them as safe from thieves and fire as in the cities. That is the merest humbuggery. I know in cities they have the strongest vaults within which to keep money, but they also have a greater number of burglars and much more desperate ones, as also larger fires in cities, than in the country towns. So that upon the question of safety, money in the vaults of country banks is just as safe as if deposited in city banks.

The bill reported from the committee requires all banks to keep a deposit of 5 per cent. in the Treasury of the United States, for the purpose of redeeming their circulating notes in the city of New York by the assistant treasurer of the United States. My objections to this provision are twofold. First, it throws the burden of assorting the money that is brought in for redemption on the Government, which will cost the people each year for assorting alone (in the hire of clerks) a very large amount. And, secondly, it provides a means by which the New York banks and brokers can constantly run all banks outside of that city, and force them to redeem, when the other banks have not the power to force them to do the same thing.

It is contended that the money of all the country banks centers at New York. Suppose it does. It is just as good for all purposes as the notes of the national banks in New York. Then why should the country banks be taxed to redeem their money away from home any more than the New York banks should be to redeem theirs? The West and South use the money of the eastern banks the same as their own, and are glad to get it, and I have no doubt but what all the people East are glad to get the money of western banks, except the bankers and brokers, who desire to have all other banks under their control and make them play second fiddler to them. Unless a sounder reason can be given for the adoption of this part of the committee's bill than has yet been given, I hope it will not be done.

To prevent national-bank notes depreciating, and save the people from loss in consequence thereof, I favor the adoption of a redemption system similar to that suggested in a bill presented by the honorable gentleman from Wisconsin, [Mr. SAWYER.] It will save the Government from additional expense, and enable the banks to redeem their notes at some one of the redemption cities without additional hardship upon them.

The plan is simply this: to require all national banks outside of redemption cities to arrange with some national bank within one of the redemption cities to redeem their notes; and to compensate such banks for this extra expense in having their notes redeemed at one of the money centers, to allow them 91 per cent. of circulation instead of 90, as now proposed by law.

Fourthly. The late panic developed the fact that our present banking law is defective in a very essential point, and that is, when the panic was approaching, and was even upon us, we had no reserve fund provided from which aid could be had in order to prevent or carry us safely through it; and hence the whole business interests of the country were paralyzed, and hundreds of millions of dollars were lost to the people for the want of help in the hour of their distress. To prevent as well as crush panics in the future, there should be a fund of not less than $50,000,000 composed of Treasury notes, (not legal-tenders, but which should be replaced by our present legal-tenders when the Government redeems them,) provided and kept in the Treasury of the United States as a reserve, to be used for no other purpose than to loan to national banks in times of great financial stress, upon the pledge of United States bonds as security, and at a rate of interest not less than 10 per cent., the necessity of the loan to be determined by the Secretary of the Treasury, by and with the advice and consent of the President of the United States. Had such a reserve been provided and kept in the Treasury prior to the late panic, it could have been prevented, and hundreds of millions saved to the people, besides all the misery and want that they have suffered.

This reserve should be provided and kept by the Government, for the reason that all the people are interested in preventing panics. It would cost the Government nothing but to issue the money. It would be safe while loaned, as Government bonds would be pledged for its security. It would remain in circulation but a short time, as the amount of interest required to be paid would insure its return as soon as the necessity for its use had passed. And it could only be loaned to prevent a panic, which would be determined by the President and Secretary of the Treasury. The bill reported by the committee contains no provision for such a reserve. On that account it is defective, and should be amended by the House.

Fifthly. Under our present law usury is practiced by the banks, which I regard as a very serious defect in it. It should be amended and made strong enough to prevent it. One of the main arguments in favor of national banks furnishing the currency is, that they are under the power of Congress, and can be compelled to comply with the law. We should therefore provide by law for a fair interest to capital, and then compel a compliance with it. By that means we protect the people, and give to them money at such rates that they can do a legitimate business and not be eaten up by exorbitant interest. If Congress will set the example and enforce the laws, the States will soon follow, and usury will be prevented by the banks and by the people. I know many gentlemen will say that we cannot pass a law that will prevent it, and by undertaking it we will only make nterest dearer to the people. I do not believe it. I know it was said with equal confidence that the Tammany ring in New York could not be broken up; yet it was. The great trouble with our usury laws is that they are not enforced when violated. It is our duty to see that this is done, and the people will hold us responsible if we fail in this important trust. The bill reported by the committee is silent on this point, and should be amended so as to embrace such a provision.

Sixthly. It is charged that under our present law persons who have organized a bank can take the circulation issued to the bank and add to it, and purchase more bonds and deposit them, and have circulation issued on them, and so continue the operation until with $200,000 in currency they might get twice that amount of bonds deposited, drawing them an interest, beside a large circulation, and thus realize large profits to themselves, without being of much benefit to the public. To prevent any such wild-cat banking, as well as to allay public feeling on that point, there should be an express provision prohibiting it.

Seventhly. Greenbacks as well as national-bank currency should be made taxable in all the States and Territories the same as personal property. By this we would add largely to the amount of taxable property in each State, and compel those owning money to pay taxes on it.

Eighthly. The greenbacks should be made as near equal to gold as possible, and for that reason at least one-tenth of all customs duties should be made payable in them. By this provision we make greenbacks more valuable and in the same proportion add value to all the national-bank currency, for it is redeemable in greenbacks.

Ninthly. I have desired that provision should be made in the law to secure depositors, but finding that impracticable, the best thing that can be done looking in that direction is to adopt a provision similar to that suggested by my colleague, Mr. WILSON; and that is, to require the examiner, in addition to his present duties, to ascertain if any bank has loaned its money upon any bonds or stocks of any corporation, association, or joint-stock company, or has purchased with its money any such bonds or stocks, or has in any way jeopardized its moneys or securities in loans or purchases of any kind of property not strictly used in a legitimate banking business, and to make publication of such facts, so that the public may know the real condition of every national bank; and then every man can make his deposits knowing the condition of the bank at the time he does it.

I have no doubt that many will oppose this provision, on the ground that the public have no right to know anything about the private affairs of banks. But I insist if banks hold out an inducement to individuals to deposit their money with them, the individuals have a right to know that they are sound and not engaged in all kinds of wild-cat speculations. If the public could have known the exact condition of Jay Cooke's bank, it would have received but few deposits, and many saved from loss. And such a law might have been the means of saving him, had it been in existence a year before his failure, for he would have been compelled to have kept his bank in New York in as safe condition as national banks in order to have gotten customers. The Ocean National Bank of New York, as well as most of the national banks that have failed, might have been saved by such a law, had it been properly enforced by the Comptroller of the Currency.

In addition I would require each national bank in the cities, at the close of each week, and the national banks in the country towns at the close of each month, to publish in the newspaper having the largest circulation in the city, town, or county where the bank is situated, a statement under the oath of its president and cashier, of the average amount of deposits received and reserves kept in each bank in the cities during the week, and the average amount of deposits received and reserves kept in each bank in the country towns during the month. By this means the people will be constantly advised as to the condition of the banks. Those that show prudent management will gain the confidence of the people and do an increased business. Those that show otherwise will soon go to the wall for the want of business to support them.

The eighth section of the committee's bill authorizes the Secretary of the Treasury to issue at the beginning of each and every month from and including July, 1874, two millions of United States notes, not bearing interest, payable in gold, two years after date, of denominations not less than ten dollars. These notes to be substituted for same amount of our present greenbacks, which shall be canceled and destroyed and not reissued. And any excess of gold in the Treasury or hereafter coming into it, after payment of interest on the public debt, and supplying any deficiency in the revenues provided to meet the current expenses of the Government, should be retained to redeem these gold notes. My objection to this section is that these gold notes would at once be hoarded, and that amount taken from circulation. The wealthy would be the only persons benefited by such an issue, as they alone could afford to keep them. Persons of moderate means could not hold them, as they have to keep all their money in circulation to make ends meet. The injury that the country would sustain by the contraction of the currency at the present time would far overbalance any supposed benefits to be derived from the issue of such notes. Requiring not less than one-tenth of the customs to be paid in greenbacks, as above suggested, is a better provision to add value to greenbacks than this. I therefore oppose this section.

To carry out the amendments I have suggested I have prepared a bill, and will at the proper time offer it as a substitute for the bill reported by the committee, or offer certain of its sections as amendments to the committee's bill where they differ from it.

Cheap Transportation.

SPEECH OF HON. LEWIS B. GUNCKEL,

OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

March 25, 1874,

On the bill (H. R. No. 1385) to regulate commerce by railroad among the several States.

Mr. GUNCKEL. Mr. Speaker, I do not know that many people are starving in the eastern cities or that much food is being burned by western farmers; but I do know that food is very dear in the East, and yet so cheap in the West as to be almost worthless. With all our railroads the producer and consumer remain, practically, far, very far, apart.

At a recent meeting of the National Grange the following facts, among many of like character, were stated: An Illinois farmer sent his corn to New York City, and received for it fifty-six and one-half cents per bushel; the railroad charges were forty-eight and one-half cents per bushel, leaving him eight cents per bushel for his corn. An Iowa farmer sent his to Springfield, Massachusetts, and sold it for sixty-eight cents; the freight charges were sixty-seven cents, leaving him one cent per bushel for his corn. Another sent his corn to some interior village in Maine, and got ninety cents per bushel, but the railroad and commission charges were more, and he fell in debt by an attempt to supply his old neighbors with cheap corn. Is it a wonder that the western farmer complains that he does not get a living price for his grain? Is it a wonder that we hear of "strikes" and "riots" by the poor laborers in the eastern cities, who, not without reason, complain that "bread is too dear, and human life and labor too cheap?"

It is reliably stated that three hundred and fifty million bushels of grain raised in the Mississippi Valley, and transported by railroad to the Eastern States, paid an average freight charge of fifty cents per bushel; and yet the corn so transported did not average to the farmer more than sixteen cents per bushel; so that it took three bushels of corn to transport one to the sea-board—the product of three acres to carry the product of one to market. Must these things be? Is there no remedy? It is known that grain can be carried over this very distance for from fifteen to twenty cents per bushel, and afford a very liberal profit to the capital really invested in the railroad. But how can reasonable rates be established and enforced and the producer and consumer brought closer together? Several plans have been suggested. One proposed by Hon. Amasa Walker, and approved at several recent meetings of cheap-transportation societies in the East, is that the United States Government (following what is claimed to have been successfully done in continental Europe) buy, own, and run all the railroads in the country. According to the most reliable authority there are now 73,539 miles of railroad in the United States, which cost, according to Mr. Poor, $3,159,423,057. If we buy the railroads, we must, of necessity, also buy all the telegraph lines. But we are complacently assured that the whole can be purchased for $4,000,000,000. But $4,000,000,000 is a large sum of money to be paid from an almost bankrupt Treasury. True, we might pay in bonds, or even borrow the money, but it would treble our national debt and entail upon us and our children an additional annual payment of $150,000,000 for interest alone. It seems to me the mere statement of these figures, waiving the many other grave objections that might

be urged against the Government engaging in the business of railroading and telegraphing, shows the utter impracticability of the proposed scheme.

Another plan, ably presented the other day by the honorable gentleman from Michigan, [Mr. WILLARD,] and advocated by some of the great metropolitan journals, is, that the Government build a great double-track railroad, for freight only, between New York and Chicago. But if you once begin building railroads, where will it end? Build the one named, and to satisfy the demands of other sections, you must build one between Cincinnati and Baltimore; and then another between Saint Louis and Norfolk; and still another between Memphis and Charleston. Then each of these trunk lines must have a great number of branches to reach the smaller cities. And then, as an inseparable part of any such omnibus internal-improvement scheme, you must dig the much talked of Niagara Canal, the James River and Kanawha Canal, and the Atlantic and Great Western Canal. And what will all this cost? I asked my liberal friend from Virginia [Mr. WHITEHEAD] this question when he was making his speech the other day in favor of these improvements, and he answered, "I don't care if it costs $500,000,000." But I *do* care, because I am very sure the people care, and care much more than gentlemen on this floor seem to appreciate. The people want cheap transportation, but at no such cost. They do not believe "the national debt a national blessing," and so do not want it increased and made permanent; for full well they know that with its increase come increased taxes and increased burdens.

But another fatal objection to both these schemes is, they would offer too much temptation and afford too many opportunities for dishonesty and wrong-doing; that they would open the way to any number of "rings," and "jobs," and all manner of corruption, and make easy the repetition of the "Credit Mobilier" and "Erie Railroad" swindles. Not that I would for a single moment countenance or credit the present hue and cry of universal public corruption. Never was greater injustice done, never greater falsehood uttered. I verily believe and confidently assert that, considering the increased wealth and population of the country, and the increased revenues and opportunities thereby afforded, there have been less dishonesty and corruption during this administration than during any administration since John Quincy Adams.

But I would not increase temptations or opportunities. I would gladly lessen both. For human nature and frailty are much the same in all ages and in all countries, and with all parties; and it is all the time and everywhere safest and best to remove temptation and opportunity, and so avoid not only the probability but the possibility of public corruption.

But what shall be done? For these monster evils there must be some sufficient remedies, and the duty is upon Congress to endeavor to find and apply them. With all deference to those who are older and wiser than myself, I see but two remedies that are just and practicable, and which promise the desired results:

First. A liberal and comprehensive, and at the same time a judicious and economical, system of lake and river improvements. Fortunately we are no longer troubled with the constitutional question as to the right of the Government to make internal improvements, which so much disturbed our fathers. Clay and Webster long ago demonstrated not only the right but the duty of the Government to improve her lakes and rivers, and ever since all parties have acquiesced therein. Experience, too, has shown that our natural water-courses afford for grain and heavy produce the cheapest and best transportation, and for that reason the most formidable and successful competition to the railroads. Let us, then, agree that all needful improvements upon our great upper lakes shall be speedily made, and that the obstructions in the Ohio and Mississippi and their tributaries shall be at once removed, and their channels deepened and improved. Let us also agree that the mouth of our noblest river shall, by the Eads jetties, Saint Philip Canal, or other feasible plan, be opened and the embargo removed which has so long crippled the commerce of the South and West, and injured the farmers of the Mississippi Valley.

Secondly. Government control of interstate commerce under which railroads carrying freight or passengers from one State to another shall be prohibited from discriminating between persons or places, and prevented from charging more than reasonable rates. This is attempted by the bill reported from the Committee on Railways and Canals, and now under consideration.

It provides that all railroad lines carrying freight and passengers between different States, whether owned by one or various corporations, shall be regarded as employed in commerce among the several States, and shall be liable for any violation of the act. They are forbidden to charge more than a fair or reasonable rate for transportation of freight or passengers, such rate to be ascertained and fixed by a board of railroad commissioners to be appointed by the President, with the advice and consent of the Senate, and to be residents of each of the nine judicial districts of the United States. They are to be disinterested persons, and not to have any interest in stock, bonds, or property of any railroad or any transportation company. This board of railroad commissioners is to institute thorough investigation and inquiry into rates and toll, and compensation charged for transporting freights and passengers over each of such lines of railroad, and into the reasonableness thereof, and is, as soon as practicable after such investigation and inquiry, to prepare for the owners and operators of each of such lines a separate schedule of reasonable maximum rates of charges for transportation of passengers and freight and cars on or over said lines respectively. The schedule is to be duly authenticated by the board of commissioners, and to be printed and kept posted up in each of the offices and depots of such railroad company, corporation, or person. They may from time to time, and so often as circumstances may require, change and revise the schedule, and shall give notice of such changes or revision in the same manner.

Any corporation operating a line of railroad through two or more States, which shall, after such schedule takes effect, (which is to be thirty days after it is thus filed,) be guilty of extortion, by charging or receiving more than a reasonable rate of toll or compensation for the transportation of freight, passengers, or cars over such line, shall pay a certain penalty.

It is made the duty of the United States attorneys to prosecute all such offenses. The company is also made liable to the party injured for damages caused by reason of overcharge. Upon any trial for violation of the law the schedule is to be received as *prima facie* evidence that the charges therein fixed are reasonable; yet the company is permitted to prove the fact of their being reasonable, and show that the charges, although exceeding the schedule rates, are nevertheless reasonable.

These commissioners are authorized to gather information and statistics upon the subject of railroads both in this country and in foreign countries, and to make recommendation in reference to further legislation.

Of course this bill does not attempt to reach railroads wholly within one State; their regulation and control must, under the Constitution, be left to the State Legislatures. Control of the one, however, will necessarily lead to control of the other, and if Congress shall lead, the Legislatures of the several States will soon follow, and the experiment of Government and State control be speedily tested.

I shall not stop to argue the constitutional and legal questions involved. This has been so ably and so fully done by the learned gentlemen who have preceded me that it is wholly unnecessary. I will only say that while the questions are new and not free from difficulty, the weight of the authorities and arguments are clearly in favor of the power of Congress, under the third clause of section 8, article 1 of the Constitution, which provides that Congress shall have power "to regulate commerce with foreign countries, and among the several States, and with the Indian tribes," to authorize the legislation proposed by this bill.

Is it necessary, is it expedient, to exercise this power? To decide, we shall want to know exactly what the railroads have grown to be in the United States, what their power, and how they have used or abused that power. The gentleman from Massachusetts [Mr. G. F. HOAR] in his able speech on yesterday so clearly and strongly stated the case that I beg the liberty of quoting therefrom:

> What are these railroads? In the first place, the Government has delegated to these railroads its power of eminent domain. They present themselves to the people with the sword of eminent domain in their hands, carving out for themselves great highways across the continent, over the land of the private citizen against his will, of which highways they enjoy a complete monopoly. The Government clothes them with vast corporate powers; it delegates to them powers of *quasi* legislation; it gives them the security and the vast strength of aggregation of wealth without personal liability under contracts.
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> Now, what are the powers which these railroads exercise? They are not powers which the private citizen can wield. They are not private powers, but powers expressly derived from Government. The power of the American railroad to-day is one of the strongest forces on this earth. The railroad crossing a State, crossing the continent, can put its finger upon this or that spot of the earth's surface, upon this or that populous town and city, and say to it, "You shall grow, or you shall dwindle; poverty, desolation, hardship, or wealth, manufactures, trade, shall grow upon this spot at our will." It can say to the active politician and the able lawyer, and the most influential citizen, "Come into our service, and you shall have power, wealth, fame, prosperity; resist our will, and you shall be stricken down and destroyed in all the ambitions of your life."

And how has this great and dangerous power been used? If fairly, why this universal complaint? If justly, why this general demand for cheaper transportation? If honestly, why this uprising of the farmers and organization of the grangers?

The simple, undeniable truth is, the railroads have abused their power; abused it by unjust discriminations between persons and places; abused it by unequal and exorbitant charges, especially upon breadstuffs eastward bound; abused it by outrageous exactions, when the rivers are frozen and the usual water competition removed. They have themselves made necessary the legislation proposed by this bill. They have "sown the wind;" they must not complain if they "reap the whirlwind."

But we who support this measure have no vindictive spirit. We would prevent abuses and protect the people, but we have no intention or desire to injure, much less destroy, any railroad in this country. We want more, not less, railroads. We appreciate full well their necessity and usefulness. We would interfere with none of their vested rights. We would give them all needful and proper protection, and gladly see them receive not only fair but liberal profits on the capital invested.

But we believe the time has come when the Government must maintain its right of control, for the railroads have themselves raised the issue whether the Government shall control the railroads or the railroads the Government.

While I think this bill a move in the right direction and heartily

approve its general scope and purpose, I cannot bring myself to approve all of its details, and I trust the committee will consent to some amendments before it is put upon its passage. I specially object to sections 3 and 4, which are as follows:

SEC. 3. That there shall be appointed by the President, by and with the advice and consent of the Senate, a board of railroad commissioners, which shall consist of nine members, one of whom shall be selected from and be a resident of each of the judicial circuits of the United States. Said board shall be composed of disinterested persons, and no person shall be a member thereof who is in any manner interested in the stock, bonds, or property of any railroad or other transportation company; and the duties of said board shall be as hereinafter provided.

SEC. 4. That the members of said board shall hold their office for a term of six years, and until their successors are appointed and qualified, unless sooner removed by the President; and they shall receive, as full compensation for their services, the sum of $4,000 per annum each, and their actual and necessary traveling expenses, to be stated under oath, and audited as the Secretary of the Treasury may direct. At the first meeting of the board after their appointment, they shall divide themselves, by lot, into three classes. The members of the first class shall continue for two years; of the second class, for four years; of the third class, for six years, so that one-third may be appointed every second year, and whenever vacancies shall occur in said board, the President, by and with the advice and consent of the Senate, shall fill such vacancies by appointment for the unexpired portion of said term.

Now, I object that at a time when we are cutting down the number and pay of officers, and inaugurating a rigid system of economy in all the departments of the Government, we shall here establish a new and expensive bureau and create nine new and high-salaried offices. Do we need, to carry out successfully the provisions of this bill, nine commissioners at a salary each of $4,000 per annum? "Too much committee" was the criticism made by Kossuth on our American way of doing public business. Ordinarily, the way *not* to do a particular thing is to intrust it to a large committee, where there is a divided responsibility, and where "everybody's business" proves to be "nobody's business." True, banks and railroads have often nine directors, and our educational and benevolent institutions as many managers or trustees; but in almost all such cases it will be found that the general control is had and the real work done by the president or chairman, and that the remainder of the directors, trustees, or managers, are merely ornamental ciphers and respectable figure-heads. Now, the people want the work provided for by this bill done, and done promptly and efficiently, and to insure that are willing to pay liberally those who shall do it. But they want no costly "figure-heads," no mere sinecures, no "soft places" for personal or political favorites.

Again, it is fair to presume that the railroad corporations of the country, with their immense revenues and learned counsel, will combine and resist the law, with a view of testing its constitutionality, and that the litigation so commenced will not be finally terminated for one or two years to come. During this time the nine commissioners, with their three thousand dollar clerk, will have nothing to do but draw their salaries. But my worthy colleague [Mr. MONROE] says they can at least collect and arrange railroad statistics. But do you want nine commissioners for that? You had but one for the whole work of the United States census. And it must not be forgotten that the salaries are but a small part of the whole expense of such a bureau. Each commissioner will have a clerk, and their traveling expenses are to be paid by the Government. Add to salaries and traveling expenses office rent and expenses, additional clerk-hire, books, stationery, printing, postage, telegraphing, &c., and you will have an annual expense of at least $200,000.

Now, if permitted by the committee, I will offer an amendment, striking out of line 3, in section 3, the word "nine" and inserting the word "three," so as to make the board of commissioners to consist of three instead of nine members. I am satisfied that by providing for a smaller number we shall get men of higher character and ability; that the work will be more faithfully, more efficiently, and more successfully done; and that it will result in saving to the Government at least $100,000 per annum.

But it would be unreasonable to expect that new legislation upon so important and difficult a subject should be free from objection and criticism. If not perfect, it is at least a good beginning, and will be accepted by the people as an honest endeavor to remedy a great public evil. For this reason I had hoped that the measure would receive general support, especially from the Representatives of the West and South. I am disappointed. I find my democratic friends again troubled with constitutional questions, and inclined to doubt not only the expediency, but also the necessity, of the proposed legislation. I remember, too, that a few weeks ago, upon the resolution of my colleague, [Mr. J. Q. SMITH,] intended to test the sense of the House upon this question, the democratic members, with very few exceptions, voted in the negative. Are we then to understand that the democratic party is opposed to Government control over the great railroad corporations and monopolies of the country; opposed to this reasonable attempt to protect the people from exorbitant rates and unjust exactions; opposed to this practicable mode of affording cheap transportation, and, as a consequence, better prices for the producer and cheaper bread for the consumer? Is it a confession that the democratic party no longer follows Thomas Jefferson and Andrew Jackson; no longer pretends to oppose favored classes and special privileges; no longer assumes to be the special friend of the laboring classes and the people? It would seem so, if we are to credit Hon. W. M. Grosvenor, of Saint Louis, who was the democratic liberal republican candidate for Congress against our worthy friend from Missouri, [Mr. STANARD,] and who ought to know whereof he affirms. In a recent speech he is reported as saying:

Neither is the democratic party hostile to monopolies of banking or transportation. The chairman of its national committee, Augustus Schell, is identified with the Vanderbilt railroad interest and with banks. The democratic organization in Pennsylvania and Ohio belongs to Scott and the Pennsylvania company; in Maryland, to Garrett and the Baltimore and Ohio; in Virginia, to Mahone and his railroad ring; in California, to the Central Pacific and the Bank of California.

But I trust this will not be regarded as a party question, or as a matter in which the West alone is interested. It affects all sections and should interest alike all parties. This bill may not, probably will not, afford an immediate and perfect remedy. Future legislation may be required—other and better means adopted. But it is clearly in the right direction; it establishes a great and valuable principle; it makes a good beginning in the grand work of reform. Such a movement, once begun, will not, cannot end, until these great evils are fairly remedied and the rights of the people fully established.

Interstate Commerce.

SPEECH OF HON. JOHN A. KASSON,

OF IOWA,

IN THE HOUSE OF REPRESENTATIVES,

March 26, 1874,

On the bill (H. R. No. 1385) to regulate commerce by railroad among the several States.

Mr. KASSON. Mr. Speaker, at this late stage in the debate on the railway-transportation bill I will only beg leave to submit a very few observations upon the subject.

First. My faith in the constitutional right of Congress to legislate in a manner to regulate the transportation of articles of commerce in transit from one State to another, or between any State and a foreign country, is as firm as my faith in the constitutional existence of Congress itself. It flows from an express grant of power over the subject contained in the Constitution in plain words. Beyond this express grant is the reason that it is beyond the power of any one State, because it is beyond its jurisdiction, and the Constitution prevents the making of agreements between States by which the end might otherwise be accomplished.

Secondly. The necessity of exercising the power is equally clear; because the facts appear that enormous and oppressive exactions are levied upon this commerce under authority claimed to be derived from State charters, and altogether beyond a reasonable compensation for services rendered. These exactions have the effect not only to oppress the producer, and diminish the reward of his toil, but also to enhance beyond reason the price paid by the consumer, and to retard the wealth of the whole country, by reducing the amount of our exports.

Thirdly. I therefore support the principles upon which the bill rests, and the reason for early action. If I believed that the provisions of the bill contain, as alleged, a delegation of the congressional authority to legislate, or regulate, upon the board of commissioners, it would be, unquestionably, open to constitutional objection; for no one asserts our right to pass over to any creature of our laws our own constitutional duty and responsibility. But the subsequent provisions make the determination of the board of *prima facie* force only, and subject to judicial decision on demand of the railways, thus leaving their rules to be evidence merely, which may be overthrown by counter-proof.

Fourthly. But I confess that in my judgment the creation of these new offices, and the establishment of a permanent bureau in the Interior Department, are features which later reflection has led me to believe ought to be obviated. I incline to the amendment of the gentleman from Indiana, [Mr. HOLMAN,] who proposes to assign certain trained officers of the Army to do the duties imposed by the bill. Their character, the public confidence in their integrity, as compared with merely political appointments, and that peculiar and keen sense of personal honor which animates that corps of officers, as well as the economy of expenditures involved in their selection, as compared with the establishment of new offices—all these are potent reasons and have convinced me of the propriety of that amendment in the details of the bill.

Fifthly. There are certain regulations which we have the unquestioned right to make directly, now and here; and, in my judgment, they should be at once incorporated in the bill. I extract them from the bill which I introduced early in the session, and which is still before the committee. They are as follows:

SEC. —. That it shall be the duty of every railway, by their proper officers, agents, and employés, to receive, at all their freight stations in any State, Territory, or District, all lawful articles of commerce in proper condition, for the transportation of which such railway is adapted and equipped, and which are destined for transportation over such railway to or toward their final destination in any other State, Territory, or District, or in any foreign country; and to forward the same with all reasonable security and celerity to the point of final delivery if on the line of such railway, or otherwise to the point of transshipment for further transporta-

tion, as the shipper shall direct. The charges therefor shall in all cases be reasonable, and shall in no case exceed the amount allowed under the laws of Congress regulating the same.

SEC. —. That no railway shall make any discrimination between shippers of articles of commerce for interstate or foreign transportation, in quantities of not less than one car-load, more favorable to one than to another, either by addition, deduction, drawback, rebate, commission, or otherwise, in the rates of charge for service rendered in the receipt, transportation, and delivery of the like articles of commerce between the same points; nor shall any railway give any preference to one shipper as aforesaid over another in order of accommodation and shipment, except it be according to priority of delivery for transportation; but the most favorable terms allowed to any such shipper shall in like manner be of right conceded to all others.

SEC. —. That it shall be unlawful for any two railways not forming continuous lines of transportation one to the other, but being in whole or in part competing lines of transportation, to make or enter into any combination or contract by which either shall acquire any interest in, or receive any pecuniary benefit from, the earnings of the other competing railway, in the transportation of interstate or foreign commerce as aforesaid, or to make any agreement with the other competing railway, touching the rates of charge to be made by either railway for the transportation of freight or passengers in such commerce; and all combinations and contracts between two such competing railways in violation hereof shall be absolutely void, and any money paid thereunder by one to the other may be recovered at any time within ten years thereafter by the party paying the same, together with a penalty of 25 per cent. on the amount thereof: *Provided*, That nothing in this section shall be construed to prohibit contracts between railways relating to the business which one railway contributes to the line of the other in transportation of freight or passengers, nor to prohibit a common agency for such business.

SEC. —. That in all cases where railways shall receive merchandise in one State destined to any other State by all-rail transportaion, whether over one or more railways consecutively, the railway first receiving the same shall be responsible to the shipper for the delivery at destination of the whole amount shipped, inevitable loss excepted; and each successive railway on which any loss or damage to such merchandise occurs shall be responsible to the first therefor.

SEC. —. That it shall hereafter be unlawful for any judge of any court of the United States, or for the clerk of such court, or for any member of Congress, or for any executive officer of the United States appointed by and with the advice and consent of the Senate, to receive and use any free pass or free ticket upon any railway in the United States; and any officer of any such railway issuing to any of said officers of the United States any pass or ticket, during his term of office, on any terms not equally offered to the public, shall be held guilty of a misdemeanor, and shall, on conviction thereof, be punished as provided in other cases of misdemeanors.

The first section is intended to establish the duty of these common carriers to carry the articles of commerce regulated in the bill, and to deprive them of their claimed power to accept only shipments within a State, in case they choose to array themselves against the authority of Congress.

The second is intended to destroy the power of railways to control business men, destroy mercantile competition at any point, regulate prices in market, and rule elections even, by discriminating favors of great money value to individuals who obey their will.

The third is to prevent an evil which has assumed enormous proportions, doubled the force of monopoly, and destroyed even the partial benefit of competition in various parts of the country, the evil of combining competitors, and pooling their earnings from extortion.

The fourth has for its object to fix the liability for reclamation on lost or damaged shipments. Some judges are now inclined to establish the law as there declared. But there is uncertainty of which the various railways composing a long continuous line avail themselves to the great vexation and injury of the shipper, who finds it very difficult to ascertain, what the railways themselves could easily regulate at each junction of lines, the individual company responsible.

The fifth explains itself, and is in the interest alike of a high sense of honor among officials, and of peceniary benefit to the railway stockholders.

If my colleague, the chairman of the committee, will admit these amendments, I shall with greater pleasure support the bill. It is, nevertheless, my intention to vote for it, as a movement in the right direction, if he is not willing to accept them on the part of the committee or allow a vote on them. I am unwilling to see this session pass without some test vote to ascertain who is for and who is against this great demand from producers and consumers alike for protection against the grasp of now irresponsible monopolies.

Banking and Currency.

SPEECH OF HON. JOHN SCOTT,

OF PENNSYLVANIA,

IN THE SENATE OF THE UNITED STATES,

March 25 and 26, 1874.

The Senate having under consideration the bill (S. No. 617) to provide for the redemption and reissue of United States notes, and for free banking—

Mr. SCOTT said:

Mr. PRESIDENT: I am obliged to my friends for their consideration in proposing to adjourn. I was about remarking that it was originally my intention to discuss at some length financial questions, but sitting here during the long days that the resolution and two financial bills reported by the committee have been before us, and hearing all financial theories and all financial history discussed from Abraham and the cave of Machpelah down through Marco Polo to Stuart Mill, Bagehot, and Amasa Walker, I utterly and in despair abandoned the idea of throwing a single ray of light upon this discussion, and concluded to reserve what I had to say until a practical measure was before the Senate. And now, sir, I have abandoned all idea of discussing theories. I wish to say a few words upon what I think are the three practical questions that ought to be dealt with, and that I think are to some extent dealt with in this bill. I may deal in some general remarks upon these subjects, but it is not my purpose to discuss, as I have already said, in a general way, financial theories. There are, as I have said, three questions upon which the public attention has been centered, and to which I think the action of Congress should be directed. These three questions are, as I apprehend them—

First. How and when is the pledge contained in the act of 1869 to be redeemed?

Secondly. What character of currency is Congress to furnish to the people of the United States? and,

Thirdly. What shall be the quantity of that currency?

With these three questions settled, the business of the country will adjust itself to whatever determination we arrive at upon either of them. With either of these three questions unsettled, business will also remain unsettled; and therefore I propose to speak very briefly upon each one of them. I may notice incidentally under the third head, the legal question which has been so learnedly and earnestly discussed this afternoon, as to the power of the Secretary of the Treasury to issue what is termed the $44,000,000 reserve. That, however, will be as I shall feel when I reach that part of the question.

The first question, then, is, How and when is the pledge of the act of 1869 to be redeemed? And in order to answer the question it is necessary to see what the pledge is. Let me—not because it needs to be repeated, but for the purpose of getting it clearly before the Senate—read again this oft-quoted act:

That in order to remove any doubt as to the purpose of the Government to discharge all just obligations to the public creditors, and to settle conflicting questions and interpretations of the laws by virtue of which such obligations have been contracted, it is hereby provided and declared that the faith of the United States is solemnly pledged—

Here is the first pledge—

to the payment in coin or its equivalent of all the obligations of the United States not bearing interest, known as United States notes, and of all the interest-bearing obligations of the United States, except in cases where the law authorizing the issue of any such obligation has expressly provided that the same may be paid in lawful money or other currency than gold and silver. But none of said interest-bearing obligations not already due shall be redeemed or paid before maturity unless at such time United States notes shall be convertible into coin at the option of the holder, or unless at such time bonds of the United States bearing a lower rate of interest than the bonds to be redeemed can be sold at par in coin. And the United States also solemnly pledges its faith to make provision at the earliest practicable period for the redemption of the United States notes in coin.

I call attention to a difference in these two pledges. The first pledge covers all the obligations of the United States, bonds, notes of every character, and settles any ambiguity that might theretofore have existed as to the construction to be put upon the obligation of those bonds; but it pledges the faith of the Government to the payment in coin, or its equivalent, of all the obligations of the United States not bearing interest, known as United States notes, and I ask that the words "or its equivalent" be noted. The second pledge provides not for payment but for making provision at the earliest practicable period for the redemption of the United States notes in coin, dropping the words "or its equivalent."

Here are two distinct pledges: one, that the notes are to be redeemed in coin or its equivalent; the other, that provision will be made at the earliest practicable moment for the redemption of the notes in coin.

The first question, then, as to when this redemption is to take place, is answered, in the language of the act, when we can make that provision. Now, sir, when we approach that question and attempt to answer it, it must give any man pause. I read, for the purpose of showing how prophecy has been mocked on this subject, from a pamphlet published in 1869, in criticism of one of the Secretaries of the Treasury, and it commences thus:

The war had then but recently closed when an eminent ex-Secretary of the Treasury, now at the head of the judiciary of the Union, gave it as his opinion that "the true way to prepare for resumption of specie payments was to resume at once;" an idea which so forcibly and favorably struck a distinguished New York editor that for a long period of time its adoption was most strenuously advocated in almost every issue and every department of his journal.

Almost simultaneously with this expression of opinion on the part of the ex-finance minister, came a similar one from the minister then in office, Mr. Hugh McCulloch, that gentleman having then written to Mr. George Walker, his agent in Europe, authorizing him to give to foreign banks and bankers positive assurance that specie payments would be resumed before the arrival at maturity of the first issue of seven-thirties; that is to say, before the midsummer of 1868.

And Mr. McCulloch repeated that belief in his formal report to Congress made in December, 1866, that specie payments would be reached "as early as the 1st day of July, 1868." Now in view of the intervening years, almost six of them, and in view of the prophecies I have heard during this debate and of those which are published every day, I think it would be presumption for any man to undertake to answer the question when we can redeem the pledge of the act of 1869. I am satisfied that this question cannot be answered unless we are content to wait and let it be answered by the revolving years of time. What is before us in the convulsions of business, in the calamities that may befall this nation by fire or flood, by failure of crops, pestilence or war, no man can tell; and unless he can with prophetic vision look into these future years and see the course of trade, the adversity which may

depress or the prosperity which shall crown the industries of the country, all prophecy and all conjecture upon this subject are entirely idle.

In view of our present situation, let me ask, does any man believe that we can redeem in specie now the outstanding obligations of the Government? With three hundred and eighty-two millions (adding the twenty-six millions that have been the subject of controversy on the floor to-day) of legal-tender notes, 12 per cent. below par, and the admitted fact that there are but about one hundred and forty millions of specie in the country, no sane man will suppose that the Government could announce the policy of the resumption of specie payments, for no man who has an obligation 12 per cent. below par will hold it any longer than he can get to where it is to be redeemed by a currency that is par.

Then, sir, I turn to the equivalent which is granted in the language of the act of 1869, and holding the view that I do of unlimited and irredeemable paper currency, I think the first step that we ought to take to redeem that pledge is, if we cannot give that which we have promised, to give the best we can, the bond of the Government bearing interest, and to-day that bond is in the money markets of the world the equivalent of gold. Therefore my first desire would be that every outstanding legal-tender note of the Government should be redeemed as rapidly as we could do it without rudely disturbing the present relations of debtor and creditor, or the business of the people, in the bonds of the Government; and then I would go further. Having redeemed the notes in the equivalent of gold, is not the pledge fulfilled? The moment the legal-tender note is in the custody of the Treasurer of the United States it is redeemed. When the Government, instead of a citizen, is the owner of its own promise, has lifted the promise, it is within its own power; and believing, as I do, that the resumption of specie payments in the near future is impossible, believing as I do that hereafter a volume of paper currency will be needed for the business of this country, which can be redeemed in specie only when specie is not needed, in times of prosperity, and cannot be redeemed in specie whenever a panic comes or a demand for its redemption, instead of reissuing that legal-tender money in the form which it now bears, I would recognize that truth upon its face, and I would reissue it payable in coin or interest-bearing bonds of the Government, so that it should not be said, as it has been heretofore, that the plighted faith of the Government was not redeemed, or that the Government was dishonored by neglecting to pay its legal-tender notes.

I do not wish to burden the few remarks I have to make with statistics, but upon this one subject of the resumption of specie payments, looking at the course of trade, looking as I have done at the amount of the imports and the exports of coin and bullion from the year 1865 down to 1873, and finding that there is an annual average of $60,000,000 in round numbers exported from this country more than is imported; looking, again, at the fact that the production of precious metals in this country reached its maximum in 1852, when it was $90,000,000, that from 1848 to 1868 it averaged about $57,000,000 and has hardly maintained that average since; looking at the fact that 76 per cent. of our carrying trade is done upon foreign bottoms and 24 per cent. only upon American bottoms, and that amount of money taken from us; looking, moreover, at the amount of our national debt held in Europe, and the ordinary balance of trade against us, without reference simply to the question of the import and export of specie, I come to the conclusion, whether it be right or wrong, that an accumulation of gold sufficient for the purpose of redeeming the legal-tender notes and of continuing hereafter to redeem the amount of paper currency necessary to do the business of this country is in the far future.

Mr. HOWE. Will the Senator allow me to ask a question?

Mr. SCOTT. Certainly.

Mr. HOWE. I wish to ask him if the capital of the country does not furnish to-day, and has not all along through these years, that sixty millions to pay the balance which is said to exist against our trade, and to meet every other coin demand of the business of this country. Has it not been met?

Mr. SCOTT. Certainly it has.

Mr. HOWE. Now, I will ask the Senator if that does not prove that there is coin enough to meet every real demand for coin?

Mr. SCOTT. That depends very much upon what the Senator considers a real demand upon coin.

Mr. HOWE. A real necessity for it.

Mr. SCOTT. In the ordinary transaction of business, when confidence is unimpaired, when the holder of a note believes that he can have it redeemed in what he considers the equivalent of gold, then there is no difficulty about a sufficiency of coin to carry on business. But my point is, that for the last ten years I may safely say no civilized country has been able to have coin enough in the vaults of its banks to redeem the amount of bank-notes, of credit currency, which is necessary to carry on the business of civilization.

Mr. HOWE. And never will have.

Mr. SCOTT. And never will have. Therefore I am only expressing my desire that we recognize that truth, and that hereafter, in arranging the financial system which is to govern the business of this country, we shall provide against a panic brought about by our own preconcerted arrangement to have paper presented for redemption when we know it cannot be redeemed. Better to have the paper presented and the bond of the Government given with the full understanding on all sides that there is to be no unlooked-for calamitous suspension of specie payments hereafter; that when we have not specie to pay, the faith is to be redeemed in the next best thing.

Mr. HOWE. I perceive that my friend has got a specific, absolutely infallible, against suspension, and that is simply by providing that there shall never be any redemption.

Mr. SCOTT. No suspension of redemption in one or the other medium.

Mr. HOWE. There will be no suspension when you absolutely decree against all redemption.

Mr. SCOTT. The Senator and I may differ as to what redemption is. If he holds that the substitution of the bond of the Government, paying interest for an obligation which does not pay interest, is not a redemption, then the Senator and I perhaps differ very much. As I have said, if it cannot be redeemed in specie let us redeem it in the next best thing. If the Senator's idea is that the paper promise of the Government to pay is never redeemed at all until it is paid in specie, then he and I perhaps do not understand each other.

Mr. HOWE. I agree entirely that it is a perfectly fair and honest thing, since we cannot take up our demand promises with coin, as we agreed to do when we issued them, to take them up with an obligation which bears interest. But if we do that, I insist upon it it shall be the payment of the note.

Mr. SCOTT. So I say. I am for canceling that note; and then I am for going further and being honest in the future, and saying in any note we put out hereafter the Government acknowledges that a time will come when in all probability coin cannot be paid for this note; and in that event the promise is only to redeem in a bond bearing interest.

Mr. MORTON. I suggest to the Senator that that is an abandonment of the supremacy of gold indefinitely.

Mr. HOWE. Will the Senator from Pennsylvania be kind enough to explain in that connection?

Mr. SCOTT. I find myself in a cross-fire of triangular interrogation here, and I do not know which of the Senators I am expected to respond to; and so I will go on in the line I had marked out myself.

Of course, Mr. President, what I have previously said leads me to the conclusion and to the result, that the business of the country cannot be done with gold as a medium of exchange, as a currency for every-day business; and therefore it must be done with credit money of some form. As I have heretofore said upon this general subject, wherever you have credit, wherever you have debt, it is impossible for legislation effectually to provide against and prevent panic; and I have no idea that we can ever form a financial system which will prevent panic. Debt is the mother of panic; and it may be begotten by fire or flood, misfortune, war, calamity of any kind; and the extent of the panic depends upon the extent of the debt, and the extent to which confidence is shaken when the exciting cause occurs.

The second question presented is, What character of credit currency is to be furnished to the people? Bank-notes are but one form of credit. The bank-note issued by the old State corporations was one form of credit. The national-bank note is another form of credit. The legal-tender note is another form of credit. And the fractional currency a third form now in use. We come to the question, Shall all these forms be continued, or what form of currency in the shape of a note will we give to the people of the United States? This opens a wide field for discussion if I were disposed to enter it, and would permit me to do what I have disclaimed the intention of doing, namely, entering into all the theories with regard to the various classes of paper money, and the various schemes that are presented for issuing it.

It may perhaps seem to be illogical after the statement I have made, with my belief as to the amount of gold that can be secured and the inadequacy of gold for the purpose of transacting the business of the country, that I should follow it by the statement that I do desire to see the currency of the country uniform in value, redeemable in gold or its equivalent. I do say so for I have no faith whatever in making anybody rich by issuing irredeemable promises to pay. I have no idea that we can gratify what seems to be the desire of very many in the land; that is, start a volume of paper currency running past every man's door like the streams that carry him water, so that he can go out with his dipper in hand and take just what he requires to slake his monetary thirst, and make him easy and comfortable in his business. I have no such idea at all, for I am firmly satisfied that the issue of irredemable paper money does beget extravagance and speculation, gives rise to fictitious values, to demoralization in community, to defalcations among those who are trusted with large amounts of money, and brings about the whole brood of evils which follow from the fallacious notion that men or nations can get rich by putting out their promises to pay.

But, sir, is this inconsistent with the idea that we can have a paper currency brought to par and used to as large an extent as necessary for the business of the country? I think not if we provide that that paper currency shall be redeemable either in gold or bonds, for if it be redeemable in either, the moment it begins to depreciate below par its redeemability will, of itself, regulate the volume which the country will tolerate. Then, sir, I arrive at the conclusion that the only currency which this country will receive after the experience of the past ten years, is a currency founded upon the national faith. No one wishes a better paper currency than the one we have had. No one wishes a better currency than the national-bank note redeemable in

the legal-tender note, if that legal-tender note were redeemable itself in anything better than itself. No one will ask a better currency if we make the legal-tender note the whole currency and have it redeemable in anything better than itself when it falls below par. No one would wish for one moment to go back to that period when the State Legislatures could incorporate banks permitting them to issue circulation to an unlimited extent beyond the capital which they had paid in, and to bring about that state of things which made the money in a man's pocket when he started from New York to Chicago be about as far below par when he reached Chicago as his watch was ahead of time. No one wishes a return to this state of the currency; and we all desire to see the national currency placed upon such security as will render it uniform in value and as will render it in volume just equal to that which will sustain itself at par.

I had intended at this point of my remarks to discuss the character of the note which I would prefer to see issued. I have indicated it to some extent already, by intimating that I should prefer to see a legal tender issued in the form which I have indicated.

[At this point the honorable Senator yielded to a motion that the Senate proceed to the consideration of executive business.]

THURSDAY, *March* 26, 1874.

Mr. SCOTT, (resuming.) Mr. President, had I risen with the ambition to make an elaborate speech, certainly that ambition would not be encouraged by the vote just taken in the Senate limiting debate. However, I take to myself this consolation, that I am not in the habit of making speeches for any other purpose than that of affecting action upon the measure under consideration; and as it is evidently the desire of the Senate that discussion should cease and voting begin, I shall forego some of the remarks I had intended to make. I have an additional reason for doing so, for since coming into the Chamber it was my intention simply to say that I did not feel well enough to proceed, and to defer the conclusion of my remarks for an hour or two, but I have since concluded to occupy a very few moments in disposing of the two remaining questions presented by what I said before the adjournment last evening.

I had spoken of the proposition contained in the act of 1869 and how it was to be met. I was proceeding at the time of the adjournment to consider the character of the currency to be furnished by the Government to the people. But I am admonished that but little should be said on any one of these subjects now; and I shall say but little.

We have now in reality five characters of currency, if I recall them correctly. We have, first, the Treasury certificate for gold deposits; secondly, gold notes authorized and issued by the three gold banks in California; thirdly, the national-bank notes; fourthly, the legal-tender notes; and fifthly, the fractional-currency notes. These correspond in some measure to bullion notes, the good notes, and the depreciated notes, which are mentioned by a recent writer (Seyd) as making up the different qualities of currency in England. Our bullion notes are not exactly in form the same as the bullion notes which are issued by the Bank of England. We have at present no other form of what is termed by that writer "good notes," except the notes issued by the coin banks, and they are to a certain extent of that character, being based not only upon Government bonds but also upon coin in the vaults, in a certain proportion to the amount of circulation. To the depreciated paper, the third character of notes mentioned by that writer, correspond the whole three classes of legal-tenders, national-bank notes, and fractional currency, for they are all below the par of gold.

I believe it would be much better if we could get rid of the diversities of circulation and have uniformity in its character as well as uniformity in value, and for that purpose I have already indicated that I would prefer seeing the note of the Government a legal-tender note, issued in the form to which I referred last evening.

There is one characteristic of the present national-bank circulation which I would wish to see remedied. It costs the Government and the people too much. To see what it does cost, I shall attempt to dispel the delusion that exists about the receipt by stockholders of the whole interest upon the bonds deposited to secure circulation. According to the last report made, those bonds consist of $235,017,150 of 5 per cents and $157,834,950 of 6 per cents, making $392,852,100. If we deduct from that the $354,000,000 of notes, which would be amply secured by an equal amount of bonds, we have deposited as security for circulation about $38,000,000 more than is absolutely necessary, now that the bonds are at par. The interest on the 5 per cents amounts to $11,750,857, on the 6 per cents to $10,470,097; and if you deduct $2,000,000 for the $38,000,000 which is in excess deposited over the circulation, it would make the annual interest paid upon these bonds $20,220,954. The supposition is that all this interest is paid, received, and enjoyed by the capitalists who own national-bank stock. But, sir, on the other hand, it appears by the report of the Comptroller of the Currency that, taking the authorized State tax and the tax upon circulation and deposits, those taxes amount to 4½ per cent. upon the capital; so that there is less than 2 per cent. realized by the holders of national-bank stock out of the interest which they receive upon the bonds deposited. In effect, the General Government pays to the State governments the amount of tax which is assessed under the law of Congress authorizing those State governments to tax the national-bank stock, pays the State tax into the treasuries of those States, pays the State tax upon bonds which under the decisions of the Supreme Court of the United States cannot be taxed for State purposes, but indirectly this State tax is thus paid.

By sweeping away all delusion about the character of this taxation the whole circulation, legal-tender and national-bank notes combined, can be based upon a bond at a lower rate of interest, and the Government pay less interest than it now pays upon the national-bank circulation alone. If the bonds continue, as they now are, at par, the margin which was provided when the national-bank system was organized, between 90 and 100 per cent., would practically be unnecessary, and a 2 per cent. bond would pay the holders of this national-bank stock as good an interest and they would realize as much profit out of their banks by taking their circulation upon bonds of that character, or exchanging those upon which it is now based for such a bond, as is now paid. We have $354,000,000 of national-bank currency, and assuming that the legal-tender issue was increased to $400,000,000, we would have in all $754,000,000. Now suppose the bonds upon which that currency is based to be exchanged for a bond bearing 2 per cent. interest, the whole of the interest upon those bonds would amount to a little over $15,000,000, whereas, as I have shown, the interest paid upon the bonds upon which the present national-bank circulation is based is over $20,000,000.

Why should not this machinery be swept away? Why keep up the delusion that the Government is paying to the owners of national-bank stock 5 and 6 per cent. upon these bonds; that they are realizing this profit; and why employ officers to get back to the national Treasury about 2 per cent. on this capital, paying out interest by one clerk and taking in tax by another? Why pay 2 per cent. into the treasuries of the States, whose citizens have paid it before in Federal taxes, and get it back through circumlocution? Why not say at once that the bond of the Government bearing 2 per cent. interest is a sufficient basis upon which to found this circulation? Is it not sufficient? The Bank of England issues its notes to any extent upon specie deposits, and fifteen millions over that upon exchequer bills. A 2 per cent. bond would be better than exchequer bills. Our 5 per cent. bonds are to-day in the market at par in gold. And, for the purposes of a circulating medium, does any one suppose that the holders of the franchises of the present national banks, and of any that may hereafter be organized, would not willingly exchange every bond upon which their circulation is based for a 2 per cent. bond clear of both State and national taxation? By this we would get rid of the delusion that stockholders receive this high rate of interest.

There would be this further advantage: It would not only reduce the actual amount that the Government is now paying for the present circulation, but upon any system of free banking which may be adopted it would also diminish to the extent that bonds would be deposited the amount of interest upon them. It would do more than that. If that were enacted and then free banking, either to the extent provided in this bill or general free banking were provided with redemption in bonds bearing the higher rate of interest, it would call home from Europe a large portion of our bonds held there, for the purpose of using them as a redeeming medium, and thus we would not only diminish the rate of interest upon a considerable portion of our national debt, but we would bring to our own shores another considerable portion of it, and keep here instead of sending abroad the coin interest upon it.

While I am upon this subject, let me speak for one moment about the feature of this bill which extends the privilege of national banking. It is not absolutely free banking until all persons without restriction are permitted to come in and invest their capital whensoever and wheresoever they see proper. But this provision in this bill authorizes an issue of national-bank circulation until each State and Territory shall have the same amount of circulation in proportion to wealth and population that the State of New York now enjoys. What would be the first effect of that? The complaint has been made that too large a proportion of national banking capital is enjoyed in the Eastern States. The effect of this provision is, that in every one of the New England and Middle States it prohibits any further use of capital for national-bank purposes. The second effect is that if it be true, as alleged, that there is not sufficient capital in the Western and Southern States to establish national banks, it compels the capitalists of the East and North, if they desire to avail themselves of this privilege, to give to the West and South the benefit of their capital. Otherwise, national banks will not be established under this bill.

This would to a large extent remedy for a time at least one of the evils complained of. That evil is a scarcity of circulation in the West and South. If eastern capital were to establish banks in the West and South, two other results follow: First, the advantages which banks give in utilizing money, it being a well-established result of experience that the more banks there are the less currency is needed; for $100 placed on deposit in a bank will perform in the course of a day or a week, as activity of the business may call for it, the function of $500 which is simply passing from hand to hand in the every-day business of trade. Secondly, it would settle a question much mooted in this debate, namely, whether currency thus furnished will remain where it is thus issued. We are apt to be misled by the figures we get in our statistical tables. When we look over them and find that so much *per capita* is apportioned to Rhode Island and so much to Illinois and so much to Iowa, we are liable to rest in the belief that that proportion of money is actually in those States, and I have found myself upon

occasions when looking over the table taking it for granted that the proportion there allotted *per capita* to the population of those States is actually there. It is allotted there and it went there, but we find all the time that this circulation is seeking the commercial centers and that many of those States are not enjoying even the amount of *per capita* circulation which the tables give to them. Hence we find even the West complaining that at times they have too much money and at other times too little; that when they have too much it flows to eastern cities. If this provision, then, be carried out, and eastern capital goes either West or South, it will solve the question as to whether that capital will remain in those localities or not.

As it stands at present the national Government is paying about 2 per cent. of the interest upon the bonds which are the basis of the national-bank circulation, as State tax into the treasuries of the New England States, on about $80,000,000. If this system be adopted it will prevent, for the present at least, the objection which I have heretofore urged, that if we throw open free banking in an unlimited way there may be at once such an absorption of the capital in the Eastern States that it will, by this feature of taxation alone, if there were no other, make the national-bank system more odious in the West and South than it has ever been heretofore, and be the very best instrument of driving it out of existence, and that it would have that effect I have no doubt.

If unlimited free banking (without redemption I mean) were thrown open to-day the capital which could be employed in the Eastern and Middle States would be so much in excess over that which would be used in the Western and Southern States that attention would at once be directed to the fact that the national Government was paying a large proportion of the State taxes of those States in which the excess existed. But the provision in this bill as an experiment to begin with on this subject of free banking would correct that evil.

Now, Mr. President, recurring to the second question presented in the beginning of my remarks, I would advocate a change of the whole form of our circulating medium to the character of note I indicated in my remarks yesterday, the note of the Government redeemable in coin or interest-bearing bonds. But I have tried that question to such an extent, at least in the Finance Committee, as to know that I could not at this time secure a favorable report upon that proposition, and whether I shall offer it in the Senate will depend upon the developments of the voting and the debate hereafter.

The third question that is presented is, let the character of the circulating notes be what it may, how much currency is to be furnished? That seems to be the troublesome question. Nobody has got money enough and everybody expects the Government to give them just as much as they need or to furnish it in some manner. If we could but do that, there would be no complaint about the delay of Congress or about the long discussion which would result in such a measure of relief. There are many persons in the country with whose embarrassments I deeply sympathize, and I am very sorry we cannot give them the relief they need, but that is beyond our power.

Some seek to solve the question by determining how much currency *per capita* is needed in the country, and we have had a great many disquisitions on the floor of the Senate about the amount that is enjoyed *per capita* in different countries. No rule whatever can be established upon that subject. Let me illustrate it if I can for one moment by a few figures from the census of 1870. I have taken the number of hands employed in mining, manufacturing, and agriculture in the United States and in the State of Pennsylvania, and I find the following to be the result: In the United States 154,328 men are employed in mining; in Pennsylvania 81,215, or a little more than 50 per cent. of the whole. In manufactures there are 2,053,996 in the United States, and 319,487 in Pennsylvania. In agriculture there are 2,885,996 in the United States and 260,051 in Pennsylvania. Now to the 154,000 men employed in mining in the United States there is paid in wages $74,464,044, and in Pennsylvania $38,815,276; a little more than 50 per cent. of the wages as well as a little more than 50 per cent. of the number of miners. There is paid as wages to manufacturing operatives in the United States $775,584,343, and in Pennsylvania $127,976,594. There is paid as wages for agriculture in the United States $310,286,285, and in Pennsylvania $23,181,944.

It is well known to every one familiar with mining regions that every man who works in the mines must have, to a large extent, his whole wages in money. He has no vegetable-garden. Sometimes he keeps a cow. But he has to purchase and pay for in money everything that he eats and wears. The agricultural laborer receives a considerable portion of his wages in kind; and the consequence is that a much larger proportion of currency *per capita* will be needed in manufacturing and mining regions than will be needed in an agricultural region for the payment of the wages of labor. How does it result? These figures make to each miner an average yearly of $482 paid in wages, and to agricultural laborers $107. So that the moment you undertake to determine the question of how much circulation is to be needed by fixing a *per capita* circulation, it is utterly impossible to do it, unless you take into consideration the employment, the manner of doing business, the facilities for banks, and the question of whether ready money or checks are used. All these questions have to be taken into consideration before you can determine the *per capita* circulation; and it is a fallacy to suppose that by quoting the amount of money which is given *per capita* in the several States injustice is established as resulting to that State which has the least.

To show this further, I will take the tables which were made in 1863 on the subject of the banking circulation in the United States. The Western States had $2.49 *per capita* in 1862; now they have $7.11 *per capita*. The Eastern States had $20.90; now they have $31.15. The Middle States had $9.97; now they have $12.80. I have not given here the *per capita* circulation of the Southern States, but taking the Western, Eastern, and Middle States, all of them had a much larger *per capita* circulation in 1872 than they had in 1862; and it will be observed, the proportionate circulation *per capita* increases most largely in the West, although in 1862 the amount to be issued was voluntary at the option of the banks, whereas now it is arbitrary and limited by the decree of the Government. The probability is, as I have already said, that some of these portions of the country have not in them now the *per capita* circulation which these tables assign to them; and that accounts for the cry which we hear that at one time in the year there is too much money in some portions of the country, and at another there is too little.

Now, sir, another fact appears from these tables, and that is, that every State in the Union that was not wasted by the war has a much larger *per capita* circulation to-day than it had before the war.

On the subject of the quantity of our circulation attention is frequently called to the fact that we have no remedy for the purpose of relieving a scarcity of currency. I think to a large extent that criticism is true. We fail in the feature in which they relieve a stringency for currency in Great Britain. I do not say that we fail altogether, for I think the attempt at relief has been made in both countries; in Great Britain by an intentional disregard of the law, and with us by an exercise in good faith of the power which the officer supposed he had. The difference between them is this, (and when it comes to a detailed system of banking instead of simply that of currency, it is a defect we ought to remedy:) In England when there is a panic and a scarcity of currency, and the government authorizes the directors of the Bank of England to disregard the law and issue more currency than they have bullion deposited or exchequer notes to secure, that additional currency is issued, and issued only for the purpose of enabling the bank to discount commercial paper, and it is used only for that purpose; and they verify what seems to be almost a paradox—that the remedy for a panic is free discounting. But in our system on that subject, instead of having a reserve which can be used for the purpose of enabling the banks to discount, our experience shows that what is called the reserve is useful only for the purpose of putting the currency where no discounts will be given. Our national banking law absolutely prohibits discounting whenever the revenues get down to the limit, as they always will in a panic.

This brings me to the question of the $44,000,000 reserve, as it is termed. I propose to say a few words on that question, although I concur with what my friend from Ohio [Mr. SHERMAN] has said, that in some respects it is not at present, so far as the $382,000,000 is concerned, a practical question. I can see, however, that it may have some bearing upon the votes of some members of this body upon the question of whether that legal-tender money was lawfully issued, and whether the remaining part of the $44,000,000, can also be lawfully issued; and that is my excuse for trespassing a little further than I intended to do in the beginning of my remarks on the attention of the Senate.

I take up that question, and I say in the beginning that I do not discuss, and I do not wish to be understood as discussing, motives in it at all. I concede to the Secretary of the Treasury in the exercise of that power the best of motives. I discuss it not as a question of motive, but as a question of power. What are the acts of Congress upon which this question turns? Viewing this dispassionately, simply as a naked legal proposition, does the power to reissue this $44,000,000 exist or did it exist, when it was exercised? There are three acts of Congress upon which this authority is claimed. That I may not misstate, I will read the words the Secretary of the Treasury himself used in his communication to the House of Representatives on the 13th of December, 1872, in response to a resolution of the House asking for his authority:

> The authority for the issue is found in the acts of February 25, 1862, (chapter 33,) of July 11, 1862, (chapter 142,) and of March 3, 1863, (chapter 73.)

There is the authority claimed for the reissue. I will take them up in their order, not to read them at length, but to summarize their contents.

First, the act of February 25, 1862, authorizes the issue of $150,000,000 of these notes receivable for bonds, and provides that they may be reissued from time to time as the exigencies of the public interest shall require. There is no doubt about the authority to reissue those notes.

On the 11th of July, 1862, another act was passed, authorizing the issue of $150,000,000, also receivable for bonds; and I refer to that act and call attention to some peculiarities about it.

First, it authorizes the issue of the $150,000,000. Then it proceeds:

> And any holder of said United States notes depositing any sum not less than fifty dollars, or some multiple of fifty dollars, with the Treasurer of the United States, or either of the assistant treasurers, shall receive in exchange therefor duplicate certificates of deposit, one of which may be transmitted to the Secretary of the Treasury, who shall thereupon issue to the holder an equal amount of bonds of the United States, coupon or registered, as may by said holder be desired, bearing interest at the rate of 6 per cent. per annum.

This authorizes the exchange of these legal-tender notes for bonds. That is the first point in the act. What is the second?

Provided, however, That any notes issued under this act may be paid in coin, instead of being received in exchange for certificates of deposit as above specified, at the discretion of the Secretary of the Treasury.

I call attention to that fact specially. The Secretary of the Treasury was authorized not only to exchange bonds for these notes, but he was authorized to pay these notes in coin.

Now comes the second provision of the act:

And the Secretary of the Treasury may exchange for such notes, on such terms as he shall think most beneficial to the public interest, any bonds of the United States bearing 6 per cent. interest, and redeemable after five, and payable in twenty years, which have been or may be lawfully issued under the provision of any existing act.

The third provision is that he—

May reissue the notes so received in exchange; and may receive and cancel any notes heretofore lawfully issued under any act of Congress, and in lieu thereof issue an equal amount in notes such as are authorized by this act.

Mark the distinction. He is authorized to pay notes in coin; he is authorized to exchange notes for bonds; but he is authorized in the first instance to reissue only the notes so received in exchange, not the notes that he has paid in coin; and I call attention to that distinction in this second act:

Fourth. He may cancel and reissue the notes heretofore issued; and, fifth, there is a reserve of $50,000,000 for the purpose of redeeming temporary deposits.

Then comes the act of March 3, 1863, for the issue of $150,000,000 more; and that act I wish to call attention to, for two purposes. The provisions are, first:

And any of the said notes, when returned to the Treasury, may be reissued from time to time as the exigencies of the public service may require.

Second:

And in lieu of any of said notes, or any other United States notes, returned to the Treasury, and canceled or destroyed, there may be issued equal amounts of United States notes, such as are authorized by this act.

* * * * * *

And the holders of United States notes issued under and by virtue of said acts—

That is, of February and July, 1862—

shall present the same for the purpose of exchanging the same for bonds, as therein provided, on or before the 1st day of July, 1863; and thereafter the right to so exchange the same shall cease and determine.

There is this feature about all three of these acts, that although every one of them was providing for the issue of legal-tender notes, and for the redemption of the outstanding interest-bearing bonds of the Government, down to that point there is no provision made in any one of them against an increase of the public debt. They may be received in exchange for the existing public debt, and may be reissued. There is no question, taking into consideration the act of 1864, taking into consideration all that has been said in reference to these acts by the Supreme Court, and by the Secretaries of the Treasury, that down to this point the power to reissue did exist to the extent given by these acts. But there was at that time no reserve, so called. The $50,000,000 provided in the act of July, 1862, was a reserve, as stated yesterday by the Senator from Delaware, specifically set apart for the redemption of the temporary deposits. They have been redeemed. The office of that reserve has been filled, and every Secretary of the Treasury who has spoken on the subject has put his construction upon that act, that that $50,000,000 is no longer under the control of the Treasury Department.

We had then the limit at $400,000,000 when the act of 1865 was passed. The act of 1865 authorized the redemption of the United States debt in certain forms, and the act of 1866, upon which this controversy turns, is "An act to amend an act entitled 'An act to provide ways and means to support the Government,' approved March 3, 1865." I only refer to the act of 1865 for the purpose of connecting the two together, and showing how their provisions have an effect one upon the other. This act of 1865 is entitled "An act to provide ways and means for the support of the Government," authorizes the borrowing of $600,000,000, authorizes the issue of bonds and of Treasury notes, and provides how bonds may be disposed of for notes of the United States, and closes with this proviso:

Provided, That nothing herein contained shall be construed as authorizing the issue of legal-tender notes in any form.

In 1865, after the limit of $400,000,000 had been fixed by act of Congress, there was no intention to authorize the issue of any more legal-tender notes, but, on the contrary, it was the intention to exclude the implication from any language which might be supposed to authorize it in any of the acts speaking of the public debt.

Mr. CONKLING. Will the Senator read that again?

Mr. SCOTT. Certainly:

Provided, That nothing herein contained shall be construed as authorizing the issue of legal-tender notes in any form.

Mr. CONKLING. "Herein contained?"

Mr. SCOTT. Yes, sir.

Mr. CONKLING. That is, in that act.

Mr. SCOTT. Nothing in that act is to be so construed.

Now I come to the act of 1866. The quotation which has been made from that act heretofore has only been the concluding portion of the first section. I will read the whole section, that all its provisions and purposes may be seen:

Be it enacted, &c., That the act entitled "An act to provide ways and means to support the Government," approved March 3, 1865, shall be extended and construed to authorize the Secretary of the Treasury, at his discretion, to receive any Treasury notes or other obligations issued under any act of Congress, whether bearing interest or not, in exchange for any description of bonds authorized by the act to which this is an amendment; and also to dispose of any description of bonds authorized by said act, either in the United States or elsewhere, to such an amount, in such manner, and at such rates as he may think advisable, for lawful money of the United States, or for any Treasury notes, certificates of indebtedness, or certificates of deposit, or other representatives of value, which have been or which may be issued under any act of Congress, the proceeds thereof to be used only for retiring Treasury notes or other obligations under any act of Congress; but nothing herein contained shall be construed to authorize any increase of the public debt.

Now comes the provision upon which the controversy is alleged to hinge:

Provided, That of United States notes not more than $10,000,000 may be retired and canceled within six months from the passage of this act, and thereafter not more than $4,000,000 in any one month: *And provided further*, That the act to which this is an amendment shall continue in full force in all its provisions, except as modified by this act.

And certainly that continues in full force the provision that there is to be no further issue of legal-tender notes in any form, unless the authority for it is found in some other act than the act of 1865 and the act of 1866; and, therefore, we are thrown back to the previous acts, and the question is, does the authority of reissue, contained in the first three acts authorizing these issues of legal-tender notes, continue notwithstanding the act of 1866?

Let me summarize this act of 1866 before I give a little of its history. It is, first, an act to amend the act of 1865, as I have already said; secondly, notes are to be received in payment for bonds; thirdly, the Secretary is authorized to dispose of the bonds for the lawful money of the United States; fourthly, the proceeds are to be used only for retiring Treasury notes or other obligations of the United States; fifthly, nothing is to be construed as authorizing any increase of the public debt; sixthly, there is a proviso limiting contraction; and the seventh provision continues the act of 1865 in full force.

Now, what was the origin of that act? I will not take time in reading much on that subject, but for the purpose of showing its origin let me quote the recommendation of Secretary McCulloch in his annual report of December, 1865:

It is the opinion of the Secretary, as has been already stated, that the process of contraction cannot be injuriously rapid, and that it will not be necessary to retire more than one hundred, or at most two hundred millions of United States notes, in addition to the compound notes, before the desired result will be attained. But neither the amount of reduction nor the time that will be required to bring up the currency to the specie standard can now be estimated with any degree of accuracy. The first thing to be done is to establish the policy of contraction.

Now, Mr. President, the limit had been fixed at $400,000,000. The policy of contraction was to be established. That was recommended. A resolution passed the House of Representatives, by 144 yeas to 6 nays, that "the House cordially concurs in the views of the Secretary;" that is, that the House will establish the policy of contraction; and for that purpose what did they do? They introduced this bill, and, if I am not mistaken, it was introduced by the honorable Senator from Vermont, [Mr. MORRILL,] at that time a member of the House, and the bill as originally introduced authorized the exchange to the extent of the whole outstanding legal-tender circulation at that time. That bill, let it be borne in mind, authorized the exchange of bonds to the extent of the whole legal-tender circulation. More than that, as was stated by Mr. Stevens in the debate on the floor of the House it authorized the retiring of $180,000,000 of the Treasury notes bearing interest. The authority was attacked as utterly unjustifiable; it was alleged that such a power lodged in the hands of the Secretary of the Treasury to withdraw this $180,000,000 and the whole of the legal-tender circulation would be utterly subversive of the whole genius and spirit of our institutions, and the bill was recommitted to the committee in such manner that the chairman in re-reporting it said that he considered it an instruction to put a limitation upon the power of contraction; and accordingly this proviso was added, that this power, which in its original form extended to the retiring of $180,000,000 of Treasury notes and $400,000,000 of legal-tenders at any time, in the discretion of the Secretary of the Treasury, should be limited to retiring $10,000,000 within the next six months and $4,000,000 a month afterward.

During all that debate it never was suggested, and it would have been suggested if such an idea had been entertained, that the antagonistic power of reissue would be a remedy for that contraction. My friend, the honorable Senator from New York, [Mr. CONKLING,] at that time was an active and influential member of the House of Representatives; and such a power certainly would not have escaped him. The argument was, "You put the whole business of the country at the mercy of the Secretary of the Treasury; he can retire $580,000,000 of circulating medium." There were $400,000,000 of legal-tenders, and if it had been alleged that he had the right to reissue them, surely the answer would have been made.

Mr. CONKLING. As my friend names me, he will allow me to interrupt him for a moment. This is the only part of his observations the logic of which I cannot appreciate. As he says, and I recollect very well as the Senator from Vermont will remember the phrase used in the House that it gave the Secretary of the Treasury power to make the whole nation laugh or make it cry either by expanding or by contracting, and the purpose was to limit his power as to contraction, it being known that he was in favor of contraction and was exercising that power. Now, how can the Senator jump to the conclusion that because it was also believed that he had the power to expand if he chose to do it, he was less the possessor of an utterly

dangerous power? My recollection is, and my understanding was, that the more power was lodged in the hands of the Secretary of the Treasury, the greater was the objection seen; and instead of the objection being answered as to his power of contraction by saying that he also had power to expand, it only aggravated the objection.

Mr. SCOTT. I take it for granted that neither the Senator from New York nor any of the gentlemen who participated in that discussion legislated upon the assumption that the then Secretary of the Treasury was forever to control the affairs of the Government; and it was not a question of the personal disposition of the then incumbent of the office, but a question of the power that existed in the hands of any officer; and what I say is this: that if it were the purpose of Congress to enter upon a policy of contraction—and the overwhelming vote of 144 to 6 shows that that was the policy adopted—would Congress pass this act authorizing any contraction, even this limited contraction, without taking away the power again to reissue, if they believed it existed? Contraction was the policy, not a whim of this officer or that officer, of the present incumbent or some other incumbent; but a policy was established, and that policy was to diminish the then authorized volume of legal-tender notes, $400,000,000; and this act was passed for the purpose of inaugurating that policy of pursuance of this recommendation. And now what would be thought of the wisdom of Congress speaking of inaugurating a policy in contraction, sending out a law announcing that $10,000,000 might be withdrawn in six months and that a contemporaneous power existed of reissuing the ten millions at once?

Mr. MORRILL, of Vermont. If the Senator from Pennsylvania will allow me to enter a word of explanation here, I should like to do it.

Mr. SCOTT. Certainly.

Mr. MORRILL, of Vermont. The act as reported in the first instance provided for the retirement, as has been stated, of the entire amount of our indebtedness that was not funded. It was to be funded into interest-bearing bonds, and included the entire amount of non-interest-bearing notes as well as those that bore interest. This came in as a proviso, merely to limit the amount that could be retired under the previous parts of the same law, and it provided that not more than ten millions of the United States notes may be retired and canceled within six months, and four millions a month thereafter.

Now, what would be said if at the time we were disbanding our armies and expecting to return to a peace establishment it had been provided that not more than ten thousand men should be disbanded at the end of six months, and thereafter not more than four thousand a month? Would anybody claim that there was a law prior to that which authorized the Secretary of War to increase our Army up to the war standard? It seems to me that common sense ought to come in here and satisfy everybody that there is nothing in the argument when it is contended that there was lying back a power to restore the amount of currency to the war standard.

Mr. CONKLING. The Senator thinks there is no difference between men and money.

Mr. MORRILL, of Vermont. The law applies to one as well as the other.

Mr. SCOTT. I thank the Senator from Vermont for the suggestion which he makes; but I had nearly concluded what I had to say on this subject. There is, however, one other feature which I wish to emphasize in commenting on the act, and that is, that although there had been two preceding ones providing for the redemption of the public debt and the receipt of legal-tender notes in doing it, there had been no restriction upon an increase of the public debt, and in this act for the first time appears the provision that nothing in the act should be construed to authorize an increase of the public debt. When these bonds were issued in exchange for the legal-tender notes, and the legal-tender notes received into the Treasury for them, how can this power of unlimited reissue for any purpose exist in the Secretary of the Treasury and be exercised and preserve inviolate that provision that he shall not be authorized to increase the public debt?

Mr. CONKLING. Will the Senator please read that clause?

Mr. SCOTT. "But nothing herein contained shall be construed to authorize any increase of the public debt."

Mr. CONKLING. Now the argument is, not that that act permitted an increase of the public debt, but that other acts did; and, therefore, I submit that that does not answer it at all.

Mr. SCOTT. Now, Mr. President, taking what I have already said into consideration, that this is a supplement to the act of 1865, which was also an act for the redemption of the public debt, that the act of 1865 expressly puts in the precaution that it shall not be construed to authorize the issue of legal-tender notes in any form, I confess I cannot see where the authority contended for for a reissue of these United States notes can be gathered. It is, however, a subject upon which there may fairly be difference of opinion. The very fact that the Senator from New York contends that this authority exists, that other Senators of eminence upon this floor—learned lawyers—also make the argument that this power exists, it seems to me is of itself enough to disarm all hostile criticism of the Secretary of the Treasury. I only speak of it as a question of power, one, too, of so delicate a nature that I am free to say, when attention was called to it by the action of the House in 1872 and by the resolution of the Senate in 1873, and a report was made upon the subject, if there be blame to be attributed about it, we are open to our full share of it. With the knowledge that the Secretary of the Treasury claimed this power and had exercised it, if we believed it did not exist and found that he had been transcending his duty, we, as members of the legislative department, are just as censurable for not correcting it by legislation then, when we were inquiring into it, as the Secretary of the Treasury may be in the eyes of any gentleman for exercising a power which, although questioned, he believed to exist. I am not here to censure him. I am here arguing this question of power, as upon this may turn perhaps the votes of some members upon one provision of this bill as to legalizing the legal-tender limit at $382,000,000. It will not govern mine, for I have already indicated in my remarks that I do not entertain the doubts that some do about the power of the Government to issue these legal-tender notes, and that I have a very high estimate both of their expediency and of their value.

There are other questions, the solution of which may to some extent affect the quantity of currency available for actual use. Such is the question of reserves upon circulation and deposits. This, as well as other details of the banking system, I forbear to discuss at present. Treating the national-bank system as now too firmly established to be rudely disturbed by sudden or radical changes without great danger to business interests, the surest mode of furnishing an adequate and safe volume of currency is to make the system free from its present restrictions, and provide for such redemption of the legal-tender notes as will prevent their depreciation and the consequent depreciation of the notes of the national banks.

Returning to the three questions just propounded, let me say in response to them—

First. Believing it inexpedient to do so, I would not fix any specific time for the absolute resumption of specie payment.

Secondly. I would provide for the redemption of the legal-tender notes now outstanding in bonds bearing interest, and thus take measures to bring the notes to par, which would be equivalent to specie payments.

Thirdly. I would have the whole paper currency furnished by the Government in its own notes redeemable in gold or interest-bearing bonds, issued through the banks, redeemable primarily by them, and ultimately by the Government, and based upon a bond bearing a low rate of interest.

Fourthly. Let banking be free and the quantity would be regulated, and redundancy guarded against by this feature of redeemability.

By this system we could secure uniformity in value, and stability in our own currency, and gold sufficient for our international exchanges and our customs duties is all that we need be anxious about.

We should be desirous, however, to place our industries upon such a basis of prosperity that as a nation we can do what is essential to the success of the individual, make money or produce value and save it, or, in other words, import less than we export. Upon these cognate questions of taxation and revenue, and their connection with and influence upon the character and quality of our currency, I will not enter.

I have said, Mr. President, more than I intended when I first arose. The bill as reported from the Finance Committee is one which does not command my entire assent, and indeed upon any question involving so many interests, presenting so many phases as this financial question does, I never expect to see any bill reported in the Senate that will command my entire assent; but I am disposed to accept what is practicable when I cannot secure are that I think is desirable, even if what I accept is accompanied with some things which my judgment cannot entirely approve. I endeavored in committee (I trust I am not transgressing propriety in saying so) to have incorporated my views on this question of fixing a day for the resumption of specie payments. But my proposition failed, and I have given my assent to the report of the committee with the understanding that, as this debate shall develop the temper of the Senate, I shall be governed by circumstances whether I will again attempt to bring that or other amendments before the Senate, or whether I shall acquiesce in the bill, supporting those features of it to which I can give assent, supporting it as a whole if that becomes necessary, or if it be found that more obnoxious provisions will be likely to take its place.

I take this occasion to say that my colleague, [Mr. CAMERON,] who is detained from the Chamber by the death of a member of his family, has desired me to pair with him upon this bill. There are some features of it, perhaps, upon which we should vote together, but he, viewing the whole bill together, is opposed to it and desires me to pair with him. Where I do not vote on any question I shall consider myself as paired with him; and where I vote upon amendments or otherwise, I will vote upon the assumption that he and I would vote together.

Commerce by Railroads among the States.

SPEECH OF HON. M. H. DUNNELL,

OF MINNESOTA,

IN THE HOUSE OF REPRESENTATIVES,

March 25, 1874,

The House having under consideration the bill (H. R. No. 1285) to regulate commerce by railroads in the several States—

Mr. DUNNELL said:

Mr. SPEAKER: During the earlier stages of the debate upon the bill now before the House I had prepared a written argument, intending

to give the same at some hour before the discussion should close, quite largely devoted to a consideration of the constitutional questions involved in the measure at issue; but since then have decided to disregard that preparation and address the House upon some points which have been made prominent during the debate.

It will not be denied that the debate on the pending bill has been one of far more than ordinary interest. The speeches to which we have listened have been unusually able and exhaustive, and the many speeches which have been made by members representing different sections of the Union have but evinced the very great interest that is felt in the great question of interstate commerce. Members who have been in this House during this and the last Congress, will fail to recall any question that awakened a profounder interest than this. There have been reasons for this, and to some of these reasons it is my purpose to allude.

After the unusually able manner in which the gentleman from Iowa, the chairman of the Committee on Railways and Canals, [Mr. McCRARY,] discussed the power of Congress over commerce among the States, it is indeed wholly unnecessary for me long to dwell upon this branch of the general subject. The positions which he took, have, in my judgment, remained unshaken. They have not been answered, nor do I think they can be. The main question, the power of Congress, was met at the very threshold; it has not been evaded or avoided by the friends of the bill. They have boldly declared their belief in the power of Congress to regulate commerce among the States carried on by railroads. They have brought forward the decisions of the Supreme Court of the United States, and on them relied for arguments in support of the bill. These high authorities, the highest and only proper authorities to guide us, are so affirmative in their character and so wholly free from ambiguity that they compel my recognition. They will not permit me to go back in history and learn what even Jefferson and Madison said about the Constitution in general, and when even the thought of interstate commerce by railroads, could not have been with them the foundation of a dream.

The eloquent gentleman from Kentucky, [Mr. ARTHUR,] early in the debate, in making, I think, the second speech on this question, went far into the history of the Constitution, and read what Jefferson and Madison said about the Constitution in this respect; and yet it could not fail to have occurred to every member of the House that however ably, however wisely, these fathers may have written upon the Constitution at that early day, and written in general terms about the power of Congress over commerce, even those men, with all their wisdom, with all their prescience, could not have foreseen the attitude of the question now before the country; could not have foreseen an interstate commerce carried on, not as then, but by railroads—railroads extending from one end of the continent to the other—a commerce that they could not then have dreamed of, a mode of transportation of which they could have had no conception or thought.

The recent opinions of the court upon this question are such as ought to claim the serious attention of Congress and of the country. It will not be and cannot be doubted that at the present time the people of the country are calling upon Congress to grapple with this question. The people are not satisfied with the present order of things. They sincerely believe that there does lurk within the Constitution, power to regulate commerce given to the Congress of the United States, and this question is therefore not here unnaturally, but naturally. The people will not let the subject alone until we have an unambiguous, a certain, clear, and unmistakable opinion from the court that Congress has the right and the power to regulate commerce carried on by railroad among the States, if any just doubt may now exist. In speaking of the opinion of the court upon this subject, I refer to the decision given in the State freight-tax case, an opinion which was given by Mr. Justice Strong. It is as follows:

> Beyond all question the transportation of freight, or of the subjects of commerce, for the purpose of exchange or sale, is a constituent of commerce itself. This has never been doubted, and probably the transportation of articles of trade from one State to another was the prominent idea in the minds of the framers of the Constitution, when to Congress was committed the power to regulate commerce among the several States. * * * Nor does it make any difference whether this interchange of commodities is by land or by water. In either case the bringing of the goods from the seller to the buyer is commerce.
>
> It is not necessary to the present case to go at large into the much-debated question whether the power given to Congress by the Constitution to regulate commerce among the States is exclusive. In the earlier decisions of this court it was said to have been so entirely vested in Congress, that no part of it can be exercised by a State. It has indeed often been argued, and sometimes intimated by the court, that so far as Congress has not legislated on the subject, the States may legislate respecting interstate commerce.
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> However this may be, the rule has been asserted with great clearness, that whenever the subjects over which a power to regulate commerce is asserted are in their nature national, or admit of one uniform system or plan of regulation, they may justly be said to be of such a nature as to require exclusive legislation by Congress. Surely transportation of passengers or merchandise through a State, or from one State to another, is of this nature.
>
> Yet, if they can, why may they not add regulations to commerce with foreign nations, beyond those made by Congress, if not inconsistent with them? For the power over both foreign and interstate commerce is conferred upon the Federal Legislature by the same words. And certainly it has never yet been decided by this court that the power to regulate interstate, as well as foreign commerce, is not exclusively in Congress. Cases that have sustained State laws, alleged to be regulations of commerce among the States, have been such as related to bridges or dams across streams wholly within a State, police, or health laws, or subjects of a kindred nature, not strictly commercial "regulations."

The foregoing extracts contain sentences which do not admit of doubt. They are clear and unmistakable in their meaning. They tell us what commerce is, in the meaning of the Constitution, and that Congress has the right to regulate it. And to complete the argument, as if for this debate, the court said:

> For the power over both foreign and interstate commerce is conferred upon the Federal Legislature by the same words.

Railway-cars are loaded with wheat in a Western State and are unloaded in New York City. They have passed through many States. The cargo was taken "from the seller to the buyer," which, as the court says, is "commerce."

I have failed to notice that the opponents of this bill have grappled specifically and directly with these utterances of the court. They have read about what was said elsewhere and under other circumstances, and in different cases. These *dicta* have not been overcome in this debate up to this hour. Let me again call attention to one single sentence in this decision:

> In either case the bringing of goods from the seller to the buyer is commerce.

It is this class of commerce that is now under consideration. Cars are loaded in a trans-Mississippi State and are unloaded in Boston. The sound of the engine is heard in every State along the route. The grain that is taken from my own State is landed in the State of Massachusetts. No intermediate State can interfere with that train of cars as it passes from the Mississippi and is unloaded at the sea. This must be interstate commerce; this must be commerce among the States. It is not the commerce of my State, or of Illinois, or of any other single State; it is the commerce of the country; it is national commerce, and as such I insist it is subject to regulation by Congress.

Attention is now asked to another opinion of the same high tribunal, in a case very frequently cited in this debate—the case of Gibbons *vs.* Ogden. The selected portions of the opinion are as follows:

> To what commerce does this power extend? The Constitution informs us, to commerce "with foreign nations and among the several States, and with the Indian tribes." It has, we believe, been universally admitted that these words comprehend every species of commercial intercourse between the United States and foreign nations. No sort of trade can be carried on between this country and any other to which this power does not extend. It has been truly said that commerce, as the word is used in the Constitution, is a unit, every part of which is indicated by the term. If this be the admitted meaning of the word in its application to foreign nations, it must carry the same meaning throughout the sentence, and remain a unit, unless there be some plain, intelligible cause which alters it. The object to which the power is next applied is to commerce "among the several States." The word "among" means intermingled with.
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> A thing which is among others is intermingled with them. Commerce among the States cannot stop at the external boundary line of each State, but may be introduced into the interior.
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> It is not intended to say that these words comprehend that commerce which is completely internal, which is carried on between man and man in a State, or between different parts of the same State, and which does not extend to or affect other States. Such a power would be inconvenient, and certainly is not necessary. Comprehensive as the word "among" is, it may very properly be restricted to that commerce which concerns more States than one. The phrase is not one which would probably have been selected to indicate the completely interior traffic of a State, because it is not an apt phrase for that purpose; and the enumeration of the particular classes of commerce to which the power was to be extended would not have been made had the intention been to extend the power to every description. The enumeration presupposes something not enumerated, and that something, if we regard the language or the subject of the sentence, must be the exclusively internal commerce of a State.
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> The genius and character of the whole Government seem to be that its action is to be applied to all the external concerns of the nation, and to those internal concerns which affect the States generally; but not to those which are completely within a particular State, which do not affect other States, and with which it is not necessary to interfere for the purpose of executing some of the general powers of the Government. The completely internal commerce of a State, then, may be considered as reserved for the State itself.

The plain and clear utterances of the court in the above cited opinions, shut out any just ground of doubt, and drive the enemies of this bill from any foot-hold in the first stages of this discussion. At no time in the history of the Government has there been any lack of doubters, of obstructionists, of men calling the Constitution but a rope of sand, of men who deny to it those inherent powers with which the fathers, in their matchless wisdom, made it so pregnant. No national emergency has ever found that immortal instrument wanting in the powers needed. The Supreme Court has found no lack of power to regulate commerce among the several States.

The growth and magnitude of interstate commerce had but given birth to the crises which secured to its service and protection these decisions. At the adoption of the Constitution this commerce was as nothing, while now its value annually is thousands of millions. Then it was chiefly between contiguous States, but now it is between every State from the Atlantic to the Pacific. The buyer is in the extreme East and the seller in the extreme West, and every State is shaken by the engine which takes the commodity from the scene of its production to the scene of its consumption. Interstate commerce is to-day substantially the commerce of the Republic. The friends of this asked-for legislation declare the reasons why this commerce should receive congressional regulation. If they can give no good reasons for this control, then they should suffer defeat, for while they cannot admit that Congress has not the power to regulate it, they would not ask for the exercise of it when there exists no occasion.

We have seen in the discussion of this subject what I presume we will always see in the discussion of a new question. We will always find a certain number of men ready to hesitate, ready to doubt, ready to distrust the power of the national Government under the Constitution. There are men who in legislation will be practical obstructionists, men so eminently conservative that they take hold of a question like this with great reluctance, and are unwilling to pass

from the older methods to the newer ones; men who find it almost impossible to accept new starting-points in legislation.

There are also in this House men who are troubled with the doctrine of State-rights. That insidious doctrine, taught for many years, has yet a certain lodgment in this country. It has manifested itself in this debate by a clinging to the rights of States, an unwillingness to concede that the Federal Government has power, dreading power in the Federal Government, and insisting that whatever power there may be in the Union shall largely reside in the States.

Now, for one, I do not fear this increase of Federal power, especially when demanded by the exigencies of the Republic as it passes on in its growth and development. The growth of the internal commerce of the country cannot fail to have attracted the attention of every member, from the statistics which have been presented here. Consider the commerce as it was when the Constitution was adopted. It was then merely as nothing, beween a few States, and those contiguous. There was no commerce from a remote, new State, to another State on the other side of the continent. The internal commerce of the country now amounts, as the gentleman from Kentucky [Mr. ARTHUR] has said, to $5,000,000,000 annually. And yet, what is that compared to what it will be in a few years to come? Take the State of Iowa, of which, in 1870, but one-fourth was now under cultivation; take my own State, of which but one-tenth was under cultivation, and yet these two States are sending this year to the markets of the world fifty million bushels of wheat. What they send to-day is but a trifle compared to what they will desire to send in a very few years. Take the Northwestern States that have agitated this question in conventions, by resolutions, and otherwise. They have a capacity to supply the wants of the world. The capacity of the eleven Northwestern States is almost beyond conception.

I will here make reference to another decision, pronounced by Mr. Justice Miller, of the Supreme Court, in the Clinton Bridge case:

> Another means of transportation, equal in importance to the steamboat, has also come into existence since the Constitution was adopted. By it merchandise is transported across states and kingdoms in the same vehicle in which it started. The railroad now shares with the steamboat the monopoly of the carrying trade. The one has, with great benefit, been subjected to the control of salutary congressional legislation. Is there any reason why the other should not be? However this question may be answered in regard to that commerce which is conducted wholly within the limits of a State, and which is therefore neither foreign commerce nor commerce among the States, it seems to me that when these roads become parts of the great highways of our Union, acting an important part in a commerce which embraces many States, and destined, as some of those roads are, to become channels through which the nations of Europe and Asia shall interchange their commodities, there can be no reason to doubt that to regulate them is to regulate commerce both with foreign nations and among the States, and to refuse to do this is a refusal to discharge one of the most important duties of the Federal Government.

Attention is asked to the closing words of this decision as quoted:

> And to refuse to do this, (namely, to regulate this commerce among the States,) is a refusal to discharge one of the most important duties of the Federal Government.

To a discharge of this duty is this Congress called by no uncertain voice. The larger portion of our internal commerce now carried on by railroads is subjected, as the friends of this measure insist, to extortionate rates. The producers demand that now this commerce shall receive the considerate attention of Congress. They ask for the passage of this bill, or some like measure, by which the commerce among the States shall be carried on agreeably to the just requirements of the producers and the consumers. Is it an unreasonable request that we seek to do away with, or at least lessen, the burdens to which all classes and interests are subjected?

I wish now for a few minutes to ask the attention of the House to some of the provisions of this bill. Some of these provisions receive the especial condemnation of the enemies of the bill. They have been debated much more ably than I shall be able to do. I trust that the points which were raised last evening by the gentleman from Vermont [Mr. WILLARD] will receive the attention of the gentleman in front of me from Massachusetts, [Mr. G. F. HOAR,] who without doubt will be able easily to overthrow the positions taken by the gentleman in regard to the power of Congress to regulate our interstate commerce carried on by railroads, and also the power of Congress to prepare schedules of rates and use the same in court as *prima facie* evidence of what is a fair and just compensation.

The first section of the bill declares that each and every line of railroad extending into or through two or more States, and employed in carrying freight or passengers between points or places in different States, shall be regarded as employed in commerce among the several States.

The second section provides that no railroad company, corporation, or person engaged in operating a line of railroad into or through two or more States shall charge, collect, demand, or receive more than a fair and reasonable rate of toll or compensation for the transportation of freight of any kind or passengers between places in different States. This section declares the grand object of the bill. It assumes what has already been abundantly shown, and what I shall attempt further to demonstrate before I close, that much of the interstate commerce of the country carried on by railroads in too many sections of the Union is subjected to extortionate exactions. The fair and reasonable rate which the common law calls for is well-nigh unknown. It is this burden upon the commerce among the States that has brought this bill before the House and aroused to indignation many States in the Union. The producers are doomed to exactions by the carriers which they cannot and will not bear without a struggle to throw off; a struggle that will be memorable in the history of the country.

The Northwestern and grain-producing States are a unit in this war against extortion. They know its reality and feel its power. They are solemnly pledged to its overthrow. They deem themselves but loyal to the highest weal of the Republic when now they ask and demand that the commerce among the States, the chief commerce of the country, the commerce that should and can enrich every section and every State, and indeed all carriers, shall be conducted honorably, fairly, and in keeping with the behests of the common law. This is our aim, and nothing more: that the State which has in any given year its thirty million bushels of wheat beyond its own wants, and needed in some other State, shall not be the prey of corporate monopoly; shall have a just chance, protected by the equities of the common law of the world.

The second section of the bill is then but a blow at extortion. If this does not exist, then no harm can follow from the passage of the bill. No right is invaded. The privilege to fix unjust rates is invaded. The friends of this measure are not the enemies of railroads. Many of them have been their conspicuous friends. They insist, however, that the people and their interests shall have the fullest protection against the encroachment of corporate power. The people of the West believe, and I can but agree with them, that the through and way freights on their produce on its way to the East and the seaboard are extortionate, are violative of the common law. If in the execution of this law they should not be found by the court to be so, then no harm can come to either party in the contest. If the railroads should, on the other hand, be adjudged guilty, the interests of the people will have been subserved, and the Government will then have discharged one of its highest duties.

The fifth section provides that the commissioners shall institute a thorough investigation and inquiry into the rates of toll and compensation charged for transporting freight and passengers over each of such lines of railroad as are described and designated in the bill, and into the reasonableness thereof, and shall prepare for the owners and operators of each of such lines a separate schedule of reasonable maximum rates of charges for the transportation of passengers and freight, and cars loaded and unloaded.

This provision in the bill is the one chiefly assailed. If Congress attempts to regulate, it must prescribe rules; regulation implies the use of rules. This schedule of reasonable rates shall become the rule. Such is the contemplation of the bill; this we do not deny. This is the rule to which, in keeping with the principles of the common law, we contend that the railroads doing an interstate business should be made to yield obedience.

It is claimed, Mr. Speaker, by the opponents of this bill that these nine commissioners, however able they may be, would be wholly unable to prepare these schedules; that they must utterly fail in this their chief work, and that the preparation of these schedules must be the work of many years, if indeed it be among the things possible. If this objection be well taken, then the roads have little to fear. This bill if passed into a law can do no harm. I confess, however, to my inability to see any just grounds for this position. A schedule of rates must be based upon the data which will be within their reach or procurement under the powers conferred in the bill itself. There will be to the commissioners no lack of material. There will be to them the same data the railroad officers have who now fix the rates. While we concede ability and tact to the railroad managers of the country, we claim that there are many men in the States, outside of this great interest, who, by education and experience, as well as observation, would be amply fitted for this duty, men of known integrity, whose appointment would at once give an earnest of a just and fair oversight and protection to this vast and rapidly growing internal commerce.

If the railroads carrying the commodities from the West to the East are not satisfied with a reasonable return, they not only inflict a penalty upon the producers of the West, but also upon the consumers of the East. There is not an interest that does not suffer when capital, thus interwoven and connected in this important business, seeks an unjust and unreasonable return. The debate upon this bill, earnest and animated as it has been, is the result of a deep-seated conviction in the minds of the people of the States of the Northwest. This conviction has grown with the growth of years. The farmers of the West demand, if the demand shall be found just, that their productions shall find a cheaper transit to the States of the East and to the ocean, and that the manufactured articles of the East shall come to the West at a cheaper rate of transportation.

This is the question. It is a simple one. It has been brought upon the country by the logic of events; and it is not to be thrust out of this Congress by anything else than a distinct consent on the part of Congress. If this Congress fails to do its duty in this respect, others will take our places, and heed this demand of the people. Now, in this bill, Mr. Speaker, I cannot see that anything unreasonable is asked. Other sections provide for the appointment of commissioners. Some members on this floor say that these nine men will be unable to make a schedule. Indeed some go so far as to say it will be to them a physical impossibility. Then certainly no harm can come from the bill. If the nine men shall find themselves loaded down beyond their ability, then no hurt can come to the railroads or to the commerce of the country, or to any interest of the country. Our labor

will simply have been an indication of our intention, our good-will, our purpose.

A gentleman near me suggests that the statistics which shall be gathered by these commissioners, will be well worth all the cost. If we but consider the condition of the country at the present time, with all the data within the control of the railroads, and thus locked up by them, none can fail to see how valuable would be the statistics that would be drawn out by the powers conferred upon these commissioners. The country will then have something that it can look squarely in the face, and from which it may make wise and safe deductions for future legislation. If this bill shall not be successful in its operation, the experience of the year will enable these commissioners to come before Congress and recommend such a modification of this law, such an addition to it, or such a subtraction from it, as shall meet, and justly meet, the demands of the internal commerce of the country, this commerce which is now as four to one compared with the foreign commerce of the country. As our material resources become developed in the different States of the Union, as we become a more self-supporting people than we are now, when our importations shall largely decrease, and when we shall be to a great extent a nation within ourselves, as majestic in developed wealth as we are in political character, how immense then will be our internal commerce!

Gentlemen say we can overcome the evils under which we are suffering by water communication. So we may to some extent; but it is not to be forgotten that the water channels formed by nature or by the Government, in more than one-half of the Republic, for one-half of the year will be sealed by the ice of winter; and the railroads, whatsoever we may do in the line of water communication, must for a long time to come, indeed always, be the important agent in the carrying trade of the country. We here admit that we seek by this bill to control these railroads and ask them to conduct their business agreeably to the requirements of the common law. We must make this request, or say to them, in the language of the gentleman from New Jersey, [Mr. SCUDDER,] "Hands off!"

We admit that railroads have been the principal agent in our national development and growth. We wish more of them. The people have looked for the results of competition, and have realized only the fruits of combination.

In my own State we have nineteen hundred miles of railroads, all completed since 1862, costing over $80,000,000. The question now before Congress, and thrust before it by the people of the country, is whether the railroads, built in the different States under State charters, shall combine and carry on the interstate commerce to so large extent as they do and be let entirely alone, or whether they may not in some way or by some law be controlled.

The gentleman from New Jersey [Mr. SCUDDER] made an able and eloquent speech, and the point in his speech was that this commerce must be free; that no matter what the railroads may initiate or how they may attempt to carry on this commerce, the cry must ever and anon be, "Hands off!" "Hands off!"

Now, Mr. Speaker, let me express my belief that the American people are not the kind of people to accept such a decision, when they deem themselves deeply interested, and so interested that it takes hold of their very life and their very growth. Take the farmers of my own State. They have twenty-two millions of bushels of wheat the present year to sell. They believe that wheat ought to find a market at twenty-five or twenty-seven cents a bushel, while they are made to pay fifty-four cents for every bushel sent to market, making some $12,000,000 which they are compelled to pay on that one production.

Is it a matter of wonder that they favor a cheaper transportation? It is with them a vital question. When the products of so young a State are subjected to an overtax of from five to ten millions annually, it should surprise no one that the producers are a unit in seeking remedies. While they seek improved and multiplied water communications, they cannot forget that their chief reliance will be upon the railroads. When they see these railroads combining for this freight, and always increasing their rates when the crops are pressing for shipment, and when the rivers and canals are freezing up, they very naturally set themselves to debate and question whether Congress may not break the force of these combinations, and compel the railroads to accept a reasonable and fair compensation. When these producers know that some of the roads forming a part of these continued through lines have, by watering processes, increased their original stock, the cost of construction, from $24,000,000 to $84,000,000, they have food for a just indignation. They make no war upon capital when satisfied with a just return; they abhor the combinations which defy competition and which recklessly trifle with the fruits of their toil; they look to this Congress for some relief, and for such relief as the Constitution guarantees to them. As one of their Representatives on this floor, I could not so forget my duty to them as to allow this debate to close without raising my voice in their defense.

I will now allude to some of the remarks of the gentleman from Pennsylvania, [Mr. STORM,] made on the 6th of this month. Among other things he said:

> It is well known to-day that one of the greatest difficulties on this whole subject is the power which railroad corporations have over legislative bodies. It is difficult now for the thirty-seven different Legislatures of the Union and Congress to circumvent the grasping tendencies of these soulless and heartless corporations; but when you take away from those thirty-seven States, and take away from ourselves, all control over this important subject and place it in the hands of nine men, I cannot conceive of any more monstrous proposition. * * * *
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> Mr. Speaker, I have just as much faith in man as the history of fallen humanity compels me to place in him—no more and no less; and I say that this is placing in the hands of a few men powers and responsibilities that I am unwilling to assent to. If it is difficult now, with all our various State Legislatures and with Congress, to circumvent and control the grasping tendencies of these corporations, what will be the effect when the whole subject is placed under the control of nine men?

The gentleman admits it is difficult for the State Legislatures to circumvent these corporations, and yet resists a measure which seeks to do this very thing. While he sees fit to call the railroad corporations of the country "soulless and heartless corporations," yet he opposes a bill seeking to make these "corporations" less "soulless and heartless."

We admit that the State Legislatures are unable to grapple with this through commerce. Suppose there should be a railroad combination reaching from Minnesota to Massachusetts. A car of wheat starts from the West to the East and passes through Illinois. Will any one undertake to say that the Legislature of Illinois can stop that train and seek to regulate that through trade? I insist not. It is interstate commerce, and the gentleman from Pennsylvania should be willing that Congress may circumvent these soulless and heartless combinations.

He also confesses his want of faith in fallen humanity, as though men who would be appointed under this bill would be placed in a position in which nine men were never placed before. It would not be difficult, Mr. Speaker, to find in the machinery of this Government twice nine men who have more power than these nine men would have; twice nine men who are under far more temptation than these nine men would be. When we deny to men the integrity needed for official position, even for such position as this, then we deny that the Government may exist. There is not a department of it that does not rest upon the character and integrity of the men who have it in charge. The men upon the supreme bench of the United States have vaster interests at their disposal than these nine men would have.

The Secretary of the Treasury has ten times the power and wields ten times the wealth these men could have or wield. There are men in the country, an army of them, who would execute the duties imposed by this bill squarely and honestly, who would honor their country and their humanity.

I have more faith in men than the gentleman from Pennsylvania. The gentleman also said in his remarks that the new constitution of Pennsylvania had put these corporations, the railroads, within the grasp of the people in that State. Now, is that so? Are the railroads to-day of his State more within the power of the people than they were in the year prior to the adoption of the constitution? If it is so, Mr. Speaker, I fail to discover any change in the attitude of the gentleman from Pennsylvania.

The prime objections to the pending bill raised yesterday by the gentleman from Vermont [Mr. WILLARD] are completely answered by the Supreme Court of the United States in the case of Gibbons *vs.* Ogden, and the recent case of Olcott *vs.* The Supervisors. Take the following sentences from the former case:

> It is the power to regulate, that is, to prescribe the rule by which commerce is to be governed. This power, like all others vested in Congress, is complete in itself; may be exercised to its utmost extent, and acknowledges no limitations other than are prescribed in the Constitution. These are expressed in plain terms, and do not affect the questions which arise in this case, and which have been discussed at the bar. If, as has always been understood, the sovereignty of Congress, though limited to specific objects, is plenary as to those objects, the power over commerce with foreign nations and among the several States is vested in Congress as absolutely as it would be in a single government having in its constitution the same restrictions on the exercise of the power as are found in the Constitution of the United States.
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> The wisdom and discretion of Congress, their identity with the people, and the influence which their constituents possess at elections, are in this, as in many other instances, as that, for example, of declaring war, the sole restraints on which they have relied to secure them from its abuse. They are restraints on which the people must often rely solely in all representative governments.

Also take the following words from the latter case:

> Whether the use of a railroad is a public or a private one depends in no measure upon the question who constructed it or who owns it. It has never been considered a matter of any importance that the road was built by the agency of a private corporation. No matter who is the agent, the function performed is that of the State. Though the ownership is private, the use is public. So turnpikes, bridges, ferries, and canals, although made by individuals under public grants, or by companies, are regarded as *publici juris*. The right to exact tolls or charge freights is granted for a service to the public. The owners may be private companies, but they are compellable to permit the public to use their works in the manner in which such works can be used. That all persons may not put their own cars upon the road, and use their own motive-power, has no bearing upon the question whether the road is a public highway. It bears only upon the mode of use, of which the Legislature is the exclusive judge.

And in the same case the court say:

> The railroad can therefore be controlled by the State. Its use can be defined; its tolls and rates for transportation may be limited.

It is this decision of the court to which I ask especial attention. It meets squarely this question, that the State Legislature may regulate or limit the rates and tolls of any State railroad doing business within the State. The advocates of this bill claim that what a State Legislature may do in the regulation or limitation of the rates and tolls of railroads doing business within a State, Congress may do with regard to railroads doing an interstate business; that Congress is the proper and only power that can do it.

Now, Mr. Speaker, for the argument's sake, we will suppose that this question of the power of Congress to regulate by rates, by tolls, railroads carrying on this interstate commerce is unsettled, that the courts have not decided it; admit that it is uncertain what might be

the decision of the courts; yet, sir, I ask whether under the very natural interest which is taken in the question, it is not incumbent upon this Congress, in view of the great future and rapidly increasing magnitude of our internal trade, to meet this question, and whether it is not its duty to meet it just now?

I fail to find in this bill anything that causes me to hesitate or doubt as to my vote in relation to it. Its friends would not claim that they had struck at once upon just the measure in all its provisions that is required, yet they insist that the features of the bill, at least in the main, are correct; that its provisions are such as will be for the interest of the country. It will meet a demand of the people in relation to our interstate commerce; for the people, as I say, do demand that Congress shall take some action in relation to it, and initiate measures that shall definitely settle the question whether the vast internal commerce of the country shall be regulated solely by the capital that is invested in the carrying trade, or whether it shall be regulated by Congress, where the Constitution lodges the power of regulation. Nothing would be gained by a postponement of a decision. An early decision would be in the interest of all parties interested.

Some gentlemen say that this is a war against the capital invested in railroads. I deny that it is. Many friends of this measure have been among the conspicuous friends of railroads; and those gentlemen on this floor who advocate the passage of this bill have voted land grants to aid railroads; have hailed their building into the frontier country and have contributed to their building. I need not speak of the value of these railroads and of the trade they have developed in the great West.

No man should be deemed an enemy to the railroads who should say to their managers, "Gentlemen, take all the business which shall come to you, but conduct that business honorably and in keeping with the demands of the common law." Labor which produces, as well as capital, should have a just protection. The fact that this question is before Congress at the present time has been to some a matter of wonder. I cannot conceive how it can be a matter of wonder when we consider the immense growth of the Northwest, and its immense prospective power and wealth, if it be not crippled by shackles forged by capital not held to obey just restraints.

I notice in the remarks of the gentleman from Missouri [Mr. STANARD] a reference to some of the States that are legislating at the present time upon this subject. It is true that within the last thirty days, the Legislatures of Wisconsin, Minnesota, and Iowa have passed laws upon this subject. In two of the States the new State railroad laws are almost a transcript of the bill now pending before this House. The Legislature of my own State has passed a law almost word for word the bill now before us. I think it will be found that this bill has provisions in it that will not only be sustained by the court, but will be to us a source of great national prosperity.

I was alluding to the speech made by the gentleman from Missouri, [Mr. STANARD,] and will read the following extract:

> Sir, in 1840 the so-called cereal-producing States of the Northwest produced 166,304,000 bushels of grain; in 1850 the increase was nearly double, or 311,580,000 bushels; in 1860 the increase was to 577,255,000 bushels, and in 1870 to 812,155,500 bushels. I desire to show the increase in production in some of the comparatively new States, in what is now the great central cereal-producing region of this country. In 1850 Illinois produced 77,527,000 bushels of grain; in 1860, 156,543,000 bushels; in 1870, 208,036,000 bushels. Wisconsin, in 1850, produced 10,060,000 bushels; in 1860, 35,863,000 bushels; in 1870, 64,199,500 bushels. Minnesota produced nothing in 1850; in 1860, 7,564,000 bushels; in 1870, 35,450,000 bushels. Iowa, in 1850, produced 11,809,000 bushels of cereals; in 1860, 57,613,000 bushels; in 1870, 121,951,900 bushels. Missouri in 1850 produced 44,557,000 bushels; in 1860, 81,504,000 bushels; in 1870, 97,793,000. Kansas in 1860 produced 6,483,000; in 1870, 23,725,000 bushels. Nebraska produced in 1870 8,372 bushels; there are no statistics for 1850 and 1860; no production.
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> Now, there are some gentlemen who seem to think that our western country is pretty well filled up and about finished, and no provision necessary for the future. I have some figures here to show the whole number of acres of land in each of these six States, the number of acres that are in cultivation, the number that are not cultivated, and the percentage of that cultivated to the amount of the entire area of these six cereal-producing States. In Illinois there are 35,459,200 acres of land, 19,329,952 of which are cultivated, it being only 55 per cent. of the entire area of that State. The area of Wisconsin is 34,511,360 acres, of which 5,899,343 are cultivated, or 17 per cent. of the area of that State. Minnesota has 53,459,840 acres; under cultivation, 2,322,102, or only 4 per cent. of the entire area. Iowa has 35,228,800 acres; under cultivation, 9,396,467, or 26 per cent. Missouri has 41,824,000; under cultivation, 9,130,615, or 22 per cent. Kansas has 50,187,520; under cultivation, 1,971,003, or 4 per cent. Nebraska has 78,084,480; under cultivation, 647,031, or less than 1 per cent. of its entire area.

These statistics are for the year 1870. For the year 1873 the cereal products of the eleven Northwestern States were about fourteen hundred million bushels. If but five hundred million bushels seek a market, and twenty cents a bushel can be saved either by a regulation of existing railroads or by increased water communications, or by double-track railroads, $100,000,000 annually are saved. This money would be saved to the laboring classes, the farmers of these States, and the consumers of the East, and not go to make millionaire railroad kings. Will these producers let alone a discussion of the modes to be adopted for affecting a cheaper transportation? They cannot and should not. The best interests of the whole nation are involved. It would here be very easy to show how completely unable existing railroads are to transport readily and when needed, these cereals, and also to furnish arguments for a systematic improvement of the Mississippi River from Lake Itasca to the Gulf of Mexico; the completion of river improvements and canals already begun, the commencement and early construction of other canals.

The internal commerce of the United States justly demands immediate attention. The people of the Northwest, the first to feel the unequal burdens, are the first to raise their voice. They ask action of us. If the dominant party in this Congress has not the courage, the moral and intellectual force, to grapple with the conditions and needs of this commerce, the people will hold it unfit for power. They will hardly turn to the democratic party for help, for they can but see how insanely that party clings to governmental theories long since condemned by the people themselves. It is a party of the dead past, with no element of real popular progress in its creed or policies.

While we of the West have first spoken, the people of the East will very soon join their voices with ours. The gentleman from Massachusetts in front of me [Mr. G. F. HOAR] a few weeks ago made the very happy and just remark that "we of the East want a prosperous West." I thanked him in my heart then for these true and generous words. The people of the East, as I have already said, are interested in this question with us of the West, if twenty, or thirty, or forty, or one hundred million dollars annually may be saved in the transmission of the products of the West to the East, and the merchandise of the East to the West. The producers and consumers of each section may divide this sum between them; it will help the laboring artisan and mechanic of the East, while it shall do but justice to the producer of the West. Just policies will produce the largest measure of substantial prosperity; capital invested in railroads, with the immense traffic that many of them now enjoy, and which they will have in the near future, should have no favors granted to it which are not given to the laborers who stand back of this traffic. The toilers in the shop and on the farm should be protected as well as the managers of railroads, who by a word can now raise tolls on the through lines that shall take millions from the fruits of labor and add them to the unjust accumulations of capital.

I have alluded incidentally to the duty of this Congress. Our legislation up to this hour has not met the expectations of the people. It has for this reason done too little for the party which will be held responsible. When the salary question was settled, though took weeks to do it, the people then looked for legislation which should bring relief to the business of the country, and yet not till two days ago did we come to a vote on a measure affecting our national finances. The business interests of the country have been neglected. It is time to act, and act promptly. The business of the year should be no longer delayed. What the people now want, is final action on those measures which affect their business. What we may do no one can tell; what we ought to is not difficult to tell.

When we have added to the action of the House on the volume of greenbacks a properly guarded system of free banking, we may then let the money measures alone and turn to the interests of our internal commerce.

Timid policies never please the people. They appland radical, progressive measures. A well-considered and extensive system of internal improvements would receive a hearty indorsement in every section of the Union. To use a common expression, it would pay. Suppose, to illustrate, this Congress were to legalize the issue of forty millions of internal-improvement bonds, running twenty years at 5 per cent., for the improvement of the navigable rivers of the country, the commencement and completion of canals in such sections of the country where commerce called for them; what would be the result of this action? It would augment the productions of the country in a single year more than the entire principal of the bonds; it would be an earnest of a bound forward in a career of material prosperity. The laboring men would find work, and every branch of industry would start as with the pulsations of a new life. We now need legislation full of hopefulness; our country is too full of the elements of wealth to lie prostrate a single day.

Mr. Speaker, in closing let me say that those largely moral questions, which in the recent past agitated the country and made parties, have been chiefly settled, and those now claiming attention are mainly material. It will not do to cling to these past policies and measures, but we must show our fitness to legislate by an unmistakable appreciation of the exigencies of the hour, and by the prompt adoption of measures suited to meet them.

Finance—Currency.

SPEECH OF HON. J. O. WHITEHOUSE,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

March 27, 1874,

On the resolution offered by the Committee of Ways and Means to legalize the issue by the Secretary of the Treasury of the $44,000,000 reserve.

Mr. WHITEHOUSE. Mr. Speaker, I voted against the resolution offered by the Ways and Means Committee to legalize the reissuing of the forty-four millions of legal-tenders by the Secretary of the Treasury. I thought it ought not to be legalized by this House. The Treasury may require the amount to meet its maturing obligations;

if so, let it be raised some other way—by temporary loan, if need be. I feel bound, at the outset, to record my protest (late though it be) to the action of the Secretary of the Treasury in issuing any portion of that $44,000,000. Without going into detail, I wish to say that I regard that action as unwarranted by the law, as unwise, of evil example, of evil result. That action has, more than all other things combined, brought about the present unsettled state of business affairs, to the vast detriment of the country. If the Secretary of the Treasury had held to the laws, and had refused to interfere by this method, one thing would have been settled forever; that is, it would have been understood that $356,000,000 was the limit of the legal-tender, and no party would have found it possible, as an independent measure, to have reissued it. His action has unsettled the financial policy of the country, and has now brought to his aid the whole power of the Administration, and is made the basis of every argument in favor of inflation. Now that it is issued, we hear from every side that it cannot be taken back, and that it must therefore be legalized; and that is the main position of those who favor increase.

Will gentlemen reflect? The legalizing the $44,000,000 heretofore issued by the Secretary of the Treasury without the authority of law, and against the prohibitions of the law—what security have you, what assurance has the country, that upon some future pretext he may not issue a further sum, to be subsequently legalized? Sir, there is no light in which this action of the Government on this subject can be viewed that is not alarming. The losses of the country already (aside from the morality or legality of the action) are incalculable. Commerce needs nothing so much as a fixity, a settled and fixed policy; that the law shall be the law of all *in* office, and *all without* office. Six months of business are already sacrificed to the nation by the uncertainties which this action has occasioned. I can in no aspect of the matter overstate my regret for the course which has in this respect been pursued, nor the danger it entails upon the future. I do not, sir, favor inflation in any way whatever. The financial question with us, sir, is the great question of the day; it is paramount to all others; it is a subject which should receive first the most careful consideration of Congress, for on it hinge the great interests of the country. Our industries are paralyzed, and, at the present time, from no other cause than the uncertainty which exists in the public mind as to the action of Congress in regard to the legalizing of the volume of currency. The business interests await the decision with painful anxiety; merchants, manufacturers, mechanics, and laborers, all are in a state of suspense. They should know without delay, and the amount should be fixed by Congress—placed beyond the power of the Secretary of the Treasury to either contract or inflate.

Mr. Speaker, in presenting my views I shall endeavor to present them in a practical business way.

I assume, sir, the resumption of specie payment at as early a day as practicable is deemed desirable by all sound financial and businessmen. The matter of importance to us is not so much the time, as that we are properly prepared to resume before we attempt it. How can we prepare the way for it? Not, in my opinion, by any *direct* legislation fixing any particular day or specified time; but by a fixed financial policy which shall fix the volume of currency or legal-tenders; no increase, but rather a contraction till the volume shall not exceed $700,000,000. In a few years the business interests of the country will show us the only true American financial "elasticity" by conforming to our financial policy.

In my opinion, sir, we shall never properly prepare for the resumption of specie payment until Government and people practice more economy. I am pleased to see the gentlemen on the other side of the House so suddenly taken with economical ideas. I hope they may prove permanent, that this is not a death-bed conversion; for should they be continued in power beyond the present Administration I fear their extravagance would plunge the nation into bankruptcy. The first lesson to be learned is strict economy in every department of the Government, commencing at Washington, and in all the departments from Maine to California, the great lakes to the gulf; Army, Navy, custom-houses, post-offices, Indian Bureau, and internal revenue.

I beg to call the attention of the House to the receipts and expenses of a portion of the custom-houses as enumerated by the chairman of the Ways and Means Committee:

MAINE.

	Receipts.	*Expenditures.*
Machias	$194 46	$6,868 72
Frenchman's Bay	24 68	6,783 00
Castine	223 54	8,562 25
Wiscasset	54 60	4,074 47
	497 28	26,288 44

MASSACHUSETTS.

Gloucester	$3,164 61	$18,911 00
Marblehead	513 65	1,657 79
Edgartown	7 90	6,650 00
	3,686 16	27,218 79

RHODE ISLAND.

Bristol and Warren	$216 62	$1,805 67
Newport	2,164 40	7,462 12
	2,381 02	9,267 79

CONNECTICUT.

	Receipts.	*Expenditures.*
Stonington	$1,680 00	$1,980 86
Middletown	2,364 12	4,055 85
	4,044 12	6,036 71
Gross receipts and expenditures	10,608 58	68,811 73

With this exhibit, I leave the Eastern States, merely remarking that Government patronage and money may well carry the Eastern States for the republican party when it costs $6.48 to collect one dollar.

NEW JERSEY.

	Receipts.	*Expenditures.*
Perth Amboy	$1,094 16	$7,915 43
Little Egg Harbor	.....	4,324 00
Great Egg Harbor	.....	1,656 58
Bridgeton	.....	849 39
Burlington	302 20	534 00
	1,396 36	15,279 40

Cost of collection, $10.94 to collect a dollar. (The Administration carried New Jersey last fall.)

MARYLAND.

	Expenditures.
Annapolis	$2,246 64
Eastern district	4,555 00
	6,801 64

Here it costs $6,801.64 to collect nothing.

I will not detain the House by a further exhibit.

The custom-houses I have enumerated are but a portion of those which do not collect from customs enough to pay expenses. Why cannot these and others in old parts of the country be closed, Government property sold, and not be detrimental to the commerce of the country, or lessen the receipts from customs, saving a large amount of money annually, and those employed in them and the superfluous employés in the different departments of the civil service become producers instead of a burden upon the Treasury of the nation? They may be useful for election purposes, but very expensive to a heavily taxed and suffering people burdened to keep up this big army of officials. The large salaries and perquisites are too often used to corrupt the franchise. It is full time to have our system of collecting the revenues from our custom-houses, post-offices, and internal revenues overhauled.

"Reform!" "reform!" is called for by the people. This system has been growing upon us for years, and while we are passing through this shrinkage incidental to the resumption of specie payments all unnecessary burdens should be lopped off, lifted from the people. It is said, and truly, that every able-bodied man who comes to this country adds $1,000 to its wealth; they help to develop the agricultural and mineral wealth of the country. Why not turn the fifteen thousand employés in the Government Departments, who can be spared, into the productive interests of the country, and add $15,000,000 to its wealth, saving an annual expenditure of at least $22,500,000! Ah, sir, I will tell you why: they are often placed in the Departments by Congressmen without regard to fitness or the requirements of the Departments, but for political influence, and are expected to vacate their place for a few weeks about election time to attend to the political interests of the parties to whom they owe their appointments.

As a commercial nation in the family of nations we occupy precisely the same relative position as we severally do in our individual communities. If we as individuals spend more than we earn, we are growing poor; but, if by greater industry and economy we earn more than we spend, we are growing rich. That is precisely what we will have to do as a nation before we will be prepared to resume specie payments. Export more than we import, bring the balance of trade in our favor, then the resumption of specie payments will come to us in the only natural and safe way, governed and controlled by the natural laws of trade. As far as our internal finances are concerned, the people have the most unbounded confidence in the security of our circulating currency; it is guaranteed by the Government; all the real and personal estate of the nation is pledged for its ultimate redemption. When it is redeemed in coin the people will not only have full confidence in it, but hoard it as they did coin in 1857. Then the people had not confidence in our circulating medium; they disposed of it as fast as possible. In 1873 they hoarded it, and hence the scarcity; banks suspended on a currency basis; the people had more confidence in the greenbacks and the national-bank issues than in the banks themselves, or even the savings-banks. The New York City savings-banks had on deposit last September over $170,000,000—mostly the savings of the mechanical and laboring classes of its one million people, showing clearly the industry, economy, and thrift of that portion of the population.

Mr. Speaker, there are more people in the manufacturing establishments of New York, from Fourteenth street to the Battery, than in any two manufacturing cities in New England.

The bonds purchased by the Government during the "panic" were mostly sold to it by the savings-banks, and the greenbacks locked up in their vaults to meet the demands of their depositors. I think, sir, I underestimate when I state that $50,000,000 of our circulating medium was hoarded in that way, and in the pockets of the people of the city of New York. Although business has not revived since the

"panic," by reason, as I believe, in a great measure, of the uncertainty of the action of Congress in regard to our financial matters, yet the currency is fast flowing into the banks and the regular channels of trade. There is no difficulty in obtaining money to pay for real values, or to carry on any sound business. Money is plenty and cheap in all financial centers; like water, it will find its level; it will gravitate where trade and commerce call it, and when not required in trade will center in the financial centers until the requirements of the business interests of the country call for its circulation. The people of the South and far West will find plenty of money in their localities to pay for their products when ready for market. If they have any left after paying their debts, it will remain with them. It would not be any different though we should double the present volume of our currency. What the business interests of the country now require is a fixed financial policy; the absence of it is what paralyzes the great industries and business interests of the country. The supply of manufactured goods in the market is light. Nothing but the uncertainty in regard to the action of Congress retards the industries of the nation. Nothing but dire necessity will compel the Government and people of this country to practice more economy. We have of late commenced in earnest; we should not turn back. No more inflation, Mr. Speaker. Let us advance toward the specie basis; when we have reached it, then we can maintain the commercial interests of the country on the only recognized standard of value of the commercial world—specie, or currency on the specie basis.

The products of farmers, merchants, manufacturers, mechanics, and laborers will not command perhaps as much in currency; but its purchasing power will be as large, and with this advantage we shall be on a safe and sure foundation. The theory of finance of the gentleman from Pennsylvania [Mr. KELLEY] is far-stretched and fine-spun, and is only adapted for home consumption, home use. It would perhaps answer our own people quite well if we would wall up the American nation, shut ourselves up, be a world within ourselves. But we are a commercial nation; our finances should be placed on a commercial basis.

Some theorists assert that gold is of no essential use to us; that it should be treasured up by the Government and banks until a sufficient amount has accumulated to resume. I beg to call the attention of such theorists to this fact, (as sound and clear to my mind as any mathematical problem can be,) that if exchange is against us our specie will be taken from us. The true road to specie payment is retrenchment and economy. Those who present so doleful a picture of contraction, compared with inflation, I think make a great mistake if they at any time in the future desire a return to specie payment. We shall at some time have to ford this stream of inflation, cold and repulsive as it is. Why stand shivering on its banks? Shall we still further swell its turbid waters, and finally have to cross it with less strength and vitality to resist the current? I know full well the desire of some portions of the country for more currency and banks. I would give them all the banks they can furnish money to establish. I know full well they are anxiously waiting to hear how we can prepare the way for them. The Committee on Banking and Currency, after some two months' deliberation, presented a bill, desiring it to be recommitted to them. The chairman of the committee stated they desired to see what impression it made on the country. If the gentlemen of the committee intend to wait until they can present a financial scheme to the House which will suit all sections of the country, all conditions of the people—those who are speculating, overtrading; those who desire a plenty of money and nothing to purchase it with—they will have to wait and turn over the great question of finance to their successors next session. The financial problem can be properly solved if grappled with on sound financial principles. I will briefly state my views to the House.

In the first place, I would establish free banking, with the following conditions: All circulation should be based upon the deposit of Government bonds. I think it essential for the security of the people that the national Government should control the circulating currency of the country. Our present circulation is the best we have ever had. All portions of the country which desire the establishment of more banks should be permitted to have them in proper proportion to their wealth and population; specified amounts should be reserved for States and Territories now destitute, giving them the opportunity of taking the amount accorded to them in five or ten years. The balance should be free to any section of the country that might apply for it.

When banks call for circulation, issue to them, upon the deposit of bonds, the amount of currency the law accords to them, and cancel an equal amount of legal-tenders, and so on until the whole amount of $356,000,000 of legal-tenders shall have been canceled. That would keep the volume of currency the same. The increasing population, wealth, and trade of the country would be working a silent, unperceived contraction, which would eventually place us on a sound financial basis, founded and established upon a solid and safe resumption. Governed and controlled by the laws of commerce and trade, to them we must conform as a nation, if we would conduct our financial affairs upon the basis of other commercial nations.

Mr. Speaker, I have heard objections made by gentlemen on this floor to the Government paying interest on the bonds pledged by banks as security for circulation. It should be borne in mind that the banks are heavily taxed by the local and general governments, especially those in commercial centers. They pay 1 per cent. on the gross circulation issued to them, and are required by law to keep 25 per cent. as a reserve, making the Government tax on the available amount 1¼ per cent.

Permit me to quote from the remarks of Mr. Buel, of New York, before the Committee on Banking and Currency. That gentleman, interested as a banker, lives in the financial metropolis of the nation. His testimony on the bearings of our present banking law on the interior portions of our country may therefore be deemed perfectly disinterested.

Mr. Buel illustrates as follows:

Allow me to illustrate, and suppose, for example, the case of a bank organized in a small town in New York State:

The capitalists of the place subscribe a capital stock of, say	$100,000
This sum is taken to the United States Treasury and lent to the Government, and for which the bank receives in United States fives, at present price, say	84,000
This United States stock is then taken by the bank and lodged with the Comptroller of the Currency, and he issues to it 90 per cent. national currency, say	75,600
Of this, or its equivalent, the law says 15 per cent. as reserve must be kept on hand, say	11,340
Which, deducted from the $75,600, leaves the bank to loan out to its dealers and obtain interest for, but	64,260

Now the practical operation of this is, that of the loanable capital of the place $100,000 has been contributed and paid into the bank, and the place has got back as loanable capital or credits its own notes for only $64,260. The place, instead of "inflating" its loanable capital by organizing a bank, has got one-third less by the operation.

Now let us see how the profits stand. The principal sources of profits for banks in small places are from circulation and deposits:

1. Interest on the United States bonds, $84,000, 5 per cent. in gold, is $4,200, which, at 12 per cent. premium, is worth	$4,704 00	
2. Interest at 7 per cent. on the $64,260, currency, allowed by law to circulate, is	4,498 20	
3. We will suppose the bank able to attract say $50,000 deposits, upon which it pays no interest, which is a liberal supposition for banks of this character; deduct reserve required by law, 15 per cent., $7,500, leaves $42,500, which, at 7 per cent. interest, gives the bank	2,975 00	
Total profits, say		$12,177 20
From total profits we have to deduct for United States tax on capital not in United States stocks, $16,000, ½ per cent.	$80 00	
Also tax on circulation, 1 per cent	756 00	
Also tax on $50,000 deposits, ¼ per cent	250 00	
In the city of New York, for 1874, the State, county, and city tax rate will probably be 3 per cent.; and in Albany City, 5 per cent. and upward. In smaller cities and villages in New York State the rate of tax is from 2 to 5 per cent. In New York and Albany Cities banks are assessed upon the whole capital, par value; and by the law of the State is required to be so assessed everywhere in the State.		
State and county and town tax on the capital, say only 2 per cent	2,000 00	
Salary of officers, rent, &c	3,500 00	
Total taxes, expenses, &c		6,586 00
Leaving a total balance of profit above paying expenses, taxes, &c., but no allowance for bad debts		5,591 20

Not enough of total profits left to pay the stockholders a dividend of even 6 per cent. on their capital.

If the Government should relinquish the tax on banks it should retain a part of the interest on bonds pledged by banks as security for circulation, what proportion I will not state, merely remarking that banks of deposit and discount are essential to the business interests of the country, and should not be so severely taxed or hampered as to drive capital from such investments. The matter of circulation is not an item of so much importance to city banks as to country banks. The profits of city banks are mostly derived from deposits loaned to their customers, a reciprocal arrangement between them. The banks in the interior have much smaller deposits, which cannot be relied upon for profits.

I do not think, Mr. Speaker, that the greenbacks should be allowed to remain in circulation any longer than necessary to effect the change which I have mentioned. They should be retired at as early a day as possible, and currency issued by the Government to the banks on the deposit of United States bonds substituted for them. Such currency, after resumption of specie payment, would in time of financial panic be more reliable than the greenback itself. Both would be secured by the same national security, but this advantage in favor the currency issued to the banks. The Government has nothing to redeem its promises to pay in coin with, except what the law accords to it. When it pays out the amount in the Treasury it must await the slow process of recuperation by collections from duties on imports and internal taxes. It must then await the slow process of law for replenishment.

The banks have as security for their circulation Government bonds, the pledged security of the nation, same as the greenbacks, with the addition of the personal security of the stockholders in case of a deficit, to the full amount of their stock. Their deposits are loaned on commercial bills maturing daily, which would be collected far more rapidly in time of panics than the more slow method of Government collections. Capital is sensitive. The financial barometer gives warning of the approach of a storm. The small cloud appears in the distant horizon; the financial navigator begins to reef sails preparatory to breasting the coming storm. They call in loans; loan on short time; strengthen themselves to be prepared to meet liabilities.

The banks under the present law could only be called upon to

redeem in coin their own bills as presented at their counters for redemption. That would be a slow process with the circulation of the banks scattered over the broad extent of the country. Not so with the greenbacks. A large portion of them would be treasured up in the banks as a reserve to meet liabilities. In case of a sharp run on the banks for specie, a large portion of them would be presented at the Treasury for redemption in coin; the banks and individuals would hoard them. I repeat that it is important for the Government to retire its greenbacks at the earliest possible time. It would be far less disastrous to us as a nation to have a portion of our banks suspend specie payment than it would be to have the Treasury of the nation suspend. The theory of redeeming the greenbacks in gold-bearing bonds would not be redemption in specie, but merely ex changing one promise to pay for another.

Mr. Speaker, the House will perceive from the statement I have made, the obstacles in the way of establishing new banks, in consequence of having to purchase bonds at the present premium of from 14 to 19 per cent. to obtain 90 per cent. of circulation, losing the use of some 30 per cent. of the capital.

I recommend a new issue of bonds for banking purposes, 4 per cents, having a long time to run, say twenty to forty years, principal and interest payable in gold coin, interest payable quarterly, to be sold at par for banking purposes, as security for circulation issued to the banks on the deposit of the bonds, 90 per cent. of currency to be issued on them; also allowing the banks now having circulation to exchange the new 4 per cent. bonds for those now held by the Department as security for circulation. This would fund a fraction of the public debt with a low rate of interest-bearing bonds. I think the credit of the Government is now so good that in a few years $700,000,000 of our bonded debt might be thus funded as security for the currency of the country, saving in interest annually $14,000,000.

At the time our present banking law was framed we were in the midst of our civil war. The Government was rapidly issuing 6 per cent. bonds at par in currency; it was wise at that time to limit the currency issued on them to banks at ninety cents on the dollar.

A 4 per cent. bond, such as I have named, would sell at par, and would be ample security for the redemption of 90 per cent. currency issued on their deposit. This would afford facilities for banking without the loss of available capital to the amount I have indicated.

The greenbacks received for the bonds should be canceled to the same amount of the banking currency issued, thus keeping the balance of currency the same; the surplus, as it may accrue in amount to $5,000,000, to be used for the purchase of our various issues of bonds.

Thus, the Government would in time withdraw all its greenbacks, and they would be replaced by currency issued to the banks throughout the country upon the pledge, as security for their redemption, of the bonds of the Government.

Mr. Speaker, in this long discussion I do not hear the fact as often, or with as much force as it deserves, that paper is *not* the constitutional currency of the country; that instrument knows gold and silver, and nothing besides. I am not here to question the *wisdom* or the necessity which in the extremity of the national peril drove us in this direction. But the war was closed eight years since, and now the national peril arises from *the very means adopted to save its existence*. We are bound not only by the necessities of the law, but by the partially forgotten reverence for the instrument upon which we rely for prosperity and perpetuity, to surmount objections and return again to the sanctions of the fundamental law.

Banking and Currency.

SPEECH OF HON. JOHN P. JONES,

OF NEVADA,

IN THE UNITED STATES SENATE,

April 1, 1874.

The Senate having under consideration the bill (S. No. 617) to provide for the redemption and reissue of United States notes and for free banking—

Mr. JONES said:

Mr. PRESIDENT: It seems to me it is the Middle States, the Western States, and the Southern States that lack prosperity, when they come here and tell us they have no product with which they can get the kind of money that the world uses to transact its business, and which is acknowledged everywhere to be the standard of value. I cannot see how it is that the currency of this country is at from 10 to 15 per cent. discount, and yet that there is not enough of it, unless it is because the people distrust their Government and have no faith in its stability.

Senators tell us that we need more banks in this, that, and the other locality in the Southern and Western States. Let me ask, is there any power in State lines that prohibits money going from one State across its boundaries into another? If this money is wanted in one section of the country and it exists in another, will it not travel from the section in which it is to the place where it is wanted? We find no difficulty in getting all the gold we require in California, Nevada, and Oregon. Gold and silver are the chief products of Nevada, and we pay out that gold and silver to whoever will come with what we want and give us the most for it; and I presume that gold will travel to any country where it is not made a fugitive by vicious enactments that make irredeemable paper a legal-tender for obligations and debts. Whenever you make a paper money that has no intrinsic value whatever a legal-tender for the payment of debts, then gold will disappear from the circulation.

Mr. MORTON. Let me ask my friend a question. Nevada, I believe, is a State in the Union, and yet Nevada refused to accept that which the Congress of the United States did make a legal tender, and the legal-tender currency of the United States has been persistently rejected both in Nevada and California.

Mr. JONES. The people of Nevada were honest enough to do this: When a man agreed to pay a certain sum in gold and silver, which were worth more than greenbacks, they forced him to do it. They were unable to see how the Government could be assisted by allowing a debtor to plunder his creditor. It is one of the glories of that State, and one of the glories of that coast, that debtors there were never permitted to plunder their creditors, as it seems to me is sought to be done here at this time.

Mr. MORTON. Will the Senator allow me to ask a question right there?

Mr. JONES. Certainly.

Mr. MORTON. I ask him what would have become of our country if all the States of the Union had followed the example of Nevada and rejected the legal-tenders?

Mr. JONES. We should have put down the rebellion for fifteen hundred millions less money than it did cost.

Mr. HAMILTON, of Maryland. That is true.

Mr. JONES. That is what would have happened to this country. And more than this, we should have been spared all the embarrassments and uncertainties which have nearly overwhelmed us during the past nine years. We should have saved since the close of the war a hundred millions a year, and prevented untold disasters yet to come if we do not retrace our steps, and which will, as I believe, imperil the honor and prosperity of the country. Why, sir, if the opportunity the war gave us to issue the greenbacks had been denied us, and if such great benefits, as some seem to think, have flowed from such issue, I tremble at the contemplation of the condition we should have been in if peace had continued, and the glorious opening had been lost to us forever; for with the increase of population and the alleged necessity of a certain amount of money *per capita*, we never could have owed enough on which to do our business.

Now, sir, what did happen? Ignoring the history of other nations; taking no warning from the wrecks of false financial systems strewn along their pathway, the first thing we did was to make irredeemable paper a legal tender, and thereby almost immediately advanced the price of everything 100 per cent. Having thus made everything we were compelled to buy double its former price, we then entered upon the negotiation of loans and a rigorous system of taxation to raise money with which to buy. This we should have done in the start, and what we could have done; but we first thoroughly demoralized the whole country and all its industries; we plundered the creditors and allowed the debtors to discharge their obligations by paying from 30 to 50 per cent. less than they owed, and then we started to raise money for putting down the rebellion in the only way we should have done in the commencement. We resorted at the outset to measures condemned by financiers everywhere; to that which I would only have been willing to do at the last extremity. When every dollar had been raised that could be raised by taxation; when every man had been put into our ranks that could have been forced into them by conscription, then, as a last resort, I would have agreed to the issue of irredeemable paper money, A great war cannot be carried on by pieces of paper payable at convenience and bearing no interest. This paper currency, instead of adding strength to the imperiled country, was a source of weakness. Its issuance was an impeachment of the patriotism of the nation, and an underrating of the resources of the country. It was a cheat upon the people in teaching them the pernicious idea that in carrying on a great civil war economy and industry were not necessary; that production and destruction were convertible terms; and that the activity of the printing-press in the production of paper money would amply compensate for the activity of armies in the destruction of wealth.

Mr. MORTON. I will say to my friend that his position is consistent, inasmuch as he regards the greenback as a curse from the beginning.

Mr. JONES. I do, most undoubtedly, and I further believe that it is the duty of men to face that question. I know that the loyal people of the United States have been disinclined to discuss the morality or wisdom of the financial measures of the Government inaugurated during the rebellion. So joyful were they with the thought that we were able to put it down at all, that they have not cared to scrutinize the means by which it was suppressed. But it seems to me, if "history is philosophy teaching by example," it is the duty of this body to investigate the subject, so that in case another rebellion shall arise we may see whether the last one was not put down at about double the cost that need to have been incurred. It seems to me that it was, and that the experience of the past is the best light to guide our footsteps in the future.

Much is said about the value of the greenback; the superior quality of the Government money, the best, as they tell us, that the world has ever seen; one Senator, in a moment of supremest exaltation, declaring it "battle-born." We are told that the honor and entire resources of this great Government are pledged to its redemption. What is this "great Government" so far as that pledge is concerned? At present, it is this Senate. Some appear to think that there is a power exclusive of this body whose honor is pledged to the redemption of the greenbacks. If this Senate votes that it will not pay them, then the honor of this country is not pledged at this time to their redemption. This Senate has voted on several amendments to the bill under consideration that it will not pay them; it has voted that it will take no means toward paying them; and that it will not look to any day in the future when the creditors of this country may expect that it will pay them at all; and unless some future Senate shall be elected, unless some body shall hereafter convene in this Chamber, that will be more careful of the honor of the country than the present Senate seems now inclined to be, I do not understand how that honor is to be kept unsullied or the pledge redeemed. Most certainly an additional issue of irredeemable paper money is a violation of the spirit of the pledge and a step in the direct road to ruin, bankruptcy, and dishonor.

Mr. LOGAN. Will the Senator allow me to interrupt him?

Mr. JONES. Certainly.

Mr. LOGAN. The Senator spoke of the pledge of this Senate representing the Government. He does not mean to say that the Senate is the Government?

Mr. JONES. So far as the redemption of the Government's promises are concerned, it is.

Mr. LOGAN. Then every time the Senator is defeated a part of the Government is defeated.

Mr. JONES. Of course, I mean that the Senate is the Government, not in its power to enact a law, but in its power to prevent the enactment of one. No law can be passed without the assent of the Senate. When Senators grow eloquent about some great government, so sacred that we scarcely dare to raise our eyes and gaze upon it, being pledged to the redemption of these pieces of paper, what do they mean? Do they not know that whenever a majority of this body refuses to vote that this paper shall at some future time be redeemed, then that pledge is broken and the honor on which it rested is scattered to the four winds and vanishes into thin air?

I believe that the present financial system is an injury and only an injury to all the industries of this country, and a comparison of the census statistics for 1850, 1860, and 1870 will make it manifest.

When people complain that the banks of this country are viciously distributed, it can also be shown that the industries of the country are viciously distributed. Men have not been left free to select the occupations which they can best and most profitably follow. Whenever an inflation occurs, such as has taken place, the first rise in price takes place in stocks, worthless and otherwise; the stocks upon the market in Wall street, that are shuttlecocked between the battle-doors of the "bulls" and "bears." The next thing to rise in the country is personal property, fabrics that men can speculate in and the operations in which can be closed within brief periods. The next property to rise is city lots and rents of every description. You see your city property figuring magnificently on the assessment rolls, and men spending their anticipated incomes from the rents of such property. The next thing that rises in price is labor. The last of all that rises is agricultural lands.

Now mark what the census tells us. In 1860 there were thirteen hundred thousand people engaged in manufactories in this country. The wages paid to them amounted to about $378,000,000. In dealing with figures I give round numbers, and do not pretend to be entirely accurate, because I am speaking from recollection. The capital stock of the manufacturing establishments of the United States was about $1,000,000,000, the product was $1,800,000,000, and I will say that during that year our exports were much larger than our imports. We were exporting of cotton fabrics about $12,000,000, I believe, to China.

In 1870 there were about two millions of people engaged in manufactories. They received about $775,000,000 in wages. In other words, about 50 per cent. more were engaged in the business of manufactures than in 1860, and they received about double the wages. The capital used in this manufacturing business was about $2,100,000,000. One would suppose that the product would be about 50 per cent., certainly not more than 75 per cent., above that of 1860; but the product, instead of being $1,800,000,000, was $4,200,000,000, or nearly 150 per cent. more than in 1860. This increase was in the price of the product and not the quantities produced.

These figures seemed to show extraordinary prosperity in the manufacturing interests; but the panic of September dispelled the illusion. The tremendous superstructure of credit upon which this apparent prosperity rested was based on too slender a foundation of actual capital, and the moment the public confidence was shaken the entire manufacturing interests of the country were paralyzed and many of the oldest houses ruined.

The Superintendent of the Census computes the average increase in prices of manufactured articles at 56 per cent. in 1870 over those of 1860. The farmers and producers of our raw materials pay this 56 per cent. upon all they consume in the production of their crops, and in addition thereto they pay enormous profits which the retail dealers always exact when an inconvertible paper currency is the circulating medium. Those dealers always put their prices at rates which will insure them against the possible depreciation in value of the currency from the time of sale till the day of payment and also return them an exorbitant interest on the credit extended.

And now as to the condition of the agricultural interest in 1870. The decade between 1850 and 1860 exhibited a much higher degree of prosperity in this direction than that between 1860 and 1870, viewing it from whatever stand-point you choose. People seem to have left their farms and sought the cities to engage in the semi-gambling business of manufacturing, made so by an inconvertible paper money.

There were nearly six millions of people engaged in agriculture in 1870; the value of their farms, with implements, machinery, and live stock, was $11,000,000,000. This enormous sum represents the capital then invested in agricultural pursuits in the United States. And what was the product of, or the return for, this vast investment? About $2,400,000,000.

We have thus seen two millions of people engaged in manufacturing, with a capital of $2,100,000,000, flood the country with a product valued at $4,200,000,000; now deduct the cost of raw material used in this great production, which was $2,400,000,000, and you have $1,800,000,000 left to represent the interest on the $2,100,000,000 of capital and the earnings of two million people employed. In other words, two million people, with a capital of $2,100,000,000, earned over $1,800,000,000 in the year 1870, while six million people, with a capital of over $11,000,000,000, earned but $2,400,000,000 in agricultural pursuits during the same period. Three times the number of laborers, employing more than five times the amount of capital, receive but 33 per cent. more as the gross amount of their product. This is $900 to each person engaged in manufactures against $400 to each engaged in agriculture.

And yet honorable Senators inform us here that we want more paper money, so that the inflation in prices of personal property and of stocks, and of the business that draws our population to the cities, shall be indefinitely increased, that speculation shall be aggravated, and that the farmer shall receive less and less from year to year, while the gambler and the stock-jobber shall get more and more. They want money for what? I have seen nobody anywhere who wants to hire out, but everybody wants to hire somebody else.

We do not want to have enterprise stimulated in this country. We want labor encouraged by better money. We want the laborer who receives his pay for a day's work to know that it will not shrink in value on his way to the store where he buys the necessaries of life. We want no more banks of circulation without redemption, for though I admit that they are great institutions for the accumulation of wealth, they do very little toward its production. They absorb nearly all the surplus property in their immediate vicinity. They adorn with palatial residences the avenues where gamblers and stock-jobbers dwell, while they cover the farms with blisters in the shape of mortgages.

What need of more banks? What relief can additional banks give to those who have no security to offer for loans? Who fails now to obtain loans on sufficient security? As it is claimed that there is but an insignificant profit of 2 per cent. on circulation, while money in the South and West readily commands from 1 to 2 per cent. per month, why are not banks of deposit, requiring no charter from Government, more to the purpose than additional banks of circulation? Will the money-lender refuse to be satisfied unless he receives not only the interest on his capital but also a charter from the Government to collect interest on what he owes? For the bank issues, which we call money, are really mere evidences of the bank's indebtedness.

Does the much-eulogized bank currency lack the flexibility to enable it to reach the places where it is most wanted? Is the locality of the bank important to the borrower? Will not the best interest and security bring the money from any distance for investment? If all the banks of the United States were in Texas, would New York suffer for the want of money? Did not the surplus capital of Europe come to carry on our war and build our railroads? Doubt that water will find its level; doubt that quicksilver will find the pores of the vessel containing it; doubt that atmosphere will press toward a vacuum, but do not doubt that capital will seek the best investments as to interest and security.

I can see nothing to result from additional issues of inconvertible paper money but inevitable disaster. It would work the confiscation now of a small portion of the creditor's property for the use of the debtor, to be succeeded from time to time by further confiscations.

Most of the representatives here of States that are claimed to be debtor States desire an increase of this currency. I say to them that no nation can be strong and be dishonest; no nation can be strong and attempt to confiscate the property of one citizen and give it to another; no nation can make money plenty when it says to the creditor who has loaned it, "You shall receive back only a portion of what you have loaned in full satisfaction of the debt." A spoliation of this character will take away the inducement for the creation and accumulation of property, and, if such a policy continues, I venture the prediction that the time is not far distant when, as was said in the times of the worthless continental money, the hard-hearted and nimble-footed debtor will pursue his fugitive creditor and will pay him without pity and without remorse.

Does this Congress mean now to leave entirely out of view and to discard forever a standard of value? Did any country ever accumulate wealth, achieve greatness, or attain a high civilization without such standard? And what but gold can be that standard? What other thing on earth possesses the requisite qualities? Its value is represented by the average amount of labor required to produce it. Its scarcity gives a small quantity of it great value, so that it is easily transported from place to place. It is capable of division and subdivision, and also of being reunited—all without loss. It is in every commercial country made into coins and stamped, by national authority, with a certificate as to fineness and weight. It is flexible and self-regulating, and flows by natural laws wherever the exigencies of trade demand it.

Gold is the articulation of commerce. It is the most potent agent of civilization. It is gold that has lifted the nations from barbarism. It has done more to organize society, to promote industry and insure its rewards, to inspire progress, to encourage science and the arts, than gunpowder, steam, and electricity.

The use of gold had its origin in the necessities of mankind. The human heart is set upon it. It will command the proper services of everybody at all times and in all places. The necessities which compel its use are as inexorable to-day as they were at the beginning, although improved systems of exchange have diminished the proportionate volume necessary to do the work.

So exact a measure is it of human effort, that when it is exclusively used as money it teaches the very habit of honesty. It neither deals in nor tolerates false pretenses. It cannot lie. It keeps its promises to rich and poor alike.

While it has seen human institutions perish and human governments crumble and decay, it is itself imperishable. The gold that was in Solomon's temple possessed the same qualities as the gold dug to-day from the sands of Africa. The gold of California and the gold of Australia are precisely the same. It defies the corroding hand of time and the friction of the ages. It is the common denominator of values. It makes possible the classification of labor and the equitable interchange of commodities. Gold has intervened in the bargains made between men since the dawn of civilization, and it has never failed to faithfully fulfill its part as the universal agent and servant of mankind. But it withdraws from the companionship of the bedizened harlot called irredeemable paper money, and says to every people, "Banish her before you look for my return." It is the oxygen in the commercial atmosphere, and its absence produces financial asphyxia.

The value of gold is not affected by the stamp of Government. That is merely the final and reliable evidence of its weight and fineness.

You must have something with the attribute of extension when you measure extension; to measure weight you must have something of specific gravity; and to measure value you must have something of value—something that requires labor to produce it. Gold has this requisite. The stamp on a gold dollar says in effect: "This Government pledges its honor that this coin is nine-tenths fine and contains 25.8 grains in weight." The Government stamp on every piece of coin is a certificate to mankind that the bearer has rendered a service unto society which is measured by that piece of metal, and that he is entitled to an equivalent service from society in return, payable on demand. Such a draft has never yet been dishonored.

What does a piece of this Government paper say—this paper that the honor of the Government is pledged to redeem, and which the custodians of that honor refuse to redeem and refuse to take any steps toward redeeming? It says: "The holder of this piece of paper has rendered a service unto society of an uncertain, unascertained, and unascertainable value, dependent entirely upon the precise day of the week or month when such service was rendered, and is entitled to such service in return as the 'bulls' and 'bears' of Wall street, or a vote of the Congress of the United States, or both, may determine." [Laughter.]

We are told that money is the utensil of trade; that it is the tool of the workman. Well, sir, it seems to me that our present currency, instead of being the spade of the husbandman, is the dice-box of the gambler. [Applause.]

It is said that it is the grease that lubricates the wheels of commerce. Well, sir, this irredeemable paper money is a sort of grease that makes the hub expand, the spokes expand, and the axle expand. At one moment the grease spurts out on everybody, and the next this wheel without a tire is running dry on its axle. [Laughter,] Another difficulty is that the driver is too often diverted from the management of his wagon to speculation in the rise and fall of the grease.

The money which consists of paper promises cannot be a standard of value. It measures nothing but the average hopes, fears, confidence, and doubts of this people as to the ability and intention of their Government to ultimately redeem it in gold, and is itself measured by gold. It finds its way into the pockets of speculators and gamblers, who win it, rather than the pockets of the laborers who earn it.

Mr. MORTON. I will ask my friend a question. He talks about gambling. I will ask him if there has not been as much gambling in California and Nevada in the last ten or fifteen years as in any other State in the Union?

Mr. JONES. The people there buy what they think is valuable and likely to increase in price, and if they have anything which they fear will fall in price they sell it. We have never had any money panics. We have never called upon the Congress of the United States to relieve the gambler from any portion of his liabilities, or to issue more money in order that he might more easily pay his debts. [Applause.]

The speculators in California are debtors, as they are on this side of the mountains. They and they alone are demanding an increase of the currency.

We are told that our industries are languishing, that our cotton mills are idle. Well, sir, as they can run but six or seven months in the year under existing conditions, I hope they will remain idle until the glut of fabrics they have produced is disposed of, so that when they start again they may furnish constant employment and their operatives be sure of their pay.

We are told that our iron mills are idle. Well, sir, I hope they will remain idle until the men who labor in them can have better assurance of continuous employment and its reward than is furnished by the purchase of railroad iron on credit by bogus companies, which depend upon taxing the people to keep them up, or the sale of their bonds for funds with which to pay interest. If our mills are only to run spasmodically and overstock the market, or roll out iron for railroad tracks in uninhabited regions to enrich land-grabbers and speculators, I hope they will remain idle. Their work can result in no good to the operatives or the country.

Our manufacturing interests were not brought to a stand-still by any movements toward redemption. The panic which drove their operatives into the streets last fall, to struggle through the winter, was the legitimate fruit of the existing financial system and was not caused by a scarcity of paper money. It came from a want of confidence that the inflated prices which then prevailed could be maintained and a belief that the bubble would soon burst. Those who had money hoarded it, instead of allowing its healthful circulation, and, as a consequence, stagnation, panic, and ruin followed.

Sir, I maintain that there is money enough now in this country for every legitimate purpose. But that you will ever see that glorious time when nobody will want money, that you will ever reach that era when nobody will be clamoring for more money, I do not believe. I hope that time will never come, for then production will cease and paralysis seize upon the country, and it will go down, down among the semi-barbarous and uncommercial nations, in which direction I believe the votes of the majority on this floor are calculated to send it.

Why, sir, as long as it is easier to loll at the sea-side than it is to delve in the dark depths of the mine; as long as it is more agreeable to lead a life of elegant ease than to toil in the factory, the field, and the foundery; as long as money will buy immunity from labor and can be exchanged for the necessities and luxuries of life, so long will you hear the cry re-echoed throughout this land that more money is wanted. The very fact that money is wanted is what stimulates legitimate enterprise, endeavor, and energy.

Suppose you vote $10,000 apiece to-day to every man in the country, what would be the result? The desire to borrow would cease when all were thus supplied, but about that time it would be discovered that the money was absolutely worthless, and the refrain of "more money" would change to the more sensible one of "better money."

Mr. President, I had not intended to say a word at this time, except to ask the Senator from Indiana a question; but now, although I have been betrayed into somewhat extended remarks, I desire to say something further.

I sympathize heartily with the debtors of all sections of the country. I sympathize with all those who, tempted by the superabundance of money, have embarked in experiments and speculations that have proved disastrous, and who now find themselves burdened with debts for which they have nothing to show. I know it would be very agreeable as well as profitable for them to have the volume of this paper currency increased, and its purchasing power thereby diminished; in other words, to make property go up and money go down, so that they could get the latter easily and pay their debts without inconvenience; and I would almost be persuaded to vote with their friends here, if I was sure that they would get out of debt; but the very moment you issue this additional currency and they see property rising in price from day to day, will not these reckless risk-takers mistake it again for prosperity? Will they not think they are getting rich, and use the increase in the price of their property as an additional margin to run further in debt? I fear these will be the results. I am afraid the remedy proposed will not reach the disorder at all. I hope the Senate will decide to stand by the integrity of the country. No government, no people, can be prosperous that ignores the proposition that honesty is the best policy; that essays, by any sort of legislation, to disturb the relationship between debtor and creditor; that tells the creditor that the hard day's work he has already performed and loaned to the debtor shall be repaid by half a day's work on the part of the latter; that attempts to "coin money in that false crucible called debt," and legalizes robbery by enacting that the base result shall be a legal tender.

If money is scarce, I ask in the name of common sense, why will not people give more for it? Why do not the values of property in this country bear some just relation to the values of property all over the world? Why, sir, the premium on gold does not fully show the

depreciation of this paper; and there is the difficulty. I differed from nearly every Senator on this floor in the reasons which induced me to support the amendment introduced by the Senator from New Jersey, [Mr. FRELINGHUYSEN.] The objection was made by friends of that amendment that it would have a tendency to make gold rise in price. Now, sir, I say gold ought to rise. Every other commodity in this country—butchers' meat, groceries, provisions—everything that enters into domestic use has risen, so that in relation to them greenbacks are really at a depreciation of fully 40 per cent., while in relation to gold, which has been shorn of one of its chief uses by being demonetized, the same greenbacks are at a depreciation of only 10 or 12 per cent. The effect of this is to discourage mining enterprises and depress mining interests. If the Government ever intends to resume specie payments these interests should be stimulated and encouraged by every legitimate means.

There is no demand for gold in this country beyond the small amount necessary to pay the duties on imports and the interest on the national debt. When I come here from Nevada with gold and silver—the only money in circulation there—and find that it is too low in price, I cannot help it. In order to get its full value I must engage in foreign trade, become a gambler in the gold-room, or leave this country and go to France, England, or some other country where gold is the standard and circulates at its full value. If I stay here I must trade it for paper at a premium of from 10 to 12 per cent., which, as I said before, is much less than the difference between paper and every other commodity. I have no remedy. I must submit to the loss. It is to the interest of this country that the real depreciation of paper should be exactly measured by the premium on gold. That this is not the case there are examples all around us to prove. That no good does or can result from this state of things can be easily demonstrated. For example, suppose one thousand wagons can be made to-day in this country at $100 apiece; as gold stands now the foreigner who would like to purchase them and thus give us an export trade to balance off some of our imports could pay for them with $90,000. But he can get them for $85,000 in a country where gold circulates as money, and this country loses the business. Now suppose gold should go up to 125, where it really belongs, in that case he could pay for the same wagons with $80,000 in gold and still not disturb the relation between paper and anything else in the country. This would make possible an export trade that is not possible now, owing to the depreciation of gold. In other words, gold is the cheapest thing in this country, and the commodities sent here from every portion of the earth seek that in exchange in preference to anything else we produce. We can export nothing so readily as gold. It is the cheapest commodity we have, and is therefore in the greatest demand for exportation.

Gentlemen ask, "How will you get the gold with which to resume specie payments?" As a general proposition, I would say that the Government should hoard gold; that it should take no part in the gold gambling of this country. I admit it would be a great injustice to the debtor to say that specie payments shall be resumed immediately, because he contracted his debt when currency was worth about what it is to-day, and it would not be just to make him pay in an appreciated currency. But he has to pay some time. I would put it off three years, and say that on the 1st day of January or the 1st day of July, 1877, the greenbacks, the national legal-tenders, should be redeemed, either in bonds or in gold, at the option of the Government, and destroyed, and at the same time I would repeal the legal-tender clause as to all debts contracted after that time. This would be contraction, and would cause a reduction in the price of everything. Without such contraction the maintenance of the specie standard would be impossible. The effect of that would be to make the condition-precedent to a return to specie payments. Unless we make these conditions-precedent, unless we fix that time certain in the future, the people will never commence to prepare for it, and will never be more ready than they are to-day.

It is as though you were owing a certain debt and you asked your creditor when you should pay it, and he should say, "Well, pay it by and by; pay it almost any time." The debtor is never ready to pay a debt when that is the understanding. But if you are told the exact time when the debt is to be paid, you will put your house in order and get ready to pay it. If you will fix a time for resumption, it will not be the Government alone that will resume; that will be the least and easiest part of it. Resumption will take place on the part of the people of the country. If the Secretary of the Treasury alone were to redeem, he would be a shining mark against whom all the banking-houses of the world could make their combinations, and Wall street would assist in the work. They could and would make corners on him in gold, but they could not make corners on forty millions of people. When the people knew that gold was to be the currency of the country at any stated time, each man would have his little amount of gold and it would flow into the country in a thousand Pactolian streams. There would be no doubt about it. The people would be ready. Gold will be found all over this country when you do not banish it; when you permit it to circulate; when you give it its true function.

Capital will not remain with any people, unless it is fostered by thrift, by exact transactions, by just laws and their faithful observance, by energy, enterprise, prudence, and economy. It demands that labor shall be respected, and idleness reprobated. It abides with a community that lives upon its earnings and not upon its debts. It exacts protection, that it shall not be wrested from its rightful owner, either by violence, vicious statutes, or doubtful construction of the Constitution.

Perhaps the South, which has within a few years experienced a great change in its whole social fabric, has not yet entirely adjusted itself to the conditions I have named. It would be strange, indeed, if it had. But the sooner its people see in them the way to success, the sooner they will see the dawn of returning prosperity.

Loans on uncultivated lands have never been considered very desirable investments, more than upon salubrious climate or unutilized water courses. The long loans which may be required to enable well-applied industry to anticipate at times the products of its fields would never be extended by the banks of circulation now asked for. These must come from savings-banks, which require no charter from Government, but are the outgrowth of an industrious and economical people. The land-owners of the South, though they fully realize that slavery is abolished, do not yet appreciate the new requirements of the great change in their industrial system. They have yet to learn that land alone is not productive enough to pay interest on nearly its value, besides wages and profits. The farmer must absolutely own the land he cultivates and must not be at the mercy of money-lenders. His true way to get money is by the sale of so much of his land as will enable him profitably to cultivate what is left. What avails it for the owner of two or three thousand acres of land to do nothing and say, "Well, it is a singular thing we have not more money; we ought to have more money, because we want to hire somebody to work, and we want the money to use as capital." If they want money very badly, they should, as I have said, sell some of their land. Let them sell at the present prices, if they can; if they cannot, they should reduce the prices until sombody besides themselves shall see that it is a good bargain and be induced to buy. That is the way they do the world over.

The refusal of men with money to buy property at the extravagant estimate of its value by the owner is no evidence of hard times or of the scarcity of money. Money is plenty enough to buy things at their actual value, but the buyer must have something to say about the price he will give. It really seems childish for people to hold on convulsively to land and other property at double price, and then wonder that with them money is scarce and hard to be obtained. Money would have to be plentiful indeed, and correspondingly cheap and worthless, if sellers alone were to fix the amount they should receive; that is to say, if a man with something to sell were to make the bargain for both sides. That is what is the matter in this country to-day. You have property inflated to a tremendous pitch, and the cry that comes here for more money means about this: "We are worth so much property; our land is worth so much, and we know it; but we cannot find anybody with money who is foolish enough to give us our price." Come down with your prices and you will find plenty of money. You never will find anybody with money who will give it to you. The man who would be foolish enough to give present prices for property would not have any money long. He would soon get rid of it.

I should like some gentleman who is in favor of an increase of the currency to tell me, first, if the people have confidence in this great Government, how it is that this money is depreciated; and, secondly, if the people need more money so badly, why they do not show a disposition to decrease the prices of property they offer in exchange for it. The demand for more currency is to float these balloons of inflation. There can be no other explanation of it.

It does seem to me that this proposed increase of the currency is the most high-handed measure ever attempted by any legislative body on earth. It is precisely like the proceeding of the Prussian king when he debased the coin of the realm; it is like what occurred in 1695 in England, when disreputable people clipped the coin; with this difference, that we see no manifestation here of the courage and virtue of Frederick the Great, who, after distress had passed, honestly restored the standard; or of the wisdom and justice of William the Third, who, under the inspiration of Newton and Locke, Somers and Montague, in the midst of a great war, called in the mutilated coin and replaced it with other of full value.

Senators tell us that the balance of trade is against us; that we have too much money to pay in interest on our bonds, and for our duties on imports, and all that sort of thing. Sir, the balance of trade is never against a country unless it is selling its credit, unless it is selling its notes and bonds abroad at a discount and investing the proceeds in unproductive enterprises, as our municipal, county, State, and national governments have been doing. There can be no balance of trade against us, unless we admit that our people are much more simple than the people of any other portion of the world.

What makes up the trade of a country? It is the trade of individuals. The balance of trade is never against me, because I do not buy anything that I do not want to buy, and never pay anything more for a thing than I think it is worth. Therefore the trade is just even. I really think I have a little the best of it, and the person who trades with me thinks he has the best of it, and probably both of us are right when our respective needs are considered. So it is with a nation. But when you sell your credit abroad and mortgage the future prosperity and productiveness of the country, like a spendthrift heir anticipating an inheritance, then I admit the balance of trade may be against

you, but I do not think the printing of more paper promises will cure the evil.

We are told that we cannot get back to specie payments because the balance of trade is against us; but we reply that the balance of trade is against us because we do not get back to specie payments. Give us the money that the world recognizes to regulate our trade and the balance of trade will take care of itself.

With this redundancy of money, the financial reports of the market showing that it is a drug in New York, commanding but 4 or 5 per cent., and equally plenty in every commercial center of the United States, the borrowers dictating almost their own terms, how is it that this money does not seek the great opportunities for investment which we are assured are to be found in the Southern and Western States?

I was talking a day or two since with a distinguished gentleman from a Southern State, and said to him, "You have a great deal of money and you live in that section; what do you do with your money? You say you want more money in your region." He answered, "I have my money invested some in Central, and so on," naming a variety of stocks. "But," said I, "why do you not place your money in those investments that you say promise such great returns?" "Well," replied he, "I do not want any of it myself, but I am in hopes that somebody will go down there with money and invest it in that way. None of it for me, because there is no security." [Laughter.]

Gentlemen will learn by and by that high interest and scarce money, if there are synonyms in the language, mean bad security. That is just what they mean and nothing else. The only way to be in a condition to give security and obtain money thereon in a community is by industry, by labor, by obedience to law, by thrift, and a careful husbanding of resources. Why, sir, in any congressional district in the United States, if men will be industrious and will save their money, and can operate on some legitimate financial basis, two, three, or four years are sufficient to make money plenty in that section.

I say to the farmers and planters of the South that the fluctuating currency they are using increases the price of everything that goes into the production of their crops, while everything they produce is paid for at prices regulated by the price of gold.

It is a suggestive fact that the average price of wheat has been less for the last three years than it was for the three years prior to 1861, and the same is true of nearly all the principal products of the soil. Thus the farmer is not benefited by high prices in any particular whatever. He is cheated all the time. Then the manufacturer, by overproducing, finds himself in debt with a large amount of goods on hand—a large amount of estimated values; but if called upon suddenly, as he is apt to be in these panics, for money, he cannot respond, he cannot sell, because the country is already supplied and the market overstocked under the unhealthy stimulus of our diseased financial system.

I protest with all the energy of my nature against any further increase of paper money. Honor and policy, principle and interest, are alike arrayed against it. There are neither arguments nor precedents in its favor. Everything is against it—experience, philosophy, and fact. A doubtful and lame expedient in time of war, defensible only on the dangerous plea of necessity, it can have no excuse whatever in time of peace, and must be regarded as an alarming usurpation. A state of profound peace has reigned for nearly ten years throughout the land, with no immediate menace of war. With a climate and soil unsurpassed, with a population as enterprising, industrious, and ingenious as any upon the face of the earth, we see to-day, instead of the prosperity which these conditions commonly insure, the industries of the country paralyzed, trade stagnant, and distrust prevailing everywhere. The cause for this can be found nowhere except in the inferior and vicious agent used for stimulating the industries, effecting the exchanges, and distributing the wealth of the country.

I regard this question as one of the most serious and important that ever pressed upon Congress and the country. Its solution involves the material and moral welfare of the nation. An inflation of the currency, instead of being a remedy for our present evils, would aggravate them all. It would unsettle values, put an embargo on legitimate trade, and, in the end, again paralyze the industries which it might temporarily stimulate. It would force merchants, in self-defense, to become speculators and gamblers, while most of the capital of the banks of the country would be employed in adjusting the winnings and losings of the stock-board and gold-room. It would encourage national and individual extravagance, the results of which would probably be to precipitate repudiation and bankruptcy.

I have neither time nor inclination to make comparative estimates of the amount of money in circulation *per capita* in this and other commercial countries. There can be no doubt that there is a redundancy of it whenever the market price of gold is above its mint price. This philosophic truth was established beyond cavil by the report of the bullion committee of the British Parliament in 1809. The Government has no more to do with the amount of money in circulation than it has with the amount of air in circulation. Let it but perform one of its highest duties; let it repeal the barbarous law of 1862, by which paper money was declared a legal tender in the payment of debts; let it retire its promises, and restore the world's money, the constitutional money, the only real money, and permit it to perform the functions for which it was intended, and the volume will be regulated by laws as unerring as those which keep the heavenly bodies in their places.

While there may be a variety of ways, there are but two general roads between which to choose; the one leading toward inflation, the other toward contraction. The former appears easy and inviting; the latter steep and rugged. But in the end, so surely as effect follows cause, contraction will lead to safety, honor, prosperity, happiness, and life; while inflation will surely lead to dishonor, misery, and decay.

I am yet unwilling to believe that this Senate, representing a proud and sensitive nation, beset by embarrassments, will tolerate a proposition calculated to increase existing evils, and in the main by the very means by which they were originally engendered.

Currency and Banking.

SPEECH OF HON. JASON NILES,

OF MISSISSIPPI,

IN THE HOUSE OF REPRESENTATIVES,

April 2, 1874.

The House having under consideration the bill (H. R. No. 1572) entitled "An act to amend the several acts providing a national currency and to establish free banking and for other purposes"—

Mr. NILES said:

Mr. SPEAKER: If I were to ask myself the question why I should speak on this occasion, I doubt whether I could give any very satisfactory answer. I certainly do not expect to enlighten this House by anything I can say. I do not expect to change the views of honorable gentlemen who have been considering this question, and whose opinions are, no doubt, already formed. But I believe that even when a member does not expect to change the opinions of his fellow-members, or to enlighten those who may or may not need enlightenment, he may still perhaps find for himself some plausible excuse for addressing the House. I have prepared no set speech. I have listened carefully, honestly, attentively to what has been said on this currency question. I came here with no fixed, unchangeable opinions, but sincerely desirous to be enlightened; and I have tried to act the part of an impartial listener.

We are in a singular situation. On the one hand we are called upon by solemn pledges so to act as to secure the ultimate redemption of the paper currency now afloat. On the other, there is evidence of great financial distress coming up from all sides, a cry of hard times, of a great scarcity of money; and, as the gentleman from Tennessee [Mr. BRIGHT] said the other day, "the cry is money, money, money!" He told us the people wanted money, and money they would have. He gave us to understand that there was an importunity in their cry which was not to be disregarded or resisted, and the money must come.

Now, that being the case, are we not placed in the predicament of the old navigator who was trying to steer between Scylla and Charybdis? Are we not, on the one hand, in danger of disregarding the solemn and repeated pledges heretofore made, at an early day to return to specie payments, and, on the other, of turning a deaf ear to the deep-voiced popular cry for "more money?"

All will admit, no doubt, that we ought faithfully to fulfill every undertaking and every pledge we have made to the country, and that we ought, in the sacred language quoted by my friend from Tennessee, [Mr. MAYNARD,] to act as he who sweareth to his own hurt and changeth not. Every one will agree to that. Let there be no bad faith. Let us do everything which can be required of us by right, by justice, by sound morals, in order to keep plighted faith.

On the other hand, we ought to do all that we can consistently with this duty and these obligations, and all that lies within the province of legitimate legislation, to relieve any financial distress which may prevail over the land.

But here let me say that there are things from which the Government cannot relieve the people. It cannot relieve them from the sad consequences of their own extravagance and financial misconduct; from the effects of insane speculations and an utter disregard of the maxims of common prudence and common sense.

Now what ought to be done? What can be done? Unceasing complaint is heard that while money is abundant in the great eastern and northern cities, it is almost a stranger in the West and South. My friend from New York [Mr. MERRIAM] startled us the other day by asserting that he had the authority of the Treasurer of the United States for saying that the whole South is literally plastered over with shin-plasters. I was almost tempted to say that if so, they were furnished by the Treasury of the United States. But that there is a great scarcity of money throughout that section there can be no doubt. So far as we can properly afford any relief for the scarcity existing there or elsewhere in this country, it ought to be promptly furnished. The bill now before the House is professedly intended as a relief measure; and if I could believe it would supply what the country needs, and did not tend largely to augment the already vast volume of irredeemable paper so as to preclude the possibility of an early specie resumption, I would support the bill out and out. Perhaps by proper

amendments my scruples may be overcome and I may yet give it my vote.

What can be done? We are told that in the last ten years our prosperity has outstripped everything which can be found in any previous decade of our history; that we have the best currency the world has ever seen; that it answers all the wants and demands of trade, all the uses of money, and that nothing is needed but plenty of it. Now, sir, if I understand fully this argument, and granting it to be sound, may we not reasonably inquire what we are ever to gain by a resumption of specie payments? Why resume, when we now have a better currency than we shall have after resumption shall have been attained?

The logical sequence is, that resumption is a thing undesirable, and ought to be postponed to the Greek calends—some day beyond eternity. It is argued that our paper currency operates in every respect as favorably to the farmer, the mechanic, to all the industrial classes, as one convertible into gold at the will of the holder; that if a man has wheat to sell and sends it to Europe, and sells it for coin, he gets a premium on the coin which equalizes the transaction to a sale for currency at home; and the authority of an ex-Secretary of the Treasury is invoked in support of the proposition, that the prices of labor and the products of labor become accommodated to the existing condition of things, and that then there are no substantial evils from this cause.

But there is one thing which gentlemen overlook; and it is of great importance, and I call special attention to it. It has been truly and forcibly said that the great thing to be desired in financial affairs is "a currency that will not vibrate with opinions; one that cannot be blown up or blown down by the breath of speculation." Now if our currency had a fixed and unchangeable value in gold, and never went above or below it, then the argument might have some force. But as it is there is a constant vibration, a ceaseless fluctuation. And it was demonstrated by my friend from New Jersey [Mr. PHELPS,] in his excellent speech of yesterday, that the farmers, mechanics, and the other toilers of the land are the very ones on whom the losses occasioned by this fluctuation inevitably fall *with most oppressive weight*. Hence I say the argument is not a good one; hence I say that you cannot so "accommodate" the currency here to the state of things abroad as to prevent loss, and great loss, from continually falling on the agricultural and other industrial classes of the land.

Sir, I am not one who would dishonor our currency. I desire to see it elevated and rescued from threatened dishonor. But who are they, may I ask, whose policy tends to dishonor the currency? Is it those who wish to increase its value, to bring it up to the standard of the currency of the world, or those who would augment its volume to such a degree that redemption is among the impossibilities for generations to come? I think those who seek to keep good faith with the people and the world, those who would bring the currency gradually but certainly up to an equality with the currency of the commercial world, are those who would cover it with honor and not with dishonor; and that a contrary policy tends to dishonor it both at home and abroad.

As regards the much-vaunted growth and wealth of the country, I deny that the last ten years have been throughout the land ten years of unexampled prosperity, for when I look abroad over my own section I see mansion houses dilapidated, fences rotting down and unrepaired, plantations washed into gullies, large fields growing up in sedge-grass and bushes, and the whole face of that region wearing the aspect of poverty and desolation. I believe that our people today in the State which I have the honor in part to represent, are in a worse condition than they have been at any time since the year of Lee's surrender. And we heard the other day the eloquent but sad account given by the gentleman from Missouri [Mr. BUCKNER] of the condition of things in his own great State. He told us that there the plantations had gone down, that the farming interest is more depressed than it has been for thirty years, and that improved farms will not command in greenbacks to-day by from 50 to 100 per cent. what they would have sold for in gold from 1856 to 1860.

I believe it to be lamentably true that the laboring classes of this country are in a worse condition now than they were before the war. It is true that they get nominally higher wages, but the cost of living and the prices of nearly all the necessaries of life have gone up proportionally higher than have the wages of labor. Hence the frequent strikes that are prevailing; hence the clamor against railroads and other corporations; hence the threatening assemblages in the streets and squares of the great cities, and all those manifestations of uneasiness and dissatisfaction which arise when the laboring classes are distressed.

The gentleman from Ohio [Mr. SHERWOOD] the other day, in his able speech, illustrated the hardship to the borrower of a thousand greenback dollars, at a time when the currency is depreciated, who should be compelled to pay off his debt after specie resumption had taken place; and in the case supposed he is (to use his own words) "swindled out of $100 principal and $10 interest," making the sum paid for the use for one year of $1,000 borrowed, over 22 per cent.

Now that is one view of the subject. Let us take the converse of it and see how it operates. Suppose the gentleman borrowed $1,000 when greenbacks were 12 per cent. below specie, and before he paid his note they were 25 to 30 per cent. below, and he then paid it off, who is injured? The gentleman is benefited, but somebody else is the sufferer. Now what is the fair inference from all that? It is that our currency is wrong in this, that it entails loss on either the creditor or the debtor; that it is—to use Mr. Webster's oft-cited expression—blown up or blown down by the breath of speculation; and so long as this sort of currency exists it will be liable to ceaseless variations, from which either the creditor or the debtor must be a sufferer.

What is the argument to be deduced from this? It is that we must, as soon as we can consistently with other duties and obligations, get rid of this currency and substitute something not liable to these never-ending vibrations and fluctuations. That is the fair conclusion.

There is no sort of doubt that there is distress in the country. I am not one of those who would deny, or ignore, or deride it. But how does this distress come about? We have had, Mr. Speaker, an abundance, and we may say a superabundance, of paper money. We have enjoyed the exhilarating effect similar to that enjoyed by those who have partaken freely of champagne. We have had the stimulation, the exhilaration, the ethereal exaltation of the *cham*-pagne; but now comes the *real* pain, torturing the nerves and racking the whole system of the wretched sufferer. Now it seems to me the great thing to be desired, to prevent so far as possible this financial intoxication, is to get our currency on a firm and stable foundation; to return to the old specie basis, so that we can have a gold dollar at command as readily as a greenback dollar. I do not say or believe that this can be done to-day or to-morrow; but let it be done at as early a day as practicable. I think this policy ought to be constantly kept in view in all our legislation.

Let us stand where we are if we cannot go forward. Let us hold on to all that we have gained in the direction of resumption, and when we cannot go forward, let us stand firm and wait for a more auspicious time to proceed with the task before us. It is said that there is relatively too much currency in the North and East, and not enough in the West and South. That is probably true; but can we not change its present location, and so more nearly equalize the circulation? If this is practicable, then by all means let it be done. If free banking will do it, let us have free banking; provided it does not look to such an augmentation of the volume of currency as to render the resumption of specie payments at no far distant day impossible. But if the effect of free banking shall be to flood the country with a vast volume of depreciated paper money, that is never to be redeemed but in other depreciated paper no better than itself, then, I think, free banking ought to be avoided as one of the greatest of calamities to the country.

Some gentlemen argue that specie resumption is ultimately to be realized by the passage of this bill. If I took that view of it I should cheerfully and heartily support it. But the objection to the method of redemption provided for in the bill is this: it proposes to swap one sort of depreciated paper for another sort no better, which is itself irredeemable. The greenbacks are no better than the national-bank notes. These last consequently would seldom be redeemed, because who that holds national-bank notes would care to exchange them for a currency which is no better? What we need is a currency that is good everywhere throughout the world of commerce.

My friend, the gentleman from Tennessee, [Mr. MAYNARD,] asked the other day "What is money?" And he answered his question by saying that is money which the law makes money. I agree with him in that, but not perhaps in the sense which he intended. I say that is money which the law makes money. But what law? Not the law of Tennessee, nor the law of Mississippi, nor the law of Massachusetts, but the great higher law of the commercial world, the commercial international law; that is money which is made money by that law. But really the gentleman does not think that it is within the competency of legislation by Congress to make a thing money in defiance of the laws of trade and of commerce. If so, then by a simple act of Congress the leaves on the trees might be converted into money. There are some things which even Congress cannot do, and I know it can do many. It cannot reverse or repeal the great laws of nature.

There is a great deal in definitions. Mr. Burke defined poetry to be the art of substantiating shadows and lending reality to nothing. Now, is not the definition of money as given by the gentleman from Tennessee identical in substance with Mr. Burke's definition of poetry? Does not the gentleman invests the law with the power to substantiate a shadow and lend reality to nothing?

I have alluded to the hard times, to the dullness of business, and to the general financial distress. But what is business? I believe it was Girard who said of the people of Philadelpia, "They goes apout sheating one another all day, and at night they calls that pizness." The operators in the gold-room in New York, and the speculators of the stock-board with their gambling operations, call that business. And no doubt the gambler, in his back room when dealing faro, calls his manipulations business. There are a great many things that are called business. But would not the so-called business of the gold-room and of the stock-board be stimulated by the adoption of measures looking to the expansion of the currency? And here I beg leave to reproduce an oft-quoted and well-known extract from a speech made many years ago by Daniel Webster:

A sound currency is an essential and indispensable security for the fruits of in

dustry and honest enterprise. Every man of property or industry, every man who desires to preserve what he honestly possesses, or to obtain what he can honestly earn, has a direct interest in maintaining a safe circulating medium; such a medium as shall be a real and substantial representative of property, not liable to vibrate with opinions, not subject to be blown up or down by the breath of speculation, but made stable and secure by its immediate relation to that which the whole world regards as of a permanent value.

A disordered currency is one of the greatest political evils. It undermines the virtues necessary for the support of the social system, and encourages propensities destructive of its happiness. It wars against industry, frugality, and economy; and it fosters the evil spirit of extravagance and speculation. Of all the contrivances for cheating the laboring classes of mankind, none has been more effectual than that which deludes them with paper money. This is the most effectual of inventions to fertilize the rich man's field by the sweat of the poor man's brow. Ordinary tyranny and oppression, excessive taxation, these bear lightly on the happiness of the mass of the community, compared with a fraudulent currency and the robberies committed by a depreciated paper. Our own history has recorded for our instruction enough, and more than enough, of the demoralizing tendency, the injustice, and the intolerable oppression on the virtuous and the well-disposed, of a degraded paper currency, authorized by law, or in any way countenanced by Government.

Now, granting that the present currency was a necessity, the offspring of the war, is it a thing to be perpetuated forever? Does it not "war on industry?" Being irredeemable in its character, does it not foster extravagance and speculation? And as an illustration of this, showing what it has done, I will read a little article in relation to the operations in Wall street:

It is a significant fact that the number of those who are known as "Wall street operators," for the most part comparatively young men, has gone up from one hundred and forty in 1860 to upward of two thousand at the present time. The exclusive business of these operators is that of speculation in stocks and gold, making money or losing it according to the artificial fluctuation of prices. They produce nothing and add nothing to the value of what others produce. They simply propel an enormous machine, by which thousands of billions in nominal value change hands every year without adding one penny to the wealth of the country or the real interests of legitimate trade.

And note this, showing how young men are deluded from the wearisome and toilsome and lonesome life of agriculture or mechanical pursuits in the country, to the city where life teems with excitement:

Impatient with the system of moderate profits, as arising from productive and useful labor, young men by the hundreds have poured into the large cities to seek their fortunes by speculation and rapid gains. Nor can there be any doubt that our currency system, with its uncertain values and its enormous inflation of prices, is one of the chief causes of this movement within the last ten years. It has demoralized the country, fostering the spirit of gambling and extravagance on the one hand, and contempt for honest industry on the other. If there be weighty financial reasons for getting rid of this ballooning system, there are important moral reasons why it should come to an end.

A friend near me [Mr. BUNDY] says that my statement will be complete if I will state that all these gamblers are in favor of the resumption of specie payment. If that were true I would state it. But I do not believe it is true, because I believe they live and move and have their being in this very system of reckless speculation which prevails.

Mr. GARFIELD. How can there be gold gambling after the resumption of specie payments?

Mr. NILES. There cannot be. There is a fallacy which I wish to notice right here, as it seems to have weight with a great many. That is, that our currency must of necessity be the best in the world because it is backed by all the wealth of the country, by untold billions, whatever that wealth amounts to; and therefore there is no danger of any one ever losing anything by it.

Now, sir, the currency of one commercial country must be substantially in accord with the currency of others. On this matter I wish to read a sentence from Mr. Webster, which is exactly to the point. He says "it must be something which has a value abroad"—there is the idea—"something which has a value abroad as well as at home, and by which foreign as well as domestic debts can be satisfied. No amount of security can ever make that equal to gold and silver which cannot be readily converted into gold and silver." Why, sir, I know men whose paper is perfectly good in one respect, because they are men of ample wealth, are fully able to pay all they owe and ten times more; yet their paper is not good in another sense, because they do not pay just exactly when it is due. They have to be sued to coerce payment. Their paper, no matter how good the backer, no matter what amount of property is bound for its payment, is not good, because it is not readily convertible into money. So, no matter how good the currency of the Government is here among us, if it is not readily convertible into that which the commercial world recognizes as money, then it does not fulfill all the purposes of a good currency. It will not pay debts abroad as well as at home.

I shall not tire the House with an array of figures, because we must have become weary of figures. I know it is said they "cannot lie;" but that, I think, depends a good deal upon who manipulates them. I recollect to have seen in 1868 an account which startled me—an estimate made by an acute arithmetician in the city of New York, who demonstrated as incontrovertibly as figures could demonstrate anything in the future, that Seymour and not Grant was to be President of the United States. He proved that as he thought no doubt beyond contradiction, by the potency of figures. Since then I have been distrustful of figures. Gentlemen here have furnished us with any amount of them, piled and massed together; but any man who can tell what they all prove, when carefully compared, will deserve to rank, not indeed, among the seven wise men of Greece, but at least as one of the many wise men of America.

Currency—Taxation—Bank Monopoly.

SPEECH OF HON. W. S. HOLMAN,

OF INDIANA.

IN THE HOUSE OF REPRESENTATIVES,

April 2, 1874.

The House having under consideration the bill (H. R. No. 1572) entitled "An act to amend the several acts providing a national currency and to establish free banking, and for other purposes"—

Mr. HOLMAN said:

Mr. SPEAKER: There is and always has been in the United States a vigorous public sentiment in favor of gold and silver coin as a circulating medium. It is the natural outgrowth of our experience. Our people like the honest face of real money. The argument in favor of it is unanswerable, and if the measure were practicable I have no doubt our currency would rest on a metallic basis. Indeed our people have for so long a period been accustomed to regard gold and silver as the only true basis by which commercial transactions can be safely governed, and having seen the countless frauds of paper money issued by irresponsible banks, have been reluctant to adopt a currency less in value than the standard of gold and silver.

But, Mr. Speaker, notwithstanding I have been all my life a disciple of the famous statesman of Missouri, and believe that all interests, and especially the interests of labor, are better promoted by a money coined out of gold and silver, such as is recognized as money by the whole commercial world, than by any other standard of values, yet, in common I think with most of the citizens of this country, I have been driven to the conclusion that in our present circumstances, to compel by legislation the resumption of specie payments would be impossible, and the attempt would be attended with universal disaster. Nothing can be more apparent than this. The experience of all commercial nations has been that to *maintain* specie payments the paper currency cannot very greatly exceed in amount the coin money of the nation.

There is certainly not now in this country, and has not been for several years past, more than $140,000,000 of gold and silver coin. The Director of the Mint in his last report to Congress states the amount as follows:

The coin, except as to the Pacific coast States and Territories, being as a general thing in the Treasury and banks, the present time is a favorable one for estimating the amount of gold and silver coin in the country. From the most reliable data obtainable, the gold coin is estimated at $135,000,000, and subsidiary silver $5,000,000—total, $140,000,000. The silver coin is principally in circulation in California, Oregon, Nevada, Idaho, Arizona, and Texas.

Nor can we anticipate at an early day a rapid increase of the precious metals. In 1861 our mints coined in gold, silver, and nickel $63,400,597, and in 1873, $38,689,183 only; and it is clear that a very large portion of the gold-bearing securities of the United States—whether issued by corporations, cities, counties, States, or by the nation—are held by European capitalists. I think that no gentleman can estimate the amount of gold flowing from the United States to European coffers at less than $140,000,000 a year. I think that is a very moderate estimate. We receive annually more or less coin and bullion from abroad. But the balance of trade is largely against us. Our whole policy tends to that result, and unless it were largely in our favor, the vast sums we are annually paying to European capitalists as interest on our public securities alone would render the resumption of specie payments, except to the highly favored capitalists, practically impossible. The gentlemen who have controlled our affairs seem to have aimed at this. The act of March 18, 1869, "An act to strengthen the public credit," *so called*, opened the coffers of all Europe to our five-twenty bonds.

A few years ago the Committee on Ways and Means reported a bill to allow the Treasury to issue coupon bonds for *registered* bonds. I opposed that measure, and in course of the discussion said:

Now, the slight difference between the two classes of bonds is in favor of American investment and tends to retain the large portion of the bonded securities of the Government among our own people. There is therefore that embarrassment in the way of increasing in the hands of foreign capitalists our securities. I think any measure that tends to decrease the indebtedness of the country in the hands of foreign capitalists is a measure of the highest importance to the public interest.

Mr. DAWES, in reply, said:

The gentleman alludes to the fact that heretofore the Committee on Ways and Means have opposed this facility of transfer. That may have been the case in times past, because it was once the policy of the Government to keep all its evidences of indebtedness in this country. *That policy has passed away.*

Out of this new policy grew the syndicate. This policy makes the bankers of London the masters of our system of finance, and pours the wealth of this nation in a remorseless flood into the coffers of Europe.

This policy must be reversed before the precious metals can obtain a permanent foothold in this country. If the volume of coin cannot be largely increased, can gentlemen expect the country to encounter the universal bankruptcy that would follow such a reduction of the currency as would bring it up to the value of coin? A despotism could not force such disaster upon a people.

But beyond that, and still more important in this inquiry, no people can for a long period of time pay annually into their public

treasury, in the form of taxes, whether external or internal, the larger portion of the medium which represents their wealth and industry—their currency. I doubt whether any nation for a series of years could pay in the form of taxes into their treasury a sum equal to one-half of its currency or near that without the absolute prostration of labor. The drain upon the national wealth through excessive taxation, by imperceptible degrees, and by inexplicable and countless agencies, if long continued absolutely exhausts the producers of wealth. It is clear that where the taxation is heavy and the currency insufficient the resources of the country are gradually exhausted. I think it fair to estimate that the resources of this country are annually taxed not less than $550,000,000. The entire revenues of the Government for the last fiscal year were $333,738,204.67, and the following are the sums actually received from people through taxation:

From customs	$188,089,522 70
From internal revenue	113,729,314 14
Total	301,818,836 84

Gentlemen who have the most carefully examined into taxation in the several States estimate the local taxation for all purposes, State, county, township, city, and town, at $250,000,000 annually. If this is correct the aggregate annual taxation exceeds the enormous sum of $550,000,000. The customs taxes are gold, but currency is in the main the agency employed in the purchase of gold to pay the tax, and a large per cent. of the annual taxes, is always suspended in national and local treasuries. I will be told that the money drawn from the people is ultimately restored to the volume of the currency, but the exhaustive effect of excessive taxation on our industries, on the producers of our wealth, is none the less obvious. It takes from the mouth of labor the bread it has earned and swells the wealth of the skillful and too often, unhappily, unscrupulous molders of policies and laws. It is a powerful and subtle centralizer of wealth.

We are told by the Comptroller of the Currency that the following table of the currency of the country is correct for the two periods, October 13 and November 1, 1873, named:

	October 13.	November 1.
National-bank currency	$350,049,056	$350,332,884
Legal-tender notes	359,566,888	360,952,206
Fractional currency	46,699,191	47,875,149
Totals	756,315,135	759,161,239
Deduct amounts held by the Treasury and by the banks	116,496,997	123,140,727
Which will leave unaccounted for	639,818,138	631,020,512

This Comptroller tells us these national banks "hold an average reserve of more than one hundred millions of legal-tender notes, which is equivalent to a loan to the Government without interest." How considerate and liberal these banks are!

Now, sir, with such a weight of annual taxation and such a volume of currency, could even avarice so harden the capitalist that he would, to increase the value of his money, still further oppress our industries? Will the present reduced volume of currency suffice for the wants of the country? No, sir; not with the present burdens of Government. No other people bear such taxation on such a volume of currency. The tax upon labor is now exhaustive and crushing.

Mr. MAYNARD. Paid by the productive industries of the country to the non-producing classes.

Mr. HOLMAN. My friend from Tennessee is correct—paid by the productive industries of the country to swell the wealth of the non-producing classes. It is very clear all of that five hundred and fifty millions of money is never in a state of suspense and drawn from circulation at the same time, but it is clear a large percentage of that amount is always in a state of actual suspense, and the banks kindly keep suspended a hundred millions more. I doubt whether during the last two years there has actually been in circulation in the United States to exceed four hundred and fifty millions of money at any one time. I do not think it can be demonstrated that at any one time there has been in actual circulation, within the reach of the citizens for the purpose of business, to exceed four hundred and fifty millions out of the seven hundred millions of our currency. My friend near me says four hundred and fifty millions is too much, and perhaps he is correct. We are at the mercy of a few great capitalists. The enormous interest now drawn from the country by the national banks will show how completely every industry in this country is placed by law at the mercy of incorporated avarice.

It is very clear you cannot reach and maintain specie payments by the force of legislation where the aggregate amount of the precious metals in the country does not bear some reasonable relation to the amount of paper money, and yet no absolute rule can be laid down You may reach specie payments without it. We have within the last eighteen months seen the difference in the price of gold and paper apparently 8 per cent. But gold is with us but an article of merchandise and not a standard of value. Its value now is a question of demand and supply. In other words, for a moment that general representative of values, gold, as an article of merchandise was but 8 per cent. above the value of our paper. This was but an incident of no permanent value. To reduce the currency to increase its value to that of gold would be an act of heartless despotism to which the country would not submit and could not submit, and still bear the present burden of taxation.

The truth is, sir, that only at short periods and in favored sections has our currency been on an actual and solid specie basis. Those old frauds upon the people, the local banks, were constantly in a suspended condition, and no financier can figure the millions they drew without consideration from the labor of the country. Those periods of our history of *bona fide* specie payments were periods when the paper issues were not redundant, but at the same time the tax-gatherer was almost unknown and the burdens of government unfelt.

I believe, Mr. Speaker, however much we may desire to reach specie payments and transact our business in the money generally recognized by the commercial powers; however desirable this may be not only for giving stability to business and an actual measurement of our wealth, but to gratify a just national pride in having surmounted the embarrassments of a great national debt in a briefer period that the nations had ever witnessed—however desirable all this might be, in spite of the vastness of our resources and the sleepless energy of our people, it is impossible, in my judgment, unless the burdens of government, State and national, can be immensely reduced. I indulge the apprehension—a prediction I should be glad to see not realized—that many years will elapse before specie payments in fact are resumed in the business transactions of our country, unless by an act of unparalleled oppression in a forced reduction of currency, or by applying the vast franchises now surrendered to a few capitalists to the benefit of the whole people, and reducing taxation to the absolute necessities of Government, State and national.

We have the example of England. Here a great debt, piled up by her European wars, suspended specie payments from 1797 to 1820, in spite of her vast resources as a commercial power, the accumulated resources of centuries. No one can read the financial articles written during that period in favor of resumption and not be impressed with the fact that on that subject nothing new is to be said. The writers of that day—some of the most enlightened writers on finance the world has produced—went over the whole ground. They brought all the force that can be given to argument to the English people in favor of early resumption; but it was found to be impossible. The nation had to recover from the exhaustion of war, and yet her securities were held by her own people. Great Britain did what the men who control the affairs of this nation seem incapable of doing. Her statesmen, in grappling with a great debt, the fruit of nearly half a century of war, did not hesitate to reduce the interest on her public debt when that debt was found oppressive to her people. Capitalists had driven her to hard bargains in the hour of her extremity. She had issued bonds at as high as 6 per cent., and she reduced the interest to an average of 3 per cent., and her consols (consolidated annuities) to this day express the views of her statesmen as to what a nation should do when the question was presented of dividing the burdens of a public debt between labor and capital. No pretense of public faith was strong enough to justify an act of injustice to the people. And yet a limited monarchy could scarcely be more mindful of the rights of labor than the representatives of a free people.

England reduced, in the adjustment of her public debt, the interest on bonds issued on an inflated currency, and history has not denounced the act as a violation of public faith; and England did not hesitate to tax her bonds. But here, sir, every act of our legislation has discriminated in favor of our public securities and against the industry upon which those securities rest for their value. If it was doubtful whether the five-twenty bonds were payable in greenbacks or gold, the presumption should have been in favor of the labor that was pledged for their payment. But it was not doubtful; no impartial mind in Christendom would have held that the principal of the five-twenty bonds was payable in gold. There was no ambignity in the terms of the act of February 25, 1862, declaring the greenback lawful money and a legal tender in payment of all "claims and demands against the United States of every kind whatsoever, except *interest* upon bond and notes, which shall be paid in coin." It is a significant fact that the five-twenties were issued without any explanatory statute; but when issued and in the hands of capitalists the act of March 18, 1869, was passed, pledging gold for these bonds and adding nearly $200,000,000 to their value. The faith of the nation would have been violated in inflating the greenback currency to reduce the value of the bonds, just as the faith of the nation to the labor of the country was violated by paying these bonds in money far more valuable than the nation contracted to pay.

I think, sir, that good faith to the industry and labor of this country is just as honorable and obligatory as good faith to capitalists, who reaped a richer harvest out of the national misfortunes than any other nation ever permitted. Even France promptly adjusted her enormous public debt at an interest of 3 per cent. It was an army of capitalists who invested your lobby when that act of March 18, 1869, was passed, and already you have paid $39,758,532 premium on the bonds you issued payable in lawful money—$39,758,532!

So, sir, while Great Britain could and did reduce the interest on her public securities in justice to her industries, you have overlooked the rights of industry, and have imposed burdens upon it, not written in the law, heavier than the law justified. And I must say, sir, that the act of 1869, by which the principal of the five-twenty bonds, constituting the body of our national indebtedness, was converted into a

gold security, has, in my judgment, done more to postpone the day of redemption than any one other feature of your legislation. In the first place it floated those bonds at once into the foreign market, and the payment of the interest is draining the country of its gold; and has, in the second place, largely augmented your debt. This $39,758,532 would have been an appreciable payment on the principal of your debt. There was no warning of the measure. It came upon us without notice and was rushed through this House. It was an act of unmitigated bad faith. Gentlemen say they will not fight this battle over. We shall see.

By changing our policy and declaring the five-twenty bonds to be payable in gold we at once induced a rapid purchase of our securities abroad, and the increased amount of gold flowing to Europe makes America "the hewer of wood and drawer of water" for foreign capitalists. Let us see, sir, the effects of our policy in comparison with England. Here is the quotation of her securities and ours on yesterday, received in New York:

The London advices that the governors of the Bank of England, at their meeting to-day, did not advance the bank rate of discount and that the latter still stands at 3½ per cent., were not unanticipated, the reports yesterday having removed all question with reference to the rumored disquiet on the English exchange. Securities were strong, the quotations at the close of the market being as follows: Consols for money, 91 15/16@92; consols for account, 92 1/16@92 1/16; five-twenty bonds of 1865, old, 109¼@109⅜; five-twenties of 1867, 109; ten-forty bonds, 104¼; new fives, 104⅜.

England adjusted her debt fifty years ago at 3 per cent., and her bonds are worth to her capitalists 92¼ per cent.; while our five per cents and six per cents are at 109. Of course our bonds go abroad, and free bankers are struggling to add still further to the value of these bonds. And yet, strange to say, we are, when we have money in the Treasury, buying up these very bonds at the enhanced premium. Thus, in the interest of capital, you have enlarged the debt and increased unjustly its weight upon the people.

Mr. Speaker, I regret to reach the conclusion that the resumption of specie payments in this country is now at least impossible. It is not a question of money so much as it is a question of the weight of the public debt upon our industries. We should reduce the burden of this debt as far as good faith and public honesty will justify. The weight of taxation must be diminished. In what other nation is labor so severely taxed? Reasonable economy will reduce your national expenses $40,000,000 annually.

I do not believe that specie payments are possible, without universal disaster, while the current expenses of the nation are estimated by your Secretary of the Treasury, as they are for the next fiscal year, at $319,198,736.82, being $190,920,656.82 after deducting interest on the public debt and pensions. It is this fearful annual expenditure that is exhausting the country. Now, while your legislation is in the main for the benefit of capital through countless monopolies, and while the enormous profits of issuing money through national banks drains the country and builds up imperial estates, I would be rejoiced, sir, to see any policy, consistent with public honor, which would bring back our bonds so that these exactions on the resources of the nation, this drainage of the wealth of the nation, would be diminished, and that would give to the whole people the imperial franchises now held by the few. Such a policy, with economy and honesty in public affairs, will restore specie payments. The highway to specie payments is reduced taxation in State and nation, retrenchment and reform.

But, Mr. Speaker, while I am very confident that paper money will have to constitute the basis of our currency for years to come, I think the only question is, and will be, in what form it shall be issued.

I have listened to the gentleman from Missouri [Mr. HAVENS] tonight with great pleasure while he discussed this question. I do not think that the public men of this period, the members of this House, treat the people well or their Government well when they talk about the greenback as an irredeemable currency. Irredeemable! Such is the odium attempted to be stamped on the lawful money of the nation by capitalists and bankers who swarm in the lobby. Why, sir, it is not currency in the sense in which you can apply the term irredeemable to it. *It is money.* It is not simply currency, but money. You cannot speak of the gold dollar as currency in any proper sense; for currency generally signifies something to be redeemed.

The greenback is money in the same sense in which a gold dollar is money, and both are made money by the same high authority, the only authority that in this country can make anything money, the law of the land. The making of money is the act of the sovereign authority of the nation, and your Government has declared the greenback lawful money and a legal tender in the same manner that it has made the gold dollar lawful money. You make the gold dollar lawful money for all purposes; the greenback lawful money except in payment of your bonds and duties on imports. Gold for the capitalist, the greenbacks for the people. Such has been your uniform discrimination.

This greenback money, under the sanction of law, rests for its value on the energy, enterprise, labor, wealth, and honor of the people of this Republic. It is the money in which the nation discharges obligations infinitely more sacred than bonds purchased at 50 per cent. of their value. Irredeemable paper! I do not envy the man who in complacency to wealth can sneer at the lawful money of his country, the solitary feature of your whole policy in the interest of the people.

Sir, if the Government of the United States possesses the power to make money at all, they have made money—not promises to pay, not an irredeemable issue—but they have made money in the form of the United States notes. I think that is money which is declared by law to be money, a measure of value, a standard of exchange, a medium by which debts are extinguished by law. An act of Congress declares what is money; it stamps the money quality, the representative value, upon a bit of gold or silver just as it does upon paper. There is no difference in that respect.

The stamp of the United States upon gold or silver gives it the character of money and fixes its value as money. Without that, sir, it is simply an article of merchandise—bullion; a thing of the market, a commodity for bargain and sale simply, but not money. Paper which bears the stamp of the United States upon it as money is money. Its value fixed by law. It bears the highest impress of value—the faith of the nation. It is the only paper money ever issued in this country that bore an honest front. It is not a child of monopoly. It is the common wealth of the whole people, at once a loan of the people to their Government without interest and a safe and solid medium of exchange. Irredeemable paper! A dishonored currency! say the capitalists, for with $400,000,000 in circulation it saves the people $24,000,000 from their rapacity. They would redeem it in national-bank paper under the guise of free banking for the bondholders. We shall see whether this can be done.

No sneer can change the fact that that is money which is made so by law. Why, sir, the most enlightened writers that I have read, and I do not regard J. Stuart Mill as the least of them, all esteem that to be money with which by law debts may be extinguished, which makes a final disposition of the claim of one citizen against another. The greenback is money. I admit this is very unpopular talk here; but the bank lobby are not the people. We are told we cannot issue this lawful money in lieu of the $354,000,000 of national-bank paper and apply this $354,000,000 in payment of the public debt, thus saving to the people annually $21,240,000 more, because the faith of the nation is pledged that only $400,000,000 of greenbacks shall issue. Can servility to capital go any further than this? Pledged to whom? To the bondholders who got their greenback bonds converted into gold bonds? Are these the gentlemen who are so anxious for the good faith of the nation? The bankers? Are they not satisfied with the $50,000,000 they have been drawing without consideration from the labor of the country annually for years past? Where did one Congress get the power to bind its successors forever by an ordinary act of legislation? O, yes! It is all right to amend the act of 1862 by the act of 1869, after the bonds were issued, and add $200,000,000 to their value; but of course legislation that would relieve labor and save to the producers of our wealth, the patient toilers in the field and the mine and the shop, $21,240,000 a year would be a violation of public faith! What an argument in a republic!

But it is said on behalf of the bankers the greenbacks were solely a war measure and the Government cannot issue them in time of peace. How eager these gentlemen are for their valuable and sovereign franchises! The Supreme Court held in the legal-tender cases, (12 Wallace, Supreme Court Reports, page 529,) and in every case decided since, that the greenback was lawful money and a legal tender for the payment of debts contracted before the war and since the war. The Supreme Court say:

The Constitution was intended to frame a government as distinguished from a league or compact, a government supreme in some particulars over States and people. It was designed to provide the same currency having a uniform legal value in all the States. It was for this reason the power to coin money and regulate its value was conferred upon the Federal Government, while the same power, as well as the power to emit bills of credit, was withdrawn from the States. The States can no longer declare what shall be money or regulate its value. Whatever power there is over the currency is vested in Congress. If the power to declare what is money is not in Congress, it is annihilated.

And again:

But the obligation of a contract to pay money is to pay that which the law shall recognize as money when the payment is to be made. If there is anything settled by decision it is this, and we do not understand it to be controverted.

But some of the very gentlemen who are now arguing that the issuing of greenbacks was the exercise only of a war power and not under the constitutional power to "borrow money," or "regulate commerce," or "coin money and regulate the value thereof," did but a few days ago vote, in this hour of profound peace, to add $18,000,000 to the legal-tender notes. Both the House and Senate have within a few days voted to issue $18,000,000 of lawful money, and now in behalf of the banks the question is raised. So the Supreme Court and Congress have decided that greenbacks are lawful money, and I hope that the people will see to it that Congress shall not reverse that decision. Certainly the Supreme Court never will.

If any other decision had been pronounced by that court, if the decision first pronounced by Chief Justice Chase—a most unfortunate decision—if that decision had stood as the law of the land, no citizen who loved his country could have failed to tremble at the disasters that might overtake us in the future. I believe that in the whole history of this nation there never has arisen and never will arise a question of such magnitude for the decision of the court. It is easy to foresee emergencies that may arise when the honor of the nation and the safety of the Republic might be involved in that question. If the first decision had stood as the law, the expedient which went far to save the nation from disaster could never have been resorted to again without a change in the Constitution, and the decision would have

been followed by bankruptcy and disaster to a multitude of our people.

Now, sir, the question is, is it for the interest of the whole people that instead of greenbacks, pure and simple, the benefit of which during the war and since the war inured to the whole people of the country, you should have the issue of the national banks? Or shall the bankers' notes be withdrawn and lawful money issue in their stead, and be applied to the payment of the public debt? This, in my judgment, is a vital question. I am and have been uniformly in favor of issuing greenbacks and withdrawing the national-bank notes—giving the whole people instead of a few wealthy capitalists the immense profits of issuing money. This is not a measure of inflation, except that the $100,000,000 greenbacks held by the banks would enter more directly into circulation.

I insist that, while the issue of paper money is inevitable, that kind of paper money should be adopted which would most completely destroy monopoly in money. Certainly one of the highest prerogatives of government is the issuing of money. I think it is not simply one of the highest, but in a certain sense it is perhaps the highest prerogative of government to issue money. It is not pretended that in the proper and legitimate sense the issue of a national bank is money; it is more properly to be called currency. It is redeemable—what an idea—in greenbacks!

Mr. MELLISH. Will the gentleman object to a question here?

Mr. HOLMAN. Not at all.

Mr. MELLISH. I would ask the gentleman if he understood the gentleman from Connecticut [Mr. HAWLEY] in his argument to deny the law of the land as established by the Supreme Court?

Mr. HOLMAN. The argument of the gentleman from Connecticut was simply in favor of reaching specie payments at once, without reference to the question whether the greenback was legal money or not; to get clear of it as soon as possible. It was in its main feature an argument for a speedy return to specie payments.

I have heard it argued by some one that the issuing of more greenbacks would be an increase of the national debt. But is that true? Of course not. It is quite clear that if greenbacks are issued they should at once be applied to the extinguishment of the national debt; that indeed is the main object. Suppose that the $354,000,000 of national-bank paper now out should be substituted as they came from time to time into the Treasury by an equal amount of greenbacks, and the greenbacks applied to the extinguishment of $354,000,000 of our national debt, or, if the gold act of 1869 is to remain in force, purchase the bonds. It seems to me that if that can be done it would be a wise measure. It would reduce the interest on the public debt about twenty or twenty-one millions a year, even if you adhere to the pernicious policy of purchasing the bonds at a premium. To that extent it would diminish the drain upon the country for gold and would hasten the resumption of specie payments.

The saving of $20,000,000 a year to the industries of the country is a very important item. That is a sum equal to one-third the entire expenses of this Government fifteen years ago. That it can be done no gentleman pretends to deny. That there is any obstacle in the way of it no one will assert. I am not arguing that you can do this at once, but as the bank-notes come into the Treasury from time to time they should be canceled and United States notes issued in their stead, and the bonds of the banks surrendered from time to time as their circulation is canceled. Within two years the country would receive the full benefit of this measure of relief, and without injustice to any one a larger portion of the public debt would be extinguished than has been extinguished under oppressive taxation during all the years since the war; for during all those years, under a taxation more exhaustive than any people have ever borne for a long period of time, you have only paid $323,253,800 of the principal of your debt. No person pretends to assert that this is impracticable. Why can it not be done? I have never been able to understand the reason why not. You have expressly retained the right to modify or repeal the bank law. The banks as banks of discount and deposit would still remain, and, like other people, they would do business on the lawful money of the country. There is no public reason against this measure. I am aware that with a Congress teeming with bankers and capitalists the obstacles may be insurmountable. But, sir, will the day never come when the legislation of Congress will be for the benefit of the whole people and founded on public reasons? Will special franchises and corporate powers and remorseless monopoly always rule this nation? I think we already hear the heavy footfall of the coming power of reform.

In my judgment the objectionable consequence of a redundant currency is, that with the agencies here at work it tends to centralize wealth in certain portions of the country. There is no objection to the increase of wealth or the representatives of wealth if it is diffused. If your currency was increased to $900,000,000 and it was diffused over the whole country in the form of greenbacks, reaching labor in all its varied fields and departments, there would certainly be nothing to deplore. Such was the actual state of things during the war and before the banks had obtained complete mastery.

I think the years 1864 and 1865 were years of actual prosperity in this country; not simply apparent but real, notwithstanding the waste of war. Labor during that period—and the whole test of a nation's prosperity is in the condition of labor; that is the true test of a nation's policy—labor during that period was animated and encouraged by at least reasonable rewards, even in proportion to the values of the commodities it produced. I do not think there is any objection at all to a reasonable increase of currency if issued in the form of United States notes; for it would inure at once fully and completely to the benefit of the whole people, and is more certain to be diffused among the people than if completely under the control of the banks. But the trouble is that in this country, more than in any other upon the face of the earth, there exist agencies for centralizing wealth.

I admit that when you increase the currency to what is reasonable and proper, when you actually inflate it, as was the case at one time during the war when the currency was twice its present volume, the machinery of your national banks concentrates it in vast amounts and makes it effectual in building up special interests and promoting enormous private fortunes. There is no denying the fact that under the agencies which Congress has created more fortunes have been built up—imperial fortunes—than have been accumulated during any corresponding period of history, except when the marauding chiefs of the Middle Ages seized and consolidated the wealth of their less-powerful neighbors. But, sir, this has resulted not from the circumstance of a redundant currency so much as from the agencies of financial centralization you have created. The inevitable effect of this national banking system is to centralize our wealth.

The system proposed by my friend from Tennessee [Mr. MAYNARD] in the pending bill is spoken of as a "free-banking system." The title is captivating. A system of free banks! Free banking! The ordium that attaches to the present banking law is that of monopoly. If there is anything that ought to be abhorred by a free people it is monopoly of advantages in that which may be justly common to all. There is something so monarchical about it, so hostile to the fair play and the genius of republican institutions, that the instincts and sympathies of a free people are against it. Hence "free banking" is an attractive title. But, Mr. Speaker, is there in fact anything like free banking in this bill? Free banking? A large portion of your bonds are held by European capitalists, or rather by their agents in the United States. You find the names of those agents of the great moneyed houses of Europe on the petitions before us for specie payments. The national banks have on deposit in the Treasury to secure circulation bonds to the amount of $392,852,100.

The body of our bonds not owned by the banks or foreign capitalists is held in the commercial centers—New York and Boston, Philadelphia and Baltimore; not in the West and South, where the banking facilities are inconsiderable; not in the States like Illinois, Indiana, or Tennessee. Those bonds are held, except in inconsiderable sums through the country, by capitalists in your great cities.

Mr. MAYNARD. Will the gentleman allow me to make a suggestion in this connection?

Mr. HOLMAN. Yes, sir.

Mr. MAYNARD. The gentleman will recollect that we have authorized the issuance of a bond at a lower rate of interest, 4½ or 4 per cent., and any parties who may wish to establish banks, by presenting to the Treasury the amount of their capital in coin, will be able to get as many of those bonds as they may desire; and the Government with that coin will pay off an equal amount of the 6 per cent. bonds held by the principals of the Belmonts and the Ciscos and that class of people. The direct tendency of this, as it seems to me, would be to reduce our high interest-bearing bonds to bonds bearing a lower rate of interest.

Mr. HOLMAN. There is no question but that that line of policy, if practicable, would be in some degree beneficial, but the gold is not in the country and the holders of the present bonds will be your bankers; but it is a benefit infinitely less than would be secured by applying the greenbacks substituted for bank-notes to the payment of the bonds; then it would not be 1½ and 2 per cent. saved, but 6 per cent., by the payment of the bonds. The application of the $354,000,000 of bank-notes transformed into greenbacks to the extinguishment of the public debt has a substance in it infinitely beyond that which possibly could result from the pending bill; for this bill applies to bank-notes to be issued, while my plan applies to those issued on 6 per cent. bonds. The bill simply lightens the interest on the bonds which may be purchased with gold, while my plan pays off $354,000,000 of the bonds even on the present basis of our currency, pays the bonds, interest and principal both.

Indeed, sir, if this country had grappled with this question bravely, and had extended the same even-handed justice to the people and the capitalist, and had provided, *not for the purchase at a premium*, but for the *payment* of the five-twenties in the money in which they were payable according to the terms of the contract, and had issued greenbacks as currency instead of national-bank paper, and applied those greenbacks in the extinguishment of the debt, then, with a currency of seven hundred or seven hundred and fifty million dollars our public debt would have been so greatly reduced at this hour that the interest could not possibly at this time, with the resources we have had and the taxation our people have borne, exceeded $40,000,000 a year; and when you reduce the interest on the public debt to $40,000,000 you have got it well in hand. It would then be a comparatively light burden on our people, provided that in justice to labor, the tendency to extravagant expenditures of the Government be with firm purpose held in check. But now the interest we are paying annually swells up to $104,750,688.44, mostly in gold; $23,571,126 is paid to the national

banks in gold annually. No gentleman can take up this report of the Comptroller of the Currency without being impressed with the fact that this banking system is one of unexampled profit to the capitalist, and is a fearful drain of wealth from the producers of our wealth into the coffers of the non-producing classes.

Now, no gentleman appreciates more fully than my friend from Tennessee [Mr. MAYNARD] the proposition that any agency by which wealth may be accumulated in this country, except it be by patient and plodding industry, is to be deplored and discouraged. Even when, in legislation by which a good is accomplished, you are compelled to create an agency by which wealth may be amassed without industry, a thing scarcely possible, you have to deplore the fact and admit that of all things that legislation and that system of public policy are wisest and best which furnish no facilities for accumulation of fortunes except through productive industry.

Excessive fortunes, such as bring poverty and wretchedness to multitudes, will occasionally be accumulated in spite of the wisest system of laws. But to frame your laws to that end, encouraging princely estates on the one hand and poverty on the other, is imitating the most odious principle of monarchies. The wealth which is built up in Wall street by watering of stocks, the hoarding and expansion of currency through the banks to depress on the one hand and enhance on the other the fruits of labor, and gambling in gold, is a dishonor and a curse to the nation. The imperial fortunes thus accumulated are drawn through countless channels from the patient toil of our people. Can any gentleman say that our laws are not responsible for this? When did you enact a law, except the law for the issue of United States notes, that did not open up opportunities for the unscrupulous stock-jobber to take from labor the bread it had earned? Do you think the crafty speculator, who uses the power of your monopolies and wields the special franchises you grant so freely, can accumulate an estate of millions without consigning multitudes of your people to want and wretchedness?

Looking at the last report of the Comptroller of the Currency this startling fact is apparent, that for the last fiscal year the surplus fund of the banks had accumulated to $118,113,848 after the payment of the dividends half-yearly year after year. The dividends for the first half of last year were $24,826,061, and for the next half $24,823,029; in all $49,649,090; that is, a dividend of profits, as will be seen, of nearly 11 per cent.—10.87—not simply on bank capital, but on bank capital and the surplus *after all expenses are paid.* Since God created this earth such a system of steady and remorseless absorption of the wealth of a people has never existed; never, sir. The Bank of France, the fiscal agent of the government; the Bank of Berlin, the fiscal agent of the North German Confederation; and even the Bank of England, quasi fiscal agent of government, are government agencies—the two former inuring to the benefit of the government, and the latter only partially so. But, sir, in the range of all history no such agent for centralizing the wealth of a people has ever existed as this system of ours under the sanction of law.

Here, sir, is the statement of the Comptroller of the Currency:

The national banks are required by the act of March 3, 1869, to make semi-annual returns to this office of their dividends and earnings. From these returns the following table has been compiled, exhibiting the aggregate capital and surplus, total dividends, and total earnings of the national banks, with the ratio of dividends to capital, dividends to capital and surplus, and earnings to capital and surplus for each half-year, commencing March 1, 1869, and ending September 1, 1873:

Period of six months ending—	No. of banks.	Capital.	Surplus.	Total dividends.	Total net earnings.	RATIOS.		
						Dividends to capital.	Divid'nds to capital and surplus.	Earnings to capital and surplus.
						Per cent.	*Per cent.*	*Per cent.*
September 1, 1869	1,481	$401,650,802	$82,105,848	$21,767,831	$29,221,184	5.42	4.50	6.04
March 1, 1870	1,571	416,366,991	86,118,210	21,479,095	28,996,934	5.16	4.27	5.77
September 1, 1870	1,601	425,317,104	91,630,620	21,080,343	26,813,885	4.96	4.08	5.19
March 1, 1871	1,605	423,699,165	94,672,401	22,205,150	27,243,162	5.18	4.24	5.21
September 1, 1871	1,693	445,999,264	98,286,591	22,125,279	27,315,311	4.96	4.07	5.02
March 1, 1872	1,750	450,693,706	99,431,243	22,859,826	27,502,539	5.07	4.16	5.00
September 1, 1872	1,852	465,678,023	105,181,942	23,827,289	30,572,891	5.12	4.17	5.36
March 1, 1873	1,912	475,918,683	114,257,288	24,826,061	31,926,478	5.22	4.21	5.41
September 1, 1873	1,955	488,100,951	118,113,848	24,823,029	33,122,000	5.09	4.09	5.46

Let us see further. The "total net earning"—I use the words of the complacent Comptroller—of these banks for the year ending on the 1st day of last September were as follows: For the six months ending on the 1st day of March, 1873, $31,926,478, and for the next six months, ending September 1, 1873, $33,122,000, (the panic increased the profits,) in all for that year, $65,048,478. The *net earnings* of the year! Net earnings after paying the munificent salaries of bank presidents and other officers, and rents and expenses! Net earnings for one year, $65,048,478! Fifteen years ago the entire revenues of this nation of over thirty million people were $41,476,239.39, and the expenditures (the deficiency being made up of loans) were $62,537,221.62. I quote from the report of the Register of the Treasury to the present Congress. Such, then, is your policy. A bank system invested with the national and sovereign prerogative of issuing money, for the payment of which the faith of the nation is pledged, is permitted to levy a tax on the industry of the people, for the benefit of a few capitalists, largely exceeding the revenues or expenditures of he nation only fifteen years ago.

When we estimate our taxes here is a startling item to be taken into the account. Yet we have accustomed ourselves to look with such complacency upon the rapid building up of imperial estates at the expense of the hard and patient industry of our people, that an accumulation of $118,113,848 of surplus fund and the division among a handful of capitalists of over forty-nine millions of money annually does not strike the nation with astonishment at all—forty-nine millions in annual dividends and over one hundred and eighteen millions of surplus fund on which to compute dividends in the future! You will note, sir, in this table the rapid accumulation of this surplus fund and the steady payment of dividends.

Now, is it policy to enlarge upon such a system? If this money, this $65,048,478, came from somebody else than the patient laborers in your fields and shops and mines, the men whose labor is the only wealth of the nation, it would not be a thing so greatly to be deplored; but this $118,113,848 of surplus funds accumulated in so brief a period since the organization of these banks, after the enormous dividends declared every six months, swelling up to $49,649,070 in the last year covered by our reports—a year of panic and disaster—ought to fill the country with alarm. Can you expect anything less than disaster to your varied industries; can you hope that labor shall receive its proper rewards and your productive industries prosper, when the fruits of labor are thus gathered into the rapacious coffers of your banks? Shall the object of labor only be to build up princely estates for a handful of bankers? Is it for this your people are to toil year after year?

Mr. HUBBELL. I should like to ask the gentleman whether with greenback issue we would not still have banks and they would not have the same profits as now?

Mr. HOLMAN. I think not. In the first place, the greenbacks would diminish the burden upon the people in the reduction of your debt to the extent of more than $20,000,000 in gold annually. That would be something. It is a big item to begin with. In the second place, the banker doing business on money procured as your farmers, mechanics, and merchants procure it, by legitimate business or honest industry, and not made to their hand by your Treasury at the trivial interest of 1 per cent.—yes, sir, if your bankers got their money as your farmers and mechanics do, by honest industry, or as your merchants or traders get it, by legitimate business—would realize no such imperial profits as are shown by this Comptroller's report. Their millions of bonds would not be nearly duplicated. Six per cent. is a heavy interest to the great body of the people of the country, and the people who are mostly in debt are the men who are engaged in industrial pursuits, and an interest of 6 per cent. is as high as the business of any country can endure. Interest even at that rate is a fearful tax on labor. Interest, in the judgment of most of the States of the Union, at 6 per cent. was recently deemed the highest interest which should be allowed by law. Yet, according to this showing, we are encouraging and enlarging a policy which will impoverish labor and enable the capitalists to more than double that rate of interest; for gentlemen must remember that the "earnings" of these banks during the last year, as shown by the table I have submitted, the net earnings, was 10.87 per cent. on capital and surplus both, and this after every expense—salaries, rents, suspended debts, banking-houses, and all else—is paid. Why, sir, I find that the net earnings of some of these banks last year, as shown by this report of the Comptroller, exceeded 20 per cent., in one instance 25.61 per cent., on capital and surplus fund. Even in the State of Maine the net earnings were 11.47 per cent. on both capital and surplus fund.

Mr. HUBBELL. The gentleman seems to be under a misapprehension. He seems to be talking as though the profits of banking were made from the circulation. Now, the fact is there is no profit in banking so far as circulation is concerned; but the profit from banking is in the deposits. The people have confidence in our system of banking more than they ever had in any system that ever existed. And the consequence is that these banks draw all the idle money in from the communities, the cities and towns where they are located, and the bankers are enabled to use these deposits, to make profit out of them at a high rate of interest?

Mr. HOLMAN. Will the gentleman tell us how it happens that the banks can afford to pay these extraordinary dividends on their banking capital and accumulate so great a surplus fund if it is not a profitable business?

Mr. HUBBELL. The people have so much confidence in the national bank that it will draw deposits when another would not.

Mr. HOLMAN. You cannot by any *finesse* or subtilty of reasoning obscure the fact that if you deposit $392,852,100 in bonds with the Secretary of the Treasury and receive from him half-yearly 6 per cent. gold interest on these bonds, and also receive from the Secretary at the sole expense of the Treasury $354,000,000 of national-bank notes ready to circulate as money, and pay to the Secretary of the Treasury only 1 per cent. interest on this money, you have almost doubled your wealth, and that if you do keep on hand, as the Comptroller says, $100,000,000 greenbacks as a reserve, you have still the enormous sum of $254,000,000 added to your wealth.

Mr. HUBBELL. Let me ask the gentleman what has become of the capital? The bonds draw 10 per cent. all through the West.

Mr. HOLMAN. Certainly; that is what, among other things, I am complaining of. You have added that 10 per cent., indeed 15 percent. and more, to the value of the bonds by your act of 1869, after the bonds were issued, adding to the burdens of the country and sending your gold abroad by making the bond a gold bond. The whole system unhappily hangs together and is all for the capitalist and all against the people. A few gentlemen of wealth holding $100,000,000 of your five-twenty bonds, the principal of which was payable in greenbacks and which by the act of 1869, you make payable in gold, deposit them in the Treasury and receive the interest half-yearly at 6 per cent. in gold, and receive also $90,000 in bank-notes, for which, as a tax, they pay the Government 1 per cent. per annum. If they honestly obey the law, they keep in their vaults 15 per cent. of this in greenbacks, leaving them $75,000 to loan at 10 per cent. interest, payable in advance, to the farmers and mechanics of the country. Here is $100,000 with interest at 6 per cent. in gold subject to no tax, and $75,000 to be loaned at any interest the bank can extort from the hard-pressed industries of the country. Will you tell me there is no profit there? We have figures here which cannot be so distorted.

But let me say further to my friend—and it is one of the gravest objections to his banking system—the current money of the country in the hands of individual citizens is, as he suggests, gathered into the banks. The banks monopolize the loaning of money and fix the rate of interest; and to make the interest more oppressive, loan on short time with interest in advance, compounding the interest time and again during the year, remorseless as death. How rapidly the hard-pressed citizen finds the life-blood drawn from his vitals, and the hard coinage of his labor drawn into the inexorable vaults of the banks. Yes, sir, the franchises you have granted do indeed give the banks the absolute monopoly of your money and the power to fix and regulate the interest on money. My friend says truly, you establish a national bank and the citizens deposit their money at a low rate of interest, or none at all, and the money, instead of being loaned on mortgages on lands and other securities for a reasonable period, is loaned out in commercial transactions alone, interest in advance at ninety or one hundred and twenty days, never falling below 10 per cent. and compounding with crushing effect.

Mr. HUBBELL. I desire to ask the gentleman one more question, if he does not complain of these interruptions.

Mr. HOLMAN. I do not object to being interrupted.

Mr. HUBBELL. Do I understand that the gentleman proposes to do business without banking?

Mr. HOLMAN. I do not expect the country to carry on its business without banking.

Mr. HUBBELL. If business is to be done by banking, several hundred millions of money will be required to do that business.

Mr. HOLMAN. I do not suppose the business of the country can be done without some form of banking. Mediums of exchange are necessary. Banks always have existed and always will exist in this country. It is always, even where banks have to redeem their issues, a profitable business. Yes, sir; banks of discount and deposit are convenient agents of business; but I deny that banks are necessary to issue money; this is a prerogative of Government. The belief of the people is that Government bonds are deposited by the banks for securing deposits with them, and citizens having money, instead of loaning to the farmer and mechanic and merchant at reasonable rates and for a reasonable time, deposit it with the bank. The result is, that instead of the old-fashioned mode of loaning money year by year which our farmers and business men practiced years ago, the money is gathered into the banks and loaned in commercial transactions and at bank rates, which are utterly impracticable in the pursuits either of the mechanic or of the farmer. They cannot respond to the demands of the banker in the three days of grace.

Mr. HUBBELL. I will ask the gentleman, how is it possible for business men to avail themselves of idle money if they are obliged to go about to John Roe and Richard Doe, or any one else who may have a little, in order to borrow?

Mr. HOLMAN. Do no persons want money except the business men of your great commercial centers? Without monopoly or the national prerogative of issuing money the country will always be substantially supplied with banking facilities. We have them now outside of the national banks. But for Congress to organize a system with the design of gathering up all the money, and taking it from the ordinary channels of loans on time, for the purpose of bringing it under the laws of banking transactions, and to aid in this, giving the bankers $354,000,000, is not, in my judgment, a wise policy.

Mr. MAYNARD. Will the gentleman allow me to ask him a question?

Mr. HOLMAN. Certainly.

Mr. MAYNARD. The gentleman from Indiana has stated, from the report of the Comptroller, in substance, that the profits received from the banking capital have been about 11 per cent. Six per cent. of that of course is interest which is paid by the Government on the bonds which are held by the banks, and the other 5 per cent. is paid by the customers of the bank, the community. Now, so far as the Government is concerned, the taxing power, it is a matter of no sort of consequence whether the 6 per cent. is paid to the men who own the banks, the stockholders of the banks, or paid to other capitalists who hold the bonds in their safes for investment simply. On the other hand, is it not manifestly for the interest of the community that banking shall be so conducted that this very interest which they are obliged to pay, and do pay, shall go in to make up the profits of the banker, so that he will have less reason to make a heavy exaction upon the general community that deals with him?

Mr. HOLMAN. Well, the banker will undoubtedly charge all the interest he can to begin with. He will undoubtedly do that. When was capital ever satisfied with less interest than it could extort? It is an inhuman and wicked policy to encourage or permit an exorbitant rate of interest, and yet you do encourage it when you facilitate a monopoly of money. To my mind one of the most melancholy spectacles of life is an industrious citizen with a small estate and embarrassed with a debt too large to be discharged without the sacrifice of his home, and yet not so large but that he may hope to pay it by persistent labor, and that debt held by a bank under its iron rule of prompt renewal, the high interest compounding remorselessly and swelling the principal. In vain he stints the comforts of his home and toils on, the 10 per cent. never loses a moment; it eats up his labor and eats into his heart; every dollar of interest begets more. It is the interest that eats out his vitals and extinguishes hope; like the myth of the ancients, the stone he would roll to the summit of the mountain everlastingly falls back before it reaches the summit. It is not a pleasant picture. Yet the monopolies of money you have created and would enlarge by this bill produce such pictures endlessly. You cannot invent an agency by which a few capitalists can gather up $65,048,478 in a single year, more than one-seventh of your *actual* circulation as I have shown, from the industries of the people without bringing oppression and disaster on the country. And yet your complacent Comptroller, surrounded by bankers, argues in this report, that the profits of this national-bank system do not exceed the profits which some of the monarchies allow their bankers to extort from their people. And such a report is made in a republic!

[Here the hammer fell.]

Mr. MAYNARD. I hope the House will, by unanimous consent, allow the gentleman to proceed.

There was no objection.

Mr. HOLMAN. You put the bank-notes on exactly the same footing in effect that you do the issues of your lawful money. The idea of convertibility and of redeeming bank-notes by greenbacks is one of the tricks and absurdities of "sound opinions on finance." No opinion on finance is sound to the capitalists unless it tends to increase the rates of interest and profits of capital and makes the "rich richer and the poor poorer."

If it were not for the gravity and dignity of the subject, one could hardly help smiling at the idea of redeeming bank-notes with greenbacks. They differ in two respects; the one is lawful money and a legal tender, and is issued on the credit and for the benefit of the whole people of the United States; the other is not lawful money or a legal tender except for certain debts due to and from the United States, and is issued on the credit of the whole people and for the sole benefit of a few wealthy capitalists! The people have $382,000,000 now issued for their profit, and a handful of the favorites of Congress have $354,000,000 for their sole benefit! In all else, while the greenbacks are in circulation, the two issues are exactly the same in effect. Here is one note of one color and another with another, issued by exactly the same authority, prepared and engraved and stamped at the same Government printing office, and by the same process; they are both printed on paper that you have furnished and paid for out of the Treasury; they are engraved by the same men, the same young women who manipulate the one currency in your Treasury manipulate the other. The bureau of the bankers' note is a Bureau of your Treasury; it kindly manages the affairs of the bankers at a cost to the people of $212,259.53 a year; and the whole rests upon the wealth, the energy, the industry, the integrity of this nation. Both are on the same level from the moment the process of making begins and they are sent forth from the printing offices of your Treasury into circulation until they are finally returned to the Treasury as mutilated currency and disappear in smoke.

And yet, with the greatest gravity, gentlemen talk about the convertibility of the bankers' note as an excellent feature, greatly enhancing its value, and sneer at the greenback as an irredeemable money and dishonored! And yet the bankers' note is simply redeemable in greenbacks! One of our issues of paper redeemed by another; the one

issued to swell the wealth of some wealthy gentlemen, the other the money of the people. Of course it is the latter that is dishonored and irredeemable, yet both standing upon the same solid foundation, and the only difference being that you give the one—that much of the public wealth—to the capitalists, in whose interests you have for years administered this Government. No American citizen who feels as a man ought to feel will listen patiently to gentlemen who in the presence of bankers and in complacency to wealth and as an argument for more special privileges undervalue this lawful money of the nation, the greenback, as dishonored and irredeemable paper. If it were true, the nation should blush for its dishonor. It was the money you paid to the soldier whose blood was the cement of the Union; it was the only money you gave him to support his wife and his children while he faced death on the field of battle in your defense; it is the money which you pay after these long years to the disabled soldier on his crutches, and to the widow and children of his dead comrade. It is the money of the pension-list.

I should think that no American citizen could hear without indignation gentlemen in the interest of bankers thus depreciate the money you have deemed good enough to pay your most sacred obligations, except indeed that to you a more sacred obligation, the bonds cheaply earned by your capitalists and the capitalists of Europe, to whom in gratitude you pay gold, and give them at the cost of the people the money that rightfully belongs to the people. O, of course, in a Congress of bankers money issued for the benefit of the people is dishonored and irredeemable.

Mr. FIELD. And in the Senate they call it a lie.

Mr. HOLMAN. Yes, I am afraid my friend is correct; but I hope not. But it is the money we have been paying from year to year to the widow whose husband sleeps upon the battle-field, a dishonored and irredeemable paper; and yet it is that money which has given life and animation and spirit and hope to the people of this country for years and years, animated labor and diminished its burden; a money which our people have faith in. The only people who have no faith in it are your bankers, your men of Wall street, and their agents. The people of this country, the toiling masses, have never exhibited any want of faith in that money, which rests for its value on their labor and their honor. Irredeemable paper! And yet the paper of the banks is admirable and solid, such is the deliberate opinion of Wall street, because its wealth goes into the coffers of the banker; and Congress will, of course, accept "the sound financial views" of Wall street! Wall street, of course, prefers specie payments, with over $550,000,000 of annual taxation upon us; but will be satisfied if Congress will give them the high prerogative of issuing money on the public credit and at the public expense for their own benefit.

Nothing is clearer, sir, than that this now oppressive debt would have been easily borne and liquidated ultimately without oppressing our industries if there had been justice in our measures of policy, and no issue of paper money beyond the reasonable demands of commerce and range of taxation would have been required. An inflation of the currency to pay the public bonds was never necessary to bring the debt under reasonable control, and I am not aware that it was ever seriously proposed. The people and the public creditors were entitled to even-handed justice. It cannot be truthfully denied that it was absolutely just to pay the principal of the five-twenty bonds in United States notes on such a volume of currency as the business and exigencies of taxation of the country might require. Certainly the bondholders could not complain of the volume of currency for the last six years. It is equally clear that as paper money was inevitable and the Government had inaugurated the policy of issuing paper money, and for that purpose, I think justly, had superseded local banking, and as the Government was and is incurring the expense of issuing all paper money and currency, the faith of the nation gives it its entire value, it should have been and should be issued as United States notes, greenbacks, and applied to the payment of the public debt.

It is proposed to issue $400,000,000, including the $354,000,000 now out, of national-bank paper. I ask again, can any man give a good reason why this $400,000,000 should not be issued as United States notes and applied in payment of the public debt? There is none. This saving of $24,000,000 a year in gold would infuse a new life into the nation. But the lobby of bankers is against it. The people are not here. I say again, sir, if Congress had done and would do justice to the country in these two measures, and there was honest economy in our affairs, the nation would rise up like a giant relieved of a staggering weight. But you will not even allow a vote on such propositions. You relieved the banks in 1871 from a large portion of their taxes. You tax them but 1 per cent. on the money you give them, ¼ of 1 per cent. on their deposits and excess over capital stock and no more, and yet I find in the pending appropriation bill an item of $600,000 to be taken from your Treasury for the reissue of their notes. No such special franchises and favoritism was ever tolerated in a free country.

You say the notes of the banks in the hands of the holder are subject to local taxation, and the greenbacks are not. Why, sir, the greenback was subject to local taxation until 1864; for two years they were taxable. I opposed the law that exempted them from taxation, and this argument is without avail when every one knows that you have but to repeal the law that exempted them from taxation two years after the first were issued. The leading banker of this House, now a member, got that bill passed.

But the pending bill proposes to let in a few more capitalists to the corporation of bankers.

Free banking! Free to whom? Free to a handful of capitalists who hold your bonds; free to the Vanderbilts, Ciscos, and Belmonts; to the representatives of European bondholders, who are now heavy stockholders in your banks. Yes, sir; free to the Rothschilds and Barings Brothers. What an insult to the public intelligence to call this free banking! It but enlarges your corporation of bankers. It confers upon more capitalists the power to swell their fortunes out of the industry of your people and add 5 per cent. and more to the interest on their bonds annually. It confers upon a few more men the sovereign prerogative of issuing money at the national expense. I ask that this additional money shall be issued in the name and for the benefit of the nation. But, instead of that, the demand of this House, swarming with bankers, is that it shall go to swell the wealth of the bondholders. The country is lost sight of in this scramble for fortunes.

I predict that this will not be the permanent policy of this House; I indulge in that hope and prediction. The time must come when the voice of the masses of the people will be heard on this subject; when capitalists and bankers will not control your legislation. But to this hour no enlightened people on the face of God's green earth have had so little to do with guiding the affairs of their government as the people of this Republic have had in directing the affairs of their own Government for years past. Their voice has never been heard here. That man does not live who will dare to stand up in this House and say that the act of 1869, under which you have already paid out nearly $40,000,000 in premiums for your bonds, was the result of public opinion; or that the addition of $54,000,000 to the bank issues instead of United States notes, three years ago, was the result of public opinion; or that the act relieving the banks from the license tax and the income tax on dividends was enacted by the force of public opinion. But why enumerate? The body of your legislation for eight years has been in the interest of capital, special franchises, grants in money and lands to favored classes and corporations, subsidies, and monopolies. Why, sir, your statute-books are in the main records of private aggrandizement and special privileges; and out of all this have sprung the bitter fruits of this hour, the suspicion in the public mind of the absence of integrity in public affairs—the shadow of national humiliation and dishonor.

No, sir; if this nation is to remain the model republic, a type and symbol of true greatness in a nation, we must reverse all this. It is not for favorites, or for the aggrandizement of a class, or to give splendor to the nation by fostering imperial estates by franchises and monopolies, that laws are to be made in a republic. No, sir, but to do equal and impartial justice to the whole people; to foster and gladden every home and fireside, so far as it may be done by just and equal laws.

I am conscious of the power of the great monopolies that now, compact and solid, are felt in our legislation; but this, sir, cannot last in a free government. It may be years before an issue will be made with the consolidated capitals that now silently direct the course of public affairs; but sooner or later that issue will be made, and no man who has faith in the people will doubt the result of that issue. The people will see to it that the great agencies of government, the majesty of law, shall not be employed to aggrandize classes and amass imperial private fortunes, but for the common and equal benefit of all.

I have voted for increasing the greenbacks to $400,000,000. I regretted that the House refused to permit an amendment to increase that amount to forestall this bill. I would very cheerfully vote to add $400,000,000 more to our greenbacks and retire the national-bank paper—in my judgement a wiser or juster measure than this never passed Congress—but I cannot with my views of what is just to the country vote to enlarge the corporation of bankers that a few already rich shall swell their fortunes at the expense of the energy and labor of a whole people.

Mr. HUBBELL. Allow me to ask the gentleman another question before he sits down. I would like to ask him, as a matter of principle, what right the law-making power has to regulate the price of money any more than it has to regulate the price of corn or wheat?

Mr. HOLMAN. I do not think government has the right to regulate the price of a bushel of corn or wheat. These are the direct fruits of labor. But money is an artificial thing, the offspring of social and political society—a measure of values. To prevent oppression and injustice is a high duty of government, and by the common judgment of mankind through all ages law has laid a restraining hand on the avarice of the lender——

Mr. HUBBELL. I do not ask what the custom has been, but what is right.

Mr. HOLMAN. I speak of the existence of a law or a principle of law which has received the approval of mankind through all the ages as of itself evidence of what is just. The law fixes the value of money and may as well regulate the value of its use as its value in exchanges. Limitation should be imposed upon the lender upon high grounds of public policy, that he should not be allowed to oppress the needy by even a temporary and partial monopoly of an artificial

measure of value common to all. Money, unlike corn or wheat, is of no value except as money, and the value of its use may be justly fixed by law, else *extortion* arises. This has been regarded as a sound maxim of policy among all civilized nations, and has never, I think, until the last few years been questioned. The most heartless and inhuman system of legislation would be that which overlooked the force of necessity on one hand and the power of avarice on the other, and left the debtor at the unrestrained mercy of the lender.

Mr. HUBBELL. Has not the tendency in late years been to remove governmental restrictions upon rates of interest?

Mr. HOLMAN. If any country has done so it has done a most inhuman thing. I know that capital has been demanding this, but I am not aware that any nation has acquiesced in its demands. I know that when for a short period of time different States in this Union have removed the restrictions upon the lender, or rather allowed great latitude in contracts for the use of money, it has universally resulted in extortion and oppression, poverty and wretchedness, on the one hand, and excessive opulence on the other. Surely a government may prevent such injustice. Surely it may restrain those who happened by the fortunes of the hour to control the representatives of value, this artificial creature of government, which receives all its value from the common labor of all, from extorting unreasonable gains from its temporary use. The law of the Hebrew lawgiver touches the conscience as proper and just. With the advantages now possessed by capital repeal the limitations on interest, and the rapid centralization of wealth would imperil republican government, which rests in the main on an approximate equality in the material condition of the people.

Interstate Commerce.

SPEECH OF HON. J. AMBLER SMITH,

OF VIRGINIA,

IN THE HOUSE OF REPRESENTATIVES,

March 24, 1874.

On the bill (H. R. No. 1385) to regulate commerce by railroad among the several States.

Mr. SMITH, of Virginia. Mr. Speaker, I concur fully in the conclusions of the Committee on Railways and Canals, that Congress may rightfully regulate commerce carried on among the several States, and, necessarily, to provide by statutory regulation that the charges made by persons engaged in such commerce shall be fair and reasonable; in other words, that Congress may regulate commerce among the several States, whether railroads be the medium of transportation and operation, or rivers, or lakes, or steamboats or sail-vessels, or any other instrumentality whatever.

I scarcely regard it necessary to refer to the numerous judicial adjudications which have been from time to time pronounced in the premises. The power is manifestly deducible from a provision of the Constitution too plain to be misunderstood, that—

The Congress shall have power to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof. (See Constitution, article 1, section 8.)

This is to say, whatever means are "necessary and proper" to give full effect to any expressly granted power, such means, by necessary and irresistible implication, are as rightful and legal as though expressly written down in the Constitution.

Take what express power you will, the means to render its exercise effectual to the fullest extent are as legal as the substantive power itself, and are a part of the express power, without which it could not be called into existence. Now, this simple common-sense principle is decisive of the point in question.

Is the regulation of commerce by railroads and, of consequence, the regulation of charges of transportation by them, a necessary and proper means, in the judgment of Congress, to give effect, full and perfect, to its admitted power and duty of regulating commerce among the several States? The moment Congress in its supreme discretion decides on this "necessary and proper" connection between the end to be accomplished and the means to accomplish it, the question is at an end.

Without this exercise of implied power the Government could not be efficiently carried on for an hour. It would be a feeble abortion, an emasculated thing, without energy or any reliable power even of self-preservation. And it would be most absurd to say that this life-giving principle of implied powers does not apply to the great, broad, all-pervading, all-embracing province of the regulation of commerce. The principle indeed applies to each and every power and obligation of the Federal Government prescribed by the Constitution.

Hence, the agencies and instrumentalities of commerce, railroads for example, developed since the adoption of the Constitution, fall at once within the jurisdiction of Congress, and are clearly within its discretion as means of executing the commercial power. If Congress, in determining the mode and measures for executing its great trust of the regulation of our domestic commerce, or rather commerce among the States, shall come to the conclusion that the regulation of the freight charges of railroad companies is necessary and proper as an appropriate means of regulating commerce among the States, that moment the means or measure becomes legitimate and constitutional. The great end justifies all the incidental, necessary, and proper means. Hence, when the Supreme Court held under advisement the power of Congress to incorporate a national bank, it was held (see McCulloch *vs.* State of Maryland, 4 Wheaton, 411) that though the Constitution confers no express powers on Congress to pass an act of incorporation, nevertheless, if an act of incorporation be necessary as an instrument of carrying into effect any one of the expressly granted powers, it becomes legitimate; and so it was decided that the incorporation of a national bank, being necessary and proper to give effect to an express power—in that case the money power—it was decided to be a constitutional exercise of power; and a national bank was accordingly established; which gave the country, it may be well to mention, a currency which was equivalent to specie at every point in the land.

I repeat, then, that if Congress shall, in exercising its authority over commerce among the States, regard the regulation of railroad or other charges of transportation necessary and proper, or shall deem advisable the establishment of other lines of railroad as avenues of trade, those measures come within the exercise of its constitutional authority. This is the doctrine of right reason and common sense; and hence, when the point of judicial investigation was reached, the question was at once settled in favor of the doctrine maintained by the committee's report.

This whole doctrine of implied powers has been often and clearly elucidated, and its application and extent defined by the decisions of the Supreme Court.

In the case of the United States *vs.* Fisher (2 Cranch, 358) it was held that—

The power to make all laws necessary and proper for carrying into execution the powers granted confers on Congress *a choice of means*, and does not confine it to what is *absolutely necessary*.

And in the great case of McCulloch *vs.* Maryland (4 Wheaton, 316) it was ruled, (Chief Justice Marshall delivering the opinion of the court)—

That if the end be legitimate and within the scope of the Constitution, *all means which are appropriate, which are plainly adapted to that end*, and which are not prohibited, may constitutionally be employed to carry it into effect. And that if a certain means to carry into effect any of the expressly granted powers be an *appropriate measure, not prohibited, the degree of its necessity is a question of legislative discretion, not of judicial cognizance.*

These high judicial interpretations, to which others might be added, are conclusive to show that it is in the discretion of Congress to determine what is appropriate, fit, proper, effective, to carry into execution an express power of the Constitution; that it has choice of the means to effect the end, only that the relation of the means to the end be appropriate and not forbidden; and that, when Congress applies its judgment and decides the appropriateness and adaptability and efficiency of the selected means, that means or measure becomes instantly constitutional. And this simple view, fortified as it is by the decisions of the Supreme Court and the uniform practice of the Government, I submit in all deference, is to a great extent an answer to the very able argument of the gentleman from Kentucky, [Mr. ARTHUR.]

And now to apply this reasoning more specially to the commercial power as laid down in the Constitution.

The Constitution, article 1, section 8, provides in terms that—

The Congress shall have power to regulate commerce with foreign nations, and among the several States, and with the Indian tribes.

Now the extent of this power, vast and comprehensive as it is, has been settled in every conceivable aspect by the supreme judicial authority of the nation.

First. As to commerce with foreign nations. As to this branch of the commercial jurisdiction there is no diversity of opinion. The grant is unrestricted, is plenary and exclusive. It is entirely outside of State authority. (See Gibbons *vs.* Ogden.)

Secondly. As to commerce with the Indian tribes. This, too, is plenary in Congress and exclusive, not concurrent.

Thirdly. As to commerce among the States. And here, too, right reason and common sense and judicial construction have settled everything.

The very terms of the Constitution render certain beyond the possibility of a doubt the meaning of the framers of the Constitution, "commerce *among* the States," as to the phase. The word *among* indicates beyond mistake the meaning of this grant. *Among the States* palpably implies that more than one State was meant, that two or more States were meant, and consequently, when commerce, that is trade, intercourse, exists between two or more States, then the regulating power of Congress intervenes. "The word among," (says Chief Justice Marshall in Gibbons *vs.* Ogden) "means intermingled with a thing which is among others, is intermingled with them." And in the case of Gray *vs.* The Clinton Bridge Company, (Law Register for January, 1868,) it is ruled that the power of Congress over regulating commerce extends to transportation of passengers and merchandise, whether it is carried on by water or on land, or by steamboats or railroads. The question whether transportation by steamboats, which were unknown at the time of the adoption of the Constitution, can be regulated by Congress is

here definitely settled, and the same principle applies as well to the modern invention of railroads.

This case, though there are others like it, determines beyond controversy the extent of congressional jurisdiction over *interstate* commerce, leaving nothing doubtful. If a doubt could by possibility linger, it is wholly dissipated by a more recent decision of the Supreme Court in the case of the freight State tax, (12 Wallace, 232.) In this case the State of Pennsylvania imposed a tax upon freight carried by a railroad or other transportation company "doing business with the State of Pennsylvania." The court held that this was a regulation of commerce, and, being applied to interstate commerce, was an interference with the province of Congress, and therefore unconstitutional. The court said:

Beyond all question, the transportation of freight, or of the subjects of commerce, for the purpose of exchange or sale, is a constituent of commerce itself. This has never been doubted, and probably the transportation of articles of trade from one State to another was the prominent idea in the minds of the framers of the Constitution, when to Congress was committed the power to regulate commerce among the several States.

So that the question has been settled, both affirmatively and negatively, that the power of Congress to regulate commerce among the States extends to all commerce between more States than one, and whether carried on by railroad or other vehicles of transportation. But it may be said, and doubtless will be, that all this involves a dangerous expansion of the power of the Federal Government. Sir, that is not the question. The true and only question is, is it all in the Constitution? It unquestionably is there, and being there, there is no expansion of power whatever, only the exercise of conceded powers, and it is not to be presumed to be dangerous, because it is a most violent presumption that the wise and pure framers of the Constitution could have put into that great instrument the elements of dangerous authority.

But my State-rights friends here need have no apprehension as to any dangerous expansion of Federal powers from this source. There is a branch of State commerce, and an important one, too, that which is carried on by citizens of the same State—the neigborhood trade, it may be styled—which is left untouched by the Constitution and judicial construction. Said Judge Marshall:

It does not apply to commerce which is *completely* internal; which is carried on between man and man in a State, or between different parties of the same State, and which does not extend to or affect other States. * * * *The completely internal commerce of a State may be considered as reserved for the State itself.*

That, I humbly submit, suffices for State authority in the matter of commercial regulation. The States could not safely have a jurisdiction in the matter beyond this; and placed mostly in the hands of the national lawgivers, it is more safely and far more beneficially exercised than if left with the States. On this point experience lights our path. Under the old Confederation the States held individually the commercial power, and the consequence was continual rivalry to obtain commercial advantages for the ports and cities of the several confederate States, one with the other; and this conflict and rivalry led to constant commercial complications and interruptions and as constant strife, and inharmonious relations among the several members of the Confederation. The difficulty was solved by a demand for a new government, the present Constitution, by which the commercial power of the Union was transferred to a common head, the Federal Legislature, so that uniformity and concord in feeling might be secured; and secured they have pre-eminently been, with marvelous advantage to commercial prosperity and general grandeur. In other words, the States once had the power, and proved themselves unsuitable depositaries of it, and it was transferred to the present Federal Government, and a bright and all-glorious experience has evinced the wisdom of the transfer. There would be no wisdom in a change either by constitutional amendments or by the mutations of judicial decisions.

As to the policy of exercising at this time the regulating authority of Congress over railroads as instruments of commerce, it can scarcely be controverted that "now is the accepted time" to put it into execution—the peculiarly fit occasion.

It has become a universal concession that all the transport lines between the West and the East are wholly inadequate to move forward to the sea-board the vast bulk of western production. And it is as well known that in consequence of this inadequacy of the means of transportation and the exorbitancy of railroad charges, and the inappeasable rapacity of railroad monopoly, the farmers of the West have scarcely any surplus left from the charges of transmission to market, so much so that corn is often used for fuel. Then, has not the time come when it is the bounden duty of Congress to call into exercise its whole stock of power to provide remedy and relief?

The statesmen of the country are looking to the free and full expansion of western development as one of the great sources of American grandeur and prime agencies of national power. Congress, therefore, has a grave task to perform, a high responsibility to meet, in reference to this great—supremely national—measure of the regulation of railway transportation. If it let thebill reported by the Committee on Railways and Canals now before it fail, it will have adopted a dwarfing and anti-relief policy which cannot fail to elicit popular disappointment and dissatisfaction.

The bill, Mr. Speaker, which has been prepared by the committee seems, though the subject is a new one, to be well guarded in its provisions and admirably adapted to the great end it proposes. One feature of it in particular, the appointment of nine commissioners by the President, coming from and representing all sections, is a provision savoring of broad and generous nationality, which cannot fail to arouse—which is so much needed—a national and harmonizing spirit throughout the country. That this admirable provision of the bill will be executed with the best effect in the appointment of men as commissioners of the highest order of capacity, we have in the considerate temper and sound wisdom and honest patriotism and truly national spirit of President Grant an assurance on which the country can rely without a single misgiving.

I trust, Mr. Speaker, it will be the pleasure of the House to pass this bill, and to follow it up by making a liberal appropriation for the completion of the James River and Kanawha Canal, a work conceived by Washington and favored by the leading statesmen of the country since the foundation of our Government.

Centennial Exhibition.

SPEECH OF HON. J. W. STEVENSON,

OF KENTUCKY,

IN THE UNITED STATES SENATE,

March 3, 1874,

The Senate having under consideration th e bill (H. R. No. 1394) in relation to the centennial exhibition—

Mr. STEVENSON said:

Mr. PRESIDENT: Could my sense of duty yield to the strong desire which I feel to oblige the two Senators from Pennsylvania, and many other valued friends in Philadelphia and elsewhere, who are deeply interested in this proposed international exhibition, I should take no part in this discussion. The vital and important questions, both of doubtful constitutional power, not less than of unsafe governmental policy, which the bill in my judgment involves, forbid me to be silent.

Besides, there is a personal matter which demands of me a word. I observe in the pamphlet which accompanies the President's message in behalf of this centennial exhibition the following statement:

The following States have passed resolutions calling upon their Senators and Representatives in Congress to lend their support to measures promotive of the success of the exhibition: North Carolina, Virginia, Kentucky, Tennessee, New Jersey, and New Hampshire.

If any such resolves have ever passed the Legislature of Kentucky they have not reached my colleague or myself. If the action referred to took place, it must have been at a period when the proposed international exposition was regarded as wholly a State enterprise, for which no appropriation by Congress was asked or expected.

Be that as it may, I am fully satisfied that our joint opposition to an appropriation of untold millions of the public money to the proposed Philadelphia exposition in 1876 will be fully approved by a large majority of the people of Kentucky, irrespective of party.

Indeed, so clear are my own convictions of the want of constitutional power to make such an appropriation, that I hesitate not to avow, that I should willingly resign my trust, rather than by my vote aid a measure which I think clearly unwarranted by either the letter or the spirit of the Constitution.

Let no one believe that I or the people whom I have the honor in part to represent in this Chamber are opposed to any appropriate celebration of the one hundredth anniversary of American independence.

No, sir; no. Very far from it! That eventful day will be celebrated throughout the length and breadth of the entire Republic. It will mark the first century of American constitutional liberty! Its very coming will be joyous; every American heart will be stirred by the gladdening memories which its advent will awaken of the great declaration which, one hundred years before, absolved the American Colonies from the shackles of English oppression. Celebrate it? Why, sir, to be sure we shall.

But how shall it be celebrated? I do not think any one State has a right to appropriate such a day to itself and ask that the Government should by pecuniary aid confine its celebration to one spot. I must also say that an international exposition has never seemed to me the most appropriate mode of such a celebration.

So long, however, as the plan and mode of its celebration were limited to private, individual, or corporate effort, Congress had no right to interpose any objection. Such has been the case in regard to the proposed centennial celebration at Philadelphia up to this time.

What is its history? Certain worthy and public-spirited citizens of Philadelphia, as early as 1870, conceived the project of an international exposition in that city in 1876, as a fit commemoration of the centennial anniversary of American independence. It was wholly a private undertaking. In 1871 application was made to Congress for the passage of an act incorporating these gentlemen as the centennial commission.

This act contained a flaming preamble, setting forth the near ap-

proach of the centennial anniversary of American independence in 1876, and the propriety of an international exposition at *Philadelphia*, as a fit commemoration of that day.

There was no pretense that it was sought to be made a Government undertaking, or that the United States were to become in any way responsible for the mode or manner of the proposed celebration.

Upon the contrary, the seventh section of the act expressly declared—

And the United States shall not be liable for any expense attending such exhibition, or by reason of the same.

By the eighth section it was provided, that when the President of the United States should be officially informed by the governor of Pennsylvania, that suitable provision had been made for the erection of all suitable buildings, he was authorized to issue his proclamation that the international exposition would be held at Philadelphia on the 4th of July, 1876, &c.

The act met with warm opposition. One of the strong arguments against its passage, was, that it was local and sectional, and that the celebration of such an anniversary should be *national* and not *international*, and that it should not be limited to a single locality.

I quote from the debate on the act of 1871. When the bill was taken up in the Senate on 22d February, 1871, after being reported from the Committee on Foreign Affairs by the Senator from Pennsylvania, [Mr. CAMERON,] its passage was opposed by several Senators:

Mr. CONKLING. Mr. President, there is one reason for the adoption of this bill this morning, and that is that the honorable Senator from Pennsylvania approves of it and wishes us to pass it; and seriously, this reason, with me, goes a great way. The honorable Senator knows how glad I should be to give my vote to anything which meets his approval. Nevertheless, I think this legislation ought not to occur at this time and in this way. I am not going to address to the Senate any argument promotive of the mere interest of locality, or of sectional wish, because I think such a subject as this is not an appropriate subject to be disposed of upon such considerations.

It is alleged in the city of New York that long before the thought occurred to those urging this measure the idea was suggested of a centennial celebration—

Not, sir, an international exposition, but a centennial celebration by the whole nation—

to commemorate the one hundredth birthday of the nation, to be held, not in Philadelphia, but in New York; and it is said by those in New York who have given attention to the subject that the idea was borrowed in Philadelphia. Whether this be so or not I care not now to stop and inquire, and I say to the Senator from Pennsylvania, in advance, that, were I able to cope with him in such an adventure, I would not engage in a game of chance or a scramble of activity to determine the question whether New York shall obtain an advantage over Philadelphia in such a matter, or whether Philadelphia shall obtain the advantage. I would rather address myself to arguments of a different character. If the city of New York, or the city of Saint Louis, or the city of Philadelphia, chooses to undertake a centennial celebration, in its own name and behalf, it is the business of the city undertaking it. Any city, or any body, incurring the trouble, expense, and responsibility, will deserve the glory of success or the discredit of failure, as the case may be. If, however, the United States are to stand sponsor, if the celebration is to be national, if it is to be held under the auspices of the Government, and patronized by the nation, then my honorable friend from Pennsylvania will agree with me that care should be taken to make it not only creditable, but to insure its being conducted in the best way.

Mr. CAMERON. If the Senator will allow me, I ask the Chair whether, under the rules of the Senate, I can object to the reading of that long paper, because if that is read I may as well give up the bill to-day. There are two or three columns.

The VICE-PRESIDENT. The Chair will answer the point of the Senator from Pennsylvania by reading the fourteenth rule:

"When the reading of a paper is called for, and the same is objected to by any Senator, it shall be determined by a vote of the Senate, and without debate."

Mr. CAMERON. I have no objection to its going on the record, but I do object to its being read now, so as to take up time.

Mr. CONKLING. I do not propose to have this letter read to consume the time of the Senate—far from it; and the objection can only drive me to reading it myself as part of my remarks; this I have a right to do. If he has any objection to the Secretary's reading it, of course he can compel me to read it; but I wish it read as part of my remarks. That right I believe every Senator has.

The time at which the celebration is proposed is more than five years distant. It is the 4th of July, 1876; and although I know that time and deliberation are necessary for its creditable consummation, I submit that there is no necessity for hasty legislation to-day, or during the nine days that remain of this session. If various plans had been considered, if the press and mind of the country had been active on the subject for even half a year, the case would be different. We should then very likely have before us the material out of which to form a discerning judgment and embody it in legislation. That, however, is not so. For, although the American Institute a long time ago made this suggestion, and although parties in Philadelphia some time ago made the suggestion also, and although the bill has found its way through the House of Representatives, it is not true that in the country at large it has been canvassed and ideas invited to any such extent as would be useful. In the brief time which has elapsed since the topic was brought to public notice, and notwithstanding the very rare instances in which it has elicited attention, a great many suggestions have been made in regard to it which have received no consideration, though they deserve attention.

I have in my hand a letter written by a distinguished citizen now abroad, a man of thought, who held high rank as a journalist for years at home, who represented the United States creditably at a leading foreign court, and who from Berlin has sent me the result of much reflection upon this subject. Being better than anything I could say, I ask that it may be read. It is a letter from Hon. John Bigelow, formerly our minister to France.

Mr. CAMERON. That right you have; and that will occupy the time.

Mr. CONKLING. I do not wish it to occupy the time; but the letter is important and instructive, and I feel it my duty to insist that if, by act of Congress, a celebration is to be held, the act shall be fairly considered, and that no locality shall be allowed to monopolize the occasion, unless for good reasons. This letter, I will say to the honorable Senator, makes the suggestion, among others, that instead of any one place being selected, several should be selected; and for this good reasons are given. I assure the Senator from Pennsylvania I do not want to occupy time unnecessarily; but I do not think he should ask me to allow his bill to escape consideration.

After some further objections the letter was read.

Mr. Bigelow, whose high character and residence abroad entitled his opinion to respect and consideration, did not favor an international exposition. I quote portions of his letter. Mr. Bigelow writes from Berlin on 14th December, 1870, to Mr. CONKLING. After referring gracefully to the event which marks the term of so memorable a political cycle, and the necessity of suitable preparations for its appropriate observance, he urges a celebration irrespective of political differences, or party dissensions under the auspices and direction of the Federal Government, or by the people acting through a national organization, in a mode the most universal, with the least displacement of the population.

Mr. Bigelow then continues:

Though I cannot presume to have thought of all or even of the most appropriate ways of commemorating the approaching centennial of 1876, yet I will name a few that have occurred to me to show the general character with which I think the memorial exercises of that occasion should be impressed.

First. At least one complete set of gold or silver current coins, with new devices commemorative of the day, should be struck off at the Mint for every citizen of the United States able and willing to pay for it.

Secondly. One of the eminent poets of our land, or all, should be invited to sing in enduring verse our national farewell to the departing century.

Thirdly. Every art should be laid under contribution for some appropriate memorial of the degree of excellence to which such art shall have attained, and with which it will begin the succeeding century.

Now listen, Mr. President:

Fourthly. Foreign nations might be invited to participate in the celebration in such way as should seem most fitting. At least the opportunity could be offered them of sending or withholding their congratulations upon the occasion, and thereby showing in what estimation we as a nation will be held abroad, and the nature of our relations with the rest of the world at that period. * * *

Fifthly. It is to be hoped and presumed that by 1876 no portion of the continent of America will be in colonial dependence upon any foreign power, but that we shall constitute one compact family of independent States under such form of government as shall best suit the people living under them, and all in friendly alliance with the United States. * * * *

Sixthly. Competent persons should be invited to prepare a series of histories by which to measure the progress and product of civilization in the United States for the expiring century.

The friends of the proposed exposition at Philadelphia would listen to none of these suggestions.

The bill was taken up again on the 23d of February. I quote what was then said:

Mr. CONKLING. I wish to move an amendment to the bill if a vote is to be taken on it. I move, in the first place, to add the city of New York. I understand the junior Senator from Pennsylvania to say that his idea is that it ought to be not in any one place but in more than one. I propose to test the sincerity of that suggestion by moving to add the city of New York.

Mr. SCOTT. I have no objection to New York celebrating the day as she sees proper, but not as a national matter.

Mr. THURMAN. But the question I should like to have some light on is, what kind of international celebration are you going to have? I presume the Government of the United States will have to foot the bill.

Mr. CAMERON. I shall say nothing except to say that the city of Philadelphia is determined to make this exposition a grand success. There is as much wealth in Philadelphia as there is among the same population, I believe, in any part of the world. They have as much pride about this *fair* as any people can have; they will give their means freely, and they will have a celebration that everybody will be proud of. We mean no disrespect to New York; New York can entertain a great portion of the vast multitude that will come to this grand international fair, and it will not interfere with her glory. I only rose to pledge my word that the people of Philadelphia, and it may be the people of Pennsylvania, will give their millions if necessary to make this exhibition creditable not only to Pennsylvania, but to the whole United States.

Mr. CONKLING. Then what do you want an act of Congress for?

Mr. CAMERON. They only ask an act of Congress to give it character.

Was not this an admission that it was local; that it was a private undertaking for a fair? The bill was taken up on the 25th of February, and the motion to insert "*and New York*" was rejected. Listen now:

Mr. SHERMAN. I do not think the Senator from Pennsylvania ought to be worried any more about this bill. It simply authorizes the people of Philadelphia, at *their own* expense, to have a *show*.

Mr. SUMNER. Who says that?

Mr. STEVENSON. The Senator from Ohio, [Mr. SHERMAN.] Still the Senator from Pennsylvania [Mr. SCOTT] insists that it is unjust to urge that this act of incorporation did not make this centennial exposition a national affair. Why, how could a celebration be regarded in any sense national, which, by the very terms of the act, excluded the President from issuing a proclamation, notifying the country that an international exposition would be held in 1876, until informed by the governor of Pennsylvania that suitable buildings had been erected?

Mr. SCOTT. The Senator will permit me to say that the language of the act is that suitable provision shall be made for their erection. It does not say that the buildings shall be erected before this proclamation shall be made.

Mr. STEVENSON. But that funds should be raised.

Mr. SCOTT. That the funds should be provided. At some other time I may have occasion to say that in good faith everybody believed the funds were provided at that time.

Mr. STEVENSON. The Senator and myself cannot disagree as to the condition-precedent on which the President was to act. I asked him yesterday if the funds requisite for the erection of these buildings had been provided. He replied that the commissioners had invited proposals for the plans of the proposed buildings, and had accepted a plan; they had also invited proposals for buildings, which had been received; but the Senator says, he understands that they are waiting to know whether this celebration is to be international or national in its character before they determine whether they can

accept any proposal. In other words, no provision has as yet been made for the buildings.

I come now to the second act.

Mr. CONKLING. Before the Senator leaves the first act, may I inquire of him whether, in traversing the debate, he has found that the reason for this act of Congress stated——

Mr. STEVENSON. I have already read what the senior Senator from Pennsylvania [Mr. CAMERON] said on that subject.

Mr. CONKLING. Did the Senator having the bill in charge state the purpose and object of it?

Mr. STEVENSON. Undoubtedly. Mr. CAMERON stated that the only purpose of the act was to give it character.

Mr. CONKLING. I speak now of the first act.

Mr. STEVENSON. Yes, sir.

I pass now to the history of the second act. The discussion during its progress proves still more strongly the local and private character of the corporate undertaking. It was approved on the 2d day of June, 1872. It is an act incorporating a private stock company, with a capital of $10,000,000, known as the centennial board of finance. Its object was to take charge of the Philadelphia centennial exposition, and by the agency of stock subscriptions to raise $10,000,000, which sum was deemed necessary for the success of the exhibition.

The company organized and went to work in 1872. We are informed by the junior Senator from Pennsylvania [Mr. SCOTT] that this board proceeded to apportion upon the population of the United States the amount which they believed each State ought to contribute in order to realize ten millions.

Was not this apportionment by the board on the States a strong argument that this exposition would, for its success, require an expenditure of at least ten millions? If not, why was the capital stock placed at that sum, and why did the board make a requisition on the States for ten millions?

The answer is easy, Mr. President. The board knew the exposition at Vienna had cost some twelve or more millions, and their estimates were based upon that cost.

Mr. SCOTT. Will the Senator allow me to state a fact to him?

Mr. STEVENSON. Certainly.

Mr. SCOTT. I desire at this point, not to interrupt my friend, but to get the facts before the Senate. I have had placed in my hands a letter written by one of the persons connected with this exhibition to Mr. Goshorn, the director-general of it, who states the actual expenses of the Vienna exhibition, and with the consent of the Senator I will read it.

Mr. STEVENSON. Certainly.

Mr. SCOTT. It is dated February 28, 1874:

MY DEAR SIR: In the papers brought from Vienna by Major Myers I find some information as to the finances of the Vienna exhibition later than that given in my report recently sent in. The balance-sheet to the 30th of November shows an outlay for the exhibition of 19,700,000 florins, about $9,800,000, which is rather more than has been previously reported. A sum of some 15,700,000 florins appropriated, or appropriated and received, it is not clear which, leaves a deficiency of 4,000,000 florins, which it was thought would be covered in part by the returns yet to be made from ticket agents at the railway stations and at the post-offices, and also by the proceeds of sales of the property.

Yours truly,

W. P. BLAKE.

A. T. GOSHORN, Esq.

The statement has been made on several occasions that the expenses were $17,000,000. I think there has been a confounding of the actual expenses in consequence of the statement about the florins instead of dollars. This is the most recent intelligence I have on the subject.

Mr. SARGENT. If the Senator from Kentucky will allow me a moment, I have information, I think from a still higher source, that the original appropriation by the Austrian government was 20,000,000 florins, or $10,000,000 in round numbers; that after a further expenditure of all the proceeds of the exhibition and all that was realized from the sale of the property there is a deficiency of some 15,000,000 florins, or, $7,500,000, making a deficiency in all of $17,500,000; calling that a deficiency which was originally appropriated by the Austrian government. These are the figures which I gave yesterday, and I have the highest authority for their accuracy.

Mr. SCOTT. This letter is dated the 28th of February.

Mr. STEVENSON. The bill was taken up on May 24, 1872, upon motion of the senior Senator from Pennsylvania, [Mr. CAMERON.] I quote what occurred:

Mr. POMEROY. If the bill is to be passed, as I suppose it is, I do not want to make any objection to it; but I must say that I do not think it is proper to set up a *corporation* in the city of Philadelphia that is not in the first place subordinated to the police authority of that city. These men can put the police at defiance under this act of incorporation. They may all be so good that they will not want to do anything of that *kind*; but I do not believe in incorporating an institution of this kind, with ten millions of capital, to go into any city.

Mr. HAMLIN. It will happen but once in a hundred years.

Mr. CAMERON. I have only risen to repeat what the Senator from Maine has said, that this will only happen once in a hundred years. Commissioners are selected from every State and Territory in the Union. They go there for the purpose of doing honor to their country.

Mark what follows. The Senator continues:

This is the only way in which the money can be raised without expense to the Government. A million of people, it is expected, will each subscribe ten dollars, and thus ten millions will be subscribed. It is necessary to have some responsibility for this. All they ask of the Government is that the Treasury Department shall print their certificates of stock, so that if they are counterfeited the counterfeiters may be punished. They ask nothing else of the Government. There is no doubt they will raise the money.

Is not this a voucher against any liability of the Government, either express or implied? Still this bill was opposed by Mr. Trumbull upon constitutional grounds, and most justly.

I quote a paragraph or two from what he said:

Mr. TRUMBULL. I do not know, then, by what authority the Congress of the United States incorporates gentlemen residing in every State and Territory of the United States, with authority to borrow $10,000,000, and to mortgage the property that they shall acquire in the city of Philadelphia in the way of buildings, &c., and requires the Secretary of the Treasury to issue bonds or certificates for them, under the seal of the United States I suppose—I do not know whether the seal is provided for or not—but they are to go on and put up buildings, and fix rates of charge, and make what money they can out of it, and when the great exhibition is over they are to divide the profits among them, whatever they may be. I do not know the clause of the Constitution that authorizes this; but I presume the authority is to be found in the Declaration of Independence. [Laughter.] I understand this relates in some way to the Fourth of July; and if my friend from Massachusetts [Mr. SUMNER] were here I have no doubt he would find the constitutional authority for this in the Declaration of the 4th of July, 1776, which of course would regulate a celebration on the 4th of July, 1876. Now, unless it is to be traced to that source of constitutional power, I really do not know where it is to be found.

And will the junior Senator from Pennsylvania [Mr. SCOTT] allow me just here to recall what he then said as to an express disavowal of all liability on the part of the United States?

Mr. SCOTT. I suppose the Senator from Illinois really desired more to occupy a few moments until the Senate would assemble than to make any serious objection to the passage of this bill. When the subject was first introduced in Congress it was feared that an appropriation would be asked. Everybody in both Houses was so sensitive on that question that an express disavowal of all responsibility on the part of the Government had to be incorporated in the act.

Mr. MORRILL, of Maine. Is that so?

Mr. SCOTT. That is so. Now, in order to make this national enterprise successful, some means must be adopted to carry out the end which the Government has already sanctioned by an act of Congress. When it was suggested that an act of incorporation by the State Legislature would accomplish it, the objection was at once raised in various quarters that that would localize it, and that the charge would be made that it was a local speculation. It was therefore deemed better that it should come to Congress, and that Congress, having already given its sanction to it as a national enterprise, could certainly exercise the necessary means to make that enterprise successful.

My colleague has already made all the constitutional argument that I propose to make on the question.

The act was then passed. Now, I submit that this enterprise was *private, corporate, and local;* that the Government never has been, and is not now, its sponsor; that neither of these acts—the one incorporating the centennial *commission*, or the other incorporating the centennial board of finance—could have been passed but for the assurance by the friends of the measure that the Government of the United States was in no way to become responsible for the exposition or for any of its liabilities.

Up to this time no obligation, direct or indirect, exists binding the Government of the United States to take part in this proposed exposition at Philadelphia.

Ten days ago, when the elder Senator from Pennsylvania attempted to take this bill up and pass it during the morning hour, I objected to its consideration without debate. That Senator was greatly surprised that any one should object to the passage of a simple bill like this, which asked not for the appropriation of a dollar. I then said, I feared the bill was but the entering-wedge for the appropriation of many millions. Now it is admitted that an appropriation of three millions—possibly ten—will be asked if this bill becomes a law.

A very simple bill, surely! An unpretending measure, which upon its face proposes to empower the President to extend an invitation to the governments of foreign nations to be represented and take part in the international exposition to be held at Philadelphia under the auspices of the United States in 1876, while its real object is to bind the Government to a future appropriation of millions of the public money! Why was not the object of the bill expressed upon its face? Why seek to pledge the faith of the Government to future appropriations of unlimited amounts without informing Congress of its true intent and meaning? Why, under the phase of a bill proposing one object, seek indirectly to accomplish another? I have great respect for the president of this centennial board of finance, and bear my willing testimony to his high character and worth as one of the leading public-spirited citizens of Philadelphia. I know personally the excellence of many other gentlemen connected with this enterprise. Far be it from me to do them injustice, or to cast the slightest reproach upon any of them. But I cannot hesitate to enter my protest against the mode and manner of this proceeding. It comes in a most unusual and questionable shape, and is stamped, I will not say with intentional, but certainly with actual, *indirection.*

This commission knew, long before the panic in September last, that all efforts to raise this required amount of $10,000,000 had proved, either by stock subscriptions or by donations, a signal failure. They knew as well in October as they know now, that an application to Congress for aid to their corporate enterprise would become necessary and would be made. Why did the board not make a frank and full *exposé* to Congress, and ask an appropriation of whatever amount of money they deemed necessary? Then their proposal would have been understood. It would have been referred to the proper appropriation committees, or to the Judiciary Committee to report upon the constitutional power of Congress to grant the relief sought. The whole subject would have, upon the coming in of these reports, been discussed in the Committee of the Whole in both Houses of Congress. Why, under color of an invitation to foreign nations, seek to avoid all the guards which our rules throw around the appropriation of public money? I confess I have heard no satisfactory response to

these questions. The disappointment of the commissioners to realize money, from the panic or any other cause, affords no reason for withholding from Congress that fact as soon as it was ascertained.

Besides, sir, this exposition is to be held under the auspices of a corporate commission, and not under "the auspices of Congress," as I have already shown by the debate. This exposition is not national. It is not a governmental undertaking.

But we are told that the honor of the Government is already involved in this exposition, and unless we come to the rescue, the proposed exposition will fail, and the United States will be disgraced. How disgraced? In what manner and to what extent can the failure of an international exposition, proposed and undertaken by a private stock corporation chartered by Congress, but with which the Government has no connection, and over the management of which it possesses *no control*, affect the honor of the United States?

The answer is, the President of the United States has already invited crowned heads to take part in this exposition, and the Government is thereby bound to see that there is no failure for the want of means.

If invitations have already been issued by the President to foreign nations, why the necessity of this modest bill?

Its advocates reply, that foreign nations regarded the communication by the Secretary of State, of the President's proclamation, as an invitation by and in the name of the Government of the *United States*, and that we cannot recede.

This reasoning is more specious than solid, as I think I can clearly show.

What are the facts?

The eighth section of the act creating the centennial commission, approved 3d March, 1871, provides—

That whenever the President shall be informed by the governor of the State of Pennsylvania that provision has been made for the erection of suitable buildings for the purpose, and for the exclusive control by the commission herein provided for, of the proposed exhibition, the President shall, through the Department of State, make proclamation of the same, setting forth the time at which the exhibition will open and the place at which it will be held; and he shall communicate to the diplomatic representatives of all nations copies of the same, together with such regulations as may be adopted by the commissioners, for publication in their respective countries.

The President, it will be seen, had no authority to issue this proclamation until informed by the governor of Pennsylvania that provision had been made for the erection of suitable buildings. The governor of that State did, upon 24th June, 1873, inform the President that provision had been made for the erection of said buildings.

Upon 3d June, 1873, the President issued his proclamation, as follows:

Whereas by the act of Congress approved March 3, 1871, providing for a national celebration of the one hundredth anniversary of the independence of the United States, by the holding of an international exhibition of arts, manufactures, and products of the soil and mine, in the city of Philadelphia, in the year 1876, it is provided as follows: "That whenever the President shall be informed by the governor of the State of Pennsylvania that provision has been made for the erection of suitable buildings for the purpose, and for the exclusive control by the commission herein provided for, of the proposed exhibition, the President shall, through the Department of State, make proclamation of the same, setting forth the time at which the exhibition will open, and the place at which it will be held; and he shall communicate to the diplomatic representatives of all nations copies of the same, together with such regulations as may be adopted by the commissioners, for publication in their respective countries;" and whereas his excellency the governor of the said State of Pennsylvania did, on the 24th day of June, 1873, inform me that provision has been made for the erection of said buildings and for the exclusive control by the commission provided for in the said act of the proposed exhibition; and whereas the president of the United States centennial commission has officially informed me of the dates fixed for the opening and closing of the said exhibition, and the place at which it is to be held:

Now, therefore, be it known that I, Ulysses S. Grant, President of the United States, in conformity with the provisions of the act of Congress aforesaid, do hereby declare and proclaim that there will be held, at the city of Philadelphia, in the State of Pennsylvania, an international exhibition of arts, manufactures, and products of the soil and mine, to be opened on the 19th day of April, A. D., 1876, and to be closed on the 19th day of October, in the same year.

And in the interest of peace, civilization, and domestic and international friendship and intercourse, I commend the celebration and exhibition to the people of the United States; and, in behalf of this Government and people, I cordially commend them to all nations who may be pleased to take part therein.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington this 3d day of July, 1873, and of the Independence United State ninety-seventh.

[SEAL.] U. S. GRANT.

By the President:

HAMILTON FISH,
Secretary of State.

It now turns out that the statement, that provision had been made for the erection of said buildings, communicated by the governor of Pennsylvania to the President of the United States, was unfounded in fact. No such provision had been made on the 24th June, 1873, and none such has been yet made. Of course we presume that the governor of Pennsylvania was imposed on. He owes it to himself and to the country to expose the authors of this imposition. I call attention to the fact, that the proclamation of the President contained no invitation to foreign powers to attend this exposition, and none that said exposition would be conducted under "the auspices of the United States."

The Secretary of State communicated, through our ministers and representatives abroad, the proclamation of the President. I quote the form of note sent by the Secretary of State to foreign ministers:

DEPARTMENT OF STATE, WASHINGTON, *July* 5, 1873.

SIR: I have the honor to inclose, for the information of the government of ——, a copy of the President's proclamation, announcing the time and place of holding an international exhibition of arts, manufactures, and products of the soil and mine, proposed to be held in the year 1876.

The exhibition is designed to commemorate the Declaration of the Independence of the United States, on the one hundredth anniversary of that interesting and historic national event, and at the same time to present a fitting opportunity for such display of the results of art and industry of all nations as will serve to illustrate the great advances attained, and the successes achieved, in the interest of progress and civilization during the century which will have then closed.

In the law providing for the holding of the exhibition, Congress directed that copies of the proclamation of the President, setting forth the time of its opening and the place at which it was to be held, together with such regulations as might be adopted by the commissioners of the exhibition, should be communicated to the diplomatic representatives of all nations. Copies of those regulations are herewith transmitted.

The President indulges the hope that the government of —— will be pleased to notice the subject, and may deem it proper to bring the exhibition and its objects to the attention of the people of that country, and thus encourage their co-operation in the proposed celebration. And he further hopes that the opportunity afforded by the exhibition for the interchange of national sentiment and friendly intercourse between the people of both nations may result in new and still greater advantages to science and industry, and at the same time serve to strengthen the bonds of peace and friendship which already happily subsist between the government and people of —— and those of the United States.

I have the honor to be, sir, with the highest consideration, your obedient servant,

——— ———

Some time after this communication, the German Empire, Mexico, Ecuador, the Netherlands, and Hayti, communicated to the Secretary of State their acceptance of the invitation of the Government of the United States to take part in the proposed exhibition. So soon as the Secretary of State perceived that his communication was construed by the foreign powers into an invitation from the United States to attend the exposition, with a frankness that was commendable, he promptly wrote an explanatory letter, a portion of which I quote:

DEPARTMENT OF STATE, *November* 3, 1873.

To the Diplomatic Officers of the United States:

I regret to find that misapprehension has arisen in a certain quarter as to the meaning of the proclamation of the President of 3d July last, relative to the centennial exposition to be held in Philadelphia in commemoration of the independence of the United States. It is therefore deemed necessary to make the following communication for your information and guidance. It will be observed that the President in his proclamation has extended no invitation to foreign powers to participate in the exhibition. He was not authorized so to do; and while he desires to attract as much attention and interest as possible thereto, he carefully confines himself to "*commending*" the celebration of the centennial anniversary of American independence and the exhibition which is to be held in connection therewith to all nations who may be pleased to take part therein. It is presumed that you will not have failed to observe the guarded language of the President's proclamation, and the difference between it and that which would be used in extending an invitation to other powers.

I am at a loss to know how the faith or honor of the United States Government is up to this time at all connected with the failure or succe of this exhibition! This *contretemps*, arising out of the misconstruction by foreign powers of the President's proclamation into an invitation, was promptly corrected by the Secretary of State, and all these foreign potentates were officially advised that this exhibition was not an undertaking of the Government.

Now the pending bill proposes to change the nature and character of this proposed exposition, as hitherto expressed in its acts of incorporation, and make the Government its sponsor and paymaster. All this to be done by indirection.

Do Senators understand that by the express provisions in the secd act of incorporation it was provided that—

Nothing in this act shall be so construed as to create any *liability* of the United States, *direct* or indirect, for any *debt* or *obligation incurred*, nor for any claim, by the centennial international exhibition or the corporation hereby created, for aid or pecuniary assistance from Congress or the Treasury of the United States, in support or liquidation of *any debts* or *obligations* created by the corporation herein authorized.

Do they further understand that the pending act requires the President of the United States to invite foreign nations, and, in despite of Mr. Fish's explanatory note, to say that this exposition is to be carried on now "under the auspices of the United States?" If the bill passes, then the United States must provide the means to make it a success worthy of the New World.

There is too much of finesse and diplomacy in the new alliance proposed by this bill between this corporate enterprise for an international exhibition and the Government of the United States. Senators, do not be deceived. If it passes, and the proposed international exhibition takes place on the scale of magnificence contemplated by its friends, the Government of the United States will be called upon for five, and perhaps ten million dollars, and possibly more.

The Vienna exposition is said to have cost more than twelve millions, upon an original estimate of ten. Is ours to cost less? Are materials and labor cheaper in the United States than in Austria? Is the experience of Philadelphia, in the inauguration of such exhibitions, greater and more extended than that of foreign powers? Pass this bill as it is, and no one can now predict the amount of ultimate expenditure. All estimates of the cost of this exhibition are, and necessarily must be, at this time, purely conjectural. There are no data on which we can approximate it. What are the buildings to cost? What are the decorations and arrangements of the grounds to cost? What are the estimated general expenses of carrying on this exposition? What estimates for contingencies? We have been furnished with no answers to any of these pertinent inquiries. How much has been reliably subscribed? We hear of a subscription of a million by Pennsylvania; but that is hedged in by many contingencies, and clouded by so many doubts of constitutional power, that it is extremely unreliable as a subscription.

The senior Senator from Pennsylvania [Mr. CAMERON] says they only want three millions. How can he tell what they want until they ascertain the entire ultimate cost? That Senator once told us, that this centennial commission would never ask Congress for anything but a charter of incorporation and the engraving of their certificates of stock. He sincerely believed what he said; but results proved that he was mistaken. So it will be again. They ask Congress to give them three millions. The honor of the Government will, if Congress embarks into this business at all, require the expenditure of all the money necessary to make it a success. That may be ten, fifteen, or twenty millions.

This international exposition at Philadelphia does not touch the popular heart. It is an incongruous and unsuitable observance of this great centennial anniversary. It is mixing dollars and cents with the gratitude and patriotism which the advent of this great era in our American calendar awakens in every American heart.

Is Congress, in view of the nation's pecuniary embarrassment, with a deficiency of forty-four millions in our annual receipts, willing to give five, or even three, millions to this private enterprise? We have been compelled to cut down the Army and Navy, and to reduce the expenses in every Department of the Government. Increased taxation, or new loans, in time of profound peace, boldly confront us. The ordinary expenditures of the Government exceed three hundred millions per annum. The chairman of the Finance Committee of the Senate [Mr. SHERMAN] tells us that the United States public buildings in the several States, already commenced and under construction, so much needed by the public interest, may be required to be suspended, in view of our financial condition; and yet we are asked to contribute untold millions to a private corporate undertaking for an international exposition in Philadelphia, two years hence, whose corporators, by the very terms of the charter, are exempt from personal liability. If the Government appropriates three or five millions, the money is that moment beyond all Government control as to its expenditure; and touching which, their charter of incorporation declares in its tenth section:

And provided further, That no member of said centennial board of finance assumes any personal liability for any debt or obligation which may be created or incurred by the corporation authorized by this act.

But I desire to ask whence the power to pass this bill? Admit the high character of the corporators; concede, if you please, the patriotic object contemplated by this centennial board of finance. Under what clause of the Constitution can Congress make any appropriation? If under any express power, let it be designated. If not express, is it incidental? The ancillary power must always be subordinate to and limited by the end proposed to be attained by the specific grant of power. Of what express power is this the incident? The junior Senator from Pennsylvania [Mr. SCOTT] tells us he is willing to rest the question of power upon that clause of the Constitution cited by his venerable colleague, [Mr. CAMERON,] in 1872, when this act of incorporation was opposed by the then Senator from Illinois, (Mr. Trumbull,) who utterly denied that Congress had any constitutional authority to make that enactment.

I was absent from the Senate at the time of that debate. If I had not been, I should have voted against the bill. I am not aware that the Senator from Pennsylvania [Mr. CAMERON] cited or relied on the Constitution.

Mr. SCOTT. Yes; I am sure he did, for I well remember it.

Mr. STEVENSON. I beg the Senator's pardon. I find on looking over the Globe that he is right. The Senator [Mr. CAMERON] did, on that occasion, say:

A friend near me has just put in my hand the Constitution, which contains one clause, that we all understand perfectly well, that gives us the power. It provides that "Congress shall have power to lay and collect taxes, duties, and excises"—we do not ask anything under that—"to pay the debts and provide for the common defense and general welfare of the United States." All we require is under this last phrase—provide for the general welfare of the United States.

It is not the first time that this sweeping clause has been cited and relied upon for the exercise of a doubtful and dangerous power under the Constitution. Its proper punctuation, its true grammatical construction, and the extent of power delegated by it to Congress, have for more than eighty years been the subject of great conflict of construction by the most able, eminent, and patriotic statesmen. As early as 1791 it divided the country into two opposing schools of politics. It has been the battle-field upon which the advocates of a strong government and the friends of State rights have met in many a well-contested conflict of intellectual interpretation, with somewhat varying results.

The consolidationists maintained with great earnestness, that the words, "to lay and collect taxes, duties, imposts, excises," conferred one distinct, substantive grant of power to Congress, while the words "to pay the debts and provide for the common defense and general welfare of the United States" conferred another substantive power wholly independent of the first; and that the clause, therefore, contained two express powers of legislation, wholly independent of each other. Upon the other hand, the advocates of a strict construction, or of a limited government of enumerated powers, zealously insisted that the only delegation of power in this clause was "to lay and collect taxes, duties, imposts, and excises," and that its exercise was qualified and restricted by the words "to pay the debts, and provide for the common defense and general welfare of the United States." They maintained that the true intent and meaning of the clause, required the supplying of the words "in order," which are necessarily implied in this interpretation. The clause will then read:

"Congress shall have power to lay and collect taxes, duties, imposts, and excises," in order "to pay the debts, and provide for the common defense and general welfare of the United States."

Mr. Jefferson and Mr. Madison, with the statesmen of that school, insisted, that the power to lay and collect taxes was limited to the payment of debts of the United States, and a provision for the common defense and general welfare. But they further *maintained*, with a power unanswered to this hour, that the power of Congress under this clause was further limited by the enumeration of specific powers in the subsequent part of the same section.

This conflict of construction would obviously lead in its results to immeasurable difference between the Constitution limited in its power to the enumerated objects and expounded as it would be by the import claimed by both Senators from Pennsylvania and other advocates of a latitudinal construction of the phrase in question.

Mr. Madison says:

The difference is equivalent to two constitutions, of characters essentially contrasted with each other; the one possessing powers confined to certain *specified cases*, the other extended to all cases whatsoever. For what is the case that would not be embraced by a general power to raise money? A power to provide for the general welfare, and a power to pass all laws necessary and proper to carry these powers into execution; all such provisions and laws superseding at the same time all local laws and constitutions at variance with them. Can *less be said* with the evidence before us, furnished by the journal of the convention itself, than that it is impossible that such a Constitution as the latter would have been recommended to the States by all the members of that body whose names were subscribed to that instrument?—*Writings of Madison*, volume 4, page 128.

Mr. Madison was a member of the convention, and so active in its deliberations as to have earned for himself the title of the "Father of the Constitution."

Mr. Jefferson was equally emphatic in his concurrence that the words "for the common defense and general welfare" were a qualification and limitation, not only upon the power to lay taxes, but also upon the appropriation of the money when raised to national objects of "common defense and general welfare."

Hear him:

To lay taxes to provide for the general welfare of the United States, is to lay taxes for the *purpose* of providing for the general welfare. For "laying of taxes" is the *power* and "the general welfare" the purpose for which the power is to be exercised. Congress are not "to lay taxes" *ad libitum* for any purpose they please, but only to pay the debts and provide for the welfare of the Union. In like manner they are not to do anything they please to provide for the general welfare, but only to lay taxes for that purpose.

To consider the latter phrase not as describing the purpose of the first, but as giving a distinct and independent power to do any act they please which might be for the good of the Union, would render all the preceding and subsequent enumerations of power completely useless.

Any other construction would render all the preceding and subsequent enumerations of power useless. It would reduce the whole instrument to a single phrase, that of instituting a Congress with power to do whatever would be for the good of the United States; and as they would be sole judges of the good or evil, it would be also a power to do whatever evil they pleased. It is an established rule of construction, where a phrase will bear either of two meanings, to give that which will allow some meaning to the other parts of the instrument, and not that which will render all the others useless. Certainly no such universal power was intended to be given to them. It was intended to lace them up strictly within the enumerated powers, and those without which, as means, those powers could not be carried into effect.

Mr. Monroe, in his message of the 4th of May, 1822, insists that the power "to lay and collect taxes" is confined to purposes for "the common defense and general welfare," and, what is more important, that the power of appropriation of the money thus raised is coextensive with that power, and can only be applied to purposes and objects clearly for the common defense and general welfare.

Judge Story concurs with these distinguished statesmen, and says:

It is the truest, the safest, and the most authoritative construction of the Constitution. While the former construction has been maintained by some minds of great ingenuity and liberality of views, the latter has been the generally received sense of the nation, and seems supported by reason at once solid and impregnable.—*Story on the Constitution*, § 908.

Now, how can this appropriation be sustained under this power to lay and collect taxes, duties, excises, and imposts?

Judge Story says:

A power to lay taxes for any purpose is a general power; a power to lay taxes for certain specified powers is a limited power. A power to lay taxes for the common defense and general welfare of the United States is not in common sense a general power. It is limited to those objects. It cannot constitutionally transcend them. If the defense proposed by a tax be not the common defense of the United States, if the welfare be not general, but special or local, as contradistinguished from national, it is not within the scope of the Constitution.—*Story on the Constitution*, § 922.

Who can state that the corporate object of this proposed international exhibition, over which the Government has no control, is for the general welfare? Who will deny that it is local and not national?

Senators, we should heed the construction of the Constitution as expounded by Jefferson, Madison, Nicholas, and their compeers. Their ability and patriotism have never been questioned. It may be unfashionable at this day to announce that I am a humble but faithful adherent to the political doctrines of that school.

The resolutions of Virginia in 1798 were called forth by congressional enactments deemed utterly subversive of all the *limitations* contained in the Constitution. Mr. Madison's report in defense of those resolves followed in 1799. Those memorable State papers have been assailed, derided, ridiculed, and denounced. So have been the doctrines of a higher than human revelation. But I hesitate not to de-

clare, as the conviction of my judgment, that had the construction of the Constitution proclaimed in Madison's report been rigidly adhered to, we should have been spared many of the trials of the past, and delivered from many of the dangers which now threaten to annihilate the States and subvert our federative, duplicate structures into an unlimited consolidated government.

As early as January, 1794, this clause was relied on for a donation by Congress of money to foreign refugees. Upon that day a memorial of the relief committee of Baltimore, for the relief of San Domingo refugees, was presented to the House of Representatives.

Mr. Madison rose and said—

That the Government of the United States is a definite Government, confined to specified objects. It is not like the State governments, whose powers are more general. Charity is no part of the legislative duty of the Government; it would puzzle any gentleman to lay his finger on any part of the Constitution which would authorize the Government to interpose in the relief of the San Domingo sufferers. The report of the committee, he observed, involved this constitutional question: whether the money of our constituents can be appropriated to any other than specific purposes? Though he was of opinion that the relief contemplated could not be granted in the way proposed, yet he supposed a mode might be adopted which would answer the purpose without infringing the Constitution.

Mr. NICHOLAS concurred in sentiment with Mr. Madison. He considered the Constitution as defining the duty of the Legislature so expressly as that it left them no option in the present case.

Mr. BOUDINOT supported the question on constitutional grounds. He instanced several cases which had occurred and might occur, in which relief must necessarily be granted, and that without occasioning any doubt of the constitutionality of the business, such as granting pensions, affording relief to the Indians, supporting prisoners, &c. He alluded to the circumstance of the alliance between the United States and France, the connection between the citizens of the United States and that country, &c.

Mr. DEXTER stated sundry objections from the Constitution. It will not be pretended, he supposed, that the grant of moneys, on this occasion, was for the general welfare; it is merely a private charity; he was in favor of going into a committee on the subject.

Mr. MADISON in reply to Mr. Boudinot, who had stated several cases as in point, observed that those came within the law of nations, of which this Government has express cognizance; the support of prisoners, in a case provided for by the laws of nations; but the present question, he remarked, could not be considered in any such point of view.—*Elliott's Debates on Federal Constitution*, 1788 to 1836, volume 4, pages 441, 442.

Mr. President, I am only surprised that my friend, the Senator from Pennsylvania, [Mr. SCOTT,] whom we all know to be so good a lawyer, should rely upon that eighth section of the first article of the Constitution of the United States in support of the constitutional power of Congress to make this appropriation.

Mr. SCOTT. Will my friend permit me to plead in excuse—as he just stated that he follows Thomas Jefferson and James Madison—that I may have been misled by the apostles whose disciple he is? I find in the second volume of the Statutes at Large, page 730, this very brief act; and it applies particularly to the argument that has just been read about the power of the United States to appropriate money for charitable purposes:

That the President of the United States be, and he is hereby, authorized, to cause to be purchased such provisions as he shall deem advisable, and to tender the same, in the name of the Government of the United States, to that of Venezuela, for the relief of the citizens who have suffered by the late earthquake.

SEC. 2. *And be it further enacted*, That a sum not exceeding $50,000 be, and the same is hereby, appropriated, to be paid out of any moneys in the Treasury not otherwise appropriated, to carry into operation this act.

This act was approved May 8, 1812, when James Madison was President of the United States.

Mr. STEVENSON. The Senator form Pennsylvania replies to the reasoning of Mr. Madison by the citation of a precedent in an act of Congress appropriating $50,000, in 1812, to the citizens of Venezuela, who were then suffering from the effects of an earthquake. The Senator well knows the power to pass that bill was drawn from express grants to Congress in the Constitution, as Mr. Madison expressly said in the debate on the San Domingo claim, and not from the common defense and general welfare clause, upon which the Senator relies for power to pass this bill.

My friend asked me, too, if I had not offered a resolution at this session of Congress for the purchase of *marble busts* of Roger B. Taney and Salmon Portland Chase, to be placed in the court-room of the Supreme Court of the United States. Most certainly; and I rejoice to know that this tribute to the memory of those eminent jurists is soon to be an accomplished fact. Does the Senator desire to know whence this constitutional warrant for that appropriation? The same which authorizes Congress to build this Capitol, and supply and provide accommodations for the various departments of the Government in the discharge of their public duties.

The Constitution creates the Supreme Court of the United States, and it empowers Congress, "to constitute tribunals inferior to the Supreme Court."

Congress has exclusive jurisdiction in all cases whatsoever over such district as now is or which shall hereafter become the seat of government, by the cession of the States and the acceptance of Congress, not exceeding ten miles square, and to exercise like authority over all places purchased by the consent of the Legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and *other needful buildings*, and to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by the Constitution in the Government of the United States or in any department thereof.

Congress is therefore expressly clothed with this power, both to build and furnish all suitable rooms for the several departments of the Government, and the mode of doing so is exclusively intrusted to its discretion. So, too, the authority to grant pensions and medals to the officers of the Army and Navy for distinguished services, rests as an incident to the express power, to raise and support armies; to provide and maintain a navy; to make rules and regulations for the government of the land and naval forces.

Precedents of questionable legislation and of doubtful authority, are, I admit, to be found in past congressional legislation. Their past occurrence does not diminish their mischief. Precedents may evidence, but do not sanction at any time, a violation of the Constitution of the United States. The unyielding exactions of that instrument, are, like the divine ones from Mount Sinai, constant and continuing commands which no Congress should disregard.

Congress voted money to the sufferers by fire at Alexandria many years ago, and again, at a more recent period, to sufferers from the same cause at Portland; while the last Congress refused aid to the sufferers by the Boston fire for want of constitutional authority.

Precedents at all times are but shifting and unsafe standards of the boundaries of constitutional power in a Government like ours.

The debate on this centennial charter, in the past, not less than in the present application, for aid to that exhibition affords a striking illustration of their mischief. I have already cited the protest of the distinguished jurist, Mr. Trumbull, then a Senator from Illinois, against the unconstitutionality of the act of Congress incorporating the centennial commission for want of constitutional power. He feared it as a precedent.

Allow me now to verify the realization of that fear, by quoting for the benefit of my friend from Pennsylvania [Mr. SCOTT] a portion of that debate:

Mr. SCOTT. I do not *think* that there is even *any danger* of this being drawn on *as a precedent* that will startle the Senator from Illinois upon any other occasion, for it will not again be called for, as the Senator from Maine remarked, for a hundred years, and then it will not disturb the Senator from Illinois.

Mr. FERRY, of Connecticut. But it is a precedent for chartering a corporation, and may be drawn into a precedent for any kind of corporation in any State; and all such precedents take their origin in something good.

This warning of Connecticut's able and faithful Senator was disregarded and the act passed.

Had the behests of the Constitution been upheld by refusing the act of incorporation, which the Legislature of Pennsylvania was fully empowered to enact, our duty had been well performed.

Failing in that, the doubtful exercise of constitutional power on that occasion is now urged within the period of two years as a precedent for a more fearful and fatal infraction of that instrument. We are now told that the act incorporating this centennial commission—in despite of the express disavowals of governmental connection therewith—by authorizing the President to proclaim to foreign powers that the exposition would be held, commits the Government to the enterprise, and the honor of the Government requires the supply of all the money to make this exhibition a success. So much for precedents.

Senators, if Congress have power to create within the States artificial bodies and clothe them with certain powers of selling stock and holding property, free from individual liability, and as national enactments, above State control, over which the Federal Government has placed no limit, where is the power to end? The authority to create a United States bank, in former days, was placed on the ground that it was a necessary agency of the Federal Government within one of the express grants of the Constitution. No such claim is set up here. Congress creates this corporation in Philadelphia with a capital of ten millions. To-morrow you may erect others in the heart of the several States with land or stock as their capital. How long before the jurisdiction of the States will be absorbed by such corporations? If you can in this case exempt this centennial corporation from individual liability on its contracts, why may not Congress extend it indefinitely? Can it be imagined that a power so vast would have been left by the framers of the Constitution to doubtful inference? Hear Mr. Jefferson on this precise point. In a letter to Mr. Livingston, dated Philadelphia, April 30, 1830, he says:

The House of Representatives sent us yesterday a bill for incorporating a company to work Roosewell's copper mines in New Jersey. I do not know whether it is understood that the Legislature of New Jersey was incompetent to do this or merely that we have concurrent legislation under the sweeping clause. Congress are authorized to defend the nation. Ships are necessary *for defense*; copper is necessary for ships; mines are necessary for copper; a company is necessary to work the mines; and who can doubt this reasoning who has ever played at "This is the House that Jack Built?" Under such a process of filiation of necessities this sweeping clause makes clean work.—*Jefferson's Works*, volume 4, page 329.

Where is the limit if this bill passes? Other States and other cities will desire congressional appropriations to aid them in the celebration of our approaching centennial.

Should Virginia—whose eloquent son sounded the first note of freedom in her own House of Burgesses by the defiant utterance, "Give me liberty, or give me death," whose echo as it rang aroused the tocsin of resistance in every patriot's heart throughout the Colonies—should that venerated and venerable old Commonwealth, upon whose soil at Yorktown, on October 19, 1781, England finally succumbed and the sword of Cornwallis passed to Washington, ask you for an appropriation to celebrate the great centennial, how could Congress, after the passage of such a bill as this, refuse?

And then, too, Boston—with her eternal and glorious memories of Bunker Hill, Concord, and Lexington, where colonial valor struck from the mailed breastplate of English oppression the first living sparks of American liberty—how will you deny her claims to celebrate this glorious centennial?

New York, too—the great, the free, the glorious empire capital of the Republic, so full of revolutionary conflicts, hardships, and triumphs; the theater where the Constitution was adopted, where the first Congress sat, and where Washington was inaugurated—have not the Empire State and the Empire City claims as strong as those of Philadelphia, if Congress determines to embark generally upon appropriations for the celebration of this great centennial?

One appropriation to one corporation in one State, and where is the limit? One such precedent, and where can Congress stop? And yet gentlemen tell us this is a small affair. I tell you, Senators, it is anything else. Three, five, or ten millions of the public money is no small affair in the present condition of the monetary affairs of this Government. Increased taxation stares us in the face.

Kentucky has paid in internal-revenue taxes alone within ten years past $60,915,800.32, and within the past five years $35,253,130.90; Missouri is only a shade behind Kentucky, having paid in the past ten years $58,142,142.04. Both these States suffered in the loss of property during the war to the amount of millions, and both have just and unpaid claims for property seized and used by the Government to the amount of several millions more.

How can such justice be done? New York has paid during the past ten years an internal-revenue taxation of $403,960,219.51, Ohio during the same period has paid $169,915,839.37, and Massachusetts has paid $159,930,259.88, out of an aggregate taxation during the same time of $1,716,126,906.08. Under what plea shall such large tax-paying States pay tribute to this Philadelphia centennial commission, in which they have no immediate benefit?

I honor Philadelphia, with all her revolutionary memories. I venerate her enlightened philanthropy and her noble charities. I am proud of her prosperity and her public spirit. I know of her boundless hospitality. I recall the heroic and calm opposition by some of her orthodox statesmen to the recharter of the Bank of the United States, although located in Philadelphia, as not justified by the Constitution.

I desire and hope that this centennial exhibition shall be a brilliant success. Pennsylvania and Philadelphia can make it so; but I cannot consent that it shall become so at the expense of a violated Constitution.

Congress are trustees as well as custodians of the public Treasury. The Constitution is the power of attorney which limits their trust powers.

Senators, permit no impulse, interest, or passion to lead you beyond the letter or spirit of that instrument. We are all fallible. That charter was ordained by our fathers. They were wise, prophetic, far-seeing statesmen. They understood the work of their own hands. Its limitations and guarantees were intended bulwarks against the violence of party and the encroachments of power. They desired to place liberty on sure, solid, and lasting foundations. Let their sons never dishonor their memories by desecrating their work.

If the institutions of America ever perish, their downfall will be justly traced to our disregard of the barriers of the Constitution which its founders intended as the perpetual intrenchment of civil and political liberty.

Improvement of Galveston Harbor—Its Connection with Cheap Transportation.

SPEECH OF HON. ASA H. WILLIE,

OF TEXAS,

IN THE HOUSE OF REPRESENTATIVES,

March 17, 1874,

The House, as in Committee of the Whole for debate only, having under consideration the bill (H. R. No. 1385) to regulate commerce by railroad among the several States—

Mr. WILLIE said:

Mr. SPEAKER: My purpose in seeking the floor is to offer some remarks upon a measure which deeply interests a large portion of two important and rapidly growing sections of this Union, the West and Southwest; I allude to the improvement of the harbor at Galveston, Texas. No measure having this improvement in view claimed the attention of Congress during the many years which elapsed between the date of the annexation of Texas and the late war between the sections. Galveston during that time was a city of small pretensions; her commerce insignificant and unproductive to the Government. Texas was, in population, one of the smallest of the United States, and her facilities for internal transportation limited and of a primitive character. The productions of no other State sought through her harbors an outlet to the sea; and for want of suitable approaches to her gulf-coast a large portion of the State found egress for its productions and ingress for its supplies through the ports and navigable waters of a sister State. But since the war Galveston has steadily and constantly increased in size and commercial importance until it has become a city of thirty-five thousand inhabitants, and eighth in importance of the exporting points of the Union. Texas has taken high rank in productions and population. Railroads have been constructed, until more than one thousand miles of them concentrate their ultimate termini at that city, and a vast section of the great grain-growing West through them and their connections finds its nearest and cheapest outlet to the sea through this our most important port on the Gulf of Mexico west of the Mississippi River. The wonderful present and magnificent future of our port, our State, and those States and Territories which seek through Galveston an outlet to the sea, when compared with their unimportant commercial past, render the improvement of Galveston harbor a matter of unusual interest. And when we take into consideration the fact that cheap transportation is the great absorbing question of the day, and that the section of the Union to which these States and Territories belong, in common with their sisters of the Northwest, are earnestly demanding of Congress that they shall not be excluded from the markets of the world by reason of ruinous freights and tolls, every measure which, like this, tends to reduce such charges, becomes of the highest interest, and addresses itself to this House with more than ordinary force.

Now, sir, let us see what steps have been taken by the General Government toward improving the approaches to Galveston from the sea, and what further improvement is demanded, the means by which it is proposed to be accomplished, the importance, necessity, and justice of the measure, and the reasons why it should receive immediate attention.

Congress first turned its attention to this matter in March, 1867, when it directed plans and estimates to be made of the most practicable and effective mode of improving the harbor and erecting a suitable breakwater. On the 11th of July, 1870, $25,000 were appropriated by Congress for the improvement of this harbor, and the Secretary of War was required to cause examinations or surveys to be made from the outer bar up to Red Fish Bar, on or nearest to the west shore, with a view to an improvement. Nothing seems to have been accomplished by reason of these acts of Congress, the money appropriated being used principally in building dredge-boats for use upon the inner bar and a bar within the harbor known as Red Fish bar. On the 10th of June, 1872, Congress appropriated $31,000 for this harbor, and in pursuance of its directions the Secretary of War placed Captain C. W. Howell, of the United States Corps of Engineers, in charge of the work, with directions to make a survey and report as to the feasibility of making a permanent improvement of the harbor and its immediate approaches from the sea. The object was to furnish data for a general plan for obtaining eighteen feet of water on both the inner and outer bars and for forming estimates of the probable cost of the same. Captain Howell proceeded at once to the discharge of this duty, and with the assistance of other competent engineers made a thorough survey, and based upon its result a plan of improvement which has received the approval of a board of scientific engineers appointed to examine it, and which commends itself to the good sense of every person who will give it an intelligent examination. Captain Howell's report marks him one of the most promising of young engineers; and his plans, if adopted and applied to other bars of a similar nature, will furnish an economical and ready means of opening other harbors, which have heretofore been in a measure closed to the commerce of the world, because no design of a practical nature for their improvement had been devised. This plan was reported to the War Department, and was by the Chief Engineer submitted to a board of three scientific and learned engineers, who in conjunction with Captain Howell were directed to examine and report their views upon it to the Department. This board indorsed with some exceptions all the suggestions of Captain Howell, and so reported to the Chief Engineer. These reports have been sent to Congress by the Secretary of War, and as each member can examine them for himself I do not propose to dwell at any great length upon their details. I shall only allude to them so far as may be necessary to enforce the main object of these remarks, namely, the propriety, policy, and necessity of an appropriation sufficient to carry out the plans proposed and commensurate with the great objects to be attained.

By reference to a map of the coast of Texas it will be seen that the island upon which Galveston is situated has its eastern extremity, known as Fort Point, opposite to Bolivar Point on the mainland. Between these two points is the only entrance for vessels from the Gulf into Galveston Harbor and Bay. Now, there are two obstructions to the commerce of Galveston. The one known as the "outer bar" is found just outside those points, in the direction of the Gulf; the other, called the "inner bar," is just within the entrance and between it and the city of Galveston. Between these bars, on the line of water travel, is Bolivar Channel, some forty feet in depth, and at the city extremity of the inner bar is a channel of sufficient depth to float vessels of the largest draught. Over these bars the depth of water at mean tide is not more than twelve feet. This depth over the outer bar extends for a distance of seven thousand and forty-one feet, and over the inner bar five thousand feet. The flow of water over these bars is unaffected by the current of any river whatever. Galveston Bay, which finds its outlet between these headlands, receives the waters of only two streams of any size, the San Jacinto and Trinity Rivers, and their mouths are thirty miles from the outer bar. The sediment brought down by these streams is deposited at the head of the bay, and hence we find no such matter entering into the formation of these bars. On the contrary, a perforation of them to the depth of sixty feet proved that they were composed of quicksand with some slight ad-

mixture of small shells, light and easily moved by the tides and currents.

The problem to be solved by the engineer in charge was how to control these shifting sands so that a depth of six feet of them at least should be removed permanently from the channels across these bars. It was evident that no amount of dredging could effect this object. The same causes which placed these sands there originally, and retained them in their places for years, would restore them after their removal, though the dredging should extend to the blue clay sixty feet below. But one method seemed to insure success, which was so to control the waves and currents that they should be made to remove and keep removed a large portion of the sandy deposits upon the bars. The engineer proceeded to ascertain the range of the tide, and the force and direction of the water currents into and out of Galveston Bay and along the shore of the Gulf, and the course and velocity of the winds at that point. He marked the changes which had occurred in the shore lines, bars, and channels for the last thirty years, and easily traced them to the influence of the winds, tides, and currents, as found to exist at the date of his investigation. One or two noticeable facts in reference to these changes may well be mentioned. The inner bar did not exist in 1841, at which time there was a depth of thirty feet of water where it is now situated. It continued to shoal from 1843 down to 1867, until at the latter date it had only nine feet of water upon it.

The outer bar had, with some temporary exceptions, the same depth of water during all that time; but its location had been removed since 1841 farther toward the Gulf. Four channels had in time existed over the outer bar, but one, nearest and along the line of Galveston Island, had entirely disappeared. Another, along the mainland east of the island, had become very shallow. One of the intermediate channels, known as the Cylinder Channel, which crosses the bar directly, had moved its axis a little north of its original position, and the curved channel between it and Galveston Island had shifted its axis in a contrary direction. These movements had been continuous and were still in progress. The northeast point of Galveston Island (Fort Point) had moved twelve hundred yards westward since 1841, and Bolivar Point, opposite, had advanced in a corresponding degree. Other changes had occurred, but they will not be noticed, as they can best be studied from the charts, and a knowledge of them is not necessary to my present argument.

The engineer also found that the annual range of tide was about six feet, and its daily range varied from fifteen hundredths to two and nine-tenths feet; that the east and southeast winds poured a flood of water into Galveston Bay, and the north and northwest winds depleted it; that easterly and northeasterly winds produced a littoral current in the Gulf carrying drifting sands to the west; and westerly, south, and southwesterly winds reversed this current, and carried the suspended sands in an opposite direction. He concluded that the outer bar must have been formed by this drift, and its shape given by the ebb and flood tide through the entrance to Galveston Bay. The scouring process by which the channel was maintained at its depth of twelve feet so many years, notwithstanding the deposits of the littoral currents, was due to the ebb-tide, assisted frequently by the force of the northers which prevail along this coast, and which drive the waters of the bay seaward with great velocity, and consequently with remarkable scouring effect upon the bar. In fact there seemed to be a constant war between the opposing forces of the littoral currents and the ebb-tides, the one depositing sand and the other removing it; and in the course of forty years this contest had not resulted in any decided or continued success either in deepening or shoaling the outer bar, and, uncontrolled by art, it was not probable that any material changes in this respect would be wrought by them in the future. To control these tides and currents so as to strengthen their scouring force and check or divert the deposit of drifting sand was the rational means of securing the desired depth of water on the outer bar. The velocity of all the currents littoral and across the bar, both when affected and when unaffected by the winds, and all other facts requisite to a scientific consideration of the subject, were fully ascertained.

The engineer was aided in his conclusions by the plans and results of one practical attempt at deepening the water in the vicinity, the success of which established the feasibility of improving the bar by controlling the tides and currents. In 1870 the inner bar was found to have shoaled until only nine feet of water existed over its crest. The city of Galveston, at an expense of $120,000 out of its own treasury, commenced a system of improvements by driving down wooden piles, thereby forming a jettee opposite Fort Point, which in the course of a year had deepened the water to twelve feet, all that was necessary so long as only that depth of water was found upon the outer bar. These works were of a temporary nature and limited extent. They had, nevertheless, accomplished much good. To construct others of more durable material, varied to suit the circumstances of the outer bar, and improve upon the style of construction where experience proved that it was defective and science taught that it was susceptible of improvement, were the dictates of wisdom. The scientific judgment of the engineer, based upon a thorough knowledge of the locality, led him to devise a somewhat similar system of improvement, and to apply the principle of jettees or training walls for the purpose of deepening a channel across the outer bar. He selected the Cylinder Channel as the most suitable one for improvement because it was shorter, crossed the bar more directly, and the currents of the ebb and flood tide followed its course more closely than those of the curved channel nearer to Galveston Island.

He submitted the following plan as the most feasible one for deepening this channel. He proposed to construct two jettees of cement-covered gabions, one beginning at Fort Point and the other at Bolivar Isthmus, and extending across the bar with the Cylinder Channel to 18 feet water in the Gulf. The gabions were to be 6 feet in diameter, and the same in height, two rows in each jettee, all to be fastened together by copper wire at the tops, and filled with sand. Except on a short portion of their lines, the tops of these jettees would be below the plane of mean tide, and for the greater part they would be 5 or 6 feet below that plane. The jettee from Fort Point would be 20,800 feet long, and from Bolivar 16,200 feet. They would contract the area of the discharge over the bar from 411,184.23-100 square feet to 274,112 square feet. They were expected to act as training walls for the lower ebb-current, while the upper would pass over them. They were calculated to give a depth on the outer bar of 18 to 19 feet, and at the same time only confine and direct so much of the ebb and flood tides as might be useful, thus preventing in some degree the advance of the bar gulfward, which would occur if the jettees were built to the plane of mean low tide. It was thought by the engineer that these would serve to catch the drifting sands brought by the littoral currents until they were covered by it, and that afterward the sands would be carried over them rather than around their ends.

The expense of this improvement Major Howell estimated as follows:

12,333 gabions, at 30 cents	$369,990
77,480 cubic yards sand filling, at 50 cents	38,744
Total	408,734

He did not think it probable, but it was possible, that additional rows of gabions might have to be constructed, and the walls might require extension above the water, which would about double the expense. He thought it possible that the jettees might have to be extended from time to time to keep pace with the extension of the bar gulfward.

Such are the plans of the engineer for the permanent improvement of the outer bar. They are so plain and reasonable that any person, however unskilled in engineering, can easily understand how they will accomplish the desired object. I have set them forth somewhat in detail for this reason, and because they will enable the House to appreciate my motives for asking an immediate appropriation sufficient to complete them in accordance with the recommendation of Major Howell. He proposes no separate works for deepening the water on the inner bar, but thinks his Fort Point jettee will extend the head of Galveston Island to its position in 1841, when there were thirty feet water on this bar, and will have the effect of giving at least twenty feet of water across it.

These plans of Major Howell, though novel, seemed to the Chief of Engineers to be feasible. Should experience teach that they would secure the results anticipated by Major Howell, not only Galveston Harbor, one of the most important in the United States, would be accessible to vessels of the largest draught, but other harbors of great value to the country similarly obstructed would be opened to the commerce of the world at a small expenditure of the public money. For these reasons the Chief of Engineers determined to submit them to a corps of skilled and scientific engineers to pass upon their feasibility as well as the probable cost of their construction. This board, after careful examination, indorsed and ratified them fully as to their practical effect in deepening the bar; but thought it might be possible, though not probable, that some change might have to be made in the method of constructing the works so as to make them more durable, which would involve additional cost. They recommended that Major Howell's method of construction be tested by first constructing the inner end of the pier at Fort Point, and if found to succeed that the pier on the other side be built at the shore end, while at the same time a length of from three hundred to five hundred feet be put down near the bar extremity of the same pier to test its sufficiency in the most exposed position. They have no doubt but that jettees in the position of those recommended by Howell will give the channel the required depth. Their only hesitation is in saying that, constructed on his plan, they will bide the force of the waves and tides, and upon this they give no positive opinion. They do, however, make this important statement, that if Howell's plan should succeed it will supply the desideratum of a cheap method of construction which might be applied to many other localities where otherwise no attempts at improvement would be made in consequence of the heavy outlay they would involve.

The report of this board accompanies that of Major Howell, and they are both sent to the House by Chief Engineer Humphreys with his favorable indorsement and a recommendation that an appropriation of $60,000 for the coming fiscal year be made for the proposed improvement. This he does in accordance with the views of the board, for the purpose of building the inner end of Fort Point jettee. He states that nothing had been said in his estimates, already sent in, for rivers and harbors had not been received at the time these estimates were transmitted. I now propose to state in as brief a manner as possible some of the reasons why I think not only the sum of $60,000 but a much larger one should be appropriated for the in-

tended improvement of Galveston Bar. I maintain that a sufficient amount should be given to accomplish as much of the work as possible during the coming fiscal year, and that $60,000 will not answer the purpose. I think further that the amount of the work that this sum would complete will be of no benefit to the commerce of Galveston, and so far from benefiting the bar may be the means of damaging it. And finally, I am fully impressed with the idea that an immediate improvement is more forcibly demanded at this point than at any other on our coast.

This $60,000, according to the Chief of Engineers, is to be spent in constructing the inner end of the proposed pier on the Fort Point side. At the estimated cost of gabions and their filling, as made by Major Howell, this sum will build about fifty-four hundred and forty-five feet of the jettee, or but little over one-fourth of its entire length when completed. It will construct no portion of the Bolivar jettee; at least the engineer does not recommend that any portion of it should be used for that purpose. Let us suppose one-fourth of the Fort Point jettee completed, and what have we gained? We have certainly accomplished no deepening of the water on the outer bar, which is the great object of the survey and the work. This was to be accomplished by checking the deposits of drifting sand held in suspense by the littoral currents, and by confining the lower ebb current within narrow limits, and thereby giving it greater scouring power. Now, for the three-fourths of the distance across the bar these sands, whether drifting with an easterly or westerly current, will not be checked at all, but be left to settle upon that portion of the bar as at present. For the same distance on the bar the currents setting in and out of the bay will be unconfined, and their scouring power will be in no manner increased. We cannot, therefore, look for improvement from this length of jettee to that portion of the bar lying beyond its outer extremity. On the contrary the water may be rendered more shallow near the point where the jettee terminates. Observation in reference to the row of piling placed on the inner bar by the city of Galveston shows that while it has deepened the channel along the front of the jettee it has formed a bar beyond its outer end.

I shall not undertake to assign the causes which always produce a shoaling or formation of bars at the extremity of jettees. It is sufficient that the fact exists, and such a shoaling of this outer bar will almost inevitably result from a partial construction of the Fort Point pier as recommended. Even when both walls are completed, Major Howell thinks the bars will become shallow at their gulf extremity, and that they will have to be extended from time to time. But this will be a comparatively slow process, and the work can easily be made to keep pace with the extension of the bar gulfward.

Again, the littoral currents are caused by the winds along the coast. The engineer ascertained that these winds blew in such direction as to cause a current from the east three times as often as from the west. Now the sand on the bar, or most of it, is deposited by these littoral currents; and one of the objects of the walls is to arrest the lower portion of these currents and cause a deposit of its sands against the jettee. With the Fort Point jettee alone constructed the current from the east will deposit a large portion of its sands in the channel, or on the channel side of this jetty, and thus render the water more shallow instead of deepening it. Thus we see that, unless a sufficient sum is appropriated to keep the work steadily progressing, damage instead of benefit may result. If $60,000 only are appropriated at the present session, they must be followed up immediately with other and larger sums in order to complete the work and place its usefulness beyond all danger of being thwarted. This is not like some bars where dredging may be resorted to. There a small sum may enable us to deepen the channel in some degree; but in this nothing beneficial is accomplished unless the whole work is completed; and hence the greater necessity for a larger appropriation of money at one time.

It is evident that the smallness of the sum recommended for this improvement is prompted by the spirit of economy which has so suddenly possessed all departments of this Government since the late panic. On the 15th of last December this House adopted a resolution requesting the President to cause a revision of estimates to be made by the several Executive Departments and report to the House as early as the 5th of January, 1874, in detail what estimates for the next fiscal year could be reduced, and the amount of such reduction, without serious detriment to the public service.

On 7th January, 1874, the President sent in a message accompanied by a revision suggested by the various Cabinet officers for their Departments. These estimates embraced reductions of appropriations for most of the rivers and harbors of the United States. The total amount originally recommended for them was $15,464,540, and the revised estimates reduce this amount to $5,682,000, or to about one-third of the amount originally estimated for. As the Chief of Engineers' estimate for Galveston Harbor was sent in subsequently to this House resolution and to the making of the revised estimates above alluded to, it was of course intended as a revised and reduced estimate for the improvement contemplated. Now the average reduction on rivers and harbors, as we have seen, is two-thirds; so that we may fairly conclude that but for the reduction of estimates caused by the economical spirit suddenly springing up, Galveston Harbor would have been recommended for an appropriation of $180,000 for the coming fiscal year, or nearly one-half what Major Howell deemed sufficient to complete the work. This amount is about what could have been judiciously expended upon the improvement during the coming year, and what it should receive, notwithstanding the reduction which has been demanded. This demand for reduced expenditures on such works purports to proceed from the effects of the late panic, the shrinkage of values caused by it, and the cry for retrenchment that has gone up from all portions of the country.

Now, while the amounts to be expended upon rivers and harbors have been reduced in these estimates two-thirds, we find no reduction in salaries; little or nothing in the military establishment. The $36,799,429.11 of expenses in the Post-Office Department are only reduced $694,517.11, or one-sixtieth. No reduction takes place in the Pension Office, none in the Indian Bureau, and an exceedingly slight one in the General Land Office. Almost the only reduction of any importance occurs in the river and harbor estimates, as if this were the only matter in which the Government had been improperly lavish of money, these the only expenditures of which the people complained. Sir, the panic whose consequences called forth this resolution of retrenchment did not spring from the effects of river and harbor improvements carried on by the Government. On the contrary, much of the distress of the country was caused by insufficient appropriations for these purposes, and a consequent lack of water transportation to the sea.

As was well remarked by the president of the cheap-transportation convention, held here some time ago, the panic was not due to want of production, but want of transportation; inability to move the crops. The farmers had the products of the soil in abundance, but not the means of paying the extravagant charges asked for moving them to market. Had our rivers and harbors been properly improved by the General Government, these extravagant charges would not have existed; there would have been no demand for the bill now being considered by the House to regulate the tolls upon railroads; there would have been no call for unconstitutional legislation to remedy an evil from the effects of which the whole West and Southwest are suffering. And yet one of the remedies to be applied is to still further reduce the appropriations for rivers and harbors; still neglect their improvement, and by indirectly continuing the charges of transportation on them hope to relieve the people of the evils of extravagant freights.

The shrinkage of values superinduced by the panic, and which is alluded to in the House resolution, may have extended to everything else, but did not affect the prices paid by the farmer for the transportation of his produce and supplies. These were as high after as before the failure of Jay Cooke & Co. The price of his products fell perhaps as much because he could not raise the money to pay the enormous freights, which had known no diminution, as from any other cause. Why the people should demand a reduction in appropriations which tend to improve the water-ways and lighten the burdens of transportation, would, if true, be incomprehensible. But it is not so. The people do not insist upon any such false economy. If there be one cry more universal than another in this country, it is for cheap transportation. If there be one complaint more prevalent than another, it is that we have not sufficient safe outlets to the markets of the world.

While public meetings, conventions, Legislatures, and newspapers have demanded reform and retrenchment in almost every other subject of expenditure, not one word has been uttered against applying money in the interest of cheap carriage. To arrive at the best plan of effecting the desired result has puzzled the brains of our statesmen. None, however, have doubted that the deepening of our water channels, the natural outlets which are furnished us to the sea, will in a great measure effect the object, and in some degree lighten the burdens which oppress at least one great industry of the country more than all the taxes ordinarily imposed upon it. The people do not expect this to be effected without money and a liberal amount of it. They do not expect us by the mere idle form of passing an act to accomplish these improvements. They do not hope that we can by mere words of command remove the bars from our coasts and the snags and rocks from our rivers; but they do expect it to be done by hard work, which must be paid for by money freely and judiciously used. That administration which exhibits a balance-sheet showing a large amount in the Treasury by reason of withholding money from such laudable objects will not be indorsed by the people. It is better that the revenues of the nation be thus expended where they will produce a hundred-fold their value in blessings to the people than that they be hoarded, like the one talent of the servant in Scripture, barren of benefit to the Government or its citizens.

I repeat, then, that the estimates for rivers and harbors should never have been reduced, at least upon any general basis and merely for the sake of reduction. Many rivers and harbors can doubtless submit to lower estimates without injury to the country whose produce is floated over them. Some could answer all the purposes of their trade for another year without any improvement. There are also many local improvements, benefiting no large sections of country, whose wants need no present attention. These might be left for future legislation. But when a river or a harbor has connected with it the interest of one grand division of the Union, of millions of population and hundreds of millions of dollars' worth of the exportable products of our soil, it certainly demands the immediate, constant, and careful consideration of Congress. Such I regard the Ohio, Missouri, and Mississippi Rivers and their tributaries; the great chain of lakes on our northern boundary and the streams that connect them, and the important harbors on the Atlantic, Gulf, and Pacific coasts.

I propose now to show you in as concise a manner as possible the importance of one of these, the harbor of Galveston, to the General Government as a source of revenue, and to the people of my own State and of the West as an outlet for their magnificent wealth of productions, and an inlet for their supplies, and to demonstrate from these considerations the immediate demand for making this harbor accessible from the sea for vessels of the greatest carrying capacity; to point out how you can reduce in an important degree the burden of high freights for the benefit of a large and growing section of the Union, and secure for them some of the beneficial objects contemplated by the bill for regulating commerce among the States. The growth of the port of Galveston both in size and commercial importance I have already alluded to in the outset of these remarks. I will now go more minutely into statistics.

In 1865, at the close of the war, Galveston was a city of five thousand inhabitants. In 1870, when the Federal census was taken, it contained fourteen thousand inhabitants, and by an accurate census just completed it is shown to number over thirty-four thousand in population. It is five times as large as nine years ago, and two and one-half times as large as four years ago.

The following table shows the value of its exports and imports for the past five years, the fiscal year ending on 30th June:

Year.	Imports.	Exports.
1869	$266, 517	$9, 641, 112
1870	509, 231	14, 873, 732
1871	1, 255, 003	13, 789, 250
1872	1, 741, 000	12, 211, 933
1873	2, 426, 626	17, 716, 509

These comprehend only products exported to and imported from foreign countries. To these should be added the value of imports and exports in the coastwise trade. I am not able to give them for the preceding years, but for the year ending August 31, 1873, these imports amounted in value to $27,357,221 and the exports to about $20,000,000. So the entire imports of this port for the past fiscal year amounted to about $30,000,000, and her exports to about $37,000,000. These figures show that our foreign exports for that year were twice as great in value as they were five years before and that our imports had increased tenfold.

The following is a statement of the duties collected for the four years beginning with the year ending June 30, 1869, and ending with that which closed June 30, 1872:

1869	$184, 177
1870	268, 477
1871	611, 333
1872	682, 934

Showing that the revenues derived by the United States from that port have nearly quadrupled in the last four years.

Let us look at some of the articles exported and which go to make up these values. The principal export from Texas has been its staple production, cotton. Of this there were sent from Galveston to foreign ports during the year ending June 30, 1871, 133,736 bales, and about 160,000 bales to ports of the United States. I cannot state the exact amount shipped to all ports for that year, but for the year ending September 1, 1872, which is the commercial year, the total number of bales of cotton shipped from Galveston was 294,718. During the year ending September 1, 1873, we shipped 333,802 bales of cotton, an increase of about 60,000 bales, or one-fifth. Statistics show that since the date last mentioned we have received at Galveston for shipment down to the 11th of this month, a period of a little over six months, 316,267 bales. This is an increase of 40,000 bales in the receipts during the same time of the preceding fiscal year. A corresponding increase to the 1st of September, 1874, will make the receipts by that time amount in round numbers to 400,000 bales. Besides this we are exporting other articles which were but little known to our trade in former years, such as wool, hides, cattle, tallow, pecans, bones, beeswax, peltries, horn, hair, &c. The value of these exports during the last commercial year amounted to $5,000,000, and the trade in them is rapidly increasing.

This growth in population and commerce is due in a large measure to the extension and multiplication of the railroads, which, beginning in and running through some of the most productive country, have their ultimate and real termini in Galveston. At the close of the war there were not over three hundred miles of railroad lines connecting with Galveston; now we find more than one thousand miles of these, transporting the produce of our State to our island city. These roads afford facilities of transportation to a great portion of the settled regions of this State, and to some of the adjoining States. They have already directed much of the trade, which formerly sought egress through other ports to this favorite outlet to the sea. And every day increases the number of these roads and the distances to which they are completed; and the country toward which they are tending gathers new life at their approach, fills with population and brightens with every production suited to its soil and climate. This extension of railroads has brought us in proximity not only with all Northern and Northeastern Texas, but, through their connections, with Kansas, Arkansas, Northern Louisiana, Western Missouri, and Western Iowa, all of which must and will seek an outlet to the ocean through our harbor, if it is made accessible for the largest-sized sea-going vessels.

Galveston may now be regarded as the most accessible and eligible exporting point for all these divisions of our Union, embracing some of the best lands for cotton and grain growing, and grass for stock-raising, in the entire country.

Without going at length into statistics, I will take the apparently accurate computation made by the Kansas Board of Trade as to the aggregate productions in 1870 of a portion of the country, excluding Arkansas and Texas. By careful computation they show that for the year ending June, 1870, there were produced in this region 26,452,116 bushels of wheat; 631,353 bushels of rye; 89,236,854 bushels of corn; 24,367,214 bushels of oats; 1,429,946 bushels of barley; 1,856,138 tons of hay; 6,235,366 pounds of tobacco. In live-stock it produced, of hogs, 2,596,185; cattle, 2,595,176; mules, 116,585; sheep, 2,233,326; horses, 835,833.

These figures are far behind what the statistics of 1873 would show the products of this great country to be, so rapidly is it increasing and its resources developing. Add to this the grain, the cotton, and the cattle of Texas and Arkansas, and you may form some idea of the wealth of production within easy reach of the port of Galveston; and the surplus of which, with this one improvement of the bar so easily accomplished, will find there its surest immediate outlet to the markets of the world. Thus stands Galveston as compared with her former self in size, commerce, transportation facilities, and connection with the great wealth-producing West, and in all these she has exhibited progress that is excelled by but few other cities of the Union.

Let us now for a few moments glance at her rank as compared with the other sea-ports of the United States.

The report of the Bureau of Statistics for the year ending August 31, 1873, shows that the United States has eighty-one points of export and import, and that of these Galveston is the eighth in importance, being excelled in this respect by New York, New Orleans, Savannah, San Francisco, Boston, Philadelphia, and Baltimore, in the order of their enumeration. The following is a summary of the exports of each of these ports for the year indicated:

New York	$334, 101, 644
New Orleans	107, 556, 203
Savannah	32, 626, 586
San Francisco	34, 326, 965
Boston and Charlestown	30, 408, 323
Philadelphia	26, 167, 832
Baltimore	19, 769, 737
Galveston	18, 508, 904

This table shows that with the exception of New York and New Orleans there is but little advantage in the matter of exports in favor of either of them as against Galveston. Six of these cities are among the most populous in the Union; the largest, New York, containing nearly a million of inhabitants, and the smallest, San Francisco, one hundred and fifty thousand. Yet New York and Brooklyn together, although forty times as large as Galveston, export only eighteen times as much in value; Philadelphia, nearly twenty times as large, exports not quite one-half as much again; and Baltimore, eight times as large, excels it only $1,500,000 in the value of its exports.

Such ports as Chicago, Buffalo, Providence, and Detroit, containing from three to ten times as many inhabitants as Galveston, are far behind her in this respect.

These figures show the comparative grade of Galveston as an exporting point to foreign countries only. We must add, as I have already stated, the value of products which she sends to other parts of the Union, which will further swell her importance. Moreover, these figures are for the fiscal year ending in 1873. The present fiscal year will show at its close a vast increase in her exports over those of any preceding year, making cotton alone to reach, as I have said, to about four hundred thousand bales, worth at least $25,000,000.

But it is the commerce of 1875 that will receive the first benefit of the improvement if made immediately. Should the production of cotton increase for that year in the same ratio as for the past we may count with certainty upon five hundred thousand bales being shipped from Texas alone through the port of Galveston. To this must be added at least one hundred thousand bales being shipped through this port from Western and Southern Arkansas and Northern Louisiana, by reason of the railroads lately completed to our city connecting it with that fertile country.

But viewed in reference to imports, Galveston ranks fourteenth in the list for the year 1873, and with the increased exportation which awaits her in the near future, her rank and value as a distributing point must be proportionally advanced. Now what are the burdens to which commerce is subjected by reason of the present condition of Galveston bar, and what is the probable amount of benefit that will be derived from its immediate improvement?

The depth of water in the channel over the outer bar at flood-tide is not more than twelve feet six inches. This amount of water does not furnish passage for vessels of large size, and hence freight is not taken from the wharves at Galveston nor to them except upon comparatively small vessels. Sea-going craft drawing more than twelve feet must begin and end their voyages at the Gulf extremity of the outer bar, receive or discharge their cargoes, as the case may be, with the assistance of lighters, for whose services a charge must be paid.

If commerce had no other burden imposed upon it except these light crage charges, it would be so great as to imperatively demand a release. These charges amount to $2.50 per ton. This upon a bale of cotton is over fifty cents, and on the four hundred thousand bales which will have passed from Galveston to the other ports of the world, by the close of the present commercial year, it will amount to $200,000.

The amount of this tax upon incoming cargoes is not so easily ascertained, as their weight is not susceptible of computation, but the amount must be almost equal to what is paid upon outgoing cargoes. But it might be said that cargoes can be taken over our bar in seagoing vessels of a capacity and draught of water small enough to admit of their passing without difficulty. But the difference in price to be paid for the employment of such vessels over those of larger draught is even more than the cost of lighterage. I am informed that freights by large vessels, say such as cannot cross our bar by reason of their deep draught, are 25 per cent. less than by those drawing less than twelve feet of water. I see freights from Galveston to Liverpool quoted at 1¼ cents, and to New York ⅜ cent per pound. There would then be a saving by the employment of the largest class of sea-going vessels of over 75 cents per bale on cotton for Europe, and 87½ cents on the same to New York. On the four hundred thousand bales, two-thirds of which are transported to European markets, and the other third to northern American ports, the saving will amount to about $450,000. All this saving is to the pockets of the farmer, the American producer; for cotton, having its fixed market price, sells for no more or less, no matter what may have been the cost of transportation from any particular port.

But these are not the only burdens of transportation by light-draught vessels and a want of sufficient depth of water on our bar. Large ships are deterred from visiting our port because they are compelled to lie at anchor without the harbor, and are thus exposed to the storms of the outer sea, when vessels within are entirely protected. Several have been torn from their moorings and driven long distances to sea within the last few years by storms which have visited our coast, while the shipping within the bar has been comparatively uninjured. Again, in making use of lighters, which we see is cheaper than the employment of smaller vessels for the whole voyage, cargoes, both incoming and outgoing, are compelled to break bulk, which involves a heavy expense in handling and in waste. There are other inconveniences and losses to which the producer is subjected by reason of the shallowness of our bar, which will readily occur to every one, and need not be enumerated. And then the risk and danger of loss of life and property in crossing a shallow bar, especially in tempestuous weather, must be of course considerable.

I have merely estimated the losses which our cotton exports and the imports for our own State suffer by the condition of our harbor. But this does not furnish us with one-half the reasons why it should be immediately improved. I have already shown that it is a natural and convenient outlet for a large portion of the best wheat-growing region of the West, competing with the Mississippi for five hundred thousand square miles of it; and for at least one-third, if not one-half, of the products of the region known as the "New West," it has no rival as a port of egress. Upon this subject let me call attention to an extract from the memorial of the Kansas City Board of Trade to the United States Senate Transportation Committee. After speaking of the immense productions of this new West, a partial statement of which I have already given, and the want of suitable and cheap transportation for them to the sea, they say:

> But these disabilities can be remedied. They are artificial, and result from causes which are susceptible of remedy, and which have been in a great part removed by private and corporate enterprise.
>
> And we are before your committee to-day because it is proposed to devise a general system of relief for the whole country, by opening up cheaper channels of transportation by the common fund of the nation; and because what is needed in this respect by us can only be done under national authority.
>
> There are two outlets for the products we have referred to:
>
> One by way of the Missouri and Mississippi Rivers.
>
> One by the harbor at Galveston, Texas.
>
> BY GALVESTON HARBOR.
>
> We shall consider them in the reverse order in which they are mentioned.
>
> From Kansas City to Galveston it is now eight hundred miles as the railroads are constructed, but which can be reduced within seven hundred miles, or just half the distance to New York. It is, as to cost of transportation, as if Kansas City was removed east to Columbus, Ohio. The question, as it addresses itself to us, is:
>
> Why should Kansas City and the country surrounding it, with its one hundred millions of annual production, be compelled to seek the market through Columbus, Ohio, any more than that Columbus should be compelled to seek her market by way of Kansas City?
>
> If the port of Galveston was made accessible for ocean-going vessels, the wheat and corn of the Missouri Valley could seek the ocean at 26¾ cents per bushel, and pay the same rate it does to-day to New York at 52½ cents; adding a quarter of a dollar to the price of the 115,000,000 bushels of these crops produced in 1870, or more than $28,000,000 to the farmers of this New West every year.
>
> Then the country embraced in this central portion of the nation would be, as to foreign markets, as favorably situated as the States of Indiana and Ohio, and our rich lands increased in corresponding value.
>
> And why the national Treasury should not improve this harbor equally with those of the lakes and Atlantic sea-board is, we submit, not a question for discussion. Its need is all that requires to be established. And this we feel our illustration and the facts recited most conclusively establishes.

Now, with this harbor improved as proposed, the question of cheap transportation which has agitated the great West and South to such an extent will be in a great degree solved so far as this important portion of those two sections is concerned, and far more satisfactorily than by the bill now under discussion. One-half the freight on grain to the deep waters of the sea is saved; twenty-six and a quarter cents per bushel made to the farmer; $28,000,000 to the producers of the new West, besides the corresponding increased value added to their lands. Could the largest-sized vessels be brought to our wharves elevators would be erected, and cars for the transportation of grain in bulk constructed, and the farmers of Western Iowa, Nebraska, Western Missouri, Kansas, and all other sections located convenient to our port could put their grain in market with expedition and economy, and find remunerative returns for that which now rots upon their hands or is consumed for fuel. And why do they not send it to market now through this channel? Simply because the breakage of bulk, the necessity of frequent transfers and handling, the requirement that it shall be transported in sacks, entails an expense which more than overbalances the advantages to be gained by seeking the nearest sea-coast.

Now, I will not go into the losses upon any other article of export caused by this condition of our bar. The leading articles of cotton and grain, which are two of the greatest sources of wealth our country produces, are enough; and the relief to be afforded to the millions engaged in their production is argument sufficient to show the necessity of immediate action in this matter. Our commerce is daily suffering for want of this improvement. We cannot, of course, bring these benefits to bear upon the crop of cotton which is now being exported, but we may upon that which is now growing and which must go to market during the next commercial year. We may be in time to save to the western farmers some of their freights upon the growing crop of grain, but we shall fail to benefit them in the transportation of the crop of 1875 if we do not make the appropriation for the bar at the present session. Is the demand of the people of the South and West for cheap transportation for their products to go unheeded when the remedy lies in our power and can be applied, and that immediately and at so small an expense? Will this Congress take off a tax of more than $500,000 upon the cotton of one State, and a tax of $28,000,000 upon the grain-growing interests of the great West by the expenditure of $500,000; or will it from a spirit of pseudo economy see the people of one section submit to exactions for fear that another should charge it with extravagance, and because a panic six months ago frightened our statesmen out of their wits and made them seek remedies for existing evils in striking at what were blessings?

Wise rulers should ascertain the cause of distress among their people and remedy it by removing such cause, and when that cannot be removed altogether let it be remedied as far as possible. That is true economy which seeks to benefit the greatest number at the least expense, and that is wasteful extravagance which sees the people groaning under burdens and losses and refuses to furnish them the means of relief.

I have thus shown the wisdom and necessity of early action in this matter. I propose now to show that it is but a simple act of justice to our port and people that the appropriation should be made. All that has been said shows the justice of this expenditure; but I propose to further show that it is just, because the Gulf States, and especially Texas, have not hitherto been favored by the General Government in the matter of appropriations.

The following table shows the amount of river and harbor appropriations for each State since 1824:

Maine	$1,024,961 00
New Hampshire	40,000 00
Vermont	326,222 00
Massachusetts	2,899,708 98
Rhode Island	387,500 00
Connecticut	671,407 26
New York	6,149,434 46
New Jersey	141,963 00
Pennsylvania	725,217 91
Pennsylvania and Delaware	88,413 00
Delaware	2,439,758 70
Maryland	741,930 00
Virginia	463,500 00
North Carolina	900,978 92
South Carolina	108,000 00
Georgia	539,073 06
Florida	156,230 00
Alabama	450,997 60
Louisiana	2,791,800 00
Texas	75,000 00
Mississippi	486,600 00
California	635,095 00
Kentucky and Tennessee	912,200 00
Arkansas	300,000 00
Missouri	155,000 00
Iowa	3,081,200 00
Indiana	526,918 59
States bordering on the Mississippi, Missouri, Arkansas, Tennessee, and Ohio Rivers	4,230,640 00
Illinois	3,024,805 00
Ohio	2,090,937 64
Michigan	4,847,509 00
Wisconsin	2,158,057 77
Minnesota	412,500 00
Oregon	271,700 00
West Virginia	116,000 00
District of Columbia	50,000 00

This shows that the total amount appropriated by this Government for rivers and harbors for the past fifty years is $44,587,288.43, of which the New England States have received $5,349,799.46, the Middle States $9,544,786.39, while the States bordering on the Gulf of Mexico have received $2,314,847. Of this latter sum $1,684,350 have

gone to the improvement of the mouth of the Mississippi River; an improvement which is more in the interest of the Western than the Southern States. There have been only $630,497 applied to ports of the Gulf of Mexico for the exclusive benefit of southern commerce. The remainder of these appropriations has been devoted to the South Atlantic and the lakes, and western waters. The statistics show, too, that the lakes and the small streams running into them have received of the above appropriations $12,328,426, or over one-fourth.

I do not announce these figures in any spirit of complaint, for no money has been more beneficially spent by this Government than such as it has given for the improvement of rivers and harbors. It has cheapened transportation, stimulated production, increased commerce, enhanced the value of property, and poured untold treasures of wealth into the pockets of the millions who have been so located as to be within reach of the harbors and water-ways that have received these donations. For the benefits it has heaped upon the Atlantic and Lake States and the partial advantages conferred upon those bordering upon the Mississippi River and its tributaries, I rejoice, for they are component parts of our great Union. But while our elder brethren are receiving bounties let not the younger children be wholly neglected. We are comparatively small in population as yet, but our domain is almost infinite, and every foot of it is capable of high cultivation and of bringing forth the necessaries of life and the products which constitute the wealth of a nation. There is wealth in our soil, our grass, in our forests, and our mountain sides. It needs but the fostering care of the Government to bring it to an early development. There is no one way in which the kind care and encouragement of this Government can so economically, so speedily, and so effectually assist the growth and development of this great country as by opening an outlet for its productions to the sea, and relieving its commerce from the heavy exactions imposed upon it. Such a vast country, so fruitful, so important, consisting of three or four States, one of which is the largest in the Union, besides as many Territories, deserves a harbor which shall have all the advantages of depth of water which this Government can give it.

I have spoken principally of the present condition and demands of the immense country which finds one of its nearest and most convenient outlets to the markets of the world at the port of Galveston. I have said but little of the future of that section, because my object has been to show that we should take immediate action in the improvement. I have relied upon the immediate wants and demands of the country to show its necessity. But this improvement should be accomplished at as early a day as possible in order not only to meet the increasing demands of this section, but to accelerate its growth and develop its resources. The grand future of this new West is beyond calculation, and every step taken toward giving facility to its transportation hastens its development.

The State of Texas alone contains 274,356 square miles, capable of producing cotton, all kinds of grain and tobacco, rich in minerals, and subsisting millions of cattle upon her grasses alone. If this State alone were interested in this harbor it would have a country tributary to it four times as large as New England, and three times as large as all the Middle States put together—larger than the territory of States now containing over twenty million inhabitants, and itself capable of sustaining more than three times that amount. Her grain-growing region alone is as extensive as that which in the West produces three hundred million bushels of grain, and has a surplus of fifty million bushels for exportation. Her cotton-growing counties will soon produce a million bales of that valuable staple. I will not speak of her growing trade in cattle, hides, wool, canned beef, &c., but will leave to the thoughtful a calculation of what must be the future commerce in these articles of the largest and best stock-growing State in the Union. I will not say that all this commerce will be carried on through the port of Galveston alone, but I can say that it is now the only one to which any extensive lines of transportation are completed. Immigrants settle near these lines, and the country adjacent to them is building up more rapidly than any other.

Far be it from me to speak in disparagement of the other ports of our State. They all deserve the attention of the Government, and I earnestly ask in their behalf appropriations worthy of their present and future commercial importance. But Galveston is the only city of any size upon our sea-coast. Capital is heavily invested there now, and will continue to seek investment in a city whose future is certainly great and prosperous, rather than at points where success is dependent upon contingencies. It is the natural outlet of the great cotton-growing and wheat-producing sections of the State; it is the objective point of thousands of miles of railroad completed or in course of construction; it is to Texas what New York fifty years ago was to the country which first built it up in greatness and wealth. It will, in a few years, be the New York of a territory almost as extensive as that which now contributes to the magnificent commerce of that great city.

But Texas is scarce one-third of the region which must find its most convenient exporting point at Galveston. The new West to which I have already alluded furnishes four hundred and fifty thousand square miles of fertile land, whose products must in great measure find egress through this harbor. I will not attempt to forecast the destiny of this great region, but merely say that its soil and climate are suited to the raising of every species of grain, as well as to fibrous products, and that its surplus for exportation in the near future cannot be less than $500,000,000 in value. It is needless for me to say that the harbor of Galveston is now the nearest tide-water to be reached by products passing eastwardly from California on the Pacific Railroad. Nothing but the want of sufficient depth of water for the largest sized ocean-going vessels there prevents the productions and fabrics of Asia from finding through it their cheapest, safest, and quickest transit to the European world. And when the Texas Pacific Railroad shall have been completed, and by means of it the distance in land travel across this continent shall have been reduced more than a thousand miles, and commerce between the two ocean boundaries of our Union passing over it cannot be impeded by the ice and snows of northern winters, the great bulk of this important trade, whether it be destined for European or American ports, will pass over the bar whose improvement I am now urging upon the consideration of this body.

But, sir, I will not dwell further upon this subject, but merely recapitulate the reasons why it should receive the immediate attention of Congress, and an appropriation sufficient to complete the work be granted. I think that it is demanded, because if but partly completed the unfinished works themselves may be the means of lessening the depth of water at other points on the bar. I might add, also, a fact to which I have not heretofore alluded, that works partially finished are weaker and more easily destroyed than when complete. These may be washed away before the Government has an opportunity, with new appropriations, to complete them.

It is demanded in the interest of the revenues of the Government, to which our custom-house now contributes so largely, and which may be increased tenfold by removing the impediments to importation. It is demanded by the people of Texas, who ask to be relieved of an annual burden of $500,000 imposed upon the transportation of their products and supplies; more than enough to complete the entire work. It is demanded by a large portion of the people of the great West who are enduring a tax of $28,000,000 annually because they have not free access to the sea through this their nearest point of exportation. It is demanded for an early development of the great capacity of the trans-Mississippi world, its settlement, cultivation, and production of wealth. It is asked upon every principle of economy. It is demanded by the stern dictates of justice.

Other harbors whose approaches are in like condition demand that the plans proposed for this shall be thoroughly and immediately tested, so that if successful they too may be fully opened to the commerce of the world.

Will not Congress respond favorably to these demands with an appropriation which cannot be burdensome to the Government and which will confer upon the people of the Southwest blessings beyond all computation?

State of Louisiana.

SPEECH OF HON. W. T. HAMILTON,

OF MARYLAND,

IN THE UNITED STATES SENATE,

April 16, 1874.

The Senate having under consideration the bill (S. No. 446) to restore the rights of the State of Louisiana—

Mr. HAMILTON, of Maryland, said:

Mr. PRESIDENT, I propose to submit some remarks to the Senate, not specially, however, upon the bill now under consideration, but upon the whole question, and more to the question of the election of Senator in the State of Louisiana. I think it appropriate to address myself to that subject now as well as to the general question, because if this bill shall fail some action must be taken in reference to it. I had not the opportunity of submitting any remarks when the election of Senator was under the immediate consideration of the Senate and when it was debated by the honorable Senator from Wisconsin [Mr. CARPENTER] and the honorable Senator from Indiana, [Mr. MORTON.] I had not the pleasure of hearing these honorable Senators make their remarks on that occasion, nor of hearing the able speech of the Senator from Kentucky, [Mr. MCCREERY.] But being a member of the Committee on Privileges and Elections, and intending to give my views upon the questions connected with the senatorial controversy, I take this opportunity, as this bill in fact involves the whole subject and generally the condition of Louisiana, and as this must, if this bill eventually fails, come to the consideration of the Senate to determine whether that State shall be represented in this body, and if so, by whom.

I very much regret that I was not able to be present when the question of the admission of a Senator was under discussion and when those honorable Senators made their remarks on that question. I have, however, read them with care, and I trust with instruction.

The subject then under consideration, as also the subject now under consideration, is one of the most important that has ever addressed itself to the consideration of the Senate. It has no precedent, it has no parallel in our history. Therefore I trust it may receive that judgment which its originality, together with its gravity, so justly demands.

The highest, indeed the primary, power of the Senate is involved; that power which is to judge of the election and qualifications of its own members, a power that is confided by the Constitution to this body alone and without limitation, and from whose decision there is no appeal to any other tribunal.

The judgment is conclusive upon the States, upon every other department of the Government; and no legislation, or any other act of this body, can ever be drawn into question by reason of the exercise of this power, however wrongfully it may have been exercised.

True, there have been questions involving the elections of Senators before, which at the time gave great concern, enlisted the best talent of the Senate, secured investigations commensurate with the importance of the subject, and gave to our legislative annals reports which for ability, learning, and impartiality have not been surpassed.

But nowhere, Mr. President, can a case be found like the one before us. As the times differed from any preceding time, so do the facts in this differ from those in any preceding case. The facts of this case are thoroughly consistent with the times which gave it birth. It is the fit progeny of that wild, reckless, intriguing spirit of demoralization, usurpation, tyranny, absolutism, and corruption which still, unhappily, prevails more or less in large sections of the country, and still prevails to an alarming extent in the State of Louisiana and other Southern States in like condition with Louisiana.

Allow me here, although it has been detailed over and over again both in the reports and in the speeches of honorable Senators, to give a summary detail of the substantial and prominent facts in which this case had its origin, and which reflect very materially on the bill now under consideration in arriving at a correct conclusion upon it.

Henry C. Warmoth was the governor of Louisiana in the fall of 1872, having been elected in 1868, and his term of office was four years. A general election was held on the 4th day of November, 1872, for governor and other State officers, for one-half of the senate and for all the members of the house of representatives of this State. John McEnery, democrat, and William P. Kellogg, republican, were the opposing candidates for governor.

By the election laws, approved March 16, 1870, and in force on that day, the commissioners of election for each polling place, at the close of the polls, were obliged to seal up the ballot-boxes and deliver them to the supervisor of registration for the parish, or, as we call it, county. It was then the duty of the supervisor of registration to open the ballot-boxes, so delivered to him by the commissioners of the several polling or voting places in the parish or county, and to count the votes therein in the presence of the commissioners of election and of three citizen freeholders of the parish, and to make out lists of those voted for in triplicate, two of these lists to be sent to the governor with certain other of the papers and returns by different modes of conveyance, and the remaining or third list was to be retained by the supervisor himself. They were accordingly sent as required by the law, and Governor Warmoth came into the possession of all the official returns of that election.

The same election law then provided for a board, called a board of returning officers, consisting of the governor, lieutenant-governor, secretary of state, one John Lynch, and T. C. Anderson, whose duty it was to meet in New Orleans to "convass and compile" the statement or lists of votes made by the supervisors of registration, and returned by them to the governor. It was then the duty of the governor to "open in the presence of such returning officers" these lists or statements of votes made by the supervisors of registration, and after canvassing and compiling the returns of the election they were to file one copy in the office of secretary of state and the other to be published, declaring the names of the persons voted for, the number of votes for each, and the names of those who were duly elected.

The first meeting of this board of returning officers was held on the 13th and 14th November. Troubles at once occurred. Pinchback and Anderson, members of the original board, were disqualified on account of being candidates for office at the election. Wharton was appointed secretary of state by the governor in place of Herron, removed. Differences arose in supplying the vacancies, and the result was two sets of returning officers, each claiming to be the legal board, one headed by Governor Warmoth, and consisting of himself, Wharton as secretary of state, Hatch, and Da Ponte; the two latter, it being claimed, were duly chosen to supply the vacancies occasioned by Pinchback and Anderson being candidates at this election, and therefore by law disqualified from acting; the other board, headed by Lynch, and consisting of himself, Herron, (who still claimed to be secretary of state,) Longstreet, and Hawkins; the two latter, it being claimed, were duly chosen to supply the vacancies made by Pinchback and Anderson.

Application was made by both boards at once to the courts of the State. The court enjoined both boards from canvassing the returns. Afterward, on the 19th day of November, the court, Dibble, justice, decided the cause, enjoining the Warmoth board from canvassing the returns and dismissing the suit against the Lynch board. In the midst of the strife in the courts, with the bills, petitions, and orders, Governor Warmoth determined to get rid of both boards and of all the courts with them.

He did not submit the official returns to either of these boards, still retaining them in his possession; but upon the 20th day of November he approved an act that had been passed at the preceding session of the Legislature of that State repealing entirely the act approved March 16, 1870, under which the election had been held; and this act took effect from its passage. This act abolished the returning board as established by the act of 1870, and provided another mode of electing such board, namely, "that five persons to be elected by the senate from all political parties shall be the returning officers," &c. There then being no returning board of officers in legal existence to canvass the official returns of this election, and there being no session of the Legislature at the time so that the senate might proceed to elect the five persons as required by law to be the returning officers, the governor claimed the right to make the appointment of this board under that part of the constitution which authorizes him to fill vacancies occurring when the Legislature was not in session. Accordingly, on the 3d day of December, he appointed as such returning officers De Feriet, Wiltz, Isabel, Austin, and Taylor, and on the 4th day of December the governor submitted to them the official returns of this election in his possession in his office, and they canvassed and compiled the same on that day for senators and for members of the house, and by their certificate declared who were duly elected as such senators and members of the house, a majoriy of whom were democrats and liberals, and of which official proclamation was made on the same day by the governor.

The other board, consisting of Lynch, Bovee, (who was then restored by some judicial decision as secretary of state,) Longstreet, and Hawkins, claiming to act as a board under the act of 1870, proceeded to canvass the returns of this election, notwithstanding the repeal of this act. It is admitted on all hands that there was not a single official return before this board to canvass and compile. The returns were gathered from newspapers, from the statements of individuals who happened to be present when the votes were counted, from the previous political complexion of the parish and the number of republican votes cast at previous elections, besides counting votes never cast, upon the *ex parte* affidavits of colored men, that they were prevented from voting, many of which have since been ascertained to have been forged.

This board, as the result of its canvass, declared a large majority of the votes as cast for Kellogg for governor, and also declared who were elected senators and members of the house, a large majority of whom were republicans.

Mr. President, in this condition things stood on the 4th day of December, 1872, in the State of Louisiana. Permit me for a moment to go back. On the 20th day of November, the day the governor approved the act abolishing the old board of returning officers, he at the same time issued his proclamation calling an extra session of the Legislature to convene on the 9th day of December. Of course, all eyes were turned to this day—an eventful day to the people of Louisiana. It was well known that the members of the senate and house declared by the returning board appointed by Governor Warmoth, and recognized by him in his proclamation of the 4th of December as constituting the senate and house of representatives of the State of Louisiana, would meet in the State-house in New Orleans—the Mechanics' Institute—and organize as the Legislature of Louisiana; and Kellogg and his friends were powerless to prevent it. Therefore, on the 5th of December, E. H. Durell, a judge of the district court of the United States at New Orleans, passed an order directing the United States marshal to take possession of the State-house and to hold it subject to the further order of the court, and, meanwhile, to prevent all unlawful assemblages therein, &c. Packard, United States marshal, with a body of United States soldiers, seized the State-house under this order and so held it for weeks, refusing admission to any member not returned as elected by the Lynch board of returning officers. Therefore the members, or a majority of them, returned by the Lynch board met and organized in the State-house. Those, or most of those, returned by the Warmoth board (as it may be the better designated) met at the city hall in New Orleans, and organized on the 9th day of December.

Governor Warmoth recognized the meeting at the city hall as the regular and lawful Legislature of Louisiana and the place of meeting as the State-house. On the 11th of December the senate of the body meeting at the city hall elected five persons as returning officers, of all political parties, Messrs. Mitchell, Forman, Thomas, Hunsaker, and Todd—two democrats, two republicans, and one reformer—as required by the act approved November 20, 1872. The official returns were at once delivered to this board by the secretary of the board appointed by the governor, and which was now superseded by this election by the senate. This board at once proceeded to canvass and compile the official returns as transmitted to the governor by the supervisors of registration in the different parishes of the State; and found by this canvass that John McEnery was elected governor of Louisiana by about 10,000 majority, as also the balance of the democratic or fusion State ticket, and also found who were elected senators and members of the house, the result being the same as that found by the Forman or Warmoth board, and so declared in due form as required by law.

The body meeting at the State-house organized on the 9th of December, P. B. S. Pinchback, as lieutenant-governer, being president of the senate, and at once passed articles of impeachment against Governor Warmoth, declared the office vacant by reason of this impeachment, and that Pinchback was then the acting governor of Louisiana.

Among other things, the body (democratic) holding its sessions at

the city hall elected Mr. McMillen a Senator in Congress, to serve out the unexpired term of Mr. Kellogg, whose term of service would expire on the 3d day of March, A. D. 1873. At the same time the body (republican) holding its sessions at the State-house elected Mr. Ray a Senator to serve out the same unexpired term of Mr. Kellogg. The extra session closed, and the regular session of the Legislature began on the 6th day of January, A. D. 1873.

Both bodies met at the same places as before, one (the democratic) holding its sessions at the city hall, declared John McEnery to be duly elected governor of the State of Louisiana, and the other, meeting at the State-house, declared W. P. Kellogg as duly elected governor. Both qualified and both proclaimed themselves to be the governor of the State of Louisiana.

On the 15th day of January, the day fixed for the election of Senator, both parties proceeded to the election of a Senator to serve for the long term commencing on the 4th day of March, 1873. The one body, the democratic, elected W. L. McMillen, and the other body, the republican, elected P. B. S. Pinchback. Both came here with credentials, those of McMillen signed by McEnery and those of Pinchback signed by Kellogg, each representing himself to be governor, and in all other respects the credentials of both are in due form and attested by the seal or the pretended seal of the State; and the credentials of both were presented in March last and laid upon the table.

The credentials of McMillen and Ray, elected for the short term to supply the vacancy made by Kellogg, were presented in January and referred to the Committee on Privileges and Elections, and on the 15th day of that month the following resolution was passed by the Senate:

Resolved, That the Committee on Privileges and Elections be instructed to inquire and report to the Senate whether there is any existing State government in Louisiana, and how and by whom it is constituted.

On the 20th of February following a majority of that committee, through Mr. CARPENTER, submitted a report, and recommended the adoption of the following resolutions:

1. *Resolved*, That there is no State government at present existing in the State of Louisiana.
2. *Resolved*, That neither John Ray nor W. L. McMillen is entitled to a seat in the Senate, neither having been elected by the Legislature of the State of Louisiana.

With the report a bill was submitted for the establishment of a State government in Louisiana.

A long debate ensued upon the bill, and finally Congress adjourned without taking any action.

The credentials of both McMillen and Pinchback were at the beginning of this session referred to the Committee on Privileges and Elections. The credentials of Pinchback were brought to the consideration of this committee, and the one question then there considered was whether the credentials of Pinchback were sufficient in themselves to entitle him to a seat as a Senator in the first instance and without further inquiry. Arguments by counsel were heard for and against by the committee. No testimony whatever was taken. The committee were equally divided upon the question, and the whole subject was then remitted to the Senate for its judgment.

Mr. President, as a member of this committee I would have preferred, with our preceding investigation and with the knowledge we already possessed of the facts, both historical and those ascertained by the report of this committee made at the last session and to which I have referred, that we should have continued the investigation if any further was required for the more complete development of the case, and have made a full report upon the whole subject, with the hope that early and decisive action would be taken to determine finally the whole question in all its various relations and aspects. But the committee determined that the present should be limited to an examination of the credentials of Pinchback only and the legal effect thereof. And yet, notwithstanding this limitation to the full examination of the credentials and of their legal effect, we cannot avoid a question of fact *in limine*. Admit all the efficacy that the honorable Senator [Mr. MORTON] would ascribe to credentials in due form and signed by the legal authority; admit that it has been the uniform practice that such certificate of the election of a Senator was *prima facie* evidence of his right to a seat; admit that you cannot go behind this certificate and especially behind the solemn act of the Legislature in electing a Senator to examine into the election of members of that Legislature or any component part thereof, and in all which I most cordially concur with the honorable Senator, yet this is not that question and does not involve any of these considerations. The question rises higher and goes far beyond this.

The credentials presented by Pinchback represent that he was elected a Senator by the *Legislature* of Louisiana, and Kellogg, signing them, represents himself to be the *governor* of that State. Is both or either true? That is the question; nothing less, nothing more. If Kellogg be not the governor, then the credentials are no more than waste paper. If the body electing Pinchback be not the Legislature and Kellogg should be the governor, the credentials are but a shadow at best, and it may be a bald fraud. If neither Kellogg be governor nor this body a legislature, there is a pretentious fraud attempted to be perpetrated upon the Senate which its dignity, its character, power, and above all its constitutional duty, require that it be met at the threshold with stern rebuke. To send an individual here as the representative of a sovereign State who presents credentials not signed by a governor of the State, or who has not been elected by the Legislature of the State, does not comport with my idea of senatorial duty, either in the first or in the second instance. No studied evasion by going off into an inquiry into the component parts of a legislature, or who are its members, and which no one ought to pretend that we had the power to do, can divert the mind from the real question.

Then, Mr. President, to the real question: Was the body represented to have chosen P. B. S. Pinchback the legal and constitutional Legislature of Louisiana and was Kellogg the legal and constitutional governor of Louisiana at the time he signed the credentials of Pinchback?

The honorable Senator from Indiana [Mr. MORTON] himself admits the necessity of establishing at least one fact before these credentials would be considered as making a *prima facie* case. I put the question as he himself puts it, in his own words: "Was Governor Kellogg the governor of the State of Louisiana at the time these credentials were signed? If he was, that is the end of the argument; we may proceed no further." Therefore it is conceded by the honorable Senator, and as I have always held it, to be the undoubted right of this body to enter into the investigation of the fact whether the person representing himself to be governor is in fact the legal and constitutional governor before the credentials can have any consideration. He stops here. I hold that in this case we go a step further: that before these credentials have any efficacy whatever we inquire whether the body which these credentials represent as having chosen Pinchback as Senator was at the time thereof the legal and constitutional Legislature of Louisiana. The facts in this case inseparably connect them together.

The moment the honorable Senator begins his investigation to ascertain the status of his pretended governor who signed the credentials, that moment begins the investigation of that pretended Legislature which he represents as having chosen Pinchback. They both fall or they both stand on the same facts. And the honorable Senator has felt the force of this, for while disclaiming the necessity of establishing the legal authority of the body electing Panchback, he nevertheless enters into a labored exhibit of the facts upon which he relies to establish the legal validity of his body. I shall therefore consider them together, and I have no hesitancy in avowing that if in the investigation of the facts to ascertain whether Kellogg be the legal governor or not we find from the facts that Pinchback was not chosen by the legal and constitutional Legislature, his credentials, however they may be signed, must fail in establishing even a *prima facie* case.

Before, however, departing upon this wide sea of fact, in which I shall endeavor to show that these credentials of Pinchback were not only not signed by a governor, but that he was not elected by a Legislature, allow me, Mr. President, to advert to the facts and circumstances which the honorable Senator [Mr. MORTON] asserts to be conclusive upon the Senate in recognizing Kellogg to be the rightful governor of Louisiana. The honorable Senator says:

First. That he (Kellogg) has been in possession of the office for twelve months, and in every respect acting as governor.

Second. He has been recognized by every department of the State government, by the other State officers, and by the Legislature in various ways.

Third. He has been recognized by the courts of his State, high and low.

Fourth. That he has been recognized as governor by the House of Representatives.

Fifth. That he has been recognized by the President of the United States as governor of Louisiana.

Here are five recognitions of Kellogg as governor as specially given by the honorable Senator with elaborate comments, enforcing with his usual ability and earnestness that they are binding upon us and conclude us against making any inquiry into his election, or any other objection that has been taken to him as governor; that we are in fact judicially bound, and cannot go behind them.

Then, Mr. President, the honorable Senator has made an array of facts here that must have impressed at least his own mind with singular power. He has arrayed every fact that would either directly or by intendment give legal, official character to this man Kellogg.

But there is one great fact which the Senator has, with a studied care, omitted to mention, and that is *his* (Kellogg's) *election* by the *people* as governor. He has with great zeal and particularity entered into a minute and elaborate enumeration of the various titles by which Kellogg holds his position, but, in all, the honorable Senator does not pretend to say that an election by the people of Louisiana was one of them.

The Senator has read the constitution of Louisiana; he is presumed to know what it is generally by virtue of his office as Senator. Our constitutional relations to the several States make it our duty to know whether they enjoy republican forms of government. He well knows, as we all know, that the constitution of Louisiana provides for the election of governor by the people, and that no one can be the legal and constitutional governor without such an election by the people.

There are some things, and among which the Senator has named some as titles for Kellogg, which we are not bound to notice, but this is one thing that we are not only bound to notice but that we are presumed to know. I will say to the honorable Senator that he has not found in the constitution of Louisiana any provision authorizing the President of the United States to select a governor for this people

either by nomination or by recognition; the Attorney-General has no such power; no State officers, no court, either high or low, of the State or of the United States, possesses any right to decree one; the House of Representatives of the United States cannot by resolution or by recognition in any way make a constitutional governor for that people. And further will I say to the honorable Senator that he cannot find in that constitution a single word authorizing him or even this body to assert that the twelve months' possession of the office can make a legal and constitutional governor of Louisiana. No, Mr. President; nothing but an election by the people will do. Any person holding the office and exercising the duties of governor by virtue of any other title or claim is a usurper and a criminal.

But I will take the opportunity just here, Mr. President, before I proceed to the more regular discussion of this subject, to allude in a very cursory manner to the propositions laid down by the Senator as binding us to recognize Kellogg. I do it more now in order to attract the attention of the Senate to their general nature and character.

Now as to his first proposition, the "twelve months' possession." Here, *in limine*, is a question of fact. And it involves the inquiry as to what kind of possession, how obtained, the extent of it, and how maintained. This brings up the whole subject. And as the committee in this particular case took no testimony to ascertain anything, we must rely upon the best we have.

Fortunately for us we need not depend upon general current knowledge as contained in the newspapers of the day, however true all may be; but we have before us the highest known to this body and this country. I refer to the investigation made by the committee, of which the honorable Senator was chairman at the time, under the order of the Senate, to inquire whether Louisiana had a State government, and how and by whom constituted, and their report upon the same. Also, I refer to the message of the President of the United States made to the House of Representatives, with the accompanying documents, showing his own action and that of the executive department in the affairs of the State of Louisiana. Of course the Senator is familiar with all these facts, and indeed he refers to some of them to sustain him in his extraordinary assault upon the rights of the people of Louisiana. At this moment I shall only refer to him generally, as it may become necessary in the few comments I may now make upon the propositions of the Senator.

Mr. President, the honorable Senator from Indiana [Mr. MORTON] with great earnestness pleads the statute of limitations against the right of the people of Louisiana upon this floor to be represented by a Senator constitutionally chosen. "Twelve months" is regarded by him as long enough to bar all inquiry. The statute of limitations is a statute of repose, and the most beneficent results have followed its proper application. In most of the States the statute can be plead in the case of a promissory note three years after it becomes due, if a single bill twelve years after it becomes due, and no person can be disturbed in his possession of land who has had such possession of it for twenty years; but in this case it must be a peaceable possession and adverse to the rightful owner. In common money transactions three and twelve years are required to give repose and bar the right; twenty years, in the case of lands where they are held peaceably and adversely, are required to bar the rightful owners. But, as claimed by the Senator, "twelve months" only are required to bar the people of Louisiana in having a right to representation upon this floor, and to conclude us from making any inquiry, and exercising our highest constitutional duty—to judge of the election of our members.

Mr. President, the contrast in time between the two and the relative importance of the subjects—one the ordinary transactions of individuals, and the other involving the government of a State—is so strikingly significant that it hardly deserves a further consideration. But admit, for the sake of argument, that in some cases even "twelve months'" possession, or even one month's possession, might be held to be a good bar, how does it stand with the one now before us?

The honorable Senator relies upon this possession as one of his facts to conclude us against inquiry. In order, therefore, to give to it its legislative force we should know what kind of a possession it is; how obtained and how continued and how maintained. And here, Mr. President, as a question of fact to touch it, shows that so far from being a possession to bar a right, it is but that possession which any common robber, plunderer, or usurper could enjoy when he had the force to hold it.

That honorable Senator will not deny that but for that order of Judge Durell to Packard, the United States marshal, to seize the State-house, and, with the aid of United States soldiers, to hold and to prevent the McEnery legislature from organizing on the 9th day of December, the McEnery legislature would then and there have organized; that it would have continued its organization and would at the proper time have declared John McEnery to be governor. The Senator will not deny but that from that day the State-house was seized by Packard and the United States troops, and from his inauguration and up to the present time, Kellogg has been retained in power and retained alone by the power of this Government; and I have the confidence to believe that the Senator will admit that if this power was withdrawn the Kellogg government would cease to exist; it would disappear amid the wild acclamation of a freed people, and the Kelloggs, Dibbles, Durells, Pinchbacks, and Longstreets would hide from their presence.

With this apparent and known and felt wrong admitted by all, what kind of a possession is this, think you, that should bind us? But more, what kind of a case must this be that requires a resort to such a possession in order to give it a standing again before this body?

I leave the "twelve months' possession" for the present with the single reflection, if the intrusion of a person into gubernatorial position through the instrumentality of a United States district judge, assisted by United States troops, and kept there for any length of time by the executive authority of this Government, which of course means the whole military power of this country, can be made into a legal and constitutional governor of a State, then is our constitutional form of government, and more particularly the constitutional relations of the States to the General Government, a sham and a cheat, and our boasted American liberty a signal failure.

Now, Mr. President, a word of comment upon this second position, namely, that Kellogg was recognized by every department of the State government, by the other State officers, and by the Legislature. Upon this it is only necessary to remark that all these derive their title to place from the same source that Kellogg himself does. Intruded into office by the same unjustifiable means, indeed, so far as this Legislature is concerned, I submit to the honorable Senator whether it was fair to cite any act of recognition by it as in any respect—morally, politically, or as a matter of law—binding upon this body, or which should in any degree influence its action?

This Legislature, the same body that was organized, not by virtue of an election by the people but under the mandate of Judge Durell; supported by the military power of the Federal Government, this body that counted the votes as returned by the Lynch board and declared Kellogg to be duly elected governor of the State of Louisiana, is to be impressed into the service of the honorable Senator to prove title in Kellogg, and which, more extraordinary still, he undertakes to say is binding upon us in determining the question before us. This Legislature, the body that elected Pinchback, whose seat as a Senator is now the very subject of controversy, is relied upon by the Senator in its recognition of Kellogg as governor to give official validity to the credentials of Pinchback signed by him, when the Senator knows that the legal existence of that very Legislature is denied, and is one of the proper subjects of inquiry in the case under discussion; for if that was no Legislature in fact, the whole case falls.

What, sir; can it be that the acts and declarations of co-conspirators can convert a wrong, a crime, into a meritorious duty? Can it be that a band of robbers can make sacred their right to hold the property they have plundered by the acts and declarations of each other? Kellogg will recognize the Legislature, and the Legislature will recognize Kellogg and the other State officers both, and they altogether will recognize each other as being the rightful authorities of the State! Could you expect anything else from either or all obtaining their places in the same manner and holding them by the same tenure? How else could it be expected that they should act in the successful prosecution of their conspiracy against the people and State of Louisiana?

No, sir; in the impartial investigation of this subject the Senator should excuse us from considering as evidence binding upon us the acts and declarations of the parties on trial in their own favor; for both the Legislature and Kellogg, it will be admitted, are on trial in the issue before us! The law, more gracious, will, if the Senator will not.

Mr. President, as to the third proposition—that Kellogg, has been recognized as governor by all the courts of the State, high and low: I would ask the Senator, is the election of a Senator to this body a political or a judicial question? Is the election and organization of a State Legislature a political or a judicial question; is its existence or the existence of a State government a political or a judicial question? What court, I would inquire, is to determine for us who has been elected a Senator? What court, I would ask, is to determine who is elected to the Legislature of Louisiana or who are to constitute that body? What court is to determine whether Kellogg was or was not elected by the people of Louisiana, or whether he is the legal governor of that State? Why, then, talk about the recognition of courts, whether high or low, if they have no right to judge, no right to try, no right to hear? If there be any legal validity or binding force in any act of recognition by any court without any right to hear, to try, and to judge, and nothing before it which can involve directly the right of any of these to place, let us be just to the court and to ourselves by conferring upon it, if we may, the power to investigate the whole question and then adjudge and determine upon knowledge derived according to the forms of law. No, the honorable Senator knows the courts have no such power. If there be one question that is well settled in the jurisprudence of this country it is that courts can have no jurisdiction over purely political subjects. What they cannot do directly, they cannot do indirectly.

Who are elected to the Legislature of Louisiana, who are members of it, its organization, and whether it be the rightful Legislature or there be no Legislature at all, or whether there be a State government at all, or one in conformity to the Constitution republican in form, are all political questions with which no court has any right whatever to interpose for any purpose.

Courts in the execution of their powers in the administration of justice presume a government; they follow the political power upon all political questions. Whatever that government may be, a government *de jure* or *de facto*, a government of this or that individual, the courts proceed without an apparent knowledge of the strifes or mu-

tations in the political world, and administer the law as they find it and as it may be given to them by the political power, whatever that political power may be. Constitutions may be upturned by the people; Legislatures may be changed, and there may be conflicting Legislatures and conflicting governments. The courts are helpless to do anything to remedy these primary questions of organization, and the only thing they can do is to attend to their own duties and follow the political power in being or abdicate their functions. The courts have their own duties to perform under laws already passed by the political power. They discharging their duties, if there be in the midst of strife in the political power of the State no executive power to execute their judgments, that is the fault of the political power. They may, in determining questions between individuals, reflect more or less upon the political power, as it did in this very case; but that does not, and cannot, affect the main question before us.

The courts in Louisiana are discharging their ordinary functions under the Kellogg government, whatever may be their opinions respecting it.

If the McEnery government had been installed in power these same courts would just be doing the same thing, and were the McEnery government to be established to-morrow in the place of the Kellogg, these same courts, unless interrupted, would go on in the regular discharge of their duties, notwithstanding their previously expressed opinions respecting its rightful authority, and simply because it is the potential political power which they cannot affect and which they are bound to follow.

In that very case relied upon by the Senator, the case of Luther *vs.* Borden *et al.*, (7 Howard Supreme Court Reports,) for the purpose of establishing the binding power of the decisions of State courts upon us in cases arising under the constitution and laws of a State, it is so clearly laid down that courts have no jurisdiction over questions purely political that I shall also direct attention to it.

Chief Justice Taney in delivering the opinion of the court says:

Certainly, the question which the plaintiff proposed to raise by the testimony he offered has not heretofore been recognized as a judicial one in any of the State courts. In forming the constitutions of the different States, after the Declaration of Independence, and in the various changes and alterations which have since been made, the political department has always determined whether the proposed constitution or amendment was ratified or not by the people of the State, and the judicial power has followed its decision.

Also, he further says:

Under this article of the Constitution it rests with Congress to decide what government is the established one in a State. For, as the United States guarantee to each State a republican government, Congress must necessarily decide what government is established in the State before it can determine whether it is republican or not. And when the Senators and Representatives of a State are admitted into the councils of the Union, the authority of the government under which they are appointed, as well as its republican character, is recognized by the proper constitutional authority. And its decision is binding on every other department of the Government, and could not be questioned in a judicial tribunal.

Mr. Justice Woodbury, in his separate opinion in the case, dissenting upon one branch of the case, but agreeing mainly with the majority of the court, says:

But allowing the people to make constitutions and unmake them, allowing their representatives to make laws and unmake them, and without our interference as to their principles or policy in doing it, yet, when constitutions and laws are made and put in force by others, then the courts, as empowered by the State or the Union, commence their functions and may decide on the rights which conflicting parties can legally set up under them, rather than about their formation itself. Our power begins after theirs ends. Constitutions and laws precede the judiciary, and we act only and after them, and as to disputed rights beneath them, rather than disputed points in making them.

And again:

Instead of controlling the people in political affairs, the judiciary in our system was designed rather to control individuals, on the one hand, when encroaching, or to defend them, on the other, under the Constitution and the laws, when they are encroached upon. And if the judiciary at times seems to fill the important station of a check in the Government, it is rather a check on the Legislature, who may attempt to pass laws contrary to the Constitution, or on the Executive, who may violate both the laws and Constitution, than on the people themselves in their primary capacity as makers and amenders of constitutions.

And again:

But in relation to politics, they belong to politics, and they are settled by political tribunals, and are too dear to a people bred in the school of Sydney and Russell for them ever to intrust their final decision, when disputed, to a class of men who are so far removed from them as the judiciary; a class, also, who might decide them erroneously as well as right, and if in the former way, the consequences might not be able to be averted except by a revolution, while a wrong decision by a political forum can often be peacefully corrected by new elections or instructions in a single month. And if the people, in the distribution of powers under the Constitution, should ever think of making judges supreme arbiters in political controversies, when not selected by nor, frequently, amenable to them, nor at liberty to follow such various considerations in their judgment as belong to mere political questions, they will dethrone themselves and lose one of their own invaluable birthrights; building up in this way—slowly, but surely—a new sovereign power in the Republic in most respects irresponsible and unchangeable for life, and one more dangerous, in theory at least, than the worst elective oligarchy in the worst of times.

And again:

If it be asked what redress have the people, if wronged in these matters, unless by reverting to the judiciary, the answer is, they have the same as in all other political matters. In those they go to the ballot-boxes, to the Legislature, or executive for the redress of such grievances as are within the jurisdiction of each, and, for such as are not, to conventions and amendments of constitutions. And when the former fail, and these last are forbidden by statutes, all that is left in extreme cases, where the suffering is intolerable and the prospect is good for relief by action of the people without the forms of law, is to do as did Hampden and Washington, and venture action without those forms and abide the consequences.

Under the Constitution of the United States the Senate is made the "*judge* of the *elections*, returns, and qualifications of its own members." The election of Senator must be made by the Legislature of the State. Is the *election* of a Senator a political or a judicial act? If it be a political act, and there is none to deny it, then where is the power in any court to inquire into it? What court shall judge of our act in this or any case? Whether right or wrong it must stand, and all courts are bound by it, and, besides, all the other departments of the Government. This body is the judge—the only and the final judge. Ah, but the honorable Senator may say that when he refers to the decisions of courts as binding upon us it is to fix the character of the body choosing Pinchback as the lawful Legislature of Louisiana, and, because of such decisions, to be received by us as the lawful Legislature. But is not this revolving in a circle? What court has a right to declare who constitutes the Legislature of Louisiana? How do they get their jurisdiction? The Legislature is an independent department of the government and a political body. To determine whether a body is a Legislature of a State is a political question which no court dare approach; it may administer laws passed by it, because at the time it may be the political power in being, and it is obliged to follow the political power.

Then it must be admitted that the election of a Legislature, its organization and its powers, are exclusively political. The election of a Senator by it is a political question, and there is but one *sole judge* whether the election was in form and made by the rightful body at the right time, and that is this body; and the decision of no court can in anywise control, or limit, or qualify its power to judge of that election.

In the case of Robbins *vs.* Potter, contesting Senators from Rhode Island, referred to by the Senator from Indiana to sustain his position upon this branch of the subject, Mr. Poindexter, representing the majority of the committee, while proceeding to show, both from the character and from the election and organization of the Legislature, and of its recognition in many ways as a Legislature, in order to confirm the position taken by the committee that the rightful Legislature elected Robbins, most specifically states the Louisiana case as it is now before this body. He says in that report:

There was but one governor and but one senate in the State claiming to be a part of the General Assembly. If there had existed another body of men, however chosen, contending for the offices of the governor and Senators in the State, it will not be denied that their respective rights might be the subject of inquiry in deciding a contested election in the Senate of the United States.

So that in that case where there was just one governor, one Legislature—no rival or contesting body—all recognized by all departments of the State, by the courts, and by the people, yet that the rights of this body might not be impinged by any power whatever, it was thought proper, perhaps necessary, to assert its specific right in a proper case to inquire into all the elements of the election without being bound or confined in this inquiry by the opinion or action of any other body, however constituted or whatever its powers might be. And in corroboration of this admitted right by the majority of the committee, the minority of the committee, through Mr. Silas Wright, whose very name still impresses our age so lost to the past and the great names of the past in its own important and hurried events, made a report denying that the rightful Legislature elected Robbins, and that therefore he was not a duly elected Senator; and from which report I submit the following as illustrating the power of this body to judge in such cases:

Still, notwithstanding the solemn declaration by a body conceded to be the Legislature of the State, Mr. Robbins produces to the Senate, and there is referred to the committee, a commission in due form, according to the laws and the practice of the government of Rhode Island, to show that Mr. Robbins had been duly elected a Senator to represent that State in the Senate of the United States. Will the Senate look behind this commission to determine whether or not it was properly granted? The undersigned believes that it is not only the right but the duty of the Senate to do so. The commission is only the evidence of the election of a Senator, and, if the Senate were to limit its inquiries to the proper form and authentication of the commission, it would only make itself the judge of the evidence of an election, not the judge of the election itself. The undersigned supposes that the evidence of an election to an office is in all cases *prima facie* only, and is susceptible of being controverted and contradicted before a tribunal competent to judge of the election; he therefore supposes that the regularity of the evidence of an election may be one thing, and that the election may be a different thing; and he concludes that, as the Senate is constituted, not the judge of the evidence of the elections of its members only, but "the judge of the elections" of its members, it may, and, in all cases of a contested election, where the contest does not arise as to the regularity of the evidence simply, should look behind the evidence and into the election itself, that it may determine what it is constituted the judge to determine, the fact of election, or, in other words, that it may determine whether the *prima facie* evidence laid before it is the real evidence of facts, or is subject to contradiction by the facts.

Again:

We have already seen that the Constitution makes it the duty of the Senate to judge of the "election" of its members. Another provision of that instrument says: "The Senate of the United States shall be composed of two Senators from each State chosen by the *Legislature* thereof;" and the question now directly presented is, "Was Mr. Robbins chosen by the *Legislature* of the State of Rhode Island?" It would seem to the undersigned, with all deference to the opinion expressed by the majority of the committee, that the Senate cannot judge of the election of that individual unless it can look into and decide this question, and that to determine this to be an unauthorized interference on the part of the Federal Government in the domestic affairs of the government of the State of Rhode Island would be to determine that the Senate cannot in the most important point always involved "judge of the elections" of its own members; that it cannot judge whether or not they were chosen by the Legislatures of the States when the Constitution expressly requires that they should be so chosen.

Again:

Hence it is concluded that the consequences above enumerated cannot follow the

decision involved in the present controversy, whatever that decision may be, as the question presented is not whether the persons who did act as the governor and senate of Rhode Island, or some other persons claiming the right so to act, were the proper persons to discharge the duties of those offices; but the question is, were the persons who did so act constitutionally and legally, even by any *prima facie* claim, the governor and senate of that State and, as such authorized to vote upon the election of a Senator.

So far as it is now seen from the investigation of this subject there never has been a Senator, beside the honorable gentleman, who has ever questioned or attempted to qualify the supreme power of this body to judge of the elections of its own members.

True we may consider in the investigation, if rendered necessary, not only whether it was a Legislature that elected, or whether, if a Legislature, it was the rightful one; and may consider the acts and conduct of other departments of the State government, the courts and the people, in relation to this Legislature in making up a full and deliberate judgment upon all the facts; but never that the acts of recognition or any other act of any other department, whether executive, judicial, or political, should be absolutely binding and conclusive upon us in determining the constitution of this body.

Then why this labored effort to show from the case of Luther *vs.* Borden that the Supreme Court of the United States will follow in its decisions of cases arising exclusively under the constitution and laws of the State the decisions of the State courts? It is not only right to do so, but the Supreme Court is obliged to do so, and give to such constitution and laws such construction as the State courts have given to them; but is that any reason that this body should be bound to follow either in a matter exclusively its own and entirely political in its nature, and with which neither State nor United States courts, supreme or inferior, have anything whatever to do. If courts have a right to adjuge either directly or collaterally that it is a rightful Legislature, the equal right goes along to adjudge that it is the wrong one, and if there be any validity in this judgment which commands respect or requires obedience it involves the absurd power in the courts of establishing or of abolishing Legislatures, and never before did any human being contemplate any such a thing; for the Constitution of the United States and the constitutions of the thirty-seven States respectively prescribe how these Legislatures shall be constituted, and that the separate houses of each shall be the judge of the elections and qualifications of the members thereof. This is a primary, fundamental law of representative government, to which all other departments of the Government and all courts must bow and which they cannot affect or impair, either directly or indirectly, by any act or proceeding whatever.

The whole scheme of recognition by other powers, as advanced by the Senator, is but an invention, if he will excuse the language, to avoid the real and substantial facts of this case.

Now, Mr. President, to the fourth proposition, namely, that Kellogg has been recognized by the House of Representatives. I ask how recognized? That House has the power to judge of the elections of its own members. It is said that it has admitted members upon credentials signed by Kellogg, and that is the recognition referred to. Can that be binding upon us? If so, it can only be for the reason that it acted before we did. Because, possessing the same constitutional power of judging of the elections of our own members, had we first determined the question by admitting McMillen or Ray at the last session of the last Congress, then the House, by parity of reasoning, would have been bound by our decision. This resolves the whole thing into a race for precedence upon the part of two independent branches of the Legislature. Can anything be more absurd? Each possessing an absolute power, either can bind and conclude the other by a race, it may be, which shall first exercise it. This is one of the recognitions relied upon and urged with an earnestness that would cause surprise did we not all know that the Senator engaged in any cause cannot be any otherwise than earnest.

Then as to the fifth and last proposition of the Senator, that Kellogg has been recognized by the President of the United States. Yes, Mr. President, I admit that he has been recognized by the President; he was put where he is by the intervention of the executive department of the Government, and is kept there to this day by it, and by nothing else.

Under the fourth section of the fourth article of the Constitution of the United States, and as authorized by the act of Congress of February 28, 1795, passed in pursuance thereof, the President intervened to protect the State against domestic violence or insurrection, for I do not care, with the views I am now urging, about standing upon terms or words, although it must be admitted there is nothing in the act of 1795 providing for any interference in cases simply of domestic violence—that is in words *eo nomine;* but for the sake of the argument I will take the construction of the Senator from Indiana that the act does confer this power.

The President in determining to intervene had the right to judge, and was obliged to judge. He could have recognized either the McEnery or the Kellogg government as the existing one, in order to prevent the violence, in observing any application made by them. He recognized the Kellogg. He could only do it for one purpose, and for one purpose alone: to prevent the threatened violence. He had to decide for himself in the exigency, and for the exigency alone. It being a political act, and authorized by law, the courts of course would observe it and follow it as far as the relation of things required. But the violence is the only thing staid; the right of things is not determined. Having decided and determined to act whether right or wrong, the President can exercise all the powers conferred by the law, and all are bound to obey. For illustration, he can call out militia to prevent or suppress the violence, and they are bound to obey. And this is the soul of the case in 12 Wallace, referred to by the honorable Senator from New York.

But, I would ask, can the act of the President go beyond the fact of violence and bind all other departments of the Government against the rightful parties, or against the real right of the matter? He may have selected the wrong one, as in my judgment he did. Does this fix upon the people of Louisiana this State government as a matter either of law or of right, not to be questioned in any way? The courts follow the act and its legitimate surroundings and consequences for the time, for they are controlled by the political power and must observe it. Could not Congress interpose and right the wrong if one is done?

Chief Justice Taney, in this case of Luther *vs.* Borden, says:

Undoubtedly if the President, in exercising this power, shall fall into error or invade the rights of the people of the State, it would be in the power of Congress to apply the proper remedy. But the courts must administer the law as they find it.

The power of Congress to interpose against the action of the President is here unqualifiedly asserted. If Congress therefore cannot be bound by this act; if not conclusive upon it, how can it be conclusive upon either the Senate or House, when each possesses the unlimited power to judge of the election of its own members? This involves no act of violence, but a cool examination of all the facts of the case. True the President, being the judge, has the right to suppress the violence, but the violence only. And this should never wrench from us our omnipotent power to determine who shall represent the State of Louisiana upon this floor. Never! never!

If the act of the President is the decisive and absolute and conclusive thing ascribed to it by the Senator, it must bind every other department of the Government, and fix as against the action of any or all the government of that State.

Justice Taney says no. The common fitness of things says no.

Mr. President, it is not binding upon the President himself. Does any one question but that if the President should to-day review his action and come to the conclusion that he had interfered wrongfully; that since a more complete development of the facts he is satisfied that the application to him was not made by the legally constituted authorities of Louisiana, but by pretenders and usurpers, he could to-day revoke his action, he could announce his convictions, and could proclaim to that pretended government—the Kellogg government—that he could no longer sanction its validity, and would no longer give to it his executive support? And then what, Mr. President? One thing would infallibly ensue, an immediate extinction of the Kellogg government; but whether such action of the President would be at all binding on the Senate in our relations to Louisiana is quite another thing. How soon could relief come to the despoiled and abused people of Louisiana could only the President be brought to this eminently just course of action.

[At this point the honorable Senator yielded for an executive session.]

THURSDAY, *April* 16.

Mr. HAMILTON, of Maryland. Resuming the remarks I was making yesterday, I now propose adverting to the establishment of what I shall call the Kellogg government, this embracing the Legislature, the governor, and other State officers now in power in Louisiana, and shall present some facts to see whether it is entitled to our recognition as the legal government of Louisiana. In doing this I will be obliged to disclose one of the most deliberate and cunningly devised conspiracies that the annals of history furnish, and that has, alas! been prosecuted up to this time with a success that a better cause could not attain.

As soon as it was found after the election in November that the McEnery government had a majority of votes cast for it and that it would be so declared, and that Governor Warmoth, the then rightful Governor of Louisiana, had ordered an extra session, at which this government would be organized and go into operation under the protection of Warmoth, Kellogg and his coadjutors full well apprehended that should this Legislature once meet under these auspices it was the end of them and of their folly, and at once took steps to prevent it. Satisfied that they could not depend upon their own people, they determined to embroil the General Government and secure its powerful aid to effect their nefarious purposes.

Accordingly, to prepare the way, Kellogg addressed a communication to Attorney-General Williams, dated November 27, 1872, from New Orleans. After giving a detailed account to the Attorney-General of the condition of affairs in Lonisiana and the complications of parties there, he makes this notable suggestion:

I therefore respectfully suggest that General Emory, who I think appreciates the necessity and sympathizes with the republican party here, be instructed to comply with any requisition that the United States courts may make upon him in support of its mandates and to preserve the peace. As at present advised, I think General Emory understands that he is to use the troops in no contingency without instructions from Washington.

Then there were no mandates of any United States court to be enforced. Of course they were to be made in the future, and the Attorney-General was apprised of that fact, and the Government of the United States was notified that they should be ready for the exigency

whenever that mandate was ready to be put into execution. This communication also sought to impress the Administration with the sympathies of General Emory, commanding there, and desires that he be instructed to employ the troops of the United States in supporting the mandates which the United States courts may make.

It was November 27 when this communication was addressed to the Attorney-General, and not until December 5 was any mandate made. But can any one question that it was then determined that one should be rendered that would require United States troops to enforce? On December 3 the Attorney-General responded as follows to this communication; and remember this was before any mandate or decree of the court had been made:

DEPARTMENT OF JUSTICE, *December* 3, 1872.

S. B. PACKARD, Esq.,
United States Marshal, New Orleans, Louisiana:

You are to enforce the decrees and mandates of the United States courts, no matter by whom resisted, and General Emory will furnish you with all necessary troops for that purpose.

GEO. H. WILLIAMS,
Attorney-General.

Mr. BAYARD. Will the Senator permit me to ask him, to what does he consider that dispatch was responsive?

Mr. HAMILTON, of Maryland. To Kellogg's communication of the 27th of November. I see no other that it can be responsive to. That letter detailing the incidents of the condition of affairs in Louisiana was before the Attorney-General. Deliberation was had upon it, and upon the 3d day of December deliberately it was determined that the Army of the United States should be ready to enforce any mandate made by any judge of the United States court in New Orleans. Everything being matured then for carrying into execution this conspiracy, on December 5, at night, Durell, judge of the district court of the United States, directed the marshal to take possession of the State-house under the following order:

Now, therefore, in order to prevent the further obstruction of the proceedings in this cause, and, further, to prevent a violation of the orders of this court, to the imminent danger of disturbing the public peace, it is hereby ordered that the marshal of the United States for the district of Louisiana shall forthwith take possession of the building known as the Mechanics' Institute, and occupied as the State-house for the assembling of the Legislature therein, in the city of New Orleans, and hold the same subject to the further order of this court, and meanwhile to prevent all unlawful assemblage therein under the guise or pretext of authority claimed by virtue of pretended canvass and returns made by said pretended returning officers in contempt and violation of said restraining order; but the marshal is directed to allow the ingress and egress to and from the public offices in said building of persons entitled to the same.

E. H. DURELL.

On the 6th of December, being the next day, J. F. Casey, collector of customs at New Orleans, addressed a communication to the President. Casey says:

NEW ORLEANS, *December* 6, 1872.

President GRANT:

Marshal Packard took possession of State-house this morning at an early hour with military *posse*, in obedience to a mandate of circuit court, to prevent illegal assemblage of persons under guise of authority of Warmoth's returning board in violation of injunction of circuit court. Decree of court just rendered declares Warmoth's returning board illegal, and orders the returns of the election to be forthwith placed before the legal board. This board will probably soon declare the result of the election of officers of State and Legislature, which will meet in State-house with protection of court. The decree was sweeping in its provisions, and if enforced will save the republican majority and give Louisiana a republican Legislature and State government, and check Warmoth in his usurpations. Warmoth's democratic supporters are becoming disgusted with him, and charging that his usurpations are ruining their cause.

JAS. F. CASEY.

This appears to be rather a political matter. Mr. Casey's office was political; and his duties in New Orleans as collector of customs—and the practice seems to prevail everywhere wherever there is a custom-house or a navy-yard for the gentlemen in charge not only to attend to their duties in collecting the customs or the ordinary operations of the navy-yard as the case may be, but to attend especially to partisan politics; and Mr. Casey, as we know from past events, had very great experience in such matters. We remember that he was engaged in carrying up and down the river on revenue-cutters members of the Legislature whenever exigencies occurred by which their absence was more important than their presence in the performance of their duties. This, however, is a common thing in these days, and does not amount to a comment hardly, much less a sensation. There was a day when this was not so common, and when to do this would surely secure a vacancy in the place.

Mr. CONKLING. If it would not interrupt the Senator, I should like to know when that time was to which he refers. He seems to refer to some purer time.

Mr. HAMILTON, of Maryland. I refer to the days of Jefferson——

Mr. CONKLING. I supposed the Senator referred more particularly to the days of Jackson. [Laughter.]

Mr. HAMILTON, of Maryland. No, sir; not particularly. [Laughter.] I have referred to the days of Jefferson. I know of no instance in the days of Jackson that I can recall to mind, but there may have been some known probably to the Senator, because office-holders about that time began to think that it was their duty to hold their offices as long as they could and to keep the men in power that would keep them in place.

Here we have this mandate of this judge; the seizure of the State-house by United States troops, and Packard the marshal made the *judge* to decide who shall enter as members of this legislature, and who held it until the Kellogg government was organized. Is not this enough to put the honorable Senator from Indiana even upon inquiry at least, before receiving anything as entitled to our consideration from a government or any department of it thus installed in power? Is the Senate prepared to do so great a wrong?

Hear what an eminent judge, Judge Cooley, of Michigan, in a note to the last edition of Story on the Constitution, says:

In the case of Louisiana, in 1873, an inferior Federal judge, without a shadow of authority, and consequently in defiance of law, and for that reason supported by no presumption of correct motives, and with scarcely a pretense of observing even the usual forms, by the process of his court, aided by a military force, installed in power a State government, which he sided with as against rival claimants, *and in consequence of a pressure of business* in Congress precluding prompt attention to the case by that body, has been enabled to sustain this government in power until the present time. Mr. Justice Story has, with reason, predicted that "if a despotic or monarchical government were established in one State, it would bring on the ruin of the whole Republic. What government can be more despotic than one elected by an injunction, and continued in power by a military force, under the order of a judge, who, having no jurisdiction, is restrained by no law but his own arbitrary will?"

But let us pursue still further this record of wrong and of shame. The Kellogg legislature was organized under these auspices in the State-house on the 9th December. Articles of impeachment were at once presented against Warmoth. He by reason of it was suspended, and P. B. S. Pinchback assumed the authority of governor in his stead, and at once telegraphed the following to the President:

NEW ORLEANS, *December* 9, 1872.

President GRANT:

Having taken the oath of office and being in the possession of the gubernatorial office, it devolves upon me to urge the necessity of a favorable consideration of the request of the General Assembly as conveyed in the concurrent resolution of this day telegraphed to you requesting the protection of the United States Government. Be pleased to send the necessary orders to General Emory. This seems to me a necessary measure of precaution, although all is quiet here.

P. B. S. PINCHBACK,
Lieutenant-Governor, Acting Governor of Louisiana.

On the 11th of December the Attorney-General telegraphed Pinchback as follows:

DEPARTMENT OF JUSTICE, *December* 11, 1872.

P. B. S. PINCHBACK,
Acting Governor of Louisiana:

Requisition of Legislature transmitted by you is received. Whenever it becomes necessary in the judgment of the President, the State will be protected from domestic violence.

GEORGE H. WILLIAMS,
Attorney-General.

That 11th day of December is a remarkable day in the history of this whole matter. On the same day Pinchback addressed the Attorney-General by telegraph, as follows:

NEW ORLEANS, LOUISIANA, *December* 11, 1872.

Hon. GEORGE H. WILLIAMS,
Attorney-General:

I have the honor to acknowledge the receipt of your dispatch. May I suggest that the commanding general be authorized to furnish troops upon my requisition upon him for the protection of the Legislature and the gubernatorial office? The moral effect would be great, and, in my judgment, tend greatly to allay any trouble likely to grow out of the recent inflammatory proclamation of Warmoth. I beg you to believe that I will act in all things with discretion.

P. B. S. PINCHBACK,
Lieutenant-Governor, Acting Governor.

I rather guess "the moral effect would be great" to see men of the West and North, the white men of these States, marching down the streets of New Orleans with Pinchback at their head! The moral effect would be considerable, Mr. President, for the purpose of keeping him in power, put there by a United States judge and Marshal Packard.

On the same day Mr. Casey again telegraphed the President, as follows:

NEW ORLEANS, 11*th*, 1872.

President GRANT:

Democratic members of Legislature taking their seats. Most, if not all, will so in next few days. Important that you immediately recognize Governor Pinchback's legislature in some manner, either by instructing General Emory to comply with any requisition by Governor Pinchback, under joint resolution of Legislature of Monday or otherwise. This would quiet matters much. I earnestly urge this, and ask a reply.

JAMES F. CASEY.

On the same day Mr. Casey, signing himself "collector," telegraphed as follows to the President:

NEW ORLEANS, *December* 11, 1872.

President GRANT:

Parties interested in the success of the democratic party, particularly the New Orleans Times, are making desperate efforts to array the people against us. Old citizens are dragooned into an opposition they do not feel, and pressure is hourly growing; our members are poor and adversaries are rich, and offers are made that are difficult for them to withstand. There is danger that they will break our quorum. The delay in placing troops at disposal of Governor Pinchback, in accordance with joint resolution of Monday, is disheartening our friends and cheering our enemies. If requisition of Legislature is complied with all difficulty will be dissipated, the party saved, and everything go on smoothly. If this is done, the tide will be turned at once in our favor. The real underlying sentiment is with us, if it can but be encouraged, Governor Pinchback acting with great discretion, as is the Legislature, and they will so continue.

JAS. F. CASEY, *Collector.*

Then followed a dispatch from Kellogg himself to the Attorney-General, in these words:

NEW ORLEANS, 11*th*, 1872.

Hon. GEO. H. WILLIAMS:

If President in some way indicate recognition, Governor Pinchback and Legislature would settle everything. Our friends here acting discreetly.

W. P. KELLOGG.

Then, again, on the same day, both Kellogg and Casey united in a joint telegraphic dispatch to the President:

NEW ORLEANS, *December* 11, 1872.

President GRANT:

Warmoth has issued a proclamation declaring that his legislature has assembled in city hall. Not any of the regular republican members were present. In order to make a question in senate, he published the names of four regular republican senators as being present, but were in regular Legislature at capitol. His legislature is composed mainly of persons never returned as elected. There is danger of a collision, which can be avoided and quiet restored by an immediate compliance with requisition of regular Legislature made to you on Monday. Governor Pinchback has received no response to this requisition, which has encouraged Warmoth to believe that it has been denied. We earnestly request that, in view of the impending danger of collision, the requisition be complied with. There is a quorum of both houses of regular Legislature now in session at capitol.

WM. P. KELLOGG.
JAS. F. CASEY.

Thus ended the 11th day of December, 1872. Do you think the President felt a sense of relief when that day closed? Bullets hardly flew thicker and faster at Spottsylvania than did telegrams that day. There was manifestly trouble somewhere. These gentlemen who pretended to be the choice of the people found that the people objected to their pretenses. How does all this exhibition impress you, Mr. President? It impresses me thus: that these gentlemen, instead of depending upon their own people to support their manufactured government, solely relied upon the Government of the United States to do it for them. There is but one uniform, incessant demand or call in all this correspondence, and this call was for troops. The subject is too grave for any kind of levity, and yet one cannot but be amused at the very modest request of Pinchback that Federal troops be placed at his disposal to protect himself and his legislature, as the "*moral effect would be great.*" And as for Casey, he is in great alarm, and lustily calls for troops, and for the most extraordinary purposes, and the like of which I never before heard. "Our members are poor," says Casey, "and adversaries rich, and offers are made that are difficult for them to withstand. There is danger that they will break our quorum." Not by violence, Casey admits, where troops may be employed with propriety, but by the simple, unmartial, and undisturbing method of bargain and sale; and Federal troops were required to prevent this. If this be cause for intervention, what State is safe, and what would be the limit of our Army?

It might be considered exaggeration to say that the State capitals of Harrisburgh and Albany at times, if reports be true, would have required the whole Army alone; and without suggesting, one may well imagine what kind of an army would be required in this city if the same kind of abuses should prevail here that so much affected Mr. Casey.

But rising up to the great question, I here again reiterate whether in all this extraordinary correspondence there is not sufficient to put the Senate upon inquiry before any credentials or any action of any department of that government so established and so maintained should be recognized by us as having any validity or force whatever?

But to go on: The morning of the 12th December has dawned, and we observe a continuance of the same efforts, as the following telegram from Casey to the President will show:

NEW ORLEANS, *December* 12, 1872.

President GRANT:

The condition of affairs is this: The United States circuit court has decided which is the legal board of canvassers. Upon the basis of that decision a Legislature has been organized in strict conformity with the laws of the State, Warmoth impeached, and thus Pinchback, as provided by the constitution, became acting governor. The chief justice of the supreme court organized the senate into a court of impeachment, and Associate Justice Taliaferro administered oath to Governor Pinchback. The Legislature, fully organized, has proceeded in regular routine of business since Monday. Notwithstanding this, Warmoth has organized a pretended legislature, and it is proceeding with pretended legislation. A conflict between these two organizations may at any time occur. A conflict may occur at any hour, and in my opinion there is no safety for the legal government, without the Federal troops are given in compliance with the requisition of the Legislature. The supreme court is known to be in sympathy with the republican State government. If a decided recognition of Governor Pinchback and the legal Legislature were made, in my judgment it would settle the whole matter. General Longstreet has been appointed by Governor Pinchback as adjutant-general of State militia.

JAMES F. CASEY.

This was followed by a telegram from Pinchback to the President, as follows:

NEW ORLEANS, 12*th*, 1872.

President U. S. GRANT:

In view of the fact that H. C. Warmoth, assuming to act as governor after having been impeached and suspended from his office of governor in strict compliance with the courts and laws of this State, has issued a proclamation declaring himself as still governor of the State, and has assumed to convene an illegal body of men styling themselves a legislature, thus endangering the public peace and tranquillity and threatening domestic violence, I respectfully request that the commanding officer of this department be instructed, in compliance with the requisition of the Legislature, to aid and assist me in maintaining the public peace and protection and sustaining the legal State government.

P. B. S. PINCHBACK,
Acting Governor of Louisiana.

On the same day the Attorney-General sent the following response:

DEPARTMENT OF JUSTICE, *December* 12, 1872.

Acting Governor PINCHBACK,
New Orleans, Louisiana:

Let it be understood that you are recognized by the President as the lawful executive of Louisiana, and that the body assembled at Mechanics' Institute as the lawful Legislature of the State, and it is suggested that you make proclamation to that effect, and also that all necessary assistance will be given to you and the Legislature herein recognized to protect the State from disorder and violence.

GEO. H. WILLIAMS,
Attorney-General.

Then follows this dispatch:

NEW ORLEANS, *December* 13, 1872.

Hon. GEO. H. WILLIAMS,
Attorney-General United States:

The entire republican party of this State thank the President and yourself for action of yesterday in recognizing the legal and constitutional State government. This action has prevented the consummation of the most barefaced and outrageous election frauds. Every indication points to quiet and good order. The bogus legislature of Warmoth has adjourned *sine die.* Police reported last night to Governor Pinchback.

WILLIAM P. KELLOGG,
E. H. DURELL,
B. F. FLANDERS,
CHARLES CLINTON,
JAMES F. CASEY,
E. C. BILLINGS,
JOHN KAY, and many others.

Observe, Mr. President, Kellogg, the pretended governor, Durell, the judge of the United States district court, and Casey, the collector of the customs at New Orleans, thanking the President and the Attorney-General, not for discharging their duty, but in the name of and for the entire republican party of the State, in recognizing this State government.

Then follows, on the 13th December, this dispatch from General Emory to the Adjutant-General:

NEW ORLEANS, *December* 13, 1872.

Adjutant-General, United States Army, Washington:

There is imminent danger of immediate conflict between two armed bodies of men of some considerable numbers, one body of State militia, representing Governor Warmoth, holding an arsenal; the other an armed body of police, representing Governor Pinchback. I have been appealed to to interfere. Shall I do so; and if I interfere, to which party shall the arsenal be delivered? The parties are face to face with arms in their hands. I beg an immediate answer. I sent an officer to try what can be done by persuasion to suspend the conflict until an answer can be received. There will be no resistance to the Federal forces.

W. H. EMORY,
Colonel Commanding.

Then follows the response to General Emory:

WASHINGTON, *December* 14, 1872.

General W. H. EMORY, U. S. A.,
Commanding New Orleans, Louisiana:

You may use all necessary force to preserve the peace, and will recognize the authority of Governor Pinchback.

By order of the President.

E. D. TOWNSEND,
Adjutant-General.

The execution of this order closes the scene, as announced by the following:

NEW ORLEANS, *December* 14, 1872.

Adjutant-General, United States Army:

On the receipt of your telegram last night an officer was sent to the contesting parties to ask the evacuation of the arsenal and the dispersion of the armed forces. The demand was promptly complied with, and the arsenal turned over to the State authorities this morning. Everything now is quiet.

W. H. EMORY,
Colonel Commanding, Brevet Major-General.

Mr. President, after a careful and dispassionate consideration of this whole correspondence, to which I have just drawn the attention of the Senate, I ask how does it impress the mind? Can any fair mind fail to perceive and to admit that the Kellogg government was inaugurated by a United States court and maintained by the military power of this Government? Casey, whatever may be said about him by others, and I will myself be free to admit that he is better suited to be a collector of customs, and particularly in these times, than to be a Chief Justice of the United States, nevertheless puts the case clearly and strongly in his dispatch of the 12th December to the President, and which was at once, of course, communicated to the Attorney-General. He says:

The condition of affairs is this: The United States circuit court has decided which is the legal board of canvassers. Upon the *basis* of that decision a Legislature has been organized in strict conformity with the laws of the State.

This to the mind of Casey was good law, or law as a matter of course. And in this whole movement or conspiracy to get possession of the government of Louisiana no higher notions of law, be it said to the credit of Casey, seems to have directed the conduct of any engaged in it from its criminal inception to its sad conclusion. I shall not denounce Judge Durell for his criminal conduct in undertaking to determine who were State officers under the constitution and laws of Louisiana. Such a jurisdiction was never dreamed of before, much less attempted. By the action of this United States judge this Kellogg government was inaugurated into the power it now wields. Instead of speaking of it myself, I much prefer giving the opinions of gentlemen on the other side of the Chamber, and in their own language.

The able and impartial report of the majority of the Committee on Privileges and Elections, to whom was referred the resolution of inquiry as to whether Louisiana had a State government, and to which I have before adverted—that majority consisting of these distinguished Senators, Messrs. CARPENTER, LOGAN, ALCORN, and ANTHONY—used the following language in characterizing the action of Judge Durell:

Viewed in any light in which your committee can consider them, the orders and injunctions made and granted by Judge Durell in this cause are most reprehensible, erroneous in point of law, and are wholly void for want of jurisdiction; and your

committee must express their sorrow and humiliation that a judge of the United States should have proceeded in such flagrant disregard of his duty, and have so far overstepped the limits of Federal jurisdiction.

I also take great pleasure in giving the opinion of the honorable Senator, [Mr. MORTON,] chairman of that committee, who made a minority report as to the conduct and action of Judge Durell:

The conduct of Judge Durell, sitting in the circuit court of the United States, cannot be justified nor defended. He grossly exceeded his jurisdiction, and assumed the exercise of powers to which he could lay no claim. * * * *

But the pretense that in a suit to perpetuate testimony the court could go beyond the natural and reasonable jurisdiction, to decide who constituted the legal returning board under the laws of Louisiana, and to enforce the rights of such as it might determine to be members of that board and to enjoin others who were not, is without any foundation in law or logic.

In the Antoine case Judge Durell not only assumed to determine who constituted the legal returning board, but to prescribe who should be permitted to take part in the organization of the Legislature and to enjoin all persons from taking part in such organization who were not returned by the Lynch board as elected; and this assumption of jurisdiction was made in the face of the express provision in the act of 1870 that its benefits should not extend to candidates for electors, for Congress, or for the State Legislature. His order issued in the Kellogg case to the United States marshal to take possession of the State-house for the purpose of preventing unlawful assemblages, under which the marshal called to his aid a portion of the Army of the United States, as a *posse comitatus*, can only be characterized as a gross usurpation.

And yet, Mr. President, it was by means of the orders and injunctions granted by Judge Durell that this Kellogg government came into being at all, and its very existence has in the past, and still does, depend upon the Government of the United States. The whole of this correspondence breathes the spirit only of dependence upon the Federal Government, and is constant in its cry for its soldiers to support it. There is no dependence upon itself or upon its own people.

It was in the power of the President to recognize neither the Kellogg nor McEnery government; it was his duty to recognize neither if he believed, as a majority of the Committee on Privileges and Elections did, that neither constituted the legal and constitutional government of that State. He is only obliged to recognize the requisition of the legal Legislature or the legal governor, and not that of any body pretending to be the Legislature or of any person pretending to be the governor, and he is made the judge then for the time and occasion. The McEnery government made no requisition upon the President; it required none; it depended upon its own power. The Kellogg government did make the requisition. If the President felt that it was not the legal government, it was his duty to have denied all interference. Then the State and the parties would be left to themselves, as all other States in like condition, to settle by force those great questions that are beyond the reach of courts and of law. If violence should occur under such circumstances there is no remedy. The President cannot interfere without a requisition upon the part of the legally constituted authorities. If these did not call upon him and he refused the others upon the ground that they were not the rightful authorities, then, as I said before, the whole subject is with the State, to be settled by the strongest political power for the time being.

We had a recent illustration of what the President could do in the case of the State of Texas. Davis, the governor of that State, made application to the President to intervene to prevent the organization of a newly elected government which Davis announced to be illegal, and therefore as insurrectionary against the old established government. The President refused to respect it and assigned his reasons therefor. His commendable action here secured its just and beneficent results, and as the same kind of action in the case of Louisiana would have secured like results to the people of that State. The contending government called for no aid; it needed none; the people were with it. Thus Davis, not receiving the support of the President, was obliged to yield to the superior power of the other. He did so, and peace prevails in that State.

It should be understood that the Government of the United States has not the monopoly of force or the exclusive right to shed blood. State organizations are for some purposes. Their executives and legislatures and militia are intended for something. They can by force put down insurrections against their governments, and suppress violence and execute their own laws. They may make application to the President for aid, but they need not, and they never should until the last extremity. The rightful government of Louisiana never made the application; the rightful government of Texas did not make it. Had one been treated like the other we would not be embroiled in the troubles that now afflict us.

Had the President refused all interference in Louisiana affairs, does the Senator doubt but that the McEnery government would have been installed in power, and be in full political being to-day? Does not the whole case show such a condition of things in that State, and which we are bound to notice as Senators? Limited even as our range of examination is said to be, to the *prima facie* case as presented by the credentials, that so far from imparting to them or anything connected with the Kellogg government any legal validity, there is sufficient everywhere to stamp the whole as a usurpation, a wrong, and a fraud that will compare with any in history.

Now, Mr. President, let me call the attention of the Senate to another branch of this question, and to which the Senator [Mr. MORTON] directed considerable effort. I allude to that branch of it in which it is alleged that the people of Louisiana have submitted to the Kellogg government; have acquiesced in the condition of things in that State and now wish no disturbance of them, and as the Senator representing in part that State himself declared in his remarks upon yesterday. No free people, I assert, could ever submit to such a government, established as it was, with the power to resist it. The honorable Senator seems to intimate that they would sooner have a settled government than a rightful one. That is not the nature of his people, I take it, nor is it the spirit of any of our people where they possess the power to have their own rightful government.

I would like to see the attempt made to put such a Government upon the people of the State of Indiana. I do not mistake that people when I say that no United States judge would ever attempt to inaugurate such a government there, nor could any President of the United States be found willing to undertake to support it by his military power were it attempted. The free spirit of that people would never tamely submit to it, and the honorable Senator himself, if I know him at all, would be among the first to oppose a manly resistance. But with the poor, down-trodden, and oppressed people of Louisiana anything can be done. Torn with civil dissensions, oppressed with debt, impoverished by taxation, its society demoralized, its government in the hands of unscrupulous vagrants and adventurers and ignorant negroes, is there no pity for these people? Is there no power to redress their wrongs, and is there no one willing to interpose to save both white and black alike from the ruin that is coming upon all together?

Acquiescence, submission to such a government, Mr. President! Never, by a free people, so long as there is a single chance left for escape from it!

Let us see whether there is any fact in the whole case to show any tame submission; any evidence of that kind of acquiescence which should at all bear against them in their effort to secure their just rights.

Mr. President, I have given you some of the official evidence which preceded, accompanied, and followed the action of the Executive in the affairs of Louisiana, to show how the Kellogg government was established and maintained. I now propose to show by the same official testimony, from the same official communications from which is derived the evidence to which I have referred in my argument in the other branch of this case in order to show the establishment of the McEnery government, that there never has been any acquiescence whatever to the Kellogg government, except that which was compelled by the intervention of the President of the United States.

I begin with the following telegram from Marshal Packard to the Attorney-General:

NEW ORLEANS, *December* 11, 1872.

Hon. G. H. WILLIAMS,
Attorney-General, Washington, D. C.:

Evening Times of Saturday gives names of seventy-four pretended senators in Warmoth's senate. At its organization at city hall, to-day, six out of that number were not present, but falsely reported so. Eleven out of the twenty-four were returned defeated by the returning board, leaving only seven *bona fide* senators, democrats and liberals, actually present sitting as a quorum of the thirty-six senators of Louisiana.

S. B. PACKARD,
United States Marshal.

Then follows another telegram on the same day from Packard to the Attorney-General:

NEW ORLEANS, *December* 11, 1872.

Hon. GEORGE H. WILLIAMS,
Attorney-General, Washington, D. C.:

Warmoth has just issued two proclamations, published in extra Times: one declaring legislation of State-house illegal, and warning all officers to resist, and that he will resist its authority with all the power of the State; the other declaring the city-hall to be the State-house, where he says he will discharge the duties of governor. The pretended members of legislature returned by Warmoth's canvassing board are now in session at city hall. Warmoth's message is being read.

S. B. PACKARD,
United States Marshal.

I refer to this evidence because it is official. It is upon record in the executive department, and it is a record of their own showing that these people never tamely acquiesced in the authority of Kellogg or of that pretended government. Again, on the same page and on the same day, we have the following:

NEW ORLEANS, *December* 11, 1872.

Hon. GEO. H. WILLIAMS,
Attorney-General, Washington, D. C.:

The Warmoth legislature are now in session at the city hall, in defiance of the restraining order of the court.

S. B. PACKARD,
United States Marshal.

On the same day Governor Warmoth sent the following telegram to the President:

NEW ORLEANS, *December* 11, 1872.

The PRESIDENT OF THE UNITED STATES:

Under an order from the judge of the United States district court, investing James Longstreet, Jacob Hawkins, and others, with the powers and duties of returning officers under the State election law, and charging them with the duty of completing the legal returns and declaring the result in accordance therewith, those persons have promulgated results based upon no returns whatever, and no evidence except *ex parte* statements. They have constructed a pretended general assembly, composed mainly of candidates defeated at the election, and those candidates, protected by United States military forces, have taken possession of the State-house and have organized a pretended legislature, which, to-day, has passed pretended articles of impeachment against the governor; in pursuance of which, the person claiming to be lieutenant-governor, but whose term had expired, proclaimed himself acting governor, broke into the executive office under the protection of United States soldiers, and took possession of the archives. In the meantime the General Assembly has met at the city hall, and organized for business with sixty

members in the house and twenty-one in the senate, being more than a quorum of both bodies. I ask and believe that no violent action be taken, and no force used by the Government, at least until the supreme court shall have passed final judgment on the case. A full statement of the facts will be laid before you and the Congress in a few days.

H. C. WARMOTH,
Governor of Louisiana.

January 3 we have the following from Pinchback:

NEW ORLEANS, *January* 3, 1873.

To President GRANT:

Several persons who claim to have been elected to the Legislature, in conjunction with H. C. Warmoth, the impeached and suspended executive, and John McEnery, late democratic candidate for governor, propose to meet in this city on next Monday, and organize a so-called general assembly, in conflict with the Legislature now in session at the State-house, and to inaugurate said McEnery as governor. To prevent a subversion of the present State government and to suppress riot, it may be necessary for me, as executive, to use police or other forces to prevent this revolution movement, and, in my judgment, under present orders, as contained in the telegrams to General Emory from the President, he would be authorized to furnish troops to sustain the State government. I have just ascertained that General Emory construes the orders already given to have been intended only for the particular occasion upon which they were issued, and unless further instructions are given he will decline responding to my demands for troops, and will interfere only in case of actual riot. I respectfully request that the order be repeated, or extended so as to fully cover the case, if maintenance of the State government and good order require me to make the demand on him.

P. B. S. PINCHBACK,
Acting Governor of Louisiana.

On the following day we have this telegram from the assistant adjutant-general to Colonel Emory:

HEADQUARTERS ARMY OF THE UNITED STATES,
Washington, D. C., January 4, 1873.

Colonel W. H. EMORY,
Commanding Department New Orleans, Louisiana:

Your dispatch, through General McDowell, has been laid before the War Department and the President, and you are hereby authorized to use your troops to preserve peace, should a contingency arise which in your judgment calls for it.

By command of General Sherman:

WM. D. WHIPPLE,
Assistant Adjutant-General.

And then follows, on the same day, this telegram, marked "private," from the Attorney-General to Marshal Packard:

JANUARY 4, 1873.

S. B. PACKARD,
United States Marshal, New Orleans, Louisiana:

I think there ought to be no forcible interference with any proceedings to inaugurate McEnery, if they are not accompanied by violence, and there is no attempt to take control of the State government.

GEO. H. WILLIAMS,
Attorney-General.

The following day H. N. Ogden, claiming to be the attorney-general of Louisiana, and elected upon the ticket with Mr. McEnery, telegraphed to the President as follows:

NEW ORLEANS, *January* 5, 1873.

Hon. GEORGE H. WILLIAMS,
Attorney-General United States, Washington:

Members of Legislature returned as elected by the State board, recognized by Governor Warmoth before the assemblage of the body at Mechanics' Institute, are compelled to meet to-morrow under our constitution, in order to preserve their status. Their assemblage will be peaceable, without arms, and with no purpose of aggression, but simply to organize.

The organization presided over by Pinchback has threatened violent interference, from which serious trouble may arise. That organization derives its authority from the attitude of the Federal Executive, and will be controlled by the President.

We trust that he will discountenance interference with this assemblage, which has a lawful object and is rendered necessary by the situation. Please see the President immediately.

H. N. OGDEN,
Attorney-General, Louisiana.

Then we have the following important communication from the Secretary of War, and sent from the Executive Mansion itself. General Emory was telegraphed as follows:

EXECUTIVE MANSION,
Washington, D. C., January 5, 1873.

GENERAL: The President directs that General Emory be telegraphed immediately that he inform Governor Pinchback that the troops will not be furnished to disperse any body of men claiming to be a legislature or otherwise assembling peaceably, and not obstructing the administration of the recognized government of the State.

Very respectfully,

WM. W. BELKNAP,
Secretary of War.

General W. T. SHERMAN,
Commanding the Army, &c.

So that, in addition to what we have already seen from the official correspondence that the McEnery government was fully organized at the extra session held in December, we have here now in this correspondence the fact of the determination of the McEnery government to organize at the regular session to begin in January, and the further fact from the Executive that there should be no forcible intervention to prevent its organization. If this be so, and we know it to be so from the President himself, why does any one, much less the honorable Senator, [Mr. MORTON,] talk about acquiescence?

This McEnery government accordingly organized the Legislature, electing the proper officers and proceeding to business. The senate elected the five persons to be the returning board of all elections in the State, as required by the act approved November 20, 1872. This board, known as the Mitchell board, proceeded to canvass the official returns of the late election which were laid before it by the secretary of the last board, known as the De Feriet board, appointed by Warmoth, and before which Warmoth had laid these official returns. The result was announced. McEnery was declared to be duly elected, as he most certainly was by a count of the official returns; he was inaugurated; the Legislature proceeded to elect at the proper time a Senator of the United States for the long term, commencing March 4, 1873, and elected Mr. McMillen. They could do nothing in the way of legislation without coming in direct conflict with the Kellogg government, then supported by the President. Their only course was then to remit the whole subject to the Congress of the United States.

Here they were until the close of the last session beseeching that something be done to relieve them from the Kellogg usurpation; the session closed without any relief. They suffered during the summer; they bore all with patience. As this session approached, they began to move; large meetings were held and appeals made to Congress; petitions signed by thousands were sent and now are upon your table; their representative men were here, their Legislature was recently in session, and all calling upon Congress that some measure of relief may be passed by which they may be rid of this criminal usurpation.

Mr. President, I ask you whether this can be considered an acquiescence which could be plead to bar any right? No, sir. If there be a people stirred and moved, it is the people of the State of Louisiana against this high crime not only committed upon them, but through them upon the whole people of the United States. If any people ever did struggle for their rights; if any people ever did demand their rights; if any people ever did refuse, without resorting to force, to submit, to acquiesce, to recognize any usurping government, it is this people of Louisiana. And shall we turn our backs upon them; shall we close our ears to their appeals; shall we shut our eyes to their sufferings; shall we abandon them in their distress; nay, shall we, as I lament to say the honorable Senator [Mr. MORTON] has indicated that he would, hand them over to a government not of their choice, not in their interest, alien to their feelings, possessed not of a single sympathy to touch their hearts, but with a bosom filled with rage, a soul stained with avarice, a mind contracted by hate and directed by malevolence, a nature instinct with an unbounded selfish greed and debased by every sort of corruption, which inspires alone their dread?

One simple duty would lift the burden from off these people. As the whole subject is remitted to us, one single, simple legislative expression by Congress that the Kellogg government is not entitled to any interference in its behalf, and instantly it would disappear, dissolve into thin air. The President asks that something be done by us. He will respect, I am satisfied, not any law only that we may pass, but he will go further in ridding himself of this perplexing trouble and respect our opinion. I am willing to believe that, if upon the close of this discussion we should reject the pretensions of Pinchback, admit McMillen to his seat in this Chamber, or adopt the amendment proposed to the bill now under consideration by Mr. BAYARD, the President would at once withdraw his support from the Kellogg government.

The honorable Senator would then behold how the people of that State acquiesced. The people there demand no interposition of this Government or of the President in their behalf. The McEnery government does not. Just withdraw your support from the Kellogg government; let the President do so, and it falls a shapeless mass to the ground. The people there will act as becomes a free people just emancipated and taught by the wrongs they suffered and endured to do unto others what others should do unto them. Peace and order and law will prevail once more, and all will be anxious to put that distressed State upon the high road to prosperity as was Virginia and Georgia and other States when the people had the opportunity of establishing their own governments and selecting their own public servants.

Mr. President, the Senator has I think gone out of his way to do honor to this Kellogg government. He has given to it praise that others might envy. And yet we can well appreciate the merit of this praise, his highest eulogy, when it is seen that it was all bestowed because, and because alone, it showed an aptitude in wringing taxes from that unfortunate people. The Senator points exultingly to the figures showing the large amount of taxes collected by the Kellogg government.

Mr. President, I will admit it all to be true. It is in perfect harmony with the character and objects of the Kellogg government. Money, of course, must be had. Not wise, humane, judicious, and just legislation, but money is the first object after power; and legislation to that end and that which would yield the largest amount was the first thing in the hearts of Kellogg and of his associates. Therefore one of the first acts passed by the Kellogg legislature was to enforce the payment of taxes and sell the property of delinquents. I give one of the provisions of the law passed March 14, 1873:

SEC. 8. *Be it further enacted, &c.*, That the tax-payers who are now or shall become delinquent by the non-payment of taxes on real estate, as is provided for in this act, and shall have been so returned upon the rolls of the tax-collector to the auditor of public accounts, the auditor shall publish in the official journal of the parish in which such delinquent resides, or by public notice when there is no official journal, by three insertions within ten days, the name, residence of, and amount due from such delinquent tax-payer, and such delinquent tax-payer shall, after thirty days, forfeit his right to bring suit or be a witness for or in his own behalf before any justice, parish, district, or State court, and every court having jurisdiction within the State shall deny and refuse to issue a civil process of any kind or nature whatever in his own name or for his own benefit, until he shall, if a resident of the parish of Orleans, have procured from the auditor of public accounts, or,

a resident of a country parish, from the tax-collector thereof, a certificate setting forth that all such claims for delinquent taxes and costs thereon against said delinquent tax-payer have been paid.

Here we see sample legislation—that so much eulogized by the Senator—and in it we behold the condition of that people. Unable to pay their taxes, or unwilling it may be, to that government, we have an act of absolute outlawry declared against a whole people. Put out of the pale of the law, deprived of its agencies, excluded from its common benefits, and denied its protection, and all because the wretched citizen might not be able to pay his taxes and the State not able to find buyers for his property. Shame upon such legislation! Shame upon the motives that inspired it, and still greater shame that the men who perpetrate these high-handed outrages are kept in power by us, and by us alone! The honorable Senator may continue to enjoy the spectacle of taxes thus wrung from the people.

I will take the liberty of calling the attention of the Senate to the application of some of the taxes.

Kellogg has an organized military force in active service under the command of Major-General Longstreet, and with it was incorporated the metropolitan police force. He has a brigade fully armed and equipped, and to be paid. I read from the message of Kellogg, bearing date January 5, 1874, and addressed to the senate and house of representatives of the State of Louisiana, the following, to show in what kind of service this brigade was employed, and for the payment of which a portion, and a large portion, of these taxes are to be applied:

On March 6, a detachment of the brigade took possession of Odd Fellows' Hall, and dispersed an assemblage known as the McEnery legislature.

So that on March 6, under Major-General Longstreet, this brigade was required to disperse an assemblage of men called and known as the McEnery legislature.

On April 19, Colonel Flanagan, with a detachment of sixty officers and men, proceeded to Amite, parish of Tangipahoa, to prevent violent interference with the legally elected officers of that parish.

On the 25th of April, Colonel Flanagan, with a detachment of about one hundred and twenty-five officers and men, proceeded to Port Vincent, parish of Livingston, where the parish officers were prevented by an armed body from taking possession of their offices.

On May 1 Brigadier-General A. S. Badger proceeded to Saint Martinsville, parish of Saint Martin, with a detachment of one hundred and fifty men and one piece of artillery, for the purpose of suppressing disorder and of aiding civil officers. A large force under command of Alcibiade de Blanc, styling himself colonel of the Saint Martin militia, evacuated the town upon their approach. The Metropolitan detachment occupied the court-house and installed the legal officers, and Mr. De Blanc's command dispersed.

On October 4 Captain Joseph, with one officer and twenty-five men, were sent to Covington, Saint Tammany Parish, to afford protection to the authorities at the oening of the parish court.

We understand the meaning of all this. These troops were used to keep in place or to put into place men who were not elected and who could not peaceably or with the sanction of the people retain or assume these offices. Again Kellogg continues:

In all these expeditions the objects for which they were undertaken were accomplished, and the behavior of the troops while on duty has been at all times such as to merit high commendation.

You will probably be asked to reimburse the city of New Orleans for amounts paid the Metropolitan brigade while on service as State militia; also to make appropriation for the pay of the brigade as militia. These claims seem to me to be just, and I commend them to your favorable consideration.

Here we find where some of these taxes wrung from the people are to go—to support a soldiery in depriving them of their just rights and of their own selected officers!

The McEnery legislature was dispersed, says Kellogg. This, of course, was most important! Cannot the acknowledged ingenuity of the honorable Senator make it appear in some way that this dispersal of the McEnery legislature by a "detachment of the brigade" amounted to a recognition of the Kellogg government, so as to be binding upon us and conclude us against any inquiry into credentials signed by him? I may remark upon the other achievements of the "brigade," noticed in the extract I have had read, that it was engaged in turning out the local officers elected by the people and in putting in their place others who were not elected, but who were "counted in" by the Kellogg board of returning officers.

I will call attention once more to what Kellogg calls his "annual message," for the purpose of making the observation that there is not one word in it of the payment of any interest upon the debt, as stated by the Senator, or any other fair application of the moneys collected. That message proposes a compromise with the creditors of the State, in which they are to get but sixty cents in the dollar; and generally there is an exhibition in that message of wretchedness and penury in that State that is hardly credible.

The general view is not at all alleviated by a document just received dated February 4, 1874, purporting to be a reply of Kellogg to the protest of certain bondholders to the Louisiana funding bill so strongly recommended by him in his message. I will read an extract from it:

It is thus plain that we should have to collect for 1874 nearly $4,000,000 in cash. It does not follow that because this was done in 1873, it is easy or even possible to do it again. The results of the past year were obtained by the rigid enforcement of severe laws, and were attended with hardships so great that no person of ordinary humanity could witness them without the desire to relieve them; yet with the debt at its present amount we should be compelled to resort again to the same course. I stated in my message, and repeat, that I was and am utterly opposed to this for several cogent reasons, the most conclusive of which, to our creditors at least, being that a few more repetitions would result in our hopeless bankruptcy. During the past year large sales of real estate have been made in all parts of the State, and a large amount of property adjudicated to the State for taxes, penalties, and costs thereon. This is not the result of unwillingness to pay, but of sheer inability. Many, by straining every nerve, paid taxes in 1873, who cannot do so again at the rate of that year. In one parish alone sixty-five plantations were forfeited for taxes. All this land is of no use to the State government. It produces no income and is eliminated from the assessment rolls.

So the goose that has been laying golden eggs for Kellogg and for the benefit of this Congress is about dead—has been ripped open. These New York bondholders wanted their share of this money collected by Kellogg in the shape of taxes and so vaunted by him and by his friends on this floor.

No sooner did Kellogg announce that he had collected $4,000,000 of taxes—intended of course to strengthen him and his government here and give capital for just such speeches as that of the Senator, as other governors and officials have given blood and murder and Ku-Klux when needed here to further their objects—than the sharp-sighted bondholders saw it. Kellogg made a grave mistake; he gave money for his capital here; he should have done as others, given us blood, Ku-Klux, murder. New York bondholders care but little about the latter; he never would have heard from them had he dealt in these staple articles; but money—the last thing on earth to be mentioned as being in Louisiana—money, $4,000,000 of money, collected from taxes too, brought them to their feet at once and with a clamor too that unpaid bondholders only can make. And hence the reply of Kellogg that it was all a mistake, that it was all a delusion; there is no money in Louisiana, and none to be had. He might truly have said to these gentlemen that his message was not intended for them but for Congress only.

But let all this be as it may, Mr. President, give to the people of Louisiana their own government, a government in sympathy with them, depending upon them, to be supported and carried on by them, and they will in good time work out the just results. Mr. President, I regret that I have so long trespassed alike upon the time and patience of the Senate.

You will have observed that I have referred but little to the important testimony taken by the Committee on Privileges and Elections, relying more in the view I have taken of the case upon the executive communication to which I have so extensively referred. The able speech of the distinguished Senator from Kentucky [Mr. McCREERY] notes with great power some of the characteristic parts of that testimony.

The distinguished Senator from Wisconsin [Mr. CARPENTER] in his able report founded upon this testimony, and in the truly able and comprehensive speech lately made by him on this question, has exhausted the subject generally, and, indeed, in detail. My only regret is that the honorable Senator did not find it expedient to demonstrate the logical conclusions of his report and of his speech by submitting a resolution declaring it to be the sense of Congress that the McEnery government was the legal and rightful government of Louisiana, and calling upon the President to withdraw all military and other support from the Kellogg government.

Believing, probably, that he could not succeed in obtaining any available number of his republican friends to secure its adoption, he has thought proper to pursue another course and submit the bill now under consideration. Upon the provisions of that bill I do not desire at this time to comment. I am in favor of the amendment to it submitted by the Senator from Delaware, [Mr. BAYARD.] It announces what ought to be done, it declares the policy that this Government ought to pursue, and if that announcement be made to the Executive he will only be too glad, in my opinion, to relieve himself from the perplexities and wrongs of this Louisiana trouble—I may say Louisiana crime—by withdrawing at once the favor of the Government of the United States and the support of its military power from the Kellogg government; and this withdrawal alone and in itself, as I before remarked, will settle the whole question in a few months, and settle it in favor of those who are entitled to wield the destinies of that State in controlling their own domestic affairs.

Finance—Currency.

SPEECH OF HON. MOSES W. FIELD,

OF MICHIGAN,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, April 8, 1874.

The House having under consideration the bill (H. R. No. 1572) entitled "An act to amend the several acts providing a national currency and to establish free banking, and for other purposes"—

Mr. FIELD said:

Mr. SPEAKER: I desire to call the attention of the House to a memorial of the citizens of Detroit presented a few days ago by my colleague, [Mr. WALDRON.] In presenting the memorial my colleague said:

I ask consent to present a memorial from the citizens of Detroit on the subject of the currency, and I take occasion to state that it is signed by nine-tenths of the merchants, manufacturers, produce dealers, railroad managers, and vessel-owners of that city; in fact every branch of commercial and business industry is repre-

sented in it. The memorial is the expression of nine-tenths of the active business men of the city of Detroit, and I believe I am justified in saying that it expresses, in the same proportion, the business sentiment of the State of Michigan. I ask for the reading of the memorial.

The memorial was read, as follows:

"*To the House of Representatives of the United States:*

"We, the undersigned, citizens of Detroit, Michigan, respectfully represent to your honorable body that we are opposed to any inflation of the currency, and are in favor of a return to specie payments at the earliest practicable moment."

This statement surprised me, for 90 per cent. is nearly the whole part, and I did not think any one hundred and forty-eight men could be selected wealthy enough and great enough to represent 90 per cent. of the entire business interests of that great city. Having resided in Detroit for many years, I am tolerably well acquainted with the gentlemen who signed the memorial, and can form a fair opinion as to their representative character; but desiring to be as accurate as possible, I have obtained other information with the view to ascertain whether the representations of my colleague were true. There are 148 signatures to the memorial, consisting of 16 bankers, 13 lawyers, 55 persons of unknown or no special business, and 64 business men and firms; and I find, instead of bearing the signatures of "nine-tenths of the merchants, manufacturers, produce dealers, railroad managers, and vessel-owners of that city," it did not in fact contain even one-tenth part of that numerous class of people, nor did it express the sentiment of one-tenth of "the active business men of Detroit" on the currency question. I feel it to be a duty, therefore, to correct the statement, particularly as I have since that time received and presented to the House a petition of the citizens and business men of Detroit in favor of an increase of the currency, and which I believe represents the true sentiment of a large majority of the people of my district upon this question.

My colleague not being a resident of Detroit, but residing in the village of Hillsdale, about one hundred miles distant, was doubtless imposed upon. It is not at all likely that he is acquainted with all the parties, nor with "every branch of commercial and business industry" in that city, and under such circumstances my colleague was easily deceived, and no doubt unwittingly made the exaggerated statement to which I have referred.

I do not make this correction with any intention to impugn the motives of the gentleman nor to intimate that there was any intention to misrepresent or overstate the importance and weight of the memorial. I have no doubt his statement was made on the representations of his Detroit correspondent. So much for that memorial; and with reference to others of the same character presented here from New York, Boston, and other cities, I have to say that if they are all as much exaggerated and overestimated as this to which I have referred, I warn members against being unduly influenced by them.

Mr. Speaker, in this debate we have heard it many times stated that our greenbacks are depreciated and that they are below par. The gentleman from Connecticut [Mr. HAWLEY] stated the other day that greenbacks were 12 per cent. below par. Now I wish to controvert and deny such statements; for they are not true. I admit that gold bears a premium and fluctuates with the price of foreign exchange in the market; but I deny that greenbacks are below par, for the simple reason that they are the lawful money of the country, and therefore must be at par. If it be true that greenbacks to-day are 12 per cent. below par, then, on the same theory, when gold coin was at 50 per cent. premium our greenbacks were 50 per cent. below par; when gold was 100 per cent. premium these greenbacks were worth nothing—a dollar of lawful money would not buy even a wooden nutmeg. According to this mode of estimating the value of greenbacks, when gold was 150 per cent. premium, the poor man, having ten dollars of good greenbacks in his pocket, would have to pay five dollars to have them taken off his hands.

I have received a letter on the currency question from a gentleman of large business experience, and whose views upon this subject will have great influence in this House and throughout the country, and I send it to the Clerk's desk to be read.

The Clerk read as follows:

WASHINGTON, *March* 24, 1874.

DEAR SIR: As recorded in the CONGRESSIONAL RECORD, in a debate one day last week, an honorable Senator inquired of another honorable Senator why greenbacks were 12 per cent. below par, and after repeating the question several times, he said the answers were not satisfactory.

This reminds me of an anecdote. Hon. Samuel L. Mitchell, of New York, a learned medical professor, was accustomed to ask his students to propound any question they might select, when one of them asked why there was always one black sheep in every flock. The learned professor immediately commenced giving what appeared to him as scientific reasons for the fact, but which did not appear to satisfy the students if they did himself. At the close of the lecture one of the students inquired if it was a fact that there was always one black sheep in every flock. It appeared that this idea had not occurred to the learned professor; but, to be sure, he immediately wrote to a number of farmers, making the inquiry, to which they all replied that it was not the fact at all.

If the learned professors who have been lecturing on political economy, in both Houses of Congress, on the assumption that greenbacks were below par, should inquire of practical business men if it was the fact, they would receive the same answer, and perhaps receive the additional information that 12 per cent. difference between greenbacks and gold is easy to calculate; but when, as in 1863, the difference was 100 per cent., and there being but a hundred cents in the greenback dollar, the whole dollar must have been wiped out, and, as in 1864, when there was 150 per cent. difference, the greenback must have been worth just fifty cents less than nothing, perhaps they might then inquire, when a dollar greenback was offered in payment for an article valued at fifty cents, and the greenback worth fifty cents less than nothing how the learned professors would make change.

Perhaps the same business men might also furnish the information that during the whole time the professors consider the greenbacks so worthless they, the business men, the merchants, the mechanics, the manufacturers, the farmers, all believed they were enjoying a higher state of prosperity than ever before known.

You will remember that soon after the act of February 25, 1862, making United States notes a legal tender, Secretary Chase proclaimed to the world that by that act gold was demonetized—was no longer money, but was a commodity, an article of merchandise; consequently, that law made legal-tender greenbacks, as far as law could make them, the measure of value, the monetary par.

Thus, gold being merchandise, its price can no more be the par and standard of value than the price of flour, the price of cotton, or the price of tobacco can be the monetary par and measure of value.

That greenbacks are the measure of value was again legally recognized by the law authorizing the issue of national-bank notes, redeemable in the aforesaid greenbacks; thus, beyond peradventure establishing them as the measure of value. Then, does it not follow that the 12 per cent. difference is so much premium on gold? And if so, should not the question be reversed, and ask why is gold 12 per cent. above par? To which I would reply that it was made so by the act of Congress.

You will remember that the bill passed the House of Representatives making the national credit or United States notes a legal tender for all purposes whatever, without exception. Pardon the expression of opinion that, had that bill become a law, it would have been practically impossible for gold ever to have risen above the par of greenbacks, for the reason that all the gold in the country would have been on the market without buyers, and the prosperity of our people at the present time would have surpassed any period in our history. But the gold monopolists and Shylocks of Wall Street took the alarm, and saw if that bill passed their vocation was gone, and came down upon Secretary Chase in such force and annoyed him with such persistency as, he said, "almost worried his life out," until he consented, and called upon Mr. Fessenden, chairman of the Committee on Finance in the Senate, having the bill in charge, and induced him to modify it by excepting that the interest on the bonds authorized to be issued by the same act should be paid in coin; and, to procure the coin, prohibited the receipt of said legal-tender money and required that gold only should be received for duties on imports.

To that extent Congress repudiated its own legal-tender money in the very act creating it.

Requiring all importing merchants to purchase coin to pay the duties, at such prices as the gold rings might think best to ask, I firmly believe is the principal if not the only cause of the premium on coin ever since.

Again, those favoring contraction and immediate resumption of specie payments argue that the greenback currency must be contracted still further to bring gold and currency on a par.

Is it possible that they do not know the fact, or do they shut their eyes to it, that the experience of the last ten years has exploded that theory?

Mr. McCulloch contracted the currency, as he proclaimed, solely for the purpose of raising greenbacks to the par of gold, and failed, as follows:

It appears from official returns that on December 31, 1865, the amount of currency was $1,591,787,780; June 30, 1869, it was reduced to $692,687,532, from which it appears that two-thirds of the currency had been called in; consequently, were his theory correct, the difference between gold and greenbacks should have been reduced two-thirds, when, lo! it stood 2 per cent. higher, namely: December 31, 1865, the premium was 34 per cent.; June 30, 1869, the premium was 36 per cent.

Again, as evidence that the quantity of currency does not affect the price of gold, it appears by the same returns that on June 30, 1864, the amount of currency was $786,332,835; December 31, 1866, the amount as aforesaid was $1,571,787,780; just double. How stands the premium?

June 30, 1864, it stood at 158 per cent. above greenbacks; December 31, 1866, it stood at 34 per cent. above greenbacks.

Were his theory correct, it would have been 316 per cent. above greenbacks, when, as above, it was only 34 per cent. Can proof be more positive?

Again, Mr. McCulloch began contraction by funding fifty millions of greenbacks in one week, causing a stringency in the money market; but the price of gold stood unmoved. Many more comparisons of the same character could be given; but do not these facts prove positively that since coin was demonetized the amount of currency has not affected the price of gold any more than it has the price of cotton, tobacco, flour, or any other commodity depending for its price on a foreign market?

If the foregoing conclusions are correct, it does not follow that all the arguments of the contractionists and immediate resumptionists are without foundation and mere fallacies?

In conclusion I would say that should Congress adopt the interconvertible principle, and let us be permitted to exchange at pleasure the currency, both greenbacks and national-bank notes, into convertible bonds, bearing a moderate rate of interest, the people will, in a brief space of time buy of the Treasury Department a sufficient amount of such bonds to enable the Secretary to purchase and cancel the whole foreign bond indebtedness, and thus not only reduce the rate of interest, but stop the drain of coin that goes as a tribute to enrich foreign nations and to impoverish our own.

Adopt the interconvertible principle, and I firmly believe it will act like magic in infusing new life, energy, and activity into the prostrate industries of our people; give employment to the suffering millions, start the springs of legitimate enterprise, and increase the products of labor to such an extent that our exports will soon exceed our imports, and pay off all foreign indebtedness, when the untold millions of gold we have sent to foreign nations will return to enrich our own.

Most respectfully, yours,

PLINY FREEMAN.

Hon. MOSES W. FIELD,
House of Representatives, Washington.

Mr. FIELD. Now, Mr. Speaker, owing to the abnormal condition of our trade with Europe gold is required for shipment to settle foreign balances. This, together with the demand to settle duties on importations, is the cause of the premium on gold; and if Congress should authorize greenbacks to be received at our custom-houses in payment of duties—a policy I am in favor of—I think the premium on gold would fall so that it would approximate in value to greenbacks. A good many gentlemen who have spoken here in favor of a speedy return to coin payments do not appear to comprehend the subject. Over one hundred acts of the British Parliament are recorded to fix and regulate the price of wheat, yet the price of wheat in the English market continued as "unstable as water," and the acts of Parliament remain upon the statutes dead letters and useless records of impracticable legislation; and so it will be repeated in this country should Congress attempt *by law* to regulate or reduce the price of gold coin in the open market, or force it into circulation while the demands of our creditors in Europe exceed the production of the precious metals from our rich mines.

The price of gold is fixed by the "higher" law of "demand and supply." It is therefore clear to my mind that in order to reduce the pre-

mium on gold and assure "specie payments" two things are absolutely indispensable, to wit, first, to lessen the demand for gold coin; second, to secure a large supply of the precious metals. Our markets should be glutted with gold; and the question is, how can that condition be reached?

If gentlemen really want "a return to specie payments at the earliest practicable moment," why do not they proceed to secure that condition in a philosophical and practical way? Pass two bills I have introduced (H. R. No. 2157 and H. R. No. 2531) and specie will become so redundant here within two years that it will be a drug in our markets.

The first bill provides for an increase of the currency by the issue of greenbacks in exchange for interest-bearing interconvertible United States bonds, and makes greenbacks a legal tender for all purposes, including duties on imports. This act would *prevent* financial panics, emancipate labor and promote the prosperity of the whole people. The other provides for an increase of the duties on imports, or taxation on foreign productions. Should this bill become a law it would turn the balance in foreign trade in our own favor, and draw the precious metals from Europe to enrich the people of the United States. The ocean steamers, instead of taking out $2,000,000 in gold every week, would bring into our ports a much larger sum, for the balances in foreign trade regulate and control the movements of gold.

Pass these two bills, and I will give bonds with good security that in less than three years our gold coin will fall below the par of greenbacks in the open market.

I suggest this scheme for the consideration of the House. It will secure the object with certainty, and the people of the United States will not be injured in carrying the plan into operation.

It is urged by some gentlemen in this discussion that an increase of the currency would promote "speculation" and "overtrading." Now, sir, how has it been in the past? In 1865, when we had over $2,000,000,000 of circulation, the people were in the habit of paying down in cash for nearly everything they bought. That was the practice of the country at that time, and the credit system was almost entirely wiped out; and I submit that when people pay in cash on the spot for what they buy *there is no speculation and no overtrading* in the operation.

It is asserted here, too, that an increase of the currency would inflate prices. Now, sir, I wish to call the attention of the House and the country to the fact that in 1868, when we had over $800,000,000 of currency in circulation, the prices of eighty-five staple or leading commodities in general use were actually lower in the aggregate than the prices of the same commodities in September, 1873. Meanwhile our circulation was contracted over $100,000,000. This fact is shown by the Report of the Bureau of Statistics, (see report on finances, page 520,) and I send to the reporters a tabular statement of prices, and ask that it be printed in the RECORD.

Comparative statement showing the prices of staple articles in the New York market at the beginning of September in the years 1868 and 1873.

Articles.	September, 1868.	September, 1873.
Breadstuffs:		
Wheat, northern ..... per bushel	$2 30 to $2 35	$1 70 to $1 75
western ..... do	1 75 1 90	1 60 1 65
Rye, western ..... do	1 40 1 60	95 97
Corn, western ..... do	1 16 1 23	62 66
Oats ..... do	81 83	44 46½
Barley ..... do	2 00 2 25	1 30 1 45
Wheat-flour, superfine ..... per barrel	7 00 8 00	5 60 6 10
New York State ..... do	8 00 9 00	6 85 7 15
western ..... do	8 00 8 85	6 75 7 00
southern ..... do	8 75 9 75	9 00 10 25
Rye-flour ..... do	7 00 9 75	5 20 5 65
Corn-meal ..... do	5 75 6 75	3 00 3 40
Coal, anthracite ..... per ton	6 50 7 50	4 75 5 45
Coffee, Rio ..... per pound	16½ 16¾	22¼ 22½
San Domingo ..... do	14 14½	 16
Java ..... do	21 23	24 25
Copper, American ingot ..... do	33	 40
sheathing ..... do	33 33	 38
Cotton, low middling ..... do	27½ 28¾	19½ 19⅞
middling ..... do	29½ 30½	20½ 20⅞
Fish:		
Mackerel, No. 1 Bay ..... per barrel	16 00	16 00 17 00
No. 2 Bay ..... do	13 00	13 00 14 00
Herring ..... do	6 00 9 00	3 50 6 00
Dry cod ..... per cwt	7 00 7 75	5 25 6 75
Flax, American ..... per pound	16 24	16 19
Glass, American window, 8 by 10 ft. per 50 ft	4 75 6 25	8 25 10 75
French window, 8 by 10 ft. ..... do	6 25 8 50	8 25 10 75
Gunpower, rifle ..... per 25 pounds	3 50	..... 4 25
blasting-powder ..... do	4 00 4 00	..... 3 75
Hides, dry, Buenos Ayres ..... per pound	20 22½	26 27
Hides, dry, Rio Grande ..... per pound	$0 20½ to $0 21	$0 26 to $0 27
California ..... do	18 19½	24½ 25
Hops, American ..... do	25 40	35 45
Indigo, Manila ..... do	70 95	70 87½
Iron:		
Pig, American, No. 1 ..... per ton	40 00 42 00	42 00 45 00
Scotch, No. 1 ..... do	43 00 45 00	43 00 51 00
Bar, common, English ..... do	90 00	82 50 85 00
refined, English ..... do	80 00	82 50 90 00
Swedish ..... do	155 00 155 00	175 00 .....
Rails, American ..... do	80 00 81 00	75 77 77 00
English ..... do	51 50 52 50	65 00 68 00
Lead, pig ..... per 100 pounds	6 35 6 87½	6 87 7 00

Comparative statement showing the prices of staple articles, &c.—Cont'd.

Articles.	September, 1868.	September, 1873.
Leather, sole, oak ..... per pound	38 44	38 42
hemlock ..... do	29 30	26 27½
Liquors:		
Domestic whisky ..... per gallon	65	1 10 .....
Molasses, muscovado ..... do	40 52	29 40
Cuba, clayed ..... do	36 40	28 35
New Orleans, fair to good ..... do	70 85	58 88
Nails, cut ..... per 100 pounds	5 25 5 25	4 50 4 75
Naval stores:		
Spirits turpentine ..... per gallon	43 43½	43½ 44
Rosin, common ..... per barrel	2 75 2 75	3 15 3 25
Oil, olive, in casks ..... per gallon	2 35 2 40	1 15 1 25
linseed, in casks ..... do	1 06 1 08	91 92
sperm, crude ..... do	1 75 1 80	..... 1 50
Paints, American red lead ..... per pound	11 11	9 9¼
white, in oil ..... do	14 14	 12
Petroleum, crude ..... per gallon	23 23	..... 5½
refined ..... do	30½	 17
Provisions:		
Beef, mess, plain to extra ..... per barrel	4 00 8 00	4 00 7 00
Pork, mess, western ..... do	25 75 26 00	17 75 .....
Hams, pickled ..... per pound	16½ 18½	13 14
Shoulders ..... do	13½ 14	8¼ 8½
Lard, western ..... do	18¾ 19¾	8¼ 8½
Butter, western ..... do	31 33	15 17
New York State ..... do	35 39	29 30
Cheese, western ..... do	14 16	8½ 13½
Rice, Carolina, fair to prime ..... per 100 pounds	9 00 10 25	8 75 9 50
Salt, Liverpool, ground ..... per sack	1 78 1 80	1 40 2 30
Turk's Island ..... per bushel	48 48	32 35
Seeds, clover ..... per pound	14 15½	9¼ 9½
timothy ..... per bushel	3 00 3 25	3 75 3 90
Sugar, Cuba, refining ..... per pound	10⅜ 10⅞	8½ 8¾
Havana, white ..... do	14 15	10 11
Tallow, American, fair to prime ..... do	12¾ 13½	8½ 8½
Tea, Young Hyson ..... do	85 1 05	48 60
Oolong, superior to fine ..... do	95 1 20	35 65
Souchong ..... do	90 1 05	40 55
Tin, Banca ..... do	26¾	34½ 35
Tobacco, Kentucky leaf ..... do	10 13	9 15
Havana, common ..... do	75 85	75 1 10
Wool, American, Saxony fleece ..... do	40 52	50 53
extra pulled ..... do	40 44	40 46
South American merino ..... do	30 34	27 33
Total	$734 01	$737 79

Aggregate of prices in 1868 being $3.78 less than the aggregate of 1873.

Mr. Speaker, I ask gentlemen to examine this statement with care, and I call attention to the fact that the aggregate of the eighty-five commodities in 1868 is $3.78 less than the aggregate cost of the same commodities in 1873, when our currency was so contracted that there was not enough in the country to pay the internal-revenue and State, county, and municipal taxation of the United States for a single year. And the aggregate of the prices of the commodities enumerated in the foregoing statement in September, 1865, when the volume of the currency was $2,111,678,680, was only $13.85 more than the aggregate cost of the same commodities September 1, 1873, as will appear by the report of the Bureau of Statistics, (report on the finances, page 508.) Meanwhile the volume of the currency had been contracted over $1,300,000,000.

Mr. Speaker, it thus appears plain that the quantity of our lawful money in circulation has no effect upon the prices of the domestic products exchanged by the inhabitants. I shall not use the word inflation, for it is not our desire to inflate the currency. We advocate an increase by taking in large bonds and putting out an equal amount of small bonds called greenbacks, and there is no inflation in this exchange. We simply take in a certain sum of the national credit in one form and put it out in another form; and we gain something in the operation in the reduction of the interest.

The gentleman from New York [Mr. COX] had the disposition the other day, for pleasantry I suppose, to offer an amendment to the bill reported by the Committee on Banking and Currency, proposing to make every greenback dollar now in circulation three dollars. The contractionists and gold worshipers, failing in argument, now resort to sneers and threats of war; but those who stand up here and advocate an increase of our currency cannot be influenced or intimidated by threats of war, nor by attempts at burlesque or ridicule. I grant you that an act of Congress undertaking to make one dollar equivalent to three would be a wicked and shameful inflation of our currency; but when we propose to withdraw interest-bearing notes and issue instead non-interest-bearing notes for an equal amount, it cannot be called inflation.

Our contractionists amuse themselves by talking of what they call the Government paper-mill and printing-press. One gentleman sneeringly said it was proposed to grind out paper for the winds to blow over the country that the people may catch it and use it as money. Now, sir, these contractionists know, as every plowboy knows, that when the Secretary of the Treasury pays out greenbacks he pays them out for something, for material, for services, for public works, and for value received; therefore this paper-mill talk is meaningless and foolish.

Mr. Speaker, we have heard a great deal said here about "a coin basis." A great many gentlemen here from New England are clamorous for what they call "a coin basis" for our currency. You know, Mr. Speaker, that we have never had such a thing in the country as coin payments or coin currency. Prior to the issue of greenbacks, whenever the demands of foreigners called for a little coin, say $7,000,000, or $10,000,000, or $20,000,000, the fiction and swindle called specie payments was made apparent, and at such periods revulsion and general disaster and bankruptcy was the inevitable and invariable consequence of what is now called "a sound basis." The eyes of our people, through sad experience, have been opened to the swindling mockery and snare called specie basis, or one gold dollar kept in the bank-vaults to redeem five dollars in bank-notes on demand. What is termed a gold basis or coin payments is a scheme or device enabling bankers and money-changers upon each one dollar of their gold to issue three dollars, four dollars, five dollars, or ten dollars in their paper currency—their own credit.

Now, of course the banks cannot pay in coin the whole amount of their issue of notes, and therefore whenever general demands are made, only one in three or four or ten according to the ratio of coin to circulation could get anything, other holders get nothing; nevertheless, while the confidence of the community continues to keep the bank-notes in circulation, and no demand is made for coin from our creditors in Europe, there is no trouble, and the *confidence arrangement* runs smoothly enough and attracts very little attention. But the moment a great failure happens, large enough to create a shock to private credits, like that of the Ohio Life and Trust Company in 1857, or Jay Cooke & Co. in September, 1873, or whenever a large amount of coin is required to pay debts in Europe, the banks break with a great crash, panic ensues, carrying all before it into bankruptcy and wide-spread ruin.

Here is the lesson of our experience with the common but dreadful delusion and cheat called "specie basis" or specie payments. We have tried it often, and have as often been humbugged and ruined by it; and the system still exists in England, resulting, as you know, in at least one great financial panic every ten years. And yet gentlemen spend hours here in praising and extolling a system which, to say the least of it, is defective, and often out of joint. They "long for it," and grave statesmen stand up here and say we should "*prepare our house for the dreadful event.*" Always insisting that we should "*look to it*" and "*fix the time for it*," they talk incessantly of the necessity of preparing for a hard-money basis for our currency, *but they never tell us why.*

Is it not singular, Mr. Speaker, that during this long debate no gentleman has told us *why* he wants a coin basis for our currency? *It is always assumed, but none tell us why*

Now, in providing money for the people, my opinion is that if this Government *must abandon the use of its own credit* and hire bankers to issue money for the people, I do not want a gold basis of one dollar for three dollars of bank-notes. I prefer a Government bond, dollar for dollar. Government bonds to cover the whole issue are a better basis, in my judgment, than any coin swindle that has ever been devised in any country. Some people have an idea that, as we have now suffered for five or six months, it would be desirable to suffer a few months longer and come down to what they call "hard-pan." They wish to "touch bottom," and then realize the fiction of specie payments.

But, sir, suppose Congress should order specie payments next month or next year. The Treasury might start the business, but it would not last ten days. Our creditors in Europe would soon glean from us the coin we possess, and that would end the farce of attempting what we have not the means to carry out. It would only put a little more money into the pockets of the merchants and capitalists of Europe who have claims against our merchants and hold our State, municipal, and railway bonds, the principal and interest of which are now payable here in lawful money. They would then collect gold instead of greenbacks, and therefore specie payments would give great satisfaction to all our creditors in Europe.

Now, Mr. Speaker, why should we waste time in making useless and visionary plans about resumption at the present time? The Government—the sovereign power—provides money for the people, and Congress determines what shall be legal tender and lawful money to pay debts within the country. It is not the business of Congress to undertake to create money for the people of other nations, and our money is not made for the convenience and use of the inhabitants of other countries. I have, even in Cuba, offered our gold coin in payment for breakfast at a country inn, and been insulted and treated as a swindler for so doing. I had to exchange my American gold for Spanish coin before I could continue my travels in the West Indies.

Now, money is for domestic uses, and more than a thousand dollars are employed in domestic exchanges and settlements where a single dollar is required for foreign trade. Why should we overestimate foreign trade? Why should we inconvenience ourselves and make paupers of the American people for a fanciful idea or to please Englishmen and others across the Atlantic? I think we shall have performed our duty when we provide a uniform, stable, and elastic legal tender, lawful money, for the people of the United States. Our greenbacks are the *people's money*, and the best money we ever had.

They call it irredeemable, but did you ever hear, Mr. Speaker, of lawful money being redeemed? It is nonsense to talk of money being redeemed. It is well enough to talk of the redemption of national-bank notes or bank rags; but the redemption of our legal-tender lawful money of the United States is not required, and the people will not acquiesce in the attempt now being made by bullionists and bond-holders to extinguish our greenback money. The greenbacks are our lawful money, and they pay the debts and mortgages of our people and settle all exchanges here at home. A *full* legal tender does not require any redemption, because there is nothing superior to it.

Mr. Speaker, some gentlemen think we may be inflated with an excessive volume of currency. Now on this point my opinion is that should Congress offer the people at par a bond bearing 3.65 per cent. interest, the same to be interchangeable with greenbacks on demand, I think we could not get too much money into circulation; for any excessive or unemployed money would pass into the Treasury in exchange for the convertible bonds, and should more money be required at any time for the convenient transaction of business it would flow out of the Treasury in exchange for the convertible bonds. It would assure fluidity or elasticity to the currency, and absolutely prevent financial panics within the United States. It is idle to figure up the quantity of money required by the people, because a larger amount is required at one season than at another.

By the act of February 25, 1862, Congress provided that greenbacks should be convertible to Government interest-bearing bonds at par. This was the condition on which the legal-tender act was passed, and was a part of the bargain with the people; but on March 3, 1863, this provision of the act was repealed. It was done at the request of the Treasury Department, but the bill sent up for the purpose was in the handwriting of Jay Cooke. Mr. Cooke had been hired by the Secretary of the Treasury to convert greenbacks into 6 per cent. bonds. Under the convertible clause of the act of February 25, 1862, the people would have done the business without the employment of a middleman, and consequently the service of Jay Cooke would have been wholly unnecessary; for as soon as greenbacks and other circulating notes became redundant and unemployed the people would have effected the conversion to interest-bearing bonds without the intervention of an expensive agent.

Having broken faith with the people in repealing the clause authorizing the conversion of greenbacks to Government bonds at par, now let Congress act justly by the people and at least authorize the conversion of greenbacks to a bond-bearing 3.65 per cent. interest, and should the people want the greenbacks again let the bonds be redeemed with greenbacks on demand. I have received a valuable contribution from a friend, and as it bears forcibly on this point as well as on the whole financial question, I will send it to the reporters to be printed with my remarks.

MUNCY, PENNSYLVANIA, *March* 30, 1874.

DEAR SIR: * * * * * * * *

In one word, I may say that your bill (H. R. No. 2157) meets my entire approbation, and I am delighted to know that there is one at least on the floor of the House who has *a plan* to meet the difficulties, and the courage to stand up in opposition to a moneyed monopoly and a monstrous tyranny, which the business men and wealth-producers of the country, *irrespective of party*, are determined shall be crushed out of existence.

The democrats and republicans in Congress who are aiding to uphold this moneyed tyranny under the miserable pretext of a desire to "resume specie payments," avoid "inflation," and rid us of an "irredeemable currency," without taking any other steps than a contraction of the currency to accomplish their professed purposes, will find themselves mistaken if they count on the support of the people. I would not support one of them, either democrat or republican, to save their lives.

The moment your proposition to make United States Treasury notes a *full* legal tender is adopted, they will be equal to coin and force it into general circulation, which will give us the only specie resumption *necessary* or *possible*. No sane man can possibly contend that one *full* legal-tender money needs redemption in another legal tender; consequently the objection to the United States note as an irredeemable or depreciated money is entirely obviated.

If inflation means increased values produced by *depreciation*, the adoption of your proposition destroys that. If inflation means a surplus of money or more than can be used in the legitimate business of the country, your convertible-bond proposition not only meets that objection, but enables the people to regulate the *volume* of currency for themselves far better than Congress or capitalists can do it. A surplus of par paper currency will no more produce inflation than coin.

Our business men's association hold that Congress must make United States money a *full* legal tender, as it must regulate the *value* of its issue of money. This prevents any *fluctuation* in the *value*.

We also hold that Congress cannot place any other limit on the *people's money* than the indebtedness of the Government *overdue*.

We also maintain that Congress has no lawful power to suspend payment on any Government loan, which by the plain letter of the contract is made payable in United States notes, *the same as coin, at their par value*, (dishonored and thereby depreciated by the act containing the terms of that contract.)

We do not believe that the honor of Congress or the country can be elevated by altering a contract after it is made, to benefit either money-lenders or the people; and therefore the act of March 18, 1869, should be repealed, as it perpetuates a debt payable in United States notes, compelling us to pay millions of useless taxation annually.

We are uncompromisingly opposed to banks of *issue*. First, because the *people's money* is safer than that of any individual, and the people are entitled to the *benefit* of the *circulation*; nor does it require redemption. Second, individual issues cannot be made a *full* legal tender, and therefore require redemption in a *full* legal-tender money. Third, because money not based on real estate as security, a first lien or mortgage on it, and backed by the revenues of a government, has no real value, or means of being retired. Fourth, because the prerogative to make money and regulate its value has been *delegated* to Congress; and this prerogative Congress cannot delegate to another. We are in favor of the sixth and seventh sections of your bill on the currency, because the act of 1869 is a gross fraud on the people, dishonorable to the country, simply intended to perpetuate our public debt and the national-bank *issue*, and the act of July 14, 1870, is useless.

There is no use in our trying to conceal from ourselves the fact that we are in the midst of a terrible conflict between the people and "great capitalists," who are enlisting newspapers and their correspondents in their service, and who have

threatened to fight us "inch by inch" in the United States Senate, in order to defeat the friends of an expansion of the people's money, and permanently establish a moneyed tyranny over us. They fear expansion lest they may lose control over the currency. Pay off the five-twenty bonds in par United States notes, and it will no more than place business on a *cash basis*, and make business men independent of money-lenders and note shavers, as they should be, and are determined to be; therefore their "inch-by-inch" fight, but the final result of this contest, cannot and will not be a doubtful one. We stand as seven to three. The contractionists and all who attempt to humbug us with a promise of resumption of specie payments in two or three years, hold their last offices. We do not want any other resumption than that of specie circulation on a *par* with a *full* legal-tender United States note, and *that we want now*.

They tell us that United States notes were only intended as a temporary arrangement, and that national-bank notes were intended to be a permanent swindle on us; and that to clinch us they passed the act of 1869 and the act of July 14, 1870. And Mr. MAYNARD says that we so pledged ourselves in 1868. This is an error. The republicans on May 20, 1868, pledged themselves to pay the public debt according to the letter and spirit of the laws under which it was contracted.

The democrats, July 4, 1868, pledged themselves to make United States notes par and pay the five-twenty and ten-forty bonds in those notes, and the bonds of 1881 in coin.

Yours respectfully,

WILLIAM BRINDLE.

Hon. MOSES W. FIELD,
House of Representatives, Washington.

Mr. Speaker, I shall vote, if I have an opportunity, for the bill I have introduced, (H. R. No. 2157.) I am willing, however, to vote for the bill introduced by my friend from Pennsylvania, [Mr. KELLEY;] but should that fail, I shall gladly vote for the bill introduced by the gentleman from Kentucky, [Mr. BECK.]

All these bills provide for the issue of a convertible bond, bearing interest at 3.65 per cent., in exchange for greenbacks at par; the convertible bonds to be redeemed in greenbacks at any time on demand, and all the greenbacks received in exchange for the interconvertible bonds to be used by the Secretary of the Treasury in paying the 6 per cent. gold interest-bearing bonds of the Government called five-twenties.

My colleague, [Mr. WALDRON,] in a recent speech, doubts the right of Congress to issue United States Treasury notes for currency; but advances the opinion that it may authorize individuals or corporations to make a currency, and calls United States notes (greenbacks) irredeemable currency, and thinks greenbacks an obstacle in the way of a resumption of specie payments. I cannot conceive of a greater fallacy than that the quantity of greenbacks in circulation is either a hinderance to resumption or a cause of the premium on gold. Any person at all acquainted with business affairs knows that when the amount of our circulation has been largely reduced the price of gold has advanced.

The Secretary of the Treasury (Mr. Fessenden) in his annual report, December, 1864, says:

> The experience of the past few months cannot have failed to convince the most careless observer that, whatever may be the effect of a redundant circulation upon the price of coin, *other causes* have exercised a greater and more deleterious influence. In the course of a few days the price of this article rose from $1.50 to $2.85, and subsequently fell, in as short a period, to $1.87, and then again rose as rapidly to $2.50; and all without any assignable cause, traceable to an increase or decrease in the circulation of paper money, or an expansion or contraction of credit.

Mr. Speaker, the gentleman argues that the Government should not undertake to issue Treasury notes for currency, but declares himself in favor of a currency to be issued by bankers.

The idea that Congress cannot make money, but may confer such power on individuals, is a great tax on one's patience and charity. Calling greenbacks an irredeemable and worthless currency while commending national-bank issues is presuming too much on the stupidity of the people.

The Director of the Mint estimates the gold coin in the United States at $135,000,000, and of this amount $87,000,000 is in the Treasury; and in his annual report the Director says, "the mines of the world produce annually about $100,000,000 of gold," and that "of this product about $25,000,000 is consumed annually in the arts, leaving only about $75,000,000 for the uses of currency for the inhabitants of the whole earth;" and the Director advances the opinion that "countries, however wealthy and prosperous, cannot even, with the aid of bills of exchange, maintain an exclusively metallic currency," and that "the use of paper money as an auxiliary to coin is more likely to increase than diminish in the future." No one of any party pretends that we can obtain sufficient coin, and all admit that we must supplement it with paper. This being a fact, how can any man who wishes to deal fairly with the people prefer for the purpose an individual or private issue to the people's money? The Government debt now *overdue* and payable in the legal-tender United States notes furnishes a good opportunity to provide the money the country requires. Unless the currency is very largely increased—so largely as to make it seek investment in the proposed three sixty-five convertible bonds—we will have, in my opinion, such a crash and wild panic as this country never saw; and it is close at hand.

Now, Mr. Speaker, in conclusion, what is the situation? Congress has since February 25, 1862, emitted bills of credit—greenbacks. They have performed the function of an "instrument of exchange" most admirably, and I cannot see why gentlemen are so anxions to get rid of them. The *credit of the nation* possesses intrinsic value as well as any metal, and it represents labor as well as gold beacuse it is issued in exchange for labor. *Something* must be employed for a circulating medium, and why not use the *national credit* for the purpose? Gold is out of the question, for we have not got it. Greenbacks have worked well, and they are exceedingly popular. I prefer these Government bills to bank bills, public credit to private credit.

Monetary reform is the great need of the country to-day, and nothing short of the principle of interconversion of greenbacks and interest-bearing Government bonds at the option of the people will satisfy the demands of the producing classes. This reform will emancipate labor, promote the prosperity of the people, and *prevent* the possibility of financial panics within the United States.

Banking and Currency.

SPEECH OF HON. W. LOUGHRIDGE,

OF IOWA,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, April 9, 1874.

The House having under consideration the bill (H. R. No. 1572,) entitled "An act to amend the several acts providing a national currency and to establish free banking, and for other purposes"—

Mr. LOUGHRIDGE said:

Mr. SPEAKER: I do not propose at this time to enter into the discussion of the question of finance at any great length. Much has been said upon it during this discussion; much of interest and much of value. The laws regulating finance are so intricate that men of equal intelligence differ widely, though I think as a general rule that the interest of men has much to do with shaping their judgment upon this question.

Some gentlemen here represent constituencies in the East composed to a great extent of capitalists in money and credits; while I and many others here represent constituencies composed of laboring men—producers and land-holders.

The interests of these classes of people seem to differ somewhat, and as a consequence we see in the votes and the action here involving the question a division to a great extent controlled by sectional lines.

In the vote the other day, on the bill to fix the amount of legal-tender notes, on the proposition to increase the amount issued to $400,000,000, the following States gave a majority against increase: Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, Maryland, Nevada, California, and Oregon. The following States gave majorities in favor of increase: New Jersey, Pennsylvania, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Texas, Arkansas, Tennessee, Kentucky, Missouri, Ohio, Michigan, Indiana, Illinois, Iowa, Kansas, Nebraska, and Minnesota. From New England but one solitary member voted for the increase.

The analysis of this vote is an interesting study to the statesman and to the financier. The question assumes the form almost of a sectional one, in which the peculiar interests of New England and New York seem to come into direct conflict with the interests of the large majority of the people of the entire country—the South, the West, and the Middle States. I regret, Mr. Speaker, that any great and vital question, as this one certainly is, should assume a sectional character.

But, Mr. Speaker, as a western man, identified with and representing in part that section, I cannot doubt but that what is claimed by the South, the West, and the Middle States is right, is just, and is absolutely necessary for the prosperity of those sections, and the unanimity with which the Representatives from those sections support this demand for more currency is evidence of the justice of the demand and the wisdom of the measure.

I shall vote, Mr. Speaker, to strike out the last section of this bill, which provides for gradual contraction of the greenbacks, and with that section stricken out, as I doubt not it will be, I shall support the bill.

As to that portion of the bill which fixes the volume of legal-tenders at $400,000,000, I have already voted for that principle in the bill which has passed the House.

The legal-tender note has all the elements of a good currency. It has the absolute confidence of the people; it has for its foundation the wealth, the power, and the credit of the Government. It was good enough to carry us through the most terrible crisis that this or any nation has ever experienced, and it is good enough still. The people are satisfied with it; the millions want it still. Men of wealth, capitalists, money-lenders, and bondholders are crying out against it; and from that class of people comes all the clamor against the greenbacks. They are the men who denounce the greenbacks as "printed lies." Not the poor men, not the laboring men, not the farmers, not the toiling millions; they are satisfied with the greenback currency and ask nothing better, if it must come through contraction.

This bill fixes the amount at $400,000,000, the amount issued originally, the legality of which has been fully sustained by the Supreme Court. Under the foolish, and I may almost say criminal, policy of contraction by Secretary McCulloch, $44,000,000 were withdrawn from circulation, but Secretary BOUTWELL holding that he had the

power and legal right to reissue the same, $26,000,000 of it has been reissued, leaving $18,000,000 in the Treasury, which will be reissued if this bill passes. So that this bill provides for no expansion or increase of legal-tenders over and above the amount heretofore fixed by law, and which, as I have said, has been sustained by the Supreme Court of the United States.

I am in favor of this bill so far as it abolishes the restriction upon banking, and thus makes banking under the law free to all who comply with the law. I am in favor of this feature of the law for two reasons: First, because the law as it stands, with the present restriction, is a monopoly created and sustained by law, extending special privileges to a favored few which are denied to the many.

I am opposed on principle—always have been, and always shall be—to the creation or the perpetuation of monopolies by law. It is contrary to the spirit and genius of our Government, and as far as possible should be avoided. The blessings and privileges of government ought, under our political theory, to descend like the dews of heaven upon all alike.

The privileges and the advantages of banking under the law are valuable to the citizen where he is in a condition to take advantage of them. That privilege is granted to a select few and denied to others. An odious distinction is thus created and perpetuated by the law among men equal probably in merit and in worth, and who ought to stand equal before the law.

If the General Government did not, by a prohibitory tax upon State banks, entirely prohibit citizens from banking under State laws, this monopoly of national banks would not appear so odious and oppressive as it does. But when that fact is taken into consideration almost any one is impressed with the belief that so great a monopoly of special privileges ought not to be further continued, and that banking privileges ought to be open to all on equal terms; or that the system should be abolished entirely and the currency issued directly by the Government, which plan, I incline to think, would be more acceptable to the people; and yet I am satisfied that at the present time a law of that kind could not obtain the sanction of both Houses, and therefore I do not desire to spend any time in discussing what is not practical, or rather what cannot now be attained. Practical wisdom leads us to legislate in view of facts as we find them and as they are.

In the second place, I am in favor of this bill, in so far as it increases the currency, because in my opinion the business of the country is suffering and all its industries paralyzed for want of a sufficient amount of currency for the needs of business, trade, and commerce.

The Government took into its own hands the responsibility of supplying the people of the United States and of all the several States with currency, and abolished all the banks which had existed in the States under State laws by imposing upon them a prohibitory tax. Congress by law fixed the volume of currency at an arbitrary amount or limit, and that amount is all taken up and the limit reached. The distribution of that amount of currency among the States, which ought to have been upon some principle of justice, was actually made in disregard of any principle of equality or equity, and in such manner as that its statement is enough to bring a blush to the cheek of any honest American citizen, as the following facts and figures will show.

The six New England States had a population, in 1870, according to the United States census, and have an area as follows:

	Square miles.	Population.
Maine	31,776	626,917
New Hampshire	9,280	318,300
Vermont	12,212	330,551
Massachusetts	7,800	1,457,350
Connecticut	4,674	537,154
Rhode Island	1,306	237,353
Total	65,048	3,507,825

The Southern and Southwestern States had in 1870:

	Square miles.	Population.
Virginia	40,504	1,225,163
West Virginia	23,000	442,014
North Carolina	50,704	1,071,361
South Carolina	29,385	705,000
Florida	59,268	187,748
Georgia	58,000	1,184,109
Alabama	50,722	996,992
Mississippi	47,156	827,922
Louisiana	41,346	726,915
Texas	237,504	818,679
Arkansas	52,198	484,471
Missouri	65,350	1,721,295
Tennessee	45,600	1,258,530
Kentucky	37,600	1,321,011
Total	839,000	12,971,210

The Northwestern States had in 1870:

	Square miles.	Population.
Ohio	39,964	2,605,160
Indiana	33,800	1,600,637
Illinois	55,410	2,539,891
Michigan	56,451	1,184,059
Wisconsin	53,924	1,054,670
Minnesota	83,531	439,700
Nebraska	75,995	122,992
Kansas	81,318	364,399
Iowa	55,045	1,191,792
Total	535,138	11,103,300

Now take the sections and compare the area, population, and amount of banking circulation:

	Area.	Population.	Bank circulation.
Six New England States	65,000	3,512,825	$110,489,906
Fourteen Southern States	839,000	12,971,210	36,630,217
Nine Western States	535,138	11,103,300	78,785,148

Thus it appears that New England has, compared with the Southern States, one-thirteenth the amount of territory, one-fourth the population, and yet has about three times as much banking currency. The Southern States have $2.80 *per capita* and New England has $31.40 *per capita*. And this taken, into consideration with the fact that a given number of people upon a territory of large extent require more currency *per capita* for the same amount of business than the same number upon a small extent of territory, and the above comparison shows the gross injustice and inequality.

The law as it now stands denies to the Southern States any additional currency, and New England Representatives vote almost as a unit against any increase and at the same time refuse to give up any portion of their surplus to go to the States having a deficit.

And thus we see thirteen million people spread over the vast territory of fourteen States compelled to carry on their business and all their industries with an amount of currency grossly deficient; and the Government not only refuses them the privilege of more currency, but it puts forth its iron arm and drives from existence all State banks, and prohibits the State from giving that relief which the Federal Government denies and which the State governments could give were it not for the prohibitory tax imposed by Congress upon the issues of State banks.

Now let us look at the Western States and make the same comparison. The following are the figures for 1870:

	Area.	Population.	Banking circulation.
Nine Western States	535,138	11,103,300	$78,785,148
Six New England States	65,000	3,512,825	110,489,906

Thus it appears that eleven million people in the great States of the Northwest, on an area of five hundred and thirty-five thousand square miles, have $78,000,000 of currency, while three million five hundred thousand people of New England, on one-eighth of the extent of territory, have $110,000,000.

The West has seven dollars *per capita*, while New England has thirty-one dollars *per capita;* and yet New England men will neither vote to redistribute and give up a portion of surplus they have, nor will they vote to increase the amount, that the West may have her fair proportion. Nay, sir, even we who propose to vote for such matter of just relief are to be ostracised politically and wither beneath the political ban of New England politicians, chief among whom is the gentleman representing the Hartford district in the State of Connecticut.

Suppose, sir, that we make a comparison between Connecticut and Iowa, the State I have the honor in part to represent; and I take the United States census for 1870, which of course is less favorable for Iowa than would be a census taken at the present time.

	Connecticut.	Iowa.
Area, square miles	4,769	55,410
Population	537,454	1,191,742
Wealth	$774,631,000	$717,644,000
Taxes paid for schools	1,856,275	3,570,000
Total taxes paid in 1870	6,064,000	9,055,000
Amount of banking currency	17,904,000	5,674,000

Thus it appears that Iowa has an area twelve times as large as Connecticut, a population more than twice as large, about the same

amount of wealth, pays one-third more taxes, and yet Iowa has $5,674,000 of banking currency, while Connecticut has $17,904,000; Iowa has five dollars *per capita*, while Connecticut has thirty-three dollars *per capita;* and one consideration which makes this inequality appear greater is, that the population and the business of Iowa is extended over a territory twelve times that of Connecticut, and it necessarily requires more currency *per capita* to do the same amount of business spread over an extensive territory than it does in small areas. Where the people are thickly settled within a small compass they are within reach of banks and exchange offices, and checks take the place and perform the functions of currency. So that, in justice, Iowa should have more currency *per capita* than Connecticut, but giving the same *per capita* it would give Iowa $37,000,000 instead of the amount she now has, $5,600,000; or, to reduce Connecticut to the same quota that Iowa has, it would give Connecticut $2,600,000 instead of $17,900,000, the present amount.

Now, sir, in the face of this gross inequality and injustice, and when we simply ask for justice and equality, the gentleman from Connecticut, the representative of banks and insurance companies, has the face to oppose any increase to the West; and opposes the measure with so much spirit that he declares that he shall, so far as he can, politically ostracise and destroy any man who shall have the audacity to favor the measure or any increase of currency, or who shall dare to disagree with him upon this question! These are the gentleman's words as I quote them from the RECORD:

> There is no man so good that I will vote for him for any office, from President down to constable, if he is unsound upon this financial question; there is no man so dear to me that I will not fight him from the word "go," until the election closes if he is unsound on this question.

And when it is remembered that to be in favor of authorizing the addition of one dollar to the currency is according to that gentleman to be unsound, the coolness of the gentleman's position becomes apparent in view of the thirty-three dollars *per capita* of his own State and the five dollars *per capita* of Iowa.

I doubt, Mr. Speaker, whether any person other than a Hartford man would have the face under such circumstances to make such a threat, and I must insist that it comes with a very bad grace from that quarter.

The gentleman intimates that upon this question he will form a new political party. Sir, if it is thought to be profitable and promising to the interests of eastern men to form such a party, we are ready to meet the issue. Let the gentleman organize his army of capitalists and money-lenders, and get up his organization to rob the producing and laboring masses of the country by contraction of currency, and thus pour wealth into the coffers of the rich, and we will see where he will come out.

The people of this country have never yet done injustice to capitalists; they do not intend to. Neither do they intend that, through Federal legislation, they shall be crushed and ground by the money-power of the country, and at the same time be denied the right of obtaining from their own local governments the relief necessary to save their industries from ruin.

Sir, there is an air and an assumption of superiority of wisdom and of honesty on the part of many of the advocates of contraction upon this floor which is, to use no stronger term, exceedingly unpleasant to those of us who see fit to differ with them in their financial theories. They seem to go on the presumption that all who differ with them in their Wall-street financial theories are either fools or knaves.

I respectfully suggest to those gentlemen that they may not know it all, and that wisdom may not die with them; that even in the rural districts of the West there may be some, perchance, who have made questions of finance a study, and who have some knowledge of the subject.

But aside from that, sir; aside from all vaunted and unseemly assumptions of superiority, we meet here as equals, as peers, Representatives upon this floor of sovereign people; and with all due respect for the opinions and theories of the minority on this question, speaking for myself, and I believe I speak the sentiments of the large body of Representatives from the West and the South, we propose to have such legislation as will secure justice to all sections of this great country. I am not here to carp at New England or to speak in a spirit of fault-finding or of criticism. I am a friend of New England; I admire her people, and as an American I am proud of her history. But I must be permitted, with all due and respectful deference, to suggest that outside of the boundaries of New England and connected with her in an indivisible union is a mighty empire of States, each and all of equal sovereignty, equal dignity, and equal rights, and that true statesmanship should look beyond the lines which bound States and sections, and take within its generous vision the whole country, North and South, East and West. This broad and catholic spirit of legislation is what the whole country has a right to expect, and is necessary for the prosperity and the harmony of the Republic.

New England will not consent to give up any of the banking capital she has over and above her fair quota; then let her Representatives, in a generous and just spirit, consent that the privilege shall be extended so that other States and sections shall have the same privileges and rights under the law that New England has.

We propose to have this measure of justice; we would be glad to have it with the aid of the East; but if not, then we will have it in spite of the East; for the star of empire has taken its course westward and rests over the Mississippi Valley; and sections and people that have been heretofore heard in weakness in these Halls, are here now in their proper strength; not to do any wrong, not to perpetrate any act of injustice, but to insist upon their rights, and to protect the interests of labor against the machinations and the power of capital.

Much has been said here by the opponents of this bill of the danger to the prosperity of the country consequent upon the passage of the bill, and dire calamities and financial ruin are predicted as the result of the violation of their theories of finance by any expansion of the currency.

This question has been discussed by many of those who favor contraction from the stand-point of theory almost exclusively. They take certain general principles laid down in the books by writers of acknowledged ability, principles which, as a general rule, are correct in the abstract, and upon these abstract principles they establish their theories, oftentimes entirely ignoring other principles and laws equally well settled, which may come in to modify or counteract the force of the principles upon which they have founded their theories.

The principles upon which these theories rest being in the abstract sound, if nothing comes in to control or modify their operation the theories built thereon would be found mostly to be sound; but unfortunately often when such theories are put to the test they fall to the ground practically; not because the financial principles upon which they rest are unsound, but because by the force and influence of other principles or laws which are brought into contact with them they are modified to a greater or less extent.

To illustrate: The proposition is considered a sound one that a solid body dropped from a point above the earth will descend in a straight line toward the center of the earth by force of the law of gravitation, and put to the test one day the theory is sustained by the result; and yet at another time some other law or force of nature may counteract the effect of the law of gravitation, and carry the descending body far from a perpendicular course.

So with the laws of trade and finance. A theory may by the force of certain laws of trade work beautifully at one period and under certain circumstances, and yet at some other period and under different circumstances the same theory may entirely fail in practice.

I do not, sir, quarrel with theories or declare want of confidence in the great writers upon the questions under consideration.

I deny that the principles laid down by the great writers upon finance are as a rule in antagonism with the theories advocated by the friends and advocates of the expansion of currency. Those writers deal, as I have said, in general principles, and not in details of systems.

Great financiers would regard it as unsafe to build a system of finance and shape it solely upon general theories. To do so and to insist upon carrying out such a system under all circumstances and in all countries and at all times might under some circumstances plunge a country into financial ruin and general bankruptcy.

We live, Mr. Speaker, in a practical utilitarian age. Practical knowledge is valued more than theory. I make no particular claim for the men who happen to be selected as the Representatives of the people; but I speak generally of the people. I have great confidence in the judgment and knowledge of the people, of the aggregated mind. I always think that all the people know more than any one man or any few men; and if some gentlemen I could refer to upon this floor would pay more deference and respect to the sentiments and judgment of the mass of the people, if they would pay at least the same respect to that judgment as they do to the opinions of men of other and past generations, it would show more wisdom.

I am one of those who believe that the world is not only growing better, but is growing wiser by experience. Each generation is wiser than that which preceded it, and the questions of trade and of finance, intricate as they are, are better understood now than at any former period.

You may take the papers upon finance coming to us every day in our mails—of which every member receives hundreds during the session, written by the people in all stations and walks of life and all parts of the country; merchants, manufacturers, professional men, laborers, and scholars—and I do not hesitate to say that in them you will find more true practical intelligence and sound sense than you can find in the musty volumes of the past, written by men of other generations; at least more that is valuable to the legislation of the present day, and because it is the knowledge acquired by observation and experience in practical life, and which has the advantage not only of what is good in the dead past, but also that which is valuable in the living present, and which takes into view the peculiar circumstances which exist in this country and among this people; a condition of circumstances which has no exact parallel in the history of the world; and we should endeavor to take a practical view of the condition and wants of the country, and enact such measures as will secure the greatest good to the greatest number. Not to legislate for any one class or any one interest, but for all.

The country is suffering in its business interests for want of a sufficient amount of currency to meet the necessities and demands of trade and of business. Industries are paralyzed, and stagnation is almost universal. It is confined to no section, but is felt in all. Hundreds of manufactories that ought to be, and have been, busy with life are standing idle; improvements of the country have almost

entirely ceased; men of activity and energy are standing still; tens of thousands of laborers are out of employment, and with a gloomy prospect for work in the future; the wages of labor are rapidly decreasing with the scarcity of the demand; the money formerly in circulation has been withdrawn from the channels of trade, and cannot be had for the demands of business. The prosperity of the country is palsied, and the mighty arm of industry is paralyzed.

What is the result of this? As might be expected the values of property have shrunk and will continue to shrink; the real-estate owner is becoming poorer every day, while the money-lender is daily augmenting his wealth; the debtor finds the debt he owes becoming more and more onerous day by day, in that it takes more property to pay it, while the creditors' notes and bonds augment in value; the creditor class thus becoming richer and the debtor class and the masses of the people becoming poorer. And this not by reason of the superior industry or energy of the creditor class, but by reason of the interference of the Government by law in favor of the capitalists, by contracting and limiting arbitrarily the volume of the currency, so that it cannot expand with the expansion of business, wealth, and population, as it ought to.

During the war the volume of currency was largely increased from time to time, until at its close the amount in circulation, including the seven-thirties and all the different issues which served the use of currency was about $1,700,000,000; and this amount had been, up to the close of the war, confined to the States not in rebellion. After the war the Southern States were opened up to business and the currency flowed into those States, and thus the territory, population, and business to be supplied by our volume of currency was largely increased. This in itself worked a contraction of the currency and made it more scarce in the Northern States. Yet notwithstanding this expansion of territory and population to be supplied—a state of facts which should have prevented any diminution of the amount of currency—the Government at once commenced to contract the amount, and pursued that course for years, until the distress of the people became so great and the complaints so loud that the Government was forced to cease the contraction. The result of that course of contraction was that the amount of currency was reduced to about $750,000,000. I believe the amount now in use is $767,000,000.

The result of this contraction policy is deleterious, and if the present condition remains unchanged the business of the country will suffer materially, the evils enumerated will be greatly aggravated, the value of money will daily increase in comparison with the value of other property, and upon the supposition that the present condition and course of things is to continue, a time will come before very long when property in comparison with money will bear but a nominal value, and when the man who has money can buy property at his own figures. This being the natural course of things, the money of the country will be hoarded; it will gradually leave the hands of the many and go into the hands of the few; it will be gathered into the coffers of the rich, and massed in the wealthy cities, as is now being done; and thus when the extreme is reached a crash will come, the result of which will be general bankruptcy and ruin. The rich few will be made richer and the masses of the people poorer.

This, Mr. Speaker, seems to be the gradual result in all countries; but when this result is hastened and aggravated by the Government it is deplorable indeed.

I have spoken of the East as having apparently a sectional interest in this question as opposed to the interests of the West, on account of the money and credits being held in the East. This is the case to a great extent, and the cause of it is obvious, and not all discreditable to the West; rather the reverse.

The West has immense wealth, but its wealth is mostly in property. The people of the West have earned money rapidly, but they have expended it in developing and building up a great and new country. Instead of hoarding their money, or investing it on interest, they have generously spent it to build towns and cities, open and improve farms, and in transforming a wilderness into cultivated, wealthy, and highly improved States. Instead of hoarding money, they have been developing the resources of a new country, and building up mighty States—borrowers of money for that purpose instead of loaners. As a consequence, they are poor in money but wealthy in property. While on the other hand the people of the Eastern States are money-lenders and creditors; their earnings not being needed to develop their country, they have invested their surplus in loans to individuals or to the Government, and as a consequence the difference in the two sections—the wealth of the one in money and credits, the wealth of the other in property.

I am not here, sir, to claim that the West, as a section, is poor. Her people are not paupers asking for favors from the East. It is a land of great wealth, of great resource, and of great power; and all that the people of that section are asking in this connection is, that the Government of the United States shall not discriminate by its laws against that section of the country, its interests and its property, by making laws the tendency and result of which shall be to add to the wealth of the East and detract from the wealth of the West. And they do not propose to allow this if they can prevent it.

The following tables, taken from the census of 1870, show the population and the wealth of each State east of the Rocky Mountains divided into four groups—the New England States, the Middle States, the Western States, and the Southern States:

States.	Wealth.	Population.
WESTERN STATES.		
Ohio	$3,235,430,000	2,665,260
Indiana	1,268,180,000	1,680,637
Illinois	2,121,680,000	2,539,891
Michigan	719,208,000	1,184,059
Wisconsin	702,307,000	1,054,670
Minnesota	228,909,000	439,706
Iowa	717,644,000	1,191,792
Nebraska	69,277,000	122,993
Kansas	188,892,000	364,399
Missouri	1,284,922,000	1,721,295
Total	10,536,449,000	12,964,696
NEW ENGLAND STATES.		
Maine	349,155,000	626,915
New Hampshire	252,624,000	318,300
Vermont	235,349,000	330,551
Massachusetts	2,132,146,000	1,457,351
Rhode Island	774,631,000	217,353
Connecticut	296,965,000	537,454
Total	4,039,870,000	3,387,924
MIDDLE STATES.		
New York	6,500,841,000	4,382,759
Pennsylvania	3,808,340,000	3,521,791
New Jersey	940,976,000	906,096
Delaware	97,180,000	125,015
Total	11,347,337,000	8,935,661
SOUTHERN STATES.		
Maryland	643,748,976	780,894
Virginia	409,588,133	1,225,163
North Carolina	260,757,244	1,071,361
South Carolina	208,146,989	705,606
Florida	44,163,555	187,748
Georgia	268,109,207	1,184,109
Alabama	201,855,841	996,992
Mississippi	209,192,345	827,922
Louisiana	323,125,666	726,915
Texas	159,052,542	818,579
Arkansas	156,394,691	484,471
Kentucky	604,318,552	1,321,011
Tennessee	498,237,724	1,258,520
West Virginia	190,651,491	442,014
Total	4,177,402,956	12,030,905

These tables show that the Western States, instead of being poor, are wealthy, and taken into consideration with the fact that this wealth is mainly in property shows the immense loss which necessarily falls upon that section by a contraction of the amount of currency, its arbitrary limitation in amount, and the consequent withdrawal of it from the channels of legitimate business for the purpose of being hoarded to await the inevitable decline in value of property, a state of things I have already referred to, and which we see at all the money centers to-day.

I have said that this hoarding process, now and for months past going on, is the natural result of the condition of things. And I say further that if there is no change by law, no means provided for additional currency, this hoarding of money will inevitably continue, with the results I have depicted.

It is the duty of this Congress to pass such laws as shall avert the impending evil; either by taking off the prohibitory tax upon State banks, and thus permit the States, by local laws, to authorize and regulate the issue of bank currency, or to authorize the issue of sufficient currency under national laws. But in whatever manner it is provided for the people must have more currency, for this only can revive the languishing industries of the country.

As was said by David Hume:

> In every kingdom into which money begins to flow in greater abundance than formerly everything takes a new face. Labor and industry gain life, the merchant becomes more enterprising, the manufacturer more diligent and skillful, and the farmer follows the plow with more alacrity and attention.

And this, sir, is true, as the experience of mankind will substantiate. Let the people be supplied with sufficient currency for their business, and energy and life will reanimate all the avenues of industry and all the channels of labor. For the Government to fail to do this would be a pitiful yielding to the influence and power of capitalists, and a crime against the laboring people of the country.

I do not desire, Mr. Speaker, to advocate any course which shall discriminate in favor of any class or any section. The people of the West are too generous for that; they do not need anything of the kind. They desire only protection to all interests. They see in contraction great danger to the interests of the West and of labor in general. And they believe it a very poor road to specie resumption. It

is practically on the old principle of throwing a poor debtor into jail and locking him up there until he pays the debt. While locked up he has no means or power to pay his debts. The more sensible way was to give him a chance by industry and work to make the money to pay the debt.

So the paralyzing of the industries of the country and drying up its channels of trade is a poor way to get to resumption and specie payments. Reason points to another road. No more contraction of the currency. Restore to the circulation what has by contraction already been taken from it, and let the country have sufficient circulation for the legitimate business of the country. Let this be done and the languishing industries of the country will revive, trade will flow with renewed vigor in its wonted channels, the country will become prosperous, and the energies of a great people will soon carry the Government through all its embarrassments.

This, sir, will be found the surest, the best, and the speediest road to specie resumption, as well as the surest and best guarantee of the public credit.

State of Louisiana.

SPEECH OF HON. A. S. MERRIMON,

OF NORTH CAROLINA,

IN THE SENATE OF THE UNITED STATES,

April 23 and 24, 1874.

The Senate having under consideration the bill (S. No. 446) to restore the rights of the State of Louisiana—

Mr. MERRIMON said:

Mr. PRESIDENT: I regret the spirit manifested by the honorable Senator from Maine, [Mr. HAMLIN.] It cannot be otherwise than somewhat embarrassing to one so young in this body as myself; and it seems to me that his objection to debate, and the purpose he manifests, are founded upon an improper ground. This discussion, considering its importance, has as yet consumed not a great deal of time. It is admitted by all that the measure under discussion presents more than one of the most important questions that have come before the Senate during the present session, or that can possibly come before it; and yet the honorable Senator proposes to cut off debate. Sir, the Constitution provides, the rules of this body provide, the practice of this body allows, justice requires, that every Senator shall have reasonable opportunity to express his views upon the commonest question; and duty, it seems to me, demands that each shall express his opinions, if they shall or are likely to contribute to throw any light upon a subject of such vital importance as the one now under consideration is conceded to be. If the venerable gentleman shall persist in the course which he has suggested, and shall make the motion he proposes to make, I do trust that for the sake of justice to the people of Louisiana and to the country, whatever may be the views Senators may entertain about the merits of the controversy, it will not be allowed to prevail. My honorable friend complains that each successive speaker reproduces something that has been brought before the Senate on a former occasion. Why, sir, such reproduction of fact and argument is none the worse for that. It is very essential in all debates that the same matter should be presented in different ways, in various lights; and in that way great good is accomplished in preparing the minds of Senators to vote intelligently upon the question which may be under discussion. It is not only so here; it is so in all deliberative bodies. In courts of justice, everywhere, the same practice prevails. Notwithstanding the suggestion of the Senator, I trust that I shall have sufficient fortitude to proceed in my own way to say what occurs to me as proper to be said in reference to the questions under discussion.

Mr. President, I feel a very deep and earnest interest in the measures now under consideration. They concern specially, and materially, and under circumstances of the most striking and painful character, a State in that section of the Union which I in part represent in this body. They affect a particular State specially, but the great fundamental principles underlying the bill, and the proposed amendment to it, affect not only that State but the whole Union, and go directly to the integrity of our system of government. In a matter of so much moment, it seems to me that every American citizen must or ought to feel a deep personal interest, and especially ought this body, who are charged in a great measure with the peculiar guardianship of the Constitution and our system of government developed by it, to take a very high and anxious interest in it when we are called upon to declare in what way these measures are to affect that State and the Union.

I cannot conceive of a subject more interesting to the American people, collectively and severally, than that of their Government—its nature and character, and the manner of its administration. It is indeed a matter of supreme moment to them. It affects their lives, their liberties, and their fortunes. These prosper and flourish on the one hand when it is well administered; they languish and perish on the other hand when it is ill administered.

The American people love and revere their system of government. They have been educated to believe, and the great mass of them do believe, that their system is the best ever devised by the wit of man, when it is properly and faithfully administered; and an unexampled national experience and prosperity of nearly a century goes to attest how well-founded are such general popular convictions.

There are times, Mr. President, when American Senators cannot afford to be mere political partisans. There are occasions of high moment affecting the integrity, the nature, the life of the Government, when they should cast party considerations to the winds and allow their judgments and their actions to be governed only by the highest and purest patriotism. It is in that spirit that I desire to speak to-day. I do not wish to be understood as speaking as a partisan or in the interests of any party, or section, or faction. I desire to speak only in the interests of truth and my country accordingly as I understand those interests.

If free government as embodied and defined in the Constitution of the Union and of the several States composing it, is worth preserving, then indeed must the present distressed and deplorable condition of the State and people of Louisiana excite the profoundest sympathy and engage the most serious attention of the national Legislature. Our system of government is on trial, and in a matter that concerns it vitally. The facts show that the people of the State of Louisiana are to-day living under what I think may be justly called a military despotism. I propose to show on this occasion that the person who undertakes to exercise authority in that State as governor and his associates are mere usurpers, in defiance of the constitution and laws of that State and the United States, and that they are sustained in such usurpation only by the military power of the United States, prostituted to that illegal and unconstitutional purpose. If this view is correct, then is it not profoundly astonishing and alarming that so much indifference is manifested about the matter in this body? Such indifference is unjust, it is unwise, it is in the face of the best and dearest interests of the American people; however honestly intended, it imperils the Constitution and our whole system of government, and is unfriendly to it. So far from wanting to run away from such an investigation so momentous, I say and insist that we ought not to stop until the matter is decided as it ought to be, according to truth and right.

In order, Mr. President, to have a proper understanding of the condition of the State of Louisiana and to determine the measure of relief which Congress ought to grant in that behalf, it is necessary to have a correct notion of our system of government; and to that end I propose to examine in a very summary way the nature of that system.

Anterior to the Declaration of Independence, what are commonly called the thirteen original States were colonies and belonged to the Crown of Great Britain. Those thirteen Colonies derived all their rights of government from the constitution and laws of Great Britain. They exercised political power by virtue of the charters and authority granted by the Crown in pursuance of the laws of that country. The legislation and practices of the mother-country in reference to the Colonies became oppressive and offensive to the people. Those oppressions continued to be practiced in such a way and to such an extent as to become "too intolerable to be borne." They were practiced in some localities with more rigor than in others, but all the Colonies alike felt the effects of the unfriendly legislation of the mother-country, so that a common and unalterable purpose pervaded the minds and hearts of the colonists to obtain redress for such grievances. Their first aim was not independence of the mother-country, but to obtain redress of their wrongs under the constitution and laws of England. That redress was not granted; on the contrary, grievances were aggravated and increased, and the result was that as each colony was of itself unable to obtain redress by moral or forcible means, they made common cause, and accordingly they sent delegates to a Congress of the Colonies which assembled first in the city of Philadelphia on the 5th day of September, 1774.

That Congress styled themselves "The delegates appointed by the good people of these Colonies." When they had assembled and organized as a deliberative body, they did not take steps then immediately with a view to independence, nor did they desire to be understood to be, nor were they, an entirely revolutionary body. Their purpose was organized remonstrance against the wrongs inflicted by the mother-country. They sat for a considerable length of time—until the 26th of October next after the time of their assembling—and devised remonstrances against the action of the mother-government, but when they adjourned they recommended that another Congress, to be appointed by the several Colonies, should assemble on the 10th of May, 1775. Delegates to another Congress were appointed by the several Colonies, and they did assemble in Philadelphia on the 10th of May, 1775. The redress which the first Congress had sought at the hands of the mother-government was not granted. On the contrary, the oppressions inflicted upon the Colonies continued to increase, and to these were added insult. The second Congress became at once a revolutionary body. There was open, flagrant war. There was then a revolution recognized and acknowledged. The mother-country had taken steps by war measures to subvert the Colonies and to hold them in subjection and compel them to perform and discharge the obligations which it had forced upon them by arbitrary legislation and practices.

The contest thus inaugurated by the Colonies, at first not with a view to independence, continued until independence was secured.

That contest was not the contest of any individual Colony; it was the contest of all the Colonies co-operating together, and it was molded and directed mainly by the action of the Continental Congress, which had indeed become a revolutionary body. Pending the struggle thus inaugurated, the spirit of revolution pervaded the minds of the great mass of the colonists. In many localities they were ripe for independence, and first in my own State, on the 20th day of May, 1775, at Charlotte, a large number of people in mass convention declared themselves free and independent of the Crown of Great Britain, and took measures to that end. The Congress having theretofore resolved that it was necessary, with a view to preserve the liberties of the Colonies, to declare independence, and to make open war for that purpose, agreed upon the Declaration of Independence, and on the 4th day of July, 1776, that immortal instrument of liberty was passed and signed by the Delegates in Congress.

This declaration was not the separate act of any one of the Colonies; it was the act of all for all and for each, and a point which I wish to make here is this: that the Colonies were never separately independent. There was never in this country at any time separate independence on the part of the Colonies, or any of the States after they became States of the Union. They had a common cause, they had a common purpose, and they proposed to consummate that purpose by common effort and thus secure a common destiny. The independence which they declared and assumed before the face of the world was a joint independence, but for the benefit of each separate Colony as well as for all. As this is a point which I regard as material as tending to show a necessity and purpose of nationality from the beginning, I beg to refer of one or two clauses in the Declaration of Independence confirmatory to this view. I have said the Colonies became independent as one people. That independence was for the benefit of each Colony; but that independence was to be asserted and made good and consummated by the co-operation of all the Colonies; and hence in drawing the Declaration it was said:

> When in the course of human events, it becomes necessary for *one people* to dissolve the political bonds which have connected them with another and to assume, among the powers of the earth, *the separate and equal* station to which the laws of nature and of nature's God entitle them, a decent respect to the opinions of mankind requires that *they* should declare the causes which impel *them* to the separation.

It seems to me that it is manifest that they were not only acting collectively, but that they understood that they were acting collectively; that it was a joint Declaration of Independence, and war against the mother-country, and that independence was asserted jointly, but for the benefit of each colony in its separate existence. I cite the concluding paragraph of the Declaration of Independence in further confirmation of this view:

> We, therefore, the REPRESENTATIVES of the UNITED STATES OF AMERICA IN GENERAL CONGRESS assembled, appealing to the Supreme Judge of the World for the rectitude of our intentions, do, in the Name, and by the Authority of the *good People of these Colonies*, solemnly PUBLISH and DECLARE, that *these United Colonies* are, and of Right ought to be, FREE AND INDEPENDENT STATES; that they are Absolved from all Allegiance to the British Crown, and that all political connection between them and the State of Great Britain is, and ought to be, totally dissolved; and that, as FREE AND INDEPENDENT STATES, they have full Power to levy war, conclude Peace, contract Alliances, establish Commerce, and to do all other Acts and Things which INDEPENDENT STATES may of right do. And, for the support of this Declaration, with a firm reliance on the Protection of Divine Providence, we mutually pledge to each other our Lives, our Fortunes, and our Sacred Honor.

By that instrument the Colonies. for their joint and several benefit, declared that they were sovereign and independent; but it was a simple declaration of independence. It will be seen and noted that they prescribed no rights or obligations as between themselves. They prescribed no specific means by which that independence which they asserted by that instrument should be maintained, and made good and effective. There was thereby created no general government, not even a league, by and through which they might accomplish the purposes that they signified their intention to accomplish. But war was then flagrant; a common interest drove them together, and impelled them to unity of action. It seems to me a very remarkable illustration of their high patriotism that they adhered to their common interest so steadily, so successfully, without, literally without, a national government or a national head; they went on and maintained the war for seven years and asserted independence successfully. But even at the moment of the Declaration of Independence, I believe it was seen that a general government was absolutely essential in order to attain the great ends they had in view, and from time to time the statesmen of that day, often acting with those engaged in the military service, co-operated to organize something like a federal head, a government, or a league for the purpose of exercising power for the common benefit of all the Colonies.

The Colonies were first called "United States of America" in the Declaration of Independence. After that they were styled, in Congress and elsewhere, "The United States of America."

In pursuance of the purpose, however, in which they had embarked in the manner described, a national league, commonly called the Confederation, was agreed upon between the Colonies.

The Articles of Confederation did not provide a government; it was a league, a confederation; and the rights of the several Colonies, then called States, were reserved to themselves by express provision in the Articles of Confederation. The first article provided as follows:

> The style of this Confederacy shall be "The United States of America."

It was called a "Confederacy." The second article shows the fixed purpose to retain the separate absolute sovereignty and independence of the several States. Article 2 provides:

> Each State retains its sovereignty, freedom, and independence, and every power, jurisdiction, and right which is not by this Confederation expressly delegated to the United States in Congress assembled.

These Articles of Confederation conferred upon Congress very limited powers. They only provided for a Congress; there was no separate executive power provided; nor was there any judicial power established by them. The whole power conferred by the States in the Confederation was lodged in Congress alone, and the powers conferred operated only upon the States as States; they did not operate upon the people at all. Even in the matter of raising revenue the Congress did not have power to levy taxes upon the people; it only had power to declare that certain amounts of money were required and to signify these wants in a proper way to the States, and it remained to the States to say whether they would supply the same or not.

The Articles of Confederation, I repeat, simply established a league between the United States. It did not in fact assume or purport to be a government. It was a mere agency, and ill-contrived, to accomplish the great purposes necessary to be effected by a national government or a government at all. It lacked many of the most essential elements of government. I think, in fact, it was not contemplated that it should be a government, but that it should be an agency to answer the then present purpose in the achievement of independence. But the great men of the country of that time saw and felt very sensibly the want of a national Government with power, and capable of supplying means, to develop a vast undeveloped country at home, to resist aggressions from abroad, and to maintain that independence and liberty which had been asserted successfully under adverse circumstances and at the cost of many precious lives.

After an experience of a few years and after long discussion and great and complicated troubles, in and out of Congress, the Congress of the Confederation recommended to the several States the propriety of electing delegates to a convention to frame a *constitutional government* for the United States; and that their purpose was to create a government appears by what I shall read from their proceedings. It was provided by Congress in these words:

> Whereas there is provision in the Articles of Confederation and Perpetual Union, for making alterations therein, by the assent of a Congress of the United States, and of the Legislatures of the several States; and whereas experience hath evinced that there are defects in the present Confederation, as a mean to remedy which several of the States, and particularly the State of New York, by express instructions to their Delegates in Congress, have suggested a convention for the purposes expressed in the following resolution; and such convention appearing to be the most probable mean of establishing in these States a firm NATIONAL GOVERNMENT:
>
> *Resolved*, That, in the opinion of Congress, it is expedient that, on the second Monday in May next, a convention of Delegates, who shall have been appointed by the several States, be held at Philadelphia, for the sole and express purpose of revising the Articles of Confederation, and reporting to Congress, and the several Legislatures, such alterations and provisions therein as shall, when agreed to in Congress and confirmed by the States, render the *Federal Constitution adequate to the exigencies of government, and the preservation of the Union.*

It thus appears that the Congress of the Confederation at that time did not understand or appreciate the fact, for it did not ex st, that they represented a government at all. They saw and recognized the necessity for a national government, and the great desire wa that a national government should be established, and hence they say in the preamble to the resolution, "the most probable means of establishing in these States a firm national government;" and in the resolution itself, "to render the Federal Constitution adequate to the exigencies of Government and the preservation of the Union."

In pursuance of that resolution the several States appointed delegates to meet in such convention as that suggested, and a convention did meet in the city of Philadelphia for the purpose specified in the resolution just read. That convention when it assembled devised and submitted to the people of the several States of the Union the present Constitution of the United States, except the amendments thereto.

Can any one doubt that at the time this convention assembled every State in the Union under the Confederation was absolutely sovereign and independent? I am sure there is no doubt about it. It is manifest they were. The Articles of Confederation purported to be a mere league, and they were bound to each other only by a pledge of faith. The articles provided obligations, provided rights; they declared the Union, but they provided no means for enforcing rights and obligations, nor did they provide any means for maintaining the Union, unless the several States should see fit to furnish the same, of whatsoever nature; there was nothing pledged to that end except merely their good faith, and the history of those times shows that frequently this was ill-kept.

The Federal head, the Congress, by virtue of the powers with which it was invested by the Articles of Confederation, did not even claim to assert rights against the States, or to do anything except by the sanction of the States. I think it is clear beyond controversy that by the Declaration of Independence and under the Articles of Confederation the States were absolutely sovereign and independent; but this agency of the States—the Congress—and the several States themselves, and the people, saw that there was an absolute and overruling necessity that they should have not merely a Federal league, but a great national Government, clothed with all the essential powers and immunities of government.

And let me here remark, Mr. President, the present Union was not

the production of speculation and theory; it was not a system of government devised by a political philosopher or a theorist. It had its origin in the necessities that grew out of the contest for independence. It was the circumstances that surrounded the Colonies that forced the Union that established independence; joint dependence gave rise to necessities, wants, interests, and ties that resulted naturally and logically in the establishment of the Constitution. The Constitution and the Union was the logical sequence of independence. It was not the offspring of the brain of any of the great men of that day; it was not the offspring of the brain of a great statesman of this country or of any country; it was a great political necessity experienced by the people of every section of the Confederation. It grew out of the necessities of the States as States and of people as persons; it was virtually devised, certainly ratified, by the people; it was the creature of the circumstances that surrounded the American people at that time; it was devised, established, and sanctioned by the American people as the shield and bulwark of their liberties. How precious it ought to be to them!

The framers of the Constitution recognized the fact that, by virtue of the Declaration of Independence, each State was sovereign, and sovereign to all intents and purposes. North Carolina, for example, by virtue of that Declaration, and especially after it was made good, was as sovereign as Great Britain or France or Russia or any power on earth. The same remark applies to each of the thirteen States at that time. They were each absolutely sovereign and independent. But, as I said a moment ago, they saw the necessity of having a great national Government to promote their common general interests. That such was their purpose appears manifest in the resolution which I have just read passed by the Congress of the confederation. They suggested that a national Government was necessary. In pursuance of that suggestion the people through their properly constituted authorities appointed delegates to a convention to frame a constitution for a national Government, and the convention assembled, and to that extent the people ratified the suggestion.

What, then, did that convention do? What could it do? What could the people of the several States, after the convention had taken action, do by way of ratifying what it had framed and presented to them? They were absolutely sovereign, and they could do just what they pleased. Every State was as sovereign as any power could be politically. Was it not competent for any State to surrender a part of its sovereignty for the purpose of creating another government for particular purposes? And was it not competent for that State to say how much of that sovereign power it would delegate to and vest in another government for its own benefit jointly with other sovereignties? And if it was competent for one State to say so, was it not as competent for another State to say the same thing; and did they not do that very thing? The answer to these questions is manifest. The Convention that framed the Constitution saw the necessity, not only of having the co-operation of all the States for general purposes manifestly national, but saw too that it was necessary that that national government should have ample power to execute such purposes and to all these ends, certain absolute and sovereign powers, and hence it provided them. Each one of the States was content to see a national government organized; to see conferred upon that national government certain sovereign and absolute powers of government which that national government might exercise as thoroughly and completely as any sovereign power on earth could. But it was competent for the States to fix the measure of such delegated power and define the limit of national sovereignty, for the States were absolute in their power; they could fix the limit and provide that it should never be departed from or passed over.

What, then, did that convention do in this respect? They provided a *national government*—not a league, not a confederation merely—but a national government, a government absolutely sovereign within its sphere, which operated upon the States in some respects, and in other respects operated directly upon the people of the States as American people; and hence comes the expression "the American people," a common people, one people in those national respects. That convention also invested the General Government with certain powers which were common both to the State and General Government.

I will make a simple reference to one or two of the powers conferred upon the General Government which operate upon the States as States, and others that operate directly upon the people, in order to give a clearer view of the nature of the General Government.

There is a provision in the Constitution that each State should have certain representation in Congress, that each State should have two Senators, and thus the States as States make up the Senate of the United States. In that way it operated directly upon the States and recognized the State government as a State government. There were certain other provisions which conferred upon Congress power to pass laws operating directly upon the people, as for example the provision which empowered Congress to levy taxes for the support of the Government and to accomplish any purpose within the scope of the Constitution.

There were other concurrent powers, powers common to both the State and Federal Government. The States by virtue of the Constitution might pass insolvent laws; Congress might by virtue of the Constitution pass a general bankrupt law, in which case the insolvent laws would be superseded.

So then we see that the Constitution, framed by the convention which assembled in Philadelphia for the purpose, did what? It provided that in certain respects the several States should retain their absolute and independent powers and sovereignty, and in reference to those powers they should be as absolute and sovereign as they were before the Constitution was framed, as they were on the day the Declaration of Independence was adopted; that as by certain other powers which were conferred upon the national Government by them, they created a national government, and in those respects the national Government was to become as absolute, as sovereign and independent, and as powerful as the States themselves in reference to the powers which were reserved to them; and in reference to certain other powers, that the States and the Federal Government should exercise them concurrently.

So it must be plain that the convention framed a mixed government. The States reserved all power not conferred. That was so by plain construction; but the people of the United States fearing that there might be some doubt about that, and that in time the General Government might become too powerful, provided in an amendment to the Constitution, as originally framed, that—

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

Then how does our system of government operate? It seems obvious that the State governments have in certain respects absolute sovereignty, and powers accordingly, and with which the Federal Government has no power whatsoever to interfere. What are some of those rights? If the State government is republican in its nature, the people may frame it as they will. They may provide how the chief executive shall be elected, how the Legislature shall be elected, how the judges shall be elected or appointed, how the counties in the State shall be laid off, how county officers shall be elected or appointed, and the Federal Government has no power whatever to interfere. All these matters were reserved to the States, and in these and many other respects they were left absolutely sovereign, and Congress cannot interfere with them in any way or manner whatsoever.

Then there were certain other powers which were conferred upon the Union. One was the power "to levy war." Can there be any doubt that the Union is absolutely sovereign and possesses absolute power in the matter of levying war? Again, Congress has power "to coin money." Is there any doubt that the Federal Government is absolutely sovereign in the matter of coining money, that Congress has the power of regulating the manner of electing members to the lower branch of Congress, and the times of electing Senators by the State Legislatures, and that such power is absolute? In those and many other respects the Union is as absolutely sovereign and powerful as the States are sovereign in the respects that I have just mentioned as pertaining to them, and in all the powers reserved to them. Thus we have a mixed government; we have a mixed system of government. The States are sovereign in their sphere; the Federal Government is sovereign in its sphere. Each government is of the other and for the other; each government is in aid of the other. In certain respects they are absolutely distinct, distinct sovereignties, and absolutely sovereign according to the prescribed distinctions; and in certain other respects, they are sovereign all together. I think our Government may be styled essentially a mixed government. It is essentially *imperium in imperio;* it is a government within a government. And it follows as a consequence that the allegiance of the citizen is double; it is in certain respects to the State; in certain respects to the Federal Government. This allegiance is in entire harmony with this system of government.

But these distinctions are essential to its very nature; they are essential to its existence. Suppose the States were stricken down so that local government should cease absolutely; suppose all State lines and laws and power and sovereignty should be wiped out; is it the opinion of any sensible person that this Government could last a great while? Would it be possible for Congress to go on and legislate for the State of North Carolina, for example, or that territory embraced by the State of North Carolina, regulate its counties, its county affairs, its cities and towns? There would be no end of legislation; local and sectional interests and strifes and jealousies would spring up that would result in the early destruction of the nation. The truth is—and the more I think of it the more I am convinced of it—the State system of this Government is the great groundwork of our American system of government, and essential to the existence of freedom. Strike that down, the State governments and our system and our liberties must perish. The sovereignty of the State within its sphere is as essential to the existence of our system of government as the existence of the Union itself. I do not believe that if the States were torn loose from the Union they could exist and maintain their liberties for any considerable length of time; and, on the other hand, I do not believe that if the States were destroyed, either directly or by frittering their powers away, and we had a vast consolidation, the Union, as such consolidation, could exist or last for any considerable length of time. These distinctions of political right, these limitations upon the State governments and upon the Federal Government, are essential and vital features in our system. We are bound to preserve them if we are patriotic and desire to see our institutions perpetuated. Then whosoever would break them down, destroy them, or impair their usefulness must be deemed unfriendly to our system of free government; they are false to patriotic duty, they are enemies to the people!

Now, Mr. President, to come a little nearer to the point before the Senate. I have said that in the formation of a State government the manner of electing the governor and the other officers commonly called the State officers, the Legislature, and the judiciary, is a matter that peculiarly belongs to the State government. Congress in the exercise of powers that refer to the States must then do what? They must recognize the officers of the State government, the governor and the other State officers and the Legislature and judiciary of the State, as those officers are ascertained to be according to the constitution and laws of the State. Congress has no power, in any conceivable view, to go into a State government to inquire whether so many fraudulent votes were cast for a person for governor and so many legal votes for another, or whether a certain member of the Legislature was elected fraudulently or otherwise. Those are questions that pertain to the State alone, and which the proper State authority must determine. Congress must ascertain what governor was elected according to the constitution and laws of the State and by the proper lawful constitutional authorities of the State; but it cannot review, ignore, or overrule the determinations of the State authority, and for the plain reason that touching these matters the State has absolute power and jurisdiction. In the same way it is essential that Congress shall ascertain what particular body is the Legislature of the State as ascertained to be the Legislature of the State by the constituted lawful authorities under the constitution and laws of the State; and when it becomes necessary to come in contact with the judiciary, as in a conceivable case it might be, Congress is not to recognize whom it pleases, but it must recognize that judge, it must recognize that court, which is ascertained to be such by the constitution and laws and authorities of the State government under that constitution and laws.

Hence, in the election of a United States Senator, the Senate by virtue of the power conferred by the Constitution of the United States cannot go on to inquire whether a particular member of the Legislature was elected or whether he received so many fraudulent votes and so many votes that were not fraudulent. It has nothing to do with that matter. All that the Senate in that case can do is to ascertain whether a particular person was ascertained by the Legislature to be elected a member of that body; and when that is ascertained, that is the end of it. So Congress has no power to inquire whether a person acting as governor of a State, recognized by the constitution and laws of the State as the governor, was elected by fraudulent votes or otherwise. The question of how the election was held, whether fraud was practiced or force was employed at the election, Congress cannot undertake to determine; these questions pertain to the State authority alone; their decision is final, and for the reason stated. That is a matter which belongs particularly to the State authorities; and when they have determined it, whether they have determined it right or wrong, Congress is bound to recognize and act upon their determination, whether it please or does not please Congress. So, I say, in determining whether a Senator applying for admission into this body has been elected, the Senate cannot inquire into the validity of the election of the several members of the Legislature choosing him. It can only inquire whether that Legislature elected the Senator, sent him forward here as Senator according to the laws of the United States, and whether it was the Legislature of the State, as ascertained by the authorities of the State, according to its constitution and laws. It might possibly happen that the authorities of the State government are so corrupt that they would tolerate a Legislature under color of law which is false in fact; but Congress cannot control that; the Constitution and the law do not presume such a state of things, and if they did the proper State tribunals are supreme in such matters.

Let me illustrate by my own case. Suppose when I applied for admission here it had been suggested that half of the members of my Legislature were elected by fraudulent means; could any one who understands the Constitution of this country pretend that the Senate would have a right to go back of what had been ascertained by the authorities of the State and see whether that was so? Surely no such proposition would be advocated seriously by any one. So that in reference to that matter the Congress of the United States is concluded by what the State authorities under the constitution and laws of the State have adjudged to be the facts. If the Legislature, for example, is charged with ascertaining who is elected governor at a particular election and his governorship should come into question in any way before the Federal authorities, or Congress particularly, Congress cannot go on to inquire whether he had received so many legal and so many illegal votes; Congress cannot go on to inquire whether so many men were driven away from the polls, or as to the fairness or unfairness of the election. That is a matter which pertains exclusively to the State. It is one of those sovereign powers which are reserved to the State; Congress has nothing to do with it; and when the authorities of the State, I repeat, under the constitution and laws of the State, have ascertained a particular person to be governor, Congress is obliged to accept that fact. Whatever may be our opinions about the validity of the election, about the manner in which it was brought about, we have nothing in the world to do with that. All that Congress can inquire into is, was this particular person claiming to be governor ascertained by the constitution and laws of the State to be the governor of that State; and if that is ascertained, that is the end of it.

There are some instances in which acts of Congress operate directly on the people, and where it becomes of very great importance for one branch of Congress particularly to ascertain whether an election was conducted honestly and fairly or otherwise. When a member is elected to the other branch of Congress, he is elected in pursuance of the laws passed by Congress, unless in the case of absence of laws passed by Congress, under laws passed by the several States. In that case, when two or more persons present their credentials to the other House of Congress, it becomes competent and necessary under the Constitution of the United States that the House should inquire into the fact whether the election was fair and whether the votes cast were fraudulent or otherwise. That is one of the cases where the Constitution operates directly upon the people. But in the case of a Senator, the Constitution operates upon the State and it becomes necessary to ascertain the State government, the proper authorities of the State government, and when this is determined there is the end of power. And in this way alone are the State authorities—officers—to be recognized by the Federal Government for all purposes under our system of government.

My purpose in thus referring at some length to the Constitution and the theory and system of our Government, both State and Federal, is to arouse thought upon the subject of our Government as well as to fix the ground work of what I desire to say in reference to the bill under consideration. This country has been in a state of revolution for the last fourteen years. We have wandered far from constitutional limitations. The people have in a great measure lost sight of the Constitution and the supreme importance of it; and what is worse, and if possible more alarming and dangerous than that, the guardians of their liberties seem to have grown wild, and when they want to accomplish an end they do not stop to inquire whether it is constitutional or otherwise; if they have the physical majority they go on and do it. I think the time has come when Senators particularly, in some measure the special guardians of the Constitution, in considering questions of the present kind, should cast aside party considerations, should remember that we are trying to free ourselves from the effects of a revolution, to get back to the landmarks of the Constitution, and to start anew upon that instrument, which I think is essential to our existence for any considerable time as a nation of people. I want the Senate to think about the Constitution; how it bears upon this question and upon many other questions which affect particularly my section of the country at this time, and not set precedents that they and the country may regret in the future. Louisiana suffers to-day; Arkansas suffers to-day; South Carolina suffers to-day; Alabama and other States suffer to-day from flagrant violations of constitutional rights; but this day of suffering will pass away, I trust in God, by and by; but the time will come when the other States of the Union may suffer in the same or like manner or in a worse way, if we set dangerous precedents, as I think we are about to do in this case.

Sir, it is the high duty of the Senate, it is the high duty of Congress, by every possible means to get the Government back to its old moorings under the Constitution, to let the Constitution operate once more so that it can be said, and not only said but that the people may feel, that they have a constitutional government and that it operates in fact and truth for the benefit of everybody, whether he was engaged lately in war or otherwise. Why, sir, we see a spirit of persecution manifested in many quarters against those people who fought in the South during the late war against the Union. I am sorry that there was any cause for fighting; I wish there had been no fight; I did not desire the war; I did all I could to avert it; but the circumstances of the country were such as to make the war almost inevitable; it was the natural consequence of an unhappy controversy that both the North as well as the South were responsible for. Why should the statesmen of the Union, now that the war is over and for years past, go wild over the fact that this country had a war? The war, terrible and bloody and disastrous as it was, especially to one section of the Union, was a great event it is true, but nothing uncommon in the life-time of a country. It comes in the course of natural events. By and by it will be said that it was one of the wars in the life-time of the American Republic. That is not the only war this country will have. We shall see war after war in the great future which awaits the country. The war that we have passed through, will be spoken of as a mere event in the life-time of the nation. And what is our duty as American citizens and as sensible men and statesmen? It is to put the war behind us, to put its follies, its crimes behind us, and let us learn lessons of national virtue and patriotism from it, and endeavor to restore the Government to the firm hold under the Constitution that it had on the American people anterior to the late war. It ought to be the policy of the Government, its statesmen, its people, to win back the affections of those who fought against the Government. They need the help and protection of the Government; the Government needs and wants their help, and above that their affections.

If, then, our system of Government is such as I have endeavored to show it to be, what is the relation of Louisiana at this moment to the Union? Let us examine.

Louisiana came into the Union years after it had an existence. The territory which is now embraced in the State of Louisiana belonged anterior to the 30th of April, 1803, to France. The United States acquired the territory of Louisiana by treaty, dated April 30, 1803. And I wish to call the attention of the Senate to a particular provision in that treaty, which goes to show that the United States are

under not only the common obligations to the people of Lousiana that they are to other States of the Union, but that there is an express, solemn treaty stipulation resting upon them, in addition to the obligations they owe to the other States of the Union. I will read the clause of the treaty to which I refer. It was provided in the third article of the treaty that—

> The inhabitants of the ceded territory shall be incorporated into the Union of the United States and admitted as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages, and immunities of citizens of the United States; and in the mean time they shall be maintained and protected in the free enjoyment of their liberty, property, and the religion which they profess.

So that I say there is not only the common obligation resting upon the Union to protect the State of Louisiana when protection becomes necessary, that rests upon the Union to protect other States, but that obligation is intensified, if possible, by this express, solemn treaty stipulation; so that it is our business now to be anxious and to be as expeditious as the nature of the case will allow to re-establish that State in the Union and the people of it in all their rights under the Constitution and under this treaty.

After the territory that is now embraced in the State of Louisiana (and a vast extent of territory besides was acquired by the treaty just mentioned) an act of Congress was passed, on the 20th of February, 1811, by which it was provided that the inhabitants of a certain portion of that territory now embraced by the State of Louisiana might call a convention and form a constitution. The convention was required by that act first to determine if they would form a constitution and State government, and if so they were first to adopt the Constitution of the United States, and secondly to make a constitution republican in its form and send the same to Congress. If Congress, at the next session after such action should be taken by the people of that territory, should not disapprove such constitution, in that case Congress pledged itself to admit the State of Louisiana into the Union as one of the States and upon an equal footing with the other States of the Union. A convention was called in the State of Louisiana in pursuance of the enabling act of Congress, and that convention complied in all respects with the act of Congress, and the constitution formed by it was presented to Congress, and by an act approved April 8, 1812, the State of Louisiana was admitted into the Union as a member thereof on an equal footing with the original States; and this act provided for representation in Congress, and made all such provisions as were necessary to enable the State of Louisiana to take every possible benefit of the Union.

Thus it was determined by Congress at that time that Louisiana was a State; that it was a State with a government republican in its form, and admitted into the Union, and it has continued a member of the Union from that day to this; and it has always maintained a republican form of government.

I wish here to call attention to an expression or a manner of expression which, with all respect, I regard certainly as an impropriety; it is certainly illogical. It seems to me that gentlemen generally in this debate have treated the officers of the State of Louisiana as the State government. I submit that that is not so. The government of Louisiana is embodied in the constitution of the State. That constitution, and the laws enacted in pursuance of it, provide for certain officers; but the officers do not make the government republican or otherwise in its form. They are the mere instruments by and through which the government and its affairs are administered; and they have nothing to do with the form of government. The form of government is established and defined by the constitution itself; and the officers of the government are the mere instruments through and by which the constitution and laws operate. So that all that has been said about whether Louisiana has a republican form of government is beside the case. The constitution is there, the laws are there; and Congress has said repeatedly that it was and is republican in form; and in that respect harmonizes with the Constitution of the United States; and we need not waste one moment of time in discussing whether it is republican or not. It is republican. That is not the controversy here. The controversy is as to who lawfully administers this government, and who are its properly authorized officers and agents, and to be recognized as such.

I said a moment ago that Louisiana had remained in the Union ever since 1812 as one of the States composing it, and I meant all I said. It is true the people of Louisiana engaged in the late war, and they undertook to pass what they called an ordinance of secession. I need not tell a lawyer that that ordinance was absolutely null and void. It had no effect in the world any more than if I were to sit down to-day and write an ordinance dissolving Congress; for neither by the constitution of the State of Louisiana nor by the Constitution of the Union was any such power reserved to that State or conferred in any way whatsoever. That ordinance was null, and at most only a revolutionary measure, and the State continued in the Union, and in the Union to all intents and purposes, and has continued so for all purposes from the 8th of April, 1812, until this moment. The mere fact that the people of Louisiana, or any considerable portion of them, engaged in war against the United States did not destroy the State government; did not destroy any right the people of Louisiana had under the Union or in the United States until they should be proceeded against according to the Constitution and laws for offenses against the United States; and it did not destroy the official character of the officers who filled the offices under the constitution and laws of Louisiana. Their acts as officers during the whole war were good *de jure* as, well as *de facto* to all intents and purposes, so far as they harmonized with the constitution and laws of the State of Louisiana in harmony with the Constitution and the laws of the United States; and therefore (and I insist that this is good, sound law, and I challenge reasonable contradiction) every act done by the governor of Louisiana, done by the Legislature of Louisiana, by every judge of Louisiana during the whole war not in aid of war and hostile to the Union, that was in harmony with the constitution and laws of Louisiana and the Constitution and laws of the United States, was good to all intents and purposes for the benefit of every human being in the State of Louisiana, for the benefit of every human being in the Union, whenever those acts harmonized with the constitution and laws of that State in harmony with the Constitution and laws of the United States. With all due respect to everybody, I challenge any one to point to any clause of the Constitution which in terms or by reasonable construction confers upon the United States, or any power under them, the power to destroy a State government or suspend the constitution and laws of any State for one moment. The notion that such a power exists contravenes the essential features of our system of government; it is destructive of them. So far from the truth of such a proposition, the Government of the United States is bound perpetually to uphold the State governments under the Constitution and laws.

Some one may ask, "Is it possible that you say a rebel officer could do a lawful act, that a man who had been guilty of treason against this Government could do a legal act?" Mr. President, I do so insist, and confidently. I say that an official act done by an officer who has been guilty of treason while in office is just as good to all intents and purposes for the benefit of the Government and those who are to have benefit under it, as if it were done by him who had adhered to the Government all his life. Let me make that clearer by supposing a case. If it were possible, let me suppose that the Chief Justice of the Supreme Court of the United States had done an act of treason one week ago. To-day he sits upon the bench and delivers an opinion in a case the most important that could come before that court. Next week he shall be tried and convicted of treason and executed. Will anybody who knows pretend that such a decision of the Chief Justice would be invalid because he had been guilty of treason? Such an idea is shocking to the legal mind!

I say, therefore, that the State of Louisiana has never been out of the Union; and believing in the principles that I have advocated, I believe that every reconstruction act which was passed by Congress was absolutely null and void and in violation of the spirit and letter of the Constitution.

Mr. EDMUNDS. It is yet, then, is it not?

Mr. MERRIMON. My friend, I have no doubt, is ready to ask me is it possible that you say the acts of reconstruction are all void, and reconstruction must go to pieces and fail?

Mr. EDMUNDS. I merely asked the honorable Senator, if they were void then, are they not void yet?

Mr. MERRIMON. No, sir.

Mr. EDMUNDS. I am happy to hear that.

Mr. MERRIMON. They are not void; and it may be as well to state now the reason why they are not void. I have a good reason for saying they are not void. I say that the reconstruction acts at the time they were passed were unconstitutional and void. I say that neither the President nor the Congress of the United States had constitutional authority to depose the officers of the several States of the South, for the States remained in the Union; and if every officer filling the offices of the several States was a traitor, his acts in harmony with the constitution and laws of the States and in harmony with the Constitution and laws of the United States were good to all intents and purposes. If they were guilty of treason they might be tried and convicted and executed, but still their acts as officers were good according to the Constitution and laws of this country and according to all laws with which I am acquainted.

But my friend asks, are those acts void yet? I say no. Why do I say so? I say that reconstruction was revolutionary in its character, and I say that a revolution can be accomplished and made good in this country and under our system of laws as well as in any other country and under any system of laws. The reconstruction acts were passed; they were accepted by the people of the South—it is true they were forced upon them; they organized State governments under them, and they are estopped to say that they have not accepted these revolutionary acts and policy of reconstruction and are bound by them. The people of every State that adhered to the Union during the late war have accepted those acts and acted upon them, and so have the States, and they are estopped. Not only have the people of the whole Union in that way recognized these laws and acted upon them, but every department of the Government has recognized them. Congress passed them, and thus recognized them. Congress has repeatedly recognized them in sundry ways since their passage. The Executive of the Government has recognized them, and all the officers of the executive department and the judiciary of the country have recognized them. The reconstruction measures have become a revolution accomplished, they have been successfully carried into effect and the American people submitted to them—accepted them—and they are bound by them, they are estopped now to say that they were not valid; and they are as valid and binding as the Constitution itself

until they shall in accordance with the Constitution be changed or modified, if this were possible at all.

There is a high precedent in the history of the country from which we derive most of our laws and our notions of government for this opinion of mine. I refer to the revolution in England of 1688. In that case the whole government was changed. That was a peaceful revolution. A new Parliament was authorized and organized by the order of a foreign usurper, new judges were appointed, and without the spilling of blood a new government for England was inaugurated. The English people submitted to it, and accepted it, and made it good; and the usurper became by the successful revolution as much and as thoroughly the King of England as any king that ever reigned, and that Parliament was as good and valid as any Parliament that ever sat in Great Britain.

Mr. EDMUNDS. If I do not interrupt my friend in a matter of history, though I do not remember the circumstance myself as he may, I should like to ask him if on the restoration of King Charles II the Parliament of King Charles, instead of recognizing the revolution, and validating it, did not on the contrary proceed on the idea that the times of Cromwell and the republic, if you call it such, for a little while, had been utterly in violation of the constitution of Great Britain and of its government; and did they not take up the old laws as they stood before, and then grant their amnesties and special acts of restoration?

Mr. MERRIMON. I make no question as to the suggestion of my friend. I have no doubt there are many instances in history like the one the honorable Senator suggests; but that fact does not destroy the force of the precedent I cite. I have no doubt that a revolution might take place here to-day, indeed, I believe that a revolution is about to take place—has taken place—in the State of Louisiana, and that while this Congress may recognize it, another Congress may not. I believe, I undertake to say, that if this Congress shall go on and allow the Kellogg usurpation to remain in the State of Louisiana, upheld there by the military power of the United States, it will be an act of revolution in our Government. The people of Louisiana may be forced to submit to it; the people of the Union may be forced to submit to it temporarily; but another Congress will come, another Executive will come, and they may not recognize this usurpation; they may not submit to it; they may overthrow it and make provision for bringing the guilty parties to tardy justice.

That is one of the very arguments I want to urge upon the Senate in favor of taking proper and legitimate constitutional action in this matter now. Because some revolutions are not recognized, because some revolutions are not acted upon, that is no reason why some other revolutions shall not be acted upon and accepted by the people as binding upon them. I have given an instance where in England the English people of all classes did submit to it and without the sword, and the action of the revolutionary government became the regular government of the country, and as well established as any government that ever prevailed in England. So after a great civil war in this country revolutionary reconstruction has been accomplished and recognized and made effectual in the way and manner I have described. The invalid acts of Congress had the effect to render the revolution orderly, if a revolution can in any proper sense be regarded as orderly. The revolution, I repeat, is valid, and for the reasons I have stated.

In 1868 under these reconstruction laws the people of Louisiana formed a new constitution which was republican in its character and so recognized by Congress, and they elected officers under that constitution; a Mr. Warmoth was elected governor. Various other State officers were elected; a Legislature was elected; and a judiciary of the State was provided. These officers, or most of them except the Legislature, continued in office until 1872. In the mean time the Legislature had passed certain election laws. When the general State election of 1872 was held there were two candidates, a gentleman by the name of McEnery on one political party ticket, and a gentleman by the name of Kellogg upon the other like ticket, and there were two like tickets for State officers and for members of the Legislature.

The election was held. Immediately afterward, it was suggested that there had been fraud perpetrated in it. The votes were counted, as I insist and shall endeavor to show, by the proper legal authorities of the State government; and according to the authorities and laws of that State it was ascertained that McEnery was elected governor and his associates on the same ticket were respectively elected to the State offices, and a majority of the Legislature on the same ticket, and they were all duly inaugurated in office. Kellogg, and those associated with him on his ticket, seeing that they were beaten, and knowing and taking advantage of the disordered state of affairs in Louisiana and the South generally and the revolutionary state of feeling throughout the Union, declared and proclaimed his purpose not to yield to the ascertained result of the election. Thereupon he assumed to be governor of the State of Louisiana; he issued his proclamation to that effect, and he and his associates on his ticket were inaugurated by force as the officers of the State of Louisiana, and the Legislature which he insisted was elected upon his ticket was inaugurated as the lawful Legislature of that State. In effecting such usurpation he was upheld and sustained by the President, who sent United States troops to his aid, and as most manifestly appears without any authority, and, on the contrary, in violation of the Constitution and laws, whatever may have been his good intentions.

What I have thus stated is substantially true. Was Mr. Kellogg elected and inaugurated according to the constitution and laws of Louisiana? Were the other gentlemen on the State ticket on which he ran elected to be State officers, and inducted into office? Was the legislature known as the "McEnery legislature" elected by the people? And not only that, but were they *ascertained* to be elected according to the constitution and laws of Louisiana? If so, then they are the lawful officers and Legislature of that State, and Congress is bound to recognize them, and they are entitled to be sustained under the Constitution. If, on the other hand, they were not *ascertained* to be so elected, then they are mere usurpers.

I have heard lawyers here all the time say, that at all events the Kellogg government, whether regularly ascertained to be elected or not, was a *de facto* government. With all respect I deny it. I say, and shall endeavor to show, that Kellogg and his government are not *de facto* the governor and officers of the State of Louisiana. Would anybody pretend that I was *de facto* governor of the District of Columbia if I were to go before a magistrate and take the oath prescribed for governor of this District, and taking a few hundred armed men at my back should proclaim myself governor and administer the government of the District of Columbia? Would any lawyer say in that case that I would be *de facto* the governor of the District of Columbia? He would be regarded as insane if he maintained such a proposition. I should in that case be a mere usurper, and my acts would be absolutely null and void. And so, if Kellogg has not been ascertained by the constitutional authorities of the State of Louisiana to be elected according to the constitution and laws of that State, he is not the governor *de facto;* he is a mere usurper; and those who purport to fill the other State offices are mere usurpers; their legislature are mere usurpers, and their acts are absolutely null and void, and they will remain null and void forever, unless the proper constitutional authorities hereafter shall see fit in the interest of the public good to confirm them.

An officer *de jure* is one who comes into office according to the constitution and laws. An officer *de facto* is one who comes into an office under the color of law, but who upon inquiry is ascertained not to have been elected according to law. A usurper is not an officer *de facto*, and it is impossible that he should be. If one should go into the State of Maryland to-day, take the oath prescribed by the constitution and laws of Maryland for the governor of Maryland, and should take an army at his back and proclaim himself governor and administer the constitution and laws of the State ever so well, ever so wholesomely for the people, he would not be a governor *de facto;* he would be a mere usurper, his acts absolutely void, and they would remain void always, unless the properly constituted authorities of the State should, in the interest of the public good, see proper in a legal way to ratify them; and I say the same of Kellogg, if I can show that Kellogg was not elected; and not only that, if I can show that even if he were elected, if he even got a majority of the votes, that he was not ascertained to be elected by the constitutional authorities of Louisiana, I shall have shown that he is a mere usurper, sustained by illegal force; and he is there to-day not only a usurper, but forcing on the people of Louisiana a despotism by the armies of the United States.

Now, sir, in order to see exactly how things stand in Louisiana it is very essential to refer to certain provisions of the constitution of that State, and I beg to do so even if I do it at the expense of being a little tedious. By the constitution of Louisiana, that State has three co-ordinate branches of government—an executive branch, a legislative branch, and a judicial branch. The constitution provides, among others things, in reference to the executive branch in these words. I read article 48:

> The supreme executive power of the State shall be vested in a chief magistrate, who shall be styled the governor of the State of Louisiana. He shall hold his office during the term of four years, and, together with the lieutenant-governor, chosen for the same term, be elected as follows:

What "follows" is very material.

> The qualified electors for representatives shall vote for governor and lieutenant-governor at the time and place for voting for representatives. The returns of every election shall be sealed up and transmitted by the proper returning officer to the secretary of state.

These are very material words, and I will read them again:

> The returns of every election shall be sealed up and transmitted by the proper returning officer to the secretary of state, who shall deliver them to the speaker of the house of representatives on the second day of the session of the General Assembly then to be holden.

And this is material also:

> The members of the General Assembly shall meet in the house of representatives to examine and count the votes. The person having the greatest number of votes for governor shall be declared duly elected; but in case of a tie vote between two or more candidates, one of them shall immediately be chosen governor by joint vote of the members of the General Assembly.

Thus it will be seen that the constitution of Louisiana provides for a governor; it prescribes the manner in which he shall be elected, and it prescribes the body that shall have jurisdiction to ascertain that he is elected. What is that body? The Legislature of the State—not the courts. That is a political question, and by express provision of the constitution does not and cannot belong to the judiciary—a fact necessary to be remembered and well considered in the present inquiry; but further, the Legislature is charged with the duty of ascertaining who was elected governor, and their decision is final. So no proceeding could be instituted before any court of jus-

tice that could determine that question one way or another. The decision of the Legislature in that behalf is just as final and just as absolute as the decision of the supreme court of Louisiana in a matter of which it had complete jurisdiction. There are other provisions that I wish to read. I read now article 51:

The governor shall enter on the discharge of his duties on the second Monday in January next ensuing his election, and shall continue in office until the Monday next succeeding the day that his successor shall be declared duly elected and shall have taken the oath or affirmation required by the constitution.

I read now article 60:

He shall nominate, and by and with the advice and consent of the senate appoint, all officers whose offices are established by the constitution, and whose appointments are not herein otherwise provided for: *Provided, however*—

And this is material—

That the General Assembly shall have a right to prescribe the mode of appointment to all other offices established by law.

I read also article 61, which is material:

The governor shall have power to fill vacancies that may happen during the recess of the senate by granting commissions which shall expire at the end of the next session thereof, unless otherwise provided for in this constitution; but no person who has been nominated for office and rejected by the senate shall be appointed to the same office during the recess of the senate.

I read also article 66:

Every bill which shall have passed both houses—

Meaning both houses of the Legislature—

shall be presented to the governor; if he approve, he shall sign it; if he do not, he shall return it with his objections to the house in which it originated, which shall enter the objections at large upon its journal, and proceed to reconsider it. If, after such reconsideration two-thirds of all the members present in that house shall agree to pass the bill, it shall be sent with the objections to the other house, by which it shall likewise be reconsidered; and if approved by two-thirds of the members present in that house it shall be a law. But in such cases the vote of both houses shall be determined by yeas and nays, and the names of members voting for or against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the governor within five days after it shall have been presented to him, it shall be a law in like manner as if he had signed it; unless the General Assembly, by adjournment, prevent its return; in which case the said bill shall be returned on the first day of the meeting of the General Assembly after the expiration of said five days, or be a law.

These are the provisions in reference to the governor, material in the pending inquiry. I now read certain provisions of the constitution in reference to the Legislature. I read article 15:

The legislative power of the State shall be vested in two distinct branches; the one to be styled the house of representatives, the other the senate, and both the General Assembly of the State of Louisiana.

I also read articles 16 and 17:

ART. 16. The members of the house of representatives shall continue in office for two years from the day of the closing of the general elections.

ART. 17. Representatives shall be chosen on the first Monday in November every two years, and the election shall be completed in one day. The General Assembly shall meet annually on the first Monday in January, unless a different day be appointed by law, and their sessions shall be held at the seat of government.

I also read article 27:

The members of the senate shall be elected for the term of four years; and when assembled, the senate shall have power to choose its own officers, except as hereinafter provided.

I also read articles 33 and 34:

ART. 33. Not less than a majority of the members of each house of the General Assembly shall form a quorum to transact business; but a smaller number may adjourn from day to day, and shall have full power to compel the attendance of absent members.

ART. 34. Each house of the General Assembly shall judge of the qualifications, elections, and returns of its members; but a contested election shall be determined in such manner as may be prescribed by law.

I read also article 46:

Returns of all elections for members of the General Assembly shall be made to the secretary of state.

I read also article 131:

The seat of government shall be established at the city of New Orleans, and shall not be removed without the consent of two-thirds of the members of both houses of the General Assembly.

I read also article 120:

The General Assembly may determine the mode of filling vacancies in all offices for which provision is not made in this constitution.

Mr. President, the Legislature of the State of Louisiana, under and by virtue of its constitution, was absolutely sovereign, except in so far as their powers were limited by the constitution of Louisiana and the Constitution of the United States. They had absolute power to make their election law as they would, so that it harmonized with the constitution of the State of Louisiana and the Constitution of the United States; and I maintain that for all material purposes the election laws which they passed, unwise as they were in some respects, were in harmony with the constitutions of that State and of the United States. In pursuance of their duties the Legislature of the State, about which there was no controversy, passed an election law, and it is material here inasmuch as so much has been suggested about the purpose of Governor Warmoth to control the election in 1872, so as to elect that ticket which he supported, to see when these laws were passed and under what auspices.

The first election law, called the registration act, was passed March 16, 1870. On the same day the law regulating the manner of election was passed. These acts were passed by a republican Legislature; they were passed more than two and a half years before the election of November 4, 1872, was held. The first law was the registration law. That was the law which provided the machinery for ascertaining who should vote. The voters of the State were required to register their names before the voting day came, so that they might have the evidence of their right to vote ready at the time the ballot-box was opened on the 4th of November, 1872. Then the act called the election law provided the way and manner by which the vote should be cast, by which the voters should go to a particular place and their votes should be received by a particular officer. Notwithstanding these election laws have been abused so much by the friends of the Kellogg usurpation, they were passed by a Legislature that was overwhelmingly republican; they were passed during an administration that was overwhelmingly republican. The governor was republican; all the State officers were republican; the Legislature was republican; the judges were republican at the time these acts were passed; and the election in 1872 was held under and in pursuance of these acts. Notwithstanding they have been so much denounced, now that it turns out that somebody was elected who was distasteful to certain parties, I undertake to say that these election laws provide with great precision and a degree of care by no means common for a free and fair election. The leading feature in it that I object to is that it authorizes the governor of the State, by and with the advice and consent of the senate, to appoint a registrar of voters. He might appoint an officer who was friendly to him, and that registrar might deny many persons the right to vote; but it cannot be taken that the law would operate in that way. Suppose, however, it would so operate, did the Legislature have the right to pass it? Nobody has controverted that it had. However objectionable that feature of the law may be, the Legislature had power to pass such a law; and it did pass it; and it was valid to all intents and purposes, however a dishonest and corrupt governor might prostitute it; and if he should do so, that does not warrant Congress or any other power than a lawful power to ignore his act.

But I repeat that, when I came to read this law, I was astonished, after what I had heard on the floor of the Senate, at the vast multiplicity of provisions for the express purpose of providing an honest and fair election. The truth is, that republican Legislature did a great deal better than I had given them credit for. It was a fair law; it was a just law. It is true, a dishonest governor might prostitute it; but so it is true that a dishonest judge may prostitute his office; a dishonest Senator may prostitute his office here; but the Constitution and laws do not contemplate that he shall do it; nor did the constitution and laws of Louisiana contemplate that Governor Warmoth should prostitute his office in the exercise of that high power by appointing a dishonest man registrar of the voters of the State of Louisiana.

But, then, it is said that this act was in conflict with the Constitution. The honorable Senator from Wisconsin [Mr. CARPENTER] said so, and I will now advert to this view of the matter. I have great respect for the legal knowledge and ability of that Senator, and I heard and read his able speeches with great pleasure; but, with all respect to him, I dissent from his position to which I am now going to make reference. He said that the constitution of Louisiana provided that the returns of all elections should be made to the secretary of state. That is true. I have just read the clause of the constitution which so provides. Then he said this election act was void because it provided that the election returns should be made to the governor of the State. I maintain that this provision of the act that the returns should be made to the governor is perfectly valid, and harmonizes with the constitution. What is the provision? I will reread that article of the constitution so that we may look at it clearly all together. I read again article 46:

Returns of all elections for members of the General Assembly shall be made to the secretary of state.

Now I read section 54 of the election law:

Be it further enacted, &c., That the governor, the lieutenant-governor, the secretary of state, and John Lynch, and T. C. Anderson, or a majority of them, shall be the returning officers for all elections in the State, a majority of whom shall constitute a quorum, and have power to make the returns of all elections. In case of any vacancy by death, resignation, or otherwise by either of the board, then the vacancy shall be filled by the residue of the board of returning officers. The returning officers shall, after each election, before entering upon their duties, take and subscribe to the following oath before a judge of the supreme or any district court.

That is all of the act material for the present purpose. I understood the honorable Senator to say that that provision was void because it required that these returns should be made to the governor. It does require the returns to be made to the governor, but only for the purpose of transferring them to the proper authority to open and canvass them. This act constitutes the governor and certain other officers and persons *the returning officers of the election*, and I say that it was perfectly competent, however unwise, for the Legislature to make the governor the returning officer or to make him one of a board of returning officers. Why not? Can anybody point to any limitation in the constitution that prohibits it? I have looked in vain for any such provision.

Mr. CARPENTER. As I recollect the provision of the constitution, it is that the returns shall be made to the secretary of state who shall lay them before the house on the convening of the Legislature, transferring them to the speaker of the house, and that the two houses shall count the votes for governor. That makes the secretary of state the custodian of the returns at first, and it is then his

duty to keep the returns until the Legislature meet and to hand them to the speaker, and then the Legislature count the votes for governor. This law not only provides that they shall be sent to a different person, but provides that he shall do a totally different thing with them. Instead of sending them, as the secretary of state under the constitution must, to the Legislature, he must lay them before a canvassing board, and they do the canvassing. It provides not only a different person to whom they shall be sent, but totally different machinery for canvassing the votes, as I recollect the constitution and the act.

Mr. MERRIMON. The honorable Senator is mistaken about that. I concur with him that the constitution is plain that the returns are to be made to the secretary of state and the secretary of state is to send them to the Legislature; but the question between us is as to who is to send them to the secretary of state. Certainly the returning officers; but who are they?

Mr. CARPENTER. They are to come up from the polls.

Mr. MERRIMON. But who is the returning officer? This act provides that the governor and the other persons named shall be the returning officers. There are a number of persons connected with the holding of elections: first, the registrar, then subordinate registrars; then there are the inspectors of election who hold the ballot-boxes and receive the votes. Then they are sealed and taken to another officer at the county seat, and then they are sent from the county seat to this board of officers composed of the governor and others, who by this very act are constituted *the returning board*. What do they do? The returning board canvass the vote. Having canvassed it and made proper statements of it according to the provision of the law, what do they then do with the returns? They send them to the *secretary of state* just as they did in this case and as the constitution plainly requires?

Mr. CARPENTER. Not at all. Under that law, as I understand, they do not send the returns which come to them at all. They send simply a statement of the result of their work; and in practice the Legislature did not have the returns, as I understand; they had this statement sent from the secretary of state. I speak of what was done by the Warmoth board.

Mr. MERRIMON. I have had some experience in the matter of elections, and know something of the manner of holding elections. They are held substantially the same way in most of the States. There are first the inspectors of the election. They have the control of the ballot-box; they receive the votes and put them into the ballot-box, and when the election is over they open the box and count the votes or seal the boxes and send them elsewhere to be counted. When the ballots are counted they are not sent to the county seat, but they send the statement of the vote—the calculation, list of voters, &c.—as officers have made the same up. In this case they did not pursue that course. In this case they sent votes and other papers all up to the returning officers—*the returning board*. They counted the votes, they opened all the papers sent up by the subordinates from the election places, they cast the vote up, and having ascertained the result to be in a particular way, they sent a properly certified copy of that result, as they ascertained it to be, to the secretary of state, and he sent that to the Legislature according to law.

Mr. CARPENTER. Does the Senator understand that the ballots are sent up under that law?

Mr. MERRIMON. I do not think they are.

Mr. CARPENTER. The officers who conduct the election at the polls, as I understand, after the polls are closed, at the time fixed by law, are to open the boxes and to count the votes. Then they make out a certain statement showing how many persons have been voted for and how many votes they have each received. Then they send the poll-list &c., making up what they call their return. That goes under the constitution to the secretary of state, whose business it is to keep it close, sealed, I take it, until the convening of the Legislature, and then he lays those returns before the Legislature and they canvass them. Now, under the statute, they are not sent to the secretary of state; they are sent to the governor, and the governor does not keep them and lay them before the Legislature as the constitution requires, but he lays them before a board created by that act—a totally different method of ascertaining the result of the election. Then that board when they determine who has been elected send a certificate or statement of that fact to the Legislature—a totally different process.

Mr. MERRIMON. But the point I make is, that it was competent for the Legislature to pass an act providing that the governor and these other officers and persons might constitute the returning board. They might make up that last body that was to ascertain how the vote was cast, immediately preceding the time when their work, completed in that way, was to be sent to the secretary of state to be sent by him to the Legislature. The constitution, when it says that the returns shall be sent to the secretary of state, does not mean that the ballots shall be sent there. It does not necessarily mean that the scrawls kept of the voters should be sent. It means that when the vote cast has been ascertained in a particular way, the returning authorities provided by the statute shall send a certificate of their action to the secretary of state, and the secretary of state shall transfer that action thus ascertained to the Legislature, and under that they may ascertain who is elected governor. That is my construction, and I think that is consistent with the statute and the statute with the constitution.

I suppose that the honorable Senator put his objection possibly upon another ground, to wit, that the Legislature had undertaken to create this office and fill it. Suppose they did that. I say it was perfectly competent for them under the constitution to do it. Why do I say so? I say so for this reason:

He—

Meaning the governor—I read from article 60 of the constitution—

shall nominate, and, by and with the advice and consent of the senate, appoint all officers whose offices are established by the constitution—

There is the limitation—

appoint all officers whose offices are established by the constitution, and whose appointments are not herein otherwise provided for.

Now see what follows:

Provided, however, That the General Assembly shall have a right to prescribe the mode of appointment to all other offices established by law.

Mr. CARPENTER. "Prescribe the mode," not to make the appointment itself.

Mr. MERRIMON. I cannot so construe the words. At all events the words that I have quoted bear this construction, and it is not unreasonable, for there is no question that the Legislature had power to pass an act creating the office and by the same act prescribe the mode of appointment. The constitution does not say the governor shall appoint, for the power conferred upon him is to nominate to offices established by the constitution. Who, then, is to fill, according to the mode prescribed by the constitution, State offices created by the Legislature? Is it the secretary of state? Is it a judge? It may be either, or, as I say, it may be themselves. That is not a strained construction. It is not a construction that is so unreasonable that it will not be tolerated. It is not such a construction as warrants Congress in tolerating such a revolution and such a tyranny and despotism as we witness in the State of Louisiana.

So, then, I say the act was valid in that respect.

But there was another election act passed; and it is not material whether this act was valid in the respect just discussed or otherwise. Suppose I concede for argument's sake that that provision is void, still it is not material. After the election was held, Kellogg and Warmoth and McEnery engaged in legal controversies about it. They had various lawsuits, some in the State courts and some in the Federal courts. It is admitted that the Federal court had no jurisdiction. Nobody claims that the Federal court had any jurisdiction whatso ever; and therefore I put all that it did out of the case. I shall not waste a word upon that. The action of Judge Durell was extrajudicial and absolutely void, and has nothing to do with ascertaining the facts and the law in the matter now properly before the Senate.

As I have said, McEnery and Kellogg and others engaged in legal controversies. They kept up litigation for some days after the election, and great complications prevailed about the vote; but it turns out that in the spring of 1872, before the elections, the Legislature of Louisiana passed a new election law. It was sent to the governor, but he did not see proper to approve it as he was bound by the constitution to do, as I have shown by one of the articles of the constitution which I have read to the Senate. He was required to approve the act before it became a law, or else it became a law by the lapse of time, unless he should receive it too late before the adjournment of the Legislature to return it within five days before such adjournment, in which case he might approve it at any time after adjournment. This election law passed in the spring of 1872, modifying and changing the election laws of 1870, was not approved by the governor immediately, but he kept it until he approved it under the circumstances I shall now mention. Finding that Kellogg and his friends were trying to take advantage of the result of the election by every possible means, lawful or otherwise, the governor approved the election law that was passed in the spring of 1872. It is not denied—I have not heard anybody deny it yet—that he had the right and the power as governor to approve that law at the time he did approve it. He did approve it on the 20th of November, 1872. That was a few days after the election had been held on the 4th of the same month. That law was in all respects valid; I have not heard it questioned; and on looking into the constitution, I do not believe it can be questioned.

What did that law empower Governor Warmoth to do? Let us see. The controversy, as the Senate must see, has been about the returning board ascertaining how the election was held and casting up the votes. Now let us see what that law provided in that respect. It abolished the old returning board; that is, the board composed of the governor and other persons described in the statute which I have read, and provided as follows:

That five persons, to be elected by the senate from all political parties, shall be the returning officers for all elections in the State, a majority of whom shall constitute a quorum, and have power to make the returns of all elections. In case of any vacancy by death, resignation, or otherwise, by either of the board, then the vacancy shall be filled by the residue of the board of returning officers. The returning officers shall, after each election, before entering on their duties, take and subscribe to the following oath before a judge of the supreme or any district court.

That is as much of the section as is material for my purpose. This act was approved the 20th of November, 1872. It had been passed, however, in the spring before, and it was approved by the governor after the election had been held under the election law of 1870. As

the governor had not approved it during the sitting of the Legislature, the senate did not proceed to elect the returning board so provided in this statute. Then, according to the constitution and laws of the State, the governor, *the senate not being in session*, was bound to appoint the returning board so provided for.

Mr. WEST. If it will not interrupt the Senator, as that point interests me very much, I should like to have his views as to the authority of the governor of the State of Louisiana under the law to appoint an officer to what may be called an original vacancy; whether that applies to positions that are created by statute and have never been filled? I do not wish to be understood as controverting the Senator's view, but I should like to have his legal opinion on that subject.

Mr. MERRIMON. It is manifest according to the constitution of the State of Louisiana that officers are to be appointed in two ways. The officers provided by the constitution are to be appointed by the governor, (unless otherwise provided in the constitution,) who nominates them to the senate, and the nomination is to be approved by the senate. Then there is an express provision that in case there shall happen a vacancy at any time during the recess of the senate the governor shall have power to fill such vacancy, and there is no limit on this power. Then according to the language of the constitution, as well as according to its manifest policy, it does not contemplate that there shall be a vacancy in any contingency, and by construction and by the very necessity of the case in the absence of the Legislature the governor must appoint, else an occasion would exist where there would be a vacancy and there would be no competent power to fill it. So I say, by the express terms of the constitution, as well as by all rules of constitutional construction and by the policy of the constitution of Louisiana, the governor is to fill the vacancy under the act in question. That is my view of it. The law being that way, now let us see what the governor had power to do. I will read article 61:

> The governor shall have power to fill vacancies that may happen during the recess of the senate by granting commissions, which shall expire at the end of the next session thereof, unless otherwise provided for in this constitution; but no person who has been nominated for office and rejected by the senate shall be appointed to the same office during the recess of the senate.

There is an express provision that where a vacancy shall occur in the absence of the senate the governor shall appoint. I ask any one to say whether this vacancy did not occur during the recess of the senate? And is it not manifest that the governor had power to fill the vacancy? I think so.

Mr. WEST. The language is "happen."

Mr. MERRIMON. What is the difference between the two words in this respect?

Mr. WEST. One is an accident; the other is an event.

Mr. MERRIMON. I think I have shown that in every point of view it was competent for the governor to fill this vacancy that occurred in the very words of the act, in the recess of the senate. I have not known the power of the governor in this respect to be questioned before in the Senate, and I believe the Senator from Wisconsin takes the view that it was perfectly competent for the governor to make such appointment, and the whole committee took that view, composed of Senators CARPENTER, LOGAN, ALCORN, ANTHONY, Trumbull, MORTON, and Hill—all of them lawyers of great ability and great experience. The whole of them, as appears by the report itself, concur in the view that it was competent for the governor to fill that vacancy.

Then what did the governor do in the exercise of that power? On the 20th of November, 1872, in the exercise of the power to appoint; he appointed what is known in this discussion as the "De Feriet returning board." As soon as that board could be organized they got possession of the returns of the election. Although it was suggested that there might have been some foul play with those returns, between the time they came into the hands of Warmoth and the time they passed into the hands of the De Feriet board, it is not contended seriously that any such fraud was shown. The election returns passed into the hands of this lawful board. It became the duty of that board by the constitution and laws of Louisiana to ascertain who was elected.

And what did they ascertain upon counting the vote? They canvassed the vote with great care and scrutiny, as appears by unquestioned testimony, and ascertained according to law as I have shown, following the matter all the way along, that McEnery's majority over Kellogg was 9,606 votes, and that the majority of the McEnery ticket both for State officers and for Legislature was upon an average 9,606. Having ascertained that, their return was made to the secretary of state, just as the constitution required, and they sent the return that they had agreed upon to the secretary of state, showing the fact that the McEnery legislature was elected by this majority, and proper commissions were issued as the law directed to be done.

Those who received certificates of election in strict accordance with the constitution and laws of Louisiana desired to assemble in the capitol of the State and proceed according to the constitution and laws with the duties devolved upon them by the constitution. But when they went to the State-house they found it in the possession of United States soldiers, and they were placed there by order of the President of the United States, and the members of the Legislature—those ascertained to be such by the constitution and laws of the State of Louisiana in the legal and lawful way, as I contend—were denied by this military power of the United States the authority to go into the State-house and organize themselves in that particular place. They, however, went to another house in the same city and did organize themselves into a legislature. It has been suggested that it was not competent for them to do that. I deny the truth of such a suggestion. I deny it, because in one of the articles of the constitution which I have read it is provided—not that the State-house shall be particularly the place of meeting, but that the place of meeting of the Legislature of the State of Louisiana shall be the city of New Orleans, and they might meet in the State-house or they might meet in any other house that was convenient there for them to meet in, if for any reason they could not meet in the capitol. Suppose the capitol had been burned down, will anybody be so silly as to say that in that case the Legislature could not go to another house in the city of New Orleans and sit? In this case the capitol was held by military power, and they were as thoroughly excluded from assembling in it as they would have been if the house had been burned down, in which case no one would pretend that the Legislature might not sit elsewhere in the city.

But the McEnery legislature, as it is called, did sit in the city of New Orleans. They organized according to the constitution and laws of the State of Louisiana. There was a quorum elected and duly assembled accordingly, as is provided by the constitution in reference to the senate and house of representatives, and when they were assembled there, the secretary of state sent the returns with which he was furnished by the De Feriet returning board to the Legislature, and the Legislature proceeded strictly according to the law, and ascertained that McEnery had received the majority which I have mentioned; and not only that, but it was ascertained who composed the Legislature of the State of Louisiana.

It is suggested that some of the members of the Legislature there were elected by fraud. That does not appear; but suppose that was so, they were nevertheless ascertained by the lawful returning board to have been duly elected, and they were *prima facie* members of the Legislature, and they continued to be such until the Legislature, in pursuance of the law providing for contested cases, should ascertain that they were not elected. That the De Feriet board so ascertained, I refer the Senate to the report of the committee. It there appears that what I have stated took place, and that this majority was ascertained in favor of McEnery and the McEnery legislature and the other State officers. This is my view of it.

Now let us see how the matter stands with the committee. I have already called attention to the composition of the committee. The committee is composed of able Senators—men whose integrity, whose ability, whose veracity, cannot be questioned by anybody; and now let us see what they say about it. The committee say that the De Feriet board was the lawful board. I will read some extracts from their report. On page 26 the committee say:

> One of two things is certain: The governor's approval of the new election law on the 20th of November gave it effect on that day or it did not. Assuming that the approval on that day was regular, the new law absolutely repealed all the laws under which the Warmoth board and the Lynch board were pretending to act, and of course abolished both boards, without regard to the question which was the legal one. All that had been done in the election of November, 1872, in pursuance of the old laws—that is, the registration, voting, and returns—was as valid after the act of November 20 as before. If the canvass had been made by the proper board under the old law and in all things completed, the rights of parties based upon that canvass would not have been affected by the repeal of the laws. But the act of November 20, taking effect after the returns were made and before they were canvassed, transferred the duty of canvassing to the new board created by the act.

[At this point the honorable Senator yielded to a motion for an adjournment.]

FRIDAY, *April* 24, 1874.

Mr. MERRIMON, (resuming.) When yesterday I yielded to a motion to adjourn, I was endeavoring to show that an election was held in the State of Louisiana on the 4th day of November, 1872, according to the constitution and laws of that State, and that in pursuance of an election act approved by Governor Warmoth on the 20th day of November, a few days after the election, he appointed what has been commonly called in this debate the De Feriet returning board, that that board according to law canvassed the vote polled at that election, and according to the canvass they ascertained in due form that the McEnery ticket, which embraced candidates for State offices and for the Legislature, was elected by a majority of nearly 10,000 votes. In support of that statement, I cited the evidence taken by the Committee on Privileges and Elections. In further support of it I also cited an extract from the report made by the committee in this case; and I desire now to read further extracts from the report with the same view. I read an extract from the 27th page of the report. The committee say:

> In the opinion of your committee there can be no doubt—conceding the validity of the act of November 20—that it transferred the duty of canvassing the returns of the last election to the board to be elected under the provisions of the act. The act provided for such election by the senate, and, taking effect in the vacation of the Legislature, created offices to be filled thereafter by the senate. This is what is styled in that State an original vacancy, which, happening in the vacation of the Legislature, the governor is authorized to fill by appointment; and it is said that the courts of that State have repeatedly recognized the right of the governor to make such appointments.

So it appears by the clause of the report which I now read that a committee composed of such lawyers as I directed attention to yesterday, have ascertained that according to the constitution and laws

of Louisiana, as well as according to their own opinion based upon the law and facts of the case, which is entitled to great weight, the De Feriet board was in all respects a legal one, and had the power and right to make the canvass of the vote which they did make. I also read an extract from the report on page 44:

Your committee are, therefore, led to the conclusion that if the election held in November, 1872, be not absolutely void for frauds committed therein, McEnery and his associates in State offices, and the persons certified as members of the Legislature by the De Feriet board, ought to be recognized as the legal government of the State. Considering all the facts established before your committee, there seems no escape from the alternative that the McEnery government must be recognized by Congress, or Congress must provide for a re-election.

And again, on page 45, the committee say:

If the Senate should be inclined not to go behind the official returns of the election, then the McEnery government and legislature must be recognized as the lawful government of the State, and McMillen, if regularly elected by that legislature, should be seated in the Senate in place of Kellogg. But your committee believe that this would be recognizing a government based upon fraud, in defiance of the wishes and intention of the voters of that State.

That is the view bearing upon this point of the committee constituted as I have before described.

I now wish to cite the opinion touching this point of another distinguished member of that committee, distinguished not only as a Senator and a member of that committee, but distinguished I believe throughout the nation as one of the ablest lawyers in it. I read from the minority report of Senator Trumbull. On pages 53 and 54 he says:

According to the official returns, the fusion State ticket, headed by McEnery for governor, received an average majority of about ten thousand votes, and a large majority of the persons elected to the Legislature were of the same party; and but for the illegal interference of the United States authorities, as is stated in the report of the majority, the McEnery government would have been peacefully inaugurated.

How skillfully the plan was laid to overthrow the legitimate State government, set aside an election, and inaugurate the Pinchback and Kellogg administrations and legislatures, and how well Judge Durell was supported in all these revolutionary and illegal proceedings by other United States officials, will appear by reference to a few facts disclosed in the evidence.

On page 63 he says:

The credentials of William L. McMillen are signed by Mr. McEnery, as governor of the State, with the seal of the State attached. He was elected by what is known as the McEnery legislature, which, including senators holding over, consisted of a quorum in each branch of the persons elected according to the official returns as canvassed by the De Feriet board. The result of that canvass was duly proclaimed by Governor Warmoth, together with the list of the names of the persons elected to the senate and house of representatives, certified by Jack Wharton, who was at the time the acting secretary of state. The official returns also show that McEnery was elected governor by some 10,000 majority. These returns were before the committee, and their tabulation, showing the results above stated, were proven to be correct. It is true the members of the McEnery legislature did not meet at the time and place fixed in the governor's proclamation, and the facts show that it was out of their power to do so, for the reason that the Mechanics' Institute, in which they were called to assemble, was then occupied by United States troops, acting under the orders of a United States marshal in the execution of a void order of a United States court, which prohibited their assembling and organizing as a legislature in said building. The fact that when thus prevented from assembling in the Mechanics' Institute, the members got together as soon as practicable in another building in the same city and proceeded to organize, cannot vitiate their proceedings any more than if the Mechanics' Institute had burned down before the time for assembling had arrived. It is difficult to conceive upon what principle McMillen is to be refused his seat, unless the election in Louisiana in November last be declared void, and Louisiana to be without a State government, propositions to which the undersigned cannot give his assent. He believes the De Feriet board had color of authority at least to make the canvass of the returns for the Legislature; that Wharton was *de facto* secretary of state at the time, and the proper person to make out the list of members on which the Legislature is organized according to the laws of the State; but whether this were so or not is not perhaps material, because the official returns from the parishes were before us, and we know that the results at which the De Feriet board arrived were substantially correct. It is the fact that certain persons received a majority of the votes cast; that is of the substance of the election. The canvass of the returns is but machinery, and whoever receives a majority of the votes polled at an election for an office ought not to be deprived of the benefit of it unless in obedience to some positive statute.

Thus we have the opinion of this able committee, a committee that cannot be charged with having any political preference for McEnery or his associates on his ticket, for on looking to the political status of the committee I find that every single member of it was a republican and whose integrity as a republican partisan cannot be questioned. Not only does it appear in a legal and official way by the action of the De Feriet board who were elected to be the officers of the State of Louisiana at the election of November 4, 1872, according to the constitution and laws of the State, but after the Legislature had organized it proceeded to provide for another returning board commonly called in this debate the "Forman board." That board took the same returns and examined them carefully, the whole of them, and came to the same conclusion that the De Feriet board had come to, and reported to the Legislature that the same parties were elected who had been ascertained to be elected by the De Feriet board. I mention this fact with a view, if it were necessary, to strengthen the position that the McEnery ticket was ascertained to be elected in every conceivable view of the case.

But, sir, I now pass from the committee and come to the opinion of individuals whose views are entitled to very great weight. I take up first the views expressed in his first speech on the pending bill of the Senator from Wisconsin, [Mr. CARPENTER.] He said touching this subject, in his speech on the 29th and 30th of January, 1874, on page 42, as follows:

We had before us in the committee the original returns which were laid before the De Feriet board by Governor Warmoth. Of those returns there are two or three bushels, I suppose, and we had them in our committee. We sent a subpœna to Louisiana and they were brought here. Mr. Ray was before the committee, and Mr. McMillen was before the committee, and Mr. Pinchback was before the committee conducting their respective sides of the case, and they all agreed that those were the returns, and agreed that those returns showed the result which had been arrived at by the De Feriet board; that McEnery had 9,606 majority. There was no contest about it.

This is material, and it seems to me very strong in support of my views.

That Senator, in his speech of March 4 on the same subject, says as follows:

The returns, filling two or three large boxes, were produced before the committee. Mr. Ray, Senator-elect and certified by the Kellogg government, and Mr. McMillen, Senator-elect and certified by the McEnery government, appeared before the committee and were permitted to act as counsel on their respective sides of the controversy. Some suggestion was made in regard to the integrity of some of the returns. The committee directed them to be submitted to the inspection of Ray and McMillen; and on a subsequent day, and after such inspection, Mr. Ray called the attention of the committee to that point, and all that appears in the testimony is the following:

Mr. Ray, recalled as a witness, on page 1005 said:

"The WITNESS. I desire to call the attention of the committee to a statement at a suggestion made by one member of the committee yesterday. I examined and found, and if the committee will act as experts they will find, that the commissioners of elections in several cases in the parishes have their names forged to the affidavits. For instance, there is one from Madison Parish, [exhibiting the papers,] and so in the parish of Grant also, and in the parish of Point Coupee, and the parish of East Baton Rouge, which, if the committee will examine as experts, they will find it very evident in some cases that they were forged."

The Senator continuing says:

These four parishes, according to the official returns, gave Kellogg 213 majority over McEnery. Conceding these to be forgeries, all that any board canvassing the returns under the laws of that State could do would be to reject them; in which case McEnery's majority, as shown by the returns, would be 10,190.

The McEnery canvassing boards, as they were authorized to do by the statute, rejected the returns from five parishes on the ground of fraud. The Lynch board estimated that these five parishes gave Kellogg a majority of 3,326, and they estimated that the four parishes from which some of the returns were, in Mr. Ray's opinion, forged, gave Kellogg a majority of 3,969. Deducting the estimate of the Lynch board of Kellogg's majority in these four parishes, and in the five parishes, the returns of which were rejected by the board which canvassed them, from McEnery's majority, 9,906, and McEnery would still have a majority of 2,611.

So it will be seen that it is impossible, if these returns are to be considered, to establish Kellogg's election. And the Lynch board, which declared Kellogg to be elected, acted upon testimony wholly apart from these returns; testimony which the Senator from Indiana, in the report from which I have read, declares they had no right to take or consider.

Thus, Mr. President, it seems to me indubitable that the State of Louisiana was a State in the Union, having a republican form of government; that it had all the officers required by its constitution and laws; that it had an election law which in all material respects harmonized with the constitution of that State; that in pursuance of that election law officers were appointed for the purpose of holding the election; that a peaceable and quiet election was held on the 4th day of November, 1872; and that afterwards a returning board, commonly called the De Feriet board, organized according to law, ascertained by the vote polled at that time that the McEnery ticket, embracing all the State officers and the Legislature, was elected by the large majority of nearly 10,000 votes. How any one, looking at the facts, looking at the law, desiring to subserve the interests of that State, having a patriotic desire to uphold our system of government, both State and Federal, can come to any other conclusion than the one at which I have arrived in this respect, is something beyond my comprehension; and the fact that it is possible that another view could prevail in view of the facts proven, in the minds of respectable gentlemen is something, that shocks and alarms me. It really tends to produce the impression upon my mind that we are not only in the midst of revolution, but that revolutions, parties, and factions—ambitious, designing, corrupt, and wicked men—are to take control of the State and Federal governments, and rule them in the future to suit their own purposes and interests.

But, sir, it is said that this election was void on the one hand; it is said on the other hand that it was not void, but that the Kellogg ticket was elected. I think it worth while to examine these two positions briefly and see if they can be even plausibly maintained.

Why is it said, in the first place, that the election was void? It is insisted that it was void because there was glaring, manifest fraud. But I challenge any Senator to point to any fraud perpetrated in that election of which this body can take cognizance or which could in law vitiate an election in the State of Louisiana when that fraud should have been inquired into by the proper authorities of that State. The election laws of that State harmonized with the constitution. It is true they charged the governor with a very high power. They allowed the governor to appoint a registrar of the voters, and through him he appointed supervisors of the election all over the State in all the parishes. But can it be denied that the constitution allowed that? If the constitution allowed it, and the act of the Legislature in pursuance of the constitution charged the governor with that high power is it to be said because he prostituted it merely with a view to political ends that that vitiated his act? Such a precedent as that never has been established in this country before, and such a position has never been seriously contended for before within my knowledge. I cannot say that I have seen anything in this vast volume of testimony that warrants the inference that Warmoth did exercise that power in a way that was unusual for governors and persons intrusted with such power to exercise it.

And then, again, this act was passed by a Legislature in 1870 hostile to the McEnery ticket, hostile to McEnery politically, and to all per-

sons who sympathized with him; it was passed by a Legislature overwhelmingly republican; it was approved by a republican governor in harmony with the republican party throughout the nation; so that it cannot be pretended that these laws were passed in the interest of those who it is alleged controlled this election.

But, sir, what are the special grounds assigned for vitiating the election? First, it is said that Warmoth, being governor, exercised this high power and influence to control the result of the election. It seems to me that that suggestion does not deserve a passing consideration; it has no legal weight whatsoever. Then it is said that Warmoth was equal to 20,000 votes in the State of Louisiana by reason of his position as governor and by reason of his control of this office of supervisor of registration. Is an election to be declared void because the governor of a State sees proper to wield his personal and political influence to bring about a particular result in an election? He had the right to exert his influence to bring about that result. Do we not see such influences employed and such practices prevailing in every election that takes place in the Union, whether it be an election for President or for governor, or for any other officer? When a presidential election takes place, we all know that the power of the Executive in this country is used in various ways, very often illegally, for the purpose of controlling elections. We know, and some of us have felt, the power of a republican administration when a State election was to come off, which in the exercise of power and patronage controlled the votes by thousands in the States; but did anybody ever pretend that, because a republican President had seen proper to use his influence and his patronage with a view to bring about a result that he thought right and proper, therefore it vitiated the election?

But then it is said that Warmoth joined the democrats; that he became what is commonly termed a "liberal republican," and that in connection with the Greeley movement in this country, just before the last presidential election, he formed an alliance with the democrats. The McEnery ticket was called by some the fusion ticket, and it is said that a fusion was formed between the political friends of McEnery and Warmoth, and by that fusion, and by these other means to which I have adverted, they controlled the election, and therefore the election is void. Is anybody so absurd as to say that a reason of that sort is to vitiate an election, upset a State government, inaugurate a military despotism, and warrant the Federal authorities in sustaining a downright usurpation there? I trust not. I trust that no such doctrine as that can prevail even in these revolutionary times. Suppose that Warmoth did do what is so charged, suppose that he and McEnery, if McEnery is a democrat—I do not know what his politics are; I suppose he is a democrat in politics; I never saw the gentleman; I do not know him—suppose that McEnery and Warmoth went into the executive office and there made a deliberate agreement, and, to use a common phrase, "joined teams" to carry the election, they had a perfect right to do it. Suppose that I saw proper as a democratic Senator to join a portion of the republican Senators in this body to carry a measure through the Senate which I believed calculated to promote the best interests of the American people, have I not a right to do it? If by that combination of democrats and republicans we should carry that measure and it should become a law, could anybody pretend that it was not a law because we had entered into such a combination? And yet it is contended that this election is void upon a ground like that!

In order to show that I am correct in what I say as to the objections set up in opposition to the election of McEnery, I beg to call the attention of the Senate to one or two extracts from the speech of the Senator from Wisconsin, [Mr. CARPENTER.] In his speech on the 29th and 30th of January last, on page 45, he says:

> Now, Senators may ask me, and my colleague has in conversation two or three times asked me, to point out particularly the testimony that shows this.

Shows what? That the election was carried by fraud and by force, and that it was void. It seems that the colleague of the Senator from Wisconsin had become anxious upon the subject, and the Senator whose speech I am now quoting from having made the majority report of the Committee on Privileges and Elections touching this matter, he goes to him for information, and he asks him "What evidence did you have before you that led you to this strange conclusion, to take this important step, to declare there was no election in the State of Louisiana whereby that State is without officers?" This is what he says he said to him:

> Now, Senators may ask me, and my colleague has in conversation two or three times asked me, to point out particularly the testimony that shows this. Well, it is one of those facts which appear, I think, satisfactorily, from the whole case. It is not a fact which could in the nature of things be testified to positively by any one witness. The testimony does show, however, that all the men that had charge of the election were Warmoth and McEnery men. It shows that the polls were so established in the republican parishes that they were next to inaccessible; and it shows, too, that every obstacle possible was thrown in the way of the registration of republicans. In the nature of things, the extent of effect produced by any one of these causes can only be estimated; it cannot be the subject of direct proof; and this is just the case which can be investigated only by legislative, not by judicial methods. My belief is—

And this is very important—

> *that if any judicial court to-day had jurisdiction of the question in Louisiana, the result of that election, as held, that is to say, the result of the ballots actually cast, would be shown to be that McEnery was elected;* but I am equally well persuaded that the result misrepresents the will and the intention of the people of that State on that election day, and that it was in consequence of these frauds and obstacles in the way of registration, and the fraudulent location of voting places, that Warmoth was able to carry that State by from six to nine thousand majority in favor of McEnery. I believe that if my colleague will take that testimony, and wade through it, and devote as many hours as I have days to the examination of it, he will be thoroughly convinced, as I am, that such is the case, although he may not be able to point to any particular sentence in proof of it.

Mr. HOWE. Will the Senator allow me to say a word in that connection?

Mr. MERRIMON. I will, sir, with pleasure.

Mr. HOWE. I did put that question to my colleague repeatedly before I had had time to examine the evidence laid before the Senate by the Committee on Privileges and Elections. Listening as well as I could to such discussion as came from the Senator from Indiana, and from my colleague, I really did come to entertain a very strong impression—I could hardly say it was a belief—that at the election in November, 1872, Mr. McEnery did receive a majority of the votes; and that if law was enforced in Louisiana he ought to be declared the governor of that State; and that if this Congress had any responsibility in the premises, it was not to order a new election, but to declare that Mr. McEnery had been elected, and to see that he was installed. Since that time, however, I have paid a great deal of attention to the report and to the evidence accompanying that report submitted to the Senate by the Committee on Privileges and Elections, and I feel bound to say to the Senator from North Carolina and to the Senate, and to all persons concerned, that my conclusion from a very careful examination of that report is, that when the sun set on the 4th of November, 1872, a majority of the ballots in the boxes at the several voting precincts in that State were in favor of William P. Kellogg for governor. I say that is my conclusion from such evidence as we have. I am entirely satisfied—I have not a rational doubt—but what if you add, as any court of law having jurisdiction of the subject-matter would add, to the ballots in the boxes the ballots outside which were offered but were excluded unlawfully from the boxes, Mr. Kellogg had a majority of very many thousands for governor of that State. I say the evidence upon this point is not very conclusive, and for the very good reason that no effort was made by the Committee on Privileges and Elections to establish what was the actual result of the voting. Their attention was absorbed upon another inquiry, to wit, which of those two organizations was, *prima facie*, the right one.

Mr. MERRIMON. After a like examination of the report, I do not see any ground upon which I can come to a like conclusion; and that is one thing which does alarm me about this case and the state of things in Louisiana. I wish that the honorable Senator from Wisconsin who interrupted me a moment ago [Mr. HOWE] had the opportunity now to go on and tell the Senate what particular facts led him to his conclusion. I should be exceedingly pleased, I should be gratified, I should be intensely satisfied if that honorable Senator could point me to any fact that would lead my mind to the conclusion at which he has arrived; for then I would see the propriety of the action of the Executive of the United States, and the necessity why Congress should pass a joint resolution indorsing his conduct and putting this controversy to rest forever.

Mr. HOWE. Well, Mr. President, I have not that opportunity now; I do not propose to take it at any time; but I can state to the Senator, if it will be a satisfaction to him, two or three little circumstances attending this report which have gone very far to establish the conviction which I have just stated.

Mr. MERRIMON. I trust I shall have the pleasure of hearing the Senator on another occasion.

Mr. HOWE. On another occasion?

Mr. MERRIMON. Yes, sir.

Mr. HOWE. I do not know whether I shall speak at all on the subject; but I offer to answer that invitation.

Mr. MERRIMON. I trust he will; for if he has that conviction I want to be convinced in a matter of this character. I have already disavowed all partisan feeling; I only look to the best interests of Louisiana, to the best interests of the Union, and to the best interests of all the States composing the Union. I want to arrive at the truth, and I have examined this report anxiously with that view.

Mr. HOWE. Right in that connection will my friend indulge me for a moment?

Mr. MERRIMON. Yes, sir.

Mr. HOWE. I have no doubt that is the case with the Senator and I believe I am equally exempt from any party bias. I know if I looked at the interest of the republican party, if I desired to promote its ascendency especially, I would rather have a democratic administration in Louisiana to instruct the American people than to have a republican administration there, for I believe they would do more to make the people of the United States hate democracy than any republican administration is likely to make the people of the United States love republicanism.

Mr. MERRIMON. And I suppose the examples set by Mr. Kellogg and Mr. Warmoth in their administrations respectively are evidences of that fact—two administrations that have disgraced not only the State of Louisiana but the American people, so that Louisiana affairs have become a by-word and the laughing-stock of civilization; and yet their administrations are to show the fact that a democratic administration would go far to satisfy the American people that democracy was wrong and republicanism as illustrated by these administrations right!

But, sir, I was going on to point out the grounds on which it is said by some gentlemen that the election was void and by others that

Kellogg was elected. I read from the minority report of the committee, signed by the Senator from Indiana, [Mr. MORTON.] On page 78 he says:

In the report of the majority of the committee it is alleged that the election on the 4th of November was so grossly fraudulent as to make it void; that if it had been fair, Kellogg and the other candidates on the republican ticket would have been elected by a large majority. Without concurring in the opinion that the election was void, I entertain no doubt that it was an organized fraud of the largest dimensions, and that a decided majority of the people of Louisiana sympathize with the Kellogg government and earnestly desire to see it maintained.

There is this remarkable and striking fact in the report of the committee, in the minority report signed by the Senator from Indiana and also in the other minority reports, that while this suggestion of fraud is made in the broad, round, and declamatory manner to which I have called attention, not a single Senator has pointed to a fact showing fraud such as would vitiate a constable's election, much less the election of a governor and the State officers of a State whereby a State is to be disorganized and ruined, as the State of Louisiana is likely to be by the result of the election of 1872. Let me refer again to the speech of the Senator from Wisconsin, [Mr. CARPENTER.] He says:

The testimony does show, however, that all the men that had charge of the election were Warmoth and McEnery men.

That is no evidence to show that the election was void for fraud or any other cause. Will anybody pretend that the fact that all the persons who were engaged in holding the election were republicans would vitiate it? It is puerile, with all respect, it seems to me, to make such a suggestion. Suppose the officers who held the election were all "fusion men;" suppose they were all Warmoth men; unless you can show that they stuffed the ballot-boxes, that they refused to allow lawful voters to vote, that they did some other act which is recognized by the law as fraudulent and as calculated to destroy the efficiency of the election, it amounts to nothing. The law does not recognize partisans as such in directing how an election shall be held. The honorable Senator says further:

It shows that the polls were so established in the republican parishes that they were next to inaccessible; and it shows, too, that every obstacle possible was thrown in the way of the registration of republicans.

Where is the evidence of that? If they were going to rely on this point, it was very material to sustain it. It was material for them in making this charge to cite testimony to support it; and unless that is done it goes for nothing. As to the location of the polls, the law allowed it, and if the law allowed them to establish voting precincts twenty miles apart, and the Legislature in the exercise of its power saw proper to do it, it had a right to do it; and if the Legislature appointed an officer to designate the voting places and he saw fit to fix them a long distance apart and he did so according to law, he had the right under the constitution of Louisiana to do it. But it is said it was inconvenient for the colored people in many places in that State to go to the polls. It was just as inconvenient for them as for the white people; and besides it is generally known all over the South that the colored people never fail to go to an election and will go any distance to get to it. They are infinitely more ready and active and anxious to vote than the white people; and they never fail to vote whether the distance to the voting place be long or short; whether it rains or shines they go; so that I apprehend the republican party lost nothing by any provision of that sort, in that election. He says further:

In the nature of things the extent of effect produced by any one of these acts can only be estimated.

And yet we are called upon to declare an election void, to overturn a State government, to provide nothing for that people, on the ground that it is *estimated, that it is suggested*, that it is inferred—estimated—that there was fraud in the election sufficient to vitiate it! The Senator from Indiana when he comes to this point, being an able lawyer, one capable in all respects of not only making a point and knowing its importance but how to sustain it, puts this short paragraph which I have read to the Senate as the ground upon which he says Kellogg was elected. Why did he fail to state facts to support that proposition? Is it not strange, is it not remarkable that he failed to do so? And because he did not do so, is not the inference strong, irresistible, that he could not do so? On examination of the facts, I undertake to say that there was no fact which warranted any such declaration except the general fact that they say it was well known to the American people that the republican party in Louisiana had twenty thousand majority if the votes had been cast fairly. Why, sir, do they undertake to say that the people in this country are not going to change from radical notions? I thank Heaven that I see very decided evidences of a change of opinion. The people are tired of revolution. They do not intend, in my opinion, to sustain a revolutionary party in this country for a long while yet to come; and we find this party going to pieces; it is in a state of disintegration; the people are falling off from it daily and weekly and monthly, and I trust that at the next general election it will be overthrown forever.

The truth is, the republican party is over as a party of principle anyhow. It was founded upon opposition to negro slavery. Negro slavery has been abolished by the sword, and constitutional provisions securing that end have been incorporated in the Constitution. Congress has taken action in that behalf, and legislative measures have been passed which provided for carrying them into effect. This great party is at an end, therefore. It is over as a party of principle. It has no living principle to-day that does not appertain to any party in this country. It ought to be dissolved; it will be dissolved. It has done all the good it can do. I shall not say what other party may take its place, but its day is over! For my part, I am for the Constitution, and against any party that is against it. It is supreme with me, and above parties.

Mr. WEST, (in his seat.) Amen!

Mr. MERRIMON. I am glad to hear my friend say, "Amen." I trust it will be as I wish. But, Mr. President, I say that it is not surprising that there was a change of public sentiment in Louisiana. Look at the Warmoth government. Why, sir, if I had time I would go into some details to show what effect it produced upon that State; what impoverishment, what humiliation, what disgrace that administration brought there, until it was the laughing-stock of civilization. All the decent republicans wanted to get rid of it, and no wonder that they did. Was it surprising, therefore, when they had an opportunity to vote for a man of different principles making different professions, a man of good repute, that they should seek an opportunity to vote for him? Was it surprising when Warmoth with his power and influence as the governor of the State joined the democrats he should be able to carry ten or fifteen thousand republicans with him, whether they were colored or whether they were white? There is nothing astonishing in that; it would be surprising if it had been otherwise. If Warmoth desired to do it; if he had the motive to do it no matter what that motive was, he had the right under the constitution and laws of Louisiana to use his political and personal influence to secure the ascendency in that State of an honest administration of the government.

Now, sir, I wish to read to the Senate what the late Senator from Illinois said upon this subject. Senator Trumbull said this:

It is, however, said by a majority of the committee that the election of November 4 was so tainted with fraud as to render it wholly void, and they recommend the passage of a law for holding a new election under the authority of Congress.

If it were admitted, as it is not, that Congress has authority to inquire into the fairness and regularity of a State election, it is denied that there was any such fraud in the late Louisiana election as would justify setting it aside. It was confessedly one of the most quiet and peaceful elections ever held in the State, and the evidence shows that it was substantially free and fair.

The vote polled—

I should be glad to have my republican friends to hear this, as it comes from a republican—

The vote polled was twenty thousand larger than ever before cast in the State, and against more than two-thirds of it no complaint of unfairness is even alleged.

Again he says:

It has been said that the colored voters were all republicans, that the colored population of the State outnumbers the whites, and that therefore if the election had been fair the republican ticket must have succeeded; but the census of 1870 shows that there were in the State one hundred and fifty-three more white than colored males over twenty-one years of age; and it is also in evidence that from eight to ten thousand colored persons voted the fusion ticket, while the number of whites who voted the republican ticket is not believed to have exceeded half that number.

That is the report of a gentleman charged to investigate this matter, one who devoted weeks to the investigation and consideration of this matter, a man whose integrity cannot be questioned, a man whose reputation for legal learning is known throughout the Union and in foreign lands, a Senator of this body, and with all that a republican, who had no interest in making this report that should bring disgrace and dishonor on his party.

Mr. WEST. I should like to ask the Senator whether he quotes the testimony of Mr. Trumbull as giving the exact statement according to the census of the division of races in the State of Louisiana?

Mr. MERRIMON. I certainly quote it just as he stated it; and I thought I could not cite a higher authority here than the finding of Judge Trumbull in a solemn report of this character.

Mr. WEST. It has been demonstrated on this floor that Mr. Trumbull did not go far enough in his investigation of the census; and if the Senator wants to quote the census on us let him produce the census here.

Mr. MERRIMON. My friend has had the opportunity to do it.

Mr. WEST. I did it; and it did not show what you say.

Mr. MERRIMON. I have not shown anything about it myself. But, sir, here is the solemn report of one charged to this end, and I take it that the bare suggestion of my honorable friend is not to go against such a report and finding unless he produces his authority for saying that Judge Trumbull erred as to the census report, and he does not even suggest that if there was an error that it was at all a material one.

But, Mr. President, what I want to put to the Senate, what I want to put to the country, what I want to put to every lover of free government, wherever he may be, is, are the American people, is the American Congress, ready to overturn a State government upon such a flimsy pretense as this, and thus inaugurate revolution and thus sap the foundations of our whole system of government? I trust not, Mr. President. I trust that the Senate will examine carefully and cautiously into this matter and come to a correct conclusion; and if the Senate and Congress will not do it, then I propose that those who stand by the Constitution and right shall appeal to Cæsar; we will appeal to the American people, and I have the strongest confidence that they will pronounce a just and patriotic judgment at the ballot-box, which will be, I know, a judgment of condemnation.

Then, Mr. President, it appears that there was no fraud which vitiated the election in the State of Louisiana.

But to go back to the principle upon which I rest what I have said, suppose there was fraud there, what right has the Senate to inquire into that fact; what right has Congress to inquire into that fact? I endeavored yesterday to show that Congress in its relation with the State as a State was bound to recognize the authorities of the State, ascertained according to the constitution and laws of that State. I think I may appeal to the judgment of every disinterested person to say whether I have not shown that, according to the constitution and laws of Louisiana, the McEnery ticket was elected, and therefore that McEnery is to-day the lawful governor of that State, and his associates on that ticket compose the other State officers, and that the McEnery legislature is the true and lawful Legislature.

But, sir, there is another point to which I wish to advert. Upon what does the "Kellogg government," so called, rest its right to administer the government of Louisiana? Suppose I now concede for argument's sake that he got a majority of the votes—though there is no evidence going to show it—was it ascertained by any lawful authority that he was elected? Was it ascertained in any way that he was elected? The Senator from Indiana [Mr. MORTON] admits his election and his right depend upon the action of what was called the "Lynch returning board." But it is not pretended that it had any lawful existence or authority whatever. It had no semblance of authority whatsoever for any purpose. Nevertheless the Senator from Indiana, [Mr. MORTON,] the only member of the Committee on Privileges and Elections who sustained the right of the "Kellogg government" in any view, rests the right of Kellogg upon the action of the "Lynch board." Let me refer to its formation and character briefly. In the first place, it was absolutely unlawful. It was not appointed by the governor or the Legislature, or by any statute or any lawful authority; it was self-constituted. Lynch himself belonged to a board of which there was never any quorum, and though he was at one time of a board that did have authority, he was but one member of a board composed of five persons, and he was in no way charged with authority to appoint any one. The Senator from Indiana admits as much in his speech. But let us see what the committee say in reference to that board on which the so-called "Kellogg government" rests its right. The committee in their report say:

On the 6th of December, 1872, the Lynch board—Bovee, (who was then acting as secretary of state in place of Herron,) Lynch, Longstreet, and Hawkins—pretended to have canvassed the returns of the election, and certified to the secretary of state that Kellogg had been elected governor; Antoine, lieutenant-governor; Clinton, auditor; Field, attorney-general; Brown, superintendent of education; and Deslondes, secretary of state; and also certified a list of persons whom they had determined to be elected to the Legislature.

Now notice what follows:

There is nothing in all the comedy of blunders and frauds under consideration more indefensible than the pretended canvass of this board.

The following are some of the objections to the validity of their proceedings:

1. The board had been abolished by the act of November 20.

So it never had any existence. It was abolished.

2. The board was under valid and existing injunctions restraining it from acting at all, and an injunction in the Armstead case restraining it from making any canvass not based upon the official returns of the election.

3. Conceding the board was in existence, and had full authority to canvass the returns, it had no returns to canvass.

The returns from the parishes had been made, under the law of 1870, to the governor, and not one of them was before the Lynch board.

Could anything surpass the willful, wicked, and corrupt purpose and spirit of Bovee and Kellogg and their associates, manifested by what I now read from the report:

It was testified before your committee by Mr. Bovee himself, who participated in this canvass by the Lynch board, that they were determined to have a republican legislature, and made their canvass to that end. The testimony abundantly establishes the fraudulent character of their canvass. In some cases they had what were supposed to be copies of the original returns, in other cases they had nothing but newspaper statements, and in other cases, where they had nothing whatever to act upon, they made an estimate based upon their knowledge of the political complexion of the parish of what the vote ought to have been. They also counted a large number of affidavits purporting to be sworn to by voters who had been wrongfully denied registration or the right to vote, many of which affidavits they must have known to be forgeries. It was testified by one witness that he forged over a thousand affidavits and delivered them to the Lynch board while it was in session. It is quite unnecessary to waste time in considering this part of the the case; for no person can examine the testimony ever so cursorily without seeing that this pretended canvass had no semblance of integrity.

So it appears the board which undertook to ascertain the so-called "Kellogg government" was elected, never had any lawful existence, any more than if half a dozen gentlemen in the gallery were to undertake to organize themselves into a board to count the vote this day. But, furthermore, it appears beyond question or contradiction—it has not been denied anywhere, it cannot be denied—that if the Lynch board were lawful, they had no votes or returns of votes to canvass—absolutely nothing recognized by the law. And yet we find gentlemen so far carried away by some consideration, I cannot imagine what it is, that they are willing to dishonor and degrade and outrage the State of Louisiana, and injure the people there and imperil our system of government, by holding in office a usurper whose rights are predicated upon such grounds. Sir, if Congress will not rebuke and overthrow such usurpation, I appeal to the American people to rebuke it. I trust in God they will rebuke and condemn it at the next election in a way that shall never be forgotten, and that they will put the seal of their condemnation upon those who now have it in their power to put it down and will not.

But, Mr. President, in order to show where we stand, suppose I concede for argument's sake that the election was void. I do not so believe; I have endeavored to show why I believe the election of McEnery was good and lawful. I think I have adduced reasons which show that it was at all events an election held under such circumstances as that the United States are bound to recognize the McEnery government.

There is a fact that I was about to omit, and I will now advert to it a moment. It is intimated that there were fraud and force all over the State. The committee report that there was no such fraud or force. They say that a more peaceful election was never held; that it was exceedingly quiet; and, more than that, Marshal Packard had his forces all over the State guarding and watching every ballot-box to see that every republican voter voted. And the large vote polled—the largest ever cast in that State—at the election shows conclusively that no considerable number failed to vote.

Mr. WEST. Yes; but how about the votes that came out?

Mr. MERRIMON. I do not know anything about that; it does not appear that any votes came out improperly.

Mr. WEST. Nor anybody else.

Mr. MERRIMON. Where is the evidence that they did come out? There is no evidence here. There is no evidence in the report. And does my friend want his bare suggestion to carry away the judgment of the Senate and country, and thereby make people believe they were taken out when there is no evidence of the fact? But the votes cast out by the returning board only added to the majority of the McEnery ticket. The small number of fraudulent votes detected by the returning board were cast out at the expense of the Kellogg ticket, and no one has pretended that these votes were improperly cast out of the canvass.

But, as I said, suppose the election was void, as some gentlemen here contend, what follows? That the Congress of the United States, that the arms of the United States, are to sustain a usurpation there, and thus overthrow the State of Louisiana, establish anarchy and despotism there, and jeopardize our system of government, State and Federal.

Never; never! I will not consent to it. It shall not be done with my vote. If it is done, it shall be done against my vote and my solemn protest in this high place. But what is the result if the election was void? Suppose that no election had been held there, what would have been the result? Will it be said there is an interregnum? No such thing. The people of Louisiana in framing their constitution provided against that, and in a most effectual manner. Let me call the attention of the Senate to a provision in their State constitution. Article 51 of the constitution of Louisiana provides in these words:

ART. 51. The governor shall enter on the discharge of his duties on the second Monday in January next ensuing his election, *and shall continue in office until the Monday next succeeding the day that his successor shall be declared duly elected and shall have taken the oath or affirmation required by the constitution.*

So that by this provision of the constitution the governor holds over until his successor is duly inaugurated.

I will read also article 122 of the constitution of that State, which provides in these words:

ART. 122. All officers shall continue to discharge the duties of their offices *until their successors shall have been inducted into office*, except in cases of impeachment or suspension.

That being the constitution of Louisiana, if no election was held in 1872, as contended by the Senator from Wisconsin, what is the inevitable consequence? Manifestly that Warmoth, dishonored and disgraced as he is, much injury as he has done to the people of Louisiana, much disgrace as he has brought on the American name—Warmoth and his associates are to-day the lawful officers of the State of Louisiana. So that there is no pretense for the position taken here that Louisiana is without a State organization. Warmoth lives; or if Warmoth does not live, Pinchback lives, and the other officers that were his associates in office live. The Legislature in existence before 1872 has expired; but the absence of a Legislature does not necessarily disorganize the State government.

Then those who insist that the election is void must fall back necessarily, logically, inevitably upon the ground that Warmoth to-day is governor. I should regret to see the State cursed further with his administration; but, evil and bad as it was, I would infinitely prefer seeing him reinstated as governor to seeing the Congress of the United States give its assent to a continuance of that outrageous usurpation which prevails in that State at this time. I shudder at the precedent which I fear is about to be set by Congress in upholding the Kellogg usurpation. It is monstrous and dangerous to the last degree; it is revolution effected by faction! Where is to be the end of it? If one faction may thus usurp the Government another and another may, until government shall give way to universal anarchy!

It is said, however, that Warmoth was impeached. I deny it. If there was no election, then the "Kellogg legislature," as it is called, had no existence. The Assembly there which called itself a Legislature was no more the Legislature of Louisiana than if three or four hundred persons were to array themselves in this Hall and the other Hall of the Capitol and say they constituted the Congress. Their acts were absolutely void; they had no effect whatever. So that War-

moth is there to-day, in the contingency I have mentioned, the lawful governor of that State, and there is no escape from that conclusion if there was no election.

I have been astonished at the course of argumentation pursued by some honorable Senators here. The honorable Senator from Indiana [Mr. MORTON] the other day startled me by talking about red-handed murderers in Louisiana striving to control the action of Congress and force themselves upon the people of Louisiana. He pointed to the occasion of a riot in the streets of New Orleans in which some of the McEnery authorities fired on certain parties and they were killed, and he said they were murderers, red-handed murderers. O, sir, that was empty declamation. It did not frighten or alarm anybody, nor do I believe that it convinced anybody. A statement without facts to support it is absolutely nothing; it is worse than nothing. What were the facts? I have shown that McEnery was elected; I have shown that he was duly inaugurated governor; I have shown that the McEnery legislature was the lawful Legislature; and I say that he had the right, and it was his duty, to fire upon that mob and destroy it, if need be to the extent of taking the life of every man there. Suppose a man comes here to-day into the city of Washington and takes the oath of office and proclaims himself governor, and is backed up by a mob on Pennsylvania avenue, will anybody deny that the lawful governor could bring out the police, that he could summon every citizen and require the mob to disperse, and if they did not do it, shoot them? He would have the right, nay, it would be his duty, to shoot, destroy, such mob if they would not disperse, and to accomplish that purpose he might use arms of all sorts. He would have the right to use force, and to use it to the extent of taking life. I say McEnery was the lawful governor of that State at that moment, and he had the right to disperse that mob; he had a right to take the State-house, and, if need be, take the life of every man who was resisting, and it was his duty to do it as governor in upholding the constitution and laws of Louisiana. What would be thought of the governor of New York if he would allow a usurper, claiming to be governor, backed by a mob, to take the State-house and occupy it to the exclusion of himself and the other State officers and the Legislature? He would be false to his oath, to the constitution, to the people, and dishonored and disgraced forever if he should allow such usurpation.

But, sir, a word more in reply to the Senator from Indiana. He talked about "red-handed murderers." Let us see about that. This usurper was there with a recognized State government, as he called it; he had armed men around him; he had the Army of the United States at his back; he had the President with the whole Executive power of the Union sustaining him; he had judges and juries to do his pleasure. If there was the "red-handed murder" that the Senator talked about, why did the "Kellogg government" not indict these murderers, try, convict, and execute them for such murder? The answer is plain: they did not dare to attempt such prosecutions; they well knew and felt that their own acts were unlawful; that they themselves were the guilty parties; and when they came to taking human life by solemn judicial proceeding their own acts, rights, and purposes would be scrutinized, and these could not stand the test of judicial scrutiny. I repeat, McEnery was warranted by the constitution and laws in dispersing that mob and taking the lives of the rioters when they refused to disperse at his command. And I go further, and say that Kellogg and his associates are usurpers and rioters, and are probably guilty of treason against the State of Louisiana, and may be indicted and convicted for the same hereafter.

The Senator from Ohio [Mr. SHERMAN] made a suggestion the other day to the Senator from Delaware, [Mr. BAYARD,] when the latter was discussing this subject, that amazed and shocked me. He said in a tone of great seriousness and calmness—for awhile I wondered if he was jesting—is it a fact that six or eight members of the "McEnery legislature" deserted that legislature and went over to the Kellogg legislature? I do not know how the fact was. I do not care how the fact was. If they did it, it only shows that they were faithless and ready to degrade and dishonor themselves. But suppose it was the fact, did that make the Kellogg legislature lawful? Suppose half of them had gone or the whole of them had gone and joined that usurpation, it could not legalize it for one moment. I am not willing to consent to usurpation. I will not consent to usurpation, whether it is usurpation by one party or another party. However it is done, it is the high duty of the Senate to condemn it by their votes.

Mr. President, the Senator from Wisconsin [Mr. CARPENTER] who introduced the pending bill has labored earnestly in its support, and his ability and zeal command my cordial respect and admiration. But with all due respect for him, I cannot support his bill. Because, in the first place, as I have shown, McEnery is governor; because, in the second place, if, as he says and insists, there was no election in 1872, then Warmoth, by the express words of the constitution, is the governor; and because, in the third place, even if there were no State authorities there, the bill goes a bow-shot, in providing for an election, beyond what I think Congress has power to do under the Constitution and our system of government. There is in my judgment no power in Congress arising by express provisions of the Constitution, by reasonable construction or by necessity, under our system of government, State and Federal, which authorizes it to pass the pending bill.

And I wish I had time to enlarge somewhat on this point. I am willing to concede that in one contingency Congress may pass a law authorizing the people to reorganize a State. If by possibility (and there is such a possibility) a State government in the Union should be absolutely deprived of State officers so that the government of the State shall be left without officers to operate its government, in that case I contend that Congress could grant the people relief. But how? Simply by passing a law authorizing the people of the State to hold an election *according to their own constitution and laws.* That is all that Congress can do; it is all that Congress is bound to do; and it has that power by the tenor and spirit of the Constitution, not by its express letter. The power arises by the tenor of the Constitution and by the nature and theory of our Government; and I wish I had time, without trespassing too long on my friend from Minnesota, [Mr. WINDOM,] to enlarge on this idea. I repeat, in the contingency I have mentioned Congress could pass a law authorizing the people of a State thus deprived of State officers to hold an election in pursuance of their own constitution and laws, under the auspices of their own local authorities, to supply officers to the State government until the next regular election.

This bill, however, provides that an election shall be held under the auspices of the United States, and provides in all respects an election law without reference to the laws of the State. It proposes to send a military governor into the State of Louisiana, and virtually to reconstruct the State of Louisiana after the manner of the reconstruction acts. I cannot subscribe to that doctrine, and I have many reasons why I cannot, upon which time will not allow me to enlarge now.

I can support the proposition of the honorable Senator from Delaware, [Mr. BAYARD.] I do not like that proposition as well as I might some others. In my judgment the proper course for Congress to take in this case is to pass a joint resolution declaring that according to the constitution and laws of the State of Louisiana McEnery and his associates are the properly ascertained officers of the State of Louisiana, and recognizing them as such, and that it is the duty of all the authorities of the United States to uphold and sustain them according to the Constitution and laws of the United States. If Congress should pass such a resolution as that, I have no doubt the President would approve it and be governed by it. I do not suppose that he has any motive to keep Kellogg there longer than he can ascertain the will of Congress. If he withdraws the troops and McEnery is acknowledged to be governor, it will be easy for him to make a requisition on the President to prevent domestic violence, if need be, and the destruction of that State and the whole machinery of its government. If such a resolution were passed the Louisiana troubles would be settled in twenty-four hours, constitutional government would be restored and law and right would triumph over faction and usurpation.

A word more, and I will not trespass longer. In the outset of my remarks I consumed a great deal of time in referring to the Constitution and our system of government in this country. I did so deliberately; I did it on purpose. I love and revere the Constitution; I feel interested for the Constitution. I am the more anxious about it because I see and know that it has been repeatedly and flagrantly violated; that to violate it has become common; that it is in constant peril. It has been ignored from time to time in most material respects. Even now I fear a majority are about to commit a vital breach in it by sustaining the usurpation in Louisiana. We have been in a state of revolution for fourteen years. The representatives of the people have been drifting away from it; the people have been drifting insensibly away from it. I desire to see the country come back to it. I would be glad if I could inspire a spirit of inquiry on this subject. I want to see the Constitution indeed the supreme law of the land, and observed and obeyed by those in authority and everybody else. We do not think enough about it. It is essential to our existence; it is the sheet-anchor of our hopes as a free people. The State governments are essential to our liberty and our system of government. The Federal Government is as essential. Each is of and for the other; each is essential to the other; and both are essential to free government and civil liberty. Our whole system of government is essential to the preservation of American liberty. If we strike it down by sustaining this Louisiana usurpation, it may be stricken down in another respect and in another; and if one faction or party may do it, another may, and such revolutionary practices may continue until finally we shall have no Constitution and no Government, and the American people may pass into an absolute state of anarchy. Whatever may be the interests of selfish and ambitious men, the highest earthly interest of the American people is to uphold and sustain their system of free government. To do this they must sustain their organic law—their Constitution! The Constitution is the great bulwark of the people against unholy ambition, anarchy, and despotism. If the American people will preserve their liberties and transmit them to their posterity, they must first preserve their Constitution and their Government under it inviolate.

Witness the force of the example set by the usurpation in the State of Louisiana. Only a few months ago a defeated candidate in Texas undertook to assert his pretensions by arms. What was the first thing he did after he determined not to recognize the ascertained result? He appealed to the President to give him the Army to aid him to establish usurpation in Texas; just as Kellogg had and has done in Louisiana. Look at the state of things in Arkansas. The governor there has been ousted by an armed force, and there is anarchy there to-day.

Look at Alabama, at the controversy now pending here touching that State disorganized and confused by factions. Look at other States in the South. If in the South you now set this dangerous precedent and its consequences, let Congress, let the country, be assured that the time will come when like calamity shall overtake States in other sections of the Union. Revolution goes forward, and the longer it is tolerated the harder it is to suppress it. The spirit of revolution has become aggressive in this country; it ought to be checked; it can only be done successfully by a strict adherence to the Constitution. The people ought to frown upon those who will trifle with or consent in any way to a breach of that sacred charter of American liberty.

The Constitution—and by the constitution I mean the constitutions of the States and of the Federal Government all acting in harmony—constitutes the life and the hope of the American people, and all the hope they have for the perpetuity of their liberties. I do not want to see these sacrificed; I do not want to see them lost. I desire to see the States preserved in all their integrity and their sovereignty. I desire to see the Federal Government preserved in its integrity and sovereignty. I desire to see the Union founded upon and sustained by the constitutions, State and Federal; then we shall have that liberty, that purity of government, national and local prosperity and happiness which our fathers intended that the American people and their posterity to latest generations should enjoy. There is no desirable Union, there is no true liberty, without the Constitution. The Constitution and the Union are inseparable; each will perish in the end without the other.

Civil Rights.

SPEECH OF HON. T. M. NORWOOD,

OF GEORGIA,

IN THE UNITED STATES SENATE,

April 30 *and May* 4, 1874.

The Senate having under consideration the bill (S. No. 1) supplementary to an act entitled "An act to protect all citizens of the United States in their civil rights, and to furnish the means for their vindication," passed April 9, 1866, the pending question being on the amendment of the Senator from Ohio [Mr. THURMAN] to the amendment made as in Committee of the Whole, to strike out the second section—

Mr. NORWOOD said:

Mr. PRESIDENT: Believing in the "eternal fitness of things," and that everything should be done "decently and in order," I have always endeavored to adapt my speech to the solemnity of the occasion and the dignity of the subject to be considered. And though I shall faithfully attempt to adhere to this salutary rule, it is with a painful consciousness that it is impossible for me to rise to the grandeur of either the occasion or the subject. And nothing sustains me but the ambition to share with the Senator from New Jersey the imperishable honor of bringing about the happy consummation foreshadowed by him on yesterday, when the white man and black, the mulatto and quadroon, the coolie and Digger Indian, shall be gathered together, a united family, in one unbroken circle, around one common soup-bowl and using the same spoon, while shielded by the Stars and Stripes and regaled by the martial measure and inspiring strain of—

John Brown's soul is marching on.

"When the morning stars first sang together for joy" it might have been worth some dollars to the American people and the balance of mankind, if there be any, had the republican party been present. And though a matter of minor consideration, perhaps, it might also have saved much blood. For when the Almighty said, "Let us make man," this Senate would have given its advice, and with equal certainty, would never have consented to man's creation, except in accordance with the Declaration of Independence. That party would have caucused on the question and have resolved "to fight it out on that line if it takes all summer." The flowers of the field might vary in splendor and beauty; the lion might be made monarch among beasts; one star might differ from another star in glory; but absolute equality, moral, mental, physical, political, social, in churches, in theaters graveyards, every where in the world and out of it, must be ordained among men, women, and children. Differences in color, differences in form and capabilities, were and are all mistakes, and we are now engaged, with such decent respect for the opinion of the Author of these errors as the necessity for votes next fall will allow, in making the necessary correction.

A famous sculptor once left his studio in charge of his servant. The servant, conceiving his genius superior to that of his master, attempted an improvement in a favorite statue. The master returned to find his idol—the labor of years—converted into a *torso*. But skeptical would he be, indeed; ignorant of the progressive strides made in this country in the decade past, must he be, who doubts the success of this small creative job. Nine years ago four million slaves were set free; the next year, clothed with civil rights; the third, armed with the ballot, like blind Polyphemus with his club; the fourth, makers of laws, of governments, and rulers of men, their former masters. Within this brief time they were graduated in the school of republican statesmanship, passing at a bound to the degree of doctor of their learned laws; and in ten States the whites were dismissed from office, and these learned republican doctors were set up on end like ten-pins, and put in charge. History furnishes no parallel to this triumph in the plastic art since God made man of clay.

There is but one recorded instance which the boldest fancy would dare suggest as a fit comparison, and that is, the redemption of the Jews from Egyptian bondage in a single night. But in that one fact only is the comparison good; for though they were under the guidance and instruction of Omniscience for forty years, they did not make the advance in statesmanship which the "man and brother" attained, under the new dispensation, in forty days. Of the six hundred thousand who went out from Egypt, but two were found worthy in forty years to give and administer law. The republican party manufactured over six hundred thousand law-givers in forty minutes. The Jews were instructed by signs and wonders, by miracles, and in the Decalogue, and that by the Almighty himself. The negroes were regenerated without any instruction, and by the republican party. Moses was taken by divine appointment from his bulrush cradle, and educated for many years to fit him to be a ruler; but the "man and brother," while standing in the corn-field, hoe in hand, and without any warning of the approaching calamity, was made a republican statesman by act of Congress. His superior wisdom was needed by the republican party to guide their councils, and they called him, like another Cincinnatus, from the plow, and placed him at the helm of State. How this wonderful change was wrought in these political neophytes in the twinkling of an eye, making them masters of the science of republican statesmanship, whose tortuous ways and eccentricity have set at defiance all human learning and experience, it is impossible to conceive, except upon the supposition that a miracle was performed, or on the more reasonable hypothesis that Providence, foreseeing their inevitable destiny to become republican statesmen, benevolently prepared for their easy advent, by grading and leveling the dominant order of statesmanship to the full measure of their natural capacity. But it is only just to say, before leaving this comparative view, that in the opinion of some exegetes, who are not republicans, if the redeemer of the Jews, instead of trying to elevate them in moral stature, instead of seeking to fit them for a high and great destiny, had only desired their votes to prolong His rule, the negroes might not have so far surpassed the Jews in intellectual growth and statesmanship.

But while history fails to furnish a parallel to this transformation, fiction and fable are not so much at fault, and yet even they can furnish but few such instances.

One not familiar with the achievement; who has not studied its exquisite tracery and stood in awe while contemplating its colossal grandeur; and remembering that out of the smoke, the din and roar of surging battle the negro sprang into the sunlight of freedom, would, without due reflection, suggest in comparison; the rising of the goddess of love and beauty from the depths of ocean, more radiant in loveliness than her own bright chariot of pearl, or the springing of Minerva—the embodiment of wisdom—full-armed from the head of Jove, cleft by the forger of the thunderbolts of war. But in these we see only an illustration of the perfection of the new-born statesman, while the power and devotion of his creator are lost to view. To catch a glimpse of the burning passion of the republican party for their colored equal; and of the heavenly art displayed in his divine transformation; and to faintly realize the depth of darkness from which in an instant he was raised to the level of republican statesmanship, we must recur to the moment of transition, when the cold, dull, marble statue, at once the creation and the adoration of Pygmalion, transfused with the fervor of his passion, and rapturously quivering into life, gracefully glided into his amorous arms, matchless in form and moving, the paragon of beauty.

There is much of resemblance also in the brief but touching biography of the noted Solomon Grundy:

He was born on Monday,
Christened on a Tuesday,
Married on Wednesday,
Took ill on Thursday,
Worse on Friday,
Died on Saturday,
Was buried on Sunday

And the biographer, at this point, plaintively tells us that "this was the end of Solomon Grundy." [Laughter.]

These were the seven stages in the brief but eventful life of Solomon Grundy, and our colored friends have with equal rapidity passed six stages, and the morning of the seventh is about to dawn. One day, a slave; the next, a freeman; the next, invested with civil rights; the fourth, a voter; the fifth, a ruler; the sixth, a citizen—for let it be remembered that they were voters and rulers before they were citizens—and the seventh, to be placed on social equality. Surely these are glories enough even for the republican party. The world has watched its handiwork and marked with increasing wonder, the steady improvement so visible in each production of its magic power, even down to the unveiling of its *chef d'œuvre* in the execution of Louisiana.

This grand achievement lacks nothing but originality. The original of this excruciating model, though inferior in the execution, is superior in conception. It exhausted the combined genius of the three greatest sculptors of the city of Rhodes. It is the statue of La-

ocoön and his tender children slowly but surely meeting death under the contractile power of a serpent's coil, and in the temple of his worship, because he offended a jealous heathen god by giving warning of approaching danger, and striking in defense of home and country. The Greeks even of to-day proudly boast of the chryselephantine statue of Jupiter, the masterpiece of Phidias, himself the master of all masters in all ages of the world. And as long as under republican rule and interpretation, self-government means one-man power; as long as freedom means despotism; the bayonet means the ballot; vice means virtue, and ignorance statesmanship, the republican party can point despots and tyrants, with exultant air, to the satrapy of Louisiana as the pride and glory of republican civilization.

But let us indulge the hope—as "it is pleasing to man to indulge in the illusions of hope," however faint—that there is nothing ominous to the republican party, on either its white or colored side, in the sudden birth, the rapid growth, and the speedy demise of the lamented Solomon Grundy. There is a terrible resemblance in their birth and growth; but we must remember that the lamented Grundy married early, whereas this prodigal youth—the republican party—remains not only single, but is singularly unique, being unlike anything created or spontaneous; though for eight long years he has been coquetting with and affianced to the American branch of the Ethiopian family, commonly known as the "colored people." Rather prodigal, I say, he has been, though he started in life on high moral ideas, and, like the brakeman on the East Tennessee and Georgia Railroad, he promised, in the beginning, to run his train "on high moral principles." But he has fallen from grace. Between ventures in Credit Mobilier stock, Jayne contracts, Sanborn contracts and other moiety contracts, custom-house rings, District rings, railroad schemes, the business of manufacturing States and statesmen, robbing his southern neighbors, and other speculations and peculations, he has become diseased in reputation. He is reputed to be dividing his time and honors between philanthropy when it pays and public plunder as a trade. His Uncle Sam has lost confidence in his finances, his friends are falling off, creditors are sweeping his estates, and his colored inamorata charges that he has trifled with her affections, and threatens to abandon him, unless he will call in the high priest (Congress) at once, and solemnize the marriage.

And now, Mr. President, these "two high contracting parties" are before us for the sixth time to be made one political flesh; and as the iron tongue of Time has called the hour of twelve meridian on the first Monday in December of each year for many weary years, we have seen this sorrowful bride, melancholy as Evangeline seeking for her long-lost Gabriel, enter this Chamber with slow and mournful step and head with modest droop, and thus march down yon aisle and stand before that hymenial altar to fulfill her nuptial vow. From the sidereal precision with which she has annually swept within our view, one with poetic fancy might have imagined her a planet of the sun, if the close pursuit of her numerous bridesmaids, robed in white illusion, had not at once suggested the coming of a comet with its nucleus in total eclipse. Unpoetic as I am, I have thought that astronomers are wrong, who say, the seventh of the weeping Pleiades is lost. She has not been lost. Her brightness was only obscured, and it was reserved for the telescopic eye of the republican party, eight years ago, while sweeping heaven and earth in search of votes, and turning heavenward, for the first and it is thought the only time, to discover her in right ascension and surpassing glory, and to fix itself in selfish adoration on her charms.

If the entrancing power of one wandering Pleiad can thus move the greatest power of the globe, well might Job inquire, "Canst thou set bounds to the sweet influences of Pleiades?"

Here, again, I have said, is this lonely pilgrim weeping and waiting for that tardy groom and that tardier nuptial joy. Ranged beside her again stand her ever-faithful bridesmaids clothed in white, symbolic that in this union, as in a ray of light, all color will be absorbed, and this dark bride shall be pure white. Foremost and first among them is one bearing over her serene bosom the general motto "Without distinction of race, color, or previous condition of servitude." Beside her is another adorned with the motto "Equal enjoyment of the accommodations, advantages, facilities, and privileges of cemeteries." But time will not allow a notice of them all. My eyes, however, fall on one who is rather advanced in years, but bearing herself with all the innocence and playfulness of childhood. Her levity really is in pointed contrast with the sober, solemn bearing of all the rest. Upon the brow she wears a wreath of flowers, slightly faded, however, about like Atalanta's after she stooped to take the golden apples. From her seeming familiarity with the bride it might be supposed she could say of her as the Teuton said when asked if he knew a certain member of the porcine family, "We were raised together." Her zeal to have the nuptials solemnized is shown by being adorned with two mottoes, either most æsthetic, appropriate, and suggestive, whether adopted from "internal suggestion, or the bias of jurisprudence." The one reads, "Full and equal enjoyment for the bride in circuses and menageries, especially of the clown, for Motley's the wear.'" The other, "A little learning is a dangerous thing."

But tempting as is the loveliness of this scene to make me linger and dwell upon its ever-springing beauties, I must pass on. I have risen as the friend of innocence to solemnly protest against these bans. This trusting Ethiopian for eight years of unrequited faith has been the victim of misplaced confidence. That scape-grace has deceived her trusting heart from the beginning of their courtship. He has broken, time and again, the honeyed vows he has so often made to her. The first tender pledge by which he won her heart has not been kept. He promised if she would obey, love, and honor him, and elevate him to offices of profit, he would give her "forty acres and a mule."

This promise he has not only broken, but he has added deceit to perfidy. For strolling forth with her, hand in hand, in the Land of Flowers, under the glimpses of the moon, in the sweet spring time of nature and of reconstruction, among blossoming oranges, and feeling like Adam and Eve in paradise, but looking like a lovely brace of Diana's foresters, and carrying in his other hand all his worldly goods, his lares and penates—the immortal carpet-bag—after passing out of sight, he tenderly pressed her hand and bid her pause, as he had come to set the boundaries of her land. Then gently placing that sacred depository of the reconstruction acts and his extra striped shirt upon the ground, and untying therefrom the cotton string which a few nights before he had borrowed from a colored friend while he was sleeping, and murmuring meanwhile his oft-repeated protestations of devotion to his fair betrothed, whose chuckle spoke, responsively, her great delight, he drew forth four streaked stakes, such as Jacob used when he walked forth to swindle Laban out of his flocks, and measuring off a rood or two of land, stuck down the stakes and told her that was her domain. Then sadly lingering, as only lovers can when doubts arise,

If e'er again should meet those mutual eyes,

with touching tenderness they exchanged fit emblems of their mutual regard and trust. In token of her own she gave, at his request, a paper with emerald finish on the back and bearing on its face a printed promise of his Uncle Sam "never to pay five dollars to the bearer," while he, determined that the family reputation for plighted faith and non-performance should never be dishonored at his hands, gave in return an autographic manuscript which breathed the depth of his devotion, and then he went his usual devious way in darkness to his den. That manuscript, upon interpretation to that bewildered baron, was found to read as follows: "As Moses lifted up the serpent in the wilderness, so have I lifted his last five dollars out of poor old Joe." [Laughter.]

The energy displayed by this prodigal is the old courtship of Justice Shallow seeking to confer the honor of his *armigero* and *Cust-alorum* on Mrs. Anne Page. That learned pundit did not discover the charms, the graces, the social equality of Mrs. Anne until Sir Hugh Evans generously suggested that she possessed the attractive virtue of seven hundred pounds. "Seven hundred pounds, and possibilities, is good gifts," said that hymenial diplomat. Eight hundred thousand votes and possibilities are a mighty ally, says the republican Machiavelli. And here lies the secret of this billing and cooing. The eight hundred thousand votes cannot be had unless the owner of them be received on social equality. The doweragess must go with the dower. But when he takes her for better or for worse it remains to be seen whether he will secure the gifts and possibilities.

Let us suppose the wooing twain made one; and the bride, blushing modestly, receives the congratulations of exultant friends. The friends retire, and the happy groom and bride are left alone; he to dream of glory, of power, of empire, through the dower and expected possibilities, she of equality at *fêtes* and executive receptions and senatorial entertainments, and in hotels, theaters, circuses, churches, and cemeteries. Ecstatic over his matrimonial success, he revels in contemplation of the triumphs by which his freedom a century ago was won; he regales her with an eloquent rehearsal of the heroic deeds done at Concord, Ticonderoga, Monmouth, Trenton, Savannah, and Yorktown. At the close of this patriotic rehearsal the bride yawns, and lovingly inquires when the next circus will come to town. Passing at a bound from the Revolution of '76 to the war of 1861, he tells his beloved of the glorious triumphs in arms which were begun for and resulted in her liberation. He is eloquent in portraying the injustice of Providence in permitting her to be enslaved, and grows complacently grand in demonstrating that he, despite Providence, struck off her chains and set her free. Then, "turning to see the smile her cheeks put on," as in trusting innocence she reclines on that fountain of philanthropy, his gushing bosom, he finds his beloved fast asleep and sonorously snoring.

Being a ruler and the head of innumerable money-coteries—vulgarly known as "rings"—whose gravitating center for twelve years past has been the pocket of his wealthy Uncle Sam, he has credit, of course, and establishes his respectability by taking a bridal tour. They visit their Long Branch—formerly known as Louisiana, but which has recently been let by him to a military commission consisting of the Federal Executive and judiciary to make experiments in testing the relative merits of a despotism and a republic. True, the enraptured tourists will not see the Executive there in person, but the brightness of his glory will gleam in his bristling bayonets. But they will be measurably compensated for this loss, in beholding his judicial lieutenant (Durell) playing the role of Bottom, the weaver, kindly attended by his prompter and keeper, (Kellogg,) who constantly coys his amiable cheeks. Jumping or kicking down all barriers set upon him, the creature strays at large, bearing in blazoned capitals between his ever-lengthening ears his advertisement, so comforting to this young man's heart: "States made to order; despotisms guar-

anteed." Visiting their Newport—South Carolina—they see Moses and his profits; not the Moses of old, nor the prophets of old, but Moses of the negro millennium and the profits of insatiable Mammon; not Moses of the Red Sea, but Moses in the dead sea—the sea of dead thrift, dead consciences, dead hopes, dead hearts, everything dead or dying except the crawling, squirming, slimy, icy worms that fatten on the body of this death.

But while our prodigal hero is treading this primrose path, his leasehold estates are falling away. Judgments are rendered against him in Ohio, New Hampshire, and Connecticut by tribunals from which there is no appeal, except by the novel remedy insisted on by the Senator from Wisconsin, to poll the jury, set aside the verdict, and order a new trial by act of Congress.

The fall terms are approaching, other trials are pending, and if defeated he must vacate other and much larger premises. With true knightly chivalry he has hitherto refrained from calling on his bride for help, lest she might suspect the alliance was mercenary. But the time for delicate forbearance is past. His needs are inexorable. In accents as tender as old Rip's when stealing his bottle from Gretchen's pocket, he confesses his bankruptcy unless she will redeem him. The Congress-made statesman as tenderly replies that she intends, like other republican statesmen, to "place her votes where they will do the most good." In vain does he invoke to his aid the tender memories of the past, and portray in frightful colors his ruined condition should she desert him. The forty-minute statesman cruelly responds with the worldly philosophy of Mr. Pickwick, that she goes with the strongest side. Inspired by despair he rises "to the height of his great argument." He recounts again in fervid eloquence the glories of Ticonderoga, of Brandywine, of Cowpens, and of Yorktown. The machine-made statesman unconsciously revealing her rich stores of historic knowledge, sharply retorts that brandy and wine have been his ruin, and upbraids him because he had never told her before that he owned any cow-pens. [Laughter.] As a last hope, he strikes for the tenderest chord in a mother's heart—the love of her offspring. He points to their dead—to Georgia, Virginia, and Texas, those dismal babes who were sown in corruption, but raised in incorruption. He points to their sick infants, Arkansas, North Carolina, and others, and finally, as "hope elevates and joy brightens his crest," he reminds her of their beautiful, blooming, lovely, lively republican twins, Louisiana and South Carolina.

The miracle-wrought statesman, asserting her rank of doctor of the learned laws rejoins in language at once characteristic and pathological, that she cares nothing for their dead; that their sick babes would soon die, and that the twins had crushed his spinal column while carrying them in his arms on offensive exhibition to the world.

Mr. President, our hero is not happy. He determines on a divorce, and straightway rushes to his guardian senatorial uncle. The case is stated with all the indignant emphasis of one who feels he has been swindled, and he raves of his loss. The counselor perceiving the situation, gives his opinion that the husband is entitled to the property of his wife—that he can hold her and all she possesses. The ward, aroused, appeals to know if a divorce be possible. The guardian, equal to the occasion, pockets that opinion, draws forth another, and demonstrates that the wife at the time of the union was clearly *non compos mentis*, and that marriage being but a civil contract must be supported by a consideration. And as the consideration—the votes—for which he had conferred social equality and the blessings of "full and equal enjoyment of menageries and cemeteries" had wholly failed, the contract is void. He advises the unhappy Jeremy Diddler to repair to Chicago, organize himself into a convention, and dissolve the bonds.

Mr. President, let no one suppose from the illustrations I have given of the degree of intelligence possessed by the colored people that I mean to ridicule their ignorance. My purpose is far from that. No one deplores their benighted condition more than I do. Were they intelligent, educated, they would not be the tools and dupes they are of wicked adventurers. They would spurn their serpent-like approach with indignation and contempt. Education would be to them Ithuriel's spear to unmask these ugly and venomous toads who carry not even that precious jewel in their heads.

No, sir; I have thus spoken of the average intelligence of the negro race in the South—and which I might have illustrated in a thousand ways—to lay bare the folly, the wickedness, the crime of raising them from Egyptian darkness and semi-barbarism to the high, the responsible, position imposing duties and intellectual effort to which the genius and training of the Websters, Clays, Calhouns, the Adamses, Hamiltons, and others not unworthy to be named with them, were only equal, and none superior. It was a crime against civilization and liberty which has no parallel in the course of time, and done solely to perpetuate party domination.

But the democrats, and especially those from the South, are continually charged by the republicans with prejudice against the negroes. If they mean to say that we are so far prejudiced as not to be willing to accord to them all the rights of citizenship which we claim for ourselves, it is not true. But if it means that we are opposed to social equality, it is true of both democrats and republicans, and any profession of a republican that he is not opposed to social equality with the negro race is sheer hypocrisy.

When he spreads the feast, and beauty and wit are summoned to revel for a season in the luxury of intellectual foil, why is it that the perfumed messenger of hospitality visits not, like pale Death, with equal pace the door of the noble black man? Is it because there are none eloquent and witty among this million of republican statesmen? Verily, no! The eloquence of one now no more has so often rung in this Chamber in depicting the high oratory and intellectual power of the colored man, that its weird echo still lingers upon these walls. And whenever a democrat in the other wing of this Capitol thrusts his spear in the side of this hollow horse, the republicans stuff at once and set upon his legs some son of Ham to reply, and the republican press the following day regale the whole country with full particulars of the native, cannibalistic art by which the democrat, in the space of five minutes, was torn in pieces, devoured, and digested by his voracious adversary.

Is it because the colored man can boast no genealogy; or can display no family tree; or wears no coat of heraldry? Certainly not. It is the pride and boast of every true republican that he has no genealogy, and it requires a trip across the Atlantic, at the public expense, to subdue his contempt for all armorial distinction.

Is it because there are none brave among them? The republican party has often assured us that in the late war "the colored troops fought nobly," and the Senator from New Jersey repeated the declaration in our hearing on yesterday. It is true, that interwoven with the dreadful realities of that struggle, there is much of fiction and romantic episode; many imaginary instances of inspiring heroism, displayed by the colored troops. Fact and fiction are lamentably mingled in inextricable confusion. But there is one exceptionable instance of daring and of death, and so notably established on the testimony of a single eye-witness, that the Senate must remember it, and it is worthy of recounting even in this august presence. I see that the quick perception and historic learning of this body have already anticipated my discovery, and I would even now forego the thrilling narration, but for the fear, that some future Munchausen might charge me with prejudice against the objects of the Judiciary Committee's special devotion, should I decline to furnish so valuable a contribution to his peculiar style and school of history. I refer, as you know, to the Balaklava charge made by the colored troops, at the witching hour of dawn, on empty stomachs—bayonets fixed, nipples uncovered—and under command of a general of renown, on the 29th of September, 1864, at New Market Heights. The historian—who was the general then commanding, and who seems to have been the only survivor of those colored troops—tells us the story with charming simplicity and with the eloquence of unbridled fancy. He says, that being himself in the rear, where he intended to remain, and wholly uncertain whether the charge would be feebly to the front or with frantic heroism to the rear, he ordered, as a precaution for personal security, the nipples of the guns to be uncapped, and offering up the prayer of Falstaff, "God, keep lead out of me," he gave the order "Charge!" [Laughter.] He says that there fell, within a parallelogram just ten feet wide and three hundred yards in length, the exact number of five hundred and forty-three of his colored associates, or one man to every twenty and three-tenths inches; that as soon as they fell, mounted on his fiery Pegasus, like feathered, or "Harry" Mercury, he marched solitary and alone to one end of that slaughtered heap, and fixing one eye weepingly pendent over the dead and cocking the other fiercely on the enemy—the one tearful as Niobe's, the other glowing like fiery Mars'—he rode, with arms akimbo, through that parallelogram, over that hecatomb of his companions, to the farther end—his horse meanwhile dancing a minuet in the benevolent endeavor to find ground on which to plant its reverential feet.

This was an exploit worthy of deification. Pity it is it had not been performed in the pre-Homeric or Hesiodic age, as that generation, so appreciative of horse gymnastics, would have deified and translated the heroic actor, and he would now be enjoying the beatitude of hero-worship in the constellation of Aries or Taurus; or, happier still, he and that horse might now be a bright, particular constellation in themselves, under the proper name of Equus-anthropos, which lovers, at parting, would designate to gaze upon at the tender hour "when twilight dews are falling fast," and renew their vows of devotion.

But why that humane general should have ridden that tender-hearted horse over the dead bodies of his colored associates, instead of making a brilliant flank movement along that geometric holocaust, such as only he can when moving on a custom-house, I have fatigued my imagination in the vain endeavor to discover. Perhaps, like Mrs. Malaprop, he was trying to ascertain the "perpendiculars" of the slaughter; perhaps it was to accommodate the angle of his vision; perhaps to test the sensibilities of that horse. But conjecture is all in vain. It was simply one of those direct forward movements over the bodies of one's friends, so often witnessed in political strategy, and never known in military tactics, that it must remain a moral wonder until lapse of time and oft repeating shall consecrate it as a truth, or until some cruel Œdipus shall rise to solve the riddle and destroy its artful inventor.

But gallant as was that fatal charge, and heroic and solemn as was that perilous equestrian exploit, they pale into paltriness in presence of the sublime sequel to this military evolution as given in the simple story of this historian. He says that having finished that horse *courante*—consisting of a coupee, then a high step, then a balance—he sounded a solemn halt, faced mournfully about, fixed his eyes again as already described, gave the order, "Attention, General!" and in chronic absence of the Bible, drew from his holster-case a pocket edition of the

Massachusetts Pilgrim's Progress issued under the Maine liquor law, and kissing one end devoutly with his face turned upward, he administered to himself a solemn, corporal, and general oath, that so long as his surviving colored companions would vote to make him governor of Massachusetts or a Representative in Congress, he would spasmodically devote the idle moments of the remainder of his political and official life, in a feeble effort to secure to them the great constitutional right to attend "without distinction of race, color, or previous condition of servitude" every theater, circus, and menagerie in the United States of America and the Territories thereof. [Laughter, and manifestations of applause in the galleries.]

The PRESIDENT *pro tempore*. Order! Applause is out of order. The Chair will remind those persons occupying the galleries that if the rules of the Senate are violated the galleries will be cleared.

Mr. NORWOOD. He then sealed his oath by pressing his feverish lips once more to the bibulous end of that cherished volume, and calling in the eye which had meanwhile stood sentinel on the enemy, he dismissed himself from the parade.

Such is a tame picture of the heroism displayed on that tearful day. Truly and wittily has it been said that history is *his* story! But true in every essential, or false in every particular, as may be the grandiloquent description of that charge, it serves my purpose with equal force. For I am not trying to sift the truth from history. I am arraigning the republican party for the manner in which they treat the colored freemen of America in refusing to recognize them in all the social relations of life, while endeavoring by national legislation to force the poorer class of whites, who are their constituents, into social equality with the blacks. For, sir, this is the true issue made by this bill, and they cannot blink it under the flimsy pretext of securing civil rights.

Do the republicans refuse social equality to the negroes because there are none among them intellectual or learned? Why, sir, a few months ago a colored man delivered in the House of Representatives a dissertation on civil rights so full of classic lore, historic research, and illogical conclusions, that base envy has even hinted the name of more than one republican Senator as the author of that production. Besides, many of them fill eminent chairs of learning, professorships in colleges, and petty offices by grace of executive patronage. Indeed, in every locality in the Southern States where it is necessary to gain the votes of the many through the influence of a few retainers, a tub is thrown to the whale, and here and there, with a rarity that is chillingly exceptional, we see a colored man beguiled, through the gift of a petty office, into the flattering delusion that he is held in cordial regard by the republican party.

And when the inaugural ball came off last year in that grand structure which "rose like an exhalation from the deep," "as by the stroke of the enchanter's wand," when at night—

> The nation's capital had gathered then,
> Her beauty and her chivalry, and bright
> The lamps shone o'er fair women and brave men—

what post of honor and distinction was there assigned to these dusky children of the sun who by their votes had raised their leader, that day inaugurated, to his toppling, dizzy height? Why did we not then behold some of those fair jeweled arms, weary with the weight of their glittering wealth, also adorned by a few of these charcoal diamonds so much treasured at the polls by the pale masters of those ceremonies? And of the thousands who on that night "chased the glowing hours with flying feet," dancing, like Miriam, in joy at the nation's redemption from the enemies of the colored race, why was it that there skulked and flitted here and there but a baker's dozen of the nation's wards, who came, too, in such "questionable shape" and in such Caucasian disguise, that Nott and Gliddon, had they kept the door, would have resigned their posts from mortification and disgust in the desperate effort to determinine their ethnology? And yet these few, as they floated and spun in sequestered knots among that white multitude, were, to their joy on that occasion, like a dead fly in the apothecary's ointment.

Were the managers of that festivity southern men and women? Were they democrats? Were the invited guests southerners only? Were there no republican fathers and sons, mothers and daughters, in that exclusive assemblage? Tickets were distributed to Senators and Representatives to be issued by them to their friends and constituents "without distinction of race, color, or previous condition of servitude." And which Senator here, with blandest suavity, or even by act perfunctory, solicited the pleasure and honor of the company of his friend, Scipio Africanus, or of his sister, Miss Cleopatra Congo, or even of his distant relative, Miss Angelina Octoroon?

Why did not some enterprising statesman in the republican party, with eyes fixed upon the White House—if possibly there be one among them who has sunk so low—pluck the ripened opportunity so golden in promise and thus seal to himself a million voters?

Republican Senators wish to compel common carriers to open their cars and ships to all comers alike; in other words, to force the whites to this intimate association and close contact, or to stay at home or provide their own conveyance. The poor are here to be the victims. The rich can gather up their velvet trains and sweep contemptuously by the poor whites and negroes banked and huddled together, and take luxurious refuge in a palace car. Thus money is to establish class and caste. The millionaire—the shoddyite who during the war risked one and gained four—like another worm that retires and rests secure in its own cocoon, can fold himself with dignified reserve in robes of silk, and with complacent smile wave, as with a golden wand, the black man to a respectful distance.

Here in the shadow of this Capitol we see in miniature the working of this law. Here, too, we see how the honorable Senators who favor this theoretical equality carry it out in practice. Two lines of street-cars come to the doors of this temple where worship the devotees of social equality, hooded and consecrated under the name of "equality before the law." Over one the fare is five, over the other seven cents. Over one passes no dead-head; the car blazes with the warning, in offensive prominence, "No one rides free over this line." This is not only the anti-dead-head, but it is also the more expensive line. The other company not only charge but five cents for a single ride, but, moved by that vicious custom which has almost become a law, they issue to all Congressmen free passes for the year. Over this line ride the poor, both white and black, but where does—not the ungodly, but—the Congressman appear? When he has finished his sublime philippic against the tyrant, Prejudice, and folded his toga around his towering form and steps forth a walking advertisement of social equality, or, if he prefer, "equality before the law," he moves of course, with logical instinct, straight to the black man's car, and demonstrates in practice all he has taught by precept. Strange to say, his instinct—unmixed with prejudice of course—carries him the other way. This seems strange to the unsophisticated. No doubt it does to the black man, who is just beginning to discern the delicate shade of distinction drawn by his republican friends between himself and a ballot-box. He knows they stuff the box with ballots, but he is just beginning to realize, from his unsatisfied appetite, that they have been stuffing his small capacity with soft sawder, or, in his own expressive language, with "soff sawdust."

But it would be grossly unjust to intimate that the honorable friends of the colored man avoid the avenue line because he is ever to be found aboard. There must be other reasons. No doubt they ride on the Metropolitan line because it is anti-dead-head. No Senator ever rides as a dead-head. He would scorn himself; yes, scorn any man who would offer to pass him as a dead-head. He would as soon submit to have his salary increased as to be classed among the dead-heads. And I do not know a subject on which all Senators, except eight or ten, are so desperately resolved and determined as in their opposition to an increase of salary. Nothing short of mandatory instructions from their constituents could overcome their heroism on this subject. He will not use the avenue line because he would be a dead-head. His money would remain in his pocket. "The love of money is the root of all evil," and he resorts to this delicate device to drop his salary along the highways as a contribution to the poor—the railroad companies in the land. His refined sensibility is wounded at the thought that his traveling colored companion, who pays, should see him riding free, and he scrupulously avoids giving offense to a brother. This is kind, it is noble, it is heroic and self-denying, it is the very essence of Christianity; and because it is the essence of Christianity, or a great moral idea, the advocates of social equality avoid the avenue line.

Thus we see that the prejudice is not peculiar to the democrats. It belongs to us all. It is nature, it is instinct, it is reason. But I will go one step further in this direction and then turn to another branch of this subject. Let us suppose a case. And without doing violence to the hypothesis, we will suppose that after some champion of this bill to establish social equality has by his vote conferred upon his poor white constituents the honor of free association in schools with negroes, those constituents should meet in convention and resolve, that they have taxed his patriotism long enough and will not impose upon him the burden of serving them in Congress any longer, but will permit him to take rest in the bosom of his family and among his colored associates, even against his earnest protest that he is willing to sacrifice himself further in their behalf. Fortune meantime deserts him and he becomes poor—for even a congressman, after his term is ended, may become poor—and from necessity, has sent his daughter to a mixed school. When she attains sweet sixteen a young gentleman of African descent, of untainted blood, who can trace it back in its ethnological purity as far as Noah and the flood—educated and refined, exquisite in dress as Beau Brummell, as worthy to lead the fashion as Beau Nash, wealthy as a moiety contract, a custom-house ring or District ring can make him, and appreciating the advantages of civil rights, calls to ask of that ex-champion of social rights the honor of his daughter's hand. Does any one doubt from which extremity of that ex-champion the instant reply would come—whether from his head or his heel? He would not reply categorically; but with a few vigorous utterances, not strictly canonical, he would impinge on that astonished Adonis with both ends in action like a supple-jack and battering-ram combined.

But, turning, he finds his sweet sixteen in spasms, and on inquiry for the cause, he hears a tale that makes him cry with old Brabantio, "Who would be a father?" She tells that doting father, that civil-rights advocate, that political trader, who in trying to buy the negro vote cheap has sold his daughter dearly, that the ejected gentleman is her affianced lover; that she has doted on him from her youth up; that in the same school where her philanthropic father placed her at ten, close at her side sat, day by day, for years, that idol of her heart; that her first lessons in Peter Parley and Ovid's Art of Love rippled in melodious accent from his angelic lips—

O, it came o'er my ear like the sweet south,
That breathes upon a bank of violets,
Stealing, and giving odor—

that when to the theater and to church she went, the Apollo of her bosom followed and took a seat near by, and thus and thus he had won her heart.

And finally, in love's rhapsody and with Cassandra's inspiration, she forewarns him that her life, like his political party, must be a failure, and, like Ophelia's, end in "muddy death," unless he will bless the bans, and after death lay herself and darling side by side in the same grave-yard beneath a damask rose and a lovely black-jack—or *quercus nigra*—as emblems of their homogeneous union, and chosen by his poetic soul as the happiest type of civil rights. [Laughter.]

Let us pause for a moment and consider whether this advocate for civil rights would thus act. If there be one who would not, let him avow the fact. If any white man would under any circumstances consent to such an alliance by a member of his family, let him declare it and put himself in Coventry. If he would not, the conduct of the champion is true to nature. But would it be logical from his standpoint? He denies that he has any prejudice to the negro race! Then why not intermarry with them? He has no feeling of hostility! Then, all other things being equal, why oppose his marrying a relative? The question admits of but one answer, and that is the answer that God has put in the mouth of every white man since he created man in his diversity. That answer is, it is repugnant; it is loathsome; it is unnatural. The feeling, the prejudice, the repugnance are universal. Such an alliance is unnatural; and what is unnatural is forbidden, and what is forbidden is unlawful. I say this prejudice is universal. Climes do not change it. Education does not subdue it. Christianity does not abate it. Civilization but intensifies it, and science has demonstrated its wisdom and its benefit to the physical, intellectual, and moral power and greatness of the white race. It had its birth at creation, has survived the ages, the graves of empires, the subjugation of races, and will ever live and perish only with the last expiring man. The question of its universal existence no more admits of doubt or argument than the proposition that black is not white, or that the races are distinct.

But it is said, "Admit it, then what of it? We do not mean that blacks and whites shall marry." Well, if you do not, then be consistent, be logical. Let precept and example be in harmony. If you would not marry them, then coerce no conditions in life among the poor, who cannot protect themselves, by which you increase the danger of such relation. You would not encourage marriage between the two races, but you compel them to associate in every *social* condition. You tell your child not to gamble, but that he must associate with gamblers. You tell him not to drink, but he must affiliate with drunkards. You instruct him not to lie, but chain him neck to neck with liars. You caution him not to make companions of negroes—not to marry one—but you tie him side by side in the tenderest age of life with negroes. And thus you tell him the negro is as good as he. You make them playmates, partakers of common joys and sorrows, associates at school, associates in pleasure, associates in church, in public conveyances, at meals, when traveling, and lay them away to sleep their last sleep side by side. Every act is a declaration of social equality, and every word is a denial of your acts.

How such a father shall at the lips of his own child escape the condemnation pronounced against the hypocrite will turn on either his being a greater hypocrite or the preferable alternative of his being a natural fool.

Woe be unto the political party which shall declare to the toiling yeoman, the honest laboring poor of this country, "Your children are no better than a negro's. If you think so, you shall not practice on that opinion. We are the rulers; you are the servants! We know what is best for you and your children. We, the millionaires—we who are paid out of your pockets, will take your money and will send our children to select high schools, to foreign lands, where no negroes are; but you, you who are too poor to pay, shall send your ragged, hungry urchins to the common schools on such terms as we dictate, or keep them away to stray among the treacherous quicksands and shoals of life; to wander on the streets and learn to syllable the alphabet of vice and crime, or stay at home and, like blind Samson, in mental darkness, tramp, barefoot, the tread-mill of unceasing toil."

To constrain the traveling public to distasteful situations; to compel the pleasure-seeker to stay at home or submit to annoyance greater than the pleasure; to make a battle-ground of public schools, or drive the poor away from their doors—these iniquities are not enough for the republican party. They must take one step more; they must torture the living by stepping into the graves and disturbing the rest of their cherished dead. They say to the poor man whose departed loved ones must be buried in the public cemetery, and may be at the public cost, "Bury your dead where we say, or throw them out in the potter's field like dogs; bury your wife, your child, side by side with the negro, or any one we name." And if in time the bloody scythe of Death has filled the ground until, in files, the sleeping soldiers of the Cross lie elbow touching elbow, and the files must be now doubled, you command the sexton to open the grave of the poor man's wife or child and bury a negro there, though he died by the hangman's rope for a crime that should debar him Christian burial, or he shall forfeit his money to the villain's kin and waste in a prison cell.

If I have thus far treated this subject with too great solemnity, may I not indulge the hope that the Senate will extend to me its charity, at least until I may be heard? One less reverential might deport himself in the presence of this dignified question with some degree of levity. Far be that from me. But when a few days ago the Senator from New Jersey [Mr. FRELINGHUYSEN] solemnly rose and as solemnly announced that this interesting nuptial ceremony was temporarily postponed, because one was absent who desired to participate in the joy of the occasion, I felt funereal, because the Senator looked funereal. It is natural to some men to feel funereal, and it is natural to some men to look funereal. And if I have thus felt and spoken on this momentous occasion, were it deemed necessary or even conventionally appropriate to offer any suggestion by way of extenuation, I could only point to a temperament somber enough indeed by nature, but greatly heightened in lugubrious tone by the colors of the dark and gloomy subject which has for several years commanded and received our profoundest consideration and respect.

For, sir, we are engaged in determining a question of the greatest moment to the American people.

The great question is how we shall maintain "equality before the law," or, expressed in equivalent terms, how the republican party can get the negro vote and thus be saved. Upon the correct solution of this political conundrum may turn the destiny of this and all republics. Happily for this generation and the fate of unborn millions—the genius of the republican party, hitherto equal to every undertaking which could work disaster to the country, has not been found wanting in grand conception to lift from the gloomy future its Cimmerian veil. Light breaks in upon us, and torturing shadows flee away. The whole country breathed with freedom and delight on hearing it announced, through the report made by the Senator from New Jersey, that the Senate Judiciary Committee, after a laborious and anxious session extending over several months, had solved the most perplexing national embarrassment of this or any other age, by the eminently wise and profound conclusion that the easiest, most dignified, and patriotic measure which they can devise is, that Congress shall enter, without delay, upon a general cemetery and hotel business.

Sir, I shall not commit the folly of entering upon any extended argument in the vain hope of adding anything in support of the able report of that committee; nor will I perform a work of supererogation by enumerating the inestimable blessings to flow in perennial stream to the American people, if the republican party, or even the dominant majority of the present Congress, should resolve on establishing a cemetery, even though, as with everything else within their reach in the United States, they should appropiate the advantages and enjoyment of that peaceful institution exclusively to their own use. Such an act would be so singularly patriotic, and so signalized as their only peaceful step, that it would be hailed with unanimous acclaim by an indignant but grateful people.

It requires but a casual reference to the report of the committee to show that my encomium on that production is but too tame and feeble. The Judiciary Committee have discovered what Christians and pagans in all ages have vainly sought to know. Their labor for months has not been in vain. They have penetrated the veil, have held converse with dwellers in the mystic land—but not with that host of republicans which no man can number, who are wandering on the Stygian shore without oboli, and unable to cross, because Charon refuses to take their irredeemable currency—and have returned to earth with the joyful tidings that there is happiness in the grave. They tell us in their report that there is such a bliss as "enjoyment of a cemetery," and with a broad philanthropy never known to man before, they have declared their unselfish desire, most felicitously expressed by themselves, (as I quote,) that "all persons within the jurisdiction of the United States shall be entitled to the full and equal *enjoyment* of the accommodations, advantages, facilities, and privileges of *cemeteries*." [Laughter.]

It may be that this discovery is not original with the Judiciary Committee of the United States Senate. It may be that suicides, (and by this word I mean not to intimate the fate of the republican party,) finding no happiness in this life, are given a glimpse of the joy to be found in a cemetery, and philosophically rush to its embrace. But it is only just to the Judiciary Committee that I should state, they tell us there is joy only in a cemetery "supported by general taxation." What joy there is in anything in this world, or out of it, that springs from general taxation, puzzled my understanding before I read the report of the Judiciary Committee. Had I been left to my unguided reason to learn why there is enjoyment in a public cemetery and none in solitary burial, with the provisions and aims of this bill before me, I would have supposed it is, because in one we would have "the full and equal privilege" of colored society, while in the other we should lie "in cold obstruction" and in cheerless solitude.

But, happy committee, who have made the comforting discovery that there is one spot on this sad earth where general taxation brings joy to its inhabitants! And happier, still, should be the American people, as, under republican rule, they are enjoying more "general taxation" than any people on the face of the globe. What joy has not that party in reserve for us? They have given us the joy of reconstruction—the joy of Holden, of Scott, of Bullock, of Reed, of Smith, of Ames, of Warmoth, and Kellogg, and, greater than all, of

Durell; the joy of ten States burdened with irredeemable debt; the joy of one State politically dead; the joy of another under acknowledged despotism; the joy of a third in the throes of internecine war; the joy of an irredeemable paper currency; the joy of financial disaster; the joy of ceaseless investigation of their public officers; the joy of innumerable "rings" whose radii reach every nook in the land where a copper can be stolen; the joy of taxation by wholesale and by detail; the joy of negro dominion and white subjection; and now they propose to honor us with "equal and full association" with negroes, and to give us as a final bequest, to be enjoyed after death, the "*enjoyment* of a *cemetery!*"

The history of the party itself is a demonstration that it needs a cemetery. Argument would but weaken the conclusion. The people see it. They have long felt it. A dozen or twenty States stand willing and eager to donate liberally their ground. Indeed, sir, the people themselves, in proportion as they are zealous for the public good and have been watching the movements of that philanthropic party and school of statesmen in their concentric and eccentric "rings," have been, in like degree, generously moved, themselves, to inaugurate this mortuary enterprise. They have determined, that these statesmen, white and black, who have signalized themselves by such distinguished service—a service, sir, in which they have made a voluntary sacrifice of everything except themselves—shall by the coming of the grand centennial celebration of our nation's birth, find "free and equal accommodation" in the hospitable chambers of a retired sepulchral home, "without distinction of race, color, or previous condition of servitude," where they may "rest from their labors," and enjoy, in eternal seclusion, the earnest prayer of every patriot, that "their works do follow them."

These republican statesmen have heard the sentence pronounced upon them by the people, the tribunal of last resort, and they know it will be carried into execution as surely as the day appointed shall come. But the Judiciary Committee, with that repugnance to being buried alive so natural to all politicians, have reported this cunningly devised measure for the purpose of avoiding the sentence. This bill, to bury negroes and whites together, is but an indirect and covert attempt to drive the people to adopt the system of cremation. The committee, however, need not be alarmed as to the method by which their party will be taken off. The people care little or nothing for the manner of their departure. All they desire is, that they will not "stand on the order of their going, but go at once." Whether they complete the work of suicide which they have been slowly committing for nine years past, or whether they wait to be buried alive, or to take their first upward tendency and flight in the fumes and ashes of cremation, is with the people a matter of trifling moment. And I think I may safely say, speaking as one of the people, that on petition to them by a delegation or two of the money-kings of Boston and New York, whose influence seems to be more potent with the American throne of grace than the expressed will of the laboring masses, the people would kindly reduce the judgment passed to bury the republican party alive to that of incremation.

The question is, how shall we save the republican party? But the answer to the question, I confess very frankly, passes my understanding. It involves too much erudition in surgery, therapeutics, antiseptics, and prophylactics, for my limited store of learning. When the President sinks back in despair before its impossible solution, the case may be considered without remedy. He was deeply and painfully impressed with the necessity for immediate and omnipotent help, and after most thoughtful deliberation concluded there was but one remedy, one hope—and that was by unloading. He commenced, but finding, even if he could finish the work within his natural life, that at the end there would be nothing left of his party but the cart, mule, and negro driver—the only innocent things he could find about it—he stopped, ordered up the tail-board, and is now driving heroically on to the chasm.

An earthquake produced an abyss in the forum of Rome, which her citizens endeavored in vain to fill. A noble youth who had endeared himself to his country by many deeds of valor, hearing that the abyss, which threatened the destruction of Rome, could never be closed without a sacrifice of human life, clad himself in full armor, mounted his charger, and leaped into the chasm, which closed, and his country was saved.

Between the two sections of this Union the thunderbolts of war have made a deep and bloody chasm. The good and true patriots have vainly tried, for ten years past, to close it up. The evil genius of the republican party has thwarted every attempt. But the country has found, at last, a Curtius in the hero of the Northern Army. That leader has performed many martial acts for which he is cherished in the hearts of the majority of his countrymen. But his patriotism never shone with such effulgence as at this moment, when we behold him with closed eyes and clenched teeth, driving his cart loaded with his party and the bondholders recently mounted behind, full tilt into that bloody chasm to save his country from destruction. The desperation of the imminent leap would excite enthusiastic admiration, did we not know that the tragic performance is of necessity and not of choice. The blending in one red burial of party and cart, negro and mule, would make every patriot sad, but for the pleasing consciousness, that their loss will be their country's gain. And when we remember how luxuriously they have lived, reveling in purple and marble halls, and spending in lavish waste the profusion of a nation's wealth, our pity might be aroused that those, who have so much to make them cherish and cling to life, will so soon and forever pass out of view, did we not know that they will go full-handed, and will leave nothing behind but a bankrupt estate, and creditors divided in feeling between indignation at the loss of their debts and joy at riddance of the debtor.

It is also equally clear that Congress should without delay enter upon the enterprise of keeping a hotel. The power of Congress to keep a hotel is plainly given in and by the words "to promote the general welfare;" or may be drawn from the Declaration of Independence; or the preamble to the Constitution so often cited in support of propositions equally as clear as this, by the honorable Senator from New Jersey.

Peace and order are necessary to the general welfare. And without consuming time in demonstrating, exegetically or pathologically, the far-reaching influence of gastronomic equilibrium, I may rest content, in this enlightened presence, with a statement of the general proposition, that no plan more philosophical, humane, and patriotic than the one recommended by our Judiciary Committee, could possibly have been devised for the purpose of preventing sectional rebellion and civil war. For history, which is but a panorama of arms and human gore, does not contain one single well-authenticated instance of a people rising from a full and hearty meal, and rushing, prior to digestion, into insurrection.

But still more salutary will be this wise enactment, because without it absolute "equality before the law" cannot be maintained.

The objective aim of this republican statesmanship is at the rebellious spirit of the keepers of hotels in all America. It is to guarantee abdominal equality to all guests, black and white. To do this, Congress itself must act in carrying out the law. This is a body of delegated powers. *Potestas delegata, non potest delegari.* The power of Congress to keep a hotel being a special delegated power, we cannot delegate that power to another. It will be necessary, therefore, to organize a special committee, which, without intending to infringe upon the prerogatives, which, in this great work, belong exclusively to the Judiciary Committee, I, with all deference, suggest, might be called "The United States Grand Eclectic, Peripatetic, Special Committee on Education, Grave-yards, and Hotels." [Laughter.] From this grand committee a sub-committee can be appointed, to be called the dining-room committee, to be adorned with white aprons, white cravats, and roundabouts; to be armed with stomach-pumps; and having their hair parted in the middle, to signify their high justiciary office and commission to make an equal victualary division to both whites and blacks, and thus "to establish justice and insure domestic tranquillity." They must superintend the seating of the guests; first a black, then a white, like spots on a checker-board, and take their stand as vestal virgins behind the chairs of the colored guests. And to insure "full and equal accommodation to all," (in the felicitous language of the committee,) whenever Java coffee and loaf sugar, linen napkins, ivory-handled knives and silver forks, boned turkey, and hams, with champagne sauce, be given to the whites, this vigilant committee must see to it, that bean coffee and brown sugar, cotton napkins, buck-handled knives and two-tine forks, bacon and greens, rancid butter and ancient eggs, are not given to the blacks. [Great laughter on the floor and in the galleries, with indications of applause.]

The PRESIDENT *pro tempore.* Applause is out of order, and if it be repeated in the galleries the Chair will order them to be cleared.

Mr. NORWOOD. And if at any time after the guests are seated, and the committee have inquired if all are ready, and the chairman has given the word "Go," they should detect any voracious white rebel disregarding the will of the republican party and the majesty of this law, and attempting to evade its equitable and just intent by smuggling in more than his share, the sub-committee should promptly warn him of their high mission to enforce "equal and full accommodation" in that hotel; and that unless he desist, "equality before the law" will be maintained by active and exhaustive use of a stomach-pump, enforced, in case of resistance, by the *posse comitatus* of the Army and Navy of the United States. And while I would do nothing to arouse a feeling of jealousy growing out of personal ambition for priority or precedence in the organization of this sub-committee, I would merely suggest, that the Judiciary Committe, who have given the details of this intricate and delicate enterprise most careful consideration, and no doubt sent for persons and papers, should be presumed to possess more accurate knowledge on this gustatory service than any other members of the Senate.

The Judiciary Committee have also wisely concluded that Congress shall keep a school, or rather many schools. The power of Congress to regulate the public schools is found in the grant of power to declare war. The power to declare war is unlimited. Congress can declare war with or without cause. It may make war as well against friends as foes. In support of this proposition I have only to cite its course foward the southern people for the past eight years. This being true, Congress can unquestionably declare war between white children and black children in the public schools. I maintain further that it can, thereafter, declare war among the parents, white and black, of those innocent, little children. I advance a step still beyond. I maintain that as the power to make war necessarily carries with it the power to destroy, Congress can go further and even destroy the public schools! In support of these conclusions I plant myself, with confidence, upon the report of the Judiciary Committee of the Senate

That Congress should go into the school business is even still more clear. No constitutional lawyer at least will hesitate to give his hearty assent. I am proud to say that on this one branch of the committee's report the whole people of the United States are agreed with a unanimity never surpassed, and only equaled by the vote of the Pickwick club, that Mr. Pickwick might travel and pay his own expenses.

Yes, Mr. President; let Congress establish and regulate at least one public school, and let it be opened in this high Chamber. Let the first text-book in the curriculum be the Constitution of our country. After that, let us study the mysteries of the volume of humanity. Its lessons we can better learn by looking inward, for they are written on the tablets of our hearts, more enduring than stone, and as truthful and unchanging as the decalogue. We can next turn to history and learn the philosophy of its teachings. If its ponderous volume make us shrink from entering upon the labor of the search, we still can find extracted and in condensed form its richest treasures. Buckle, Mill, Comte, Huxley, Spencer, and a score of other masters, in the quiet of secluded life, far removed from the bias of party, the fever of political strife, from sectional hate, from selfishness, and the insidious motive to gain or retain power, have taught us the hygiene of government, whose laws we can no more disregard than we can violate with impunity a law of physics. And if there be one law whose truth is demonstrated, it is that legislation, wise or unwise, in all free popular governments, is the reflex of social order, of social progress or decay; and that social order or public opinion never can be created or controlled by coercive legislation.

Laws not founded on public will and favor either drop still-born, or being only irritating thorns, nature soon throws them off. No wise statesman ever runs counter to well-defined popular feeling or opinion. He does not attempt to overcome it by compression from without, or by prisons and dungeons. He applies his remedy within. He moves on the fountain head, and saves himself the mortification of certain failure in attempting to dam up a never-ceasing stream that swells and rises and gathers power from obstruction. So will the republican party do if it act wisely. It is entering on the dangerous experiment, one which tyrants in church and state have tried without success, of forcing a people to change opinions. And though the contemplated law, I regret to say, is intended to be sectional in its operation, to bear and grate upon the South, still it makes war upon a feeling common to the white race of our common country. The late Senator from Massachusetts declared in his place in this Chamber that it exists in Massachusetts as strongly, though not so widely, as elsewhere in the Union.

Let us look for a moment at the existence and very gradual decline of this sentiment in the New England States.

Connecticut made a blow at the slave trade as early as 1774; patrolled free negroes, as if they were slaves, as late as 1797, and punished for educating "persons, not inhabitants of the State, of the African race" as late as 1833.

New Hampshire abolished slavery over eighty years ago. In 1815 she forbade by law the enrollment of negroes among her militia; and this law was retained on her statute-book till 1855.

Rhode Island abolished slavery in 1784, but as late as 1844 her people expressed their prejudice against the negro in terms not to be misunderstood. It was by solemn statute which forbade the joining in marriage any white person with any negro or mulatto, under penalty of $200, and making the children of such pretended marriage illegitimate.

And the last I shall notice is Massachusetts.

In 1705 Massachusetts forbade by statute the marriage of whites with negroes or mulattoes, punishing the ministers or officers officiating, by fine of $250, declaring the marriage null and void, and degrading the issue by fixing on them the stain of illegitimacy. The title to that act is singularly suggestive to us now. It read, "An act for the better preventing of a spurious and mixed issue," and contained these words:

If any negro or mulatto shall *presume* to smite or strike any person of the English or other Christain nation, such negro or mulatto shall be severely whipped, &c.

This law, in a careful revision of her code, was solemnly re-enacted in 1836. And Chancellor Kent asserts that, as late as 1848, in no part of the country except in Maine, did the African race, in point of fact, participate equally with the whites in the exercise of civil and political rights.

If New England with all her philosophy, with all her Christian charity, and with so very few of the black subjects on whom to bestow that abounding charity, and without any irritating obstruction, has not been able to overcome her prejudice in more than half a century, how does she expect us of the South, goaded and embittered as we have been by strife continually aroused between whites and blacks by intermeddling carpet-baggers and hostile congressional legislation, to subdue our life-long antipathy to social equality among the races?

"Thou hypocrite, first cast out the beam out of thine own eye; and then shalt thou see clearly to cast out the mote out of thy brother's eye." Unless you do, "your righteousness shall not exceed the righteousness of the scribes and pharisees."

The injustice of this bill is manifest and gross. Owners and lessees of hotels, railroads, and so on, are to be punished only because they act in obedience to public sentiment; because they respect a feeling common to republicans and democrats. Whether their guests be black or white would not give hotel-keepers a moment's thought if public sentiment were different. But they know that no hotel could maintain itself, which should throw open its doors to blacks as well as whites. Yet these men who are guilty of no offense, but are merely carrying out the universal sentiment of the American white race, are to be made the victims and suffer, vicariously, for what the public do. This cruelty would be a refinement on that of the wolf, which devoured the lamb for what the wolf himself had done. For republicans and democrats both, by refusing to patronize hotels where negroes are received on equality, compel the proprietors to exclude the blacks, and now the republicans propose to punish such proprietors for complying with this general demand of the traveling public.

I shall now consider this question in the light of the Constitution, and inquire whether such legislation be warranted by that once sacred instrument.

Mr. Justice Swayne, in deciding a case which arose in Kentucky under the thirteenth amendment to the Constitution, (reported in 1 Abbott, Circuit Court Reports, page 44,) used the following words:

What is unwarranted or forbidden by the Constitution can no more be done in one way than in another. The authority of the national Government is limited, though supreme in the sphere of its operation. *As compared with the State governments, the subjects upon which it operates are few in number. Its objects are all national.* It is one wholly of delegated powers, and * * * *whenever an act of that Government is challenged, a grant of power must be shown or the act is void.*

These words announce no new construction, but they are valuable as emanating from a judge generally believed to be latitudinal in his opinions of the extent of Federal power, and as one of the three justices who dissented from the opinion of the majority in the cases from Louisiana commonly called the Slaughter-house cases.

The power of Congress to pass this bill must be shown by those who advocate its passage. It is not pretended that Congress, prior to the adoption of the last three amendments, had the power to enact such a law; nor is it claimed that any but the fourteenth amendment confers such power. On this amendment the supporters of the measure rest the case. It reads:

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

* * * * * * *

SEC. 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

To determine this question it is necessary to understand clearly—

First. What are the privileges and immunities that belong to a citizen of a State, as such citizen?

Second. What are the privileges and immunities of a citizen of the United States, as such citizen?

A correct analysis of these respective classes of privileges and immunities must show to which class the rights or privileges and immunities to be enforced by this bill belong, and that result must necessarily determine the question as to whether they are the proper subject of congressional control.

There was a time when there was no other citizenship than that of a State. That time was between the 4th day of July, 1776, and the 17th day of September, 1787. This proposition no one will deny. It is equally clear that between those dates there were no privileges and immunities other than those conferred by and derived from citizenship of a State.

Before the Constitution was adopted citizenship of a State was an entirety. A citizen of New York, or Georgia, owed allegiance to but one government. That government was his State. He could look to but one power on earth for protection That power was his own State. From that State he derived and enjoyed every kind of privilege and immunity which could belong to him as a citizen. But the privileges and immunities which he possessed were only such as were bestowed by the law of his State. Hence the privileges and immunities of the citizens of the several thirteen States varied, and none were exactly alike unless their laws were the same. And this important fact was wisely considered by our fathers in framing the Federal Constitution. They foresaw that the full benefits had in view and to flow from the Union of the States could not be realized unless the advantages of citizenship in each State should be open to participation by the citizens of the other States. Hence they inserted the second section of the fourth article of the Constitution, that—

The citizens of each State—

Not the citizens of the United States—

shall be entitled to all privileges and immunities of citizens in the several States.

Now, what were and are the privileges and immunities referred to here? They are clearly such and only such as each State could and might confer on her own citizens. And what were they? They were such as belonged to the citizen of each State before that State became a member of the Union under the name of the United States. They were such as the organic and statute law of that State allowed, or might afterward allow—no more, no less—and had Georgia not changed her constitution or her laws from 1787 to this time, the privileges and immunities of a citizen of that State would be to-day just what they were then. To attempt to enumerate them would be worse than folly. It would be an attempt to state every right which a citizen of a free

government enjoys. It would be to designate every benefit which is derived from Magna Charta, the Bill of Rights, the common law, and the statute law.

Mr. Justice Washington, in Corfield *vs.* Coryell, 4 Washington's Circuit Court Reports, answered the question, "What are the privileges and immunities of a citizen of a State?" by a statement whose generality shows that his mind shrunk instinctively from the impracticable labor of enumeration, but whose comprehensiveness is so just that from the day of its utterance to the delivery of the decision in the Slaughter-house cases, no court has attempted a correction, and all judges, who have had the question under consideration, have adopted it as their own definition. He said:

> We feel no hesitation in confining these expressions to those privileges and immunities which are, in their nature, fundamental; which belong of right to citizens of all free governments, and which have at all times been enjoyed by the citizens of the several States which compose the Union from the time of their becoming free, independent, and sovereign. What these fundamental principles are it would perhaps be more tedious than difficult to enumerate. They may, however, be all comprehended under the following general heads: "Protection by the government, the enjoyment of life and liberty, with the right to acquire and possess property of every kind, and to pursue and obtain happiness and safety; subject, nevertheless, to such restraints as the government may justly prescribe for the general good of the whole."

Such is his language, and the Supreme Court of the United States, *including the three justices who dissent*, approve the definition. And just here I will make a remark that it will be well to bear in mind as we proceed. It is this: I take it as granted, without argument, that no one, lawyer or layman, will deny that every privilege named in this bill before the adoption of the fourteenth amendment, was derived by those who enjoyed them exclusively from the States of which they were citizens. To keep a public inn; to bury the dead; to construct and manage railroads and other modes of conveyance; to open and manage a theater, are privileges conferred by each State. They belonged to the citizen of each State before the Union was formed; they have been granted by the States ever since the Union was formed. They have been regulated, modified, enlarged, given, and taken away by the States exclusively.

Having advanced thus far, it may be assumed as incontrovertible that all the privileges and immunities enjoyed by citizens of a State at the time the Constitution was adopted, except as modified by State statute, remain as his possession, or as the heritage of his children under the State, unless it can be shown affirmatively that they have been taken away or modified by the Federal Constitution. If the Federal Government claims that any of these rights have been surrendered to its control, the affirmative must be shown by express grant in the Constitution. If it assumes control over any one of these privileges, on being "challenged," in the language of Justice Swayne, it must give the pass-word—it must show written authority.

Let us ascertain whether and to what extent, if any, the control or protection of the privileges and immunities of citizens of a State were transferred to the Federal Government.

We have already seen that the citizenship of a State was not entirely changed, if at all, to that of the United States on the adoption of the Federal Constitution. We have also seen that the great fundamental privileges and immunities of citizens of the respective States remained under exclusive control of the States after the Union was formed, unless it shall appear that in express terms their control was transferred to the United States Government.

I repeat, that citizenship is an entirety. No one can be a citizen of two independent governments which are absolutely sovereign. Citizenship necessarily implies allegiance and obedience. It necessarily implies protection. If the government be absolute and in every essential sovereign, the control over its citizens and subjects must be equally unlimited. But should the government be not absolute and sovereign, but limited and qualified, its control over its citizens and subjects must also be limited to its qualified authority. If it be established to accomplish certain, special, designated objects and no others, its control over the life, liberty, and property of the citizen must be limited to a control which is necessary to accomplish those objects. And should there be any privileges and immunities, any rights or freedom of the citizen, whose control is not necessary to the accomplishment of those objects, the government thus limited cannot exercise control or jurisdiction over those rights and privileges. To illustrate: if the Federal Government had not power to declare war, levy taxes, or regulate commerce, it could not control the citizen's person for the Army or Navy, nor his money, nor his produce; and these would clearly remain under State control.

It would really seem unnecessary to go further than this to show the utter absurdity of the proposition contained in this bill. The objects of the Federal Government, says Mr. Justice Swayne, "are all national." "The subjects upon which it operates are *few in number*." Is it a *national* object to regulate theaters, hotels, cemeteries? Is it a *national* object to see that a negro shall sit in the same coach with a white man? Is it a *national* object to provide that a negro shall sit at the same table with a diplomat on a Potomac River steamboat? Is it a *national* object to regulate manners or to control prejudices?

But, again, Mr. Justice Swayne truly says that the subjects upon which this Government operates are *few* in number compared with those under State authority. If Congress shall regulate the management of theaters, cemeteries, hotels, pray tell me what is there on earth, within the States, that Congress cannot regulate? Where is the limit? Can it not regulate fairs, circuses, hippodromes, menageries, and organ-grinders? The Judiciary Committee must believe that Congress has this power, because they report in favor of regulating theaters and other places of public amusement.

Without levity or jest I state it as a legal proposition, that if Congress can protect the citizens of the United States in the manner here proposed, it can protect them in the enjoyment of every general privilege and immunity known to an American citizen, whether it be derived from citizenship in a State or of the General Government. More than this, Congress can punish for interference with any general privilege or immunity of a citizen by any person, no matter whence that privilege or immunity be derived. And if this can be done, then this result logically and inevitably follows: that the assumption of jurisdiction to protect these rights of a citizen necessarily ousts the jurisdiction of every State over the same subject-matter. By the Federal Constitution, since the adoption of the fourteenth amendment it is one of the immunities of every American citizen that he should not twice be put in jeopardy of life and limb. And when the Federal Government assumes jurisdiction of any cause, civil or criminal, the State cannot act, and an offender once punished by a Federal court cannot, for the same offense, be punished by a State court. A power delegated to Congress is not reserved to any State. *E converso*, every power is reserved except those expressly delegated. A State may exercise certain powers which are delegated to the General Government, but only so long as Congress declines or refuses to exercise the power. A State may establish rules of bankruptcy if Congress remain silent. But when Congress establishes a rule of bankruptcy, the State law is instantly made inoperative. But Congress has no jurisdiction over subjects such as these named in this bill, unless it can be shown that the privileges and immunities referred to by the fourteenth amendment include those general privileges and immunities which a citizen of a State possesses.

But I will resume the direct line of argument I was pursuing.

Whether the citizen of a State, before the fourteenth amendment, was also a citizen of the United States is not essential to a correct and clear solution of this question. For if a dual citizenship did exist, it is clear, from conclusions already arrived at, that neither could in the nature of things be an absolute entirety. As before remarked, no man can owe entire allegiance to two sovereigns. No American citizen could owe undivided obedience to, and claim every protection which belongs to a citizen or subject from, two distinct governments at one and the same time. If there is a dual citizenship, the obedience due to either, and the protection guaranteed in return by either government, must necessarily depend on the nature and extent of the respective governments. If the control of either government is restricted by limitations, the protection afforded to its citizens must necessarily be limited in like manner and to the same extent. If one be permitted to exercise only certain delegated powers, the control over the citizen by the other must be the complement of the whole power of the two. This brings us to a point at which we can see the conclusion, which, it seems to me, is logically inevitable. And to arrive at it, it is only necessary to analyze the Constitution of the United States to find what rights are therein guaranteed, and thus determine the second inquiry, to wit: What are the privileges and immunities of a citizen of the United States as distinguished from those of a citizen of a State?

To my mind they are as separate and distinct as is the government of a State from that of the United States. They are so well defined that a child can learn by rote and designate on its fingers the privileges and immunities of a citizen of the United States. It seems to me, that no case can arise in which any man can be at a loss to tell in a moment whether redress for violation of any privilege or immunity must be sought in a State or a Federal court; for the conclusion to which I arrive is, that all the privileges and immunities of a citizen of the United States are designated and named in and derived exclusively from the Constitution of the United States.

Before I proceed in further consideration of this proposition, let me briefly recapitulate

The privileges and immunities of citizens of the original thirteen States were, prior to the Federal Union, such as they possessed under their own State, and were, therefore, subject to the exclusive control of the States respectively. When the Union was formed, the privileges and immunities of the citizen remained the same, except that a few others were conferred by the formation of the Union. Those privileges and immunities (excepting the few thus added) still remained under State control, except a few which were confided to the General Government. But the regulation of any rights of the citizen by the General Government was restricted in proportion as that Government was itself limited in its authority. The authority given to the General Government was strictly and expressly limited; and it could exercise no control over the *life*, *liberty*, or *property* of a citizen of any State, or *of a citizen of the United States*, (if such citizenship existed prior to the fourteenth amendment,) except for certain enumerated purposes.

But to resume. I say the privileges and immunities of a citizen of the United States are distinctly designated in and derived from the Constitution. Let us examine this proposition closely—test its strength; for on its soundness depends the safety of our dual, complex government and the existence and perpetuity of State-rights,

unless the people of the States grow alarmed at the dangerous power conferred by the fourteenth amendment and tear it from the Constitution.

The Supreme Court, including the three dissenting justices, say in the Slaughter-house cases that the fourteenth amendment declares, if it does not create, a citizenship of the United States separate from that of a State. The necessary sequence to this proposition is, that there must be privileges and immunities of a citizen of the United States different from those which belong to a citizen of a State. For if there be two citizenships, there must be also two classes of duties and obligations imposed on the citizens of the respective governments. There must be also different laws under the two governments, as otherwise there would be two governments enforcing the same laws, to the same extent, for the same purposes, and against or for the benefit of the same persons; for the citizens of the States are now the same persons as citizens of the United States. This would evidently be not only an absurdity, but would, in effect, make the two governments one. But the governments being separate and distinct, the objects of either being separate and different, the powers of one being the complement of the powers of the other, and these powers being different, it must also follow that the privileges and immunities of a citizen of the State, which are but the result of the laws of the State, must be different from his privileges and immunities as a citizen of the United States, which are the result of the Constitution and laws pursuant thereto. And it must also be true, *that the protection of the privileges and immunities derived from citizenship must be given by the government from which they are derived; for it would be manifestly absurd to say, that the rights derived by a citizen from one government are under the protection of another.* To show that this is true, we have only to ask, What are the privileges and immunities of a citizen of the United States who does not reside in any State? What are his rights as a resident in a Territory—in Colorado? It is clear that they are not those which a citizen of New York derives from citizenship in that State. Nor can he possess the privileges and immunities conferred by the local law of any State until he comes in person, or by interest, within the territorial jurisdiction of that State. He may avail himself of some of the privileges and immunities enjoyed by a citizen of a State, but this must be done within the limits of that State. The local law in New York which confers benefits on her own citizens does not extend to and protect and benefit him as a resident of Colorado.

Again, a citizen of New York may enjoy certain privileges under her local law in that State which citizens of other States do not. New York may prohibit the traffic in spirituous liquors, while the citizens of New Jersey may sell them without restraint. New York might enact that the right to vote shall depend on a certain degree of education, while in the Territory suffrage might be unrestricted. But the resident of Colorado, if native or naturalized, is a citizen of the United States, and he has certain rights as a citizen. He cannot be said to possess the rights which flow from citizenship in any State, because he is not a citizen of any State. The rights referred to in the fourth article, second section, are not his. He has the right to go into any State and to have while there equal protection with every citizen of that State, but this right is only potential, to be exercised at will, and is but a single privilege at best. But he has other privileges and he has immunities which are something in possession, something he enjoys hourly, that go with him at every breath he draws. For instance, one right is protection to life, liberty, and property. But no State affords him this protection. He looks to some other government, and as a citizen of that government is entitled to its protection.

Now, it is clear that all citizens of the United States possess the same privileges and immunities. In their relation as citizens of the Federal Government, are not the rights of all citizens precisely the same? No one can deny it. Then, as we have seen that the rights of a citizen of the United States residing in a Territory are not the same as the rights of a citizen of the United States residing in a State, whence does the difference arise? It arises from the difference between citizenship of a State and citizenship of the United States. It comes from the difference between the two classes of rights which spring from those separate citizenships. The citizen of a Territory *may* have as many privileges and immunities as a citizen of a State, but he cannot derive them from, nor would they be under the control of, the same government. As a citizen of the United States residing in a Territory, Congress may confer on him very enlarged rights, but it would be done under the power of Congress to establish all needful rules and regulations for the government of the Territories. But these rights he would not possess as either a citizen of a State or of the United States. He would acquire and enjoy them as a resident of the Territory under the laws Congress might adopt for its regulation, but an alien resident there might enjoy the same rights. His rights as a citizen of the United States would remain the same, and such as even Congress cannot impair. His right to bear arms, to freedom of religious opinion, freedom of speech, and all others enumerated in the Constitution would still remain indefeasibly his, whether he remained in the Territory or removed to a State.

And these and certain others are the privileges and immunities which belong to him in common with every citizen of the United States, and which no State can take away or abridge, and they are given and protected by the Constitution. For the Constitution is the charter of the United States. It is the be-all and end-all of that Government, and as all laws of the United States must be in conformity to the Constitution, it is literally true that no citizen of the United States, *as such*, can possibly possess a single privilege or immunity which does not flow directly from the Federal Constitution.

And here the privileges and immunities of a citizen of a State, and his privileges and immunities as a citizen of the United States, divide. His rights as a citizen of a State are general, full, almost numberless. They embrace all that free republican government can confer, and they are limited only by State laws, organic and statute. Those belonging to him as a citizen of the United States are special, few, and some of them are but a part of what he possessed as a citizen of a State before the General Government was formed. The one are as the Atlantic, broad, expansive, generous, free, unrestrained except by its own bounds. The other is like the Gulf Stream, originating in the Atlantic, flowing through the Atlantic, and ending in the Atlantic, narrow in its scope, confined within fixed limits, and contracting or expanding only as the waters of its origin and its home will allow.

And now let us see what are these privileges and immunities of a citizen of the United States. A few of them were created by the formation of the Constitution; some were transferred from the State to the United States for protection and control; and, if I am correct, some were secured by the fourteenth amendment. All these are, of course, protected by the operation of the Constitution. Perhaps all the privileges and immunities of a citizen of a State, which were created by the Constitution, are the following:

Free transit through all the States; the right to reside in any State; to carry his property to any State; to acquire property in any State, and enjoy in any State all the privileges and immunities which the laws of that State confer on its own citizens; of access to the seat of the Federal Government; of access to all sea-ports and centers of trade; to have the benefit of the public acts, records, and judicial proceedings of other States; riparian and littoral rights; immunity from *ex post facto* laws; from attainder; from laws impairing the obligation of contracts; from having anything but gold and silver coin made a tender in payment of debts by a State; from the laying by any State of imposts or duties on imports or exports except what may be absolutely necessary for executing its inspection laws; from the laying of any duty on tonnage by a State.

One of his privileges is protection from injury to person or property on the high seas and in foreign lands, but this protection was simply transferred from the State to the General Government. It was not created by the Constitution.

The following are most, if not all, the privileges and immunities of a citizen of the *United States:*

The right to the writ of *habeas corpus;* of peacable assembly and of petition; to the free exercise of religious belief; to freedom of speech; to a free press; to keep and bear arms; to life, liberty, and property until deprived thereof by due process of law; to trial in the State and district wherein the alleged crime shall have been committed; to a public and speedy trial; to be confronted with the witnesses against him; to compulsory process for attendance of his own witnesses; to have counsel on his trial; to be informed of the nature and cause of the accusation; to trial by jury; immunity from bill of attainder; from *ex post facto* laws; from capitation or other direct tax, unless in proportion to the census; from tax or duty on articles exported from a State; from preference to the ports of any State over those of another by regulation of commerce or revenue; from paying duties on vessels bound to or from one State to another; from conviction of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court; from the establishment of any religion; from troops being quartered in his house in time of peace or in time of war, unless in a manner to be prescribed by law; from unreasonable searches and seizures; from trial for a capital or otherwise infamous crime unless on presentment or indictment of a grand jury; from being put twice in jeopardy of life or limb; from being compelled to testify against himself; from having his property taken for public use without just compensation; from excessive bail; from excessive fines; from cruel and unusual punishment; from the condition of slavery or involuntary servitude, except as a punishment; from being deprived the right to vote on account of race, color, or previous condition of servitude.

I do not assert that these are all the privileges and immunities of a citizen of the United States as distinguished from his rights as a citizen of a State, but I do say that any others, whether few or many, will be found enumerated in the Constitution of the United States. Before the fourteenth amendment was adopted the first class of privileges and immunities enumerated above belonged to citizens of the States by operation of the Federal Constitution. Some were permanently secured to him by inhibition on the State, as, for instance, immunity from attainder, *ex post facto* laws, and impairing the obligation of contracts, while some were conferred by the Constitution, as transit through and residence in other States, protection to person and property in other States.

I wish to notice, at this point, the construction placed on the fourteenth amendment by the three dissenting justices in the Slaughter-house cases, and by the Judiciary Committee of the Senate in their report on the petition of Susan B. Anthony and others for the right of suffrage, submitted to the Senate January 25, 1872.

On page 95, 16 Wallace, Mr. Justice Field, delivering the dissentient opinion, says:

The first clause of the fourteenth amendment changes this whole subject, and removes it from the region of discussion and doubt. It recognizes in express terms, if it does not create, citizens of the United States, and it makes their citizenship

dependent upon the place of their birth, or the fact of their adoption, and not upon the constitution or laws of any State or the condition of their ancestry. A citizen of a State is now only a citizen of the United States residing in that State. The fundamental rights, privileges, and immunities which belong to him as a free man and a free citizen now belong to him as a citizen of the United States, and are not dependent upon his citizenship of any State. The exercise of these rights and privileges, and the degree of enjoyment received from such exercise, are always more or less affected by the condition and the local institutions of the State, city, or town where he resides. They are thus affected in a State by the wisdom of its laws the ability of its officers, the efficiency of its magistrates, the education and morals of its people, and by many other considerations. This is a result which follows from the constitution of society, and can never be avoided, but in no other way can they be affected by the action of the State, or by the residence of the citizen therein. They do not derive their existence from its legislation, and cannot be destroyed by its power.

The amendment does not attempt to confer any *new privileges or immunities* upon citizens, or to enumerate or define those already existing. It assumes that there are such privileges and immunities which belong of right to citizens as such, and ordains that they shall not be abridged by State legislation. If this inhibition has no reference to privileges and immunities of this character, but only refers, as held by the majority of the court, in their opinion, to such privileges and immunities as were before its adoption specially designated in the Constitution, or necessarily implied as belonging to citizens of the United States, it was a vain and idle enactment, which accomplished nothing, and most unnecessarily excited Congress and the people on its passage. With privileges and immunities thus designated or implied no State could ever have interfered by its laws, and no new constitutional provision was required to inhibit such interference. The supremacy of the Constitution and the laws of the United States always controlled any State legislation of that character. But if the amendment refers to the natural and inalienable rights which belong to all citizens, the inhibition has a profound significance and consequence.

The Judiciary Committee say:

The clause of the fourteenth, "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States," does not, in the opinion of the committee, refer to privileges and immunities of citizens of the United States other than those privileges and immunities embraced in the original text of the Constitution, article 4, section 2. The fourteenth amendment, it is believed, did not add to the privileges or immunities before mentioned, but was deemed necessary for their enforcement as an express limitation upon the States. It had been judicially determined that the first eight articles of amendment of the Constitution were not limitations on the powers of the States, and it was apprehended that the same might be held of the provisions of the second section, fourth article.

The dissenting justices say:

The amendment (fourteenth) does not attempt to *confer any new* privileges and immunities upon citizens.

The committee say:

The fourteenth amendment, it is believed, *did not add* to the privileges or immunities before mentioned, (article 4, section 2,) but was deemed necessary for their enforcement as an express limitation upon the States.

The justices and committee are in accord in holding that no *new* privileges and immunities were conferred by the fourteenth amendment.

Is this opinion that no new rights were conferred strictly true? In one sense it is; in another it is not. No new rights are enumerated; the amendment simply refers to existing rights, and in this sense no new privileges were conferred; nor has it taken away any rights. It has declared, simply, that certain existing rights should not be abridged by States, and nothing more.

But in another sense, and in the sense referred to by the dissenting justices and the committee, the fourteenth amendment, while not technically conferring new rights, has given additional protection to existing rights. And in this sense the fourteenth article is not only not "vain and idle," but is comprehensive and efficient, as I shall now endeavor to show.

The Supreme Court, in an unbroken series of decisions, has held that the first eleven amendments to the Constitution were limitations on the powers of the Federal Government. And, without referring to all the many cases, I will quote a paragraph from the decision in 3 Howard, (Permoli *vs.* First Municipality of New Orleans:)

The Constitution makes no provision for protecting the citizens of the respective States in their religious liberties; that is left to the State constitution and laws; nor is there any inhibition imposed by the Constitution of the United States in this respect on the States.

And so it has been held as to all of the first eight of those articles of amendment. Whether these decisions be a correct reading of the Constitution is not material; but one fact cannot be denied, which is, that these decisions were the law of the land. Being rendered by the Supreme Court, a supreme co-ordinate branch of the General Government, no power on earth, except itself, could change the law fixed by those decisions without first changing the Constitution.

In view of this law, how is it possible to maintain, that no *new* privileges or *immunities* were conferred by the fourteenth amendment? Before its adoption any State might have established a particular religion, or restricted freedom of speech and of the press, or the right to bear arms, compelled a prisoner to testify against himself, imposed excessive fines and bail, inflicted unusual and cruel punishment, and so on. A State could have deprived its citizens of any of the privileges and immunities contained in those eight articles, but the *Federal Government* could not. But can a State do so now? If not, why? If the fourteenth amendment did not confer *new* privileges and immunities on the citizens of the States as citizens of the United States, or, what is virtually the same, did not give additional guarantee of existing rights, what prevents a State now from forbidding him to bear arms, or from taking his property for public use without just compensation, or from doing any of the acts which the Federal Government cannot do because of the first eight amendments to the Constitution? The reason is, that the citizens of the States have *new guarantees* under the fourteenth amendment; and though new privileges were not thereby conferred, additional guarantees were. It matters not whether they were technically citizens of the United States before the adoption of the fourteenth article or were not. If they were, which is the stronger view for the dissenting justices and the Judiciary Committee, still they did not have these guarantees which they now possess. The Federal Government could not legally invade them; but what of that, if the State could? A citizen of a State could not be deprived of his property without just compensation by the Federal Government, but he could by another government, to wit, his State. As a citizen residing in Wisconsin he could not be made a witness against himself by the Federal Government, but by the State of Wisconsin he might. Even if there were citizens of the United States, in the proper sense of the word, citizens, before the fourteenth article, they did not have many, very many, immunities which that amendment has secured.

The people of the United States thereby laid upon the States the same inhibition which they laid seventy years ago on the United States. They by that article declared, "that we are henceforth citizens of the United States as well as of our respective States; we enjoy certain rights or privileges and immunities secured to us in and by the Constitution of the United States as against their power and interference; but some of them are at the mercy of the States by the law of the land, by the Constitution itself, and we therefore declare that these privileges and immunities shall not be taken away or abridged by any State." And the instant the fourteenth amendment became a part of the Constitution, every State was that moment disabled from making or enforcing any law which would deprive any citizen of a State of the benefits enjoyed by citizens of the United States under the first eight amendments to the Federal Constitution. And as the first eight amendments were a prohibition on the General Government as to the privileges and immunities of the citizens of the States named in those amendments, so the fourteenth amendment was and is a prohibition on the States, forbidding them to abridge the same privileges and immunities. So that the citizens of the American Republic, without reference to State lines or national boundary, are entitled to enjoy every privilege and immunity which is named in the Constitution.

This construction makes the operation of the State and Federal Governments harmonious. No conflict of authority between the two governments can possibly occur with a pure and honest judiciary. It will be only necessary to look to the Constitution to determine if a privilege or immunity of a citizen of the United States is abridged by a State, and a tyro can answer the question.

The dissenting justices say, (page 96, already quoted,) "with the privileges and immunities thus designated or implied"—*i. e.*, in the Constitution—"*no State could ever have interfered* by its laws, and *no new constitutional provision was required to inhibit such interference.* The supremacy of the Constitution and the laws of the United States always controlled any State legislation of that character." And they therefore say, that if this was the object of the fourteenth amendment, "it was a vain and idle enactment which *accomplished nothing* and most unnecessarily excited Congress and the people on its passage."

This opinion, as I have shown, is at variance *in toto* with repeated decisions of the Supreme Court, that every privilege and immunity named in the first eight amendments to the Constitution were under control of the States. And their conclusion is so far from being correct, that the converse of their proposition is the acknowledged law. The States could have interfered. The Judiciary Committee in the report referred to above recognize this law, and to that extent disagree with the dissenting justices. And had the words "and no State shall make or enforce any law which shall abridge the privileges and immunities of citizens of the United States" been omitted, while the amendment would not have been altogether "vain and idle," still the privileges and immunities which I have enumerated above, as those secured by the first eight amendments to the Constitution, would have been left subject to abridgment and even abrogation by the States.

I have said, that, if this be the true and correct construction of the fourteenth amendment, our complex system of government will still move on in harmony. But should the views of the dissenting justices and of the Judiciary Committee, and of those who favor this bill, be right, let us look at some of the consequences which will inevitably flow from that construction.

The first I shall call attention to is marked and startling. The justices say:

A citizen of a State is now only a citizen of the United States residing in that State. The *fundamental rights, privileges, and immunities* which belong to him as a free man and a free citizen now belong to him as a *citizen of the United States*, and are *not dependent* upon his citizenship of any State.

The italics are my own. If this be true, what rights that are in any sense those of a free man and a free citizen can a man derive from a State? Not one. What government must protect him in the enjoyment of *every* right, privilege, and immunity which he can possibly have as a free man and a free citizen? *But one.* For it is clear that the government which confers entire, full citizenship, and confers with it certain rights and privileges, must also be the power to protect them. Therefore, every fundamental right of a citizen of a State (who, it is said, is only a citizen of the United States residing in that State) is under the protection of the United States Government. This is one of the inevitable consequences of the opinion of

the three dissenting justices. But this is not all; it is not half. If this be law, then the fourteenth amendment has destroyed the government of every State in this Union. It has struck down the legislative power, paralyzed the executive arm, and swept the State judiciary, in its appellate authority, from the earth. Like Aaron's rod, this one article has swallowed up all others. Every decision from every appellate State court under this construction is now subject to review by the Supreme Court of the United States, whenever any fundamental right of a citizen may be involved. The right to life is fundamental. The right to liberty, to property, is fundamental. And when a citizen's life is in danger he has the right to appeal to the Supreme Court of the United States. When his liberty or property may be involved, the same right of appeal is his. The way is open from every *piepoudre* court of the hundred thousand in the States and Territories to this Capitol. More than this. If these rights are under Federal protection, whenever Congress sees fit to exercise the power for their protection, the authority of the State is forever gone. The exercise of jurisdiction by the Federal Government and by a State over the same subject-matter at the same time cannot exist, and the State must, by the Constitution, yield. But I will not further enlarge. Illustrations innumerable might be given of the unlimited power which Congress has to protect the fundamental rights of a citizen, if the opinion of the dissenting justices and the Judiciary Committee be the true construction of the fourteenth amendment. I will give but one.

Let me briefly state the premises. The fourteenth amendment, it is said, protects every fundamental right of a citizen of a State, and Congress has the power to enact any law which they may think appropriate to protect those rights and to punish the invader or offender. One of these fundamental rights is personal liberty and security from personal harm. The person of every citizen in the United States is, therefore, under the direct protection of Congress. Well, a man's nose is a part of his person. It is a prominent part, and one which every American citizen cherishes with such devotion, that he follows it right or wrong, straight or turned awry, whether it leads him to his own business, or to intermeddle with the affairs of others. And I know of no part of an American citizen which, on being invaded, he will defend quicker, or with greater indignation and to the last extremity or the last ditch. Now, should any one with malice prepense pull the nose of a colored citizen of the United States, residing in the State of New Jersey, to what power should he apply to protect that nose? I always thought he must go to a State tribunal and proceed for "assault and battery." But under the new reading of the Constitution by the minority of the Supreme Court and the Judiciary Committee, he must apply to Congress to throw their protecting arms around that nose and shield it from invasion. He reads the argument of the Senator from New Jersey, and being convinced thereby that his protection is within the power of Congress, he applies to that Senator to protect his nose. The honorable Senator introduces a bill, as in duty bound both by his logic and his obligation to his colored constituents, to be entitled "An act for the protection of the noses of American citizens from invasion and depredation," and he rises to advocate its passage.

If I misstate the line of argument he would follow, as I understand it, from his position, I beg to be corrected. His first premise would be, that the fourteenth amendment protects every fundamental privilege and immunity of all citizens of the United States; second, that citizens of the States are but citizens of the United States; third, that personal security is a fundamental right; fourth, that pulling a man's nose is a violation of his personal security, and, therefore, Congress has the power to protect his nose. But this of itself would be a very dry presentation of the case, and he could go further and demonstrate the necessity for action by Congress. The organ invaded is by all dearly treasured, and with very many it is a most prominent feature and an index of character. Geographically speaking, it may be called a white man's promontory and a colored man's plateau. Many physiognomists contend that it is *the* organ and index of character. And hence the importance of protecting it in its normal state. For should it be pulled often, it would be elongated and destroy the man's identity. His friends could not recognize him, and the detective police could not identify him. Besides, when the index to character is destroyed, the owner of the index loses his character. His character is changed, and he thus sustains a double injury. And unless this foul invasion be stopped by act of Congress, the man's nose, like that of Solomon's beloved, would become "as the tower of Lebanon that looketh toward Damascus." And thus we see that Congress, if it should see proper, can pass "An act for the protection of the noses of American citizens from invasion." If this be not a logical sequence, I will thank any member of the Judiciary Committee to set me right.

Surely the people of the States did not mean such results as this when they adopted that amendment. They meant something practical, something sensible. They did not mean to lay the knife to the throat of each State in this sweeping, suicidal manner. They did not mean for Congress to swallow up the State Legislatures, for the President to be the ruler of the United States, and governor of each State besides; and for the Federal judiciary to supplant entirely and forever all State courts. They did not mean that every case of petit larceny should be drawn to the Supreme Court of the United States. I am amazed when I see gentlemen confessedly learned in constitutional law prying into the fourteenth amendment to discover such infinitesimal power as this. I would not be more surprised were I to walk forth some day after a long drought and see one of my honorable friends sitting and eagerly watching for the bob of his cork, while fishing in a dry well for minnows, and using as his hook an anchor of the Great Eastern baited with a copy of the Congressional Globe.

A construction more dangerous to the existence of the States than this cannot be conceived. The most devoted federalist, the most ardent advocate of absolute consolidation, could not go further in his wildest dreams and desire for one government, one power, complete unification.

The minority of the Supreme Court were not unaware that their view of the fourteenth amendment excites alarm in the minds of constitutional lawyers for the safety of the States; for Mr. Justice Bradley says, (page 123, 16 Wallace:)

> But great fears are expressed that this construction of the amendment will lead to enactments by Congress interfering with the internal affairs of the States, and establishing therein civil and criminal codes of law for the government of the citizens, and thus abolishing the State governments in everything but name; or else, that it will lead the Federal courts to draw to their cognizance the supervision of State tribunals on every subject of judicial inquiry, on the plea of ascertaining whether the privileges and immunities of citizens have not been abridged.
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> In my judgment no such practical inconveniences would arise. Very little, if any, legislation on the part of Congress would be required to carry the amendment into effect. Like the prohibition against passing a law impairing the obligation of a contract, it would execute itself. The point would be regularly raised in a suit at law, and settled by final reference to a Federal court. As the privileges and immunities protected are only those fundamental ones which belong to every citizen, they would soon become so far defined as to cause but a slight accumulation of business in the Federal courts. Besides, the recognized existence of the law would prevent its frequent violation. But even if the business of the national courts should be increased, Congress could easily supply the remedy by increasing their number and efficiency. The great question is, what is the true construction of the amendment? When once we find that, we shall find the means of giving it effect. The argument from inconvenience ought not to have a very controlling influence in questions of this sort. The national will and national interest are of far greater importance.

It appears from this extract, that he does not deny the stretch of Federal power which must follow the opinion of the minority. He says, "Great fears are expressed that this construction" will abolish the State governments in everything but name, &c., and without combating this opinion, he says that in his judgment "no such *practical* inconveniences would arise." He does not deny that Congress under the fourteenth amendment, as construed by him, *can* "interfere with the internal affairs of the States," *can* establish therein "civil and criminal codes of law for the government of the citizens," *can* "confer on the Federal courts power to draw to their cognizance the supervision of State tribunals on every subject of inquiry on the plea of ascertaining whether the privileges and immunities of citizens have not been abridged," and *can* thus "abolish the State governments in everything but name;" but he meets the suggestion of these inevitable consequences by saying, "*very little* if any *legislation* on the part of *Congress* would be required to carry the amendment into effect." I agree with him that "very little legislation on the part of Congress would be required to carry the amendment into effect," as that amendment is construed by him. It would require but a *single statute*, establishing a civil and criminal code for all citizens of the United States, and giving the jurisdiction to the Federal courts. I agree with him, that "the point would be regularly raised in a suit at law and settled by *final* reference to a Federal court." I agree with him, that "if the business of the national courts should be increased, Congress could easily supply the remedy by increasing their number and efficiency." But, sir, what a spectacle would all this present. The civil and criminal codes of the States swept away; the legislative power of the States abolished; the executive of each State a mere shadow; his approval of laws, civil and criminal, transferred to the Federal Executive; his power to execute State laws given to the Federal Executive; his pardoning power placed in the hands of the President; the State courts left with their ermine, and not a case involving a fundamental right of any citizen left upon the docket, and sheriffs and constables supplanted by marshals and their deputies. But I desist, for the scene is sickening; for it presents an army of Federal judges, backed by an army of Federal attorneys and Federal marshals and deputies, marching out from Washington into all the States, and followed, if need be, by the Army of the United States, to try every cause in which a fundamental right of any citizen might be involved.

But I do not agree with Mr. Justice Bradley, that these fundamental privileges and immunities "would soon become so far defined as to cause but a slight accumulation of business in the Federal courts." I do not agree with him that "the recognized existence of the law would prevent its frequent violation." Why, sir, are not the fundamental rights of every citizen already defined? Do we not know what they are? Does it remain for a Federal judge to teach an American citizen what his rights are? This is a political, not a judicial question. Judges are not appointed to define our political rights, our civil rights. They decide whether a right already existing has been forfeited, as the right to life, liberty, or property; they decide whether A or B has the title to certain property; but God forbid that the determination of what are the fundamental civil and political rights of an American citizen shall ever depend on the opinion or decision of a Federal court.

But, again, does the recognized existence of any law prevent its frequent violation? Does the recognition of the fundamental right of A to his life, his liberty, his property, prevent B from violating that right? Does it prevent murder, arson, robbery, forgery, false imprisonment, and a hundred other crimes, each one of which is a viola-

tion of a citizen's fundamental rights? The reasons assigned by Mr. Justice Bradley to show that no such inconveniences would arise from his construction of the fourteenth amendment, may hold when the millennium shall come, when there shall be wars and rumors of wars no more; when the lion and lamb shall lie down together; when man shall no longer be man, but an angel.

The next inquiry is, how is a citizen of the United States to be protected in the enjoyment of his privileges and immunities. Is he to be protected by Congress? He may, but not primarily. The fourteenth article declares that "*no State*" shall abridge his rights as a citizen of the United States, and that Congress may enforce that article by appropriate legislation. But until a State shall attempt to abridge his rights, Congress has no power to act. But has he no protection under the fourteenth amendment except in a case where a State shall seek to abridge his rights? Clearly he has. His redress is in the courts. If a privilege which he enjoys as a citizen of the United States—that is, a right given and secured to him by the Constitution—be invaded by any one, he has his remedy, as in any other case of invasion of any of his fundamental rights as a citizen of a State. And his remedy does not stop with the State courts. For, by the Constitution, the Federal judiciary has jurisdiction over all questions arising under the Constitution and the laws passed in pursuance thereof. So that an appeal will lie from the State court to the Federal court in any case where a right is involved whose existence depends on the Federal Constitution. And this again shows that, if the minority of the Supreme Court be correct, this clause of the Federal Constitution is so broad that every case involving a fundamental right of a citizen would be subject to review in the Federal courts, and go by appeal or writ of error to the Supreme Court of the United States.

The Constitution forbids any State to impair the obligation of contracts, and before the fourteenth article Congress had the power to enforce all its delegated powers by appropriate legislation. But did any lawyer ever dream that Congress had the power to pass a law punishing a State or an individual for impairing the obligations of a contract? And yet the inhibition on the States in that instance is precisely like the one imposed by the fourteenth amendment. Neither confers any power on Congress except to prevent a State from infringing by legislation or otherwise the rights of the citizen thereby secured. The remedy under the provision forbidding the State to impair the obligation of a contract or to pass any *ex post facto* law is just the same; and that is, as has been the practice under the Government from its foundation, by appeal from a State court, where a law is sought to be enforced against a citizen which is in violation of any of these provisions of the Constitution, to the Federal courts, which have appellate jurisdiction of all questions arising under the Constitution of the United States or the laws of Congress passed in pursuance thereof.

Thus, Mr. President, I have endeavored to trace what I believe to be the principle that underlies the fourteenth amendment. I will not stop to apply it to the various provisions of this bill. I believe that it is the correct reading of the fourteenth amendment.

The question may be asked, Is it not dangerous to the States? My answer is, no; that it involves no danger to the States or to State rights. For what does it amount to under this construction? Simply this: that rights which the citizen of the United States enjoys under the Federal Constitution, and which the Federal Government cannot deprive him of, shall not be abridged by the State. In other words it is an extension of the guarantees of liberty and of the Bill of Rights that are laid down for the citizens of the United States in the first eight articles of the amendments to the Constitution, over all the citizens of the States, preventing the States themselves from depriving their citizens of those guarantees. In that view of the case, I can conceive of no evil that can arise to the States or to State rights by this construction.

If it is not the true reading of that amendment, then that portion of it which I have been considering either means nothing, or it means much more than the people of the United States ever intended; for it is a transfer of the reserved rights of the States, of their legislative, executive, and judicial powers, to the Federal Government, to be exercised at the will of Congress.

American Citizenship.

SPEECH OF HON. J. G. SCHUMAKER,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

May 5, 1874,

On the bill (H. R. No. 2199) to carry into execution the provisions of the fourteenth amendment to the Constitution concerning citizenship, and to define certain rights of citizens of the United States in foreign countries and certain duties of diplomatic and consular officers and for other purposes.

Mr. SCHUMAKER, of New York, said:

Mr. SPEAKER: It is not my intention to unjustly criticise this bill, but I think it can be said in a spirit of fairness that its provisions will greatly embarrass and harass the adopted citizen for whose benefit it is pretended this bill is offered. The adopted citizens suspect and distrust the motives of this Administration and watch with a jealous eye all laws introduced in this body for their benefit. They remember the attempt made in the Forty-first Congress to amend the naturalization laws, when the party in power desired to pass a law whereby any adopted citizen, although a voter for half of a life-time, could have his rights annulled in the courts upon the application of any worthless vagabond. They also remember the manner in which the rights of Americans in Europe and Cuba have been guarded by this Administration, and the great number of Americans who have died in British and Spanish dungeons without the least interference on the part of this country for their release. They believe the Secretary of State, Mr. Fish, to be unfriendly to them. They allege that the gentleman from Massachusetts, [Mr. HOAR,] who reported this bill, is unfriendly to them and was conspicuously so when Attorney-General. Colonel John Warren, a brave soldier in our late war, who was arrested without any just cause in Ireland, in 1869, at a mass meeting of citizens at Tammany Hall, in the city of New York, June 17, 1870, held for the purpose of demanding from this Government immediate action for the release of persons imprisoned abroad, spoke of Secretary Fish and Attorney-General HOAR as follows:

General Grant gave me a letter of introduction to Secretary Fish, and asked him (Fish) to give me a hearing in relation to American citizens confined in British dungeons. Mr. Fish received me very courteously, but fell back upon legal questions. The result of a long interview was that Secretary Fish held that we were not American citizens when out of America. He attempted to prove that by the laws of this country we could not change our allegiance to Great Britain.

I had an interview with Attorney-General HOAR. He received me with discourtesy; he first asked me by what right I departed for Ireland, and what right I had to go over there. I told him I had not called upon him to account for any right or reason that induced me to go to Ireland, but had called upon him to testify as to the number and character of the men now in British dungeons, and I expected at least to be courteously received. He (the Attorney-General) further said that the laws of naturalization could only be upheld by the voice of the people. He gave me no encouragement. I left him.

Now, Mr. Speaker, if this speech be true, (and I have no reason to doubt that it is,) taken in connection with the fact that this bill was prepared by the State Department and presented by the late Attorney-General, [Mr. HOAR,] I think it should be carefully scrutinized and understood before it becomes a law.

Mr. Speaker, Congress cannot make or unmake a citizen; we have no such power. The people of this country have very wisely ingrafted that power in the Constitution, and I hope it will never be changed. In article 14, section 1, of the Constitution of the United States, in plain words, the status of a citizen is defined, to wit:

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States.

Now, Mr. Speaker, this provision cannot be altered or amended by this body. But we can very much annoy or disturb any citizen who desires to reside or travel abroad by passing laws in relation to the jurisdiction of this country over its subjects, which this bill purports to do, and which is one of the mischievous objects of this bill. Is there any great public necessity for this measure? Is not our Government wise enough and powerful enough to protect its citizens everywhere under the common law of nations? Has she not been able during the hundred years of her existence always to do so if the head of the nation so willed? Why change in any degree the law as now understood? Why startle the American public by any new legislation on this subject? Why define by statute the meaning of the words "jurisdiction," "domicile," and "residence," which this bill proposes? Why not leave the definition of such words open to the widest range of argument and reason which any particular case in question may present? Such terms and their application have for ages baffled the greatest intellects, and have been, ever since the dawn of civilization, the subject of contention between the diplomats and statesmen of nations.

The word "jurisdiction" has a wide and comprehensive meaning, derived from the Latin word "*jurisdictio*;" from *jus*, right, *juris*, law, and "*dicare*," to pronounce. Its literal meaning is the power or right of exercising authority, as all legal writers have interpreted it. The leading nations of the world—most prominent among whom have been England, Germany, and the United States—have seen fit to claim jurisdiction over their citizens wherever they could reach them in any part of the globe; and been able by force to "pronounce" the right or law for them, and have demanded redress for their wrongs; and it is now generally conceded by nations that the jurisdiction of a nation over one or more of its own citizens extends to any and every place where our representatives can be sent in time of peace, or wherever we are able in time of war to send our Army or Navy.

Take the case of Minister Washburne during the late war in France. In the bloody days of the Commune in Paris, when blood like water washed its streets, the kind-hearted Washburne, our much-esteemed representative at the French court, opened the doors of the embassy to all Americans left in that ill-fated city—the foul mob of Paris howled by the door but dared not enter, for our flag was there, which proclaimed the jurisdiction of the United States over that spot. With this law upon our statute-books, he would have been compelled to have stood at the door with the regulations of Secretary Fish in his hands, asking the men, women, and children as they came flying

to him for protection, "Are you registered? Show me you are registered, or you cannot enter here."

I will instance another recent case, which has also passed into history: on the 27th of July last, when Contreras was at the head of the government of Spain, and when the united naval forces of Great Britain, Germany, and Italy in the Mediterranean threatened to bombard the city of Carthagena unless the rights of Englishmen, Germans, and Italians were respected in Spain; and of another case still more recent and fresh in our memory, when Sir Lambton Lorraine, commander of the British war frigate Niobe, trained his guns on the city of Santiago de Cuba and saved from butchery the crew of the American steamer Virginius.

Contrast this noble conduct of Minister Washburne and the foreign powers mentioned with the late intelligence received from Vienna, that Mr. Jay, the United States minister there, in a civil dispute with the Austrian government invoked in his support his rights as an American, and has been censured for this act by President Grant and his Cabinet at the instance of Austria. In consequence of which he has left Austria, and will not return to his post. If this Government will not guarantee to its ministers abroad the rights of an American citizen, what hope has a private individual domiciled abroad to expect protection from such a quarter?

The settlement, however, by statute of the meaning of the words "domicile" and "residence," and absolutely and arbitrarily defining the jurisdiction of the United States, would very much relieve Secretary Fish of a great many troublesome questions and of much annoyance, and the once important office of Secretary of State would be so simplified by statute that its duties could be performed by any clerk capable of filling out an ordinary blank, so far as related to its own citizens abroad.

The greatest objection to this bill is its registry provision, which puts restraints upon American citizens which no other country has ever attempted or suggested. Citizens of every civilized country on the globe have been always permitted to travel untrammeled. Norway and Sweden many years ago passed laws against actual emigration But treaties between these countries and the United States have caused such laws to be held in abeyance, and to-day emigration continues from Norway and Sweden to the United States unmolested. Germany has thrown obstacles in the way of emigration by increased fares on her railroads, but not by actual laws; no such law could pass the German Reichstag. The presence of American citizens abroad has always been looked upon by the officials of the crowned heads as pernicious and dangerous to the welfare of their sovereigns; and to-day all over Europe, particularly in Great Britain, Germany, and Austria, no politeness is shown an American by their officials, especially if he be an adopted citizen. In Great Britain an Irish-American citizen cannot land unless his tracks are followed by some English spy or detective, and all that he does or says is reported in full to the police authorities, and if a careless word escapes his lips that might be construed as derogatory to English rule in Ireland, he is either thrown in a British bastile or ordered to quit the country immediately. The public journals of the last few years have been full of such cases. In Austria the same espoinage exists. The police system of Austria is the most complete of any nation. It is considered by the best judges of such matters the most perfect; and as an instance I will cite that no American could cross its borders last summer, visiting their international exhibition, without having his movements known to the police; and the most trifling conversation on the part of any of the American commissioners to such exhibition was every day fully reported. And if this bill should become a law and two classes of American citizens be known to foreign powers, the registered and the unregistered, there is no telling what would be the annoyance of the unregistered. In every hotel, at every railroad station, on every steamer he would be stopped, his baggage searched, and he would oftentimes be detained, perhaps arrested; and wherever he went he would be marked as a mischievous person who could not get registered, and at every step would have to call upon an American consul to show that by law he was not required to do so unless desiring to reside in the country over two years. The old passport system would be entirely revised in a new and more troublesome manner.

A bill of this nature has for many years past been pressed upon the authorities here by the representatives of Great Britain, Germany, Austria, and Spain. But it found no favor with such distinguished men as Lewis Cass, William L. Marcy, or William H. Seward, when they occupied the chair of Secretary of State; and it was not until General Grant became President that any attention was paid to such demands at all. But President Grant did in his first message, and in every succeeding message to Congress, urge action in relation to adopted citizens who returned to their own country to reside, after having become citizens here under our laws, and this bill, prepared by the State Department, takes within its provisions all citizens, both native and adopted. In that respect it is just. But President Grant has urged no such course; he desired only that naturalized citizens should be denationalized and have their rights forfeited.

Of the two classes residing abroad, and I assert this with sorrow and regret, the natives are entitled to less sympathy and protection of this Government than the adopted. A great number of the native-born here voluntarily expatriated themselves, and are hostile to our country and its institutions and never intend to return, and every one who has traveled abroad will bear me witness that such class of persons everywhere, and to every person they meet or come in contact with, do to the utmost of their ability vilify and abuse the United States; while, on the other hand, the other class, the naturalized citizens, who generally have been successful men of business in America, having made large fortunes here, and who have the same invested here, but who have returned in their old age to the home of their childhood, speak always of our country in the highest praise. The latter class are those men who in the trying time of our country's credit abroad stood up manfully and invested their last dollar in American five-twenty bonds. England and France stood aloof; even the Rothschilds refused to buy our bonds; but the adopted citizens of Germany, scattered as they were in all the financial circles of that country, upheld our credit, and, while native-born Americans shouted repudiation, they stimulated and encouraged the German bankers to such an extent that at one time all bonds sold abroad were sent to Germany direct.

To these naturalized citizens abroad this country owes a debt of gratitude, which is very illy repaid by the head of this nation when he annually tries to proscribe them and to deprive them of their citizenship honestly attained under our Constitution. And the true intent and meaning of this act is that all persons who live abroad over two years without registering that "they intend to return" are denationalized and waifs among the nations of the earth, and that those who do "register" that they "intend to return," and stay over two years in one country, are "domiciled" beyond the jurisdiction of this country, and can receive no protection while so "domiciled," and will be informed by the Secretary of State that this law was passed only for the purpose of giving them their full rights to citizenship when they shall return. This, in a few words, is the whole object of this bill The other provisions are appendages, only confounding and confusing the long-established rules of the State Department years ago settled by a Cass, a Marcy, and a Seward, and fixed by common law and statute. As to the law of inheritance, the courts of this country have long ago established just rules.

Now, Mr. Speaker, if we are to have rules with other nations as to the conduct of our citizens while abroad, let it be done by treaty, as it has always been done heretofore. Let Great Britain. Germany, and Austria enjoin upon their citizens "domiciled" here the same restraints, rules, and regulations they ask of us to put upon ours while "domiciled" with them. That would be at least fair and just. They should not ask for what they are not willing to give. Let it be reciprocal. Let all unnaturalized Englishmen and all unnaturalized Germans be registered here who desire to return to their country. It is already stipulated in treaty with Prussia that any of her citizens who remains here over two years is supposed to intend to reside here permanently. But not so with Englishmen. Their country never gives up its claim to any of its citizens.

But can one conceive a greater nuisance in our community than many of the unnaturalized Englishmen are? They leave their country to better their condition here, to make a competency here for themselves and families, which they could not do in England, and all the time they are doing so they are abusing America and Americans. During our late war their conduct was almost unbearable—rejoicing over every defeat of the Northern Army, glorifying in the slaughter of our troops, hoping for a dissolution of the Union, and talking treason on every street corner—but yet they were protected by the British flag.

If we are to have registration, let all other nations have it. Let this registration be agreed upon by treaty; it is clearly within the meaning of the treaty-making power of the Constitution. Let all those countries who desire that our citizens should be "placarded" while abroad consent that their citizens who reside here should be also. Let "my lord," or "my lord duke," or the "earl" of this, and the "count" of that, or the "baron" of the other walk up to *their* different consulate offices here in this country and register; they are fond of doing it in all our "hotels" at our fashionable watering-places, where they dazzle the eyes of foolish old women and silly young girls. Let the Right Honorable Colonel ———, of Her Majesty's One hundredth Regiment Foot, register also; let all the pretended members of the royal navy register; and then we would have a chance to find out who was "bogus," and who the genuine among them.

We in this country have more cause to complain of foreign nations sending criminals among us than any other people. We are in our cities constantly flooded with pauper barons, bogus lords, swindling earls, confidence men, escaped convicts, ticket-of-leave men, and especially English thieves, pickpockets, and burglars, male and female. All nations have emptied such sort of people among us in great numbers, and Secretary Fish and President Grant know it; and yet the foreign powers ask us to "bell" our citizens when they go over there, and no reply is made to them to "bell" their own swindlers and vagabonds when they come over here so that our people may know where to go and find out the real character of the foreigners residing here who are not citizens. The Americans abroad, with a few exceptions, are generally gentlemen and ladies traveling for pleasure. In France and Germany a great many reside. But they reflect credit upon the country from which they come. They will compare well with any unnaturalized body of men in this country claiming allegiance to England or any other foreign government.

I think this measure is gotten up in the interest of Great Britain, Austria, Germany, and Spain, and should be defeated.

Centennial Celebration.

SPEECH OF HON. JOHN K. LUTTRELL,

OF CALIFORNIA,

IN THE HOUSE OF REPRESENTATIVES,

May 7, 1874,

In the Committee of the Whole on the state of the Union, on the bill (H. R. No. 2986) to appropriate $3,000,000 in aid of the centennial celebration and international exhibition of 1876.

Mr. LUTTRELL. Mr. Chairman, I do not rise to-day for the purpose of making an extended speech upon the merits or demerits of the proposed appropriation, but simply to present in a brief form what we of the Pacific coast propose to exhibit as the products of our agricultural, mining, and manufacturing industries, upon the one hundredth birthday of the independence of our nation.

To do this, to present to the world the spectacle of a nation yet in its infancy, which has risen step by step in its advancement in the arts and sciences, in its wonders and inventions which have revolutionized the world, and in the great and glorious results flowing from the principles of free government, will be but a trifling cost to each individual.

And what is this cost? From an estimate which I have carefully made I find that the inhabitants of these United States will pay about five or six cents *per capita* to aid in a celebration which will show the vast resources of a nation which in a hundred years has accomplished more good for mankind than all the imperial nations of the Old World.

In my congressional district the cost will be about $5,000, or a little over six cents per head. Among those people I have lived since boyhood, and *I can say for them here that if it cost ten times as much, they would pay it cheerfully, manfully, womanly, to aid in showing to the world the grandeur, the skill, the enterprise, and the glory of the greatest nation on God's earth.*

I say to you, Mr. Chairman, that rather than see this celebration fail for want of funds, rather than see the noble old State of Pennsylvania taxed to *exhibit the entire resources of a nation, rather than see our national honor disgraced,* I will willingly subscribe my congressional salary of $5,000 (the quota of my district) to aid in its successful accomplishment.

But, sir, I know my constituency. For nearly twenty-five years I have lived among them, and I know that the electric spark need but to flash across the wires that $5,000 were needed to aid this enterprise, and in less than three hours that amount would be at my command.

The wine-growers of Sonoma would alone subscribe that sum for the privilege of displaying to the world the products of the great vineyards of Sonoma County.

Bidwell, Hill, Warfield, Snyder, Hood, Whitman, Goss, De Turk, and one hundred more would come with the hundred varieties of grape, wine, and various fruits which decorate and make a paradise of the State of California.

I shall vote for this bill because it is just and equitable; because it comes from all the people alike; because it is the first tax of the kind for one hundred years, and will be the last for one hundred years to come. I want this celebration to be an assured success. I want it to show to the world what we have done in one hundred years. I want it to show what free government can do; and to show these grand results we must invite to our shores the representatives of every nation, and on the day of our grand centennial jubilee we will astonish the world with the vastness of our resources, and the progress we have made in art, science, literature, agriculture, mechanics, and in those noble institutions of learning, the free schools, which send forth men who honor the nation in our courts, our Congress, our trades, and our professions.

I want to show to these people that we have yet thousands of miles and millions of acres of land in California, Nevada, Oregon, Arizona, Dakota, Colorado, Utah, Wyoming, Montana, Washington, and Idaho, which need but the enterprise and genius of man to develop the gold and silver and other metals which lie hidden within their hills; to bring from the soil the wheat and barley and other cereals which these States are by nature fitted to produce; where every man is free; where the young men of our country and of all countries can with enterprise and determination build themselves a home and bring around them prosperity and contentment.

We of California have had no opportunity to exhibit our vast resources.

But twenty years ago we were admitted into the sisterhood of States. But when this grand celebration takes place we will show to the people of this land that within these twenty years we have produced everything that the earth produces or that the genius of man has invented or manufactured.

In my State alone, sir, we have 120,947,840 acres of land, 10 per cent of which, or about 13,000,000 acres, is fit for agricultural purposes. One acre of this land will produce on an average 600 gallons of wine, and if the pomace and offal are saved and distilled, an additional product of 10 gallons of brandy can be made. Now, sir, supposing that one-half of this 13,000,000 acres is devoted to vine-culture purposes, and we would have an annual product of 3,900,000,000 gallons of wine and 65,000,000 gallons of brandy. If the wine is put at twenty cents per gallon and the brandy at one dollar, the annual increased wealth or income to the State of California and to the country would be $845,000,000.

For twenty years past we have had but one failure of the vineyards, (in 1873,) while in France and Germany they have generally three poor vintages out of four. Besides this, the lands in Europe have to a large extent been worn out and partially exhausted, as is shown by continued reports of diseases in European vineyards.

The total annual wine crop of Germany (excluding Alsace and Lorraine) is about 50,000,000 gallons from 300,000 acres, or an average of 166 gallons to the acre, while the annual wine crop of France in a good wine year (1869) amounted to 2,000,000,000 gallons, or about 330 gallons to the acre. The land cultivated with vines is about 6,000,000 acres, and which before the war sustained 6,500,000 vine-growers, besides some 2,000,000 people as teamsters and business men, or about one-fifth of the entire population of France.

I merely mention this in order to show but one of the many resources of California. For the last ten years we have produced enough wheat to supply the whole of Europe, independent of the home demand. Our hills and valleys are covered with the blades of wheat which have made my State famous. The product for this year is estimated at $60,000,000, and we have yet millions of acres which need but the hand of the husbandman to bring forth from the soil the staple product of the world. The State of California, sir, is rich in everything that God has created.

When this grand celebration of our nation's birth is opened, we will show, sir, golden nuggets, quartz, bars, and golden eagles, fresh from the finest mint in the Old World or the New.

We will show you, sir, our silver bricks, our lead, our tin, our copper, our cinnabar, our borax, our sulphur, our rock salt, our moss agates, and our diamonds.

We will compete with the Keystone State in our coal mines and our coal oil. We will exhibit the sparkling soda from our mountains, while Italy will not take from us the beauty of our marble, nor the Eastern States the solidity of our granite.

We will exhibit wheat and corn, rye and oats, barley and maize, buckwheat and rice, and the finest grasses and clovers in the world. From the hills of the Golden State we will send, sir, horses, mules, and cattle of every breed, sheep, swine, and goats of the purest blood—the Angora goat with its downy fleece, while from the mountain fastnesses will come the elk and the antelope, and the thousand and one four-footed inhabitants of our hills and plains.

In mechanics we will vie with every State and every people, and send you productions from a toy to a locomotive. Our ship-building interests are second to none; our type founderies are noted throughout the world; while the implements for the working of our mines—such as stamp-mills, crushers, &c.—have been improved upon until they are almost perfect. Our locomotive shops, founderies, and manufactories are seen in every city and every town.

From these vast interests and manufactures we will send specimens of our work which will compete with any other State or nation. We will show to the world, sir, that in the State of California every man can live; that no man need be idle; that our schools and colleges mark the progress of our people's intelligence.

I am proud of my State, proud of its people, proud of its interests; and on such an occasion as this the pride that glows in my heart is but the semblance of that pride which will actuate every Californian in doing his utmost to exhibit the resources which nature has lavishly bestowed upon us.

Our vast water-falls and water privileges for driving machinery are unsurpassed. Woolen factories, cotton factories, and driving power of every description are needed to develop our industries. We want men of capital to invest in our enterprises, and in order to show that we have the country in which investment is both safe and profitable, this exhibition of our products and resources will afford an opportunity which the citizens of my State will hail as a boon of inestimable value. The grangers of my State desire the opportunity to show that California alone can supply the whole world with bread, and that millions of acres of land still wait the coming of honest, industrious emigrants from all climes, and that thousands of honest hearts will bid them welcome.

We will send, sir, fabrics manufactured from the cotton, wool, flax, hemp, jute, ramie, and silk produced in our valleys. We will manufacture the silk flags to decorate the buildings, and will present them to you as a humble tribute of the pioneers and citizens of California, *of the love they bear for the place where liberty was first proclaimed to every inhabitant of the world.*

We will send wine and corn, oil and honey, fruit and sweet incense; the mellon, the pomegranate, the orange, the olive and banana, the fig and the pine-apple, the lime, lemon, apple, pear, peach, cherry, plum, and the apricot. We will send you, sir, the raisin, which, for size, beauty, and delicious flavor, cannot be excelled.

We will send you grapes (the representatives of every clime) from every vineyard in the Pacific slope. We will send you coffee and tea from Los Angeles, sugar and sirup that will challenge the finest Louisiana brands; cotton that will compete with the sunny South for strength, beauty, and the prize.

We will send you the pure white juice of the grape to the soark-

ling, laughing, dancing champagne, and the soothing sweetness of the Muscatelle.

We will tell the Frenchman and the German that in the State of California alone fourteen million acres of land now lying idle are adapted to the growing of the grape, and that in but a few years more the wine-growing interests of the Pacific will exceed those of France and Germany combined.

We will send you tobacco that will cause old Virginia to look to her laurels, and cigars that will take the palm from Havana's grasp.

Nor is this all. From Bradley & Rudolfson's art gallery we will send you the finest landscape views of vine-clad valleys and snow-capped mountains, of falls and cascades, and forrests whose trees are evergreen, and the golden sunset with the lashings of the mighty Pacific upon our rock-bound shores; of our mighty cañons and caverns which the tides of nature have washed into temples and monuments of the grandeur of the mighty God.

Nor is this all. We will send you a still greater prize, a prize that monarchs have never yet tasted; we will send you the evidence of a free people—men and women of every clime dwelling together free, happy, contented, and prosperous; each one a ruler within himself; each one a republican sovereign; each one of whom would strike for the cause of liberty; each one of whom is an example of freedom's glorious beneficence, descendants, many of them, of those who in years agone proclaimed in Independence Hall that a new nation should be born, and it should be christened "Liberty;" each one of whom is willing to contribute the small sum of six cents to exhibit our products to the whole world that it may behold American skill and enterprise, and the grand and glorious evidences of a free and enlightened people.

Centennial Celebration.

SPEECH OF HON. G. BARRERE,

OF ILLINOIS,

IN THE HOUSE OF REPRESENTATIVES,

May 7, 1874,

On the bill (H. R. No. 2986) to appropriate $3,000,000 in aid of the centennial celebration and international exhibition of 1876.

Mr. BARRERE. Mr. Chairman, the importance of the proper recognition and celebration of the one hundredth anniversary of the independence of this nation has been most forcibly and eloquently presented by distinguished gentlemen who have addressed this committee in behalf of the appropriation, and none I presume will take issue with them on that proposition. It will certainly be an important epoch in the history of this country, and must and will be observed with all the devotion and patriotism that a grateful people, such as we are, can lavish on it. It will be a point in time when we, as a nation, ought to pause and review the progress and advancements we have made in the arts, sciences, industries, and inventions of the age; our growth and progress in civil and religious liberty; our increase in population, wealth, intelligence, and refinement, and the material developments of the vast resources of our country.

These together with a thousand other considerations will enter into the centennial celebration, and will make it a grand and glorious event. Philadelphia is proposed as the place where the centennial shall be held, and where it shall be celebrated in such a manner as shall show our devotion to our country. And in addition to the ordinary celebration it is proposed to have a grand and universal industrial and art exhibition in which the whole world are to be invited to participate. What place more fit and appropriate for such a celebration? The place proposed being where our Declaration of Independence was signed and sent forth to the people, by which act our forefathers declared themselves a free and independent people, and it also being so prominently associated with all the important historical events of the organization of our Government in the early struggles of the noble patriots of that time for freedom and independence, hence it is that the centennial celebration ought to be held there in preference to any other place on the continent, and when held should be equal in grandeur and magnificence to the importance of the occasion and events commemorated thereby.

Should this centennial celebration at Philadelphia attain the proportions and success that its friends hope and desire for it, it will do much good, and will be a place and an occasion where every citizen should, if possible, attend. The East, with all her wealth, arts, and inventions, will be there. The North, South, and West should meet on that occasion with our eastern friends in true adoration of our country, and all should rejoice together over the greatness and grandeur of our free, happy, and reunited country. And not only this, but there we will meet with the scientific, enterprising, and representative men of all other nations. We will there have the opportunity of exhibiting to the world not only the unparalleled growth and advancement of our country in all the departments of industry, but of the wonderful productions and resources of our country. For these every patriot is anxious that the Philadelphia centennial celebration shall be a glorious and stupendous success.

But the question for us to consider now is, who shall furnish the means to make this enterprise a success? Shall Congress make an appropriation at this time of $3,000,000, and thereby assume the responsibilty of the success thereof? If we make this appropriation, the exhibition at once becomes the charge of the nation and the Government will be held responsible for the future of it; and should this appropriation prove inadequate, more will have to be appropriated, as has been well said already. And as public funds are always lavishly used, if not squandered in such enterprises, we may reasonably suppose that this is only the first installment of many millions that the Government will be called upon to donate to this celebration. Much, therefore, as we desire to see the centennial a success, we would not burden the country with taxes for the same.

All such undertakings properly belong to individual enterprise, and when managed and carried on as individual and local projects, are more likely to be successful than when assumed by the Government, conducted and carried on as governmental undertakings. This adventure, if successful, must be made so mainly by the efforts of the locality where situated. The immediate profits and all the glory of the centennial will be reaped by the citizens of Philadelphia, and hence they should assume the responsibility of the same. But what right or authority has Congress to make appropriations for a celebration or exhibition at this or any other place? If we can for this, then we can for any other; and therefore whenever any of the other cities of this country should hereafter call on the Government for like appropriations she would be bound to respond thereto, and there would be no end to these appropriations. The public funds are raised for far different purposes, and should not and cannot lawfully be diverted therefrom. Appropriations like this are not right or just, and are most palpably a misuse and misapplication of the public funds. No warrant can be found for the same in the Constitution, or under any law by which the moneys of the Government are raised.

It occurs to me that even if we have a clear legal and constitutional right to make this appropriation, that this is not the time to lavish the public money on entertainments of this kind while the people are embarrassed and are suffering so greatly from hard times, with taxes already too high, with thousands of men out of employment in all parts of the country, and suffering for the necessaries of life, and in many instances a state of starvation. Our western and southern people are burdened with high costs of their products to market to such a degree that their produce is almost worthless to them. These two sections of the country are without money, and are almost by law barred from establishing the necessary financial and moneyed institutions in their midst that will bring them money or relief. Hence we are, from the very necessity of the case, for rigid economy and retrenchment in all the expenditures of the Government, and must oppose all unnecessary appropriation of every kind. The commerce of the South and West to-day and during the last year is and has been suffering the loss of millions upon millions of dollars, because the water-courses and communications are not sufficiently improved and protected, and because proper and necessary channels for cheap transportation are not furnished to them, as it is the duty of the Government to do. Our first duty, therefore, is to make these necessary appropriations and cut off all appropriations for shows, entertainments, and ornaments. For these and other reasons I shall oppose this and all other useless and unnecessary appropriations.

Centennial Celebration.

SPEECH OF HON. JOSEPH H. SLOSS,

OF ALABAMA,

IN THE HOUSE OF REPRESENTATIVES,

May 7, 1874,

On the bill (H. R. No. 2986) to appropriate $3,000,000 in aid of the centennial celebration and international exhibition of 1876.

Mr. SLOSS. Mr. Chairman, I have listened with great interest and respect to what has been said in this House upon the question of the centennial exposition; and I desire to add my voice to those in advocacy of liberal action on the part of Congress and the country. The public throughout the Union are catching the enthusiasm of the Pennsylvanians in the matter, and the disposition is everywhere manifest to aid them in making the exposition worthy the event it commemorates. Already the fact has gone abroad, officially announced by the head of the Government and by the public press, and Congress by previous acts is committed to its success.

The general features of the proposed exposition are to be similar to the world's fair at London, the industrial exposition at Paris, and the more recent Vienna exposition; but in its scope and comprehension it will be grander than these, than all. It will be an event to mark a hundred years of progress in the history of a country, in the chronicles of the world, without a precedent. It does not become us, sir, representing the people whose pride and glory this exhibition will commemorate, to stand here squabbling over a question of expense.

The results will be a thousand-fold in compensation. I believe I know the public sentiment when I say that the nation will meet it without a single murmur of dissent. I represent in part, sir, a people far removed from the scene of the proposed exposition, but who feel a common interest and a common pride in all that pertains to the general interest and reputation of the country at large.

This exposition, as I understand it, extends a cordial invitation and a welcome hand to the whole world to meet us here in honorable competition in all that the genius of America in the progress of a hundred years has produced. Then, sir, let it be one worthy of our people. The Old World will send us their artisans, their mechanics, their scientists, in every branch of inventive skill, and the results of their civilization of a thousand years or more. It is worth while that our people should see all this, and be brought in competition with the glories of other and older nations. It will bring to our shores the people of every system of government, who in their turn may learn a lesson from the workings and the triumphs of our own model Republic.

While America will reap the immediate results the benefit will be universal, and mankind will be the debtor.

It is no idle boast that we are a great people and a great country. Let us then seize this opportunity to make it known to the world, in the success of an international exposition representing from every State the inventive skill, the mechanic arts, the native products, the genius of the land.

In London, in Paris, in Vienna the nations have met in a world's fair, where treasures were poured out to welcome, to interest, and to instruct the people. The international exposition in 1876 at Philadelphia will do more than this. It will show, besides its wonderful mechanic arts and its prolific products, running through every latitude, a kindred spirit and a common brotherhood in a people recently torn by the bloodiest strife that history records, united under the folds of one flag and glorying together in a common heritage of freedom.

Condition of the Country.

SPEECH OF HON. DAVID A. NUNN,

OF TENNESSEE,

IN THE HOUSE OF REPRESENTATIVES,

May 7, 1874,

On the several propositions in regard to finance, education, the centennial, and on the general condition of the country.

Mr. NUNN. Mr. Chairman, the House will bear me witness that I have not consumed very much of the public time in discussing any question before Congress at this session. I have preferred rather to attend to the interests of my constituents in a quiet way, and vote on all questions in such a way as in my judgment would promote their interests and the best interests of the country.

I am glad to have this opportunity, while the House is in Committee of the Whole on the state of the Union, to speak of the great needs of the country, and the history of political parties particularly, as the action of parties has affected the country. If we have a heavy national debt upon us, a debt which is crippling our business interests and taxing our people, that debt and that taxation were bequeathed us by the democratic party. Democrats on this floor talk loudly about the burdens of taxation, and seek to show the country that the present embarrassed state of things in the United States has resulted from mismanagement of the affairs of the country by the republican party. These gentlemen seem at times to forget that almost the entire national debt is the result of the rebellion, and that the democratic party were responsible for the war.

When good men throughout the country, in 1860 and 1861, were seeking to avert the calamities of war, when old whigs in my own district and elsewhere in the country were opposing the bitter sectional views entertained and propositions made by democratic politicians looking to secession, when men of this character who loved their country and its institutions and memories were insisting that the contest over the question of slavery ought to be fought out in the Union and under the national flag, the democratic party, in the South particularly, were almost unanimous in insisting upon a dissolution of the Union.

Every democratic United States Senator from the South, save one, left his seat in the Senate and went into the rebellion. Such representative men as William L. Yancey went through the South advocating the policy of "firing the southern heart and precipitating the cotton States into a revolution."

Henry A. Wise, Isham G. Harris, and the other democratic governors in the Southern States, while the people of these States—thousands of them—were pursuing the arts of peace and opposed to war and its dread calamities, were plotting to carry the people into rebellion and war against their own Government. The people of my own State, as late as February, 1861, and after the secession ordinance was passed by South Carolina, voted by a majority of sixty thousand against the mad attempt to secede from the Union, and by a majority of over twenty thousand votes against calling a convention even to consider the question of secession.

But the democracy of the South after they found that they could no longer control this Government in the interest of a narrow, sectional policy, were determined to rule or ruin the country. Legislatures were called by democratic governors in extraordinary session; exciting and false newspaper reports and telegrams were circulated, and by these and other means the process of "firing the southern heart" was carried out too successfully by the sectional democracy. The South, under such leadership, went into the war, a war, as they said, for independence—independence of the country, the nation that they ought to have been proud of; independence of the stirring events in its history and of the grand memories which cluster about its early and later history; independence of that bond of union which Washington had said in his Farewell Address had made us a great people.

The results of this war most of us know to our sorrow. Our people did not know what war meant until it came upon us with all its horrors and all of its dread realities. The property of the people was taken, their houses invaded, the young men of the country—the very flower of the land, and the hope of the country—were carried into the confederate army, either by undue excitement or by force; thousands of them died in hospitals, prisons, and in battle, the dearest and tenderest ties were severed, and darkness and gloom settled over our once peaceful and happy land.

The democratic party, in the influence that party exerted in bringing on the war, have sins to answer for which that party in its life could not expiate, and, now that it is dying, ought to seek forgiveness for in sincere repentance and humble contrite admission of its sins.

Its record of blood can never be effaced from the history of the country or the minds of reflecting men who have suffered by its suicidal and disastrous policy, and it ought to retire as gracefully as it can from the public notice, instead of still thrusting its dishonored front in the sight of an injured and despoiled people, claiming to be the exponent of principles which should control in the management of this great Government which that party sought to destroy but was powerless to shake.

But, Mr. Chairman, the democratic party not only brought on the war, but through its leaders and public journals, after the war had commenced for the suppression of the rebellion, used every effort to weaken the Government in its struggle against the confederacy. That party, even in the North, opposed enlistments and the draft, predicted a failure of the attempt to suppress the rebellion, secretly gloried over the failure of the Union troops, and while there was an army of a half a million of Union soldiers in the field, who had left their homes and the dear ones at home to battle for the nation and the preservation of its integrity, in 1864 that party met in convention, nominated a man they had no love for, because he had been a Union general, but whom they thought was available because he had been a Union officer, and adopted a platform which looked to nothing less than the recognition of peaceable secession as an accomplished fact, and the practical success of the southern confederacy.

The people of the United States rose in their majesty and might and pronounced a verdict against the democratic party, which ought forever to have silenced that party and consigned it to perpetual disgrace and oblivion. But it was reserved to this party to complete its infamy, by seeking in 1868, after it had failed to destroy the Union, to destroy the credit of the nation, repudiate its debt, and embarrass in every possible way the adjustment of the questions which had grown out of the war. In that celebrated political contest of 1868 the democratic party nominated Mr. Seymour, who had never during the whole war uttered a single word in favor of the Union cause, on a platform that meant repudiation and nothing else. It nominated Frank Blair, who had taken strong ground in his celebrated Brodhead letter in favor of resistance to the laws of Congress on the subject of reconstruction in the Southern States, and practically made General Blair's Brodhead letter a plank in the platform of the democratic party. The glaring inconsistency of the democratic party, which all of us know brought on the war upon the idea of preserving the institution of slavery, is seen in the fact that they nominated Frank Blair, who was an original abolitionist and who followed General Sherman in his march to the sea.

But the American people, as they did in 1864, pronounced an emphatic verdict against the democratic party in 1868.

The republican party remained in power. It had adjusted most of the vexed and difficult questions which the war entailed. It had reduced taxation, and the number of tax-gatherers and officers engaged in executing the laws; it had preserved the public credit and reduced the rate of interest on the public debt; it had carried on great public improvements, including one of the grandest public works constructed in this or any other country, in this or any other age, uniting the Atlantic coast and the Mississippi Valley with the great West and the Pacific coast, and opening and stimulating trade with the rich markets of China, India, and Japan. The republican party had, by securing amendments to the Constitution of the United States and by Legislatures of the different Southern States, secured the rights of American citizens to millions of persons who under democratic rule "had no rights which a white man was bound to respect." Public order has been maintained, and a remarkable degree of pros-

perity, considering the burdensome taxation which sectional democracy had entailed upon the country, has been secured.

The democratic party has opposed every measure which looked to the development of the country, the securing of rights to our colored fellow-citizens, the maintenance of the national credit, and every measure of the republican party which was progressive and liberal. It has for years had no broad, comprehensive, national policy to present to the American people; but it has been content to oppose every measure of the republican party, and endeavored to show the people that what they called the "radical party" was, by a course of extravagance and corruption, rushing the country into irremediable ruin.

It felt that the country had lost confidence in the democratic leaders and in an organization that had brought on the rebellion; that had opposed the war for the suppression of the secession movement; that had opposed enlistments; that had sought to destroy confidence in the success of our great experiment of self-government; that had sought to bring about peaceable secession, and the reduction of this great nation to a third-class power; that had, after the war, endeavored to destroy the public credit, and opposed at every step the settlement of questions which had to be settled before there could be peace, order, or stability in our affairs, and therefore partially surrendered its organization and its name in the presidential contest of 1872. That party in that year, however, voted for Mr. Greeley, a life-long abolitionist, and B. Gratz Brown, an abolition Senator from Missouri. The party was again overwhelmingly defeated.

Its defeat in 1864, 1868, and 1872 ought to satisfy every intelligent man that the democratic party has ceased to maintain a hold upon the people as a national party; and there is in fact no reason why those who, like that noble set of men in my own State, battled valiantly for years under the banner of Henry Clay for the principles of the whig party, should not now unite with the national republican party, and secure permanently the policy which the whig party contended for in its struggles with the democracy. The whig party contended for a national bank mainly with the view of securing a uniform currency, a currency which should be good and reliable and should circulate freely and without discount throughout every portion of this widely extended country, to the exclusion of the issues of wild-cat banks, which were continually failing and entailing loss upon the people.

The republican party has given to the country such a currency.

The whig party fought valiantly for years to secure a well-protected system of internal improvements by the General Government.

The republican party, with its liberal, progressive ideas and policy, has given to the country the first great fruits of such a measure.

What have internal improvements by the national Government in the last ten years accomplished? Mr. Chairman, we cannot estimate the results in dollars and cents. The policy has opened easy and certain communication between the rich and enterprising East and the progressive West. It has accelerated the introduction of hundreds of thousands of population and millions of money now employed in adding wealth to the country and in peopling and building up the hitherto uninhabited empire in the West. Under the magic influences of this old whig policy the prophecy has been fulfilled that "the wilderness and the solitary place shall be glad for them; and the desert shall rejoice, and blossom as the rose."

The old whig policy of the distribution of the proceeds of the public lands has not been fully carried out, but the republican party has brought that great measure before Congress, and if the old whigs of the country will quit the ranks of the bogus democracy and act as they should do with the republican party, this great measure will be carried into effect, and we will have the proceeds of our magnificent and extensive public domain distributed among the States on a principle of equality, and dedicated to the great cause of the education of our children and children's children to the latest generation.

This, it seems to me, Mr. Chairman, would be particularly desirable to the people of my own State, who have been robbed by the old democratic party of the school fund invested as capital in the Bank of Tennessee.

That fund amounted to a large sum. It had been set apart by the Legislature of my State as a sacred fund to be devoted exclusively to the education of the children in the State. It was derived from the proceeds of the sale of lands belonging to the State, the amount apportioned to the State of Tennessee by the United States in the distribution of the surplus proceeds of the funds in the Treasury of the United States, in 1836, from profits made by the Bank of Tennessee and from other sources.

About the time of the victory of General Grant at Fort Donelson, the democratic Legislature and the democratic governor of Tennessee, and the officers of the Bank of Tennessee, all of whom were democrats, removed the coin and other assets of the Bank of Tennessee to Chattanooga, and afterward to the State of Georgia; squandered these assets in paying democratic officers, in loans to leading democrats engaged in the confederate service, and in aiding the southern confederacy, so that when the Bank of Tennessee was captured by the United States forces and brought back to Tennessee, the school fund and all the assets of the bank, taken by these democratic managers of the institution who had run away with the bank, was all gone except a few hundred thousand dollars. Our school fund is gone, and we must look to the republican party to provide for the great cause of popular education in Tennessee and other States by a distribution of the proceeds of the public lands.

Mr. Chairman, the people of the State of Tennessee and the other Southern States have passed through a terrible ordeal during the last few years. The loss of property has amounted to millions of dollars. The loss of our school fund was a serious blow to us in Tennessee. The squandering of this fund by the democracy can never be atoned for. Our labor system has been deranged. The political situation, the unsettled condition of things, for a long time produced a feeling of uncertainty—an instability, and even disorder, which materially retarded our progress and prosperity. The heavy national debt which democratic and secession leaders entailed upon us has imposed heavy taxes on an impoverished people. In addition to this, the democratic leaders and secession officials carried off into the southern confederacy millions of dollars' worth of machinery and rolling-stock belonging to the railroads in Tennessee which the people had built.

At the close of the war the Union party, finding the roads torn up, their bridges burned, and the engines and cars run off to Dixie, were forced either to issue State bonds and increase the State debt and reconstruct these roads, or else let the people and the vast commercial interests in Tennessee be deprived of the benefits of these roads which had cost the people so many millions of dollars besides losing the heavy amount thus invested by the people.

The Union party did not long hesitate as to this matter. That party, although violently opposed by the few democrats who had slipped back into Tennessee at that time, went forward promptly and reconstructed these roads, and in order to put them into successful operation had to largely increase the State bonded debt. The people are taxed heavily to pay the interest on the State debt.

All these heavy burdens on the people have weighed them down. The present democratic administration of the State government in Tennessee has not contributed to relieve them. Taxes are heavy. No measures of economy have been introduced and carried out by that party. The public debt has been increased by the funding measure. There is no reduction of the army of State officers or of their salaries. A slip-shod and senseless system of assessments is kept up which does not bring out all the property of the people of the State for taxation with anything like equality, and besides is annoying and inquisitorial in the highest degree.

But, Mr. Chairman, notwithstanding all these evils, notwithstanding these losses, notwithstanding heavy taxation and the scarcity of money, our people with their industry, their thrift, and immense recuperative energies will yet succeed, aided by something like a generous fostering care by the national Government, and, in a short time, in attaining to a prosperous condition. Let Congress pass the bill, introduced by the distinguished gentleman from Massachusetts, [Mr. G. F. HOAR,] providing for the distribution of the proceeds of the public lands among the States for educational purposes; let a liberal and equal system of free banking, based on a deposit of Government bonds, be provided for, so that the national banks shall be no longer favored with privileges they now enjoy at the expense of the people, and so that the amount of currency in the country will be increased; let the Government do us full justice in appropriations to public buildings, to the improvement of our rivers, and the opening of lines of water communication, so that the products of the country will not be so heavily taxed on their way to market by railroad rings and railroad kings and by combinations of monopolists; let the laws be faithfully executed, so that every citizen is protected in his life, liberty, and property—protected in the enjoyment of his home, whether it be a palace or a log-cabin, and our people, under the inspiriting influence of our free institutions and of the principles and policy of the national republican party, whose watch-word is "Liberty, order, and progress," will, by the grace of God and the American Constitution, achieve a prosperity which will astonish even themselves.

And now, Mr. Chairman, one word more and I have done. It would afford me great pleasure to vote for the three millions asked for for centennial purposes could I do so and act justly toward my section of the country. There is no one on the floor of this House who feels prouder of his own America than I do; none who has watched from boyhood up with greater interest and delight the developments of our highly favored land. With every kind of climate and soil, rich also in minerals, we are indeed a world within ourselves, and have no occasion to be dependent on any nation or clime to supply our wants. Yet, Mr. Chairman, at the present moment, with the wails of thousands of drowning and starving people of my section of the country ringing in my ears, I should be recreant to my sacred duty to vote for the appropriation of so vast a sum as three millions—to help what? A big show. Charity begins at home, and so ought justice. Let us, then, go to work and appropriate what is wanted for the immediate relief of the southern people. Let us at once take action on and pass the appropriation asked for by the southern claims commissioners. Let us take up and act at once on those private bills that have been approved in the committees and are now on the Calendar; and let us not forget the claims before us for pensions and bounties promised, but not yet paid. Let not there come up a voice of accusation from the graves of our buried heroes complaining that we neglect the widow and the orphan by the non-action of Congress in affording the necessary relief. I want to see the Fourth of July, 1876, a great and glorious day in the history of my country, but it will add greater luster to our country's shield if we first deal justly.

Centennial Celebration.

SPEECH OF HON. JOSIAH T. WALLS,

OF FLORIDA,

IN THE HOUSE OF REPRESENTATIVES,

May 7, 1874,

On the bill (H. R. No. 2986) to appropriate $3,000,000 in aid of the centennial celebration and international exhibition of 1876.

Mr. WALLS. Mr. Speaker, from what I have seen of the wide discussion of the proposed centennial exposition in the public press, and from the course of the debates upon the subject in these Halls, it seems to me that a misapprehension of the origin and character of the enterprise has from the beginning taken largely from the dignity of the discussion, and has largely and without necessity added acrimony and bitterness to the evident feeling attending it.

The exposition has in the press, even of this capital, been sneeringly alluded to as "The Philadelphia job," as though it were an evident attempt on the part of the people of Pennsylvania, and especially of the city of Philadelphia, in an improper and unwarrantable manner, from motives of selfish greed, to foist upon an indifferent and an unwilling people a scheme foreign to their interests and in opposition to their wishes, and all for the petty gains and notoriety that by the adoption of the proposed plan would inure to the local benefit of a particular section.

It is only upon the supposition of the existence of some such opinion that I can account for an acerbity of feeling and a harshness of language in the newspaper discussion of the centennial which to me seemed utterly uncalled for and unworthy of the theme.

From my recollection of the congressional action heretofore had, and in which I participated, the place of holding a proper national celebration of the one hundredth birthday of this Government and of this people, as a separate and independent nationality, was, previous to the fixing of a definite location for its celebration, in no sense of the word considered as *a job* attempted to be put up by anybody. From and indeed previous to any action whatever being had on the part of Congress, the whole subject had been widely agitated in all parts of the country; and congressional action was proposed and was had, not in advance of the popular wish and sentiment, but in response to a general popular demand, and in conformity with the popular wish of the whole people, as evinced in the numerous petitions presented to us.

Indeed, I can but feel that the mere selection and designation of the city of Philadelphia as the place in which the exposition should be held did more than aught else, or indeed all other considerations, to excite jealousy and create animosity before unexpressed and unfelt, but which would, in like manner and for the same causes in due time, have existed against any other locality which might have been named.

But aside from all these minor and incidental considerations, the aid of Congress having already been granted to some extent to the centennial by such legislation as was asked; and more, its former assistance having been solicited in a proper manner by a very numerous and respectable portion of the people at large as well as by the centennial representatives selected and commissioned by the Government from every State and Territory of the Union, and certainly very plausible reasons having been offered for the grant of further national assistance, we have a plain duty before us.

And accordingly it seems to me that, under all the circumstances of the case and in view of the large share of public attention already excited toward the centennial, and partly in consequence of the very decided encouragement drawn to it from the congressional action already had, the very least that we can with propriety do is to give the whole matter full consideration, in justice to ourselves as well as to a matter appealing so directly to the patriotic sentiments of our whole people, and by a full and fair discussion endeavor to ascertain the actual merits of the place proposed, the probable success of the undertaking, the benefits that may be expected to result from it both to ourselves and to the world, the propriety upon general principles of a grant of national aid, and whether or not the extension of such national aid is by our previous action already pledged.

First, then, what are the real merits of the proposed international exposition?

In reference to this point, the mere recital of the preface to the act of Congress to which the centennial owes its corporate existence would seem to summarize the whole matter in its authoritative announcement of "Whereas it behooves the people of the United States to celebrate by appropriate ceremonies the centennial anniversary of this memorable and decisive event, which constituted the 4th day of July, A. D. 1775, the birthday of the nation," &c.

From the very first, then, a dominant and not discreditable feature of the centennial seems to have been that it contemplated a public, emphatic, and comprehensive expression by a whole people, who for a hundred years had enjoyed a more than usual share of the ordinary blessings of human life under the genial but powerful influences of an essentially popular government based upon the organic and paramount doctrines of the Declaration ascribing to every man born of woman an entire and absolute equality of political rights, of their gratitude for the blessings attending their lot, and their profound appreciation of the adequacy of a free government to the protection of the social, political, and personal rights of all within its scope.

Such recognition of advantages received from the practical operation of existing systems of government have characterized the people of all the various known governments that have existed from time immemorial, so much so as to have become a custom well-nigh universal.

Recognized thus as proper and becoming under monarchical and even despotic governments, will any say that it is any less proper and becoming to the happy people who exult in the possession of the only literally free government upon the face of the broad earth?

Indeed, there would seem to be a peculiar propriety in such a national exhibition to the nations of the world of our own satisfaction with the capacities and excellencies of our own system of government, thus approved, tested, and favored, to be both sufficient and satisfactory, by the dangers and reverses as well as the sometimes more dangerous successes of a century of practical trial.

It may all be very true that no absolutely new truth and no thereto unheard-of discovery in political science was announced in the Declaration as a novel and startling base upon which to found a governmental structure that should challenge the admiration of the nation. Such admitted fact in no whit derogates from the value or force of that noble document. Right there, in the very fact that in the Declaration was nothing intrinsically *new*, but that it simply gathered up and arranged in systematic order and for a practical purpose in the promotion of human happiness and progress those simple, forcible, and undoubted political truths which had long been acknowledged as true in the abstract, but never practically embodied in any actual and existing form of government, consists the real power of the Declaration.

It was this very novelty of making practical application of what had previously been considered only abstract propositions for the discussion of philosophers, and to serve as themes for sentimental preachers and visionary theorists, to the protection of every-day rights and privileges, and their incorporation into an actual system of government for living men, which aroused the sceptical curiosity, and awakened the incredulous but zealous attention of the political world.

Thus proclaiming nothing actually new to philosophers and theorists the announced determination to base upon the truths of the Declaration an actual government of living men, and to place it in competition with existing governments of a variously but totally different character, startled and at first alarmed, the nations.

Organically strange, and, in its application, of necessity essentially aggressive and practically threatening, the newly-organized Government met with but chary courtesy from other nations, and early excited an alarm and a proclivity to opposition which to this day has not entirely disappeared.

While other nations thus so gladly welcome and celebrate those memorial days which remind them of the glorious deeds of their own noble and beloved ancestry, and delight to sound their praise, shall we, a happy and prosperous nation of forty millions, exulting in the possession of a Government by the people, for the people, of the people, entirely adequate to all our wants, and, however otherwise differing, united in common satisfaction without political heritage, decline upon an appropriate occasion to manifest our gratitude to our fathers and our pride in the perfectness of their work?

What measure of success may be expected to attend an enterprise begun in the spirit and with the purposes alluded to, is a question with which in fact we have little to do, for the purposes of this discussion, as to the propriety of lending our aid; and yet it is a question the discussion of which will be to help to influence the action of many in reference to it.

No little weight, however, should attach to the evident truth, that our action upon the matter, whether favorable or the reverse, will be apt to exert a very strong, if not a conclusive influence upon the success or failure of the proposed undertaking.

The commission, as an organized body, owes its existence as such to the action of Congress which gave the first effective impetus to its life, and in its every stage, so far, has been led on and encouraged by governmental co-operation and congressional legislation.

The entire nationality of its character as indispensable to its probable success, even as a merely national exposition, was fully recognized by the commission at their first convention, while they were soon convinced that to attempt an international exhibition without the open and emphatic countenance and assistance of the national Government was, from the impossibility otherwise of any formal communication with foreign governments, wholly absurd.

Such countenance, which indeed was foreshadowed in the direction of the organic law that the exposition should be held "under the auspices" of the United States Government, was sought in the petition for the incorporation of "the centennial board of finance," and was granted in the enactment of its charter.

Thus led on, step by step in its gradual progress, and encouraged by the successive acts of participation by different branches of the national Government, it is scarcely too much to say that the ultimate success of the exposition, as of a full and complete national character, depends upon the determination which we shall reach as to the extension of further national aid.

And, as it seems to me, that consideration alone, that the success

of an enterprise which originated as an organized undertaking in congressional action, and has been in the same manner steadily encouraged hitherto, will depend very largely upon our future action, and will be marred by our refusal of any further aid, should carry with us great weight.

With such aid as we are now solicited to grant, and which, in view of the many beneficial effects that may reasonably be expected to result from a successful exposition, is really of little account and nearly insignificant, the favorable progress and successful termination of the exposition may safely be predicted.

The general interests of the nation as a whole, as well as the particular interests of each State and section, will be so surely and so largely promoted by the intimate intermingling of citizens from every corner and section of the vast extent of our own country, with an opportunity for a prolonged association with the citizens of far-away regions whose very existence has with thousands of our own people secured, from remoteness alone almost mythical, will create an exciting interest in the exposition which from the time of general assurance of its vigorous prosecution will increase day by day up to the close of the exposition.

Located, as it is, in the midst of one of the most prosperous and densely populated regions of our country; in a city itself containing nearly one million people, and in the near vicinity of a half dozen others with an aggregate population of two millions more, the probable attendance upon the exposition from a circle about its location of a radius of two hundred and fifty miles, or within a single day's travel by rail, may safely be estimated at from two to three millions of our own people.

The immensity of the mineral resources of this favored country, of which the simple and truthful report has amazed the world—our incalculable wealth of coal, iron, copper, silver, and gold, of which a thorough and exhaustive exposition will be given, will alone attract the attendance of many thousands from abroad.

The admitted perfection in the cultivation of various of the mechanic arts, the demonstrated excellence of mechanical skill, attained by our American workmen, as exhibited in the European expositions, with the immense extent and wide distribution of our manufacturing establishments, will be of special interest to many other thousands.

The wide-spread and familiar use of steam and other machinery in the prosecution of all varieties of agricultural as well as merely mechanical work will constitute a feature of the exposition that will add largely to its attractiveness in the eyes of thoughtful men from all sections.

A full exhibition of the immense variety of the natural productions of the United States, stretching as it does from the tepid waters of the Gulf to the northern home of the glaciers, and reaching from the orange and grape of California, the banana, the cocoa-nut, and the pine-apple of Florida, to the dwarfed and stunted vegetation of the Polar circle, will present at one glance so striking and palpable a view of the immense extent of our country with vast range of vegetable production, stretching not in distant colonies, but in what will ultimately and organically, and at no distant period, form a solid continuation of coterminous States, as to sustain universal and irresistible attention.

Indeed, viewed in any probable light, a large attendance and participation from abroad may reasonably be expected to gather at the centennial, if only that aid which is subsequently necessary now in the time of its utmost need be extended, and that its inauguration and an auspicious beginning secured, for after that it can take care of itself.

From some, among the many nations of the eastern world, our country has never met with any but the most cordial and kindly support, and their good offices in our behalf have more than once been tendered; for however different in character and tendency may be their own governments, they have been wise enough to recognize the strength that may naturally be made to grow out of organic differences. From all those nations warm sympathy and a large attendance may be counted on with certainty.

And, in the case of nations to whom our own steady and progressive expansion and prosperity have been a matter of disappointment and regret, the very jealousies and even animosities that peradventure may exist, will all work together to enhance the curiosity that will induce many to see with their own eyes the actual sources of weakness of the "Republic of the North," upon which in contemplation they have fed, perhaps, their grudges.

On all these accounts, then, and in view of all these inducements and moving causes, I count with confidence upon an attendance upon the exposition that of itself will command its final success.

I come next to the inquiry as to what, if any, results of any substantial value may be anticipated from the centennial exposition, if a fair degree of success attend it.

That benefits of the kind commonly considered as alone being substantial, that is to say, of the kind that bear immediate and tangible fruit that within some short time makes itself perceptible to the senses, will of necessity be received from such an exposition as is contemplated, I can have no doubt.

No more direct, nor any more effective agency in the promotion of national strength and growth, so far as is shown in the experience of this country as plainly written in its history, can be mentioned than that of immigration

The incredible extent of the current of humanity that, for the lsat half century, has been constantly drifting toward and flooding this continent is even now, after all the attention that has been given to it, very little appreciated even by many of our most intelligent men.

I care not now to go into many of the ascertained facts in regard to that matter in detail, but in this connection will call attention to only one or two.

Mr. Young, Chief of the Statistical Bureau, in his report for 1870, says, that on averaging the increase to the population of the United States, caused by immigration, it is found that "during the entire period from 1820 to 1870 the increase of each year over the one immediately preceding, if uniform, would average alone 13 per cent.;" and in 1870 he estimates that "the total number of aliens who have been permanently added to our population by direct immigration since the formation of the Government will reach 7,803,863."

What may be the actual and reasonable valuation of such an increase of population is a nice question, and one which I have no desire to pretend to determine, but in regard to it I prefer once more to quote from Mr. Young, who on page 10 of his preliminary chapter of his report gives, after a fair calculation and comparison of the varying estimates of experts upon that peculiar branch of statistical knowledge, the following calm and cool but startling estimate of the money value of the annual and aggregate accretion by immigration to the population of this country within the preceding year and the preceding half-century:

> From the foregoing considerations, therefore, the sum of $800 seems to be the full average capital value of each immigrant. At this rate those who landed upon our shores during the year just closed added upward of $285,000,000 to our national wealth, while during the last half-century the increment from that source exceeds $6,243,880,800.

And after this reasonable but astonishing conclusion he proceeds:

> It is impossible to make an intelligent estimate of the value to the country of those foreign-born citizens who brought their educated minds, their cultivated tastes, their skill in the arts, and their inventive genius.
>
> In almost every walk of life their influence has been felt. Alike in the fearful ordeal of war and in the pursuits of peace, in our legislative halls and in the various learned professions, the adopted sons of America have attained eminence.
>
> Among the many who rendered timely aid to our country during the late war, it may seem invidious to mention a single name except for the purpose of illustration. In the year 1839 there arrived at the port of New York in the steamship British Queen, which sailed from the port of London, a Swedish emigrant, better known as Captain John Ericsson. What was his value to the country as estimated on the 9th day of March, 1862? Was it $800, $800,000 or $8,000,000?

And to the above admirable and forcible illustration by Mr. Young of the incalculable value to this country of immigration I desire to close this part of the discussion, by asking some bold man among my colleagues upon this floor to give here and now a cash valuation of the value of the life and services in one direction of such a man as CARL SCHURZ; and in another of such a one as Louis Agassiz; and in still another of such a man as Smithson, Girard, or Stewart.

Tending, then, as it inevitably will, by showing the manifold chances for social, political, and material advancement that in this happy country were offered as free gifts to every son of man who chooses to apply in person for them and to demonstrate his sincerity by assuming the obligations of American citizenship, to add a powerful and continuing stimulus to a never-ending tide of valuable immigration—for those reasons alone, were there absolutely none others offered, I am in favor of substantial and direct aid to an enterprise so palpably capable of such valuable results.

I will leave to others such comments as the certain improvement in mechanical and artistic skill, which may reasonably be expected to grow out of such a favorable opportunity for the examination and comparison of the master achievements of the trained and skilled workmanship of the world; for I know that this will be with many a favorite and fruitful subject of full discussion.

But I will take the occasion to call attention to a less direct, but to my mind a no less important, effect that may be expected to result from a well-understood national and international exposition. I allude to the tendency of such a gathering as will then occur to revive, invigorate, and stir to vigorous life that feeling of national patriotism in our land which recent occurrences have somewhat weakened.

I am well aware of the common inclination to consider patriotism as a sort of myth and a popular delusion, and to look upon any allusion to it as at least bordering upon the ridiculous.

Long ago patriotism was said by an eminent English novelist to be "The love of office," and politics "The art of getting it;" and I am not ignorant of the common supposition that, in southern politics particularly, the actual truth of old Fielding's allegation is being continually illustrated; but coming from the South, as I do, I desire to say that the patriotic tendency of the centennial is not the least attractive or least important feature of it in the estimation of southern men, "without respect to previous condition."

In the face of the common drift of the modern general mind toward ridicule of anything in the way of sentiment in the discussion of important questions, I am fully conscious that I am by no means alone in ascribing to a patriotic attachment to one's own country, its people, and its government, a powerful influence in adding to its strength and in increasing the stability of its institutions.

This is proved to be true of all the nations of which history has preserved the records, and equally true of all, no matter what may have been the nature of their governments.

This is true even of governments of a monarchical character, as is

proved in the history of yesterday as well as of a thousand years ago; as is witnessed to-day in the devotion of his adherents to Don Carlos, in the warm affection of Frenchmen of prominence to the prince imperial, and in the undying devotion of the enthusiastic Irishman to the green banner of the Ireland of old.

Instances innumerable in point could easily be adduced, extending through the whole reach of recorded and traditional history, from the noble Roman who knowingly gives himself to torture and death for his country's sake to the equally noble American who in the very last extremity "only regretted that he had but one life to lose in the cause of liberty," and within our own personal knowledge has been convincingly exemplified in the unnoted deaths of thousands in our last great struggle, who died and gave no sign of the paramount strength of patriotic and unselfish sentiments and opinions, and sealed the evidence of their power and their sincerity as well in the oozing ebb of their life's blood.

The power of a mere sentiment, whether shown in the unchanging faith of the martyr or the constant and undying attachment of the patriot, has, in the shaping of the destinies of this world and the dignity lent to its history, worked greater miracles than any other than divine power.

And I insist upon it that now, as it ever has been, whatever agency adds to the force or enhances the vitality of the considerate patriotism of a thoughtful and intelligent citizenship ministers directly to the permanent sources of the health and strength of the nation to which it belongs.

Does any man suppose that the fathers of '76, with the halter dangling before their eyes, affixed their signatures to the Declaration from deliberate conviction that pecuniary gain to them would therefrom result? Was greed the animus of that ever-memorable political announcement of "Millions for defense, but not one cent for tribute?"

In tracing their course over the frozen ground of Valley Forge, did those who followed Washington, or lurking in the gloomy swamps of the Carolinas, did those who were "out" with Marion believe that patriotism was "the love of office?"

So I believe that when from every corner of this broad land, from every State and Territory, thousands and millions of the free citizens of a free government shall assemble in the very cradle and place of the birth of all that politically they hold dear, and exchange with each other the mutual grasp and the meaning glances of a common citizenship, there will be aroused in the bosoms of all a higher and purer sense of the honest and sincere attachment cherished by all in common for those free institutions whose origin and beneficent sway they are now to celebrate than they have ever before been permitted to feel, and which will strengthen all the bonds which can unite freemen to their native land, and kindle a blaze of patriotic feeling in whose dazzling light all questions of minor differences and all hurtful recollections of past disagreements will be blotted out.

Recognizing fully the obligations of a large majority of those to whose suffrages I owe my official presence in this Hall to the tardy but in the end the full and complete vindication of the sublime and sublimely simple announcements of the Declaration, I am willing that others should find amusement in contemplating the centennial as "an overgrown and spread-eagle Fourth of July;" while for myself and at least four millions of the new freemen of this land of liberty, I will hope that, in the mercy of God, my own life may be spared till, among the crowding thousands of exulting freemen, I may on the 4th of July, 1876, stand in the very shadow of Independence Hall, and with glowing heart read the undying words of Webster: "When my eyes shall be turned to behold, for the last time, the sun in heaven, may I not see him shining on the broken and dishonored fragments of a once glorious Union; on States dissevered, discordant, belligerent; our land rent with civil feuds, or drenched, it may be, in fraternal blood! Let their last feeble and lingering glance rather behold the gorgeous ensign of the Republic now known and honored throughout the earth, still full high advanced, its arms and trophies streaming in their original luster, not a stripe erased or polluted, not a single star obscured, bearing for its motto no such miserable interrogatory as 'What is all this worth?' nor those other words of delusion and folly, 'Liberty first and Union afterwards,' but everywhere spread all over it in characters of living light, blazing on all its ample folds, as they float over the sea and over the land, and in every wind under the whole heavens, that other sentiment, dear to every true American heart—Liberty and Union, now and forever, one and inseparable!"

Entertaining such sentiments and cherishing the hope that the day of the termination of one hundred years from the birth of our Government may by common consent and by universal adoption be fixed upon as the day of the definite and emphatic termination of all feelings of harshness and bitterness arising from our recent contentions, I shall not apologize for them, however unfashionable they may be held to be, but still continue to hold them, hoping for them a wider adoption and a more commanding prevalence.

In the presence of so many who are infinitely better versed in all matters of the legal and constitutional authority of Congress to make a grant of pecuniary aid, I do not propose to occupy much time with that part of the discussion.

If the centennial is right and proper in itself, as I think it is; if it will promote the general harmony, increase the fervor of the common patriotism, and so strengthen the sources of national strength; if it will unite more closely together the now somewhat discordant and jarring interests of the North and the South; if it will tend to discourage and extinguish all feelings of sectionalism; if it will stimulate that immigration, to which more than to all others except organic agencies we owe our wonderful national growth; if it will promote and advance our progress in the industrial arts, then I have faith to believe that no specifically permissive power is constitutionally necessary.

In a common-sense way I look about for analogies, and I find them spread around me on every hand. I find national banks established, a circulating medium of paper money created, Pacific railroads built, the improvement of internal harbors and rivers effected, vast sections of foreign territory purchased and incorporated with our own, a board of immigration established, provision at large expense for a periodical census, a national observatory established and supported, and all, so far as I can discover, without any specific permission given in the Constitution, and I am satisfied that the good results expected and attained thereby give, in my opinion, sufficient warrant; and I am content to consent to an appropriation for the centennial on the same ground on which the picture of the Father of his Country was placed upon the walls of the Capitol in the city that took his name. And however others may feel at liberty to regard the previous action of Congress, and of the Executive in obedience to such action, as having been taken under a sort of duress of inconsideration, and as to be construed in a sort of Pickwickian sense, I cannot so regard it.

The commission was inaugurated by and took its organic life from the action of Congress in accordance with the wishes, expressed by direct petition and through the press, of a large portion of the citizens. The commissioners were under and by virtue of congressional action selected by the executive of every State and Territory and were commissioned by the Executive of the nation. The centennial is to be held "under the auspices of the national Government." Its officers are to report regularly to the national Government, and finally, when "all is made ready" for the festival, the Executive of the nation is to proclaim the fact to the nations, and to communicate the regulations that may be adopted for its control to the representatives of such nations.

The construction which to me seems the only proper one of all these doings and sayings is, that in the ordinary significance of the words used they mean that the various nations of the earth are formally and officially informed of all these things. They were invited by our representatives to be present and participate in this national and international festival, and in an exhibition of natural resources, the products of the shop and the mine, and the evidences of the advancement made in social, educational, scientific, and mechanical progress within the Republic of the western continent. And finally, I am constrained to a hearty support of the centennial from a conviction that, whether the effect of the exhibition be great or small, and whether it be entirely beneficial or not upon the Northern and Eastern States, its results upon the Western, and particularly the Southern States, will be prolific in great and unmingled good.

With a climate of unexampled mildness, and yet, with the exception of extreme cold, existing in its various sections almost every conceivable grade of temperature between the mild temperate and the tropical; with every known description of soil, the various kinds being intermingled in all desirable ways, and, in large proportion, of a character for fertility equaling the best; with a range of vegetable production, extending from the lime, the cocoa, and the coffee of the fervent climate of the tropic, to the green, the forage, and the fruit of the temperate zone, the South, as a distinct division of our common country, is worthy of vastly more attention relatively than she has yet received.

In no part of the world that has for an equal length of time been occupied by civilized men can be found so great a wealth of mineral resources that is so little known and has received so slight a comparative development.

For more than a half century the South as a whole has been given so exclusively to agricultural pursuits, and those of the ruder kinds alone, which were involved in the raising by unskilled labor the usual crops of corn, cane, and cotton, as now in the time of an entire revolution of her whole system of labor to find herself utterly destitute of those higher agricultural and mechanical employments which have proved so lucrative in the North and West.

Again, by the abolition of slavery, in which mainly by her own fault, but also partially through the consenting toleration of the North and West, the South was instantaneously deprived of an incalculable amount of capital actually invested, which has operated as a similar destruction of what stood for property and represented capital would have operated elsewhere in the world, and has reduced the whole section to comparative, and it may be said actual, poverty.

With all her great variety of valuable productions and all her great wealth of mineral resources; with her abundance of cheap fuel for the operation of steam machinery and plenary water-power abundant through her whole extent, the South may be said to furnish a vast, rich field for profitable development of manufacturing industry, but as yet almost entirely unoccupied.

These patent sources of untold wealth remain dormant, because first their existence is only known to a small proportion of the world, who never dream of the advantages there offered; and second, because of a widely prevalent notion that the introduction of capital would not be safe and immigration would not there be welcome.

Knowing personally that in my own sunny State as fair and promising fields for agricultural labor, mechanical skill, and manufacturing capital are offered with as much of safety, as hearty a welcome, and as good a prospect of success as can be found anywhere in the North or West, or indeed in the world, and having reason to believe that in these respects, what is true of Florida is true of the South as a whole, I am anxious that she should be better known to our own people and to the nations of the world.

Seeing, then, in the proposed centennial exposition an opportunity, not likely soon to recur, to exhibit to the widest observation the manifold capacities and resources of the Southern States, and to make fully known to the sensible appreciation of the largest number of discriminating observers the thousand rare and valuable inducements to immigration, I have in addition to that general interest, so proper for all, an interest which is, as I trust, of a pardonably sectional character, that my own State and her sisters of the South may have a chance to be more fully and more particularly known; for then I know they will be more highly considered.

And now, almost reluctantly, I leave the subject with a closing remark. I desire to say, as of my own personal knowledge, that in my own State very much of the not inexplicable bitterness and hostility of feeling between the different classes of citizens which followed after the war, and not, as it strikes me, unnaturally so, has now for several years been gradually and rapidly disappearing, until now it would not be easy for a northern or western man to discover the fact of his being in a former slave State from any peculiarity of the treatment that he, as a stranger, would there receive—as rapid and as extensive progress toward a homogenity of feeling and a unity of interest as could possibly have been anticipated by the most sanguine anti-slavery man of ten years ago.

From this, as a natural result, it has followed that very much more of a feeling of acceptation of the startling results of the late war is actually felt than is by any one publicly acknowledged.

The sanctity of the Union is tacitly conceded; the majesty of the inherent power of a free government is felt and known, so much so that if in the future any strong tendency to increasing the power of the Government by concentration should ever be manifested it will, in my opinion, first develop itself in the Southern States.

While something of remaining bitterness still rankles in the breasts of a small portion of the "irreconcilable," it does not indicate the general feeling. With the many, and the best of the whole, the old Government and Constitution of the fathers has received an increased sanction from its baptism of blood. The streaming folds of the "flag of the free" has received an increase of force and an added significance. Many, very many of those who once fought against that flag under the delusions of sectionalism are now more fully aware of the extent and folly of their wide political departure than any care in words to admit. But let once more the starry flag be unfurled in a national cause, whatever it be, to convince the world that the whole American continent is to be reserved for the gradual occupation of popular governments, attaining to the stature of strength and national manhood by steady and normal growth and development; or whether it be displayed above a national centennial exposition, as unfurled to celebrate a common and patriotic exultation at the triumphant demonstration by a hundred years of trial and practical use of the wisdom and forecast of our fathers as to the adequacy of popular government for the political necessities of the races, and the spontaneous joy of a free people at their unbroken Union and the restored unity of that nationality, and none will hail the glorious old banner with more joy than the men of the South.

The Centennial Celebration and International Exhibition of 1876—Their Advantages, Duties, and Honors.

SPEECH OF HON. J. R. HAWLEY,

OF CONNECTICUT,

IN THE HOUSE OF REPRESENTATIVES,

May 7, 1874.

The House being in Committee of the Whole, and having under consideration the bill (H. R. No. 2986) to appropriate $3,000,000 in aid of the centennial celebration and international exhibition of 1876—

Mr. HAWLEY, of Connecticut, in closing the debate, said:

Mr. SPEAKER: I have no speech to make, as the expression is popularly understood. But I think I never in my life was so anxious and ready to talk as I am now. I never was so desirous to be heard; and that not for my sake at all, for no man could possibly so feel his insignificance, in the presence of what he considers a great national question, as I do at this moment. Circumstances above and beyond my control, and not of my making, have put me where I am. It is a habit of my life to follow my flag and do my duty; I wish I could do it better. But when I have done as well as I can, I shall in my conscience be acquitted, whatever becomes of the cause that may unfortunately have been committed to me.

THE CREATION OF THE COMMISSION.

I find myself a member of a national commission, created by an act of Congress, an act duly approved by the President and published in your laws. The governor of my Commonwealth sent for me and asked me if I would accept a place upon this commission. I had not even read the act. I did not know of its passage. I considered the matter for a short time and consented to serve. I received my commission from the President of the United States and began to study my duties. There are ninety-three citizens of the United States in precisely my condition. And here is the act we are told to execute. I do not know what was said in the debate that preceded its passage. I have never read one word of that debate. I never took the trouble to take the Globe containing it from my shelf or to go to the Library to read it. So far as my duty is concerned, I do not care about it. Here are my orders, your orders, the orders of my country:

An act to provide for celebrating the one hundredth anniversary of American independence, by holding an international exhibition of arts, manufactures, and products of the soil and mine, in the city of Philadelphia, and State of Pennsylvania, in the year 1876.

The preamble recites:

Whereas the Declaration of Independence of the United States of America was prepared, signed, and promulgated in the year 1776, in the city of Philadelphia; and whereas it behooves the people of the United States to celebrate, by appropriate ceremonies, the centennial anniversary of this memorable and decisive event, which constituted the 4th day of July, A. D. 1776, the birthday of the nation; and whereas it is deemed fitting that the completion of the first century of our national existence shall be commemorated by an exhibition of the natural resources of the country and their development, and of its progress in those arts which benefit mankind, in comparison with those of older nations; and whereas no place is so appropriate for such an exhibition as the city in which occurred the event it is designed to commemorate; and whereas as the exhibition should be a national celebration—

Not a Pennsylvania and Philadelphia celebration, but "a national celebration," as well as an international exhibition—

in which the people of the whole country should participate, it should have the sanction of the Congress of the United States: Therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That an exhibition—

Of what? That a "celebration" merely shall be held on the 3d, 4th, and 5th of July of that week? Not that alone, but that—

an exhibition of American *and foreign* arts, products, and manufactures shall be held—

Not by us ninety-four private citizens, not by Daniel J. Morrell, or any other citizen of Pennsylvania alone; not by the corporation of the city of Philadelphia, but—

under the auspices of the Government of the United States, in the city of Philadelphia, in the year 1876.

SEC. 2. That a commission, to consist of not more than one delegate from each State and from each Territory of the United States, whose functions shall continue until the close of the exhibition, shall be constituted, whose duty it shall be to prepare and superintend the execution of a plan for holding the exhibition—

The "international" exhibition described in the preamble—

and, after conference with the authorities of the city of Philadelphia, to fix upon a suitable site within the corporate limits of the said city, where the exhibition shall be held.

These commissioners, with an alternate from each State, are to be nominated by the governors of the States and Territories, and appointed and commissioned by the President. We were told that the commission must—

Report to Congress, at the first session after appointment, a suitable date for opening and for closing the exhibition; a schedule of appropriate ceremonies for opening or dedicating the same; a plan or plans of the building; a complete plan for the reception and classification of articles intended for exhibition; the requisite custom-house regulations for the introduction into this country of articles from foreign countries intended for exhibition; and such other matters as in their judgment may be important.

And by subsequent legislation we were commanded to report from time to time, and to make our regular reports to the President, and "in a final report present a full exhibit of the result of the centennial celebration and exhibition of 1876." You authorized us, you created us, you ordered us to be commissioned by the President. You commanded us to report. You commanded us to devise plans for holding not a national celebration alone, but an international exhibition. We have obeyed you. We have made our plans. We have our plans for the reception and classification of articles. We have our plans for the admission of goods. We have our plans for building. We have our ground selected. We have everything ready but one thing. And we have reported to you from time to time. And now we come again to report, as you have commanded us to report.

I do not come here, sir, to pretend that we have ever obtained any snap judgment upon the Government or upon the nation. I do not come here to pretend that you are bound by any law from which you cannot escape. I have come to tell you where we, your officers, commissioned by your order, find ourselves to-day; and I come, gentlemen, my friends, to ask you to tell us what we must do.

As I see it, as we see it, the national honor is involved. As we see it, the national profit and advantage are involved in it; not alone "sentiment," in which I believe from the bottom of my soul—for every "sentiment" I hold I am ready to offer my life at any time and place—not sentiment alone, but honor and profit, all that it becomes a nation or that it becomes you to consider.

I come here in behalf of that commission to lay before my fellow-citizens and fellow-Representatives our situation, and to ask you whether this nation can possibly escape from the position in which

you have placed it. And my great anxiety is that we shall be acquitted of any censure in carrying out your orders.

Well, we did organize this commission. Finding afterward that an auxiliary association would be valuable for the collection, holding, and disbursement of the funds, and that the work was too cumbersome for us alone, and might properly be divided with another corporation, an act was submitted and passed here chartering the centennial board of finance.

I do not know who drafted it, but upon the whole it was wisely drafted, and I believe was approved by our commission. It follows, in its general tenor and purpose, all that was provided in the previous acts. We were perfectly well aware that in the original act was this clause:

The United States shall not be liable for any expenses attending such exhibition, or by reason of the same.

We were perfectly well aware that we could incur no debt or obligation for which the Treasury of the United States could be made liable, and we never have tried to do it. But we have come here now to report to you the situation in which we find ourselves. The second act, upon which one gentleman dwelt, does not, as he claimed, provide that "under no circumstances shall Congress ever be called upon to appropriate to the enterprise." Not at all. He said that precisely as if he were reading from the act. There was nothing in the original act but a declaration that the United States should not be liable for any of the expenses attending the exhibition, and the subsequent act was substantially in the same words. That was a perfectly proper provision, and we have honestly lived up to it. We have had no disguise of any sort or kind.

PROCLAMATION AND CIRCULARS OF THE NATIONAL GOVERNMENT.

Now, what more has been done? In one way and another the sum of $4,500,000 has been raised, of which I will speak in due time. The President has issued a proclamation upon this subject, with which I suppose you are familiar. That proclamation was dated July 3, 1873, and in it, after citing the authority for so doing, he proceeds to say:

Now, therefore, be it known that I, Ulysses S. Grant, President of the United States, in conformity with the provisions of the act of Congress aforesaid, do hereby declare and proclaim, that there will be held in the city of Philadelphia, in the State of Pennsylvania, an international exhibition of arts, manufactures, and products of the soil and mine, to be opened on the 19th day of April, 1876, and to be closed on the 19th of October, in the same year; and in the interest of peace, civilization, and domestic and international friendship and intercourse, I commend the celebration and exhibition to the people of the United States; and in behalf of this Government and people I cordially commend them to all nations who may be pleased to take part therein.

And then, in simple execution of his duty under the act, the President proceeded to communicate to the diplomatic representatives of all nations copies of this proclamation, together with the regulations adopted by the commissioners, for publication in their respective countries. The Secretary of State prepared a circular note to be given to every foreign representative at or near this seat of government. In it he said:

I have the honor to inclose, for the information of the government of ——, a copy of the President's proclamation, announcing the time and place of holding an international exhibition of arts, manufactures, and products of the soil and mine, proposed to be held in the year 1876.

The exhibition is designed to commemorate the declaration of the independence of the United States, on the one hundredth anniversary of that interesting and historic national event, and at the same time to present a fitting opportunity for such display of the results of art and industry of all nations as will serve to illustrate the great advances attained and the successes achieved in the interest of progress and civilization during the century which will have then closed.

How could you use language more decisive than those words of our President and Secretary of State? Listen to this also, from Mr. Fish's circular, I beg you:

The President indulges the hope that the government of —— *will be pleased to notice the subject, and may deem it proper to bring the exhibition and its objects to the attention of the people of that country, and thus encourage their co-operation in the proposed celebration. And he further hopes that the opportunity afforded by the exhibition for the interchange of national sentiment and friendly intercourse between the people of both nations may result in new and still greater advantages to science and industry*, and at the same time serve to strengthen the bonds of peace and friendship which already happily subsist between the government and people of —— and those of the United States.

Will you tell me in what words you could clothe any warmer or more cordial commendation and invitation to foreign governments to take part in this exhibition? But that is not all. The Secretary of State wrote another letter, which I had not seen until within a day or two. In a circular, dated July 7, 1873, sent to all our representatives abroad, is this paragraph:

It is desired that you will avail yourself of such opportunities as your official relations with the government of —— will afford, to make known to the proper authorities, and through them to the people of that country, the scope and object of the exhibition, and thereby aid in securing their interest and co-operation in it. You will also ascertain, as early as may be practicable, whether or not it is the purpose of the government to create a commission to represent it at the exhibition, to have in special charge the interests of the citizens of that country which may take part in the proposed celebration.

Ascertain whether they will appoint the usual commission or committee to take charge of the interests of their people. These are the instructions to our foreign ministers, to have all this information made known to foreign governments and as far as possible to the people also.

And when the Secretary of State transmitted to all the representatives of other nations here the proclamation of the President and the other documents in this case, he added also a copy of our general regulations, drawn up by the centennial commission, giving a general idea of the management and scope of the exhibition; a general preliminary statement of ten regulations. This was *asked* for from us, and submitted by us to the Secretary of State. We did not send it to foreign governments. We had no right to communicate with a single government—no right under the law. We have obeyed your orders. It has been done through your President and through the Secretary of State and your ministers abroad. The third, fourth, and fifth regulations are as follows:

Third. A cordial invitation is hereby extended to every nation of the earth to be represented by its arts, industries, progress, and development.

Fourth. A formal acceptance of this invitation is requested previous to March 4, 1874.

Fifth. Each nation accepting this invitation is requested to appoint a commission, through which all matters pertaining to its own interest shall be conducted. For the purpose of convenient intercourse and satisfactory supervision, it is especially desired that one member of each such commission be designated to reside at Philadelphia until the close of the exposition.

Sixth. The privileges of exhibitors can be granted *only to citizens of countries whose governments have previously formally accepted* the invitation to be represented, and have appointed the aforementioned commission, and all communications must be made through the governmental commissions.

The whole of the ten regulations provide the general regulations under which foreign exhibitors can come here. That was transmitted to every foreign government, not by us, but by your President and by your Secretary. You cannot tell us that we have departed from your original act, or "injected" anything, as the gentleman from Ohio [Mr. GARFIELD] says. I was sorry to hear him use that expression, for I receive it as a reflection upon the ninety-three or ninety-four men of this commission. We have put nothing in the bill. I know that gentleman's heart, and I know it is not with his words. I know he borrowed his idea, and I was sorry to hear him repeat it. We have not changed a letter of that law; we have put nothing into the spirit of it that is not in the letter of it.

INVITATIONS ACCEPTED.

Your President and your Secretary of State have gone so far. How was their invitation received by other nations? You have heard, and I will not dwell upon it. I take it that Bismarck and the German Empire understood what an invitation meant. They had these documents before them.

Germany sends us the following acceptance:

I request you respectfully to communicate to the Secretary of State, Mr. Fish, that the German Empire accepts with sincerest thanks the invitation of the Government of the United States of America to take part in the above-mentioned exhibition. The appointment of a special commission for the exhibition, as also a plenipotentiary residing in Philadelphia will therefore be made in time.

The Netherlands minister sends the following acceptance:

I have the honor to inform your excellency that the government of the Netherlands has received this international invitation with lively satisfaction, and intends to take part in the said exposition by contributing productions of the arts and industry of the Netherlands.

To this effect a commission will be appointed in the Netherlands, and also a committee to direct and furnish information to exhibitors.

As soon as it shall be in my power, I shall hasten to communicate to your excellency the names and quality of the persons who are to constitute this committee.

From Spain we have the following:

LEGATION OF SPAIN AT WASHINGTON,
Washington, April 24, 1874.

The undersigned, minister plenipotentiary of Spain, has the honor to address the honorable Secretary of State of the United States, inclosing to him a copy of a dispatch, which he has received from the secretary-general of the ministry of state at Madrid, signifying Spain's acceptance of the invitation to take part in the international exhibition which is to be held at Philadelphia in the year 1876, by way of celebrating the hundredth anniversary of the independence of the United States. The undersigned is very happy to inclose this dispatch to the honorable Secretary of State, since it confirms the telegrams announcing the acceptance of Spain which was received some time since by the undersigned, and which he only communicated verbally to the honorable Secretary of State, having waited until the arrival of the dispatch which he now has the honor to inclose before doing so in writing.

The undersigned will thank the honorable Secretary of State for all the information which it may be possible to give in relation to the aforesaid exhibition that he may transmit to his government, and he gladly avails himself of this occasion to reiterate to the honorable Secretary of State the assurances of his most distinguished consideration.

JOSÉ POLO DE BERNABE.

The honorable SECRETARY OF STATE *of the United States, &c.*

From the Argentine Republic comes the following:

I have the honor to inform your excellency that the Argentine government accepts the invitation which that of the United States has been pleased to extend to it through your excellency, to take part in the exhibition which is to be held at Philadelphia, and that a commission has been appointed for this purpose, composed of the gentlemen whose names are mentioned in the decree of which a copy is inclosed.

The Argentine government returns its sincere thanks to the Republic of the North for this attention.

Mr. Andrews, our minister to Sweden, writes under date of "Stockholm, March 21, 1874:"

The official journal of last evening announced the appointment, by the King, of the following committee with power to organize and supervise all that concerns Sweden's taking part in the Philadelphia exhibition, namely:

The chief of the civil department, (Mr. P. A. Bergstiern,) as chairman;

Carl O. Troilius, director-general of the public railways;

F. L. von Dardel, president of the Academy of Fine Arts; also president of the Mechanic Arts Association;

Colonel C. G. Beyer;

Dr. Charles Dickson, M. D., of Gothenburg;
Baron A. H. E. Fock;
F. W. Scholander;
C. F. Lindstiöm, manufacturer;
N. A. Elfwing, United States consul;
Professor S. Stenberg;
A. R. Akerman, instructor in Technological Institute;
J. Bolinder, manufacturer;
J. Lenning, manufacturer;
D. C. Lundstrom, manufacturer; and
C. Juhlin Dannfelt, superintendent of the public experimental farm; also late commissioner for Sweden at the Vienna exposition, as secretary.

Five of the committee, namely Messrs. Bergstiern, Troilius, Dickson, Fock, and Lenning, are members of the Diet.

The committee are instructed to select for the exhibition those branches of industry that are natural to and characteristic of Sweden, and that are specially adapted to promote her commercial interests; also to accept only such objects of each class as are of distinguished merit. It is announced at the same time that so much of the fifty thousand Swedish dollars voted by the Diet will be applied to enable the committee to carry on their work as is requisite, and that free transportation on all of the public railways will be granted for the committee and for the articles to be exhibited.

It may be assumed that in the department of statistics Sweden will make a fine showing. I have reason to believe that this country is going to work to gain as much honor as possible at the exhibition. Undoubtedly able men from every state in Europe will visit our country during the exhibition and make searching investigations of social affairs, especially in the South, and report the results. In the proposed centennial exhibition the United States have made a sort of challenge to the civilization of the world, and it seems to me the people of each of the States have no time to lose in preparing for the trial.

I do not care to read all of these. Fourteen or fifteen different governments have accepted in perfect innocence and sincerity the invitation which has been given them, and have sent word, not to us as a commission, mind you—keep clear of that idea—have sent word to your Secretary of State that they accept, not our invitation but your invitation, and that they intend to be here. Here is a list of those who have accepted: the German Empire, the Netherlands, Belgium, Sweden, Switzerland, Spain, Mexico, Ecuador, the Argentine Republic, Brazil,* Chili, Liberia, Hayti, and the Sandwich Islands.

The governments the citizens or subjects of which have manifested a special interest and desire to participate are Austria,† France, England, Scotland, Wales, Italy, Persia, Turkey, Russia, Egypt, Japan, New Zealand, Tunis, Canada, Australia, China,‡ and Siam.

Now have done with this talk of "entrapping," with this charge upon us that we have perverted this act of incorporation. As a man of honor I will not submit in silence to it. Your Secretary of State, your President, your acts of Congress have done this. Foreign governments do not know me; they do not know my friend, Governor McCormick; they do not know Governor Straw; they do not know Mr. Corliss, nor any one of the ninety-four commissioners. They know Ulysses S. Grant, President, and Hamilton Fish, Secretary of State, and the Congress of the United States. They read their proclamation and their circulars and this law; they send word here to you that they accept your invitation. And your Secretary of State hands over these acceptances to us, with your command to go on with the exhibition. That is where we are. Now, again I say, have done with all this talk of "entrapping;" let no man charge that we have done anything beyond your orders.

SECRETARY FISH'S CAUTIONARY LETTER.

A Member. How about the second letter of the Secretary of State?

Mr. HAWLEY, of Connecticut. Ah! the second letter of the Secretary of State. To that is due one-half, nay nine-tenths of the whole trouble. It is a letter which I hold he had no right to issue without full instructions and upon fuller consultation than I believe he ever had. I know too well what embarrassments that letter caused. While we were receiving communications from abroad, generous offers of hearty sympathy from all over the world, the Secretary of State privately, that is unknown to us of the commission, sends out this circular. We did not know of it till months afterward, when we obtained it upon a special and formal request to be informed how he construed the law. For answer to that inquiry he sent to us this circular, months after it had been sent out. I do not wish to complain. I do not wish to censure a man who I believe has done his country the greatest possible service. But I hold that he was unnecessarily conservative in his construction, and that he should have dealt a little more frankly with us. And even in a greater portion of this letter he commends the exhibition to the co-operation of all the world, and says that the President desired him to do so in the heartiest way. I shall refer in a moment to the language of this circular of Mr. Fish. I did not quite hear what the gentleman from Massachusetts [Mr. Dawes] said; but as I partially heard him, I understood him to say that there was some document from the Secretary of State which did not appear in our annual report, as if we had concealed something. I may do the gentleman from Massachusetts injustice; but that is the way I understood him. Sir, this document is a mattter belonging to the archives of the Secretary of State, a document which we obtained from him upon our special entreaty. It is not any part of our doings that we were called upon to report. Here is the language of Mr. Fish; and it is to be noticed that this is not a letter to foreign powers; it is a private circular to our ministers:

It will be observed that the President in his proclamation has extended no invitation to foreign powers to participate in the exhibition. He was not authorized so to do, and while he desires to attract as much attention and interest as possible thereto, he carefully confines himself to "commending" the celebration of the centennial anniversary of American independence, and the exhibition which is to be held in connection therewith, to all nations who may be pleased to take part therein. It is presumed that you will not have failed to observe the guarded language of the President's proclamation, and the difference between it and that which would be used in extending an invitation to other powers.

Has the Secretary of State sent this circular to Bismarck? Has he sent it to the Netherlands? Has he sent it to Spain? Has he sent it to the Argentine Confederation? Has he sent it to Sweden? To whom has he communicated it? Has he said to Bismarck after the latter has signified his acceptance, "Ah! Herr Bismarck, you have not correctly read the document; the Yankee did not invite you." "Ah! did he not? Why, your President said he commended the enterprise cordially to all nations, hoped they and their people would take past therein; and the Secretary of State said the same thing in his circular; and they sent to us the general regulations, cordially inviting us, providing for the appointment of foreign commissioners according to law; they sent us a copy of the law and said they hoped foreign governments, foreign commissioners, foreign manufacturers and artisans would be represented there, and they begged to have the enterprise commended to everybody. And then your distinguished citizen, Mr. Bancroft, called on me and said that he wanted me to come; and I said, yes."

But we are to retain an attorney from Maine who has discovered that the word "invitation" is not in the statute. Perhaps it is not; but the law says that—

The President shall through the Department of State make proclamation of the same, setting forth the time at which the exhibition will open, and the place at which it will be held, and he shall communicate to the diplomatic representatives of all nations copies of the same, together with such regulations as may be adopted by the commissioners for publication in their respective countries.

And in that proclamation was the most cordial "commendation," and in the regulations was the most cordial "invitation."

And it is to be an "*international* exhibition." But there is no invitation; no, no! And Bismarck is to be solemnly informed that the word "invitation" is not distinctly there though he reads that the President has cordially commended the enterprise to all nations, and that the Secretary of State has said that it will be a fine opportunity to display the industry of all nations, and the President indulges the hope that every Government will notice the subject and bring it to the attention of the people and encourage their co-operation, and that the result will be an increase of friendly intercourse.

Mr. TREMAIN. Does not the original statute also say that the President shall send to foreign governments a copy of the regulations?

Mr. HAWLEY, of Connecticut. O, yes.

Mr. TREMAIN. And does not the Secretary of State in his communication say that he therewith sends the regulations according to the statute?

Mr. HAWLEY, of Connecticut. Yes, sir; the law provides that he must send the presidential proclamation and that he must send also the regulations. We in all innocence drew these regulations and submitted them to the Secretary of State. We did not send them ourselves. What is the form of those regulations?

GENERAL REGULATIONS.

First. The international exhibition of 1876 will be held in Fairmount Park, in the city of Philadelphia, in the year 1876.

Second. The date of opening of the exhibition will be April 19, 1876, and of closing will be October 19, 1876.

Third. A cordial invitation is hereby extended to every nation of the earth to be represented by its arts, industries, progress, and development.

Fourth. A formal acceptance of this invitation is requested previous to March 4, 1874.

Fifth. Each nation accepting this invitation is requested to appoint a commission, through which all matters pertaining to its own interests shall be conducted. For the purpose of convenient intercourse and satisfactory supervision, it is especially desired that one member of each such commission be designated to reside at Philadelphia until the close of the exposition, &c.

Now, sir, look at the attitude of your Government. Is it becoming, under the circumstances, that your attorney should plead in abatement that the word "invitation" is not in your laws? What would any honorable gentleman the world over think should he come to your door on a supposed invitation to dinner and be there told, "Look at your card; the word 'invitation' is not there; you were 'commended' to a good dinner to be held on a certain evening, but the word 'invitation' is not there." I congratulate the Secretary of State who will have this correspondence to close if you forbid this exhibition to go on. I would take a sardonic pleasure in looking over his shoulder to see how he will excuse the Yankee Congress for ignominiously backing out.

I want the chairman of the Committee on Ways and Means to go to him and tell him how to do it—the man who says we are twenty-nine millions behind in our obligations, and that too while a Massachusetts man has been chairman of the Committee on Ways and Means for years, and while a Massachusetts man has been Secretary of the Treasury for years—that we are twenty-nine millions behind-

*The Emperor of Brazil has appointed his own son-in-law one of the commissioners, and has made remarks from which we may infer that he thinks of visiting the exhibition himself.

†It is not improper to note here the fact that Baron Schwarz-Senborn, who presided so ably over the Vienna Exhibition has been appointed by his sovereign the Emperor, minister to the United States. We know by his many cordial declarations and his valuable suggestions how warm an interest he takes in the exhibition of 1876.

‡The Chinese prince in charge of foreign affairs has made arrangements for a commission to represent China, and has caused full notices of the exhibition to be spread through the empire.

hand; and yet he has not dared to come here to a powerful and generous people, who will not be dishonest—he has not dared to come to them and bring in a tax bill to redeem what he says is the solemn obligation of the Government.

THE BUGBEAR OF TAXATION.

Mr. Chairman, I am weary—I am sick of this talk about a bankrupt nation, a bankrupt Government. Will somebody bring in a tax bill here and let us vote for it? If we owe $29,000,000 which we promised to pay, I dare vote for any bill which is needed to redeem the honor of my Government. Put it on what you may deem best, but do not stand here pointing—as he who represents the financial resources of this Government does—to what he says is a dishonorable deficit; and yet—December, January, February, March, April, May—in the sixth month of the session, and he has not yet dared to offer a tax bill! I say, sir, he is false to his duties. Is the nation dishonored; has it become bankrupt? No, sir; whenever you owe, whenever you have an obligation, whenever you have an honorable debt to discharge, present your bill, go and face your constituents, and tell them that the honor and majesty of this Government demand of you additional taxation; and, unless you have had worse experience than I ever discovered in traveling over this country, they will commend you for it. The question will not be so much what your taxes are, as whether you have expended your money for honorable and necessary purposes. That will be the question they will ask you. What is the sum here; what is the bugbear of which they talk? Three millions, to be paid before the last day of June, as the chancellor of the exchequer would have you believe. To be paid in these seven weeks? No, sir; but one-half next year and one-half the year after. You have two years in which to pay it, less than one-half of 1 per cent. a year of your gross revenues; a million and a half next year out of over three hundred millions of revenue, and a million and a half the year after.

He talks about the apparent deficit during this current year. Two months of the fiscal year remain, and they will show a balance for the year in favor of the Government—not what it ought to be, it is true, but every man here knows, every man in the country knows, that exceptional circumstances have for the time checked our revenues. Does not every man know that the revenues are reviving? Whatever he may claim to be the distress of the country now, does not our chancellor of the exchequer and every member of the Committee on Ways and Means know that the existing taxation in any ordinary condition of prosperity will enable us to more than meet our obligations for the next year, if we reduce expenditures, as we ought to do, and have been doing—cutting down all unnecessary expenditures and rooting out dishonest ones? I say I believe that existing taxation will provide for every possible obligation of the Government next year. But if there be any doubt on the subject whatever I call upon that son of old Massachusetts, a State which has always professed to be and always has been brave enough to do its duty, to tax the people.

ESTIMATES FOR THE EXHIBITION.

Here are our estimates. We have gone on according to the best of our ability; we have been industrious; we have been honest. We have invited the best architects to prepare plans of buildings and grounds. We have invited the most capable builders to give us their proposals for buildings. We have got all this. We are ready, if the funds can be guaranteed, or given, to begin, in thirty days or perhaps ten days, to put up these buildings. They ought to be commenced soon. How much money have we got? Four and a half million dollars in round numbers; but I have an accurate statement by the officers of the commission and the board of finance, which I will publish in detail.

The following is the duly authorized financial summary of the officers, architects, and engineer of the international exhibition, presented to the Senate committee, and published with its consent:

Capital actually secured.

Subscription up to date of former statement, March 16, 1874	$1,574,440
Subscribed by citizens of Philadelphia since that date and up to April 3	50,000
Additional subscription since guaranteed by responsible citizens of Philadelphia	250,000
State of Pennsylvania and city of Philadelphia for the art building	500,000
Appropriation by ordinance of Philadelphia, April 2, 1874	1,000,000
State of New Jersey	100,000
	3,574,440
Proposed contribution by Congress	3,000,000
	6,574,440

Estimated resources.

Additional subscriptions on a programme for Pennsylvania, exclusive of Philadelphia, $40,000 of which was subscribed before the beginning of the panic and not included in the above statement	150,000
Additional subscriptions in city of Philadelphia	150,000
Subscriptions from New York, New England, the West, and other sections	500,000
Estimated receipts from the exhibition	2,500,000
Sale of materials	500,000
Total receipts	10,334,440
Total expenditures	8,750,000
	1,574,440

The above balance may be treated as guaranteeing creditable success.

Summary of expenditures.

Main pavilion	3,363,000
Machinery hall	895,000
Agricultural hall	$512,000
Horticultural department	200,000
Building for the fine arts, painting, statuary, &c	500,000
Water, gas, grading, fencing, and railroad facilities	1,030,000
General administration	500,000
Add 25 per cent. for errors in estimates and general contingencies	1,750,000
Total	8,750,000

The building for the fine arts, above named, is to be erected by the State of Pennsylvania and the city of Philadelphia, and for that purpose $1,500,000 has been appropriated. It is to be under the exclusive control of the United States commission, and is to remain as a museum for the State. It is placed in the estimate at the cost of $500,000, because it will save the commission that amount of expenditure. The remaining million will add to the imposing character of the exhibition buildings.

A. T. GOSHORN,
Director General Centennial Commission.
JOHN WELSH,
President of the Centennial Board of Finance.
VAUX & RADFORD,
Architects.
HENRY PETTIT,
Consulting Engineer United States Centennial Commission.

WASHINGTON, *April* 4, 1874.

The estimated subscriptions from New York, New England, and the West, and other sections, if this prospers, as it will when Congress says go on, will beyond all question reach $500,000. Estimated receipts from the exhibition, $2,500,000. That is the lowest figure anybody has given who has studied all the exhibitions. But put it lower if you wish. Sale of materials $500,000. We know what the remains will be worth very nearly, because the contractors are able to, and some of them do, make two bids, one conditioned on their having the remains of the materials; the other conditioned on their being left to be sold by the commission. So we can easily estimate what the remains will be worth when the exhibition closes. This makes a total of $10,324,000. The total expenditures are estimated at $8,750,000; so that there is an estimated surplus of $1,574,000.

But mind you, while they have made this estimate—these able and experienced business men, and many of them leaders in some of the greatest enterprises in the country—while they have deliberately made and certified to this estimate, based as far as possible on the plans and proposals of architects and builders, they have put these expenditures very high. The main pavilion, $3,363,000. Now, we have wasted no money upon grand domes, merely ornamental structures or superadded decoration. We have followed the advice of our best friends abroad, and we propose to build plain, useful, and capacious buildings.

General administration—what may be called working capital, which the managers of great enterprises will perfectly well understand—what is necessary to pay the expenses up to the close of the exhibition, for we must estimate them up to that period, $500,000. Add 25 per cent. for errors in estimates and general contingencies, $1,750,000; which makes up our total expenditures $8,750,000. I hardly think it will be necessary to go up to that. But the estimate is made abundantly safe, through caution, as wise men know that some mistakes will surely be made in such a matter.

Some gentlemen say that we will be here again asking for more money. I ask you to judge whether our experience here has been so pleasant that we should like the practice of coming here. But consider this: This bill provides for an appropriation of $3,000,000 by this Government, of which forty dollars are to be paid out as we shall have expended one hundred, and upon the certificate of a capable engineer officer named by the President, who shall watch our progress from day to day, and certify at the end of each month what we have expended, and then repay us four-tenths of that amount. We cannot get the $3,000,000, under this bill, until we shall have expended $4,500,000. This will make an aggregate expenditure of $7,500,000.

Now, in justice to Philadelphia and Pennsylvania, I ought to make one explanation. The State gives $1,000,000 for a certain building, and the city $500,000; making together a million and a half. That building is to remain there, a permanent historic gallery and museum, a memorial of the occasion. But we put that down in our estimates as only half a million; because that million and a half put into a permanent building furnishes only the room we could get for $500,000, spent in our own way, in temporary buildings. Therefore the actual value to us is only half a million, and we so put it down.

UNJUST CENSURE OF PENNSYLVANIA.

Now, why are we here to-day and why do we not raise money by popular subscription? It has been said that some gentlemen when this bill was before Congress expressed their entire confidence that Pennsylvania and Philadelphia would raise the money, that they would see the enterprise through, as it was supposed they were to have local benefit from it, and as they seemed to be the first to present it here. Now are you to drive a hard bargain with a people of a State who thought they could raise all that was needed, but have now found that they have not been able to do it? Are you going to an exhibition, or are you to ask the world to go to an international exhibition, paid for wholly by Pennsylvania and Philadelphia? Would you not be ashamed to go there from Faneuil Hall and Concord and bring your wares; to show the revolutionary swords and muskets and

paintings and all the relics of that era, to put them in that exhibition at Fairmount Park, when you had made Pennsylvania and Philadelphia pay for it all, because Daniel J. Morrell and a few other enthusiastic men thought Pennsylvania *could* do it alone? Has Pennsylvania done anything to deserve this treatment? I say there has never been in my knowledge of human nature a finer exhibition of unselfish patriotism than there has been on the part of these men. They have said, "Let us stand back and out of sight—you carry on the work, putting us where you please, in the front or in the rear; tell us merely what to give and what to do." They have not sought to control it in any way. Not one Pennsylvanian is among the officers of the commission. The president of the commission is from Connecticut. The vice-presidents are from Ohio, New Jersey, Alabama, California, and Iowa. The secretary is from Indiana. And the whole control in the vacations of the commission, that is during most of the year, is in the hands of an executive committee of thirteen, only one of whom is a Pennsylvanian.

The directors of the board of finance, which corporation may be called the treasurer, the auditing body, under whose charge the building will be constructed, subject to the approval of the commission, has among its twenty-five directors a majority of Pennsylvanians, because four-fifths of the money was from Pennsylvania. We constituted this board of finance that they might hold the funds in trust and supervise the work. They are as honest and able men as Philadelphia can furnish, and as honorable and pure-minded men as this country can furnish, and every dollar we have spent is there to be seen accounted for. Philadelphia gave $75,000 for preliminary expenses, as there was no fund out of which to pay them, Congress having launched us in a national work with the President's commissions in our pockets and not a cent to pay even for railroad tickets. Philadelphia paid all these preliminary expenses, and her citizens and those of the State have subscribed four-fifths of the money thus far subscribed. What mistake did Pennsylvania make? Did she underestimate her own patriotism? No, sir; but she overestimated yours and mine. There is her mistake. How much more she would do if driven to it by pride, I do not know. You may drive this bargain with Pennsylvania, and say that she shall pay the expense of this celebration herself, because of the unauthorized and unofficial but patriotic and enthusiastic declarations of one or two of her representatives. Drive your bargain with Pennsylvania. Exact the pound of flesh and brag of it. She said she would pay all the expenses; let her do it, or let the whole thing go to the dogs and break down entirely. Recall your international invitations because Pennsylvania has failed to do that which you would be ashamed to let her do.

Sir, to argue here that Pennsylvania promised to pay the whole, and if she does not you will disgrace your country, is to make a plea in abatement worthy of some country cross-roads horse case. It is dodging the merits of the question.

WHY POPULAR SUBSCRIPTION FAILED.

A word or two more as to why we did not succeed in raising all the money. We had made every arrangement, and had the machinery ready for operation last summer for a general and systematic appeal to the whole country in the autumn. I had in my own State made arrangements for meetings in all the principal cities. I had talked with many of our manufacturers. Three or four of us were to go round calling meetings of manufacturers, of public-spirited gentlemen who had taken part in exhibitions abroad and knew all about them, to organize in their respective localities and to form a State organization, and procure subscriptions. We had made similar arrangements for other States. The system was just starting into full operation when the financial disaster came down upon us like a cloud, and shortly after that it was discovered or alleged that there was some mysterious secret circular somewhere from the State Department which had spread distrust in certain foreign countries, and that they had delayed accepting the invitation to take part. And then the debate in Congress arose indicating doubts as to what might be done, and in view of all these circumstances subscriptions inevitably stopped. But for these checks we believe that we should have raised a million or two or three more than we have secured. We believed for a time, and we always hoped, that we should be able to avoid the necessity of an appeal to Congress, and that the enterprise would have been carried out by the generous subscriptions of the people; and if you will now give us God-speed and grant us what is a small amount in comparison with the great benefits that must result to the country, the people of the nation will again accept this enterprise, as they did a year ago, with all their hearts and souls, and will make generous contributions to carry it out. It never met with an objection worth speaking of until the debate began here in Congress.

ABILITY TO MANAGE AN EXHIBITION.

We are told by some gentlemen that we have no ability in this country to manage such an enterprise; that we cannot do it. I say that no nation in the world is so capable of conducting a great exhibition as this is. It is my doctrine that whatever is to be done by a whole people can better be done by a free people than by any other. I said *my* doctrine. Sir, it is the doctrine of the nation, it is the doctrine of our form of government, that whatever is to be done by the whole nation can better be done by a free people than by any other. Now, I want to see us display our ability to conduct an exhibition. You say we cannot do it. Look at our seventy thousand miles of railways. We have forty railroad companies in this country that have within their own organizations the men and the discipline that could carry out a great exhibition as easily as they can run an extra machine-shop. Look at Governor Straw, of New Hampshire, with forty acres of flooring in the Amoskeag Mills, more than perhaps we will need in this exhibition, and with four thousand operatives. Governor Straw, one of our commissioners, a civil engineer by profession, sits there and drives that great establishment with its four thousand operatives, working up twenty-five thousand bales of cotton a year as easily as the Speaker presides over this House. We have not the capacity, eh? Look at the Sprague establishment, now under temporary clouds to be sure, with their six great cotton mills, (at one of them a room one thousand feet long,) working six thousand operatives, using forty thousand bales of cotton a year, and whirling out cotton that would run from the mill, if the sheets were in one, with the speed of a railroad train.

We cannot manage this exhibition! Look at the Pacific Railroad, where from either ocean the track was run as the unrolling a ribbon, the two companies competing to see which would go farthest before they united. Look at the operations of our late gigantic war; two and a quarter millions of men on one side and a million and more on the other side. Consider that twenty thousand, thirty thousand, fifty thousand men were taken up as it were in the arms of the quartermaster and whirled a thousand miles in ten days and dashed against the enemy's flanks. Look at General Meigs himself, sitting here at the head of the Quartermaster's establishment and sending arms, clothes, food, ordnance stores, horses, cannon, tents, and all ponderous equipage for armies that sometimes numbered more than a million. We felt strong enough to have carried half a dozen of some little nations of Europe in our coat-tail pockets, not remembering their presence. And yet you tell us we do not know how to conduct a big business operation like this!

We have a thousand factories, a hundred railroad schemes, magnificent operations and achievements, showing that genius never was developed in any nation for conducting great enterprises as it has been in this. Foreign people tell us—they told us at Vienna, where we had our commissioners—that we Americans seemed to have a way of conducting great enterprises that other people had not; that we always got out of a scrape better than anybody else; that they had abundant faith in our ability for conducting a "show," as these gentlemen called it. I challenge the engineers and architects of the world to say whether our plan for the exhibition at Philadelphia is not superior to the one held at London or the one at Paris or the one at Vienna, in convenience of location and arrangement, though not in mere splendor of architecture.

EXCELLENCE OF OUR PLANS.

We have a better arranged building, preserving the dual system of arrangement, geographical and scientific, a better system of railroad tracks. At Vienna they dumped out their piles of merchandise sometimes far from the building, and the piles so augmented that a thousand carts could not move them in time. What have we planned? In that lordly Fairmount Park, right on the verge of the Pennsylvania Central Railroad, in connection with every foot of railroad in the country, we run a side track across our grounds, with parallel tracks, down through each of our long naves. We trundle our goods into the building, tumble them out on each side of the track, the cars are drawn out, and you can lay a plank six inches wide over the rails and nobody would know there was a railroad track in the building. You could load and unload the entire contents of the exhibition in three days.

And will you tell me that a Yankee—and when I say a Yankee I mean an American—could not manage an enterprise of this kind? Why, sir, we will take a contract to pick up one of those little European nations, and pack it in plant-pots, and bring it here and set it up for a show if you want it.

THE CONSTITUTIONAL QUESTION.

You tell me you have no constitutional power to grant this money; and the small constitutional lawyers run riot when they get hold of anything of this sort. They say you have no constitutional power to make this appropriation. Sir, where is your power to spend $10,000,000 on public buildings? Tell me where you have the power to build one single post-office or one court-house. Point to the clause. I am not going to help you do it, but I know that you wheedle it out of the Constitution. You say in one case that you find power to build court-houses under the power to provide inferior courts; and if you have power to create a court you have power to build a shed to put it in. That is where your constitutional lawyers find it.

Jefferson, a strict constructionist, could find no power in the Constitution for the purchase of Louisiana. But he took it, and let others hunt for the "power." They have not found it yet. Where was your power to pay the expedition to the South Sea Islands in 1836, a costly affair for those days? Where was your power to appropriate money for the sufferers by the earthquake in Venezuela? Where was your power to appropriate money for the north pole expeditions? Where was your power to appropriate a half million dollars and more for the several expositions that have been held in Europe? Where was your power to send a vessel to Ireland with food for her starving people? Where was your power to refit the bark Resolute which Sir John Franklin lost in the Arctic Seas, and which a Yankee from

Connecticut found and brought home? Where was your power to refit it and send it over to England as a present—a generous act of international courtesy, for which a Virginia strict constructionist offered a resolution to give $40,000? Where is your power to spend tens of thousands of dollars on costly gold and silver medals commemorative of various enterprises and complimentary to various individuals? Where is your power to provide the statues that are scattered through your public grounds and of which you will have more as you grow to a nobler culture? Where is your constitutional power to order your military authorities to issue rations to the suffering people of the overflowed Mississippi Valley? Go to the Constitution, and tell me if you can where you found your power to give three weeks ago ten cannon (worth $3,300 to-day at the arsenal) to the town of Concord for the centennial there next year—the centennial celebration of the first firing upon a British soldier! You have within the last three weeks settled this whole question. You have voted to give bronze cannon sufficient to build a statue right where the first blood of the revolutionary conflict was shed. You have provided for giving $3,300—$1.30 a piece for every inhabitant of Concord—to celebrate their centennial. And yet the constitutional power over this exhibition is doubted, and the gentleman representing Concord itself cries out, "Where is the money to come from?"

Where is your power to build the monument you voted the other day to Admiral De Ternay, the gallant Frenchman who came to fight for us and died with us in the Revolution?

Where is your power to pay for observing the eclipse of the sun in 1869, or the coming transit of Venus?

But I have not had time to search the whole statute-book. You will find that there is some elasticity and liberality in your Constitution, by construction and practice at least, though some men may have tried to find in it an iron frame. And these things have been done not in the green tree, but in the dry; not by republicans or whigs alone, but by Calhoun strict constructionists, men of the North and the South, the East and the West, who said that we had a nation, and that Uncle Sam must be a man and a gentleman among the nations.

THE FLAG AND THE EAGLE.

Some gentlemen tell us that we may have a national celebration, but not in connection with an international exhibition; that there is some incongruity between the two; and as the *celebration* is national, the exhibition must be only and strictly national. I would like to be heard a few moments on that point. I believe in the Fourth of July in the popular acceptation of that term. I believe in the Fourth of July all over, from the crown of my head to the sole of my feet. As a boy and young man I fired my guns and had my good time. I like to see the boys do the same now. You may belong to a city council, and may pass volumes of ordinances against guns and fire-crackers; you may send platoons of policemen to arrest the boys who violate your ordinances, but you still have within you a secret sympathy with the young rascals, and you like to be awakened on the morning of the Fourth by great bells and guns, even if you do swear a little about it. I believe in the Fourth of July; I believe in "sentiment;" I believe in the Flag; and I honor the memory of Daniel Webster when I remember how he pointed up through yonder rotunda at the "gorgeous ensign of the Republic," and trampled with magnificent scorn upon the poor, puny, contemptible spirit that dared to ask "How much is all this worth?" God bless Daniel Webster for that one paragraph.

I was grieved, not angry—grieved in my very soul—when I heard men on this floor, of wealth and culture and honor and ability, sneering at what they called "sentiment," and laughing at "tears," and when I heard a Massachusetts man from the very hills of Berkshire ridiculing the "eagle" and all that "cheap clap-trap." God grant that the day may be far distant when what you call "Fourth of July talk" shall be out of fashion. Let it always be in fashion. Our millions of "Boys in Blue" talked it from the cradle; and while perhaps infidels to free government sneered at them, and ridiculed the "cross-roads talk about the Fourth of July" and "the eagle," those boys believed in it; five hundred thousand graves bear witness to their belief. God help the poor, narrow soul whose eyes never moisten at the sight of the Flag.

THE EXHIBITION MUST BE INTERNATIONAL.

Shall this exhibition be national alone, and not international also? First, we are thoroughly committed to the international idea by the act itself, by the proclamation of the President, by the circular of the Secretary of State communicating it to the diplomatic representatives, by his circular to our ministers abroad, and by the acceptances of many nations. Secondly, it is interwoven with the whole scheme—the classification, the policy, and the pledges. We are committed to it by personal presentation to foreign exhibitors, commissioners, jurors on the international jury, and others at the Vienna exposition; by the publication of this proclamation and of this scheme in three foreign languages in the pages of the Vienna catalogue. The Vienna people asked us to do it. They offered us pages for advertising our international exhibition. We observed the words of your act, and thus advertised all over Europe. We are committed to the international idea by the acceptance of donations from foreign commissions. Goods that were offered to us at Vienna by commissioners from foreign states are already on the way or in store. We told them we would take the articles gladly. From various foreign citizens we have accepted such contributions. Why, sir, the Marquis of Bute, the descendant of the Bute who was in the famous Lord North ministry that urged on George III to the long seven years' war, proposes to furnish largely a room in that exhibition displaying the wonderful resources of his estate in Wales. Being instructed to conduct an international exhibition, we have felt at liberty to accept these offers.

International comity requires that our exhibition should have this character. We have as a nation taken part in three great exhibitions, while our citizens have participated in others. We had seven hundred exhibitors at London, and nine hundred at Paris. We spent at least $240,000 on the Paris exposition, and full $200,000 at Vienna. We accepted these invitations, which were just like the invitations we want to extend. It is not the purpose of international exhibitions to invite foreign princes to come and junket at public expense. The invitation to each government is to appoint a commission. The people of a country will not come here without a commission appointed by their government. Note this point. This is the essence of the international feature. The people from another country will not come without a commission appointed by their government. That government will not appoint a commission unless it receives a courteous invitation to do so, and that commission will take care of the exhibitors here, and will put us to no expense on their account beyond providing room and protection for them. Whatever they choose to expend here we will be glad to see them spend. They will do it largely. For the exposition at Vienna the German Empire spent $750,000; France, $300,000; England, $100,000; Italy, $200,000; Turkey, $500,000; Egypt, $500,000; the United States, $200,000, (something was saved of that;) Belgium, $100,000, &c. About $3,000,000 were spent at Vienna by other governments. If they send commissioners here they will spend two, three, or four million dollars in taking care of their exhibitors and their people, as their commissioners are bound to do, and just as we did at Paris and Vienna.

But there is another table here, which I do not turn to at this moment, showing a larger expenditure at the Paris exposition. I know that England spent £120,000—$600,000, at that foreign exposition. We do not invite them here at our expense except as we provide room in which to keep their goods secure from the rain. They will do the rest and take care of themselves. They will spend more money three times over, these foreign governments and commissioners and exhibitors and travelers and purchasers, than you are asked to appropriate here; and yet we are told you cannot afford this!

It will help immigration. Three thousand immigrants, worth $1,000 apiece as all statisticians and economists say, and they would make $3,000,000 alone. Do you not believe it will add three thousand to your immigration?

International exhibitions advance the common sciences, the common arts, the common progress of modern civilization. Common courtesy and good feeling require reciprocation. Reciprocation of effort for the advancement of civilization and human welfare is the graceful adjunct of the national festival, especially as we have drawn benefit from other exhibitions and are, as a people, made up of all peoples. Their usefulness is in geometrical proportion to their universality. A well-balanced exhibition of the industries of the world commands the attention of the world. It makes exhibitors willing to come and spend money to extend the field of their enterprises. It draws more exhibitors and more visitors. Many important industries—mark this, if you please—many important industries cannot be shown independently of foreign products, the basis of their manufacture. You cannot have *a purely national* exhibition of really great value. The men who have studied this subject of exhibitions will tell you so. To exhibit industries without bringing in materials produced abroad is impossible. For example, tin-ware, dye-woods, precious stones, coffee, tea, foreign woods, foreign hides, furs, irons, steels, and partly manufactured articles of many kinds.

Are you going to make a "know-nothing" exhibition of it, that you refuse to extend invitations to other peoples—we all the time professing above all other peoples to a generous and cosmopolitan spirit, willing to accept and embrace all peoples? Do you wish to make a little "know-nothing" exhibition of the affair?

An abandonment of the international feature would operate to exclude very large classes of our own people—all who import and deal in articles of foreign production; would exclude all pictures, statues, and works of art, whenever or however they may have come into possession of Americans—all beautiful and useful machinery, furniture, woven goods, &c.; a multitude of articles just such as we wish to learn to produce.

You say that it is a Fourth of July celebration. While I tell you I believe in cannon and trumpets, thunder and glory, orations, bonfires, and bell-ringing, still I wish something more, further and higher—an exhibition which will mark our progress for one hundred years and exhibit the modern spirit of advancement and civilization characterizing the nineteenth century. Are not gentlemen aware that this exhibition is a bazaar at which for six months all the nations will assemble to shake hands as brethren and as friends? You say they will not feel at home here. I tell you, men of Massachusetts, and Ohio, and Maine, who tell us to-day the people of other nations would not be welcomed here, that strangers would not feel at home here during this exhibition, you may learn a lesson from that "old tyrant," as boys were taught to style him, George III. He had the manhood and

the kingly courtesy, despot as he was, to rise before his Parliament and acknowledge our independence and say what I will read:

"I lost no time in giving the necessary orders to prohibit the further prosecution of offensive war upon the continent of North America. Adopting, as my inclination will always lead me to do, with decision and effect whatever I collect to be the sense of my Parliament and my people, I have pointed all my views and measures in Europe, as in North America, to an entire and cordial reconciliation with the Colonies. Finding it indispensable to the attainment of the object, I did not hesitate to go to the full length of the powers vested in me, and offer to declare them"—here he paused, and was in evident agitation; either embarrassed in reading his speech by the darkness of the room or affected by a very *natural emotion*. In a moment he resumed—"and offer to declare them *free and independent* States. In thus admitting their separation from the crown of these kingdoms, I have sacrificed every consideration of my own to the wishes and opinions of my people. I make it my humble and ardent prayer to Almighty God that Great Britain may not feel the evils which might result from so great a dismemberment of the empire, and that America may be free from the calamities which have formerly proved in the mother country how essential monarchy is to the enjoyment of constitutional liberty. Religion, language, interests, and affections may, and I hope will, yet prove a bond of permanent union between the two countries."

And wherever the English flag and American flag meet in foreign waters, there the Englishman salutes the Stars and Stripes on the Fourth of July. And when the Queen's birthday comes around, the American salutes the Cross of Saint George. They exchange the salutes of guns and dipping of colors, as becomes gentlemen among the nations of the earth. And while I would fight John Bull to-morrow, and so would you, John Bull and we are friends to-day; we are blood relations, welcome here and welcome there. And in the great struggle which makes the glory of the nineteenth century, for pre-eminence in the application of science, to lift up the weak and lowly and lighten the sorrows of labor, we are generous rivals, standing on a common platform. We welcome here the Englishman, the German, the Frenchman—all of them! While the kings of those European monarchies may not love the Declaration of Independence their people love it, and we want to invite their people here. We want their people to know the character and boundless magnitude of our resources, that they may come here in still greater numbers. Human ingenuity cannot devise a fairer way—to use the commercial expression—to advertise the American continent than by this exhibition.

Comparison is vital to the success of any exposition. "Comparison" is expressly referred to in the act—an exhibition of our resources, development, and "progress in the arts which benefit mankind in comparison with those of older nations." You can never discover your success or your failure without comparison. You cannot gauge your status without comparison with other nations. Comparison is essential to show the effects on the industries and the arts of climate, of race, of geographical position, of raw materials, of social and political institutions. By having an international exhibition, the people of other countries bring us over what they produce, and show us how they produce it. In this way they will stimulate the establishment of many manufactures which we wish to see growing up here. They will bring over what we do not make; and we can see what it is, how it is made, and how we could make it. We will thus make advances where we are most deficient and have most need to learn. Such an opportunity we could not have in a purely national exhibition.

I wish I had time to read passages to show what Englishmen learned through their exhibition of 1851. They learned some sore lessons there, and they acknowledged it like men. They say it is a part of the British character to manfully confess defeat. They saw that in some respects they were beaten, and the result was that they were stirred up to greater efforts, so that they should not be left behind in the race by some of the continental nations. The exhibition of 1851 changed the face of industry in Great Britain. The exposition of Paris changed the industry of the French nation. Not one of those exhibitions worth mentioning has been held that has not been productive of important effects on everything relating to the economic and social condition and progress, the foreign and domestic trade, of the people among whom it was held.

No country is so well situated for an international exhibition as ours is. We afford the best market for many countries, and are their best customers. Many nations sell more to us than to any other people. With importations of over $600,000,000 to our shores, every nation in Christendom is under the bonds, each of its own peculiar interest, to be here. And as there is no necessary land transportation in the way of reaching Philadelphia, it will cost less to send thither than to send to Vienna. The people of Great Britain, France, Spain, Portugal, Denmark, Sweden, Norway, the West Indies, South America, Asia, and the larger part of Africa can more easily send to Philadelphia than to Vienna. Unless you have a know-nothing exhibition it must be a success.

As I have explained, the expense and the responsibility of foreign departments rest on the foreign governments themselves. We furnish the space and the protection, and the foreign governments will spend largely to take care of and exhibit what they send. And I may state here that a very friendly feeling in reference to our proposed international exhibition exists abroad. At the meeting of the jurors at the close of the Vienna exposition enthusiastic pledges were given to meet next at Philadelphia. We had experienced men, skilled engineers, and others, all saying to us, "You ought to have a grand exhibition; you have a noble opportunity, which you ought to seize for the credit and glory of your nation." The impression prevailed there that we could better manage an exhibition than any other people.

One great point is that we shall make a fair representation of the progress we have made during one hundred years of existence, and that we shall show especially the comparative progress we have made.

OUR SUCCESS ABROAD.

How did we succeed at London in 1851? Why, sir, we had only six or seven hundred exhibitors there, and yet the London Times said that the American department was second in interest in the Crystal Palace. Where did we triumph? You may not think Colt's revolver much of an affair; Europeans did. Some might say that McCormick's reaper was not of very great importance, but it is one of the types of a large class of inventions which are blessing mankind and revolutionizing the labor of production. Inventive ingenuity applied to labor saving is a peculiar boast of the American.

For twenty years there was an offer in the streets of London of two hundred guineas to any mechanic who would open one of Bramah's locks. Hobbs, an American, opened it in two days and then opened and shut it at pleasure. There was a similar challenge in the streets of London to any mechanic to open Chubb's lock; Hobbs opened it in twenty-five minutes.

Then, sir, Steers's little schooner went over from this country. John Bull thought that if Britannia was queen anywhere it was upon the sea. But when the yachts came home in the race John Bull telegraphed to London that the yacht America was ahead and the rest nowhere. Again, too, at the London exposition the English artists and critics dwelt with rapture on the work of an Ohio man, the beautiful statue of the Greek slave, the most notable and best-remembered sculpture in that exhibition. Sir, we gained ten times our meed of honor in proportion to the number of exhibitors we had there.

WHAT WE CAN SHOW.

We can show something of sculpture, and we are not behind in the arts. As sculptors we have Powers, and Brown, and Ward, and Hosmer, and Crawford; and in painting, we have Allston and Trumbull, Church and Kensett, and Bierstadt and Huntington—scores whom I cannot wait to name. We have in the field of mechanics produced the cotton-gin which revolutionized continents, for cotton employs forty million people in Europe, and it would not have employed two millions but for this cotton-gin. In mechanics we have the reaper, to which I have referred, and Blanchard's turner of irregular surfaces, the interchangeability of parts, the electric telegraph, the steamboat, the sewing-machine—a catalogue honorable and innumerable. These things are America's glory, and the workers of no other nation have done more to uplift labor and glorify this century than our mechanics and inventors. And yet gentlemen put down "sentiment" with a laugh, and our claims to eminence in material development with a sneer, and say we have nothing to exhibit.

Sir, I never go into a great machine-shop without an impulse to take off my hat to my master. These exhibitions are democratic. Monarchs may march triumphantly to their doors, but within, the artists, mechanics, and manufacturers are kings. No nimble-tongued orator has a right to assume airs of superiority when he walks into a shop a thousand feet long, with a thousand operatives working machinery of infinite accuracy, throwing out products of beauty for the farthest corners of the earth. My own door is within the hearing of mechanics, my neighbors, making for the Prussian government $1,100,000 worth of arms machinery, because it can be better done there than even in German arsenals.

I have a right to be proud of American industry, of American art and science. In nine-tenths of the fields embraced in these exhibitions we may boldly challenge the competition of the world. I say that deliberately, and thereon put my all at stake. You will have no reason to be ashamed of this exhibition. True, we cannot produce a Titian, or a Raphael, or a Rubens, or a Praxiteles; but it took thousands of years to produce them, and we have done very well in one hundred.

But that is not all. We have had a people to make in a hundred years; and, the Lord be praised, we have made a people. Bitterly as we fought among ourselves, I think we have got to be one nation now and shall remain so. We have done a great work in one hundred years. Why should we not let the world see what it is? Why should not we stop to examine it ourselves? You do not know your country. You do not know what an exhibition we can make. Let us put in one hall the progress of education and its present condition; in another the progress of religious denominations—and several of them are already making their arrangements. In another, the varied and innumerable soils and their capacity; elsewhere the treasures of the mine. Why, the gentleman from Alabama [Mr. WHITE] told you last night that you could ride in his State, which we think of as a "cotton State," one hundred miles over the very best iron ore, the bed fifteen feet deep and forty feet wide, and with the mountains full of it besides; and engineers say that there is coal enough in that State to supply the world for two thousand years. How many of you knew the resources of Alabama? We can beat Great Britain in coal and iron in that one State. We can produce iron there at fourteen dollars per ton, the gentleman says; and others have told me the same. And my friend before me from Chattanooga [Mr. CRUTCHFIELD] can give a similar account of the region around him.

Look at your wheat-fields. We can furnish bread to the whole world and not miss it. Look at the wheat-growth on the Pacific coast. Ten years ago we did not know that wheat could be pro-

duced there, and now California is feeding nations. There are fields ready for wheat over which you cannot ride in a week; where not only no plow has ever passed, but where the white man's foot has hardly yet trod, in the boundless Saskatchewan Valley, yet to be brought under cultivation.

You have not tickled the surface of the great Mississippi Valley. You have gold and silver enough to keep your miners at work for centuries; your coal, your iron; your soil, black and rich, fifteen feet deep, the deposit of centuries. Spread this information on maps, charts, and tabulated statements, on the walls of your exposition building. You wish the world to know it.

There are men now making ready specimens of the the root, the bark, the wood, the leaf, flower, and fruit of every tree from Maine to California—a collection such as no other country in the world can make. There will be an exhibition of the fishes to be gathered from Maine to Galveston, on the Pacific coast, and in our inland seas, such as will be of interest to all the naturalists of the world. Then there are our fire-arms, in which we beat the world; our clocks which we export everywhere; our edge-tools, in which we now beat Sheffield in her own markets, because the Yankee brain works through the machine that makes the tool, and we are quicker in that than John Bull. We have been building locomotives and passenger-cars for Europe. John Bull did not know how to go comfortably from London to Edinburgh till we sent him the other day some trains of Pullman cars. Then there are the cold fields of Maine, where they raise two hundred bushels of potatoes to the acre; and all the various soils and climates between that State and the sunny fields of San Diego, in California, rich in oranges, limes, lemons, almonds, all fruits of all climates, the sugar-cane of Louisiana, the matchless cotton of the sea islands, the grape culture, destined to an infinite development—everywhere productive capability immeasurable.

Let us devote a few weeks to arranging all these things in rooms and cases, and then ask the world to come and see them. In both aspects, that of fraternity and that of profit also, I believe this enterprise is legitimate and lawful. We will have scientific men and commissioners, who will come here and make their reports, published at home, and read and talked over by their people. The press of the world will sketch in words and pictures the wonders and uses we shall have, and the year after your immigration will be increased by thousands upon thousands. Your trade will be increased. New ships and flags will come to sell and buy.

THE MORAL USES.

How grand the opportunity to promote fraternity among the nations, whose representatives will there meet in the friendly competitions of a Christian civilization!

One consideration more that lies near my heart. In that summer of 1876 we of these States will meet under one flag and one name, avowing one purpose and one destiny, looking back far beyond the fierce and bloody quarrels that have tortured our hearts and reddened our fields. Pass our amnesty bills, secure the civil rights of all, clear the ground, and shake hands. I look around and see men who would have shot each other at sight a few years ago. I have learned something in this Hall, gained somewhat, I hope, of a kindlier feeling, just through these daily friendly greetings. We need such opportunity for all, as you, Mississippi, [looking at Mr. LAMAR,] have said, that we may "know one another better, and love one another better." We want the people called together in what I might call a good old-fashioned Methodist camp-meeting for six months. We cannot afford to throw away the opportunity. None such will come again in a hundred years. The moments hasten by; local jealousies, personal rivalries, false economy, no matter what folly, may let the time pass, and then historians for a hundred years will make your neglect the text for a shameful chapter. I pray for once clear away this smothering atmosphere. Let us not place self-interest above all things else. Indeed self-interest and honor move together, as in the true sense they always do. Let the American people pay a tax of $\frac{1}{4}$ of 1 per cent., half a million out of each one hundred millions of revenue, for two years. I am not afraid of them on that point; but I am afraid of undertaking the rôle of pettifogger in answer to the foreign governments that have accepted our invitations.

CONCLUSION.

As one of the commissioners, and just now their president, I cannot do this. You must relieve us from all that. You ordered the invitation. In obedience to your laws the President and Secretary have notified the world. Get the gentleman from Maine, [Mr. HALE,] the chairman of Appropriations, [Mr. GARFIELD,] and the gentleman from New Jersey, [Mr. PHELPS,] to prepare your statement thus, perhaps: "Whereas we sanctioned and ordered a celebration and an international exhibition for the honor and profit of the whole nation and to the glory of republican institutions only on condition that Pennsylvania would see the money raised; and whereas though Pennsylvania has secured half what was needed, the financial crisis checked the work of the commission; and whereas we somewhat doubt our having anything worth looking at or anybody capable of arranging it; therefore resolved that we back out and tell all our friends among the nations that they need not come."

No; you will not let them write or offer that. You will provide for a festival of patriotism and an exhibition of resources and developments worthy of a nation that claims a leadership in civilization and asserts the supreme beneficence of free institutions.

[Here the hammer fell.]

APPENDIX: CONTAINING VARIOUS OFFICIAL DOCUMENTS REFERRED TO IN SAID SPEECH.

ACTS OF CONGRESS RELATING TO CENTENNIAL CELEBRATION.

Copy of act of Congress creating the commission, approved March 3, 1871.

An act to provide for celebrating the one hundredth anniversary of American independence, by holding an international exhibition or arts, manufactures, and products of the soil and mine, in the city of Philadelphia, and State of Pennsylvania, in the year 1876.

Whereas the Declaration of Independence of the United States of America was prepared, signed, and promulgated in the year 1776, in the city of Philadelphia; and whereas it behooves the people of the United States to celebrate, by appropriate ceremonies, the centennial anniversary of this memorable and decisive event, which constituted the 4th day of July, A. D. 1776, the birthday of the nation; and whereas it is deemed fitting that the completion of the first century of our national existence shall be commemorated by an exhibition of the natural resources of the country and their development, and of its progress in those arts which benefit mankind, in comparison with those of older nations; and whereas no place is so appropriate for such an exhibition as the city in which occurred the event it is designed to commemorate; and whereas, as the exhibition should be a national celebration, in which the people of the whole country should participate, it should have the sanction of the Congress of the United States: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That an exhibition of American and foreign arts, products, and manufactures shall be held under the auspices of the Government of the United States, in the city of Philadelphia, in the year 1876.

SEC. 2. That a commission, to consist of not more than one delegate from each State and from each Territory of the United States, whose functions shall continue until the close of the exhibition, shall be constituted, whose duty it shall be to prepare and superintend the execution of a plan for holding the exhibition; and, after the conference with the authorities of the city of Philadelphia, to fix upon a suitable site within the corporate limits of the said city, where the exhibition shall be held.

SEC. 3. The said commissioners shall be appointed within one year from the passage of this act, by the President of the United States, on the nomination of the governors of the States and Territories, respectively.

SEC. 4. That in the same manner there shall be appointed one commissioner from each State and Territory of the United States, who shall assume the place and perform the duties of such commissioner and commissioners as may be unable to attend the meetings of the commission.

SEC. 5. That the commission shall hold its meetings in the city of Philadelphia, and that a majority of its members shall have full power to make all needful rules for its government.

SEC. 6. That the commission shall report to Congress, at the first session after its appointment, a suitable date for opening and for closing the exhibition; a schedule of appropriate ceremonies for opening or dedicating the same; a plan or plans of the building; a complete plan for the reception and classification of articles intended for exhibition; the requisite custom-house regulations for the introduction into this country of the articles from foreign countries intended for exhibition; and such other matters as in their judgment may be important.

SEC. 7. That no compensation for services shall be paid to the commissioners or other officers provided by this act from the Treasury of the United States; and the United States shall not be liable for any expenses attending such exhibition, or by reason of the same.

SEC. 8. That whenever the President shall be informed by the governor of the State of Pennsylvania that provision has been made for the erection of suitable buildings for the purpose, and for the exclusive control by the commission herein provided for of the proposed exhibition, the President shall, through the Department of State, make proclamation of the same, setting forth the time at which the exhibition will open, and the place at which it will be held; and he shall communicate to the diplomatic representatives of all nations copies of the same, together with such regulations as may be adopted by the commissioners, for publication in their respective countries.

OFFICERS OF THE UNITED STATES CENTENNIAL COMMISSION.

President.—Hon. Joseph R. Hawley.

Vice-presidents—Hons. Alfred T. Goshorn, Orestes Cleveland, W. M. Byrd, John D. Creigh, David Atwood, Thomas H. Coldwell.

Director-general.—Hon. Alfred T. Goshorn.

Secretary.—Hon. John L. Campbell.

Counselor and solicitor.—John L. Shoemaker, esq., 611 Vine street, Philadelphia.

The supreme control of the business of the United States centen-

nial commission, except during its session, is vested in the executive committee composed of thirteen members, namely:

Executive committee.—Daniel J. Morrell, Pennsylvania; Alfred T. Goshorn, Ohio; Walter W. Wood, Virginia; George B. Loring, Massachusetts; Charles H. Marshall, New York; James T. Earle, Maryland; George H. Corliss, Rhode Island; John G. Stevens, New Jersey; Alexander R. Boteler, West Virginia; Richard C. McCormick, Arizona; William Henry Parsons, Texas; Lewis Waln Smith, Georgia; John Lynch, Louisiana.

MEMBERS.

Alabama.—William M. Byrd, commissioner, Selma; James L. Cooper, alternate, Huntsville.

Arizona.—Richard C. McCormick, commissioner, Washington, D. C.; John Wasson, alternate, Tucson.

Arkansas.—E. W. Gantt, commissioner, Little Rock; Alexander McDonald, alternate, Little Rock.

California.—John Dunbar Creigh, commissioner, No. 714 Shotwell street, San Francisco; ——— ———, alternate, deceased.

Colorado.—J. Marshall Paul, commissioner, Fair Play; N. C. Meeker, alternate, Greeley.

Connecticut.—Joseph R. Hawley, commissioner, Hartford; William Phipps Blake, alternate, New Haven.

Dakota.—George A. Batchelder, commissioner, Yankton; Solomon L. Spink, alternate, Yankton.

Delaware.—Henry F. Askew, commissioner, Wilmington; John H. Rodney, alternate, New Castle.

District of Columbia.—James E. Dexter, commissioner, 322 Four-and-a-half street, northwest, Washington; Lawrence A. Gobright, alternate, Washington.

Florida.—John S. Adams, commissioner, Jacksonville; J. T. Bernard, alternate, Tallahassee.

Georgia.— ——— ———, commissioner; Lewis Waln Smith, alternate, Phildelphia, Pennsylvania.

Idaho.—Thomas Donaldson, commissioner, Boise City; James S. Reynolds, alternate, Boise City.

Illinois.—Frederick L. Mathews, commissioner, Carlinville; Lawrence Weldon, alternate, Bloomington.

Indiana.—John L. Campbell, commissioner, Crawfordsville; F. C. Johnson, alternate, New Albany.

Iowa.—Robert Lowry, commissioner, Davenport; Coker F. Clarkson, alternate, Eldora, Hardin County.

Kansas.—John A. Martin, commissioner, Atchison; George A. Crawford, alternate, Fort Scott.

Kentucky.—Robert Mallory, commissioner, La Grange; Smith M. Hobbs, alternate, Mount Washington.

Louisiana.—John Lynch, commissioner, lock box 980 New Orleans; Edward Penington, alternate, Philadelphia, Pennsylvania.

Maine.—Joshua Nye, commissioner, Augusta; Charles P. Kimball, alternate, Portland.

Maryland.—James T. Earle, commissioner, Centreville, Queen Anne County; John W. Davis, alternate, 25 North Calvert street, Baltimore.

Massachusetts.—George B. Loring, commissioner, Salem; William B. Spooner, alternate, Boston.

Michigan.—James Birney, commissioner, Bay City; Claudius B. Grant, alternate, Ann Arbor.

Minnesota.—J. Fletcher Williams, commissioner, Saint Paul; W. W. Folwell, alternate, Saint Anthony.

Mississippi.—O. C. French, commissioner, Jackson; ——— ———, alternate, ———.

Missouri.—John McNeil, commissioner, Compton Hill, Saint Louis; Samuel Hays, alternate, Saint Joseph.

Montana.—William H. Clagett, commissioner, Deer Lodge City; Patrick A. Largey, alternate, Virginia City.

Nebraska.—Henry S. Moody, commissioner, Omaha; R. W. Furnas, alternate, Brownville.

Nevada.—William Wirt McCoy, commissioner, Eureka, Lander County; James W. Haines, alternate, Genoa.

New Hampshire.—Ezekiel A. Straw, commissioner, Manchester; Asa P. Cate, alternate, Northfield.

New Jersey.—Orestes Cleveland, commissioner, Jersey City; John G. Stevens, alternate, Trenton.

New Mexico.—Eldridge W. Little, commissioner, Santa Fé.

New York.—N. M. Beckwith, commissioner, New York City; Charles H. Marshall, alternate, New York City.

North Carolina.— ——— ———, commissioner, ———; Jonathan W. Albertson, alternate, Hertford, Perquimans County.

Ohio.—Alfred T. Goshorn, commissioner, Cincinnati; Wilson W. Griffith, alternate, Toledo.

Oregon.—James W. Virtue, commissioner, Baker City; Andrew J. Dufur, alternate, Portland.

Pennsylvania.—Daniel J. Morrell, commissioner, Johnstown; Asa Packer, alternate, Mauch Chunk.

Rhode Island.—George H. Corliss, commissioner, Providence; Samuel Powel, alternate, Newport.

South Carolina.—William Gurney, commissioner, Charleston, Archibald Cameron, alternate, Charleston.

Tennessee.—Thomas H. Coldwell, commissioner, Shelbyville, Bedford County; William F. Prosser, alternate, Nashville.

Texas.—William Henry Parsons, commissioner, New York City; John C. Chew, alternate, New York City.

Utah.—John H. Wickizer, commissioner, Salt Lake City; Oscar G. Sawyer, alternate, New York City.

Vermont.—Middleton Goldsmith, commissioner, Rutland; Henry Chase, alternate, Lyndon.

Virginia.—Walter W. Wood, commissioner, Halifax Court-House; Edward R. Bagwell, alternate, Onancock, Accomack County.

Washington Territory.—Elwood Evans, commissioner, Olympia; Alexander S. Abernethy, alternate, Cowlitz County.

West Virginia.—Alexander R. Boteler, commissioner, Shepherdstown; Andrew J. Sweeney, alternate, Wheeling.

Wisconsin.—David Atwood, commissioner, Madison; Edward D. Holton, alternate, Milwaukee.

Wyoming.—Joseph M. Carey, commissioner, Cheyenne; Robert H. Lamborn, alternate, Philadelphia, Pennsylvania.

THE CETENNIAL BOARD OF FINANCE.

This board was created and chartered by the act of Congress in the premises, approved June 1, 1872, as an auxiliary to the commission. The corporators named in the act represented every congressional district in the country. Provision was made for the annual election of twenty-five directors at which every stockholder is entitled to cast a vote for each share of stock owned by him. These directors are charged with the financial administration of the exhibition. The measures necessary for promoting the procurement of the capital, by subscriptions to stock to the extent of one million shares at ten dollars per share, were intrusted to those directors. Their duties include also the auditing and settlement of all accounts for the expenses attending the erection of buildings, the expenses and the organization, completion, and closing up of the exhibition. They are to have charge of moneys received from all sources of income to the exhibition, and to distribute at the close of it *pro rata* among the stockholders the surplus remaining in their hands of such amount as may have been received from admissions, rents, licences, and all other sources of income, including the proceeds of the sale of buildings and other property, after payment of all expenses properly pertaining to the exhibition.

The following is a list of the board of directors and of their officers:

OFFICERS OF THE CENTENNIAL BOARD OF FINANCE.

President.—John Welsh, Philadelphia.

Vice-presidents.—William Sellers, Philadelphia; John S. Barbour, Virginia.

Directors.—Daniel M. Fox, Philadelphia; Samuel M. Felton, Philadelphia; Thomas Cochran, Philadelphia; Clement M. Biddle, Philadelphia; N. Parker Shortridge, Philadelphia; Edward T. Steel, Philadelphia; James M. Robb, Philadelphia; John Wanamaker, Philadelphia; John Price Wetherill, Philadelphia; Henry Winsor, Philadelphia; Thomas H. Dudley, New Jersey; Abram S. Hewitt, New York; Charles W. Cooper, Pennsylvania; John Gummings, Boston, Massachusetts; William Bigler, Pennsylvania; Robert Patton, Alabama; John B. Drake, Illinois; George Bain, Missouri; Henry Lewis, Philadelphia; Amos R. Little, Philadelphia; (one vacancy.)

Secretary and treasurer.—Frederick Fraley, Philadelphia.

By the President of the United States of America:

A PROCLAMATION.

Whereas by the act of Congress approved March 3, 1871, providing for a national celebration of the one hundredth anniversary of the independence of the United States, by the holding of an international exhibition of arts, manufactures, and products of the soil and mine, in the city of Philadelphia, in the year 1876, it is provided as follows:

That whenever the President shall be informed by the governor of the State of Pennsylvania that provision has been made for the erection of suitable buildings for the purpose, and for the exclusive control by the commission herein provided for of the proposed exhibition, the President shall, through the Department of State, make proclamation of the same, setting forth the time at which the exhibition will open and the place at which it will be held; and he shall communicate to the diplomatic representatives of all nations copies of the same, together with such regulations as may be adopted by the commissioners, for publication in their respective countries.

And whereas his excellency the governor of the State of Pennsylvania did, on the 24th day of June, 1873, inform me that provision has been made for the erection of said buildings and for the exclusive control by the commission provided for in the said act of the proposed exhibition; and whereas the president of the United States centennial commission has officially informed me of the dates fixed for the opening and closing of the said exhibition, and the place at which it is to be held:

Now, therefore, be it known, that I, Ulysses S. Grant, President of the United States, in conformity with the provisions of the act of Congress aforesaid, do hereby declare and proclaim that there will be held, at the city of Philadelphia, in the State of Pennsylvania, an international exhibition of arts, manufactures, and products of the soil and mine, to be opened on the 19th day of April, A. D. 1876, and to be closed on the 19th day of October, in the same year.

And in the interest of peace, civilization, and domestic and international friendship and intercourse, I commend the celebration and

exhibition to the people of the United States; and, in behalf of this Government and people, I cordially commend them to all nations who may be pleased to take part therein.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington, this 3d day of July, 1873, and of the Independence of the United States the ninety-seventh

[L. S.] U. S. GRANT.

By the President:

HAMILTON FISH,
Secretary of State.

The foregoing proclamation was sent to foreign governments with the following form of note:

DEPARTMENT OF STATE,
Washington, July 5, 1873.

SIR: I have the honor to inclose, for the information of the government of ———, a copy of the President's proclamation announcing the time and place of holding an international exhibition of arts, manufactures, and products of the soil and mine, proposed to be held in the year 1876.

The exhibition is designed to commemorate the Declaration of the Independence of the United States, on the one hundredth anniversary of that interesting and historic national event, and at the same time to present a fitting opportunity for such display of the results of art and industry of all nations as will serve to illustrate the great advances attained and the successes achieved in the interest of progress and civilization during the century which will have then closed.

In the law providing for the holding of the exhibition, Congress directed that copies of the proclamation of the President, setting forth the time of its opening and the place at which it was to be held, together with such regulations as might be adopted by the commissioners of the exhibition, should be communicated to the diplomatic representatives of all nations. Copies of those regulations are herewith transmitted.

The President indulges the hope that the government of ——— will be pleased to notice the subject, and may deem it proper to bring the exhibition and its objects to the attention of the people of that country, and thus encourage their co-operation in the proposed celebration. And he further hopes that the opportunity afforded by the exhibition for the interchange of national sentiment and friendly intercourse between the people of both nations may result in new and still greater advantages to science and industry, and at the same time serve to strengthen the bonds of peace and friendship which already happily subsist between the government and people of ——— and those of the United States.

I have the honor to be, sir, with the highest consideration, your obedient servant,

———.

GENERAL REGULATIONS.

First. The international exhibition of 1876 will be held in Fairmount Park, in the city of Philadelphia, in the year 1876.

Second. The date of opening of the exhibition will be April 19, 1876, and of closing will be October 19, 1876.

Third. A cordial invitation is hereby extended to every nation of the earth to be represented by its arts, industries, progress, and development.

Fourth. A formal acceptance of this invitation is requested previous to March 4, 1874.

Fifth. Each nation accepting this invitation is requested to appoint a commission, through which all matters pertaining to its own interests shall be conducted. For the purpose of convenient intercourse and satisfactory supervision, it is especially desired that one member of each such commission be designated to reside at Philadelphia until the close of the exposition.

Sixth. The privileges of exhibitors can be granted only to citizens of countries whose governments have formally accepted the invitation to be represented, and have appointed the aforementioned commission, and all communications must be made through the governmental commissions.

Seventh. Applications for space within the exposition buildings, or in the adjacent buildings and grounds under the control of the centennial commission, must be made previous to March 4, 1875.

Eighth. Full diagrams of the buildings and grounds will be furnished to the commissioners of the different nations which shall accept the invitation to participate.

Ninth. All articles intended for exhibition, in order to secure proper position and classification, must be in Philadelphia on or before January 1, 1876.

Tenth. Acts of Congress pertaining to custom-house regulations, duties, &c., together with all special regulations adopted by the centennial commission in reference to transportation, allotment of space, classification, motive-power, insurance, police rules, and other matters necessary to the proper display and preservation of materials, will be promptly communicated to the accredited representatives of the several governments co-operating in the exposition.

PHILADELPHIA, *November*, 1873.

The above regulations were adopted by the United States centennial commission by virtue of authority conferred by the acts of Congress approved March 3, 1871, *and June* 1, 1872, *and were sent officially to foreign governments with the same note which communicated the President's proclamation.*

INSTRUCTIONS TO AMERICAN MINISTERS.

In a circular note dated July 7, 1873, addressed to all American ministers abroad by the State Department, Secretary Fish said:

DEPARTMENT OF STATE,
Washington, July 7, 1873.

SIR: I transmit, herewith, a copy of the proclamation of the President announcing, &c. * * * * * * *

It is desired that you will avail yourself of such opportunities as your official relations with the government of ——— will afford, to make known to the proper authorities, and through them to the people of that country, the object and scope of the exhibition, and thereby aid in securing their interest and co-operation in it. You will also ascertain, as early as may be practicable, *whether or not it is the purpose of the ——— government to create a commission* to represent ——— at the exhibition, and have in special charge the interests of citizens of that country who may take part in the proposed celebration. It is also desired that you will keep the Department advised of such information as you may become possessed of in relation to the subject, and that you will, by imparting information to those who may inquire in relation to the objects and purposes of the exhibition, and by such other means as your judgment and experience may suggest, do all in your power to promote the interest and success of this interesting national celebration.

* * * * * * *

By the President of the United States.

EXECUTIVE ORDER.

Whereas it has been brought to the notice of the President of the United States that, in the international exhibition of arts, manufactures, and products of the soil and mine, to be held in the city of Philadelphia, in the year 1876, for the purpose of celebrating the one hundredth anniversary of the independence of the United States, it is desirable that, from the Executive Departments of the Government of the United States, in which there may be articles suitable for the purpose intended, there should appear such articles and materials as will, when presented in a collective exhibition, illustrate the functions and administrative faculties of the Government in time of peace, and its resources as a war power, and thereby serve to demonstrate the nature of our institutions and their adaptations to the wants of the people:

Now, for the purpose of securing a complete and harmonious arrangement of the articles and materials designed to be exhibited from the Executive Departments of the Government, it is ordered that a board, to be composed of one person, to be named by the head of each of the Executive Departments which may have articles and materials to be exhibited, and also of one person to be named in behalf of the Smithsonian Institution, and one to be named in behalf of the Department of Agriculture, be charged with the preparation, arrangement, and safe-keeping of such articles and materials as the heads of the several Departments and the Commissioner of Agriculture and the Director of the Smithsonian Institution may respectively decide shall be embraced in the collection; that one of the persons thus named, to be designated by the President, shall be chairman of such board; and that the board appoint from their own number such other officers as they may think necessary; and that the said board, when organized, be authorized, under the direction of the President, to confer with the executive officers of the centennial exhibition in relation to such matters connected with the subject as may pertain to the respective Departments having articles and materials on exhibition; and that the names of the persons thus selected by the heads of the several Departments, the Commissioner of Agriculture, and the Director of the Smithsonian Institution, shall be submitted to the President for designation.

By order of the President:

HAMILTON FISH,
Secretary of State.

WASHINGTON, *January* 23, 1874.

DEPARTMENT OF STATE,
Washington, March 25, 1874.

SIR: I have the honor to inform you that, in accordance with the order of the President of the 23d of January last, the following persons have been named by the heads of the several Departments, &c., mentioned in the order, having articles or materials to be exhibited at the centennial exhibition to be held in 1876, to compose the board directed to be created by the said order, namely:

By the Secretary of the Treasury—Hon. F. A. Sawyer.

By the Secretary of War—Colonel S. C. Lyford, United States Army.

By the Secretary of the Navy—Admiral T. A. Jenkins, United States Navy.

By the Secretary of the Interior—John Eaton, esq.

By the Postmaster-General—Dr. Charles F. McDonald.

By the Department of Agriculture—William Saunders, esq.

By the Smithsonian Institution—Professor S. F. Baird.

I have the honor further to inform you that the President has

designated Colonel S. C. Lyford, United States Army, to be the chairman of such board.

I have the honor to be, sir, your obedient servant,

HAMILTON FISH.

Hon. WILLIAM W. BELKNAP,
Secretary of War.

The above and the executive order preceding it were embodied in General Orders of the War Department No. 28, published to the Army.

SOME OF THE ACCEPTANCES RECEIVED FROM FOREIGN GOVERNMENTS.

Acceptance of the German Empire.

[Extract from Prince Bismarck's instructions to the German envoy at Washington.]

BERLIN, *January* 2, 1874.

* * * * * * *

I request you respectfully to communicate to the Secretary of State, Mr. Fish, that the German Empire accepts with sincerest thanks the invitation of the Government of the United States of America to take part in the above-mentioned exhibition. The appointment of a special commission for the exhibition, as also a plenipotentiary residing in Philadelphia, will therefore be made in time. * * * *

The chancellor of the Empire,

BISMARCK.

Acceptance by the Netherlands.

[Mr. de Westenberg, the minister of the Netherlands, to Mr. Fish.]

I have the honor to inform your excellency that the government of the Netherlands has received this international invitation with lively satisfaction, and intends to take part in the said exposition by contributing productions of the arts and industry of the Netherlands.

To this effect a commission will be appointed in the Netherlands, and also a committee to direct and furnish information to exhibitors.

As soon as it shall be in my power, I shall hasten to communicate to your excellency the names and quality of the persons who are to constitute this committee. * * * * *

WESTENBERG.

LEGATION OF THE NETHERLANDS.

Acceptance by Switzerland.

Our minister at Berne, under date of January 28, 1874, incloses to the Department of State a communication from the federal council, in which it is said:

"In thanking Mr. Rublee for these overtures, and in requesting him to be pleased to convey to his government its grateful sentiments for the courteous invitation, which it accepts, the federal council assures him that it will use its best efforts to promote the enterprise, as it has done in the case of similar expositions in Europe, provided that the necessary credits are granted by the Federal Assembly."

Acceptance by Sweden.

Our minister to Sweden in a communication to the Department of State, dated March 21, 1874, says:

"The official journal of last evening announced the appointment, by the King, of the committee with power to organize and supervise all that concerns Sweden's taking part in the Philadelphia exhibition. * * * It is announced at the same time that so much of the fifty thousand Swedish dollars voted by the Diet will be applied to enable the committee to carry on their work as is requisite, and that free transportation on all of the public railways will be granted for the committee and for the articles to be exhibited.

"It may be assumed that in the department of statistics Sweden will make a fine showing. I have reason to believe that this country is going to work to gain as much honor as possible at the exhibition.

"Undoubtedly able men from every State in Europe will visit our country during the exhibition and make searching investigation of social affairs, especially in the South, and report the results."

Acceptance by Spain.

The Spanish minister at Washington, writing to the Department of State, under date of April 24, 1874, incloses a communication from the secretary-general of the ministry of state, in which he says:

"The government of the republic has been gratified to receive the invitation which has been extended to Spain through your excellency by the Secretary of State of the North American Republic, to take part in the international exhibition. * * * The Spanish government will adopt all necessary measures to the end that Spain may be represented in the best manner possible."

Acceptance by the Argentine Republic.

The minister of foreign affairs, in a note to our minister to the Republic, dated January 22, 1874, says:

* * * "The Argentine government accepts the invitation which that of the United States has been pleased to extend to it through your excellency, to take part in the exhibition which is to be held at Philadelphia, and a commission has been appointed for this purpose.

* * * * * * *

"The Argentine government returns its sincere thanks to the Republic of the North for this attention. * * *

"C. TEJEDOR."

The President of the Argentine Republic issued a decree on the 24th November, 1873, a copy of which was inclosed with the above note, in which arrangements were ordered and appropriations designated for organizing commissions and forwarding articles from every province of the republic.

TEXT OF HOUSE BILL NOW BEFORE THE SENATE.

"Whereas at various international exhibitions which have been held in foreign countries the United States have been represented, in pursuance of invitations given by the governments of those countries and accepted by our own Government: Therefore,

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the President be requested to extend, in the name of the United States, a respectful and cordial invitation to the governments of other nations, to be represented and take part in the international exhibition to be held at Philadelphia, under the auspices of the Government of the United States, in the year 1876."

This passed the House by a vote of 206 yeas to 41 nays. In the Senate, after much debate, it was referred to the Committee on Appropriations.

Compensation for Destruction of Property.

SPEECH OF HON. FRANK HEREFORD,

OF WEST VIRGINIA,

IN THE HOUSE OF REPRESENTATIVES,

May 8, 1874,

On the subject of the duty of the Government to make compensation for colleges and churches and other private property destroyed by the United States Army during the late war.

Mr. HEREFORD. Mr. Speaker, the principle upon which compensation may be justly claimed and awarded for private property when taken for public necessity in time of warfare is well stated by the late William Whiting in his treatise upon War Powers under the Constitution of the United States. Says Mr. Whiting:

When individuals are called upon to give up what is their own for the advantage of the community, justice requires that they shall be fairly compensated, otherwise public burdens would be shared unequally. * * * Public use does not require that the property taken shall be actually used; it may be disused, removed, or destroyed. And destruction of private property may be the best public use it can be put to. * * * If the private property of loyal citizens, inhabitants of loyal States, is appropriated by our military forces for supplying our armies and to aid in prosecuting hostilities against a public enemy, the Government is bound to give a reasonable compensation therefor to the owners.—*Whiting on War Powers*, pages 16 and 17.

To the same effect concur the leading writers on military law and the law of nations. The distinguished publicist, Grotius, in his treatise on The Rights of War and Peace, uses the following language:

The state has an eminent right of property over the goods of the subjects, so that the state or those that represent it may make use of them and even destroy them, not only in extreme necessity, but for the public benefit; to which we must add that the state is obliged to repair the damages suffered by any subject on that account out of the public stock.

In volume 3, page 348, of Vattel's celebrated treatise on The Law of Nations the following principle is laid down:

Damages sustained in war are of two kinds: those done by the state itself or the sovereign, and those done by the enemy. Of the first kind some are done deliberately and by way of precaution, as when a field, a house, a garden, belonging to a private person, is taken for the purpose of erecting on the spot a rampart or any other fortification, or when his standing corn or his store-houses are destroyed to prevent their being *of use* to the enemy. Such damages are to be made good to the individual, who should bear only his quota of the loss.

These principles, thus announced by eminent publicists, have been confirmed by the practice of all civilized nations in the case of damages by their own military operations to the property of loyal subjects or citizens. In fact, most of these nations have gone further, and have recognized the right of their citizens to compensation for damages sustained in war not only through the troops of their own country, but also by those of the enemy. A conspicuous instance of this is to be found in the treatment of the claims of the British loyalists in the war of the American Revolution by the government of Great Britain. These adherents to the cause of the mother-country (or tories as they were called among us) petitioned Parliament for payment for the losses sustained, not at the hands of the British army in America, but at the hands of the American forces or "rebels."

These claims long formed the subject of consideration in Parliament, where it was admitted that the loyalists were as perfectly subjects of the British state as any man in London or Middlesex. Eminent parliamentary leaders declared that the nation was bound as well by the fundamental laws of society as by the eternal principles of natural justice to make them a compensation. The King, in his speech from the throne, alluded to these American sufferers, and trusted that generous attention would be shown to them. Both political parties in Parliament assented to this suggestion. Commissioners were appointed to inquire into the circumstances of the loyalists "reduced to distress by the late unhappy dissensions in America." This measure was passed without opposition. The commissioners were to inquire into the loyalty and conduct of the claimants, who were required to state in proper form every species of loss which they had

suffered. The total number of claimants was five thousand and seventy-two, and the commissioners were engaged in examining their claims from March, 1784, to April, 1788. The whole amount of losses claimed was £8,026,045, of which the sum of £3,292,452 was allowed and paid by act of Parliament. The claims thus allowed included not only those who had lost property, but those who had lost life estate in property by confiscation, and those who had lost income.

A few received their whole demands without any deduction, while others received much less than the claims they had preferred; but the handsome sum of $16,000,000, divided among the loyalists by the Government of Great Britain, proves that these adherents to the royal cause were well cared for by a greateful country. (Sabine's Loyalists of the American Revolution, volume 1, pages 104–112.)

The precedents in our own military history for awarding compensation to the sufferers by damage or destruction of property during war by our military authorities are numerous and conclusive. Thus we find Congress passing an act as early as 1792 providing indemnification to the trustees of a public grammar school and academy at Wilmington, Delaware, for the use and occupation of the said school and for damages done to the same by the troops of the United States during the revolutionary war. (6 United States Statutes, page 8.)

Again, on the 16th of April, 1800, Congress directed the accounting officers of the Treasury to liquidate and settle the claim of Rhode Island College, for compensation for the use and occupation of its edifice and for injury done to the same in the years 1776 to 1780, by the troops of the United States. (6 United States Statutes, page 40.)

A case of the destruction of property during the revolutionary war closely analogous to the one now presented to Congress will be found in the American State Papers, (class 9—claims,) on page 522. The report of the committee in this case sets forth that it was the object of the petitioner, Sarah Dewees, to obtain indemnity for buildings, the property of her late husband, destroyed by the public enemy while occupied under the authority of the Quartermaster-General of the United States as a place of regular military deposit at Valley Forge, in the year 1777. The committee quote the report of a former select committee made to the House in 1794, which sets forth—

That the facts alleged in the said petition are satisfactorily established; that it appears the property was taken for public use, contrary to the wishes and remonstrances of the petitioner; that the chief part of his buildings were occupied as a deposit for military stores, where a part continued until the approach of the enemy; that, on the arrival of the enemy, he consumed the stores with the buildings; that the destruction of the said property *is to be ascribed wholly* to the circumstance of the military stores being there deposited, as none of the buildings in the vicinity suffered in like manner; and that the claim of the petitioner is not barred by any act of limitation.

The Committee on Claims of the House, in their report recommending the payment of this claim of Sarah Dewees, February 5, 1817, use the following language:

The petitioner represents her case as coming entirely within the scope of an act passed at the last session of Congress, authorizing the payment for buildings destroyed by the enemy while occupied as a military deposit. The force of this suggestion the committee are compelled to admit in all its extent.

The committee believe the destruction of Colonel Dewees's buildings was clearly sanctioned by the usages of civilized warfare, and that the obligation on the Government to make compensation for the loss of property thus taken for public use is unequivocal. In the lapse of time for which indemnity has been withheld, the committee see nothing to weaken this obligation. The facts were established to the satisfaction of the House of Representatives as early as 1794. From a diligent examination of the records of the House of Representatives, the committee are induced confidently to believe no claim similar in character has ever been made on the justice of Congress since the establishment of the present Government.

They therefore respectfully recommend the payment of the claim of Sarah Dewees, and report a bill making the necessary appropriation.

The act referred to in the above-cited report was approved April 9, 1816. It was entitled "An act to authorize the payment for property lost, captured, or destroyed by the enemy while in the military service of the United States." The fifth section of this act provided as follows:

And be it further enacted, That where any property has been impressed or taken by public authority for the use or subsistence of the Army during the late war, and the same shall have been destroyed, lost, or consumed, the owner of such property shall be paid the value thereof, deducting therefrom the amount which has been paid, or may be claimed, for the use and risk for the same, while in the service aforesaid.

The ninth section of the act also contained the following provision:

And be it further enacted, That any person who in the time aforesaid has sustained damage by the destruction of his or her house or building by the enemy, while the same was occupied as a military deposit under the authority of an officer or agent of the United States, shall be allowed and paid the amount of such damage: *Provided*, It shall appear that such occupation was the cause of its destruction. (3 United States Statutes, 263.)

Further sections of the act provide that the value of such destroyed property should be ascertained by the best evidence which the nature of the case would admit of; and that a commissioner should be appointed by the President and Senate whose duty it should be to decide cases arising under the act, and, when the judgment of said commissioner should be in favor of the claim, it should entitle the claimant to payment of the amount thereof at the Treasury of the United States. Congress recognized the justice of this claim of the widow, Sarah Dewees, by passing an act, approved April 11, 1818, awarding her and the heirs of her late husband the sum of $8,000 for the loss of property owing to its being taken for public use. (6 United States Statutes, 207.)

In like manner, we find numerous cases of compensation paid to American citizens whose houses and property were destroyed or injured through the exigencies of warfare in the last war with Great Britain, of 1812–'15. By the act of March 3, 1815, Congress directed the Secretary of War to audit and settle the claims of James Savage and twenty-one others for damages on account of the destruction of their houses and property by order of Major-General Macomb, by ascertaining the value of the said property at the time of its destruction, and paying for it, "upon such terms as may appear reasonable and just," out of the Treasury of the United States.

Again, on the 26th of April, 1816, Congress directed the auditing and settlement of the claim of the supervisors of the county of Clinton, in the State of New York, for the destruction of the court-house of the said county by order of General Alexander Macomb, commander of troops of the United States, by ascertaining the value thereof and paying it over to said supervisors for the benefit of the county of Clinton, out of any money in the Treasury not otherwise appropriated. This, be it observed, was a case of the destruction of a public building to prevent it from falling into the hands of the enemy.

The Committee on Claims of the House of Representatives, in November, 1814, reported in favor of the payment to John Chalmers, jr., of a claim for the destruction of the petitioner's rope-walks at Baltimore by a military order of General Forman, commanding the Maryland militia at that place. The facts were these: Claimant was manufacturing cordage for the Navy Department, and had a large quantity ready to deliver, when on the approach of the enemy toward Baltimore the rope-walks were set on fire and destroyed to prevent their falling into the hands of the British army. In accordance with the report of the committee the accounting officers of the Navy were directed by act of Congress to allow John Chalmers the whole sum due for actual disbursements made by him on the rope-walks thus destroyed. A similar act was passed to indemnify the owners of other rope-walks near Baltimore destroyed at the same time in front of the lines of the American Army.

But we find another case precisely similar in the main circumstances to that of the claim now before this body for indemnity. This was the claim of William Henry Washington, for a house destroyed by military order during the year 1814. The Committee on Claims of the House of Representatives thus reported upon this case December 9, 1814:

That the petitioner owned a small house, situated in Alexandria County, near the western end of the Potomac bridge; that on the 24th of August last a quantity of public stores was removed from Greenleaf's Point by order of Colonel Wadsworth, and deposited in the house for safe-keeping. A corporal and five men were stationed at the house to protect the public stores and to prevent them from falling into the possession of the enemy. The command of the stores was given to Lieutenant Baden, who directed the corporal, in case of attack by the enemy, to blow up the stores and retire from the place.

It appears from the affidavit of the corporal, hereto attached, that he apprehended an attack by the enemy, and, under that impression, blew up the stores and destroyed the house. The petitioner claims the value of his house.

Whether the destruction of the house was necessary to prevent the public stores from falling into the hands of the enemy is a matter of opinion, to be formed by the facts submitted to the House. The committee are of opinion that, inasmuch as the officer to whose care the public stores were committed thought it prudent and proper to destroy the house and stores to prevent the latter coming to the possession of the enemy, the petitioner should be paid the value of his house. They therefore report by bill.—*American State Papers, Claims*, page 446.

The recommendation of the Committee on Claims in this case (in which, be it observed, the committee did not declare that the destruction of the house was found necessary to prevent the public stores falling into the hands of the enemy) was nevertheless carried into effect by Congress.

By an act approved March 1, 1815, (6 United States Statutes, 151,) the accounting officers of the War Department were directed to ascertain the value of the house belonging to William H. Washington, situated near the west end of the Potomac bridge, and which was destroyed by order of an officer of the United States; "which valuation," says the act, "shall be made in such manner and upon such terms as may embrace the justice of his case." The second section of the act appropriated the money to pay the claim of the said Washington upon his releasing to the United States all claim on account of the destruction of the aforesaid house.

By an act of March 3, 1817, Peter Caslard was awarded damages to the full value of such injury as he might satisfactorily show he had sustained by the destruction of his saw-mill and property by order of General David B. Morgan, of the Army of the United States. (6 United States Statutes, 188.)

Again, by the act approved March 15, 1815, the Eastern Branch Bridge Company were indemnified on account of injury done their bridge by an order from the Navy Department during the prosecution of hostilities in the vicinity of Washington. The bridge, as we learn from contemporary history, was partly burned and partly blown up, in a panic, during the advance of the British army upon Washington. (6 United States Statutes, 152.)

Again, on the 3d of March, 1817, Congress passed an act for the relief of Joseph I. Green, for the damage done to his house in Plattsburgh, New York, under the orders of General Macomb, in September, 1814, during the prosecution of hostilities.

Caleb Nichols was awarded damages for injury done to his house and store in Plattsburgh, New York, under the orders of General Macomb, in September, 1814.

On the same day Congress passed an act reimbursing James H.

Boisgervais for the destruction of his saw-mill and property, by order of General David B. Morgan; and also to settle his claim for the use of his wood and fencing by the American troops for fuel, while stationed below New Orleans.

William Oliver was also paid the full value of his houses, destroyed at Fort Wayne, Indiana, by order of the officer who commanded there in the year 1812.

The number of claims which have been recognized and paid by Congress on account of damages done to property in the last war with Great Britain has been very large. Many of them were for property seized or destroyed under orders of Major-General Andrew Jackson. Of this class was the claim of Madam Montreuil, of Louisiana, who, as appears from a report in the case, owned a plantation below New Orleans which was occupied by the American Army, and upon which public works for the defense of the country were erected. The committee reported a bill for her relief, her plantation having received considerable injury by these public works, and Congress passed an act accordingly. (American State Papers, Claims, page 521.)

Another case of perhaps greater hardship, and more closely analogous to the one now presented to Congress for relief, was that of Antoine Bienvenu, of Louisiana. The report of the Committee on Claims in this case set forth that the claimant was owner of an elegant house situated below New Orleans, and between the positions occupied by the American and British armies in January, 1815. In consequence of this situation of the house and the two armies, it afforded a shelter to the British army; and was by General Jackson ordered to be fired on with hot shot for its destruction. In consequence of the destruction of the house and furniture the petitioner sustained considerable injury, and the committee, being of opinion that he was entitled to relief, reported a bill for that purpose. (American State Papers, Claims, page 521.)

A similar claim for indemnity for the erection of a battery in front of the house of John De Castanado by order of the commanding officer of the United States Army, in consequence of which the house received much injury from the British artillery, was favorably reported at the same session by the House Committee on Claims.

Another case closely analogous to the one now presented was the claim of the firm of Miller & Baker, of New York, which was paid by Congress in 1818. They had rented to the Quartermaster-General of the United States Army a house in Greenwich, Long Island, for the use and occupation of the troops of the United States, "which said house," (as is stated in the act of indemnity,) "used and occupied at the risk of the United States, was substantially burned down on the 4th of March, 1813, while used and occupied as aforesaid." The act appropriated the sum of $3,500 in full payment of the loss. (6 United States Statutes, 209.)

Congress directed to be paid the sum of $3,867.66 to settle the claim of Samuel F. Hooker, of Sackett's Harbor, for property taken and occupied for public use during the late war, and for a house and barn rented for barracks which were destroyed by the enemy. (6 United States Statutes, 211.)

Congress further paid by successive appropriations the following among other claims for the occupation of buildings and destruction of property by the troops of the United States during the invasion of New Orleans by the British:

John Rodriguez	$1,857 00
Francis B. Languille	2,250 00
Alexander Milne	2,500 00
Lewis H. Guerlain	420 00
Joseph M. Neil	700 00
Bartholomew Duverge	2,100 00
P. D. De La Ronde	5,770 50
John Pellett	3,864 00
Heirs of Edward McCarty	2,940 00
Solomon Prevost	1,960 00
Thomas Shields	1,693 10
Thomas Mayhew	715 00
Edward Evat	1,328 81
John Rodriguez	883 00
Heirs of Widow Dupré	8,995 00

Besides many other cases, too numerous to be here quoted.

Another instance of a building used for public purposes paid for by act of Congress will be found on page 711 of the sixth volume of the United States Statutes at Large. The sum of $3,000 was thereby appropriated in full satisfaction for the destruction of the court-house of Calvert County, in the State of Maryland, during the late war with Great Britain, while the same was in the military occupancy of the United States, and in consequence thereof destroyed by fire.

Nor are the cases of indemnity for property destroyed by the necessities of warfare by any means confined to the war of the Revolution or to that with Great Britain in 1812-'15. By the act of March 1, 1843, William G. Saunders was paid for his store-house and dwelling-house, destroyed January 21, 1836, by order of Captain Pelton, United States Army, commander at Fort Brooke, Florida, to destroy the cover of the enemy in approaching the fort, so as to prevent the buildings being occupied and burned by the hostile Indians. This was during the Seminole war.

The principle upon which nearly all the cases of indemnity for military losses have been paid by Congress is thus admirably set forth. In a report of the Committee on Military Affairs to the Senate, February 14, 1816, that principle is thus expressed:

> Whether it becomes the magnanimity of a government whose only object should be the protection and prosperity of all its citizens to dispense relief in cases like these, and thereby to cause the war to fall equally on all, is a question which the committee believe is placed beyond their cognizance in consequence of the course heretofore pursued by Congress in regard to losses sustained during the war, *a course which seems to inculcate that indemnity is due to all those whose losses have arisen from the acts of our own Government, or those acting under its authority*; while losses produced by the conduct of the enemy are to be classed among the unavoidable calamities of war, and do not entitle the sufferer to indemnification by the Government. (See Report, as cited in American State Papers, Claims, page 462.)

Congress has likewise recognized in the fullest manner the obligation of the Government to pay for stores taken and property destroyed in the possession of loyal citizens during the war of the rebellion. By an act approved January 31, 1867, the Secretary of the Treasury was required to pay to Josiah O. Armes the sum of $9,500 for damages sustained by him in consequence of the burning of his buildings and the destruction of his property at Anandale, Fairfax County, Virginia, by the United States troops. (14 United States Statutes, 617.)

And in the case of the Kentucky University, an institution of learning whose claim rests certainly upon no higher ground than that of a religious organization, for similar destruction of property by United States authority, Congress awarded the sum of $25,000 in full compensation for the occupation of its buildings at Lexington, Kentucky, as a general hospital for United States soldiers during the war. This payment to the Kentucky University for the use of its buildings for purely military purposes was made in pursuance of an act approved as late as January 17, 1871, and recorded in the United States Statutes at Large, volume 16, page 678.

In the creation also of the board known as the southern claims commissioners Congress has solemnly admitted the obligation of the Government to pay for all stores, supplies, fences, and other similar property taken for the use of the United States Army from loyal citizens during the entire war. Does the obligation to pay for such property, taken and used directly by the Army, rest upon any higher ground than that of payment for property destroyed by order of the commanding officer of the Union Army to prevent its falling into the hands of the enemy?

It may be added, that in the still later instances of the Franco-Prussian war of 1870-'71, the French Republic, although staggering under the weight of an immediate war debt much greater than our own, provided by statute for the payment to its loyal citizens of damages sustained by the French army as well as for the repayment of exactions levied by the German authorities. The sum of 100,000,000 francs was appropriated to be at once supplied to these sufferers, besides an additional sum of 6,000,000 francs to be distributed among those who suffered most in the operations attending the attack made by the French army to gain entrance into Paris.

I have introduced this session two bills; one to pay the Methodist Episcopal Church South, at Charleston, West Virginia, for the destruction of their church building, and the other for the destruction of the building of the Baptist church in Greenbrier County, West Virginia. The evidence shows clearly that each of these cases falls within the law and precedents heretofore cited, and I confidently rely upon this Congress to reimburse the parties injured in each case.

The Internal-Revenue System—Its Evils, Oppressions, and Abuses.

SPEECH OF HON. W. M. ROBBINS,

OF NORTH CAROLINA,

IN THE HOUSE OF REPRESENTATIVES,

May 8, 1874.

The House, as in Committee of the Whole, having under consideration the President's annual message—

Mr. ROBBINS said:

Mr. SPEAKER: When Louis Napoleon, twenty-two years ago, struck down the liberties of France by his celebrated *coup d'état* and erected his throne on the ruins, he scarcely possessed more effective agencies for the accomplishment of his purposes than are now in the hands of the President of the United States. He had perhaps a more subservient army, though unfortunately ours has often recently proved itself a convenient instrument for the perpetration of very gross outrages and invasions of popular rights. But if we look at other means and other tools for seizing and maintaining supreme autocratic power, we find our soldier President as well provided with them as was the prince President of 1851. Napoleon contrived to draw into alliance with him the money power, the monopolies, the soulless corporations of France—all, in short, who loved wealth more than liberty, and who wished for an energetic government to protect them in their unjust exactions, and against the complaints of the down-trodden masses. In like manner we have seen our President all through his administration court the support and the favor of the money lords to the neglect of the interests of the toiling millions; and by his latest act, his veto of the bill for the expansion of the currency, he has thrown himself into the arms of the bankers, the monopolists, and the money-changers—the entire creditor class—and they are now singing pæans

in his praise, while he turns his back upon the struggling debtors and toiling agriculturists of the West and South and leaves them to perish, crushed by a mountain of accumulated burdens. Even Napoleon sought how he might favor the agriculturists. Grant utterly deserts them.

To run out the parallel, however: Napoleon had his multitudes of deputies and prefects in all the provinces and departments, his creatures and tools, who owed their official being to his individual will, and were ready at a word from their master to shape public opinion, and by cajolery, intimidation, or fraud to carry elections as might be dictated by the central power, the silent sphinx, at Paris. The people were ingeniously deceived by the establishment of "universal suffrage," and led into the belief that they were the all-powerful arbiters of their own destiny, while this machine of "universal suffrage," being manipulated by the interested agents of despotism, recorded not the will of the majority but the will of one man. And here we have the same "universal suffrage" and prostituted ballot, and a like multitude of officials and placemen dependent on one man for their positions and equally active in doing the bidding of their master at Washington, intimidating and corrupting the voters, controlling conventions, oppressing freemen, cheating the ignorant, manipulating ballot-boxes, engineering elections, perpetrating frauds, and finally, when all else fails, committing the foulest usurpations in the confident and often well-founded hope that the master and the party they serve will uphold them in their daring outrages upon liberty, law, even decency.

Such seems to me the parallel between the circumstances of the prince President and the soldier President—the situation of France in 1851-'52 and America in 1874. In the one case we know the result: usurpation, despotism, the empire, universal corruption like a worm eating out the heart of national virtue, and at length a collapse which astounded the world. In the other case what will be the event we must wait to see.

I am frank to say, nevertheless, that I have small fear that Grant will try to play the role of Napoleon. I do not believe he is unpatriotic enough to do that. Far be it from me to do him injustice by charging him with studied designs against the liberties of his country. But is it not a humiliating situation for us that we should owe our liberties to the forbearance of one man? Moreover, among those who are to come after him, are we sure that there may not soon arise some one whose domineering and arbitrary spirit, brilliant faculties, and consuming ambition may prompt him to put in exercise the mighty enginery which Grant forbears to use in its full force, and make us all his subjects?

Among the many reasons, some of which I shall endeavor to specify, why the present internal-revenue system ought at once to be totally abolished, is its tendency to centralization and the absorption of all power in the Federal Government and ultimately in the hands of one man. It works toward this result in many ways, as by introducing the constant surveillance of Federal officials into the daily employments and most intimate affairs of the people, by augmenting the jurisdiction of the Federal courts, and especially by adding so extensively to the patronage of the Executive.

Before the introduction of this system the people truly felt that they governed themselves, and lightly did their own self-imposed yoke rest upon them; but now they painfully realize that they are governed—governed by strangers or by the sycophants of power, and grinding is the burden. On a man's own land grow his own fruit trees planted by his own hand and laden with luscious fruits ripened by the bountiful sunlight of heaven. He feels that he ought to have the right to do what he pleases with that which is so truly his own. What he ought to do with it neither you nor I have a right to say; perhaps we might not think as he does about that. In the exercise of his indisputable privilege he chooses to convert his fruits into brandy, for the purpose of putting them into a form less perishable and more available for market, or for uses of various sorts in his own family or business. But in setting about this simple matter of utilizing the products of his own little orchard he finds himself at once under the prying supervision of some revenue underling, whose complex instructions and vexatious requirements must be duly complied with before it is lawful to start the fire under the still. And when at last the juice of the apple begins to trickle out in the form of brandy, your store-keeper or your mousing detective must be around to note and watch the operation and guard the spirits till the gauger comes to measure and stamp them. Nowhere in all these proceedings are the honor and honesty of the citizen relied upon or appealed to. At every stage you watch him and treat him as a suspected rogue. No wonder that under such a system he thinks it but fair to cheat you whenever he can. And if in an honest endeavor to comply with the laws he should commit an innocent mistake and thus involve himself in a technical difficulty, the Federal officials too often take advantage of such an occasion to *black-mail* him heavily before they release him from the net in which sometimes they have designedly entangled him by confused instructions. Candid men may judge how great a tendency this daily interference of Federal agents in the most ordinary affairs of the people has to impress upon the popular mind the idea that power now resides only in the General Government; and such an impression insensibly induces acquiescence in all assumptions of power by the Federal head.

By the same system the jurisdiction and importance of the Federal courts is vastly increased, insomuch that they are rapidly overshadowing the State courts. A few years ago the United States courts were practically unknown in North Carolina, their proceedings being confined almost entirely to the adjudication of an occasional admiralty case, of which scarcely one man in a thousand ever heard mention made. Now a session of the Federal court is a great event, and brings together throngs of citizens as jurors, parties litigant, or witnesses, from the most remote parts of the State, entailing great expenses, loss of time, and many inconveniences to the people. No single feature of the great revolution which has recently occurred in this country is more notable than the sudden growth which has taken place in the assumed powers and prerogatives of the Federal judiciary. I cannot now digress from the subject in hand to enter upon a full discussion of this matter; I may recur to it at some other time, and enlarge upon the manner in which the local administration of justice is being superseded by your Federal courts. When the laws of North Carolina are violated it would seem but proper that the trial and punishment of the offender should be left to North Carolina tribunals. But under your legislation it is not so. The murderer, the robber, the ravisher indicted in the State courts has only to swear that he believes he cannot have justice done him in those courts, and it is contended under your recent laws that he is entitled to have his case removed to the United States courts for trial. In the jail at Raleigh there is to-day confined a man who committed a cold-blooded murder in Charlotte four years ago; but the State whose law he thus violated is inhibited from trying and punishing him unless your Supreme Court, to which the case has gone, shall decide that she has the right to do so. If he had been a white man and not a negro, doubtless death and the devil would have claimed him for their own long since. But I cannot now stop to give full and fitting notice, as I hope to do hereafter, to the ominous encroachments of the Federal tribunals upon the proper jurisdiction of the State courts. The subject is one of vast importance. There may be those who, in their overweening desire to see the power and prestige of the Federal Government augmented, may not deem it an evil to have the prerogatives of the Federal judiciary thus extended. But thoughtful patriots, in view of recent events, among which we have seen a State government overturned by the decree of a Federal district judge, will perceive in the new assumptions of power on the part of the Federal judiciary the most imminent danger to that fundamental principle of liberty, local self-government.

One of the greatest evils of the internal-revenue system and one which most tends to the centralization of power is the increased patronage which it gives to the President. I do not know, nobody does know, precisely the number of officials, high and low, which the Executive has by law the right to appoint, or nominate, which is usually the same as appointing them. Cabinet officers, judges, postmasters, customs officers, Indian agents, internal-revenue officials of every grade—all these are the actual or virtual appointees of the President, and a large portion of them belong to the internal-revenue service. Being the appointees of the President, most of them belong to his party and are personally and politically his supple tools and blind apologists and supporters. Just think of it! In a country possessing a republican form of government, wherein the people are said to have the right to elect their own rulers and officers, in a country where the idea of universal suffrage prevails, more than half of all the officers are elected by one man! What sort of republican government is this? Away with such republicanism!

In North Carolina, from the governor down to the clerk and constable of a township, our officials are chosen by the people. Why should it not be so in the case of the collectors and other principal officers of the internal-revenue service? These officers, in the discharge of their duties, come into daily contact with the people, and the manner in which they perform their functions is of vital importance to the happiness and prosperity of the people. Why not then allow them to be elected by the people whose most intimate concerns they are to oversee and pry into? If we were allowed to elect our own officers in this department we could no doubt find some North Carolinian to fill every place in our State. As it now is we have a man from the State of Maine filling the office of supervisor of internal revenue for the States of North and South Carolina, from which I suppose we are to infer that the President thought he could not find in those two States, in either party, any man who, in his opinion, was suitable for the position. In the name of the people of North and South Carolina I protest against such injustice. In either State and in either party can be found many men far more suitable and more worthy to be our supervisor of internal revenue than the man from Maine whom the Executive has placed over us.

Give the people the privilege of choosing their own officers. If the internal-revenue system is not to be abolished forthwith, as it should be, at least grant the people the right to elect the collectors and all the other principal officials of that service in the respective districts. I demand this in the interest of the constituency I have the honor to represent. It is full time such a policy were adopted in vindication of popular liberty against the encroachments of the one-man power. There is no more propriety in depriving the people of the right to choose their collectors of internal revenue, for instance, than there would be in refusing them the privilege of electing their sheriffs, solicitors, clerks, or Congressmen.

As it is now, one man appoints all the myriads of revenue officers of every rank, whose duties ramify into every neighborhood and

bring them into daily contact with nearly every citizen throughout this broad land. Was there ever contrived in any country so vast and mighty an engine for the promotion of the views and schemes of the Chief Executive should he choose to put it to work? If he desired a re-election for a third or a fourth term, or even for life, how many thousands of these, his creatures and underlings all over the country, would throw up their hats for him and go to plotting in his interest; for an extension of his official term means an extension of their own. Even now these multitudes of subordinate officials are not so much the servants of the public as they are the political agents of the President, through whom he seeks to shape the politics and control the elections in States and districts. We heard the angry protest of Massachusetts on this subject last year. If you have heard nothing of this sort from North Carolina, where such abuses are rampant, it is because the people there are so used to the insolent interference of Federal officials in their affairs that they have come to look upon it as one of the inevitables. Why, sir, in a delegation of six men, whom I chanced to see on their way to the convention which nominated my opponent for Congress, five were officers of the United States Government. And in the canvass which followed for the seat I now hold here, great as was the ability and energy of my worthy competitor, his opposition was as a drop in the bucket to that which I had to encounter in the phalanx of revenue officials and placemen, many of whom were appointed to positions with no duty to perform except to draw their pay of $130 a month and ride day and night among the people electioneering for their candidates. It is inconceivable what activity they displayed and what expedients they resorted to, intimidating some of the voters by threats of prosecution, corrupting others by promises to wink at their evasions of the law, cajoling, bullying, browbeating; even going so far on one occasion as to present fire-arms at myself while on the platform making a speech, because I dared to denounce, in as fitting terms as I could, the infinitude of their villainy.

If such things are to go on till they become chronic and inveterate, how long will it be before the freedom of elections will entirely vanish and the ballot-box be nothing more than a machine for registering the decrees of the man at the White House?

Another reason for abolishing the internal-revenue system is the demoralizing influence it exerts both upon its own officials and upon the people. It affords extraordinary facilities for peculation. I do not wish by any means to make reckless and indiscriminate charges against those who are engaged in this service, many of whom are no doubt honest and upright men. But it is undeniable that fortunes have been made by some of them very disproportionate to their lawful salaries; and it is well known that in many instances these officials use their positions to *black-mail* citizens by entrapping them into violations of the law and receiving money to quash proceedings or to wink at irregularities. But the system is still more demoralizing in its influence upon many of the people.

I have mentioned the manner in which the people are watched by spies and informers in their daily employments, as if they were destitute of honor and not to be trusted in their dealings with the Government. Nothing can be more humiliating and degrading to the spirit of American freemen than this espionage. If possible it will make cheats and swindlers out of honest men. By the way you watch them you clearly intimate that they are expected to cheat you and run the blockade when they can; and they take care not to disappoint your expectations. If you would only trust the integrity of the people they would not fail you. But you pursue them with spies, and they dodge them. You seek to bind them with oaths and pledges, until oaths become a by-word and lose all sanctity. In the South since the war you have required us to *swear* so often that we have got to *swearing* when not required. Instead of this degrading process, if you must continue your internal taxation, why not adopt a simple and straightforward plan for ascertaining the amount of the taxables, like the State of North Carolina does? The State simply requires each citizen to give in the list of his taxable property himself, and takes his word for it except in unusual cases. In like manner, why cannot the United States allow every man to give in the amount of spirits he makes or tobacco he raises or manufactures? In my opinion you would thus come nearer getting a correct account of these things than by your present plan; and by simplifying and cheapening your method of collecting the tax a much larger amount of it would reach the Treasury.

But the revenue system is further demoralizing by the great multitude and variety of offices it creates, which, it is no secret, are considered in North Carolina, and perhaps elsewhere, principally as baits with which to catch hungry democratic gudgeons and land them safe in the radical party. The rank and file of that party in the South consists mainly of the negroes, with whom are united a small number of plain, honest men who entertained Union sentiments during the war, and were induced to become republicans through their prejudices. The leaders of the party are almost all men once bitter democrats who have gone over to the radicals in the hope of securing office or making money; and I know of no instance where a previously respectable man goes over to them except in anticipation of receiving some appointment as the price of his tergiversation.

This occasional metamorphosis of an impecunious democrat into an office-holding radical is a process extremely curious to watch. Most likely the individual has been blatant and extreme in his professions of democracy; perhaps a bloody secessionist. But the first thing you know the active partisan grows strangely silent and reserved; he mopes around like a chicken with the gapes, with feathers frowzled; he avoids as far as he can the company of former comrades, is sheepish and downcast, cannot look a man in the face, but looks ashamed, like he felt mean and was about to do a mean thing. When you see these signs the poor fellow is near his end—the end, I mean, of his honorable and self-respecting existence. Very soon he is in some Federal office, and professes to have found out the mistakes in his former opinions and accordingly changed them! So much for the corrupting and demoralizing tendencies of the internal-revenue system.

The system ought also to be abolished on account of the inequality of the burdens it imposes upon different sections of the Union, and particularly because it oppresses the agricultural interest. The larger portion of this revenue is raised on spirits and tobacco, both of which are products of the husbandman. The tillage of the soil is the foundation of all other employments and the true key to national wealth in a country possessing a soil and climate like ours. Taxation, therefore, which lays its heaviest burdens upon this most essential calling must be unwise and mischievous. Here is a point to which the grangers would do well to direct special attention. It is sometimes said that tobacco and spirits are luxuries, and that it is all right to tax them as such. But they are no luxuries to him who produces them. The labor which it takes to produce them is as hard as any other, and is entitled to its reward without unjust and unequal taxes being levied upon it. We are also told that the tax falls not upon the producer, but the consumer, by making him pay an enhanced price. But plain common sense, as well as the simplest principles of political economy teach that if the *demand* for these articles is such that consumers will pay the high prices for them, they would buy them at the same or nearly the same high prices if the tax were taken off, which would thus be a clear gain to the producer. Whoever buys tobacco from the farmer to manufacture and sell again will of course pay the farmer a less price for it when he knows he has to pay another price for it in the shape of a tax. These principles seem to me self-evident, and clearly prove the fallacy of the doctrine that the producer loses nothing by the tax on what he produces.

But these taxes bear unequally upon certain sections and States. Nearly all the tobacco is grown in seven or eight of the thirty-seven States. The tobacco belt is as well defined as the cotton region, and includes Maryland, Virginia, North Carolina, Tennessee, Kentucky, Missouri, Arkansas, and parts of Ohio, Indiana, and Illinois. It is a southern and western interest. By taxing it you impose a disproportionate burden on these already depressed communities, and allow the rich States of the Northeast to escape their just share of revenue exactions; this, too, while they have plenty of money themselves, and persistently refuse to allow any expansion of the currency so that the West and South could command the means to pay the heavy taxes thus levied on them.

For all the reasons mentioned, and others which I must pass over, this whole system of internal taxation ought to be uprooted and other means for raising the necessary revenue devised. I know we have a large debt to pay growing out of the war, and the current expenses of the Government must be met. But I am sure these latter expenses might be retrenched greatly. It is incredible that a government which cost but seventy-five millions annually fifteen years since, under what was then denounced as an extravagant administration, should now cost one hundred and seventy-five or two hundred millions, if proper economy prevailed. Then, as to the debt, we should only aim to keep the interest paid and a very small annual amount on the principal to show that we mean to pay it, and postpone the payment of the main debt till the next generation, when this country will be one of the richest and most populous on earth and can pay off this debt without feeling it. If this plan be adopted we can so curtail the amount of money required that a moderate increase of duties on imports will provide for all our wants; and however we may regret to see the tariff increased, it will certainly be less objectionable than the present system of internal revenue, which could thus be dispensed with. Both the old whig and democratic parties always agreed that a tariff for necessary revenue was good policy; they only differed in those days as to the propriety of going further than this.

If, however, the internal-revenue system is to be continued, amendments ought to be made which would ameliorate its evils and burdens. I have already suggested some of these amendments in the course of my remarks, among which are the election of the chief revenue officers, (practicable by altering the Constitution, if not by congressional enactment, and essential, if the system is to be perpetuated,) and allowing the amount of tobacco raised, or spirits made, to be given in by the producer, as the States now require taxables to be listed, and without the surveillance of informers and spies. Besides these, many other amendments should be made. The tax on brandy should be abolished; for it brings into the Treasury a comparatively small revenue, while it seriously harasses a large number of citizens. Store-keepers at small distilleries ought to be dispensed with. In my district many distilleries do not average a product of more than ten gallons of spirits daily, on which the tax is seven dollars; and yet at each one of these distilleries a store-keeper is required, whose pay is four dollars a day. This and other expenses make the cost of collection in such cases greater than the amount collected. Surely the people can be trusted far enough to allow them

to give in their own statement of spirits made at these little distilleries, such for instance as do not exceed a capacity of twenty-five gallons a day. I have introduced a bill, which was referred to the Committee on Ways and Means, providing that in these cases the distiller shall report his monthly product of spirits to the collector, store-keepers to be dispensed with. The bill also contains a section reducing the tax on brandy to fifty cents per gallon. I hope this bill may receive favorable consideration in this House.

Another very great injustice is done by the law to the producers of tobacco. It is the provision which forbids the tobacco-grower from selling to anybody except to a licensed dealer, a manufacturer, or an agent buying for exportation. This limits the purchasers to a small number of men, and of course reduces the price. So extraordinary a law ought not to exist a day longer. Why refuse to the grower of tobacco the privilege of a free and open market? Why not let him sell to whoever will pay him the most for his commodity? Everybody else can do this. Why discriminate against him in this unjust manner?

There are many other points in connection with this subject which I should be glad to touch did time permit. But I see my hour is running out and I must close. If what I have said shall induce the House to take this matter into consideration and either abolish the internal-revenue system, or at least reform its most flagrant evils and abuses, I shall be well repaid for the trouble of making these remarks.

I thank the House for the patience and attention with which it has heard me.

Improvement of the Flint, Chattahoochee, and Apalachicola Rivers.

SPEECH OF HON. R. H. WHITELEY,

OF GEORGIA,

IN THE HOUSE OF REPRESENTATIVES,

May 8, 1874.

The House being in Committee of the Whole, and having under consideration the bill (H. R. No. 1025) to provide for the improvement of the Flint and Chattahoochee Rivers in the State of Georgia—

Mr. WHITELEY said:

Mr. CHAIRMAN: Whatever differences of opinion may have existed in the past as to the power of Congress to devise and carry out a system of internal improvements, it may be assumed at the present day as beyond serious debate. The continuous exercise of the power so to do, illustrated in every section of the Union and indorsed by repeated verdicts of the people, forbids the practical statesman to hesitate or doubt. Nor can the policy of such an exercise of power be doubted when we look at the magnificent results of the workings of the system, as evidenced in every locality where the watchful eye of the nation has discovered the need of and furnished the necessary aid.

What are some of these results? Look at the development of the great West and the increased vitality of her industries. Look at the wilderness redeemed and made productive; at the cities and villages which have an existence from and through internal improvements alone; at the miles of dreary waste made from the same causes to blossom and become auxiliary to the wealth of the nation, and you will see some of its beneficent results.

With a view to the increased development of the section I have the honor, in part to represent, I moved during the first session of the Forty-second Congress for a survey of the bay and harbor of Apalachicola, and also for the survey of the Chattahoochee River, one of the tributaries of the Apalachicola, which surveys were allowed and provided for in the act of July 11, 1870. The surveys being incomplete at the opening of the second session of the Forty-second Congress, I again moved for their continuation, and for the survey in addition thereto of the Apalachicola and Flint Rivers; which was allowed and provided for in the act of June 10, 1872.

The surveys being incomplete during the Forty-second Congress, no application for an appropriation to carry on the work of improvements was made. On the 7th of January, 1874, a bill was introduced into the House, being that which we are now considering, appropriating the sum of $100,000 for the improvement of the Flint and Chattahoochee Rivers. To the locality and character of these streams I invite your attention.

APALACHICOLA, FLINT, AND CHATTAHOOCHEE RIVERS.

The Apalachicola River is formed by a union of the Flint and Chattahoochee Rivers at or about the southwest corner of the State of Georgia, and runs about due south through the State of Florida, emptying into the Atlantic Ocean through the bay of Apalachicola.

The Chattahoochee River rises in Northeastern Georgia, runs southwest until it reaches the line of Alabama and Georgia, at or near West Point; and thence south, being the dividing line between the States of Georgia and Alabama, from near West Point to where it strikes the northern boundary of the State of Florida; and thence to its junction with the Flint, being the boundary line between Georgia and Florida.

The Flint rises in the Blue Ridge Mountains in Northwestern Georgia, and runs nearly due south until it intersects with the Chattahoochee and forms the Apalachicola River.

The navigable length of these rivers is as follows:

	Miles.
The Apalachicola from its mouth to the junction of the Flint and Chattahoochee Rivers is about	150
The Chattahoochee from Columbus, Georgia, to its junction with the Flint, about	250
The Flint from Bainbridge, Georgia, to its junction with the Chattahoochee River about	50
Being a total navigable length of	450

We find in Executive Document No. 241, of the second session of the Forty-second Congress, page 7, the following information as to the immediate surrounding of these rivers.

On the Chattahoochee River are the flourishing cities of Columbus and Eufaula, six towns, seven warehouses, and ninety-one other landings.

On the Apalachicola River are the city of Apalachicola, the towns of Bristol and Chattahoochee, two warehouses, and thirteen other landings.

On the Flint, Bainbridge, two warehouses, and ten other landings.

While the following railroad connections are shown in the above report to connect with this line of water navigation:

Centering at Columbus, are—

1. The Georgia Central, through Macon to Savannah, with a branch from Macon to Atlanta.
2. Mobile and Girard, through Union Springs, where it crosses the Montgomery and Eufaula, to Girard, its present terminus.
3. Columbus and West Point, (Georgia.)
4. (Under construction.) Bainbridge, Cuthbert and Columbus.
5. (Under construction.) North and South, from Columbus to Rome.

Centering at Eufaula, are—

1. Eufaula and Montgomery.
2. Southwestern Railroad, (from Eufaula to Macon.)
3. (Under construction.) Vicksburgh and Brunswick, (built as far as Troy.)

At Fort Gaines—

A branch of the Southwestern.

At Chattahoochee—

Jacksonville and Pensacola, (running from Jacksonville to Chattahoochee.)

North, east, and west do these lines of railroad, in addition to the water transportation furnished by the Mississippi and its tributaries, connecting therewith by steamers from New Orleans to Apalachicola, carry to and from this line of four hundred and fifty miles of water navigation the productions of the several States bordering thereon, and in addition bring to be borne thereon the grain and bacon of the great West, which yearly is shipped in large quantities to meet the demands of the cotton-planters of Georgia, Alabama, and Florida.

I now ask your attention to the character of the obstructions in the rivers being considered, and to the necessity of the improvement of the same.

APALACHICOLA RIVER.

The principal obstruction to the safe navigation of the Apalachicola River is at a point known as the "Moccasin Slough or Bryan's Cut-off." In regard to this point A. N. Damrell, captain of engineers, in Executive Document No. 65, first session Forty-third Congress, says of Mack's survey of this river:

He reports a sufficient depth of water all along the river, except at Moccasin Slough or Bryan's Cut-off, where the river, obstructed by piles driven by the confederate authorities during the war, and by an accumulation of drift-logs since, has forced a narrow and very crooked channel through its bank into the river Styx.

The straightening and widening of this channel and the removal of the snags in the river are considered all that is necessary to insure a depth of water of six feet and sufficiently good navigation at all seasons, and $80,333 is estimated as the cost of these improvements.

An appropriation of $30,000 is recommended for the prosecution of these works during the fiscal year ending June 30, 1875.

Assistant Engineer Mack, who in person made the survey of the Apalachicola River, says in the same document, page 9, in regard to this obstruction:

The most serious difficulty to be met with on the river occurs thirty-seven miles above Apalachicola, and commonly known as Moccasin Slough. (See sheet No. 2.) During the late war the confederate authorities caused obstructions, consisting of piles, logs, &c., to be placed near this point, for the purpose of preventing the United States vessels from ascending the river. These obstructions were the means of stopping the descending trees, drift, &c., till after a time a complete dam was formed. The water, prevented from following its natural course, forced a passage at about one and a half miles above the obstructions through to the river Styx, a distance of 3,100 feet, and, following the Styx for about three-quarters of a mile, reached the Apalachicola again. The passage from where it leaves the Apalachicola to where it strikes the Styx is called Moccasin Slough. On the sketch made by Mr. C. F. Trill, accompanying this report, and marked A, it is designated as Bryan's Cut-off.

In descending the river, the entrance to the slough is very difficult, caused by its running a short distance parallel with the river, but in an opposite direction. It is only from eighty to one hundred feet wide, and is also very crooked. The current is over five miles per hour, due to a fall of 2.8 feet, for it is to be borne in mind that the distance via the slough and Styx is from two to three miles shorter than by way of the old channel, which accounts for the heavy fall and strong current. It has, however, from ten to twenty-six feet of water throughout.

I would strongly recommend the widening and straightening of the slough, as indicated in heavy red dotted lines on sheet No. 2, as the cheapest means of obtaining a good channel through this difficult place.

The only objection that can be urged against it is that the current produced by the rapid fall is too great, but this is of slight moment, particularly as the improvement will enable the steamers to pass with a full head of steam, while the cost of removing the obstructions would be enormous in comparison with the benefits to be derived from it.

These statements, both as to the existence and nature of the obstructions on the Apalachicola River, as well as the necessity for

and cost of their removal, will I hope be sufficient to satisfy the House as to the real condition of that river, and the justice of making an appropriation for its improvement.

CHATTAHOOCHEE RIVER.

Walter Griswold, assistant engineer in charge of the survey of this river, says in his report of the survey, to be found in Executive Document No. 65, first session Forty-third Congress, that—

The Chattahooche River is a navigable stream from Columbus, Georgia, to the junction with Flint River, a little above Chattahoochee, Florida, a distance of one hundred and sixty-two and one-half miles, sixty-two and one-half miles of which were surveyed in the year 1871, under the direction of General Simpson.

The country along the river for nearly its whole length consists of extensive plantations having plenty of timber and water, but at the present time sadly neglected, yet capable of the highest state of cultivation. Its banks are composed of limestone and sand, and are protected by a thick growth of trees of different kinds. At Eufaula they rise to a height of 50 feet, and gradually diminish till they become only 10 feet at its junction with the Flint. The fall per mile at Eufaula is 8 inches, at Gordon 5 inches, and at its mouth 9 inches, while the width at the former place is 250 feet, and at the latter 500 feet.

Freshets occur annually in January, February, or March. The highest known occurred in 1831, 1841, and 1872; that in 1872 raised 70 feet above ordinary low water at Eufaula, and 20 feet at the mouth of the river, overflowing the country for a great distance. The usual rise does not exceed 43½ feet at Eufaula. The soundings have been reduced to the low water of 1872.

There are at present engaged on this river, as well as on the Apalachicola and Flint, five stern-wheel steamers, owned and controlled by the Georgia Central and Southwestern Railroad Company. These vessels draw from three to five feet of water, depending upon the weight of their cargoes. The citizens of Eufaula, and others equally interested in the commerce of the rivers, are discussing the propriety of establishing another line of boats, and are anxiously awaiting the action of the Government in relation to their improvement.

And Captain Damrell, in his report based upon that of the assistant engineer in charge of the survey, says:

Although I am convinced that a more careful examination of the obstructions to navigation on this river would reduce the figures in estimate No. 3 considerably, and that at some future time it may become necessary to increase the depth of the channel, I consider the improvements included in estimates Nos. 1 and 2 sufficient for the present requirements of navigation, and would recommend an appropriation of $50,000, to be expended in removing snags, wrecks, and loose rocks from the present channel, during the fiscal year ending June 30, 1875.

FLINT RIVER.

Henry K. Hodges, assistant engineer in charge of the survey of this river, in the report of the survey made by him, and to be found in Executive Document No. 65, says:

Flint River traverses a bed of lime-rock pretty much all the way down, and is constantly fed by subterranean streams. The duration of floods in this river is short, seldom lasting over seven or eight days, occurring after heavy rains, taking about seven days to reach the maximum height after the downfall. After reaching the maximum height it fluctuates for a few days and then falls rapidly. It has been known to keep ten or twelve feet above low water for two months at a time, but it is only kept at this stage by frequent rains. The stage of the river at the time we commenced the survey seemed to be its normal condition, to wit, about two feet above the extreme low-water elevation of 1855, a well-known low-water year all over the southern country.

The highest water known occurred in 1841, lasting from the 11th of March to the 19th, and is called the Harrison freshet. It reached an elevation of twelve feet, higher than any previous freshet within the recollection of the present generation. In 1852 it reached a greater height than it had reached since 1841, and in 1862 and 1872 it was again very high, being within two feet of the height of the Harrison freshet.

The character of the obstructions are very similar, and I might almost say a repetition of the other, being composed almost entirely of small loose rock, a soft friable fossil limestone, which hardens on exposure to the air, easy of access from the shore, but in some instances will requite the assistance of a snag-boat to remove the larger rocks.

And Captain Damrell, in his report, based upon that of Assistant Engineer Hodges, says:

The principal obstructions to the navigation of Flint River are its rock shoals formed chiefly of loose rocks of various sizes, which become more frequent as we ascend the river from its junction with the Chattahoochee.

The rocky nature of the river-bed, although somewhat increasing the cost, will insure greater permanency to the works necessary for its improvement.

Mr. Hodges makes his estimate on a basis of a three-foot channel at extreme low water, giving at the ordinary stage of the river a depth of from four to five feet, which for the class of boats usually navigating these waters I consider quite sufficient.

The cost of obtaining this depth of channel, one hundred feet wide, is estimated as follows: From Chattahoochee to Newton, seventy-one and three-fourths miles, the estimated cost is $118,105, and from Newton to Albany, a distance of thirty-three and one-quarter miles, $66,757, making a total of $184,862, or an average of $1,760 per mile.

I recommend on appropriation of $50,000 for the improvement of this river for the fiscal year ending June 30, 1875.

Having given the judgment of the engineer officers in regard to the rivers named and the amounts that should be appropriated to improve the same for the next fiscal year, I will now present the evidence of the absolute necessity for at least a *partial* performance of the work at once.

Walter Griswold, the assistant engineer who made the survey of the Apalachicola and Chattahoochee Rivers, says, in his report of the survey to be found at page 15, in Executive Document No. 65, before referred to:

The following partial list of steamers wrecked on snags on the Chattahoochee and Apalachicola Rivers will forcibly impress the necessity of their removal as one of the first steps toward the establishment of a safe navigation, viz:

Steamer Mary, near Gilbert's Landing.
Steamer Eagle, several persons drowned.
Steamer Charleston.
Steamer Mist, above Rock Island.
Steamer Harriet, at Live Oak Bend.
Steamer Alice, at Ricos.
Steamer Syrene, at mouth of Flint River.
Steamer Music, at Moccasin Slough.
Steamer Floridian.
Steamer Virginia.
Steamer Augusta.
Steamer Van Buren, at Blountstown.
Steamer Palmetto, at Hurricane, a little above Apalachicola.
Steamer Magnolia, at Hurricane, a little above Apalachicola.
Steamer Falcon, at Bloody Bluff.

The sunken steamers in turn become obstructions, and one instance is given when the steamer Laura was lost on the wreck of the J. C. Calhoun, at Bristol.

This statement applied to such streams, and admitted to be only a *partial* list of the steamers wrecked on two of the three rivers we seek to improve, will convey to the House the reasons which impel us to appeal to Congress for aid in their improvement.

Protection to life and property on the navigable waters of the Union have at all times been regarded as the highest motive that could impel the national Legislature to action, and if we do not make a case which shows that both are imperiled, then we ask what evidence will suffice?

But not only does Congress recognize its duty to protect life and property on the navigable rivers of the United States, but it stands pledged by a long series of legislative acts to make the navigation of such rivers both easy and safe. In this we have a double assurance for the aid we so much need.

We are aware it is urged that now is an unpropitious hour to enter upon the work of improvement.

We answer, no hour is unpropitious for a great and paternal Government to commence to make secure the life and property of her citizens, nor can any demands of retrenchment and economy absolve her from that obligation.

In recognition of the condition of the country we have not and will not urge an immediate commencement of the real improvements contemplated in the survey. All we ask is that such sumbe appropriated as will remove the obstructions that actually endanger *life* and *property*, and forbid the investment of capital in attempts to stock our rivers with steamers suited to our wants.

Taxation of Railroad Lands.

SPEECH OF HON. C. W. KENDALL,

OF NEVADA,

IN THE HOUSE OF REPRESENTATIVES,

May 11, 1874,

On the bill (H. R. No. 3281) to amend the act entitled "An act to amend an act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 2, 1864—[providing for the taxation of lands granted to the Union Pacific and Central Pacific Railroads.]

Mr. KENDALL. Mr. Speaker, very often the simplest statement is the best argument. It is so in this case. A few plain facts are more convincing than elaborate declamation, more eloquent than any rhetoric.

The bill provides for the local taxation within the States and Territories of the vast tracts of land granted by the act of July 2, 1864, to aid in the construction of the Pacific Railroads. These lands have been withdrawn from market, and severed from the public domain; they are not open to pre-emption or homestead entry; they are, to all intents and purposes, the property of the companies to which they have been granted; they are mortgaged by these companies and enormous revenues derived therefrom; yet only in insignificant degree are they subject to local taxation.

Consider the extent of these land grants. That we may see this at a glance, I refer to a report of the Commissioner of the General Land Office made to this House January 10, 1872. From this report (Executive Document No. 43, Forty-second Congress) it appears that the Pacific Railroads are entitled to receive by virtue of their grants 133,910,000 acres; but have received patents for only 1,686,442 acres. This amount only is subject to local taxation. And to come nearer to the interest of the people whom I have the honor to represent, I add this statement derived from the Commissioner of the General Land Office:

The estimated quantity of land within the State of Nevada that will inure to the Central Pacific Railroad under its grant is 5,500,000 acres.

Of this vast amount not one acre has yet been patented to the company, consequently not a dollar of revenue from all these lands has ever been derived to the State. It may be asked, what is the quality or character of these lands? Why, sir, they are among the best and most valuable in the State of Nevada. They embrace the bottom lands along the valleys of the Humboldt and Truckee Rivers. In the Sierras they include some of the finest forests in the world. There they are of immense value, but valuable only for the forests which are being rapidly swept away. These gone—as they will be very soon—the soil, the land itself, is worthless for any purpose. Sir, the settler in my State on the alternate sections contiguous to these railroad lands, struggling against the adverse forces of nature to rear his humble cabin, to reclaim the wilderness, and to make a home, im-

mediately is confronted by the tax-gatherer and, in default of payment, his land is sold, and by law of the State sold without redemption.

Do you wonder that we have felt very keenly this unequal condition of affairs, this unjust distribution of the burdens of our State and local governments? Do you wonder that this feeling has found expression in a solemn memorial of the Legislature at its last session—a memorial that sets forth so well and so earnestly this great grievance that I reproduce it here, with a copy of the record of the vote thereon, and make it a part of my remarks:

Whereas by the fourth section of an act of the Congress of the United States, approved July 1, 1862, and the sixth section of an act of the Congress of the United States, approved July 2, 1864, it is provided that whenever the Central Pacific Railroad Company shall have completed and equipped twenty consecutive miles of railroad and telegraph line, and it shall so appear to the President of the United States by the reports of the commissioners for that purpose appointed, patents shall issue conveying to said company the right and title to the lands granted in aid of the construction of said railroad and telegraph line; and whereas said railroad and telegraph line have long since been reported and certified complete throughout the entire line and route by the commissioners thereunto appointed; and whereas, in consequence of restrictive and embarrassing orders issued by the honorable Secretary of the Interior, said railroad company has neglected to apply for or receive patents for said lands lying within the bounds of the State of Nevada, and has consequently been unable to return said lands for taxation, thereby depriving the State of taxes on the same; and whereas a large portion of said land is valuable only for the timber growing upon it, and is being stripped by trespassers of the timber and rendered valueless to the State, the General Government, and said railroad company; and whereas it has been represented that the railroad company has been refused patents for their lands by the rulings of the honorable Secretary of the Interior: Therefore,

Be it resolved by the senate, (the assembly concurring,) That our Senators be, and they are hereby, instructed, and our member of Congress be, and he is hereby, requested, to use all honorable endeavors to secure the passage of a law setting aside the orders of the honorable Secretary of the Interior which prevent said railroad company from making application for patents for said lands, and requiring said railroad company to make application for said lands, and also requiring the honorable Secretary of the Interior to issue patents for said lands at the earliest day practicable.

Resolved, That each of our Senators and our member of Congress be, and they are hereby, requested to transmit, at an early day, to his excellency the governor, any information they may have relative to railroad lands in the State of Nevada.

Resolved, That his excellency the governor be, and he is hereby, requested to transmit copies of these resolutions to each of our Senators and our Representative in Congress, to the Secretary of the Interior, and to the Commissioner of the General Land Office.

ISRAEL CRAWFORD,
President of the Senate pro tempore.
CHAS. F. BICKNELL,
Secretary of the Senate.
JOHN BOWMAN,
Speaker of the Assembly.
A. WHITFORD,
Clerk of the Assembly.

(On which is the following indorsement:)

Senate concurrent resolution No. 47: Resolution relative to Central Pacific Railroad Company obtaining patents to lands. Introduced February 12, 1873, in the senate; February 21, 1873, passed by the following vote: Yeas 21, nays 0.

T. A. WATERMAN,
Assistant Secretary.

Received February 24, 1873, in the assembly; March 3, 1873, passed by the following vote: Yeas 38, nays 2.

A. WHITFORD, *Clerk.*

STATE OF NEVADA, *Secretary's Office, ss:*

I, J. D. Minor, secretary of state of the State of Nevada, do hereby certify that the foregoing is a true, full, and correct copy of the original concurrent resolution "relative to Central Pacific Railroad Company obtaining patents to lands," as the same remains now on file in my office.

In witness whereof I have hereunto set my hand and affixed the great seal of the State.

Done at office in Carson City, Nevada, this 14th day of April, A. D. 1874.

[SEAL.] J. D. MINOR,
Secretary of State.

These companies either own the lands that have been granted in aid of their roads or they do not own them. If they own these lands, they should pay taxes upon them as upon their property, in like manner as the natural person or the individual citizen is compelled to pay taxes upon his property. If they do not own them, let them revert to the Government and to the people—be open to occupation by those who will improve them and make them a source of State and national revenue and of individual wealth.

As to the value of these lands, notice what one of these companies says through an official report—the report of G. M. Dodge, chief engineer of the Union Pacific:

Our lands may be considered as divided into two classes—those that are available for settlement now and those that need continual water, or irrigation, to render them susceptible of cultivation. Of the first class we can count all the lands for two hundred miles west of Omaha, nearly 2,000,000 acres. Of the second class we have all the lands in the Platte from near Fort Kearney to Julesburgh, one hundred and eighty miles, of which we can say that 1,152,000 acres can be made immediately available without much expense to the company, as the Platte River runs centrally through this number of acres, and it could all be irrigated by simple *acequias*, or ditches, taken out by any one and at any point. To make the 1,152,000 acres between these two points available, the canals, ditches, or *acequias* would have to be carried back onto the bluffs; and until the Platte Valley proper is settled and farmed the benefit to the company would not justify the cost. At the eastern base of the mountains there are about 600,000 acres that could be irrigated. In the Laramie plains, from the Black Hills to the Bitter Creek plains, there are about 1,000,000 acres that could be readily and cheaply irrigated, either by the purchaser and farmer, or the company, as flowing at suitable distances through these lands, at right angles to their length, are the Big and Little Laramie Rivers, Cooper's Creek, Rock Creek, the Medicine Bow River, and the North Fork of the Platte, all flowing sufficient water to irrigate every acre.

From Green River to Salt Lake Valley there are about 2,000,000 acres in the valleys of Green River, Henry's, Black's, and Ham's Forks, the Muddies, Bear River, Weber River, and in the valley of Great Salt Lake proper. All these lands can be readily supplied with water from the above-named streams, not only for irrigating purposes, but these streams all furnish fine mill privileges, and flow plenty of water the year round for both purposes, so that we might answer that to-day the company have lands to the amount of 6,752,000 acres that could be placed in the market as fit for present settlement, and susceptible of immediate cultivation, without any more cost or delay to the settler than the farmers of Colorado, Utah, and California have suffered in opening up their farms. * * *

The company and the country have labored under a misapprehension as to the timber along or in the vicinity of the road. The fact that for the entire length of the road very little timber is growing immediately upon the line has created the belief that there is very little in that country. Assuming that there is only sufficient for the purpose of fuel east of the Black Hills, we can safely estimate and fully demonstrate that from that point west the pineries are so extensive that they will supply all that country with lumber, the road with ties, &c.

The belt of timber, commencing in the Black Hills, follows parallel to the line on the south, covering the slopes and filling the cañons of the Rocky Mountains that form the southern view of the Laramie Plains, the Medicine Bow Mountains, the Elk, and all the numerous spurs jutting out from the main range, while the heads of the Laramie, the Medicine Bow, the North Fork of the Platte, &c., rise in these pineries, and furnish by their waters cheap transportation for their productions to our lines, less than thirty miles away.

Passing the North Fork of the Platte, the pineries south of Sage Creek, at Bridger's Pass, Black Butte, and bordering Current Creek, will all be made available some day. No stream flows from them toward our line, but from points on the line they may all be reached by twenty or thirty miles' travel. West of Green River the slopes of the Uintah and Wahsatch, and the immense cañons of that bold range, are covered and filled with fine timber. The heads of Henry's Fork, Black's Fork, Bear and Weber Rivers, are in immense timber groves and readily accessible to the line.

On the north we find the tributaries of Green River, New Fork, &c., heading in the finest pine, hemlock, and spruce forests anywhere east of the great basin, and all the forests on the eastern slopes of the Bear River, Snake River, and Green River ranges of mountains are available to us, as their productions can be carried to Green River and floated to our crossing. I hold, and am confident, that time will justify the opinion that the road will receive an immense revenue from this source as soon as the demand is such as to justify the development of this invaluable source of wealth.

The report from which the above paragraphs are quoted was made January 1, 1868, and certainly the lands are not less valuable now; and if the timber since then has been utilized by the company, so much has been gained by it, as in the case of the Central Pacific Company above referred to, in the evasion of taxation upon what only has given these lands any value.

I have thus in the briefest and simplest manner possible to me called the attention of the House to this great and manifest injustice. In the name of good government, let the remedy be applied as this bill provides.

Centennial Celebration.

SPEECH OF HON. JOHN COBURN,

OF INDIANA,

IN THE HOUSE OF REPRESENTATIVES,

May 8, 1874,

On the bill (H. R. No. 2986) to appropriate $3,000,000 in aid of the centennial celebration and international exhibition of 1876.

Mr. COBURN. Mr. Speaker, I am and have been opposed to this appropriation of $3,000,000 for the centennial celebration of 1876. I oppose it because we cannot afford it. That amount is more than we can apply now to such a purpose. But this sum, if any is granted, must be followed by other and larger appropriations. Ten millions will be required to carry out the work respectably, and perhaps a much larger sum. This will be less than has been expended at Vienna on such an occasion, and our people cannot well afford to do less than Austria has done for an international exhibition. We can now barely pay expenses and the interest on the debt; good sense requires us to discharge these obligations first. At present the difficulties in the way of business, the stringency of the times, and the losses and hardships of the people seem to me an insurmountable obstacle to the necessary appropriations. These considerations govern me and are paramount to all others.

I hope to see a grand jubilee of all our people on the Fourth of July, 1876. I believe we will have one. I believe it can be accomplished without very great expenditures. That will be a season such as nations rarely see, and, in my judgment, should be celebrated in another way than by an international exhibition. No patriot can look to the centennial of our national birth without a glow of pride and emotions of intense interest. All good citizens glory in the approach of that day. All unite in the earnest desire that it may receive a fitting national celebration. Let that be done by our people everywhere. Let it be done especially in the great city of Philadelphia, where our Declaration of Independence was made. While I oppose this appropriation I will in all proper ways encourage and promote the grandest possible celebration of that glorious day. At some future period more auspicious I hope to witness an international exhibition outrivaling everything the world has seen. This is not the day for such a display. This is our family gathering; this is our own season "for exultation, for gratitude, and joy" over the birth of our liberties, and not a mere expesition of our resources.

Pre-emption and Homestead Entries.

SPEECH OF HON. JAMES W. McDILL,

OF IOWA,

IN THE HOUSE OF REPRESENTATIVES,

May 11, 1874,

On the bill (H. R. No. 3250) entitled "An act to confirm pre-emption and homestead entries of public lands within the limits of railroad grants in cases where such entries have been made under the regulations of the land department."

Mr. McDILL, of Iowa. Mr. Speaker, early in the session I introduced House bill No. 964, which under the rules was referred to the Committee on the Public Lands. It provided in substance that where the officers and agents intrusted by the United States Government with the management and sale of the public lands offered lands for sale, declared them to be subject to homestead and pre-emption entry, and induced actual settlement, and persons so settling in good faith made valuable improvements thereon, in such cases the Government should protect such persons in the enjoyment of lands so held by them, even though by subsequent decision of the proper officers the lands were held, by virtue of a legislative grant or concession, to inure to the benefit of some railroad company or other corporation. It further provided that nothing in the bill should be construed or held to interfere with the right of the grantee or concessee of the Government to obtain land scrip in lieu of the lands taken from it by the provisions of the bill. Very many other bills introduced by gentlemen residing in districts containing the public lands, and having the same general object in view, were referred to the same committee. I thought that I proposed equal and exact justice to all by the action mapped out by the bill which I introduced, and, I doubt not so thought each gentleman introducing a similar bill. While I certainly should have been proud to have had the identical bill which I introduced reported by the committee, yet, after all, this is a mere matter of personal preference, and I can and do give my hearty support to the bill reported by the excellent and learned gentlemen composing the Committee on the Public Lands, and which is intended to accomplish the object sought after by the various bills referred to that committee.

Mr. Speaker, a terrible mischief exists in that portion of our country in which the public lands are situated. No better proof of this can be given than the fact that so many bills have been introduced with one common object by gentlemen from so many different parts of the country. With reference to the mischief of which I have spoken, it is our plain duty to provide a remedy, and it should be as ample, as adequate, and as complete as the mischief has been wide-spread, demoralizing, and ruinous. I hope the House will therefore bear with me while I call up from the past certain public acts out of which, or in the train of which, the evils have sprung and the mischief has followed.

On the 20th day of September, A. D. 1850, Congress by act granted to the State of Illinois, "for the purpose of aiding in making a railroad from the southern terminus of the Illinois and Michigan Canal to a point at or near the junction of the Ohio and Mississippi River, and two branches, one to Chicago and one to Dubuque," 2,595,053 acres of land. The same act granted to the States of Alabama and Mississippi 737,130 acres of land for a continuation of the same railroad from the mouth of the Ohio to the city of Mobile.

Grants of land were again made by Congress in aid of railroads or wagon-roads in A. D. 1852, in A. D. 1853, in A. D. 1856, in A. D. 1857, in A. D. 1862, in A. D. 1864, in A. D. 1866, in A. D. 1867, in A. D. 1869, in A. D. 1870, in A. D. 1871, and again in A. D. 1872. There are upon our statute-books one hundred and six acts granting lands in aid of railroads and nine acts granting lands in aid of wagon-roads. The total number of acres thus granted are 183,432,273.72 acres.

We can poorly comprehend the vast area thus granted, an area larger than France, larger than the German Empire, larger than Austria and Hungary, twice as large as Great Britain and Ireland, and twenty-five times larger than Belgium. Divided into farms of one hundred acres each, this vast grant would make 1,834,322 farms, which, allowing five persons to the farm, would support 9,171,600 persons, or near one-fourth the present population of the United States. It may well be suggested that the generosity which prompted such grants was lavish and prodigal, but we are not here so much to criticise what has been done in the past as to legislate wisely and justly in the present. Doubtless a popular demand for aid in building railroads, which do so much to develop countries, led to the action of former Congresses in thus granting away so much of the public domain.

These grants have usually been of alternate sections of the public lands along the proposed line of the roads and for a given distance on each side, with a provision that the alternate reserved sections shall be sold at $2.50 per acre, or twice the usual price, so that in fact the purchasers of the land not granted have been required to make up the loss to the Treasury by reason of the lands granted. Each act that I have been able to examine has reserved the right of actual settlers up to the time of the definite fixing of the lines of the road. Thus, by reason of the ownership of the alternate sections reserved and retained by the Government, and the reservation of the right of sale of the lands granted until the line of the road grantee should be definitely fixed, the actual settler has been invited to make his home in the very midst of these grants. Finding abandoned homesteads and relying upon the decision of the proper land officers that such homesteads reverted to the Government, he has settled upon such lands, and now by change of views on the part of such officers, or oftener still by a new officer, a new decision is made which deprives the settler of his home.

Again, going into these regions he finds that the public lands having never been withdrawn from market are offered for sale. Relying upon these tangible facts he begins his home-building, but when his household gods have been erected and the tendrils of his heart have twined around the home of his choice, he learns for the first time that, by some inscrutable act of Congress, the terms and scope and meaning of which had not dawned upon the minds of the land officers themselves, his home is to be taken from him. The bill reported by the committee and now under consideration proposes relief for such men, and it is a noble work. While it is no doubt true that the Government cannot and ought not to be held to all the results of agency as applied to individuals, yet it does seem right to say that when, possessed of a great public domain, she intrusts the sale and disposition of her public lands to just and honorable men, who are, or at least ought to be, learned in the law, *they* mistake the true meaning of the law and loss ensues, the loss should fall on the Government, and not upon the unfortunate man who has been misled by the action of the appointees of the Government.

Probably no one can be found who would dispute this proposition in a question solely between the Government and an individual; but in the cases under consideration a third party, claiming to be the donee of the Government, appears. The railroad companies organized to to receive the grants claim that they have vested rights in the settler's home, and that though the Government seek to do justice and right, they will interfere and hold if they can the settler's cottage. Owners of empires, princes by landed right, these lordly grantees are willing to take the poor man's home, and if permitted will turn him out of it without mercy. The greed grown by the great grants which have fed it seems to know no limit. In their view the empire of grand dimensions already given must not be lessened even by the few acres upon which stands the settler's humble cottage. And it must be admitted that this bald, bare, and bloodless claim cannot be hastily dismissed even when contrasted with the humane and living equities of the settler's claim. Sorrowful as the heart may be in view of the painful duty, the tongue of the just must give even to Shylock his pound of flesh, if so nominated in the bond; but we may be excused if while doing so we long for a Portia who shall find in this disgusting flesh the crimson blood which may be the basis of that nobler and better decree which shall save to the settler his hearth-stone and home.

And to the question of right I here with trembling heart turn my thoughts. From what I have formerly asserted I think it may be indisputably claimed that the *spirit* of the legislative grants reserves and protects the right of the actual settler. I now go further, and claim that the letter of the grants so reserves and protects his rights; that the acts actually contemplated and invited actual entry and settlement upon the very tracts contained within the limits of the grant. I here quote the almost unvarying words of the legislative grants:

> But in case it shall appear that the United States have, when the line or route of said road and branches is definitely fixed by the authority aforesaid, *sold any part of any section hereby granted, or that the right of pre-emption has attached to the same*, then it shall be lawful for any agent or agents appointed by the governor of said State to select other lands, &c.

From this language and the general text of these grants nothing can be clearer than that Congress intended to protect the rights of actual settlers up to that moment of time when the last act should be consummated by the grantee necessary to vest a title, and that act the grants themselves declare to be the definite fixing of the line of the road. These grants are clearly, from the language used, not grants *in presenti*, but are in the nature of a *float*. The question as to the nature of these acts was early presented. On the 19th day of December, A. D. 1856, Hon. Caleb Cushing, then Attorney-General of the United States, decided that the grants were in the nature of a *float*. The question was directly presented with regard to the grant to the State of Iowa for railroad purposes. This opinion will be found on pages 512 and 513 of Lester's Land Laws. From this very able opinion I desire here to quote a passage which I think has a bearing upon phases of the cases provided for by the bill under consideration. Mr. Cushing says:

> I think all the precedents in the action of the Government as applied to previous grants in the same or similar terms tend to confirm this conclusion, for in the analogous cases the contingent strips of public domain subject to such future railroad location were withdrawn from private entry by proclamation of the President, thus implying that *without such withdrawal* private entries would go on as usual; and the power of the President to make such withdrawal the means, and the *only* means, of preventing anticipatory private appropriations in the case of railroad grants has been recognized by a recent act of Congress.

The act cited by Mr. Cushing is the act of March 27, 1854, which provides—

> That every settler on public lands which have been or may be withdrawn from

market in consequence of proposed railroads, *and who had settled thereon prior to such withdrawal*, shall be entitled to pre-emption, at the ordinary minimum, to the land settled and cultivated by them: *Provided*, They shall prove up their rights by such rules and regulations as may be prescribed by the Secretary of the Interior and pay for the same before the day that may be fixed by the President's proclamation for the restoration of said lands to market. (United States Statutes at Large, volume 10, page 269.)

This act clearly justifies the inference made therefrom by Mr. Cushing. If I am right in concluding that no right vests in the railroad companies till the line of the road is definitely fixed, and that the lands can be granted, sold, and pre-empted until withdrawn from market, enough has been established to justify my declaration now made that no vested right on the part of the railroads interferes with the relief proposed by sections 1 and 2 of the bill under consideration.

Section 1 provides that when lands have not been withdrawn from market, or after restoration to market, entries or settlements made in good faith are confirmed.

Section 2 provides that when at the time of the withdrawal lands were held by valid existing homestead or pre-emption claimants, and afterward abandoned and re-entered by other claimants, such entries shall be deemed valid.

Section 3 provides for entries made in good faith where the grantees were in default in the performance of the conditions of the grant. Such entries are declared valid.

It scarcely requires an argument to show that a person who is to receive property on the performance of conditions has no vested right in the property till the conditions are performed. These grants are almost all made to the States, and for a purpose, namely, to aid in building railroads. The State is a trustee. The acts of Congress contemplate regrants to railroad corporations, and upon such conditions as shall insure the faithful performance of the trust. Hence a failure to perform conditions which by their very nature must be conditions precedent leaves the grantee of the State without any right to the land, and hence no vested right interferes with the performance of the noble act of justice and humanity proposed by this bill. I call attention to the fact that this bill only seeks to confirm the title of settlers *in good faith* under the circumstances above set forth.

I wish, Mr. Speaker, I had time and ability to amplify and paint in all its beautiful and touching colors all that is implied in those sweet words, "Good faith." The good faith here spoken of is faith in the best and most beneficent government—a government founded upon the very basis of the protection of the sacred rights of the people. All our glory as a nation, sir, has been achieved by upholding and sustaining the rights of the people. All our shame, if we have ever suffered any, has been from forgetting or failing to protect the rights of the people. The only discord that has ever marred the sweet sounds of the grand anthem of liberty which has been sounding over this land since 1776 has been the groans of individual men, our brothers, whose sacred rights were forgotten or denied. Our rapid progress, our wonderful intellectual and material growth, our free discussions, our ready accord, as a rule, of the least right to the humblest citizen, have led our people to a faith in this Government which reaches sublimity, and nothing is needed to prove this grand faith except to point to that grand rally at the nation's call in 1861.

Sir, it was with such a faith, so begotten, that the rough and honest yeomen of the West, with their families, went upon your public lands to build their humble homes. There they have dwelt for many years, and at each setting sun laid their weary bodies down to rest in their homely cottages with a confidence in their Government only excelled by their confidence in their God, to whom they looked for protection while they slept and light with the returning day. So it was with these brave-hearted, trusting people for five long years—no doubts, no lack of faith; but each returning day brought buoyant hope and bright prospects for the future. At last the day comes for the reception of the title, which shall make the little spot, now so dear by all the hallowed associations of time and toil, the family home in perpetuity. Then for the first time the settler learns that a princely, soulless corporation claims his home, and he is liable to be driven out at any time.

Mr. Speaker, if we could be present at the time when the honest settler, returning to his cabin with the light of hope dimmed in his eyes, gathers his family around him and with faltering lips tells his dear wife and loving children what he fears, and could hear how they cling to the thought that the United States will protect them, conscious as they are of the good faith of all their acts, we might then better realize than in any other way what a glorious privilege the people esteem their citizenship to be; and it might teach us how terrible a crime we would commit if by any act of ours the people were brought to lessen their estimation of this citizenship.

Sir, in view of scenes like this, which are real and not painted, as every western man can testify, the cry of vested rights coming from the railroad companies strikes my ear like the hoarse croaking of the raven or the cry of the jackal of the desert.

With others be the task of looking out and protecting these pretended vested rights of grasping corporations. It will be my pride and boast, sir, if at the end of my legislative career, be it long or short, I shall be able to say that no word or act or vote of mine ever impaired or limited the vested rights of the people.

Freedman's Savings-Bank.

SPEECH OF HON. F. G. BROMBERG,

OF ALABAMA,

IN THE HOUSE OF REPRESENTATIVES,

May 14, 1874.

The House having under consideration the bill (H. R. No. 3265) amending the charter of the Freedman's Savings and Trust Company—

Mr. BROMBERG said:

Mr. SPEAKER: I shall pursue a very different policy from that of the gentleman from Kentucky [Mr. DURHAM] in the manner in which I shall lay this question before the House. The gentleman from Kentucky has confined himself to glittering generalities and vague statements. I intend to lay before the House the official reports which have been denied to the House and the country by the committee; which have been smothered or attempted to be smothered by that committee; and I will show to the House that every statement made by the gentleman from Kentucky is controverted by the official figures of the examiners; and first, I will send to the Clerk's desk to be read a resolution which was introduced by myself and adopted by the House.

Mr. MERRIAM. Not adopted, but referred to the committee.

Mr. BROMBERG. Very well; referred to the committee. The House can see how far the committee has complied with the intention of the House.

The Clerk read as follows:

Resolved, That the Committee on Banking and Currency be, and is hereby, instructed to inquire into the management and condition of the National Freedman's Savings and Trust Company; and whether said company has violated its charter, and to report, by bill or otherwise, such measures as shall best protect the interests of the class for whom said bank was chartered.

Mr. BROMBERG. That resolution was introduced on the 3d of February. The Freedman's Savings and Trust Company was organized, as stated by the gentleman from Kentucky, in 1865. In the fall of that year agents of the company came down to the city of Mobile for the purpose of establishing a branch. I was the only white citizen of Mobile who gave them any countenance. I lent the aid of my name to their advisory board, to give it character before our people—it may seem egotism for me to say it—a name respected and honored for nearly forty years in South Alabama as a synonym for integrity. Ever since I have stood by that bank. Why? Because it met a need of the South, because the act passed by the Congress established a board of trustees, comprising some of the most honored names in this country, who seemed to me a guarantee that the professions of the incorporators would be faithfully made good, and that the institution would be worthy of my support. In addition to that, I found in the charter a clause which seemed to completely protect depositors and place them beyond the reach of individual frailty or corruption by restricting rigidly the investment of every dollar of deposits to United States securities; not a dollar was authorized to be invested in any other way. This was the law until 1870. In that year there was passed through this body an amendment to the charter, an amendment which came not from the Committee on Banking and Currency, but from the Committee on the District of Columbia of this House, although the provision was designed to affect the whole country, inasmuch as the bank had then branches in half of the States of the Union. That amendment allowed investments in other securities than those of the United States. It reads as follows:

That the fifth section of the act entitled "An act to incorporate the Freedman's Savings and Trust Company," approved March 3, 1865, be, and the same is hereby, amended by adding thereto at the end thereof the words following: "And to the extent of one-half in bonds or notes secured by mortgage on real estate in double the value of the loan; and the corporation is also authorized hereby to hold and improve the real estate now owned by it in the city of Washington, to wit, the west half of lot No. 3, all of lots 4, 5, 6, 7, and the south half of lot No. 8, in square No. 221, as laid out and recorded in the original plats or plan of said city: *Provided*, That said corporation shall not use the principal of any deposits made with it for the purpose of such improvement."

This was the only additional authority given with regard to the form of investments. I saw no danger in this amendment, if honestly executed, because I knew nothing at the time of the circumstances of its passage. I continued my countenance to the bank, giving it all the assistance in my power. Last September, during the panic, when the institution suspended payment as other banks did, and an injured depositor resorted to legal proceedings, obtained an attachment, put the sheriff in possession of the branch at Mobile, and locked it up for more than one day, I was one of the two sureties to procure its release from the hands of the officers of the law, that it might go forward in its work, and did my best to stay the panic among the colored people. I think that after this record no man can stand upon this floor and charge me with being unfriendly to the institution.

This institution, however, goes out before the country under a charter which does not provide a single particle of machinery for making public its accounts. It has gone on enticing from the laboring man of the South his hard-earned pittance and his last cent of savings, and yet denied him any scrutiny into its affairs. I therefore offered in this House the resolution which, upon my motion, was referred to a committee I thought would act fully upon it, so that if there were

any wrong in the management of the bank, the facts would be laid by it before the country and the people who have a right to know them. That committee has deliberately nullified the purpose of the resolution, and smothered the evidence which it was the object of the resolution to elicit.

Mr. MERRIAM. I do not want to interrupt the gentleman more than a moment; but he should do us the justice to say that this Congress authorized the Comptroller of the Currency last year to put an examiner into that bank, which was done.

Mr. BROMBERG. And the result was embodied in public documents which ought to have gone broadcast through the country, showing that this company was improperly managed and in a bad condition. However, I knew nothing of that at the time I introduced the resolution, (February 3.) That was called forth by facts which incidentally came to my knowledge. I heard, indirectly, that at Montgomery every dollar of the deposits, instead of being forwarded to Washington, as was done at Mobile, had been used upon the spot in worthless or insecure investment; the examiner of the bank has since confirmed that information, and admits in his official report that there is a loss there of over $5,000. Inasmuch as every dollar that was deposited at Mobile was rigidly sent to Washington upon the demand of the authorities here, because, as they said, the law commanded it, it was with astonishment that I heard that in Montgomery the practice had been exactly opposite. As soon as I reached here last fall I consulted with the gentleman representing the district in which Montgomery lies as to the proper means to remedy the wrongs if any had been committed. Finally it was agreed not to push an investigation by a select committee, but rather to let a standing committee examine the matter, lest we might create a panic and possibly do damage to innocent parties. For myself, I thought that possibly at Montgomery there had been nothing worse than a little favoritism. The cashier at that place had been a paymaster in the Freedman's Bureau. The president here was a former member of the American Missionary Association; and it seemed probable that on account of past relations there had possibly been a little leeway in the management of affairs allowed by the one to the other.

Therefore, as the result has shown, with misplaced kindness, instead of pushing for a select committee, I referred the resolution of inquiry to one of our standing committees, the Committee on Banking and Currency. Knowing that the majority of that committee represented the party which has made colored men special objects of protection, I thought that class would find full protection at their hands. My confidence was misplaced.

I will proceed now, Mr. Speaker, as promised, to the testimony, and first simply call attention to the fact that I tried to get that testimony printed, but was met by opposition so intemperate in its zeal as to be more fitting to a paid attorney of some powerful criminal, caught in the meshes of the law, than a Representative standing here in behalf of the people of the United States.

I will first call into court the examiner, Mr. Meigs, and ask the Clerk to read the report made by him on the general condition of this Freedman's Bank.

Before, however, the Clerk reads, I will say that that report of the examiner unmistakably aims to give a favorable coloring to the conduct of the officers of the banks, and to smooth over their illegal proceedings. He is clearly a friendly witness, and although he may not have intentionally suppressed facts, yet his assertions and conclusions are culpably inaccurate, and founded on imperfect data. I will state to the gentleman from Kentucky, [Mr. DURHAM,] in denial of the statement made by him, that so far from having gone over and examining the branches, the examiner, when he made his report, did not have a single report of a branch before him, except those of New York, Baltimore, Richmond, Norfolk, and Washington, twenty-nine having been as yet not heard from. In addition to the bad and doubtful debts, amounting to two hundred and seventeen thousand and odd dollars admitted by him, there are reported by the sub-examiners of the branches $300,000 of bad and doubtful debts which Mr. Meigs knew nothing of, and nevertheless makes an official report intended to have the effect of an exhibit of all the facts in the case. I now ask the Clerk to read the report, and for order in the House that members may hear it. It is an important document, and, carefully studied, shows that this bank is absolutely insolvent. It damns while struggling to save its managers.

The report is as follows:

WASHINGTON, D. C., *March* 10, 1874.

SIR: In accordance with your instructions, I have just completed an examination of the affairs of the Freedman's Savings and Trust Company, Washington City, and respectfully report as follows:

The figures are of January 24, 1874. Referring to my report upon this institution of February 5, 1873, I would remark that I find no material change in the general character of the loans and investments, as the financial disturbances of the past year have resulted in a reduction of the deposits and other liabilities of more than $1,100,000, and as a natural consequence the work of the year has been mainly in the direction of liquidating liabilities and but few new loans have been made.

The panic which has just passed over the land has had much to do with this large reduction of deposits, and has occasioned sacrifices and losses in the effort to sustain the institution under such an extraordinary drain upon its resources. At a late day of the recent panic they availed themselves of the usual custom of savings-banks to demand sixty days' notice previous to payment of any considerable sum, and all such notices have been either paid in full or the notice withdrawn.

The resources and liabilities of the institution, as shown by the records, are as follows:

	Resources.	Liabilities.
Cash, loans, and investments, as per schedule herewith	$3,227,510	
Less bad and doubtful debts	106,500	
Amount due depositors		$3,298,569 21
For checks outstanding		31,026 94
Cash borrowed upon collateral		9,300 00
Total	3,121,010	3,338,896 15

Showing a deficiency of $217,886.15, or in other words, the depositors are secured to the extent of about ninty-three cents on the dollar.

The causes which have led to this deficiency appear to be as follows:

1. The large expenses attendant upon the erection and maintenance of branches which have been established upon the basis of a business beyond what has resulted in the way of deposits received at said branches.

2. Hopes arising from the authority originally given to the cashiers of the branches to make loans and to enter into mercantile transactions foreign to the business of a legitimate savings-bank.

This authority was withdrawn some two years since, and no loans are now made except under the sanction of the trustees of the home office.

3. The effort to follow the example of other savings-banks, who were not liable to such heavy expenses in allowing 6 per cent. interest on deposits, has induced the managers, in the hope of realizing large rates of interest, to make loans looking more to *profit* than to *safety* of the principal sum.

I consider this practice of allowing high rates of interest upon savings deposits as wholly and entirely wrong, as attention is thereby diverted from the *safety of the deposits*, which should be the governing motive in handling the savings of the poor.

4. Sacrifices made to raise money during the late panic and shrinkage in investments.

There is discrepancy in the amount due depositors as between the deposit ledgers and the general ledger of about $40,000; but from a careful examination of these ledgers I am inclined to the opinion that this is merely the result of carelessness in carrying accounts forward and in opening duplicate accounts, and as the general ledger amount is made up from the aggregate amount of the daily receipts and disbursements, I incline to the opinion that the general ledger is the most likely to be correct.

I find it to be the opinion of the officers that there is an amount of deposits which is not likely ever to be claimed of from $100,000 to $200,000, and measures are being taken to get a clear idea of what amount is so situated, as this is a very material question in getting at the liabilities of the institution.

I would respectfully request that the managers be required to adhere *more strictly*, in the future, to the requirements of the act of incorporation, and particularly to sections 3 and 5, which refer to the manner of making and character of investments, which will result in greater security to the depositors.

The by-laws were so amended in June, 1873, as to read "after January 1, 1874, such interest only shall be allowed to depositors in the future as shall be *warranted by the profits* of the institution," and notice given to the depositors. If the depositors will exercise reasonable forbearance for six to twelve months under this regulation, it will give the institution time to recuperate from the misfortunes of the past, and add largely to the safety of the depositors.

I would suggest that *all* of the unprofitable branches be closed up as soon as possible in order to reduce expenses, and in fact measures are now in progress to this end.

In conclusion, I beg to repeat the recommendations contained in my last report,* and to ask the fostering care and forbearance of Congress for an institution that has done and may continue to do great good to the freedmen, in inducing habits of industry and frugality in the care of their earnings.

All of which is respectfully submitted.

CHARLES A. MEIGS,
National Bank Examiner.

JOHN J. KNOX,
Comptroller of the Currency.

WASHINGTON, D. C., *February* 14, 1874.

DEAR SIR: A careful examination of the Washington branch of the Freedman's Savings and Trust Company has developed the following results:

The amount due depositors at this branch on the morning of the 29th January, 1874, as per the general ledger, was		$384,099 00
My trial balance of the deposit ledgers shows the amount due depositors to be	$450,753 97	
Less overdrafts	20,859 29	
		429,894 68
Excess of balances over general ledger		45,795 68

The above discrepancy I believe to be entirely the result of gross carelessness in the keeping of the ledgers. Many of the accounts are undoubtedly duplicated, having been transferred to other ledgers without being closed out in the original account. Thus, in taking off balances, two or more accounts would appear to be open, and one depositor would be represented by two or three balances on the balance-sheet. There has been an entire omission to secure the correctness of debit and credit entries by checking off with the respective books when posting. And I find that deposits and drafts have been made by dealers, and the amounts not posted to their accounts in the ledgers until several months afterward, and the errors only discovered on the presentation of pass-books. Under such a system it is impossible to prove the books, save by checking back all the entries to the opening of the branch or calling in the pass-books. Either would be a labor of months, but one or the other should be done. In some instances debits have been posted as credits, and credits as debits. With the assistance of the clerk who was deemed most competent to discover and reject duplicated accounts, I very carefully revised the balance-sheet, and was thus enabled to reduce the difference sheet about $7,000. There appear to be nearly six thousand accounts, running through eleven ledgers, and no ordinary memory could pick out more than a few of the duplicates. The overdrafts were mostly temporary, excepting some *old ones*, dating back for several years. Mr. Stickney says that the actual loss upon the overdrafts will not exceed $5,000.

I would repeat most emphatically my suggestions of last year, that all the accounts be transferred from the old ledgers and properly indexed, which, with a proper system of checking the ledger entries, *rigidly enforced*, and trial balances

*Report of the Comptroller of the Currency upon the condition of the savings-banks of the District of Columbia, Senate Miscellaneous Document No. 88, Forty-second Congress, third session.

taken off at *least* quarterly, would enable them to steer clear of such discrepancies in the future and make a less discreditable showing.

I cannot find any improvement, so far as the branch book-keeping is concerned, the result showing a difference in balances twice that of one year ago. I append a statement of the condition of the branch on the morning of January 29. The item "Principal office" stands to the credit of the branch on the books of that office. Also a statement of the cash on hand, same date, which appears to be over $27.55.

Very respectfully, yours,

A. M. SCRIBA,
Assistant Bank Examiner.

CHARLES A. MEIGS, Esq.,
National Bank Examiner, Washington, D. C.

Statement.

	Resources.	Liabilities.
Principal office*	$361,066 58	
Cash	23,032 42	
To depositors		$384,099 00
Total	384,099 00	384,099 00

Statement of cash on hand.

Legal-tender notes		$13,217 00
Gold certificates		300 00
Gold coin		107 00
Silver		41 95
Nickels		12 84
Fractional currency		76 80
Checks on other banks		6,540 09
Cash items, consisting of temporary loans, checks against salaries, and items to be charged to expense account		2,764 29
All good, Mr. Stickney says, except note of P. M. Brown, dated July 1, 1873, for	$300 00	
And two small loans, $10 each	20 00	
		320 00
		23,059 97
Cash over in comparison with general ledger		27 55
		23,032 42

Amount of deposits at the various branches of the Freedman's Savings and Trust Company.

Alexandria, Virginia	$21,584
Atlanta, Georgia	28,404
Augusta, Georgia	96,882
Baltimore, Maryland	303,947
Beaufort, South Carolina	65,592
Charleston, South Carolina	255,345
Columbus, Mississippi	18,857
Columbia, Tennessee	19,823
Huntsville, Alabama	35,963
Jacksonville, Florida	22,022
Lexington, Kentucky	34,993
Little Rock, Arkansas	17,728
Louisville, Kentucky	$137,094
Lynchburgh, Virginia	19,967
Macon, Georgia	54,342
Memphis, Tennessee	96,755
Mobile, Alabama	95,144
Montgomery, Alabama	29,743
Natchez, Mississippi	22,195
Nashville, Tennessee	78,525
New Berne, North Carolina	40,621
New Orleans, Louisiana	240,006
New York, New York	344,071
Norfolk, Virginia	126,337
Philadelphia, Pennsylvania	84,657
Raleigh, North Carolina	26,703
Richmond, Virginia	166,000
Savannah, Georgia	153,425
Shreveport, Louisiana	30,312
Saint Louis, Missouri	58,397
Tallahassee, Florida	40,207
Vicksburgh, Mississippi	104,348
Washington, District of Columbia	384,789
Wilmington, North Carolina	45,223
	3,299,201

Mr. BROMBERG. The examiner hopes that Congress will extend its fostering care to this bank. He is unmistakably a friendly witness. Now I ask the House to mark the date of that report. It is March 10.

Mr. MERRIAM. What year?

Mr. BROMBERG. March 10, 1874.

Accompanying that report, as furnished by the Comptroller of the Currency, are certain schedules. I hold in my hand copies of twenty-two official reports made by the various national-bank examiners of the different branches, every one of them, with four exceptions, of later dates than that under which the chief examiner writes, March 10, 1874.

I present herewith to the House the reports by the sub-examiners:

*There is a discrepancy here. The principal office has $872.58 less to the credit of the branch. The explanation is that the difference is previous *short cash*, not yet charged to profit and loss.

NEW YORK, *March* 4, 1874.

	Resources.	Liabilities.
Cash in American Exchange National Bank, New York	$12,084 05	
Legal-tenders and national-bank bills and fractional currency in tills	4,646 25	
Gold coin and notes	1,048 00	
Silver	296 70	
Total cash	18,075 00	
Checks on country banks and short sight-drafts received from other branches and deposited in American Exchange National Bank for collection	6,764 50	
Ditto, with out-of-town agents	2,674 84	
Loan on bonds and mortgages on improved property in Orange, New Jersey, valued at $6,000 or more	3,000 00	
Loan on $500 railroad bond	275 00	
$500 first-mortgage bond, Chesapeake and Ohio Railroad, at sixty cents	300 00	
Amount due depositors		$322,316 26
Total	31,089 34	322,316 26

Of the amount due depositors, about $50,000 is what may be called business deposits, and the balance savings deposits.

Number of open accounts on books, 3,555.

About three-fourths of the depositors are colored people.

Amount deposited since 1866	$3,559,298 02
Amount drawn out	3,236,981 76
Total annual expense for 1873, (rent $2,000)	12,721 00

The habit of this branch, as well as all the others, has been to remit all surplus deposits beyond a working cash balance to the parent bank, Washington, and the loans on hand were authorized there.

A steady diminution of their deposits has been going on for some time past in this as well as at many other branches, and Manager Harris manifests considerable anxiety as to the working of things at the parent office.

CHARLES A. MEIGS,
National Bank Examiner.

BALTIMORE.

WASHINGTON CITY, *February* 18, 1874.

The business of this branch appears to be confined entirely to the receipt of deposits, the payment of drafts against the same, and the remittance to the parent institution at Washington of all sums deposited over and above a working balance of cash of $5,000 to $10,000.

The total amount due depositors this day appears to be	$303,716 27
Total cash on hand	4,488 22
Amount loaned on good security	1,423 61

The total number of open accounts is 3,500, and the great majority of the depositors are colored people.

Current expenses about $4,700 in all.

The books and accounts are well and clearly kept, and the last trial balance of liabilities show a discrepancy of fourteen dollars only.

The banking-house owned by the bank consists of a plain three-story brick building, No. 80 West Baltimore street, and I should think worth considerably *more* than the cost ($16,600) at which it appears on the books of the bank.

The deposits are mainly of a savings character, and the receipts and disbursements vary from $500 to $2,000 per day each way.

CHARLES A. MEIGS,
National Bank Examiner.

NORFOLK, VIRGINIA, *February* 24, 1874.

The only business transacted at this branch consists of receiving deposits and making payments upon the same, and remitting to the parent bank all moneys on hand over and above a cash balance of $5,000 to $8,000, retained to meet drafts.

The cashier's assistant has been sick for some time, and the books are only written up to February 1, 1874.

Amount due depositors	$128,637 08
Amount of cash on hand	7,738 97
Number of open accounts	2,577

Expenses, say $2,810 per annum in all.

CHARLES A. MEIGS,
National Bank Examiner.

SAINT LOUIS, MISSOURI, *March* 13, 1874—9 a. m.

	Resources.	Liabilities.
United States bonds and securities	$100 00	
Due from other banks	496 15	
Furniture and fixtures	2,347 90	
Expense account	187 90	
Cash items	133 75	
Bills of national banks	2,542 00	
Fractional currency	107 23	
Specie	157 05	
Loans to principal office	58,613 66	
Individual deposits		$58,613 66
Sundry resources		6,071 98
Total	64,685 64	64,685 64

W. D. W. BARNARD.

RICHMOND, VIRGINIA, *February* 21, 1874.

The business of this branch is confined to the receipt of deposits, payments on the same, and the remittance to the parent bank of all moneys on hand over and above a moderate working balance of cash to meet the daily demands of depositors.

Amount on deposit at this date	$168,331 00
Amount of cash on hand	800 17

Number of open accounts of depositors is 3,850; amount of overdrafts is $51.15, mostly considered good.

The force employed consists of—

Cashier, (white man,) salary	$1,200
Clerk, (colored,) salary	500
Rent of banking-house	500

The great majority of the depositors are colored people, and the average amount due each depositor is less than forty-five dollars.

CHARLES A. MEIGS,
National Bank Examiner.

MEMPHIS TENNESSEE, *March* 26, 1874—9 a. m.

	Resources.	Liabilities.
Notes and bills discounted	$55,723 51	
Overdrafts	12,211 48	
Principal office, Washington, District of Columbia	17,698 55	
Due from branches of same	5,308 00	
Due from other national banks	17 28	
Current expenses from commencement here	16,155 97	
Checks and other cash items	385 45	
Bills of other national banks	2,381 00	
Fractional currency, including nickels	286 06	
Coin	229 07	
Exchange		$4,918 91
Individual deposits		105,254 58
Cash over		222 88
Total	110,396 37	110,396 37

This is one of the few branches of the Freedman's Savings and Trust Company where the cashier is allowed to loan the deposits on such securities as he deems safe.

He has loaned to E. R. Knight, of Forest City, Saint Francis County, Arkansas, a large land-holder, $38,257.09, and holds as collateral: First, 100 M staves at New Orleans, held by the cashier of their branch there and worth $100 per M, or $10 per 1,000 at forced sale; second, a mortgage on Knight's homestead at Forest City, worth he estimates $30,000, mortgage $10,000; third, two trust deeds for $10,000 and $5,000 and fourth, notes which I listed, amounting to $14,436.07; total, $49,436.09. He assures me the sureties are ample.

Another loan of $10,000 to W. L. Marsh, secured by two trust deeds on property estimated at $14,000. He thinks $10,000 could be realized if payment were pressed. He holds besides good land notes amounting to $5,150 as further collateral on Marsh's loan of $10,000. The remainder of the $55,573 loaned is in sums from $2,000 secured by trust deeds, down to $25, with various collaterals, and he assures me every dollar is good.

The $12,211.48 of overdrafts are also loans on collateral, except a few small ones allowed on the credit of the drawer, all, he says, good, except $841.41, which was abstracted by a dishonest colored clerk, some one or two years ago or more. Of this the principal office is cognizant.

THOMAS WILLIAMS, *Examiner.*

LOUISVILLE, KENTUCKY, *March* 9, 1874—5 p. m.

	Resources.	Liabilities.
The principal office at Washington, District of Columbia	$119,552 85	
Due from Citizens' Bank	2,186 88	
Current expenses	12,882 74	
Checks and other cash items	80 45	
Bills of other national banks	2,571 00	
Fractional currency	70 07	
Coin	530 99	
Profit and loss		$878 30
Individual deposits		136,996 68
Total	137,874 98	137,874 98

The system adopted by the home institution is simple, and it is easy with proper care to keep balances straight.

Commenced examination by making a full list of depositors, amounting to $138,697.90, being $1,701.22 more than the general ledger balance shows. Of these, $3,973.47 have stood over five years without change. They are fifty-eight in number, and the cashier has little or no knowledge of the parties.

The home office do not allow of any loans being made here, nor do they leave the funds here beyond about the amount reported at this time, so that when depositors draw their cash (except in small sums) they are paid by draft on the home office or one of its branches.

THOMAS WILLIAMS, *Examiner.*

LEXINGTON, KENTUCKY, *March* 12, 1874—9 a. m.

	Resources.	Liabilities.
Principal office, Washington, District of Columbia	$27,790 49	
Due from other banks	65 67	
Due from State banks	4,079 59	
Current expenses	4,184 30	
Bills of other national banks	1,609 00	
Fractional currency	99 56	
Coin	170 28	
Exchange		$126 41
Individual deposits		34,872 48
Total	34,998 89	34,998 89

I cannot say as much of his success in banking, although I have no doubt of his integrity. I find he cannot make his individual deposit ledger agree with his general ledger by $1,305.84; it is so much short, and I think it must be that this sum is entered on the pass-books of depositors while it has not been placed to their individual accounts.

I think a sharp hint from the Comptroller that his individual ledger should be made to prove by the general ledger would do him good.

THOMAS WILLIAMS, *Examiner.*

LITTLE ROCK, ARKANSAS, *March* 31, 1874—4 p. m.

	Resources.	Liabilities.
Overdrafts	$1,022 58	
Principal office, Washington, District of Columbia	11,886 74	
Memphis branch	1,100 00	
Current expenses	3,744 08	
Bills of other national banks, fractional currency, &c	3,926 15	
Exchange		$931 08
Individual deposits		20,748 47
Total	21,679 55	21,679 55

Of overdrafts $904.66 is by arrangements and is secured. Cashier holds himself responsible for the remainder which is on these accounts. The testing of individual ledger came out within $15 of the general ledger on amount due depositors.

THOMAS WILLIAMS, *Examiner.*

WILMINGTON, NORTH CAROLINA, *March* 13, 1874—9 a. m.

	Resources.	Liabilities.
Due from parent bank	$33,087 51	
Expense account	9,428 82	
Cash	2,176 11	
Overdrafts	2,850 40	
Short	2,923 77	
Due depositors		$49,594 68
Exchange account		871 93
Total	50,466 61	50,466 61

This branch was organized in October, 1868, and now has 2,542 accounts with depositors, five of the largest amounting to $8,791. The system of book-keeping is very loose. Much more so under the administration of the former cashier than the present one.

Mr. John A. Smyth, the present cashier, entered upon his duties December 19, 1872, and no balance of the books was taken at that time, although some of the accounts were overdrawn, the largest one being the account of the retiring cashier, and that account now stands overdrawn $2,016.99, and is included in "overdrafts, $2,850.40." The cashier informed me that he attempted at one time to balance the books, but they varied two or three thousand dollars, and he had not found it, and since that time had made no attempt. I took off a trial balance and found $2,923.77 short. This branch has made no loans, and owns no real estate. The advisory committee number nineteen, and as the branch makes no loans, but sends the money to the parent bank as fast as it is deposited, there is really nothing for them to do. The last minute on the records was in May, 1873, and was in reference to a change of office.

J. A. TALMADGE,
National Bank Examiner.

CHARLESTON, SOUTH CAROLINA, *March* 16, 1874—9 a. m.

	Resources.	Liabilities.
Due from parent bank	$231,210 35	
Expense account	15,763 22	
Cash	9,831 17	
Due to depositors		$253,168 56
Exchange		3,336 18
Total	256,504 74	256,504 74

This branch was organized in December, 1865, and now has 5,295 depositors.

The books of this branch balanced within eighty-eight dollars, after making allowance for an error which existed previous to Mr. Ritter's administration, and is regularly entered on the records of the branch by the inspector for the parent bank; amount, $3,700. This branch have made no loans. The parent bank owns the banking office, and it is valued at $6,000, but could not be sold for that sum at present.

All the branches are required to send to the home bank daily statements. The amount and its expenses and exchange are the totals since the branches were first organized.

J. A. TALMADGE,
National Bank Examiner.

BEAUFORT, SOUTH CAROLINA, *March* 21, 1874—9 a. m.

	Resources.	Liabilities.
Loans	$126,166 61	
Cash on hand	3,603 24	
Due from Charleston Bank	2,368 98	
Profit and loss	10,963 10	
Overdrafts	4,294 11	
Expense account	14,249 12	
Due to depositors		$77,216 79
Exchange account		15,485 28
Due parent bank		71,638 34
Short	2,065 25	
Total	164,340 41	164,340 41

Loans on real estate	$58,402 31
Loans on collateral	37,000 00
Beaufort County, South Carolina, scrip, par	30,764 48
Total	126,166 61

The loans I have divided into classes as they are all overdue:

Loans considered good	$22,670 59
Second class	48,968 31
Third class	23,382 95
Taxes paid on real estate	380 28
Beaufort County scrip, par	30,764 48
Total	126,166 61

I am unable to arrive at any market value of the real estate on which money has been loaned, but schedule is based upon statements made by the present cashier. Profit and loss account, debtor, $10,963.10, and overdrafts, $4,924.11, were made by the former cashier Mr. Scovel, and the company have sued on his bond of $6,000, and trial set for 6th of April.

The amount $2,065.25 "short" has been accumulating since the branch first started. There are twelve hundred depositors with this branch. One account called "deserters'-account" has a credit of $11,564.58, which is money deposited by soldiers and has never been called for.

The parent bank own the building occupied by this branch, and it is valued at about $6,000.

J. A. TALMADGE,
National Bank Examiner.

MACON, GEORGIA, *April* 10, 1874—3 p. m.

	Resources.	Liabilities.
Overdrafts	$43 38	
Parent bank	42,819 32	
Due from city bank	187 98	
Expense account	8,799 48	
Exchange account	50 36	
National currency	613 00	
Fractional currency	154 14	
Coin	182 00	
Books do not balance	72	
Due depositors		$52,837 33
Total	52,837 33	52,837 33

There are 1,549 accounts.

The last trial balance of ledger varied eighteen dollars. No loans made at this branch.

J. A. TALMADGE,
National Bank Examiner.

SAVANNAH, GEORGIA, *March* 24, 1874—9 a. m.

	Resources.	Liabilities.
Due from parent bank	$133,100 49	
Expenses	20,373 49	
Due depositors		$156,696 09
Exchange		651 16
Cash	3,873 27	
Total	157,347 25	157,347 25

This branch was organized in January, 1866, and now numbers 4,244 depositors, Mr. Isaac W. Brinckerhoff, cashier, and he has held the office from the time the branch first started. He keeps no general ledger, but the depositors' ledger is in very good order, and balances within $22.27. No loans are made at this branch. The building this bank occupies is not owned, but rented at an annual rent of $1,200. This branch has a clear record from the start.

J. A. TALMADGE,
National Bank Examiner.

ATLANTA, GEORGIA, *April* 8, 1874—9 a. m.

	Resources.	Liabilities.
Overdrafts	$161 70	
Due from parent bank	11,084 87	
Due from national banks	200 00	
Expense account	9,238 47	
Items	5,883 21	
National currency	655 00	
Fractional currency	86 79	
Coin	270 49	
Errors in cash	28 82	
Short	1,939 67	
Amount due depositors		$28,885 53
Exchange		663 40
Total	29,548 93	29,548 93

Cash items, $5,883.21, are memoranda left by Philip Cory, the former cashier.

Overdrafts, $161.90, considered not good.

Short, $1,939.67, reported by Philip Cory as stolen February, 1873.

February, 1, 1874, Philip Cory was arrested as a defaulter.

This work (calling in the books) is not finished as yet, and full amount of defalcation by Cory is not known.

The amount at present is $8,000.

This branch has made some loans and all the papers relating to them sent to the parent bank, and no record of them appears upon any book of the bank. All the loans were made without the advice or consent of the advisory committee, so I am informed; and no record of the meetings of the committee are to be found.

The branch own no real estate, but rent an office at a monthly rent of twenty dollars.

Philip Cory gave a bond in the sum of $6,000.

J. A. TALMADGE,
National Bank Examiner.

AUGUSTA, GEORGIA, *April* 3, 1874—9 a. m.

	Resources.	Liabilities.
Due from parent bank	$89,632 19	
Gold	382 09	
National Bank of Augusta	2,175 75	
Cash	4,689 66	
Expense account	12,056 13	
Profit and loss	19 07	
Sundry errors in cash	81 99	
Amount due depositors		$107,432 92
Exchange		1,603 96
Total	109,036 88	109,036 88

The books of this branch are well kept and in good order.

The bank owns no real estate, but rent a banking office. This branch has made no loans. Number of depositors, 3,373; the two largest depositors are treasurers of Aiken County, South Carolina, $10,209.98 and $5,400; these are the only ones over $2,000; all money sent to Washington for investment. The branch was organized in March, 1866.

J. A. TALMADGE,
National Bank Examiner.

JACKSONVILLE, FLORIDA, *March* 28, 1874—9 a. m.

	Resources.	Liabilities.
Loans	$91,824 34	
Overdrafts	37,067 50	
Collecting	487 00	
Profit and loss	920 72	
Expense	16,841 22	
Cash	11,429 87	
Due depositors		$60,399 41
Exchange		30,970 44
Due parent bank		67,900 80
Total	158,570 65	158,570 65

Loans are overdue, but interest is paid regularly on $13,066.06.

Loans on real estate	$13,032 18
Single-name paper	38,278 06
Largest loan to any one party	21,343 46

This loan was made to Allen & Farrar, and their affairs are in the hands of a receiver and the bank have got judgment against him and have allowed the receiver to overdraw his account $34,567.98, and try and work out the indebtedness by running the saw-mill, and on this account allowed the overdraft.

Loans considered good	$18,878 63
County and State scrip, market value	3,673 42
Interest on loans	2,699 39
Second-class paper	23,472 62
Third-class paper	43,882 66
	92,606 72

These loans were made by the former cashier. The present cashier, Mr. J. W. Swain, informs me that he considers none of this worthless at the present time, but it will be a long time before it is all paid, and it is on his statements I have made this classification. The books of this branch are kept in a very loose way, and it took nearly all day to get a balance. This bank kept a general ledger at one time, but it has not been posted since September 1, 1873, and the cash-book is not written up since the 13th of this month. The bank keeps some merchant accounts and pays no interest on them. The amount of non-interest deposits is about $5,000. There are eighteen hundred and fifty depositors with this branch. The parent bank own the building occupied by this branch, which is valued at $40,000. They have a fine office-vault and safe, and the building also contains two stores and large hall and six offices, which are rented.

J. A. TALMADGE,
National Bank Examiner.

Statement of the Mobile branch of the Freedman's Savings and Trust Company.

MOBILE, ALABAMA, *April* 25, 1874—3 p. m.

	Resources.	Liabilities.
Cash, currency	$10,192 14	
Cash, gold	135 24	
Expenses	19,890 75	
Parent bank	61,143 57	
Due depositors		$89,212 62
Exchange		2,149 08
Total	91,361 70	91,361 70

Number of depositors 2,650. No depositor to an amount of over $2,000. Amount due white persons, $1,000. No loans made at this office, and no collection business done. Meetings of advisory committee not well attended.

The cashier, C. A. Woodward, was removed April 16, 1874, on account of having taken funds to the amount of $3,375, which he claims as services rendered the Freedmen's Bureau. This amount Woodward charged to the parent-bank account on exchange account. The parent bank would not allow the claim, and removed the cashier; and the parent-bank inspector, Mr. A. M. Sperry, is in charge of the office.

The Freedman's Savings and Trust Company have commenced suit on Mr. Woodward's bonds of $10,000 for the recovery of the money. The office now occupied by this branch is the old Bank of Mobile building, and they pay at the rate of $1,000 a year rent.

The books appear in fair shape. Present business small.

J. A. TALMADGE,
National Bank Examiner.

MONTGOMERY, ALABAMA, *April* 15, 1874.

SIR: In accordance with your instructions, I have this day made an examination of the affairs of the Montgomery branch of the Freedman's Savings and Trust Company, Montgomery, Alabama. It appears that Mr. E. Beecher, the cashier, made some loans without the advice or consent of the advisory board of the parent office, the probable loss on which will be about $5,000 or more. The result of this transaction is that the Freedman's Savings and Trust Company entered into a contract with E. Beecher & Co. on the 23d of February, 1874, whereby the Freedman's Savings and Trust Company agree to close their Montgomery branch and transfer their business and assets at this branch to E. Beecher & Co., E. Beecher & Co. to carry on the business and assume the amount due to the parent bank and depositors, and gave the Freedman's Savings and Trust Company a bond of $60,000 for the fulfillment of their part of the contract. The Freedman's Savings and Trust Company are now liable to the depositors at this branch to the amount of $10,810.24, and E. Beecher & Co. now owe the parent bank $23,380.79.

The statement of the branch at the time of transfer to E. Beecher & Co. is as follows:

	Resources.	Liabilities.
Amount due depositors		$28,048 39
Amount due parent bank		19,569 62
Exchange		4,254 97
Expense account	$3,489 98	
Cash, including loans	47,863 00	
Total	51,852 98	51,852 98

When depositors present their books at the bank for deposit or draft, E. Beecher & Co. take up the Freedman's Savings and Trust Company's book and issue their own instead, if the depositor will agree to the transfer. E. Beecher & Co. have two years from the 1st of January, 1874, to make these payments or transfers, and if any amounts remain due by the Freedman's Savings and Trust Company to depositors at the expiration of the two years, E. Beecher & Co. agree, to pay the amount to the Freedman's Savings and Trust Company, and the depositors must look to the parent office for it.

J. A. TALMADGE,
National Bank Examiner.

Statement of the Huntsville branch of the Freedman's Savings and Trust Company.

HUNTSVILLE, ALABAMA, *April*, 23, 1874—1 p. m.

	Resources.	Liabilities.
Principal office, Washington, District of Columbia	$25,058 71	
Due from State banks and bankers	1,579 20	
Current expenses	5,926 83	
Bills of national banks	437 00	
Fractional currency	15 50	
Coin	428 16	
Exchange		$520 05
Due depositors		34,961 85
The individual-deposit ledger shows more due depositors than the general ledger shows reported to the principal office by	2,034 56	
Cash short	1 95	
	35,481 91	35,481 91

Cashier Robinson seems to be a clever fellow, and is much more astonished at the result of listing the balance due depositors than I was, notwithstanding he read them off to me himself.

He says the inspectors from the principal office never list them, nor require him to do it.

The following morning, as I was about taking leave, Robinson came to the hotel and called my attention to the sum of $259.98 paid depositors yesterday that should have been deducted from amount due depositors.

After I left, when reflecting how it should be that these branches are all in the same kind of discrepancy, I called to mind no one of them had shown me any account for interest credited and paid on deposits, and I doubt whether the account is kept, as there is no such item printed on their blanks. The very next visit to one of these branches I will look after this item.

THOMAS WILLIAMS, *Examiner.*

NASHVILLE, TENNESSEE, *April* 8, 1874.

	Resources.	Liabilities.
Overdrafts	$31 55	
Exchange in balance to debtor	182 16	
Principal office at Washington, District of Columbia	62,755 87	
Amount expense	12,247 20	
Bills	1,398 88	
Individual ledger deposit list in excess of what is shown and reported from general ledger	869 94	
Short cash, Cary says, was shown up to the last inspection from principal office	216 26	
Individual deposits		$77,620 86
	77,620 86	77,620 86

Cashier Cary is a quiet, clever colored man. He, like most whom I have met in these branches, fails of the necessary care to prove up his books and keep his two ledgers in balance. He is long on his deposits and short on his cash. Of the latter, he says the inspector who last visited him from the principal office found it so; but I have not learned from him or others, that the inspector had taken pains to list and prove up their ledger, or required them to do so.

The system adopted by the principal office in daily reports of all deposits, drafts, and checks is good, and if faithfully carried out, and proved monthly, would be advisable.

The principal office made a poor investment here at Nashville in a building. Cary says it and lot cost $27,000. He estimates that they receive $1,250 rent, besides their banking-office room. This is a very small income on the rent.

THOMAS WILLIAMS, *Examiner.*

The House will see that the reports from those branches which bear most heavily upon the status of the bank, those at which the grossest irregularities and most dishonest proceedings have been practiced, were not before Mr. Meigs when he wrote his statement; and yet, without them, he has had the assurance to inform the Comptroller that the bad and doubtful debts of the Freedman's Bank were only $106,500, and that the bank was within seven cents on the dollar of solvency.

The reports of eleven branches, including New Orleans and Vicksburgh, are not yet even in the hands of the Comptroller of the Currency, and those from Mobile, Tuscumbia, Huntsville, and Montgomery, and Nashville and Columbia, Tennessee, have come in so recently that they still lie upon the table of the Speaker.

It is clear, therefore, that to arrive at any well-founded conclusions respecting the bank we must examine the official figures and schedules for ourselves. So much for the examiner's sins of omission, whose exact amount I shall discuss somewhat later. I shall now proceed to show further inaccuracies upon the part of the examiner, and these will be sins of commission. I hold copies of two schedules furnished by him as a part of his report, and which I lay before the House.

Schedule of loans of the Freedman's Savings and Trust Company, Washington City, January 26, 1874, on real estate.

Henry Wells, June 3, 1870, on square No. 597; interest paid to August 22, 1872	$2,000 00
J. S. Howard, May 26, 1870, on sub-lot 35, square 369, improved; interest paid to November 26, 1873	650 00
Thomas L. Hume, December 21, 1869, on east one-half of lot 2, square 408, improved; interest paid to May 1, 1873	8,000 00
General R. Williams, January 3, 1870, on lot 6, square 560; interest paid to July 1, 1872	6,500 00
R. P. Dodge, January 24, 1870, on Georgetown property, Congress street, "Huntington house;" interest paid to January 24, 1872	13,786 50
L. F. Borland, June 6, 1870, on lot 52, square 511, improved; interest paid to December 2, 1873	1,475 00
George Savage, June 7, 1870, on lot 1, square 348, improved; interest paid to December 7, 1873	10,000 00
D. B. Nichols, June 8, 1870, on lot 12, square 773, improved; interest paid to March 11, 1873	250 00
Joseph Casey, June 11, 1870, on lots 1 to 17, Hall & Evans' subdivision Meridian Hill; part interest paid to August, 1871	3,130 00
Robert Clarkson, June 15, 1870, lot 14, square 481, improved; interest paid to December 8, 1873	2,500 00
Charles Dyson, June 14, 1870, lot 25, square 870	395 74
C. Cammack, jr., June 23, 1870, lot 3, square 224; interest paid to June 22, 1873	1,500 00
Benjamin C. Wright, June 24, 1870, lot 24, square 516, improved; interest paid to December 1, 1873	1,500 00
S. P. Brown & Son, June 27, 1870, lots 7, 8, 10, 53, 48, 49, 41, 74, 60, 61, 66, 67, 73, 21, 22, 75, at Mount Pleasant; interest paid to June 21, 1872	10,000 00
Martin Buell, June 28, 1870, lots 3, 4, 5, square 572, improved; interest paid to June 24, 1873	3,000 00
C. M. Alexander, June 30, 1870, farm on Bladensburgh turnpike, opposite Mount Olivet cemetery, improved; interest paid to December 29, 1873	6,500 00
William Porter, June 30, 1870, lot 6, section 3, Barry farm fund; interest paid to June 30, 1873	200 00
J. Johnson, July 1, 1870, lot 22, square 126, improved; interest paid to December 30, 1873	268 80
Samuel Fudge, July 1, 1870, west half of lot 20, square 158; interest paid to December 22, 1873	300 00
W. W. Rapley, July 5, 1870, house and lot, G street, near Twenty-first street, square 203, west side Fourteenth street, east side Fifteenth street, containing 51 lots; lots 9, 10, square 79; interest paid to July 5, 1873	10,000 00
Thomas Blagden, heirs, July 5, 1870, lot 22, square 523, lot 21, square 533, improved, 5 four-story brick houses; interest paid to January 2, 1874, on Indiana avenue, south side, between Third and Fourth streets west	25,000 00
David Miller, July 7, 1870, farm 60 acres, in Washington County, Maryland; interest paid to January 5, 1874	2,500 00
M. Gately, July 9, 1870, lots 10, 11, square 785, improved; interest paid to January 5, 1874	800 00
Levi Prince, July 11, 1870, part lot 6, square 920, improved; interest paid to January 11, 1874	300 00
C. Adams, August 4, 1870, lot 35, square 545, improved; interest paid to August 16, 1873, (balance)	30 00
H. Lancaster, August 9, 1870, lot 10, square 558, improved; interest paid to August 6, 1873	400 00
S. Bach, September 10, 1870, lot 77, square 180, improved; interest paid to September 9, 1873	1,200 00
C. S. Ford, September 13, 1870, lot 7, square 763, improved; interest paid to September 9, 1873	3,000 00
C. M. Barnard, September 13, 1870, lots 7, 10, and 19, square 369, improved; interest paid to September 16, 1873	500 00
Joseph L. Savage, September 22, 1870, lots 115, 116, Bentley & Hawkins's addition, Georgetown; interest paid to June 24, 1874	5,375 00
James Cooper, September 24, 1870, part lots 74 and 75, old Georgetown	850 00
John H. Mason, October 1, 1870, lot 12, square 140, improved; interest paid to September 21, 1873	250 00
McGill & Witherow, October 5, 1870, lot 2, square 321, improved; interest paid to September 30, 1873	8,418 25
W. B. Todd, jr., (trustee,) October 5, 1870, lot 14, square 309, improved; interest paid to October 4, 1873	165 03
William J. Murtagh, October 6, 1870, east half lot 7, square D, improved; interest paid to December 20, 1872	1,200 00
D. C. Forney, October 30, 1870, lot 92, in Gilbert's sub. of part of square 375, improved; interest paid to October 14, 1872	3,750 00
R. B. Mohun, October 20, 1870, lot 6, Daley's sub. of lots 1, 2, 3, and 4, square 215, improved; interest paid to October 30, 1873	1,316 71
Thomas W. Chase, October 29, 1870, part lot 1, square 335, improved; interest paid to October 25, 1873	3,000 00
William F. Crane, October 31, 1870, lot 9, square 398, improved; interest paid to April 30, 1872	3,250 00

James C. Kennedy, November 1, 1870, west 25 feet of lots 1 and 18, square 200, improved; interest paid to November 1, 1873 ..... $10,000 00
Noah L. Jeffries, November 4, 1870, lot 14, square 199; interest paid to April 16, 1873 ..... 566 02
John T. Halley, November 10, 1870, lot 46, square 302; interest paid to November 10, 1873 ..... 250 00
J. H. A. Shurreman, November 11, 1870, half lot 24, square 728, improved; interest paid to July 21, 1872 ..... 1,200 00
F. Frazier, November 14, 1870, lot 13, square 331; interest paid to November 14, 1873, (balance) 35 00
Richard Waters, November 15, 1870, part lot 24, square 528; interest paid to November 12, 1873 ..... 125 00
A. H. Parry, November 18, 1870, part lot 2, square 82, improved; interest paid to November 11, 1873 ..... 471 40
A. Bouldin, November 18, 1870, part lot 11, square 516, improved; interest paid to November 14, 1873 ..... 1,000 00
J. O. Hogan, November 19, 1870, lot 22, square 974, improved; interest paid to September 27, 1873 ..... 1,000 00
R. T. Martin, November 16, 1870, lots 7 and 16, square 65, improved; interest paid to November 16, 1873 ..... 150 00
T. Roessle & Son, November 22, 1870, chattel mortgage on furniture and fixtures in the Arlington House; interest paid to November 24, 1872 .. 28,000 00
F. P. Stanton, November 22, 1870, lot 21 east half of lot 20, square 688; 206 acres in Montgomery County, Maryland; interest paid to November 30, 1873 ..... 4,500 00
H. R. Searle, November 28, 1870, lots 5, 6, 7, 8, 9, and 10, square 368, improved; interest paid to November 23, 1873 ..... 3,700 00
A. DuBois, December 6, 1870, lots P and Q, square 273; interest paid to February 10, 1873, (balance) 150 00
L. W. Ross, December 1, 1870, improved property in Baltimore; interest to May 30, 1871, (paid) .....
E. K. Allen, December 7, 1870, lots 67, 68, 69, 71, and 72, square 274, improved; interest to May 30, 1871 ..... 2,500 00
John W. Rogers, December 16, 1870, lot 20, square 367, improved; interest to December 6, 1873 ..... 800 00
A. M. Humphries, December 17, 1870, lot 2, square 396; interest to June 17, 1873 ..... 200 00
M. V. Brown, December 20, 1870, part of a tract of land called the "Rock of Dumbarton" or "Pretty Prospect," improved; interest to June 19, 1873 ..... 21,000 00
John W. Bailey, December 21, 1870, lot 49, square 182, improved; interest to June 3, 1873 ..... 600 00
M. L. & W. G. Crawford, December 24, 1870, lots 5, 6, 7, and 8, Beal's addition to Georgetown; interest to June 12, 1872 ..... 1,000 00
L. Dean, December 20, 1870, part lot 16, square 551, improved; interest to June 30, 1873 ..... 875 00
Robert I. Fleming, January 6, 1871, east half lot 23, square 209, improved. 8,010 00
W. Coggins and others, January 7, 1871, deed of trust notes on land in Norfolk and Portsmouth, Virginia; interest to December 22, 1873 ..... 1,300 00
W. E. Moreland, January 12, 1871, one hundred acres, "The Vale;" interest to December 7, 1873 ..... 1,500 00
W. E. Davidge, January 16, 1871, lots 5, 6, 7, 11, 18, and 19, "Metropolis View;" interest to January 16, 1874 ..... 4,000 00
S. L. Loomis, January 18, 1871, lots B and C, square 85, lots 21 and 22, square 107, lots 16, 17, and 19, square 652; interest to April 16, 1873 .... 1,000 00
Samuel Jackson, January 21, 1871, part of square 309, improved; interest to January 21, 1874 ..... 550 00
William Vordray, January 24, 1871, lot 9, square 478; interest to July 21, 1873 ..... 200 00
Thomas Brown, February 3, 1871, part lot 13, square 214; interest to August 5, 1873 ..... 700 00
Charles Dyson, February 6, 1871, east 14 feet of lot 21, square 870, improved; interest to August 4, 1873 ..... 500 00
Marshall Brown, February 7, 1871, part lot 2, square 309, improved; interest to August 4, 1872 ..... 600 00
H. G. Treat, February 8, 1871, parts lots 19 and 20, square 250; interest to August 10, 1873 ..... 1,000 00
John N. Tooke, February 8, 1871, lot T, square 464, improved; interest to February 10, 1872 ..... 5,600 00
Jerome Brown, jr., February 10, 1871, lots 5, 6, 7, 8, 9, and 10, square 368, improved; interest to August 8, 1873 ..... 2,500 00
W. D. C. Murdock, February 10, 1871, part lot 3, square 90, improved; no payment interest 1,000 00
Charles H. Holden, February 16, 1871, lots A, B, and C, Scovil's subdivision of lot 23, square 725, improved; interest to January 17, 1872 .... 6,091 44
Charles H. Holden, February 17, 1871, same property, (paid) .....
Charles H. Holden, February 17, 1871, same property, (paid) .....
W. P. Drew, February 18, 1871, indorsement of O. O. Howard; interest to April 1, 1871 ..... 400 00
John Waters, February 21, 1871, south half of lot 28, lot 29, square 69, improved; interest to February 8, 1872 ..... 250 00
James W. Day, February 24, 1871, parts of lots 5 and 6, square 214; interest to February 24, 1874 ..... 100 00
Joseph McIntosh, February 28, 1871, lots 50, 51, 52, 53, section 8, Barry farm, improved; interest to August 25, 1873 ..... 265 00
L. J. Bryant, March 3, 1871, lots 62 and 63, square 134; interest to September 3, 1873 ..... 400 00
H. Harrod, March 6, 1871, lot 26, square 1061, improved; interest to March 6, 1873, balance 75 00
J. R. Baddy, March 8, 1871, lot 37, Barry farm; interest to September 8, 1873, balance 30 00
Harriet Lacy, March 11, 1871, part of lot 1, in square 71; interest to September 11, 1873 ..... 300 00
James H. Harris, March 13, 1871, Raleigh, North Carolina, south half lot 21 and one lot adjoining, improved; interest to September 1, 1873 ..... 1,500 00
George Walker, March 14, 1871, part lot 6, square 525, improved; interest to September 11, 1873 ..... 500 00
John L. Ashley, March 20, 1871, east half lot 3, square 174; interest to September 16, 1873, balance 270 00
Duclany heirs, March 21, 1871, lots 37 and 38, square 389, improved; interest to September 21, 1873 ..... 1,000 00
John Holland, March 21, 1871, parts lots 78 and 79, Mount Pleasant Plains, improved; interest to September 23, 1873 ..... 800 00
Thomas Donoho, March 24, 1871, lot 91, Mount Pleasant Plains, improved; interest to September 23, 1873 ..... 700 00
John Keane, March 27, 1871, lots A and F, square 567, improved; interest to January 16, 1874 ..... 600 00
John Merril, March 27, 1871, lot 38, square 616; interest paid to September 25, 1873, balance 70 00
Isaiah Stewart, March 28, 1871, part lot 7, square 332, improved; interest to September 22, 1873 ..... 1,150 00
James Dent, March 28, 1871, lot 34, and north half of lot 35, square 69, improved; interest to March 28, 1872 ..... 400 00
Nelson Hall, March 28, 1871, south three-quarters of lot 36, square 69; interest to March 28, 1873 ..... $175 00
J. J. Hinds, March 30, 1871, west half of lot 5, reservation A, improved; interest to September 27, 1873, balance 287 00
Thomas L. Hume, March 30, 1871, parts lots 168, 169, 174, and 175, in Beatty & Hawkins' addition to Georgetown, improved; interest to September 28, 1873 ..... 10,000 00
W. H. Hewlow, March 30, 1871, part lot 13, square 818, improved; interest to March 29, 1873 ..... 800 00
George M. Lanckton, April 3, 1871, part of D. J. Fenwick's farm called "Youngsboro'," rear of Mount Olivet cemetery; interest to April 1, 1873 ..... 7,000 00
Sarah L. Parkhurst, April 3, 1871, part lot 2, square 219, improved; interest to April 3, 1873 ..... 1,300 00
Lemuel Bursley, April 4, 1871, west part of lot 2, square 818, improved; interest paid to April 1, 1874 ..... 985 00
Robert Kopp, April 4, 1871, north quarter lot 29, square 140, improved; interest to September 25, 1873 ..... 750 00
H. H. Nichols, April 5, 1871, part lot 5, square 370, improved; interest to January 1, 1874 ..... 600 00
James T. Sothron, April 5, 1871, lot 33, square 107, improved; interest to October 4, 1873, balance 200 00
Analostan Boat Club, April 5, 1871, property G street wharf, improved; interest to October 5, 1873 ..... 400 00
M. M. Rohrer, April 6, 1871, lot 154, square 623, improved; interest to October 5, 1873 ..... 3,000 00
William Harris, April 7, 1871, part of lot 44, square 69, improved; interest to September 30, 1873 ..... 140 00
John Harris, April 7, 1871, south quarter of lot 37, north-half of lot 38, square 69; interest to September 30, 1873 ..... 166 17
Isaac Baxley, April 7, 1871, lot 23, square 69, improved; interest to September 20, 1871 ..... 220 00
John Jackson, April 7, 1871, north three-quarters of lot 37, square 69, improved; interest to March 31, 1873, balance 179 17
William Kennedy, April 7, 1871; part lot 12, lot 13, square 395; interest paid to October 6, 1873 ..... 600 00
Elizabeth Preuss, April 7, 1871, lot 35, square 435, improved; interest to October 8, 1873, balance 1,070 00
Beverly Horton, April 8, 1871, lot 62, square 182; interest to October 6, 1873, balance 70 00
Isaac Dorsey, April 8, 1871, east half of lot 8, square 514; interest to October 8, 1873, balance 699 47
C. W. Havenner, April 10, 1871; lot D, square 133, improved; interest to April 8, 1872 ..... 1,200 00
C. W. Havenner, April 10, 1871, lot 13, square 131, improved; interest to April 7, 1872 ..... 1,200 00
C. W. Havenner, April 10, 1871, lot A, square 133, improved; interest to April 7, 1872 ..... 1,200 00
Eliza H. Fulton, April 11, 1871, lot 8, square 334, improved; interest to October 11, 1873, balance 250 00
C. W. Havenner, April 17, 1871, part of square 90, improved; interest to April 13, 1873 ..... 1,200 00
C. W. Havenner, April 17, 1871, part of square 90, improved; interest to April 13, 1873 ..... 1,200 00
C. W. Havenner, April 17, 1871, part of square 90, improved; interest paid to April 14, 1872 ..... 1,200 00
Charles H. Burgess, April 18, 1871, west half lot 3, square 174; interest to October 11, 1873 ..... 300 00
O. O. Howard, vice-president, H. D. Cooke, treasurer, April 18, 1871; lots 34, and part lot 5, square 407, improved; Young Men's Christian Association; interest to October 12, 1873, 10,654 square feet of land, improved 3,300 00
Jacob D. Hutton, April 22, 1871, lot 8, square 467; interest to October 19, 1873 ..... 2,650 00
Josephine Stewart, April 21, 1871, east part lot 5, square 992, improved; interest to October 21, 1873, balance 100 00
H. N. Barlow, April 22, 1871, 15 shares $100 each, Potomac mills; interest to October 24, 1873 ..... 1,700 00
Caroline Kaiser, April 22, 1871, north half lot 14, lot 13, square 347, improved; interest to October 17, 1873 ..... 12,000 00
R. V. Harrison, April 24, 1871, part lot 19, square 553, improved; interest to April 24, 1873, balance 565 00
George H. Phillips, April 25, 1871, lot 2, square 117; interest to October 25, 1873 ..... 150 00
Walter Evans, April 25, 1871, part lot 12, square 877, improved; interest paid to October 24, 1873 ..... 1,750 00
Joseph Casey, April 26, 1871, lots 519, 22, 23, 24, in Hull & Elvans's subdivision of Meridian Hill; interest to October 21, 1873 ..... 2,700 00
Martha E. Borland, April 28, 1871, lot 51, square 511, improved; interest to October 26, 1873, balance 500 00
Hannah Kaiser, April 28, 1871, lot 12, square 480; interest to October 28, 1873 ..... 400 00
E. T. Power, May 1, 1871, east part lot 11, square 819, improved; interest to November 1, 1873, balance 1,200 00
Dennis Burns, May 2, 1871, part lot 1, square 4; lot 15, square 1; interest to April 24, 1873 ..... 2,000 00
U. H. Hutchins, May 2, 1871, tract of land called Fortune, Washington County; interest to October 27, 1873 ..... 2,350 00
C. W. Havenner & Co., May 2, 1871, lots 31 and 32, square 571; no interest collected, balance 2,053 51
Frank W. Pratt, trustee, May 3, 1871, lot L, square 313; interest to October 28, 1873 ..... 4,500 00
William J. Cooke, May 3, 1871, lot 6, square 761, improved; interest paid to April 29, 1872 ..... 4,500 00
Robert A. Phillips, May 5, 1871, lots 12 and part of lot 14, square 439, improved; interest paid to November 3, 1873 ..... 1,000 00
Henson Davis, May 5, 1871, part lot 19, square 540, improved; interest to April 22, 1871 ..... 200 00
James Freeman, May 6, 1871, lot 4, section 2, Barry farm; interest paid to November 6, 1873 ..... 50 00
John Williams, May 6, 1871, lots 3, 4, and 5, square 1085; interest paid to May 5, 1873 ..... 250 00
George W. Goodall, May 8, 1871, lot 23 and part lot 30, square 327, and part lot 6, square 492, improved; interest paid to November 6, 1873, balance 3,700 00
Samuel W. Jones, May 9, 1871, part lot 2, square 813; interest paid to November 4, 1873, balance 100 00
William Baven, May 9, 1871, lot 1, square 529, improved; interest paid to May 4, 1873 ..... 2,800 00
John B. Keith, May 12, 1871, lot 3, square 566, improved; interest paid to May 12, 1872 ..... 250 00
R. M. Johnson, May 12, 1871, south part lot 12, square 403, improved; interest paid to May 9, 1873 ..... 2,000 00

H. T. Taggart, G. B. Vaughan, trustees, May 13, 1871, lots 1, 2, 3, 4 and 5, square north of square 334, improved; interest paid to November 9, 1873. $1,500 00
George Willis, May 13, 1871, lots 5 and 18, square 65, improved; interest paid to November 4, 1873 300 00
John McDermot, May 13, 1871, lot 14, square 33, improved 500 00
Mrs. Frances A. Johnson, May 17, 1871, lot 66, section 8, Barry farm, improved; interest paid to April 27, 1873, balance 180 00
Emeline Sherriff, May 18, 1871, part lot 9, square 470, improved; interest paid to November 16, 1873 500 00
Joseph Williams, May 19, 1871, lot 67, Mount Pleasant Plains, improved; interest paid to November 11, 1873 1,500 00
Mary A. Clements, May 20, 1871, lot V, square 492, improved; interest paid to November 20, 1873 900 00
Albert Gleason, May 20, 1871, lot 14, square 421, lot 15, square 364, improved; interest paid to November 20, 1873, balance 2,995 05
Adeline E. Lathrop, May 22, 1871, lot 33, square 395, improved; interest paid to May 5, 1873 600 00
Sallie A. Ergood, May 24, 1871, lot A, square 336, improved; interest paid to November 22, 1873, balance 640 00
C. C. Caruthers, May 24, 1871, lot 1, block 2, John A. Smith's farm, improved; interest paid to November 18, 1873 1,000 00
Luther E. Sleigh, May 24, 1871, lots 14, 15, and part lot 1, section 1, Barry farm, improved; interest paid to November 25, 1873 1,000 00
William H. Pope, May 26, 1871, part lot 3, square 481, improved; interest paid to May 24, 1873 1,500 00
William H. Powell, May 27, 1871, part lot 12, square 557, improved; interest paid to November 22, 1873, balance 960 00
C. W. Havenner, June 1, 1871, part of square 90, improved; interest paid to May 31, 1872 1,200 00
C. H. Holden, June 1, 1871, part lot 5, square 763, improved; interest paid to December 1, 1871 2,500 00
Henry Moore, June 1, 1871, lot R, square 211, improved; interest paid to December 1, 1873 3,000 00
John W. Van Hook, June 8, 1871, 0¼ acres in Uniontown, interest paid to November 13, 1871 6,000 00
John F. Lee, June 8, 1871, lot 59, Holmead's addition to Georgetown, improved; interest paid to June 7, 1873 700 00
Silas L. Loomis, June 8, 1871, lots C, D, E, F, S, and T, square 874, improved; interest paid to June 8, 1873 6,000 00
Samuel Strong, June 10, 1871, part square 726, improved; interest paid to December 10, 1872 2,000 00
Wallace St. C. Redman, June 14, 1871, lot 51, square 364, improved; interest paid to December 14, 1873, balance 2,000 00
Joseph Daniels, June 19, 1871, land called "June Last Shift," land called "Barnaby," 200 acres in all; interest paid to December 17, 1873 8,000 00
Joseph Beasley, June 19, 1871, east half lot 2, square 459, improved; interest paid to December 16, 1873 7,000 00
Maria A. Lawler, June 20, 1871, parts lots 76, 77, Mount Pleasant, improved; interest paid to December 9, 1873 800 00
D. J. O'Connell, August 18, 1871, lot 25, square 338, lot 20, square 465, improved; no interest collected 4,600 00
Elizabeth Barrett, June 22, 1871, west part lot 20, square 728, improved; interest paid to December 20, 1873 1,500 00
Joseph H. Jackson, June 24, 1871, parts lots 34, 35, square 99, improved; interest paid to December 23, 1873 1,125 00
Susan K. Johnson, June 12, 1871, lot B, square 427; no interest collected; balance 280 00
Henry Himber, June 20, 1871, lots 16, 17, square 70, improved; interest paid to December 30, 1872 1,600 00
Margaret A. Giles, July 3, 1871, lot 9, Holmead's addition to Georgetown, improved; interest paid to December 29, 1873 450 00
Sibly Baker, July 6, 1871, part lot 23, square 1047, improved; interest paid to January 5, 1874 500 00
John W. Diggs, July 6, 1871, land in Holmead's addition to Georgetown improved; interest paid to January 6, 1874, balance 217 75
Helen M. B. Upson, deed of trust notes, improved property; interest paid to December 29, 1873, balance 79 36
Laura Barnard, July 7, 1871, deed of trust notes, interest paid to July 2, 1873, balance 556 36
Saris Sewell, July 8, 1871, land in Holmead's addition to Georgetown, improved; interest paid to January 6, 1873 500 00
H. McIntyre, treasurer, July 8, 1871, part lot 2, square 556, improved; interest paid to December 1, 1873 500 00
James Plant, July 8, 1871, lot 4, square 968; interest paid to December 30, 1873, balance 307 50
Joseph A. Simms, July 12, 1871, lot 6, square 309, improved; interest paid to July 12, 1874, balance 700 00
William Johnson, July 17, 1871, lot 40 and 41, square 180, improved; interest paid to July 13, 1873 1,500 00
William Johnson, July 17 1871, west half of lot 4, block 20, Howard University division of Effingham place, improved; interest paid to July 15, 1873 200 00
E. W. W. Griffin, July 18, 1871, part of lot 12, square 373, (paid) .....
Barthol Oertley, July 19, 1871, land on Rock Creek, West street, Georgetown, improved; interest paid to January 6, 1874, balance 700 00
Ann C. Thomas, July 21, 1871, lot 15, square 58, interest paid to January 21, 1874, balance 255 00
Frederick Strausberger, July 25, 1871, lot F, square 903, improved; interest paid to July 24, 1872 3,500 00
Samuel Ford, July 27, 1871, lot C, square 725, improved; interest paid to July 17, 1873 3,500 00
William P. Wood, July 28, 1871, lots 1, 3, 4, reservation D, improved; interest paid to July 27, 1873 5,000 00
Albert A. Ash, July 28, 1871, part of lot 1, square 163, improved; interest paid to July 27, 1873, balance 270 00
Juan Boyle, August 1, 1871, lot 3, square 634; interest paid to July 26, 1873 2,500 00
John J. Calvert, August 2, 1871, lots 29, 30, square 236, improved; interest paid to August 4, 1873, balance 439 60
Thomas J. Staly, August 2, 1871, lot 39, square 511, improved; interest paid to August 1, 1873 1,600 00
Lawrence A. Tuell, August 4, 1871, lot 37, square 878, improved; interest paid to August 1, 1873 1,000 00
W. A. Ballard, August 5, 1875, lot E, square 694, improved; interest paid to December 16, 1873 2,000 00
W. A. Ballard, August 5, 1871, lot H, square 694, improved; interest paid to January 2, 1374, (paid) .....
George Mattingly, August 7, 1871, lot 4, south half lot 5, square 406, improved; interest paid to August 7, 1873 15,000 00
William Babbington, August 8, 1871, 10 acres, called "Long Meadow;" interest paid to August 5, 1873 4,000 00
Sandy Bruce, jr., August 8, 1871, part lot 20, square 624, improved; interest paid to August 7, 1873 350 00

C. H. Holden, August 10, 1871, part lots 12 and 13, square 734, improved; interest paid to August 8, 1873 $1,500 00
Alfred Barry, August 10, 1871, part lot 13, square 819, improved; interest paid to August 10, 1873 750 00
John Barry, August 17, 1871, part lot 5, square 512, improved; interest paid to August 21, 1872 1,500 00
Eliza Tyrrell, August 17, 1871, part of lot 16, square, 620; interest paid to August 12, 1873 150 00
John B. Stephenson, August 17, 1871, property in Uniontown, improved; interest paid to November 11, 1873 1,000 00
Gurdon Snowden and others, August 18, 1871, whole of square 273; interest paid to January 20, 1874 5,000 00
Stutford & King, August 19, 1871, part of lot 16, square 551, improved; interest paid to August 17, 1873, balance 600 00
Thomas L. Berry, August 18, 1871, part of lot 15, square 70; interest paid to February 4, 1873, balance 81 55
Ralph Taylor, August 21, 1871, lot 23, square 163, improved; interest paid to August 18, 1873 200 00
J. T. H. Hall, August 21, 1871, two acres, northwest of intersection of Washington and Rockville turnpike; Rock Creek church bonds; interest paid to August 21, 1873 1,500 00
Henry Wells, August 22, 1871, lot 6, square 599, and part of lot 4, square 593; interest paid to February 15, 1873 500 00
Benjamin F. Jacobs, August 22, 1871, lot K, square 620, improved; interest paid to August 17, 1873 400 00
Jeremiah Sweeney, August 24, 1871, lot 39, section 3, Barry farm; interest paid to August 24, 1873 60 00
William H. Hunter, August 24, 1871, part of lots 19 and 20, square 582, improved; interest paid to February 24, 1874 600 00
William R. Arnold, August 24, 1871, lot 1, section 1, Barry farm, improved; interest paid to August 24, 1873 550 00
Alexander Stewart, August 26, 1871, lot 9, section 1, Barry farm; interest paid to August 26, 1873; balance 83 00
Ann E. Boyle and others, August 24, 1871, part of lots 19 and 20, square 79, improved; interest paid to July 27, 1873 6,687 50
Walferd & Shilberg, August 30, 1871, lot 37, square 435, improved; interest paid to August 30, 1873 4,000 00
Hugh McGinnis, September 1, 1871, part of lot 3, square 449, improved; interest paid to September 1, 1873 4,500 00
Joseph Brooks, September 13, 1871, part of lot 4, section 1, Barry farm; interest paid to September 16, 1873 250 00
Mary A. Grady, guardian, September 13, 1871, part of lot 3, square 580, improved; interest paid to September 12, 1872 350 00
Daniel Sheahan, September 15, 1871, part of lot 4, square 784, improved; interest paid to September 6, 1872 600 00
Samuel Griffin, September 20, 1871, part of lot 17, square 309, improved; interest paid to September 19, 1873, balance 207 75
Daniel Malone, September 20, 1871, lot 4, square 773; interest paid to September 18, 1873 300 00
B. Milburn, September 23, 1871, part of lot 14, square D; lot 15, square 530, improved; interest paid to September 16, 1873, balance 3,000 00
Littleton W. Curtis, September 29, 1871, part of lot 13, square 620; interest paid to September 29, 1873 500 00
William Becket, September 30, 1871, lot 12, square 183; interest paid to September 27, 1872 500 00
Leonidas Scott, October 4, 1871, part of lot 24, square 728, improved; interest paid to October 4, 1872 1,000 00
Hiram F. Trimble, October 4, 1871, lot 34, square 140; interest paid to October 3, 1873 1,200 00
Helen M. B. Upson, October 4, 1871, note secured by deed of trust, balance 1,200 00
Samuel Scott, October 9, 1871, lot 8, square 132; interest paid to October 9, 1873, balance 90 00
Benjamin F. Gilbert, October 9, 1871, lots 8, 9, 10, 12, 13, 14, and 15, square 778, improved; interest paid to January 9, 1874, balance 3,200 90
W. B. Shaw, October 11, 1871; lot 56, Carpenter's subdivision of grounds Columbian College, improved; interest paid to October 14, 1873, balance. 500 00
Laura Barnard, October 4, 1871, notes secured by deed of trust 1,400 00
Charity A. Marshall, October 14, 1871, parts lots 12 and 13, square 818; interest paid to August 12, 1873, balance 100 00
William Williams, October 14, 1871, lot B, square 725 improved; interest paid to October 10, 1873 3,500 00
Francis F. Lee, October 16, 1871, parts lots 183 and 185, Beale's addition to Georgetown, improved; interest paid to April 12, 1873 3,650 00
Wm. G. Finney, October 17, 1871, life insurance policy, $2,000, in New England Mutual; interest paid to February 24, 1872 .....
Henry Matthews, October 19, 1871, lot 3, section 5, Barry farm; interest paid to October 16, 1873 100 00
Elizabeth Preuss, October 19, 1871, deeds of trust; interest paid to April 18, 1873 300 00
Caroline Kaiser, October 25, 1871, north half lot 14, square 347, improved; interest paid to October 25, 1873 400 00
John F. King, October 27, 1871, part lot F, square 559; interest paid to April 14, 1873 225 00
John Straining, October 31, 1871, part lot 7, square 403; interest paid to October 31, 1873 1,200 00
Fifteenth-street Presbyterian church, November 4, 1871, lot 9, square 218, improved; interest paid to October 31, 1873 10,000 00
Nelson Barry, November 8, 1871, lot 2, section 1, Barry farm; interest paid to November 7, 1873 100 00
John C. Wright, November 11, 1871, part square 309, improved; interest paid to October 28, 1873, balance 250 00
Henry Hopp, November 18, 1871, deed of trust; interest paid to February, 23, 1873 .....
Philp & Solomon, November 18, 1871, block 13, and lots 1, 2, 3, 4, 5, 6, 12, 13, 14, 15, and 16, in block 21, Meridian Hill; interest paid to November 21, 1873 6,000 00
A. H. Voss, November 22, 1871, notes on deed of trust .....
F. O. Bowie, November 25, 1871, paid October 11, 1872, lot 66, square 366, improved; interest paid to May 16, 1872 .....
John W. Wright, December 2, 1871, part of lot 7, square 315; interest paid to June 1, 1873 4,500 00
F. C. Stringer, December 2, 1871, deed of trust note; paid January 5, 1874 .....
Washington Club, J. G. Barrett, president, December 2, 1871, on clubhouse, New York avenue, between Fourteenth and Fifteenth streets, insured; interest paid to June 1, 1873 28,500 00
Henry Harper, December 13, 1871, lot 36, section 3, Barry farm; interest paid to December 13, 1873, balance 60 00
William Channing, December 13, 1871, lot 9, section 3, Barry farm; interest paid to June 13, 1873 50 00
Adeline Thomas, December 14, 1871, southwest half of lot 40, Pleasant Plains; interest paid to December 14, 1873 100 00

Charles Butler, December 14, 1871, lot 30, section 31, Barry farm; interest paid to December 13, 1873 ..... $100 00
Ann E. Boyle and others, December 14, 1871, parts of lots 19 and 20, square 79, improved; interest paid to July 27, 1872 ..... 6,000 00
Peter Williamson, December 21, 1871, lot 3 and parts of lots 1 and 2, section 7, Barry farm, improved; interest paid to December 20, 1873 ..... 200 00
George Lee, December 22, 1871, part of lot 37, square 209, improved; interest to December 22, 1873 ..... 700 00
Margaret Hitzell, December 29, 1871, lots 1, 2, 3, 4, and 5, square 630; interest paid to June 28, 1872 ..... 3,000 00
Collins Crusor, January 2, 1872, part of lot 121, Beale's addition to Georgetown; interest paid to December 21, 1873 ..... 300 00
J. Edgar Lug, January 3, 1872, lots 56, 57, 58, 59, 60, 61, and 62, square 361; interest paid to January 8, 1873 ..... 3,000 00
Alexander Bruce, January 3, 1872, parts of lots 19 and 20, square 624, improved; interest paid to January 2, 1874, balance 25 00
Burrell Nixon, January 4, 1872, part of lot 20, square 116, improved; interest paid to December 24, 1873, balance 840 00
Louisa Washington, January 5, 1872, part of lot 23, square 126, improved; interest paid to January 5, 1874, balance 244 50
John R. Ergood, January 12, 1872, lot 21, square 335; interest paid to July 11, 1873 ..... 325 00
Randolph Lobriger, January 13, 1872, part of lot 3, square 791, improved; interest paid to July 12, 1872 ..... 3,000 00
A. Woodward, jr., January 15, 1872, part of lots 11 and 12, square 743, improved; interest paid to November 14, 1873 ..... 600 00
Samuel G. Hunter, January 16, 1872, lot 80 and part of lot 81, square 132; interest paid to July 15, 1872, (paid) ....
Charles Syphax, January 16, 1872, part of lot 56, square 196; interest paid to July 15, 1873 ..... 200 00
John Webb, January 16, 1872, lot 26, square 471; interest paid to July 4, 1873 ..... 150 00
C. P. Culver, guardian, January 18, 1872, part of lot 5, square 352; interest paid to July 14, 1874 ..... 600 00
Hager Randall, January 18, 1872, part of lot 7, square 419, improved; interest paid to October 31, 1873 ..... 250 00
Edmund Height, January 19, 1872, lot 13, section 2, Barry farm; interest paid to January 19, 1874, balance 38 00
James T. Pike, January 19, 1872, lot 25, square 312, improved; interest paid to July 20, 1873 ..... 3,500 00
W. H. Tucker and Charles R. Sherman, January 20, 1872, lot F, square 694, improved; interest paid to January 19, 1873 ..... 1,950 00
Sarah A. Lander, January 19, 1872, lot 2, square north of square 242, improved; interest paid to January 18, 1874 ..... 1,300 00
Juan A. Pizzini, January 22, 1872, lots 7 and 8, in a tract called Greevale; interest paid to September 1, 1873 ..... 2,500 00
Juan W. Hunter and others, January 22, 1872, lot 11 and part of lot 12, square 118, improved; interest paid to January 18, 1874 ..... 14,000 00
William Rutherford, January 22, 1872, part of lot 9, square 290; interest paid to January 13, 1874 ..... 1,000 00
William E. Brooks, January 23, 1872, part of lot 2, square 525, improved; interest paid to July 23, 1873, balance 123 00
G. Alfred Hall, January 24, 1872, lots 30, 31, 32, 33, 34, 35, 36, square 97; interest paid to January 24, 1874 ..... 1,425 75
William H. Wheeler, January 27, 1872, parts lots 11 and 12, square 199, improved; interest paid to January 26, 1874, balance 400 00
George W. Duvall, January 31, 1872, part tract of land called "Chichester," Washington County, improved; interest paid to July 1, 1873 ..... 9,140 12
Charles W. King, January 31, 1872, lots 15, 16, and 17, square 971, improved; interest paid to January 30, 1873 ..... 2,400 00
James H. Payne, January 31, 1872, lot 36, square 158, improved; interest paid to January 24, 1874 ..... 585 00
James S. Lonsby, February 1, 1872, square north of square 697; interest paid to January 31, 1874 ..... 3,000 00
W. W. Pumphrey, February 10, 1872, part square 366, improved; interest paid to July 24, 1873 ..... 3,000 00
W. R. Murphy, February 2, 1873, part lot 32, Pleasant Plains, improved; interest paid to July 27, 1873 ..... 1,756 00
James Carter, February 2, 1872, part lot 9, square 81; interest paid to August 4, 1873 ..... 269 00
William J. Crooke, February 3, 1872, part tract land called "Rawlings Rest," Montgomery County, Maryland, 56 acres; interest paid to July 22, 1873 ..... 2,700 00
Perry Goodin, February 5, 1872, part lot 19, square 197; interest paid to August 5, 1873, balance 80 00
James W. Terrell, February 6, 1872, part of lot 2, square 317; interest paid to August 1, 1873 ..... 500 00
Juan Boyle, February 6, 1872, 38 acres in Montgomery County, Maryland, part of Rawlings Rest; no interest collected ....
Juan Boyle, February 6, 1872, lot 6, square 761; interest paid to August 1, 1872 ....
Charles Leman, jr., February 6, 1872, lot M, square 446; interest paid to August 1, 1873 ..... 2,500 00
Emma Johnson, February 7, 1872, lot 35, square 140; interest paid to August 7, 1873, balance 65 00
Ellen Levi, February 7, 1872, lot 1, square 265, interest paid to August 6, 1873 ..... 200 00
Timothy O'Sullivan, February 8, 1872, part of lot 43, square 448, improved; interest paid to February 1, 1873 ..... 350 00
Jane E. Welch, February 9, 1872, lots 1 and 2, square 1000; interest paid to July 23, 1873, balance 96 97
F. W. Osborn, February 10, 1872, 93 acres, Escambia County, Florida, known as Oakfield, improved; interest paid to February 6, 1873 ..... 2,500 00
Edward E. Thomas, February 10, 1872, east part of lot 20, square 77; interest paid to February 9, 1873 ..... 630 00
William A. Wells, February 10, 1872, lot 14, square 823; interest paid to August 10, 1873, balance 165 40
J. C. Sims and J. T. H. Hall, February 10, 1872, lots 162 and 163, square 365, improved; interest paid to August 8, 1873 ..... 2,495 00
Willis Herndon, February 13, 1872, east part of lot 4, square 154; interest paid to January 16, 1874, balance 90 00
William Alexander, February 15, 1872, north half of lot 5, section 1, Barry farm; interest paid to July 3, 1873, balance 53 75
William H. Lee, February 15, 1872, lot B in Beale's addition to Georgetown, improved; interest paid to October 21, 1873 ..... 1,000 00
Noah Robinson, February 17, 1872, lot 25, square 309; interest paid to February 15, 1873 ..... 500 00
Irwin B. Wright, February 17, 1872, south half of lot 3, square 429, interest paid to February 14, 1873 ..... 5,000 00
Elizabeth Mead, February 17, 1872, lots 1, 33, and 34, square 468, improved; no interest collected 2,200 00
Timothy Costello, February 1872, West Sixteenth street, part of lot 14, square 624, improved; interest paid to August 19, 1873 ..... 1,000 00

John Barton, February 21, 1872, lot 34, square 336; interest paid to August 8, 1873 ..... $175 00
Robert Johnson, February 23, 1872, lot 13, square 336; interest paid to August 21, 1873 ..... 650 00
Thomas J. Staley, February 24, 1872, lot 39, square 511; interest paid to August 24, 1873, balance 640 00
W. Wall, February 27, 1872, west parts of lots 3 and 9, square 379, improved; interest paid to August 26, 1873 ..... 10,000 00
John S. Brown, February 27, 1872, south half of lots 4 and 5, Pleasant Plains, improved; interest paid to August 23, 1873 ..... 2,000 00
Leonidas Scott, February 28, 1872, lot 7, and south half of lot 8, square 759; interest paid to August 27, 1873 ..... 1,000 00
George W. Smith, February 25, 1872, east part of lot 6, square 717, improved; interest paid to August 28, 1873 ..... 1,000 00
Edmund B. Coolidge, February 29, 1872, lot 4, and parts of lots 2, 3, and 9, square 325; interest paid to August 20, 1873 ..... 1,400 00
Robert Lewis, March 1, 1872, lot 30, section 2, Barry farm; interest paid to September 1, 1873 ..... 100 00
Simon J. Groot, March 3, 1872, lot 23, square 373, improved; interest paid to September 2, 1873 ..... 3,000 00
James T. Pike, March 6, 1872, part of lots 7 and 8, square 724, improved; interest paid to September 2, 1872 ..... 5,000 00
James T. Pike, March 6, 1872, part of lot 8, square 724, improved; interest paid to March 2, 1873 ..... 4,000 00
James Reynolds, March 7, 1872, part of lot 2, square 477; interest paid to September 7, 1872 ..... 5,000 00
R. S. Parks, March 11, 1872, lot 19, square 623; interest paid to September 6, 1873 ..... 1,800 00
J. L. Kernand, March 12, 1872, lot 17, and part of lot 16, square 86; interest paid to March 10, 1873 ..... 1,100 00
Mary Nolan, March 12, 1872, part of lot 6, square 945, improved; interest paid to September 11, 1873 ..... 700 00
James Carter, March 13, 1872, lot 55, square 465, improved; interest paid to September 13, 1873, balance 250 00
Louisa Washington, March 15, 1872, part of lot 23, square 126, improved; interest paid to September 15, 1873 ..... 250 00
John Thomas Lee, March 15, 1872, lot C, Beale's addition, to Georgetown; also part of lot 5, square 324, improved; interest paid to September 12, 1873 ..... 2,000 00
Eliza B. Ingle, March 15, 1872, lots 14 and 15, part of tract called Granby, improved; no interest collected 600 00
W. Robinson, March 16, 1872, part of lot 31, square 556, interest paid to September 15, 1873, balance 715 00
Richard L. Berry, March 16, 1872, lot 1, section 2, Barry farm, improved; interest paid to September 16, 1873 ..... 200 00
Wesley Fry, March 18, 1872, lot 27, section 8, Barry farm, improved; interest paid to September 18, 1873 ..... 150 00
Thomas Lowe, March 18, 1872, part of lot 4, square 752, improved; interest paid to September 9, 1873 ..... 550 00
George Savage, March 19, 1872, lot 85, square 623, improved; interest paid to September 6, 1873 ..... 4,000 00
Caroline A. Sherman, March 20, 1872, lot 20, square 79, improved; no interest paid 3,500 00
D. C. Forney, March 21, 1872, lot 92, square 375; interest paid to September 20, 1873 ..... 1,000 00
Addison Smith, March 21, 1872, lot 25, section 7, Barry farm; interest paid to September 21, 1873, balance 57 25
H. J. Williams, March 22, 1872, lot 8, square 209; interest paid to September 22, 1873, balance 52 50
Catharine Folk, March 23, 1872, lot on square 275, improved; interest paid to September 7, 1873 ..... 350 00
Mary Ann Davis, March 25, 1872, west part of lot 22, square 514, improved; interest paid to September 16, 1873 ..... 1,200 00
Hanson Brooks, March 28, 1872, part lot 21, square 538, improved; interest paid to September 25, 1873, balance 443 75
William Obold, March 29, 1872, lots G and J, square 916, improved; interest paid to September 23, 1873 ..... 410 00
Amanda E. French, April 4, 1872, lot 6, square 182, improved 600 00
W. B. McPherson, March 30, 1872, lots 14 and 15, square 65; interest paid to September 30, 1873, balance 75 00
Jane Scott, April 1, 1872, lot 21, square 616; interest paid to September 28, 1873 ..... 250 00
Thomas Lewis, April 1, 1872, part of lot 16, square 374, improved; interest paid to September 1, 1873 ..... 10,000 00
Benjamin Sunning, April 3, 1872, part of lot 3, in a tract of land known as Padworth; interest paid to October 5, 1873 ..... 3,000 00
Samuel G. Jones, April 4, 1872, lot 60, section 8, Barry farm; interest paid to October 4, 1873 ..... 100 00
Francis F. Brown, April 5, 1872, lot 7, square 319, improved 100 00
Lewis M. Smith, April 6, 1872, lot 69, square 180, improved; interest paid to October 3, 1873 ..... 1,060 00
Lafayette Jeffries, April 6, 1872, parts of lots 20 and 21, square 569, improved; interest paid to April 6, 1873 ..... 600 00
Ann Cook, April 8, 1872, lot 14, square 198; interest paid to October 8, 1873 ..... 300 00
Jane S. Douglass, April 9, 1872, lot 3, square 567; interest paid to October 8, 1873 ..... 300 00
Robert A. Phillips, April 11, 1872, lots 12 and 5; part lot 14, square 439; interest paid to October 10, 1873 ..... 900 00
Walter Evans, April 11, 1872, lot 12, square 877, improved; interest paid to October 2, 1873 ..... 1,750 00
James Gleason, April 12, 1872, lot 2, square 616, improved; interest paid to October 9, 1873, balance 350 00
Lewis Marshall, April 12, 1872, part of square 12, Georgetown; interest paid to October 12, 1873 ..... 2,000 00
Peter Fanner, April 18, 1872, lot 17, section 6; interest paid to April 18, 1873 ..... 150 00
Harvey V. Catlin, April 20, 1872, lot 30, square 623, improved; interest paid to April 20, 1873 ..... 3,000 00
Isaac J. Prindell, April 22, 1872, lot 10, section 2, Barry farm; interest paid to April 22, 1873 ..... 100 00
Sarah C. Follanzbee, April 23, 1872, lot 42, and part lot 44, square 571, improved; interest paid to October 20, 1873 ..... 1,375 00
Otto Korsuch, April 23, 1872, part of lot 11, square 377, improved; interest paid to April 23, 1873 ..... 3,100 00
James H. A. Schurreman, April 17, 1872, part lot 24, square 728, improved; interest paid to October 24, 1872 ..... 1,400 00
W. R. Arnold, April 29, 1872, lot 6, section 9, Barry farm; interest paid to October 27, 1873, balance 665 00
Ephraim Burnett, April 27, 1872, lot 24, section 9, Barry farm; interest paid to October 27, 1873, balance 721 00
James H. A. Schurreman, April 17, 1872, part lot 24, square 728, improved; interest paid to April 24, 1873 ..... 200 00

Nashville Branch Colored Agricultural and Mechanical Association, March 2, 1872, seven acres in Davidson County, Tennessee, improved; interest paid to August 3, 1873 ..... $4,000 00

Jane Scott, April 30, 1872, part lot 21, square 616, improved; interest paid to October 26, 1873, balance ....

Richard Collins, May 1, 1872, lot 2, square 816, improved; interest paid to November 1, 1873 ..... 700 00

Ella Piatt, May 4, 1872, lot A, square 169, improved; interest paid to October 1, 1873 ..... 2,000 00

John Giles, May 4, 1872, lot 7, square 582; interest paid to November 3, 1873 ..... 700 00

Justin Granby, May 3, 1872, lot 12, section 6, Barry farm; interest paid to November 3, 1872 ..... 100 00

C. A. Lemore, May 3, 1872, part lot 3, square 791; interest paid to October 29, 1873 ..... 1,200 00

John Straining, May 9, 1872, part lot 7, square 403; interest paid to November 7, 1873 ..... 500 00

Thomas Commodore, May 16, 1872, lot 16, section 1, Barry farm; interest paid to November 16, 1873 ..... 100 00

Michael McCormick, May 17, 1872, west half of lot 3, square 870, improved; interest paid to November 16, 1873 ..... 4,000 00

John Burns, May 18, 1872, part of lot 28, square 117, improved; interest paid to November 17, 1872 ..... 300 00

H. H. McPherson, May 20, 1872, lot F, square 427; interest paid to April 29, 1873, balance 225 00

E. C. Weaver, May 25, 1872, lot 6, square 333; interest paid to November 1, 1873 ..... 142 00

Samuel R. Bond, May 20, 1872, part of square 366; interest paid to May 18, 1873, balance 1,300 00

James L. Thomas, May 20, 1872, west half of lot 18, square 106, improved; interest paid to October 15, 1873 ..... 1,300 00

William O'Donnel, May 22, 1872, east half of lots 11 and 12, square 563, improved; interest paid to November 18, 1873, balance 1,500 00

John Seiler, May 25, 1872, lots 17 and 18, block 16, Howard University division of Barry farm; interest paid to November 25, 1873 ..... 500 00

William Holmead, May 25, 1872, lot 1, in Pleasant Plains; interest paid to November 25, 1873, balance 1,600 00

John H. McCutchen, May 25, 1872, lot 37, Phredkelar's addition to Georgetown; interest paid to November 25, 1873 ..... 750 00

W. M. Pumphrey, May 25, 1872; part of lots 30, 31, and 32, square 366; interest paid to March 23, 1873, balance 2,353 47

Walter Stewart, May 28, 1873, part of lot 16, square 15, improved; interest paid to November 28, 1873 ..... 750 00

L. F. Randolph, May 31, 1872, part of lot 13, square 307, improved; deed trust notes, balance 175 00

H. H. Parmenter, May 31, 1872, parts of lots 12 and 13, square 307, improved; deed trust notes, balance 125 00

Sharrington Bache, June 1, 1872, lot 78, square 180, improved; interest paid to May 31, 1873 ..... 1,500 00

Elizabeth Blue, June 4, 1872, lot 5, section 3, Barry farm; interest paid to May 27, 1873 ..... 100 00

Joseph Taber Johnson, June 6, 1873, part of lot 12, square 372, improved; interest paid to December 5, 1873 ..... 3,550 00

Richard Jones, June 6, 1872, lot 31, section 8, Barry farm; interest to November 24, 1873, balance 65 00

Mary Costello, June 6, 1872, part of lot 19, square 564, improved; interest paid to December 1, 1873 ..... 400 00

B. M. Barker, June 7, 1872, six and a half acres near Brightwood, improved; interest paid to December 1, 1873 ..... 2,985 80

John F. Stewart, June 7, 1872, lot 79, section 8, Barry farm; interest paid to December 7, 1873, balance 50 00

W. O. Dennison and T. N. Whitney, June 8, 1872, lot 30, Metropolis View; interest paid to December 8, 1873, balance 761 91

Alice A. M. Plant, June 8, 1872, part of lot 5, square 378, improved; interest paid to December 7, 1873 ..... 600 00

William and Albert Barnes, June 10, 1872, lot 32, square 867; improved, balance 685 00

Phœbe W. Ross, June 10, 1872, (paid) ....

Stephen Hartbricht, June 12, 1872, part of lot 12, square 449; interest paid to December 7, 1873, balance 700 00

C. C. Nelson, June 14, 1873, lot 18, square 366; interest paid to November 15, 1873 ..... 2,000 00

W. W. Goddard, June 14, 1872, part of lot 20, square 157, improved; interest paid to December 10, 1873 ..... 1,200 00

Allen C. Beaman, June 14, 1872, east half of lot 10, square 876, improved; interest paid to December 11, 1873 ..... 2,500 00

Bernard Waters, June 14, 1872, east part of lot 19, square 870, improved; interest paid to December 14, 1873, balance 200 00

John W. Meyer, June 15, 1872, part of lot 7, square 516; interest paid to December 15, 1873 ..... 450 00

James H. Magraudy, June 19, 1872, lot 59, square 182, improved; interest paid to December 18, 1873 ..... 500 00

John Vandenburgh, June 26, 1872, lot 1, square 123; interest paid to December 24, 1873 ..... 6,000 00

Margaret Frithian, June 26, 1872, part of tract called "Forest," Prince George's County, Maryland, improved; interest paid to December 25, 1873 ..... 1,500 00

Thompson B. Caldwell, June 26, 1872, lot 20, square 208; part of lot 2, square 959, improved; interest paid to December 21, 1873, balance 920 00

Charles H. Fischbaugh, June 28, 1872, east part of lots 1 and 31, square 358; interest paid to December 28, 1873 ..... 800 00

Smith Tuyman, June 22, 1872, part of lot 1, square 8; interest paid to June 27, 1873, balance 21 50

Susan Collins, June 29, 1872, west half of lot 28, square 878; interest paid to December 29, 1872 ..... 500 00

Robert Gilmer, June 29, 1872, east half lot 42, square 24; interest paid to October 24, 1873; balance 62 00

Clem Smith, July 2, 1872, lot 71, section 8, Barry farm; interest paid to January 2, 1874; balance 100 00

Samuel F. Suit, July 2, 1872, four hundred and fifty acres, Prince George's County, Maryland, called the "Home Place;" interest paid to December 20, 1873 ..... 24,000 00

John C. Ricks, July 5, 1872, lot 35, square 336, improved; interest paid to January 5, 1874, balance 340 00

Griffin S. Reed, July 6, 1872, lot 9, square 309, improved; interest paid to December 26, 1873, balance 880 00

Randolph Lobsign, July 8, 1872, part lots 2 and 3, square 791, improved; no interest paid 1,550 00

Edwin King, July 9, 1872, lot 2, block 17, Meridian Hill; interest paid to January 9, 1874 ..... 500 00

Philip Wallack, July 10, 1872, lot 6, square 573; trust note, balance 500 00

Henry Jefferson, July 13, 1872, lot P, square 152; interest paid to July 12, 1873 ..... 175 00

Augustus Jordan, July 13, 1872, lot 160, square 623, improved; interest paid to December 25, 1873 ..... $4,200 00

Anderson Richardson, July 13, 1872, lot 27, section 9, Barry farm; interest paid to December 5, 1873, balance 70 75

Gorham P. Hopkins, July 16, 1872, part lot 2, square 315, improved; interest paid to December 13, 1873, balance 3,000 00

Douglass Institute, Baltimore, Maryland, July 17, 1872, property on Lexington and Gay streets, Baltimore; interest paid to January 12, 1874 .. 10,000 00

Peter Lowery, July 17, 1872, two lots in Davidson County and three parcels in Rutherford County, Tennessee; interest paid to November 7, 1873 .. 3,000 00

John Skinning, July 17, 1872, lot 35, square 989, improved; interest paid to January 17, 1874, balance 480 00

Walter Evans, July 18, 1872, part of lot 10, square 867, improved; interest paid to January 3, 1874 ..... 2,500 00

George Martin, July 18, 1872, part of lot 6, square 525; interest paid to January 12, 1874, balance 600 00

Eliza S. VanWyck, July 18, 1872, lot A, square 127, lot 17, square 165, improved; interest paid to January 3, 1874, balance 8,709 00

Thomas Bang, July 19, 1872, lot 93, Mount Pleasant, improved; interest paid to July 18, 1873 ..... 1,250 00

John G. Waters, July 19, 1872, lot 23, square 620, improved; interest paid to January 18, 1874 ..... 4,000 00

Clarence Compton, July 19, 1872, lot 14, section 9, Barry farm; interest paid to July 9, 1873 ..... 100 00

Stephen Glasscoe, July 20, 1872, property on McEldery street, near Gist street, Baltimore; interest paid to February 24, 1873 ..... 400 00

John James, July 22, 1872, lot 24, section 8, Barry farm; interest paid to July 20, 1873 ..... 100 00

John T. McAnaley, July 22, 1872, lots 1 and 2, square 716, improved; interest paid to January 18, 1874, balance 500 00

Ben M. Plumb, June 22, 1872, lot 15, square 870; no interest paid 450 00

George Page, July 23, 1872, west part lot 4, square 158; interest paid to January 23, 1874, balance 120 00

Mary C. Young, July 24, 1872, lots 36, 37, 38, 39, and 40, section 8, Barry farm, improved; no interest paid 5,000 00

Robert S. Kearney, July 24, 1872, forty acres in Arlington County, Virginia; interest paid to January 22, 1874 ..... 1,800 00

John Wilkes, July 24, 1872, lots 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, and 38, in square 634; interest paid to March 16, 1873 ..... 10,000 00

John Bache, July 26, 1872, north quarter of lot 40, Mount Pleasant Plains; interest paid to January 24, 1874 ..... 300 00

George H. Williams, July 26, 1872, block 2, Meridian Hill; interest paid to January 26, 1872 ..... 15,000 00

Thornton Taylor, July 26, 1872, part of lot 30, square 140, improved; interest paid to January 26, 1874; balance 530 00

W. W. Vaughan, July 29, 1872, lot 6, square 836, deed trust note; balance 176 00

Mary Ann Coyle and others, July 30, 1872, west half of lot 4, square 348, improved; interest paid to January 26, 1874 ..... 25,000 90

Evan Lyons, July 31, 1873; sixty-five acres near Boundary street, portions of four tracts, called Pretty Prospect, Rock of Dumbarton, Beale's lot, and Widow's Mite, now known as "Lyons mill-seat," improved; no interest paid 37,952 50

Edward Gallini, July 31, 1872, lot 26, section 7, Barry farm; interest paid to May 30, 1874, balance 75 00

Thomas Barton, August 5, 1872, lot 29, section 2, Barry farm; interest paid to May 27, 1873 ..... 175 00

Elizabeth A. Smith, August 5, 1872, lot 9, section 8, Barry farm; interest paid to August 15, 1873 ..... 100 00

J. V. W. Vandenburgh, August 6, 1872, lot 16, square 732; interest paid to August 2, 1873 ..... 5,000 00

Edwin King, August 8, 1872, lot 2, block 7, Meridian Hill; interest paid to August 7, 1873 ....

George F. Adams, August 9, 1872, part of square 583, improved; interest paid to August 7, 1873 ..... 500 00

Henry H. Lacy, August 12, 1872, lot 33 and part of lot 15, square 197, improved; interest paid to August 12, 1873 ..... 500 00

B. Mackall, August 12, 1872, lot 7, square 252, improved; interest paid to August 10, 1873 ..... 5,000 00

Daniel Genau, August 12, 1872, lot B, square 578, also lot 371, Mount Pleasant; interest paid to November 5, 1873, balance 571 74

Henry H. Tilghman, August 13, 1872, part of lot 9, square 401; improved, interest paid to December 10, 1873 ..... 600 00

James Webster and others, August 13, 1872, Odd-fellows' Hall, Alexandria, Virginia, improved; interest paid to August 8, 1873 ..... 1,000 00

Nathaniel S. Wright, August 16, 1872, four acres in Alexandria, Virginia, improved; interest paid to August 14, 1873 ..... 1,500 00

Robert A. Phillips, August 17, 1872, part of lot 9, square 497, improved; interest paid to August 15, 1873 ..... 1,000 00

William Hewlett, August 20, 1872, lot 171, Mount Pleasant; no interest paid 300 00

Thornton Hodge, August 22, 1872, lot 23, block 18, Howard University; interest paid to August 20, 1873 ..... 280 00

J. B. Osgood, August 23, 1872, parts of lots 13 and 14, square 762; interest paid to February 23, 1873 ..... 2,000 00

Ralph H. Darby, August 23, 1872, lots 717 and 333 inclusive, in Uniontown, improved; interest paid to August 23, 1873 ..... 2,000 00

Alonzo J. Dunning, August 23, 1872, forty-six acres, Fairfax County, Virginia, improved; interest paid to August 22, 1873 ..... 2,000 00

John Bacho, August 26, 1872, part of lot 40, Mount Pleasant; interest paid to August 22, 1873, balance 15 00

B. F. Englin, August 26, 1872, part of lot 110, Beale's addition to Georgetown; interest paid to August 22, 1873 ..... 150 00

John Johnson, of Bryant, August 27, 1872, lot 7, square 516; interest paid to November 15, 1873 ..... 1,000 00

William Muirhead, August 28, 1872, lots 35 and 36, square 740; interest paid to August 22, 1873 ..... 1,500 00

E. L. Schmidt, August 30, 1872, part of lot 8, square 757, part of lot 25, block 18, John A. Smith farm, improved; interest paid to August 24, 1873, balance 850 00

A. Woodward, jr., August 31, 1872, part of lots 11 and 12, square 743; interest paid to August 30, 1873 ..... 400 00

Clarence Compton, September 2, 1872, lot 4, section 9, Barry farm; interest paid to September 2, 1873 ....

William H. Gray, September 3, 1872, lot 53, square 140, improved; interest paid to August 28, 1873 ..... 500 00

William T. Benjamin, September 5, 1872, lot 27, section 7, Barry farm; interest paid to September 5, 1873 ..... 200 00

Vestry Rock Creek church, September 5, 1872, church land called "Glebe," interest paid to September 2, 1873 ..... 3,000 00

Ann Wallan, September 6, 1872, part of lots 11 and 12, square 289; interest paid to September 6, 1873 ..... 1,000 00

Joseph Williams, September 6, 1872, lot 67, Mount Pleasant; interest paid to August 16, 1873 ..... 350 00

George F. Adams, September 7, 1872, part of square 583; interest paid to September 6, 1873 ..... $250 00
Benedict Milburn, November 8, 1872, part of lots 1 and 2, square 518, improved, and real-estate notes for $3,000; interest paid to December 1, 1873, balance 3,296 44
Charles Dyson, September 10, 1872, lots 22 and 24, square 870; interest paid to September 7, 1873, balance 874 20
Trustees Fifth Baptist church, September 10, 1872, lots 26, 27, and 28, square 277, improved; interest paid to August 30, 1873 ..... 7,000 00
Trustees Fifth Baptist church, May 22, 1873, lots 26, 27, and 28, square 277, improved; interest paid to November 21, 1873 ..... 4,000 00
George Mattingly, September 10, 1872, lot 7, square 760, improved; interest paid to February 9, 1873 ..... 15,000 00
W. M. Pumphrey, September 10, 1872, lot 34, square 508, improved; interest paid to December 2, 1873 ..... 650 00
Elizabeth Barrett, September 10, 1872; interest paid to July 2, 1873 ..... 800 00
P. H. Green, September 11, 1872, lot 9, Pleasant Plains, improved; interest paid to September 4, 1873 ..... 750 00
Rachel P. Lumsden, September 12, 1872, parts of lots 159 and 167, Beale's addition to Georgetown, improved; interest paid to September 15, 1873, balance 1,920 00
C. Robinson, September 18, 1872, improved property, Alexandria, Virginia; interest paid to September 12, 1873 .....
Mary C. Young, September 19, 1872, part of lot 2, square 971, 120 by 77 feet; no interest paid 5,000 00
H. Isabella Mitchell, September 19, 1872, nineteen acres called "Girls' Portion," Seventh street, improved; interest paid to September 14, 1873 ..... 3,000 00
William H. Stevenson, September 19, 1872, lot 309 Vermont avenue; interest paid to March 19, 1873, balance 272 00
Charles Williams, September 20, 1872, lots 14 and 15, square 99; interest paid to September 18, 1873 ..... 500 00
John H. Lewis, September 20, 1872, part of lot 8, square 737, improved; interest paid to January 17, 1874 ..... 1,100 00
George H. Stowell, September 22, 1872, lot 25, square 420; interest paid to September 19, 1873 ..... 4,000 00
Isabel Langman, September 21, 1874, lot 17, square 86; interest paid to January 3, 1874, balance 1,000 00
George B. Coburn, September 25, 1872, lot 2, square 527; interest paid to August 30, 1873 ..... 1,150 00
John Keating, September 27, 1872, parts of lots 23 and 24, square 616; interest paid to March 25, 1873 ..... 300 00
John P. Cutler, September 28, 1872, part of lot 23, square 126; interest paid to September 25, 1873 ..... 150 00
Aaron Pindle, October 1, 1872, lot 16, square 336; interest paid to October 25, 1873 ..... 300 00
Marian Goodall, October 1, 1872, lots 295 and 296, Uniontown, improved; interest paid to September 24, 1873 ..... 1,000 00
David W. Brown, October 7, 1872, lots 9 and 10, square 192; interest paid to September 30, 1873 ..... 1,800 00
Edward Swann, October 7, 1872, west half of lot 15, square 490; interest paid to September 24, 1873 ..... 5,000 00
H. Keller, October 8, 1872, lots 11 and 12, square 616, improved; interest paid to October 5, 1873 ..... 700 00
John Gately, October 9, 1872, part of lot 9, square 419, improved; interest paid to October 8, 1873 ..... 1,000 00
Henry Gwin, October 9, 1872, lot 16, section 2, Barry farm; interest paid to October, 1873, balance 75 00
James Harper, October 10, 1872, lot 35, section 3, Barry farm; interest paid to October 9, 1873 ..... 95 27
Thomas Craig, October 10, 1872, lot 38, section 4, Barry farm; interest paid to October 7, 1873 ..... 58 37
Samuel Henson, October 10, 1872, lot 55, section 8, Barry farm; interest October 7, 1873 ..... 49 76
Samuel P. Gaines, loan on lots in Barry farm; interest paid to October 1873 ..... 59 51
William Nelson, loan on lots in Barry farm; interest paid to October, 1873 ..... 56 70
Henry Nube, loan on lots in Barry farm; interest paid to October, 1873 ..... 50 84
Thomas P. Diggs, loan on lot in Barry farm; interest paid to October, 1873 ..... 89 70
Dennis Ruden, loan on lots in Barry farm; interest paid to October, 1873 ..... 540 00
George Davis, loan on lots in Barry farm; interest paid to October, 1873 ..... 35 00
Harriet Magruder, loan on lots in Barry farm; interest paid to October, 1873 ..... 104 00
Mack McKenzie, loan on lots in Barry farm; interest paid to October, 1873 ..... 150 40
Amos Hill, October 11, 1873, lot 9, section 2, Barry farm; interest paid to October 7, 1873 ..... 150 00
James P. McElfresh, October 14, 1872, lots 61 and 62, square 827, improved; interest paid to October 2, 1873 ..... 600 00
Eliza Meredith, October 17, 1872, lot 10, square 558, improved; interest paid to October 14, 1873 ..... 800 00
John Lane, October 17, 1872, parts lots 128 and 129, Beatty, (subdivision,) Georgetown, improved; no interest paid 2,500 00
John Patch, October 18, 1872, trust-deed notes, improved property; interest paid to October 21, 1873, balance 870 00
Willey Evans, October 23, 1872, lot 6, square 337; interest paid to April 17, 1873 ..... 200 00
Ellen Dorsey, October 23, 1872, lot 8, square 553; interest paid to October 21, 1873 ..... 275 00
M. W. Evans, October 23, 1872, lot 20, section 2, Barry farm; interest paid to October 7, 1873 ..... 100 00
James T. Pike, October 23, 1872, parts lots 4 and 8, square 671, improved; no interest paid 2,000 00
John A. Green, October 24, 1872, lot 19, section 8, Barry farm; interest paid to October 23, 1873, balance 100 00
Horace J. Gray, October 24, 1872, lot 1, block 6, Meridian Hill, also adjoining lot, improved; trust-deed notes 2,500 00
P. and A. Page, October 24, 1872, lot 2, square 182; interest paid to October 22, 1873 ..... 300 00
Henry D. Payton, October 26, 1872, lot A, square 68, improved; interest paid to October 23, 1873 ..... 550 00
Albert Gaines, October 26, 1872, part of lot 12, square 170, trust-deed note. 1,367 92
Addison Triplet, one city lot, interest paid to October 23, 1873, balance 80 00
Henry Brown, one city lot, interest paid to October 23, 1873, balance 80 00
Joseph B. Williamson, October 28, 1872, lot 22, square 342, improved; interest paid to October 28, 1873, balance 900 00
Howard University, October 29, 1872, property known as college reservation, 20 acres; also property known as the Park, 11 acres; also lots 7, 8, 9, and part of 6, square 640; also whole of square 1054; also lots 1, 2, 3, 4, square 1055, improved; interest paid to October 22, 1873 ..... 75,000 00
J. N. Dickson, October 30, 1872, lot 60, square 180, improved; interest paid to October 30, 1873 ..... 1,000 00
J. and M. Dant, October 30, 1872, lot 15, square 829, improved; interest paid to October 28, 1873 ..... $600 00
Griffen S. Reed, November 1, 1872, lot 40, square 336, improved; interest paid to October 29, 1873 ..... 1,500 00
J. Sweeny, Barry farm, interest paid to November 2, 1873, balance 36 30
Joseph Middleton, November 2, 1872, lot A, square 791; interest paid to November 2, 1873 ..... 530 30
Christiana Hines, November 2, 1872, west half lot 2, square 105; interest paid to October 30, 1873 ..... 1,200 00
John H. McChesney, November 5, 1872, part of mill seat at Brightwood; interest paid to October 30, 1873 ..... 1,000 00
Clara B. Hall, November 5, 1872, lot 20, block 17, Meridian Hill, interest paid to November 5, 1873 ..... 350 00
Thomas Payne, November 5, 1872, lot 14, square 198, improved; interest paid to November 5, 1873 ..... 300 00
Lewis Roester, November 5, 1872, lot 12, square 620; interest paid to November 1, 1873, balance 200 00
F. & S. Brooks, November 5, 1872, south 100 feet of lot 43, square 69, improved; interest paid to November 6, 1873 ..... 400 00
Emily H. Reed, November 7, 1872, lot 4, square 814; interest paid to November 6, 1873 ..... 500 00
Seth A. Terry, November 8, 1872, lot 6, square 511, improved; interest paid to April 30, 1872 ..... 1,500 00
Robert A. McMurray, November 14, 1872, lot 36, square 571, improved; interest paid to February 23, 1874 ..... 2,000 00
R. A. McMurray, November 14, 1872, lot 37, square 511; interest paid to August 23, 1873 ..... 2,500 00
Lawson W. Brooks, November 16, 1872, improved property in Alexandria, Virginia; interest paid to November 13, 1873 ..... 300 00
Maupray Green, November 21, 1872, south half of lot 9, square 635; interest paid to November 21, 1873, balance 212 50
Annetta Jordan, November 23, 1872, lots 7, 8, block 16, Effingham Place, Howard University reservation, improved; no interest paid 9,000 00
Catharine Snyder, November 23, 1872, lot 100, Mount Pleasant; interest paid to November 15, 1873 .....
William H. Gray, November 27, 1872, lot 53, square 140; interest paid to May 26, 1873 ..... 500 00
Eliza Holliday, on Barry farm; no interest paid to November 27, 1873, balance 72 25
John H. Bond, lot 11, square 86; interest paid to November 25, 1873, balance 110 00
Maurice J. Young, December 3, 1872, property in Georgetown; interest paid to November 27, 1873 ..... 750 00
Mary Taylor, December 10, 1872, west part lot 6, square 512; interest paid to November 26, 1873 ..... 240 00
Benjamin N. Weeds, December 14, 1872, lots 3, 4, 5, square 951; interest paid to December 17, 1873 ..... 1,500 00
Robert M. Douglas, December 17, 1872, Douglas plantation, Rockingham County, North Carolina; interest paid to October 12, 1873 ..... 3,500 00
Frank Quarles, December 21, 1872, property in Fulton County, Florida; no interest paid 1,000 00
Virginia Williams and Thomas W. Cardoze, January 3, 1873, 2,000 trust-deed notes on property in Vicksburgh, Mississippi 2,000 00
John A. Gray, January 4, 1873, lot 17, square 199; no interest paid 5,000 00
W. M. Pumphrey, January 10, 1873, trust-deed notes, improved property, balance 1,186 40
Jackson Parker, January 21, 1873, interest paid to September 21, 1873 ..... 6,257 00
Joseph Casey, January 24, 1873, lots 7 to 12, block 8, lots 27 and 30, block 6, lots 1, 2, 3, block 20, Meridian Hill, interest paid to November 11, 1873. 1,816 65
Benjamin Lannum, January 24, 1873, lots F, G, U, and V, lots 2, 3, in square 638, improved; interest paid to June 1, 1873 ..... 1,100 00
Sophia Holmes, January 30, 1873, lot 25, square 338, trust-deed notes 2,620 00
Simon J. Groot, February 4, 1873, lot 23, square 373, improved; interest paid to September 2, 1873 ..... 900 00
Saint John's chapel, Norfolk, Virginia, February 10, 1873, on the church property, interest paid to September 27, 1873 ..... 2,500 00
Frank Quarles, February 19, 1873, property in Atlanta, Georgia; interest paid to May 11, 1873 ..... 1,000 00
Silas L. Loomis, trustee, February 27, 1873, lots 16, 17, and 19, square 652; interest paid to April 16, 1873 ..... 2,400 00
William J. Sterling, March 31, 1873, deed trust note 520 00
George P. Goff, April 2, 1873, deed trust note; interest paid to October 1, 1873 ..... 2,500 00
William H. Gray, April 4, 1873, lot 53, square 140; interest paid to October 4, 1873 ..... 200 00
Lucy Ann Reed, April 9, 1873, deed trust notes 575 00
George W. Mason, jr., April 8, 1873, New Berne, North Carolina, deed trust notes 1,210 58
Joseph Panaley, April 18, 1873, deed trust note; interest paid to January 24, 1874, balance 100 00
Benjamin H. Warren, real-estate notes; interest paid to October 21, 1873. 1,359 35
Thomas Ewing, jr., April 23, 1873, tract of land near Topeka, Kansas; indorsed real-estate notes, due March, 1874 and 1875, by S. C. Pomeroy 5,890 78
Patsey Smallwood, April 24, 1873, lot K, square 183; interest paid to October 21, 1873 ..... 100 00
J. P. Woodland, April 30, 1873, property in Georgetown 100 00
J. W. Babe and J. A. Rice, May 6, 1873, part lot 21, square 516 ..... 2,400 00
E. E. Schmidt, May 6, 1873, part lot 2, square 821; interest paid to October 26, 1873 ..... 200 00
James A. Somers, March 8, 1873, west one-third of lot 23, east 26 feet of lot 22, square 568; interest paid to November 6, 1873, (paid) 3,000 00
William McGuire, May 19, 1873, lot 1, square 421; interest paid to October 25, 1873 ..... 3,300 00
William F. Slater, June 7, 1873, lot A, square 331; interest paid to December 3, 1873 ..... 380 00
Mary A. Shanahan, June 9, 1873, deed trust note; interest paid to December 9, 1873 ..... 1,350 00
A. C. Bradley, June 16, 1873, part lot 4, square 377, improved 17,000 00
James M. Latta, trustee, June 23, 1873, real-estate note, due 1875 ..... 3,500 00
Alexander Sutherland, June 23, 1873, part of square 309, improved; interest paid to December 20, 1873 ..... 200 00
A. Langdon, July 11, 1873, real-estate notes, due 1874, 1875, 1876, 1877, 1878, and 1879; interest paid to December 1, 1873 ..... 25,500 00
D. W. Bram, July 14, 1873, real-estate note, due February 9, 1875 ..... 500 00
A. C. Brannan, July 14, 1873, lot 2, square 57, and lots 48 and 49, square 179; interest paid December 9, 1873, balance 1,175 00
Albert Gaines, July 15, 1873, real-estate notes, due 1875 ..... 986 09
John E. Kendall, July 18, 1873, lots 16 and 17, square 900 ..... 2,162 50
George Pimper, July 18, 1873, lots 140 and 141, Beale's addition to Georgetown 555 54
Hiram Pitts, July 19, 1873, lots 702 and 703, Uniontown, due 1875 ..... 3,000 00
Saint Luke's Methodist church, Norfolk, July 23, 1872, church and land; interest to November 30, 1873 ..... 1,000 00

Jane Rollins, July 18, 1873, lot 11, square 132, lot 14, square 247	$200 00
D. A. Straker, July 26, 1873, part of lot 17, block 7, Effingham Place	166 66
Elizabeth Neil, August 2, 1873, lot 1, square 198	200 00
Daniel L. Eaton, April 19, 1867, lots 2 and 3, square 120, due 1875, note	1,000 00
R. M. Hall, August 6, 1873, Girl's Industrial Home, real-estate notes, due July 9, 1874	8,658 00
Sophia Stewart, August 8, 1873, lot A, square 68	200 00
Jacob Frank, August 12, 1873, lot 38, square 180, improved	1,500 00
Amistead Walker, August 15, 1873, lot 16, block 16, Effingham Place	175 00
Cornelius Jenkins, land, Fulton County, Georgia	100 00
B. H. Thomely, Atlanta, Georgia	318 00
Smith Woodward, Atlanta, Georgia	200 00
R. S. Egleston, August 15, 1873, lots in Atlanta, Georgia	500 00
Jerry Jones, on land in Atlanta, Georgia	100 00
J. A. Wood, on land in Atlanta, Georgia	749 00
A. Dela Matta, on land in Atlanta, Georgia	115 75
George G. Cornish, August 16, 1873, part lot 14, square 733; interest to September 29, 1873	3,000 00
Mrs. M. J. Hunt, August 16, 1873, real-estate note	1,000 00
James Johnson, August 16, 1873, lot 13, section 3, Barry farm	180 00
Mrs. M. J. Hunt, August 20, 1873, real-estate notes, due 1875, 1876	2,000 00
Bartholomew Foley, August 21, 1873, part lot 8, square 558; improved	700 00
James D. Burke, August 28, 1873, real-estate note	300 00
Thomas M. Healey, August 28, 1873, dwelling, Vermont avenue, near H. street; insured $5,000	2,700 00
Oliver L. White, August 30, 1873, deed	250 00
John Patch, September 5, 1873, dwelling No. 1525 Tenth street; insured $4,000	2,000 00
William H. Phillip, September 6, 1873, dwelling S. W. corner Seventeenth and K streets; insured $5,000	9,000 00
Charles Russell, September 18, 1873, lot 28, square 468	100 00
G. H. Ashchenbach, September 9, 1873, lot 52, square 296; interest to December 1, 1873	750 00
Margaret A. Randall, real-estate note	250 00
Joseph T. Johnson, September 15, 1873, part lot 12, square 372	500 00
Samuel Strong, September 15, 1873, south part of lot 34, square 732	1,267 00
C. H. Underwood, November 1, 1873, real-estate notes, improved property	1,100 00
J. E. Zug, November 6, 1873, real-estate notes	1,370 70
John B. Bloss, November 10, 1873, real-estate notes	600 00
George Angerman, November 10, 1873, real-estate notes	250 00
J. W. Barber, November 10, 1873, real-estate notes	150 00
J. H. O'Connel, November 10, 1873, real-estate notes	475 00
Charles B. Beall, November 10, 1873, real-estate notes	450 00
Mary J. Warner, November 10, 1873, real-estate notes	1,170 00
Aaron Johns, November 10, 1873, real-estate notes	600 00
H. G. Jacobs, November 10, 1873, real-estate notes	300 00
F. B. Loftus, November 10, 1873, real-estate notes	150 00
George R. Price, November 10, 1873, lot C, square 725; improved real-estate notes	4,250 00
W. M. Pumphrey, November 13, 1873, lot 18, square 334; improved	900 00
William Pumphrey, November 13, 1873, lot —, square 334, improved	900 00
Samuel E. Smoot, November 14, 1873, real-estate notes	2,600 00
Robert H. Ward, November 14, 1873, real-estate notes	1,700 00
George T. Arms, November 18, 1873, real-estate notes	1,900 00
Saint James's Parish, December 4, 1873, lots 1, 2, 3, 4, and 5, square 915	1,166 60
Mariah Hunter, December 17, 1873, lot 9, square 234	1,250 00
Jos. D. Harris, December 22, 1873, part of lot 37, Mount Pleasant, improved	1,000 00
George H. Simonds, January 7, 1874, real-estate note	1,000 00
Robert I. Fleming, January 12, 1874, old loan, one hundred thirty shares Young Men's Christian Association remodeled, $3,250 par; approved bills against Trustees Colored Schools, $22,011.92; real-estate notes, $4,055	26,000 00
Robert I. Fleming, January 12, 1874, old loan, part of lots 96 and 97, Mount Pleasant	2,000 00
Robert I. Fleming, January 12, 1874, old loan, dwelling corner Massachusetts avenue and Fourteenth street, insured for $10,000	20,000 00
Ortway Nichols, January 7, 1874, real-estate notes	1,475 00
John B. Claggett, January 20, 1874, lot A, 108 acres, Washington County, Claggett farm, on Washington and Rockville turnpike	5,500 00
Clement Morgan, January 20, 1874, real-estate notes	350 00
Charles R. Douglass, January 26, 1874, deed trust	1,800 00
Ann E. Boyle and others, August 24, 1871, lots 1 and 2, square 634	8,000 00
Malvina Folsom, January 29, 1872, west half lot 28, square 878; no interest paid	500 00
Amelia Talbot, October 22, 1872, lot 31, west half lot 32, square 158; interest paid to September 18, 1873	600 00
James M. Latta, trustee, January 30, 1873, real-estate notes $3,500; interest paid to June 1, 1873	3,500 00
J. B. Sawyer, June 30, 1870, lot 4, square 196; interest paid to December 30, 1873	500 00
Loan at Lexington, Kentucky, branch, November 3, 1871, on improved property, value, $10,000	4,600 00
E. R. Knight, at Memphis branch, May 6, 1872, on Arkansas scrip; interest paid to April 8, 1873	1,700 00
Dallas-street church at Baltimore, April 9, 1873, on church property	2,500 00
R. Sobsique, January 7, 1874, on lot 3, square 791	1,300 00
D. A. Conolly, January 13, 1874, on lot 4, square 575	2,000 00
RECAPITULATION.	
Total amount of loans on real estate	1,468,976 55
Add	4,250 00
	1,473,226 55

CHARLES A. MEIGS,
National Bank Examiner.

JANUARY 24, 1874.

SUNDRY.

Schedule of loans on sundry securities made by the Freedman's Savings and Trust Company.

Thomas M. Plowman, his note indorsed S. P. Brown & Son, due October 9, 1870, protested and contested	$1,500 00
Horatio Nater, August 18, 1870, on $3,000 life-insurance policy in New England Mutual Life Insurance Company; interest to July, 1871	250 00
A. B. Mullett, August 31, 1870, loan on one hundred shares Morris Mining Company, Colorado, $100 each; interest to November 1, 1871	1,400 00
E. R. Knight, October 11, 1871, balance of loan $600 on Arkansas State scrip, Memphis loan	300 00
C. W. Havenner & Co., March 24, 1871, balance loan $1,200 on real-estate notes $1,105; interest paid to July 31, 1871	400 00
Lewis Bryant, July 14, 1871	192 00
C. W. Havenner & Co., March 27, 1871, on real-estate notes $3,050; interest paid to July 31, 1871	$1,500 00
Daniel Welch, his note indorsed D. L. Eaton, due April 28, 1871; protested	230 40
J. M. Spicer, May 2, 1871, chattel note on furniture St. James Hotel; no interest paid	2,735 10
C. W. Havenner & Co., May 6, 1871, on real-estate notes; interest to July 1, 1871	800 00
Arthur Flynn, balance note $150, due July 15, 1871, on real-estate notes	89 04
Frank Leigg, May 20, 1871, balance loan $500 on $1,000 Virginia State bond, bond sold and this balance outstanding	125 13
Joseph B. Stewart, loan March 14, 1871, on $5,000 Union Pacific Railroad bonds in hands of H. G. Fant; bonds in suit as to ownership	3,250 00
J. & W. Vandenburgh, June 13, 1871, balance of $5,000 on claim for work Washington Aqueduct	1,251 50
C. W. Havenner & Co., July 25, 1871, real-estate notes	700 00
Central Branch Union Pacific Railroad Company, balance of their note, $175,000, of August 17, 1871, secured by contracts of sale of portions of the Kickapoo reserve lands, Kansas, (lands are sold on one to ten years' credit, about 100,000 acres,) bond of A. S. Barnes, R. M. Pomeroy, and E. H. Nichols; interest paid to December 12, 1872, last payment on account May 19, 1873, $7,500	74,000 91
Daniel Welch & Co., September 14, 1871, balance of loan, $250, on deed trust note; interest paid to December 27, 1873	182 93
Michael Green, September 19, 1871, bond to trustees Barry farm, lot 15; interest paid to September 29, 1873	100 00
Charles F. Peck and W. E. Chandler, balance of $1,100, September 20, 1871, on their note indorsed William L. Huntington; interest paid to October 25, 1871, last payment February 20, 1872	979 50
C. W. Hayden, September 29, 1871, balance of $3,500 on real-estate notes $3,833.33; interest paid to March 29, 1872	713 66
Charles N. Thomas, October 9, 1871, on bond of the Howard University for sale of lot 1, block 22	350 00
Maria J. Stoddard, October 23, 1871, for note indorsed G. W. Stickney, one year; no interest paid	1,000 00
Mrs. Serena McCarthy, November 11, 1871, note indorsed by Robert H. Barker	25 00
George W. Dyer, December 19, 1871, $550; June 17, 1872, $350; October 9, 1872, $1,000; on $2,000 Philadelphia city stock; interest paid to November 23, 1873	1,900 00
Alexander W. Randall, December 29, 1871, balance of loan $1,212.02; his note, no security	800 00
John L. Kidwell, December 21, 1871, balance of $2,000 on $2,000 real-estate notes; interest paid to December 21, 1873	1,800 00
John Spicer, note, December 23, 1871, no security; no interest paid	300 00
S. S. Stearns, January 13, 1872, on real-estate notes; interest to February 19, 1873	1,000 00
John W. Wright, January 23, 1872, (paid;) note M. Myers $1,163 and claim against United States for rent of building corner of Eighth and G streets; no interest paid	.....
Hallet Kilbourn and John O. Evans, January 2, 1872, on $75,000 second-mortgage bonds Maryland Mining and Manufacturing Company	50,000 00
S. S. Stearns, February 6, 1872, balance loan $400 on real-estate notes; interest to August 7, 1873	69 04
John S. Cook, assumed by Edward S. Fowler, February 7, 1872, on real-estate notes, balance of $13,000; interest paid to February 9, 1874	8,964 95
Whitfield Jackson, February 15, 1872, balance of $237 on $250 United States five-twenty bonds	183 34
Robert I. Fleming, March 7, 1872, on $5,000 in real-estate notes; interest to March 10, 1873	4,000 00
J. M. Brown, March 20, 1872, on $4,000 stock Detroit Car Loan Company, one hundred and sixty shares; interest paid to July 15, 1873	3,500 00
Eugene S. Calvert, March 28, 1872, on real-estate notes, $19,331; no interest paid	8,250 00
James C. Kennedy, March 29, 1872, on $20,000 Maryland Mining and Manufacturing Company's bonds, on demand; no interest paid	12,000 00
D. M. Davis and R. M. Balloch, April 5, 1872, balance $2,000 on $1,800 stock Fitchburgh Railroad Company; interest to January 8, 1873	471 28
F. H. Gassaway, March 30, 1872, balance $3,300 loan on $7,000 stock of American Seal Lock Company, on $5,000 stock of Metropolis Paving Company; no interest paid	1,289 50
John W. Vandenburgh, April 6, 1872, balance $600 note	117 80
William R. Hooper, April 10, 1872, three life-insurance policies for $6,500; interest paid to October 30, 1873	900 00
Henry Brown, April 19, 1872, on $600 real-estate notes; interest paid to August 25, 1872	600 00
P. M. B. Young, April 27, 1872, on real-estate notes, $6,611; interest paid to August 21, 1873	5,000 00
Mary F. Jacobs, May 1, 1872, note indorsed by C. A. Fleetwood	50 00
W. W. White, May 11, 1872, balance $400 on bond of lot 13, Barry farm; interest paid to November 11, 1873	250 00
L. L. Crounse, May 16, 1872, on real-estate note, $4,500; interest paid to December 16, 1873	1,800 00
John A. Gray, treasurer Fifteenth-street church, May 29, 1872, note indorsed by R. I. Fleming; interest paid to September 28, 1872	2,917 00
P. H. Croney, June 5, 1872, balance $650 on $5,000 life-insurance policy; interest paid to November 13, 1873	250 00
Caroline A. Sherman, June 22, 1872, balance $2,000 on twenty-two shares East Capitol Building Association; three shares First Corporation Building Association; four shares Count River Railroad Company	1,475 00
F. Burlingame, July 10, 1872, note indorsed J. B. Sawyer, (paid)	.....
Holtzclaw & Bruff, July 13, 1872, balance $3,000 on forty shares Capitol Hill Building Association on $2,000 real-estate notes	948 31
D. C. Morrison, jr., July 25, 1872, balance $1,200, real-estate notes, $1,000; interest paid to April 25, 1873	500 00
N. J. Hillman, August 1, 1872, balance $1,250 on real-estate notes; interest paid to August 6, 1873	120 00
Edward Johnson, August 9, 1872, on $700 stock Young Men's Christian Association; interest paid to July 12, 1873	550 00
Franklin Sherman, August 22, 1872, on Chesapeake and Ohio Railroad bonds, $1,000; interest paid to February 1, 1873	900 00
B. H. Warner, August 27, 1872, five hundred real-estate notes; interest paid to December 12, 1873	300 00
B. R. Plumley, August 31, 1872, Bond lot 10, Smith's farm; balance $120; interest paid to January 28, 1874	53 00
Norman & Middleton, August 31, 1872, certificates board of public works; no interest paid	1,400 00
Daniel A. Connelly, September 3, 1872, balance $5,000, and gold balance; no security	743 09
Benjamin D. Whitney, September 9, 1872, balance $2,100; $3,500 real-estate notes; interest paid to September 12, 1873	4,000 00
C. W. Havenner & Co., September 11, 1872, $1,500 real-estate notes; no interest paid	900 00

J. W. Vandenburgh, September 21, 1872, certified bill for work on Virginia avenue, $4,250; no interest paid $4,000 00
J. S. H. Hall, September 21, 1872, approved bill for county work, $3,000; no interest paid 500 00
R. M. Hall, September 23, 1872, on real-estate notes, $200; no interest paid 175 00
John W. Wright, September 24, 1872, on real-estate note, $5,000; no interest paid 2,000 00
J. V. W. Vandenburgh, September 25, 1872, certificate board of public works; no interest paid 600 00
John W. Wright, August 2, 1872, on $5,000 real-estate note; no interest paid 1,000 00
R. Blumenberg, October 3, 1872, on real-estate note; interest paid to October 6, 1873 .....
John A. Prescott, October 9, 1872, balance of $1,135, note indorsed R. L. Fleming; interest paid to October 9, 1873 ..... 635 00
Middleton & Newman, October 12, 1872, certificate board of public works; no interest paid 400 00
A. D. Newbold, October 19, 1872, on $100 United States five-twenty bond; no interest paid 100 00
J. T. Wormley, October 21, 1872, balance $500, approved bill $538.40, medicine for poor; interest paid to January 26, 1873 ..... 326 33
C. H. Holden, October 25, 1872, on real-estate notes $4,100; no interest paid 2,209 47
J. V. W. Vandenburgh, October 26, 1872, 2,550 certificates of the board of public works; no interest paid 2,550 00
Addison Clayton, October 29, 1872, approved bill $982, trustees colored schools 500 00
G. G. Cornish, October 30, 1872, $700 real-estate note; no interest paid 600 00
H. T. White, treasurer, November 2, 1872, balance $3,500 on 3,450 First Congregational Society bonds; interest paid to May 1, 1873 ..... 2,960 02
S. C. Loomis, November 4, 1872, on real-estate notes; interest paid to November 4, 1873 ..... 1,364 88
J. V. W. Vandenburgh, November 9, 1872, on 2,550 certificates of the board of public works; no interest paid; indorsed D. L. Eaton 2,500 00
W. C. Tilden, November 12, 1872, on $200 United States five-twenty bond; no interest paid 200 00
S. C. Pomeroy, November 21, 1872, demand 3,000 00
S. C. Pomeroy, April 26, 1873, $6,000 on real-estate notes; no interest paid 3,000 00
A. Pannell, November 23, 1873, approved bill, work on Fort Whipple, $309.24; no interest paid 309 24
H. McLinden, November 23, 1872; balance $500 on $1,000 stock Young Men's Christian Association; interest paid May 15, 1873 ..... 200 00
A. Pannell, November 29, 1873; approved bill $116.66, Fort Whipple; no interest paid 116 66
J. V. W. Vandenburgh, December 5, 1872; balance $6,465, certificates board public works; no interest paid 2,726 29
A. Pannell, December 10, 1872 ..... 168 00
A. Pannell, $200; approved bill, work on Fort Whipple; no interest paid 72 00
A. Pannell, December 14, 1872, $200, on $84.75 ..... 84 75
J. V. W. Vandenburgh, treasurer Abbott Paving Company, December 1, 1872 ..... 8,216 82
J. V. W. Vandenburgh, January 24, 1873 ..... 1,000 00
J. V. W. Vandenburgh, February 8, 1873 ..... 2,000 00
J. V. W. Vandenburgh, February 21, 1873 ..... 1,200 00
J. V. W. Vandenburgh, February 26, 1873 ..... 35,107 56
J. V. W. Vandenburgh, February 26, 1873 ..... 6,492 08
J. V. W. Vandenburgh, April 21, 1873 ..... 1,300 00
J. V. W. Vandenburgh, April 28, 1873 ..... 1,000 00
J. V. W. Vandenburgh, May 10, 1873 ..... 1,500 00
J. V. W Vandenburgh, May 21, 1873 ..... 1,200 00
J. V. W. Vandenburgh, June 16, 1873 ..... 4,000 00
J. V. W. Vandenburgh, November 13, 1873 ..... 1,000 00
J. V. W. Vandenburgh, December 10, 1872 ..... 2,700 00
J. V. W. Vandenburgh, January 25, 1873 ..... 1,500 00
J. V. W. Vandenburgh, July 13, 1873 ..... 1,500 00
J. V. W. Vandenburgh, July 16, 1873 ..... 6,000 00
J. V. W. Vandenburgh, July 16, 1873, accepted by J. A. Magruder, treasurer 4,487 05
J. V. W. Vandenburgh, August 15, 1873 ..... 1,000 00
J. V. W. Vandenburgh, August 15, 1873 ..... 3,000 00
J. V. W. Vandenburgh, September 13, 1873 ..... 3,623 48
J. V. W. Vandenburgh, September 13, 1873, accepted by J. A. Magruder, treasurer 6,500 00

Total loans to Vandenburgh 180,068 58
Not yet credited loan account:
Less per interest coupon collected $56,781 00
Less per $39,658 8 per cent. bonds sold 30,225 75
35,903 75

Total loans outstanding 144,164 83
Secured by—
District of Columbia, 8 per cent. bonds 95,250 00
Auditor's certificates 61,262 94

Face values 156,512 94
Accepted Magruder, treasurer, add 6,500 00

Total 163,012 94

F. H. Gassaway, December 18, 1872, on $2,000 stock American Seal Lock Company, $2,000 Capital Publishing Company; interest paid to March 15, 1873; $2,250 real-estate note 2,250 00
Rudulf Labsque, December 21, 1872, on real-estate notes; paid, no interest paid .....
James B. Carter, December 31, 1872, on real-estate notes $1,000; no interest paid 1,100 00
J. A. Crosby, January 2, 1873, on $1,000 Northern Pacific Railroad bond; balance $758; interest paid to October 31, 1870 ..... 600 00
F. H. Gassaway, January 30, 1873, no security; interest paid to March 23, 1873 ..... 2,845 66
James B. Carter, February 11, 1873 ..... 350 00
James B. Carter, on $400 real-estate note; no interest paid 172 12
Robert A. Phillips, February 18, 1873, on $1,924 real-estates notes; no interest paid 650 00
J. V. W. Vandenburgh, February 25, 1873, on $3,000 stock Second National Bank; no interest paid 2,500 00
C. W. Havenner & Co., February 27, 1873, on $1,500 real-estate notes; no interest paid 1,250 00
Hallett Kilbourn, March 1, 1873, on note National Junction Railroad Company, $2,950 and interest, H. Kilbourn, president, past due; no interest paid 3,000 00
F. W. Brooks, April 18, 1873, on $2,500 stock International Steamship and Railroad Supply Company; no interest paid 500 00
F. W. Brooks, April 18, 1873, on $10,000 stock International Steamship Company; no interest paid, value 10 per cent., $1,250 for one hundred and twenty-five shares $5,000 00
Plato P. Lee, April 19, 1873, on $324 certified bill against District of Columbia; no interest paid 100 00
G. P. Hopkins, April 23, 1873, on $3,000 Northern Pacific Railroad bonds; interest to January 23, 1874 ..... 2,500 00
James T. Pike, April 30, 1873, on $5,000 note James Pike, protested; $2,000 real-estate notes; balance, $6,500; no interest paid 6,170 00
R. A. Marsh, May 1, 1873, on $350 approved bill against board of health; interest August 3, 1873 ..... 300 00
Robert S. Hatcher, May 5, 1873, on salary order; balance 357 00
S. J. Draper, May 7, 1873, balance $300 on seven shares Franklin Co-operative Building Company; interest August, 1873 ..... 150 00
James T. Benedict, May 7, 1873, on $2,000 real-estate notes; no interest paid 2,000 00
Frederick Douglass, jr., May 22, 1873, on $246 approved bills against city government; no interest paid 220 00
Charles N. Thomas, June 2, 1873, balance $140 on $150 certificates, C. H. Douglass, treasurer; interest December 15, 1873 ..... 100 00
R. H. Marsh, June 3, 1873, order on board of health for $118.50; interest August 3, 1873 ..... 100 00
Lewis H. Douglass, June 9, 1873, on $171 approved bill city government; no interest paid 160 00
James R. Green, June 9, 1873, balance $900 on $999 real-estate notes; interest to December 9, 1873 ..... 440 28
Frederick Douglass, jr., June 16, 1873, on $164 approved bill against District of Columbia; no interest paid 150 00
Frederick Douglass, jr., June 30, 1873, on $315 approved bill against territorial government; no interest paid 280 00
John W. Carson, July 6, 1873, on $1,000 life-insurance policy, National Life Insurance Company of the United States; interest paid to January 6, 1874 ..... 300 00
Frederick Douglass, jr., July 7, 1873, on $194, approved bills against territorial council; no interest paid 175 00
Boughton & Moore, July 11, 1873, on $6,480, real-estate notes; no interest paid 4,000 00
Charles B. Bailey, treasurer, July 15, 1873, on $12,500 stock of Young Men's Christian Association, balance $3,800 ..... 3,200 00
Perry H. Carson, July 15, 1873, real-estate notes 550 00
H. J. White, treasurer, July 18, 1872, on $3,000 of First Congregational Society bonds; interest paid to October 21, 1873 ..... 1,471 51
Thomas H. Talbot, July 23, 1873, on $5,000, real-estate notes 1,500 00
W. J. Dochstader, July 28, 1873, on $100 United States five-twenties 100 00
George W. Dwyer, August 9, 1873, on $4,661, real-estate notes, interest paid to January 20, 1874, balance $1,500 ..... 1,386 82
G. G. Cornish, August 16, 1873, on $1,100 real-estate notes; interest paid to January 22, 1874 ..... 500 00
George Simms, August 18, 1873, on $350, city 8 per cent. certificates 280 00
White Brothers, paid August 22, 1873, on $3,650, stock of Columbia Railroad Company; interest paid to January 31, 1874, balance $700 ..... 330 00
S. A. Safford, jr., treasurer, September 4, 1873, on $500, stock of Capital Publishing Company 250 00
W. Bowen, September 13, 1873, on $2,428, bill against District of Columbia for work 1,630 92
Walker Lewis, September 24, 1873, on $300 United States five-twenty bond 262 31
J. M. Brown, October 9, 1873, on $533 of certificates of board of public works 200 00
H. R. Hurburd, October 28, 1873, on $2,300 note of W. W. Metcalf, due October, 1875; interest paid to January 21, 1874 ..... 2,000 00
Michael Nash, November 17, 1873; balance $120 on twenty-six shares of the Fireman's Insurance Company, Washington 40 00
Henrietta Wilbur, December 1, 1873, on $300 of stock of the Columbia Railroad Company 100 00
H. C. Ross, December 5, 1873, on 100 city 8 per cent. bonds; interest paid to February 5, 1874 ..... 50 00
W. J. Purman, December 20, 1873, on $10,000 of Florida 7 per cent. bonds. 3,025 00
William Russell, December 13, 1873, on two shares of the Franklin Co-operative Building Association; interest paid to January 15, 1874 ..... 150 00
Daniel Breed, December 22, 1873, on $200 United States sixes of 1881 ..... 200 00
Martha Mackall, December 24, 1873, on $100 United States five-twenty bonds 100 00
Henry R. Searle, December 27, 1873, on certificates of one-sixth of property of Washington Building Block Company 923 00
Steelford & King, July 3, 1872; paid September 12, 1872; note .....
Newman & Middleton, July 8, 1872; due August 6, 1872 .....
Newman & Middleton, July 24, 1872; due August 15, 1872, on certificates of the board of public works 500 00
Newman & Middleton, July 27, 1872, due August 29, 1872, certificate board of public works 1,710 00
Newman & Middleton, August 3, 1872, due September 5, 1872; certificate board of public works 100 00
J. H. Stevens, August 30, 1872, due September 30, 1872; in pay vouchers 100 00
J. D. Hutton, August 31, 1872, in pay vouchers, balance 45 00
L. Deane, September 6, 1872, balance due November 9, 1872, on $500 Saint Louis and Denver City Railroad bond 124 00
Lewis Bryant, September 13, 1872, due July 11, 1873; notes 70 00
G. H. Newman, September 26, 1872, demand note, indorsed G. D. Johnson 40 00
Newman & Middleton, September 30, 1872, due October 31, 1872, note 500 00
A. P. Fardon, October 11, 1872, due November 14, 1872, note .....
David Hill, October 14, 1872, balance due January 17, 1873; note indorsed O. S. B. Wall .....
Newman & Middleton, October 26, 1872, demand certificate board of public works 500 00
A. W. Ballard, October 29, 1872, due November 30, 1872, in pay vouchers. 45 00
J. T. Wormley, October 31, 1872, due December 23, 1872, note 100 00
Williams & Becket, November 2, 1872, demand note .....
Ignatius Bond, November 14, 1872, due January 15, 1873, note .....
L. Timberlake, November 14, 1872, due December 15, 1872, in pay vouchers 23 00
Sophia Holmes, November 16, 1872, due December 3, 1872, note 20 00
Thomas N. Chase, November 16, 1872, due December 3, 1872, note .....
Addison Clayton, November 19, 1872, due December 2, 1872, note 100 00
J. G. Martin, November 30, 1872, due December 26, 1872, note 230 00
A. Pannell, November 23, 1872, demand note 30 00
Evelyn D. Shaw, November 25, 1872, due January 28, 1873, note .....
A. Pannell, November 27, 1872, demand note 184 00
J. W. Hayden, president, November 29, 1872, due January 31, 1873, note, Seneca Freestone Company 1,500 00
Newman & Middleton, November 30, 1872, demand note 300 00
W. B. Moore, November 30, 1872, due December 4, 1872, note indorsed by Horace Boughton, (paid) .....
K. V. Jennings, December 2, 1872, due December 31, 1872, in pay vouchers 73 40

A. Pannell, December 10, 1872, demand note	$481 25
Newman & Middleton, December 16, 1872, due January 23, 1873, note indorsed by R. W. Tompkins	800 00
A. Pannell, December 18, 1872, demand notes	297 68
Thomas W. Chase, December 18, 1872, due December 31, 1872, note	.....
W. T. Parker, December 21, 1872, due January 31, 1872, note	65 00
J. F. Wormley, January 11, 1873, due January 29, 1873, note	50 00
S. S. Stevens, January 18, 1873, due February 20, 1873, on real-estate notes	400 00
Newman & Middleton, January 29, 1873, demand certificates of board of public works	100 00
Williams & Becket, January 31, 1873, demand note	200 00
Sophia Holmes, January 31, 1873, demand note	20 00
H. T. White, treasurer, February 3, 1873, due May 4, 1873; note extended, H. R. Searle	362 50
Henry Lacey, February 4, 1873, due April 16, 1873, note indorsed C. Clark	20 00
R. K. Moore, February 13, 1873, due March 7, 1873, note	30 00
Daniel Welch, February 13, 1873, due March 17, 1873, note	50 00
James E. Dexter, February 21, 1873, due March 17, 1873, note indorsed G. W. Balloch, balance of $500	400 00
James T. Pike, February 20, 1873, due February 14, 1873, note	110 00
E. J. Calvert, February 24, 1873, demand note	300 00
N. Dillard, February 24, 1873, on demand note, (paid)	.....
A. R. Fowler, February 24, 1873, on demand note	20 00
Charles D. Sloan, February 26, 1873, due March 31, 1873, on pay voucher	120 00
David Miller, February 28, 1873, due March 15, 1873, on school voucher	75 00
Charles R. Douglass, February 28, 1873, demand on school voucher	50 00
J. R. Johnson, March 1, 1873, demand note indorsed by D. L. Eaton, paid February 3, 1874	300 00
W. B. More, March 1, 1873, demand note indorsed by J. G. Bigelow	.....
Horace Boughton, March 1, 1873, due April 25, 1873, note indorsed by E. A. Kinney	.....
William Ellis, March 3, 1873, due May 6, 1873, note	15 00
Henry Lacy, March 8, 1873, due May 16, 1873, note indorsed by H. A. Klofler	20 00
D. Miller, March 19, 1873, on school-pay voucher	75 00
G. H. Newman, March 18, 1873, due April 1, 1873, note	100 00
S. P. Brown & Son, March 19, 1873, due June 19, 1873, note indorsed by George H. Plant	125 00
George W. Van Hook, March 25, 1873, due December 22, 1873, note	144 12
J. W. Bishop, March 25, 1873, due December 10, 1873, note	400 00
Lew. Alden, April 3, 1873, due May 15, 1873, on pay voucher	.....
W. H. H. Bates, balance $40, April 3, 1873, pay vouchers	10 00
A. R. Fowler, April 17, 1873, due June 21, 1873, note	184 00
George H. Newman, April 22, 1873, demand note	50 00
A. R. Fowler, April 23, 1873, due May 22, 1873, note	120 00
J. Smolinsky, April 28, 1873, due July 18, 1873	271 55
Note indorsed G. W. Stickney, balance $400	.....
Robert Hutton, April 29, 1873, due May 29, 1873, note	.....
Mary L. Smith, May 5, 1873, due May 31, 1873, on pay vouchers	.....
Mary T. Benjamin, May 5, 1873, on school voucher	50 00
Alexander Sanry, May 5, 1873, due October 26, 1873, note	560 27
Newman & Middleton, May 8, 1873, demand note	100 00
O. O. Howard, May 10, 1873, due August 11, 1873, note	800 00
A. R. Fowler, May 17, 1873, due May 30, 1873, note	301 00
B. Frazier, May 19, 1873, due June 19, 1873, note	85 50
Newman & Middleton, June 14, 1873, demand certificate board of public works	800 00
W. F. Williams, June 16, 1873, due July 15, 1873, on pay voucher	50 00
Newman & Middleton, June 28, 1873, demand certificate board of public works	600 00
George Burgess, January 3, 1873, demand, on real-estate notes	2,000 30
J. T. Wormley, July 7, 1873, demand note	20 00
E. C. Ingersoll, July 8, 1873, due September 28, 1873, note indorsed J. W. Wright	400 00
Addison Clayton, July 10, 1873, due August 12, 1873, note indorsed John T. Johnson	50 00
Perry Carson, July 10, 1873, due August 11, 1873, note	25 00
Daniel Welch, July 10, 1873, demand	30 00
Newman & Middleton, July 14, 1873, demand certificate board of public works	500 00
John E. Clarke, July 15, 1873, demand note	184 09
Boughton & Morse, July 21, 1873, due January 16, 1874, note	300 00
John O. Evans, July 26, 1873, due September 27, 1873, on account of James A. Magruder, treasurer	9,000 00
H. T. White, treasurer, August 4, 1873, due October 4, 1873, note	280 00
J. R. Elliot, August 6, 1873, due September 4, 1873, note	100 00
T. J. Latham, August 6, 1873, due November 5, 1873, note indorsed Samuel S. Smoot	1,800 00
J.W. Wright, August 8, 1873, due October 10, 1873, note by real estate	1,800 00
Newman & Middleton, August 18, 1873, demand certificate, board of public works	300 00
Smolinski & Lyle, August 20, 1873, due November 19, 1873, certificate board of public works	1,000 00
J. H. Richardson, August 21, 1873, due October 20, 1873, note indorsed R. W. Tompkins	50 00
John E. Clarke, August 25, 1873, demand note	150 00
Zachary Taylor, August 25, 1873, due September 28, 1873, note indorsed Noah Robinson	25 00
Newman & Middleton, August 25, 1873, due October 25, 1873, certificate board of public works	500 00
George Burgess, August 30, 1873, due October 2, 1873, real-estate notes	1,000 00
Newman & Middleton, August 30, 1873, due October 3, 1873, certificate board of public works	700 00
Thomas Lucas, August 30, 1873, due November 1, 1873, note indorsed John E. Cox	1,000 00
J. E. Lacy, September 1, 1873, due December 1, 1873, note	300 00
M. A. McCulloch, September 2, 1873, due September 30, 1873, pay vouchers	50 00
K. F. Kune, September 2, 1873, due September 30, 1873, on pay vouchers	55 00
H. Townsend, September 2, 1873, due September 30, 1873, on pay vouchers	75 00
J. H. Richardson, September 4, 1873, due November 11, 1873, note	128 00
John R. Brooks, September 4, 1873, due September 30, 1873, on pay vouchers	20 00
Jackson & Brummagin, September 5, 1873, due October 7, 1873, of board of public works	550 00
J. Jackson, September 8, 1873, due October 11, 1873	60 00
Newman & Middleton, September 8, 1873, due November 8, 1873, board of public works	500 00
N. Dillard, September 9, 1873, demand of board public of works	1,117 53
E. R. Haight, September 12, 1873, demand	211 00
W. Bowen, September 12, 1873, demand note	30 00
George Simms, September 15, 1873, due October 16, 1873, note	150 00
George Burgess, September 15, 1873, due October 18, 1873, note	200 00
Herman Middleton, September 15, 1873, demand	$200 00
Joseph A. Wilson, September 15, 1873, demand note indorsed Thomas W. Chase	700 00
Moses Orr, September 16, 1873, due November 18, 1873, note indorsed Joseph Brooks	120 00
Boughton & Moore, October 2, 1873, due December 31, 1873, note indorsed W. J. Cooke	225 00
George W. Dyer, October 9, 1873, due December 10, 1873, note	500 00
H. C. Johannes, October 10, 1873, due January 8, 1874, note indorsed W. J. Cooke	50 00
Noah Dillan, October 14, 1873, due November 20, 1873, note	40 00
R. W. Waters, October 14, 1873, due November 20, 1873, note	150 00
G. H. Newman, October 24, 1873, due November 20, 1873, note	25 00
George Burgess, October 30, 1873, due November 22, 1873, note indorsed B. H. Warner	150 00
Charles R. Douglass, October 31, 1873, due January 2, 1874, note	270 00
R. Lobsiger, November 1, 1873, due November 9, 1873, note	300 00
J. W. Smith, November 1, 1873, due February 1, 1874; note indorsed D. S. Patterson	100 00
C. E. Cross, November 1, 1873, due November 30, 1873, on pay vouchers	41 80
H. E. Ruger, November 1, 1873, due November 30, 1873, note	45 00
Thomas H. Willey, November 8, 1873, due December 8, 1873, note indorsed Joseph Willey	40 00
William H. West, November, 8, 1873, due December 15, 1873, note indorsed A. R. Fowler	178 00
Smolinski & Lyle, November 10, 1873, due December 11, 1873, note and sewer bonds	1,478 47
W. H. Gunnison, November 11, 1873, due May 10, 1874, note	800 00
L. O. Bowis, November 14, 1873, due November 30, 1873, on pay vouchers	42 40
E. H. Stanton, November 15, 1873, due February 15, 1874, on pay vouchers	66 67
John A. Gray, November 18, 1873, due December 2, 1873, note indorsed W. J. Cooke	82 50
Edward M. Canby, November 20, 1873, due December 22, 1873, note	200 00
J. F. Hartigan, November 22, 1873, due December 24, 1873, note indorsed J. F. Pike	50 00
E. C. Brannon, November 26, 1873, due February 27, 1874, note indorsed G. W. Balloch	100 00
A. Wright, November 28, 1873, due December 31, 1873, on pay vouchers	28 00
Luke C. Dillon, December 1, 1874, due February 1, 1874, note indorsed H. S. Wyman	93 33
M. A. Baker, December 2, 1873, due December 31, 1873, on pay vouchers	50 00
A. E. Upham, December 2, 1873, due December 31, 1873, on pay vouchers	50 00
James T. Pike, December 2, 1873, due December 31, 1873, on pay vouchers	75 00
George H. Newman, December 2, 1873, demand note	100 00
Charles R. Douglass, December 3, 1873, due December 15, 1873, on pay vouchers	30 00
M. B. Cushman, balance December 3, 1873, due January 3, 1874, note	20 00
Keith Smith, December 5, 1873, due January 15, 1874, note indorsed W. E. Mathews	28 00
Thomas I. Gardner, December 6, 1873, due February 3, 1874, note indorsed George Burgess	75 00
Susan Semmes, December 10, 1873, demand note indorsed Juan Boyle & Co	400 00
C. S. Schermerhorn, December 9, 1873, due March 9, 1874, note	700 00
Thomas Gilk, December 9, 1873, due March 9, 1874, note indorsed E. S. Lang	80 00
Joseph Brooks, December 16, 1873, due February 14, 1874, note	100 00
J. W. Douglass, December 18, 1873, due January, February, March 8, 1874, notes	300 00
S. J. Carsen, December 20, 1873, due January 31, 1874, pay voucher	15 00
J. H. Weirick, December 22, 1873, due March 22, 1874, note	150 00
M. H. Sikken, December 26, 1873, due January 31, 1874, pay voucher	58 72
Robert Hatton, December 26, 1873, due January 29, 1874	22 00
B. H. Warner, December 27, 1873, due February 22, 1874, notes	250 00
B. B. Warner, December 23, 1873, due February 23, 1874, notes	250 00
R. M. Hall, December 29, due February 25, 1874, note indorsed D. P. Holloway	1,701 00
W. C. Ruppert, December 31, due January 31, 1874, pay voucher	33 80
Edward S. Jones, January 3, 1874, due January 31, 1874, pay vouchers	90 00
R. A. Hall, December 31, due March 4, 1874, note indorsed J. M. Brown	100 00
W. A. Widney, January 3, due February 6, 1874, note indorsed E. S. Jones	1,151 00
Charles R. Douglass, January 5, due January 18, 1874, note indorsed W. E. Mathews	48 00
L. L. Crounse, January 6, due February 10, 1844	263 38
L. L. Crounse, January 6, due April 10, 1874	263 38
Charles White, January 6, due January 14, 1874, note indorsed W. J. Cooke	225 00
A. Y. Leech, January 6, due January 22, 1874, note indorsed W. J. Cooke	50 00
E. F. M. Faehtz, January 6, due March 3, 1874, note indorsed W. J. Cooke	224 00
Emma Arthur, January 6, due January 21, 1874, pay voucher	60 00
Maggie Ouram, January 6, due January 31, 1874, pay voucher	50 00
J. T. Corlin, January 6, 1874, due February 4, 1874, note indorsed T. A. Conrad	50 00
George W. Smith, January 6, 1874, due March 5, 1874, note indorsed W. E. Mathews	88 75
William E. Mathews, January 7, 1874, due January 21, 1874, note	200 00
Sallie Harrison, on pay voucher, due January 31, 1874	25 00
F. W. Moffat, on pay voucher, due January 14, 1874	70 00
A. C. Adamson, T. H. Marston, February 11, 1874	35 00
W. Waller, A. McIntosh, February 11, 1874	35 00
F. W. Moffat, February 15, 1874	90 00
Albert McIntosh, G. Brooks, W. Chase, February 11, 1874	300 00
F. H. Williams, L. Scott, March 10, 1874	370 00
W. J. Cooke, March 17, 1874	475 00
Robert J. Fleming, March 12, 1874	1,413 85
M. Haynes, pay voucher, February 15, 1874	35 00
J. A. Gray, George Tyler, February 17, 1874	140 00
E. L. Lambie, T. L. Lamb, February 17, 1874	90 00
J. W. Cole, W. E. Augusta, February 17, 1874	55 00
Joseph Wyman, H. S. Wyman, February 3, 1874	55 00
Mary S. Smith, pay voucher, January 31, 1874	40 00
Arthur Simmons, February 17, 1874	66 66
Arthur Simmons, March 17, 1874	66 67
Arthur Simmons, April 17, 1874	66 67
Joseph Brooks, February 16, 1874	29 11
John H. Simpson, pay voucher, February 15, 1874	10 00
Joseph W. Brooks, T. W. Chase, April 20, 1874	486 68
William E. Mathews, paid, due, February 4, 1874	.....
Brooks, Chase & Co., April 23, 1874	394 00
W. H. Milstead, W. J. Cooke, March 21, 1874	52 00
W. J. Purman, 1,000 Florida sixes, February 20, 1874	200 00
George T. Langley, C. A. Langley, April 24, 1874	500 00

Thomas W. Chase, February 23, 1874	$50 00
Clifford Anich, January 4, 1872, on real-estate notes	3,000 00
B. H. Warner, March 13, 1872, real-estate notes	500 00
Newman & Middleton, July 8, 1872, certificate board public works	227 79
Wash. T. Hume, November 5, 1872, note, 500 Capital publishing company stock	200 00
J. R. Crosby, January 2, 1873, on $1,000 Northern Pacific Railroad bond	600 00
W. A. Fithian, February 18, 1873, real estate	200 00
W. N. J. Sterling, March 31, 1873, real-estate notes	520 00
F. S. Lamson, April 12, 1873, note indorsed	400 00
H. T. White, treasurer, July 8, 1873, on Congregational church bond	200 00
J. V. W. Vandenburgh, July 26, 1873, certificate board of public works	3,000 00
George Taylor, January 12, 1874, note indorsed R. J. Fleming	3,000 00
Sundry small notes, balances of notes due	1,602 37
W. S. Huntington, February 21, 1872, on seventy shares American Seal Lock Company, (worthless)	3,600 00

RECAPITULATION.

Total amount of loans on sundry securities	535,160 56

CHARLES A. MEIGS,
National Bank Examiner.

JANUARY 24, 1874.

One is a schedule of loans on "sundry securities" made by the Freedman's Savings and Trust Company, covering twenty-seven pages of legal cap. Another is a schedule of loans by the Freedman's Savings and Trust Company, Washington, January 26, 1874, purporting to be made on "real" property, and covering fifty-nine pages of legal cap. In that list of "real-estate securities," amounting to $1,473,226.55, he has classed as real estate the following, (I hope the House will mark his inaccurate classification:)

"Sundry" securities listed as "real estate" by the examiner.

T. Roessle & Son, November 22, 1870, page 6, real-estate schedule; chattel mortgage on furniture and fixtures in the Arlington house	$28,000 00
W. P. Drew, received rent of O. O. Howard, February 18, 1871, page 9, real-estate schedule	400 00
Elizabeth Barrett, September 10, 1872, page 46	800 00
Mrs. M. J. Hunt, notes, August 20, 1873, page 56	1,000 00
Mrs. M. J. Hunt, notes, August 16, 1873, page 56	2,000 00
James D. Burke, notes, August 28, 1873, page 56	300 00
C. H. Underwood, notes, November 1, 1873, page 57	1,100 00
J. E. Zuig, notes, November 10, 1873, page 57	1,370 70
John B. Bloss, notes, November 10, 1873, page 57	600 00
George Angermann, notes, November 10, 1873, page 57	250 00
J. W. Barker, notes, November 10, 1873, page 57	150 00
J. H. O. Carmel, notes, November 10, 1873, page 57	475 00
Charles B. Beall, notes, November 10, 1873, page 57	450 00
Mary J. Warner, notes, November 10, 1873, page 57	1,170 00
Aaron Jones, notes, November 10, 1873, page 57	600 00
H. G. Jacobs, notes, November 10, 1873, page 57	300 00
F. D. Loftus, notes, November 10, 1873, page 57	150 00
Samuel E. Smoot, notes, November 14, 1873, page 58	2,600 00
Robert H. West, notes, November 14, 1873, page 58	1,700 00
George T. Armes, notes, November 18, 1873, page 58	1,900 00
George H. Simonds, notes, December 22, 1873, page 58	1,000 00
Robert T. Fleming, sundry, January 12, 1874, page 58	26,000 00
Clement Morgan, notes, January 20, 1874, page 59	350 00
James M. Latta, trustees' notes, $3,500, January 30, 1873, page 59	3,500 00
E. R. Knight, Memphis branch, Arkansas scrip, May 6, 1872, page 59	1,700 00
Total "sundries" listed as "real,"	77,866 70
These subtracted from total "real," as given by Meigs	1,473,226 55
Leaves total "real securities"	1,389,269 41

These "sundry securities," which are admitted to be totally illegal, without a shadow of law to warrant them, amount by the statement of the examiner to $535,560.56. If the House desires closer acquaintance with the character of some of those loans, let the members peruse the list which was presented in the earliar part of the argument. The total loans, for instance, to Vandenburgh, one of the prominent contractors for District improvements, whose name is well known to those acquainted with District affairs, are $144,164.83. The collaterals in this case consist of District of Columbia 8 per cent. bonds, $95,250, face value; auditor's certificates, $61,262.94, face value; and acceptances of Magruder, the treasurer, $6,500; total, $163,012.94.

Now, if we take the figures given by Inspector Meigs, and these schedules of real investments and sundries, we have this total: for real estate, as given by him, $1,473,226.55; loans erroneously entered "sundries," $77,866.70; real total, $1,395,359.85. The total sundries given by Meigs are $535,560.56, less American Seal Lock Company's stock, $1,289.50. Meigs's total of sundries in illegal securities, then, is $534,271.06. Add to that what he erroneously classes as real estate, $77,866.70, and we have as the amount of illegal assets held by that bank $612,137.76, out of a total of assets of but a little over $3,000,000.

And now come the errors of omission to which I call the attention of the House. Meigs makes in his report a deficiency of $217,866.15, having before him but four reports of branches. I recall to the attention of the House the reports of the branch examiners before set forth. There will be found in them the following statements. At Memphis, Tennessee, discounts and overdrafts, $67,934.99. At Little Rock, Arkansas, overdrafts, $1,022.58. At Wilmington, North Carolina, there are reported short and overdrafts, $5,774.17. At Beaufort, South Carolina, short loans and overdrafts, $141,423.82. I call especial attention to the character of the transactions at this point. At Atlanta, Georgia, overdrafts, $161.90. At Jacksonville, Florida, loans and overdrafts, $128,891.84. At Montgomery, Alabama, $28,380.79. At Nashville, Tennessee, $3,155. Total at twenty-two branches, loans, short, and overdrafts, $373,621.64, not included in Meigs's statement of loans furnished to this House, but included in the reports of the branch examiners which have been sent in from time to time by the Comptroller of the Currency, which I sought to have printed, but which members of the Committee on Banking and Currency prevented from being printed. The debts at the branches reported estimated to be bad and doubtful by the examiners are $302,669.05. Out of the total amount of $373,621.64, there are claimed as good and first-class debts only $42,571.80. We have now the following data, furnished by the various examiners, from which to deduce the report that should have been made by Mr. Meigs. Total resources, $3,227,510; bad and doubtful debts admitted by Meigs in his report, $106,500; bad and doubtful debts at the branches according to the sub-reports, $302,669.05; add claim of C. A. Woodward, cashier, at Mobile, Alabama, $3,375. These give a total of $412,544.05 of bad and doubtful debts, making the net resources $2,814,965.95. The liabilities, according to the examiner, are $3,338,896.15; the deduction is a deficiency, not of $218,000, but of $523,930.20, out of the three millions of reported resources. But the bad debts as given by the examiners are only $106,500. I ask the House to look for a moment at this list of sundry securities and see how near the truth he came. I find, to begin with, on page 2 a loan of $3,250 to Joseph B. Stewart, loaned March 14, 1871, on $5,000 Union Pacific bonds in the hands of H. G. Fant; bonds in suit as to ownership. I find on the same page $74,000.91 to the Central Branch of the Union Pacific Railway, balance of their note of $175,000 of August 17, 1871, secured by contract for sale of portion of the Kickapoo reserve lands, Kansas. Bonds of A. S. Barner, R. M. Pomeroy, and E. H. Nichols, interest paid to December 12, 1872, last payment on account May 19, 1873, $7,500; lands sold on one to ten years' credit, about one hundred thousand acres. On page 3 I find $50,000 to Hallett Kilbourn and John O. Evans, January 2, 1872, on $75,000 second-mortgage bonds of Maryland Mining and Manufacturing Company, that I am told are not worth a cent at this date. Here are two items alone of $124,000. And yet the examiner comes in here with his statement that the amount is $106,500.

I find further, on the next page, James C. Kennedy, March 29, 1872, on $20,000 Maryland Mining and Manufacturing Company's bonds on demand, no interest paid, $12,000. I find on page 4 $1,289.50 loaned on $7,000 stock of American Seal Lock Company, a corporation which has no existence at all, and on $5,000 Metropolis Paving Company, also defunct. I find on page 10, F. W. Brooks, April 18, 1873, $5,500 loaned on $12,500 stock of International Steamship and Railroad Supply Company, no interest paid and not worth a cent. Page 7, $3,000 to S. C. Pomeroy on demand. Page 10, March 1, 1873, "$3,000 to Hallett Kilbourn, on note National Junction Railroad Company, $2,950 and interest, H. Kilbourn, president, past due, no interest paid," and other similar items.

So far from Meigs being correct in his estimate of $106,000 for bad loans in Washington, he should have made the amount at least $165,540.41 by his own reports.

The account therefore is:

Total resources, (examiner's figures)		$3,227,510 00
Bad and doubtful debts at Washington	$165,040 41	
Bad and doubtful debts at branches	302,669 05	
Claim of C. A. Woodward, cashier at Mobile, Alabama	3,375 00	
Total bad and doubtful		471,084 46
Leaving net resources		2,756,425 54
Liabilities, examiner's report		3,338,896 15
Deficiency		582,470 61

Or one dollar out of six.

But in arriving at the present condition of the bank, account must be had of the resources not wholly bad, but totally unavailable to meet emergencies:

UNAVAILABLE.

Arlington House furniture, page 6, real-estate schedule	$28,000 00
Rock Creek Church bonds, page 23, real-estate schedule	1,500 00
Fifteenth street Baptist Church, page 26, real-estate schedule	10,000 00
Vestry Rock Creek Church, page 46, real-estate schedule	3,000 00
Trustees Fifth Baptist Church, page 46, real-estate schedule	7,000 00
Howard University, page 50, real-estate schedule	75,000 00
130 shares Young Men's Christian Association, approved bills against colored-school trustees, and 4,055 real-estate notes, page 58, real-estate schedule	26,000 00
Total	150,500 00
To this must be added the difference between the total loan to Vandenburgh, contractor, of $147,164.83 and the present value of $166,012.94 collaterals, estimating District of Columbia 8 per cent. bonds at eighty cents and public-work certificates at 33⅓ per cent. Making a total of "unavailable" to-day of	197,877 59

SUMMARY.

Net resources, as previously stated	2,756,425 54
Unavailable	197,877 59
Available	2,558,547 95
Liabilities	3,338,896 15
Deficiency	780,348 20

Or nearly 25 per cent.

In arriving at the above result, no account has been taken of such investments reported by Examiner Meigs, appearing on the books in Washington, as for instance:

F. W. Osborn, Florida, page 31, real-estate schedule	$2,500 00
Nashville Branch Colored Agricultural Mechanical Association, Tennessee, page 37	4,000 00
Samuel Suit, Prince George's County, Maryland, page 41	24,000 00
Douglass Institute, Baltimore, Maryland, page 41	10,000 00
Odd-Fellows' Hall, Alexandria, Virginia, page 44	1,000 00

St. John's Chapel, Alexandria, Virginia, page 52	2,500 00
George. W. Mason, New Berne, North Carolina, page 53	1,250 58
Thomas Ewing, jr., Topeka, Kansas, page 53	5,890 78
E. R. Knight, Memphis, Arkansas scrip, page 59	1,700 00
Frank Quarles, Fulton County, Florida	1,000 00
Total	53,841 36

Nor has there been opportunity to examine the appraisements upon which loans have been made, many of which a cursory examination of the descriptions shows to have been excessive and far beyond the market value. This excess ought to have been taken into account by the committee in making an exhibit of the actual present condition of the company, and is alluded to to show how far the estimated unavailable and deficiency—$780,348.20—must fall short of the actual amounts.

[Here the hammer fell.]

Having disposed of the questions involving the accuracy of the examiner's estimate of the present condition of the bank, I pass to that of the bank in the matters of cash and United States securities, and will show a deficiency in those items from the amounts required by the law to be held of more than $1,200,000.

March 10, 1874. Meigs's total real securities, (my correction)		$1,389,269 41
Meige's total sundry securities, (my correction)		618,228 20
		2,007,497 61
Real estate. Value of branch banking-houses	$165,374 38	
Real estate. Value of Washington banking-house	313,218 26	
		478,592 64
Total securities and real estate		2,486,090 25
Loans, short and overdraft, at twenty-one branches, not included in examiner's statement		373,621 64
Total loans, short and overdraft, and real estate counted as assets.		2,859,711 89
Total assets of bank examiner's report		3,227,510 00
Total cash, parent office and branches, and United States securities..		367,798 11
Eleven branches to be heard from.		

Cash on hand at various branches, as per statements of the examiners.

Washington, District of Columbia, February 14, 1874	$23,032 42
New York, New York, March 4, 1874	18,075 00
Baltimore, Maryland, February 18, 1874	4,488 22
Richmond, Virginia, February 21, 1874	800 17
Norfolk, Virginia, February 24, 1874	7,738 07
Saint Louis, Missouri, March 13, 1874	2,940 03
Memphis, Tennessee, March 20, 1874	3,281 58
Louisville, Kentucky, March 9, 1874	3,252 58
Lexington, Kentucky, March 12, 1874	1,878 84
Little Rock, Arkansas, March 31, 1874	3,926 15
Wilmington, North Carolina, March 13, 74	2,176 11
Charleston, South Carolina, March 16, 1874	9,531 17
Beaufort, South Carolina, March 21, 1874	3,603 24
Macon, Georgia, April 10, 1874	949 14
Savannah, Georgia, March 24, 1874	3,873 27
Augusta, Georgia, April 3, 1874	4,689 66
Atlanta, Georgia, April 8, 1874	1,012 28
Jacksonville, Florida, March 18, 1874	11,429 87
Mobile, Alabama, April 25, 1874	10,327 38
Montgomery, Alabama, February 23, 1874, (closed)	.....
Huntsville, Alabama, April 23, 1874	880 66
Nashville, Tennessee, April 8, 1874	1,328 88
Total	119,214 65

Twelve branches to hear from, including New Orleans; Alexandria, Virginia; Columbus, Mississippi; Columbia, Tennessee; Lynchburgh, Virginia; Natchez, Mississippi; New Berne, North Carolina; Philadelphia; Raleigh, North Carolina; Shreveport, Louisiana; Tallahassee, Florida; Vicksburgh, Mississippi.

These twelve at date of examiner's report had deposits amounting to	$650,423 00
Out of a total of	3,299,201 00
If cash were held by them in the same proportion as in the other twenty-two, the amount would be, (estimated)	20,273 00
Which added to reported in twenty-two cases	119,214 65
Would give total cash at branches	148,487 65
Subtract this amount from	367,798 11
And there remains, as the maximum possible, of United States securities and cash held by the parent bank	219,310 46
According to the law there should be	1,669,448 07

These flagrant violations of law were made with deliberation and in the face of the warnings of the watchful Comptroller of the Currency.

On the 23d of February, 1873, (Senate Miscellaneous Document No. 88, Forty-second Congress, third session, page 2,) in his report, that officer uses the following decided language:

From this statement it will be seen that the total amount of deposits at that date was $4,008,642.34. The bills payable were $460,000. The bank holds $718,050 of United States bonds, a portion of which have been pledged as collateral security for its bills payable. The bank also holds Washington City securities and claims against the board of public works amounting to $54,175.63. Its loans upon real estate, chiefly in the city of Washington, amount to $1,794,478.05. Loans have also been made upon vouchers of the board of public works amounting to $189,000; upon chattel mortgage, $37,000; and upon other collateral and personal security to the amount of $250,653.40. The security for loans upon real estate is generally estimated to be good for the amount of the loan; but a large portion of these loans have been made upon security not equal to twice the value of the loan, as required by law.

It is claimed that the loans upon vouchers of the board of public works, upon chattel mortgage, and upon personal security are authorized by section 6 of the act above quoted. Many of the securities upon which these loans are made are believed to be worth the amount of the loan. The value of other securities is not known, and other additional loans seem to have been made upon the security of promissory notes rather than upon the collateral security held by the bank.

Only a small portion of these investments can be considered "available" for the purpose of raising money in the market to meet the unexpected calls of depositors, and it is believed that it was not the intention of the act of incorporation to authorize investments of this character. The officers and trustees of the institution have violated the act under which it was organized by establishing branches in the different cities of the Union, by purchasing real estate and erecting buildings, by loaning money upon real estate of less than one-half of the value of the loan, by loaning money upon collateral security not immediately available for the payment of de posits, and by borrowing money.

The rate of interest offered to depositors for some time past has been 6 per cent., and it is believed that the undesirable loans held by the bank have been made, to a large extent, from the desire of the trustees to invest as speedily as possible the funds of depositors at high rates of interest. Section 6 of the act under which the bank was organized should be amended so as to prevent investments being made except upon securities of well-known marketable values. The branches of the bank, if they are to be continued, should also be authorized by act of Congress, and the rate of interest to be offered to depositors should also be limitedby law, and the bank required to accumulate a surplus to provide against future losses. The act under which the institution was organized was evidently drawn without sufficient consideration, and it is suggested that a new organization act be passed and the present law repealed. With proper legislation and necessary restrictions the bank would be able to correct the mistakes already made, to retrieve its present and prospective losses, and be enabled to continue a business of great usefulness to the class of depositors for whose benefit the institution was organized.

Examiner Meigs, in his report February 5, 1873, which forms part of the document, (page 9,) says:

The question of the improvement of their lands in Washington City seems to be clearly a violation of their charter, and is submitted without further comment.

The funds of the institution are loaned in sums of fifty to fifty thousand dollars, and these loans are widely spread as to location and diversified as to character. The majority of the security for the loans upon real estate is located in the District of Columbia.

Many of the loans are of a character that should not appear upon the records of a savings-bank, and will finally result in some loss to the institution; but the probable amount of such ultimate loss it is very difficult to determine at this time.

A more full inquiry as to values in certain cases is now in process, the result of which will be communicated in due course.

The executive officers are, in my opinion, men of the most undoubted integrity of character, devoted to the best interests of the institution, working for small compensations, and have educated themselves to the practical knowledge of the business of a savings-bank to a degree that promises a prosperous future for the institution.

I would respectfully suggest the repeal of all the present laws under which savings-banks of the District of Columbia are now doing business, and which admit by inference, if not directly, of such wide departures from the line of safety in the pursuit of undue profit in the use of the sacred funds committed to their charge as have passed under my observation in my present examination of all the savings-banks of the city of Washington.

Notwithstanding such decided official warnings, these officers of "undoubted integrity of character," who had "educated themselves to the practical knowledge of the business of a savings-bank to a degree that promises a prosperous future for the institution," "in the use of the sacred funds committed to their charge," deliberately continued in a policy publicly branded as illegal and dangerous.

Of the total loans to Vandenburgh, the contractor, amounting to $184,989.62, $92,127.21 were made *after* the date of the above report, February 5, 1873, and of the list of twenty-seven pages of loans on "sundry securities," eighteen pages, or two-thirds, are of that class made *after* the same date. I leave to men who believe in strict adherence to law and safety in the management of a "sacred trust," involving the scanty earnings of the classes who toil with their hands for daily bread, and to all men who think that faith should be kept, even with a poor negro, in the promises made to him to induce him to put his savings into others' keeping for use, how far the managers of this bank deserve the apologies made for them by the gentleman in charge of the bill.

So far as security to depositors is concerned, the bill provides for nothing that was not already fully covered by the old laws, except the single clause limiting the amount of any one loan to $10,000. The section copied from the national-bank act elaborating vengeance for the petty clerk or branch cashier does not guard against the real danger to the depositor. As usual, the net is spread only for the little fishes.

The insolvent condition of the bank to-day is the result not of pilferings and embezzlements by petty clerks, but of investments and management of funds made in the teeth of the present law, by gentlemen higher up in the scale than the committee's bill reaches. There is in the new bill not an additional safeguard against a willful violation of law. There is no machinery for punishing it; there is no provision, as in the case of national banks, enabling the sworn officer of the Government on behalf of the people to step in and protect the interests of the people; there is no contrivance by which depositors can ever attain knowledge of the condition of affairs of the bank. The Comptroller may examine and report; but he has no power to act, and his reports are never to see the light. And, finally, when the affairs of the concern are clearly desperate, instead of placing them, as in the case of other banks called into life by acts of Congress, in the hands of the Comptroller of the Currency, the representative of the power of the people, they are given without check or restraint for final disposition to the very men who have already been proved false to their trusts, and already have squandered a half a million of poor men's savings upon "rings" and "favorites." Verily, the kindness of the friends of the managers of this bank for the poor negro is akin to that for the wolf as against the lamb.

I desired to make an argument against the constitutionality of the clauses recognizing and legalizing branches, but I have only time to indicate it.

It has been clearly decided in McCulloch *vs.* State of Maryland (4 Wheaton) that the United States has no general power to charter a corporation, but can charter one only so far as it is a means toward executing one of the declared powers of the Constitution and subserves some purpose of the Government. This decision is in accordance with the reasonings of the leader of the federalists, Mr. Hamilton, that of Judge Story in his Commentaries, and has been adhered to in all subsequent decisions. This bank is a charitable institution, subserving no purpose of any expressed power of the Government, and having no relationship to the national-bank system. So much of the act, therefore, legalizing operations outside of the District, within the limits of sovereign States, is clearly beyond the pale of the Constitution, and void. I can only express my surprise that a prominent member of the party, professing jealousy of State rights almost as a religion, should have consented to assume the responsibility for such attempts upon State rights as is made in this bill.

In conclusion, I maintain that this bank cannot be propped up by any legislation. It is an edifice with crumbling walls and undermined foundations. A prolongation of its existence is not kindness but cruelty to the present depositors and the colored people in general. The longer the day of its dissolution is put off the larger will be the number buried under its ruins when the inevitable crash shall come.

The fact that, since the resolution of inquiry introduced by me, and referred by the House, at my request, to the Committee on Banking and Currency, a great change has been made in the *personnel* of the officers of this bank, only appeals more strongly to my sympathy and makes me redouble my efforts. These new men, inexperienced in matters of finance, knowing nothing of and unknown to the moneyed world, have been put in charge of a ship, with timbers eaten through by worms, and canvas rotten with the mildew. In the first rough sea their craft will go down, bearing with it their reputations and the precious freight, the "sacred fund," of the poor people of the South.

I await with calmness and confidence the judgment of that day to decide between myself and the supporters of this bill, as to who was the true friend of the colored man.

Cheap Transportation.

SPEECH OF HON. GEO. W. HENDEE,

OF VERMONT,

IN THE HOUSE OF REPRESENTATIVES,

May 19, 1874.

The House, as in Committee of the Whole, having under consideration the President's annual message—

Mr. HENDEE said:

Mr. SPEAKER: Very much has been said during this session by eminent gentlemen upon this floor on the question of cheap transportation, but it seems to me that the subject has not yet been exhausted or been considered in its most important relations. And it is not my present purpose to discuss the question so fully as its importance warrants, but I shall do so at some future time, when the subject is before us in a more definite form. To my mind the proposition which has brought out so many able, earnest, and instructive, speeches, is not the one which can bring that substantial and permanent relief now demanded by the producing and other commercial interests of the country. I believe we should be very cautious about embarking in any project which can bring about only temporary and partial aid.

Our country is broad and possesses unlimited wealth. Our Government is substantial; the people are intelligent, united, and liberal, and as their representatives they cannot afford to have nor do they expect us to take narrow views or adopt insufficient and doubtful measures upon subjects of such national importance. This great question settled as it should be is settled for all time. No half-way measures that shall be adopted by us can or will satisfy the people, and such means must fall far short of meeting the demands of the producers of the West and the consumers and manufacturing interests of the East. The consumer must have his breadstuffs at reasonable prices, and the producer must in order to continue his work receive ample profits. Our country is a live, progressive country. It is not vigorous and healthy to-day and dead or dangerously diseased to-morrow.

Enterprise has no stand-still, but is continually moving and demanding more room. The great West does not one year produce a given amount of cereals and the next year a less quantity, but since settlements commenced in that land of harvests productions have annually increased, and must for all time to come. At the same time the demands of the eastern consumer and those of foreign countries will still exist, and will increase in proportion. The West must feed the East from its fields, and the East in turn must clothe the West from its manufactories, and furnish her with her groceries and luxuries from its markets, and each with profit to itself. Legitimate wealth and not poverty should be the result of these sectional yet national industries, and to this great end the two sections should be brought as near together commercially as possible. The granaries of the West and the markets of the East must be made accessible each to the other.

Mr. Speaker, this country is yet in its youth; has hardly attained its manhood, and *now* in my judgment is the time and the occasion to provide for its proper development and full age. Then in its wet day it will take no harm, panics will be unknown, and the cry for more currency never uttered.

Sir, I fear the people, especially those of New England and the Atlantic States have not yet stopped to consider this great question. They do not seem to realize its importance or the magnitude of the benefits which must result from its favorable solution.

The West has for many years been talking, working, and holding conventions in the interest of cheap transportation, while the East has been comparatively unmoved. I say the West is awake, and so she is; and yet thus far this session all she has offered on this floor is the so-called McCrary bill. To me this is but an apology. Its relief is too weak, too doubtful, and too short-lived; and if here I should probably have voted for the bill, because if, as its friends believe, it is to be a benefit to the producers of the West it must be of value to the people of the East. If it will reduce freight charges from the West to the Atlantic, it must do the same from Vermont to her markets. But that it is to answer the demands of the country I do not believe. That it is to be the great panacea for all the troubles and complaints of the farmers of the West it seems to me cannot be true, and for these reasons:

First. The board of commissioners created by the bill must be a political board, and you at once bring the railroads and producers into a war with each other on the question of who shall control the appointing power.

Second. If the railroads are not allowed by the board of commissioners what they believe to be reasonable rates, or are allowed more than the shippers think reasonable, appeals will be taken to the courts, and we have the whole matter tied up in litigation by suits at law, bills in equity, and injunctions for years. This will occur first in one State and then in another, and before the questions can be settled and the law brought into full power it will have lost its force and will fail in its purpose.

Third. The natural tendency will be, as I have said, to bring on a war as to which party shall control the appointing power, and the contest will not stop there, but will go back into the elections of Legislatures, judges, and other officers of the law, and while this is going on the law will furnish no relief. And such strifes I fully believe would be injurious to the best interests of the railroads, and to the producers as well, and put off too long the day of permanent cheap transportation.

Again, suppose the McCrary bill, if it should become a law, did furnish all the relief its friends have promised, still it will come far short of the requirements of this growing country. And why? It is admitted that the railroads are transporting the productions of the West and the merchandise of the East between the great distributing points, Chicago and Saint Louis and the Atlantic, at nearly as low rates as they can afford to; and yet it cost to ship a bushel of wheat from Chicago to Boston by rail in 1873 about forty cents and at this price there is but little profit to the producer, and this of course is the cause of his complaint.

Now, sir, the McCrary bill will not remedy this, because no commission would compel the railroads to carry freight at less than cost or without a profit. If they did it would kill the railroads, and when you do this you ruin the producer. In my judgment neither can exist without the other.

Abuses should be corrected, monopolies broken up, combinations and unjust discriminations prevented, and differences adjusted; and to this end the McCrary bill may have some utility if it can be justly executed. But the question is, will it cheapen transportation where most needed, between competing cities in the West and the Atlantic? I think not.

But it may be said the bill will regulate railroad freights between Chicago and points West and South, and between Saint Louis and points West, and between local points in different States that do not have the benefit of healthy competition; and this I think should be the extent of the claim of its friends.

But, sir, the producers of the West cannot afford to wait until their war growing out of this bill, if it should become a law, is ended. They should seek another remedy with all consistent speed. And what is that remedy? I answer, one or more great water-routes from the Mississippi to the Atlantic.

On the 16th of December, 1872, the Senate of the United States adopted the following preamble and resolution:

Whereas the productions of our country have increased much more rapidly than the means of transportation, and the growth of population and products will in the near future demand additional facilities and cheaper ones to reach tide-water; and whereas in his recent message the President of the United States invites the attention of Congress to the fact that "it will be called upon at its present session to consider various enterprises for the more certain and cheaper transportation of the constantly increasing western and southern products to the Atlantic sea-board," and further says "the subject is one that will force itself upon the legislative branch of the Government sooner or later, and I suggest therefore that immediate steps be taken to gain all available information to insure equitable and just legislation; * * * I would therefore suggest either a committee or a commission to be authorized to consider this whole question, and to report to Congress at some

future day for its better guidance in legislating on this important subject:" Therefore,

Resolved, That a committee of seven be appointed, to whom shall be referred that part of the President's message relating to transportation routes to the seaboard.

And on the 26th day of March, 1872, the following resolution was passed by the Senate:

Resolved, That the Select Committee on Transportation Routes to the Sea-board be authorized to sit at such places as they may designate during the recess, and to investigate and report upon the subject of transportation between the interior and the sea-board; that they have power to employ a clerk and stenographer, and to send for persons and papers; and that the actual and necessary expenses attending such investigation be paid out of the contingent fund of the Senate upon vouchers approved by the chairman of said committee.

This committee was appointed and Senator WINDOM, of Minnesota, made chairman. The other members of the committee are Senators SHERMAN, of Ohio; CONKLING, of New York; WEST, of Louisiana; CONOVER, of Florida; MITCHELL, of Oregon; NORWOOD, of Georgia; DAVIS, of West Virginia, and JOHNSTON, of Virginia.

This committee occupied quite a portion of last summer and fall traveling through the country examining the different routes, and in taking testimony upon the subject they had in charge. That committee reported to the Senate but a few days since. Their report is printed and contains over eleven hundred pages, including the evidence upon which it is based. I have examined it with much care and interest, and take this opportunity to say that it is a valuable document, prepared with great study, and evidently with great caution that it should be reliable. It should be in the hands of every true friend of cheap transportation. To it I am indebted for very much of the statistical information I shall before I close bring to the attention of this House. I most earnestly bespeak for the report that consideration which the magnitude and importance of the subject of which it treats demand.

This report brings to us a proposition for the construction of four water channels from the grain-growing fields of the western world to the Atlantic and to the markets and consumers of the East. They are designated as the "Mississippi route," the "northern route," the "central route," and the "southern route," and the improvements suggested by the committee are set out in these words:

The improvements necessary on the Mississippi route are: 1. The opening of the mouth of the river so as to permit the free passage of vessels drawing twenty-eight feet; estimated cost $10,000,000. 2. The construction of reservoirs at the sources of the river, (if upon a careful survey they shall be deemed practicable;) estimated cost $114,000. 3. Improvements upon a system to be provided by the War Department, at all intermediate points, so as to give from three to five feet navigation above the Falls of Saint Anthony, from four and a half to six feet from that point to Saint Louis, and from eight to ten feet from Saint Louis to New Orleans, at the lowest stages of water; estimated cost $5,000,000.

The total cost of the Mississippi improvements may, we think, be safely estimated at $16,000,000.

THE NORTHERN ROUTE.

The improvements suggested on this route are—

1. The Fox and Wisconsin Rivers improvement, by which five feet of navigation will be secured during the entire season from the Mississippi River to Green Bay, thereby affording the shortest and cheapest connection between the centers of wheat production and the eastern markets, and a continuous water channel from all points on the Mississippi River and its tributaries to the Atlantic Ocean. Estimated cost, $3,000,000.

2. The construction of the Hennepin Canal (sixty-five miles long) from a point on the Mississippi River, near Rock Island, to the Illinois River at Hennepin, thereby affording the shortest and cheapest route from the largest areas of greatest corn production to the East, and a connection by water between the river system of the West, the northern lakes, and the Atlantic Ocean. Estimated cost, $4,000,000.

3. The enlargement and improvement, with the concurrence of the State of New York, of one or more of the three water-routes from the lakes to New York City, namely: The Erie Canal, from Buffalo to Albany; the Oneida Lake Canal, from Oswego to Albany; or the Champlain Canal, from Lake Champlain to deep water on the Hudson River, including such connection as may be effected between Lake Champlain and the Saint Lawrence River, with the co-operation of the British Provinces. Estimated cost, $12,000,000.

Total cost of northern route from the Mississippi River to New York City, $19,000,000.

The enlargement of the Welland Canal, now in progress, with the construction of the Caughnawaga Canal, and the proposed enlargement of the Champlain Canal, will enable vessels of 1,000 tons to pass from western lake ports to ports in Vermont and to New York City. The Erie Canal, enlarged as proposed, will pass vessels of about 700 tons.

THE CENTRAL ROUTE.

The plan of improvement for this route contemplates—

1. The radical improvement of the Ohio River from Cairo to Pittsburgh, so as to give six to seven feet of navigation at low water. Estimated cost, $22,000,000.

2. The improvement of the Kanawha River from its mouth to Great Falls, so as to give six feet of navigation at all seasons. Estimated cost, including reservoirs, $3,000,000.

3. A connection by canal or by a freight-railway from the Ohio River or Kanawha River, near Charlestown, by the shortest and most practicable route, through West Virginia, to tide-water in Virginia; the question as between the canal and freight railway to be decided after the completion of careful surveys and estimates. If by canal and slack-water, the estimated cost is $55,000,000; if by a freight railway, the cost would probably not exceed $25,000,000.

The total expenditure necessary for the improvement of the Ohio and Kanawha Rivers is estimated at $25,000,000. The amount necessary to complete the connection with tide-water depends upon the nature of the improvement, as above stated.

THE SOUTHERN ROUTE.

The plan suggested by the committee for the southern route contemplates, 1. The improvement of the Tennessee River from its mouth to Knoxville, so as to give three feet of navigation at lowest stages of water. Estimated cost $5,000,000. 2. A communication by canal, or freight railway, from some convenient point on the Tennessee River, in Alabama or Tennessee, by the shortest and most practicable route to the Atlantic Ocean. The railway, if constructed, will be about four hundred and thirty miles long; the question as between the canal and railway to be decided after a careful survey and estimate of both shall have been completed. If by canal, the cost will be about $35,000,000. If by railway, probably about $30,000,000. Large portions of all of the above routes have been surveyed, and careful estimates prepared by the War Department. It is recommended that appropriations be made at the present session of Congress for completing the surveys of the entire system of improvements proposed, in order to determine accurately the cost of each route, and to enable the Government to enter at once upon the work, if the same shall be deemed practicable and expedient, after such surveys shall have been completed.

Now, while I concede the importance of all these routes and shall not antagonize either, I shall confine myself for a short time to the consideration of the northern route. This route I shall maintain is the most important, can be completed at the earliest day, and for the smallest expenditure by the Government. I assume from the facts found by the committee that it will furnish the relief sought for to the greatest number and to the largest commerce.

This route has two branches from the Mississippi River to Lake Michigan, and then is common to the entrance of the Welland Canal on Lake Erie. From that point to Troy, New York, it has three routes, and from Troy to the Atlantic it becomes common again, that is down the Hudson River to New York City.

Before I proceed to a consideration of this route I wish to show, first,

THE NECESSITY FOR ITS CONSTRUCTION.

I have said the consumer must have cheap bread, and the producer must at the same time receive a fair profit for his labor.

Years ago, when we had no inhabited West, New England and the Northern Atlantic States were compelled and did raise their own breadstuffs, and it had only to be transported from the field to the granary, which added nothing to its cost. At a later day and as the West began to be settled and to produce, the New England farmer found he could not compete in the raising of grain, and turned his attention to the raising of cattle, horses, sheep, and hay, and the making of butter and cheese for market, and to-day New England is one grand field of pure grasses and rich pasturage, covered with fine horses and innumerable herds of cattle and sheep, with streams noisy with moving machinery and cities active in commerce.

The population of New England is now over three and one-half millions of people, and they are dependent on the fields of the Northwest and lake regions for their daily bread. The grain shipped into New England for consumption last year was over forty million bushels.

What I have said of this section will apply to New York and other Atlantic States. New York alone consumed in 1873 of grain raised outside her borders, near forty-five million bushels.

Again I ask your attention to statistics which are authentic and reliable, and which of themselves are a sufficient argument in support of my first proposition. These figures not only show the amount of cereals raised, but the increase from 1840 to 1870.

Statement showing grain produced in the ten States that will be directly accommodated by this great northern water-way for the years 1840, 1850, 1860, *and* 1870.

States.	1840.					1850.				
	Wheat.	Corn.	Rye.	Oats.	Barley.	Wheat.	Corn.	Rye.	Oats.	Barley.
	Bushels.	*Bushels.*	*Bushels.*	*Bushels.*	*Bushels.*	*Bushels.*	*Bushels.*	*Bushels.*	*Bushels.*	*Bushels.*
Ohio	16, 571, 661	33, 668, 144	814, 205	14, 393, 103	212, 440	14, 487, 351	59, 078, 695	425, 918	13, 472, 742	354, 358
Michigan	2, 157, 108	2, 277, 039	34, 236	2, 114, 051	127, 802	4, 925, 889	5, 641, 420	105, 871	2, 866, 056	75, 249
Indiana	4, 049, 375	28, 155, 887	129, 621	5, 981, 605	28, 015	6, 214, 458	52, 964, 363	78, 792	5, 655, 014	45, 483
Illinois	3, 335, 393	22, 634, 211	88, 197	4, 988, 008	82, 251	9, 414, 575	57, 646, 984	83, 364	10, 087, 241	110, 795
Wisconsin	212, 116	379, 359	1, 965	406, 514	11, 062	4, 286, 131	1, 988, 979	81, 253	3, 414, 672	209, 692
Iowa	154, 693	1, 406, 241	3, 792	216, 385	728	1, 530, 581	8, 656, 799	19, 916	1, 524, 345	25, 093
Minnesota						1, 401	16, 725	125	30, 582	1, 216
Kansas										
Nebraska										
Missouri	1, 037, 386	17, 332, 524	68, 608	2, 234, 947	9, 801	2, 981, 652	36, 214, 537	44, 268	5, 278, 079	9, 631

Statement showing grain produced in the ten States that will be directly accommodated by this great northern water-way, &c.—Continued.

States.	1860.					1870.				
	Wheat.	Corn.	Rye.	Oats.	Barley.	Wheat.	Corn.	Rye.	Oats.	Barley.
	Bushels.	*Bushels.*	*Bushels.*	*Bushels.*	*Bushels.*	*Bushels.*	*Bushels.*	*Bushels.*	*Bushels.*	*Bushels.*
Ohio	15,119,047	73,543,190	663,686	15,409,234	1,663,868	27,882,159	67,501,144	846,890	25,347,549	1,715,221
Michigan	8,336,368	12,444,676	514,129	4,036,980	307,868	16,265,773	14,086,238	144,508	8,954,466	834,558
Indiana	16,848,267	71,588,919	463,495	5,317,831	382,245	22,747,222	51,094,538	457,468	8,590,409	356,262
Illinois	23,837,023	115,174,777	951,281	15,220,029	1,036,338	30,128,405	129,921,395	2,456,578	42,780,851	2,480,400
Wisconsin	15,657,458	7,517,300	888,544	11,059,260	707,307	25,606,344	15,033,998	1,325,294	20,180,016	1,645,019
Iowa	8,449,403	42,410,646	183,022	5,887,645	467,103	29,435,692	68,935,065	505,807	21,005,142	1,960,779
Minnesota	2,186,993	2,941,952	121,411	2,176,002	109,668	18,866,073	4,743,117	78,088	10,678,261	1,032,024
Kansas	194,173	6,150,727	3,833	88,325	4,716	2,391,198	17,025,525	85,207	4,097,925	98,405
Nebraska	147,867	1,482,080	2,495	74,502	1,108	2,125,086	4,736,710	13,532	1,477,562	216,481
Missouri	4,227,586	72,892,157	293,262	3,680,870	228,502	14,315,926	66,034,075	559,532	16,578,318	269,240

What I will now call your attention to shows the amount raised in the same States in 1872; and I will also give in comparison the amount raised in the New England States in the same year:

Divisions and States.	Wheat.	Corn.	Rye.	Oats.	Barley.
FIRST DIVISION.	*Bushels.*	*Bushels.*	*Bushels.*	*Bushels.*	*Bushels.*
Ohio	18,203,000	99,351,000	414,000	27,489,000	1,752,000
Michigan	13,936,000	16,987,000	228,000	9,248,000	554,000
Indiana	19,381,000	85,541,000	410,000	13,080,000	323,000
Illinois	24,711,000	217,628,000	2,211,000	43,122,000	2,073,000
Wisconsin	22,307,000	21,180,000	1,193,000	16,546,000	1,546,000
Minnesota	23,200,000	7,988,000	75,000	9,459,000	979,000
Iowa	22,080,000	101,989,000	533,000	19,934,000	2,194,000
Missouri	7,695,000	105,741,000	406,000	16,850,000	251,000
Kansas	2,155,000	29,631,000	81,000	6,084,000	111,000
Nebraska	2,560,000	7,589,000	12,300	1,667,000	309,000
Total	156,228,000	693,625,000	5,563,300	163,479,000	10,092,000
SECOND DIVISION.					
Maine	293,000	1,218,000	30,600	1,741,000	526,000
New Hampshire	182,000	1,374,000	43,500	1,127,000	93,000
Vermont	392,000	1,921,000	62,100	3,509,000	100,000
Massachusetts	32,000	1,461,000	235,000	716,000	118,000
Rhode Island		295,000	19,300	163,000	29,300
Connecticut	37,100	1,705,000	311,000	1,063,000	23,000
Total	936,100	7,974,000	701,500	8,319,000	889,300

Illinois alone raised more than twenty-four times as much wheat as all New England, and nearly thirty times the amount of corn produced by the six Eastern States.

It may not be out of place to give in this connection the population of these ten Western States in 1830, 1840, 1850, 1860, and 1870:

States.	Population.				
	1830.	1840.	1850.	1860.	1870.
Ohio	937,903	1,519,467	1,980,329	2,339,911	2,665,260
Michigan	31,639	212,267	397,654	749,113	1,184,059
Indiana	343,031	685,866	988,416	1,350,428	1,680,637
Illinois	157,445	476,183	851,470	1,711,951	2,539,891
Wisconsin		30,945	305,391	775,881	1,054,670
Minnesota			6,077	172,023	439,706
Iowa		43,112	192,214	674,913	1,194,020
Kansas				107,206	364,399
Nebraska				28,841	122,993
Missouri	140,455	383,702	682,044	1,182,012	1,721,295
Total	1,610,473	3,351,542	5,397,518	9,091,879	12,926,930

Now, sir, these figures show that the increase in productions and population have kept pace with each other. Of course this increase will continue, and as new farms are taken up and the Territories become settled it will be more rapid than heretofore. In my judgment it has no bounds, and no probable or anticipated circumstances, however adverse to progression, can give any limit or interfere with its onward step.

Now, Mr. Speaker, I will attempt to show how much of this grain was transported beyond the territory that produced it, because this must be one and perhaps the main fact relied upon in determining the demand, yes, the absolute necessity, for securing to the people at an early day cheap transportation. For my present purpose I shall only give the amount which would naturally have been floated through this northern route had it been in existence.

In 1872 there were transported into the New England States for their consumption 41,132,225 bushels of grain from the West. During the same year New York consumed over 45,000,000 bushels of western cereals. In the same year the number of bushels of wheat, including flour at 4½ bushels per barrel exported from the United States, was 37,738,487, and of corn the amount was 35,726,990 bushels; total, 73,465,477 bushels. In 1873 the exports from the United States were 93,080,400 bushels, an increase of several millions over 1872.

Now, sir, of the 73,465,477 bushels of wheat and corn exported in 1872, 43,718,445 bushels were exported from the ports of Portland, Boston, and New York. In the same year there were exported of wheat and corn from Montreal raised in the United States 15,113,029, bushels, making a total of 144,963,699 bushels of grain, nearly all of which would have been carried through this route, or parts of it. In addition to this I wish to give the statistics which I find in Senator WINDOM'S report relative to the amount of grain and other articles shipped from Chicago east by rail, and also by the lakes, in the year 1873, and first by rail:

Articles.	Quantities.	Tons.
Flour ..... barrels	1,773,467	177,346.7
Wheat ..... bushels	8,149,209	424,476
Corn ..... do	2,194,561	61,447.7
Oats ..... do	9,599,635	152,954
Rye ..... do	242,553	6,791
Barley ..... do	2,225,733	53,417
Beans ..... do	2,665	80
Seeds ..... pounds	18,351,247	9,175.6
Mill-stuff and feed ..... do	37,191,284	18,595.6
Fresh provisions ..... do	17,730,187	8,865.1
Beef ..... barrels	28,939	4,774.9
Cured meats ..... pounds	328,725,491	164,362.7
Pork ..... barrels	128,610	21,220.6
Lard ..... pounds	84,203,888	42,101.9
Tallow ..... do	11,148,873	5,574.5
Grease ..... do	1,822,674	911.3
Stearine ..... do	695,068	347.5
Cheese ..... do	352,772	176.3
Butter ..... do	11,919,283	5,959.6
Dressed hogs ..... number	193,225	11,322.5
Live hogs ..... do	2,179,439	196,199.5
Cattle ..... do	511,052	316,631.2
Sheep ..... do	105,812	4,497
Horses and mules ..... do	17,715	7,881.7
Hides ..... pounds	28,539,201	14,269.6
High-wines, liquors, ale, and beer ..... barrels	104,642	18,808.5
Alcohol ..... do	20,408	3,673
Coal ..... tons	3,755	3,755
Iron ore ..... pounds	2,465,662	1,232.8
Silver ore ..... do	8,211,955	4,105.9
Pig-iron ..... do	3,618,000	1,809
Stone ..... cubic yards	3,357	6,797.5
Lime and cement ..... barrels	1,456	236.6
Lead ..... pounds	15,292,939	7,646.4
Iron and nails ..... do	23,123,691	11,561.8
Wool ..... do	32,506,743	16,253.3
Broom-corn ..... do	4,995,015	2,497.5
Potatoes ..... bushels	177,252	5,317.5
Hay ..... tons	3,333	3,333
Hops ..... pounds	452,348	226.1
Empty barrels ..... number	15,016	450.4
Salt ..... barrels	3,740	561
Fish ..... packages	7,851	1,177.6
Eggs ..... do	45,994	1,839.7
Oil-cake ..... pounds	13,198,426	6,599.2
Oil ..... barrels	8,796	1,759.2
Furs and pelts ..... pounds	313,849	156.9
Tobacco ..... do	4,334,132	2,167
Machinery and wagons ..... do	1,136,445	568.2
Green and dried fruits ..... packages	1,034	93
Sugar and molasses ..... do	5,053	3,530
Tea ..... pounds	1,572,649	786.3
Cotton ..... do	21,310	10.6
Bullion ..... do	11,736,490	5,868.2
Lumber ..... feet	52,823,000	66,103.7
Shingles ..... number	34,299,000	6,002.3
Laths ..... do	7,780,000	778
Staves and headings ..... do	23,000	57.5
Merchandise and sundries ..... pounds	318,549,153	159,274.5
Total tonnage		2,054,416.7

Table showing amount of grain and other articles shipped in the year 1873 through the lakes from Chicago east.

Articles.	January.	February	March.	April.	May.	June.	July.	August.	September.	October.	November.	December.	Total.
Flour ..... bbls..	.....	.....	80	1,275	69,330	69,585	69,270	66,367	56,663	54,339	41,337	75	428,321
Wheat ..... bush..	.....	.....	.....	192,084	1,823,310	1,184,248	1,119,941	2,092,460	4,205,776	3,263,902	1,647,263	.....	15,528,984
Corn ..... do...	.....	.....	200	1,295,327	4,082,589	4,566,847	5,600,516	6,213,981	3,641,045	6,420,158	2,664,542	2,000	34,487,205
Oats ..... do...	.....	.....	1,269	7,407	771,664	1,367,452	1,088,278	609,223	201,164	1,507,094	428,403	4,000	5,985,954
Rye ..... do...	.....	.....	.....	.....	68,435	179,913	47,644	101,338	128,227	103,443	61,009	.....	690,009
Barley ..... do...	.....	.....	.....	.....	300	12,032	7,153	.....	150,063	470,568	128,653	.....	768,769
Corn-meal ..... bbls..	.....	.....	.....	1,120	3,300	5,090	1,649	2,055	1,843	473	1,133	.....	16,663
Corn-meal ..... bags..	.....	.....	.....	.....	968	853	630	424	723	360	439	.....	4,399
Feed ..... do...	.....	.....	214	580	7,009	8,195	5,399	7,287	7,862	12,958	10,179	.....	59,683
Seeds ..... lbs..	.....	.....	.....	26,240	276,830	49,060	65,430	587,185	1,981,295	1,149,010	727,350	.....	4,862,400
Broom-corn ..... bales..	.....	.....	65	48	504	247	214	152	855	866	260	.....	3,211
Beef ..... bbls..	.....	.....	20	56	453	515	309	86	124	1,271	1,241	25	4,100
Pork ..... do...	.....	.....	.....	121	3,000	3,825	2,660	3,620	4,214	5,382	4,889	77	27,728
Lard ..... lbs..	.....	.....	.....	1,500	146,200	486,700	200,700	373,000	727,660	918,650	40,100	.....	2,894,510
Tallow ..... bbls..	.....	.....	.....	6	36	215	16	22	1	33	60	.....	389
Butter ..... pkgs..	.....	.....	.....	.....	53	467	104	150	108	299	131	.....	1,312
Grease ..... bbls..	.....	.....	.....	.....	51	29	30	48	426	10	104	.....	698
Hams ..... tierces..	.....	.....	.....	.....	168	12	41	66	22	16	16	.....	341
Hides ..... No..	501	.....	.....	4,463	4,398	6,553	5,198	5,465	3,171	3,726	5,014	.....	38,489
Pelts ..... bales..	.....	.....	.....	.....	112	483	873	928	1,612	212	46	.....	4,266
Wool ..... lbs..	.....	.....	.....	.....	.....	37,500	.....	60,150	8,000	.....	.....	.....	105,650
Lumber ..... feet..	.....	.....	.....	1,000	157,000	209,000	335,000	535,700	140,000	129,000	.....	.....	1,506,700
Laths ..... No..	.....	.....	.....	.....	20,000	15,000	100,000	.....	50,000	.....	.....	.....	185,000
Shingles ..... do...	.....	.....	.....	.....	900,000	.....	.....	.....	.....	.....	.....	.....	900,000
Brick ..... do...	.....	.....	.....	32,000	.....	40,500	15,000	40,000	.....	.....	.....	.....	127,500
Anthracite coal ..... tons..	.....	.....	.....	1	.....	1	6	37	98	32	24	.....	199
Bituminous coal ..... do...	.....	.....	36	2	39	6	85	3	30	32	30	.....	254
Liquors and high-wines ..... pkgs..	.....	.....	10	124	1,052	771	669	685	801	943	586	7	5,648
Ale and beer ..... do...	.....	.....	.....	170	536	849	796	741	851	402	255	.....	4,600
Railroad iron ..... bars..	.....	.....	.....	.....	509	1,111	930	7,405	6,918	564	214	100	17,751
Hay ..... bales..	.....	.....	93	607	1,764	968	1,080	2,415	2,382	4,281	3,658	105	17,353
Fish ..... pkgs..	.....	.....	.....	.....	.....	280	31	119	77	47	.....	.....	554
Salt ..... bbls..	.....	.....	.....	155	1,361	855	1,174	1,750	654	778	359	.....	7,086
Oil-cake ..... bags..	.....	.....	.....	2,000	3,359	2,529	2,175	2,000	1,045	3,776	1,877	.....	18,761
Oil ..... bbls..	180	.....	780	355	922	794	764	689	631	738	429	41	6,323
Cattle ..... No...	.....	.....	.....	10	439	163	315	308	59	45	55	.....	1,394
Merchandise ..... pkgs..	199	.....	890	9,157	30,800	29,512	31,721	36,853	40,880	59,011	22,426	524	261,973
Sundries ..... do...	185	.....	832	3,585	22,423	19,693	17,344	16,508	9,969	11,942	10,206	457	113,144

I give this by months for the purpose of showing the time during the year when the lakes were open to navigation, though this question I treat further on. It will be seen by these figures or tables that over 15,000,000 bushels of wheat were transported by water against a little over 8,000,000 by rail; and that of corn there was shipped from Chicago by water over 34,000,000 bushels as against only a little over 2,000,000 by rail. Now, if you add to the wheat and corn shipments the tonnage of the other articles named in the tables I have given, I have no doubt that the traffic through this northern route from West to East will exceed 6,000,000 tons annually.

The return tonnage of course is not nearly as large, but is annually on the increase. Reliable information will bear me out in this statement that shipments west from the Eastern and Atlantic States, including imports, are full one-half in tonnage of the shipments from West to East. If this is correct the freight passing through this route when completed would not be less than 10,000,000 tons annually.

Mr. Speaker, another essential element which should enter into the discussion of the question of necessity is the subject of cost of transportation by the existing means and by the proposed means. And first, I assume that it will be admitted that the cost of transporting grain and other merchandise has much and in many instances all to do with the question whether the commodity can be produced at all or not; and again, that distance from market, and the facilities with which producers of competing nations can reach these markets must be and are matters that should be considered in this connection; and for the purpose of my remarks at this time I will only refer to the effect of these conditions on the production of wheat and corn in the United States.

From 1860 to 1872 inclusive the United States exported into the United Kingdom of Great Britain 257,852,380 bushels of wheat, and Russia exported during the same period into the same territory 224,035,760 bushels, and Germany 154,761,283 bushels. From this it will be seen that the United States has two formidable competitors, Russia and Germany, in wheat-raising for exportation.

Our competitor in the shipping of corn to the United Kingdom is Turkey; we having exported in the same years, 1860 to 1872 inclusive, 123,273,007 bushels, and Turkey 107,581,577 bushels.

In the matter of wheat exportation Russia has been rapidly gaining ground, as will be shown by these facts: From 1860 to 1864 inclusive, five years, Russia exported to the United Kingdon 47,376,809 bushels, and the United States 127,047,126 bushels. From 1868 to 1872 inclusive, five years, the same country received from Russia 117,967,022 bushels, and from the United States 116,462,380. An increase from Russia of over 70,000,000 bushels, and a decrease from the United States of over 10,000,000. Now, why is this, and to what can it be attributed? It is not because Russia, Germany, and Turkey can produce at any less cost, but because they are nearer the British markets and their facilities for transportation more favorable and hence the cost less.

If our western farmers had no competitors the question of distance and means of transportation would be of little importance, because Europe must be fed, cost what it may; but the competition exists and our western producers must be put on an equal footing with those of Russia, Turkey, and Germany. It is stated by the report of the committee "that the value of American wheat in the British market is about 7 cents per bushel over the average from all other countries, and about 5 cents per bushel above that imported from Russia." Now, unless this difference is overcome in some way, we shall in a few years be driven from the markets of Europe and shall only be known there when the crops of Russia, Germany, and Turkey are a failure.

In order to keep this trade, which is the life of the West, we must furnish the producers cheap transportation. To my mind this solves the whole question. Bring the wheat and corn fields commercially as near to the consumers of foreign countries as is in our power and within reasonable expenditures, and we shall retain and strengthen our position in the British markets, and shall become permanently the food-producing country for the entire United Kingdom, France, and many other of the foreign countries.

I will now speak of the cost of transport of wheat and corn by present means between the West and the Atlantic.

In 1872 the average rate between Chicago and New York through the year on wheat on all-rail lines was 33¼ cents per bushel; by the lakes, Erie Canal, and Hudson River, 26.6 cents; by lake to Buffalo and thence by rail, 28.8 cents. The charges from the Mississippi River to New York the same year were an average of 16¼ cents per bushel more than from Chicago. That is, the rate from the river to Chicago was 16¼ cents per bushel; the cost per bushel from Chicago to Boston and other competing points in New England was 37 cents per bushel; and a little over 50 cents from the Mississippi River by the way of Chicago or Milwaukee.

I now ask your attention for a few moments to the probable rates for the moving of wheat and corn by this northern route. This class of freight can be moved by water for about one-third the cost by rail, and I think many good and experienced men put it at less. I have but little knowledge upon this subject, and must rely somewhat upon statistics and the opinion of others.

Careful estimates have been made as to the cost of moving grain through this northern water-way from Chicago and other lake ports in the West to the Atlantic and to points in New England, as well as from the Mississippi River to the same destination.

The cost or rate for the carrying of wheat from the Mississippi River to New York will be about 28 cents per bushel, and to Boston about 30 cents per bushel. The cost from Chicago to New York will be about 18 cents, and to Boston a trifle more. As I have shown, the present rates are about 18 cents per bushel larger; a saving well worth contending for. To say that the saving will be 15 cents upon every bushel of grain transported is perfectly safe. The saving will depend somewhat upon the kind of vessel used. Upon this question I will

quote from Hon. John Young, of Montreal. In a communication to Mr. WINDOM, as chairman of the Cheap Transportation Committee, he says:

The cost per ton from Chicago to New York by sailing vessels would be $3.76, or about 11 cents per bushel; and by steam vessels $6.21, or $18.6 cents per bushel.

I will here read an extract from his communication upon this point, in which he compares the cost by the three routes to New York: that is, by Buffalo and Erie Canal, and Hudson River; by Oswego and canal to Troy, and Hudson River; and by the Saint Lawrence and Caughnawaga Canal, Lake Champlain, and Hudson River.

He says:

The Champlain route thus improved will have the further advantage of the more economic use of vessels of the *largest class proceeding* from any port on the lakes, without breaking bulk, direct to New York, and also the diminished length of canal navigation by that route. The construction of the Caughnawaga Canal will enable such vessels to land and receive cargo at Burlington and Whitehall, from whence western freights can be carried to and from Boston by railways *cheaper than by any other route to that city.*

This Caughnawaga Canal into Lake Champlain would thus open a large portion of New England to this route, and add largely to the revenues of the Welland and Saint Lawrence Canals, and give value to the railways of Western New England, which terminate at Lake Champlain. The Caughnawaga Canal built, the State of New York would not long hesitate in the enlargement of the Champlain Canal, so as to allow the vessel of 850 tons to sail from the interior lakes to New York direct without breaking bulk.

The following table of the cost of transport by the several routes is made up from Chicago, as a starting point common to all, from which vessels of 850 tons will perform the duty as far eastward as they can be navigated on each route. The routes through the Erie Canal, both by the way of Buffalo and of Oswego, will require the voyage of the large vessels to terminate at these ports, and the cargo to be transferred into canal-boats of 250 tons.

TABLE.

First. From Chicago to New York by the way of the lake to Buffalo, the Erie Canal, and the Hudson River to New York:

Route.	By sailing-vessels.	By steam-vessels.
From Chicago to Buffalo, 914 miles lake navigation, at 2 and 3½ mills per ton per mile	$1 83	$3 20
From Buffalo to West Troy, 353 miles canal navigation, at 8 mills	2 82	2 82
From West Troy to New York, 151 miles river navigation, at 3 and 5 mills	45	76
Transferring cargo at Buffalo	20	20
1,418 miles, per ton	5 30	6 98

Second. From Chicago to New York, by the way of the lakes and Welland Canal to Oswego, and thence by the Oswego and Erie Canals and the Hudson River to New York:

Route.	By sailing-vessels.	By steam-vessels.
From Chicago to Oswego, 1,057 miles lake navigation, at 2 and 3½ mills	$2 11	$3 70
Additional expenses on Welland Canal, 28 miles, at 3 mills	08	08
Oswego to Troy, 202 miles canal navigation, at 8 mills	1 62	1 62
West Troy to New York, 151 miles river navigation, at 3 and 5 mills	45	76
Transferring cargo at Oswego	20	20
1,410 miles	4 46	6 36

Third. From Chicago to New York, by the way of the lakes, Welland Canal, Saint Lawrence, Caughnawaga, and Champlain Canals, and Hudson River to New York.

Route.	By sailing-vessels.	By steam-vessels.
From Chicago to New York, 1,632 miles, at 2 and 3½ mills per ton	$3 26	$5 71
Additional expenses on the Saint Lawrence, Welland, Caughnawaga, and Champlain Canals, 167 miles, at 3 mills	50	50
1,632 miles	3 76	6 21

This is the statement of a very prominent engineer, Mr. McAlpine, and Mr. Young corroborates it, and so does Mr. Kirkwood and Mr. Child, two other noted engineers who have thoroughly investigated the subject.

If we can rely upon the judgment of these gentlemen, and certainly I find no reason to question their statement, the saving on each bushel of wheat or corn will be from 15 to 20 cents.

And upon this point the committee use this significant language:

From all points on the Mississippi River between Minneapolis, Minnesota, and Quincy, Illinois, the average railway rate to lake ports in 1872 was 17 cents per bushel of sixty pounds. From Chicago to New York, by rail, the average charge during that year was 33½ cents per bushel, and the average rate by water was 26.6 cents per bushel, making the all-rail charges through from the Mississippi to New York 50½ cents, and the rail and water charges, exclusive of all terminals, 43.6 cents per bushel. In the section of this report devoted to the Fox and Wisconsin Rivers improvement and the Hennepin Canal, we have shown that an average saving can be effected through their agency of at least 10 cents per bushel on all the cereals transported from points west of the Mississippi River and north of the southern line of Iowa.

It is believed by those who have studied the subject that the enlargement of the New York canals, so as to pass boats of six hundred to one thousand tons, will reduce the cost of transportation on that part of the line 50 per cent. The establishment of reciprocal trade relations with the Dominion of Canada, which shall induce the construction of the Caughnawaga Canal, (if such an arrangement can be made,) and which will encourage Canadian ship-masters to compete for the carrying trade on the lakes, will also materially cheapen the cost of transport to New England. The evidence taken by your committee fully justifies the opinion that by the enlargement of the New York canals, the construction of the Caughnawaga Canal, and the use of the enlarged Canadian canals, the cost of transport from Chicago to Burlington, Vermont, and to New York City will not exceed from 12 to 15 cents per bushel, making the entire cost from the Mississippi River to Burlington, Vermont, or to New York, not more than 22 cents per bushel, against the present cost of 43.6 cents by water and 50½ cents by rail. We may, therefore, reasonably estimate that by the proposed improvements upon this route a saving can be effected of 20 cents per bushel, or $6.70 per ton, on all the east tonnage moved between that river and the East.

During the year 1872 the average cost for transporting a bushel of grain from Chicago to the New England States was 37 cents. The average cost for the last five years has been 39 cents. Now, if it can be transported by this northern route for the prices named at a saving at least of 15 cents per bushel, the amount of benefit to the consumers of New England alone would be annually, taking the shipments of 1872 as a basis, $6,169,834. If you say this ought to be divided between the producer and the consumer, the saving to each would be $3,084,917. If the improvements between the Mississippi River and Lake Michgan proposed by the committee are made, a further saving of at least 5 cents per bushel would be realized, which would amount to $2,056,605 more, or $8,226,439 in all.

Thus far I have been laboring to show the existing necessity for the immediate construction of this great northern water-line, and I will close this part of my remarks by calling your attention to the opinions of others bearing upon this same point.

Sir Morton Peto, in his very interesting work on the Resources and Prospects of American Agriculture and Commerce, makes the following truthful observations:

How far is the amount of tonnage employed in inland intercourse in America adequate to the wants of the country? In considering this point we have to regard the very great length over which traffic has to be carried, and, looking at those distances, no reasonable doubt can be entertained that the inland navigation of America is very inadequate to the wants of the people. It has not, in fact, kept pace with the population and progress of the country. * * * A vast mass of produce is yearly destroyed from the inability of the carriers to forward it. The owners are ruined, and parties in the Eastern States who advance money on this produce must charge excessive rates to cover the risks of delay. The grain producers of the Western States are quite unable to find sufficient means of conveyance for their products, because the railroads from West to East are choked with traffic. * * * The produce of the Western States has, in fact, increased faster than the means of transport, and additional facilities for the conveyance thereof are urgently needed. * * * The prosperity of the West, the value of its produce, the value of its land, and the extent of land cultivated, indeed, all the material interests of the country therefore depend upon increased facilities for the conveyance of its products to market.

These are but a few and very brief extracts from the observations of that very astute and keen-sighted Englishman on this subject of "cheap transportation" between the East and West which he has recorded in his book. These observations were made more than ten years ago. Since then our agricultural products have vastly increased, while the means and facilities for transporting them to an eastern and European market have not been enlarged at all, and while the costs of transit on most articles have been nearly doubled.

The Chicago Tribune, in speaking upon this same subject, more than two years ago, stated that "the West is even now at the end of its transit ability. Not another ton of freight can be moved from the West to the East with the present means and facilities of transportation, immense as they confessedly are."

Governor Merrill, of Iowa, in a letter to Colonel L. A. Thomas, dated October 4, 1871, in commenting upon this statement, says:

If this was true at that time, (and I have not the slightest doubt of it,) how much more emphatically is it the case at the present day; the facilities of transportation thus fully occupied then, have not been increased, yet the population of the West in that period of time has been augmented by nearly, if not quite, a million of people, nine-tenths of whom are agriculturists, who by their industry and energy are adding immensely to her agricultural products, even while the fruits of their labor yield them little more than a bare living. And no amount of probable increase of railroad facilities will be adequate to the demand.

I now quote from the proceedings of different conventions, boards of trade, and legislatures in the West that have taken action upon this subject.

The commercial convention, held in the city of Dubuque, in May, 1864, by delegates from nearly all the Northwestern States, in their resolutions to Congress say: "The increasing development of the vast agricultural, mineral, and commercial resources of the Northwest, and more especially of the Upper Mississippi Valley, require and demand the opening, at the earliest possible periods, of a water communication between the eastern sea-board and the Mississippi River, by the nearest, cheapest, most expeditious, and most practicable route."

A commercial convention of the people of Missouri, Iowa, Illinois, Minnesota, and Wisconsin, held at the same place, on the 14th and 15th days of February, 1866, in their report and memorial to Congress say: "Many of the great staples are nearly valueless; and never before, in the history of the country, did the fruit of the laborer produce so little comfort. Corn, in many places, is used for fuel; oats in the stack rot unthrashed; barley and rye cannot be moved, and wheat, except of the first quality, leaves no margin to the shipper. If animal products form an exception, it is only because of the scarcity war has produced, and their price will soon reach the low level of the cereals. In all this there is a great want, a sore need; and if no remedy can be found, production in this region must diminish, and the

strongest arm of the nation must wither. But one means of relief can be afforded, which is to provide cheaper transportation to the markets of the world for our heavy products. * * * The good results to flow from the successful accomplishment of this great purpose can hardly be enumerated. They are as multiplied as the industries of the nation, and vast as its wonderful resources."

The commercial convention of delegates from all the States of the Mississippi Valley, held at Keokuk on the 7th day of September, 1867, in their proceedings say: "Uninterrupted water transportation from the Mississippi Valley to the Atlantic Ocean is indispensable, and an imperative necessity."

In a memorial to Congress, extensively signed by the people in the Upper Mississippi Valley, and forwarded to their respective representatives in 1866, 1867, and 1868, they say: "The experience of the whole country for the last few years has most abundantly proven that new, cheaper, and more direct commercial communications must be speedily opened up between the East and the West, or the expansion and continued prosperity of the latter must very soon reach a limit beyond which it cannot pass. Railroads are entirely inadequate to supply that need. We confidently affirm that nothing but a continued water communication between the eastern sea-board and the Mississippi can, by any possibility, obviate this difficulty." These memorials further say: "This region (the Upper Mississippi Valley) will raise and send to market this year (1868) about seventy million bushels of wheat, or two million tons. There will also be imported hither at least one million tons of merchandise and other freight, making in all three million tons, besides beef, pork, and other agricultural products which must seek an eastern market.

The city council of the city and the board of supervisors of the county of Dubuque, in a memorial to Congress on this subject, say: "That upon the speedy completion of the great national thoroughfare from the Mississippi by way of the Wisconsin and Fox Rivers, the great lakes, the River Saint Lawrence, and Lake Champlain, to the tide-waters of the Atlantic at New York City, depends in a very great measure the future development and continued prosperity of the entire Northwest."

The twelfth General Assembly of the State of Iowa, in a memorial to Congress in relation to this question, say: "That the great want of our State is cheap transportation for our heavy products to the markets of the world. That the most feasible plan to secure this end is to provide a direct and continuous line of water communication between the Mississippi River and the Atlantic sea-board.

The executive committee of the commercial convention held at Detroit in 1871 passed the following resolution:

Resolved, That the business men in all parts of the country interested in cheap transportation between the West and East be invited and requested to meet in convention at Detroit, in the State of Michigan, some time this autumn, to devise ways and means of opening up, at the earliest practicable period, a continuous water and steam navigation route, of maximum capacity, from the Mississippi Valley, around the Falls of Niagra on the American side; thence by the way of Lake Ontario and River Saint Lawrence, Lake Champlain, and Hudson River, to the Atlantic Ocean by the nearest, cheapest, and best route; also to petition Congress to assist in the consummation of this great continental as well as national enterprise, by making an appropriation adequate to the construction of the works at Niagara Falls.

The following is a petition presented to the Legislature of Iowa in 1869:

To the honorable the General Assembly of the State of Iowa:

The undersigned, citizens of Iowa, would state that the people of the entire country, and more especially of the Northwest, have become deeply interested in the question of uninterrupted water communication between the Mississippi Valley and the Atlantic sea-board, and more particularly in relation to the route by the way of the Wisconsin and Fox Rivers, the great lakes, the River Saint Lawrence, and Lake Champlain, to New York City. Although this great transcontinental work must be mainly carried out (if at all) by individual enterprise and capital, the interposition and assistance of the General Government will be indispensable to its final success. We would therefore respectfully request the Legislature to memorialize Congress for such legislation and material aid as may be necessary to secure a speedy consummation. Also, to invite the co-operation of the Legislatures and people of the country, and more especially of the Western and Northern States, in this work. And also to suggest some plan of operation whereby the influence, energy, and capital of the whole country can be successfully concentrated upon this great national and continental enterprise.

This was signed by Lewis A. Thomas and many other leading citizens and business men of that State.

In 1872 the Legislatures of Iowa, Kansas, Minnesota, Wisconsin, and Ohio, each memoralized Congress in behalf of this national water-way and I think all but one described the route by the way of the great lakes, Saint Lawrence River, Lake Champlain, and the Hudson River.

It seems to me that further words and opinions upon the point are unnecessary.

I will now answer one or two objections that are made against the northern line. It has been urged by some, and I fear in a spirit of selfishness, as an objection to this route that it will be closed with ice so long each year as to seriously affect its value. In answer to this objection I will call attention to a statement which is official in character and prepared by Henry Orvis, deputy collector at Rouse's Point, New York; it is dated October 13, 1873:

Statement showing date of the opening and closing of navigation on Lake Champlain, at Rouse's Point, from 1859 *to* 1873 *inclusive.*

Year.	Opened.	Closed.	Number of open days.	Year.	Opened.	Closed.	Number of open days.
1859	April 5	Dec. 2	242	1867	April 21	Dec. 1	225
1860	April 16	Dec. 5	234	1868	April 7	Dec. 2	240
1861	April 3	Nov. 29	241	1869	April 23	Dec. 3	225
1862	April 24	Dec. 1	222	1870	April 18	Dec. 1	228
1863	April 11	Dec. 6	240	1871	Mar. 28	Nov. 27	244
1864	April 11	Dec. 9	243	1872	April 28	Nov. 30	217
1865	Mar. 31	Dec. 5	250	1873	April 27	.....	.....
1866	April 19	Dec. 13	239				

Another fact I may be allowed to state here is that the Saint Lawrence route is open and free to navigation several days longer each year than the Erie Canal, a line that has for years been doing an immense business and is now largely relied upon as the New York and Boston water line for western produce.

This question is settled by this statement of facts, found in the report of Mr. CONGER, from the Committee on Commerce, on the Detroit commercial convention memorial, made to this House during the Forty-second Congress. That document says:

These tables demonstrate that for fifty-three years prior to 1867 the average time of actual navigation down the Saint Lawrence to the Atlantic Ocean was 272 days. On the Erie Canal for forty years prior to 1864 the average time was 232 days, or 40 days less than down the Saint Lawrence. On the Hudson River the average time of navigation was 270 days, or 2 days less, and on the lakes 280 days, or 8 days more than down the Saint Lawrence.

ACTUAL TIME OF SUSPENSION OF NAVIGATION.

The average time of actual suspension of navigation for fifty-three years prior to 1867 on the Saint Lawrence was only 93 days; on the Hudson, 95 days; on the Erie Canal, 133 days: and on the lakes, 85 days in each year. Actual suspension of navigation for about the same period from Saint Paul (or Fort Snelling, a few miles above,) to Saint Louis on the Mississippi, 130 days.

From 1848 to 1868 the Welland Canal was open to navigation an average of twenty-one days each year longer than the Erie Canal.

I have already shown that the transportation of wheat and corn in 1873 from Chicago East by water was about five bushels to one shipped by rail, and that the heavy traffic in these articles on the lakes was in the months of April to November inclusive; a period when this northern line will always be open for navigation.

Mr. Speaker, there is nothing in fact in this objection.

It is said also that this is longer than either of the other routes. In distance it is, but in time it is not; and in cost of maintaining and operating it it has the advantage of either the Erie or Oswego routes.

In 1858 Mr. McAlpine said to the Montreal harbor commissioners that—

By way of Oswego a transshipment must be made from the lake vessel to canal-boats, and the extra cost of canal transport and tolls must be added to that route; while by way of Lake Champlain to New York no transshipment is required. And again, the Champlain route thus improved will have the further advantage of the more economic use of vessels of the largest class, proceeding from any port on the lakes directly to New York without breaking bulk, and also the diminished length of canal navigation by that route. On the whole, the economy of time and transport by the Lake Champlain route could not fail to attract to it a very large share of the trade between the Western States, New England, and New York.

In this statement he was fully sustained by both Kirkwood and Child.

I wish now to quote from the able speech of Hon. Smith M. Weed, delivered in the New York Assembly April 15, 1873. In speaking of the relative merits of these routes, he said:

Distinguished engineers have demonstrated that with the Champlain Canal enlarged to a capacity for boats of a little over five hundred tons, and the Caughnawaga Canal constructed as proposed, a ton of freight could be transported by the Champlain route at from 40 to 60 per cent. less than by the Erie or Oswego route. This, it will be remembered, is with a canal capable of passing boats of five hundred tons.

On the question of time, Mr. WINDOM says in his report this:

Assuming the speed of boats on canals, of the dimensions proposed, to be four miles per hour when propelled by steam, and the speed of propellers on the lakes and rivers to be eight miles per hour, and adding ten hours to the time by the Oswego and Buffalo route for the transshipment from lake-vessels into canal-boats, we find the time required to move grain from Chicago to New York by the three routes to be as follows:

By Caughnawaga route, 234 hours, or 9¾ days.
By Oswego route, 222 hours, or 9¼ days.
By Buffalo route, 237 hours, or 9⅞ days.

In practical business operations the time by each route may be considered to be ten days.

The committee do not, of course, present this as a precise statement of the actual comparative merits of the three routes, but simply as an estimate, based upon data which appear to be approximately correct.

It is stated by Hon. John Young, of Montreal, that on the eastward trip by the Caughnawaga route vessels can avoid twenty-two locks, of 162 feet lockage, by passing down the rapids. In that case the time of the eastward voyage by the Caughnawaga route will be reduced to about 9¼ days. This would not, however, affect the general statement just made. Vessels, in making the westward passage on the Caughnawaga route, would of course be obliged to pass through all the Saint Lawrence canals, and the time, as before stated, would be 9¾ days.

Now, sir, the main reason why it is as short in time and the least expensive line to operate, is because it has more open free lake and river navigation and much less canal, fewer locks and less lockage. By this route there is no transshipment, while there must be on both the other routes; on one at Buffalo, and on the other at Oswego.

I will go no further on this point, as it is my purpose at another time to discuss more fully the relative merits of these different routes.

I come now to the consideration of the route; what is being done and what is contemplated, and the cost.

The route has two branches from the Mississippi River to Lake Michigan. One from a point on the Mississippi River, near the mouth of the Missouri River, and thence by the Illinois and Michigan Canal, now constructed, or by the Hennepin Canal, proposed to be constructed, and the Illinois River. The other by the Wisconsin and Fox Rivers, connecting the Mississippi River with Green Bay, an arm of Lake Michigan, a distance of 278 miles. From these points the route is through Lakes Michigan, Huron, and Erie to the Welland Canal; by that canal into Lake Ontario, and through that lake into and down the Saint Lawrence River to the village of Caughnawaga, a few miles above Montreal; thence by the proposed Caughnawaga Canal, 29 miles, to the Richelieu River at Saint John's; thence into Lake

Champlain, and through the same to Whitehall; and thence by the Champlain Canal and Hudson River to New York City.

Now what is being done. The State of Illinois is improving the first-named branch from the Mississippi River to Lake Michigan, and has recently appropriated $400,000 toward that work. The other branch, Wisconsin and Fox Rivers, is being improved and its commercial facilities enlarged by the General Government. This House has already passed the river and harbor bill, which appropriates a large sum for that purpose, I think $300,000.

The Canadian Government is now enlarging the Welland Canal, so that vessels of one thousand tons' burden can pass between Lakes Erie and Ontario. This work will soon be completed, and will obviate for many years, if not for all time, all necessity for the construction of the Niagara Ship-canal.

The rapids on the Saint Lawrence are being improved, so that vessels on the downward trip will avoid the use of the canals. A charter, liberal in its terms, for the Caughnawaga Canal has been granted by the Dominion Parliament, and a portion of the stock already subscribed.

The New York Legislature, which has recently adjourned, appropriated $500,000 for the improvement of the Champlain Canal. It will be seen from this short statement that large sums of money are being expended on the entire line. It is really being constructed, and many of these improvements will be completed within comparatively a few months.

It is not expected that the United States Government will expend money in the construction of the Caughnawaga Canal; but if this Government will continue its expenditures upon the Wisconsin and Fox Rivers, and do what New York shall fail to do in the enlargement of the Champlain Canal and improvement of the Hudson River above Troy, the Caughnawaga Canal will be built at once. This is a work of vital importance to the through line, and of comparatively small cost. This letter which I read is the estimate of an engineer who has given this matter his study and time. It is addressed to Hon. Levi Underwood, of Burlington, Vermont:

PEEKSKILL, *May* 14, 1870.

SIR: Your favor of the 12th is at hand. You suggest that the estimate of the cost of the Caughnawaga Canal be so modified as to contemplate the same to be one hundred and fifty feet wide, (which I conclude is the width of the surface of the water, the canal being full,) which will require thirty feet additional width at bottom; also to increase the length of the locks one hundred feet, making the same three hundred feet in length.

I have made an approximate estimate of said modifications, and present them in bulk form, excluding details. My estimate of the cost of said canal, made twenty-two years ago, was $1,814,408; the canal to be eighty feet wide at bottom, and the locks to be two hundred feet in length.

The enlargement of the prism of the canal, as suggested, will cost $211,200, and the lengthening of the locks will cost $120,000.

Then we have—

Former estimate	$1,814,408 00
Enlargement of prism	211,200 00
Lengthening of locks	120,000 00
Making	2,145,608 00

In view of the present state of things, in a financial point of view, as distinguished from the state of the same twenty-two years ago, I conclude there should be a certain percentage added to the estimate of the cost of the canal to make the same better conform to the present state of the affairs in the country. This is simply a financial question, of which you can judge as well as I. But I think we ought to add at least 20 per cent. to the estimate as above, which will be $429,121, making the whole estimated cost $2,574,729; which I think will perform the work. Such a canal and locks as you suggest will well accommodate a vessel of one thousand tons, cargo, and in accordance with all estimates of the progress, advancement, and increase of the business of the country she will have enough to do.

I remain, sir, your obedient servant,

J. B. MILLS.

Hon. LEVI UNDERWOOD.

Again I remark, if the United States Government will do its share, simply what is demanded of it by the commerce of the country, Canadian and New England capital will build this connecting link between the waters of the Saint Lawrence and Lake Champlain. And even if the Government should withhold its aid and New York should fail to carry on its work between Whitehall and Troy, yet I have no doubt the Caughnawaga Canal will be built; and why? Because New England demands it.

With this canal built and the Welland Canal improvement completed, vessels of one thousand tons' capacity could pass from Chicago, Milwaukee, Du Luth, and all other lake ports to the harbors of Burlington, Saint Albans, and Swanton, on Lake Champlain, without breaking bulk. The time used in the trip from Chicago would not exceed seven days; and the cost of shipping a bushel of grain from Chicago to Burlington would not exceed 15 cents. The saving to New England alone in one year would pay the entire expenditure in building the Caughnawaga Canal.

So far as New England is concerned the building of this canal is all that is required to bring her the relief now so much needed. And the producers who have reasonable facilities for reaching the lakes would be benefited proportionately. The Caughnawaga Canal built and the first great step in the advance toward permanent cheap transportion is taken. Let the Government and New York take the next, and the great prize, the northern water-line suggested by the committee, is secured. Will the Caughnawaya Canal be built and have we the facilities for distributing the productions and freights coming from Chicago and other lake ports through this water-way into Lake Champlain among the consumers of New England and for transshipment to foreign countries? I answer most emphatically yes.

With this line completed Lake Champlain would become one grand harbor and the City of Burlington the great central distributing point. Saint Albans and Swanton are also accessible points, and from all these railroads will be running in all directions, reaching nearly every town in New England. Upon the point whether the Caughnawaga Canal will be built and whether we have the facilities for distribution through New England, I will read from the speech of Mr. Weed, to which I before referred. He said:

Let us, Mr. Chairman, look at this question of building the Caughnawaga Canal in another aspect. There can be no question but that it will be built, and that, too, speedily. And I desire to call your attention to the important fact that it will be built by the capital of New England, and built by that capital for the purpose of diverting the western trade down the Saint Lawrence, and through this canal into Lake Champlain, to seek tide-water at eastern ports by the numerous lines of railroads now built and in process of construction.

The eastern ports—Portland and Boston—have built and are now not only projecting but building new railroad lines to intercept the western commerce over the Canadian canals at Lake Champlain, and it is under the auspices of these two important cities, and similar New England interests, that the Caughnawaga canal is being advanced to bring vessels of large tonnage upon the lake unbroken, and from thence to transport the cargo by their railroads to the sea-board.

A glance at the history of the enterprise of New England capital will show you that it is unlimited, and that what it undertakes to do it will accomplish.

From Burlington there are now two roads running to tide-water: The Central Vermont, by the way of Concord and Lowell, to Boston; the Rutland and Burlington, by the way of Rutland and Fitchburgh, to Boston, with a line south from Bellows Falls to New London, Springfield, and New Haven. The distance from Burlington to Boston by the Central Vermont Railroad is two hundred and forty-five miles only, and by the Rutland and Burlington two hundred and thirty-four miles. Still another and independent railroad is being built between tide-water at the city of Portland, Maine, and Lake Champlain, touching it at two points, Burlington and Swanton. This is known as the Portland and Ogdensburgh Railroad. By this line the distance from Burlington to tide-water at Portland is only two hundred and twenty-five miles, and the distance from Swanton Harbor is the same. This road has most desirable connections by contract with roads running to Boston and roads running through the States of New Hampshire and Maine, and also with the marginal railway at the city of Portland.

All these lines are first-class, well and substantially built, and will have all the equipment necessary for any business that may come upon them. The harbors at Burlington, Saint Albans, and Swanton are each large, safe, and with ample depth of water for the largest vessels. There is no better point from which to distribute the produce and other property destined for New England than Burlington. Not only this, but in my judgment vast quantities of the cereals raised in the Northwest for export will seek this line as the cheapest, quickest, and safest, and will be taken by these New England trunk lines from Lake Champlain to the harbors at Boston and Portland for transshipment.

With this contemplated water-way open, the vast and increasing commerce between New England and the West, and a great portion of the export and import trade between Europe and the northwest and lake regions, would pass through Lake Champlain. And, as the committee has said, "store-houses or depots of supplies could be established at Burlington, and the produce of the West could be brought to these depots during the season of open navigation and stored for fall and winter distribution by the railroads" which I have referred to.

Already the city of Burlington is one of the most extensive lumber markets in the East, second only to Albany. Millions of feet of pine lumber are annually shipped from the forests on the great lakes and the Ottawa country through the Saint Lawrence and Richelieu Rivers into Lake Champlain, resting at Burlington long enough for manufacture and sale, and then is distributed to all parts of the country.

Mr. CONGER says in his report to the last Congress, to which I have referred, that "there are probably nearly five thousand million feet of pine lumber annually moving on the upper lakes, a very large proportion of which goes east to supply the markets of New York, Pennsylvania, New Jersey, and the New England States. This water line open," the amount of lumber entering Lake Champlain would be double what it now is, and this is a very important argument in favor of the route I now advocate.

Now a few words as to cost.

It has been thought by a great many of the people of the Northwest and also by many in the East that in order to secure this water-route it would be necessary to construct the Niagara Ship-canal. My friend from Michigan [Mr. CONGER] so thought, and some of the western legislatures have so resolved; but this idea is now nearly exploded. The cost of such a canal is estimated at $12,000,000. I think I can safely state and easily maintain that if the necessity ever did exist for this canal, it has passed away and the country is saved the $12,000,000 for the present at least. The present capacity of the Welland Canal is sufficient for the passage of about five million tons annually, and when the improvements now being made are completed it will be ample for all the business of this great northern route.

Will the members on this floor from the great Northwest listen to the fact just stated? Your conventions, commercial and political, your Legislatures, and your producers and traders have time and again memorialized Congress to construct the Niagara Ship-canal. They

believed it necessary, and were in earnest. They have been made to believe that this northern route was valueless without it. I now ask you and your people to pause and examine the facts. This $12,000,000, as I have said, can be saved, and still this great water-line secured.

Take, sir, the $12,000,000 and expend it on the Wisconsin and Fox Rivers, Hennepin Canal, and on the Champlain Canal and Hudson River, and your line is complete.

The committee on cheap transportation admit there is no necessity for this expenditure, but think it may be required in the future.

Their language is this:

The enterprise of Canada, by the enlargement of the Welland Canal, a work now in progress, has preceded action in this country. By means of this enlargement a large proportion of the vessels of the upper lakes will be able to pass from Lake Erie into Lake Ontario. While there does not appear to be an immediate necessity for the construction of an additional canal on the American side of the Niagara River, in view of the fact that American vessels are accorded by the Dominion government the same privileges as Canadian vessels in passing through the Welland Canal, yet the committee are of the opinion that the shorter distance between the navigable waters of Lakes Erie and Ontario, and the more favorable topographical features of the country on the American side, point to the necessity for the construction of an American Niagara Ship-canal at no distant period, in order to meet the demands of the rapidly increasing commerce between the East and the West.

Build only what is needed, and then await events that shall call for the Niagara Canal.

I have already called your attention to the statement or estimate of the committee of the cost of each of these routes. Now, sir, I maintain that to secure the business which will come over this route from the States I have named, except Missouri and Kansas, all that is necessary west of Lake Michigan is the expenditure of $3,000,000 on the Wisconsin and Fox Rivers, and the expenditures in the State of New York, estimated by Mr. Weed in his speech to the New York Assembly at about $8,000,000. Twelve million dollars at the outside is all that is required of the Government. The total cost of the Mississippi improvements is estimated at $16,000,000.

The cost of the central route is estimated at $50,000,000, and that of the southern route $40,000,000.

Now this northern route is as important to the United States as any of the proposed lines, and if it can be built for $4,000,000 less than either of the others, it should be the first to receive the attention of Congress.

With this line completed, the western producer can compete successfully in the markets of Great Britain, and his surplus grain would all be called for, the granaries and store-houses of Chicago and the Northwest would not be, as they are now, full and the producer short of money, nor would the farther West farmer be burning corn for fuel.

Give the country cheap transportation and her industries will start. It would be the best currency bill you could pass. Had you placed in the hands of the West one or more of these water lines five years ago, you would never have heard of a farmers' war on your railroads. What they want and must have is a free, open water-way to the Atlantic, one that will allow the vessels of one country or company the same rights through it as any other country or company. Open it to all competitors and you have secured competition and its result—cheap transportation.

Let me say to the members here from the great Northwest that New England and New York propose to take your people by the hand in this matter, and I believe they cannot afford to refuse the proposition. This route built, its benefits would reach every farmer, every mechanic, every laborer, yes, every hamlet in all New England, and at the same time enrich the western producer and give new life to all the industries of our great country.

Admission of New Mexico.

SPEECH OF HON. S. B. ELKINS,

OF NEW MEXICO,

IN THE HOUSE OF REPRESENTATIVES,

May 21, 1874.

The House, according to order, proceeded to consider the bill (H. R. No. 2418) to enable the people of New Mexico to form a constitution and State government, and for the admission of the said State into the Union on an equal footing with the original States—

Mr. ELKINS said:

Mr. SPEAKER: I desire to urge the passage of the bill now pending before the House, providing for the admission of New Mexico as a State into the Union, on the following grounds and for the following reasons, in the presentation of which I beg the patience and indulgence of this House:

First. Because she is entitled to such admission as a matter of right, having the requisite population prescribed by law and the capacity to support a State government.

Second. She is entitled to admission into the Union by reason of the promises and assurances made by our Government to her people previous to the ratification of the treaty of Guadalupe Hidalgo, by which she was ceded to the United States, as also by the terms and stipulations of the treaty itself.

POPULATION.

In 1850 the population of New Mexico was 61,547, and in 1860, 93,516; showing an increase in ten years of about 32,000, or about 50 per cent. In 1870, according to the census—which was necessarily imperfect owing to remote settlements and Indian hostilities—the population was 91,871, showing an apparent decrease from 1860 to 1870. This is owing to the fact that during that time the Territory of Arizona was organized out of New Mexico, taking 9,000 of her people, and there was annexed to Colorado the northern tier of counties, containing a population of about 15,000—making in all taken from New Mexico during this period 23,000 people. If a correct census could have been taken in 1870, it is believed it would have shown a population of about 110,000 inhabitants, not including the Pueblo Indians, recently decided by the supreme court of New Mexico to be citizens of the United States. Taking, however, the census of 1870, and considering the 23,000 given to Arizona and Colorado Territories, it will show the increase in the population of New Mexico from 1860 to 1870 to have been about 35 per cent., notwithstanding during most all this period the Territory was cursed by sanguinary Indian wars, her people killed, and her property stolen; her mining, stock-raising, and other industrial enterprises paralyzed, and the nearest railway a thousand miles from her borders.

The average increase of twenty or more of the older States during that time was only about 20 per cent., and the actual increase proper of New Mexico has been about 10 per cent. greater in the last ten years than that of Alabama, Connecticut, Georgia, Arkansas, Delaware, Indiana, Kentucky, Louisiana, Maine, Massachusetts, Mississippi, New Hampshire, New York, North Carolina, South Carolina, Ohio, Pennsylvania, Rhode Island, and Tennessee.

The present population is estimated to be about 135,000. The southern, northern, and eastern portions of the Territory are rapidly settling, and have been since 1870, with a very substantial class of inhabitants, devoted as they are for the most part to stock-raising and farming. This increased impetus given to immigration to the portions of the Territory just named is owing to the fact that for the last three years New Mexico has been free from Indian hostilities, for which reason also, since 1870, in those portions large mining districts have been opened and occupied.

In the memorial to Congress unanimously adopted at the last session of the territorial Legislature, asking and praying for the passage of an enabling act, the following language is used:

Your memorialists, the council and house of representatives of the Legislative Assembly of the Territory of New Mexico, would most respectfully represent, that the Territory of New Mexico at this time, we believe, has a population of 135,000, aside from the Pueblos or Village Indians, who from time immemorial have been agriculturists and among the best citizens of our Territory, and who now number little short of 10,000, making a total population of over 140,000 people, mostly a quiet, pastoral people, and as truly loyal to the Government under which they live as any people under the sun; that at the time of taking the last census there were in this Territory at least 10,000 people, living in the many various mining districts, remote from the mass of the settlements, and residing on the extreme borders of this Territory, who could not be reached by the census officers without great danger and risk, and were for that reason not included in the census; and that since said census was taken a very large immigration has come into this Territory from the States and European countries, amounting to at least 20,000, who have settled permanently in our Territory, bringing with them capital and means; that this new population is dispersed very generally throughout the Territory, but will be found mostly in the mining regions, which are fast becoming developed. We believe that outside of the native Mexican population of this Territory, there are at least 40,000 people of American and European descent among us, who are permanent residents.

Fifteen States have been admitted into the Union with a less population than New Mexico had even in 1870, as shown by the following table:

	Date of admission.	Population.
Vermont	1791	85,339
Kentucky	1792	73,077
Tennessee	1796	77,202
Ohio	1802	41,915
Louisiana, largely foreign	1812	76,556
Indiana	1816	63,805
Mississippi	1817	75,512
Illinois	1818	34,620
Missouri	1821	66,586
Arkansas	1836	52,240
Florida	1845	54,447
Iowa	1846	81,930
Oregon	1849	52,465
Nevada	1864	40,000
Nebraska	1866	60,000

And it is asked, "If fifteen of the twenty-four States admitted since the original thirteen have been so admitted on an average population of less than sixty-three thousand, shall not New Mexico, with an admitted population of sixty or seventy thousand in excess of this average, be allowed this long-denied right?" And, in addition to this, two States are now in the Union with a less population than New Mexico, and two with about the same. The ratio of representation entitling a State to admission into the Union has been as follows:

At first it was 30,000; in 1793 it was 33,000; in 1813 it was 35,000; in 1823 it was 40,000; in 1833 it was 47,700; in 1843 it was ,680; in 1856 it was 93,420. No less than four States have been itted without the required ratio, as follows:

	Date of admission.	Population.
Florida	1845	54,447
Oregon	1849	52,465
Nevada	1864	40,000
Nebraska	1866	60,000

New Mexico having more population than either of these States at the date of their admission.

The ability of New Mexico to support a State government is not doubted by those acquainted with her condition and resources. She will start on her new career as a State with virtually no debt, the sum being now only about $75,000, with a sure prospect of being liquidated in a year or two at furthest. Not a county in the Territory has created a debt of any kind for any purpose. The warrants in most of the counties are worth one hundred cents on the dollar. The people favor the cash system. They are wisely conservative in all monetary affairs, and are averse to creating either a territorial or county debt, and their conservatism has been greatly strengthened by the fact that they see in other portions of the country the inhabitants are groaning beneath town, city, county, and State debts, often recklessly incurred. New Mexico being an old country, her improvements and wealth are substantial, the result of two centuries. Her people have been censured for want of enterprise and public spirit, but now that they owe comparatively nothing, and there is no necessity for any increased taxation, the Territory becomes peculiarly inviting to those seeking homes. While New Mexico is but little known throughout the country generally, her merchants have been long and most favorably known to the commercial world in the cities of New York, Philadelphia, Chicago, Baltimore, and Saint Louis.

The resources of New Mexico are not surpassed by those of any State or Territory in the Union. She always has produced and always will produce enough to support her population. For the last ten years she has done this, and with the surplus supplied the Army and the Indians now on reservations in the Territory. Her beautiful and fertile valleys yield an abundant return to the farmer for his labor, and as a wheat-producing country she is certainly surpassed by none and equaled by but few of the States and Territories.

Her boundless plains and plateaus, covered with the most nutritious grasses known, make her take rank pre-eminently as a stock-growing region. This branch of industry is now encouraged by accessions to her stock-growers from all parts of the country. The receipts for wool and hides shipped to Saint Louis, Philadelphia, and New York amount annually to about $2,000,000, and the cattle sent to the eastern markets, together with beef supplied to the Indians and the Army, amount to near $2,000,000.

The Territory abounds in minerals of all kinds, principally coal, iron, lead, copper, silver, and gold, and in inexhaustible quantities, but little developed and worked for want of machinery and railway connections. It is estimated that her mines yield annually, of gold, silver, and copper, about $2,000,000. The observations of all scientists and travelers who have visited the Territory confirm in the amplest manner her claims to immense coal-fields and iron deposits, rivaled only by those of the State of Pennsylvania and being almost equal to hers in extent and quality.

It is estimated by one of the best authorities in the whole country that in the completion of either the Atchison, Topeka and Santa Fé or the Kansas Pacific Railway to Cimarron, New Mexico, there will grow up in a short time a coal trade of three thousand tons per day to supply the six hundred miles of country reaching from the base of the Rocky Mountains down the valley of the Arkansas River far into the neighboring State of Kansas. This coal must be supplied from New Mexico; it can come from no other quarter; and this will be only the beginning of the coal trade, not to speak of the copper, lead, iron, and precious ores that will be shipped for reduction.

New Mexico must become a manufacturing country. She has all the elements necessary to this end. Unskilled labor and the necessaries of life are cheaper in New Mexico than in the Atlantic States and in the Mississippi Valley, and when it is considered that New Mexico has in the greatest abundance coal, iron, lead, copper, and silver, also wool and hides, the time is certainly not far distant when she will have manufactures of all kinds, and instead of paying high freight for cloths, carpets, shoes, machinery, farming utensils, and railroad iron, she will not only from her own manufactures supply the wants of her people, but compete with the manufactories of the East in supplying less favored sections.

Five lines of railway are under construction, and pointing to New Mexico: The Texas and Pacific, Atlantic and Pacific, Atchison, Topeka and Santa Fé, Kansas Pacific, and Denver and Rio Grande; three are within ninety miles of her borders, with a fair prospect of being rapidly extended, and three will terminate within the heart of New Mexico, and two it is supposed will become transcontinental.

EDUCATION.

Although education has been much neglected in New Mexico, I have pleasure in stating that the people have become aroused to its transcendent importance, and in 1871 the Legislature passed an act establishing a common-school system throughout the Territory, and provided for the support thereof that there should be set apart not only the poll-tax and one-fourth of all other taxes, but a certain surplus in the various county treasuries. This act has been in operation about three years, and according to the report of the secretary of the Territory there are now established and in full operation one hundred and thirty-three public schools. From this it will be seen that New Mexico appropriates a larger share of her taxes for the support of her public schools than any other State or Territory in the Union, and as yet she has had no help from any source whatever for school purposes. In addition to the public schools there are a number of colleges and high schools in the Territory.

It is often asked why Territories seek so zealously to become States To those who have lived in Territories no answer to this interrogatory is needed, but to those who have not enjoyed this experience I desire to say, that the interests of a Territory to the General Government are necessarily secondary. The Territories have no vote and no power, and are therefore not heard. The long arm of the Government cannot reach to distant and remote sections and jealously guard the rights of the people, anticipate their wants, and build up their interests. In trying to do so the Government is attempting too much, and what was never contemplated. The Territories want local self-government, because they can better build up their own interests and insure their own prosperity as States. The history of the whole country attests that States flourish and increase more rapidly than Territories. The following table will show these facts:

Tennessee admitted in 1796; population in 1790, 35,791; in 1800, 105,602.
Ohio admitted in 1802; population in 1800, 45,365; in 1810, 230,760.
Louisiana admitted in 1812; population in 1810, 76,556; in 1820, 153,407.
Indiana admitted in 1816; population in 1810, 24,520; in 1820, 147,178.
Mississippi admitted in 1817; population in 1810, 40,352; in 1820, 75,448.
Illinois admitted in 1818; population in 1810, 12,282; in 1820, 55,200.
Missouri admitted in 1821; population in 1820, 66,586; in 1830, 140,455.
Arkansas admitted in 1836; population in 1830, 43,388; in 1840, 97,574.
Michigan admitted in 1837; population in 1830, 31,639; in 1840, 212,267.
Florida admitted in 1845; population in 1840, 54,477; in 1850, 87,445.
Wisconsin admitted in 1848; population in 1840, 30,495; in 1850, 305,391.
Iowa admitted in 1848; population in 1840, 43,112; in 1850, 192,214.
California admitted in 1850; population in 1850, 92,597.
Minnesota admitted in 1858; population in 1850, 6,077; in 1860, 173,855.
Oregon admitted in 1859; population in 1850, 13,294; in 1860, 52,465.
Nevada admitted in 1864; population in 1860, 6,857; in 1870, 42,491.
Nebraska admitted in 1867; population in 1860, 28,841; in 1870, 122,993.

The idea of a Territory to the people of the East suggests want of law, want of protection to property and life, want of society; indeed, the word is a synonym for disorder and lawlessness, for which reason emigration and capital find their way so slowly into the Territories; but, on the contrary, a State carries with it the idea of law, order, strength, and dignity, and has invariably attracted immigration and promoted prosperity.

But, in addition to all this, the keeping and holding large bodies of people in remote localities in territorial bondage and subjection; governing them by laws they have no part in enacting; taxing them without representation; denying them the right to elect their own officers; appointing to the highest places among them entire strangers who have no interest in the country, who sometimes prove to be mere political adventurers, is not only unjust and unrepublican, but hostile to our ideas of true government.

It is often said you have a Legislature and a Delegate in Congress. This is worse than no answer. The first is a farce, a political hybrid, without sovereignty; the second only a beggar at the doors of the Executive and Congress, without power. Then, to escape from this vassalage, subserviency, and injustice, where there is no growth, no encouragment, but where everything is dwarfed and limited, we ask to be admitted as a State.

Mr. Cass, in his great speech on territorial governments in the Senate in 1850, said:

A great principle is involved in this controversy—the inseparable connection between legislation and representation. And what paramount necessity calls for its violation? Are not the people of the Territories competent to manage their own internal affairs? Are they not of us and with us; bone of our bone, flesh of our flesh? The same people, with the same views, habits, and intelligence; all, indeed, which constitute national identity? Ay, sir, and exhibiting by the very act of emigration a spirit of enterprise which commends them the more to our respect. Cannot such a people administer their own government safely and wisely? Experience says they can. They have in every instance proved their capacity for self-government.—*Appendix Congressional Globe*, volume 22, page 59.

New Mexico has been in her pupilage about twenty-six years. She has had her Delegates during that period on this floor, who like other Delegates, in season and out of season, have implored and importuned the General Government for attention to the wants of the people, showing that their necessities were great; but for the most part Congress, I learn, has been deaf to their entreaties.

The Constitution has vested this power of admission in the discretion of Congress:

New States may be admitted by the Congress into this Union.

Mr. Sumner said in his speech on Kansas:

New States *may* be admitted; out of that little word *may* comes the power, broadly and fully, without any limitation founded on population.

As to the proper exercise of this discretion Congress should exercise it wisely, fairly, and impartially. She has the power to refuse any Territory admission, but not the right when such Territory comes properly prepared. On this point Mr. Holmes, a member from Massachusetts, speaking on the admission of Missouri, said:

What would be a fair construction of this? Surely not that Congress might hold a Territory in a colonial condition as long as they choose, nor that they might admit a new State with less political rights than another, *but that the admission should be as soon as the people needed, and were capable of supporting a State government.—Appendix Congressional Globe*, volume 22, page 251.

Mr. Barbour, then a Senator from Virginia, in speaking on the same subject, said:

And even this power is subject to control. *Whenever a Territory is sufficiently large and its population sufficiently numerous your discretion ceases, and the obligation becomes imperious that you forthwith admit; for I hold that, according to the spirit of the Constitution, the people thus circumstanced are entitled to the privileges of self-government.—Ibidem.*

Mr. Hardin, from Kentucky, in speaking on the same subject and the exercise of this discretion, uses the following language:

The manner in which that discretion has been exercised has been so uniform and invariable that it amounts to a law. It is, Mr. Chairman, a proclamation to the inhabitants of all the Territories, that whenever their numbers approach to fifty or sixty thousand they shall be at liberty to burst from around them the bonds and chains of territorial servitude and vassalage, and assume and exercise the rights of self-government—the inalienable rights of mankind.

And again, in language stronger than I can command, a high authority has declared:

The Territories of the United States are rightfully held in pupilage as long as their infancy unfits them for self-government or admission into the Union, but unjustly detained in bondage whenever their maturity arrives. At that period they have a right to demand admittance into the political family as equals, or the enjoyment of liberty as independent States. Power may enslave them longer, but the laws of nature and of justice, the genius of our political institutions and our own example, proclaim their title to break their bonds and assert their freedom.—*Appendix to Congressional Globe*, volume 22, page 251.

By applying for admission, New Mexico testifies her willingness to relieve you of the expense of continuing in existence a territorial government, and enables you to reduce your annual appropriations at a time when economy and retrenchment is the popular demand. She has shown herself amply able to support a State government and keep her credit; and above and beyond all, she has shown her devotion to our institutions and her fitness to become a member of the Union by giving up the lives of some of her noblest sons to maintain the one and preserve the other.

Unlike many of our own people, more fortunate, who had been born and educated under our flag, the Mexican population did not hesitate, did not doubt, but saw their duty clear; and when the proclamation of the President of the United States came, calling for troops, for help; when the cause of the Union looked dark and doubtful, and when General Sibley's trained soldiers from the confederate armies were already on the soil, these people as one man rallied under their adopted flag, and fought gallantly to preserve the Union into which they now seek admission. How well they did their duty let the graves at Fort Craig and Peralta, on the banks of their own loved Rio Grande and at Apache Cañon, testify. They loved the Union well enough to fight for it, and the Union ought to love them enough to adopt them as her sons in truth and in fact.

But apart from all these considerations, which it would seem were of themselves overwhelmingly sufficient to induce Congress to at once provide for the admission of New Mexico into the Union, I claim her right to admission on still higher grounds and for stronger reasons, which cannot, certainly ought not, to be disregarded by Congress. I claim it by virtue of the stipulations of the treaty of Guadalupe Hidalgo and the promises and assurances of our Government previous to the ratification of the same.

It will be remembered that during the Mexican war General Kearney was the officer in charge of the troops that marched against New Mexico. On the 31st of July, 1846, he issued the following proclamation:

Proclamation to the citizens of New Mexico by Colonel Kearney, commanding the United States forces.

The undersigned enters New Mexico with a large military force for the purpose of seeking union with and ameliorating the condition of its inhabitants. This he does under instructions from his Government, and with the assurance that he will be amply sustained in the accomplishment of this object. It is enjoined on the citizens of New Mexico to remain quietly at their homes and to pursue their peaceful avocations. So long as they continue in such pursuits they will not be interfered with by the American army, but will be respected and protected in their rights, both civil and religious.

All who take up arms or encourage resistance against the Government of the United States will be regarded as enemies, and will be treated accordingly.

S. W. KEARNEY,
Colonel First Dragoons.

CAMP AT BENT'S FORT ON THE ARKANSAS, *July* 31, 1846.

After advancing about two hundred miles farther into the Territory, in an address to the people on the 15th August, 1846, at Las Vegas, he said:

Mr. Alcalde and people of New Mexico, I have come among you by the orders of my Government to take possession of your country and extend over it the laws of the United States. *We consider it, and have done so for some time, a part of the territory of the United States. We come among you as friends, not as enemies; as protectors, not as conquerors. We come among you for your own benefit, not for your injury.—Appendix to Congressional Globe*, volume 22, page 777.

He next speaks to the people of New Mexico in a proclamation dated August 22, 1846, and used this language:

Proclamation to the inhabitants of New Mexico, by Brigadier-General S. W. Kearney, commanding the troops of the United States in the same.

As by the act of the republic of Mexico a state of war exists between that government and the United States, and as the undersigned, at the head of his troops, on the 18th instant, took possession of Santa Fé, the capital of the department of New Mexico, he now announces his intention to hold the department, with its original boundaries, on both sides of the Del Norte, as a part of the United States, and under the name of "the Territory of New Mexico."

The undersigned has come to New Mexico with a strong military force, and an equally strong one is following close in his rear. He has more troops than necessary to put down any opposition that can possibly be brought against him, and therefore it would be but folly or madness for any dissatisfied or discontented persons to think of resisting him.

The undersigned has instructions from his Government to respect the religious institutions of New Mexico; to protect the property of the church; to cause the worship or those belonging to it to be undisturbed, and their religious rights in the amplest manner preserved to them; also to protect the persons and property of all quiet and peaceable inhabitants within its boundaries against their enemies, the Eutaws, the Navajoes, and others; and when he assures all that it will be his pleasure as well as his duty to comply with those instructions, he calls upon them to exert themselves in preserving order, in promoting concord, and in maintaining the authority and efficacy of the laws; and he requires of those who have left their homes and taken up arms against the troops of the United States to return forthwith to them, or else they will be considered as enemies and traitors, subjecting their persons to punishment and their property to seizure and confiscation for the benefit of the public Treasury.

It is the wish and intention of the United States to provide for New Mexico a free government with the least possible delay, similar to those in the United States; and the people of New Mexico will then be called on to exercise the rights of freemen in electing their own representatives to the territorial Legislature. But until this can be done the laws hitherto in existence will be continued until changed or modified by competent authority, and those persons holding office will continue in the same for the present, provided they will consider themselves good citizens and willing to take the oath of allegiance to the United States.

The undersigned hereby absolves all persons residing within the boundaries of New Mexico from any further allegiance to the republic of Mexico, and hereby claims them as citizens of the United States. Those who remain quiet and peaceable will be considered good citizens and receive protection; those who are found in arms, or instigating others against the United States, will be considered as traitors, and treated accordingly.

Don Manuel Armijo, the late governor of this department, has fled from it. The undersigned has taken possession of it without firing a gun or spilling a single drop of blood, in which he most truly rejoices, and for the present will be considered as governor of the Territory.

Given at Santa Fé, the capital of the Territory of New Mexico, the 22d day of August, 1846, and in the seventy-first year of the independence of the United States.

S W. KEARNEY,
Brigadier-General United States Army.

By the governor:
JUAN BAUTISTA VIGIL Y ALARID.

In the first proclamation he says under instructions from his Government he seeks union with and desires to ameliorate the condition of the people, and his military force is for that purpose. In the second he says by order of his Government he comes to take possession of the country, and extend over it the laws of the United States; that he came as a friend and not an enemy, as protector and not as conqueror. In the third he declares it is the intention of the United States to provide New Mexico with a free government similar to that in the United States. He then absolves the people from their allegiance to Mexico, and claims them as citizens of the United States. In other words, our Government wanted to acquire New Mexico. She promised in return friendship and free government. But I beg especial attention to that portion of the last proclamation which says:

It is the wish and intention of the United States to provide for New Mexico a free government with the least possible delay, similar to those in the United States; and the people of New Mexico will be called on to exercise the rights of freemen in electing their own representatives to the territorial Legislature.

This language contains a promise, and that promise was made by the Government to the people of New Mexico, because General Kearney was not only a military officer in our service, but he was clothed with extraordinary powers from our Government in respect to his conduct in New Mexico, and had full power and authority to make the assurances he did. Under this promise the people at once ceased all opposition to our forces, laid down their arms, believing they were to be rewarded for so doing—and how? "With a free government with the least possible delay, similar to those in the United States, and to exercise the rights of freemen in electing their own representatives to the territorial Legislature." The people believed at that time that this language created an obligation on the part of the Government to admit them as a State at once; and acting on this idea, immediately after the treaty they applied for admission. Their leaders and the intelligent portion of the whole Territory so construed the proclamation and address of General Kearney, and with this idea they gave in their adhesion to our cause and did not fire a gun; it was with them a contract, a bond of faith, for the keeping of which they were to be "admitted into the Union, as they believed, and to the exercise of the rights of freemen."

And I submit just here, with and to a people unaccustomed to our institutions, and but partially acquainted with our governmental system, Constitution, and laws, was not this construction natural, fair, and just? I know it may be claimed that the import of the language was that they should be admitted to a territorial condition, but I know they did not so understand it. They construed the words "free government similar to those in the United States" to refer to States; and this was entirely correct, because there is no such thing in a Territory as free government. They were willing and anxious to

become a part and portion of our Government. Many American merchants had for a long time previous resided there, and not an inconsiderable commerce had grown up between New Mexico and the States, and the people had become attached to our institutions. But let us proceed to the treaty.

About two years after the date of this proclamation New Mexico was ceded to the United States by the ratification of the treaty, the ninth article of which contained in substance the promise made in the proclamation of General Kearney, which is as follows:

Mexicans who, in the territories aforesaid, shall not preserve the character of citizens of the Mexican Republic, conformably with what is stipulated in the preceding article shall be incorporated into the Union of the United States, and be admitted at the proper time (to be judged by the Congress of the United States) to the enjoyment of all the rights of citizens of the United States, according to the principles of the Constitution.—*United States Statutes at Large*, volume 9.

By section 8 of the treaty it was provided that Mexican citizens who should elect to retain their character as such should do so within one year after the date of the treaty, and those who should fail to do so should become citizens of the United States. At that time New Mexico contained about forty thousand inhabitants, out of which number only about three hundred elected to retain their character as Mexican citizens, the remainder *en masse* acting upon the idea that the promise of General Kearney, confirmed by the treaty as they supposed, would admit them as a State, enthusiastically transferred their allegiance from the government of Mexico; and although disappointed in their hopes of absolute rights, they have ever been loyal and law-abiding.

But as to the exact and known policy of our Government both before and after the treaty in respect to New Mexico and California we are not left to conjecture, but have the most positive proof from the highest sources.

President Taylor, who followed the policy of President Polk, in avowing his action in a message to Congress, said:

I did not hesitate to express to the people of those Territories my desire that each Territory should, if prepared to comply with the requirements of the Constitution of the United States, form a plan of a State constitution and submit the same to Congress with a prayer for admission into the Union as a State.

And he again said:

In advising an early application by the people of these Territories for admission as States I was actuated principally by a desire to afford to the wisdom and patriotism of Congress the opportunity of avoiding occasions of bitter and angry discussions among the people of the United States. (See Appendix to Congressional Globe, first session Thirty-first Congress.)

This was in accordance with the promise of General Kearney.

President Taylor also, in his annual message of 4th of December, 1849, said:

The people of New Mexico will also, it is believed, at no very distant period present themselves for admission.

Here we have the policy of the Government immediately after the treaty unequivocally set forth. The President declares he did advise the people of those Territories to apply for admission. He could not do otherwise, because he was bound by the promises made by the officers of our Government previous to the treaty which secured New Mexico and California without a struggle.

But, Mr. Speaker, let us admit for a moment that there were no promises nor assurances made by our Government to the people of New Mexico previous to the treaty that were binding, and that their claims to admission must rest solely in the discretion of Congress, as provided in the words of the treaty, "to be admitted at the proper time, to be judged of by Congress."

Now I beg to inquire when should this discretion and judgment be exercised? How long can it be delayed? Can Congress arbitrarily prolong the exercise of it; or should it be a sound discretion, like the discretion of a court, to be exercised within a reasonable time, wisely, equitably, and impartially? In my opinion it means and obliges this Government to deal and act with the people of New Mexico just as it would and has with her own people in like cases and under similar circumstances. It certainly means this much, in other words, that Congress would require no more of New Mexico for admission than it did at the time of the admission, or since, of any other Territory not protected by the treaty. Has Congress done this? Not at all. She has admitted Oregon, Kansas, Nebraska, and Nevada, and denied New Mexico admission; ignored her petitions and memorials, although she had more population than either of these States when they were admitted. This seems to me a clear and positive violation of the treaty and of our pledged faith.

As to the proper construction of the ninth article of the treaty, I desire to refer to the speech of Mr. Peck, of Vermont, made in the House in 1850, on the admission of California. He says, referring to the proclamation of General Kearney and other officers:

These provinces were conquered, and, by the treaty of peace, ceded to this country. What effect these proclamations had upon the conduct of the inhabitants, it is difficult to determine; but the assurances made by those acting under the authority of the Government *have not been carried out*. No government has been established. We ought not to lose sight of the obligations imposed upon us *by the acts of the authorized agents of the Government and by the terms of the treaty*. By the ninth article of the treaty Congress, it is true, is to determine the time when they shall be admitted into the Union. The matter is left to the discretion of Congress; but in order to carry out in good faith this stipulation, the discretion to be exercised should be a sound one, one not influenced by caprice or controlled by formal objections. These Mexican citizens, in conjunction with American citizens who have emigrated from the different States of the Union, now claim to be admitted. Considering all the circumstances of the case, the population of the Territory and its character, the extent of her commerce and the necessity of some regularly organized government, can any one seriously doubt that it is the duty of Congress, in the proper exercise of its discretion, to admit her as a State? Sir, it will be recollected that the treaty with the French Republic by which we acquired Louisiana contained a stipulation very similar in its terms to the ninth article of the Mexican treaty. It will also be remembered that when Louisiana applied for admission the application met with very serious opposition from northern statesmen, on constitutional grounds, they insisting that Congress had no power, under the Constitution, to acquire foreign territory and admit it as a State. The question was much discussed, and Mr. Poindexter, the Delegate from the then Territory of Mississippi, after replying at great length to the various arguments urged against her admission, and referring to the third article of the treaty, put an inquiry which is not inappropriate to the present case: "And are we here sitting to deliberate whether we will perform the solemn engagements which have been entered into by the constituted authorities, and which are presented to us in the imposing attitude of the supreme law of the land?" Sir, what satisfactory response could we make on the present occasion to a similar inquiry? None, in my judgment. France was then all-powerful, and could enforce the due observance of any treaty stipulation with a foreign power. This Mexico cannot do, but this fact does not lessen our obligations.—*Appendix Congressional Globe*, volume 22, page 516.

This language was used immediataly after the treaty was ratified, when the history of the whole transaction and the facts were fresh in the minds of the people. Twenty-six years have passed by and the treaty still stands violated in respect to New Mexico. Could we if called on make any proper or reasonable answer for our conduct? If Mr. Peck's speech was timely and his construction correct then, how much more imperative is it the duty of Congress to admit New Mexico now? In my opinion there was no answer to his argument then, and there can certainly be none now. California was admitted under this construction of the treaty.

Senator HAMLIN, of Maine, who is still honored and distinguished in the public service, in speaking of the proper construction to be given to the ninth article of the treaty, in his speech on the admission of California says:

There is in the ninth article of the treaty of peace with Mexico a stipulation that the Territories ceded to our Government shall be incorporated into the Union of the United States. There should be no obligation of a nation *more sacred or more faithfully complied with than that which is contained in its treaties with other governments*. Our treaty with Mexico imposes upon us *an obligation* which *we cannot disregard at this time*, unless *we mean to be faithless to our treaty stipulations*. Now, such Mexicans as remained in the Territory twelve months after the ratification of the treaty of peace with Mexico became thereby American citizens. Under the ninth article it is expressly stipulated that they shall be incorporated into the Union of the United States, and be admitted at the proper time (to be judged of by the Congress of the United States) to the enjoyment of all the rights of citizens of the United States. Taking the existing state of things into account, who can doubt for a single moment what is our duty, and whether we should not give our assent now? True, we are made the tribunal which is to judge of the time. In the exercise of that power we are to deal justly; and with the population now in California, and with its rapid increase, we are bound by the highest consideration to admit California. To my mind there can be no reasonable doubt. It is certainly no more than fair to admit that, when California has a population as large as she has now, we should admit her at once and without delay.—*Ibidem*, page 248.

Senator HAMLIN uses clear and forcible language and makes the duty and obligations of the Government under the treaty plain. If he was right then, what answer is there or what excuse can be pleaded for denying New Mexico admission for twenty-six years? Our Government has continued this mistake and injustice toward New Mexico too long, and it should be only too willing to correct it by her immediate admission.

But that the entire duty of Congress in the premises may be made clear and relieved of all doubt, I beg to refer to the assurances contained in the letter of Mr. Buchanan, Secretary of State, to the minister of foreign relations of the Mexican government, dated March 18, 1848, in respect to the alterations made in the ninth article of the treaty by our Senate. It will be remembered that owing to these alterations, one of which was inserting the words "to be judged of by the Congress of the United States," the Mexican government refused to ratify the treaty because her statesmen were fearful the people in the territories about to be ceded would not be admitted to all the rights of American citizens. In the letter referred to Mr. Buchanan used this language:

Congress, under all the circumstances, and under the treaties, are the sole judges of this proper time, because they, and they alone, under the Federal Constitution, have power to admit new States into the Union. That they will always exercise this power as soon as the condition of the inhabitants of any acquired territory may render it proper, cannot be doubted. By this means the Federal Treasury can alone be relieved from the expense of supporting territorial governments. Besides, Congress will never turn a deaf ear to a people anxious to enjoy the privilege of self-government. Their desire to become one of the States of this Union will be granted the moment it can be done with safety.—*Ibidem*, page 415.

On this assurance the Mexican government ratified the treaty, and I claim we are solemnly bound by it. That the people of New Mexico confidently believed they would be admitted as a State into the Union, induced to this belief by General Kearney's proclamation, the letter of Mr. Buchanan, and the treaty, is amply established by the fact that as soon as possible after the ratification of the treaty they called a convention, framed a constitution, elected United States Senators, and presented a memorial to Congress praying for admission in which they used the following language, referring to General Kearney's proclamation:

We were promised at the time New Mexico was taken possession of by the American forces in 1846 the extension of a civil government over us and protection against the savage foes that surround us, and under the treaty with Mexico we were assured of our being speedily placed under the full protection of the Constitution with all the rights and privileges of citizens of the United States. *We relied confidently on the promises held out to us; we relied still more on the treaty stipulations.* (See Senate document No. 76, first session Thirty-first Congress, volume 14.)

This memorial was adopted in 1850 by the State convention, and

shows clearly how the assurances of our Government and the treaty were construed. Admission was refused New Mexico at that time only because of the agitation of the slavery question, and for no other reason. Mr. Buchanan's assurance and construction were that Congress would never turn a deaf ear to a people anxious to enjoy the privileges of self-government. Yet for more than a quarter of a century the United States, in the face of this solemn assurance, which in part secured the ratification of the treaty, have been deaf to the petitions of New Mexico for admission. He further assured the government of Mexico that the desire of the people to become a State *would be* granted as soon as it could be done with safety. Now, I beg to submit if it is now or ever has been unsafe at any time within the past twenty-six years to admit New Mexico?

If the construction placed by me upon the assurances of our Government and the treaty be proper and fair, and it must be because it is not only justified by the language itself but by the whole history of the transaction, the known intention of the contracting parties at the time, and the understanding of the people upon whom it operated, then to refuse the passage of this bill would, in my opinion, be a violation of the pledged faith of the nation.

This Government is making history; and as we build, not only is a sister republic anxiously looking on, deeply concerned for the welfare of her sons, who, though torn from her by the fortunes of war, she endeavored to protect by treaty, but we are standing in the presence of the nations of the world; and as we keep our faith and guard our honor, so shall we be judged and esteemed. Congress can better afford to yield to a liberal construction of the treaty than abate one jot or tittle the smallest right guaranteed under its provisions. This application for the admission of New Mexico is not only based on her clear right independent of the treaty, but on the treaty itself; and the question reduces itself not to what may be desirable or expedient, or whether there will be more power in the Senate or on this floor, but what is the entire duty of Congress in the premises.

I might rest with confidence the cause of New Mexico just here; but being anxious to make it doubly sure, I desire to claim that under a fair interpretation of the treaty the ratio prescribed at its date should be the governing one, and the only one, and not the ratio now.

Florida, with a treaty stipulation similar to the ninth article of the Mexican treaty, claimed admission on this ground, and was admitted with a less population than prescribed as the ratio at that time. The sixth article of the treaty with Spain by which Florida was ceded says:

> That the inhabitants of the territories which His Catholic Majesty cedes to the United States by this treaty shall be incorporated into the Union of the United States as soon as may be consistent with the principles of the Federal Constitution, and admitted to the enjoyment of all the privileges, rights, and immunities of citizens of the United States.

Mr. Sumner, with an ever-jealous regard to a faithful performance of our treaty obligations and the doing of exact justice by the whole country, in the greatest speech of his life, "The crime against Kansas," lays down the same rule. In volume 4, page 220, of his Works, he says:

> If any ratio is to be made the foundation of binding rule, it should at least be that which prevailed when Kansas was acquired from France, under solemn stipulation that it should be incorporated in the Union of the United States and admitted as soon as possible, according to the principles of the Federal Constitution.

And in doing this he referred to the treaty stipulations with Florida, and incorporated into his speech the memorial of the people of that State.

Mr. Sumner was a great international lawyer, and this rule has much force, having received his sanction; tried by it, New Mexico must be admitted, because at the date of the treaty the ratio was about eighty thousand. There is no escape from this position.

Then, Mr. Speaker, I ask, and appeal to this House, if with such a record as this; with 135,000 people with neither county nor territorial debt to speak of; with good credit; with good public schools liberally supported; with a fixed and permanent population; with substantial wealth; with a traffic and internal commerce of her own, built up with her own energies and without aid; with such agricultural, pastoral, and mineral resources, such a brilliant future; with more population than some of the States now in the Union have, and more than fifteen States had when they were admitted into the Union; with precedent, and, above all, with treaty obligations thrown around her, is it strange or unnatural that New Mexico should ask admission into the Union, a seat at the table of States, and a right to local self-government? Is it not stranger that, under all these circumstances, that admission has been so long delayed and an act of obvious justice to her people so deliberately evaded by the Congress of the United States?

She has seen other States admitted and her claims ignored; she has passed and presented memorials but to see them cast aside without action. She now brings you the last appeal, praying for admission, with the earnest hope that the unjust discrimination and distinction made in her case in the past be no longer continued against her. The people of New Mexico are becoming sensitive on the subject of admission into the Union, and wonder if the unvarying precedents and constant practice of this Government for three-quarters of a century can be departed from in her case, and the treaty stipulation, made so strong in their behalf, means anything, or if its obligations in respect to them can be slighted and disregarded and there be no appeal. There is certainly no good reason for this treatment on the part of the Government. Nothing can be urged against the people of New Mexico.

They are loyal and law-abiding, peaceable, well-disposed, and wedded to our institutions. They love our country, our Union, and our laws. Though our adopted sons by the fortunes of war, their conduct during the rebellion furnishes a bright example of patriotism and loyalty which certainly deserves a better recognition now than injustice and discrimination.

The admission of New Mexico has been too long postponed; this simple act of justice too long delayed. It is a question which addresses itself now to the nation's conscience, to be settled in the light of precedent and treaty obligations, and demands immediate action. The time for indifference and delay has long since passed.

HISTORY AND RESOURCES OF NEW MEXICO.

Mr. Speaker, New Mexico being so little known beyond her borders, with the view of substantiating to some extent my statements in respect to her great wealth, I beg the indulgence of the House for a few moments longer, that I may refer briefly to her history, location, and relations to the whole country, as also furnish some statistical information as to her resources.

New Mexico is a portion of that vast territory, an empire within itself, which was acquired by the United States from Mexico.

As early as the year 1526, and within thirty-four years after the discovery by Columbus, bold and adventurous leaders of Spanish colonists were traversing her plains, crossing her rivers and mountains, in search of the far-famed El Dorado and the fountain of perpetual youth, stimulated and quickened in their arduous undertakings by the traditions and tales of the natives that both might be found in the land toward the going down of the sun.

New Mexico was known to the Europeans nearly a century before the landing of the Pilgrim Fathers, and two centuries before the Declaration of Independence. She has passed under and formed a portion of the history of three governments. If the date of the taking of the city of Mexico and the imprisonment of Montezuma, in 1519, by Cortez, in the name of his master, the King of Spain, perfected as it was by the boldest act of perfidy and cruelty on record, can be assumed as the time when Mexico became a portion of the colonial possessions of Spain, then for more than three hundred years she was a province of that kingdom and ruled by her kings. In 1821 Mexican independence was established, and she became a part of the republic of Mexico, and continued so until 1848, since which time she has been a Territory of the United States.

Santa Fé, the capital, is the oldest town in the United States except San Augustine, Florida, and has always been the seat of the civil and military government under Spain, Mexico, and the United States, and the chief commercial city of the Territory. "*Te Deum laudamus*" was sung, as it is now, in her churches two hundred and fifty years ago. And her palace, old and unique, but dear to the people, furnishes a home for the present governor, as it has done for his long line of Mexican and Spanish predecessors reaching back for nearly three hundred years.

Her claims to an old civilization, large population, and immense wealth anterior to the advent of the Europeans is not only confirmed by history, but by the frequent discoveries of the ruins of ancient cities, canals, and mines at this day in portions of the Territory, the people of the cities, as tradition teaches, being tributary to the princes of Montezuma, and her mines worked to increase their fabulous wealth. The people found in New Mexico by the Europeans were the descendants of the Aztecs—the Pueblo Indians—now reduced to twenty villages and about eight thousand souls, the last remnant of the worshipers of the sun. They are a quiet, peaceable, self-sustaining, and well-behaved people, dependent on agriculture and stock-raising for means of support. They are honest and law-abiding. In twenty-six years only about three of all their number have been charged with crime. Such a parallel cannot be found in the history of this or any other country; and so successfully have they resisted contact with European and American civilization in its best and worst forms, that the accounts given of them—the names of their villages, their customs, manners, modes of dress, and means of support—by Cabeza de Baca and Coronado, three hundred years ago, so faithfully translated and graphically described by Mr. Bancroft, would be true and perfect history to-day.

New Mexico, according to its present boundaries, is included between 32° and 37° north latitude and 103° and 109° west longitude, lies south of Colorado and east of Arizona Territories, and embraces an area of 121,000 square miles, or about 77,000,000 acres of land, 7,000,000 of which, it is estimated, are now covered by private land grants and military and Indian reservations, leaving 70,000,000 acres of public domain.

The Territory is more than three times as large as Ohio, one hundred and sixteen times as large as Rhode Island, three times as large as all New England, and larger than New England and New York. The average altitude in the southern portion of the Territory is about 4,000 and in the northern portion about 6,000 feet above the level of the sea. The great chain of the Rocky Mountains, stretching from British America into the republic of Mexico, passes through the middle and western portion of the Territory, which is watered by the Rio Grande, Pecos, San Juan, Red, Mora, and Puerco Rivers, and many other smaller streams. The Rio Grande, the largest of the rivers, is the "Nile" of America, and runs from north to south through the middle portion of the Territory. The valleys on both sides em-

brace as rich lands as can be found in the world; having been cultivated for more than two centuries, they grow richer instead of their strength being depleted, owing to the matter and *debris* deposited from the river at each irrigation.

CLIMATE AND HEALTH.

In the southern portion of the Territory, which is about the latitude of Montgomery, Alabama, snow is almost unknown. In the northern portion, however, we have snow; but it never lasts more than a few days, except high up in the mountains. The summers at Santa Fé are never oppressive. The highest observed temperature during the year 1872 was 85° and the mean of the temperature for the year 48°.

Dr. Kenon, one of our leading physicians at Santa Fé, formerly surgeon in the United States Army, says:

The lowest death-rate from tubercular disease in America is in New Mexico. The censuses of 1860 and 1870 give 25 per cent. in New England, 14 in Minnesota, from 5 to 6 in the different Southern States, and 3 per cent. in New Mexico.

I have never known a case of bronchitis brought here that was not vastly improved or altogether cured; and asthma as well.

I have no doubt that when means of access to this country are better, and therefore being better known, it will rival or supersede Florida, Madeira, Nice, or Dr. Bennett's much-vaunted paradise of Mentone as a sanitarium. The country is far distant from either ocean; it is utterly free from all causes of disease. The atmosphere is almost as dry as that of Egypt. The winters are so mild that there are not ten days in the whole year an invalid cannot take exercise in the open air. The summers are so cool, that in midsummer one or two blankets are necessary to sleep under. The whole Territory has been always astonishingly free from epidemic disease.

Dr. McKee, formerly professor in Jefferson College, Louisville, and late surgeon in our volunteer forces, in his book on the resources of New Mexico, says:

The climate of New Mexico is very salubrious and bracing; in fact, it is unsurpassed by that of any other Territory or State in the United States. The atmosphere is light and dry, even electrical and invigorating to such an extent as to make life and existence a delight, independent of any other source of enjoyment.

RESOURCES.

The resources of New Mexico are principally agricultural, pastoral, and mineral. The whole Territory abounds in fertile valleys, whose soil is as rich as can be found in any portion of the United States. She excels as a wheat-producing country, and with means of transportation her flour will be sold in competition with the flour of Kansas and Missouri on the Missouri River. Irrigation is necessary to insure crops, but the large yield more than compensates for this extra expense and labor not incurred in countries where irrigation is not necessary.

It may not be improper here to refer to the grapes of New Mexico and her capacity as a wine-producing country, which is certainly not surpassed in the United States. The valleys of the Rio Grande and Pecos Rivers especially produce grapes in the greatest profusion. Although cultivated in a rude and imperfect way as yet, the wine produced is a good table wine, and compares favorably with many of the Rhine wines. In the town of Bernalillo alone, with about five hundred inhabitants, there are annually produced five hundred barrels of wine, one-half of which is consumed in the town and the other half sold at from fifty to sixty dollars per barrel. It is estimated that an acre of land well set with grape-bearing vines is worth from three to five hundred dollars per acre, and that in the valley of the Rio Grande the area of the grape lands is about one thousand square miles or about six hundred and forty thousand acres, and on the Pecos River about three hundred thousand acres. As early as 1804 Baron Humboldt was at El Paso, and in his book on New Spain says:

The environs of El Paso are a delicious country, which resembles the most beautiful parts of Andalusia. The fields are cultivated in corn and wheat. *The vineyards produce excellent wines, which are preferred even to the wines of Parras and New Biscay.*

This grape-growing area extends up the Rio Grande River into New Mexico, a distance of about three hundred miles, in which fruits of all kinds can be raised.

PASTORAL RESOURCES.

The broad plateaus of New Mexico are covered with the richest and most nutritious grasses known, the grama grass principally, and they can never be used for anything but grazing purposes, and New Mexico is claimed to-day, as she is without doubt, the best grazing and stock-producing country in the United States, and will continue to be so. Stock is never housed and never fed, therefore the cost is but trifling compared with other portions of the country. No person who has paid any attention to stock-raising in New Mexico, and especially sheep, but has enjoyed a large return for the labor and capital invested. Some of our citizens own from sixty to one hundred thousand head of sheep, many from ten to twenty thousand, and some as high as twenty thousand head of cattle. The climate is so dry and mild that epidemics never occur among the sheep or cattle.

One-half or more of all the lands of New Mexico are grazing lands, say forty million acres, and never can be used for any other purposes; and even if by a system of artesian wells or reservoirs waters could be collected and had in abundance for purposes of irrigation or agriculture, these lands would not be used for these purposes, because stock-raising is more profitable.

In 1871 Colonel J. F. Chaves, in a letter to Governor Arny, estimated the number of sheep in New Mexico to be 1,500,000. This being the case, we can safely estimate the whole number now to be 3,500,000. Governor Arny, in his book on New Mexico, page 45, says:

For the profitable raising of horses, mules, cattle, goats, and sheep, and on the most extensive scale, no portion of the world can rival this district. Its mild climate presents no rigors, while its mountain slopes, valleys, and plains are unlimited extents of pasturage.

And again, at page 41, he says:

Colorado, New Mexico, and Arizona are pastoral countries, unsurpassed in the United States for the rearing of stock with but little expense and in great abundance; the climate, the nature of the country, and abundance of nutritious grasses throughout the year fit this country peculiarly for the rearing of sheep and cattle with no expense but that of a few herders to look after them, as they are never fed or housed at any season of the year.

The natural configuration of this vast Rocky Mountain region is not the least of the many desirable advantages it presents. It is situated many thousand feet above tide-water, fanned by the purest atmosphere, and supplied with innumerable salubrious streams running from the mountain springs and furnishing pure water, one of the essential elements for the sustenance of both man and beast. This country has a high and dry range, so conducive to the health of all animals, especially *sheep*, which animal, I believe, if properly reared and improved, will prove a greater source of wealth than even our untold and vast mineral deposits.

Our mesas and mountain gorges and many portions of our valleys are most prolific in a variety of herbage suitable for all classes of animals, but especially adapted to sheep, and during winter they afford a supply of pasturage so abundant that no additional food is required. The animals can have access to a continuous supply of good food and pure water during the winter, and by a judicious management the only expense of rearing sheep and cattle in this country is the hire of herders, which is comparatively a trifle.

This combines the unanimous testimony of all people who have visited New Mexico, and of those who have written on her resources. There is no doubt or question about the accuracy of these statements in any respect.

In regard to the mineral resources of New Mexico, which all agree combine all varieties and in the greatest abundance, I beg only to place before Congress the testimony of scientific men known to the whole country, and who have no interest in New Mexico.

General William J. Palmer, now president of the Denver and Rio Grande Railway Company, in his report of surveys across the continent in 1867–'68, on the thirty-second and thirty-fifth parallels, for a route extending the Kansas Pacific Railway, says on pages 90–93, in substance, that coal is found on the line from the Raton Mountains to Albuquerque, and further down the Rio Grande to El Paso, a distance of about five hundred miles, and from the Rio Grande River, at Albuquerque, west as far as the Moqui villages, a distance of one hundred and fifty miles. And in places where examined he says (page 90) this:

Coal apparently is as good as the Westmoreland coal of Pennsylvania.

In concluding this subject, (page 95 of his report,) General Palmer says:

The coal trade will in all likelihood be one of the largest sources of business the road will have, and if they prove as well adapted to the reduction of iron, as they undoubtedly are to locomotive use, the supplies at Cañon City, Vermajo, Placer Mountains, and along the Rio Grande, will prove of the greatest value in consequence of their occurring in connection with rich beds of iron ore and close to limestone, and before long we may expect this country to be filled with furnaces and rolling-mills like the rugged mountains of Wales.

General Palmer further says in his report (page 185) that—

The deposits of iron are numerous, and mentions that several veins of magnetic and specular iron ores were found, and on that portion of the line in New Mexico.

He also says:

Gold, *silver*, *copper*, lead, China clay, salt; all these have been developed in great abundance.

On page 137 he says:

On the San Ysidro Mountain (which is in New Mexico) there are numerous lodes of copper, as well as silver and gold, which were worked many years ago, before the memory of the oldest inhabitant. The ruins of numerous furnaces and arastras are to be seen.

He further says, pages 147, 148:

From the above necessarily hasty repertoire, which follows consecutively along the route, it is clear that the hills and mountains over this extended range contain an amount of mineral wealth of all kinds, the useful as well as the precious, which may be considered practically inexhaustible. Furthermore, that these subterranean treasures are not confined to a few localities far apart, but have a remarkable diffusion along the route. Indeed, from the Arkansas River to the western spurs of the Coast Range, near San Francisco, a distance of fifteen hundred miles, the mountains, which one is never out of sight of, may almost be said to possess continuous deposits of one kind or another of valuable mineral, which, beginning with the coal and iron of Colorado, end only with the quicksilver of New Almaden.

It will be borne in mind that in this survey there accompanied General Palmer a number of scientific gentlemen, mineralogists and geologists, among whom may be mentioned Professor Le Conte, of Philadelphia.

Hon. Rossiter W. Raymond, commissioner of mining statistics, who is known and conceded to be one of the best mining engineers in the world and the acknowledged head of the profession in the United States, and a man of undoubted integrity, in speaking of New Mexico, in his report for 1871, says:

The climate of New Mexico is mild and healthy, the sky as clear as that of Italy, and the air transparent and pure. In fact, the very act of breathing in this country makes existence in it a pleasure. The soil is fertile wherever water for irrigation is at hand. Most of the plains are covered with a very nutritious grass, (grama grass.) The mountains are covered with pine, cedar, oak, &c., and, together with the flowery meadows in the valleys, present a very pleasing scenery to the eye.

The mountains between Taos, Picuris, and Embuda contain gold mines, which have been worked in former years. The mountains and gulches near Mora contain float quartz and gold, but are not much prospected. Some gold has been brought to Santa Fé during the past year from San Juan, but no particulars could be learned about it. Excellent fire-clay exists near Santa Fé.

Near Santa Fé two veins of anthracite coal are opened five feet in width. It contains 87.5 per cent. of fixed carbon, and when burning shows only the blue flame of carbonic oxide. As far as its practical application for all practical purposes is con-

cerned it is undoubtedly fully equal to Pennsylvania anthracite, and really the best fuel so far discovered in the West.

Two miles north of Santa Fé a layer of coal mixed with iron pyrites occurs.

Coal crops out near Taos.

A large lode of specular iron has been found of late near Embuda, between Taos and Santa Fé,

No attempt has been made to smelt iron, although it exists in great abundance and of great purity in the immediate vicinity of anthracite coal and contiguous to fire-clays and limestone.

Sooner or later it will be known that New Mexico need not shrink from a comparison with her sister Territories, none of them surpassing her in natural resources and riches, and many of them stand below her in the scale.

The following minerals are known to exist: Gold, silver, lead ores, copper, manganese, iron ores, carbonate, hematite, specular iron, magnetite, coal, anthracite, bituminous, salt in springs and lakes, precious stones, garnets, turquoise, opal, quicksilver, soda, gypsum, lime, cement, sulphur, sulphuret of iron, chromic iron, &c.

Dr. McKee in speaking of our mines, after reciting the vast amounts of gold and silver produced by the mines of Nevada and California, says:

New Mexico will yield equally as much, or even more, for the metals are known to exist within her in the greatest abundance, and capital only is required to develop the hidden treasures.

The Commissioner of the General Land Office in his report for 1868, page 54, says:

Valuable minerals are found in every portion of New Mexico. In numerous localities may now be seen shafts and drifts, the work of former generations, and the only monuments left of their energy, activity, and industry, while the almost daily discovery of new lodes of gold and silver bearing quartz and auriferous placers indicate that mining operations in the future will be as productive as in the past, (as in the days of Montezuma and Cortez.)

Dr. F. V. Hayden, United States geologist, in a partial examination of the mines of New Mexico, reports the following minerals of commercial value:

Iron pyrites, copper pyrites.—Mostly auriferous, widely distributed in veins over the flanks of the Rocky Mountains in New Mexico, and in numerous lesser chains of granitic and metamorphic rocks.

Malachite, green vitriol, blue vitriol.—Principally from decompositions of the above wherever the ores have been exposed to weathering. Widely distributed in veins over the flanks of the Rocky Mountains in New Mexico, and in numerous lesser chains of granitic and metamorphic rocks.

Zincblende, (often argentiferous.)—Sandia, &c.

Galena, (often argentiferous.)—Maxwell's, near Mora.

Brittle silver.—Maxwell's, near Mora.

Fahlerz.—Maxwell's, near Mora.

Specular iron ore.—Real Dolores, near Ortiz mine.

Red and brown hematite.—Widely distributed; Old Placer, &c.

Magnetic pyrites.—New Placer.

Coal.—Raton Mountains, Maxwell's, Real Dolores, &c

Cerussite.—Maxwell's.

Anglesite.—Maxwell's.

Native gold.—Arroyo Hondo, Moreno, Brahm lode, New Placer, &c.

Native silver.—Maxwell's.

Horn silver.—Maxwell's.

Titanic iron ore.—Real Dolores.

Smithsonite.—Sandia.

Silver glance.—Moreno, New and Old Placers.

Light and dark ruby silver.—Maxwell's.

Spathic and micacious iron ores.—Real Dolores.

Turquoise.—Cerrillos, between Santa Fé and San Lazaro Mountains.

Professor Hayden says in his report, page 130:

The valuable ores abound almost everywhere in the granite and gneiss of the Rocky Mountains, and the economic question is not to find the material, but the capital and labor with which to work. The country over which these investigations were made is replete with those minerals which by their decomposition are found by experience to most enrich the soil, as it is with the before-mentioned minerals of commercial value.

ANTHRACITE COAL AND IRON.

Professors Owen and Cox, eminent geologists from the State of Indiana, in their report on the minerals of New Mexico, say:

Near the Placer Mountain we examined a bed, almost five feet thick, of the best anthracite, altered by porphyritic contact.

Anthracite coal, (from Placer Mountain.)—Luster bright, submetallic fracture, conchoidal. Resembles in outward appearance the anthracite from Pennsylvania:

Coke	92.00
Volatile matter	8.00
	100.00
Fixed carbon	87.00
Ashes, (red)	5.00
Volatile combustible matter	4.50
Moisture dried at 300° Fah	3.50
	100.00

Having seen a hand specimen which we recognized as excellent anthracite, we were especially desirous to visit this locality from which it was obtained, and we did so before leaving. The entrance to it is a ravine, with slaty rock for a few feet over the roof. * * * The coal-bed is very accessible and easily worked; it measures from four feet eight inches to four feet ten inches in thickness, and is generally very free from earthy or other impurities. It seems a true anthracite, not semi-bituminous, but as destitute of bitumen as the Pennsylvania variety.

Comparisons of coal.

1. PENNSYLVANIA ANTHRACITE.

Fixed carbon	87.45
Ashes and clinkers	7.37
Volatile matter	3.84
Moisture	1.34
	100.00

2. ANTHRACITE COAL FROM PLACER MOUNTAIN.

Fixed carbon	87.00
Ashes, (red)	5.00
Volatile matter	4.50
Moisture dried at 300° F.	3.50
	100.00

(Analysis by Professor Cox.—Owen and Cox's Report on Mines of New Mexico, page 58.)

Says Professor Cox:

It will be seen from the analysis that the fixed carbon in the two is nearly the same; the Placer Mountain coal contains a little more volatile combustible matter and moisture, while the Pennsylvania coal has the largest quantity of ash.—*Owen and Cox's Report,* page 59.

Dr. McKee also in his book, page 95, in reference to anthracite coal and iron in New Mexico, says:

Good iron ore is also obtained at Placer Mountain, near the center of the Territory. Here it is not so abundant as at the Mimbres; but inasmuch as it is only six miles distant from an anthracite coal-bed, it is more valuable on that account. This anthracite bed is in a ravine, very accessible and very easily worked, only twenty-three miles south of Santa Fé. The coal is of an excellent quality, as good as the best Pennsylvania, and is entirely free from bitumen. The vein is from four to five feet wide, clean and free from all impurities.—*Professor McKee's New Mexico, &c.,* page 5.

Commissioner Raymond in his report of 1870, pages 414–417, in speaking of mines of New Mexico, and especially anthracite coal, says:

The occurrence of anthracite coal in workable beds in the Western Territories near the gold and silver districts, is of such great importance that I cannot conclude this report on New Mexico without giving a detailed description of the anthracite mines at the Old Placer Mountain. They are situated near the northwestern foot-hills of that range, about twenty-three miles southwest of Santa Fé, and respectively four and one-half and six miles from the mining town of Real de Dolores. * * * * * * *

The coal from the coal mines to be described in the following presents all these qualities, and there is consequently no doubt that it is really anthracite.

After referring to the locality of the mines and to what extent they had been worked, he says:

About 280 tons of coal have been taken from this mine. It shows all the qualities of a true anthracite and contains 87.5 per cent. of fixed carbon. * * * As the material does not coke in the least, it is evident from this test that it is perfectly adapted to use in blast furnaces, though it will require a higher pressure of blast, on account of its density, than charcoal or coke.

In every county in the southern portion of New Mexico silver, copper, and lead mines have been discovered, and some of them are now being worked. The products of the Silver City mines in Grant County, worked without improved machinery, are about $10,000 in silver per week. The ore from the copper mines in this county is transported six hundred miles in wagons, and shipped to Baltimore for smelting. On the completion of the Texas and Pacific Railway through Southern New Mexico, it is estimated that the yield from copper mines will be greater than from any portion of the United States. Some of the copper mines worked by the Spaniards more than one hundred and fifty years ago, and the ores taken to the city of Mexico, are now being worked. In all portions of the Territory old mines and shafts may be found, but more particularly in Grant, Doña Aña, Santa Fé, Santa Aña, and Socorro Counties.

Dr. Wizlezeines, a scientific German miner, who examined New Mexico before the annexation of the United States, says:

A third much-neglected branch of industry in New Mexico are the mines. Great many now deserted mining places in New Mexico prove that mining was pursued with greater zeal in the old Spanish times than at present.

Again:

The mountainous portions of New Mexico are very rich in gold, copper, iron, and silver. Iron, though so abundantly found, is overlooked. Coal has also been discovered in different localities.

A very recent report made by Professor C. D. Wilbur, of Chicago, Illinois, known to be one of the ablest scientific minds in the country, with a practical experience, extending over twenty years, in inspecting and studying the coal-fields and iron deposits of Indiana, Illinois, Missouri, and Iowa, and reporting thereon, and personally known to many gentlemen on this floor, in speaking of the Trinidad coals in Southern Colorado, says:

We trace the same system to the west and southward to Cimarron, New Mexico; thence to Santa Fé and beyond, where this system of coal deposits has been changed to anthracite by the same forces or causes as have produced the anthracite coal-fields of Pennsylvania.

The distance between the points here spoken of is more than two hundred miles, and adjacent to these coal-fields iron ore in great quantities has been discovered.

In the same report Professor Wilbur further says:

The coals of this region, which may be referred to as the Trinidad coals, because by that name they are readily known, are much superior to the Colorado coals found in the vicinity of Cañon City and Denver. They are by far the best that have been discovered in the Rocky Mountains. They are equal to the best bituminous coals of Illinois, Ohio, or Pennsylvania.

He further says:

In proof of this statement I will quote from the report of Mr. Eilers before the American Institute of Mining Engineers at Easton, Pennsylvania, October 22, 1873, on *coke* made from *Trinidad* coal:

"This is the first good coke for smelting purposes ever made from lignite *alone* in America. It has so far always been found necessary to mix bituminous coal, from the coal measures, tar, or similar material, with lignite, in order to produce a coke, which even then was in most cases only an indifferent fuel for the shaft-furnace.

"The coke here presented will answer for all purposes of lead and copper smelting in shaft-furnaces, and if made in proper coke-ovens it will probably be sufficiently dense to carry the high smelting columns of the iron blast-furnace. One pound of Trinidad coal furnishes 4.25 cubic feet of purified gas without the use of an exhauster, and 55 per cent. of the coal remains as coke."

The importance of this bed of coal for the metallurgical purposes of the far West cannot be overrated when we know that at present eastern coke costs at Denver twenty-two dollars, and at Salt Lake City thirty dollars per ton. The recent analysis of Dr. J. A. Sewell, State chemist of Illinois, made late in December, 1873, still better confirms our statement as to the extra value of these coals. The analyses were made from the New Mexico and Trinidad coals with the same results.

LABORATORY UNIVERSITY OF ILLINOIS, *December* 16, 1873.

Results of analysis of coals sent me by Professor C. D. Wilbur from New Mexico, December 4, 1873:

Specific gravity	1.2215
Water	5.80
Ash	4.17
Total incombustible matter	9.97
Volatile matter	36.81
Fixed carbon	53.22
Total combustible matter	90.03

Coke firm and very persistent; ash light, resembling the ash of wood. It contains a trace of silver. The coal bears only a slight trace of sulphur. It yields splendid illuminating gas. For locomotive use these coals must rank among the very best. *The coke is the most firm and persistent of any I have ever seen.*

J. H. SEWELL, M. D.,
Analytical Chemist, Illinois State University.

Professor Wilbur adds:

It would seem that nothing more could be said setting forth the quality of New Mexico and Trinidad coals.

It will be borne in mind that these great coal-fields are distant from Kansas City, Missouri, about seven hundred miles, and from the coals of the State of Kansas at Emporia about five hundred and seventy-five miles, there being no coal between Emporia and the Rocky Mountains. Now, owing to the superiority of the New Mexico coals, the facility with which they can be mined, the New Mexico coal can be transported to Atchison, on the Missouri River, and sold in competition with the Kansas and Missouri coals. On this point Professor Wilbur says:

We are aware that the Kansas coals are reached between Emporia and Topeka, and that there will be competition at Emporia, (Missouri, Kansas, and Texas Railway crossing,) but the extraordinary quality of the New Mexico coals will as certainly bear these rates as the best Blossburgh, Hocking Valley, and Pittsburgh coals now bear the same rates in Chicago.

The Kansas and Missouri coals are far inferior in quality and must fail in any comparison with these already described. Besides, the Kansas coals are very scarce, occurring in thin veins and patches, and are mined at great expense per ton. It is difficult to determine the number of tons per day that would be required to be distributed between Cimarron, New Mexico, and Atchison, Kansas, within three years from the completion of the road. It must be understood that the entire supply of coal for the great Arkansas Valley, to the extent of fifty miles on each side of the railroad or river, must come from New Mexico. Add to this the supply of the plains from Granada to Cimarron, two hundred and three miles, not only for the towns and stations but for every farm and ranch, and for every mill and manufactory, and also for smelting works, to say nothing of coals for locomotive uses, and it is certain that the coal transportation must be immense.

We do not overestimate it when we put the daily demand at three thousand tons, or three hundred carloads, or ten trains of thirty cars each.

As soon as the Atchison, Topeka and Santa Fé Railroad is completed to Cimarron, every station from that point becomes a coal depot for the surrounding country, and is furnished with a reliable first-class coal mine to all intents and purposes, so that every farmer and ranchman can certainly depend on his supply of the best coal at very cheap rates.

The country described here extends from the Missouri River to the Arkansas River, and up that stream to the base of the Rocky Mountains, the commencement of these coal-fields, and embraces an area of two hundred and fifty million acres of farming and grazing lands, fuel for three-fourths of which must be supplied from the New Mexico coals. On this point, in the report referred to, Professor Wilbur further says:

The coal region so briefly described in this report is a portion of the largest coal-field in the world. It reaches from the British possessions far into Mexico, over fifteen hundred miles in length, and is from one hundred and fifty to four hundred miles in width, all embraced in the tertiary and cretaceous formations of the Western Territories. The relation of this magnificent coal-field both to the Rocky Mountains and the plains is the basis of a new empire.

The plains have no fuel, and the Rocky Mountains are plethoric with valuable ores. Their bases are iron, their sides gold, and their summits silver. Coal is so placed in the foot-hills and lower ranges as to be most accessible both to the farmer or herdsmen and the miner, whose united industries will soon develop the region so long known as the American desert.

He concludes by saying:

Ten years ago the mineral wealth of New Mexico was hardly supposed to exist. It is now known to be immense, far surpassing the wealth of "Ormus or of Ind." The entire Territory needs to be minutely studied and examined, not by mere amateur fossil-pickers and specimen hunters, or by the innocent bands annually sent out by eastern colleges, who are predestined to find a "new species," write a monogram, and have one day of glitter as heroes in some metropolitan newspaper, but by practical mineralogists and geologists whose character and success will command the attention and confidence of capitalists of America and Europe.

Such is the testimony of impartial and disinterested witnesses as to our mineral wealth. I have no disposition to add one word; they speak for New Mexico much better than I can, except to say that the explorations west of the one hundredth meridian, now being conducted under the supervision of General Humphreys, Chief of Engineers, known as the "Wheeler expedition," because they are immediately under the charge of Lieutenant Wheeler, one of the ablest engineers in our service, promises not only a confirmation of the above statements, but beneficial results in bringing before the whole country exact and accurate information of the geology and mineralogy of a portion of our continent now almost unknown.

From these facts it is safe to conclude that New Mexico must some day become, as indeed the whole Rocky Mountain region, not only a stock-growing and mining country, but also manufacturing to a great extent. It is often asked if New Mexico has such elements of great wealth, why is it in twenty-five years she has not made greater progress? The answer to this is, that under the treaty the United States promised to protect the people from Indian depredations, but instead of doing so during all this time New Mexico has been constantly subjected to Indian wars, which have prevented all progress. Now that Indian hostilities have ceased, New Mexico is making wonderful progress.

Most all other Territories and States have had assistance in some form or other in building railways; New Mexico has had none. Heretofore too little attention has been paid to the wants of the great Rocky Mountain regions. They embrace an empire in themselves, and will in the future rival even the Atlantic and Mississippi Valley States in contributing to the wealth of the entire country, and adding to the greatness and glory of the Republic.

The various chains of mountains in the United States, with their minerals, maintain peculiar relations to the whole country and its commerce.

The mountains of old New England! We love her people as children only love a father; we hold them in the same grateful reverence that youth has for old age. They have given the country an intelligent, God-fearing, and liberty-loving people, and the Republic a whole race of distinguished statesmen. In addition to this they have their place in our internal commerce: they furnish, and will continue to do so, that which we cannot spare, the granite and marble that lift to the skies our lofty public edifices and give strength to our less imposing but palatial residences.

Farther to the West and South the Alleghany Mountains and their grand system and far-reaching ramifications have done and will continue to do their great office in supplying the coal and iron and building up manufactories between the East and the Mississippi Valley, but their capacity and transportation unite in saying beyond this you cannot go, here you must stop; your boundaries are fixed, and your territory determined. From the Mississippi Valley to the Pacific coast, a distance of near two thousand miles, nature has not been unmindful of the wants of those who are scattered over this vast area, nor of the wants of the unborn millions that must come after them; but with her unsparing and generous hand she has stored away in her great storehouse, the Rocky Mountains, not only the coal, iron, lead, and copper that will furnish the basis of a thousand industries and be required for thousands of years to come, but the gold and silver that must not only ultimately redeem our present national debt, but supply our wants in the great future.

The Rocky Mountains not only maintain a peculiar relation to the great plains that lie between her base on the Missouri River, so ably set forth by Professor Wilbur, but with the whole country. The Mississippi Valley and the Pacific coast are no longer divided by an inseparable barrier; they have shaken hands across the back-bone of the continent, and become wedded in a common interest, the ceremony having been performed in the presence of the majestic and snow-clad peaks of the Sierra Nevadas who stood as the grand and silent witnesses to this happy union, which has been recently more closely strengthened by bands of iron.

The Rocky Mountains rest on vast coal-beds. Here, in the not very far future, we must go for coal, the great desideratum of our civilization, the basis of almost all power and nearly of all wealth, without which the world would suddenly stop, but with which it will move on to new and astonishing conquests in science, art, mechanics, and manufactures.

By an unnatural usurpation cotton was once called and believed by some to be king; but time and the natural laws of commerce have served to dispel this delusion, and coal, with his ebon brow, has come to the front and by unanimous consent been crowned king forever; and from his dark throne, with his brother iron, wields the scepter of empire over all human industries, his realms being measured only by man's ingenuity.

In the United States, the home and throne of this king is in the Rocky Mountains; his children live and rule in the Alleghanies and the Mississippi Valley. The Rocky Mountains will play no ordinary or secondary part in the future of this country. So long unknown, light is beginning to dawn; we are but catching glimpses of the future grandeur and glory of this great empire.

In New Mexico the time is not far distant when a thousand furnaces for the reduction of ores will light up the sides of her vast mountains, and this ore, drawn by a thousand engines busy by day and by night, will be poured into the lap of the Mississippi Valley; and millions of sheep, cattle, and horses will feed on her boundless plateaus.

Civil Rights.

SPEECH OF HON. JAMES L. ALCORN,

OF MISSISSIPPI,

IN THE UNITED STATES SENATE,

May 22, 1874.

The Senate having under consideration the bill (S. No. 1) supplementary to the act entitled "An act to protect all citizens of the United States in their civil rights and to furnish the means for their vindication," passed April 9, 1866—

Mr. ALCORN said:

Mr. PRESIDENT: I did not intend to appear before the Senate in the capacity of a speaker upon this occasion; but I have concluded that I

could not well discharge the duty which I owe to my constituents without being heard upon the bill now under consideration.

It has been said that there are those advocating the passage of this bill who do not desire that it should become a law. I cannot say how true that is. I can only speak for myself, that while I advocate it, I desire in my soul that it should become the law of this land, and I have reasons for this declaration and for this desire. I represent in my person and the cause which I advocate to-day strongly the result of the revolution in which we have been engaged. From the South I come. From among the slave-holding class I come. Born in the midst of slavery, identified all my life with the institution, a rebel in the revolution, to-day an advocate for the civil-rights bill, am I prompted by the desire to secure the colored vote, as has been charged to those who support this bill? If moved by no higher consideration than this, then my position here and my advocacy of this bill would be deplorable indeed. But I am moved, I trust, by higher considerations than these. Let me now, in order that I may be understood, state the conditions upon which I stand here.

The negro has been characterized here as an inferior race. Yes, he is inferior in point of education, and I may say in point of numbers, in this nation of ours. Inferior though he be, he controls the destiny of the State from which I come. The power of the Legislature of Mississippi, the political sovereignty of that State, is to-day in the hands of this race. The taxing power belongs to him, the power to legislate with regard to my property, and every right that I enjoy under the guarantees of the State constitution is held at the hands of the negro race, a government of the people, subject to their will in its fundamental and its statute law, what checks and balances have we save those limitations prescribed in the Constitution of the United States? The executive, the judicial, and the ministerial officers of the State are all chosen, if not directly indirectly, by the colored people of that State. I here declare myself in favor of that policy which that colored man declares is necessary to the protection of his race throughout the Union. We need no civil-rights bill there. So far as Mississippi is concerned, we have a civil-rights bill of our own more stringent than any you will pass in this Congress, its penalties more severe, its workings more in detail—complete in itself for the protection of the colored people. They stand here through their representative declaring that so far as Mississippi is concerned they desire no legislation upon the part of Congress; they are able to take care of themselves. But they do demand that their race shall be recognized in every State in this Union as they are recognized in the State of Mississippi. Brought under the rule, by reason of the revolution, of the colored people of Mississippi, is it strange that I should advocate a bill guaranteeing the personal rights of the citizen throughout the nation?

Sir, self-protection, if I had no higher consideration, would move me to advocate the passage of this bill, not in the limited sense in which the bill is now presented to the Senate, but in that fuller and more comprehensive sense in which I hope to see it made before it is submitted to the vote of the Senate. The people of my State demand that they shall have all that the fundamental law guarantees to citizens of the land. There is in this demand a signification that I need not elaborate.

Was the Government under which we live changed by reason of the revolution; as a result of the revolution? Did not the thirteenth, the fourteenth, and the fifteenth amendments change the form of this Government? They extended the limits of this Government; they gave an increased power to this Government; and they gave a force to this Government that it did not possess until the revolution had decided in favor of the Federal interpretation of the Constitution. The Constitution of the United States was the emanation of a rare order of political intelligence. Clashes of thought, feeling, and interest gave form to its text. As the beautiful colors are reflected through a prism, so were the different castes of mind, heart, and purpose entering into its provisions reflected into the Constitution of the United States as it existed when the war began. The federal principle lay in that Constitution side by side with the doctrine of the sovereignty of the States, and no sooner had the Government begun its operations than the antagonisms thus reposing side by side in that instrument arose as opposing forces, were debated for years in Congress and before the people, were finally adjourned to the arbitrament of war, and after a most bloody conflict were decided in favor of the federal principle; and the Constitution for the first time in the history of this country became harmonious, smooth, and even in its working. The principle of the sovereignty of the States was struck down, and under the fourteenth amendment the citizen of the State was declared to be a citizen of the United States, and it was the fourteenth amendment to the Constitution of the United States that gave form to and that created the being whom you call a citizen of the United States. Those guarantees that were given previous to the war and secured to the citizen by the different State constitutions were now confided as a result of the war to the United States. When the slave was touched by the results of the revolution he became a new being; he became a citizen of the United States residing in the States of this Union; his rights, his privileges, his immunities then belonged to him as a citizen of the United States, and were explicitly guaranteed by the amended Constitution. Am I correct in this?

I listened with interest to the Senator from Wisconsin [Mr. HOWE] just a moment ago when he was descanting on the fugitive-slave law, and I was struck with the harmony that existed at the time that law was passed and was being executed between the extreme sections of this country with regard to the powers of Government. The Constitution of the United States read by him declared in these words:

> No person held to service or labor in one State, under the laws thereof, escaping into another, shall in consequence of any law or regulation therein be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.

While the honorable Senator was speaking I sent for the Globe, for the purpose of showing how the extreme northern and southern view harmonized in construing the powers of the Government. To show that he is correct in presenting the view common to the extreme sections when he asserts the fact that no power was lodged in Congress to enforce the provisions of that article in the Constitution, I send to the desk and ask the Clerk to read from a speech delivered by Hon. Jefferson Davis, of Mississippi, upon the occasion of the mob in Boston, to which the honorable Senator has referred, at the time the fugitive slave Burns was arrested. I read it to show the opinion of Mr. Davis at that time, who was a leader of the South, upon the subject of the power of Congress to enforce the fugitive-slave law.

The Chief Clerk read as follows:

> The Government of the United States has power to suppress insurrection and to repel invasion. What insurrection do you suppose is contemplated? Only insurrection against the authority of a State in which civil government shall be paralyzed by physical power. The occasion, too, must be sudden and ephemeral. If the masses of any State choose, they have the power, and it is undeniable, to change their whole form of government. An insurrection, then, must be one against a State, and a State may seek the aid of the Federal Government to justify it in introducing its power in the State for the purpose of suppressing insurrection. In the better days of the Republic, may I not say the purer days of the Republic, the militia of the States were relied upon for the enforcement of the laws against those who resisted them within the borders of the States. Thus General Washington's Secretary of War called on the militia of Pennsylvania to put down the whisky insurrection. He did not call on the Army and Navy of the United States.
>
> But, sir, the case in Boston seems to be the legitimate result of an event which occurred not long since, when the officers failed to do their duty, and the marshal who so failed was not removed. What was this but a direct encouragement to a free-negro mob to set aside the law and to oppose the officers if they attempted to execute it? I am not one of those, however anxious I may be to see this law enforced, who would advocate the use of the Army to secure its enforcement. I hold that when any State in this Union shall choose to set aside the law it is within her sovereignty, and beyond our power. I hold that it would be a total subversion of the principles of our Government if the strong arm of the United States is to be brought to crush the known will of the people of any State in this Union. Such is my theory of this Government.

Mr. ALCORN. We see that Mr. Davis declared that however anxious he was to see the law executed he would not favor so extreme a measure as sending the troops of the United States to Boston for the purpose of arresting the fugitive slave Burns. And in following up this opinion held in the North, Wisconsin, the State from which my honorable friend comes, declared by a decision of the supreme court of that State that the fugitive-slave law was unconstitutional, and that its provisions should not be enforced within its jurisdiction; and following this, that State passed liberty bills and declared that no fugitive should be arrested within her borders; and many of the Northern States, taking a similar view, passed like bills in defiance of the fugitive-slave law, and declared that their citizens should not be held liable for violations of that law.

This simply showed the inharmony of the Government. It did not take the eye of a prophet to see that a government like this could not long continue to exist; that one or the other of these forces must triumph; that either disunion must take place peaceably, or that war must come. The States declared—and they had the power if not the right under the Constitution to declare—that they would not enforce the provisions of the Constitution of the United States, and there existed no power in Congress to coerce them. What, then, was to become of the Government? It must go to pieces, or it must vindicate itself in sufficient strength to establish and maintain it.

Here is another clause in the Constitution that I will read now for the purpose of enforcing what I say. It exists and is in full force to-day:

> A person charged in any State with treason, felony, or other crime who shall flee from justice, and be found in another State, shall on demand of the executive authority of the State from which he fled be delivered up, to be removed to the State having jurisdiction of the crime.

There is a plain provision of the Constitution. Now suppose the governor of the State of Florida, as he to-day does, shall refuse to give up a person who is indicted for a felony in the State of North Carolina. The governor of the State of North Carolina has power to demand him as he does, but the felon is not delivered up; the criminal is not surrendered. If you were to undertake to give force and vitality to this provision of the Constitution by an enactment of Congress, I apprehend you would be met on this floor successfully with a denial of the power to pass and enforce any such law. It would be declared to be an invasion of State rights—whatever of State rights is left—for some still insist we have State rights; and would not Senators on both sides of this Chamber declare that there was no power in this Government to go with the Army under a law of Congress to take an escaped felon from the protection of one governor to surrender him to another? But if this provision of the Constitution was followed by a clause declaring that Congress should have power to *enforce* this provision by appropriate legislation, then our way would be clear and the duty would be unmistakable.

When the thirteenth amendment came, declaring that slavery and involuntary servitude should no longer exist, it was followed by a clause declaring that Congress should have power to enforce the arti-

cle by appropriate legislation, using the strongest language known to the vocabulary. It was the first time that the Constitution had declared that Congress should have power to *enforce* any of the provisions of the Constitution of the United States. It is true that under the eighth section of the first article of the Constitution which says that Congress is "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers and all powers vested by this Constitution in the Government of the United States, or in any department or officer thereof," Congress had the power to pass laws; but how could Congress enforce those laws? Suppose when Congress passed a law attaching to the citizens of the State, the State should throw the arm of sovereign protection around the citizen to shield him from the legislation which Congress had deemed proper to pass, where was the power in this Government before the war to enforce it? It was denied. And so it was that there was no vitality or force existing in the Government before the adoption of the thirteenth amendment to enforce the provisions of the Constitution itself. Although it was decided by the Supreme Court that there was such a being as a citizen of the United States, when you undertook to trace the existence of that being he was very distant. Was a citizen of the District of Columbia a citizen of the United States? He did not live in any one of the States. Was a citizen of a Territory a citizen of the United States? He did not live in any one of the States of the Union. A citizen of the United States was one declared to be by the courts a citizen of one of the States of the Union. But the Constitution comes after the war, and it enlarges altogether the citizenship and declares that there is such a being as a citizen of the United States, and that a man born or naturalized here is a citizen of the United States, wherever you find the jurisdiction of the United States extending, the conditions of citizenship being otherwise complied with.

I have said that with the amendments came the clause, "The Congress shall have power to enforce, by appropriate legislation, the provisions of this article." How enforce it? If Congress has the power to enforce it, must not Congress be left to judge of the manner of enforcing it? Is not the question of enforcement a question that belongs to Congress itself? If the fourteenth amendment made no change and conferred no greater powers upon the Congress of the United States than existed before, why was it necessary in that amendment to declare that "all persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside?" Why was it necessary to enact and recite the following: "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws?" It had been declared by the Constitution, as it existed before the adoption of the fourteenth amendment, that "the citizens of each State shall be entitled to all the privileges and immunities of citizens in the several States." Now, the recitation of these guarantees and limitations in the fourteenth amendment was made for no other purpose than to bring them unmistakably under the jurisdiction of Congress, that they might be held subject to that clause of the amendment which declared the power of Congress to enforce by appropriate legislation the rights, privileges, and immunities set forth.

Congress, remember, under this article, has power to enforce the provisions of the article. Who is left to judge when these privileges are invaded or denied by the States? The Congress of the United States. This is the tribunal. The power belongs to Congress; it rests with Congress; and whenever Congress in its judgment may decide that the citizen is deprived of any of his liberties, rights, privileges, and immunities, Congress can step in under this article of the Constitution, guarantee them to him by enactment, and enforce the enactment by calling on the power of this nation, its Army and its Navy. By the adoption of the thirteenth, fourteenth, and fifteenth amendments the Constitution of the United States was changed; the powers of the Government were enlarged. There can be no secession now. The Government of the United States is the *sovereign*. I will not say that centralization is complete, for that might be offensive, but I am here to declare the unmistakable strength of the Government, and its undoubted and unlimited power over the questions now under debate.

But it has been said that this bill if passed by Congress will bring about social equality; that this law is degrading to the white race. I deny this. Society exists and is governed by its own laws. They are unwritten, but they are none the less determinedly maintained. The Senator from New Jersey [Mr. STOCKTON] this morning said that it brought the degraded race to a level with that of the most exalted. I do not quote his language but the idea. That is true as far as law can make it so. The war in one fell swoop leveled all distinctions between the most exalted citizen and the humblest slave from whose limbs the shackles fell by the touch of the emancipation proclamation. To-day we stand one people equal before the law. There is no middle ground to occupy.

But, sir, it is said that there is no necessity for this bill, and the decision in the *Slaughter-house case* is read for the purpose of showing that the bill is unconstitutional. I am very free to admit that if the court had had this case before them and had decided precisely what they did decide in the Slaughter-house case, then the argument of the gentleman is very plausible indeed. I would not be prepared to dissent from the conclusion he draws from that decision. But there was no case like this before the Supreme Court at the time of this Slaughter-house decision. The rights of the colored people were not involved in that decision. It was a mere *obiter dictum* on the part of the court on a case that was not before them. But to-day we stand without reference to the decision of the Supreme Court. This is one branch of this Government, the legislative department; the judiciary is another branch; and we go forward without regard to the opinions of each other unless those opinions have taken the form of judicial decision rendered in answer to the demands of a case properly brought before the court.

Mr. Justice Miller in delivering the opinion of the Supreme Court in the Slaughter-house case sets forth the fact that the citizen of the United States is entitled to the protection of the Government, and that it is the duty of the Congress of the United States to give that protection. Reading of the case of Crandall *vs.* Nevada, the opinion says:

> It is said to be the right of the citizen of this great country, protected by implied guarantees of its Constitution "to come to the seat of Government to assert any claim he may have upon that Government, to transact any business he may have with it, to seek its protection, to share its offices, to engage in administering its functions. He has the right of free access to its sea-ports, through which all operations of foreign commerce are conducted, to the sub-treasuries, land offices, and courts of justice in the several States. And quoting from the language of Chief Justice Taney in another case, it is said "that for all the great purposes for which the Federal Government was established, we are one people, with one common country, we are all citizens of the United States;" and it is as such citizens, that their rights are supported in this court.

Very well, the citizen has a right then to come here—to travel. That implies his right to free travel. But suppose the railroads of the different States should deny the colored man the right to travel. Suppose they say he shall ride in a box-car, or that he shall ride upon a platform-car, or suppose they say he shall not ride at all. Here are thoroughfares chartered by the different States. He has the right guaranteed to him of free transit through the country. Are we told that it would be unconstitutional for Congress to interpose and say that he may travel, being a citizen of the United States, precisely as other people travel? If he cannot travel precisely as other people travel, where does the distinction stop? Under our theory of government, if the right of travel is guaranteed, where can you make the distinction? Where can you put the limitation? What does the bill under consideration do? It declares that he shall travel just like other people; no more and no less. Where is the great wrong that is done to the white race in declaring that the colored man who is a citizen of the nation shall travel just like other people travel? Does it wrong anybody? Is the right of any one invaded by this?

But, says the Senator from New Jersey, you invade burial-grounds. Well, sir, we say that he shall have the right of burial in a public burial-ground. Suppose a citizen of my State having traveled here, the right of travel being guaranteed to him, has reached the city of Washington and after arriving here dies, where will you bury him? You cannot go into a private burying-ground for the purpose of finding a resting-place. You cannot go on the private property of any citizen and say "we will bury him here." Where shall the colored man find a burial-place? Not in a private burial-ground. O no; he cannot go there. Not on private property; he cannot go there. Well, are we to be told that the Congress of the United States shall not have power to declare that this man shall have a right of burial in a public burial-ground of the District of Columbia? This is a strange Government if the Congress of the United States cannot guarantee to the citizen this right; and that is all there is in that provision of the bill; simply that in public cemeteries, ground kept up by taxation, owned by companies that are chartered, and are protected by the law, the colored man shall have a right to be buried the same as a white man. Suppose this burial-ground shall be invaded by mob violence and you call on the militia to protect it, who is called upon? The citizen of the United States, the *posse comitatus*, or the militia if you please, and the colored man composes part of these. The colored man is called upon to come forward and bare his bosom to the danger of protecting this public property, for the public property is under the protection of the Government. He must go there to defend it. Shall a law exist that he shall not be buried there if he should fall in the act of protecting the property itself? Does it not belong to the Government of the United States when his right is contested to declare that in the public burial-ground he shall have the right of burial?

Mr. President, the South does itself injustice when it comes here to make objection to this bill upon the clause which I have mentioned. In many an old family burial-ground in the South you will find a tablet erected to the memory of some faithful servant, some faithful slave who served the family in days past, and has now gone to rest, resting there in the burial-ground by the side of the members of the once happy family. Throughout all the land you can find the evidences of the affection that existed between the races in the days of slavery. Ah, Mr. President, I said to you awhile ago that I was born in the midst of slavery. Yes, sir, I was. I was transferred to the arms of a colored nurse. I drew in my infancy from the bosom of that colored nurse the nourishment upon which I fattened and grew. That colored nurse watched over my childhood. She

watched me in my early manhood. She lives to-day in my own family, a favorite member of that family, having belonged to four generations of my race as a slave. In her decrepit old age she is led by my little children, who love her as I loved her, whose hearts dwell with her as mine has ever dwelt. Shall I say that when she dies I would be dishonored were her remains to be placed in my burial-ground? Ah, no, sir; for her aged husband who lived with her for fifty years, a faithful and affectionate servant of my ancestors, and who died before the war began, rests to-day in the family burial-ground, near where my honored father and mother sleep.

Mr. President, slavery is forever dead. Though flowers may not be strewn upon its tomb as they were on the tomb of Nero, freedom can well afford to bend over it and pay its memory the tribute of justice.

The southern people were not more responsible for slavery than were the people of the North. Born a slaveholder, I was no more responsible for the institution than the man who was born in Massachusetts. It was an institution of the country; it belonged to the nation; it was protected by the laws of the land—a property that had been established in the colored man by our forefathers. Eighty years ago we find that Indiana, protected though it was as a Territory by the Ordinance of 1787, possessed one hundred and ninety slaves; we find that the State of New Hampshire had one hundred and fifty-eight slaves; Rhode Island had one thousand slaves; Connecticut had three thousand slaves; Pennsylvania had four thousand slaves; New Jersey had eleven thousand slaves, and New York had twenty-one thousand slaves. These slaves were not set free. They under the law of the land were sold to the people of the South, and they were sold as barbarians, and they were a barbarous race at the time they came to the South; and I may say we can trace our own origin to barbarous races. They were held by the South for from fifty to seventy years as slaves; they were christianized, they were civilized, and when they were made free this nation, which had in its keeping the protection of the liberties of the people, declared that they had been so far civilized under the refining teachings and influences of the southern people as to be entitled to the high prerogative of citizens of this nation. They were admitted as citizens, and it was a compliment; it spoke much for the teachings of slavery and for the *peculiar* institution of the Southern States; and to-day if you of the North can take as an equal the man who has been my slave in the past, I in the South who instructed him, who civilized him, who elevated him, will not stand back, but I will step forward and extend to him the hand of fellowship.

Are we of the South prejudiced against the negro? In my childhood the negro was my playmate; in my early manhood he was my confidant; in my mature years he was my friend; as my slave he was my friend, and often I counseled and advised with him. He shared with me the pleasure of my triumphs and sympathized with me in the hour of my disappointments; and when the war ended and the relation of master and servant ceased, he still continued to be my friend. He chose me as governor of the State of Mississippi. Although I espoused the cause of the colored man and asserted his rights before the law in Mississippi, and was elected by him governor of the State, when I was chosen to the Senate the colored man voted side by side with every white man in that Legislature to send me here. Every vote of that Legislature, white and black, was cast for me to elect me to the position I now hold. I did not incur the prejudice of the white people there by advocating equality before the law for the colored man. The long-continued relation in the South of master and servant would have the effect of removing everything like prejudice from the mind of the master. His opinion of the negro would assume the form of judgment; it would no longer be painted with prejudice. Prejudice would only exist with those who were unacquainted with the negro; it would only continue between races that were unknown to each other. Contact would necessarily wipe out prejudice. No, it was not prejudice; this will not account for the action of the southern people since the war toward the negro. They held that the northern people intended to insult them by the enfranchisement of the colored race; and it was, in their minds, an insult which they were quick to resent. They did not at once comprehend the subject, but took hold of it as an effort on the part of the North to degrade them, and they resented it as such, and in their passion they have oftentimes permitted themselves to be guilty of gross injustice to the colored people; they have estranged the colored people from them. I trust the estrangement will not be of long duration.

But now let us go further. You say that you do not want the schools mixed. Well, I am not in favor of mixing them; and I contend that this bill does not mix them. There is no mixing in this bill. How is it in my State? There, as I told you, the colored people control; they make the laws; they levy the taxes; they appoint the school boards. The whole machinery is in their hands; yet there is not a mixed school in the State of Mississippi, and we have civil rights there. Why is it? Simply because the colored people do not desire it; because they believe the interests of both races will be promoted by keeping the schools separate. The colored people, however, believe that legislation is necessary by Congress in order to secure the advantages of education in some of the States, North as well as South. If Congress legislates at all, it must legislate in conformity with the requirements of the Constitution. Equality before the law demands that legislation should not be colored with the distinctions of class. In Mississippi satisfactory opportunities are provided for all. Every child in the State has the benefit of a common-school education, we have no prohibition declared. You have a right to send your child to any school you choose. That is the citizen's right; but it is simply a right that the colored people exercise by sending their children to the colored school; it is a right that the white people enjoy by sending their children to the white school. But a colored man removes, if you please, from the State of Mississippi, where he has the government in his own hands, where he has been enjoying citizenship in its largest and most extended sense, to the State of New Jersey, for example, and he finds there that he is not permitted to enter the white schools. He finds no colored school; he cannot go to the public school. There are no private schools for colored children. What will he do for the education of his child? Will he go without education? Will he be denied the privileges of education simply because he is black? Is it a stretch of the power of Congress; is it beyond the power of Congress to declare that no State shall deny to the citizen of the United States any privilege or immunity or right that belongs to the citizens of the United States? Is not education one of these? Congress certainly has the power to step in and say that this colored child shall have the right of admission to the public schools. Is there anything very startling in a proposition like this? Is there anything here that looks like overreaching and overstepping the power of Congress to declare that the right of admission into the public school shall be awarded to all the children of this nation?

But it is objected that this bill provides that the colored man shall be admitted to the theater. Yes; the theater is a licensed institution. The policy of the State government is to license theaters. It is held, and justly too, that the theater is a place where our intellects are improved, where vice is portrayed, and where virtue is exalted. When properly conducted it is an institution of instruction that has been held by all civilized nations to be refining to the taste and conducive to morality; one to be appreciated by intelligent people everywhere and fostered and cared for by them. If Ford's theater here in the city of Washington should be assaulted by a mob, it is the duty of the Government to protect it. The militia would be called out. The colored people largely compose the militia in the District of Columbia. They would have to go there for the purpose of protecting this property of a private citizen, which has been incorporated and is called a theater. When you have the power to call upon the citizen to go there and protect that property, shall you permit the proprietor to deny this citizen the right of admission if he pays his money as other citizens? Will the Government permit this proprietor who holds a license under its authority, to discriminate against the citizen because of the color of cuticle? Shall the citizen be denied the privileges of the play because he is black? Play-actors and theaters have been at all times and in all ages favorites of men of culture. We find an example of this even in the sacred writings, where the Apostle Paul, showing his appreciation of the play-actor, and the writer quotes from Euripides, the heathen poet and dramatist, and says in language which I will here repeat for the benefit of my friends, "Be not deceived; evil communications corrupt good manners."

Let the colored man go to the theater. The colored people from my State complain that when they come to this aristocratic city of Washington they are not permitted to go to the theaters here as other people. They complain that when they go to the cities of the North they are not treated as other citizens. I seek this legislation for the benefit of my northern friends; for I remember that when my wife and myself were going on a tour in the North, in the days of slavery, and we had reached the border of New York, the privilege of the first-class car was denied to our servant, and so much was I annoyed by this, finding she would not be permitted to travel with us without the inconvenience of being separated in the cars, that I had to send her home that she might continue to be in a State where her rights and privileges were recognized. [Laughter.] A mob could have been raised in any of the cities or towns through which we passed to seize and carry her away that she might be made free. This we did not suppose was prompted by humanity or patriotism, but held it to be fanaticism. They objected to the slave woman on their soil and stood ready to declare her free; but no sooner was she free than she was denied the rights of a free person. This we held to be *prejudice*.

Objection is made that the bill provides that the colored man shall have accommodations at public hotels. If he is denied accommodations at the public hotels, where will he get accommodations if he sees proper to travel? When upon a journey, he has no right to go to a private house. If the public houses refuse him, then an American citizen becomes a pariah in the land which guarantees to him the right of travel. The hotels are licensed institutions. When the grant of a license is made, the municipality demands of the keeper a bond for the faithful performance of his contract. The condition of the bond is that he shall provide food and lodging for the traveling public. Practically this bill requires him to comply with the conditions of his bond. He cannot be permitted to stand at his door and turn away men from the accommodations which he has in his bond agreed he would furnish on account of their complexion. He must not be permitted to look into a man's face to decide by the color of his skin whether the food and lodging shall be provided which he has obligated himself to furnish. It would be a strange government indeed that would tolerate a proceeding like this. The colored people

make their complaint; they demand legislation as necessary to their convenience and comfort in this respect. It is one of the rights and privileges that belong to the citizen. Congress is called upon to legislate, and when it comes to legislate it must legislate, as I before said, in conformity with the Constitution—equality before the law. The legislation, I repeat, must not be tainted with distinctions of class. All that Congress can do, if it does anything, is to see that the accommodation shall be extended to all the people alike. Let us be logical and we shall be just.

Mr. President, the injustice that the southern people have done themselves on the question now under discussion is one that attaches to-day to their welfare and their material prosperity. If in Georgia, for example, a colored man is denied his equality before the law, if in Tennessee he is denied his equality before the law, may not the colored people in my State put in operation the *lex talionis*? May they not legislate and deny the white people in Mississippi their equality before the law? I ask our friends from North Carolina, Tennessee, Georgia, and elsewhere, having suffered as we have in a common cause, a cause in which our hearts were all enlisted, bound together as we are by the memories of the past, sacred to our hearts, a common misfortune having overtaken us, living in that gloom which overspread the land at the South when the war ceased, will they imperil the prosperity, will they imperil the liberties, will they imperil the safety and the well-being of the white people who live in the colored States by declaring that they will deny to the colored man his rights under the law in their States?

What is to be the effect of legislation of that character? Suppose the Government here in forming the policy of this nation should see proper to deny that this legislation shall be extended; what would be the effect? Would not the effect of it be to drive the colored people from other States, from the States of the North and the States of the South, to Mississippi, Louisiana, South Carolina, and States like these where they can get their rights? The colored people have pride, and they will not exist under an inferiority recognized by the State Legislature.

They know the fact of their ignorance; but am I here to taunt them with their ignorance? Is there a Senator here who stands ready to taunt the colored man with this?

A man's a man for a' that.

It is an ignorance that results from the fact that for two hundred years his race writhed in the grasp of slavery; and South Carolina, I repeat, was no more to blame for that than was the State of Massachusetts. In the organization of the Government the majority of the slave-holding States were in favor of terminating at once the African slave trade. Georgia and South Carolina were for continuing it. The five Eastern States voted solidly, in the lead of Massachusetts, for the continuation of this trade until 1808. By this that barbarous traffic was continued, under the protection of the Government, for over twenty years of time. If either section can be charged with the responsibility of continuing this traffic, it lies with the Eastern States. The merchants of Boston sent their ships to the coast of Africa to capture and bring to our shores the natives. They did this because they could find purchasers for the blacks among the people of the South. They were not particular as to whether they should bring them in families, but they caught them as they would have captured wild animals; they stood not on the order of their taking, but took such as they could get, because there was gold in them all. The choice ones were worth $100, the small ones were worth less, and so the barbarous traffic was kept up for over twenty years, in opposition to the sentiment of the Middle and Southern States, Georgia and South Carolina excepted. But I stand not here to cast blame upon any section. The spirit of that age tolerated slavery, the Government threw around it the strong arm of its protection; but a new light has dawned, a new civilization has come, and now the Government throws its arm, increased in strength, as a shield of protection in the maintenance of the freedom of all men of whatever race.

But, sir, it is said that the colored people pay no taxes, that the white people pay all the taxes! As a general rule that is the fact, and it is not very remarkable that it is so. The white people have never been denied their freedom, while the colored people were slaves until the war ceased. Is it remarkable, then, that the property of the country should be with the white race? But let me show you that perhaps there is some error existing in the minds of gentlemen on this subject. I happen to have before me a message which I delivered to the Legislature of the State of Mississippi when I was governcr of that State. I had gathered a little information on the subject of the two races from the time the war ceased. I will present a few figures from that message for the consideration of the Senate. In 1870, in seven counties of the State of Mississippi, three white, three black, and one where the races were about equally balanced, selected because presenting a fair average of the State, 69 colored people owned $30,680 worth of real estate; 3,798 colored people owned personalty to the gross value of $630,860; and 178 owned both realty and personalty to the gross value of $220,700; making in all $882,240. Multiply this by ten, there being seventy counties in the State, and it would give us as a result, the colored people in the State of Mississippi, in 1870, owning $8,822,400 worth of property. I think it fair to presume that the colored people of Mississippi are property-owners to the extent of $20,000,000 at this time; that the last four years of their existence as freemen presenting increased opportunities for the acquisition of wealth, have been more prosperous to them than the four years following emancipation. They are tax-payers in the State of Mississippi. They are not a pauper race there.

Why, sir, the third man on the list of large cotton-growers in the State of Mississippi is a colored man. Without a single drop of white blood in his veins, he to-day stands third in the list of cotton-growers in that State; and Mississippi has about as large cotton-growers as any State in the Union. I venture to say that he stands not less than sixth among the cotton-growers of the Southern States; and here I will relate an anecdote of him as illustrative of what we may reasonably hope for from men of his class under proper teachings and the promptings of a laudable ambition for the accumulation of wealth. He is a very excellent citizen. Finding that a white man whom I had appointed a member of the board of supervisors of one of the wealthiest counties of the State, and an old southerner, too, by the way, had been faithless to his trust in the county in which this colored man lived; having the appointing power in my hands, I was very much in want of a member of the board of supervisors who would protect the property-interests of the people of the county of Warren, and so I tendered the appointment of president of the board of supervisors to this negro, Ben Montgomery. Ben Montgomery wrote me a very polite note, (for he writes a good hand and is an intelligent man, though he was a slave up to the end of the war,) saying to me that he was very much obliged indeed for the compliment I had paid him and for the confidence I had manifested in him in tendering him so responsible an office, but stating at the same time that his business was such and his duties were such, so engrossed was he with his private affairs, that he had no time to bestow upon public offices, and that he would be very much obliged to me if I would confer the office upon his neighbor, whose name I will not mention, who had been a slave-holder when Ben was a slave, which neighbor, Ben assured me, was very anxious for the place.

Now, Mr. President, I do not wish to detain the Senate, and I will not detain it much longer in discussing this question. I have already said more than I intended. But I will add a few words in addition. The obstinacy, the passive as well as active resistance that the southern people have given to that destiny and to the workings of that Providence in whose hands we are, has retarded their prosperity and has almost deprived them in the negro States of any voice in their government. This action on the part of the better classes in the South is not due to prejudice, as I said a while ago, but to an inherent pride of soul. They believe that the action of the Government in the legislation which has characterized reconstruction was intended to insult and degrade them, and it is this feeling that has led them into a false position and a false relation toward the colored man.

Why, sir, but the other day when the Legislature of the State of Mississippi attempted, through the machinations of a class of knaves who are in that body, to cast an imputation upon me, as far as they could to degrade me in the eyes of the nation, by passing a resolution asking me to resign my seat, and when that resolution came before the senate, who rose there to vindicate me against the foul aspersions that were attempted? Can I ever forget? The lieutenant-governor of the State of Mississippi, whom I had known as a slave in the past, a man and a gentleman, came with others of his race to my rescue and defended me against the assault, and co-operating with men of my own race, to whom I owe gratitude, the resolution was ignominiously defeated.

Do you tell me that I can feel a prejudice against men like these? Do you tell me that the people of the South who have been associated with the colored people in the relation of master and servant from childhood, who during the war left their families under their protection, and when the bloody strife went on trusted with a confidence that was rarely violated, and who to-day look back in wonder at the fidelity of the slave—that these brave southerners will let the colored men have just grounds to charge them with ingratitude? When the North bid them take up arms against us and freedom was the prize, when liberty was the watch-word, the colored man stood guard at the door of his southern mistress whose husband in the distant battle-field fought that the slave power might be perpetuated. The property of the slave-master was protected by the colored people he left behind him. They stood around the bier of the dead confederate soldier, shedding tears of grief from their hearts and mingling with the family in all the sorrows that befell them. Do you tell me, I repeat, that we feel a prejudice against the colored people? It is unnatural. It is not possible. I say the southern heart does itself an injustice, a foul wrong when it stands here to declare men like these unworthy to be free—that men like these should be denied the fullest measure of equality before the law.

I see before me the honorable Senator from South Carolina, [Mr. ROBERTSON,] who was a slaveholder in the past, and who stood forth in the State of South Carolina, which he now so ably represents, from the close of the war to the present hour the friend of the colored man. He stands to day with all his heart urging the passage of this bill. He believes with me that it will give quiet to his people, that through it he can remove those obstacles that have stood in the way of good government in South Carolina.

Sir, why is it that we hear the cry of distress coming up from that stricken and afflicted State to-day? It is because the South Carolinians, acting upon the principle I have just now sought to describe,

have wronged themselves in turning their backs upon the colored people, and have opened an easy way for the intriguing whites to win the confidence of the credulous colored people, who prize liberty and equality above every other consideration. The white man, who seeks to despoil the State, who designs the robbery and plunder of the people, holds out to the negro the promise of the civil-rights bill, of equality before the law. He points to the southern white, who refuses this; who stands aloof, and declares he will regard this bill as a bill of abominations. Is it not reasonable that the colored man should act as he does? You cannot hope for colored support while you withhold from the colored man that legislation which is necessary to the assertion of his right as a citizen. The low white demagogue will put his arms around the negro's neck, whisper love and civil rights, and while he does so slip his hand into his pocket and rob him of his money. [Laughter.] He leaves his victim with the injunction, "Remember the civil-rights bill!" Because the colored man will not turn and denounce this thief as a robber he is denounced as a fool and as being himself dishonest. It must be remembered that this intriguing, dishonest white man has charmed the colored man with the visions of happiness to be enjoyed under the workings of the civil-rights bill. He yields to the present demands of the robber in the hope that for all this the coveted prize of *civil rights* will be delivered to him bodily by and by. All men of every race despise inferiority. Let us not find fault with the colored man that he holds his liberty and his equality before the law above every other earthly consideration. The liberty and equality of the colored people is the talismanic word of the adventurer who comes South to rob us. By this our country has been plundered, and unless we can end this fruitful source of licensed larceny the downward speed of the States south will not be arrested until ruin shall hold carnival over the fairest portion of this great nation.

How often have I heard the old master remark the fact that in everything except in the use of the ballot his old slaves reposed in him the most implicit confidence! In trouble, the colored man comes with his story of distress; when in doubt, he applies for his judgment; when trespassed upon, the colored man comes with his appeal for help; but when the day for voting comes he withdraws from the presence of the old master and seeks advice of the knave who stands ready with promises of the happy day of *civil rights*.

How easy the solution of the secret! The old master denies the colored man his equality before the law; he withholds from him his *civil-rights bill;* he abuses the republican party because it is pledged to grant the coveted prize. Is it strange that the colored man will not take his advice, possessed as he is of the purposes of the old master to thwart the hopes of himself and his posterity in achieving the triumph of his soul—*his equality before the law?* Come and let us reason like men who realize what the revolution hath wrought, who realize the spirit of the age in which we live, who can discern the hand of Providence as we follow destiny.

The colored people, intent upon their liberty, watchful of it, and hearing the cry that it is being assaulted, turn naturally to the men who promise to guard it, and thus it is that the men who are ever ready with promises are enabled to obtain office whereby they rob and plunder the State. It is not the colored people that have plundered the Southern States; it is not the colored people that have wronged the Southern States. Not a colored man in the South to-day stands enriched at the sacrifice of any of the white people's property. They have been used, I know, as instruments; and it is precisely the want of this civil-rights bill and the opposition to measures like this that have enabled these knaves that wear the skin of white men to rob the South. It is through these instrumentalities that they have been able to work all the wrongs they have inflicted upon us. I would remove them out of the way. I want to make this law so broad that it shall reach into every avenue of society, touch every man there is in the land, and lift him up to the dignity of a citizen of the United States, and say to him, "The protection of the Government rests upon you." Then, sir, we shall have peace, and then these men can no longer stand between the white people and the colored people.

But I wish to say, lest I may be misunderstood, that we have received valuable men from the Northern States who have become citizens of the Southern States, and we hope to see their numbers augmented. When these have obtained office we have not been wronged; but such men find difficulty in holding positions when a work like this is left unfinished, while the demagogue abounds in promises and the colored man's imagination is the theater for action. Pass this bill with a careful regard that it confers every right and you at once strip from the hand of the white knave, whether he came from the North or is, as many of the meanest are, "to the manner born," the wand with which he moves the colored masses in the South. Good men will then come together, honest men of both races will join hands in the brotherhood of political equality, and our State governments will stand redeemed from the adventurer whose presence is a standing insult to free government.

Remove the barrier that now separates the political fellowship of the races and we will be friends. Give quiet to the minds of the colored people; inspire confidence in your truth and political fair dealing, and he will at once join you in driving every unworthy white man from office!

But now I come to express my surprise at the language of the amendment offered by my honorable friend from Massachusetts, [Mr. BOUTWELL.] I heard from him the other day expressions that I did not expect to hear from Massachusetts, and I see in his amendment words that I did not expect to come from that State. Ah, sir, we are not satisfied with this amendment. When the revolution had ceased, when the fiat had gone forth, in the hour in which the victory was proclaimed, your aristocracy in Massachusetts was swept down as was the aristocracy in the South. But here comes the Senator from Massachusetts and proposes an amendment to the bill. He moves to strike out in section 1, lines 7, 8, and 9, the following words:

And also of common schools and public institutions of learning or benevolence, supported, in whole or in part, by general taxation.

And insert in lieu thereof:

And also of every common school and public institution of learning or benevolence, endowed by the United States, or that may *hereafter* be endowed by any State, or supported, in whole or in part, by public taxation.

Ah, yes, "hereafter!" with your institutions finished, with your endowments already made! Do you seek thus artfully to deprive the citizens of my State from coming to your public schools? Massachusetts cannot even here, with all its power, with all its eloquence, and its subtlety, escape the consequences of this legislation. We propose to strike out, and before I leave the floor I shall ask that the word "hereafter" be stricken out of that amendment, so that the revolution shall be recognized in all its workings in its full scope and power. Let there be no heretofore or no hereafter so far as liberty is concerned, but now and forever let equality before the law be maintained.

I beg the honorable Senator to quiet his imagination if he supposes that he can maintain his aristocracy of education in the State of Massachusetts. We intend that the colored youth shall go into every school that there is in this broad land that he sees proper to enter, when it is supported and endowed by the Government of this great nation, or when it is supported by taxation. That is the demand of the colored people, and it is a demand that will be realized. While I speak to-day, there stand eight hundred thousand colored men at my back. They are united on this specialty, and they are able to work that legislation which they deem proper and demand at the hands of this Congress, and they will do it. If you say your Constitution is not sufficient, if the courts of the country shall say that the Constitution stands a barrier, these eight hundred thousand men will make it known to the nation that it shall be made sufficient to answer all the ends of equal government and justice to every man in the land. If you want to know what is to be the destiny of this nation, look not to the Constitution, but look into the faces of the people. The people in a revolution like this, for the revolution still goes forward, trample down constitutions and they disappear as flax before the flame. The demands of the people of this free Government are not to be turned aside; they are to be listened to; and I say to you, sir, that this demand will be heard. Having felt their strength, I realize the power that lies in the hands of the masses of the American people. When reconstruction was decreed the Constitution gave no warrant for the enactment, but the people spake and the Constitution responded, "Here am I; the power is given!"

Sir, my heart yearns for peace. I look with a sad heart upon the poor, stricken South. Torn by faction she lies bleeding at your feet. Robbed of her treasure, despoiled of her beauty, her people grope their way in the gloom of political midnight. May the sunshine of hope once more be vouchsafed to my native land, that the hearts of my countrymen shall be made glad in the enjoyment of that prosperity which industry will bring and which good government will preserve.

The colored people of my State demand the passage of this bill. I yield to that demand. My refusal would excite them to anger; they would keenly feel the injustice and wrong. I bend gracefully to their will. My heart tells me they ask no more than I would demand were our positions reversed. Can I refuse to give that which I hold to be a right? No. Mr. President, I occupy the position of one who appeals to the colored people of my State. I have in the past and shall again appeal to them to deliver the State from the body of that death which is now enthroned at her capitol. I shall appeal to them to lift the cloud and let the sunlight in, and so appealing to them I must give them an earnest of my sincerity of soul, give them the right of travel, the right of the hotel, the right of the school-house, the right of the college, the right of the university; and, finally, every right, including the right of burial, guaranteed by the Constitution to the citizen of the United States.

Civil Rights.

SPEECH OF HON. A. S. MERRIMON,

OF NORTH CAROLINA,

IN THE SENATE OF THE UNITED STATES,

May 22, 1874.

The Senate having under consideration the bill (S. No. 1) supplementary to the act entitled "An act to protect all citizens of the United States in their civil rights, and to furnish the means for their vindication," passed April 9, 1866—

Mr. MERRIMON said:

Mr. PRESIDENT: I deprecate the fierceness of the spirit manifested by the majority in forcing us to proceed with this important discus-

sion to-night. Already the Senate has been in continuous session for eleven hours, and every one present must be much fatigued. A number of Senators have said in good faith that they desire a fair opportunity to discuss the pending measure, but they are told the vote shall be taken before an adjournment, and they must speak now or not at all. In my judgment this is unfair and unjust to the Senate and the country. I am much fatigued and in poor condition to proceed with the discussion now, but I will do so, nevertheless, at the hazard of making my remarks desultory. Indeed, I have not had time to arrange my thoughts in order, not expecting to be forced to speak at this late hour.

Mr. President, in the first place, in my judgment, Congress has no power under the Constitution to pass the pending bill commonly called the "civil-rights bill." I think the impression that it has such power has grown out of a public sentiment warped and corrupted by an abnormal state of political affairs in this country for the last half century, produced by the anti-slavery agitation. I believe that the unduly excited passions of the American people, and especially of those who live in one section of the Union, have had much to do with controlling their judgment and shaping their views of our system of government—views which would not be tolerated, if pure reason, right, and public policy, looking to the best interests of the country, could be allowed to prevail.

I propose to examine somewhat into the structure, nature, and origin of our system of government, in order to ascertain exactly where we stand to-day and what are the powers of the Federal Government, what are its purposes, and more particularly the powers of Congress which it is claimed authorize the passage of this measure, and what are the powers and purposes of the State governments, and what are the powers and purposes of our system of government as one grand whole. And if I shall succeed in making myself understood in this behalf, I undertake to say, and I have a thorough conviction of the fact, that every unprejudiced mind must conclude that the bill is one that Congress cannot pass.

The groundwork of the theory of construction of the Constitution contended for by the advocates of the bill, as appears, not only from this debate, but also from elaborate debates touching similar measures in the past, is founded in the Declaration of Independence. It is said that that instrument embodies the grand principles of universal liberty and equality of right, civil and political, the principles of truth which underlie this measure and all similar measures. The broadest construction of it, without any limitation of any kind whatsoever, is insisted upon. Now, sir, in the very outset of my remarks I desire to examine briefly that instrument, and see whether, giving it a reasonable construction and treating it as the firm foundation of our system of government, it has any such effect as that now claimed in fixing and measuring the powers of Congress.

The thirteen original States—at first called the thirteen Colonies—were subject to the Crown of Great Britain, and they were governed by the constitution and laws of that country. The colonists were oppressed in various ways by the mother-country; their oppressions continued and increased until they became "too intolerable to be borne," and all suffering alike, in a greater or less degree, they resolved to become free and independent; and accordingly the Colonies, collectively and severally, framed and passed that immortal instrument of liberty called the Declaration of Independence, whereby they declared that they were free and independent States; that they were no longer subject to the Crown and constitution and laws of Great Britain; that they were separate and independent powers—States—in the world, with all the sovereignty and political power that could inhere in any people or any government. That instrument contains these words, and they are all of it material for my present purpose:

> We hold these truths to be self-evident, that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness. That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that, whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute a new government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness.

Now, Mr. President, in view of the circumstances which surrounded the Colonies at the time this declaration was made, and in view of the declaration itself, its purposes as expressed in terms and the circumstances which happened immediately after its adoption, what was the manifest end contemplated by the clause which I have read? Plainly it was that the colonists should secure the grand ends mentioned and defined in this clause, according to their own will and judgment, through such form of government as they might devise, amend, and change from time to time. It seems to me that that is too manifest to require elucidation.

How, then, did they determine that these ends were to be secured? The history of that time tells us beyond question or controversy. Each of the then thirteen States had its own government; each of them, by virtue of the Declaration of Independence, became absolutely sovereign and independent; and each of them as a society of men could exercise any power, civil or political, that any government on earth could exercise. They were absolutely sovereign and independent by virtue of this declaration, and while they were in that condition no superior, supreme, or federal government could control them in the exercise of any power whatsoever. For a considerable period of time they continued to exist without any federal league or head; without any federal government or any pretense of such a government, and during this time each State made such laws as it deemed wise to secure the liberty and equality of rights asserted in the declaration.

The inference then is, and it seems to me it is plain, that the way and manner in which they at first proposed to secure the political and civil privileges which they sought to secure by this declaration, was by virtue of and through the State governments as they existed at that time, and by the very terms of this declaration they continued to enjoy these rights under those systems of government until in the progress of time, in the exercise of their judgment and wisdom, they undertook to secure these ends by another form of government, or the same form of government modified by themselves, and so they did continue to do until the thirteen States by common consent, for their joint and several benefit, agreed among themselves to establish what is known in our history as the Confederation.

Articles of Confederation were agreed upon in Congress; they were submitted to the thirteen States and the States accepted them. That confederation was in aid of the State governments which existed in their sovereign capacity by virtue of this declaration, and it was an advance step in government with a view to make more secure the great ends of society declared in that instrument. But that Confederation could scarcely be styled a government. It did not possess all the elements of government as we understand it. There were no coordinate branches of government; there was no executive power provided by the Articles of Confederation; there was no judicial power provided. All the powers of government, executive, legislative, and judicial, so far as such existed, were concentrated in the Congress of the United States; indeed, the Congress was mainly an advisory body; it could compel neither the States nor the people to do anything.

The powers thus conferred upon the Congress were comparatively very few, and they were to answer general purposes, and were such as simply enabled the Congress, looking to the general interests of the whole thirteen States, to recommend to the several States what ought to be done for the common benefit. The truth is, no absolute executive power whatsoever was conferred upon Congress, nor was there any judicial power conferred upon them. They were to all intents and purposes a power charged to recommend to the several States what was necessary to be done for their common benefit, and it remained with the States to do what might be recommended or not to do it, in their pleasure. The only thing pledged for the performance of the duties which they promised by these articles to perform, was their faith and honor, and history tells us that in many instances that faith and honor were not kept. The States retained their absolute sovereignty not only by the tenor and spirit of these articles, but by their express words, for it was plainly said that the States reserved their sovereign authority. So I apprehend that the thirteen original States were absolutely sovereign and independent, and might do as they would, uncontrolled by any power, supreme or otherwise, save only their sovereign will. I repeat, Mr. President, that I apprehend the thirteen original States continued absolutely independent and could do as they would, and were uncontrolled by any power whatsoever until the adoption of the present Constitution of the Union.

The thirteen States, after their experience under the Declaration of Independence first, and then under the Confederation, found that they could not in all probability maintain their political existence as a separate and independent people and carry out successfully the great purposes of the Declaration of Independence; unless they should cooperate to promote their common interests; and to that end, it became manifest to the statesmen, indeed to the whole American people of that day, that a *national government* was necessary, nay, indispensable. Hence a convention was called, and assembled in the city of Philadelphia to form a system of national government, the better to secure the purposes of independence.

Here, sir, in the pathway to the truth let us pause to consider the exact condition of the thirteen States at the time they thus resolved. I have already said that each of them was absolutely sovereign and independent; each of them possessed all the political power of Great Britain or France or any political power on earth at this day. There was no limitation upon their power. They were absolute; and being absolute, it was competent for them to make a treaty with each other or to make a treaty with any foreign government, or to incorporate themselves into any other government, or to make a common government for their common benefit. And they could—is there any reason why they could not? I cannot conceive of any—confer upon a common government such portion of their sovereign powers as in their judgment they might see fit.

It seems to me plain they had power to do that, to say "certain elements of our sovereignty, certain rights which we possess as an independent political power, we will confer, with such limitations as we shall establish, upon a general government; a general government which is to be common to us all and for our common benefit, to preserve our integrity as one people and the sovereign rights which we reserve unto ourselves as States among ourselves, and to protect us against invasion and assault from abroad, to promote our common industries and our common defense, our common happiness and our common welfare." In other words, in pursuance of the Declaration of Independence, they were marching on in the highway of nations, and modified their form of government, enlarging it, expanding it, as they had the power and the right to do, in order to secure the great

ends of society set forth and declared in the Declaration of Independence; and in pursuance of this purpose they framed the present Constitution of the Union, except the amendments thereto, which were afterward, in furtherance of such purpose, adopted.

That Constitution, then, together with the constitutions of the State governments, was an *enlargement* of their system of government, a *change* of government, an *advance* in it, for the purpose of better securing the great ends of the equality of all men, their inalienable rights, their life, their liberty, and their pursuit of happiness. How did they do it in that case? They had declared that all men are created equal. How are we to understand what they mean by this declaration? Certainly by what they did and said. We are to construe their language in connection with their acts. What do we know touching their acts, apart from what appears in the Constitution itself? We know from history, we know from tradition, we know from men living at this day, that the institution of negro slavery existed at the time independence was declared and at the time the Constitution was adopted, by the sanction of law in the thirteen original States; we know—whether it was right or wrong—that the American people held the negro race among us in bondage and as slaves; and when they said, therefore, that all men are created equal, it is manifest, the conclusion is inevitable, that they did not at that time include the negro race in that declaration, and that their frame of government did not apply to or embrace that race as a race of freemen or entitled by virtue of the Declaration of Independence to the benefits of free government.

On the contrary, the framers of the Constitution—let men say and do what they will now—recognized the institution of negro slavery and provided for it, held the race in bondage; and if it is to be regarded as a stigma upon one section of the country, it is a stigma alike upon every section, and it is likewise a stigma upon the name and fame of the immortal men who established the system of government that we live under to-day so happily, and for which we bless and revere their memories, and I trust in God shall continue to do so to the latest generations. Our fathers gave us negro slavery, and the Constitution and laws recognized and upheld it for more than three-quarters of a century. If it was an evil and a wrong, this generation is not alone responsible for it, nor is one section of the country alone responsible for it.

Now, let us see if I am correct about this; for I do not propose to make a declaration that I am not willing to be responsible for. If I shall inadvertently make an improper or false statement, I trust some one will promptly correct me. To show you, sir, that the framers of the Declaration of Independence, the framers of the Confederation, the framers of the Constitution of the Union, did not embrace the negro race in the declaration itself, I propose to read from the Constitution. I read the first clause of section 9 of article 1:

> The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year 1808, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

Every one familiar with the history of this country knows that that clause had reference to the importation of the African from his native country and for the purposes of slavery, and while our fathers looked to a time when they would prohibit the importation of Africans to this country for such purposes, it seems they had some compunctions of conscience upon that subject; still they were willing that the practice of such importations should continue for a time on the part of such States as might deem it wise and proper to pursue it; but the Government itself, taking the whole responsibility of it, incorporated it into their organic law, providing that that government should have power to tax and to raise revenue from such importations. In view of this provision of the organic law made to effectuate the purposes of the Declaration of Independence, to say nothing of the practice of the governments, State and Federal, who can pretend that the negro slave was intended to be embraced within the declaration or the Government, as a freeman?

But, sir, that was not all they did. I read further to show the purpose and meaning of our fathers, the framers of this sacred instrument which we all vie with each other in praising as embodying the grandest system of free government among the nations of the earth, the world has ever seen. I read now from the third paragraph of section 2 of article 4:

> No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.

Now, sir, in view of the history of the past, in the recollection of everybody in this presence, referring to statutes but lately repealed, do we not all know, does not the world know, does not the negro race itself know, that that clause in the Constitution was framed for the express purpose, if the slave should escape from his master, of enabling him to reclaim his slave and still hold him in bondage? There can be no question about this, and there can be as little question that our fathers proposed to secure the great rights and purposes embodied and defined in that Declaration of Independence by this system of national and State government which they prescribed in the State constitutions and the instrument from which I have just read. Thus they then sought to secure these great ends of independence and freedom.

I may add, slavery was also recognized in the second clause of the second section of the first article of the Constitution. It provides as follows:

> Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including *those bound to service* for a term of years, and excluding Indians not taxed, three-fifths of all other persons.

I have deemed it worth while to advert to what was meant by the Declaration of Independence, because the leading advocates of this bill insist seriously that it empowers Congress, by virtue of its general purposes and scope, to pass it. They insist that this declaration is the great foundation of our system of government. I have endeavored to show that, if this is true, those who established independence prescribed a fixed fundamental organization by which they thought best to secure human rights and happiness and the means of promoting them, and that they placed a different construction on the declaration from that now contended for by the advocates of this bill.

Well, sir, what frame of government was established at first to secure and perpetuate the rights declared and proclaimed in the Declaration of Independence? We have seen that the States were at first absolute; that the people established the general or common Government with general limited powers, reserving certain powers not granted to the States. Did I say reserving certain powers? I correct that. Absolute power was reserved unto the States, sovereign power was reserved to the States, except in so far as they delegated certain powers to the General Government. In certain respects, therefore, and in most respects, the States remained absolutely sovereign. In certain other respects the Federal Government became a great sovereignty, absolutely sovereign as any power on earth within its sphere; the States remaining all the time absolutely sovereign as any power on earth within their respective spheres, and the General Government and the State governments together for certain purposes and in certain respects absolutely sovereign in their collective power as one of the great nationalities of the earth. But as was provided, the Federal Government could only exercise certain general powers conferred upon it for the common benefit of all the States.

It has not been pretended, it cannot be seriously contended, that under the Constitution of the Union and under the constitutions of the several States, under our system of government, to secure the grand ends of right, freedom, and of government, as manifested in the Declaration of Independence, Congress could pass the bill now pending for the benefit of the negro race up to the time of the adoption of the thirteenth amendment to the Constitution. It is not pretended that Congress had such a power until the thirteenth amendment was adopted, except by those who are so rash as to insist that the power is derived from the Declaration of Independence. It not only appears so by the Constitution itself, by the uniform practice of the Government from the adoption of the Constitution down to the time the thirteenth amendment was adopted, but it appears also by the exposition of that instrument by Congress, by the Federal and the State courts, by the Executive of the Federal Government and the executives of the State governments, that Congress had no such power. By all departments and authorities of the Government, both State and Federal, it has been settled from the beginning to this day, that anterior to the thirteenth amendment, Congress had no power to pass the pending bill. I believe that nobody ever pretended that Congress had such power by virtue of any *constitutional* provision. Senators learned in the law and in the Constitution of their country have conceded that up to the time that I have mentioned it possessed no such power.

Not only that, the supreme judicial tribunal of this country in repeated cases have decided under circumstances of the most extraordinary character, circumstances of great pressure, circumstances of great stress, after long and most mature discussion, that no such powers as contained in this bill could be exercised by the Federal Government. I shall have occasion to refer to some such decisions of that court in the course of what I have further to say.

Then, sir, the discussion is narrowed down to the thirteenth, fourteenth, and fifteenth amendments to the Constitution; if the power to pass the bill exists at all, it exists by virtue of one of these amendments, or by one or more or all of them together. I therefore come to the consideration of them, and propose to treat them seriatim and see whether they confer upon the Federal Government any such power as that claimed in this debate and in the pending proposition.

In proceeding to examine these amendments I am not moved by the spirit of a partisan, or a desire to reach a particular conclusion to serve a special purpose, but by a spirit that is anxious to ascertain truth and to come to a just conclusion touching a matter of the gravest moment, one which involves the integrity of the Government, its whole nature and its character. The importance of the construction of these amendments cannot be overestimated, for if the construction contended for by the advocates of the pending bill is the true one, then the whole nature of our Government is changed, and we have a grand central government and the State governments have ceased to exist, except as they exist by permission of the Federal Government and under its supervision, direction, and control. If the Federal Government can control the State government in the respects contended for, then it may do so to such extent as makes the State governments the creatures of the Federal Government, and possessed of few or no absolute powers.

I mention this to show how important this matter is and how carefully we ought to proceed. Surely it is a matter of no small moment to the American people, to say that the whole nature of the Government should be changed by these amendments, and we ought certainly to come to such a conclusion if such change is provided, cautiously, calmly, and deliberately, free from passion or prejudice.

But to proceed. The thirteenth article is in these words:

Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

What is the plain meaning of the words contained in that amendment? "Slavery" is a term that is well understood. It is understood in all civilized countries. It is understood by every one who is capable of understanding the meaning of the English language and who is capable of understanding any language. It is understood in France, it is understood in Germany, it is understood in Russia, or the word tantamount to that in the languages of those countries. It is not only thus understood by the common people, but it is likewise understood in a more logical and in a legal sense. It has, I may say, a technical meaning, and especially has it certain, definite meaning in this country. It means the holding of a human being in a state of servitude against his will and subject to the will of a master.

That is not only the plain meaning of this word, but that meaning appears more forcibly, more clearly when we look at this amendment in the light of the condition of our country at the time it was adopted and in the light of the history of our Government. From the foundation of our Government, as I have shown, the negro race in this country were held in a state of bondage, in a state of servitude; they were slaves. The white people of the country held them in bondage, used them, controlled them, and disposed of them as property, as chattels. They not only did so, but, as I have shown beyond successful contradiction, they did it in some sense by virtue of the Declaration of Independence, by virtue of the Articles of Confederation, and by virtue of three express provisions contained in the Constitution of the United States. The institution was known as the institution of negro slavery in this country, and sanctioned by the constitutions of many of the States of the Union, and sanctioned by the Constitution and laws and policy of the Union.

There was a large portion of the American people who came, in the course of time, to dislike this institution. They said and believed many of them most sincerely, that this institution contravened the laws of nature. They believed that no human being had a right to hold another human being in bondage. That, it seems to me, was natural. Not only did they entertain these views, but the great body of the civilized world outside of one section of the Union entertained like views. It was not surprising that the people of the States where negro slavery prevailed, believed otherwise. Many of them believed sincerely that negro slavery was an institution ordained by the Almighty himself. At all events, they believed that it was not morally wrong or wrong in any sense; that, on the contrary, it was an institution that blessed both the slave and the master. They were educated in that belief. They were educated in that belief from the very foundation of our Government; indeed their education in that behalf began before the foundation of this Government. They inherited it from the mother-country. It was instilled into them through successive generations. It became a part of their nature to believe that it was just and right and beneficial to humanity and to civilization. It affected their social condition, their religious and political convictions, and made up a large and controlling part of their wealth. Indeed, sir, it had such an influence upon the fortunes of the people where it prevailed, that it established a distinctive civilization, which I undertake to say, so far as those were concerned who could enjoy the benefit of it, surpassed that of any age.

As I said, a large portion of the American people in the course of time became opposed to this institution. They became hostile to it and made war upon it, and they were co-operated with in this respect by many persons opposed to it in foreign lands. The spirit in favor of it in those sections of the Union where it prevailed, became intensified and aggressive. The spirit of opposition in like manner became zealously aggressive, and these two aggressive spirits came together, first in moral, then in political conflict, and finally conflict of arms. That conflict resulted in the absolute destruction of that institution by force. It cannot be pretended, I believe it is not pretended, that it was destroyed by any lawful authority under the Constitution of the Union or under the constitutions of the States, or under the constitutions of the Union and the States co-operating as the organizers of a great nationality. But be that as it may, these two opposing and aggressive spirits came in conflict; a civil war resulted; and the result of that civil war was the destruction of negro slavery in this country.

The statesman and the politician and any one anywhere may say what he will, the great civil war in this country was founded upon negro slavery. If there had been no negro slavery in this country we never should have heard of secession; we never should have had the late civil war. Whatever other attendant circumstances contributed to bring it on, slavery was the great prime moving cause that led to it.

As I said a moment ago, that civil war resulted in its abolition, in its destruction, in its absolute overthrow; but after it was thus overturned, after the slave was turned loose throughout the States where that institution prevailed, he was nevertheless still in contemplation of law a slave; the institution still might exist. The power of arms and the force of the proclamation of the President had no legal effect to abolish negro slavery. It became necessary to have an organic provision in the Constitution of the Union to effectuate the destruction of negro slavery, and therefore it was that Congress, in its wisdom, under circumstances which I need not advert to now, proposed to the American people at the termination of the war, that the practical result of the war in abolishing slavery should meet the formal sanction of the American people by incorporating into their organic law a formal provision abolishing it.

The intentional effect then, Mr. President, of this thirteenth article was to abolish the institution of negro slavery and to provide that slavery could not exist within the compass of the jurisdiction of the United States in any form or manner whatsoever; and that is the whole extent of this provision, no more and no less. I know that there are those who are rash enough to say, that by virtue of the thirteenth article, aided by that clause of the Declaration of Independence which I have cited and commented upon, Congress might go on and pass this bill and other measures like it with a view to secure the rights of the late slaves of this country to the extent that it is now sought to secure them. But, sir, I have shown that the Declaration of Independence did not mean any such thing and it was impossible to place such a construction upon it; that it means that the great ends contemplated by it shall be secured as the American people provided at the time of its adoption and as they amended and might amend their form of government from time to time. In pursuance of the sovereign power which they exercised under their organic system, the adoption of the thirteenth amendment was simply another step in the direction of securing the great ends of government which were declared in the Declaration of Independence. They said in the course of nearly a century, and after a civil war almost unparalleled in the history of the world, that the time had come when these great ends must be secured and enlarged by another advance in civilization; negro slavery must be abolished; and all men, of whatsoever race or color and particularly the negro slave in this country, must enjoy the blessings of free government as embodied in our organic law both State and Federal.

What, then, was the effect of this thirteenth amendment? It was simply to abolish negro slavery. In what condition did this leave the negro? He was thereby made a freedman; but even that did not confer upon him citizenship. It did not confer upon him rights any further than to be free from his master. I apprehend at the time he was thus freed, he was in the condition of an alien in this country; and it seems that the Congress of the United States and the American people took that view of his condition. Why do I say so? I say so, because after this thirteenth amendment was adopted and became a part of the Constitution, Congress passed an act making every freedman a citizen of the United States. Now, let me call attention to that act and see what it provides. As I said, Congress seeing that the negro was simply freed, that he enjoyed no rights beyond those of an alien in our midst, and because he was born upon the soil, because of his previous servitude, they deemed it wrong to confer upon him his liberty without conferring upon him certain rights under our system of government, and upon due and solemn consideration and debate, Congress passed an act approved April 9, 1866. Let us see what it provides. I will read the first section:

That all persons born in the United States and not subject to any foreign power, excluding Indians not taxed, are hereby declared to be citizens of the United States; and such citizens of every race and color, without regard to any previous condition of slavery or involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall have the same right in every State and Territory in the United States to make and enforce contracts, to sue, be parties, and give evidence, to inherit, purchase, lease, sell, hold, and convey real and personal property, and to full and equal benefit of all laws and proceedings for the security of person and property as is enjoyed by white citizens, and shall be subject to like punishment, pains, and penalties, and to none other, any law, statute, ordinance, regulation, or custom, to the contrary notwithstanding.

It was by virtue of that act, after the adoption of the thirteenth amendment which I have read and commented upon, that the negro became a citizen of the United States, and only by virtue of that act. The Senator from Wisconsin [Mr. HOWE] this morning laid great stress upon that act as showing that the thirteenth amendment had enlarged the powers of Congress. He talked very much, and in rather a declamatory way for a strict logician, about the rights which that section of this act conferred upon the negro. He said, if I understood him correctly—I am sure I do not wish to do him injustice—that this act had received the sanction of the Supreme Court of the United States. With all respect to the honorable Senator, I deny that the Supreme Court said any such thing. He referred to the case of Blyen *vs.* The United States, in 13 Wallace, to be found at page 581 of that volume, as sustaining his declaration. The only point decided by the court in that case was that the court had no jurisdiction, and the court expressed no opinion whatsoever as to the effect of this act or what it effected. In the first place, the court having decided that they had no jurisdiction, had no right to say a word beyond that, and if they had gone beyond it, it would have been merely the opinion of a number of legal gentleman sitting upon the Supreme Court bench. But they did not undertake to decide whether this act was valid or invalid. They did make a suggestion that it was a far-reaching statute in its character, but, careful as they always are, they did not attempt to put a construction upon it, and no construction has been put upon it by the Supreme Court of the Union.

But, sir, I propose to put a construction upon it, as I have a right

to do. I say that the force and effect of that act was simply this: to make the freedmen of this country citizens of the United States, and in doing that, to confer upon them the rights of citizens of the United States, no more and no less. At that time Congress had no power, the Federal Government had no power, to make a citizen of the United States a citizen of the several States. It is not pretended that they had such a power; they had power to make the freedman a citizen of the United States, but then as a citizen of the United States he did not even enjoy the benefit of that clause of the Constitution which I will now read. I read clause 1, of section 2, of article 4:

The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

This citizenship of course conferred upon the freedman all the benefit he could get under the Constitution of the United State and no more, and the act of 1866, from which I have read, in undertaking to confer upon him any power beyond that conferred by this Constitution, was absolutely null and void. This clause, as I have shown, did not confer upon citizens of the United States any such power as that provided or sought to be provided by the pending bill. It never was pretended that Congress had such power under this clause of the Constitution, and therefore Congress had no power to confer upon the negro race any right that could not have been conferred upon white men anterior to the adoption of the thirteenth amendment; but the thirteenth amendment, aided by this act of 1866, did confer upon the negro race of the country all the rights that were enjoyed by white men under the Constitution of the Union, simply as citizens of the United States, and I say that in so far as this act undertook to confer other rights than such as are provided in this section of the Constitution, it was absolutely null and void.

But, Mr. President, while the Supreme Court of the United States have never passed upon this act of 1866, and I do not know that they have had an opportunity to do so, other courts of high character have passed upon it, and they have declared that it was null and void in many very material respects. I will cite the authority for this statement, for, as I said in the outset, I shall say nothing that I do not have authority for. I read now from the notes to the second volume of Brightly's Digest of the Laws of the United States:

Congress has no power to prescribe rules of evidence for the State courts; and therefore this act—

That is, the act of 1866, which I read a while ago—

so far as it professes to do so, was held by the supreme court of Delaware to be unconstitutional. (State *vs.* Rash, 15 Pittsburgh Law Journal, 61.)

This decision was made by the supreme court of Delaware, a court of high respectability. But some one may say that the supreme court of Delaware, being the court of a State where slavery prevailed, was a prejudiced court, and therefore any decision of theirs must be taken with a great deal of allowance. Such an objection could have no weight with fair and reasonable men. It is a very respectable court, and whatever may be said upon the hustings, or in the heat of debate, the lawyers of this country have great respect for it. But, sir, if anything might be said against that court, I will cite the decisions of other courts, whose integrity and ability cannot be questioned even upon such flimsy ground as that. I cite the opinion of the supreme court of Massachusetts. The annotator says:

So, it was said by Chief Justice Bigelow, of the supreme court of Massachusetts, that "we entertain grave doubts whether it is within the constitutional authority of Congress to enact rules regulating the competency of evidence on the trial of cases in the courts of the several States, which shall be obligatory upon them; we are not aware that the existence of such a power has ever been judicially sanctioned; there are numerous and weighty arguments against its existence." (Carpenter *vs.* Snelling, 97 Massachusetts Reports, 458.)

With great respect, I commend that to the honorable Senators from Massachusetts, who advocate the pending bill so zealously.

The same doctrine was held by Chief Justice Breese, in the supreme court of Illinois, who said that "to hold that Congress can enter into these courts, and prescribe what shall be evidence therein, is so revolting to all our notions of Federal and State power as to compel us to refuse to yield any acquiescence to such a doctrine." (Craig *vs.* Dimock, 9 Internal Revenue Record, 129; same case, 1 Chicago Legal News, 179.)

I am gratified to see that they have such courts and such judges in the State of Illinois. That was decided in the case of Craig *vs.* Dimock, citing some authority with which I am not acquainted. So it was decided in Quinn *vs.* Lloyd, (2 Balt. L. Tr., 760.) The author, Mr. Brightly, a very learned lawyer, says this in commenting upon these authorities:

It is a subject of congratulation, that the State judiciary are, at length, returning to the old landmarks in the construction of Federal legislation.

So that I say, this act of 1866, called "the civil-rights bill" of that day, in so far as it undertook to confer any right upon the freedman that could not be conferred upon a white man anterior to the adoption of the thirteenth amendment, was absolutely null and void. All the courts that have passed upon it up to this time have so decided, and I do not hesitate to say that the supreme judiciary of the Union will so decide, if it shall become necessary in the future so to do. The court could not do otherwise, unless the amendment I am now commenting upon enlarged the powers of Congress by simply abolishing slavery.

What, then, was the effect of the thirteenth article? Simply to place the negro as a citizen of the United States upon the same equal footing with the white citizen of the United States—the negro could have no higher or greater right in any State as a citizen of the United States than a white man who was simply a citizen of the United States. That was all the right he had, and the full measure of his right; no more, no less; and Congress could not confer any higher power because it existed under and by virtue of the Constitution and was bound by it, and whenever it transcends that instrument the courts interpose and restrain it by declaring its exercise of unconstitutional power inoperative and void.

What is the purpose of these three new amendments to the Constitution, the thirteenth, fourteenth, and fifteenth? Does anybody doubt that the great purpose is, and was from the beginning, to abolish slavery and make the slave a free man under the constitutions of the States and the Union, just as white people are free? Had any person up to the beginning of the late war expressed, has any person expressed at any time since the war, dissatisfaction with the organic law of the Union except in so far as it tolerated negro slavery? I never heard any such complaint. I never heard of such complaints in Congress. I have never heard of such complaints in the Legislatures of the several States. I never heard of such complaints among the American people in any section of the Union. Every consideration goes to show that the only end that was sought to be accomplished by these three new amendments to the Constitution was, to accomplish the abolition of negro slavery, and to put all men on an equal footing, *under the constitutions, State and Federal*, in the same way and measure of right as free men were before the late war, and to give a citizen of the United States citizenship in any State when he shall go there to reside, and have the right to vote as others enjoy that right; to provide that the negro should not be discriminated against in the matter of *voting* alone because of *race, color*, or *previous condition of servitude*.

The grand purpose plainly is to make the negro a free man and confer upon him all the rights that the white people in this country enjoyed, in the same measure and in the same way, and subject to the same *restrictions* and *limitations* under the State government and under the Federal Government, no more and no less. There was no circumstance, there was no manifestation of a will on the part of the American people which indicated a desire to change their organic law in any other respect. I challenge any one to point to any consideration set up or suggested for a change of the organic law so as to change our system of government. Does anybody believe, will anybody pretend, that there was a purpose on the part of the American Congress or the American people to elevate the negro to a higher citizenship and invest him with higher and greater and other rights than the white man? I apprehend no one will be so rash as that. The simple purpose, the manifest object, was to liberate the negro and confer upon him the same rights as the white man had before the adoption of these amendments and to make all citizens in this country equal under the Federal Government, equal in right under the several State governments, and equal according to the Constitution and the law. There is no provision of the Constitution from which it might even be inferred that there was any other purpose than that I have mentioned.

This opinion is not only sustained by the plain language of the three amendments mentioned, by reason and by the history of the times, and by reasonable inference, but the highest judicial tribunal in this country, after long and serious reflection, after hearing able arguments upon the subject, after they themselves had all the lights which they could command, have solemnly said in an opinion which they delivered not a great while ago, that such was the purpose of these three amendments to the Constitution; and I want to read what the court say upon this point. I propose to read now an extract from the opinion of the court in the "Slaughter-house case," 16 Wallace, page 1; but before I begin to read from this opinions of the court, I wish to say a word or two in reference to the circumstances under which this opinion appears in the reports of the court and before the country.

The opinion of the court is the judgment which binds Congress and binds the whole country, and this opinion of the court is the only authoritative exposition of these three amendments to the Constitution. It is true, there are dissenting opinions filed by a minority of the judges. These opinions amount to no more than the opinions of as many respectable lawyers. They have no judicial weight whatsoever; and they are entitled to no more consideration than the opinions of three lawyers who have no judicial office or authority. I repeat, the only authoritative exposition of these three amendments to the Constitution, is the opinion of the court, from which I am now about to read. I know that these minority opinions have been laid on the desks of Senators with a view, I suppose, to influence their opinions. It was very improper that they should come here as having any judicial weight. They are no more than the opinions expressed by some distinguished lawyer in New York, or New Orleans, or elsewhere, which he or others might have seen fit to bring in and lay on our desks to inform our judgment, but having no official weight whatsoever. What do the court say in reference to the subject I am now discussing and in reference to the purpose of these three amendments to the Constitution?

The court say:

We repeat, then, in the light of this recapitulation of events, almost too recent to be called history, but which are familiar to us all, and on the most casual examination of the language of these amendments, no one can fail to be impressed with the one pervading purpose—

That is strong language—

found in them all, lying at the foundation of each, and without which none of them would have been even suggested; we mean the freedom of the slave race, the security and firm establishment of that freedom, and the protection of the newly-made freeman and citizen from the oppression of those who had formerly exercised unlimited dominion over him. It is true that only the fifteenth amendment, in terms, mentions the negro by speaking of his color and his slavery. But it is just as true that each of the other articles was addressed to the grievances of that race, and designed to remedy them, as the fifteenth.

We do not say that no one else but the negro can share in this protection. Both the language and the spirit of these articles are to have their fair and just weight in any question of construction. Undoubtedly while negro slavery alone was in the mind of the Congress which proposed the thirteenth article, it forbids any other kind of slavery, now or hereafter. If Mexican peonage or the Chinese cooly labor system shall develop slavery of the Mexican or Chinese race within our territory, this amendment may safely be trusted to make it void. And so if other rights are assailed by the States which properly and necessarily fall within the protection of these articles, that protection will apply though the party interested may not be of African descent. But what we do say, and what we wish to be understood, is that in any fair and just construction of any section or phrase of these amendments, it is necessary to look to the purpose which we have said was the pervading spirit of them all, the evil which they were designed to remedy, and the process of continued additions to the Constitution, until that purpose was supposed to be accomplished as far as constitutional law can accomplish it.

So it appears, not only by the circumstances attending the adoption of these amendments to the Constitution, not only by the history of the times, not only by reasonable inference, not only by the language in which these amendments are couched, but it appears by the solemn opinion of the supreme judicial tribunal of the Union, the last and proper exponent of the meaning of the Constitution, that the purpose, the great pervading purpose, the sole purpose of these amendments to the Constitution, was to make the slave a freeman and to put him upon an exact equality with all other freemen of this country and to secure the ends of his freedom. Therefore it is, that the court in this very opinion go on to say in terms unmistakable and that will live while the Constitution lives, and prevail as I believe, while the Constitution prevails, that there is no power conferred by these amendments upon the Congress of the United States, or upon any co-ordinate branch of the Government, save only such powers as might have been invoked for the benefit of a freeman anterior to the adoption of these amendments. That is the spirit, that is the substance of the opinion of the court in the "Slaughter-house cases." That is authoritative; that is the decision of that co-ordinate branch of the Government authorized to expound the Constitution in the last resort; and they have so held not only in that case, but in repeated cases, as I shall be able to show before I take my seat.

Mr. President, I now proceed to consider the fourteenth amendment. No one has seriously insisted yet, as I believe, except perhaps one or two very anxious and zealous advocates of the pending bill who have ventured so far, to declare that the thirteenth amendment authorizes the passage of this bill in any of its features; no one who has the serious, sober judgment of a thinking lawyer has ventured in this presence to make any such suggestion. If such power is conferred, it is by the fourteenth amendment; and now let us see what that provides. It is in these words—I read from the first section of the article—the other sections have no bearing on the subject before us:

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

The first clause of the section is in these words:

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside.

What is the manifest effect and purpose of that clause? The legal world know, and the intelligent lay world know, that anterior to the adoption of this amendment, it was a mooted question whether there was any such thing as citizenship of the United States. I never doubted myself that there was such citizenship. It was perfectly competent for a person in the United States not to have any rights whatsoever under a State government, but still such person might have rights under the United States, and could enjoy all the benefits of the powers and rights that could be conferred by the powers delegated by the States to the United States; and therefore when an alien came into this country and became naturalized—and the United States had the sole power of naturalization—that foreigner became at once, upon naturalization, a citizen of the United States, although he might not be a citizen of a State at all, and he could be protected in many respects as such citizen of the United States; but he had no rights whatsoever as a citizen of a State, except so far as the constitution and laws of the State might extend to him rights and protection; he could not by virtue of his citizenship of the United States, claim rights under the constitution and laws of a State.

In order to settle the question, however, as to citizenship of the United States, this clause was incorporated in the fourteenth amendment. The draughtsmen of this clause were familiar with our Constitution; familiar with its history, we are bound to infer so; familiar with the judicial decisions of this country, State and Federal on the subject; familiar with the controversy that had existed among the courts and the legal profession and the statesmen of the country as to whether there was a citizenship of the United States. How natural, therefore, it was that the question should be settled in the fourteenth amendment, and especially in view of the fact that four millions of freedmen had been made, and there might arise a controversy about their legal status. It was therefore provided that "all persons born or naturalized in the United States and subject to the jurisdiction thereof are citizens of the United States and of the State wherein they reside."

It provides not only that they shall be citizens of the United States, and thereby gain all the benefits of the rights guaranteed and conferred by the Constitution of the United States, but also, that whenever they shall *reside* in any State they shall be citizens of such State, and entitled to all the benefits of a citizen of such State according to its constitution and laws. That is the plain and manifest meaning. This provision goes to show that Congress in devising this amendment, and the American people in adopting it, recognized in the most solemn manner, by putting it into their organic law, that there was a distinction between the citizenship of the Government of the United States and the citizenship of the several States. Is it not very plain? What folly it would have been to say that a person shall be a citizen of the United States and then also of the State in which he may reside, if the purpose was to consolidate both citizenships, and to confer on the Federal Government the total power to control citizenship in every respect! It is perfectly clear, therefore, that in the first place, it conferred upon every citizen within the jurisdiction of the United States, whether born there or naturalized, all the rights that could be conferred upon a citizen of the United States by virtue of any power the United States possessed. But that was not sufficient; that was limited. That did not confer upon a citizen all the blessings of government; and the purpose was to enlarge the rights of a citizen of the United States by conferring on him, by this new amendment, the right by going into a State, of having citizenship in the State where he might reside. What sort of citizenship? Was it any peculiar citizenship; any citizenship other than that of a citizen in the State where he might go and enjoy? Certainly not. I see no ground, no word, reason, inference, or necessity, which warrants such a suggestion. Therefore, although I might, in the city where I reside, retail spirituous liquors or sell them by the wholesale, I could not, because I had such right there, go from North Carolina into the State of New York, if a valid statute of the latter State prohibits the sale of spirituous liquors at all, and insist that I shall have a right to sell such liquors there. Why? Because, when I go into the State of New York to reside, and by virtue of this clause of the Constitution become a citizen of that State, I am no more and no less than a citizen of that State, and I must accept and be subject to the laws of that State, as all other citizens thereof must do; my rights must be measured by the constitution and laws of New York as I find them, and by the same measure as the rights of other citizens there.

To put another case to illustrate my meaning: If I might in the State of North Carolina keep a public theater, and require fees of admission to it from the persons who visit it, if I should quit that State and go to the State of Massachusetts, where public theaters are prohibited by statute, I would not have the right because I had a right to open a theater in North Carolina, to go there in the face of their statute and open a public theater in Boston. When I go to Boston I must take the laws and citizenship of Massachusetts as I find them. I must be on an equality with the citizens of Massachusetts; my right must be measured by their right and my citizenship when I go there, must be measured by their citizenship; no more and no less. That is the legal force and effect of this clause of the Constitution.

The next clause provides in these words:

No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States.

That provision is merely surplusage; if there was a citizenship of the United States before the adoption of this amendment to the Constitution, the States could not abridge the rights of a citizen of the United States before its adoption. There was no provision of the Constitution that allowed them to do so, and if they could have exercised such a power, they might have destroyed virtually the Federal power. The States before the adoption of this amendment could not pass a law abridging the rights of a citizen of the United States. They could not deprive him of any right conferred by the Constitution of the United States before the adoption of this amendment, and therefore this clause was surplusage, except that it is appropriate when taken in connection with the clause which precedes it, declaring who shall be a citizen of the United States. As I said a while ago, it was a debatable question whether there was any such thing as citizenship of the United States. This amendment provides in terms such a citizenship, and in order to make the provision complete it was appropriate, if not necessary, to provide that "no State shall make or enforce any law which shall abridge the privileges or immunities of a citizen of the United States." The citizenship is conferred in terms, and then the protection of that citizenship is conferred in terms, and it is only in that view that this clause was material at all. It never, at any time, could have been pretended with any tolerable show of reason, any more than it can be pretended now, that the States could abridge any right which is conferred by the Constitution of the United States. Such a power in the States would have contravened the very life-principle of national government.

The next clause is:

Nor shall any State deprive any person of life, liberty, or property, without due process of law.

What does that mean? It means that no State by statute or any authority shall take a man's life, liberty, or property from him otherwise than as the law may direct under the Constitution; that no State shall have power to pass a statute, for example, that men shall be hanged without judge or jury or any trial. That clause has a technical meaning; it means that whenever a man shall be deprived of his life or his liberty or his property, it shall be done in an orderly, legal way, in accordance with a law passed in pursuance of the Constitution; and when that is observed at all, it cannot be pretended that the Constitution of the United States confers upon Congress or any other Federal authority the right to interfere with the States in controlling the life, the liberty, or the property of the citizen thereof. All the State is bound to do under this limitation of its power, if it may be termed a limitation, is to exercise it according to some law passed in pursuance of the Constitution, in pursuance of our system of government.

Then the next clause admits of more latitude of debate. That clause is:

Nor deny to any person within its jurisdiction the equal protection of the laws.

What is the meaning of that clause? It means plainly, it seems to me, that if I, a citizen of North Carolina go to the State of New York and a statute there undertakes to confer on citizens born in New York certain privileges and protection of right which it withholds from me because I happen to go there, that statute shall be void. It is intended to prevent any discrimination in the protection of rights of any kind for any cause against individuals or classes as such. All, every one, in the exercise of the same right must have the same protection and the same measure of protection of the law. But this clause cannot be construed to mean that a State for the public good may not *regulate the exercise of rights* of one sort or another, provided the law protects all exercising rights so regulated equally in degree and manner. The manner of exercising rights may be regulated and the citizen must avail himself of his rights according to such regulation; but each citizen shall have the same protection of the laws in protecting his rights as regulated by law as every other citizen.

But, sir, as I said a while ago, if a stranger shall go into a State, being a citizen of the United States, he must take the laws there as he finds them, provided those laws make the citizens of the State where he goes equal in point of rights conferred by the constitution of that State; and therefore it is, if the State of North Carolina shall provide by statute that in the matter of schools, females shall be educated in one class of schools and males shall be educated in another class, and that the two sexes shall be educated separately, any one who shall go into the State of North Carolina with his family must accept the public schools there as he finds them. If he is allowed to send his female children to the female school, he has an equal right with everybody else; if he is allowed to send his male children to the male school, he has his equal right with everybody else, and he is bound to accept the schools in that way. The Senator from Indiana [Mr. MORTON] admitted, yesterday, when I interrogated him upon this point, that the State would have power to make a police regulation of that sort, and when I pressed him to point out the difference between that case and the exercise of the police power so as to provide that the negro race should be educated in one class of schools and the white race in another, he did not answer, and I should like to hear anybody point out a legal difference. Therefore it is that I say, if in the State of North Corolina, the Legislature shall see fit to provide that the colored race shall be educated in one class of schools and the white race in another class of schools, it is perfectly competent for the State to do so. Where is the restriction on the power of the State to do so? I ask where is the clause in the Constitution of the Union which restricts the power of the State in that respect? If the Legislature shall provide that the colored children shall be educated in one class of schools, and that the white children shall be educated in another class of schools, and a stranger shall go into North Carolina and take with him children, whether he is a black man or a white man, he goes there on terms of perfect equality with black children and white children in that State. In case he is a colored man, if he is allowed to send his children to the colored school, he is on a perfect equality with everybody else and is protected in all his rights as is provided by this clause of the Constitution.

Will it be said that because the difference is on account of color it will not do? That objection is unfounded, it seems to me. There is no provision in the Constitution of the United States which protects color any more than sex or age. If there was any purpose to protect *color* against the exercise of the police power of the States, and prevent the States from exercising their powers to regulate right and society, why was it not so provided? Are the States to be deprived of the absolute right to exercise the important power of police upon the merest speculative inference? Surely not. That it was not contemplated that any such restriction on the States was thought of intended, or provided, appears in the provision contained in the fifteenth amendment, that no person shall be deprived by the United States, or any State of his right *to vote* on account of *race, color, or previous condition of servitude.* Why was this provision limited to the right to *vote* alone? Can any reason be given or suggested? It was easy to have provided that no distinction for any cause should ever be made because of *race, color, or previous condition of servitude,* but no such provision was made. I repeat, why this restriction—this limit to voting alone?

The fifteenth amendment is in these words:

The right of citizens of the United States *to vote* shall not be denied or abridged by the United States or by any State on account of *race, color, or previous condition of servitude.*

Why was that phrase "race, color, or previous condition of servitude" put in that section, limited to voting? Because it was well known that without it, the States might refuse to confer on the freedman the right to vote; it was deemed important that he should have that right in order to secure equality of right civilly, and therefore this amendment was adopted. There was no question that the States might without such constitutional provision, prevent freedmen from voting, and on account of their race or color, or previous condition of servitude. In all other respects, the several States were left to exercise their absolute powers as if the fifteenth amendment did not exist. There is no word in any one of the three amendments under consideration which purports to abridge the police powers of the State. Can it be that this essential power, this vital power of the States, was to be taken away without any mention of such a purpose? I cannot so believe; I do not think any one so believes. It is monstrous to take such powers away from the States, to change our whole system of government, by a forced construction. If Congress shall for any cause attempt it, the courts will not allow it, the American people will not tolerate it or seriously think of doing so.

Will it be said the negro child has not the right to go to a white school? Then I answer, the white child has no right to go to the negro school. It is as broad one way as it is the other, and the principle in this case does not differ from the principle in the case where a law provides that males shall be educated only in male schools and females only in female schools. I cannot understand or comprehend a distinction in point of principle between the power to educate the sexes in separate schools and that to require the races to be educated in separate schools. Like equal legal provision must be made for each race, and this is the equality of right and protection required by the Constitution. The State may exercise the power to distinguish on the ground of race, so as to provide for the education of the races in separate schools equally provided for in all material respects. But, even apart from the police powers, I cannot see wherein one man is injured and deprived of any right in the one case more than he is in the other.

Can it be denied that the States have power to regulate theaters—the manner of conducting them? Have they not always exercised power to do so? They are supreme in that respect. If they judge that it is necessary that one class of people shall go into one apartment and another class into another, with a view to good order and decency, why is it not competent to do that? It is admitted that it is competent to license one class of people with certain qualifications to sell spirituous liquors by retail; it is competent to license another class with other qualifications to sell the same by wholesale; it is competent to license one class of citizens peculiarly qualified to practice law and not allow another class to practice law, to license one class fitted as physicians and not license another; all this authority is embraced in the police power of a State in regulating its society for its own benefit and promoting the general ends of government contemplated by the Declaration of Independence; and when the States shall exercise this power there is the end, and there is no clause in any one of these amendments that confers upon Congress authority to regulate it in any way whatsoever. By our system of government, the States are left to regulate society within their separate jurisdictions. The powers of the General Government are not intended for or adapted to such purposes.

I shall show, I trust, before I take my seat, that there are wise reasons why the natural distinction of race should be kept up and perpetuated, not only in the interest of the white, but in the interest of the colored race as well. I merely advert to it now, so that what I say at this point may be taken in connection with what I shall show hereafter on that subject.

Then I pass to the consideration of the fifteenth amendment. It is in these words:

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

The first observation I make here is that there is a limitation on the power of the United States. The United States have no power to deny or abridge the right of citizens of that Government to vote for the causes specified. All races are secured by the Constitution the right of equality in voting; they cannot be discriminated against on account of race, color, or previous condition of servitude. The States shall not deny the right to vote on any one of these three accounts. What are those accounts? They are "race, color, or previous condition of servitude." What right is not he denied or abridged? The right *to vote.* Why did they say "the right to vote" more than any other? Does that limitation mean anything? It seems to me so, or it would not have been used. It means that "the right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State" on one of three accounts: "on account of race, color, or previous condition of servitude," and, therefore, if an Indian should be

naturalized by the United States, he has a right to vote, or rather the United States cannot prohibit him from voting because he is an Indian, nor can any State where he may happen to be prevent him from voting because he is an Indian. So in the case of a Chinese. If he shall be naturalized here, the United States Congress cannot pass an act after he is naturalized prohibiting him from voting for officers of the United States, and because he has been naturalized by the United States, if he shall go to live in a State, that State cannot prohibit him from voting because he is a Chinese. He is protected in the matter of his race, in the matter of his color, in the matter of whether he was previously in a condition of servitude, as to his right to vote, and in no other respect. But notwithstanding that inhibition, it is perfectly competent for any State to have a provision in its constitution providing that no person shall vote unless he can read or write. Indeed, in some of the States any one who cannot read, is prohibited from voting.

But will any Senator deny that it is perfectly competent for the people of North Carolina to put into their constitution a provision that no negro shall hold office? That is perfectly competent. If the people of North Carolina or any other State had seen fit to provide that no person should vote if he could not read, it would have been within their power to do so. Any State in the Union may provide, if it will, in the constitution that a negro shall not hold office. Why? Because the State is absolutely sovereign in all respects except in so far as its powers are restrained by the Constitution of the United States, and there is no provision in the Constitution of the United States restraining the power of the States in the exercise of *political* power in the matter of holding office. Indeed, I believe the history of the times shows, that that provision was omitted in the fifteenth amendment because it was understood that it might be very necessary to provide in some localities that the negro should not be allowed to hold office. I believe, however, the people of no State have exercised that power, and it is another evidence of the kindly relations which exist between the two races in the South, no matter what may be said by interested parties to the contrary. In my State, and in Virginia, and in Georgia, and in other States, the negroes might have been deprived of the right to hold office, but they have not been, and in other respects as citizens, and in exercising political power as well as civil rights, they have been made equal with the white race in all respects.

This, Mr. President, seems to me to be a correct view of these three amendments: First, the general purpose of them was to liberate the negro race and to confer upon them exactly the same civil rights that are enjoyed by the white citizens of the United States, as citizens of the United States and as citizens of the several States, and in no other respect whatsoever; and these amendments to the Constitution confer no higher power upon the United States or upon the Congress of the United States than was conferred upon the Congress of the United States in reference to white people before the adoption of these amendments to the Constitution. I say that that was the general purpose; and then I say when we come to criticise and examine carefully the various provisions of these several amendments, it appears that that general purpose was carried out in apt terms, and the Constitution has not changed our system of government at all, further than to make everybody free; they have taken in the black race and made them equal in point of civil rights with every other race; they have not, however, made them under the Constitution of the Union equal in point of political rights. There is a marked distinction between civil and political rights. There is no provision in the Constitution of the Union as to who shall hold office in the several States and who shall not hold office there, and that right is left to the States to this day, and they control that matter as absolutely as they did before the adoption of these amendments.

But these views of the amendments to the Constitution are not simply my views. In my judgment they are sustained by reason, and I believe that these reasons must be satisfactory to the disinterested mind. But if there be doubt about their correctness, then I point with unfaltering confidence to the judicial exposition of them by the Supreme Court of the Union, which puts an end to controversy. By the Constitution of the Union, by the laws of the Union, the Supreme Court of the United States is the last and final expounder of what the Constitution means. The Supreme Court has settled this question and settled it beyond contradiction or reasonable controversy, not only in one decision but in repeated decisions, and I propose now to call the attention of the Senate to them. I want to read a long paragraph from the opinion I read from a while ago in the "Slaughter-house cases," and the reasoning is so clear, that I wish every American citizen could hear it, that every Senator here would read it as he ought to read it, take it to heart, and lay aside his prejudices or predilections, and let his vote on this occasion be governed by this high authoritative exposition of the Constitution of his country. The court say:

The first section of the fourteenth article, to which our attention is more specially invited, opens with a definition of citizenship—not only citizenship of the United States, but citizenship of the States. No such definition was previously found in the Constitution, nor had any attempt been made to define it by act of Congress. It had been the occasion of much discussion in the courts, by the Executive Departments, and in the public journals. It had been said by eminent judges that no man was a citizen of the United States except as he was a citizen of one of the States composing the Union. Those, therefore, who had been born and resided always in the District of Columbia or in the Territories, though within the United States, were not citizens. Whether this proposition was sound or not had never been judicially decided. But it had been held by this court in the celebrated Dred Scott case, only a few years before the outbreak of the civil war, that a man of African descent, whether a slave or not, was not and could not be a citizen of a State or of the United States. This decision, while it met the condemnation of some of the ablest statesmen and constitutional lawyers of the country, had never been overruled; and if it was to be accepted as a constitutional limitation of the right of citizenship, then all the negro race who had recently been made freemen, were still not only not citizens, but were incapable of becoming so by anything short of an amendment to the Constitution.

How forcibly, how strongly, that shows the necessity of putting this question of citizenship at rest by the fourteenth amendment which I have read and commented upon. The court go on to say further:

To remove this difficulty primarily, and to establish a clear and comprehensive definition of citizenship which should declare what should constitute citizenship of the United States, and also citizenship of a State, the first clause of the first section was framed:

"All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside."

The first observation we have to make on this clause is, that it puts at rest both the questions which we stated to have been the subject of differences of opinion. It declares that persons may be citizens of the United States without regard to their citizenship of a particular State, and it overturns the Dred Scott decision by making *all persons* born within the United States and subject to its jurisdiction citizens of the United States. That its main purpose was to establish the citizenship of the negro can admit of no doubt. The phrase "subject to its jurisdiction" was intended to exclude from its operation children of ministers, consuls, and citizens or subjects of foreign states born within the United States.

The next observation is more important in view of the arguments of counsel in the present case. It is, that the distinction between citizenship of the United States and citizenship of a State is clearly recognized and established. Not only may a man be a citizen of the United States without being a citizen of a State, but an important element is necessary to convert the former into the latter. He must reside within the State to make him a citizen of it, but it is only necessary that he should be born or naturalized in the United States to be a citizen of the Union.

It is quite clear, then, that there is a citizenship of the United States and a citizenship of a State, which are distinct from each other, and which depend upon different characteristics or circumstances in the individual.

We think this distinction and its explicit recognition in this amendment of great weight in this argument, because the next paragraph of this same section, which is the one mainly relied on by the plaintiffs in error, speaks only of privileges and immunities of citizens of the United States, and does not speak of those of citizens of the several States—

I wish to impress that clause upon every Senator who is not asleep—

The argument, however, in favor of the plaintiffs rests wholly on the assumption that citizenship is the same, and the privileges and immunities guaranteed by the clause are the same.

The language is, "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States." It is a little remarkable, if this clause was intended as a protection to the citizen of a State against the legislative power of his own State, that the words "citizens of the State" should be left out, when it is so carefully used, and used in contradistinction to citizens of the United States in the very sentence which precedes it. It is too clear for argument that the change in phraseology was adopted understandingly and with a purpose.

Of the privileges and immunities of the citizen of the United States, and of the privileges and immunities of the citizen of the State, and what they respectively are, we will presently consider; but we wish to state here that it is only the former which are placed by this clause under the protection of the Federal Constitution, and that the latter, whatever they may be, are not intended to have any additional protection by this paragraph of the amendment.

If, then, there is a difference between the privileges and immunities belonging to a citizen of the United States as such, and those belonging to the citizen of the State as such, the last must rest for their security and protection where they have heretofore rested, for they are not embraced by this paragraph of the amendment.

The first occurrence of the words "privileges and immunities" in our constitutional history is to be found in the fourth of the articles of the old Confederation. It declares that the better to secure and perpetuate mutual friendship and intercourse among the people of the different States in this Union, the free inhabitants of each of these States, paupers, vagabonds, and fugitives from justice excepted, shall be entitled to all the privileges and immunities of free citizens in the several States; and the people of each State shall have free ingress and regress to and from any other State, and shall enjoy therein all the privileges of trade and commerce, subject to the same duties, impositions, and restrictions as the inhabitants thereof respectively.

In the Constitution of the United States, which superseded the Articles of Confederation, the corresponding provision is found in section 2 of the fourth article, in the following words: "The citizens of each State shall be entitled to all the privileges and immunities of citizens of the several States."

There can be but little question that the purpose of both these provisions is the same, and that the privileges and immunities intended are the same in each. In the article of the confederation we have some of these specifically mentioned, and enough perhaps to give some general idea of the class of civil rights meant by the phrase.

I will read another paragraph:

It would be the vainest show of learning to attempt to prove by citations of authority that, up to the adoption of the recent amendments, no claim or pretense was set up that those rights depended on the Federal Government for their existence or protection, beyond the very few express limitations which the Federal Constitution imposed upon the States—such, for instance, as the prohibition against *ex post facto* laws, bills of attainder, and laws impairing the obligation of contracts. But with the exception of these and a few other exceptions, the entire domain of the privileges and immunities of citizens of the States, as above defined, lay within the constitutional and legislative power of the States, and without that of the Federal Government. Was it the purpose of the fourteenth amendment by the simple declaration that no State should make or enforce any law which shall abridge the privileges and immunities of citizens of the United States, to transfer the security and protection of all the civil rights which we have mentioned from the States to the Federal Government? And where it is declared that Congress shall have the power to enforce that article, was it intended to bring within the power of Congress the entire domain of civil rights heretofore belonging exclusively to the States?

All this and more must follow if the proposition of the plaintiffs in error be sound. For not only are these rights subject to the control of Congress whenever in its discretion any of them are supposed to be abridged by State legislation, but that body may also pass laws in advance, limiting and restricting the exercise of legislative power by the States in their most ordinary and useful functions, as in its judgment it may think proper on all such subjects. And still further, such a construction, followed by the reversal of the judgment of the supreme court of

Louisiana in these cases, would constitute this court a perpetual censor upon all legislation of the States on the civil rights of their own citizens, with authority to nullify such as it did not approve as consistent with those rights as they existed at the time of the adoption of this amendment. The argument we admit is not always the most conclusive which is drawn from the consequences urged against the adoption of a particular construction of an instrument. But when, as in the case before us, these consequences are so serious, so far-reaching and pervading, so great a departure from the structure and spirit of our institutions; when the effect is to fetter and degrade the State governments by subjecting them to the control of Congress in the exercise of powers heretofore universally conceded to them of the most ordinary and fundamental character; when in fact it radically changes the whole theory of the relations of the State and Federal governments to each other, and of both these governments to the people, the argument has a force that is irresistible, in the absence of language which expresses such a purpose too clearly to admit of doubt.

We are convinced that no such results were intended by the Congress which proposed these amendments, nor by the Legislatures of the States which ratified them.

That decision of the Supreme Court of the United States was made in a case confessedly involving the provisions of the three amendments which I have been discussing, and the court in proceeding to the consideration of them, go on to declare in another paragraph of the opinion, which I have not read, that they approach the discussion of the subject and the decision of the questions presented under circumstances of the gravest solemnity, and that they do it scrutinizing every word and every thought they entertained on the subject, because of the vast consequences that would flow from this exposition of these amendments. The amendments came directly under their adjudication. This was so, and the court so knew and understood, and said they were passing upon them, and they believed they were settling the construction of these constitutional amendments for ages to come.

Mr. President, the court have adhered to that decision. It was made under the solemn and interesting circumstances that I have mentioned. Afterward, in another case, the court again recognized and reaffirmed the decision from which I have read extracts. The second case was the case of a lady in Illinois who desired to be admitted to practice law in the courts of that State. She insisted that she was a citizen of the United States, and being a citizen of the United States when she went to Illinois to reside, she thereby became a citizen of that State. She insisted that citizens of that State were entitled to practice law by complying with certain prerequisites. She qualified herself to claim those rights, and in order to test fully her right under the fourteenth amendment to the Constitution, she took her case by writ of error to the Supreme Court of the United States. The court in their opinion use these words:

In regard to that amendment, counsel for the plaintiff in this court truly says that there are certain privileges and immunities which belong to a citizen of the United States as such; otherwise it would be nonsense for the fourteenth amendment to prohibit a State from abridging them, and he proceeds to argue that admission to the bar of a State of a person who possesses the requisite learning and character is one of those which a State may not deny.

Now see what the court say:

In this latter proposition we are not able to concur with counsel. We agree with him that there are privileges and immunities belonging to citizens of the United States in that relation and character, and that it is these, and these alone, which a State is forbidden to abridge. But the right to admission to practice in the courts of a State is not one of them. This right in no sense depends on citizenship of the United States. It has not, as far as we know, ever been made in any State or in any case to depend on citizenship at all. Certainly many prominent and distinguished lawyers have been admitted to practice, both in the State and Federal courts, who were not citizens of the United States or of any State. But on whatever basis this right may be placed, so far as it can have any relation to citizenship at all, it would seem that, as to the courts of a State, it would relate to citizenship of the State, and as to Federal courts it would relate to citizenship of the United States.

The next paragraph reaffirms in terms the decision in the "Slaughter-house cases." The court further say:

The opinion just delivered in the Slaughter-house cases renders elaborate argument in the present case unnecessary; for, unless we are wholly and radically mistaken in the principles on which those cases are decided, the right to control and regulate the granting of license to practice law in the courts of a State is one of those powers which are not transferred for its protection to the Federal Government, and its exercise is in no manner governed or controlled by citizenship of the United States in the party seeking such license.

Then, Mr. President, the Supreme Court, as I learn, have decided at the recent term another case, reaffirming the doctrines which they held in the "Slaughter-house cases" and the one from which I have just read; so that it appears the Supreme Court have already placed a construction upon these three amendments by which I insist that the Congress and the country ought to be and must be bound.

I will mention this further circumstance: The court made these decisions shortly after the amendments were adopted, and they made them under the high state of party excitement in this country, growing out of the liberation of the negro race, and growing out of the results of the war. If under any circumstances outside pressure could have been brought to bear upon that high court, and we know that great pressure was brought to bear in various ways, and the court could have made the decision which the majority here seem to think the court ought to have made, they certainly would have made it. But, sitting as judges in their high place, holding the scale of justice evenly, they did not dare to make such a ruling; and I thank God we have such a court at such a time! That their decision will become the settled law of this country, I do not doubt. If this bill shall pass, I do not doubt that that court, when the appropriate time comes, will declare that it is void.

Now, Mr. President, in view of these amendments as I have read them, let us see what this bill proposes. It proposes, in the first section, to provide—

That all persons within the jurisdiction of the United States shall be entitled to the full and equal enjoyment of the accommodations, advantages, facilities, and privileges of inns, public conveyances on land or water, theaters, and other places of public amusement; and also of common schools and public institutions of learning or benevolence supported in whole or in part by general taxation; and of cemeteries so supported, subject only to the conditions and limitations established by law and applicable alike to citizens of every race and color, regardless of any previous condition of servitude.

Mr. President, I want here seriously to put this question to the advocates of the bill: If Congress can under the Constitution pass it, and can confer upon the courts and the executive department of the Government the power to execute it, I ask, then, what power of the State governments to regulate any civil rights exists which Congress cannot control? I should like to see them point to one. If it is not competent for the Legislatures of the several States to regulate theaters, to regulate inns, to regulate the manner of conducting public schools, to regulate the management of cemeteries—if these several matters do not come under that class of powers known as police powers, which belong to the States and which they have always exercised and without limitation, which the court has said in "the Slaughter-house cases" they may still exercise, I confess I cannot see what power of the States the Congress cannot control at their will and pleasure. If the Constitution is as contended for by the friends of the bill, I ask where is the limit of the power of Congress? Where is the line of demarcation? Let any one answer who can.

But it is said that these police powers may be exercised in many respects, but it cannot be done in the matter of color. Why not in the matter of color? If the Legislature of a State, in their judgment, founded on the experience of the people, think and determine that the black race and the white race should be educated separately, why is it not competent for them so to provide by statute? It is said it is a discrimination against the black race. It is just as much a discrimination, in point of principle, against the white race. If there are separate schools, the black man has the same right to deny my child admission to the school where his children go as I have to deny his children admission to the school where my children go; so that we are upon a perfect equality of right in principle.

The Senator from Wisconsin [Mr. HOWE] to-day declaimed loudly against the proposition of the minority here and of the people in certain States, as tending to deprive the colored people of education. He talked about shutting the door in their faces, keeping them locked up in ignorance indefinitely or forever. Nobody has made any such uncharitable proposition. He would have the Senate and the country believe that we propose to shut them out from theaters; that we would not let the poor negro even have a place to bury his dead. Nobody has urged such an absurd proposition as that. The proposition is to allow the colored people of the country to have their own school-house; to allow the white people to have their own school-house, and that neither race shall interfere with the other; to have a proper apartment fitted up in the theater for the colored race, and a like apartment for the white race, and thereby to keep them apart, and for reasons that I shall advert to presently; in the inn, to have a comfortable place for the colored race to go, and another place for the white race to occupy.

If a city or the State shall provide a cemetery for the white race, the city or State must provide a like cemetery for the colored race. No white man shall intrude upon the cemetery of the colored man; no colored man shall intrude upon the cemetery of the white man. No colored man shall intrude upon the white man's place in the inn; no white man shall intrude upon the colored man's place in the inn. No white man shall intrude upon the colored man's place in the theater; and no colored man shall intrude upon the white man's place in the theater; and then, if they are not upon terms of perfect equality, applying to each race alike, I am not capable of comprehending a plain proposition. That is all that is proposed.

And so I undertake to say, for the reasons which I have assigned, that there is no power in the Constitution of the United States which authorizes Congress to pass a law prohibiting the States from making these police regulations for the common good of the people, to carry out the great ends of liberty and right set forth and defined in the Declaration of Independence and embraced within the broad scope of our system of government. If the power of the State to make these regulations is abridged by these amendments to the Constitution, then our system of government is changed; then we have a great consolidated government; then we have States no more. That is my judgment.

Thus, Mr. President, I have endeavored to show that Congress has no power to pass this bill. Now I propose, in the second place, to show that if it shall pass and become operative as a law, and the policy contemplated by it shall become practicable, it will establish a condition of things in the States where the black race and white race largely prevail, not only unwise, but which will contravene the natural law of races itself, in the end hybridize the races, and produce to a material degree, degeneracy and extinction of race. The uniform experience of the human race goes to show that the Almighty curses that people who defy the course of nature. Let us see if I can make this position good.

Much has been said here about the question of color and the unity of races. One Senator went off in perfect ecstasies of declamation, and said that God had made us all of one blood, and much to the same

effect. Sir, that is empty declamation, without due regard to facts and the course of nature plainly before our eyes. In discussing a question so momentous to government and races as this, we should not be carried away by a false sentimentality and declamatory parade. Let us cautiously seek the truth.

I know that it is said, and I shall not deny it here, that God "hath made of one blood all nations of men for to dwell on all the face of the earth;" but without denying that, we do know this fact, that He has made the races. We know this just as certainly as we know that we live or that the sun shines, or any other physical fact. We know, too, that by reason of race there are material and radical distinctions between classes of men which cannot be changed but by changing the course of nature. God has made the Caucasian race white. He has made the negro race black. He has made the Mongolian race, He has made the Malay race, and He has made the Indian race. We know these facts—all ages have known them—just as we know that we live, and these natural facts appear to us just as the seasons, the earth, the sun and moon and stars.

Why did God make our skins white? Why did He make the negro's skin black? Why did He make the other races of different colors? Why did He make these different races materially different, physically and mentally? Why did He make the mountains? Why did He make the seas? Why did He make the sun, moon, and stars in their orbits? Why did he make us with life? Why did he make us with souls?. If you will answer one of these questions, I will answer the others. But these natural facts exist, and who shall dare to change, or attempt to change the course and harmony of nature? And who shall dare to blot out the distinctions of race? I ask Senators, where do they get the authority to change the color that God has blessed us with? Where can any authority be found to make my skin black and to change and corrupt my blood? Where can natural sanction be found for changing the color of the negro race—to change his skin and make it yellow and corrupt his blood and bring on degeneracy? Where does the Indian get the authority to change his skin and corrupt and degrade his blood? Show me that; and until you do show me that, let me hear no more of that false and scandalous doctrine of breaking down the distinctions among the races and blending all in one, by crowding and huddling all races together in school-houses, in inns, in railroad cars, on steamboats, in theaters, or anywhere else.

Mr. President, there is no one in this Senate who is freer from hostile feeling toward the negro race than myself. On the contrary, I am kindly disposed toward the colored people of this country and sincerely desire to benefit them. They are for the most part helpless; poor and ignorant; and there are causes over which they have had no control that have in great measure led to this unhappy result. They are not to blame for that, nor do I censure them. I am not here to denounce or to insult them. It is not in my nature to do so; and even if I had any such desire, it would be unbecoming in me to do so, because a very large proportion of my constituency are colored people. So far from desiring to insult them in the slightest degree, so far from desiring to injure them in any sense whatsoever, I say sincerely in this high place to the American people and to the world, that I should be gladder than I can express, to improve their condition collectively and individually; and whatever I shall do here shall be done honestly with a view to that end. When I can help that race in my place here as a Senator, when I can help them as a citizen, when I can help them in any way, I am ready and more than ready to do so according to my best judgment. They are entitled to my sympathy and that of all good men. They are entitled by all the ties of humanity, as well as by the peculiar circumstances surrounding them and the obligations of society, to such aid as I can extend to them consistently with duty to others. I desire to see them advanced in civilization; I desire to see their minds developed, to see them prosperous and happy, and live in peaceful harmony with the other races in the world. I wish to see them acquire property and become worthy to enjoy the benefits conferred upon them by the freedom which is secured to them by the amendments to the Constitution, and whatever I can do here or elsewhere to promote that purpose, I repeat, I am ready and willing to do. They need help from the white man in the South; they need his strong arm; they need the benefit of his advice and intelligence; they need his protecting guardianship in addition to the protection of constitutions and laws; they want his help to encourage them in enterprise, in industry, in developing their minds and raising their families and fit them for the true enjoyment of real liberty; they need him in all these respects, and there should be no words or causes of discord between them. They should co-operate as fellow-citizens to promote their common interests and to develop and secure perpetually the great ends of government as embodied and defined in the Declaration of Independence and our forms of government established in pursuance of it. For all these purposes the white people of the South are infinitely more important to the colored people than their theoretical, sentimental, declamatory friends elsewhere.

On the other hand, the white people of the South have high and controlling motives to see the colored people improved physically and mentally. Every consideration of humanity, every consideration affecting the industries and wholesome government in the whole country, impels the white people to desire the improvement and progress of the negro. There is no just or necessary diversity of interests between the two races. The unhappy differences that exist are manufactured by false and designing men.

Having said this much, I propose now to endeavor to show wherein I think that the proposition to bring the two races together, if it were possible to do so, in the way and manner provided by this mischievous measure is practically a violation of the laws and course of nature.

Mr. President, a pure white man is better than a hybrid; a pure negro is better than a hybrid. The cross between the white man and the negro is the mulatto; and although I have seen some very intelligent mulattoes, I undertake to say, and to state it as a physiological fact, that a mulatto is not as perfect a man or woman, physically or intellectually, as a pure white man or a pure negro man. The offspring of the second cross between the races is a less perfect person physically and intellectually than the mulatto; the offspring of the third cross is still less perfect; and this process of degeneracy continues until the races become absolutely extinct; and I challenge anybody to deny successfully this statement as a physiological fact. The policy that brings the two races together and commingles their blood, degrades the white man and in the same proportion degrades the negro man, and each side is degraded until the race becomes extinct. All history goes to show, that a hybrid race is a degenerate race, degenerate physically, degenerate intellectually, and that they continue to degenerate until the race becomes effete—extinct. Therefore, I say to the American people, that if by any policy devised by them, through any motives, good or evil, they shall by possibility force these races together, they degrade both races, they corrupt the blood of both races, and in the end it will not only result in the degeneracy, but in the eventual extinction of the races, as races have become so in the past.

This is a fact worthy of the most serious consideration; and though some may think it indelicate to refer to it, I feel it to be my solemn duty in this place to call the attention of the Senate and the country to it. Such a policy, whether developed by an act of Congress or a statute of a State Legislature, or by other means in the face of the decrees of nature, is defying to the Almighty, and any people who shall do so may certainly expect His curse. No people ever in the history of the world ran counter to natural laws without incurring penalties the most calamitous.

Why does the race become extinct in the way indicated? It is because of the contravention of the laws of nature. It is with the races of men just as it is with the races and classes of animals. The hybrid of animals is degenerate, and if you continue the cross the race becomes extinct. The inference is strong and convincing that such result would not follow if intermixture of the races did not contravene natural laws.

These facts go to show that whenever we shall in this way contravene the laws of God, His curse follows as a certain, inevitable consequence. No man or race or people or nation shall pull down and trample under foot the fiat of the Almighty!

So I say, the negro is as much interested in keeping aloof from the white man as the white man is interested in keeping aloof from the negro. I have no respect for the negro who will corrupt his blood. I have no respect for the white man who will corrupt his blood. I tell the negro race that they owe it to themselves and their race, if they wish to see it perpetuated, to keep the white race away from them; and I say on the other hand, that the white race owe it to themselves in like manner to keep the negro away from them, and not only to keep the negro race and the white race apart, but to keep the Indian race and the white race apart, to keep the Mongolian race and the white race apart. The Almighty for all-wise purposes has made this distinction of race just as He has made the stars and planets, just as He has made the sun and the moon, and the earth on which we live. He has made the races of men for wise purposes, and when we shall strike down His law for one cause or another, so sure as we do it, He will curse us. The history of the administration of the affairs of men, from the beginning of creation to this day, proves the truth of the declarations I have made.

I say, therefore, I have assigned weighty considerations to establish my second proposition. I have meant nothing insulting to the negro race by speaking of them as the negro race. That is the true designation of the race. It is not offensive to say to me that I am a Caucasian; it is not offensive to say to an intelligent negro that he is a negro. That is the truth. That is the proper, lawful designation of his race; and he ought to be, and the true man will be, proud of his race, and sustain its purity and integrity, just as the white man ought to strive to preserve and protect the integrity of his race. He is false to himself and degraded if he will not.

Now, Mr. President, it may be said, what has mixing the races in inns, in theaters, cars, steamboats, schools, and grave-yards to do with the matter I have just been remarking upon? The bill has this to do with it: It seeks to bring by statutory provision two populous races constantly and perpetually together, under such circumstances as certainly tend to bring the masses of the races and sexes in familiar contact and break down the distinctions set up by nature itself. That is the plain purpose and policy of it. Even with the barriers which have existed in the past in this country between the races, we know that there has been an intermixture of them to a greater or less extent in almost every locality of the Union; and it is not a subject to be laughed at or jeered at by one side or the other, by the black or the white race. I would not insult the mulatto, the mestizo, or the quadroon. They cannot help their origin. They are not responsible for their nature; but their parents are. They are guilty of crime when they bring such a state of things upon the country, and degeneracy upon their offspring, and they are bound by the laws of nature to prevent it. I

say whenever, therefore, Congress or the States shall pursue such a line of policy as to force these races together, then they undertake to force upon the country the policy of miscegenation and a mixture of the races; they encourage them to intermarry, and all the dreadful results that I have adverted to, come as a natural consequence. There is no escape from them. Standing in this high place to-night, I warn the negro race, I warn the white race, I warn the American people against this intermixture of blood and races, and against the policy embodied in the unnecessary and mischievous measure under debate.

Senators from the North, where the negro race does not prevail, can for one consideration or another, laugh and mock at the South, the down-trodden people there, white and black. They can talk handsomely about the ease and convenience by which this policy of theirs can be carried into practice. Sir, the white and black race of the South are more interested in this question than these gentlemen who stand here and elsewhere to advocate and force upon the country the ruinous consequences of fancy theories. They are not to be troubled with their prejudices; they are not to be bothered by bringing the races together there; but is it possible that Senators are willing to see this curse brought upon the South? Have the people there not suffered enough already? Is this measure prompted by the desire of vengeance? Have you not had vengeance enough? How long before the appetite for vengeance shall be glutted?

I repeat that the people in the South are particularly interested in this question. They ought to consider it seriously, not in the spirit of hostility between the races, one race against the other; but they ought to consider it as freemen, as friends, and consult their mutual and common interests. There is no danger of the races coming together in the Northern States; the negro is not there in any great numbers; they are in the South, and they are there in such numbers that if the two races should come together, the result which I have pointed to comes as a natural consequence, to a greater or less extent, and these dreadful evils must follow. Such a policy, such a state of things, is revolting to the moral sense; it shocks the decencies and proprieties of all well-regulated society; it is a monstrous crime against human nature! The American people of all races, colors, and conditions ought to spit upon and resent such an insult to their nature!

I repeat, Mr. President, that it is wrong to attempt to force this policy, by such a statute as it is proposed to pass, upon the country because its practical effect may be to bring about a state of things which will contravene the course and laws of nature, and in the end bring upon the people the curse of the Almighty in the extinction or degeneracy of the races. I ask if there is an American Senator, if there is any respectable portion of the American people, who desire to see the blood of the colored race or the blood of the white race corrupted, and to see the two races become degenerate, as will be the result, if this state of things shall transpire?

Sir, the southern people it is true engaged in the late civil war, but that war was inevitable, and if one section of the Union was responsible for it, the other section was likewise responsible: it came in the course of national life as other wars may come in the future. But with all the ruin, desolation, and crime which it wrought, it is over; the liberation of the negro is established; the Government is restored, and are we not your fellow-citizens? Are we not to enjoy common rights with the citizens of the States that did not engage in war against the Government? Are we not citizens of a common country? Are we not to enjoy common rights and common blessings under the General Government and under the State governments? Is not each section of the country interested in the happiness and prosperity of all the other sections? Are we not, as American citizens, one people, and are we not ready by every means within our power to promote the common interests of the whole? I trust in God, if such a spirit does not prevail to-day, that the day is fast approaching when it will prevail from one end of the Union to the other, until we know no North, no South, no East, no West, but one common country. If we are not so entitled, the Government is a cheat and a fraud.

But, Mr. President, I say, in the third place, that it is inexpedient to pass this bill. Suppose that this antipathy or distinction between the races is the result of prejudice? Here I will say, however, that I believe it is natural. I believe it is inherent in the nature of the white man; I believe it is inherent in the nature of the black man everywhere. Naturally, those of one race like their own best, until they are corrupted and brought in close contact with another, when the evil consequences I adverted to a while ago are brought on. Why, sir, I venture to say that any one may go to the Senators who expect to vote for this bill and put the plain, practical question to them—not with a view to insult anybody—"Are you willing your daughter shall attend a school with the negro children in my town?" And if he would give you a sincere answer he would tell you "nay;" and yet he would have his fellow-countrymen do what he would not do himself. He would not think of doing it, and yet he would force that state of things upon the people of the South, black and white, so repulsive to him. I maintain that this is not good-neighborship; that it does not manifest that good feeling which ought to exist between the two sections; that it is essentially wrong in sentiment as well as wrong in practice.

I repeat, there is this natural antipathy between the races. Whatever you may say about the corruption of man, there is still something that lingers and lives within his bosom and whispers to him of that law of his nature which he shall not contravene, and wherever you find him, however corrupted and degenerate, you find that whispering of conscience within him. You cannot strike it down. I say therefore, that I believe that there is this natural antipathy between the races.

But suppose I put it upon the ground of prejudice, and take it for arguments sake, that I am wrong in all I have said, it is well known to any intelligent observer that statutes cannot overcome deeply seated prejudice. You cannot do it by a statute; and I put it to Senators, whether it is wise, whether it is just, whether it is expedient, whether it is possible, treating it as a prejudice between the races as against each other in the South, to strike it down by this proposed statute? Can you force these races together in the South? You can no more do it than you can force the waters of the Mississippi at its mouth back to its source! You may annoy, harass, distress, and insult the southern people, but you cannot change their nature, their instinct, their education, their prejudices if you please to call them so, by a statute.

I say, Mr. President, treating the antipathy between the races as a prejudice, something is due to that prejudice and it cannot be broken down or wiped out by the force of a legislative enactment. I appeal to all history to prove the truth of this declaration. I appeal with confidence to the experience of every Senator who hears me in support of what I say. If this bill shall pass, an appropriate title for it would be: "An act to engender riots and armed conflicts throughout the Southern States." I do not apprehend that the white people will intrude on the black people in their appropriate spheres and places. I do not apprehend that the great bulk of the black race will intrude on the white race. I have no apprehension of that; but, sir, every one acquainted with society in this country, as well as in every other country, knows, that there are bad and seditious men in all communities; and you will find multitudes of bad white men who will stimulate idle and vicious black men, to force themselves into the theaters, hotels, cars, and boats, to go into the schools for the express purpose of stirring up strife. The result will be, that profligate, seditious men will again in the future, as in the past, ask to have the Army sent into the States ostensibly to execute the law, really to serve their own mercenary and infamous purposes.

Now, sir, I put it to every Senator here whether he is not tired and ashamed of seeing the Army sent into the States to execute the law. Are the American people not tired and ashamed of it? This Government is a government of public sentiment. It is not a government of force; and whenever in order to execute the laws you are obliged to keep a standing army for that purpose, your Government is a mockery, a cheat, and a lie, and it deserves to be crushed and dissolved. Sir, this Government cannot live without the affections and confidence of the people. It must be supported and sustained by the love of the people. While the American people have the power now to force the people of the South to do their will and to submit to unjust legislation, while they have the power to humiliate and outrage and persecute them, I say that it is unjust and unwise to the last degree to pursue such a policy. I insist that true statesmanship, a true American policy, is a conciliatory one toward the people of the South. They ought to feel and to have reason to feel, that they are indeed American citizens; that the Government exists only to bless and to benefit them. It ought to operate so lightly and beneficially upon them, that they could not do otherwise than love it. In that way it will engage their affections and respect and confidence, by the good it extends to them, by the manner in which it blesses them. But, sir, as long as you persecute them, as long as you insult them, insult their nature, or, if you please to call it so, their prejudices, by such legislation as this, just so long you keep up strife and bitter feelings between the two races in the South; just so long you will keep up disturbances and conflicts there that ought to cease forever; just so long you will perpetuate distrust and despair. The man who desires to see this state of things continue, is a bad man; he is a man with a criminal and fiendish heart; he is un-American; he is hostile to the Government; he is hostile to humanity; he does not deserve the confidence of the American people or of any constituency. That is my judgment.

One Senator to-day threw out the suggestion, that because Senators speak in the way I am now doing, and admonish the American people against such a policy as that proposed, they therefore threaten Congress and the Government. Sir, I make no threat; I intend no threat. I simply wish to state facts which are more than empty threats. It is absurd to talk about threats. Do you suppose, does anybody suppose, that I am so unwise as to believe that I could frighten the northern people or Congress by a threat? I am sure I could not do it. I am sure I am incapable of an attempt so absurd. I offer no threat. I tell you the consequences that will certainly follow this legislation, in order to satisfy the minds of Senators of its utter inexpediency. That is my purpose, and I tell the Senate and I tell the American people, that the great body of southern people as a whole, do not want this measure and its consequences. The colored people let alone, do not want it; the white people do not want it. Neither the democratic nor the republican party want it. All parties as parties there are against it, however factious meetings in one locality or another may be stimulated to suggest to Congress otherwise. Congress has been considering this subject in one way and another for years, and yet what proportion of the colored people of the South, led on by seditious demagogues, or of any people of the South, have asked for this pro-

posed legislation? The number who have asked for it, in comparison with those who have gone quietly on with their business and remain on good terms with their white fellow-citizens, are but as a drop in the sea. You cannot ascertain public sentiment on this subject from anything that you have heard here, coming from interested and very often very corrupt and seditious persons.

But, Mr. President, while such consequences are to flow from the intermixture of the races in inns, in theaters, on the highway, and in grave-yards, there is especially an objection to the intermixture of the races in the schools. If there is anything that is needed in the South at this time, and especially for the colored race, it is the blessing of popular education. I am sure, for one, I desire to see the minds of the colored people developed. I wish to put every facility for their education within their reach; and if they are to get such facilities at all, they are to come from the white race. If the white race deny them these facilities, as it is admitted they may do, and as the proposed policy will lead them to do, the colored people cannot educate their children. They are poor; they are helpless; if they are to be educated, they are to be educated mainly by the white race.

If this bill passes, you will find that in every State in the South where the people can repeal the laws which authorize and require public education, they will do so; just as sure as the time comes they will do it. Both races will do it. Why, sir, in my State, and I cite that as an example, the republican party had absolute control in framing the constitution there. They had absolute control of the first Legislature that assembled under our constitution. The republican party, with a very large percentage of the colored men in the convention and in the Legislature, passed laws providing for separate schools. Both parties in that State, with eighty thousand colored voters, have been uniformly opposed to mixed schools and in favor of separate schools. They do not want the mixed-school system. They know the manifest consequences of such a policy.

But some one may say, if that is so, then there is no difficulty about it; they will go on as they do now. Mr. President, that is trifling with a serious and solemn matter. However the masses of the well-disposed colored people may be content with their separate schools, however the masses of the white race may be content with their separate schools, there are contemptible and corrupt white and black men who would stimulate strife for the sake of strife. It would be stimulated by demagogues who want to make votes, and by worse men if possible, who want to make money by suing for penalties provided by this bill, and the result would be the disastrous consequences, I have mentioned, the repeal of all school laws, and then perpetual ignorance of the masses of the colored race.

Why, sir, if there is any portion of our people who are interested in education, it is the colored race. My hope of them is that they will be educated; that their minds will be developed; that they will become able by this development to enjoy the liberty conferred upon them by these three amendments to the Constitution and the results of the war. As it is, I do not hesitate to say they are not prepared for self-government; and if any one should require evidence of that fact, I have but to point to the South. There, sir, is an illustration of the rule of these people in their benighted condition.

Look at South Carolina—and I mean nothing offensive to the Senators from that State—they are as sensible of the condition of things there as I, and, I doubt not, lament and deplore it. There these people have absolute rule. Does anybody believe that that people if they were educated and enlightened would permit the state of things that exists in South Carolina now? Its condition is deplorable, and it seems to be without hope for the future; it is properly and strikingly called the "prostrate State;" it excites the sympathy and sorrow of every true man and patriot. It, is ruled by the negro race!

Look at Louisiana—I refer to facts and a state of things that are notorious—there is a state of anarchy and despotism existing there. Look at Texas. Look at Arkansas. Look at the controversy pending here now about Alabama. Look at the disorganized condition of every State in the South. What did it all grow out of? Everybody knows it grew out of the fact that these poor, helpless people, led on generally by bad men—willing to ever listen to the evil disposed—have in their incapacity for self-government, in their ignorance, ruined in a great measure these States; and yet it is virtually proposed to continue and perpetuate such misrule by this bill!

I pray you, Senators, I implore you as you hold that power in your hands, to save the South and save your countrymen! You must do it. You must help! Our fields, our cities, and our towns are desolate. Our people are broken-hearted. They are bowed down with a load of sorrow which they cannot cast off, and yet I fear there are those who are unchairitable enough to wish to increase it. I pray you, as American Senators, representing the American people, representing American institutions, as the guardians of American liberty, to come to ourrelief, and relieve us from this oppression and persecution, not by way of depriving the negro race of any right, but as simple justice. But if you will not help us, let us alone in peace to repair our broken fortunes as best we can.

Do you tell me we are to blame? Then I answer, all are to blame. There is cause of regret to every American citizen. Let us put the past behind us. Let us look only to the future. Let each section come to the help of the other. Let us raise each other up and make this country prosperous and happy as our fathers intended their posterity should be.

Sir, if I desired a scheme with a view to make votes and secure party ascendency, I would sit here voiceless except to cast my vote against this bill. But the matter is too serious to consult party interest or success. I tell you sincerely, that I doubt exceedingly that even the colored race will indorse it. I tell you plainly that a very large percentage of the republicans in North Carolina will not indorse it. Thay have declared against it. They have declared against it in their conventions and everywhere; they have declared against it in the Legisture; they have declared against it as a party, and thousands of them will abandon a party that thus seeks to insult and outrage them. Many colored people have declared, particularly against the mixed-school system.

Then further, sir, I have a letter here that I wish to read, and which ought to be high authority. It is from the superintendent of education of my State, a republican, a man of fine intelligence and integrity. Every Senator here can rely upon the statements of his letter; and I wish to remind you again that I do not read it in a spirit of threat, but to give facts. I read it to inform your judgments and to interest you in behalf of my State and the whole South, and to induce you to abstain from inflicting on the South the evils that must follow the passage of the bill. I will read the whole letter:

RALEIGH, NORTH CAROLINA, *January* 30, 1874.

DEAR SIR: I have just received your favor of the 28th instant. I inclose by mail copies of the school law and of my last annual report.

It will be seen by reference to sections 20, 24, 26, and 30 of the law, and to the rules and regulations adopted by the State board of education, that like provisions in all respects are made for the education of the two races, but in separate schools. You will find in my report an account of the educational convention held in this city in July last; and also a notice of the city school bill, which is still pending before the General Assembly.

No legislation in favor of mixed schools has ever been attempted in this State. Public sentiment on this subject is all one way. Opposition to mixed schools is so strong, so ingrained in the thoughts and opinions of the people, that if they are free to choose between mixed schools and no schools they will prefer the latter. The friends of education in the State would therefore deprecate and most sincerely deplore any congressional legislation which might tend to force mixed schools upon the people.

We are looking with great interest to the action of the present Congress on education. I think it would be well to aid both higher and common-school education in the States. If any action or resolution of the General Assembly now in session would be of any advantage to the friends of the education bill now pending in Congress, please inform me.

Very truly, yours,

ALEX. McIVER,
Superintendent of Public Instruction.

Hon. A. S. MERRIMON.

That gentleman is entitled to full credit and belief. I do most sincerely indorse all the writer has said. He has spoken but the truth. If this bill shall pass, I feel confident that the Legislature of North Carolina, which will meet on the 3d Monday of November next, will repeal the common-school law. In that case, the colored people in my State will have no opportunity, or next to no opportunity, for education. They have not the means to educate their children.

I have here the school law of my own State. I would be glad if time and my strength would allow me to read to the Senate the provisions of this law, showing how careful the State of North Carolina has been to make like provision for both races.

So then, Mr. President, to conclude the long speech which I have made during the late hours of the night, under such adverse circumstances, in the first place I have endeavored to show that Congress has no power under the Constitution to pass this bill; in the second place, I have shown that to pass it is to bring about a state of things, if it shall be at all practicable, that contravenes the course and laws of nature and results in the degeneracy and eventual extinction of the two races; in the third place, that it is inexpedient, in that it tends to bring about conflicts between the two races, to stir up strife that ought to be put to rest forever, and that it tends to cut the poor colored race off from the advantages of education which they can only have successfully at the hands of the white people.

I ardently desire the progress, prosperity and happiness of all races. I desire to see the colored race fitted for progress. I wish to see them fitted to enjoy all the blessings of liberty. I shall be gratified to see them join in the great march of civilization which is hastened by that system of government which blessed our forefathers before us, and which I hope will bless all our posterity to the latest generations. This unnatural measure disappoints and is destructive of such ends. It is monstrous and criminal. It shocks our nature and defies the Almighty. It contravenes all law, human and divine.

Civil Rights.

SPEECH HON. LEWIS V. BOGY,

OF MISSOURI,

IN THE UNITED STATES SENATE,

May 22, 1874.

The Senate having under consideration the bill (S. No. 1) supplementary to an act entitled "An act to protect all citizens of the United States in their civil rights, and to furnish the means for their vindication"—

Mr. BOGY said:

Mr. PRESIDENT: Although the present debate has already been protracted through many sessions of this body, and able Senators on both sides seem to have exhausted the common arguments for and

against the bill; and although darkness has already come down upon what may be the last night of this senatorial discussion, I cannot forbear to utter my solemn protest against the consummation of a measure that seems to me fraught with more social and political evils than were ever shaken from the fabled box of Pandora. And if it is to be consummated at all, night and darkness, storms and hurricanes, would be fitting concomitants of the act. In fact it seems to me peculiarly appropriate that a child like this, begotten of fanaticism and conceived in the spirit of fraternal hate, should come purblind into the world, during the hours of natural darkness, adapted as it is not to abate, but to increase, the sectional animosities and race antagonisms which have so marred our peace and prosperity in the past, and now threaten the very integrity of the nation. I am not one of the doctors on this occasion, and even if some hard calamity had forced me into such a position, I would not perform surgical Cæsarism on the poor mother to save the life of so foul a monster. I can only hope that if this bad fruit of political miscegenation should ever come to be christened, its god-father will give to the piebald thing the honest name, not of "Civil Rights," but of Uncivil Wrongs.

Mr. President, I do not wish to utter a word of unkindness toward the distinguished gentlemen who have supported this measure with eloquent speeches, and whose sentiments I doubt not were as sincere as their eloquence was fervid. I cannot help thinking and believing, however, that the whole measure is utterly and intensely wrong—wrong in its inception, wrong in its principles, wrong in its assumed facts, wrong in its conclusions, wrong in all its details, wrong in its influence upon the very class it is intended to benefit, wrong in its influence upon the white race, wrong in its bearings upon our social and political systems—in fact a great bundle of wrongs without a single right.

Mr. President, I desire to address myself to the discussion of this great subject in the spirit indicated by the Senator from New Jersey, [Mr. FRELINGHUYSEN,] when he said upon this floor a few days since:

> I invoke for the bill a calm, impartial, and unpartisan consideration; and ask its adoption only as it commends itself as consistent with the permanent interests of the nation, with the Constitution, and with justice to all classes of citizens.

I desire to accept the invitation thus tendered in the same spirit in which I assume it to have been given. I desire to enter upon the discussion not as a partisan politician who can see nothing good beyond the narrow bounds of his own political affiliations. I do not wish to consider the measure as one through which republican Senators hope to secure a million of colored voters, but as a great constitutional question, far-reaching in its influences, and underlying the very foundations of our social and political system.

The only chance of peace, prosperity, and perpetuity in our complex or dual system of government lies in the wise and careful adjustment of all the parts, a proper distribution of power that will save us on one extreme from the great evil of centralism, political Cæsarism, or imperialism; and on the other hand from having a Union without a union, a company of small, independent, erratic republics, without any common bond of unity, and each striving for its own interest without much care for the welfare of its neighbors. The whole tendency of the world is to centralism, and there is far more danger that we shall split on this rock than on the other. I am one of those who believe in that trite saying that we have the best government in the world, a government that has already been a providence of grace to mankind, and diffused unmeasured blessings to many millions of people, and which, with the proper adjustment of individual rights, and distribution of State and Federal power, will be as perpetual as the stars which are symbolized on our glorious banner. And how truthfully do these stars of heaven illustrate our Government, indicating in their laws its beauties, its blessings, and its perils!

Astronomers tell us that the solar system, of which our earth forms a part, only preserves its existence and wonderful harmony by the wise adjustment of material forces. A little more centrifugal power, and all the planets, moons, and comets would rush far away into the regions of illimitable space and be lost in eternal darkness; while an increase of the centripetal force would bring the "wreck of matter and the crash of worlds," by drawing us headlong into the great central fires of the sun. The infinite wisdom that planned and the infinite power that created and sustains this government of the skies show no marks of either secession or centralization, but such a wise distribution of forces as makes the material universe the glory of its Maker and the blessing of His children. Behold our own glorious planet in this spring-tide of its beauty, glowing in the sunlight and sleeping under the stars. Each morning comes like a new creation fresh from the hands of God, and each night is a holy sacrament to the weary limbs and fevered brain. How "seed time and harvest, cold and heat, summer and winter," come in eternal succession and pour their varied blessings upon the millions of earth's inhabitants.

The earth is like one of the States of our Republic, well organized, but not reconstructed. The Federal Government is the sun of our political system. If we are drawn too close, we shall be burned by its central fires; if we fly off in secession, we shall be lost in "outer darkness." Moon-struck politicians would make the States mere satellites—miserable moons—cold, barren orbs, shining by borrowed light and uninhabitable, so far as we can judge from the deductions of science.

Returning from the stars, let us apply the lessons they teach. I wish to show that this subject of individual rights and privileges has no business in Congress, and if we would secure the harmony and perpetuity of our system, the whole matter must be relegated to the different States, where it properly belongs. If I had doubted before that this was not the proper place for the discussion of this subject, I could have no doubt of it now. The argument made by the gentleman from Wisconsin [Mr. HOWE] astonished me; the argument made by the gentleman from Mississippi [Mr. ALCORN] astounded me; for, according to my understanding of the rights and powers of the Federal Government, reasoning of this kind is as inapplicable as it is incomprehensible. The Senate of the United States is made the high court of adjudication where the private relations of individuals are to be discussed, ascertained, and passed upon. If this is so, the day has come when the States must cease to exist politically, and when there will be but one government in the country, and that the Government of the United States. This question of Federal and State power is one of the most important that can come before us for discussion and settlement, and upon its proper solution depend the fortunes of the American Union. This question goes to the very foundation of the whole frame-work of the Federal Government; and if we can pass the bill now under discussion I see no limit to our power. If it be true that Congress can legislate upon this subject under the plea that as all persons born or naturalized in this country become citizens of the United States, and that therefore the General Government has the right to follow those individuals into the separate States and there regulate their social as well as political status, then the end of the State governments has come. They may have their courts, governors, and Legislatures, but their wise constitutions and solemn enactments will be only a delusion and a snare; for like the shorn Samson their power and glory will have all departed. All legislation finally terminates with the individual, and from that up to masses; and if the United States Government regulates and apportions all the civil and social rights and privileges of individuals throughout the country, then the States will have no power except to record and execute the edicts of the central Government.

The Senator from Massachusetts [Mr. BOUTWELL] who addressed us a little while ago, when speaking said that we were now living under a new order or system of government. It is true, and I am perfectly aware that the great principles underlying the Government have been entirely changed by the fourteenth and fifteenth amendments of the Constitution; and to ascertain the extent of the powers under the Constitution as amended, it is absolutely necessary that we should go back and examine these powers as they existed under the Constitution before it was thus amended.

Before the adoption of the fourteenth and fifteenth amendments the question of citizenship was one that belonged to the States exclusively. Whether such a thing as a citizen of the United States could exist, independent of State citizenship under the Constitution prior to the adoption of the fourteenth amendment, I will not now discuss; but that the question of citizenship originated with the States, and that they had exclusive control of the subject, there can be no doubt.

The second section of the first article of the Constitution reads:

> The House of Representatives shall be composed of members chosen every second year by the people of the several States, and the electors in each State shall have *the qualifications requisite for electors of the most numerous branch of the State Legislature.*

Therefore, members of the House of Representatives were elected by voters, made such by the separate States. The States fixed the qualifications of their citizens to vote for members of the Legislatures, and those were at the same time qualified to vote for Representatives in Congress. Over that subject the Federal Government had no control, and they properly considered that those who were suitable persons to vote for representatives in the State Legislature should be qualified to vote for members of Congress.

Section 3 of the same article provides—

> The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six years.

As already stated, the State qualified her citizens to vote for members of her Legislature. These same citizens, thus qualified to vote for members of the State Legislature, were also qualified to vote for Representatives in Congress. The same persons who became members of the Legislature also elected Senators. Thus, over the question of suffrage the States had exclusive control, and the Senators and Representatives in Congress were elected by such persons and such persons alone as were qualified to be electors by the States. How was the President elected?

> Each State shall appoint, in such manner as the Legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to to which the State may be entitled in the Congress.

The President was chosen by electors designated by the State Legislatures or by the Legislatures; the same power that elected Senators of the United States. Hence, the Executive and the legislators of the General Government were all chosen by voters designated by the State Legislatures. It was competent for the States to give character and shape to the Federal Government, because the source of power through elections was in the States.

What were the powers of Congress thus created by the States?

> SEC. 8. The Congress shall have power—
> 1. To lay and collect taxes, duties, imposts, and excises, to pay the debts and

provide for the common defense and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States;

2. To borrow money on the credit of the United States;

3. To regulate commerce with foreign nations, and among the several States, and with the Indian tribes;

4. To establish an uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States;

5. To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures;

6. To provide for the punishment of counterfeiting the securities and current coin of the United States;

7. To establish post-offices and post-roads;

8. To promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries;

9. To constitute tribunals inferior to the Supreme Court;

10. To define and punish piracies and felonies committed on the high-seas, and offenses against the law of nations;

11. To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water;

12. To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years;

13. To provide and maintain a Navy;

14. To make rules for the government and regulation of the land and naval forces;

15. To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions;

16. To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively the appointment of the officers and the authority of training the militia according to the discipline prescribed by Congress;

17. To exercise exclusive legislation in all cases whatsoever over such district (not exceeding ten miles square) as may, by cession of particular States, and the acceptance of Congress, become the seat of the Government of the United States, and to exercise like authority over all places purchased by the consent of the Legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings; and

18. To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any Department or officer thereof.

Well, Mr. President, before I advance further in my argument, it may be well to consider for a moment what was accomplished by this Government under the old system, and before the adoption of these amendments to the Constitution. Under that system, where the rights of the States were so well protected and so well understood, where the States were recognized to be sovereign to the extent of the powers not relinquished or delegated by them—I mean sovereign within the meaning contemplated by the Constitution—under that Constitution we progressed as no nation of the world had ever done before. We grew in strength, power, riches, and glory, until we astonished not only ourselves but the whole civilized world. The territory of the United States first reaching from the Atlantic to the Mississippi was afterward extended all the way to the Pacific Ocean. Our population of three millions soon grew into thirty millions. From weakness we grew into strength, becoming one of the great powers of the earth. Under no government in the history of the world had man enjoyed so much freedom, so much rational liberty, and such perfect protection in the pursuit of laudable designs as in the American Republic. The whole country was prosperous, and a spirit of fraternal love existed between the citizens of the different States and sections of the Union. Men of the South went North and found brothers there; men of the North went South and met brothers there; men of the West and North and South met, and mingled in fraternal relations as the members of a great social and political brotherhood.

Peace, prosperity, and fraternal love reigned throughout the country, but strange as it may appear we were not contented; and it may be the law of humanity that this should be so, and that man must be always yearning after something beyond his present possession. While this state of prosperity, concord, peace, and love existed, there was yet a worm at the core of the body-politic. During all that time this same African race that has inspired most of our legislation during the last ten or twelve years was the great stumbling-block in our way. Slavery then existed, and the only thing that could disturb the harmony between the North and the South was this question of the slavery of the African race. It stood in our way then and was fruitful in curses that remain with us to-day. This question has been the *bête noir*, the black beast, of our whole history, and the evils of the system which should have vanished with its abolishment seem likely to plague us through this and succeeding generations. While the system was a curse to the whites, it may have been to the blacks a blessing in disguise, as it raised them from the lowest condition of savages and has brought them finally into contact and association with the highest civilization of the age. The thinking men of that day saw and felt what was coming upon us, and endeavored in one way or another to avert the impending calamities through which we have passed. One of these palliating expedients was the Missouri compromise, by which my own State came through a fierce political storm and was finally admitted into the Union on the compromise line of 36° 30′. That brought temporary peace; but after a time the compromise was repealed and the agitating question of domestic slavery was renewed with more bitterness than ever before. A party grew up in the North whose leading and only purpose was the abolition of the system, and every interest and grade of society became thoroughly identified in this movement. The political hustings, the lecture-room, the legislative hall, the pulpit, the press—in fact, every agency that could create or move public opinion was brought into service. Stump-speakers denounced the system, novelists wrote romances portraying its worst features, lecturers pronounced it "the sum of all villainies," publicists wrote tracts in condemnation of it that were scattered over the country "thick as the leaves in Valambrosa," Legislatures passed resolutions of severe denunciation, the pulpit fulminated its anathemas, and the public press fired at it with squibs and leaders; the whole country was set on fire by this anti-slavery excitement, finally ending in raids from the North and rebellion in the South. This last brought on a cruel, bloody war, which ended in the emancipation of the slaves and the ruin of the southern people.

I am not here to speak at this late day and at this late hour of the day in favor of slavery. Although living in a slave State, I have never been in the proper sense of that term a pro-slavery man. I regarded it as a necessary evil of the times, which would be eradicated by the progress of public opinion and the conviction of its wrong and impolicy by the slaveholders themselves. That which would have gradually disappeared in a generation the war killed in a single day; and as all great and sudden revulsions in the elements of nature or the affairs of men leave behind them the scorched and blackened track of a tempest, so this great revolution in the industrial system of the South brought with it nameless crimes and horrors, and the poor negroes who were sought to be benefited have suffered more evils in their emancipation than they did in their enslavement.

There is no doubt that the policy of gradual emancipation was making daily progress in the minds of the southern people. My own State was exhibiting indubitable signs of opposition to slavery. It was the same case in Maryland. There was a powerful anti-slavery feeling in Virginia. In Delaware the system had but a nominal existence, and in Kentucky the tendency of public sentiment was in the same direction. The spirit of the age is opposed to human slavery; it is one of the unwritten laws of modern civilization, and neither nations nor individuals can resist the dominion and behests of that law. The Christian world was opposed to the system, and many good and great men in the South saw that slavery was not only an evil and a pecuniary damage to the people, but a great wrong in itself. That which was done in a day and amid the fierce and bloody strife of a civil war would have been accomplished gradually and with less damage to both races and far less injury to the whole country.

But that act has passed. "Let the dead bury their dead," while we grapple with the new issues that this revolution has forced upon us. With emancipation another important step became an immediate and pressing necessity. I saw it at the time. It was to confer upon this nation of freedmen the attribute of citizenship. The African was here among us, a human being entitled to recognition and protection, and southern men saw this, and were willing to extend it. Living in a slave State myself, I was heartily willing that the colored man should have ample protection. He had to be a slave, with no rights at all except the right to exist; and it may be best for his sake as well as ours that he should be endowed with this high prerogative and be educated, not only for his own sake, but for ours and for the cause of human liberty.

But, sir, there was want of wisdom in conferring this high attribute upon him too suddenly. To elevate him all at once from a servile condition, in which he had been born, and his ancestors for generations before him, into full citizenship, with authority to exercise all its powers and enjoy all its privileges, was a political blunder which is considered worse than a crime. To confer these powers and privileges upon him by the fourteenth amendment, before he was prepared by education to comprehend and discharge the duties of his new position, was in my mind the great wrong of all those measures known by the general name of reconstruction. If the transition had been gradual and he had been educated up to the new position of an American citizen, we should not witness to-day the evils that exist in the Southern States. Those States would not be in the chaotic, prostrate, helpless, and miserable condition in which they are now, and in which they are likely to remain for years to come.

Here, too, was the great wrong committed against the white as well as the black man. It has filled the Southern States with bad men—bold, unscrupulous, selfish demagogues who have gone there for no better purpose than to make tools of the colored voters and induce them to lend their assistance to the accomplishment of the most nefarious and destructive schemes—schemes that look only to the enrichment of the demagogues and the impoverishment of the people, both white and black. These evils are already cursing that whole country, and I see no prospect for their abatement. When the blacks are in a decided majority these demagogues and desperate vagabonds will become their leaders and soon run the State into hopeless bankruptcy, and drive the best portion of its people into poverty and exile. Even where they are in a respectable minority, and the whites are divided into opposite parties, they will unite with one or the other and the result will be almost as bad.

Why not give to the South the same protection that the Senator from Massachusetts [Mr. BOUTWELL] desires to confer upon the colleges of the North? Whatever he may say in the argument, the practical effect of his amendment, if adopted, will be to exclude colored persons from northern institutions, except such as may hereafter be incorporated. As New England has a full supply of well-endowed educational institutions it is not likely that she will found others for the simple purpose of accommodating colored people. Is this the love which old Massachusetts has for her colored friends?

Why should New England desire to pursue such a course? Because of antipathy? Because of hatred? No; but the people of those States are not yet prepared for this new system of amalgamation, to be consummated in the colleges and school-houses of the country. Whatever may happen hereafter, the time has not yet come, even in the minds of northern men; and hence the amendment of the Senator from Massachusetts. It speaks volumes and explains fully the feeling of all men, whether in the North or South, on this subject. The Southern man is in this position: however friendly he may be to the negro race, however kindly he may feel toward that race, he knows that they are not competent to properly discharge the duties of good citizens, to make wise and safe legislators, and perform other important duties of full citizenship, and so he finds himself forced into an attitude of opposition to the colored race.

I will here notice a few remarks made the other day (which I will read from the RECORD) by the Senator from New York, [Mr. CONKLING,] and which at the time astonished me, and the reading of which will, I think, astonish the Senate. The Senator from New York in addressing this body used the following language in speaking of this very bill:

> It punishes the keeper of an inn who commits indignity and violence upon a man, not because he is drunk, not because he is boisterous, not because he is offensive, not because he is unclean, not because he is a pauper and unable to pay, not because he awakens hostility for any reason which concerns the interest or the right of him who visits him with indignity and wrong. It punishes only the man who indulges in assault, in opprobrium, in injury of his fellow-man, merely because he cherishes a lawless prejudice, merely because he carries in his heart a base and paltry hate insulting to the spirit and civilization of the age, a hate which has been trampled out on this continent in blood, it is to be hoped forever.

Passing by the latter part of the sentence, which is inconsistent with the rest, for a thing that has been blotted out does not exist, I utterly deny the correctness of the statement. I deny it now in this body and before the country as a great outrage and wrong upon the people of the former slave-holding States. There is no feeling of dislike, there is no feeling of animosity, or of paltry, unmanly hate existing between the white men of the South and the black men of that country. As the citizen of a former slave State, I profess to be as good a friend of the black man as any one, whether of the North or South. If any Senator on this floor votes for the present measure to protect the colored man of the South from the enmity of his white neighbor, he makes a great mistake. Nay, more; the true friends of the negro race will be found in the Southern States; and the reason that the southern people are now opposed to giving political power to the colored people is because they are not yet fitted to exercise that power. The true friends of the negro are in the South; his real foes in the North. This is illustrated by the amendment offered by the Senator from Massachusetts, which in this respect is a good indication of northern feeling. While northern Senators are determined that the southern people shall associate with their colored neighbors, and that the blacks shall be admitted to the schools of the country, as well as to the hotels, theaters, &c., on an equal footing with the whites they are unwilling that they should enter the halls of learning at the North; they are unwilling to do that for them at home which they compel us to do for them in our homes. I repeat that the colored race will find their truest friends in the South. There is to-day a more kindly feeling existing between the southern man and his colored neighbor than between the northern man and the negro.

Mr. President, I hope the negro race will be able to achieve the high destiny that their professed friends on this floor so confidently anticipate, but I confess to some fears upon the subject. That there is a wide distinction between the two races cannot be denied. That the blacks are altogether inferior to the whites I will not undertake to say. That they are human beings and justly entitled not only to recognition but to kindly treatment, we all admit. That they are capable of higher attainments and greater achievements than they have yet exhibited, I will not doubt. But that the negro race can become the full equal of the Caucasian or white race, has not yet been proved. I sincerely hope that they may come up to that standard in time, and be the equal of the white man in all the higher qualities of our nature; but thus far there is nothing in their history to justify such sanguine anticipations as are indulged in by the so-called friends and admirers of the Ethiopian race. Africa has been known for many centuries. The northern part of it was settled by an enlightened, educated race many generations ago. The period is so far back that written history gives us no account of the date of these early settlements. The Egyptian hieroglyphics carved upon columns, temples, and tombs point far away into the dim distance of past ages, but even these shadowy records cannot give us the origin of that ancient civilization. All the northern and northeastern portions of the African continent were occupied by civilized people long before the commencement of the Christian era, but how long no one can tell. Carthage was settled by the Greeks. Many of the towns in Northern Africa were settled by the Latins. The white race has been in contact and association with the black race for many centuries, and yet there has been very little improvement; indeed I do not think there has been any at all. We are not informed of any progress of the race in the interior of Africa. They remain in the same condition they were ages ago, living upon the spontaneous productions of the earth, fighting occasionally and selling their prisoners into slavery; and reaching no higher destiny than to eat, and drink, and sleep, and die. So far as history tells us, this people has never produced a man who has exhibited capacity for great achievements in the pursuits of peace or the conquests of war.

It is true that great men have come from Africa, but they were not of the Ethiopian race. I read a few days ago an address in which Hannibal, Saint Augustine, and others were classed as Africans. They were doubtless Africans by residence, but not by blood, race, or language. Hannibal was a Greek, born in Carthage, an old Greek colony; Saint Augustine was a Latin; Jugurtha, the Numidian, was of Asiatic blood.

Thus far the negro in his native country has exhibited neither desire nor capacity for improvement. In this country I cheerfully admit that they show evident signs of advancement. I see indications of this every day, and the sight gives me sincere pleasure. It may be that Providence has reserved their development to a later period, and that we are to be the means of civilizing, educating, and elevating the whole African race. God grant that this may be so, and that those now among us may soon qualify themselves to discharge the new duties and responsibilities which this Government has assigned to them.

Mr. President, we are told that it matters not what might have been the system of Government before the adoption of the fourteenth and fifteenth amendments to the Constitution; that we are now living under a new order of things, as mentioned by a Senator yesterday. It is very true that the fourteenth amendment changes fundamentally the whole system of our government. Under the old *régime* citizenship was conferred by the separate States, now by the Constitution of the United States; and now it is claimed that as the Constitution makes the citizen, the General Government has power to legislate for him in all the relations of life, no matter whether he resides in the District of Columbia, in Maine, Missouri, or Oregon. I will not at this late day and hour make an argument upon this amendment, but it strikes me as most singular that Senators of undoubted ability should claim an additional power under the latter clause of the amendment, namely:

> The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

I take the view of the Senator from Ohio, [Mr. THURMAN,] that it was entire surplusage to put those words there, and it would be competent for Congress to enforce it whether those words were there or not. No new power was given by them, or if a new power was given, if under that power in the fourteenth and fifteenth amendments to the Constitution you have the right to pass the first and fourth sections of this bill, then I should like to hear some Senator who has advocated this bill tell me where the limit is, where the power stops. If it is a power conferred upon Congress because Congress has power to follow the individual citizen in all his relations to the States, I should like to know where the power stops. Where does it stop? Nowhere. Your State governments are gone—annihilated. If the power exists here, it is a question of discretion with the Congress of the United States to what extent the power may be exercised; and if at this early day a majority of this body is willing to provide that every colored man shall be admitted to the inns and hotels of all the States and to the schools, although the schools are supported by State taxes and State endowments; to provide that they shall have the right to ride in the cars, to visit theaters and taverns on the same footing with white men, what in the world is left to the States? Nothing, absolutely nothing.

The fourth section of the bill is still more objectionable than the first, if such a thing be possible. There you invade the jury-box of the State, a system created and supported by State legislation and State taxes, the creature of the State in every sense of the word; and yet you will follow your individual citizen there and say he shall have the right to sit in the jury-box.

What is to be the effect of this law upon our educational system? Demoralization and destruction. Almost every State in the Union has its common-school system and its school fund. These funds have accumulated through past years or generations, and have been sacredly guarded against waste or diversion. My own State, in spite of some misfortunes that came with the outbreak of the war, has accumulated a princely fund, almost sufficient under careful and economical management to give a common English education to every child, white or black, in the State. Colored schools are sustained by this money the same as others. We are willing that these people should enjoy an equal share of the benefits to be derived from this munificent fund, but we are not willing to have mixed schools.

If this law is attempted to be enforced there it will be the utter destruction of our school system, and the school fund that has been accumulated through the last half century will be of no more use to our children than if it belonged to the Czar of all the Russias. Our school law, which this act practically nullifies, will be repealed, and the fine school-houses that have been erected at an immense public cost will be closed up and suffered to rot down. The whole educational machinery of the State will be destroyed or rendered inoperative. The children of the white population who enjoy wealth or competence will be sent to private schools; the children of the poor, both white and black, will be suffered to grow up in ignorance and vice. So far as it is in your power, you remand the State back to a condition of hopeless ignorance, with its usual concomitants of vice and crime. You destroy at one fell blow all the solemn enactments of our State Legislatures; you breed among us a war of races that will be

cruel and exterminating; you destroy or render useless property to the value of many millions, and divert or render useless the school fund we have accumulated for the education of the children both white and black; you ruin our people and put back our State half a century in the career of progress and civilization, and you do all this with a sanctimonious air and in the name of God and liberty! You go from State to State in the character of political iconoclasts, breaking into fragments every image of beauty, and utterly demolishing those institutions designed to bless the people and give glory and perpetuity to the whole nation. I care not to speak of the miserable subterfuge by which New England colleges are to be saved from the influence of this moral debauch, this saturnalian revel of blind fanaticism, in which the fairest and holiest institutions of the country are to go down in utter and hopeless ruin. This is the cruelest blow that has yet been inflicted upon the people of this country.

When the war blotted out slavery, multitudes of the wisest and best men desired to see the great act of emancipation accomplished with less injury to both races. When, as a natural sequence to this act, you endowed the freedmen with citizenship, the people submitted to the new policy with its new state of things; when individuals of the colored race were appointed or elected to positions of honor or trust there was no organized opposition to this course of things when they were individually qualified; but when you make use of this sickly sentimentalism, this miserable simulation of philanthropy and patriotism, to poison all the fountains of knowledge and veil the whole land in the darkness of ignorance, you have gone one step too far, and the people will not submit to such acts of refined tyranny committed in the holy name of liberty.

One word more on this point. This act is adapted, if not designed, to pander to all the baser passions of our nature, to compel social contact and intercourse where it is repugnant to both parties. By this act you thrust the colored man into a position that is quite as distasteful to him as it is to his white neighbor. You may gratify the vanity and ambition of a few that can be "pleased with a feather, tickled with a straw:" vain, senseless fellows who rejoice in the glory of fine clothes and cheap jewelry; you may stimulate the unholy propensities of some coarse animal natures by giving them easy association with the dearest of all our household gods; but the great mass of the colored people will live to curse the act that promises to them nothing better than present misery and prospective annihilation. You destroy the friendship now existing, and force the two races into direct antagonism, and in such a contest the weakest must always go to the wall.

Mr. President, I protest against this bill because of its tendency to political consolidation. It means the destruction of State governments and the consolidation of all power at Washington, the capital of the Republic. I know very well that the tendency in the governments of Europe is to consolidation, and that is one of the best reasons why we should avoid such a result. Germany has destroyed the small kingdoms of Saxony, Bavaria, Würtemberg, Westphalia, and numbers of little principalities and dukedoms, and has constituted itself a grand and powerful Prussian empire. The empire is magnificent in its proportions, in its material wealth and moral power, but the individual states are lost in the glory of the central government, and the individual German is fast drifting into the condition of an educated slave.

Switzerland is another example in point. This confederation has remained for centuries, preserving among its cantons the light of liberty, although environed on all sides by the old monarchies of Europe. Even Napoleon, the conqueror of Europe, respected the liberties of this mountain land; and although he made himself protector of the Confederation of the Rhine he did not seriously disturb the governmental machinery of the Old World republic. But the demon of consolidation has come, and the days of liberty in Switzerland are numbered. It may still maintain the form of a free government, but the old Helvetic Republic, that has been the admiration of liberty-loving men throughout the world, is putting out its own light, destroying its own liberties.

The present tendency with us is to the same end. We are hastening to be swallowed up in the same mighty maelstrom that has ingulfed every republic in the history of the world. The lust for power and the greed of gold have distempered the minds of men; the organic law of the country is treated like a child's bauble, a thing to be admired or broken at pleasure; the States, one after another, lose their independence and come drifting toward the central whirlpool; and soon we shall have a grand central government, while the States will possess nothing better than the name or mere form of republics.

Notice a few of the measures that have lately been introduced into Congress, and see how they comport with the spirit and genius of our Government as it existed only a few years ago.

A bill to establish a national university is now pending before this body. A national university within the power of the Federal Government! I presume that is based on the fourteenth amendment to the Constitution.

Mr. MORRILL, of Vermont. May I inquire of the Senator from Missouri if he is not aware that the subject was recommended to Congress in a message by Washington himself?

Mr. BOGY. I am aware that Washington in one of his messages speaks of education, and that he recommends the appropriation of land at that time in what was called the Northwestern Territory, if it were constitutional. He makes the suggestion most doubtfully; but the discussion upon that subject showed that it had no foundation.

Mr. MORRILL, of Vermont. I do not mean to say that I am in favor of incorporating such a university; but I think the Senator is mistaken in saying that General Washington coupled any question of doubtful constitutionality with the matter. I desire to ask the Senator if Jefferson did not also recommend the same thing?

Mr. BOGY. I think not in that way. I am not prepared to answer hastily the question of the Senator from Vermont; but I will say that at the outset of the Government Washington no doubt believed very much in enlarged powers of the Federal Government. He was what might be properly styled of the federal school of politics. His politics were a reflex of his own gigantic reputation, and were perhaps tinged with the idea of central and consolidated power exercised by every great commander. However that may be, it seems to me at this late day to be a most astounding bill. Unless we have a right to pass this bill on constitutional grounds, we have not the right to pass it at all; and if we pass that bill, we can also have a national university for the education of all people, of all races and colors, including the Chinese in California.

Then there is a bill to establish a commission to inquire concerning the alcoholic liquor traffic in the different States, and this bill has already passed the Senate. The ultimate design of this law may be to promote temperance; an excellent thing in itself, but hardly within the range of subjects enumerated in the powers of Congress. But if we commence this style of legislation we must go on to the legitimate conclusion. People are quite as intemperate in eating as drinking. We must pass sumptuary and hygienic laws, that will go to the root of this matter. Congress must not only raid the beer-saloons and whisky-shops, but must enter by commission the *cuisine* of the wealthy epicure, and see on what meats our great Cæsars feed, and thus save them from the vices of drunkenness and gluttony.

A bill to endow national colleges for the advancement of general science and industrial education. Such institutions are admirable in themselves, and it may be that they are designed to compensate for the great injury to our educational interests by the bill now under consideration. At the same time the authority for such a measure is not to be found in the Constitution.

A bill to establish a national board of health. This is akin to the liquor commission and is quite as legitimate and proper as that measure. If we begin this work we must follow it to the end. We must regulate the doctors, the wine merchants, the tobacconists, the distillers, the brewers, and the cooks.

A bill for the education of the Chinese by the national Government is introduced by another Senator.

I do not know how many other propositions of the same character are pending before this body to-day; and if we possess power to do these things it would save a vast deal of expense, a vast deal of trouble, many useless elections, to do away with the entire State governments and let us have one grand imperial Prussian government here, because it will be so in fact.

If the system now attempted to be enforced by a certain class of Senators on this floor be adopted, you may as well go further and make it imperial in grandeur also, because there is always glory to be attained in that line. If we are seeking glory alone, if it be the object of the American people to acquire a position in history which has never been equaled by any nation that has gone before us for power and greatness and glory and wealth, make it an imperial government, and the empire of Charlemagne and the empire of Napoleon will sink into insignificance in comparison with a government that will control a whole continent.

I entertain no doubt that if you destroy your States and erect a grand, central, imperial power, it will first subdue the American continent and then cross the Pacific to conquer China and Japan, reversing the course of the ancient conquerors and illustrating that poetic exclamation—

Westward the star of empire takes its way.

But this was not the purpose of our Government. Our fathers went on a long pilgrimage for liberty, paving the way with their bones and consecrating it with their blood; but they dreamed not of conquest. They sought to kindle beacon-fires on the western shores of the Atlantic that might be seen by the oppressed of all nations, and thus attract them to these shores where we profess to protect every man in his "life, liberty, and the pursuit of happiness." God gave America to be free and to preach freedom to all the world.

That, in my estimation, was the design of the framers of this Government, to maintain the States in all their power, in all their sovereign rights, consistent with their connection with the General Government; not with power sufficient to enable them to retire at pleasure and destroy the Confederacy, but as members of a Union indissoluble in itself, and yet each member fulfilling its high mission in its own way, discharging all the duties in its own sphere, untouched by the hand of the Federal Government. We are departing from it rapidly, and if this departure be not arrested the Government will last but a short time. I see no hope, and so far as this body is concerned the fiat has gone forth. I do not speak of the gentlemen who vote for this bill in a party sense, but I say men of their convictions will carry out the policy of centralizing this Government, and unless the people can be awakened to a sense of their duty as well as to the knowledge of their rights, we are lost.

Certainly the men who made this Government succeeded admirably, and for many years we were elated with our success. We thought we had peculiar qualities fitting us to sustain free government, and hence it was a common saying among us that other peoples, such as the French, Germans, and Spaniards, were entirely incapable of maintaining a republic. But in my opinion we have shown as little adaptation for the preservation and maintenance of free government as any people that have lately tried the experiment. We were peculiarly favored by circumstances that did not exist in those old countries. We had no aristocracy to humble, no nobility to break down, no throne to destroy. We were all on the same platform. But little disparity in the possession of wealth, and our only object to establish an independent nation of intelligent, active, enterprising yeomanry.

The great men who framed the organic law of this Government drew their wisdom from all the lessons of history. They studied carefully the laws of all nations, ancient or modern. Our Government has features drawn from the Greek and Roman systems of old, and the later laws of the Saxons and Normans. They gave to us a grand and beautiful temple of liberty, bringing its pillars and porticoes from Athens and Rome, and lifting over all the great dome of modern civilization. There is perfect symmetry in this glorious structure, and not a flaw or blemish from the corner-stone to the cap-stone, from the deep foundation to the loftiest pinnacle. The architects were wise men, the materials were good, the workmen were faithful, and so they gave us the fairest and grandest temple on which the sun ever shone. Shall we let it stand as the glory of the nation and the beacon-light of the world, or shall we bow ourselves between its pillars like blind Samson, and perish ourselves beneath the wreck and ruin thus wrought? Nay, let us preserve the glorious inheritance that has come to us as the fruit of the wisdom and patriotism of our fathers; let us rather heal than open afresh the wou nds of sectional srife; let us subdue the spirit of party animosity and race antagonism; let us return to first principles, seeking the welfare of all sections and classes alike, preserving a just distribution of power between the State and Federal governments, cultivating peace, harmony, justice, and forbearance among ourselves, thus making the American Republic a blessing to all its people and the light of all nations through the ages to come.

Senator from Alabama.

SPEECH OF HON. WM. T. HAMILTON,

OF MARYLAND,

IN THE UNITED STATES SENATE,

May 27, 1874.

The Senate having under consideration the report of the Committee on Privileges and Elections in the case of F. W. Sykes, contestant, *vs.* G. E. Spencer, sitting Senator from Alabama—

Mr. HAMILTON, of Maryland, said:

Mr. PRESIDENT: As one of the minority of the committee, I beg leave to present some considerations in addition to those already presented in their printed views on this question why the report of the majority should not be affirmed by this body. This is one of those troublesome questions arising out of the condition of society, both social and political, in the Southern and Southwestern States. It is among those that we have recently witnessed in Louisiana, Arkansas, and Texas. It presents to us those scenes of disorder and indeed revolutionary action that prevail in that section of the country.

I think there ought to be no question in the mind of any gentleman who will read the report of the majority and the views of the minority and the evidence in the case and it is all of record, as to the unwarrantable and disorderly meeting of that portion of the members of the Legislature of Alabama electing Mr. Spencer. There ought to be but one opinion upon that subject, that Mr. Spencer is not properly and legally a member of this body. In his election there was a total, indeed a contemptuous, failure to observe and obey the requirements of the laws and constitution of Alabama. As matter of form and in fact of law this is admitted even by the report of the majority, concluding however, as it does, that it was but a question of fact, and that too a fact accompanied by equities, which were to be considered in determining who is to be the representative of the State of Alabama on this floor. The sum and substance of the majority report is that, everything considered, looking at the political condition of the State of Alabama at that time, looking at the fact that it had elected a republican governor and State officers, and looking behind the organization of the Legislature and assuming the fact that it had elected a majority of the Legislature, whatever legally might have been required to be done by the constitution and laws of Alabama in organizing the Legislature and electing a United States Senator, in the face of all this amounted to nothing; that the people of Alabama at that time desired a republican State government in all its branches, and that therefore there should be a kindred representation upon this floor.

Mr. President, upon the leading facts in this case there is no dispute. They are conceded on all hands.

The senate of Alabama consists of thirty-three members and the house of representatives of one hundred members. They were elected in the fall of 1872, at which general election a governor, lieutenant-governor, secretary of state, and other State officers were elected. Upon the day prescribed by law, the 18th day of November, 1872, two bodies, each claiming to be the Legislature of Alabama, assembled in Montgomery. One body assembled at the State capitol and the other assembled at the court-house. The house of delegates which assembled at the State capitol consisted of fifty-four members who held certificates of election issued to them by the proper officer as required by law. The senate which assembled at the State capitol consisted of nineteen members who also held certificates issued to them by the proper officer. Those two bodies, meeting in their respective chambers at the State capitol, organized and continued their organization from day to day, and transacted business. They proceeded to count at the proper time, in joint convention, the votes for governor and other State officers elected at the same election, and ultimately on the 10th day of December, in conformity to the law of Congress, elected Mr. Sykes to this body, his term commencing on the 4th day of March, 1873. Nineteen members of the senate and fifty-one members of the house of delegates, a quorum of each, voted for him; seventeen being a quorum of the senate and fifty-one a quorum of the house of delegates.

Upon the same day, the 18th day of November, 1872, at the court-house assembled other bodies of men claiming to be the Legislature of Alabama. Forty-seven members of the house of delegates having certificates of election, and six members claiming to have been elected from Barbour and Marengo Counties, but without any certificates of election, organized. I shall not refer to others who participated in this body without any certificate and without the shadow of an election, but confine my remarks, wherever applicable, to those members from the counties of Marengo and Barbour because they were legitimate claimants and contestants for their seats afterward when these bodies were fused, upon the 21st day of December following, under the arrangement proposed by the Attorney-General. The six members from Barbour and Marengo were a part of the body meeting at the court-house, and made a quorum for it. They had no certificates of election as was required by law. The senate of that body meeting at the court-house had but fourteen members having certificates of election, and three others having no certificates of election, making seventeen in all and just a quorum to do business, and embraced in that number was Mr. Miller, claiming to be a member from the senatorial district of Butler, Conecuh, and a part of Escambia County, who had no certificate of election and who never was elected. There was not in that senatorial body at the time of the election of the sitting member, Mr. Spencer, more than fourteen members who had certificates of election as required by law to entitle them to seats in the Legislature of the State of Alabam, nor were there more chan sixteen ever elected by the people, being one less than a quorum to do business. This house of delegates and senate thus constituted proceeded to elect Mr. Spencer to a seat in this Chamber; and the question now arises, Which of these two bodies shall be recognized as the rightful Legislature of Alabama? That is the question for the consideration of the Senate. Which of those two bodies assembled in Montgomery upon the 18th day of November, 1872, and constituted and organized as I have described shall be recognized in the determination of this question as the rightful Legislature of Alabama? For it must be the Legislature, the rightful, legal, constitutional Legislature of a State that elects the Senator. There cannot be two Legislatures. There cannot be a *de facto* Legislature and a *de jure* Legislature existing at the same time. There must be a Legislature *de facto* and *de jure* combined, to come within the meaning and terms of the Constitution. It must be the Legislature of Alabama, elected and organized under its constitution and laws, that elects the Senator. And we are to determine here to-day, and it is the sole question for our determination, which of these two bodies electing these two gentlemen as Senators constituted that rightful Legislature of Alabama.

How are we to ascertain that fact? Can we go behind the organization of either of these bodies, for I will comprehend them both, and ascertain who were elected by the votes of the people? Can the Senate of the United States go behind the organization of the Legislature and ascertain and determine who were and who were not elected by the people as members of such Legislature, canvass the votes, hear and decide upon contests for seats in it, and to determine generally who were entitled to be seated as members? The majority report admits that you cannot so do, and I think it proper here to read that portion of the report in order to show that it claims no such power in this body:

In the opinion of your committee it is not competent for the Senate to inquire as to the right of individual members to sit in a Legislature which is conceded to have a quorum in both houses of legally elected members.

I know a qualification is attempted to be put on this general denial of right on the part of this body to do so in that part of the sentence I have quoted, in which it is limited to a Legislature "conceded to have a quorum of legally elected members." There can be no such limitation. I ask the honorable Senator who submitted this report whether a "concession" by any one can make a member of the Legislature? I care not if every inhabitant, every politician in the land were to "concede" that a gentleman were elected to the Senate of the United States, or as a member of the lower House, or as a member of any legislative body in any of the States, such concession does not constitute him a rightful member of the body. Something more is required where written constitutions prescribe what is to be done in

order to clothe any one with legislative power. The only muniment by which any one can hold his seat in this Chamber is by the vote of the Legislature of his State, cast for him as prescribed by the constitution and the laws, and in no other way. Therefore the word "concession," as used by the majority of the committee, cannot be impressed into its service to enlarge or diminish the rights of this body in this respect, or be allowed to weigh anything one way or the other in determining this power of the Senate.

I shall only say here that the right to inquire into the elections of members of a Legislature is in that body and in that body alone to which they are accredited by their election. That body has supreme control over their own identity or entity. That body alone has supreme control over its own organization. That body alone can decide, and from which there is no appeal, who shall constitute the members of the organization, and such decision establishes the legal validity of the body and for all purposes. It is no part of our duty, we have not any right to inquire into the individuality of the legislative body. We are obliged to take that legislative body as it exists and as we find it, organized under the constitution and laws of the State. The constitution and laws of the State bring it into existence, and by them and as they direct are we to be governed in determining the status of any legislative body, either one in fact or assuming to be one. In no other way can we undertake to determine whether the Legislature be a rightful one or a false one. I repeat, therefore, that it would be an unwarrantable and most wanton assumption of power on the part of this body to undertake to organize a Legislature for any State by undertaking to determine for itself who should be members of it. By the constitution of Alabama, by the constitution of each of the States, it is expressly reserved to the legislative bodies in each, as it is by the Constitution of the United States reserved to us, that each House to which the member is accredited is the sole, exclusive judge of his right to sit in it. It is a final judgment, from which there is no appeal to any tribunal upon earth, either judicial or representative, and is binding upon us and all the world beside wherever it may come in question. Both branches of the Legislature of Alabama determining who their members were settled the question for us. It may be apparent to us, it may be absolutely certain in our judgment, that not one-half of the persons actually sitting as members of either branch were legally elected, yet with that we can have naught to do. We are bound by the judgment of each branch, they being the exclusive judges, and being bound we are obliged to take their act as the solemn act of the legally constituted legislative body of the State.

For the just consideration of a question like this, one is obliged to cast aside all party affiliations, sympathies, prejudices, and influences, and especially discard all party power. It is one of the gravest questions known to any legislative body; for it presents the great idea of order as against disorder, of peace as against violence, and of rightful authority as against revolutionary turbulence. If we permit these things to be done with our sanction, there is no safety or security in the regular transmission of authority from one legislative body to its legitimate successor.

But, Mr. President, undertaking again to assert just here what Senators upon the other side cannot successfully deny, that this body has no right whatever to inquire into the election of individual members of the Legislature of a State in considering the election of a Senator to a seat in this Chamber, they will not deny but that we are to accept that election by the Legislature of the State as conclusive and binding upon us in so far as it involves the legal entity or being of such Legislature; and that all we can do in the premises is to ascertain from the best sources possible whether it be a Legislature already constitutionally and legally organized in fact which is claiming to accredit a Senator to this Chamber.

We are not here to inquire whether A B, or C D, or any other individual is a member of any body, senatorial or representative, of the State. We are to look only at the body aggregate, at the corporation. Into its individual or constituent elements we have no right to look. We are obliged to confine our inquiry to the one leading, controlling, sole fact in this case, and that is to ascertain simply which of these two bodies claiming to be the Legislature of Alabama is the rightful, legal, and constitutional Legislature, or whether either be, and in doing this it is not required for us to know the name of a single member of either body.

The important question, then, is how are you to ascertain this? Up to this point there is no trouble; all the facts are conceded by both sides. And the question again recurs, how are you to ascertain now whether the body meeting in the State capitol and electing the contestant, Mr. Sykes, to a seat in this Chamber is the rightful Legislature, or whether the other body, meeting in the court-house and electing the sitting member, Mr. Spencer, is the rightful Legislature? How is this to be ascertained? Upon what evidence are you to arrive at correct results? You cannot, as I have before shown, go behind the meeting of either and go down into the many election precincts and count the votes and canvass the returns and adjudicate contests between delegates and senators in order to know who are the members of the Legislature, for that is a power confided solely to another tribunal—the Legislature itself. We cannot, we dare not abandon the living, complete idea of a legislature in its aggregate, concrete, and corporate individuality, character, and functions. To do this, and go back to its elements down into the precincts, see there to the qualification of electors, to their regular registration, the casting and reception of the votes, counting and canvassing the same, finding and declaring results, investigating frauds, acts of violence or intimidation, and all the other concomitants and incidents attendant upon a popular election, is such a gross, wanton, and reprehensible usurpation of power, that no one, it seems to me, would be willing to tolerate much less admit it.

Mr. President, there is but one mode known to all considerate men, it strikes me, and it is the plain mode. There is but one mode to ascertain and recognize the rightful Legislature of a State. It is the great fact and it is the only fact in this cause, for one or the other of these bodies must be the Legislature of Alabama. What are the evidences upon which you are to found this fact? First, take the constitution of Alabama, see its provisions for the election and organization of its Legislature; next, then, take the laws of Alabama, and see how under that constitution and those laws members are elected to the Legislature, how recognized as members, and how organized into a body called and known as the Legislature. There is no other mode by which we are authorized to ascertain results for our own action. There are incidents connected, true, with all this which go to fortify the result attained in this way.

The constitution of Alabama provides that the Legislature shall consist of thirty-three members of the senate and of one hundred members of the house of representatives; that a majority of each house shall constitute a quorum to do business. It provides further that the Legislature shall meet in the city of Montgomery; it provides further that the Legislature shall provide registration and election laws; it declares that the Legislature shall provide for the case of contested elections in that body. The Legislature, in pursuance of these provisions in the constitution, has provided every material thing calculated to secure a legal vote and to ascertain who were the members of either house. There is no omission anywhere. If you but just examine the laws in this respect of the State of Alabama you will observe that no requirement of the constitution has escaped notice, but that everything has been provided for, from the registration of the voters down to the complete ascertainment of the result, and afterward for the contest of these results before the proper tribunals by those who are not satisfied with them.

The constitution of Alabama requires that the Legislature shall meet in Montgomery biennially, and the law fixes the day. The 18th day of November, 1872, was the day for meeting. The State of Alabama provided a State-house in which the Legislature should meet—a building called the State capitol. The old one was burnt in 1850; it was rebuilt in 1851 or thereabouts. In that capitol by express law was provided a senate chamber in which the senate was to meet, appropriated exclusively to the meeting of the senate; in that capitol also was a room appropriated to the meeting of the house of delegates. In the city of Montgomery, therefore, as in the city of Washington, each house had its meeting-room appropriated to that purpose and to nothing besides. Upon that day, the 18th day of November, 1872, there was nothing to prevent the members of any political party from meeting, having the requisite qualifications to sit as members in either branch. The halls were there ready and open for either and for all.

Nay, more. By the constitution of Alabama, section 6, article 4, to which I desire to draw the attention of Senators in order to show with what regularity and order these people, members of the Legislature, could meet and thus receive, transmit, and perpetuate a government in the form and manner so particularly prescribed. It is provided in the constitution in the article to which I have referred that—

> The president of the senate and speaker of the house of representatives shall remain in office until their successors are elected and qualified.

The lieutenant-governor of the State was *ex officio* president of the senate, and as such president of the senate presided over its deliberations and in all cases of a tie vote had the privilege of deciding. Two years before Mr. Lindsay had been elected governor and Mr. Moren lieutenant-governor and Mr. Parker secretary of state. Therefore, the lieutenant-governor, Mr. Moren, at the meeting of this Legislature was the president of the senate, and by the constitution it was made his duty to preside over that body until his successor was installed. Mr. Hubbard was the speaker of the preceding house of representatives. Therefore, under the constitution of Alabama, he was entitled to preside, and it was his duty to do so, over the body meeting upon that day, the 18th of November, 1872, and until it elected his successor. The constitution of Alabama so speaks, and it is the paramount law to us on this occasion.

Accordingly, at noon on the 18th of November, 1872, the lieutenant-governor appeared in the senate chamber, the chamber in the State capitol dedicated to the meeting of the senate, and took the chair. He was not only entitled to be there, but it was his duty to be there. Taking his seat as president, he called the members present to order. There appeared upon the floor then eighteen members who presented their certificates of election. They were then sworn in by Judge Smith, a judge of one of the courts, who was authorized by law to do it, and they became qualified members of the senate. On the next day another member holding a certificate appeared and qualified as required by law, making nineteen members of the Senate who thus appeared, having duly authenticated certificates of election, and qualified before a proper officer, being two more than a quorum to do business, and meeting in the hall dedicated to this purpose, and pre-

sided over by the lieutenant-governor as president of the Senate in obedience to the constitution.

Now let us turn to the other house, the house of representatives. At the same hour, on the 18th day of November, Mr. Speaker Hubbard, who was the speaker of the preceding house, appeared in the hall of the capitol appropriated to the meeting of the house of representatives and took his seat and called the house to order, when forty-five members having certificates of their election as required by law appeared. There not being a quorum as fixed by the constitution of Alabama, they adjourned over to the next day, as they had the power to do from day to day until a quorum was obtained. Fifty-one members constituted a quorum. Upon the next day four more appeared, and still being without a quorum they adjourned over; and upon the third day fifty-three members—two more than a quorum—having all certificates of election duly issued to them, appeared and were duly qualified. They proceeded to organize by the election of Mr. Stone as speaker, and other proper officers. Afterward another member having a certificate appeared and qualified, making fifty-four members in all. This body, thus called into being, meeting in this regular way in the State capitol, no one having a certificate of election being prevented from appearing and participating as a member, no violence, no intimidation, nothing to interrupt the peaceful progress of organization or legislative action—such was the constitution of that body; and I ask whether anything could be more regular, more formal, more in accordance with the constitution and laws of Alabama? There was the lieutenant-governor, known to be the president of the senate; there was the speaker of the house, known to be the speaker, each in his place, as required by the constitution of Alabama, prepared to organize each branch of the Legislature of the State meeting in these two chambers dedicated to their several purposes, and so meeting did organize, and these bodies constituted the Legislature that elected Mr. Sykes. As to all this there is no question; no one will dispute this detail of facts; the majority report admits it all.

Upon the 3d day of December following, this Legislature proceeded in conformity to the law of Congress to elect a Senator of the United States, and from day to day as required by law they balloted until a final result on, the 10th day of December, was reached, when Mr. Sykes was elected Senator, he receiving 19 votes in the senate and 51 in the house.

Now, let me refer, Mr. President, to the other body, claiming to be the Legislature and electing Mr. Spencer to the Senate. Fourteen members of the senate having certificates of election, and three others claiming to be elected, and forty-seven members of the house having certificates of election, (four less than a quorum,) and six others claiming to be members elected but not having certificates of election from the counties of Barbour and Marengo, did not appear in the hall of the senate or of the house of representatives at the capitol upon the day fixed by law for the meeting, but, on the contrary, went off to a court-house, a United States court-house, not a place appropriate or fit for the purpose, and without any notice whatever to their fellow-members, without notifying the speaker of the last house, without notice to the president of the senate, there organized in a court-house of the United States in the city of Montgomery, and there proceeded in the absence of the lieutenant-governor and of the speaker of the last house of representatives, who were in the city and in their places in the capitol, to elect a speaker for one body and a temporary president for the other body. Those two bodies thus constituted proceeded, upon the 3d day of December, to elect Mr. Spencer as Senator in Congress. Thus far, which of these two bodies, with such facts before us and none other, should be recognized as the legal Legislature of Alabama? Which could be? With nothing beyond what I have stated, can a body of men, without any reason, thus acting and thus organizing, possess or lay claim to any legal or moral force whatever?

What more? The governor of Alabama, then Governor Lindsay, communicated with the body meeting in the State capitol, recognized it as the Legislature of Alabama. It transacted business; it passed at least one law signed by him. Under the constitution of Alabama both houses in joint convention are required to count the votes cast for governor and lieutenant-governor and the other State officers. This body, thus organized at the capitol, proceeded upon the 23d day of November to hold a joint convention, and then and there proceeded to count the votes for governor as required by the constitution. The returns were submitted to this body, and none other, by the secretary of state to whom the returns were made. This body, and none other, canvassed those returns, and declared upon that day that Mr. Lewis was elected governor, Mr. McKinstry lieutenant-governor, and Mr. Raglan secretary of state. There never was a return before the other body, not a vote there canvassed. Immediately thereupon a committee was appointed by this body to wait upon the governor-elect, Mr. Lewis, and advise him of his election. He at once took the oath of office and became the governor of Alabama; so did McKinstry, who became lieutenant-governor; and so did Raglan, who became secretary of state under that canvass of returns. Here there was conformity to every provision, both as to the law and constitution. But now and at this point the troubles begin. As soon as Governor Lewis was inaugurated and Mr. McKinstry was qualified as lieutenant-governor, they took part and acted in conjunction with the body assembled at the court-house. I shall not comment upon that, for it is not material with the views I shall endeavor to enforce, nor need I allude to the fusion of these two bodies that subsequently took place, because that fusion was the result of a compromise which cannot in law affect the right of either Mr. Spencer or of Mr. Sykes to a seat, as their election took place respectively on the 3d and 10th of December, and the fusion took place, I think, on the 21st of December, under the arrangement proposed by the Attorney-General of the United States, and which we all remember.

Let me go back a moment. We had, then, this Legislature, regularly assembled in the State capitol under the regular officers and in the regular discharge of its duty, and in official relations with the governor of the State, Mr. Lindsay, and with all the other State and local officers then in official power in the State. There was then unity in all the departments of the government of Alabama, and the whole machinery of the State was working in perfect harmony—the executive, legislative, and judicial. The body of disorganizers meeting at the court-house could effect nothing in themselves, having no support from the other departments of the government. But the inauguration of Governor Lewis and his co-operation with it warmed it into active being and gave it the vitality it exhibits in this cause. Now we have its pretensions put forth, and just here is involved the divergence of these bodies. It is asserted in the pretensions of the body meeting at the court-house that in the other body meeting in the State capitol were six gentlemen—I shall not refer to more because six will determine the question—who then held certificates of election, but who were not in fact elected by the people; and taking these from the fifty-four meeting in the State capitol would leave it without a quorum to do business, and adding the six assumed to be elected in their stead—and who were in the body assembled at the court-house—to the forty-seven there meeting who had certificates of election, there would be in the court-house a quorum to transact business, and if worth anything at all as a Legislature, it was of course entitled to elect a Senator. Nothing is said as to the regularity of the meeting in the State capitol; it is not controverted nor brought in issue; but the whole case is upon the position simply that among the members seated in the State capitol were six persons, three from Marengo and three from Barbour County, who, while they held certificates of election, were not in fact elected, and those six counted out left that body without a quorum of members required to do business, and of course to elect a Senator; and that the converse would be true, by counting these six into the body meeting at the court-house would give to it a quorum with its consequent powers.

For the sake of the argument admit all this to be so, for this is the sole question. It is not whether they were elected in fact; I do not care whether they were elected or not; that is wholly immaterial to the issue. The question is, and it is the only question, were these six persons, holding their certificates of election from Barbour and Marengo Counties under the laws and constitution of Alabama, entitled to be in the State capitol body, meeting as it did and as the regular Legislature, and when this election was held? I repeat again that the simple, sole question is, had those three members from Marengo and those three members from Barbour the right, the legal right, the constitutional right, to be sitting members in the Legislature of Alabama upon that day and to make an integral part thereof?

How did they get there? We must look to the laws and the constitution of Alabama to know what constitutes a member in the first instance. We must know whether, according to the terms prescribed by their laws and constitution in ascertaining the will of the voter, there must be certain processes by which the representative of the voter is to reach his place so as to be a member of the legislative body. If so, whether he got there by fraud or otherwise is immaterial to the inquiry, for that is a matter for subsequent action. He and the voter both must go through a certain process before the final end is attained, and we have no business to inquire into it; it would be reversing our whole system and theory of government to do so. The constitution of Alabama is explicit on that point, that each branch of the Legislature shall be the exclusive judge of the elections, qualifications, and returns of their own members. As to this there is no question. We are constituted the judge of the election of our own members, not by usurping the functions of the Legislatures of the States, not by going back to the voter and behind the action and judgment of Legislatures upon their own members and determining who were elected members of the Legislature, but only by going up to the Legislature itself as organized, and determining whether it is the rightful Legislature according to the laws and constitution of the State, which we are obliged to notice in establishing the relations of this body to each Senator upon this floor.

In the beginning I propounded the question, How are we to arrive at the fact which of these bodies was the rightful Legislature of Alabama? I have gone so far into the formal organization of the body meeting at the State capitol to show that it was all right, meeting at the right place, and at the right time, and organized under the authorized officers. I now come more in detail to the main point in controversy, namely, were the members from Barbour and Marengo and the senators from Butler, Conecuh, and part of Escambia entitled to be in the State capitol upon the day of meeting, and to be sworn in as members? because if they were upon that day entitled to be in that body when that body assembled on the morning of the 18th of November and were qualified, there was no power to oust them until by a regular contest it was made to appear that they were not entitled. When the lieutenant-governor appeared in his seat in the Sen-

ate chamber, and called the senators from Butler and Conecuh and also the senators from Barbour and Marengo and those senators presented their certificates of election, was not the lieutenant-governor obliged in the discharge of his duty to recognize them and allow them to be sworn in? When the speaker of the house, Mr. Hubbard, as required by the constitution, took his seat on that 18th day of November, and when the members from Barbour and Marengo were called and their certificates of election were read and they were sworn, could he deny them the right to be sworn and to be recognized as members afterward? If no one could deny the right of all these gentlemen to be sworn in as members, and no one was there to deny the right if he could, for then and there was the place and time, shall it be that we can undertake to say now that we have the authority and right to go back to that day and behind that day and behind that organization of the Legislature of Alabama made that day under its own constitution and laws, to determine that these men were not elected and that they were not entitled to be sworn in as members of that body?

Do not the constitution and laws of Alabama make provision for the election of its own senators and representatives and for the returns and qualifications thereof? The members of the house of representatives are elected biennially and senators every four years. How do we arrive at the just results of the people's will in this respect? We must have some forms of procedure to secure orderly results. They must be observed. My honorable friends on the other side must not undertake to say that they had a majority in the State of Alabama as shown in the election of governor. That reminds me of the Louisiana case and the speech of my honorable friend from Indiana [Mr. MORTON] on that occasion, that a majority of the people of Louisiana were republican, that there was no question about the sentiments of the people fully or fairly expressed, and that therefore the Legislature and State officers ought to be so. That will not do. Government means order. Liberty regulated by law is our idea of government. The voice of the people can be heard only through the channels established by law and the regular transmission of it through the means provided by law—by defined age, residence, by intelligence and property often, by registration, by the ballot and its numerous attendants, from the casting to the final canvass of it. It is only as derived in the manner prescribed by the law that the people's will in representative governments is at all effective or ought to be. Men who love order must always maintain this essential principle in American government. The moment you depart from it, the moment you break down the bulwarks that guard the expression of the freeman's will, you are at sea. No, Mr. President, the law prescribes expressly what each individual must do in order that his voice may be heard in communion with the voice of the people.

In pursuance of the constitution of Alabama an election law was passed by the Legislature, by which the public will could be ascertained as contradistinguished from that of a mob, and by which legal, constitutional, and orderly government could be maintained and peaceably transmitted. I now refer to the act passed October 8, 1868. It was passed, as it was then supposed, to secure to the people in that State all their just rights for their own government. It is clear and comprehensive in its provisions; it omitted nothing by which those people, and all classes of them, should have an opportunity to secure their votes and have their will ascertained. The law provides generally for the appointment of inspectors of election, and for a registration of voters. It provides, then, that no one upon the day of election shall be challenged who is thus registered; so that voters could quietly go to their registration officers and be registered and vote upon the day of election, and there could be no interference with their right to vote if their names appeared on the registration lists. It was the duty of the inspectors of election, upon the closing of the polls, to count the votes and certify the poll-lists; they were to seal up the boxes containing the ballots and poll-lists and deliver them to the returning officer. Let me pause just here and ask, was it essential in order to secure the result of the popular will that the voters should be registered, and that the votes should be received and counted by the regular inspectors of election? Was it important that the ballot-box thus sealed up should be delivered by the returning officer, in whose charge it was put, to the judge of probate of the county within forty-eight hours after it was delivered to him? The importance of this is shown by the following provision. The inspectors of election having counted the votes and certified the poll-lists, and having delivered the ballot-box and poll-lists to the returning officer, and he to the judge of probate of the county, section 36 of the law provides—

That judges of probate, sheriffs, and clerks of the circuit court, or any two of them, of the several counties, are hereby constituted a board of supervisors of elections in and for their respective counties; and it shall be the duty of said board of supervisors to open, compare, and count the ballots cast at all elections.

That is their duty, and it is a plain duty. Is that important in the regular transmission of authority under the laws of Alabama? Can any one count these votes besides the supervisors and inspectors? Can those returning officers return them to any gentleman they may select to count and canvass them? Would their certificates of election avail anything? Not at all; for you must have some regular channel for the transmission of authority for any stable government. The order begins at the elections in our Government, and failing there our whole system is wrecked. The voter is a freeman in every sense of the word, but he cannot vote where he pleases, or when he pleases, or as many times as he pleases. But what further? This board is to "compare and count all ballots cast at all elections." It is therefore made a judicial body; it is a judicial power to determine all questions incident to the count, and it is a judicial power having no limit, and from which there cannot be any appeal except that prescribed by the act itself. It is given to them, and having been given to them to judge, their judgment is final and conclusive upon all the world beside, and can only be affected by a contest made before the Legislature and as provided by law; and I am sure it will hardly be contended that this body is at liberty to go behind a tribunal established by the laws of Alabama to determine these questions of membership in the first instance, and only subject to revision by the Legislature itself upon a case made for contest in order to seat a Senator in this Chamber. Again, see what the law provides further:

SEC. 37. *Be it further enacted*, That it shall be the duty of the board of supervisors of elections, upon good and sufficient evidence that fraud has been perpetrated, or unlawful or wrongful means resorted to to prevent electors from freely and fearlessly casting their ballots, to reject such illegal or fraudulent votes cast at any of such polling places, which rejection, so made as aforesaid, shall be final, unless appeal is taken within ten days to the probate court; and in case of a tie for any county officer, the board of supervisors shall decide.

There is jurisdiction full and complete given by the laws of Alabama to the board of supervisors not only to count but to revise and reject votes, and yet it is proposed that we go behind the decision of that tribunal, draw it in question, revise it and determine for ourselves and to suit our purposes who are members of that Legislature notwithstanding the right of that board and ultimately of the Legislature is indefeasible to do it and make it conclusive upon everybody. Is not this provision of the law conclusive upon us that the persons in the State capitol assemblage having the certificates of the secretary of state based on the returns of these boards were members of that body, and rightful members until displaced by a regular contest? It is admitted that there was no appeal from any decision made by the boards upon any question before them in discharging their official duties in canvassing and counting the votes and making their returns.

Mr. MORTON. Is the Senator speaking of the board of supervisors?

Mr. HAMILTON, of Maryland. Yes, sir.

Mr. MORTON. Will the Senator bear in mind that the supervisors of Barbour County first sent up a false return, the result of the injunction, and two days afterward sent up a true return, showing that the three men who took their seats in the capitol house of representatives were not entitled at all; and taking them out, that house had no quorum?

Mr. HAMILTON, of Maryland. We shall see about that presently.

Mr. MORTON. That is the record.

Mr. HAMILTON, of Maryland. I shall come to the Barbour and Marengo elections presently. These are incidental points; I am now on the question of certificates. What further is the duty of these supervisors?

SEC. 38. *Be it further enacted*, That it shall be the duty of the board of supervisors, within five days from the date of receiving the sealed boxes and certificates of the number of votes cast at each polling-place from the inspectors, to make certificates on blanks furnished by the secretary of state, of the exact number of votes cast in their county for each person, stating the office such person is voted for, and forward them, excepting for governor, lieutenant-governor, secretary of state, auditor, treasurer, and attorney-general, to the secretary of state, who shall, after such returns have been duly examined by the secretary of state, be filed as other public papers required to be kept in his office, and shall be subject to the inspection of any elector of this State.

That is their duty; and allow me to dwell here for one moment. The boards of supervisors of Marengo and Barbour made returns of the votes cast in those two counties to the secretary of state, as required by provisions of the law, of the three members elected from each county. From Marengo, Morgan, McNeil, and Kimblough were returned as duly elected members. They took their seats in the capitol Legislature under the certificates issued to them by the secretary of state based upon these returns. From the county of Barbour, Williams, Dent, and Cody were returned as duly elected members, and they took their seats in the capitol Legislature under the certificates of election issued to them by the secretary of state based upon these returns.

These boards of supervisors then having made their returns as provided by law, what next was to be done by the secretary of state? Remember their count and return was final; it was conclusive upon the secretary of state, upon everybody except the bodies to whom they were accredited. In cases of contest of course their elections were re-examinable by the Legislature under its constitutional right to judge of the election of its own members. Their returns were conclusive of course upon the secretary of state, and with the certificates of the secretary of state were conclusive upon the president of the senate and upon the speaker of the house of representatives when demanding admission to a seat in either body. Being conclusive upon the secretary of state, what else could he do but obey the law and issue the certificates, when the supervisors of election having this judicial power of canvassing, rejecting, and returning the votes returned to the secretary of state their canvass and their count, their declaration of votes given to each person? Could he contest it? Could he refuse to issue certificates of election? No, Mr. President, he could not do any such thing. However erroneous that count might have

been, his duty was to observe the judgment of that body, the board of supervisors, and to be guided by it; for section 42 of the law prescribes his duties, as follows:

SEC. 42. *Be it further enacted*, That it shall be the duty of the secretary of state to forward certificates of election to such persons as may be ascertained to be elected to any office in this State, addressed to the board of supervisors, at the court-house of the county in which such person returned as elected may reside, within ten days after receiving such returns of election from the supervising board of the county; and it shall be the duty of said board of supervisors to forward said election certificates to the persons entitled thereto.

When the board of supervisors determine and declare the number of votes cast for each individual and return them to the secretary of state, it is his duty to issue certificates according as those returns shall appear to be and to forward those certificates to the boards of supervisors and by those boards they are to be handed over to the persons entitled to receive them. Was that done? That was done. We are not here inquiring as to whether those returns were right or whether the count was right or whether any exclusion of votes was right. These boards of supervisors excluded in many cases whole election precincts in their canvass and count of votes for cause as they allege. They had the power to do it under this election law; and have we the right to inquire into it? Have we the right to go back and sit in appeal upon this act and revise their decision and determine for ourselves whether they did it rightfully? I take it for granted not. These certificates based upon these returns of the supervisors were issued to the two senators and the six members from Marengo and Barbour. These certificates of election were presented upon the day of assembling in the State capitol. The lieutenant-governor, the person authorized by the constitution to occupy the chair in the senate chamber of that capitol building, and the speaker of the house called the respective bodies of the Legislature to order; these certificates were there and presented. Who could dispute or gainsay them, unless indeed the contestants? Why were they not there to dispute them? They were not there. They were away off in another part of the town organizing, outside of the capitol building provided by the State, members without any returns and without any certificates of election, but upon their assertion that they were elected. The assertion might or might not be true. What was to be done by the lieutenant-governor, as president of the senate, and the speaker of the house? Could the speaker of the house, required to sit there under the constitution, upon his own motion say that the gentlemen with certificates should not be recognized as members? Certainly not. What could he know about it? The board of supervisors was the arbiter. Its judgment must be the judgment of the speaker of the house, as well as of the secretary of state. Claiming to be members, they were sworn in upon these certificates on that day; and the members thus admitted upon these certificates thus issued by this board made the quorum and organized the house of representatives as a branch of the Legislature of Alabama upon that day in the capitol building.

The Legislature was fully organized, Mr. Lindsay being governor and Mr. Moren being lieutenant-governor, and it was recognized by the governor by communications to it.

Now let me for one moment notice the interrogatory of the honorable Senator from Indiana. He has said that afterward there was another certificate issued by Secretary Raglan, who succeeded Mr. Parker, to the three republican members from Barbour, growing out of a subsequent return made by the supervising board of that county. That was afterward.

Mr. MORTON. Two days afterward.

Mr. HAMILTON, of Maryland. I do not care when; it was afterward, after the organization of both houses at the capitol. Raglan was not secretary of state until the capitol Legislature counted the votes and declared him to be so. Raglan could only take his office after the canvass of the votes by the Legislature. The three men in the capitol Legislature from Marengo and the three from Barbour had the certificates of Parker, secretary of state, when the votes were being canvassed by Raglan, who afterward gave a certificate to others from Barbour.

Mr. MORTON. The Senator does not comprehend the purport of my question. The Senator a while ago was discussing the effect of a certificate given by the supervisors, insisting that it was final.

Mr. HAMILTON, of Maryland. No; the supervisors give no certificate; they only make a return of the votes cast.

Mr. MORTON. Well, call it a return. The Senator was insisting on the effect of that return. I call attention to the fact that they made two returns within two days of each other; that the first return was a false one confessedly, that two days afterward they made a true return showing the other set of men to be elected; and leaving out the men who received the benefit of the first false return, there was no quorum in the house that met in the capitol.

Mr. HAMILTON, of Maryland. I understand the force of the question very well. I am talking about the organization on the 18th day of November, for that is the pivot point of all this controversy. If those gentlemen presented their certificates, and there were none others in existence, I care not how fraudulently or wrongfully they may have been issued to them; that day upon their certificates when the speaker called that house to order they were entitled to be sworn, and nobody was present to say nay. That is the point. There was no other return until say two days after this capitol Legislature was organized. In regard to what the honorable Senator chooses to denominate a false return, I do not know whether he intends to reflect upon the officers connected with that return. I know that in committee, if I am permitted to speak of what occurred there, the imputation of fraud on anybody connected with this matter was not at all pressed. The return itself in vindication of these officers as made shows that they acted fairly; and it is but due to this supervising board that I should cite it. If I am in error in stating what they did on that occasion I desire to be corrected; but in justice to that board and the action of that board which the Senator pleases to term a false return, I will present it. In the county of Barbour all the returns were made by the supervising board; and I have before me a copy of the original, certified to by the secretary of state and taken from the records of his office, about which there can be no doubt. It shows how fairly they acted in the premises. Blank returns are furnished to the boards of supervisors. The secretary of state by the very election law I have read from is required to furnish the blanks to each supervising board, in order that they may make out a schedule of votes upon it. They returned for senator James W. Mabry 2,170 votes; Jacob Black, 1,981 votes. Mabry was the democratic candidate, and Black the republican. So for the Legislature, democrats, Williams, Dent, and Cody, each 2,180, varying a few votes; and Williams, Clark, and Fantroy, republicans, each 1,900 and a fraction. These are the first returns made by the supervising board to the secretary of state, and upon which he acted in issuing the certificates of election.

Mr. MORTON. In that connection I have here the corrected returns sent up two days afterward, giving an account of the vote in the ballot-box that had been excluded two days before, which changed the result five hundred votes and elected the other man.

Mr. HAMILTON, of Maryland. I am coming to that. I do not intend to omit anything connected with this return; that is, the return referred to by the Senator, remember, sent up two days afterward; but I have given you the return of the supervising board to the secretary of state, upon which he issued his certificate to the members upon which they got their seats and were members at the organization. No other certificate, up to this time, was issued. Raglan, after this body thus organized had declared him elected, issued certificates to the other gentlemen from Barbour.

I desire still further to say about this supervising board that they left nothing in the dark. While they made return of the votes cast as I have announced, they at the same time made return that they were enjoined from counting box No. 1, in the city of Eufaula, thus showing that there was no desire to conceal anything; and they returned at the same time the petition for the injunction and the decree of the chancellor enjoining them; and here it is appended to their return. Whether that injunction was right or whether it was wrong, these supervisors being enjoined by the court obeyed the injunction and made their return of the vote cast and not enjoined, upon which alone the secretary of state could issue a certificate. Afterward this injunction was dissolved, and the same supervisors then, although after the organization of the House, made an additional return of the votes in that box, as follows:

We, the undersigned supervisors of elections in and for the county of Barbour, having received notice of the dissolution of the injunction in the case of James W. Mabry *et al.*, *vs.* us in the chancery court in and for said county, we certify and report to the secretary of state that we have counted and compared the votes contained in box No. 1 at the precinct at Eufaula in said county, mentioned in our certificate heretofore sent to said secretary of state in relation to the late election in said county and find the following result, to wit:

For senator, Jacob Black, 748 votes.
James W. Mabry, 182.

And they give a like cast of votes for members of the lower house. I see nothing criminal or wrong on their part; and I here make the inquiry, did all this justify these persons from Barbour who claimed to be elected, and who were in fact elected by the subsequent returns, in running off, in sneaking, if I may be allowed to use the expression, into another body and getting together in another part of the city in a house not used for any such purpose? I am sure if the honorable Senator from Indiana had been lieutenant-governor of that State or speaker of the house he would have gone right to the place where everybody expected him to be, the senate chamber or the representative hall in the State capitol, expecting there to meet all the members, the claimants and contestants, and both delegations from Barbour and Marengo, and to settle then and there their differences. If there was to be a revolution, if there was to be disorganization, let it be there where all had the right to meet and where all were expected to meet. Does the honorable Senator undertake to say that because there may be fraud or abuse in the election of a senator below or half a dozen members of the house, and which members may determine the political complexion of the body, therefore it is right in order to avoid the necessity of a contest to correct the abuse or fraud according to the forms of law that the half-dozen claiming to be members in their stead shall make arrangements to meet with a certain number of members sufficient to constitute a quorum, if all were members, and absent themselves from the regular Chambers in this Capitol and meet at some outside place, at some hotel down in the city, or in one of the public halls, or in the room of one of the courts of the United States, and leave the Vice-President sitting in that chair, and the House without a Speaker, with its Clerk calling the roll, and elsewhere have an organization without either, and claim to be the Congress of the United States? Is there propriety in this?

Does not one's sense of order and of law revolt from any such proceeding? The honorable Senator well remembers the troubles about the members in the other House from New Jersey many years ago and the "broad seal" of that State. These very members elected from New Jersey determined the political complexion of that body. Those gentlemen with a sufficient number of acknowledged members could have gone into some other place in this city with the same degree of propriety and organized a separate body. Did they do it? No; they appeared where they ought to be, in the Hall of the House where the Speaker was expected to be, and there it was fought out. If these gentlemen from Barbour and Marengo, claiming to be entitled to their seats, felt so much aggrieved because others occupied them, if such great injustice was done them, why not appear in that hall where this wrong was committed and there maintain their inviolable rights against this fraud and wrong to the last extremity? There was the place to vindicate their rights. Why, two separate bodies each claiming to be the law-making power! How might it not have involved the people of Alabama in all kinds of civil discord and possibly in civil war? Could you have two legal constitutional legislative bodies sitting at the same time in that State without trouble? The same scenes of disorder might have prevailed there that prevailed in Arkansas, and almost prevailed in Texas, and did and does still prevail in Louisiana. Can you, and is it safe in any respect, recognize such a condition of things that must eventuate in disorder, as attended and characterized the proceedings of the body meeting at the court-house?

The honorable Senator, instead of applauding these men and vindicating their course, should have told them that their place, and the place for brave men demanding their rights, was right where they were entitled to be, in the chamber in the State capitol. There was their place. Not sneaking around the city of Montgomery, away from the presence of the regularly constituted officers of the government, and outside of the capitol, organizing irresponsible and independent bodies to legislate for the people of Alabama and involve them in disorder and bring them to the verge of civil war. If it had not been for the patience, the deliberation, and the patriotism of the men assembled in the capitol, who felt obliged for the sake of peace, and for that alone, to sacrifice their rights and yield the organization in their own capitol, there would have been great trouble if not civil war in that State as in other States of the South. It is because of that, and to prevent such like occurrences, and to have regularity, certainty, and order in the regular transmission of authority, that I occupy the floor to-day, rather than for the reason that I may have any personal preference between the gentlemen contending for a seat in this Chamber.

But, as I said, whatever occurred afterward cannot have relation back to the time when this body met at the State capitol on the 18th day of November, 1872, and organized. How can there be a valid objection to the organization of that body in the capitol? If there was a proper organization on that day, or if the members from Barbour and Marengo, with their certificates of election, appeared upon that day and were sworn in and afterward other members appeared and the organization thereupon was completed, there was but one course to pursue by those who had the right to complain, and that is pointed out by the laws of Alabama. Those laws are not silent on that question. I have shown you that this body was regularly organized according to law under the constitution of Alabama in the capitol. Then what was to be done by these gentlemen if they had anything to say why the certified members should not continue to hold their seats? The constitution of Alabama provides for contesting elections. That constitution directs that the Legislature shall make laws providing for contested elections, and it did so.

I know what party prejudices and zeal for party success are, and here lies the very point in this case. If there had not been a Senator to be elected by this Legislature, I have no question that there would have been no trouble in Alabama. All these gentlemen would have met in that hall of the capitol on that day; those who held certificates would have been seated; notice of contest would have been served and a regular contest would have ensued, as it did ensue afterward under the organization proposed by the Attorney-General. We are all familiar with the arrangement proposed by the Attorney-General and accepted by both bodies. I will not speak of it because it can have no influence on the question before us, for both these elections for Senator were made before this arrangement was effected. Contests were afterward made. The laws of Alabama provided amply, plainly, and specifically for contests. Contest was afterward made in the case of the delegates from Barbour, and also in the cases of the senators from Marengo and Butler and Conecuh. This of course was regular and in conformity to law.

But these people were determined to avoid a contest by organizing in the manner they did outside of the State capitol in order to make the election of a Senator first. They knew that they had no standing in the capitol in primary organization. Of course they felt so, or they would have been there on that day. They had standing only wherever they might choose to meet, and with themselves alone. They could lose nothing by their action; having no standing in the capitol in the organization there, they soon saw they could lose nothing and might gain everything by an independent organization and then throw themselves on their party here, and with what eminent success so far we have seen. They have gained everything by their revolutionary course, and have set an example that I fear in our disordered condition may be too often emulated.

But to proceed. To justify an avoidance of this contest and to justify the meeting in the court-house the honorable Senator from Indiana says that there was a false return made in the case of the election of the members from Barbour. Suppose it was; could it not be set aside upon contest? But I would ask the honorable Senator whether this meeting in the court-house was not a fraud, a deliberate fraud, upon the laws of Alabama providing for cases of contested elections? Was not this revolutionary and disorderly Legislature set up in order to avoid the force of those laws? They determined to assume the power of organizing within themselves, despising all the forms and force of law, and then to depend upon the results of revolution, maintained as they supposed they would be by the authorities in Washington. That was the meaning of that organization and nothing else. It was not done to promote order, nor peace, nor good government. It was done to secure personal objects. It was done to advance selfish views. It was done to secure party power at whatever sacrifice of order and of law.

What else have we in this case? I have no doubt that according to the returns made by the board of supervising officers, subsequent to the organization of the capitol Legislature, the republican members from Barbour were elected. The honorable Senator has put that as conclusive upon this question, against the capitol Legislature, for, as he asserts, taking those three members to which Barbour was entitled from the Legislature meeting at the State capitol left it without a quorum. But this is an apparent error, for we must remember that this Legislature convened on the 18th day of November, the day fixed by law, and these members then held their certificates of election which by law entitled them to be sworn as members, and they were so regularly sworn and became members, and are to be accounted in law as members until removed by a regular contest for their seats. But I undertake to advise that honorable Senator, this being the sole instance which he has cited by which this capitol Legislature might be deprived of a quorum to do business, that fifty-four members, having certificates of election duly issued to them by the secretary of state based upon the returns made to him by the supervising board, qualified in that body, and even deducting three members from Barbour, leaves fifty-one, and fifty-one constituted a quorum. The honorable Senator therefore will be obliged to hunt up another member for exclusion in order to deprive the capitol Legislature of a quorum. If he will look at the proceedings of that body, he will find that fifty-four members appeared and qualified, and therefore it never was deprived of a quorum, even admitting what the Senator asserts, that the members from Barbour should not be counted to make a quorum. So that in all respects the organization at the capitol is in my judgment impregnable against all assaults.

If all that be so, Mr. President, have not we the evidence before us that in all respects, as required by the constitution and laws of Alabama, the regular Legislature met in the State capitol on the 18th of November, 1872, organized and proceeded rightfully to transact business? It is not my purpose to inquire into the elections of the members of the Legislature only in so far as it may tend to give a moral tone to the legal status of the Legislature, not at all to affect the law of the case, or that we have the right to do so; for I care not if not one of them was elected in fact, if the authorities having the power to adjudge and proclaim them to be elected did so, that we are obliged to recognize, and it ends the controversy. We have nothing else to do with this part of it, but our only duty is to determine the rightful legislative body of that State as organized under its laws and constitution and in conformity to both.

Mr. President, I have detained the Senate much longer than I intended upon this subject; but its importance will I trust be a fair excuse. I propose now to refer to the facts respecting the election in Marengo for senator, and which involved practically the members of the lower house. That was a case of regular contest after the fusion of both bodies under the arrangement of the Attorney-General. The democratic candidates were returned from that county by the supervising board. There was a township or a precinct in that county off some distance from which the returns had to be conveyed through a wet country, and in passing streams the returns of the present officers got wet, and were defaced and made illegible, and the board of supervisors were not able to count them. They rejected them, as they had the right to do under the law. The secretary of state was of course bound by that decision as we ourselves are. Rejecting them for this reason, they so stated in their return. They returned the votes they could count, and as counted by them the democratic senator and members were elected, and they got their certificates. The contest for their seats, or for the seat of the senators rather, ranged over a wide field it appears of illegal and rejected votes. The committee appointed to investigate the matter finally determined that the republican candidates in Marengo had a majority of about 240 votes, and stated in their report that they had great difficulty in arriving at the result.

Mr. MORTON. One thousand and fifty-eight majority.

Mr. HAMILTON, of Maryland. We will see who is right or wrong here. I am always willing to be corrected if in error.

Mr. MORTON. I have the returns here if they are correct.

Mr. HAMILTON, of Maryland. We will see who is correct. My memory may fail me, but I think I am right. I have here the report

of the committee—the unanimous report of the committee—Mr. Pennington as chairman, and who was president of the court-house body. This is the report made to the senate of Alabama:

The committee of four appointed by resolution of the senate to inquire into and report upon the contested seats from the districts of Marengo, and Butler, and Conecuh, respectfully report that they have examined the returns and poll-lists connected with the election for senator in Marengo County on 5th of November last, and also the registration lists of said county, and have taken the evidence of sundry witnesses presented by the contesting parties. From the witnesses thus examined they find that upon a count of the votes actually cast in said election in that county for senator John W. Dereen received 3,087 votes; James T. Jones, 2,145 votes; so that Mr. Dereen received the highest number of votes actually cast at said election for senator. We also find that for each of said candidates a number of votes were cast which do not appear upon any registration list which has been presented before us.

We find that illegal votes were cast at said election in favor of both candidates; we also find that the ballots and poll-lists of the Dayton box, in that county, were greatly injured and mutilated by being exposed to heavy rains in its transfer to the county seat, so that a number of ballots cannot be counted at all; but making all deductions and allowances for these causes, the committee report that John W. Dereen received 243 legal votes more than his competitor, Mr. Jones.

Mr. MORTON. Will the Senator allow me to make one suggestion?

Mr. HAMILTON, of Maryland. Yes, sir.

Mr. MORTON. That was the compromise report which was made unanimously, and these recitals were the excuses given before for casting out the votes. I have the official returns on the State ticket, the votes being upon the same tickets, and the republican majority was 1,058 in that county.

Mr. HAMILTON, of Maryland. What document does the honorable Senator read from?

Mr. MORTON. I read from a memorial which purports to give the official returns from these two counties and to give all the proceedings had in the court. I presume it is correct.

Mr. HAMILTON, of Maryland. I take the report of the committee and the returns as here certified by these gentlemen.

Mr. MORTON. You have read correctly the report of the committee.

Mr. HAMILTON, of Maryland. I am not aware of any compromise in this report. The committee in this report state definitely the result of their investigations. They state they had trouble in arriving at the result on account of defaced returns, &c.

But making all deductions and allowances for these causes, the committee report that John W. Dereen received 243 legal votes more that his competitor, Mr. Jones.

Upon that I stand in making the assertion I did before this body as to Mr. Dereen's majority. Now you can see the troubles in the investigation by the committee. Who can say that the supervisors did not act honestly and justly, and who shall condemn their decision in such a case? At all events they had the right to make it; and I wish to be understood that I only comment upon this in order to give to the legal phase of this case a moral tone, or at least to defend it against the grave charges made by the Senator; not that it is of any consequence to the real inquiry who had the majority of votes. These members had the certificates of election based upon the returns of the proper officers on the 18th day of November, 1872, and when the capitol Legislature was organized as required by law; and that is all that is necessary for the purposes in view.

Is there any force or virtue in what I say? It is not my purpose to read much law on this question, but I have detailed elaborately what the laws of Alabama require in order to reach the result of an election, and as upon those laws depend the just solution of this question, I wish to speak somewhat upon the efficacy of returns and certificates of election as laid down by an eminent author, and also as to the regular transmission of authority.

I read from the Law and Practice of Legislative Assemblies, by L. S. Cushing, section 233:

But it is also essential to the very idea of this form of government that the electors should be divided into separate constituencies, either territorially or otherwise, &c.

And then he goes on—

And in order to insure equality of representation among these constituencies, without which some portion of the people would be deprived of their just rights in the functions of self-government, it is indispensable to regulate beforehand, by law, both the manner in which the elections shall be conducted and the evidence by which the result shall be authenticated—

I have given to the Senate the manner in which these elections have been conducted as directed by the laws of Alabama—

otherwise, when the representatives should come to assemble themselves together, they would have no means whatever of ascertaining for themselves whether the several constituencies were duly and properly represented.

Section 235:

It follows, therefore, that whenever these two principles, freedom of election and equality of representation, are admitted to be fundamental (as they are in all the constitutions of government in this country) the manner of conducting elections, which has been established by the laws, and the evidence agreed upon beforehand to authenticate them, cannot be varied or departed from in any important particular, consistently with the very nature of a representative government, and, consequently, that the only evidence, by virtue of which any one can rightfully assume or be permitted to assume the functions of a member of a legislative assembly, under such a form of government is the return or certificate which contains and embodies the result of the proceedings at the election, as decided upon by the returning officers.

I read this law in order to apply it to this case as we go along. Is there an omission in this whole case either in the manner in which the elections were conducted or in authenticating the results? But proceeding, I read now from section 240:

The principles of parliamentary law applicable to the question are perfectly simple and plain; founded in the very nature of things; established by the uniform practice and authority of Parliament and confirmed by reason and analogy. These principles are as follows: First, that every person duly returned is a member, whether legally elected or not, until his election is set aside; second, that no person, who is not duly returned, is a member, even though legally elected, until his election is established; third, that conflicting claimants, both in form legally returned, are neither of them entitled to be considered as members until the question between them has been settled; and fourth, that those members who are duly returned, and they alone, (the members whose rights are to be determined being excluded,) constitute a judicial tribunal for the decision of all questions of this nature.

Is there not reason in all that I have read and sound political philosophy, and do we not come within its spirit and letter in this case? It is decisive, in my judgment, of this whole question if it be worth anything. The returned members met in the appropriate halls and were presided over by the constitutional officers, and qualified as required by law and organized. Can it be possible that such a body as that, thus organized, is to be stripped of its constitutional functions and powers? What I have read to you is strong and sensible and truthfull; it is decisive language; it is plain English that no one can misunderstand. I do not know whether authority cited as this in political cases amounts to much; but I have thought it proper to read it in the hope, faint though it be, that it may impress some one.

I now propose to read from section 242 of the same author. Some States do not provide for the returns of members of the Legislature, do not indicate by any formal legal manner who are entitled to a seat or who shall organize the respective houses. Troubles have ensued in those States and will ensue everywhere where there is not some well-regulated and defined mode of authenticating results or in securing organization in order to secure the peaceable transmission of authority or government. This was felt at one time in the House of Commons. It was felt in France, and therefore in France it was deemed necessary to make provision to avoid the occurrence of trouble by members meeting together without any certificate of election or authentication of his membership, but only claiming to be members. I read from section 242 of Cushing:

The only mode in which an organization can be secured, at all events—

Now hear this—

is to designate by law the persons who shall temporarily constitute the officers of the assembly. In France, under the old constitution, it was provided, that, on the assembling of the deputies, the oldest member should take the chair as president, the five youngest members should act as secretaries; and that the assembly, thus temporarily constituted, should proceed to a verification of the powers of the members, or, in other words, should ascertain who were duly returned. A similar provision has been introduced into the laws of the State of Massachusetts with respect to the organization of the house of representatives. The returns are made into the office of the secretary of the commonwealth before the day of assembling; that officer furnishes the sergeant-at-arms with a list of the members so returned, who alone are to be admitted into the chamber of the house.

You will observe that. The sergeant-at-arms is required to furnish each member with a certificate, and no one not having that certificate of election can enter the hall.

The oldest of the members (not the oldest person) thus admitted takes the chair as presiding officer; the clerk of the preceding house acts as clerk until his successor is chosen and qualified; the sergeant-at-arms in like manner continues in office until a new one is chosen, and the house is thus completely organized for the temporary purpose of ascertaining who are in fact members, and indeed for all necessary purposes, until new officers are regularly chosen.

Why all this? To secure order, of course, and the regular flow of authority. Has the State of Alabama made any like provision? Singularly so; specifically so. The State of Alabama, I suppose, above all other States in the Union, has prescribed more specifically how the respective houses of her Legislature shall be organized. It prescribes by the constitution that the lieutenant-governor shall preside over the senate and shall be the presiding officer until his successor is qualified. It provides—and this is an original provision, probably not found in any other constitution of the States that I just remember—that the speaker of the last house shall remain in office until his successor is qualified. There is a specific provision made for the regular succession of the legislative bodies by which and through which there can be no disorder. Then both chambers are to meet in appropriate places designated by law. These two gentlemen are to preside in their respective chambers as prescribed by law, and the members having certificates, or those claiming seats, are to come before them in these chambers in order to determine whatever questions may arise upon them. There is no State in this Union, I venture to assert, that has been more careful in endeavoring to avoid the very kind of trouble that has ensued, and that is now upon that people.

And yet, Mr. President, just think what actually occurred in this case. Here was the lieutenant-governor of the State in his chair in the senate chamber opening the session of the senate, and the speaker of the house in like manner opening the session of that house, under the constitution and the laws of Alabama; and in another portion of the town, in a United States court-room, another set of men meet, assume to be the Legislature, and elect their own president and their own speaker, and thus put into being a hostile body. The very thing which it was contemplated by the constitution of Alabama to avoid was dual houses, divided houses, quarrels in organization, and the troubles and broils incident to bodies meeting without any prescribed manner. After the people of Alabama had made their constitution and laws, in order to avoid precisely such a difficulty as this, after

they had built a State-house for the accommodation of the Legislature, we find these persons upon the day when they should have met at the capitol and appeared before the presiding officers designated by the constitution, going off into the town and assembling clandestinely, at least without notice to these presiding officers or other members, at a court-house. I believe it was the United States court-house.

Mr. SAULSBURY. Yes; it was the United States court-house.

Mr. HAMILTON, of Maryland. Those are the court-houses or places in which such men meet in these days. They feel safe there for any work against or in defiance of their own people, for they are protected by the military power of this Government. Instead of meeting in their own State-house, their own hall, built and paid for by the State and for that only purpose, and before their own lieutenant-governor and speaker of the house, they shamelessly met where the United States could throw over them a shield of personal protection in whatever they might do.

Before I leave the authority which I have quoted, allow me to read a few words upon the question of a quorum, to which I have directed already the attention of the Senate, in the organization of the Legislature. I read from section 247:

In all counsels and other collective bodies of the same kind, it is necessary, therefore, that a certain specified number, called a quorum, of the members, should meet and be present, in order to the transaction of business.

A quorum of members is required to be present; by the constitution of Alabama, a majority of each house is required to constitute such quorum. Then who is to be regarded as members in the first instance to constitute a quorum? I read from section 253:

In some of the ways above mentioned, the quorum of each legislative assembly becomes established at a fixed number, the presence of absence or which can always be ascertained by counting. This is usually done after the assembly is constituted, by its presiding officer, who announces or reports the result. In the Senate of the United States this duty is performed by the Sergeant-at-Arms, upon whose report to the Presiding Officer, the latter announces the result. For the purpose of ascertaining whether a quorum is present, every person who is entitled to vote, that is, every person whose return as a member has been admitted, and who has been regularly sworn as such, and no other person, is to be counted. This rule excludes, first, all mere claimants to seats, whose claims, however well founded they may be, are not yet admitted; but it does not affect the rights of persons duly returned, however ill-founded their claim may be, and notwithstanding their elections may be controverted.

That is the law of this case. Were not these persons, constituting the State capitol legislature, duly returned? No one disputes it; no one can dispute it. There is not a tittle of evidence in the case to impair any right belonging to them by reason of fraud or anything of that kind, for nothing of the kind is charged. The question of fraud was not in the case at all. It was pretermitted, if at any time relied upon; and certainly not pressed before the committee, and indeed not seriously pressed here, no evidence whatever was taken to prove it; and we have the right to assume that there was no fraud. You will not presume fraud; it must be affirmatively shown. Therefore if you recognize authority as I have given it to you from an able author, just in his own words, and I think admitted by every judicial mind to be law everywhere, how is a just mind to avoid its judicial force?

Now, I again repeat, have we come up to the measure of proof in order to establish the legal status of the body meeting at the State capitol? What more do you want? What more can you have? The honorable Senator would go back and inquire who were elected, not who were returned; not who were qualified, not how they met, but investigate as to who were elected members of the Legislature. With that question I maintain we have nothing whatever to do; and I think that by authority and reason both I am unquestionably right in this position; and denying this right of inquiry to the honorable Senator he is left, and his legislature is left, without a single muniment to justify or fortify their pretensions to a legal legislative body. Without this investigation into the returns for members of the Legislature I here again assert that the body meeting at the court-house has not a single fact to give it the color even of a legislative body.

The honorable Senator from Indiana has said, in illustrating the strength of his position upon this part of the question, and with reference to the house of delegates meeting at the State capitol, that taking away the three members from Barbour, there was no quorum in that body, and therefore, however rightfully they met, and however rightful the Legislature might be, there being no quorum present, had no right to elect a Senator. That is the substance and meaning of his proposition. Then without a quorum, there was no election, because they could not transact business. Now, Mr. President, let me take the honorable Senator on his own view in this respect. If he is determined to press this question into a count of votes below in the election precincts to ascertain who was elected to the Legislature, let us see how that would affect the composition of the senate of the body electing Mr. Spencer.

But fourteen members having certificates of election were in that body when it organized and when Mr. Spencer was elected. There were but seventeen men who had any pretense of an election in that body when he was elected. Seventeen constituted a quorum. One of those was Mr. Miller, the pretended senator from Butler, Conecuh, and part of Escambia. Mr. Martin was the regularly returned member. He was returned by the board of supervisors, and an honest return it was. He held his certificate of election and he was a member of the body that elected Mr. Sykes. Mr. Miller at the same time was a member of the court-house body which elected Mr. Spencer, and made the quorum of that body. Upon his real election there depends a question whether the senate electing Mr. Spencer had a quorum of elected members, whether holding certificates or not. I am not now alluding to members having certificates, I am now speaking about elected members and going upon the ground laid down by the Senator.

What are the facts in this case? I have the report of the committee of the Legislature here to vindicate whatever I say in regard to this matter. It was a divided report, it is true; but the lines of difference are so marked and distinct that there can be no trouble in coming to an equitable conclusion when we come to compare where the difference occurs. This senatorial district was composed of the counties of Butler and Conecuh and part of Escambia, the part of Escambia before this senatorial election having been cut off from Conecuh. The vote stood thus for senator as returned by the board of supervisors:

For Martin, democrat, Butler	1,389
For Miller, republican, Butler	1,185
For Martin, democrat, Conecuh	1,134
For Miller, republican, Conecuh	856

That is the way the returns were made by the returning board, and upon which the certificate of election was issued to Mr. Martin. Mr. Martin had 2,523 votes and Mr. Miller had 2041, according to this return.

Now comes the difference. Remember, the vote of part of Escambia was included in the aggregate vote of Conecuh in the returns. But in a contest made by Miller for the seat of Martin, Mr. Pennington, being a minority of the committee, reported that the votes cast for Martin in that part of Escambia cut off from Conecuh were improperly cast for him. The majority reported that they were properly cast, the committee consisting of three members; Mr. Pennington in his minority report contending that two ballots instead of one were cast in that part of Escambia, one for senator and one for the local officers, when all should have been upon one ballot. Before that time Mr. Smith, the republican governor of Alabama, had by proclamation declared that the senatorial and representative vote should be returned to the old county out of which the parts of the new was formed. Accordingly the voters in that part of the county upon that occasion, instead of casting an entire ballot with the name of Martin on it and the local county officers, voted for the county officers of Escambia on one ticket and for the senator upon another, as the latter vote was to be returned to the supervising board of Conecuh County and the former to the supervising board of the new county, Escambia; but in the case of Mr. Miller his name was put upon the one ticket with all the county officers. There is no question made between the majority and minority report as to the real vote cast in that part of Escambia. Martin received 453 votes and Miller 221. This is admitted by both reports and by all sides, and the only question involved was whether the votes cast for Mr. Martin, being cast upon a separate ticket, should be counted for him, for if so counted then there was no doubt as to his election. The majority (democratic) reported that they should be counted; the minority (Mr. Pennington, republican) reported that as they were cast upon a separate ballot they should not be counted, and that not counted Mr. Miller was elected.

Now what was the result? Here came the crisis of the contest in the fusion senate. It was thought necessary that Mr. Miller should at all hazards be seated in that body as the elected member from that senatorial district, because unless he were seated and recognized as an elected senator there would not be a quorum of elected senators in the senate when Mr. Spencer was elected. Accordingly, the republican member of the committee reported that those 453 votes cast for Martin should be excluded from the count, and that the vote cast for Miller should be counted. The democrats upon that committee voted that both should be counted. If both were counted, of course Martin would be elected; but excluding the vote for Martin, Miller would be elected by about 200.

Now, Mr. President, you will understand how the matter stood upon the reports. What was done? For one moment I will turn to the official report. There is no trouble about the facts in this case. Here is the report of Mr. Pennington which I will take and which gives the facts. He says here:

The vote for Mr. Martin, as estimated and returned by the supervisors, was:

Butler County	1,389
Conecuh County	681
Escambia County	453
Total	2,523

The vote for Mr. Miller was—

Butler County, (as returned by the supervisors)	1,185
Conecuh County, (as returned by the supervisors)	856
Escambia County, (not returned, but found to have been voted)	221
Total	2,262

This shows a majority for Mr. Martin of 261. But deduct the 453 illegally voted, returned and counted for Mr. Martin, in Escambia County, and deduct the vote cast for Mr. Martin at the precincts of Monterey, Manningham, and Dead Fall, in Butler County, illegally estimated and counted, aggregating 204 votes, and it leaves Mr. Miller a majority of 346 votes, and he is therefore entitled to the seat.

Mr. MORTON. That was a part of Escambia County—three townships.

Mr. HAMILTON, of Maryland. Yes, sir; but deducting those "453 alleged illegal votes" cast for Mr. Martin, of course Mr. Miller was elected. This report of Mr. Pennington goes on to argue that these votes should be deducted because the vote, as I have before stated, was given on a separate ballot. I have already shown you that that

was done because a new county had been established by the name of Escambia, and, I think, three precincts of Conecuh were embraced within its limits; and, there being no revision of the senatorial and representative districts before this election, the returns of those precincts so cut off to form the county of Escambia had to be made to the supervising board of the old county, Conecuh, from which they were taken, and still made a part of the vote of that county in the election of senator from Butler and Conecuh, and of representatives from Conecuh. And Mr. Pennington in his report contends that Mr. Martin's name not being put upon the same ticket with the county officers, under the code the whole vote cast for him in Escambia was illegal. The vote itself is not questioned as cast for Mr. Martin. Thereupon, it was determined by the senate, or rather the president of the senate, that Mr. Martin was not the legal member, and he was excluded from his seat, which he had held from the time of the organization of the body until long after the election of Mr. Sykes, and after the fusion of both bodies.

But let us see how the result was attained by which Mr. Miller obtained a seat in the senate, not as a matter affecting the question now before us, but rather as a matter of curiosity to see how things are done where it is supposed that it is important they be done. A majority of the committee reported that the returns were legal; that the votes cast for Mr. Martin, in Escambia, were rightly counted and returned for him, and that he was therefore legally elected and a legal member of the body, and submitted a resolution declaring Mr. Martin to be entitled to his seat. Mr. Pennington, the minority, made report that Mr. Miller was elected, and moved, as an amendment to the resolution submitted by the majority, that Mr. Miller was legally elected and entitled to the seat held by Mr. Martin. The first question then was upon that amendment to the original resolution. A motion was then made to adjourn and the adjournment was had. On the next day—I read from page 85 of the journal of the senate of the State—"the question being on the motion to adopt the report of the committee in the Martin-Miller contested-election case, as a *substitute* for the motion to adopt the resolution submitted by Messrs. Parks and Edwards with their report"—you will understand they, being a majority of the committee, reported that Martin was duly elected and submitted a resolution to that effect, whereupon Mr. Pennington offered a substitute declaring that Miller was duly elected—the amendment passed by a vote of 16 to 14, as the journal shows.

There is a little outside history connected with this vote, and about which there is no doubt, and which I take the liberty of stating. There was a democratic member, Mr. Edwards, and one of the gentlemen who made this report, who desired to go home and wished to pair off on this question—a very common thing in this Chamber, as we all know. He paired with a gentleman by the name of Glass and went home. When the question came up Mr. Glass voted. This body was very closely divided politically. His vote was indispensable to the desired result—namely, to seat Miller—and he voted. Without his vote it could not be done. He violated his solemn agreement, that which we regard here in the nicest sense of honor and obligation. The consequence was that that vote would have made it a tie, and the lieutenant-governor having the casting vote, would have carried the substitute and concluded the whole question for all time. Whereupon, seeing this, Mr. Cobb, a democrat, voted in the affirmative. His object in voting in the affirmative was to move a reconsideration, telegraph to Edwards to return, and his presence would of course settle the question in favor of Martin. This could be done, you will observe. With Edwards present there could not then be a tie in the vote, the democrats having a majority of one, so that the president could not interpose with his casting vote, and therefore no such substitute as that offered by Mr. Pennington could ever pass. Then Mr. Cobb moved to reconsider the vote just taken, and pending the discussion upon it the senate adjourned.

Now, sir, let me read to you what was done the next day upon the meeting of the body and upon the motion of Mr. Cobb to reconsider, and see how they do things in Alabama to accomplish their objects:

The journal of yesterday was read and approved.

The president decided the motion to reconsider the vote taken yesterday on Mr. Haralson's substitute in the Martin-Miller contest out of order, and declined to put the motion to the senate.

That is a question for parliamentarians to determine, and we have some expert ones in this body, to whose attention this is now directed. Mr. McKinstry, the lieutenant-governor of the State, and by virtue of it presiding officer of the senate, decided that that motion to reconsider was out of order, and declined to put the motion.

Mr. Cobb appealed from the decision of the president.

Mr. President declined to put the appeal to the senate.

Mr. Parks made the point of order that the question then recurred on the motion to adopt the resolution submitted by Messrs. Parks and Edwards with their report, as *amended* by the adoption of the substitute.

Mr. President overruled the point of order, from which decision Mr. Parks appealed.

Mr. President declined to put the appeal.

William Miller, jr., appeared in the senate chamber, and was qualified and took his seat as senator from the thirty-first senatorial district.

That is what their journal of proceedings show, and that is the way in which Mr. Miller got a seat in the Senate. It was necessary to admit him to make a quorum of elected members of the body that sent Mr. Spencer here, and although this was done long after his election and long after the fusion, still it was done to give coloring to Miller's seat in the body electing Mr. Spencer, as he constituted the quorum there. He never was elected nor was he ever legally seated. There never was a vote upon the adoption of the resolution as amended by the substitute at all, and a more barefaced wrong was never perpetrated.

Mr. President, (Mr. BOREMAN in the chair,) you have been long enough in this Chamber and in the chair to know something about parliamentary law. Read the journal of those proceedings, and could you, could any honorable man, do such a thing? I will not insult you by putting such an interrogatory to you. I am now speaking about the moral relation of things to this case and not about the law or right of the case, and I only speak of its moral relations because of the harsh opinions expressed by the Senator from Indiana and others as to the conduct of the supervising boards and of the secretary of state.

We all know that the adoption of a substitute or an amendment to an original resolution is not the adoption of the thing itself; that it requires further consideration and another vote to do it, and make it the original; but the president of the senate of Alabama under such proceedings directed Mr. Miller to be sworn in. And he thus, not elected by the people, nor admitted to a seat in the senate by a vote of the senate, but forced upon that body and upon the people of Alabama by the ruling and action of the president of the senate, is the man and the only man having a pretense to an election upon which a quorum of that body depended which sent Mr. Spencer and upon which we are to confirm or reject him. I want it impressed on you, Mr. President, and the mind of the Senate, that upon this man Miller entirely depends the fact whether there was a quorum in that body, at the time Mr. Spencer was elected, of elected members; not certified, but elected members. I am not now speaking about members holding certificates, but about elected members holding certificates or not, and assuming that we are permitted to go behind everything and see who were elected. Let it be understood again that I do not refer to this because I consider it at all necessary or important, for in any view other than a moral one in this case I stand on the laws and constitution of Alabama. I do not go into the elements of the constitution of the Legislature. If we have enough to show that the Legislature as a body was regularly organized for the discharge of its functions, it is all we require for a solution of this case.

Entertaining these views my colleague on the committee, the Senator from Delaware, [Mr. SAULSBURY,] and myself made the minority report, maintaining that Mr. Sykes was legally elected a member of this body, and we submitted a resolution accordingly. But in view of the fact that at no time was there a quorum of legally elected members in the senate when Mr. Spencer was elected and therefore not legally elected, and for the benefit of those who believe that we have a right to go behind certificates and inquire into the election of members below, but who hold as the Senator from Indiana does that it requires a quorum to elect, I therefore propose the following resolution modifying the resolutions originally submitted by the minority of the committee:

Resolved, That Hon. George E. Spencer, not having been elected a Senator from the State of Alabama by the lawful Legislature of that State, is not entitled to a seat in this body.

Resolved, That Francis W. Sykes, having been duly and legally elected a Senator from the State of Alabama for the constitutional term commencing March 4, 1873, is entitled to the seat in this body now held by Hon. George E. Spencer.

I have, Mr. President, thus in a desultory manner attempted to discharge my duty as a member of the committee and do justice as far as I can to the people of Alabama and maintain the regular and peaceful transmission of power from one set of public servants to another, and which is especially required in our form of government. For of all governments on earth ours does require order in the establishment and in the regular transmission of authority. Unbridled license and mob rule are the antipodes of republican government. I am for liberty regulated by law. While at times evils may result and injuries come to the body-politic, and wrongs be here and there perpetrated, it is always better for us to be upon the safe side and conform our conduct to the forms prescribed by law. Look at the South in its disordered condition; look at Arkansas; look at Texas, but recently on the brink of trouble; look at Louisiana; look at the States where such things are permitted, and is it not all a warning to us not to do like wrongs by justifying them? If we recognize that members elected or claimants can separate into independent bodies upon any technical wrong or even essential wrong; if we recognize that any persons assuming themselves to be elected can set up Legislatures wherever and whenever they choose; if we recognize that we have a right to go down and inquire into contests for members of Legislatures in the States, there is no end to the troubles that may come upon us, especially in the South in its present demoralized condition. There is no election where you cannot have abundant opportunities for trouble. Aspiring men, ambitious men, selfish men, all that class of men who are only waiting opportunity to serve their ends, may quickly enough in the midst of political excitements and political contingencies bring danger upon us all and upon our institutions. Where we have a matter so well settled as this, a regular government, a governor acknowledged to be so, a Legislature meeting at the State capitol, presided over by the lieutenant-governor and by the speaker of the last house, officers authorized by law to do so, organizing and proceeding to business, and in relation with all the departments of the government, can there be a question but that having this evidence we should recognize its legal validity by declaring that to be the Legislature of Alabama which elected Mr. Sykes by admitting him to a seat on this floor as one of the Senators from the State of Alabama?

Sanborn Contracts.

SPEECH OF HON. JAMES B. BECK,

OF KENTUCKY,

IN THE HOUSE OF REPRESENTATIVES,

May 26, 1874,

The House having under consideration the bill (H. R. No. 3256) to repeal so much of the act of May 8, 1872, entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1873, and for other purposes," as provides for the employment of persons to assist the proper officers of the Government in discovering and collecting money withheld, and for other purposes—

Mr. BECK, said:

Mr. SPEAKER: Before discussing the merits of the bill under consideration, and before noticing the state of things which rendered it necessary in the opinion of the Committee on Ways and Means, I propose stating my own personal relations to the investigation which led to the presentation of the bill. In the distribution of the work of the committee, early in the session, the chairman appointed Mr. FOSTER, of Ohio, and myself a sub-committee to examine and report upon all matters relative to the operations of the Internal Revenue Bureau. In the course of our investigations we found that the collection of taxes due on repealed laws had fallen off beyond what we supposed they would, and we required an explanation. The Commissioner was summoned before the committee, and he said that his collection of such taxes had been materially interfered with by contracts entered into by the Secretary of the Treasury with John D. Sanborn, and others, under the law of May 8, 1872, which I may as well read now. It provides as follows:

And from and after the passage of this act the Secretary of the Treasury shall have power to employ not more than three persons to assist the proper officers of the Government in discovering and collecting any money belonging to the United States whenever the same shall be withheld by any person or corporation, upon such terms and conditions as he shall deem best for the interests of the United States; but no compensation shall be paid to such persons except out of the money and property so secured; and no person shall be employed under the provisions of this clause who shall not have fully set forth in a written statement, under oath, addressed to the Secretary of the Treasury, the character of the claim out of which he proposes to recover, or assist in recovering, moneys for the United States, the laws by the violation of which the same have been withheld, and the name of the person, firm, or corporation having thus withheld such moneys; and if any person so employed shall receive, or attempt to receive, any money or other consideration from any person, firm, or corporation alleged thus to have withheld money from the United States, except in pursuance of the written contract made in relation thereto with the Secretary of the Treasury, such person shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than $1,000 or imprisoned not less than two years, or both, in the discretion of any court of the United States having jurisdiction; and the person so employed shall be required to make report of his proceedings under such contract at any time when required to do so by the Secretary of the Treasury.

The committee were unable to see under the provisions of this law, which by its terms required the persons employed under it to assist the proper officers of the Government in collecting delinquent taxes, as these officers were known to be the collectors of internal revenue who were required to report to the Commissioner, how he could be ignorant of the collections made, or the operations had under it. He assured us that he was, and that he had, as long ago as October 1, 1873, addressed a letter to the Secretary upon the subject to which he had received no answer. These things seemed strange and looked suspicious. We presented a resolution to the House, which was adopted, directing the Secretary to furnish us with all the contracts, papers, correspondence, payments, &c., under that law. Some delay followed, and considerable reluctance was expressed by the Secretary and his Assistant Secretary to give the names of the parties who had not been proved delinquent. The committee decided that a full statement should be made, and after *four* or *five* amendments and additions, as developments forced them out, the record on the desks of members was furnished. Whether it is complete or not now I am unable to say; it was obtained in installments, and very lame excuses made for each omission as we developed the existence of what was furnished in detail.

I cannot speak of the reasons for the failure to give a full, frank statement of the whole matter at once beyond what the record shows, because I refused to go to the officers of the Treasury Department and ask any questions privately, resolving not to know anything on this subject which might be considered private. I threw that responsibility on my colleague, Mr. FOSTER, whose political affiliation with them rendered it eminently proper for him to do what it would or might have been improper for me to attempt.

The task, therefore, of ascertaining the preliminary facts devolved on the gentleman from Ohio. I requested him to take charge of the matter himself, and he did so. I consulted with him, of course, from time to time; going with him once at his request to see the Assistant Secretary of the Treasury, when the question arose whether the names of parties should be given. Mr. Sawyer protested, as he says, claiming that it was a legislative outrage, or as Mr. FOSTER recollects his words, (see page 121,) that it was an infamous proceeding on the part of the House to demand that the names of the men charged with offenses should be given to the House and the country. We told him that we believed the committee would demand that the names and all other facts should be furnished, and they did so demand. That demand was answered first by the communication which I hold in my hand, Executive Document No. 132, in which the Secretary purported to give us all that had been done and all that was known at the Department under the contracts entered into by virtue of that law. He uses the following language:

The papers herewith transmitted comprise copies of all the contracts, schedules, receipts, certificates, checks, and other correspondence having any bearing upon or relation to any and all steps or action taken by the Treasury Department under the provisions of law referred to.

In justice to the persons whose names are included in the lists accompanying the several contracts of those who are claimed to be indebted to the Government on account of taxes or otherwise, and who have not been proceeded against, permit me to add that no evidence whatever of such indebtedness has been presented to the Department.

The statement that contracts had been made with parties to collect money from people against whom no evidence whatever of indebtedness had been presented, seemed strange. We soon ascertained that the Secretary had not furnished us with all the facts. We knew that important papers had been withheld from the committee, whether intentionally or not, of course we were not advised, and we demanded them by a peremptory order. Even the letter of the Commissioner of Internal Revenue of the 1st of October, which we learned from the Commissioner had been written on that subject, was not furnished to us. General orders issued in violation of law to supervisors and collectors of revenue, putting them under the control of Sanborn, were withheld. A want of frank, manly directness was painfully apparent. It required five efforts to obtain the papers we have now obtained; whether we have now obtained them all or not I do not know.

On the facts furnished we proposed to repeal the law. We examined no witnesses. We saw from the papers furnished that the law was working badly, and was being horribly administered. We saw that the usurpations of the Treasury Department and their perversions of the act of 1872 were such that the revenues of the Government were no longer safe, if intrusted to their keeping. The committee therefore prepared a bill to repeal the law, and our action was made public. Then for the first time Mr. Sanborn asked to be heard. We thought that as he was the contractor, and had received $213,000 in cash for doing nothing, absolutely nothing that we could see, under the unwarranted authority conferred upon him, except prostituting the officers of the Government to his purposes, it was right that he should be heard, especially as our decision was against him. He came before us, and when he came he changed his mind and declined to speak. He brought with him other witnesses whom he desired should be heard, Mr. Caughlin and others, and they were heard, each witness making the outrageous conduct of the Department more painfully apparent. Then we said to the Secretary of the Treasury and his other officials, "If you desire to be heard we will be glad to hear you." They came; every witness that appeared except a few of the last who were summoned by the committee when we found that facts were being withheld, were volunteers who came to protest against the repeal of the law or to vindicate or excuse themselves because of the part they had taken in its execution, or in the inception of the Sanborn contracts.

Mr. CLYMER. I would like to ask the gentleman a question, if by so doing I will not interrupt him.

Mr. BECK. Very well.

Mr. CLYMER. The gentleman has spoken about the difficulty the committee had in obtaining the information and letters from the Treasury Department. I see that in a letter of Supervisor Hawley, reference is made to his having seen a contract and collected money under a contract made by the Department with a Mr. Wood, of New York. Did the committee ever obtain the papers in that case? There is no report of it that I can find.

Mr. BECK. We never did; the reason for that perhaps was that Mr. Wood's contract was not made under this law, but under some previous arrangement. Very likely it was some other nefarious scheme. However, as I have said, the committee heard only the men who presented themselves before us, volunteers seeking to show why we should not repeal this law, or why we should not condemn their action under it. After hearing them all, I have no hesitation in saying to the House, and I will make my statement good before I conclude, that the whole investigation developed a system of corruption, perversion of law, usurpation of authority, and plunder of the public Treasury, such as I never saw equaled and I hope never will see again.

Because we have fearlessly and honestly set forth the facts thus developed in a report to this House, the motives of members of the committee have been impugned; they have been denounced in the public press of this city by the organ of that Department—I say the organ of the Department, because the correspondence of its officials appears there. In this morning's paper is a statement of the Assistant Secretary of the Treasury and a leading editorial charging the sub-committee with improper conduct. Not long ago an article appeared attacking the sub-committee, charging us with having a mania to keep money out of the Treasury; assigning that as the reason why we sought to repeal the law. The same thing was repeated by the Assistant Secretary of the Treasury when before us some three weeks ago. Yesterday there appeared an article in the same paper, from which I will read an extract to show the animus of the Treasury officials as expressed through the Government organ. I speak of it because I have no doubt it was instigated by the Treasury Department, if not written there.

In the course of the investigation it was found necessary to look into the private affairs of certain witnesses. Links in the chain of testimony were needed to make the record of Sanborn's transactions complete. There was nothing so glaringly improper in this as to provoke unfavorable comment; but, when the first step in this direction was taken, the curiosity of the examiners seemed to be aroused. Sanborn and his sub-agents were thenceforth treated as suspected persons, in fact as prejudged criminals, and from a mere examination of the workings of a law the object of the investigation seemed to be changed to a persistent effort to convict somebody of some corrupt act. In short, the investigation thenceforth became personal. A wild hunt followed after some ill-defined scandal, and a smelling-match was begun, in which each committeeman's nose was more eager than the other in the effort to detect foul odors. Frightened and demoralized by the prevalent demand for purgation and reform, and perhaps prompted by other and more personal motives, the republican members gave the whole thing into the hands of men who, to say the least, are unfriendly to the party, and who in fact would not be altogether scrupulous about the manner in which they trumped up charges against political enemies. In this way the committee traveled far away from the original design of the investigation.

I am willing to meet all such slanders, and test the conduct of the committee and every member of it by any standard the Treasury officials or their organ may choose.

These charges are leveled distinctly against the sub-committee, composed of the gentleman from Ohio [Mr. FOSTER] and myself, but more particularly against me as their political opponent. The charge is made that we have gone out of the way to trump up evidence against them, and have been unscrupulous in the means resorted to. They have thrown down the gauntlet in the face of the committee, and have vilified and denounced us without just cause or shadow of reason. I accept the issue. I will now say what I never intended to say until thus insulted, that I will make their record so black, from their own evidence, that they cannot stay in that Department and retain the confidence of honest men of any party, and the President cannot keep them there, and retain either the confidence or respect of the country. I will not deal in denunciation, but will set forth the facts, *facts* taken from the record, signed and acknowledged by themselves, such as demand impeachment and demand the conviction of Sanborn of high crimes and misdemeanors. I have those facts now before me, and each member of the House can test their accuracy by turning to the records as I refer to them.

I confess that I feel the injustice of these unwarranted attacks, because I have studiously refrained from doing anything which might even look like injustice. I have refused to speak to witnesses in advance, or to hold conferences as to the proof which might be obtained, knowing how eagerly the enemies of public men seek to slander and defame them. My colleague [Mr. FOSTER] will sustain me fully in this statement.

But before I proceed to consider these matters in detail, I want to refer for a moment to the original law. That law was a blunder. But at the time it was passed by Congress, although there were four sessions of the committee before they could agree upon it, and it was finally passed upon a call of the yeas and nays by only ten majority, the gentleman in charge of it, General GARFIELD, stated to the House, and no doubt he believed it, that all the dangers which members apprehended had been carefully guarded against. He assured us that the Senate conferees were absolutely unwilling to recede; but that they had amended it so as to require a written statement on oath of all the money that was believed to be withheld by any person or corporation, in order to enable the Secretary of the Treasury to know where the derelict property was. He referred to the punishments imposed for fraud or violation of its provisions. He said that the committee thought, and doubtless the majority of the House also believed, that it was guarded so that it was impossible that any great wrong could be perpetrated under it. Under such circumstances, it being part of a general bill, it became a law, the yeas being 87, nays 77, almost a strict party vote, the democrats opposing, the names being as follows:

YEAS—Messrs. Ambler, Averill, Beveridge, Bigby, Bingham, Austin Blair, George M. Brooks, Buckley, Buffinton, Burchard, Burdett, Benjamin F. Butler, Roderick R. Butler, William T. Clark, Cobb, Coburn, Conger, Cotton, Dawes, Donnan, Dunnell, Eames, Elliott, Farwell, Wilder D. Foster, Frye, Garfield, Hale, Halsey, Havens, Hawley, Gerry W. Hazelton, John W. Hazelton, Hill, Hoar, Hooper, Houghton, Kelley, Kellogg, Kendall, Ketchum, Killinger, Lansing, Lowe, Lynch, Maynard, McGrew, Merriam, Monroe, Moore, Morey, Leonard Myers, Negley, Packard, Palmer, Isaac C. Parker, Peck, Perce, Peters, Platt, Poland, Prindle, Rainey, Ellis H. Roberts, Rusk, Sargent, Scofield, Seeley, Sessions, Shelden, Sloss, H. Boardman Smith, John A. Smith, Thomas J. Speer, Sprague, Starkweather, Tuthill, Twitchell, Upson, Wakeman, Walden, Wallace, Walls, Wheeler, Willard, Williams of Indiana, and John T. Wilson—87.

NAYS—Messrs. Adams, Arthur, Banks, Beck, Bell, Biggs, Bird, James G. Blair, Braxton, Caldwell, Coghlan, Comingo, Critcher, Crocker, Crossland, Davis, Dickey, Dox, Duell, Duke, Ely, Farnsworth, Finkelnburg, Forker, Getz, Griffith, Haldeman, Handley, Hanks, Harmer, Harper, Hay, Hereford, Herndon, Hibbard, Kerr, McClelland, McCormick, McHenry, McIntyre, McJunkin, McKinney, McNeeley, Mercur, Merrick, Benjamin F. Meyers, Morphis, Orr, Packer, Hosea W. Parker, Eli Perry, Potter, Price, Randall, Read, Edward T. Rice, John M. Rice, Ritchie, William R. Roberts, Rogers, Shanks, Sherwood, Shoemaker, Slater, Snyder, Storm, Sutherland, Taffe, Terry, Turner, Tyner, Vaughan, Whitthorne, Jeremiah M. Wilson, Winchester, Wood, and Young—77.

I confess I did not believe that even departmental ingenuity could torture it so as to render possible one tithe of the frauds and extortions which are now developed under it, though my observation and experience had prepared me for almost anything which would enrich partisans at the expense of the people under this Administration.

On the 10th of March last, while making a speech on this floor upon the expenditures of the Government and the usurpations of the Executive Departments as exhibited in the illegal uses of unexpended balances of appropriations for former years, which by law, or any fair construction of it, ought to have been covered into the Treasury, I happened to refer to these Sanborn contracts, which were then being investigated, in the following language:

As a specimen of how these things operate, I cannot do better than remind the House of the legislation which rendered possible the consummation of the contracts reported to us the other day by the Secretary of the Treasury, made by him with a man by the name of Sanborn, and with others. Under it Sanborn and two other men got control of the Treasury, demoralized all the internal-revenue service, and are to-day issuing letters of marque and reprisal against men all over the country. That is a specimen of the way executive officers usurp power when they can. Look at the report, and see also the letter of the Commissioner of Internal Revenue, protesting as far as he dared. Out of these things from which they are now collecting, the Commissioner of Internal Revenue for the year 1872 collected $19,000,000 through his ordinary collectors, and for the year 1873 $6,300,000. Yet the Secretary of the Treasury has so construed the law as to put into the hands of Sanborn and his associates the management of all this business, giving them 50 per cent. of all they can collect, and requiring all the internal-revenue officers of the United States to report to them in all such cases as they point out, or embrace in the drag-net they have spread, thus suspending the regular operations of those officers who would attend to the collection of our revenues for 10 per cent. Such proceedings carried on by the executive officers of the Government furnish only another evidence of the reckless disregard of law characteristic of the present Administration. As such I refer to it; its enormities will be exposed hereafter.

In a few moments after I closed my remarks, that law and the proceedings under it were defended by the gentleman from Massachusetts [Mr. BUTLER] with even more than his usual ability. I rose and put a question to him while he had the floor, which with his answer I will read:

Mr. BECK. What I want to ask of the gentleman is this: Whether he supposed that in the remarks I made about the Sanborn contract, characterizing it as fraudulent, I had alluded to him in any way?

Mr. BUTLER, of Massachusetts. By no means; on the contrary, I said to my friend that I thanked him for making the allusion, as it gave me an opportunity to state what I could not state otherwise.

Mr. BECK. I surely never would have connected the gentleman from Massachusetts with such contracts as I understood these to be. If there is anything on earth that seems to me apparent, it is that these contracts, from their inception to the present time, are reeking and buoyant with corruption.

He replied again:

It is easy to say "corrupt;" but if you will show me how it is corrupt to have any man called upon to pay his taxes who had not paid them, who had kept them back for three years, and who never meant to pay them if they were not forced out of him, and then collect them and pay them into the Treasury, I will beg that man's pardon, and that of the gentleman from Kentucky too; and that will be hard enough. [Laughter.]

* * * * * * *

I wish my friend from Kentucky, [Mr. BECK,] when he makes his next speech, would, instead of dealing in general terms, come down to the facts, and tell us where was the corruption, how it had been carried out, what was done about it. When he does so, if he can convince me that these contracts were conceived in corruption any more than that corruption which is an incident to original sin, I shall be very glad to go with him to root them out. But until he does so, I am not quite ready to denounce men generally; and whenever I may be found denouncing men generally on this floor, I want to be called to order. I only deal with individual men and with the exact facts. I say to any gentleman who has anything to say upon this subject, "Put your finger on any case, and I will examine that case with you, although it is not part of my business."

I want his help now, because I am prepared to prove that these contracts were corrupt and ought to be rooted out, and he has promised to help if the facts are made plain.

I refer to that debate now, because at that time I did not intend to connect the gentleman from Massachusetts with those contracts, and I do not intend to try to connect him with them now; but I have read the extracts from the proceedings in March last for the purpose of announcing to the House that what I then said in a general way I am now prepared to make good specially and in detail, so that no man can gainsay the truth of the charges or defend those contracts on any ground of legality, morality, justice, or economy.

In the midst of such a mass of evidence it is hard to select, under the limit of the hour rule, the portions which will make the matter most intelligible. Much, of course, must be omitted, and only a few matters can be referred to as specimens of the whole. I shall confine myself to the conduct of those now in office, as it is with them and the danger of continuing their administration of the law that we have to do. Secretary Richardson, while Acting Secretary under Mr. BOUTWELL, entered into the two first contracts with Sanborn, and after he became Secretary added two others by way of amendments or riders to the first, each and all of them of sufficient importance and magnitude to have arrested the attention of any Secretary, no matter how busy his *routine* work may have kept him. The first contract, of August 12, 1872, embraced eighty or a hundred distilleries in New York and Brooklyn. The second, of October 30, 1872, comprehended seven hundred and sixty persons, charged with having withheld taxes on legacies, successions, and incomes. The third, of March 19, 1873, covered the cases of over two thousand persons, charged with delinquency in payment of taxes on legacies, successions, and incomes. The fourth, and most remarkable, of July 7, 1873, was a drag-net thrown over five hundred and ninety-two railroad corporations, charged with having refused to pay taxes on dividends and interest paid upon bonds, which were due and owing to the Government.

The magnitude of those contracts would have arrested the attention of any faithful official, however feeble his intellect, sufficiently at least to have induced him to make inquiry at the office of the Commissioner of Internal Revenue, why these people and corporations were allowed to remain derelict so long before 50 per cent. of the amounts owing by each of them should by contract be given to John D. Sanborn? I regard the studious avoidance of the responsible and faithful officers of the Internal Revenue Bureau by the high officials of the Treasury, to say nothing of their lawless usurpation of author-

ity over its business, as the most damaging evidence of their want of official integrity. Neither the pretense of pressure of business nor the routine which is held up as an excuse for everything, either, excuses or paliates it. Commissioner Douglass and his officers were in the same building. Every fact necessary to be known to the Secretary and his assistants could be furnished by them, as they well knew. A decent regard for the rights of the people required that at least inquiry should be made, if not consultation had, before contracts involving millions of money and thousands of people were entered into and half of all that could be made out of them given to Sanborn and his accomplices.

The fact, I repeat, that this was not done of itself, if there was nothing else in the record, constitutes such gross negligence as to closely approach malfeasance in office. The Secretary and his assistants knew, indeed were familiar with, the internal-revenue laws. They will hardly plead that they were not. If they do, they ought to have inquired; if they do not, they knew that they were violating the plain provisions of these laws by their conduct in the Sanborn contracts. The Commissioner laid an abstract of these laws before our committee. He alone can order suits to be brought; his collectors are by law required to report to him; they alone can give receipts and acquittances for taxes paid. They are "the proper officers of the Government," to be assisted in their duties by the persons who might be employed by the Secretary of the Treasuary under the law of 1872. All returns of money collected have to pass through the Commissioner's office, and no authority was given by the act of 1872 to the Secretary to give any part of such money any other direction.

So obvious were these facts, that the Commissioner on the 1st day of October, 1873, addressed an official letter to the Secretary asserting his rights; telling him what he had heard of the outrageous proceedings and orders from the Secretary's office; furnishing him with a copy of a private letter written by the Solicitor to Dr. Presbery, which by the way is even now withheld, setting forth the law so plainly, that neither the Secretary nor any of his assistants could have any further excuse for ignorance. The letter ought to be carefully read by every member. It is as follows:

TREASURY DEPARTMENT, OFFICE OF INTERNAL REVENUE,
Washington, D. C., October 1, 1873.

SIR: Referring to section 1 of the act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1873, and for other purposes," approved May 8, 1872, (17 Statutes, chapter 140, page 69,) I have to state that I have received a letter dated September 22, 1873, from J. M. Hedrick, esq., supervisor of internal revenue, calling attention to copy of a letter of Collector Todd, of Saint Paul, Minnesota, dated August 6, last, addressed to him, in which Collector Todd says: "Dr. A. F. Presbrey was here last week looking up the old assessments against the railroad companies from 1867 to 1872, and found some eight or ten thousand dollars due from them to the Government. In answer to my inquiries as to whether these deficiencies should not go on our next (23) I have received the inclosed letter from him, which is submitted for your examination. I cannot conceive how these taxes can be collected at law without an assessment being made by the Commissioner of Internal Revenue."

The copy of the letter referred to in above copy of Mr. Todd's letter, as having been written by Mr. Presbrey, reads:

"The Solicitor of the Treasury, under date of July 28, writes me, 'the manner of collecting the differences found is not by an assessment through the Commissioner's Office. The payment must be made by check or draft, made to the order of the Secretary of the Treasury, which is a guarantee to the payor that the amount gets to the Treasury,'" &c.

The above letter is not here alluded to as an official letter of the Solicitor of the Treasury, and I find by inquiry at the Solicitor's Office that no copy of such a letter as an official letter has been retained.

As I understand the terms of said section 1, of the act of May 8, 1872, it provides that the persons whom the honorable Secretary is authorized to employ ("upon such terms and conditions as he shall deem best for the interests of the United States") are to be employed to "assist the proper officers of the Government in discovering and collecting any money belonging to the United States whenever the same shall be withheld by any person or corporation;" and it had never occurred to me that in cases where such a person rendered assistance to a collector of internal revenue in collecting an internal-revenue tax, or was employed to render such assistance, the fact of such employment could relieve the proper officers of internal revenue from their respective duties in assessing, collecting, or prosecuting for such taxes or penalties.

Section 41 of the act of June 30, 1864, amended, makes it the duty of collectors "to collect all the taxes imposed by law, however the same may be designated, and to prosecute for the recovery of any sums which may be forfeited by law," &c.

Section 36 of the same act provides that "each and every collector or his deputies shall give receipts for all sums by them collected;" and the third section of the act of March 3, 1865, provides that "the gross amount of all duties, taxes, and revenues received or collected by virtue of the several acts to provide internal revenue to support the Government and to pay the interest on the public debt, and of any other act or acts that may now or hereafter be in force connected with the internal revenues, shall be paid by the officers, collectors, or agents receiving or collecting the same daily into the Treasury of the United States, under the instructions of the Secretary of the Treasury."

In view of the above, I respectfully inquire whether Collector Todd shall not be instructed to return the amount which has been found to be due under the circumstances stated on his Form 23, to this office, in order that the assessment may be made and tax duly collected as provided.

Very respectfully,

J. W. DOUGLASS,
Commissioner.

Hon. W. A. RICHARDSON,
Secretary of the Treasury.

[Indorsement.]

Respectfully referred to Solicitor of the Treasury for his opinion as to the proper answer to be made to this letter.

WM. A. RICHARDSON,
Secretary of the Treasury.

OCTOBER 3, 1873.

Can it be believed that such a letter as that, written under such circumstances, could be ignored by officers who intended only to do their duty; yet it is now admitted by the Secretary and his Solicitor and proved by the Commissioner, that the letter was never answered, never noticed; was withheld even from the Committee on Ways and Means till specially demanded, after we had been officially advised that we had all the papers. It is impossible to believe that it was overlooked or neglected for any purpose other than to enable them to persist in known violations of law to enrich Sanborn and his confederates at the expense of the people. As if to fling defiance in the face of the Commissioner and the country and add insult to injury, the Secretary not only ignored his letter, but fifteen days afterward he issued the following order:

TREASURY DEPARTMENT, *October* 15, 1873.

To Supervisors and Collectors of Internal Revenue:

You are requested to assist John D. Sanborn, of Boston, in the examination of such cases of alleged violations of the internal-revenue laws as he may ask for your co-operation.

Mr. Sanborn is acting under an appointment from the Treasury Department, and may need some aid and information from your district for the purpose of verifying his claims.

Please render him such assistance as he requires.

Very respectfully,

WM. A. RICHARDSON,
Secretary of the Treasury.

Will any man defend that act? Will any man pretend that it was ignorantly done? If so, I answer that it shows such want of capacity and fidelity, that the money of the people is unsafe in such hands. Turn to pages 76 and 77 of the Secretary's letter to the committee, and it will be seen that $217,078 out of the $427,030 assumed to have been collected by Sanborn and divided equally between him and the Government, was obtained after October 1, 1873, and $173,398 of it was collected and divided after January 9, 1874, and after the Committee on Ways and Means were taking active steps to stop the robbery of the Treasury. Was all this done innocently and ignorantly? Was it not rather an earnest effort to get all the money possible out of the Treasury before the Representatives of the people could stamp the transactions with their condemnation. How much has been taken out up to this time I of course do not know. I sometimes think we have been delayed in our action by requests to be heard in order to postpone the repeal of the law and to allow the divisions to go on.

Returning to the contracts with Sanborn. In the first contract, of August, 1872, as to the distilleries, it was shown that all or nearly all of the men and firms embraced in it, and which the Secretary agreed to pay Sanborn half of, were under indictment at the time and had been for four months previous to the date of the contract. Stiner, Martin, &c., paid agents of the Government, had worked up the cases. Sanborn himself was a special agent, drawing his pay and whatever money he chose for whatever he saw fit to demand for (so-called) expenses. The district attorney, judges, and officers of the United States courts knew all about them. The Internal Revenue Department had ordered the suits. There was nothing to discover, nothing to assist about; yet Sanborn was to have half of all that could be made out of them.

The case of Simon Herman illustrates the process of "black-mail" resorted to; he was indicted in March, 1872. One A. Goodrich Fay, a stool-pigeon or confederate of Sanborn, a confidence man—call him what you will, but read his testimony and you will not call him a man of veracity—got hold of Herman and managed to get at least $3,000 out of him, of which $1,000 was divided between Sanborn and the United States, and the other $2,000 between Sanborn and Fay, at least so Herman swears Fay told him; and Fay writes to Banfield that Herman is a man of high character, which is more than any one who reads his testimony will say for Fay. Fay writes October 15, 1872, to Banfield:

However, rather than be suspected of complicity with fraud, Mr. Herman is willing to pay the Government a tax of two dollars per gallon on the said ten barrels of whisky, which would be $1,000 and the costs of the action. I would further respectfully state that said Herman is a man of high character and of large means, and that he denies any complicity with frauds upon the Government.

Herman swears before the committee, when questioned by me as to how much and for what purposes he had paid his money, as follows:

I paid $1,000; I gave a check for that amount to Judge Davis, who was then district attorney, and whose receipt I now hold.

Question. What was the date of that check?

Answer. November 3, 1872.

Q. What other money did you pay, and to whom?

A. I do not know exactly whether it would be right for me to tell.

Mr. BECK. It is legitimate for you to tell, and you are summoned here for that purpose.

The WITNESS. I was innocent of the charge, and I did not want to have an indictment against me; I never had one before in my life. A gentleman named Fay came and said that he could settle that matter with Mr. Sanborn, as there was nothing in the case. Then Mr. Davis told me that there was nothing in the case, and he did not want to receive the check. When I offered it to him first, Mr. Davis said to me, "Let the matter rest; there has been some blackmailing concern," and he returned me the check. When I came out of his office I met Mr. De Kay, the assistant district attorney, and he went in before the judge in court and had the case dismissed.

Q. What money did you pay to Mr. Fay?

A. I gave him a check for $2,000 that day, on the 3d of November.

Q. In addition to the $1,000 you paid?

A. Two thousand to Mr. Fay.

Q. Mr. Fay telling you that he and Mr. Sanborn could settle that case?

A. Yes; he said that Mr. Sanborn would get half of that $2,000.

Q. And they agreed that the case would be settled if you paid the money?

A. Yes; that is what Mr. Fay agreed to.

Q. So that you have paid $3,000?

A. Yes.

Q. One thousand dollars to District Attorney Davis, and $2,000 to Mr. Fay, on the agreement that he and Sanborn would settle the case?
A. Yes.
Q. To whom was the $2,000 check made payable?
A. To the order of A. Goodrich Fay.

The Government got $490 and Sanborn $490 out of the $1,000. Fay swears that he kept all the balance. That is a specimen of the robbery licensed by the contracts of August, 1872. Fay could not even tell us what the indictments were for. It was simply "*black-mail.*"

When the additions of legacy, succession, and incomes against nearly three thousand people were added by the enlarged contracts the field of operations was greatly extended. By the act of 1872 we had abolished moieties to informers in internal-revenue cases, and had provided for the retirement of all assessors and assistant assessors with their clerks, spies, informers, and other retainers early in 1873. All the worst of that class, finding Sanborn master of the situation, swarmed to him and entered his service on most any terms. "Addition, division, and silence" seemed to be the leading qualifications expected and demanded; reckless disregard for truth being, of course, understood to be indispensable.

Some one said before us that Sanborn's agents were *legion*. They must have been, for he swears he has paid out $165,000 of the $213,000 he received; but, strange to say, he does not know and has kept no sort of account of where this immense sum of money has gone, except in the most general way. When members study the record and read the contradictions of Caughlin by Mr. PHELPS; the perjury proved on Green by Mr. King and by the records; the utter, wanton, reckless disregard of truth and decency proved on Prescott by Mr. Dickinson of Boston, of Fay by Herman, and of Sanborn by himself and everybody else, they will understand what a swarm of worthless characters the *Secretary* had licensed as "*marauders upon the public Treasury*"—to adopt the language of the report of the committee, which clearly expresses the idea.

Finding that to ask, was to receive, and that it made no difference whether money collected came under the terms of his contract or not, the subsidized revenue officials being willing to turn over to him any money received from any source, and the *Secretary* and his assistants at headquarters being willing to give whatever he claimed, he asserted a right to and obtained one-half of large sums collected from Williams & Co., Gottlieb Scheerer, and others, on account of taxes owing on what is know as Schedule C, being proprietary medicines and things of that sort. Will the friends of the Secretary and his assistants say that it was anything less than robbery of the tax-payers of the country to give Sanborn one-half of the amount collected by internal-revenue officers from a class of taxes not only not embraced in any contract with him, but not even applied for; and will the friends of Sanborn deny that he is amenable to the punishments prescribed in the act of 1872 against men who collect or receive money not provided for in their contracts and set forth in the affidavits required?

Will either or both deny that it was the right and duty of the Committee on Ways and Means to condemn in language not to be misunderstood the Treasury officials who connived, winked at, or rendered possible such flagrant offenses?

But I must hurry on and examine the railroad contracts, because I propose to make good, by the provisions of the agreements as to them and the division of the money under them, what I said at the outset of my speech, that I would show that the conduct of the Secretary and of Sanborn was so palpably illegal and wrong that impeachment of the one and imprisonment of the other ought to follow.

The following is a transcript of the entire proceedings, from the records of the Treasury Department, by which this now infamous appendage was attached to the contract of Sanborn:

BOSTON, *July* 1, 1873.

SIR: I have the honor herewith to inclose a list of railroad corporations doing business in the United States which are indebted to the Government for taxes upon dividends and interest paid upon bonds, which they have heretofore withheld and refused to pay.

I would respectfully ask that the inclosed list be added to my said contract made with the Secretary of the Treasury, said contract bearing date August 13, 1872, and as amended October 30, 1872.

Very respectfully, your obedient servant,

JOHN D. SANBORN.

Hon. WM. A. RICHARDSON,
Secretary of the Treasury.

Subscribed and sworn before me, a legally appointed notary public for the city and county of New York, this 3d day of July, in the year 1873.

[SEAL] WM. H. STINER,
Notary Public, (239.)

[Indorsements.]

Respectfully referred to the Solicitor of the Treasury.

WM. A. RICHARDSON,
Secretary of the Treasury.

JULY 7, 1873.

I recommend that the within list be added to and made a part of Mr. Sanborn's contract.

E. C. BANFIELD,
Solicitor of the Treasury.

Approved:

WM. A. RICHARDSON,
Secretary.

Observe the date when this proposition was approved, July 7, 1873; observe the unqualified character of the oath; then turn to page 152 of the testimony, and you will find that Sanborn admits that he committed perjury when he swore that those railroads, five hundred and ninety-two in number, were all indebted to the United States for taxes which they have withheld and refused to pay. He admits that he swore to what he did not know to be true, to what was in fact a lie. Many of the roads did not owe a dollar; many of them had never earned a dollar; many of them had not progressed beyond organization. One, said to have its headquarters in my own city, Lexington, the Cincinnati, Lexington and East Tennessee, has not stuck a spade in the ground to this day, and there are many others in that list in the same condition. They were taken, as Sanborn swears, from some railroad guide-book, and sworn to by Sanborn as delinquent *en masse*, when, as he stated, he did not know anything as to over four hundred of them.

When his oath was required by a law of the United States to be taken before he could obtain a contract, he swears to a known falsehood for personal profit, as the record shows he did. I would like to know by what name short of perjury the act can be characterized? But that is not the worst. Sanborn swears that the Secretary and Solicitor of the Treasury advised him to swear as he did, and to take the contract for them all, after he had explained to them that he did not know that the facts were true; and they were added to his contract by these high officials, with full knowledge that the oath was false. I questioned him on the subject; and in the midst of much prevarication he made the following statements among other things:

Question. To whom did you talk?
Answer. I talked with the Solicitor and the Secretary about it.
Q. Those were the only men that you consulted, were they not?
A. Yes, sir.
Q. It was one of those officers that advised you to put the roads all in?
A. I can't tell you about that.
Mr. BECK. That was 1873. Mr. Richardson was Secretary then, of course.
The WITNESS. I wanted it returned, and I told them if they wanted the list revised and cut down to just the number that I knew about, I would do so.
Q. And they advised you to put them all in?
A. Mr. Richardson accepted the whole report.
* * * * * * *
Q. Well, I want to get at this: that you objecting to putting all in, coming here and making the facts known to the officers of the Department, and offering to go back and revise your list, and put in only such as you knew about; after all this they were all put in with the consent of the Department.
A. They were, certainly.
Q. And this oath, that all these railroads on this list were indebted, and that they had withheld their taxes and refused to pay them, was sworn to by you with the full knowledge of the chief officers of the Department that that was not the truth, and they accepted it? Is not that the fact?
A. They accepted the report, of course.

It became a matter of interest to the committee to know who was responsible in the Department for such a flagrant violation of law, and such an unwarranted robbing of the Treasury as was thereby authorized. The Secretary appeared and professed the most profound ignorance. The Solicitor appeared and he told all about it; he said these railroads were added to Sanborn's contracts by order of the Secretary; that he was sent for to the Secretary's room, and in his presence and by his order made the indorsement of approval which appears thereon. This statement is too important for me to state it in my own language; I therefore give it as Mr. Banfield gave it to the committee.

Mr. KASSON. Before we argue the question of the effect of those instructions, let me ask whether this order made over your signature on the 7th of July, by which all the railroad companies in the United States were made a part of Mr. Sanborn's contract, was made with the knowledge and concurrence of the Secretary of the Treasury?
Mr. BANFIELD. It certainly was.
Mr. KASSON. Although *you* made the order?
Mr. BANFIELD. I made the order, but the business was done in the Secretary's office, personally, right there. The whole business was done in one minute, and it was done as a short method of avoiding writing a long contract to cover those cases. That was the fact about it. Mr. Richardson had not the slightest objection to putting them in. He desired that the list should be made a part of the contract, and that short method was adopted for doing it.
* * * * * * *
Mr. BECK. To narrow the thing down to a single case which illustrates all the others, I take this order made in July, 1873, adding to Mr. Sanborn's contract 593 railroads. That is "respectfully referred to the Solicitor of the Treasury," by Secretary Richardson and returned by you with this indorsement: "I recommend that the within list be added to and made a part of Mr. Sanborn's contract." That seems to be an official act on your part, requiring deliberate consideration.
Mr. BANFIELD. I stated just now that that paper was presented to the Secretary of the Treasury, and that I was sent for, as I often am, to receive instructions in regard to this matter; that Judge Richardson stated that Sanborn had presented that list and wished to have it added to his contract, and some remark was made as to there being no need of having a long written contract prepared expressly for this thing, and that method of determining and fixing it as a part of his contract was adopted right there and then. It was the result of Judge Richardson's determination that that should be a part of the contract, and I made that indorsement right there in his room.
Mr. BECK. But it was referred to you in writing. Was that indorsement made in your presence?
Mr. BANFIELD. It was made right there.
Mr. BECK. He referred it to you in writing in his own room, and you wrote this indorsement in his room, recommending that it be made part of the contract?
Mr. BANFIELD. Yes, sir.
Mr. BECK. Why was there all that formality, and why was it necessary for you to do that?
Mr. BANFIELD. You must ask Judge Richardson that. He desired to have it done.
Mr. BECK. Then you did not understand that it was referred to you to look into and examine, but simply to obey orders?
Mr. BANFIELD. That is all.
Mr. BECK. Mr. Sanborn swore that he talked either with you or Secretary Richardson or the Assistant Secretary, and communicated the fact that he had no knowledge as to whether any of these railroad companies, except about 150 out of the 593 on the list, owed anything, and that the whole number was put in by the direction of the officers of the Treasury. What do you know about that?
Mr. BANFIELD. I never heard a word of all that in my life; never heard any such thing suggested.

Mr. BECK. If that was the fact, that all the railroads in the country were put in, amounting to 593, when Mr. Sanborn knew nothing about the indebtedness of any except 150, putting the number at the outside limit—you having previously given this order, signed by yourself as solicitor: "It is proper that notice should be given to the collectors not to receive payment in cases embraced in Mr. Sanborn's contract, it being understood that it relates to claims not of record in the collector's office"—with that notice and this list of railroads made a part of Sanborn's contract, was it possible, if your instructions were obeyed, for any officer of internal revenue to collect taxes from any railroad company?

Mr. BANFIELD. Not, I suppose, if full instructions were given to everybody, and they were faithfully obeyed.

Mr. BECK. This order, at least, was your deliberate act?

Mr. BANFIELD. After consultation with the Secretary of the Treasury.

Mr. BECK. After you had given that order, when this man came to you with this list of five hundred and ninety-three railroads, alleging that they were all indebted to the Government, was it not your duty to look into that question, knowing that you had given an order to the collectors not to receive payment in any case that was embraced in Sanborn's contract?

Mr. BANFIELD. If the matter had ever been referred to me for the purpose of making an investigation of it, in all its relations, of course I should have done it thoroughly and fully; but it was not.

Unless the Solicitor is guilty of perjury the responsibility for these railroad contracts is upon the Secretary. Will any man here rise in his place and justify such contracts under such circumstances? Will any man say that after such things are found to have been done, he ought longer to be the custodian and trustee, through whose hands nearly $400,000,000 of the money of the people has to pass every year?

But that is not all, nor is that the worst. Among this list of railroads are the Buffalo, New York and Erie Railroad Company and the Delaware and Hudson Canal Company; they were not embraced in any contract with Sanborn prior to July 7, 1873. He could not by any possibility have any claim on the Treasury on account of any payments made by them prior to that date, and the Secretary could not fail to know that fact. Turn to page 75 of the Secretary's letter and it will be found that the Buffalo company paid $2,202 on the 28th of April, 1873, one-half of which was paid to Sanborn, and on the 17th of July, 1873, the Delaware Company paid $9,668, of which Sanborn got one-half. The first is case No. 8, page 97, in which the following papers appear:

NEW YORK, *April* 19, 1873.

SIR: Referring to contract made with Hon. GEORGE S. BOUTWELL, late Secretary of the Treasury, bearing date August 13, 1872, as amended by the agreement bearing date October 30, 1872, I have the honor to report that the Buffalo, New York and Erie Railroad Company, parties named in my schedule accompanying said contract, has paid over to me the sum of $2,202.71, being the full amount of tax on dividends due the United States by the same, and which has never before been paid. I herewith inclose the said sum, and respectfully request that one-half of the same shall be paid into the Treasury to the credit of the Secretary of the Treasury, and that the remaining half thereof shall be paid to me, in accordance with the terms of my said contract. I also inclose the letter of the Buffalo, New York and Erie Railroad Company.

Very respectfully,

JOHN D. SANBORN.

Hon. WM. A. RICHARDSON,
Secretary of Treasury, Washington, District of Columbia.

TREASURY DEPARTMENT,
Washington, D. C., April 24, 1873.

SIR: I inclose for collection draft No. 402, drawn by G. Cameron, president of the Buffalo, New York and Erie Railroad Company, on the National Bank of Commerce in New York, for $2,202.71, in favor of the Secretary of the Treasury, and made payable to your order. Please deposit the proceeds of this check to the credit of my special-deposit account of moneys received and paid under first section of the legislative, executive, and judicial appropriation act, approved May 8, 1872, and issue certificates of deposit therefor in favor of John D. Sanborn.

Very respectfully,

WM. A. RICHARDSON,
Secretary.

F. E. SPINNER, Esq.,
Treasurer of the United States.

TREASURY DEPARTMENT,
Washington, D. C., April 29, 1873.

SIR: Inclosed you will find the Secretary's check for $1,101.35, being the full amount due you under your contract with the Secretary in the case of the Buffalo, New York and Erie Railroad Company.

Very respectfully,

WM. A. RICHARDSON,
Secretary.

JNO. D. SANBORN,
Adams Express Office, Boston, Massachusetts.

The other is case No. 16, page 130, in which the first paper is the following letter from Mr. Sanborn:

NEW YORK, *July* 1, 1873.

SIR: Referring to contract made with Hon. GEORGE S. BOUTWELL, late Secretary of Treasury, bearing date August 13, 1872, as amended October 30, 1872, I have the honor to report that the Delaware and Hudson Canal Company, parties named in schedule accompanying said contract, have paid over to me the sum of $9,668, being the full amount of tax on interests or other causes, due to the United States by the same, and which has never before been paid.

I inclose herewith the said sum, and respectfully request that one-half of the same shall be paid into the Treasury to the credit of the Secretary of the Treasury, and that the remaining half thereof shall be paid to me in accordance with the terms of said contract. I likewise inclose the letter from the treasurer of said company and statement upon which the indebtedness is admitted.

Very respectfully,

JOHN D. SANBORN.

Hon. WM. A. RICHARDSON,
Secretary of Treasury, Washington, D. C.

The Secretary referred this to the Solicitor, and he decided that Sanborn was entitled to half of the $9,668, and it was paid.

It will be observed that Sanborn had not in fact received this money; it was sent on the 1st day of July, 1873, by Mr. Hartt, treasurer of the company, to the Secretary, and was all collected by the regular internal-revenue officers of the Government, as the following letter shows:

NEW YORK, *July* 1, 1873.

SIR: This company herewith tenders to you its check for $9,668, in payment of certain taxes on interest payments, which taxes were omitted to be paid at the respective dates when they became payable, or were not reported at those several times, because of doubts in the minds of the officers of the company, sustained by similar doubts expressed by the assessor of the district at that time. Those taxes are now demanded by the supervisor of internal revenue for this district, under the act of July 13, 1866, as amended; and to avoid delay and difficulty this company has decided to hand you the amount claimed, respectfully reserving and asking you to concede the benefit of any and all rights, legal and equitable, which may hereafter accrue to the company or be found to exist by virtue of any judicial decision in any case or cases similar in character which may be carried into the courts for adjudication.

This sum is made up as follows:

Arrears of taxes claimed	$8,598 30
Interest charged as an equitable adjustment in lieu of penalties	1,069 70
As per statement inclosed	9,668 00

If consistent with your convenience and sense of duty, I should be very glad to receive a reply to this letter.

Very respectfully, your obedient servant,

J. C. HARTT, *Treasurer.*

Hon. WM. A. RICHARDSON,
Secretary of the Treasury, Washington City, D. C.

I maintain that the payment of both these sums to Sanborn are impeachable offenses. He had not a shadow of claim to one dollar on account of either of them. He had not even applied for a contract which could by possibility cover these amounts when they were paid, and it was as much a deliberate plundering of the Treasury to pay him any part of it as it would be to deliver to him any other portion of the public funds.

Sanborn knew that he was not entitled to a dollar from either of these roads when he received it; he knew the provision of the law under which his contracts were made, and he took this money knowing that he was guilty of a high misdemeanor when he took it. The law of May, 1872, provides:

And if any person so employed shall receive or attempt to receive any money or other consideration from any person, firm, or corporation alleged thus to have withheld money from the United States, except in pursuance of the written contract made in relation thereto with the Secretary of the Treasury, such person shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than $1,000 or imprisoned not less than two years, or both, in the discretion of any court of the United States having jurisdiction; and the person so employed shall be required to make report of his proceedings under such contract at any time when required to do so by the Secretary of the Treasury.

I have selected these cases so as to avoid the howl which would otherwise be raised that I am dealing in general denunciation of officials without specific proof, not because they are the worst. The Delaware and Lackawanna Railroad and others I could name, are perhaps more flagrant. Green's operations in the West are equally so; but I cannot cite them all. Let some gentleman deny or defend the charges made, and they will be maintained and supported, by proof piled mountain-high.

As to the Secretary's knowledge upon these subjects, Mr. Simmons swears:

Mr. William A. Simmons, collector of the port of Boston, then came before the committee, and was directed by the chairman to make such a statement as he desired.

Mr. Simmons said: I am desired, as I understand, to make a statement of what has been done in my former supervisory district regarding the Sanborn matter. Some time in the winter of 1872-'73, Mr. Sanborn came to me at Boston and showed me a contract or something relating to a contract which he had with the Treasury Department, and desired me to assist him in the examination of papers and to render him such other assistance as he required. I declined to do so unless I had an order from a superior officer to that effect. He then stated that Mr. Richardson, the Assistant Secretary of the Treasury, was in town, and he would like to have me see him in relation to it. I sent my revenue agent, Mr. Horton, to see Mr. Richardson at his former office, just below me. On Mr. Horton's return he reported to me that Mr. Richardson said that Mr. Sanborn had a contract from Mr. BOUTWELL, and that it was something which did not concern me as an internal-revenue officer, and that I was to render him such assistance as he desired. As it was out of the ordinary routine, and as I had no written order, I went down immediately myself to see Mr. Richardson. I saw him within an hour from the time that Mr. Horton reported, and he said to me in substance what I have now stated as having been said to Mr. Horton: "You will render Mr. Sanborn what assistance he desires." * * * * * * *

Answer. Mr. Richardson gave me just the order which I have indicated to you, and when he came to be Secretary he embodied his language to me in the letter from him, which I have read.

Question. Did he, in private conversation, tell you to turn over to Mr. Sanborn, Mr. Horton, or any other officer?

Answer. He said to me, "You will render Mr. Sanborn whatever assistance he requires. It is a matter which does not concern the internal revenue at all, and you are not required to report upon it." I interpreted from that that I was to render assistance through my office—not personally, for I had neither time nor inclination to do that.

The Secretary has forgotten it all. Mr. Hawley received these verbal instructions from Simmons, as he swears, and both seem to have been very glad to act on them and turn over their men to work for Sanborn at the expense of the Government. Hawley swears that all the facts as to the Delaware and Lackawanna Road were ascertained by officials under him as early as May, 1873, more than two months before Sanborn even applied to have it put into his contract; yet Sanborn got half of the $100,000 from the Treasury Department this year since this investigation began. Whatever Sanborn knew about it he learned as an officer of the Government and through our paid officials. Green, another of Sanborn's pimps, a practitioner before the Departments—and it is strange how many fellows like Green, Fay, Prescott, &c., are *pet* practitioners before the Departments—went West, armed

with the following authority from the Secretary to raid on the railroads and subordinate the internal-revenue officers under pretense that he was a favored official sent out by the Secretary:

TREASURY DEPARTMENT,
Washington, D. C., June 3, 1873.

SIR: You are requested to assist Frank M. Green, esq., who has been employed to assist in collecting claims in favor of the United States for internal-revenue taxes which have been withheld, in the examination of official records and by allowing him to make examinations of the same in such cases as he may call upon you for assistance.

To the supervisors and collectors of internal revenue.

Very respectfully,

WM A. RICHARDSON.

While his partner, Dr. Presbrey, went forth on a similar errand with like authority from the Assistant Secretary. His reads thus:

TREASURY DEPARTMENT,
Washington, D. C., July 21, 1873.

SIR: You are requested to assist Dr. O. F. Presbrey, who has been employed to assist in collecting claims in favor of the United States for internal-revenue taxes which have been withheld, in the examination of official records, and by allowing him to make examination of the same in such cases as he may call upon you for assistance.

Very respectfully,

FREDERICK A. SAWYER.
Acting Secretary of the Treasury.

To the SUPERVISORS AND COLLECTORS OF INTERNAL REVENUE.

While each had secret-service commissions from Solicitor Banfield. Not satisfied with all this, they demanded authority to examine the books of the Commissioner of Internal Revenue. That officer properly refused until an order came from the Secretary and his Solicitor, which he was of course bound to obey. I will read what he says upon that subject:

Question. You stated that Mr. Green had at times obtained information from your office by the order of the Secretary of the Treasury?

Answer. Yes; two or three times, I think.

Q. In what form did that order come to your office?

A. I think in the form of a letter of request, (a couple of them you have here,) asking me to let Mr. Green go to my lists. These lists contained a record of all the taxes assessed and collected from the first of the system, in 1862, and of course to an enterprising lawyer they would be a mine for him to work. I therefore put a man in charge of those lists, and told him not to allow anybody to look at those records without my special authority, adding, with a little jocoseness, that if he did there would be a funeral in the abatement division. Mr. Green came to ask permission to see the lists, and I refused to give it to him, stating that if the Secretary sent me a written request it would be my duty to furnish him with the facilities, and I did so on the statement of Mr. Banfield that Mr. Green was an officer and was entitled to the knowledge.

Q. When once Mr. Green got possession of all those lists that you had or got authority to examine them, then he had information in his hands which he could use very extensively?

A. I only gave him such information as the Secretary or Assistant Secretary asked for specifically in writing about certain railroads. For instance, he wanted to know what tax a certain railroad had paid in a certain year, and I allowed him to have information in writing to that extent.

Q. Were these letters signed by Mr. Solicitor Banfield?

A. The note showing that Mr. Green was entitled was signed by Mr. Banfield. Green's letters were addressed to the Secretary of the Treasury, and were referred by him to the Solicitor by indorsement, and the Solicitor referred it with recommendation to me, if I remember correctly.

Q. And on that recommendation, which you regarded as an order from the Solicitor, you furnished information as to the railroads, which Mr. Green wanted to know about?

A. Yes.

Q. Do you recollect about how many such railroads there were?

A. No; I do not recollect. Of course we have copies of those letters, and I will send them down to the committee.

Q. Did not the information which Mr. Green got put him absolutely in possession of the condition of the railroads in your office?

A. He knew from that information how much they had been assessed and how much tax they had paid, and when he could find out how much money they had earned and how much dividend they had paid, and how much surplus they had, he could ascertain with certainty whether they had paid all the taxes for which they were liable.

Q. Mr. Green had been in your service for a long time?

A. Yes; in Virginia. He was a very expert man.

Q. He spoke of having a patent of his own, but he declined to tell us what it was.

A. It is very patent that that gave him all the information he needed.

Q. His patent seemed to be his power to get orders from the Treasury Department.

A. It was in regular course of business, and the Solicitor, I suppose, felt bound to give them to him.

Q. I have some trouble about this patent of his. His patent was his power through the Treasury Department to get information from you. Was he an officer of the Government?

A. After I got Mr. Banfield's letter I assumed that he was. That letter said he was.

I might go on to show in detail how the whole service of the internal revenue was corrupted and subordinated to Sanborn; how the officials were required to serve him; how even the United States attorneys became his hirelings. But time would fail me. The following letter from the Solicitor to Mr. Bliss shows how absolutely Sanborn was made master over the revenues and the revenue officials:

DEPARTMENT OF JUSTICE,
OFFICE OF THE SOLICITOR OF THE TREASURY,
Washington, D. C., March 27, 1873.

SIR: In reply to your letter of the 15th and 26th ultimo, making certain inquiries in relation to the contract existing between the Treasury Department and Mr. J. D. Sanborn, I have to say:

First. That you are hereby authorized to institute suit in any case presented to you by Mr. Sanborn arising under his contract, when, in your opinion, the facts presented justify the institution of suit.

Second. I doubt the expediency of enforcing the payment of penalties for failure to pay the tax to which you particularly refer, to wit, legacy and succession taxes.

Third. It is proper that notice should be given to the collectors not to receive payment in cases embraced in Mr. Sanborn's contract, it being understood that his contract relates to claims which are not of record in any of the collectors' offices.

Fourth. The contract provides that payment shall be made of the entire amount collected to the Secretary of the Treasury, who pays out of the same the amount due to Mr. Sanborn. You will therefore hand over all sums received by you, whether received on suit, by compromise, or voluntary payment, to Mr. Sanborn, who is accountable to the Secretary of the Treasury.

I have verbally requested Mr. Sanborn to cause copies of his contract to be made

I am, very respectfully,

E. C. BANFIELD,
Solicitor of Treasury.

GEO. BLISS, JR.,
United States Attorney, New York.

It must not be forgotten that up to June, 1873, Sanborn, though a contractor, was a regularly paid official of the Government. I hold his monthly accounts in my hand, which show that he received from November, 1871, till June, 1873, $7,689.18 for pay and expenses; having from August, 1872, large contracts of his own to work up, and officials by the dozen, assigned to him besides. He sent his man, Fay, to Europe to work up customs cases in which he, Sanborn, was informer, no man recommending him but Sanborn. I suppose nobody would; yet he was commissioned at once. Fay drew from the Treasury $2,726 in gold, in about four months. Gentlemen will, I hope, examine his account; it is in the record. At Frankfort and elsewhere he spent forty dollars a day for board, and charged as railroad fare four times what it cost; he collected over $600 for samples, so called, which he says he disposed of as follows:

Q. I see here an item of $150 for samples and traveling. What are those samples?

A. Samples of commodities.

Q. What became of them?

A. I turned them over to the department.

Q. To whom?

A. To Mr. Madge.

Q. Do you know what Mr. Madge did with them?

A. No, sir; I do not.

Q. These are all new things to me and I would like to understand them. I see here another item of £104 0*s.* 6*d.* for samples of damasks, huckabacks, linens, gloves, hosiery, woolens, &c., furnished by L. P. Bosworth. What did you do with them?

A. I gave them to Mr. Madge, a special agent of the Treasury.

Q. That item of £104 0*s.* 6*d.* is without the duty being paid on, of course?

A. Yes, sir.

The whole thing reeks with corruption. But I must not weary the House with further details.

We did not prove that any of the money collected by Sanborn and his associates was paid to any of the officials of the Government. I care little where the money went; it was wrongfully taken from the people and the Treasury by the maladministration of law by the officers intrusted with its execution, and their unfitness for their positions is almost as well established when they knowingly permit others to take public money wrongfully as if they had kept it themselves. The loss is the same, the morality is not much better. I am free to admit that I have no idea that any of the money went into Mr. Richardson's pocket. I believe he is personally honest.

Honesty, capacity, and fidelity are each indispensable requisites for public service. To be merely honest, that is, not to take bribes or rob the Treasury, forms an essential but a small part of what constitutes a good public servant. These traits may be admitted as incontrovertibly true, and if it is shown that either from want of capacity or fidelity the money or property intrusted to him is being squandered on or by others, he should be dismissed as promptly as if he was a thief. He may be both honest and capable, but if he is not faithful, and by reason of his want of fidelity the public interests suffer, he should not be retained in place or power. Since my service here, I have known men who were strictly honest and perfectly capable, who were so unfaithful as to be wholly unfit for their position.

Want of capacity or fidelity, one or both, are clearly, I may safely say indisputably proved, against the Secretary of the Treasury, his Assistant Secretary and Solicitor, in the Sanborn contracts to an extent sufficient not only to warrant but to demand their prompt removal. Nothing that I can say would add a feather's weight to the terrible verdict rendered against them by the Committee on Ways and Means; a verdict all the more terrible because it was rendered exclusively on evidence furnished by themselves and their associates, at their own request; a verdict rendered unanimously by a committee certainly of equal dignity and importance with any in the House, eight out of the eleven members of it being the political friends of the officials selected to take charge of the revenues of the Government, because of their experience, intelligence, and justice. No light offense, no mere oversight or neglect, no blunder such as all men may make, would have called forth such language from such a committee as that which I propose to read:

The committee, feeling alarmed at the apparent looseness with which the law has been administered, were desirous of ascertaining where the responsibility rested, where it would seem to belong, somewhere in the Treasury Department. They have had before them the Secretary, Assistant Secretary Sawyer, and the Solicitor of the Treasury. The Secretary gave but little information and exhibited an entire want of knowledge as to the manner of making the contracts, administering the law, or of the provisions of the law itself. His only connection, so far as he could remember, with these transactions, was in affixing his signature to the various papers presented to him as a mere matter of office routine, without knowing their contents.

The Assistant Secretary disclaimed any particular knowledge of the law or contracts, and he in like manner affixed his signature as a matter of office routine. The Secretary and the Assistant Secretary, by their testimony, show that the papers were prepared by the Solicitor, thus indicating the responsibility upon him. The Solicitor, in turn, testified that he is simply the law officer of the Treasury Department, and a subordinate of the Secretary of the Treasury, without any power in

regard to the administration of this law, except that expressly given by the Secretary; that he had consulted in every instance with the Secretary or Assistant Secretary of the Treasury; that he had in all cases simply obeyed the directions of his superior officers, and that the contracts and the various orders of the Department were well known to the Secretary and Assistant Secretary.

The disagreements and contradictions given respectively by these gentlemen, as appears from their testimony, is a matter greatly deplored by the committee, as by it they are unable to fix upon any one, or anywhere, the responsibility for the maladministration of this law; and they look with serious apprehension upon the apparent effort of these gentlemen to transfer the responsibility each from himself to the other.

While the committee, therefore, are unable to determine where the responsibility rests, they cannot in justice to themselves ignore the fact that these three persons deserve severe condemnation for the manner in which they have permitted this law to be administered.

The gentleman from Ohio [Mr. FOSTER] in his very able speech the other day states his own conclusions thus:

It is impossible with the evidence now before us to determine just where the responsibility for the maladministration of the law rests; but that it rests somewhere in the Treasury Department is the general verdict of all who have given this matter their attention. The motive governing and controlling its administration I am not yet able to understand; but I do know that Sanborn has been permitted to collect taxes that could have been easily collected by the ordinary agencies, and the Treasury in its present depleted condition has been robbed of over $200,000, and this money has gone into the pockets of Sanborn. The Department permitting this irregularity is deserving the condemnation of the people, and the officers controlling it are unfit to remain in its charge.

When such a committee feel compelled to use such language in a well-considered report to this House concerning the Secretary of the Treasury and his chief assistants, there is no escape from the conclusion, that their conduct has been highly reprehensible. No words could be used within the limits of parliamentary propriety, which could have made the charges of want of capacity and fidelity more distinct than those selected. Their disagreements and contradictions and their efforts to transfer responsibility from themselves to the others is as direct a charge of want of truthfulness in their statements as could well be made.

The criminal ignorance of the Secretary and his Assistant Secretary of the law and its administration, which ignorance they held up as a shield against the responsibility which they felt knowledge of their own acts would necessarily imply, was proof conclusive of an utter want of capacity, or fidelity, or both, rendering necessary this verdict and conclusion:

While the committee, therefore, are unable to determine where the rerponsibility rests, they cannot in justice to themselves ignore the fact that these three persons deserve *severe condemnation* for the manner in which they have permitted this law to be administered.

That sentence exhausts the English language; nothing can add to its severity. The committee might have used harder words but not stronger ones. When the committee say they deserve *severe condemnation* a decent respect for public opinion would seem to require their prompt resignation. If they did not promptly tender it the President will come short of his duty to the country if he does not promptly dismiss them, unless they or their friends on this floor will show that the charges of the committee are untrue or unjust. I stand here prepared to challenge contradiction of the conclusions arrived at by the committee, and pledge myself to make good all that we have alleged. Each member of the committee will do so. Let the friends of these gentlemen defend them now, or let the admission be conclusive that they *cannot*—I will, if it is more likely to call out a defense, say *dare not*. I am not here to use hard words or to deal in denunciation or abuse; I have no malice, indeed no feeling in this matter; but justice requires that I should lay the facts before the House and the country which rendered our report necessary.

Mr. ELDREDGE. Will the gentleman allow me to ask him a question right here?

Mr. BECK. Certainly.

Mr. ELDREDGE. I am, as every one must be, profoundly impressed with the charges made against the Secretary of the Treasury and his assistants. They are beyond description terrible and wrong. But the gentleman from Kentucky [Mr. BECK] tells us that this Committee on Ways and Means have done their full duty, that they are right in this matter. He has presented a very grave question here, one which I would like to hear him upon with reference to my action upon this resolution. He has charged directly, and it seems to me he has sustained the charge, that the Secretary of the Treasury is guilty of an impeachable offense. I say it seems to me that he has sustained that charge to the fullest extent. If that be so, I cannot conceive that the Committee on Ways and Means, rightfully described as he has described them, as men of ability, intelligence, and experience, will have done their full duty until they present to this House a resolution of impeachment of that officer. He ought to be impeached, if the statements of the committee are true; and in my judgment that committee cannot escape the responsibility without presenting him for impeachment. We cannot, gentlemen of the House, and I say this for the purpose of calling my friend's attention to it, we cannot kick a man or pull his ears because we differ with him or because he has done wrong. The Constitution provides a legitimate and proper way by which we may proceed and have jurisdiction of these officers, and not only remove them from office, but prevent them from ever again holding office of profit or honor. If the gentleman from Kentucky [Mr. BECK] is right, and I have no reason to doubt that he is, I can vote to impeach the Secretary of the Treasury. But I know of no law by which as one of a co-ordinate branch of this Government I can kick him, or pull his ears, or pronounce him a rascal by law.

Mr. BECK. The gentleman has taken a good deal of my time to make a speech. We have presented a bill to repeal the law; that is all which we present now. In pressing that, we have shown the enormities that make it our duty to present that bill to the House. We ought not to ask Congress to repeal a law unless great wrongs are done under it. We have shown the wrongs; we have laid the bill before the House, and that is all, I repeat, that is up now. When the question of impeachment or censure shall come up, then the speech of the gentleman from Wisconsin [Mr. ELDREDGE] may fit very well. I am asking now that this law shall be repealed, that these contracts shall be annulled, that the condemnation of this House shall be placed upon that law and upon these contracts and upon the men who administer them, that the recurrence of these things shall be made impossible. That is as far as we are going now.

Mr. ELDREDGE. I beg pardon of the gentleman; I thought the resolution of censure was before us.

Mr. BECK. Not at all; it is not before the House in any form. I say that when the Committee on Ways and Means do, as they were compelled to do, call attention to the facts, and say that they cannot tell where the responsibility belongs because of the anxiety of these gentlemen each to shoulder it upon the other, and that they ought to be severely condemned, in my judgment they have made it impossible for the Secretary of the Treasury to retain his place or for the President to keep him.

Mr. ELDREDGE. The gentleman and I do not differ.

Mr. BECK. It was only yesterday that I saw it stated that a poor engineer of this District, while yet on the witness-stand, at least not discharged, because he did not properly serve or swear for the powers that be, was dismissed in disgrace; even while a witness before an investigating committee of this House. That is all right, I suppose; but Secretaries and Assistant Secretaries and men high in authority who are defying the laws of Congress are to be sustained and retained. If they are, it will not be by my vote, if any censure I can put upon them will aid in removing them.

The Secretary and his assistant have both taken special pains to throw the blame upon Solicitor Banfield. He appears frequently and prominently in these matters. But I do not intend to be led away, by throwing the responsibility upon a subordinate, when the heads of the Department are accountable. Mr. Banfield may be as culpable as any of them; but he is a subordinate. The chief officers are the responsible men. He had to obey their orders—he says he did. I do not intend to decide that he did not, in order to open a door for the men really responsible to escape at his expense.

I contend that this law has been administered with reckless disregard of right and justice. That the officers of the internal revenue who ought to have had control of it were absolutely ignored, is beyond all question true. The facts proved I maintain unquestionably call for the condemnation of this House. I am glad to say on behalf of the Committee on Ways and Means that throughout this whole investigation, while I deny that we have ever sought to traduce private character or to become a smelling committee, (as these gentlemen through their organ see fit to charge,) we have, regardless of party, marched up to the responsibility of this case, no matter who it hurt or who it helped, seeking only to get at the truth and to lay it naked before the House and the country. Every member of the Committee on Ways and Means, as this record will show, as all the evidence verifies—every member of the committee, whether republican or democrat, has desired to lay the truth bare before the country.

If the other committees of the House would stand up to their responsibilities in the investigations with which they are charged with equal fidelity, it would be better for them as men, better for the country, better for their party even, if they have only regard for that.

Mr. Speaker, I have contended long and earnestly on this floor that most of the maladministration of public affairs, most of the corruption, extortion, extravagance, and wasteful expenditures of the money of the people grows out of the disregard of law and contempt for legislative authority by the Executive Departments of the Government. All our pretenses of economy, or if you please all our honest and earnest efforts in that direction, by cutting down salaries, trimming here and pruning there from the meager wages paid to public servants high and low, are mere shams or senseless demagogery so long as we allow the Executive Departments to defy our power, and disregard with impunity our resolutions and laws. We would be considered silly idiots if we were seen struggling to save the dripping from the spigot while the bung was out and the wine in the cask was flowing freely from the bung-hole, and we were not even trying to stop it or to right it up.

We are brought face to face now in these Sanborn contracts with a palpable, glaring case of executive usurpation and disregard of law. I am glad it is made so plain that the facts can neither be denied nor defended even by the officials who did the wrong. If the labors of the Committee on Ways and Means shall tend in any manner to curb and check the evils of which I complain, we will have done good service to the country; if we are only going to repeal this law, annul

these contracts, and boast before the country that we have given high evidence of virtue and morality by our prompt action in this matter, and quit reform here, our labor will fall far short of the great end I am striving to attain.

This is but one of many things of the same general character—an index pointing to other and even greater abuses. I have repeatedly urged that there could be no safety in the disbursement of the public money or in the management of our finances so long as punishment was not promptly administered whenever the law was violated. It ought to be ground for impeachment whenever an executive officer spends more money than Congress appropriates for any specific purpose, or spends it so as to create a deficiency. If money enough is not furnished let the work stop, let the public business suffer, let the Representatives of the people take the responsibility for their acts; but make it an offense which will surely be punished if executive officers undertake to override what they may consider or what may in fact be bad laws, and spend money which has been withheld or refused by Congress.

It is because we have not held officials responsible for derelictions of duty that such enormities as have been developed in these Sanborn matters are possible. The Secretary of the Treasury might well suppose that he would never be questioned, no matter what he did in that regard, when he saw what had been done and was being done with impunity every day in his own Department and in all the others, not only without protest or remonstrance from Congress, but when he saw that the dominant majority in both Houses always became indignant and resisted even the inquiries which the minority from time to time insisted on making, relative to executive abuses.

When $4,282,000 could be taken out of the Treasury, as the Secretary shows has been done during this year in violation of the plain provisions of the law of July 12, 1870, from old balances for the year 1871, and the act be defended by the leading members of the House; when quartermasters can sell property to the amount of $107,000,000, and not even tell Congress what debts they pay with it; when the proceeds of over four hundred ships can be applied as the Navy Department pleases without accountability anywhere; when the Postmaster-General can so arrange with straw bids and sham contracts as to enrich all his friends and retainers and expend $35,000,000 a year without accountability; when millions on millions are annually squandered or stolen—that is a better word—by contractors, agents, and other harpies in the management of Indian affairs; when the Secretary of the Treasury has a "slush fund" of over $5,000,000 a year, to do as he pleases with, keeping his corps of useless staff officers and retainers by the hundreds around his own office; when he can lend for from three to six months $135,000,000 of public money to syndicates in violation of law, and issue $44,000,000 of greenbacks or any portion of that sum he pleases in known violation of his right and duty and again withdraw it at pleasure, and see all these things and others equally bad or worse, not only winked at but defended, justified, and sustained in these Halls by his party friends, no wonder he thought he could do what he pleased to gratify and enrich his friend, Sanborn.

We have, however, laid bare the enormities of that law as administered, and exposed the frauds, extortions, and robberies under it until even the Secretary had to say that it ought to be repealed unconditionally. Sanborn had to admit that he could say nothing in defense of it. No man in the House has yet ventured to sustain it, or to maintain the legality of the conduct of the Treasury officials under it. When the law is repealed and these contracts annulled, it will be time enough to discuss on this floor what our further duty will be.

The lesson will not be lost. Executive usurpation will soon cease, when Congress determines to hold men to strict responsibility. Let it be known that want of either integrity, capacity, or fidelity in the management of public trust will be promptly exposed and surely punished, and Sanborn contracts and like wrongs will become impossibilities.

I said when I took the floor that I would prove by the record the charges I made, and would sustain the report of the committee by the proof. I have endeavored to use no argument not warranted by the evidence. The record is full of frightful facts which I have not even alluded to. I stated that I would be as moderate in expression as possible, for I confess to feeling a sense of indignation at the charges of the press, instigated as I believe from the Treasury, against my fairness as a member of the committee, as well as at the reflection on the committee whose cause in this matter is mine.

Macaulay in his review of the Life of Lord Clive portrayed his feelings when before a committee of the British Parliament thus:

> He described in vivid language the situation in which his victory had placed him—a great prince dependent upon his pleasure, an opulent city afraid of being given up to plunder, wealthy bankers bidding against each other for his smiles, vaults piled with gold and jewels thrown open to him alone. "*By God*, Mr. Chairman," he exclaimed, "*at this moment I stand astonished at my own moderation.*"

I confess, Mr. Speaker, when I run my eye over the evidence, the orders, and the receipts now before me; when I know how careful I have been not to allow party bias to work injustice to individuals, and I had such a field as was opened up by the hardly-concealed robbery of the Treasury, and then look at the attacks which the Treasury officials have sought to make upon me and the committee I have the honor in part to represent, I, too, stand amazed at my own moderation.

Invalid Pensions.

SPEECH OF H. H. STARKWEATHER,

OF CONNECTICUT,

IN THE HOUSE OF REPRESENTATIVES,

May 21, 1874,

On the bill (H. R. No. 3421) making appropriations for the payment of invalid and other pensions of the United States for the year ending June 30, 1875.

Mr. STARKWEATHER. Mr. Speaker, the total amount recommended by this bill is $29,980,000, and it should be a matter of pride to every patriotic citizen of these United States that this munificent sum is paid to the loyal men who served in the Union Army, and to their widows and children, without expense to them. Even the expense of the vouchers and postage is paid by the Government. The expense of payment formerly, for a portion of the time under the several pension acts, was paid by the pensioners, as will appear by the following acts.

By the joint resolution of July 17, 1862, agents received 2 per cent. on all disbursements made to pensioners, limiting, however, the compensation of any agent to $2,000 per annum.

The act of June 30, 1864, provided that in addition to the compensation at that date allowed by law, "every pension agent disbursing $50,000 annually should receive not exceeding $500 per annum for clerk hire, office rent, and office expenses; and every agent disbursing $100,000 annually, not exceeding $750; and for every additional $50,000, not exceeding $250 per annum for the purposes aforesaid," limiting, however, the compensation of any agent to the sum of $4,000 per annum.

The act of July 8, 1870, authorized the compensation of agents prior to the date of the passage of the acts now in force; the act of September 29, 1785, directed the payment of pensions under such regulations as the President should prescribe.

It is not known by what agents or officers the earliest payments were made; but soon after the passage of the act above referred to, the commissioners of loans are recognized as discharging this duty in the several States. This system prevailed until the Bank of the United States was chartered in 1816, when the duty of paying pensions was required of it without compensation. After the expiration of the charter of the United States Bank, State deposit banks acted as agents for paying pensions, to prepare the vouchers, and charged the Government thirty cents on each voucher prepared and paid, out of which sum the postage on the voucher and the check remitted in return is to be paid by the agent.

The amounts paid by the Government as compensation to all agents after March 1, 1869, were as follows:

From March 1, 1869, to June 30, 1869	$36,563 86
From July 1, 1869, to June 30, 1870	129,313 52
From July 1, 1870, to June 30, 1871	280,190 20
From July 1, 1871, to June 30, 1872	347,379 72
From July 1, 1872, to June 30, 1873	481,981 47
From July 1, 1873, to November 30, 1873	151,697 96

The amount paid for pensions for the year ending June 30, 1871, was $33,077,383.63; for the year ending June 30, 1872, $30,169,341; for the year ending June 30, 1873, $29,185,289.62.

The act of February 20, 1847, allowed compensation to agents for paying pensions, limiting, however, such compensation to $1,000 per annum.

Prior to the passage of the act of July 8, 1870, agents charged pensioners who applied for payment in person from one to two and a half dollars, and in some instances larger amounts, for the preparation of vouchers. When payments were made on power of attorney, agents charged twenty-five cents and fifty cents for administering the oath and filling up the jurat. The act of July 8, 1870, relieved pensioners from this onerous tax on their pensions.

In explanation I desire to have printed with my remarks the following letter:

TREASURY DEPARTMENT, THIRD AUDITOR'S OFFICE,
Washington, D. C., May 1, 1874.

SIR: The list of disbursements made by the pension agents during the fiscal year ending June 30, 1873, handed you yesterday at your request, should be explained.

The act of July 17, 1862, allows 2 per cent., provided the amount of compensation received during the year does not exceed the sum of $2,000.

The act of June 30, 1864, provides an *additional* sum for "clerk hire, rent of office, and office expenses," in proportion to the amount disbursed, as follows: For the first $50,000, $500, and for every $50,000 additional, $250; provided the total amount shall not exceed the sum of $4,000.

The act of July 8, 1870, provides that agents shall within fifteen days immediately preceding the 4th day of March, June, September, and December of each year prepare a blank voucher and forward the same by mail to the post-office address of the pensioner, who on or after the above-named dates shall execute and return to the pension agent, who shall immediately draw his check for the amount due and forward the same to the pensioner; and for such service he shall be allowed the sum of thirty cents for each voucher prepared and paid, including all postage, under this act.

Before the passage of this act pensions were paid semi-annually instead of quarterly as now, and he was allowed in addition to the compensation to deduct from the *pensioner* for each voucher executed a fee from twenty-five to sixty-five cents, and to charge the pensioner the necessary postage incurred.

The agents are obliged to pay all the expense incurred in running the agency.

such as clerk hire, rent of office, and all office expenses, so that the amount actually received by the agents as compensation is about one-third of the amount allowed by the United States.

Very respectfully,

ALLAN RUTHERFORD, *Auditor.*

Hon. H. H. STARKWEATHER,
House of Representatives.

By the bill reported from the committee the fees for vouchers are reduced from thirty cents each to twenty cents, thereby saving in expense to the Government more than $60,000.

The following table shows the fees, salary, and commission of each pension agent. It should be stated that while many of these agents receive as fees, salary, and commission sums ranging from three thousand to eighteen thousand dollars, they pay out of this salaries of clerks, office rent, postage, and other expenses, leaving their net compensation as now reduced for the most important offices about $4,000, and for the less important offices from two to three thousand dollars. This reduction of fees is an important saving to the Government, and should be placed to the credit of Congress in its endeavors to secure economy and reform in the public service:

Amounts disbursed by pension agents during the fiscal year ending June 30, 1873, from Third Auditor's office.

Agent and locality.	Artificial limbs.	Invalids.	War of 1812.	Widows.	Fees.	Commission.	Compensation.	Contingents.	Total.
James Coates, Little Rock, Arkansas	$50 00	$17,483 38	$21,289 09	$71,518 78	$580 20	$1,833 33	$687 50	$184 80	$113,627 08
A. D. Thomas, Little Rock, Arkansas	.....	2,819 10	3,569 32	9,595 14	143 70	166 67	62 50	43 00	16,399 43
D. C. Rodman, Hartford, Connecticut	736 90	131,283 71	34,606 15	260,392 22	4,263 60	2,000 00	2,000 00	138 29	435,420 87
H. C. Bennett, San Francisco, California	1,001 89	34,989 84	9,170 41	18,944 66	407 40	1,282 13	500 00	54 90	66,351 23
D. C. Cox, Washington, District of Columbia	2,794 75	257,759 61	209,493 56	262,119 58	5,295 60	1,999 99	1,999 99	241 27	741,704 35
E. D. Porter, Wilmington, Delaware	125 00	27,433 83	3,134 39	39,376 88	593 10	1,400 94	500 00	26 87	72,591 01
Hiram Iddings, Fort Wayne, Indiana	709 05	187,497 52	20,250 82	236,611 80	3,874 80	2,000 00	2,000 00	156 78	453,100 77
C. W. Brouse, Indianapolis, Indiana	1,854 45	349,305 79	59,341 02	520,566 77	8,487 90	1,666 66	1,666 66	587 32	943,476 57
W. H. H. Terrill, Indianapolis, Indiana	550 00	106,168 34	15,262 37	148,428 83	2,490,30	333 33	333 34	425 69	273,992 20
Mark Tilton, Madison, Indiana	893 40	137,900 20	28,246 51	242,150 38	3,825 00	2,000 00	2,000 00	126 10	417,141 59
David Blakely, Chicago, Illinois	1,959 30	381,752 90	34,744 88	339,489 36	7,116 30	2,000 00	2,000 00	681 99	769,744 73
B. M. Prentiss, Quincy, Illinois	500 00	185,232 49	26,885 18	216,955 09	3,580 50	2,000 00	2,000 00	205 40	437,358 66
William Jayne, Springfield, Illinois	.....	4,427 31	1,343 97	9,401 78	75 90	222 22	222 22	.....	15,693 40
S. H. Jones, Springfield, Illinois	709 30	169,990 67	21,807 08	209,496 00	3,723 60	1,361 11	1,361 11	141 45	408,590 32
J. H. Moore, Springfield, Illinois	450 00	60,881 03	7,989 29	77,620 99	1,307 40	416 67	416 67	138 45	149,220 50
J. S. Martin, Salem, Illinois	337 00	131,644 48	18,701 18	259,354 43	3,384 90	1,166 66	1,166 67	161 19	415,916 51
W. E. McMackin, Salem, Illinois	503 55	120,414 05	15,626 07	238,013 19	3,298 80	788 89	788 89	222 78	379,656 22
S. Goodrell, Des Moines, Iowa	200 00	33,091 59	6,131 13	48,501 26	656 70	733 32	250 00	47 90	89,611 90
B. F. Gue, Des Moines, Iowa	775 00	83,779 98	12,058 62	118,781 45	1,776 60	1,000 00	687 50	158 15	219,017 30
D. B. Wilson, Fairfield, Iowa	518 50	137,333 61	20,195 87	186,124 50	3,002 40	2,000 00	2,000 00	226 25	351,401 13
J. B. Young, Marion, Iowa	452 47	144,315 49	17,484 58	200,522 96	3,363 90	2,000 00	2,000 00	231 35	370,370 75
C. B. Lines, Topeka, Kansas	1,317 45	135,019 60	9,448 20	116,484 50	2,187 90	2,000 00	1,500 00	205 65	268,163 30
A. H. Adams, Lexington, Kentucky	406 95	66,610 40	61,929 24	243,637 79	2,862 00	2,000 00	2,000 00	185 00	379,631 38
W. D. Gallagher, Louisville, Kentucky	275 00	65,909 03	41,626 09	177,058 17	2,244 30	1,000 00	1,000 00	258 02	289,370 61
R. M. Kelly, Louisville, Kentucky	150 00	68,105 33	37,432 27	159,992 20	2,286 60	1,000 00	1,000 00	309 74	270,276 14
R. H. Isabelle, New Orleans, Louisiana	600 00	30,599 03	40,319 78	44,095 23	770 10	2,000 00	750 00	201 50	119,335 64
F. M. Drew, Augusta, Maine	1,550 00	158,998 72	35,834 34	212,855 35	3,817 20	2,000 00	2,000 00	217 20	417,272 81
S. B. Morison, Bangor, Maine	506 00	138,417 05	14,538 35	197,729 29	3,750 90	2,000 00	2,000 00	121 25	359,062 84
George L. Beal, Portland, Maine	413 25	175,164 43	38,760 86	225,254 23	4,499 10	2,000 00	2,000 00	213 38	448,305 25
C. A. Phelps, Boston, Massachusetts	2,278 50	527,046 81	55,567 87	780,859 88	13,474 50	2,000 00	2,000 00	964 31	1,384,191 87
H. Adreon, Baltimore, Maryland	1,112 20	126,647 93	55,826 67	184,784 73	3,370 80	2,000 00	2,000 00	228 91	375,971 24
A. Kaichen, Detroit, Michigan	1,095 88	290,100 01	55,833 32	398,316 59	7,353 30	1,500 00	1,500 00	196 99	755,901 09
Samuel Post, Detroit, Michigan	400 00	102,274 76	17,674 02	134,936 55	2,430 60	500 00	500 00	123 23	258,839 16
Thaddeus Foote, Grand Rapids, Michigan	977 20	97,770 11	12,446 07	117,493 20	2,227 50	2,000 00	1,322 92	117 64	234,354 64
W. C. Ebert, Macon City, Missouri	1,125 00	131,878 28	46,663 95	221,749 81	2,987 40	2,000 00	2,000 00	123 50	408,527 94
James Lindsay, Saint Louis, Missouri	1,005 60	132,471 84	52,321 42	292,252 51	3,777 10	1,666 67	1,666 66	366 37	485,528 17
A. R. Easton, Saint Louis, Missouri	150 00	35,490 73	9,540 77	63,044 40	875 40	250 00	250 00	.....	109,601 30
E. McMurtrie, Saint Paul, Minnesota	551 71	117,982 07	9,552 76	142,679 26	2,279 70	2,000 00	1,500 00	210 49	276,755 99
J. T. Rankin, Vicksburgh, Mississippi	162 53	6,359 10	32,409 03	43,429 78	437 70	1,646 95	500 00	123 15	85,068 34
A. Smith, Concord, New Hampshire	357 80	176,798 71	32,820 90	212,862 35	4,347 60	2,000 00	2,000 00	179 02	431,366 38
D. J. Vaughan, Portsmouth, New Hampshire	341 20	41,017 94	9,568 93	66,783 39	1,184 70	2,000 00	750 00	33 07	121,679 23
S. H. H. Parsons, Albany, New York	6,599 38	555,777 29	165,149 91	752,461 90	14,129 45	2,000 00	2,000 00	895 84	1,499,013 77
L. M. Drury, Canandaigua, New York	3,278 36	558,177 64	146,423 30	651,937 53	13,325 10	2,000 00	2,000 00	490 79	1,377,632 72
John Hall, Brooklyn, New York	656 00	89,863 68	48,748 38	139,771 05	2,581 20	1,625 00	1,625 00	552 95	285,423 26
L. L. Doty, New York City, New York	1,466 73	114,766 18	32,782 84	163,070 51	2,738 70	833 33	833 33	150 02	316,641 64
S. B. Dutcher, New York City, New York	2,039 00	307,551 91	67,127 24	374,091 24	6,945 60	1,166 66	1,166 67	305 52	760,393 84
J. F. Rusling, Trenton, New Jersey	928 00	233,061 76	52,998 66	293,259 22	5,441 70	2,000 00	2,000 00	337 63	590,026 97
C. H. Belvin, Raleigh, North Carolina	.....	15,392 52	45,539 87	69,718 86	770 70	2,000 00	750 00	44 15	134,216 10
S. S. Caldwell, Omaha, Nebraska	188 85	30,447 82	2,814 66	18,253 15	379 80	1,333 41	.....	32 95	53,150 64
E. W. Little, Santa Fé, New Mexico	50 00	3,851 40	144 00	2,754 53	47 70	136 00	.....	15 50	6,999 13
C. E. Brown, Cincinnati, Ohio	4,300 80	475,768 89	87,261 24	652,748 21	10,709 70	2,000 00	2,000 00	292 77	1,235,081 61
S. M. Barber, Cleveland, Ohio	1,919 70	317,373 25	64,250 27	365,239 76	6,816 60	2,000 00	2,000 00	146 46	759,746 04
John A. Norris, Columbus, Ohio	1,549 82	298,991 85	76,536 68	441,730 38	7,935 00	2,000 00	2,000 00	505 74	831,249 47
Henry Warren, Oregon City, Oregon	.....	5,162 30	3,753 31	4,115 94	102 60	260 63	.....	5 25	13,400 03
H. G. Sickle, Philadelphia, Pennsylvania	11,060 82	952,059 10	98,748 45	.....	11,826 90	2,000 00	2,000 00	864 38	1,078,559 65
D. R. B. Nevin, Philadelphia, Pennsylvania	.....	.....	50,244 71	1,271,886 03	11,544 00	2,000 00	2,000 00	369 94	1,338,044 68
James McGregor, Philadelphia, Pennsylvania	2,494 85	364,980 85	61,659 76	453,945 41	7,710 90	2,000 00	2,000 00	366 32	900,158 09
C. R. Brayton, Providence, Rhode Island	1,300 00	47,622 10	8,184 48	92,843 22	1,411 80	2,000 00	1,000 00	73 64	154,435 24
D. T. Boynton, Knoxville, Tennessee	80 40	91,377 71	62,003 60	293,996 82	3,390 60	2,000 00	2,000 00	163 15	455,012 28
W. J. Stokes, Nashville, Tennessee	184 02	26,011 62	83,742 41	118,070 72	1,570 80	1,500 00	2,448 00	61 50	233,589 07
W. Y. Elliott, Nashville, Tennessee	.....	5,676 99	19,779 11	30,085 16	430 50	416 66	263 58	42 55	56,694,55
J. L. Barstow, Burlington, Vermont	695 40	93,034 34	18,613 47	117,184 14	2,409 60	2,000 00	1,137 50	285 62	235,360 07
Stephen Thomas, Montpelier, Vermont	1,106 70	114,692 64	26,716 23	135,015 78	2,897 00	2,000 00	1,500 00	270 91	284,199 26
A. Washburn, Richmond, Virginia	100 00	28,463 19	186,029 34	46,697 99	2,164 50	2,000 00	1,500 00	143 41	267,098 43
T. M. Harris, Wheeling, West Virginia	1,757 23	154,267 32	75,560 64	270,926 23	4,701 30	2,000 00	2,000 00	161 78	511,374 50
J. A. Kellogg, La Crosse, Wisconsin	505 16	63,616 01	8,479 14	90,137 62	1,385 40	2,000 00	1,000 00	151 60	167,274 93
Ed. Ferguson, Milwaukee, Wisconsin	1,363 28	176,543 59	15,370 86	252,181 24	3,961 80	2,000 00	2,000 00	32 09	453,452 86
Thomas Reynolds, Madison, Wisconsin	535 00	121,257 76	16,102 57	189,995 54	2,987 10	2,000 00	1,750 00	140 15	334,868 12
S. W. Brown, Vancouver, Washington Territory	.....	3,898 11	759 99	1,039 87	29 10	113 95	.....	13 00	5,854 02
	74,056 33	10,579,954 62	2,782,976 45	15,048,423 31	258,758 15	107,021 18	91,856 71	15,493 96	28,968,540 71

Reduction of the Army.

SPEECH OF HON. R. C. McCORMICK,

OF ARIZONA,

IN THE HOUSE OF REPRESENTATIVES,

May 29, 1874,

On the bill (H. R. No. 2546) providing for the gradual reduction of the Army.

Mr. McCORMICK. Mr. Speaker, in my residence upon the frontier I have been much with the Army, and have, I think, a fair knowledge of its organization and work and the difficulties with which it has to contend. No one of these is more fruitful in embarrassment than the habit into which Congress has fallen of annually unsettling, if I may use the expression, the laws and regulations governing it. It has come to such a pass that no officer, however long and faithful his service, however great the sacrifice he may have made for his country, is assured of his position in the Army or of what will be his rank or compensation.

I hope that if this bill is to become a law it will be a finality and we shall hear no more of a reduction of the Army or a change of the laws relating to it, and have no further agitation calculated to demoralize and depress an important branch of the public service.

The Army is already very small for the great area of our country, and at times, even recently, much of the frontier has been without adequate protection for life and property, and settlement and development have been retarded to an extent not at all creditable to a strong and progressive government.

But there are several features in this bill that should not under any circumstances meet favorable consideration. The proposition to pay the troops by checks strikes me as utterly impracticable and likely to work great injustice to the soldiers, especially upon the frontier, and most of the troops should be there, if they are not there already.

Banks are few and far between, settlements are frequently remote from the posts, and currency is never abundant. It will often be impossible for the soldier to have his check cashed without submitting to annoying delay and a heavy discount. In many instances he will have to trade out his check to his great disadvantage and cost.

Of the thousands of checks to be issued many will be lost, constant trouble will come from the necessity of identifying the parties in whose favor they are made, and the labor of paying and recording the checks at the different sub-treasuries and depositories upon which they are drawn will call for the employment of quite as many men as may be saved to the Pay Department by the introduction of this new method of paying the troops.

The difficulty experienced by merchants and contractors in the Territories in getting quartermaster and commissary checks cashed is sufficiently suggestive of what the poor soldier would have to go through in order to realize his monthly stipend, and the officers would fare but little better. Even in the older States the payment by checks must be attended with more or less of inconvenience to the soldier, and make him liable to imposition and extortion on every side. It is true that it is provided in the bill that the Secretary of War may in his discretion retain the present mode of payment in localities where the check system is found to work hardship to the troops, but with the proposed great reduction in the number of paymasters how can this be done?

Other features of the bill seem equally objectionable and impracticable; but time will not allow me to make more than this general reference to them. The bill could not in my opinion, if it were so intended, be more inimical to the best interests of the Army and of the country than it is in some of its provisions, of course excepting that which opens promotion in the staff corps, which is just and desirable and I think should have been enacted into law long since.

Upon the frontier, however successful the so-called peace policy, may prove—and many of the reports regarding it are to say the least highly colored—there will for years to come be need of troops. Almost daily we have news of Indians leaving their reservations with hostile intent; and the presence of troops to hold them in check, and to punish them if they go upon the war-path, is a part of the President's policy as announced in the reports of the Interior Department and Indian Bureau, and commended to the people of the Territories.

My friend from Wyoming [Mr. STEELE] informs me that within a few months past two new military posts have been established as an actual necessity in the Sioux country, and that in the face of the repeated assertion upon this floor that the Sioux are at peace and troops no longer required to look after them.

For gentlemen like the member from Ohio, [Mr. BANNING,] who think there should be no standing army in the United States in an era of national peace, I cannot do better than quote the well-put words of a gifted English writer:

Though a soldier in time of peace is like a chimney in summer, yet what wise man would pluck down his chimney because his almanac tells him it is the middle of June.

Civil Rights.

SPEECH OF HON. WILLIAM B. READ,

OF KENTUCKY,

IN THE HOUSE OF REPRESENTATIVES,

May 29, 1874,

On the bill to protect all citizens in their civil and legal rights.

Mr. READ. Mr. Speaker, I shall endeavor to adapt my remarks in a fitting manner to the occasion, and shall faithfully attempt to adhere to this rule, and at the same time it is a matter of great doubt as to whether I shall be competent to throw any light upon the all-important subject that I propose to discuss at this time, knowing full well that the subject, to my mind, has been ably and elaborately discussed by many on this floor who are profound in learning and erudition, during the present session, and by men of far more experience than myself. But believing in the fitness of things, and the justice that is due my own race, and the interest that should be felt by all who sympathize with the principles of civilization, and the building up and the maintenance of the once glorious country, I shall enter upon the discussion of the civil-rights bill, now pending before Congress, with a good degree of assurance and confidence, and am inclined to hope that I shall be able to give some reasons to the unprejudiced mind why the civil-rights bill should not pass, and believing that, should it pass and become a law, it will work a very great injustice, and be both prejudicial to the white and black races, and hope that, for the sake of peace, good order, and obedience to laws it will not be the misfortune of the country to have it emblazoned on its statute-books.

The negro question has been, from my earliest recollection, a source of distraction and discord, and has engendered more bad blood and sectional feeling than that of all others; and I had hoped that when the late terrible war was ended that question would be done with forever. But how sad my mistake! It seems to have become more potent, and has assumed a larger range than ever it did before. It has grown out of the hatred and political aggrandizement of the radical party, the party now in power.

The anti-slavery party, an element for many years before the late war, busied themselves with that peculiar institution, and waged an unceasing war upon the institution and the South, and in every conceivable manner directed their energies in a manner to destroy the institution of slavery in the South. The cry went forth that it was a matter of impossibility for this country to exist intact, one-half free and the other half slave territory, and the institution was made the hobby and pretext for politicians, pulpit orators, and all to ride into popular favor and political power and position. It was urged and proclaimed everywhere in the North that the agitation of the negro question should never cease until the last shackle was stricken from every slave in the land, and that then a jubilee would come, peace and good will would reign supreme, and the promise was then and not till then should they cease agitating the question.

Under these threatenings and threatened menaces, the people of the South found in many instances that their slaves were being made insubordinate, their rights and private property assailed, and they kept in constant dread and fear. Seeing the rapid increase and growth of the North and Northwest in population, and the increasing desire to wrest from them their property, by unjust legislation or otherwise, and believing that they had as much right to their property in slaves as had the northern man in his railroads or manufactories, they justly felt a very great jealousy. They could not brook the idea of losing their all, their little patrimony that had descended to them, and which had been entailed upon the South by those who were then seeking to take it from them or destroy it in some way. They looked upon the radical party as a party that disregarded the written laws and compacts made and solemnly sanctioned by our forefathers, and that they, the radical party, appealed to a higher law, which law was undefined, and every one was left to choose his own course and means of destroying the institutions of the South. Threats were made from within and without, and bands were formed to bring about insurrections among the negroes by the vandal and the lawless. The northern heart was brought up to red heat, and a large majority were ready to consummate, as they called it, the good work begun.

The South, stricken with terror at the rapid encroachments made, and the radical party having obtained the reins of government in their own hands, with the Army and Navy to back them, naturally began to look to some means of self-defense and safety. Their resort and theory was to a peaceable secession, which proved to be a very fatal one in the sequel. A war of four long years was fought, over one million and a half of men were from time to time summoned to arms, and over half a million of them to-day fill soldiers' graves. The South was ruined, the people impoverished who were once wealthy, the land drenched in blood, and the negro set free. Now, had that been the sequel of this great drama, and the people of the South been permitted to return to their avocations uninterrupted, a much better state of things would exist in that God-forsaken country. But no, sir; the radical party, flushed with the success they had had, as a giant filled with new wine, instead of trying to build up the waste places and restore the people to peace and happiness again, set to work to concoct all manner of obnoxious laws and reconstruction acts that would and could oppress that people, under the pretext of giving the negro his equal rights under the laws, as they called it, and with them any and every means justified the ends. The whole object was to perpetuate themselves in power. The negro must be enfranchised and become a voter and a lawmaker. Hoards of carpet-baggers were poured into the South, and all manner of schemes and frauds, of both a political and financial character, were perpetrated upon both white and black.

They told the poor negro that the radical party had set them free, and that they were their friends, and that their old masters were their enemies and oppressors, and to place no confidence in them; that their only object was to enslave them again. By which means they secured the negro vote entire, and the unbounded and unbridled hate of the negro toward the native whites. A fearful state of things was the result, while the North at the same time were glorifying over the result of things, and husbanded the thought that they were the instruments that gave the song of freedom to all; and the promise went forth that the negro question was now settled forever and that they would receive the plaudits of the whole civilized world and the negro vote for their years of toil and strife in destroying the fair and sunny South. God help and pity them if they can take comfort and pleasure in such enormities!

May we never be called again to pass through such a war. It was one scene of carnage and blood for four long years. Thousands of the best men on both sides fell upon the battle-field, and thousands of wrongs were done and perpetrated under the plea of the necessities growing out of the war. It freed the slaves. The southern people accepted cheerfully the situation, and asked for peace; but there was no peace, and my opinion is firmly fixed that the South has more to complain of since the war than they did during the war.

When the war closed the South, in their poverty and rags, without means, went to work and tried to build up the waste-places and make a support for their wives and children.

Many of the Southern States were induced to ratify the thirteenth amendment to the Constitution with the avowed promise by the Government, or those in authority, that if they would do so they would be restored to the Union with all the rights, privileges, and immunities that the other States had and enjoyed. Little did they apprehend at the time that they by that act were assisting in forging the chains that swept away from them the last vestige of liberty left them; little did they think that there was to follow what is termed the reconstruction acts, the enfanchisement of the negro to their great detriment, and the disfranchisement of themselves. The illiterate negro was made a full-fledged voter and office-holder, and a conspicuous politician whose only privilege was to vote for and place in office the carpet-bagger. They performed their part of the drama most nobly, and under their guidance and the negro the native whites were not permitted to vote, or a large majority of them. The Southern States were plunged into endless debts, say near three hundred million dollars, the money stolen and applied to private purposes, railroads and private property confiscated, personal property taken and converted to private use without compensating the owner therefor. The citizens lived in terror, and in many of the States do yet; anarchy, rapine, and murder have reigned supreme, and no stability in the local government of many of the States. How grateful the South ought to be to the Federal Government for her many acts of kindness to them in reconstructing them! Such acts will never be forgotten by that noble band of people who have stood and borne with patience and anxiety all the many enormities heaped upon them.

The action of the Federal Government in sustaining such a system of plunder against those people ever since the war is unparalleled in the whole civilized world. Napoleon, the great warrior, who dragged the plowshare of destruction over Europe, and destroyed his thousands of men and millions of property, did no greater injustice than has the Federal Government done the South. The inheritance left the people is a glaring spectacle. The South has been turned into a Hayti and a Mexico. Nothing but strife and contention are heard or seen in many of the States; the heavy tread of the soldier with his bristling bayonet and smoking cities are now heard and seen in some of the distant Southern States; good and law-abiding citizens are killed, who have no means of protection; they are fleeing from their homes, and seeking places of protection in a more friendly clime.

What a terrible state of things is this in a civilized country, and all, too, attributable to and the off-shoot of radical rule. They set the ball in motion and they keep it moving. They claim to be the party of moral ideas and the party of progress. In what have they progressed since they have been in power? Simply they have made the South in the last fourteen years a wilderness and a desert. Where there were eight millions of people, rich, prosperous, and happy, there is now that number or more in poverty and rags, and living in a state of anarchy. They have created a national debt of over $2,000,000,000. Their policy has created large State debts where they held the power; debts of railroads and corporations, individual debts, and debts of cities and towns, which total indebtedness is nearly as much as the whole property of the country is worth, and besides which they have given to the country a currency, a promise to pay, depreciated in value, which has robbed the laboring people of the country of untold millions of their just earnings, and in addition to which they have imposed taxes and tariffs that have nigh ruined the country; and yet that party claims to be the party of progress and the great friend of the people! God save the mark, and deliver us from such rule.

The party seems to have come to the conclusion that any means justifies their ends that will keep the radical party in power; they have created nearly sixty thousand offices, quite an army, whose duties are to see in part that the people are strictly loyal and will vote the radical ticket. They do the most of the dirty work of the party. To make their position more secure, and leave no doubt on the subject as to the success and perpetuity of their party, they by fraud and force foisted upon the country the fifteenth amendment to the Constitution, and thereby secured to their party an accession of nearly one million of votes. The negroes are the most illiterate class of persons in the country; they vote like automatons; they vote as they are touched and moved by their party leaders. Subsequent results show that the party acted with a good degree of shrewdness in that, from the fact that it is clearly shown that the present incumbent of the White House did not secure a majority of the white votes cast at the last election. The negro answers them a very valuable purpose; but as soon as their services to the party is rendered, it has no further use for them as a class until the next election.

Now, we are told that this political and physical death in the South is not complete; that the fortunes of the radical party are waning, and something must be done to save its drooping fortunes or it will soon topple and fall to the ground—unless something new can be brought before the negro and the republican party in the North. The cry goes forth and is raised, "Let us open the gaping and bleeding wounds of the war and pass a civil-rights bill;" or, in other words, a bill which means social equality, and that will save our ship in the drifting storm from the breakers, and will enable us to secure the offices this fall and the presidental election in 1876.

I now propose to discuss the civil-rights bill that is pending before Congress, and beg the kind indulgence of the House while I do so. I am convinced that this bill, should it become a law and be enforced, will have an effect upon the Southern States far more deleterious than any law that has ever been passed by this or any other Congress. It will break up the common-school system in all the Southern States, and produce an interminable strife between the two races; and I now serve notice upon the republican party that they will be held accountable by both races for this act, and an indignant people will not submit to this and the many repeated outrages much longer. We fancy that the handwriting may now be seen upon the wall, and that the days of that party and those who support this bill are numbered. A terrible political reckoning is close at hand.

The bill now pending and which has been discussed so elaborately is in the following words:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whoever, being a corporation or natural person and owner or in charge of any public inn; or of any place of public amusement or entertainment for which a license from any legal authority is required; or of any line of stage-coaches, railroad, or other means of public carriage of passengers or freight; or of any cemetery, or other benevolent institutions, or any public school supported, in whole or in part, at public expense or by endowment for public use, shall make any distinction as to the admission or accommodation therein of any citizen of the United States, because of race, color, or previous condition of servitude, shall, on conviction thereof, be fined not less than $100 or more than $5,000 for each offense; and the person or corporation so offending shall be liable to the citizen thereby injured in damages, to be recovered in an action of debt.

SEC. 2. That the offenses under this act and actions to recover damages may be prosecuted before any territorial, district, or circuit court of the United States having jurisdiction of crimes at the place where the offense was charged to have been committed, as well as in the district where the parties may reside, as now provided by law.

The bill undertakes to do that which no other country has done before. It makes the Federal Government a kind of censor or overseer over grave-yards, hotels, theaters, steamboats, railroads, &c.; or, in other words, it fixes a kind of police regulation over them, and I suppose that the authority and power given in the bill will be construed by the officers of the present party in power to authorize that detectives, retainers, and informers must be appointed to set around hotels, travel on railroads and steamboats, attend grave-yards, &c., to see that colored people have due regard paid them, and their civil rights fully meted out to them. Now imagine to yourself these many watchers at the grave-yards, hotels, &c., during their arduous duties in giving information of any little casualty that may occur, and the many little petty suits, prosecutions, and informations that will follow. It is nothing more nor less than a bid or preminm for perjury and crime. The citizen will be dragged from his home and vicinage, to be tried before a Federal court by irresponsible parties, at heavy costs and great inconvenience, only to gratify the caprice of the negro and afford a little political capital for the radical party.

By what right does Congress assume to impose this bill upon the country? They cannot find any warrant for it in the Constitution or its amendments. The friends of the bill contend that the right is found in the fourteenth amendment. I deny it. It is not warranted by that instrument either in the thirteenth, fourteenth, or fifteenth amendments to the Constitution. Then why all this ado about it? It is for no other purpose than to hold on to the negro as a voter, and another attempt, among the many, to produce and make a consolidated form of government of this, as has been the tendency and purpose of the radical party ever since its organization.

The States under our form of government have the right, and sole right, to protect and guarantee the civil rights of the various citizens thereof, to fix and control the police regulations of each State for itself, and no power on earth has the right or authority to interfere with or control them in their action, provided said State or States have a republican form of government.

That fact is fully established, I think, in the opinion of the Supreme Court of the United States, (whose judges are of the choosing of the dominant party,) in what is termed the Slaughter-house case, that came up from New Orleans. That case grew out of a charter granted by the State of Louisiana to certain parties in New Orleans who owned a slaughter-house, which in fact was a monopoly and was so regarded by nearly all. Parties aggrieved applied to the State court for redress; the State court sustained the company, and an appeal was taken to the Federal court and an opinion rendered in the case, which is as follows:

Not only may a man be a citizen of the United States without being a citizen of a State, but an important element is necessary to convert the former into the latter. He must reside within the State to make him a citizen of it, but it is only necessary that he should be born or naturalized in the United States to be a citizen of the Union.

It is quite clear, then, that there is a citizenship of the United States and a citizenship of a State, which are distinct from each other, and which depend upon different characteristics or circumstances in the individual.

We think this distinction and its explicit recognition in this amendment of great weight in this argument, because the next paragraph of the same section, which is the one mainly relied on by the plaintiffs in error, speaks only of privileges and immunities of citizens of the United States, and does not speak of those of citizens of the several States. The argument, however, in favor of the plaintiffs rests wholly in the assumption that the citizenship is the same, and the privileges and immunities guaranteed by the clause are the same.

The language is: "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States." It is a little remarkable, if this clause was intended as a protection to the citizens of a State against the legislative power of his own State, that the word citizen of a State should be left out when it is so carefully used, and used in contradistinction to citizens of the United States in the very sentence which precedes it. It is too clear

for argument that the change in phrasecology was adopted understandingly and with a purpose.

Of the privileges and immunities of the citizen of the United States, and of the privileges and immunities of the citizen of a State, and what they respectively are, we will presently consider; but we wish to state here that it is only the former which are placed by this clause under the protection of the Federal Constitution, and that the latter, whatever they may be, are not intended to have any additional protection by this paragraph of the amendment.

If, then, there is a difference between the privileges and immunities belonging to a citizen of the United States, as such, and those belonging to the citizen of a State, as such, the latter must rest for their security and protection where they have heretofore rested, for they are not embraced by this paragraph of the amendment.

And they further say:

But when, as in the case before us, these consequences are so serious, so far-reaching and pervading, so great a departure from the structure and spirit of our institutions; when the effect is to fetter and degrade the State governments by subjecting them to the control of Congress in the exercise of power heretofore universally conceded to them of the most ordinary and fundamental character; when in fact it radically changes the whole theory of the relations of the State and Federal governments to each other, and of both these governments to the people, the argument has a force that is irresistible in the absence of language which expresses such a purpose too clearly to admit of doubt.

It will therefore be observed that the question of the rights of the States was fully discussed, and that the fourteenth amendment did not confer or take away any right of a citizen of a State, and we may infer that by that opinion the internal polity and police regulations of each State should be regulated by each State. The only effect that amendment has, so far as the citizen is concerned, is that the State is prohibited from doing certain things therein specified, and until a state of case does arise in that of making a distinction among her citizens. When that amendment was framed and became a part of the Constitution I do not suppose that it was in the remotest degree thought that the Federal Government, by an act of Congress, could confer upon the negro, as a matter of right, the privileges of mixed common schools, free access to churches, grave-yards, boats, railroads, theaters, &c., and it has been left to the more modern sages to give that interpretation.

The Judiciary Committee of this House, in their report on the woman suffrage question, in January, 1871, say:

The clause of the fourteenth amendment, "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States," does not, in the opinion of the committee, refer to privileges and immunities of citizens of the United States other than those privileges and immunities embraced in the original text of the Constitution, article 4, section 2. The fourteenth amendment, it is believed, did not add to the privileges or immunities before mentioned, but was deemed necessary for their enforcement as an express limitation upon the States. It had been judicially determined that the first eight articles of amendment of the Constitution were not limitations on the powers of the States, and it was apprehended that the same might be held of the provisions of the second section, fourth article.

It will be seen that that learned committee took the same view of the question as did the Supreme Court.

At the same term of the court the case of Bradwell *vs.* The State of Illinois came on to be heard, and was decided. The plaintiff in this case was a woman. She applied to the supreme court of that State for a license to practice law, which the court refused to grant her. She claimed the right under the fourteenth amendment. The case was brought to the Supreme Court, who decided the case against the plaintiff. The opinion is as follows:

In regard to that amendment (the fourteenth) counsel for the plaintiff in this court truly says that there are certain privileges and immunities which belong to a citizen of the United States as such; otherwise it would be nonsense for the fourteenth amendment to prohibit a State from abridging them, and he proceeds to argue that admission to the bar of a State of a person who possesses the requisite learning and character is one of those which a State may not deny.

In this latter proposition we are not able to concur with counsel. We agree with him that there are privileges and immunities belonging to citizens of the United States in that relation and character, and that it is these, and these alone, which a State is forbidden to abridge. This right in no sense depends upon citizenship of the United States. It has not, so far as we know, ever been made in any State, or in any case, to depend on citizenship at all. Certainly many prominent and distinguished lawyers have been admitted to practice both in State and Federal courts who were not citizens of the United States or of any State. But on whatever basis this right may be placed, so far as it can have any relation to citizenship at all, it would seem that as to the courts of a State, it would relate to citizenship of the State; and as to Federal courts, it would relate to citizenship of the United States.

The opinion just delivered in the Slaughter-house cases renders elaborate argument in the present case unnecessary; for, unless we are wholly and radically mistaken in the principles on which those cases are decided, the right to control and regulate the granting of license to practice law in the courts of a State is one of those powers which are not transferred for its protection to the Federal Government, and its exercise is in no manner governed or controlled by citizenship of the United States in the party seeking such license.

It is unnecessary to repeat the argument on which the judgment in those cases is founded. It is sufficient to say they are conclusive of the present case.

This case is equally as strong if not stronger than the Slaughter-house cases, and I am led to the conclusion that a different construction of the fourteenth amendment is in violation of the intent of that instrument itself, and that no such power was conferred upon Congress by that amendment, as is contended for by the friends of the bill. Then, if not conferred, it is reserved to the States or the people. Articles 9 and 10 of the first amendment to the Constitution are as follows:

ART. 9. The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

ART. 10. The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

The Constitution further provides that the citizen of each State shall be as follows:

The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

That clause of the Constitution has been ably construed by Justice Washington in the case of Corfield *vs.* Coryell, as far back as 1823, who answers the question, "What are the privileges and immunities of a State?"

We feel no hesitation in confining these expressions to those privileges and immunities which are, in their nature, fundamental; which belong of right to citizens of all free governments, and which have at all times been enjoyed by the citizens of the several States which compose the Union from the time of their becoming free, independent, and sovereign. What these fundamental principles are it would perhaps be more tedious than difficult to enumerate. They may, however, be all comprehended under the following general heads: "Protection by the Government, the enjoyment of life and liberty, with the right to acquire and possess property of every kind, and to pursue and obtain happiness and safety; subject, nevertheless, to such restraints as the Government may justly prescribe for the general good of the whole."

And I will say further that any privileges named in the civil-rights bill before the adoption of the fourteenth amendment was derived by those who enjoyed them exclusively from the State of which they were citizens.

From all the facts before us we are driven to the conclusion that while the decision of the Supreme Court in the Slaughter-house cases and the case from Illinois, and the Constitution remains unchanged, Congress has no right or power to legislate upon the subject of civil rights, and if it should do so it will be a palpable usurpation of power not warranted in the Constitution nor demanded by the country.

Now, what legal right has the white man that the negro has not? Why, in many instances the negro has many more rights than the whites and are more privileged than the whites. The key-note to this whole crusade is that it means, and is intended to effect and produce, equality of races in a social point of view; and no one understands it better than the negro. Why the many meetings of the colored people in this District last winter, declaring their equal rights, and in a word social equality? Look at Tennessee. The negroes held a large State mass meeting a few weeks since and denounced those who opposed the civil-rights bill, among whom was Senator BROWNLOW, one of their own chosen officials. Some of the resolutions are as follows:

Whereas there is now a bill before the Congress of the United States conferring on the colored citizen civil rights, and as it is our duty as men to arrange for the perfect development of posterity means of instruction, we call the attention of the Congress of the United States to the fact that the public institutions of Tennessee, in point of principle and practice, are anti-republican and proscriptive, and that their tendency is to breed discord between the citizens and the spirit of caste and hate: Therefore,

Resolved, That we most respectfully ask the passage of the civil-rights bill as introduced by Hon. Charles Sumner, of Massachusetts, and reported by the Judiciary Committee, containing the provision of impartial education afforded us by the public schools of the country and to our children, as the most potent power to develop republicanism and love of country, good feeling, and personal regard mutually.

Resolved, That the institutions endowed by the General Government be so regulated that the colored citizens shall be admitted to them impartially in proportion to their population, and that provision shall be made to carry out the appointment of this class of citizens.

Now, what does all this mean but mixed schools and perfect social equality? It is nothing more or less; and the next step will be that they will demand a law allowing them, without restraint, to visit the parlors and drawing-rooms of the whites, and have free and unrestrained social intercourse with your unmarried sons and daughters. It is bound to come to that—there is no disguising the fact; and the sooner the alarm is given and the people take heed the better it will be for our civilization. I am no alarmist; I speak from conviction.

Let us pursue the resolutions of the Tennessee meeting a little further, and see whether they do not mean social equality. The following preamble and resolution were also adopted:

And whereas our fellow-citizen, David Galloway, of the State of Tennessee, and a citizen of the United States of America, is now condemned to a felon's life through the barbarous decisions of the unjust code and constitution of the State of Tennessee, for having in civil life married, by the laws of Tennessee, the wife of his choice, a white woman of mature age, and every way competent to contract with whomsoever she pleased; and whereas his marriage was in conformity with his privilege as an American citizen in the land of his birth, with his heart loyal to the flag of his country, an ex-Federal soldier who fought to sustain, during the war, the Union and Government of the United States; but who, since he returned to civil life, has been outraged by the judicial farce of a trial in two courts of Tennessee, and deprived of his liberty and divested of his manhood and the enjoyment of his personal rights: Therefore,

Resolved, That we, his fellow-citizens, feel bond with him in the outrages he has received, and do pledge our efforts to raise sufficient means to employ counsel to bring his case before the Supreme Court of the United States and vindicate the rights of the colored citizens of Tennessee to the civil rights of marriage with whomsoever they may contract and choose, and strip him of the outrage and odium placed on him and us by the unjust and barbarous constitution and laws of Tennessee.

Many other resolutions of a similar character were passed at the same meeting, and are too lengthy to be inserted here; but enough is shown to place the question beyond doubts as to what the negro means by civil rights. It is perfect social equality of the races in all the departments of life; and should it be attempted to be forced upon the whites in the Southern States, it will be the death-blow to the common-school system and the degradation of the whole country. Anarchy and bloodshed will follow in its wake, a war of races will

ensue, and the great sufferers will be the colored race. Some few of them, to their credit be it said, are opposed to the civil-rights bill. They are sensible; they see the effect it would produce, and they find that it is fraught with evil and mischief, and that no good will result from it to them as a race.

The Rev. Mr. Derrick, a colored Methodist minister in the city of Richmond, Virginia, the other day, in addressing his congregation, said:

From information received, the Government now contemplates the passage of a bill in which the coeducation of the races is to be attempted. Now, I may be frowned at by my own people, but, regardless of frowns and consequences, I will say the moment such an enactment appears on the statute-book the public-school system in the South will receive a blow that will cause its death, and no power this side of heaven can infuse life into its dead carcass. Then who will be the losers, the blacks or the whites? I need not tell you. That I leave you to answer and ponder over. I am anxious for the days to come when caste will be abolished; but the teachings of two hundred years cannot be forgotten in ten or twenty years. I will look forward with gloomy anticipations if such a law is passed. Why, how long would such a system be maintained in the fifteen ex-slave States? Just as long as would be required to go through the forms of law needed to destroy it. Some bring the lawfulness of the bill in question; but all things that are lawful are not expedient. As a negro, I am with you as far as consistency will allow me. There are to be found in the South over one million colored children attending schools. Are we prepared to furnish means to continue their education when these States refuse to impose taxation for school purposes, which they will surely do?

He takes the sensible and rational view of the question, and his prediction will be appreciated, and will meet the commendation of all thinking and reasonable men of the country.

Now let me say, in conclusion, to my republican friends, stay your hands, and let this cup pass, or you will be the instrument that will entail more horror and crime upon the country than ever has been done before. The white race must be the ruling class in this country. I am willing, and will assist, in giving the negro all of his civil rights under the law that is necessary for his peace, happiness, and security; but I am not willing to give him social rights, and I shall use every means in my power to prevent it. Let us stay this hand of persecution and oppression, and all enter anew in the race to build up and make our country one of the greatest and grandest in the world. Quit this sectional strife, and deal fairly and justly and temperately with each other, and a better destiny will await us.

Customs and Internal-Revenue Laws.

SPEECH OF W. C. WHITTHORNE,

OF TENNESSEE,

IN THE HOUSE OF REPRESENTATIVES,

June 2, 1874,

On the bill (H. R. No. 3572) to amend existing customs and internal-revenue laws, and for other purposes.

Mr. WHITTHORNE. Mr. Speaker, the honorable chairman of the Committee on Ways and Means in asking the attention of the House to the consideration of the present bill authoritatively said, in substance, that the changes made and proposed in the existing tariff laws by his committee were few, slight, and immaterial, and so far as the amount of revenue to be derived therefrom was concerned, its sum was nothing. So, then, the sinking-fund pledge of the Government is to remain dishonored; the demand of the country for relief is to be ignored, and doubt, uncertainty, and distress are to rest upon the industries of the people, at least until another election shall determine for the guidance of this committee in what quarter sits the wind.

And is this the statesmanship of the republican party? Profoundly surprised must the people be that after months of labor so little is accomplished by a party whose majority is such as to give them full and unembarrassed control over every question likely to affect the destinies of the Government.

Indeed, sir, when you look back but two years to the promises made by those who then had and now have control of the Government; to the defiant boasts they made of their management of our finances; to the grand results predicted of the redeeming virtues of the syndicate; to the monthly statements of the large reductions of the public debt furnished by the Secretary of the Treasury, all leading the people to believe that they were to be relieved of the heavy and onerous taxation under which they were and are laboring, the country must be startled at "the entertainment to which we are now invited."

Recognizing the distressed condition of all branches of industry, the paralysis that has seized trade and commerce, and the want of employment to labor, it is serious and pitiable that no relief is to be tendered by those who have heretofore professed to have the power to do so much.

Sir, is it possible that the Committee on Ways and Means can discover no relief? Have they no policy to submit to the country? Shall the Government credit be dishonored and the country bankrupted under a "Micawber" policy? Is it not cruel mockery that they should bid us "wait for something to turn up?"

Sir, ought not the committee to recognize the fact that the country is wearied of class legislation, is sick of favoritism and sectionalism in your tariff, and at once address themselves to the task of relieving the people of the payment of bounties and pensions to those who have for long years enjoyed them under the name of protection? How onerous and heavy these have been and are I need but to quote the words of a distinguished member of that committee, used in a speech delivered at the last session of Congress, and who is now a member of that committee as well as a leading member of the republican party.

Says Mr. BURCHARD, (to whose speech I refer,) in a table evidently prepared with great care, the tariff pensions paid by the country are per annum, as follows:

Tariff pensions.

Articles.	Value domestic productions, 1870.	Duty.	Increased cost.
Cotton	$165,000,000	40 per cent.	$51,241,000
Pig-iron	*1,850,000	$7 per ton	12,950,000
Silk	30,000,000	60 per cent.	11,259,000
Salt	†2,289,500	101 per cent.	1,431,687
Wire	5,000,000		1,063,000
Woolens	176,000,000	69 per cent.	50,286,000
Railroad iron	620,000	$7 per ton	4,340,000
Wrought iron	710,000	$13 per ton	9,230,000
Steel	11,250,000		2,387,340
Paper	†21,216,802	20 per cent.	3,536,132

* Tons. † Census of 1860.

These facts might be told in other words, but they could not be presented more strongly. While it is true that the tariff has been reduced 10 per cent. since the date of that speech, yet the principle has not been at all affected.

The truth is, that the immense amount paid by the people that goes into the pockets of the manufacturers of the country under the guise and sanction of your protective revenue laws, if applied directly to the payment of the national debt, would in but a few years totally extinguish it.

But it is urged that our public debt must be met. Granted; yet it can only be paid by taxes derived from the people. This debt is an admitted charge upon the life of the nation. It is not all, I submit, upon the brief span allotted to its present inhabitants. It is wrong to crush them with its weight. They only owe their part; our successors to-morrow must and should meet theirs. How should this be done? It is but just to levy only such an amount of taxes as will equitably discharge our part of it. What is that equitable part? I answer, just that proportion of our surplus capital that we can part with without detriment to our present pursuits or injury to the inheritance we leave to our successors.

In the appropriate language of another, "High taxes increase prices, create social inequalities, discourage small industries, establish monopolies, and are a temptation to fraud." Can the truth of these words be disputed? Does not the present condition of the country attest their verity?

Notwithstanding the door of the workshop is closed, that almost universal bankruptcy threatens us, yet the unemployed laborer and the poor everywhere find the price of food, shelter, and clothing high. Notwithstanding large manufacturing establishments are being reopened or never submitted to the panic, yet small establishments and industries have perished or are perishing. Notwithstanding the rich are comfortable and see no occasion for alarm, and believe, or affect to believe, that all is well, and that neither change in tariff nor currency is necessary, yet the poor are becoming poorer. New England prospers while the South and West languish, and the measure of social inequality is increasing; and as these facts are passing, vast combinations in wealth amounting to monopolies are being made. To be among the favored is it surprising that fraud should become an instrument?

Your taxes are high, because you would foster, enrich, and protect by "bounties and pensions," as the gentleman from Illinois calls it, a favored few and a favored section of the country. If you would reverse this and do equal justice to all, you would remodel your tariff, collect your taxes simply in the interest of revenue, and just that amount of revenue demanded by the interest and gradual payment of your debt and an economical administration of the Government. Let it bear upon all sections, all capital, and all industries alike.

This thought brings me directly to some reflections upon a proposition I had the honor to submit at an early day of the present session. It was a bill to repeal the tax upon distilled spirits and tobacco. This proposition was submitted before the Secretary of the Treasury had informed this House and the country of the apprehended deficiency in the revenue, and was put forward under the influence of the predictions made by the distinguished chairman of the Committee on Ways and Means in the Forty-second Congress of what the country might expect from the changes then being made in the tariff, and the predictions made by the distinguished chairman of the Committee on Appropriations. A revenue of about three hundred and fifty millions was promised by the chairman of Ways and Means from the tariff of 1872, and a reduction of expenses for 1876 to two hundred and thirty millions by the chairman of Appropriations.

Taking this general basis, and not believing it as either just or politic to pay so much of the public debt as was contemplated by a large surplus of taxation, I believed that the major portion of the revenue derived from the tax upon distilled spirits and tobacco could be dispensed with, and whatever deficiency might exist by its repeal could be and should be made up from the possessors of the capital of the country, namely, banks, railroads, insurance, and other corporations.

One of the ablest and most profound students of political economy said long since that "taxation ought to be levied at the time or in the manner in which it is most likely to be convenient for the contributor to pay it." Taking this most wise rule, which commends itself at once to the approval of all just men, together with the injunctions of the Constitution, I am prepared to maintain that the tax upon distilled spirits and tobacco is unjust and wrong, and should for this very reason be repealed.

It is not the meaning of your Constitution and form of government to select one industry and not all for taxation. Nor is it in the meaning of that instrument that the burden of taxation shall fall exclusively upon one section or one clime and not upon all. Nor is it in the meaning of that instrument that the product of one man, and not all, shall be taxed for the support of the common Government. You are expressly prohibited by the Constitution from levying a tax upon exports, and yet in this given tax you do so.

Permit me for a moment to invite your attention to the injustice especially of the tobacco tax. Turning to the report of the Commissioner of Internal Revenue for 1873, I find he reports 116,440,934 pounds as the actual product of manufactured or taxable tobacco for the year 1873, and there was but little beyond this, because no one could sell unless to a licensed dealer. Now this quantity estimated at a fair value per pound, without taxation, say 30 cents, would make the sum of $34,932,280. What, suppose you, this sum of the labor of a few of the States of your Union was taxed? In the same report I find the Commissioner says it yielded "a grand total" of $34,386,303.09. One hundred per cent.! Does not the very statement show that it is too heavy? Its injustice becomes more apparent when you reflect that other industries are not taxed; that other sections escape its weight, its annoyances, and vexations; that it goes to the payment of an untaxed bond, which "bond is capital to him who holds it, and a tax to every one else." To the payer of this tax must and does come the reflection that while others enjoy the protecting smile of the Government he is punished with the weight of its frown. Add, then, the fact that it is enforced by agencies expensive, unusual, and corrupting, and you will concur with me that its repeal is demanded alike by justice and sound policy.

But, sir, if the magnitude of your debt and the necessary cost of the administration of the Government will not enable you to dispense with this odious tax, then I have respectfully to insist that you relieve it of its oppressive and vexatious features. In its collection proceed upon the idea of honesty among the people, and follow regulations and agencies to which they have been accustomed. Do away with spies, informers, and detectives, and the support these agencies derive from force. Adopt the license system entirely, and let each person engaged in the trade report the amount either of sales or of capital employed, and grade your tax upon that. Following this idea, which I have not now either time or opportunity to elaborate, you can dispense with an army of office-holders; you will cheapen the cost of collection and make the payment easier and more acceptable in manner to the tax-payer.

The tax required of the producer, though he should not engage in trade or be an actual dealer, and the requirement that he should sell alone to a licensed dealer, in its enforcement amounts to a gross outrage. A very large number of persons who raise tobacco, less than $100 in value, are cut off from payment of rent in kind, the adjustment of their accounts for family supplies, and exchange for the necessaries of life, because they live remote from licensed dealers to whom alone they can barter or sell. Were I to recite the details of the enforcement of the penalties for a violation of the laws in this respect, its cruelty and hardship would account for the disfavor with which the people, especially the poor, regard this law and the earnestness with which they demand its repeal. Will the Committee on Ways and Means give their attention to this complaint? It can be remedied without materially affecting the revenue. In fact, the revenue may be increased by reducing the amount of license tax required of the retail dealer.

The small retail dealers in tobacco are, under operation of the existing law, driven from the trade, and the use of tobacco is becoming the luxury of the rich. Indeed, in this and other respects, the tobacco tax seems to have been framed with the view of favoring the large dealers and in the interest of the manufacturers at the expense of the producer.

It is especially in this connection that I would commend to the consideration of the committee the wisdom of the rule of taxation already quoted, "that taxation ought to be levied at the time and in the manner in which it is most likely to be convenient for the contributor to pay it." If, then, I repeat, the condition of the finances will not admit a total repeal of this law, and the supply of any deficiency likely to arise from such repeal from the sources I have named, modify your internal-revenue laws in the interest of revenue and not in the interest of classes; popularize the methods and manner of its enforcement, cheapen the cost of its collection, and you will be enabled to receive more in amount at less rates than you now impose.

When you come to regard the immense amount of taxation paid annually by the people of the United States for the support of their national, State, and local government, amounting in round numbers to $700,000,000 per annum, and to realize the truth of the axiom in political economy that taxation is the abstraction of the capital of the country, and that every interest in the country is being prostrated in this abstraction of capital, it seems most strange that the Committee on Ways and Means should hesitate in recommending a line of policy which would relieve the industries and labor of the country from the weight and burdens of protection and class legislation, and under which these industries and this labor are coerced into the payment of millions to foster and enrich the favored few.

No substantial relief can come to the country until these weights and burdens are removed. The labor and industry of the people demand emancipation from these oppressions. They demand freedom and equality. This can only be had by adopting a strictly revenue policy. Do this and relieve them from the thralldom under which they labor, growing out of your currency laws, and you will have solved the problem of cheap transportation. And again upward and onward will be the progress of American commerce, American industry, and American institutions.

State of Louisiana.

SPEECH OF HON. OLIVER P. MORTON,

OF INDIANA,

IN THE UNITED STATES SENATE,

April 16, 1874.

The Senate having under consideration the bill (S. No. 446) to restore the rights of the State of Louisiana—

Mr. MORTON said:

Mr. PRESIDENT: The bill introduced by the Senator from Wisconsin [Mr. CARPENTER] provides that on the fourth Monday in May an election shall be held in Louisiana for governor, lieutenant-governor, all the State officers, and for members of the Legislature; that this election shall be held under the direction and authority of an officer to be appointed by the President of the United States; that that officer is to appoint commissioners or agents in the different parishes and precincts of the State to conduct the election, the election to be conducted under regulations to be prescribed by this officer, and at the expense of the United States, for which an appropriation of $200,000 is made in the bill. It further provides that on the first Monday after the result of the election shall have been promulgated these officers shall be installed in office, and of course the others turned out. This is all I need say with regard to the bill as a preface to the very brief argument which I shall submit to the Senate this afternoon.

The proposition of the Senator from Wisconsin is that the United States shall guarantee to each State a republican government; that a republican government is one which is chosen and established by the people of the State; that whenever it is believed that the governor and other State officers were not chosen by the majority or in accordance with the constitution and laws of the State, it is within the power and is the duty of Congress to interfere and set aside such State officers and order a new election under the authority of the United States, and under rules prescribed by the Government of the United States; that the Constitution gives the power to Congress to determine whether a State election was fairly held in accordance with the constitution and laws of the State and whether the votes were properly and honestly counted.

This definition of the power of Congress I deny. It was never contemplated by the framers of the Constitution. It utterly destroys the integrity and independence of the State governments. The Constitution declares that "the United States shall guarantee to every State in the Union a republican form of government." The object of this provision was to secure a republican as distinguished from a monarchical or aristocratic form of government; a representative government based upon the people and recognizing their rights. It was not intended to give to Congress power to supervise and correct the frauds and irregularities that might arise in the conduct of elections; but to secure republican as against monarchical or aristocratic forms of government. We had just achieved our independence from a monarchy. There were still many advocates of monarchy living in all the States. During the Revolution there had been a tory party in all the States, and there were still remnants of that party living in some of them in 1787 when the Constitution was formed. At that time the governments of several of the States were actually administered by an aristocracy of property, and apprehensions were entertained that aristocratic principles might grow in power and get the control of some of the States so far as to change the forms of government and subvert the rights of the mass of the people.

From 1774 down to 1787 the great question in American politics had been the rejection of monarchy and aristocracy and the establishment of republican forms of government. There were advocates of monarchy and aristocracy in the convention that formed the Constitution. But republican principles triumphed, and it was intended to secure that triumph by the declaration that the United States should guarantee to each State in the Union a republican form of government. At the very time that the Constitution was formed the controversy was raging in France between republicanism and monarchy, and in fact it had extended into England and every country in Europe, and men were everywhere discussing as the absorbing topic of the day the relative merits of monarchical and republican institutions. Not only the language of the Constitution itself, but the history of the times absolutely demonstrates the proposition that the power given to Congress was to intervene against monarchical and aristocratic and for the preservation of republican forms of Government.

I ask the Secretary to read from pages 201 and 202 of the Federalist an article written by Mr. Madison, the passages I have marked.

The Chief Clerk read as follows:

"To guarantee to every State in the Union a republican form of government; to protect each of them against invasion, and on application of the Legislature or of the executive (when the Legislature cannot be convened) against domestic violence."

In a confederacy founded on republican principles and composed of republican members, the superintending government ought clearly to possess authority to defend the system against aristocratic or monarchical innovations. The more intimate the nature of such a union may be, the greater interest have the members in the political institutions of each other, and the greater right to insist that the forms of government under which the compact was entered into should be *substantially* maintained.

But a right implies a remedy; and where else could the remedy be deposited than where it is deposited by the Constitution? Governments of dissimilar principles and forms have been found less adapted to a Federal coalition of any sort than those of a kindred nature. "As the confederate republic of Germany," says Montesquieu, "consists of free cities, and petty states, subject to different princes, experience shows us that it is more imperfect than that of Holland and Switzerland." "Greece was undone," he adds, "as soon as the King of Macedon obtained a seat among the Amphictyons." In the latter case, no doubt, the disproportionate force, as well as the monarchical form of the new confederate, had its share of influence on the events.

It may possibly be asked, what need there could be of such a precaution, and whether it may not become a pretext for alterations in the State governments, without the concurrence of the States themselves. These questions admit of ready answers. If the interposition of the General Government should not be needed, the provision for such an event will be a harmless superfluity only in the Constitution. But who can say what experiments may be produced by the caprice of particular States, by the ambition of enterprising leaders, or by the intrigues and influence of foreign powers? To the second question it may be answered, that if the General Government should interpose by virtue of this constitutional authority, it will be of course bound to pursue the authority. But the authority extends no farther than to a guarantee of a republican form of government, which supposes a pre-existing government of the form which is to be guaranteed. As long, therefore, as the existing republican forms are continued by the States, they are guaranteed by the Federal Constitution. Whenever the States may choose to substitute other republican forms, they have a right to do so, and to claim the Federal guarantee for the latter. The only restriction imposed on them is, that they shall not exchange republican for anti-republican constitutions; a restriction which, it is presumed, will hardly be considered as a grievance.

Mr. MORTON. Here Mr. Madison declares that the only restriction imposed upon the States by this provision of the Constitution is that they shall not exchange "*republican for anti-republican constitutions*," and that the purpose of the provision was to protect the States against the danger then apprehended by many of the future adoption of aristocratic or monarchical institutions.

The precise proposition of the Senator from Wisconsin is that if in point of fact the governor and other State officers and a portion of the members of the Legislature obtained their offices by fraud, or were not chosen in accordance with the constitution and laws of the State of Louisiana, then Louisiana has not "a republican form of government" within the meaning of the Constitution of the United States.

This makes the existence of republican forms of government in the several States to depend upon the facts attending each election of their officers from time to time, and every fraudulent election or possession of the State offices, to destroy the republican character of the government. It is not possible that the framers of the Constitution had such a definition of a republican form of government in contemplation. *De facto* monarchs, presidents, or governors have never been held to change the form of a government in any state or country, although they did not come into office by the direct line, or through the channels prescribed by their constitutions and laws. They are the accidents of administration, liable to occur in all forms of government, and do not change the nature of the government itself. What the framers of the Constitution had in view was the *constitution and form* of the State governments, and not the contingency of a fraudulent election for governor or members of the Legislature. They intended to guarantee to each State a *constitution and form* of government in which the sovereignty and power were recognized as being in the people, as distinguished from a monarchy or government of nobles, principal men, or privileged class. The Constitution looked to the nature and character of the State governments, and not to the regulation of their election, in regard to which the States were to be left free.

The question as to the power of Congress under the fourteenth and fifteenth amendments to interfere to secure the equal enjoyment of civil and political rights to all the people of a State, and secure to all conditions and classes the equal protection of the laws, is not involved. The Senator does not seek to draw the power from the amendments, but from the guarantee clause before quoted.

If Congress has power to pass this bill it has power to set aside a State government at any time and on any pretext, for Congress is to be the sole judge of the sufficiency of the pretext. The power to set aside a State government for frauds in the election of State officers involves a power to investigate every State election and makes Congress a canvassing board for State elections and a court of last resort in all questions of contested elections arising in any of the States. It not only involves the power to set aside elections, but to abrogate State constitutions and to impose upon States officers not elected under the laws and constitutions of the States, but elected under Federal authority, and regulations unknown to the constitutions and laws of the States. It involves the power to supervise and regulate the administration of a State government, to suspend its operations, and set it aside and create a new one according to the caprices or passions or party interests of the hour. Under the pretense that an election has not been held according to the constitution and laws of a State, it sets aside the constitution and laws of the State entirely, and provides for the election and appointment of officers at times and by methods wholly unknown to the constitution and laws of the State.

If Congress possesses such a power as this, then the State governments exist only by sufferance, and may be changed by Congress from time to time according to its sovereign will and pleasure. While the sovereignty resides in the nation, yet it is a part of the theory of our Government and is intended by the Constitution that the State governments shall be independent in their spheres. The very idea of State government is destroyed, if Congress has the power to supervise and correct irregularities or errors in its administration. It is a delusion to call that a government if the ultimate power to determine who was elected governor or other State officers or members of the Legislature resides in an outside, superior, and independent authority. The very idea of a government carries with it the power to determine by its own laws and tribunals all questions of election of the persons who are to exercise its powers; and with this idea there was not the remotest intention to interfere by the provision in the Constitution of the United States.

At the end of the war the Southern States were without governments of any kind, and the interference of Congress for their reconstruction was a political and constitutional necessity. The power was deduced from the provision of the Constitution declaring that the United States should guarantee to each State in the Union a republican form of government, because it was said that a republican form of government could not be guaranteed to a State where there was no government at all, and that it was therefore clearly within the power of Congress to take such steps as would enable the people to establish a new government republican in its form. In the absence of this constitutional provision there would have been the same constitutional and political necessity for the existence of this power in Congress, and the power would have sprung *ex necessitate rei* from the whole nature of our government. The Constitution intended to give to Congress a protectorate over republican forms of government in the States against the encroachments of aristocracy or monarchy or anarchy which is the absence of government. To execute this power Congress was authorized to use all the means necessary to set up and establish a republican form of government and to impose conditions looking to its perpetuity, and may doubtless interfere with an existing State government to prevent changes in its constitution and nature by which it would cease to be in substance republican.

The power contended for by the Senator from Wisconsin would place the State governments as completely under the control of Congress as are the governments of the Territories.

Mr. CARPENTER. Are they not?

Mr. MORTON. Well, I say the Senator's argument does place all State governments as completely under the control of Congress as the government of a Territory.

Mr. CARPENTER. As a mere matter of fact, does the Senator doubt that Congress might to-morrow take the government of New York and supplant it and put another government there?

Mr. MORTON. It is not to be supposed that Congress would do a thing entirely outside of the Constitution and in gross violation of it

Mr. CARPENTER. I ask if the Constitution does not confer upon us that power?

Mr. MORTON. The Senator confounds physical might with constitutional power. If the Congress should exercise the power the State of New York might be helpless, but would it not be in gross violation of the Constitution of the United States? The question is not whether we have the physical power; nobody can prevent us; but the question is, have we the right to do it under the Constitution? That is the question.

The Senator interrupted me in the midst of a sentence. The power contended for by the Senator from Wisconsin would place State governments as completely under the control of Congress as are the governments of the Territories; would by a single principle centralize and consolidate all powers in the national Government, and leave the State governments as mere conveniences or expedients, to be continued, suspended, or altered at will. The constitution of Louisiana provides that the governor shall serve for four years, to be elected on the first Tuesday in November every fourth year; but if Congress has the power to turn the present governor out and provide for the election of a new one two years and a half in advance of the time, under regu-

lations to be prescribed by itself, it may equally provide that the election thereafter may be annual, or that the governor, instead of being elected by the people, may be appointed by the President, or chosen by lot, or selected in any other way. Under the provision to guarantee to each State a republican form of government the doctrine of the Senator confers upon Congress the power to destroy a republican State government and create another one in its stead.

The provisions of the Constitution should receive a reasonable construction, and should be read in the light of the history of the time when it was framed, and be construed with reference to the events and the opinions which are known to have then operated upon the minds of its framers.

The power to preserve republican forms of government in the States should not be converted into a power to destroy them; and the beneficent protectorate given to Congress over republican institutions in the States should not be perverted into a despotic authority with no limitations but the arbitrary will of a majority.

The Senator from Wisconsin, in his report from the majority of the Committee on Privileges and Elections and in all his speeches, has assumed that neither Kellogg nor McEnery was elected governor of Louisiana in 1872, but that the election was utterly null and void because of fraud and violence. If this proposition, so often asserted by him, be true, then Warmoth is to-day the legal and rightful governor of Louisiana, for by the constitution of that State he was to hold his office until his successor was duly elected and qualified. The Senator's bill, therefore, not only proposes to oust Governor Kellogg, to hold a new election for governor, State officers, and for the Legislature in violation of the constitution and laws of that State, and to force upon the State new officers chosen in defiance of its constitution and laws, but it deprives Warmoth of his rightful and lawful possession of the office of governor by overruling that part of the constitution of the State which declares that he shall hold his office until his successor shall have been duly elected and qualified—this, of course, upon the Senator's assumption that neither Kellogg nor McEnery was elected.

Mr. CARPENTER. Upon that assumption which the Senator points out we overrule them. Warmoth would remain governor by the Senator's theory until his successor was elected and qualified.

Mr. MORTON. Until he was elected and qualified under the constitution and laws of Louisiana, not under directions and the authority of the President of the United States. The constitution of Louisiana has no reference to an intervention of that kind; but that the governor shall hold his office until his successor shall have been duly elected and qualified under the constitution and laws of the State. That is what it means.

In concluding this branch of the discussion, it will be proper to refer to the admission running through the Senator's report and through all his speeches, that if the election had been fairly conducted, Kellogg would have been elected; that the republican party had a large majority in Louisiana at the time the election was held; that Kellogg in his politics and principles represented and does now represent a large majority of the people of the State. And it is proper here to repeat what I have said before, that what is known as the Kellogg government is to-day the choice not only of the republican party of the State, conceded to be in a majority, but that its removal by an act of Congress would be against the wishes of a very large part of the democratic party of the State, and especially that part which represents wealth, industry, and order.

Kellogg has been declared by the Legislature and the supreme court of the State its lawful governor. His authority as such has been acknowledged by all the subordinate courts and every department of the State government and is fully acquiesced in by the great body of the people. The Legislature has held two sessions, in which it has enacted numerous laws that are recognized and enforced by the courts, and to which submission is yielded by the people. The Legislature and State officers, who have been in the full exercise of all the powers belonging thereto, were declared to have been duly elected by a returning board created by the laws of the State and the legality of which was fully recognized by the supreme court of the State.

The preamble to this bill declares that Kellogg and the State officers and the members of the Legislature were not elected, and that the action of the returning board was without proper evidence and fraudulent. To all of this I answer, without here going into the facts, that Congress has no right to go behind the decisions of those courts, or behind the action of that returning board; that there is a necessity for State governments, and that this necessity involves a further necessity that each State shall have tribunals for deciding all questions of election arising under its constitution and laws; that the decisions of such tribunals shall be final and conclusive; that the mischief which would arise from allowing the decisions of such tribunals to be questioned or set aside would be infinitely greater than any benefits that could possibly accrue to the State or to the nation.

In the foregoing arguments I have proceeded upon the assumptions of fact made by the Senator from Wisconsin which I do not intend to be understood as admitting. I have on a former occasion discussed the history of the election in Louisiana in 1872 and of what is known as the Kellogg government and will not here repeat it.

There is a State government in Louisiana in full and successful operation, which claims to have been chosen by the people, and which has been decided, by the courts of the State and by that tribunal specially created by the laws of the State to determine questions of election, to be the lawfully chosen and constituted authorities of the State; and whatever may be the personal convictions of the Senator from Wisconsin as to the correctness of their decisions, he as a Senator has no jurisdiction or concern in the matter, and Congress has no more right to meddle with it than has the Legislature of New York.

Currency—Free Banking.

SPEECH OF HON. G. W. SCOFIELD,

OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

May 19, 1874.

On the bill (H. R. No. 1572) to amend the several acts providing a national currency, and to establish free banking, and for other purposes.

Mr. SCOFIELD. Mr. Speaker, in order to provide a proper remedy, if remedy is possible, for the business depression of the country, we should first endeavor to ascertain its cause. If we cannot agree as to what the cause is, we possibly may as to what it is not.

It certainly is not because of any scarcity. We have about as much food and clothing in the country in proportion to population as we ever had. We not only have more dwelling-houses, but more furniture and comforts in them than ever before. We have more and grander public edifices and business houses, more schools, school buildings, churches, and libraries, than ever before. Not only so, but within a few years the whole country has been very much developed by the opening of rivers and harbors, building of railroads, tunnels, bridges, and highways, and by the construction of every kind of city and village improvement, whereby the whole country is rendered more habitable and all our material wants better supplied, than ever before. As republicans we have been accustomed to boast, and with great truth, that the country was never so progressive, nor the people better clothed, fed, housed, and warmed, than under the administration of General Grant.

But in the midst of all this prosperity and progress a great many manufactories that had been running night and day to supply this large demand for consumption have suspended, and their laborers, clerks, and superintendents are left without employment. Why have they suspended? Have they been running at a loss? O, no. On the contrary, they have been making very large profits. The owners, as a general thing, are very rich, as they well deserve to be for their skill and enterprise. Why, then, do they not go on with business? Because consumption has suddenly fallen off. They cannot sell even their present stock. If they could sell their stock now on hand, and see a reasonable market for the future, they would revive at once. They need somebody to buy their productions. In other words, they want consumers. For the last five years there has been no such lack. All the old establishments and many new ones have been in full operation, and even then could scarcely keep up with the demand for all this construction, comfort, and luxury into which their products were turned. But this year consumption has fallen off very largely and very suddenly, especially of iron, lumber, and all articles of luxury.

Why is this? Why do not the people buy as heretofore? Where have the consumers disappeared? They have not been swept away by pestilence or war. Our population has not decreased. They have the same property, though not always of the same nominal value nor always in the same man's hands, but they have the same houses, lands, and chattels which they had last year; but somehow or other they have no stomach for consumption. If Congress could only give them an appetite, induce them to buy the coal, iron, lumber, oil, carriages, furniture, and the various luxurious fabrics now ever seeking a market, all these workshops would again be busy. Why, then, do they not buy? Why do they not consume?

"Because," we are told, "they have no currency with which to make the trade." "There is not currency enough in the country to do the business." The manufacturers are on hand, as we know, with their products to sell, and the former consumers are on hand, and as it is alleged with capital to buy; but the trade cannot be made because, as it is said, there is no currency, no bills, no medium by which the transfer can be effected. The suggestion that the consumers, that is the people, do not want to buy; that many of them have no capital with which to buy; and that all have come to the conclusion that they cannot afford to buy, is set aside as too absurd for consideration. There is nothing in the way, they insist, but a lack of currency. Now, if that is so, how did they manage to do so much business for the last five years? During that time the volume of currency has not materially changed. The 3 per cent. certificates were redeemed, but the fifty-odd millions of bank-notes much more than supplied their place. Besides, we have added within a year twenty-six millions of greenbacks to the circulation. So that on the whole the currency has been considerably enlarged. We now have in all $782,000,000, about four times the amount of paper currency before the war. This currency has not only been sufficient during all these five years to do the business of the country well, but by its redundancy to aid the vast in-

flation of commercial credit. Now, where has all this currency gone? It must be conceded on all hands that it was abundant for the large business we have been doing, and certainly, if we can find it and use it, it will be superabundant for the small business we are doing now. It is not in the Treasury. These vaults are uncommonly empty. Where is it?

Gentlemen see the necessity of answering this question. They cannot deny that we have had enough to do the business heretofore, and that we have a little more now than we had then. They see that these two facts, these two admissions, refute their allegation that trade has been suspended from lack of currency, unless they can show that it is destroyed or placed beyond our reach. Driven to this extremity, they gravely tell us that the freedmen have absorbed it! absorbed seven hundred and eighty-two millions, or a good part of it. But while we are wondering at the amazing thrift of these poor people and their extraordinary power of sudden absorption, Representatives of the South arise and demonstrate that there is very little currency in that section of the country, either among the whites or blacks. They complain that the North and East have monopolized it all, and demand legislation whereby they can secure their share.

Then, again, it is said that the currency has been hid away in old stockings all over the country. Seven hundred and eighty-two millions or a good part thereof—four times more than belonged to the whole country before the war—hid away in stockings! But this theory is scarcely advanced before up rise a dozen gentlemen on the same side of the main question, and attempt to demonstrate that this class of alleged hoarders are very poor, out of employment, out of money, and out of stockings, and give this as an argument in favor of printing more money.

Then it is said that it has all gone to Wall street. Money goes to New York, to be sure, and so do men, and both on the same errand. Men go to transact business there and return to transact business at home. Money goes and returns for the same purpose. It has respect to trade only and not to places. Leave it free, and no place can long retain more than the amount which its relative business requires.

Finally, when the freedmen, stocking-hoarding Wall street stories are exploded, it is alleged that the currency is hoarded by banks and other money-lenders. What a contradiction of assertions! Hoarders never lend and lenders cannot afford to hoard. That much of the currency lies in the vaults of banks and other money centers is doubtless true, but that it is hoarded there is absurd. To lend money is the business of a bank, and if it does not do it no dividends are earned. The money is in the banks because there is little for it to do outside. It is the sure evidence of plethora. There is but little trading going on. Producers want to sell, but consumers will not buy, and there being but little demand for a medium of exchange, it finds its way to the banks and lies there idle. Hoarding by banks and money-lenders is about as absurd as the negro and stocking-hoarding stories. You might as well expect a man in the livery business would fill his stable with horses and carriages and refuse to hire them to responsible people; or that an innkeeper would furnish and stock his house, supply it with clerks and attendants, and then close his doors to his guests. While it is plain that the producer is on hand with his unsold stock, and the consumers are on hand to buy if they had the disposition and capital, the currency that used to be employed to make the transfer is also on hand awaiting the revival of trade.

When trade ceased money became idle and was laid up in vaults. The idleness of the money did not cause the cessation of trade, but was the result of it. You might as well say that the workman who is idle because he has nothing to do is hoarded as to say that the currency which lies in vaults because there is no business to employ it is hoarded. The fact is that the mill, the workman, and the currency are all standing idle because there is nobody to buy and consume their products. We know where the mill is, where the workman is, and where the currency is. There is no hiding nor hoarding of either. They are all ready to go to work to perform their several duties in production so soon as reliable consumers will agree to purchase.

But suppose the currency has all disappeared in some or all of these several ways; consider your remedy. You propose to print, say one hundred millions more; would not that go where the seven hundred and eighty-two millions went? How can you stop it? "Keep on printing," we are told. That is pouring water in a sieve.

Again, it is asserted by those who think this falling off in consumption is caused by a deficiency in the currency that a certain amount of currency per head is at all times required to do the business of the country, and that we have not at this time that "certain amount." If this "per-head" theory were true, it would not help the argument; for whether we have more or less than that certain amount, we now have as much as we had during the period of the greatest consumption, so that the falling off in consumption could not be attributed to a deficiency of currency. Gentlemen who believe this theory have been trying to ascertain what that requisite certain amount is. Some fix it at fifteen dollars per head, some at twenty, and others at twenty-five. One gentleman, drawing a fine sight upon it, demonstrated that we needed exactly nineteen dollars, thirty-nine cents and four and one-fourth mills for every man, woman, and child within our borders. If Congress would print just that amount, buying and consuming, he thought, would again revive. No wonder that no two of these specific-amount theorists can agree. Their error lies in the supposition that there is or can be any such specific amount. Its advocates forget that, other things being equal, prices rise as the quality of the currency is depreciated by its enlarged quantity. So that as soon as business becomes settled upon the new basis the increased amount of currency will go no further in trade than did the smaller amount on the old scale of prices. If we would convert, by law, every one-dollar note, as has been proposed, into five dollars, and raise all other denominations in the same proportion, as soon as existing contracts were satisfied and prices adjusted to the change, your new five would buy no more than it did when it was called one, and of course could do no more business. It cannot be true, then, that a specific amount is required. The business could be done equally well by a large or small amount. The suffering comes from a change in either direction. By changing the volume of the currency, you change prices, and by changing prices you change the wealth of individuals. One class gains and another loses. The losers are the dull earning and saving class; the gainers, the sharp, speculative, money-making class, who alone anticipate the coming change, and bargain, buy, and sell accordingly.

But if further evidence is required to prove that the diminished consumption is not caused by insufficient currency, let the doubter compare the present amount of paper money with the amount existing before the war. Prior to that time the average amount of paper money was less than two hundred millions, and it ran but a little above these figures even during the great inflation of 1857. Now, it is seven hundred and eighty-two millions. Besides this the entire business of three or four States is done with coin or bank-notes redeemable in coin. The interest due from the United States, from many of the several States, and from divers railroads and other corporations is paid with coin. The customs are collected in coin and a large portion of private exchanges effected through the same medium. We have about four times as much paper money now as we had then; besides the vast increase of national, State, and corporate indebtedness which is more or less used for large transactions. After making all possible allowance for increased business, you still have surplus currency enough to more than double prices. I conclude, therefore, that the motive which induced people to stop buying all at once did not originate in the currency, and we must look for it elsewhere.

Again, it is said that the market was glutted by overproduction. That is hardly a correct statement of the case. Diminished consumption rather than increased production glutted the market and stopped the mills. For many years the production has been very large, but consumption has been equal to it. In fact the large demand coaxed the mills into operation, and when that demand suddenly fell off a portion of the workshops were compelled to stop or run at a heavy loss.

We come back to the unanswered question, Why did consumption fall off so suddenly? Because a large part of all this buying, constructing, building, and furnishing had been done upon credit, and some of the great bankers, numerous country investors, merchants, and manufacturers, who had been furnishing the credit, broke down or became unable or unwilling to advance any more. Loanable capital was exhausted but the currency was not diminished. When credit gave out, economy came in, and the buying, constructing, building, and furnishing was at once suspended.

A little review of what has been passing around us will show how credit came to be sought, how obtained, and how exhausted. During all these years of prosperity a great many people had been living beyond their means. Contrast the style of living before and since the war and you find careful earning and frugality on the one side, and extravagance and prodigality on the other. It is said that our resources kept pace with expenditure, and that our increased consumption no more than equaled our increased wealth. I know we thought so, and it was that belief that begat the extravagance which in turn begat the present trouble. Each person knew that he was not laboring any harder, nor laying by in purchasing power any more surplus, and that his items of property were about the same, and still he imagined that he was worth and could afford to spend a great deal more. The bulk of his estate was the same, the articles that composed it the same, the income from it the same in purchasing power, but in the inventory the figures were gloriously enlarged. With such an unexpected addition to his wealth, why should he not borrow a little money with which to enlarge his house, renew his furniture, and spend a few months abroad or at the springs? He thought as many gentlemen here argue, that a dollar was a dollar whether made of gold, leather, or paper, or whether it would buy a day's boarding or be all used up on a single breakfast. The owner of a small house worth a couple of thousand dollars found in the course of a few years that its nominal value had run up to five or six thousand dollars, and very naturally concluded that by a shrewd investment he had tripled his estate. In this delusion he enlarged his expenses to correspond. His money-lending neighbor took the same view of it, and loaned him money on the inflated prices. And in this way delusion was discounted, drawn upon, and mortgaged all over the land. We went on borrowing, buying, and consuming so rapidly that production could hardly keep up with the demand.

In the same way cities and villages, believing that their wealth had quadrupled and, in spite of the very accurate census which nobody would credit, that their population had doubled, and discounting corresponding growth for the future, borrowed money and entered upon improvements, very convenient and useful in themselves,

but far in advance of the real ability of the people. The same misconception of the growth and wants of commerce induced railroad men to believe, or enabled them to make other people believe, that large travel could be had where nobody lived and heavy freights where nothing was grown. Hundreds of these premature and at present non-paying enterprises were undertaken, and their construction furnished a market for labor, coal, iron, lumber, locomotives, cars, machinery, and tools of every kind. But all these improvements were made very largely upon credit. Municipal and railroad bonds floated like golden clouds all over the country, and the small surplus of every neighborhood as well as the small savings of the people in the banks were absorbed in these uncertain securities. So that while we really possessed all the improvements, comforts, and luxuries of which we had been accustomed to boast, they had yet in good part to be paid for from future earnings and savings.

We came to a realization of this ugly fact very suddenly. And we came to notice another ugly fact quite as suddenly, and that was that our property had not increased in value near as much as we had supposed, and that the apparent increase was largely owing to a depreciation in the standard of measurement. Unconsciously by that standard everything had been watered, inflated, or duplicated. The failure of a single firm opened our eyes, and we saw the mistake in our estimates, our expenditures, and our investments as plainly as if a streak of lightning had scrolled "Delusion" on the sky. Of course, we stopped constructing, building, buying and furnishing, at once. And now very few people are willing to buy, while a great many people are anxious to sell.

Congress is expected to persuade somebody to buy what somebody else offers for sale. That "revives trade;" that "starts business;" that "relieves the country." "Give us buyers," is the prayer of the manufacturers, producers, and venders, burdened with last year's stock or last speculation. I earnestly wish we could answer that prayer by furnishing purchasers for the surplus productions of those deserving manufacturers. Then they could manufacture more and thus give employment to the laboring people. But consumers say they have already bought too much, more than they could well afford to do; that they are somewhat in debt for what they have already consumed, and therefore they must economize and buy less until they catch up. The thoughtful manufacturer sees the situation and the helplessness of Congress in the premises and reduces his production, slowly and cautiously, to protect as far as possible his employés. I trust they may not have long to wait. Consumption by the economy and growth of the country will soon come up to its former demand, and then manufacturing will be as lively as ever.

But there is another class of vendors less reasonable and less deserving. They are speculators who have been caught with corner lots, city additions, land-grabs, timber monopolies, coal lands without coal, oil lands without oil, gold mines without gold, with railroad charters and paper towns, and with bonds and stocks in everything uncreated. They will tell you that if confidence had only held up for a day or a week or a month longer, they would have had their cash in hand, and then a great many confiding and honest people would have been caught in the crash instead of themselves. As it is, they have left many victims all over the land. These gentlemen, with an audacity that characterizes their calling, assume to be the people, and in their name keep up a steady "ding-dong" for the "restoration of confidence," and confidence they allege can only be restored by watering the currency.

Free banking, with a proper retirement of discredited paper, is in the line of correct financial principles and ought to be agreed to; but "expansion" pure and simple will impair rather than restore confidence in the honor of the Government and the stability of prices. It is at best a temporary remedy that must be yearly renewed and enlarged until we shall be overtaken with repudiation and national disgrace, to be followed possibly by revolution or disunion.

What do they mean by "restoring confidence?" Confidence in what? Confidence that a man has enlarged his wealth because it is valued by a lower standard, and that therefore he can afford to borrow, expend, and live extravagantly? Confidence that watered stocks and premature improvements are good investments for the hard earnings of the people, or a good bank collateral for a sixty-day note? Confidence that the wealth and population of your town is double what the census made it, and that it will again double in two or three years, and therefore you can afford to issue bonds, project extensive improvements, and convert farms into city additions?

This would rather be the restoration of the credulity, the delusion which is the cause of all our trouble. Who would be benefited by such a revival? It might enable one class of citizens to work off their unsuccessful enterprises, their unsalable property and bad speculations upon their neighbors, but those neighbors would be less able to bear the misfortune than those upon whom it originally fell. But you cannot revive "confidence" suddenly, even by order of Congress. You may shorten the measure so as to duplicate distance, but the deception in this day of inquiry will be suspected. Tell a prudent man, accustomed to keep a little surplus for emergencies, a pond into which the small accretions of his industry flows, and seeing that surplus half drawn off by the extravagance of the times, shuts down the waste-gate—tell him to open that gate again and go on expending, that Congress will fill the pond by providing that six inches shall make a foot, would he believe you? Would he act upon your advice? The speculator below the gate, hoping to acquire the prudent man's earnings, might listen to you, but the man above would suspect you for a rogue. Grown people, no more than children, play with fire while the old burn is smarting. I suppose this delusion, miscalled confidence, will come slowly back of itself. It takes time, but it will come. It is periodic like locusts, and epidemic like fanaticisms. In a few years we will again fall under the influence of expanded credit. We will again imagine we are getting rich without additions to our property, and again begin to borrow, expend, and speculate, and call it making money. But for the present the people will be distrustful, cautious, and frugal let Congress do what they will.

We ought to learn something of our duty, in this emergency, from past experience. Our condition is not unprecedented. The history of business in this country and the old is full of similar breakdowns. They were always preceded by delusive estimates of wealth, and corresponding extravagance both in private and public affairs; which delusion was caused by a wild expansion of commercial credit, aided in the beginning by a redundant paper currency. The collapse was always attributed to fright and panic, while in fact it was only a sudden comprehension of each one's own and his neighbor's condition. To restore confidence by legislation—that is, to blind the people to their real situation lest they should contract their purchases and thereby lessen trade and discourage production—has always been tried and always failed. Possibly we will try it again; but if so, it will again fail. Our experience will be like the past; we will have a year or two of reduced consumption, of caution, retrenchment, settlement, and dull times. It will be shorter and lighter than in other countries, because we grow more rapidly; shorter and lighter than in 1837, because the expansion of commercial credit and overestimate is less; and shorter and lighter than in 1857, because we have a much safer although an expanded and depreciated currency.

Consular and Diplomatic Service.

SPEECH OF HON. SAMUEL S. COX,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

May 16, 1874.

The House, as in Committee of the Whole, having under consideration the bill (H. R. No. 3095) making appropriations for the consular and diplomatic service of the Government for the year ending June 30, 1875, and for other purposes—

Mr. COX said:

Mr. CHAIRMAN: I am well aware of the generosity and courtesy of my friend from Maryland who introduces this bill. It is a diplomatic arrangement, by which so eminent a democrat becomes its reputed father. There is no man in the House who can make a more graceful and dignified kow tow before the head of the State Department and at the same time maintain his influence in this House. But, sir, I must be allowed to dissent from him on this matter.

The total amount appropriated by this bill is $3,347,304. There are amendments from my committee (Foreign Affairs) which would add $57,000 in one item; to say nothing of the increase incident to an adoption of the consular amendment. The bill will be over three and a half millions. Deducting the allowed claims of British subjects, which amount to $1,929,819, there is an excess of the appropriations of last year of over $150,000. Certainly the mysterious Brazilian item of $57,000 will be, must be, explained when we come to it in order.

INCREASE OF DIPLOMATIC APPROPRIATIONS.

It would be proper for me as a member of the opposition in challenging this bill to inquire why there has been such an increase in these appropriations from year to year. The reason of such an inquiry will be apparent when I say that whereas less than $1,000,000 very recently, sufficed for our foreign service, now we more than treble that sum! These items taken from the statutes are pertinent to my discussion:

Our diplomatic and consular expenses for the year ending June 30, 1859, were only $912,120; for the year ending June 30, 1860, they were $1,047,745; for the year ending June 30, 1861, they were $1,158,380; for the year ending June 30, 1862, they were $1,260,544.34; for the year ending June 30, 1863, they were $1,235,889.89; for the year ending June 30, 1864, they were $1,260,544.34; for the year ending June 30, 1865, they were $1,354,100; for the year ending June 30, 1870, they were $1,110,734; for the year ending June 30, 1871, they were $1,041,347. And now for this year, 1874, it bounds, like an India-rubber ball, high up to nearly three and a half millions!

I am sure that no one will claim special credit for the Department of State for the thorough thrashing we received in this city, from the British mixed commission award. We receive nothing, but we pay $1,929,819. The big bragging as to the Washington treaty requires much qualification when in the light of this item we consider how that treaty thundered its merits in the index and still rumbles in the air! After the extraordinary eulogy upon the State Department by the gentleman from Maryland, [Mr. SWANN,] I have been compelled

to show the expenditures for other years—what our diplomacy used to cost, and how it has gradually grown.

THE SAVING SPIRIT.

By the platforms of all parties, we are reformers in matters of economy. All reforms at this time gladden the people. Every effort for economy calls forth their gratitude. Much commendation follows those who practice the saving spirit. Not a sigh would escape if half our ministers abroad, with their inordinate salaries and platitudinous dispatches, were abolished.

When one's household expenses overrun the income, is it not wise to stop gratuities to our relations outside of the household? Surely, we must be just before we are generous. Especially should we be just when there is little consideration received for the generosity.

My colleague [Mr. ELLIS H. ROBERTS] proposed the other day to suspend the rules with reference to this bill so as to change the title of the representatives of the United States to Portugal, Switzerland, Greece, Belgium, the Netherlands, Denmark, Sweden, Norway, and Turkey. He desired that these ministers should be envoys extraordinary and ministers plenipotentiary. He did not require increase of pay. O, no. This increase of *pseudo*-dignity does not mean an increase of salary, neither *in esse* nor *in futuro*. The House did not agree to his proposition. My friend from Indiana, [Mr. HOLMAN,] always vigilant, said it looked toward an increase of salaries, if not in this Congress then in the next. And he intimated what I have often urged, and sometimes with success, that we might have consular or commercial agents in the place of many of these useless ministers.

MERGING AND DISMISSAL OF MINISTERS.

As to many of these ministers named by my colleague, we might so combine their functions as to make one officer serve for many at a decreased cost to the Government. It is inconsequential whether we have any minister at Portugal or Switzerland. Certainly the minister at Constantinople might do the work also for Greece. Belgium might well be united with the Netherlands; and the Scandinavian countries, Sweden, Norway, and Denmark, should be merged in one embassy. Telegraph, steam, with their prompt communications; newspaper enterprise ever in advance of diplomatic dispatch; these and other elements of progress, have rendered ministers abroad trifling, expensive, and useless for every purpose of national comity, interest, or glory.

In this connection it might be well for me to say that the dismissal of many of our ministers abroad is no new thought. It is certainly not novel even to the English legislature. May I be pardoned for referring to a debate in this House, in which I took some part?

On the 20th of February, 1872, in urging the union of the Central American missions, which carried, I said that "there were forty-five or fifty thousand dollars that could be saved without at all embarrassing the diplomatic service. I do not know but the nonsense, extravagance, and inutility of our diplomatic service is bringing us to the point to which the English government has been and is approaching. I mean the abolition of the whole diplomatic service. The Hansard Debates will show that in this age of steam and telegraphs, the English government, which rules the world of commerce, is considering how it may be rid of diplomatic business. It would have mere commercial agencies, or consuls, or special missions for the accomplishment of special purposes." (Globe, volume 88, page 1146.)

There has been no disadvantage to our country by reason of the merging of the Central American missions. It saved some $50,000, and it did no harm.

When we consider how distant our ministers are when they serve us, and therefore how irresponsible they become; how frivolous is their work and subservient and unrepublican their tone and habits, it is a shame to continue them, and it would be economy to dismiss them. If we had fewer irresponsible functionaries, local and foreign, we might better our interests and our position as a nation.

FOREIGN EXPERIENCES.

This idea of dispensing with foreign embassadors and, as I said in 1872, of remitting their business to commercial and consular agents, has been suggested not only by the progress of our age in international and material matters, but as the most amicable mode of closing complicated questions that might lead to war. Need I refer to special embassies? Need I refer to those of a commercial character, as that between France and England, when Cobden and Chevalier made the tariffs of two neighboring nations? Need I refer to the general congresses of European powers? Is it necessary to remind the House of the Ashburton treaty, or of the recent Washington treaty, as to which so much senseless eulogy has been pronounced? I venture to say that wherever there is a disagreeable complication that has in it a possible *casus belli*, there is likely to be a special commission to settle the vexed questions. The settlement of our northeastern as well as our northwestern boundary are evidences of this statement. In the English Parliament some of their wisest men have anticipated this advancement in the line of diplomatic obsoleteness. It has been proposed to disband the useless diplomatic retinue, and not without reason.

In 1870 Mr. Beaumont, in Parliament, said:

If the whole system of diplomacy were done away with, and we had no permanent representatives in Western Europe, our peaceable relations with continental powers would suffer no interruption, and our commercial interests would be as well looked after as they are now.—*Hansard*, 199, page 350.

In 1860, speaking in Parliament, Mr. Labouchere said:

There were a great many legations which with great advantage might be suppressed.

The Netherlands and Switzerland were instanced by him. He said further:

He had been at a great many of those missions; he knew what was done in them; and he could assure the House that it was absolutely nothing. It was supposed that a minister did a great deal of good by asking important personages to dinner. * * He had asked a friend of his, who was minister at one of those legations, one time what he was doing; and the reply, "Doing? What do you think is to be done in such a place as this."—*Hansard*, 192, page 930.

If this be true as to Great Britain, which commands the commerce of the world, whose ministers and consulates, and whose gun and flag follow the sun in its revolution, then *a fortiori* it might be true of this country, which is so crippled in commerce and so limited in continental area and influence. More especially should it be true with reference to a country which does not or should not make its *salaam* before the kings and kaisers of the world, and which should not beg the favor which it cannot grant without humiliation.

It is no agreeable duty to refer to our retrogression in shipping and commerce. We know how we have lost and who does our work of transportation. We know how Great Britain has grown while we have lost. The relation which Great Britain bears to commerce for these periods I have before me in Palgrave's Notes on Banking, page 50. The imports and exports in 1819 are only £69,000,000 sterling; in 1844, £144,000,000; in 1872, £608,000,000. The growth of France in spite of wars has been equally conspicuous. Compare our commerce, and the diplomatic expense which is supposed to be spent to foster and guard it! Then if you are content with your calculation, vote this and similar bills.

THE UTILITY OF OUR MINISTERS ABROAD.

Mr. Speaker, it is far from my purpose to dilate on the manner or character of appointments abroad; whether they be appointed for their intellectual or moral qualifications or for favor. The remark of Mr. Labouchere in Parliament adds fresh meaning applied to our appointees. It is perfectly well understood that in such affairs "kissing goes by favor." The favorites of the White House, or of the Department, or of Members and Senators, are the successful ones who see the world at the public expense. Political or partisan service thus hath its reward. An incompetent or unfragrant Cabinet officer, a defeated or *passé* Congressman, a vociferous stumper, or a potential editor, is the lucky man, regardless of his knowledge of foreign languages, of statistics, jurisprudence, or international law and customs. They do little harm, only because there are no opportunities; indeed, there is no opportunity for good either. A perusal of the volumes of our diplomatic correspondence (Executive Document No. 1, parts 1 and 3, of this Congress) will show the multifarious character of our embassadorial inutilities. One man writes home to glorify our arbitration with Great Britain, and another sends a package of public documents which the newspapers all have in advance.

The Austrian minister peddles scandal in dispatches against a Vienna commissioner, whom the President sends afterward to Japan and whom the Senate confirms. It is very gratifying to know from Brazil that the "Emperor is better, but cannot walk out yet;" to hear from Chili that Mr. Root, the minister, noticed an enormous whale disporting himself one morning near the tail end of this hemisphere, (page 111;) also that our "beloved President has endeared himself by recognizing our wild Indian as a brother man," (page 113;) that the Patagonians believe in two roads after death, one to the good and the other to the bad, preferring that to our religion. But why go over this voluminous correspondence? Much of it shows that our diplomats are not drones, as they work busily—at nothing. They have little or nothing of that employment which consists in making valuable treaties, or in that mystical equivocation which has made diplomacy the synonym of hypocrisy. It is only Mr. Bancroft, or some other minister, who in making treaties has gained for us the unenviable notoriety of unmaking citizens.

Besides, how few of our ministers really do the commercial work for what they claim and obtain credit. We vote $10,000, say, to send a minister to Paraguay. He never goes into Uruguay as is expected; but comes home to the stump, leaving a petty consul at Montevideo to do the work, while he inflicts on us at home his rhetoric and his consequence.

As this is a bill with some pretense in the way of economy, it might be well to compare our system of diplomatic economy with that of other nations. The State Department made its estimates for $3,688,524. This includes the printing of the "Diplomatic Correspondence" and "Commercial Relations." If we compare our economy with that of Great Britain, which has perhaps fourfold our relations with the world, commercial and otherwise, we find that we are the most extravagant of people with respect to our diplomacy.

The English estimates I find for 1873–74 were £526,148—over $2,500,000. The French appropriations are about the same as that of Great Britain.

As to France, I refer to the *Bulletin des Lois* for 1872, the most convenient authority, which shows that all the expenses of foreign affairs, including that of the department itself, amounted to only 11,883,500 francs, or nearly $2,400,000. And this law, unlike most of our laws, gives a detail of the expenses in a sort of exhibit. The great body of this expense was for the regular appropriations and the rest for

what is called "*dépenses variables.*" This last is what we call a "contingent fund." Yet France, with all its continental relations and its traditionary relations, its necessity for keeping the peace amid continental foes, its complications as a propagandist through Europe and the world, and England, with all its extraordinary expenses, as the first and monopolizing commercial power, have an almost contemptibly cheap diplomatic system compared with ours!

How much more efficient they are than we. Where is our flag, (unless backed by other powers,) from the tropics to the poles, from the orient to the occident? Who gives heed to our claim for an outrage on our citizens or our flag? Who gave glory to Santiago? I do not say our ministers are worse trained, because they are politicians and partisans, than those of France or England. I scorn to refer to the traffic and professional work which our ministers abroad are accustomed to do.

I will not comment on the neutrality appropriation of $20,000 in the body of this bill. That bears its own comment. I have said so much on that and kindred topics, that some one might believe in this rude era that I was interested in something beyond the honor of my country.

Let us come down to something that will illustrate the wonderful utility of our diplomacy, for which we are asked three and a half millions. May I refer to the public documents now before the House to show how these millions are expended? May I contrast what they give us abroad? How timidly do our ships creep over the sea and wheedle and coax their way into ports; and how ignobly our citizens are thrust into prison, without redress and without reclamation. What, sir, is the value of our diplomacy to this land? Consider the way in which Mexico plays with us about our claims and the claims commission, breaking the treaty at pleasure.

Turn over those silly essays known as our diplomatic correspondence. Will our colored brothers look at Liberia first? It costs them something to keep up such wasteful officials. They pay for it when they buy a woolen suit or a hoe! What wonderful profundity is contained in the dispatches of our minister at that point! He has $4,000 per annum for his stuff. His confidential dispatches inform us that he has discovered by consultation that the coffee-tree is from six to seven years in attaining a mature growth. Goodness! Any encyclopedia tells us that. He does not know it even from personal inspection.

As a sample of the South America missions—that asylum of decayed and exiled patriots, go to Ecuador, where some man by the name of Rumsey Wing flies his embassadorial kite. He writes from Quito the day after the Fourth of July last—I hope it is because he celebrated the Fourth.

QUITO, *July* 5.

HAM. FISH:

I have the pleasure to report to you, sir, that our national anniversary, sir, was generally observed, sir, in this city, sir. I inclose dispatch.

I am, &c.,

RUMSEY WING.

Including exchange and contingencies Rumsey Wing's salary is $3,747 total, as per financial report for 1873, page 23. What a consideration for such information! Members will perhaps have observed a voluminous correspondence from a minister at Santiago by the name of Root. He is a doctor. Being thoroughly vaccinated he managed to catch the small-pox, got well easily, and turned his sanitary condition into the State Department. Although the press of Chili intimated that Mr. Root is radically wrong in intermeddling in their hospitals, yet I always forgive the physician when he has something to propose for the human race, especially in South America; for it is a sickly continent. In writing to Mr. Fish, he says that he performed the following remarkable marvel:

"I daily medicate great numbers by proxy." "My system of treatment is a great success." "The grand idea is to destroy the poison." "A new street has been named after me here." "I generally prefer an enema rather than a purge; a favorite one is composed of oil of turpentine," &c. "In case of constipation, lemonade or other acidulated drinks." "I forward to the Department directions for a purge." "When an alcoholic stimulant is indicated it should be one with as little acid as possible."

This gentleman has been considered the most remarkable plague in South America. Yet we pay for his performances, salary, exchange, and contingencies, over $11,000!

It would be impertinent for me to refer to a minister like Jay. He had an ancestor. He is very much like the bird of his name, in plumage and jabbering. His fume and fussiness in the Vienna matter is a simple scandal to our time and country. Let me skip these sedate, uniformed flunkeys of our ministerial system.

We come down to

ROMANTIC APPOINTEES.

This brings us to my friend Colonel Steinberger, and his report of the South Sea Islands. He is not a religious rover like Dr. Newman. I think nobody will suspect him of being particularly pious. He is a scientist, a man of observation, rhetoric, and enterprise.

In all that I say I mean to support him as the proper candidate for the governorship of the distant islands which he has surveyed. He is suddenly called from his duties at Washington to the South Sea; why, no one can guess.

We are told by Shakespeare that—

> On such a full sea are we now afloat;
> And we must take the current when it serves,
> Or lose our ventures.

I suppose that on this authority the colonel sails to the south pole. As Great Britain is now annexing the Friendly Isles, must we be idle? Why may we not seek for the Navigator's Isles? Thus our old jealousies are aroused.

A NEW SOUTH SEA BUBBLE.

Well, sir, my interest in these South Sea Isles does not come out of the bubbles of history which the English missionaries and John Law blew in the last century. It has a gentler fountain. I once knew a girl whom I traveled with in Africa, from the Grisons in Switzerland, who told me her grandmother had a lover along with Captain Cook in the good ship Endeavor, and was eaten in the Friendly Islands by the gentle savage! Hence my absorbing and romantic interest in those lands.

But, Mr. Speaker, while I may have ideas inconsistent with those of my honorable friend [Mr. SWANN] as to the utility of the missions proposed by this bill, I think, as an old traveler into every continent, I ought not to object to the roving agents of the Department of State. The difference between them and myself is that I traveled at my own expense, and published my books at my own risk. Now, we have and vote a contingent fund. "Contingent" means depending on chance, *i. e.*, wherever there is a good chance to help a good gentleman of the church, like Dr. Newman, or a *chévalier d' industrie*, like Dr. Steinberger, we do it! Rev. Dr. Newman's observations are yet to be published. That good Methodist is now examining the Chinese wall for economical and architectural purposes. He will then skip over to the isle of Spitzbergen and describe the remarkable breed of dogs there, then flop into the equatorial regions, where—

> Chimborazo stands sublime,
> A land-mark on the sea of Time.

Before the interest of his exploration inundates the moral and pious mind, let us take a glance at Colonel Steinberger. This gentleman was sent to the Samoan, or the Navigator's Isles. His report is Executive Document No. 45, Forty-third Congress, first session. Our committee has a recommendation based on his report for a commissioner to be appointed, with a good salary, to those isles. This is done with a view to a protectorate or annexation. Its discussion, therefore, involves his report, and gives it an emphasis not belonging wholly to science or journeying. We must vote on it. The "contingent" fund is at stake. In this is involved its proper use. The hardy granger and laborious artisan, the drowned-out planter and the honest miner, desire to know that their money has been well invested in the South Sea. In other words, let us observe the prisms of this new South Sea bubble.

For myself, I have borne my share of the expenditure with joy. It is not much. My share is about one-ninetieth part of a mill. Especially is this interesting in view of the fact that England has just annexed the Feejee Islands in that quarter of the globe, and appointed Captain Grover, an Ashantee hero, as its ruler.

WHERE ARE THE SAMOAN ISLES?

Where, then, are these isles? I thought I had a map. But I have been hurried into the debate to-day, and my friend from Maryland [Mr. SWANN] must have captured my missionary volume. No? Some one has taken it, and hence I am embarrassed; but, Mr. Chairman, if I am called on in fancy to bound these isles, without my pious volume, I should point first to the isle of Juan Fernandez. Well, about eight thousand miles west just above the tropic of Capricorn, and forty degrees east of Australia, you will find them. Robinson Crusoe was one of the nearest neighbors, and Botany Bay another. The islands are considerably conducive to solitude, but not so much so as the isle of Crusoe. There are thirty-five thousand men and women of the Friday family on the islands. Already I seem to feel that we have annexed them. Contiguity of territory makes them so near in the light of humanity, yet so far, when we come to reflect. Cowper sang of Selkirk and his isle:

> When I think of my own native land,
> In a moment I seem to be there;
> But alas! recollection at hand,
> Soon hurries me back to despair.

I can only travel to these distant coralline shoals in these pages of the gallant colonel.

But how, sir, shall we bound them? On the north by the aurora borealis? On the east by sunrise? On the south by the south pole? On the west by——

A Voice. By Sunset.

Mr. COX. That is personal. No. By the Day of Judgment? Yes, that will do, as the map does so isolate them. They are situated in the midst of an inexpressible watery waste. They are, to be accurate, seventy-two hundred miles from Juan Fernandez, the same distance from San Francisco, and the same distance from Loo-Choo, and the same from the seat of the Achean war. What charms has this comparative solitude for our Crusoes of civilization. It is for these isles that the farmer burns his untransported corn in Illinois; for these the drayman or truckman "pays his shot" and starves in the eastern city. It is for these isles, to be acquired with a contingent fund, that the artisan labors and strikes in New England; and that the colored laborer, who picks cotton in the South, sickens to see, to love, and to annex. Regardless of expense he would like to see this quarter of a million of money for a contingent fund go out to the antipodes.

The rest of my speech will be in explanation of this remarkable fact. I know that I can only *half* tell it, and moieties always need an explanation.

It was not enough for the Administration to make an attempt on San Domingo. Failing in that they now reach out to the Polynesian group. That group is noted as having had in it the Botany Bay of England; ay, and within a few months, a recusant French democrat, Rochefort, escaped from one of the French islands by swimming through one mile of sharks. This illustrates the vigor of democracy against the ravenous shoal which lives to destroy.

OUR COMMISSIONER STARTS.

By an order of President Grant, Mr. A. B. Steinberger was appointed in March, 1873, special agent to visit and report upon these Samoan islands. The President was not satisfied with the juvenile romance entitled "The Swiss Family Robinson;" nor with Robinson Crusoe, with his dog, parrot, and man Friday, so interesting as a clever story for youth, by a persecuted Dissenter. He was not content with the various reports made by the missionaries from the Friendly and other adjacent islands. Captain Cook was to him a myth; and the men who ate other men were no less a myth.

A pilot-boat, called the Fanny, is chartered under the "contingent fund." It sails from San Francisco in June, 1873. But alas! for such expeditions! The San Francisco press anticipates it, and when our embassador reaches the Sandwich Islands, to use his own language, he assures "His Majesty King Lunalilo that he is in nowise accredited to his government, and that newsvenders in this as in many other cases are irresponsible agitators." The reporters' gallery will take notice and tremble!

In August, our commissioner reaches the eastern island of the Samoan group. The islands are called "Navigators" because, as our commissioner says, navigators have alway avoided them, just as the Friendly Islands are called friendly because everybody was eaten when they went there. This group which we seek to annex consists of nine islands.

As the question becomes one of economy in an appropriation of money, in order to impress the House against the appropriation I have thought of using three rhetorical modes: First, the scientific; second, the pietistic; and third, the simplicity of my own style.

SCIENTIFIC VIEW OF THE ISLES.

In order to develop the scientific view, I would say, irrespective of what our commissioner has said, that while there are evidences of craters in these islands, there are found ancient vesicular lava and amygdaloids, the olivine often disintegrated, and mountains of basaltic rock, against which the great swell of the ocean breaks with deafening roar. This will readily be understood by the House, and especially by the gentleman from Ohio, near me, [Mr. GARFIELD,] whose voice has in it many pleasant, if not deafening, associations.

Leaving for one moment the report of our commissioner, I would add that there are found there, in the circumjacent waters, round masses of mæandrina and astræa, contrasted with delicate leaf-like and cup-shaped expansions of explanaria, and with an infinite variety of branching madreporæ and seriatoporæ; some with mere finger-shaped projections, others with large branching stems, and others again exhibiting an elegant assemblage of interlacing twigs of the most exquisite workmanship. Their colors are unrivaled, vivid greens contrasting with more sober browns and yellows, mingled with rich shades of purple from pale pink to deep blue. Bright red, yellow, and peach-colored mulliporæ clothe those masses that are dead, mingled with beautiful, pearly flakes of eschara and retepora, the latter looking like lace-work in ivory. In among the branches of the corals, like birds among trees, float many beautiful fish, radiant with metallic greens or crimsons, or fantastically banded with black and yellow stripes. Patches of clear white sand are seen here and there for the floor, with dark hollows and recesses beneath overhanging masses and ledges. These bright creatures have not always peaceful lives. There are many kinds of sea animals that have holes in the corals, and take up their lodgings among them, while some kinds of fish prey upon them. I presume this is a political parable.

This will answer for the physical description. As a resort for coral, these island are a success. But why did not our commissioner describe in scientific phrase how the sweet little Simians, (ordinarily called monkeys,) with the prehensile grip of the extended *os coccyx*, swing from the *Callophyllum inophyllum*, in the sunshine upon the upper slopes of Upolu and Savaii? As they swing some eight thousand miles from us, and as a Darwinian, and a friend of man and science, why should we hinder them? Let them swing!

Still we should not complain, for has not our commissioner given us the yellow *Artocarpus* or bread-fruit tree, and the *Cocos nucifera* or cocoa-nut which the intelligent monkey drops upon the head of the juvenile islander?

SAMOANS AS CHRISTIANS.

The pietistic interest connected with these islands dates almost as early as Captain Cook's voyages. The first Sabbath spent in this land by the missionaries is memorable for a sermon, in English, from the words: "Behold, I am the Lord, the God of all flesh: is there anything too hard for me?" (Jeremiah, xxxii. 27.) The natives who understood little of the language, believing that all mankind were of one flesh, seized, cooked, and consumed the missionaries. They found them too hard for digestion, and were shortly after converted.

In handsome style, and at our expense, Colonel Steinberger relates the present pious condition of the natives. On page 21 of his report he shows that in 1869, when a religious census was taken, there were 35,107 of all religions; Independents, Presbyterians, Wesleyans, and Catholics. This makes a majority of 504 more religious people in the island than there are population. It is therefore a fair inference that everybody on the island belongs to some Christian persuasion. It is safe to say that there is not a single Samoan who has not accepted Christianity, though more devout and zealous in some districts than in others.

DAN AND JIMMY.

Aside from the missionary enterprises, it might be well to state, in the language of the commissioner, how this remarkable acquisition to the Christian religion took place. He says:

> Williams found, in 1830, that the natives knew something of Christianity, and readily accepted it. This knowledge evidently came from the rude teachings or influence of castaway sailors, as the natives still speak of the white men among them long before the arrival of missionaries. Of such was "Dan the Convict," who captured a vessel, the Roma, murdered the captain, burned the ship, and landed in Savaii. He could neither read nor write, yet taught the natives, through their superstition. Such another was "Jimmy the Sweet," who regularly preached to them. Many interesting stories are related of these characters by the natives.

It may be necessary to recall the fact that "Dan the Convict," who was a pirate and murderer, and "Jimmy the Sweet" likely came from Saint Giles and the Old Bailey. Their mode of propagating the Christian system must have been peculiar. How did they produce such a remarkable effect upon these simple South Sea islanders? Perhaps they related how Peter denied the Lord, the rooster crowed, and induced all the islanders to copy Peter's example. Or perhaps, following the text from Jeremiah, they taught them the necessity of consuming the missionaries without grace, in order to be full of the holy unction. Perhaps the story of Judas impressed them. Evidently "Jimmy the Sweet" and "Dan the Convict" left their impress upon these islands, which our Administration desires to annex. They pointed to the cross and to the impenitent thief. I can well imagine what sermons they could have preached to these heathens. Did they teach them to pray for their daily bread, with the bread-fruit tree, as our commissioner says, hanging around their houses? What a meaningless, wasteful excess of prayer, even for a South Sea islander!

SAMOAN MUSIC.

What songs did they sing? If I had before me the volume edited by a Miss Farmer, on the missionary history—but my friend [Mr. SWANN] who has urged this bill has doubtless purloined this volume, and still withholds it in my direst need—then I could show to the House, a picture of natives sitting in a ring round the missionary, either "Dan the Convict" or "Jimmy the Sweet." Near by the waves of the ocean lave the shore. The rude hut, surmounted by the cocoa-nut and the banyan tree, the bread-fruit and the palm, speak to us so touchingly. Each native sits squat, upon his sacred mat. The hymn is given out and lined. I had the music of that hymn in the volume referred to, and which my honorable friend continues to withhold. Captain Wilkes heard the same refrain. Its meaning is "Thanks," "Good evening," "How are you?" "Is your mother well?" &c. Beautiful salutations from Polynesian lyres! The language is "lelei," "leleei." I am inclined to ask my friend [Mr. SWANN] to join me in the song. His voice would add to the music. It is much the same as I have heard in the drawling songs of the barbarians of the South Mediterranean coast. Captain Cook, when he first heard it, said it was not entirely disagreeable. But the historian says that the captain was in a good humor that day. Delicious odors filled the air, and he had drunk high and full of the kava-bowl, and the music seemed not to be discordant. Yet our commissioner says in his report, from which I quote, that the Samoans are fond of music without melody. In church and school each child seems to outvie the other in vocal power and compass, that the instrumental music is confined to the beating of sticks upon mats and hollow logs. What kind of music this may be which exalts their pious enthusiasm is hard to determine. As a comely concordance is often helped by a convenient discord, even as affection is made more intense by disagreement; so when we annex this music of the Polynesian Pacific to that of the Atlantic—when it is accompanied by such prime donne as Nillson, Lucca, and Di Murska, the effect would be unexampled. When to the rich, intwisting golden threads of the grand organ of the minster, vibrating and swelling through gothic aisles, you add from these isles of the Southern Sea those dissonances which are recorded and set to music in this missionary volume, it would not be unlike adding to the lyric gush of the Stabat Mater, or to the mighty feather of the "Messiah," a roundelay from filing a New Hampshire saw on a frosty morning, or a refrain from an overloaded and underfed donkey.

To what sentiment should this Polynesian music respond? Ah! I understand it. By some preconception, they would sing from Watts—

> And are we rebels yet alive,
> And do we yet rebel,
> 'Tis wondrous, 'tis amazing grace,
> That we are out of hell!

POLYGAMY.

How far they have been converted to Christianity so as to be fit subjects for our rule may be learned further from the commissioner's report, from which I quote: "Polygamy is common on the part of

men, never on the part of women; two wives seldom live in the same house; a plurality of wives is not common, the husband usually sending his wife to her people when he takes a new one. Virtue in Samoa is predominant. The maiden of a village is reverenced more as a virgin than as a chief's daughter." So that when the House of Representatives shall vote the proposition of Secretary Fish for cordial relations and perhaps annexation of these islands to our country, I feel like calling the roll of gentlemen who voted the other day to investigate the heinous polygamy of Utah. And may I not ask that a commission be sent to Samoa before we annex?

WAR.

To show further the remarkable Christian principle of these islands, let us look at their manner of conducting war. Is not war a fair test of allegiance to the Prince of Peace? As to this, says the commissioner, "the Samoans are patient, earnest, easily controlled by their leader. While cruel to their enemies, they are never treacherous. Prisoners are never taken. The importance of a victory is measured by the number of heads taken. The head is publicly exposed and reviled; but never mutilated." This would seem to give a refinement to war to which our Modocs have never attained. Our Indians are actuated by the same refinement to take not only the scalp of a hairy but of a bald-headed man. No one escapes; but they only take the scalp. These Christian Arcadians in the South Sea Islands, whom we would annex under the orders of the Secretary of State, are never satisfied without having the whole head! I do not refer, as an evidence of Christianity, to the diseases prevalent in their midst. I might refer to the protuberances which surgeons are compelled to cut from the bodies of these self-indulgent islanders. The subject, however, is too nice for this delicate Congress. Besides there are diseases—elephantiasis, soriasis, &c.—which characterize these islanders. Before we annex them, it might be well to state that elephantiasis is not any disease connected with the *Pachydermata*, but it is a swelled leg; while soriasis is nothing more than the itch. This, however, is no special objection to annexation with our Administration.

THEIR DRESS.

If I referred, as the commissioner does, to their disposition to assume the dress of the whites—the white gloves, silk dresses, enormous crinoline, paniers, old-style bonnets for their May meetings—some one might say that I was making points against our revolutionary ancestors and ancestresses, who, as we were informed the other day, dressed in such *outre* habiliments.

LEGAL-TENDER "MATS."

It would be well, perhaps, in considering the financial condition of our country to quote from the commissioner with respect to the "sacred mats" produced there; not because they are sacred, but because they are regarded as a legal tender. Our commissioner says, on page 24, "that families count their wealth, and all personal and real estate is computed by 'fine mats.'" "For the secure establishment," says our commissioner, "and maintenance of a home and foreign government in Samoa, the hereditary and fictitious value of 'fine mats' must be destroyed. This could best be done by affixing a Government stamp and making them a circulating medium subject to redemption, as is paper money." Was there ever so easy a solution of our troublesome problem? Besides giving us a fixed standard, it would energize and encourage a new branch of industry. It is especially encouraging and protective, as it is some seventy-two hundred miles from us!

Why not, then, send for the chief of Pago-Pago to settle our distressing questions of finance upon the principle of fine mats and redemption? And yet, on page 41, the commissioner says of the natives of those islands, "In theory they display some wisdom, but they must fail in practice. They fully realize that some government must aid." Let us rush to their assistance. They are only 7,200 miles off! Leaving, therefore, the report of the commissioner, and going to the appendix, it gives me a great deal of pleasure to say that our commissioner to Mauga, the chief of Pago-Pago, recognizes the intelligence and the financial supremacy of the United States, for this chief writes to President Grant that "his (the chief's) people are poor, and his finances are less; that the good teachers have taught us to be honest, observe your doctrine, and maintain your faith." What a satire on American legislation, after our legislation on polygamy and the President's veto!

Further, the chief says, if *he* himself ever said it at all: "We know you are a great people, with many ships and many warriors; that you are all united in peace."

This chief of Pago-Pago had not heard of our failures to revive shipping, or of Louisiana and reconstruction; South Carolina and taxation; and Brooks and Baxter were as unknown to him as Castor and Pollux. He says to President Grant: "We know that you cultivatethe soil and build great houses." He had our grangers and architects in his mind. He says "You make great roads." He had a dim intimation of Credit Mobilier. He says "You talk to each other through the air." He had in mind Congress, and perhaps the remarkable speech of my friend, [Mr. SWANN,] who still insists on withholding my pious missionary volume. Or perhaps he had in mind the marvelous talk of the telegraph. He says "We want the same; and pray for aid and protection and friendship from the President of the United States." God help him! Poor simple Arcadian! He says "We are poor: but we are happy in our peaceful condition." Why, sir, should Colonel Steinberger disturb that felicity? Why did not they eat him, even if they could not digest?

OUR RED-MEN.

The second appendix to this remarkable report is a letter written from Pago-Pago in 1873 to this great chief, Mauga, by our commissioner. He tells the chief that he was impressed with the Christian character of the people he visited. Not even a nail was missing from his ship when he left the Samoan country. "In our country," says the commissioner to the great chief, "we have many tribes of natives, (referring to our Indians,) but they are not so peaceable or honest as yourselves." This was said before Shacknasty Jim or Captain Jack had succumbed to our military forces. "Only a few of these natives are Christians," he said. He could say that with truth. I look about me for my gallant friend from Indiana, (General SHANKS,) to verify this remark. Where is he?

A MEMBER. Here he is.

Mr. COX. Let him learn from what I shall read, what our commissioner told the Samoan chief and what the United States Government gives our red men. It gives lands, farmers, tools, teachers, clothing, and provisions, besides making laws for them. These remarks will commend themselves to the chairman of the Indian Committee, as well as to General SHANKS. The recent appropriations on Indian business have their finest commentary in this simple statement of our commissioner to the chief of Pago-Pago.

But why should I go through this whole report? Is it not enough to satisfy the hard-working people of this country that their money is well invested, that a "contingent fund" should always be applied to the furtherance of our projects for annexing the South Sea Islands?

FEMALE DISTILLATION.

Nay, I have omitted one thing we need; we seek for revenue and economy. The females of these islands are an incarnate distillery. No crusaders disturb their operations. There is a beautiful spreading shrub called the *Macropipii Methysticum*, the root of a kind of pepper-plant, a delightful soporific, properly administered, but through the abuses of men it has been transformed into an intoxicating beverage. Our commissioner says that he has seen no case of stupefaction or intoxication resulting from its use. How is it prepared, and in case of annexation how can we recover the internal-revenue tax?

Our commissioner says that the liquor is prepared from the dried root by a process of mastication by young girls, and strained through cocoa-nut fibres into a large bowl, hewn from the trunk of a tree. These young virginal distilleries "must be healthy, with sound, clean, teeth." According to another authority which I have before me, the root must be bitten carefully while in the mouth, with little moisture mixing with it. Then it is prepared for the Samoan festivity.* Captain Cook had a saturnalia with this remarkable liquor; and I am not sure but his final death was occasioned by a too free indulgence. One thing is sure, that never since the time of Spenser's Fairy Bower of Bliss, when his beauteous heroines pressed the grape between their pinky fingers, could it ever be said with truth that "So fair a wine-press made the wine more sweet."

Who that admires the beauty of the Samoan woman described by our commissioner, as having eyes black, soft, and pleasing, with melancholy air and meekness, with skin of polished copper, proud in bearing smooth, straight, erect, and symmetrical, including the tatooing so well pictured in this report, would be reluctant to drink the wine of so fair a wine-press? Where are your burgundies, sherries, clarets, champagnes, mantillados, and lachrymæ christæ—compared with this Samoan liquor! Let Lucullus dash the gemmed goblet from his luxurious board; let Bacchus reel under the burden of his vine-leaves and his bibulous excesses. Let Longfellow tune his lyre in praise of Longworth; let him chant, like an inspired Silenus, the praises of the creamy Verzenay. What are these to the original vintage of the Samoan Islands. No wonder women crusade against those liquors which are—

> Drugged in their juice
> For foreign use,
> When shipped o'er the reeling Atlantic,
> To rack our brains
> With the fever pains
> That have driven the old world frantic.

Let them annex Samoa, and pray no more.

Yet, Mr. Speaker, why should we annex these islands? Some harsh and crabbed person like my friend from Indiana [Mr. HOLMAN] or my friend from Vermont [Mr. WILLARD] will ask me why we want so distant and so extravagant a relation. Perhaps I am peculiar. We can have nothing worse than we now have. Almost anything would be better. It was Josh Billings who remarked:

> I never owned a kammel-leopard yet, and hope I shan't; but if I shold hav to take one in payment ov a det, I shood konsider I had lost the det twice.

Perhaps he had this sort of acquisition in his eyes.

CUBA AND CIVIL RIGHTS.

Before entering upon the enormous travel and acquisition contemplated by this report, would it not be well to inquire why it is, when called upon to protect and annex such a people, thirty-five thousand strong, in the South Sea antipodes, some seventy-two thou-

* Sarah Farmer's Tonga, pages 48, 49.

sand miles afar, that we do not protect and enlarge into the light of liberty the thousands who are in slavery near us, on the Island of Cuba? It might also, perhaps, be well to consider, when we have so many local and domestic questions connected with our Indian and other colored races, growing out of their desire to live and to be buried equally with the whites, why their status is not fixed somehow, before we recognize and organize another race. Certainly our interests with Cuba involve in many ways our economies, not merely as to luxuries like cigars, but as to the necessaries like sugar. It involves the liberty of a race which made our civil war and cost us seven billions of money and a million of men. But I am growing serious. I meant only to present the best side of this remarkable foreign affair.

REASONS PRO AND CON FOR ANNEXATION.

When we consider the relative distances of these Samoan isles from our shores, and the fact that earthquakes and volcanoes have so abounded therein that the patient work of billions of coral has been distributed by the premature appearance of basalt and granite, it is clear that it comes within the limited powers of our Federal Government! Moreover, when we remember that our Bureaus are examining into our own faunæ and floræ; that we are making the Yosemite and Yellowstone Parks tributary to science by Federal exploration and publication; when even our Capitol is decorated with the birds and beasts and creeping things of our hemisphere; and as these matters are defended as within the purview of Federal authority, who does not rejoice in the discovery by our commissioner of the spotted snake that crows and the extinct dodo, which, like the phœnix and the griffin, are delivered from the unknown realms of fancy! Sir John Mandeville and Munchausen are not, for reasons unnecessary to rehearse, fit for publication by a veracious administration, but the luminous and unpleasant truths of this pamphlet are indispensable to Federal legislation and the average intelligence. For instance, we have long been discussing finances with their inflations and contractions. What a ray of light is cast upon these abstruse subjects by the discussion of our commissioner of the sacred mats!

Many reasons might be urged for the acquisition of these isles. Not because perpetual summer there simmers in the sunny air; not because bread-fruit is produced without planting, plowing, harrowing, or reaping; not because the cocoa gives from the fruitful bosom of mother earth its milk for young and old; not because our commissioner has discovered, as he thinks, the dodo——

A MEMBER. Tell us of that bird.

Mr. COX. I reserve the dodo. Not because polygamy there prevails and Christianity sings its hymns in discordant monotone; not because it recognizes caste and has "mats" for legal tender; not because it adopts the discarded toilettes of our civilized dames and demoiselles; but because the thirty-five thousand *indigènes* will, when annexed, become consumers of our products; and when they buy our hatchets and nails, our whisky and tobacco, our hair-pins and hoop-skirts, our hymn-books and bibles, will we not in this time of distress here add to our revenues? Hence, I am for Mr. Fish's proposition. Not, however, do I favor it on mercenary grounds! O, no. When Mark Twain received from the Persian Pasha his picture set in diamonds, he exclaimed, "O, sire, I do not care for the setting. It is only the portrait I crave."

Neither, sir, is it because I would have a convenient isle of refuge for those who may leave us in 1876. The good men who are as careful as they are honest in administration, the men of moieties and the Indian contractors, might find in these isles a happy refuge and resting-place, free from the persecutions of a venal press and the indictments of indignant grand juries.

Mr. Speaker, finding a contingent fund of $231,000 in this bill; knowing what contingencies are and how they grow and go; knowing the needs of the Treasury which is bankrupt, and the needs of the people who have to make up the deficiency, I should be derelict in my duty if I did not insist that we should cut off the large body of this expense growing out of our foreign relations in order to draw to us the polygamous and Christian and commercial people who live so many thousands of miles away from us; who are so near and yet so far.

I think, Mr. Speaker, these remarks will illustrate the remarkable comity, patriotism, and expeditions of the State Department. May their worst endeavors be better than that of San Domingo, and their best tend to the interest and honor of our country!

To conclude, Mr. Speaker: In these remarks I do not mean, by word or gesture, to extenuate or exaggerate the delinquencies of our foreign department. Whenever I can see that my Government defends the Flag, recognizes and protects my fellow-citizens abroad, does not yield its rights and interests to a foreign potentate, and holds aloft the scale of equity, it will be my pride and pleasure to support and defend it. During the civil war I never failed in that respect. In the coming years, if I shall serve here, I shall be more than usually observant of all those rules of comity which command respect from the world by granting and demanding justice. But may I not ask that such exhibitions of American enterprise as I have commented upon, for which we pay $213,000 contingent, and for islands so many thousand miles away, may become less frequent, and thereby save us from national humiliation?

Reciprocity with the Dominion of Canada.

SPEECH OF HON. E. CROSSLAND,

OF KENTUCKY,

IN THE HOUSE OF REPRESENTATIVES,

May 19, 1874.

The House having under consideration the subject of reciprocity with the Dominion of Canada—

Mr. CROSSLAND said:

Mr. SPEAKER: It is known to Congress and to the country that negotiations are now pending for the renewal of the reciprocity treaty concluded in 1854 between Great Britain and this Government in regard to our commercial relations with the British North American provinces, the Dominion of Canada, and Newfoundland. And as legislation will doubtless be necessary to effectuate any agreement which may be made by the joint plenipotentiaries of Her Britannic Majesty and Mr. Secretary Fish, I desire to submit the reasons why I earnestly wish to see reciprocity of trade re-established between the two countries, and why I will heartily support any legislation needful to give validity to the agreement which may be arrived at. For proper reasons the terms proposed have not been made public, but I assume that they will be as liberal as the terms of the treaty of 1854, which I will ask the Clerk to read.

The Clerk read as follows:

The Government of the United States being equally desirous with Her Majesty the Queen of Great Britain to avoid further misunderstandings between their respective citizens and subjects, in regard to the extent of the right of fishing on the coasts of British North America, secured to each by article 1 of a convention between the United States and Great Britain, signed at London on the 20th day of October, 1818; and being also desirous to regulate the commerce and navigation between their respective territories and people, and more especially between Her Majesty's possessions in North America and the United States, in such manner as to render the same reciprocally beneficial and satisfactory, have respectively named plenipotentiaries to confer and agree thereupon—that is to say, the President of the United States of America, William L. Marcy, Secretary of State of the United States, and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, James, Earl of Elgin and Kincardine, Lord Bruce and Elgin, a peer of the United Kingdom, knight of the Most Ancient and Most Noble Order of the Thistle and governor-general in and over all Her Britannic Majesty's provinces on the continent of North America and in and over the island of Prince Edward—who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon the following articles:

ARTICLE 1. It is agreed by the high contracting parties that, in addition to the liberty secured to the United States fishermen by the above-mentioned convention of October 20, 1818, of taking, curing, and drying fish on certain coasts of the British North American colonies therein defined, the inhabitants of the United States shall have, in common with the subjects of Her Britannic Majesty, the liberty to take fish of every kind except shell-fish, on the sea-coast and shores, and in the bays, harbors, and creeks of Canada, New Brunswick, Nova Scotia, Prince Edward's Island, and of the several islands thereunto adjacent, without being restricted to any distance from the shore, with permission to land upon the coast and shores of those colonies and the islands thereof, and also upon the Magdalen Islands, for the purpose of drying their nets and curing their fish: *Provided*, That in so doing they do not interfere with the rights of private property, or with British fishermen in the peaceable use of any part of the said coast in their occupancy for the same purpose. It is understood that the above-mentioned liberty applies solely to the sea fishery, and that the salmon and shad fisheries and all fisheries in rivers and the mouths of rivers, are hereby reserved exclusively for British fishermen. And it is further agreed that in order to prevent or settle any disputes as to the places to which the reservation of exclusive right to British fishermen, contained in this article, and that of fishermen of the United States, contained in the next succeeding article, apply, each of the high contracting parties, on the application of either to the other, shall within six months thereafter appoint a commissioner. The said commissioners before proceeding to any business shall make and subscribe a solemn declaration that they will impartially and carefully examine and decide to the best of their judgment, and according to justice and equity, without fear, favor, or affection to their own country, upon all such places as are intended to be reserved and excluded from the common liberty of fishing under this and the next succeeding article, and such declaration shall be entered on the record of their proceedings. The commissioners shall name some third person to act as an arbitrator or umpire in any case or cases on which they may themselves differ in opinion. If they should not be able to agree upon the name of such third person, they shall each name a person, and it shall be determined by lot which of the two persons so named shall be the arbitrator or umpire in cases of difference or disagreement between the commissioners. The person so to be chosen to be arbitrator or umpire shall, before proceeding to act as such in any case, make and subscribe a solemn declaration in a form similar to that which shall already have been made and subscribed by the commissioners, which shall be entered on the record of their proceedings. In the event of the death, absence, or incapacity of either of the commissioners, or of the arbitrator or umpire, or of their or his omitting declaring, or ceasing to act as such commissioner, arbitrator, or umpire, another and different person shall be appointed or named as aforesaid to act as such commissioner, arbitrator, or umpire in the place and stead of the person so originally appointed or named as aforesaid, and shall make and subscribe such declaration as aforesaid. Such commissioners shall proceed to examine the coasts of the North American provinces and of the United States embraced within the provisions of the first and second articles of this treaty, and shall designate the places reserved by the said articles from the common right of fishing thereon. The decision of the commissioners, and of the arbitrator or umpire, shall be given in writing in each case, and shall be signed by them respectively. The high contracting powers hereby solemnly engage to consider the decision of the commissioners conjointly, or of the arbitrator or umpire as the case may be, as absolutely final and conclusive in each case decided upon by them or him respectively.

ART. 2. It is agreed by the high contracting parties that British subjects shall have in common with the citizens of the United States the liberty to take fish of every kind, except shell-fish, on the eastern sea-coasts and shores of the United States north of the thirty-sixth parallel of north latitude, and on the shores of the several islands thereunto adjacent, and in the bays, harbors, and creeks of the said sea-coasts and shores of the United States, and of the said islands, without being restricted to any distance from the shore, with permission to land upon the said coasts of the United States, and of the islands aforesaid, for the purpose of drying their nets, and curing their fish: *Provided*, That in so doing they do not interfere

with the rights of private property, or with the fishermen of the United States, in the peaceable use of any part of the said coasts in their occupancy for the same purpose. It is understood that the above-mentioned liberty applies solely to the sea fishery, and that salmon and shad fisheries, and all fisheries in rivers and mouths of rivers, are hereby reserved for fishermen of the United States.

ART. 3. It is agreed that the articles enumerated in the schedule hereunto annexed, being the growth and produce of the aforesaid British colonies or of the United States, shall be admitted into each country, respectively, free of duty:

SCHEDULE.

Grain, flour, and breadstuffs, of all kinds.
Animals of all kinds.
Fresh, smoked, and salted meats.
Cotton, wool, seeds, and vegetables.
Undried fruits, dried fruits.
Fish of all kinds.
Products of fish, and of all other creatures living in the water.
Poultry, eggs.
Hides, furs, skins, or tails undressed.
Stone or marble in its crude or unwrought state.
Slate.
Butter, cheese, tallow.
Lard, horns, manures.
Ores of metals, of all kinds.
Coal.
Pitch, tar, turpentine, ashes.
Timber and lumber of all kinds, round, hewed, and sawed, unmanufactured in whole or in part.
Firewood.
Plants, shrubs, and trees.
Pelts, wool.
Fish oil.
Rice, broom-corn, and bark.
Gypsum, ground or unground.
Hewn or wrought, or unwrought burr or grind stones.
Dye-stuffs.
Flax, hemp, and tow, unmanufactured.
Unmanufactured tobacco.
Rags.

ART. 4. It is agreed that the citizens and inhabitants of the United States shall have the right to navigate the river Saint Lawrence and the canals in Canada used as the means of communicating between the great lakes and the Atlantic Ocean, with their vessels, boats, and crafts, as fully and freely as the subjects of Her Britannic Majesty, subject only to the same tolls and other assessments as now are, or may hereafter be, exacted of Her Majesty's said subjects; it being understood, however, that the British government retains the right of suspending this privilege on giving due notice thereof to the Government of the United States. It is further agreed that if at any time the British government should exercise the said reserved right, the Government of the United States shall have the right of suspending, if it think fit, the operation of article 3 of the present treaty, in so far as the province of Canada is affected thereby, for so long as the suspension of the free navigation of the river Saint Lawrence or the canals may continue. It is further agreed that British subjects shall have the right freely to navigate Lake Michigan with their vessels, boats, and crafts, so long as the privilege of navigating the river Saint Lawrence, secured to American citizens by the above clause of the present article, shall continue; and the Government of the United States further engages to urge upon the State governments to secure to the subjects of Her Britannic Majesty the use of the several State canals on terms of equality with the inhabitants of the United States. And it is further agreed that no export duty or other duty shall be levied on lumber or timber of any kind cut on that portion of the American territory in the State of Maine watered by the river Saint John and its tributaries, and floated down that river to the sea, when the same is shipped to the United States from the province of New Brunswick.

ART. 5. The present treaty shall take effect as soon as the laws required to carry it into operation shall have been passed by the Imperial Parliament of Great Britain and by the provincial parliaments of those of the British North American colonies which are affected by this treaty on the one hand and by the Congress of the United States on the other. Such assent having been given, the treaty shall remain in force for ten years from the date at which it may come into operation, and further until the expiration of twelve months after either of the high contracting parties shall give notice to the other of its wish to terminate the same; each of the high contracting parties being at liberty to give such notice to the other at the end of the said term of ten years, or at any time afterward. It is clearly understood, however, that this stipulation is not intended to affect the reservation made by article 4 of the present treaty with regard to the right of temporarily suspending the operation of articles 3 and 4 thereof.

ART. 6. And it is hereby further agreed that the provisions and stipulations of the foregoing articles shall be extended to the island of Newfoundland, so far as they are applicable to that colony. But if the Imperial Parliament, the provincial parliament of Newfoundland, or the Congress of the United States shall not embrace in their laws, enacted for carrying this treaty into effect, the colony of Newfoundland, then this article shall be of no effect; but the omission to make provision by law to give it effect by either of the legislative bodies aforesaid shall not in any way impair the remaining articles of this treaty.

ART. 7. The present treaty shall be duly ratified and the mutual exchange of ratifications shall take place in Washington within six months from the date hereof, or earlier if possible.

In fatth whereof we, the respective plenipotentiaries, have signed this treaty and have hereunto affixed our seals.

Done in triplicate at Washington, the 5th day of June, A. D. 1854.

W. L. MARCY.
ELGIN AND KINCARDINE.

Mr. CROSSLAND. In January, 1865, Congress passed a joint resolution directing the President of the United States to give the notice provided for in the fifth article of the treaty and terminate it. This the President did, and in 1866 it ceased to exist. Now, sir, I propose to examine the reasons that led our Government to adopt this treaty, the effect it wrought upon our trade, commerce, and the general interest of the country, and whether a renewal of it is demanded by the interest of the people we represent. I shall have little to say in regard to the reasons and causes that led Congress to order the suspension of the treaty. It occurred within a few months of the close of the war; at a time when slight circumstances were sufficient to kindle prejudices and arouse passions that often led men to acts and deeds that were unwise and hurtful. Time and truth have removed and allayed these, and in soberness we are called on to investigate the question pertinent to the day.

Let us examine the provisions of this treaty, and see what were the benefits secured to each country. Here, sir, I will say that I utterly repudiate the doctrine that our relations with other countries and governments, our intercourse with neighboring people, ought to be shaped by the narrow, selfish, venal idea of *gain* to us and injury to them—the old pagan principle, that no nation or individual can prosper except at the detriment or expense of some other. Such doctrine is too closely akin to that which Goethe put into the mouth of Mephistopheles, that trade and commerce are in all respects equivalent to war and piracy:

> Having power, you have the right;
> One asks but what you've got, not how.
> Talk not to me of navigation,
> For war and trade and piracy,
> These are a trinity inseparable.

I invoke a higher sentiment in the consideration of this subject. I claim for my great Government and her enlightened people a desire to regulate our relations with other nations, and especially our neighbors, so as to render the same *reciprocally* beneficial and satisfactory, developing the natural geographical advantages of *each* for the *good of all*. But, Mr. Speaker, if there are any here whose support of this great measure can only be influenced by proof "that we get the best of the bargain," I am prepared to make that proof, and show that under the treaty of 1854 the most important advantages were derived by our Government. What are they? The first and second articles provide that the fishermen of the United States shall have the right to take fish at any distance from the shore on the coasts and in the bays, harbors, and creeks of Canada, New Brunswick, Nova Scotia, and Prince Edward's Island, with liberty to land and cure fish on all the shores and on the Magdalen Island. By the proposed treaty there is no doubt these rights and privileges will be permanently accorded to our fishermen on all the coasts, &c., of the Dominion of Canada free.

Sir, we are all familiar with the many vexatious and irritating questions that have so often agitated both countries in regard to the construction of the treaties of 1783 and 1818 on the subject of the fisheries and the rights of our fishermen. We all remember how often these questions have threatened conflicts involving all the horrors of war, which was from time to time arrested by wise diplomacy. After the war of 1812 a controversy arose whether the stipulations of the treaty of 1783 upon the subject of the fisheries were abrogated by that war. It resulted in the convention of 1818, by which the liberty of taking and curing fish was yielded by Great Britain upon condition that the United States renounced forever the liberty to take, dry, or cure fish on or within *three marine miles* of any of the coasts, bays, creeks, or harbors of the British dominions. The people of the British colonies claimed that these marine miles were to be measured from headland to headland.

And the British government adopted this construction. On our side it was contended that American fishermen had a right to enter and fish in any of the bays which indent the shores, provided they did not go within three marine miles of the coasts that encompassed the bays, &c. It would have been difficult to devise a plan more likely to embroil the citizens and the subjects of the respective countries. The nature of the occupation and the natural character of those engaged in it caused frequent infringements of the rules. The precise distance of three miles can never be readily ascertained. The interest of men and the ardor of the chase caused different estimates to be made. While Mr. Webster was Secretary of State he conceded that by *strict* and *rigid* construction of the treaty the grounds taken by the British colonies were correct, and that by an oversight in the convention of 1818 our fishermen were excluded from fishing within the three marine miles of the British coasts, measuring from headland to headland.

The British authorities, at the instigation of the provinces, insisted upon the *strict* construction of the convention. A large number of armed vessels was sent by Great Britain to her colonial stations; an excited state of feeling ensued. Mr. Webster gave official information "that an American fishing-vessel had been captured and its crew carried as prisoners into a British port. An expedition of American vessels had hastily armed and forcibly retaken the captured vessel, and these events threatened to precipitate the two countries into war." The prudent statesmen of each nation sought to arrest the progress of these angry events and if possible prevent their recurrence in the future. The Secretary of State said there was only one way that Congress could act, and that was by *reciprocal* legislation with the British Parliament and the British colonies. That course was pursued, and led to the adoption of the treaty of 1854, and the dangers were wisely and honorably averted and our fishermen secured in all the rights and privileges claimed under their construction of the convention of 1818. All the causes of irritation were removed, all bad feeling allayed, and friendly intercourse and kindly relations inaugurated. Our fisheries have been styled the nursery of the Navy, and have given to conduct our foreign commerce the most skillful, enterprising captains; they have given cheap and useful food to thousands of our poor; and furnish a market for a large quantity of the beef, pork, and flour of the West. And under the advantages afforded by the treaty this industry was thrifty and prosperous, giving employment to thousands of men and building up an interest of the first importance.

In 1862 we had over two hundred and three tons of shipping engaged in the Saint Lawrence fisheries and twenty-eight thousand seamen; the

returns that year exceeded $14,000,000. Six hundred sail have in one season fished for mackerel in the Gulf of Saint Lawrence and taken fish to the value of $4,500,000, and from forty to fifty tons of our fishing fleet, worth from $5,000,000 to $7,000,000, annually fish near the three-mile line of the provinces.

But, sir, I will leave the fishermen and fisheries and turn to other important advantages derived by us from the treaty. The third article provides that the following articles, the growth and produce of the colonies or of the United States, shall be admitted into each country, respectively, free of duty, namely: Grain, flour, and breadstuffs animals of all kinds; ashes; fresh, smoked, and salted meats; timber and lumber of all kinds, round, hewed and sawed, and unmanufactured; cotton, wool, seeds, and vegetables; undried fruits, dried fruit; fish of all kinds; products of fish and all creatures living in the water; poultry, eggs; hides, furs, skins, or tails, undressed; stone or marble in its crude or unwrought state; butter, cheese, tallow; ores of metals, of all kinds; coal; unmanufactured tobacco; pitch, tar, turpentine; fire-wood; plants, shrubs, trees; pelts; fish-oil; rice; broom-corn, bark; gypsum, ground and unground; wool; wrought or unwrought burr and grindstones; dye-stuffs; flax, hemp, tow, and rags; slate. This article defining the free list is the most important in the treaty.

I have said that I attached no importance to the ancient theory of the balance of trade. The excess of imports over exports is no proof that commerce is unprofitable. The commerce of Great Britain for a series of years has shown a large excess of imports over exports attended by great progress in national wealth. But as that is a pet theory with many men and may be a controlling question with some here, I propose to show that during the existence of the treaty the balance of trade was largely in our favor and against us every year since it was abrogated. During the first ten years of the treaty the balance in our favor was $62,013,545. It has been about seven years since the treaty was terminated.

I have prepared the following tables showing the imports from and the exports to British North America during the first seven years of the treaty and the seven years since it was terminated:

Under reciprocity treaty.

Years.	Imports.	Exports.
1853-'54	$8,927,560	$24,566,860
1854-'55	15,136,734	27,806,020
1855-'56	21,310,421	29,029,349
1856-'57	22,124,295	24,202,482
1857-'58	15,806,519	23,651,727
1858-'59	19,727,551	28,154,174
1859-'60	23,851,381	22,706,328
Total	126,884,461	180,176,940

Total exports to British North America	$180,176,940
Total imports from British North America	126,884,461
Excess of exports	53,292,479

Thus we see that during the first seven years of the treaty we exported to the British North American provinces produce of the value of $180,176,940, and imported from the provinces produce of the value of $126,884,461, making the balance in our favor $53,292,479, or an average of $7,613,211 annually.

During the seven years since the abrogation of the treaty our imports from and exports to the provinces have been as shown in the table appended:

Years.	Imports.	Exports.
1866-'67	$33,604,178	$24,323,169
1867-'68	30,362,221	26,262,272
1868-'69	32,000,314	24,197,232
1869-'70	41,089,801	26,849,324
1870-'71	37,424,351	34,502,726
1871-'72	40,961,432	32,759,080
1872-'73	43,809,070	38,572,556
Total	259,341,367	207,466,359

Total imports from British North America	$259,341,367
Total exports to British North America	207,466,359
Excess of imports over exports	51,875,006

A cash balance against us of $51,875,006 in the seven years, and an average of $7,410,715 each year. And if we are seeking to arrange our relations so as to derive profit from our intercourse with our neighbors here we have undeniable proof that under reciprocity we sold them more than we bought from them, and that since reciprocity was abrogated we have bought more from them than we have sold them.

I continue the comparison and invite the attention of gentlemen to the following facts: During the thirteen years of "reciprocity" the British provinces purchased from this country commodities valued at (gold value) $359,667,257. During that time we purchased from them commodities valued at $263,768,268. The traffic between the two countries, amounting to $623,437,525 gold value, giving us a cash balance of $95,800,989 in gold. Can any enlightened Representative, can any sane man fail to see the almost incalculable benefit derived by us from this vast interchange of the products of the industries of the two countries? Is there a Representative here who would offer a word in favor of reducing this trade, or one who would withhold his support from a measure promoting and increasing it? Not one. Look back, then, and you will see that it was the result of the reciprocity treaty. Examine the statistics and you will find that the average annual value of articles interchanged between the two countries for eight years before the treaty was $14,230,763. The first year after the treaty was concluded it amounted to $33,494,754, gold value. The second year it went up to $42,942,754, the third year to $50,339,770, and in the last year it amounted to the sum of $84,070,955; rising under the influences of reciprocity from $14,230,763 to $84,070,955 per year.

In a conversation to-day with several of my western friends in regard to the importance of this measure I was asked what articles did the provinces buy of us? I referred to the statement following, which is made from official statistics, and shows that during the thirteen years of "reciprocity" the provinces bought of us animals, and products of, valued at $35,433,213; breadstuffs and other farm products, valued at $115,301,455; timber, valued at $8,511,488; manufactures, valued at $88,649,855; and various other products aggregating the immense sum before mentioned.

I fear I weary the intelligence of the House by arguments showing the good results derived by us from this reciprocal free trade, but before passing to the consideration of the next article I desire to call attention to the effect of the abrogation of the treaty on the price of lumber—building material. By clearing farms and the wanton waste of timber we are fast exhausting our forests and must soon look abroad for our building material, and no subject of commercial intercourse is fraught with more consequence than this indispensable *building material*. The great pineries of the Dominion occupy more than two hundred and eighty-seven thousand square miles, and are inexhaustible. The rapid exhaustion of our home supply is causing constant increase of prices. Under the treaty Canadian lumber was admitted free, and the table I hold in my hand exhibits the price in gold per one thousand feet of clear pine lumber, in the years named, in Toronto, under the treaty:

1857	$11 00
1858	11 50
1859	12 00
1860	11 50
1861	11 00
1862	11 75
1863	11 50
1864	14 50
1865	13 50

And this table will show how prices went up after the treaty expired:

1867	$21 50
1868	21 50
1869	21 00
1870	21 00
1871	22 00
1872	24 00
1873	26 00

Now observe the effect of the treaty on prices of lumber in this country. The table which I append will show the price of the same lumber per one thousend feet in Portland, Maine, under the treaty:

1857	$26 00
1858	27 00
1859	28 00
1860	30 00
1861	30 00
1862	32 00
1863	35 00

This covers a period of seven years under the treaty. Now see how prices stood during the seven years since the treaty expired:

1867	$50 00
1868	50 00
1869	50 00
1870	52 00
1871	54 00
1872	55 00
1873	55 00

Now, sir, I submit that no comment can be necessary to follow these tables. We must have this lumber, cost what it may. During the thirteen years under the treaty we imported from the British North American provinces into the United States $39,263,795 worth of lumber, an average annual importation of $3,020,292. In the seven years since the treaty expired we have imported $56,854,724, with an average annual importation of $8,122,103. Yet the record shows that the *quantity* imported last year was not greater than that imported during the last year of the treaty, and that the difference we see in the figures but shows the increase of *price* and *cost*, by which an annual tax is levied on those who build houses to shelter their families of over $5,000,000.

The navigation of the Saint Lawrence and the Canadian canals was the subject of the fourth article, which reads as follows:

It is agreed that the citizens and inhabitants of the United States shall have the right to navigate the river Saint Lawrence and the canals in Canada, used as the means of communicating between the great lakes and the Atlantic Ocean, with their vessels, boats, and crafts as fully and freely as the subjects of Her Britannic

Majesty subject only to the same tolls and other assessments as now are or may hereafter be exacted of Her Majesty's said subjects, it being understood, however, that the British government retains the right of suspending this privilege on giving due notice thereof to the Government of the United States, &c.

In regard to the probable scope of the new treaty on this subject I read an article which appeared in the Chicago Tribune of the 13th of May:

The result of the negotiations will probably result in a treaty that shall comprehend—

1. The waiver of the money compensation by the United States for the fisheries under the Washington treaty.

2. That the Canadian canals, from Lake Erie to Montreal, shall be enlarged within three years, at the cost of Canada, so as to admit the passage of vessels two hundred and sixty feet in length and forty-five in breadth, and with a depth equal to the capacity of the lake harbors.

3. That during the continuance of the treaty all the Canadian canals, and the Erie, Whitehall, Sault Sainte Marie, and Lake Saint Clair Canals shall be opened to the vessels and boats of both countries on the same conditions and terms.

* * * * * * *

But the great and overwhelming consideration in favor of this treaty to the West is the agreement on the part of Canada to enlarge, at her own expense, the Welland and Saint Lawrence Canals within a specified time, and to permit the use of these canals to American vessels on the same terms as Canadian vessels. The importance of this concession cannot be overestimated. The cost of these works will not be less than $8,000,000, and when completed they will give the long-needed water-route to the ocean and to an eastern market. The opening of this route will inevitably be accompanied by the connection of the Saint Lawrence River with Lake Champlain, and thus during the whole season of navigation, there will be a continuous water-route of unlimited capacity from the lake ports to the interior of New England and New York. It will reduce freight from Chicago to the ocean market very largely, will shorten the time of the water route at least one week; and the capacity for transportation being unlimited, there will be no complaint of inability to move the productions of the West.

By the twenty-sixth article of the treaty of Washington, concluded on the 8th day of May, 1871, the navigation of the Saint Lawrence River from the forty-fifth parallel of north latitude, where it ceases to be the boundary between the two countries, was conceded to the United States forever; a right of inestimable value to the conterminus States; but this benefit reaches no further. We must obtain the permanent right to navigate the Canadian canals, the connecting links between the great lakes and the deep waters of the Saint Lawrence, before we can give national importance to the navigation of that river. This the Tribune suggests the Dominion offers to concede.

I have before me a map of the United States and the Dominion of Canada, and tracing the great water-route via Lakes Superior, Michigan, Huron, Erie, Ontario, the connecting canals and the Saint Lawrence stretching from Wisconsin to New Brunswick, from Lake Superior to the Atlantic Ocean, and then tracing the multiplied rivers, canals, and railroads that reach down from the lake shores and harbors away into the interior and to the southern boundaries of the States of Wisconsin, Illinois, Indiana, Michigan, Ohio, Pennsylvania, and New York, I see a more satisfactory solution of the vexed "cheap transportation question" than can be seen in the measure which passed this House a short time since.

The Dominion proposes to enlarge and deepen her canals, so that vessels of a thousand tons burden, carrying fifty thousand bushels of wheat and corn can pass through them. The Canadian canals on this route embrace the Welland Canal, twenty-seven miles long, connecting the waters of Lakes Erie and Ontario, and furnishing a navigable route around the Falls of Niagara, and the six canals around the rapids in the Saint Lawrence, namely: the Gallops Canal, the Rapide Plat Canal, the Ferrans Point Canal, the Cornwall Canal, the Beauharnois Canal, and the Lachine Canal. By the lakes, these artificial channels, and the Saint Lawrence an avenue of commerce is opened that enables vessels to take on cargoes of the fruits of our soil at Chicago, Milwaukee, Detroit, and other cities on the lakes, and carry them to the markets on our sea-board, to Liverpool, and to all the ports of the world. And it is estimated that the cereals and other products of the West and Northwest can reach the markets by this route at about half the railway cost. When we secure the right to this route and improve the mouth of the Mississippi River, we give two avenues through which the products of the Northwest, the West, and South can be cheaply floated to the markets of the world, saving to the producers millions of dollars by the so-much cheaper water transportation.

Mr. Speaker, there are reasons for the revival of the treaty that did not exist when it was adopted in 1854. I read from an Associated Press dispatch of the 15th May on our Canada relations, and on negotiations for the renewal of a reciprocity treaty:

WASHINGTON, *May* 15.

There seems to be some prospect that the negotiations now going on with a view to a new treaty of commercial reciprocity with the Dominion of Canada may terminate successfully. Under the Washington treaty the shore fisheries of the Saint Lawrence were leased to the United States for twelve years, on condition that their cash value during that term should be determined by arbitrators, and the amount paid over to Canada. A few months ago Mr. Rothery, an eminent English jurisconsult, was sent out by the British government to make the necessary arrangements for giving effect to this arbitration, and he was busy getting up facts and evidence when the Canadian government suggested how much more reasonable and profitable to both countries it would be were the use of their fisheries merged, as formerly, in a treaty of commercial reciprocity. Communications between our Government and that of Great Britain on this suggestion resulted in the present effort to ascertain if the substitution can be made on terms satisfactory to both parties. Mr. Fish, Secretary of State, conducts the negotiations on behalf of our Government, and Sir Edward Thornton, K. C. B., British minister here, and Hon. George Brown, senator of the Canadian Dominion, act as joint plenipotentiaries on the part of Great Britain. The negotiations have been going on for some months, and it is understood that a rough outline of a new treaty is now the subject of investigation and discussion. Mr. Rothery, the English law agent in the fishery arbitration, has gone to the Pacific until the result of the larger negotiation is determined; but should the treaty fail, the fishery arbitration will be at once proceeded with.

The Canadians put what is deemed a most exorbitant value on their fisheries. They quote the words of eminent American statesmen, from Benjamin Franklin downward, in support of their pretensions; and they cite the great sums annually paid for many years by our own and the French government in the shape of bounties to maintain their Saint Lawrence fishing trades as an invaluable training school for their respective navies. They produce statistics of all sorts in proof of the great value of the fish and fish products annually drawn from the great deep along their shores; and they show extracts from official reports of successive ministers and special commissioners of the United States Treasury, in proof of the large annual cash value of their fisheries to our country. Some of these extracts show that in 1862 we had over 203,000 tons of shipping engaged in the Saint Lawrence fisheries, and 28,000 seamen; that the returns that year considerably exceeded $14,000,000; that at least 5,000 new seamen are annually broken in for our marine service; that 600 sail have in one season fished for mackerel in the Gulf of Saint Lawrence, and taken fish to the value of $4,500,000; and that from 40,000 to 50,000 tons of our fishing fleet, worth from $5,000,000 to $7,000,000, annually fish near the three-mile line of the provinces. The Canadians assert that the profit from this large fishing interest depends on our fishermen having access to their shore fisheries, and they quote in support of this the statement of a special commissioner of the United States Treasury, that without this access our deep-sea fisheries in that region will become valueless. They also assert that within three years from the repeal of the reciprocity treaty, which deprived our fishermen of the shore privileges which they had enjoyed under the treaty, our tonnage in the trade had fallen from 203,000 tons in the year 1862, to 62,000 tons in 1869—a falling off of 70 per cent. They further assert that the reconcession of these shore privileges to us, under the Washington treaty, has already doubled the tonnage of our fishing fleet from what it was in 1869, and that it will soon exceed the tonnage of 1862. They insist that the result of arbitration must be an award in their favor equal to a very large rental for twelve years. An enthusiastic gentleman from one of the maritime provinces, who has been hunting up evidence for the arbitration, declares it will be established by irresistible evidence, based on the advantages accruing in past years to the United States, that the fair rental we ought to pay is $5,000,000 per annum. He cites in support of this modest estimate the vast sums now paid in various parts of the world for small fishing grounds of no moment in comparison with the Saint Lawrence fisheries.

Here we see, sir, that to restore our fishermen to the privileges that they enjoyed under the treaty of 1854, *free*, our Government has incurred a liability to Canada ranging from twenty to sixty million dollars, which is to be determined and adjusted in a manner that will create an additional heavy expense. Her Majesty's government and the Dominion of Canada, with characteristic liberality, generously offer to surrender this claim as one of the terms of a new reciprocity treaty. When the people understand the great good that resulted to them from the treaty, the detriment we have suffered by its abrogation, they will think strangely of statesmanship that would reject this generous overture, refuse to restore these benefits, and liquidate this claim of perhaps fifty million dollars which they will otherwise have to pay.

I am asked why it is that Canada is so desirous to secure this treaty if the balances of advantages and benefits are so largely in our favor. The advantage preponderates in our favor because it is the nature of commercial reciprocity to give the most benefit to the country which has most to exchange, but it does not follow that Canada is injured because her exchanges are worth less than ours. Under the treaty, when this interchange was free from tariff duties, she could purchase from us certain commodities cheaper than she could produce them. She could produce and sell us certain commodities cheaper than we could produce them.

The Canadian Dominion was established on the 1st of July, 1867, and consisted at first of four provinces—Ontario, Quebec, Nova Scotia, and New Brunswick. To these have since been added British Columbia, Manitoba, Prince Edward Island, and the whole of the Hudson Bay Territories. Newfoundland alone of all the British North American possessions remains out of the confederation, and negotiations for her addition to the Union are now pending. The extent of territory embraced in the Dominion is 3,581,704 square miles, and the entire population by the census of 1871 is 3,942,271.

We see, sir, that the Dominion comprises a territory larger than the United States and Territories; her people are industrious, enterprising, and prosperous; she is in every regard a "good neighbor." We maintain free trade over three-fourths of North America. Our States interchange their products free, and why not extend it to Canada? The greater part of the line between this country and the Dominion is, like many of the lines between the States, merely a surveyor's line.

I have presented the good results, the manifold benefits derived by the operation of the treaty, and I inquire if there are any good reasons that can be employed to convince us that we ought to permit the "Chinese wall" that was erected by the termination of it to stand, reject the generous propositions, and send Her Majesty's joint plenipotentiaries back home to say to their government that the United States does not desire to secure our fishermen the permanent enjoyment of the rights and benefits afforded by the proposed treaty; that we do not desire this question settled at once and forever and the peace and friendly relations of the two countries perpetuated, but prefer to leave it so that our ancient complications may be revived; that we do not desire to re-establish profitable trade with the Dominion of Canada, preferring to give her the benefit of the "balance of trade;" that we will not accept the proffered free navigation of her canals, and that we prefer to pay fifty or sixty million dollars for the lease of the shore fisheries rather than settle it with other terms of "reciprocity;" that we prefer to forego all the advantages, relinquish and renounce the benefits of the treaty, and continue to levy customs duties, tariff taxation on all commodities imported from the Dominion of Canada. Gentlemen need not tell us that the exigencies of the country are such as to require the revenues arising

from the Canadian imports. A conclusive answer to such a proposition is found in the fact that during the war, when demands for revenue were the most urgent, when the needs of the Government were sorest, when the wisdom and ingenuity of those who managed the fiscal affairs of the country were so severely perplexed as to proper subjects of taxation and sources of revenue, no one even suggested abolishing reciprocity and raising revenue by imposing taxation on the articles contained in the free list, and the treaty was not terminated until nearly twelve months after the close of the war. The prosperity promoted by the treaty was too well appreciated to be destroyed to obtain the small revenue that this free imporatation from Canada would contribute to the Treasury.

In conclusion, I will read a few extracts from speeches made in the Senate and House of Representatives on the joint resolution directing the termination of the treaty of 1854.

In the Senate Mr. Hale said:

I was one of those who at the time this treaty was adopted looked upon it with great favor. I looked upon it as a mark and a step in the right direction. I looked upon it as one of those healthful indications of the application of Christian principle to the legislation and diplomacy of nations. I believed it was an onward path in the march of national morals indicative of a better and a purer and higher state of things than that which had heretofore prevailed. I believed so then and I believe so now; and to my mind this proposition to abrogate the reciprocity treaty is a step back from the advancing civilization of the present age to the dark ages of restriction which so long hampered the progress of nations.

Mr. Sumner said:

The fisheries have been a source of anxiety throughout our history even from the beginning, and for several years before the reciprocity treaty they had been the occasion of mutual irritation, verging at times on positive outbreak. The treaty was followed by entire tranquillity, which has not been for a moment disturbed.

In the House of Representatives Mr. Ward, of New York, made an unusually able and exhaustive argument in opposition to the resolution. I read his closing remarks:

We are considering the commercial relations of one-eighth of the habitable surface of the earth. Of this vast region the United States and the people of the Provinces of Canada, subject to a beneficent Providence, control the present condition and shape the future history. It has been given to us in the maturity of human civilization as a new parchment, on which we may inscribe whatever characters we choose, and the opportunity will never return again in all the plentitude of the present time. We may differ with the people of the provinces in opinion as to the best form of government; but other nations can judge better for themselves than we can for them as to their own method of legislation. A prohibitory or exclusive system would be no less unnatural and injurious to every commercial, political, and moral result than if we separated New York from Massachusetts and both of these from Ohio, Illinois, or Iowa.

Let us, then, regulate our intercourse not by mutual fear or destruction, but by creating or rather by developing reciprocal benefits, in accordance with the manifest designs of Him who made the world, and who should never be mentioned except on occasions worthy of Him. Such a system is doubly beneficial—

It droppeth as the gentle rain from heaven
Upon the place beneath; it is twice blessed;
It blesseth him that gives and him that takes.

Commending the elevated sentiments and the enlarged, liberal views of this earnest patriot and gifted statesman to the favorable consideration of the House, I sincerely trust that, imbued with his just and enlightened opinions, we may be influenced to legislate in the inspiration which, animating him, seemed to say:

No pent-up Utica contracts our powers;
But the whole boundless *continent* is ours.

Civil Rights.

SPEECH OF HON. OLIVER P. MORTON,

OF INDIANA,

IN THE UNITED STATES SENATE,

May 21, 1874.

The Senate having under consideration the bill (S. No. 1) supplementary to an act entitled "An act to protect all citizens of the United States in their civil rights, and to furnish the means for their vindication," passed April 9, 1861—

Mr. MORTON said:

Mr. PRESIDENT: I have but very little to say upon this bill. What I have to say is upon the question of the power of Congress to pass it.

The Senator from Ohio [Mr. THURMAN] yesterday declared this bill to be grossly unconstitutional. He said that the fifth section of the fourteenth amendment giving to Congress the power to enforce the amendment by appropriate legislation conveyed to Congress no power that did not already exist. I think that part of his discussion was unprofitable. It is not necessary to inquire whether this power existed before or in the absence of this fifth section of the amendment; it is enough for us to find it there, to find the amendment declaring in express terms that Congress shall have power by appropriate legislation to enforce the amendment. Who shall be the judge of what is the appropriate legislation? Congress only. It is not for the courts to judge and determine whether the legislation is appropriate. If it tends toward the end had in view in the Constitution, it is not for the courts to say that other and better means might have been adopted, because Congress is made the judge of the character of the means to be employed in the enforcement of the amendment.

The next point made by the Senator was that all that Congress could do was to take such steps as would prepare a case arising under any State law infringing this amendment for decision by the courts of the United States. That of course was assuming the very thing to be proved. He said that the prohibition in the amendment was not against individuals, but it was against States; that no State shall make or enforce any law abridging the franchises of citizens of the United States, and no State shall deny to any person the equal protection of the laws; and therefore that we could adopt no remedy, no law to enforce this amendment which operated upon individuals.

Now, Mr. President, we cannot operate upon the States as such. If a State by a law violates this amendment we cannot arrest the State; we cannot punish the State as such. With the State we can do nothing; but we can operate, and must operate, if at all, upon individuals. At the beginning of the war we were told by Mr. Buchanan and by other distinguished statesmen that we could not coerce a State to remain in the Union. We said, "Very well; we will try and coerce all the individuals in that State, and that will answer the same purpose." We cannot arrest or punish a State for the violation of this amendment, but we can punish any person who undertakes to violate the amendment under the cover of a State law. We take from any official, from any person who undertakes under cover of State authority or under any pretense to violate the right of any person under this amendment, all protection and cover of the State law and say to him, "That is no defense; you must stand upon your right."

What else is there left to us in the enforcement of these amendments? We pass a law by which it is a penal offense to take from any person any right guaranteed or secured by either of these three amendments. That person comes in and pleads a State law. We say, "That is unconstitutional; the State had no right to pass that law; you cannot defend yourself under that law; you must take notice that that law is invalid, and we shall punish you as though that law never existed;" and that is the whole of it.

The theory of our Government is that it acts upon individuals, and not upon the States or upon corporations; and in this respect it differs from the old Confederation, which was weak and defective in this, that it lacked the power to coerce individuals, but acted through the original thirteen States or Colonies. The whole theory of our Government goes upon the idea that it acts directly upon the individual, and holds him responsible to the Government of the United States for the violation of any right created, guaranteed, or secured by that Government.

Now, Mr. President, I desire to consider very briefly the fourteenth amendment:

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

I propose to consider the last clause of this section first:

Nor deny to any person within its jurisdiction the equal protection of the laws.

What is meant by "the equal protection of the laws?" Does it mean simply that every person shall be entitled to protection against an assault and battery or against personal violence, and stop there? It has no such limited meaning as that. The meaning is just the same as if it read "Every person shall be entitled to the equal benefit and protection of the laws." When it says "no person shall be denied the equal protection of the laws," it is exactly equivalent to saying that all persons shall be entitled to the equal protection of the laws. The word "protection" there is used in that sense. Law is made for protection; the protection of person, the protection of property, the definition and protection of civil and political rights. The whole body of the law is for protection in some form—the definition and protection of the rights of person and property; and when the fourteenth amendment declares that every person shall be entitled to the equal protection of the laws, it means to the equal benefit of the laws of the land. It forbids all discriminations of every character against any class of persons, being citizens of the United States.

In this sense, Mr. President, the Supreme Court refer to this amendment in the decision read from by the Senator from Ohio; and I beg leave to call the attention of the Senate (for I think the whole argument is in a nut-shell) to what the Supreme Court have said in regard to this very clause. I read from the Slaughter-house case, (16 Wallace.) The court quote this clause:

Nor shall any State deny to any person within its jurisdiction the equal protection of the laws.

Then the court go on and say:

In the light of the history of these amendments, and the pervading purpose of them, which we have already discussed, it is not difficult to give a meaning to this clause. The existence of laws in the States where the newly emancipated negroes resided, which discriminated with gross injustice and hardship against them as a class, was the evil to be remedied by this clause, and by it such laws are forbidden.

If, however, the States did not conform their laws to its requirements, then by the fifth section of the article of amendment Congress was authorized to enforce it by suitable legislation. We doubt very much whether any action of a State not directed by way of discrimination against the negroes as a class, or on account of their race, will ever be held to come within the purview of this provision. It is so clearly a provision for that race and that emergency, that a strong case would be necessary for its application to any other. But as it is a State that is to be dealt with, and not alone the validity of its laws, we may safely leave that matter until

Congress shall have exercised its power, or some case of State oppression, by denial of equal justice in its courts, shall have claimed a decision at our hands.

There is an express definition of it. It is not simply confined to protection of the person against assault and battery or violence, but protection against all unjust discriminations against the negroes as a class. Whether that shall pertain to personal safety or safety of property, or the equal enjoyment of rights, or the equal enjoyment of public institutions, makes no sort of difference. Every discrimination against the negro as a class is denying to them the equal protection of the laws. For example, if a State should pass a law forbidding to negroes the right to bring suits in court, to sue for debts, to prosecute for offenses against them or their families, forbidding them to act as witnesses, these things would be denying to them the equal protection of the laws. If the colored man has no right to bring a suit in court for the collection of a debt, a thing that does not pertain perhaps to his personal safety at all, yet it is denying to him the equal benefit, the equal protection of the laws.

Mr. MERRIMON. I desire to ask the Senator from Indiana a question or two before he departs from the branch of the subject which he is now discussing. Do I understand the Senator to say that a citizen of the United States as a citizen of the United States and by virtue of his rights under the Constitution of the United States, has a right to attend a public theater, that he has a right to be buried in a grave-yard, that he has a right to attend a particular class of schools? Does he derive that right from his citizenship as a citizen of the United States or from his citizenship as a citizen of the State?

Mr. MORTON. I can answer that question I think in the course of the general argument that I shall make, without turning aside from the particular point that I have in view. I will endeavor to answer the Senator's question before I get through.

Mr. MERRIMON. I will put another question, with the Senator's permission, before I take my seat. Suppose that a State shall see proper as a matter of police regulation to provide that females shall be educated in one school and males shall be educated in another school; do I understand the honorable Senator from Indiana to say that a State would not have power to make such a police regulation, and that the Federal Government, if a State should undertake to exercise such power, could upset it?

Mr. MORTON. No, sir; I do not mean to say that. I will tell the Senator what I do mean to say in regard to schools; but I will first conclude the point that I was on, that this phrase, "nor shall any State deny to any person within its jurisdiction the equal protection of the laws," denies to any State the power to make a discrimination against any class of men as a class. It denies the power to exclude negroes from courts of justice because they are negroes; it denies the power to exclude them from schools because they are negroes, because that would be a gross discrimination, in the language of the Supreme Court. The question of separating males and females into different schools does not come within the principle at all. The great object of the fourteenth amendment was to establish the equality of races, equality before the law. The separation of the sexes, putting male children into one school and females into another, does not violate that principle, provided it extends to all races. This amendment was intended to destroy caste, to put all races upon an equality. There is the point.

Mr. MERRIMON. Suppose the Chinese were here?

Mr. MORTON. The power of the States to establish different grades of schools and different courts and to give to each court separate and distinct jurisdiction remains just as it was, with this difference, that the power to discriminate between races is taken away. The States are not bound to establish common schools; but if the States do establish common schools to be supported at public expense, they cannot exclude the children of any race from those schools. They must be open to the children of all races upon precisely the same terms. They may say if they please—perhaps that is an extreme case—that none but male children shall attend; but they must be the males of all races. I will not go that far, but the law may say that no child shall attend a common school, if you please, over sixteen years of age.

Mr. MERRIMON. Why do you use the word "races?"

Mr. MORTON. I think it is very apparent that that is what is meant, and the Supreme Court have expressly said so. It is *res adjudicata*, so far as the court is concerned. I have already read to my friend what the Supreme Court say upon that point.

Mr. MERRIMON. The point I make is this: the Constitution does not say anything about "race" except in certain respects. It provides expressly that there shall be no discrimination on account of race or color as to the matter of voting; it does that in terms; but there is no such expression touching distinctions as to race in any other respect whatsoever.

Mr. MORTON. The Constitution in effect does say so. It says that no person shall be denied the equal protection of the laws; and if common schools are established and the children of colored men are excluded from those schools, I ask my friend—and he cannot deny it for a moment—if they are not denied the equal protection of the laws?

Mr. MERRIMON. I say they are not, if like provision is made for the education of colored children that is made for white children. And now with the Senator's permission I will put another question. Suppose the Chinese were to become very prevalent in the State of California, as they are likely to do, and the State of California should desire to make a system of schools for the Chinese and a system for the natives. Will the Senator contend that in that case it is not competent for the State of California to do that? Or suppose that a portion of the population of any State should be Indians, will the Senator contend that in such a case the State would not have power to provide one class of schools for the Indians and another for the white people, making their rights equal in reference to schools except as to the distinction on account of color and race?

Mr. MORTON. If I understand the scope of the Senator's question he now admits, in effect, as did the Senator from Ohio yesterday, that if the State law excludes the colored children from the schools entirely, that is a violation of the fourteenth amendment.

Mr. MERRIMON. I admit that with all its force. But the point I make is this, that it is competent for the State to make a distinction on account of race or color if it shall make the same provision for the black race that it makes for the white race, and it is as much in the power of the State as to provide that females shall be placed in one class of schools and males in another.

Mr. MORTON. When the Senator concedes that the exclusion of colored children from schools is a violation of the fourteenth amendment, it occurs to me that he has conceded all that we can ask. The argument of the Senator from Ohio is gone. The Senator then does concede the ground that the fourteenth amendment was intended to destroy all inequality among races to make all equal before the law.

Mr. MERRIMON. I do not concede that. The constitutional provision to which the Senator refers is intended to destroy all inequalities and the possibility of inequality between the races on account of race or color in so far as it pertains to voting, no further. There is no provision in any of the amendments to the Constitution that looks to the abrogation of any other distinction that a State may see proper to establish.

Mr. MORTON. That statement of my friend I think withdraws the statement he made awhile ago.

Mr. MERRIMON. I think not. I say that the State Legislature cannot pass a law providing that white children should be educated and that colored children should not be, because that would deny the equal protection of the laws. But when it affords the same provision, the same measure, the same character for the colored race that it afforded for the white race, there is no more discrimination against one race than there is against the other; and therefore it is competent for the Legislature to do it, there being no restriction on such a power in the Constitution of the United States.

Mr. MORTON. My friend's argument then comes to this, that under the fourteenth amendment the State must make equal provision for the children of both races, and if there be any inequality in the benefits, then it is a violation of the fourteenth amendment. It brings him down then to the possibility of making separate and distinct schools precisely equal in point of benefit.

Mr. President, to go on with the general argument, the common school is a public institution, as much so as the court of justice. It is supported at public expense; it is regulated by law; it is organized and conducted for the highest possible considerations. It is in every sense a public institution, and the benefit of that must be extended to the children of both races, or the Constitution is violated. So in regard to courts of justice; they must be open to suitors of all colors and of all races, or the Constitution is violated. As I said before, the States are left free to establish common schools or not; but if they do establish them at public expense they must extend their benefits equally and in common to the children of all races; and so with regard to courts. The States are not bound to establish courts; but if they do so they must extend the benefit of those courts to people of all colors and of all races. That is the great purpose, the spirit, and the body of the fourteenth amendment.

It is hardly necessary to protract the argument. If it be conceded now, as it must be on all hands, that colored children cannot be denied the benefit of common schools without a violation of the fourteenth amendment, and that Congress has the power to enforce that amendment by such legislation as in the judgment of Congress and not of the courts is suitable and proper for that purpose, then the argument is at an end, and there is no necessity for prosecuting it one minute further.

The fourteenth amendment declares that no State shall make or enforce any law which shall abridge the franchises of citizens of the United States. Now, sir, what are the franchises of citizens? The Senator from Ohio yesterday entered into a long and labored argument to prove that they were franchises belonging to citizens of the United States as such and to citizens of the State as such; that the United States could enforce and protect those that belonged to citizens of the United States as such, but that the States are left free and untrammeled to enforce or not those that belong to the citizens of the States as States. I do not dissent from his argument. I take the position upon which he places himself. He admits, as the Supreme Court says in the Slaughter-house cases, that Congress has the power to protect all citizens in the enjoyment of their franchises as citizens of the United States. What are those franchises? The right of a citizen of one State to go into another State and there to enjoy all the privileges and immunities of citizens of that State upon equal terms, is one of the highest franchises that belong to any man as a citizen of the United States.

Mr. MERRIMON. Just at that point I beg to renew the question I propounded a while ago, and which seems to me directly in point. Has a man by virtue of his rights as a citizen of the United States a right to go to a public theater?

Mr. MORTON. I should think he had.

Mr. MERRIMON. By virtue of his rights as a citizen of the United States?

Mr. MORTON. Yes, sir.

Mr. MERRIMON. I do not want to disturb my honorable friend, but suppose this case; suppose a State should prohibit theaters absolutely; then would a citizen of another State have the right to go there and establish a theater?

Mr. MORTON. A theater is a place of public amusement, licensed by law, carried on under the regulations according to which theaters or such places are generally conducted, and it is a place to which any decent, respectable, well-dressed person has a right to be admitted; and any discrimination against him on account of his color on the part of the State where that theater is located is a discrimination which that State is not allowed to make. So in regard to traveling in the stage-coach or upon the cars. If a State is at liberty to exclude a colored man from the cars on account of his color in traveling, then it has the power to make an odious discrimination because of race, the very thing that the fourteenth amendment intended to stamp out.

Mr. MERRIMON. Why did it not say so? The Constitution says the States shall not make discrimination as to the matter of voting, but does not say so as to anything else. I ask my honorable friend what provision in the Constitution of the United States he relies on to sustain his position in reference to theaters?

Mr. MORTON. It was well understood in the adoption of the fourteenth amendment that it was not intended to extend to or cover the right of suffrage. My friend, I think, will remember very readily by reference to the next section that the right of suffrage was not included in the fourteenth amendment. I will now read that section to show that that by intendment and by expression was left to the control of the States just as it had been before:

> Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

The original Constitution expressly recognized the right and power of the States to control the question of suffrage. This section of the fourteenth amendment recognizes the continuance of that right in the States and provides certain consequences to follow where the States exclude any class from the right of suffrage, that they shall not be counted in the ratio of representation. In other words, it was well understood that the fourteenth amendment was intended to secure equality in civil rights but not in political rights.

Mr. MERRIMON. I ask my friend, then, wherefore the provision in reference to voting and in reference to voting alone—"the right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude?"

Mr. MORTON. I have just stated that the original Constitution recognizes expressly the rights of the States to control the question of suffrage. The fourteenth amendment recognizes it and regulates it. Then we come to the fifteenth amendment. That was found to be necessary. I shall read as a more particular answer to the Senator's question from the decision of the Supreme Court in the Slaughter-house cases, directly. The fifteenth amendment does not provide that any colored man shall have the right to vote; it makes no such provision; but it says that no man shall be denied the right of suffrage because of his color. In other words, the States may still prescribe a property qualification on the right of suffrage; the States may say that no man shall have the right to vote unless he has five hundred dollars' worth of property, or that no man shall have the right to vote unless he is twenty-five years of age, or, as they do in Massachusetts, that no man shall have the right to vote unless he can read and write. The States may still say that; but these conditions must be made applicable to men of all colors. There is the point.

What the fifteenth amendment says is that the conditions or restrictions upon suffrage, whatever they may be, must be equally applicable to all races. The State of North Carolina has a right now to provide in her constitution that no man shall have the right to vote unless he has $1,000 worth of property, but it cannot confine that to the colored race or the white race; it must be equally applicable to all. In other words, whatever may be the conditions of suffrage, either liberal or illiberal, it must not be made to depend upon color, and that is the whole of the fifteenth amendment.

Mr. MERRIMON. The point I make, and which my honorable friend does not get up to it seems to me, is this: While there is this constitutional restriction as to the matter of voting, there is no restriction in the Constitution touching any other matter whatsoever. For example, there is no restriction that prohibits the States from passing a law providing that colored people shall be educated in one school and white people in another; that women shall go to a theater and that men shall not, or that men shall go and women shall not, if a State shall in its wisdom see proper to do that. There is no restriction on that power by any provision in the Constitution of the United States. That is the point I make; and if the Senator says there is, I shall be obliged to him if he will point out the clause of the Constitution that does it.

Mr. MORTON. The Constitution must of necessity employ general terms. All constitutions must. They cannot specify particular cases. The substance and the body of the fourteenth amendment is that it establishes the equality of the races before the law, and in the language of the Supreme Court prevents any State from making any odious discrimination against any class of people. It was not necessary that the Constitution should mention the theater, or should mention the railroad car, or should mention the common school. It lays down the broad and general proposition that men of all races must be placed upon the same level of equality in the enjoyment of civil rights. The States have all the powers left them that they had before; they may make all the conditions of suffrage, make all the conditions in regard to travel, make all the conditions in regard to the courts that they ever could, with one single limitation, that these conditions shall not depend upon the question of race or color; and that is the whole of it.

Mr. SAULSBURY. Will my friend allow me to ask him a question?

Mr. MORTON. Yes, sir.

Mr. SAULSBURY. If that is the true purport and meaning of the fourteenth amendment to the Constitution as to the rights of the colored people in the theater, in the inn, in public conveyances, and in common schools and everywhere else, I ask the honorable Senator wherefore the necessity for the passage of the bill now under consideration? If the right is secured by the Constitution, any law that enforces that right can be tested in the courts and pronounced unconstitutional; and is not, therefore, the bill before the Senate wholly unnecessary?

Mr. MORTON. I will answer my friend. Rights are of no avail unless they are enforced. It is of no advantage to me theoretically to have a right which I cannot enforce, which I cannot secure the enjoyment of, my neighbor to the contrary notwithstanding. Now, a State may pass a law forbidding a colored man to go into the cars—I am supposing this case in answer to my friend's question. That law, if carried into the Supreme Court of the United States, would be held to be unconstitutional in the absence of this act. But that is not a thing perhaps which the party injured could do. That is a very imperfect form of remedy, simply to give the right of appeal from the State courts to the courts of the United States. That was not what was meant by this amendment. The framers of the amendment—and I know something about it—understood that a law passed by a State in contravention of it would be void, and the Supreme Court of the United States would so decide; but they did not intend to leave the victim to that roundabout and costly remedy. They intended to make it a penal offense for any man to violate the rights of another, so that if he did it he should do so at his peril. The State law could not cover him and protect him. The point made by my friend from Delaware is that if the rights of a citizen under the fourteenth amendment are violated he can take an appeal, and the State law authorizing that violation will be declared to be unconstitutional. True; but the perpetrator goes unpunished. He incurs no penalty. He may commit gross fraud, violence, and wrong at the time, but he does it with perfect impunity. The crime presents no terrors, no retribution to him. I ask what kind of protection that gives? O, no! Rights are protected by penal enactments, by punishing the violator of them. A State makes a law. Under cover of that law one man violates the rights of another. To simply have the law declared void is no vindication of the right. That is no punishment of the criminal. We desire to protect the right by punishing the wrong-doer; and all we say is that no law made by a State in violation of this amendment shall protect the criminal from punishment. And that is the only efficient and successful enjoyment of these amendments that the people can have. That was precisely what was intended at the time the fourteenth amendment was adopted, and the discussion will show it. And so in regard to the fifteenth amendment, in which I took a part; and so in regard to the thirteenth amendment. It was intended at at the time—and the debates will show it—to make a violation of these amendments a personal and criminal offense, and to punish the violator, because that is the only successful vindication of right, the only successful enforcement of the amendments that can be had. I think I have answered my friend from Delaware.

I said that in answer to the question of my friend from North Carolina I would read from the decision of the Supreme Court, and I do this not to inform him, because he is familiar with the decision, but to show the purpose of these amendments by the current history of their adoption. I ask the Secretary to read commencing at the top of page 70 of 16 Wallace and reading to the marked passage on page 71. Before the Secretary reads it I will state that the fourteenth amendment was called into existence, as stated by the Supreme Court, by the fact that in 1865 and 1866 some of the State governments organized by President Johnson passed laws making odious discriminations against the rights of the colored people in various respects; and to protect them against these discriminations in regard

to occupations, in regard to public conveyances, in regard to various things, the fourteenth amendment was adopted. It is so stated by the Supreme Court. After that had been adopted it was then believed by the same men who had called into existence the fourteenth amendment that this race still were not protected and never could be sufficiently protected until they were invested with the right of suffrage, and that belief called into existence the fifteenth amendment, connected with the other conviction also that they were entitled to the right of suffrage the same as white people, and that color should make no possible difference in the existence of this great right. Now I ask the Secretary to read what I have marked.

The Chief Clerk read as follows:

The process of restoring to their proper relations with the Federal Government and with the States those which had sided with the rebellion, undertaken under the proclamation of President Johnson in 1865 and before the assembling of Congress, developed the fact that, notwithstanding the formal recognition by those States of the abolition of slavery, the condition of the slave race would, without further protection of the Federal Government, be almost as bad as it was before. Among the first acts of legislation adopted by several of the States in the legislative bodies which claimed to be in their normal relations with the Federal Government were laws which imposed upon the colored race onerous disabilities and burdens, and curtailed their rights in the pursuit of life, liberty, and property to such an extent that their freedom was of little value, while they had lost the protection which they had received from their former owners from motives both of interest and humanity.

They were in some States forbidden to appear in the towns in any other character than menial servants. They were required to reside on and cultivate the soil without the right to purchase or own it. They were excluded from many occupations of gain, and were not permitted to give testimony in the courts in any case where a white man was a party. It was said that their lives were at the mercy of bad men, either because the laws for their protection were insufficient or were not enforced.

These circumstances, whatever of falsehood or misconception may have been mingled with their presentation, forced upon the statesmen who had conducted the Federal Government in safety through the crisis of the rebellion, and who supposed that by the thirteenth article of amendment they had secured the result of their labors, the conviction that something more was necessary in the way of constitutional protection to the unfortunate race who had suffered so much. They accordingly passed through Congress the proposition of the fourteenth amendment, and they declined to treat as restored to their full participation in the Government of the Union the States which had been in insurrection until they ratified that article by a formal vote of their legislative bodies.

Mr. MORTON. That shows that the very history and purpose that called the fourteenth amendment into existence was to protect the colored race from all unjust discriminations in the law, of whatsoever kind.

The Senator from Ohio said yesterday that these rights, the right to the school and other rights, belonged to the colored people as citizens of the State, and were not franchises belonging to them as citizens of the United States. It so happens that the Supreme Court has passed upon that very point, and has decided that all the rights guaranteed and secured by the fourteenth amendment belong to the people not as citizens of a State, but as citizens of the United States. That covers, I believe, the last point I intended to refer to. I now ask the Secretary to read, commencing with the last paragraph on page 79 of the same volume, down to where I have marked with pencil on page 80.

The Chief Clerk read as follows:

Another privilege of a citizen of the United States is to demand the care and protection of the Federal Government over his life, liberty, and property when on the high seas or within the jurisdiction of a foreign government. Of this there can be no doubt, nor that the right depends upon his character as a citizen of the United States. The right to peaceably assemble and petition for redress of grievances, the privilege of the writ of *habeas corpus*, are rights of the citizen guaranteed by the Federal Constitution. The right to use the navigable waters of the United States, however they may penetrate the territory of the several States, all rights secured to our citizens by treaties with foreign nations, are dependent upon citizenship of the United States, and not citizenship of a State. One of these privileges is conferred by the very article under consideration. It is that a citizen of the United States can of his own volition become a citizen of any State of the Union by a *bona fide* residence therein, with the same rights as other citizens of that State. To these may be added the rights secured by the thirteenth and fifteenth articles of amendment, and by the other clause of the fourteenth next to be considered.

Mr. MORTON. I simply refer to that to show that the Supreme Court here expressly declares that the rights secured by the thirteenth, fourteenth, and fifteenth amendments belong to citizens of the United States as such, and not simply to them as citizens of a State; and inasmuch as they belong to them as citizens of the United States, and not merely as citizens of a State, they are, from the other part of the decision, placed expressly under the protection of Congress.

Mr. MERRIMON. May I say a word?

Mr. MORTON. Yes, sir.

Mr. MERRIMON. What I understand the court to say is this: that if I should go to the State of Indiana I should have exactly the same rights and the same measure of those rights that any citizen of Indiana to-day has; and therefore if the laws of Indiana should provide that the colored children in that State shall be educated in one class of schools and the white children in another class of schools, I would have no right, being a white citizen, to send my children to a colored school; I could only send my children to a white school. Therefore if the State of Indiana should provide that no public theater should be kept open there, I should have no right to go there and establish one; I should have to abide by the rights established by the laws of the State of Indiana under the Constitution of the United States. That is what I mean, and that is what I say.

Mr. MORTON. I suggest to my friend that that is not the precise point. My point was that whatever rights were secured by the thirteenth, fourteenth, and fifteenth amendments had been by the court declared to be franchises of citizens of the United States as such, without regard to the States, and they expressly say so. After enumerating the franchises of citizens of the United States, they then say:

To these may be added the rights secured by the thirteenth and fifteenth articles of amendment and the other clause of the fourteenth next to be considered.

And the one next to be considered is the very one I have been considering.

Mr. MERRIMON. What are they?

Mr. MORTON. I think I have gone over that whole question. I will make just one remark in conclusion, that in my judgment the very highest franchise that belongs to any citizen of the United States as such is the right to go into any State and there to have the equal enjoyment of every public institution, whether it be the court, whether it be the school, or whether it be the public conveyance, or whether it be any other public institution, for pleasure, business, or enjoyment, created or regulated by law.

Mr. MERRIMON. Does my friend deny the right of the States to make police regulations?

Mr. MORTON. No, sir. The States have the same right they always had to make police regulations, with this single difference, that whatever regulations they may make must operate equally upon men of all colors coming within the same conditions. That is the answer.

Civil Rights.

SPEECH OF HON. W. T. HAMILTON,

OF MARYLAND,

IN THE UNITED STATES SENATE,

May 22, 1874.

The Senate having under consideration the bill (S. No. 1) to protect all citizens in their civil and legal rights—

Mr HAMILTON, of Maryland, said:

Mr. PRESIDENT: Although we are at this late hour of the night, I feel it to be my duty to trespass for some time on the attention of the Senate in submitting some observations upon the bill now under consideration. It is a bill so vitally affecting in my judgment my constituents, their interests, and if you please their prejudices, that it is proper that I should not omit on this occasion to express my views especially in regard to some of the provisions of the bill and urge what I can in the way of argument against its passage. I do this, not because I desire to consume time, but because I feel it to be my duty upon this floor, as a representative of a State having so large a portion of that class of population intended to be benefited by it, that I should undertake to say something in the interest of all.

It is the first time that the Congress of the United States—not that it has not undertaken it hitherto, but without the same hope of success—has undertaken to pass such a measure with a likelihood of success that is to deal with the private and social institutions and powers of the people of the States. This bill assumes to legislate directly upon almost all the relations of the people; to deal directly with inns, with theaters, with other places of public amusement, with common carriers, with common schools, with the regulation of cemeteries for the burial of the dead. Is there any subject beyond these, because some of them are very general in their nature, that this bill does not involve and pretend to regulate or manage? It is the first time, as I said, since the organization of this Government that Congress has undertaken in any degree of earnestness to deal with these relations of our people. The idea that this great Government formed for general purposes should at this day descend to the regulation of a theater, of an inn, of a common school, of common carriers within the limits of a State, is one of the most extraordinary spectacles I think that could be presented to the American citizen or to the reader of history wherever or whatever he may be.

I will not discuss at length the constitutional character of this bill, for that has been ably done by the gentlemen who have preceded me during the night; but I will only refer to the fact that all this power is derived by gentlemen who venture to maintain its validity from the fourteenth amendment and from no other. Surely it is not from the thirteenth; it is not from the fifteenth. The thirteenth simply abolishes slavery, and the fifteenth only provides that negroes shall not be deprived of the right of suffrage. The fourteenth amendment, and the fourteenth amendment alone, is the basis for this claim; and within the limits of that amendment or of the section of that amendment upon which these gentlemen rely for the power to pass this bill there is not one syllable in regard to race, color, or previous condition of servitude. It refers to nothing in respect to the African race, and if that race were not in existence, this clause in the fourteenth amendment could just as well apply to the subject-matter and receive an interpretation consistent with its true objects.

Now, by applying it to a color or to a race of people, they undertake, upon a constitutional amendment providing that no State shall abridge the privileges of citizens of the United States or deny to persons within its jurisdiction the equal protection of the laws, to

argue that by reason thereof and because of the fact that there are colored people in the States who may be deprived by local legislation of certain privileges, Congress asserts under these provisions of that amendment the right to go into the States and take possession of your inns, your theaters, and other places of public amusement and schools. Mr. President, can this be so? I ask you and each Senator present to read again the fourteenth amendment. It has not a reference to race; it has not a reference to color; it applies to all the people alike as citizens or persons only, and not in any other respect. If this bill is constitutional in its application to theaters and inns and common schools, common carriers and cemeteries, because there happens to be an African within the limits of the State, Congress is invested with the same power because of other classes of people dwelling in the States; and you can under that constitutional provision as well assume the power to apply it to the exclusion of a German, of an Irishman, a Frenchman, or any other nationality from a theater, from an inn, from any other place of public amusement, or from a cemetery. You can go into all the relations of society in the States, define the rights, duties, and obligations of its members, determine the classes of people and their relations to it, and how they shall all receive the equal protection of the laws.

So far, then, as the negro is concerned, so far as race or color is involved in this bill, and the power to pass it is claimed, it is simply this—there is not a word about either in the fourteenth amendment, and as specific matters for legislation has nothing whatever to do with the question. It is a question far beyond and outside of all that. Can the Congress of the United States go down into the States and take possession and control of all the places and subjects enumerated in this bill? And if they can do it in one instance, if they can do it for one purpose, they can do it for another; and it gives a jurisdiction which is limited only by the will of Congress. It is an unlimited power given to this Federal Government to determine the relations of the people in regard to all those matters so intimately connected with their enjoyments, and in fact their social being. It is a jurisdiction or power without limit and without qualification of any kind. It is not cared what the Supreme Court may say in its qualification of the power of this clause. If you pass this bill, you pass it in the face of the decision of the Supreme Court of the United States in the Slaughter-house case and in almost every other case determined by that court having reference to these late amendments of the Constitution. Upon this floor that decision is questioned by the honorable Senator who has charge of this bill, the Senator from New Jersey, [Mr. FRELINGHUYSEN;] for in the course of his speech on this bill the other day he did question the soundness of that decision. I am not here to say anything about that decision either in vindication of it or by way of criticism. It does not in all its aspects and in all its views meet my approbation. The court in that judgment have given a limit to these amendments; but that is rejected by the honorable Senator, and this bill, discarding all qualifications and limitations placed upon the powers conferred by the fourteenth amendment is an assumption that it is all-embracing. These gentlemen by one fell swoop would gather up every relation of life and transfer all, without qualification, without limitation, without any respect to the States, to the Congress of the United States. Against the exercise of such a power as this I am here to protest, and protest always.

This Federal Government has great objects to accomplish; it has certain duties prescribed by the Constitution to discharge. Those duties relate to our external and general affairs, depending upon the people of the localities to regulate their own domestic concerns. In that spirit our Government and institutions were formed, and in that spirit I desire that they shall be maintained so long as I can with my voice or by my vote maintain them.

But I now more particularly desire the attention of the Senate to one particular phase of this question, to the practical details of this bill. Have you observed these practical details? Do you know what it contains? Do you understand how far it may extend, how far it reaches down into the social relations of the people in the States? This is not simply a political question that it undertakes to handle; it comes right down to the social relations of the people in the States, and it assumes to regulate and direct them; and I desire to call the attention of the Senate particularly to this, so that the real character and objects of this bill may be understood.

I will speak of the details of the bill first before speaking of other matters connected with it. Let us see whether it is drawn definitely, as a law should be drawn for the purpose of protecting the people against a great central power, dangerous, as we all know it to be to the rights and to the liberties of the citizen:

That all persons within the jurisdiction of the United States shall be entitled to the full and equal enjoyment of the accommodations, advantages, facilities, and privileges of inns, public conveyances on land or water, theaters, *and other places of public amusement;* and also of common schools and public institutions of learning or benevolence supported, in whole or in part, by general taxation; and of cemeteries so supported, subject only to the conditions and limitations established by law, and applicable alike to citizens of every race and color, regardless of any previous condition of servitude.

If the honorable gentleman from New Jersey [Mr. FRELINGHUYSEN] were here that I might speak to him directly on a question of this sort, I would ask him whether in a law that is to be criminal in its character, upon the violation of which the party offending may be subject to a forfeiture to the United States Government and a penalty besides to the party aggrieved, that is proper language to be put into a public statute—"other places of public amusement?" What does the honorable Senator mean by that? Is there a republican Senator on this floor who will undertake to tell me specifically what that means? Coming to the details of this bill, allowing him to reflect for one moment, is that honorable Senator in the passage of a law that is penal in all its provisions to allow a grand jury to determine what "a place of public amusement is?" Are the jury that is to try the citizen for the violation of this law in that respect to determine that, or should the law determine the fact itself? Gentlemen on the other side—I wish I could address myself to the gentleman having this bill in charge—speak about theaters, about inns, about common carriers, about cemeteries. We understand all that; they are specific occupations or things, and we know precisely how an indictment may be framed and how the penalty and forfeiture may be imposed or recovered. But what do you mean by "other places of public amusement?" Is it a menagerie? Is that one of the things embraced in the term? I am now talking about a law that is to be carried down to the hearthstones of the people of the States, under which law a citizen of a State may be seized in the mountains of Maryland and carried off to Baltimore to be tried by a Federal court, and by jurors unknown to him, away from home, his vicinage, his people, and taken among strangers a hundred miles distant, and it may be without means and without friends, there to be tried for what? Under that clause of the bill which refers to "other places of public amusement." Is it a menagerie? Is it a circus? What is it that this clause does embrace? Come, let us know. This part of the bill must mean something, or it ought to mean nothing. We ought to have definite, precise language by which people may understand whether persons can be excluded because of color or race when they apply for admission at places of resort. Is a presidential levee a public amusement? Are gambling-houses public amusements? Are societies of any kind? What does the language mean? What can it mean—"other places of public amusement?" A Fourth of July celebration, a barbecue, a harangue, an exhibition of large men, of small men, or of fat men? A large woman, a small woman, a fat woman? Or it may be a collection of monkeys, or a cage of snakes, and such like things. I have seen them all in the country. The exhibition of the Punch and Judy show too is for public amusement, is it not? If any one thinks proper to take a Punch and Judy around on exhibition and he excludes me, have I a remedy? But if he excludes an African, does he not come under the penalty and forfeiture of this bill? Is he to be arrested for so doing and taken off to the places where United States courts are held by a United States marshal because he happens to prevent an African from seeing the exhibition of his own Punch and Judy? You may go through the whole catalogue of amusements and any one of them may be brought within the provisions of the bill in the opinion of a United States marshal, or of a United States court, or of a United States grand jury or petit jury, and of the individual who thinks that he was aggrieved by being deprived of what he thinks a "public amusement," and not specified in this bill. Do you not think that is too indefinite for a bill involving penalties of this kind? Do you not think it is loose, imperfect in its details, when such language is used as that which nobody can precisely understand or define? If the honorable Senator from New Jersey was in his seat I would put the direct question to him, so that when these people travel through my State we may understand what kind of a construction a republican would give to these words in order that we may have some means of defense if any of them should be arrested for a violation of the provisions of this bill.

Now I ask gentlemen whether that is not most extraordinary language to be used in a bill of this kind—"theaters, and other places of public amusement?" Some people think one thing is an innocent amusement in one State that by others may be considered a crime in another State. One thinks that it is a matter of great merit to be engaged in one thing in one State that is a great offense to the people in another State. Instead of some things being amusements in one State, they would be grievous offenses in another, depending entirely upon the views held by the people in the respective localities, as is witnessed in the laws of the States. And so with the different communities in a State, that which may seem innocent to some is a sin to others. Therefore I think, without dwelling any longer here, that it all shows the character of this bill and its sweeping intention, its grasping spirit, that there is nothing in the comprehensive language of this bill that is to be left untouched in the discretion of the United States courts or of the individuals who may complain to them.

But, Mr. President, let us go back and look into the principles involved in this bill and into the propriety of such legislation. I said that never before in the Congress of the United States had there been such an earnest effort made to legislate upon these questions; nay, I go further, there has never been such an effort made in the States to do it.

Inns we understand. They come to us from the far past, whereof the memory of man runneth not to the contrary, defined and regulated by the common law. We understand the meaning of the term. Those peculiar legal characteristics of inns arose when countries were sparsely settled and when it was important that responsible individuals should at all times be prepared to receive the traveler, a stranger, weary and distant from home, it may be. The innkeeper held himself out to the public as a fit person to receive the traveler, and the law required that he be as good as his word. Not only did the

law do this for this purpose, but in taking cognizance of him in this respect it was directed to other purposes, that of raising revenue. Innkeepers were taxed, or licensed rather, not for the privileges only of accommodating guests, but for the privilege of selling spirits and other things out of which they chiefly made their money, and in this respect put upon the footing of any other licensed dealer.

Any one can establish an inn; any one can have his house upon the way-side. It is his common right as a citizen to do so. The idea that it requires the power of law that I may be permitted to take in the traveler in my house and charge him for it, that I am to be permitted by law to afford you board and lodging, the idea that it requires a law to establish in me a right of that kind, is perfectly absurd. I derive no such right or privilege from government. It is a natural right, and which is entitled to the protection of the Government and ought to receive it. It is my private right, and not being against public policy I am entitled to enjoy it. If there is a right that is natural and that belongs to me because I am a citizen and entitled to the protection of the laws, it is to transact my own private business in my own way without the interference of government so that I do no injury to others. Have you not a right, Mr. President, has not every person a right, to carry on his own occupation, to secure the fruits of his own industry, and appropriate them as best suits himself, as long as it is a legitimate exercise of this right and not vicious in itself, or against public policy, or morally wrong, or against the natural rights of others? As much so as for the shoemaker to make shoes or the blacksmith to shoe horses or make plows. There is no difference between the two. A man has an equal right to keep an inn; and when you undertake to say that because inns are licensed establishments they derive their existence from government and that therefore they are an institution under the regulation and control of government, is to me thoroughly absurd. Indeed I have always looked upon the common-law appanages—that is, the rights and responsibilities of inns and innkeepers—as by-gones, fit probably for the age which gave them origin, and seldom or never applied now. Your inns now, your hotels, your taverns now are licensed. But why? Not simply because it is an inn, hotel, or tavern. Not in order that the keeper may have the privilege of selling provisions or drink or providing lodging or of generally entertaining people; for these I think are not now, in this country, at all events held to be matters of government, and especially of the General Government. These are things that belong exclusively to the people and are of their own private concerns, but it is because the Government is interested in taxing this class of people for the purpose of raising revenue, and indeed many of the States raise the mass of their revenue from this sort of taxation. That is the whole of it; from antiquity to the present period of time the main object of the license system was revenue. It is not that the Government has conferred any right upon you by authorizing you to sell the articles of your own or other people's industry or the productions of your own farm. Government has nothing whatever to do with it other than to impose taxes upon your lands, your incomes, or your occupation, or whatever else it is authorized to tax, and in the manner it is authorized to levy it. The license system, in this country particularly, is for revenue, and has for its basis the objects of revenue; and this idea that because a theater is licensed, because a hotel or a saloon or an oyster-house or a store of any kind is licensed, therefore that the business is of such a nature that it cannot be carried on without the direct and written authority of government, with a license to do so, is a great mistake. This license is a device of the State or General Government to get revenue, and never before was it attempted to be used for any other purpose.

I can do all these things; I am entitled to do all these things by virtue of my natural rights; and when gentlemen assert that a license is a privilege, it is a great error in language and in fact. A license is a tax instead of a privilege; it is a restriction instead of a grant. I have a right to do these things, and Government interposes to restrict my right either for the purposes of revenue or otherwise; and because Government interposes to restrict my right in order to derive a revenue or for other purposes, if you please, from the occupation which I may think proper to pursue, Government undertakes to assume, as it does in this bill, to assert that because it does this it has therefore the right to regulate the details of my occupation or business. Because the Government imposes a tax upon a farm for the purpose of deriving a revenue, therefore the Government has a right to regulate the details of my farming operations! That is the force of the argument; and not only that, but these taxes for license are not imposed by the Federal Government nor intended for the benefit of the Federal Government; but are imposed by a State for its own subsistence or support and; because the State taxes these pursuits and issues licenses to them, not as theaters and inns, &c., and in this way takes public cognizance of them, it is contended that the Federal Government has the right to determine how these people shall conduct their institutions or places of business, how innkeepers shall receive guests, and of what kind, and how managers of theaters are to receive the pleasure-seekers who throng their doors, and of what kind.

So far as I am concerned, in reference to inns, I would brush away all the old common-law notions that attached to them hundreds of years ago and that gave to the books pages upon pages of law. The old common-law rights and responsibilities of innkeepers, while still in the law good and applicable, is being practically discarded every day; so that there is hardly a case known in the books at this day in which the responsibility of innkeepers has been involved in any suit for not receiving guests, except it may be under the kind of legislation now here attempted in this bill. It is a thing of the past; and if this bill is passed the States ought to change the common-law rule and put inns on the same footing with other common branches of business. Competition is the ruling spirit everywhere, and innkeepers and hotel-keepers now are only too anxious to get guests. In the days when those rules grew up, when they were situated on the by-ways and in the forests of England and of Italy, infested by brigands, it might be considered necessary for the state to superintend these establishments and see that responsible men were not only in this business, but that they were obliged to protect and secure travelers against the dangers and perils that beset them in making their slow progress, and in some degree upon the same principle that we have armies and forts in the Indian Territory or along the highways through the unsettled country. Things have altogether changed and we live in the period where motives mainly prompt, and not the enforcing power of law. I could appeal to any lawyer in this body whether he knows of a case in his own knowledge and experience involving the responsibilities of an innkeeper—not for losses by his guests when under his roof, those are questions that may arise as well in the case of individuals entertaining any one as to those cases arising against an innkeeper under the common law—but I mean a suit upon the ground that the innkeeper has refused to take in a guest, when according to the common-law principle he is obliged to take who comes in a fit condition and with means to pay. Competition has pretty well settled all these questions as practical questions. Hotel-keepers are anxious to get guests, and you have everywhere hotels and inns prepared to accommodate the traveling public. They, like all other classes in business and like all other occupations, are always too intent to accommodate one than so to involve themselves in trouble.

This bill directs that a person shall be responsible to the penalties and forfeitures under the law if he shall refuse a colored man the privileges of his inn. Even stringent as the common law was in regard to inns in the reception and entertainment of travelers generally, still the inns might take certain classes of people and refuse others. I have a small book here which I just got from the Library, from which I will read:

> The innkeeper may, however, set up an inn for the reception of particular classes of people and is only bound by what he publicly professes to do in this respect.

I read from the Innkeeper's Legal Guide, by Tidswell, page 8, a standard work; it is true, very small, but that should not detract from its merits. Our hotel and inn-keepers everywhere have, if not expressly, impliedly set themselves up as entertaining classes of people. You undertake now to change all that; you undertake to say the common law shall be changed in that respect, that a man shall not keep an inn which shall only accommodate classes of people. We have inns that specially entertain Germans, others Irish, others French, others Italians, some sailors, and again others African. I know myself of an inn specially for colored people. There are in my own town churches for colored people, schools for colored people, masonic, Odd-Fellows, and other societies of colored people. Having their inn, should it be offensive to the white man that it is so? The white man does not feel aggrieved. There is not one who ought to feel aggrieved that there is a hotel for the colored man exclusively. He is there in his own hotel free in his own enjoyments, secure in all his rights as any other in any other hotel under the law, and better off in every respect in accommodating himself to his wants and comforts without the restraining presence of white men. He can enjoy more of his own kind of comforts in a hotel of his own race, color, and current of thought and of feeling than he could possibly in the hotel of the white man; and it is a somewhat remarkable fact to me that there are four millions of these people, many thousands of them in this city, thousands of them in New York, Philadelphia, and Baltimore, many of them intelligent and industrious, and naturally apt in such occupations, and yet that they have no first-class inns or hotels for themselves. I know of none even in this city exclusively or even partially appropriated to their use, where, if anywhere, the experiment could be made with success. There are colored men in this city—one I know—who keep hotels, but not for their own class or race, as I understand. My surprise is that some of our white brethren in the North who have such a strong affection apparently for these people do not concern themselves in the establishment of some good houses for their reception and accommodation. It would afford them more facilities for travel, add very much to their comfort and enjoyment, and establish a self-respect for themselves by feeling that for such things they could not only depend upon themselves, but be free from a contact in mixed hotels that would be equally disagreeable to both white and black.

In speaking against this bill I do not speak against that race, understand me. I do not want to deprive them of a single comfort or of a single right. If instead of undertaking to enforce upon white people the association of the blacks, we would as good, well-disposed citizens of the States make the effort to introduce and encourage separate establishments for these people, the creation of schools, the building of churches, the establishment of hotels, and so on, how much more would their comfort and peace of mind be everywhere increased! You will not do that; you will not spend a dollar to help them build or to encourage them to build a respectable hotel, for illustration in

New York, for their accommodation. You will not spend a dollar for the establishment of independent schools for them anywhere, either North or South. Upon the contrary, you must force them upon white people and the white people upon them where their incompatibility of temper, culture, views, notions, and prejudices comes in hourly conflict, and which does good to neither, but injury to both.

If we would look at this subject calmly, dispassionately, and from the proper stand-point, there could be no trouble in securing, I believe, the welfare of the colored race far, far beyond anything that forced association and contact can ever do, and especially by the imposition of fines and forfeitures, and more particularly still by placing it in their power under the law to sue upon every fancied or real grievance of this kind that they may endure, from time to time, at the hands of the people among whom they live.

But I was speaking about inns. Why limit this bill to inns? Why is an inn that extraordinary thing which requires legislation here? Everywhere in your counties, in your towns, in your cities, you see hotels and inns, and everywhere they hold out an earnest desire for guests. Why limit a bill of this character to inns? Why not go a step further and apply the principles of this bill to other like occupations? Why not apply it to eating-houses? An inn, a lodging, you may get anywhere; and without any intention to reflect on the colored people, it is not lodging they care so much for; lodging is a small matter to them compared to other things. Give the genuine negro a bench, or if not that the floor, and, with his feet to the fire, he will sleep and be content. But food is the first thing; without that he wastes, and fades, and wilts. You have eating-houses elsewhere. He cannot go to an eating-house under this bill unless it comes under the general generic words "other places of public amusement." Then oyster-saloons you have everywhere along your streets. Colored friends are as fond of oysters as other people. They are not allowed to go into oyster saloons under this bill. Why not, I would ask my honorable friend from Indiana [Mr. PRATT] who undertook to advocate the provisions of the bill the other day? But stores, grocery stores, where they can get bacon, and flour, and lard, and whisky—that is in the days of whisky—and tobacco, and sugar, and molasses—why not include grocery stores? You have them all along your streets. An inn, an innkeeper is picked out by this bill, the last place in the world that colored men would think about when seeking their creature comforts—and it is no reflection upon them in saying this, for I do not desire to reflect upon them; the race is not offensive to me let me say, and I desire their comfort as much as you do, and their happiness, and the security of their life, liberty, and property, and I never in the days when they were bondmen failed in any act of justice or of humanity to them. A colored man may go to a store, and the store-keeper can say, "I do not want your custom; I will not sell to you. To your race and color I object, and you must leave my store." Why is this? The store-keeper is not embraced in the provisions of the bill. Are not stores licensed as well as inns? There is not I presume a store in any State that is not licensed by the State—not, let me again observe, to give them the privilege thereby of disposing of their wares, but with the object of securing revenue to the State upon trade; not a right granted or conferred.

Then your shoemakers. Negroes want shoes; the shoemaker may decline to sell them shoes, and the tailor may decline to make clothes for them. Are not these things as important as lodging in an inn? Butchers may decline selling them meat. And yet none of these are embraced in the law, and from these the colored man is to get the very things he most wants and must have; but the poor, isolated, generally good-natured innkeeper, out of all the numerous businesses and occupations going to the support of life, is to be picked out by this great General Government; and upon whom is to be exhausted its mighty power, and with what result? Some pestiferous creature in the neighborhood after this bill is passed, takes offense at an innkeeper and he puts some mischievous negro on him for lodging, and when there are other guests in the house he of course refuses, and is arrested and must pay the penalty of the law. And these are the only kind of cases that will occur; for a well-raised negro, as a general thing, knows his place and will not obtrude where he may not be welcome or desired, and exhibits in this respect more consideration and good sense than those who by such legislation incite him to different conduct. Very few cases of this kind in good faith will ever happen. But in the other things I have referred to, and where there may be a necessity for life itself, all these are left upon the outside of the bill. Do not these come within the province of the fourteenth amendment just as well as inns? Why not make your bill coextensive with the needs of the existence of the colored man, commencing with the shoemaker or butcher if you please, and going up to the inn, which at best is but a comfort and not a necessity?

Furthermore, the colored man has a right to live in a house, that is if he can get one. One may refuse to rent him a house because he is a colored man. Why not make that an offense? Though the house is taxed, yet may it be refused. A colored man may call on you, Mr. President, to rent to him your house; it is known to be for rent; it may be advertised in the paper for rent; and you may tell that colored man, "You cannot have my house because you are a colored man," and the fourteenth amendment leaves him helpless as against you, that is, so far as this bill is concerned, for it does not deign to notice this kind of injury. But in the case of an innkeeper refusing to admit or receive this colored man the fourteenth amendment by virtue of this bill takes possession of him and hands him over to a United States marshal and to the Federal power.

This is the first time in history—it will be a matter of history—that the idea has been presented here that this great Government has got to go down into the States and take charge of the innkeepers and see that they demean themselves as directed by the high and potent powers here toward such a class, whether it be African or Chinese or European or any other. It is the most extraordinary thing not only in our political history but in our national history, for this sort of legislation will not only induce new thoughts in American politics but will oblige our people to enter into the study of the races and color of men.

Now we leave inns—and into all the substantials of life, from and down through butchers, shoemakers, tailors, store-keepers, to tenements, through all these in detail we have gone—and you only reach one by your bill, and that one the least important of all to the colored man.

And now let us come to the next thing in this bill, "theaters." Now we come upon a different theater of thought. A theater is not, and it must be confessed by the friends of this bill, a substantial of life. Nobody depends upon a theater as he does upon a butcher or upon a tailor or upon a shoemaker or upon a roof to cover him from the inclemency of winter or the heat of summer. The theater is for amusement. The theater only came under the regulations of law because at one time it became so licentious in the opinion of moralists of the day that it was thought to be necessary to make theaters the subject of legislation in that respect, but in no other. They were at that day and are still discouraged and discountenanced by a great many people who think no good of them. I might be induced to discuss that question of morals with the honorable Senator from New Jersey. My understanding is that he is a strict churchman; he has the reputaion of being so, and very confirmed in his religious views and notions of religious duty; and with this understanding I might ask of him, does he think it an advantage to the colored race to force them by law into theaters, and for the only reason that white men can go to them? A great many Christian people, I apprehend, when the time comes for discussion—I know there are some Christian people in my neighborhood who, I do not doubt, would consider it a very great advantage if there should be a law passed where it could be legally done, to prevent any one, white or black, from going to a theater. The honorable Senator from New Jersey, a Christian gentleman, undertakes, on the contrary, to put into the form of a United States law that is intended to be the paramount law in the thirty-seven States, and in every part of them, to be enforced by the whole power of this Government, the legal sanction of this great Government that theaters are great public institutions, and that the negro must and shall possess the same right to equal admission into them that white men enjoy. I know there are Methodists, Methodist preachers, who will not approve this part of the bill even though it be intended to favor the colored man. I have been at many camp-meetings n my day, and in Methodist churches, and have too often heard theaters denounced to suppose that this part of this bill will ever receive the sanction of that class of the community. What is being done in a theater? What do you call a theater? What kind of a theater is it to be? Is it of the kind in which Booth is now performing, or is it of another kind? There are many kinds of theaters—as various as there are tastes and fancies, and to suit all tastes, high and low, pure and vulgar.

What kind of theater does my honorable friend mean that he intends his unsophisticated colored friends to attend by making it a high crime against the Government for excluding them from a theater that perhaps even a vulgar white man might be too decent to attend? In opening theaters by law to the colored man, I would suggest to the honorable Senator that the law ought to define the kind of theaters.

Think of it. Why, Mr. President, this is trifling with great subjects. Theaters! Here is a bill providing that our colored friends be protected in the enjoyment of theaters. I would advise them better. I would advise that they had better stay away from them altogether, save their money, expend it on their education, on their families, and in the acquisition of property. If you wish to go anywhere, go to churches; there is your natural place. I do occasionally go to theaters, and I am not one of those disposed to condemn them in gross; many of them, the most of them no doubt, are of a high order, but on the other hand some are not fit to be attended; and my honorable friend from New Jersey does not undertake to prescribe in his bill for the difference or even recommend what kind his colored friends should patronize. It should be confined to theaters of course inculcating moral influences. If this bill passes, I shall probably take occasion to talk to some of our Methodist and Presbyterian friends and friends of other religious denominations upon this subject. Why do you not, I inquire, force the colored people into churches? Churches are not mentioned in this bill. The sexton at the church door may exclude people of color. He can tell them at the threshold: "You cannot enter; your color and your race is the objection, and you cannot enter this church." Well, that in such a case would seem hard indeed; but still it may be done. This can be done with impunity under your law. You do not undertake to punish in such a case, do you? No; churches are not within the comprehensive spirit of the fourteenth amendment, but theaters are. Churches, Sunday-schools, are

not embraced in it. Have you provided for Sunday-schools? We know you have Sunday-schools in this city, everywhere, with competent and zealous teachers, and every assortment of books. Yes, magnificent Sunday-schools. Does the colored child go there? Is it received there? Admission can be and is often not allowed. This bill does not provide for Sunday-schools, nor law schools, medical schools, agricultural schools, and societies of any kind, literary, scientific, and others. The places where the colored man could be edified, where he might receive some kind of moral and intelligent instruction, where he might derive some general or specific good, are not to be opened to him by the fourteenth amendment. These are not worth your consideration; but, if you can, only get him into some outside theater, under the terror of your bill; not such where Booth or Salvini plays, for there he will not get, as there never will be room enough found for him there under the fourteenth amendment. He may under this amendment be able to get into some of the variety theaters—theaters comique and such like theaters—where the pressure of the fourteenth amendment might be more sensibly felt.

This is a very strange subject, and we must see the folly of the bill in its thorough absurdity. You may under this bill be able to force him into these variety theaters. The people at the head of these theaters might have a greater moral sense in regard to their duty than even Congress itself as developed by its legislation in this bill, and might think that they were not fit places for the congregation of people of color, and they might be disposed to refuse admission to them upon the highest plane of motive. But no! You say in your bill that the negro must go where any white man is allowed to go, however vulgar and indecent that white man may be. You do not say that a colored man shall go where a moral, delicate, sensitive white man would go, but you declare that he shall go wherever any immodest, impure, white man can go. The proprietor of such a theater might be disposed to say when a colored man comes for admission, "You are a colored man; you ought not to come here; I will not allow you to come in; it is not a fit place for you." But this bill announces in unmistakable words that he shall go in or the proprietor shall be liable to pay $1,000 to the Government and $500 to the individual for refusing to him admission. And this is the kind of legislation proposed by the honorable Senator under the fourteenth amendment. That is wielding the fourteenth amendment to some purpose. Was the honorable Senator here when that fourteenth amendment was passed? Did ever such a range of discussion take place in the debate upon that question? Inns and theaters! I am sure that the men of that day would have made some provision in the fourteenth amendment to protect the colored people and would not have left them defenseless against the vices of the whites, instead of attempting to force them upon the association of the white man in his own selected enjoyments or amusements.

Elijah passed by him—Elisha—and cast his mantle upon him. The Senator stands here with this bill in his charge. I observe the beginning of his speech in which he regrets that the master spirit of this bill had departed to the eternal world and was not now here to witness the final triumph. The mantle of Elijah was cast upon the honorable Senator from New Jersey, and this bill, changed though from the original bill in every word nearly, from the enacting clause throughout all stricken out, is thus attributed to the paternity of the deceased Senator Sumner. I regret much, Mr. President, that my honorable friend from New Jersey took upon himself the championship of this bill. I regret it because I do not believe that he is a fanatic. I do not think he is because he comes from the State of New Jersey. New Jersey lies in a liberal latitude. Men, ambitious men, cannot well afford to be fanatics in New Jersey. If they should come into the Senate of the United States and here betray an ill-timed fanaticism the people at home would mark it and soon close their career. The people of New Jersey are held to be a liberal, enlightened people and far removed from all species of fanaticism. I am not going much further North for people free from such a political vice.

This is the bill, Mr. President. It is now near three o'clock in the morning.

Mr. CONKLING. Is that in the bill?

Mr. HAMILTON, of Maryland. That is not in the bill, but it should be, so as to have it appear that at three o'clock in the morning, or thereabout, a bill was being passed by the Senate of the United States, by the Senators from thirty-seven sovereign States, to enforce, among other equally strange things upon proprietors and citizens in the States the obligation of admitting people of color into their own theaters; their own private property, dedicated to their own purposes, and used for their own private ends.

Mr. President, it is all wrong. Let these people attend to their own theaters and their own business, and let them admit whom they please, or no one if they please. I am sure I would take it as no offense to me personally or as a wrong done to me in law, for certainly there must be a reason for such a course. If I went to one of them and should be refused admission, I do not think I would resort to the fourteenth amendment to avenge such a wrong. I think I would rather say, "Well, if you do not desire my money or my presence you can get along without either, and I will keep the one, and dispose of the other possibly in a more comfortable way." Why should we be sitting here to-night attempting to enforce upon theaters the admission of our colored friends, when our real desire ought to be to keep them away generally from such places? I believe the honorable Senator himself would sooner meet them at church than there. I would sooner see them at a camp-meeting, for I like to see them enjoy themselves, and they can do it to perfection at a camp-meeting, and with no harm to any one and with possible good to them.

I am opposed to all this. I think it all wrong. I now see the honorable Senator from New Jersey in his seat, and as I had not the opportunity before I wish to direct a question to him, and I desire him to respond if he will be pleased to do so, for this is an important matter to the people everywhere and in Maryland particularly. He is off living a considerable distance from the Capitol, but we live right here under the shadow of its stately dome, and we have radiating influences penetrating from this capital to our colored people. What our colored people may not know or think of in Maryland is soon taught them by the influences here, and especially if it be for mischief. Emissaries from here are not wanting, both white and black, to impress that class of our population against us and to put notions into them that end in no good to any and give to all a deal of trouble.

We try to protect our colored people against wrong. They are generally an orderly people. I appeal to Senators whether they ever heard since the war or before that the people of Maryland ever denied any right secured to the colored men by law. There they are just beyond the line, within the view of your Capitol, in close contact with your people here, hearing continually the inflammatory harangues of their pretended friends, besides emissaries from here traversing the State and making all kinds of speeches to mislead their minds and inflame their passions. Yet did you ever hear of any studied attempt to make trouble in which the right of the colored man was ever infringed? No; he is there as secure as he is in the State of Massachusetts; he is there secure in the enjoyment of his churches, his schools, his societies, his hotels, and of his cemeteries too. He is there as secure in his life, liberty, and property as any man on earth. But turning from this and returning to a provision of the bill upon which I commented before, I wish to ask the honorable Senator, as I now see him in his seat, a question for general information, for we live, as I have already said, in the power of the people who are to execute the provisions of this bill. I wish to ask him again what the bill means in this respect. It says:

Accommodations, advantages, facilities, and privileges of inns, public conveyances on land or water, theaters and *other places of public amusement.*

Will my honorable friend be pleased to define what those "other places of public amusement" are? Will he not deign to answer? That is in the bill, and it was put there for something. Let us know what it means, for the benefit of my own constituents if for none other, for it is my wish that they be put upon their guard. I would not that any of my people should violate the law with their eyes open, nor that they should do it unwittingly. I do wish that the Senator would give us the benefit of his construction of this provision, so that when our people shall be disposed to get up any amusement they shall at the same time be more able to know whether the exclusion of the colored man would make them liable to the penalties and forfeitures of the bill. What is a "public amusement?" Why have the words there, unless you know what they mean or unless they bear a precise meaning? Is it a menagerie, I would inquire? Is that a public amusement? True it must have generally a license to exhibit. The license, however, is intended for revenue to the State, not to add to the natural right to follow a lawful calling. The honorable Senator from New Jersey in his speech has impliedly if not directly said that because a theater is licensed by the State, it is therefore a public institution and has its being given to it, and being a public institution and existing by virtue of State authority the United States can embrace it in its legislation under the fourteenth amendment.

Not so; they are no less private enterprises because they may be taxed or licensed, and especially when licensed for the purposes of revenue.

Menageries may be licensed, but should this prevent one from taking around his lions or tigers or zebras or monkeys, and admit whom he pleases to see them, or no one if he so chooses? He can do the latter if he chooses, but if he should exclude a negro and admit others he is to be brought under the provisions of this bill and is to be made liable to all its penalities. Take Ward's famous wax-work show. That might be considered, especially in Georgia, a public amusement, and yet exclusively his own property; but is it not embraced in the fourteenth amendment if anything of the kind could be?

Mr. President, I want to know what is the meaning of this phrase, "and other places of public amusement," because our people are in the habit of attending the menagerie when it comes to our part of the country, and particularly the circus. If there is anything on earth that will bring out the people it is a circus. Politics may not do it; religion may not do it; but a circus never fails to do it. You find the people there from all quarters of the county. Now we ought to deal fairly with the persons who come round periodically for the amusement of our people by advising them clearly whether they would get into trouble by refusing to admit our African friends to a circus, and be liable to the provisions of this law. I do not want it to depend upon a United States marshal, or a United States grand jury, or a United States petit jury. I want some construction placed upon this language by the honorable Senator from New Jersey, who is the champion of this measure and understands all about it. He

changed the whole Sumner bill and put this in his own words; and he did it for a purpose surely. And I want the purpose; I want the intent. Does it mean a menagerie? Does it mean a circus? Can it mean anything else? Are there any other places of public amusement in the country to which it would apply? If there are I would like the Senator to name them. In my part of the country cock-fights and horse-races at one time were carried on and were places of great popular resort. They both flourish in certain parts of the country, and the latter you may say everywhere. Are they public? You have generally to pay admission to either. Are those "public amusements?' Does the honorable Senator think that both or either are embraced in the fourteenth amendment and comprehended under the term "public amusements" in the bill? If so, why not say so? They certainly are as much so as theaters.

My honorable friend from New Jersey considers it a very great hardship for an African to be excluded from such places, and he proposes to impose penalities upon those who exclude him because white men may go to them. I am satisfied that a religious community would rather say that both races had better be excluded from such places; that if Congress did undertake to exercise any power over the subject under the fourteenth amendment, it should be rather to exclude both than to force either into them. But no; you say we care not what kind of amusement it is, if it is a "public amusement," whatever that may be in all its various moods and tenses, and a white man goes there, a negro is bound to go.

What else? Are gambling-houses "places of public amusement?" They were so considered at one time, and until very recently held in high esteem at watering places in Germany. They paid immense revenues there, and were licensed in this country at one time, though now generally suppressed by statute. Why, sir, you remember when a boy that your race-courses were filled with gambling-booths and the town full of embellished gambling-houses. They are under the ban now, and open now only at certain places, and therefore I suppose the Senator from New Jersey would say that they were not legal "places of public amusement," and not therefore within the fourteenth amendment and the provisions of this bill, so that exclusion from them would not be obnoxious to the law. But all this depends upon the sentiment of the times, and what to-day may be within the fourteenth amendment may on to-morrow be free from its power, for nothing has changed so much as the character of "public amusements." Therefore the importance of specific definition in order to show what these "other places" are, the refusal to admit a negro to which a penalty is imposed, not one but two. He has his own private grievance to redress, and then the Government has its power and dignity to maintain. The party convicted may be made to pay $500 to one and $1,000 to the other, and be imprisoned besides. Think of it! If Senators around me know of any other places of public amusement than those I have mentioned I would that they name them, for a debate sometimes is used to illustrate the objects of the bill, and then, too, we may be able to be more definite by adding to "theaters" these other places by name. If the honorable Senator from New Jersey knows of one, I should be glad if he would name it.

My honorable friend knows what theaters are. He has them in this bill. He understands the meaning of that word, and it is defined. He has been to theaters. But I think it will give him some trouble to specify these "other places of public amusement." They should be specified in a fair bill.

I want to see some of the indictments, when they are drawn under this bill, against persons charged with refusing admission "to other places of public amusement" to persons of color. If any indictments are ever drawn under this bill I should like to see one, so that I might have the satisfaction of knowing what kind of amusements they were prevented from seeing and which the law enjoined they should see.

But, Mr. President, "cemeteries," it appears, are within the purview of the fourteenth amendment. My honorable friend from New Jersey understands all about cemeteries, and so do I. We all know something about cemeteries and appreciate what they are. They are awaiting the whole of us. They have embraced the generations that have passed and will receive those that are to come. As there is trouble about everything, so there is beginning to be a little trouble on this subject in the city of New York. There are people there who are for dispensing with cemeteries entirely—cremation is to supply their place. My honorable friend, from his pertinacity in pressing this bill, does not anticipate that that process will supersede cemeteries, for the present at least. But as general legislation as to private matters generally destroys or injures the subject, it would not be surprising to see a resort to cremation; for I question whether the gentleman could, with all his legal skill and attainment, bring it within the fourteenth amendment. I believe there has never been a complaint by a human being on earth that he could not or would not be buried. [Laughter.] My honorable friend from Mississippi [Mr. ALCORN] to-day—Senators will bear me witness—for nearly half an hour was complaining about the trouble that one of our African fellow-citizens might have in obtaining burial. It grieved the honorable Senator to think that a colored citizen might be denied burial, and no remedy for it under the law. Sir, I think we are often in too big a hurry to bury. Instead of denying burial, we sometimes overhurry ourselves in the duty, and bury people alive! Dead people are the last on earth that we want around us. Mr. Laurens, of South Carolina—I think the Laurens who was one of the negotiators of the first treaty with Great Britain—was so fearful that he might be buried before he was really dead that he required in his last will and testament that his body should be burned; and it was burned. No, gentlemen, do not be alarmed; I assure my honorable friend from Mississippi [Mr. ALCORN] that our African fellow-citizens will find room for burial. I assure him that they will find ground for burial. You need not pass any law by the Government of the United States to impose a forfeiture upon any community or upon any one for refusing to bury anybody. They will all be buried.

But my honorable friend from Mississippi is afraid they are not going to be buried in the right place; he is tenacious upon that point. He speaks feelingly about his own former servants. I know the relations that exist between servants and masters in the South; I know it from experience and observation both. The Senator is fearful that possibly his servants might not be permitted to be buried in the same grave-yard with himself. In that there appears to be trouble. It is not so much that you are to refuse burial, for nobody is going to do that, but that he may not be buried with white people. My honorable friend will not leave a dead slave any more than he would leave a dead freeman in his house very long unburied; nor would any one else. But my honorable friend is afraid that he is not to be buried at the right place to suit either himself living or the African dead. He wants to be buried in a cemetery, and in a cemetery, too, where white men are buried. He has picked out his burial-ground. Some men do pick out their burial places before they are dead and erect their monuments, and commemorate their achievements, for while living it can be done accurately, and one is expected then, if ever, to tell the simple truth. I am not one of that class, Mr. President. I leave that to others who will attend to it. I have no doubt the honorable Senator from New Jersey, although much moved for the African in this matter, even so much that common admonition to the people will not do, but the force of law must be interposed, will leave all this to his surviving friends. But the colored individual is to be cared for; he is to select his own burial place in some cemetery, or his surviving friends for him, and if it be refused and he be not buried in that cemetery but in some other portion of mother-earth, under this bill then what? The United States Government is to get $1,000 and the heirs of the colored individual are to get $500; $1,500 involved in this single act! You do not make any provision for digging that individual up and interring him in the cemetery where he wanted to lie. The wishes—it may be the solace—of the immured are to pass for nothing; the indignity of refusal and the contempt of color or race are to pass for nothing.

There is to be no redress for all this by the interment by force and at the bayonet's point just where the deceased or his surviving friends fixed his place of burial, but as the equivalent for all is the Government to get $1,000 and the heirs $500? Why so eager for money and with so little regard for the wishes of the deceased? Why not the United States take enough of the penalty to disinter the deceased and bury him where you say he should lie in the cemetery? Bury him, if need be, in that cemetery with United States soldiers forcing the gates, and with drums beating and with colors flying. You can do this as well, and it is in just as good taste and is just as much within the fourteenth amendment and certainly more in the interests of equality before the law, for then he will lie as low among white people as death can bring him down, as that you shall require United States courts, United States juries, United States marshals, and United States penalties and forfeitures and imprisonments to compel others to do it. Do this and vindicate practically the dignity of equality in burial—not put your $1,000 in the Treasury and $500 in the pockets of the aggrieved heirs and leave the deceased to repose in unbidden ground and his ashes to commingle with earth not consecrated to liberty and equality. Could a more honorable duty be assigned to the United States soldiery than this? As it is certainly more martial and stirring and therefore the more desirable to our colored friends than the paltry resources of penalties to effect the same thing, I assure my honorable friend from Mississippi again that there is no trouble in the final thought. We will all be buried, and sooner than we want to be probably. There has been no trouble in the past, there is no trouble in the present, there will be no trouble in the future; and the Government of the United States might as well leave the whole subject to the people who are to deal with men as they die and attend to it all in a manner satisfactory to themselves and to the friends of the deceased, from the burial to the settlement of the estate and the final distribution of his effects, and the Government will not be the worse for it.

Now, Mr. President, I ask you, is it not absurd for the Senate of the United States, at half past three o'clock in the morning, after a long day's session, to be sitting here and discussing the subject of burial, and that, too, under the fourteenth amendment, which has not the word "race" or "color" or "servitude" in it? This whole provision on the subject of burial is based upon that amendment and upon nothing else, and which from beginning to end does not contain the term "African" or "color" or "race" or "previous condition of servitude;" and yet here we are at this hour of the morning discussing the burial of an African who may be alive now in the gallery and now listening to us, and in his untutored mind with what kind of feelings you may well

imagine? The Senate of the United States to be engaged upon such a subject! It is a grave subject, true, especially this portion of it; but here we are seriously engaged upon the details of such a bill.

Now, sir, I speak upon this question just as I think it is right for me to speak. I speak about these matters now, and I am going to talk about them upon proper occasion when I gather my constituents around me at home in my State. I can talk to them upon this question probably better and more effectively than I can here. I shall take up this bill and look over it with them, and I know I can talk to my African fellow-citizens as well as to my white brethren upon some of the details of this bill.

Mr. CONKLING. You will be obliged to do that, because that will be a place of amusement when you come to do that. [Laughter.]

Mr. HAMILTON, of Maryland. Then I suppose if I should make any distinction or show any favor at all in my remarks to my white brethren as against my African fellow-citizens I would be at once grasped by the strong arm of the Government of the United States, if not under the provisions of this bill under the provisions of some other bill that may with just as much propriety be passed under the fourteenth amendment as the bill under consideration.

Now, Mr. President, these people, our colored friends, are not a bad kind of people. The trouble has been that the carpet-baggers and such sort of persons have succeeded in arraying them against the mass of the white people; and there lies the serious difficulty. Let us alone, and we will get along well enough ourselves. It is our interest that they should be made valuable to us; it is our interest that they should become expert laborers; it is our interest that they should be educated; it is our interest that they should be moral and industrious and prosperous. No one can doubt this, and feel it all, and will act in the end accordingly. We have one hundred and seventy thousand of this race in my State. We get along very well together. They have their separate schools, their separate societies, their separate social gatherings, their separate churches, their separate cemeteries. There is no abrasion, there is no collision between white and black; but if this bill should become a law, and this social contact is forced upon us, then comes trouble, and it may be with it wrong-doing; but surely the peace and order and the fitness of things now prevailing between the races will be disturbed if not entirely broken up, and to the detriment of the public weal and to the people of all classes and colors.

But my honorable friend from Mississippi [Mr. ALCORN] promised to do another thing in his speech this afternoon. I listened to that speech with a great deal of interest; it was an extraordinary one. It promised extraordinary results. In the first place, my honorable friend has announced upon this floor to the people of the North that unless they admitted the colored man into their famous colleges and schools he would march to the North at the head of eight hundred thousand of them—eight hundred thousand strong. I should like to see that array. Marshaled by my friend, I should like to see them march to the North on the high mission to take possession of Cambridge and Dartmouth and Yale! That would be a march indeed, and worthy the pen of Xenophon!

Mr. CONKLING. That would be a place of public amusement. [Laughter.]

Mr. HAMILTON, of Maryland. Yes, sir; the whole line of march I doubt not would be a place of public amusement. I wish my honorable friend from Mississippi, possessing the descriptive talents he does, had given us a description of his array. I know he would look well enough with a sword buckled to his side, and as marshal of the array. Falstaff at the head of his small array, upon another memorable occasion, "flatly" refused to march through "Coventry," an insignificant place; but how would it be with my honorable friend with his array of eight hundred thousand as he approaches the sacred precincts and sees in the distance the venerable piles of Harvard and Yale?

My honorable friend says that he wants all this accomplished and this bill passed in order that universal peace may reign in the land. Then we would have peace, he tells us. I should like to see these eight hundred thousand giving peace to the North; I should like to see them take possession of the colleges and institutions of learning there, in order just to see the sort of peace that would then prevail in that restless section. But we have another and a peculiar species of peace in the State represented so ably by the honorable Senator. He tells us they have equality before the law in that State; that they have there the very system which it is now proposed to impose upon the people everywhere by this bill. Has he peace in Mississippi?

Mr. MCCREERY. "Peace reigns throughout the borders."

Mr. HAMILTON, of Maryland. Yes; peace reigns throughout the borders, but it is the peace of death. We have all heard the lamentations of the honorable Senator from Mississippi upon this floor before in regard to the condition of the State of Mississippi. I want no such peace. There they enjoy equality before the law; they have their mixed-school system; they have their theaters open to all; wherever the white man can go the colored man can equally go; the dominance of the colored race in that State secures this liberty and equality, and would therefore secure if at all practicable this universal peace held up by the honorable Senator to our admiration. With this kind of peace, painted as it is in the brightest colors, we will have nothing whatever to do, if we can at all help it: neither white nor black with us covet any such peace as now prevails in Mississippi.

Sir, we have peace in Maryland. Not the peace they have in Mississippi, in Louisiana, or South Carolina. Yes, this reminds me that there is peace too in South Carolina. The colored man has dominance there, and they have the peace he can give. He has everything in that unhappy State; he has power; he has control; he uses both, and with what results we all see. I suppose the man of color there has more peace than the governor of that State at the present time, though he be white as snow. There you see the governor surrounded by companies of colored troops, commanded by a certain Brigadier-General Nash, to protect him against officers of the State who would arrest him on the charge of embezzling the public funds, and of doing other things not less creditable! I call the attention of the Senator from Mississippi to the kind of peace that exists in South Carolina. We have no such peace in Maryland, where white men still bear rule; neither white nor black among us desire any such peace.

We live well together in Maryland; better than one would have thought. We have our separate schools, separate churches, separate cemeteries, separate inns, separate societies of all kinds. The State has appropriated, and with munificence, a large sum of money to colored schools, and sees to their organization and establishment. Our people, our democratic people—because I would that you remember Maryland is democratic—made a large appropriation for that purpose last winter. We live in peace with the negro, because we understand him and he understands us. He seems disposed to treat the white man with respect, and all concede to him his rights. As an almost universal thing he votes against us, it is true.

Mr. CONKLING. Then it appears he understands himself also.

Mr. HAMILTON, of Maryland. Yes; he understands himself as well as he can and as well as mischievous people will allow. But when we come to the other relations of society and life among us, as democrats we have no cause to complain. As a general thing he is orderly, obedient to the law, observes the decorums of society, and continues in the old way to make himself pleasant and polite; and here I must take the liberty to say a word to the credit of the colored people of my State as a class. We have quite a large number of them in my county, and I do not know of a single instance that I can now recall where any one behaving toward the negro as a gentleman was not in turn treated as a gentleman by him. I say that to the credit of our colored population. At the polls they vote as a mass against us. Their prejudices are inflamed against us and their fears excited. They are told by those who should do better that we are not their political friends, whatever else we might be in other respects; that we would reduce them to slavery again if we had the power; that we would limit and curtail their civil and political rights; that we are not willing to extend them political distinction and the honors of office; but with all I can say nothing against them, for their vote in the condition of the times is a fair one though it be a mistaken one against us; and they will continue to vote against us until they may, in the practical operation of the measures that their pretended friends have been and are now engaged in inaugurating, discover in the evils of such ill-timed and ill-starred legislation that their best and truest friends were those who now would seem to oppose them and their rights and interests.

The influences of this Capitol are great; its radiating influences are great. Why, sir, its towering Dome can be seen from nearly every part of my State; and yet with all the influences at work here, with all the blandishments of office and of place, with all the power of office-holders both here and in the State, with threatened violence and always with impending intervention by the Federal Government, when we had the opportunity of voting at the first election, when we were, in fact, really free and permitted to vote, the people of that State turned their backs upon all and demonstrated their love for constitutional liberty. Being democrats, of course, according to the rule laid down by the worshipers of Federal power, we were disloyal during the war, and for any time thereafter that such a charge was able to accomplish any party purpose; but finally the day of deliverance came, we all know with what pain and travail, but it came in the quiet, silent ballot, the weapon of a freeman's will. The freedom of that was sufficient to save the State where intelligent men could direct and control. Out of seventy thousand votes polled at the election the democrats had nearly forty thousand majority; and there was not a republican official from the highest to the lowest officer elected from one end of the State to the other. It was all done in peace and in good temper and for the public good and to save a State. And now, sir, on the day of an election, as the colored people are massed against us, thirty-five thousand white men must vote to neutralize this massive vote before we can begin to meet white men on a fair field for contest. We have got to beat thirty-five thousand colored votes before we come in actual conflict with white men. In so small a State and located as we are, it would appear hard to do, but we do it, and we have peace. We have peace in the broad sense of that term. Here you are right by us, within your sight and hearing almost. Do you hear of any trouble like that in Mississippi, South Carolina, or Louisiana? Do you hear of any trouble at all?

Democratic legislation has been just. The rights of all have been observed; and the just and natural relations of all classes have been regarded, and not a single wrong done to any. We have established our common-school system. We are just getting it fairly into operation. We have the experience of but some years. We commenced it before the war, and we continued it during the war the best way we could.

We are now expanding and improving it and supporting it liberally, indeed munificently. The Legislature at its last session appropriated $100,000 of the general fund derived from direct taxation to the education of colored children.

Now, I beg of you let us get along as we are, and as we best can; for we know better than you what should be done. All are satisfied. Has a petition from Maryland asking you for the passage of this bill been laid upon your table? There has not been a remonstrance presented here against any acts of injustice or of wrong done to anybody in that State. There is not upon earth a purer administration of justice than there is in Maryland. You have not got a single petition asking for this change in the school system there. Our people feel delicately on this subject, both white and black, where the latter understand it and are not moved by bad men. If you will go down among our disinterested colored people they will tell you that they do not want to be disturbed by such agitation. I know they enjoy the idea of having political power. They are impressed with the belief that if the republicans get power in my State they are to be elevated to office. They have got the idea, with only too many white people, that office-holding is a wonderful thing; that it not only pays well but that there is nothing or little to do, while it breeds importance and clothes with dignity, and that the great inspiration of man should be for office. Demagogues have instilled this into the minds of the colored people to hold their votes. They have thirty-five thousand votes in the State, a majority of the voters of the republican party, and they are made believe that they are to share the blessings of office in that State when republicans get into power there. They are now held to this party as almost with the chains of slavery; but the day, I trust, is not far distant when for their own sake and out of a manly pride for their own race, which they ought to be the last to despise, they will break the chains that bind them to their party-masters, more strongly in one sense than they were ever bound in their days of real slavery to their real masters.

Now, Mr. President, I propose turning my attention to the question of common schools. That is the serious matter of this bill. It is the one that affects us so much. I do not want the sentiments and principles enunciated by the Senator from Massachusetts [Mr. BOUTWELL] to be applied to our people and forced upon us. The policy of forcing mixed schools upon us, of forcing our children into schools with colored children, is publicly avowed. There is to be no choice. If desired by neither race it must still be done, says the Senator, to perpetuate or establish a principle. I care not whether it be right or wrong in sentiment, whether it should or should not be done as matter of principle; I say as a matter of policy and of philosophy the men who would do this are blind to the interests of both races. You can force this upon us; we can abolish our school system, and there comes the danger to all. The people will refuse to appropriate money to support the schools, and the consequence will be that our whole system will be destroyed and neither race will be educated. The poor children are obliged to go to these schools. Many of our people who have a competence send their children to private schools or have their own tutors. The mass of the people who send their children to these schools are poor.

These prejudices of race exist, and in the nature of things it ought to exist, as much upon the part of colored men as upon the part of white men. As I said before I neither hate nor despise nor depreciate the African race. It is a great race. My honorable friend from Indiana in his speech the other day spoke about these Africans as being pretty well off except as they were dwarfed by slavery! Was my honorable friend ever in Africa, so as to be able to distinguish between their condition there and here? They were two hundred years in slavery. I should like my honorable friend to go to Africa and see the difference between the people there even at this day and their African descendants in this country. They passed through the trying ordeal of centuries, but still I think the Senator would discover that it was to their advantage in making them in every respect better than their ancestors. They have emerged from rude barbarians to a civilized people, with all the aspirations of humanity now around and directing them in the world's being. That they have been an active power in the land no one can deny. They have rescued your swamps and peopled the South; they gave you at one time the control of the cotton market of the world. Their labor gave you power and wealth and enjoyment of every kind; they made the southern fields bloom in their luxuriant but subdued fertility.

Sir, I do not detract from that race. I would protect them and take care of them and of all their just rights; but the white man only can do it as it should be done. He is the moral agent to do it, and it is his highest duty to do it. He is their guardian, he is their protector, and ought to be. It is not to be expected that the black race in South Carolina, for example, can safely carry that State through her present ills and lead her on to her former prosperity and renown. I am for protecting these people against the blandishments of pretended friends or the encroachments of avowed enemies. We do it in Maryland, and I would that it was done elsewhere. They should be proud of their race and have respect for it in their conduct. They should not want—and they will not, I trust, when reason once more asserts its authority; they have too much inbred politeness; they have been raised differently by their former masters—ever to attempt to push themselves into association with white people, where the pride and instinct of race would repel upon the part of both. It is only those who are bent upon mischief that will do it. They will prove too sensible in the end, I hope, to press themselves upon white people when it is not in the fitness of things proper. They were taught the sentiments of men, and they possess the instincts of race, and therefore there is no danger in them, unless they are spoiled by the men who would use them for their own selfish purposes.

This bill would assert the dogmatic sentiment to them, "You must be as white men." If I were an African I would say no, just as being a white man I say, no. The Africans have the majority in South Carolina; they have the dominance in Mississippi, they have the dominance in the interior of Louisiana outside of New Orleans. They can control the public schools there. Suppose they exclude the whites and establish separate schools, would the white man complain? Would it be offensive to him? If they had the dominance in my State and should say to me, "You shall have the equal protection of the law, you shall have separate schools for your children, and your own teachers," do you suppose we would complain? But suppose on the other hand the negro should insist, "You shall go to our school; will be supplied with our own teachers;" teachers it may be of their own color and for your own white children; how could you feel, how should you feel in this condition? They can do that in South Carolina, in Mississippi, and in Louisiana to-day. Your pride of race would revolt. You would say "Give us our own schools, our own teachers, our own system." And why not so on the other hand with the negro? Does not his pride of race revolt when forced into schools where there may be no sympathy, no community of feeling, and consequently no progress in knowledge? So let the negro, no less than the white man, insist upon his own schools and his own teachers.

Let the colored people have their separate societies, let them have their separate schools, let them have their churches. We are not now considering any question of caste, but of race. When we speak of race, we mean the descendants of a common ancestry; caste refers to distinctions in society—two different things entirely. The spirit of race is a thing that goes back to the beginning of the world, and will continue down to the end; it is ineradicable; and upon principle it can be well sustained that race should be kept distinct and pure. The two races can pass along side by side in this country in their allotted spheres, and no trouble can ensue if the laws of nature be regarded at all. I was opposed to the acquisition of the islands of Saint Domingo and others by the Government of the United States, because I thought that as generations rolled by it might yet be that those islands will at last be an empire for the race on this continent, improved and cultivated as they will be by their contact with us in the peaceful relations of life, for it may be generations yet to come. They may there establish a government for themselves and among themselves, and thus become the redeeming agents of the tropics of this hemisphere. I look to the future for that result; and for that reason among others I was opposed to the present acquisition of any of these islands. By and by, when they are prepared to enter upon this mission, it may be that this population will secure the fruits of a tutelage, at times probably severe and repulsive to many, yet beneficial to the moral and physical world, and of infinite value to the race as a people.

I appeal to Senators to reflect upon what I say. I speak from no ill-will to this race, from no prejudice against them, but with a prejudice, if it can be called a prejudice, in their favor. It is demonstrated that we can get along peaceably and quietly together. Their conduct in the South during the whole war shows it. Let them have their social and other societies; let them have their fandangoes and their places of public amusement; let them have their hotels; let them have their own grave-yards; let them have their own churches; let them have their common schools. Why, sir, in my State there is a normal school for the instruction of colored people, so that they may be enabled to go among their own people, and educate them. We do not want colored teachers to teach white children; nor do you gentlemen of the North; nor will the colored people when they have their own competent teachers want white teachers to teach their own children.

Senators, you will never get the States of the South thoroughly redeemed, you will never get white emigration to go there, until you have this line of policy well established, that the two races shall go along together each in its appropriate sphere and as allotted by nature itself. Our experience in Maryland, the experience in Virginia, the experience in Georgia, all experience confirms the evident truth that there is no danger of friction in getting along in this way, each race satisfied with its own being; the white man proud of his, the African no less so, and if not really so, he ought to be as proud of his own. He has a direct line of generations going back almost beyond the sun, and marking him a distinct race as irrevocably fixed as that of the white man or that of the copper-colored race. Why should there be a quarrel between us? The highest interests of both are in peace! Why should you be now engaged at four o'clock in the morning, not to press our people upon them, but to press them upon us? It is all wrong, and I appeal to Senators to reflect before they do it. It is alike against the laws of man, of philosophy, and of nature.

I know one thing. All you can do by such a measure as this, in your utmost stretch of mistaken zeal or malign policy, is to give us trouble. You may annoy us; you may inflict wrong and injury.

You can do all that; but you cannot change human nature by legislation, thanks to its immutable laws; and you cannot change the reality of facts. You may give us trouble; you may send your marshals among us; you may arrest us, try us, convict us, and fine and imprison. You may make some if not many of our colored people mischievous and badly disposed. You may come among us armed with the authority of a great Government, seize and drag off our people to distant places, try them before a jury that they do not know, got together by United States marshals, summoned it may be for the purposes of this trial, and put them to enormous expense that will exhaust all their property. You can do all that; but your policy will never succeed. Neither race is prepared for the doctrines of the Senator from Massachusetts, [Mr. BOUTWELL.] These two races if let alone will march in parallel columns right straight forward and until the mission of one or both is ended, only coming in contact here and there whenever their feelings will justify or their interests require it; and there is no use in your undertaking, as these two great columns are marching on, with a law here or a United States bayonet there, to drive an African over into the white column or a white man over into the African column. There is no use, no sense, no propriety in any of it. Let them march forward toward the great ends of life. Do not obstruct the march of their columns; do not break them or attempt to misdirect either. You cannot break those columns if you would; you cannot intermingle them if you would; but you can create disorder, make confusion, and interrupt peaceful and beneficial progress.

If there were Africans upon this floor now I would appeal to them and tell them to depend rather upon their old masters at home in their own localities than upon the thirty-five million white people spread throughout the country, as represented here in this Capitol. I was struck most forcibly with the just remark made by the honorable Senator from Tennessee, [Mr. COOPER,] that by this bill and by this policy four million eight hundred thousand colored people are going to place their destinies in the hands of thirty-five million white people who do not really know them as they should be known, for the purposes of legislation or the establishment of relations with them. They are not familiar with their current of thought or peculiarities of notion. Those thirty-five million white people represented here in this Capitol may pass this law to-day, but they may pass another to-morrow, just as their public sentiment may vary or demand; and we know that it is at times as unstable as the waters. I would say to the colored people, that in giving countenance to such a measure as this you are depending alone on white legislation in Congress, which to-day may be in your favor but to-morrow against you; but depending upon your own localities, when you come to your own States, to your own localities, you have your local influences, in many you have dominance in power. You have dominance in South Carolina, you have practical dominance in Louisiana and Mississippi, you have large influences in North Carolina, Georgia, Maryland, Virginia, Tennessee, and other States. Those influences radiate among the white people, and will be favorable or unfavorable as your conduct may be, and you may much more surely depend upon your power there and upon those influences than you can upon the material interests or caprices of thirty-five million white people as represented here. If I could speak to the African race to-night I would say to them, whenever the time comes that you vote against the material interests of the North, look to it; they never surrender their interests; they take care of them; they have the intelligence in the first place to understand their interests, and they have the power to maintain them, and they will do it. There is the danger to these people. I say to them, depend upon your own people, depend upon your own State governments, depend upon your local organizations. There lies your safety in the future. The novelty of the contest now being waged will soon wear off and disappear.

The realities of life and the hard-pan of self-interest will be reached in the end, and sentimentalism, however just or kindly it may be, must yield to their necessities. Race and color if either or both stand in the way will go down before it. Do not depend upon any central government when you stand but four millions against thirty-five millions. Rather curtail its power than advance its authority.

I know there is a number of white people in the South now who would prefer a strong government. They would prefer surrendering the government of South Carolina, as it now exists, into your hands; they would prefer to surrender the governments of Mississippi and Louisiana into your hands and become Territories, in order that they might have a power to control both. That sentiment is growing day by day, having its origin in the unmixed evils they endure. Sir, we should correct that sentiment. We ought to correct the feeling of these people by correcting the systems we have forced upon them by our legislation and once more win their affections to their own localities by inaugurating local self-government, in order that our great system of government may be maintained forever; for as soon as the minds of the people become imbued with the notion of surrendering their local government, away goes all, and the Dome that is constructed upon the pillars of the Capitol as the Union upon the pillars of States will fall and crush us all. It may not destroy our material wealth. You cannot destroy the material power and the material wealth of this favored land, that is beyond destruction; but you can impair and destroy the moral power of the people; you can destroy its political well-being; you can destroy their localized liberty; you can swallow up all in a centralized government, which, while radiating splendor all over the land, is at the same time absorbing the local virtues of the people.

For all these reasons, Mr. President, I oppose this bill. I oppose it in every sense and in every view. There is nothing practically good nor theoretically good in it.

I have already spoken longer than I anticipated; but there is another provision in the bill to which I desire to call attention, and to which attention has not been properly directed, I think; and that is the section in respect to the selection of juries in State courts. I call the attention of all, but especially the lawyers in this body, to that provision of the bill:

> That no citizen possessing all other qualifications which are or may be prescribed by law shall be disqualified for service as grand or petit juror in any court of the United States, or of any State, on account of race, color, or previous condition of servitude; and any officer or other person charged with any duty in the selection or summoning of jurors who shall exclude or fail to summon any citizen for the cause aforesaid shall, on conviction thereof, be deemed guilty of a misdemeanor, and be fined not more than $5,000.

Let me in a hurried way call your attention to the practical effect of that section. I do not know whether it is so in all the New England States; but in some the jurors are selected by the selectmen and in other States elected by the people or selected by the sheriffs. In my own State they are now selected by the judges of the courts. Since the war, because of the trouble we experienced during the war in having purely political juries, the judges are required to take a special oath in reference to the selection of jurors; in my own county they are required before the meeting of each court to select from the list of voters and taxpayers of the county two hundred of the men best qualified in their judgment to act as jurors and without regard to their political principles or party affiliations, and from the two hundred names which are put in a box the clerk of the court, in the presence of the judge, draws the panel of grand and petit jurors for that court. Under the law of the State, then, the judge of the court is required under his official oath and in the discharge of his official duty to select jurors which in his judgment are best qualified for that position. Is the judge of the court or anybody else selecting jurors to be responsible to the Government of the United States in the exercise of a duty imposed by the State in the selection of those jurors for the purposes of the State? An elector can vote for a delegate to the Legislature; he can vote for a member of the House of Representatives; he can vote for any other officer to be elected by the people; he can publicly declare that he voted against a candidate for any of these positions upon the ground that he was a man of color. He can go upon the highways, upon the hustings—everywhere he can proclaim the fact that he voted against that candidate because he was a man of color; and not only that, but he can persuade others to do the same thing. Do you pretend to interfere with that right? Do you propose to punish the voter thus declaring his hostility to the negro and thus making a distinction because of race and color? You do not! Why not, I inquire? Is not this open war upon race and color embraced in the fourteenth amendment? You have no punishment for this in the bill! You hear this proclaimed everywhere at elections, when negroes are candidates or have white friends as candidates. Not only that, but in many parts of the country and I doubt not in New Jersey itself, there are thousands of voters, nay hundreds of thousands, who will not only vote against a negro because he is a negro, but will not vote for any white man because he may be even partial to the negro. They openly and unsparingly denounce both! And the Senator himself may have the experience of all this and may be made to feel it in the vote of the people because of his paternity of this very bill. You cannot punish them for this, can you? The fourteenth amendment does not appear to embrace this case, or else I should presume that this bill would have provided against this, as it did in the case of theaters, of schools, and of cemeteries. It appears to me that it is much more important to the negro to be deprived of a vote for an office because of his race and color than that he should be refused admission to a theater, a school, and above all a cemetery. Neither does it embrace the member of a Legislature for voting against a candidate for a seat in this body, though he should expressly announce that he votes against him because of his color.

Let me ask the Senator from New Jersey whether he has not in his State some colored men fit to hold office or place at the hands of the people or otherwise? Then why have not some of them got offices? I see no colored Representative in the other House from the North. I see no colored Senator here from the North. Have you got no colored men among you capable to fill these places? You have, no doubt. Why not send one of the race, if for nothing else just to show that you have no prejudices against the colored man? No; you will not! You cannot! Your people would revolt, and because he is a colored man, and it will be so declared and justified. Is there no law to take hold of you for doing that? Does not the fourteenth amendment extend to the voter? Why not? You may say that the voter must be free both in the expression of his opinion and in casting his vote. He is required as a citizen to discharge this high duty, and as a citizen he must not be trammeled in the unlimited discretion of a voter. You are right. It is sound sense and infallible policy. But not so with the people in the discharge of a duty involving the same discretion! No; he is held—his discretion, his judgment is held—by the fourteenth amendment and the provisions of this bill. How absurd. There is a superior judge, one of the highest

officers of the State, required by the constitution and laws of the State to select upon his official oath and by his official action two hundred men, from whom jurors are to be drawn; and in what position do you place him by this measure? We have colored men in my county, but the judge has not selected any for jurors. White men are selected. The judge has the right under the limitations of law to select whom he pleases, and without regard to color or race. Then comes the arresting, indicting, and trying a judge; how are you to convict him under this provision? Upon what evidence is it to be done? There are seventy-five hundred voters in my county, and a thousand or twelve hundred of them perhaps are colored men. How are you to sustain the charge? The judge of course in making his selection will not announce that he selects the jurors for the reason that they are white men, or does not select others because they are black men. How are you to get up a case? Is it to be based upon the one single fact that you did not select colored men when you could have done so? No; the only result of all is that you may get him into trouble, and without any avail to your theories. You propose a fine of $5,000 for this offense. Look at the offense. Look at the penalty. It will be said—no, it is to be inferred—when a judge selects men for the jury, and does not select any colored men, that it was because they were colored men. You have colored men in your States. I will not be so uncharitable as to infer that the honorable Senator does not give them office, or help send them to Congress, or to the Legislature, because they are colored men. In the whole North there is not one. You have colored men there, and you are the recognized special, enduring friends of the colored man; but you do not put one in position. Shall I infer against you, or shall I rather decide, that you have better white men and enough of them to fill all positions? How are you to carry it out with any decent regard for the right of judgment? You would punish if you could is made most manifest by the bill. You show your gnashing teeth, but happily cannot bite. It is true you may give the judge a great deal of trouble; but why threaten with heavy, savage penalties, without the danger of positive harm, and yet with the tendency to impair the independence of the judge.

Sir, such a bill as this ought not to pass. We ought to have something definite in detail, something to be definite in result. We should not pass a bill so open to exception as this is; and I think it in the highest degree important that we should religiously abstain from all interference with the action of the judicial officers, and in the administration of public justice in the States and under State laws.

Why do you not include the governor of a State? He has the appointment of many officers. Why not say that if the governor of a State in making his executive appointments in the State shall make any discrimination on account of color or race he shall be fined $5,000? Why not put that in your bill? You might just as well put this penalty upon him for his appointments as upon the judge for selecting jurors. Why not make the President of the United States liable to a fine of $5,000 for not selecting colored men to office? There are colored men in the land competent to fill office. He does not select any, or very few. Why not fine him where he may refuse to appoint because of race or color?

But the question is a question of trial and conviction. How are you to have a case? I want to show that the whole thing is not only a crime but a blunder. You must get somebody to go, for illustration, to the President or to the governor and say here is a colored man who is fit to fill such an office; or in the case of a judge, say to him, here is a colored man fit, take him for a juror. He may reply, "Your recommendation is by law a preclusion; I have others from whom to appoint." The judge reasonably may not say that he will not select him because of his color or race; he would hardly assign that for a reason, that the law, good or bad, valid or invalid, denounces with penalties, and officious and mischievous persons may try to make a case in this way, and may succeed in the first instance and before the tribunal to which he is to resort, and with what results? The judge of your court is dragged off to one of the distant cities where United States courts are held and be indicted and tried before these courts by a United States jury, selected by a United States marshal appointed because of his partisan character, and the jurors selected because of their political status, and the whole based upon the single fact that he had colored voters and tax-payers in the county and did not upon his judgment and in his discretion select any for jurors. The partisan character of the jury, their deep-down prejudices, their ignorance of law and disregard of fact, might get a verdict of gui y. If judges are to run such risks under the fourteenth amendmenltwhy not the President of the United States, the governor of a State, the Legislature electing a Senator of the United States; indeed, why not the voter himself, the beginning of all power? Why not try the experiment upon governors? I would like to see the governor of New York in the fond embraces of this bill and of its putative father the fourteenth amendment. I ask my honorable friend from New York whether the governor of New York has appointed any colored man to office in that State?

Mr. CONKLING. I think so.

Mr. HAMILTON, of Maryland. You think he has. Do you know of one?

Mr. CONKLING. Yes, sir.

Mr. HAMILTON, of Maryland. Well, that is one. I will ask my honorable friend from Wisconsin [Mr. CARPENTER] whether the governor of his State has appointed any colored men in that State?

Mr. CARPENTER. We have not many there, but we will appoint them as soon as they come.

Mr. HAMILTON, of Maryland. Then I hope my honorable friend from Mississippi will remember this, and on his march to the North he will make a diversion in that direction and leave a few as he passes along, in order that our friends there may have an opportunity of illustrating and perpetuating the pure principles of republicanism, as explained by the Senator from Massachusetts.

Sir, why not impose these same fines and penalties upon everybody having the power to appoint to office or place? Is not the office of sheriff, or collector, or marshal just as important as the office of juror? An executive officer is just as important as a judicial one; and why not impose upon the appointing power the equal necessity under the same penalty—the duty of selection without distinction of race or color?

Mr. President, this is all vicious legislation. The Government of the United States ought to be above all this if it even formed an admitted power. Let the people attend to this and they will do right. The idea that we are legislating on matters of this kind is so astonishing to me, a State-rights democrat, that I can hardly realize that it is intended as earnest work. Sir, I used to think that the Government of the United States had about three or four things to attend to; that it was to keep up a general government to attend to our general concerns, collect the smallest possible amount of revenue to support it, keep a small Navy and a small Army if need be for local purposes, have a few ministers abroad to attend to our relations there, maintain the general peace of the country, and in all things to conform to what is written in the Constitution; the great residuum of rights and powers being left to the people and to the States, who are from interest and ability both obliged and able to attend to all the requirements of society and of the country. Congress, how little to do! and doing that well, go to their homes, and for the balance of the year devote themselves to private pursuits, or it may be to the public interests of their States, and think no more of Washington. That used to be the Government of the United States. But how changed! Everything is to be governed here and from here, and having absorbed all power, governing everything, we have the gigantic and natural results in millions and millions of debt, large armies, large navies, innumerable officers, ministers everywhere abroad. There is hardly a country in Europe, Asia, or Africa that has not got some accredited minister or consul or something to get us into trouble. Here are your appropriation bills. It cost less forty years ago to maintain our Army and Navy than it now costs the Government for these ministers alone, and who, in their ambition for fame or in their own rivalry, give infinite trouble to our President and distinguished Secretary of State.

Mr. President, let the people attend to all their local concerns and we shall be a contented and happy people; we shall be a government entitled to the emulation and admiration of all. We must get back to the old foundations again and rebuild a superstructure in harmony with vital republicanism. Never again abase the powers of a great Government like this by going down into the States and upon a morbid sentimentalism look up in a few little country villages plain innkeepers, show people, who probably did on account of his prejudices refuse a colored man the privileges that he allowed to his brother white man, although they may have done so, and it may be in fear that it would destroy their custom and injure their private interests; for let it once be known that colored people do indiscriminately go to these places, and that ends their business for white people. Why, sir, if it were known that colored people could go indiscriminately to the Arlington or Willard's in this city, and be accommodated there just as others and upon the same footing, do you not think it would affect those establishments? Do you think the mass of white people would go there? And yet if a poor, miserable innkeeper should refuse admission to a colored person, or did not lodge him in his best apartments for fear that if it were known he would lose the custom of white people, or who might refuse because of his interest in other respects, or of his prejudice, you say this great Government is to intervene with its mighty power, arrest him and march him off to distant places, far from home and friends, and if found guilty by its courts, then this beneficent Government is further to take from him and from his family $1,000 because he did that, and no more, besides $500 to the person aggrieved; and further still, you propose to go to the theater and do the same with the proprietor for refusing admission to a colored man; and further, you propose to go to the cemetery and do the same to the keeper of it—carry them off to your courts, try them, and fine and imprison them.

Sir, that is far from either the duty or the right of this Government. We have the common law of the land for the vindication of every right, whether belonging to black or white. Let us depend upon that and upon the local governments of our people, and there will be peace in the land. We will get along in a better spirit; we will come together in a better temper, and all uniting together in a common purpose to make this General Government what it should be and as it was originally intended; under whatever name parties may assist and come into power and again leave it, all will be satisfied and all in time will rejoice again in a common country and in the prosperity of all enjoying its free institutions.

Civil Rights.

SPEECH OF HON. J. W. FLANAGAN,

OF TEXAS,

IN THE UNITED STATES SENATE,

May 20, 1874.

The Senate having under consideration the bill (S. No. 1) supplementary to the act entitled "An act to protect all citizens of the United States in their civil rights, and to furnish the means for their vindication," passed April 9, 1866—

Mr. FLANAGAN said:

Mr. PRESIDENT: I confess that I approach this subject almost with fear and trembling. It is assuredly a question of great magnitude. There is great interest felt throughout this broad Union upon this question, more perhaps than upon any other that is claiming the attention of the citizens of the United States. The South feel themselves to be more directly interested in the measure than any other portion of the United States. I hold, however, that the interests are the same in any and every section of this broad Union.

But, sir, the difficulty with me in expressing my candid views on this subject can readily be appreciated by every Senator who hears me or anybody else who is informed on the subject. I was born in the South and have lived in it. I have never lived out of it, and I never expect to do so. I love my native State; I love my adopted State; I love the sunny South; I love this great Union. Therefore, as a citizen of the United States clothed with authority as one of the representatives of the State of Texas, I avail myself of this opportunity to express my sentiments on this subject clearly and candidly, so far as I have the ability to do so, and, permit me to say further, not in malice to mortal man. The man does not breathe out of whose head I would pull one hair in prejudice had I the power to do so.

I am well aware, Mr. President, that this bill is a bitter pill to the democracy. I blame them not for thus accepting and realizing it, for surely it is not in their interest that it is proposed to be enacted by the Congress of the United States. They have met it at every point, and they will continue to do so with great ability and zeal. The last argument that we heard on the subject came from the distinguished Senator from Georgia, my particular friend, [Mr. NORWOOD,] who discussed it with great ability. Would that I were able to acquit myself as well as he did. I am not, however; but I have honesty on my side of the question, and feel it as clearly and conclusively as he can, according him the same in the most extreme sense. The remarks of the distinguished Senator were beautiful, poetical, and eloquently delivered, and evidently the result of mature deliberation. Everything in his speech tends to enable me to compliment him upon it. He commenced thus:

Mr. President, believing in the "eternal fitness of things," and that everything should be done "decently and in order"—

I indorse all that—

I have always endeavored to adapt my speech to the solemnity of the occasion and the dignity of the subject to be considered. And though I shall faithfully attempt to adhere to this salutary rule, it is with a painful consciousness that it is impossible for me to rise to the grandeur of either the occasion or the subject.

I think the Senator did himself injustice in that particular. I think he did rise to it most happily, and in his rising he soared so high, that he never was able to come down very satisfactorily to himself. [Laughter.] But he continued:

And nothing sustains me but the ambition to share with the Senator from New Jersey the imperishable honor of bringing about the happy consummation foreshadowed by him on yesterday, when the white man and black, the mulatto and quadroon, the coolie and Digger Indian, shall be gathered together, a united family, in one unbroken circle, around one common soup-bowl and using the same spoon, while shielded by the Stars and Stripes and regaled by the martial measure and inspiring strain of—

"John Brown's soul is marching on."

That flight I do not pretend to be able to compete with. It surpasses anything that has been witnessed here heretofore, if I may take the liberty with my brother Senators thus to declare without being invidious. The distinguished Senator from Georgia presents to us in this argument the mighty names of a Clay and a Calhoun and a host of other men. He speaks of the morning stars, &c., when they sang together so happily; but, sir, permit me to introduce to you upon this occasion a bright star, a grand luminary, that has recently presented itself to the Senate of the United States, not the star of the East that we have read of since our boyhood, but a glorious star that has sprung up from the good old State of Georgia—a southern planet, but no less noble than if it had come from the North. He is a citizen of this proud Union. I am gratified to know that we have citizens of such ability as the distinguished gentleman.

I was very much amused when I heard the distinguished Senator's speech upon a subject that he was very familiar with. I love lecturers, and I like to sit and hear them for indefinite periods when they understand their subjects and have the ability to treat them in fine style, as my distinguished friend, the lecturer, so clearly evidenced to the Senate the other day in his lecture upon hair-splitting. I do not think I ever heard a gentleman, first or last, upon that subject who could claim to have equaled my friend. He handled the subject eloquently. Hair-splitting, hair-combing, and hair-parting in the middle are all familiar to him in every sense of the word, and well they may have been; surely it could not have been otherwise. He speaks of the six hundred thousand children of Israel crossing the Red Sea and being led out by Moses. We are familiar with that subject, and we believe it all. I do, every word of it. [Laughter.] But the fact upon the subject of hair-splitting is this: You may look not only to divers individuals within the Senate here, and complimentary to them too, but whenever you look to my friend, NORWOOD, you will see that the God of nature has done for him that which he was lecturing about—his hair is split beautifully; just as clearly as the walls were thrown up on the one side and the other of the Red Sea for the children of Israel to march through. [Laughter.] It is so beautifully split, that if a fly were to light upon it he would lose his heels in an instant and away he would go. [Laughter.] The Senator splits hair most elegantly, he understands that subject; he does it so nicely that he can string out many lines of select commanding words, and when read the reader is reminded of his boyhood in studying riddles, for he finds that it all means anything or nothing; thus the hairs are split; his much learning makes him mad; he is as bitter against the colored race as good old Paul was in his day against the Christians until the scales fell from his eyes. I hope they will soon fall from the Senator's.

But, Mr. President, I wish to invite the attention of my fried not the subject to which he alluded directly, to wit: "this united family, in one unbroken circle, around one common soup-bowl." That is a very happy idea. I might go on and make a speech on that branch of the subject had I the time. If it was early in the session I would do so. I am reminded that the same book that he invoked upon this occasion (there were few books that he did not invoke) tells us about a party once sitting around at the table and one put his hand into the bowl; it was Judas. I do not say that there is any application in that particular, I waive that; but there is the "soup-bowl" argument, and let it go for what it is worth. I incline to the opinion that my friend will learn to use it freely, and perhaps fondly, at some day not far distant.

I wish to call my friend's attention particularly to that which he has invoked elaborately, to wit, the Constitution of the United States. I do not propose to enter into a constitutional argument. I deem that unnecessary, particularly when I know that this bill is in the hands of good constitutional lawyers. They have given us their views, and we have heard them upon many occasions. I have long since declared upon this floor that I had made up my mind upon this subject, and I am entirely, and in the absence of a scruple, satisfied that this bill would be constitutional if enacted by the Congress of the United States, and I have no hesitancy in saying they will do so.

But, sir, the peculiar features of this speech that I wish to call attention to are these: The African is directly attacked here, and I propose, Scipio-like, if you please, to carry the war into Africa. In doing so I simply call attention to the Constitution, and the preamble will be sufficient for me upon this occasion:

We the people of the United States, in order to form a more perfect Union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and—

Mr. President, you have already in your mind read the next two words that I intend to comment upon to some extent. I am anticipated by everybody here, particularly a Senator of the United States—

and our posterity—

"our posterity" are to be the beneficiaries of these blessings—

do ordain and establish this Constitution for the United States of America.

Now, I leave not that subject yet. In our day, a very recent period having elapsed since, another little constitution was gotten up. How does it read? Here it is:

Constitution of the Confederate States of America.

Now mark; I beg attention here:

We, the people of the Confederate States, each State acting in its sovereign and independent character—

O, of course. [Laughter.] I have not time, however, to discuss that branch of the subject—

in order to form a permanent federal government, establish justice, insure domestic tranquillity, and secure the blessings of liberty to ourselves—

and then follow the same words that I have just read in the preamble of the Constitution of the United States—

and our posterity—

Further—

invoking the favor and guidance of Almighty God, do ordain and establish this constitution for the Confederate States of America.

Now, then, the simple question, well recognized, unmistakably declared, is from whence comes this posterity? "Posterity" is a pretty name. The invocation of God, too, in the confederate constitution, thereby going a degree beyond anything that had been conceived by our forefathers, is very good; and this being a day of progress, well might they have done so; and they did do so, and endeavored to perpetuate slavery, and of the posterity that they invoked God to bless. Strange, indeed! But what says my friend? I should like to read after him, but it would be very tedious, from point to point. He says briefly that the republican party has no genealogy. Mr. President, I insist upon the fact that he who lives in a glass house should not throw stones. He is one of the democrats. I love them as gentlemen; I love them as high-toned gentlemen,

socially agreeable; and I am happy to be with them on all occasions. They are like us except when you draw the line between a democrat and anything else, except it be "anything to beat Grant." Then they are for anything. But, sir, what is the meaning of "posterity?" No genealogy has the republican party. Are they Melchisedecs? Did they come into existence without father or mother? That idea would be very remarkable.

Then I come down to the simple, plain fact and illustrate it thus: In the happy South the cotton-planter plants his seed, or he who grows corn puts the corn in the ground, or he who cultivates his rye and his wheat and all cereals plants the seed; and now I ask, without pursuing that idea further, are the mulattoes, quadroons, and everything else that he invoked so beautifully, indigenous? If not, it is unnecessary for me to elaborate that branch of the question further. There must have been some planting; yes, and by democrats principally, for until the war the great majority were democrats, and they of course did the largest planting.

Then if there be no genealogy in that particular, and in line with the beautiful ideas of my distinguished friend from Georgia, I do think he ought to put in a plea of "not guilty," and plead for the democracy, but no more readily than for the republican party, because they are all mixed up in that particular. No genealogy! That is very remarkable. There is the "posterity." I think I have indicated on that line something about the different parties.

My friend goes on, and he speaks largely again and beautifully rounds his periods so as to make a fine laugh upon many of his beautiful points, and speaks of steamboats, hotels, and every kind of conveyance, churches, cemeteries, &c. What is to be done with these people, he asks. Most remarkable, it will not do to admit them where a white man is, notwithstanding their solemn pledge and invocation to God to protect their posterity, because they are bound to trace them to democracy, for really in those States where they abound more largely than they do broadcast in the Union, they scarcely have anything else but democrats. The republicans are not there; they did not do the planting. Upon that branch of the subject I might go further.

In the Senator's beautiful theory he speaks of the grand inaugural ball here; that Miss Angelina and others were not invited. That may all be; but what did that amount to? They might or might not have been invited. That changes no fact. He speaks about legislation and as to what the Congress of the United States cannot legislate upon. I tell you one thing that would not look very comely for them to legislate against, and perhaps it is one of the most potent subjects that could be introduced upon this occasion. With all the strictures as to cemeteries, hotels, palace-cars upon railroads, and steamboats on rivers and seas, and everything else, the Congress of the United States never yet has undertaken to enact a law against going to a fodder-stack. My friend says it is moonshine. Yes, moonshine. I take it for granted he understands that exactly. When the moon is shining the eyes of the world are not upon the acts of A, B, and C. The races get along very well then. But I want to call the attention of the Senate directly upon this line, and I am very much gratified to be able to announce it too, that recently in the State of Texas there has been a large convention held, a Baptist convention, at Jefferson, in the immediate neighborhood of my home. There were about two hundred and fifty ministers there. This was a Baptist convention. I love all denominations, but particularly a Baptist. I believe in going down into and coming up out of the water.

JEFFERSON, *May* 9, 1874.

At the devotional exercises this morning it was evident that standing room would be in demand during the entire session.

After the adoption of the minutes of yesterday the reports of various committees were called in regular order.

The report of the committee on African missions advocated the resumption of the work by sending colored brethren to that field as soon as practicable, and that some man of European extraction should also be sent to that country; but the evangelization of Africa should mainly be done by those of their own race.

Rev. Mr. Reid, formerly for seven years of the African mission, approved of the suggestions of the report, confirming them by his own experience.

Rev. Dr. Crane, of Texas—

A distinguished divine that I am acquainted with—

said that when a mere boy—

He was raised in Virginia, too, according to my recollection—

he remembered that a number of colored men were invited into his father's parlor. He did not then nor for many years understand it, but it was to organize the first Baptist church established at Monrovia, on the coast of Africa. He was going home to preach and advocate the dissemination of the Gospel to Africa, China, and to all the dwellers in all the world.

Dr. T. G. Jones, of Tennessee, said that the idea probably was true that Europeans could not live in Africa. If there was no other way of carrying the Gospel into Africa, it should be done even if the missionary could live but one year. God, however, had provided the way in the African now living on our shores. That he had lately witnessed at Nashville an examination of colored youths that would be highly creditable to any class in any land. He felt that to such men, so educated, we could trust the evangelization of Africa or the progress of the race in our own land.

Brother Gano, of Kentucky, said that he approved of Dr. Jones's remarks; that he knew of colored ministers in Kentucky that were to-day prepared to take the work into their hands, and they could carry it on at less expense, and raise far more money than could be done in any other manner.

Mr. President, I read that to show that at this day the religious denominations through this Union are simply doing that which they did a number of years age. I recollect from my infancy, time and again, when sitting under the eloquent appeals made by missionaries for contributions to send to Africa, to the jungles of that country, to let them have the blessed Gospel, thereby enlightening them and christianizing them. What an idea that seems to prevail with the opponents of the bill before the Senate! Send money to Africa to give an African a ticket for a seat in heaven? Why, great God, that is a very premature act, most assuredly! Perhaps some white man will want to get there and get that seat himself; and those seats must not be occupied in that way. That was not the doctrine that I was taught to love—not a word of it; and to-day what is to be done with them? Are they to be permitted to travel the same road to heaven? You say they shall not start on the steamboat; and so, assuredly, they shall not rise, when Gabriel blows his trump, from the cemeteries of the country and start side by side with the white man, ignoring everything that has been said in the preamble of the Constitution. What an idea! And yet, certainly, such is the fact, and I would say to my friend, who feels a great deal of interest in that branch of the subject as to cemeteries, that there is a doctrine likely to prevail—it has many strong advocates to say the least of it—that they can take the corpses and burn them when they die; and therefore no conflict will arise on that branch of the subject. One or the other can be disposed of very readily. But otherwise it is a question that you cannot reconcile unless you do it in the spirit which has been promulgated by man. "Go ye to all the ends of the earth." Africa is not excluded from that, nor the mulatto that is dwelt upon so eloquently here.

O, but, says my friend in going on so finely, look at the awful state of things that is abroad now overriding all other considerations and everything that has been spoken of, and he brings to your view vividly the great States of South Carolina and Louisiana. They are in a woful condition, South Carolina and Louisiana! What is the difficulty there? I may illustrate by a very brief anecdote. I can sum that whole matter up; it is in a nut-shell. Louisiana and South Carolina are culled from the balance of the old slave States, and why? Because they are represented now by distinguished republican Senators and Representatives in the one and the other branch of Congress. The democracy do not prevail at this time in those States; and that is the only trouble, that is the reason why those States are selected and made profert of here. This is the story which I heard when a boy: There were a father and a son who were traveling in a cart. The horse ran away; the boy jumped out; he was frightened and very soon jumped out. Away went the horse and the father and the cart. The boy put on all the speed he could possibly bring to bear; and behold, after making a turn in the road very hurriedly, he saw the cart and the horse and everything torn to pieces. "Well," says he, "that is all trifling." A little further on lay the old father; and said he, "Ah! there lies the devil." [Laughter.] That was the father. He could stand the loss of the cart and the horse, that was a trifling matter; but when he saw the father there, it was a very serious matter.

The other States could be gotten over very readily; they have no very serious objection to them because they have got them in the iron clutches of democracy, and if they had South Carolina and Louisiana they would be perfectly happy and all would be right. Anything then to mold the republicans so as to get their votes, and to get their votes they would be willing to ride with them in carriages, coaches, steamboats, or go to church with them, or anything else to succeed. I will prove that before I get through by some of the leading stars of the democracy. They are willing to compromise any moment in the world whenever they can appropriate the colored vote. What is it the democracy have not appropriated? They have appropriated everything under God's heavens that they could; and they are ready and willing and try daily to appropriate the republican party, and in some instances they have succeeded. But said my friend, on the subject of the republican party, when man was created—O, most happily—I think I had better read that, it reads so fine.

"When the morning stars first sang together for joy" it might have been worth some dollars to the American people and the balance of mankind—

That would have included our posterity, my friend—

if there be any—

Yes, if there be any posterity. I think there is—and in many instances the mother could tell who the fathers are—

had the republican party been present. And though a matter of minor consideration, perhaps, it might have also saved much blood. For when the Almighty said, "Let us make man," this Senate would have given its advice, and with equal certainty would never have consented to man's creation, except in accordance with the Declaration of Independence.

Yes, Mr. President, I accept that as the highest eulogium, the highest compliment that could be paid to us by our friend or any other distinguished individual of his party. They would then have been for what this bill now contemplates, the freedom of man throughout creation. But methinks—it flashed upon my mind in an instant when the gentleman was making this distinguished voyage—that if the democracy had been there, and my distinguished friend as one of their proud leaders had been there, he would have put in a little objection to the formation of man and of the republican party, and he would have said that minorities should rule and appealed to the ballot-box, saying all should vote excepting his posterity; they should be excluded. What further would they have done? They would have staked their judges just as they could rely upon them; they would have stuffed the ballot-box before that matter could have been considered; and if objection had been interposed, they would simply have said, "Anything to beat the republican party."

Mr. President, much is said upon the subject of labor. There are about four million bales of cotton raised annually in the United States. I think there is no gentleman who will raise any question on the fact that three-fourths of that crop is raised by black men, by colored people. If so, they contribute by the sweat of their brows $225,000,000 annually to the United States; no inconsiderable matter. But upon the subject of labor which does not suit the South at this time here is a small article that met my eye the other day, and I thought I would preserve it, directly on this subject:

All over the South we hear the cry that the colored laborers have been and are still going to the Southwestern States, because they can find no employment to earn a living. Whether there was no work to be done, or that the planters would not give them employment, was a question upon which we were undecided for some time, but we are inclined to believe that the latter is the case not only in Alabama but in Georgia, for recently over five hundred convicts were hired out by the State to planters, and the bidding was very spirited. In Washington County alone over one hundred were employed. Now, it is remarkable that these planters, who have so abused the colored laborer and declared that he was indolent, ignorant, and prone to dishonesty, should take penitentiary convicts indiscriminately, those convicted of the lowest as well as the highest crimes, and put them to work on the plantations upon which their wives, sisters, and little ones are living. There is some reason for it, and we can see no other than that this system of labor approximates the slavery of ante-bellum days more nearly than any other system of labor. It certainly is not because those convicts are more honest, nor because they work better, for forced labor is unsatisfactory in these days of freedom; it is not cheaper, for the cost of guards, food, clothes, &c., will amount to as much as good laborers can be employed for who have not the brand of thief or murderer upon them.

That is from the Montgomery, Alabama, Journal, a southern paper, and one that portrays facts in that case unmistakably. When you weigh prejudices with dollars and cents, what are they? If the dollars predominate, all other things are equal. That is the difference, and you can easily see that if they could appropriate the labor of the colored man as in by-gone days, this prejudice would yield directly. One of the most distinguished generals who were upon the battle-fields during the days of the confederacy, General Beauregard, only about twelve months ago set forth in Louisiana as the Moses that was ready to lead on the black men to equal rights in every sense of the word. They put him down, and General Beauregard shrank from the observation of almost all men on that occasion as he did when he left the army that he was at the head of while the battles were raging, going off for a time to regain his health. All very well; but anything upon that line whenever the opportunity presents itself they will always avail themselves of.

Before I proceed further, I ask the goodness of the Secretary to read a portion of the speech of President Davis, delivered at Jackson, Mississippi, contained in the paper which I have marked and send to the desk.

The Chief Clerk read as follows:

Address of President Davis, delivered in the hall of representatives, Jackson, Mississippi, December 26, 1862.

Friends and fellow-citizens, gentlemen of the house of representatives and senate of the State of Mississippi, after an absence of nearly two years I again find myself among those who from the days of my childhood have ever been the trusted objects of my affections, those for whose good I have ever striven, and whose interests I have sometimes hoped I may have contributed to subserve. Whatever fortunes I may have achieved in life have been gained as a representative of Mississippi, and before all I have labored for the advancement of her glory and honor.

I now for the first time in my career find myself the representative of a wider circle of interests; but a circle in which the interests of Mississippi are still embraced. Two years ago nearly I left you to assume the duties which had devolved on me as the representative of the new confederacy. The responsibilities of this position have occupied all my time, and have left me no opportunity for mingling with my friends in Mississippi, or for sharing the dangers which have menaced them. But wherever duty may have called me my heart has been with you, and the success of the cause in which we are all engaged has been first in my thoughts and in my prayers. I thought when I left Mississippi that the service to which I was called would prove to be but temporary. The last time I had the honor of addressing you from this stand I was influenced by that idea. I then imagined that it might be my fortune again to lead Mississippians in the field, and to be with them where danger was to be braved and glory won. I thought to find that place which I believed to be suited to my capacity, that of an officer in the service of the State of Mississippi. For although in the discharge of my duties as president of the Confederate States, I had determined to make no distinction between the various parts of the country—to know no separate State—yet my heart has always beat more warmly for Mississippi, and I have looked on Mississippi soldiers with a pride of emotion such as no others inspired. But it was decided differently; I was called to another sphere of action. How in that sphere I have discharged the duties and obligations imposed on me it does not become we to constitute myself the judge. It is for others to decide that question. But, speaking to you with that frankness and that confidence with which I have always spoken to you, and which partakes of the nature of thinking aloud, I can say, with my hand upon my heart, that whatever I have done has been done with the sincere purpose of promoting the noble cause in which we are engaged.

The period which has elapsed since I left you is short; for the time which may appear long in the life of a man is short in the history of a nation. And in that short period remarkable changes have been wrought in all the circumstances by which we are surrounded. At the time of which I speak the question presented to our people was "will there be war." This was the subject of universal speculation. We had chosen to exercise an indisputable right—the right to separate from those with whom we conceived association to be no longer possible, and to establish a government of our own. I was among those who from the beginning predicted war as the consequence of secession, although I must admit that the contest has assumed proportions more gigantic than I had anticipated. I predicted war, not because our right to secede and to form a government of our own was not indisputable and clearly defined in the spirit of that declaration which rests the right to govern on the consent of the governed, but because I foresaw that the wickedness of the North would precipitate a war upon us. Those who supposed that the exercise of this right of separation could not produce war have had cause to be convinced that they had credited their recent associates of the North with a moderation, a sagacity, a morality they did not possess. You have been involved in a war waged for the gratification of the lust of power and aggrandizement, for your conquest and your subjugation, with a malignant ferocity and with a disregard and a contempt for the usages of civilization entirely unequaled in history. Such, I have ever warned you, were the characteristics of the northern people—of those with whom our ancestors entered into a union of consent and with whom they formed a constitutional compact. And yet such was the attachment of our people for that Union, such their devotion to it, that those who desired preparation to be made for the inevitable conflict were denounced as men who only wished to destroy the Union. After what has happened during the past two years my only wonder is that we consented to live for so long a time in association with such miscreants, and have loved so much a government rotten to the core. Were it ever to be proposed again to enter into a union with such a people, I could no more consent to do it than to trust myself in a den of thieves.

You in Mississippi have but little experienced as yet the horrors of the war. You have seen but little of the savage manner in which it is waged by your barbarous enemies. It has been my fortune to witness it in all its terrors; in a part of the country where old men have been torn from their homes, carried into captivity and immured in distant dungeons, and where delicate women have been insulted by a brutal soldiery, and forced even to cook for the dirty Yankee invaders; where property has been wantonly destroyed, the country ravaged, and every outrage committed. And it is with these people that our fathers formed a Union and a solemn compact. There is indeed a difference between the two peoples. Let no man hug the delusion that there can be renewed associations between them. Our enemies are a traditionless and a homeless race. From the time of Cromwell to the present moment they have been disturbers of the peace of the world. Gathered together by Cromwell from the bogs and fens of the north of Ireland and of England, they commenced by disturbing the peace of their own country; they disturbed Holland, to which they fled, and they disturbed England on their return. They persecuted Catholics in England, and they hung Quakers and witches in America.

Having been hurried into a war with a people so devoid of every mark of civilization, you have no doubt wondered that I have not carried out the policy, which I intended should be our policy, of fighting our battles on the fields of the enemy, instead of suffering him to fight them on ours. This was not the result of my will, but of the power of the enemy. They had at their command all the accumulated wealth of seventy years; the military stores which had been laid up during that time. They had grown rich from the taxes wrung from you for the establishing and supporting of their manufacturing institutions. We have entered upon a conflict with a nation contiguous to us in territory and vastly superior to us in numbers. In the face of these facts the wonder is not that we have done little, but that we have done so much. In the first year of the war our forces were sent into the field poorly armed and were far inferior in numbers to the enemy. We were compelled even to arm ourselves by the capture of weapons taken from the foe on the battle-field. Thus in every battle we exchanged our arms for those of the invaders. At the end of twelve months of the war it was still necessary for us to adopt some expedient to enable us to maintain our ground. The only expedient remaining to us was to call on those brave men who had entered the service of their country at the beginning of the war, supposing that the conflict was to last but a short time and that they would not be long absent from their homes. The only expedient, I say, was to call on these gallant men; to ask them to maintain their position in front of the enemy, and to surrender for a time their hopes of soon returning to their families and their friends.

Mr. FLANAGAN. My object in having that extract read from the address of the president of the Confederate States in his own loved State, as he declares, was to invite the attention of the Senate, and of those who may read it, no matter whence they come, to this fact: Was President Davis candid when he made those remarks? He said that he was. We have no right, in my opinion, to raise an issue with him upon that branch of the subject. Then, extending that view, according to President Davis's candor, are we to stop there? No, sir. I propose to speak likewise in direct connection with thousands of high-toned, good democrats broadcast in the South. Admitting that they were sincere—and it is proper that we do so—when will they be satisfied that they were in error? How many can you enumerate in that category who have taken the high ground, as I would recognize it, to say that they did err? I might enumerate a few. I might suggest the name of the distinguished General Longstreet; and but few others am I enabled to present. Then they are of the same opinion to-day that they were in those days. Mr. Davis's utterances, whenever he has made any, have been directed to that point. It is manifest around us on all occasions, I tell you, that the republican party has got to look to those facts. They are upon them, and they must look them straight in the face or they will have to yield and beg the question. Although groping for an indefinite period as the democrats did for a time, they are looming up now. What authority have I for saying that? I send to the desk in connection with that idea a letter written by a distingnished gentleman whose name will be observed when the extract is read.

The Chief Clerk read as follows:

The Tennessee elections are coming on, and the papers of the State unite in deprecating a long canvass. They urge that the condition of business and crop prospects are of such a character that the least amount of political agitation will be best for all parties.

At a meeting of democrats from all parts of the country, at New York, on Thursday, Augustus Schell, who presided, stated the object of the gathering was to rejoice over the late triumphs of the democrats in various parts of the country, and expressed the conviction that before another presidential election shall have passed we shall not only be represented in States, but in the presidential chair, by democrats of virtue and ability.

A letter was read from Hon. Montgomery Blair, of Missouri, in which he says that the democracy have another contest to wage with the great money power, in the form of rings and corporations, and that the contest will be hot and strong. He says that Greeley was defeated by the free use of money; but that the expenditure bankrupted some of the leading managers, as Jay Cooke & Co. and their associates; "and," he adds, "we have only to continue to force on the issue against class government, to be sustained by a corrupt use of public money, to overthrow it and redeem our country from the corruption which is degrading it in the eyes of the whole world." He concludes as follows:

"And when we see the Supreme Court packed at the dictation of one of these great corporations to have the legal-tender decisions revoked and suspension thus perpetrated in order to relieve it of its pecuniary obligations, and this by a President who is so strenuous for resumption, no one can fail to see in whose hands all real power over the Government is lodged, and whence all the corruption comes that is eating out the heart of our free institutions. The first thing to be done therefore is to rescue this Government from irresponsible power. For this we want a people's party, in which resumptionists and inflationists, protectionists and free-traders, republicans and democrats, black people and white—in a word all sincere believers in popular government—may join to reclaim this Government for the people.

A party so organized would give us an honest and economical administration, under

whose benign influences industrial interests would revive and the dissensions of race and sections disappear.

Mr. FLANAGAN. It will be seen that they invoke the vote of the colored man there. All is right and harmonious if they can only appropriate that vote. So says this distinguished leader, Mr. Blair. So they all say. This they will all act upon, in every occasion. Success is the great matter with them.

But, sir, my distinguished friend from Georgia alludes to the President of the United States. I shall touch that question very briefly. It is unnecessary for me to do so. Forty millions of people have passed upon the President of the United States upon two but recent occasions. They have placed him upon that high pinnacle, as high as man ever reached so far as known to me. Proudly and well has he acquitted himself. There is one little circumstance that made a deep impression upon my mind, and I recollect it with delight. It was my fortune before I was elected to the Senate of the United States to be chosen as a delegate to visit the Congress of the United States to look to some satisfactory arrangement by which Texas might once more be taken into this proud Union. I was here when the President of the United States was inaugurated. I saw him, for I had gotten a position not very remote. Just at the time of his taking the oath and before he took his seat, his sweet little daughter having worked her way among the Senators and the proud dignitaries of the land, the judges of the Supreme Court, &c., was caught and held by one of those distinguished individuals, and just as the President got through the oath which had been presented to him in accordance with the Constitution of the land, the little girl reached him and he fondly caught her up and kissed her. O, it was delightful to see that parental affection, the President of the United States not so much elevated as to forget the little children who were around him of his household. A happy thing it was to me, and what a contrast would it present particularly to my distinguished friend from Georgia to invite his attention to go back to about the middle of the history of the American nation, to wit, to the great hero of New Orleans who sent back Lord Pakenham and General Lambert to England "from whence they had come in hogsheads of rum." That act made him President of the United States, and who was his right-hand man? A high-toned Kentuckian. I never agreed with him politically, for he was a democrat and I belonged to the Clay stripe. I love the name of an old whig yet, anything that has clay about is, I am partial to. But Richard M. Johnson, the Tecumseh-killer as it was told—and I make no issue on that point, although many parties claim to have done that killing—was Vice-President of the United States, elected by the democracy. It would have ruined my friend from Georgia particularly to have seen upon such an occasion Richard M. Johnson kiss one of his girls, because she comes in his category of mulatto. That would not have answered his purpose. Yet he was Vice-President of the United States and had just exactly such children.

I am opposed to the Mormon doctrine; I am opposed to a man having more than one wife; one I think is enough; but would it not be better even to have forty, if you please, and marry them in good faith, and recognize them as one, two, three, and up to twenty if you like, rather than to have them broadcast throughout the country recognizing one but repudiating the rest and saying that republicans have no genealogy; they cannot trace their fathers!

These are stubborn facts. I dislike to see them, but they are historical. They are true; and we had as well meet truth and prepare to do it.

Now, sir, what is done by this bill with all its terror to my democratic friends, and many republican friends, too? I may say in candor their prejudices are such that they are not prepared to recognize it. What does it do? The poor man is held up here. A man at a cross-roads grog-shop would talk about a poor man and the rich man, when it ought not to be lugged into this elevated, high body of American Senators. Still it sometimes gets in here; and in the discussion of this bill I have found it flippantly stated that this is a bill that directly tends to equalization, or, indeed, to prefer the black man over the white, thereby endeavoring to create or to continue that prejudice and to perpetuate it forever. This bill does not contemplate that. To me it has no such horrors. The humble citizen of the country, I do not care who he may be; he may have domiciled in the first instance in a large, hollow sycamore tree; he may be in his humble cot made out of pine poles, or he may be in his mansion, worth his millions of dollars, if you like, the proprietor, the lord of that castle, and he has a right to select his company. He invites in A, B, or C, high or low, just as he may see proper to do; and this bill does not interfere, as I understand it, with that privilege. Therefore it is not objectionable.

But when you come to taxation and think of all the millions of dollars that are raised annually by this labor, when they are taxed as they are broadcast throughout the country, why should they be deprived of privileges accorded to others? It would be unnatural and tend to keep up the prejudices that so unhappily surround us at this day. Now I want to call your attention by way of illustration to a little matter that meets my observation this morning. It is so short that I will not send it to the Secretary but read it myself; it is from the Chronicle:

The passengers on the western-bound passenger train on the Chesapeake and Ohio Railroad were somewhat astonished Wednesday morning to see a couple—a negro and a white woman—get aboard at Lewisburgh, West Virginia, on their way to Ohio to get married. The man was of gingerbread color.

This struck me with some force from one peculiar circumstance. My distinguished friend from Georgia, I thought from reading and hearing his speech delivered, had looked in all the dictionaries that I had ever heard of, and there was no peculiar name that he had not found out; he had A, B, C all elegantly named this, that, and the other; but he had not found the gingerbread gentleman and here he is, and therefore I present it:

The man was of gingerbread color, about twenty years of age, and the woman was a good-looking young girl, recently from England, and about thirty years of age.

Now I have this to say on that matter: The English woman, mind you, was thirty, the boy was only twenty. She had crossed the Atlantic; she had seen much of the world. The boy had seen but little. If there was any running off between the two, which ran off with the other, the white woman with the black boy, or the black boy with the old white woman? [Laughter.] Social equality! It is hard to say whether it preponderates upon the side of the woman or the man, the gingerbread man or the white woman. If I could guess, I should say that the gingerbread boy got the worst of that bargain. I should say the twenty-year old boy got the worst when that woman took him up and ran off with him. [Laughter.]

Mr. President, let my expressions go for what they are worth, and that may be very little; I will not undertake to put an estimate upon them; but one thing I well know: Sleeping or waking, standing or lying, living or dying, I stand forth in defense of five millions of people who have recently been emancipated, and I will ever stand by them, so far as my vote or influence can go, for perpetual and eternal freedom.

Here is a thrilling circumstance which speaks volumes upon the subject. I send to the desk and ask to have read an extract.

The Chief Clerk read as follows:

Twenty-eight years ago Mary Stowers, a slave woman, belonging to Harrison Stowers, of Owensborough, was sold to parties living in Shelby County, Kentucky, and was, with her little girl of two years, taken away, leaving her boy, Willis Green, then four years old, with her former master, John Stowers, who had sold her to his brother. For some time after her sale she managed to send word to her boy occasionally, but after a couple of years she was sold to the dreaded negro-traders and was taken South, after which all trace of her was lost. The boy Willis grew to manhood, and by the events of the war became free and came to Evansville. During all these years, not having heard of his mother, he supposed her dead; but her memory was still bright, and he often thought of her as she must have suffered in the cotton-field under the lash of the cruel task-master.

On Monday he was almost electrified at being told that an old woman, claiming to be his mother, was in the city in search of him, but the lapse of time had been so great that he was incredulous; but faint as the hope was, he determined to follow it and see if it should prove delusive. He went, as directed, to the house of his uncle, Ed. Davis, and there met an old woman who clasped him in her arms, and wept over him as her son. To test the genuineness of her claim, Willis asked, "How do you know I am your son?" And the old woman gave her reasons, detailing facts that were known to him as having occurred. He then showed her his right hand and asked, "Can you tell how I lost that little finger?"

"Yes," replied she, "your young master cut it off while chopping a trough," and Willis accepted the evidence as much stronger than that of the traditional strawberry-mark.

The aged woman, after being sold to Alabama, was placed on a cotton farm, and worked as a field hand until the close of the war extinguished slavery. As soon as free she determined to return, and worked to that end, but ill-health several times interfered to prevent, and it was not until two weeks ago that she found her way to Lewisport, and subsequently to Owensborough, where she heard that her daughter was dead and her son and brother (Ed. Davis) were in Evansville; and now, after a separation of twenty-eight years, the old and broken-down woman has found her son, who rejoices at the reunion and welcomes her to his humble home.—*Evansville Journal*, April 29.

Mr. FLANAGAN. Mr. President, such instances frequently present themselves, and they speak volumes. They show that there is an all-wise and controlling Power that protects these people. The lesson taught by that incident cannot be misunderstood. With that race day has dawned, and who can say that Heaven is against them? I cannot; I shall not.

My friend from Georgia compliments, left-sidedly if you please, the republican party by saying that they have been able to do in the twinkling of an eye more than the Creator could do in years; that He was forty years in leading Moses and the six hundred thousand children of Israel out of Egypt, while in the twinkling of an eye these people have been made freemen, voters, and rulers by the republican party. But my friend will recollect that the present is no greater miracle than the other one was. If there was no Moses, there was unmistakably an Abraham Lincoln. Abraham Lincoln was the Moses of his day. This great work was consummated by his proclamation, his bold and determined stand, and the stubbornness exhibited on all occasions by Jeff. Davis. There was nothing he could see, nothing that he could realize, just as it was in the days of the Egyptians. Like Pharaoh, he was hardened, and perhaps he could not have done otherwise. It is sufficient for us to know that that all-wise Being, who regulates and controls all things, works in His own time and way, and we realize these things, and we have to take them; and if they are not pleasant, if they are bad, we must philosophically make the best of a bad matter. They have happened to man from the earliest period, and they will continue down to the last day.

I might go on, sir, and introduce a great many little matters that I have picked up. Here is a very small one in connection with my argument which I ask to have read.

The Chief Clerk read as follows:

It was some time ago announced that Matt Morgan, the designer of the cartoons in Frank Leslie's Illustrated Newspaper, was engaged on a painting called "The Last Hours of Charles Sumner." It has just been finished, and will be placed on exhibition in one of the rooms of Tremont Temple to-day, where it will doubtless be visited with interest by many. The picture is large, occupying almost the entire end of the room. A great merit of Mr. Morgan's cartoons has been their excellent drawing, and the same feature is seen in the picture. There is none of the ghastly horror about the work which marks most death-bed scenes. The great statesman is seen lying pale and peaceful, while around are grouped naturally and in sorrow many of his most intimate friends, among whom will be easily recognized the faces of CARL SCHURZ, Senator ANTHONY, the brothers E. ROCKWOOD and GEORGE F. HOAR, and seated at the foot of the bed, with face buried in his hands, Mr. Downing, the faithful colored friend of Mr. Sumner.—*Boston Advertiser.*

Mr. FLANAGAN. Mr. President, how natural that scene is. Who is Mr. Downing? Everybody knows who he is. He is a colored gentleman of high standing. There he was at the death-bed of that great statesman, his face buried in his hands, not hypocritically, but sincerely mourning the loss of the great leader of emancipation in the United States, whose fame was spread throughout the civilized world. At his death-bed there was that man Downing, where he was well placed, vindicating the race to which he belonged.

I have another little extract here which I will ask the Clerk to read, a dispatch to the Galveston News, dated San Antonio, April 22.

The Chief Clerk read as follows:

The Herald publishes the particulars of another daring attempt at highway robbery. Mr. Miltback, a commercial traveler, *en route* from Goliad to Beeville in an ambulance, accompanied by a negro driver, was attacked by three banditti, one of whom got into the ambulance and tied the former. While the would-be robbers were rumaging around, Mr. Miltback succeeded in getting one arm loose, and obtaining a pistol concealed under the seat he killed two of the highwaymen, but was himself killed by the third. The negro driver managed to escape with the money, amounting to several thousand dollars.

Mr. FLANAGAN. Now, Mr. President, I might well ask in all candor whether that black man, the driver of the ambulance on that occasion, in which there were thousands of dollars, in the attack upon which three men lost their lives, who took care of the money and delivered it to the proper representatives of the owner or to the officers of the law—I ask was not that man entitled to vote? Was he not an honest man? Was he not a brave man? I think no one will raise an issue upon that branch of the subject.

Now, my friend from Georgia comes forward here, speaking in behalf of the colored man, and asks:

Is it because the colored man can boast no genealogy; or can display no family tree; or wears no coat of heraldry? Certainly not. It is the pride and boast of every true republican that he has no genealogy.

I have discussed that branch of the subject, but I have never heard any true republican thus declare, as my friend states. It may be very familiar and proper with him; I raise no issue upon that point. It has escaped my observation, however, because they in the general way perhaps would not be so ready to repudiate their fathers. However, when the fathers discard their children I think it is proper for the children to act independently and get along as best they can. But, sir, he continued:

And it requires a trip across the Atlantic, at the public expense, to subdue his contempt for all armorial distinction.
Is it because there are none brave among them?

I have just shown, I think, that there was one brave man among them. That was a brave man who saved that money.

The republican party has often assured us that in the late war "the colored troops fought nobly," and the Senator from New Jersey repeated the declaration in our hearing on yesterday. It is true that, interwoven with the dreadful realities of that struggle, there is much of fiction and romantic episode; many imaginary instances of inspiring heroism displayed by the colored troops. Fact and fiction are lamentably mingled in inextricable confusion.

I admit that.

But there is one exceptionable instance of daring and of death, and so notably established on the testimony of a single eye-witness that the Senate must remember it, and it is worthy of recounting even in this august presence. I see that the quick perception and historic learning of this body have already anticipated my discovery, and I would even now forego the thrilling narration, but for the fear that some future Munchausen might charge me with prejudice against the objects of the Judiciary Committee's special devotion should I decline to furnish so valuable a contribution to his peculiar style and school of history. I refer, as you know, to the Balaklava-charge made by the colored troops, at the witching hour of dawn, on empty stomachs, bayonets fixed, nipples uncovered, and under command of a general of renown, on the 29th of September, 1864, at New Market Heights. The historian, who was the general then commanding, and who seems to have been the only survivor of those colored troops, tells us the story with charming simplicity and with the eloquence of unbridled fancy, * * * being himself in the rear, where he intended to remain, and wholly uncertain whether the charge would be feebly to the front or with frantic heroism to the rear.

Mr. President, I have only a remark or two to submit upon that branch of the very eloquent and beautiful speech of my distinguished friend. He says this distinguished general had intended to securely place himself in the rear. That may have all been. I am not called upon to vindicate the character of that distinguished gentleman. He has done it himself time and again upon the battle-field and in the forum of the country. He is an able man; and when I see gentlemen rising and criticising the chivalry, the bravery, and the ability of that distinguished gentleman, it reminds me of a tom-tit sitting upon an eagle's beak. [Laughter.] I make no application.

Then in this beautiful speech the Senator goes further, and while upon that branch of the subject fluently and with great ability, beautifully arranged, hurls Munchausen at us. In his speech he has invoked all the heathen gods that I have ever read of; I think they are pretty much all enumerated here. He has invoked history to make this beautiful edifice. It is finely done, in a scholarly manner. Would that I could do the like. But when he hurled Munchausen at us, I was reminded of the anecdote of a battle that once took place between the Indians and Americans. There was a battle going on and the Americans had a cannon. They were short of ammunition; the balls had given out. Upon this occasion the whites took the trace-chains from the horses and wagons and loaded up the cannon and discharged them at the Indians, and it was a new thing to them. They saw their men falling right and left and all around, and when they came to look they found horse-chains lying about in every direction. There was perfect consternation among them. They waited a little while and they saw that the whites were about bringing the cannon to bear upon them again, whereupon one of them, a leader, exclaimed, "Run, run, run; here come the mortar and the wagons and the whole concern;" and away they went. He came to the conclusion, seeing the mortar and knowing nothing about a cannon, that everything was coming and they would all be killed, and they fled from the field. I was very much in that predicament when my distinguished friend hurled Munchausen at us. Thinks I, "Great God, here will come Gulliver, and Sinbad the Sailor, and all the contents of Pandora's box; they will be hurled at us and we will be forever slain." [Laughter.] It was an enormous idea, but such were the facts. We had to resist them, and yet the civil-rights bill is in a good condition after all those forces that have been hurled at us.

Mr. President, the great General Cromwell was approached by his courtiers upon one occasion and he was told that he was secure in his mighty struggles; that the Lord was upon his side of the question. "Well," said he, "my friends, that may be, but I advise you to keep your powder dry." The great Napoleon, similarly situated, was advised by his courtiers that the Lord was on his side and that victory would be his from time to time. "Well, now," said he, "I tell you what are the facts about this matter. That all may be, I hope it is, but I see that the Lord generally blesses the heaviest artillery." Now, Senators, I will tell you what we have got to do. The republican party may think the Lord is upon their side. I hope He is. They have power beyond question; but they must keep their powder dry, for I tell you democracy is knocking at the door. The republicans have not one to spare, no matter how many thousands they may have in the majority. The democrats tell us in this body, and particularly in the letter that I have read from Mr. Blair, that money will do thus and so. If money is potent and if it has carried the republican party triumphantly through, upon whom was that money brought to bear? Not upon republicans, because they were already initiated. It was used in buying democrats. That is a self-evident proposition. They present the question. I make no such charge, but I accept it as a fact. Now you must look at those things; you must hold the purse; keep your powder dry and recollect that the Lord blesses the heaviest artillery. You must be vigilant, and in being vigilant you must protect these five million people that the democrats are after now in every sense of the word.

I have sent up so many extracts to be read that I am ashamed to present any more, and I shall not do so; but I will refer to an article I saw the other day in a paper from my own State. A white man had been put upon trial and tried and convicted as a horse-thief, and he was sentenced to the penitentiary for two years for stealing a horse. A black man was put upon trial directly afterward and they proved that he had stolen two pieces of bacon—I have given the full amount, not one but two—and he was sentenced for eight years. That illustrates the feeling toward the colored people in the Southern States. I belong to one of them, and therefore I speak of my friends. If I cannot speak of them, whom can I speak of? I ought to be permitted to speak as freely of them as I do of my democratic friends, whom I love so much; but you must have a sharp eye upon them. You must have one eye cocked upon them as my friend from Georgia had upon General BUTLER in his remarks here. You must keep one eye closed upon them, because they will beat you whenever they can. It is true down to this time, in all their silly compliments, they cannot show as great an amount taken by any whig or republican since the formation of the Government as the $840,000 as appropriated by the Secretary, General Floyd, as seen by the reports investigating the same.

There is nothing they will not do. Why, sir, in two years to come, if they could do it, no civil-rights bill being placed upon them, you would never hear of a colored man sitting upon a jury in a Southern State, unless it be that Louisiana and glorious old South Carolina with Mississippi may be enabled to hold their own. In my State they could not. Not one of them would be permitted under any circumstances, in my humble opinion, to go upon a jury there, although the democrats there talk about equal rights before the law. I have papers here that I could read if I did not think it would be imposing upon the Senate too long, records that I brought with me from Texas, showing that they have no respect for the rights of the colored people in many instances. We have good judges there. We have a judge in my district who I believe would rule fairly; but many of them will not, to my certain knowledge. Their prejudices and surroundings are such that they cannot well do so. They have not

nerve to combat and resist them, and therefore they fall by the wayside. Are these men to be thus used and abused? I tell you they cannot have justice now, and I say upon principle that it is in the interest of all white and colored that justice should prevail. It purifies the morals of all, and makes all surroundings much more pleasant and secure for life and property, and everything that is sacred to man.

Let me mention a case the record of which I have before me. A colored man had rented a piece of land for which he was to give at the close of the season one bale of cotton weighing five hundred pounds. In the mean time the colored man was murdered, killed in the fields. This occurred not ten miles from me, in an adjoining county, in a county where fifteen hundred and ninety-nine majority was polled for Grant at the last presidential election, being the largest given by any county in the State. This man was killed there, and he left a wife who went forward in good faith and cultivated the crop and paid up the bale of cotton. I have the contract here. It reads beautifully. It speaks of "a free man of color." It is not a contract between A and B, between lessor and lessee, or anything of that kind. They have not got to that point yet. But it speaks of "a free man of color." The contract was complied with, but the landlord was not satisfied. The woman had a little cotton left, about six hundred pounds. The landlord went and procured an attachment and levied upon her six hundred pounds of cotton and ran it right off the plantation and took possession, notwithstanding our statute says that a suit cannot be entertained against a woman under those circumstances without going into court and asking for an administration. But they paid no attention to that, and in the process lying on my table from the justice of the peace he commands the constable to serve the notice on the dead man and the woman, and on that they acted; they went and took the little pittance. We have a statute there and a constitutional provision exempting and protecting families in two cows, two horses, a wagon, twenty head of hogs, and corn and subsistence enough for the family. I tell you, and I tell you not with pleasure, I regret that it is so, but I state it as a matter of fact, that the letter of the law is not respected in those particulars. There are good men through the county who would not do such a thing under any circumstances; but there are sharks who are doing it continually. There is no protection under the present statutes; and in the absence of this law there will be at an early day in all those States conventions held, and there will be democratic State constitutions that will ignore and repudiate the black man's interest in every sense of the word. The Legislature of my own State but recently enacted a landlord and tenant law which by the way fastens down upon the rent to the very last dime, protects the one but not the other. That is the history of the whole tendency of southern legislation. These are stubborn facts.

I am sorry that it is necessary as I conceive to speak of these things. But the republican party had just as well understand them, and if they are tired of the reconstruction laws as they were originally framed, better it is that they had never framed them in the first instance; better have let them go by the board. The Ku-Klux law was a good one, but the republican party shrank from it. The investigation was had, and the reports you are familiar with. Yet they played left and right on all hands and they went down into the border States. There they are and thus they are strengthened. I am sure it would have been much better for all law-breakers to have been more strict; yet I have always been on the side of mercy, but the bitterness of thousands will not permit them to appreciate any kindness of the Government or the republican party.

My friend, in his speech the other day, charged the republican party with having acted insincerely to the colored people, playing upon the old harp of a thousand strings on the subject of the mule and forty acres of land. That is very good for a Senator to send out the idea of a mule and forty acres. Everybody understands that. But I will tell you what is a fact, and I hope my friend will recollect it, that the constitution of Texas gives every head of a family one hundred and sixty acres of land, and every single man eighty acres, and if they wish to dissolve partnership, the mulatto, the negro, the gingerbread man, and all the balance of them, if they will come down to Texas, can there find their homesteads. I wish to God they would come. I do not wish Georgia any harm, but if they are so much in their way there, we would thankfully receive them, hoping thereby at an early period that we might get a republican State. I want that order of things. I say that, and I hope it will be communicated to his constituents at large, that if they wish to emigrate from Georgia Texas is open to them.

I will say, further, that I have about twenty thousand acres of land in my county where I am living, fine land, well watered, finely timbered, and I will give every one that can settle upon that land one hundred and sixty acres. I will give every such settler a home for an indefinite period. Many are settling there now. I will go further. I will do that which I have been doing; I will furnish them mules, I will furnish them cows, I will furnish them subsistence, and we will share and share alike at gathering times in good faith. That is all open to them. Then to some extent I will redeem the pledge that is thrown on the republican party as to the land and the mules.

I say, further, that I built the first school-house in that region of country when my friends were opposed to me bitterly, but I started my own mill and put up a good frame house, put in two good stoves, took a teacher from Washington City to my county, and he opened a black school. He soon had a hundred scholars, and the little fellows learned as by magic. That school is yet progressing. Therefore I am not so much opposed to schools as might be supposed.

Looking to all the surroundings, I have no hesitancy in saying that the republican party has a duty to perform, and they cannot protect themselves against the passage of this bill. It must be done. Why talk to me about social equality and about the rights of the black man? Mr. President, it might be well recollected that that question has long since been settled. It was settled in the repeal of the Missouri compromise when the struggle came up in the Congress of the United States on the question of the annexation of Texas. How was that compromise repealed? It was repealed by the vote of every southern Senator save Sam Houston and John Bell. They voted against it, but they were politically condemned and executed politically in their respective States in the South for going against the bill. It was the only thing that then kept the mighty weight that was suspended over them falling and crushing them. The North met them on that branch of the subject; the North had more brains than they had in that particular. They were determined to hold on and perpetuate slavery by bullying. They had failed to do it, and on that they lost all.

If a lingering doubt still existed it was settled when they sent the boy Smith—I believe it was Smith—to West Point, there putting on the blue uniform of the United States Government, to give him an American education to prepare him to command ten or any thousands of troops of the American stock. There is the boy. Who knows what he may do? He may prove to be a Hannibal of his race in the mighty and enlightened nation of the United States at no distant day.

These are all stubborn facts. They have gone so far that you cannot rest now; you cannot halt between two opinions. That is why I have presented the Constitution of the United States and that of the confederacy. I for one never swore allegiance to the confederate constitution first or last. Whether my distinguished friend from Georgia did, whether he then stood by the Constitution of the United States as he does now or not, I do not know; but speaking of the valiant display of the heroes of the battle-field, I do not know what his category is. I am not familiar with his history. I do not know whether he went to the front of the battle or not. This I can say, however, that so far as southern soldiers were concerned, better and braver men never drew breath than they; but they fought in an unrighteous cause as I always held, and I never did take an oath to support the constitution of the southern confederacy. I ever stood by the old Constitution that I had believed from my very boyhood was the most sacred instrument known to man save the blessed Gospel. That has been my stand-point; and I expect to live and die in the support, feeble though it may be, of the "Stars and Stripes" of the proud and great American nation, and hoping at an early day they may wave over the gem of the Antilles.

Mr. President, I recollect an anecdote told about Joseph E. Johnston, by the way a county-man of mine. He was raised in Albemarle County, Virginia. Joseph E. Johnston was walking the streets of Philadelphia and met an old friend. The old friend took him by the hand, and said he, "General, I am glad to see you; I have not seen you for a great while, General; General, we are not whipped yet." "Well," said the general, "I do not know; but I think I am. I have been in the war, but I believe you have not." [Laughter.] My friend is able to fight the battles now; but I say, broadcast throughout the South, the most bitter men now to anything that tends to progress, purification, and the perpetuity of this great nation are men who did no fighting. Whenever you show me a man who was not in the army, I will show you a man now that is ready to fight like the man who fought the Indian at Tippecanoe. The story was told by old General Coombs. I have heard him tell it. He was a commander in 1812 of a valiant Kentucky company. He fought the Indians, and after the Indians were vanquished and whipped and the whites had withdrawn, there was a soldier who had early in the action found a secure place and gotten into it, and he lay there quietly until the battle was all over, but nothing being heard for a considerable time, he began to look about. He looked all around, and at length his head emerged like a turtle and out he came. He looked around and saw no eye upon him. He saw a musket hard by with a bayonet, lying by a dead man. He ran to it and took hold of it and ran it through the first dead Indian he came across, saying, "I will let you know, Mr. Indian, that I'm some pumpkins, too." Now these gentlemen who were never in the war first or last are some pumpkins. They come forward now and they are leaders. That is human. Such things have prevailed since man was created, and they will continue. Therefore I invoke vigilance on the part of the republican party. They know what they have to contend against, and if they are not vigilant they will be borne down.

Mr. President, there is much more that in my broken manner I would be disposed to say on this subject, but knowing that I am trespassing upon the Senate I will bring my remarks to a conclusion, impressing it upon the American Congress to come up to the dying wishes of the great statesman on the subject of the civil-rights bill. He lived and died invoking the power of the Government with its vast and untold blessings in protection of the rights of the colored man. I hope they will be protected.

Sanborn Contracts.

SPEECH OF HON. HIESTER CLYMER,

OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

May 27, 1874,

The House having under consideration the bill (H. R. No. 3256) to repeal so much of the act of May 8, 1872, entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1873, and for other purposes," as provides for the employment of persons to assist the proper officers of the Government in discovering and collecting money withheld, and for other purposes—

Mr. CLYMER said:

Mr. SPEAKER: Actuated by a desire which is general here and elsewhere, to understand the matter of the "Sanborn contracts," I have read most attentively all the evidence reported by the Committee on Ways and Means relating to them. It is a continuous record of amazing imbecility and incapacity on the part of certain persons and of unblushing and unvarnished crime on the part of others. It would require hours fittingly to expose the fraud, villainy, and rapacity which are recorded on almost every page of the testimony. This time cannot be allowed me at the close of this discussion, and I have to thank the gentleman from Ohio, [Mr. FOSTER,] who has charge of the bill, for his courtesy in affording me an opportunity to be heard at all on the subject.

It would be both curious and instructive, did time permit, to inquire fully into the history of the passage of the enactment of May 8, 1872, under which John D. Sanborn was enabled to commit his depredations on individuals and on the Treasury. Who was the author of it does not clearly appear, yet it is certain that it was first adopted in the meeting of the conference committee on the judicial, executive, and legislative appropriation bill, during the expiring hours of the second session of the Forty-second Congress. This House twice rejected the report of the conference committee on the ground that it contained this objectionable provision. The committee met a third time, and the members on the part of the Senate, consisting of Messrs. Sawyer, the present Assistant Secretary of the Treasury, MORRILL of Vermont, and Cole of California, still insisting on the paragraph, the members of the committee on the part of this House were forced to yield their objections and implied instructions, in order to save the bill, and the report was finally adopted by the House by the meager majority of ten votes.

The only persons who were *avowedly* in favor of the enactment appear to have been Mr. W. H. Kelsey, a former member of Congress from New York, who within a month obtained a contract under it, and Mr. Sawyer, who subsequently was appointed Assistant Secretary of the Treasury, thereby enabling him by his official position to aid, promote, and screen the villainies committed under it. The astonishing fact remains that at this day only two persons can be found who seem ever to have been in favor of the enactment, although the pertinacity with which it was adhered to on the part of the Senate nearly resulted in the defeat of the greatest and most important of the appropriation bills. It may not be doubted that some great "outside pressure" existed to have it passed, and that it was the culmination of a well-matured and long-considered plan, by which, under the guise of collecting revenues withheld from the Treasury, the "inside ring" were to rob and deplete it. No one may read the evidence and come to any other conclusion. The enactment is in the following words:

And from and after the passage of this act the Secretary of the Treasury shall have power to employ not more than three persons to assist the proper officers of the Government in discovering and collecting any money belonging to the United States whenever the same shall be withheld by any person or corporation, upon such terms and conditions as he shall deem best for the interests of the United States; but no compensation shall be paid to such persons except out of the money and property so secured; and no person shall be employed under the provisions of this clause who shall not have fully set forth in a written statement, under oath, addressed to the Secretary of the Treasury, the character of the claim out of which he proposes to recover, or assist in recovering, moneys for the United States, the laws by the violation of which the same have been withheld, and the name of the person, firm, or corporation having thus withheld such moneys; and if any person so employed shall receive or attempt to receive any money or other consideration from any person, firm, or corporation alleged thus to have withheld money from the United States, except in pursuance of the written contract made in relation thereto with the Secretary of the Treasury, such person shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than $1,000 or imprisoned not less than two years, or both, in the discretion of any court of the United States having jurisdiction; and the person so employed shall be required to make report of his proceedings under such contract at any time when required to do so by the Secretary of the Treasury.

The same Congress, at the same session, had repealed all laws which provided payment of moieties to informers, so far as related to internal-revenue taxes. The new enactment included not only internal-revenue taxes, but all moneys, from whatever source, belonging to the United States, withheld by any person, firm, or corporation, and concentrated the power to collect the same in the hands of three persons, to be appointed by the Secretary of the Treasury. In the words of Hon. J. W. Douglass, the Commissioner of Internal Revenue:

The first (the law repealed) was democratic, for the whole country, and the other was a monopoly for three men. I think it concentrated its meanness, granting that the moiety system is mean. The one was general, the other was personal and invidious, confined to a favored few (three.)

The evident design, therefore, of those who procured the legislation was to create a "close corporation," which was to monopolize all the meanness and all the rascality and all the profits of the former moiety system.

How well these ends were subserved and accomplished by it a brief history of John D. Sanborn, one of the contractors under it, will clearly illustrate.

His fitness for the duties imposed by it, and his capacity for its "concentrated meanness," will be better appreciated by briefly narrating the past history of the man.

For more than eighteen years he has been a general agent and detective of the Adams Express Company, and during the war for some time he found a field of labor congenial to his tastes, natural and acquired, by becoming a provost messenger on a boat plying between Baltimore and Fortress Monroe. He varied the monotony of his life at this time (1864, 1865) by engaging with one G. W. Lane, "a person entitled to the confidence of the Government, and allowed to carry into North Carolina and sell to its citizens cordage, chains, agricultural instruments, &c., to be exchanged for cotton, &c., and to ship these articles to northern ports." Although by the terms of his permit granted by Mr. Lincoln, at the request of the general then commanding in those parts, Lane was restricted to dealing in cordage, chains, &c., his humane feelings prompted him to furnish our southern brethren, then in rebellion, with other necessaries and luxuries, such as coffee and molasses, receiving in return for a pound of the former or a gallon of the latter three pounds of cotton, which was worth not less than sixty cents a pound! He was not unmindful of the scriptural injunction to "despoil your enemies," especially when by so doing he could enrich himself. There were divers other persons, military and civil, who were also partners of Lane and Sanborn in these transactions. If particulars are desired, I would refer the curious or inquiring to a report made during the second session of the Thirty-eighth Congress by Hon. Elihu B. Washburne on "Trade in the rebellious States."

After the war closed Sanborn was engaged in the detective service of the Adams Express Company until 1869, when Mr. BOUTWELL, then Secretary, appointed him a "special agent," that, is a detective in the Treasury Department. His undoubted fitness and qualifications for that place are attested by William A. Simmons, formerly supervisor of the revenue in New England and now collector of the port at Boston. He testifies "that Sanborn is generally known in Massachusetts as the mysterious man; that he is the sharpest railroad manager in New England; that he was never able to get much out of him, and never knew any one who did;" (I fear there is a mistake here, as Sanborn swears he always subscribes liberally to the party fund in Massachusetts, doing so on occasions even before the nominations are made;) "that he knows every member of the Legislatures of Maine, New Hampshire, and Massachusetts; and that he is a member of the third house."

To these high and admirable qualities is added the fact, to which he himself testifies, "that he knew Mr. Boutwell as well as any man in Massachusetts, and did not need any introduction to him." In justice to Mr. BOUTWELL it must be remarked, that just at this time he does not remember "that he ever had any personal relations with Mr. Sanborn in any way or form," but he did know "that he belonged to Massachusetts;" although he pointedly and rather severely remarks that Sanborn "had no right to assume anything on his friendship for him one way or other." Mr. Sanborn may have been mistaken in saying he "knew Mr. BOUTWELL as well as any man in Massachusetts," but he said it under oath, and as Mr. BOUTWELL merely "made a statement" before the committee, the discrepancy may be accounted for. Then again Mr. Sanborn is slightly under a cloud, and it is not so profitable to know him now as when his money is needed, even before nominations are made, in the Old Bay State.

So much for the man; now for his connection with the subject under discussion.

On the 15th of July, 1872, Sanborn addressed the Secretary of the Treasury the following letter, accompanied by an affidavit:

BOSTON, *July* 15, 1872.

SIR: I beg leave to submit the following statement under the act making appropriations for the year ending June 30, 1873, regarding the discovery and collection of money belonging to the United States withheld by any person or corporation, and to ask to be employed under the provisions of the clause to which reference is made. I desire to set forth fully a written statement, under oath, as follows:

First, claims out of which I propose to recover or assist in recovering money of the United States for evasions of the laws, and frauds upon the laws for the collection of internal-revenue tax upon spirituous and fermented liquors, as well in making false returns of the amounts manufactured as in evading the payment of the tax upon them which is returned; and I append hereto a schedule of the names of the persons and firms which have thus withheld such moneys, and the probable amount thereof.

I also beg leave to state that there are many other firms and owners of distilleries whom I cannot more fully specify because I am in process of investigation, and will file with the honorable Secretary an amended schedule as fast as I find the names of such firms.

I ask to be allowed such amount from the collections, in the form of a percentage, as, in the judgment of the Secretary of the Treasury in the matter, is meet and fit.

I have the honor to be, very respectfully,

JOHN D. SANBORN.

Hon. GEORGE S. BOUTWELL,
Secretary of the Treasury.

DISTRICT OF COLUMBIA, *County of Washington, ss:*
Sworn and subscribed before me this 13th day of August, A. D. 1872.
[SEAL.] A. B. JOHNSON,
Justice of the Peace.

[Indorsement.]

Respectfully referred to the Solicitor of the Treasury.

WILLIAM A. RICHARDSON,
Acting Secretary.

TREASURY DEPARTMENT, *August* 12, 1872.

Appended to this letter was the list of distilleries, rectifiers, and purchasers therein referred to.

On the 13th of August, 1872, Mr. Richardson, then acting Secretary of the Treasury, addressed Sanborn as follows:

TREASURY DEPARTMENT,
Washington, D. C., August 13, 1872.

SIR: Having fully set forth and filed in my office a written statement, under oath, addressed to me, showing the character of a claim out of which you propose to recover, or assist in recovering, moneys for the United States, the laws by the violation of which the same have been withheld from the United States, and the names of persons withholding the same, you are hereby employed, by virtue of the act approved May 8, 1872, entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1873, and for other purposes," to assist the proper officers of the Government in discovering and collecting said moneys, upon the terms and conditions set forth in a written contract made by me with you, of this date.

The compensation agreed to be paid you by the terms of said contract is to come out of the money or property secured by your efforts.

Report of your proceedings is to be made when required by me.

This employment will be terminated when, in my judgment, the interests of the United States require it.

Very respectfully,

WM. A. RICHARDSON,
Acting Secretary of the Treasury.

JOHN D. SANBORN, Esq., *Boston.*

On the same day the following agreement was entered into:

An agreement made this 13th day of August, A. D. 1872, by and between William A. Richardson, Acting Secretary of the Treasury, party of the first part, and John D. Sanborn, of the city of Boston, Massachusetts, party of the second part.

The said party of the second part having been designated by the Secretary of the Treasury as one of three persons to assist the proper officers of the Government in discovering and collecting moneys belonging to the United States, withheld by certain persons, under one of the provisions of the legislative, executive, and judicial appropriation bill, approved May 8, 1872, and the said party of the second part having fully set forth as therein required, in a written statement under oath, addressed to the Secretary of the Treasury and filed in his office, that he proposes to recover or assist in recovering, for the United States from the following persons, to wit.

Here follows the names of the distilleries, rectifiers, and purchasers named in the letter of July 15, 1872.

A large sum of money, to wit, $500,000, which the said party of the second part claims to be due to the United States for internal-revenue taxes upon spiritnous and fermented liquors, as well in making false returns of the amounts manufactured as in evading the payment of the tax upon them which is returned, which were legally due under the several acts of Congress levying internal-revenue taxes, and which have been withheld by the said persons:

Now it is agreed by and between the said parties—

First. That the said party of the second part may proceed to collect the said taxes so alleged to be due to the United States by the said persons.

Second. That in case any legal proceedings are required to be had in the premises, the same shall be conducted by the proper United States attorneys; but no such proceedings shall be taken without the written consent of the Secretary of the Treasury first being obtained.

Third. No settlement of such claims shall be made, except under the provisions of section 10 of the act of March 3, 1863.

Fourth. All the costs and expenses which shall be incurred by the party of the second part in investigating and prosecuting the said claims, of every name or nature, shall be paid and borne by said party of the second part, and no part of the same shall be paid out of that portion of whatever shall be realized from said claims under this agreement which is to be retained by the United States.

Fifth. The said party of the second part shall, whenever required by the Secretary of the Treasury, make a full report in writing of all his acts and proceedings under this contract.

Sixth. Whenever any money shall be collected from said persons upon said claims, either by legal proceedings or by settlement as compromise of said claims, such money shall be paid by said persons to the credit of the Secretary of the Treasury, and out of any money so collected and received there shall be paid to said party of the second part in full for his services, and for all the costs and expenses of such collection, a sum equal to 50 per cent. of the gross sum so collected and received, which said 50 per cent. shall be paid to the party of the second part as fast as the money is collected and paid to the credit of the Secretary of the Treasury. The balance of said money to be paid into the Treasury of the United States.

Seventh. This contract may be revoked at any time at the pleasure of the Secretary of the Treasury.

In witness whereof the said parties have hereunto set their hands and seals the day and year above written.

[SEAL.] WILLIAM A. RICHARDSON,
Acting Secretary of the Treasury.

[SEAL.] JOHN D. SANBORN.

Witness to both signatures—
E. C. BANFIELD.

Subsequently, on the 15th of October, Sanborn furnished, under oath, a list of about seven hundred and fifty individuals and firms who he alleged withheld moneys illegally for taxes imposed upon legacies and successions and income, under the act of June 30, 1864, which, on application, were added to his contract.

Again an addition was made to it when on the 19th of March, 1873, the Secretary, on his application under oath, permitted him to add the names of about two hundred foreign firms and individuals doing business through agents in New York, and the names of some sixteen hundred other persons, the residence of about fifty of whom is mentioned.

The last and final addition was made to it on the 7th of July, 1873, when Sanborn filed with the Secretary a list of five hundred and ninety-three railroad companies, taken bodily and without exception from Appleton's or some other guide-book, all and every one of which he swore "were indebted to the Government upon taxes upon dividends and interest paid upon bonds which they have heretofore failed to pay." They were added to his contract, and every railroad in the country without exception, finished and *unfinished*, was turned over to the tender mercies of Sanborn! I say "unfinished," for within my own knowledge one company at least is in the list which has never built a mile of road or issued a bond. I refer to the Southern Pennsylvania. My friend from Kentucky [Mr. BECK] in his speech yesterday pointed out another in the list in the same condition.

Sanborn is careful to state in his testimony that he knew little or nothing about the list, he and his agents having examined not more than one hundred and sixty of them; that he was at the Treasury Department two or three days about it; that he talked with the Secretary and Solicitor; that he wanted the list returned; that if they desired it revised and cut down to just the number he knew about, he would do it; but it was useless, and by the consent and under the advice of the highest Treasury officials, as he swears, he deliberately perjured himself so that his opportunities for plunder might be enlarged. Who will believe they had no interest in giving this advice?

In this manner his drag-net was thrown over and around more than twenty-five hundred individuals and firms and five hundred and ninety-three railroad companies, swearing positively in each case that moneys were illegally withheld from the Government. Heretofore "a custom-house oath" has been the synonym of perjury; what shall hereafter be said of the oaths of a contractor under the Treasury Department for the collection of dues and taxes withheld?

The victims being thus marked, Sanborn was prepared for business. Active operations were not commenced until early in the year 1873. By the terms of the original agreement, he proposed to recover or assist in recovering for the United States moneys withheld from certain persons, in consideration for which he was to receive 50 per cent. of the amount recovered and *to pay all the expenses.*

Armed with his contract he proceeds to Boston, late in December, 1872, or early in January, 1873, to make all needful arrangements with William A. Simmons, then the supervisor of the revenue for the district of New England and now collector of the port at Boston. After presenting his plan, Simmons, who is a prudent individual, declined assistance, unless orders were procured from his superior officer. It chanced that Mr. Richardson, then Assistant Secretary of the Treasury, was most opportunely in Boston. Simmons hastened to interview him on the subject, whereupon Mr. Richardson said "You will render Mr. Sanborn what assistance he requires." Simmons immediately set Mr. Horton, who was his revenue agent, to work up Mr. Sanborn's cases. Growing uneasy about the proceeding, Simmons required of Sanborn a *written* order in the premises, which was forthcoming as soon as desired. It is as follows:

TREASURY DEPARTMENT, *February* 3, 1873.

SIR: You are requested to assist John D. Sanborn, esq., of Boston, in the examination of official records in reference to such cases of alleged violation of the internal-revenue laws as he may ask for your co-operation.

Mr. Sanborn is acting under an appointment from me, and may need some information from the offices of collectors and assessors for the purpose of verifying his claims.

Very respectfully,

GEO. S. BOUTWELL,
Secretary of the Treasury.

TO SUPERVISORS AND COLLECTORS OF INTERNAL REVENUE.

It will be observed that the Secretary limits the assistance to be rendered "to the examination of official records" and the granting of "information from the offices of collectors and assessors."

This would not have fully covered the work being done by Horton for Sanborn; so Mr. Simmons obligingly addresses the following order to his revenue agent, whereby he is directed to continue to render Sanborn "*such assistance as he may require:*"

UNITED STATES INTERNAL REVENUE,
SUPERVISOR'S OFFICE,
District of New England, February 5, 1873.

SIR: I herewith inclose for your information a copy of a letter from the Secretary of the Treasury to John D. Sanborn, esq.

You will continue to render him such assistance as he may require.

Respectfully,

W. A. SIMMONS, *Supervisor.*

C. M. HORTON, Esq., *Revenue Agent.*

Under that Mr. Simmons testifies that "Mr. Horton rendered Mr. Sanborn *whatever* assistance he desired."

Under the order of the Secretary, and the private and verbal instructions of the Assistant Secretary, Mr. Richardson, Simmons and his agent, Horton, collected about $50,000 in New England for Sanborn, without, as it appears, any aid or assistance, and at no expense to him whatever, both drawing their pay as officers of the Government with commendable punctuality! So great was their zeal in his behalf that their labors were not confined to cases included in the contracts of Sanborn, but their devotion to his interests induced them to make raids upon outsiders who were delinquents under "Schedule C," demanding and receiving from a Mr. Williams, of Hartford, Connecticut, the sum of $2,249.16, and from one Gottlieb Scherer $1,000. Mr. Sanborn naïvely denies all knowledge of these cases, and suggests it was done "by his agents and clerks," doubtless thereby meaning Messrs. Simmons and Horton, since it does not appear that he had any other persons employed in the New England district. He pocketed his 50 per cent. of the ill-gotten gains, although he knew the cases were not in his contract. Under other circumstances, and by most men, this would be deemed "theft!"

The industry and vigilance exhibited by Simmons and Horton in "assisting Mr. Sanborn," considering the fact, *as Simmons swears*, that they only received their pay as Government officials, is somewhat remarkable. It is noticeable, however, that Sanborn never paid less than 12 per cent. on the whole amount collected for similar cases to other persons; yet the suspicion must not be entertained that men so virtuous and disinterested as Messrs. Simmons and Horton ever hankered after the "filthy lucre." Had they taken the trouble to examine the records of their courts, and had kept in their office the "records of legacies and successions," provided for and sent to all its offices and officers by the Bureau of Internal Revenue in 1866, every case in which collections were made by them for Sanborn could have been secured by them for the national Treasury. It required the contract of Sanborn and the orders written and verbal of the Secretary of the Treasury in behalf of Sanborn to remind them of their duty. However, it cannot be charged against them that when they thus knew their duty, and it was their interest to perform it, they failed either in vigilance or promptness. They can point with proud satisfaction, and I trust with conscious innocence too, to the sum of $50,000 placed by their exertions in the Treasury, even although Sanborn did receive his slight percentage of $25,000 out of it. It is consolatory to reflect that the revenues of the Government will never be depleted so long as it retains the services of such vigilant officers as Simmons and Horton, backed by Sanborn. One has already received his just reward in his promotion to the collectorship at Boston. What may not Horton expect when his arduous services in this respect are finally rewarded?

So much for the district of New England; now for that of New York. This was a broader and richer field of operations. Here it was necessary to secure the co-operation and services not only of the supervisor, Mr. Lucian Hawley, but that also of his clerks, Messrs. Stowe and Steiner. These were re-enforced by engaging George Bliss, jr., esq., the United States district attorney at New York, and Mr John D. Coughlin, who from 1865 until he was employed by Sanborn in the spring of 1873 had been an assistant assessor of the revenue in New York. All these, save Coughlin, were in the employ of and paid by the Government. Sanborn, however, persists in swearing that Steiner was his clerk and paid by him, but in this he is flatly contradicted by Hawley, who testifies that "Steiner was sub-detailed by him to Sanborn to work up these cases;" that Sanborn certified to his bills, which were paid by the Government. Sanborn resorted to this piece of perjury to cover up the fact that at the very time he made his contract, August, 1872, he was a special agent or detective of the Government, that he so continued until May, 1873, and that during the whole time he drew his pay as such. He testifies that during this period he engaged Steiner and paid him $200 per month, thus attempting to make it appear that although he was a Government officer and drawing pay from August, 1872, to May, 1873, yet having paid for and furnished the Government with the services of Steiner during the same period, he was excusable. The double crime of theft and perjury is apparent.

In February, 1873, Sanborn produced and exhibited to Hawley the general order to supervisors and collectors of internal revenue issued by Secretary BOUTWELL, dated February 3, 1873, which I have before read, but anticipating that Hawley might not consider its instructions broad or explicit enough, the attentive Mr. Simmons, of Boston, was on hand to explain its meaning under the light shed on it by his private and personal interview with Mr. Assistant Secretary Richardson. I will read from Hawley's testimony to explain the particulars of that interview:

LUCIAN HAWLEY sworn and examined.

By Mr. FOSTER:

Question. State your occupation.

Answer. I am supervisor of internal revenue for the State of New York.

Q. When were you appointed supervisor?

A. December, 1872.

Q. What connection with the Internal Revenue Bureau did you have prior to that time?

A. I was internal-revenue agent.

Q. I notice by this printed report that large sums of money have been collected by you, as represented by Mr. Sanborn. I want to know how you came to be in the employment of Mr. Sanborn?

A. I am not aware that I was in the employment of Mr. Sanborn. I was in the receipt of a letter from the Secretary of the Treasury in February, 1873, I think, directing me to assist him. A copy of the letter is published in this book.

Q. That is the letter to collectors and supervisors?

A. Yes.

Q. Did you consider that as authority for your action?

A. That, with the verbal news which I had from the Secretary's office, I considered as instructing me to do as I did.

Q. What was the verbal news?

A. Mr. Simmons was present at the time this letter was presented to me, and I asked him what it meant, and he detailed to me a conversation which he had had with the then Assistant Secretary, Mr. Richardson, of what would be required or what was expected of the officers in connection with this business.

Q. What did Mr. Simmons represent to you as being required?

A. I asked him what the idea was in reference to this new way of doing the work, and he said that Mr. Richardson had told him that the officers would be called upon to assist Mr. Sanborn, and that it was a matter in which the Internal Revenue Bureau had no particular concern. I asked him if reports would be required to the Commissioner of Internal Revenue, and he said they would not; that when examination was made and taxes were found to be due, the manner of transmitting them should be by draft payable to the order of the Secretary of the Treasury.

Q. And on that, and that alone, you felt authorized to collect for Mr. Sanborn any claims he reported to you?

A. I felt authorized to collect taxes and forward them to the Secretary. What Sanborn's interest in them was I was not advised particularly.

This being entirely satisfactory to Hawley, he was willing and ready for himself and for his clerks to do Sanborn's bidding. The services of Mr. Bliss, who received a salary of $6,000 a year from the Government, and in addition a commission of 2 per cent. upon all moneys collected in cases where suit was brought, were invaluable and to be secured. Sanborn thereupon waited on him and stated his wants, whereupon Mr. Bliss wrote two letters to the Solicitor of the Treasury, which I shall read:

OFFICE OF THE DISTRICT ATTORNEY OF THE UNITED STATES
FOR THE SOUTHERN DISTRICT OF NEW YORK,
New York, February 15, 1873.

DEAR SIR: Application is made to me to take some action under the contract existing between the Treasury Department and Mr. J. D. Sanborn. I would be pleased to receive a copy of that contract, and also to be informed whether, in case Mr. Sanborn requests the commencement of suits and I am satisfied that a proper case for a suit exists, I am authorized to commence the same without communicating with your Department or the Commissioner of Internal Revenue, or whether I shall communicate with one or the other of these departments before acting upon Mr. Sanborn's recommendation.

Very respectfully, your obedient servant,

GEO. BLISS, JR.,
United States Attorney.

Hon. E. C. BANFIELD.
Solicitor of the Treasury.

OFFICE OF THE DISTRICT ATTORNEY OF THE UNITED STATES
FOR THE SOUTHERN DISTRICT OF NEW YORK,
New York, February 26, 1873.

SIR: Permit me to call your attention to my letter of the 15th instant, requesting to be furnished with a copy of the contract of Mr. John D. Sanborn. As he is pressing me to take action in connection with it, and as delay on my part may be injurious to him and to the Government, I respectfully request that the copy may be at once furnished me.

I have received from Mr. Sanborn a very long list of persons in this city who are alleged not to have paid the legacy or succession tax, which they as executors or administrators were bound to pay. Mr. Sanborn has requested me to transmit a copy of the list to the supervisor of internal revenue for this district, in order that he may understand that the matters are in my hands for suit and collection. The object of this request is that the supervisor may direct the assessors and collectors not to take any proceedings to collect the money so alleged to be withheld from the Government. I desire to be informed as to the wishes of the Department in this respect. Unless suit is actually commenced by me at the outset in these cases, parties notified by me will naturally apply to the assessor, make their return, and pay their tax in the ordinary course; and Mr. Sanborn seems apprehensive that under these circumstances he will fail to receive that proportion of the amount collected which he represents that he is entitled to under his contract. It is, therefore, important that the Department should give some direction upon the following points:

First. May I commence suit when requested to do so by Mr. Sanborn in cases falling within his contract, if in my opinion good ground therefor exists?

Second. May I enforce the collection of penalties for failure to pay?

Third. Is notice to be given to the internal-revenue officers that such suits have been commenced, in order that they may not thereafter receive the amount due, without reference to the pendency of the suit?

Fourth. If in cases which seem to me proper, instead of commencing a suit I issue a notice, what course shall be pursued with reference to the payment of the amount due?

Very respectfully, your obedient servant,

GEO. BLISS, JR.,
United States Attorney.

Hon. E. C. BANFIELD,
Solicitor of the Treasury.

To which letters in due time the following answer was made:

DEPARTMENT OF JUSTICE,
OFFICE OF THE SOLICITOR OF THE TREASURY,
Washington, D. C., March 27, 1873.

SIR: In reply to your lettter of the 15th and 26th ultimo, making certain inquiries in relation to the contract existing between the Treasury Department and Mr. J. D. Sanborn, I have to say:

First. That you are hereby authorized to institute suit in any case presented to you by Mr. Sanborn arising under his contract, when, in your opinion, the facts presented justify the institution of suit.

Second. I doubt the expediency of enforcing the payment of penalties for failure to pay the tax to which you particularly refer, to wit, legacy and succession taxes.

Third. It is proper that notice should be given to the collectors not to receive payment in cases embraced in Mr. Sanborn's contract, it being understood that his contract relates to claims which are not of record in any of the collectors' offices.

Fourth. The contract provides that payment shall be made of the entire amount collected to the Secretary of the Treasury, who pays out of the same the amount due to Mr. Sanborn. You will, therefore, hand over all sums received by you, whether received on suit, by compromise, or voluntary payment to Mr. Sanborn, who is accountable to the Secretary of the Treasury.

I have verbally requested Mr. Sanborn to cause copies of his contract to be made for your use.

I am, very respectfully,

E. C. BANFIELD,
Solicitor of Treasury.

GEORGE BLISS, Jr.,
United States Attorney, New York.

By these orders, verbal instructions, and letters of the Treasury Department, the whole machinery of the Internal Revenue and Law Departments of the Government was placed at the absolute command of Sanborn to effect his purposes. How diligently, effectively, and profitably (for Sanborn) they "plied their vocations" may be judged of by the amounts collected. Mr. Bliss testifies that his commissions of 5 per cent. on those coming from taxes imposed upon legacies, successions, and incomes alone amounted up to January 1, 1874, to $3,300; therefore the gross amount collected from this source must have been $65,000.

Had Hawley examined the books of his office he doubtless would there have found one provided by the Bureau of Internal Revenue in 1866, in which was ordered to be kept, and unquestionably was kept, the name of every estate from which taxes on legacies and succes-

sions were due. That the book was there, and that these records were kept in it, is proved by the intimate knowledge of Coughlin, who had been an assistant assessor in the office at New York up to May, 1873, with the subject generally, and particularly with the estate of the late Mr. John J. Phelps, of that city.

There was no *sufficient* inducement, however, for Mr. Supervisor Hawley or his assistants to collect these taxes until Sanborn appeared in the district with his 50 per cent. contract and the orders of the Secretary. It is true that under them the Government would only receive one-half the amount collected, yet Sanborn would receive the other. He was a liberal employer, as is shown by his paying Coughlin 12½ per cent. on collections made by him, and Bliss 5 per cent., without even bringing a suit in any case, upon the whole amount. It would not have been profitable for Mr. Bliss to have instituted a suit in any case, as then he could have taken but 2 per cent. Sanborn paid him better wages for less work. It is not a violent presumption to assume that he would pay others at the same rate he paid Coughlin for similar services, but this is virtuously and indignantly denied, yet the extreme diligence and activity of Hawley and his subordinates, when one-half of the amount collected was to go to Sanborn, as compared with their inactivity and lack of vigilance when the whole sum collected would have gone into the Treasury is not altogether inexplicable.

How much was collected by these confederates from individuals and firms charged with the evasion of laws and frauds upon the laws for the collection of internal revenue upon spirituous and fermented liquors, &c., I have not time particularly to inquire. They did not, however, confine their rapacity to cases included in Sanborn's original contract and the first amendment to it of October 30, 1872, for on the 28th of April, 1873, there was placed in the Treasury the sum of $2,202.71 taxes collected by them from the Buffalo, New York and Erie Railroad Company, and on the 1st day of July, 1873, the Delaware and Hudson Canal Company sent their check to the Treasury for $9,668. The one-half of both these amounts was paid to Sanborn. Neither of these cases was included in his contracts, yet on them he claimed 50 per cent., alleging they were covered by his amended contract of October 30, 1872; and, as I have said, it was paid by the Treasury. An examination of his amended contract of October 30 will show that not a railroad company is named in it. Either the chief officials of the Treasury Department knew they were not embraced therein and were thus direct participants in these clear and undoubted cases of robbery, or they neglected and failed to make the simple examination required, which would have shown the fact that they were not included, thus convicting themselves of gross negligence and incapacity. Who will hesitate to say it was not something more and worse?

Having thus tasted of railroad blood, Sanborn and his gang determined to further pursue them, and on the 7th day of July, 1873, he filed with the Secretary of the Treasury that list of five hundred and ninety-three railroad companies, to which I have before referred, and had it made part of his original contract. I have already narrated the circumstances under which this was done, and that it included the names of companies which had never built a mile of road or created a dollar of indebtedness, although Sanborn testified they were all indebted to the Government for taxes on dividends and interest paid on bonds, which they withheld and refused to pay. I have now to add that in addition to this wholesale perjury, he was guilty of distinct, willful, and specific perjury in this: that in the list thus filed and sworn to by him on the 7th day of July, 1873, was included the Delaware and Hudson Canal Company; although Sanborn on the very day he made oath to the list, to wit, on the 1st day of July 1873, wrote a letter to the Secretary of the Treasury stating that the company had on that day paid to him the sum of $9,668, being the full amount due the Government as interest or other causes! It is admitted that on that day he had no right to collect or receive it, and that he demanded it, or his agents did for him, without shadow of authority, in order that the Treasury might be defrauded of one-half of it. It was paid, and he knew it when he swore to and filed the general list, considering perjury of little consequence so that it filled his purse.

Time will not permit me to examine their proceedings generally with reference to railroad companies. The case of the Delaware, Lackawanna and Western Railroad Company will serve as an illustration.

That this company was largely indebted to the Government was well known to the revenue officers in New York from the year 1869 to the time of settlement. The reason why this company did not pay was, that owing to the conflicting decisions of the then Commissioner of the Internal Revenue, General Pleasonton, it was impossible to determine the amount. Being thus known and of record in the revenue office, it was excluded from the contract between Sanborn and the Treasury Department. The probable amount due was well and generally known to be about $100,000. The company was willing and ready at all times to pay when the amount due was ascertained and asked for. There was no special incentive for Mr. Supervisor Hawley to cause the collection to be made. He was working at a fixed salary and cared little for extra labor. When it became possible to have this case included in Sanborn's contract all was quickly changed. He became sensitively alive to the vast importance of settling the amount due and collecting it. Suddenly it became vastly more important that the Government should receive $50,000 than it had ever been before the making of the Sanborn contract that it should get $100,000, which Hawley might have received at any time had he attended to his duty.

The first general order of Secretary BOUTWELL to supervisors and collectors, dated the 3d of February, 1873, under which Hawley and his subordinates had heretofore been doing Sanborn's bidding, was scarcely broad enough in its terms to embrace this case. By it they were directed to assist him in the examination of the records; just what Hawley did not desire to do in this particular case, since it was there of record, and hence Sanborn could not lay his hands on it. This was embarrassing; it was to be a clear loss to Sanborn and his confederates if the first order was obeyed. But Sanborn, being from Massachusetts, was equal to the emergency. Were not Messrs. BOUTWELL, Richardson, Sawyer, and Banfield all from the same State, and all his fast friends? Did not and would not Mr. Secretary Richardson sign any and everything "by way of routine" which was ever presented to him; so what more easy or natural than to obtain a new order which would cover this rich prize, not into the national Treasury, but into the capacious pocket of John D.Sanborn! It was had for the asking; and here it is:

TREASURY DEPARTMENT,
Washington, D. C., October 15, 1873.

To Supervisors and Collectors of Internal Revenue:

You are requested to assist John D. Sanborn, of Boston, in the examination of such cases of alleged violations of the internal-revenue laws as he may ask for your co-operation.

Mr. Sanborn is acting under an appointment from the Treasury Department, and may need some aid and information from your district for the purpose of verifying his claims.

Please render him such assistance as he requires.

Very respectfully,

W. A. RICHARDSON,
Secretary of the Treasury.

Mark the great and cunningly devised change. Under the order of Mr. BOUTWELL, of February 3, 1873, supervisors and collectors of internal revenue were to assist Sanborn in the examination of *official records* in cases of alleged violation of the internal-revenue laws. Under this order of Mr. Secretary Richardson they were no longer confined to the official records, but were to assist Sanborn in the examination of *such cases* of alleged violations of the internal-revenue laws as he might ask their co-operation in.

This order covered every imaginable case; and immediately after it was issued Hawley, the supervisor, Stowe, the clerk, and Alden, the detective, proceeded to business, and within fourteen days from its date settled the account with the Delaware, Lackawanna and Western Company, agreeing on $99,685.24 as the amount due the Government.

Mr. Odell, the treasurer of the company, testifies that the settlement was made on the 28th day of October, 1873; "that he never knew or heard of Sanborn in the case; that they settled directly with the officers of the Government; that the final settlement was made with Mr. Hawley, and that it was a pleasant and an amicable settlement." The company contended that the delay in settlement having been caused by the conflicting decisions of the Commissioner of Internal Revenue, General Pleasonton, they were not in fault, and on the next day, October 29, it was agreed that for the convenience of the company the payment should be postponed until the 5th day of January, 1874, on which day Mr. Odell, the treasurer, deposited the whole amount in a New York bank, and on the 6th of January sent his check, No. 23332, payable to the order of Mr. Richardson, Secretary of the Treasury, for $99,685.24, in full settlement.

This check reached the Secretary, by mail, on the 7th of January, and on the very next day, January 8, Sanborn, who was in New York, writes to the Secretary that Mr. Odell, the treasurer of the Delaware, Lackawanna and Western Railroad Company, had paid to him the sum of $99,685.24, and had sent his check, No. 23332, for the amount. As Mr. Odell signed and mailed the check himself, and as no other person in New York knew of his having done so save Mr. Sloan, the then president of the company, he was naturally astounded that Sanborn, who was also in New York, but whom he had never seen or heard of in the transaction, should have known that he had drawn the check, had mailed it to the Secretary of the Treasury, and that it was for $99,685.24, and that its number was "23332," all this knowledge having been gathered within twenty-four hours by the mysterious Mr. Sanborn! There is but one key to the mystery, which is that Sanborn had his confederates in Washington as well as in New York; and if they served him for less wages than 12½ per cent., his usual price for such services, he was neither just nor liberal.

The leading Treasury officials here were both careful and solicitous that by no possibility should Sanborn be deprived of his 50 per cent. of this large sum, notwithstanding the fact that it was a matter of record that the sum was due the Government long before the contract was made with Sanborn; that he did nothing and was never known in its settlement and collection, which were made by the revenue officers in New York, and that, too, in the very office of the Government in that city. So determined were they that there should be no mistake, that on the 10th of January the check for the whole sum was handed to Sanborn, and by him deposited in this city to the credit of the Secretary of the Treasury. To save appearances Mr. Assistant Secretary Sawyer on the same day referred the matter to Mr. Solicitor Banfield for an expression of his views as to the propriety of paying one-half of it to Sanborn. This was a work of supererogation, as

Sanborn testifies and as the evidence shows that no claim of his was ever disallowed whether it was in his contract or not. On the 26th of January, 1874, Mr. Banfield filed one of his stereotyped opinions, and on it Sanborn received a draft for $49,482.62, and thus the infamy was consummated, this enormous sum being paid in a case which was of record, which the revenue officers at New York could have collected at any time by asking for it, and which they, and they alone, did finally settle and collect without the aid or assistance of Sanborn in any way or manner, but they did not do it until they knew that Sanborn would receive, by and through the connivance of the Treasury officials at Washington, nearly $50,000 of the amount and the Government be defrauded of a like sum.

Did my time permit it would be both useful and instructive to track Sanborn in his other operations under the contract in the city of New York. His relations with a lawyer named A. Goodrich Fay are suggestive. This individual seems to have been chiefly useful to Sanborn in extorting money from unfortunates indicted for violating the revenue laws relating to the manufacture and sale of liquors, one of whom he coolly fleeced to the extent of $3,000, paying to the Government one thousand by way of settlement, although the United States district attorney, Judge Davis, testifies that "he thinks it very doubtful whether sufficient can be shown to satisfy a jury as to criminal intent," and keeping two thousand for himself, (and Sanborn?) although it does not appear that he ever rendered any other service than to suggest and have the settlement made. Sanborn was careful to get his "pound of flesh" out of the $1,000 paid to the Government.

This Fay is the same person who, at the sole suggestion and request of Sanborn, was here at Washington created a Treasury agent, or more technically "detective," and as such went to Europe, traveling about in princely style for a short time at a cost of over $3,000 to the Government, getting up evidence in cases embraced in Sanborn's contracts. His monthly accounts with the items of his expenses would be illustrative of the luxurious habits of "Treasury detectives." After reading the evidence touching him and his practices, the suggestion arises that hereafter he should be named "A Culprit," instead of A. Goodrich Fay. It would more fittingly designate him.

John D. Coughlin, too, who so cleverly hoodwinked the executor of the estate of the late Mr. J. J. Phelps and induced him to pay nearly $15,000 for Sanborn's benefit, when he innocently and naturally thought he was paying it into the Treasury, is an instructive study. His adroitness in this case shows him to be the equal of his master, Sanborn, in all the qualities of a detective, and on the score of economy it is to be deplored that the Government refused his offer made in the spring of 1873, to make all collections in cases such as were embraced in Sanborn's contracts for the relatively low price of 15 per cent. It is true he was not from Massachusetts, it is unfortunate he had no personal relations with Messrs. BOUTWELL, Richardson, Sawyer, or Banfield, had it been otherwise his application might have received at least the courtesy of an answer, which it did not; still he had qualifications for the place; he had been in the internal-revenue service for years, knew all about legacies and successions, and his entire success in the Phelps case demonstrates his great capacity. The testimony of the gentleman from New Jersey [Hon. W. W. PHELPS] would seem slightly to indicate that his veracity might possibly be questioned under certain circumstances, but even in mendacity he is not greatly the inferior of Sanborn. Why his services at 15 per cent. for the same purposes were rejected, and those of Sanborn at 50 per cent. were accepted and retained, is one of the many mysteries of this case. Time may solve it; the report of the committee fails to do so.

However loth to do so, I am compelled to quit New York and follow Sanborn to other scenes—to Philadelphia and Washington.

In the former city his efforts were abortive, made so for the reason that there chances to be in that revenue district a supervisor who not only understands his whole duty, but who has the courage and honesty to perform it. Sanborn engaged the services of an agent, and through him was preparing to engage in operations similar to those described in Boston and New York, but the officers of the revenue were met by the stern veto of Mr. Supervisor Tutton, forbidding them to render any assistance to contractors under the enactment of May 8, 1872. In his district taxes of every description were of record in the offices of the supervisor and collector, and by his vigilance and integrity his district was spared the degradation of being ravished and robbed for the benefit of John D. Sanborn. I know Mr. Tutton personally and well; for years he was the revenue assessor of my own district in Pennsylvania, and his whole conduct in this matter is in strict accordance with my high estimate of his character as an officer and a gentleman.

In Washington Sanborn organized his forces and machinery to make his raid on the Western States, and for that purpose engaged the services of one Otis F. Presbrey, who had been in the revenue service from 1862 down to 1872, and of Frank M. Green, who had entered the same service in 1869 as clerk to Presbrey, who was then supervisor at Richmond, Virginia. He came to this city in 1870 and acted as assistant assessor of the District for five months. These gentlemen were law partners when Sanborn engaged their services. In order to gain them credence in their proposed excursion westward each obtained in some mysterious manner, either through some friend of his inside or outside the Treasury, a quasi commission from Secretary Richardson. It is in the following language:

TREASURY DEPARTMENT,
Washington, D. C., June 3, 1873.

SIR: You are requested to assist Frank M. Green, esq., who has been employed to assist in collecting claims in favor of the United States for internal-revenue taxes which have been withheld, in the examination of official records, and by allowing him to make examination of the same in such cases as he may call upon you for assistance.

Very respectfully,

WM. A. RICHARDSON.

To the SUPERVISORS AND COLLECTORS OF INTERNAL REVENUE.

Armed with this missive, which Green candidly testifies he knew conferred no authority whatever, they departed for the scene of their operations, claiming under it everywhere that they were special agents of the Treasury Department, and by virtue of it obtaining permission to examine all books, papers, and documents in every revenue office they entered. Under it in one case, that of the Indianapolis and Saint Louis Railroad Company, Green collected $6,090, representing in addition that the Commissioner of Internal Revenue, Mr. Douglass, had examined the list, ascertained the delinquency, and sent him out to collect the money. This was undoubtedly a case of record, and the money should have been paid to the collector, yet it was grabbed by Green for Sanborn, who on the 3d of February of this year received his one-half of it, to wit, $3,045.

Green testifies that under this "commission" they collected about $132,000, of which Sanborn received 50 per cent., or $66,000, and he and his partner, Presbrey, were paid at the rate of 25 per cent. on their collections, or, say, $33,000. How much more these industrious and well-paid gentlemen would have collected for themselves, Sanborn, and the Government, it is difficult to estimate. They were in the full tide of success when, unfortunately for them and him but fortunately for the Government, this investigation was instituted. Green was at Indianapolis when the news of the proceedings here reached that city. How he was affected by it and what he said and did when confronted by his crime is so graphically narrated under oath by Mr. King, who is deputy collector at Indianapolis, that I will read it:

Mr. Green remained there several days, and while he was there the first knowledge or intimation which was had that he was anything else than what he said (a special agent of the Treasury Department) was in the newspaper dispatches in reference to the Sanborn contract business. He was in the office the day that these dispatches were first published, and I talked to him about the matter at once, as soon as he came in. He denied emphatically that there was any such contract as the dispatch stated, by which Sanborn was to collect delinquent taxes and to get 50 per cent. on the amount. I told him I thought the statement came very straight. The dispatches said that the matter had been reported by Mr. BECK and Mr. FOSTER, a sub-committee of the Committee on Ways and Means, the committee which had charge of the Internal Revenue Department, and they gave his name as one of the parties who were interested. He said that Mr. BECK and Mr. FOSTER never made any such report, and never would make such a report; that there was not any truth in it; that he was not the Mr. Green who was spoken of there at all; and denied it as emphatically as he could; so that I almost felt ashamed of myself for insinuating anything different, and I let the matter drop.

Had his immediate fate been that of Ananias and Sapphira it would have been as fitting and deserved!

From the evidence it is shown that the whole amount collected under the Sanborn contracts is $427,036.49, of which sum he has been paid 50 per cent., or $213,518.24.

I have thus endeavored, Mr. Speaker, very hurriedly I know, and most imperfectly I fear, to track this man John D. Sanborn and his confederates in office and out in the different fields of their operations.

Those who would know of them with greater accuracy and particularity must read the evidence accompanying the report. It is proof positive of such villainy, corruption, and fraud on the part of some, and of such imbecility and incapacity on the part of others, who by their high official positions were made the sworn guardians of the rights and interests of the Government and therefore of the people, as have never before in my judgment disgraced and dishonored any administration.

The relation which the Secretary of the Treasury bears to the whole transaction, as shown by the testimony of others and as admitted by himself, is unfortunate, humiliating, and indeed pitiable. His only excuse for the crimes and wrongs committed under these contracts and his own orders is that of total, absolute, helpless ignorance of everything which has ever been done by him or through him in relation to this matter. Had he been a child unborn he could scarcely have known less. He admits and pleads ignorance. I charge incapacity and imbecility. He doubtless would be shocked by a charge of corruption. I assert that he who permits crime to be committed when he has the power and it is his sworn duty to prevent it is not free from gravest censure.

What, sir, is or rather should be the Secretary of the Treasury? The great husbandman of this land; with brain big enough, will strong enough, and powers so developed and matured as to fit him to garner the vast resources of the Republic, that they may be used for its growth, its comfort, its honor, and its glory.

Who may dare assert that he who now holds that high place has ever exhibited a quality or done an act tending to any one of these ends?

During the great financial storm of last year which swept over the land and shook it to its very center, what words of cheer, of counsel, or advice were heard from that source? And even now when all around us are the evidences of its wrath, he moves on in his imbecility, making no sign whereby the pathway to financial prosperity may be regained.

O, sir, when I think of the great office and of its vast powers and responsibilities, when I remember that of the Great Dead it was first held by Hamilton, of whom Webster has said immortally that "he

smote the rock of the national resources and abundant streams of revenue gushed forth; he touched the dead corpse of the Public Credit and it sprang into life;" and last by Chase, who during the dark night of civil war moved a very pillar of fire, I am forced to exclaim that the place once held by giants now serves as the hiding-place of a pigmy!

For Mr. Sawyer, his assistant, and Mr. Banfield, his solicitor, even the poor excuse of ignorance and imbecility is wanting. That there is crime and guilt and outrage and wrong they both admit; and the chief endeavor of each is, as the testimony clearly and painfully shows, to fasten them on the other. For myself and for all others I doubt not who have read and weighed the testimony, the decision is easily made—they are both alike guilty, there being no appreciable difference in favor of either.

In conclusion, sir, for myself, for those whom I have the honor immediately to represent, and I will venture to say for all honest men everywhere, of every political creed, I have to thank the Committee on Ways and Means, and each and every member of it, for the manner in which they have probed this festering sore to its very quick. Their burning words of censure and condemnation are of blistering force and will brand the guilty for all the years to come. I could have wished they had felt themselves justified in going just one step farther—that is, to have recommended their impeachment. That this House, when the evidence was heard, would have ordered the charges to have been presented to the Senate, and that conviction would have surely followed, I do not doubt. Thus the almost unanimous wish of this House as expressed by the unanimous report of its committee would have been accomplished, and the universal prayer of the people, as it comes up to us through the press and other sources, would have been heard and granted. Being removed from office by impeachment, they would have been rendered forever incapable of again abusing and betraying high trusts and responsibilities.

That the President should so stubbornly resist this united demand of the whole people it is difficult to understand. He is not always so defiant in attitude when a demand for a removal comes from a particular and proper quarter, for within a few hours, without word or warning, when in the witness-box attempting to tell and explain the whole truth, where he needed the sympathy and support of all who desire fair and honest dealing, a member of the board of public works in this District was stricken down by a blow and his head cast into the basket.

Is his fate to be a warning to others who may err in the same direction, or will the President, when called upon by the whole people, decapitate those who are shown to be unfit and unworthy?

Were I his personal or political friend I would urge him so to act that his own good name might not be tarnished and his high place be brought into discredit and dishonor by his seeming willingness not alone to screen, but also to defend and uphold, those who have forfeited the confidence and respect of the whole people.

But, sir, this question is not to be finally decided either here or now. There is another and a more august tribunal, made up of the honest men of every political faith, before which and by which these cases will be tried and decided. I have yet to learn that they will uphold crime or shield its defenders.

Development of the Resources of the Country.

SPEECH OF HON. JAMES S. BIERY,

OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

June 9, 1874,

The House being in Committee of the Whole, and having under consideration the substitute for the bill (H. R. No. 1246) to establish at the seat of Government a Department of Manufacture and Mining, and for other purposes—

Mr. BIERY said:

Mr. CHAIRMAN: On January 19 last I introduced a bill for the establishment of a Department of Manufacture and Mining. Being referred to the Committee on Manufactures, the following substitute has been agreed upon by that committee:

A bill to extend and prescribe the duties of the Chief of the Bureau of Statistics.

Be it enacted, &c., That the officer in charge of the Bureau of Statistics, in the Treasury Department, shall be known as the Chief of the Bureau of Statistics, and shall perform all the duties, exercise all the powers, receive the same salary, and be entitled to all the privileges conferred on the director of said Bureau as provided by the thirteenth section of the act approved July 28, 1866, entitled "An act to protect the revenues, and for other purposes."

SEC. 2. That in addition to the duties of the officer in charge of the Bureau of Statistics, in the Treasury Department, prescribed by the thirteenth section of said act, it shall be the further duty of said chief, under the direction of the Secretary of the Treasury, to prepare and submit annually to Congress a statement of the rates of wages paid to workmen employed in the leading industries of the several States, the wholesale prices of leading articles of merchandise in the principal markets of the country, and the prices of the principal articles of subsistence and domestic use, including house rent, together with similar information in regard to the same industries and articles in other countries so far as practicable; and it shall be the further duty of said officer, annually, to collect, digest, and arrange, for the use of Congress, the statistics of the railroad and canal companies of the United States, showing, respectively, the quantity and kind of freight transported and the number of passengers carried during the year, the casualties occurring to passengers and employés, separately, and all such other information concerning said railroad and canal companies as will present a full exhibit of their condition and operation.

SEC. 3. That in collecting statistics concerning the sources of raw material, as directed in said act of July 28, 1866, the said chief shall embrace all kinds of raw material, whether of a vegetable, mineral, or animal character, distinguishing between foreign and domestic; and the statistics relating to the exchanges with the producing regions of the country as designated in said last-mentioned act shall comprise and include statistics of commodities transported to and from regions producing raw material as aforesaid, embracing both manufactured goods and raw materials entering into the same, and also the cost of transportation.

SEC. 4. That it shall be the further duty of said chief to collect, digest, and arrange, for the use of Congress, so far as may be practicable, the statistics of the trade between the several States and Territories of the United States, exhibiting separately the quantities, value, and kind of freight transported over railroads, canals, lakes, and rivers, and also by sea coastwise. And the expenditures necessarily incurred by the Bureau in obtaining and preparing for Congress the statistics contemplated by this act shall be defrayed, on the order and approval of the Secretary of the Treasury, out of any money in the Treasury not otherwise appropriated, the sum not to exceed, during any year, $10,000 in addition to the allowance now made for the expenses of said Bureau, and all laws and part of laws inconsistent herewith are hereby repealed.

SEC. 5. That the sum or $10,000 is hereby appropriated from the Treasury of the United States for the purposes herein named for the fiscal year ending June 30, 1875.

In addition to the collection and convenient arrangement of valuable statistics touching the mining and manufacturing industries of this country, it seemed to me to be desirable that a Bureau should be organized which should exercise a fostering care over the mining and manufacturing industries of the nation. Upon careful examination and due reflection, however, as to the amount of expense which such a department would entail, and in view of the necessity of the strictest economy in our public expenditures, it appeared to be at present an impracticable though not unimportant proposition. That there should be some means provided calculated to aid in the satisfactory adjustment of the conflicting views and claims of the different sections of this broad land concerning the subjects of tariff, free trade, capital and labor, transportation, and other matters entering into the development of our varied resources as a nation, and exercise a watchful care over our mining and manufacturing industries, there can be no doubt. But for the present, and until such time when we shall be able to bear the expense better than now, it is proposed simply to extend and more clearly define the duties of the officer in charge of the Bureau of Statistics, which would very materially aid us in this direction.

The act of July 28, 1866, which established this Bureau, and in the thirteenth section prescribes the duties of its head, says:

It shall be the further duty of said director—

That being then the name of its chief officer—

to collect, digest, and arrange for the use of Congress, the statistics of the manufactures of the United States, their localities, sources of raw material, markets, exchanges with the producing regions of the country, &c.

By consultation with the present efficient officer at the head of this Bureau, I am informed that in attempting to execute this law it is found to lack perspicuity. "Raw material"—what is meant by this phrase as it it stands in the act? Shall it comprise only the natural ores in the mine, the timber in the forest, the cotton on the tree, the grain in the sack, and the cane in the brake; or shall it include also materials which have undergone processes of manufacture to some extent, but enter into other manufactures as raw material, such as pig-iron, steel, cotton in the shape of yarn, &c.? These may be manufactures in one locality, but really are raw materials in another. If the designation of "raw material" is uncertain, how much more uncertain under these circumstances must be the "sources of raw material?" In addition to these uncertainties, the act of 1866 is entirely silent as to whether any notice shall be taken distinguishing between raw material imported from foreign countries and that produced in our own country. To render this part of the law more explicit, the proposed bill provides in section 3 that all kinds of raw material shall be embraced, whether of a vegetable, mineral, or animal character, and that the foreign shall be distinguished from the domestic.

Raw materials and their sources being clearly defined, the exchanges with the producing regions which are required to be reported by the act of 1866 will become very clear as to its meaning, especially when this bill in the same section provides that—

The statistics relating to the exchanges with the producing regions of the country as designated in said * * * act shall comprise and include statistics of commodities transported to and from regions producing raw materials entering into the same, and also the cost of transportation.

The provision of the present law governing expenses is that "the expenses of the Bureau of Statistics for clerical service, publication of reports, stationery, books, and statistical periodicals and papers required by the Bureau, shall be defrayed," &c., thus limiting and specifying the particular items of expense to be paid. This was all well enough so long as the Government had in office thousands of vigilant revenue assessors all over the land, who had power and authority to pry into the very minutest details of every species of employment and investment of capital, especially during the time when the income tax was in force; but now that such aid is denied the officer at the head of this Bureau, he must either obtain his data by personal solicitation, as much as his time will allow, incurring expense of travel, or leave the facts ungathered and his report incomplete and unreliable; and yet the present law does not allow one cent for necessary expenditures in collecting data. For this defect and to pay the additional expense of printing it is proposed to allow the payment of necessary expenditures not to exceed $10,000 per year, which the Chief of the Bureau says is sufficient.

One more point in respect to the modification which this bill pro-

poses to effect in the existing law, and I shall proceed to discuss matters incident to the development of our resources, to aid which is the purpose of this bill.

The act of 1866 having designated the chief officer in charge of this Bureau "director," and put his salary at $3,500, the act of July 20, 1868, abolished the office of Director of the Bureau of Statistics, and transferred its duties to the special commissioner of the revenue. Since that the officer in charge of this Bureau has been without legal name, though he is popularly known as Chief of the Bureau of Statistics, and his salary has been cut down to $2,500. The director had the important duty to perform of keeping the registry and numbering of American vessels, and no ship could leave port without first obtaining its number from him. Since the abolition of the office of director, the Chief of the Bureau of Statistics has been performing this duty of the office also, although no law exists whereby he could be compelled to do it.

I submit that with the additional duties with which this bill proposes to charge this office his salary should be put as high at least as was that of the director, and this the first section of the bill proposes to do. I wish to say that in my opinion there is no Government employé in the city of Washington who is paid so small a salary for the invaluable service which this officer renders as is he. With the extra labor which he is now performing in order to obtain reliable statistics he ought to have $3,500 per year.

No doubt objection will be made to this bill both on the ground of its provision to appropriate money and on the ground that it seeks to pry into men's private business. Nothing could be more foreign to its purpose than the latter. No power is given the chief to send for persons and papers, nor indeed is any one compelled to divulge his business secrets to him unless he voluntarily chooses to do so, and this is the course suggested by that officer. Under this bill much valuable information will be collected respecting the localities, magnitude, quality, and accessibility of our mineral deposits, and some approximation will be arrived at what it costs us annually for their transportation more than we should pay. So with agricultural products, including timber and lumber. Statistics relating to the importation and place of production of hides, tallow, and horns, peltry and furs, and the cost of their transportation will begathered, showing in what state of preparation for man's use they are shipped. Certainly no one having at heart the highest good for the greatest number can object to a project aiming at such valuable results.

Just at this time authentic figures on this subject are eagerly sought after. The mode of transporting to market at the cheapest possible rates southern and western produce has become a great national question, and calls for wise and judicious legislation. Both those sections of our country have such a predominant production of raw material, which is consumed by other sections of our own nation and by other peoples, and the distance of the transportation of these materials has become so great and the mode of carrying them so expensive, that after paying the public carrier very little of their value remains to remunerate the producer for his toil and capital invested. In speaking of the produce of the Western States, I beg to refer to the statement of Mr. Grosvenor, of Saint Louis, as contained in the report of the sixth annual meeting of the National Board of Trade, held in Chicago in October, 1873, page 111. He says:

Gentlemen, the topic before us concerns a surplus of agricultural products in the interior States demanded for consumption by the people of the sea-board and of other countries. The interior eleven States—the States of the Mississippi Valley—embracing 1,100,000 square miles and a population already of 18,300,000—well-nigh half of the whole population of the United States—and 44,000,000 acres of farming lands, producing in the aggregate, 1,000,000,000 bushels of cereals each year, the surplus of which exceeds 300,000,000 bushels, and exceeds in tonnage 8,000,000 tons. The movement of that surplus toward the consumer is the problem of the age for this country. It is a problem, the solution of which can no longer be deferred. The events of this very month force upon us the understanding of the fact that the interest of the people of the Northwest must at last be considered.

And further on, on the same page, he says:

Mr. President and gentlemen, the time has come when every business man and every capitalist, every manufacturer, as well as every producer in this country, must realize that this, if it ever was, is no longer a local question. It is a question which affects directly nearly one-half of the whole people of the United States as producers. It also equally affects the other half, the people of the sea-board States, the manufacturers, and their employés, first as consumers of the products, and next by reason of the fact that prosperous agricultural communities can and will consume the more largely of the products of the manufacturing States. The moment that agriculture in these Western States is depressed, that moment you find the products of the manufacturing States are consumed in a smaller measure; that moment the investment of capital in all manufacturing becomes less profitable; that moment the investment of capital in all the railway enterprises of the country becomes less profitable; that moment distress seizes capital, and all the business interests in the country begin to feel the blow.

If the production of agricultural commodities were the only capability of this great internal region, and the question presented itself nakedly whether it should be transported in a raw state to Eastern and European markets or remain a drug on the hands of the producer, then it would be most inexcusable indeed to defer for one day the most ample provision for the cheapest possible transportation of this produce. And notwithstanding the suggestions which I may make as I proceed in my remarks, there is no doubt but that, in order to bring to market at as cheap a rate as possible the marketable produce of every description of this great inland country, the most practicable and speedy means should be provided.

But as our western domain is blessed not only with fabulous agricultural capabilities, but also with the most famous deposits of minerals, such as the iron and copper mines of Northern Michigan; Pilot Knob and Iron Mountain in Missouri; the lead mines of Galena, Illinois; the block coal of Indiana; the great breadth of other mineral lands all over the Mississippi Valley, less known to fame: and, in addition to these, can proudly boast of dense forests of all the useful kinds of timber, and having a net-work of railroads and navigable streams affording the most ample means of shipment, it seems to me that no land on earth is so well calculated to manufacture its own raw material on the soil from which it is taken as is this locality. If the enterprise of its energetic inhabitants were to be turned in this direction a home market right at the door of the farmer would be assured, and instead of shipping his grain from twelve hundred to fifteen hundred miles eastward on rail, and then three thousand miles across the Atlantic Ocean, for the purpose of feeding the man who makes his hoe, the husbandman would carry his grain on his own axle to the man who would be employed in the workshop, and save the enormous expense of transportation.

Sir, here is one of the greatest blunders which this country can possibly commit—the exportation of her raw material to England, three thousand miles removed from us, there to be manufactured into goods and retransported to us in the shape of goods and wares, compelling our people to bear transportation both ways and paying the manufacturer a handsome profit, while at the same time he is drawing from us largely the breadstuffs necessary to feed his operatives. Why ship our raw material across the sea to be turned into goods and wares for us? Why ship our grain there to feed the operatives? Is it cheaper for us to do this than to bring the operative into our midst and let him consume the same food here and give us the benefit of his labor?

The following table will show the amount of breadstuffs and raw material which were exported from the United States during the month ending January 31, 1873 and 1874, and the seven months ending 1873 and 1874, as shown by the monthly statistical report for January, 1874:

Domestic exports for the seven months ending January 31, 1874.

Commodities.	Quantities.				Values.			
	Month ending January 31—		Seven months ending January 31—		Month ending January 31—		Seven months ending January 31—	
	1874.	1873.	1874.	1873.	1874.	1873.	1874.	1873.
BREAD AND BREADSTUFFS:								
Barley.....bush..	2,276	12,127	292,373	334,566	$1,380	$6,533	$189,688	$213,984
Bread and biscuit.....lbs..	1,098,748	1,042,135	6,087,426	7,028,215	67,389	60,741	364,373	417,737
Indian corn.....bush..	1,728,740	2,232,356	18,249,094	26,708,563	1,401,635	1,451,440	11,216,994	16,573,787
Indian-corn meal.....bbls..	22,234	26,000	222,435	232,260	92,412	99,077	815,081	866,730
Oats.....bush..	24,740	13,189	529,311	305,219	15,262	8,791	226,272	117,783
Rye.....bush..	116,638	6	997,813	335,716	123,468	33	943,748	261,998
Rye-flour.....bbls..	21,451	497	56,055	4,891	133,882	3,063	367,044	27,247
Wheat.....bush..	5,924,792	3,118,307	45,823,549	25,933,768	8,772,184	3,910,489	64,583,298	33,300,373
Wheat-flour.....bbls..	345,659	195,070	2,336,487	1,546,010	2,584,165	1,475,607	16,743,221	11,528,234
Other small grain and pulse.....					53,627	39,016	271,190	240,037
Maizena, farina, and all other preparations of breadstuffs used as food.....					12,319	19,472	171,842	296,455
COTTON, AND MANUFACTURES OF:								
Sea-island.....lbs..	681,571	941,249	2,565,300	2,163,128	426,548	461,490	1,065,554	1,095,551
Other, manufactured.....lbs..	233,637,106	174,168,723	716,896,686	608,344,280	35,127,989	32,991,384	112,647,020	116,019,683
Colored.....yards..	387,464	189,939	2,235,547	1,952,769	56,366	35,030	352,761	331,654
Uncolored.....yards..	2,173,735	422,875	7,231,784	5,205,749	222,083	68,972	901,971	868,399

Domestic exports for the seven months ending January 31, 1874—Continued.

Commodities.	Quantities.				Values.			
	Month ending January 31—		Seven months ending January 31—		Month ending January 31—		Seven months ending January 31—	
	1874.	1873.	1874.	1873.	1874.	1873.	1874.	1873.
PROVISIONS:								
Bacon and hams.....lbs..	47,152,816	50,390,635	187,539,649	146,215,180	$4,294,331	$4,073,982	$17,967,237	$12,629,784
Beef.....lbs..	2,114,941	4,134,215	17,482,565	16,725,065	169,918	352,485	1,373,937	1,265,044
Butter.....lbs..	216,731	299,563	2,627,698	3,154,717	64,662	72,649	617,592	630,512
Cheese.....lbs..	3,344,807	2,057,590	64,995,913	52,717,159	436,100	266,681	8,279,536	6,696,586
Condensed milk.....					2,182	5,209	38,708	56,327
Eggs.....doz..	811	729	9,203	6,567	280	301	2,546	2,271
Fish, dried or smoked.....cwt..	13,837	8,856	76,368	68,965	66,767	40,949	363,062	337,091
Fish, fresh.....					4,000	.....	33,144	15,295
Fish, pickled.....bbls..	4,702	1,105	21,163	10,821	40,077	7,538	158,240	66,964
Fish, other, cured.....					43,609	13,051	644,265	377,055
Lard.....lbs..	18,520,676	27,733,339	115,026,432	120,990,067	1,686,869	2,446,385	10,275,724	11,129,954
Meats, preserved.....					110,128	56,233	496,275	297,580
Oysters.....					23,743	13,004	118,684	149,026
Pickles and sauces.....					355	638	5,612	7,811
Pork.....lbs..	7,760,925	5,564,762	40,111,364	33,787,771	630,001	448,453	3,314,931	2,490,920
Onions.....bush..	1,652	1,660	27,567	35,607	3,001	3,152	41,092	43,305
Potatoes.....bush..	42,848	35,521	390,212	368,352	40,220	38,382	354,877	349,835
Other vegetables.....					8,025	2,040	81,556	65,984
Vegetables, prepared or preserved.....					2,946	221	18,386	8,536
Tallow.....lbs..	8,490,849	7,123,099	58,452,641	39,864,356	664,548	612,675	4,712,578	3,583,056
TOBACCO, AND MANUFACTURES OF:								
Leaf.....lbs..	16,245,969	16,596,568	226,651,137	130,995,597	1,141,759	1,610,735	23,111,916	14,319,383
Shipped in cars and other land vehicles.....					108,188	542,043	4,114,592	4,933,435
Shipped in American vessels.....					18,911,359	11,923,555	95,622,429	96,351,526
Shipped in foreign vessels.....					52,738,603	54,800,023	296,591,349	262,159,522
Grand totals.....					71,758,150	67,265,621	396,328,370	363,444,483

And of all the domestic exports for that period over 250 per cent. was shipped in foreign vessels, as the foregoing table shows. During the same period the articles and quantities in the following table were imported, of which nearly 275 per cent. was carried in foreign vessels:

IMPORTS.

Commodities.	Quantities.				Values.			
	Month ending January 31—		Seven months ending January 31—		Month ending January 31—		Seven months ending January 31—	
	1874.	1873.	1874.	1873.	1874.	1873.	1874.	1873.
COTTON, MANUFACTURES OF:								
Bleached and unbleached.....sq. yards..	3,996,138	5,444,782	11,439,575	13,661,586	$477,758	$693,264	$1,291,144	$1,678,241
Printed, painted, or colored.....sq. yards..	3,306,768	3,931,750	13,033,501	15,179,904	459,919	601,439	1,778,011	3,237,371
Hosiery, shirts, and drawers.....					833,924	829,384	2,450,600	2,932,605
Jeans, denims, drillings, &c.....sq. yards..	534,878	889,794	1,121,758	1,667,467	77,993	127,015	168,169	241,410
Other manufactures of, not elsewhere specified.....					1,637,238	2,461,639	9,297,256	11,965,317
Earthen, stone, and china ware.....					193,613	468,058	3,038,408	3,634,856
Fancy goods.....					365,745	342,123	2,294,635	3,001,564
FLAX AND MANUFACTURES OF:								
Flax, raw.....tons..	151	406	1,769	3,136	41,539	84,192	486,567	798,951
Manufactures of, by yard.....					1,223,264	1,713,240	7,396,329	9,386,795
Other manufactures of, not otherwise specified.....					285,572	403,764	2,155,985	2,489,692
Fruits of all kinds, including nuts.....					875,973	713,470	5,492,777	5,419,314
Furs and dressed fur-skins.....					230,198	301,179	1,565,611	1,719,520
GLASS AND GLASSWARE:								
Cylinder, crown, or common window.....lbs..	2,742,586	4,590,371	19,617,577	29,096,943	133,819	245,793	1,053,320	1,468,086
Cylinder and crown, polished.....sq. feet..	8,043	11,152	17,581	47,095	3,304	2,534	7,267	16,964
Fluted, rolled, or rough plate.....sq. feet..	15,888	1,860	194,907	233,007	765	269	11,351	12,714
Cast polished plate, not silvered.....sq. feet..	150,221	218,608	1,468,856	1,495,588	126,591	124,269	1,103,279	866,023
Cast polished plate, silvered.....sq. feet..	146,006	165,753	1,352,244	1,314,061	67,467	64,140	514,371	447,570
Other manufactures of.....					81,049	161,709	1,207,652	1,469,051
IRON AND STEEL, AND MANUFACTURES OF:								
Pig-iron.....lbs..	15,783,847	22,476,924	145,858,153	325,845,004	231,209	341,797	2,414,528	4,544,948
Castings.....lbs..	1,072	53,071	328,309	584,756	77	1,850	11,967	26,684
Bar-iron.....lbs..	3,625,405	14,440,965	55,455,464	107,780,823	139,674	456,610	2,159,274	3,283,077
Boiler-iron.....lbs..	597	385,364	102,229	732,787	66	13,460	7,214	31,314
Band, hoop, and scroll iron.....lbs..	88,346	2,146,052	4,049,021	14,597,274	3,541	72,444	134,823	496,481
Railroad bars or rails, of iron.....lbs..	.....	37,464,939	25,234,388	345,904,043	.....	861,303	595,232	7,306,460
Sheet-iron.....lbs..	1,402,620	3,218,695	9,872,300	20,122,791	57,632	107,059	660,063	900,605
Old and scrap iron.....tons..	1,192	9,618	37,962	153,289	29,545	271,591	1,125,336	4,949,135
Hardware.....					10,462	33,006	126,599	231,955
Anchors, cables, and chains, of all kinds.....lbs..	661,635	967,104	4,708,531	7,275,468	39,148	58,150	290,865	419,395
Machinery.....					94,664	210,232	913,968	782,449
Muskets, pistols, rifles, and sporting-guns.....					58,745	45,507	644,004	566,574
Steel ignots, bars, sheets, and wires.....					199,624	344,714	1,876,809	2,311,717
Railroad bars or rails, of steel.....lbs..	16,053,074	14,776,137	171,175,201	170,839,134	541,770	412,059	5,510,985	4,796,837
Cutlery.....					129,656	181,648	1,097,188	1,393,940
Files.....					42,856	76,274	386,089	445,695
Saws and tools.....					2,240	7,696	28,138	247,255
Other manufactures of iron and steel, not elsewhere specified.....					376,162	564,221	4,253,138	4,298,942
LEAD, AND MANUFACTURES OF:								
Pigs, bars, and old.....lbs..	4,716,837	9,072,241	25,029,196	46,889,485	230,277	418,661	1,218,026	2,068,002
Manufactures of.....					2,653	487	25,133	15,213
LEATHER, AND MANUFACTURES OF:								
Leather of all kinds.....lbs..	639,005	953,359	5,559,260	6,273,887	425,191	630,833	3,590,603	4,127,211
Gloves of kid, and all other, of skin or leather.....doz. pairs..	30,503	36,968	290,909	343,369	219,368	256,563	1,839,689	2,211,909
Other manufactures of.....					35,758	54,802	559,807	766,173
TOBACCO, AND MANUFACTURES OF:								
Leaf.....lbs..	569,661	977,658	4,016,605	7,548,645	392,889	603,031	2,614,319	4,336,260
Cigars.....lbs..	61,985	65,660	491,723	512,281	238,278	214,415	1,670,215	1,705,663
Other manufactures of.....					3,460	5,579	29,859	27,254

IMPORTS—Continued.

Commodities.	Quantities.				Values.			
	Month ending January 31—		Seven months ending January 31—		Month ending January 31—		Seven months ending January 31—	
	1874.	1873.	1874.	1873.	1874.	1873.	1874.	1873.
WOOD, AND MANUFACTURES OF:								
Cabinet-ware, house furniture, and all manufactures of wood, not elsewhere specified					$49,050	$87,072	$841,834	$939,203
Boards, deals, plank, joists, and scantling.....M feet..	3,263	5,607	392,797	596,337	38,133	66,580	4,681,651	6,819,160
Shingles.....M..	972	1,316	55,736	68,995	2,535	2,740	138,018	153,496
Timber, sawed or hewn, wholly or in part					6	2,715	98,685	159,406
Other lumber					3,520	6,685	237,406	302,842
WOOL, SHEEP'S, AND HAIR OF THE ALPACA, GOAT, AND OTHER LIKE ANIMALS, AND MANUFACTURERS OF:								
Unmanufactured.....lbs..	2,487,252	4,948,791	20,391,383	48,118,084	492,584	1,223,516	3,784,928	11,759,420
Cloths and cassimeres					1,909,772	2,079,746	9,320,813	10,289,661
Woolen rags, shoddy, mungo, waste, and flocks.....lbs..	160,762	143,814	1,015,093	1,129,693	14,394	12,976	82,229	130,701
Shawls					207,012	206,195	1,059,178	1,836,405
Blankets					713	146	10,937	4,479
Carpets.....sq. yards..	255,849	118,576	2,061,941	2,481,704	301,698	150,299	2,419,639	2,712,397
Dress goods.....sq. yards..	5,916,350	3,938,278	42,104,334	40,603,493	1,828,393	1,039,682	12,443,868	12,025,696
Hosiery, shirts and drawers					6,818	6,075	382,605	500,367
Other manufactures of, not elsewhere specified					417,512	656,977	4,644,005	5,230,308
ZINC, SPELTER, OR TUTENAG, AND MANUFACTURES OF:								
In blocks or pigs.....lbs..		775,137	953,097	3,348,895		44,332	53,670	174,176
In sheets.....lbs..	119,457	549,291	2,854,670	5,047,780	8,879	35,065	210,468	316,866
All articles not elsewhere enumerated					316,103	740,856	3,197,505	3,547,872
Total dutiable					29,635,668	39,858,533	227,375,488	281,131,326
Total free of duty					14,599,824	15,552,719	102,120,617	98,059,643
Total imports					44,235,492	55,411,252	329,496,105	379,190,969
Entered for immediate consumption					32,328,129	37,786,064	230,056,050	253,063,471
Entered for warehouse					11,351,062	16,693,561	95,323,226	120,187,361
Entered for immediate transportation					556,301	931,627	4,117,316	5,940,137
Brought in cars and other land vehicles					1,279,795	1,070,949	8,956,639	10,764,954
Brought in American vessels					10,829,640	12,776,273	85,121,924	93,375,794
Brought in foreign vessels					32,126,057	41,564,030	235,326,542	275,050,221

In addition to this, let us examine some figures relative to the production and consumption of raw material in the South, that section of our country on which rests just now a triple curse—the ravages and destruction of property incident to the late war, the instability of society, and an utter lack of the requisite amount of money to carry on business, except the production of raw material. Referring to the statistics collected by the Eastern and Western Transportation Company, I find that since 1865 the cotton yield and the prices at which it was sold have ranged as follows:

In 1865-'66 the crop of cotton and the old stock that was brought to market and sold by the 1st September, 1866, was 2,193,987 bales; price—July, 25 cents; December, 32 cents.

In 1866-'67, 2,019,774 bales; price—July, 23 cents; December, 14 cents.

In 1867-'68, 2,593,993, bales; price—July, 29 cents; December, 23 cents.

In 1868-'69, 2,439,039 bales; price—July, 32 cents; December, 22½ cents.

In 1869-'70, 3,154,940 bales; price—July, 18½ cents; December, 14½ cents.

In 1870-'71, 4,352,317 bales; price—July, 19½ cents; December, 19 cents.

In 1871-'72, 2,974,351 bales; price—July, 21 cents; December, 19 cents.

In 1872-'73, 3,930,508 bales; price—November, 14 cents.

And instead of being manufactured into goods at home as it should have been, the bulk of this great staple was sent to foreign lands to be worked up into fabrics.

The grand total sales in eight years, ending 1st January, 1874, aggregates more than 27,000,000 bales, averaging in the southern markets $90.75 per bale, equal to $2,457,000,000. Besides supplying the home consumption to the amount of 1,200,000 bales per annum, we exported in 1871, at 14.8 cents, 1,459,715,036 pounds, the customs value of which was $216,889,570, equal to 700,000,000 bushels of corn, at 30 cents and upward.

In principle this is unjust, both to the producer of cotton and to the ultimate consumer. The shipment of cotton in a raw state, like all other raw material, leaves much refuse matter, which costs as much per pound to be carried to market as the cotton itself, and consequently enhances the price of every pound of cotton to the consumer. It is also a well-established fact, that while the raw material will bear shipment but a comparatively short distance, the same turned into manufactured goods will bear transportation a much greater distance, leaving a profit still to the producer. For instance, a pound of raw cotton may be transported from Alabama to Massachusetts leaving but a small margin above cost to the producers; but the same cotton, manufactured into fine thread, may be shipped half way around the globe and leave a fair profit to the producer. A pound of pig-iron will bear transportation but for a short distance until its value is consumed, whereas if it be refined and turned into watch-springs it may be carried around the world and still leave a profit to the producer.

I say, then, the shipment of nearly all the raw cotton of the South to far-distant localities is a ruinous error.

An allwise Providence has placed side by side the cotton field and mountain stream; not for the cultivation of the one and neglect to utilize the power of the other; not that the lavish yield of the plantation should be transported thousands of miles at an enormous expense for the purpose of being manipulated into fabrics by power which must itself be created by the artificial process of steam at large expense, while millions of horse-power of motive force, waiting like a faithful servant for the application of mechanical skill, ready to spin and weave your cotton, runs waste with a prodigality that seems almost criminal, but that the one might be the hand which should prepare the fruit of the other for man's use.

Nor is it necessary, in advocating this theory, to say that its adoption would close up the cotton mills of the Eastern States; they would still be the manufacturers of the finest textures and would be enabled to purchase the cotton in an advanced state of preparation for their mills. If the South would do no more in the matter she ought at least to spin her own cotton, or the greater part of it, before sending it to market, thereby diversifying her industries and be enabled to transport her product a greater distance at less cost.

Sir, great as may be the questions of interstate commerce, finance, tariff, relations between capital and labor, and others of equal importance, they are all minor subjects entering into the great national problem of the harmonious development of our resources in the East, West, North, and South.

If we would maintain what we now possess, and go on increasing our manufacturing industries to the full extent only of supplying our own demand, we must move in harmonious columns. So long as one section cries for free trade and the other for tariff; so long as capital will attempt to grind down labor, and labor in return strike for higher wages; so long as rich men will insist to make money scarce in order that the purchasing power of their money may be increased by the depression of prices, and consequently lower the salary of the laboring man and the mechanic, so long will we suffer periodical fluctuations between seasons of great prosperity on the one hand and panic, want, poverty, and suffering on the other hand; and in the mean time foreign nations, whose policy it is to keep the laborer and mechanic poor, will invade our shores with their *cheap* goods and drive our manufacturers out of the markets of their own country. Sir, conflicts that produce such results should be trampled under foot and put out of existence in a great and free country, and it is fondly to be hoped that as American manufacture will spread in localities now producing raw materials only, greater unanimity of sentiment may obtain throughout the land.

When it is remembered how unequally are distributed the several

and distinct industries of this nation, it is not so much to be wondered at that there should be conflict. Without intending blame or censure, but rather commendation for enterprise in our Eastern States, the present aspect of American industry as shown in manufacture reminds me very forcibly of the great image which Nebuchadnezzar saw in a dream:

Thou, O king, sawest, and behold a great image. This great image, whose brightness was excellent, stood before thee; and the form thereof was terrible.

This image's head was of fine gold, his breast and his arms of silver, his belly and his thighs of brass.

His legs of iron, his feet part of iron and part of clay.

The Eastern States at present are in possession of the great workshops; they have the accumulated skill of long years of training and education; they hold stores of hoarded wealth; and in financial strategy they have stolen a march on all the balance of the country, which, to prevent its ruinous effect, has baffled the skill of our ablest financiers.

In order to show a comparison of people employed in manufacturing establishments in the different States and Territories, based on their relative population, I invite attention to the following figures taken from the last census report:

Table showing population, amount of capital, and number of persons employed in mechanical and manufacturing industries in the different States and Territories in 1870.

States and Territories.	Population.	Amount of capital.	Employés.
United States	38,558,371		
Alabama	996,992	$5,714,032	8,248
Arizona	9,658	150,700	84
Arkansas	484,471	1,782,913	3,206
California	560,247	39,728,202	25,392
Colorado	39,864	2,835,605	876
Connecticut	537,454	95,281,278	89,523
Dakota	14,181	79,200	91
Delaware	125,015	10,839,093	9,710
District of Columbia	131,700	5,021,925	4,685
Florida	187,748	1,679,930	2,749
Georgia	1,184,109	13,930,125	17,871
Idaho	14,999	742,300	265
Illinois	2,539,891	94,368,057	82,979
Indiana	1,680,637	52,052,425	58,852
Iowa	1,194,020	22,420,183	25,032
Kansas	364,399	4,319,060	6,844
Kentucky	1,321,011	29,277,809	30,636
Louisiana	726,915	18,313,974	30,071
Maine	626,915	39,796,190	49,180
Maryland	780,894	36,438,729	44,860
Massachusetts	1,457,351	231,677,862	279,380
Michigan	1,184,059	71,712,283	63,694
Minnesota	439,706	11,993,729	11,290
Mississippi	827,922	4,501,714	5,941
Missouri	1,721,295	80,257,244	65,354
Montana	20,595	1,794,300	701
Nebraska	122,993	2,169,963	2,665
Nevada	42,491	5,127,790	2,859
New Hampshire	318,300	36,023,743	40,783
New Jersey	906,096	79,606,719	75,552
New Mexico	91,874	1,450,695	427
New York	4,382,759	366,994,320	351,800
North Carolina	1,071,361	8,140,473	13,622
Ohio	2,665,260	141,923,964	137,202
Oregon	90,923	4,376,849	2,884
Pennsylvania	3,521,951	406,821,845	319,487
Rhode Island	217,353	66,557,322	49,417
South Carolina	705,606	5,400,418	8,141
Tennessee	1,258,520	15,595,295	19,412
Texas	818,579	5,284,110	7,927
Utah	86,786	1,391,898	1,534
Vermont	330,551	20,329,637	18,686
Virginia	1,225,163	18,455,400	26,974
Washington	23,955	1,893,674	1,026
West Virginia	442,014	11,084,520	11,672
Wisconsin	1,054,670	41,981,872	43,910
Wyoming	9,118	889,400	502

RECAPITULATION.

	Employes.
Arkansas	3,206
Alabama	8,284
Georgia	17,871
Kentucky	30,636
Louisiana	30,071
Maryland	44,860
Mississippi	5,941
Missouri	65,354
North Carolina	13,622
South Carolina	8,141
Tennessee	19,412
Texas	7,927
Virginia	26,974
West Virginia	11,672
Florida	2,749
Total fifteen States	296,740
California	25,392
Illinois	82,979
Indiana	58,852
Iowa	25,032
Kansas	6,844
Michigan	63,694
Minnesota	11,290

RECAPITULATION—Continued.

	Employes.
Nebraska	2,665
Nevada	2,859
Ohio	137,202
Oregon	2,884
Wisconsin	43,910
Total twelve States	463,603
Pennsylvania	319,487
Fourteen Southern States	294,001
Pennsylvania's excess	25,486
Twelve Western States	463,603
New York	351,800
Excess of the former	111,803
Massachusetts, New York, and Pennsylvania	950,667
Twenty-six Southern and Western States	760,343
Excess of former	190,324

The above table shows the astonishing facts that the fourteen Southern States, including Missouri, employ in mechanical and manufacturing industries only 296,740 persons, while Massachusetts alone employs 279,380. The twelve Western States employ only 463,603 persons, while New York alone employs 351,800; and the Southern and Western States combined, being twenty-six in number, employ only 760,343 persons, while Massachusetts, New York, and Pennsylvania combined employ 950,667 persons, an excess over the former of 190,324 persons.

In making this comparison, however, I deem it due to my native State to say that she develops only those resources with which nature has so lavishly endowed her.

Pennsylvania furnishes, perhaps, the brightest example of uniform development in this nation. It is true, she is called the great iron-producing State, and rightfully so; but no one who is at all acquainted with her industries has failed to see that she is yielding wealth from a dozen sources. The following table contains a partial summary of her unexampled enterprise and wealth:

Railroads:		
Roads controlled by the Pennsylvania Railroad		$140,837,262
Roads controlled by the Reading Railroad		66,995,110
Independent railroads		64,139,168
Passenger railroads		8,131,807
Telegraph companies		5,659,167
Canal companies		28,151,219
Coal lands by mining companies		80,000,000
		393,913,733
Agriculture:		
Value of implements and machinery		$35,658,196
Farm products		183,946,027
Amounts, in kind not in value, estimated		125,000,000
Farm wages paid		23,181,944
Orchards		4,208,094
Market gardens		1,860,016
Forest products		2,670,340
Household manufactures		1,503,754
Animals for slaughter		28,402,903
Live stock		115,647,075
		522,678,349
Manufactures, all kinds		997,050,521
		1,519,128,870
Coal and oil:		
Anthracite	$85,181,583	
Bituminous	24,913,272	
Oil	19,616,000	
		129,710,855
		1,648,839,725

Of the total product of coal in the United States in 1872, amounting in gross to 42,080,564 tons, Pennsylvania produced the following quantities:

	Tons.
Anthracite shipped in 1872	19,026,125
Consumption in coal regions	3,110,000
Semi-bituminous, in 1871	2,714,790
Towanda, Ry	1,299,544
Broad Top	319,625
Bituminous, Pittsburgh seam	1,847,609
Mercer County	500,000
	28,817,693

The following shows the value of manufactures of the articles named for the year 1873:

Iron	$177,000,000
Steel, copper, zinc, and nickel	40,000,000
Slate, marble, limestone, &c	20,000,000
	237,000,000

It will be seen that, rich as she is in mineral wealth, she has not been so reckless as to confine herself to manufacture only and draw her supplies of breadstuffs from other States, except so far as her own agricultural product has fallen short of supplying her demand.

With a soil much less fertile than that of the greater part of the Mississippi Valley, by the judicious diversification of her employment, bringing ready markets to the door of the farmer, her land has been enhanced in value far beyond the most fertile of any lying between

the Alleghany and Rocky Mountains. I venture to say there are no farms in this country superior in improvement, and so far as the soil will admit, in fertility, than those in eastern Pennsylvania; and one of the greatest causes to which this is attributable is that the husbandman can sell for cash all kinds of grain and vegetables of every description, no matter how perishable.

Thus has this great Commonwealth been growing and multiplying her wealth, by the policy of developing her resources, the only true policy on which any State can prosper in this Union; and in the mean time this State has sent her citizens out by the thousand into other States, until there is scarcely one in the whole compact that has not some of her sturdy sons; and yet the census of 1870 shows that in the ten years preceding her population increased at the rate of 21.18 per cent.

I have thus trespassed on the attention of the House to a considerable extent in bringing to its notice the practical result achieved in one notable case at least, (and others might be adduced,) to show that the policy which I advocate is not a mere theory, but springs from actual demonstration.

I know it is claimed that Pennsylvania has grown rich at the expense of her customers, because she has had a protective tariff to shield her. I will say, first, that the soundest political economists have shown conclusively that all tariffs in this country have cheapened the very manufactures on which the duty was imposed; and secondly, that the tariff afforded a protection, not to Pennsylvania alone, but to all those in other States who saw proper to avail themselves of its benefits. This, then, cannot be said to be a peculiar benefit to Pennsylvania, but to all American manufacturers alike.

New York, less fortunate in regard to her manufactures, draws largely on the other States and on foreign countries for raw material; while Massachusetts and all the other Eastern States, possessing a sterile soil and no minerals, produce scarcely any which their factories consume, and being compelled to rely on others for their raw material, it is but natural that their manufacturers should wish to buy as cheap as possible; hence comes the cry of free trade, specie payment, currency of the world, reciprocity with Canada; all of which means a depression of prices and a consequent lowering of the workman's wages by bringing foreign pauper labor in contact with our free labor. Allow me to call attention to a singular fact right here. The Eastern States in their relations of capital and labor are very similar to the Old World.

The man who must depend on his manual labor for support is largely at the mercy of his employer; he has not the alternative of locating a quarter-section of land, and in a few brief years being the owner of a comfortable home and sure of living under his own "vine and fig-tree," like the western laborer has. Unless he has been able to save money enough out of his wages to transport himself and family thousands of miles across the continent, and support himself and his long enough to produce the first crop, he must submit to the mandate of his employer or go without work, without pay, without food and raiment. And, sir, this spirit of aggrandizement does not stop here, but asserts its power whenever and wherever it is possible. Being leagued with foreign sentiment, its aim has been, and is now, to compel the South and West to produce raw material and pay the transportation thereof across thousands of miles at ruinous prices. In order to induce the belief that the West is receiving great favors from the Eastern States, the latter lend the former their surplus of money at the generous rate of from 10 to 12 per cent. interest, when they cannot get more than 6 or 7 per cent. at home. On this point witness an extract from the speech of the gentleman from Connecticut, [Mr. KELLOGG,] delivered in the House of Representatives, January 31, 1874:

Mr. JEWETT. Have you more circulation than you need?

Mr. KELLOGG. We have not in our section, and we cannot keep what we have got. There are from five to ten millions of our circulation to-day from my State out in your Western States. We cannot keep enough for our business purposes at some seasons of the year, because men go to the West with it and get 10 and 12 per cent. interest upon it, when they cannot get more than 6 or 7 per cent. with us.

Mr. JEWETT. Will the gentleman allow me to ask him another question?

Mr. KELLOGG. Certainly.

Mr. JEWETT. If you have in the East no more national-bank currency than you want, why do you object to the West having what they want?

Mr. KELLOGG. We do not object to the West having what they want. We are giving up millions of our currency every day to the West, and helping you out in this very matter. And I will say to the gentleman that if he will go into a bank in Cleveland, or Chicago, or Saint Louis, and obtain a package of bank-notes on a check, he will find that more than one-half of those notes thus paid him were issued by banks in New York and the Eastern States rather than by banks in the West.

In short, the aggrandizing spirit in the northeastern part of the United States is fast becoming so dominant that it will in a short time, unless checked, dictate the price of labor, of raw material, and manufactured goods to the balance of the States. This is the tendency, to say the least.

What this country needs most at the present time is a sound basis of nationl finance that will afford every section as much currency as it may need for the transaction of its business, and to supply her own demand of all such manufactures as she can produce within her own borders. And if it be found that the tariff on manufactures is too low to compete with foreign imports, restore the 10 per cent. reduction of 1872, or add more as the exigency of the case may demand.

With her inexhaustible resources this country ought to abandon her suicidal course of importation of goods and wares which she can make, and work up into fabrics the raw material which she now exports.

Within the last ten years we made very commendable progress toward supplying our own demand, and great progress was made in internal improvement. Witness, for instance, the manufacture of rails and the building of railroads.

The following table exhibits the production of rails in the United States from 1849 to 1872, inclusive, together with the growth of the railway system of the country during the same period, in tons of 2,000 pounds:

Years.	Made in United States.	Imported.	Consumption, (iron and steel.)	Miles built.
	Tons.	*Tons.*	*Tons.*	
1849	24,318	69,163	93,481	1,369
1850	44,083	159,080	203,163	1,656
1851	50,603	226,350	276,953	1,961
1852	62,478	294,750	357,228	1,926
1853	87,864	358,794	446,658	2,452
1854	108,016	339,439	447,455	1,360
1855	138,674	153,019	291,693	1,654
1856	180,018	186,594	366,612	3,643
1857	161,918	215,166	377,084	2,486
1858	163,712	90,894	254,606	2,465
1859	195,454	83,958	279,412	1,821
1860	205,038	146,610	351,648	1,846
1861	187,818	89,388	277,206	651
1862	213,911	10,186	224,098	864
1863	275,768	20,506	296,274	1,050
1864	335,369	142,457	477,826	738
1865	356,292	63,327	419,619	1,177
1866	430,778	117,878	548,656	1,742
1867	462,108	184,840	646,948	2,449
1868	506,714	300,160	806,874	2,979
1869	593,586	336,500	930,086	5,118
1870	620,000	472,403	1,092,403	5,525
1871	775,733	566,202	1,341,935	7,779
1872	941,992	530,850	1,472,842	6,427

In other manufactures of iron we were fast gaining ground, and felt certain of getting the mastery over our foreign rivals in a comparatively short time, at the time we were overtaken by the panic last fall. Since that time every industry has been suffering of course, and will continue to suffer to final prostration unless the financial difficulty will be settled on a wise and judicious basis.

To show what this country was doing prior to the fall of 1873, I beg leave to insert here valuable tables taken from the authentic figures of the last report of the American Iron and Steel Association, showing the production in the following-named articles in 1872 and 1873, by States:

PIG-IRON.

States.	Whole number of completed stacks.	Completed in 1872.	Completed in 1873.	Building or projected in 1873.	Make in 1872—tons of 2,000 pounds.	Make in first six months, 1873—tons of 2,000 pounds.	Estimated make in 1873—tons of 2,000 pounds.	Estimated annual capacity of completed furnaces—tons of 2,000 pounds.
Maine	1	....	....	....	.....	36	1,600	2,500
Vermont	2	....	....	....	2,000	2,500	4,445	6,500
Massachusetts	5	....	....	....	17,070	10,239	19,467	24,600
Connecticut	10	1	....	....	22,700	11,420	21,422	27,800
New York	48	1	1	12	291,155	153,704	279,553	394,770
Pennsylvania	261	18	14	32	1,401,497	723,480	1,310,577	2,038,156
Maryland	22	....	....	3	63,031	29,426	57,355	86,000
Virginia	34	2	1	9	21,445	9,644	29,297	48,370
West Virginia	3	2	....	4	20,796	8,159	20,105	33,800
Kentucky	21	1	....	5	40,908	24,459	51,147	87,925
Tennessee	22	....	2	6	42,454	24,433	48,578	94,050
North Carolina	10	....	1	4	3,073	2,010	4,996	14,300
Georgia	6	....	2	2	2,945	2,180	6,010	15,200
Alabama	10	....	3	6	12,512	7,730	19,210	38,000
South Carolina	2	....	....	....	.....	.....	.....	.....
Texas	1	....	....	....	619	303	303	2,600
Ohio	86	6	3	17	399,743	151,824	372,180	662,447
Indiana	8	2	....	....	39,221	21,321	34,909	69,475
Illinois	7	....	....	2	78,627	24,534	42,489	96,000
Missouri	17	1	3	9	101,158	40,878	72,873	171,100
Michigan	34	4	7	6	100,222	47,877	110,299	194,524
Wisconsin	13	1	4	1	65,036	39,263	82,582	107,400
New Jersey	13	2	1	4	103,858	57,655	106,037	155,700
Total	636	41	42	122	2,830,070	1,393,075	2,695,434	4,371,277

PEAT AND CHARCOAL.

Michigan	1	1	....	....	224	.....	1,600	2,500

CHARCOAL AND BITUMINOUS COAL.

Virginia	2	....	1	1	.....	.....	1,778	8,000

ANTHRACITE.

States.	Whole number of completed stacks.	Completed in 1872.	Completed in 1873.	Building or projected in 1873.	Make in 1872—tons of 2,000 pounds.	Make in first six months, 1873—tons of 2,000 pounds.	Estimated make in 1873—tons of 2,000 pounds.	Estimated annual capacity of completed furnaces—tons of 2,000 pounds.
Massachusetts	1	....	....	....	4,250	3,288	5,867	8,000
New York	34	1	....	12	271,343	141,732	252,699	352,230
New Jersey	13	2	1	4	103,858	57,655	106,037	155,700
Pennsylvania:								
Lehigh	47	3	2	6	449,663	218,459	380,084	530,000
Schuylkill	40	3	3	9	232,225	119,628	215,725	325,200
Upper Susquehanna	25	3	....	4	127,259½	70,974	108,035	183,900
Lower Susquehanna	37	1	4	6	159,305½	89,390	159,308	276,256
Virginia	1	....	....	....	.....	2,007	5,474	6,720
Maryland	4	....	....	....	21,908	9,500	16,444	25,000
Total	202	13	10	41	1,369,812	712,633	1,249,673	1,863,006

CHARCOAL.

Maine	1	....	....	....	.....	36	1,600	2,500
Vermont	2	....	....	....	2,000	2,500	4,445	6,500
Massachusetts	4	....	....	....	12,820	6,951	13,600	16,600
Connecticut	10	1	....	....	22,700	11,420	21,422	27,800
New York	14	....	1	....	19,812	11,972	26,854	42,540
Pennsylvania	39	....	1	....	45,633	17,758	41,582	62,700
Ohio	37	....	....	....	95,622	25,426	89,220	133,447
Michigan	28	2	7	6	86,616	43,917	91,365	148,024
Wisconsin	10	1	3	1	27,790	19,987	41,249	52,400
Missouri	8	....	1	7	45,589	16,695	35,812	54,160
Maryland	14	....	....	1	29,044	13,339	26,067	40,000
Virginia	31	2	....	7	21,445	7,637	22,045	33,650
West Virginia	1	1	....	1	950	192	1,022	1,800
Kentucky	20	1	....	4	39,699	17,099	38,703	73,925
Tennessee	19	....	....	2	34,094	18,013	38,356	54,050
North Carolina	9	....	1	3	1,073	1,010	3,218	12,300
Alabama	10	....	3	6	12,512	7,730	19,210	38,000
Georgia	5	....	1	2	2,945	2,180	4,676	7,700
Texas	1	....	....	....	619	303	303	2,600
South Carolina	2	....	....	....	.....	.....	.....	.....
Total	265	8	18	40	500,363	224,165	520,749	810,696

BITUMINOUS COAL AND COKE.

Pennsylvania:								
Shenango Valley	31	5	2	3	160,188	79,125	158,443	315,500
Miscellaneous	42	3	2	4	227,823	128,146	247,400	344,600
Ohio:								
Hanging Rock	6	1	....	8	23,169	12,919	27,721	36,000
Mahoning Valley	28	2	1	....	200,785	73,861	154,007	325,500
Miscellaneous	15	3	2	9	80,167	39,618	101,232	167,500
Indiana	8	2	....	....	39,221	21,321	34,909	69,475
Illinois	7	....	....	2	78,627	24,534	42,489	96,000
Michigan	4	....	....	....	13,382	3,960	10,667	29,000
Missouri	9	1	2	2	55,569	24,183	37,061	117,000
Maryland	4	....	....	2	12,079	6,587	14,844	21,000
West Virginia	2	1	....	3	19,846	7,967	19,083	32,000
Kentucky	1	....	....	1	1,209	7,360	12,444	14,000
Tennessee	3	....	2	4	8,360	6,420	10,222	40,000
North Carolina	1	....	....	1	2,000	1,000	1,778	2,000
Georgia	1	....	1	....	.....	.....	1,334	7,500
Virginia	....	....	....	1	.....	.....	.....	.....
Total	162	18	12	40	922,425	437,001	873,634	1,617,075

ANTHRACITE COAL AND COKE—HALF AND HALF.

Wisconsin	3	....	1	....	37,246	19,276	41,333	55,000
Michigan	1	1	....	....	.....	.....	6,667	15,000
Total	4	1	1	....	37,246	19,276	48,000	70,000

RECAPITULATION.

Charcoal	265	8	18	40	500,363	224,165	520,749	810,696
Anthracite	202	13	10	41	1,369,812	712,633	1,249,673	1,863,006
Bituminous coal and coke	162	18	12	40	922,425	437,001	873,634	1,617,075
Anthracite coal and coke	4	1	1	....	37,246	19 276	48,000	70,000
Peat and charcoal	1	1	....	....	224	.....	1,600	2,500
Charcoal and bituminous coal	2	....	1	1	.....	.....	1,778	8,000
Total	636	41	42	122	2,830,070	1,393,075	2,695,434	4,371,277

The foregoing tables are so comprehensive that extended comment is rendered unnecessary. The total number of new furnaces finished and put in blast in 1872 was 41; finished and put in blast in 1873, 42; total number of new furnaces put in blast in the last two years, 83. Many of these are among the largest in the country. By the erection of these 83 furnaces the furnace capacity of the country has been increased fully one-fourth.

We append a table showing in tons of 2,000 pounds the production of the various kinds of pig-iron in this country from 1854 to 1873, inclusive. The figures for 1872 and 1873 have already been given, and their claim to confidence has been stated. The figures for preceding years were prepared in the office of this association, and have heretofore been published with its sanction.

Years.	Anthracite.	Charcoal.	Bituminous coal and coke.	Total.
	Tons.	*Tons.*	*Tons.*	*Tons.*
1854	339,435	342,298	54,485	736,218
1855	381,866	339,922	62,390	784,178
1856	443,113	370,470	69,554	883,137
1857	390,385	330,321	77,451	798,157
1858	361,430	285,313	58,351	705,094
1859	471,745	284,041	84,841	840,627
1860	519,211	278,331	122,228	919,770
1861	409,229	195,278	127,037	731,544
1862	470,315	186,660	130,687	787,662
1863	577,638	212,005	157,961	947,604
1864	684,018	241,853	210,125	1,135,996
1865	479,558	262,342	189,682	931,582
1866	749,367	332,580	268,396	1,350,343
1867	798,638	344,341	318,647	1,461,623
1868	893,000	370,000	340,000	1,603,000
1869	971,150	392,150	553,341	1,916,641
1870	930,000	365,000	570,000	1,865,000
1871	956,608	385,000	570,000	1,912,608
1872	1,369,812	*500,587	†959,671	2,830,070
1873	1,249,673	‡524,127	§921,634	2,695,434

* Includes 224 tons of peat pig-iron.
† Includes 37,246 tons of mixed anthracite and coke pig-iron.
‡ Includes 1,600 tons of mixed peat and charcoal pig-iron, and 1,778 tons of mixed charcoal and bituminous coal pig-iron.
§ Includes 48,000 tons of mixed anthracite and coke pig-iron.

An estimate of the production in 1872 and 1873 of the merchant bar-mills, plate-mills, and other rolling-mills, exclusive of rail-mills, can be made with some approach to accuracy. Observing the classification heretofore in use in this office, we submit the following figures for 1872 and 1873, in tons of 2,000 pounds. William E. S. Baker, esq., secretary of the Eastern Ironmasters' Association, has courteously assisted in making this estimate.

	1872.	1873.
	Tons.	*Tons.*
Merchant bar and rod	500,000	400,000
Sheet and plate	200,000	250,000
Hoop	30,000	30,000
Nails and spikes	175,000	200,000
Axles, &c	95,900	100,000
Total net tons	1,000,000	980,000
Add iron and steel rails	941,992	850,000
Total of rolled iron	1,941,992	1 830,000

The estimated production in 1871 of rolled iron other than rails was given by this office at 710,000 net tons.

The product of the forges and bloomaries of the country, strictly so-called, is estimated at 58,000 net tons in 1872, and 50,000 tons in 1873.

The iron industry of the country has become so extensive and varied during the past few years that it is annually becoming more and more difficult to procure its statistics through private channels. The national census should be taken every five years.

SUMMARY OF IRON AND STEEL PRODUCTIONS.

Below is a summary, in net tons, of the ascertained and estimated production of iron and steel in the United States in 1872 and 1873:

	1872.	1873.
	Tons.	*Tons.*
Iron and steel rails	941,992	850,000
Other rolled and hammered iron	1,000,000	980,000
Forges and bloomaries	58,000	50,000
Cast steel	32,000	28,000
Bessemer steel	110,000	140,000
Siemens-Martin steel	3,000	3,500
Pig-iron	2,830,070	2,695,434

The greater part of these productions was consumed in this country; but, to our credit be it said, we had made a very fair beginning in exporting some iron manufactures. We still send out some machinery and other articles of purely American manufacture and invention, as the following article, taken from a late Philadelphia paper, will show:

More valuable shipments than a couple of hundred mowing and reaping-machines are made by every steamship that sails from Philadelphia. The Pennsylvania, however, took that number of those articles on her last outward passage. The demand for them was created by the Vienna exhibition. They are American man-

ufactures and for European use, shipped by an American line of steamships. We send locomotives to South America, and sugar-mills and evaporators to the West Indies. Some of our machinery is going to China and Japan, and its products are annually going to new markets in a greater quantity. Until very recently no American machinery reached Europe save as it was copied and fabricated in England. This introduction not only gave England the profit but also the reputation. The supply sent out by the Pennsylvania is of more moment, as publishing the capacities, the skill, and intelligence of the country, than for its equivalent in cash. It opens the door to a closer inspection of our methods and to a larger business; opens the way to other demands that may in time enable us to export our manufactures even to Europe. Sewing-machines and some other articles have been sent by previous steamships. We have to wait and work until our machinery and its fabrications help to fill the vessels that are laden with petroleum and grain.

Sir, in view of the rich fruitage bequeathed to us as a nation, this whole country ought to unite in a grand effort to open up her mines of iron, copper, lead, and zinc ores, her coal mines and stone quarries. She ought to turn these into wares for the market—for the consumer. The mechanics and laborers of the Old World, whose labor is not needed there, and but ill-requited when employed, should have every facility for coming to our shores. England's cotton spinners and weavers should be able to find ready employment in the Southern States at all times and at fair wages. What we want and must have to fulfill our destiny among the family of nations is more muscle and motive power. This we can have in proportion as we afford employment and pay fair wages. And I desire to say here that this country cannot afford to pay pauper's wages for a man's faithful toil. We must rise and keep higher in our pay for labor than Europe. It costs more to live here than it does there. A man's family will consume more; the education of his children, being a matter of necessity, will cost more; but aside from these considerations it is but just that good wages should be paid in order to bring and keep out of poverty a class of people which is oppressed in all other lands. This is the only country where the laborer and mechanic may cherish the hope of providing a competency for himself and family. Here he may accumulate some property out of his earnings, while at home he lives from hand to mouth and scant at that.

Mr. Chairman, it is often advocated by the apologists of European pauper labor that the corresponding cheapness of the necessary articles of consumption in foreign countries will enable the laborer and mechanic to purchase more for his earnings there than he can for his advanced wages here. An examination of the following tables, compiled from the most authentic official statistics, will dispel any delusion harbored on this point:

Statement showing the comparative average weekly rates of wages in United States money.

Occupation.	Country.	Currency, 1872.	Gold.
Blacksmiths, city	Massachusetts	$18 50	$16 44
Blacksmiths, country	Massachusetts	15 00	13 33
Blacksmiths, highest	England	7 90	7 02
Do	Ireland	8 98	7 99
Do	Scotland	7 62	6 78
Do	Germany	6 75	6 00
Do	Prussia	7 29	6 48
Do	France	6 01	5 34
Do	Italy	5 40	4 80
Do	Switzerland	8 10	7 20
Do	Austria	8 10	7 20
Do	Denmark	5 74	5 10
Do	Russia	10 80	9 60
BOOTS AND SHOES.			
Cutters, upper	Massachusetts	18 00	16 00
Do	England	7 08	6 29
Fitters, stock	Massachusetts	16 00	14 22
Do	England	7 08	6 29
Bottomers	Massachusetts	18 00	16 00
Do	England	10 89	9 68
Shoemakers, first grade	Massachusetts	18 00	16 00
Shoemakers, repairing	Massachusetts	15 00	13 33
Do	England	9 53	8 47
Do	Germany	6 75	6 00
Do	Prussia	4 28	3 80
Do	France	8 10	7 20
Do	Italy	3 38	3 00
Do	Denmark	10 13	9 00
Do	Austria	6 75	6 00
Do	Switzerland	5 06	4 50
Do	Russia	10 80	9 60
BUILDING TRADES.			
Masons, first grade	Massachusetts	24 00	21 33
Do	England	10 17	9 04
Do	Scotland	9 53	8 47
Do	Ireland	7 63	6 78
Do	Germany	13 84	12 30
Do	Prussia	4 50	4 00
Do	France	7 43	6 60
Do	Italy	3 21	2 85
Do	Switzerland	6 75	6 00
Do	Russia	10 80	9 60
Do	Austria	6 75	6 00
Do	Denmark	5 40	4 80
Bricklayers, first grade	Massachusetts	24 00	21 33

Statement showing the comparative average weekly rates of wages in United States money—Continued.

Occupation.	Country.	Currency, 1872.	Gold.
Bricklayers, first grade	England	$10 17	$9 04
Do	Ireland	8 99	7 99
Do	Germany	5 94	5 28
Do	Prussia	8 91	7 92
Do	Switzerland	8 10	7 20
Do	France	6 75	6 00
Do	Russia	10 80	9 60
Do	Italy	6 08	5 40
Plasterers, first grade	Massachusetts	24 00	21 33
Do	England	10 17	9 04
Do	Scotland	8 10	7 20
Do	Ireland	9 80	8 71
Do	Germany	9 72	8 64
Do	Prussia	17 01	15 12
Do	France	9 45	8 40
Do	Switzerland	8 00	7 20
Do	Italy	6 08	5 40
Do	Austria	6 75	6 00
Do	Denmark	5 40	4 80
Do	Russia	10 80	9 60
Laborers, first grade	Massachusetts	14 00	12 44
Do	England	6 67	5 93
Do	Scotland	5 49	4 88
Do	Germany	3 42	3 04
Do	Prussia	4 05	3 60
Do	Ireland	4 91	4 36
Do	France	2 84	2 52
Do	Denmark	4 05	3 60
Do	Italy	2 03	1 80
Carpenters, first grade	Massachusetts	18 00	16 00
Do	England	10 17	9 04
Do	Scotland	7 63	6 78
Do	Ireland	8 99	7 99
Do	Germany	9 25	8 22
Do	Prussia	7 29	6 48
Do	France	13 50	12 00
Do	Switzerland	8 10	7 20
Do	Italy	6 75	6 00
Do	Russia	10 80	9 60
Do	Austria	8 10	7 20
Do	Denmark	5 40	4 80
Slaters, first grade	Massachusetts	18 00	16 00
Do	England	8 17	7 26
Do	Germany	8 10	7 20
Painters, first grade	Massachusetts	17 00	15 11
Do	England	9 79	8 71
Do	Scotland	7 50	6 67
Do	Ireland	10 62	9 44
Do	Germany	12 15	10 80
Do	Prussia	6 19	5 50
Do	France	6 75	6 00
Do	Italy	6 75	6 00
Do	Switzerland	6 75	6 00
Do	Austria	10 13	9 00
Do	Russia	10 80	9 60
Do	Denmark	5 40	4 80
IRON MANUFACTURE—MERCHANT MILLS.			
Heaters, first class	Massachusetts	24 00	21 33
Do	England	13 61	12 10
Do	Germany	4 86	4 32
Rollers	Massachusetts	12 00	10 67
Do	England	13 61	12 10
Do	Prussia	5 67	5 04
Pattern-makers	Massachusetts	24 00	21 33
Do	England	9 26	8 23
Do	Germany	6 89	6 12
Puddlers	Massachusetts	27 00	24 00
Do	England	12 25	10 89
Do	Germany	9 72	8 64
Do	Prussia	10 53	9 36
Puddler helpers	Massachusetts	11 22	9 97
Do	England	8 99	7 99
TANNERS AND CURRIERS.			
Splitters, first grade	Massachusetts	18 00	16 00
Knifemen, first grade	Massachusetts	17 00	15 11
Tablemen, first grade	Massachusetts	12 00	11 11
Curriers, first grade	England	10 26	9 12
Tanners, first grade	Massachusetts	12 75	11 33
Do	England	8 64	7 68
Do	Ireland	6 54	5 81
Do	Germany	5 67	5 04
Do	Prussia	6 48	5 76
Do	Austria	8 10	7 20
Do	Italy	5 77	5 13
Do	Switzerland	6 75	6 00
Do	Denmark	5 40	4 80
Do	France	6 75	6 00
Do	Russia	7 56	6 72
TOBACCO AND CIGARS.			
Cigar-makers, first grade	Massachusetts	22 00	19 59
Do	England	10 89	9 68
Do	Scotland	9 26	8 23
Do	Germany	6 48	5 73
Do	Prussia	4 86	4 32

Table showing the general average weekly wages paid to persons employed in the iron-founderies and machine-shops of the United States in the respective years 1867 *and* 1869.

Occupation.	Average in New England.		Average in Middle States.		Average in Western States.		Average in California.		General average in United States.		In gold, at $1.30, 1869.	In England, 1867-'68.	Percentage of excess of the United States over England.
	1867.	1869.	1867.	1869.	1867.	1869.	1867.	1869.	1867.	1869.			
Iron-molders	$15 53	$16 73	$15 82	$15 90	$16 65	$16 37	$24 00	$24 00	$18 00	$18 25	$14 04	$8 00	75.50
Machinists, best	16 98	17 13	16 64	16 54	14 83	17 62	24 00	24 00	18 91	18 82	14 48	8 50	70.35
ordinary	13 52	13 92	13 64	13 37	14 83	13 76	21 00	21 00	15 75	15 51	11 93	7 00	70.43
inferior	10 73	10 86	10 70	11 44	10 99	10 14	.....	.....	10 81	10 81	8 31	5 00	66.22
helpers	9 41	9 51	9 54	9 59	10 27	9 42	18 00	.....	9 74	9 52	7 32	4 00	83.00
Boiler-makers	15 73	15 50	15 32	15 07	18 00	17 75	27 00	27 00	19 01	18 83	14 49	7 50	93.20
helpers	10 00	8 75	9 80	9 67	11 00	11 36	18 00	.....	10 27	9 93	7 64	4 00	91.00
Riveters	14 63	15 25	13 75	13 50	18 25	16 35	.....	.....	15 58	15 03	11 56	6 50	77.84
holders-on	10 55	10 55	9 64	9 30	12 00	12 75	.....	.....	10 73	10 87	8 36	4 75	76.00
Flangers	19 00	18 00	18 06	17 06	16 50	18 75	.....	.....	17 85	17 94	13 80	7 50	84.00
helpers	9 76	10 37	9 50	9 50	10 50	10 74	.....	.....	9 92	10 20	7 84	4 00	96.00
Blacksmiths	16 66	17 50	15 72	15 46	17 28	16 37	27 00	24 00	19 17	18 33	14 10	7 25	94.48
helpers	10 76	10 64	9 70	9 52	10 89	10 19	18 00	18 00	12 34	12 09	9 30	3 50	165.68
Foremen	21 04	21 77	21 92	21 88	22 99	23 34	30 00	30 00	23 99	24 25	18 65	.....	.....
Engineers	13 70	14 25	10 72	11 23	15 67	14 71	.....	.....	13 36	13 40	10 31	5 50	87.45
Pattern-makers and carpenters	16 32	16 67	15 75	16 16	17 10	16 53	28 00	28 00	19 28	19 34	14 87	7 50	98.26
assistants	13 00	13 16	8 55	8 09	10 82	10 81	21 00	21 00	13 54	13 27	10 21	4 50	126.67
Laborers, carters, &c	9 77	9 69	9 04	9 41	10 81	10 34	.....	.....	9 87	9 81	7 54	4 50	67.56
Apprentices	5 72	6 06	4 47	4 68	6 44	5 76	6 00	6 00	5 66	5 62	4 32	2 50	72.80
Millwrights	18 00	19 50	15 75	16 50	21 16	21 25	.....	.....	18 30	19 08	14 67	8 00	83.37
assistants	.....	.....	8 50	8 00	.....	.....	.....	.....	8 50	8 00	6 15	.....	.....
Brass-founders	16 00	15 00	18 00	19 00	20 00	18 50	.....	.....	18 00	17 50	13 46	7 50	79.46
Fitters	.....	.....	15 25	15 25	21 00	19 00	.....	.....	18 12	17 12	13 17	6 50	102.61
Turners	19 50	19 50	14 00	13 00	.....	.....	.....	.....	16 75	16 25	12 50	6 50	92.31

NOTE.—Hours of labor per week, 60; average advance of wages in the United States in 1869 over England in 1867-'68, 86 per cent.

Table showing comparative cost of living.

[Average retail price in 1872; standard United States paper dollar of 1872.]

Articles.	Boston, Massachusetts.	Towns in Massachusetts.	Manchester, England.	Birmingham, England.
Flour, wheat, superfine, per barrel	$9 50	$12 00	$8 72	$9 56
Flour, wheat, extra family, per barrel	12 00	13 50	8 49	10 13
Corn meal, per barrel	3 50	3 55	4 50	.....
Beef, fresh, roasting piece, per pound	18	20	24	23
Beef, fresh, soup, per pound	7	8	11	13
Beef, corned, per pound	9	12	19	20
Mutton chop, per pound	14	16	27	27
Pork, fresh, per pound	11	13	18	18
Pork, bacon, per pound	9	10	19	16
Pork, hams, smoked, per pound	13	14	31	27
Pork, shoulders, per pound	10	10	13	15
Lard, per pound	12	13	15	18
Butter, per pound	38	40	29	31
Cheese, per pound	16	18	19	20
Potatoes, old, per bushel	1 05	1 00	1 35	1 35
Rice, per pound	10	12	6	6
Beans, per quart	9	10	9	9
Milk, per quart	8	7	7	6
Eggs, per dozen	30	30	25	22
Tea, Oolong or good black, per pound	63	75	81	67
Coffee, Rio, green, per pound	32	36	.....	27
Coffee, Rio, roasted, per pound	40	45	36	40
Sugar, good brown, per pound	9	11	9	9
Sugar, coffee, B, per pound	10	11	.....	9
Soap, common, per pound	7	9	7	6
Starch, per pound	10	14	11	11
Fuel, coal, per ton	8 50	10 00	4 08	4 91
Shirtings, brown 4-4, per yard	13	13	15	15
Shirtings, bleached 4-4, per yard	16	16	17	14
Sheetings, brown 9-8, per yard	14	14	.....	15
Sheetings, bleached 9-8, per yard	19	19	.....	19
Cotton flannel, middling quality, per yard	25	30	.....	23
Tickings, good quality, per yard	20	28	29	33
Prints, Merrimac, per yard	10	12	.....	14
Muslin delaines, per yard	25	.....	23	23
Satinets, middling quality, per yard	59	.....	1 22	.....
Boots, men's heavy, per pair	3 62	4 25	3 66	2 81
Four-roomed tenements, per week	4 96	1 85	1 32	1 13
Four-roomed tenements, per month	21 50	8 00	5 72	4 90
Six-roomed tenements, per week	6 58	3 12	1 82	.....
Six-roomed tenements, per month	28 50	13 50	7 89	.....
Board for workmen, per week	6 00	5 25	Buy food.	Buy food.
Board for women, factories, per week	4 25	3 25	Buy food.	Buy food.

INFLUENCE OF HIGH WAGES IN AMERICA.

The excess of wages to the American laborer and mechanic above the wages of those classes in Europe has had the happy effect of raising the wages of the latter. In a foot-note to a very valuable table in the "fifth annual report of the bureau of statistics of labor" of Massachusetts, for 1874, page 99, is contained the following gratifying statement:

By extensive calculations the following statement of increase in wages in the kingdom of Wurtemberg, from 1865 to 1872, has been prepared: Advance in cotton manufactures, 26 per cent.; woolen, 41 per cent.; paper, 37 per cent.; printing, 46 per cent.; chemical works and dyers, 21 per cent.; tanners, 30 per cent.; bricklayers, 22 per cent.; carpenters, 26 per cent.; painters, 18 per cent.; blacksmiths, 45 per cent.; tailors, 50 per cent.; boots and shoes, 41 per cent.; day laborers, 37 per cent.; and factory help, generally, 31 per cent.

It is a well-known fact, also, that heretofore our immigration increased in proportion as our manufactures flourished. In stimulating these, therefore, we add not only to our wealth-producing machinery, but we multiply our industrial population, which, being so much labor, is so much wealth itself; and by importing the foreign mechanic we link his experience, gathered in the workshop of his native land, to the genius of American enterprise, and by giving him ample elbow room, and the facilities for acquiring property and distinction, his own abilities expand and develop.

The mechanic in America is not only better clothed, better fed, and better housed than his brother in Europe, but he is more intelligent, more enterprising, and inventive. It is this that has enabled us to advance so far in some of our manufactures of iron to compete even with England in her own markets. To-day we sell American axes in Australia, to British subjects, cheaper and of a better quality than those manufactured in Sheffield. It is this that discovers the secret processes of some of the iron manufactures of Russia, by which she has sustained a monopoly in the sale of her sheet-iron for years the world over. This famous article is now made by an American firm in the city of Pittsburgh, and notwithstanding the higher wages paid for labor, they are able to sell it in England cheaper than Russia can.

I call attention to an article from the Pittsburgh Commercial on this point:

Until very recently, the manufacture of sheet-iron corresponding in quality and finish to that known throughout the world as "Russian" was preserved, by a secret process, in the mills of Siberia. No other country had been able to make this particular kind of iron; and not even the stimulus of an offer of £50,000 by the English government was sufficient to accomplish the desirable result in England. Pittsburgh skill and enterprise, however, have been equal to the task, and the well-known firm of Messrs. Rogers & Burchfield are now manufacturing sheet-iron every way equal to the Russian brand, and have sent their first consignment of finished Russian sheet to Liverpool, England. Their present capacity in this important specialty is two tons per day, but their facilities can be increased indefinitely, to meet all demands of the trade. They can manufacture this iron and sell it to the English consumer cheaper than it can be imported from Russia to England. The importation of Russian sheet-iron has, as is well known to dealers, been controlled altogether by a single New York house, and all imported sheets were of one size—twenty-eight by fifty-six inches. This did not suit American purchasers, who can now have any sized sheet they wish to order. The capacity of these mills is from sixty to seventy-five tons per week, according to the kind of work being turned out.

From what I have said, the only conclusion that can be drawn is, that the protection and solicitude which American industry has received at the hands of the General Government since the establishment of the tariff in 1862 has resulted in the most wonderful progress as to its rapidity and extent in mechanics, manufactures, mining, stock-raising, agriculture, and horticulture that has ever been witnessed.

A word more and I have done. In less than one hundred years as a nation, we have achieved in greatness and power what no other nation ever achieved. The question now is, shall we go on in the course that has marked our progress hitherto, or shall we allow the lilliputian cords now being twined around this young giant to bind him to the earth and remand him to the servitude of his cruel foreign masters, or shall we loose him and allow him to assert his strength until he shall stand matchless before the world? I trust we will do the latter.

Publishing-house of the Methodist Episcopal Church at Nashville.

SPEECH OF HON. C. W. MILLIKEN,

OF KENTUCKY,

IN THE HOUSE OF REPRESENTATIVES,

June 3, 1874.

The House having under consideration the bill for the relief of the Publishing-house of the Methodist Episcopal Church South at Nashville, Tennessee—

Mr. MILLIKEN said:

Mr. SPEAKER: I hope the House will patiently indulge me for a few moments only, while I, in no spirit of unkindness, complain at the tardiness of the Committee on War Claims in making their reports to the House of the conclusions to which they have arrived on many of the most important claims pending before them.

Among these is the claim of the Publishing-house of the Methodist Episcopal Church South, for the use, occupancy, and total destruction of much of its valuable property situated in the city of Nashville, in the State of Tennessee, during the late civil war.

I claim to be an economist in the expenditure and appropriation of the public money, and have complained, both privately and publicly, at what I regarded a useless extravagance and waste of money belonging to the public. But I have not and will not offer objection when it is used in the liquidation of an honest debt, or applied to any other needful, legitimate purpose. It is always right to oppose that which is wrong, but never wrong to do that which is right. While we are striving in the direction of economy, we should be careful at the same time to strive to do right. With a view, therefore, of enabling myself to do ample justice both to the claimant in this case as well as to the public, I have with some care examined the testimony and exhibits filed in this case, and from them I will most cheerfully cast my vote in favor of a fair and equitable appropriation of money to reimburse the claimant to some extent for the loss it has sustained, unless other and additional testimony is produced to change my present convictions of what I regard as not only right but my duty as a Representative of the people. The delay to which I have referred has in some instances amounted to denial, and I fear such will be the result in this case—at any rate for the present session. This, sir, is not the way for a good and great Government to maintain its high place in the estimation of its citizens and among the nations of the earth. And for one I enter my solemn protest to this sort of evasive legislation. If the claim has no merits to commend its favorable consideration to the members this House, for the want of them let it fall. But if it has them, give the House an opportunity to act in the premises, and at once; for surely ten years is long enough time to wait on a Government that is paying out its hundreds of millions of money in the same time for purposes of much less merit.

Mr. Speaker, I wish now to call the attention of the House to the merits of this claim; and in doing so, to give the reasons which at this time direct the course I expect to pursue, and also to refer to some law and precedents for our guidance in the effort to reach a just conclusion in the premises.

The claimant is an incorporated institution, made so in 1856 by an act of the Legislature of the State of Tennessee. Its aim, end, and object were then, and now is, to extend the means of literary, scientific, and religious knowledge, regardless of sectionalism or sectarianism, to every human being on earth who may come within its reach. To accomplish these ends, and in pursuance of its chartered privileges, it bought real estate in the city of Nashville, in the State of Tennessee, printing press, type, paper, &c., sufficient to meet the demands of the hour. And as the demands grew more and more pressing upon it, more and more money was expended to meet those demands, until in 1863 it had grown in actual money value to quite if not all of $1,000,000.

At this period the testimony shows that it was taken possession of by order of General G. H. Thomas, who was then commanding the Federal Army in that locality, for the use of the Army of the United States, and was by force thus used and held for two years, not as a matter of military necessity, but as a matter of convenience and economy to the Army and the United States. This testimony to this time stands uncontradicted, and until contradicted by a preponderance of evidence there can be in justice none other than an affirmative vote on this question. That the original title to this property was full and complete in the claimant no one has to this time denied, nor do I presume they will. This being admitted, it is the duty of the United States Government, or those who deny the legitimacy of this claim, by all the rules of law known to me, to show, by competent evidence, that it has, by some act or omission, parted with or forfeited that title; otherwise we are in honor bound to pay a just equivalent for the use, occupancy, and destruction of its property.

Mere presumption is not sufficient to warrant the Government in taking the property of any one or more of its citizens, or that of a corporation, and appropriating it to its own use without compensation; nor will it do to turn a deaf ear to the appeal of an institution for a restoration of its property, whose aim, end, and object is to enlighten, cultivate, purify, and christianize the community in which it exists; that community, too, be[illegible] the citizens of the Government to which the appeal is made. Sir, these are, and of right should be, the great primary objects sought to be attained by all governments. In support of this idea I read from Vattel's Law of Nations, on page 55:

That the superiors intrusted with public affairs should constantly endeavor to deserve the approbation of their divine Master, and whatever they do in the name of the state ought to be regulated by this grand view. The care of forming pious dispositions in all the people should be constantly one of the principal objects of their vigilance, and from this the state will derive very great advantage.

Again, on page 76 of the same work, in speaking of the duties of a nation, it is said:

Next to the care of religion, one of the principal duties of a nation relates to justice. They ought to employ their utmost attention in causing it to prevail in the state, and to take proper measures for having it dispensed to every one in the most certain, the most speedy, and least burdensome manner. This obligation flows from the object proposed by uniting in civil society and from the compact itself. We have seen that men have bound themselves by the engagements of society, and consented to divest themselves in its favor of a part of their natural liberties, only with a view of peacefully enjoying what belongs to them and of obtaining justice with certainty. The nation would therefore neglect her duty to herself and deceive the individuals if she did not seriously endeavor to make the strictest justice prevail.

Sir, with these axiomatic truths before us, and so recognized by the civilized world and sanctified by all nations by being recognized and engrafted into the code of national laws, how can we afford to deny the relief sought for in this case upon a mere presumption and in positive conflict with an overwhelming preponderance of testimony in favor of the claimant, and at the same time claim that we have in good faith kept the law inviolate?

But, sir, as a relief to those who propose to oppose this claim, the question is asked if the institution was loyal to the United States Government during the rebellion, and upon the presumption of its disloyalty, simply because it was located in one of the seceded States, against positive testimony to the contrary, it is proposed to disallow the claim. In answer to the gentleman who proposes this question, I ask him to give one instance on record, or an instance of truthful tradition, where an incorporated institution has ever been held to answer a bill of indictment for a crime or misdemeanor? In other words, tell us how it is possible, in the very nature of things, to punish by imprisonment or fine that which has no physical existence, or a thing ideal or spiritual only? How is it to be reached if it has no physical being? Being an incorporated institution, it has no separate, independent self-existence; therefore it cannot act or think of and for itself, and hence cannot be punished for any violation of law done in its name by another or others. These premises being true, as I claim they are, neither the crimes of treason or disloyalty can be maintained, and the opposition is imaginary or the result of prejudice.

If you are determined to try to punish it whether or not, by taking possession of its property as was done by the power and force of an army, and then refuse to make good the damage thus done it, because it happened to be located in a State that had passed secession ordinances, and because some one or more contributors to its existence engaged in the rebellion or gave aid and comfort to those in rebellion, you punish also others who were and are equally interested in it and who were truly loyal to the Government. For it is a remarkable fact, as shown by the testimony, that out of twenty employés engaged in this institution at the commencement of the rebellion, but three of that number went South with the rebel army on the occupancy of the city of Nashville by the Federal troops, the other seventeen remaining inside the Federal lines and strictly loyal, so far as shown by the evidence.

In addition to this fact, it is said by Rev. Mr. Abbey that "in 1863, while the war was still raging around this region, (Nashville,) and the result of the conflict was still uncertain, arrangements were made by distinguished clergymen of the Church, including the officers of this publishing-house, to hold a general convention of the conferences within its jurisdiction, and the convention was held in Louisville, Kentucky, in April, 1864. At that convention the general business of the Church South was transacted, its loyalty asserted, and an address to the President of the United States adopted, declaring that loyalty;" thereby establishing beyond question, so far as testimony can establish a fact, not only the loyalty of many distinguished clergymen of the Methodist Episcopal Church South, but also the loyalty of those in whose care and custody this property had been placed. But this, in my opinion, cannot and ought not to affect the rights of the claimant, unless it can be shown that the general conference authorized the use of the property for disloyal purposes, which has not and cannot be done.

But, sir, if seventeen of its employés out of twenty remained loyal to the Government, or if they remained inside the Federal lines and gave no aid, countenance, or encouragement to those in rebellion, and the institution itself could do no physical or mental act of disloyalty, by what hypothesis of reasoning can it be said that the United States is not responsible for such loss as this body sustained by the acts of the Government through its officers? It is positively stated by Rev. J. B. McFerrin that no part of the building, machinery, types, presses, or other property of the institution was permitted to be used by or for the benefit of the rebel army. Mr. Abbey says it was distinctly agreed and understood between them (himself and McFerrin) that suitable care must be taken by them that the said publishing-house, being a church institution, must be kept, as far as possible, entirely aloof from all connection, entanglement, or alliance with the civil

and military strife and commotion then threatening the country so fearfully. This understanding, he says, was strictly and faithfully carried out as far as was in the power of the agents to do it. He also says that none of the property, machinery, or implements of any kind were at any time used or permitted to be used by the confederate army or soldiers for their government or cause. Both of these witnesses did state, however, that a portion of the machinery, &c., of this publishing-house was used by the confederates or for their benefit in manufacturing warlike iron, publishing Hardee's Military Tactics, &c.; over this, though, they say they had no control. Of this I have no doubt, nor has any candid man who was fully cognizant of all the facts and circumstances surrounding that people in those exciting times.

When the facts are applied to the principles of law already settled, it is simply a legal impossibility to evade making a fair recompense to this party. Let us test it by the rule as laid down by Chief Justice Chase in the case of the United States *vs.* Klein, (13 Wallace's Reports, page 136.) That eminent lawyer and jurist said:

> It may be said in general terms that the property in the insurrectionary States may be divided into four classes.
> First. That which belonged to the hostile organizations, or was employed in actual hostilities on land.
> Second. That which at sea became lawful subject of capture and prize.
> Third. That which became the subject of confiscation.
> Fourth. A peculiar description, known only in the recent war, called captured and abandoned property.

These four classes comprise all that class of property of which the owner could be deprived of his title by any act of Congress passed during or since the rebellion. This, whether true or not, comes from the highest judicial authority in the Government. Then a complete solution of the question resolves itself into the inquiry, Does the property of this claimant come within the purview of either of these classes? If it does, the Government should not pay one cent. If it does not, the reverse is the only honorable course to be pursued. Certainly it cannot be classed with the first, because the property is not claimed by any one to have belonged to the Confederate States, or hostile organizations to the United States, nor employed in actual hostilities on land. Nor can it be said to belong to the second class, because that class refers to property at sea used for hostile purposes. The third class is that which became the subject of confiscation. It is clear to my mind that this is the only one of the four classes that in any way could possibly be construed to reach this property, and it is equally clear that it cannot do it, because, as I have before stated, it being without physical existence, having only an ideal or spiritual existence, could neither do nor think disloyally. Nor could any act of any one or more of those employed in its service make it disloyal, or subject its property to seizure or confiscation, because it was not theirs nor any part of it, or its property. They were simply agents managing and controlling it for the public good.

The legal principle that an agent cannot bind his principal beyond the limitations of authority given him by his principal in carrying out the designs of the principal are too well and frequently settled for me to stop here to give or cite authorities. And on this point I have but this to say, that those agents having the management and control of this institution were placed there by the general conference of the Methodist Episcopal Church South to publish books, papers, magazines, &c., for the promotion of science, literature, morals, and religion, that thereby the whole country might be benefited. Not alone for the whites or slave-owners of the South, but for the whole people north, south, east, and west, rich and poor, black and white. Unless the general conference passed some law, rule, or ordinance authorizing or directing its agent or agents to aid or abet, countenance, or assist those in rebellion in someway, it matters not if every employé in that institution actually took up arms against the Government, it cannot be held responsible. In other words, we cannot refuse a just compensation for the use and destruction of its property by the United States, unless the general conference sanctioned or approved their disloyal acts after they were committed, which is not only not true, but the contrary is true, as proven by the affidavit of Mr. Abbey.

But, sir, for the sake of argument, I will admit that the general conference as a body, having full control of the whole affair, did countenance the rebellion, still you cannot by any legal possibility avoid responsibility. In the same decission I have just referred to, on page 137, referring to the several confiscation acts, it is said:

> But it is to be observed that tribunals and proceedings were provided, by which alone such property could be condemned, and without which it remained unaffected in the possession of the proprietors.

Now, sir, there were no steps of confiscation taken in this case, no tribunal was appealed to or had cognizance of it anywhere, at any time; therefore the property remained unaffected in the possession of the proprietors. But it may be said that this is not a question of title to property, but compensation for property taken and used, and therefore the rule does not apply. I do not see, if both the legal and equitable title remain undisturbed in the claimant in property in its possession, how it is, without the removal of thesecrights, the remedy is lost to recover a just equivalent for the same property, the possession of which has by force been taken away. Hence I conclude that so long as the title to property is undisturbed, the remedy exists to enforce its recovery, or its equivalent in money. Sir, this general conference represented the interests of men and women, black and white, then and now of every political faith known in our country. And to refuse this claim is to refuse to restore to loyal as well as disloyal citizens, black and white, a facility for obtaining cheap literary, moral, and religious reading almost indispensable.

I grant the amount of the claim is of some magnitude. But that is not the question. The only question is, is it right, and ought it in equity and good conscience to be paid? On this question it will be remembered that within a fraction of $21,000,000 have been covered into the Treasury from a sale of captured and abandoned property during the war, while there has been paid out to claimants for lost property not quite $15,500,000, leaving about $5,000,000 undisposed of; besides the untold millions in the way of commissary and quartermaster stores taken from corporations and loyal citizens that have not and never will be restored, nor their equivalent. The Government cannot be loser in this matter, from these figures, when we further remember that only about one of every five claims presented is paid.

In argument against the allowance of these claims, I have heard it asserted on this floor that claims have been presented for payment, sworn to, in which both the claimants and the witnesses had perjured themselves. This may or may not be true in some few instances. But if true it ill becomes a Representative to make the charge, to prejudice the rights of claimants generally. It would place the judge of a court in a very unenviable attitude to question the right of litigants to recover judgment in his court simply because one had sworn falsely in some previous cause pending before him. Yet the reasoning is equally as good in one case as the other.

Certainly it cannot come under the fourth class, which refers to captured or abandoned property; because, this being the property of no particular individual, but that of the whole country everywhere, and in the custody at the time it was taken of agents of the public, who were and had always been civilians, was in no sense of the term the subject of capture.

This, sir, is by no means establishing a precedent case. The books are quite full of such and similar cases from the Revolution down to the present time. I will give but few instances, at the same time referring members specially to volumes 6, 16, and 17 of the United States Statutes at Large, and to Sabine's American Loyalist; also to the fifth article of the treaty of peace between the United States and Great Britain upon the settlement of our revolutionary struggle. The States at this time, being each a sovereign, had passed confiscation laws, over which the Congress had no power. But in the fifth article I have just referred to we find this language:

> It is agreed, that the Congress shall earnestly recommend it to the Legislature of the respective States to provide for the restitutions of all estates, rights, and properties which have been confiscated belonging to real British subjects; and also of the estates, rights, and properties of those persons residents in districts in possession of His Majesty's army, and who have not borne arms against the said United States.

Here we see that the Congress sitting at the time of the treaty of peace, after a hard struggle of seven years of war, recommended a restoration by the States of all property of British subjects, notwithstanding they had been in actual active hostility to them, and in some instances it was done. South Carolina did it. And yet we find members of this Congress who are unwilling to restore property to a claimant that was not only a non-combatant, but an institution for the promotion of science, morals, and religion. In addition to that restored by the States, the British government contributed about fifteen and a half million dollars together with annuities, half-pay to officers, large land grants, &c.

In volume 6 of the United States Statutes at Large, on pages 164 and 165, will be found an act passed April 26, 1816, by Congress directing compensation to be made for the destruction of the court-house in Clinton County, in the State of New York, by order of General Alexander Macomb.

In the same volume on page 309 will be found an act to pay to Jonas Duncan sixty dollars as compensation for the use and occupancy of his house by United States officers during the war of 1812, though this act was not passed until May 19, 1824. With that Congress justice, not time, was the criterion.

In the same volume on page 478, chapter 37, an allowance is made for the destruction of a house of Samuel Wagstaff.

Same page, chapter 38, is an allowance of $450 to Samuel Tupper for a barn occupied by the United States troops and destroyed by the enemy.

Same page, chapter 39, is an allowance of $650 for injury done house while occupied by the United States troops in the years 1818 and 1819. Though this relief was not given until March 7, 1832, certainly delay will not be made an objection to the claim now pending.

In volume 16 of the United States Statutes at Large, page 678, will be found an act which was passed January 17, 1871, directing the Treasurer to pay to the Kentucky University at Lexington the sum of $25,000 for the occupation of their building as a hospital and for damages and injury caused to the building and grounds adjacent, and to the museum and personal property belonging to that institution. This is almost an identical case with the one before us, except it is not so strong a case.

Hundreds of other cases could be cited, but I will not weary the patience of the House in this direction further than to notice the fact that in the late Franco-Prussian war, almost immediately upon its termination, the French government passed an act appropriating more than 100,000,000 francs for the relief of her loyal citizens, not-

withstanding her overwhelming defeat in war and the heavy exactions forced upon her by her conquerors, which she knew she was compelled to meet promptly.

In this case there is no job to be put up or jobbers to be rewarded. Not one dollar of dividends is or will be declared to any one. It is not a stock company for profits or dividends. Not a dollar is paid out by this institution other than for the necessary labor, machinery, and materials used in promoting the greatest good to the greatest number possible. It does occur to me that if there ever was a case having everything to recommend it favorably to Congress it is this one.

In the confident hope that an effort to do justice will be the chief motive power of every member on this subject, I decline to speak further.

Mercy to him that shows it is the rule
And righteous limitation of its act,
By which Heaven moves in pardoning guilty man;
And he that shows none, being ripe in years
And conscious of the outrage he commits,
Shall seek it, and not find it, in his turn.

The Iron-Molders' Union.

SPEECH OF HON. H. B. BANNING,

OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

June 9, 1874.

The House having under consideration the bill (H. R. No. 3521) to incorporate the National Iron-molders' Union.

Mr. BANNING said:

Mr. SPEAKER: I wish to say a few words in explanation of this bill, which I introduced at the request of the Molders' Union of the United States. The Molders' Union has been long and favorably known to the people of this country whose business and interest have brought them in contact with it. It is composed mainly of mechanics who have organized among themselves for the purposes set forth in this bill. It is meant for their protection, instruction, and general benefit. I may say without exaggeration that the molders as a class are known to be worthy, honorable citizens; they are sober, industrious, and seek honestly and in good faith only what this bill sets forth. It was thought better to have this act of incorporation from the General Government than from a single State or several States, as such act would give them a more perfect union and greater strength through the dignity that accompanies such incorporation. I am well aware this is not usual, and yet I cannot see wherein it is unconstitutional or improper.

I am among those who believe that a true knowledge of capital and labor finds harmony in both; the organization that antagonizes the one against the other does so to the injury of both. We are bound to remember, Mr. Speaker, that in this free land of ours the laborer of to-day is the capitalist of to-morrow, while the capitalist in turn may become the laborer. But all organization looking to a cultivation of kindly feelings, that seeks to inaugurate benevolent designs, and strives to extend the benefits of education as in this case, should be encouraged, and therefore I trust this bill will pass to a law.

Mr. Saffin, of Cincinnati, Ohio, the president of the Iron-molders' Union of the United States, has sent me an argument in support of this bill, giving a history of the Iron-Molders' Union, showing the wants of the iron-molders, and giving their reasons why this bill should become a law, which I now submit for the consideration of members of this House.

Mr. Saffin says:

The Iron-molders' International Union was organized in Philadelphia, Pennsylvania, on July 5, 1859. The causes that led to its organization may be briefly summed up as follows: The panic of 1857 had caused the wages of molders everywhere to be so largely reduced, that although known as skilled mechanics, they were not receiving wages above those paid the day laborer; odious rules were being enforced; the molders were obliged to make contracts to work a given time provided the work was furnished them to do, but if the work was not given them they must remain idle, as by the contract they were not allowed to seek elsewhere for work. The contract was enforced by the employers retaining until the end of each year a large portion of the wages earned, which would be forfeited if the molder should dare to go elsewhere. The molder was compelled to learn a large number of boys the trade under penalty, thus compelling him to spin the rope that would strangle the life out of him.

As an able writer has said:

"Labor has no protection; the weak are devoured by the strong. All wealth and all power centers in the hands of the few, and the many are their victims and their bondsmen."

So great had become the oppression, and so helpless the moulders, that it became absolutely necessary, if they would maintain even the semblance of freedom, that they must organize for defense.

Previous to 1859 there were several local organizations, and delegates from these several local organizations met in 1859 and organized what was then called the National Union of Iron-Molders, under which name the organization gained numbers and power until 1863, when the name was changed to the "Iron-molders' International Union," because of the many molders in Canada who desired to be connected with it. For nearly fifteen years our organization has been maintained intact, and while we have had conflicts with our employers, yet have we ever maintained the reputation of peaceable, law abiding citizens.

One thing in connection with our business is important in the light of modern events; that is, our business is one entirely domestic, our employers have no foreign competition to contend against; they are not brought in contract with the cheap labor of foreign countries. Previous to the organization of the molders under an international union the wages paid to molders were governed entirely by the will of the employer. He who could secure his labor for the lowest sum was enabled to undersell his competitors in the market, forcing them to either reduce wages or quit the business. The close competition was sure to force wages to a common level, no matter whether that level meant semi-starvation to the wage laborer, or whether it meant a comfortable living to himself and family. We claim the molders' union, while it has placed the molder on a footing second to no mechanics in the country, yet has in no manner worked injury to employers; instead of injury they have been largely benefited, as through our union we have established a standard of wages throughout the whole country, thus giving every employer an equal chance in the common market, preventing them from underselling each other, except at the expense of their own pockets, which they are not very likely to do.

The most marked effect of our organization is, however, upon the molders themselves. As mechanics they have rapidly advanced; from being mere machines they have become reasoning, thinking beings; their labor has become to them a pleasure; the study of the various materials that enter into their daily labor has become a necessity; a spirit of emulation, a desire to excel, has taken the place of that stolid indifference that was part of their character when ground down by oppression. All this naturally is in favor of the employer as well as the molder.

As citizens, the molders have through the teachings of the organization, through the necessity of education that is sure to follow organization, become second to none in the country.

It has been charged against us that we are communists, internationalists, that we are in league with foreign organizations that avow their objects to be the overthrow of the entire social as well as political system of the world. These charges we emphatically deny; we have upon every occasion repudiated the organization known as the commune or internationale. At our last convention, held in July, 1872, the following resolutions were adopted, that should give the lie to every assertion of that character. Our history as an organization should save us from such charges; but to err is human.

"Whereas the great makers of public opinion, the 'press and the pulpit,' have, during the past year, condemned trades-unions and their members as being controlled by the 'internationale' of Europe; and whereas such assertions, although both unjust and untrue, are calculated to draw from trades-unions the sympathy of the general public, and otherwise work injury to the various trades-unions: Therefore,

"*Be it resolved*, That the Iron-molders' International Union, composed of the molders of the United States and Canada only, denounce any and all assertions that they owe any allegiance or are in any manner connected with the 'internationale' of Europe as willfully and maliciously false.

"*Resolved*, That the Iron-molders' International Union is purely an American institution, having for its object the elevation, mentally, morally, and financially, of the molders of America.

"*Resolved*, That while we will extend a welcome to our foreign craftsmen, we shall expect of them to throw off all allegiance to foreign trades-unions, believing, as we do, that the molders and other mechanics in America are fully competent, through their own organizations, to protect and elevate their respective trades.

"*Resolved*, That the 'press' generally be requested to give as great publicity to these resolutions as they have given statements at variance herewith."

Adopted.

The following resolution was also adopted:

"*Resolved*, That no union of this organization shall participate in any demonstration of the association known as the internationale, or commune, either by association or contribution."

The majority of our local unions have become beneficial associations, securing to their members weekly assistance in case of sickness or accident, and decent burial in case of death. We also have connected with our international organization a system of mutual insurance, securing the heirs of members a moderate sum of money (four or five hundred dollars) to relieve immediate necessities. We publish a monthly journal of thirty-two double-column pages, devoted to the trade and the elevation of our members. Through our beneficial association and our local payments for sickness we expend yearly a sum approximating $10,000. Our yearly printing bills will aggregate $7,000. For relief of needy members we expend, in proportion as trade is prosperous or dull, from three to ten thousand dollars per year. These amounts are collected from an aggregate membership of seventy-five hundred men.

Our object in asking for a charter from the Congress of the United States may be summed up in four words—"protection for our funds." This demand on our part is not without a precedent. The trades-unions of England have their funds protected by law by an act known as the "friendly societies' act," adopted in 1852, amended in 1854, and again amended in 1862, in which are the following provisions:

The property of the society is vested in the name of the society; fraud committed with respect to the property of the society is punishable by justices' or county courts; disputes settled by arbitrators.

John Kidd Pratt is registrar of friendly societies in England.

We have after years of experience determined that all future differences between our members and their employers shall be settled by arbitration, provided our employers will agree thereto. For nearly two years we have strictly enforced this law upon our members, with the happiest results.

Our employers have organized a national association similar to ours. The cohesive power of capital has enabled them thus far to maintain their organization without asking for favorable legislation. As an evidence of our feeling toward our employers' organization we submit the following resolutions adopted at Troy:

"*Resolved*, That we congratulate the stove and hollow-ware manufacturers of the country upon their success in organizing a society having for its object the securing to its members of a just and equitable price for their wares sufficient to fully compensate them for the capital invested and the labor incident to making their business a success.

"*Resolved*, That their efforts in that direction have our hearty sympathy, and, if necessary, will receive our hearty assistance.

"*Resolved*, That while we fully recognize the rights of capital as represented by our employers, and believe their society well calculated to secure them those rights, yet we are unalterably fixed in our determination to resist by all lawful means any and every effort made to deprive the molder of his right to demand and receive a fair equivalent for his labor, or to abridge his right to fix a price for that labor."

For years past our organization has devoted considerable time and means toward establishing co-operation. We have to-day more co-operative associations (successful) than of all other callings combined. We recognize in co-operation one of the surest means to elevate labor, but are prevented from going into it to the extent we would desire because as an association we are unknown to the law. We have no right to issue stock, we can give no guarantee to stockholders; our efforts must be local in their character, because we have no national legal existence. If we were chartered by Congress, co-operation would receive a new impetus, strife between employers and employés in the foundery business would cease, and that identity of interests so much talked about between capital and labor would be realized by and through co-operation.

A refusal to grant the charter asked for will not destroy or impair the power of our organization. We have lived fifteen years without legal recognition; we can live fifteen more. A charter would make our organization responsible for its acts; without a charter individuals only are responsible. Give us a charter, and laws can be enacted and enforced that would certainly prevent the realization of the terrors of those who believe, or at least say they believe, we are communists.

Societies for the prevention of cruelty to animals can be chartered; but societies

for the prevention of cruelty to human beings have never yet received the sanction of law. Are we less than the brutes? Societies having for their object the aiding of their members in times of sickness the laws hasten to recognize, giving them all the legal recognition and assistance they may desire; but a trades-union, organized for the sole object of aiding their members, when in health, to secure living wages, has never received such recognition, but are met by laws on all sides to destroy their power. Despite all the drawbacks trades-unions have flourished, are every year increasing in power and influence; they are organizations unknown to the law, yet are they law abiding, and now they simply ask that they may become, as all other societies, recognized by and amenable to the law.

Improvement of the Mouth of the Mississippi River.

SPEECH OF HON. THOMAS J. CASON,

OF INDIANA,

IN THE HOUSE OF REPRESENTATIVES,

June 3, 1874.

The House having under consideration the bill (H. R. No. 3342) for the improvement of the mouth of the Mississippi River—

Mr. CASON said:

Mr. SPEAKER: The question that comes nearest to the people of the valley of the Mississippi, and the one that is fraught with the greatest benefit, is cheap transportation. The farmer and mechanic, the merchant and professional man, are one and all deeply and directly interested in the question that lies at the foundation of the future prosperity and development of the largest, the most fertile valley of the world.

A few years ago its rich plains were a wild wilderness and its beautiful savannas were the camping-grounds of the Indian warrior. One half-century has not passed since the wild savage with his tomahawk and scalping-knife held possession and sway over the greater portion of that country. What wonderful transformation! The wilderness has given way to the cultivated fields; where the savage roamed over limitless prairies, now miles and miles, leagues upon leagues of maize, wheat, and other cereals spring from the warm bosom of the fertile valley as if by enchantment, and millions of bushels of golden grain reward the honest husbandman, the hardy tiller of the soil. The school-house and church stand in place of the wigwam. As the sound of the war-whoop of the Indian died away, songs and hymns of praise arose in thanksgiving to Him who has made "her wilderness like Eden." Along the path of the original nomad is now and has for years past been heard the shrill whistle of the flying locomotive; echo answering echo from prairie to woodland, resounds through hill and valley. Great cities have arisen as if by magic, and the towns and hamlets cover the country from the Alleghany to the Rocky Mountains; from the Gulf of Mexico on the south to the British possessions on the north. Having been born in the valley, lived there all my life from early youth to manhood, toiled as a tiller of the soil and struggled for a livelihood, familiar with the habits and associations of her people, identified with her interests, their ways my ways, their homes my home, I enter into the discussion with the profoundest feelings of the importance of the question to my people and the most earnest regard for the success of the principles I shall advocate. In what I may say I shall aim at arguments rather than rhetoric; shall collate facts showing the wonderful resources of the country, and shall endeavor to portray the extent, the grandeur of this center and heart of nature's great store-house.

The key to the progress and development of this valley is the improvement of the Mississippi River and its navigable tributaries. But little over a half-century has elapsed since any except a small portion of the eastern part of this country was settled by civilized man. The States that compose the principal part of this valley are named as follows, together with the date of their admission into the Union:

Indiana, admitted in 1816; Illinois, in 1818; Ohio, in 1803; Kentucky, in 1792; Tennessee, in 1796; Texas, in 1845, Mississippi, in 1817; Kansas, organized in 1854, admitted in 1861; Iowa, organized in 1836, admitted in 1846; Wisconsin, organized in 1836, admitted in 1848; Minnesota, organized in 1849, admitted in 1857; Louisiana, admitted in 1812; Arkansas, a French colony acquired by the Louisiana purchase, organized in 1813, admitted in 1836; Missouri, a French colony, organized in 1805, admitted in 1820; Nebraska, organized in 1854, admitted in 1866.

In addition to the States named, I shall include in my statement West Virginia and Western Pennsylvania (estimated at one-third of the whole State) as legitimately belonging to the Mississippi Valley and directly interested in the improvement of its rivers.

For the purpose of showing the extent, the magnitude, and population of this valley, demonstrating that we have an empire in area and unlimited internal resources, much of which have been, yet far more are to be developed, I have prepared a series of statistical tables to which I beg leave to call the attention of the House. By the following table we find that in the States I have heretofore mentioned there is a total area in square miles of 1,081,015; that by the census of 1870 the population was 18,835,287, making an average population to the square mile of 44,733; that the whole number of farms of all sizes were 1,566,180; that there were a total of 5,670,626 persons, engaged in all kinds of occupations; of which number there were engaged in agriculture 5,670,626; in manufactures, mechanical, and mining industries, 897,067; in transportation and trade, 469,286; in professional and personal services, 1,079,314:

States.	Area in square miles.	Population.	Population to square mile.	Farms of all sizes.	Engaged in all kinds of occupations.	Engaged in agriculture.	Engaged in manufactures, mechanical and mining industries.	Engaged in trade and transportation.	Engaged in professional and personal services.
Arkansas	52,198	484,471	9.30	49,424	135,949	109,310	6,271	5,491	.....
Illinois	55,410	2,539,891	45.84	202,803	742,015	376,441	133,221	80,422	151,931
Indiana	33,809	1,680,637	49.71	161,289	459,369	266,777	76,057	36,517	80,018
Iowa	55,045	1,194,020	21.69	116,292	344,276	210,263	47,319	28,210	58,484
Kansas	81,318	364,399	4.48	38,202	123,852	73,228	18,126	11,762	20,736
Kentucky	37,680	1,321,011	35.33	118,422	413,593	261,080	44,197	25,292	84,024
Louisiana	41,346	726,915	17.58	28,481	256,452	141,467	25,807	23,831	65,347
Minnesota	83,531	439,706	5.26	46,500	132,657	75,157	18,588	10,582	28,330
Mississippi	47,156	827,922	17.56	68,023	318,850	259,199	9,981	9,148	40,522
Missouri	65,350	1,721,295	26.34	148,328	505,556	263,918	79,850	54,885	106,903
Nebraska	75,995	122,993	1.62	12,301	43,837	23,115	5,763	4,628	10,331
Ohio	39,964	2,665,260	66.69	195,953	840,889	397,024	197,010	78,547	168,308
Tennessee	45,600	1,258,520	27.60	118,141	367,987	267,020	29,061	17,510	54,396
Texas	274,356	818,579	2.98	61,125	237,126	166,753	15,879	13,612	40,882
West Virginia	23,000	442,014	19.22	39,778	115,229	73,960	17,673	6,897	16,699
Western Pennsylvania, estimated at one-third of whole	15,333	1,173,984	76.57	58,214	340,181	86,684	118,747	40,418	94,333
Wisconsin	53,924	1,054,670	19.56	102,904	292,808	159,687	53,517	21,534	58,070
Total	1,081,015	18,835,287	447.33	1,566,180	5,670,626	3,170,083	897,067	469,286	1,079,314

That the House may have a clearer idea of the relative portions of this valley that have already been improved and that are yet to be improved, together with the number of domestic animals and total productions of the leading cereals, the following figures have been drawn from the census report of the year 1870: Total number of acres of improved land, 105,715,405; number of acres of unimproved woodlands, 91,966,296; total number of acres of other unimproved lands, 36,129,579; cash value of farm lands, $5,143,702,858; cash value of all farming implements and machinery, $188,628,038; total amount of wages paid during the year previous to taking the census, $140,435,160; total amount of estimated value of all farm productions, including betterments and additions to stock, $1,370,839,464; cash value of all live stock, $893,873,496; cash value of all slaughtered animals, $264,827,174; total number of horses, mules, and asses, 6,139,644; total number of neat cattle, 17,311,686; total number of sheep, 11,791,270; total number of swine, 18,312,578; total value of all real and personal estate, less West Virginia, for that year, is shown by Table No. 2.

RETURNS FROM THE STATISTICAL BUREAU FOR 1869.

The annual earnings or values created by the leading industries of the country are shown to be substantially as follows:

Agriculture	$3,282,950,000
Cotton manufactures	71,500,000
Woolen manufactures	66,000,000
Iron productions—pig and bar	119,950,000
Leather manufactures	220,600,000
Rail service	360,000,000
Fisheries	100,000,000
Other industries	2,602,000,000

Here it is shown that our annual earnings, not by labor alone but by the aid of its handmaid, capital, amount to the enormous sum of $6,823,000,000, or three times the entire amount of the national debt.

In connection with these tables I call attention to the following table, which exhibits some of the leading articles produced in States bordering upon the navigable rivers of the Mississippi Valley, as shown by the census of 1870:

State.	Wheat.	Corn.	Oats.	Rye and Barley	Wool.
	Bushels.	*Bushels.*	*Bushels.*	*Bushels.*	*Pounds.*
Illinois	30,128,405	129,921,395	42,780,851	4,936,978	5,739,249
Indiana	27,747,222	51,094,538	8,590,409	813,730	5,029,023
Iowa	29,435,692	68,935,065	21,005,142	2,556,586	2,967,043
Kansas	3,391,198	17,025,525	4,007,925	183,612	335,005
Minnesota	18,866,073	4,743,117	10,678,261	1,110,112	401,185
Missouri	14,315,926	66,034,075	16,578,313	823,781	3,649,390
Ohio	27,882,159	67,501,144	25,347,549	2,562,111	20,539,643
Wisconsin	25,606,444	15,033,998	20,180,016	2,970,313	4,090,670
Arkansas	741,736	13,328,145	528,777	29,566	214,784
Louisiana	9,906	7,596,628	17,782	2,210	140,428
Mississippi	274,479	15,637,316	414,586	18,825	288,285
Kentucky	5,728,704	50,091,006	6,620,103	1,347,419	2,234,450
Tennessee	6,188,916	41,343,614	4,513,315	298,403	1,389,762
Nebraska	2,125,086	4,736,710	1,477,562	230,013	74,655
Texas	415,112	20,554,538	762,663	72,872	1,251,328
Total	192,857,058	573,576,484	163,543,324	17,946,531	48,324,900

The total amount of buckwheat in the above States was 1,504,505 bushels.

I would also ask the attention of the House to the following statement of the production of cereals:

Statement showing the production of cereals in the United States, the quantity consumed, and the quantity exported, 1840 to 1872, inclusive.

Year.	Production.	Consumed in the United States.	Consumed per capita.	Exported.	Percentage exported.
	Bushels.	*Bushels.*	*Per cent.*	*Bushels.*	*Per cent.*
1840	615,525,302	602,326,253	35.21	13,199,049	2
1850	867,453,967	851,502,312	36.8	15,951,655	1.8
1860	1,239,039,945	1,216,084,810	38.68	22,955,135	1.8
1862	952,702,889	868,358,849	35.23	84,344,040	8
1863	789,580,656	712,121,706	28.18	77,458,950	9.7
1864	916,427,263	868,988,145	33.79	47,439,118	5
1865	1,127,459,185	1,100,178,958	31.43	27,280,227	2.4
1866	1,342,570,666	1,309,233,591	36.67	33,337,075	2.5
1867	1,329,729,400	1,298,147,835	35.82	31,581,565	2.5
1868	1,450,758,900	1,411,070,840	38.13	39,688,060	2.7
1869	1,491,412,100	1,458,399,134	38.73	33,012,966	2
1870	1,629,027,600	1,571,737,079	41.03	57,290,521	3.5
1871	1,528,776,100	1,464,070,299	37.44	64,705,801	4
1872	1,656,198,100				

TABLE No. 2.

States.	Acres of land in farms.			Present cash value—		Total amount of wages paid during the year, including value of board.	Total (estimated) value of all farm productions, including betterments and additions to stock.
	Improved.	Unimproved.		Of farms.	Of farming implements and machinery.		
		Woodland.	Other unimproved.				
Arkansas	1,859,821	3,910,325	1,827,150	$40,029,698	$2,237,409	$4,061,952	$40,701,699
Illinois	19,329,952	5,061,578	1,491,331	920,506,340	34,576,587	22,338,767	210,860,525
Indiana	10,104,279	7,189,334	826,035	634,804,189	17,676,591	9,675,348	122,914,302
Iowa	9,396,467	2,524,793	3,620,533	392,662,441	20,509,582	9,377,878	114,386,441
Kansas	1,971,003	635,419	3,059,457	90,327,040	4,053,312	2,519,452	27,630,651
Kentucky	8,103,850	9,134,658	1,421,598	311,238,916	8,572,896	10,709,382	87,477,374
Louisiana	2,045,640	4,003,170	977,007	68,215,421	7,150,333	11,042,789	52,006,622
Minnesota	2,322,102	1,336,299	2,825,427	97,847,442	6,721,120	4,459,201	33,446,400
Mississippi	4,209,146	7,959,384	952,583	81,716,576	4,456,633	10,326,794	73,137,953
Missouri	9,130,615	8,965,229	3,611,376	392,908,047	15,596,426	8,797,487	103,035,759
Nebraska	647,031	213,374	1,213,376	30,242,186	1,549,716	882,478	8,604,742
Ohio	14,469,133	6,883,575	359,712	1,054,465,226	25,692,787	16,480,778	198,256,907
Pennsylvania, (estimated at one-third of the whole)	3,838,655	1,913,621	245,790	347,827,194	11,886,065	7,727,315	61,315,342
Tennessee	6,843,278	10,771,396	1,966,540	218,743,747	8,199,487	7,118,003	86,472,847
Texas	2,964,836	7,662,294	7,769,393	60,149,950	3,396,793	4,777,638	49,185,176
West Virginia	2,580,254	4,364,405	1,583,735	107,604,381	2,112,937	1,903,788	23,379,692
Wisconsin	5,899,343	3,437,442	2,378,536	300,414,064	14,239,364	8,186,110	78,027,032
Total	150,715,405	91,966,296	36,129,579	5,143,702,858	188,628,038	140,435,160	1,370,839,464

States.	Value of all live stock.	Value of all slaughtered animals.	Number of horses, mules, and asses.	Number of neat cattle.	Number of sheep.	Number of swine.	True value of real and personal estate in 1870.
Arkansas	$17,222,506	$3,843,923	102,240	379,023	161,077	841,129	$156,394,694
Illinois	149,756,698	56,718,944	1,102,721	1,944,573	1,568,286	2,703,343	2,121,680,579
Indiana	83,776,782	30,246,962	596,462	1,182,988	1,612,680	1,872,230	1,268,180,543
Iowa	82,987,133	25,781,223	508,271	1,137,045	855,493	1,353,908	717,644,750
Kansas	23,173,185	4,156,386	163,786	998,347	109,088	206,587	188,892,014
Kentucky	66,287,343	24,121,861	234,430	812,380	936,765	1,838,227	604,318,552
Louisiana	15,929,188	817,831	123,922	383,364	118,602	338,326	323,125,666
Minnesota	20,118,841	3,076,650	105,028	365,241	132,343	148,473	228,909,590
Mississippi	29,940,238	4,090,818	190,486	581,247	232,732	814,381	209,197,345
Missouri	84,285,273	23,626,784	657,324	1,269,065	1,352,001	2,306,430	1,284,922,897
Nebraska	6,551,185	854,850	36,533	392,716	22,725	59,449	69,277,483
Ohio	120,300,528	40,498,375	720,729	1,521,421	4,928,635	1,728,968	2,235,430,300
Pennsylvania, (estimated at one-third of the whole)	38,549,025	9,470,968	209,832	501,966	598,100	289,183	1,269,446,704
Tennessee	55,084,075	15,856,880	376,138	682,318	826,783	1,828,690	498,237,724
Texas	37,425,194	4,835,284	635,963	3,990,158	714,351	1,202,445	159,052,542
West Virginia	17,175,450	4,914,792	101,501	337,881	552,327	268,031	
Wisconsin	45,310,882	11,914,643	274,278	831,953	1,069,282	512,778	185,945,489
Total	893,873,496	264,827,174	6,139,644	17,311,686	11,791,270	18,312,578	

As showing the rapid increase in the cereal productions of the interior States north of the Ohio River and as a comparison with the like productions of the entire country, I beg leave to direct the attention of the House to the following tables:

The cereal products of the interior States north of the Ohio River, embracing the present States of Ohio, Indiana, Michigan, Illinois, Wisconsin, Minnesota, Iowa, Missouri, Kansas, and Nebraska, were—

In the year 1840	bushels..	166,204,201
In the year 1850	do....	311,581,066
In the year 1860	do....	577,255,715
In the year 1870	do....	812,055,564

Estimating these cereals at 60 pounds avoirdupois per bushel for wheat, 56 for Indian corn, and 32 for oats, with the customary rates for the minor grains, (rye, buckwheat, and barley,) the total weight of the 812,055,364 bushels was 42,302,282,904 pounds, or, in round numbers, 21,000,000 tons of 2,000 pounds, slightly exceeding 40 bushels to the ton. If 11,000,000 tons were reserved (which is an extravagant allowance) to feed the population and animals of the interior States, there would remain for other purposes 10,000,000 tons, nearly all of which, with adequate facilities for cheap and rapid transportation, would be exported to other States or sent down to the sea-board for export to foreign countries, to feed their constantly increasing populations and animals.

The 10,000,000 tons, if ground into flour or meal, and placed in barrels holding 5 bushels each, would require 80,000,000 barrels, and would fill 40,000 Erie Canal boats, each carrying 250 tons, or 1,000,000 railway freight cars, each carrying ten tons.

In addition to this, a considerable portion of the 11,000,000 tons reserved to feed the population and animals of the interior would reappear, diminished in weight, but much increased in relative value, in beef, pork, dairy products, and other animal food greatly needed on both sides of the Atlantic, and serving to swell the rich centrifugal streams of our inland commerce.

The total products of cereals (consisting of wheat, Indian corn, oats, rye, buckwheat, and barley) in all the States and Territories of the United States amounted in the year—

1840 to	bushels..	615,535,077
1850 to	do....	867,454,032
1860 to	do....	1,238,138,947
1870 to	do....	1,357,230,096

The aggregate cereal product of all the nations of Europe in 1868, with a total population of 296,128,293, was reported to the international statistical congress at the Hague in 1869 to be 4,754,516,604 bushels, being sixteen bushels to the head. The product in the United States in 1870, of 1,357,230,096 bushels, with a population of 38,558,371, was thirty-five bushels to the head.

I will endeavor to impress the House more perfectly by bringing to your notice the amount and value of a few of those products that may be termed staples, for time would fail me to go into detail. The farmers of this country produced, as per census of 1870, 287,745,626 bushels of wheat, 760,944,540 bushels of Indian corn, 3,011,996 bales of cotton, 100,102,387 pounds of wool, 514,092,683 pounds of butter, 53,492,153 pounds of cheese, orchard products valued at $47,335,189, market-garden products $20,719,229.

As I shall hereafter be able to show, the tables from the census returns of 1870 only enable us to approximate the actual agricultural resources of the Mississippi Valley for the year 1873. The increase since 1870 has been very large.

COAL LANDS.

The discovery of the coal area in the Northwest Central States in the last few years has been very extensive, and that there is block-coal in all or nearly all of these States almost equal to charcoal for smelting iron, and the manufacture thereof has greatly added to the wealth and resources of this country. There are in Indiana, Kentucky, and Illinois over 61,700 square miles of coal lands, with from one to thirteen layers or strata of coal, and an aggregate thickness of thirty to thirty-five feet. Ohio has 10,000 square miles, with an aggregate thickness of nearly fifty feet, and in places as many as ten beds. The Missouri basin, from Iowa to Texas, has over 105,000 square miles of coal-beds, with a thickness of sixteen inches to five feet, and of a total thickness of thirty feet. Tennessee has 5,100 square miles, and some of its beds are as thick as fourteen feet.

From the census report of 1870 we learn that there were that year 1,723 men and boys engaged in mining in Indiana, and the capital invested was $610,692; paid for wages, $754,964; value of materials employed, $73,992; value of the total mining productions, $1,137,172. In the State of Illinois there were 7,504 men and boys engaged in this employment; capital invested, $4,814,123; wages paid, $3,606,913; materials employed, $448,338; total productions, $6,968,201. In the State of Ohio there were engaged in the business 11,241 men and boys; capital invested, $9,017,197; wages paid, 4,682,571; materials employed, 437,714; total productions, $7,751,544. In the State of Missouri there were engaged, men and boys, 3,423; capital invested, $3,489,250; wages paid, $1,938,792; materials employed, $670,781; total productions, $3,472,513. In the State of Iowa there were employed, men and boys, 1,528; capital invested $756,224; wages paid, 676,714; materials employed, $88,262; total productions, $1,063,484. In the State of Wisconsin there were employed, men and boys, 701; capital invested, $737,728; wages paid, $233,981; materials, $38,582; total productions, $510,982. In the State of Tennessee, men and boys employed, 1,239; capital invested, $941,829; wages paid, $378,913; total productions, $776,292. In Kentucky, men and boys employed, 925; capital, $761,450; wages paid, $312,486; materials furnished, $31,083; total productions, $509,245. Making a total for these eight States, of men and boys employed, 28,384; capital invested, $20,608,553; wages paid in all, $12,583,453; materials employed, $1,720,177, and total productions, $22,189,433.

It is not necessary for me to say to those acquainted with this branch of industry that it has increased largely since the census report of 1870; in many of the States perhaps doubled.

TAXES, NATIONAL AND LOCAL—PUBLIC DEBT, NATIONAL AND LOCAL.

As an evidence of the recuperative ability and internal resources of our people, and demonstrating the patience with which they bear the burdens of taxation while others reap the larger share of the profits of their toil and productions, I append the following table for ten of the States in the Mississippi Valley. From this table we find that there was a total indebtedness for the year 1870 (not national) of $255,591,120; that the State and local taxes (national) for the same year amounted to $51,706,229.03; that the taxes other than national were $102,296,755; that the total taxes paid by these States were $149,493,124.03; that the common-school revenues of these States amounted to $28,557,056.41; the permanent school fund of said States was $37,632,676.41; total revenue and permanent school fund, $66,079,231.82. The following table gives the amounts for each of said States:

States.	Public debt not national, 1870.	Taxation not national, 1870.	Amount of taxation paid by each State to national Government, 1870.	Total for each State of taxes, 1870.	Years for school fund.	School revenue for each State.	Amount of permanent school fund.	Total revenues and permanent school fund.
Illinois	$42,191,869	$21,825,008	$16,470,208 72	$38,295,216 72	1872	$7,500,122 00	$6,382,248 00	$13,682,370 00
Indiana	7,818,710	10,791,121	5,668,969 51	16,460,090 51	1872	1,590,818 15	8,395,135 07	9,985,953 22
Kentucky	18,953,484	5,730,118	5,442,500 34	7,162,618 34	1871-'72	968,176 80	1,350,491 71	2,318,668 57
Louisiana	53,087,441	7,060,722	1,332,854 20	8,393,576 20	1871	554,973 70	1,193,500 00	1,748,473 70
Missouri	46,909,865	13,908,498	4,240,089 87	18,148,587 87	1871	1,687,573 00	4,689,423 00	6,376,996 00
Ohio	22,241,988	23,526,548	14,791,060 76	38,317,608 76	1872	7,420,338 13	3,912,497 00	11,332,835 13
Kansas	48,827,191	3,381 579	612,485 45	3,994,064 45	1872	1,049,592 10	745,212 34	1,794,604 44
Texas	1,613,907	1,129,577	270,981 81	1,400,558 81	1872	1,217,101 48	5,383,198 00	6,600,299 48
Wisconsin	5,903,532	5,387,970	1,867,156 91	7,255,126 91	1871	2,305,382 26	2,389,488 28	4,694,870 54
Iowa	8,043,133	9,055,614	1,009,917 46	10,065,585 46	1872	4,242,978 79	3,191,483 01	7,444,450 80
Total	255,591,120	102,296,755	51,706,229 03	149,493,124 03	.....	28,557,056 41	37,632,676 41	66,079,231 82

NAVIGABLE RIVERS FOR STEAMBOATS.

The estimated extent of steam navigation on the rivers of the Mississippi Valley by a Government topographical engineer is as follows: On the Mississippi River and its branches, a total of 7,097 miles; on the Ohio and branches, 3,292 miles; on the Missouri and branches, 2,655 miles; Red River and branches, (bayous, &c.,) a total of 3,630 miles, making in all of steamboat navigation a total of 16,674 miles. Besides there are several hundreds of miles of navigable rivers in addition for flat-boats, keels, and barges.

NUMBER OF MILES OF RAILROADS, ETC.

There are in the United States over 67,000 miles of railroads. These roads exceed in mileage the railroads of all Europe combined. The tonnage of the railroads of the United States amounts to about 225,000,000 of tons per year. The capacity of the railroads to move to the sea-board, to all the different points, is estimated at about 30,000 tons per day. The capacity of the water-routes, by canal, the Saint Lawrence and Mississippi River, and other water communications to the sea-board is equal to about 75,000 tons per day; so that if the business was equalized it makes a capacity to move, if it was equally distributed over the time, equal to 105,000 tons per day. Take that for a year, and you have a tonnage equal to 7½ tons for every man, woman, and child of the whole United States west of Buffalo. There are in operation in Ohio, Michigan, and Western States and Territories north of the Ohio River and east of the Rocky Mountains, Missouri, Kansas, and Colorado, and north of them, 28,778 miles of railroads, owned and controlled by about two hundred different sets of men as stockholders, represented through their boards of directors. These roads, with their equipments, have cost an average of $50,550 per mile. The total earnings, less actual working expense, give an average of 2.83 per cent. on all the capital; but nearly one-half of the entire cost is represented by bonds bearing from 7 to 10 per cent. interest, which of course should be added to the earnings of the roads. Many of the roads, however, pay no dividends, and some of them do not even pay the interest on their bonds. The grand total cost of these roads in the West alone, at the rate I have given it above, would be $1,454,677,900.

STATE PRODUCTIONS.

I shall not have time to go into detail in relation to the individual State productions. The able and energetic auditor of the State of Indiana, Mr. Wildman, has been lately collating from official sources statistics of the resources of several different States. A short abstract of a part of these statistics has been published, and Mr. Wildman has kindly furnished me with the published statement, and I take pleasure in incorporating the following, showing the taxable property *per capita* of several States, to which is appended a short statement of the taxables of some of the States.

We learn that in twenty States the proportion of taxable property per head is as follows:

Alabama	$100
Arkansas	150
Connecticut	650
Georgia	220
Illinois	530
Indiana	560
Iowa	306
Kentucky	354
Louisiana	314
Maine	358
Massachusetts	1 163
Minnesota	255
Mississippi	179
New York	408
North Carolina	116
Ohio	588
Oregon	437
Wisconsin	325

By the above statement it will be seen that Connecticut is running down rapidly, if we may trust the comparison between Mr. Wildman's table and the census. The former gives her only $348,855,457 of

taxables, while the latter three years ago made her worth $425,433,237, a loss of about $76,000,000. Massachusetts shows an increase in three years from $1,591,983,112 to $1,696,599,969, over $100,000,000. New York gains in the same way and same time from $1,967,001,185 to $2,129,626,386, about $162,000,000. Ohio advances from $1,167,731,697 to $1,567,274,639. Illinois, however, makes the most astonishing jump upward ever recorded in the duplicate of any country since that which Ducalion populated by picking up pebbles and throwing them behind to become men and women. She was assessed, says the census, in 1870, at $482,892,575, nearly $200,000,000 less than Indiana. In 1873 she sends Mr. Wildman an assessed total of $1,341,543,046, a gain of nearly 200 per cent. The poorest State is Alabama, and the next North Carolina. New York, singularly enough, considering her increase of wealth, is worth less per head than Indiana. Massachusetts, as would have been guessed in advance by everybody of any business knowledge, is the richest State in the Union, having $1,163 of taxable property for every man, woman, and child of her population. Connecticut, in spite of her unaccountable decline, is next, and then Ohio, Indiana, and Illinois are next, at very nearly the same rate *per capita*, Ohio leading all a little, and Indiana leading Illinois. New York and Pennsylvania are behind Oregon. They are cursed with the dregs of Europe, while the West gets the cream of immigration from the North Sea to the Mediterranean.

MISSISSIPPI RIVER.

The Mississippi River and its tributaries float annually upon their bosoms more than $2,000,000,000 of commerce, which is an excess of more than $1,000,000 over our foreign commerce, and nearly $2,000,000,000 in excess of our carrying trade, coastwise and foreign. We have no means of estimating accurately the magnitude of our internal trade; but its colossal proportions may be inferred from two or three known facts. The value of commodities moved by the railroads in 1872 is estimated at over $10,000,000,000, and their gross receipts reached the enormous sum of $473,241,055. The commerce of the cities of the Ohio River alone has been carefully estimated at over $1,600,000,000 per annum. Some conception of the immense trade carried on upon the northern lakes may be formed from the fact that during the entire season of navigation in 1872 an average of one vessel every nine minutes, day and night, passed Fort Gratiot light-house, near Port Huron. It is probably safe to say that the value of our internal commerce is ten times greater than our trade with all foreign nations, and that the amount annually paid for transportation is more than double the entire revenues of the Government.

INDIANA RESOURCES.

I shall not attempt the discussion in detail of each individual State of the Mississippi Valley, and shall confine myself to a few of these States, for what illustrates the progress of one demonstrates that of the others. The total value of personal and real estate in the State of Indiana in 1860 was $528,860,282, and increased to $1,268,180,543 in the year 1870; the total value in manufacturing industries alone was in 1860 $42,803,469, and in 1870 had increased to $108,617,274; the number of improved acres of land was in 1860 3,242,183, in 1870 the amount was 10,104,279; the cash value of farms in 1860 was $356,712,175, and in 1870 $634,804,189. In 1873 there was assessed in the State 22,390,865.99 acres of land, the assessed value of these lands were $412,760,682; the value of improvements was $78,261,010, the value of land and improvements $491,921,692; the value of town lots was $90,209,823, value of improvements $72,377,501, value of personal property $247,146,331; making a total value of all taxable property, real and personal, $900,765,347. There are in this State miles of railroads, as follows: Main track 3,653.84, of side tracks 424.76; the total value of the main tracks are $27,652,621; the value of side tracks are $2,479,229; the value of the right of way, $54,846; value of rolling-stock, $9,093,056; total valuation, $39,279,752. The total value of the Western Union and Pacific and Atlantic Telegraph Companies, $807,875; total value of other corporations, $9,614,880; making a grand total valuation of all taxable property of $950,467,854.

The following statistics as to the productions of the State of Indiana for the year 1873 are taken from the report of the State auditor:

Amount of stock.—Horses, 314,438; mules, 54,307; cattle, 1,201,246; sheep, 1,235,874; hogs, 2,999,139.

Number of acres.—In wheat, 1,902,599; in corn, 2,627,980; in oats, 624,795; in meadow, 985,529; in pasture and wood land, 4,511,775; number of acres in cultivation, 6,162,157.

Number bushels of grain, seeds, &c.—Wheat 22,149,527; corn, 81,185,485; rye, 333,153; oats, 11,434,628; barley, 322,943; grass and clover seeds, 137,774; flaxseed, 389,179; fruit, 3,473,161; potatoes, 3,412,159.

Manufactures.—Piano-fortes, 5,114; melodeons and organs, 4,834; sewing and knitting machines, 63,115.

Miscellaneous.—Lime, 1,167,661 bushels; hay, 825,477 tons; hemp, 18,794; coal mined, 570,382; beef, 3,320,067 pounds; bacon, 40,716,539; bulk pork, 30,913,745; lard, 11,391,432; wool, 2,228,437; tobacco, 12,377,792; hops, 29,729; maple sugar, 302,041; beef, 6,133 barrels; pork, 85,065 barrels; cider, 1,097,019 gallons; vinegar, 385,835; wine 827,486; sorghum molasses, 501,363; maple molasses, 57,675; value of nursery stock, $39,487; of slaughtered animals, $3,938,754; of home-made manufactures, $20,247,216.

Insurance companies.—Gross receipts by insurance companies doing business in this State, $1,169,413.26; losses paid by same, $608,950.71; receipts less losses, $583,300.09. Taxes paid by said companies, $17,498.45.

Liabilities, receipts, and expenditures.—Foreign debt, October 31, 1873, $994,030.12; domestic debt, October 31, 1873, being non-negotiable bonds due school fund, $3,904,783.22. Total amount of receipts into the treasury from all sources, including balance in treasury, November 1, 1872, of $755,021.87, $4,300,633.02; paid out during fiscal year, $4,115,457.55; leaving balance in treasury, November 1, 1873, $185,175.47.

The common-school revenue for the year was $1,372,993.30; total permanent school fund belonging to the State, $8,437,593.47.

PRODUCTIONS OF ILLINOIS.

The value of the real and personal estate in Illinois was in 1860 the sum of $871,860,282, which increased to $2,121,680,579 in the year 1870; manufactured productions were valued in 1860 at the sum $57,580,886, and in 1870 were valued at $205,620,679; the number of improved acres of land in 1860 was 13,096,374, and in 1870 19,329,952. The cash value of farms was in 1860 $408,944,033, and in the year 1870 $920,506,346. In 1830 the population of Illinois was 1¼ per cent. of the whole population of the United States; in 1840 it was 2¾ per cent.; in 1850, 3¾ per cent.; in 1860 it was 5¼ per cent.; and in 1870 it was nearly 7 per cent. of the whole. In 1830 it contained one-eighteenth of our population; in 1870, one-fifteenth. In 1850 Illinois was valued at $156,000,000; in 1860, $871,000,000; and in 1870 her valuation had increased to the enormous sum of $2,121,000,000. The marvelous growth of this State may well excite the pride of its citizens and cause them to challenge the world for its parallel.

RESOURCES OF MISSOURI.

The value of real and personal estate in Missouri was in 1860 $501,214,398; increased in 1870 to $1,284,922,897; manufacturing industries were in 1860 $41,782,731, and in 1870, $206,213,422; the number of acres improved land in 1860 was 6,246,871, and in 1870, 9,130,615; the cash value of the farms was in 1860 $230,632,126, and in 1870 $392,908,047. She has an area of 43,123,200 acres, of which in 1870, as shown by the census, there were planted in corn 3,025,159 acres; in wheat, 519,230 acres; in rye, 19,166 acres; in oats, 220,000 acres; in barley, 10,795 acres; in buckwheat, 3,559 acres; in potatoes, 21,359 acres; in tobacco, 26,146 acres; and in growing hay, 414,403 acres; making the total amount in cultivation 4,258,817. The productions from these lands were, in corn, 94,990,000 bushels; wheat, 6,750,000 bushels; rye, 299,000 bushels; oats, 5,525,000 bushels; barley 285,000 bushels; buckwheat, 84,000 bushels; potatoes, 2,200,000 bushels; hay, 412,403 tons; tobacco, 19,600,000 pounds. The aggregate value of the foreign productions in 1870, as shown by the census, was $60,357,320. It is shown that less than one-tenth of the soil of Missouri in 1870 was in actual cultivation, and I am sure that no one who is familiar with the topography of the State doubts but what at least three-fourths of the entire surface is susceptible of cultivation. Assuming this to be true, instead of having only 4,258,817 acres in cultivation, they ought to have 32,343,200, or seven and one-half times as much as they had in 1870. An estimate has been made by one of her leading statesmen that Missouri has 13,000,000 of hemp lands, 5,000,000 of grape lands, 15,000,000 for ordinary farming, 2,000,000 for mining; that there could be mined 100,000,000 bushels of coal annually for thirteen hundred years; that there are 230,000,000 tons of iron above ground, with lead at five hundred points; copper in fifteen counties, gold, zinc, tin, nickel, cobalt, emery, granite, marble, limestone, pipe-clay, and metallic paints, within one hundred miles of Saint Louis, exciting the wonder and cupidity of the adventurous and enterprising of the other States.

PARTIAL RESOURCES OF OTHER STATES.

In Kentucky it has been discovered that Rockcastle County has black coal that will smelt ores equal to any of Pennsylvania or Indiana, and a bed of two hundred and fifty acres has just been developed. Limestone abounds; iron ore exists in several counties, and a two-stacked furnace is to be constructed immediately, with large rolling-mills connected. I have not time to allude to what has been done and proposed in Alabama, Georgia, Tennessee, and other States in various directions—manufacturing cotton and wool and lumber, and attempting other industries. It is only necessary to allude to them.

The production of cotton in this country and other portions of the world in 1860 and in 1870 was as follows:

	1860.	1870.
	Pounds.	*Pounds.*
United States	1,115 890,698	625,609,080
Other countries	275,048,133	783,237,392

In the first period this country produced an excess of 840,842,565 pounds in a total product of 1,390,938,831; in the second the American product was 158,628,312 deficient in 1,408,846,472 grown. The gross increase of production was 7,907,641, but the American decline was 999,470,877, showing beyond all cavil and beyond all rhetoric that if cotton is king his throne is no longer in this country. It is true that we still produce more cotton than any other single country, but in 1860 we produced almost four times as much as all others combined.

BUTTER AND CHEESE IN WISCONSIN AND OTHER STATES.

The Fort Atkinson Union says:

As the season advances renewed activity in dairy matters begins to take place. If the past is any indication of the future, we are of the opinion that but few years will elapse before the Northwest will constitute the chief producing portion of the United States. The amount of cheese alone produced in Wisconsin, Illinois, Minnesota, and Iowa during 1873 was nearly, if not quite, 30,000,000 pounds. It is safe, we think, to put the production of these four States for 1874 at 35,000,000 pounds. Of this at least 15,000,000 pounds will seek an export market either West, East, or South. The advance in the manufacture of butter is almost as great. Within the last two years a very marked improvement has taken place in the quantity of western butter, so that it is now eagerly sought for eastern and foreign consumption.

OHIO RESOURCES.

The following is a statistical statement of the resources, values taxables, &c., as prepared from the auditor's report for 1873:

The total number of acres of land in State	25, 446, 107
The total value of lands	$698, 815, 731 00
The value of real estate in cities, towns, and villages	342, 948, 200 00
Total value of chattel property	525, 510, 708 00
Grand total value	1, 567, 274, 639 00
Increase over 1872 of	$42, 951, 521 00
Total value of all taxables in 1800	19, 240 67
Making an average increase for seventy-three years of	21, 469, 252 03
Taxes levied:	
Taxes for State debt sinking fund, .8 of a mill	$1, 251, 695 34
Taxes for general revenue fund, .6 of a mill	938, 773 16
Taxes for asylum fund, 1.1 of a mill	1, 721, 082 45
Taxes for State common-school fund, 1 mill	1, 566, 388 30
Making a grand total State taxes, 3.5 mills	5, 477, 839 25
Total taxes other than State	20, 653, 493 98
	26, 131, 353 23
Indebtedness:	
Total State indebtedness, including funded debt	$8, 211, 062 10
Total indebtedness of counties, townships, &c	20, 033, 123 32
Increase of the last-named taxes since 1872	2, 442, 575 35
Value of taxable property:	
724,602 horses	$47, 212, 499 00
1,765,331 cattle	29, 449, 948 00
23,738 mules, &c	1, 702, 929 00
4,596,864 sheep	11, 710, 407 00
2,088,313 hogs	6, 736, 597 00
358,301 carriages	16, 617, 928 00
107,362 watches	2, 655, 585 00
27,278 pianos	3, 824 515 00
Merchants' stock	53, 769, 487
Manufacturers' stock	19, 830, 963
Value of moneys	37, 114, 941
Value of credits, book accounts, &c	110, 258, 264
Bank and other corporations, returned to county auditors	95, 254, 959
Bonds or stocks of any State or of any company or corporation not required to list its property for taxation in Ohio	6, 848, 214
Monthly average value of moneys, credits, or other personal property converted into non-taxable bonds	2, 335, 883
All other personal property subject to taxation and not included in the enumerated articles, excluding bank capital and corporation property	40, 953, 291
Number of dogs, 118,694; taxation	364, 678
Total	487, 254, 308
Amount of stock of railroads:	
Amount of stock taken in railroads by the county previous to the 1st day of September, 1851	$4, 128, 000 00
Amount of stock taken in railroads by cities, towns, and townships within the county previous to the 1st day of September, 1851	1, 507, 500 00
Aggregate amount of interest paid upon bonds issued for the stock by the county	3, 963, 165 86
Aggregate amount of interest paid upon bonds issued for the stock by the cities, towns, and townships within the county	1, 342, 993 94
Dividends paid cities, towns, and townships within the county upon such stock	181, 470 78
Dividends paid cities, towns, and townships within the county upon such stock	1, 762 50
Stock that has been sold—amount realized from the sale to the cities, towns, and townships of the county	738, 300 33
Stock that has been sold—amount realized from the sale to the cities, towns, and townships of the county	228, 240 67

The following table shows the amount of taxes for all purposes paid by railroads in the State of Ohio in the several counties for each year, 1846 to 1872 inclusive:

1846	$4 26
1847	28 72
1848	92 72
1849	250 08
1850	483 93
1851	13, 538 38
1852	67, 198 73
1853	132, 216 93
1854	183, 196 51
1855	187, 196 08
1856	188, 175 36
1857	193, 336 36
1858	184, 594 03
1859	184, 769 82
1860	192, 542 08
1861	192, 072 64
1862	227, 744 71
1863	217, 006 09
1864	644, 926 58
1865	781, 790 84
1866	662, 432 10
1867	793, 533 47
1868	817, 611 22
1869	842, 941 98
1870	1, 048, 802 16
1871	902, 029 82
1872	931, 094 56
Total paid as above	9, 591, 606 36
Amount of revenue-fund appropriations for 1873	$815, 993 72
Asylum-fund appropriations for 1873	1, 631, 845 36
Sinking-fund appropriations	1, 056, 815 02
Receipts of school fund in 1871	7, 365, 992 20
Value of school property in the State in 1871	14, 988, 612 00
Increase over value of 1870	1, 170, 058 00

CONSUMPTION AND SURPLUS PRODUCTIONS OF CEREALS.

Consumption of cereals is usually estimated by population alone, and results obtained by that method, when applied to all cereals together, approximate to the actual consumption, and still more closely to the quantities required for consumption in the different States. The census taken July 1, 1870, shows a production of cereals during the year preceding of 1,467,299,183 bushels. Treasury returns for the year ending June 30, 1870, show that the equivalent of 56,707,843 bushels was exported, flour being reduced to wheat. Deducting exports, there remain for consumption 1,310,501,340 bushels, or 33.98 bushels *per capita*. At 34 bushels *per capita*, the six New England States, New York, New Jersey, Pennsylvania, Maryland, and Delaware, with the District of Columbia, would consume 437,317,165 bushels; but the production was only 237,317,165 bushels, or 216,117,331 bushels less than the quantity required for their consumption according to the general average of all the States. The thirteen States south of the Potomac and Ohio Rivers and the southern border of Missouri would consume 382,513,974 bushels; but they produced only 299,616,877, and their apparent deficiency is 82,897,097 bushels. These enormous deficiencies, and over 56,000,000 more for export, were supplied by the surplus products of the remaining States and Territories, namely, those west of the Alleghanies and north of the Ohio line, including the Pacific States.

CONSUMPTION OF WHEAT.

The consumption of wheat may properly be estimated upon the basis of population. In 1850 the average was 3.93 bushels *per capita;* 1860, it was 4.95 bushels *per capita;* and the average consumption each year 4.44 bushels.

For a general estimate of the surplus or deficiency, the ratio of four bushels to the person in 1850, and five bushels to the person in 1860 and 1870 will yield general results sufficiently accurate. At that ratio, the deficiency in the eleven Eastern States and the District of Columbia was 24,866,168 bushels, Delaware and Pennsylvania only growing a surplus. In the thirteen Southern States the deficiency was 26,185,298 bushels, Virginia and West Virginia only producing a small surplus. The following table, giving for each State the actual production and the consumption upon these ratios, with the surplus or deficit in each case, though by no means corresponding accurately with the facts, serves to show in what direction the surplus wheat and cereals of the Northwest must be moved, and to afford some idea of the vast quantity of grain thus demanding transportation:

Table showing the actual production and consumption upon the ratios mentioned, with the surplus or deficit in each case, of wheat and cereals, in each State.

States.	Population.	Proportionate wheat, at 5 bushels.	Consumption cereals, at 34 bushels.	Production, 1870.		Surplus or deficit.	
				Wheat.	Cereals.	Wheat.	Cereals.
Alabama	996, 992	4, 984, 960	33, 897, 728	1, 055, 068	18, 828, 277	— 3, 929, 892	— 15, 069, 451
Arkansas	484, 471	2, 422, 355	16, 472, 014	741, 736	14, 682, 450	— 1, 680, 609	— 1, 780, 564
Florida	187, 748	938, 740	6, 383, 432	.....	2, 339, 817	— 938, 740	— 4, 043, 615
Georgia	1, 184, 109	5, 920, 545	40, 259, 706	2, 127, 017	21, 766, 668	— 3, 793, 528	— 18, 493, 038
Kentucky	1, 321, 011	6, 605, 055	44, 914, 374	5, 728, 704	63, 700, 675	— 876, 351	+ 18, 870, 301
Louisiana	726, 915	3, 634, 575	21, 705, 110	9, 906	7, 626, 786	— 3, 624, 669	— 17, 088, 325
Mississippi	827, 922	4, 139, 610	28, 149, 348	274, 479	16, 346, 825	— 3, 865, 131	— 11, 802, 523
North Carolina	1, 071, 361	5, 356, 805	36, 426, 274	2, 839, 879	24, 909, 500	— 2, 946, 926	— 11, 516, 774
South Carolina	705, 606	3, 528, 030	23, 990, 604	783, 610	9, 050, 539	— 2, 744, 420	— 14, 938, 065
Tennessee	1, 258, 520	6, 292, 600	42, 789, 680	6, 188, 916	52, 421, 685	— 103, 684	+ 9, 632, 005
Texas	818, 579	4, 092, 895	27, 832, 186	415, 112	21, 805, 229	— 3, 677, 783	— 6, 027, 457
Virginia	1, 225, 163	6, 125, 815	46, 655, 542	7, 398, 787	32, 540, 244	+ 1, 272, 972	— 9, 115, 298
West Virginia	442, 014	2, 210, 070	15, 028, 476	2, 483, 543	13, 506, 182	+ 272, 473	— 1, 520, 294
Thirteen States	11, 250, 401	56, 292, 055	382, 503, 974	30, 060, 757	299, 606, 877	— 20, 085, 298	— 82, 807, 097

Table showing the actual production and consumption, &c.—Continued.

States.	Population.	Proportionate wheat, at 5 bushels.	Consumption cereals, at 34 bushels.	Production, 1870.		Surplus or deficit.	
				Wheat.	Cereals.	Wheat.	Cereals.
Connecticut	507,454	2,687,270	18,272,436	38,044	3,187,773	— 2,649,026	— 25,084,063
Delaware	125,015	625,077	4,250,510	895,477	4,473,625	+ 270,402	+ 223,115
District of Columbia	131,700	658,500	4,477,800	3,782	44,033	— 654,718	— 4,433,767
Maine	626,915	3,134,575	21,315,110	278,793	4,879,801	— 2,855,782	— 16,435,509
Maryland	780,889	3,909,470	26,559,396	5,774,503	21,094,234	+ 1,870,033	— 5,456,162
Massachusetts	1,457,351	7,286,755	79,549,934	34,658	2,660,536	— 7,252,097	— 46,889,368
New Hampshire	318,300	1,591,500	10,822,200	193,621	2,871,016	— 1,097,379	— 7,951,084
New Jersey	906,096	4,530,480	30,807,264	2,299,633	15,983,867	— 2,230,847	— 14,823,397
New York	4,382,759	21,913,795	149,013,806	12,168,462	77,741,668	— 9,715,333	— 71,272,118
Pennsylvania	3,521,951	17,609,755	119,746,334	19,672,957	97,492,934	+ 2,063,222	— 22,253,400
Rhode Island	217,353	1,086,705	7,390,002	784	524,968	— 1,085,981	— 6,864,034
Vermont	330,551	1,652,755	11,238,734	454,703	6,362,790	— 1,198,052	— 4,875,944
Eleven States and District of Columbia	13,336,309	66,681,693	453,434,596	41,805,527	237,317,065	— 24,866,168	— 216,117,331
Other States	13,971,621	69,858,105	474,553,070	215,863,372	830,365,141	+146,005,267	+ 355,812,071

This estimate supposes a consumption of wheat somewhat too low in the Eastern and too high in the Southern States, so that of the actual deficiencies that in the Eastern States is the larger. It will also appear that the apparent surplus of cereals in the Northwestern and Pacific States, enormous as it seems, is not as great as the actual surplus in years of full crops, for in the year 1870 the crop of corn was short about 200,000,000 bushels, although the consumption also greatly diminished.

Looking first to the production of wheat in the Northwestern States, and estimating the consumption at the ratios already given, we find an apparent surplus available for shipment to other States in 1850 of 22,000,000 bushels, in 1860 of 49,000,000 bushels, and in 1870 of 130,000,000 bushels upon the basis of the census returns as to production.

The following table indicates in what States the surplus was produced:

States.	1850.		1860.		1870.		Surplus in millions and tenths.			
	Crop.	Consumption at 4 bushels.	Crop.	Consumption at 5 bushels.	Crop.	Consumption at 5 bushels.	1850.	1860.	1870.	1872.
Ohio	14,487,351	7,921,316	15,119,047	11,697,555	27,882,159	13,326,300	6.5	3.4	14.5	4.8
Indiana	6,214,458	3,953,664	16,848,267	6,752,140	27,747,222	8,403,185	2.3	10.1	19.3	10.1
Michigan	4,925,889	1,590,616	8,316,368	3,745,565	16,265,773	5,920,295	3.3	4.6	10.3	7.1
Illinois	9,414,575	3,205,880	23,837,023	8,550,755	30,128,405	12,699,455	6.2	15.3	17.4	10.1
Wisconsin	4,286,131	1,221,564	15,657,458	3,879,405	25,606,344	5,273,350	3.0	11.8	20.4	16.2
East of river	39,328,404	17,893,040	79,798,163	34,634,420	127,629,903	45,622,585	.....	.....	.....	.....
Iowa	1,530,581	768,856	8,449,403	3,374,565	29,435,692	5,958,960	.7	5.1	23.5	14.9
Minnesota	1,401	24,308	2,186,993	860,115	18,866,073	2,198,530	.....	1.3	16.6	20.5
Missouri	2,981,652	2,728,176	4,227,586	5,910,060	14,315,926	8,506,475	.2	.....	5.8	.....
Nebraska	.....	.....	147,867	144,205	2,125,086	614,905	.....	.....	1.5	1.8
Kansas	.....	.....	194,173	536,030	2,391,198	1,821,995	.....	.....	.5	.....
West of river	4,513,634	3,521,340	15,206,022	10,459,395	67,133,975	19,100,925	.....	.....	.....	.....
Surplus east	21,435,364	.....	45,163,743	.....	82,007,318	.....	.....	.....	.....	.....
Surplus west	992,294	.....	4,381,047	.....	48,033,050	.....	.....	.....	.....	.....
	22,427,658	.....	49,544,790	.....	130,040,368	.....	.....	.....	.....	.....

It is more difficult to make a satisfactory estimate of the consumption of corn than of wheat. Used in part for the food of human beings, in part for the ordinary nutriment of cattle in winter, in part for distilling, and largely in the fattening of hogs and cattle for market, the consumption varies widely in different years, and depends in different localities upon conditions widely varying. It is evident that no estimate based upon population alone will answer. In 1850 the consumption of corn averaged twenty-five bushels to each inhabitant, and in 1860 twenty-six bushels, but in 1870 not more than twenty bushels; showing that no reliance can be placed upon estimates on this basis. The use of corn in distilling is an item to be considered in arriving at the true amount of consumption, yet it does not exceed one-thirtieth of a full crop in the Northwest. The bushel of grain produces fourteen quarts or three and a half proof gallons of spirits, and the total production of spirits in the United States from all materials other than fruit during the fiscal year ending June 30, 1873, was 68,236,567 gallons, so that the consumption of corn for distilling was less than 20,000,000 bushels in all the States.

Of the spirits produced by distilling in this country more than one-fourth is the product of Illinois, and nearly one-half is the product of Illinois and Ohio, and the quantity of corn thus consumed in the two States is nearly 10,000,000 bushels. In the ten Nortwestern States there are about 17,000,000 hogs, which consume not far from twenty bushels of corn each; much more than half the entire crop. A large quantity of corn is also consumed in the feeding of cattle for market. Nearly 5,000,000 head of cattle are slaughtered every year. The proportion of all corn consumed in the country to the number of hogs and cattle was nineteen and two-thirds bushels to each animal in 1870, although the crop of corn in the census year was only 761,000,000 bushels, about 200,000,000 bushels below the average of recent years. The crop of 1871 was 991,898,000 bushels, but the number of "other cattle" increased at the same time from 13,566,000 to 15,069,000, and the number of hogs from 25,134,000 to 31,800,000 in February, 1872, and the quantity exported from the crop of 1871 being 30,000,000 bushels, the quantity remaining for consumption was twenty and one-half bushels to each animal.

The crop of oats produced in the Northwestern States, according to the census report, was 159,000,000 bushels in 1869, and according to the Agricultural Report was 147,000,000 bushels in 1871. The production of barley in said States by the census of 1870, was 10,608,389 bushels.

For the purpose of showing more connectedly the consumption of corn by hogs and cattle in the following States for the years 1870 and 1872 and the crops of corn for 1869 and 1871 and the surplus productions of this article over that consumed, I have prepared the following tables:

Approximate consumption of corn.

States.	Hogs and cattle Feb. 1, 1870.	Consumption at 20 bushels.	Crop of 1869.	Surplus.
Ohio	2,481,000	40,620,000	67,501,000	17,981,000
Indiana	2,657,000	54,140,006	51,094,000	none.
Illinois	3,080,020	10,600,000	129,921,000	68,321,005
Missouri	3,055,000	61,100,000	66,035,000	4,934,000
Kansas	766,000	15,320,008	17,025,000	1,705,000
Nebraska	176,000	3,520,000	4,736,000	1,216,000
Iowa	3,136,000	62,720,000	68,935,000	6,215,000
Minnesota	319,000	6,380,000	4,743,000	none.
Wisconsin	812,000	16,240,000	15,033,000	none.
Michigan	758,000	15,160,000	14,086 000	none.
				100,372,000

Approximate consumption of corn—Continued.

States.	Hogs and cattle, Feb. 1, 1872.	Crop of 1871.	Consumption at 20 bushels.	Surplus.
Ohio	3,023,000	89,506,000	60,460,000	29,046,000
Indiana	3,239,000	79,905,000	64,780,000	14,425,000
Illinois	4,834,000	203,391,000	96,680,000	106,711,000
Missouri	3,297,000	87,390,000	65,940,000	21,450,000
Kansas	778,000	24,693,000	15,560,000	9,133,000
Nebraska	167,000	7,228,000	3,340,000	3,888,000
Iowa	4,468,000	99,019,000	80,360,000	9,659,000
Minnesota	454,000	8,152,000	8,080,000	72,000
Wisconsin	1,070,000	21,394,000	21,400,000	none.
Michigan	982,000	16,179,000	19,640,000	none.
Total				194,384,000

The receipts of grain at the sea-ports amounted to 3,971,088 tons in 1871; the actual tonnage of vegetable food moved by five routes, 5,589,112 tons; and the estimated tonnage eastward, other routes included, 6,100,000 tons of flour and grain. Of barley and rye the quantities received are quite as large as the available surplus at the West; of oats the quantity moved cannot exceed the quantity received more than 10,000,000 bushels, or 160,000 tons. A remainder of 1,970,000 tons of grain must have been either of wheat or corn, and mainly of corn. The estimated corn crop of the preceding fall was 1,094,000,000 bushels. The shipments eastward, other than to sea-ports, must have been in that year at least 60,000,000 bushels, or 1,680,000 tons of corn, and nearly 10,000,000 bushels, or 300,000 tons of wheat. Thus the movement eastward, the estimated surplus, and the remainder for shipment to the southward or for superfluous consumption, may be thus stated:

	Eastward.	Surplus.	South or unsold.
Wheat	96,500,000	116,000,000	19,500,000
Corn	106,000,000	190,000,000	84,000,000
Other grain	36,000,000	40,000,000	4,000,000
Total	238,500,000	346,000,000	107,500,000
In tons	6,100,000	9,300,000	3,200,000

For a year of smaller crops some reduction must be made. The quantity of grain moved eastward was probably abou 5,700,000 tons in 1872, and the entire surplus about 8,600,000, of which 2,900,000 tons were either shipped southward or consumed in excess of the estimated average. As nearly 20,000,000 bushels are known to have gone southward, nearly all from one point, it is not improbable that 50,000,000 bushels in all found a market in that quarter, while nearly as much more appears to have found no market. Absolute accuracy will not be claimed for estimates necessarily based in part upon conjecture. But these serve to show both the magnitude of the exchanges now effected and the urgency of the demand for increased facilities for transportation.

Thus far only the movement of grain has been considered. But for an appreciation of the deficiencies of the present routes for transportation it is necessary to observe that from the same prolific valley enormous quantities of animal food are sent forward to eastern consumers. In the year 1872 about 472,000 tons of hogs and cattle were shipped from Chicago alone, about 120,000 tons from Saint Louis, and about 60,000 tons from Cincinnati; 652,000 from three cities only. The average age of beef cattle when sent to market does not exceed three years, and if one-third of the number in the country are consumed each year, the average is 117 to each thousand persons. At that average the number of cattle sent to market each year from the Northwestern States and Texas, in excess of the consumption of those States, is 1,057,742; and as 510,025 head were shipped from Chicago alone in 1872, the number is doubtless much greater than 1,000,000. Of hogs about 2,000,000 were shipped from Chicago alone, and of sheep 145,000. As only about one-fourth of the hogs packed at the West were packed at that city, so probably not more than one-fourth of the live hogs shipped eastward passed through it. These data warrant an estimate of at least 1,500,000 tons as the weight of animals moved eastward; and the statements of only four railroads show a movement of 1,558,405 tons, namely, on the New York Central, 785,879; on the Pennsylvania, 395,296; on the Erie, 305,599; and on the Baltimore and Ohio, 72,631 tons.

The quantity of meat packed at the West is closely estimated. In 1872 the hog product at the different packing points in the Mississippi Valley was over 1,100,000,000 pounds, or 550,000 tons. Of about 60,000,000 pounds of wool produced in the same region, the greater portion goes forward to eastern mills, and a large, though not ascertainable, portion of 170,000,000 pounds of tobacco produced, besides at least 60,000 tons of spirits, (30,000 tons were shipped eastward through a single port,) 10,000 tons of flax, 42,000 tons of flaxseed, 10,000 tons of hemp, a surplus of perhaps 22,000 tons of butter, and quantities of cheese, potatoes, fruit, and minor farm products, of which no accurate estimate can be formed. Besides grain, the products of agriculture of which estimate is possible, and of which the greater portion passes over the routes from the Mississippi Valley eastward, already amount to 2,304,000 tons, and there are yet to be added 565,000 bales of cotton which moved northward across the Ohio or Mississippi, and thence eastward by rail, equivalent to 130,600 tons. Of 108,000 hogsheads of sugar grown at the South, probably no portion goes by the interior route. Thus, of agricultural products other than grain, some estimate of which can be formed, 2,434,000 tons seek a market mainly at the East, and it is believed that the proportion of tobacco, wool, flax, and flaxseed and hemp, which is reserved for use at the West, is not in quantity greater than the shipments of potatoes and other vegetables, apples and other fruit, cheese, seeds, pease, and beans, and other products of which no estimate is made. But, upon this supposition, not less than 8,134,000 tons of agricultural products are moved eastward, (besides cotton, sugar, and some grain and other products southward,) taking 5,700,000 tons as the yearly shipment of grain in that direction. At the same time the remainder of 2,733,000 bales of cotton produced in the valley, or about 2,168,468 bales and 500,916 tons, finds a route to market by way of the Gulf, with a small portion of the grain shipped southward.

To fully measure the task imposed upon existing routes eastward, it must also be remembered that a large quantity of forest products from the lakes and Western States goes eastward. Over the New York canals in 1872 there were moved 1,671,721 tons, and over the three chief railroads 1,061,341 tons. At the same time an immense quantity of iron ore and pig-iron coming eastward to Pittsburgh and other points in the Eastern States crowd the railroads, employs over two hundred vessels on the lakes, and a large fleet on the Ohio River. The quantity of iron shipped from Lake Superior district in 1871 was 1,250,000 tons, from Saint Louis about 315,000 tons, and the annual product of petroleum for the same year was about 1,200,000. The coal, lumber, and petroleum moved by railroads amount to 11,186,564 tons, and including pig-iron and ore amount to nearly or quite 12,000,000 by railroad alone. To this must be added the 1,671,721 tons of lumber and 107,000 tons of articles enumerated as "other articles" arriving at tide-water from Western States, making a total by canal and four leading railroads running east and west of about 13,765,285.

LOCATION OF SURPLUS PRODUCTS.

We find by examining statistical tables that the center of the surplus wheat crop has in the few last years made a remarkable western movement. In 1850 Ohio, Michigan, and Indiana produced over 12,000,000 bushels of the surplus, and all other States only 10,000,000 bushels, and the line of equal division was near the middle of Indiana. In 1860 these States produced 17,000,000 bushels of the surplus, while the States west of the Mississippi River produced 6,500,000, and Illinois and Wisconsin 27,000,000, so that fully one-half was produced west of a line passing through the eastern half of Illinois. In 1870 States east of Illinois and Wisconsin produced 44,000,000 bushels of the surplus, and States west of the Mississippi River 67,000,000, and the line of equal division of the surplus passed through the western portion of Illinois and Wisconsin. Of the surplus of 1872, 20,000,000 were produced by the three Eastern States, and over 35,000,000 by the States west of the Mississippi, so that the dividing line cuts that river at the bend near Fulton, Iowa. In 1850 the States west of the Mississippi produced only 4,000,000 bushels, with a surplus less than 1,000,000. In 1870 they produced 82,000,000, with a surplus allowing a consumption of only four bushels *per capita* in Missouri of about 50,000,000 bushels.

The foregoing estimates have been based upon populations so far as they relate to wheat, and for the purpose of making an estimate deducting seed-wheat from that already made upon population, we find the following surplus for each of the ten Northwestern States, as follows:

Localities from which the surplus of wheat is moved.

West of river:	*Surplus.*
Minnesota	24,358,746
Iowa	16,515,310
Missouri	3,830,163
Nebraska	2,264,748
Kansas	827,771
Total	47,786,738
East of river:	
Wisconsin	19,214,327
Illinois	10,198,056
Indiana	6,714,897
Ohio	4,919,183
Michigan	4,062,656
Total	45,109,119

The record receipts at the chief eastern cities and at New Orleans prove beyond question that these estimates are too low, for the quantity of wheat (flour included) received from August 23, 1872, to August 23, 1873, was over 80,000,000 bushels, and statistics show that about one-third of the quantity transported eastward does not reach the eastern sea-ports, so that the surplus from the crop of 1872 must have exceeded 100,000,000 bushels, and the actual surplus from the crop of 1873 must be nearly 120,000,000.

EXPORTS OF AGRICULTURAL PRODUCTS.

The export of agricultural products for the year ending June 30, 1873, are as follows: 33,204,235 bushels wheat, value $51,452,204;

2,562,086 barrels wheat flour, value $19,381,664; 38,541,930 bushels Indian corn, value $23,794,694; corn meal, value $1,474,827; 482,410 bushels barley, value $323,187; rye and rye flour, value $515,676; oats, 714,072 bushels, valued at $290,575; 2,609,254 bales of cotton, valued at $227,243,069, to which should be added a considerable amount of manufactured cotton.

COMPARISON OF FREIGHT RATES OVER RAILROADS AND WATER LINES.

Nothing demonstrates the necessity of water lines more forcibly than the difference in cost of freights and carriage in favor of water transportation over railroads. I shall not enter into an elaborate argument in favor of this proposition, and shall rely mainly upon statistics prepared from official sources to sustain the position. The actual average charge on all cereals moved by the trunk lines of railway between Chicago and New York in 1872 was less than 12 mills per ton per mile. The evidence taken by the Senate Committee on Transportation shows that the average cost of movement, exclusive of interest and dividends, was from 8 to 9 mills per ton per mile. I am indebted to the valuabe report of the Senate Committee on Transportation for the following summary of the comparative cost of freights by railway, canal, and river.

The river rates, per bushel, of freight on corn from Saint Paul to Saint Louis during each month of the season of navigation from 1870 to 1873, inclusive, were as follows: April and May, 14½ cents; June, 16 cents; July, 17½ cents; August, 19 cents; September, 20⅛ cents; October and November, 23½ cents.

The river rates, per bushel, of freight on wheat from Saint Paul to Saint Louis during each month of the season of navigation, from 1870 to 1873, inclusive, were as follows: April and May, 15 cents; June, 16½ cents; July, 18 cents; August, 19½ cents; September, 21 cents; October and November, 24 cents.

Average rate of freight on wheat and corn by rail from Saint Paul to Milwaukee each month during the years 1872 *and* 1873.

Month.	Freight on wheat, per bushel.		Freight on corn, per bushel.	
	1872.	1873.	1872.	1873.
	Cents.	*Cents.*	*Cents.*	*Cents.*
January	16	18	13⅜	15¾
February	16	18	13⅜	15¾
March	16	18	13¾	15¾
April	15	18	13	15¾
May	15	18	13	15¾
June	15	18	13	15¾
July	15	18	13	15¾
August	15	18	13	15¾
September	18	21	15¾	17
October	18	21	15¾	17
November	18	21	15¾	17
December	18	21	15¾	17

MOVEMENTS OF FREIGHTS.

The following is a comparative statement of the movements of freight on the two railways connecting New York with Lake Erie and the State canals during the last seventeen years, showing the tons carried each year, the total movement or number of tons moved one mile, and the freight and tolls received therefrom. It shows the tons of total movement on the lines named for seventeen years, the freight paid to the roads, and the tolls paid to the State, and carriers' charge on the canals, with the tolls:

Comparative statement of the movements of freight.

Railroads and canals.	Year.	Tons moved one mile.	Freight and tolls.	Average per ton per mile.
				Cents.
New York Central Railroad	1856	145, 733, 678	$4, 328, 041 10	2. 97
New York and Erie Railroad	1856	183, 458, 046	4, 545, 782 00	2. 48
Canals	1856	592, 009, 603	6, 573, 225 00	1. 11
Total		921, 201, 327	15, 447, 048 00	1. 67
New York Central Railroad	1857	145, 773, 791	4, 559, 276 00	3. 13
New York and Erie Railroad	1857	167, 100, 850	4, 097, 610 00	2. 45
Canals	1857	484, 750, 864	3, 876, 000 00	. 799
Total		797, 725, 505	42, 532, 886 00	1. 57
New York Central Railroad	1858	142, 691, 178	3, 700, 270 44	2. 59
New York and Erie Railroad	1858	165, 895, 635	3, 843, 310 77	3. 32
Canals	1858	564, 842, 095	4, 502, 437 00	. 797
Total		873, 428, 908	12, 046, 018 21	1. 38
New York Central Railroad	1859	157, 136, 000	3, 337, 148 00	2. 13
New York and Erie Railroad	1859	147, 127, 039	3, 195, 869 00	2. 17
Canals	1859	544, 309, 072	3, 665, 806 00	. 672
Total		848, 572, 111	10, 198, 823 00	1. 19

Comparative statement of the movements of freight—Continued.

Railroads and canals.	Year.	Tons moved one mile.	Freight and tolls.	Average per ton per mile.
New York Central Railroad	1860	199, 231, 392	4, 095, 934 00	2. 06
New York and Erie Railroad	1860	214, 084, 395	3, 884, 343 00	1. 84
Canals	1860	809, 524, 596	8, 049, 450 00	. 994
Total		1, 222, 840, 383	16, 029, 727 00	1. 31
New York Central Railroad	1861	237, 392, 974	4, 644, 449 00	1. 96
New York and Erie Railroad	1861	251, 350, 127	4, 351, 464 00	1. 73
Canals	1861	863, 623, 507	9, 369, 378 00	1. 08
Total		1, 352, 366, 608	18, 365, 291, 00	1. 36
New York Central Railroad	1862	296, 963, 492	6, 607, 331 00	2. 22
Erie Railway	1862	351, 092, 285	6, 642, 915 00	1. 89
Canals	1862	1, 123, 548, 430	10, 780, 431 00	. 959
Total		1, 771, 604, 207	24, 030, 677 00	1. 36
New York Central Railroad	1863	312, 195, 796	7, 498, 509 00	2. 40
Erie Railway	1863	403, 670, 861	8, 432, 234 00	2. 09
Canals	1863	1, 034, 130, 023	9, 065, 005 00	. 876
Total		1, 719, 996, 680	24, 995, 748 00	1. 45
New York Central Railroad	1864	314, 081, 410	8, 542, 370 00	2. 75
Erie Railway	1864	422, 013, 644	9, 855, 087 00	2. 31
Canals	1864	871, 335, 150	10, 039, 609 00	1. 15
Total		1, 607, 430, 204	28, 438, 066 00	1. 77
New York Central Railroad	1865	264, 993, 626	8, 776, 028 00	3. 31
Erie Railway	1865	388, 557, 213	10, 726, 264 00	2. 76
Canals	1865	843, 915, 779	8, 605, 961 00	1. 10
Total		1, 497, 466, 618	28, 108, 253 00	1. 85
New York Central Railroad	1866	331, 075, 547	9, 671, 920 00	2. 92
Erie Railway	1866	478, 485, 772	11, 611, 023 00	2. 45
Canals	1866	1, 012, 448, 034	10, 160, 051 00	1. 00
Total		1, 822, 209, 353	31, 442, 994 00	1. 73
New York Central Railroad	1867	362, 180, 606	9, 151, 750 00	2. 53
Erie Railway	1867	549, 888, 422	11, 204, 689 00	2. 04
Canals	1867	958, 362, 953	8, 663, 119 00	. 90
Total		1, 870, 431, 981	29, 019, 558 00	1. 55
New York Central Railroad	1868	366, 199, 786	9, 491, 427 00	2. 59
Erie Railway	1868	595, 699, 225	11, 425, 739 00	1. 92
Canals	1868	1, 033, 754, 258	9, 012, 659 00	. 88
Total		1, 995, 650, 279	29, 929, 825 00	1. 49
New York Central Railroad	1869	474, 419, 726	10, 457, 582 00	2. 20
Erie Railway	1869	817, 829, 190	13, 046, 804 00	1. 60
Canals	1869	919, 153, 611	8, 492, 131 00	. 92
Total		2, 211, 402, 527	31, 996, 517 00	1. 57
New York Central Railroad	1870	769, 087, 777	14, 327, 418 00	1. 86
Erie Railway	1870	898, 862, 718	12, 328, 027 00	1. 37
Canals	1870	904, 351, 572	7, 552, 988 00	. 83
Total		2, 572, 302, 067	34, 208, 433 00	1. 33
New York Central Railroad	1871	888, 327, 865	14, 647, 580 00	1. 65
Erie Railway	1871	897, 446, 728	13, 232, 235 00	1. 47
Canals	1871	1, 050, 104, 125	10, 779, 887 00	1. 02
Total		2, 835, 878, 718	38, 659, 702 00	1. 36
New York Central Railroad	1872	1, 020, 908, 885	16, 259, 647 00	1. 69
Erie Railway	1872	950, 708, 902	14, 509, 745 00	1. 52
Canals	1872	1, 048, 575, 911	10, 648, 711 00	1. 02
Total		3, 020, 193, 698	41, 418, 103 00	1. 37

The charges for delivering wheat from Chicago to New York for a series of years are noted as follows:

Year.	Per bushel by lake.	Per bushel by canal and river.	Total.
	Cents.	*Cents.*	*Cents.*
1865	9. 78	16. 84	26. 62
1866	13. 04	16. 96	30. 00
1867	6. 67	15. 69	22. 39
1868	7. 14	15. 05	22. 10
1869	6. 81	14. 07	20. 88
1870	5. 88	11. 02	16. 9
1871	7. 62	12. 62	20. 2
1872	11. 15	13. 00	24. 1

During the season of navigation the Erie Canal exercises a strongly marked and unquestioned controllment of carriers' charges upon all routes competing for western trade, and to a considerable extent upon property moving westward. Upon the opening of the Erie Canal the great railroad lines invariably reduce their rates, and as invariably

increase them when through shipments from Chicago can no longer be made by water.

The annexed tables fully establish this fact:

Statement of charges on all rail, per bushel, of wheat from Chicago to points named.

Date.	New York.	Boston and Portland.	Baltimore and Philadelphia.
1871.	*Cents.*	*Cents.*	*Cents.*
January 1 to January 16	36	39	34
January 17 to March 8	33	37	33
March 9 to April 6	30	36	33
April 7 to April 23	27	33	22
April 24 to June 12	27	30	24
June 13 to July 9	24	27	27
July 10 to August 10	27	30	24
August 11 to September 20	30	33	27
September 21 to October 1	33	36	30
October 2 to October 24	36	39	33
October 24 to December 31	39	42	36
1872.			
July 1 to March 24	39	42	36
March 25 to April 30	36	39	33
May 1 to August 11	30	33	27
August 12 to September 1	27	30	24
September 2 to September 8	30	33	27
September 9 to September 15	33	36	30
September 16 to October 13	36	39	33
October 14 to December 31	39	42	36

The increase in the winter months over the summer and late fall averaging $2.07 a ton on wheat.

On the through line from the Ohio River to Boston, composed of the Baltimore and Ohio Railroad and the Boston Steamship Company, the earnings were divided as 4 to 1 in favor of water, counting the actual distances operated by each. On the line between Baltimore and New York, consisting of railway, canal, and open water, and involving payment of tolls on the canals, the earnings were prorated by allowing the vessels 125 miles for an actual distance of 230 miles, making nearly two to one in favor of water. The Erie Railway Company and the steamers from New York to Boston have a prorating arrangement equivalent to three to one in favor of water. From Parkersburgh and Cincinnati the arrangement between the railway and the river steamers allows the latter for 250 miles by water as the equivalent of 125 miles by rail, being two to one in favor of the river. The arrangements between the Erie Railway Company and the lake steamers is that the railway shall furnish terminal facilities at Milwaukee and Chicago, and the actual distance of 1,000 miles is prorated at 212 miles, making nearly five to one in favor of the lake. The Central Vermont Railway and the Northern Transportation Company steamer line constitute a through line from Chicago to Boston and other places in New England. The distance by water is 1,365 miles, and the distances by rail average about 500 miles. The earnings are divided equally, being nearly three to one in favor of water.

This comparison is the more valuable because the officers of the railway company own a controlling interest in the stock of the steamship company, and hence may be supposed to divide according to actual cost of service. Mr. Diefendorf, agent of the steamboat company, testified before the Senate Committee on Transportation that this division of earnings is predicated upon the cost of transportation. The Chesapeake and Ohio Railway prorates with vessels on the Ohio River upon the basis of two to one in favor of the river. The gross earning on the through line from Chicago to New Orleans via the Illinois Central Railway to Cairo, 365 miles, and thence by the Mississippi River to New Orleans, 1,050 miles, are divided three-fifths to the railroad and two-fifths to the river, making on the charge of $7 per ton from New Orleans to Chicago 2.7 mills per ton per mile for the river, and 11.5 mills per ton per mile by the railroad, or over five to one in favor of the Mississippi River against the current.

From the Kanawha coal mines to Huntington, West Virginia, the distance by rail is 67 miles, and the minimum charge for transporting coal 75 cents per ton; from the same coal mines to Cincinnati, by the Ohio River, the distance is 275 miles, and the charge per ton for coal transportation is 50 cents; being at the rate of nearly 2 mills per ton per mile by river, and 11.2 mills per ton per mile by rail; nearly six to one in favor of the river. The river rates include the return of the boats to the coal mines.

From Pittsburgh to New Orleans, via the Ohio and Mississippi Rivers, 2,400 miles, coal is transported during high water for $1.60 per ton, or at the rate of two-thirds of a mill per ton per mile. This is done in barges, and in very large quantities.

The New Orleans Chamber of Commerce furnished to the Senate Committee on Transportation a detailed statement of the actual expenses of a tow-boat with five barges (each barge of 1,500 tons' capacity) from Saint Louis to New Orleans, 1,250 miles; from which it appears that the expense was .7 of 1 mill per ton per mile, or at the rate of 5¼ mills per bushel of wheat for the entire distance. Also a statement of the actual expenses of the steamer John F. Tolle, 1,650 tons' capacity, value $65,000; showing a cost per ton per mile of 3.47 mills, or at the rate of 1½ cents per bushel of wheat for the whole distance. Neither of the last two cases include any profit to the carrier nor interest on the cost of vessels.

The average cost of freight from Cincinnati to New Orleans by water is stated by a joint committee of the board of trade and chamber of commerce of the former city to be 3½ mills per ton per mile. The same average charge exists from Louisville to New Orleans. Even on the Tennessee River, which is hardly navigable for want of proper improvements, the charge between Knoxville and Chattanooga is only about 6 mills per ton per mile.

The following comparison between the Erie Canal and competing railways summarizes a portion of the benefits conferred upon the country by the former: From 1854 to 1864 the total number of tons moved one mile by the New York Central Railroad was 2,132,073,612, and by the Erie Railroad 2,587,274,914 tons; by the New York canals 8,175,803,065 tons. And the average charges of the Central Railway were 2.6 cents, Erie Railway 2.22 cents, and the canals .91 cent per ton per mile. Had the freights which were carried by canal for the ten years been carried by rail, the additional freight charges would have amounted to $122,637,045.97.

To show the cost of carriage by the various modes the following comparisons have been instituted: By rail, 13 mills per ton per mile; by canal, 7 mills per ton per mile; by sea, 1½ mills per ton per mile; by lake, 5¼ mills per ton per mile; by river, 3½ mills per ton per mile. The freight charges for the transportation of grain from Saint Louis to New York, a distance of 1,000 miles, are 65 cents per 100 pounds—equivalent to 36 cents per bushel, or 13 mills per ton per mile; while the freight charges for the transportation of grain from Saint Louis to New Orleans, a distance of 1,200 miles, are 17 cents per 100 pounds—equivalent to 10 cents per bushel, or 3 mills per ton per mile. Here, then, is the startling disclosure that a bushel of grain is transported from Saint Louis to New Orleans, a distance of 1,200 miles, 26 cents cheaper than to New York by rail—a distance of only 1,000 miles.

The charges per ton per mile on fourth class goods on the leading railways in each country and under each system, for the distance stated, are as follows:

Great Britain.—On the London and Southwestern and London and Northwestern Railways, for 192 miles, per ton per mile, $3.16; on the Great Northern Railway, for 155 miles, per ton per mile, $4.04; on the Great Northern, London, Chatham and Dover Railways, for 198 miles, per ton per mile, $4.05; on the Great Northern, Northeastern, North British, and Highland Railways, for 594 miles, per ton per mile, $1.98.

France.—On the line between Paris and Orleans, for all distances over 186 miles, per ton per mile, $1.74.

Belgium.—On the Belgium state railways, for all distances over 155 miles, per ton per mile, 74 cents.

Average freight earnings of the most important eastern railroads, including those which are reputed to enjoy as efficient and economical management as any in the country, and which are in such close competition with each other and with other roads whose statistics are not known or with water-routes as to be forced to reduce as far possible their operating expense, and which possess a larger freight business than any other roads in the country, and should therefore be able to do that business at a lower rate per ton per mile, show that railroads cannot carry freights as cheap as water lines and pay reasonable dividends. These rates are for through freight and are far below the average.

The following table illustrates this fact, and includes all whose statistics are published and whose business is large enough to justify low rates. Under the heading "At one cent" is entered for each road the amount of net earnings which would have been realized had the whole freight business been done at one cent per ton per mile and had the other business of the road been what it actually was. Under "Cost of road" is entered the actual sum stated to have been invested in excess of bonded indebtedness, when that is known. Only nine roads would at the *supposed* rate be able to pay 6 per cent. interest on their bonds; only one would pay 6 per cent. on its entire cost. In the second table similar estimates are given at a *supposed* rate of 2 per cent. per ton per mile for some of the western and southern roads doing a freight business of less than one hundred million tons one mile.

These data do not, as I have said, fix the cost of transportation by rail, but they serve to show that even on the most prosperous roads there could be no competition in freight charges as against water lines. These facts become important when we consider that a very small proportion of the products to be moved is grown directly upon the line of the great trunk roads, and that it is upon the smaller roads, those having a business insufficient to make rates lower than two cents remunerative, that by far the greater part of the grain must be moved either to the lakes or rivers or to the main trunk railroads.

Table showing net earnings of railroads carrying freight at one cent per ton per mile.

Railroads.	Rate charg'd.	Tons one mile.	Net earnings.	At one cent. per ton per mile.	Bonds.	Cost of road less bonds.	Interest on bonds.	Earnings on stock.
							Per cent.	*Per cent.*
New York Central	1.59	1,020,908,065	$9,134,239 55	$3,083,681 61	$16,496,020	$46,803,904	6	4.4
Erie	1.50	965,925,302	3,913,621 03	None.	26,395,000	.....	None.	None.
Pennsylvania	1.4163	1,190,052,974	8,247,852 18	3,291,491 00	35,972,309	53,271,937	6	2
New Jersey Central	1.46	382,936,569	2,883,911 68	1,100,400 00	6,893,000	20,000,000	6	3½
Philadelphia and Reading	1.68	606,777,842	4,823,292 72	689,932 00	28,236,430	34,236,175	6.4	None.
Lake Shore and Michigan Southern	1.38	910,855,195	6,118,597 00	2,613,650 00	26,495,000	50,000,000	6	2
Pittsburgh, Fort Wayne and Chicago	1.44	487,852,472	4,507,464 00	2,534,615 00	13,621,000	22,214,285	6	7⅜
Pittsburgh, Cincinnati and Saint Louis	1.38	496,182,356	1,967,768 00	65,859 00	10,011,740	8,433,550	None.	None.
Cleveland, Columbus, Cincinnati and Indianapolis	1.34	256,313,274	1,379,525 00	502,658 00	3,005,000	14,991,275	6	2
Toledo and Wabash	1.48	288,710,810	1,628,181 00	203,279 00	17,683,000	17,000,000	1	None.
Atlantic and Great Western	1.80	227,744,760	855,660 00	None.	.....	.....	None.	None.
U. Comp. of New York	2.55	127,818,174	2,261,060 00	275,878 00	.....	22,458,000	.....	1
Indianapolis and Saint Louis	1.54	99,581,431	730,237 00	183,975 00	3,338,000	600,000	6	3
Chicago, Burlington and Quincy	2.10	240,856,973	2,836,865 00	None.	5,278,750	18,649,910	None.	None.
Chicago, Rock Island and Pacific	2.49	168,764,688	2,171,595 00	645,811 00	8,698,000	18,990,000	6	.6
Ohio and Mississippi	2.01	107,684,078	1,057,771 00	None.	10,111,850	24,000 000	None.	None.
Illinois Central	2.10	272,290,900	3,179,899 00	37,194 00	8,390,500	.....	None.	None.
Chicago and Northwestern	2.61	287,764,006	4,703,214 00	59,579 00	20,474,000	35,878,644	None.	None.
Michigan Central	1.56	.....	1,993,609 00	80,536 00	6,200,000	17,987,048	None.	None.
Detroit and Milwaukee	2.38	33,239,235	442,155 00	None.	7,156,387	2,517,160	None.	None.
N. T. N. H. and H.	3.74	38,662,529	1,769,809 00	710,482 00	1,641,500	15,500,000	6	4½
Northern Central	1.67	198,888,011	1,161,769 00	None.	.....	.....	None.	None.
Boston and Albany	2.01	290,064,965	2,362,614 00	None.	.....	.....	None.	None.

Table showing net earnings of railroads carryiag freight at two cents per ton per mile.

Railroads.	Charge.	Tons one mile.	Net earnings.	Net increase at two cents per ton per mile.	Bonds.	Cost of road less bonds.	Interest on bonds.	Earnings on stock.
Missouri, Kansas, and Texas	4.50	34,512,497	$940,660 73	$38,000 00	$16,596,000 00	$16,945,000 00	None.	None.
Kansas Pacific	3.17	72,366,337	1,494,447 00	647,475 00	27,108,350 00	9,638,950 00	None.	None.
Des Moines Valley	2.52	21,384,803	127,223 00	11,844 00	.....	13,803,285 00	None.	None.
Atlantic and Pacific	3.74	80,297,618	2,065,568 00	668,203 00	27,400,000 00	23,400,000 00	.....	None.
Hamilton and Saint Joseph	2.16	67,728,662	670,529 00	559,586 00	9,146,900 00	14,250,828 00	6 per cent.	None.
Saint Louis and Iron Mountain	2.44	68,528,952	687,639 00	384,546 00	5,461,000 00	10,000,000 00	6 per cent.	None.
Western and Atlantic*	2.20	55,371,160	449,558 00	304,137 00	.....	.....	.....	.....
Mobile and Ohio	3.66	57,062,866	1,922,288 00	73,864 00	10,839,144 00	4,466,475 00	.....	None.
Atlantic, Mississippi and Ohio	2.57	53,129,661	734,327 00	428,897 00	10,889,842 00	6,921,900 00	.....	None.
Detroit and Milwaukee	2.38	33,239,235	442,155 00	313,512 00	7,156,387 00	2,517,140 00	Short.	None.

*This road pays to State a rental of $300,000 yearly.

NEW ORLEANS.

While the Mississippi River and its tributaries give sixty-six hundred and seventy-four miles of steamboat navigation, without question the greatest inland water communication of the world, passing through a country the richest in natural resources, it is nevertheless a great inland sea without an outlet. Passing through the alluvial regions of the North, it carries in its bosom a continent of the richest alluvial deposits known to any country. These deposits from countless ages have been forming a delta of hundreds of square miles in area. Through this delta the river drags its way to the Gulf of Mexico, shorn of its mighty strength, divided into seventeen different channels or outlets. Each of these channels widens out so that their united width amounts to many miles in extent, and each sweeps along its bottom immense rifts of alluvial deposit which settle along the channels as resistance is made to its further progress by coming in contact with the tides and water of the Gulf, the bottoms or banks of the outlets, or some other obstruction in the beds of the channels The deposits fill up the different mouths of the river and for many feet out into the Gulf, so as to leave upon these bars but a few feet in depth of water and not sufficient in the channels to float vessels of a size to make the carrying business profitable in competition with other portions of the country having access to the ocean through deep channels.

New Orleans and Galveston ought to be among the greatest commercial ports in the world, and with such improvements as will give free admission to their ports for large-sized vessels, in less than one half-century their commerce will have more than doubled that of New York at this time. Notwithstanding the innumerable drawbacks to trade and commerce at these ports, there is no inconsiderable business that forces itself over all obstacles. To sustain this position I herewith submit the following prepared tables, showing the local consumption and exports of flour from the year 1851 to 1873, omitting the years 1861 and 1862, &c.:

Exports of barrels of flour from the port of New Orleans from September 1, 1851, to August 31, 1873, omitting the years 1861 and 1862, and showing to what places exported.

From September 1 to August 31.	1851–'52.	1852–'53.	1853–'54.	1854–'55.	1855–'56.	1856–'57.	1857–'58.	1858–'59.	1859–'60.	1860–'61.
New York	94,638	49,004	33,129	86,133	131,591	141,494	129,342	71,286	10,862	4,976
Boston	61,124	35,155	6,181	93,158	200,179	241,466	258,392	247,516	41,524	3,357
Other United States ports	179,911	194,607	117,940	78,846	108,686	141,142	173,321	165,397	247,231	205,544
Great Britain	138,569	170,569	190,455	27,463	99,862	72,758	268,428	6,469	6,341	186,278
Cuba	6,681	1,296	5,905	707	3,947	17,274	3,566	4,052	6,438	901
Other foreign ports	63,764	69,784	231,268	59,436	185,177	290,776	219,807	107,778	74,115	47,817
Philadelphia	24	.....	91	.....	.....	.....	.....	3,002	.....	2

From September 1 to August 31.	1863–'64.	1864–'65.	1865–'66.	1866–'67.	1867–'68.	1868–'69.	1869–'70.	1870–'71.	1871–'72.	1872–'73.
New York	8,099	177,259	78,618	74,733	61,974	26,242	21,103	4,467	19,317	9,965
Boston	5,168	113,618	44,047	52,421	38,042	6,420	3,814	.....	.....	.....
Philadelphia	450	974	1,947	7,704	2,762	296	.....	.....	.....	.....
Other United States ports	590	16,166	120,233	120,017	88,717	159,000	302,527	351,540	381,078	363,961
Great Britain	6,194	1,710	1,513	1,504	324	68,372	79,910	14,208	1,222	10,746
Cuba	.....	2,499	10,746	44	70,078	79,499	100,102	104,131	57,278	36,986
Other foreign ports	30,140	18,061	38,096	25,557	23,807	37,410	48,867	39,588	20,399	15,304
Baltimore	.....	.....	423	455	.....	.....	.....	.....	.....	.....

Flour received, consumed locally, and exported from New Orleans from September 1, 1851, to August 31, 1873, omitting 1861–'62.

Date.	Received.	Local consumption.	Exports.	Value.
	Barrels.	*Barrels.*	*Barrels.*	*Dollars.*
Sept. 1, 1851, to Aug. 31, 1852	927,212	382,501	544,711	3,708,848
Sept. 1 1852, to Aug. 31, 1853	806,672	288,257	520,415	3,639,024
Sept. 1, 1853, to Aug. 31, 1854	874,256	288,287	585,969	6,119,792
Sept. 1, 1854, to Aug. 31, 1855	673,111	327,365	345,743	5,533,166
Sept. 1, 1855, to Aug. 31, 1856	1,120,974	391,532	729,442	8,407,305
Sept. 1, 1856, to Aug. 31, 1857	1,290,597	385,687	904,910	9,034,179
Sept. 1, 1857, to Aug. 31, 1858	1,538,742	485,986	1,052,756	7,078,213
Sept. 1, 1858, to Aug. 31, 1859	1,084,978	479,478	605,500	6,508,868
Sept. 1, 1859, to Aug. 31, 1860	973,800	587,289	386,511	6,036,625
Sept. 1, 1860, to Aug. 31, 1861	1,009,201	560,308	448,893	7,064,407
Sept. 1, 1863, to Aug. 31, 1864	399,897	349,256	50,641	.....
Sept. 1, 1864, to Aug. 31, 1865	790,824	460,537	330,287	7,750,075
Sept. 1, 1865, to Aug. 31, 1866	993,331	702,908	290,623	10,429,975
Sept. 1, 1866, to Aug. 31, 1867	922,125	639,690	282,435	11,987,625
Sept. 1, 1867, to Aug. 31, 1868	868,086	582,382	285,704	9,114,714
Sept. 1, 1868, to Aug. 31, 1869	1,276,921	899,685	377,236	8,912,909
Sept. 1, 1869, to Aug. 31, 1870	1,641,477	1,085,154	556,323	9,848,862
Sept. 1, 1870, to Aug. 31, 1871	1,541,281	1,027,334	513,947	9,710,070
Sept. 1, 1871, to Aug. 31, 1872	1,086,488	600,908	485,550	7,612,426
Sept. 1, 1872, to Aug. 31, 1873	1,046,124	566,375	479,749	7,328,868

The New Orleans Republican estimates the total value of the annual production of Louisiana as follows:

Sugar, 48,817 hogsheads, including molasses	$5,000,000
Cotton, 132,070 bales	10,000,000
Rice, 14,000,000 pounds	2,500,000
Total	17,500,000

As an evidence of one of the industries of this State I ask attention to the following articles clipped from a newspaper under the title "The real southern question:"

Louisiana is mining salt. The work began on Avery's Island since the war, where 99.62 per cent. of chloride of sodium is proved by repeated analysis. The quantity is illimitable. The first attempt failed. The second sank a shaft fifty feet through solid salt and ran galleries one hundred and twenty feet one way and one hundred and fifty feet another through pure crystal the whole distance. Machinery for crushing and grinding to three grades—Turk's Island, Liverpool coarse, and fine table—was introduced, and 35,000 sacks were sold in 1870–'71. The capacity of the present works is 100 tons daily, or 300,000 sacks per annum, while 1,000,000 sacks were imported at New Orleans, Galveston, and smaller ports. The cost of mining and crushing is $1.75 per ton; transportation from New Iberia to New Orleans $2 per ton, and incidental costs 50 cents more—$4 in all, against $4.25 for Turk's Island. With these general facts, a company has been formed to buy and work the mines extensively, build a railroad from the mines to New Iberia, and so bring the trade direct to New Orleans.

Prior to the war New Orleans enjoyed nearly all of the export trade in tobacco. The receipts of tobacco at New Orleans for ten years preceding the war was 668,749 hogsheads, the export value of which was $82,482,815. Since 1865, or close of the war, nine years, the receipts here have been 179,368 hogsheads; value of same, $33,136,482. The growth of this trade at the port of New Orleans since the war is very marked and encouraging, rising from 2,410 hogsheads the year succeeding the war, to 30,841 hogsheads this year, valued at, for the past year, $4,724,500. This whole trade properly belongs to New Orleans and would nearly all go there had the city sufficient capital and ocean freights were not relatively higher from this than other seaports, mainly owing to lack of water on the bars. The average freights from the west by steamboats is $4 per hogshead, or 27 cents per hundred pounds. Tobacco has been brought there this season by steamboat at 15 cents per hundred pounds or $2.50 per hogshead.

The territory bordering on the Lower Ohio, Cumberland, and Tennessee Rivers, and the State of Missouri, for which New Orleans is the outlet and natural market, produces annually 150,000 to 170,000 hogsheads of tobacco.

The average product of Southern Kentucky, Tennessee, Indiana, Illinois, and Missouri for the past five years, is set down at 160,200 hogsheads per annum, as follows:

Kentucky	80,200
Tennessee	21,400
Indiana	27,600
Illinois	12,200
Missouri	18,800
Total average crop	160,200

GALVESTON.

I desire now for a few moments to speak of the importance to the whole western country of the improvement of the harbor of Galveston. This is a question that has received but little attention in the North and West. It needs only investigation to earnestly enlist the entire producing and commercial class. There is territory enough for five such States as Ohio, whose people are mainly dependent on Galveston for their imports and exports and coast-wise trade. The country is marvelous for its natural resources and adaptability for the production of everything for the support of both the necessaries and luxuries of life. From Springfield, Missouri, to Houston, Texas, by the Atlantic and Pacific Railroad, the Missouri, Kansas, and Texas Railroad, and the Houston and Texas Central Railroad, you pass over an extended plain hundreds of miles in extent, gracefully undulating, exceeding fertility of soil, and almost every acre susceptible of the highest state of cultivation. Pleasant streams of water meander through the lower lands, bordered by beautiful groves of timber on either side and gently sloping back from the water-courses form between the streams; broad, rich, and comparatively level plateaus, over which thousands of herds of cattle range, feed, and supported to maturity, and are fattened for market on the grass that spontaneously grows over the entire plains, producing pasture almost equal to the celebrated blue-grass of Kentucky. What strikes a northern and eastern man as exceptionable in agriculture is the fact that in Texas everything grown and cultivated in the temperate zone either North or South may there be produced in the same field. Nothing is more common than to see within some inclosures, growing side by side wheat, corn, oats, rye, cotton, sugar-cane, tobacco, potatoes, (Irish and sweet,) &c., each with such healthful thriftiness as to assure the farmer an abundant crop of all.

I cannot dwell on the wonderful resources of the Lone Star State. It is the harbor at Galveston that the Upper Mississippi Valley people are most deeply interested in. A short canal connecting one of the many outlets of the Mississippi River with the Gulf will enable boats from any point of that river or tributaries to pass from the river directly to the harbor at Galveston in a very few hours more of time than it will take to land at New Orleans; and with some improvement of the channels over the bars at the harbor the largest vessels could load from the river-boats for any port in Europe. I find the following concise statement showing the increase in population of the city of Galveston, the imports and exports for the last five years, &c., in a speech delivered by Hon. ASA H. WILLIE, in the House, March 17, 1874. As I am unable to find a clearer or more valuable exhibit of the importance of the port of Galveston, I have taken the liberty to quote the following extract and table from Mr. WILLIE'S speech:

In 1865, at the close of the war, Galveston was a city of 5,000 inhabitants; in 1870, when the Federal census was taken, it contained 14,000; and by an accurate census just completed it is shown to number over 34,000. It is five times as large as nine years ago and two and a-half times as large as four year ago.

The following table shows the value of its exports and imports for the past five years, the fiscal year ending 30th June:

Year.	Imports.	Exports.
1869	$266,517	$9,641,112
1870	509,231	14,873,732
1871	1,255,003	13,789,250
1872	1,741,000	12,211,933
1873	2,426,626	17,716,509

These comprehend only products exported to and imported from foreign countries. To these should be added the value of imports and exports in the coastwise trade. I am not able to give them for the preceding years, but for the year ending August 31, 1873, these imports amounted in value to $27,357,221, and the exports to about $20,000,000. So the entire imports of this port for the past fiscal year amounted to about $30,000,000, and her exports to about $37,000,000. These figures show that our foreign exports for that year were twice as great in value as they were five years before, and that our imports had increased tenfold.

The following is a statement of the duties collected for the four years, beginning with the year ending June 30, 1869, and ending with that which closed June 30, 1872:

1869	$184,177
1870	268,477
1871	611,333
1872	682,934

Showing that the revenues derived by the United States from that port have nearly quadrupled in the last four years.

Let us look at some of the articles exported and which go to make up these values. The principal export from Texas has been its staple production, cotton. Of this there were sent from Galveston to foreign ports during the year ending June 30, 1871, 133,736 bales, and about 160,000 bales to ports of the United States. I cannot state the exact amount shipped to all ports for that year, but for the year ending September 1, 1872, which is the commercial year, the total number of bales of cotton shipped from Galveston was 294,718. During the year ending September 1, 1873, we shipped 333,802 bales of cotton, an increase of about 60,000 bales, or one-fifth. Statistics show that since the date last mentioned we have received at Galveston for shipment down to the 11th of this month, a period of little over six months, 316,267 bales. This is an increase of 40,000 bales in the receipts during the same time of the preceding fiscal year. A corresponding increase to the 1st of September, 1874, will make the receipts by that time amount in round numbers to 400,000 bales. Besides this we are exporting other articles which were but little known to our trade in former years, such as wool, hides, cattle, tallow, pecans, bones, beeswax, peltries, horn, hair, &c. The value of these exports during the last commercial year amounted to $5,000,000, and the trade in them is rapidly increasing.

Without going at length into statistics, I will take the apparently accurate computation made by the Kansas Board of Trade as to the aggregate productions in 1870 of a portion of the country, excluding Arkansas and Texas. By careful computation they show that for the year ending June, 1870, there were produced in this region 26,452,116 bushels of wheat; 631,353 bushels of rye; 89,236,854 bushels of corn; 24,367,214 bushels of oats; 1,429,946 bushels of barley; 1,856,138 tons of hay; 6,235,366 pounds of tobacco. In live stock it produced of hogs, 2,596,185; cattle, 2,595,176; mules, 116,585; sheep, 2,233,326; horses, 835,833.

These figures are far behind what the statistics of 1873 would show the products of this great country to be, so rapidly is it increasing and its resources developing. Add to this the grain, the cotton, and the cattle of Texas and Arkansas, and you may form some idea of the wealth of production within easy reach of the port of Galveston; and the surplus of which, with this one improvement of the bar so easily accomplished, will find there its surest immediate outlet to the markets of the world. Thus stands Galveston as compared with her former self in size, commerce, transportation facilities, and connection with the great wealth-producing West, and in all these she has exhibited progress that is excelled by but few other cities of the Union.

Let us now for a few moments glance at her rank as compared with the other seaports of the United States.

The report of the Bureau of Statistics for the year ending August 31, 1873, shows that the United States has eighty-one points of export and import, and that of these Galveston is the eighth in importance, being excelled in this respect by New York,

New Orleans, Savannah, San Francisco, Boston, Philadelphia, and Baltimore, in the order of their enumeration. The following is a summary of the exports of each of these ports for the year indicated:

New York	$334,101,644
New Orleans	107,556,203
Savannah	32,626,586
San Francisco	34,326,965
Boston and Charlestown	30,408,323
Philadelphia	26,167,832
Baltimore	19,769,737
Galveston	18,508,904

These figures show the comparative grade of Galveston as an exporting point to foreign countries only. We must add, as I have already stated, the value of products which she sends to other parts of the Union, which will further swell her importance. Moreover, these figures are for the fiscal year ending in 1873. The present fiscal year will show at its close a vast increase in her exports over those of any preceding year, making cotton alone reach, as I have stated, to about four hundred thousand bales, worth at least $25,000,000.

I regret to have detained the House so long. The investigation and facts connected with the subject I have been discussing is almost boundless. I have merely skimmed over the details of the question; and in the limited time allotted for making a speech I have been unable to use but a very small part of the data I have collected. In fact, I should be regarded as utopian in my statements should I attempt to unfold and portray the internal wealth, the undeveloped resources of the Mississippi Valley. The timbered part of the country is covered with magnificent forests of the finest timber in the world, and which is a source of wealth to that country of millions yearly. Where the land has not been timbered in its natural state the great prairies invite the farmer to turn over its fertile, virgin soil, plant and seed the ground, and with no other labor than plowing and fencing, reap therefrom a bountiful harvest. Almost the entire valley is an alluvial deposit of the richest character; even upon the rich coal lands there is the best of soil, the best of timber, or the best of prairie lands overlying the rich beds of block and bituminous coal.

The farmer often leases the underground to the miner of coal and cultivates the soil over their heads, producing as fine crops of cereals as can be found in the world; or he fells the mighty trees, rives up the oaks and saws up the poplar, walnut, and ash for the lumber market of the East. What other country can boast of such resources? Yet when we come to estimate the extent of our mineral resources, whether it be the thousands of square miles of coal, the mountains of iron ore of Missouri and Lake Superior, the acres of lead and zinc, the beds of fire-clay and mineral paints, and add to these the almost unlimited agricultural and manufacturing resources, the wonderful water-power in hundreds of places yet undeveloped and sufficient if utilized to turn the machinery of the entire world, we begin to see but an outline and get only a faint glimpse of the true and actual, natural, and internal wealth, the unlimited resources of this great valley. Notwithstanding these great natural internal resources, the entire West and South are to-day laboring under commercial and financial depression.

The question that comes home to the western statesman at this time is, what will this Congress do for the relief of western interests? One of the important demands is that the great natural arteries of commerce be deepened and improved so that the productions of that great heart of agricultural resources can cheaply and freely flow to the border and coast markets of this country. The condition of the West is one of dependence upon the capitalist and monopolist of the East, and these interests are reaping the larger portion of the profits of our industries. We might, and perhaps should, ask who is to blame for this condition of things, and why that portion of our land that produces more than twofold of the entire wealth of the country should be bound hand and foot to the brokers and money-changers of Wall and Beacon streets? The country that produces the crude materials that make millionaires of the eastern manufacturer, merchant, and capitalist is at this hour an humble suppliant, an imploring petitioner for the pittance that falls from the bloated money-bags of the bank oligarchy of the East. My convictions are that both East and West are to blame for this state of affairs.

The East, as we call things, is an old country, comparatively well developed. Its business has from its necessities become systematized and its material strength well combined; it acts as a unit on all questions. No one is allowed to question the justness of its measures or doubt the immaculate superiority of its inspirations. Its early adversity and its long experience have taught it many things that the West will have to learn in the same manner before it will be able to command complete equality. I have not time to go over the entire ground of the selfish and somewhat arrogant demands of the East, and will only speak of a few points most prominently complained of by the West. The difficulty I shall mention grows out of the excessive concentration of capital in the Eastern States. How often since the present session of Congress commenced have we been reminded by sneers from speeches on this subject, in private conversation, and and through the public press that the South and West have no capital to take up any more currency if Congress were to authorize a further issue; and at the time refer in triumphant hauteur to their *per capita* wealth, their banks, manufactures, and millionaires. It might be well if these self-constituted eulogists should stop their laudations long enough to inquire into the manner by which the East has become enriched, and at whose expense much of it has been accumulated. As an illustration of this question it would be well enough to refer to the following tables which I have prepared from the census report of 1870:

Manufactures in eight Eastern States.

States.	Number in 1870.	Number in 1860.	Number in 1850.	Decrease from 1850 to 1860.	Increase from 1850 to 1860.	Increase from 1860 to 1870.
Connecticut	5,128	3,019	3,737	718	.....	2,109
Delaware	800	615	531	.....	84	185
Maine	5,550	3,810	3,974	164	.....	1,740
Massachusetts	13,212	8,176	8,852	676	.....	5,036
New Hampshire	3,342	2,592	3,211	619	.....	750
New Jersey	6,636	4,173	4,207	34	.....	2,463
New York	36,206	22,624	23,553	929	.....	13,582
Rhode Island	1,850	1,191	864	.....	327	659
Total	72,724	46,200	48,929	4,140	411	26,524
	1,897					1,897
Total mining, quarrying, and fishing in 1870 brought up	74,621					28,421

To the above should be added for 1870 mining, quarrying, and fishing industries, which have been included in the above for 1860 and 1850:

Total for all the States, mining and quarrying, in 1870	670
Total for all the States, fisheries, for 1870	1,227
Total	1,897

Hands employed in manufactures in eight Eastern States.

States.	In 1870.	In 1860.	In 1850.	Increase in 1860 from 1850.	Increase in 1870 from 1860.
Connecticut	89,523	64,469	50,731	13,738	25,054
Delaware	9,710	6,421	3,888	2,533	3,289
Maine	49,180	34,619	28,020	6,599	14,561
Massachusetts	279,380	217,421	177,461	39,960	61,959
New Hampshire	40,783	32,340	27,092	4,248	8,443
New Jersey	75,552	56,027	37,830	18,197	17,525
New York	351,800	230,112	199,349	30,763	121,683
Rhode Island	49,417	32,490	20,967	11,523	16,927
Total	945,345	673,899	545,338	127,561	264,441

Capital employed in manufactures in eight Eastern States.

States.	In 1870.	In 1860.	In 1850.	Increase in 1860 from 1850.	Increase in 1870 from 1860.
Connecticut	$95,281,278	$45,599,430	$25,876,648	$19,713,782	$49,690,848
Delaware	10,839,090	5,452,887	2,978,945	2,474,942	5,386,106
Maine	39,793,190	22,044,020	14,699,152	7,344,868	17,749,170
Massachusetts	231,677,862	132,792,327	88,940,292	43,852,035	98,985,535
New Hampshire	36,025,743	23,274,094	18,242,114	5,031,980	12,748,649
New Jersey	79,606,719	40,521,048	22,293,258	18,237,790	39,085,671
New York	366,994,320	172,895,652	99,904,405	72,991,247	194,198,668
Rhode Island	66,557,322	24,278,295	12,935,676	11,342,019	42,279,027
Total	926,775,524	476,848,753	85,870,490	180,989,663	460,023,674

Productions of manufactures.

State.	1870.	1860.	1850.	Increase in 1860 over 1850.	Increase in 1870 over 1860.
Connecticut	$161,065,474	$81,924,555	$47,114,585	$34,809,970	$89,140,919
Delaware	16,791,382	9,892,902	4,649,296	5,243,606	6,898,480
Maine	79,497,521	38,193,254	24,651,057	13,332,197	41,304,267
Massachusetts	553,912,568	255,545,922	157,743,994	97,801,928	298,366,646
New Hampshire	71,038,249	38,586,453	23,164,503	15,421,950	32,451,796
New Jersey	169,237,732	76,306,104	39,857,256	36,448,849	93,931,528
New York	785,194,651	378,870,936	237,597,249	141,273,690	407,323,712
Rhode Island	111,418,354	40,711,296	22,117,288	17,593,908	70,707,059
Total	1,948,155,931	920,031,425	556,996,228	362,126,098	1,040,114,407

These tables illustrate only partially the rapid increase of wealth in the Eastern States. Importations, bank capital, corporations, and railroad investments show an increase equally astonishing. And peculiarly astonishing when we remember that the population of these States have increased in comparatively a small ratio with the wealth; and that immigration, which has added largely to the wealth of the Western States, has given but a small amount to the grand total of the Eastern States.

The practical question, and one in which the whole country feels a deep interest, is how has this great increase in the old States been brought about? It certainly cannot be said that the fertility of the soil, the natural resources of the country, or the peculiar energy and industry of the people over the western citizen has consummated with-

out other agencies this great increase of wealth. It is clear there are other causes than those named above, and let us consider some of these causes. When the late war broke out, it is shown by the tables I have given that manufactories were in a languishing condition. The necessities of the war forced upon the nation the adoption of a high protective tariff. The demands of the nation called for immense supplies. The capitalists of the East readily recognized the favorable opportunity and eagerly appropriated the golden harvest. Manufactories in existence enlarged their capacity, and new ones sprang into being as by magic; the wealth of these States redoubled, and millionaires rose up all over this part of the Union. The true valuation of the real and personal property, as shown by the census of 1870 is as follows:

State.	1850.	1860.	1870.
Connecticut	$155, 707, 980	$444, 274, 114	$774, 631, 524
Delaware	21, 062, 556	46, 242, 181	97, 180, 833
Maine	122, 777, 571	190, 211, 600	348, 155, 671
Massachusetts	573, 342, 286	815, 237, 433	2, 132, 148, 741
New Hampshire	103, 652, 835	156, 310, 860	252, 624, 112
New Jersey	200, 000, 000	467, 918, 324	940, 976, 064
New York	1, 080, 309, 216	1, 843, 348, 517	6, 500, 841, 264
Rhode Island	80, 508, 794	135, 337, 588	296, 965, 246
Total	2, 337, 361, 238	4, 098, 880, 617	11, 343, 523, 455

Increase from 1850 to 1860, $1,761,519,379; from 1860 to 1870, $7,244,642,838.

Is not this increase fabulous when we consider that outside of the State of New York, in the seven other States named, the population cannot be considered as having increased as a whole in the last decade? It is true that the wealth of the Western States have increased largely in the last decade, but this increase is on very different basis from that of the East. The increased value of real estate, the improvements on real estate, the increase of stock, had been very large, all adding to the material wealth of these States; but the increase of cash capital has been far below that of the Eastern States. It is evident that the East has monopolized the money capital of the country and is now demanding tribute for the use of the same; this drains the West of its surplus earnings, and yearly adds to the enormous wealth of the East, and the increased productions of the West adds to this overgrown wealth the larger portion of its profits.

Notwithstanding this immense wealth, the East is still demanding a further increase, as the experience of all demonstrate when an individual becomes wealthy his demands become more exorbitant. So it is with classes of individuals, countries, and parts of countries. And these demands are never disinterested, but always selfish; so it is now with the East. A few years ago and the East was clamorous for a high protective tariff on all manufactures. Through its energy, skill, capital, and machinery it has monopolized particular classes of manufactures, and now, forgetful of the weakness of their poor brethren of the West, demand a reduction of the tariff on the materials that enter into the manufacture of this class of articles, and in some instances do not stop at this, but ask that a lower grade of material used by the manufacturer of the West shall pay the same tariff as the finer material used by the East.

It is exceedingly refreshing to see with what blissful innocence these disinterested benefactors talk of the rights of the poor consumer of the West and South. These same disinterested capitalists are now preaching to the western agriculturist about the wonderful prosperity that would be infused into the West by a reciprocity treaty with Canada, so that the western cereals could enter into competition in the eastern market with the Canadian productions. Competition, you know, is the life of business.

The selfish illiberality of the East is shown in its action on the currency question, and its inconsistency in this respect is equal to that on the tariff. The West and South are in some respects to blame for the condition of things I have mentioned. These sections of the country have a majority in both Houses of Congress, and particularly so in the House. If the West would only become more tolerant of small faults that are immaterial to the living, vital issues, dispassionately study the interest and welfare of the whole country and all its people, combine its strength for the right, then select men to carry out its will and the right, my word for it the West, bountifully rich in nature's gifts, would bound from depression to prosperity in a wonderfully short space of time.

What America needs is American ideas and American legislation. It is time our people should rise above British ideas, British trade, and British gold. Place your workshops alongside of the farm, establish your machine-shops and manufactories over your coal-fields; let the tiller of the soil feed the mechanic, and the one exchange his commodities for the other's. And as there is strength in unity, let each combine, and through the battle-cry of cheap transportation, lay under tribute the markets of the world; through the abundance of nature's rich supplies and the energy and indomitable will of the American freemen, advance to prosperity and wealth. As being apropos to this point and an excellent hint to the American people, I ask the consideration of the following extract from a late article by one of England's best writers on political economy. It seems to me that while he draws the matter rather mildly, according to American ideas, yet he gives a hint which, if we are wise, we will profit by and follow:

COTTON MANUFACTURES.

Beyond these we have to remember that America is at the present time entering fairly into the race. It was lately announced that in one State alone, that of Tennessee, twenty-three mills had been erected, and it will be seen from the returns that the amount of cotton reserved for America's own manufacturers is continuously on the increase. Beyond this the whole condition of American society would appear to point to a great growth of their cotton trade. The influence of her import duties will necessarily stimulate her home trade, and the natural advantages of climate, soil, and position all point the same way. If we add to these the development of her railway system, the infusion of northern blood into the Southern States, the immigration of the Chinese coolies who are at once steady, patient, and tractable, we have combined a series of causes that may at any time produce a formidable and permanent rivalry. It is difficult to see why America should not eventually lead in the cotton trade. Cotton is not only naturalized to her soil, but that which is produced is unquestionably the best in the world. She has machines equal or superior to our own, and the skill that has made our manufactures famous are leaving our shores by multitudes to find a new home there. If, then, she has material, skill, and machinery, what are the reasons that should prevent her outrivaling ourselves?

Again, instead of our people seeking after European ideas on finances and other measures, we should base our legislation upon the actual conditions and necessities of the country, thus giving a currency based on our actual wealth, and representing a measure of value in exchange as we represent the measure of value in other cases.

It is by building up our country on an American basis and on American ideas that we invite immigrants from foreign countries, who leave their homes because of the peculiar character of our institutions and the unusual advantages our country extends to all classes of persons.

There is one point further I desire to call the attention of the House to before I close, that is, the importance to the Central Northwest of the free and open navigation of the Mississippi River. The late war to the people of these States meant something more than the question of preserving in theory a government. Failure meant isolation, and would practically have been the construction of a Chinese wall across the Mississippi Valley, cutting off the Western States north of the line of division from any free outlet to the outside world. It would have compelled the payment of tribute for every bushel of grain moved to the coast, for every head of stock shipped. History will record the deeds of valor of the gallant soldier, the living and the dead; the grand struggle will be attempted to be portrayed, but the great sacrifices of the people cannot be written, cannot be portrayed; they can only be felt.

As an evidence of the great struggle I call attention to the efforts in part of my own State. Less than one half-century since its admission into the Union it furnished 208,367 soldiers for duty in the front, of whom there were 24,416 officers and men who died in battle or of disease while in the service. And while the larger portion of these men were in the front, the State organized 65,000 men in forty-eight hours, ready to march and repel the invasion of her soil. Our soldiers were engaged in three hundred and eight battles, all of which were out of the State except one. During the war there were paid out for bounties by the several counties of the State $15,492,876.04; for relief to soldiers' families, $4,566,898.06; for miscellaneous contributions, $198,866.58; making a total paid out by counties of $20,258,640.68. To which should be added, as paid out by the State, the $2,000,000 loan by act of the Legislature May 13, 1861; for relief of soldiers' families $1,748,017.99; for sanitary supplies, $622,620.29; for her portion of the direct tax levied by Congress under act August 5, 1861, $904,875.33; soldiers' home, $50,000; making a grand total of $25,584,154.29.

This is but a very imperfect statement of the actual expense of the war, as there were millions expended of which no regular account was kept, and could now only be approximated by an estimate. There should also be added to this enormous sum the internal-revenue taxes paid to the General Government, which amounted in all to the sum of $14,561,704.16 during the war, making a total paid by the people of the State of $40,145,858.45. The State, besides paying these heavy war expenses, carried on the ordinary expenses of government, both in the counties and State, building railroads and expending large sums in public improvements and private enterprises. The State, from October, 1862, to October, 1866, paid in carrying on its government the sum of $12,377,468.01, and paid the sum of $6,587,950.94 of its bonded indebtedness from the decade of 1860 to 1870. What my State did the other central Northwestern States were in no respect behind.

May I ask, is it not natural that the people of the Upper Mississippi Valley, after such sacrifices, should feel a deep interest in anything that would bind the two sections of the West more closely together, and that would promote the welfare of both sections of the country. The cities of New York and Boston, especially New York, have monopolized the import and export trade of the entire country. Great money centers have grown up in these places. The result is that in New York City money has become merchandise, and has its periodical flow and ebb, flowing out over the country through the loan of banks to speculators, who fleece the agriculturists of the West and South, and in its ebb passes through the hands of the merchant princes who have fleeced their western and southern purchasers of millions in the sales of their merchandise.

This condition of things has produced a redundancy of money and culminated in stock-gambling, robbery, fraud, combinations, conspira-

cies, and corruption unparalleled in the history of any country, and national disgrace and dishonor.

The question of a remedy for this state of things assumes a national importance. I have no doubt but the distribution of trade and commerce would do much to overcome the evil. Improve the mouth of the Mississippi River and the harbor of Galveston and you create two markets far more advantageous to the West and South than New York and Boston, and thus establish competition at the two extremes of the country, and produce an equilibrium in the markets, imports, and exports.

It is wonderful to see what nature has done for our country in providing on every side places for great ports and commercial emporiums: New York and her sister cities on the Atlantic coast, Chicago and her sister cities on the lakes, New Orleans and hers on the Gulf coast, San Francisco, California, and Portland, Oregon, on the Pacific coast. It is the duty of patriot statesmen to build up and foster by every means these great ports, and give to each as near as possible an equal advantage. Again, among the many reasons for the improvement of the Mississippi River and its tributaries, are the direct relations of the people of the entire valley in a commercial, moral, social, and kindred view. A very large proportion of the population of the Southern States north of the Ohio River are southern emigrants, or descendants of such emigrants, and there is that home geniality in the association and commingling of the elements of the two sections of the country that binds the people together in a common sympathy and as one people.

I appeal to Congress to consider the commercial necessities of our people and to afford us the help we so much need. With unlimited natural resources, yet we are bound hand and foot by the monopolist. It cost us of the northwest central States two bushels of grain to get one to market. With corn at twenty cents per bushel in the State of Iowa and $1.50 in the State of Georgia, the one suffers for the want of grain and the other burns it for fuel for the want of cheap transportation. Our great agricultural productions rot in our granaries for the want of a cheap way to put them into the hands of the consumer. No wonder the people of the West and South arise in their might and demand their rights, and I here second the demand and insist upon its justness. Give them cheap transportation, take them from the grip of the money-changer of the East. Elevate labor by educating our children, not only mentally, but to each child in our land, however poor, give at the common expense a trade or business. Harmonize capital and labor by meting out to each its just share in their joint productions. Listen to the just demands of the producing class. Capital can and will to a great extent take care of itself, but the laborer needs the strong arm of the Government to give him the needful protection.

I have not given nor will I hereafter knowingly give, one vote for any law that gives capital an advantage over labor or that does not fully protect the producing class. The perpetuation and the prosperity of this Government, if nothing more serious, depends upon the issue of this question. Let Congress do justice and stand by the right. Let the hard-pan stickler for a gold basis remember that there are other creditors of the nation than the bondholder—those who have periled their lives to save the Union, who are to-day demanding not gold redemption, but that jewel which is above all price, the redemption of right and justice, the protection of labor and industry, the equality of the laws for all, rich and poor alike.

Fort Saint Philip Canal.

SPEECH OF HON. J. HALE SYPHER,

OF LOUISIANA,

IN THE HOUSE OF REPRESENTATIVES,

June 4, 1874.

The House having under consideration the bill (H. R. No. 3342) for the improvement of the mouth of the Mississippi River—

Mr. SYPHER said:

Mr. SPEAKER: The Mississippi River is the highway to the markets of the world for half the inhabitants of this Republic. Its tonnage is destined to exceed the international tonnage of the civilized world It drains an empire nearly a million miles in extent. The same percentage of land being under cultivation as in France would produce food sufficient to subsist half the human family. The improvement of this great commercial channel, from its source to the sea, is a national work the performance of which is a high, national duty. The people's representatives must be alive to the paramount benefits resulting therefrom to the whole country. No sectional interests are involved in this question. The people inhabiting the Mississippi Valley by their industry supply the necessaries of life and raw material to the East in exchange for their manufactured products. Nothing is detracted from the power and importance of the great manufacturing and trading centers of the States on the Atlantic slope, in claiming that the commercial as well as the political supremacy of this nation is centered in the Mississippi Valley. France's greatest soldier and most sagacious statesman, when he relinquished his hold upon the Louisiana territory at the conclusion of the treaty, remarked prophetically:

This accession of territory strengthens forever the power of the United States; and I have just given England a maritime rival that will sooner or later humble her pride.

Again, that great ruler remarked that—

The day may come when the cession of Louisiana to the United States shall render the Americans too powerful for the continent of Europe.

Under the wise policy of internal improvements adopted by this Government, and by the intelligence and industry of our people, in less than three-quarters of a century are these prophecies realized, though jealously and reluctantly acknowledged by the nations of the earth. The yeomanry of this empire, located between the two great mountain ranges of this continent, asserted their rights in unmistakable terms when the insolent Spanish intendant, in 1802, attempted to obstruct their outlet to the sea. They addressed their Government in this posititve language:

The Mississippi is ours by the law of nature; it belong to us by our numbers and by the labor which we have bestowed on those spots which before our arrival were desert and barren. Our innumerable rivers swell it and flow with it into the Gulf of Mexico. Its mouth is the only issue which nature has given to our waters, and we wish to use it for our vessels. No power in the world shall deprive us of this right.

Again, when Pakenham marshaled the flower of the British army on the banks of the Lower Mississippi and penetrated the river with a hostile fleet, the stalwart men inhabiting the valley—the American, the Frenchman, the Spaniard, and the colored man—rallied in solid column under the American banner and repulsed the proud battalions of the British invader which in many former conflicts had covered themselves with glory. In the recent unhappy struggle between citizens of our own country millions of treasure and thousands of lives were sacrificed for the possession of this natural outlet to the sea. Thus having secured free and unobstructed navigation of the Mississippi River to American citizens first by purchase, secondly by the valor and daring of our people, and thirdly by the great sacrifice of blood and treasure, will you now permit this great commercial artery to be closed by mud and sand?

In advocating the Mississippi route to the sea as the one of greatest reliance for the surplus products of the West, and as the great regulator of all other routes, I do not antagonize any of the other great lines of transportation either by the lakes and canals of the North or the railroads across the country. All are necessary both for the producer in the West and the consumer in the East. Increased production will continue to employ all the available routes more abundantly than capital and labor, including the appropriations from the national Treasury, can multiply the facilities for transportation. There can be no antagonism between the different routes; and the constituents I represent have no such interests in conflict with other sections of the country. Before entering upon the different methods of improving the mouth of this river as presented in the bills now pending, I desire to invite your attention to the obstructions to be overcome.

In 1699 Bienville found upon the bar only eleven feet of water, and reported that the depth and location of the channel were constantly changing. In 1726 Ponger reported—

The bar at Southwest Pass is about eight hundred yards more in the interior than Balize Island. I recommend to the Indies Company to make an inclosure of piles, *joined together*, to point the current to grow deeper and deeper, to be made of cypress, which would last a long time.

From this it would appear that jetties were recommended for the improvement of the mouth of the Mississippi one hundred and forty-eight years ago. Can it be possible that the celebrated gun-boat and bridge-builder is that much behind the times?

In the year 1745, Devegues, a distinguished French engineer, presented to his government a memorial on the mouths of the Mississippi, in which he said:

The bars which are to be found at the mouths of the river are so many serious obstructions. The pass which is the deepest, and which has been the only practicable one since 1722, when it was examined and became thoroughly known, is that of the Balize, where ships drawing from thirteen to fifteen feet of water have been able to run through with more or less facility in proportion to the depth of water on the bar; and it has ever since been observed that it has varied from eleven feet to fourteen feet and a half, so that it was but seldom that vessels drawing from thirteen to fifteen feet water could pass without stranding and without making use of the warp, even after having been lightened of half their cargoes. This pass measures in width from thirty to forty fathoms, and the current is very rapid.

The captain of the port and chief pilot, Livaudais, wrote to the chief minister of his government in 1750 that—

When the king's man-of-war, the Rhinoceros, arrived in July, the location of the pass was south-southeast and north-northwest, and now it is east and west. The changes have been so frequent in the twenty-five years I have been coming here, that I have seldom come in and gone out by the same outlet.

The experience of this pilot is continually verified by the pilots of the present time.

From the following it is shown that the discovery that the bars are continually advancing seaward is not of recent date:

In September, 1751, Governor De Kerlerec, together with the intendant commissary of the colony, wrote to the minister of the home government that the lands at the entrance of the river had so little consistency that it was not possible to build any fortifications, and that those built by the Indies Company had been destroyed, in spite of the repairs made on them in 1731 and 1742.

The island of Balize, which was twenty years ago half a league outside is now one league and a half inside (of the bar.)

The bars have gone seaward at the rate of one-third of a mile per annum for centuries; and as nature is not likely to change her course, that rate will continue.

The first methods for the improvement of rivers forming bars at their mouths by the deposit of sediment was by dredging. That process was first applied at the outlet of the Mississippi River by Captain Talcott, of the Engineer Corps, in 1839, for which an appropriation was made. This was the first effort of the General Government to remove the obstructions to commerce at the mouth of that river. This method was continued with varied success until 1856. Then the Secretary of War entered into a contract with Messrs. Craig & Rightor, who attempted to produce a depth of eighteen feet of water by means of a breakwater or jetties. Failure and bankruptcy soon terminated this process. Then the Government constructed and operated powerful dredge-boats, which are still in use, and these have been able to maintain about eighteen feet of water. The Government has expended in these different methods about $2,000,000, and the channel, since the work began under Government supervision, thirty-five years ago, has been scarcely more practicable than by the ordinary process of nature. Increased commerce and a large class of vessels demand a greater depth of water than had been produced by these processes. A ship-canal has been advocated for many years as the most certain and practicable mode of relief from the obstructions to the commerce of the valley.

A survey was made about 1830 by Major Buisson, at one time a distinguished engineer in the French army under Napoleon. Upon the results of this survey the Legislature of Louisiana addressed a memorial to Congress, and a survey was ordered by authority of the General Government. In 1837 Major Chase, an able engineer in the service of the United States, made an exhaustive examination and survey, the report of which will be found in Executive Documents of the second session of the Twenty-fourth Congress. From that report I quote as follows:

> The advantages of the plan of a ship-canal are so decided, that they require no further comments from me.

In concluding his report he says:

> I have thus endeavored in the short time allowed me and with the information in my possession to throw some light on the improvement best adapted to the amelioration of the navigation of the Mississippi. It is of great importance not only to the commerce of New Orleans and the vast trade tributary to that great emporium, but to every section of the Union; and believing that the true policy is at once to grapple with the subject and adopt a plan for the improvement that shall exhibit permanent benefits, and believing also that any sum, however large, expended for that object, would not be more than commensurate with its importance, I do not hesitate to adopt and recommend the construction of a ship-canal without further delay, in preference to resorting to those expedients which are doubtful in their results, and at the most temporary in their character.

Captain Bowman, one of Major Chase's assistants, remarks as follows. I quote from the same report:

> I am of the opinion that the only practicable plan for securing a permanent ship-channel for vessels of the first class to New Orleans is to cut a canal from such point on the Mississippi above its mouth as shall combine the greatest advantages for the purpose to some one of the arms of the Gulf of Mexico which approaches nearest to the river.

Another officer, Lieutenant Poole, of the Third Artillery, reports:

> It is my opinion that it (the canal) offers a fairer prospect of certain results than any other plan that has been spoken of of opening the Mississippi to ships of the largest class.

These are the opinions of able officers of the United States Army detailed to examine this work. It was done thoroughly and impartially. The distinguished gun-boat builder and the utopian scheme of jetties were unknown to them, and there was then no prejudice and conflict of opinion between the military and civil engineers to warp the judgment of either, as is now charged in certain quarters. But there are *other* valuable authorities in favor of a canal. In 1858 Mr. Montaign, an eminent civil engineer, made a survey, with estimates of cost, for the State of Louisiana. His report is submitted in the document before you, to which I invite your attention.

In 1871 I had the honor to secure the passage of the following resolution, authorizing the survey of the great work which is now presented for your consideration and action:

> *Resolved*, That the Secretary of War be, and is hereby, requested to cause an examination and survey, with plans and estimates of cost, to be made by an officer of engineers, for a ship-canal to connect the Mississippi River with the Gulf of Mexico, or the navigable waters thereof, of suitable location and dimensions for military, naval, and commercial purposes, and that he report upon the feasibility of the same to the House of Representatives.

Under this resolution Major Howell, an able and competent officer of the Engineer Corps, was detailed to make a new survey of the canal project. His report is before you in Document 220, and with it is a report of a revisory board, composed of seven of the ablest engineers in this country, who examined and revised Major Howell's work, and this is the result of their deliberations. I quote from page 96, Executive Document 220:

> 1. From the facts and data presented in official reports and otherwise, from the experience gained on works of the same character, and the many improvements made in the practice of hydraulic engineering within the last twenty-five years, but more particularly and pertinently from the character of the borings made by Captain Howell upon the Fort Saint Philip peninsula, across which the proposed canal is to run, the board is of the opinion that no extraordinary engineering difficulties in the construction and maintenance of the canal need be apprehended.

In his letter transmitting that report the Chief of Engineers, General A. A. Humphreys, than whom there is not an abler officer in the service, says:

> Respecting the practicability of constructing a ship-canal from the river near Fort Saint Philip to the deep water of Isle au Breton Pass, all the members of the board agree that there is no doubt as to its entire practicability.

Mr. Speaker, in the presence of such overwhelming testimony from the best engineering talent in the country as to the *entire practicability* of the Fort Saint Philip Canal, who will longer hesitate in making this great national work. In the presence of your own precedent, established for forty years, of following the recommendations of your Engineer Corps for all works of internal improvements for which you have appropriated money from the national Treasury, I ask, will you now depart from this established rule, when not a single work recommended by that corps of competent, faithful officers has proven otherwise than eminently successful?

I am no engineer. I do not know of any member of this House who belongs to that honorable profession, unless, perchance, it may be the honorable members who sign the majority report. They must be engineers, or they certainly would not set up their judgment against the entire Engineer Corps of the Army and against the opinion of all civil engineers in the country whose knowledge of the subject entitles their opinions to credit, all of whom report in favor of the *entire practicability* of the canal.

The bill reported by the majority of the committee provides for the improvement of the mouth of the Mississippi by a system of jetties. This system is described as follows:

> The jetty system as applied to improvement at the mouths of rivers depends on the lateral contraction of the water-way, by which the water surface above the jetties is raised and increased velocity of discharge given. This increased velocity gives increased scouring effect to the current, and this is the effect depended upon or deepen the river-bed between the jetties.

From this definition to insure success two fundamental conditions are necessary:

First. Solidity of foundation, upon which a superstructure can be erected capable of resisting the currents of the river and the storm-wave of the sea.

Second. A littoral current crossing the mouth of the jetties at right angles, with sufficient velocity to carry away the matter held in suspension by the river, tending to form a new bar at the outer extremity of the jetties. Are these conditions present at the mouth of the Mississippi River? On the first of these conditions much light will be thrown by the early efforts to erect fortifications for the defense of the Colonies. In 1746 the Marquis of Vaudreuil, who succeeded Bienville as governor of Louisiana, wrote to his government that—

> On being apprised of the declaration of war I visited the mouths of the Mississippi. From the mobility of the passes and from the want of solidity in the land bordering on those passes it is nearly impossible to think of erecting fortifications.

Governor Vaudreuil and his engineers selected as the site for erecting forts the first solid ground found in ascending the river, which was about forty miles from the Gulf, where Forts Jackson and Saint Philip are now situated. History affords further information in the efforts to erect a light-house at Southwest Pass in 1837. An enterprising individual like some of the present day, distinguished for their zeal in inventing theories rather than for practical knowledge of hydraulic engineering, entered into a contract with the Government to construct a light-house of brick upon a foundation of piling. The work of construction begun, no difficulty was encountered in setting the first pile at a depth of forty feet; the second one by its own weight went down sixty feet, and the third one went out of sight.

No further efforts were made to secure a pile foundation on the delta, and the contract was abandoned. Any one familiar with the formation at the mouth of the Mississippi knows that the light alluvium forming the banks, which are only a few inches higher than the sea level, cannot hold piling for a foundation and is not capable of resisting a current of sufficient scouring capacity to deepen the channel. The second fundamental condition is the existence and presence of a littoral current. The indispensable necessity of this current is more evident from the fact that the advocates of the jetty system persist in asserting that it does exist at the mouth of the Mississippi. I invite your attention to the most reliable and creditable authorities on this disputed question.

In the very able report of Humphreys and Abbot on the Physics and Hydraulics of the Mississippi River, from which I quote, will be found this language from Lieutenant (afterward Major-General) George G. Meade. He says:

> At the southwest bar many observations were made to determine the existence of a littoral current.
>
> * * * * * * *
>
> The velocity is increased when the tide is falling and diminished when it is rising. If there is any wind, the current will obey the impulse given to it by its direction. If from the east, the set of the current will be to the west, more or less inclined to the axis of the pass as the force of the wind is greater or less. So if the wind is from the west the same circumstances will be perceptible with regard to the set of the current to the east. The bottom velocity is slightly less than that of the surface and is affected in the same way, though not to so great a degree, and is much sooner neutralized by the resistance of the sea. The prevailing winds being from the east and the axis of the pass southwest, the general set of the current is to the west; hence may have arisen the idea of a "*westerly littoral current.*"
>
> Care was taken to make the observations under all circumstances of wind and tide, and no trace of the existence of such a current is shown within *seven* miles of the land—the extreme point to which the observations were carried.

Captain Patterson, a distinguished officer of the Coast Survey, and for many years assigned to duty on the Gulf coast, says:

No littoral currents have been found, only such temporary currents as the wind for the time being creates.

On this question the Chief of Engineers says:

If there was a littoral current of force sufficient to carry off any large quantity of this earthy matter it would not have been deposited where it is now and always has been found. What has been said respecting the recent soundings of Captain Howell exhibits this fact clearly.

Further, upon examining the horizontal curves of equal depth on Captain Howell's recently prepared map, going out as far as a depth of three hundred and fifty feet, we find that from the crest of the bar to one hundred feet depth the greatest amount of deposit is made east of the axis or mid-line of the pass prolonged; between one hundred and two hundred feet depth the greatest amount of deposit is made west of that line; and between two hundred and three hundred and fifty feet the greatest amount of deposit is made east of that line. Further, the investigations into the currents made under Captain Talcott's direction in 1838, for the very purpose of ascertaining whether there was a littoral current, failed to detect its existence off any of the passes, the investigations in the case of the Southwest Pass extending seven miles seaward of the bar.

* * * * * * *

The very shape of the delta is indicative of the absence of such current. Its increase in the direction of the mouths of the passes, and the existence of such areas of water as Blind Bay, Garden Island Bay, and East and West Bays, which would have been gradually filled in the course of the delta formation by deposit if such current had existed, all point to its absence.

These statements, made by officers eminent in their professions, based upon careful examinations, stand uncontradicted by any scientific authority worthy of credit. A reverend enthusiast, recently imported to the national capital to instruct "heathen" Congressmen and obdurate engineers, is set up as the sole advocate of the existence of a littoral current. If the orthodoxy of this reverend engineer is as unsound as his scientific tenets, I fear that his followers will never be found among the "elect." In reference to the assumptions of the reverend professor, Engineer Fontaine, Major Howell says:

Very careful observations have been made at all the passes, out to a distance of seven miles from land, to ascertain if an appreciable "littoral current" is to be ound off the mouths of the Mississippi; none has been found. It does not appear necessary to repeat the observation every time Tom, Dick, and Harry chooses to question the result.

I submit one fact, and close my request. Last December a careful survey showed at a distance of nine miles from the present bar, at Southwest Pass, but a depth of 300 feet. In 1838, at a distance of about nine miles from the then crest of the bar, there was 900 feet. Since 1838 the bar has moved out about two miles; for the past two years the bar has moved out at an average rate of about 400 feet per year.

This does not indicate that the bar is moving into deeper water, nor that its annual rate of advance is decreasing.

With no littoral current, and the bar advancing more rapidly, and into shoaler water, each year, there is reason to doubt the value of an application of the jetty system, if we leave out of consideration all other essential requirements for its success.

Very respectfully,

C. W. HOWELL.

Then, from the best sources of information, it is found that the two essential conditions necessary to a successful application of the jetty system at the mouth of the Mississippi River do not exist.

Where has this system of improving sedimentary rivers been applied? The Danube is cited as an example of its application and success, and it is claimed that the conditions are the same at the mouth of the Mississippi. Upon that point I quote from the able report of General John Newton, of the Engineer Corps:

The prominent physical features of the Danube are quite different from those of the Mississippi, and it is proper, in concluding this paper, to briefly glance at them. This river separates into two branches at Ismail Chatal, namely, the Kilia and the Toulcha; and the latter, after eleven miles, into two others, the Saint George and Soolina branches.

The distances to the sea from Ismail by the Kilia is ninety-six miles; by the Soolina, seventy-eight miles; and by the Saint George branch, ninety miles. The triangle thus formed, having Ismail as its apex, has a base of forty miles along the sea-coast, and a perpendicular of fifty-eight miles.

The first difference between the Danube and Mississippi is, that the former has divided into three long branches, each of which is an active stream, whereas the Mississippi has no branches, but pushes its trunk undivided to the Gulf.

At Isatkcha, fifteen miles above the division, the Danube is 50 feet deep and 1,700 feet wide. At Fort Saint Philip, twenty miles above the head of the passes, the depth of the Mississippi is 151 and its width 2,360 feet. Its great depth constitutes another point of difference, which the Mississippi also maintains in its passes.

The average specific gravity of the matter held in suspension in the Danube is 2.5; that of the banks, 2.7; and for the Mississippi the latter element is 1.96. The specific gravity of materials on Southwest Bar, after it has been sifted from finer materials by the action of currents and waves, was 2.6, or about the same as that of the suspended matter in the Danube.

The proportion of silica in the material brought down by the latter river is very large—about 67 per cent.

It is not surprising, if we read, that at the Soolina mouth large warehouses have been erected on the banks alone as a foundation; that a crib 30 by 15 feet sunk off Soolina mouth, and loaded with 130 tons of stone, remained for nearly one week supported on only ten square yards of foundation without the least settlement, and that the driving of a single pile 13 inches square in the line of piers to a depth of 16 feet was a day's work for one driver.

Dunes of sand, thirty to forty feet, are encountered at the Kilia mouths, and of smaller dimensions at those of the Saint George.

What a contrast the above offers to the mud shoals and banks of the mouths of the Mississippi, in which it is said that the weight of a man will send a pole down to a depth of nine feet. Upon the surface of the bar, where the waves and currents sift out the finer materials, there is of course a deposit of more or less sand. From this brief analysis of *physical differences* between the two rivers some important deductions may be made. The strength and resistance of its banks is the cause, probably, why having once separated into three branches, the Danube has been unable to reform its main trunk, or that the cross-section of either branch has not become so great as to convert the others into mere drains for overflow.

In the Mississippi, owing to the nature of its sedimentary deposits, the main trunk cannot be divided, because it has the power always to excavate its bed to the depth and width required to carry off its waters. No crevasse or artificial outlet has ever yet formed a branch to this river.

The same reasoning applies to the passes, which, perforated through the most yielding alluvions, will always suffice to discharge the river, and should one by some obstruction be impeded in its discharge, the others enlarge their cross-sections to supply the emergency.

The experiment of the jetty improvement at the Soulina pass of the Danube has no value in its application at the outlet of either of the passes of the Mississippi. It emits only two-twenty-sevenths the quantity of water of the Southwest Pass. It is too insignificant to make any practicable comparison. But as this is the example of jetty improvement invariably quoted by the advocates of the system, I will offer further authorities. I quote from General Humphreys, (Executive document, 220:)

Further, the sea-shore line at the mouth of the Soolina is also stationary, and we do not find any recent delta formation at its mouth. The characteristic of a delta-forming river is the constant annual extension of the shores at its mouth, the constant advance of the crest of its bar and of the whole bar, and the constant annual advance of the deep channel inside of and behind the bar. None of these characteristics are found at the mouth of the So lina, which has long since ceased to be a delta-forming river.

On the improvement at this river I now quote from a distinguished French engineer, Elissée Reclus:

The operations undertaken at Soolina, one of the mouths of the Danube, appear to have met with great success, *but through an entirely special cause.* Mr. Charles Hartley, the skillful constructor of the Soolina jetties, has taken care to push them out more than a hundred yards into the sea, as far as a point where a current generally passes along the shore tending from north to south. This current catches hold of all the alluvium which glides down over the bottom of the bed of the river and thus hinders the formation of a fresh bar.

If Captain Eads will "push" his jetties out "where a current will catch hold of all the alluvium which glides down over the bottom of the bed of the river and thus hinder the formation of a fresh bar," I will then concede that his experiment may be successful. He will not claim that he can accomplish this. At the Danube that current is reached in one hundred yards. At the Mississippi it is nine miles out.

Notwithstanding the "special cause" to which Charles Hartley's success in improving the Soulina Pass is attributable, Reclus says:

It is certainly a fact that the gradual encroachments of the whole delta of the Danube will have the effect of pushing the current itself further out to sea, and sooner or later a second mound of sand will obstruct the mouth of the Soulina.

This high authority here declares that "sooner or later" "a mound of sand will obstruct the mouth" of this channel, then the only example of the jetty system in the improvement of sediment-bearing rivers in the civilized world will have resulted in ignominious failure. The same author describes the failure of the operations at the mouth of the Rhone, as follows:

Among the undertakings of this kind (jetty improvements) which have been the most costly and the most useless, we may mention those which have been carried out in the delta of the Rhone. It was hoped that by compressing the mass of water in a narrower channel and compelling it to run into the sea through a single outlet a current would be produced which would be strong enough to clear out the passage to a considerable depth, and thus to allow ships of a deep draught of water to enter the river.

In 1852, Surell, the engineer, closed up the various *graus* through which the water of the Rhone found lateral outlet and lengthened the two banks of the principal mouth by means of dikes converging one upon another, thus doubling the force of the current.

The water of the river did, in fact, accomplish the work of erosion and cleared out the channel; but fresh alluvium being incessantly brought down by the flow of the Rhone and thrown up by the waves of the sea, a new bar formed across the mouth outside. Before the operations of embanking were begun, the average depth of the channel was five feet ten inches; at the present time it is the same, after having varied from thirteen feet to six feet and one half, and three feet eight inches, according to the quantity of water sent down by the current.

In the absence of a single example of the successful and permanent improvement of the mouth of a sedimentary river by means of jetties, I ask this House to pause before it accepts the pending bill. It involves an experiment which this nation cannot afford to make. The interests at stake are too great and the results held out too uncertain.

Again, I invite you to the words of Reclus, which are wise, disinterested, and therefore safe to follow. He says:

Among all the immense works which have been carried out at the mouths of rivers many have become useless or even absolutely injurious to navigation. Millions and millions of money have been thus cast into the ocean and purely wasted.

I will now notice some of the objections offered to the canal project, as presented by its opponents and advocates of the jetty system.

My friend from Missouri, [Mr. WELLS,] who addressed the House last night when I was not present, but whose remarks I find in the RECORD, said:

But, sir, a canal running from the Gulf, with locks to check its entrance to the bed of the river, and requiring each vessel laden at New Orleans to pass out these locks, will never suffice to convey the surplus produce of the Mississippi Valley to the ocean. If its cost could be calculated and its success insured, it will never answer the purposes of relieving the people of these producing States from the embarrassment they now suffer in relation to transportation of their productions to the markets of the world.

This kind of reckless statement is just what the friends of the canal project have frequently encountered. They have been made and repeated by the lobbyists of the jetty scheme about this Capitol all winter.

Now what are the facts. It is admitted that twenty-four vessels can pass the canal daily with ease. Vessels of light draught would, according to the theory of the jettyites prefer "the open river"

mouth." The annual tonnage of New Orleans for the last five years has been 886,000 tons, and the number of vessels engaged in this commerce about seven hundred, averaging 1,260 tons burden. That is less than two vessels a day. And with increased depth of channel vessels of larger size and greater tonnage will enter that trade. Let me assure the gentleman that if the canal is constructed the surplus products of the Mississippi Valley will never be delayed at New Orleans in consequence of insufficient tonnage.

The second objection to the canal is raised by the reverend engineer employed by the celebrated gun-boat builder to advocate the *jetty humbug*. In his imagination the *terrible* "cyclone" will ingulf this canal as soon as it is completed. Who ever heard of a canal being hurt by filling it with water? And if cyclones will destroy a canal forty miles in the interior, what will they do to jetties three miles out in the Gulf?

Is not the cyclone "an absurd bugaboo?"

The advocates of the jetties allege that the surveys of the Fort Saint Philip Canal project are indefinite and insufficient. I answer that four exhaustive surveys have been made, extending through a period of forty years. They are as complete, thorough, and specific in all their details as preliminary surveys usually are of similar works. But if the surveys of the canal are too incomplete and insufficient to justify Congress in appropriating $8,000,000 for its construction, upon what survey, upon what examination, upon what authority do the advocates of the jetty system ask Congress to appropriate $11,000,000? You answer, "*No cure, no pay.*" Do you believe that this great Government can afford to allow one of its citizens to expend millions of private capital on an enterprise for the public good, which it indorses by a special contract, and then not indemnify him in case of loss? If you do, cite me a case in your entire history, and I will cite millions involved in the relief bills which fill your statute-books and your committee-rooms. That argument is an attempted fraud. It is the quack-doctor's argument; and I am inclined to believe that the quacks are not confined entirely to the medical profession.

Another very plausible and seductive argument is employed by the advocates of the jetty system. It harmonizes beautifully with the greatness of the "Father of Waters" and the magnitude of the trade and commerce of the empire through which it flows unobstructed to the sea. It is the "open river mouth" theory. There never has been and there never can be an open river mouth in the sense in which this phrase is applied. An "open river mouth" must be a harbor enterable by vessels of all classes day and night and in all kinds of weather. An "open river mouth" must be of certain permanent, unchanging depth, of channel requiring neither pilots nor tow-boats. These conditions are not found at the mouths of any rivers obstructed by bars. At the entrance of the canal there is a secure harbor of sufficient capacity to accommodate five hundred ships. Hence the canal is enterable in all kinds of weather without a pilot. That harbor can be defended against the approach of a hostile fleet. The mouth of the river is entirely indefensible. The canal will be a permanent, reliable channel of uniform depth, which will give confidence to vessels of the greatest tonnage traversing the seas of the world. No other improvement will secure these advantages. The canal is a certainty; the jetty system is an untried theory. One well-attested experiment is worth ten thousand untried theories.

The Representatives on this floor of the Upper Mississippi Valley have spoken boldly and ably in behalf of their constituents on this great question. I stand here to plead in the interests of the people of the Crescent City. New Orleans is the metropolis of the South, the entrepot of the Mississippi Valley, and the second city in the value of her exports and imports of this Republic. She demands harbor facilities commensurate with her geographical position and commercial importance. The harbors of the great commercial ports of a nation should be as nearly of uniform depth as practicable to admit the world's commerce in ships of the greatest tonnage. You enact laws requiring railroads to be constructed of a uniform gauge; the same argument applies with equal force in the depth of the harbors of your sea-port towns. And this rule already applies in the case of the harbors of all your great cities except New Orleans. New York has 29 feet of water; Philadelphia, 26; Baltimore, 27; and San Francisco, 34. New Orleans has only 18, and sometimes only 16 feet.

Compare the following statement of imports and exports for the year 1872 with the depth of water in the principal harbors, and then answer whether the Crescent City has not a pre-eminent right to demand prompt and favorable action from this great Government:

Cities.	Imports, value.	Exports, value.	Depth of water.
			Feet.
New York	$418,515,829	$270,413,674	29
Philadelphia	20,383,853	20,982,876	26
Baltimore	28,836,305	18,325,321	27
San Francisco	33,330,501	26,243,061	34
New Orleans	18,542,188	89,501,149	18

It will be perceived from this statement that New Orleans has a balance of trade amounting to $71,000,000 in her favor, while all the other cities named except Philadelphia have large balances against them. Notwithstanding this liberal contribution toward paying the debts of sister cities, the people of the Crescent City do not complain; they only invoke the same governmental aid and fostering care extended to other cities in the improvement of harbors which will expand their commerce and enable them to meet larger drafts to supply the deficiency of less favored sections.

Construct this canal and you will have furnished a permanent, reliable, and adequate outlet for the commerce of the great West and inspired the commerce of the world with renewed confidence. You will have dealt a death-blow to monopolies, extinguished the fuel fires of the prairie farmer, and quelled the bread riots of the East by appeasing the voracious appetites with cheap and abundant food. Industry will revive in all sections of our common country, production will increase and be more remunerative, and the vast commerce of the Mississippi Valley will float one very sea and bless the inhabitants of every land.

Improvement of the Mouth of the Mississppi.

SPEECH OF HON. BARBOUR LEWIS,

OF TENNESSEE,

IN THE HOUSE OF REPRESENTATIVES,

June 4, 1874.

The House having under consideration the bill (H. R. No. 3342) for the improvement of the mouth of the Mississippi River—

Mr. LEWIS said:

Mr. SPEAKER: The opening of the Mississippi to the commerce of the world adequately and capaciously is a measure of immense national importance. It overshadows and dwarfs by its tremendous and far-reaching consequences all other questions of American statesmanship. The vast valley of the Mississippi, the magnificently endowed, fairest, and by kind nature's lavish gifts the richest and noblest portion of our nation, is robbed of one-half or more of all its wonderful natural advantages by the want of a proper outlet to the sea. It is miserably crippled in its resources, isolated, confined, and shut out from the world by the ever-troublesome and dangerous obstruction of the huge bar at the mouth of its great river. Every glorious gift of soil and climate, of mines and forests of untold wealth, of vastness of territory, of the richest cereal and semi-tropical productions, with the grandest net-work of navigable rivers in the world, is all neutralized by this monstrous hinderance to its free and unrestricted commerce. The transportation of all its great staples is burdened and weighed down by the terrible difficulties which confront its entrance to the open sea. The products of the farmer and the planter yield him little or no profit because of the heavy and grievous expense of sending them to the great markets of the world where they are so badly needed. Nations in Europe may be almost starving for our meat and grain and flour, their mills and workmen may be idle for want of our cotton, but while the mouth of the Mississippi remains closed the cost of transportation will be ruinous to the producer, and he will be doomed to remain poor, oppressed, and unfortunate. In vain will generous nature give him bounteous harvests; costly transportation will continue to eat the life out of all his labor and his toil.

TRANSPORTATION.

To remedy these evils in part I acted with my fellow-members of the Committee on Railways and Canals in framing a valuable and most judicious bill to protect the planter and the producer against exorbitant charges by railroads. The House passed the bill very promptly, but as yet it has not I believe been acted on by the Senate. The principles of that bill will one day pass into law, however, and the beneficial effect will be felt by all who own the land or till the soil of our country. Great Britain demands each year from one hundred and fifty to two hundred million bushels of our wheat; Western Europe, five hundred million bushels. Europe requires five million bales of our cotton, and we can furnish it, but the wretched bar at the mouth of the Mississippi burdens commerce so heavily, that transportation sometimes costs more than production. The great Northwest doubles its produce every ten years. Its cereal crop has grown to one thousand million bushels per year. The South when prosperous wants one hundred millions of this immense crop, and Europe needs five hundred millions; but the mouth of the Mississippi is locked up, bolted, and made almost impassable to ships by its dreadful bar. While that continues to fence in the great valley there is little inducement to free the mighty river and its tributaries from snags, from dangerous sand-bars, and a hundred other deadly perils to navigation, and the whole remains comparatively neglected and unimproved. Commerce on our great western and southern rivers remains subject to a thousand dangers, and transportation is costly, insecure, and difficult. The South and Southwest could easily raise every pound of cotton the whole world requires; but of what use to raise it while transportation remains so exorbitant as to be ruinous to the planter!

MEMPHIS A SEAPORT.

Give us cheap transportation and our farmers and planters can feed and clothe the world, and make themselves immensely rich. Now they are ground down and impoverished by the fearful cost of transporting their products to the great markets of consumption, where men are perishing for want of them! While the mouth of the Mississippi remains closed by its mountains of mud, commerce languishes, agriculture loses all heart and courage, the plow rusts in its furrow, the ship rots at its wharf, enterprise is paralyzed, hope is forgotten, and desolation broods over the land. Neither the States nor the nation have even vigor and courage and manhood enough to protect the lower valley of the Mississippi from the floods that devastate and ruin its choicest lands. All this will go on until the business men, the planters, the river men, and the workingmen of the whole Mississippi Valley resolve that they will endure it no longer, that they will tamely submit no more, but will unitedly demand that the Mississippi shall be open to the sea, that every obstruction at its mouth shall be forever removed, that the whole river and its great tributaries shall be rendered navigable for the largest steamers, and that the vast delta region from Cairo down to the Gulf shall be safely and securely protected from floods. These great measures will naturally go together. They are practically almost inseparable. Make the Mississippi River an open highway to the great ocean routes of commerce, and then you will inevitably feel compelled to clean out its channel and scour out its sand bars and deepen its bed in the few places that are shallow at low water, until from Memphis down at least it becomes navigable for the largest ocean steamers. Doing all this it will be a matter of course to protect its banks everywhere from floods and overflow. Memphis will become a great sea-port, as she ought, with her half million of inhabitants, and the great Mississippi Valley will go on increasing in wealth and population and power until it becomes the most prosperous and the most flourishing region on the face of the globe. The population of that valley, now some twenty millions, under such a stimulus and with such magnificent opportunities, will grow up in time to hundreds of millions of the most intelligent, the most cultivated, the wealthiest, and the most gifted people in the world.

A CANAL? OR AN OPEN RIVER?

How shall the Mississippi be opened wide and free to the commerce of the world? Some gentlemen, who seem to think it a small affair, say by a mere canal. They propose that the fleets and navies of the world shall never enter the portals of that noble and majestic river unless they are dragged through a mere ditch! Nature has given us a glorious river, thousands of miles long and a mile wide. Yet they say nature made a mistake, and a mere miserable little Dutch canal, fit for a flock of geese to swim upon only in single file, is the nice and proper thing! And this is their conception of American statesmanship. The mighty "Father of Waters," with his twenty thousand miles of navigable tributaries, with the Missouri, the Arkansas, the Ohio, and hundreds of lesser branches, that would all be deemed giants and monarchs among rivers in Europe; the grandest and most wonderful river on the globe, draining half a continent and pouring in some years almost thirty trillion cubic feet of water into the sea, it is gravely proposed shall have no navigable outlet to the Gulf of Mexico and the ocean, save a petty, insignificant canal.

The other proposition is to open the river to the sea by jetties in the Southwest Pass that shall give a grand highway to the Gulf twelve hundred feet wide. It is an open river to the sea so wide and deep that the navies of the world could sail in, ten or twenty ships abreast, and still have plenty of sea-room. The great fleets of the world with their thousands of vessels could all sail into the deep waters of the great river in a single hour! In that time, with good luck, a single vessel could possibly hope to get through the canal! By the time that a half-dozen ships could creep and crawl like mud-turtles through the wretched ditch of a canal, all the navies of Christendom could have sailed up the great Southwest Pass, and on up the river, and come to anchor at New Orleans.

ARMY ENGINEERS NOT INFALLIBLE.

The gentleman from Illinois, [Mr. HAWLEY,] who has just spoken, has enlarged much upon the fact that a large portion of the Corps of Army Engineers are supposed to be opposed to jetties as a means of improving the mouth of the Mississippi. I hope he does not think that is conclusive; for there never was a great engineering work in the world which an official board of Army engineers did not pronounce to be an impossibility. Take any one of the great engineering enterprises of any age, and you will find that an official board of engineers denounced it until it was proved to be possible by being done, and then crowed over it boastingly and triumphantly when it had become a grand success. Why, sir, when Stephenson gave the world the railroad and the locomotive, all the official boards of engineers of his day deemed him a crazy enthusiast, a visionary, and a humbug, and when he proposed to make railroad trains move as they do to-day, they demonstrated, with their learning, their science, and all their self-complacent infallibility of knowledge and wisdom, that no locomotive could ever move faster than seven miles an hour, and that if it did it would tear everything to pieces, itself included. But Stephenson, a live engineer and a genius—not one of these easy-going men in soft positions in an army engineer corps, with nothing to do but sit in a rocking-chair and sleep when they want to—Stephenson, a self-taught engineer, almost ignorant of books, triumphed over all their learned demonstrations, and lived to see the day when a railroad locomotive moved at the rate of seventy miles an hour, not seven. So it has been in all cases. Whatever progress has been made by the world, these sleepy-headed, old fogy fossil officials of the army and navy, all the world over, have told you that it was impossible and an absurdity.

ARMY AND NAVAL ENGINEERS VS. BREACH-LOADERS AND IRON-CLADS.

Why, less than twenty years ago G. W. Morse, an eminent civil engineer of Louisiana, but born and educated in New England, came to this city with his invention for breech-loading arms perfected by him. A board of Army officers told him that it was worthless, that no guns but muzzle-loaders could ever be good for anything, and the Secretary of War, who had himself been a graduate of West Point, and somewhat noted as an engineer of that easy-going school which knows everything and does nothing, said that the invention was useless. But when the great civil war came with its tremendous and deadly conflicts, and the life of the nation depended upon the issue of that mighty struggle, the sleepy-headed board, just such as my friend has been quoting from, got its eyes rubbed open at last and learned, after three or four years of awful war had been waged, that there was such a thing as a breech-loader; that it was a most powerful and effective weapon, and an immense improvement upon the old muzzle-loader. They waked up at last, and the armies of our country and of the world use breech-loaders to-day. Just such boards as the gentleman talked of, the boards of naval engineers of every country, demonstrated a hundred times that iron-clads were an impossibility, and that to construct monitors would be worse than folly, and yet Captain Cole, in England, and Ericsson and Eads, in this country, proved that monitors and iron-clads were what the nations of the world needed, and to-day the navy of every nation is supplied with them and relies upon them in war.

THEIR RECORD AS TO STEAMERS AND TELEGRAPHS.

The great discoveries in art and science that lift the world upward and impel it onward in the grand pathway of progress do not come from official boards. When Galileo made his sublime discoveries in astronomy the official boards of the age all denounced him as a madman. For twenty or thirty years the official boards of engineers demonstrated that vessels propelled by steam could never cross the Atlantic, could not even carry their own coal for such a voyage; but they did cross it nevertheless, and now steam-vessels traverse every ocean and carry the chief commerce of the world. No official board of engineers invented or applied the telegraph. The youthful Morse in the civil walks of private life, unaided and derided, gave to mankind what governmental engineers, with all their scientific standing, for thousands of years had utterly failed to accomplish.

COMMONPLACE MEN, AND GENERAL BARNARD.

I do not believe that these men in their easy positions, where they do not depend on their labor, their thought, their genius, their talent, or their study for advancement in life, but are almost sure of it, whether they labor hard and faithfully or not, whether they study and think laboriously or not—I do not think that their pronunciamientos on such a subject ought to be conclusive, especially when the engineer, who in public estimation stands head and shoulders above the rest of this board, a man of great intellect and genius as well as talent, General Barnard, was warmly, strongly, and decidedly in favor of jetties. The judgment of one man like him of genius and profound talent is of more value than that of a score of common minds.

OPEN RIVER VS. CANALS—OUR INLAND SEA.

The open mouth of the Mississippi to the ocean is worth all the canals in the world. The question of expense and difficulty should not be thought of when such a great national undertaking is brought before the country. I advocate the open mouth to the river because it is infinitely better for the country than any canal system possible. Give us this open river highway to the sea from that "great inland sea," as Mr. Calhoun well called the Mississippi River thirty years ago; give us an open highway to the sea that all the navies of the world can ride on. How infinitely superior that is to some miserable Dutch canal presided over by a few sleepy-headed, fossil Army engineers. Why, there is no comparison between the two systems, and every gentleman here and every child in the nation has understanding and intelligence enough to know that. The open river is worth a thousand canals; it is as much superior to them as a battery of artillery would be to one of pop-guns.

A FEW ILLUSTRATIONS.

The advocates of a canal might as well tell us that a wheelbarrow was as good a means of transporting the goods and productions of a great country as a grand railroad train. They might as well prefer a canoe or an old flat-boat to an ocean steamer. You might as well say that a vast army of a quarter or half a million of men, in a great and important campaign, instead of having before it for its marches and evolutions and encampments a grand open plain, should be made to march and maneuver and struggle toilsomely and painfully and wearily on for years in a narrow lane twenty or thirty feet wide.

HOW WOULD NEW YORK LIKE SUCH A BOTTLING UP.

We have only to think for a moment of what New York would say if we asked her to close up her magnificent highways to the ocean and to be content to depend upon one miserable little canal. And if

one little, trifling canal is not enough for New York and the commerce of this country that pours eastward across the Atlantic to Europe and the world beyond, it is not enough for the commerce of the grand, magnificent valley of the Mississippi, with its twenty-one States, and its seven Territories soon to become States, and its twelve hundred and fifty-six thousand square miles of the richest soil on the globe, with its capabilities of production greater, vaster, and grander than those of all Europe.

THE RIGHTS OF THE GREAT VALLEY.

The valley of the Mississippi is entitled to some consideration in Congress, and it will have it. Not that I suppose any gentleman desires to do injustice at all to that immense valley. Every American, be he from the East or the West, from the North or the South, knows that that great valley is the heart and lungs and vitals and backbone of the nation. The East and the West, the Atlantic slope and the Pacific coast, grand and noble as they are, grand in their past history, and glorious in their future hopes, when compared with the Mississippi Valley, are but as the mere fringes upon the garments of this nation. Future hundreds of millions of population will be in that valley when but tens of millions will be on the Atlantic slopes and on the glorious far Pacific shores. Surely no one dreams of fettering the limbs of this young giant of the West and the South that holds the future destinies of this nation in his hand, and was marked by fate to wield for untold ages the scepter of empire for our continent.

If New York, and Philadelphia, and Boston, and Baltimore, those grand cities of the East, and San Francisco, with her Golden Gate and harbor in the far, far West, are entitled to their magnificent openings to the ocean unrestricted and unconfined, without locks or gates or bars, so is the great, glorious valley of the Mississippi. One might infinitely better say that London, with its grand commerce, its immense fleets, its magnificent navies that come up to its docks from all quarters of the globe, could get along without the Thames, that wide, open stream debouching into the sea, and could make shift with a miserable canal! That could much better be said than to say that the valley of the Mississippi shall be confined to such a miserable resource.

NATIONAL DIGNITY, AND GOOD OR BAD BARGAINS.

The gentleman from Iowa, [Mr. McCRARY,] who spoke yesterday ably, indeed, on the other side of this question, said that it was unworthy the dignity of a great nation to make a good bargain with Eads to secure by jetties an opening to the sea on so favorable terms, so low and so cheap. This is because Colonel Eads, one of the greatest of living civil engineers, with a world-wide reputation, has proposed to the Government to open the Mississippi to the sea for the largest vessels that float, *at his own expense*, by jetties; to charge nothing at all unless he shall fully succeed; that when he shall have given twenty-two feet of water continuously and permanently for one year, he shall be paid $1,000,000, and so on afterward for each additional two feet until he shall have reached a depth of twenty-eight feet. Unless he succeeds he is to be paid nothing. He takes all the risks, the nation none. He guarantees and insures the thorough and complete accomplishment of all he undertakes. The gentleman sees that this is a good bargain for the nation. It risks nothing and will gain everything. Eads, the great and gifted engineer, risks his all, his great reputation, his time, his labor, his own money and the money of his friends, who have such confidence in him and his skill, his judgment, and his genius, that they are willing to invest their millions under his guidance even in the sea. The gentleman sees clearly that the Government is making a splendid contract, and as he cannot possibly deny it, he cries out that it is unworthy the dignity of this nation to make a good bargain! Its dignity I suppose he thinks can only be maintained by making bad bargains!

WHICH COURSE IS BEST WORTHY THE DIGNITY AND HONOR OF THE NATION.

Sir, it is never unworthy the dignity of this nation to apply business principles to the conduct of its great public affairs. It is never unworthy this nation, or any other, to secure a good and honest bargain. I will use his language in another way: I will say it is unworthy the dignity of this great nation to turn the mouth of the Mississippi River, that grandest of all the rivers of the world, with its tens of thousands of steamboats navigating its main stream and its tributaries—it is unworthy the dignity of this great nation to shut up the mouth of that mighty river and turn it into a mere wretched mud-hole, compelling the fleets, the navies, and the commerce of the world, that come up that great valley, to creep and squirm and crawl in through a mere canal, instead of sailing or steaming up the great river direct from the sea, with their sails spread to the breezes of heaven, and their flags proudly flying as they ought.

NO TIME WILL BE LOST.

General Barnard tells us that it will take ten years to construct the Fort Saint Philip Canal; that not a ship will go through it in any event until 1884, ten years from now. Before that time has half elapsed, before more than one-quarter of it has elapsed, the largest sea-going steamers that ever plowed the ocean will go up the open river, if Eads succeeds. But should his plan fail, the exploration of the canal will be going on and not one moment's time will be lost, and the nation will lose nothing. Colonel Eads takes all the risks. If he does open the Mississippi to the Gulf and gives us another great river with the world's commerce on its bosom, then he is to be paid; but if he does not do it the nation does not pay a cent, and loses nothing, not even time; for all possible explorations, borings, soundings, investigations, studies of quicksands, and seeking for a fit site for a canal with some possible harbor, can go on all the time. The nation will have lost not a cent, not an hour, not a moment. Indeed it will have gained; for it is worth millions of dollars to the Government even to demonstrate that the opening of the mouths of the Mississippi cannot be accomplished.

JETTIES CANNOT FAIL. THE DANUBE.

But this work cannot fail. It has been tried and tested elsewhere. The army engineers of the world pronounced that the Danube could not be opened to the commerce of Europe and the world by jetties; but Hartley, that great and gifted engineer of Europe—not an army engineer, thank Heaven, but a civil engineer—a man of talent and genius, demonstrated that it could be; and when it was done the boards of army engineers had little to say. Now they try to show that the circumstances there were peculiar. Yes; and when the Mississippi shall be opened they will discover that there is something very peculiar at its mouth! Every time they prove to be false prophets they will say that circumstances caused their failure!

IMMENSE COST OF THE CANAL, AND ITS SUCCESS UNCERTAIN.

The estimates in regard to this canal project are worthy of a careful examination. Captain Howell, a young man who has been dredging and harrowing the mouth of the Mississippi among the mosquitoes for some years, states that thoroughly occupied as he has been with other things, hard pressed with work, he has not been able to give the proper time and examination to the subject, but that the work will cost $7,373,000. The board of Army engineers revise his estimates and find that he has forgotten all about fortifications to protect the canal; he has forgotten all about a harbor; he has forgotten two-thirds of everything; and yet they tell him that on his plan the cost will be $10,270,000. We are to bear in mind also the fact that such estimates by official engineers always have to be doubled before the work is done; you never knew an instance to the contrary, and you never will. Recollect also that the fortifications of that canal may cost ten or twenty million dollars, and that the harbor that is to be dredged and dug out may cost ten or twenty million dollars more; and it is cheap enough at that, if you have a great, noble, and secure harbor; for this nation can afford to pay anything that may be necessary to facilitate the navigation of the Mississippi. But it will be seen by going into these calculations that $50,000,000 may be sunk in this work, and then you do not know whether the canal will be at all a success; you know, indeed, that it will not be in any great degree, for it will be unworthy the magnitude of the interests involved and insufficient for the purposes for which it is designed; it inevitably must be.

A canal for sea-going vessels is but a wretched make-shift after all. That it is better than nothing is about the best you can say for it. It is not worthy to be named in the same century with an ever open river highway to the sea.

MUD-LUMPS.

The gentleman from Iowa, [Mr. McCRARY,] told us yesterday of the "mud-lumps"—those fearful "mud-lumps" that rise before his imagination and the imagination of other gentlemen like gloomy specters. He is afraid that "mud-lumps" will rise where the jetties are placed. I hope they will; I wish to Heaven that each side a "mud-lump" would rise five miles long, and I do not care if it be half a mile high; all the better. Then no jetties will be needed. If "mud-lumps" rise in the right place they are just the thing of all others that we need. The channel will flow beside and between them. The "mud-lumps" will be the best of jetties.

But what will be the effect if a "mud-lump" six hundred or one thousand feet long and ten or twenty feet high gets under your canal and heaves it up? Where will your commerce then be for a year to come? After the mouth of the Mississippi River has been allowed to become a mere mud-hole, so that no ship of any pretensions to size can get through it, and after your canal is built, if one of those "mud-lumps" which my friend from Iowa fears so terribly should rise and lift up his canal, where will he be? What will become of his canal? What will become of the commerce of the Mississippi locked up for a year or two until he can dig another canal?

Mr. McCRARY. Will my friend allow me to ask him whether he has any knowledge of any "mud-lumps" rising so far up the river as where the canal is proposed to be constructed? Do they not occur on the immediate coast?

Mr. LEWIS. The gentleman's imagination is convenient. He thinks "mud-lumps" will only rise where he wants them, or rather where the jetties are to be placed. Why, sir, if we were to place the jetties up by Fort Saint Philip the gentleman might still get scared about "mud-lumps." Those Army engineers, who have enlightened him in such a peculiar manner, would tell him "Beware of the mud-lumps; they are coming!" The gentleman asks me whether "mud-lumps" are to be found anywhere except at the mouth of the Mississippi. Why, sir, "mud-lumps" existed hundreds of centuries ago, just as the bar did, above New Orleans, and even far above Baton Rouge. There is no reason to suppose that "mud-lumps" will be found only along the coasts. Fort Saint Philip itself is only twenty miles above

the passes, where the river forks to run into the sea; and through those passes, above the passes, below the passes, you may find them.

LOCATION OF THE CANAL AND EVERYTHING CONNECTED WITH IT DOUBTFUL.

The gentleman does not know where his canal will be put; for General Barnard says in his report that he does not know where it will be placed. You do not know whether you will have a straight canal, as Captain Howell suggests, or whether it shall be made with curves, a winding, crooked, sinuous ditch, dragging its slow length along. You do not know whether its termini will be where Captain Howell suggests, or miles and miles away. The fact is, nobody knows much more about it than the alligators that live down there. General Barnard and other able engineers tell us that the whole thing must be examined; that examinations must be made for years; that there are quicksands in hundreds of places beneath the soil; and that the most elaborate and extensive investigations have to be made. No man living can at present know anything about where the canal should be placed, or what it will cost, or whether it can be made a success or not.

OBEY NATURE'S LAWS.

The jetty system, Mr. Speaker, is only carrying out the system of nature; it is only following the laws of the great Mississippi River as exhibited by itself. The river all the way from the mouth of the Ohio to the Gulf grows narrower and deeper on the average with every mile. Gentlemen would think that as it moves onward toward the sea it would grow broader, but it does not. On the contrary, between Cairo and the last one hundred and seventy miles of its course as a single stream it loses nearly half a mile of its width. From the mouth of the Ohio, one thousand and eighty miles above the Gulf, to the mouth of the Arkansas, about six hundred and seventy miles above the passes, the average width of the river at high water is 4,470 feet and its depth 87 feet. From the mouth of the Arkansas to the mouth of the Red River, three hundred miles above the passes, it has a width of 4,080 feet only, but a depth of 96 feet. From the mouth of the Red River to Bayou La Fourche, one hundred and seventy miles above the passes, the width has become reduced to 3,000 feet only, while the depth is 113 feet. From Bayou La Fourche to the passes, the last one hundred and seventy miles the river runs through a single channel, it has a breadth of only 2,470 feet and a depth of 129 feet. The river in its course of one thousand miles has lost 2,000 feet in breadth while it has increased in depth some 50 feet.

It pursues that course even in the passes. They hollow out their way to the sea and build up banks on each side, leaving a narrow opening to the sea. In the case of the Southwest Pass, the greatest of them all, it is only 1,200 feet wide and 60 feet deep. In the Southwest Pass nature has established the condition and proclaimed her laws. Nature in thousands and thousands of years has formed it into a channel 1,200 feet in width and 60 feet in depth. I propose jetties shall be placed there where the pass, as it meets the Gulf, spreads out like a fan. There establish your jetties 1,200 feet apart. The bill says 600, but Colonel Eads is willing to make them 1,200. I will at the proper time suggest that as an amendment to the bill. It will prevent collision between vessels going in and coming out. They can sail up and down, passing each other by scores and squadrons and hundreds, without fear of danger in any way. Place those jetties 1,200 feet apart, plant them strong, and solid, and firm enough, and nature will do the rest, and will give you 60 feet depth of water just as she has done above the bar. You will be carrying out the designs of nature, you will be carrying out the laws of the Almighty when you extend the jetty system, and carry it out to the width nature herself has ordained. There is certainty of success when you obey the dynamics and the natural laws of the river; the river always knows what it is about. The man who tries to make water run up hill will prove himself a fool, but the great engineer who acts in harmony with nature and in obedience to her laws will succeed.

CIVIL AND ARMY ENGINEERS.

The gentleman last on the floor, [Mr. HAWLEY, of Illinois,] told us Army engineers had succeeded thus far in the little undertakings they have had control of. He never knew of their making a failure. No, he never knew of their doing anything more than building ditches or fortification walls. What great work of the nation can you name that Army engineers have done? Take that magnificent suspension bridge at Niagara, did Army engineers build it? No. Did Army engineers place the Victoria bridge over the Saint Lawrence River at Montreal? No. Or a similar one over the Menai Straits in England? No. They did not believe in those things; but Stephenson, who built the one, and Ellet, who built the other, did. When a great bridge was to be flung across the East River at New York, one of the mightiest of undertakings, it was Roebling, a civil engineer, whose genius was called into action, and not any of our Army engineers.

I do not mean to underrate our Army engineers. I respect their many merits, their learning and science and fidelity to their duties. We all respect their esteemed chief; we all honor him, and the nation admires the great acquirements and distinguished abilities of Barnard and some few others. But when indiscreet friends speak of the opinions of a majority of a board of Army engineers as infallible, we resent the assumption.

THE RIVER WILL BE OPENED TO THE COMMERCE OF THE WORLD.

Such engineers pronounced the great bridge over the Mississippi at Saint Louis, with its great span of five hundred and twenty-five feet, impossible. But Eads built it, and there it stands, the pride and admiration of his countrymen. Now they are ready, some of them, to pronounce his magnificent scheme of opening the mouth of the Mississippi another impossibility. But it will be done, and the great river will be, like the Danube, opened by the genius of a master intellect to the ships and commerce of the world. The planters and farmers, the producing and creating classes, the merchants and business men of the Southwest and the West, should all demand that it be done speedily. They have waited and toiled and suffered long enough.

SPLENDID RESULTS TO FOLLOW.

An open river, with the other great improvements to its navigation that must follow, means wealth, prosperity, and happiness to the people of the whole of the great valley. It will attract immigration, will greatly cheapen transportation, will increase the value of every product, will double the profits of the planter and farmer, will make their lands valuable, will quicken trade and commerce, will give new hope and life to our mechanics and our manufactures, and will build up our cities.

OUR DEMANDS ARE JUST.

Surely we are reasonable in asking that the Mississippi shall be made thoroughly navigable at all seasons and always for vessels of all classes, not only at its mouth, but as far up as Memphis, at least, if not higher. To accomplish this may require the labors and struggles and combinations of many years, or of a life-time; but there must be no cessation and no surrender until it is done. The right is on our side; and, sooner or later, the right will ever triumph.

Improvement of the Mouth of the Mississippi River.

SPEECH OF HON. STEPHEN A. COBB,

OF KANSAS,

IN THE HOUSE OF REPRESENTATIVES,

June 4, 1874.

The House having under consideration the bill (H. R. No. 3342) for the improvement of the mouth of the Mississippi River—

Mr. COBB, of Kansas, said:

Mr. SPEAKER: With the incoming of the Forty-third Congress a new and important factor was added to the forces of this Government. The increase of fifty members in this House over that of its predecessor, the crop of the census of 1870 so to speak, has already been felt in the legislation of the nation. That increase is for the most part from the West. Its tendency is, and its effect surely will be, if I may coin a word for the expression of the idea, to *westernize* the legislation of the country.

I grant you, sir, that no relative increase is found in the Senate by reason of that census. I recognize and respect the fact in our civil compact which gives to Rhode Island an equal voice in the Senate with the great Commonwealth of New York. I recognize and respect the order of the fathers which accords for all time to the few thousand people inhabiting the sterile soil of the twenty-one hundred and twenty square miles called the State of Delaware equal privileges in the Senate with the millions who in the near future will dwell in the fertile vales and uplands of the eighty-one thousand square miles of Kansas or the two hundred and seventy-four thousand square miles of the imperial domain of Texas.

But, sir, the idea, correct as it may be, which gives equality to the States represented in the other end of this Capitol is not so grand as that upon which this House is based. The one is the idea of States and of equality between the States; the other is of the essence of the idea of men and of the equality of individuals. The one partakes of the nature of that government which subordinates the rights of the citizen to the claims of the State; the other makes the chief object of government protection of personal rights. Protection of personal rights is the granite out of which is built the massive and enduring column of the Republic; equality of States is only the gilded trappings, the flutes and cornices, the ornaments and appendages which lend symmetry and beauty to the structure. Without the one the nation—less fair, it is true—would endure; without the other there would be no republic. When the gentleman from Massachusetts [Mr. BUTLER] a few days since, in reply to a question, in a jocular way styled this House "the higher and more numerous body," in my opinion he builded not better than he knew, but better than he thought. He spoke a literal truth. Sir, shall the time ever come when the House and Senate will be arrayed against one another in a determined conflict, the issue here will be but a repetition of England's history in this respect. The Senate, like the House of Lords, would emerge from the struggle shorn of many ancient rights and curtailed in power and influence in the nation.

To this fact, Mr. Speaker, the Senate is not blind. It has been taught wholesome lessons upon the subject even in our day. You, sir, and the country are familiar with the attempt of the Senate to originate and pass general appropriation bills during the administra-

tion of Mr. Banks as Speaker of the House. Notwithstanding it was in the midst of the wildest party excitement the country ever witnessed, those bills when they reached this House were sent to the table at once, and the House by universal consent adhering to the traditions and immemorial usage of the Government that all money bills must originate in this House, proceeded to originate and pass its own appropriation measures, which the Senate approved. Another case. Two years ago a bill was sent from this House to the Senate proposing some little modification in the revenue laws. The Senate took that bill and amended it by revising the whole revenue code. The House, justly jealous of this specious attempt to subvert its ancient rights, at once rebuked the assumption of the Senate and settled forever, it is hoped, the extent to which the Senate may go in the way of an amendment to a revenue bill.

Sir, let it be clearly demonstrated that the House asks certain legislation in no uncertain voice, and that legislation will sooner or later be assented to by the Senate. Hence I say a new and important factor was added to the forces of the Government with the opening of the Forty-third Congress, one which is sure to be speedily felt in public affairs—as they affect what is styled western interests.

Upon two great measures of vital importance to my section the House has already passed. The West demanded action of some sort in relation to the regulation of fares and freights upon railroads. The McCrary bill is the product of that demand so far as this House is concerned. What may be the fate of that bill in the Senate I cannot predict. But this I can predict with safety: Sooner or later the McCrary bill, or some other bill which will probably be more stringent in terms than the McCrary bill, will be enacted into a law to regulate the interstate commerce of railroads. The House of Representatives of the United States, backed by an overwhelming public sentiment, has decided that Congress has the constitutional power to regulate commerce between the States by rail, and that it is *expedient* to exercise the power. This assures the law.

The second measure is that of the finances. A majority of more than two to one in this body has determined the policy of the country upon this question. The united constituencies of the western members upon this floor almost to a man, taught by experience instead of bookish theories, believe that the money made by the nation in the midst of civil war has been of great benefit to them in peace; that it is only just that debts contracted with greenbacks as legal-tenders should be paid by the money in use at the date of the contract and solely had in view when the contract was made; that the great and unprecedented wants of the country, superinduced by new and marvelous industries and by an activity in business affairs never equaled or approached in any former time by any people, demand an increase in the medium of exchange of the products and labor of the country, have through their representatives decided that there shall be no contraction of the circulating medium at this time. While they would guard with care and tenderness the honor and plighted faith of the country and compel every citizen to deal justly with his neighbor, they will not permit exactions of the people beyond the terms of the obligation; they will not require that the dollar agreed to be paid in time of prosperity and hope should now in the days of depressed industries, financial ruin, and despair be paid in a different and more costly material than that in use and had in view when the debtor agreed to pay it. Mr. Speaker, in the passage of these two measures the House has spoken the people's will, demanded with force and purpose, and foreshadowed what will surely be the law of the land.

One other measure of great moment to the West remains to be passed upon by the House; one without which a vast portion of the industries of our great valley will remain depressed and stagnant. The Mississippi River must be opened to ingress and egress of ocean tonnage. To the people whom I in part have the honor to represent upon this floor no question can be sprung in this Congress so vital to their interests as this. I came here instructed over and over again to urge this great measure in season and out of season. I have kept the faith. At the very outset of this Congress, in an informal meeting of western members called to consider western interests, I introduced a resolution in terms as follows, which I am sure ought to be made the policy of the Government without delay:

Resolved, That the Government of the United States ought, as its first great work of internal improvement, to permanently improve the outlet of the Mississippi River, either by the construction of the Fort Saint Philip Canal or otherwise, as competent engineers may decide most feasible, so as to admit the heaviest draught sea-going vessels into its channel at New Orleans, at the earliest practicable moment.

Mr. Speaker, the bill under consideration is one proposing to accomplish the end sought for in this resolution, and as such I welcome it as a friend. I am for formal action in the matter, and in any question of leadership do not partake. What interests the jetty project fosters, and what the canal plan supports, I do not care. I follow any leader who will guide me to success, with an abiding confidence that success means to build up the industrial interests of Kansas and the West, whatever it may do toward making or marring the interests of small localities or men. My wish is, now that the measure is before the House, to select the best method of accomplishing the great work. To these two views of this measure, then, I beg the attention of the House for the brief time allotted to me in this debate, namely: First, its importance to the agricultural and productive interests of the valley of the Mississippi and its western tributaries; and secondly, the feasibility of the project in some form.

In presenting the question of the importance of the measure to the House I know I shall be pardoned in taking my outlook from among the new and happy homes, the fertile farms, the busy workshops and factories of the people who sent me here.

And first, Mr. Speaker, a correction of terms as to localities. Although so called, I am not a western Representative, nor is the legislation sought, and that which I have spoken of and approved, in reality western legislation. Bisect the United States, not including Alaska, longitudinally and you will bisect the State of Kansas, throwing more than seven-eighths of its population into the eastern section. Bisect it latitudinally and you still bisect the State of Kansas. So that although I to-day represent in common parlance a frontier western State in this House, in reality and literally I belong to no section, but am of the central State of the Union. In fact, I reside in the eastern half of the United States. So vast and extensive is the territory of my country that one must almost think twice in order to comprehend its volume. One must think oftener than this and keep well on his guard not to be misled by a term in common use, for even I am not from the West—I have not reached that yet.

Mr. Speaker, a glance at the map of the country shows the Mississippi Valley as an inverted pyramid with its apex resting on the Gulf of Mexico and its lateral lines stretching outward at irregular distances from the Atlantic to the sources of the Ohio and its tributaries on the right, and to the left along the Red, the Arkansas, and Missouri Rivers to their sources in the Rocky Mountains, its base extending away from Lake Erie on the east along the line of the British possessions to Leech Lake, the upper springs of the Missouri, and the great Yellowstone Park in Montana. The region of country thus described in quantity, variety, and quality of resources has no equal on the globe. In minerals of the useful sort for man the supply is without limit. It contains a greater breadth of arable land in one body than is to be found elsewhere on the earth. Of the forty million souls in the United States, eighteen millions dwell in the Mississippi Valley. Near the apex of the pyramid and stretching northward toward its base are the only cotton lands of the world. That is to say no region of country now known produces this great staple of the quality, texture, and usefulness of that produced in this belt of country known as the cotton belt of the United States. North of this cotton belt are the great farming States of Ohio, Indiana, Illinois, Wisconsin, and Minnesota, lying mostly to the eastward of the great river, with their graineries which yearly groan beneath the weight of cereals and products of agriculture of all kinds; States possessed of a soil so wealthy in producing powers as to be capable under proper tillage of supplying food for all the starving millions of the earth. To the west are the newer States of Arkansas, Missouri, Iowa, Kansas, and Nebraska, and the Territories of Colorado, Wyoming, Montana, and Dakota, supplemented by that model of countries the Indian Territory, which together with Northern Texas and Western Kansas yearly send out in increasing numbers from their great pastoral regions the beeves which supply the continent.

Mr. Speaker, a word descriptive of this pastoral region of the Southwest. It extends from the Gulf of Mexico northward through ten degrees of latitude, and possesses a climate of such mildness as to require no shelter for domestic animals throughout the year. Along the margin of its streams and rivers, which are numerous and always filled with clear running water, are found wide bottom lands covered with the only timber in the country. The rest is unbroken prairie of plains and undulating surfaces of valleys and hills, carpeted always in its wild state with the herbage of the plains, buffalo-grass, a short, fringy grass possessed of wonderfully nutritious elements upon which the buffalo subsists in all seasons of the year, winter as well as summer. This plant seems to have been fashioned by nature solely for the support of these wild cattle of the plains; for it is a fact which all experience proves, that as the buffalo are driven westward by the advancing column of civilization the eastern line of the buffalo-grass region recedes with them. But the region is a region of grasses of spontaneous growth, and upon all which spring up, whether buffalo or prairie grasses, or those planted by the hand of man, the vast herds of cattle and horses of the Southwest thrive.

These pastoral lands of America in my opinion will forever remain the herding-grounds of the continent, out of which will annually be poured an immense supply of animal life for the subsistence of man. This animal life must seek the markets of the world not like our cereals and other productions of the soil through the nearest sea-port, but northward in a climate of sufficent rigor to admit of slaughtering and packing. Experience has shown that about 39° north latitude is as far south as beef and pork can be profitably packed on a large Cincinnati, Saint Louis, and Kansas. I quote from a recent memorial scale. Hence the immense business of this sort done in the cities of of the Kansas City Board of Trade a paragraph descriptive of this country. Says the memorial:

It is the only natural pastoral region in North America, where, from time beyond the knowledge of this continent, have been subsisted the countless herds of aboriginal cattle, exceeding in number the domestic herds of the globe. These are now being supplanted by the cattle of civilization. The present season has brought together for market, at the several points in Kansas, on the feeding-grounds of the Kansas City stock market, over $7,000,000 worth of grass-fed cattle alone.

And the soil of this country, together with that of all the States and Territories west of the Mississippi, in fertility and variety of production, in wealth and power of natural resources, does not yield to any of the States east of the river.

The State of Missouri it is conceded is the richest in minerals of any State in the Union. Its mountains of iron, its broad scope of coal lands, and its lead mines are without rivals upon the map. The region of the Mississippi Valley so described embraces an area of about one million square miles, or about one-fourth of the entire area of the United States and Territories. Of this area two-thirds lie westward of Saint Louis. I do not overestimate the facts when I say the increase of the population of this great valley will for the next twenty years be one million souls annually.

Mr. Speaker, is it not a striking fact, worthy the rapt attention of statesmen, that a region so vast as this great valley with its millions of busy men, its resources so great, its wants so numerous and exacting, its intelligence so varied, diversified, and extensive, its success so marked in all matters of business, has no open highway to the sea? Yet such is the fact. The tea and coffee, the spices and exotics which supply the people of my section reach them through the port of New York.

Leavenworth, the chief city of Kansas, is separated from the Atlantic on the east by eighteen degrees of longitude and from the Gulf of Mexico on the south by nine degrees of latitude. It is barred from the eastern coast by broad rivers, extensive forests, and high mountains, impassible except by long, devious, difficult defiles, steep ascents, and costly tunnels; while between it and the southern coast no obstacles of any kind intervene. Notwithstanding all this, however, this state of fact exists. The coffee used on the breakfast-tables of that city this morning, the silks worn by her ladies to-day, and all the imports which minister to the wants, the taste, or the luxury of her citizens came by way of our great eastern port, through tunnels, over mountains, across prairies, lakes, and rivers. And why? Simply because the Mississippi Valley has no sea-port.

Another view. The beef and pork product at the great packing-houses of Kansas, the wheat and corn raised by her farmers, all the articles of exportation, for the most part raised from the soil or manufactured in her factories, or from whatever source, go out to the sea through the artificial gateways of the East, instead of by the natural outlet of the Gulf of Mexico. The result is most of the crops raised on our fertile lands will not bear exportation; and those which are exported are consumed in freight by the time they reach the market of destination, while the price set upon our imports is far in excess of what it ought to be. The consequence which follows is plain. Living on the most fertile spot of the globe, where it is literally true that the farmer has only to "tickle the ground with his hoe and the soil will laugh with abundant harvests," our people do not thrive as they ought, and their whole attention is correctly directed to find and apply the remedy for the evil. Hence the farmers' movement of the West—cheaper transportation. Can any one glance at the picture here drawn and suppose for a moment that this movement is a temporary call of unrest? If he does, let me assure you, Mr. Speaker, he is indeed mistaken. What is to-day only a slight ripple of the waters of discontent will next year have swelled into a gale, increasing in fury with the increased force of a million helpers annually added to the motive-power behind the storm-cloud.

The people who reside west of the Mississippi cannot afford to cross that stream to find a market for their products, or to obtain the luxuries and necessaries which their country does not afford. And I have shown that two-thirds of the valley is to the westward of the river. When you take into view the fact that the States and Territories west are the ones in which the increase of population will be mostly found, is it not manifest that the cry for cheap transportation cannot be stifled? Is it not plain that no legislation relative to railroads, however wise and wholesome, can answer the call which will go up for cheap transportation—for a home port.

Mr. Speaker, when I contemplate the magnitude of the interests involved, I am amazed that the cry for cheaper transportation, for a home port, had not long since been raised and become a universal demand throughout the West.

Only the fact that the nation for the last fifteen years has been in the throes of civil war and the disorders which follow such convulsions; only the fact that the people of the great valley are possessed of a patriotism so exalted that they subordinate interest to love of country, and that they fully understood the perplexities in which it would involve the country in those troublous times to have made the demand in this behalf which they now make, can account for the patience and forbearance which they have exercised all these years. History tells you they were not unadvised of the importance of the question when the war broke out in 1861. Sir, when it became a demonstrated truth that a great peril menaced the integrity of the Government and threatened to transfer the outlet of our great river to a foreign power, the hardy sons of the whole West swarmed from their farms and their work-shops, their counting-rooms, their offices, and their pulpits to the defense of their country with the slogan and war cry "that the waters of the Mississippi should go unvexed to the sea;" and, sir, by their valor and devotion, displayed on so many historic and memorable fields unvexed to the sea those waters go.

Mr. Speaker, I should do wrong to pause here. Although of western origin, this war-cry was confined to no section, but East as well as West all felt that the chain that for months barred our steamboats from southern waters at Columbus, Kentucky, in the early days of the war and by which puny men expected to reverse the laws of nature, would be an insupportable burden upon the neck of every citizen of the Republic should such a fact be made perpetual. The closing of that national highway by armed enemies of the country was as offensive to you of the East as to us of the West.

And here let me be simply just. I do not intend to array the sections. That the East has prospered and the interests of the West have been neglected; that the Government in its Executive Departments is scarcely represented anywhere westward of Ohio; that executive marks are in fact obliterated beyond the Mississippi; that infinitely the greatest majority of representatives in all these Departments is eastward of the Alleghanies is the fault of no section, no party. For the last quarter of a century the whole statesmanship of the country has been employed in solving the problem of human rights and not attending to the material interests of sections.

In that high duty the West has borne its full share, and claims an equal division of the glory which arises from great success. Only this I say, now that the great question which divided the country into a North and a South is removed by the abrogation of the evil; now that the Union is restored and rehabilitated; now that Ku-Klux disorders on the one side and misrule on the other have to a great extent ceased and the bitter sorrows of the war been assuaged by time, which ever brings "healing on its wings," some section, some party, will be responsible if this state of things shall continue and relief is longer denied to us. We come to arraign no one for the past. We come, sir, in a spirit of respect and fraternity, and ask that our present demands be met in like good-will, confident that we do not ask in vain.

And here, Mr. Speaker, pardon me the diversion while I express my profoundest regrets at the tone of the speech made by the gentleman from Pennsylvania [Mr. CLYMER] a few days since on this floor. I do this, not because I desire "to obtrude my head into that conflict," in the language of the other gentleman from Pennsylvania, [Mr. KELLEY,] but because I am deeply impressed that such partisan harangues are detrimental to the material interests of the country. Sir, the great heart of this nation throbs in symphony with the Union, and the party which he arraigned in such bitter invective holds that great heart because of its devotion to the Union. The material prosperity of the nation can be advanced only by forgetting the sad sacrifices of a fratricidal war, and it is impossible to remind the country of "innocent men" who languished in prisons and fortresses in those days when "laws were silent," by order of the President and Secretaries, except you recall not the brave foe in front but the dastard traitor and spy in the rear, abhorred alike by North and South, by God and man. And when you speak of a woman hung, you thrust before the mind the form of one not beautiful in personal grace, but whose name to-day stands in equal rank with the Father of his Country, as its saviour, for whose murder the woman died. All these reminders only serve for purposes of evil. Material growth can only come by a union of all parties, and so long as you thrust forward the gaunt ghost of that political organization whose funeral has so often been celebrated by the American people, you only stimulate the bad men in the dominant party to seek to retain their hold of power by old party cries, instead of making it necessary for the party to keep abreast the demands of the people to preserve its power. Hence, I deeply regret that speech of the gentleman from Pennsylvania. On the narrow platform of partisan success it is welcome; on the broader stage of public welfare, such a speech from so high a source is a public calamity.

Mr. Speaker, I have no right to speak for my party or my section. I do not pretend to claim such a distinction. But let me say to the gentlemen on the other side of this House, many of whom were upon the other side in the recent conflict of arms between the sections, we want peace and fraternity, we want a united country in substance as well as form. Speaking for myself alone, having fully considered the import of my every word, I am ready to-day to vote for any measure of general amnesty which you of the South deem necessary to the public welfare without condition. I want every citizen beneath the flag of my country equal before the law, without regard to past political offenses or past condition of life. Equals to equals will always award justice. Hence the civil-rights bill with me does not hinge upon general amnesty, or general amnesty depend upon civil rights. I am ready to do right at any time.

Mr. Speaker, turning from that which is general to that which is special, let me ask the attention of the House and the country to the material victories which await the Commonwealth whose Representative I am by a proper improvement of the Mississippi River and the permanent establishment of a reliable and adequate port for vessels of all tonnage on or adjacent to the Gulf of Mexico. The State of Kansas, as I have shown, is pre-eminently an agricultural and pastoral State, and the great majority of her citizens will always be engaged in one or the other of these pursuits. She cannot embark in the carriage of the products of other people because she is an inland State. She does not expect to rival many of her elder sisters in the business of factories, workers of metals, or of wood. Her wealth is in her soil. Her people, part and parcel of the American family, with tastes as refined and wants as numerous and diversified, will always demand what their State will not produce. She must exchange her productions for her imports. Hence the matter of transportation of her products to the sea, the world's market, will ever be a question of great moment to her active and prosperous citizens, and the study of how to lessen the costs of transportation will always enlist the active and best thought of her statesmen and lawgivers. Her wishes will be

answered in this respect when ocean-going vessels shall be put the nearest possible to her during all seasons of the year. This is clearly by way of the Gulf of Mexico and the Mississippi River. Improve the outlet of the river as contemplated in the resolution which I have recited and you have taken the first great step in the right direction. Next improve the channel of the river so that a ship drawing twenty feet of water may moor at the wharf of Memphis and you will have accomplished for Kansas and the West a work whose value to the nation is illimitable. Do this and you have doubled the value of the vast acres of Kansas. Do this and no prosperity of the past which has visited my State will approach that which is in store for her. Do it speedily and one million souls will not comprise all the inhabitants of that rising Commonwealth when the marshal of 1880 shall number her hosts in their happy homes on the census-roll of that decade. Sir, were this done, every acre of the district in which I live would be practically placed within four hundred miles of tide-water. I quote the following from the memorial of the Kansas City Board of Trade, which I have referred to in support of my views. Discussing this subject, the able writer says:

Then with the obstructions at the mouth of the Mississippi removed, or avoided, ocean steamers could land at Memphis just as freely as at New Orleans, and grain be loaded direct from the elevators and shipped to either New York, Philadelphia, Boston, or to Europe; and the flour made from our winter wheat, equal to any in the Union, be shipped by the shortest route to the West India and South American markets.

It would practically place our grain port within four hundred miles of the mouth of the Kansas, and give us both for export and import the lowest rates, and uniform at all seasons.

Taking the same rates of charges on freight by river and rail, as we have used above, we could by this proposed route place grain in Memphis at 15 cents, in New Orleans at 20 cents, New York at 30 cents, and Liverpool at 35 cents per bushel; or even by rehandling at New Orleans in addition to Memphis, it would only make the cost of our grain at New York and Liverpool 35 and 40 respectively, or a saving over present rates to Europe of 36½ cents for every bushel of the grain of Western Iowa, Western Missouri, Kansas, and Nebraska.

What is herein asserted about grains is true of course in like manner of all freights; and what is true of Kansas in this respect is true of all her neighbors—

From one, learn all.

Sir, to dwell longer on this subject to impress its importance to my State and section upon your mind and that of the country is to offend against the good sense and patience of this House. I pass to consider how the end we seek may best be accomplished.

Mr. Speaker, this bill and the substitute reported by the gentleman from Iowa in behalf of a minority of the Committee on Railways and Canals embody two projects which have long been discussed for the improvement of the outlet of the Mississippi—the one known as the jetty scheme and the other as the Fort Saint Philip Canal. Both of these plans have able and honest advocates among scientific men who have studied the subject. The former—the jetty plan—is the one proposed in this bill. It comes to us with the high sanction of the great engineer whose monument for all time is the Saint Louis bridge. It has the approval and ardent support of the exchange and press of that city as well as many warm friends among all classes deeply interested in the question. Ay, more than this. So confident are the gentlemen who urge this scheme upon Congress of its entire and absolute success that they propose to put the large moneys it will cost into the work with the distinct understanding that nothing shall be paid them in case the scheme is a failure. Upon its face the proposition of Mr. Eads and his associates to the nation is to the last degree favorable, and were it a matter about which the country could afford to experiment and drive sharp bargains I should not hesitate to give it my support at once. But, sir, the opening of the Mississippi River to ocean commerce, and that speedily, is so vital to the interests of my State, as I have attempted to show, that I dare not for one moment enter upon the unknown field of empiricism if there be any sure cure for the ills which beset us. The question of the expenditure of a few million dollars more or less in the prosecution of the work is to my mind but a feather in the scale, so vast and overtopping are the interests at stake.

Mr. Speaker, we must have these in the order named: First, *certainty of success;* and second, *speed in its accomplishment.* To attain these in the order named no considerations of personal respect for men, no niggardly fears of lavish disbursements of public moneys when another and cheaper way of doing may be possible, shall swerve me. What I want and will have, if I can, is to put my State practically within four hundred miles of tide-water, or as near this figure as can be done, and that as soon as science, money, and men can do it.

And first the question of certainty. The proposition contained in this bill more than suggests a doubt of its feasibility. A body of worthy and respectable gentlemen come to this House and offer to undertake a work of great national moment not for so much money to be paid absolutely, but contingently in the event of success. This, I say, is experiment, so treated by the proposers, and so expected to be treated by Congress. If the proposal is accepted and is a success, I do these gentlemen no wrong in saying that they expect to reap mammoth profits from the contract, the same as the attorney who works for a contingent fee.

And why, Mr. Speaker, do they approach Congress in this way? A slight review of the history of engineering at the mouth of the Mississippi answers this question. I do not think I overstate the facts when I say that all disinterested engineers who have studied the phenomena of the mouths of the Mississippi are opposed to the project so far as certainty of success is concerned. For myself I see no way for any one who has studied this document which is upon the tables of all the members (Executive Document No. 220, in relation to a canal connecting the Mississippi River with the Gulf of Mexico) to approve of the plan proposed in this bill. From this report it is very clear that the eminent engineer in charge of the work at the mouth of the Mississippi River, Captain C. W. Howell, can see no relief for himself from his sisyphean task of dredging the channel except through a ship-canal. In this view he is supported, with one exception, by the eminent board of engineers of the Army, appointed in compliance with a resolution of this House of March 14, 1871. This view is clearly supported by Messrs. Humphreys and Abbott in their Physics and Hydraulics of the Mississippi, when they recommend as the more feasible plan the tedious process of dredging now in vogue. Say they, after a full discussion of the jetty plan:

The plan of stirring up the bottom by dredging harrows or scrapers over the bar is no doubt the most economical and the least objectionable.—*Physics and Hydraulics of the Mississippi*, page 456.

Add to this the fact that more than twelve years after that publication of these views by Captain Humphreys, the principal author, he, as the eminent Chief of the Engineer Bureau of the Army, reaffirms them in his approval of the plan of the ship-canal submitted by Captain Howell. Hear what he says:

Respecting the application of the jetty system to the improvement of the channel at the mouth of the river, the board, Colonel Barnard dissenting, reports adversely both as to the difficulties attending the constructions and the cost of the system.

After a careful investigation of the question of applying this method of improvement to the mouth of the Mississippi River, I am of opinion that it does not present, either in its constructions or cost, superior advantages to the canal plan. One of the chief objections to the jetty system is the unavoidable necessity of constantly extending the piers in the open sea, exposed to the full force of storms.

And here I beg the House to recall what is said by General Humphreys upon this subject of the extension of the jetties annually. This is what he says:

The depth of twenty-one feet thus obtained must be maintained by the annual extension of the jetties seven hundred feet into the Gulf, and the reduction of the mud-lumps by suitable machinery whenever they begin to appear. This rapid extension of the mouth of the pass into the Gulf would tend to increase the volume of the shorter passes at the expense of its own, and it would eventually be necessary to resort to another pass for the continuation of the plan.—*Physics and Hydraulics of the Mississippi*, page 456.

Again, in Executive Document No. 220, General Humphreys says:

The conclusion is inevitable; the jetties must be extended annually at the same rate that the bar is advancing if we intend to maintain permanently the same depth upon the bar.

If the depth to be maintained is twenty-seven feet at low water or twenty-eight feet at high water, it will be found by a similar process that the annual advance will not be less than twelve hundred feet.

But, Mr. Speaker, I have neither time nor scientific knowledge to intelligently discuss the objections to this bill in detail, to show why jetties are a success at the mouth of the Danube and a failure at the mouth of the Rhone and what forces operate at the mouth of the Mississippi to make them either a success or a failure. This which the board of engineers says is sufficient for me. I quote from Executive Document No. 113, page 75:

The difficulties at the mouth of the Mississippi, so far as concerns the improvement by jetties, resolve themselves into three sources.

1. The absence of a littoral current.
2. The yielding nature of the banks and shoals.
3. The abundance of deposits.

The first and third combine in the yearly and rapid extension of the bar, and compel the works of improvement to continue at a heavy annual cost until their entire abandonment.

The second makes their construction difficult and their maintenance improbable, unless deeply founded at a very heavy expense.

I only add this: From all I have read upon the subject, from a careful study of scientific reports, from personal knowledge to some extent of the country about the mouth of the Mississippi, from the effect it seems to me that must arise to these jetties from the mud lumps so well described by Humphreys and Abbot, on page 452 of their Physics and Hydraulics of the Mississippi, I conclude that I shall be recreant to my constituents if I sanction by my vote a measure fraught with such interest to them whose chances of success is so problematical, provided a surer method can be had.

I adhere to the plan of the Saint Philip Canal. That this project involves a large outlay of money none deny; that it can be made a success none deny. Even Colonel Barnard, who dissents from the majority of the engineering board on the jetties, says: "I do not doubt the entire practicability of the canal construction." He thinks the majority report, that no "extraordinary engineering difficulties need be apprehended," underrates the real difficulties to be anticipated; which is undoubtedly true. Colonel Barnard's objections, in a word, to the canal project is as to details of execution and not to its feasibility.

I adhere to this plan of improvement because, first, it is a sure plan, and second, it is just as speedy in execution.

It is sure, say these authorities. First, Benjamin Buison, State engineer of Louisiana, as early as 1832; second, L. Poole, of the United States engineers, and Captain W. H. Chase, who elaborated the matter and furnished specifications for the canal as early as 1837; and, third, R. Montaign, a civil engineer, revived the subject and gave it careful study; and, lastly, Captain C. W. Howell, whose plan receives the sanction of the most eminent board of engineers this country ever produced, in the report submitted to this House in the document

I have referred to, to all of which there is no dissent. And, Mr. Speaker, why should there be a supposition that an earnest effort in this direction will fail? After the triumphs of engineering which our age has witnessed, can it be possible that the art will find a Waterloo in the Saint Philip Canal? This will be the story, will it not? At Suez and Port Said engineering skill hollowed out harbors, and then, taking fresh water from the river Nile and salt water from the Red and Mediterranean Seas, it led these waters through separate paths, over trackless deserts, through morasses and lakes, into hills where the excavation in some places was eighty feet in depth, in all a hundred miles from sea, making a highway for the heaviest ships, and married in indissoluble bonds the continents of the old world, but failed at the insignificant ditch of Saint Philip? Sir, it is simply ridiculous. What Lesseps accomplished, Howell and his able associate can accomplish if it shall become necessary. They can build the Saint Philip canal, and the country could well afford to pay for it what the Suez canal cost if it were not to be had at a cheaper rate. In importance of results Saint Philip is little behind Suez. The one links continents; the other will link the commerce of the Mississippi Valley with the sea in its natural way.

Mr. Speaker, the relief afforded to us will be just as speedy by the canal as by the jetties, if successful. In proof listen to this from the text of the bill:

Unless the said Eads and his associates shall secure twenty feet of water, as hereinafter provided, within thirty months of the date of the approval of this act, Congress may revoke the privileges herein granted, and cancel the obligations herein assumed by the United States. And Congress may revoke the privileges herein granted, and cancel the obligations herein assumed by the United States unless said Eads and his associates shall after securing twenty feet of water, secure an additional depth of two feet during each succeeding year thereafter, until twenty-six feet shall have been secured, and two feet additional, or twenty-eight feet, within twenty-four months after having secured twenty-six feet.

Think of it. The mouth of our great river transferred to the corporation created by this bill and thirty months' time given to obtain twenty feet of water on the bar—the same depth which Captain Howell claims he can obtain by his dredge-boats—and eight years and eight months to obtain the requisite depth of twenty-eight feet. Mr. Speaker, the canal can undoubtedly be built in less time than this, and I protest in the name of eighteen millions of my countrymen, so vitally interested in an early outlet for their products to the sea, against embarking in an experiment which may lose them so many years of valuable time. Another view, and I have done. The method of this bill is wrong. If the jetty system can be made successful for creating an open river mouth, then let the work be done by and in the name of the Government. Do not, I beseech you, so lower the dignity of this mighty people as to farm out a work of this kind upon a contingent fee and make the Government a party to an act which would constitute the crime of champerty if done by one of its citizens.

To conclude, Mr. Speaker, let Congress give us the Saint Philip Canal and improve the Mississippi River, that ocean-going vessels may visit if they choose the mouth of the Ohio. Make it possible, and they will soon become hourly visitors at the wharves of some great city below freezing point on the Mississippi, in the vicinity of Memphis. This done, no panorama of the future of my State which I can picture to your imagination will equal the reality. Endowed with nature's resources to a degree that is marvelous; peopled by men and momen in whose veins courses the heroic blood of the Puritan and the Cavalier, its valleys and plains dotted with nestling villages and towns, no one of which is without its church and its schoolhouse, possessed of a civilization when its waters cease to be troubled rare in its refinement, wholly Yankee in its activity and enterprise, who can predict the future of such a Commonwealth? And who among you of this House can refuse to us the grand possibilities which open to the West when our great river fulfills the intention of Providence and becomes an ocean highway? I await the response in your votes.

Civil Rights.

SPEECH OF HON. E K. WILSON,

OF MARYLAND,

IN THE HOUSE OF REPRESENTATIVES,

June 4, 1874.

The House having under consideration the bill to protect all citizens in their civil and legal rights—

Mr. WILSON, of Maryland, said:

Mr. SPEAKER: I do not desire to enter upon the high plane of constitutional law involved in this measure. It is rather my purpose to mingle with the skirmishers who contest the outlying regions of expediency. Indeed, it now seems futile to do more than protest against the excesses of the party in power. Flushed with past success in revolutionizing our fundamental law, inspired with the hope of consolidating their party strength by the still more slavish subjection of their new adherents, and invested with a powerful momentum by the natural recoil from the one extreme of secession, the republican party is rushing with the speed of a torrent into the opposite extreme of imperialism. Thus again has one extreme begotten another, each in its own way having the negro as its chief corner-stone. To talk to them of States-rights and limitations of Federal power is to provoke a smile of ridicule or a sneer of contempt. To enunciate the sentiments of the once revered founders of our Government, even in their own language, is to elicit the approbrious epithet of "pestilential heresy." The tenth amendment of the Constitution, which is only the doctrine of State-rights formulated, is with them abrogated by the fourteenth. The power of Congress being limited only by necessity, as even our reconstructed Supreme Court has solemnly adjudged, and we being necessarily the judges of that necessity, all restraints practically vanish, and Congress becomes at once an imperial, omnipotent parliament, with the power to name a dictator, or, as phrased by the gentleman from Massachusetts the other day,) "to take the shirt from your back," if it choose.

Archimedes only wanted a foot-hold to move a world. Give to our modern political engineers a general phrase in the Constitution, and the magic art of construction is at once made to topple over the once admired fabric of Government, built by our fathers upon the safe foundation of local self-government in the States. But more startling than the conception of the Syracusan philosopher is the skill of our modern architects. He required at least a substantial fulcrum for his mighty lever; they only want the shadowy basis of a negation, upon which to build a vast pile of civil and criminal law. A denial to the State of the power to abridge certain fundamental rights of the citizen is made the basis of the power of Congress to invade the States, and to regulate by laws with heavy penalties almost every conceivable right and relation of person and property. For if this law is based upon sound reasoning and construction, Congress has, by parity of reasoning, the same right to legislate upon all the innumerable interests of "life, liberty, and property," also guaranteed in the fourteenth amendment as against the States, and to enforce such legislation by appropriate penalties. Then, indeed, is the high road to a consolidated despotism laid open. Then do States exist only by sufferance; their governors can at pleasure be made no more than petty proconsuls, and their Legislatures reduced to insignificant municipal councils. Such a *reductio ad absurdum* will not stagger our republican friends at all, for it is only that *reductio ad imperium* for which they seem to long.

But, Mr. Speaker, whatever may be the true view of the constitutionality of this measure, a vast proportion of our people regard it as plainly violative of the very spirit of our fundamental law, and as most destructive, not only in its consequences upon our institutions, but in its immediate effects upon that section where it will chiefly operate. It is more than probable that if it could be submitted to a vote of the whole people of the United States, such would be the verdict of a decided majority. If the Supreme Court has not squarely decided in a case properly presented against this law, as I believe they have, they have surely taught us by the whole tenor of their reasoning that such is their opinion. Such is the conviction of many of the best legal minds in the country, of both parties and non-partisan. Surely such a vast body of earnest dissentients, in the absence of any pressing movement of any considerable portion of our people in its favor, should cause the friends of this measure to pause, and to desist from thrusting so doubtful and odious a law upon a protesting people, unless some momentous public necessity demands it, or some overshadowing public advantages are to be its plain result.

And now, sir, I want the friends of this measure to come and reason with us in a plain and practical way. We have now come to a view of the question where common sense, and not the entanglements of legal construction, is to furnish us with our premises and shape our conclusions. Here layman as well as lawyer can reason and judge. In view of the violent opposition to this law, both on account of its alleged unconstitutionality and its tendency to open up fresh fountains of bitterness in the land, what great compensatory benefits do its advocates expect to result from its passage. As reasonable and honest legislators, you must expect to promote the interests of somebody. Even if you care nothing for the white man, it is surely to be presumed that you desire the benefit of the negro. Well, now, if it can be shown upon the well known and unchanging principles of human nature and the teachings of all human experience that the passage of this law will inflict incalculable evils upon both races, upon your own white brethren whose welfare you seem not for a moment to consider, as well as upon the colored people who are the especial objects of your solicitude, then as wise statesmen, as lovers of your country, yea as men of honor, we shall ask you to let this bitter cup pass from us.

Although every feature of this act is open to the gravest objections, I shall confine myself almost entirely to that respecting the public schools. If the majority of this House really have the welfare of our colored friends at heart, it must be their desire and aim to extend to them greater facilities for education, and thereby to raise them in the scale of humanity. This is a great and noble purpose, which southern men have vastly more reason to desire than you have. It is the only way we can free them from the slavish thralldom of your party yoke. It is the only way we can fit them not only for the duties of national citizenship, but for the vastly more vital and far-reaching duties of State citizenship. It is an object which the southern people have been prosecuting according to the measure of their

very poor ability, while you northern gentlemen have been contenting yourselves with holding out to them the lure of ampler school privileges, not by the contribution of some of your superfluous wealth, which with true Yankee thrift you managed that the devastating hand of war should double, but by the passage of a law of doubtful validity, which will compel these war-striken and impoverished southern whites to wring still more from their necessities to bestow upon those whom you are educating to be their enemies. This may be in your view a genuine humanity; to us it seems but a very cheap, second-hand charity.

Sir, the six hundred thousand white people of Maryland not only appropriate every cent the colored man is taxed for educational purposes to the support of his schools, but they tax themselves $100,000 a year besides for his benefit. And they do this notwithstanding they lost $50,000,000 by his emancipation, and as many millions more by the depreciation in the value of their lands by the consequent demoralization of their labor. The agricultural lands in large portions of our State will not now yield 3 per cent. on this reduced valuation. And yet you northern gentlemen, in the exuberance of your cheap humanitarianism, tell us it is not enough, and that we must pile up more taxes to educate more rapidly these wards of the nation whose guardianship you so generously throw upon others. Mr. Speaker, Maryland is not able to bear any heavier burdens; the other Southern States have still less ability; and it is ungenerous in northern men to make the demand. If you would only let the colored people alone and not keep them excited by continually flaunting this civil-rights bill in their faces, they would be gratefully content with what we have done for them. They now prefer separate schools, such as they have, where your emissaries have not aroused them by expatiating on their fancied wrongs. In our State they have actually petitioned the Legislature for separate schools.

But, sir, concede our ability to bear any pecuniary burden you choose to impose on our wearied shoulders. What then? Do you for a moment suppose that the scheme is practicable in the South? With one voice, except here and there a hungry expectant of office or some one who represents or expects to represent a large negro constituency, you are told by the people of the South that mixed schools are an impossibility; that such are the feelings, views, and prejudices, if you will, of the southern people, that they would not, if they could, endure taxation to support such a system. You shut your eyes to this general testimony, often of that of your best party men; and you choose to consider the declaration as a threat, and not as the spontaneous outgrowth of the principles of human nature. And when you fail to see in it a threat, you contemptuously speak of the declaration as the ebullition of an idle, childish prejudice, unworthy of a moment's consideration, and which a few words in a penal statute will explode.

Sir, if anything I have ever heard in this Capitol has astonished me, it has been to hear wise men assume as a postulate that the deep, hoary, pervading prejudices of nine millions of people are not an element to be taken into consideration for a moment in the enactment of a law vitally affecting their interests. Thus to act, permit me to say, is to ignore all the teachings of history, to disregard the very constitution of man's nature, and to indulge the strange delusion that human nature can be molded over again in a day by an act of Congress.

Why, sir, what is the power that most moves humanity in all the complicated relations of life? If the different forces which energize human action could be summed up, I much doubt if the aggregate of those springing from prejudice would not preponderate over those of interest and reason combined. Human prejudice has been one of the mightiest levers that has moved the world. How many of the millions of voters in this land take their sides from cool reason, and how many, think you, from the results of prejudice acquired in early life or from locality of birth? How many of the millions of religionists in this and other lands have adopted their creeds from conviction, and how many from the prejudices instilled in childhood's days? It rankled in the hearts and gave expression to the tongues of those who cried out "Crucify him, crucify him!" and thus became the ministering spirit that crowned the tragedy out of which arose the salvation of man. For long, long centuries that noble people, whose is the heritage of genius as well as wealth, have been the foot-ball of human prejudice; hedged in by disabilities, now stripped for torture like some Isaac of York by a robber baron, and now plundered under the forms of law by some needy and licentious Prince John. From prejudice arose that cruel expulsion of the Jews from the Spanish Peninsula, which robbed the country of the flower of its people, but scattered over other lands the great teachers of industry, commerce, and science. Prejudice has made a large portion of human laws, and has caused many of them to remain a dead letter on the statute-book. It has arrayed one-half of the world against the other, walling in millions, as could no walls of stone, from all contact with their fellow-men. To the Christian it has made the Mussulman an infidel dog; to the Mahomedan it has turned the Christian into a filthy Nazarene. It has perpetuated for hoary centuries distinctions of caste higher and more enduring than any middle walls of partition. It drove from the inhospitable shores of Europe the Roundhead and the Cavalier, and laid the foundations of an empire in the West. It now lives in all its energy, and will ever flourish as long as human nature remains unchanged. It is even now the potent engine through which our northern friends array the freedmen against their former masters. And I fear the bitter prejudices of the North against the beaten, dispirited, and impoverished white people of the South will never be fully satiated till they have done their best to level down men of their own race, not only to a political but to a social equality with their former slaves.

And still filled as northern men seem to be with an unsparing prejudice against men of their own race, you denounce as idle and unworthy of notice a prejudice of theirs against men of another race, not original with them, but coeval even with the dawn of history. If you would only consider the constitution of the southern social system, which is not the plastic product of a day, but the slow, crystalline formation of ages, you could not fail to arrive at a better understanding of the case. Everybody knows that of all human prejudices that of race has been the most universal, ineradicable, and virulent. In the South they have had side by side millions of each of two distinct races, as wide asunder as the poles in all physical, mental, and moral characteristics. In addition to this powerfully segregating influence, one of these has been the master and the other the servile race. No institution has ever been devised that has engendered a more insuperable prejudice than that of master and slave. Wherever it has existed among men of the same race it has required generations to efface its remembrance. No amount of learning, culture, or talent, not even the exquisite genius of a Horace, could obliterate the ancestral stain. Consider that for two centuries in the South these distinctions of race, color, and servitude have been accumulating in force. On the one hand the dominant class was taught to believe that they sprang from a race whose destiny it was to lead, if not to rule, among the nations of the earth; on the other hand they were reared in the notion that the negro was an inferior type of humanity, destined to be a servant of servants to other people. Recollect, now, I am only sketching facts with regard to the constitution of southern society. I am not called upon, nor does my argument require me, to discuss the question of the inferiority or superiority of the negro. The intrepid general from Massachusetts, [Mr. BUTLER,] who, like a second Leonidas with his Spartan band of dusky braves, won such imperishable renown at Newmarket Heights, and who like Cæsar has found such a graphic chronicler of his own glory, seems to have assumed the championship in behalf of the black; while the gallant gentleman from North Carolina, [Mr. ROBBINS,] who is too sturdy to permit a defeat on the tented field to change his views on a great ethnological question, manfully stands up for his kith and kin. To them I leave the solution of this knotty question.

All we mean to say is, that to the prejudices of race, color and servitude, as a matter of fact and reality, must be added that most powerful one arising from the conviction of the natural inferiority of the African. To all these causes must be added another of no insignificant weight—the comparative ignorance and debasement of the colored race. Much has been said and written by northern men about the brutalizing influences of African slavery; much, on the other hand, has been done to illustrate its ennobling and educational power. But while we can scarcely believe its transforming and formative energies to have been adequate to the education of hundreds of thousands of voters up to the average standard of American citizenship, yet we do know this accursed institution, this sum of all villainies, this hot-bed of all crime and vice, has dragged out of the most bestial barbarism, and educated to a higher degree of civilization than ever before fell to the lot of any portion of that people, some five millions of the African race.

But slavery, it must be acknowledged, is a slow school-master, especially when encompassed as that institution was in the Southern States by hostile and aggressive elements, to bring minds benumbed by the hereditary torpor of ages up to even a moderate degree of enlightenment. The African race in this country, I am sorry to say, and nobody can deny, is comparatively ignorant and depraved. Strange, indeed, would it be if two centuries of such advantages as even they have had not produced some notable exceptions, some of whom have done honor to themselves and their people on this floor. But we cannot disguise the fact, not mentioned as a matter of reproach but only in the way of argument, that, as the natural consequence of their springing from the lowest scale of civilization and their subsequent long servile state, mental ignorance and moral debasement must and do characterize their race. All these causes have produced and tend powerfully to keep up a broad distinction between the races, which no laws or penalties can efface. A deeply seated feeling of personal and race supremacy has thus inevitably been developed, which by resting and actively operating in the minds of the southern people for ages have become to them almost a second nature.

Profound as was this feeling, it was powerfully nurtured by events transpiring in other States. They looked abroad and beheld the surging waves of anti-slavery agitation. They believed their property in their slaves to be as sacredly guaranteed to them as any other right. They honestly believed slavery to be justified by law and gospel. And just in proportion as the hatred of the rest of mankind toward their institution became the more intense, did the progress of commercial events interweave their own pecuniary interests the more intimately with it, and did their minds become the more enamored of it. And when the war which the South most unfortunately waged in defense of their cherished property made freedmen of their slaves and voters of the freedmen, and in many places turned the

servile into the ruling race, and everywhere in that vast region invested with equal political rights those who were but the day before menials and dependents, making them (as you shrewdly calculated) for the time being the natural political foes of their old masters, ever incited and ever seeking as a distinct race to rule where they were used to obey; I ask you as men of common sense, who know something of human nature, do you imagine that all this has tended to allay the force of prejudice, or to beget the spirit of fraternity and equality?

Sir, a noble and generous nature is never easily scourged into anything; but to expect a sensitive and spirited people, filled for ages with the prejudices arising from the relations of master and slave, of race and color, of superior and inferior, and of educated and ignorant, patiently and thankfully to receive at the hands of a conqueror their former slaves and domestics upon terms of perfect equality, is to ask more than poor human nature ever did or was deemed capable of doing. Carry yourselves back from your blinding party stand-point to the history of other days and people. How think you the Spartans would have felt if Athens had stripped them of power, and made their helots rulers in their State? Or imagine the deep agonies of Roman senators and people, if some Spartacus and his fellow-slaves, aided by some foreign power, had gained the rule of their former masters! You must see, howeve, you believe such results consistent with natural right, that such forced equality would have turned into the bitterness of hate what was before mere prejudice of caste. Such has been, to some extent, the natural and inevitable result of your reconstruction process; but I am glad it has not brought forth still more bitter fruits of hatred and alienation. If Congress would but let us alone, good and generous feelings would gradually arise. The white man would not be required to forget his pride of race; but would, as he became able, take the colored man by the hand and lead him along in the pathway of knowledge.

But just here, Mr. Speaker, your party comes forward with a measure fraught with disaster to all classes. We are now striving, as it is plainly our interest to do, to advance the negro in knowledge and virtue. We have provided, and are providing, separate schools for his children, just such as they can attend without annoyance from the prejudice of race and color. And right here you interpose your baleful influence and power. You tell the negro that he is a fool to be satisfied with anything else than mixed schools; and you tell the white man that if he dare interpose his pride of race, which has grown not only with his growth as a man, but with the very life of his race, his person shall pine in a dungeon and his estate shall be eaten up with penalties. No wonder the colored man listens to the flattering tale of further equality thus almost forced upon him, and in which he thinks he will be backed by the power of the nation. And no wonder the white man will not voluntarily impose taxation to support institutions which must either offend against his profoundest feelings and prejudices, or make himself the victim of a tyrannical law.

Mr. Speaker, in the section where you live, the colored people are too few to affect the social status. But in a land where the blacks often predominate and are always numerous, and where all the feelings I have tried to portray are powerfully operative, you leave the white man no alternative but no schools at all, or the association of his children upon terms of perfect equality with the children of his former slaves. Unless he is composed of different materials from other men, unless his philosophy is superhuman and his freedom from prejudice almost divine, you cannot doubt what his choice will be. And it is no argument against the force of this prejudice, as we have often heard in this debate, that associations of the different colors in the South have always occurred; that white and colored children have always played together, or that mistresses have taken their maids with them in their dressing-rooms or in first-class cars. So they have; but it must be remembered that the relations of superior and inferior, of mistress and servant, were always sedulously observed. There lies the explanation of the whole matter.

And this destruction of the public-school system of the South would not be the result of spite or revenge or retaliation. The prejudice of the southern man is as much a part of his nature as his reason, and as is often the case, more potent as a motive-power. Whether he is right or not, he would consider that he was degrading his children by such an admixture of races in the schools. No penalty can make him do it; and when it is only necessary to repeal the school tax in order to escape the attempted coercion, right speedily will he do it. No one will respond with a heartier amen than the poor white man. He well knows that the rich can escape from the operation of such a law, while his offspring must either submit to what he considers a degradation, or grope their way through life in mental darkness. He would infinitely prefer to see all public schools abolished, and trust to his own voluntary subscriptions and those of his neighbors for future educational advantages. To both races, then, your law will be an unmitigated curse. To the blacks it will be mental starvation.

Do you seek for any other reason why the southern white man would thus act? Because he knows and feels the tendency of such a law would be to produce social equality. You say such is not your intention, and seem to deny such would be the result. Pray, do not mock us, gentlemen. As well might the physician deny that his emetic will tend to produce nausea. You leave us no room even to believe that such is not your intention. Equal rights do not require identity in time and place of enjoyment; equal privileges do not demand the thrusting of one race upon the other in almost every possible social relation outside of the family circle. Home life is by no means all of social life. But when the one race leaves its hearthstone in search of social enjoyment, whether it will or not you force upon it the presence and contact of the other. Why are you not content with equality in all these things? Why do you force by heavy penalties the actual contact of the races? It must be because you seek to level down *all* distinctions.

But while in every institution sought to be controlled by your law the contact is casual, and not so potential in beating down all barriers between the races, the least reflection must convince every man that their admixture in the schools would powerfully tend to obliterate all social distinctions. Who does not see that if the white and black children can be brought together in the same school-room, and there be made to pass the long years from early childhood through youth to early manhood upon terms of perfect equality such as you propose, sitting upon the same bench, joined in the same class, studying out of the same book, reciting the same lessons—possibly to a negro school-master—engaged in the same sports, enjoying the same amusements, in all the fullness of sympathy and freedom from restraint characterizing their tender years, and this system should go on from generation to generation, then social equality would not be a horrid eventuality to be feared, but a dread actuality realized? The child would be fully educated to it, and the man and woman could not be expected to repudiate the teachings of childhood. From all this the white man shrinks with the whole energy of his nature, and to avoid this he will endure any sacrifice. No laws or penalties can enforce it. Force can strike the manacles from a slave; force can invest him with all external political rights; but force cannot make the white man tax himself to educate his children down to the level of social equality with the negro. Yea, you may enlarge your laxity of constitutional construction, and claim the right to make education national, with hundreds of thousands more of office-holders looking to Washington as their political Mecca. It is not improbable you may do so; for your method of construction is a perennial well from which you can make perpetual draughts and still never draw it dry. You may even go a step further and vote to compel the whites to send their children to your seminaries of social equality. You will then see of what strength is the pride of race, color, and mastership. The world has never seen such unflinching endurance, such heroic resolution, such sublime self-sacrifice as will then mark the white men and women of the South in their attempt to escape what they believe to be the degradation of their children and the ultimate contamination of their race.

Mr. Speaker, southern men with supreme wonder see your party seeking to force upon them this most odious law. It is utterly unreasonable in the light of your own teachings. In his African home, as you know, the negro cares little for the institution of matrimony. With the most holy horror and impassioned invectives have your press, pulpit, and rostrum cried out against his state of slavery as the enemy of virtue, the nursery of concubinage, and the hot-bed of every vice and crime. Although a fervid party zeal has drawn a picture more hideous than the reality, and although slavery has slowly but surely raised its bondsmen above the brutal level of their origin, yet it must be acknowledged that emancipation found a great majority of them oppressed with mental and moral darkness, indifferent to the rights of property, careless as to the obligations of truth, and forgetful of the laws of chastity. Although many exceptions to this rule may be found in every community, yet all who are conversant with southern society must own the general correctness of the statement. Often have I heard the better class among the blacks deplore these sad truths. And our northern friends must accept the truthfulness of the picture or own all they have said or written on the subject to be a libel or a slander.

Sir, southern parents see the repulsive companionship into which you seek to thrust their children. They see that the association of the races during the impressionable years of childhood as perfect equals in the same school-room would inevitably produce an amalgam of their moral natures greatly below the present standard of the white, if above that of the negro. Do you wonder then that they shrink with an iron resolve from such an intimate association? Sir, if Charles Sumner were now a living citizen of a Southern State, and were blessed with a tender daughter, over whose budding life he was watching with all the solicitude of a refined and elegant nature, even he would refuse to intrust the idol of his heart to the influences of such companionship. And as sure as there are true fathers' hearts beating in your bosoms, so would you all. And still you seek to force to the lips of others a cup you would be the first to put from you.

Sir, the southern people earnestly desire the elevation of the African; but they do protest with all the energy of their nature against any leveling down of the whites in order to reach that end. They admire and accept your unmeasured philanthropy in emancipating the slave at their expense without a cent of cost to yourselves; they admire and submit to your disinterested humanity, as evidenced by your unselfish efforts to educate the poor black man at the expense of other people; but when you demand of them to aid in the moral and social elevation of the nation's ward at the expense of the moral and social natures of their own offspring, as by the irreversible law of "evil communications" must needs be the case, then they look

upon your superserviceable zeal in behalf of the negro as unmitigated tyranny, which not only deals with the persons and property of other people by laws which scarcely at all affect you, but which enters into the very souls of people of your own race, and inflicts upon them present moral degradation and educates them slowly and surely down to the level of amalgamation.

Again, sir, it is a matter of supreme astonishment that you do not foresee another effect of your proposed law, that it will inevitably enkindle prejudice to an unwonted degree, instead of allaying it as you imagine. It will do more. It will infuse into that prejudice an element which has thus far but slightly marked it. Before the war the feeling of the southern whites toward the negro was not embittered either with hate or antipathy. They believed themselves the superior race by the fiat of the Almighty, the force of law, and the usages of society. But they knew the negro well, and were accustomed to his presence and habits. They had none of that personal dislike and hostility to him which so often exhibited itself in the North, either in the lawless form of mob violence or in the shape of laws excluding him from your States. It would be useless to deny, because it is unreasonable to suppose, that the compulsory acceptance by the whites of his political equality, with the concomitant results in many cases of negro domination and ruination, has not implanted into this prejudice somewhat of bitterness. Different from all other people who ever lived would have been the southern people if such had not been the result.

But, sir, this enforced political equality, though it has for the time to some extent envenomed the prejudice of the white, still moves in an outer circle; and if the races were not further antagonized by the restless influences of political charlatanism, harmony would be gradually restored. But this, it seems, is not desired. This bill seeks to drive the races into perpetual personal contact, outside the sacred precincts of home, in almost every place where men have been wont to meet and must meet as social equals or only meet to exchange the scowl of disgust for the angry glance of hatred and defiance. And just to the extent that your law operates, under the coercive power of pains and penalties, by a law of human nature, will it tend to arouse fierce antagonism, personal collisions, and God only knows what kinds or degrees of social upheavals. For you are not now dealing with extraneous rights of property or suffrage, but with the personal rights of man, with his habits, his feelings, and his prejudices, a province into which it has been always dangerous for the legislator to enter. And if this law is passed, you might as well establish at once throughout the land a huge system of criminal courts with an army of judges to execute your will.

Thus, when the unhappy people of the South had flattered themselves their troubles were about to end, it seems their persecutions have but commenced. A new field of spoliation and annoyance, wide and interminable, is thus opened up. With unpitying eye and unsparing hand you let loose every negro in the South upon every white man, demanding $500 or social recognition. Out of the cupidity of the one and the cringing fear of the other you expect to evolve the mild and gentle quality of social fraternity. You furnish fresh aliment to the unscrupulous demagogues and new incentives to every hungry pettifogger in that accursed section. You evoke every element of disturbance, discord, and hatred; thus turning the land into a pandemonium, and all in the name of justice, equality, and fraternity. Such a ruinous measure could never become a law in any country where the unfeeling tyranny and partisan hate of a party majority did not inspire its legislation. No prince or potentate, whose interest it would be to propitiate all his subjects, would thus trample upon the dearest rights and feelings of millions of his people. It is reserved for a triumphant majority in the great American Republic, with its power and responsibility so widely dispersed that but little falls to the share of any one man, to inflict upon millions of his own race an outrage and wrong which no emperor or king would ever be merciless enough to execute.

Again, sir, the course of your party on this subject is utterly illogical. In one breath you justify the feeling and the conduct of the southern whites in the premises, and in the next utterance you denounce it as an idle prejudice which must be exterminated. Take the language of one of your extremists. In reply to a question pointedly put to him in a recent debate, one of the most advanced guard in this war upon the southern people, of course a son of Massachusetts, replied "that he did expect by the education of the different races and colors in the same school that this prejudice," but would be removed, and the idea of universal human equality substituted in the place of this unnatural and unreasonable prejudice" but at the same time he emphatically stated "that he did not intend to be understood as saying that *all distinctions* of race and color were to be wiped out." And the position and the language of this most ingenious and logical gentleman is substantially taken by all the advocates of this bill. But in the name of common sense and the simplest reason, if all the prejudice of the white man against the negro is unnatural and unreasonable, why should any distinctions of race and color remain? If, by the co-education of the races all prejudice is wiped out, what remains to cause any distinction? The law does not make any; reason does not suggest any; and no feelings of prejudice are to be allowed to arouse any. Can any reasonable mortal tell us how or why any can exist? And still these consistent gentlemen insist that a distinction which it is never intended shall be overcome shall forever remain, and which, if it exist at all, they must concede to be natural and reasonable. And thus the loudest shrieker for unbounded fraternity and the fiercest apostle of universal equality is forced to acknowledge a broad distinction between the races, which is not a prejudice, but an instinct planted by nature, insurmountable by force of mere artificial law, and which he, soaring as he does high above all common human weaknesses, is not only constrained to recognize in theory, but all the days of his life has illustrated in practice. *He* shrinks from social equality and race intermixture as much as the most prejudiced southerner of them all.

But human nature is well known to be of a facile and plastic character. Man can be taught to loathe that to which he is naturally prone, and to accept that to which he is by nature averse. The white man is instinctively averse to social equality, because it naturally tends to the mingling of races. And he protests against this law, because he sees in it nothing but a schoolmaster to educate his race down to social equality, with the necessary result of amalgamation. He sees, with the clearness of light, that if your law were cordially accepted by him, whereby he would be perpetually placed on the same plane with the negro, constantly in contact with him as an equal from the cradle to the grave, this life-long education would break down the barrier of nature which even our stern evangelist of human fraternity has been forced to recognize. To avoid this he will rather strengthen this barrier; he will give it a broader base and greater height; and in himself and in his children he will strengthen by accumulating around it every feeling, prejudice, and argument he can impress into service. And thus your law will defeat its own end, and become a nursery of prejudice and hate, instead of a school of liberality.

Mr. Speaker, the millions of white people who inhabit that vast southern land are this day amazed that you, men of the same lineage with themselves, sharing in the same glories of art, literature, and science, the same trophies in a deadly struggle against arbitrary power; whose forefathers, linked with theirs as a band of brothers, furnished a common fund of genius and patriotism toward founding the greatest republic of the world, and have through all the vicissitudes of peace and war established for it a glory which, if as a nation we were now to die, would forever live—that you should be so pitiless in your dealings with men of your own blood, and that you should subordinate their interests and their feelings in all things, even in the most vital points, to those of a race which, however deserving at your hands, you are forced socially to recognize as strangers and aliens. They do not wonder that you should have made the destruction of slavery one of the results of the war, although it was far removed from your original intention; for you thus got rid of a perpetual cause of irritation and disturbance. The bestowal of the right of suffrage upon the freedmen was intelligible as an act of yours, for you may have thought it the best way to secure their newly acquired liberty. But it is utterly incomprehensible to southern people, how wise statesmen of their own immediate race, men of culture and refinement, can deliberately plan a scheme of legislation which will not only dry up the springs of education over half a continent, and throughout that vast region arouse a storm of race animosities which never before existed, but which is calculated, if not intended, to people the land with a piebald race, characterized by lowered moral instincts, and tending toward a degenerate civilization like that of the mixed Spanish republics which lie spread out beneath us as a perpetual warning. More as a horrid dream than a reality do they regard the story that is borne to them, that men of their own blood are deliberately concocting a complicated scheme of law, to be enforced by cruel penalties, which they believe in their inmost souls will tend to break down barriers between the races which these remorseless brethren own to have been the handiwork of the Almighty, and which, if it were enforced in the spirit seeming to prompt its enactment, would constitute the monster crime of the age.

They look abroad and try to account for your course. Some conjecture it to be the expression of your bitter sectional prejudice, not yet satiated, but ever fanned by you into a hotter flame. You speak of your treatment of the vanquished South as gentle and merciful. They think it would tax human ingenuity to devise a more cruel and unrelenting scheme. You boast of your clemency in not consigning to death some scores or hundreds of traitors. Among the hecatombs of their slain, of the brightest and best, what would the slaughter of a few more of their fellows have mattered, except to consecrate the lost cause by the blood of a band of martyrs? But they feel that history may be searched in vain for a more complete vengeance than that you have been and are proposing to take upon them. The confiscation of property is usually regarded as a weighty penalty. The emancipation of their slaves, the depreciation of their lands, and the vast volume of taxation have made them the poorest of the poor. But poverty is but the little finger of the iron hand laid upon them. To deprive a high-minded, intelligent man of his birthright as a freeman, and to make him a stranger and an alien in his own land; to brand a man who is conscious of no dishonorable act or impulse with the mark of a felon, by stripping him of his right to vote and hold office, while the sword, using blind men as its instruments, is dealing with all the interests he holds most dear, is to punish with a terrible severity. To place a man of education and refinement, who has been used to deal intelligently with affairs of state

under the rule of ignorance and rudeness, helpless and hopeless, is a racking turn in the torturing screw. But to subject the man who has been reared in the midst of the institution of slavery, with all the feelings and habits of the master, to the rule of those, or to a constant struggle for the mastery with those who were but just now legally his slaves and domestics, is a refinement of punishment such as no age or nation ever before developed. It surely ought to gratify the hatred of the most revengeful. But it seems that the cup is not yet full. There is a certain political Moloch, called a party, without conscience, without responsibility, capable of immeasurable hate, dead to every impulse of generosity, cold, unfeeling, unsparing, whose act is that of an undefined entity, and, however flagitious, is the crime of nobody; upon whose altar even Christian statesmen can blow into a flame the dying embers of sectional hate, and offer up the sweet incense of sectional revenge. Such a party, it seems, cannot now fill up the measure of its dire vengeance unless it introduces into this once happy land, beneath the very blaze of our boasted civilization, a worse than mediæval system of torture, to be applied, not once for all to the body of a shrinking, palpitating victim, but to the writhing souls of men of their own blood, by the hourly, daily, yearly, process of race degradation. All this would seem impossible, if the most gigantic crimes of history had not been committed in the name of liberty, equality, and fraternity.

Others again believe that in thus trampling upon the dearest rights and interests of men of your own race you are aiming at a contemptible party triumph. I do not want to be forced to such a conviction. There would be some extenuation for the conduct of men, however cruel, if prompted by passion or prejudice. We may still think them sincere, if unfeeling. But if our northern brethern, for the votes of the blacks, can coolly and unrelentingly make merchandise of the social rights and privileges of a people of their own blood, as proud, refined, and elevated as they are, no mind can conceive, surely no tongue can express, the baseness of the act. If this charge can be true, and the majority of the northern people can fix the seal of their approval upon so horrible a trade, then has the malignant selfishness of party reached a climax never before deemed possible. Then, indeed, will you have done your best to stifle all feelings of patriotism and political fellowship in the breasts of southern men. On several late occasions the grateful theme of brotherly union and concord was treated on this floor by men from both sections. A gentleman from the far South, with an elegance of language and a chasteness of sentiment rarely equaled, urged you to discard all animosities and to incline your hearts to love and forbearance, to which course he with just confidence pledged his southren brethren. Gentlemen from the North, with power and eloquence, have urged men from the South to meet them in a great national reunion at Philadelphia, there to drown all the asperities of civil war in the memories of our glorious struggle for independence. But if you, from such a motive, can pass such a law, then, I pray you, what room remains for sentiments of a common brotherhood? They are only fit, in a hollow fashion, to point a eulogy or adorn a centennial oration.

But, sir, if the aim of your party is to strengthen itself by bartering the social rights of white men with your African auxiliaries, then has your natural shrewdness overleaped itself. To insure democratic success, I could wish no better card than that you seem bent on dealing to us. You already have the negro vote, and will mainly keep it while present party divisions endure. You can gain nothing, but lose much by this miserable persecution of your white brethren. You gained but little by enfranchising the freedmen except in localities where they are in the majority. In Maryland you added some thirty-five thousand votes to your ranks, and at the very next election you were beaten as badly as ever. I can tell you the main cause of this singular result. It was the fear that if your party, consisting of a majority of negro votes, got the power, mixed schools would follow. And just as sure as you pass this law, the places which now know many republican members here will soon know them no more. But southern democrats are unwilling to purchase party success at any such price. No party triumph, bought at the expense of such fearful results as this bill would entail upon them, is deemed worthy of a moment's consideration.

Mr. Speaker, your party on this floor contains many able statesmen. You must all see that the colored race is now enjoying at the hands of the southern people great educational advantages, which all testimony and all reason admonish you the passage of this law will destroy. At the same time you know that you have given them freedom and suffrage, and have led them to a mount of civil and political privileges such as no other people that ever lived under God's sun ever enjoyed, who are no more advanced than they in the scale of civilization. They have all the advantages of American citizenship, which it took you and your forefathers a thousand years of painful toil and suffering to acquire. All these, in all their rich redundancy, in the twinkling of an eye have been conferred upon a slave, without probation or training of any kind. He has every right but that of forcing himself into a society where he is not wanted; a morbid desire to enter which only shows a want of self-respect and a total unfitness for its enjoyment. To him is open every avenue of political preferment, from town bailiff to the Presidency of this great Republic. In the language of the gentleman from Massachusetts, he emphatically has "the right to be the equal of every other man, if he can." Surely, if he rendered you aid in the late civil war, never did services so slight receive such a stupendous reward.

As a measure of statesmanship, wise men as you are must see that it is best for his true interests to leave some ground for his own brain and heart to conquer. You surely know that all coercive measures must really retard instead of advancing his social progress. That must needs be his own achievement. If his race is susceptible of great improvement, as all must hope, all you have to do is to let time and his vast opportunities do their work. If the negro has in him the real elements of mental and moral greatness, he now has the most illimitable field for their development, and such elements of character, in whomsoever and wheresoever displayed, will always command respect and admiration. A half-dozen men of color on this floor, educated, talented, and gentlemanly, have done more, and will do more, toward elevating the African race than all the civil-rights bills you can pass. Let others of their race emulate them as they emulate the whites. Let them have something to hope for, to work for, to strive for. Do not treat them like a spoiled pet child, who is upon all occasions thrust forward by the hand of authority, whether he deserves it or not. Thus to treat them is to dwarf their energies and to make them petulant, wayward, and irritable. It will not answer for a race any more than for a man always to travel a royal high road in the march of improvement. Cease, then, a policy which will inflict upon him incalculable present loss and can work for him no prospective gain.

And above all things, Mr. Speaker, leave the poor unfortunate white people of the South a country to love, to pray for, and in the true spirit of patriotism, if need be, to die for. A man's country is not the land in which he is merely permitted to live, and in which the ruling powers regard him as an object of hatred, to be made the sport of tyrannical and oppressive laws; but the land in which the heart takes root, and sends forth strong and enduring tendrils of filial love and affection. That is what the southern people desire. Secession is dead; it died with the conditions which gave it life. Hereafter there is more danger of its resurrection down East than down South. Although the heel of the conqueror has been planted with no gentle tread upon southern soil, and although their recent experience has been harsh, and their present condition in many places truly pitiable, yet in their very hearts they long for a cessation of strife, for a restoration of true peace, and for a genuine political brotherhood. They are willing for the dead past to bury its dead, and to start with you emulously in repairing the waste places of our common country. Surely it should be the prayer of every lover of his country that the glorious consummation may be reached, and may not be stifled by any ill-advised sectional legislation, unprofitable to you and most disastrous to them.

Louisiana Contested Election.

SPEECH OF HON. H. B. SMITH,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

June 8, 1874.

The House having under consideration the report of the Committee on Elections in the contested-election case of Sheridan *vs.* Pinchback, from the State of Louisiana—

Mr. SMITH, of New York, said:

Mr. SPEAKER: The fifteenth amendment of the Constitution was the occasion but not the cause of the political disorders in Louisiana. In the transition of four million people from a condition of servitude to the full rights of American citizenship it was to be expected that a suffering nation would—

> Wait beneath the furnace blast
> The pangs of transformation.

Nevertheless, sir, the republican party avows and defends the enfranchisement of the freedmen, and, in the words of Abraham Lincoln, "upon this act we invoke the considerate judgment of mankind and the gracious favor of Almighty God." And now the promise being made will be kept. That same lofty fortitude which in 1864 nerved the people, bleeding and faint, after death had flung its shadow in at every door, to vote for Abraham Lincoln and a continuance of the war, which held firmly to the helm while we were in tempests of fire and blood, and in seas whitened with upturned faces of the dead, will hold the helm with steady nerve until the old ship is brought through its present dangers into a calm sea and under a blue sky.

Mr. Speaker, in kindness let me admonish our friends upon the opposite side of this House that it rests with them to hasten or to procrastinate the day when peace will come to our distracted country. Peace will never come until the colored vote is divided. When the colored vote will be divided, I call as a witness Mr. Eustis, a member of the democratic State central committee of Louisiana, who testified before an investigating committee of this House in 1872.

The Clerk read as follows:

Question. The colored people, as a rule, have strong attachments, have they not?
Answer. I believe they have.
Q. They have a good deal more attachment for their old masters than they have for new-comers?

A. I think they have now.
Q. They have had all the while?
A. When you use the word "attachment," I think they have; but they have suspected that their old masters, if given political power, might deprive them of their political rights.
Q. That suspicion is now passing away from the minds of the colored people?
A. I think so.
* * * * * * *
Q. When confidence is once established, the intelligence and brains of your State will control your politics as in other States?
A. Yes, sir; if the will of the people is not defeated by the agency of the election and registration laws.
Q. And the only requisite to the most intelligent men of your State having the suffrages of the negroes is the one condition that they shall play fair with them?
A. Or remove the suspicion that they will not.

Mr. SMITH, of New York. I now ask our friends on the opposite side of the House will it do for them, in the light of this testimony, to charge that the republican party has separated the two races at the South? The last declaration of democratic principles upon this subject which has been made to the country was the minority report of the Ku-Klux Committee. During the campaign of 1872, our democratic friends, adopting for the occasion the Cincinnati platform, slept in silence like the souls of the martyrs under the throne. But only a few weeks before the Cincinnati convention the minority of the Ku-Klux Committee had made a report to the House, in which they made a declaration of principles which I ask the Clerk to read.

The Clerk read as follows:

Such a state of things may last so long as the party shall last which had the power and audacity to inaugurate them, and no longer. And when that party shall go down, as go down it will at some time not long in the future, that will be the end of the political power of the negro among white men on this continent.

* * * * * * *

O, that a man might know
The end of this day's business when it come!
But it sufficeth that the day will end,
And then the end is known.

Mr. SMITH, of New York. Mr. Speaker, will it do for our democratic friends to declare war openly against the emancipated race, and then to charge upon the republican party, the responsibility for the separation of the two races in the South? I call upon my distinguished colleague from Mississippi, [Mr. LAMAR,] I invoke the broad statesmanship, the noble magnanimity, the great power, and the peerless eloquence, for which, as displayed in his words over the dead Sumner, a grateful nation wears him to-day in her heart of hearts, to repudiate, in behalf of southern democrats, this atrocious sentiment.

Mr. Speaker, as a lover of my country, more than of my party, I pray God to hasten the day, when the democratic party shall have the vote because it has the confidence of the negroes of the South. Will our friends upon the opposite side see their opportunity, or will they continue to go on in that direction in which the conscience of this country, and the very stars in their courses fight against them, and keep that party with its glorious memories still grinding in the mills of the gods? The negro uses for his protection but he does not love, the carpet-bagger. With unexampled forgiveness, with a divine patience he kisses the hand that has smitten him, and looks to his old master as his natural protector. I press home the question upon the opposite side of the House, if this state of things must continue, at whose door will lie the responsibility? Let a just people judge.

Mr. Speaker, as a partisan and for myself I declare my purpose to take no more load upon deck, to bear no more infamy for the rascalities of political friends anywhere.

This case as presented is entirely anomalous. No testimony has been taken by either side. Mr. Sheridan has presented to our committee this volume of testimony taken before the Senate Committee on Privileges and Elections upon the contest between Ray and McMillen for a seat in the Senate. Mr. Pinchback has presented to our committee the testimony taken and the reports made by the chief supervisor of elections of the State of Louisiana under the enforcement act, and the affidavit of Mr. Blanchard. Mr. Sheridan contends that this volume of testimony which he has placed before us proves his election. The report of the Senate committee finds the evidence of fraud and villainy so strong that they report there was no election. Sheridan's claim is predicated upon the returns of what is called the Foreman board which are contained in this volume.

Mr. Pinchback insists that the courts of the State of Louisiana have decided that the Lynch board was the legal board and these decisions are of binding force upon the House; that the testimony in the reports made under the enforcement act of Congress show that Mr. Sheridan was not elected; that the Lynch board having returned him elected, he should first be entitled to his seat.

Now, first as to the claim of Mr. Pinchback that he should be admitted to his seat under the returns of the Lynch board.

Waiving for a moment the discussion of the question whether the Lynch board was the legal returning board or not, I remind the House that it is in proof and known to the country that all the members of this Lynch board were appointed to office by Governor Pinchback—worth from six to twenty-five thousand dollars per year within thirty days from the time that the return of that board was made. With an apparent insensibility to shame, every member of that board received his hire.

But assuming that this board was the legal board and that it was an honest board, the committee have come to the conclusion unanimously that it is a fact which has become a part of the political history of this country of which the House ought to take legislative notice that the Lynch board had no legal returns before it to canvass, and therefore the returns of this board do not show Mr. Pinchback's election.

It is necessary to call the attention of the House to the fact that this election was held under the election law passed in 1870. In the spring of 1872 the Legislature of Louisiana passed a new election law. That law Governor Warmoth pocketed. After the election of 1872, and after the difficulty had arisen with reference to the different election boards claiming the right to canvass the votes, Governor Warmoth, on the 20th of November, "to escape the clutch of Judge Durell," approved the new election law. Under this new election law, which was not approved until sixteen days after the election was held, the McEnery senate, on the 11th of December, elected a board of returning officers, known as the Foreman board, and that board has returned Mr. Sheridan as Congressman at large from Louisiana.

Now, sir, the minority report assumes without a word of argument that the Foreman board was the legal returning board. On pages 35 and 36 of the report they say:

This last named statute (meaning the act approved by Governor Warmoth on the 20th of November) abolished the existing board, and therefore makes it unnecessary here to discuss which of the two was the legal board.

With great deference to my colleagues on the committee, I must protest against what seems to be the clear begging of the question which underlies this controversy. The supreme court of Louisiana is a respectable court, to say the least. It has been a conservative court, and heretofore has had the confidence of the people of that State and especially of the democratic party, as was proven before the Senate committee. This court has decided that the "existing board," *i. e.*, the Lynch board, was not "abolished," but continued to be the legal returning board for the election of 1872, after the approval of the new law, in fifteen decisions, it is said. Nevertheless, the minority without a word of argument say this is a question which it is "unnecessary to discuss."

By the election law of 1870, under which the election was held, the ballot-boxes were taken to the county seat, and the votes counted and the returns made by the parish supervisor of registration, (section 53.) By section 54, the returning board shall canvass the returns of 'the supervisors of registration." By section 43 of the new law, the 'votes are to be counted in the precincts by the "commissioners of elections;" and the returning board, by section 2, page 63, is to canvass "the statements of votes made by the commissioners of election."

No power is in terms given by the new law to the returning board to canvass the returns made by the supervisors of registration; yet that they had such power, despite the statute and the supreme court, in the judgment of the minority "it is unnecessary to discuss."

By the old law the returning board was to meet, organize, and take the prescribed oath (section 54) "within ten days after the closing of the election," and "continue in session until such returns are completed."

By the new law (section 2) they were to meet, organize, and take the prescribed oath within the same time after the election. But the new law was not approved till November 20, sixteen days after the election.

On the "law day" the old board met, elected a chairman and secretary, took the official oath, and entered upon their duties. Yet that after jurisdiction had attached they were supplanted in their jurisdiction by a board appointed sixteen days after the election, is in the judgment of the minority, so clear, that it is "unnecessary to be discussed."

That the Legislature never intended that the election should be held under one law, and the votes counted under another, is confessed. Suppose the new law had been approved on the evening of the day of election, after the votes were partly counted by the supervisors of registration, what then? Who should count the votes and make the returns?

By both laws the Governor is required to "open the returns in presence of the returning board." This provision is not directory. But long before the 20th of November, when the new law was approved, the returns had been opened. For the purposes of this argument we may assume that they had been opened in the presence of the Lynch board, that the Lynch board had had ocular proof that they had not been tampered with, which proof another board could never have. Nevertheless it is so clear, in the judgment of the minority, that the new board would supplant the old board, though they could not have this ocular proof which the law required, that it need not be discussed.

Mr. Speaker, this House, so far as my knowledge goes, has always followed the precedent of the Supreme Court, in accepting as conclusive, the construction given by State courts to local statutes. Ought not a precedent so beneficent and wise as this, to have, like the English constitution, the effect of written law?

And upon a slight pretext or for a strong reason such as is presented here (if it be called strong) is it a safe and prudent thing, for this House to ride rough-shod over the decisions of the Supreme Court, and all the precedents in this House, and say that we will construe the State statute at our will, in the teeth of fifteen decisions of the supreme court of the State of Louisiana? And if there is danger in recognizing the decisions of Judge Durell, or the State courts, is it not a more dangerous thing, to violate this precedent which has been established from the foundation of this Government,

that we will recognize the decisions of a State court in the interpretations of the constitution and statutes of a State?

Again, sir, I submit, with great deference to my learned colleagues, that this minority report, in assuming that the Foreman board was the legal board, begs another vital question in this controversy, to-wit, that the McEnery senate which elected the Foreman board was the lawful senate of Louisiana. Why do not my colleagues of the minority, take a shorter cut to the result aimed at, and instead of attempting to prove that the McEnery senate was elected, simply prove to the House that Mr. Sheridan was elected, and save for themselves a vast amount of labor? If it be said that the DeFeriet board returned the McEnery senate, I answer that this DeFeriet board was appointed under the new law approved sixteen days after this election was held; and that this assumption again flies in the teeth of, first, fifteen decisions of the State court; second, the action of this House in admitting the Louisiana members upon the *prima facie* case, which recognized the Lynch board; third, the action of the Administration in refusing to recognize the McEnery legislature; and fourth, the report of the Senate committee against the legality of the McEnery legislature.

The majority of the committee, for the sake of the argument, have assumed, and in their printed report, have argued this question upon the hypothesis, that the Foreman board was the legal board. If my colleagues of the minority were alike liberal, would they not either assume that the Lynch board was the legal board or else prove that it was not?

But let us pass this question. I give away all these points to my colleagues of the minority; and I propose now to argue this case upon the hypothesis that the Foreman board was the legal returning board. In the first place, Mr. Speaker, I say there is sworn proof before the Committee on Elections and before this House that no quorum of the Foreman board has ever returned Mr. Sheridan elected.

You will find in the appendix to the minority report, on page 27, the affidavit of Mr. Oscar F. Hunsaker and Samuel M. Todd. Mr. Hunsaker was the president of the Foreman board, Mr. Todd was a member of it, and they both swear that their names to those Foreman returns are forgeries; and they both testify that Mr. Thomas, who was also a member of the Foreman board, departed from the city of New Orleans before these returns were made. Mr. Foreman, himself a member of that board, states (on page 79) that Mr. Thomas only took part in the canvass of the votes for State officers. So, then, it is proved here, and my colleagues cannot successfully controvert it, that no quorum of that Foreman board has ever canvassed the congressional vote.

But suppose they had. I desire to call attention again to the report of the minority of the Ku-Klux Committee, page 307; and I call the attention of the House to the fact that they are here speaking not of reconstruction generally, but of the election law in the State of Louisiana, under which this election was held. They say:

When we come to speak of the registration and election laws passed by these carpet-bag rulers—

Let me stop right here. I have said nothing about carpet-baggers but I stumble now upon this oft-repeated fling. We have heard this tune until we know all its cadences, where the trills and the deep bas come in. Why, Mr. Speaker, you could whistle it yourself. Now, because the boot happens to be on the other leg, and it is our friends over the way who are advocating the admission of a "carpet-bagger" against a native Southerner, they do not peep about the carpet-baggers. They are as mum as the grave.

I believe in a fair fight. There is one thing I complain of; our democratic friends have stolen our thunder—they have gobbled our carpet-baggers. Some wicked joker said that a distinguished general in the war reduced the Chickahominy swamp by taking the bilious fever out of it. Just so they have reduced the republican party of Louisiana by taking the bilious fever out of that.

Without any reflection on my friend General Sheridan personally, I hope they act upon the maxim, "When you get a good thing, keep it."

But I was reading from the minority Ku-Klux report. They say: "When we come to speak of the registration and election laws"—that is of Louisiana—"passed by these carpet-bag rulers, the charge that their whole system of elections was and is a farce and fraud, will scarcely be denied." Who denies it now? Is it the majority or minority of your committee?

This minority of the Ku-Klux Committee say another thing. It is altogether beyond my powers of elocution, and I will ask the Clerk to read it if he will do his best. It is a very nervous passage, and I want it well read.

The Clerk read as follows:

The ballot-box—the sanctuary of freedom; the ballot-box, the only abiding place and secure retreat of liberty; the ballot-box, the arsenal where freemen's weapons were wont to terrify tyrants—is made the charnel-house in which the assassinated liberties of a defenseless people are buried; is made the dice-box in which are staked and played for by the minions of a despot the revenues of a plundered Commonwealth.

Mr. SMITH, of New York. The Clerk did not do as well as I have sometimes heard him. Now I have no doubt the excellent gentleman who said it felt badly for the time, but it is surprising what a difference it makes with them if the dice happen to turn up sixes for the democratic ticket.

Strange such a difference there should be
'Twixt tweedledum and tweedledee.

I offer now an address of the State central committee of the democratic party of Louisiana. Bear in mind that about this time war was flagrant in Louisiana. The democratic State committee was in alliance with the "custom-house faction." The *casus belli* was "the infamous registration and election laws," and this address was issued but a few months before the election in question:

ROOMS DEMOCRATIC CENTRAL COMMITTEE,
New Orleans, February 23, 1872.

To the democratic and reform voters of the State of Louisiana:

The primary object in calling a convention at a date earlier than would have been done under ordinary circumstances is to secure and perfect a thorough organization of the democratic party throughout the State. The accomplishment of this result as an element of success is too important to admit of delay, and the necessity for its immediate attainment is rendered the more urgent by the present condition and probable operation of the registration and election laws.

We have labored strenuously for a modification of these and cognate laws, with the single object of restoring to the people their rights of self-government. The extraordinary powers with which the executive had been armed, the corrupt dispensation of his vast patronage, the boldness and frequency of his usurpation of power to strike down those in his own party who refused to become his personal adherents, his repeated acts of political treachery to the colored race whose votes had elevated him to office, combined to create in the minds of the republican opponents of the governer the most serious apprehension.

* * * * * * *

The democratic members of the General Assembly were numerically too weak to cope, unaided by republican votes with the party of the executive in the General Assembly. Governor Warmoth had had the article in the constitution rendering him ineligible for a second term abrogated, and in view of his political isolation, by the defection of the colored voters, it became manifest that his surrender of any of his political power or patronage would practically result in his abdication. Easily or willingly deceived were those who thought that he could personally or politically afford to modify a single law in the interest of the people. The view first entertained by your committee, that the maintenance of all these infamous and oppressive laws was the political life-blood of the governor, has been verified by the fact that, although the Legislature has been with full houses legislating for two weeks, with a majority obediently submissive to executive dictation, the executive, as he intended has succeeded in falsifying his professions for reform by defeating every effort to, that end that has been made in the Legislature. *The alternative was presented to engage in a flagrant conspiracy with the governor to fraudulently defeat the popular will and imposing upon ourselves the debasing humiliation of electing him governor or to endeavor by honorable means to obtain the desired relief to our people.*

O, no, Mr. Speaker; the "*debasing humiliation*" which the governor demanded of the proud democracy of Louisiana was his *election* to the *Senate*, not his re-election as governor.

The address further says:

It is needless to recapitulate the revolutionary proceedings to which the governor resorted, such as taking armed possession of a co-ordinate department of the government, calling an extra session when the General Assembly was in regular session, and only notifying his personal adherents; making repeated requisitions upon a local commander of United States troops; expelling by armed violence the legal speaker of the house and many members. We refer to these unprecedented acts to remind the people that the governor did not and will not hesitate to initiate revolution in our midst whenever he discovers that by legal and constitutional means an attack against his autocratic prerogative is meditated. If to-day the people have not a controlling voice in legislation, if their burdens have not been lightened, if their political rights have not been restored, and they have the prospect of a turbulent election in November, the responsibility rests upon those who have put their trust in Governor Warmoth, who has had the time, the opportunity, and the power, but not the intention, to accede to the demands of the people. We record the sad fact that the proximate cause of our failure to attain those great beneficent results was the defection of those senators and representatives who, representing democratic constituencies, allied themselves to the political fortunes of the enemy of their people.

And to my colleagues of the minority, who denounce the Lynch board for resorting to secondary evidence, and making up their returns upon the reports of the United States election officers, and such sources of information as were at hand, after Governor Warmoth had got possession of the returns and refused upon demand to produce them, and had in flagrant violation of law given a certificate to General Sheridan without a canvass of the returns by any board, I commend reflection upon the following paragraph in this address. The *italics* are not mine:

Any section of the election law which leaves to the discretion of a board of individuals the power to change that result is *revolutionary in its design, its operations, and its purpose, and must be treated by the people as not upon the statute-book.* If the Legislature were to pass a law that there should be no registration, no election, and that a board of five persons was appointed to select your governor, representatives, and other officers, the people would hold an election and install their officers if need be by force, and their action would be clearly legal. The same duty devolves upon them now, and they will perform it.

* * * * * * * *

H. D. OGDEN.
President Democratic State Central Committee.

THOMAS STEEL, *Secretary.*

This is signed by H. D. Ogden, president of the democratic State central committee, who, I suppose without any "flagrant conspiracy with the governor to defeat the popular will," claims to have been elected attorney-general on the McEnery ticket and has since been hotly defending the purity of this election.

Now, Mr. Speaker, my learned colleague from Pennsylvania, [Mr. SPEER,] I regret to learn, is not to speak upon this issue. It is not necessary that he should. He spoke upon it two years ago. In the report which was made to this House from the minority of the investigating committee which went to Louisiana, drawn by his facile pen, be used these words:

But many of the persons who became arrayed against the governor were controlled by different and better motives. A series of infamous laws had been passed, placing imperial power in the governor's hands, which he had used with a reckless disregard of the interests of the people, and with the double purpose of enriching himself and his friends and of perpetuating his control of the State. Himself but a recent resident of Louisiana, he had gathered around him a swarm of adventurers from all sections, destitute alike of either personal or political integrity, and was

fattening himself and them upon the plunder wrung from the property and toil of the people. *Under the law elections were a farce.* The governor appointed the registrars, and through them returned his friends to the Legislature and defeated his enemies. In several cases persons held seats in the house from parishes in which they had never resided and in which they were absolutely unknown. In one case a friend of the governor was *elected in a private room in a New Orleans hotel*, at midnight, to represent a parish hundreds of miles away.

Now, I have not placed my friend, General Sheridan, the most eloquent man in Louisiana, in that category. My colleague, who now says this was a fair election and asks the House to seat him, did that business himself. My colleague need not speak for his friend on this occasion. He preserved him in sugar in that report. All the world knows that Governor Warmoth and General Sheridan have been bosom friends from the first, and are the Siamese twins in Louisiana politics.

Mr. SPEER. Will the gentleman allow me an inquiry?

Mr. SMITH, of New York. Anything my colleague pleases.

Mr. SPEER. Did the gentleman not refuse to sign that report and to indorse those sentiments as a member of the committee?

Mr. SMITH, of New York. Yes, sir; because it did not go as far as my report went in denouncing the carpet-baggers and the villains in both parties in Louisiana. But my friend does not now go back upon his report. He adopts that. And when my friend, Sheridan, shall call him to account, I suppose he will say to him as Jack Falstaff said to the Prince: "I dispraise thee before the wicked, that the wicked might not fall in love with thee."

Alluding to the midnight election of a member of the Legislature in a private room in a New Orleans hotel, my colleague from Pennsylvania put a blue patch on that election of 1870. Why did he not refer to page 909 of this report of the Senate committee, where a Warmoth supervisor named Cahoon is proved to have made the return from Madison parish, tally-sheets and all, in a private room in New Orleans, and to have elected a fusion man to the Legislature, and put the same beautifully blue patch on the election of 1872? Is it because, as he and I used to write in our copy-books at school, "Circumstances alter cases?"

Now, Mr. Speaker, the House will not have forgotten that during the political canvass of 1872 there was a race without parallel in the history of the world. Governor Warmoth and Lieutenant-Governor Pinchback were both at the North. Here was this new election law which had been passed by the Legislature to repeal this old "infamous election law," under which my colleague from Pennsylvania [Mr. SPEER] and the minority of the Ku-Klux committee and the State democratic committee of Louisiana justly say that "elections were a farce.' It was lying unsigned in the pigeon-holes of the governor's office. Pinchback, learning that Warmoth was at the North, started by the lightning train for Louisiana to sign that bill and relieve the distress of the Ku-Klux committee and my colleague from Pennsylvania and the State democratic committee of Louisiana, and have for once a fair election. Governor Warmoth got wind of it and gave chase. There was a railroad race of two thousand miles. The national excitement ran high. Bets were offered of two to one on Pinchback without takers. But the race was not to the swift. With half the strategy necessary to fix a Louisiana ballot-box, Pinchback was inveigled into a telegraph office, while the train was waiting at a station near the Louisiana line, when the key was turned on him, and the train sped away, and the white horse came to the score just a neck ahead. Then it was that hats flew up, and white handkerchiefs waved, and their perfumes floated on the air; and the fusion newspapers, and I doubt not the Louisiana State democratic committee and the minority of the Ku-Klux committee, made the skies echo with their huzzas, because Warmoth had defeated "an infamous fraud" attempted to be perpetrated upon the people of Louisiana!

Now, sir, to demonstrate that times change and men change with them, let me quote the following from Governor Warmoth's speech at the ratification of the fusion ticket in the city of New Orleans:

A great deal has been said of me because of my course in relation to certain legislation in this State. It is known to all of you that I recommended in no uncertain language to the Legislature the repeal of a certain law. The Legislature did after a fashion modify these laws. Those bills have passed the Legislature, and are before me for signature. Now I propose to tell the people of this city, and through the press represented here the people of the State, the simple, plain reason that I do not sign these laws. In the first place, they make no material modification of the old election and registration laws. In the second place, it was intended, when the repeal of these laws was forced through the Legislature, that instead of them General Grant should use his election law upon the people of this State; and then, besides that, *the great mass of the people, who have so long demanded the modification or repeal of these laws, have changed their minds.*

That Governor Warmoth spoke truly the sentiments of the just and true men of the democratic party I deny, and I call as a witness J. Q. A. Fellows, who gave the following testimony before the Senate committee:

Question. In your conversation with leading democrats in New Orleans during the last canvass or two—at the time the fusion was made by Governor Warmoth—state what their calculation was that his accession to the party would be worth to them?

Answer. I will premise by saying that for several years I have held myself somewhat neutral in politics, waiting for an opportunity to arise when I could unite with one party or another for the best interests of the State; and last spring and summer when the canvass was approaching and being carried on, there was an effort made by some moderate democrats and reformers, and a large number of other people in Louisiana, especially in New Orleans, that stood in the same position with myself, to make a union with the best portion of the republican party, and secure the government of the State in all proper things. A fusion was continually thought of by the democrats with the governor. I was solicited time and again, probably by thirty, I think, to join in the movement to make the fusion. During that time, say for two or three months, the whole matter was canvassed over and again. They said that, with the assistance of the governor or fusion with the governor, they could certainly carry the State against the republican party or the custom-house party or the negro party, as they called it. I thought it could not be done; that he had not votes enough at his command to do it. I understood that he had not over a thousand voters that were his followers. They admitted that there were no more than two thousand; but they said this, that his power, with the assistance of the registration and election laws, was good for twenty thousand votes by his appointing his men, or men who would work in his interest, as registrars, and the manipulation of the registration and the appointment of commissioners of election and in placing the election polls, and they thought his influence was good for twenty thousand votes. This was the repeated calculation of every one I talked with that finally went into the fusion party. Others refused to go in who were called "last-ditch" democrats, or "straight-out" democrats. Many of them refused to go in the fusion, and many of them voted for Grant and Kellogg who were within my acquaintance. They made the same calculation; there was the calculation of one, two, or three thousand followers, enough to make fifteen or twenty thousand altogether, by what was frequently called in the newspapers and the people of the State "by the manipulation of these figures." When printed, it was put in quotation marks—"these figures;" this was the common talk of the politicians in Louisiana and in New Orleans, and I agreed with them.

Q. Do you now know that, previously to the fusion being created between Governor Warmoth's party and the democratic party, the very men who were on the ticket for the State offices for the fusion party—that is, Messrs. McEnery and Ogden, were the men who had denounced Governor Warmoth in the most bitter terms?

A. Until the fusion took place in August, every leading politician, every speaker and every newspaper denounced him, and any alliance with him, most bitterly. They denounced him in the most bitter language. Some of it was not respectful—not fit to be used. The canvass had already commenced, and Mr. Jonas was the candidate for lieutenant-governor; Mr. Ogden the candidate for attorney-general; Mr. Ellis, a lawyer, who was expecting to secure some office—I believe had commenced. There were three at least, I remember, who had commenced to canvass the State; and commenced by going up the river, and then passing around through the northern parishes, and coming down by Shreveport, and then around by the southern parishes, making a tour of the State. They had reached about the center of the parishes on the Arkansas line, at Mindon, making speeches all the way, when they were met with a telegram at Mindon, and immediately returned, announcing that a fusion had been accomplished. I met them on the street on the day of their return, or it may have been the day after; it was the day when the ratification of this fusion was advertised to be held in La Fayette Square. I then met Messrs. Ogden and Ellis on the corner of the street, and asked them if they were going to support it. Mr. Ogden was called to one side for a moment. Mr. Ellis said, "I am willing to eat my peck of dirt, or perhaps a bushel, but damned if I can swallow this." He had been asked to speak, but had refused. After this he consented to go in the second canvass which had been arranged by the fusionists—to go around by the southern parishes and come up by the way of the western, and back by the northern and river parishes. I met him—as we go down town frequently to business—and asked him the result. He said he had no doubt, from what he had seen on both trips, first and last, that the union or fusion, as he termed it, had lost the democratic party from ten to twenty thousand votes, actual voters; that all through the northern parishes when he was on his first trip the leading men came out and assured them they could carry the parish by four or five or six hundred, or even a thousand majority; but on their return, coming around the other way, they were obliged to go out and hunt up the leading politicians in the parishes, and they spoke in this way: "Probably we can carry this parish; this one we may lose by a hundred; in this one we probably will not be beaten—may have two or three hundred or four hundred majority at the most," and so on. So that in his calculation they lost fifteen thousand votes. As a further loss for the fusion, he said that the leading democrats would not support any such fusion or go into it. I saw a letter from ex-Governor Moore, of Alexandria, that he would not even be at the meeting. He is an influential democrat, as I know, in Rapides Parish. He stated he would not be in the meeting or be introduced to Governor Warmoth, whom he had heard would be there, and whom he had denounced, as he believed, justly. His partner, Mr. Jonas, who was at the time a candidate for governor——

Mr. RAY. Lieutenant-governor?

The WITNESS. Yes, sir, and was displaced, and Mr. Penn put on the ticket. Mr. Hymans read me a letter—it was from General Moore—denouncing Governor Warmoth. Hymans said his partner, Mr. Jonas, was placed in a delicate position, where he could not say anything; but as for going into this, he would not do it himself, and to my knowledge he did not make a speech in the whole canvass. A number of leading democrats in New Orleans—some of the executive committee—after the fusion refused to go in the fusion movement at all, and to my knowledge voted for Grant and Kellogg. As soon as the fusion was made I came out, and went into the canvass myself for the republican party.

In this statement the manipulation of "these figures" was considered worth twenty thousand votes to the fusion ticket by all the democratic fusionists. The democratic vote in 1870 was 41,000; in 1872 it was 65,000. There were some bets on this election, and the governor surprised his friends and went 4,000 better than their highest anticipations. I will not waste breath by asking which party in Louisiana is ashamed of this election. There are honorable exceptions, Mr Speaker, but the average Louisiana politician is not ashamed of anything. But if I stood here to defend all the actions of the Kellogg party, as I do not, I would dare to ask and challenge an answer, Who ought to be ashamed of it?

I call attention to the testimony of Mr. Fellows, that leading and influential democrats all over the State refused to support this coalition. The condition of it was that Governor Warmoth was to grace the Senate of the United States. And this sworn testimony shows that not only leading influential democrats all over the State, but members of the democratic State central committee in the city of New Orleans, voted for Grant and Kellogg. It is to their credit, and I congratulate our friends upon the opposite side of the House that they have a few honest democrats left in Louisiana for seed.

Now, does any man who knows the fidelity of the negro to the party which gave him his liberty; who knows that a negro with a ballot in his hand is prouder than a negro on horseback; who has examined this testimony and seen that negroes all over the State traveled thirty miles to vote, thousands of them traveling all night, some of them traveling even eighty miles; who knows that in the State of Louisiana the democrats were under just one more wet blanket than the democrats in New York or anywhere else; does any such man believe that in an "orderly, fair, and legal election" the fusion vote rose from 41,000 in 1870 to 65,000 in 1872, and the republican vote fell

from 65,000 votes in 1870 to 54,000 in 1872; a change of 35,000 votes? But it is answered the colored men voted the fusion ticket. Mr. Speaker, the fusion competitor for the seat in the Senate, Mr. McMillen, testified before the Senate committee that in his belief there were no more colored men who voted the fusion ticket than there were white men who voted the republican ticket. And Mr. Packard swears that though he traveled nearly over the State in this canvass, he did not know a single colored man, not one, who voted the fusion ticket.

General Sheridan testified that he saw colored clubs carrying the Greeley badge. As history repeats itself I ask the Clerk to read from the testimony of Mr. Sinnott before the Louisiana committee two years ago.

The Clerk read as follows:

Question. You are not much of a radical yourself?
Answer. Not by a long ways. Never was and never will be.
Q. You are a democrat, sound to the core?
A. Yes, in the time of it, while it existed, I was an active democrat.
* * * * * * *
Q. You organized a large number of colored democratic clubs in this city, did you not?
A. Yes, sir; I helped to organize one.
Q. Tell me if they played out.
A. They were the biggest set of rascals I ever saw. We got them together, and fed them, and clothed them, and shod them.
Q. Tell me how much they cost you.
A. It is incalculable; I cannot tell.
Q. How many clubs were there?
A. I do not know; we had one, and that was enough for me.
Q. How many members did you have in it?
A. We must have had a hundred almost.
Q. Did you clothe them?
A. Yes; clothed them, and fed them, and shod them; gave them spirits once or twice a week.
Q. Then they went and voted the republican ticket?
A. I expect every one did. * * * *
Q. From that time the democracy in this city has dropped the nigger?
A. Yes; you may be sure of that.

Mr. SMITH, of New York. Mr. Speaker, if our democratic friends in Louisiana had the statesmanship of Lord Dundreary they would have understood in advance that how these colored clubs would vote "no fellah could tell." By the census tables there were in 1870 in Louisiana 15,180 more colored than white voters. As I have said, no evidence has been taken in this case. The Senate committee, upon this same proof, find there was no election. What the majority of your committee say is, that for the House to seat Mr. Sheridan upon this proof without investigation would be a public indecency. We say that the proof which is before us establishes abundant probable cause for this House to put these parties upon their proof before either one is admitted to the seat. Now, sir, a part of the proof before us is the report of the supervisors of election in Louisiana under the enforcement act. There it is—[holding it up]—nearly one thousand pages in manuscript, every word of it pertinent, showing that though Governor Warmoth and his allies had abandoned the policy of violence and riot, they had adopted a more efficient method and resorted to the most desperate craft and strategy to carry that election. Here, sir, is more of it, eleven hundred pages of printed testimony, from which the Senate committee came to the conclusion that no valid election was held.

Now, what is the duty of the House upon this evidence? What is there upon which to seat either one of these parties? I call attention to the affidavit of Mr. Blanchard, who was the State registrar under Governor Warmoth, which is found in the report at page 12. This man Blanchard is by his own showing thoroughly steeped in infamy Probably, too, he was captured by the Kellogg party by foul means But he discloses a state of facts in that affidavit which is absolutely appalling. And yet, sir, within the rules of the common law which obtain in a criminal court of justice, the testimony is abundantly sufficient to convict the accomplices in his crimes. He is corroborated by so much evidence, at so many points, that no lawyer can read the testimony and examine the corroborative evidence, and escape the conviction that he tells the truth. It is a fact proved beyond a rational doubt that the grave-yards in New Orleans voted the fusion ticket. He gives, from documents, the exact number of dead men voting in every ward, and explains minutely how it was done. He adds, in speaking of the supervisors of elections, that the persons sent from New Orleans to the parishes in which they were to act, and men well known for their personal recklessness and unscrupulous character, and familiar with all the machinery used in manipulating elections and the powers conferred upon supervisors of registration by the laws; that said supervisors were instructed, verbally or otherwise, to impede in every possible manner the registration of colored voters, in such ways as closing their offices when large numbers of negroes were waiting for registration, alleging that they were out of blanks when in truth they were amply supplied; removing their offices to remote points; notifying only white men of their location, and giving no notice to the negroes; giving notice of the location of the office at one point and establishing it at another without notice; establishing polling places without due notice, and so as to facilitate the casting of a large fusion vote, and obstructing the voting of republicans, especially of colored men; that to further carry out the before-recited determination to carry the election at any risk, deponent, without authority of law, directed that a new and complete registration should be made in the parishes of East Baton Rouge, West Baton Rouge, Saint James, and Tangipahoa, each of which parishes was known to contain a large republican majority, and a large excess of colored over white population, on the pretext that the books of previous registration could not be found, said books having been previously purposely made way with.

Against this affidavit of Mr. Blanchard, General Sheridan presented to us a number of affidavits from these supervisors and commissioners of registration who are implicated, denying the allegation of their rascality. I will merely call the attention of the House to one of them. General Sheridan asked our committee to believe that this factotum of Warmoth in these election villainies cheated in this election, because Emile Holburn swears that Blanchard brought him a stuffed ballot-box the night before election, and he would not use it.

[Here the hammer fell.]

The SPEAKER *pro tempore*, (Mr. CROCKER in the chair.) The gentleman's time has expired.

Mr. SMITH, of New York. I understand that the gentleman from Louisiana [Mr. SYPHER] is to follow me, and I will ask him to yield me ten minutes and I will try and give him the same time in the closing hour.

The SPEAKER *pro tempore*. The gentleman from Louisiana [Mr. SYPHER] has the floor.

Mr. SYPHER. I yield to the gentleman from New York ten minutes, and I may ask the same courtesy at the close of my remarks.

Mr. SMITH, of New York. It was proved that Governor Warmoth's allies stuffed ballot-boxes in precincts where there was a strong republican majority with republican ballots, and when the returns came before the returning board they were rejected for the alleged fraud of republicans and large republican majorities were lost in this neat way. Mr. Blanchard testifies and gives details that the total vote which was given to the fusion party by fraud in the city of New Orleans was 6,737 votes. He further testifies, and he gives itemized details, that in the city of New Orleans alone the republican party lost in votes that were illegally excluded 3,010 votes, making frauds in New Orleans alone to the extent of 9,747 votes. Mr. Blanchard itemizes frauds in country parishes amounting to 9,314 votes. I cannot enlarge upon this point, but here is proof showing frauds to the amount of about 19,000 votes, according to the sworn testimony of the manager of this election. Most if not all his statements are sustained by almost irrisistible corroboration.

Now, sir, it is claimed that the majority for General Sheridan was about 10,000. There were four parishes returns from which were proved by the Senate committee to be forgeries and six parishes from which there were no returns. They gave Mr. Kellogg, according to the Lynch board, 7,275 majority. Now, take that from General Sheridan's majority and you have left but 2,611. Without taking time to read what I have before me in reference to the parishes of Caddo and Rapides, there were beyond question in these parishes alone fraudulent votes more than enough to have defeated the election of Sheridan.

Mr. Blanchard issued the following circular:

[Confidential.]

Mr. ——, *Supervisor of Registration, Parish of* ——:

In addition to the instructions contained in Circular No. 8 from this office, you are instructed—

1. In counting the ballots after the election, *count first the votes cast for presidential electors and members of Congress*, keeping separate tally-lists on the form (No. 1) provided for that purpose, and making up and completing the statement of voters for each poll upon form No. 1; then close the box, reseal it, and proceed in a similar manner until all the national vote has been counted. Then proceed with the counting of the State and parish votes, bearing in mind the fact that the United States supervisors of election and deputy marshals *have no right whatever to scrutinize, inspect, or be present at the counting of the State and parish vote.*

2. As soon as the count in each case is completed, telegraph the result to this office at once. Should there be no telegraph office at the court-house, dispatch a messenger by the quickest route to the nearest telegraph station.

3. The stationery, &c., furnished for each parish is to be equally distributed among all the polling places, and at least *one* copy of the election laws must be furnished to each poll.

Respectfully,

B. P. BLANCHARD,
State Registrar of Voters.

He sent Mr. Packard the following letter:

STATE OF LOUISIANA,
OFFICE OF STATE REGISTRATION OF VOTERS,
New Orleans, November 2, 1872.

SIR: In reply to your communication of date, I must respectfully decline compliance with your request to appoint one commissioner of election at each polling place, from the republican party, at the general election to be held November 4, 1872.

In regard to your second request, I have the honor to inform you that the list of polling places in this parish will be published in the official journal and other papers to-morrow, 3d instant.

Very respectfully,

B. P. BLANCHARD,
State Registrar of Voters and Supervisor of Registration, Parish of Orleans.

Hon. S. B. PACKARD,
President State Republican Committee.

If these papers be read in connection with the supervisor's exhibits, on file with the Clerk of this House, and the affidavit of Mr. Blanchard, the fraudulent purpose which they suggest is demonstrated, so far as it can be by *ex parte* testimony.

Again, take the eleven parishes of Assumption, Avoyelles, Catahoula, Jefferson, Point Coupee, Plaquemines, Saint Mary, Union, Orleans, Madison, and East Baton Rouge. By the returns of the Foreman board

Mr. Sheridan received in those parishes 34,624 votes against 17,000 democratic votes in 1870, an increase of 100 per cent. in eleven parishes. By the returns of the same board Pinchback received 24,160 votes in those parishes against a republican vote in 1870 in the same parishes of 35,533, a democratic gain in two years in eleven parishes of 26,649 votes.

I repeat that what the committee assert is, that this evidence shows probable cause, to warn the House against seating Mr. Sheridan until the allegations which are contained in this affidavit of Mr. Blanchard and these one thousand pages, more or less, of the report of the supervisors of registration in Louisiana are rigorously and mercilessly investigated.

Mr. Speaker, there is something at stake in this case besides the individual interests of these claimants. We cannot afford to encourage and invite these election frauds by lending ourselves to cover them. Even now they are undermining the foundations of our Government. If we would maintain our institutions, we must defend the elective franchise. I denounce indignantly the indecent conduct of the Kellogg party. It is said, and I believe, that this old election law has been re-enacted by the Kellogg legislature and is now in the governor's pocket. I believe that men are holding office to-day under Governor Kellogg who are infamous. But, sir, let the truth be told. They are more sinned against than sinning. The coal of their blackest deeds would make a white mark upon the character of Warmoth and his allies, as disclosed by the stupendous crimes in this election. The returns of the Lynch board, there is strong reason to believe, are nearer right than the returns of the Foreman board. I will never help by my vote to screen the villains upon either side. Let us hew to the line of rigorous justice. It it better that the people of Louisiana should be unrepresented in this House than that any man, however genial, eloquent, and popular, should be seated by the perjury and fraud of election officers.

Louisiana Contested Election.

SPEECH OF HON. L. Q. C. LAMAR,

OF MISSISSIPPI,

IN THE HOUSE OF REPRESENTATIVES,

June 8, 1874.

The House having under consideration the report of the Committee on Elections in regard to the Louisiana contested election—

Mr. LAMAR said:

Mr. SPEAKER: I began the investigation of this case with a decided leaning toward the action recommended by the majority of the committee, as it would have obviated a discussion which I would gladly avoid. But a careful examination of the evidence leaves me no escape from the conclusion that Mr. Sheridan is actually, fairly, and legally elected by a large majority. One single fact attracted my attention immediately upon looking at the record. According to the Lynch returns, on which alone his right can be contested, he outruns his own party by 4,600 votes, while his competitor, Mr. Pinchback, runs nearly 4,000 votes behind Kellogg's; thus making a difference of 8,000 votes in favor of Mr. Sheridan as between the two contesting political parties.

Now, sir, if these Lynch returns were worth any attention at all, and I admit that they are not, they show that Mr. Sheridan's right to his seat does not necessarily stand on the same footing with the other contests in Louisiana.

The committee are unanimously of the opinion, that the evidence in this case does not authorize them to report to this House that the election in Louisiana was void by reason of any alleged frauds committed therein. There was an election, legal and valid. At that election there were but two candidates for this seat. There was not a tie vote. Either Mr. Pinchback or Mr. Sheridan was elected, and one or the other of them is entitled to his seat. The committee are of the unanimous opinion that Mr. Pinchback is not entitled to the seat according to the evidence before them. Three of the committee, constituting the minority, are of the opinion that the evidence clearly demonstrates Mr. Sheridan's election. The majority report does not deny the fact of his election. It goes no further than to say that "the correctness of the legal returns which declare him elected is challenged by evidence abundantly sufficient to put the House upon inquiry before accepting them as conclusive."

Mr. Sheridan holds also the certificate of his election, regular and fair on its face, signed by the governor of the State, the undisputed governor, Warmoth. That document has a certain legal effect apart from the moral credence which may or may not attach to it as a statement of fact. He also placed before the committee Senate Report No. 457, third session Forty-second Congress. The admissibility of that report as evidence is abundantly sustained by all the writers on public law and on evidence, references to some of which will be found in the report I have submitted to the House. The witnesses examined by that committee and the records contained in this document were before the committee during the larger part of the time to which Mr. Sheridan was limited by law for taking his testimony, and were therefore inaccessible to him. That fact, together with the other fact that his contestant here never accepted the issue and never contested with him and has not till this day, except by an attorney arguing against the right of Mr. Sheridan, makes the introduction of this testimony not only admissible but evidently proper to guide us in our conclusions upon this subject.

From this volume of evidence, it is established that the original official returns of the election were brought before the Senate committee and that the result which the two boards arrived at were substantially correct. These returns show Sheridan to be elected by a majority of 10,614 votes. Their genuineness was unimpeached except by one witness, John Ray, who said that the names of the commissioners to four of them were forgeries. If this be true, and no explanation of it given, they should be stricken out. If that is done, the effect will be to increase Sheridan's majority.

It is true that a majority of the committee have attempted to throw some discredit upon the correctness of those returns by statements such as that, first, they were opened privately by Warmoth, which is not true; they were opened in the presence of the board, examined in their presence and under their direction, and canvassed in the same way; secondly, that these returns were certified to the same evening that the Forman board was elected by the Louisiana senate; which is another mistake, growing out of the date of the returns. It is true that when the work came to their hands the Forman board spent the whole night and until ten o'clock the next morning in comparing the tabulation with the returns themselves. Every test to which they have been applied has left them unimpeached and unimpeachable, so far as the correctness of the tabulation goes. They show 10,614 majority for the gentleman now applying for this seat.

Notwithstanding these small points made against these returns, it is nevertheless true that the committee have admitted in words that "the registration, the elections, and the returns," as reported by the Forman board, "were correct in perhaps a majority of cases." They go further and accept thirty-seven parishes, embracing more than two-thirds of the votes of the State, without question.

Now, sir, it is very important to observe that all these charges of fraud and irregularity are confined to thirteen parishes. With the exception of difficulties in registering and inconveniences to voters in two or three parishes, the charge of fraud is unsupported by the direct testimony of a single witness before the committee of the Senate or our own committee. The evidence, if it can be called such, consists in the reports of United States supervisors, (whose gross exaggerations and perversions of truth repel belief,) the *opinions* of disappointed partisans and defeated candidates and *ex parte* affidavits, many of them proved to be forged and nearly all of them printed beforehand. I repeat, all these charges of fraud are confined to a few parishes, just thirteen. The committee expressly accepts the Forman returns for thirty-seven parishes without challenge, and declares that perhaps in a majority of parishes the registration, elections, and returns were fair and honest. Now let us examine the process by which the committee gets rid of the evidence of Sheridan's election.

There are nineteen parishes challenged. One is Orleans, which is challenged on Blanchard's *ex parte* affidavit, and which is not worth wasting the time of this body to notice. Among the others are six parishes that were rejected by the Forman board, and rejected upon evidence which, in my opinion, ought to have controlled any board. There is not one particle of testimony to show that they were not properly rejected. Yet, sir, the gentlemen of the majority of the committee, on page 9 of the report, adopt the figures reported by the Lynch returns, and on the authority of these returns propose to deduct 3,172 votes from Mr. Sheridan's majority. Next they rejected on Blanchard's affidavit 1,623 votes from Orleans. The next is the parish of Saint Charles. What is the ground on which the committee bases its rejection of that return and strikes out 808 more votes? I will read the language of the majority, because I cannot do it justice otherwise:

The Forman board gave Pinchback in Saint Charles Parish 382 votes, and a majority of 272. But this same board (page 81) gives Kellogg 1,231; Antoine, for lieutenant-governor, 1,224; Deslondes, for secretary of state, 1,226; and Field, for attorney-general, 1,226. The Lynch board (page 203) gives Pinchback 1,225, just the vote which the rest of the republican State ticket received there, according to the returns of the Forman board, making his majority 1,080. Moreover, it is proved on page 148 that the Lynch board had full returns from Saint Charles Parish. This contest should be remanded, then, for further proof, or Mr. Pinchback should be credited with the difference in his favor between the returns of the Forman and Lynch boards.

That is the ground; because the Forman board show upon their return that Pinchback runs behind in Saint Charles Parish just as the Lynch board says he runs behind in all the State, they actually strike out the official return and put in the return of the Lynch board! In the Red River Parish, from which 650 more votes are stricken out, the case is precisely the same. Simply because Pinchback is shown to run behind his ticket, they discard the official return and put in the Lynch returns. Then, in De Soto, they strike out his vote and count in 1,190 votes for Pinchback, simply because in 1870 there was a majority for the republican candidate; and for that reason they count against Sheridan the vote of 1870. Such a method of correcting legal returns would reverse all the elections held this year in Ohio, Connecticut, New Hampshire, and Oregon.

But there are nine other parishes. For these they do not take the Lynch returns, but the vote of 1870. Why do they change the basis? Sheridan receives a majority in these parishes by the official returns, but inasmuch as "the correctness of these returns is challenged by evidence that demands investigation," the committee count against him the votes *cast in the elections held two years before.*

Why is not the basis uniform? Why do the majority count in nine counties the Lynch returns against Sheridan and in nine others the vote of 1870?

Mr. SMITH, of New York. Will my colleague on the committee [Mr. LAMAR] yield to me for a moment?

Mr. LAMAR. Yes, sir; but as the gentleman will have the right to the concluding speech, I hope he will be brief.

Mr. SMITH, of New York. I wish to say to the gentleman that the returns of the Lynch board are not referred to by us at all. We refer to the report of the chief supervisor of elections.

Mr. LAMAR. Do you not adopt the returns of the Lynch board for the six rejected counties?

Mr. SMITH, of New York. We do not.

Mr. LAMAR. Do you not adopt the Lynch returns for the county of Saint Charles and for Red River Parish? Your report certainly takes the figures of the Lynch returns for the six rejected parishes.

Mr. SMITH, of New York. Governor Warmoth swore that from three of those six counties there were no returns whatever.

Mr. LAMAR. I am not impeaching your action in refusing to accept the action of the Forman board, but I ask, why interpolate into the official returns those Lynch returns when estimating Sheridan's vote, after acknowledging their illegality in estimating Pinchback's vote? Saturated with fraud, begrimed with infamy, fabricated by men who each (save one) received a lucrative office, from Pinchback himself, as a reward for their abhorrent perfidy, when it is proposed to receive those Lynch returns as the evidence of Pinchback's right to a seat on this floor, the committee unanimously hurled contempt upon the miserable contrivance. The majority of the committee emphatically declares that the fact they are not returns is a notorious one and part of the history of the country. And yet the majority insists upon counting these cheating, fraudulent fabrications in order to defeat Sheridan's claim. They seem to have in the estimation of the majority but one office—to destroy, like eastern serpents which die in the act of biting, and breathe out their life in the wound made by their fangs.

I repeat, why not adopt a uniform basis in the parishes where you have rejected the official returns? I will tell you. Neither basis, taken by itself, will defeat Sheridan. Take the entire Lynch returns of the disputed parishes and eliminate the votes clearly illegal—the affidavits counted as votes—and Sheridan is elected. Or, on the other hand, substitute for the original returns the vote of 1870 in the disputed counties and deduct the vote which Pinchback falls behind his party, then, according to that estimate, Sheridan is elected.

I shall not follow the elaborate argument of the gentleman on the legality of the Lynch board. It is a secondary question, in view of the fact that they had no official returns to count. The question is, who received the majority of votes cast? The canvassing was mere machinery.

Mr. Speaker, I realize fully that the arguments I have been advancing and the arguments which I have been replying to are not the considerations which will control the action of this House. The remarks of my friend from New York, [Mr. SMITH,] and "the argument which followed in the same course after him about the wicked slaveholders' rebellion" and "the conspiracy in Louisiana to trample down the colored people of that State," show that connected with this simple contested-election case there is another question of a higher importance upon which the members of this House are fixing their thoughts and with reference to which their votes will be cast. It is a well-known fact that at the time when these gentlemen claim each to have been chosen as a member of Congress there was a general election in Louisiana; that at this election John McEnery and his associates were, by an actual count of the official returns of a legal returning board and as proclaimed by the legal governor according to law, declared to be actually and legally elected; that these persons, so elected, were invested with their respective offices and would be to-day in the peaceful exercise of the sovereign power of the State, but for their ejection by the military power of the United States Government.

It is also a notorious fact that a body of five men, claiming to be a board of returning officers, declared W. P. Kellogg and certain other men associated with him to be elected to the offices of the State government for which they were the respective candidates; that this declaration was based upon no actual count of official returns; that they had not a single official return before them; that the result at which they arrived was manufactured upon *ex parte* affidavits, most of them forged, oral statements, one-sided reports made contrary to law, and a conjectural "estimate of what the vote ought to have been" by a comparison with the votes at a preceding election, which election was admitted by them to be carried by frauds of the grossest character.

It is also a well-known fact that to fix them in power, which they could not otherwise have held for a moment among that people, a Federal judge, upon a bill to perpetuate testimony, issued an order enjoining the legal government of the people from exercising its legal functions, and decreeing the defeated candidates into the armed possession of the sovereign power of the State; in pursuance of which order Federal soldiers seized the capitol of the State, and inaugurated Kellogg and his legislature by force of arms and in defiance of law. Indignant as the members of this House must unquestionably feel at the wrongs perpetrated upon the citizens of Louisiana; aghast as they must be at the general overturn of all the safeguards of government, social stability and security, which the present condition of that State reveals, for some reason they recoil from casting a vote which may indirectly involve the repudiation of Kellogg's government or the recognition of McEnery's claim. There seems to be an apprehension that in the success of the latter there will be the reascendency of a system hostile to the interests of the republican party; that the McEnery government represents that class in the South which was engaged in the attempt to overturn the Government, and among which yet lingers the spirit of disunion and slavery; that its accession to power means the supremacy of the white race and the oppression, or at least the subordination and subjection in some form, of the black race.

I desire to remove these impediments to a decision of this case upon its merits.

I do not believe that the interests of the republican party are identified with the maintenance of that so-called government now fixed upon the people of Louisiana, or of the governments of a kindred nature in the Southern States. No party supported by the moral sentiment of the American people can long bear the responsibility of the infamy and disgrace which these grotesque caricatures of governments have brought upon the very name of republicanism.

Nor, on the other hand, is there anything in the character of the people of that State who elected McEnery, nor of the people of the Southern States, or anything in their history before the war, or since, which can justify on the part of Congress any suspicion of their designs in once more getting accession to power in their own States—nothing, sir, which should cause Congress to regard their restoration to the management of their own affairs as a menace against any of the results established by the war, against the safety of the black people of the South, or against the security of the so-called loyal men in that section. As this subject has been introduced into the discussion by the gentleman from New York, permit me, in order to disclose the real position and purposes of the original citizens of the South in their true light, to review the events of the last few years.

I am aware, sir, of the fact that the bare mention of these events is calculated to excite apprehension that something may be said to revive resentments and to inflame passion. I presume, I need not assure this House that such is not my purpose. I fear that the two sections can never obtain a genuine and permanently good understanding unless we speak to each other upon these subjects in a spirit of open-hearted frankness. Reticence and reserve persisted in will, it is to be feared, be productive of additional misunderstandings.

Mr. Speaker, in 1860 the presidential election, for the first time in the history of this country, placed the Federal Government in the control of a party whose organization, candidates, and voters were all confined to one section of the Union and animated by a common sentiment of hostility to the slavery institutions of the other section, whose leading policy was not only to exclude those institutions from the Territories, but also to use the powers of the Federal Government to the extent of its constitutional authority, to effect their extinction in the States throughout the Union. There is no proposition better settled than that the overthrow of the civil and domestic institutions of a people against their will, by a power external and paramount to their own, is, in effect, the subjugation and conquest of that people. To the southern people, therefore, was presented one of two alternatives: either to submit to the overthrow of their civil and political institutions or to change their political relations.

Early in 1861 seven of those States, by the action of the people thereof, withdrew from the Federal Union, and by the same authority established a common government, styled the Confederate States of America.

With this controversy between the two sections about the relations of race and labor other questions arose, among which was the one relating to the reserved powers of the several States and their relation to the Federal authority. One school asserted the doctrine of State sovereignty, and, as an incident, its right to secede from the Union. The other theory is that the nation, the United States, is the sole indivisible sovereign, and that the Federal Government is charged with the duty of using all its powers to maintain the national unity and integrity of the national domain. This last question antedated the foundation of our Government and remained unsettled till 1865, when it was adjudicated by a tribunal from which there is no appeal.

Such were the issues staked on the result of the war. Sir, can it be said that in such a conflict (in which questions as old as the Government had passed from theory into fact) between two great sectional organizations, whose armies, larger than those of the first Napoleon, stretching their line of battle across the continent and maintaining a war of four long years of alternate victory and defeat, the crime of treason could attach to either belligerent? I do not mean the technical treason that the fortunes of war give you the power to record against the southern people, but the moral guilt that lies in treasonable intent? They certainly did not conspire or attempt to subvert your form of government or to destroy your Constitution or to depose your rulers. When their secession was con-

summated they left the United States, the United States still, a great and powerful nation, with its extended sea-coast, its teeming population, its vast extent of territory, its mechanic arts, its commerce, its Constitution safe, its laws unobstructed, its administration unembarrassed, its magistracy, Federal, State, and local with unimpaired authority. Do not say, then, that we attempted to overthrow your Government; for there it stood, after we left you, one of the greatest and most powerful nationalities upon the face of the earth.

There was no dispute between the two sections about the form of government. Devotion to the Constitution, to the principles of American freedom, was the fountain at which both sections drank in inspiration for the stupendous war which they maintained. And when that war closed with defeat for the South and victory for the North the controversy was closed also. The result of that victory has been to embody in the Constitution two great principles—the legal indissolubility of the American Union and the universality of human freedom on the American continent.

But, sir, the North were not satisfied with these results. Holding that having plucked the black race from the shelter as well as the restraints of existing institutions, protection to that race was an imperative duty; and holding that they were further bound to fortify the results of the war against further disturbance and reaction into the organic law of the Republic, they adopted the thirteenth amendment, which was followed in quick and logical succession by the fourteenth and fifteenth amendments, for a stricter enforcement of which were superadded your reconstruction measures, whose pitiless provisions sunk the iron deep into the soul of the southern people. I refer to them not to complain or to arraign your policy, but simply to remind you how completely and effectually the logical results of the war have been interfused in the very elements of your national life. You have never comprehended how entirely the South realized that the fate of her labor system and her creed of separate State sovereignty were staked upon the issues of the war. From the day of the surrender of her armies to the present moment, in no part of her vast territory has one single hand of insurrection been raised against the authority of the American Union. Nowhere in the limits of your great empire has the national supremacy been maintained with such absolute omnipotence. Is not this fact of itself, unprecedented in the annals of civil war, occurring among a brave people, a sufficient gage of their fealty to your Constitution and laws? Have they not abided in good faith by your policies as you have successively established them?

Sir, my friend from New York read something from a Ku-Klux report and invoked from me either an indorsement or a repudiation of it. I cannot now give the language of that quotation, but I tell him, sir, that he was quoting not from a report of the democrats on that committee. It was the special report of a single member, for which the others should not be held responsible.

Mr. SMITH, of New York. The gentleman will allow me to correct him. It bears the signatures of eight democratic members of that committee.

Mr. LAMAR. If the gentleman will read the report he will find that those particular sentiments are those of one individual member, and not of the others.

Mr. SMITH, of New York. Those particular sentiments are repeated four, five, and six times over.

Mr. COX. I will say that they were the sentiments of Judge Van Trump. I was a member of that committee; we never read the report; it was the report of a sub-committee; and when it was made, several of us took occasion to disavow it. We never agreed to retrogression as to African slavery, but simply on the social question involved in it.

Mr. SMITH, of New York. I never heard that report retracted heretofore, and I am rejoiced to hear it now.

Mr. LAMAR. I am not indorsing or condemning the views or policy of either of the great parties. I think I can respond to the question of my friend more distinctly, than by repudiating or indorsing a detached sentence which, to say the least of it, is susceptible of different constructions. Mr. Speaker, upon a recent solemn occasion I announced on this floor that the southern people had not only submitted to but would abide the legitimate results of the late war. Sir, that sentiment has not met one dissent throughout the whole extent of the southern land. The occasion has been criticised by a few persons as not a proper occasion to utter it; but the sentiment itself is the all-pervading sentiment of the southern people. In reply to my friend from New York, [Mr. SMITH,] who has challenged me, I will distinctly enunciate what I conceive to be the position of the southern people on this subject.

Sir, the southern people believe that conquest has shifted the Union from the basis of compact and consent to that of force. They fully recognize the fact that every claim to the right of secession from this Union is extinguished and eliminated from the American system, and no longer constitutes a part of the apparatus of the American Government. They believe that the institution of slavery, with all its incidents and affinities, is dead, extinguished, sunk into a sea that gives not up its dead. They cherish no aspirations or schemes for its resuscitation. With their opinions on the rightfulness of slavery unchanged by the events of the war, yet as an enlightened people, accepting what is inevitable, they would not if they could again identify their destiny as a people with an institution that stands antagonized so utterly by all the sentiments and living forces of modern civilization. In a word they regard the new amendments to the Constitution which secure to the black race freedom, citizenship, and suffrage to be not less sacred and inviolable than the original charter as it came from the hands of the fathers. They owe allegiance to the latter; they have pledged their parole of honor to keep the former, and it is the parol of honor of a soldier race.

I repeat, your policy of securing the results of the war has reached its consummation.

There is no class of people in this country who have more liberty and who are more secure from the assaults of enemies than the colored people of the South. Every man, woman, and child of them can do precisely as they like without the slightest restraints from the whites.

Every black man of twenty-one years possesses a vote and exercises the same right and the same individual freedom as the wealthiest and proudest white man in America. *There is not a trace of privilege throughout the land.* Morally, mentally, politically, negro liberty is universal, thorough, and complete, and their equality before the law is without an exception. To go further is to make it a privileged race. Would it not be wise and statesman-like to pause before you push your policy to further extremes, and see the results of it as time will disclose them?

But, sir, is it true that in the establishment of the Union and the enfranchisement of the black men American statesmanship has exhausted its resources and absolved itself from all obligations growing out of the tremendous conflicts through which the country has passed? Is no regard to be had for the white population in these Southern States, to the seven million men in whose veins runs the blood of the races that uphold the Christianity and civilization of the world; a population in which reside the intellectual culture, the moral strength, the material interests, the skilled labor, the useful capital of that entire section, as well as its political experience; a population which, whatever heated partisans may say of it, has in every period of your country's history furnished its due proportion of Presidents for the Federal Republic, ministers in your cabinets, judges upon your bench, statesmen in your national Legislatures generals in your armies, and troops of unsurpassed bravery upon your battle-fields; a population whose leaders guided your country for sixty out of seventy years of her existence, and only fifteen years ago surrendered her to your control, to use the language of one of them upon that occasion, "without a stain upon her honor, matchless in her glory, incalculable in her strength, the pride and admiration of the world?"

But in a speech to which I believe by the rules of this House I am not allowed to refer more particularly, it is said, statesmen as they were, "they were engaged in a wicked rebellion to overturn the Government which was intrusted to their hands;" and "though they have surrendered their arms they are rebels still, cast in the mold of rebellion and cannot bend." "You can no more conciliate them by giving them back their privileges than you can conciliate the rattlesnake by restoring to it its fangs." And another, to which I am precluded from alluding, says that "things are in a bad way down in the South, but it is the legitimate fruit of their own misconduct. They have sown the wind and they must reap the whirlwind." "It is said that the black people have governed badly, and are of a lower order of intelligence; but give to me the lower order of intelligence that is loyal, rather than the higher order of intelligence that has derived its culture from the blood of the Republic."

Sir, the inevitable effect, if not the direct object, of such views will be to fix upon the Government a policy that works the degradation, humiliation, wretchedness, and torture, for its own sake, of the southern people. But I believe, sir, that this spirit is passing away even from the minds of my friends on the other side. It is condemned by the spirit of the age. You can find no sanction for it in the ethics of Christian or American statesmanship. And the authors of the sentiments might have learned even a nobler lesson from the allegories of heathen mythology. When Prometheus was bound to the rock it was not an eagle, the proud bird of Jove, but a vulture that buried its beak in his writhing frame. This is not the spirit which animated your northern people to war upon the South, nor was it the spirit that fired your brave men to follow McClellan and Grant and Sherman.

Sir, the issues of that war are well defined. The people of the South believed that if the States of this Union, whose institutions were so discordant that they could not live together under a common government, "part slave and part free," could divide into two great American republics, each pursuing its own destiny, the freedom, the progress, and the greatness of its own people, without interfering with the other, it would furnish the grandest example and the grandest argument in favor of free institutions that the world had ever seen. The North believed that such separation was death to the Americanism of government; that it was dissolution to the whole system, and it proclaimed and waged war to give effect to the principle that the people of each State and every section must pursue their freedom and their greatness and their glory only in the freedom and greatness and glory of the American Republic, which would make them freer and greater and more glorious than they could become in two separate confederacies. And the whole theory upon which your war was fought, was, that it was as much for the good of the southern people to fail in their cause of secession as it was for the good of the northern people to succeed in the cause of the Union.

If this be not so, then you must admit you were waging a war of aggression upon the southern people to bring them back into the Union for your own sectional aggrandizement, and the terms "constitutional liberty" and "American Union" were mere subterfuges. Assuming that it is your desire and your aim, having brought us back into the Union, to give to the southern people the blessings of good and honest government, to secure to them the prosperity and well-being that ought to be enjoyed in this great Union, I ask you, not by way of complaint—I ask you has such a desire been realized or such an aim been attained in that unhappy country?

I do not propose here to enter upon any detailed description of the condition of our people. I shall do so if the opportunity occurs on some future occasion. I prefer to-day to take the language of a northern gentleman, not because he is northern, nor because he is republican, but because when I first read his words they struck me as solid and thoughtful and wise, exhibiting a maturity of judgment and a tremulous anxiety for the welfare of his country which I did not expect from so young a man:

> For the last few years the infamy and disgrace of certain Southern State governments have been constantly on the increase. There have been corrupt electors and corrupt elections. There have been corrupt legislators and corrupt legislation. There have been double Legislatures, double governors, double Representatives in this House, and double Senators year by year in many States. There have been bad men in these States who have bought power by wholesale bribery, and have enriched themselves at the expense of the people by peculation or open-handed robbery. *Corruption and anarchy have occupied and possessed these unfortunate States.*

I read from a speech delivered by the gentleman from Maine [Mr. HALE] in 1872, at the second session of the Forty-second Congress. Now, Mr. Speaker, I have heard gentlemen allude, with some significance of manner, to the fact that the pains and penalties of treason have not been inflicted upon the South; that their leaders have not been hanged or exiled or subjected to confiscation. I ask you, gentlemen, can a greater calamity, a more awful curse be visited upon a people than to commit them to the possession of anarchy and corruption? Confiscation passes away with its victims and its authors; but anarchy and corruption entail ruin, wretchedness, and blood upon untold generations.

[Here the hammer fell.]

Many MEMBERS. Go on.

Mr. SYPHER. I move that the gentleman's time be extended.

The SPEAKER. If there is no objection, the gentleman will proceed.

There was no objection.

Mr. LAMAR. I was saying that confiscation is not the worst of evils when it is followed by good government, for then it gives you security for the present and a promise of guarantee for the future. But anarchy and corruption are the lingering death that brings decay with life enough to realize its own loathsome degradation.

We have, indeed, as a bare recital of facts—known to many and denied by none—would show, a condition there that even the eloquent words of the gentleman from Maine fail to depict. Language is inadequate to convey a distinct conception of it. There is, however, one mistake, which I must correct before I leave this topic. The evils of that condition are in no way, as is so often alleged, the result of a terrible civil war and the social convulsion produced by the abolition of slavery. Those States were far removed from the field of invasion, except for a short time, and to a small extent. They were never torn by civil strife until the desolating furies of peace came among them. They were not subjected to intestine commotions. They were united during all the war. But, sir, the border States, Virginia, Tennessee, Kentucky, Missouri, were the field upon which the great armies of the two sections met. They were the theater of the conflict. They passed through the same social transformations, and were besides ravaged by the war of factions locally intermingled. Yet those States, their affairs restored to the control of their own people, rebels as they were, have staggered to their feet, and are exhibiting a degree of prosperity and progress remarkable when compared with the blight and ruin of their unfortunate sisters farther south.

Why this difference? If I have not trespassed too long upon your time I will give you a brief analysis of the cause. Mr. Speaker, the point at which government affects most vitally the interests of a people for weal or woe is its fiscal action. "The fisc is the state," once said a great French statesman. The function of collecting and disbursing the revenues places the entire resources of a community at the command of those in whom it is vested. It has in all ages been the machinery by which arbitrary governments and those who rule them can plunder a people and raise themselves to the greatest degree of riches and splendor. According to the views of a great American statesman and profound thinker, (Mr. Calhoun,) even in the best-regulated governments, the action of this part of the system naturally divides society into two antagonistic classes—those who pay the taxes and bear the burdens of government, and those who receive the taxes and are supported by the government; the latter class being interested in swelling the revenues and expenditures to the highest amount, and the former in keeping them down to the lowest figure. There is but one principle by which the people who bear the burdens of taxation can keep themselves from being despoiled and ruined by those who impose and consume the taxes; that is the principle which will not permit taxes to be imposed except with the consent of the tax-payers—or, in other words, which makes the tax-consumers, the men who impose and receive the taxes, responsible to the men who pay them.

Such was the relation of these two classes of the South before the war. Men who imposed the taxes were responsible to the people who paid them. The consequence was, their governments were models of republican simplicity and prudential economy and virtue in the administration of affairs.

Sir, the events since the war have reversed these relations. When, in order to consummate your policy, you divided the southern country into military districts, your military commanders, distrusting the purposes of the southern people and knowing the negroes were incompetent to manage the affairs of government, called to their aid and installed into all the offices of the States, from the highest to the lowest, a set of men from the North who were strangers to our people, not possessing their confidence, not elected by them, not responsible to them, having no interest in common with them, and hostile to them to a certain extent in sentiment.

I am not going to characterize these men by any harshness of language. I am speaking of a state of things more controlling than ordinary personal characteristics. Even if it were true that they came to the South for no bad purposes, they were put in a position which has always engendered rapacity, cupidity corruption, grinding oppression, and taxation in its most devouring form. They were rulers without responsibility, in unchecked control of the material resources of a people with whom they had not a sentiment in sympathy or an interest in common, and whom they habitually regarded and treated as rebels who had forfeited their right to protection. These men, thus situated and thus animated, were the fisc of the South. They were the recipients of all the revenues, State and local. Not a dollar of taxes, State or local, but what went into their pockets. The suffering people on whom the taxes were laid could not exercise the slightest control, either as to the amount imposed or the basis upon which they were laid. The consequence was that in a few short years eight magnificent Commonwealths were laid in ruins. This condition of things still exists with unabated rigor in those Southern States. For when, by your reconstruction measures, you determined to provide civil governments for these States, the machinery by which these men carried their power over into those civil governments was simple and effectual. Under your policy generally—I repeat, my purpose to-day is not arraignment—under that policy you disfranchised a large portion of the white people of the Southern States. The registration laws and the election laws in the hands of these men kept a still larger proportion away.

But there was an agency more potent still.

By persistent misrepresentation a majority in Congress was made to believe that the presence of the United States Army would be necessary not merely to put these governments in force, but to keep them in operation and to keep them from being snatched away and worked to the oppression and ruin of the black race and the few loyal men who were there attempting to protect their rights. Thus was introduced into those so-called reconstructed civil governments the Federal military as an operative and predominant principle. Thus, with a quick, sudden, and violent hand, these men tore the two races asunder and hurled one in violent antagonism upon the other, and to this day the negro vote massed into an organization hostile to the whites is an instrument of absolute power in the hands of these men. These governments are in external form civil, but they are in their essential principle military. They are called local governments, but in reality they are Federal executive agencies. Not one of them emanates from the uncontrolled will of the people, white or black; not one which rests upon the elective principle in its purity. They have been aptly styled by a distinguished statesman and jurist in Mississippi, (Hon. W. P. HARRIS,) State governments without States, without popular constituencies. For they are as completely insulated from the traditions, the feelings, the interests, and the free suffrages of the people, white and black, as if they were outside the limits of those States. Where is the public sentiment which guides and enlightens those to whom confided the conduct of public affairs? Where is the moral judgment of a virtuous people to which they are amenable? Where is the moral indignation which falls like the scathing lightning upon the delinquent or guilty public officer? Sir, that class and race in which reside these great moral agencies are prostrated, their interests, their prosperity jeopardized, their protests unheeded, and every murmur of discontent and every effort to throw off their oppressions misrepresented here as originating in the spirit which inaugurated the rebellion. Sir, the statement that these southern governments have no popular constituencies is true, but they nevertheless have a constituency to whom they bear a responsibility inexorable as death. It is limited to the one point of keeping the State true and faithful to the Administration; all else is boundless license. That constituency is here in Washington; its heart pulsates in the White House. There is its intelligence and there is its iron will. I do not exaggerate when I say that every one of these governments depends, every moment of their existence, upon the will of the President. That will makes and unmakes them. A short proclamation backed by one company determines who is to be governor of Arkansas. A telegram settles the civil magistracy of Texas. A brief order to a general in New Orleans wrests a State government from the people of Louisiana and vests its control in the creatures of the Administration. Sir, even conceding that the decision in one or two of these cases accorded with the rights of the

people, there stands the startling fact that all the rights, peace, and security of those people hang upon the precarious tenure of one man's will or caprice. Is it wonderful that beneath the chill shadow of such a colossal despotism the hope and enterprise and freedom of that people should wither and die?

Mr. Speaker, my heart has on more than one occasion thrilled under the tributes of applause paid by northern members, who were Federal officers in the war, to the valor of southern troops and the fortitude of southern people during the war. Sir, if the conquest over self is the greatest of all victories, then that people deserve a still higher meed of praise for their conduct in peace; for, sir, they have borne unprecedented indignities, wrongs, oppressions, and torture with unexampled patience and dignity.

It is true, sir, that in some districts, for a time tortured, goaded, and wounded, there were neighborhoods in which misguided men rose up, sometimes disguised, and inflicted bloody retaliations. And like all such blind vengeance, the blow fell upon the innocent instead of the guilty, and it served only to call down upon the naked and defenseless heads of the people of the South the wrath of this Government, which misunderstood the outbreak, considering it as the indication of the temper of the southern people when it was only the indication of their agony. These outbreaks that flamed up here and there, without concert and irregular in their succession, were but signal-guns of distress.

Sir, the condition of these States is fully illustrated by the events in which this contested election originated, and but for which it would never have existed.

I have before me the House document referred to by the majority report. The official dispatches contained in that report show that the executive department of the Federal Government, by its own hand, in a time of profound peace, hurled out of existence the civil government of Louisiana—I mean the Warmoth government—which itself had recognized as legal and constitutional, and created another in its stead. We have often heard it said that all the President did in Louisiana has been to enforce the decisions of the courts. Sir, these dispatches show on the contrary, that the entire plan for establishing Kellogg's government by the military power was in advance communicated to the Federal authorities at Washington from the very first step to its final consummation in every detail, and that this plan received their full sanction and promised co-operation. Strong as this statement seems, you will be satisfied that it is simply just if you will briefly examine with me the record in this document.

On the 27th of November, 1872, W. P. Kellogg writes to Attorney-General Williams, in which he recites certain measures of Governor Warmoth, whose purpose is to have "the result of the recent election declared in favor of the republican party," letting fall, however, the remark:

> The details of his action in this particular you are probably familiar with; if not, some of our members of Congress who have just left for Washington will post you fully.

Then, referring to his application for an injunction against Warmoth, (of which the Attorney-General had been informed eight days before,) he unfolds the first step in his scheme of having himself and the other candidates who were rejected by the people of Louisiana installed in the offices of that State:

> I inclose herewith a copy of the bill marked E. This application is being now elaborately argued before the court, and I am of the opinion that the court will maintain its jurisdiction.

Now, sir, here is the whole case—the measures of Warmoth, the bill of Kellogg to thwart him, and Durell's anticipated action—all laid before the Attorney-General of the United States.

But what, sir, is the next step in the scheme? He informs the Attorney-General that "the supreme court is known *to sympathize with us and has incidentally passed upon the legality of our returning board.*"

Again he says:

> *Our* returning board being held as the legal returning board and as in nowise affected by the promulgation of the recent election bill, *may make the returns required by law, which will show the republican State ticket elected, and a republican majority in the Legislature.*

But he proceeds to disclose the third step in this monstrous scheme of perfidy:

> I ought to mention that the supreme court will next Monday pass upon the case of Bovee, ejected over a year from the office of secretary of state by Governor Warmoth, without any legal right or showing. *They will reinstate him in the office.* * * * Under the State election law the returns of the canvassing board come to the secretary of state and he makes a return of the members elected to the Legislature to the secretary of the senate and the clerk of the house, *who are both republicans.* You will at once appreciate the full effect of this point.

But, sir, all these steps accomplished, one more yet is indispensable to consummate the scheme of placing himself and his confederates in possession of the government of Louisiana. That final step he does not hesitate to propose. Here it is, sir, with the reason for making it prefaced:

> I say to you frankly that this fight is extremely distasteful to me, and I would be glad to get rid of the whole matter, but I feel bound, in the position in which I find myself, *to do all I can to avert a condition of things such as will inevitably follow the accession of the democratic party to power in this State.*
>
> I therefore respectfully suggest that General Emory, who I think *appreciates the necessity and sympathizes with the republican party here, be instructed to comply with any requisition that the United States courts may make upon him in support of its mandates and to preserve the peace.*

Sir, what is the response which comes from the law officer of the President's Cabinet to this disgraceful disclosure and this infamous proposal for his aid and co-operation in carrying it out?

I give it without a word of comment:

DEPARTMENT OF JUSTICE, *December* 3, 1872.

S. B. PACKARD, Esq.,
United States Marshal, New Orleans, Louisiana:

You are to enforce the decrees and mandates of the United States courts, no matter by whom resisted, and General Emory will furnish you with all necessary troops for that purpose.

GEO. H. WILLIAMS,
Attorney-General.

Sir, at once the plot began to be carried out, without the omission of a detail, in the precise order in which they are given beforehand to the Attorney-General of the United States.

Durell *did* maintain his jurisdiction. The supreme court *did* "decide *our returning board* to be the legal returning board." "*Our returning board*" *did* so count the returns, and that, too, without having a single one before them, as to show the republican ticket elected and a republican majority in the Legislature.

The supreme court *did* decide in favor of Bovee, and reinstated him as secretary of state. Bovee *did* make a return of the members elected to the republican secretary of the senate and the republican clerk of the house.

Durell *did* issue the anticipated mandate, and that mandate *was* executed by the United States troops under General Emory. Hear the result:

NEW ORLEANS, *December* 6, 1872.

President GRANT:

Marshal Packard took possession of State-house this morning at an early hour with military posse, in obedience to a mandate of circuit court, to prevent illegal assemblage of persons under guise of authority of Warmoth's returning board in violation of injunction of circuit court. Decree of court just rendered declares Warmoth's returning board illegal, and orders the returns of the election to be forthwith placed before the legal board. This board will probably soon declare the result of the election of officers of State and Legislature, *which will meet in State-house with protection of court.* The decree was sweeping in its provisions, *and if enforced will save the republican majority and give Louisiana a republican Legislature and State government, and check Warmoth in his usurpations.* * * * *

JAMES F. CASEY.

NEW ORLEANS, LOUISIANA, *December* 9, 1872.

Hon. GEORGE H. WILLIAMS, *Attorney-General:*

Senate, by vote of 17 to 5, have resolved into high court of impeachment. Senator Harris elected president of the senate, Lieutenant-Governor Pinchback being now governor.

S. B. PACKARD,
United States Marshal.

Have I not made good the statement that the legal and constitutional government of Louisiana was destroyed by the Federal Executive by military force? There was not a member of that lawless cabal who was not an officer of the Federal Government. And, sir, is it not manifest that these criminals would never have dared to do what they did but for the assurance given them of aid and co-operation from Washington? Would that besotted judge have dared to debase his court as he did if the Attorney-General, knowing beforehand what he would do, had not instructed General Emory to sustain his acts and enforce his mandates?

But, sir, that Government thus set up and put in operation had no power to sustain itself.

On the very first day of its existence it appealed to the President for military protection. It was a lifeless thing, incapable of movement except when galvanized into action by the military power which created it. Here is the appeal:

NEW ORLEANS, *December* 9, 1872.

President GRANT:

Having taken the oath of office and being in the possession of the gubernatorial office, it devolves upon me to urge the necessity of a favorable consideration of the request of the General Assembly as conveyed in the concurrent resolution of this day telegraphed to you, requesting the protection of the United States Government. Be pleased to send the necessary orders to General Emory. This seems to me a necessary measure of precaution, although all is quiet here.

P. B. S. PINCHBACK,
Lieutenant-Governor, Acting Governor of Louisiana.

What do they want protection against—violence? Not at all, for he expressly declares "all is quiet here;" and on the next day he telegraphs "I do not regard any outbreak imminent." What is it, then, that causes these conspirators, in the very moment of their success, to tremble and to send eight dispatches in one day urging the President to recognize them and to send the military of the United States to protect them? You will find the cause in the following dispatch. It seems that the ghost of the murdered legal government will not down at their bidding:

NEW ORLEANS, *December* 11, 1872.

Hon. GEORGE H. WILLIAMS,
Attorney-General, Washington, District of Columbia:

The Warmoth legislature are now in session at the city hall, in defiance of the restraining order of the court.

S. B. PACKARD,
United States Marshal.

But what possible danger can possibly arise from the mere meeting of a body of men divested of all official authority if "no outbreak is imminent?"

The true danger is revealed in this dispatch, sent on the same day:

NEW ORLEANS, *December* 11, 1872.

President GRANT:

Parties interested in the success of democratic party, particularly the New Orleans Times, are making desperate efforts to array the people against us. Old citizens are dragooned into an opposition they do not feel, and pressure is hourly growing; *our members are poor and adversaries are rich, and offers are made that are difficult for them to withstand. There is danger that they will break our quorum. The delay in placing troops at disposal of Governor Pinchback, in accordance with joint resolution of Monday, is disheartening our friends and cheering our enemies.* If requisition of Legislature is complied with all difficulty will be dissipated, *the party saved*, and everything go on smoothly. If this is done, the tide will be turned at once in our favor. The real underlying sentiment is with us if it can but be encouraged. Governor Pinchback acting with great discretion, as is the Legislature, and they will so continue.

JAS. F. CASEY, *Collector.*

Well may this Federal collector characterize as "our quorum" this miserable contrivance that needs the presence of United States troops to prevent its dissolution from sheer imbecility and poverty.

But, sir, the legal government of Louisiana, though disseized of its capital and deprived of its insignia of political authority, still asserts its existence and its right. In the name of justice to an outraged people it lifts its voice in imploring invocation to the President at least to give their cause a fair hearing through the governor of their choice and a committee of a hundred of their best citizens. Here is the response they receive:

DEPARTMENT OF JUSTICE,
December 13, 1872.

Hon. JOHN MCENERY, *New Orleans, Louisiana:*

Your visit with a hundred citizens will be unavailing so far as the President is concerned. His decision is made and will not be changed, and the sooner it is acquiesced in the sooner good order and peace will be restored.

GEO. H. WILLIAMS,
Attorney-General.

Sir, can anything be more imperial in its tone than this? The President's decision is made and will not be changed! He does not want to hear from the people! Let them acquiesce in his decision. But, sir, they came in spite of this imperial ukase. An investigation in Congress began. The conspirators shrunk from the threatened exposure; they began to talk of a compromise with the government they had subverted—a compromise which promised at least peace and tranquillity to the State. But, sir, the idea was discountenanced. The following private dispatch was sent, and afterwards got into the papers:

WASHINGTON, *February* 26, 1873.

T. W. DEKLYNE, *Deputy United States Marshal:*

Tell Kellogg to keep his shirt on. His talk of a compromise only irritates authorities. The only compromise is for members elected to go in and take their seats in the Legislature, and that excludes all contest. The McEnery government *must be broken up as soon as Congress adjourns.*

S. B. PACKARD.

This command was obeyed to the letter. All thought of compromise was abandoned. After Congress adjourned "the McEnery government was broken up" and dispersed by a brigade of metropolitan police backed by the United States troops.

Mr. Speaker, the real issue pressing upon us for decision did not originate with this Louisiana case. It underlies our political system, and in its results we are to find solved the great question of self-government; not for the South alone, but for every part of the Union. I know, sir, that in the blind fight of factions the great peril is lost sight of in the presence of the evils that more immediately affect the contestants. But there is that involved in the real issue which is of infinitely greater importance than questions of races or the material interests of many generations.

The antagonism of races, as to the cause of which I differ so widely from my friend from New York, [Mr. SMITH,] cannot last always. With thirty-seven millions of white people, increasing not only by the ordinary laws of population, but by the tides of immigration pouring in from Europe, to only four million of blacks continually falling off in its percentage of growth, with no supplies from any foreign sources, it does not call for a scientist to calculate how long it will take for the weaker and smaller race to disappear before the more populous and stronger.

So, too, the prosperity of the South may be utterly destroyed, and with it no small part of that of the North, whose present distresses are in my opinion not so much due to the contraction or expansion of the currency, as to the rapid closing up of the North's best market and the impoverishment of her best customers. But, sir, the land and climate of the South will still remain, and, long after we have passed into oblivion, her deep rich soil will respond to the wants of humanity, and the great Mississippi will bear whole continents in solution to the Gulf, depositing and creating wider and richer fields for cultivation.

But the people of the United States cannot afford to have destroyed the principles of constitutional government and representative liberty. I need not waste your time nor my strength in eulogies upon our political system. What it was previous to the late war we all recognize and rejoice over. What it is to be we cannot tell, for we are in the midst of one of those great political transitions in which a people, deceived by the retention of the form, are in danger of losing the substance of free government. Because their rights and liberty have to be won by bloody and violent struggles, it is difficult for them to realize that those very rights and liberties may silently disappear through the subtle, insidious usurpations of power and the unseen and covert attacks of political chicanery and fraud. Yet such has been the history of the failure of republican institutions in all ages.

Were not this so, the wrongs, the usurpations, and the undisguised tyranny so forcibly depicted in the record I have just read were not possible. That which has happened to Louisiana, Texas, Arkansas, Alabama, and South Carolina originates in an abuse of power that is applicable to Massachusetts, New York, or Ohio. The appeal I make for my own unfortunate section I make for the entire people of the United States. In what I have said I mean no assault upon the character of the President. It is the system which I protest, a system which is not merely centralizing all powers in the General Government, but is also permitting one department to usurp and hold them to the utter ruin of the other two. I deplore the acquiescence of Congress in these usurpations.

There are in our Constitution important checks upon presidential power and ample and efficient means by which Congress can protect the States and people against the unconstitutional action of executive administration.

It is only the consent of Congress that makes it possible for the will of one man to wipe out all State authority, and with that authority all vestige of free government.

Louisiana Contested Election.

SPEECH OF HON. P. B. S. PINCHBACK,

OF LOUISIANA,

IN THE HOUSE OF REPRESENTATIVES,

June 8, 1874,

On his right to a seat as Representative at large from the State of Louisiana, as against the claim of Hon. George E. Sheridan.

Mr. PINCHBACK, (contestant.) Mr. Speaker, I appear under great disadvantage, from the fact that I have not had an opportunity of acquiring that knowledge which would enable me to indulge in such high flights of oratory as the distinguished gentleman who preceded me. The remarks of the gentleman from Mississippi [Mr. LAMAR] were expressed with a beauty and a power such as I have scarcely ever heard before; but his argument I came near saying was full of sophistry. I will not, however, be so harsh as that; but it was the more calculated to deceive, because it seemed to come from a spirit of conviction and of honesty. Sir, there is no argument so fraught with evil, so fraught with the power of deception, as that which seems to emanate from an honest purpose and an honest conviction. I have no doubt but the argument of the gentleman from Mississippi sprang from a heart as pure and as unsullied as was ever found in the breast of man. I am willing to admit he religiously believed every sentence he uttered, but I beg respectfully, notwithstanding, to differ from him in his premises as well as in his conclusions. I will take them up, however, later on in the discussion.

I propose first to bring the House to the direct question at issue. You have not, Mr. Speaker, permitted us to express our opinions on this floor for a display of oratory, however entertaining such displays may be. I understand the House desires to get at some of the facts which underlie this question.

What are these facts? If this report of the committee has shown the House any single thing, it is in the first instance that I am entitled *prima facie* to a seat in this body. I am told by some of the best legal minds in this Capitol that it is a well-established rule in the House where the member has a *prima facie* right, that right holds good on its merits until it is overturned.

But, I repeat, what are the facts? These gentlemen say I present myself before the House on credentials coming from myself as acting governor of Louisiana, and they go on to say myself and friends have shown a lack of interest in this case because we have not prepared the evidence to meet the case properly before the committee. They fail to recognize this other important fact of history that, after my election as Congressman at large, I was elected *by the Legislature of Louisiana, which had been and still is recognized by the President of the United States* through the Attorney-General as the legal Legislature of that State, to a seat in the United States Senate and have been and am now contending for a seat in that body.

This fact, I am told, sir, has been used both in the committee and on the floor of this House to prejudice the House against the recognition of my claim upon the flimsy, the false, and the absurd idea that I in some manner acted contrary to the dignity of this House when I saw fit to make application for a seat to which I had been chosen in the Senate of the United States and at the same time contest for a seat in this House. Why, sir, let me ask any republican member of this House or any democratic member whether if he had been in my position, elected on the 4th day of November to the Congress of the United States by a popular vote of his State, and his State had subsequently elected him to the Senate of the United States by what was recognized as the legal Legislature thereof, would he have done otherwise than I did; whether the gentleman would have been so patriotic and considered the dignity of this House so far above that

of the Senate as to have said "I will not take the seat in the Senate, I will take the seat in the House?" If this House is composed of gentlemen of that character I am frank to admit that they are more disinterested patriots than I have yet found in my brief political career. The rule adopted by all those I am acquainted with has been to take the best office they could obtain. And if I follow in the footsteps of my illustrious predecessors I suppose they must attribute it to the characteristic which they are pleased to ascribe to our race, that of being imitative, and say I have simply imitated them. Now, sir, I do not believe there is a single member of this House who situated as I was would have acted in a single particular otherwise than I have done as to this preference.

Mr. Sheridan comes before this House without any claim whatever. He has not even a *prima facie* case. He has no authority before this House, on the admission of the committee itself, to show that he is entitled to a seat, except so far as the report of the minority goes. And why? Why, sir, the only authority that he has brought here, in the language and by the admissions of the committee, is a certificate—from whom? From ex-Governor H. C. Warmoth, which certificate was made, it appears, on the 4th day of December, when the report of the committee abundantly shows that no promulgation of the vote for Congressmen at large of the State had been made until the 11th day of December—seven days thereafter. Now, I would like to know right here how Governor Warmoth obtained the extraordinary power of ascertaining seven days before the result was declared by the returning board the vote which Mr. Sheridan obtained. It appears to me that it is a problem which would puzzle some of these gentlemen here. I would like to ask any member of this House coming from a well-regulated State whether in your State any man could foretell seven days before the return of your vote the exact number of votes you were to get as a member of this House? If the House needed any evidence of the manifest tampering with these returns on which they base so much, I think it is found in the fact that Governor Warmoth gave this certificate seven days before the promulgation, with the exact result of the count of the votes Mr. Sheridan had received. I say, then, Mr. Sheridan has not even a valid certificate. If Governor Warmoth was the undisputed governor of Louisiana today, the certificate issued in that manner is illegal, null, and void. What is the law of Louisiana, sir, upon that point? In the Digest of the Statutes of Louisiana, section 33, will be found this language:

> As soon as possible after the expiration of the time of making the returns of the election of Representatives in Congress, a certificate of the returns of the election for such Representative shall be entered on record by the secretary of state, and signed by the governor, and a copy thereof, subscribed by said officers, shall be delivered to the person so elected, and another copy transmitted to the House of Representatives of the Congress of the United States, directed to the Clerk thereof.

That is the law, sir. It does not say that *before* the promulgation of the returns the governor is authorized to *guess* out the result and make a certificate for his men that they may run here ahead of the legal Representatives and get a *prima facie* case, as was done with indecent haste, it appears to me, in the case of Mr. Boseman, from the fifth district.

But it is said that the governor shall give his certificate "as soon as possible" *after* the result of the election is ascertained. He has no choice; the duty is mandatory. And being in the position of acting governor of Louisiana, when the time arrived I made out the certificates of the returns of the several persons who had been elected to the Congress of the United States; and unfortunately I am afraid the duty devolved upon me of certifying to my own election.

But let us see whether those certificates are worth anything or not. I have heard some gentlemen say that by reason of all the disturbances down there of which they had to take judicial cognizance these certificates are not worth anything. If that be the case, I ask by what authority do Mr. MOREY and Mr. DARRALL sit upon the floor of this House? They hold the certificates of P. B. S. Pinchback, acting governor of Louisiana, which is the only evidence they have presented and upon which you speedily admitted them; and they sit here to-day with their seats uncontested.

It is urged that my certificate, by reason of the irregularities charged, does not carry with it a *prima facie* right. I think the seating of those two gentlemen shows the absurdity of such reasoning, because if it did not convey at least a *prima facie* right, how in the name of common sense could the House seat Mr. MOREY and Mr. DARRALL? But, sir, the House has gone further than this. On the 3d day of December, I think the second day of your session, a resolution was offered in this House to the effect that J. HALE SYPHER, LIONEL A. SHELDON, and P. B. S. Pinchback be declared *prima facie* entitled to seats on this floor, and the House, on a vote taken by yeas and nays, by a very large majority declared that J. HALE SYPHER was entitled to a seat *prima facie*. The question had been divided, and swiftly following that vote came a motion that LIONEL A. SHELDON was also entitled to a seat *prima facie*, and both these gentlemen were seated. It must be remembered right here, and it is important that republican members should take cognizance of the fact, that in seating Mr. SYPHER you seated what was considered the very worst case from the State of Louisiana, and I have heard several members declare that if Mr. SYPHER was elected, then the whole team was elected. You accorded that gentleman his seat on a *prima facie* right; I now propose to hold you to your ruling. If Mr. SYPHER and all the other members of the delegation are entitled to seats *prima facie* with precisely the same credentials presented by myself, there can be no question as to my right *prima facie* to a seat in this House. I ask the House to preserve its consistency. Do not discriminate between citizens in Louisiana. I say that if you refuse to accord me the *prima facie* right to the seat, you make "flesh of one and fish of another." You cannot dodge this question; it comes up face to face and teeth to teeth, and you must meet it.

Sir, I demand simple justice. I am not here as a beggar. I do not care so far as I am personally concerned whether you give me my seat or not. I will go back to my people and come here again; but I tell you to preserve your own consistency. Do not make fish of me while you have made flesh of everybody else.

My friend General Sheridan lays great stress on the assertion that I ran behind my ticket. How he arrives at that extraordinary conclusion I am at a loss to know. The contrary will be seen by a glance at the Foreman returns, and I propose to make the Foreman returns the basis of my contest for the sake of argument, as the gentleman swears by those returns. Now I say that I ran ahead of every colored candidate on the republican ticket. That is a point that I am afraid my astute friend overlooked. He has taken as the basis of his remarks the returns of a board which he admits are of no account whatever. He declares that the Lynch board had no authority whatever on which to base any count. Well, I will not debate that question. I take the returns of the Foreman board, and I will show that his assertion that I ran behind the ticket is false in every particular. Here is the condensed vote:

Kellogg	55,973
Antoine	53,194
Deslonde	53,594
Fields	54,848
Clinton	54,479
Brown	53,558
Pinchback	54,402

This shows that I received 808 votes over every other colored man on the State ticket, and ran only about 1,000 behind Mr. Kellogg himself.

Now, these are the returns the gentleman boasts of. I might add right here, since the gentleman took advantage of his position to give me a little poke in the ribs, that in every parish that I canvassed I was assured by the white people that they would vote for me in preference to a carpet-bagger, that they knew I had an interest in the State, and would either vote for me or not vote at all; and instead of my running behind my ticket, it seems to me that he ought to have run behind his.

But there are other reasons why the gentleman might be expected to run behind his ticket. His democracy, if indeed he has any—I do not know where he stands, although I have asked him several times—but his democracy was of such recent date that I do not think his friends had much respect for it. I think he has rather been used by others. They knew that he was gifted with oratory, that he had the power of indulging in oratorical flights and of rounding his periods eloquently, and they placed him on their ticket for that purpose rather than for any merit he possessed.

But there is another important point to which I want to call the attention of the House, and especially do I desire to appeal to the republican members in regard to it. The gentleman said he would make no partisan appeals. He might easily make that statement, because he has no partisan record. He has not been a consistent member of any party, and consequently he can make no partisan appeal.

But, Mr. Speaker, I have a clear and unimpeached party record. From the first day when you clothed me with the right to vote to the present, I have voted at every election the straight republican ticket. And what is more than that, I have done that in Louisiana which few men have done in any portion of this country; I have shown on several occasions that I held party success above personal interest. I will introduce an incident in the party campaign of 1872 in Louisiana that confirms this statement. You all remember the celebrated railroad race which was alluded to by the gentleman from New York, [Mr. SMITH.] How did that race come about? On that hangs a tale which, if I had time, I would like to tell. Right there will be found the cue to the whole of this contest. In the summer of 1872 the republican party was apparently hopelessly divided; two full tickets were in the field, headed respectively by William Pitt Kellogg and myself. No man in Louisiana will deny that my ticket was supported by a large number if not a majority of the republicans of that State, and yet for the sake of republican success, both in my State and the country, I agreed to terms of compromise among the contending republicans which necessitated the withdrawal of my candidacy for governor. It is always charged that I am not trustworthy, not reliable, if I dare to complain of the bad faith of some of my republican associates; and any attempt to expose their perfidy is held to be a betrayal of the republican party. This class of men have made all kinds of assaults on me; they have paid public journals, employed persons at heavy cost to write me down, and they have published papers in my own State to defame me; and if I complain, they say that I am trying to break up the republican party. If I strike a blow in defense of the colored man's interest, they say I am false to the party. These insidious attacks have lost their force. I recognize the fact that I am a full-fledged American citizen, and from this day on I propose to do that which I conceive to be right, no matter whether it subserves republican or democratic interests.

My faith in the republican party is as strong as any man's can be. I have given evidence of that fact. I gave evidence of it when I came down from the head of a ticket supported, I think, by a majority of the republican voters in Louisiana for governor, and which was very forcibly alluded to by my friend, General Sheridan. In that I showed a spirit of concession and a desire for unity, harmony, and republican success which few men in this country had shown. I did not stop here, but I started out in the country to keep the republican party in the great national contest. The national republican committee seemed to think that my humble services would be available for some good, and they invited me to come North in time to take part in the campaign in Maine. I accepted their invitation, and made several speeches in the interest of the republican ticket in that State. On my return to New York I met Mr. Chandler, secretary of the national committee, and told him the condition of things in Louisiana. I said unless by some means the iniquitous registration and election laws were stricken from the statute-books of Louisiana Governor Warmoth would count in the fusion ticket. He asked me how it could be saved, and I told him that there was but one way on earth; that was for me to take my life in my hands and start for New Orleans, and if I got there before Governor Warmoth I could save it. That is where the great railroad race came in. He asked me if I was willing to undertake it, and I said that I was willing to undertake anything that would save the republican party. I knew the dangers I should encounter, but was brave enough to risk it. My friend Warmoth, who is as full of tricks as a cat is of lives, managed to get control of the telegraph and railroads, and anticipating that I would expect telegrams from Mr. Chandler, arranged at Canton, Mississippi, an ingenious plan to defeat me. When the train stopped at that place the conductor awoke me from a slumber, and said "There is a dispatch in the telegraph office for you." I naturally rushed out of the car into the office for the telegram, presuming that the conductor would wait a moment for me. Upon entering the office the door was closed behind me and locked upon the outside—by the merest accident, of course. By the time I got out of the office the cars were miles on their way, and I consequently foiled in my object. I venture to say that had I been successful, Louisiana would have had a fair election, and this case would not now be before this House, and much of the disgrace resting upon our State would have been averted.

I now come back to the point I left, and to which I desire to claim the especial attention of the republican members of the House. I say that you have in every single instance recognized the certificate which I present here as *prima facie* right to a seat on this floor. I have been told by the best legal talent which I can command that the *prima facie* right carries with it all the merits of the case until overturned. Upon that ground I contend that I am entitled to a seat on the floor of this House.

If the House shall vote to adopt the report of the majority of the committee, I have no complaint to make. I accept the report, and desire the fullest and completest examination into this whole question. I am further strengthened in that desire because I find that the committee in their report use this language:

> If this case be remanded for further proof and be fully developed, the result, there is reason to believe, will either demonstrate that the Kellogg government is rightfully in power or will furnish the proof that it is a usurpation.

I find much comfort in these words, for they are conclusive proof that the trouble in this contest rests upon the validity of the Kellogg government.

I desire to know whether that government represents the majority of the voters of Louisiana or whether it is a usurpation? Therefore I am in favor of the report of the Committee on Elections. I would ask as a special favor to myself that that report be adopted. But in the mean time I contend that if you would be consistent, you must accord me that *prima facie* right which you have accorded to every other member upon my certificate.

But if you are not satisfied with my certificate, the committee has in its possession another certificate forwarded here by Governor Kellogg, a certificate made from a transcript of the returns now on file in the office of the secretary of state. If you can find any such returns there in favor of my friend, Mr. Sheridan, and if he can get such a certificate, I will waive my right. But he has nowhere on file any record of his election.

Now, sir, I want to take up two or three points of the argument of the distinguished gentleman from Mississippi, [Mr. LAMAR,] and I desire to say that I differ from him with reluctance, because I believe, as I said before, that he was sincere in what he said. I know something of his record in his State. He bears the character of an honest, fair-minded southern gentleman, and I am frank to admit that if there is any class of men on the face of the earth for whom I have great personal respect it is that class of gentlemen. Therefore I differ with him with a great deal of regret.

The first point I purpose to notice is his statement that there is only a contest in twelve parishes. Of course that would strike many members as extraordinary. But I say to the republicans here that if they will turn to the records they will ascertain that these twelve or thirteen parishes are all strong republican parishes. You will not find any contest in democratic parishes, because it was not necessary in those parishes to cheat in order to get a democratic majority. But you will find that every one of the contested parishes is largely republican. They had to get up a contest, they had to get up charges of fraud, they had to get up something of that kind to make up a democratic majority, or throw out the parish, which amounts to the same thing.

Now, if you wish to have a fair statement, I ask you to turn to the record. I ask you to go over the records of Mr. Foreman and his colleagues; and you will find that every parish in which these gentlemen have failed to make reports or in which they contend there is a contest, has a large republican majority. I ask any republican on this floor whether this of itself ought not to be sufficient evidence of fraud.

Another thing struck me as being very peculiar. The gentleman from Mississippi said that this report proposed to kill Sheridan, but did not intend to seat me. Now, I can scarcely conceive that that is correct, and yet I know from the remarks of gentlemen that I have heard—gentlemen probably who did not know me—that there is some kind of an undercurrent at work in this House. I heard one gentleman say that he intended to vote against me; but I will not tell the House the reason he assigned, because it is too ridiculous. But he assigned a very extraordinary reason why he proposed to vote against me and for Mr. Sheridan.

I repeat, I am not arraigning the committee, because it has done just the thing I desired. I want a full investigation. But I do hope that no republican will for any reason allow himself to be prejudiced against admitting my claim at least on the *prima facie* case. I say that to do so is unmanly and unjust, not only to me as an individual, but to the State of Louisiana. It is unjust to Louisiana, because as long as these contests are kept up both here and in the Senate I am made the instrument by which the sovereign State of Louisiana is deprived at this crisis of her life of two votes in the national Congress. I protest against it in the name of the whole people of Louisiana. I say that a speedy solution of these questions ought to be had without any respect to my personal inclinations.

This House must not be biased by anything that may happen at the other end of the Capitol, and which in no way concerns the question here. The question here is, "Am I entitled to a seat?" If so, it is the duty, I take it, of republicans here to so declare and allow me to be admitted to represent Louisiana, or else let me go about my business.

Gentlemen apparently fail to understand that I have some individual rights in regard to this question. Such of them as have spent much time here know what it costs to live in the city of Washington. They know what it costs to travel on railroads unless you have a free pass, which I do not happen to have; I never have had one in my life, and I never expect to have one. There is something due to me as a humble individual, a citizen of this great country. I want you to determine this question upon its merits and in the interest of fairness and justice. I hold that inasmuch as you have seated every other member from the State of Louisiana upon the self-same paper which I present, you are in justice compelled to seat me. There must be some party fealty and some fair play.

One other very important point was made by the gentleman from Mississippi. He stated that no party can sustain the iniquity, the rascality, the corruption, and the fraud of the southern governments. Now, have the members of this Congress, have the people of this country, ever stopped to consider what was after all the true cause of all the evils that are now the subject of complaint in the South. I know not what is true of the other Southern States, but I can state here, without fear of contradiction, that in the State of Louisiana the responsibility is largely upon the democracy. I can show here by irrefutable facts that in the first election held under the reconstruction acts the democracy of Louisiana, entertaining the insane idea that Seymour and Blair could be elected, treated the reconstruction acts as a nullity, and in many portions of the State instigated and thrust forward the most ignorant colored men that could be found for election to the constitutional convention, with the view of making that convention a farce; and in order to make success certain they put no competing candidates in the field. Of course these men were elected, held seats in the convention, in which they voted with their friends. The constitution was framed, submitted to the people, and ratified. The illiterate men returned home successful statesmen, and from that day to this nearly every man in Louisiana has felt himself every inch a statesman, and from this policy has arisen in a great degree the ignorance that has found its way into the public offices of our State.

But that is not the worst of it. In many instances this policy has been resorted to by white republicans when they have found a colored man with intelligence, cultivation, and sagacity, that they disliked and desired to destroy. The colored people have begun to understand this trick and to appreciate intelligence among their class, and to realize that they are held responsible for bad governments in the South; and I say if you will let them alone and only treat them with fair play, encourage them when they make an effort to do what is right, they will work out their own salvation. When they understand that all bad laws, all peculations, iniquities, frauds, and corruption which are charged upon these governments will at last be laid upon their shoulders and they will be held responsible for the same, in my judgment they will be swift to move in the right direction to rectify any wrongs which may exist by the selection of honest, intelligent, and competent men to administer the affairs of the Government.

Mr. Speaker, you will find the outcropping of this desire in Louisi-

ana to-day. You will not only find it there, but you will find it in Tennessee, in South Carolina, and wherever else in the South you may choose to push your investigations. What they require is that you shall encourage them in these laudable efforts toward reform. You should be the first to encourage them to do what is right. Do not tell them to follow blindly after this man or that man or the other man. Do not tell them that if they in the exercise of their rights dare to assert their manhood and elect from among their own people intelligent, honest, and capable men to fill a fair proportion of the offices it will destroy the republican party and lay them open to the charge of negroizing the South. I contended, Mr. Speaker, from the very outset that republican interests would be advanced by honest governments in the Southern States as well as in the Northern States, and honest governments in the South you will get just so soon as the colored people understand you will hold them responsible for the same, and not the men they elect.

Gentlemen on the other side have told us that the white people of the South accept the situation. I thought they had, at least I began to think they had, just before the last general election. It was believed at that time that I was inclined to favor the liberal republican movement in Louisiana. These gentlemen then began to find out that I was not so bad as they had been in the habit of charging. They had prior to this alleged that I was a fire-brand, that I was corrupt, and that I was everything that was bad; just as they say about republicans generally. But when they thought that I was inclined to democracy through the liberal republican party, and would accept a place on their ticket, the fusion convention of Louisiana tendered to me the unanimous nomination for Congress from the State at large on their ticket, the very place which was afterward given to General Sheridan. When they found that they could not get me, because I would not accept the position, not many days elapsed after this failure to compromise before they were restored to their former opinion.

Mr. SHERIDAN, (in his seat.) You wanted to be the lieutenant-governor?

Mr. PINCHBACK. O, yes; I had a hankering that way, but that was not the difficulty. I demanded the same representation for the colored people that they had on the republican ticket, but they could not see that; it would have interfered with their arrangement with Governor Warmoth to send him to the United States Senate.

Mr. Speaker, I ask you to look back over the political history of Louisiana for the last ten years. You will find that we have been in a most extraordinary condition, the last three of which have subjected me to much misrepresentation, and I fear that the judgment of some of the members of this House has been affected by what they have heard in reference to me. I do not blame them for it, if it be true. For notwithstanding I am a republican, working hard and earnestly always in the interests of the republican party, certain men in Louisiana who claim to be republicans have insidiously labored to destroy my power and influence in my State. I have been stabbed in the house of my friends. For two long years these men published a paper professedly republican, whose columns daily teemed with the vilest and bitterest denunciations of my character, only equaled, as I once told President Grant, by the New York Sun in its attacks upon him. The baneful influence of these assaults has overshadowed me in my contest in the Senate, and hangs like an ominous cloud over this body, and may prevent my obtaining a recognition *prima facie* to a seat upon the floor of this House.

It is but another dastardly attempt on the part of these men to deprive me of my right and the people of Louisiana of a vote in this House, beause I am unwilling to be cheated by these false republicans, and too manly to be used as their tool. I shall not blame you.

But I shall hold those false friends responsible at home. I have skirmished heretofore; I shall fight hereafter. I do not believe that you gentlemen will be biased by these reports, so far as your action upon this case is concerned, but they may affect your opinion of me as an individual, and I humbly beg your pardon if I have trespassed upon your time in introducing this personal feature. But when you consider the attitude I have been in for two years nearly—that I have been held up before the American people in a manner that two of your ablest and best men could not stand, still I live. I will be pardoned I suppose for having made these personal references, for you know it is a trying ordeal for any man to pass when he is held up for two years before the American press, especially if he is an aspirant for office, and as in my case claiming a seat in the Senate of the United States. You may be sure if he ever committed an indiscretion of any kind in all his life they will be certain to find it out and hurl it at him greatly magnified.

Mr. Speaker, I will treat my friend, Sheridan, lightly, but I could give him a fearful rasping if I were inclined. I have heard him make most eloquent speeches in the interest of republicanism and on behalf of the poor and down-trodden in our State. He has made our rostrums ring with appeals on behalf of down-trodden humanity. But that was at a time when his interests were on our side, when his claims to a fat office were pending. Then he found that the poor and ignorant and helpless race needed the protecting arm of the Government. He did not complain then about Federal bayonets and Federal interference. I remember the time when he joined as heartily with me as did any black man in Louisiana in imploring Federal aid. I remember the memorable contest known as the Carter fight, when my friend came up valiantly to assist us in our attempts to keep off the forces of Colonel Carter and requesting Federal interference and aid; but at that time it was a matter which concerned his interest. And when I saw the extraordinary position which he took in this House to-day, I was reminded of the old adage, that it makes a great difference whose ox was gored. But I could tell a tale here on my little friend—but I know he is a clever little gentleman; I will let him off as lightly as he did me.

But there is one thing that he said that is really amusing. He gave you an argument of an hour and a quarter nearly, or of fully an hour, to show that you cannot attach any importance whatever to the return of the Lynch board, on the ground that they had no evidence before them of my election—that they had no returns; and he wound up his great rhetorical display by telling you he could not get the return and had to take the next best evidence. That is exactly what the Lynch board did. Mr. Warmoth had locked up the returns, and they made several and repeated efforts to get them. The Federal court was applied to to compel their production, but they were spirited off to New York or elsewhere, so as to prevent the Federal court getting them. And they had to do what Mr. Sheridan said was done in his case—they took the next best evidence.

But I base my claim to a seat on this floor on higher grounds than that. Let me say I know more of these election frauds perhaps than any other man, excepting Warmoth and Blanchard, in Louisiana. When President Grant refused to treat with us at Long Branch, I was one of the delegation that visited him. I knew there was a solemn conclave of our side of the house held, and it was agreed that by fair means or foul we would defeat the Federal ticket in the State of Louisiana—at least the white part of the conclave agreed upon that. I had a good many friends under Warmoth in office, and was comfortably housed myself. I concluded that I would drive along with him until I could get a convenient jumping-off place. I wanted also to see what his plans were, so as to be able to defeat them. O, I could tell you a tale that would harrow up your very soul. But you know enough of it without my telling you. The whole thing was a fraud; yet I venture to say that if there was any way on earth of getting at the facts, it would be found that the whole Kellogg ticket, including myself, were elected by 10,000 majority. But, I repeat, the whole thing was a fraud and a series of rascalities. Look at the proceedings. Why, sir, they rode rough-shod over laws, constitution, people, and everything until they got to a Federal judge, and they would have ridden over him also if it had not been for the President and the Federal troops.

Mr. Speaker, there are innumerable other points that I would like to touch upon; but I think the best thing I can do for the House and myself in this warm weather will be to quit. I think I have said enough either to save me or to dam me, and I submit the question to the House for its decision, and cheerfully await the result.

Louisiana Contested Election.

SPEECH OF HON. G. A. SHERIDAN,

OF LOUISIANA,

IN THE HOUSE OF REPRESENTATIVES,

June 8, 1874.

On his right to a seat as Representative at large from the State of Louisiana, as against the claim of Hon. P. B. S. Pinchback.

Mr. SHERIDAN, (the contestant.) Mr. Speaker, I shall endeavor by being as brief as possible in my statement of this case, to show my gratitude to this House for so promptly bringing before them for final adjudication the rights that are at issue here. When I first presented myself before this House, at the beginning of the session, I believed I held a certificate which *prima facie* entitled me to a seat upon this floor. The House, however, decided otherwise, and I was compelled to enter into a contest to prove my right to the seat I claimed. I have succeeded in convincing the Committee on Elections unanimously that my competitor was not elected; I have succeeded in convincing a minority of that committee that I was legally, lawfully, fairly elected to a seat upon this floor.

I now propose to state my case to this House fully and fairly, so that every gentleman upon this floor may be able to vote intelligently upon it. I desire, however, before entering minutely into my case to state some propositions of a general nature which I think will enable this House to come to a conclusion upon this subject. And first I desire to remove from this House the impression which I know is general, that the black population of Louisiana is far in excess of the white population. According to the census of 1870 the black population of Louisiana was three hundred and sixty-four thousand, and the white population three hundred and sixty-two thousand. I desire further to remove from this House an impression sought to be made here by gentlemen who are sustaining the majority report that Governor Warmoth had anything whatever to do with this election in so far as the election related to his personal advancement.

It is true, as stated by the gentleman from Louisiana, [Mr. SYPHER,] that the liberal republican convention of the State did express their choice for him for the position of United States Senator, but immediately upon the fusion of the conflicting elements opposed to the republican party Governor Warmoth published a letter in all the papers of the city of New Orleans, declaring that he held no man who might be elected to a seat either in the house or the senate as pledged to vote for him as United States Senator.

Mr. Speaker, every man familiar with politics will concede that certain elements are essential to party success; that organization is a prime requisite; that satisfaction with the leaders of the party, satisfaction with the action of their convention, satisfaction with the nominees of the party, are all essential to the full development of party strength. I maintain, sir, that in the contest of 1872 the republican party had none of these elements for a successful contest. The convention that gathered at Baton Rouge, that wing of the republican party known as the custom-house party, was opposed by another wing of the party headed by the gentleman who ran against me for Congressman at large, Mr. Pinchback. The action of the Baton Rouge convention, under the manipulations and influence of Federal office-holders, disgusted the people of the State, black and white alike. For three days they sat in convention considering the credentials of the men elected to it. Whole delegations were swept out of it for no other reason save this: that they would not pledge themselves to vote for William P. Kellogg as nominee for governor, and men were put in their places as proxies whose only claim to a seat in that convention was their pledge that they would support and vote for Mr. Kellogg as the nominee for governor. The Packard convention, as it was known, was in direct opposition to the convention held and manipulated by that wing of the party that nominated Mr. Pinchback for governor.

Again, Mr. Speaker, immediately after the adjournment of this custom-house convention a mass meeting was held in New Orleans, protesting against its action as anti-republican and infamous in character. The protest was signed by men prominent in that convention. Delegates were sent here to Washington, and the President of the United States was asked to remove from power the Federal officers who had manipulated and controlled that convention purely in the interest of Mr. Kellogg. Again, sir, the nominees of that convention gave anything but satisfaction to the great mass of the republican party. Mr. Kellogg, as nominee for governor, had no record as a republican in the State. He had come to New Orleans as the appointee of Mr. Lincoln as collector of customs. Scarcely had the body of the great President felt the chill of death before this man became the firm friend and supporter of Andrew Johnson. He was a member of the convention called at Philadelphia in the interest of Mr. Johnson. He never returned to his republicanism until 1868, when the State went republican. It was well known that during his administration of the custom-house under Johnson no soldier of the Union could find a place within the walls of the granite building. No black man was found on the rolls, save here and there perhaps one to whom was given the most menial employment. It was known, too, that Mr. Kellogg had filled the custom-house with men elected to the first Legislature of Louisiana, who had pledged themselves to vote for him for United States Senator in consideration of the favor extended to them. Those of us who knew Mr. Kellogg well found little in his record to give us either faith in his political sagacity or confidence in his integrity. We had no faith in his veracity. Judged by their record, Ananias and his consort were shining examples of truth compared to Kellogg. It is on record, I believe, that they falsified only upon one occasion. It is nowhere upon record in Louisiana that Mr. Kellogg ever told the truth. In fact he had no record before the people whose suffrages he claimed for veracity or fair dealing. He was like Sir Agrippa, "for profound and solid lying much renowned."

The candidate of that organization for auditor was unknown to the republican party. He had never in any way participated in the action of the party in previous years. Mr. Field, the candidate for attorney-general, had a singularly brief record. It consisted of the fact that upon the floor of this House he made an assault upon the Hon. WILLIAM D. KELLEY, armed with a deadly weapon, because that gentleman dared to stand up here and say that Louisiana should never come back into this Union unless every black man in her borders was clothed with all the rights of a freeman.

Again, there was no vital issue at stake. There was nothing to draw out the full force and strength of the republican party, consisting as it did, nineteen-twentieths of it, of black men. The old cry that if they did not vote the republican ticket they would be re-enslaved had lost its power. They knew full well that the grand question of their liberty had long ago been taken out from the jurisdiction of courts where lawyers plead and interplead out from the Halls of Congress where statesmen pondered and debated, and argued in a court where God was judge and surging armies were the advocates. They knew that forth from the tribunal of Omnipotence the decree had gone that in this broad land all men were free and equal, they knew that decree could not be reversed; that it was fixed and firm as are the hills and mountains of the earth upon their everlasting pillars.

They were not a people oppressed and cast down. They were a people who realized the grand fact that the sun was shining for them as for other men; that in answer to their toils the fields would yield up their harvests for them to garner; that the only barrier to their advancement was their own inability to achieve and maintain. They, far from being a people cast down and oppressed, were rather a people who had seized with joy their harps which for a century and more had hung in silence upon the willows that grew beside the streams of their Babylon, swept their strings and lifted up their voices in a song of praise and exultation grand and triumphant as the melody that of old burst from the lips of Moses and of Miriam; as with hands outstretched over the sea they thanked God for a nation redeemed and a people set free from their oppressors. Thousands of black men throughout our State owned property and paid taxes. They are as much interested in good government as white men.

The assertion has been repeatedly made that no black man in Louisiana voted against the republican ticket. Sir, that is false. Black men have reason, sense, and intelligence as well as other men. And where their vital interests are stricken down by bad legislation they are as quick to take the alarm as any other class of citizens. To say that black men follow party leadership unthinking and unquestioning is to declare them unfit for suffrage, is to give the argument to their opponents and those who oppose their right to vote in this country.

If my statements are correct, the republican party was disorganized; it had no confidence in its leaders. It was dissatisfied with the action of its convention; the nominees of that convention were unpopular. There was no great issue at stake to develop the full party strength.

How was it upon the other hand? White men and black men alike in our State were dissatisfied with the course of the government, and were determined to make an effort for a better government. Various and conflicting interests were harmonized. A ticket was nominated with a democrat for governor, a liberal republican for lieutenant-governor, and the other officers upon the State ticket were equally divided. Upon that basis the people went into the contest. They were anxious to take from the hands of the men who controlled that government the power which they wielded not for the advancement and prosperity of the State, but for their own advancement and prosperity. They were a class of people whose sole duty seemed to be to malign the people of the State at home and misrepresent them abroad.

Good men of all parties wished to crush these men out; they wished to take from them the power to carry into effect doctrines which if pushed to their legitimate conclusions would have made unholy the very ground where Louisiana's dead sons were sleeping, would have rudely torn from the widow and orphan the tribute of respect they sought to place upon the grave of husband and father, would have stilled the laughter of little children and hushed into silence the voices of the birds that sung in the groves of the land.

Sir, there is a vast difference between the republicanism of the North and the republicanism of Louisiana. Republicanism in the North means love, hope, prosperity, and advancement; it means justice to all men, black and white alike. With us in Louisiana republicanism means decay and destruction and the utter wiping out of all the interests of our great Commonwealth.

Just look at it for a moment. The republican party went into power in 1868, and the State then had a debt of $14,000,000. In 1872 the State had an absolute debt of $25,000,000, and a contingent liability of $15,000,000. During that time Governor Warmoth had vetoed bills passed by that Legislature making appropriations aggregating $42,000,000. So that but for those vetoes the debt in 1872 would have amounted to $87,000,000.

Taxation when the republican party took control in Louisiana was thirty-seven and a half cents on $100. In 1872 it had risen to $2.15. The Legislature had granted giant monopolies. Day by day they had imposed new burdens upon commerce until scarcely a vessel folded its sails in the harbor of New Orleans, and desolation reigned supreme where of old the busy hum and throb of commerce were heard. Do you wonder that the people of that State groaned under these burdens? Do you wonder that they combined for the overthrow of a government that had brought upon them such disasters as these? I ask you, men of New England, I ask you, men of the Middle States, you men of the giant West, how long would such a condition of things be tolerated in the States from which you come? Would not the people rise in their might and grandeur and sweep from existence so completely that its name would never be heard of again (or if heard of, only spoken of with scorn and contempt) a party that should bring such misfortune upon the people of your section of the country?

The men of Louisiana differ in no respect from the men of other States, and as men in any other State would do they did. They placed in nomination the best men to be found in the various parishes of the State for the Legislature. They rigidly excluded democrats who had in any manner been identified with the corruption of past legislation. They placed upon their State ticket three democrats, one colored man, two unquestioned republicans. They made a thorough and effective canvass of the State; mass meetings, at which thousands of black and white people gathered, were addressed by the ablest men in the State. Louisiana never before saw such a canvass. Certainly, Mr. Speaker, if ever men on earth had reason to work hard for success the men of

Louisiana had. They hoped to check the corruption that was destroying the State, hoped to make the waste place glad again with harvests, hoped to rehabilitate Louisiana and place her once more with unclouded brow among her sister States. The canvass closed, the election was held, votes were cast, the returns were made in accordance with law and transmitted to the custody of the person charged by law with receiving and preserving them. Those returns show tha It received a majority of 10,614 votes.

Well, sir, strange as it may seem, there are some things not disputed in this Louisiana contest. It is not denied that Louisiana was a State in 1872; that she was competent in all respects to hold an election; that an election was held; that returns were made out; that they were duly transmitted to the governor, who by law was their custodian. None of these things are denied. The returns of that election show my election as Representative at large by 10,614 votes.

Under the law of Louisiana the only basis upon which any board of return can estimate the votes cast for any candidate is the returns themselves. The Lynch board solemnly under oath declared that they did not have those returns before them. They were therefore utterly incompetent to decide who was or was not elected.

But it is said the supreme court of Louisiana has decided the Lynch board to be the legal board. So it has; but the supreme court of Louisiana has never decided that the Lynch board had before it competent testimony in the shape of returns upon which to base a calculation or make a certainty of the election of any man who ran in 1872.

Much is said of Governor Warmoth's signature of a new election law. Under the constitution of our State he had the right to do as he did. His right had been affirmed by the supreme court of the State in the celebrated Slaughter-house case. Judge Dibble was appointed judge of the eighth district court, under a law signed by the governor, after the Legislature of Louisiana had adjourned. I place no stress whatever upoon the action of these various returning boards. The question before this House is not of returning boards, not of Lynches or Longstreets or Herons, not of De Feriets or Formans or Mitchells. The simple question is, whom do the returns show to have been elected in Louisiana as Congressman at large by the votes of the people upon the 4th of November, 1872?

The Lynch board had no returns before them. How, then, did they make up any vote for Mr. Pinchback? They simply waited until the returns canvassed by the De Feriet board had been promulgated by the governor, and taking those returns as a basis they figured out their whole ticket elected. Let me call attention to the facts.

Look at the testimony of John Lynch, president of this famous Lynch returning board. He swears (page 144, Senate report) that his board had returns from United States supervisors and affidavits of individuals—evidence unknown to the laws of Louisiana; swears (page 145) that his board did not have even the above evidence from all the parishes of the State; swears (page 148, Senate report) that the returns from United States supervisors were often very incomplete; swears (page 149) that this board did not have statements of supervisors from half the parishes of the State; swears (same page) that his board took statements of individuals as to votes cast at certain polls without even requiring them to swear to such statements; swears (page 150) that his board declared results in parishes from which they had no statements or returns of any kind whatsoever; swears (page 158, Senate report) that in many parishes his board estimated the vote at what they thought it ought to be and so declared it; swears (page 164, Senate report) that the returns of United States supervisors, which they relied upon as evidence of votes cast, were signed by only one of the supervisors, and that one invariably a republican; swears (page 165) that his board counted votes which had never been polled at all.

Longstreet, another member of the board, swears the same.

The testimony of George E. Bovee, another member of the board, is to the same effect.

The returns showed my election by 10,614 majority. By what process was the Lynch board enabled to destroy my majority of 10,614 and give my opponent a large majority over me? By a process utterly unknown to the laws governing elections, but familiar to schools, the process of addition and subtraction. There are fifteen parishes in the State in which the returns, as made by the Lynch board in my case, differ from the legal returns. Let us examine these parishes one by one. In Avoyelles the Lynch board take 509 votes from me and add them to my opponent. Certainly a simple and effective way of securing him a majority. In Caddo they strike 1,139 votes from the number cast for me; in De Soto 643 votes are taken from me and 444 added to my opponent's vote. In Natchitoches my entire vote is disallowed and 659 votes given to Mr. Pinchback. In Rapides 910 votes are taken from me and 757 added to the votes cast for my opponent. In Saint Helena 264 votes are stricken out for me and 155 added to the vote of my opponent. In Saint Mary 333 are taken from me and 160 added to Pinchback. In Union I lose 824. In Vermillion 420 are taken from me; but, strange to say, none are added for my opponent's benefit. This omission, however, is quickly remedied in East Baton Rouge by taking 422 from me and piously adding 1,611 to my opponent. In Webster I lose 404 and my opponent has 204 given to help him along. In Morehouse an addition of 268 is made to the vote cast for Mr. Pinchback. Plaquemines adds 1,076 to Mr. Pinchback. In Bossier I lose my entire vote, and Mr. Pinchback has added to his needy side 596 votes.

Pinchback presents himself before this House with a certificate. A certificate signed by whom? Signed by himself as acting governor of Louisiana. How came he acting governor of Louisiana? By virtue of the impeachment of Governor Warmoth. Who impeached Governor Warmoth? The Legislature of Louisiana? No, sir; but a Legislature created by the injunction of a Federal court organized in accordance with the terms of that injunction, in a building filled with United States soldiers, within whose portals no man was permitted to enter unless his name was found in that injunction, or he was the well-known partisan and supporter of the usurpation. The Legislature that impeached Governor Warmoth and gave Pinchback power to sign himself as "acting governor of Louisiana," derived none of its power, none of its authority, from the people of Louisiana. It sprang full-armed, with all its deadly power for wrong, from the corrupt brain of a United States judge who, fresh from his haunts of infamy and shame, reeking with the stench and fumes of midnight debauchery, with the kisses of harlots yet warm on his lips and the music of their wanton songs lingering in his ears, sheltering himself behind the robes of his high office, dared, in violation of an express provision of the very law under which he claimed jurisdiction, to issue a decree creating a Legislature for the people of Louisiana, and invoking the unwilling bayonets of the United States to save it from the fury of an outraged and insulted people.

This, sir, was the Legislature which gave my competitor the right and power to sign himself "acting governor of Louisiana" and certify to his election to this body.

Why, Mr. Speaker, what was done in Louisiana in the winter of 1872 could not have been done in the North. If it had been attempted the rocks and the trees would have cried out against it. The very streams would have burst asunder the icy barriers which bound them and gone surging through this land chanting a solemn requiem for the dead Republic. If it had been attempted in Massachusetts, within sight of Bunker Hill, the mighty mass of granite which crowns its summit, trembling with indignation from turret to foundation-stone, would have reeled from its broad base, carrying destruction swift and sure to the impious one who dared in the nineteenth century, in the face of American civilization, strike a blow so deadly at the liberties its giant shaft was reared to commemorate.

It is pleasant in these days of disaster, pleasant when from every quarter of this Republic comes the cry that men are forgetting in their selfish purposes the common good of the country, to see a gentleman like my competitor, so willing to sink all considerations of a personal character in order that he may serve his constituents. So abiding is this feeling in his heart, so desirous is he of serving his constituents, that he to-day holds credentials to both ends of this Capitol, and has been hovering over us all winter up to the present time, undecided where he would light. He holds his credentials as Senator of the United States. He has been making his contest before that body, has been making it for six long months for a seat, and at the same time he has kept up a fire on me here, resolving if he should lose his chance there why then he would come over here. He is bound to serve his constituents some way. Not only that, but he goes still further. He is willing to take both salaries and spend them if need be.

Now, Mr. Speaker, the Lynch board could not declare my opponent elected.

First. The Lynch board could not declare my opponent elected because they had no returns upon which to act.

Second. Supposing the Lynch board to have been in possession of lawful returns of the election, they would have violated the clear provisions of the law under which the election was held in every case where they added a vote to the number returned as cast for my opponent or deducted votes from the number cast for me.

Third. Supposing the Lynch board to have had in their possession the legal returns, they were not in possession of the evidence required by section 29 of the law under which they were acting by which they could determine fraud; therefore, in declaring frauds to have been committed, they would have acted upon evidence unknown to the laws of the State.

Fourth. Had the Lynch board been in possession of evidence required by law to prove fraud, under the law they would have been compelled to throw out all votes cast where fraud had vitiated the election. By throwing out the votes cast for me and retaining in the same precinct those cast for my opponent, they would clearly have violated section 55 of the law governing the election of 1872.

Fifth. If the Lynch board had been in possession of the lawful returns they would have violated the law of the State in counting for my opponents as votes cast the *ex parte* affidavits of individuals. Such a proceeding is utterly unknown to the laws of Louisiana and not justified by the enforcement act of Congress, under which they claim authority for their high-handed proceeding.

Sixth. Conceding to the Lynch board the right to count affidavits as votes, they were limited to counting affidavits wherein it was alleged the party making the statement was deprived of the right to register or vote on account of race, color, or previous condition of servitude. (Enforcement act, section 23.) *None of the affidavits counted by the Lynch board for my opponent contained this, the only allega-*

tion that would give them validity, even under (so far as members of Congress are concerned) *a forced construction of the enforcement act.*

Seventh. Had the Lynch board been in possession of the lawful returns, they would under the laws of the State have been compelled to declare me elected, leaving to my opponent the task of proving to this House, the only tribunal that has final and absolute jurisdiction in the matter, that my election was the result of fraud. Such, gentlemen, briefly stated, are the claims my opponent has to a seat upon this floor.

In face of the facts I have stated Mr. Pinchback comes here and asks that he be seated upon his certificate; and he asks this in the face of the fact that upon the very evidence he asks you to seat him upon *here* he has thus far been rejected in the Senate. In the face of the report of the Election Committee unanimously declaring him not entitled to a seat, in face of all this, he still claims a seat here.

I want to say a word now about frauds in Louisiana. I want to call your attention, however, to one single thing in connection with those frauds. There is no question but there was fraud practiced in Louisiana in connection with this last election—not a particle of doubt about it. But is it not a singular fact, if it be true that these gigantic frauds were perpetrated, that no man in the State of Louisiana, with the courts all in the hands of Kellogg, has been arraigned for this fraud? The only case that has been tried is the case of Baton Rouge, where it is alleged that stupendous frauds were enacted. The parties arraigned before Judge Durell upon that charge were dismissed because of want of evidence. When brought before the court there was no evidence showing fraud.

The question of seating me upon this floor is not a party question. It rises high above mere questions of party. It is the question of whether a State in this Union is entitled to a Representative upon this floor. It is made a party question only by men whose cause is, weak, who see the shadow of their political downfall close upon them, and who for the sake of maintaining themselves in power yet a little longer raise this cry that you hear ringing through this House time after time about the necessity of standing by the party organization. No party, be it republican or democratic, can afford to override the plain dictates of justice when they are called upon to decide between conflicting claimants.

I desire now to say a word, Mr. Speaker, personal to myself; purely so. I should not have uttered these words were it not that I know that an attempt has been made upon the part of some gentlemen from Louisiana seated here, not by the judgment, but by the sufferance of this House, who have sought to create an impression that I had allied myself to people who were hostile to the authority of the United States Government in Louisiana, and that I was in fact disloyal to the Government myself. Mr. Speaker, I yield to no man upon this floor or elsewhere in my loyalty to this Government or in my devotion to its institutions. And, sir, my lesson of loyalty was not learned at home. My devotion to this Union was not proved in dressing-gown and slippers, surrounded by wife and children, and the comforts of peace. I learned my lesson of loyalty in the camp, on the march among the mountains and beside the streams of the South. I proved my devotion to this Government as many a man before me proved his, in the ranks of the Army, upon the field of conflict, in the days when this continent shook beneath the tread of contending hosts, in times when the air was filled with the tempest of battle, in the hours when Death rode sublime upon the clouds of war, and the chivalry of the North and South alike went down before the sweep of his terrible arm.

The people I represent are not disloyal. Never in the history of this world has so little of turmoil and commotion followed civil war as in our own country. For a century and a half the fair face of England was crimsoned with the blood that flowed in the contest between the Norman barons and the people of that island. Eight centuries of English rule has not yet stilled the voice of rebellion in Ireland. Scotland, though often defeated, has not until recent times yielded to the will of England. In France, since the days when the mailed band of Charles Martel fell in destruction among the thronging Saracens at Tours and Poitiers, the land has been filled with resistance to the authority of established government. Even in the days of her grandeur, the days when the crown of iron rested on the brow of Charlemagne, the days when crafty Richelieu held sway, the days when Louis the Grand sat upon the throne, the land felt the shock of rebellious provinces. Even the great ruler who to-day sleeps beneath the dome of the Invalides, the mighty soldier under whose reign the eagles of France swept with their wings the summits of the Alps and shadowed Europe from the Seine to far beyond the frozen Vistula, even he was only able to hold his empire together and partially hush the voice raised against his authority.

Eight years have passed since the close of our civil war. The people of the South lost all in that great contest. Since the war the entire philosophy of their Government has undergone a change. A race of men that for near a century had been their serfs, made so by the common Constitution of the land, their right to hold them as such decided unquestioned by the highest tribunal of the nation, have been raised to political and civil equality with them. I care not how strong a republican a man may be, he cannot but confess that the people of the South have suffered much from bad government in the last few years; yet during all this time the people of the South have not raised their hand in rebellion against the Government; no act of disloyalty stands upon the record of my State.

Away with the cry that Louisiana or the South is disloyal; it is the cry of men who can only live by keeping it before the people. It is not from the hearts of men who fought rebellion down that this cry comes, not from the men who at Gettysburgh, in the Wilderness, upon the hills of Vicksburgh, the mountains of Georgia, and the slopes of Mission Ridge, rolled in resistless columns against the armies of the South, does this cry of treason come. No demand that punishment shall be meted out to the South comes from them. In their hearts no hate is found; brave themselves, they yield willing tribute to the valor of their old-time foes. Mourning for their dead, they respect the South because they too mourn the loss of gallant sons. Sir, this is not the spirit that animates the people of the great North. This spirit of hate that these men breathe finds no resting-place among the people of New England or the people of the Northwest. This spirit of hate and vengeance is not the spirit which animated the brave men and fair women of this great city, who but a day ago, on yonder sacred heights of Arlington, paid their tributes of respect and love to valor, nor asked whether the grave their offerings beautified held within its icy arms one who wore the Federal blue or one who died in gray. It is not the spirit of hate and vengeance that pervades in this country; but it is a spirit of love and devotion and good will and good wishes to the suffering and struggling people of the South. Thank God, only here and there in this broad land we find men who for selfish ends and sordid purposes seek to mislead the people of the North as to the hopes and aspirations of the people of the South. They are men who forget that in presence of the dead the eye of anger should lose its baleful fire, and fill with the warm and holy light of kindness. They are the men who forget that vengeance should doff its casque of steel, take off its shoes of mail, and tread with reverent footsteps and uncovered head beside the graves where brave men sleep. They are the men who forget that while it is possible to crush the armies and bury the banners of a people, it is not possible to entomb their memories. Memory, sir, is a monarch who holds unbounded sway in enchanted realms, and when he waves his mighty wand bolts and bars and all the contrivances of human ingenuity to stay his progress are of no avail. At his behest all that is grand or beautiful or worth recalling in the history of a people, marching with noiseless footsteps to music unheard of mortal ears, sweeps by his throne in grand procession.

Mr. Speaker, it seems to me that the time has about arrived when demagogues, black and white alike, should cease to arraign the republican party for its want of fidelity to the interests of the black men of this country. Sir, the republican party has lifted them up from the house of bondage; it has clothed them in the garments of freemen; it has given them all the rights of citizens. They stand, as my eloquent friend from Mississippi has well said, before the people of this country clothed with every right that you and I possess. The republican party has advanced them in a decade to a position that it has taken the Anglo-Saxon race centuries of blood and turmoil and strife to achieve. The time has come when they should cease to reproach that party for lack of fidelity to their interests.

Mr. Speaker, if our crime against this race and people has been great, so too has been our expiation. We have paid the judgments recorded against us in the tribunals on high, principal and interest, with the richest currency that ever yet flowed through an empire—a nation's blood. Six hundred thousand braves scattered from the hills of Vermont southward to the Rio grande, and from Maine westward to the Gate of Gold, bear witness to us, as they will to the generations who shall follow, of the bloody sweat and agony through which this nation passed in its effort to right a wrong.

Let it not be written, let it not go down in history, that we struck chains from the limbs of four millions of black people only to bind them upon the limbs of eight millio white people. I believe that the black race of this country should have every right that we possess. But I do not believe they should have any more. Not for them, as has been the case in Louisiana, should armies be invoked to destroy the sanctity of the ballot and silence the voice of the people. Not under the pretense that it is for their elevation should eight million people, in whose hearts to-day throbs the same blood that throbs in yours and mine, be made to pass under the yoke and be smitten with thongs—all the law gives for their equality. But their supremacy, if supremacy they achieve, should be the result of his own efforts, not enforced by Federal bayonets. Armies if need be to sustain them in their rights, but no armies to sanctify their wrongs and give them force of law.

I am admonished by the clock that I have but a few moments left, and I will conclude briefly.

The SPEAKER *pro tempore*, (Mr. CESSNA.) The gentleman has fifteen minutes left.

Mr. SHERIDAN. So far as Mr. Pinchback's claim to a seat on this floor is concerned, first, there is great doubt of the legality of the Lynch board, even under the decision of the court; second, there is no doubt whatever that they lacked all the elements necessary to make a legal and legitimate return. The majority of the Lynch board admit that their canvass was utterly in defiance of the laws of Louisiana. Well may the Committee on Elections unanimously agree that

Mr. Pinchback is not entitled to a seat on this floor. I suppose, of course, therefore, that the House will reject Mr. Pinchback's claim to a seat whatever they do with mine.

Now, so far as I am concerned, it is not denied—

First. That an election was held in November, 1872, in Louisiana.

Second. That peace and quiet reigned throughout the State on the day of election.

Third. That returns of the election were duly made out and transmitted to Governor Warmoth, lawfully their custodian.

Fourth. That such returns were the only legal evidence of the election of any officer.

I think I have in my argument established the following facts:

First. That Warmoth received the returns of the election of 1872.

Second. That those returns show my election by 10,614 majority.

Third. That no such frauds as alleged were perpetrated in the election of 1872.

Fourth. That if the frauds alleged were committed, I am still elected.

Fifth. That but for the unwarranted and grossly illegal interference of Judge Durell in Louisiana no question would have been raised as to the fact of my election.

Sixth. That the races are equally divided in Louisiana, and that just grounds exist for believing many colored men voted the fusion ticket.

Seventh. That owing to bitter quarrels among leading members of the republican party, its organization and efficiency were destroyed.

Eighth. That the nominees of the republican convention were obnoxious to the great masses of the party and deservedly unpopular.

Ninth. That under the circumstances existing in 1872 the defeat of the republican party was the legitimate result of their dissensions and corruption.

Mr. Speaker, if this House decide I am not entitled to my seat they do so in the face of such facts as these, namely: conceding, as you must, that the returns of an election are the only means of deciding who is elected, it appears—

First. That Governor Warmoth had in his possession the election returns of 1872;

Second. That he was lawfully entitled to their custody;

Third. That as governor he certified to my election as Congressman at large by a majority of 10,614 votes;

Fourth. That he delivered the returns of the election of 1872 to the De Feriet board, believing it to be the only legal board in existence;

Fifth. That the De Feriet board in turn delivered the returns of the election of 1872 to the Forman board, whom they regarded as their legitimate successors;

Sixth. That the Forman board finished the canvass begun by the De Feriet board, and declared under oath that I was elected Congressman at large from Louisiana by a majority of 10,614 votes, thus affirming the correctness of the governor's certificate issued to me; and,

Seventh. That the original returns of the election of 1872 from every ward, poll, precinct, and parish in Louisiana, save six, were before the Senate investigating committee, and examined and compared with the tabulation of the Forman board, and that tabulation admitted to be a correct summing up of the returns before the committee by all the parties to the contest, including Mr. Pinchback, who was in effect a party to the contest from the fact that upon the result of that investigation depended his title to a seat in the United States Senate to which he claimed to have been elected.

Such, Mr. Speaker, are some of the facts in my case, and yet in face of such facts a majority of the committee to whom my case was referred ask you to declare me not entitled to a seat upon this floor, because, forsooth, these facts are set forth in the case of the United States against Louisiana, instead of a case bearing the title of "Pinchback *vs.* Sheridan;" there is no other reason alleged against seating me. "The evidence is not sufficient," and why? Because some technical errors are alleged.

Mr. Speaker, law was made to advance, not bar, the footsteps of justice. Yet this committee, arming itself with a sword called technicality, strikes justice prostrate, and asks this House to cry amen to the unholy murder. Sir, a fact is always a fact immutable as God, and no clouds charged with passion should be allowed to dim the splendor of its changeless face.

I appeal to you to shield the people I represent from the outrage and insult your rejection of the claim I make in their behalf would cause to fall upon them.

I appeal to the Representatives upon this floor of that party at whose behest a million men left their homes and marched through fire and tempest, battle, pestilence, and death to secure justice and advance humanity not to cloud the splendor of its mighty record not to tarnish the greatness of its name by refusing justice to the people of a State their valor saved to this Republic.

Now, I claim that this report of the Committee on Privileges and Elections of the Senate should be considered in settling this question between Mr. Pinchback and myself. The Committee on Elections consider it unimpeachable when they want to show I am not elected But when it leans toward showing that I am elected, then it becomes extremely unreliable. That is not a fair way of treating this testimony. If it is good to show that Mr. Pinchback is not elected it is good to show that I am elected.

Whatever this House may do with me I shall be content. It is for you to say which claim, mine or that of my competitor, is paramount, which is based on the best evidence. And it is for you to decide whether he or I shall occupy a seat on this floor.

If you decide against me it will not weaken my faith in this Government. I shall still hope some voice more eloquent than mine will bring this House of Representatives to a consideration of the facts involved in this Louisiana contest. If you seat me I shall be grateful, because it will be evidence to my people in Louisiana they still have a voice here.

For myself I ask nothing. I speak for Louisiana. I claim for her the justice which is her birth-right. Clothed in the garments of woe, bending her queenly head in sorrow, suffering such oppression as never before fell to the lot of any State in the Union, she yet maintains her faith in the Federal compact, her belief in the justice of this great nation. Weak and tottering as she is, her hand would be among the first to seize the sword if war's alarm were sounded in the land; if danger threatened, side by side, shoulder to shoulder, the men who live beneath her tropic skies would march with the men of the North in defense of this nation's honor.

I ask such judgment at your hands as I am entitled to expect. I ask no republican votes because I have been a republican. I ask no democratic votes because I have in the last election affiliated with the democracy. I simply ask you shall do the people of Louisiana justice in the person of the representative they have sent here. Whatever shall be my fate, as I have already said, I shall be content. I shall not lose faith in my land. I shall still be thankful that out of the fiery ordeal of war this nation has come triumphant; thankful that the bow which spans our sky to-day gives promise of perpetual peace; glad to believe that—

> No more the thirsty etrance of this soil
> Shall daub her lips with her own children's blood;
> No more shall trenching war channel her fields,
> Nor bruise her flowrets with the armed hoofs
> Of hostile paces: those opposed eyes,
> Which, like the meteors of a troubled heaven,
> All of one nature, of one substance bred,
> Did lately meet in the intestine shock
> And furious close of civil butchery,
> Shall now, in mutual, well-beseeming ranks,
> March all one way; and be no more opposed
> Against acquaintance, kindred, and allies:
> The edge of war, like an ill-sheathed knife,
> No more shall cut his master.

After the call of the previous question Mr. SMITH, of New York, yielded five minutes to Mr. Sheridan to reply to Mr. Pinchback.

Mr. SHERIDAN. Mr. Speaker, I simply desire in the five minutes allotted me by the kindness of the chairman of the committee to call attention again to the fact that the question before this House is not what any returning board may or may not have done in this Louisiana contest. The fact is patent to every man who has listened to this discussion, or who is at all familiar with the events that have occurred in Louisiana during the last two years, that the returning boards are in such a mixed-up condition that no man can tell which was and which was not the legal board. The question resolves itself simply into this: What do the returns of the election show? Did the Lynch board have any returns before them? The Lynch board swear they did not have any returns. Were there returns made? It is conceded that returns were made. What did those returns show? They showed my election by 10,614 majority. Was there fraud sufficient to overturn that majority? Concede to Mr. Pinchback all the frauds he claims and I am still elected. The question, then, before the House rises above the question of returning boards, above Lynch and Warmoth and Longstreet and everybody else; it is the question of the right of eight hundred thousand people to representation on this floor. I present a claim before you, based upon the returns of the election. And my friend presents a claim before you, based on the dictum of the Lynch board, which he himself acknowledges were not in possession of returns.

He holds this House to its consistency. He says you must not make flesh of one and fowl of the other. He says that you have made flesh of Mr. SYPHER, and that therefore you must make flesh of him. God knows you do not want any more such flesh as Mr. SYPHER here. If you made flesh in that case you made a mistake, and there is no reason why you should make the same mistake in the case of my friend, Mr. Pinchback.

The republican party will live, and the democratic party will live, whether you seat Mr. Pinchback or seat me on this floor; that does not depend upon our being seated or unseated. I say that under any circumstances you may choose to invent, save the actual taking of the Lynch board returns, I am elected. Give Mr. Pinchback the republican vote and me the democratic vote of 1870 in these parishes and I am elected. Put the returns of the Lynch board in the disputed parishes in place of the returns of the Foreman board, and I am elected. Throw out the disputed parishes altogether and I am elected. There were 120,000 undisputed votes cast in that State, and of them I have a majority. As the judgment of the committee is that both certificates are worthless, thus it would seem to me to be but fair and honest that the man having the best showing should be entitled to the seat on this floor, leaving to the other the right of contest.

Fire-Alarm Telegraph.

SPEECH OF HON. ELI PERRY,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

June 17, 1874.

On the bill for the rebuilding of the fire-alarm telegraph system in use in the District of Columbia.

Mr. PERRY. Mr. Speaker, as one of the sub-committee of the Committee on Public Buildings and Grounds, to whom this bill was referred, I desire to make a few remarks in its favor, setting forth the necessity for rebuilding the fire-alarm telegraph in the District of Columbia.

The following extracts of reports from the superintendent of the fire-alarm telegraph to his excellency the governor, also the report of the fire commissioner and chief engineer of the District, will show its present condition:

OFFICE FIRE-ALARM TELEGRAPH,
Washington, D. C., April 21, 1873.

To his Excellency H. D. Cooke, Governor, and the honorable Legislature of the District of Columbia:

In reporting the condition and wants of the fire-alarm telegraph, I feel it my duty to call your attention to the necessity of building anew all the lines within the city of Washington. The great conflagrations of Chicago and Boston are still fresh in the memory of all, and serve to admonish us that every precaution ought to be adopted to prevent the occurrence of a similar disaster in our own beautiful city.

The fire telegraph of this city was erected nine years ago, when the state of the art in this branch of telegraphy was in its infancy, and therefore I need scarcely tell you that the instruments in use here are of the most primitive character, and in comparison with the later inventions are quite worthless. The lines, owing to the combined chemical and atmospheric action upon them, are rapidly becoming unfit for use. The joints, which were never soldered, are so rusted that it is with difficulty that a circuit can be maintained. Lines not more than ten miles in length show a resistance equal to seventy miles of good wire properly put up.

The only way to remedy the defective lines is to rebuild; and this, in my judgment, cannot be longer deferred without great jeopardy to the lives and property of our citizens. And while rebuilding, the lines ought to be so extended as to become available for giving prompt alarms from every part of the city.

The old-time "crank-boxes," upon which we rely in great part for our alarms, in comparison with the signal-boxes now in use by all the other great cities in the Union, are entirely unfit for the purpose and ought to be discontinued at once by substituting the latest improved automatic instruments. In no other way can the system of telegraphic alarms be made reliable. There are fifty-five of these crank-boxes now in use in Washington City.

To supply this city properly with alarm stations, about one hundred boxes are necessary. I most respectfully suggest, therefore, that authority be given by the Legislature to erect new telegraph lines throughout the city of Washington, and that not less than one hundred new automatic boxes be purchased for this city, and that an addition of five or six boxes be made to the Georgetown circuit, and that all the crank-boxes now in use be retired as soon as new ones can be erected to take their place.

I have the honor to be, gentlemen, your obedient servant,

HENRY R. MILES,
Superintendent Fire-alarm Telegraph.

[Extract from the report of the board of fire commissioners of the District of Columbia on the condition and wants of the fire-alarm telegraph, May, 1873.]

One of the most pressing needs of our department is the reconstruction and extension of the fire-alarm telegraph. Saving of valuable time by the use of the electric fire-alarm effects the rescue of millions of dollars' worth of valuable property from the flames every year; without it the best organized force is comparatively inefficient; with it the usefulness of the department is increased in a ratio which makes the expense insignificant in comparison. Our city was one of the first to adopt the fire-alarm telegraph, but that was many years ago, and now a large portion of the most valuable property in Washington and Georgetown is outside the limits of the area guarded by the wires. This may result at any time in a disastrous conflagration. Worse than that is the fact that the area covered by the system is very inefficiently protected, and misplaced confidence in the alarm-boxes may lead to worse results even than the absence of the telegraph.

As stated above, Washington adopted the electric fire-alarm many years ago, and the now old-fashioned crank-boxes furnished us (then the best in use) are not always reliable. An alarm turned in from them by ignorant, careless, or reckless hands may strike the wrong number and mislead the firemen, thus wasting instead of saving time. The wires, too, have been so long in use that they have become unreliable in transmitting signals, and are subject to frequent breaks.

Then, too, numerous complaints are made by citizens of the unpleasant humming of the wires attached to their residences, while the work of detecting and remedying the imperfections in the wires is made much more difficult and expensive when they are thus attached. There should be new wires on poles, reaching every section of the two District cities, with a sufficient number of alarm-boxes to make them convenient to all our residents; also, two or three additional bell-strikers, which may be heard everywhere in the District. The old crank-boxes should be replaced with the latest improved boxes, which are certain in transmission, no matter how ignorant or careless the person turning in the alarm may be.

In this connection we respectfully refer you for further information to the accompanying report of the chief engineer and the superintendent of the fire-alarm telegraph. Both of these officers enlarge upon the necessity for the work, and urgently recommend it. A careful estimate of the cost by the superintendent of fire-alarm telegraph is also submitted herewith; and while the total may seem large, yet it should be remembered that a failure to signal one fire, or the turning in of a wrong number by these old boxes, by which the department is misled, might cost our citizens ten times the amount required to do the needed work.

[Extract from the report of the chief engineer of the fire department in regard to the fire-alarm telegraph.]

It must be apparent to all that the efficiency of the fire department depends in great measure upon the fire-alarm telegraph, I therefore beg leave to call your favorable attention to the necessity of enlarging and improving the fire telegraph, as recommended by the superintendent. The small supply of the latest improved automatic boxes now in use in this city and in Georgetown have proved so entirely reliable and satisfactory since their adoption as to leave no doubt whatever of their superiority, and by contrast exhibits the utter worthlessness of the old crank-boxes now in use.

MARTIN CRONIN,
Chief Engineer Fire Department, District of Columbia.

A year has elapsed since the above reports were written. Meanwhile the condition of the wires has become worse, and hence the argument in favor of rebuilding is more forcible now than then. A reliable fire-alarm telegraph is the mainspring, so to speak, of an efficient fire department. As well might a city dispense with steam-engines for the purpose of subduing a fire, as to be without a telegraph to signal the alarms; and that signal should be in every respect reliable. The city of Washington, the nation's capital, is to-day almost without the much-needed fire-alarm telegraph.

Mr. Speaker, ought this to be so in a city like Washington, with its numerous Government buildings and no fire-alarm to point the way to the firemen in order that they may subdue the flames and protect the property of the Government and its citizens? Shall we deny them this important apparatus by which the department is linked together and enabled to discharge its usefulness? I hope not.

A little more than ten years ago, when the system of fire-alarm telegraph was in its infancy, the city of Washington, moved by the spirit of enterprise, adopted and put in active service their present system, and to its efficiency the citizens of the capital and the General Government owe in great part their preservation from conflagrations similar to the devastations visited upon many other cities within our land. But its day of usefulness is now past; the city has so far outgrown the circumference of the telegraph that not more than one-half the present area is at all protected, and indeed the character of the instruments employed are so far behind the present state of the art as to make it a matter of wonder that the persons in charge of the office can make the system work at all. To remedy the defects of the present system and to give ample protection to the entire city, the local authorities of the District determined about a year ago to construct a new fire-alarm telegraph, and to that end the Legislative Assembly made an appropriation of $45,000, and required in the act that one hundred new signal-boxes should be procured for the city together with an entire outfit of office and engine-house instruments, the proper distribution of which will require about one hundred and fifty miles of wire. After advertising extensively for proposals it was found that only about half that work could be accomplished for the money appropriated, and hence nothing has been done.

At an early day of the present session of Congress a bill to aid in the construction of a fire-alarm telegraph in the District of Columbia was introduced and referred to the Committee on Public Buildings and Grounds. The sub-committee having the bill in charge made diligent inquiry of the heads of the different Departments of the United States Government whether such protection as this bill provides for the public buildings in this District is really needed. These inquiries have been affirmatively answered in every case.

During the ten years which have elapsed since the city of Washington inaugurated the fire-alarm telegraph, the General Government, equally with the resident citizens, has enjoyed free of charge the unrestricted use of the telegraph—never having paid a dollar toward its erection, aid, or maintenance. And now that the old system is worn out and since a new, better, and more extensive system must be supplied for the protection of life and property, it is but an act of justice that the United States Government should pay an equal share of the expense.

Mr. Speaker, every Government building in the District and all the valuable archives of the nation are in a greater or less degree exposed to destruction by fire. And how, sir, can protection be afforded more readily and cheaply than by aiding the District authorities in building a reliable fire-alarm telegraph?

This bill in conjunction with the act of the local Legislature of the District provides for the erection of one hundred and twenty signal-boxes, twenty of which shall be placed in and for the use of the public buildings in the District at such points as the engineer in charge shall designate. While the percentage of signal-boxes which the Government is to have for its share may seem disproportionate to the respective sums to be paid for by each government, yet it must be borne in mind that the signal-boxes are but a small percentage of the cost of constructing an entire system, and that the local government pays all expense of repairs and manipulating the telegraph when built. So that, leaving out of view the legal obligations which might be urged in support of the bill, equity steps in and says that one-half is not any greater sum than the Government ought to pay, since it is to receive an equal benefit from the telegraph when erected.

To sum up the whole subject in a few words: The old lines or wire now in use have become worthless, and should be replaced as soon as practicable with new material. The signal-boxes and all the office instruments are badly worn and not reliable in case of an alarm, and entirely out of date, and should be thrown aside and new and more improved instruments substituted. Only about one-half the present area of the city is at all protected by the present limits of the telegraph, and hence the lines ought to be extended so as to afford equal protection to all the inhabitants, and to do this will require a large outlay of money.

The Government buildings need and ought to have the most ample protection, and this can be most economically and effectually secured by aiding the District of Columbia in constructing a reliable system

of the latest and most approved fire-alarm telegraph to be obtained in this country—a telegraph which will be not only a safeguard to life and property, but one which will reflect credit and bestow a lasting honor upon the capital of a great and prosperous nation.

Mr. Speaker, if my time would permit I would like to refer to the report of the board of fire commissioners, which has been read in our hearing. Suffice it to say that the report speaks for itself and every member on this floor must see the importance of the reconstruction and extension of the fire-alarm telegraph in this city. I ask, sir, if the great conflagrations of Chicago and Boston are not still fresh in the memory of all, and should serve to admonish us that every precaution ought to be adopted to prevent the occurrence of a similar disaster at the capital of the nation, where millions upon millions of property relies upon its safety from destruction by fire of a well-regulated and efficient fire department?

Mr. Speaker, as an old fireman, the best way, in my experience, is to give all the facilities required by a well-regulated fire department, and such a department I understand existshere, with this one exception, and that is the much-needed want of a reliable fire-alarm telegraph. Let us therefore extend the aid required by this bill and all will be right. The firemen encouraged, the citizens gratified, and their property well guarded will be the result, and the evil that now exists will be remedied.

Soldiers of the Mexican War.

SPEECH OF HON. W. S. HERNDON,

OF TEXAS,

IN THE HOUSE OF REPRESENTATIVES,

June 9, 1874,

On the bill (H. R. No. 2403) to grant pensions to the soldiers of the Mexican war.

Mr. HERNDON. Mr. Speaker, I propose to offer some remarks on the bill now pending before the House to grant pensions to the soldiers and sailors who enlisted in the Mexican war. And in order to more accurately understand the provisions of the measure I will here read the bill itself:

Whereas the Federal Government early adopted the policy of rewarding its soldiers and sailors who periled their lives in the military and naval service to save the life of the Republic with donations out of the public domain and by moneyed pensions, which policy has been steadily adhered to as wise, just, and humane; and whereas the soldiers and sailors in the Mexican war of 1846 and 1847 suffered incredible hardships under a tropical sun and in a malarious climate, and by endurance, valor, and indomitable energy vanquished their foes and brought victory to our arms in a manner so glorious as to deserve well of their country; and whereas the fruits of the Mexican war resulted in adding an immense area of rich territory to our public domain, out of which new States have been carved and others are yet to be added, besides a mineral wealth that has not only given great impetus to, but has enlarged and diversified the industry and commerce of, the western continent; and whereas more than a quarter of a century has elapsed since the termination of the said war, and the soldiers and sailors who fought its battles and won its victories are growing old and passing off the stage of action, and very many of the survivors by reason of the late war and for other causes are poor and destitute, and for their meritorious public services deserve the friendly assistance and protection of that Government for which they offered their lives: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the soldiers and sailors who were mustered into the military and naval service of the United States in the war with Mexico under the act of Congress approved May 13, 1846, or the acts supplemental to or amendatory thereof, be, and they are hereby, declared to be entitled to receive a pension from the United States; and the Secretary of the Interior is hereby authorized and directed to place on the pension-roll the names of all the surviving officers, non-commissioned officers, musicians, and privates of the military and naval forces of the United States who were mustered into the service in the Mexican war, and who were honorably discharged for any cause, either during the war or at the close thereof, and the surviving widows of such officers and men. And no test-oath of loyalty to the United States, for or on account of anything done during the late war between the States, shall be required to entitle said officers or men, or the widows of either, to the provisions of this act, and no other oath than that to support the Constitution of the United States, except to establish the proof of identity and service, as now required by existing law.

SEC. 2. That pensions under this act shall be at the rate of eight dollars a month, and shall be paid to the persons entitled thereto from and after the passage of this act, and for and during their natural lives: *Provided*, That no person who is now receiving a pension from the United States at the rate of eight dollars per month shall be entitled to the provisions of this act.

It is not my purpose to treat of all the causes that led to and p o-voked that war. It will be sufficient for my purpose to say that Texas before her independence in 1836 was a part of Mexico. And although she had established her nationality and had maintained it for ten years, yet during that time she was almost constantly engaged in warfare with the Mexicans. Mexico had never lost sight of this rich province, had never abandoned her intention of reconquering and reducing it again to possession. The forces of the two countries were very unequal. Texas then had about two hundred thousand inhabitants, and Mexico nearly eight millions. The boundaries of Texas were unsettled, her resources small, and her expenses of separate government necessarily great. Besides all this she was in open hostility to Mexico with forces actually in the field to maintain her authority. Hence it was obvious that she by annexation to the United States would shift the responsibility upon the General Government of settling the question of boundary and giving her protection on the frontier, as well as relieve her of the crushing weight of carrying on a war and a separate government at the same time. But the strongest reason was that she was to enter the family of States on an equal footing with the others, and to have a republican form of government like that which she had created for herself.

On the 29th day of December, 1845, when she formally became a State of the Union, the United States by that act was bound to afford her protection. And Texas being engaged in war with Mexico at the date of annexation, the direction of the war was merely transferred from Texas to the United States. The incorporation of Texas into the Union was regarded by Mexico as sufficient cause for war, and a declaration of war on the part of Mexico soon followed. And to meet this announcement of hostilities against the General Government the act of 13th May, 1846, and the acts supplemental thereto, mentioned in the bill, were passed, and under which a large military and naval force were called out. Large bodies of troops were rapidly mustered into service and marched into Mexico, which became the seat of the war.

It is not my purpose to speak here of the glorious victories that crowned our arms at Monterey, Buena Vista, Vera Cruz, Cerro Gordo, Churubusco, Chapultepec, city of Mexico, and other fields. History has done ample justice to the bravery, discipline, magnanimity, and gallantry of our troops on those occasions, and has built for them a monument that will long survive the noble actors in those scenes. Americans have always borne themselves gallantly on the field of battle, and during no war that has occurred in our history did they win greater glory for themselves or sustain the national honor more proudly. I prefer to leave the individual acts of the brave soldiers and their battalions in the hands of those who were eye-witnesses of their daring feats, and who have already celebrated their praise in poetry and song. They not only did enough to live in history, but to deserve the lasting gratitude of their countrymen.

I wish to notice first the number of and composition of the troops that were enlisted in that war, and then trace some of the results that followed the war, or rather the fruits of their victories. I will here submit a table showing the aggregate of the regulars and volunteers employed during the war, with their average duration of service and casualties incident to each force.

General view of the subjects of inquiry, showing the aggregate of the regulars and volunteers employed during the war, with their average duration of service, and the casualties incident to each description of force.

	Forces employed and mustered into service.		Discharges.				Deaths.									Wounded in battle.			Resignations.	Deserters.
	Aggregate officers and men.	Average months of service during the war.	By expiration of service.	For disability.	By order and civil authority.	Aggregate number of discharges.	Killed in battle.		Died of wounds.		Total killed and died of wounds.		Ordinary.		Accidental.	Aggregate number of deaths—officers and men.	Officers.	Men.	Aggregate.		
							Officers.	Men.	Officers.	Men.	Officers.	Men.	Officers.	Men.							
Old establishment	15,736	26	1,561	1,782	373	3,716	41	422	22	307	63	729	49	2,574	139	3,554	118	1,685	1,803	37	2,247
Additional force	11,186	15	12	767	114	893	5	62	5	71	10	133	36	2,055	30	2,264	36	236	272	92	602
Aggregate of regular Army	26,922	.....	1,573	2,549	487	4,609	46	484	27	378	73	862	85	4,629	169	5,818	154	1,921	2,075	129	2,849
VOLUNTEER FORCE.																					
General staff	272	.....	.....	.....	47	47	1	.....	.....	.....	1	.....	16	.....	.....	17	.....	.....	.....	48	.....
Regiments and corps	73,260	10	50,573	7,200	1,969	9,169	46	467	....	100	46	567	(*)	*6,256	192	7,061	129	1,189	1,318	279	3,876
Agg. regular and volunteer forces	100,454	.....	52,146	9,749	2,503	13,825	93	951	27	478	120	1,429	101	10,885	361	12,896	283	3,110	3,393	456	6,725

* In the reports of the deaths of volunteers of ordinary diseases, officers are not discriminated.

It appears from this table that in May, 1846, at the commencement of hostilities, our old establishment consisted of all arms of the service, 15,736, and this force was increased by 11,186 soldiers and 548 marines, aggregating a regular Army of 27,470, and showing that the total addition to this establishment was 11,734. I will also submit a tabular statement, showing in detail the volunteer force in each arm of the service, the casualties, and the number mustered out of service.

General recapitulation—volunteer service.

Description of force.	Number of regiments.	Number of companies.	Mustered into service, and joined and recruited since muster.			Officers resigned.	Discharged.	Deaths.		Desertions.	Mustered out of service.		
			Commissioned officers.	Non-commissioned officers, privates, &c.	Aggregate.			Killed in action, or died of wounds.	Ordinary.		Commissioned officers.	Non-commissioned officers, privates, &c.	Grand aggregate.
Whole mounted force	19.7	197	740	16,147	16,887	38	1,674	113	1,094	235	758	12,645	13,403
Whole artillery force	1.1	11	50	1,079	1,129	2	96	1	27	114	51	823	874
Whole infantry force	58.9	589	2,341	52,903	55,244	239	7,399	493	5,287	3,477	2,318	33,978	36,296
Total number of three, six, twelve months', and war volunteers, mustered into service	79.7	797	3,131	70,129	73,260	279	9,169	*607	6,408	3,876	3,127	47,446	50,573

*Of this number (six hundred and seven) fifty are commissioned officers. See statement D, page 34, in which, under the head "Recapitulation," the States are designated, and the losses in battle in the respective volunteer regiments specified.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE, *Washington, December* 3, 1849.

R. JONES, *Adjutant-General.*

From this table it will beseen that the whole number of volunteers mustered into the service from May, 1846, was 73,260; of which 16,887 were mounted men, 1,129 artillery, and 55,244 infantry, including 3,131 commissioned officers.

But it will no doubt be considered by many that there should be a large deduction from this force, that is of troops who volunteered and were received as three months' and six months' troops, and the number that were called out neither by the authority of the War Department nor the act of May 13, 1846. In this class the three months' and six months' men, two regiments of twelve months' men from Ohio and Missouri, and one company from Iowa are embraced, amounting in all to 14,448; of which 2,778 not being required to proceed to the seat of war were discharged a few days after being mustered into the service. If this force should be deducted from the aggregate mustered into service, 73,260, the force enrolled under the act of May 13, 1846, and the fifth section of the act of March 3, 1847, which authorizes the President to accept the services of "*individual volunteers*" to fill *vacancies*, &c., there will remain 58,812 officers and men. This would be an act of great injustice, as will be seen by a short examination of the statistics of the three and six months' men. The strength of three months' men when mustered into service was 1,390, and when discharged, 1,269; being a loss of 121. Discharged before their term of service expired, 82; of which, 3 for disability; deaths, 18; ordinary, 8; killed in battle and died of wounds, 10; and desertions, 22. The six months' men were actually held in service three months, and numbered when mustered into service 11,211, and when discharged, 9,620; loss, 1,591. Discharged before expiration of term, 825, of which 370 were for disability; deaths, 127; ordinary, 107; killed in battle and died of wounds, 6; accidental, 14; desertions, 524.

While it is apparent that these troops did not suffer all the hardships and losses that troops of longer service did, yet it is equally apparent that they were actually in battle, and suffered in killed and wounded and by death from sickness. They were ready, willing, and did expose themselves to all the hardships and risks incident to a soldier's life during their term of service. Where should the line be drawn? Are they to take nothing for their service? They volunteered with as high notions of patriotism no doubt as any soldier of the Army, and bore themselves as gallantly on the field, and laid down their lives as cherfully. It matters not that they were not all called out under a special act of Congress; they were actually received and mustered into the service, armed and rationed and used as other soldiers. They deserve all the more consideration for not waiting until the law demanded their service. They felt that the emergency existed; that their country needed their service, and like true patriots did not wait for but anticipated the call of their country. And were they mistaken in this? The President and the officers in the field believed that their services were necessary to save the honor and glory of their country, and acting upon such belief actually mustered them into the service. It is too late now to raise the objection that they were not lawfully accepted into service, or that they did not serve as long as other troops who had enlisted at a prior date. The only question worthy of consideration now is, did they volunteer, were they mustered into the service and accepted as soldiers? Of this there can be no mistake. Therefore I am in favor of making no distinction, but for treating all alike.

The total number of troops engaged in the war with Mexico, regulars and volunteers, was 100,454, and the total land force in service at the time of the reduction of the war establishment in July, 1848, was as follows:

Regulars:	
Commissioned officers	1,338
Non-commissioned officers and men	22,695
Aggregate regulars	24,033
Volunteers:	
Commissioned officers	1,527
Non-commissioned officers and men	21,590
Aggregate volunteers	23,777
Aggregate regulars and volunteers at the close of the war with Mexico	47,150

For the purpose of arriving at the approximate number of soldiers and widows that would be entitled at this date to a pension under this bill, I here read a letter from the Statistical Bureau, which by comparison with life tables, gives the number sufficiently accurate for our present purposes:

TREASURY DEPARTMENT, BUREAU OF STATISTICS,
April 1, 1874.

DEAR SIR: In reply to your communication of the 28th instant, I have to say that the aggregate United States force, regulars and volunteers, engaged in the war against Mexico, 1846-'47-'48, was 100,454. Of these there died during the war 12,896, leaving of survivors at the close of the war 87,558. Deducting from this 6,725 for desertions leaves the number of survivors at the close of the war, *less* desertions, 80,833.

The average age at the close of the war may safely be assumed at twenty-five years, to which adding twenty-six years for the period elapsed since July, 1848, the time when the troops were withdrawn from Mexico, gives the present average age of survivors as fifty-one years.

According to standard life tables about 68 per cent. of persons in the population at large, age 25, survive to the age of 51, at which rate there would be now surviving 54,880 persons out of the 80,833 soldiers above mentioned. The number of survivors among the soldiers must, however, be somewhat smaller than this, as their rate of mortality doubtless exeeded somewhat that of the population at large. Deducting 15 per cent. for this assumed larger rate of mortality leaves 46,600 as the probable number of these soldiers surviving; the corresponding number of deaths to the present time having been 34,200 out of the 80,800 soldiers who were surviving and entitled to honorable discharge at the close of the Mexican war. In default of want of accurate data we may assume that eight-tenths of the 34,200 soldiers dying since the close of the war left widows who still survive, the number of such surviving widows consequently amounting to 27,360, or somewhat over 27,000.

It has not been possible for me at this time to separate those enlisted in the Southern from those from the Northern States.

I inclose a table relative to the United States forces engaged in that war.

The number of disabled soldiers of that war now in the receipt of pensions is about 4,000, and the number of widows of deceased soldiers disabled in that war about 1,800.

I have the honor to be, very respectfully, yours,

EDWARD YOUNG,
Chief of Bureau.

Hon. W. S. HERNDON,
Member of Congress, House of Representatives.

By these statistics, which seem to be fixed at a maximum, there would still be surviving 46,600 soldiers and 27,360 widows of soldiers entitled to a pension of the whole number of 80,833 who survived the war, or a total entitled to pension of 73,960. While I have used this estimate from the Bureau of Statistics, I will here state that it is the largest I have yet seen. The estimate made by the Commissioner of Pensions is 39,000 survivors, being 7,600 less than the above. And I think the estimate for the surviving widows, 27,360, still more out of proportion. But it should be remembered, however, that this estimate includes the 11,186 men that were added to the regula

Army. But large as it is I propose to use it as a basis of calculation, for I suppose that the number will hardly ever be fixed at a higher approximate number.

But it also appears that of this number 4,000 disabled soldiers and about 1,800 widows of deceased or disabled soldiers in that war are now in receipt of pensions; which aggregate of 5,800 should be deducted from 73,960, which will leave 68,160 who by this calculation will be entitled to receive a pension at this date. If this result be practically correct, then this bill provides for the payment of eight dollars per month to each pensioner, which will amount to $6,543,360 per annum, decreasing annually, however, in proportion to the decrease by death of this number.

This is a large sum of money to be drawn from the Treasury each year, but it may be answered that great sacrifices were made by these men and mighty results were achieved which have been of incalculable benefit to the whole nation. Besides it has constantly been the policy of our Government since its establishment to reward meritorious services not only with honors but with a moneyed consideration. The soldiers of the Revolution and of 1812 and the disabled soldiers of all subsequent wars have been placed upon the pension-rolls and protected from want in their declining years. There is an exception to this, however, to which I desire once more to call the attention of the House.

By legislation since the war of a proscriptive character, and which I regard as a blot upon our statute-books, and which, I believe, history will rank among the follies of our Government, all the pensioners of 1812 and the disabled pensioners of subsequent wars, residing in the Southern States lately in rebellion, were stricken from the pension-rolls, and a test-oath, odious to most of them, required, with certain proofs of the same character, before they can be replaced on the pension-roll and receive their pensions. Thousands in that section of the Union are cut off by this proscriptive measure. I do not remember of any legislation so evil in its character as this and so odious in its nature.

It is leveled at the most helpless and yet meritorious class of our citizens, old, decrepit, and diseased men and women, who were unable to take any other part in the late war except in sympathy, and whose crime consists in their residence in this land and having sons who engaged in the war. Even if some of them did commit errors during the war in the eye of the Government, yet by reason of their distinguished services in behalf of their country they had, in the language of another, "earned the right to do wrong." These persons deserve and justly have the respect and sympathy of their fellow-citizens, and no action of the Government against the strong and vigorous citizens of our country, however malignant in its nature, could excite the derision and contempt that these proscriptive acts have produced.

I cannot complain of the House of Representatives. They have twice passed an act wiping out this wicked proscription, and I believe the Executive is ready and anxious to approve such a measure; but the Senate has so far refused to act favorably upon it, and ought to bear the whole responsibility. I trust, however, that before the end of this session a returning sense of justice will induce them to save the nation from the further disgrace of allowing these persons to die in want and accord to them their just rights. The acts striking them from the pension-lists should be branded, as they deserve to be styled, acts of confiscation. And for a mighty government to confiscate the property and rights of the helpless and allow the strong to hold them, presents an attitude before the world of disgrace and humiliation of which I am heartily ashamed.

We have placed upon our pension-rolls since the late war a vast number of pensioners, consisting of disabled soldiers, widows of deceased soldiers, and children under sixteen, who were dependent upon a father or brother who was slain or died in the service, and other dependent relatives, until the number has become frightful.

By examination of the statistics it will be found that the pension-rolls of June 30, 1871, show 207,495 pensioners, at a cost of $33,077,383.63. But they had increased 24,734 to June 30, 1872, composed as follows:

Army invalids	95,405
Army widows and dependent relatives	113,518
Survivors of the war of 1812	17,100
Widows of soldiers of same	3,027
Navy invalids	1,449
Navy widows and dependent relatives	1,730
Total	232,229

At a cost of $30,169,341 for the year 1872. And when it is considered that there were 2,688,523 soldiers who served in the late war, and but 176,000 have yet made claim for pensions on account of disability, it is reasonable to conclude that a large number will be added to the list annually, and thus keep the expenditures to at least thirty millions per annum.

The tendency is to increase the amount of pension and the number of pensioners. By act of June 8, 1872, the pay of three grades of pensioners were increased respectively from $15, $20, and $25 to $18, $24, and $31.25 per month, and these classes numbered about 16,000, making $750,000 per annum, without increasing the number of pensioners. The pay of other classes is respectively as follows: Army invalids, $90.26 per annum; $7.52 per month. Army widows and dependent relatives, $128 per annum; $10.66⅔ per month. Navy invalids, $94.23 per annum; $7.85 per month. Navy widows and dependent relatives, $135.61 per annum; $12.97 per month. To form an adequate idea of the rapid increase of pensions, I compare the payment of 1862 with 1871. In 1862 the total pay of pensions for eleven previous wars was $852,170.47. For same item 1871, $33,077,383.63, or an increase of $32,225,213.16 over that of 1862, or over 900 per cent. in nine years.

And under the disgraceful and wicked legislation referred to not one of these pensioners of 1862, who had defended their country through eleven wars, who resided in the Southern States, can draw a dollar unless proof of loyalty during the late war is made, although they are taxed to pay the pensions of others. I do not complain that pensioners justly entitled are paid. This is just and noble in the Government; but I do complain that most of this large annual appropriation is stolen and diverted from its object and never reaches the soldier. Mr. GARFIELD, chairman of the Committee on Appropriations, said on 30th January, 1872, in the House, that more than one-fourth of all the means appropriated for pensions was stolen by claim agents, sharpers, and swindlers; in effect, that more than eight millions per annum were stolen from this fund alone. This can and ought to be stopped. If this sum was saved from the thieves who plunder, it would be more than enough to pay all the persons now entitled and the soldiers of the Mexican war besides.

I will also submit another table showing the Navy pensions, the Army pensions paid in sundry wars, and the number of soldiers engaged in the different wars of this country, a portion of whom have been placed on the pension-rolls:

Statement of the number of pensioners on the rolls who served in the Army, Navy, and on board of privateers, with the amount which has been paid in each year in the several States and Territories, including the sums paid at the Treasury Department for unclaimed pensions, for special-act pensions, and for revolutionary claims of Virginia under the act of July 5, 1832.

Year.	Invalid and soldiers.		Widows and dependent relatives.		Total.		Remarks.
	Number on roll.	Amount paid.	Number on roll.	Amount paid.	Number on roll.	Amount paid.	
1791	1,356	$223,856 12	.....	.....	1,356	$223,856 12	Includes arrears from 1789.
1792	.....	115,840 87	.....	.....	.....	115,840 87	
1793	.....	85,417 32	.....	.....	.....	85,417 32	
1794	.....	87,816 96	.....	.....	.....	87,816 96	
1795	1,444	73,643 42	.....	.....	1,444	73,643 42	The few Army widows pensioned prior to 1816 are included with the invalids.
1796	.....	105,165 92	.....	.....	.....	105,165 92	
1797	.....	100,629 77	.....	.....	.....	100,629 77	
1798	.....	108,906 15	.....	.....	.....	108,906 15	
1799	.....	96,764 81	.....	.....	.....	96,764 81	
1800	1,711	66,308 19	.....	.....	1,711	66,308 19	
1801	.....	75,164 78	.....	.....	.....	75,164 78	
1802	1,661	87,627 51	.....	.....	1,661	87,627 51	
1803	.....	70,317 76	.....	.....	.....	70,317 76	Commencement of payments to Navy invalids and widows. These will be found included with "invalids" until 1843.
1804	.....	86,382 97	.....	.....	.....	86,382 97	
1805	1,593	89,975 06	.....	.....	1,593	89,975 06	
1806	.....	88,786 66	.....	.....	.....	88,786 66	
1807	1,530	76,065 40	.....	.....	1,530	76,065 40	
1808	.....	89,480 04	.....	.....	.....	89,480 04	
1809	.....	94,963 79	.....	.....	.....	94,963 79	
1810	1,544	87,965 90	.....	.....	1,544	87,965 90	
1811	.....	75,898 96	.....	.....	.....	75,898 96	
1812	.....	97,610 72	.....	$424 30	.....	98,035 02	Commencement of payments to privateer invalids, and to widows of same. The "privateer fund" was exhausted in 1838, and pensions not renewed to widows. From 1843 irregular payments were made to the invalids, and in 1856 the few survivors were ordered to be paid with the Navy invalids.

Statement of the number of pensioners on the rolls who served in the Army, Navy, and on board of privateers, &c.—Continued.

Year.	Invalid and soldiers.		Widows and dependent relatives.		Total.		Remarks.
	Number on roll.	Amount paid.	Number on roll.	Amount paid.	Number on roll.	Amount paid.	
1813	1,501	$96,295 31	.....	$2,352 76	1,501	$98,648 07	
1814	.....	88,601 04	.....	3,460 00	.....	92,061 04	
1815	2,050	73,942 76	.....	8,256 04	2,050	82,198 80	
1816	3,208	221,250 24	389	56,186 23	3,597	277,436 47	In 1816 the invalid rate to privates of the Army was increased from $5 to $8 for total disability; also, pensions to widows of soldiers of war of 1812 for five years not renewed until 1853.
1817	.....	154,764 29	.....	288,085 49	.....	442,849 78	
1818	.....	253,749 05	.....	385,316 96	.....	639,066 01	In 1818 pensions to revolutionary soldiers for service in Continental line first granted.
1819	19,188	2,022,317 40	3,001	331,760 69	22,189	2,354,078 09	
1820	.....	2,616,142 12	.....	201,073 89	.....	2,817,216 01	
1821	.....	1,437,600 69	.....	126,325 44	.....	1,563,926 13	
1822	.....	2,387,570 38	.....	84,124 65	.....	2,471,695 03	
1823	15,143	1,788,443 13	218	54,688 84	15,361	1,843,131 97	
1824	.....	1,610,566 10	.....	41,782 95	.....	1,652,349 05	
1825	13,872	1,523,252 02	110	40,926 18	13,982	1,564,178 20	
1826	.....	1,772,240 74	.....	33,285 36	.....	1,805,526 10	
1827	.....	1,006,102 46	.....	25,806 31	.....	1,031,908 77	
1828	11,438	1,339,977 88	.....	17,952 72	11,438	1,357,930 60	In 1828 special provisions were made for certain revolutionary officers and soldiers.
1829	.....	1,159,246 77	.....	21,581 99	.....	1,180,828 76	
1830	10,765	1,614,972 33	.....	11,011 74	10,765	1,625,984 07	
1831	.....	1,319,240 94	.....	10,989 38	.....	1,330,230 32	
1832	.....	2,639,685 79	.....	14,225 83	.....	2,653,911 62	Act of June 7, 1832, gave pensions to revolutionary soldiers who served six months. Act of July 5, 1832, provided for payment of Virginia claims for revolutionary services.
1833	33,354	5,430,659 58	.....	10,945 35	33,354	5,441,604 93	
1834	.....	3,938,241 44	.....	7,723 25	.....	3,990,964 69	Act of June 30, 1834, provided Navy pensions to widows.
1835	.....	2,388,876 34	.....	4,191 87	.....	2,393,068 21	
1836	31,992	3,044,933 13	1	5,213 03	31,993	3,050,146 26	Act of July 4, 1836, provided pensions for widows of revolutionary soldiers who were married before close of the war, and for soldiers in Florida war, for five years.
1837	.....	3,070,493 95	.....	557,216 68	.....	3,627,710 63	Act of March 3, 1837, granted arrears of Navy pensions, which exhausted the Navy pension fund in 1842.
1838	26,725	1,979,577 71	3,232	1,065,109 23	29,957	3,044,686 94	In 1838 pensions were granted to widows of revolutionary war, for five years, who were married prior to 1794.
1839	.....	2,207,364 46	.....	1,618,693 59	.....	3,826,058 05	
1840	20,295	1,094,540 66	6,930	1,168,420 82	27,225	2,262,961 48	
1841	.....	1,219,809 28	.....	1,025,510 04	.....	2,245,319 32	From March 4, 1841, to March 4, 1843, no pensions were provided for widows married prior to 1794, except under act of July 4, 1836.
1842	.....	1,135,241 75	.....	367,803 49	.....	1,503,045 24	
1843	14,109	1,593,258 02	4,579	248,780 83	18,688	1,842,038 85	In 1843, the act of July 7, 1838, was continued for one year from March 4, 1843, and in 1844 was further continued for four years.
1844	.....	1,253,908 47	.....	813,255 34	.....	2,067,163 81	
1845	.....	769,995 49	.....	1,448,331 41	.....	2,218,326 90	
1846	10,349	785,946 60	7,715	1,698,079 82	18,064	1,884,026 42	
1847	.....	387,066 37	.....	1,125,418 85	.....	1,512,485 22	
1848	.....	327,076 07	.....	811,670 85	.....	1,138,746 92	Act of August 11, 1848, extended Navy invalid and also Navy widows' pensions during widowhood. Act of February 2, 1848, continued revolutionary pensions during widowhood. Act of July 29, 1848, granted pensions to widows married before 1800. Act of July 21, 1848, authorized pensions for five years to widows of soldiers in Mexican war.
1849	8,631	864,278 73	6,951	735,416 63	15,582	1,599,695 36	
1850	.....	1,219,984 89	.....	959,823 43	.....	2,175,808 32	
1851	7,368	1,045,841 16	7,525	1,360,670 97	14,893	2,406,512 13	
1852	.....	1,210,678 35	.....	1,129,233 76	.....	2,339,912 11	
1853	6,267	871,315 74	5,649	998,431 78	11,916	1,869,747 52	Act of February 3, 1853, allowed pensions to widows of revolutionary soldiers married after January 1, 1800; also, renewed pensions for five years to widows of soldiers in Florida and Mexican wars, war of 1812, and in Indian wars.
1854	6,075	547,292 87	7,990	1,018,750 70	14,065	1,566,043 57	
1855	6,026	568,395 59	8,462	899,010 14	14,488	1,467,405 73	
1856	5,751	629,624 72	8,181	829,231 14	13,932	1,458,855 86	
1857	5,630	585,312 47	7,556	795,618 09	13,186	1,380,930 56	
1858	5,546	618,726 30	6,069	640,809 44	11,615	1,259,535 74	In 1858, the pensions to widows of soldiers in wars subsequent to the Revolution were continued during widowhood.
1859	5,419	582,846 61	6,166	690,642 20	11,585	1,273,488 81	
1860	5,358	509,954 40	5,926	644,367 33	11,284	1,154,321 73	
1861	5,215	480,371 26	5,494	608,847 49	10,709	1,089,218 75	
1862	4,341	$368,368 33	3,818	$432,451 61	8,159	$800,819 94	Pensioners in Southern States dropped from the rolls. Act of July 14, 1862, granted pensions to invalids of the war of 1861, their widows and dependent relatives.
1863	7,821	447,544 64	6,970	596,819 83	14,791	1,044,364 47	
1864	23,479	1,449,616 71	27,656	3,072,005 47	51,135	4,521,622 18	
1865	35,880	2,216,954 30	50,106	6,325,930 97	85,986	8,542,885 27	Commenced restoring to the rolls loyal pensioners in Southern States.
1866	55,652	3,901,562 01	71,070	9,349,418 16	126,722	13,250,980 17	The rates for certain total and permanent disabilities increased in 1866 from $8 to $15, $20, and $25 per month. Pensions to widows having minor children were increased $2 for each child. The acts of July 25, 1866, and July 27, 1868, also provided that the rates of pensions (Army and Navy) of previous acts should conform to those prescribed for the same rank in the act of July 14, 1862, and amendments thereto.
1867	69,565	6,548,151 32	83,618	12,133,560 47	153,183	18,681,711 79	
1868	75,957	7,627,394 13	93,686	16,452,009 05	169,643	24,079,403 18	Arrears of pension allowed by extending limit for applications to five years.
1869	82,859	9,525,058 17	105,104	18,920,030 92	187,963	28,445,089 09	
1870	87,521	9,137,362 43	111,165	18,643,449 38	198,686	27,780,811 81	
1871	93,394	12,497,631 78	114,101	20,579,751 85	207,495	33,077,383 63	Payments of pensions changed to quarterly, and five quarters included in this fiscal year; also commutation for or furnishing artificial limbs.
1872	113,954	12,272,004 18	118,275	17,897,336 82	232,229	30,169,341 00	Pensions granted for sixty days' service in the war of 1812.
Total	.....	133,604,810 93	.....	148,849,599 83	.....	282,458,410 76	

The number of Navy invalids admitted to pensions (including privateer invalids) to June 30, 1861, is 1,692
From July 1, 1861, to June 30, 1872, is 1,891
The number of Navy widows admitted to pensions (including those of privateersmen) to June 30, 1861, is 1,565
From July 1, 1861, to June 30, 1872, is 1,976

Total 7,124

Army pensions:
Total amount paid to invalids from 1791 to June 30, 1872 ..... $77,857,296 46

Total amount paid to soldiers of the revolutionary war—1818 to 1869 .. $46,177,845 44
Total amount paid to widows of soldiers of the revolutionary war—1836 to 1872 ..... 19,510,819 88
Total amount paid to widows of soldiers of wars subsequent to the revolutionary war—1816 to 1872 ..... 5,641,832 76
Total amount paid to widows of soldiers of the war of 1861—1861 to 1872 ..... 118,996,309 92
Total amount paid to soldiers of the war of 1812, act of February 14, 1871—1871 and 1872 ..... 1,980,481 89
Total amount paid to soldiers of the war of 1812, per act of February 14, 1871–1872 ..... 335,993 63

Total amount paid for Virginia claims under act of July 5, 1832, at Treasury		$1,216,113 53
Total amount paid for special acts for Army and Navy, at Treasury		1,904,330 53
		273,621,024 04
Navy pensions:		
Total amount paid to invalids from 1803 to June 30, 1872		4,004,732 38
Total amount paid to privateer invalids from 1812 to June 30, 1864		158,801 70
Total amount paid to widows from 1843 to June 30, 1872		4,419,217 19
Total amount paid to privateer widows from 1812 to December 31, 1835		254,635 45
Total		282,458,410 76

Soldiers of the war of the Revolution, 1775 to 1783, (pensioned for service, 57,623)		289,715
Indian war, General Wayne, 1794		2,843
Indian war, 1811		650
War with Great Britain, 1812 to 1815, number of soldiers, sailors, and marines serving 12 months or more	63,179	
Number of militia serving six months or more	66,325	
Number of militia serving three months or more	125,643	
Number of militia serving one month or more	125,307	
Number of militia serving less than one month	147,200	
		527,654
Number of soldiers serving in Seminole war, 1817–'18		5,911
Number of soldiers serving in Black Hawk war, 1831–'32		5,031
Number of soldiers serving in southwestern disturbances, 1836		2,803
Number of soldiers serving in Cherokee Country disturbances, 1836–'37		3,926
Number of soldiers serving in Creek disturbances, 1836–'37		13,418
Number of soldiers serving in Florida war, 1836–'42		41,122
Number of soldiers serving in Mexican war, 1846–'47		73,260
Number of soldiers serving in New York frontier disturbances, 1838–'39		1,128
Number of soldiers serving in Aristook disturbances, 1838–'39		2 reg'ts.
Number of soldiers serving in the war of the rebellion, 1861–'65		2,688,523

But there is another consideration which should be remembered, one which ought to have more than ordinary weight, that out of this vast sum of $30,000,000 annually appropriated hardly one dollar of it finds its way to the South. The soldiers and their representatives to whom it is paid reside North, and unless, as is rarely the case, a soldier has removed South, not a dollar will be paid there. This makes the benefits and burdens very unequal. The South pays annually a large share of the taxes that are applied to this force, while she receives hardly a dollar in return therefor, and cannot hope to ever receive much from this source. The burdens and benefits could not be equalized except by granting a pension to the confederate soldiers in like manner as they are granted to the Union soldiers, the number being comparatively about equal according to population. But for this we cannot reasonably hope in this generation. As the laws now exist the South is called upon to bear burdens, to pay immense taxes, but is not allowed to receive any of the benefits. It is hardly necessary to remind sensible men that this is very unjust and cannot add much to that fraternal and patriotic sentiment which is the strongest bond of our Union.

But it will be asked how can we better equalize these benefits if we do not demand that confederate soldiers shall be placed on the pension lists? The first step to take in that direction is to repeal all the proscriptive acts which dropped from the pension-rolls all soldiers and widows who were entitled to pensions for services in the wars prior to the last. And the next step is to pass into law the present bill. But how will this equalize the benefits or aid the South more than the North? This is quite apparent by a short analysis of the forces furnished by each State. The total number of States that furnished troops were Alabama, Arkansas, California, (not a State then,) Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, Wisconsin, being twenty-five States, and the District of Columbia, and from what has since become the Territory of Utah, leaving twelve States and nine Territories that furnished no troops for the Mexican war, and these being Connecticut, Delaware, Kansas, Maine, Minnesota, Nebraska, Nevada, New Hampshire, Oregon, Rhode Island, Vermont, and West Virginia, (the last was then a part of Virginia and will come under that head,) and the Territories of Arizona, Colorado, Dakota, Idaho, Montana, New Mexico, Washington, Indian Territory, and Wyoming.

By comparing the States south with those north that did furnish troops (I mean the volunteer forces which are here taken for example) it will be seen that they stand thus:

Alabama	3,026
Arkansas	1,323
Florida	370
Georgia	2,132
Kentucky	4,842
Louisiana	7,947
Mississippi	2,423
Missouri	7,016
District of Columbia and Maryland	1,355
North Carolina	935
South Carolina	1,077
Tennessee	5,865
Texas	8,078
Total	47,649

And in the eleven Northern States and Utah they stand thus:

California	844
Illinois	6,123
Iowa	253
Indiana	4,585
Massachusetts	1,057
Michigan	1,103
New Jersey	425
New York	2,396
Ohio	5,336
Pennsylvania	2,503
Wisconsin	146
Utah	585
Total	25,536

This shows that of the whole volunteer force of 73,260 the South furnished 47,649 and the North 25,536, or but a little over one-half what the South did; or, to put it more sharply, four of the Southern States, Missouri, Louisiana, Tennessee, and Texas, furnished 28,846 men, being 3,310 men more than all the States and Territories north put into the service. Or again, if you take the single State of Texas, although she then had less than two hundred thousand inhabitants, you will find that she mustered more men by 135 into the service than the nineteen States north, to wit: Connecticut, Delaware, Iowa, Kansas, Maine, Minnesota, Massachusetts, Michigan, New Jersey, New York, Nevada, Nebraska, New Hampshire, Oregon, Pennsylvania, Rhode Island, Vermont, West Virginia, and Wisconsin, and nine Territories. So that in receiving pensions under these statutes the South would receive in the ratio of about two-thirds while the North would take one-third. But the State of Texas would not only receive the largest sum of any State in the Union because she had more troops in the service, but because a large number of those soldiers who enlisted in other States have since removed to that State; enough, I estimate, to make up the number now equal to the original enlistment. Hence approximately the South would receive something over four millions per annum of the $6,543,360. And if my estimate of the number of these soldiers now in Texas who would be entitled to pensions be correct, that is, 8,000, then there would be $768,000 annually disbursed in the State of Texas.

The benefit, to say nothing of the justice, of this measure to the South of disbursing over $4,000,000 per annum in that impoverished and almost ruined country is too obvious for comment. Every one must know the impetus that the disbursement of thirty millions annually paid from the Treasury to the people of the North gives to industry and commerce. I submit that this measure ought to commend itself strongly to the people of the North, not only because it is just and due to these soldiers for meritorious services long since performed but because it is perhaps the only just method now by which the South can be relieved of some of those burdens that threaten to crush out her existence.

But let us look for a moment to the fruits of this short, decisive, and glorious war. It commenced in the spring of 1846, and our soldiers were disbanded in July, 1848. Thus in about two years, with 100,454 men, we marched into an enemy's country of vast extent, lying more than a thousand miles from the center of our population, containing eight million people, subdued them, and dictated our own terms of peace. What did we gain by that war? The great State of Texas was involved. The Mexicans claimed all that vast territory. This peace enabled us to establish her present lines and sever her forever from Mexican domination.

By the treaty of Guadalupe Hidalgo of February 2, 1848, and the Gadsden purchase of December 30, 1853, Mexico ceded to the United States the territory now covered by the States of California, Nevada, part of Nebraska, also all claim to the territory covered by the State of Texas, and by the Territories of Utah, Arizona, and New Mexico, by portions of the Territories of Wyoming and Colorado, and by by the unorganized territory lying west of the Indian Territory, embracing all about 937,875 square miles. This vast area contained more territory than all the organized States of the Union did at the time of its acquisition. To form some estimate of its richness and fertility, its value and commercial importance, we have but to examine its statistics for the past few years. The entire population of this newly acquired territory in 1850 only numbered 406,657 inhabitants, and in 1870 had increased to 1,772,060 persons. The total wealth in 1850 was $81,062,899, but in 1870 it had swelled to $965,622,071. But so rapidly have the population and wealth increased within the past few years, that at least one-fifth may be added to these figures for the last four years since the taking of the census, which will give us over two million inhabitants and about $1,200,000,000 of wealth. And in all the industries of the country this section will bear a favorable comparison according to population and wealth. In mining resources, however, it outstrips all the balance of the Union together; it is literally the great gold field of America and the world. Take, for example, the year 1860, and the total product of gold and silver in the United States amounted to $61,500,000; of which sum the following amounts were produced, to wit:

California	$22,500,000
Colorado and Wyoming	4,000,000
Arizona	1,000,000
New Mexico	500,000
Nevada	14,000,000
Total	42,000,000

And if this should be taken as an average year since 1850, say for the past twenty-four years, then we will have a yield of $1,008,000,000 or over one billion dollars. This enormous sum has been sufficient of itself to give an impetus to the commerce of the whole continent

and has had its influence on the civilized world. But the mining resources of this section are believed to be inexhaustible. We have but just commenced, as it were, to dig the hidden wealth imbedded in this El Dorado of America. But this territory was not only valuable in itself on account of its intrinsic wealth and resources, but it became the great highway to the Pacific Ocean and the East for the older and more densely populated States of the Union. In this respect alone it would more than compensate for all the expenditures of the Mexican war. Who is capable, or by what method can the value and importance of this acquisition be estimated? If you undertake to fix a value upon it you must do so by statistics of what it is now and what it was when acquired, comparing the one with the other in all the changes that have been wrought. But this must fail to give any just idea of its greatness and value to the country. We can form a better idea by asking the question, for what consideration would the General Government part with this 937,875 square miles with its two millions of people and untold resources and commanding position on the continent, holding in its arms the great gateway to the empires of the East?

No money consideration could buy it at all; its value is beyond price; we could not do without it. We can see in it a bright and glorious future of a dense population containing all the true characteristics of wealth, refinement, and a high order of civilization. No war with a foreign country has produced such results in so short a time, and no troops acquitted themselves with more honor and made greater sacrifices during their period of service. Having gained for the whole country that which for value cannot be estimated, and having reached a period when many of these veterans are in need, will the country refuse to reward such faithful and worthy patriots? These soldiers by estimation are now over fifty years of age. I know very many of them in the South; a vast majority lost their property during the war, and are penniless and too old and feeble to labor.

Nothing that they did during the late war should be remembered against them. They deserve well of their country for services performed long prior to the late war, they are entitled to compensation and reward, and a grateful country having received such immense gain for the personal sacrifices of those patriotic men, will not long delay in meting out that justice which they claim at her hands. I have not discussed the merits of the soldiers who served in the several Indian wars since 1812, and who are entitled to pensions. This bill does not embrace them because another bill before the House does, but for many of the reasons urged here, and many more that can be offered, I am in favor of including them under the proper limitations in the same act and bestowing upon all patriotic defenders of the peace and liberties of our country alike the bounty of a great, just, and generous Government.

Department of Manufactures and Mining.

SPEECH OF HON. E. CROSSLAND,

OF KENTUCKY,

IN THE HOUSE OF REPRESENTATIVES,

June 9, 1874,

On the substitute for the bill (H. R. No. 1246) to establish at the seat of Government a Department of Manufactures and Mining, and for other purposes.

Mr. CROSSLAND. Mr. Speaker, the substitute reported by the Committee on Manufactures involves a very small expenditure of money and is so much better than the bill that I feel no inclination to antagonize it. The statistics sought to be collected will be interesting and useful. We have been entertained by the members of the Committee on Manufactures, the gentleman from Ohio [Mr. WOODWORTH] and the gentleman from Pennsylvania, [Mr. BIERY.] Their speeches were able and instructive. Unlike some others here who represent manufacturing constituencies, they seem to recognize the interest of other branches of industry. Still they betray the fact that they desire "protection" for the pursuit they represent. I commend their *comparative* liberality, and will assist them to obtain the information desired, for the reason that if the statistics are faithfully collected we will be able to prove conclusively that the manufacturers do not need protection.

We have had but little discussion of this question during the present session of Congress. I was hopeful that the committee in charge of the subject would report a measure looking to the reduction of customs duties and relieving the people of the grievous burdens the present law lay upon them. The history of the country proves that a reasonable reduction of the tariff is always followed by increased imports and the revenues never lowered. We import under the present high rate enough to raise all the revenue required from that source; and there can be no doubt that if it was reduced 50 per cent. our imports would be doubled and the same amount of revenue collected. The only reason that can be urged against a measure fraught with so much relief to the tax-payers and consumers is that the increased imports would interfere with the profits of the manufacturers, and the present high rate must be maintained to protect home industry, meaning the home manufacturers.

Contemplating the monstrous wrongs imposed on the general consumers and tax-payers of the country by this "protection" doctrine that belittles the interest of every other pursuit, that oppresses the many to enrich the few, I can scarcely discuss the question in good temper. One of the advocates of this ruinous and atrocious doctrine alludes to agriculture as a *rude* industry, and I suppose in his estimation not of sufficient dignity or consequence to entitle those who pursue it to any legislative attention whatever. Now, sir, as before remarked, I hope my friends on the Committee on Manufactures will succeed in getting the figures the substitute provides for in order that the country may see what branches of industry need "protection," and demand such legislation as will equalize taxation and relieve consumers of the tribute they are forced to pay to "monopoly."

I have collected some statistics which I offer for the consideration of the "protectionists" and the country.

Compare, sir, the number of people engaged in agriculture, the capital invested, and the value of the annual products with the number engaged in manufacturing, the amount invested, and the value of the annual products, and every fair-minded man must be disgusted at the results of protective-tariff laws. Look at the facts as they appear in the records of the country:

The last census tells us that there are in the United States 5,922,471 people engaged in agriculture, and that they have capital invested as follows:

In farms	$9, 262, 803, 861
Farming implements	336, 878, 429
Live stock	1, 525, 276, 457
Total	11, 124, 958, 747

They have an investment of over $11,000,000,000. On this investment the gross annual product is only $2,447,538,658.

There are about 2,033,996 people engaged in the business of manufacturing; they have a capital employed of $2,118,208,769, on which their annual product is $4,232,325,442.

Six million farmers on a capital of $11,000,000,000 make only $2,000,000,000 per annum; while two million manufacturers on a capital of $2,000,000,000 make $4,000,000,000 annually.

In further comparison, I invite the attention of gentlemen to an extract from the able speech of my friend from Missouri [Mr. CRITTENDEN] on the East and the West, delivered in the House a few days ago:

If we divide the whole amount of agricultural capital by the total number of persons engaged in agriculture, we have an average of $1,878 to each, and if we divide the value of the gross product of agriculture by the total number of persons engaged in that business, we find that each person thus engaged, on an average of $1,878 capital, produced $412 of gross values. By a similar computation we find that the average capital to each person engaged in manufacturing was $1,211, and that each person thus engaged on this average amount of capital produced $848. The labor and capital of a farmer therefore yielded less than half as much as the labor and capital of a manufacturer. The census figures do not tell us what the net profits of agriculture were, but it will not be claimed that they were over 10 per cent. on the capital involved. Indeed, if we estimate a farm hand's labor at fifteen dollars per month and his board at ten dollars per month, both together costing $300 a year, and deduct this from the average annual product ($412) of each person engaged in agriculture, we have $112 as the farmer's average net profit on the labor of his hired hands—or only a little over 6 per cent. on his average capital of $1,878. The profits of the manufacturing capitalist are more easily and more accurately determined. Adding together the total amount paid for raw materials ($2,488,427,242) and the total amount paid in wages, ($775,584,343,) and deducting the sum ($3,264,011,585) from the gross manufacturing product, ($4,232,325,442,) we have $968,313,857 as the net profit on a total manufacturing capital of $2,118,208,796—or over 45 per cent. And it is this business, paying an average of 45 per cent. per annum, that is "protected" by the Government at the expense of another business that pays only 6 per cent.

I turn to the record and ask gentlemen to look again, and the census will tell them that in the great agricultural State of Kentucky the wealth of the people does not amount to over $150 *per capita*, while in the manufacturing States of Rhode Island, New Jersey, Massachusetts, Connecticut, and Pennsylvania it is nearly $2,000 *per capita*. Look again to the statistics, and you will see that the value of farms and farm products is at low prices, that thousands of farmers are scarcely able to keep even. Then look and see what profits are realized by the manufacturers. They do not tell us what dividends are made, but when we see the prices that the stocks in the associations and companies sell for, we know that they must yield enormous profits. I give a few: The Chicopee Mills capital is divided into shares which cost $100, and sell readily in the market at $325; Merrimack Mills shares which cost $1,000 sell for $1,700; Middlesex Mills shares of $100 sell for $400; Pacific Mills shares of $1,000 sell for $2,240; Salisbury Mills shares of $100 sell for $360. Many others could be given which would show equally as high prices for shares. They may conceal the amount of dividends, but we know a business must be uncommonly profitable when shares of stock on the market sell for three and four times as much as they cost.

Now, sir, why is it that the manufacturers almost double their capital every year while the farmers scarcely make 6 per cent. on theirs? Why is it that the people of the manufacturing States are all rich and the people of the agricultural States nearly all poor? The solution is easy. It is the effect of protection, as I will now proceed to show. I will take four of the common articles of consumption in this country. We imported during the last fiscal year—

Cotton goods valued at the sum of	$31, 810, 680
Tariff taxation imposed, gold (per cent.)	.36¼
Revenue collected	11, 557, 173

Woolen goods valued at	$72,892,742
Duties imposed, (average per cent.)	.52⅔
Revenue collected	38,490,628
Iron and steel, value of imports of	57,333,157
Duties imposed, (average per cent.)	.31.8
Revenue collected	18,237,388
Leather and manufactures of, value of imports	11,812,147
Duties, (average per cent.)	.31 6.10
Revenue collected	3,734,828

Add these figures and you will see that the value of the cotton goods, woolen goods, iron, steel, leather, and manufactures of leather imported during the fiscal year was $173,848,726, on which the Government collected $72,020,017.

I hold in my hand a table showing the value of the cotton and woolen goods, leather and manufactures of leather, manufactured in the United States during the last fiscal year. They were sold to the people at the same price of the imported goods; or, in other words, the same percentage charged by the tariff on the value of the foreign manufactures and paid to the Government was added to the value of the domestic manufactures and was paid to the manufacturers.

Commodities.	Value.	Duty.	Total.
Cotton goods	$187,000,000	36½ per cent.	$67,943,333
Woolen goods	193,000,000	52⅔ per cent.	101,646,666
Iron and steel	220,000,000	31⅘ per cent.	70,000,000
Leather, &c.	198,000,000	31⁹⁄₁₀ per cent.	62,568,000
Total	798,000,000		302,157,999

This table contains the production of the commodities as shown by the statistics at hand. I have no doubt it is much larger than indicated by the figures exhibited.

The total amount of these four commodities imported and manufactured at home is $971,848,726, in which the consumers under the tariff laws paid a tax of $374,178,016, of which the Government received $72,020,017, and the manufacturers $302,157,999. When we remember, sir, that this tariff taxation is laid on more than three thousand articles, and generally the heaviest tax imposed on articles consumed by the agriculturists, we do not wonder that the manufacturing East is thrifty and rich and the agricultural section unprosperous and poor. The manufacturers, as I have shown, produce annually over $4,000,000,000 worth of goods. They export less than one hundred millions; the balance is consumed in this country. The average tariff taxation is 38½ per cent. gold, or about 43⅓ per cent. currency. Now, calculate and find the amount that this percentage adds to the cost of the total consumption of the country, and you will see the many hundreds of millions of dollars consumers pay annually to this favored class. A gentleman suggests that I speak to flatter the grangers. I would not

> Flatter Neptune for his trident
> Or Jove for his power to thunder.

I speak in the interest of truth, fairness, equality, and equity. I represent an agricultural constituency mainly; their interest is no dearer to me than any other class. They ask for no exclusive legislation; they require no "protection" that will injure any other pursuit. I know but little of the organization commonly called grangers. So far as I am informed I approve their organization. Their utterances have been made in truth, wisdom, moderation, and perfect fairness. They have been oppressed and goaded by your unjust laws until they have found it necessary to organize for self-protection. They may not engage in political strife, but I warn gentlemen here that they are not ignorant of their wrongs, whatever may have been the patience with which they have endured them, and they seem no longer inclined to bear the oppressions they have submitted to in the past.

I beg pardon for this digression from the line of discussion I intended to pursue. I have not time to present a tithe of the evils that result from this customs-tariff system, but have shown enough to prove to the country that this legislation has been shaped to suit the interest of a single branch of industry and destroy the prosperity of all other classes. When the people see the statistics provided for in the substitute they will conclude it is a puny statesmanship that has been unable to devise a plan of taxation that would relieve them from the ruinous vices of this system.

In the name of economy and the pretended fear of taxation honest claimants who furnished provisions, animals, &c., for the armies during the war have been refused payment. A class of the glorious veterans of the war of 1812 have been told that the Government cannot afford to pay them pensions, and they must continue to struggle with want and poverty in their feeble, helpless old age. And yet you have given more than $700,000 in subsidies to the steamship companies, and keep in force this protective-tariff system, which in an indirect manner robs the people of hundreds of millions of dollars every year.

Frauds in Arkansas—The Fruit of Carpet-bag Rule.

SPEECH OF HON. R. MILTON SPEER,

OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

June 9, 1874.

The House having under consideration the bill (H. R. No. 3622) to amend the act to establish the judicial courts of the United States, approved September 24, 1789, in relation to bonds of clerks of courts of the United States—

Mr. SPEER said:

Mr. SPEAKER: A few months ago, on the motion of the gentleman from Arkansas, [Mr. HYNES,] who now objects to the consideration of the resolution which the committee desired to report a few minutes since, for the protection of the Government against the payment of fraudulent claims, an investigation was ordered by this House into the expenditures of the western district of his own State, to be made by the Committee on Expenditures in the Department of Justice. In obedience to that order the committee proceeded to the discharge of its duties, and it has been faithfully and laboriously engaged since that time until a few days ago. It gives me pleasure to be able to say that the committee, the chairman and every member, sought to reach the truth and do their duty.

The investigation reveals the most alarming condition of fraud and corruption that I think the people of this country have ever heard of, familiar as they have become with revelations of this character. I propose briefly, with the indulgence of the House, to review the history of affairs in the western district of Arkansas since its organization, showing the causes and extent of this corruption, its object, and its remedy.

Arkansas was admitted into the Union in 1836. Until 1851 the whole State composed but one judicial district. In 1851 the State was divided into two judicial districts, embracing then as now a portion of the Indian country, as it is called, in the western district, but having but one judge. The expense for the whole State, covering both districts, comprising the same territory which is now embraced in the two districts, was in 1850, the year before the division, only $12,000. Since that time the expenses of the western judicial district alone have increased as follows: In 1858, $25,000; 1859, $19,000; in 1860, $26,000; in 1866, $15,000; in 1867, $24,000; in 1868, $34,000; in 1869, $56,000; in 1870, $108,000; in 1871, $138,000; in 1872, $321,000; and in 1873, $283,000. These figures show an increase of expenditure so extraordinary and alarming as to arrest the attention of every man who desires to see an honest government, be he republican or democrat. And that this increase, so rapid and so enormous, is the result of the most infamous fraud and corruption, the evidence taken by the committee abundantly proves.

The population of the whole State of Arkansas in 1870 was 484,471, less than half a million. The population of the western district was perhaps between two and three hundred thousand. The western district embraces about thirty counties of the State, with a large portion of the territory occupied by traders and Indians, called the Indian country or Indian Territory. In 1872 the judicial expenses of this one district alone, embracing a population of only two or three hundred thousand, were more than the expenses of all the New England States, New Jersey, Pennsylvania, and Ohio combined, those States having a population of 10,581,320. Until 1871 Judge Caldwell, the present judge of the eastern district of Arkansas, presided over the western district also. He is said to be an honest, upright, and able judge. In 1871 a person by the name of Story, I believe from Wisconsin, was appointed, and from that time until the present he has remained there to mock and disgrace the administration of justice. If not personally dishonest, and I believe he is, he has been, during the whole of that time, the friend and the bosom companion of rascals and thieves.

A man by the name of William A. Britton was the marshal in 1870, and remained marshal until May, 1871, when he was removed and succeeded by Logan H. Roots. He remained as marshal until 1872, when he was removed and Britton was again appointed. He failed to be confirmed, or rather his nomination was rejected on the 3d of February, 1873, when John N. Sarber, the present marshal, was appointed.

In the year 1871 the disbursements or expenses of that district were $137,958.55; in 1872, $321,653.43; and 1873, $283,411.77. I desire here to say that the actual expenses for the years ending 30th of June, 1872 and 1873, and the amounts reported to have been expended as found in the reports of the Attorney-General, do not correspond for this reason: the reports of the Attorney-General simply embrace the amounts of the drafts that he sent to the marshal. The marshal expended all that was sent to him, and besides incurred large additional expenses with which he came to the Treasury, and not to the Attorney-General. Therefore the actual expenses to the Government for the years 1872 and 1873 are from sixty to eighty thousand dollars each, more than the report of the Attorney-General shows. The whole expense, paid and unpaid, for those three years for that district was $743,023.75. The Attorney-General *purports* to give the *whole* expenditure for the administration of justice in each State; but the facts revealed in this single district show that the *actual* expenses paid

by the Government may be hundreds of thousands of dollars more than he reports. It is difficult for the people to know how much they are plundered from year to year.

I have taken the time to make a little analysis of the items of this expenditure. The court of that district sat during the period covered by this expenditure of almost $750,000, just two hundred and ninety-three days. There was paid to grand jurors the sum of $14,791.85, to petit jurors $32,018.65, to witnesses $114,117.23, making a total of $160,922.73. The number of witnesses is given at 3,350, showing an average amount paid to each witness of $34. The whole expense for the three years being $743,023.75, and the amount paid to jurors and witnesses $160,922.73, there is left for the marshal, his deputies, and the clerk for those three years, the enormous sum of $582,101.02, or for each year to the marshal, his deputies and clerk, $194,033.67.

Mr. CESSNA. Permit me to make a single statement in regard to the last item the gentleman has referred to. It has been developed in the examination before the Judiciary Committee that for fourteen months and twenty days the office of marshal in that district has cost the Government of the United States a little over $403,000.

Mr. SPEER. This statement shows that for the years ending 30th June, 1871, 1872, and 1873, the marshal and his deputies and the clerk received $582,101.02. The court having sat two hundred and ninety-three days during that time, each day of session cost the Government $2,535.91. When it is remembered that there was not a Ku-Klux in the district, and no ground, therefore, for plundering the Government as there was in other States under the pretense of preserving the peace and protecting the negroes, but that the business was of the most trifling kind, consisting chiefly of alleged violations of the internal-revenue laws, violations induced in many cases by the deputy marshals in order to make expenses and fees, the enormity of these expenditures is without parallel.

Let me inquire at this point how a system of fraud and plunder so complete, so gigantic, so audacious, was concocted and successfully carried on in this day and in this land. In the first place, the district was cursed in 1871 with a corrupt judge—a judge who, as the evidence shows, admitted to bail for capital offenses prisoners who had been tried and convicted, and allowed them to go forever afterward free; a judge who is shown to have bought the certificates issued to the jurors, witnesses, and others of his own court for their pay at a discount of forty, fifty, and sixty cents on the dollar; a judge who is alleged, if not directly proved, to have received a bribe of $2,500 for consenting that a *nolle prosequi* should be entered in a certain case; a judge whose records are marred, interlined, erased, confused; a judge who is shown to have approved under the law one of the marshal's accounts for $20,000 in blank, thus allowing it to be filled up afterward with these fraudulent claims; a judge who knew or had the means of knowing, all this time, that the Government was being plundered of hundreds of thousands of dollars in his court in the outraged name of justice, and yet remained silent!

It is due to that judge to say that in response to the invitation of the committee he appeared before us and made a statement in denial of the charges against him. It was lame and unsatisfactory. It was not the statement of a man conscious of his official and personal integrity; not the statement of a man who felt keenly the injustice that these charges would have done him if he had been innocent, but it was the statement of a cringing, shrinking, cowardly, corrupt man.

Next, the district had a corrupt marshal—infamously corrupt—William A. Britton. But how is he to carry out this programme of plundering the Government? He and his chief clerk, J. W. Donnelly, a fit instrument for such work, make up and keep in their office a list of fictitious deputies—a list of names of persons who do not exist. Deputies go into the Indian country without warrants or without authority for making arrests; they return in two or three weeks with a prisoner, or two or three; they come into the marshal's office and they return a posse with each prisoner arrested, the posse consisting of these fictitious, fraudulent, non-existing deputies, whose names are kept in the marshal's office, so that on each return of the arrest of a prisoner a posse of one, two, or three fictitious persons is credited with arresting him, and is allowed perhaps for five hundred miles' travel and twenty or thirty days' time. That account, so made out, is taken before a United States commissioner named E. J. Brooks, or some other one equally corrupt appointed by the judge, and he signs the jurat that that fictitious deputy named in the account appeared before him and swore to the correctness of that account; that he had performed the service, that the number of days charged and the number of miles stated to have been traveled were correct. He certifies that this non-existing man appeared before him and took this oath. Upon his certificate the account is carried back to the marshal and allowed. The marshal issues a certificate that there is so much due the fraudulent deputy, by the Government, and he keeps one-third of this amount himself, and gives the two-thirds to the deputy who makes the return.

There were numbers of these fictitious marshals, perhaps one hundred, whose names were used by all the real deputies when they brought in a prisoner or two; and by such means as this the enormous expense which these figures show as having arisen from the arrests of prisoners in that district, has been wrought up.

But that this charge of fraud may not rest upon my statement, I quote here a very brief part of the evidence which proves it. B. F. Shoemaker was one of Britton's deputies, familiar with the way things were done in Arkansas, and he was brought before the committee from Missouri, after it was apparent that efforts had been made to keep him away.

B. F. Shoemaker swears:

Question. Did you ever make arrests of prisoners, and return parties as *posse comitatus* who did not accompany you?

Answer. I did.

Q. By whose order or authority or suggestion did you do that—who told you to do it?

A. I think I had my first intimation on the subject from J. W. Donnelly—that gentleman there, [pointing him out.]

Q. Was he the chief clerk of William A. Britton as marshal?

A. He was.

Q. How many times did you do that to the best of your recollection?

A. I can't tell you; quite a number of times. I do not know how many.

Q. Do you recollect a special case in which you did it?

A. The first case, I think, was that of Joseph Nipp and Johnson.

Q. What was that for?

A. I caught them introducing whisky into the Indian country, near the Kansas line.

Q. Was there any *posse comitatus* employed by you in arresting them?

A. I cannot say whether there was more than one or not. I do not remember.

Q. Did J. W. Donnelly, the chief clerk in the marshal's office, hand you vouchers purporting to be for services rendered as *posse comitatus* in the arrest of Nipp and Johnson?

A. I think he did.

Q. What did he tell you to do with them?

A. I would have to get them signed, probably.

Q. By whom?

A. I would have to get them signed by some official competent to take an affidavit.

Q. Who were the persons that were named in those vouchers?

A. I do not remember.

Q. Were there any such persons in existence, or were they supposititious persons?

A. There were no such persons.

* * * * * * *

Q. Did the practice of returning supposititious persons as *posse comitatus* prevail generally or not?

A. I think it did.

Q. Do you know any other parties who returned the names of persons as posses who really did not serve as such?

A. Yes; I know one man, C. R. Stevenson.

Q. He was in the habit of returning posses who had not served?

A. Yes, sir; he used to ride with me at that time.

Q. Was he a deputy marshal?

A. He was.

Q. Did he tell you he did those things?

A. I do not know as he ever told me.

Q. But you know the fact?

A. Yes, sir.

Q. How did you know it?

A. I saw him sign them.

Q. And you knew that no such parties had rendered service?

A. I think they had not.

Q. How many posses did they usually return for every prisoner?

A. The deputy generally returned one posse.

Q. Any more ever?

A. Yes, sir; there were cases when two were returned, but the deputy got the benefit of only one.

Q. Who got the benefit of the other?

A. I do not know, sir, unless it was the office.

* * * * * * *

Q. In some cases you say two supposititious posses were returned; how did you divide the money?

A. I got two-thirds of the fees.

Q. Who got the other third?

A. It was my understanding that the office got it.

Q. Was there any list of deputies, who, in reality, did not exist, kept in Marshal Root's office, to your knowledge?

A. Yes, sir.

Q. Where was the list kept?

A. On the time-book of the real deputies.

Q. What was the purpose of keeping that list of supposed deputies?

A. In order to keep the time correctly.

Q. I mean, what was the object of keeping a list of these deputies that did not exist?

A. To keep the time correctly, as you would those of the real deputies; the same as keeping the correct time of real deputies.

Q. What use did they have for false deputies?

A. To get more money, I suppose.

Q. Was that list of false deputies kept so as to use their names as deputies?

A. Yes, sir.

* * * * * * *

Q. [Showing voucher of George M. Comrad, of Fort Smith, nineteen days' service, from July 27 to August 14, 1872, as *posse comitatus*, in the case of Joseph Bean, charged with intent to kill in the Cherokee Nation.] Do you know anything about that?

A. That was under William A. Britton's last administration.

Q. Is that a fraudulent voucher?

A. That is a fraudulent voucher.

Q. Whose handwriting is it made out in?

A. J. W. Donnelly's, to the best of my knowledge.

Q. Who handed it to you to sign?

A. I do not know whether J. W. Donnelly did or not; I got it out of the marshal's office from Mr. White or Mr. Donnelly.

Q. Who is Mr. White?

A. He was the head clerk in the office.

[The voucher was marked No. 5]

Here it is, as a sample of many other fraudulent vouchers identified by this witness:

United States of America, to George M. Conrad, Dr.

1872. For nineteen days' service as *posse comitatus*, from July 27 to August 14, 1872, both days inclusive, at three dollars a day, $57.

UNITED STATES OF AMERICA,
Western district of Arkansas:

I, George M. Conrad, of Fort Smith, in the county of Sebastian and district aforesaid, being duly sworn, depose and say that on the 27th day of July, 1872, I was employed under and by virtue of the third section of act of Congress of June 14, 1857, by B. F. Shoemaker, United States deputy marshal for said district, at my usual place of residence, as one of his *posse comitatus* to assist in executing a capias writ issued by James O. Churchill, esq., United States commissioner for the west-

ern district of Arkansas, dated the 8th day of July, 1872, against Joe Bean, charged with assault with intent to kill, at Cherokee Nation, in the Indian country, within the jurisdiction of the said district, returnable to the office of said commissioner at Fort Smith, in Sebastian County, Arkansas, forthwith, 187; and that, as such *posse comitatus*, I proceeded in company with said marshal to Cherokee Nation, in the Indian country aforesaid, and there assisted him in making the arrest of said Joe Bean, and immediately thereafter in bringing said Bean to Fort Smith before the United States commissioner; that no *posse comitatus* could have been employed at a nearer point to the place where the said deputy informed me he expected to find the said Bean, to wit, Cherokee Nation, than my place of residence aforesaid; that I actually traveled from my said residence to said place of arrest for the purpose aforesaid 250 miles, and in the transportation of said Bean, and was actually and necessarily employed 19 days, as set out in the foregoing account, as *posse comitatus*, solely in the execution of said process and transportation of the said Bean as aforesaid; that I furnished the means of, or actually paid for my own travel or transportation, and that I have received from said marshal, and signed duplicate receipts therefor, the sum of fifty-seven dollars in lawful currency of the United States in full satisfaction and payment of my said expenses and services; that I have never received or been paid, or agreed to receive or expect to be paid, any other compensation, remuneration, or consideration whatever for said expenses and nineteen days' services from any person or persons or sources whatever. So help me God.

GEO. M. CONRAD.

Subscribed and sworn to before me this 22d day of August, 1872.

EDW. J. BROOKS,
United States Commissioner, Western District of Arkansas.

[Indorsements.]

I have examined the within account, and certify that the services were performed as herein stated, and that the amount charged therefor is reasonable and just, and that I have no interest in the same.

B. F. SHOEMAKER.
Deputy United States Marshal, Western District of Arkansas.

Received of William A. Britton, United States marshal for the western district of Arkansas, fifty-seven dollars in full of the within account.

GEO. M. CONRAD.

The following from page 46 of the testimony of L. B. Whitney, indicates the extent to which this villainy was practiced:

Question. Did you find any such cases—such *posse comitatus* and such deputy marshals—not to exist?

Answer. I did, sir.

Q. As you have stated before?

A. Yes, sir.

Q. And to what extent did you find such fraudulent accounts?

A. Most of those *posse comitatus*, upon the rolls sent to the Department, were said to reside at Fort Smith; there were some three hundred and odd names of men purporting to reside in Fort Smith, and out of that number I disremember just how many I found that did live in Fort Smith, but I think it was twenty or thirty.

Q. Out of the three hundred?

A. Yes, sir; and the balance, I could not find that they had a residence anywhere; they were entirely unknown.

Q. Had these alleged accounts found form and shape in the nature of approved vouchers; in other words, had these alleged accounts been sworn to by Britton and approved by the court?

A. This, Mr. Chairman, must go on a roll; for instance, here is the district and the judge approves here, [illustrating,] and then the vouchers are designated on this roll, No. 1, and so on down the roll.

Q. Were they regularly listed, sworn to by Britton, and approved by the judge, those vouchers which you found to be fraudulent?

A. Yes, sir.

Q. And you say that out of three hundred that you went to investigate, you found no more than thirty genuine names, *bona fide* residing in Fort Smith?

A. Yes, sir.

By Mr. SPEER:

Q. Did you make inquiry as to whether such persons ever lived in Fort Smith?

A. They were entirely unknown by men that I inquired of there.

Q. Either their then existence or past existence as citizens?

A. Yes, sir.

Mr. Whitney is an intelligent man, and had been sent to Arkansas, when things got so rank there, to learn what was wrong.

But what further? After they get these fictitious accounts against the Government, Britton says, "I have no money to pay them; go to Scott, the postmaster, and he will discount them for you." Then these returned accounts are taken by the deputies to the ring of which Britton no doubt at that time was a member, and Roots after him—a ring composed of the marshal, the postmaster of the town, perhaps the marshal's chief clerk, and some others. This fraudulent account against the Government is taken to the postmaster, who acts as the cashier of this infamous ring to plunder the Government. He discounts the account at thirty, forty, or fifty cents on the dollar; and then afterward it is paid by Britton or the Government in full, the profit of the shaving business being divided among the members of the ring. The evidence shows that those vouchers of jurors, witnesses, and deputies were down so low as to be bought for "two bits" by the cart-load. Yet every one of them has been paid in full by the Government except fifty or sixty thousand dollars tied up in the office of the Comptroller, an honest officer, on account of the suspicion he had that they were fraudulent.

To show the thriving business done by this "court-house pool," I refer to the following extracts from the evidence:

L. B. Whitney swears:

I called upon Mr. Donnelly, Mr. Britton's chief clerk, to give me a statement of what had been done with the money that the Department had sent to Mr. Britton. He made a statement in writing. He also remarked that he had opportunities to make a great deal of money there, if he had been a man to avail himself of it. Speaking of the court in session then, the adjourned part of the November term, he said that when they commenced the term Mr. Lanigan and Mr. Scott came to him and said: "Mr. Donnelly, if you will issue certificates to witnesses, jurors, &c., and give us a chance to buy them in, we will divide with you." Donnelly said that he did not enter into the arrangement; but the certificates were issued, however, and they bought up a very large amount of them. There was a check came on there to Mr. Britton while I was there of $20,000, and I think Mr. Britton, at the time the check came, was at Little Rock, attending the senatorial convention there, and Mr. Scott took the check and went to Little Rock, and got the check cashed and took out whatever was due him, some seven or eight thousand dollars of these checks that he brought in; and I don't know but more, for I heard it stated in two different ways; one man stated $13,000 and another $7,000 or $8,000. Mr. Scott himself, I think, said $7,000 or $8,000—that he deducted that amount from the check. The check was sent to the post-office, and Mr. Scott got it out of the office and took it to Little Rock and saw Mr. Britton, as I understood, and got the money, and when he returned, after deducting his amount and a certain amount for Mr. Lanigan, he told me that he left with Mr. Britton a portion of the check, and he returned to Mr. Donnelly, the clerk, some $2,000 or $3,000 out of the $20,000. The major part of the check was consumed in redeeming Mr. Britton's checks that had been issued that term of court, and the balance was turned over to Donnelly to pay juror fees, &c.

Q. At the time the $20,000 were there these checks were selling at twenty cents?

A. Yes, sir; Mr. Britton, as I understood from Mr. Scott, usually deposited in Scott's office in the safe of the post-office. Scott's office was the depository of the marshal, on account of his having a safe there. I know that the money was deposited in that safe, because Scott told me so.

I have seen Judge Story, and I had a talk with him before I called on Mr. Scott. Judge Story's court was then in session, and he wanted some money sent there by the Department, to defray the expenses of his court. I said to him, "Judge, the Attorney-General has just sent $20,000 here." "Well," his reply was, "that has all been gobbled up." I said, "Who has got it?" He said, "Scott and Lanigan, and a portion of it has gone to pay Britton's debts down in Little Rock." I said, "Won't that be the result if there is more money—won't it be gobbled up too?" "No," he said; "the money can be sent here to somebody to disburse, paying the expenses of this court."

Q. What was the common sentiment there?

A. The common sentiment there was that the United States district court was a stench in the nostril of the community.

Q. That was the general opinion of almost everybody there?

A. Of almost every person—that this United States marshal's office was run in the interests of a very few men, and that they had a very ruinous way for all men in Fort Smith—business men, merchants, boarding-house men, and everybody else; that the United States court was a curse to them instead of being a benefit.

Q. What was the result in brief of your investigation there; did it satisfy you that that district was thoroughly corrupt?

A. Yes, sir; it was the opinion of the attorneys at the bar there that the judge was entirely incompetent; they did not seem to have any respect for him; they looked upon him as entirely incompetent for the position he held.

C. C. Ayres swears:

Question. When Captain Britton had no money did you have your accounts discounted?

Answer. No, sir.

Q. Did others?

A. Yes, sir; I have seen them sell for thirty, forty, and fifty cents; they got down to two bits the cart-load, and finally they were not worth anything.

Q. Who were the purchasers of them usually?

A. Different parties.

Q. Name them.

A. Captain Scott, the postmaster, bought a great many of them; and Polk & Jacob, dry-goods merchants, bought some of them.

Q. Were they friends of Captain Britton?

A. I do not know, sir. Mr. Lanigan also bought several of them.

A few words as to how Britton went out of office. These fraudulent vouchers were sent by him to Washington, and payment demanded. They were believed by the Comptroller to be fraudulent. About one hundred of them were returned to Arkansas with instructions to have Britton, his clerk, and one or two others indicted, and to investigate whether these vouchers were honest or fraudulent. An indictment was framed, and was presented, I believe, to the very jury that Britton himself had summoned.

Mr. SENER. Roots summoned the jury.

Mr. SPEER. That does not appear in evidence.

Mr. SENER. I think it does.

Mr. SPEER. The evidence shows that Britton did not go out until the 11th of May. I have looked it over carefully on this point, and I think it bears me out in the statement that the grand jury had been summoned by Britton, although he was removed prior to the time the bill went before them, when his successor, Roots, was in office.

What did they do when that bill was presented to the grand jury? The marshal's chief clerk, Donnelly, hands to the real deputy marshal, lists of names of these fictitious marshals and tells them "These are the men you must swear to before the grand jury, as the vouchers have been sent back from Washington alleged to be fraudulent; you account for this list of names (to one of them) and you account for that list," (to another,) and so on through the line of the deputy marshals.

We had one of these deputies before us, a man by the name of Shoemaker, who did not appear in the most creditable light. You could not, however, expect a man, guilty of such conduct to appear with much honor anywhere. If he is a bad man, it only shows that such was the kind of men this marshal selected to do his work. I have no doubt he swore the truth.

I hold in my hand the list of George Ross and others, seventeen in all, given to Shoemaker, covering three hundred and twenty-six days for one man, for which charge had been made against the Government and sent on and returned. Donnelly gives this list to Shoemaker, and tells him, "Now these are the fictitious men you must account for. These are the men you must make good before the grand jury." He does not want to do it, but Donnelly tells him "Do not be afraid, they will not ask specific questions. The foreman of the grand jury will see you to-night. He will only ask you general questions—questions that you can answer without difficulty." Shoemaker takes the list. Here it is:

	Days.
George Royce, February, 1871	30
Elias Reed, February, 1871	30
E. A. Jackson, January, 1871	15
Zachariah Brown, January, 1871	15
William Ward, June, 1870	30

	Days.
Charles Frost, June, 1870	30
Frank Williams, September, 1870	22
A. C. Beckwith, September, 1870	22
Charles Beck, February, 1871	14
William Boles, February, 1871	14
Robert Anderson, April, 1871	30
Francis Mays, April, 1871	30
Ned Hawkins, March, 1871	30
Charles Harris, March, 1871	30
George Arrington, April, 1871	7
J. H. Dennis, April, 1871	7
Edward	..

He meets the foreman of the grand jury, a man by the name of McKee, who was or had been the partner of Brooks, the villainous commissioner who had certified that these fictitious marshals had appeared before him. He was the foreman of the grand jury. Shoemaker met him at McKee's house during the night. They talked over this matter. The next evening about seven o'clock he appeared before the grand jury with two grand jurors present. Five persons were present, two being grand jurors. The district attorney was present, although he should have blushed with shame to be a party to such proceedings. The district attorney, when the shades of darkness were falling, seems to have sought the grand-jury room, not to protect the Government, but to be a silent witness of this systematized fraud. There were five persons in all in the room. They asked Shoemaker a few general questions. When he went out to the marshal's office, Britton thoughtfully and tenderly inquired of him whether "it was easy enough done!" Then that grand jury, after such an examination, went over all these fraudulent accounts returned from Washington in that way, and piously held there was no ground for finding a true bill against the marshal. They ignored the bill. He then returns to Washington flushed with triumph, and demands payment and gets payment of every dollar of these fraudulent accounts; and as a reward for the great wrong done to his good name he is reinstated in his office by the grateful President of a free people! He was reappointed in the absence of the Attorney-General. But let Shoemaker tell the story of the Arkansas grand jury in his own words. They need no comment or embellishment.

Question. What do you know about Britton, Roots, and Donnelly being indicted by the grand jury for a conspiracy?

Answer. The first information I had of that—C. R. Stevenson told me they were put under bonds. I think that was along in the earlier part of 1872, or perhaps in 1871. The fall following I had it from C. R. Stevenson that there was a lot of posse accounts that had not passed here in Washington, but were sent back to the office, and that among the rest there was a lot with my name signed to them—posse accounts gotten up on *non est* writs. The writs were returned as *non est*. The statement was that E. J. Brooks, when he signed his name, signed it simply "E. J. Brooks," and did not sign it as United States commissioner. I understood that was the way they were detected in Washington, and they were sent back there for investigation by the grand jury. C. R. Stevenson came to me and told me that there was a lot of them in my name, and said there would have to be something done about it in order to smooth the thing over.

Q. He told you that the thing would have to be managed and smoothed over?
A. Yes, sir.
Q. Have you stated all you know about that?
A. No, sir. When the grand jury convened in the latter part of November or December, I was asked if I would father those accounts. I refused at first to C. R. Stevenson; but we had another talk about it, and it was arranged that I should see the foreman of the grand jury.

By Mr. SPEER:

Q. Arranged by whom?
A. Donnelly, Stevenson, and myself. I went and saw the foreman of the grand jury and had a talk with him in regard to it.

By the CHAIRMAN:

Q. Tell us what you said to him, and what he said to you.
A. I do not remember all that I said to him. I said something in regard to those accounts; told him that I did not feel disposed to swear to those accounts as to those men having been employed by me; and we had some more talk about it, and he said that those questions would not be asked me.
Q. What questions did he say would be asked you?
A. I was asked the question whether it was customary for deputy marshals to have posses in the Indian country, and I answered that it was. He asked me if I had those warrants in my possession, where the names appeared as posses in the cases, and I told him I had a portion of them.
Q. Is that all he asked you?
A. I disremember what other questions were asked me.
Q. Were those substantially all the questions that were asked you?
A. I disremember. I think that he asked me some other questions probably, but I disremember what they were.
Q. How many of these posse accounts were there?
A. I do not know how many appeared in my name. It amounted to over $1,000.
Q. Were there any of them genuine? Had any of those men done service as posse?
A. No, sir.
Q. None of them?
A. No, sir.

By Mr. SPEER:

Q. They were all fraudulent, and all paid?
A. It was my understanding that they were paid.
Q. Who got the money?
A. I do not know, except William A. Britton got it. It was my understanding that they were all paid.
Q. What was the name of the foreman of the grand jury?
A. Henry E. McKee.
Q. Is he alive now?
A. I cannot tell; I have not heard of his death.
Q. Where does he live?
A. At Fort Smith, the last I knew of him.
Q. Who summoned him on the grand jury?
A. I do not know.
Q. Is that all you know about that conspiracy? Was there any indictment found?
A. No, sir.
Q. Those accounts were held up to await the action of the grand jury?
A. That was my understanding.
Q. Who told you so; anybody connected with the marshal's office? Did Britton or Donnelly ever tell you so?
A. I do not remember whether they did or not. Donnelly and myself had one talk before I went before the grand jury.
Q. Did Britton have a talk with you on the subject?
A. No, sir.
Q. What did Donnelly say to you at that time?
A. The night we had conversation with Donnelly—Stevenson and myself—the arrangement was made for me to see Henry E. McKee, the foreman of the grand jury. Donnelly remarked that he did not want to be indicted under that. I was a little offish about making the proper testimony in regard to the accounts, and he said he could not stay there and stand the investigation, or something of that kind.
Q. Did Donnelly say that he had made arrangements with the foreman of the grand jury for you to see him?
A. He said that he would make an arrangement the night we had this talk.
Q. That he would make such arrangements that you would not be asked anything to embarrass you under oath?
A. I believe that was about the talk.
Q. You were sworn to tell the truth and the whole truth?
A. Yes, sir.
Q. And you intentionally concealed a portion of the truth?
A. Yes, sir.
Q. At the suggestion and instance of Mr. Donnelly?
A. Yes, sir.
Q. To protect him and Britton?
A. Yes, sir.
Q. Did they pay you for that?
A. No, sir.
Q. Did they promise you any pay?
A. No, sir.
Q. Did they say that if you did not they would be indicted?
A. I do not remember that they did. I do not remember what Mr. Donnelly said; but he said that he could not stay there and have the investigation go against him, or something of that kind.
Q. When you saw the foreman, did he tell you that Mr. Donnelly had seen him?
A. No, sir.
Q. Did you understand, from the way that he talked to you, that Donnelly had seen him?
A. I did; he was looking for me.
Q. What did you say when you approached him?
A. I told him that I came to have a talk about the accounts of the office.
Q. What did you say to him? Did you tell him to ask you so and so?
A. I told him that I could not swear that those men were ever in my employ.
Q. And he said he knew as to the accounts?
A. No; he said those were questions he would not ask.
Q. He said he would ask general questions?
A. Yes, sir.
Q. What time of night did you see him?
A. I went to his house about seven or eight o'clock in the evening, but he had company that night, and he told me that he could not see me, but to come back the next night; and I went back the next night, about seven or eight o'clock.
Q. That was at his private house?
A. Yes, sir.
Q. Who was in the grand-jury room when you went there to testify?
A. Five men belonged to the grand jury.
Q. Only five?
A. Five, I believe; that was all I saw.
Q. Do five grand jurors constitute a quorum there?
A. I do not know.
Q. Who were the five present?
A. Henry E. McKee, the foreman, was there, and Mr. Lockhart, the clerk of the grand jury, and Mr. Temple, who was acting as prosecuting attorney.
Q. That is only three?
A. I do not know the names of the others.
Q. *Mr. Temple is the present district attorney?*
A. *Yes, sir.*
Q. Then there were but two members of the grand jury.
A. Two, I think.
Q. Two who were inquiring about this bill?
A. I did not see any others.
Q. How many grand jurors were sworn that time?
A. About twenty-one, I think.
Q. What time was it that you were before the grand jury?
A. About seven o'clock in the evening.
Q. Don't you know that they were sitting there without the knowledge of other grand jurors?
A. I do not know that.
Q. Don't you believe that?
A. I do.
Q. Before you went up to the grand-jury room, were you handed by Donnelly a list of cases containing the names of posse to which you were to swear?
A. I was.
Q. How many names were on the list?
A. I disremember the number—seven or eight or ten.
Q. Were they all false or fictitious?
A. They were.
Q. And he wanted you to swear that these persons performed services?
A. I do not know that he asked me to.
Q. What did he mean by handing you the list?
A. He said that was the list that I would have to answer for.
Q. You knew it was false at the time?
A. I did.
Q. And he knew it was false?
A. He did.
Q. Knew there were no such persons?
A. I knew there were no such persons.
Q. You had handed in these very receipts before?
A. Yes, sir.
Q. Were the names of any such persons on them?
A. No, sir; not when I handed them in.
Q. Was there a list of fraudulent or fictitious deputies kept in the office to signed to warrants when the warrants were returned?
A. There was.
Q. Who kept that list?
A. I do not know.
Q. In whose office was it kept?
A. In the marshal's office.
Q. And when a warrant was returned the names of those fictitious persons were put on it as having served as *posse comitatus* or deputy marshals?

A. Yes, sir.
Q. That was the habit of the office?
A. A portion of the time it was.
Q. Was it done in all cases?
A. Not in all cases.
Q. Was it done in all cases when it could safely be done without detection?
A. It was done in a case where a deputy had a good may prisoners.
Q. And they divided the proceeds, one-third to the deputy and two-thirds to the marshal and clerk?
A. No, sir; two-thirds went to the deputy and one-third went to the marshal and clerk.
Q. You say they gave you those writs to have them properly sworn to. Whom did you go to to have them properly sworn to?
A. I went to more than one person.
Q. Name the persons.
A. The first person I ever went to was Frank Austin, who was acting as county clerk in Crawford County.
Q. Who was the next person you went to?
A. I reckon E. J. Brooks was.
Q. He was a United States commissioner?
A. Yes, sir.
Q. Appointed by Judge Story?
A. I do not know who he was appointed by.
Q. Who was the next person?
A. John Pritchard, the United States district clerk.
Q. Who else did you go to?
A. That is all.
Q. Did they all sign the *jurat* which had never been made? Did they certify that you had appeared and sworn to the contents of the affidavit when you had not done so?
A. I do not quite understand you.
Q. When you went before those officers with those writs what did you do, and what did they do?
A. They certified that those men had done service, and been before them, and had been sworn.
Q. There were no such persons to go before them?
A. No, sir.
Q. You were there?
A. I was.
Q. You saw this done?
A. I did.
Q. And you returned the writ as if it had been honestly sworn to?
A. Yes, sir.
Q. And that you did repeatedly, at the request of the marshal and of Donnelly?
A. I do not know as I ever had more than one intimation from them that I could do such a thing.
Q. It did not take more than one intimation?
A. It was to my pecuniary interest to do such a thing.
Q. Were you not told by Donnelly to keep a list of the fraudulent names you used, so that if there was trouble you could account for them?
A. I think I was.
Q. Don't you know you were?
A. It is my recollection that I was.

By the CHAIRMAN:

Q. Was Britton present the evening that you went before the grand jury?
A. He was in the marshal's office.
Q. What did he say to you when you came down out of the grand-jury's room?
A. I believe he asked if I got through all right, or if it was easy enough done, or something of that kind; I disremember the words, but it was something similar to that.

The coolness of Britton would be refreshing in almost any latitude except Arkansas; but there he spoke the "mother tongue." The Senate rejected his nomination in February, 1873.

That disposes of Britton; but in disposing of him the Government got a worse man, if possible, in his successor, Roots. He established a national bank with a capital of $50,000, three-fifths of which he held, and he continued to peddle out almost by the cart-load these certificates for the pay of witnesses and jurors and deputies, fictitious and real. Of course he was generally out of money, and hence his bank bought those certificates at a fearful discount, as the following testimony of B. T. Duvall, esq., an intelligent lawyer of Fort Smith, shows:

Question. You made some statement to me about the existence of a bank; please give the history of that bank, and of the purchase of vouchers by it.

Answer. I was going on to state that those persons received vouchers which had to be sold in order to raise money, and along about the 1st of April, 1872, while Mr Roots was marshal, the National Bank of Western Arkansas was established with a capital of $50,000. I think the bank was established in 1872. Mr. Roots was appointed marshal, I think in 1871, and the bank was established in 1872. It had a capital of $50,000, of which Roots was the owner of three-fifths, as appeared from the statement made by the bank. He took $30,000 of the stock. They are required by law to keep in a public place in the bank the names of the stockholders and the amount of their debt, and I examined the book which hung up by the cashier's desk. That bank I think went into operation about the 1st of April, 1872.

Q. Who were the other stockholders?
A. The other stockholders were Richard C. Kearns, B. Bear, Arthur Gunter, E. S. Mitchell; and Elias R. Duvall, my brother, had a small share in it, a thousand dollars.
Q. Was that the first national bank that was established at Fort Smith?
A. No. sir; there had been a bank there, the First National Bank of Fort Smith, which had gone into liquidation. During the time that Mr. Roots was marshal, and after the establishment of this bank in which he was interested, the vouchers that I speak of that were issued for the payment of the expenses of the court were purchased freely at that bank, usually from about 25 to 30 or 35 per cent. discount. The bank made money I know out of the vouchers, because I had means of knowing from the interest of my brother, in which I had an indirect interest. I know that a large part of the profits of the bank grew out of the dealing in those vouchers.

* * * * * * *

Q. Is that all the history of that bank you can give us?
A. The bank is still dealing in the vouchers which are issued from the marshal's department.
Q. Issued by the present marshal, Sarber?
A. Yes, sir. At the adjournment of the last term of the court there was no money there to pay the jurors, and a large number of them sold their vouchers to the bank at 30 per cent. discount.

It will be remembered that Roots was appointed in May and was removed in June, 1872, and the expenditures for the year ending 30th June, 1872, were $321,653. The May and November terms of 1871, all that would be covered in the above expenditures, occupied eighty-one days; which shows that each day's court cost the Government $3,962.

For the same terms there were paid to grand jurors $4,297.95; to petit jurors $11,977.20, and to witnesses $42,022.95; making in all, $58,298.10; and leaving in this year for the marshal, his clerks and deputies the startling sum of $263,354.90! Does any civilized government on the face of the earth present a parallel to this villainy? And yet there was no alarm given by any of the Departments here, and no cry for help. These plunderers became bold from their repeated successes, and from the senatorial influence at their backs. Root's bank did a flourishing business and everything seemed lovely. Britton had labored under some disadvantage in not having a bank; but Postmaster Scott struck good figures for him, and if a fair division of the plunder was made, neither party could complain.

On one occasion when a draft for $20,000 reached Fort Smith for Britton, Scott opened the letter, took out the draft, and went to Little Rock, where Britton was attending a senatorial election—a fit place for such a man, when we remember how Senators have been made in Arkansas. This fact shows the relations existing between these men. So intimate were they that Britton's letters were opened at pleasure by Scott. The money was drawn on the draft, and Britton got but a few thousand dollars of it, the large portion being kept by Scott in payment of the fraudulent vouchers which he had bought.

The disgraceful scene was presented in this district of the United States court being run on the *marshal's due-bills!* The judge on one occasion wanted more money sent on, and when he could not get it, he declared that he would hold court anyhow. The money furnished by the Government, and which should have been applied to the payment of jurors and witnesses, was paid to this miserable ring for the vouchers which they had bought. And as there was an inexhaustible supply of fictitious deputies, there was no end to these fraudulent vouchers or certificates; and it also became important to go on with the court, so that the jurors and witnesses, to whom payment was refused, would sell their certificates at ruinous rates. The judge must have known this; *he did know it*—everybody about Fort Smith knew it—and yet this infamous plunder went on! Britton was reinstated in June, 1872, and remained marshal until 3d February, 1873, when he was rejected by the Senate and John N. Sarber, the present marshal, was appointed. There has been little if any improvement, and there will be none until the law establishing the district is repealed or the judge is impeached. The sale of these certificates is continued to Root's bank, and the jurors and witnesses of the United States are paid in due-bills! No citizen can read this record of his country's dishonor without hanging his head in shame.

But there is another explanation of the large amount of expenditures in the western district of Arkansas in 1872. That was the year of the presidential election. Twenty or twenty-five at the outside, were all the marshals required for the public business; and yet for months preceding the election of that year there were as many as two hundred and fifty-seven marshals employed at one time. When a man would be arrested in the Indian country, as they call it, for some alleged offense, he would be taken down to Fort Smith, and in a few days he would come back a deputy marshal, the charge condoned and he rewarded. The inference is irresistible that the charge was dismissed and the reward given, on condition of his party service. And to show the devilishness of these deputy marshals, I will state that a most respectable witness, by the name of Jones, appeared before the committee, a minister, I believe, of the Baptist Church, and swore that he knew of one instance where two of these scoundrels were traveling through the Indian country and met a poor negro by the name of Jack Davis. One of them induced him to sell him twenty-five cents worth of tobacco. The other then immediately arrested him for violation of the internal-revenue law, and they took him right away to Fort Smith, one hundred and twenty miles. They got all he had, about eighty dollars, and he was then sent home; and then those two scoundrels charged the Government mileage for six hundred miles and a posse of three, and the voucher for the payment of this claim was produced before the committee by an officer of the Treasury Department.

But in 1872 these marshals multiplied, and I send to the Clerk to have read a portion of the testimony of a man by the name of Ayers, who was very reluctant to tell what he knew, and was evidently in the interest of the "ring," to show how they increased and how crime decreased immediately after the election. It will be observed that while the committee was prosecuting this investigation, and before Ayers was sworn, his old father accidentally arrives in Washington and is appointed a watchman in the Treasury; nobody knows how or by whom; but we can all infer for what purpose.

The Clerk read as follows:

By Mr. SPEER:

Question. What is your name?
Answer. C. C. Ayers.
Q. Where do you live?
A. Fort Smith, Arkansas.
Q. What is your age?
A. Twenty-four years.
Q. What is your business?
A. I have been acting as deputy marshal.
Q. State when and how long you have so acted.
A. In September, 1870, I was appointed deputy marshal by Captain Britton. I was reappointed under Logan H. Roots in 1871, I think. Then I was suspended. I was reappointed in July, 1872. Then I was suspended. Then I was reappointed under General Sarber.

Q. Are you still acting as deputy?
A. I have been up to the time we were all suspended—within the last two months.
Q. Suspended by whom?
A. By Mr. Sarber.
* * * * * * *
Q. How many deputies were there?
A. At different times there were different numbers. I could only tell you what I heard others say. There were so many that I do not know how many there were.
Q. You have some approximate idea of the number, have you not?
A. When Captain Britton first took charge of the office in 1872 my understanding was that there were to be twenty-five deputies; that number was increased at the time of the election, by how many I do not know.
Q. About how many were there at the time of the election; what was your judgment and belief as to the number? I want the truth.
A. That is what I propose to give you.
Q. I am not asking you the number; I am asking you what your belief is as to the number.
A. There was a great number of deputy marshals; I do not know how many there were.
Q. Have you been in conference with Captain Britton on the street here since you came to Washington?
A. I saw him, and he asked me what they expected to prove.
Q. Do you believe there were one thousand deputy marshals under Captain Britton?
A. They said there were from one hundred and eighty to two hundred and fifty-seven under Captain Britton; that was the report.
Q. And in July it was understood that there were to be but twenty-five?
A. That was my understanding.
Q. Why was this large increase of deputy marshals made between July and the election?
A. I do not know, except that crime was on the increase, and there was a railroad building there.
Q. Do you believe that because there was a railroad being built there, that was the reason for an increase?
A. Well, it always appeared to me as if a fewer number of deputies could have done the work.
Q. That is not any answer to my question.
A. You want my judgment?
Q. I asked you whether you believe that that was the reason of the increase, the building of the railroad there?
A. That is the only reason I know of.
Q. Do you believe in good faith that that was the reason?
A. My belief and my knowing would be quite different.
Q. I am asking you your belief?
A. If I would tell you what I believed I would want to know what to found my belief on.
Q. Was it the rumor of the country?
A. It was the street talk.
Q. What was the street talk?
A. That the number was increased for the purpose of carrying the election.
Q. After the election, was the number of marshals decreased?
A. *The commission of crime immediately ceased.*
* * * * * * *
Q. Is your father here?
A. Yes, sir.
Q. What is his name?
A. Willard Ayers.
Q. What is he engaged in?
A. He is a watchman in the Treasury Department.
Q. When was he appointed?
A. Last March.

Mr. SPEER. *"The commission of crime immediately ceased after the election!"* What a blessing it is to live in a free country.

James Auld, a clerk in the office of the First Comptroller of the Treasury, testifies:

The WITNESS. The question was asked me at the last meeting whether the Comptroller had recommended the advance asked for by Mr. Britton—the first advance asked for by Marshal Britton. His request was dated the 6th of July, 1872, and the amount he requested was $20,000. It was returned to the Attorney-General on the 12th of August, with the recommendation that $20,000 be advanced. The next was dated the 9th of September, for $26,867. It was returned to the Attorney-General on the 18th of September, with the recommendation that $26,200 be advanced. The next request bore no date, it was for $55,297; and on the 8th of November, 1872, the Comptroller recommended an advance of $13,500; and then on the 9th of November, the next day, he recommended that the balance, $41,797, be sent, making the amount asked for in the request.

Here we have the startling fact that in less than three months, from the 12th of August until the 9th of November, 1872, $101,297 were sent to this corrupt marshal. This was the year of the presidential election, and much of this exorbitant amount sent in the midst of the campaign was doubtless used for political purposes. And even this sum seems not to have been enough, for in less than two months after the election $40,000 more were sent. And yet at *this very time* the expenses of the court were paid with the due-bills of the marshal. Does any sane man believe that the just expenses of this court for three months in the fall of 1872 were over $100,000? Or could any honest officer of the Government, with common intelligence, believe that they were? It seems to me impossible. This system of public robbery was known to the reckless and bankrupt politicians who then controlled that unhappy State, and they resolved to turn a portion of the spoil to their own benefit; and as the national Administration was then on trial before the high court of the people, it permitted Judge Story's court in Arkansas *to extend its jurisdiction*, having less fear of its judgments than of the judgment of the people.

There is another fact to which I must call attention. The accounts and vouchers of the marshal first go before the Auditor in the Treasury. The duty of examining and approving them devolves upon certain clerks. The western district of Arkansas was in the division of a clerk named Miller. In the fall of 1872, when Marshal Britton had a large claim against the Government consisting of these fraudulent vouchers, amounting to fifty or seventy-five thousand dollars, and at the very time that they were being examined by Miller in the Auditor's office, Miller's son was mysteriously appointed a clerk in Britton's office in Arkansas at a salary of $250 per month. He and Britton had had no previous acquaintance, and no person, so far as appears, asked the appointment or knew anything about it. The father swears that his son told him he was going to Arkansas, and that is all he knows about it! But the important fact followed *that Britton's accounts were approved* by Miller, and hence by the Auditor, who signed his name to all papers of the kind, when Miller said they were correct! The accounts then went to the Comptroller, but so strong were his suspicions of their being fraudulent that notwithstanding the Auditor's approval he refused to pay a large part of them, and perhaps some of these same vouchers yet remain unpaid, notwithstanding the pressure from the Senators and Members of Congress from Arkansas for *"a settlement."* Miller's son remained a few months in Arkansas, and after the accounts then pending had been approved by his father, he returned to Washington, where he now is. This is a circumstance the value of which the people can determine.

Marshal Britton appeared before the committee in person and by counsel, and on being informed that the committee would hear any sworn statement he desired to make, replied that "while he might refute considerable of the testimony that had been given against him on this examination, *he did not think it looked well for a man to be a witness in his own case, and therefore he would not like to do it, unless it was a case of great necessity.*" It might be difficult to tell what he would regard as "a case of great necessity." Logan H. Roots did not put in an appearance, but, tempering his valor with discretion, found enchantment in the distance at which he viewed us. John N. Sarber, the present marshal, doubtless thought that the investigation would show that he was *no worse* than his predecessors, and he did not ask to be heard.

Poor Arkansas! While the General Government pays the bills, her citizens suffer the outrages of these desperadoes who claim to be armed with the authority of the United States. Hundred of persons have been there arrested simply as a blackmailing process. If they had no money, an old horse or mule would do, and after being literally plundered of all they had, they were suffered to return home. It was the usual practice for deputy marshals to go out on these marauding expeditions without warrants and seize the first man they would meet, against whom a pretext could be alleged, and then return with him to the United States commissioner, who would give them a warrant antedated twenty or thirty days, as desired, to enable them to charge the Government for the time from the date of the warrant to the date of the hearing, and perhaps two or three fraudulent posses would be added.

It is the popular belief that the curses sent upon the Egyptians were terrible in their severity. But they were only boils and blains, locusts and lice. It was reserved for the nineteenth century to develop and for America to witness in full growth and horrid form the worst of all curses known to civilization, *the curse of carpet-bag rule!* It pollutes the fountain of virtue; it eats up the substance of the people; it bankrupts whole communities and States; it destroys social order and manhood and honor; it blights the very earth so that it refuses to yield its harvest; and having trampled out every green and living thing and left nothing but desolation in its track, it seeks new fields for conquest, and failing there covers itself with the infamy of its brief but terrible career and, hated of God and man, sinks down and dies.

Geneva Award.

SPEECH OF HON. S. W. KELLOGG,

OF CONNECTICUT,

IN THE HOUSE OF REPRESENTATIVES,

June 10, 1874.

The House having under consideration the substitute reported from the Committee on the Judiciary for the bill (S. No. 7) for the creation of a court for the adjudication and disposition of certain moneys received into the Treasury under an award made by the tribunal of arbitration constituted by virtue of the first article of the treaty concluded at Washington the 8th of May, A. D. 1871, between the United States of America and the Queen of Great Britain—

Mr. KELLOGG said:

Mr. SPEAKER: In the few minutes allowed to me I have no time to examine in detail the respective reports upon this subject. All I wish to say to the House is that as I look upon this whole matter it is a simple question of common honesty with us whether we will pay this money to the parties for whom we collected it under the submission to the arbitration at Geneva. I look upon this question simply as one of common honesty, justice, and decency on the part of this great Government; and for that reason I oppose entirely the idea advanced by the gentleman who has just taken his seat, [Mr. ELDREDGE,] and by other gentlemen, that the United States Government can take this money and cover it into their own Treasury and stand justified in the eyes of the world.

We submitted the claims in behalf of our citizens who had suffered losses on the high seas against Great Britain to this arbitration; and there were certain losses proved to have resulted from injuries inflicted by the negligence of Great Britain; and those losses were the

subject-matter of the award made in that arbitration, for which the government of Great Britain was held liable. If we go aside from the decision of that arbitration we are at sea without rudder or pilot. We never can do justice in this matter unless we take the one honest course to pay this money to the parties for whom we collected it. I care not whether they are insurance companies or individuals who have met with these losses for which the $15,500,000 was awarded; I say it is a violation of the conclusions of that arbitration if we do not take action, and take action too without delay, to pay the money precisely as that tribunal decided that Great Britain was liable and to meet those claims for which she was held liable. Suppose the distinguished chairman of the committee, the gentleman from Massachusetts, [Mr. BUTLER,] should have put into his hands two claims of $10,000 each, one against John Jones, the other against John Stiles. He has these claims to collect for A and B, his clients. He goes to work to collect them; and suppose he collects the claim against Jones, but fails to collect the one against Stiles; and then deciding that the creditor having the claim against Jones does not need the money half so much as the one having the claim against Stiles, he takes the money and pays it over to this one of his clients whom he considers the most needy. I say, Mr. Speaker, we never can stand on any such position as that, or justify ourselves in our own eyes, or in the eyes of the world, by any such miserable perversion of power in the distribution of this award.

Our duty is to pay this money precisely as this arbitration intended it should be paid. Here we have the result of the arbitration stating what losses were considered by them for which Great Britain was liable, and what losses she was not to be held liable for. I say we should legislate so as to pay the money to the parties for whom this money was collected if we mean to act honestly as a Government.

Mr. STARKWEATHER. I wish to ask my colleague a question.

Mr. KELLOGG. I have only eight minutes and have no time to yield.

Mr. STARKWEATHER. Let me ask my colleague whether he is in favor of the seamen, who lost their wages and whose claims were never presented to the arbitration at all, amounting to a great many hundred thousands of dollars—good, honest claims? I wish to know whether my colleague means to let the insurance companies come in for a second time for payment, and utterly to exclude the claims of these seamen who lost their wages and whose claims were never presented to this board of arbitration?

Mr. KELLOGG. I say if their claims were never presented to this board of arbitration they should have been, and it is their own fault if their claims were not presented. They had several years' time to file them with the Secretary of State before the arbitration was made. And they have a right to come upon this fund for payment of their claims, if they were seamen upon vessels destroyed by rebel cruisers, for which Great Britain was held liable.

And now, Mr. Speaker, how are we going to stand before the civilized world in the future, in regard to this great question of national arbitration, if we deliberately, as one of the first powers of the world, when we have submitted these claims and the award has been made, refuse to abide by the result? How will we stand if we ever want to submit a matter of national arbitration again, if we refuse to abide by this award? I say, sir, if you divert this money from the purpose for which it was collected you will do the same species of injustice which was done seventy years ago in regard to the French spoliation claims. We all know what odium has justly been brought upon us for the last seventy years for our course in refusing to pay those claims, and God forbid there should be any such new disgrace now. God deliver us from any such action as proposed here which would allow the world to say of us: "You went into a national arbitration; you presented certain claims of your citizens against Great Britain; the tribunal allowed them; you took the money, and when you got the money you did not pay it over to the parties for whom the claims were collected, but to other parties who needed it, as you thought perhaps, a little more, or you took it with the strong arm, and put it into your own Treasury, because you had the power." I say there is no justice, there is no equity, there is no right and no decent respect for the moral sense of mankind in any such dispositions of this fund as that; and having said thus much, I have said all I intended or which I have time to say.

Mr. STARKWEATHER. I should like to have five minutes in which to reply to my colleague, who seems disposed to keep the poor men out of their pay.

Mr. KELLOGG. No, sir. Poor men out of their pay! I want to pay it to those who are entitled to it.

Mr. STARKWEATHER. That is the result of your argument.

Mr. KELLOGG. Not at all. My colleague is entirely mistaken in this matter.

Mr. POLAND. What vessels does the gentleman refer to?

Mr. STARKWEATHER. Vessels destroyed by rebel cruisers, whose seamen have not been paid.

Mr. POLAND. What rebel cruisers? If they were seamen in the vessels destroyed by the rebel cruisers for which Great Britain is liable, then they will get their pay under my bill.

Mr. KELLOGG. That is precisely the view I hold and which I have attempted to express to the House. I want every seaman and everybody else who is entitled to a share of this money, to get it without further delay; and this is the only honest disposition we can make of the award we have received.

Geneva Award.

SPEECH OF H. H. STARKWEATHER,

OF CONNECTICUT,

IN THE HOUSE OF REPRESENTATIVES,

June 10, 1874.

The House having under consideration the substitute reported from the Committee on the Judiciary for the bill (S. No. 7) for the creation of a court for the adjudication and disposition of certain moneys received into the Treasury under an award made by the tribunal of arbitration at Geneva—

Mr. STARKWEATHER said:

Mr. SPEAKER: I endeavored early in this discussion to obtain a little time to discuss this bill. On a question like this, coming from the committee having charge of the subject, it is proper they should occupy all the time they have taken, and I would not ask a few minutes now except for the fact that the district which I represent suffered heavy losses from these rebel cruisers. The amount of claims presented for losses in my district was over $1,000,000, or one-fifteenth of the entire amount of the award at Geneva. I was surprised that gentlemen should have taken the position they have in the discussion of this bill. It is stated that this award was made for the benefit of the insurance companies, no matter if they have already received premiums much larger than their aggregate of losses; and it is further stated that no claimants should participate in the award unless their claims were presented and allowed by the tribunal at Geneva.

This, Mr. Speaker, is substantially the purpose of the amendments proposed to the bill of the majority. In other words, the amendments take good care of the interests of the insurance companies, and sacrifice the interests of other honest claimants.

Among the claims passed upon by the international board of arbitration were those resulting from the destruction of seven merchant or whaling vessels belonging to my district and for their cargoes. Five of these vessels were from New London, one from Mystic, and one from East Lyme. All of these vessels with one exception were burned, and their officers and crews robbed and left in the inhospitable regions thousands of miles from home.

The first vessel named was the bark Albert from New London, owned by Richard Chapell, Williams & Haven, and William Williams, and commanded at the time of her destruction by Edwin Church, master. While after a whale near the Island of Flores, the most westerly of the Azores, she was suddenly overhauled by the Alabama and burned. Her crew were landed on the Azores. Her proprietors suffered a loss of $22,000, the value of the vessel and her outfit, besides the breaking up of the voyage. She would in all probability have returned to New London with a cargo of oil worth $140,000 had she not been destroyed by the Alabama. The whole claim in this case lodged in the State Department was $196,000.

The next loss was that of the ship B. F. Hoxie, of Mystic, George B. Crary, captain. She was a trader of large size and valued at $70,000. She sailed from Altata, coast of Mexico, with a valuable cargo of silver bars, dye-wood, and silver ore, bound for Falmouth. She was overhauled by the Florida in latitude 10° 30′ north, longitude 36° 30′ west of Greenwich, and burned. The clams for this ship amounted to $98,000.

The third loss was the fishing-schooner North America, of East Lyme, Captain David C. Manwaring. Near the coast of Nova Scotia she was captured by the Tallahassee, robbed, and sunk. A claim for $5,500 was put in by her owners.

Then followed the capture of the Pearl, the Nile, and the General Williams, of New London, and the L. A. Macomber, of Mystic.

The amount of losses from my district, as I have stated, was over $1,000,000, or one-fifteenth of the entire amount allowed, and upon which we are to pass. I am aware the House is impatient to take a vote, and I would not occupy time now, but this is a very important question in which my constituents are largely interested. Seamen from my district engaged in the whaling business on the northwest coast have in many instances sustained greater losses in proportion to their means than the owners of the vessels even. The officers of these rebel cruisers took from them their clothing and property of every kind, and in many instances they were left on desolate islands to get home as best they could. These men, hundreds in number, representing families, are all interested in the just distribution of this award, and I have never heard of a single individual in my district who desired any bill such as is proposed and advocated by the minority of the committee. Some of these men were engaged in seeking their livelihood at the time the conference was in session at Geneva. At the time of the award they were seeking a livelihood for themselves and their families in the Arctic Sea. I was surprised, therefore, to find gentlemen advocating the claim of these insurance companies who have been paid, as has been proved, two or three times over, while at the same time these hardy seamen, who lost everything, are to be excluded from payment altogether because they had not presented their claims.

Mr. KELLOGG. The gentleman interrupted me with a long question, and I hope he will allow me a word. I did not advocate the claim of the insurance companies. I am willing your constituents should come in and my constituents should come in if they have any honest right or title to their money.

Mr. STARKWEATHER. Mr. Speaker, in several cases these men have never had an opportunity of proving their claims. I look upon this as a fund collected by the Government and held in trust to pay the losses of all, and any person who proves a loss is entitled to receive just payment of the claims, whether they were proven heretofore or not.

At the first session of the Forty-first Congress, on the 28th of January, 1869, I introduced a resolution of inquiry as to the loss of vessels by these rebel cruisers, and on the 3d of April following the honorable Secretary of State submitted a reply on that subject showing the vessels and other property lost for which claims had been made and filed with the State Department.

Among the list of vessels was the schooner L. A. Macomber, of Mystic, in my district, destroyed by the Tacony, a tender of the Florida. By the finding of arbitrators vessels destroyed by the Tacony, as well as the Florida, were included in the award. Now, while this case was properly filed with the State Department, it was overlooked by the arbitrators in making up their award. It is certainly equitable that the owners shall not suffer on account of the oversight or carelessness of the arbitrators.

And, Mr. Speaker, this is not the only case of omission, and by the terms of the bill of the majority of the committee payment is made not only for these claims, but for the losses of officers and sailors who by absence from the country or other circumstances, were prevented from presenting their claims to the arbitrators. There are hundreds of these men with their families, interested in the just distribution of this award who ought not to be excluded from its benefits in order to advance the interests of insurance companies. Many of these at the time the conference was in session at Geneva were engaged, as I have already shown, in the most remote seas of the globe, and had no opportunity to present and press their claims.

Mr. Speaker, there is no time now to discuss the general principle. It was understood by Congress during all the discussion that preceded the arbitration that these claims that were presented there and any other claims of seamen that could come in afterward should be paid out of this general fund. The correspondence of the Secretary of State shows this. And to cut off men now on account of absence from the country who were away on long voyages from an equitable distribution, and to pay it to parties who have never suffered any loss, would be the greatest injustice the United States could perpetrate. It would be such an act of injustice as would stamp this whole transaction as un-American in character and unworthy of a great nation.

Civil-Service Reform.

SPEECH OF HON. T. J. CREAMER,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

June 11, 1874.

The House being in Committee of the Whole, and having under consideration the sundry civil appropriation bill—

Mr. CREAMER said:

Mr. CHAIRMAN: I move to amend the amendment by inserting $50,000 instead of $25,000.

I am surprised, Mr. Chairman, that my friends here should oppose the amendment offered by the gentleman from Connecticut, [Mr. KELLOGG,] for it seems to me if there is anything needed at the present time, if there is anything which the people are demanding, it is a thorough reformation of the entire civil service of the Government from head to tail. The difficulty with these civil-service reformers heretofore has been that they have directed all their efforts to the drilling and disciplining of minor officials and petty clerks. Unless subordinates of whatever grade recognize ability and honesty in their superiors, how can the country expect that they, with examples of unparalleled incompetency and unparalleled dishonesty before them, shall do better than those whose duty and privilege it is to guide and instruct them?

To-day we have presented the strange spectacle of the incompetency of the executive branch of the Government to suggest, and the inability of the legislative branch to devise, any remedy for the financial distress that has afflicted the country during the past year. I ask you, gentlemen, on the other side, is it not strange that this Executive, surrounded by a Cabinet whose ability, according to the harpings of your own well-paid party organs, is only exceeded by the surprise with which their names, often unknown outside their States, were sprung upon you to your utter disgust and dismay—is it not strange that this President, in daily association with these "wise men of the East" and West and South, whose statesmanship you never dreamed of until your chief had chosen them, should be unable to suggest a financial scheme upon which you, his blind and faithful followers, could agree?

My amendment *doubles* the sum suggested by my friend from Connecticut, who so enthusiastically supports civil-service reform. The country would willingly pay a hundred fold the amount I name, yes, millions of money, to obtain a reform that would secure sufficient competency in its Executive to evolve a financial system that would harmonize the views of his admirers and supporters upon this floor. Gentlemen may think I am exaggerating. I am not. I come from the commercial and financial center of this country, as much its center in every respect as the heart is the center of man's physical organization, and I repeat that the country, through its business men who have suffered so severely by the imbecility of this administration, would willingly pay millions for a practical reform in this particular direction. Why, gentlemen, each of you well knows the lamentable failure of the President (whose official wink you were wont to properly interpret and as readily to obey) to suggest a financial policy, for your agreement has cost the country hundreds of millions!

A widely known New York merchant whom I met here a few days ago put it in the following terse style: "We will pay almost any price, only let us know what it is and what we may expect after paying it. Do not keep us waiting in this state of uncertainty and embarrassment. Let Congress adjourn rather than keep on floundering after a financial policy that will prove after all a thing of shreds and patches."

Personally I have nothing whatever against the President. We remember that at the close of the war both political parties were anxious to reward him for his great services in the field; and when I grant that those services were great, you of the republican party will admit that as great as they were the rewards which so quickly followed them were far greater. His obscurity, succeeded so quickly by distinction, belong to history. I need not refer at length to the great change, unequaled in its suddenness and completeness in modern times. That change, Mr. Chairman, has already cost the country so much in material wealth and prosperity that it is not likely to forget it in years to come. Hereafter let the people look to it that military heroes are rewarded in some other way than by foisting them into great offices. Their peculiar education in itself is the greatest barrier to the proper performance of the functions of a civil position in a republic.

> One science only will one genius fit;
> So wide is art: so narrow human wit.

Hero worship, after all, is but a worthless legacy of the past. It should find no recognition in a government of the people like ours nor in an age of iconoclasm like this.

Let us glance at the inauguratory acts of the present Executive. The very first was one well calculated to disgrace and degrade the civil service of the country. Without the slightest attempt at a concealment of his purpose he gave to Mr. Washburne for a few days the high and honored office of Secretary of State. As part of the programme that gentleman, in his turn, at once proceeded to give the important diplomatic positions abroad to the close friends of the President and of himself. What followed? Mr. Washburne resigned and was appointed minister to France. What could be more calculated to reduce the tone of the civil service than such an act?

As I have before intimated, considering the President's career previous to the rebellion, he has made a much better Executive than we had any reason to expect. Liberally educated at the expense of the Government, the highest position in civil life he ever reached prior to the war was to drive a team of mules or to act as clerk in a leather store! How can we expect a man who followed such pursuits, after receiving such advantages of education, to dictate to the country at this critical time a financial policy of any merit? Under the administration of such a man should we be surprised that for nearly twelve months our distressed financial condition has been continued without the slightest effort being made to remedy it, and without, I regret to say, the slightest complaint from the leaders of the dominant party on this floor against the course pursued by the Executive? The trouble with the President is that he does not more frequently associate——

[Here the hammer fell.]

Several MEMBERS. Go on!

Mr. O'BRIEN. I rise to oppose the amendment, and yield my time to the gentleman from New York, [Mr. CREAMER.]

Mr. CREAMER. If the Executive would consult and associate more with the leaders even of the majority of this House, which more directly and more intelligently represents the views of the people than any other branch of the Government—if he would inquire of them what are the views and wants of the masses under the present deplorable condition of business throughout the country, instead of associating constantly with millionaires, it would have been far better for the great interests that have so terribly suffered. Why, sir, no man, it seems, is fit to be his adviser unless he can count his wealth by millions. Within the past few days we find an apt illustration of this. Witness the Executive in consultation with a Senator, a representative of "a rotten borough," removed from the real centers of trade and commerce, a State whose entire population is not much larger than that of an election district in any of our eastern cities!

A widely different state of affairs must sooner or later prevail, or else our Government must be remodeled and reconstructed to restore it to that state of efficiency which gave it strength and stability in the early days of its existence. Sir, from the head of the Government down we need reform in many respects. How long, think you, would such an administration as this last in Great Britain after the weakness and incompetency exhibited during the last six months? Such an administration, thwarting the business interests of the

country, an obstacle in the way of progress, and heedless of the loud complaints of an outraged people, would not last forty-eight hours in Great Britain. Are we going to confess here on the eve of the one-hundredth anniversary of our independence that we are behind that power, that our Congress is unable to grapple with the questions of the day, and that we cannot give to the people a government that will benefit, but one that retards their progress? For months past the inexperience and unfitness of a Cabinet officer, promoted by the Executive, have worked such ruin in the monetary market as to keep the business interests of the country in a state of feverish excitement to the final ruin of many and to the dismay of all! And when the people actually forced his removal from the Cabinet, the Chief Magistrate assigns him to a high judicial position, and a republican Senate approves the appointment by confirming it.

Not only have we been affected at home by such appointments, but the national character has suffered abroad, and not a word has been uttered on this floor concerning the transaction to which I will now call attention. Not long ago at great expense we strove to have the United States properly represented at the Vienna exposition by displaying to the world evidences of American genius, skill, and industry. Before the commencement of the exposition our minister, anxious to ignore our commissioner, forced on him a quarrel, and much to our disgrace exhibited us in the eyes of all Europe as a pack of Yankee peddlers eager to turn an honest penny and held us up to the scorn and sneers of the civilized world. We were disgraced by Minister Jay, or "poppinjay," as his manners describe him. I believe he is a constituent of mine, and I know whereof I speak. He has antique claims on the affections of the American people; the oldest is that he degenerated from the greatness of a worthy grandfather, and the newest is that he is the father-in-law of a German baron! Has Minister Jay ever been punished? Has he been called home? No; he still remains in office. Sir,

> I feel my honest indignation rise
> When, with affected air, a coxcomb cries;
> * * * * *
> And through his favored ancients dares to claim,
> Not pardon only, but rewards and fame.

These are but a few of the many instances wherein a reform is so greatly needed. The dominant party promised the people a reform of the civil service, and commenced at the wrong end; began by puzzling candidates for petty clerkships with useless conundrums in geography, history, &c. The people, after witnessing the operation of this farcical measure, discover that there was a wrong beginning; and they now, disgusted with the performance, exclaim with Hamlet, "O, reform it altogether." Need I refer you to an additional evidence of their general condemnation of the present state of affairs? Did you not recognize it when the President attempted to foist upon us an incompetent and corruptionist for the office of Chief Justice of the United States?

[Here the hammer fell.]

Currency.

SPEECH OF HON. JOHN M. BRIGHT,

OF TENNESSEE,

IN THE HOUSE OF REPRESENTATIVES,

June 13, 1874,

On the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 1572) to amend the several acts providing a national currency and to establish free banking, and for other purposes.

Mr. BRIGHT. Mr. Speaker, I have heretofore spoken on the insufficiency of our currency, its unequal distribution, the way it should be increased, and its equilibrium restored. I shall not repeat those arguments.

I propose now to speak on the *quality* of our currency, which is a different thing from the quantity, the unwise policy of the Government in relation to it, and the true road to financial prosperity and relief.

Before proceeding to the work laid out, I shall notice several fallacies and misconceptions on which the President's recent veto message seems to have been based. The pith of the veto was that the financial bill was against the interest of creditors, and that there was a sufficiency of currency, because there were about four millions not taken of the fifty-four millions authorized by the act of 1870 for banking purposes. So far from sanctioning an increase of currency, he demanded an increase of taxation to pay Government expenses and provide a surplus of gold in the Treasury to redeem the Government currency. The newspapers and people understood the President to mean that the four millions "not taken" had not been "called for." The statement fell short of the truth, and was made in the face of the fact that there were one hundred and twenty-nine applications for national-bank charters then on file in the office of the Comptroller of the Currency. Some of these applications had been on file more than a year before the veto of the President.

Hear the proof:

TREASURY DEPARTMENT,
OFFICE OF COMPTROLLER OF THE CURRENCY,
Washington, April 16, 1864.

SIR: In reply to your letter of the 15th instant, you are informed that the whole amount of the $54,000,000 authorized by act of Congress of July 12, 1870, remaining to be issued to banking associations is $4,315,528.

The whole number of applications on file awaiting action of Congress is one hundred and twenty-nine.

Very respectfully,

JOHN JAY KNOX,
Comptroller of the Currency.

Hon. JOHN M. BRIGHT,
House of Representatives, Washington.

This letter of the Comptroller is subversive of the President's veto. Doubtless other applications for banking privileges would have been made if they had not been forestalled by the assurance that they could not be granted without "the action of Congress." The excuse of the Comptroller for not issuing the balance of the fifty-four millions cannot avail him; that is, that the 3 per cent. certificates should be canceled in equal amounts to the national-bank notes issued. No fair construction of the law can make the redemption of the 3 per cent. certificates a limitation upon the issue of the fifty-four millions. Their redemption was only incidental to the issue of the fifty-four millions, and was but a process for their retirement; and when they were retired the law was imperative to proceed with issue of the national currency; and when the fifty-four millions were exhausted, then it was his duty to have called in the twenty-five millions from those States having more than their proportion and to have given them to those States having less than their quotas. But as long as there remained any part of the fifty-four millions unissued the Comptroller could not call for the return of the twenty-five millions. And here he stuck, with one set clamoring for more currency and another set secure in the possession of their twenty-five millions excess, at the same time furnishing a stumbling-block to precipitate the President on his financial blunders.

The people asked for bread and the President gave them a stone; they asked for more currency, and he demands more taxation. He proposes to stop the people's complaints of "the whips" with the scourge of "the scorpions." After heading off this mischievous statement of the President, I shall make a passing remark upon a currency fallacy.

It has been argued that because gold is worth from 12 to 15 per cent. more than United States currency, there is a superabundance of currency. This is not true. The value of money is determined by the use which the law may assign to it, as well as by its quantity.

We have two legal-tender acts; the coinage acts of 1837 and 1849, making gold and silver a legal tender for all purposes, and the act of February 25, 1862, making Treasury notes a legal tender for all purposes except duties on imports and interest on the public debt.

With these two laws in force no amount of contraction of legal-tender notes will bring them to a par value with gold. The contraction may be extended until there shall be only two dollars, the one gold, the other a legal-tender note, and still the merchant and the Government being compelled to have the gold dollar, the one to pay the duty, and the other to pay the interest, would give the same premium for the gold that is now paid. I feel confident in asserting that if all the money in the United States were converted into gold, it would not be sufficient to float our vast and varied industries, to pay our enormous debts and taxes, and to meet the ever-increasing demands of trade and commerce. In my former speech on the currency I presented authentic statistics which would verify this assertion.

In this connection, perhaps it would be well to bring home to the American people a sober, practical question—the power of the Government over its own currency directly through its laws, or indirectly through its banking corporations. The Government may control the quantity, regulate the value, and prescribe the use of its currency.

Let us take an example growing out of our recent civil war. In the Legal-tender cases, (12 Wallace, 540,) Justice Strong tells us that—

> The entire amount of coin in the country, including that in private hands as well as that in banking institutions, was insufficient to supply the Government three months. Foreign credit we had none.

The demand for money was immeasurably beyond the supply of gold. Besides, gold was too great a coward to mingle in the robust diversions of war, but it fled from the strife, hid itself in vaults, burrowed in the ground, and sought security in foreign lands. The Government was forced to anticipate its resources and "to coin its credit." Treasury notes were employed, but the first issues were defective in not being made a legal tender. Justice Strong, in the same opinion, says:

> It is a historical fact that many persons and institutions refused to receive and pay these notes. * * * The vast body of men in the military service was composed of citizens who had left their farms, their workshops, and their business with their families to be provided for.

Congress met the exigency by making the next issues of Treasury notes legal tenders. The effect was galvanic to the paralyzed industries and magical to the Army and Navy. Although it has been said that "a nation may almost as well go to war with paper guns as a paper currency," yet we know that the whole national machinery, civil and military, was moved under the propelling power of legal-tender notes. The Government, however, was forced to change its unit of value from the gold dollar to the legal-tender Treasury note,

and to run up its paper obligations to about $2,700,000,000. Besides, all money contracts and property values were changed, and were represented by the legal-tender note as the money of account.

But the war came to an end, and then came the greatest financial blunder of the age. I proved in a former speech that there was circulating as currency in different varieties on the 31st of August, 1865, $2,192,395,627; and from that date to the 1st of November, 1873, that the Government reduced that amount to a total available currency of $631,488,676, making a reduction of $1,560,906,851. The Government was seized with a contraction mania and attempted to tumble the whole financial system from the appalling precipice of expansion, with almost unbroken fall, crushing down upon an imaginary gold level, instead of descending with slow and cautious steps safely along the shelving declivities. There were financial advantages to be obtained even in the financial calamity. The New England and Middle States managed to float their industries by securing a lobsided volume of the remaining currency. The property of the Southern and Southwestern States has been shriveling up from a fair commercial value to a distress value, while the debtor classes have been postponing the day of retribution by loans and mortgages. The bondholder and the money capitalist, while they delude the Government with the specious arguments of prosperity, gloat upon the harvest of speculation which is already ripe for their sickles.

Our country is not without experience in being lifted upon the flood of expansion and then stranded by the sudden ebb of contraction. Hear Mr. Jefferson on the subject in his letter to H. Nelson, March 12, 1820:

> This State [Virginia] is in a condition of unparalleled distress. The sudden reduction of the circulating medium from a plethory to all but annihilation is producing an entire revolution in fortune. In other places I have known lands sold by the sheriff for one year's rent; beyond the mountain we hear of good slaves selling for one hundred dollars, good horses for five dollars, and the sheriffs generally the purchasers. Our produce is now selling at market for one-third of its price before this commercial catastrophe, say flour at three and a quarter and three and a half dollars the barrel. * * * I fear local insurrections against these horrible sacrifices of property.

"Contraction" and "gold" are the shibboleths of the money oligarchs. No matter what the financial distress, we must contract our currency and debts to the gold basis.

They appealed to the supreme judiciary of the United States to pull down the pillars of our national currency. Hear the rebuff of the court:

> The debts which have been contracted since February 25, 1862, constitute, doubtless, by far the greatest portion of the indebtedness of the country. They have been contracted in view of the act of Congress declaring Treasury notes a legal tender, and in reliance upon that declaration. Men have bought and sold, borrowed and lent, and assumed every variety of obligations, contemplating that such payments might be made in such notes. Indeed legal-tender Treasury notes have become the universal measure of values. If now, by our decision, it be established that these debts and obligations can be discharged only by gold coin; if, contrary to the expectations of all parties to these contracts, legal-tender notes are rendered unavailable, the Government has become an instrument of the grossest injustice; all debtors are loaded with an obligation it was never contemplated they should assume; a large percentage is added to every debt, and such must become the demand for gold to satisfy contracts that ruinous sacrifices, general distress and bankruptcy, may be expected. These consequences are too obvious to admit of question. (12 Wallace, 529, 530.)

Baffled by the courts, the contractionists laid siege to Congress; repulsed by Congress, they appealed to the President, whose views are singularly in accord with theirs, to bar the gap of legislation with his veto, except a plastic Congress shall mold a finance bill which shall be in agreement with his manifesto. Heaven defend the country from such additional calamity! He drives a tilt at the Supreme Court, at Congress, and a prostrate and imploring people. He would have the legal-tender clause of the act of 1862 repealed, to take effect on the 1st July, 1875, being within about one year. He would have the currency issued by the United States redeemed in coin on the 1st July, 1876, within two years. And to raise the gold he would issue more bonds, payable in gold, principal and interest. He would have all taxes after resumption begins paid in coin or United States notes. And with these preliminaries he would authorize free banking without limit.

The President's plan is like a sea which conceals the treacherous rocks beneath its smiling surface. Let us sound it before we launch upon it. He would repeal the legal-tender act. This would leave the coinage acts of 1837 and 1849 in force, and nothing but gold and silver would be a legal tender after one year. Hence after that date all the five-twenty bonds and other bonds stipulated in the bonds to be payable in "lawful money," all State and corporation bonds, and all private debts must then of necessity be payable in gold. This would give an additional value to the demands of the creditor of 12½ per cent., and subtract a corresponding value from the productions and property of the debtor. The public and private debt of our country amounts to about $8,160,469,000. To pay it in gold it would require a premium of about $1,000,000,000, and a corresponding increase of the value of the interest on the debt by making it payable in gold. The aggregate annual taxation of our country amounts to about $611,180,320; it would add an annual value of about $80,000,000 if paid in gold. The result—$1,000,000,000 profit to the creditor, $1,000,000,000 confiscation to the debtor, $80,000,000 additional annual taxation to the people. Comforting pictures for a distressed people!

But this is not all. The President would have the legal-tender notes redeemed in gold at the end of two years. The result would be that their increasing value would equal the interest of a gold-bearing bond, and many of them would be withdrawn from circulation and hoarded with the bonds. This would operate as another tightening cord on the property and industries of the country.

Again, to provide gold to redeem the legal-tender notes the President would crowd more gold bonds bearing gold interest on the market. To get out of debt he would get deeper in. He would pay gold interest on the bond, when he pays no interest now on the legal-tender note. He would increase instead of lightening the burden of taxation.

And this is not all. Let us give a turn or two to the big gold wheel in the President's financial machinery and see how it will operate. The American bondholders would have undisputed sway over the gold which is fortunate enough to remain in the country. They would become gold brokers, buy up the currency, make it scarce, and force the people to pay high premiums on gold to pay debts and taxes. These taxes in part would return to the bondholders in payment of interest on their bonds, and be used in repeating the process of forced sales of gold to a circumvented people. The first revolution of the wheel shows that it cuts like a dredging-machine into the finances of the country.

But this is not all. After packing down our financial system under the weight of such a gold pressure, the President thinks that free banking will give the country ease. Let us try a little logic upon this. The national bonds constitute the exclusive primary capital of the national banks. The deposit of these bonds in the national Treasury is a preliminary condition to the grant of the bank charter. The trump cards are in the hands of the bondholders. In addition to filling the office of gold brokers, they are prepared to be installed national bankers and thus complete their supremacy over the national finances.

The national banks, now freed from the competition of legal-tender notes, our only free currency, would have the power to control the quantity of our currency, regulate the rates of interest, and fix the prices of labor, commodities, and property.

Look at the fearful consummation! The Government would be the tributary slave of the bondholders, and the people the victims of the broker-shops and the banks. Our country once abandoned to the juggling cupidity of the bond rings, the gold rings, and the bank-rings which would be born with a *nexus* out of the President's policy, they would form a financial triumvirate which in time would grow to equal the rapacity and spoliation of the old Roman triumvirate headed by Cæsar, Crassus, and Pompey. A money oligarchy is the most odious and merciless of all others. Bearing only a financial relation to the people, it regards them only as fit subjects of extortion. It goes for the last dollar of the poor and helpless. As tersely said by another:

> To an aristocracy existing on the annual interest of a national debt, the people are only of value in proportion to their docility and power of patiently bleeding golden blood under the tax-gatherer's thumb-screws.

The bondholder may now say that he is not—

> A dog, that he should do this great thing.

He has not yet taken the gradations to the extremities of avarice.

> No man e'er reached the heights of vice at first;
> By just degrees we mount from crime to crime,
> And perfect villain is the work of time.

But all this would not end our chapter of financial woes. We can endure great evils when we know that they soon will have an end. But the President's gold policy, once fastened on the back of the people, will make them swelter under the burden for ages. The gold will be dug out of the mountains, perhaps a century hence, to pay the last of our public debt. To aggravate our evils our country is under the double curse of a foreign debt as well as a home debt. Our great national foreign debt was not only a political blunder but a political crime. It was the folly of the general who marched his army into the Sarbonean bog. But what is the amount of this foreign debt, and what are its demands upon our gold resources? Hon. D. A. Wells, Special Commissioner of the Revenue, in his last report (1869) estimated our foreign debt as follows:

National securities	$1,000,000,000
State, railway, municipal, and other securities	465,500,000
Total	1,465,500,000

Hon. E. Young, Chief of the United States Bureau of Statistics, in an article published in The Independent (New York) April 9, 1874, says:

> Although there were no national securities held abroad at the commencement of our late war, yet some of the bonds of the Commonwealth of Pennsylvania, and probably of Massachusetts and other States, as well as railroad shares and securities, were owned in Europe. In the absence of accurate data on the subject, it is believed that fifty million is an ample estimate for these *ante-bellum* securities. With this addition our aggregate foreign debt amounts to about $1,200,000,000, and our annual interest charge to nearly $72,000,000.

What is our gold capacity to meet even the $72,000,000 annual interest on our foreign debt? The Statesman's Year Book, 1874, page 590, gives the following statistics:

> The yield of the precious metals in the United States in the year 1871 was estimated at $66,663,000. Nevada produced the largest amount, $22,500,000; and after it came California, $20,000,000; Montana, $8,050,000; Idaho, $5,000,000; and Colorado, $4,663,000. Oregon, Washington, Utah, New Mexico, and Arizona Territories produced smaller amounts.

This shows that the annual productions of our gold fields are not equal to our annual foreign interest. When the interest has the odds

against us, what will we do when we come to wrestle with the debt? To show that our country is already squeezed and sucked of its gold like an orange by our foreign debt I refer to the following table, furnished in the same Year Book, page 588, showing the total value of the gold and silver bullion and specie imported and exported from the United States in each of the six fiscal years ending June 30, from 1868 to 1873:

Years.	Imported.	Exported.
1868	$14,188,368	$93,784,102
1869	19,807,876	57,138,380
1870	26,419,179	58,155,666
1871	21,270,024	98,441,989
1872	13,743,689	97,877,534
1873	21,480,937	84,608,574

For 1873 $84,608,574 were exported and $21,480,937 imported. These figures show that the drain upon our gold has been equal to the productions of our mines. Let us look to a few facts in verification of this statement. Since the creation of our foreign debt the most wonderful activity and increase in the coinage of the precious metals has taken place in England, France, and Germany.

Mr. Freemantle, deputy master of the royal mint of England, says:

The gold coinage of 1872 has exceeded £15,000,000, ($75,000,000,) as against £10,500,000 ($52,500,000) coined in 1871, the average annual coinage before the latter year having been £5,000,000 ($25,000,000) only.

In his report for 1872 he adds:

No less than 672 tons of metal have passed through the melting department during the year, and this pressure of work has so fully engaged the attention of officers and men as to leave no time for the prosecution of experiments.

Again he says:

The coinage of gold in Germany has been carried on with energy during the year 1872, and the total amount of coin already struck is understood to exceed £31,000,000, ($155,000,000.)

A large part of the German coinage was from bullion and coin lately transmitted by France on account of the indemnity to Germany. While our country did not furnish all the material to swell the coinage of the European mints, yet it did contribute a large portion. My design has been to show that our foreign debt has made Europe the reservoir of American gold.

England, after her last French and American wars, was sinking under the burden of her debts and had been so depleted of her gold by foreign exportation that it required the omnipotence of Parliament to lift her out of the bog. Parliament prohibited the melting and exportation of the coin until the country was replenished by importation, and when the Bank of England was authorized to pay out coin for its notes it was only in sums under five pounds.

France, though recently prostrated by a terrible military disaster and burdened with the vast expenses of her own armies, was forced to submit to a foreign debt of five milliard francs, equal to one billion dollars. Yet she was not forsaken of political wisdom. Her first thought was to get out of the financial clutches of her German conqueror. Her policy was to make it a home debt, and to pay the gold interest to her own people and keep it at home. Her call for the loan was like a resurrecting trump. All the private burial-places of her gold gave up their treasures and her people hastened with it, in sums small and great, in bags and stockings, to pour it at the feet of the government. Thus she was enabled to anticipate a part of the German indemnity and to wipe out the balance at maturity. Long will her "stocking-loan" be memorable in the annals of finance.

Russia has tried the experiment of a foreign debt. In 1873 her foreign loans aggregated $550,059,000. Although her mines yielded annually $20,000,000, yet she was so drained of her gold in the payment of foreign interest that she was compelled to give her own people a forced paper currency of seven hundred and fifty millions, which for many years has been at a discount varying from 10 to 15 per cent. But she has changed her policy and is now cleaning out her foreign debt as fast as practicable.

But to recur to our own country. We see our financial life-blood ebbing away through our foreign debt without any efficient plan to arrest it. Our Constitution allows the free export of all commodities; therefore Congress, like the British Parliament, cannot prohibit the citizen from exporting gold. But were it otherwise, Congress has voluntarily pursued the opposite policy by creating the foreign debt, thereby giving free vent to the outflow of our gold. The gold which goes out to pay the Government debt goes out not to return; but it is run through foreign mints and is stamped with regal dies. It ie not like the commercial debt of the citizen contracted abroad, for hs brings in return valuable commodities as the consideration to combine with the labor and natural resources of the country, and in this way makes his debt a producing capital. The gold interest paid on our foreign debt is not only without compensating advantage, but it is a positive commercial and financial evil as I have already shown.

And this is not all. This foreign debt, as it is our curse in peace it will be our weakness in war. It may tie up the sword-arm of out nation when justice and honor would require that it should strike. In war, muscle and money are in close alliance. If the nation has not the money it must have its substitute, credit; and the larger its debt the weaker will be its credit. Among the great nations our country stands the richest in mines but the poorest in coins.

It is not practicable for our Government to overcome the large export balance of gold against her in the exchange of merchandise with other nations. The trade balance has been against us for a number of years. For the year 1873 our imports stood $642,030,539 against exports $626,595,077. But time will not permit me to dwell further on the foreign aspect of our finances.

Then it will be seen that the obligation of our foreign debt will have a controlling influence on our finances at home.

After our large annual export of gold, as I have shown, whence will we derive the gold to pay interest and sinking fund to the American bondholders, to redeem the legal-tender notes, to provide for specie payments by the banks, and to furnish sums under ten dollars to circulate among the people? When tested by the facts, the theory of the President and those of his mode of thinking will turn out to be a "beautiful impossibility." It is estimated by Mr. Young, Chief of the Bureau of Statistics, that $140,000,000 will cover the aggregate gold and silver coin in the United States, to wit:

In the Treasury of the United States, as per last report of the Treasurer	$83,145,324 22
Held by national banks, as per last report of the Comptroller of the Currency	19,868,469 45
Estimated balance held by gold-brokers and private persons	31,987,207 00
Total gold and silver coin	140,000,000 00

Of this sum the Government requires $127,918,856, according to last estimates of the Secretary of the Treasury, to pay interest and sinking fund.

The President confesses that we have not gold enough, because he calls for more gold bonds and more taxation.

The Treasurer of the United States in his last report, November 1, 1873, says:

There has been a large falling off in the receipts, amounting to $28,280,764.07 on customs, (gold,) and to $16,912,863.58 on internal revenue.

He adds:

Either taxation must be increased, an expedient that can hardly be thought of, or appropriations must be kept largely below the receipts. Otherwise the rapid reduction of the public debt will be arrested, if not abandoned.

So it will be seen that the Treasurer is already pushed to the wall. He can see but two alternatives for escape—taxation, or retrenchment.

The Treasurer inclines to retrenchment, the President to taxation and bonds. It cannot be disguised that all the tendons of our revenue and financial systems are now strained until they are ready to snap. As things now stand, our Government can do nothing but nibble off the excrescent interest of the public debt, and to do this it has to push the fibers of its revenue system into the pockets of all the people in the land, except the bondholders who must be protected, like Goshen amidst the plagues of Egypt, though famine may smite the rest of our land.

Now we are prepared to assert that if the quality of our legal-tender notes is not equal to gold the fault does not lie at the door of the people. If our currency departed from its former unit of value—the gold dollar—it was done by the force of law. If it was increased or contracted in quantity it was by the act of the Government. If gold has become scarce by leaving the country, it was not expelled by the inferior paper currency as some may think, but it went at the bidding of the Government. Nor was it depreciated by any distrust of the public credit, for the legal-tenders stand on the same credit with the public bonds, which are the equal of gold in the market. So that our legal-tender notes were a necessity, and not enough of them at that by a large amount, as I think I demonstrated in my former speech. The only difference between them and the bonds is that the Government pays a semi-annual gold interest on the bonds and none on the notes. If they were made to bear an equal interest with the bonds they would instantly spring to the bond value and disappear from circulation and be hoarded with the bonds. Or if they should be made convertible into bonds bearing a like rate of interest, for the same cause they would disappear from circulation. The only way to keep them in free circulation is to pay no interest on them, nor to make them convertible into interest-bearing bonds to tempt the cupidity of the money-hoarder.

To the extent of our legal-tender notes the people would be sure of a currency and without taxation for its use. On the contrary, to have them absorbed in gold-bearing interest bonds it would not only aid in shrinking the whole value of the property and productions of the country to a gold basis, but it would require an annual tax of $20,000,000 in gold to pay the interest alone on the bonds substituted in their place. What imaginable profit can it be to the people to get rid of the present difference between gold and greenbacks, if it not only costs them a general loss on all their productions and property but the payment of $20,000,000 annual taxes in gold for years to come? In fifteen years the interest alone would cost the people $300,000,000 in gold. And to add to the injustice and folly of such a scheme, it would, perhaps, open another financial orifice for the outflow of our gold to foreign countries. To convert them into gold bonds it would not only shrink the whole value of the property and productions of the country, to that extent, to the gold basis, but it would also require an annual tax of twenty millions in gold to pay the interest on the bonds substituted in their place.

If, then, the Government has not been able to raise more than enough gold from its revenue laws to pay the interest and 1 per cent. per annum sinking fund on the public debt, and now, for the want of gold to redeem the legal-tender notes according to the proposed plan, would be forced to make gold bonds to raise it at the expense of $20,000,000 per annum interest, it becomes too plain for argument that after the Government has thus taken the lion's share there would be no gold left for circulation among the people, and not enough left to furnish a pretext for specie payment by our national banks. Should the banks attempt it the experiment would be as pitiable as the specie resumption of Secretary Richardson.

Then what means the clamor of the President and the contractionists for reducing our currency to a gold basis? It means that the regal-tender notes shall be converted into gold interest bearing bonds; el means more debt and more taxation. Such is the drift of the currency bill which recently passed the House, as well as the amendments to it reported by the conference of the two Houses. Sections 7 and 8 of the amendments proposed by this conference report show the manner in which the legal-tender notes were to be disposed of.

SEC. 7. That the entire amount of United States notes outstanding and in circulation at any one time shall not exceed the sum of $382,000,000, which shall be retired and reduced in the following manner only, to wit: within thirty days after circulating notes to the amount of $1,000,000 shall, from time to time, be issued to national banking associations under this act in excess of the highest outstanding volume thereof at any time prior to such issue, it shall be the duty of the Secretary of the Treasury to retire an amount of United States notes equal to three-eighths of the circulating notes so issued, which shall be in reduction of the maximum amount of $382,000,000 fixed by this section; and such reduction shall continue until the maximum amount of United States notes outstanding shall be $300,000,000; and the United States notes so retired shall be canceled and carried to the account of the sinking fund provided for by the second clause of section 5 of the act approved on the 25th of February, 1862, entitled "An act to authorize the issue of United States notes and for the redemption and funding thereof and for funding the floating debt of the United States," and shall constitute a portion of said sinking fund. And the interest thereon, computed at the rate of 5 per cent., shall be added annually to said sinking fund. But if the surplus revenue be not sufficient for this purpose, the Secretary of the Treasury is hereby authorized to issue and sell at public sale, after ten days' notice of the time and place of sale, a sufficient amount of the bonds of the United States of the character and description prescribed in this act for United States notes to be then retired and canceled.

SEC. 8. That on and after the 1st day of January, 1878, any holder of United States notes to the amount of $50, or any multiple thereof, may present them for payment at the office of the Treasurer of the United States, or at the office of the assistant treasurer at the city of New York; and thereupon he shall be entitled to receive, at his option, from the Secretary of the Treasury, who is authorized and required to issue, in exchange for said notes, an equal amount of either class of the coupon or registered bonds of the United States provided for in the first section of the act approved on the 14th of July, 1870, entitled "An act to authorize the refunding of the national debt," and the act amendatory thereof, approved the 20th day of January, 1871, which bonds shall continue to be exempt from taxation as provided in said act: *Provided, however*, That the Secretary of the Treasury, in lieu of such bonds, may redeem said notes in the gold coin of the United States. And the Secretary of the Treasury shall reissue the United States notes so received either in exchange for coin at par, or, with the consent of the holder, in the redemption of bonds then redeemable at par, or in the purchase of bonds at not less than par, or to meet the current payments for the public service; and when used to meet current payments an equal amount of the gold in the Treasury shall be applied in redemption of the bonds known as five-twenty bonds.

Now, permit me to uncover one of the most cunning devices for additional taxation hidden beneath the artful phraseology of the seventh section.

Eighty-two millions of legal-tender notes are to be retired and canceled and carried to the account of the sinking fund provided for by section 5, act 25th February, 1862, "and shall constitute a portion of said sinking fund. And the interest thereon, computed at the rate of 5 per cent., shall be added annually to said sinking fund."

Now, to understand the meaning of this language, we must refer to section 5 of act 25th February, 1862, which is as follows:

SEC. 5. That all duties on imported goods shall be paid in coin, or in notes payable on demand heretofore authorized to be issued and by law receivable in payment of public dues, and the coin so paid shall be set apart as a special fund, and shall be applied as follows:

First. To the payment in coin of the interest on the bonds and notes of the United States.

Second. To the purchase or payment of 1 per cent. of the entire debt of the United States, to be made within each fiscal year after the 1st day of July, 1862, which is to be set apart as a sinking fund, and the interest of which shall in like manner be applied to the purchase or payment of the public debt as the Secretary of the Treasury shall from time to time direct.

Third. The residue thereof to be paid into the Treasury of the United States.

The sinking fund was commenced by Secretary BOUTWELL in 1869. Secretary of the Treasury Richardson, in his Public Debt and National Banking Laws, page 83, gives us the operation of the funding system, as follows:

Within each fiscal year, which ends June 30, the Secretary applies coin received from duties to the purchase of bonds to the amount of 1 per cent. of the entire debt of the United States. The bonds so purchased were all registered in the name of the Treasurer of the United States in trust for the Government, and were stamped with the words "Sinking fund" on the face of each bond. The interest thereon was regularly collected in coin semi-annually and applied to the purchase of other bonds, which, in like manner, were added to the same fund.

So that it will be seen that the eighty-two millions legal-tender notes proposed to be "retired and canceled," instead of being carried to the "destruction account" in the Treasurer's office and an end made of them, are to be carried to the account of the sinking fund and stamped "Sinking fund," and 5 per cent. interest in gold collected on them annually out of customs duties until the whole of the public debt shall be extinguished; and the interest upon these canceled notes would require an increase of four millions annual taxation to pay it.

This is an ingenious specimen of the hocus-pocus science of taxation—to take the free currency from the people and at the same time tax them under the guise of retiring it.

The eighth section disposes of the remaining $300,000,000 legal-tender notes by providing for their exchange into coupon or registered gold bonds. Here we reach the bottom of this so-called specie basis. It means contraction, gold bonds, and taxation, leaving a distressed people to contend as best they can with the rapacity of the national banks, which have superseded all other banks of issue.

Let the country understand its financial position and its financial relations. The money monopolists, with a skill equal to that of the successful military leader, have been advancing under blinds and gaining position after position until they have reached an eminence of power from which they can rake all the resources of the people.

The present Administration has reached a financial extremity. It could not, if it would, give the people a currency based on coin. It has not increased the gold coin of the country one gold dollar in five years. Its bewildered financiers are like mariners in strange waters making experimental soundings to escape from the reefs. The people need not look to them for any permanent relief. It will not come. The wretched sons of toil, who go out with the opening of the day to make their bread in the sweat of their brow, may look in vain for a season of respite. Thousands of them have put the last strain upon the virtues of industry and economy and have failed to save their shelters from the inexorable grip of the tax-gatherer.

But the people are to be turned over to free national banks. If these banks were required by law to begin specie payments after the Government sequesters nearly all the gold for its own use, they would wind up and leave the country without a currency. They do not rest on a gold basis. To the extent of their issues they rest on the credit of the Government, and the Government rests its credit on the productions and property of the people.

The deposit creditors of the banks rest upon the personal credit of the stockholders to the amount of their respective stock. When the banks break their bonds held by the Government stand as security for their notes, while the depositors are left to work for anything they can find amidst the *detritus* of the remaining assets in a court of bankruptcy. Let not the people cherish the illusion that the national banks are to usher the golden era upon the country. The past history of American banking is by no means prophetic of golden realities. According to Mr. Walker, in his Science of Wealth, the average proportion of specie to currency has been only one dollar to five dollars from the existence of our Government.

About once in every nine years since 1784, coincident bank panics in England and the United States have rocked the lands with financial convulsions. They have become historic as the panics of 1784, 1793, 1810, 1819, 1826, 1837, 1847, 1857, 1873, passing over "Black Friday"—each one leaving an attendant loss to the respective countries of at least $1,000,000,000.

But I have said enough to show that the financial policy of the Government is a failure. Its inexcusable blunder was in converting its floating debt into a funded debt. This floating debt would have been much easier to pay, and could have been paid in a shorter time than the funded debt, and paid, too, without material damage to contracts and shrinkage in the value of property. To have applied our gold receipts from customs, say at the rate of $150,000,000 per annum, in the payment of this debt, it would have resulted in keeping the gold in the country, diminishing the public debt, making more valuable the remaining portion of the debt by contraction, encouraging it to combine with the industries, and giving to it all the multiplying powers of production and reproduction. This would have been no injustice to the holders of the floating debt. Three-fourths of it were used as currency, and a part of it was already bearing interest. The annual contraction would have been equal in value to a paying interest on the deferred balance of the debt. And besides it could have been lent out as money and received interest for the use. But suppose at times it might have lain idle and unproductive; this is nothing more than nearly every farmer has to submit to in carrying over his idle capital through the unproductive seasons. His lands, his implements of husbandry, and work beasts are of but little value, but more often an expense, to him during the winter months. This process of paying off the floating debt would have filled the land with gold, which would have added to the permanent wealth of the country and furnished the best of all currency to the people.

The only way that I see open now to repair the blunder is to reverse the policy of the Government. As the currency was swallowed up in the bonds, let the bonds give back the currency. Let the five-twenty bonds be paid off in legal-tender notes. This would loosen the bands of contraction on the country and the country would "breathe freer and deeper;" it would appreciate the value of lands and furnish a currency for their purchase, so that the distressed debtor might sell off a part and save a part for his home, and we might say enable hundreds of thousands of tax-ridden debtors to redeem their homes which have been sold for taxes. Then let the legal-tender notes be redeemed in gold as fast as financial prudence will dictate—redeemed in the same gold collected from customs and which is now applied to the payment of interest and sinking fund to the foreign and home bond-

holders. This would turn the tide of the gold flow. It would bring it home from abroad and keep at home a due share of the products of our mines.

I know that it is a disputed legal problem whether the five-twenty bonds, which are by their terms payable in "lawful money," are solvable in legal-tender notes. I affirm that they are by principles decided by the Supreme Court of the United States, which court in part was created by the present Administration.

Time will not permit me to discuss the question now; but I should not fear to meet it before any judicial tribunal in any of its aspects of law, equity, or national faith.

The bondholders should remember that they received bonds worth about $2,500,000,000 for about $1,250,000,000 in true value. They should remember also, that their bonds acquired a threefold purchasing power by the contraction of the currency consequent upon funding it in the same bonds. They should remember that the bonded debt constitutes about one-seventh of the assessed value of all the property in the United States, and by the grace of the Government this debt has sanctuary against taxation. They should remember that they made gain and "waxed fat" out of the calamities of their country. They should remember that while they *lent* a depreciated currency, the toil-worn and battle-scarred soldiers *gave* blood, the last, best gift, to their country's cause. And let them remember that, while they are insolent and dictatorial in the conscious supremacy of their money power, and stimulate the Government remorselessly to wring tribute from the poor and toiling millions, yet they have a slumbering power which will, sooner or later, be aroused to wield the ballot for the reform of the Government and their own vindication.

Currency.

SPEECH OF HON. W. A. PHILLIPS,

OF KANSAS,

IN THE HOUSE OF REPRESENTATIVES,

June 13, 1874,

On the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 1572) to amend the several acts providing a national currency and to establish free banking, and for other purposes.

Mr. PHILLIPS. Mr. Speaker, it is with the utmost reluctance I rise to address this House on a question of such vast importance. A new member, I desired to profit by the experience of those older than I am in legislation. I have listened to speech after speech on finance with curiosity, if not with patience, and have fretted anxiously, if not wisely, over this financial question which has embraced the interests and progress of the people of a great nation. I have not dismissed the hope that the American Congress will be equal to emergencies so great, and yet, sir, I am free to express my fears for the manner in which this subject has been treated.

The gentleman from Pennsylvania [Mr. CLYMER] has said "there is but one standard, gold and silver." These are two standards, often differing widely in value. He has claimed that the democratic party was a party of "sound money." What are the facts. The democratic party was the first to debase the coinage of the United States. This they did first in 1834; afterward much more decidedly in 1837 under President Van Buren. In 1834 the gold coinage was reduced from 532 to 537. In 1853 the silver coin of the United States was debased nearly 7½ per cent. At that time the millers and merchants of the West bought wheat and other cash produce with silver half-dollars of this debased coin of the time of Mr. Pierce. There was no apology for this, as there was no war, and there was a surplus from the sales of public lands, about which Congress was quarreling.

Since that time the American coinage was still further debased, and all in the face of a depreciating value of the precious metals. Debasing the currency was one of the grounds of complaint of the fathers of the Republic. In what was called "Wood's money" in 1723 they had the effrontery to make thirteen shillings out of a pound of brass.

In 1782 the first plan for American coinage was submitted to Congress. In 1785 a plan of national coinage was submitted by Jefferson. In 1792 a code of laws was established to regulate a mint, and the coinage under this continued until the debasement of the coin occurred under Jackson and Van Buren.

There are two great interests—the interest of aggregated wealth, the interest of daily labor. And in the outset I wish to lay down as a fundamental maxim that the day's labor is the only honest standard of values in the market of the world. It may vary. There may be educated labor, and the mere power that works a pump and enters into competition with the steam-engine. Whatever a day's labor produces for the advancement of mankind, and whatever it is relatively worth to that end, fixes it as the safest standard of all other values. For wealth is only the accumulated product of labor that was not necessarily consumed in its production. What shall represent it? Some say coin, which they allege has a fixed value. Nothing could be more absurd. A penny used to be the price of a day's labor. It is now one hundred and fifty pennies, partly by the increase of wealth and partly by the depreciation of what we are pleased to call the precious metals. What made them precious? Scarcity.

A successful miner who had procured a trunkful of emeralds, took one of them to a lapidary, for which he obtained one thousand scudo. Overjoyed he took the lapidary to his room, and showing him the remainder of the glittering stones, asked what they were worth, and was amazed when the dealer in jewels answered, "These, senor, are worth one scudi." And so when we print on a Treasury note the words "one dollar," it represents the credit of the nation for one dollar. It represents its proper proportion of all the property in the country, for all the property in the country may be taxed to pay it. In other words, it represents the aggregated wealth of the nation. Some men have said here, "These notes have a lie on their face." Very well. Do you see this nickel? On one side of it is a circle of thirteen stars, and outside of them "United States of America," 5 cents. Now this is hard money. It is *very hard* money, and the announcement from the United States of America that it is five cents is another lie. Who would give five cents for it to work into ice-pitchers and drinking mugs? We are used to that kind of lying, however, and I might overlook it, but in turning to the obverse of this remarkable coin I find the legend "In God we trust." To stick such a profession of faith on such a fraud as this is a piece of political executive blasphemy, and fearfully significant of the modern spirit to steal the livery of Heaven to serve the devil in. Now, I mention this merely to introduce a branch of the subject not yet discussed, but which we must consider. You have seen the stamp on our silver dollar and half dollar. It says under our name it is worth that much. Now as a mere piece of silver it is not now, and never was worth that much in the market of the world. You could not sell them outside of the country for what they purport to be. They are worth that much simply by the credit and power of the Government. It is so with the gold eagle and half-eagle. Not the amount of gold in them, but the credit of the Government stamps them as worth that much.

There is another fact away behind this of far greater moment. Since the discovery of America in 1492, (by reference to the first authorities, such as M. Chevalier,) we find that silver is now worth less than one-sixth of the value it possessed at that time. This is a very rigid estimate. My own impression is from a careful study of the changes in the prices of wheat, beef, and labor, that it has scarcely one-tenth of its former value, and the greater part of this depreciation has taken place in the last two hundred years. Hallam, on an estimate of values, puts it one to twenty. The change in the value of gold is not much less, for since the discovery of the gold mines in California, Australia, and elsewhere, it has been proposed to make silver the sole standard, as less liable to fluctuations.

Now, sir, the depreciation of our national-bank notes and greenbacks as a marketable commodity in the commerce of the world has never witnessed anything as bad as that; and yet, sir, all these represent the price of labor and property. Since the discovery of gold in California in 1849 there has been a change in nominal value of 60 per cent.; but the real change, owing to the increase of expenditure, is far greater. Now, this has affected all contracts as well as all values. It divided the price of a man's labor with some other man who had not done so much. It disturbed values instead of regulating them. It was no standard; it was simply the means, under the defective systems of law, of making the rich richer, the poor poorer.

I rise before you in no agragrian spirit. The honest sacredness of contracts and the honest value of a day's labor shall ever have the support of my voice and vote. *But, sir, they must be inseparable.* We are constantly speaking of fixed values; no term is used more vaguely and less understandingly. When we say that a pound of meat is worth two pounds of bread, we can understand that; when we say a day's labor is worth ten pounds of bread, we can understand that; when we say a day's labor is worth a certain number of yards of cotton cloth, we can understand that; for it has taken a certain amount of labor and of expenditure, or labor in educating labor, to produce them. But when we measure the value of gold by the relative value of silver, or *vice versa*, we are the victims of a fallacy; because both have been for many hundreds of years continually depreciating, often in a few years changing almost 100 per cent., and temporarily vibrating backward and forward. Thus when a poor shepherd in Potosi discovered silver where his herds were grazing, and when under the impetus of an improved system of mining an immense amount of the precious metal was shipped to Europe, it depreciated in value so much that it was feared it would soon be worth no more than lead, and ceased to be esteemed as a representative of wealth, and some nations discarded it as coin. So when the mines in California and Australia were discovered a few years ago, gold became so abundant and depreciated so much that several great powers, including Austria, made silver the only basis of value.

And thus we see that the modern civilized nations, with a few exceptions, have three standards of value, gold, silver, and paper credits, all varying in value and not maintainining the same relations to each other. Some nations, Austria, as I have mentioned, have but two—silver and paper credits—and it is a noticeable fact in the case of Austria, the paper currency or credit system, is the real medium of bal-

ances and exchange. I believe it is one of the recognized evidences of civilization to use what is called money to effect exchanges. The man who has a few bushels of wheat to sell and a coat to buy may not be able to find a man who has a coat to sell and wants his few bushels of wheat, and so in all transactions. Now to overcome this difficulty money, so called, was invented.

Aristotle says in regard to this:

> It was agreed to give and receive a substance which useful in itself was easily transferred from hand to hand in the ordinary transactions of life; it was iron, for instance, or silver, or some other substance of which the size and weight were in the first place determined, and on which to escape the inconvenience of continual measurings a particular stamp was affixed as a sign of its value.—*Aristotle; Politics*, book 1, chapter 3.

Now this, although the first crude essay at making money, was not money. That is, the element of money it had was the "stamp affixed" that regulated its value. I need not stop to further prove that the equivalent value of these and other products of labor were constantly changing. A pound of iron might be worth a day's labor to-day and not worth half a day's to-morrow. The simplest illustration I can give of this is in the article used as money by the more advanced Indian tribes at the date of the discovery of the New World. They had two standards; one a fine and very rare shell, sometimes called cowries, and the other wampum beads which were cut and polished from another shell. The first of these shells were laboriously hunted for, often unsuccessfully; were sometimes found in great abundance, just like the uncertainties of our gold and silver mining of the present. A man might find several hundred dollars' worth in a single day. This always arouses the gambling spirit; it is the inheritance that comes from the dead dreams of the alchemist. The wampum, on the other hand, was the product of great labor and skill; the material itself had little or no value. It had to be carefully polished and a fine hole drilled through it. It represented just so much labor, and the Indians prized it highly as a medium of exchange. While the shells were confined to a few tribes, the wampum had its value from the lakes to the gulf. One of these was a genuine representative of labor, and therefore did not fluctuate among real or relative values. The other represented the gambling, speculating element.

I have said the fluctuations in gold and silver have been very great, and amid all these fluctuations a steady downward tendency. For this reason in many countries laws have been framed to recognize other more reliable standards. Thus in long leases and similar contracts provision has been made to fix the rent or agreed price at the value of a measure of wheat.

A careful examination of the whole money system has been rapidly turning the whole public mind that way. While in our country there is a constant clamor from the holders of Government notes and securities that these shall be appreciated in value, just the reverse of this has been going on in regard to the national debt of Great Britain. Since the discovery of gold in California, Australia, and Russia in thy last twenty-three years, and the application of improved machinere to procure it, it has declined so much in the face of other articles estimated by labor, that the holder of British bonds only gets 40 per cent. of what he got at that time. Nor can we see any probable limit to this downward tendency. In our case there has been a steady and very rapid appreciation. In 1864, or ten years ago, our credit had so declined as a marketable commodity, that gold stood toward it as 2½ to 1. Since that time the holders of all our notes and securities have received a profit on them, or enhanced value of 130 per cent. In other words, taking into account real values, we have more than doubled the war debt. This was done under the most sacred of all sentiments, honor, and a desire to redeem our pledges, real and imaginary.

But, sir, as this question has another aspect, as it affects the value of labor on the one hand as much as it does wealth on the other, let us examine what "specie payment" means. I have said that some nations have two standards of value, silver and paper credits; others three, gold, silver, and paper credits. Now, our Government has *four*. The coined gold and silver of the Republic, the trade dollar, and paper credits. Now, while it takes one hundred and twelve and a half cents of greenbacks to get one dollar in American gold coin, it takes 10 or 12 per cent. more to get a trade dollar. Does any one here propose to resume specie payments on the basis of the "trade dollar," and if not, why not? And yet every one means by specie payment putting all money on the basis of our gold and silver coin. But if we can stamp ninety cents' worth of silver and call it a dollar, why not fifty cents' worth, or twenty-five? It will thus be seen that our coin receives its value not from its intrinsic worth, but from our credit and authority. As I have already said gold and silver are continually fluctuating and steadily declining, I wish to call your attention to another fact in this connection. The circumstance that gold and silver are in demand for coined money gives them the greater part of their value. Gold is used as a representative in coin. It is also used for jewelry, gilding, and, to a limited extent, in plate. But the amount required for manufacturing purposes is very small. If we estimate the billions on billions of gold and silver that have flowed into civilized countries during the last three hundred years, if you destroy the demand made for it by governments creating it into money, the other uses of these metals is so insignificant they would have been worth little more than iron, if as much, for iron is in unlimited demand. As silver has a great many more uses in the arts and sciences, it has a greater relative value than gold outside of its use as coin. From this we simply see that the value of coin in measuring exchange is not derived from the intrinsic worth of the gold and silver from which it is made, but from the fact that governments by their stamp and authority clothe it with the power of money in effecting exchanges. Against this stamp and political authority the fluctuations of gold and silver have continually warred.

What men have constantly demanded of money is that it shall have a fixed and unalterable value, that it shall uniformily represent the same amount of labor—wheat, beef, and cloth, the equivalents of labor—subject to the variations of production. These are real values. Neither gold, silver, nor paper money are so to any appreciable extent. When a man contracts a debt in currency at ninety cents he does not wish to be compelled to pay a dollar. To speak more correctly, when he buys on credit the product of four days' labor, he does not want by some action of his Government to be compelled to pay for five.

That is precisely the condition of this country at the present time. A great deal of money is locked up because those who have it are afraid that a change of values might strip them of more than their profits. What the country to-day demands is a fixed and definite system as far as that is possible. The people want to know what to depend on, and just that much Congress owes to its constituents all over the United States, and I entreat you, gentlemen, not to adjourn until you have exhausted every effort to secure it. Those who hurry home to work for a re-election and neglect this duty may learn that they got back too soon. And thus when the interest of capital demands governmental action to force us to specie payment against the interests of labor, when the holders of Government securities demand that we appreciate their property 13 per cent., and wring some hundreds of millions from the suffering business of the South and West, we cry halt! We say that nothing can legitimately carry us to specie payment but the increasing wealth and resources of the nation, and its increased power to pay its debts. All artificial maneuverings in that direction by law or executive interference are not only subterfuges, but dishonest.

I admire the patriotic spirit which, influenced by a chivalric sense of honor, has made this nation in the eight years pay so many hundreds of millions of her debt. But, sir, there is another side to the picture. Could the decade ending in 1860 have borne such a burden? No, sir. The war decade was a decade of expansion and inflation. Was it ruinous to the prosperity of the country? Not at all, sir. In no period in the history of our Government has the country so thriven. All the real wealth of the nation increased as it had never increased before. We spanned the country with railroads, adding infinitely to its power and possibilities. Houses and cities were built and farms and orchards made as they never had been before. Comforts and luxuries increased. Under the enterprise begotten of that elastic, inflated system, the whole nerve of the nation was actively employed in producing real wealth. Strong as a Titan, the country could bear great burdens, and she bore them. Then came the era of contraction. There is only a certain point to which taxation is wise, and there is only a certain extent to which such burdens can be borne without crippling the industries of the country. We have doubled the wealth of the rich and weakened the producing power of labor. We have increased the power of capital, and in virtually doubling the value of our national debt have placed an additional mortgage on the bones and sinews of millions yet unborn. In doing all this so rapidly and not naturally we were draining away the wealth that the years of inflation had produced, and no longer stimulated by the enterprise provoked by plenty of money the tax-gatherer was brought face to face with diminishing revenues. Then came the panic. Money locked itself up and industry was paralyzed. Some said we had built too many railroads; some that we had been too extravagant, that we should not construct such fine houses or wear such expensive clothes or eat such costly food, that we must retrench in all expenditures.

There are no doubt often individual cases of extravagance, but all this doing without things we enjoy and might have paralyzes industry, and if persistently carried out on the same line would take us back to the spear and the wigwam.

The aggregated wealth of this country is ample security for its debts. We are expected to devise a system of resumption toward the standards of other countries only so fast as our prosperity carries us there. I think the time ought to be computed as still far ahead, and with the same authority with which we stamp one dollar on ninety cents' worth of silver, give guarantees to business men as to what will be the action of the Government in this matter.

Money in itself is not substantial wealth. It is a representative, and should represent the wealth and business of the country and be in sufficient volume to do it, so that industry can be employed and fair prices paid. But when capital besieges government by artificial means to increase its wealth, when it fights a bill that would take twenty-five millions of the reserves of other banks from the city of New York and scatter it where it ought to be, when it enters these Halls and makes such demands upon us in behalf of the great interests of capital against the interests of labor so much more entitled to our sympathy, then, sir, are the Representatives of the people called upon to rise and scourge the money-changers from the temple.

Condition and Wants of the South—Political, Material, Legislative.

SPEECH OF HON. FRANK MOREY,

OF LOUISIANA,

IN THE HOUSE OF REPRESENTATIVES,

June 15, 1874,

On the political and material wants of the South, and the means of remedying them by legislation.

Mr. MOREY. In speaking of the political condition of the South, Mr. Speaker, we must bear in mind that the Southern States have since the war had an experience unlike that which the northern portion of our country has ever experienced.

At the surrender of General Lee the people of the South found themselves the residents of a country made desolate by war. The exhaustive war had had a demoralizing effect upon the people, and at its close society was in a very disorganized condition. Many who had never known the necessity of either mental or physical labor found themselves reduced to penury. As a general rule the confederate soldiers returned to their homes glad that the war was at an end, though the fond hopes which they cherished at the commencement of the struggle had been blasted and overthrown.

The general sentiment among the soldiers was one of satisfaction upon learning that the General Government proposed that they should be allowed freely to engage in the ordinary occupations of life untrammeled by any restrictions not imposed upon other people. The most violent manifestations of opposition to the General Government came from those who had not seen service in the field, but who as a class, at the breaking out of the war, were violently in favor thereof, provided that the fighting was to be performed by somebody else than themselves. True to their ideas they kept out of harm's way, and at the close of the war, fresh from their long repose, they were again found at the front ready and anxious to incite hostility of feeling against and lead a bloodless opposition to "the most despotic government that the world ever saw." The mass of the people, however, heeded not the advisers during the first year of peace, but set to work hopefully and earnestly to retrieve their broken fortunes, and did not think that they were being dealt with otherwise than generously until President Johnson proclaimed a policy in hostility to that maintained by the majority in Congress and led the people of the South to believe that they were being deprived of their constitutional rights, &c.

It is human nature to believe readily that you are being ill-treated if people insist that such is the case. This is as true of communities as of individuals. The non-combatants before referred to were eager and ready to take up the cry of "despotism," "unconstitutionality," &c., to enlarge thereon, and to influence the minds of the people and dissatisfy them with the administration of the Government.

I regret to say the seed thus sown fell upon good ground. The result of the attempt by the southern planters to resuscitate themselves financially in 1866 proved most disastrous, inducing a sentiment of despair, and in the case of many of desperation. Under the influence of this state of feelings and the pernicious doctrine of the President and the followers of his policy, the fourteenth amendment to the Constitution of the United States was rejected by the Legislatures of the Southern States in several cases with marked expressions of contempt.

Encouraged by the attitude of the President, who had arrayed himself against Congress, the lawless element in the South indulged in lawlessness that found its outlet in most cases in outrages upon the unoffending negro, who was regarded as the cause of all the trouble. In New Orleans a riot was inaugurated that was participated in principally by the city police, in which a peaceable gathering of white and colored citizens, claiming to be a State constitutional convention, were fallen upon and many of whom were massacred in cold blood. Those who are not familiar with this page of modern history will find it recorded in a volume in the Library entitled Riots in New Orleans in 1866. The following are some of the acts passed at this period of the history of the Southern States by the Legislatures or police juries thereof:

MISSISSIPPI.

An act to confer civil rights on freedmen, and for other purposes, November 25, 1865.

Section 7 provides that every civil officer shall, and every person may, arrest and carry back to his or her legal employer any freedman, free negro, or mulatto who shall have quit the service of his or her employer before the expiration of his or her term of service without good cause; and said officer or person shall be entitled to receive for arresting and carrying back every deserting employé aforesaid the sum of five dollars, and ten cents per mile from the place of arrest to the place of delivery, and the same shall be paid by the employer and held as a *set-off against the wages* of said deserting employé.

An act to punish certain offenses therein named, and for other purposes November 29, 1865.

SECTION 1. *Be it enacted, &c.*, That no freedman, free negro, or mulatto, not in the military service of the United States Government, and not licensed to do so by the board of police of his or her county, shall keep or carry fire-arms of any kind, or any ammunition, dirk, or bowie-knife; and on conviction thereof in the county court shall be punished by fine, not exceeding ten dollars, and pay the costs of such proceedings, and all such arms or ammunition shall be forfeited to the informer; and it shall be the duty of every civil and military officer to arrest any freedman, free negro, or mulatto found with any such arms or ammunition, and cause him to be committed for trial in default of bail.

SEC. 2. That any freedman, free negro, or mulatto committing riots, routs, affrays, trespasses, malicious mischief, and cruel treatment to animals, seditious speeches, *insulting gestures, language*, or *acts*, or assaults on any person, disturbance of the peace, exercising the functions of a *minister of the Gospel without a license* from some regularly organized church, vending spirituous or intoxicating liquors, or committing any other misdemeanor the punishment of which is not specifically provided for by law, shall, upon conviction thereof in the county court, be fined not less than ten dollars, and not more than one hundred dollars, and may be imprisoned, at the discretion of the court, not exceeding thirty days.

SEC. 3. That if any white person shall sell, lend, or give to any freedman, free negro, or mulatto, any fire-arms, dirk, or bowie-knife, or ammunition, or spirituous or intoxicating liquors, such person or persons so offending, upon conviction thereof in the county court of his or her county, shall be fined not exceeding fifty dollars, and may be imprisoned, at the discretion of the court, not exceeding thirty days.

SEC. 4. That all the penal and criminal laws now in force in this State defining offenses and prescribing the mode of punishment for crimes and misdemeanors committed by slaves, free negroes, or mulattoes, be, and the same are hereby, re-enacted, and declared to be in full force and effect, against freedmen, free negroes, and mulattoes, except so far as the mode and manner of trial and punishment have been changed or altered by law.

SEC. 5. That if any freedman, free negro, or mulatto, convicted of any of the misdemeanors provided against in this act, shall fail or refuse, for the space of five days after conviction, to pay the fine and costs imposed, such person shall be hired out by the sheriff or other officer, at *public outcry*, to any *white* person who will pay said fine and all costs, and take such convict for the shortest time.

ALABAMA.

December.—Bill passed making it unlawful for any freedman, mulatto, or free person of color in this State to own fire-arms, or carry about his person a pistol or other deadly weapon," under a penalty of a fine of $100 or imprisonment three months. Also, making it unlawful for any person to sell, give, or lend fire-arms or ammunition of any description whatever to any freedman, free negro, or mulatto, under a penalty of not less than fifty dollars nor more than one hundred dollars at the discretion of the jury.

TENNESSEE.

January 25, 1866, this bill became a law:

That persons of African and Indian descent are hereby declared to be competent witnesses in all the courts of this State in as full a manner as such persons are by an act of Congress competent witnesses in all the courts of the United States, and all laws and parts of laws of the State excluding such persons from competency are hereby repealed: *Provided, however*, That this act shall not be so construed as to give colored persons the right to vote, hold office, or sit on juries in this State; and that this provision is inserted by virtue of the provision of the ninth section of the amended constitution, ratified February 22, 1865.

LOUISIANA.

December 21, this bill became a law:

SECTION 1. That any one who shall persuade or entice away, feed, harbor, or secrete any person who leaves his or her employer, with whom she or he has contracted or is assigned to live, or any apprentice who is bound as an apprentice without the permission of his or her employer, said person or persons so offending shall be liable for damages to the employer, and also, upon conviction thereof, shall be subject to pay a fine of not more than $500, nor less than ten dollars, or imprisonment in the parish jail for not more than twelve months nor less than ten days, or both, at the discretion of the court.

GEORGIA.

March 20.—Crimes defined in certain sections named as felonies are reduced below felonies, and all other crimes punishable by fine or imprisonment, or either, shall be likewise punishable by a fine not exceeding $1,000, imprisonment not exceeding six months, whipping not exceeding thirty-nine lashes, to work in a chain-gang on the public works not to exceed twelve months; and any one or more of these punishments may be ordered in the discretion of the judge.

SOUTH CAROLINA.

An act preliminary to the legislation induced by the emancipation of slaves, October 19, 1865.

Section 10 provides that a person of color who is in the employment of a master engaged in husbandry shall not have the right to sell any corn, rice, pease, wheat, or other grain, any flour, cotton, fodder, hay, bacon, fresh meat of any kind, animal of any kind, or any other product of a farm, without having written evidence from such master, or some person authorized by him, or from the district judge or a magistrate, that he has the right to sell such product; and if any person shall, directly or indirectly, purchase any such product from such person of color without such written evidence, the purchaser and seller shall each be guilty of a misdemeanor.

Section 13 states that persons of color constitute no part of the militia of the State, and no one of them shall, without permission in writing from the district judge or magistrate, be allowed to keep a fire-arm, sword, or other military weapon, except that one of them, who is the owner of a farm, may keep a shot-gun or rifle, such as is ordinarily used in hunting, but not a pistol, musket, or other fire-arm or weapon appropriate for purposes of war. The district judge or a magistrate may give an order, under which any weapon unlawfully kept may be seized and sold, the proceeds of sale to go into the district court fund. The possession of a weapon in violation of this act shall be a misdemeanor which shall be tried before a district court or magistrate, and in case of conviction, shall be punished by a fine equal to twice the value of the weapon so unlawfully kept, and if that be not immediately paid, by corporal punishment.

Section 22 provides that no person of color shall migrate into and reside in this State unless, within twenty days after his arrival within the same, he shall enter into a bond, with two freeholders as sureties, to be approved by the judge of the district court or a magistrate, in a penalty of $1,000, conditioned for his good behavior and for his support, if he should become unable to support himself.

Section 27 provides that whenever, under any law, sentence imposing a fine is passed if the fine and costs be not *immediately* paid, there shall be detention of the convict, and substitution of other punishment. If the offense should not involve the *crimen falsi*, and be infamous, the substitution shall be, in the case of a white person, imprisonment for a time proportioned to the fine, at the rate of one day for each dollar; and in the case of a person of color *enforced labor*, without unnecessary pain or restraint, for a time proportioned to the fine, at the rate of one day for each dollar. But if the offense should be infamous, there shall be substituted for a fine, for imprisonment, or for both, *hard labor, corporal punishment, solitary confinement*, and confinement in *tread-mill* or *stocks* one or more days, at the discretion of the judge of the superior court, the district judge, or the magistrate who pronounces the sentence. In this act, and in respect to all crimes and misdemeanors, the term servants shall be understood to embrace an apprentice as well as a servant under contract.

December 21: An act to establish and regulate the domestic relations of persons of color, and to amend the law in relation to paupers and vagrancy.

A parent may bind his child over two years of age as an apprentice to serve till twenty-one if a male, eighteen if a female. All persons of color who make contracts for service or labor shall be known as servants, and those with whom they contract as *masters*.

Colored children between eighteen and twenty-one, who have neither father nor mother living in the district in which they are found, or whose parents are paupers, or unable to afford them a comfortable maintenance, or whose parents are not teaching them habits of industry and honesty or are persons of notoriously bad character, or are vagrants, or have been convicted of infamous offenses, and colored children, in all cases where they are in danger of moral contamination, may be bound as apprentices by the district judge or one of the magistrates for the aforesaid term.

It provides "that no person of color shall pursue or practice the art, trade, or business of an artisan, mechanic, or shop-keeper, or any other trade, employment, or business, (besides that of husbandry, or that of a servant under a contract for service or labor) on his own account and for his own benefit, or in partnership with a white person, or as agent or servant of any person, until he shall have obtained a license therefor from the judge of the district court, which license shall be good for one year only. This license the judge may grant upon petition of the applicant, and upon being satisfied of his skill and fitness and of his good moral character, and upon payment by the applicant to the clerk of the district court of $100, if a shop-keeper or peddler, to be paid annually, and ten dollars if a mechanic, artisan, or to engage in any other trade, also to be paid annually: *Provided, however*, That upon complaint being made and proved to the district judge of an abuse of such license he shall revoke the same."

FLORIDA.

An act to punish vagrants and vagabonds, January 12, 1866.

Section 1 defines as a vagrant "every able-bodied person who has no visible means of living and shall not be employed at some labor to support himself or herself, or shall be leading an idle, immoral, or profligate course of life;" and may be arrested by any justice of the peace or judge of the county criminal court and be bound "in sufficient surety" for good behavior and future industry for one year. Upon refusing or failing to give such security, he or she may be committed for trial, and, if convicted, sentenced to labor or imprisonment not exceeding twelve months, by whipping not exceeding thirty-nine stripes, or being put in the pillory. If sentenced to labor, the "sheriff or other officer of said court shall hire out such person for the term to which he or she shall be sentenced, not exceeding twelve months aforesaid, and the proceeds of such hiring shall be paid into the county treasury." All vagrants going armed may be disarmed by the sheriff, constable, or police officer.

An act prescribing additional penalties for the commission of offenses against the State, and for other purposes, January 15, 1866.

Section 1 provides that whenever in the criminal laws of this State, heretofore enacted, the punishment of the offense is limited to fine and imprisonment, or to fine or imprisonment, there shall be superadded as an alternative the punishment of standing in the *pillory* for an hour, or *whipping* not exceeding thirty-nine stripes on the *bare back*, or both, at the discretion of the jury.

Section 12 makes it unlawful for any negro, mulatto, or person of color, to own, use, or keep in possession or under control any bowie-knife, dirk, sword, fire-arms, or ammunition of any kind, unless by license of the county judge of probate, under a penalty of forfeiting them to the informer and of standing in the pillory one hour, or be whipped not exceeding thirty-nine stripes, or both, at the discretion of the jury.

Section 15 provides that persons forming a military organization not authorized by law, or aiding or abetting it, shall be fined not exceeding $1,000, and imprisonment not exceeding six months, or be pilloried for one hour, and be whipped not exceeding thirty-nine stripes, at the discretion of the jury. The penalties to be threefold upon persons who accepted offices in such organizations.

No. 35.—An ordinance relative to the police of negroes recently emancipated within the parish of Saint Landry.

Whereas it was formerly made the duty of the police jury to make suitable regulations for the police of slaves within the limits of the parish; and whereas slaves have become emancipated by action of the ruling powers; and whereas it is necessary, for public order as well as for the *comfort and correct deportment* of said freedmen, that suitable regulations should be established for their government in their *changed condition*, the following ordinances are adopted:

SECTION 1, *Be it ordained by the police jury of the parish of Saint Landry*, That no negro shall be allowed to pass *within* the limits of said parish without a *special permit in writing* from his employer. Whoever shall violate this provision shall pay a fine of $2.50, or in default thereof shall be *forced to work four days* on the public road, or *suffer corporal punishment*, as provided hereinafter.

SEC. 2. *Be it further ordained*, That every negro who shall be found absent from the residence of his employer after ten o'clock at night, without a written permit from his employer, shall pay a fine of five dollars, or in default thereof shall be compelled to work five days on the public road, or suffer corporal punishment, as hereinafter provided.

SEC. 3. *Be it further ordained*, That no negro shall be permitted to *rent* or *keep* a house within said parish. Any negro violating this provision shall be immediately *ejected* and *compelled* to find an employer; and any person who shall rent or give the use of any house to any negro in violation of this section shall pay a fine of five dollars for each offense.

SEC. 4. *Be it further ordained*, That every negro is required to be in the regular service of some white person or former owner. But said employer or former owner may permit said negro to hire his own time by special permission in writing, which permission shall not extend over seven days at any one time. Any negro violating the provisions of this section shall be fined five dollars for each offense, or in default of the payment thereof shall be forced to work five days on the public road, or suffer corporal punishment as hereinafter provided.

SEC. 5. *Be it further ordained*, That no public meetings or congregations of negroes shall be allowed within said parish after sunset; but such public meeting and congregations may be held between the hours of sunrise and sunset, by the special permission in writing of the captain of patrol within whose beat such meetings shall take place. This prohibition, however is not intended to prevent negroes from attending the usual church services conducted by white ministers and priests. Every negro violating the provisions of this section shall pay a fine of five dollars, or in default thereof shall be compelled to work five days on the public road, or suffer corporal punishment as hereinafter provided.

SEC. 6. *Be it further ordained*, That no negro shall be permitted to preach, exhort, or otherwise declaim to congregations of colored people, without a special permission in writing from the president of the police jury. Any negro violating the provisions of this section shall pay a fine of ten dollars, or in default thereof shall be forced to work ten days on the public road, or suffer corporal punishment as hereinafter provided.

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SEC. 14. *Be it further ordained*, That the corporal punishment provided for in the foregoing sections shall consist in confining the body of the offender within a barrel placed over his or her shoulders, in the manner practiced in the Army, such confinement not to continue longer than twelve hours, and for such time within the aforesaid limit as shall be fixed by the captain or chief of patrol who inflicts the penalty.

Congress then became impressed with the belief that the government of the Southern States could not be left with safety in the hands of those who had warred upon the Government, and military governments were placed over these States. The reconstruction acts were passed, and the policy therein laid down was inaugurated throughout the South.

Constitutional conventions, composed of members elected by all citizens without regard to race or color, were held for the purpose of framing constitutions in accordance with the amended Constitution of the United States and the statutes thereunder, and in Louisiana, in the spring of 1866, the constitution was accepted by the people and the State officers, and a Legislature thereunder were chosen, who entered upon their duties in July, 1868. In view of the fact that it has been charged that many of the State officers and members of the Legislatures were ignorant or dishonest, it may be well to recall right here that which has passed into history, that the democratic leaders and the democratic press throughout the State of Louisiana (and what was true of Louisiana was also true of most or all of the Southern States) made a determined and bitter opposition to the white people taking any part in the election of members of the constitutional convention or the first Legislature elected thereunder.

In many cases notoriously ignorant colored men were set up by the democrats as opposition candidates in order to turn the election into ridicule, while men who took part in or countenanced the constitutional convention, or who had acted with the republican party, were threatened with ostracism, both business and social. In the summer of 1868 a candidate for the Presidency was nominated by each political party. The policy announced by Hon. Frank P. Blair in the famous Brodhead letter which secured him the nomination for Vice-President on the democratic ticket, and which became thereby virtually incorporated in the democratic party platform, gave new hopes to the democratic party of the South.

Under the leadership of the worst element of that party, and acquiesced in or feebly opposed by the best element of the party, the secret order of the "Knights of the White Camelia," better known as the Ku-Klux Klan, was organized throughout the South for the purpose of carrying those States for the democratic party. The policy inaugurated was that of intimidation of all republicans, but more especially of colored republicans, and where intimidation failed, the midnight visits in disguise, whipping, or assassination were resorted to, and, as in the case of the Bossier Parish riot, the colored men were shot down like cattle. The repetition of the massacre of 1866 in 1868, in which the State officers and Legislature of Louisiana, as well as all leading republicans, would have been the victims, was only prevented by the result of the October elections of that year in Pennsylvania and New York. So thoroughly was the policy of intimidation carried out in Louisiana that in New Orleans the republicans as a rule did not dare to go to the polls. In some parishes in North Louisiana not a republican vote was cast; in others having a majority of colored voters and a majority of republicans, one or two votes were cast. In many cases the colored men were coerced into joining democratic clubs, and were given "certificates," generally known as "protection papers," the possession of which it was understood was necessary to have immunity from outrage.

In 1869 General Grant was inaugurated as President, and the passage and vigorous enforcement of the Ku-Klux laws brought peace and security in a considerable degree to the republicans in the South. Since this, through the failure of crops, a new system of labor that moved at first with considerable friction, and an increase of debt due largely to the fact that the ignorant legislator was an easy prey to the scheming lobbyists, composed in many instances of those who moved in the first business as well as social circles, but who were ever ready to denounce their tools in pharisaical style, the South has not had that material prosperity and advancement that could be wished.

Notwithstanding all these drawbacks and the disasters resulting to Arkansas, Mississippi, and Louisiana more especially, from the destruction of the levees of the Mississippi River, there has been, until the present year, a gradual improvement in the material prosperity of the South. Railroads have been built and manufactories have been started to some extent. The absentee system on the part of the planters, which prevailed extensively prior to the war, has been found to be incompatible with prosperous planting, and the continued presence of the planter, enforced by the changed system of labor, has been productive of increased thrift, has tended to foster public spirit, and has caused a more home-like feeling to be developed in the owner of the soil, who has gradually learned to seek for comfort in a highly improved home on his plantation rather than in a summer whirl of pleasure at Saratoga or a brief winter season in the Crescent City.

The "State—rights" doctrine so generally accepted as correct in the South in the *ante bellum* days was opposed to internal improvements at the expense of the General Government, and previous to the war the doctrine referred to was advocated strenuously on the floor of Congress, while the Representatives of more northern constituencies, not troubled in any great degree with this doctrine, when it assumed a practical shape meekly took the lion's share of the appropriations for the improvements of rivers and harbors, (a practice I may be allowed to remark they are perfectly willing to follow to this day.) There is a marked change in public opinion on this subject throughout the South since the war. Petitions come up here every year, through the press, through boards of trade, through commercial conventions, and through legislative memorials asking for Government aid for the improvement of its navigable streams, for the building of ship and boat canals, and for the improvement of the

harbors of the South from Norfolk to the Mexican border of the Gulf. Much has been lately said of the commercial decay of New Orleans during the past few years, and this decay like all other ills which afflict the body-politic has been charged to the republican party.

Though it is popular to join in this clamor, there is not a banker or merchant of enlarged views in the city of New Orleans but knows to the contrary. There is not one such who does not know that New Orleans has lost a large share of her Texas trade because Saint Louis has extended her iron fingers through Missouri across the waste of the Indian Territory and into and through the heart of Texas to the thriving city of Galveston, while New Orleans has been vainly striving to secure a railroad connection with Texas. It is a fact patent to everybody that the great weight of taxation that rests on New Orleans has been caused from the fact that while her area is great and her expenses in the department of street improvements and repairs as great as that of other cities of similar area—yes, greater—on account of the increased cost, because she pays in depreciated paper; she has comparatively no manufactories or other concentrated capital like other large cities from which to draw a large share of her revenues. It is also a well-known fact that capital has been deterred from going to Louisiana, and much that had gone has been driven away because of the constant political agitation, the incendiary tone of a portion of the public press which reflected the views of the democratic leaders, whose doctrine has been to accept nothing that has been done through the supremacy of the republican party, but to continue to strive for power by all available means with the ultimate object to undo as far as possible all that has been done for the advancement, politically and intellectually, of that class of our population who were formerly property and who now as freemen, constituting as they do in a very large measure the bone and sinew of the State, are a valuable and indispensable portion of our population, and who, like all other laborers, are valuable in proportion as they are intelligent.

In order that I may not be said to charge that which I fail to sustain, let us for a moment glance at the history of the late political struggle in Louisiana in 1872. Besides the republican ticket there were nominated two other tickets, namely, a "liberal" ticket and a "democratic" ticket. The convention which nominated the "liberal ticket" was managed to a large extent by the friends of and in the interest of Governor H. C. Warmoth, who was one of the leaders of the Greeley movement in the State and who was announced by the liberal party as their candidate for United States Senator. Colonel D. B. Penn, a prominent merchant and planter, was nominated for governor. The democratic convention was composed of the "straight-outs" who were opposed to both the republicans and the liberals, but more particularly to the latter. During the first weeks of the active campaign on the part of the democrats the burden of their song was denunciation of the liberal movement, but more particularly of its leader, Governor Warmoth, whom they charged with being responsible for most of the evils under which the State suffered. While the campaign was in progress on this basis the wire-pullers of both the liberal and democratic parties, conscious that the policy they were pursuing would result in defeat to both, were working vigorously to secure such a union of both parties as would insure success. The negotiations were conducted in the spirit of barter, each claiming to have the largest political capital and desiring to secure the larger number of places on the "fusion" ticket.

The democrats claimed to have the bulk of the voters, while the liberals had Governor Warmoth, whom they claimed controlled and who could manipulate the machinery of the registration and election laws in such a manner as to insure success. It was unblushingly claimed by fusionists that the control of the registration and election machinery was equal to twenty thousand votes. Finally a bargain was struck. The democrats were to have the governor, and the gubernatorial candidate of the liberals was to have the second place on the fusion ticket. The party thus formed was to be called the "fusion" party, and in a few weeks the people who had listened to the denunciations hurled at Warmoth were bewildered or disgusted by finding their chosen orators and candidates campaigning as fusionists and Governor Warmoth traveling *with* them and *of* them—in fact, as one of the chief performers, if not the star of the combination. The people, the masses, did not understand it, and many do not to this day, but on the part of the leaders it was a piece of the most shameless and barefaced abandonment of principle for the purpose of insuring themselves success, whether a majority of the people indorsed them or not, that has ever been known in the history of political parties.

Under these auspices the campaign progressed. Those who had denounced Warmoth as the chief villain now explained that it was all a mistake, that he was the prince of good fellows, and united with him in denouncing Kellogg and the "custom-house gang." The republicans made a thorough canvass of the State, and besides being united and enthusiastic, gained large accessions of voters from those who were disgusted at the bargain which united the democrats and liberals. The effect of the trade now began to appear in the removal of numbers of supervisors of registration and the appointment of well-known and reliable "fusionists" in their places, and these were in many instances men in whose moral character the fusion party had no confidence and who it was apparent belonged to the class from whom are selected those who do the "dirty work" for a party when any is to be done. There was much to be done in the State of Louisiana if the State was to be carried for the fusion ticket. The character of the frauds perpetrated by the fusion party in their attempts to carry the State is pretty clearly shown by the following affidavits which are hereto appended:

Sworn statement of B. P. Blanchard, State registrar of voters under Warmoth.

UNITED STATES OF AMERICA,

District of Louisiana, State of Louisiana, city of New Orleans:

Be it known that, on this 2d day of September, A. D. 1873, personally appeared before the undersigned, a United States commissioner in and for the district of Louisiana duly commissioned and sworn, Brainard P. Blanchard, who, being duly sworn, deposes and says: That he was appointed by Henry C. Warmoth, governor of the State of Louisiana, to the office of State registrar of voters, being also, by virtue of said office, *ex officio* supervisor of registration in and for the parish of Orleans; that he filled the said office during the years 1870, 1871, and 1872; that in the last-named year he was in full political sympathy with the liberal movement, and subsequently, upon the fusion of the liberal and democratic parties, with what was known as and styled the fusion party, and, in conjunction with others of the same political party, he devised plans for carrying the general election in the State of Louisiana, on November 4, 1872, in favor of the said fusion party, and their candidates for presidential electors, Congress, and State and municipal offices; that, with this object in view, he proposed to take advantage of all the powers conferred upon him by the acts of the General Assembly of the State of Louisiana, numbered respectively acts Nos. 99 and 100, approved March 16, 1870, and known as the registration and election laws of 1870.

That, in furtherance of this scheme, he caused a careful compilation to be made of the lists of deceased male persons over twenty-one years of age, who had died since the close of the registration in 1870, which lists were required by law to be furnished to him by the sextons of the various cemeteries in the parish of Orleans, and that said lists, so compiled, were carefully collated with the registration books, and the registry numbered and the election precinct in which the deceased was registered were noted; that, instead of carrying out to the full letter the provisions of section 7 of the registration law above referred to, he caused to be erased from the lists of registered voters only the names of such deceased electors as were well known in the community, and in cases where the deceased was an obscure personage (a large majority of the whole number being composed of such) he caused to be made out a duplicate registration certificate in his name, the same to be retained and used at the general election, as hereinafter set forth; that for this purpose he caused to be printed *fac similies* of the blank forms of duplicate registration certificates used in 1870, which were in a different style of type from those intended to be used in 1872, in order to have them filled up with the names of deceased electors, as above stated; that the number of duplicate certificates so filled up for the purpose aforesaid was as follows, more or less:

For the—

First ward	76
Second ward	8
Third ward	24
Fourth ward	4
Fifth ward	61
Sixth ward	52
Seventh ward	69
Eighth ward	35
Ninth ward	47
Tenth ward	51
Eleventh ward	44
Twelfth ward	21
Thirteenth ward	16
Fourteenth ward	7
Total	855

Deponent further says that, to his knowledge, a large number of certificates of registration had been issued in 1870, in the name of fictitious persons; that he caused a careful examination of the books of registration to be made, and of other records and memoranda in his possession, to ascertain the number of such fraudulent registries, and also made efforts to ascertain in whose possession such papers in the names of fictitious persons were, and that he obtained possession of some two thousand of such papers, and, in relation to such papers as he could not obtain possession of, the following course was pursued: Whenever he ascertained that they were in the hands of persons belonging to the republican party, he then, and during registration, caused the said fictitious names to be erased from the registry list as fraudulent; but in all cases where he ascertained that such papers were in the possession of persons in the interest of the fusion party, he instructed the assistant supervisors of registration not to erase such fictitious names from the books in cases where he had confidence in those officers, but in cases where he had reason to suspect the fidelity of any assistant supervisor to the fusion cause, or to believe that any of them would not assist in or abet such manipulation, he prohibited them from making any erasures whatever, reserving that work for himself or assigning it to some confidential clerk or confidential agent whom he could implicity trust, as will more fully appear by the documents hereto annexed, and marked A and B.

Deponent further says that he was aware of the existence of large numbers of fraudulent naturalization papers issued in 1868 by the clerks of district courts in the parish of Orleans and other large parishes, and that in 1870, in his circular of instructions to supervisors of registration, he directed them not to register any person naturalized between July 4 and October 24, except such as were naturalized in the first and second district courts of the parish of Orleans; that the number naturalized between the dates above cited was reported by his predecessor, Hon. William Baker, chairman of the board of registration, in his report to the General Assembly, dated New Orleans, January 10, 1869, as follows:

Table showing the number of persons registered in each ward (First excepted) of the parish of Orleans who were naturalized between July 4 and October 24, 1868.

First ward, (no record.)	
Second ward	538
Third ward	903
Fourth ward	320
Fifth ward	989
Sixth ward	359
Seventh ward	423
Eighth ward	484
Ninth ward	540
Tenth ward	438
Eleventh ward	333
Right bank, (Algiers)	161
Total	5,488

And that the result of these instructions not to recognize the validity of such naturalization was made manifest by the result of the registration of naturalized foreigners in 1870, the registration for Orleans Parish in that year being entirely new and complete.

Table showing the number of persons naturalized between July 4 and October 24, 1868, and July 4 and October 28, 1870, registered in 1870.

Precinct.	1868.	1870.	Total.
First	96	70	166
Second	142	145	287
Third	223	149	372
Fourth	100	53	153
Fifth	134	141	275
Sixth	65	58	123
Seventh	150	85	235
Eighth	178	110	288
Ninth	197	93	290
Tenth	107	102	209
Eleventh	106	87	193
Twelfth	54	46	100
Thirteenth	26	18	44
Fourteenth	15	7	22
Ffteenth	43	11	54
Total	1,636	1,175	2,811

As will more fully appear upon pages 6, 7, 8, and 9 of a report to the General Assembly of Louisiana, by the deponent, as State registrar of voters, dated January 31, 1871, a printed copy of which is hereto appended, and marked C. That the reason for such ruling by the deponent in 1870 was, that he knew that these naturalization papers, fraudulently issued, were in the hands of persons inimical to the republican party, with which party he was at that time politically affiliated; that the judges and clerks of courts were in 1868 entirely, and in 1870 with only two exceptions, members of the democratic party, and that he consequently endeavored to prevent the use of said fraudulent naturalization papers by the democratic party; that he repeated the instructions to supervisors of registration in this regard in his pamphlet of instructions in 1872, pages 7 and 8, a printed copy of which is hereunto annexed and marked D; but, upon the fusion of the liberal and democratic parties, deponent, knowing that large numbers of said fraudulent naturalization papers were in the hands of fusionists, and could be used in the interest of the fusion party, revoked his previous instructions, as will appear by circular No. 5, issued by deponent, hereto annexed and marked E, and that the result of such change in his ruling was that a large number of such papers fraudulently issued were used by persons registering in 1872.

Table showing the number of persons naturalized between July 4 and October 24, 1868, and July 4 and October 28, 1872, added to the registry lists in 1872, in each election precinct, parish of Orleans:

Precinct.	1868.	1872.	Total.
First	114	140	254
Second	131	202	333
Third	242	395	637
Fourth	93	212	305
Fifth	187	421	608
Sixth	92	228	320
Seventh	75	183	258
Eighth	129	173	302
Ninth	175	202	372
Tenth	143	159	302
Eleventh	102	118	220
Twelfth	44	56	100
Thirteenth	12	39	51
Fourteenth	20	29	49
Fifteenth	63	64	127
Total	1,622	2,621	4,243

And deponent firmly believes that a large number of the naturalization papers issued in 1872, to the extent of two thousand at least, were improperly so issued.

Deponent further says that he instructed the assistant supervisors of registration for the parish of Orleans that in all cases where persons who had been registered in 1870, in other wards than those in which they resided in 1872, and who should apply for registration on account of change of residence, to require such persons to surrender the certificates of registration of 1870 to them, (the assistant supervisors,) to be by them returned to the office of deponent, State registrar of voters, ostensibly for the purpose of cancellation and erasure on the books, but in reality to be preserved and voted on at the ensuing general election, in the manner hereinafter set forth, and that this course was pursued and persisted in notwithstanding the formal protest of the United States supervisors of election, one of which is hereto annexed and marked F. The certificates of registration so returned deponent caused to be examined and sorted out in his office, and such as were not marked or checked in any way by the United States supervisors of elections were preserved to be voted upon in the wards from which they were originally issued, and only such were returned to the ward officers for cancellation and erasure as were deemed unfit or unsafe for use by repeating voters, as is more fully shown by the affidavit of H. L. Downes, hereto attached and marked G. The number so canceled was to the following extent only:

First precinct	80
Second precinct	43
Third precinct	101
Fourth precinct	79
Fifth precinct, record lost	....
Sixth precinct	115
Seventh precinct	83
Eighth precinct, record lost	....
Ninth precinct	14
Tenth precinct	36
Eleventh precinct	103
Twelfth precinct	11
Thirteenth precinct	....
Fourteenth precinct	12
Fifteenth precinct	2
Total	579

Deponent further says that he also instructed assistant supervisors of registration in the parish of Orleans that whenever they found upon the registry of 1870 names of persons making their marks, (+,) and supposed to be negroes and not known personally to them, to procure two persons, registered voters in their respective wards, to prepare a list of such names and make an affidavit that they "had reason to believe and did believe" that the persons named therein were not residing in the ward on the tenth day preceding the election, and the assistant supervisors were directed to erase from the lists of voters all names put down in said affidavits; and this was done, although the law made it the duty of the board of metropolitan police commissioners to cause a canvass of the city of New Orleans and prescribed that the names of such persons as should be reported by them as "not found" *only* should be stricken from the registry list. Such affidavits were made in form similar to the one hereto annexed and marked H, and resulted in the erasure from the books of the following number of names, supposed to be all colored men, namely:

First ward	182
Second ward	36
Third ward	280
Fourth ward	309
Fifth ward	223
Sixth ward	353
Seventh ward	386
Eighth ward	164
Ninth ward	122
Tenth ward	12
Eleventh ward	40
Twelfth ward	153
Thirteenth ward	51
Fourteenth ward	17
Fifteenth ward	144
Total	2,472

In this connection see affidavit of James Parker, hereto annexed and marked.

That this course was pursued notwithstanding the fact that the board of police commissioners did, in obedience to the provisions of section 50 of the election law, cause a canvass of the city to be made, (as will appear by the document hereto annexed and marked I,) and reported the names of persons "not found," and said names were by said deponent published in the official journal of the city and State, but that no names were erased from the list in consequence of such reports, but solely upon the affidavits above mentioned. Deponent further says that from the outset of registration in 1872 he was in constant communication with the democratic and liberal campaign committees, and conjointly with them instructed the supervisors and assistant supervisors of registration throughout the State verbally, in addition to written or printed instructions from time to time, to facilitate in every manner the registration of all white men known or supposed to be in favor of the fusion candidates, and to throw every possible obstacle in the way of colored applicants for registration, such as requiring them to produce two witnesses to prove their identity and residence, delaying them by unnecessary questions and by other means, and that in compliance with such verbal instructions the assistant supervisors of registration would and did frequently select from the crowd of applicants for registration white men known to them as democrats or fusionists and register them, and then close their offices before the hour prescribed by law, on the pretext that they were summoned to court or some similar excuse, thus leaving the colored men, many of whom could ill afford to lose their time, unregistered. The result of such instructions, and action consequent thereon, was the addition to the registry list of a large excess of whites over colored men, as appears from the following table:

Table showing the number of white and colored voters added to the registration of the parish of Orleans, in each precinct, in 1872.

Ward.	White.	Colored.	Total.
First	1,379	324	1,703
Second	1,672	418	2,090
Third	2,518	882	3,400
Fourth	1,143	407	1,550
Fifth	1,712	597	2,309
Sixth	1,359	474	1,833
Seventh	1,256	638	1,894
Eighth	903	212	1,115
Ninth	1,133	201	1,334
Tenth	1,479	442	1,921
Eleventh	1 [illegible]78	404	1,682
Twelfth	593	192	785
Thirteenth	311	154	465
Fourteenth	144	125	269
Fifteenth	458	299	757
Grand total	17,338	5,769	23,107

Being entirely out of proportion to the relative number of the two races in the city, as shown by the late census.

Deponent further says that, in order to annoy and hinder colored men in registering, he instructed the assistant supervisors to throw every possible obstacle in the way of the United States supervisors of election and deputy marshals appointed to represent the republican party, such as refusing them access to the books or permission to remain behind the railing, &c., and the assistant supervisors were further instructed that whenever any considerable number of negroes were waiting for registration they should raise some frivolous objection to the action of the United States officials and refuse to submit to the requirements of the enforcement acts, which conduct frequently resulted in the arrest of assistant supervisors and the closing of their offices sometimes for the entire day, large numbers of voters being thus deprived of registration. That these instructions were carried out will appear more fully by the documents annexed and marked K, L, M, N, O, P, Q, R, S, T, and U; and that, in addition to the cases mentioned therein, there were many other arrests of assistant supervisors in consequence of adherence to said instructions, of which deponent has at present no record.

Deponent further says that commissioners of election for the parish of Orleans were all appointed by him from among persons known to be in the interest of the fusion party, and strong partisans thereof; that on the 2d of November he received from S. B. Packard, on behalf the republican State central committee, a communication, hereto annexed and marked V, requesting the appointment of one commissioner at each poll to represent the republican party, but that deponent refused to accede to the request, as will appear by his answer to said Packard, hereto attached and marked W; that the commissioners of election were instructed to facilitate in every possible manner the voting of persons known to be fusionists or who should offer to vote the fusion ticket, and to obstruct and hinder the voting of republicans; that they were instructed that whenever any person offered to vote the fusion ticket they should not question him closely, but should suggest to him the requisite answers, and should decide quickly.

Deponent further says that the polling places throughout the parishes were

selected with the view to the convenience of fusion voters, and were located as remotely and as difficult of access as possible from the neighborhoods chiefly inhabited by colored men; that whenever a poll was located in a colored neighborhood the commissioners were selected from persons notorious for their hostility to colored men, and said commissioners were instructed to hinder and delay all colored electors to the full extent of their power.

Deponent further says that in each ward of the city of New Orleans he employed persons whom he intended to appoint commissioners of election, and whom he did subsequently so appoint, whose instructions were to prepare written lists in advance of the names of all deceased persons, (being voters,) and of the wards in which they resided, whose names had not been erased from the registry lists as prepared by him, the said deponent; that these lists were ordered to be prepared upon paper similar to that provided for keeping the written lists of voters at the election, as required by section 11 of the election law of 1870, and they were instructed to strike from the poll-list in advance the names of such persons, as required by section 12 of the above-quoted law. Said commissioners were also instructed to see that a number of fusion ballots corresponding to the number of names thus erased from the lists were placed in ballot-boxes in their repective polls, so that the written lists and the number of ballots should tally exactly at the counting of the votes; they being left to devise their own mode of carrying out these latter instructions, but, the better to accomplish the object sought, they were instructed to open their polls in advance of the hour designated by law, so that when voters presented themselves at the regular hour it should appear that some votes had already been cast; and these commissioners were also instructed to insert the list previously prepared as aforesaid, sheet by sheet, among the lists kept during the day, making the running numbers correspond; and that these instructions were obeyed to the letter in every instance, and that the names of 855 deceased persons, obtained and prepared as before related, were so erased and fraudulently marked as voted, and the same number of fusion tickets were thus voted at the said election.

Deponent further says that, by a forced and strained interpretation of section 41 of the registration law, he appointed about three thousand persons in the city of New Orleans, who were known to be violent partisans of the fusion party, among them several of bad and dangerous character, to act as "peace officers," to take charge of the ballot-boxes in the city of New Orleans, as further appears from the documents hereto annexed, and marked X, Y, and Z, and that to some of these men were intrusted the certificates of registration of 1870, which had been surrendered by persons who had removed to other wards, and collected and sorted out as hereinbefore described, and also with such fraudulent certificates of registration of 1870 as were in the possession and control of himself, or of persons in the interest of the fusion party, for the purpose of voting thereon, and that said certificates of registration were so voted on, to the knowledge of deponent to the extent of 3,500 votes, as is also shown by the deposition of Walter S. Long, hereto attached and marked AA.

Deponent further says that the supervisors of registration appointed throughout the State were all in the interest of the fusion party, and were selected not only on that account, but because of their supposed willingness and ability to carry the election in favor of that party, by whatever manipulation was possible and necessary under the registration and election laws; that in parishes where there was known to exist a large republican majority, the supervisors were, in most cases, persons sent from New Orleans to the parishes in which they were to act, and men well known for their personal recklessness and unscrupulous character, and familiar with all the machinery used in manipulating elections and the powers conferred upon supervisors of registration by the laws; that said supervisors were instructed, verbally or otherwise, to impede in every possible manner the registration of colored voters, in such ways as closing their offices when large numbers of negroes were waiting for registration, alleging that they were out of blanks when, in truth, they were amply supplied; removing their offices to remote points; notifying only white men of their location, and giving no notice to the negroes; giving notice of the location of the office at one point, and establishing it at another without notice; establishing polling places without due notice, and so as to facilitate the casting of a large fusion vote, and obstructing the voting of republicans, especially of colored men; that to further carry out the before-recited determination to carry the election at any risk, deponent, without authority of law, directed that a new and complete registration should be made in the parishes of East Baton Rouge, West Baton Rouge Saint James, and Tangipahoa, each of which parishes was known to contain a large republican majority, and a large excess of colored over white population, on the pretext that the books of previous registration could not be found, said books having been previously purposely made way with. In this connection deponent refers to the documents hereto attached, and marked, respectively, AB, AC, AD, AE, AF, AG, AH, AI, AK, AL, AM, AN, AO, AP, AQ, AR, AS, AT, AU, AV, AW, AX, and AY, to show both the manner in which the new registration was ordered and inaugurated, and the spirit in which it was carried out. The result of this action will be made evident by a comparison between the registration and election statistics of 1870 and 1872, as shown by the following statement:

Comparative table of statistics of registration and election in the parishes of East Baton Rouge, West Baton Rouge, Saint James, and Tangipahoa, in the years 1870 *and* 1872.

Parish.	Registered in—		Republican vote in—	
	1870.	1872.	1870.	1872.
East Baton Rouge	3,099	3,048	2,440	1,168
West Baton Rouge	1,367	1,256	702	445
Saint James	3,498	2,723	1,873	843
Tangipahoa	1,868	1,530	845	611
Total	9,832	8,557	5,860	3,067

Thus showing a decrease of the number registered in 1872 from that of 1870, in these four parishes, of 1,275, and a falling off of the republican vote of 2,793, for that the fusionists registered their full vote there can be no doubt.

Deponent further says, that in several other parishes in which a large colored majority existed, the opening of the books of registration was delayed by various means for a considerable period after the time prescribed by law, September 2. Thus in Carroll Parish, containing, in 1870, a registered vote of 351 whites to 1,588 colored, the registration was not opened until October 12; Iberville, not until September 17; Saint James, September 12; Natchitoches, September 17; Franklin, September 18; Winn, September 23; Caldwell, September 26; Cameron, September 30; Vernon, September 20.

Deponent further says, that in the parish of Saint Landry, one of the largest and most populous parishes in the State, and in which the supervisor exhibited a desire to afford fair facilities for registration to all classes, he was constantly checked and hindered by directions to move his office to points remote from the districts in which the negro population had a respectable ratio, and to establish his office at places where there were but few negroes or white republicans, as will appear by the documents hereto attached, and marked AZ, BA, BB, BC, BD, BE, BF, BG, BH, BI, BK.

Deponent further states that he instructed the supervisor of registration in the several parishes to annoy and resist the United States supervisor of election in every manner possible, and that in most of the parishes his instructions were carried out and registration thereby greatly delayed, especially in the parish of West Feliciana, a very strong republican parish, as will appear by the documents attached hereto and marked BL, BLL, BM, BN, BO, BP, BQ, BR, BS, BT, and BU, and in regard to other parishes by those papers annexed and marked BV, BW, BX, BY, BZ, and B2.

Deponent further says, that besides the selection of supervisors on account of their political bias, many of them were appointed who were candidates for office on the fusion ticket at the general election of November 4, 1872, for the purpose of stimulating them to extra exertions to cause themselves to be returned, and thus contribute to the general success of the entire fusion ticket; that among the number J. H. Simmons, of Claiborne, was a candidate for police juror; G. H. Guptill, of Cameron, was a candidate for police juror; R. T. Carr, of De Soto, was a candidate for sheriff; G. D. Wells, of Livingston, was a candidate for recorder of his parish; P. E. Lored, supervisor's clerk for Lafourche, was a candidate for justice of the peace; E. L. Pierson, of Natchitoches, was a candidate for the house of representatives; I. G. P. Hoey, of Rapides, was a candidate for the house of representatives; A. Chalaire, of Plaquemines, was a candidate for sheriff; A. Estopenal, of Saint Bernard, was a candidate for sheriff; G. W. Coombs, of Saint John the Baptist, was a candidate for justice of the peace; R. C. White, of Saint Mary, was a candidate for senator; Charles E. Steele, of Tensas, was a candidate for clerk of court, (his brother being a candidate for district attorney;) George L. Stinson, of Winn, was a candidate for recorder; Thomas Duffy, assistant supervisor fourth ward, Orleans, was a candidate for clerk of the fourth district court; Thomas Fernon, same for seventh ward, Orleans, was a candidate for representative; W. C. Kensella, same for ninth ward, Orleans, was a candidate for representative; and C. C. Piper, clerk thirteenth ward, was a candidate for constable seventh justice court; all of whom were elected by their own count, except Thomas Fernon; that the question being raised whether survisors were elegible as candidates, and *vice versa*, deponent received from the chairman of the democratic campaign committee the communication hereto annexed and marked CA, to which he returned the reply hereto annexed and marked CB; and that this discussion was made to encourage supervisors to become candidates, and to return themselves elected.

Deponent further says that he issued from time to time circulars of instructions to supervisors and assistant supervisors of registration for their observance and guidance, copies of which are hereto annexed and marked CC, CD, CE, CF, CG, CH, CI, CK, and, in addition thereto with a view of preventing the United States supervisors of elections and other officials appointed and acting under the enforcement acts of Congress from taking any cognizance whatever of the results of the election for State and parish officers, he issued to all supervisors of registration a confidential letter of instructions, hereto annexed and marked CL, which, for greater security and secrecy, he caused to be sent to them by the hands of trustworthy agents, who were previously instructed by him as to the details necessary to be worked up to accomplish the object aimed at, namely, the success of the fusion ticket at the general election; and that he prepared and supplied to the supervisors and assistant supervisors of registration throughout the State two sets of blank forms of tally-sheets, statements of votes, &c., one set of which was to be used for returns for presidential electors and members of Congress, and the other for State, parish, and municipal officers only, with the intent of manipulating the vote for the latter candidates that those running on the fusion ticket should be returned and declared elected in parishes where the vote showed a majority cast for the republican candidates for Congress and presidential electors.

Deponent further says, that in order more effectually to defeat and counteract the effect of the supervision and inspection of the registration and election by the United States officials, he sent to all supervisors a telegraphic dispatch, a copy of which is hereto attached and marked CM, which instructions deponent believes were faithfully carried out in a majority of the parishes, with the effect of excluding a large republican vote at the election.

Deponent further states, that in the parish of Terre Bonne, containing a large excess of republican voters, the supervisor of registration originally appointed, Mr. C. A. Buford, a resident of the parish, having been taken sick, he was superseded by F. J. Stokes a resident of New Orleans, who was familiar with all the advantages possible to be taken by supervisors of registration under the State laws; that said Stokes upon assuming charge of the office, gave out that he had no blanks, though an ample supply had been furnished to him as is shown by documents hereto attached, and marked CN and CO; and that said Stokes without warrant of law did issue a notice to all registered voters of that parish to come forward and submit their certificates of previous registration to his inspection to be countersigned or vised, else they would not be allowed to vote on them, as is shown by a printed copy of his notice hereto attached and marked CP; and that the said Stokes did in this and many other ways hinder and impede the registration of republican voters; and that said Stokes knowing that a large republican majority had been cast at the election of November 4, 1872, did fail and refuse to make a count of the ballots in three or more boxes, but fled to the city of New Orleans, leaving said boxes uncounted, alleging intimidation, but really with the avowed purpose and design of having the return of said parish thrown out by the returning board, and the republican vote cast consequently excluded from the count, which was done; and furthermore, that the general bearing and demeanor of said Stokes toward republicans was overbearing and arbitrary in the extreme, so much so that it was made a subject of complaint by parties in the fusion interest to the effect that Stokes's manner and action were injuring the party.

Deponent further says, that in the parish of Madison, which always contained a large excess of republican voters, no returns of the election were made according to law, but that the supervisor of registration, W. J. Cahoone, a resident of New Orleans, sent to the parish because of his known skill in the manipulation of elections, knowing that there had been a large republican majority cast at the election, fled the parish at night, and came by rail to New Orleans, bringing with him only fragmental memoranda, such as tally-sheets, check-lists, &c., from which he proceeded to fabricate his returns of the election of that parish; that for that purpose deponent furnished the said Cahoone with the necessary blanks and directed his clerk to instruct and assist the said Cahoone in making out said fictitious returns; that said Cahoone prepared said fraudulent returns in a room on Gravier near Baronne street, in the city of New Orleans, and made oath to them before J. P. Montamat, at that time third justice of the peace for the parish of Orleans, having previously signed the names of the commissioners of election thereto, as having been sworn to before him in the town of Delta, parish of Madison, as supervisor of the parish; that said returns, as delivered to the returning board, did not exhibit the true vote cast in Madison Parish at the election aforesaid, but showed a decrease from the actual republican vote cast of about 550 votes; and that said Cahoone merely returned on said fabricated returns the vote for national and State officers, and omitted therefrom the vote cast for parish officers in order that such officers might be appointed by the governor, and thus prevent the republican candidates, who were in reality elected, from obtaining their offices.

Deponent further says that in the parish of Iberville, also a parish largely republican, the supervisor of registration, J. L. Tharp, a resident of New Orleans, and familiar with the manipulations of elections, finding that a large republican majority had been cast at the election, induced the commissioners of election to refuse to sign the returns, alleging intimidation, for the purpose of having the returns of election from that parish thrown out by the returning board, and the vote of the said parish for all local officers, which was 2,239 republican to 722 fusion, was excluded and thrown out by the said board, as expected and intended by said Tharp.

Deponent further says that in the parish of Saint Martin the supervisor, O. Delahoussaye, jr., knowing that a majority of republican votes had been cast at the election, abandoned his office, leaving one box uncounted, alleging intimidation and armed interference of the negroes, in order to have the vote of that parish excluded by the returning board, as appears by the telegram hereto attached and marked CQ.

Deponent further says that in the parish of Saint James the supervisor originally appointed, D. F. Melville, being suspected by the fusion campaign committee of favoring some of the republican candidates, was summarily removed, and J. C. Golding, a resident of New Orleans, was appointed in his place, and that said Golding, knowing that the republican candidates had received a large majority of the vote cast at the election, failed to finish counting the vote, abandoning three or more of his boxes, and returned to New Orleans with the avowed intent of having the entire vote of the parish thrown out on account of intimidation, and the returning board did so exclude the entire vote of that parish for local officers.

Deponent further states that the consequence of the action of said supervisors of registration in the parishes of Madison, Iberville, Terre Bonne, Saint Martin, and Saint James is shown by a comparison of the number of votes registered and of votes cast in 1870 and 1872, as follows:

Comparative table of statistics of registration and election in 1870 *and* 1872 *in the parishes of Madison, Iberville, Saint Martin, Terre Bonne, and Saint James.*

Parish.	Registered in 1870.	Republican vote in 1870.	Registered in 1872.	Republican vote in 1872, as returned by the Lynch board.	Registered vote in 1872, as returned by the Mitchell board.
Iberville	3,354	1,496	4,036	2,239	2,239
Madison	2,120	1,269	2,725	1,756	1,227
Saint James	2,498	1,873	2,723	1,852	843
Saint Martin	1,481	525	1,961	718	.....
Terre Bonne	3,891	1,422	(*)	1,593	.....
Total	13,344	6,585	11,445	8,158	4,309

* Not reported.

Thus showing that with an increase of the number of registered voters in these parishes (Terre Bonne excepted, from which no reports were made to the deponent by Stokes) of 1,992 voters, the republican vote, as returned by the Lynch board, was 3,849 greater than the same vote as counted in joint session of the fusion Legislature, and that the entire republican vote of two parishes, Saint Martin and Terre Bonne, was not only totally excluded from the returns of the fusion returning board, but was also excluded in the count of the votes for governor and lieutenant-governor in joint session of the fusion Legislature at Odd-Fellows' Hall, all of which was the natural consequence of the action of the supervisors of registration in said parishes, as hereinbefore set forth.

Deponent further states that in the parishes of Rapides and Natchitoches, in which the registration of 1872 was new and complete, in consequence of the formation of the new parishes of Vernon and Red River from their territory, and in both of which the supervisors were fusion candidates for the house of representatives, the registration reported by them was as follows:

Parish.	White.	Colored.	Total.
Rapides	1,719	1,629	3,348
Natchitoches	1,517	1,833	3,350

As appears from the reports of said supervisors hereto annexed, and marked CR, CS, and that the returns of election as made by said supervisors, namely, J. G. P. Hooe and E. L. Pierson, were as follows:

Parish.	Kellogg.	McEnery.
Rapides	1,169	1,960
Natchitoches	550	1,250

Showing manifest frauds in those parishes of about 700 votes in Rapides and of about 1,200 in Natchitoches, (in favor of the fusion ticket,) as it has been well established by the testimony taken before the committee of the United States Senate, and by other ample evidence, that very few colored men voted the fusion ticket. The manner in which these frauds were accomplished is clearly set forth in the report of said Senate committee, pages 306, 307, and 308.

Deponent further states that in the parish of Webster the supervisor of registration, E. C. Bright, in carrying out the instructions received from the deponent, refused to submit to the inspection of the United States supervisors of election, as is shown by the testimony taken before said Senate committee, and to be found on page 12 of their report, and the documents attached hereto and marked CT, CU, the result of which action was that said supervisor of registration made the returns of the election in that parish to the returning board as 977 for McEnery against 622 for Kellogg, while the report of the United States supervisors shows a vote of 377 for McEnery against 824 for Kellogg, a difference against the republican votes cast of 202 votes.

Deponent further says that in the parish of Morehouse, at poll No. 4, at which a republican majority was cast, the box was tampered with before it was counted, so that when it was opened more ballots were found in the box than there were names on the written list required by section 11 of the election law, the intention of the supervisor of registration being to have that box thrown out and have a small fusion majority in the parish for the State ticket of some 83 votes; otherwise there would have been a republican majority in the parish of about the same number.

Deponent further says that in the parish of Jefferson the box from the poll held at Camp Parapet (or Colcord's) was, either while *en route* to the office of the supervisor of registration, at the court-house of said parish, or after having been deposited there, opened or otherwise tampered with and fraudulent fusion ballots deposited therein to the number of about 400, to replace an equal number of republican ballots taken out which were known to have been voted, which is further shown by the documents hereto annexed and marked CV and CW.

Deponent further says that in the parish of Claiborne the supervisor of registration, J. E. Scott, being suspected of complicity with the republican candidates in that parish and congressional district, was removed from office, and one J. H. Simmons appointed to replace him; that said Scott did not turn over to said Simmons the records of his office, but that said Simmons did, nevertheless, hold the election in the parish of Claiborne without books or other formal evidence of his official position, and did conduct the said election without poll-books, poll-lists, or other necessary blanks required by law to be used, as is shown by the documents hereto annexed and marked CVV and CWW.

Deponent further says that in addition to instructing verbally the commissioners of election for the parish of Orleans, he issued for their guidance the circular of instructions hereto annexed and marked CX.

Deponent further says that in the parish of Orleans, besides the fraudulent and duplicated certificates of registration given to persons to be voted on, in the manner already described, duplicate ballot-boxes were provided for the different wards, as follows: Two to the third ward; two to the eleventh ward; one to the thirteenth ward; one to the fourteenth ward; two to the fourth ward; two to the fifth ward; two to the eighth ward; one to the fifteenth ward; labeled and marked ready for use in the same manner as those actually used on the day of the election, (see deposition of W. L. Catlin, hereto attached and marked CZ;) with the intention of having said boxes filled with a large number of fusion ballots and a comparatively small number of republican ballots, and of substituting them for the boxes actually used in cases where there was reason to suspect that said boxes contained a republican majority; and deponent has reason to believe, and does believe, that many, if not all, of said duplicate boxes were used from circumstances which occurred during the night after the election, and during the counting of votes at Mechanics' Institute; and the manifest discrepancy between the fusion vote and the republican vote in the boxes when opened, for instance, in the third ward, poll No. 4, the vote as counted was 384 for McEnery against 96 for Kellogg, and there were 80 more ballots in the box than names on the written list required by section 11 of the registration law; at poll No. 5, same ward, the vote as counted was 438 for McEnery against 72 for Kellogg, a totally disproportionate number for the locality where the poll was held. Both of these boxes were counted by the fusion returning board, although formal protests were filed in each case by the United States supervisors of election.

At poll No. 8, same ward, which was located in a neighborhood densely populated by negroes, the commissioners placed 50 republican ballots in the box after the closing of the polls, so that when counted there were found 365 ballots in the box and but 316 names on the written list, and the vote was for McEnery 24, for Kellogg 338; that in consequence of these discrepancies and the large majority against their ticket, the fusion returning board excluded the count of this box in making their compilation of the returns.

In the eleventh ward, poll No. 1, when counted, showed 311 votes for McEnery against 40 for Kellogg, although this box was located near the levee, where a large number of colored laborers reside; and at poll No. 5, same ward, the vote was for McEnery 306, for Kellogg 106. The count of both these boxes was also protested against by the United States supervisors, and the figures are totally irreconcilable with the political complexion of any portion of that ward.

At poll No. 6, of the same ward, where a majority of republican votes had been cast, additional republican ballots were put in the box to cause a discrepancy between the number of ballots in the box and the number of names on the written list, and thus have the vote of that poll thrown out by the returning board, and that the vote of said box was 115 for McEnery against 200 for Kellogg, and the poll was excluded by the fusion returning board.

In the thirteenth and fourteenth wards circumstances do not point so clearly to the substitution of boxes as in the case of the two wards above cited, but the inference is strong that they were used, as the returns show a large reduction from the republican vote of 1870, and a corresponding or greater increase in the democratic or fusion vote.

In the fourth ward, which was largely republican in 1870, at poll No. 1, located in the immediate vicinity of the sugar-sheds and lower steamboat landing, always thronged with colored laborers, the box contained 315 votes for McEnery against 92 for Kellogg; at poll No. 8, same ward, the vote was for McEnery 189, for Kellogg 94. No notice was given for the location of the last poll until the morning of the election, and it was not found by the United States supervisors, representing the republican party, until noon.

In the fifth ward also heretofore republican by large majorities, poll No. 1, as counted, was 350 for McEnery against 118 for Kellogg; and poll No. 9, same ward, 237 for McEnery against 70 for Kellogg. These polls were situated at the two extremes of the ward, the former near the levee and French market, always thronged by colored men, and the latter in the rear of the ward, where but few persons live, and these principally colored market gardeners.

In the eighth ward the box from poll No. 1, also located near the levee, and in the neighborhood of the old Pontchartrain Railroad depot and the Port market, contained, for McEnery 298, for Kellogg 24. The box from poll No. 4, same ward, contained, for McEnery 353 votes against 89 for Kellogg, and on the close of the polls, when the commissioners of election were bringing the box to Mechanics' Institute, the United States supervisor for the republican party was thrown out of the cab, and there is no doubt that the duplicate box was then substituted for the original one.

Deponent further says that after the receipt of all the ballot-boxes of the parish of Orleans at Mechanics' Institute on the night of November 4, 1872, he was about to proceed to make the count of the votes in the same manner as that in which he had already instructed the supervisors of registration in the country parishes to proceed, namely: "To count the electoral and congressional first, and then to deny to the United States officials the right of supervison and inspection of the count of the ballots for State, parochial, and municipal officers," and had already caused several boxes to be opened and the counting of ballots commenced, when General James Longstreet presented to him the communication hereto attached and marked CY; that on receipt of said demand he at first declined to accede to it, and caused the boxes already opened to be closed and resealed and the counting suspended, but after consultation with prominent members of the fusion party and several interviews with General Longstreet and others representing the republican party, he finally consented to the conditions demanded, but that he did so for two reasons only, namely: First, that he feared armed interference on the part of the United States authorities in the event of refusal or non-compliance with the demands or requests made upon him; and second, that from his knowledge of the manner in which the registration had been conducted and his instructions as before narrated had been carried out, as well as from his knowledge of the number of fraudulent votes cast for the fusion candidates at the election, and the number of prepared boxes substituted for genuine ones, he had so much confidence that the fusion ticket had carried the city by a majority sufficiently large to more than overcome any unforeseen failures in the country parishes, therefore he preferred to submit to the inspection demanded rather than risk a conflict between the State and Federal authorities and jeopardize the success of his party.

Deponent further says that, during the counting of the votes, which was resumed on the morning of November 5, every possible obstruction was thrown in the way of the United States supervisors of election and others representing the republican party; that they were discourteously treated in many instances, every advantage taken of them when absent even momentarily, and whenever they protested against any proceeding they were told that all protests must be made in writing before any attention would be paid to them, and when such written protests were filed they were taken possession of by deponent or his clerks and assistants and destroyed, or otherwise made way with, in order to prevent the returning board from having any knowledge whatever of the filing of such protests, and any action on the part of

said board detrimental to the fusion interests in consequence thereof; that said United States supervisors and other officials were allowed admission into the hall of said institute only upon passes signed by deponent or his chief clerk, and even then were required to exhibit their commissions to the policemen on guard at the door for identification; that admission was freely given to candidates for office upon the fusion ticket, and almost invariably denied to republican candidates, and every other possible studied annoyance offered to republicans and their friends and representatives.

Deponent further says that in counting the votes of the parish of Orleans, assistant supervisors and commissioners of election were instructed, when counting "scratched" tickets, that whenever the name of a fusion candidate was erased and the name of a republican candidate substituted therefor, that unless the name substituted corresponded letter for letter with the name of the republican candidate for the office voted for, as printed on the straight or regular republican ticket, such ballot was not to be credited to the said candidate, but tallied as "scattering;" but whenever they found the name of a republican candidate erased or scratched and the name of a fusion candidate substituted, the manner of proceeding was reversed, and the ballot credited to the fusion candidate without regard to the initials or orthography of the name of such candidate, as printed on the regular fusion ticket, and that these instructions were in the majority of instances thoroughly and systematically carried out.

Deponent further says that from the facts and statistics before related in this deposition, it is shown that the total number of votes gained to the fusion ticket in the parish of Orleans by means of fraudulent manipulation of registration papers, voting on the names of dead men, and by the substitution of duplicate and fraudulent ballot-boxes, amounted to 6,737 votes, divided as follows, namely:

Number of duplicates issued in the names of deceased voters and voted on for the fusion ticket at the election	855
Number of certificates of registration fraudulently issued in 1870, and of certificates of registration surrendered by persons removed from the wards in which they were registered in 1870 and voted upon for the fusion ticket in 1872	3,502
Number of fusion ballots contained in boxes subsituted for the ones actually used at the election, about	3,181
Against republican ballots placed in same boxes to avert suspicion	801
Or a fraudulent majority of fusion votes in said boxes of	2,380
Total given to the fusion party by frauds	6,737

And that the loss in votes to the republican party by fraudulent means was 3,010, divided as follows:

Number of names of colored voters erased from the registry by fraudulent affidavits, without sanction of law	2,472
Number of republican ballots contained in two boxes thrown out by the fusion board on account of stuffing by the commissioners	538
Total loss to the republican party by frauds	3,010

And that in the country parishes, so far as set forth by deponent in the foregoing portions of this instrument, the republican vote was reduced by the fraudulent means hereinbefore narrated to the extent of about 9,314 votes, divided as follows:

Republican votes excluded by fraud in the parishes of East Baton Rouge, West Baton Rouge, Saint James, and Tangipahoa, consequent upon the new registration ordered and made in those parishes	2,793
Republican votes cast but not counted in the parishes of Iberville, Madison, Saint James, Saint Martin, and Terre Bonne, in consequence of the refusal of the supervisors of registration to count the votes, or the abandoning of the boxes by said supervisors, about	3,849
Republican votes cast but not returned as counted in the parishes of Natchitoches and Rapides, about	1,900
Loss to republican vote by fraud and violence in Webster Parish, about	202
Loss to republicans by exclusion of poll 4, in Morehouse Parish, about	170
Loss to republicans by exclusion of Camp Parapet poll, parish of Jefferson, left bank, about	400
Total reduction from the actual republican vote, as shown or estimated above	9,314

Deponent further says that on the night of the 6th of December, 1872, his office of State registrar of voters was forcibly taken possession of by P. B. S. Pinchback, then holding possession of the building used as a State-house, and acting as governor of Louisiana; that in anticipation of such seizure deponent and his clerk and employés had removed from said office such important papers, records, and documents as they had time to remove to a place of security, but in consequence of the sudden manner in which such seizure was made he was forced to leave in the said office numerous papers, records, documents, and memoranda, intelligible only to himself or his clerk, bearing upon the subject of frauds committed at the general election of November 4, 1872, in parishes other than those embraced in this deposition, and also containing details of frauds committed in parishes hereinbefore mentioned, for which the figures are expressed approximately, and he has ascertained that said documents, papers, &c., were accidentally destroyed in the confusion of affairs existing at that time. And deponent believes and avers that were those memoranda, papers, &c., now attainable he could exhibit and show further frauds committed in several parishes not herein asseverated. Deponent further says that he believes, and has reason to believe, and knows that had not the fraudulent practices as above recited been resorted to and made use of by persons in the interest of the fusion party, and for the benefit and advantage of said fusion party as hereinbefore set forth, and had the election returns been properly and fairly made by the supervisors throughout the State, and had the large republican parishes which were thrown out unjustly, unfairly, and for the purpose of reducing the republican vote, been counted, as they should have been, the candidates for presidential electors, members of Congress, and State officers upon the republican national and State ticket would have shown to have been elected by a large majority of the votes cast in the State at the election held on the 4th of November, 1872. And deponent further says that he believes, has reason to believe, and knows that the republican national and State tickets received a considerable majority of the votes actually cast at the election held on the 4th day of November, A. D. 1872, in the State of Louisiana.

B. P. BLANCHARD.

Sworn to and subscribed before me on this 2d of September, 1873; and I hereby certify that the affiant, B. P. Blanchard, was State registrar of voters, &c., during the years 1870, 1871, and 1872.

Witness my hand and seal at the city of New Orleans on the day first above named.

F. A. WOOLFLEY,
United States Commissioner.

[NOTE.—The exhibits referred to are very voluminous and are omitted. They are mostly originals, and are on file with the depositions.]

Sworn statement of Walter Sully Long, chief clerk of the State registrar of voters.

UNITED STATES OF AMERICA, *District of Louisiana:*

Personally appeared before me Walter Sully Long, who, being duly sworn, upon his oath states as follows:

From March, 1872, to January, 1873, I was chief clerk to B. P. Blanchard, then holding the office of State registrar of voters for the State of Louisiana. In that capacity I was in the fullest confidence of my chief, and was aware of all and every transaction of a political nature in the office during the campaign of 1872.

The necessity of carrying the election for the fusion party was frequently a matter of discussion between Blanchard, myself, and others, and a plan of operations was finally adopted at my suggestion, and carried out, as follows:

1. The sexton's monthly returns of burials of persons over the age of twenty-one years were carefully compiled by wards, the registration number ascertained and noted, and a list made of them.

2. A thorough examination was made of the registry books of 1870, in order to ascertain the number of names of fictitious persons registered in that year. In every ward where the persons having control of these false registry papers were acting with the fusion party, these names were used, but in wards where the supervisors of 1870 were not acting in harmony with the fusion party, particular care was taken to prevent their using the fraudulent papers, and to detect any attempt at so doing.

3. A system was established requiring all persons who had been registered as voters in 1870, and who had subsequently removed, to deliver up their papers of that year before receiving certificates of registration in 1872. These were sent to the office of the State registar of voters every week, and were carefully sorted out by myself and others, and all that showed no evidence of having been examined by the United States supervisors of election were set aside to be used by repeaters on election day.

4. During the ten days preceding the election a list was made out by me of the registry numbers and names of the dead, removed, and fictitious persons before described, and given to each assistant supervisor of registration for the city wards.

Two or more persons in each ward, who were to serve as commissioners of election, were set to work making lists of those names upon sheets of paper similar to that designed to be used on the day of election in keeping the written list of voters required by law at each polling place.

5. The poll-lists were printed, containing the entire registration of both 1870 and 1872. No erasures were made until the Saturday and Sunday preceding the election, when the names that could not be made available for the fusion cause were crossed off in black pencil on the lists for certain polls in each ward, and in number to correspond with the written lists of names before alluded to.

These preliminaries having been completed, it was a mere question of manual dexterity on the part of the commissioners of election to get within the box a number of ballots to correspond with the names crossed off in black from the printed lists and written in advance upon the tally-lists.

The estimate of the number of votes required to carry the election was as follows:

For the first ward, 500; second ward, 500; third ward, 1,000; tenth ward, 500; eleventh ward, 500; twelfth ward, 250; thirteenth ward, 100; fourteenth ward, 50; making a total of 3,400 for the up-town wards; and for the fourth ward, 300; fifth ward, 500; sixth ward, 500; seventh ward, 500; eighth ward, 600; ninth ward, 600; fifteenth ward, none; a total of 3,000, and an aggregate of 6,401. To this must be added the number of papers to be voted on by "repeaters," which was estimated at 2,000.

6. The number of fraudulent votes actually counted, and which can be proved by own testimony and that of other persons concerned, is—

In the First ward		281
In the Second ward		243
In the Third ward		803
In the Tenth ward		306
In the Eleventh ward		330
In the Twelfth ward		101
In the Thirteenth ward		98
In the Fourteenth ward		26
Total up town		2,188
In the Fourth ward	186	
In the Fifth ward	155	
In the Sixth ward	336	
In the Seventh ward	---	
In the Eighth ward	393	
In the Ninth ward	244	
In the Fifteenth ward	---	
		1,314
Grand total		3,502

Beyond this the papers given to repeaters were about two thousand. I cannot at present remember the exact number, but I think that fourteen hundred were given out to be used in the first, fourth, and sixth municipal districts, and six hundred to be used in the second and third districts.

I further know and can produce, I believe, the men who acted as commissioners of election at the polls in each ward where fraudulent votes were cast or counted at the general election of November 4, 1872.

WALTER S. LONG.

Sworn to and subscribed before me this 4th day of September, 1873, at New Orleans, Louisiana.

F. A. WOLFLEY,
United States Commissioner.

Sworn statement of Robert H. Chadbourn, supervisor of registration of Saint Charles Parish.

STATE OF LOUISIANA, *City of New Orleans:*

Be it known that on this 4th day of September, A. D. 1873, personally appeared before the undersigned, a United States commissioner in and for the district of Louisiana, duly commissioned and sworn, Robert H. Chadbourn, of the State of Louisiana, who, being first duly sworn, deposes and says: That on or about the 7th day of September, 1872, he was appointed by Governor H. C. Warmoth assistant supervisor of registration in the parish of Saint Charles, in the said State of Louisiana; that on or about the 23d of October a communication was issued by Governor Warmoth to one Boutte as assistant supervisor of registration for Saint Charles in affiant's place; that affiant came to the city of New Orleans to see Governor Warmoth regarding this matter; that Governor Warmoth told him that the fusionists complained that he was a Grant man, and was not sufficiently in the fusion interests, and asked affiant what the vote was in Saint Charles Parish; that affiant told him about 1,500 republican and 300 democratic; that Governor Warmoth then asked him how much he could cut down Kellogg's majority in Saint Charles Parish; that affiant replied he could cut it down several hundred; that Governor Warmoth asked affiant if he could not cut Kellogg down to 300 majority, and affiant replied that he might do so; that Governor Warmoth told affiant he could do what he liked with the parish ticket, but Kellogg must be beaten; that Governor Warmoth promised affiant he would keep him in his position if he would do what the fusionists wanted him to do in making up the returns of the election in Saint Charles parish; that Governor Warmoth in this same conversation told affiant he wished Gibson to be counted in as member of Congress from this district, and Sheldon to be counted out; that on the morning before the election, namely, Sunday, November 3, 1872, affiant was informed that he had been removed as assistant supervisor of registration of the parish of Saint Charles, and he immediately came to the city of New Orleans and had an interview with Governor Warmoth in

a room at the Saint Charles Hotel; that Mr. Gibson was present during part of the interview; that Governor Warmoth said that the fusionists were raising hell with him for keeping affiant as supervisor; that in order to retain his position affiant must make strong pledge to work in the fusion interest in Saint Charles Parish, by carrying the election for them; that affiant said he would do what he could, but that there was a chief constable in the parish who did not work in harmony with him; that Governor Warmoth then gave affiant a blank commission for chief constable, saying affiant could appoint any one he pleased by just inserting his name; that if affiant would work right and cut down the republican majority affiant should be appointed tax-collector of Saint Charles Parish; that Governor Warmoth further said he could control any appointment in McEnery's gift, if he (McEnery) were elected governor; that affiant asked if Governor Warmoth was sure that McEnery would appoint him tax-collector, whereupon Governor Warmoth took affiant to McEnery in the same hotel, and introduced affiant as the gentleman to whom he (Governor Warmoth) had promised the tax-collectorship in Saint Charles Parish in consideration of his services to the fusion party as supervisor of election; that McEnery said it was all right. Affiant further says that he is and has always been a republican, and that he returned Saint Charles Parish as republican by 1,090 majority, which was what the republican party was entitled to in said parish.

ROBERT H. CHADBOURN.

UNITED STATES OF AMERICA, *District of Louisiana:*

On this 4th day of September, A. D. 1873, personally appeared before me Robert H. Chadbourn, who, being first duly sworn, declares that the statements made by him in the foregoing written statement subscribed by him are all true and correct.

WILLIAM GRANT,
United States Commissioner.

Sworn statement of Henry L. Downs, clerk in the office of State registrar.

UNITED STATES OF AMERICA, *District of Louisiana:*

Personally appeared, this the 21st day of June, 1873, before me, the undersigned authority, Henry L. Downs, who, being duly sworn, deposes and says: That during the registration preceding the election of November 4, 1872, he was a clerk in the office of State registrar of voters for the State of Louisiana; that during the two months of registration, certificates and duplicates of registration accumulated in said office; they were collected by the assistant supervisors of registration of the different wards of the city of New Orleans from voters changing their residence from one ward to another, to whom a new certificate would be furnished and the old one forwarded to the office of the State registrar of voters, who was *ex officio* supervisor of registration for the parish of Orleans, or city of New Orleans. These certificates and duplicates accumulated to the number of several thousand, and completely filled a large-sized ballot-box.

Deponent further states that he assisted in assorting them according to wards and availability for use by repeating voters. Some were canceled as being considered unsafe to use, or as having been marked in some manner by the United States supervisors; others, (and the larger portion,) upward of two thousand, were retained intact to be used on the 4th of November, 1872; and deponent further states that it is his belief that they were so used.

HENRY L. DOWNS.

Sworn to and subscribed before me on this 4th day of September, 1873, at New Orleans, Louisiana.

F. A. WOLFLEY,
United States Commissioner.

Sworn statement of Oscar F. Hunsaker, chairman of the fusion Warmoth returning board, and Samuel M. Todd, a member of the same board. (See canvass of fusion returns published in Senate report, pages 81, 82, and 83, purporting to have been signed by Hunsaker and Todd.)

STATE OF LOUISIANA, *City of New Orleans:*

This day personally appeared before me, William Grant, United States commissioner, Samuel M. Todd and Oscar F. Hunsaker, residents of the State of Louisiana, who, being first duly sworn, depose and say: That they were members of the State senate of the State of Louisiana, sitting in the Mechanics' Institute on the 9th day of December, 1872; that afterward, to wit, on or about the 10th day of December, 1872, said deponents left the senate sitting at the Mechanics' Institute, and united with the assemblage known as the McEnery senate, sitting at Lyceum Hall, in the city-hall building of the city of New Orleans; that the senate of the said McEnery assemblage proceeded to organize, and that on or about the date last named said senate proceeded to elect a returning board or board of canvassers, who were to correct, canvass, and compile the returns of election for State officers, presidential electors, &c., under the act approved by H. C. Warmoth, November 20, 1872; and said deponents, to wit, S. M. Todd and O. F. Hunsaker, together with S. M. Thomas, B. R. Forman, and Archibald Mitchell, were elected as said board; that the said board proceeded to organize by the election of O. F. Hunsaker, one of said deponents, president thereof; that the said returns were then produced from trunks and carpet-bags in a small room, on an upper floor of the Saint Charles Hotel; that said returns were brought to said room by one O. D. Bragdon, who appeared to be in possession of the same; that said returns had been opened, compiled, and canvassed before they came into the possession of said deponents and the other members of the board; that although said deponents did carefully examine said returns, and made themselves cognizant of the nature of the same, and the mode and manner in which said returns were compiled, and the result sought to be shown, yet said deponents neither jointly nor separately, nor in any way whatever, signed or authorized any person to sign for them the purported canvass of returns known in the congressional report on Louisiana affairs as the "Forman returns," dated December 11, 1872, by which returns it was made to appear that John McEnery was elected governor, and that the fusion State ticket was elected; neither did they or either of them at any time consent or agree that said purported canvass was or is correct, or authorize the publication of the same in any manner whatsoever; that soon after the meeting of said board of canvassers, above referred to, one of said board, to wit, S. M. Thomas, left the city, and if he ever resigned as a member of said returning board it was not known to either of said deponents, nor did said O. F. Hunsaker, as president of said board, ever at any time receive any indication or any communication of the resignation or withdrawal of said S. M. Thomas from the said board of canvassers; and that neither of said deponents ever met or participated in any canvass of returns after said S. M. Thomas left the city, nor did they ever complete the canvass of said returns, nor did they ever authorize any person or persons to do so for them; said deponents further state that by the pretended canvass of said returns as published without the consent of said deponents, the returns from the following parishes are shown to have been entirely thrown out, to wit, Saint Martin, Iberia, Terre Bonne, Iberville, and Saint James; that the said parishes were and are well known to be largely republican, the two parishes of Saint James and Iberville alone giving more than 2,500 republican majority; that there was no sufficient proof or good reason why said parishes should have been omitted; that had the vote of said parishes been included in the publication of said purported returns, as of right it should have been, it would have added several thousand votes to the republican ticket; and deponents further say that a fair, proper, and correct canvass of said returns would have shown that William P. Kellogg was elected governor of Louisiana at the election held on the 4th of November, 1872, and said deponents verily believe that said William P. Kellogg was elected governor of the State of Louisiana by actual votes cast at said election.

OSCAR F. HUNSAKER.
SAMUEL M. TODD.

UNITED STATES OF AMERICA, *District of Louisiana:*

On the 6th day of September, 1873, personally appeared before me Oscar F. Hunsaker and Samuel M. Todd, known to me as the persons they represent themselves to be, members of the senate of the State of Louisiana, and late members of the so-called fusion board of State canvassers, known and designated in the United States Senate report on Louisiana affairs as the "Forman board," who, being duly sworn, declared on oath that the facts stated by them in the foregoing affidavit are true and correct.

WILLIAM GRANT,
United States Commissioner.

Sworn statement of W. L. Catlin.

UNITED STATES OF AMERICA, *District of Louisiana:*

Personally appeared before me, the undersigned authority, W. L. Catlin, a resident of the city of New Orleans, who, being duly sworn, deposes and says that he was in full sympathy with the so-called fusion party at the last general election of November 4, 1872, in the State of Louisiana; that he was during the same year an intimate personal and business friend of B. P. Blanchard, then State registrar of voters, and, as such, aided him in many ways in carrying out his plans for securing the success of the fusion party at said election, and that, among other things, he aided in the preparation, labeling, and supplying with stationery, &c., the regular ballot-boxes for said election, and attended to their distribution to the various wards; there were in all one hundred and seventeen ballot-boxes used in the city of New Orleans, and that, in addition thereto, he attended to the distribution of sundry additional or duplicate boxes on Sunday night, November 3, for use at the said election, as he understood, to further promote the success of said party by substituting or otherwise, and delivered some of them personally to the parties whom it was intended should use them.

W. L. CATLIN.

Sworn to and subscribed before me this 2d day of September, 1873.

F. A. WOLFLEY,
United States Commissioner.

Sworn statement of John P. Montamat, justice of the peace of New Orleans.

STATE OF LOUISIANA, *City of New Orleans:*

Be it known that, on the 8th day of September, A. D. 1873, personally appeared before me, a United States commissioner in and for the district of Louisiana, John P. Montamat, of the city and State aforesaid, who, being first duly sworn, deposes and says that during the month of November, 1872, and for four years previously he was a justice of the peace in the parish of Orleans; that, in the month aforesaid, and after the election held in this parish for governor and other State and parochial officers, the precise day affiant does not remember, but it was while the votes cast at the said election were being counted at the State-house at the Mechanics' Institute, one Jack Wharton, of said city of New Orleans, came to affiant's house, No. 33 Exchange alley, in the said city, and requested affiant to come with him to a certain place in said city to administer the oath to the supervisor of election in and for the parish of Madison; that said affiant went at the request of said Jack Wharton, who took him to a house situated on Gravier street, near Baronne street; that the entry doors were closed; but at the signal given by said Jack Wharton (being three consecutive and hard raps) the doors were opened; that in a room in said house affiant saw one W. J. Cahoone, who affiant was then and there informed was the supervisor of election for the parish of Madison, appointed by H. C. Warmoth, governor of Louisiana; that said Cahoone told affiant that he wished affiant to swear him to the returns of the late election in said parish; that affiant then saw several persons who were making out tally-lists of the returns of the election for the said parish of Madison; that the tally-lists appeared to be signed in blank by the commissioners of election; that affiant inquired of said Cahoone how it was that he had not prepared a list and returns in the parish where he came from as he was required to do as supervisor; that said Cahoone told affiant he could not count the votes there, as it was a strong republican parish; that he had to run away to New Orleans, because he wanted to count the votes, and return only such as he saw fit, and he was determined to have it his own way, and return only such persons as he thought proper; that affiant finally swore said Cahoone to several tally-lists and returns, and affiant further says that the greater part of the tally-lists were in blank when he swore said Cahoone to them.

JOHN P. MONTAMAT.

UNITED STATES OF AMERICA, *District of Louisiana:*

On this 8th day of September, A. D. 1873, before the undersigned, United States commissioner, personally appeared John P. Montamat, who, being first duly sworn, on oath declares that the statements by him made in the foregoing affidavit, to which his name is subscribed, are true and correct; so help him God.

WILLIAM GRANT,
United States Commissioner.

Sworn statement of Thomas J. M. Carey, chairman of committee on naturalization for fusion party.

NEW ORLEANS, *September* 6, 1873.

Personally appeared before me, William Grant, United States commissioner in and for the district of Louisiana, duly commissioned and qualified, Thomas J. M. Carey, who, after being duly sworn according to law, deposes and says:

I was appointed chairman of the committee on naturalization in the ninth ward of the city of New Orleans by the democratic and fusion parties, and performed the duties assigned me during the last registration and election.

Our instructions were to naturalize all applicants, whether entitled to naturalization by law or not. The fourth and eighth district courts were reported as being favorable to issuing certificates to republicans, and the first, second, and sixth district courts were favorable to democrats and fusionists.

When we would find applicants to occupy the first, second, and sixth district courts, we would then go to the eighth district court and represent ourselves as republicans. Not an applicant was refused in the first, second, and sixth district courts.

The democratic or fusion party furnished the blanks for the first, second, and sixth district courts, and the republicans were reported as having furnished the blanks for the eighth district court. In the first, second, and sixth district courts, if a party was not vouched for by the naturalization committee, the judge would subject him to a rigid examination, and if he succeeded in getting the order of court, the clerk would not issue the certificates of naturalization without being paid for it. When parties were vouched for by the committee of which I was the chairman, few questions were asked by the judges, and no charge was made by the clerks. When we had few applicants we would take the same parties under different assumed names and get certificates of naturalization for them.

When we had doubts of the parties, we would retain the certificates and have them registered. In other cases the parties would be allowed to retain them. Our committee aided all applicants who were favorable to the democratic or fusion ticket, whether they resided in the ninth ward or not. Our instruction also required us to explain to all applicants what questions would be asked them by the judges. Our committee were employed in this service about one month and a half previous to the closing of registration, and, to the best of my knowledge and belief, caused at least two thousand fradulent naturalization certificates to be issued, to be voted on on the day of election for the democratic or fusion ticket.

I was appointed commissioner for the poll corner of Moreau and Louisa streets

by B. P. Blanchard, esq., register of voters, on the recommendation of the democratic parish committee and the ninth ward auxiliary club.

On the day previous to the last election, the commissioners of election were ordered to assemble at the Mechanics' Institute, to receive instructions for the day of election. We were instructed to place every impediment in the way of voters who were not fusionists, by making them sign their names, demanding the numbers of their residences, or any other question to annoy them, and lastly to refer them to the officer of the ward supervisor before receiving their ballots, so as to harass and annoy them into abandoning the attempt to vote.

On the day of election the orders of the registrar of voters were faithfully carried out—in fact, the commissioners went further; when parties had the fusion tickets in their hands they were taken without question; when tickets were folded and the applicants not known to be favorable, they would be subjected to an inspection under the plea that the commissioners must be certain that the voter is aware what tickets he is voting. If the folded ticket proved to be republican, we would act as indicated by instructions; if democratic, it would be deposited in the ballot-box. We kept a correct account of every ballot deposited in the box. In cases where we were compelled to receive the vote of a republican, whether white or colored, we would write in large characters on his certificate so as to attract attention if attempt was made to vote a second time; but when a fusionist presented his certificate, the indorsement required by law to be made on certificates would be written in small characters on the corner, so as to facilitate him in repeating.

When a fusionist presented himself a second time on a certificate that had already been voted on, one of the fusion commissioners, who were placed at each poll, would hold the certificate in his hand so as to conceal the former indorsement, and call out to the United States inspectors, two of whom were placed at each polling-place, saying "This is all right." If, as in some cases, they would take the certificate in hand and discover the former indorsement, the ballot would be refused. This however, would be rarely the case.

There were about 600 fraudulent votes polled in the seventh ward, about 600 in the eighth ward, and about 1,200 in the ninth ward, making in all 2,400 fraudulent votes illegally polled on the day of election for the democratic fusion ticket.

THOMAS J. M. CAREY,
Corner of Moreau and Louisa Streets.

Sworn to and subscribed before me September 6, 1873.

WILLIAM GRANT,
United States Commissioner, District of Louisiana.

The following statement shows the number of registered voters, colored and white, at last election, as taken under democratic fusion auspices:

Parish.	White.	Colored.	Total.
Ascension	1,148	3,296	4,444
Assumption	2,207	2,176	4,383
Avoyelles	2,139	2,188	4,327
Baton Rouge, East	1,489	1,559	3,048
Baton Rouge, West	397	859	1,256
Bienville	916	715	1,631
Bossier*			
Caddo	1,549	3,134	4,683
Calcasieu	702	166	868
Caldwell	541	586	1,127
Cameron	263	31	294
Carroll	572	2,073	2,645
Catahoula	1,065	992	2,057
Claiborne	1,373	1,293	2,666
Concordia	307	2,577	2,384
De Soto	1,004	1,403	2,407
Feliciana, East	1,100	2,351	3,451
Feliciana, West	521	2,084	2,605
Franklin	522	507	1,029
Grant	616	733	1,349
Iberia	1,140	1,241	2,381
Iberville	740	3,296	4,036
Jackson	1,101	822	1,923
Jefferson	1,396	2,866	4,262
Lafayette	1,115	897	2,012
Lafourche	2,302	2,407	4,709
Livingston†			
Madison	1,718	2,207	2,725
Morehouse	694	1,339	2,033
Natchitoches	1,517	1,833	3,350
Orleans‡	35,782	19,244	55,026
Ouachita	970	2,311	3,281
Plaquemines	673	1,699	2,372
Point Coupee	1,039	2,807	3,846
Rapides	1,719	1,629	3,348
Red River	441	966	1,407
Richland	599	644	1,243
Sabine	711	151	862
Saint Bernard	500	570	1,070
Saint Charles	300	1,850	2,150
Saint Helena†			
Saint James	703	2,120	2,823
Saint John Baptist	817	1,720	2,537
Saint Landry	3,718	3,641	7,359
Saint Martin	1,035	926	1,961
Saint Mary	1,117	1,941	3,058
Saint Tammany	624	700	1,324
Tangipahoa	917	613	1,530
Tensas	368	3,146	3,514
Terre Bonne§			
Union	1,788	872	2,620
Vermillion	828	282	1,110
Vernon	717	79	796
Washington	543	168	711
Webster	854	862	1,716
Winn	755	135	890
Total	86,672	94,407	181,179

* Bossier Parish, population by census of 1870, white, 3,505; colored, 9,170. Per report of United States supervisor the registered vote for 1872 was, white, 587; colored, 1,795.

† Vote of Saint Helena and Livingston Parishes small.

‡ In Orleans Parish it is well known that the registration of white votes for 1872 was excessive. See Blanchard's statement.

§ Terre Bonne Parish, by census of 1870, white, 6,080; colored, 6,172. Report of United States supervisor had registered voters, colored, 1,608; white, 1,201.

STATE OF LOUISIANA,
OFFICE STATE REGISTRAR OF VOTERS.
New Orleans, September 8, 1873.

I hereby certify that the foregoing statement has been carefully compiled by me from the final reports of supervisors of registration in the parishes above named, as made to B. P. Blanchard, State registrar of voters in the year 1872, at which time I was chief clerk to said B. P. Blanchard, and that the original reports and final reports are now on file in the office of State registrar of voters.

WALTER S. LONG,
Clerk State Registrar of Voters.

STATE OF LOUISIANA,
OFFICE STATE REGISTRAR OF VOTERS,
New Orleans, September 8, 1873.

I hereby certify that the original final reports of supervisors of registration, from which the foregoing has been compiled, are on file in this office, and that the compilation is correctly made.

THOMAS LYNNE,
State Registrar of Voters.

NOTE.—The registration of 1870 showed over 23,000 excess of colored voters over white. The above registration was taken under democratic auspices; hence the great reduction. Still, it will be seen giving in 1872 a colored registered vote over the white of 7,735

The republicans were not allowed in New Orleans a single commissioner of election at any poll.

It is not denied that nearly every colored man in the State voted the republican ticket, and that at least eight or ten thousand whites so voted, Grant and Kellogg running as shown, even by fusions returns, far ahead of their ticket.

The supreme court of the State has, since the 1st of January last, rendered no less than fifteen decisions, fully sustaining the legality of the Kellogg government.

The election took place on the first Monday in November. Governor Warmoth issued his proclamation convening the newly elected Legislature in extra session on December 9, 1872, and promulgated the so-called result of the election so far as to give the names of those who it was declared were elected to the General Assembly. Prior to the arrival of the day set for the meeting of the General Assembly, proceedings were instituted in the circuit court of the United States, on the equity side, under the provisions of the enforcement act, to make effectual the votes of several thousand colored voters whose votes had not been counted, and of nearly ten thousand others who had made affidavits that they had been deprived of the right to vote. The election returns in the hands of Warmoth's board were ordered turned over to the board which had been declared to be the only legal board of canvassers by the supreme court of the State, the highest and last court of appeals in the State. The Lynch board thereupon proceeded to make a canvass and declare the result, and the persons declared by this board to be members of the General Assembly convened on the day mentioned in the proclamation of the governor, namely, December 9, 1872, organized by the election of a speaker and officers, and then proceeded to impeach the governor for high crimes and misdemeanors in office. Under the constitution of Louisiana impeachment works suspension from office, and the lieutenant-governor, Pinchback, became acting governor. On the same day those who were by proclamation of Governor Warmoth declared elected members of the General Assembly assembled at the city hall and organized themselves into a Legislature, recognized by Governor Warmoth, who refused to recognize the validity of the proceedings of the body which impeached him. There being then two bodies each claiming to be the General Assembly of the State and two persons claiming to be governor of the State, the President of the United States was called upon during the recess of Congress to recognize one as the legal government of the State. He saw fit to recognize Pinchback as governor of the State, and up to this time that action has been acquiesced in by Congress.

The subsequent history of the Louisiana case is familiar to you, Mr. Speaker, and to us all. In brief, Governor Kellogg, who was inaugurated in January, 1873, as the successor of Acting Governor Pinchback, has administered the affairs of the State since that time. During his seventeen months' administration of the affairs of the State he has had much to contend with. As an evidence of his success I will only refer to his management of the finances of the State. He has by a prompt and thorough administration of the law, securing a uniform collection and honest disposition of the taxes, restored to a great degree the credit of the State by paying promptly the interest on the State debt to January, 1874, and by providing for the interest on the funded debt of the State and by paying all claims against the State contracted during his administration, besides paying large arrears of interest which was past due when he took office, as well as retiring a considerable amount of floating debt contracted by the previous administration.

A great evil which affects a portion of the people of Louisiana today is the wide-spread belief that this Kellogg government is a fraud saddled upon them by Federal power. That this is an honest and sincere belief on the part of numbers of the masses I have good reason to believe. They saw the official announcement of the result of the election, the newspapers which they read (and a majority of the people, unfortunately for themselves, are peculiarly addicted to reading and believing one side alone and entire) stoutly and consistently asserted the same thing. With the exception of the leaders or managers who planned the frauds and their tools who did the dirty work of execution, the people knew but little of the manner in which the registration and election were conducted or the way in which the result that they believed until a very recent date to be the true result was arrived at.

As I said before, having this belief, being burdened with excessive

taxation, heavy and hard to be borne because of the non-development of the country, and being greatly discouraged by a partial failure and the unremuneratively low price of the cotton and sugar crops, the main crops of the State, a most unenviable condition of public feeling has prevailed in the public mind. In addition, the uncertain position of Congress in this matter interpreted to suit the views and designs of the political agitators, has tended to keep alive the hopes of both parties without any certain condition of things being assured. The Senate seated neither Ray nor McMillen in the Forty-second Congress, and have seated neither Pinchback nor McMillen in the Forty-third Congress up to this time.

What Louisiana wants to-day at the hands of Congress is not an invasion of her rights as a sovereign State, not the application of a rule which Congress would hesitate, yes, *would not dare*, to apply to New York or Pennsylvania, but she wants a liberal policy in the matter of internal improvements. She in connection with the great West asks for the free outlet from the Mississippi River to the Gulf either by freeing the mouth of the river from obstructions or by building the Fort Saint Philip Canal. She in common with Missouri, Tennessee, Arkansas, Mississippi, and perhaps Kentucky, asks that, as an act of bare justice, the levees of the Mississippi, constructed and maintained at the cost of millions of dollars, and which were destroyed in great part during the war by the United States Army, and which are washed, abraded, and in many cases destroyed by the increased pressure of the river, caused by its navigation by powerful steamboats, should be taken charge of and maintained at the expense of the nation. That the maintenance of the Mississippi levees is of great benefit to the navigation of the Mississippi River has been clearly demonstrated after years of patient investigation by those United States engineers so eminent in the profession, Generals Humphreys and Abbot, in that able and exhaustive report which has given the authors a world-wide reputation as being among the ablest engineers in the profession, and which has been translated into foreign languages, and is now treated as a text-book by the profession. The measures I speak of are measures of *practical* not *sentimental* relief, measures which will infuse new life into the commerce of the State, will lift New Orleans from the slough of despondency into which she has fallen, (and New Orleans is Louisiana in the same sense that Paris is France,) will infuse new life into the minds and hearts of the agriculturists of the State, who, once more protected from the ravaging inundations of the Mississippi River, will never again feel the dire necessity which compelled them to ask this Government for bread to keep their families from starvation.

With a vigorous enforcement of the laws on the statute-book, for the protection of life and property, without which all inducements to capital and immigration will be futile; with a generous welcome extended to all who may come, granting the largest liberty of political opinion and action to every one, the natural advantages of the South, and especially of Louisiana, will assert themselves and bring about a development of the resources of the South which will be productive of an era of prosperity on a more lasting basis we trust than ever maintained under the old *régime*.

Canal Across the Florida Peninsula.

SPEECH OF HON. S. B. CONOVER,

OF FLORIDA,

IN THE UNITED STATES SENATE,

June 15, 1874.

The Senate having under consideration the resolution submitted by Mr. WINDOM, from the Select Committee on Transportation Routes to the Sea-board, instructing the Committee on Appropriations to report amendments to the river and harbor bill making appropriations for completing the surveys and estimates for each of the improvements recommended by the select committee upon the four routes indicated in their report—

Mr. CONOVER said:

Mr. PRESIDENT: I have submitted an amendment to the bill (H. R. No. 3168) making appropriations for the repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes, which I request may be read, as it is on the Clerk's desk.

The Chief Clerk read the proposed amendment, as follows:

For surveys to ascertain the most eligible line in which a canal across the Isthmus of Florida can be constructed, and whether safe land-locked navigation between the waters of the Mississippi and the Gulf, along the coasts of Alabama, Louisiana, and Florida, and through the latter State to the Atlantic coast, can be had, to estimate the probable cost and practicability of construction of such works and of any artificial water-routes found necessary to provide a safe inland navigation between the Mississippi River and one of the sea-ports on the east coast of Florida, $25,000, or so much thereof as may be necessary, out of any money in the Treasury not otherwise appropriated.

Mr. CONOVER. Mr. President, in submitting this amendment——

Mr. WEST. I rise to inquire whether the Senator can interpose business of that kind when a resolution of a different kind is pending?

Mr. CONOVER. It is not of a different character. I wish to submit some remarks which are appropriate to this amendment and also to the resolution that is now under consideration. I ask the indulgence of the Senate to submit my views on that question.

The PRESIDENT *pro tempore*. This is not offered for adoption at this time, but was read for information.

Mr. WEST. Very well.

Mr. CONOVER. Believing in the present condition of the national finances as well as in proper response to the decided expression of the whole nation in favor of the most rigid economy, that no immediate expenditure of the funds of the nation can reasonably be expected for the actual construction of any new work of internal improvement, but that public expenditure should be confined absolutely to the unavoidable expenses of carrying on the Government and the economical progress of public works already commenced, I do not propose at this time to ask the immediate assistance of the Government in the present construction of that great line of southern inland navigation in which the trans-Alleghany and Gulf States have a common, direct, and engrossing interest.

But in view of the injurious effect caused by the actual inadequacy of transportation upon the agricultural, mechanical, and commercial interests acting upon an area of population and industry equal to one-half the extent of the Union, I have been led to the conviction that such preliminary steps should be immediately taken as shall satisfy the public mind that these important and far-extending interests are receiving from Congress the attention of which they are so well worthy. This much is demanded by the universal sentiment of the people; and so much at least we can afford and shall reasonably be expected to do; and when done, much will have been accomplished to allay existing excitement and quiet public anxiety.

With these views, without a vestige of hostility or opposition to any other of the various schemes of internal improvement that have been presented for consideration, and proffering to them my support in obtaining such measure of governmental assistance by way of a preliminary examination which I ask for that great work of internal improvement entirely national in its character, but in which my own constituents have a special interest, I invite attention to that important and extensive line of inland water communication which when completed will give close and safe navigation between the Mississippi and the Atlantic Ocean, and will pass across the peninsula of Florida. I allude to the canal which is proposed to be constructed from some eastern Atlantic sea-port across the State of Florida and along the border of the States of Alabama, Mississippi, and Louisiana.

The fact that this particular feature of the aggregate of the plans for water communications from the West to the Atlantic was specially intrusted to me seems not only to warrant but to demand that this route should receive my special attention, and that I should give facts and opinions more particularly and at length in regard to this proposed work than to any of the others however intrinsically worthy of attention.

Before entering to any extent into the details of this greatest commercial and economical question of the age, certainly after the completion of the Suez Canal, I wish to premise that this matter of inland communication between the Mississippi and the Atlantic across Florida is by no means a new question in any sense now recently sprung upon the public mind.

Upon the very organization of the Government, when the great Northwest was unknown, when the magnificent valley of the stupendous Father of Waters was an unbroken wilderness far beyond the then anticipated confines of our possible possessions; when Louisiana, Texas, Florida, and Alaska were of little account to and had little connection with the United States, even in the time of Washington and his immediate successors, such was the prescribed vastness of our then occupied national domain; so great were the every-day embarrassments to the business of the country, and such was the difficulty constantly experienced in the administration of the Government and the execution of its laws, that an immediate increase of the facilities of intercommunication between what was then deemed the remote portions of Virginia, the Carolinas, and Georgia, with the then developing Valley of the Ohio, and so far were they removed from the centers of business and trade, that this was deemed to be an object of first-rate national importance.

Much of the time of Congress was given to this subject, and internal improvements were leading topics of thought, of discussion, and of legislation.

National roads to connect the far-removed sections of our common Government first took precedence in public attention; then the improvement of existing rivers, as the Hudson, the Delaware, the James, and the Ohio; then the subject of the digging of artificial channels to connect the various natural water-courses became each in turn leading subjects for discussion in the State and national Legislatures, until the public attention was gradually drawn to the more practicable, the more useful, and the more convenient construction of canals.

At last, in the time of President Jefferson and under the supervision of Albert Gallatin, a very perfect theoretical system of inland communication by means of artificial connections of the numerous harbors, bays, inlets, and lagoons along the Eastern Atlantic coast was conceived and actually begun. And to-day the project to which I desire attention is in fact nothing more and nothing else than a continuation of the plan perfected by Mr. Gallatin and announced to the public during the administration of Mr. Jefferson.

Of this matter Hon. Edward Everett, of Massachusetts, in a letter

to Joseph M. White, then a Delegate from Florida, written in January, 1826, thus speaks:

Permit me to express the hope that we may, before many years elapse, behold in the Florida Canal *the most important link* in that grand chain of communication which was projected by Mr. Madison in 1796, in a national road extending from Wiscasset to Savannah, and matured by Mr. Gallatin, during the administration of Mr. Jefferson, in a series of canals coextensive with the Atlantic coast of the United States.

The subsequent accession of Florida presents a point where an artificial communication will be of more general utility to the country than any one of the Atlantic canals proposed in that admirable report of Mr. Gallatin.

In those early days statesmen of the caliber of Washington, Adams, Madison, Jefferson, Gallatin, and Everett seem to have been strongly impressed with the idea that a government "of all, by all, for the common benefit of all," was not only creditably and properly but constitutionally engaged in the legitimate sphere of their high duties, when engaged in practically promoting the business convenience, the agricultural and commercial prosperity, and the general happiness of the great body of their fellow-citizens.

Not only, as thus shown, was general attention given to the feasibility of water communication across the peninsula of Florida fifty years ago, but long before that time, during the Spanish and English occupation of the Territory of Florida, its twelve hundred miles of dangerous navigation, the perils of shipwreck and tedious voyage around, with the short distance across, had excited much appreciation of the desirableness of a water transit, but the very peculiar topography of the peninsula itself, more than four hundred miles in length and only one hundred miles in width—a vast level region almost destitute of any considerable elevation and abundantly supplied with rivers, lakes, ponds, and marshes, as never failing reservoirs—had created a universal belief in the feasibility of such transit, and the Spanish and English annals are full of governmental grants for the promotion of its construction.

But all these various grants were ineffectual; not so much from any want of appreciation of the necessity of some such transit, or from any special difficulty, topographical or otherwise, in its accomplishment, but perhaps from the peculiar and almost unique history of Florida, whether as a Spanish or an English colony, as a Territory or a State. Her record is briefly epitomized as follows: What a picture it presents! Discovered in 1497, permanently settled in 1565, ceded to Great Britain in 1763, with a population of only six hundred, after a colonial existence of two hundred years, receded to Spain in 1784, sold and ceded to the United States in 1819, receiving a territorial government in 1822, admitted to the Union in 1845, seceding in 1861, and reconstructed in 1868. Sacked and pillaged repeatedly by Europeans, shifting its nationality from time to time, and losing almost its entire population by each change; harassed and plundered by repeated Indian wars from 1816 to 1858, and just as prosperity began to dawn plunged unnecessarily in the useless slaughter of a hopeless rebellion, she has suffered every evil, political and social, that does not involve absolute extinction.

The wonder truly is, not that she has not attained a more flourishing condition, but that she exists at all, and that her boundless forests, her lovely rivers, and her beautiful lakes are not fast locked in the silent embrace of a nerveless desolation.

And at every period of her history and in every stage of her growth she has been continually striving through her representatives to secure some plan of water transportation across her territory, such attention as its national importance fairly seemed to demand.

Early in the present century various different plans of crossing the peninsula were brought to the attention of Congress. In 1826 a survey of a portion of the Territory of Florida was ordered and the results of such survey, which bears intrinsic evidence of its incompleteness, were presented to Congress and appear in the report of the board of internal improvement, which will be found in Document 147, volume 4, Executive Documents of the second session of the Twenty-second Congress, and many of the convincing reasons urging to the prosecution of this great work at the present time were very well understood at that comparatively early period, although the vast increase of the United States territory and the almost incredible expansion of all our commercial and agricultural as well as other special interests have in latter days clothed those reasons with tenfold their former power.

The historian Williams in his view of West Florida, published in 1827, in presenting the importance and necessity of some water transit across Florida, says:

It has been found that the insurance offices of the Atlantic cities during the year 1826 lost by wrecks on the coast of Florida the enormous sum of $500,000; a sum more than sufficient to complete a ship-canal across the peninsula from the Saint Johns to the Suwannee River.

Quoting from a presentation of the subject given in the Macon (Georgia) Messenger of January 14, 1826, Mr. Williams says:

Suppose a ship to leave Liverpool in pursuit of Alabama cotton. She must cross the Atlantic within two to four days' sail of Charleston, Savannah, or Saint Mary's; from thence she must now break away, make the Man-of-war Keys, sail down the dangerous coast of Abaco Island, pass the Hole in the Wall, cross the Bahama Banks, (if not cast away on Abaco,) steering her course through numerous small islands and crags of rock in every direction, for the Double-head Shot Keys; then steer up the north side of Cuba, through piratical waters, sail the extent northwestwardly of the Gulf of Mexico to the Balize, and from thence ascend the rapid current of the Mississippi one hundred and thirty miles to New Orleans. This would comprise a circuitous and dangerous route of at least fifteen or eighteen hundred miles, sailing distance, from the point where she was within two to four days' sail of Charleston, Savannah, or Saint Mary's, where at either port by the facilities of the proposed canal she could obtain her cargo of Alabama cotton and be on her return voyage to Liverpool before she could, upon an average calculation of the winds, arrive at New Orleans; and at the same time, while saving the worst half of her voyage' would avoid those dangers which are sometimes incalculable.

January 19, 1826, Mr. Hendricks, from the Senate Select Committee on Roads and Canals, among other things said of the Atlantic and Gulf Canal:

The committee are of opinion, from all the information which they have been able to procure, that this work is not only practicable but much more easily accomplished than former estimates and opinions have supposed, and it is believed that through the lakes, bays, and inlets of this coast a perfect inland navigation may be effected to the Wacussassoc Bay (at the mouth of the Suwannee River) a distance of three hundred and fifty miles by cutting at a few points, in all not exceeding twelve miles.

And in this opinion the committee is confirmed by the detailed statement of Delegate White, who says:

From Saint Andrew's Bay, Choctawhatchee, a cut of four miles would give connection from thence westward through Saint Rosa Bay and Sound by Pensacola, to within one-half a mile of Perdido. There is open steam navigation, and a four-mile cut from Perdido to Mobile Bay would give communication to New Orleans.

And the peculiar adaptation of Florida to the construction of extensive lines of artificial water transportation in aid of her natural water-courses is well described in a letter of Mr. White to Mr. Mercer, chairman of the Committee on Roads and Canals, published in 1826, wherein Mr. White says:

From Saint Mary's to Saint John's, within Amelia Island, a safe and convenient route already exists, with the aid of some inconsiderable improvement. A canal of seven miles in length would, by means of Pablo and North Rivers, connect the mouth of the Saint John's with the harbor of Saint Augustine. A second cut of six miles would open communication from Matanzas to Mosquito by means of the intermediate rivers and sounds. From Mosquito to Indian River a passage would be opened by a cut of one-half mile. Thus by three portions of canal, extending in the whole about thirteen and one-half miles, a line of coast of five hundred and eighty-six miles would be opened to a safe and commodious communication from Saint Mary's to Tortugas.

Evidently then the enterprise to which I am endeavoring to awaken deserved attention, namely, the practicability and desirability of the transit of the Atlantic and Gulf Canal across the Florida Peninsula, so far from being a new project in any sense, is one which has attracted much attention from leading minds during at least the last half century.

I now proceed to give in brief the main arguments in favor of a most thorough and complete scientific survey of that portion of the peninsula across which, and within certain not very extensive limits, the Gulf and Atlantic Canal, if feasible at all, must pass, in order to the attainment of certain knowledge as to the fact whether such a canal is practicable at all; and, secondly, if practicable, what is the best route for the line of its construction; and, thirdly, to obtain the most accurate estimate possible of its probable cost of construction.

First, then, I ask attention to the great saving, if such canal be practicable, that will be effected by its construction in the distance to which by existing routes our navigation is subjected, and the proportional economy of time; for in all commercial transactions time is an expensive element. The entire eastern and southern Atlantic and Gulf coast of the United States, extending from Passamaquoddy Bay in Eastern Maine to the mouth of the Rio Grande, is not far from thirty five hundred miles in its reach. The Florida sea and gulf coast combined extend for more than twelve hundred miles, thus constituting a little more than *one-third* of the entire eastern coast. Of this distance a canal from near the mouth of the Suwannee to the harbor of Fernandina or to the Saint John's River, would cut off at least one thousand miles of navigation, or would absolutely shorten the route from New Orleans to New York by one-third of its entire length.

Again, the coasts of Florida being generally shoal, the channels narrow and crooked, and the winds in these latitudes being capricious, while the whole extent of channel abounds in currents of an uncertain and often contrary character, the navigation of the canal would by dispensing with this vexatious and tedious navigation save very considerable time in the whole passage. This saving of time would amount to a saving of from five to ten days, and may safely be put at seven days. This is manifestly a consideration of great importance. I have alluded in a general way to the dangerous character of the navigation of the waters adjacent to the Atlantic coast of Florida, where the narrowness of the channel from the Tortugas on the south to Saint Mary's on the east compels all vessels passing north from the West Indies, the Gulf, or South American northerly ports to hug the shore with comparative closeness.

But with reference to this point I will borrow a clear and graphic statement from an author whose reputation in all marine matters lends more than usual authoritativeness to his statements in regard to navigation. Commodore Maury, in his preliminary report of the physical survey of Virginia, published in the interest of the Virginia canal, in speaking of the dangers of navigation of the coast of Florida, says:

These are what in navigation are called hidden dangers; they lurk there, in the shape of insidious currents, sunken rocks, reefs, and shoals. There is nothing on the surface to mark their existence. The water looks open and the way all clear; but an error in the reckoning of a minute, or even less, is often fatal to the ship and cargo, if not to the crew. To sailing-vessels the calms that prevail there at certain seasons increases the danger, for in them vessels are often silently swept by the currents and stranded with total loss. Added to these are the storms and hurricanes which, alternating with the most vexatious calms, rage from the middle of July to the middle of March, During these eight months the dangers increase and the rates of insurance go up; for the dangers to a vessel are greatly aggravated when she is overtaken by a storm in this crooked and narrow passage-way.

Scenes the most awfully grand and sublime that are known at sea, sometimes take place in the hurricanes or tornadoes that prevail there. In them the waters are piled up, the Gulf Stream is turned back or forced over reefs into new channels with a violence that no skill can countervail, no ship withstand.

Among the annals of that navigation nautical records tell of the Sedburg, an English vessel which was caught in one of these hurricanes. The waters of the Gulf Stream were backed up and piled to an enormous height. The scene of roaring waves and furious currents beggared description. She let go her anchors, thinking she had found smooth waters and a place of safety; but when the gale abated and the sea retired, she found herself high and dry, and her cables and anchors entangled among the tree-tops on Elliot's Key.

But we are not confined in our endeavor to set forth the importance of some practicable escape from this dangerous navigation to matters of mere theory or description, however forcible. The records of the admiralty courts at Key West unfold an account of judicial and historical accuracy of vastly more weight and importance.

I herewith append an authoritative statement, taken from the admiralty records of Key West, of the number and value of the vessels that within the last twenty-five years have been wrecked on the coast of Florida, and almost all on the eastern and southern coast, with the amounts paid for salvage in each case, and the total expenses in each instance, as adjudicated by the court:

Total number of vessels brought into the port of Key West in distress, with their values, amount of salvage, and total expense thereon, from 1848 *to* 1872.

Year.	Number.	Values.	Salvage.	Total expense.
1848	41	$1,282,000 00	$125,000 00	$200,060 00
1849	46	1,305,000 00	127,870 00	219,160 00
1850	30	929,000 00	122,831 00	200,860 00
1851	34	950,000 00	75,850 00	165,000 00
1852	23	675,000 00	80,112 00	163,000 00
1853	57	1,973,000 00	174,350 00	330,000 00
1854	59	2,469,600 00	82,400 00	211,808 00
1855	80	2,844,077 00	100,495 00	190,910 00
1856	71	2,000,000 00	163,117 00	262,664 00
1857	59	1,837,950 00	101,890 00	181,772 00
1858	52	2,692,000 00	142,182 00	247,557 00
1859	66	3,035,400 00	198,404 00	293,497 00
1860	16	320,195 00	57,666 00	111,804 00
1861	9	200,911 00	29,211 00	43,561 00
1862	7	42,894 00	16,248 00	24,341 00
1863	3	25,725 00	12,938 00	17,299 00
1864	2	10,246 00	5,269 00	6,714 00
1865	23	1,835,353 00	254,694 00	336,082 00
1866	10	317,688 00	47,578 00	78,133 00
1867	16	1,017,466 00	92,174 00	129,705 00
1868	6	249,880 00	35,525 00	53,657 00
1869	11	180,662 00	24,376 00	41,236 00
1870	3	3,696 00	28,930 00	1,533 00
1871	8	363,632 00	86,529 00	123,704 00
1872	12	351,632 00	42,649 00	57,975 00
Totals	746	27,736,027 00	1,228,298 00	3,701,031 00

From these figures we derive the startling conclusion that upon the shores of a single State of the Union, and this coast lying midway between the important ports of New York and New Orleans and in the necessary path of the Gulf, Mississippi, and South American commerce, the vessels saved from total wreck and adjudicated in the courts of Key West in one quarter of a century were 746 in number, having a total value of nearly $28,000,000, upon which was paid for salvage alone $1,228,298, and the total expense of adjudicating damages was $3,701,031. To this astonishing aggregate of actual loss, as adjudicated in the courts, must be added an unascertained amount for compensation for the immense losses by total wrecks of which no knowledge comes to the legal tribunals. What this aggregate for the twenty-five years would amount to I have no means of ascertaining with any exactness. But this I know, that in 1865 and again in 1870 or 1871 occurred storms of great severity and corresponding destructiveness, and in each of these cases, while the loss of many lives is known, the amount of pecuniary loss I have not been able to fix with precision; but I am confident that in each of these storms the losses of property by total wreck exceeded $3,000,000, giving for two years alone an aggregate loss of $6,000,000.

Here, then, to go no further, ample reason is certainly given for the exertion of every effort which science and skill can expend in the discovery and application of some practicable means of avoiding so enormous and continual and perhaps unnecessary risk of life and property.

But I wish to bring to your attention a consideration of no small consequence derived from an unnecessarily incurred risk of insurance. The expense which is heaped upon all the Gulf and South American commerce which passes around the Florida Keys, encountering the multiform, peculiar, and well-known dangers of its tortuous and uncertain channel by the added cost of insurance, is an item of no mean consideration, though of course ranking far lower in importance than the unnecessary peril of life there incurred. Still, in every such discussion, basing itself largely upon considerations of commercial convenience and economy, all arguments drawn from reliable sources on economical and pecuniary grounds will always have much weight. Hence in all commercial transactions, where water transportation enters as an element, the rates of insurance paid by the merchant upon his goods affect equally himself and the consumer directly, and the amount of insurance upon the vessel itself affects the cost of transportation as fully but not quite as directly. The usual rates of insurance between the sea-ports upon the Atlantic coast and the European ports may be stated to be ⅜ of 1 per cent. in steam-vessels, and 2 per cent. in sailing vessels. But if such vessel on starting from Liverpool should change her destination to the port of New Orleans, immediately an addition is made to her rate of insurance of from ⅜ to ½ *of* 1 *per cent.*

The almost infinitesimal character of the terms thus used to indicate the cost of insurance has a tendency to lead the mind by means of the comparatively small amount required for a single venture away from the gigantic proportions assumed by the simple matter of insurance when applied to the workings of commerce upon a large scale.

The added cost of insurance is given by Lieutenant Smith in his report upon the transit across the peninsula to Congress at ⅜ of 1 per cent. This report is contained in Senate Executive Document No. 76, second session of the Twenty-third Congress.

During the year 1872 Mr. J. K. Roberts, of New York, in a discussion of the advantages of the Florida transit route by barges from New Orleans to Cedar Keys and thence across the peninsula to Fernandina, was assured by the board of underwriters of the city of New Orleans that they would place the rates of insurance by the Florida transit route "½ of 1 per cent. lower than by the Florida Strait."

EXTENT OF NAVIGATION AND VALUE OF VESSELS AND MERCHANDISE PASSING ANNUALLY AROUND THE FLORIDA KEYS.

In order now to reach anything like adequate appreciation of the actual bearing of the considerations which I have adduced from the unnecessary risk of loss by shipwreck, the loss of time, and the expense of insurance, by the tedious and dangerous route around the Keys, and to measure accurately the true weight that should be given to them, a glance at the magnitude of this circumnavigatory commerce is indispensable.

In Mr. Andrews's report upon the colonial and lake trade of the United States, transmitted to the Senate and published by its order in 1852, will be found a letter addressed to him by W. L. Hodge, then Assistant Secretary of the Treasury, which furnishes full information upon this subject and which I herewith submit.

WASHINGTON, 1852.

MY DEAR SIR: In reply to your inquiry as to the probable annual value of the trade of the American ports in the Gulf of Mexico, I do not exactly understand whether you mean to confine it merely to the value of the merchandise which arrives at and leaves those ports, or to include likewise the value of the shipping employed in the transportation of that merchandise.

In connection with the question of a ship-canal through Florida, the Senate, in the late session of Congress, requested information from the Treasury Department as to the probable value of the property which annually passed round Cape Florida, which the Department, in its answer to the resolution, estimated at $250,000,000. This estimate seems large and was generally so considered at the time, but I am, on further reflection, now convinced that it was an underestimate instead of an overestimate, and I will give herewith the data on which this opinion is founded.

The great difficulty in arriving at the true value of the Gulf trade is the impossibility of ascertaining the amount of the coasting trade from the Atlantic ports, as no record is furnished to the custom-house of even the kind of goods shipped coastwise; and of course nothing even approaching to the correct value can be ascertained from the outward manifests. Perhaps the most valuable cargoes shipped in American ports are those by the packet-ships to New Orleans from Boston, New York, and Philadelphia, and I have no doubt that some single cargoes are not unfrequently worth $100,000,000, and that half a million is a very common value for them.

Some four years since one of these Boston packets—a vessel of 1,000 tons—was missing and considerable anxiety was felt for her safety, and from the inquiries made as to the amount of insurance effected on her cargo, and the ascertained value of some of the heaviest invoices by her, it was pretty well ascertained that her cargo was worth $700,000.

When it is recollected that the entire supplies of the States on the Lower Mississippi, and a large portion of those for the States higher up that river and its tributaries, are received through that city, the magnitude of them may to some extent be appreciated. The value of goods arriving at New Orleans from the American Atlantic ports I should think would at a low estimate be at least $50,000,000; but, in order to be perfectly on the safe side in this respect, I will estimate at that sum all the supplies thus received at all the Gulf ports, including New Orleans, Mobile, Pensacola, Saint Mark's, Apalachicola, and all the ports of Texas.

The value of foreign importations at New Orleans is about fifteen million dollars, and for the other ports of the Gulf not less than five millions more.

Very correct statistical details are kept at New Orleans of all the receipts of produce from the interior, with the quantity of each, and an annual statement is published with the estimated value, based upon the current prices of the year, approximating probably as near or more near to the true value than such statements usually do. These statements show that the value of this produce annually received at New Orleans from the interior ranges from ninety to ninety five million dollars, and allowing ten millions for the local consumption, it would leave eighty to eighty-five million dollars as the annual value of the export trade of New Orleans.

Mobile exports little but cotton, the average receipts of which there is about 500,000 bales, worth at present prices about $22,000,000. The exports, including cotton, from the ports of Florida and those from Texas, may in the aggregate be safely placed at ten millions more, showing a total of exports from the American ports on the Gulf of about $115,000,000.

Upon the above data, then, the statement of the merchandise entering and leaving the American ports of the Gulf will be as follows:

Foreign imports	$20,000,000
Coastwise imports	50,000,000
Exports	115,000,000
Making a total of	185,000,000

as the aggregate value of the merchandise shipped and received at those ports.

I have not at hand for a reference the record of shipping arriving from the ocean at New Orleans annually, but it exceeds 600,000 tons, and at all the other ports of the Gulf it would probably be 300,000 tons more, making an aggregate of 900,000

tons, which at the value of $75 per ton would be $67,500,000; and as these vessels make the voyage *in and out*, the entire value of the *tonnage* which annually passes Cape Florida would be $135,000,000; which, added to the preceding amount of merchandise, would make a grand aggregate of $325,000,000 of property which annually passes to and from the American ports of the Gulf of Mexico. Although the estimate is made up in round sums, without going very particularly into detail, I have no doubt it is considerably below the real amount.

The value of the *exports* from the ports of the Gulf could, with little care and attention, be very correctly ascertained, for they principally consist of articles of domestic produce, such as cotton, sugar, molasses, flour, lard, bacon, &c., the *quantities* of which can always be ascertained from the outward manifests; and the *prices* are a matter of record, from day to day throughout the year, in the daily publications of the public journals and price-currents. The custom-house record exhibits, of course, the value of foreign importations; and the only difficulty in arriving at the correct value of the trade of the Gulf would be in the coastwise shipments from the Atlantic ports. Nor do I see how this can be correctly ascertained, and it will have to remain as a matter of conjecture, though in placing it as I have done in this communication, at $50,000,000, I feel well assured it is considerably below the actual value.

I regret extremely that under the heavy pressure of official duties, particularly at this time, I cannot devote more time to the subject of your injury and am obliged to give you such a hastily prepared and crude communication.

Very truly and sincerely,

WILLIAM L. HODGE.

ISRAEL DE WOLFE ANDREWS, Esq.

And in this connection, as well as from its bearing upon the topics of saving in the expense of insurance, and in the time that will be effected in substituting the transit across the peninsula for the protracted voyage around it with all its various dangers, I desire to quote further from the report of Lieutenant M. L. Smith, (Executive Document 76, second session Twenty-second Congress,) where he says in concluding his report:

A few remarks upon the bearing a transit across the peninsula will have upon the Gulf trade and interest which center there may not be out of place.

First. If the Gulf of Mexico is appropriately considered a common expansion merely of the various rivers flowing into it, then its entrance may with evident propriety be considered the common bar of those rivers, particularly so as, like other bars, it is the point of danger to vessels wishing to enter or leave. A general description of the passage around the southern point of Florida will of itself serve to make its dangerous character evident, to wit: Comparatively narrow and some five hundred miles in length, coasts low, it is lined with hidden reefs extending many miles from shore; has a rapid current through it, constantly tending to carry vessels out of their course, and when so carried on account of the narrowness of the channel they are usually first warned of this danger by striking some reef; added to this it is subject to those tornadoes which, originating periodically in the West Indies, blow with such violence and expend themselves after sweeping up the Atlantic coast.

But this is more forcibly told in the loss of life and numerous shipwrecks annually occurring on those keys, some accounts of which are constantly meeting the eye. Trade, which hedges itself round with as many securities as in the nature of things is possible, has sought to overcome these dangers in the only way known to it, namely, by insurance, and it is the tax by insurance due to this dangerous navigation that will be first noticed.

The subject can be simply stated thus: To insure for a Gulf port costs ⅜ of 1 per cent. more on an average than for an Atlantic port. In a report made by Mr. Hodge, Acting Secretary of the Treasury, June 12, 1852, in answer to a resolution of the Senate, the commerce passing the Straits of Florida was estimated to exceed $250,000,000 per annum. Reflecting more upon the subject, Mr. Hodge subsequently concluded that it amounted to at least three hundred and twenty millions per annum.

It is proper to quote his own words in order to show why no precise amount could be given: "The Department cannot arrive at the correct amount of the commerce of the Straits of Florida, as it would be impossible to ascertain the value of the immense shipments coastwise to New Orleans, for the supply of the States bordering on the Mississippi and its tributaries, besides those to the ports of Florida, Alabama, and Texas." In order not to give amounts, which can possibly be thought exaggerated, the lowest value mentioned, to wit, two hundred and fifty millions, will be taken as the proper one; vessels of all classes will, when taken together, average in value about eight-tenths of their cargoes; hence to carry on a commerce worth two hundred and fifty millions will require shipping to the value of $200,000,000 to pass in and out of the Gulf yearly, making the total interest engaged in that commerce four hundred and fifty millions per annum, and this is the amount upon which the increased insurance is paid. Three-eighths of 1 per cent. upon this amount is $1,687,500, and is a loss borne by those producers whose outlet to market is by way of the Florida Keys. Losses by shipwreck are not taken into the above account, since being covered by insurance, to do so would make them enter thrice into the calculation.

Second. The gain in time by a transit across the peninsula may be stated as being about five days from New Orleans to a point equally distant with Saint Mary's from New York, and the gain will be greater as the point of departure is nearer the Gulf terminus. Taking the amount found above, namely, $450,000,000, and allowing 6 per cent. on it, which is not above the rate business men pay for money and somewhat below the profits expected to be realized; also, give one hundred and twenty days to every vessel in which to load, deliver her cargo, and return to her port again, and there is found $1,125,000 paid yearly for lost time. The amount is certainly large, yet that it is a fair method of making out such a loss seems confirmed from this consideration, that trade, without an exception, settles down into the shortest channels of communication, and unless the transshipments are numerous to prove that any particular line offers an advantage to trade, it is sufficient to show a gain in time. The amounts above stated, it is argued, the transit across the peninsula will save yearly. The commerce of the Gulf is destined, even through causes at present existing, to be so much increased that amounts named in connection with it, moderate now, must become very great after a lapse of years; hence there would be a propriety in going into minute details respecting it, confident that large sums are being dealt with, but it would require data not at present at hand.

Third. By means of the transit there can be a more rapid transmission of the mails between the North and New Orleans, hence to all points further West and bordering the Gulf. The time, according to the present rates of traveling, would be as follows: From New York to Saint Mary's, sixty hours; Saint Mary's to Cedar Keys, four hours; Cedar Keys to New Orleans, thirty-six hours.

Although this fact, disconnected from others, would not authorize the construction of a transit, still, once constructed, it will be a rather important circumstance.

Fourth. Another consideration is mentioned, and it may be more important than all others, according as circumstances eventuate.

Florida, by projecting so far south, makes the great and salient point in our coast, and like other similar points is the one most exposed. The fact that so large a proportion of our commerce must pass around it, and at the same time close to a foreign shore, has for years created much solicitude as to its safety in time of war.

The first and most obvious course pursued to give it security has been fortifying favorable points, such as Key West and Tortugas, making them suitable as depots and places of rendezvous for the Navy, or as harbors of refuge for unprotected merchantmen.

A second course has been an endeavor to acquire the ownership of this contiguous foreign shore, and thus have the channel in and out of the Gulf tributary to ourselves alone.

Without starting the question of how far this last would accomplish the desired object, the fact stands prominently before us, that notwithstanding diplomacy and conferences one coast with its harbors and fortifications is ours, the adjacent one, with equally good harbors and strong fortifications, is not ours, and that over the intervening passage we would not necessarily have, in time of war, more control than during the past year one of the belligerent European powers has had over the Baltic and Black Seas; further, that in the event of hostilities, an entire interruption of our commercial communications by water with the Gulf might take place.

It is well known that the channel between the West Indies and Florida is readily susceptible of being guarded by a vigilant enemy, who, stationed there, would look with equal facility into the Atlantic or Gulf, and that a vessel bound either way could be watched from hour to hour for several hundred miles.

As important as is the Gulf commerce, so important in time of hostilities would probably be another line of communication, which would enable this commerce to be carried on safely, and at no increased expense; and it is believed that in great part a transit as proposed would accomplish this. Let the extent of the communication thus connected and the facilities for trade afforded be briefly considered. A boat starting from New York could by either the Raritan or Morris Canal pass into the Delaware; through the Delaware and Chesapeake Canal into the Chesapeake; by the Dismal Swamp Canal into Albermarle; thence by the inland navigation along the coast of North Carolina, South Carolina, and Georgia, to Saint Mary's; crossing Florida to Cedar Keys, and following the coast westward, there is a succession of shoals, reefs, and sea islands, extending to lake Pontchartrain, forming west of Florida an inland navigation similar in character to the east of it. All communications with this line, from sea, are mainly fortified at present, and as it leaves the Atlantic at Saint Mary's, avoiding entirely the salient point made by the peninsula, it may be said, comparing it with the navigation around into the Gulf, to be securely fortified and safe from interruption by an enemy.

The United States presents the singular feature of having what may be termed river navigation almost encircling it, as follows: Starting from Saint Mary's we go to New York as already described; then pass into the northern lakes by the Erie Canal; from the lakes by various canals into the Ohio or Mississippi and to New Orleans; thence to Cedar Keys. Along this navigation is known to pass a large proportion of American produce, and on it is situated nearly every important city in the Union; and consequently that the transit being the connecting link which completes the great circle, and a portion of this grand thoroughfare of trade is at once demonstrated to be connected by its termini with the greatest producing areas of our country, as well as with every export city on the Atlantic and Gulf coast; this, too, by water, the cheapest of all kinds of communication.

It is not sufficient in an apposite view to state that there are other lines more interior and still less exposed that are available if ocean communication is interrupted.

This is true in theory, but is thought not to be so in point of fact. To illustrate by a single example, within the last five or six years the article of tobacco has been attempted to be brought to Baltimore from Saint Louis by river and railroad. The attempt was abandoned for the reason that the value of the article was consumed by the freight.

To force trade along any but natural channels is virtually to suppress it, and if in the case of hostilities, as supposed, the interior lines of railroad only existed, doubtless the great staple articles of Gulf trade, which happen to be bulky, namely, cotton, sugar, and molasses, would be detained from market, or find their way there at expenses so greatly exaggerated as would be equivalent to a detention.

In conclusion, the object of the preceding remarks has been to show the necessity as well as utility of a direct connection between the Atlantic and Gulf, across Florida, from—

First. The heavy increased insurance the dangerous navigation through the Straits of Florida imposes on the Gulf trade.

Second. The loss of time, consequently the loss of interest on capital employed in that trade.

Third. The increased mail facilities that would be opened.

Fourth. The security that would be given to our commerce, particularly that coming under the head of coasting trade, during a period of hostilities.

* * * * * *

M. L. SMITH,
First Lieutenant Topographical Engineers.

To Colonel J. J. ABERT,
Chief Topographical Engineers, Washington, D. C.

If such or similar results are deducible from careful official estimates and professional opinions from credible sources as far back as twenty-five years ago, what conclusions would be arrived at now were the same estimates or statistics of our present situation at hand? Not having these official statements at my control for use at this time, I submit that an application of the ratio of the increase of commerce for the preceding quarter of a century would be by no means unreasonable, but entirely fair as applied to the succeeding twenty-five years. This would give the value of vessels and goods annually passing the Florida Keys at double the amount estimated in 1852, and place the aggregate at $900,000,000 annually.

Does this seem to any to be an overestimate? Then let me direct attention to some of the statistics of trade and commerce which the recent discussion of cheap transportation has elicited.

The following is one of the best authenticated of the estimates of the Mississippi and Gulf trade, furnished to a recent national commercial convention:

The surface drained by the Mississippi exceeds 750,000 square miles, without regarding the fact that the column of States on the eastern slope and in the gorges of the Rocky Mountains will be compelled to draw their tropical commerce through the Mississippi outlet. The population of this area numbers little less than seventeen millions, upon an average of about twenty to the square mile of the settled portion, a density capable of almost indefinite expansion. To the normal rate of natural increase may be added a large accession of foreign immigrants. This region exhibited in 1869 the following statement of food production:

	Bushels.
Corn, Indian	650,000,000
Wheat	180,000,000
Rye	4,000,000
Oats	170,000,000
Barley	14,000,000
Buckwheat	5,000,000
Potatoes	40,000,000
Total	1,063,000,000

Of animal food there were received in 1869, at—

	Beef cattle.
Chicago	403,502
Saint Louis	222,000
Cincinnati, (estimated)	150,000
Louisville, (estimated)	75,000
New Orleans, (estimated)	100,000
New York, from Western States	186,000
Total	1,136,152
Hogs packed in the western cities, 1869–'70, (estimated)	4,000,000

This immense product, it must be remembered, is the surplus of live stock held in the country. These are computations of the leading articles of production. They omit wholly the manufactures, whose value may be inferred from the annual productions of the four chief cities of the valley:

Saint Louis	$150,000,000
Cincinnati	125,000,000
Chicago, (estimated)	100,000,000
Louisville, (estimated)	75,000,000
Total	450,000,000

The immense provision product will be combined with the coal, iron, lead, copper, salt, lumber, cotton, and innumerable other commodities which are or may be developed, so that if the export of provisions shall decline, their value will be more than made good in the exportable commodities into which they will have been transformed. Confining ourselves, however, to ascertain products which require an improved outlet to the ocean, we offer the following estimate of productions (exported and exportable) of the Mississippi Valley:

	Tons.
Cotton	350,000
Tobacco	36,000
Grain	2,000,000
Other provisions	120,000
Total	2,606,000

I proceed now, on the basis furnished by the statements and estimates already given, to endeavor to ascertain the saving of a pecuniary nature that would be effected by the construction of a water transit across the peninsula, if the same be practicable.

Suppose, as is claimed to be plainly reasonable, the amount and value of the shipping and commerce annually passing around the Florida capes to have increased in twenty-five years since 1852 as much as in the preceding twenty-five years, and thus to have doubled; then its value would amount to $900,000,000.

The saving on insurance of one-half of 1 per cent., as announced by the New Orleans underwriters to Mr. Roberts, would in each year amount to $4,500,000. Assuming the calculation of Lieutenant Smith and Commodore Maury to be correct, the loss of time saved at 6 per cent. would amount to $2,250,000 annually, or in these two items alone the annual saving would amount to $6,750,000. To these items of loss are to be added the losses on western and northwestern produce, which occur, first, from the inadequacy of existing facilities of transportation and the consequently enhanced cost of the produce actually transported; and second, the entire loss on that part of the products of the more remote region which become to a great extent valueless from stagnating in the hands of producers from the absence of transportation facilities.

The entire strangeness of the state of affairs in these fruitful yet remote regions at certain times is most forcibly yet truthfully represented by the well-known fact that more than once within recent years it has happened that while the hunger-stricken inhabitants of some portion of the world were suffering from the terrible torments of famine, and simultaneously the commercial marine of the world has been prostrated for the want of paying freights, the inhabitants of the remote West and Northwest have actually been using for fuel the very corn for the want of which other thousands have been starving.

We are all aware that during the excitement of recent and pending discussions of the importance to western producers of an increase in the facilities for transportation, and the reduction of its expense, the saying has so often been repeated as to have passed into a proverb, that of every three bushels of grain raised in the far West "it takes two of them to place the third in market."

And whatever allowance may be made for the suspected *hyperbole* of stating the fact in this way, the facts patent to the observation or knowledge of all indicate a most serious annual loss to western producers and manufacturers from the inadequacy of existing and available transportation. And a statement in general of this loss, as amounting on an average to one-fifth or 20 per cent. of the actual market value of the various articles produced, would be universally and deservedly recognized as coming entirely within the bounds of truth.

But here again, although to a banker or stock-dealer, or merchant, an impending loss on pending transactions would be startling in the extreme, still many do not fully gather the full force of a statement of 20 per cent. loss on the agricultural and manufacturing products of this section of the country.

And, as in the case mentioned of the measure of the loss by increased insurance, it becomes necessary to aggregate the probable losses in order that all may appreciate the entire force of the statement just made by giving the actual loss thus caused upon the closest possible estimate of the products of the West.

The quantity of marketable articles produced by the West each year is fully forty million tons. The Saint Louis Democrat states the grain productions of the Mississippi Valley in 1872 at 1,036,000,000 bushels, which is equivalent to 31,500,000 tons. The grain, cattle, and hogs of twelve of these States are stated by another authority at quantities which give 14,000,000 of tons. Of this vast production 20,000,000 tons would go east, if freights were cheap enough to tempt it from its places of production, and if adequate facilities of transportation could be supplied. Not half of this tonnage does go to the east, the other half not moving at all, either because transportation is too costly or else because it is not available.

Take 500,000,000 bushels, less than half of the above estimate, as the annual grain crop of the Mississippi Valley, and allow a loss of 20 per cent. on its value at 50 cents per bushel, and immediately you have a loss on the grain production of the central portion of the Union alone of $50,000,000, caused by the want of adequate facilities of transportation. The proportion of this loss which properly may be attributed to the lack of adequate transportation at all to the inadequacy and high rates of railroads, and to the existing difficulties which from the obstructions at the mouth of the Mississippi River and the expensive tonnage, with the costly delays attending, I am not able to designate with the means of knowledge now at hand. But I beg leave here to introduce a carefully prepared and uncontradicted statement, taken from an elaborate report upon the general subject, as follows:

Trade, like water, will flow to the lowest channel. Establish the fact that grain can be carried a cent per bushel cheaper by one route than by another and, all other things being equal, the cheaper route will get the business.

A steam-tug can safely take down the Mississippi four barges loaded with two hundred thousand bushels of wheat. It would require six hundred cars and at least thirty locomotives to transport the same quantity of grain by rail. Wheat can now be carried from Saint Paul to New York, by way of New Orleans, at a saving of about six days in time and fourteen cents per bushel over every other route. The saving from Saint Paul to Liverpool is eighteen days in time and twenty cents freight per bushel.

The following is the cost of shipping grain by the Mississippi compared with the lake, railroad, and canal routes; also the comparative time required:

Freight charges from Saint Paul to New Orleans, 18 cents; shipping charges at New Orleans, 2 cents; freight to New York, 12 cents; total, 32 cents.

From Saint Paul to New Orleans and shipping charges at New Orleans, 20 cents; freight to Liverpool, 24 cents; total, 44 cents.

Time from Saint Paul to New Orleans, 15 days; time to Liverpool from New Orleans, 30 days; total, 45 days.

From Saint Paul to Chicago, 18 cents; charges at Chicago, 2 cents; by lake to Buffalo, 20 cents; charges at Buffalo, 4 cents; by canal to New York, 14 cents; total, 58 cents.

From Saint Paul to New York, 58 cents; charges at New York, 4 cents; freight to Liverpool from New York, 16 cents; total, 78 cents.

Time from Saint Paul to New York, 39 days; time to Liverpool from New York, 24 days; total, 63 days.

The Mississippi route is open the whole year. The New York route is closed several months by ice. The opening of the proposed canal will considerably shorten the time and distance, and lessen the cost via the Mississippi route, and make Pensacola the main shipping point from the Gulf, where better and cheaper coal can be furnished for steamers than any sea-port in the United States on the Atlantic or Gulf coasts.

The barge business is in fact fast revolutionizing freight transportation upon the Mississippi. The barges are managed just like freight-cars—dropped here and there for loading or discharging, as occasion may require. The tug does all the work. It carries fuel for the entire route; it makes no long stops; by economizing time it almost equals the speed of the steamboat. A very few men manage the whole fleet. The rate of insurance should be much lower than on steamboats; the danger of accident is less. These enormous carriers transport grain from Saint Louis to New Orleans for the trifle of ten cents a bushel. They carry emigrants back for three dollars, with all the baggage they choose to take. Coal is now carried from the Kanawha Valley to New York via the Mississippi River, with profit to the miner and shipper.

Freight transported on the Mississippi by means of barges is exempt from many difficulties which beset railroad transportation, although it is estimated that a double-track railroad could be so operated as to transport forty-five million tons of freight per year, still no railroad in this country can ever exceed five millions. On a river like the Mississippi there is practically no limit to transportation. The average dead weight transported on a railroad is much greater than on rivers; except on through lines there is little competition on railroads. The river is a liquid highway for all, costing nothing, while the first and generally enormous cost of railroads is so much capital sunk; the bonded debt of all the railroads in the United States would nearly represent their value. The relative cost of transportation by river and rail is as 1 to 5.

Many and great as are the natural *disadvantages* of New Orleans, still she does an immense business, as it is the largest city in the Southern States, and has the capital, means, and wealth to supply the wants and do the business of that section of the country; and the country has been and will be compelled to seek her markets for the sale of its products and to obtain its supplies until railroads and canals are built to put us in direct connection with Pensacola; but when the improvements are made the business of the country can be done at one-half the present cost.

In the rear of the city of New Orleans are two canals furnishing six feet depth of water terminating in Lake Pontchartrain, and with their heads or basins nearly one mile back from the Mississippi. By means of these canals and the Pontchartrain Railroad, also some six miles in length and connecting with lines of steamers, all of which routes involve the frequent and expensive handling and hauling of shipments, New Orleans carries on her extensive commerce with the lake and Gulf ports east of the Mississippi. The receipts of the Pontchartrain Railroad in 1867 from passengers and freight were $158,877.23. During the last year the freights, consisting largely of western produce, have averaged one thousand tons per day; the steamboats and sailing-vessels running into the canals have also done a large business in addition to the transportation of lumber, bricks, shells, &c. The cost of drayage upon all these transshipments exceeds the receipts of the canals and railroads together; all of which expense comes out of the section of country east of New Orleans.

The opening of the Mississippi and Atlantic Ocean Canal below the

city of New Orleans, and thence into Pensacola Bay, Saint Mark's, &c., so that vessels on the Mississippi and proposed canal will not only save in this costly transhipment at least from one to two dollars per ton and the damage to goods therefrom, now a great burden to commerce and an impediment to the growth of the Northwestern and Southwestern States, but also save many miles in distance. After the completion of the canals, steamboats and barges can be loaded at Saint Paul, Saint Louis, Pittsburgh, Cincinnati, and any other shipping point on the Mississippi and Missouri Rivers and their tributaries, and unloaded at New Orleans, Mobile, Pensacola, Apalachicola, Saint Mark's, and then on to the sea-ports of the Atlantic Ocean.

Another great disadvantage to New Orleans is the great distance of one hundred and thirty miles from the Southwest Pass. The cost of towage upon sailing-vessels up and down is from one dollar and forty cents to one dollar and fifty cents per ton. This, with the exorbitant port charges, makes New Orleans the most expensive port in the world, with the exception probably of Calcutta and London. Shippers say when they can find no other destination for their vessels they send them to New Orleans.

The following is a list of the expenses of the Bremen ship Jupiter, of twelve hundred and fifty tons register, at New Orleans, on her fourth voyage, October, 1869, furnished by the house of Shuback & Co., of Hamburg:

Towage from sea to city	$1,274 00
Towage from city to sea, (less than the usual price)	675 00
Stevedore work on 3,581 bales cotton	2,471 65
Compressing of same	3,381 95
Discharging cargo and ballast	557 50
Pilot inward	65 25
Pilot outward, (drawing 17 feet 4½ inches)	70 50
Foreign dues	376 40
Levee dues	240 35
Harbor-master's charges	38 07
Survey $15, (measuring $22.50)	37 50
Advertising $48.50; watchman $55	103 50
Consul's fees $8; divers expenses $142	150 00

The following is the statement of the New Orleans Times on the same subject:

We have endeavored to ascertain what it now costs a ship of a thousand tons burden to come into port, discharge her cargo, load and depart, independent of the services in the immediate employ of such vessels:

Inward-bar pilot, $4.50 per foot	$81 00
Tonnage to city, $1.25 per ton	1,250 00
Quarantine tax	20 00
Custom-house entry	5 00
Harbor master, 3 cents per ton	30 00
Port warden, by estimate	15 00
Levee dues, 20 cents per ton	200 00
Passenger tax $2 each, estimate for 50	100 00
Custom-house clearance	5 00
Towage to the passes, 25 cents per ton	250 00
Outward-bar pilot, $4.50 per foot	81 00
Tonnage dues, 30 cts per ton, for twelve months, estimated at	$20 00
Hospital dues, 40 cents per month, for each seaman, say	15 00
Total	2,065 00

Ships of greater tonnage of course have to pay more, the rates of towage, quarantine, and levee dues being proportionately higher.

If in the light of all the facts cited it be, as I think, reasonably supposed that one-half of the $50,000,000 annual loss inflicted upon western production by all the causes mentioned, and that one-fifth of that portion of loss would, in view of the difficulties, delays, and expense of the passage from the mouth of the Mississippi, be relieved by the opening of a canal from New Orleans through Lake Borgne, and thence through Florida to the ocean, there would be an annual saving of $5,000,000 immediately created.

But in thus basing our calculations upon the past and present state of our commerce and navigation, we are making no account of the impending and inevitable increase of that commerce. That may as surely be calculated upon to proceed in nearly the ratio of its past increase as the passage of time itself.

And it is no exaggeration to predict that as the imperative commercial necessities of the civilized world have demanded and in an incredibly short space of time have effected a practical duplication of the facilities of commercial interchange by means of the transcontinental railroads constructed under the auspices of American statesmen and the almost miraculous Suez Canal of the East, so undoubtedly and at no distant period, at the same imperative demand of the commerce of the world, the waters of the Atlantic and Pacific will meet and mingle in a channel formed for the purpose by the genius, skill, and persistence of some American Lesseps. Whatever importance, then, is fairly attributed to the great enterprise in view, from a consideration of the known facts of commerce and navigation in the present and past, that importance is immeasurably increased in view of those great events in internal improvement which already "cast their shadows before."

In consequence of the facts and causes to which I have alluded, we find a most alarming state of circumstances, and discover all the business and resources of the whole population of the West, composed mainly of those depending upon the products of the soil and their quick and cheap transportation for a competence, very seriously crippled from the inadequacy and incompleteness of all existing means of transportation.

And on the other hand we find a very large proportion, probably more than two-thirds of the whole population of the country, profoundly, and, until science and actual exploration shall convince them to the contrary, unalterably impressed with an irresistible conviction that a comparatively small outlay will so far relieve their distressing situation which has been endured so long that nothing but actual proof of its being absolutely without remedy can make it longer endurable.

We find that the belief of the practicability of essential relief, easily at hand through the construction of several lines of water transportation, has dwelt in the public mind for more than half a century.

We find that after presenting and re-presenting the subject to one after another of great and well-attended national commercial conventions, and year after year urged upon the attention of the national Legislature, but after all with few practical results.

At last we find that, driven by stern necessity and actual want, thousands of our countrymen have associated themselves together for the very purpose of making full investigation and prompt relief a paramount issue of the day, overriding and ignoring all other merely political questions which have hitherto held such undisputed sway.

Without dwelling upon the thousand details of proof that are daily presenting themselves on every hand, it is sufficient for my present purpose to say, that beyond the possibility of a doubt facts well known to the general mind unmistakably demonstrate the cost of constructing at least three lines of water transportation—one northern, one central, and one southern—would be fully compensated once in every ten years of time by the actual saving that would thereby be effected in the transaction of the business of the Western and Gulf States.

And for one, I cannot be shaken in the profound conviction that one of our first and most important duties, as representing the wishes and executing the declared will of the people, and as statesmen wisely and in season guarding and caring for palpable present and probable future events, we ought to take immediate and effectual measures, by full and accurate surveys of the most comprehensive and satisfactory character, to ascertain the practicability or impracticability of constructing the three great routes to which I have alluded, and by complete and reliable estimates to ascertain and announce their probable cost; and at any and all times for such a patriotic and proper measure my vote and earnest advocacy shall be ready.

Having thus expressed myself in regard to the general question, I wish now to ask special attention to that portion of the subject which was given to me particularly in charge, namely, the feasibility and desirability of a canal-route across the State of Florida, as one of the main features of the great general plan of relief.

I have probably gone more largely into the general reasoning and given more time and attention to the general statistics upon the subject than I otherwise should, because all these facts and reasonings are more particularly applicable to the existing plans of water transit across Florida than to any other one feature of the general plan, and this for the convincing reason that the water-line across Florida will relieve the general stagnation of western trade as much as any other: it can be more easily built than any other; it can be constructed in much less time, and will cost very much less, while it will be effective at all seasons throughout the year.

The possible and, as I believe, practicable routes through the peninsula are three in number, and may be called the Suwannee and Saint Mary's, the Suwannee and Black Creek, and the Withlacoochee Lake and Saint John's routes.

All these three routes contemplate a common or joint trunk line from the city of New Orleans, through Lake Borgne, eastwardly through the large, numerous, and peculiar inlets, bays, and lagoons with which the northern gulf coast seems to have been providentially furnished. So far the practicability of this safe inland route has never, for seventy-five years, been doubted; indeed, it seems scarcely possible for the most incredulous to continue in doubt after learning that with only twelve miles of artificial excavation to connect the natural water-courses some three hundred and fifty miles of navigation will be accomplished.

This fact has been well known to many for years, and was conclusively established by the survey called General Bernard's survey, which, of the date of February 19, 1829, will be found in the report made to Congress by the board of internal improvement.

From the mouth of the Suwannee to the Saint Mary's, or "Raiford's route," and Suwannee, Santa Fé, and Black Creek route diverges from the Withlacoochee route and passes up the Suwannee, then diverging from each other, the Saint Mary's route pointing from the head-waters of the Suwannee by the way of Okefinokee Swamp to the Saint Mary's, and then down the Saint Mary's to the harbor of Fernandina.

The highest estimate that to my knowledge has ever been reasonably made of the cost of a canal across Florida would be more than paid once in every ten years by the saving of insurance alone. It would be paid a second time once in every ten years by the saving on the cost of transportation of western grain alone.

Mr. Charles Randolph, secretary of the Chicago Board of Trade, in August, 1870, (see New York Tribune of August 27, 1870,) admits that such is the superior economy of water transportation that "it does not cost any more to put a bushel of wheat grown in Iowa into an elevator at New Orleans than into an elevator at Chicago."

And the testimony of Mr. Higby, a grain-dealer of life-long ex-

perience in New York and Wisconsin and of continental reputation, shows the storage of grain in New Orleans to be as safe and for many considerations preferable to storage in New York or Saint Louis.

The present importance, not to say imperative necessity, of the Florida transit is immeasurably enhanced by the strong probability indeed certainty, of an early accomplishment of some water communication between the Atlantic and Pacific as demanded by the commerce of the world.

On consideration of the earnest and pressing and almost desperate demands of the South and West, comprising in extent a majority of the area and po pulation and resources of the entire country, as well as the certainty of the vast benefits that will surely attend the construction of anyor all of the four gre at routes, namely, the Mississippi, the Northern, the Central, and Southern routes, which upon careful and full survey shall be found practicable and desirable. I desire to say with the utmost emphasis that I have not a doubt that both duty and expediency demand an immediate survey of these routes at the expense of the nation, and that they should be immediately ordered by Congress.

Granite Contracts.

SPEECH OF HON. J. AMBLER SMITH,

OF VIRGINIA,

IN THE HOUSE OF REPRESENTATIVES,

June 15, 1874.

The House being in Committee of the Whole, and having under consideration the bill (H. R. No. 3600) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1875, and for other purposes—

Mr. SMITH, of Virginia, said:

Mr. CHAIRMAN: I am in nowise responsible for any improper action that has been had in these contracts. I have called the attention of the President to Washburn's connection with the violations of law and protested against it.

Mr. SPEER. I made no reference to you.

Mr. SMITH, of Virginia. Of course no man in the House would. I make this statement so that members may know that I have nothing to conceal. I am anxious that any party who has acted improperly in this matter should be punished. I have condemned the connection of Federal officials with these contracts openly, and do now condemn them. Colonel Albert Ordway, the contractor, has stated frequently to me and several persons that Andrew Washburn forced him to give an interest in this contract that paid said Washburn $60,000. Among the number I name Colonel Williard Smith, superintendent of the granite works, Dr. Edwin H. Smith, Major Hart, myself, and a number of others. I am glad the gentleman has mentioned the matter in the House, so that it can be properly brought before the law-officers of the Government, and if it should be shown that Washburn did receive this money improperly he may be punished.

But when the Government is offered as good granite as can be furnished for a fair price by a Virginia company, I hope that gentlemen will not, for the purpose of punishing criminals or men who have acted improperly, attack the innocent contractors, and through them hundreds of honest skilled laborers, who are now waiting patiently for this appropriation to be made so that they may get employment and support their families. Messrs. Ordway & Co. furnished the granite as low as it can be had, and if men have defrauded them, and at the same time have defrauded the Government, go for those men; instruct the officers of the courts to prosecute them to the full extent of the law; but do not attack the innocent contractors, Ordway & Co. They have been guilty of no frauds. They have carried out their contract in good faith and honesty. They are to-day poorer than when they commenced, and all by reason of this rascally Washburn & Co.'s combination to make money out of them.

Mr. SPEER. I have not attacked them. I have merely stated facts in regard to the contract and the price paid. Does the gentleman dispute the facts I have stated? Does he dispute that they get two dollars a cubic foot for this granite?

Mr. SMITH, of Virginia. I say that they furnish it as cheaply as anybody could do and that they get only fifty-nine cents. a cubic foot; but I say that the Government or the contractors have been swindled out of $60,000 or more, and that too by an officer of the Government, or to be more explicit, a Government officer has received that amount of money in flagrant violation of the laws of our country. (See Statutes at Large, volume 12, page 568.)

Mr. SPEER. Is he still an officer there?

Mr. SMITH, of Virginia. He is, and the only man who indorses him in Virginia that I know of is my colleague, Mr. PLATT.

Mr. PLATT, of Virginia, having obtained the floor and made a five-minute speech—

Mr. SMITH, of Virginia, obtained the floor.

Mr. GARFIELD. I ask unanimous consent that the debate on the question be closed in five minutes.

There was no objection.

Mr. SMITH, of Virginia. Mr. Chairman, there is no man who can bear more or suffer more with patience than I can. I have sat here during this entire session refraining from asking, as I felt impelled to do, an investigation into the letting of this contract because I foresaw that certain of our opponents would undertake to make political use of any proposition for an investigation. My desire is not to injure Washburn but to do justice to a much-injured people. For that reason I have submitted to what I believed to be an imposition upon Virginia and an imposition upon the nation. I want the committee to understand that the continuing of this contract has no possible bearing upon the outrages committed in connection with the last contract.

The men who, as I have said before, plundered the Government or the contractors in the last contract, and who did no service, will have no possible interest in this contract. Colonel A. Ordway, who is an industrious citizen of my district, and one of the sharpest New Englanders I have ever met, stated to me the other day in this Hall that he would suffer his right arm to be taken off before he would allow Andrew Washburn to take advantage of him again. I want the committee to understand it; I want the committee to understand if there has been blackmailing before there can be no blackmailing again.

Mr. Chairman, our people have furnished this granite as low as any other parties could furnish it, and lower than New England offered to furnish it. Mr. Andrew Washburn, of the Fourteenth Massachusetts Volunteers, who was dishonorably discharged from that regiment for embezzlement during the war, has made money dishonestly.

I herewith publish the official copy of the trial and conviction of said Washburn, obtained from the War Department:

[General Orders, No. 156.]

HEADQUARTERS ARMY OF THE POTOMAC,
Camp near Rockville, Maryland, September 10, 1862.

I. Before a general court-martial, of which Colonel Gustave Waagner, Second New York Artillery, is president, which convened near Fairfax Seminary, Virginia, on the 30th day of July, 1862, pursuant to Special Orders No. 94, from Headquarters Sturgis Division, was arraigned and tried Major Andrew Washburn, Fourteenth Massachusetts Volunteers, on the following charges and specifications:

CHARGE 1.—Embezzling of public money of the Subsistence Department of the Army intrusted to him.

Specification 1—In this, that he, Andrew Washburn, regimental quartermaster of the Fourteenth Regiment of Massachusetts Volunteers, and acting commissary of subsistence at Fort Albany, Virginia, on the 30th September, 1861, did then and there convert to his own use and embezzle $20.26, money of the Subsistence Department paid him for sales to officers of commissary stores in said month.

Specification 2.—In this, that he, Andrew Washburn, regimental quartermaster of the Fourteenth Regiment Massachusetts Volunteers, and acting commissary of subsistence at Fort Albany, Virginia, on the 31st day of October, 1861, did then and there convert to his own use and embezzle $38.28, money of the Subsistence Department paid him for sales to officers of commissary stores in said month.

Specification 3.—In this, that he, Andrew Washburn, regimental quartermaster of the Fourteenth Regiment Massachusetts Volunteers, and acting commissary of subsistence at Fort Albany, Virginia, on the 30th day of November, 1861, did then and there convert to his own use and embezzle $27.01, money of the Subsistence Department paid him for sales to officers of commissary stores in said month.

Specification 4.—In this, that he, Andrew Washburn, regimental quartermaster of the Fourteenth Regiment Massachusetts Volunteers, and acting commissary of subsistence at Fort Albany, Virginia, on the 31st day of December, 1861, did then and there convert to his own use and embezzle $30.94, money of the Subsistence Department paid him for sales to officers of commissary stores in said month.

Specification 5.—In this, that he, Andrew Washburn, regimental quartermaster of the Fourteenth Regiment Massachusetts Volunteers, and acting commissary of subsistence at Fort Albany, Virginia, on the 31st day of January, 1862, did then and there convert to his own use and embezzle $10.51, money of the Subsistence Department paid to him for sales to officers of commissary stores during the said month.

Specification 6.—In this, that he, Andrew Washburn, regimental quartermaster of the Fourteenth Regiment Massachusetts Volunteers, and acting commissary of subsistence at Fort Albany, Virginia, on the 28th day of February, 1862, did then and there convert to his own use and embezzle $20.63, money of the Subsistence Department paid to him for sales to officers of commissary stores during the said month.

Specification 7.—In this, that he, Andrew Washburn, regimental quartermaster of the Fourteenth Regiment Massachusetts Volunteers, and acting commissary of subsistence at Fort Albany, Virginia, on the 14th day of March, 1862, did then and there convert to his own use and embezzle $21.83, money of the Subsistence Department, paid to him for sales to officers of commissary stores during the forgoing part of said month.

CHARGE 2.—Embezzlement of public property.

Specification 1.—In this, that he, Andrew Washburn, regimental quartermaster of the Fourteenth Regiment Massachusetts Volunteers, and acting commissary of subsistence at Fort Albany, Virginia, on the 25th day of September, 1861, did then and there convert to his own use and embezzle one barrel of salt beef, provisions belonging to the United States, worth $13.85, received by him from the savings of Company F of said regiment.

Specification 2.—In this, that he, Andrew Washburn, regimental quartermaster of the Fourteenth Regiment Massachusetts Volunteers, and acting assistant commissary of subsistence at Fort Albany, Virginia, on the 31st day of October, 1861, did then and there convert to his own use and embezzle two barrels of salt beef, provisions belonging to the United States, worth $27.70, received by him from the savings of Company B of said regiment.

Specification 3.—In this, that he, Andrew Washburn, regimental quartermaster of the Fourteenth Regiment Massachusetts Volunteers, and acting assistant commissary of subsistence at Fort Albany, Virginia, on the 1st day of November, 1861, did then and there convert to his own use and embezzle four barrels of salt beef, provisions belonging to the United States, worth $55.40, received by him from the savings of Company F of said regiment.

CHARGE 3.—Conduct unbecoming an officer and a gentleman.

Specification 2.—In this, that he, Andrew Washburn, regimental quartermaster of the Fourteenth Regiment Massachusetts Volunteers, and acting assistant commissary of subsistence at Fort Albany, Virginia, on the 1st day of November, 1861, did then and there pay five dollars only per barrel for four barrels of salt beef, of the savings of Company F of said regiment, instead of $55.40, the cost-price of said

beef, which by the regulations of the service was the just and true amount to be paid therefor; and therein he did defraud said company.

Specification 3.—In this, that he, Andrew Washburn, regimental quartermaster of the Fourteenth Regiment Massachusetts Volunteers, and assistant commissary of subsistence at Fort Albany, Virginia, on the 31st day of December, 1861, did then and there omit from his provision returns for said month any account of beef, namely, fifty-two and a quarter pounds, sold to Captain Bradley of said regiment in said month; and therein said Washburn did render and certify a false return.

Specification 4.—In this, that he, Andrew Washburn, regimental quartermaster of the Fourteenth Regiment Massachusetts Volunteers, and assistant commissary of subsistence at Fort Albany, Virginia, from the 1st day of September, 1861, to the 14th day of March, 1862, did not during the whole of said period credit the Government with moneys received from sales of commissary stores, or render any account to the proper department of such sales, except of and for sixty-three pounds fresh beef, two hundred and fifty-three pounds of candles, four thousand nine hundred and eighty-eight pounds of potatoes, thirty pounds of tea, four hundred and fifty pounds of sugar, and forty gallons of molasses; whereas in fact he had sold and received money for a much larger amount of each and all of these articles than thus returned and accounted for; and had also sold and received money for other articles whereof he rendered no account whatever, that is to say, coffee, rice, hominy, beans, vinegar, soap, pork, ham, bread, and flour.

To which charges and specifications the accused pleaded not guilty.

After mature deliberation on the evidence adduced the court finds the accused as follows:

Of the first specification of the first charge, guilty.
Of the second specification of the first charge, guilty.
Of the third specification of the first charge, guilty.
Of the fourth specification of the first charge, guilty.
Of the fifth specification of the first charge, not guilty.
Of the sixth specification of the first charge, guilty.
Of the seventh specification of the first charge, guilty.
Of the first charge, guilty.
Of the first specification, second charge, guilty.
Of the second specification, second charge, guilty.
Of the third specification, second charge, guilty.
Of the second charge, guilty.
Of the first specification of third charge, guilty.
Of the second specification of third charge, guilty.
Of the third specification of third charge, guilty.
Of the fourth specification of third charge, guilty.
Of the third charge, guilty.

And the court does therefore sentence him, Major Andrew Washburne, Fourteenth Massachusetts Volunteers, "to be cashiered, and to refund the money."

II. The proceedings in the case of Major Washburn, Fourteenth Massachusetts Volunteers, are confirmed. Major Washburn accordingly ceases to be an officer in the military service of the United States from this date.

By command of Major-General McClellan.

S. WILLIAMS,
Assistant Adjutant-General.

Washburn was out of the contract, afterward pardoned through political influence. No *bona fide* Virginian, native-born or adopted, has made one dollar he was not entitled to. The Virginians connected with the contract are honest men, and they have given the Government the best granite ever furnished for any public building and they have furnished it cheaper than any other persons would have done. In making this appropriation you will do an act of justice to Virginia and one that is due from the national Government. My colleague [Mr. PLATT] is exceedingly tender on this subject; he flies to the defense of a man living a hundred miles away from him with an officiousness that is astounding. He tells the House that Washburn has done nothing wrong. To show that my colleague does not know of what he is speaking, I desire to print the contract between the sharp New Englander, Ordway, and the still sharper one, Washburn:

Agreement of partnership between Albert Ordway, of Richmond, Virginia, and Andrew Washburn, of said Richmond, made November 25, 1871.

The said Albert Ordway and Andrew Washburn hereby agree to form a partner ship for the purpose of cutting, dressing, and boxing the stone to be furnished the United States under the contract of said Ordway, dated November 16, 1871, for the new State Department at Washington, District of Columbia.

Mr. Washburn agrees with Mr. Ordway that he will furnish all capital, make all the necessary expenditures, and become responsible for and carry on all the work of cutting, dressing, and boxing said stone, including all the work for which the United States is to pay the actual cost and 15 per cent. in addition, under said contract of November 16, 1871; all to be done to the full and complete satisfaction of the Government.

In reimbursement of the capital furnished, and for the use thereof and the responsibility assumed and services performed in carrying on the work devolving upon Mr. Washburn under this agreement, he is to receive the full amount of money paid by the Government therefor under said contract of November, 16, 1871, including said 15 per cent. thereon.

Mr. Ordway agrees with Mr. Washburn that he will become responsible for and seasonably quarry and furnish for cutting, in accordance with said contract of November 16, all the stone necessary to enable Mr. Washburn to promptly prepare the same for the Government in accordance with this agreement; and also to render to Mr. Washburn his personal assistance as may be required in superintending the cutting and dressing of the stone and performing the work.

Payments to Mr. Washburn are to be made as fast as the money is paid by the Government, and Mr. Ordway agrees that if practicable such payments may be made directly by the Government to Mr. Washburn, and that he will execute any powers of attorney or further agreements that may be necessary for that purpose.

In case of any failure at any time of Mr. Washburn to furnish money as needed, so that Mr. Ordway is compelled to furnish the same, Mr. Washburn is to forfeit his claim to a proportional share of the profits otherwise due him.

The balance of the money paid by the Government under said contract of November 16 is to be received and retained by Mr. Ordway; and he is to have no claim upon Mr. Washburn for losses, if any there shall be, in quarrying the stone.

In case it may be advisable for the accommodation of the workmen engaged in performing work under said contract of November 16, 1871, to establish a store for the sale of provisions, clothing, and other merchandise, the same shall be established by Mr. Ordway, and Mr. Washburn agrees that he will not claim any participation therein, nor himself establish any competing store; and that he will afford all reasonable facilities to Mr. Ordway for the collection of any store accounts against said workmen.

Any buildings that may be necessary to be erected by Mr. Washburn at or near the quarries to carry out said contract he may remove within six months after the dissolution of this agreement, or if Mr. Washburn so elects Mr. Ordway agrees to purchase them upon such dissolution at prices to be fixed, if the parties do not agree, by referees, one to be selected by each party and a third to be selected by said two referees.

Mr. Ordway agrees not to open boarding-houses for the workmen engaged in cutting or dressing the stone; and also agrees to grant without charge the use of all land required by Mr. Washburn for any purpose connected with the execution of this contract.

This agreement is to extend only to the workmen connected with the south wing of the State Department building first to be erected, and not to the work for the other portions designed for the War and Navy Departments; and upon the completion of the work this partnership is to be dissolved.

Signed and sealed in duplicate this 25th day of November, 1871.

ALBERT ORDWAY. [L. S.]
ANDREW WASHBURN. [L. S.]

Witness.
GEO. GRAY.
W. N. WALTON.
JAMES H. PLATT, Jr.

DEPARTMENT OF STATE, *Washington, December* 12, 1871.

Consent given to the foregoing.

HAMILTON FISH,
Secretary of State.

In this contract Ordway presents to Washburn without consideration the 15 per cent. paid by the Government for expending the Government's money in cutting and dressing the stone, which of course involved no risk to Washburne, but which was intended for the benefit of the *bona fide* contractors; and for what? It is alleged for the advance of capital to dress the stone, whereas the Government furnished the capital. This contract bears corruption on its face. No honest man can read it without being struck with it, the contract being originally given to Ordway alone. It is reeking with corruption from beginning to end, and I have the assurance of Mr. Ordway, made to myself and others, that he would never have agreed to it except that he had been threatened that unless he consented to this wholesale robbery he should not have the contract, although he was the lowest bidder.

Not satisfied with this contract, and judging other people by himself, Washburne required Ordway to give him a power of attorney, to wit:

POWER OF ATTORNEY.

Know all men by these presents that I, Albert Ordway, of the city of Richmond, in the State of Virginia, have made, constituted, and appointed, and by these presents do make, constitute, and appoint, Andrew Washburn, of the city of Richmond, in the State of Virginia, my true and lawful attorney for me and in my name, place, and stead to make out vouchers and to receive payment thereon or so much thereof as might be due by the Government of the United States for cutting granite for the construction of the State Department wing of the new State, War, and Navy Department building, now in process of erection in the city of Washington, in the District of Columbia, under my contract therefor, dated November 15, 1871; giving and granting to my said attorney full power and authority to do and perform all and every act and thing whatsoever requisite and necessary to be done in and about the premises as fully to all intents and purposes as I might or could do if personally present at the doing thereof, hereby ratifying and confirming all that my said attorney may or shall lawfully do or cause to be done by virtue hereof.

This power of attorney shall cease and be null, void, and of no effect on the termination of the partnership existing between Albert Ordway and Andrew Washburn aforesaid, and now on file in the office of the Secretary of State, in the city of Washington, District of Columbia.

In testimony whereof I have hereto set my hand and seal this 3d day of February, 1872.

ALBERT ORDWAY. [SEAL.]

[Fifty-cent U. S. internal-revenue stamp.]

Witness:
DAVID B. PARKER.
THOS. P. JACKSON.

UNITED STATES OF AMERICA. *Eastern District of Virginia:*

I, M. F. Pleasants, clerk of the circuit court of the United States for the district aforesaid, do hereby certify that Albert Ordway, the party to a certain power of attorney bearing date on the 3d day of February, 1872, aforesaid, the said Albert Ordway, of the city of Richmond, in the State of Virginia, being personally well known to me as the person who executed said power of attorney, acknowledged the same to be his act and deed.

Given under my hand and official seal this 3d day of February, 1872.

[SEAL.] M. F. PLEASANTS, *Clerk.*

[Five-cent U. S. internal-revenue stamp.]

Here the fraud is again shown, and now, Mr. Chairman, in the name of the republicans of Virginia, I demand an investigation of this gross fraud.

Freedmen's Savings and Trust Company.

SPEECH OF HON. E. D. STANDIFORD,

OF KENTUCKY,

IN THE HOUSE OF REPRESENTATIVES,

June 16, 1874,

On the bill to annul the charter of the Freedmen's Savings and Trust Company.

Mr. STANDIFORD. Mr. Speaker, this bill to annul the charter of the Freedman's Savings and Trust Company came to us from the Senate, after having passed the House, in an entirely different form. The other body saw fit to strike out the whole of the bill as we passed it, and substitute an entirely different bill, and one that had we agreed to would have crippled the financial prospects of the colored people in the South for many years to come. Such was the nature of it that I could not divest myself of the idea that it was gotten up in the interest of a ring, and passed the Senate without proper consideration.

While the amendment as it came to us from our Committee on Banking and Currency met my hearty approval, I was compelled by sentiments of common honesty, and a desire to see justice done, to oppose the Senate substitute.

The Senate bill if made a law would have simply appointed a receiver for the Freedman's Bank, declaring it insolvent, and turned its property and possessions over to be divided up among sheriffs, attorneys, commissioners of various kinds, and lastly the depositors who would find their share greatly diminished by reason of the legal processes which it would necessarily undergo before it would reach their hands. A proper consideration of the Senate bill, based upon a knowledge of the condition of the institution, would show that the measure was unjust and in bad faith to the interests of the colored men who had become depositors in this bank. The bank, under the amendment offered by my colleague, if let alone would be able to pay to the last dollar all of its depositors; and while the Senate bill in my opinion would have placed it beyond its power to do so, it would have placed the funds of the institution in the hands of three irresponsible men, whom, from the nature of their position, it would have been impossible to have checked from wasting the money and property thus placed under their control. While not attacking the personal integrity of any prospective commissioner under that bill, I say that we would not be dealing honestly with these hard-working colored men if we placed their money in a shape where it might be disposed of for private benefit and accounted for in a general way, unless it would be from the necessity of resorting to such a measure to save a part rather than lose the whole, which condition of affairs has not arisen in the case of this institution, notwithstanding its past injudicious management. It was unjust, because the depositors would not receive their money back under its provisions.

This bank is the creature of the present party in power; and it was upon the pledged faith of the Government, as they understood it, that induced these colored men to deposit a portion of their hard earnings in its keeping, supposing that they had the word of the republican party, which they regarded as their deliverer from bondage, that it should be returned to them with interest. It is useless for gentlemen to say that the law incorporating the bank did not so state, or so pledge the General Government for the redemption of deposits. You could not expect that these poor, uneducated, hard-working colored men and women so lately released from slavery, and for the protection of whose political rights that party think it necessary to make such stringent laws, would understand and comprehend the scope of a law incorporating a bank; it was sufficient for them that the party in power, their party, their friend, had established this bank and christened it with the sounding title "The Freedman's Savings and Trust Company." To each of these colored men it was as though there was written after the name of the institution "under the patronage of the republican party, who pledge the faith of the United States for the safety of deposits."

I tell you, sir, that the United States is as morally bound to see to it that not a dollar is lost to these men as it is possible to establish a moral obligation. There are $3,000,000 in the hands of this company, and those $3,000,000 is the money saved by the recently liberated slave from his small wages earned beneath the heat of the southern sun in the tobacco and corn field and upon the cotton plantation and deposited in the various branches of this bank, ranging in individual credits of from one dollar to one thousand dollars. The Senate bill would at once have closed up the bank and its branches and have left the poor deluded freedman to employ a lawyer to recover a portion of what he had theretofore considered savings for a time of need. Most of us have had experience in these matters of insolvency and bankruptcy, and know that the creditors usually receive the smallest dividends; and so the freedman would get, after all the law's delay, but an insignificant part of what he would be entitled to receive. I tell you, sir, it will be the death-blow to any encouragement to industry, economy, and thrift among the late slaves for years to come if the depositors in this bank are not paid dollar for dollar.

But there was one feature in this bill of which I must speak in terms of special condemnation. While it robbed the honest colored man of his sweat-earned wages, it provided munificently for the payment of the proposed commissioners; and while the poor freedman wastes his strength in industrious toil to save from out his scanty earnings something to keep him when he is old, these official gentlemen can live lives of luxury and ease by the labor of these colored men.

The bill, as it has come back to us from the conference committee, provides fully for the protection of the depositors in this bank in the future, and under its provisions I have no doubt, from all the information I can gather in reference to the securities upon which their money was loaned, that every depositor will receive every dollar of his money. It does away with the most objectionable feature in the original bill, (except the incorporation of the bank itself,) and the feature which, to my mind, has caused all the trouble, namely, requiring all the branches to send the money received by them on deposit to Washington for investment. This has resulted badly in several ways, the worst of which are: First, the money has not been wisely handled here, their investments have been injudicious and unbusiness-like, although not likely to result in very great loss under careful management and the exercise of good judgment, if time be given for the conversion into money of their securities; second, this plan has taken away from the South and Southwest, where these branch banks have been established, that much currency which should have been kept in those localities to be used by the industrious colored men to help them obtain homes and assist them in business. All the money deposited in those branch banks could have been loaned in that way, and ample security obtained which would, I imagine, be as well as investing in certificates of the board of public works of the District of Columbia, as was done with a portion of the money sent to this bank.

The South is and has been suffering from a lack of currency, and this has been one of the drains which has helped to deplete it in that respect. It was wrong in the first place to compel this money to be sent here for investment. The principle upon which the bank was organized was wrong. The men in charge of the bank at Washington were incompetent and ought to be held responsible for the bad investment of the funds trusted to their care. Many of the branches were well and ably conducted, and that was the case with the branch at Louisville.

We ought not to recede from the position that these men shall be taken care of to the extent that they have been trusted in this bank, and I am of the opinion that this bill will guarantee them that protection. This experiment in banking will be a valuable lesson that will teach the colored people to look to their home institutions for the safety of their surplus cash, and not to depend upon the Government for everything. It will teach them that they have to take their chances with all others in the business transactions of life, and that it is better to trust their friends at home than to depend upon imaginary friends abroad.

Civil Rights.

SPEECH OF HON. C. B. DARRALL,

OF LOUISIANA,

IN THE HOUSE OF REPRESENTATIVES,

June 16, 1874,

On the bill to protect all citizens in their civil and legal rights.

Mr. DARRALL. Mr. Speaker, I did not intend till very recently to say anything on the subject of securing by action of the Congress of the United States equal civil rights to all the people of the States. I had felt sure that with a two-thirds majority in each branch of Congress of republican members there would be no doubt of the passage of the bill, and I did not, so long as this result was reached, care to consume the time of the House in a discussion of the merits of such a bill, or in the reasons why it should become a law. But the recent votes of the House on the motion to suspend the rules and refer the Senate bill now on the Speaker's table to the Judiciary Committee, with leave to report at any time, have shown a disposition on the part of some members, and I am sorry to say of members returned here in great part by the votes of the class to be benefited by this bill, to either modify the Senate bill in one of its most important features, that regarding the right to attendance in the public schools, or else to prevent any action at all by voting against suspending the rules and making the reference. This places the Senate bill in a position requiring a two-thirds vote of the House to reach it, and leaves but little doubt that no action will be taken this session at all, or if action should be had the bill will, or may be, amended by striking out the school clause, and in this shape sending it back to the Senate, there to fail from want of time to reach it so close the end of the session. Thus it is not only possible but quite likely that this just and righteous measure to a large portion of our people will fail to become a law; that though it is a part of the platform of the republican party that civil rights should be granted to all citizens, and this party is in a two-thirds majority in Congress, that though it has been recommended time and again by the President in his messages, still it is likely to lie over for final action and passage till another session of Congress.

I have been silent heretofore in regard to this measure because I thought that surely after these long years of probation there was no member of the republican party but had become convinced that it was not only just and right, but safe in every sense of the word to confer by law on our colored citizens all the rights enjoyed by others. I had thought that perhaps some of our members from the Northern States who had not seen much of the practical workings of the enfranchisement of the colored people, might have their doubts as to the wisdom of conferring these additional rights on this class, as they might have been led to believe that it would do harm by involving questions of social privileges, and I was prepared to show and demonstrate from my personal knowledge that this would not be the case.

I am glad to say this has not been necessary, as the members of our party from the North only seem anxious to complete this final act of justice to a people who have suffered ages of degradation and wrong. But while I have been agreeably surprised in this respect to find how well this important question is understood and appreciated in that

section of the country, I was not prepared to see gentlemen on this floor, members of the republican party, who come here representing southern constituencies, representing districts in which the colored people constitute a large portion of the population, have any doubt as to the wisdom of passing this bill—indeed have so much doubt that they have even gone so far as to vote against the reference of it to the proper committee.

Under these circumstances, Mr. Speaker, I have felt it my duty, coming as I do from one of the extreme Southern States, where we have been trying for some years the experiment of placing all of our citizens on an equality in their civil rights, where we have demonstrated that the granting of the right of attendance in the public schools of the State to colored children does not destroy the usefulness of our schools, to here and now enter my protest against further delay in the passage of this bill, and to bear witness from personal knowledge, and from the history of the State of Louisiana, where civil rights and free schools to all of every race have been tried, and thoroughly tried for several years, that the granting of these rights does no possible harm to any class of citizens, and raises a heavy burden from a large and important part of our people; that the opening of our schools alike to all our children have in no way impaired their usefulness. These, sir, are facts, and cannot be too widely known, that colored people under the Constitution and laws of Louisiana have all the civil rights of other citizens, that colored children attend any and all the public schools of that State, and I shall show as I proceed that not only do white republicans and colored people approve of this, but many of the oldest and best of the citizens of that State have publicly in mass meetings and addresses heartily approved of all the features of the civil-rights bill, including free schools to all. When this is demonstrated in a State like Louisiana, it seems to me that all the arguments against this bill fall to the ground.

Before proceeding to this I desire to call attention to the fact shown by the vote of the House May 25, on the motion made by the gentleman from Massachusetts [Mr. BUTLER] to refer the bill to the Judiciary Committee, that of the republicans voting against doing so, all but one or two were from the border Southern States, and are natives or old residents of those States. And it has occurred to me that though these gentlemen may have so far accepted the rights of the colored people as to allow them to cast their votes for the purpose of giving them seats on this floor, with all the honor and emoluments, including the two bouquets and pine box attached thereto, still there must be lingering in their minds some of the old leaven of prejudice engendered by their early training and associations that prevents them from coming out frankly and granting these rights which they know their colored constituents so ardently desire, and which they must surely know, unless they are blind to the history of their own section for the last few years, that the colored people will never abuse. I know it is claimed and the excuse is made that the school clause of the bill will injuriously affect the common schools of certain States. Well, sir, I am glad to see these gentlemen so anxious about their common schools and the education of the colored children; but their anxiety in this regard is uncalled for, and seems to me but a poor excuse indeed for opposing the bill.

I can to my own satisfaction only explain the secret of this action by believing that it is owing to the senseless and unreasoning prejudice that has at all times controlled the white people of the South in their treatment of the colored people; that is in their treatment as a whole; for I admit that there are instances where there are honorable exceptions to this. But, sir, whether it is this or some other reason that has controlled these gentlemen in their action on this bill it will still remain a sad reminder to the colored people of the country that justice is denied them again, and by those whom their own votes have elevated to high positions.

I have said that we have in the State of Louisiana tried the experiment of equal civil rights to all of our citizens, and I desire to place before the House the evidence not only of the friends of this measure there, but that also of its worst enemies, of those whom we would suppose would be the last to admit such a policy was wise or just, and who certainly would not have admitted what they have were they not convinced by actual trial of its results, that the granting of equal civil rights to all the people of a State or country is the only true policy to make the people contented, happy, and prosperous.

The constitution of the State of Louisiana provides:

ART. 13. That all persons shall enjoy equal rights and privileges upon any conveyance of a public character; and all places of business or of public resort, or for which a license is required by either State, parish, or municipal authority, shall be deemed places of a public character, and shall be opened to the accommodation and patronage of all persons without distinction or discrimination on account of color.

And further:

ART. 135. That all children of this State between the ages of six and twenty-one shall be admitted to the public schools or other institutions of learning sustained or established by the State in common, without distinction of race, color, or previous condition.

The constitution containing the provisions above was adopted and ratified on the 17th and 18th days of April, 1868, by a vote of the people of that State, and the majority for it was over 35,000 in a total vote of about 103,000.

The Legislature has provided laws for the enforcement of all the provisions quoted, and they have been in force for some years. It is true they have given rise to some litigation, and suits have been decided in about all cases in favor of the colored persons aggrieved. Still, though the law gives them all these rights, there has been little effort on the part of colored citizens to insist on all their privileges on common conveyances and in places of amusement and public resort. They seem to have preferred to let the prejudice held against themselves gradually die away. Though they have the entire power in their hands through the law to obtain all their rights, they have shown there a spirit of forbearance and conciliation that it is unfortunate their white brothers do not imitate.

Though these laws in that State have not been rigidly enforced, still they have been in effect and enforced to some extent; and though a certain class of people there have made some noise, the wiser and better class of the white people of the State have come to recognize, as I will show, their justness and wisdom. And I think I can demonstrate to the House, from our experience there, that if we pass this general civil-rights bill, applying to all the citizens of all the States, it will in less than five years be cheerfully acquiesced in by all; that the class of people to be affected and benefited by it will use the rights it confers so moderately and judiciously that in even less time than that they will to a great extent disarm this senseless prejudice that prevents its passage.

If the provisions of the civil-rights laws of that State regarding conveyances and places of public resort have not been so rigidly enforced, that other provision in regard to the right of attendance in the public schools has been. And as this is the feature of the present bill that seems especially obnoxious to many, I am glad we can show such favorable results from our experience. The school law attaches heavy penalties to the refusal of colored children admission into any of the public schools; some years ago it was put in force against an opposition on the part of the press and white people that was very strong, and especially in the city of New Orleans. There the people were advised by the opponents of the free schools to take their children from them, and give the schools over to the colored children; every argument of prejudice and hate was used to effect this, and with what result the report of the board of school directors of the city of New Orleans of as long ago as 1871 will show. In the report for that year made to the State board of education by Judge Henry C. Dibble, president of the city board, the following in regard to enforcement of free schools to all children of whatever color is said:

The requirements of the school law have been faithfully observed by the board, and no case has come to their knowledge of the exclusion of a pupil on account of race, color, or previous condition. Nor has this strict adherence to the law been attended by any of the unfavorable results so freely predicted, in advance of the honest trial of an impartial system of education. As a general thing, pupils have preferred to attend at schools where their associates are of their own race, but in the instances where, under the action of the law, schools have to some extent become mixed schools, no difficulty is experienced. In one school where, under the passionate impulse of the moment, the whole number of white children was withdrawn because of the admission of colored pupils, they have returned to their places, and the school is proceeding harmoniously.

This shows the effect of impartial schools in the city of New Orleans, and such was the result all over the State as is shown by the report of superintendents and school directors at that time. Since then, although there has been an occasional growl in the press, the people have seen the practical workings of such a system, and are satisfied, and instead of the schools being destroyed as it was asserted then they would be, just as it is now they will be in Virginia and Tennessee, they have increased and prospered till to-day there is ten times at least the number of public schools in the State that there was before the passage of the law. And, sir, that State has had at the head of its schools as State superintendent of education since the 1st of January, 1873, a colored man, a gentleman in the true sense of the word, and one whose energy, varied accomplishments, and thorough education peculiarly qualify him for the duties of his position. Under his charge the schools of the State are more prosperous than ever before, the only drawback being the want of means to place them on an equal footing with those of more favored communities. It my time would admit I would like to read to the House a few of the many complimentary notices from democratic papers of this colored superintendent of education, but I will content myself by saying that he has performed his trying duties in such a manner as to gain the respect and disarm the prejudice of all his political enemies.

Now, in regard to our civil rights and school laws in that State, I have given the evidence of the friends of these measures. It was charged that the enforcement of the school law would destroy our schools; I have shown it has had just the opposite effect. With this example before their eyes how can gentlemen from the States of Virginia, North Carolina, or Tennessee with any degree of consistency assert that the passage of the law will injure their public schools in those States? Surely the experience of Louisiana is sufficient to convince the most skeptical. But I desire to place before the House the evidence of a class of our citizens there who have always opposed these measures; at least they did so till a year or more ago. About a year ago a movement for what was called the unification of the people of Louisiana was started in New Orleans. A committee of one hundred leading men of the two races were appointed to prepare resolutions to be presented to a grand mass meeting called for the 15th of July, 1873. This committee adopted a series of resolutions and published them in the papers, over their signatures and those of several thousand of the wealthiest merchants, bankers, and others of that city, indorsing the sentiments of the resolutions in the call for the mass meeting.

I quote at some length from these resolutions, and ask the careful attention of the House to their hearty indorsement of all civil rights to colored citizens. They are as follows:

Resolved, That henceforward we dedicate ourselves to the unification of our people.

Resolved, That by "our people" we mean all men, of whatever race, color, or religion, who are citizens of Louisiana, and who are willing to work for her prosperity.

Resolved, That we shall advocate by speech and pen and deed the equal and impartial exercise by every citizen of Louisiana of every civil and political right guaranteed by the Constitution and laws of the United States and by the laws of honor, brotherhood, and fair-dealing.

Resolved, That we shall maintain and advocate the right of every citizen of Louisiana, and of every citizen of the United States, to frequent at will all places of public resort, and to travel at will on all vehicles of public conveyance upon terms of perfect equality with any and every other citizen; and we pledge ourselves, so far as our influence, counsel, and example may go, to make this right a live and practical right; and that there may be no misunderstanding of our views on this point—

First. We shall recommend to the proprietors of all places of licensed public resort in the State of Louisiana the opening of said places to the patronage of both races inhabiting our State.

Second. And we shall further recommend that all railroads, steamboats, steamships, and other public conveyances pursue the same policy.

Third. We shall further recommend that our banks, insurance offices, and other public corporations recognize and concede to our colored fellow-citizens, where they are stockholders in such institutions, the right of being represented in the direction thereof.

Fourth. We shall further recommend that hereafter no distinction shall exist among citizens of Louisiana in any of our public schools, or State institutions of education, or in any other public institutions supported by the State, city, or parishes. * * * * * * * *

Fifth. That we pledge our honor and good faith to exercise our moral influence, both through personal advice and personal example, to bring about the rapid removal of all prejudices heretofore existing against the colored citizens of Louisiana, in order that they may hereafter enjoy all the rights belonging to citizens of the United States.

G. T. BEAUREGARD, *Chairman.*
JAMES I. DAY,
I. N. MARKS,
GEORGE Y. KELSO,
DR. L. C. ROUDANEZ,
AUG. BOHN,
C. C. ANTOINE,
ARISTIDE MARY,
CHAS. B. THOMPSON,
W. M. RANDOLPH,
Committee on Resolutions.

As I said, the sentiments of these resolutions were indorsed by the signers of the call for the mass meeting. The meeting was held, and was probably the largest gathering of the kind ever held in that city. Speeches were made by orators of both races, and the resolutions quoted from were unanimously adopted.

If I am asked what did all this amount to, and what, if any, has been the result of resolutions and meetings, I answer as yet but little; for unfortunately the politicians got control of the move, and two years before an election talked of a new party called the unification party, and began to show their reason for their zeal so plainly, that the whole thing has dropped out of sight. In my opinion, however, that move will be productive ultimately of much good to the State. But this result at least we have, that in a State where civil rights and free schools had been tried for years they have been indorsed by a large number of the wisest and best of the old democratic party. And that this was done in good faith by them I quote from an address to the people of the State by General G. T. Beauregard, chairman of the committee on resolutions, dated New Orleans, July 1, 1873. General Beauregard had been censured for his course in this matter, and his address is his vindication.

Much weight I find, Mr. Speaker, has been attached to the utterances on this floor of former leaders, whether civil or military, of the Southern States; and I ask for these opinions of one of the foremost of the military leaders of the South due consideration.

General Beauregard, in the portion of his address I quote, says:

We are bound to give this great experiment of republican self-government, on the basis of impartial suffrage, a fair trial, and as long as we assume a position antagonistic in principle to his rights and thereby drive the colored man into opposition to us, if harm results we must lay the blame upon ourselves rather than on the system.

I am persuaded that the natural relation between the white and colored people is that of friendship. I am persuaded that their interests are identical; that their destines in this State, where the two races are equally divided, are linked together; and that there is no prosperity for Louisiana which must not be the result of their co-operation.

I am equally convinced that the evils anticipated by some from the practical enforcement of equal rights are mostly imaginary, and that the relations of the races in the exercise of these rights will speedily adjust themselves to the satisfaction of all.

I take it that nothing but malice or stupidity could find anything either in the letter or spirit of the unification resolutions which contemplates any interference or dictation in the private social relations of the people. These lie entirely outside the domain of legislation and politics. It would not be denied that in traveling and at places of public resort we often share these privileges in common with thieves, prostitutes, gamblers, and others who have worse sins to answer for than the accident of color; but no one ever supposed that we thereby assented to the social equality of these people with ourselves. I therefore say that participation in these public privileges involves no question of social equality. By the enjoyment in common of these privileges neither whites nor blacks assert or assent to social equality either with each other or even between individuals of the same race.

I have not proposed to myself any advantages from the resolutions referred to. I do not seek or desire office or emoluments. I have in view but the restoration of Louisiana to the place of honor from which she has fallen.

No one, Mr. Speaker, who reads these words can doubt the sincerity of the man who wrote them. And I have quoted somewhat at length, because in my opinion, coming from one who has seen civil rights practically tested, and who has the reputation of the writer, they are the most conclusive arguments that could be made. And I especially commend to the democratic members of this House from the Southern States these words of wisdom.

They complain that their States have been ruined by negro and carpet-bag rule; that ruin, poverty, and despair stare them in the face. If all this is true, why do they not even at this late day secure the lasting gratitude of the colored people of their States by voting for this bill, by throwing aside their prejudice, and taking the step toward the colored people now which if they had taken in 1866 and 1867, by giving tothose people fully and freely all the rights of free citizens of the country, they would have secured their confidence and co-operation and could have formed such State governments as they desired. But no; hey stood aloof from the colored people then, and now, when this last act of justice is to be done, we find them voting solidly against them. I admit, sir, they have the right to do this; they must vote as their consciences dictate, but after steadily opposing every measure proposed, either here or by their State governments, for the advancement of the colored people, they should at least have more pride than to stand up here and complain of colored people because they elect local officers in the Southern States and members here to seats on this floor who will vote to grant them what is justly due them—the full rights of citizenship of our country.

And this is the most unfortunate feature connected with the Southern States, that the white people, natives there, have persistently opposed every move to improve the condition and advance the interests of the colored people. They endeavored after the close of the war to reduce them to a condition of serfdom in some States by what were called black laws. They opposed their enfranchisement and their education, and now they oppose granting to them equal civil rights, and they threaten in some of those States where they are in power that if it is done they will refuse to appropriate money to continue the public schools. I say that this is the most unfortunate feature connected with the various troubles in the Southern States for how can there be good feeling, peace, and prosperity when one portion of the people array themselves solidly against granting to the other portion rights that they are entitled to. Where will be the end to contention and bad feeling should this continue? For the longer the colored people are denied these rights the stronger will be their feeling against those who deny them. It is only by a true unification of all the people of the South that those States will again become prosperous. You have granted to the late slaves in those States equal political rights with their former masters. You must now grant them equal civil rights. You cannot make a man part free. All shackles must be removed. Far better would it be if this were to be freely and generously done by the white citizens of those States; if these rights were to be generously guaranteed in the manner proposed by the resolutions I have quoted from. Then, indeed, would the colored people, always retaining their respect and love for their old owners, give them back the confidence they have lost by their denial of other rights to them.

But if this is not done—and from the sentiments expressed here by the special representatives of the white people of the South it is not likely to be done soon—then the General Government through Congress should act promptly and pass this bill. There is no reason whatever in my opinion for further delay. The law will rarely need to be enforced by the courts; the passage of it alone will go far to make the enforcement of it unnecessary. It will be acquiesced in, and very soon, by all. As to the threat in regard to the school clause that we will destroy the schools of some of the States, I have only to say that it is rather late in the day to be making threats of any kind, and we are all tired of these continual threats of what will be done if we do not quit legislating to protect our citizens in their rights. But there is no danger whatever that these threats will ever be carried into effect, or if they are, if the Legislature of Virginia or of Tennessee should fail to appropriate for one year, they would find their people were wiser than they were, and it would not be repeated. But should the worst come, should the schools fall, let them fall, but let justice be done.

I had not intended, Mr. Speaker, to detain the House longer than to show some of the practical workings of the civil-rights bill in my own State, and I think the illustration I have given of its effect should be sufficient to satisfy any reasonable mind. This whole subject has been so thoroughly discussed by gentlemen on this floor and by the Senate, that there is little or nothing that is new to be said. And I only wish in conclusion to call the attention of members who live in the North to the actual condition and hardships the denial of these rights imposes on the colored people, and especially in those States where they are in large numbers or even a majority. When you come to consider that in a State like Louisiana, where nearly or quite one-half of the people are colored, and that this proportion of the population when they leave their homes to travel either on business or pleasure are denied the rights in cars or other public conveyances of having clean and suitable accommodations; that no matter how refined or well educated or wealthy or respectable they are, they are to be served with second-class or even worse accommodations, though required to pay the same amount for them; and then when you consider that there are nearly five millions of our people, equal in all their other rights in the country, who have to bear these hardships, you can begin to realize the necessity of some remedy. I have mentioned public conveyances, because it comes nearer to any one's mind to realize what it is to travel without the comforts of sleeping or other first-

class cars, or to be stowed away in what is called the "texas" of a steamboat, and be supplied with insufficient or bad food. The denial of other rights provided for in this bill works equal hardship and is equally unjust. But let us consider what kind of people these often are who are treated in this manner. In the State of Louisiana, and especially in the city of New Orleans, there was, even before the war, a large population of colored people who had always been free, and who had, in many instances, become very wealthy, and I am told that to-day one of the largest property-owners in that city is a man of this class. These people were and are well educated, often in the schools of France; are as refined, intelligent, and respectable as any people there or elsewhere. Then many of those who were always slaves have educated themselves by hard study at night or between the hours of their work, are schooling their children, are saving their money and buying themselves homes, and have, in some cases, become quite wealthy. They are as respectable, well-behaved, and useful citizens as can be, are living on good terms with their white neighbors, and are treated well and respected by them.

And, again, through the operation of your reconstruction laws they have become citizens and officers in the land. And we see, as in our State, a lieutenant-governor, or senator, or other high officer, who may have, as had the late Governor Dunn—and as has our present lieutenant-governor, the respect of all people, white and black—denied the right to ride in a decent car or in a comfortable room on a boat; or they may be officers of your own, appointed by the President and confirmed by the Senate, against whom these discriminations are enforced. I have in mind now a collector of internal revenue, a colored man, who served the Government faithfully for over three years, who collected millions of revenue, but who when he went to the city of New Orleans to deposit your money with the proper officer there could not have the accommodations on a boat accorded to the lowest white man. I take it, sir, that no one will claim it is right to deny people like these the common rights of comfort and convenience when they pay their money for them. But you cannot draw any line here nor elsewhere; all must be treated alike.

Let us look at the consistency, or rather at the want of consistency, in such a course; and we see it demonstrated every day before our eyes on this floor. The colored man is made free; he is made a citizen of the country, with all the political rights and privileges attached thereto; he is given high official position; he takes his seat here on this floor and in the Senate of the United States. He is in every respect here our equal. His vote counts for so much, and his voice is listened to with the same attention as others. But when he goes out of this Hall he may be and is denied the most common rights and privileges. And it comes even nearer to him, Mr. Speaker. His wife and his daughters are as dear to him as our own to us; they may be as sensitive and refined, but when he travels to his home from here he is not allowed to take them into a comfortable car; he cannot take them to a comfortable hotel; they must be shuffled into a box-car. Should they come into a strange town or city at night, they have no place to lay their heads. This is consistency with a vengeance! Is it possible that members on this floor, knowing all this to be true, can look their colored fellow-members in the face and vote against this bill? Are they prepared to leave the rights and privileges of American citizenship so low? Are they prepared to deal out this kind of justice to nearly five millions of our people?

It is said, Mr. Speaker, that this is an age of progress; and truly it is. The rapid and easy means of communication between different parts of our country, and from ours to older countries of the world, have revolutionized thought and sentiment, time and distance. From the nations of the Old World, almost or totally unknown to our fathers, have come to us their people asking to be instructed in the, to them, wonderful results of our civilization.

I recall to the House a scene in this Chamber but a year or two ago. An embassy from the empire of Japan was visiting this the capital of our country, to cement by further treaty the friendly relations between the two nations, and to be instructed by us in the knowledge of the arts and sciences of our civilization. They were received in this Hall by the Congress of the United States. They entered, and after words of welcome to our shores from the Speaker of this House, the leader of the embassy, one high in office in their own land, responded in a peculiar chant, which was afterward interpreted to those of us assembled here. The scene was very impressive. It was the Old World clasping hands with the New. They asked to be instructed in many of our arts, and to have the privilege of employing teachers from among our wise men to go with them to their own country to give this instruction. They also asked that some of their young people be admitted into our schools and colleges. All this was granted, and it is well it should be so.

They were received as guests into our best hotels, they were furnished the best of accommodations in traveling, they were feted and feasted by our high dignitaries, and yet they were not white people; they did not speak our language, they did not dress or appear as our people do, they did not worship the same God we do. Still, for all this, our prejudice in this case did not cause us to deny to these people those rights which we daily deny to millions of our own citizens, natives of our own soil, speaking our own language, worshiping with us the same God, and many of whom are by far superior in every respect to these strangers.

Then, sir, let us throw aside this foolish prejudice, and be just and impartial to all our people. Let us remember the history of the people to be benefited by this bill, how they have suffered patiently through centuries of wrong and oppression, till at last the light of a glorious freedom has dawned on their eyes; till they see themselves at once as it were delivered, with their wives and little ones, from the oppression and shadow of death of a cruel slavery, and placed before the world as citizens of this great and now free country.

Let us remember, too, sir, if we are Christians, that God is just; that we paid the penalty for holding a people for years in a cruel bondage with the lives of hundreds of thousands of our bravest and best. Let us, then, remove from them every vestige or trace of their wrongs; let us atone in full for all they have suffered; let us as a nation be fair and just to all our people, or else divine Providence will again chasten us in wrath.

Arbitration.

SPEECH OF HON. H. B. SMITH,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

June 17, 1874,

On the resolution reported by the Committee on Foreign Affairs, requesting the treaty-making power of the Government to incorporate a provision in future treaties that war shall not be declared by either of the contracting parties against the other until an effort shall have been first made to settle the alleged cause of offense by impartial arbitration.

Mr. SMITH, of New York. Mr. Speaker, I offered the resolution, which was referred to the committee, to redeem a promise made while I was abroad last summer to some distinguished friends of international arbitration that I would endeavor to have some expression of this House which should fitly interpret what I knew to be the sentiment of the American heart. The action of the Italian Chamber of Deputies in November last, in adopting a request to the King of Italy identical in terms with the resolution which I offered, was largely due to the influence of Count Sclopis, *clarum et venerabile nomen*. The action in the British Parliament in July last, though differing in terms from this resolution, was a most emphatic commitment of the English Commons to the substitution of peaceful arbitration for the settlement of national differences in place of the barbarism of war. The question in hand is, Shall the American Congress make no response to this timely action? Shall the battle-scarred nations of Europe stretch out to us in a new brotherhood of peace an ungrasped hand?

> The stars shoot good fortunes in fair junctions.
> And tell us, "Now's the time!"

In my own judgment, an international Congress is unattainable for a generation, perhaps for a century to come. Hostile nations will nor in this age submit their differences to the arbitrament of a tribunal not chosen by themselves at the time and not known to be impartial in the exigency.

An international code will be found, I fear, a work of magnitude so stupendous that it can never be settled by treaty, but must grow up by precedents, slowly and during the centuries, like the common law. If once written, will not quarrels arise over its construction and will it not even breed disputes, like the English statute of frauds?

But this resolution aims at what is practicable; impossible of mischief; the first step to be taken; the duty of the hour. In my humble judgment it practically reaches the results to be hoped for in an international code and an international Congress. The effect of such a provision in treaties will inevitably be, that before war is declared some negotiation will ensue, and when negotiation begins the danger of war is past.

Since this resolution was offered I have been told by gentlemen upon this floor that it is unnecessary; that the moral effect of the Geneva arbitration prevents the possibility of war without an attempt at arbitration. Mr. Speaker, in the history of the civilized world war has been averted twenty-five times by international arbitration. Perhaps there has been no instance of arbitration so conspicuous as the arbitration at Geneva; perhaps none which has so profoundly impressed the world. But these numerous examples have gone for nothing, because no way was found to utilize them, or practically to bring them into precedent.

Shall the moral effect of the successful result of the Geneva tribunal be broken by some act of war in a reckless hour of national anger? Shall the ripe fruit it has borne for humanity perish unplucked? There is a tide in the affairs of nations as of men. The hour is supreme. I speak for Christian civilization, for the threatened, trembling hope of the world, when I entreat you, with no commitment which can possibly embarrass you in the declaration of any necessary war, to save what you have already won for humanity. You will then have recognized the progress of the race. War will not cease at once, but it will be the last, not the first resort.

> Down the dark future, through long generations,
> The echoing sounds grow fainter and then cease,
> And like a bell, with solemn, sweet vibrations,
> We hear once more the voice of Christ say,
> Peace! Peace!

Civil Rights.

SPEECH OF HON. JOHN J. DAVIS,

OF WEST VIRGINIA,

IN THE HOUSE OF REPRESENTATIVES,

June 19, 1874,

On the bill to protect all citizens in their civil and legal rights.

Mr. DAVIS. Mr. Speaker, I have no set speech to inflict upon the House, and shall trespass on its patience but a few moments to enter a simple protest against the passage of what is known as the "civil-rights bill." This bill has been discussed sufficiently already to acquaint the country with its obnoxious character, and to excite inquiry into its pernicious tendencies. Aside from its unconstitutionality, it is objectionable and repulsive because it seeks to accomplish by legislation what reason, sound policy, and the natural instincts of the white race forbid. No written law, however constitutional, can efface or obliterate those distinctions and differences between the races which nature has created; nor will any law cause the Anglo-Saxon to recognize the equality this bill seeks to enforce.

The white man and the negro are distinct races, created differently by an all-wise Being for reasons which are inscrutable to us and beyond our capacity to comprehend. In their mental and physical constitutions they are unlike each other, and as "the Ethiopian cannot change his skin, nor the leopard his spots," your legislation cannot change humanity and bring together into the close relations contemplated by this bill what God has put asunder. This feeble attempt to evade nature's law and crush out by legislation prejudices implanted by Deity in the breast of the white man, can only result in injury to both white as well as black. Each race is chosen for a particular plane of action, distinct from the other, though perhaps tending ultimately to the same end, and as long as you permit it to move in its separate sphere untrammeled by laws contrived to change what is irreversible the races will accomplish the design of Providence in their creation.

I cherish no prejudices against the colored race on account of their dark hue; nor would I place obstacles in the way of their advancement in morals, religion, and education, apart from the white race. In their own way and in their appointed sphere, I bid them God-speed. But when I am asked to sanction a measure that compels my own race to stifle those prejudices which are involuntary, and spring from no false sentiment or defective education, and submit to associations against which their highest instincts revolt, I must be excused from lending it my countenance and support. As between the white and the colored race there is no neutral ground for me to occupy. I believe in the superiority of my own race over every other, and when it is attempted to degrade it by a forced equality and an involuntary association with an inferior race, be it red, brown, or black, I shall protest against the impious and wicked act.

The passage of this bill will arouse the very prejudices it is your purpose to crush out, if possible, and render tenfold more intense that feeling of antipathy which, in the not distant future, must end in a conflict of races, fatal to one and brutalizing to the other in the spirit of hate it will engender. If it is the interests of the colored race you would promote, pause before you enact a measure that will destroy the instrumentalities already devised to ameliorate their condition and elevate them in the scale of mental and moral improvement. Pass this measure and you strike a fatal blow at the free-school system of the South and in the border States. You cut your wards off from the lights of knowledge and seal up the fountain a generous people, their truest friends, have provided for their advancement. Besides thus injuring them, you close the avenues of learning to the sons and daughters of the poor who cannot purchase exemption from the evils of this act, and bestow upon them as the memento of your folly the curse of ignorance. In their behalf I protest against it.

But, passing from this view of the subject, I oppose the measure because it is an exercise of power unwarranted by the Constitution and destructive of the whole theory on which the Federal Government is founded. From whence do you get your power to enact such laws? Where is the grant which confers it? In what article of the Constitution is it found? When did the States delegate to the Federal Government the right to exercise the powers assumed in this bill? The States made the Federal Government, it did not make them. They delegated to it certain specified and defined powers, and reserved to themselves all not delegated. If the power claimed was not delegated it remains with the States, and you dare not exercise it without committing a *usurpation* which would render your action null and void. You find no such power delegated in the Constitution either expressly or by implication, nor is its exercise a necessary incident of any power granted. It is an assumption, and an assumption of the most dangerous character, as it establishes a precedent for further innovations and aggressions upon the rights of the States. The institutions and subjects you seek to regulate and control by the bill are all under the control of the States, solely and absolutely. To the Federal Government they never delegated any power over them, and it they are wise and jealous of maintaining that system of government which makes the Union a blessing and not a curse to them, they will never cease to protest against this act of political robbery. If you may regulate the relation of the races in schools, churches, theaters, hotels, places of public amusement, cemeteries, &c.; if you may dictate to the States their policy in this respect and enforce obedience to your mandates, you must admit that the Government established by the Constitution as it came from the hands of its framers no longer exists. The omnipotent arm of the "new nation," born of a war prosecuted to preserve the Federal Republic, blots out States and converts them into petty provinces at its pleasure.

I do not believe the transformation this bill assumes has taken place, nor can it until you boldly proclaim that the Constitution as it was written is no longer the supreme, fundamental law for your government. I know in practice it is treated as obsolete, as no longer of binding authority, but it still remains the written law, with its specifications and restrictions, to remind you that your powers are limited, and cannot be stretched by an unlimited power of construction to suit the interests of a predominant sect or party. Under repeated encroachments upon its provisions, the fabric of government is silently but surely crumbling and tottering to its fall. Upon its ruins is being raised a colossal structure, magnificent in its proportions, dazzling in its patronage, bespangled with the armorial ensigns of despotism, and altogether unlike the simple republican Government bequeathed to us by the men who framed the Constitution. Is there not just reason to fear that while retaining the form we are losing the substance of free government?

A constitution made up of *balanced powers* must ever be a critical thing. * * * Being once settled upon some compact, tacit or expressed, there is no power existing of force to alter it without the breach of the covenant or consent of all the parties.

Shall not a halt be called, and that pernicious species of construction, which enlarges the powers of the Federal Government to the destruction of the whole system, be excluded and forever abandoned? Let us preserve religiously the Constitution, which forms the key-stone that binds together the well-constructed arch of the Union, and in so doing we shall secure good government and liberty to all.

Charges of Bigamy against the Delegate from Utah.

SPEECH OF HON. J. W. ROBINSON,

OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

June 19, 1874,

On the charges of bigamy against the Delegate from Utah.

Mr. ROBINSON, of Ohio. Mr. Speaker, I did not propose to say anything upon the charge of bigamy preferred against the Delegate from Utah, and I would not now but that this matter being referred to the Committee on Elections, of which I am a member, the committee, after the evidence was closed and the parties had submitted the case, decided contrary to my wish to postpone its decision and report until the next session. Neither would I feel at liberty to do so now if there remained any substantial dispute as to the facts of the case. The real difference of opinion relates to the proper action to be taken by the House, conceding the charge to be true; therefore in self-defense I give my views in a general way, rather as an explanation than as an argument in the case.

The Delegate is a teacher, high in office in the Mormon Church, so called, and not only believes in the doctrine of polygamy, but is a practical polygamist, living with four wives in one family, the last one of whom he married in 1865, being three years after the enactment of the law of Congress prohibiting bigamy in the Territories of the United States. A majority of the inhabitants of the Territory of Utah believe in the same doctrine, and the evidence shows that they well knew that the Delegate was a practical polygamist when they voted for him. Heretofore that people have sent as their Delegate a Mormon who, while a polygamist in faith, was not such in practice, and now for the first time it has taken the aggressive, and having by unfriendly legislation in the Territory prevented the enforcement of the law against bigamy, now takes an advance step, and undertakes to test the temper of the House and country by presenting the issue fairly to us whether the law shall be respected or repealed.

Well might the House admit Hooper to his seat as a Delegate, though a polygamist in belief, for the reason that the law takes no cognizance of opinions, but operates upon the acts and conduct of men.

I have no personal contest with the Delegate from Utah as an individual, but consider the question from a much higher stand-point. If he stood here charged with the crime of bigamy, living with four wives in a clandestine manner, without justifying the act, it would be a grave offense against decency, and the House might, in my judgment, censure or exclude him from the House as a means of purification; but the case presented, it seems to me, is infinitely higher in importance. In the one case it would be the private scandal of a single person whom we might or might not tolerate as the judgment

of each of us might dictate, but in this case the crime is not concealed, but justified, and that is doubtless one of the causes of his election by that people. Instead of a private scandal it becomes a public one, and presents an issue which cannot, in my judgment, be whistled down by a sneer as some gentlemen have sought to do. It is not merely a question whether the House in its discretion for self-purification and decency should remove a private scandal by excluding a Delegate guilty of disgraceful practices, but in his person and the circumstances of his case, this man must be excluded from his position as Delegate, or this House must, to be consistent, repeal the statute and acknowledge the right of this monstrous evil to continue in the Territory to the destruction of all the relations on which the Christian civilization of this country are based. I accept the issue, and ask in the name of decency and public virtue and of law that the House vindicate the laws of the country and respect the moral sense of the civilized world.

But it is argued that his exclusion would be a violation of his right of conscience to worship according to his own judgment and conscience. This claim has no foundation in law or ethics. The right of faith and worship according to one's conscience is sacred under the Constitution, but by well-defined interpretation this affords no protection for acts which interfere with the rights of others. As well might you undertake to defend the practice of burning the widow on the funeral pile of her deceased husbandas this of polygamy, which enslaves women and sacrifices her on a more than funeral pile, and it is no palliation or defense that she may in her helplessness consent to the sacrifice.

Again, it is argued that so long as the Government fails to enforce the law in the Territory, it is trifling to visit punishment on the poor Delegate by excluding him from his seat. I answer that it is no fault of this House or the Government that the law is not enforced; but on the contrary, it is an aggravation of the crime and the injury that the people there have been able, by territorial legislation, to defeat the enforcement of the law, and that fact furnishes an unanswerable reason why this House should maintain its dignity and respect for law by repelling the defiance of the Delegate and his people in this matter. It makes it impossible for us to surrender the issue without self-degradation and the humiliation of the country. I will not stop to answer other objections which I have heard, but may when the report shall be made take the opportunity to discuss the matter more fully, having now defined my position in the premises which I felt bound to do in view of all the surroundings of the case.

The Republican Party.

SPEECH OF HON. W. S. HERNDON,

OF TEXAS,

IN THE HOUSE OF REPRESENTATIVES,

June 19, 1874,

On the republican party, its objects secured, its mission ended, its statesmanship exhausted, and its incapacity for future success.

Mr. HERNDON. Mr. Speaker, we have reached a period in the history of the political parties of this country that is both interesting and instructive. We should pause for a moment, analyze their constituent elements, and determine if possible their value to the country in future. Unmistakable evidence everywhere indicates that a great change is demanded and must soon come. The ties of old organizations are giving away; the party lash has lost its force; the battle-cry of "*rebellion*" and "*treason*" is drowned amid the shouts of the multitude for more honest government. Everywhere discontent, discord, and distrust are seen and painfully felt. No State or Territory of the Union but has its grievance. In the Army and Navy, on land and sea, the banker and merchant, the farmer and manufacturer, the laborer and professional man, and even the corporations, from one end of the country to the other, are sending up a wail of distress which weakens public confidence and threatens to sweep over the land like a wave of ruin. Politicians are changing front and putting their houses in order to meet the impending storm. This day finds no class of the American people contented and happy. But the most unhappy class among them all is the professional office-holder. He trembles for the future. The uncertainty of the present is great, but that of the future is much greater for him. The wrath of an outraged and offended people is without mercy. Why should the office-holder dread the future? The faithful steward fears not the day of reckoning. It is only the slothful and wicked servant that dreads the master's coming.

Sir, who is responsible for the present condition of the country? The republican party took complete control of this great country in 1860. It was then the richest, freest, and most noble heritage of earth. Possessing thirty millions of freemen, sixteen billions of wealth, with but a nominal national, State, and municipal debt, at peace with all the world, a noble army, a navy but second among the nations of earth, and with aspirations that opened up the most brilliant career, what achievements might we not have attained under wise statemanship! But this party being sectional in its strength was also limited in its statesmanship, never comprehending the underlying causes that divided the sections. It began with one single avowed purpose, while many other designs were planned and well understood. The South had reason to dread a sectional party, and to avoid conflict and save slavery and the principles of the Constitution, which were endangered; she resorted to the most extreme remedy, that of self-preservation, the withdrawing from the Union. This was deemed sufficient cause for war. The republican party declared the union of the States paramount, and used force to maintain its integrity. And thus the two sections were plunged into civil war. This party held that the sole object of the war was to maintain the integrity of the Union, and that it was to preserve the life of the Republic as well as for the good of the States themselves.

The freedom of the negro became the second issue that entered into the contest in 1863. The negro was the immediate inflammatory cause of the war, but because the Constitution guaranteed the right of property in him, it was not one of the open and avowed issues at the commencement of hostilities.

Upon these issues the war raged with unexampled fury until it finally ended in defeat for the South and victory for the North. And these two issues, the right of a State to secede from the Union at will and the right of slavery were forever settled before that tribunal where embattled hosts are the advocates and the Almighty is the judge.

What had this party accomplished up to the close of the war? These two issues had been settled by arms, and these were the two distinct and avowed objects of the war. One was the real and leading object, the integrity of the Union; the freedom of the negro was merely a war measure, and avowed late as January, 1863. Had the sovereignty of the States been destroyed, or had the fundamental principles of our Government been changed? Let us examine this closely. The States of the South in withdrawing from the Union did not seek to destroy the Union for those States that desired it, or to overthrow their governments; nor did their acts have that effect. The union of all the States, except those that seceded, remained perfect. Nay, those States themselves denied that secession existed at all as a right, or that it was essential to the sovereignty of a State. Those States surely had lost nothing of that sovereignty which they had always separately claimed. And had the Southern States lost any real, substantial power or attribute of sovereignty necessary for their normal existence and the exercise of their proper functions?

Up to this period, then, it was settled that the Southern States should never again exercise that dangerous power which the other States of the Union maintained of right did not exist in them as an attribute of sovereignty. The denial of the right of property in man was an infringement of the constitutions of the Southern States and General Government, and to this extent limited both forms of government in their power over this question. It did not have the effect of enlarging one at the expense of the other, but of taking from both, for both the Federal and State constitutions had previously to these changes authorized it. When peace was announced in 1865 the States of the Union, all alike, North and South, in the letter of their organic law and sovereign power were unchanged. It remained for the civic methods of peace to be applied. Now the war was ended; the surging billows of contending hosts had died away amid the groans of defeat for the one and the shouts of victory for the other. The people of the South laid down their arms in good faith and have kept their pledge till now. There is no example in history like it. No people of earth so perfectly kept faith. Not a single revolt among ten millions of people.

But turn your eyes to England, Scotland, Ireland, France, Sicily, and the kingdoms of the East, or to the provinces of South America; everywhere sudden upheavels and terrible retaliations by the conquered followed their defeats. But there is a reason for this; there is no example in history that illustrates the peaceful and perfect acquiescence in the result of the war, because no war was like this one, no people like the southern people. The armies of the South were fighting for peace, *to be let alone*, for separate existence, for the principles of the Constitution. When overpowered, and the two objects of the war were lost, they had the assurance that the party which had conducted the war would be satisfied, that they did not mean conquest, but integrity of the Union. But here commenced the double dealing, that crafty, cunning inquisitorial work that has laid waste that portion of the South that escaped the ravages of war. It was now assumed by this party that the fruits of victory must be saved by legislation; that the negro was set free by arms, but the act must be sanctioned by law; so the thirteenth amendment gave him freedom, the fourteenth made him a citizen, and the fifteenth gave him the right of franchise in quick succession. Thus without preparation or training the negro was elevated in three years by law to a position that it had taken centuries of toil and sacrifice to bring the white man. The necessity of these amendments entered largely into the contests for power, and they were claimed as issues resulting from the war, and therefore within the scope of the grand purposes of this party.

Mr. Speaker, I want to direct special attention to the effect that these amendments had upon the sovereignty of the States. I said that the war itself settled but two questions, the right of a State to secede at will, and the question of slavery, nothing more, and that

the attributes of sovereignty as to the former question were left unimpaired, according to the views of all the Northern States and those of the General Government then controlled by these States, and the latter question added nothing to but took away an attribute of sovereignty from both the Federal and State governments, serving all precisely alike as to the future exercise of this power. The financial effect was quite different; it fell like a thunder-bolt upon the South and crashed like it, while the North escaped calamity. The three amendments enlarged the sovereign powers of the Federal Government and diminished those of the States. All the powers conferred by these amendments upon the General Government were taken from the States, were derived from them, and the States restrained from their future use. What the Federal Government gained in power or sovereignty by them the States lost. But it surely was not intended by the majority of the people of the States themselves to emasculate their own strength. To destroy the sovereign States with their mass of rights and powers would be to destroy the federal idea of government itself.

The true federal idea of this Government is that it is composed of free and independent commonwealths, independent of each other and free from the superintendence of the General Government in their local affairs. Local State governments existed before the Federal Government; before our Constitution they were independent of and superior to it, were in no way dependent upon it for existence. The federative system was but a bond of union among these free States. This is the rock upon which the whole system is founded; destroy this, and your noble structure fails. You may still have a government, but it will not be a federal government. It may be a centralized consolidated form, or it may be an aristocratic form, but certainly not a free representative government. Our Constitution is but the evidence of the existence of these free and separate States acting in concert for certain defined purposes.

All forms of government possess a greater or less degree of political power. The more perfectly this political power in a republican government is distributed, the greater will be the strength of the government. The great office of the Constitution is to distribute, utilize, and direct this power. And it rises in dignity, wisdom, and perfection, just in proportion as it succeeds in distributing, adjusting, and limiting the political powers confided to it. The amendments themselves have trenched upon the sovereignty of all the States, but not destroyed that sovereignty. Fairly construed, they are not sufficiently comprehensive to embrace all the sovereign powers and attributes heretofore exercised and possessed by the several States. They were never intended to destroy anything but slavery. They could only be remedial, for the true office of the amending power of the Constitution is strictly remedial in its nature. The States do exist in their sovereign power, possessing not all the attributes they did prior to their adoption, but sufficient to maintain the grand object of their creation, to foster and maintain local self-government.

And here is the greatest crime of the republican party, the teaching of the doctrine that the States as such have no rights that they are required to respect and that they do not possess sovereignty at all. To have taught such doctrines was evil, but to put them into practice has proven a calamity. Openly proclaiming these ideas, they enacted a series of reconstruction laws, claiming that these were sanctioned under the war powers of the Government and the last amendments to the Constitution. Here was a fatal step toward anarchy in the States to be reconstructed and consolidation in the States not so affected. To recite the devastation, waste, and widespread ruin produced in the South by this proscriptive and oppressive legislation would require a volume. It has been the constant theme in and out of Congress for years, until not only our own people are familiar with its frightful details, but other countries are beginning to inquire if these things can be possible in a free country. These States at the close of the war were either in the Union or out of it, and certain rights attached accordingly. This party, for the purpose of retaining power, declared either way as it served their plans.

It was not contemplated at the commencement or during the war to make a conquest of these States, but the oft-declared object was to restore them to their true relations in the Union as equals. They were not to be despoiled of their rights, powers, or property, nor were their citizens to be oppressed with unjust and proscriptive laws. Yet all this and much more was done. These acts were performed during profound peace, long after the war had ended, and wholly without the warrant of the Constitution. It could only be done by the aid of the Army, the combination of the legislative and executive departments of the Government. Here was the ground-work of this terrible and most wanton disregard of all law, both human and divine, that has characterized the agents of this party in the South; and this disease of corruption that seized upon the officials of this party South has gradually spread its poison until the whole party has become affected. There is one profound truth this party has failed to learn, that "in the character of a nation inconsistency is impossible." In the moral and physical world nothing is strange, unnatural, or inconsistent. Contradictions do not exist. The doctrine of uniform sequence must be true. When certain things happen, certain other things corresponding must follow. This idea was profoundly impressed by the greatest of all philosophers when he uttered these truths:

Ye shall know them by their fruits. Do men gather grapes of thorns, or figs of thistles?

Even so every good tree bringeth forth good fruit; but a corrupt tree bringeth forth evil fruit.

Apply this sublime truth to the deeds of this party in the Southern States and throughout the Union, and what must be your judgment? The State governments South were not dismantled and overthrown by the war or laid prostrate before her despoilers by the amendments to the Constitution. These all occurred, and still if nothing else had happened these States, left to govern themselves, would have to-day been prosperous and happy. This party was not satisfied with the legitimate results of the war, the restoration of the States to former relations and their citizens to equal rights. They demanded power and plunder, and they used the sword and corruption to secure them. And, like all former cases of robbery and anarchy in conquered countries, the vultures and carrion-crows, the dregs and scabs of society were used to afflict us. The swarms of locusts, and flies, and lice and frogs, and famine and blood, have all swept over that unhappy land.

Unlike every other country overrun by the ravages of war, there is not a trace of good left behind these plunderers. It is not difficult to point here and there to monuments of mercy and objects of good that in other conquered provinces escaped the ravage of the victors on the one hand, or were left to propitiate the gods on the other. Here, however, are wide desolation, bankruptcy, distress, wailing, disappointed hopes, and a dark future. These fraudulent and sham governments are bearing fruit—*the apples of Sodom*. They are a calamity, a curse, and disgrace to the American people. They were not made by the people or for the people. They were dictated by a merciless despotism to retain wanton power. No free and independent brave people can maintain good government under them. They must be remodeled by the wisdom of our people, suited to the genius and progress of free States.

The spoils and power procured by plundering the Southern States made this party drunk with its own success. It did not fear to lay its iron hand on the Executive who dared to warn it of its ruin. It did not fear to corrupt the very fountains of justice, and thus sow the seeds of ultimate ruin in the Republic. When brought to a pause by some sudden calamity it has attributed the cause to the *rank outgrowth* of the war, to something that might have been expected. The theft, robbery, and licentious plundering of eleven States of the Union were sanctioned by this party. This was the license and the shield of protection to plunderers throughout the nation. The chiefs in power became violators of the Constitution; pledges of honesty and the sanctions of the law were broken alike.

A wild hunt for plunder without honest toil became the rule of action, and this contagion spread through every branch of the Government service. And what has been the effect? The more honest men of the party first endeavored to correct these excesses and eliminate the plunderers and the proscriptive spirit from the party, collect the best material in it, and march forward. But they were in a hopeless minority. Then they endeavored to fly from the party, but without general concert of action or a knowledge of their numerical strength. When this honest element numbered their rank and file in the republican party they were so few in number and so weak in power that the multitudes, indorsing the corrupt and vicious, overwhelmed and crushed them. But this class did enough to deserve gratitude from their countrymen. They directed public attention to those evils which had been often exposed by the opposition, but unheeded. Investigations commenced after a hard struggle. But against whom were they leveled? Not against the democratic party or its members, but against the office-holders of the republican party. For three years a large portion of the time of Congress has been occupied in searching out and uncovering the blackest frauds committed against the Government. Has a single department of the Government escaped? The one tale of woe and distress and shame and dishonor is uniform and consistent. To investigate is to find and expose some great and damning fraud. So rapid have these exposures occurred that the excitement and disgust produced by one have hardly ceased to ring in our ears before it is succeeded by another still more monstrous. The whole land has become familiar with them. It is but natural now to look for them. The crimes of reconstruction, Credit Mobilier, the syndicate, unlawful expenditure of the proceeds of our navy and war material, the sale of French arms, the expenditures of Federal courts in different districts, the New York custom-house frauds, South Carolina, Louisiana, Arkansas, with all their shocking frauds and willful violations of law, the systematic robbery of the internal revenue, the thefts of sharpers and swindlers of the pensions to soldiers, corners in gold and "Black Friday," the District of Columbia with its board of public works and corrupt rings, the Department of Justice with its frightful expenditures, the Treasury Department with its violators of law and wanton excesses, the impeachment of Federal judges for high crimes and misdemeanors, and the Sanborn contracts with the corrupt and disgraced officials connected therewith, besides a host of smaller investigations that sicken the heart of every lover of free and honest government in this country. "Ye shall know them by their fruits. Do men gather grapes of thorns, or figs of thistles?" How can the tree be a good one and bear such corrupt fruit? It is useless for the party to explain or attempt to hush the voice of indignation that is ringing out like thunder throughout the land. These investigations show, and it is not denied, that millions of the people's money have been fraudulently and recklessly squandered by Government officials within the last few years, and that many of these officials are still in office, or, if disgraced in

one and forced to resign, are appointed to another. While every branch of the public service is reeking with foul corruption, with laws disregarded and honesty at a discount, the appropriations are on the increase, showing that we are going from bad to worse.

Each year fair promises are made by the leaders that retrenchment and reform will take the place of extravagance and profligacy. But these are always broken. Since 1870 our appropriations have steadily increased. In 1871 appropriations were $300,627,085.44, and for 1874, $319,652,644.31, being an increase of over nineteen millions. Appropriations for ordinary purposes in 1871, $134,233,508.05, and for the same in 1873, $172,290,700.82, showing an increase of about thirty-eight millions. How can this increase be justified? But go back to 1868 and compare it with 1873 on several items, and note the increase.

Summary and comparative statement of expenditures in the several branches of the public service named from 1868 *to* 1873, *inclusive.*

Branch of service.	1868.	1873.
Post-office	$22, 730, 592	$29, 084, 945
Indians	3, 988, 353	7, 951, 704
Naval	16, 288, 244	18, 296, 733
Coast Survey	455, 700	852, 828
Survey of public lands	373, 232	1, 128, 060
Surveyor-General's office	95, 209	414, 135
Judiciary	723, 378	3, 826, 131
Sub-Treasury	260, 113	493, 661
Miscellaneous	53, 009, 867	73, 328, 110
Total	97, 924, 708	135, 376, 307

This table shows an increase for these items in 1873 over 1868, the beginning of Grant's administration, of over thirty-seven millions. Is this actually necessary for the public service, or is it on account of the increase of corruption and profligacy? While this has been marching forward the bonds of the Government, amounting to $400,000,000, have been paid in gold at a most ruinous sacrifice. The idea is kept up that the public debt is being paid and the taxes being lessened; all of which time and experience have shown to be but untrue and unwise. When this frightful condition of the country is presented, what answer can be made? The result of this suicidal policy was vividly portrayed lately by Mr. BELL, of Georgia, when he said:

With every element of wealth, surrounded with profusion and burdened with excess, we are starving at a banquet and famishing at a fountain.

The national debt amounts to $2,293,170,689.43, upon $1,712,749,200 of which we pay interest in coin. The revenues fail to meet current expenses on a peace basis. Commerce decaying, labor disorganized in the South and unproductive in the West, starving freedmen imploring the Government to feed them upon rations issued from the War Department, finances deranged, factories running on half time and thousands of operatives turned out of employment in the North, agrarian mobs and communistic associations clamoring for bread or blood in the cities, railroad magnates monopolizing the profits of industry and money-changers defiling the temple with a heartless idolatry at the shrine of Mammon—this state of things must be changed. These evils must be corrected.

The answer of the party is that they have built a great number of railroads and given the country increased communication. But, Mr. Speaker, these giant monopolies, against which the whole country is crying out to-day, were built at a fearful cost to the Government. The Government granted over one hundred and thirty-five million acres of the public domain to the Pacific roads alone; nay, more, issued nearly $65,000,000 of bonds, on which we have paid nearly $22,000,000 of interest. Said Mr. TOWNSEND a few days ago, (who is a republican,) in a well-considered speech on finance:

Notwithstanding all this ruin and despair throughout the land, my colleague, [Mr. KELLEY,] the gentleman from Indiana who so eloquently spoke here yesterday, [Mr. ORTH,] and his colleague who has addressed us to-day, [Mr. COBURN,] say that all is prosperous and serene throughout the country. They point us to the railroads that have been laid down, and the furnaces, forges, and rolling-mills that have been set up. They point us to the cities that are being built up around us. But they forget, Mr. Speaker, to tell you that these improvements have been made at a fearful cost, leaving a heavy permanent indebtedness. They forget to tell you that the country in its national capacity owes $2,000,000,000. They forget to tell you that for these railroads which they speak of the country owes $4,000,000,000. They forget to tell you that the municipal debt of the country is $1,000,000,000. They forget to tell you of the other indebtedness of the people, amounting in all to more than $10,000,000,000, or 30 per cent. of the whole real and personal estate of the nation, which the people lie under to-day. Every year $600,000,000 of interest is grinding out the faces of the poor; $600,000,000 is working against the capital and against the industry of the nation.

Thus it will appear that while the census shows the total wealth of the nation in 1870 to be $30,000,000,000, yet we owe $10,000,000,000, nearly one-third of our wealth, and in fact are but little richer than we were in 1860 when we were out of debt and owned sixteen billions of wealth.

A great non-resident proprietorship is being built up all over this country which is gradually but certainly drawing away all the surplus substance of our people. The people of this country are deeply in debt. We have been living beyond our means; we have daily witnessed extravagance and excess, until the whole people have been injured. Speculation by the Government and its officials has taught the country to seek riches without honest toil. The number of non-producers are on the increase. We need more honest industry among all classes and less profligacy and speculation. The uncertainty of the value of the money of the country added to the extravagance of the Government have done much to unsettle values, stimulate speculation, and produce financial crashes and wide-spread calamities.

Sir, the method adopted by this party in the government of this country is evil and vicious. They have ruled the country upon false principles. It has been treated as a consolidated nation as contradistinguished from a Federal. Both the rights and sovereignty of the States have been ignored and disregarded. And they have endeavored to take the control of local affairs out of the hands of the true proprietors and lawful custodians. A false interpretation has been placed upon the last three amendments to the Constitution, such a construction as enabled this party to overthrow our State governments and trample upon the most sacred rights of the citizen. And this laid the foundation for all the corruption, waste, robbery, peculation, and ruin that has followed. This has destroyed all accountability in the official. From the highest to the lowest official of the Federal Government they feel independent of the people.

No stab is so fatal to the life of a nation as the want of accountability in her officers; this always produces corruption, then weakness, disgrace, and ruin. Is not this our pitiful condition to-day? How weak is this apparently powerful party for good! They utterly fail to give the country relief on the financial question, although boasting of a two-thirds majority in Congress; they are torn and weakened by internal discord and faction; they often fail on measures of utility small in themselves; they possess neither concert nor combination; they distrust one another and their power is emasculated. What yet remains for it to do? Has it added a new issue since reconstruction—since it conquered a peace, and fell to plundering the spoils and fighting over the division? What public good has it accomplished? Since 1868 it has been literally feeding upon its own flesh. All national issues for which it struggled have been exhausted. There is no vital living principle left; it is stagnant as a pool of bitter water. All it can hope to do is by the mere weight of its yet unbroken but mutinous columns.

In July, 1868, the delegates of the democratic party from every State in the Union, after making certain specific demands of the Administration for better government, said:

In demanding these measures and reforms, we arraign the radical party for its disregard of right, and the unparalleled oppression and tyranny which have marked its career. After the most solemn and unanimous pledge of both Houses of Congress to prosecute the war exclusively for the maintenance of the Government and the preservation of the Union under the Constitution, it has repeatedly violated that most sacred pledge under which alone was rallied that noble volunteer Army which carried our flag to victory. Instead of restoring the Union, it has, so far as in its power, dissolved it, and subjected ten States, in time of profound peace, to military despotism and negro supremacy. It has nullified there the right of trial by jury; it has abolished the *habeas corpus*, that most sacred writ of liberty; it has overthrown the freedom of speech and the press; it has substituted arbitrary seizure and arrests and military trials and star-chamber inquisitions for the constitutional tribunals; it has disregarded in time of peace the right of the people to be free from searches and seizures; it has entered the post and telegraph offices, and even the private rooms of individuals and seized their private papers and letters without any specific charge or notice of affidavit as required by the organic law; it has converted the American Capitol into a bastile; it has established a system of spies and official espionage to which no constitutional monarchy of Europe would ever dare to resort; it has abolished the right of appeal on important constitutional questions to the supreme judicial tribunal, and threatens to curtail or destroy its original jurisdiction, which is irrevocably vested by the Constitution, while the learned Chief Justice has been subjected to the most atrocious calumnies merely because he would not prostitute his high office to the support of the false and partisan charges preferred against the President. Its corruption and extravagance have exceeded anything known in history, and by its frauds and monopolies it has nearly doubled the burden of the debt created by the war. It has stripped the President of his constitutional power of appointment even of his own Cabinet. Under its repeated assaults the pillars of the Government are rocking on their base, "amid the ruins of liberty and the scattered fragments of the Constitution."

Sir, there is no one familiar with the history of this party in 1868 who is not concious of the truth of these grave charges. Yet with the combined power of the Army, Navy, Treasury, and the whole patronage of the country it was able to retain power and supremacy in spite of all this wickedness and maladministration. Has there been any improvement since 1868? Has not the light of experience for six years shown a constant increase of corruption, profligacy, and extravagant expenditures, and at the same time a corresponding retrogression of virtue, frugality, and honesty in the public service?

The life of this nation must be preserved by its progress. A nation can no more remain stationary and live than an individual or a plant. The whole intellectual, moral, and physical world are fulfilling a high destiny. But stop them in their determined march, and the order of their being is obstructed and they suffer the consequences. This party has ceased to govern wisely, to advance; it is no longer progressive; hence signs of decay are evident, and it is languishing and will surely die. It has preyed upon and devoured all that could nourish such a monster. It is powerless to recuperate and survive its own rottenness and decomposition. It has left in it none of the positive elements of recovery or success. Discord, distrust among its leaders, want of confidence between the leaders and voters, without a single solid issue that can either arouse enthusiasm or combine effort—it must fail. Who will trust the party, as such, or its most distinguished leaders with further rule? What can they promise the country? A sound money, lower taxes, larger revenues, less of monopolies, peace between capital and labor, cheap transportation, more honest rule, less defalcation in office, stricter accountability, the payment of the national debt, free State governments, freedom at the ballot-box, a strict construction of the last three amendments, one term for the Presidency, restoration of purity in the judiciary,

less profligacy with the public money, and a general return to the fundamental principles of the Republic? Sir, fourteen years have they had ample opportunity to do all these things, but they did them not; and this is the crime for which they must answer before the bar of the American people.

Sir, there are two mighty forces at work in every government, and constantly at war. One force is represented by the class that pay the taxes, and the other by that which consumes them. The office-holders constitute the former one and the people the latter. The consumers are always seeking to increase the taxes and the payers to decrease them. The one may baffle and conceal the real condition for a time, but the destruction is all the more swift when the wrong is discovered. The millions of tax-payers are springing to their feet all over the land demanding an account, a full exhibit. The party in power has had all the tax-consumers for fourteen long years; they cannot make an honest answer. They look anxiously to each other and inquire, who shall cast the first stone? And not one is able; all are guilty of some political sin. Must this party retain power because it is forced to search out its own criminals; because, when concealment is impossible, it permits the felon to be exposed? How many of the detected officials with stolen plunder have been punished?

A corrupt tree cannot bring forth good fruit. That the tree is corrupt has ceased to be an open question even in the party itself. It has not only ceased to grow, but it is actually withering and dying. Many of its branches have been cut away; some of the most vigorous roots have died; the beautiful stream, the Treasury, that ran hard by and nourished its massive trunk, has ceased to overflow its banks and is drying up, and the blazing sun of honesty is pouring upon it its pitiless rays, and the yellow leaves are being rapidly swept away. Soon you will see that once proud monarch, amid whose branches the lightnings of a bloody revolution played without harm and which might have won and kept the hearts of the American people, lying low in the dust. While honest and true to the principles of the Constitution, it defied alike the storm of battle and the contention of opposition parties, but in betraying the trusts confided to it and prostituting its noble mission, it fell a prey to its own corruptions.

In the next contest for political power in this country all the old issues that have stirred the popular mind to such depths in other days will sink in importance beneath the mightiest of all issues that can arouse a free people. The controlling issue will not be upon the kind or quantity of money, the sovereignty or rights of States, the freedom of speech or the purity of the ballot-box, national or free banking, monopolies with or without lawful control, one term or more for the presidency, cheap or high transportation, tariff or free trade, license to sell at will, or restrictive liquor laws, whether the President shall be elected by a direct vote of the people or by electors, as now, or what shall be the true construction given to the last three amendments to the Constitution. All of these are important and must exercise greater or less influence; but that upon which the very life of the Republic depends is, honesty against rascality, economy against profligacy, fidelity against corruption.

If there be no honesty, economy, or fidelity in the party that ascends to power, what boots it how the other issues are decided? With dishonesty and corruption clothed with power, all issues, pledges, and laws are worthless to restrain its wanton excesses. It is that disease which has never failed to destroy all governments afflicted with it. The seeds are already sown, they have germinated, been fostered by skillful hands, and are to-day bearing fruits in the most favored spots of this rich country. Will the people free the land of dishonesty and corruption? They yet have the power, if they will exercise the Spartan virtue and courage to rise in their might and demand an unconditional surrender of the sacred trust which is now held by the republican party. With full power once more in their own hands, they will have learned sufficient wisdom from experience to guard this trust more sacredly in the future.

This country and age need a broader and wiser statesmanship. True statesmanship is always honest, just, noble, direct, faithful, and full of simplicity. It cannot and will not tolerate vice, profligacy, selfishness, corruption, and dishonesty in the public service; but, possessing integrity, fidelity, and honest purposes, it presses forward to a noble discharge of duty with the resistless tread of conscious power for good. Littleness, craftiness, and conceit in political life, either in the individual or party, excites but disgust and pity.

The history of all the parties that have ruled this country discloses in none of them so little of greatness to admire and so much of littleness to despise as this. This party has had its day of prosperity and power; and its day of sorrow and affliction is near at hand. It has lost its hold on the heart of the American people, and is without competent leaders or sound principles to succeed in future. Its usefulness has ceased, and it is in a state of disintegration and dissolution. Here and there it will still give signs of life for a time; so great an organization will not disperse or lose all life in a month or a year; but the handwriting is already visible on the wall. It has some noble and true men in its ranks, but they are utterly powerless to correct the abuses that exist inside of the party. So deeply seated is the cancer of corruption in this party, that elimination is impossible and amputation is death. Therefore it must, in obedience to the almost universal demand of the country, yield the sacred trust which it has betrayed and dishonored into the hands of the people, who always mean well, and in whose honesty and fidelity as a mass I repose undiminished confidence.

Currency—Free Banking.

SPEECH OF HON. S. S. MARSHALL,

OF ILLINOIS.

IN THE HOUSE OF REPRESENTATIVES,

June 20, 1874.

The House having under consideration the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 1572) to amend the several acts providing a national currency and to establish free banking, and for other purposes—

Mr. MARSHALL said:

Mr. SPEAKER: All previous efforts to mature and crystallize into law some measure tending to an adjustment of the financial policies of the Government and to give relief to the embarrassed and prostrate industries of the country having utterly failed, as one of the conferees on the part of the House, appointed by its Presiding Officer to unite with the conferees on the part of the Senate in the preparation, if possible, of a measure of relief that would harmonize the conflicting views of both Houses of Congress and receive the sanction of the President, and having aided in the preparation of and agreed to and signed the report which has been presented to the House, and which is now before us for consideration, I feel it incumbent upon me very briefly to express my views, not only in regard to the measure itself now before the House, but to refer incidentally to some of the questions growing out of this most difficult currency problem.

While we believe that this is much the best bill yet presented to Congress with any hope of its passage, we do not pretend that it is a final or satisfactory adjustment of the financial question which has been so long before us and which has agitated the country from one end to the other. It leaves the present vicious financial system in the main in full force and operation. It does not enter into the disputed questions in regard to a resumption of specie payments, or attempt to determine whether our very objectionable banking system shall be retained as one of the permanent institutions of the country, or shall be gotten rid of just as speedily as possible. These important questions have been waived and postponed because it is manifest that no legislation can be had thereon at the present session.

We simply bring before the House for action a measure whose principal object is a redistribution of the national currency now authorized by law, a measure manifestly demanded by justice and by the rights and interests of the people of the South and West. Indeed it is a measure which ought to have been adopted without opposition the first week of this session of Congress, and ought to have been preliminary to any general discussion of the great financial problems now pressing on us for their solution. For a better comprehension of the measure now under consideration I will present it in detail:

The second committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 1572) to amend the several acts providing a national currency and to establish free banking, and for other purposes, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment as follows:

Strike out all of the amendment after "that," in the first line, and insert in lieu thereof the following:

The act entitled "An act to provide a national currency secured by a pledge of United States bonds and to provide for the circulation and redemption thereof," approved June 3, 1864, shall be hereafter known as "the national-bank act."

SEC. 2. That section 31 of "the national-bank act" be so amended that the several associations therein provided for shall not hereafter be required to keep on hand any amount of money whatever, by reason of the amount of their respective circulations; but the moneys required by said section to be kept at all times on hand shall be determined by the amount of deposits in all respects as provided for in the said section.

SEC. 3. That every association organized, or to be organized, under the provisions of the said act and of the several acts amendatory thereof, shall at all times keep and have on deposit in the Treasury of the United States, in lawful money of the United States, a sum equal to 5 per cent. of its circulation, to be held and used for the redemption of such circulation; which sum shall be counted as a part of its lawful reserve, as provided in section 2 of this act; and when the circulating notes of any such associations, assorted or unassorted, shall be presented for redemption, in sums of $1,000, or any multiple thereof, to the Treasurer of the United States, the same shall be redeemed in the United States notes. All notes so redeemed shall be charged by the Treasurer of the United States to the respective associations issuing the same, and he shall notify them severally, on the first day of each month, or oftener, at his discretion, of the amount of such redemptions; and whenever such redemptions for any associations shall amount to the sum of $500, such association so notified shall forthwith deposit with the Treasurer of the United States a sum in United States notes equal to the amount of its circulating notes so redeemed. And all notes of national banks worn, defaced, mutilated, or otherwise unfit for circulation shall, when received by any assistant treasurer or at any designated depository of the United States, be forwarded to the Treasurer of the United States for redemption as provided herein. And when such redemptions have been so reimbursed, the circulating notes so redeemed shall be forwarded to the respective associations by which they were issued; but if any of such notes are worn, mutilated, defaced, or rendered otherwise unfit for use, they shall be forwarded to the Comptroller of the Currency and destroyed, and replaced as now provided by law: *Provided*, That each of said associations shall reimburse to the Treasury the charges for transportation and the costs for assorting such notes, and the associations hereafter organized shall also severally reimburse to the Treasury the cost of engraving such plates as shall be ordered by each association respectively; and the amount assessed upon each association shall be in proportion to the circulation redeemed, and be charged to the fund on deposit with the Treasurer: *And provided further*, That so much of section 32 of said national-bank act requiring or permitting the redemption of its circulating notes elsewhere than at its own counter, except as provided for in this section, is hereby repealed.

SEC. 4. That any association organized under this act or any of the acts of which this is an amendment, desiring to withdraw its circulating notes, in whole or in

part, may, upon the deposit of lawful money with the Treasurer of the United States in sums of not less than $9,000, take up the bonds which said association has on deposit with the Treasurer for the security of such circulating notes; which bonds shall be assigned to the bank in the manner specified in the nineteenth section of the national-bank act; and the outstanding notes of said association, to an amount equal to the legal-tender notes deposited, shall be redeemed at the Treasury of the United States and destroyed, as now provided by law: *Provided*, That the amount of the bonds on deposit for circulation shall not be reduced below $50,000.

SEC. 5. That the Comptroller of the Currency shall, under such rules and regulations as the Secretary of the Treasury may prescribe, cause the charter numbers of the association to be printed upon all national-bank notes which may be hereafter issued by him.

SEC. 6. That the amount of United States notes outstanding and to be used as a part of the circulating medium shall not exceed the sum of $382,000,000, which said sum shall appear in each monthly statement of the public debt, and no part thereof shall be held or used as a reserve.

SEC. 7. That so much of the act entitled "An act to provide for the redemption of the 3 per cent. temporary-loan certificates, and for an increase of national-bank notes" as provides that no circulation shall be withdrawn, under the provisions of section 6 of said act, until after the fifty-four millions granted in section 1 of said act shall have been taken up, is hereby repealed; and it shall be the duty of the Comptroller of the Currency, under the direction of the Secretary of the Treasury, to proceed forthwith, and he is hereby authorized and required, from time to time, as applications shall be duly made therefor, and until the full amount of $54,000,000 shall be withdrawn, to make requisitions upon each of the national banks described in said section, and in the manner therein provided, organized in States having an excess of circulation, to withdraw and return so much of their circulation as by said act may be apportioned to be withdrawn from them, or in lieu thereof to deposit in the Treasury of the United States lawful money sufficient to redeem such circulation, and upon the return of the circulation required or the deposit of lawful money, as herein provided, a proportionate amount of the bonds held to secure the circulation of such association as shall make such return or deposit shall be surrendered to it.

SEC. 8. That upon the failure of the national banks upon which requisition for circulation shall be made, or of any of them, to return the amount required or to deposit in the Treasury lawful money to redeem the circulation required, within thirty days, the Comptroller of the Currency shall at once sell, as provided in section 49 of the national-currency act approved June 3, 1864, bonds held to secure the redemption of the circulation of the association or associations which shall so fail, an amount sufficient to redeem the circulation required of such association or associations, and with the proceeds, which shall be deposited in the Treasury of the United States, so much of the circulation of such association or associations shall be redeemed as will equal the amount required and not returned; and if there be an excess of proceeds over the amount required for such redemption it shall be returned to the association or associations whose bonds shall have been sold. And it shall be the duty of the Treasurer, assistant treasurers, designated depositaries, and national-bank depositaries of the United States, who shall be kept informed by the Comptroller of the Currency of such associations as shall fail to return circulation as required, to assort and return to the Treasury for redemption the notes of such associations as shall come into their hands until the amount required shall be redeemed, and in like manner to assort and return to the Treasury for redemption the notes of such national banks as have failed or gone into voluntary liquidation for the purpose of winding up their affairs and of such as shall hereafter so fail or go into liquidation.

SEC. 9. That from and after the passage of this act it shall be lawful for the Comptroller of the Currency, and he is hereby required, to issue circulating notes, without delay, as applications therefor are made, not to exceed the sum of $55,000,000, to associations organized or to be organized in those States and Territories having less than their proportion of circulation, under an apportionment made on the basis of population and of wealth, as shown by the returns of the census of 1870; and every association hereafter organized shall be subject to, and be governed by, the rules, restrictions, and limitations, and possess the rights, privileges, and franchises now or hereafter to be prescribed by law as to national banking associations, with the same power to amend, alter, and repeal provided by the "national-bank act:" *Provided*, That the whole amount of circulation withdrawn and redeemed from banks transacting business shall not exceed $55,000,000, and that such circulation shall be withdrawn and redeemed as it shall be necessary to supply the circulation previously issued to the banks in those States having less than their apportionment: *And provided further*, That not more than $30,000,000 shall be withdrawn and redeemed as contemplated during the fiscal year ending June 30, 1875.

And that the title be amended so as to read as follows:

An act fixing the amount of United States notes, providing for a redistribution of the national-bank currency, and for other purposes.

H. L. DAWES,
GEO. W. McCRARY,
S. S. MARSHALL,
Managers on the part of the House.

GEO. G. WRIGHT,
T. W. FERRY,
J. W. STEVENSON,
Managers on the part of the Senate.

The main and salient points of this bill, and which require special notice, are those which provide—

First, for a repeal of that portion of section 31 of the national-bank act which requires the banking associations to keep on hand a reserve on account of their circulation.

Second, requiring national banks to keep in lawful money in the United States Treasury a sum equal to 5 per cent. of their circulation, to be held and used for redemption of circulation.

Third, permitting banking associations to withdraw at pleasure their circulation, in whole or in part, by depositing in the United States Treasury lawful money for its redemption.

Fourth, fixing the amount of United States legal-tenders to be kept in circulation at $382,000,000, and withdrawing from the Administration the power claimed by it of contracting and expanding the volume of currency at pleasure.

Fifth, withdrawing from the States that now have it in excess of their due proportionate share $55,000,000 of the national-bank circulation, and giving it to the States that are now justly entitled to it.

These measures are all believed to be wise, beneficial, and conservative in their character, and it is hoped that they will give relief to those sections where that relief is most needed. If we have not the capital and cannot induce it to come among us to take up this additional bank circulation allowed us, we will at least have the satisfaction of knowing that it is no longer withheld from us by legal enactment in violation of every principle of justice.

It will be observed that we do not propose to increase the national banking capital. To that I would be opposed. We do not propose to establish what is called "free banking." That would prove ruinous, I fear, unless some system of actual redemption should be provided for which has not been proposed; and I may as well say here that I am opposed to any measure that looks to a perpetuation of our present banking system. But the system is now fastened on us for the present, and until we get rid of it the people are compelled to rely very largely upon its notes for a circulating medium. The West and South have long complained justly of the outrageous injustice by which the larger part of the banking facilities have been given to the East and withheld from them. This injustice has become intolerably oppressive, and we propose in part to remedy the evil by the present bill.

The State of Massachusetts alone has an excess of over forty million dollars more than its proper share of this circulation. New England has an excess of over seventy millions, and the Middle States an excess of over nine millions, while the Southern States have a deficiency of fifty-one millions, the Northwestern States of twenty-one millions, and the Territories of nearly eight millions.

We do not complain that these favored States have more wealth and capital than we, if it is acquired by industry, thrift, and economy, and without the aid of that cunning and iniquitous legislation by which all other sections have been persistently and continuously robbed to produce this very result. The system by which, through the operation of the tariff, the wealth of all other sections has been drawn to these favored States is based on theories and arguments so specious and delusive in their character that thousands even of those who are daily robbed and impoverished thereby yield willingly to the seductive influences of these imposing fallacies. But the injustice and outrageous discrimination in favor of these States in the distribution of the national currency is so monstrous and transparent, the robbery has been so bold and defiant, that it is amazing that the wronged sections have so long submitted tamely to the indignity and injustice.

I beg leave here to say a word in regard to the gross misrepresentations that have been made of the people of the Western States.

Now, sir, the section of the country from which I come has been to a great extent misrepresented, at least in speeches made by gentlemen from other sections of the country as well as by the press of the country. The people of the West are in no sense whatever in favor of repudiation as has been charged. They are in no sense whatever in favor of any financial system that looks to the repudiation of any of the just obligations of the Government, and they will never deliberately sanction any measure that tends in that direction. The people of the West, as I believe, are almost unanimously in favor of some financial legislation that will look to an early enhancement of the circulating medium of the country to a par with the gold standard. But while they demand that kind, of legislation they are opposed to any system of contraction that will put them within the grinding power of the moneyed monopolies of the country. They believe that a financial system can be adjusted by proper legislation that will at an early day make the money which they receive for their produce good and convertible into that money which is the standard of the world, and at the same time without bringing distress to the debtor class of the community. For myself, sir, I have no doubt that by wise legislation such a system can be and ought to be adopted.

As far as the measure goes, however, that is now before the House, it looks in the right direction, and every feature as I believe thereof tends to an improvement of the present system and to do justice to those sections of the country which have been doing their business at a great disadvantage while the money and wealth of the country have been monopolized by another section. I am amazed to see that there is any spirit of opposition to this measure manifested in any portion of the House. It will not do for gentlemen to say that they are in favor of an honest and equitable distribution of the currency which has been withheld so long, and yet industriously seek for petty quibbles on which to ground opposition to the measure. When this bill is brought before the House it appears to be approached by some gentlemen in a spirit of hypercriticism. The feature of it to which the distinguished gentleman from Connecticut [Mr. HAWLEY] has objected is one of the most conservative in it. It removes the restrictions upon the use of what has been called the reserve on bank circulation.

Now, I do not imagine that the repeal of this provision of law which requires banks to hold a reserve upon their circulation will throw into circulation a very large portion of this currency. Every banker keeps, and indeed must keep, a reserve for the contingencies of his business. No legal enactment is necessary to produce this result. There is neither reason, philosophy, nor good sense in fixing by law a reserve which must be kept on hand at all times and under all circumstances. For myself, if I could have my own way or now had it, I would repeal every provision of law fixing an amount of reserve to be held either for circulation or deposits. I believe these enactments to be not only useless, but vicious. They often embarrass the banks in their operations when the money is most needed for the business of the country; but, what is worse, they delude and mislead the people by holding out a false hope of security to depositors which does not exist and which it is impossible by legal enactment to provide.

The Government undertakes ostensibly to take care of the people and it does not do it. It says to the people upon the face of the stat-

ute which it enacts that it is guarding them and preserving for them security for the deposits which they place in the national banks, when in fact it does no such thing. The only security which the depositors have is in the business capacity and honesty of the banker with whom the individual deposits his money. And we ought to say so frankly to the people, and let them know that they must take care of themselves by satisfying themselves by proper inquiries that the character of their banker justifies the confidence reposed in him. The utter fallacy and vicious tendency of this supposed protection of the people by the Government have been demonstrated by hundreds of financial shipwrecks, but perhaps by none more strongly than the utter wreck of the pet First National Bank of Washington City, which, in the very shadow of the Treasury building and under the immediate eye of the Comptroller of the Currency, squandered the money of its depositors and brought distress and ruin to thousands.

This reserve which is required by law is of no value as a security to the depositor, while on the other hand it ties up money that might be of immense value to the country in times of stringency and financial panic. I would like for the gentleman from Connecticut [Mr. HAWLEY] or any other gentleman to say what is the value of a reserve that cannot be used when it is needed.

Mr. MERRIAM. There is not any.

Mr. MARSHALL. There is not any, my friend on the opposite side answers me. None whatever. The only use of the reserves kept by the banker is to have money on hand in times of financial trouble and panic that it may relieve the country and remove the panic. But if tied up by an absolute provision of law requiring the bank to hold it at all times, it cannot be used. It might as well be stricken out of existence, for all useful purposes to either bank or people. I repeat that such legislation is not only useless but vicious in its tendency, as it holds out a delusion to the depositor, and says to him, "You are protected," when there is no protection whatever. But as the judgment of a majority of Congress seems to favor a repeal only of the provision requiring a reserve on circulation, we have thought best not to raise a question that might embarrass the passage of the bill by interfering in this respect now with the clause requiring a reserve on deposits.

There is another feature of this bill that I believe has not been heretofore referred to—that clause of the bill which requires a sum in lawful money equal to 5 per cent. of its circulation to be kept in the Treasury of the United States for redemption of circulation. That was adopted by us because it was in the former conference report, and seems to have met the approbation of the House and the country as far as it was discussed. I heard of no opposition or antagonism to that clause. And therefore it was deemed best by the conference committee, and every member thereof, to retain it. But for myself I did not believe it to be of much value. It is thought, however, by others to be important as a means of purifying the currency, if not as a means of redemption; and, not seeing that any serious injury could result therefrom, I have agreed to the insertion of the clause in this bill.

The objection, if there be any, to this provision is a very small one, and the bill as reported by the committee of conference is in this respect much preferable to the existing law. I therefore support this clause very cordially, and suppose in fact that it will tend to strengthen the bill with a large majority of the members of this House.

Mr. BURCHARD. I would like to ask my colleague a question. I would ask him if in his opinion there will be any inflation or increase of circulation under the provisions of this bill repealing so much of the national-bank act as requires reserves to be kept for the security of circulation?

Mr. MARSHALL. It does not add to the currency now authorized by law, and does not in any objectionable sense operate as an expansion or inflation to the extent of one dollar. It only releases for use at the time at which it may be needed by the country a portion of that which by a provision of existing law is required to be held at the very time that it is most needed, and in this way it will prove highly beneficial to the business of the country.

Mr. BURCHARD. I understand the provisions of the bank act to prohibit banks from loaning money when their reserve is below a certain percentage. What I desire to ask is, will not the safe bankers of the country reserve as large a percentage as the law now requires, even if you repeal this provision in regard to the amount of the reserve?

Mr. MARSHALL. It is well known, and I suppose is not questioned, that every safe and judicious banker generally keeps on hand a reserve quite as large as that now required by law, and this is done as a matter of safe and judicious business management. The object of the repeal is to remove the absurdity of requiring it to be held there without answering the proper function of a reserve—that is, to furnish relief in times of panic or stringency.

Mr. BURCHARD. Then while this may appear to be inflation, it is not really so.

Mr. MARSHALL. Certainly not in any objectionable sense.

Mr. PENDLETON. How about the unsafe bankers?

Mr. MARSHALL. Every judicious banker generally keeps on hand, as I have already stated, a larger reserve than that now required by law, and as for the dishonest and unsafe banker, the provision of the law now stricken out furnishes no protection whatever to depositors or to the business community, as has been demonstrated by a hundred disastrous failures; and therefore it is in the direction of conservatism to strike out this provision of the law and adopt the provision reported by the committee of conference.

Mr. PENDLETON. If what the gentleman says is correct, that the banks always keep a larger reserve than the law requires and that now if this bill passes they will continue to keep such larger reserve, what in the world is the object of putting this provision in the bill?

Mr. MARSHALL. Mr. Speaker, I have already indicated that the reserve while it is absolute and can never be used is of no use to the banker or to the public—none whatever. It is money kept in the vaults of the bank, if the law is obeyed, which for all practical purposes might as well not exist at all when the time of trouble comes. Any one who has studied the operations of the English banking system and the manner in which the business of the Bank of England is carried on knows that that great institution in times of panic pays out for the purpose of allaying the panic and reduces its reserve to the lowest minimum. That is a conservative principle of action for the purpose of allaying the panic and preventing disaster to the business interests of the country, and if we have a banking system established by our Government we must rely somewhat upon the judgment of the bankers who have their money and their all invested in this kind of business. The circulation is protected by a deposit of bonds, and I have already shown that there can be no adequate security for the depositors except what is furnished by the character of the banker.

Mr. Speaker, I must hurry on, for I promised to yield a portion of my time to some of my friends. I suppose it is proper for me to say that as an original proposition I should not favor the establishment of a single national bank in the country. I believe that the system is wholly and entirely vicious and is one of the potent agencies working in the interest of that system of centralization which is most dangerous to our republican system of Government. If I had it in my power I would not strike it from existence in a moment, but I would adopt some measure by which the present national banking system should be wound up as rapidly as it can be done without materially affecting the business of the country.

Mr. MERRIAM. In what other mode would the gentleman furnish a currency for the people?

Mr. MARSHALL. I have not time now I fear to go into that. I presented the other day a bill now on the files of the House, and which I may print with my remarks, which foreshadows a plan that in my judgment would rid us of the strong political objections that exist against the present system, save to us $20,000,000 annually in gold which we now pay for interest, and give a much better and more uniform currency than we now have.

Mr. MERRIAM. As the gentleman has expressed what is doubtless the opinion of many gentlemen here, I desire to ask him whether he would return to the State-bank system or would continue the national-banking system?

Mr. MARSHALL. There are various modes which would be preferable to the present system. The one that I should prefer would be the issue to supply the place of bank notes retired, not legal-tenders, (for I should be opposed to the issue of any more legal-tenders,) but Treasury notes payable on demand in legal-tenders and provide bonds if necessary for the redemption thereof, and I would provide for their redemption in such manner as would soon bring them up to par with gold. It is not desirable that that result should follow immediately. But every legitimate industry and business in the country demands that our present system of an inconvertible and vicious currency shall not be indefinitely continued.

Banks of some kind, honestly and properly conducted, are a great convenience to the people, and indeed almost absolutely necessary for the proper transaction of business. Banking in such mode as the laws permit is as legitimate and, properly conducted, is as laudable a business as any. I have no censures for nor assaults to make upon gentlemen who engage in that business. The honest, intelligent, safe banker is a most useful and meritorious citizen. It is to the system I object. I do not believe in Government managing or interfering with this any more than any other business. If let alone it will take care of itself, as merchandising, manufacturing, and the like do. Let Government wind up the national banks and issue Treasury notes payable on demand to supply the place of the bank circulation and make these notes in a short time equivalent to or convertible into gold, as provided for in the bill I print herewith. Then, every monopoly feature being removed, these notes would permeate all the channels of business. Wherever there was a demand for money they would be found. Individuals or associations all over the country, having capital, could go into the banking business unmolested by the intermeddling of Government officials. The money they issued would be these Treasury notes, legal-tenders, or gold and silver, and this money would always be good in the hands of those holding it whether the bank that loaned it prospered or failed. Depositors would take care of themselves, as they must do now, and knowing that the Government had nothing to do with these institutions, they would be more careful in the selection of their banker. We would be rid of the centralizing and vicious political tendencies of the present system, remit the Government back to its legitimate functions, and in this way we would get rid of a monopoly which I regard as dangerous in its tendencies to the best interests of the country.

Mr. MERRIAM. You ought to have voted for free banking; that would have freed us from a monopoly.

Mr. MARSHALL. What you call free banking would still be a monopoly, and dangerous as I think to our political institutions. I am opposed to the Federal Government furnishing to the people any system of banking or undertaking in any way to manage the business of the people.

Mr. MAYNARD. You would adopt substantially the system of exchequer bills.

Mr. MARSHALL. By the mode proposed we would have a better currency, better and safer banking system, perfectly free and untrammeled, entirely freed from the odious monopoly feature, and at the same time save to the national Treasury at least $20,000,000 in gold that we now pay for interest on our bonds. Why should not the people have the benefit of this better currency? Why should not the Government have the profit of furnishing it? Why should not the four hundred millions of capital now lying dead in the Treasury in the shape of bonds deposited as a security for the circulation of banks be freed from its prison and enter in some way into the productive pursuits of the country? Why should not banking on this safe basis be as free as any other business?

But I did not, Mr. Speaker, intend to take up so much time. As I said at the outset, the bill before the House is right, just, and equitable. I ought to make one additional remark upon another point. This bill provides for keeping in circulation $382,000,000 of legal-tender notes. That is the amount now said to be out. A portion of that was issued by the Secretary of the Treasury, as I believe in utter violation of law.

Mr. KELLOGG. Allow me right here——

Mr. MARSHALL. Wait a moment.

Mr. KELLOGG. All right.

Mr. MARSHALL. But it is out and in circulation. As I would have objected to the Secretary issuing it in violation of the law, I shall at all times oppose leaving the power in the hands of any man on earth to either contract or expand the currency of the country at his will. This additional amount of legal-tenders was put out for the benefit of New York bankers and stock brokers. It was put out by the Secretary of the Treasury to prevent their going into that insolvency and ruin that should have fallen upon them, for they brought this disaster upon the country. Having put it out in their interest, I shall oppose leaving it in the power of any man on earth to withdraw it at the bid of the men for whose benefit it was put out. It is now out and a part of the circulation. It is said, and I believe truly, that if Congress does not interfere this $26,000,000 will soon be withdrawn, which would at this time bring great distress to the people. I propose that Congress shall put its foot down right there and say, "Thus far you have gone, but you shall go no farther; you shall not expand or contract the currency at your pleasure; it is for the law-making power to determine that question; it is a power dangerous in the hands of the best of men, and immensely dangerous in the hands of bad men." We ought to hold out no such temptation to any man on earth, whether good or bad. We should say "This much is the fixed currency of the country and not to be withdrawn without authority expressly given by law," and thus we have here done.

It has been suggested that by providing that no part of this shall be held as a reserve the Secretary of the Treasury may be embarrassed. Not necessarily so. A fair construction of this provision of the report would be that its purpose and effect was simply that that much shall be regarded as a part of the circulating medium of the country. The Secretary of the Treasury can retain a balance for the business and necessities of the Treasury, just as he has always done. It is impossible to misconstrue this provision.

As I said before, it will not be regarded by the House, I suppose, and cannot be regarded by the country, that this measure, just and necessary and equitable as it is, is in any sense a settlement of the financial question. It leaves the present vicious system in full force in all respects except as changed by the report of the committee of conference.

For years since the adoption of our present financial system we have been floating on in almost utter financial anarchy, and trusting, according to the principles, or I should rather say the policy, of the Secretary of the Treasury, for time and circumstances to bring around a wholesome change in our financial condition. It never can be done in that way. This idea of growing up to a safe financial system, or contracting to a safe financial system, is equally absurd and preposterous. There are radical changes demanded, so that we may have a safe, uniform, certain, circulating medium, equivalent in value to the gold currency of the world, if not immediately convertible into that kind of currency. The country demands it, and it will never rest until it is secured.

Mr. Speaker, I desire, as stated before, to print herewith the bill that I had printed some days ago on this currency question. I do not of course expect action on it at this session of Congress. It is doubtless immature and imperfect in some of the details. But I believe it indicates a plan that, if adopted, would result in a uniform and safe currency, bring prosperity to the country, and save to the country annually many millions of money now absolutely squandered by our present vicious system.

Before concluding, Mr. Speaker, I hope it will not be deemed impertinent or offensive for me to remark that the utter failure of the party in power to handle successfully this great financial question or to furnish any satisfactory solution of the difficulties with which all the industrial interests of the country are embarrassed furnishes another potent fact, added to those heretofore given, that the republican party is necessarily and inherently unfitted for the successful and proper administration of the Government in times of peace. I do not propose to criticise its administration during the civil war; I do not deny its immense energy and momentum since the close of the war. It has undertaken herculean tasks, and has overridden constitutional and other obstacles to reach its purposes. It has made most frightful strides toward centralization, and where it found a constitutional, federative republic it now wields the powers of an almost imperial empire. But it has demonstrated that it is wholly unfitted to administer successfully in peaceful times the affairs of a constitutional republic. Its reconstruction policy has resulted in the utter impoverishment, ruin, and desolation of eight noble Commonwealths that even five years of a terrible civil war had left in comparative prosperity. With overwhelming majorities in both branches of Congress all its efforts at financial legislation and financial reform have been ridiculous failures, and its efforts to mature some measure of relief against the grinding extortions of railroads and common carriers have been equally abortive. Corruption pervades every branch of the civil service, stalks abroad in gaudy tinsel, and is everywhere found clothed in official robes. There are as good people in the republican party as are to be found anywhere.

I do not claim or believe that its adherents are in the main either vicious or corrupt. It is the policies of the party that make it necessarily a party of corruption. It is the issues upon which it was organized and drawn together which unfit it for civil administration when those issues have passed away. The republican party believes in centralization, in paternal government, in thinking for and managing the business of the people. This policy necessitates large revenues and oppressive taxation. Large revenues require numerous officials for their collection and disbursement, hold out temptation to the peculator and robber, and breed corruption as certainly and inevitably as the sun gives light and heat. It has always done so in every age and in all countries, and will do so to the end of time. We have reached a point when there must be a change or the country drift into inevitable ruin and bankruptcy.

It is easy to see and point out the necessary and inevitable remedy. Will the people have the courage and the intelligence to adopt it? That they will do so I have no more doubt than I have of the truism that man is capable of self-government.

Since the foundation of the Government there have been two central ideas which have been warring for the mastery in the Government: one the federal and centralizing idea which leads to extravagance and corruption and tends to tread the road to a centralized despotism; the other the democratic idea which abhors centralization, makes eternal war on despotism and corruption in all their forms, confines the functions of government to their original and legitimate limits, abhors protection and paternalism in government, leaves the people free to manage their own affairs, and enthrones economy and honesty in the administration of the Government.

This idea, taking possession of the democratic party and its great chiefs, administered the affairs of our Government for sixty years. During this time economy sat enthroned in every department of the Government, and liberty, peace, and joy dwelt in the homes of our people. Corruption and peculation were outlaws, and whenever they raised their heads were driven with scorn into ignominy and disgrace. The boundaries of our country were extended from sea to sea, and embraced in its area the productions of every clime. We prosecuted successfully two foreign wars, and subdued the numerous hostile tribes of aborigines without contracting ruinous debts or imposing oppressive taxation upon the people. During all this time the hand of the Federal Government was never felt oppressively anywhere; no citizen's liberties were invaded in violation of law; the great writ of *habeas corpus* was inviolate, and not one tear-drop was ever during this whole time brought from a human eye for any political offense. This party has now been out of power for fifteen years. During that time it has been persistently maligned and traduced by its enemies, and many of those reared in its bosom and who had felt its love and warm embrace have turned and stung it with ingratitude. But its principles are immortal. They are as eternal as the hopes of man for redemption from oppression and wrong. If we are to have relief from our present oppressions and wrongs, this grand old party must be enthroned once more in the administration of the Government. The people are everywhere alive to this fact. The prospects were never more propitious. State after State is wheeling into line to constitute a part of the grand army, and the time is now at hand when the party of Jefferson and Jackson will once more march to the front with economy and honesty in the administration of the Government, free trade, anti-monopoly, and home rule inscribed upon its banners, and will, it is to be hoped, for ages administer the Government to the honor of the country and the peace, happiness, and prosperity of a free people.

The bill referred to by Mr. MARSHALL is as follows:

A bill to provide for retiring the national-bank circulation, prevent oppressive contraction or undue expansion of the currency, restore prosperity to the country, and provide for an early resumption of specie payments by the Government.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the entire amount of United States notes au-

thorized by law shall be and not exceed $382,000,000, which sum shall appear in the monthly reports of the Treasury as a part of the public debt, and no part of which shall be held and used as a reserve or retired from circulation except as authorized by law.

SEC. 2. That the act entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June 3, 1864, shall hereafter be known as "the national-bank act."

SEC. 3. That all further issue of national-bank notes to national banks by the Comptroller of the Currency, whether for the renewal of the defaced and torn bank-notes, or for any other purpose, is hereby prohibited.

SEC. 4. That every association organized under the provisions of said national-bank act, and of the several acts amendatory thereof, shall at all times keep and have on deposit in the Treasury of the United States, in lawful money of the United States, a sum equal to 5 per cent. of its circulation, to be used and held for the redemption of such circulation; and when the circulating notes of any such associations, assorted or unassorted, shall be presented for redemption in sums of $100, or any multiple thereof, to the Treasurer of the United States, the same shall be redeemed in United States notes. All notes so redeemed shall be charged by the Treasurer of the United States to the respective associations issuing the same; and he shall notify them severally, on the 1st day of each month, or oftener, at his discretion, of the amount of such redemptions; and whenever such redemptions for any association shall amount to the sum of $500, such association so notified shall forthwith deposit with the Treasurer of the United States a sum in United States notes equal to the amount of its circulating notes so redeemed. And all such notes of national banks shall, when received by any assistant treasurer or at any designated depository of the United States, be forwarded to the Treasurer of the United States. And whenever such association shall fail to make good, within twenty days after notice given for such purpose, any deficit in said 5 per cent. deposit, the said Treasurer shall sell, of the bonds on deposit to secure the circulation of such association, a sufficient amount to make up such deficiency; and when, by the action of such association or by the sale of bonds, the United States notes so paid in redemption of the circulating notes of such association or associations shall be replaced, the said Treasurer shall cause the said circulating notes to be canceled and destroyed, under the supervision of the Comptroller of the Currency; and a full and complete record thereof shall be made and kept by said Comptroller; and whenever $900, or any mutiple thereof, of the circulating notes of any such association shall be so canceled and destroyed, (the United States notes required for the redemption thereof having been replaced otherwise than by the sale of bonds on deposit for the security of such circulation,) the said Treasurer shall deliver to such association the bond or bonds on deposit with the Treasurer for the security of such circulating notes so destroyed: *Provided*, That each of said associations shall reimburse to the Treasury the charges for transportation and the costs for assorting such notes: *And provided further*, That so much of section 32 of the said national-bank act requiring or permitting the redemption of its circulating notes elsewhere than at its own counter, except as provided for in this section, is hereby repealed.

SEC. 5. That any association organized under any of the acts of which this is an amendment desiring to withdraw its circulating notes, in whole or in part, may, upon the deposit of lawful money with the Treasurer of the United States in sums of not less than $900, take up the bonds which said association has on deposit with the Treasurer for the security of such circulating notes; which bonds shall be assigned to the bank in the manner specified in the nineteenth section of the national-bank act; and the outstanding notes of said association, to an amount equal to the legal-tender notes deposited, shall be redeemed at the Treasury of the United States, and destroyed as now provided by law.

SEC. 6. That on and after the 1st day of January, 1875, in lieu of the tax of 1 per cent. per annum now imposed by law on the outstanding circulation of national banks, a tax of 3 per cent. per annum, payable semi-annually in gold, shall be collected upon the circulation which has been issued to each national bank which has not been returned for cancellation. This tax shall be collected by withholding one-half of said tax semi-annually from the interest upon the registered bonds deposited by said banks as security for their circulation; and if the interest of said registered bonds is payable in currency, there shall be retained of said currency the equivalent of said tax at the market premium on gold, which premium shall be fixed by the Secretary of the Treasury.

SEC. 7. That section 31 of the said national-bank act, requiring and regulating reserves of said national banking associations, is hereby repealed.

SEC. 8. That the Secretary of the Treasury be, and he is hereby, authorized to issue, in manner as hereinafter prescribed, on the faith and credit of the Government, a sufficient amount to furnish to the public a currency, in lieu of the bank-notes retired, of Treasury notes payable on demand in United States legal-tender notes at the Treasury and at such United States depositories as the Secretary of the Treasury may designate. Said notes shall be similar in form and appearance to the said legal-tender notes, and may be of denominations not less than one dollar nor more than $10,000, and shall be receivable in payment of all taxes, claims, and demands due to the United States: *Provided, however*, That for the fiscal year commencing July 1, 1874, 20 per cent., and for the fiscal year commencing July 1, 1875, 30 per cent., and for the fiscal year commencing July 1, 1876, 40 per cent.; and on and after July, 1, 1877, 50 per cent. only of the duties on imports shall be payable in Treasury notes.

SEC. 9. That the Treasury notes authorized herein to be issued shall only be issued to the extent that national-bank notes shall be returned for cancellation and destruction, as provided in this act, and shall only be used in the purchase of the United States bonds commonly called "five-twenties."

SEC. 10. That the Secretary of the Treasury is hereby authorized to issue, in exchange for legal-tender notes of the United States, or Treasury notes hereby authorized, at the option of any one who shall present them and demand the exchange, an equal amount of coupon or registered bonds of the United States, in such form as he may prescribe, and in denominations of fifty dollars, or some multiple of that sum, redeemable in the lawful money of the United States, at the pleasure of the United States, after five years from the date of their issue, and bearing interest payable quarterly in said legal-tender notes at the rate of 5 per cent. per annum. And the Secretary of the Treasury shall reissue the United States legal-tender or Treasury notes so received, or, if they are canceled, shall reissue notes of the same character as those canceled, and use them only to purchase or redeem and retire the bonds of the United States known as five-twenty bonds: *Provided*, That no purchases of United States five-twenty bonds shall be made under the provisions of this section when the price demanded shall be at a greater rate of premium upon the bonds than 10 per cent. of their par value of principal and accrued interest.

SEC. 11. That on and after the 1st day of January, 1878, any holder of United States notes, or Treasury notes hereby authorized, to the amount of fifty dollars, or any multiple thereof, may present them for payment at the office of the Treasurer of the United States, or at the office of the assistant treasurer at the city of New York; and thereupon he shall be entitled to receive, at his option, from the Secretary of the Treasury, who is authorized and required to issue, in exchange for said notes, an equal amount of either class of the coupon or registered bonds of the United States, not then worth more than par in gold, provided for in the first section of the act approved on the 14th of July, 1870, entitled "An act to authorize the refunding of the national debt," and the act amendatory thereof, approved the 20th day of January, 1871: *Provided, however*, That the Secretary of the Treasury, in lieu of such bonds, may redeem said notes in the gold coin of the United States. And the Secretary of the Treasury shall reissue the Treasury notes or United States notes so received either in exchange for coin at par, or, with the consent of the holder, in the redemption of bonds then redeemable at par, or in the purchase of bonds at not less than par, or to meet the current payments for the public service; and when used to meet current payments, an equal amount of the gold in the Treasury shall be applied in redemption of the bonds known as five-twenty bonds.

SEC. 12. That the Treasury notes authorized by this act, when received in payment of taxes, claims, and demands due to the United States, shall be reissued to meet the current expenditures of the Government.

Currency.

SPEECH OF HON. S. L. WOODFORD,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

June 20, 1874,

On the report of the committee of conference on the disagreeing votes of the two Houses upon the bill (H. R. No. 1572) entitled "An act to amend the several acts providing a national currency and to establish free banking and for other purposes."

Mr. WOODFORD. Mr. Speaker, I came into this Hall to-day earnestly desiring to vote for the pending bill. I deeply regret that after very careful reflection I cannot.

The measure certainly answers our instinctive sense of justice in attempting to redistribute the bank currency among the several States according to the ratio of wealth and population. It also looks in the right direction in fixing or limiting the volume of legal-tender notes, and in denying to the Executive and the Treasury Department any possible future exercise of the power hitherto claimed by the Treasury of regarding and using the retired legal-tenders as a reserve for paying the necessary current expenses of the Government. These two purposes are manifestly just and wise.

The bill seems to me to err in the following respects:

First. While it fixes the volume of legal-tenders, it does so at the sum of three hundred and eighty-two millions. It recognizes the temporary employment of twenty-six million of the reserve and adds that amount permanently to the legal-tenders in circulation. It makes no provision for retiring the paper thus issued from the so-called "*reserve*" during the stringency of the panic of last autumn. It thus permanently increases the volume of irredeemable paper "legal-tenders" twenty-six millions beyond the amount that was out on the 1st of July, 1873. This is a direct, deliberate step away from specie resumption.

Second. This bill releases and puts into active use at least twenty-six or seven millions of legal-tenders which are now locked up in the vaults of the banks as reserve against bank circulation. Some good judges estimate the amount thus released at a much higher figure, even as high as fifty millions. It thus surely and largely increases the volume of legal-tenders in actual employment among the people or available for artificial speculations. This is a second direct, deliberate step away from specie resumption.

Third. This bill recognizes in theory the right of the Government to increase in time of profound peace the volume of a paper currency irredeemable in coin that must be accepted, under certain circumstances, as the legal payments of public and private debts.

As I read this measure, (and I have sought to read it carefully,) whenever the States not now having their full quota of national-bank circulation shall furnish the necessary Government bonds they can have the entire fifty-five millions of currency allowed by this bill to be redistributed. If they shall furnish the bonds they can have the entire fifty-five millions of currency at any time either before July 1, 1875, or after; while on the other hand only thirty millions of such currency can be withdrawn from the States now having an excess before such 1st day of July, 1875. Do not let me be misunderstood. I do not believe that the bonds will be furnished and the fifty-five millions of bank currency be issued to the South and West before July 1, 1875. So that this third objection, as just stated, is theoretical and constitutional rather than practical. Still if the requisite bonds should be furnished within the next year, so as to authorize the issue of fifty-five millions of bank currency within that year, and only thirty millions can be withdrawn from the East and North during the same period, then the volume of bank currency may under the form and with the apparent authority of law be increased by the amount of the difference, that is, to the extent of twenty-five millions, for at least part of twelve months, or until July 1, 1875.

So long as such bank currency retains its present quality of partial legal tender; so long as the citizen can compel the Government to receive this currency for all excises and dues except customs duties; so long as the Government can compel its citizens to receive this currency in payment of all salaries, obligations, and dues except interest on the public debt; so long as each individual bank must receive the notes of all the national banks in payment of whatever is due to such individual bank; in one word, so long as the present national-bank currency is by direct requirement of law practically a legal tender for at least nine-tenths of all our business and financial transactions, I cannot vote for any measure which, even in theory only and by the subtlest interpretation, recognizes the right of the

Government in time of profound peace to stamp or invest paper that is not redeemable in coin with any quality or property of money so as to compel any one to accept that paper, whether he will or not, in payment of any debt whatever, public or private. This bill does this to the possible extent of twenty-five millions until July 1, 1875. There is not, I freely admit, the slightest probability of such an occurrence. But the claim of a right to issue additional paper in time of peace, to stamp or invest that paper with certain of the qualities of money, and by the sovereign power of the Government to force our citizens and aliens coming within our borders, to receive such additional paper as money for the payment of certain public and private debts, is in this bill. It is there, clearly and unmistakably, in direct language and by inevitable deduction. The power thus claimed is not in the Constitution as I read its provisions.

We have reached the parting of the ways.

In time of war, under the last plea of self-preservation, we passed the "legal-tender" act and printed Government notes which by law we compelled creditors to receive in legal payment of debts when due. In like time of war, and under the like plea of supreme necessity, we passed the "national-bank" act and printed bank-notes, secured by pledge of Government bonds, which by law we compelled certain classes of creditors to receive in legal payment of certain classes of debts when due.

These things we did in time of battle in exercise of what we called the "war power of the Republic."

Surely the war is ended now. With the ending of the war the rightful exercise of the "war power of the Republic" ended also. Such paper promises to pay as peace found outstanding and unredeemed may justly remain in use as currency until the Government can redeem and retire them. Let me, I trust with modesty, but still with the utmost firmness, state these resulting propositions:

1. The Government is morally and legally bound to redeem in coin all its outstanding and non-interest-bearing paper promises to pay, known as legal-tenders, at the earliest practicable moment.

2. The Government has in time of peace no moral right or constitutional power to issue one single additional Government note, or *greenback*, as popularly styled, and to compel any person to accept such note as money in payment of any debt whatever.

3. The Government cannot delegate to a private corporation the exercise of a power which the Government cannot itself constitutionally exercise, unless the authority to so delegate such power is clearly expressed in the Constitution.

4. If the Government cannot in time of peace itself print and issue additional paper, stamp that paper with the essential quality of money, and forcibly make that paper a legal tender in the payment of any debt, then it certainly cannot delegate the power to a bank corporation to issue and put in circulation a single additional piece of paper, however well secured, which any one must under the absolute requirement of Federal law accept as money in legal and compulsory payment of certain classes of debts.

The claim of right to do this is in the pending bill. If we may constitutionally authorize for any time whatever the issue of twenty-five million additional bank-notes with their present legal quality of "legal-tenders" in payment of certain kinds or classes of public and private debts, we may constitutionally authorize the issue of any amount for any period whatever. If one dollar, then one billion. If for one hour, then for a century. The constitutional power lies in doing or authorizing the thing itself, not in the amount nor in the time.

Nay, more than this; if we may constitutionally authorize the additional issue of additional bank-notes, and compel certain persons to accept them as money in the legal and absolute payment of certain classes of debts, may we not by even higher rule of law and constitutional construction authorize the Treasury to issue additional Government notes or greenbacks, stamp them as legal-tenders, and compel all persons within our jurisdiction to accept them as money in the legal and absolute payment of all debts except interest on the outstanding Federal bonds?

I commend this inquiry to the careful consideration of thoughtful men.

To repeat, we have reached the parting of the ways. I would that I could compromise this difference. I do not see how or where I justly may. The variance at this point is very slight. A little yonder and it is still but a few yards, which such a bill as this may seem, but only seem, to span. Still a little further and it is a great gulf which no scheme or device of conference committees can bridge over.

The single question at issue is but a simple one, easily and briefly stated. Can our Government in time of peace issue or authorize the issue of one single piece of paper that any one must under compulsion of the law accept as money in payment of any debt?

Here part the ways.

If you say "*yes*," then you may logically vote for this measure. You are consistently and intelligently entering upon a road that leads through inflation to repudiation.

If you say "no" you may still in mistaken effort for an impossible result vote for this measure. But you enter on a road where you must at the last retrace your steps and come back again to the old path whose sure way you to-day are leaving.

With great reluctance and with sincerest respect for valued friends and party associates who differ from these conclusions, let me simply repeat the essence of these words.

This question seems to me one of bed-rock duty and constitutional obligation. I cannot so vote as to admit even by indirection that this Government can in time of profound peace issue or authorize the issue of a single additional piece of paper, whether you call it Treasury note or bank-bill, which any one must under compulsion of the law accept as money in payment of even any kind of debt.

Currency.

SPEECH OF HON. JAMES MONROE,

OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

June 20, 1874,

On the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 1572) entitled "An act to amend the several acts providing a national currency and to establish free banking, and for other purposes."

Mr. MONROE. Mr. Speaker, the conflict between different sections, during the present Congress, upon the question of the currency has been so sharp, and has at times threatened results so disastrous to that spirit of confidence which is the basis of all financial prosperity, that I have been very desirous of uniting with others upon some measure that would harmonize existing differences. Until this should be done, I did not see how any real progress could be made toward resumption of specie payments. I could not have voted for any large expansion of the currency nor for any sudden contration, but within these limits I have been willing to vote for any reasonable measure that promised peace. I have considered the question of a few millions more or less as of less importance than the question of equitable distribution and consequent harmony. With this desire to allay the heated contest which we have all witnessed, I have steadily supported such moderate measures as seemed likely to accomplish the object, even when they were not in all respects what I would have preferred. In the same spirit of conciliation, I am glad of an opportunity to vote for the bill now before the House. Heretofore we have failed in our measures, but this one bids fair to succeed. It does not contain all that I could wish, but the provisions that it does contain meet my approval, and its passage promises harmony. By removing $55,000,000 of bank-note currency from the East to the West it removes all ground of complaint in regard to unequal distribution, and by fixing the limit of Treasury notes at $382,000,000, it relieves the business men of the country of that uncertainty as to the amount of legal-tenders in circulation of which they have complained. The section which repeals the law requiring the banks to keep a reserve upon circulation, already abundantly secured, relieves them from a useless burden and enables them to offer larger accommodations to legitimate borrowers. I hope, therefore, that this bill will become a law. If it should, it will in several ways afford relief, and will accomplish what is more important still—it will give peace to the country.

The Currency.

SPEECH OF HON. S. W. KELLOGG,

OF CONNECTICUT,

IN THE HOUSE OF REPRESENTATIVES,

June 20, 1874.

The House having under consideration the report submitted by the committee of conference on the currency question—

Mr. KELLOGG said:

Mr. SPEAKER: I voted for the second conference committee upon this matter for the purpose of getting a bill upon which we could all harmonize if possible. And I voted also with more willingness for it because my friend from Massachusetts [Mr. DAWES] made the motion, and I thought I could rely upon his judgment. And I will say to my friends here of the South and West that I have studied this bill carefully and anxiously, with an earnest desire to vote for it if I possibly could consistently with my own convictions. I certainly have no feeling against the South or West or any part of this broad country in connection with this matter, and the constituents I represent are too broad and liberal in their views to have any sectional feeling upon this great question. And I want my friends from the West and South to understand that we have no desire to withhold any portion of the currency in excess of what you say we are entitled to if you are in a condition to take it and if it will benefit you to take it. For we remember that a large portion of the great West was settled by our own brothers and friends, and our interests

and our affections are there as well as yours; for there is the home of our brethren and our kinsmen; and from all your broad prairies there stretch forth to some New England home the ties of interest, of affection and love. But when my friend from Indiana [Mr. HOLMAN] gets up and tells me that this bill increases the legal-tenders $26,000,000, besides the reserves that you release by the terms of the bill, then I say, in accordance with my settled convictions, I cannot possibly vote for this bill, because instead of its being a step toward specie payments, it is a long step in the opposite direction.

Mr. KASSON. Do you believe that it adds $26,000,000 of legal-tenders to the circulation?

Mr. KELLOGG. It does. It increases the legal-tender circulation $26,000,000 from the old limit of $354,000,000; and I will tell you why. There are not $382,000,000 out now. Of the $382,000,000 there are $26,000,000 which are treated as a reserve to be called in, and we ought to provide for calling it in gradually. If you will look at the monthly statements of the public debt issued by the Secretary of the Treasury month by month, you will find that the Treasury has begun to retire this $26,000,000 and that it ought to be called in just as soon as the interests of the country will allow it. But by this bill, instead of allowing the Secretary of the Treasury to call in these $26,000,000, which would never have been issued except to meet the necessary demands upon the Treasury, you provide that no part of this shall be kept as a reserve or called in and retired. You therefore expand your greenback circulation $26,000,000 beyond the amount last year, besides letting out your reserve on national-bank circulation. I say then that it is a reason why this bill should be rejected, that you have left out of it entirely anything that provides for the redemption of these legal-tenders, and you have not put in any provision that looks to a return to specie payments in all time to come.

While I would be glad, and would with all my heart go as far as I could without belying my own convictions, to meet the views of my friends from the West and the South, I cannot vote for this bill with those provisions in it, and with no provision whatever in it that can lead the country in the direction of specie payments in the future. The committee have utterly failed in my judgment to present such a bill as the interests of the country demand at our door.

War Claims.

SPEECH OF HON. PHILIP COOK,

OF GEORGIA,

IN THE HOUSE OF REPRESENTATIVES,

June 23, 1874,

On the subject of war claims.

Mr. COOK. Mr. Speaker, by the rules of this House and the organization of its committees I have been forced to seek this occasion to say what I desired to have said some days since, when the bill reported by the Committee on War Claims was before the House. It was most unfortunate for the section of the country I represent in part, and I may say for the whole country, that we have no representative man in the Cabinet or in any Department of the Government by appointment. Every office is filled with a scrupulous care to the exclusion of one great section of the country, and we have recently seen the virtual rejection of a distinguished gentleman for a place on the supreme bench upon the simple ground that he had written a friendly letter expressing feelings of kindness and respect to a gentleman of the South. This fact shows the animus of the ruling party in regard to the people of the South, and the difficulty they have in presenting themselves before the tribunals of the country. Not only do they appear to this House before those who have to a certain extent prejudged their claims, but they are forced before tribunals whose judges must show that they are equally committed against them.

It will be seen by looking at the organization of the committees of this House that the same facts prevail; that the Southern States, which are most vitally interested in many measures before this House, have not that opportunity of representing their interests before the committees or on this floor which other sections have in regard to their peculiar interests; and we have thus been virtually debarred to a great extent the privilege of being heard upon the floor of this House. But, sir, this is one of the fundamental principles of the republican party, the great party of moral ideas and higher-law doctrines. And what, sir, was the condition of the whole country when this Congress assembled under the management of this party? A universal prostration of all its interests; its commerce languishing; its banks, the creation of its own power, suspended; its syndicate bursted, and its financial agents gone into bankruptcy; the toiling millions of the country clamoring for bread and work, and every telegram bringing intelligence of the continued suspension of your furnaces and machine-shops throughout the country.

A memorial and bill were introduced at the very beginning of the session, asking for provisions to feed the hungry in the Mississippi Valley—a thing unknown before in the history of this country. There was a universal stagnation of all business and enterprises, and a depreciation in values, which swept away in a moment the fortunes of the wealthy and pitiful accumulations of the poor. We have seen the militia of two States called on to protect the interests and property of corporations. We have seen one State in civil discord and a committee appointed to investigate its affairs. We have seen the citizens of another State before our doors asking and imploring an investigation of their affairs, and praying us to protect their property from confiscation; and we have seen the governor of that State indicted for larceny by a grand jury of his own party. Charges of the grossest character have been preferred against more than one of the Federal judges, and frauds, peculations, and defalcations have been shown in almost every department of the Government. And what, sir, has been done to relieve the country from financial embarrassment or to save it from the lusty greed of the freebooters who collect its revenues and disburse its moneys? You have passed a currency bill which the President has vetoed; you have repealed the Sanborn contracts. What other act of general legislation for the benefit of the country generally has been passed? Its soldiers carried the country successfully through the storm and tempest of civil war; and its politicians have wrecked and ruined it in the time of peace.

No government on the earth has had the same sources of recuperation and wealth, and no government has ever been more utterly destroyed or paralyzed than this. The President informs us that the currency in this country was not sufficient to carry on its commerce. This was in his first message to this Congress, and yet he vetoed the only bill which promised any increase or aid; and now he says we must return to specie payments, when in fact the whole amount of specie in the country would not pay the tax of the people due to the Government. What hope to-day does this party hold out to the laboring men of the distant West or the impoverished people of my section? What, sir, is the great panacea which is offered to anxious, waiting people of this country? What glad tidings of great joy is proposed to the country? Why, sir, what do you hear each Monday morning? Gentlemen enter this Hall fresh from their Sunday devotions, subdued by the songs and prayer, by the smiles of the virtuous and good, and the first opportunity to the exclusion of all other business a motion is made to suspend the rules and pass the "civil-rights bill." Upon this single question the republican party seems to rest its hopes for the future. All the other great interests of the country must give way to this. I will simply say in regard to this bill that it is fraught with evil to the country. It is prompted not so much by love and admiration of the colored man as it is by the lingering hatred of the race I have the honor to represent upon this floor. It is not to elevate the colored race but to degrade the white race, and I beg the thoughtful consideration and deliberate attention of honest men of all sections and all parties to this fact.

My main purpose, Mr. Speaker, in seeking this opportunity to address the House was briefly to allude to the report of the Committee on War Claims recently presented by the gentleman from Ohio, [Mr. LAWRENCE.] This report seems not to have had a full concurrence of the committee, though the chairman was authorized to make it. It is to be regretted, extremely regretted, that the members from the Southern States did not see proper to make a minority report. The well-known ability of one of the gentlemen at least [Mr. HARRIS, of Virginia] would have enabled him to do this simple act of justice to the needy people of our section. His general intelligence and fealty to principle is a sufficient guarantee that he could have exposed the sophistry and fallacy of the grounds upon which that report is based and vindicated our section from charges which are not founded in fact and are most unjust and ungracious.

I will allude to but two classes of claimants for which any compensation has as yet been asked or promised by the Government. First, this report shows that there was seized during the war and shipped and sold in New York cotton, the net proceeds of which are now in the Treasury of the United States, $24,251,269.93. After deducting all charges, costs, payments, &c., the records of the Court of Claims show there was due the 27th of February, 1874, $14,410,429. From this amount in the Treasury Congress passed an act allowing loyal citizens to recover their interest in this cotton, and yet every difficulty has been thrown in the way of the recovery of this large amount of money due the loyal citizens of the Southern States. I was not a loyal citizen myself, nor have I ever undertaken to defend the loyalty of that class, nor do I now; but if the Government honestly intended that these people should be paid their money, of which they have been unjustly deprived, and which now lies in the public vaults, good faith requires that they should be permitted to go into the courts and get their just dues.

The Supreme Court of the United States has decided that the act requiring the oath of loyalty was unconstitutional. This was in the Drake amendment. But before that decision was made known, the time for filing these claims had expired, and these men have thus been debarred from appealing to the courts for the recovery of their property. The Supreme Court says this money never has been confiscated, but that the Government holds it in trust for the owners. (See decision in Paddleford's case, 4 Wallace.) They say the act requiring loyalty, or rather the proof of it, is unconstitutional; and that if it is not, the amnesty proclamation wiped out all guilt and restored all the rights of property.

There is another class of claimants for cotton which was taken after June 1, 1865. The amount of this in the Treasury approximates five

and a half millions. The act of May 18, 1872, authorized the payment of the net proceeds of this to owners, not requiring any oath of loyalty. The report of your Committee on War Claims makes a charge of bad faith if not gross fraud and corruption against the claimants of this fund by saying that claims covering near three times that amount have been presented. I have a complete answer and refutation of this charge which shows not only the general correctness of these claims, but the most stupendous stealings, corruptions, and frauds on the part of the Government officials who had charge of this branch of business, which might with great propriety be termed the stealing department of the Government.

The following statement of the sales of cotton seized in the southern cities, with the expenses charged and deductions made under various pretexts, exhibits the showing of the Treasury Department, and, on its face, is specious and plausible. Of the Savannah cotton, sea island, which was worth about two dollars and fifty cents per pound, was sold at about eighty cents, and upland was sold at about forty cents, when it ought to have averaged over a dollar.

A great fraud is concealed in these figures—a fraud which could have been perpetrated only by false samples and other similar dishonest contrivances. That such fraudulent devices were used has long been well known and understood. The history of the commercial world may be searched in vain for any similar frauds, on a scale so gigantic and with results so ruinous and unjust to the parties concerned.

Of the cotton sold by Simeon Draper, United States cotton agent, derived from Savannah, there were of sea island 6,531 bales, weighing 2,644,673 pounds, (value, currency)	$1,657,231 77
Charges of transportation, &c., following cotton to sale	101,958 58
Making net value	1,555,273 20

Or an average of $238.13 per bale.

From the foregoing proceeds there was subsequently to the sale deducted by direction of the Secretary of the Treasury—

1½ per cent. to cover incidental expenses	$24,858 47
1 per cent. to pay commission to agents	16,572 31
Internal-revenue tax on 2 044,673 pounds	40,893 46
	82,324 24

Or $12.61 per bale, leaving as an absolute net balance upon which judgments were paid of but $225.53 per bale.

Of upland from Savannah, 32,827 bales of cotton, 16,034,415 pounds.	$6,418,600 36
Charges of transportation, &c., following cotton to sale	512,478 00
Net value of sale	5,906,122 36

Or an average of $179.91 per bale.

Deducted after sale—

1½ per cent. incidental expenses	$96,279 00
1 per cent. commission to agents	64,186 00
2 cents per pound revenue tax, 16,034,415 pounds	320,688 30
	481,153 30

Or $14.34 per bale, leaving an absolute net amount of $165.57, and which amount has been paid on judgments of the Court of Claims.

Of sales from Charleston, South Carolina:	
Sea island, 1,063 bales, 286,302 pounds	$202,671 24
Charges of transportation, following cotton to sale	7,876 83
Making net value	194,794 41

Or an average of $183.25 per bale.

Charges subsequently deducted—

1½ per cent. incidental expenses	$3,040 06
1 per cent. agents' commissions	2,026 71
2 centr internal-revenue tax on 286,302 pounds	5,726 04
	10,792 81

Or $10.15 per bale deduction, leaving but $173.10 on which judgments were rendered.

Of upland cotton, Charleston, South Carolina:	
3,639 bales, 1,437,118 pounds	$530,421 03
Charges of transportation, following cotton to sale	26,964 46
Net of sales	503,456 57

Or an average of $138.36 per bale.

Amounts subsequently deducted:

1½ per cent. to cover incidental expenses	$7,956 31
1 per cent., to pay commissions of agents	5,304 21
2 cents per pound on 1,437,118 pounds by internal-revenue tax	28,742 36
	42,002 88

Or $11.54 per bale, leaving $126.82 per bale to satisfy the judgments of the Court of Claims.

Of sales from Mobile, Alabama, derived from seizures by the military forces:	
3,220 bales upland cotton, 1,628,873 pounds	$628,645 91
Charges following the cotton to sale	22,319 15
Net of sales	606,326 76

Or $188.31 per bale.

Charges deducted after sale:

1½ per cent. to cover incidental expenses	$9,429 67
1 per cent., commission of agents	6,256 45
2 cents per pound on 1,628,873 pounds, internal-revenue	32,577 46
	48,293 58

Or $14.99 per bale, leaving but $173.32 per bale for any claimant in the court.

Of sales from Mobile, Alabama, derived from agents of the Treasury:	
9,9e6 bales of cotton, 4,018,689 pounds	$1,461,077 27
Charges following the cottons to sale	111,013 38
Net of sales	1,350,063 89

Or $135.20 per bale.

Charges deducted after sale:

1½ per cent. to cover incidental expenses	$21,916 17
3½ per cent. to commissions of agents	51,137 70
2 cents per pound internal revenue on 4,018,689 pounds	80,373 78
	153,427 65

Or $15.36 per bale, leaving but $119.84 upon which judgments are rendered to claimants.

The cottons derived from New Orleans and received at New York were disposed of with the same charges attached. Those sold at New Orleans by the several agents had only the 2 cents per pound revenue tax deducted, besides the other expenses, and without any percentage for incidental expenses or for the commission of agents.

The average net amount obtained per bale—	
By the sales of military	$192 00
By B. F. Flanders, Treasury agent	146 64
By G. H. Burbridge Treasury agent	43 34
By O. N. Cutler, Treasury agent	160 37
The sea island cotton seized at Savannah, 2,044,673 pounds, was worth at $2.50 per pound	$5,111,682 50
It was reported as sold for	1,657,231 77
Loss unexplained	3,454,550 73
The real value of the upland cotton seized at Savannah, 16,034,415 pounds, was	$16,034,415 00
Reported as sold for	6,418,600 36
Loss unexplained	9,615,814 64

Similar, or even worse results will be shown by an investigation of the sales made of the cotton seized in the other southern cities.

Such are the facts and figures as to the cotton seized during the war. Now, sir, as to that seized after the war and after the 1st of June, 1865, the report says the amount approximates five and a half millions, but that claims to the amount of eighteen millions—nearly three times the amount seized—were filed before the Secretary of the Treasury. I will state but one case, and for the payment of which I offered a bill early in the session and which is yet before the committee. The evidence in this case is before the Treasury Department in full; and what is true in this case is true as to all the seizures after the 1st of June, 1865.

This case illustrates a stealing of over $50,000 to get $11,600 in the Treasury, and accounts fully for the difference of the amount in the Treasury and the amount claimed. This gentleman had one hundred and sixty-two bales seized and shipped to New York and there sold. At the time of the sale the market value of the cotton was about $62,000. He brought his witnesses to this city, their testimony was taken here, and he established his title to the property. He was paid by the Treasury in December last $11,600 for $62,000 of property that had been stolen from him. Here is a clear loss to this man of $50,000 by the illegal seizure and sale of his cotton. Judge Chase decided in the circuit court of South Carolina that such seizures were illegal, and that the owner was entitled to the market value of his cotton at the time of the seizure and the interest upon the same.

The Constitution provides that the President "shall have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment." The power thus conferred is unlimited with the exception stated. It extends to every case known to the law before legal proceedings are taken during their pendency or after conviction and judgment. A pardon wipes out both the punishment prescribed for the offense and the guilt of the offender, and when the pardon is full it relieves the punishment and blots from existence all guilt or taint thereof, so that in the eye of the law the offender is innocent as if he never committed the offense. If granted before conviction it prevents any of the penalties and disabilities consequent upon conviction from attaching. If granted after conviction it removes the penalties and disabilities, and restores him to all his legal and civil rights. It makes him as it were a new man and gives him a new credit and capacity.

There never has been a conviction in this country by any court or tribunal for treason. The courts say this power of the President is not subject to legislative control. Congress can neither limit the effect of his pardon nor exclude from its exercise any class of offenders. It is not within the constitutional power of Congress thus to inflict punishment beyond the reach of executive clemency. If such exclusion can be accomplished by the Executive and an expurgatory oath concerning the offense, the pardon may be avoided and that accomplished indirectly which cannot be reached by direct legislation. (*Ex parte* Garland, 4 Wallace, 380.) Such is the decision of the court in regard to the effect of the power of pardon by the President, and yet notwithstanding this fact there are $30,000,000 in the Treasury of the United States belonging to pardoned citizens of the South.

In United States *vs.* Kline (13 Wallace) the Supreme Court say:

> On the 4th of July, 1868, a full pardon and amnesty, with some exceptions, was granted; and on the 25th of December, 1868, without exception, unconditionally and without reserve, to all who participated in the rebellion, with restoration of the rights of property as before.

No oath was required. The court decreed the President's power of pardon is not subject to legislation; that Congress can neither limit the effect of his pardon nor exclude from its exercise any class of offenders.

The court further say that the title to the proceeds of property which came into possession of the Government by capture and abandonment with the rebellious States was in no case divested out of the original owner, and yet Congress has by its legislation since this decision, and in the very face of it, continued to deprive the citizens of the property which the court say is held in trust for them; and the bill now proposed by the committee contains the same provisions as the Drake amendment, which the Supreme Court adjudged to be unconstitutional and void. Thus by this unconstitutional restriction and limitation upon the power of the President to pardon Congress does indirectly what it cannot do by direct legislative power.

I appeal to the candid judgment of the country whether such action is not trifling with the honor, good faith, and integrity of the Government. How long will the honest and upright people of the

country sustain such action on the part of their representatives? I appeal to those gentlemen who have professed such great sympathy for the laboring masses of the country, and especially such sympathy for the grangers, to do justice to those who are now suffering in common with the great mass of the people, who have been unmercifully plundered by corrupt officials in the past few years.

As to the charge, Mr. Speaker, made by the report that upon the surrender of Lee and his army the war did not cease but was still continued, it is only true so far as the troops of the United States Government were concerned, and it is equally untrue in every particular as to the South and the southern people. No people ever surrendered in better faith; none abided the fortunes of war with more fortitude than those of the South.

A brief statement of the facts in my own State will be sufficient refutation of the groundless assertion of the report made by the gentleman from Ohio, [Mr. LAWRENCE.] Immediately after the surrender President Johnson appointed a provisional governor; he was authorized to call a convention of the people of the State, which he did, and which assembled in November, 1865. That convention was composed exclusively of those who had been Union men and opposed secession. Ex-Governor Johnson was elected president of it. That convention repealed the ordinance of secession, repudiated the Confederate States war debt, and adopted the thirteenth amendment. It also adopted an ordinance giving to colored people all the rights of person and property enjoyed by the whites, protected them in their liberty, personal and martial rights, and opened to them the doors of our courts upon equal terms with the whites. They had every right under the laws and constitution of the State of Georgia that they now have under the new amendments of the Constitution except the right of voting and holding office. At that day no ill-feeling or animosity had been engendered between the races. The colored people, as they had done during the war, remained at their old homes, conducted themselves quietly and orderly, and I challenge the history of the world to show a people more quiet, more orderly, law-abiding, and peaceful after a ruinous and disastrous war than the whole people of the South, white and colored.

I challenge the history of the world to show a class of people like our then slaves, who for four years remained true and loyal, and by whom fewer crimes were committed than by any other people on the face of the earth under circumstances like these. Their conduct deserved and received our respect and consideration. President Johnson sought in good faith to carry out Mr. Lincoln's proclamation, but that did not suit the party in power. The members elected to the Thirty-ninth Congress were all Union men originally, and the Legislature of the same class elected without opposition Mr. STEPHENS and ex-Governor Johnson as her Senators, men distinguished for their conservatism, intelligence, prudence, and integrity. No men were ever elected to represent any people who did more thoroughly have the confidence of their constituents, who better understood the wishes and necessities of the people, and who were more deeply solicitous to place the State in full accord with the General Government and the other States of the Union than those selected by my State to represent her. And yet in the face of all these facts this strange report says the South was ready to take up arms at any time. But this is said, sir, to justify the unwarrantable treatment of southern claimants by the General Government.

This report sets up the doctrine of the freebooter and marauder—the doctrine that captives become slaves and in violation of civilized warfare for the past two hundred years. The gentleman from Pennsylvania, [Mr. KELLEY,] the other day in invoking the aid of the South for his centennial bill, felicitated himself upon the effect it would have in the restoration of good feeling and comity between the different sections. He said the word "treason" had become obsolete, and all that was wanted was to bring each section face to face and all would be well. Sir, if the word "treason" has become obsolete it has been substituted by one far more degrading and disastrous to the people.

Treason is a well-defined term, and the penalty prescribed by law. Far better for us, and I may say for the whole country, had the question of treason been settled by the trial of those arrested or others equally guilty. It would have saved the country from all the plundering which has been carried on under the guise of loyalty for the avowed purpose of suppressing disloyalty. The word he says has become obsolete, and yet punishments have been inflicted and confiscations of estates have been effected which could never have been imposed under any conviction for treason in this country.

These, sir, are the acts of bad legislation of which the South complains; and it is a fact which should deeply impress itself upon the public mind of the country that nearly every act of legislation in regard to the Southern States and her people has been declared unconstitutional by the Supreme Court of the United States; and it is equally worthy of reflection that but few acts of Congress prior to the late war had ever been held unconstitutional.

Sir, the people of the South have ever been loyal to the principles of free government and constitutional liberty:

> We too are the friends of loyalty;
> We love a king who loves the law
> Knows his bounds,
> And reigns content within them.

And beyond this God forbid that any American citizen should be loyal to king or government.

Tax on Brokers' Sales.

SPEECH OF H. H. STARKWEATHER.

OF CONNECTICUT,

IN THE HOUSE OF REPRESENTATIVES,

June 23, 1874,

On the bill levying a tax of $\frac{1}{10}$ of 1 per cent. on all sales of stocks, bonds, gold, silver and other securtiies.

Mr. STARKWEATHER. Mr. Speaker, on the 20th of April last I introduced a bill levying a tax of $\frac{1}{10}$ of 1 per cent. on all sales of stocks, bonds, gold, silver, and other securities, and moved its reference to the Committee on Ways and Means.

Subsequently, on further consultation with the Commissioner of Internal Revenue and other officials who have had large experience in the collection of our revenue, I introduced another bill in its main provisions the same as the first, but with a few additional provisions.

The bill passed the House by a majority of nearly one hundred as an amendment to the tariff bill; went to the Senate where it has encountered the opposition of such brokers as are engaged in demoralizing and disarranging the business interests of the country. These are the men who procured the repeal of the law by most scandalous lobby influences two years since. The past week there has been a regiment of these brokers and their attorneys here endeavoring to control the action of Congress. It is a repetition of the scenes and influences of 1872. Have the members of this House forgotten the character of these influences? I refer to Miscellaneous Document No. 98, third session Forty-second Congress, and to the testimony of Clinton C. Colgate, Judge Sherman, Le Grand Lockwood, Stephen V. White, John T. Denny, and to the statement of the governing committee of the New York Stock Exchange, in proof of the assertion that their conduct was an outrage. This testimony shows how the repeal of these taxes was brought about.

Here is a class of men more favored than any other in this country, and, while they are enjoying the privileges that arise from the creation of the coin and currency of the Government, escape entirely the burdens of taxation. It is another case of class legislation for the benefit of the few.

Let me quote a few lines from Medbury's "Wall Street," showing the immense incomes realized by the Wall street brokers:

> There are not more than four hundred stock-brokers who do any considerable business on "the street." Dividing up the percentage among that number of members of the exchange, we find that it will allow of a yearly income to each of about $109,000.

But this is but a portion of their profits and income. Many of these men have made immense fortunes. Ought they to come here and press their claims for exemption from taxation? I hope that Congress will not longer be controlled by their importunity and impertinence.

Let us examine the merits of this question and see whether these brokers are entitled to this exemption from taxation.

The Committee on Banking and Currency of this House in the Forty-first Congress were directed "to investigate the causes that led to the unusual and extraordinary fluctuations of gold in the city of New York from the 21st to the 27th of September, 1869." That committee, after full investigation, made their report at the second session of the Forty-first Congress.

In looking at that report and the testimony taken by that committee it will be seen that Jay Gould, Fisk, and other stock and gold speculators entered into a conspiracy to raise the price of gold, and they determined to bring as great a pressure as possible on the financial and business interests of the country to effect that purpose. In March and April, 1869, gold stood at 130¼, when Jay Gould, who seemed to be the organizing force in this conspiracy, bought seven millions of gold, which put up the price to 140. Fisk and other brokers followed his example, and by the 20th of May had advanced the price to 144⅞.

Every effort that human ingenuity and consummate rascality could devise was made to advance their interests to the sacrifice of the business interests of the country. Contracts were made and broken without the least pretense of observing the common rules of honor that is said to exist among thieves even, and the conspirators held high carnival until the courts intervened to check their illegal proceedings.

These same men led on by Jay Gould are now besieging Congress, threatening and pleading alternately. They have put forth their printed manifestoes, in which they demand that Congress shall not impose this tax, because it is a burden, as they say, on the honest emigrant who wishes to send $100 to the land of his birth.

This hypocritical pretense is put forth with a brazen effrontery and impudence characteristic of these men. It is not any honest emigrant or business man that is raising this clamor, as will be shown by their conduct and by the character of the business they are pursuing.

In proof of this assertion, I quote from the report of the committee:

> Thursday afternoon gold closed at about 144, and the conspirators, flushed with apparent success, held a meeting that evening to lay plans for the next day's campaign. The operations of the gold clearing-house, which usually amounted to seventy millions, had reached that day two hundred and thirty-nine millions. The clique held calls for more than one hundred millions of gold, and as there were not more than fifteen millions of actual gold and gold certificates in New York outside

of the sub-treasury, they seemed to be masters of the situation. Every man that had bought or loaned gold owed it to them, and must buy it of them or settle at such ruinous rates as they might dictate. They had a full list of all who were short of gold, including more than two hundred and fifty prominent firms in New York, many of them leading bankers and merchants whose legitimate business required large purchases of gold.

At that meeting it was proposed to publish this list next morning in all the city papers, stating the amount each firm was short, and how much gold the clique held, and informing the victims that if they did not settle at 160 before three o'clock a higher rate would be demanded.

So strongly did this shameless proposal commend itself to some of the conspirators that they sent for counsel to inquire whether there was any legal obstacle in the way. They were informed that such a course would constitute a conspiracy under the statutes of New York, and for this reason, or perhaps for fear of popular fury, the scheme was abandoned.

It was finally determined to put gold up still further and to continue the work of the previous day on a still larger scale. Early on Friday morning Fisk and Gould drove down to Wall street, reading on their way from the morning papers the unmistakable signs of the wrath in store for them. Nothing can more strikingly exhibit the artificial and unnatural character of speculation in gold than one of the answers of Mr. Fisk. When asked why he feared any sale the Treasury could make, while the clique held calls for six times as much gold as there was in New York outside the sub-Treasury, and much more than both the Treasury and the city could command, he answered, "O, our phantom gold can't stand the weight of the real stuff."

They made Heath's office their headquarters, and, with bullies standing as guards at the door and a crowd of runners at their elbows, issued their final orders for their grand assault upon the commercial community.

This exhibits the real character of these transactions. Fictitious sales of gold amounting to hundreds of millions daily! Shall we tax all the great business industries of the country for the benefit of this privileged class and allow them to go free? This is the real question. Indeed, Jay Gould, who controls the majority interest in the New York Tribune, assumes to dictate through its columns the policy of Congress.

THEY HAVE NOT REFORMED.

But it is claimed by these brokers that they have reformed their practices. Have they? Only last week in New York on one day there were sales of gold to the amount of $65,000,000. Of this, not over two millions were for any legitimate business transaction. And to-day the business interests are suffering by the unnatural condition of affairs induced by these speculations and fictitious sales of stocks and gold more than from any other single cause. The panic of last September is the legitimate result of their doings, as was the panic of 1869. Let me quote from the testimony of William E. Dodge, sr., as given before that committee:

My opinion is that without that organization it would have been utterly impossible to have got up that panic. In the open market no such excitement can occur. In the gold-room gold—or rather the ownership of gold—changes hands at fictitious values; men of almost no capital buy and sell gold, which they do not in reality possess, merely for purposes of speculation. There is no legitimate business about it, and the commerce of the country is obliged to make settlements at the current rate of gold according to the fictitious prices established by those gamblers. The law ought to treat it as *gambling* for that is what it is; gambling in the very life-blood of the nation, in the currency of the country, in which every person throughout the land is interested.

While in their development the panic of 1869 and of last September, like all panics, exhibit a variety of phases, their origin is traceable to the same cause, excessive speculation, and this is induced largely by the temptation afforded by these fictitious stock and gold sales.

But the most dangerous, the most tempting, and the most destructive of real business interests is the speculation in gold. A man with little money can make large purchases.

Let me quote from the testimony of Mr. Opdyke. He says:

There is this about speculations in gold which makes it more dangerous, and perhaps more tempting than speculation in almost anything else, namely, that it requires scarcely any money to speculate in gold. I think the general custom is with a man who is regarded as responsible no margin whatever is required, and when a man's responsibility is not acknowledged I think they require only 1 or 2 per cent. margin day by day.

This would enable a man worth $10,000 to speculate in gold to the amount of $1,000,000, as is often the case. A few characterless gamblers can control millions, and change the coin value of the whole country.

HOW IT AFFECTS BUSINESS.

The effects of this panic on the business interests of the country are thus stated by Mr. Opdyke in his testimony before the committee:

It produced an impression on the mercantile and financial mind, not only in this country but all over the world, that we here are a set of gamblers, and that it is not safe to enter into any contracts with us when it is possible for a small combination of speculators to monopolize one branch of our currency, the coin, which performs its functions now as it did before the suspension of specie payments, so far as our foreign trade is concerned.

It produced a universal feeling of distrust which made it difficult to obtain currency, and injured for a time very seriously the general business interests of the country.

AN EXISTING PERIL.

The danger now is just as imminent as ever, nor is this danger passed as the paper currency approaches gold in value. In regard to this point, Mr. Opdyke is unquestionably right when he says:

I think our return to specie payment will not increase our security against these combinations. They are just as liable to attack gold as paper by locking it up; and in doing that they can affect the market price of everything.

But it is said there are honest brokers, and legitimate and honest sales of stocks and gold. I freely concede it. One-fiftieth probably, possibly a larger proportion of the sales, are of this character. These honest dealers, however, do not assume to dictate to Congress. Of course they, like all others, desire to go untaxed; but it is perfectly apparent that even these enjoy such great advantages for making large incomes that this tax is no hardship either on the seller or buyer. No other business transactions can better afford to pay or bear the burden of taxation.

Mr. Speaker, I think we have seen in this discussion the dangerous character of the business of these Goulds and Fisks and associates. We have seen that their incomes are immense. We have seen how their reckless, selfish course affects, not the business of the country alone, but imperils the public credit. We have seen that it is a present peril, and that the return to specie payments, to which they are a standing obstruction, would not materially lessen the danger. We have shown the tax is one that is naturally suggested from the advantages enjoyed by the brokers arising in the business of the country in its relations to the coin and currency of the Government creation.

Now let us consider briefly the amount of sales and the feasibility of executing the law.

THE AMOUNT OF SALES OF STOCKS AND GOLD.

In New York the daily average sale of stocks is $70,000,000; daily sale of gold $10,000,000; making a sale of stocks and gold daily of $80,000,000. Multiply this daily rate by the number of working days in the years, say three hundred, and we have the annual sales amounting to $24,000,000,000. A tax of $\frac{1}{10}$ of 1 per cent. on this will realize $12,000,000 annually in New York alone. There would be realized elsewhere in the country as much more, making the income from the tax on sales of stocks and gold at least $24,000,000 annually.

ITS EXECUTION.

Under the bill as revised, Mr. Douglass, the Commissioner of Internal Revenue, says there can be no trouble in executing the law, and it will require little if any additional force, as the present collectors and other officials can do all the work. Indeed, it can be more easily executed than the law taxing whisky or tobacco.

The opposition comes mainly from those brokers that have done most to demoralize the market and embarrass the Government. It was such stock gamblers and gold gamblers as Jay Gould and Fisk that brought on the present disasters in our finances, and the unnatural financial troubles of Black Friday.

Of the sales of stocks and gold in New York, amounting to $80,000,000, not one-twentieth part, probably not one-fiftieth part, is for any legitimate business purpose where an actual transfer of stock is made.

The opposition does not come from parties who desire actually to buy and hold stocks. Who that wishes to buy $1,000 in stocks objects to the payment of fifty cents tax on the sale? Compare it with the burden imposed by stamps on checks, or the tax on matches and on cigars, where the tax-gatherer enters every house, where a man with his children makes a few boxes of cigars a year, and taxes them tenfold more on their labor.

Those brokers who are rich and figure in these operations among the millions insist in their printed arguments and in the papers which they control in New York in being relieved at the expense of further taxes on the land and labor of the country. Indeed they ask in their leading paper for the restoration of the duty on tea and coffee.

IT IS JUST.

No other interest can so easily pay this tax. No other interest demands and receives so much favor. No other interest is so lightly taxed now. All their great sales and gains go untaxed. Let this be made right, and then the other business and laboring interests may be somewhat relieved of burdensome taxation.

The country's necesssity is the stock-gamblers' opportunity. Shall they contribute nothing to relieve the business necessities from which they realize collossal fortunes? Take the speculative sales of gold in which neither the business men of the country nor the Government has any interest except in their being as limited as possible. These sales range from one million to hundreds of millions daily.

Why last week on one day the gold sales amounted to $65,000,000, and of this amount over $62,000,000 were outside of any case for legitimate business purposes—downright stock-gambling.

These reckless speculators claim to be outside of national or State legislation and beyond the control of the courts. Indeed for the most part they have defied the courts of the country. In answer to questions as to the enforcement of legal obligations against the gold exchange and the necessity of legislation, it was the opinion of all the intelligent business men of the country that the enforcement of any legal obligations was in doubt, and all agreed that these operations were detrimental to the business of the country. Mr. Opdyke said:

If men who have the power of controlling large sums of money can with impunity combine together to disturb to a degree that becomes dangerous to business the volume of the circulating medium, whether that be in paper or gold, I regard that as one of the most threatening dangers to the future of the country that has ever manifested itself.

WE NEED THE REVENUE.

The greatest economy consistent with the real interests of the Government should be adhered to. But we must pay our honest debts and keep our honor untarnished. No government can afford to repudiate a just claim.

The current expenses of the Government, as provided for in the regular appropriation bills, are on the whole reasonable. There are claims growing out of the war, and some of them prior to the war, that have

been adjudicated and found due by the Court of Claims, the claims commission, and by the committees of this House. These ought and must be paid.

Then, Mr. Speaker, let us pass this bill and relieve other business interests that are now overtaxed, and lift from the shoulders of the laborers of the country their heavy burdens. The tax is just, it can be easily collected, and it will be a wholesome restraint on the transactions of a class, a large portion of whose doings are evil and only evil and that continually. The imposition of this tax will do much good by calling the more reckless and dangerous of these conspirators to the light and requiring them to show, as the bill provides, a true and accurate record of their doings. To the honest brokers as a class the bill will be a positive advantage, and the merchants and business men of the country will be benefited by being rid, partially at least, of the corrupting influences of these speculators, and we shall take one step at least toward the return to specie payments by deposing from power the corrupt dynasty that has thrived by plundering the people and the national Treasury.

Cheap Transportation and Railways.

SPEECH OF HON. J. A. GARFIELD,

OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

June 22, 1874,

On the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 3168) making appropriations for rivers and harbors.

Mr. GARFIELD. Mr. Speaker, I prepared an amendment to be offered to one of the Senate amendments to this bill, but the lateness of the hour when the bill came up for consideration made it necessary to non-concur in all the Senate amendments and send the bill to a conference committee.

The Senate added a proviso to the bill appropriating $200,000 for the survey of four routes, with a view to the establishment of several lines of transportation.

The four routes proposed are as follows: One by the way of the Mississippi; another by the northern lakes; a third by the Tennessee River and a canal across Alabama and Georgia to Savannah; and a fourth by canal or railway across Virginia to Richmond.

The first of these has been provided for in the section added to this bill by the Senate, which is substantially the substitute I offered for the bill to improve the mouths of the Mississippi River.

The chief object sought to be attained in the surveys required by the Senate amendment is to provide lines of water transportation from the Northwest to the sea-board by southward and eastward lines. I submit that this provision does not sufficiently provide for employing the greatest of our modern means of transportation, the railway.

Two important reports have been made to this Congress; one by the Senate Committee on Transportation, the other by the House Committee on Railways and Canals. Both recognize the great importance of railway communication to the commercial interests of the nation. Both committees unite in the opinion that the agricultural interests of the West and the manufacturing and commercial interests of the East are suffering from high and variable rates of freight. Both unite in recommending double-freight railways from East to West as a means of relief, by which freights can be so reduced that wheat can be transported from the Mississippi to tide-water at 18 cents per bushel; a saving, if applicable to the entire wheat product, of thirty to fifty million dollars a year.

Cheap freights by water transportation alone will not accomplish this end. Canals have been and still are regarded by some as the solution of the cheap transportation problem. But experience has demonstrated that canals have not succeeded in competition with railways. On the Erie Canal charges have increased, while tonnage has decreased, within the last decade; and at the same time on the Erie railway charges have decreased and tonnage has increased.

It is complained that the present system of railways does not afford adequate relief; that the main through lines are operated almost up to the limit of their capacity, and that by the running of mixed trains the expenses and the time of moving freight are greatly increased. It is insisted that a new system must be tried, a double-track through railway, with low grades, to enable uniform loads to be handled over all portions of the road by the same engine, at a uniform rate of speed.

Government roads have not been a success in our country; and private roads are unable to move freight at the rates which our interstate commerce requires. It is insisted that we need a combination of Government aid and Government regulation with private economy, and that on this principle a road can be built which will meet the required demand.

In view of these facts it was my purpose to offer an amendment to a clause of this bill which would require $100,000 of the amount appropriated to be used in an examination and report upon the feasibility of the plan recommended by the two committees to which I have referred, in order that Congress may be more fully informed on the general problem of transportation. Not being able to get the action of the House on my amendment at this session, I put these suggestions on record, and, using the permission which the House has so kindly granted, I will submit some reflections upon the railway problem, by employing the materials which I lately used in another place.

THE RAILWAY PROBLEM.

We are so involved in the events and movements of society that we do not stop to realize—what is undeniably true—that during the last forty years all modern societies have entered upon a period of change, more marked, more pervading, more radical than any that has occurred during the last three hundred years. In saying this I do not forget our own political and military history, nor the French revolution of 1793. The changes now taking place have been wrought and are being wrought, mainly, almost wholly, by a single mechanical contrivance, the steam-locomotive. Imagine, if you can, what would happen if to-morrow morning the railway locomotive, and its corollary, the telegraph, were blotted from the earth. At first thought it would seem impossible to get on at all with the feeble substitutes we should be compelled to adopt in place of these great forces. To what humble proportions mankind would be compelled to scale down the great enterprises they are now pushing forward with such ease! But were this calamity to happen, we should simply be placed where we were forty-three years ago.

There are many persons now living who well remember the day when Andrew Jackson, after four weeks of toilsome travel from his home in Tennessee, reached Washington and took his first oath of office as President of the United States. On that day the railway locomotive did not exist. During that year Henry Clay was struggling to make his name immortal by linking it with the then vast project of building a national road—a turnpike—from the national capital to the banks of the Mississippi.

In the autumn of that very year George Stephenson ran his first experimental locomotive, the "Rocket," from Manchester to Liverpool and back. The rumble of its wheels, redoubled a million times, is echoing to-day on every continent.

In 1870 there were about 125,000 miles of railroad on the two hemispheres, constructed at a cost of little less than $100,000 per mile, and representing nearly $12,000,000,000 of invested capital.

A parliamentary commission found that during the year 1866 the railway cars of Great Britain carried an average of 850,000 passengers per day; and during that year the work done by their 8,125 locomotives would have required for its performance three and a half million horses and nearly two million men.

What have our people done for the locomotive, and what has it done for us? To the United States, with its vast territorial areas, the railroad was a vital necessity.

Talleyrand once said to the first Napoleon that "the United States was a giant without bones." Since that time our gristle has been rapidly hardening. Sixty-seven thousand miles of iron track is a tolerable skeleton, even for a giant. When this new power appeared, our people everywhere felt the necessity of setting it to work; and individuals, cities, States, and the nation lavished their resources without stint to make a pathway for it. Fortunes were sunk under almost every mile of our earlier roads in the effort to capture and utilize this new power. If the State did not head the subscription for a new road, it usually came to the rescue before the work was completed.

The lands given by the States and by the national Government to aid in the construction of railroads reach an aggregate of nearly two hundred and fifty million acres—a territory equal to nine times the area of Ohio. With these vast resources we have made paths for the steam giant; and to-day nearly a quarter of a million of our business and working men are in his immediate service. Such a power naturally attracts to its enterprises the brightest and strongest intellects. It would be difficult to find in any other profession so large a proportion or men possessed of a high order of business ability as those who construct, manage, and operate our railroads.

The American people have done much for the locomotive; and it has done much for them. We have already seen that it has greatly reduced, if not wholly destroyed, the danger that the Government will fall to pieces by its own weight. The railroad has not only brought our people and their industries together, but it has carried civilization into the wilderness, has built up States and Territories, which but for its power would have remained deserts for a century to come. "Abroad and at home," as Mr. Adams tersely declares, "it has equally nationalized people and cosmopolized nations." It has played a most important part in the recent movement for the unification and preservation of nations.

It enabled us to do what the old military science had pronounced impossible, to conquer a revolted population of eleven millions, occupying a territory one-fifth as large as the continent of Europe. In an able essay on the railway system Mr. Charles F. Adams, jr., has pointed out some of the remarkable achievements of the railroad in our recent history. For example, a single railroad track enabled Sherman to maintain eighty thousand fighting men three hundred miles beyond his base of supplies. Another line, in a space of seven days, brought a re-enforcement of two fully equipped army corps around a circuit of thirteen hundred miles, to strengthen an army at

a threatened point. He calls attention to the still more striking fact that for ten years past, with fifteen hundred millions of our indebtedness abroad, an enormous debt at home, unparalleled public expenditures, and a depreciated paper currency, in defiance of all past experience, we have been steadily conquering our difficulties, have escaped the predicted collapse, and are promptly meeting our engagements; because, through energetic railroad development, the country has been producing real wealth, as no country has produced it before. Finally, he sums up the case by declaring that the locomotive has "dragged the country through its difficulties in spite of itself."

It is unnecessary to particularize further; for whether there be peace or war, society cannot exist in its present order without the railroad.

I have noticed briefly what society has done for the locomotive, and what it has done for society. Let us now inquire what it is doing and is likely to do *to* society.

The national Constitution and the constitutions of most of the States were formed before the locomotive existed; and of course no special provisions were made for its control. Are our institutions strong enough to stand the shock and strain of this new force?

The editor of the The Nation declares the simple truth when in a recent issue he says:

> The locomotive is coming in contact with the frame-work of our institutions. In this country of simple government the most powerful centralizing force which civilization has yet produced, must, within the next score years, assume its relations to that political machinery which is to control and regulate it.

The railway problem would have been much easier of solution if its difficulties had been understood in the beginning. But we have waited until the child has become a giant. We attempted to mount a columbiad on a carriage whose strength was only sufficient to stand the recoil of a twelve-pound shot.

The danger to be apprehended does not arise from the railroad, merely, but from its combination with a piece of legal machinery known as the private corporation.

In discussing this theme we must not make an indiscriminate attack upon corporations. The corporation limited to its proper uses is one of the most valuable of the many useful creations of law. One class of corporations has played a most important and conspicuous part in securing the liberties of mankind. It was the municipal corporations—the free cities and chartered towns—that preserved and developed the spirit of freedom during the darkness of the Middle Ages and powerfully aided in the overthrow of the feudal system. The charters of London and of the lesser cities and towns of England made the most effective resistance to the tyranny of Charles II, and the judicial savagery of Jeffreys. The spirit of the free town and the chartered colony taught our own fathers how to win their independence. The New England township was the political unit which formed the basis of most of our States.

This class of corporations have been most useful, and almost always safe, because they have been kept constantly within the control of the community for whose benefit they were created. The State has never surrendered the power of amending their charters.

The early English law writers classified all corporations into public and private; calling those of a municipal character public or quasi public, and all others private corporations. The latter class, at that time and indeed long afterward, consisted chiefly of such organizations as hospitals, colleges, and other charities supported by private benefactions. The ownership of the property, not the object of the corporation, was made the basis of classification. If the property was owned wholly by the state or the municipality, the corporation was public; if owned wholly or partly by individual citizens, the corporation was private. From this distinction have arisen the legal difficulties attending any attempt on the part of the community to control the great business corporations.

Under the name of private corporations, organizations have grown up, not for the perpetuation of great charity, like a college or hospital, not to enable a company of citizens more conveniently to carry on a private industry; but a class of corporations unknown to the early law writers has arisen, and to them have been committed the vast powers of the railroad and the telegraph, the great instruments by which modern communities live, move, and have their being.

Since the dawn of history, the great thoroughfares have belonged to the people, have been known as the king's highways or the public highways, and have been open to the free use of all, on payment of a small, uniform tax or toll to keep them in repair. But now the most perfect and by far the most important roads known to mankind are owned and managed as private property by a comparatively small number of private citizens.

In all its uses, the railroad is the most public of all our roads; and in all the objects to which its work relates, the railway corporation is as public as any organization can be. But in the start it was labeled a private corporation; and, so far as its legal status is concerned, it is now grouped with eleemosynary institutions and private charities, and enjoys similar immunities and exemptions. It remains to be seen how long the community will suffer itself to be the victim of an abstract definition.

It will be readily conceded that a corporation is strictly and really private when it is authorized to carry on such a business as a private citizen may carry on. But when the state has delegated to a corporation the sovereign right of eminent domain, the right to take from the private citizen, without his consent, a portion of his real estate, to build its structure across farm, garden, and lawn, into and through, over or under, the blocks, squares, streets, churches, and dwellings of incorporated cities and towns, across navigable rivers, and over and along public highways, it requires a stretch of the common imagination and much refinement and subtlety of the law to maintain the old fiction that such an organization is not a public corporation.

In the famous Dartmouth College case of 1819 it was decided by the Supreme Court of the United States that the charter of Dartmouth College is a contract between the State and the corporation, which the Legislature cannot alter without the consent of the corporation; and that any such alteration is void, being in conflict with that clause of the Constitution of the United States which forbids a State to make any law impairing the obligation of contracts.

This decision has stood for more than half a century as a monument of judicial learning and the great safeguard of vested rights. But Chief Justice Marshall pronounced this opinion ten years before the steam railway was born; and it is clear he did not contemplate the class of corporations that have since come into being. But year by year the doctrine of that case has been extended to the whole class of private corporations, including railroad and telegraph companies. But few of the States in their early charters to railroads reserved any effectual control of the operations of the corporations they created. In many instances, like that of the Illinois Central charter, the right to amend was not reserved. In most States each Legislature has narrowed and abridged the powers of its successors, and enlarged the powers of the corporations; and these by the strong grip of the law, and in the name of private property and vested rights, hold fast all they have received. By these means not only the corporations but the vast railroad and telegraph systems have virtually passed from the control of the State. It is painfully evident from the experience of the last few years that the efforts of the States to regulate their railroads have amounted to but little more than feeble annoyance. In many cases the corporations have treated such efforts as impertinent intermeddling, and have brushed away legislative restrictions as easily as Gulliver broke the cords with which the Lilliputians attempted to bind him.

In these contests the corporations have become conscious of their strength, and have entered upon the work of controlling the States. Already they have captured several of the oldest and strongest of them; and these discrowned sovereigns now follow in chains the triumphal chariot of their conquerors. And this does not imply that merely the officers and representatives of States have been subjected to the railways, but that the corporations have grasped the sources and fountains of power, and control the choice of both officers and representatives.

The private corporation has another great advantage over the municipal corporation. The jurisdiction of the latter is confined to its own territory; but by the recent constructions and devices of the law, a private corporation, though it has no soul, no conscience, and can commit no crime, yet is a citizen of the State that creates it, and can make and execute contracts with individuals and corporations of other States.

Thus the way has been opened to those vast consolidations which have placed the control of the whole system in the hands of a few, and have developed the Charlemagnes and the Cæsars of our internal commerce.

In addition to these external conquests the great managers have in many cases grasped the private property of the corporations themselves; and the stocks which represent the investment have become mere counters in the great gambling houses of Wall street, where the daily ebb and flow of the stock market sweeps and tosses the business and trade of the continent.

If these corporations were in reality private corporations, transacting only private business, the community might perhaps stand by in wonder and amazement at their achievements; but a great and vital public interest is involved in the system, an interest which affects the social and political organization in a thousand ways. Prominent among these is the public necessity for means of transportation.

Mr. Adams, in his "Chapters of Erie," says that the estimated average amount transported by rail had risen from eighty-five dollars for each inhabitant in 1860 to $300 in 1870, and that the public are now paying to railroads for travel and transportation $450,000,000 per annum, an average of twelve dollars per head for the whole population.*

Two-thirds of this sum, he says, are paid for the actual work of transportation, and the remaining third "for the use of the capital and the risk involved in the business."

This latter sum is the tax on transportation, and is as really a *tax* as though it were paid on the grand duplicate of the State; "in other words," quoting from Mr. Adams, "certain private individuals, responsible to no authority, and subject to no supervision, but looking solely to their own interests, or to those of their immediate constituency, yearly levy upon the American people a tax, as a suitable remuneration of their private capital, equal to one-half of the expenses of the United States Government, including interest on the national debt."

*The amount for the year 1872, is set down at $473,241,055.—*Poor's Railroad Manual* for 1873, introduction, page 25.

I do not say that this tax is excessive; perhaps it is not; but its rate is determined, and the amount levied and collected, not by the authority of the State, but by private parties whose chief concern is to serve their own interests.

We have seen that the transportation tax is the amount paid to the companies for their investment. How much they shall invest, where, and under what limitations it shall be invested, has been wholly left to the companies themselves; but whether they have invested their capital wisely or unwisely, however much the business may be overdone, the investors must be paid for the use of their capital, and that payment is made by the community.

In most of the States railroads may be built in unlimited numbers wherever five or ten men, who incorporate themselves under the general law, may choose to build them.

This has probably been allowed in the belief that free competition in building and operating roads would produce economy in the management and cheapness in transportation.

But this expectation has utterly failed. All railroad experience has verified the truth of George Stephenson's aphorism, that "when combination is possible, competition is impossible." Great Britain has gone much farther into the study of this question than we have, and the result of her latest study is thus expressed in the London Quarterly Review of April last:

By the common consent of all practical men competition, the ordinary safeguard of the public in matters of trade, has ceased to offer the slightest protection (except in a few unimportant cases of rival sea traffics) against railway monopolies.

In spite of the efforts of Parliament and parliamentary commissions, combinations and amalgamation, have proceeded, at the instance of the companies, without check and almost without regulation. United systems now exist, constituting by their magnitude and by their exclusive possession of whole districts, monopolies to which the earlier authorities would have been strongly opposed. Nor is there any reason to suppose that the progress of combination has ceased, or that it will cease until Great Britain is divided between a small number of great companies.

The article concludes with this striking paragraph:

We have tried the *laissez faire* policy and it has failed; we have tried a meddlesome policy, and it has failed also. We have now to meet the coming day, when all the railways, having completed their several systems, may, and probably in their own interests will, combine together to take advantage of the public. In the face of this contingency we have simply to make our choice between two alternatives: either to let the state manage the railways, or let the railways manage the state.

It is easy to see that we are repeating the experience of Great Britain on a vast scale. We have doubled our miles of railway in the last eight years. In the last two years we have built and put into operation 14,206 miles of road—more than a quarter of all we had in January, 1871.

The cost of constructing the roads we are now operating was $3,160,000,000; and during the year 1872, there were transported by rail more than two hundred million tons of freight.* The process of consolidation of our leading lines of road has been even more rapid than that of construction; and whatever dangers we may expect from the system are rapidly culminating to the point of full development. In antagonism to these and to similar combinations of capitalists are the combinations of laborers in trades-unions and labor leagues. The indications are abundant that we shall soon see, set in full array, a conflict between capital and labor—a conflict between forces that ought not to be enemies; for labor is the creator of capital, which is only another name for accumulated labor. It is the duty of statesmanship to study the relation which the Government sustains and ought to sustain to this struggle, and to provide that it shall not be the partisan supporter of either combatant, but the just protector of both. The right to labor has not been sufficiently emphasized as one of the rights of man. The right to enjoy the fruits of labor has been better secured.

In view of the facts already set forth the question returns, what is likely to be the effect of railway and other similar combinations upon our community and our political institutions? Is it true, as asserted by the British writer quoted above, that the state must soon recapture and control the railroads, or be captured and subjugated by them? Or do the phenomena we are witnessing indicate that general breaking-up of the social and political order of modern nations so confidently predicted by a class of philosophers whose opinions have hitherto made but little impression on the public mind? That we may not neglect this broader view of the question, I will quote a few paragraphs written by Charles Fourier sixty-six years ago—nearly a quarter of a century before the fire of the first steam locomotive was lighted.

After tracing the course of civilization through its several phases of development, and declaring that it was then (1807) past the middle of its third phase and moving toward its own destruction, he said:

Civilization is tending toward the fourth phase, by the influence of joint-stock corporations, which, under the cover of certain legal privileges dictate, terms and conditions to labor, and arbitrarily exclude from it whomever they please. These corporations contain the germ of a vast feudal coalition, which is destined soon to invade the whole industrial and financial system, and give birth to a commercial feudalism. * * * These corporations will become dangerous and lead to new outbreaks and convulsions only by being extended to the whole commercial and industrial system. The event is not far distant, and will be brought about all the more easily from the fact that it is not apprehended. * * * Extremes meet; and the greater the extent to which anarchical competition is carried the nearer is the approach to the reign of *universal monopoly*, which is the opposite excess. It is the fate of civilization to be always balancing between extremes. Circumstances are tending toward the organization of the commercial classes into federal companies or affiliated monopolies, which, operating in conjunction with the great landed interest, will reduce the middle and laboring classes to a state of commercial vassalage, and by the influence of combined action will become master of the productive industry of entire nations. The small operators will be forced indirectly to dispose of their products according to the wishes of these monopolists; they will become mere agents for the coalition. We shall thus see the reappearance of feudalism in an inverse order, founded on mercantile leagues, and answering to the baronial leagues of the Middle Ages. Everything is concurring to produce this result, * * * We are marching with rapid strides toward a commercial feudalism, and to the fourth phase of civilization.*

These declarations read something like prophecy, so far as they relate to the effects of combined corporations. New mechanical forces have hastened the development of corporations since Fourier wrote. We need not take alarm at his prophecy of the speedy decay of civilization; but the analogy between the industrial condition of society at the present time and the feudalism of the Middle Ages is both striking and instructive.

In the darkness and chaos of that period the feudal system was the first important step toward the organization of modern nations. Powerful chiefs and barons intrenched themselves in castles, and in return for submission and service gave to their vassals rude protection and ruder laws. But as the feudal chiefs grew in power and wealth, they became the oppressors of their people, taxed and robbed them at will, and finally, in their arrogance, defied the kings and emperors of the mediæval states. From their castles, planted on the great thoroughfares, they practiced the most capricious extortions on commerce and travel, and thus gave to modern language the phrase, "levy black mail."†

The consolidation of our great industrial and commercial companies, the power they wield and the relations they sustain to the state and to the industry of the people, do not fall far short of Fourier's definition of commercial or industrial feudalism. The modern barons, more powerful than their military prototypes, own our greatest highways, and levy tribute at will upon all our vast industries. And, as the old feudalism was finally controlled and subordinated only by the combined efforts of the kings and the people of the free cities and towns, so, our modern feudalism can be subordinated to the public good only by the great body of the people, acting through their governments by wise and just laws.

I shall not now enter upon the discussion of methods by which this great work of adjustment may be accomplished. But I refuse to believe that the genius and energy which have developed these new and tremendous forces will fail to make them not the masters but the faithful servants of society. It will be a disgrace to our age and to us if we do not discover some method by which the public functions of these organizations may be brought into full subordination to the public, and that too without violence, and without unjust interference with the rights of private individuals. It will be unworthy of our age, and of us, if we make the discussion of this subject a mere warfare against men. For in these great industrial enterprises have been and still are engaged some of the noblest and worthiest men of our time. It is the system—its tendencies and its dangers—which society itself has produced, that we are now to confront. And these industries must not be crippled, but promoted. The evils complained of are mainly of our own making. States and communities have willingly and thoughtlessly conferred these great powers upon railways; and they must seek to rectify their own errors without injury to the industries they have encouraged.

Already methods are being suggested. Massachusetts has been discussing the proposal to purchase and operate a portion of her railroad system, and thus bring the rest into competition with the state, as the representative of the people. And it is claimed that the success of this plan has been proved by the experience of Belgium.

Another proposition is that the state purchase the roads and open them, like other highways to the free use of the public, subject to such regulations and toll as the safety of transportation and the maintenance of the system may require. This, it is claimed, would remove the stocks and bonds from the gambling operations of the markets and place the levying of the transportation tax in the hands of the state and under the control of those who pay.

Others again insist that the system has overgrown the limits and the powers of the separate States, and must be taken in hand by the national Government under that provision of the Constitution which empowers Congress "to regulate commerce among the several States." When it is objected that this would be a great and dangerous step toward political centralization—which many think has already been pushed too far—it is responded that as the railway is the greatest centralizing force of modern times nothing but a kindred force can control it, and it is better to rule it than to be ruled by it. Other solutions have been proposed, but these are sufficient to show how strongly the current of public thought is setting toward the subject. Indications are not wanting that the discussion will be attended by passion and by a full exhibition of that low, political cunning which plays

* Poor's Manual for 1873. *Int.*, pp. 25-27.

* Théorie des Quatre Movements et des Destinées Générales. Paris, 1808. Eng. Tr., (New York, 1857,) pp. 198 and 207.

† A very large portion of the nobility lived by robbery. Their castles, as the ruins still bear witness, were erected upon inaccessible hills and in defiles that command the road. An archbishop of Cologne, having built a fortress of this kind, the governor inquired how he was to maintain himself, no revenue having been assigned for that purpose. The prelate only desired him to remark that the castle was situated near the junction of four roads.—*Hallam's Middle Ages*, vol. ii, page 94.

with the passions and prejudices of men, and measures success by results, and not by the character of the means employed. I have ventured to criticise the judicial application of the Dartmouth College case; and I venture the further opinion that some features of that decision as applied to the railway and similar corporations must give way under the new elements which time has added to the problem. But this must be done, not by denouncing judges who faithfully administer the law, but by such prudent changes in the law, and perhaps in our constitutions, as will guide the courts in future adjudications.*

It depends upon the wisdom, the culture, the self-control of our people and their representatives to determine how wisely and how well this question shall be settled. But that it will be solved, and solved in the interest of liberty and justice, I do not doubt. And its solution will open the way to a solution of a whole chapter of similar questions that relate to the conflict between capital and labor.

I do not believe that this Congress has so thoroughly studied the problem that they are now ready to settle it wisely and permanently. But I should be glad to see a commission of intelligent men appointed who would explore the facts and report to Congress the results of their examination. The whole American people need to have their thinking stimulated and directed by the wisest and best men among them, so that a just conclusion may be reached.

Such an inquiry as I have proposed would aid us in determining whether the building of a double-track railway from the Mississippi River to the Atlantic tide-water, either by the Government or by private enterprise under a national charter, would so reduce the cost of transportation between the East and the West that middle-men shall not as now take the lion's share of the profit of industry.

The International Exhibition of 1876.

SPEECH OF HON. R. C. McCORMICK,

OF ARIZONA,

IN THE HOUSE OF REPRESENTATIVES,

May 6, 1874.

The House having under consideration the bill (H. R. No. 2986) to appropriate $3,000,000 in aid of the centennial celebration and international exhibition of 1876—

Mr. McCORMICK said:

Mr. SPEAKER: Nearly ten years since the propriety of grandly celebrating the completion of the first century of our national existence became a subject of popular consideration and interest. It was conceded that there should be something more than mere noisy demonstrations of patriotism and pride, and those who were most earnest in the desire for a dignified, befitting, and useful commemoration of the important event in the history of this

Realm to sudden greatness grown,

conceived the idea of holding an international exhibition.

To lift the undertaking above anything like local or limited influences Congress was asked to charter a board of centennial commissioners, to consist of one commissioner and one alternate commissioner from each State and Territory in the Union. This was done by act approved March 3, 1871, and it was declared by the same act "that an exhibition of American and foreign arts, products, and manufactures should be held under the auspices of the Government of the United States in the city of Philadelphia in the year 1876."

The commissioners were to be appointed by the President of the United States on the nomination of the governors of the States and Territories respectively, and it was made their duty to prepare and superintend the execution of a plan for holding the exhibition.

Subsequently, by act approved June 1, 1872, Congress created what is known as the centennial board of finance, an organization made up of two citizens from each congressional district in the Union, and empowered to secure subscriptions of capital stock to an amount not exceeding $10,000,000, to be divided into shares of ten dollars each; the proceeds to be used by said corporation for all the expenditures required in carrying out the objects of the act creating the centennial commission.

These two organizations brought into existence by Congress, and acting under the direct provisions of law, have been zealously engaged in the vast preparations necessary for the successful carrying out of so great an undertaking as an international exhibition. Of the scope and extent of their labors the volume I hold in my hand, the third annual report of the centennial commission to Congress, will give gentlemen some idea, although no one not actually involved in the work will readily comprehend how much has been done and how much remains to be done.

As a member of the executive committee of the commission, to which committee of thirteen the whole management of the business of the commission is intrusted for the year, I may say that no pains have been spared to gather from all sources all facts and figures of value in connection with the holding of the great exhibitions in Europe. Vienna was visited last summer by a number of the commissioners, and from a date prior to the opening of the exhibition held there to its close agents authorized by the executive committee were present and actively occupied in behalf of the commission.

The elaborate reports of Professor W. P. Blake and Henry Pettit, esq., which are embodied in the report of the commission to which I have referred, present a perfect epitome of the organization of the Vienna exhibition in all its details, so arranged and classified that it will be invaluable for the use of the commission and board of finance. The defects and the failures as well as the advantages and triumphs of the exhibition are carefully set forth and many practical conclusions and suggestions of importance are presented.

Much interesting and valuable matter relating to other foreign exhibitions is given in these reports, and from many sources the commission has been supplied with information which will, I think, lead to an avoidance of the mistakes in buildings and the useless expenditures in management or mismanagement which have characterized some of the exhibitions and resulted in pecuniary loss where there need to have been none.

I speak particularly of this because in the present debate gentlemen opposing the bill under discussion seem to have little idea of the thoroughness with which I may say the exhaustive manner in which the centennial commissioners have entered into the consideration of every question bearing in any way upon the management of exhibitions like that proposed for 1876, the first of its national and international class projected in the United States.

The commission has also had the benefit of the reports of various State commissioners to Vienna, and as an offset to the assertion frequently heard that it is yet too early in the history of the United States to attempt an international exhibition, I take these words from the report of Mr. Charles Francis Adams, jr., the Massachusetts commissioner:

> There is good reason to believe that every condition exists necessary to make a decided success of the proposed centennial exhibition. The court pageant, which has played so brilliant and essential a part in its great European prototypes, will, it is true, necessarily be wanting. The mercantile element, however, which has proved the mainspring of all recent expositions, will there be present in a more than ordinary degree.

If a member of the careful and conservative, the historic Adams family can speak thus confidently, New England need not fear to come to the aid of the enterprise.

OUR SUCCESS IN EUROPE.

Mr. Chairman, our success at London, at Paris, and at Vienna, with but a limited and imperfect exhibit in each instance, and at Vienna a degree of confusion in the management of our department, alike unfortunate and discreditable, upon whoever the blame may rest, has been such as to make it evident that we need not for a moment question our ability as a people to provide, as required by the act creating the centennial commission, a most creditable exhibition of the "national resources of the country and their development, and of its progress in those arts which benefit mankind," a display fitting to make, as further required by said act, "in comparison with those of older nations."

My distinguished friend from Pennsylvania, [Mr. KELLEY,] in his eloquent speech at the opening of this debate, called attention to the fact that at London, Paris, and Vienna there was simply an "American department" containing but a few specimens of the products and industries of a part of the States, and nothing at all calculated to illustrate the resources and development of the whole Republic, the many States united as one.

The patriotic gentleman from Massachusetts, Mr. Banks, so long an able advocate of the national honor upon this floor, in his memorable speech in 1866 upon our representation at the Paris exposition of 1867 thus referred to our position at London:

> Every one must confess that so far as the Government was represented in the exhibition of 1851, it was a melancholy and discreditable feature. We were saved from humiliation if not disgrace by the unexpected and marvelous skill and power of our own unappreciated mechanics.

No one can forget the surprise created in London over the unexpected triumphs of American ingenuity and skill, in honor of which even Punch forgot his prejudice and sang to amazed John Bull:

> Your gunsmiths of their skill may crack,
> But that again don't mention:
> I guess that Colt's revolvers whack
> Their very first invention.
> By Yankee Doodle, too, you're beat
> Downright in agriculture,
> With his machine for reaping wheat,
> Chaw'd up as by a vulture.

Nor need I refer in detail to the victories achieved at Paris in 1867, where the United States received many awards. In communicating to Congress the reports of the commissioners to this grand exposition, which I may say are now classed among the most valuable of our

*One member of the court, Mr. Justice Duvall, dissented from the opinion of the court in the Dartmouth College case. Even Chief Justice Marshall, in pronouncing the opinion of the court, used expressions which would not at all apply to our railway companies. He said, (4 Wheaton, 647,) "these eleemosynary institutions do not fill the place which would otherwise be occupied by the Government, but that which would otherwise remain vacant." There has been a growing dissent against the enlarged application of this principle. In a recent case—Washington University *vs.* Rouse, (8 Wallace, 439,)—three justices, including the Chief Justice, dissented.

public documents, Mr. Seward, then Secretary of State, said of such international exhibitions:

Their beneficent influences are many and wide-spread. They advance human knowledge in all directions. Through the universal language of the products of labor, the artisans of all countries hold communication; ancient prejudices are broken down; nations are fraternized; generous rivalries in the peaceful fields of industry are excited; the tendencies to war are lessened, and a better understanding between capital and labor is fostered. * * * One of their most salutary results is the promotion of an appreciation of the true dignity of labor and its paramount claims to consideration as the basis of national wealth and power.

At Vienna last year the United States was represented in twenty-three of he twenty-six groups into which the exposition was divided, and secured four hundred and forty awards; but Mr. Adams states that "the representation was in no way calculated to give a correct impression of our progress or condition as a people."

There can be no doubt, I think, that the resources and industries of the United States as now developed and advanced will warrant an exhibition upon our own soil that will surprise the world.

Horace Greeley, writing in 1871 upon the proposed exhibition, which he appeared to consider even then as an assured success, spoke thus of the progress of American industry:

We are advancing with rapid strides toward excellence in every department of industrial art, and the exposition of 1876 may confidently be expected to embody gratifying evidence that American industry, regarded as a whole, is equal, not merely in productive efficiency, but in skill and in taste, to that of any other nation on the globe.

THE INTERNATIONAL FEATURE.

But the world must be here in 1876 in order to stimulate us to the exertion necessary to our own certain success. It has been well said by an able writer that "the only way to obtain a completely national exposition is to make it international. Our own people will not exhibit themselves to themselves." There is no inspiration in such a programme, and for one I look upon the international feature of the proposed exhibition of 1876 as not only unobjectionable, but essential, if we would reap profitable results. I am at a loss to understand why gentlemen oppose it, for a purely national exhibition would cost nearly or quite as much and would not be nearly as likely to command interest, even at home, as an international exposition. It cannot be said that other nations will refuse to come, for upon the President's simple proclamation and commendation of July last, which the Secretary of State says is not an invitation, a number have already signified their purpose to come.

Our late minister to Mexico, a distinguished citizen of Indiana, (Mr. Nelson,) now upon the floor of the House, informs me that the people of "our sister republic" were greatly pleased at the receipt of the proclamation, and the government at once decided to be represented. He says that not less than one hundred artisans are already at work in the city of Mexico preparing articles of skill, taste, and utility for exhibition at Philadelphia.

Of the feeling in Europe Professor Blake, in his report, remarks:

I can report the existence of the most friendly and even enthusiastic feeling in regard to the centennial exhibition. It is looked forward to by all classes with inquiring interest. The statesman and political economist expect to derive from it fresh and more correct information regarding our institutions and resources and a deeper view of the great future of the American people. The men of science expect richer harvests than ever before of material for investigation, and look forward to the coming reunion of the nations in the New World as the opportunity to see some of its marvels with their own eyes. The industrial classes, with appetites whetted by what they have seen of our inventions and manufactures at Paris and Vienna, desire a nearer view and a broader association with the elements of our successful progress. The merchants and tradesmen believe that in our exhibition they will have the most favorable opportunity to extend their trade and to introduce products of a higher culture than we yet can claim. These are some of the elements, in general, upon which the interest in our exhibition is based; but I have not mentioned one which I am sure, from personal interviews with leading men of the various foreign commissions, jurors, and statesmen, comes of a broad and liberal sympathy with all that conduces to human progress and the realization that international exhibitions are potential in this direction. Much of the interest is engendered by the recognized fact that for the first time the American people are to have an international exhibition. It is spoken of as the *first* international exhibition in America under Government sanction and patronage. The Government is regarded as its responsible founder and sustainer.

All over Europe the exhibition is talked of and written of in a manner which shows that great importance is attached to it. At Vienna the commissioners from various countries parted with the earnestly expressed hope that they might meet in America in 1876, and it is known that many of them have already urged their governments to the most liberal provision for representation at Philadelphia. Nothing can be more absurd than the idea that foreigners will hesitate to come here in 1876 because it is the centennial year of our national independence. The Fourth of July week, with its inevitable outburst of patriotic ardor, may not be as enjoyable to some of them as to us; but to none will it, in my judgment, prove offensive. Certainly not to Great Britain; for the fact is notorious that our declaration of independence and the war which followed it, indicated principles now universally held in England, and constituted the triumph of a party to which all Englishmen now belong, whether they call themselves conservative or liberal.

But the celebration of the Fourth of July will be but an incident in the programme for the year, and the exhibition will not in any sense be a political glorification or a reminder of foreign or domestic differences or complications. For one I am ready to trust the good sense and good taste of the people, and I repel the thought that the representatives of any country or government may not visit us in 1876 with the assurance of the kindest and most respectful treatment. In a recent address the eminent Professor Tyndal said:

During my four months' residence in the United States I did not hear a single whisper hostile to England. This will sufficiently indicate to you my experience of the feeling of the people of the United States toward this country. Either they do not hate us, as alleged, or, if they do, the manner in which they suppressed this feeling, out of consideration for a guest, proves them to be the most courteous of nations.

RELATIONS OF THE GOVERNMENT TO THE EXHIBITION.

And now a word touching the relations of our Government to this exhibition. This subject was referred to by the gentleman from Pennsylvania, [Mr. KELLEY,] and will doubtless be enlarged upon by the gentleman from Connecticut, [Mr. HAWLEY,] the president of the centennial commission. But I am not willing to pass it by without expressing my great surprise at the ground assumed by gentlemen upon this floor. In the face of the act of Congress of 1871, which distinctly declares that the exhibition shall be held under the auspices of the Government of the United States, and of the act of 1872, which reaffirms it, we are now told that the Government has nothing whatever to do with it, and that to ask an appropriation from Congress toward the cost of the grand affair is little less than an impertinence.

Because on the announcement of enthusiastic Pennsylvanians that that State would bear all the expenses of the exhibition the act of 1871 was made to provide as follows:

SEC. 7. That no compensation for services shall be paid to the commissioners or other officers provided by this act from the Treasury of the United States; and the United States shall not be liable for any expenses attending such exhibition, or by reason of the same,

it is insisted that the commission has no right to ask the appropriation proposed in the bill now before the House, and that to do so would be a violation of good faith. Gentlemen lose sight of the fact that the commissioners had nothing to do with the passage of this act and are in no wise responsible for it, but were appointed some time after its adoption. Furthermore, its provisions have been strictly obeyed. No compensation for services of commissioners has been paid by the United States, or by any one else, for that matter, and the Government has not been, and is not under this act, held liable for any of the expenses of the exhibition.

Mr. DAWES. But you accepted that law with the stipulation that you would not call upon Congress for any aid.

Mr. MYERS. There was no such stipulation.

Mr. MCCORMICK. The gentleman from Pennsylvania [Mr. MYERS] is correct. There was no such stipulation in the act of 1871 or in that of 1872. The gentleman from Massachusetts [Mr. DAWES] will observe that these acts simply provide that under them the United States shall not be made liable for any debt or obligation incurred, and neither by the centennial commission nor the centennial board of finance has the United States been made liable for a dollar even to this hour.

But I submit that nothing in either of these acts makes it inconsistent or improper for those having the responsibility of the exhibition upon their hands to now come to Congress and ask a direct appropriation toward the necessarily large outlay required in order to make the exhibition what it should be, a grand and complete success. When we consider that in Europe the governments have been proud to bear nearly the entire expense of the exhibitions and have deemed it profitable to do so, it is to me incomprehensible that there should be opposition here to the payment of a sum supposed to be no more than one-third of the cost of the exhibition of 1876, which Congress has directly declared shall be held "under the auspices of the United States," and the commissioners for the control of which are commissioned from each State and Territory by the President under authority of law.

The cost of the Vienna exhibition, grossly exaggerated, is held up as a warning that instead of the sum which competent architects and engineers, who have considered the subject for many months, estimate the buildings and their appurtenances at Philadelphia will require, a much larger sum will be needed, and that the appropriation now asked of Congress is but a small part of what will be demanded from the Government for the purposes of the exhibition. To quiet this groundless clamor it may as well be announced now as at any time in this debate that the president of the commission [Mr. HAWLEY] is in possession of a letter from John Welch, esq., chairman of the centennial board of finance, authorizing the statement that no additional appropriation will ever be solicited of Congress. While I do not think Mr. Welch called upon to give any such pledge, I will say for the benefit of those to whom he is not personally known that he represents the solid men of Philadelphia and that his word is his bond.

I am of those who think the whole cost of the international exhibition might with propriety be borne by the Government, and that the legislation in 1871 and 1872 which prohibited any liability, and upon which such stress is laid by some gentlemen upon this floor, is a positive discredit to Congress, and should be blotted from the statute-books. Such legislation, I respectfully submit, is unworthy a great, powerful, and patriotic nation.

For one, I have never liked the plan of raising money by a stock subscription as provided in the act creating the board of finance, and I am not surprised that it does not win popular favor. The Legis-

lature of Tennessee recently sent a series of resolutions to Congress accompanied by the following preamble:

Whereas the mode of raising funds for celebrating the hundredth anniversary of American independence by a joint stock subscription necessarily tends to convert a great national occasion into a mere money-getting speculation, is inconsistent with the patriotic memories it is intended to commemorate, and utterly unworthy of the people whose liberty it is designed to fittingly immortalize: Therefore, &c.

Tennessee, by these resolutions, instructed her Senators and requested her Representatives to propose, advocate, and sustain, by their votes, such an appropriation by Congress for said centennial exhibition as may be necessary to make said proposed celebration thoroughly national and international and worthy alike of the Government and people of the United States.

I call the attention of gentlemen who say that no State has asked Congress to aid the centennial to these resolutions, and to this extract from a recent message of the governor of New Jersey to the Legislature of that State, which body has appropriated the sum of $100,000 to the centennial fund, an act worthy the loyal sons of the heroes of Monmouth and Princeton:

Congress inaugurated the movement under national auspices, and the President of the United States has announced to all nations that the exhibition will be held. The people desire that it shall be held, and they expect Congress to make such provision as will not only insure it against possibility of failure, but render it at least equal to any international exhibition that has been held in any part of the world.

Unquestionably the people desire that the international exhibition shall be held, and they look to Congress to insure it against possibility of failure. They do not believe the country so poor that it cannot grandly celebrate its centennial and give to all the nations of the earth ocular demonstration of what one hundred years of republican government has here done to develop art, science, and skilled labor. Instead of condemning members of Congress for voting money for such a purpose once in a century, my judgment is that the people will visit their displeasure upon all who hesitate so to do, and they will laugh at the plea of a want of constitutional authority in view of the appropriations for our representation at Paris and Vienna, and the aid rendered innumerable projects of far less interest and importance to the nation than this.

THE STATE OF PENNSYLVANIA.

Mr. Chairman, before passing to show some of the valuable results which may be expected to attend such an exhibition as it is proposed to hold in 1876, I will say a word in justice to the good people of Pennsylvania, who have been so harshly and unjustly criticised in the present discussion. Beyond urging the city of Philadelphia, where our independence was declared, as the most appropriate place, as it undoubtedly is, for the centennial demonstrations, whatever they might be, they have arrogated to themselves no undue prominence or influence, but constantly shown an unselfish desire that the management of the exhibition might be broadly national and as free as possible from local control. In the centennial commission the State, like the others, has but one commissioner and an alternate, and in the executive committee but a single representative. Yet Pennsylvania has already subscribed millions of dollars toward the expenses of the exhibition and given an example of liberality and patriotism which entitles her to high praise rather than cold criticism upon this floor.

Apart from the question of historic associations, the great Commonwealth of Pennsylvania, the key-stone in the Federal arch, has, in my opinion, strong and peculiar claims to have the centennial demonstrations made within her borders. More than one-fourth of the entire wealth of the nation is in Pennsylvania, and no State better illustrates the marvelous growth and progress attained in a single century under our government of the people. At the date of the Penn charter the population was about 2,500; at the death of Penn, thirty-seven years later, the population was about 100,000; and at the declaration of independence, about 325,000. Since then the census returns show the following remarkable growth:

	Population.
1790	434,373
1800	602,365
1810	810,091
1820	1,047,507
1830	1,348,238
1840	1,724,033
1850	2,311,786
1860	2,906,215
1870	3,521,951

In 1870 the total number of acres in farms in the State was 17,994,200; the yield of wheat was 19,672,967 bushels. In coal the yield was more than one-half of the entire product of the United States. In 1872 the total product of iron in the United States was 2,388,260 tons, of which Pennsylvania furnished nearly one-half. In the same year the yield of petroleum was 6,531,675 barrels.

The State commissioner of statistics has compiled a series of tables for 1872, in which the different sources of wealth are classified and arranged in six groups, each of which is no doubt as nearly correct as it is possible to make it. The result is as follows:

1. Real and personal property	$3,475,831,851 00
2. Banks and building associations	433,250,801 66
3. Railroads and telegraph and canal companies	393,913,734 60
4. Corporations, &c., not included in above	1,519,128,870 60
5. Manufactures of all kinds, &c	522,078,949 00
6. Coal and oil	129,710,855 00
Total	6,473,914,461 86

What product can we show to the world with more of honest pride than a magnificent commonwealth like this, so rapidly and wonderfully developed under the influence of our free institutions?

A MOST PROFITABLE INVESTMENT.

And now let us consider some of the results likely to come from the exhibition of 1876, for the practical American mind demands profit from every investment of money. The exhibition conducted upon the grand scale which it must attain will cost much, but I think there was never before such an opportunity for securing a great return for money appropriated. In the life-time of those who hear me speak there will not, in my opinion, be another such occasion for securing to the nation and people grand and lasting benefits in the best interests of peace and industry.

The London exhibition of 1851, begun in a season of financial distress, produced results of the greatest magnitude and widest range.

In a paper read by Lord Lennox, M. P., before the Society of Arts in 1866, he observed:

It may be and is undoubtedly true that as a nation we were, at the exhibition of 1851, not equal to the French in our designs, and in our appreciation of artistic beauty of form; but it is also true that at the exhibition of 1862 our inferiority was admitted on all hands to be unspeakably less apparent than it had been eleven years before on a similar occasion.

When the exhibition was over and the results known, never was public opinion more unanimous than in declaring that the great exhibition had succeeded in clearly manifesting the existence of certain principles, that, if carried out, would confer a solid benefit on those engaged in manufactures and commerce, by bringing about, in the memorable words uttered by the late prince consort at Birmingham "the introduction of science and art as the unconscious regulators of productive industry."

The increase in exports during the two years following the English exhibition of 1851 was £24,485,050; during the two years following the exhibition of 1862, £36,476,789.

The Paris exhibition of 1867 was highly advantageous to France, and, as results have shown, peculiarly profitable to the United States. The section of the exposition occupied by American contributions contained such a collection of specimens of our agricultural, mineral, and other natural productions as had never before been seen in Europe. The richness and extent of these products were the wonder and admiration even of those who had heard and read of our vast resources, and especially to those representatives of the great financial centers of Europe who were seeking for evidences of the material basis of our public credit with a view to ascertaining the safety of our bonds for permanent investments.

In connection with this exhibit, which was the visible and convincing evidence of their truthfulness, were printed statements of the extent and resources and the inducements to settlement of every State and Territory, each of which was accompanied by a general map on which the mineral deposits were indicated. These documents were freely distributed in the principal languages of Europe, and the fifteen millions of visitors from every quarter of the globe were placed face to face with these sample products, the extent of which and the opportunity of enjoying which were set forth in the printed governmental publication prepared at our General Land Office, which reached every government and every important library, as well as every center of intelligence in Europe. The interest of many of the people of Germany, the British dominions, and other European states was the greater in this question because of the large numbers of their countrymen and kindred who had sought new homes in America, and the effect was correspondingly strong upon their minds.

Now let us see what we can deduce from the officially prepared statistics of this Government as to the probable results of this exhibition upon immigration.

It may be interesting to state, first, that the lowest average value of immigrants to a country receiving them as permanent residents is estimated by Dr. Edward Young, the Chief of the Statistical Bureau, at $800 per head. Dr. Engel, an eminent statistical authority at Berlin, makes the average at $1,125, in which the estimate of Mr. Frederick Kapp, one of the commissioners of immigration for the State of New York, coincides.

During the first years of our domestic strife immigration declined to a rate much lower than the usual average, namely: For 1861 it was 91,920 against an average of about 130,000 for the previous three years. In 1864, 1865, and 1866, under the stimulus of war bounties and special efforts to encourage immigration, it reached the following numbers:

	Immigration.
1864	193,191
1865	248,394
1866	314,480

In 1867 it was 298,358; in 1868, 297,215—a gradual downward tendency until the influences of our exhibit at Paris had sufficient time to bear fruit, when we have the following results:

	Immigration.
1869	355,287
1870	356,303
1871	346,938
1872	437,750
1873	459,803

I do not undertake to say positively what percentage of this five years' immigration is due to the influence of the exhibition of 1867; but the average value of it to the United States, at $800 per immigrant, (Dr. Young's estimate,) is considerably *over* $200,000,000 a year. Placing my estimate, then, at 5 per cent., we have as a result

$10,000,000 from this one item of increased resources added to the most permanent and indestructible wealth of the country in *one* year by our exhibition at Paris. Assuming that there would be some decrease with time in the influence to which I have ascribed this item, I will reduce the percentage to 3 per cent. for the second year, which gives six millions, and to the next 2 per cent., or four millions; to the next 1 per cent., or two millions; making a total of twenty millions.

But what will be the results in increased immigration and in the abiding effects upon our public credit of such a representation as we can make of our agricultural and mineral resources, of all the vast range of raw materials which our soil will produce, of our industries and the compensation of those engaged in them?

Our public-land system and the abundance of land open in all directions to settlement enable us to secure a direct pecuniary return for outlay in an international exhibition such as no European nation could ever enjoy. European governments, cities, communes, provinces, societies, and the foreign press of all lands will be represented by their best talent, sent out to analyze and report upon those great features of national resources which control the movements of capital and enterprise. They will send into every department of European life the story of our progress and our development and of our golden opportunities for all in the coming century.

EFFECTS ON NATIONAL CREDIT AND SECURITIES.

There is another important form of benefit to the nation and its finances which presents strong claims for recognition in reviewing the past as well as in contemplating the future, and that is the very marked effect which inevitably flows from a concentrated and well-selected exhibt of our agricultural, mineral, and other specimens which indicate the nature and extent of our productive resources and energies.

How was it at Paris in 1867? It will not be disputed that the market value of our securities was materially affected by the judgment of European financiers, and that such an exhibit as has been described would demonstrate inexhaustible resources. What do the statistics prepared by our Treasury Department disclose on this subject? That the value of our currency advanced as follows:

1867	70.9
1868	71.5
1869	72.7
1870	81.1
1871	88.7

Of course there is no way of positively ascertaining the extent of this appreciation in the public securities due to this exhibition; but it would hardly be extravagant to credit the representation in the heart of Europe with ¼ of 1 per cent., and it is probable that it may have caused at least 2 or 3 per cent. of this rise in value. Counting the public debt at an even two thousand millions, an appreciation of ¼ of 1 per cent. gives as the result $10,000,000 benefit to the Government and people, bondholders and tax-payers of this country from this source.

What would be the result in this respect not only upon our present but upon our future welfare of a successful international exhibition?

And may we not legitimately regard this thirty millions derived from two sources which had their origin in our representation at Paris as a sufficient warrant for conferring upon our people the larger benefits of an international exhibition upon our own shores, especially when it can be done by borrowing, as it were, from the earnings of a former exhibition, and will enable us to warm the sentiment of patriotism into new and vigorous life by joining our people, North and South, East and West, in a celebration which for moral grandeur will have had no parallel in all the ages?

Another benefit which lies at the very foundation of national prosperity and wealth has been partially realized by Great Britain as the result mainly of the first great exhibition held within her dominions. British statesmen, manufacturers, and merchants discovered with alarm that their industries had met with a competition which threatened to undermine a vast proportion of her export trade. They found that this was due to the superior workmanship and taste imparted to French, Belgian, Russian and other products by artisans and designers indebted for their proficiency to superior systems of practical industrial education and training. Another cause of this progressive superiority of foreign competitors was the careful application of science in invention and processes to the economical and rapid production of the articles, fabrics, and commodities which supplied human wants, freighted the ships of Britannia, gave her the balance of trade, and the monopoly of the seas.

With all the energy of her best minds, her profoundest scientists, and industrial capitalists, under the leadership of the wise Prince Albert, who had inaugurated the exhibition, the British government directed itself to securing its industries against further encroachments, and to regaining its old prestige in international competition.

It was a slow and laborious process; but they succeeded in establishing the great industrial, artistic, and scientific museum at South Kensington, which has since become the source and center of a national system of industrial training which has shown its ever-increasing efficiency at succeeding exhibitions, thus exerting a saving influence on manufactures, art, and trade.

However triumphantly we have competed and may again compete in various departments of machinery and invention with other nations, we are now and have been suffering for the want of increased occupations, which will come to us with increased diversification of arts and products.

An international exhibition is of the first necessity to disclose to us the wide range of these arts and industries, a monopoly of which improved training in applied science and art now secures to a few European nations.

Can we afford to lose this golden opportunity or lessen by delay its redeeming effects? Shall we gain a half century in progress at a single bound, or shall we give up the race, as if we, as a republic, were incapable of competing with monarchical nations in the great race of human progress?

NECESSITY OF GOVERNMENTAL RECOGNITION.

Mr. Chairman, to my mind many of the arguments used by the opponents of the pending bill are as unreasonable, not to say ridiculous as the reply of the old lady who, when recently asked to subscribe to the stock of the centennial board of finance, said she would not subscribe a single dollar until the money raised for the last centennial had been accounted for. And the most unreasonable of all these arguments is, in my opinion, that which would entirely disconnect the Government from our proposed international exhibition, even in the face of the two acts of Congress upon the statute-books to which I have referred. Not only is it too late to undo this legislation without unending disgrace to the nation, but it is absolutely essential that the Government should be fully identified with the undertaking in order to secure co-operation from abroad. The powers which have acted favorably upon the President's proclamation of July last have done so with the understanding that it was an official invitation to a national affair, and those holding back are only waiting to be sure that such is the character of the invitation or commendation.

Baron Schwarz, the director general of the Vienna exhibition, when recently asked how foreign governments could be interested in the centennial exhibition, replied, "Through the action of your home Government and of its diplomatic agents abroad. The managers of your exhibition cannot address themselves directly to foreign governments. As far as Europe is concerned, it must be an exhibition *made by the United States* and not by private parties." Hence the importance of governmental sanction and support at every step, and the danger of the impression which must inevitably go abroad from the defeat of the measure now under discussion.

Mr. Chairman, the great and ever-growing West, the broad region of mountain and plain beyond the Mississippi, feels a deep interest in the success of the centennial exhibition. That vast country, if unexplored and uninhabited, save by the wily savage, when the declaration of 1776 was made, is now musical with the voice of industry and its busy people are second to none in the Union in their devotion to the principles upon which the Government was founded and has so signally flourished. They want to join heartily with the men of the North, the South, and the East in making the demonstrations of 1876 such as must be memorable in the annals of the Republic and of the world. The Pacific coast, with its thrifty States and Territories, what a wealth of display may it contribute to the great exhibition! Already a hundred boxes of specimens of precious ores have reached Philadelphia from this El Dorado, which since the London exhibition of 1851 has yielded to the world more than $1,500,000,000 in gold and silver, and has grown to be an empire in itself.

When before in the history of mankind have there arisen within a period so brief social organizations of such magnitude and importance, embracing such varied resources, embodying so much wealth and enterprise, so much intellectual power and civic experience, as are combined in these latest-born offspring of the Republic that have cradled themselves amid the murmurs of the Pacific? The dreams of romance have been more than realized in the sober facts of their recent history; and their progress from unpeopled solitudes to republican provinces would transcend the limits of credulity anywhere but among a people accustomed to the transformations which the American continent alone has presented.

Dared I but say a prophecy,
As sang the holy men of old,
Of rock-built cities yet to be,
Along these shining shores of gold,
Crowding athirst into the sea,
What wondrous marvels might be told!

In conclusion, Mr. Chairman, I have to say that apart from the question of sentiment aroused by this debate, sentiment in which our fathers fondly indulged, and of which we cannot, in my judgment, have too much, it seems to me that the representatives of the people in Congress assembled will be warranted by every consideration of national honor, dignity, and interest in insuring the success of the centennial exhibition, whatever amount it may be necessary to appropriate for such purpose. If any nation can afford to be liberal and should be liberal on such an occasion it is this; and knowing the people from the Atlantic to the Pacific as I do, I am satisfied beyond the shadow of a doubt, whatever may here be intimated to the contrary, that if the popular vote could be polled on the subject the verdict would be, "Make it as grand, as noble, as memorable as the Republic is resplendent in its history, its achievements, its vast dominions, and its world-wide renown."

Indian Appropriations.

SPEECH OF HON. R. C. McCORMICK,

OF ARIZONA.

IN THE HOUSE OF REPRESENTATIVES,

May 11, 1874.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. No. 3030) making appropriations to supply deficiencies in the appropriations for the service of the Government for the fiscal years ending June 30, 1873 and 1874, and for other purposes—

Mr. McCORMICK said:

Mr. CHAIRMAN: In many respects the debate upon the bill making appropriations for the expenses of the Indian Department for the coming year was, in my judgment, more fair and sensible than any debate of the kind I have heard in the House, and I regard it as a promising indication that the Indian question is at last likely to be considered, as it ever should have been, not as one of romance or poetry, but as one of a very practical character requiring the exercise of the best judgment and wisest discretion in its treatment. The elaborate speeches made by the gentlemen of the Appropriation Committee and by others were in a good spirit; yet to one who has lived upon the frontier and who knows the Indian as he is some of their statements and conclusions, appear strange and irreconcilable with the facts, and there is yet too much of a disposition to misrepresent the attitude of the frontiersmen toward the Indians. I find in a late western paper this criticism upon the course of the Indian commissioners, commonly known as the "peace commissioners:"

Their most zealous efforts have been to scandalize and bring into disrepute a hard-working, self-sacrificing people on the frontier, who, to say the least, are as honest and much more charitable and merciful than people average in old settlements surrounded by all the appliances of advanced civilization.

Without adopting this language as expressive of my own view of the conduct of the commissioners, to whose good acts and foolish ones I hope to refer at some other time, I may say that denunciation of the frontier settlers, who are no better and no worse than our fathers who were pioneers in the Eastern and Middle States, is not necessary, as many seem to think, in order to obtain justice for the Indian.

If the Indian has at times been wronged, he has, as a rule, avenged himself in a summary and bloody way that gives him far less claim upon our sympathy and charity than his apologists and defenders would insist. He is entitled, however, to justice, and this the Government should see that he has, but not at the expense of those of our own race and blood, our own kith and kin, who have seen fit to make their homes upon the border, and who are as much entitled to protection as though they had remained in the crowded cities and towns; more, I sometimes think, by virtue of the enterprise and daring which have led them to undertake the opening to civilization and industry of new districts and vast regions which must otherwise have been of no value or profit to the nation.

The fundamental trouble with the Indian is that he will not work; and I look for no economical or very satisfactory dealing with him until he does. He naturally and systematically violates the scriptural injunction, "In the sweat of thy face shalt thou eat bread," and he forgets that "the desire of the slothful killeth him."

The legislation that leads the Indian to labor is the only legislation that will lift him from barbarism and make him other than an unending expense and vexation to the Government and people.

The reservation system is likely to be as costly and demoralizing for years to come as it now is, and there is no hope of escaping the large appropriations for food of which gentlemen annually complain without such legislation and its energetic enforcement by agents familiar with the Indian character. Being entirely convinced of this fact, both from my personal observations in the Indian country and from the history of our dealings with the savages, I endeavored so long ago as in March, 1870, to ingraft the following proviso upon the regular Indian appropriation bill, namely:

And provided further, That no part of the said sums herein appropriated for other than treaty Indians shall be given to the support of able-bodied male Indians, excepting as wages, at a fair rate, for labor performed upon the reservations, or upon roads or other public works in said Territories; said labor to be performed under direction of the superintendents of Indian affairs and the Indian agents in the Territories.

Upon a division of the House the proposition was lost by only ten votes. Since then I have steadily hoped to have it adopted, but in vain until this year, when the Committee on Appropriations presented it in substance in the following section of the regular Indian bill, and it has become the law so far as the House is concerned, and will, I have reason to believe, be sustained by the Senate:*

SEC. 3. That for the purpose of inducing Indians to labor and become self-supporting, it is hereby provided that in distributing the supplies to the Indians for whom the same are appropriated, the agent distributing the same shall require all able-bodied male Indians, between the ages of eighteen and forty-five, to perform service upon the reservation, for the benefit of themselves or of the tribe, at a reasonable rate, to be fixed by the agent in charge, and to an amount equal in value to the supplies to be delivered. And the allowances provided for such Indians shall be distributed to them only upon condition of the performance of such labor, under such rules and regulations as the agent may prescribe: *Provided*, That the Secretary of the Interior may, by written order, except any particular tribe from the operation of this provision where he deems it proper and expedient.

*It was concurred in by the Senate.

I congratulate the House and the country that after so much delay an effort is to be made in the right direction. I know there are many both here and upon the frontier who insist that the Indians, especially those lately brought under restraint, like the Apaches, cannot be made to work, and it may be a difficult if not impossible task to make them in some instances. But it is due to the Government, to Congress, and the tax-payers of the land, and to the Indian himself, that the experiment should be made, and his true friends will watch it with interest as involving the only solution of the great problem whether he is to remain a simple ward of the nation or to become a man among men, able to care for himself and to cope with the inevitable advances of civilization. The Commissioner of Indian Affairs in his annual report says that "any plan for civilization which does not provide for training the young, even though at a largely increased expenditure, is short-sighted and expensive;" and he thus refers to manual-labor schools, namely:

Upon no other subject or branch of the Indian service is there such entire agreement of opinion from all agents and persons connected directly and indirectly with Indian civilization as upon the necessity of labor schools for Indian children. Instruction in the day-school merely, except among Indians who are already far along in civilization, is attempted at great disadvantage on every hand. Indian children cannot come from the wigwam suitably clad for the school-room. If clothes are provided for them the supply must be frequently repeated. The habits also of wigwam life are entirely irregular. The Indian has no regular habits or hours. He eats and sleeps when and where he will or can, and no school attendance, which depends upon regular home habits of the parents or children, can be relied upon. It is also well-nigh impossible to teach Indian children the English language when they spend twenty hours out of the twenty-four in the wigwam, using only their native tongue. The boarding school, on the contrary, takes the youth under constant care, has him always at hand, and surrounds him by an English-speaking community, and above all gives him instruction in the first lessons of civilization, which can be found only in a well-ordered home.

Although some success has been had among the Indian children through the ordinary day-schools, there can be no question of the wisdom of these suggestions, and I hope that Congress will hereafter stipulate that moneys appropriated for educating the Indians shall be given in support of manual-labor schools only.

Upon another topic the views of the Commissioner are so worthy the consideration of Congress that I call especial attention to them. I refer to his remarks upon inadequate salaries to agents and the result. As is generally known, the Indian agents are now selected by the different religious denominations, and their appointment is in no sense political. There is a serious complaint on the part of these religious bodies that they are not able at the salary of $1,500 to find competent men willing to accept the service, and that when such men have been secured it has been found difficult if not impossible to retain them.

The Commissioner says:

The service has lost several of the most competent and reliable agents during the year from this cause. No man capable of managing the business of an agency ranging from fifteen to two hundred thousand dollars ought to be asked to give full service to the Government for $1,500 a year. I recommend that the salary of agents be increased to $2,000 per annum for the more eastern agencies, and $2,500 for those remote and inaccessible.

It is not creditable to the committee or the House that this reasonable increase in the salaries of agents has not been made. It is idle to expect to secure men of ability and to content them in their work unless they are at least fairly compensated.

Speaking to the Commissioner recently about some of the agents, I said they seemed honest and well-meaning, but lacked the force of character and judgment essential to success in dealing with a question so difficult as the Indian question, and I suggested that even Christian agents must be strong in order to succeed. He replied that I was quite right, but that it was impossible to secure the services of "strong Christians" for $1,500 per year. Occasionally one could be found whose circumstances would permit him to serve, but the instances were rare. It is indeed too much to expect that men will go to the frontier and faithfully labor in a most vexatious and often dangerous service for a compensation much less than they can secure for far less arduous labor amid the comforts and associations of the East.

The total pay of an Indian agent at this time is not nearly equal to that of a second lieutenant in the Army, while the responsibilities of his position and the services required of him are tenfold greater. If at any time the agents should be chosen from those living near to the Indians and entirely familiar with them, as for many reasons the people of the frontier think they should be, even then the proposed increased compensation would be necessary in order to obtain proper men, and to lift them above debt and temptation.

It may be remembered that in the debate on the regular Indian bill (May 2) I moved to increase the pay of interpreters to $1,000, but the motion was not agreed to. At my request the Clerk read the following extract from the last annual report of the superintendent of Indian affairs in New Mexico:

The sum allowed for the salary of interpreters, $500 per annum, is entirely inadequate to secure the services of men who can speak *any* language with even the slightest degree of accuracy. I believe more troubles have arisen from misinterpretation of the language of officers than from any other cause. When General O. O. Howard was at Tularosa the Indians received an impression through the interpreter of which General Howard was entirely ignorant, and which has caused much of the trouble at that agency from then until the present. I would recommend that interpreters be paid $1,000 per annum, and that all agents be required to employ only such men as can read and write both languages correctly, saving in instances where interpreters of Indian languages are required.

I do not know this superintendent, but I do know that much misunderstanding, both on the part of Indians and whites, has resulted

from improper interpretation by men professing to be familiar with the languages used, when in truth they were too ignorant to speak correctly, even in their native tongue. It is not too much to say that some of the most serious wars upon the frontier have originated from the misinterpretation of treaty stipulations or agreements through which both parties have been led to ill-will and violence when there was really no ground for either and an accurate interpreter would have saved all cause of difficulty and bloodshed.

It is due both to the whites and the Indians that the compensation should be so increased as to make it an object for men to fit themselves by study for the responsible and important work of interpreters, and that none should be employed as such who are not known to be thoroughly qualified.

More than fifty years ago Schoolcraft (see his Thirty Years among the Indian Tribes, page 106) wrote thus of his difficulties with interpreters, and the necessity of having those of a higher standard of intelligence:

> The attempts I have made thus far have at least been unsuccessful, partly, perhaps, because the topic was not properly apprehended by them, or by my ordinary office interpreter, who I find is soon run amuck by anything but the plainest and most ordinary line of inquiry. A man of the Indian frontiers who has lived all his life to eat and drink, to buy and sell, and has grown old in this devotion to the means necessary to secure the material necessaries of life, is not easily roused up to intellectual ardor. I find this to be the case with my present interpreter, and he is, perhaps, not inferior to the general run of paid interpreters. But as I find in my intercourse the growing difficulties of verbal communication with the Indians on topics at all out of the ordinary routine of business, I begin to feel less surprised at the numerous misapprehensions of the actual character, manners, and customs of the Indians which are found in books. I speak as to the communication of exact ideas of their belief. As to literal exactitude in such communications, my inquiries have already convinced me that there must be other and higher standards than a haphazard or trade interpreter before the thing can be attempted.

THE DEFICIENCIES.

But, Mr. Chairman, I must pass to the bill now before the House, the deficiency bill, which contains quite large appropriations for deficiencies in the Indian service, both for the last and the present fiscal year. As usual, there is more or less of complaint of all these deficiencies, and the Department of the Interior and the Indian Office are indirectly, and even directly, accused of sending in improper estimates, of permitting undue extravagance, and of other shortcomings too numerous to mention. Upon their face many of the allegations are manifestly unfair, and for all their acts I make no doubt the proper officers can give an ample explanation and justification. I am not authorized to speak for them, nor is it necessary that I should do so; but I cannot hesitate to say from my intimate intercourse with them that I believe they are as upright and conscientious as any officers of the Government, and that in their management of the most perplexing public question of the day they should have the active sympathy and co-operation rather than the distrust and contravention of Congress.

The Commissioner of Indian Affairs (Mr. Smith) has been the target of much ignorant and malicious criticism throughout the country, and yet every investigation into the details of his official transactions has established his integrity as above question or reproach. Moreover, he has, from residence, service, and travel in the Indian country, a more practical and thorough knowledge of the Indians, from Minnesota to Arizona, than any Commissioner lately appointed, which fact of itself should entitle his suggestions and recommendations to Congress to confidence and respect. Certainly he is not open to the charge of an utter want of acquaintance with the Indians, which of late years has been so often and justly applied to many men who have been intrusted with the management of Indian affairs, as for instance the members of the Indian or peace commission, scarcely one of whom had when appointed to office ever seen the red man outside of a museum or a menagerie, and who from this fact, much more than from their peace policy, have never been able to command the confidence of the people of the frontier, who know from experience that it is simply impossible for any one to correctly understand the Indian question and effectively deal with it excepting through long residence in the Indian country. For this reason, I may say, in passing, the reports of special agents and commissioners, who are often absent from Washington but a few weeks or months and who see the Indian in his holiday garb or on his best behavior, are often not worth the paper they are written upon, and serve only to mislead the Government and the public. Several such have been quoted from and cited as high authority at the present session of Congress, when in fact their statements and conclusions are so erroneous and unwarrantable as to make them simply ludicrous to those familiar with the Indians of whom they treat.

If gentlemen would confer with their associates upon this floor who represent the States and Territories in which the Indians live, and where the Indian question has to be met from day to day and hour to hour in all its troublesome details, they would be much less apt to fall into those misstatements and absurdities which often deprive their speeches of the force they might otherwise have and destroy the effect of the prettiest sentiment, however eloquently expressed.

In a communication to the Secretary of the Interior, dated January 16, and forwarded to Congress by the Secretary January 19, the Commissioner of Indian Affairs reports a large indebtedness on account of the Indian service for the fiscal year ending June 30, 1873. Most of it, as will be seen by reference to the statement, is on account of the Apaches in Arizona and New Mexico.

The Commissioner says:

> The policy regarding these Apaches has been to bring them, peaceably or by force, upon reservations; and by feeding them and properly providing for their wants and necessities, keeping them quiet, and, as much as possible, from depredating on the citizens of the Territories named. Whenever they leave the reservations they are hunted down by the military and either killed or captured and brought back to the reservations. If not fed, therefore, by the Government, they must either starve on the reservations or be killed off them. The Department has endeavored to keep them on the reservations by feeding and clothing them; and in doing this and inaugurating and carrying on the requisite work of improvement on the several reservations, of which there are at present five, with a view to making the Indians, in time, self-sustaining, more funds than have heretofore been appropriated for the purpose have been absolutely necessary. This office has heretofore labored under great disadvantage in preparing and submitting estimates for the service, in connection with these Apaches, for the reason that the number of Indians to be provided for has never been known to the office at the time the estimates were being prepared.

The citizens of Arizona, and I think I may also say those of New Mexico, were not favorably inclined toward this policy, but when the Government, through its special representatives, gave them to understand that it was to be adopted, they said that if it should be so enforced as to make life and property secure, and bring peace where disorder had so long prevailed, they would ask nothing more. This has to such an extent been the result that there is a better state of things in both Territories, so far as Indian affairs are concerned, than at any previous time. But it has been produced at large cost to the Government, for to feed Indians and guard them by troops at the same time is an expensive business, and as yet the Apaches are not so well reconciled to the reservations as to make it safe to withdraw the troops. For straggling bands who have not been driven, with all the activity of the troops, to the reservations, and for the pursuit and punishment of those who break away from them, the presence of the military is still necessary and must be for some time.

I am not familiar with the manner in which the Indians upon the reservations in New Mexico have been cared for, nor do I know everything of the detail of the contracts for supplies or their carrying out in Arizona. But the Indian Office and even the peace commissioners seem satisfied that, with few exceptions, they have been wisely made and faithfully filled, and that the indebtedness reported is an honest one, necessarily incurred in carrying out the announced policy of the Government and keeping faith with the Apaches, hitherto utterly wild and implacable.

If upon examination any of the claims are found to be incorrectly stated, or any contractor is shown to have failed in any way to live up to his contract, payment should not be made, and I say to the House, as I have said to the committee, that I hope it will not be, and I object to no examination, however rigid, that may be thought necessary, either by Congress, the Indian Office, or any proper authority, to ascertain the facts in each and every case in Arizona, although I believe no question has been raised. But if the claims are shown to be honest and proper, then I insist that they should be paid without further delay, some of them having stood for nearly two years, and the delay having driven some of the best men on the frontier to the verge of bankruptcy, and greatly embarrassed all who have had dealings with the Indian Office.

As an evidence of how the claims referred to are looked upon in Arizona I may quote the following comment upon a telegram from this city giving a synopsis of the statement of the Commissioner to Congress. It is from the Arizona Miner, February 4, a journal much disposed to criticise the Indian Office and the so-called peace policy:

> We discover no lie or mistake in the foregoing, and wonder why Congress dillydallies about appropriating sufficient money to pay citizens of this Territory who, by having furnished Indian supplies for a long time past, have cramped themselves, and so aided in preserving the very remarkable peace that has existed here during the past year. Indeed, had it not been for the acts of contractors for supplying Indians, they (the Indians) could not have been kept peaceable on the reservations.

Here is a statement in which I find the Indian Office concurs, that entitles the contractors to the gratitude of the Government, and Congress cannot afford to be driven from the duty it owes to honest and faithful creditors by the fact that these deficiencies are large and that the public sentiment is against large appropriations at the present session. It is not against the payment of just debts incurred by the authorized agents of the Government upon any account and if it were Congress should not listen to it for a moment. There has already been too much indifference on the part of both Houses to provision for honest deficiencies on other accounts, and some members are, I fear, too apt to think that deficiencies always mean irregularities and improprieties. In this case the Commissioner of Indian Affairs says they have been caused principally by the inadequacy of the appropriations heretofore made under the heads in his statement. He might have said, truthfully, that Congress cut down the carefully prepared estimates of the Indian Office, as it has been wont to do, and has only itself to blame for the indebtedness for which members are now disposed to make him a scape-goat.

Deficiencies are the inevitable result of inadequate appropriations, and should not surprise any one where it is a matter of notoriety that the estimates of a Bureau, or Department, have been materially reduced by Congress. Indeed in the Indian service they are to be expected, as it is impossible, from the nature of the service, that very definite calculations can be made in advance. The late Commissioner (General F. A. Walker) repeatedly assured me of this, and the present Commissioner refers to it in the extract I have taken from his official statement concerning the deficiencies.

The business of feeding Indians is not, as I have intimated, one upon which the people of Arizona asked the Government to enter, and if in connection with the maintenance of a military force in the Territory it is found to involve the Government in a large expense, (until the Indians are taught to labor,) they are not to be held responsible for it. If, however, it is to be continued as a chief feature of the peace policy, and the reservations are to remain in charge of the Indian Office, as the debates at this session, in both Houses, indicate to be the decided preference of Congress, then the sooner that members realize what it costs and what appropriations must annually be made the better for all.

The Commissioner states that it is now costing an average of 20 per cent. more to furnish the necessary supplies for Indians than it would have done had Congress made timely and adequate appropriations. The credit of his office and its efficiency have been seriously impaired and must constantly be if Congress insists upon reducing its estimates. In this respect I regret that while the deficiency bill gives all that is asked to sweep away the indebtedness of the fiscal year ending June 30, 1873, it provides for less than one-half of the amount asked for the debt of the present year, and will thus enable the payment of something less than 50 per cent. upon claims, many of which have been due from the first months of the year.

Is it wise or just for Congress to deal thus with creditors of the Government, or to shield itself under the plea that the Commissioner was not authorized to incur the indebtedness when he has clearly shown its necessity, and that under the very wording of the appropriation bills he was to subsist and care for such Apaches "as have been, or may be, collected upon reservations in Arizona and New Mexico?" An elastic proviso rendered necessary because of the general invitation to the Apaches to go upon the reservations and the orders to the military to make war upon all who did not go. Of course any proper deficiency not provided for at this session will have to be at the next, and the Government can gain nothing by the delay while the Indian Office will be left in embarrassment, and those who have unsettled accounts with it will have fresh cause of complaint, and many will suffer seriously.

Mr. Chairman, I have said what I have regarding the Indian Department and the Indian Office with the more satisfaction inasmuch as I came to Washington somewhat prejudiced against them and have at times had warm controversies with them. I am not a convert to the so-called peace policy, as some of the "malignant philanthropists" interpret it. I have believed, and I do still, that force is an essential element in dealing with many of the Indian tribes, and that it is idle to expect success without it. It was more effective in putting the Apaches upon reservations than all the promises of beef or clothing.

But in admitting that with force and food together, or the peace policy, as the President, the Interior Department, and the Indian Office now uphold it, the Apaches are greatly subdued and quieted, I admit no more than the people of Arizona and New Mexico willingly admit and rejoice over; for whatever may at any time have been said or insinuated to the contrary, they desire peace and appreciate it as much as any people in the land.

A late issue of the Arizona Citizen says:

It used to be charged by those who did not know or who wished to misrepresent us that we did not want peace, but one year of peace will add more substantial wealth to Arizona than twenty years of war.

National Washington Monument.

SPEECH OF HON. R. C. McCORMICK,

OF ARIZONA,

IN THE HOUSE OF REPRESENTATIVES,

June 4, 1874.

The House having under consideration the report of the Special Committee on the Washington National Monument—

Mr. McCORMICK said:

Mr. CHAIRMAN: A year or more ago, when a similar committee was appointed to take this subject into consideration and a report was presented, it was supposed by many then in Congress that the recommendations of the report would meet very general favor, and at a meeting of the representatives of the Western Territories it was suggested that if there was to be a general movement in favor of the completion of the monument something should be said for the people living on the far frontier, and I was asked at that time to say something in their behalf. I prepared some remarks, and took pains to gather facts and figures from abroad in reference to monuments there, triumphal arches and mementoes of this class, but at this hour of the night I will not detain the House by a reference to them, or anything like a set speech.

I would simply say, in connection with what the gentleman from Illinois [Mr. WARD] has stated, that it seems to me that the question is not whether it was wise or unwise to start this monument upon the plan on which it was started. It may not have been wise, it may not have been necessary, and the plan may not have been in good taste or an appropriate one. But the people of this country, so far as I have talked with them, have a horror of allowing anything started as a monument in honor of Washington to be changed or given up; and therefore if it be not the most tasteful design, or if it be not in the most appropriate location, it would still seem to be in accordance with the spirit of the people throughout the length and breadth of the land that it should be completed and not abandoned.

When gentlemen say the people do not care to have this monument completed by a congressional appropriation they must have had a very different line of observation from mine. I do not know that I ever met a man East or West, North or South, who did not, if he spoke upon the subject at all, pronounce it a national disgrace that Congress had not long since furnished the money for its completion. And I have met not a few who think that the management of the enterprise should from the very beginning have been wholly assumed by Congress and not left to individuals. It is a shame to the American name that the consideration of a subject that should be so near to every patriotic heart as the upbuilding of this monument to the "Father of his Country" should be put off from session to session, and that the centennial of the nation is likely to witness it unfinished, a standing reproach and dishonor.

The appropriation which the committee say will be sufficient for the entire work is small; indeed the whole estimated cost of the monument is small when compared with that of many of the monuments in Europe erected by inferior governments to inferior heroes. I find that one of the triumphal arches in Paris cost a million and a half dollars, or nearly double what the Washington monument will cost if completed as recommended by the committee. It seems to me little less than an insult to the American people to say that they will not sustain Congress in any reasonable appropriation to complete a national work so befitting as this monument at the national capital, and I should be ashamed of my constituents, poor pioneers as they are, if I thought they held such views as some members of Congress have expressed upon the subject.

I am not willing to think the American people are so mean and unpatriotic, so lacking in sentiment, as some of their representatives would make it appear. On the contrary, I believe their love of country is such that they will despise here and elsewhere the tendency to measure everything by the dollar and to mistake littleness for economy. There are some things that are not to be weighed by money, and some measures that the people wish carried out upon higher and nobler considerations, and in connection with which money, however great the amount needed, should not for a moment be counted. Among these is a recognition in every proper form and manner of the mighty men whose great deeds gave life and liberty to the Republic, foremost among whom, by universal consent, stands George Washington, of whom the brilliant British orator, Fox, said:

Illustrious man! deriving honor less from the splendor of his situation than from the dignity of his mind. Before him all borrowed greatness sinks into insignificance, and all the potentates of Europe become little and contemptible.

Indian Appropriations.

SPEECH OF HON. FERNANDO WOOD,

OF NEW YORK.

IN THE HOUSE OF REPRESENTATIVES.

May 1, 1874.

The House being in Committee of the Whole on the State of the Union, and having under consideration the bill (H. R., No. 2343) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with the various Indian tribes, for the year ending June 30, 1875, and for other purposes—

Mr. WOOD said:

Mr. CHAIRMAN: I am fully conscious of the embarrassments and difficulties surrounding this question, and in the time allotted to me I cannot of course attempt to present to the committee any intelligent solution.

It is now nearly three centuries since the conflict began upon this continent between the aborigines and the whites. Originally we were on the defensive; originally we approached this continent with hesitation, with fear, with apprehension as to our reception by the occupants of the soil. We offered friendly salutation. We offered every conciliatory means by which to obtain the lodgment which has resulted in permanent occupation; and for the first hundred years of the settlement of the whites we were hedged in and confined to the immediate boundaries of the ocean; and fully one century passed before the white man obtained what may be called a home and a habitation upon the American continent.

The next century, growing in numbers and understanding the Indian character better, we adopted a policy of aggression—only conciliatory so far as it was politic and wise to be so. We enlarged the area of our occupation, gently but steadily removing backward this our enemy. And, sir, during that second century, at that early

period in the history of the people of this continent, we did use the Indian for the purposes of war. He was used by the colonists in the French war. He was used by us in controversies and in military contests with our enemies upon the borders everywhere.

Until, sir, we reached the commencement of the third century of our occupation of this continent we had very little difficulty in successfully dealing with him; but the beginning of the third century, or, if you please, the end of the last century and the beginning of the nineteenth century, show a very marvelous change in the course which we adopted in reference to the treatment of the Indians. We then commenced to treat with them as independent tribes, as independent nations; and after the adoption of the Federal Constitution in 1798 we put them, in so far as treaties were concerned, upon equal footing with the most powerful nations of Europe. The President through his commissions made treaties, the Senate ratified those treaties, and they took their places upon the statute-books as treaties.

And, sir, to proceed very briefly and concisely with the history of this question, so far as we are concerned we lived at peace with the Indians, with some few exceptions. With these exceptions, in which it is true we had severe and costly military conflicts, we have continued on the whole with a good understanding and with amicable relations. We made for them what are termed reservations, by treaties, on other lands than their own, which, as a general thing, they have occupied contentedly ever since.

But it is this later period that has been productive of our embarrassments. I do not propose now to arraign this Administration, or to take a part either for or against the War Department or the Department of the Interior in its conduct of Indian affairs. I shall not be a party to that controversy, because in my judgment there are merits and demerits on both sides. But I fear that a wrong public sentiment, a combination of antagonistic interests, a mistaken idea of the Indian character, and a variety of other circumstances have all had a tendency to create outside of the Government a condition of public opinion that is not healthy with reference to a settlement of this great question.

Now, what is this public sentiment to which I refer? First, there are those who treat the Indian with sentimental philanthropy. They know nothing of his character except what they read in poetry or romance. They conceive him to be a very different man from what we know him to be; and thus in their imagination they are always in sympathy with his wrong, always placing the white man as the party who either originates or produces it, conceiving that the Indian can be nothing else but a hero. This may be termed sickly philantropy. It is a dangerous element in our legislation. It is a dangerous element to a true solution of this difficult Indian problem. Nothing can be more mischievous than to force ideas and views based upon a popular error into the law and into the execution of the law.

Well, sir, we have another element—one that has attracted a great deal of attention, one to which Congress and the President have given a very great deal of latitude, and which has succeeded in infusing itself not only into our legislation, but into the administration of the Indian question. I refer to propagandism, to an attempt to christianize the Indian under the belief that he is capable of accepting the divine truths of our religion, and that through the agency of the Government, through the power of the Government, by and with the aid of the money of the Government, we can christianize these savages. Sir, I respect this error also. I have the very highest regard for the Society of Quakers who are so active in the promulgation of this idea. I respect these men, these earnest, honest, truthful, good men.

This is not a Government of propagandism. The people of the United States do not put money into the public Treasury for religious conversion. On the contrary, the Constitution of the United States almost in terms forbids it. The Congress can make no laws which will in any degree recognize any religion. This Government is not even a Christian government. It had its origin at a period when we had the influence and the aid and the support of men of all religions, and of every character and class from every clime. It was incorporated in our fundamental law that religion should in no way be recognized and tolerated by the Government. And yet, sir, we find the money of the people and the power of the Government, by act of Congress, giving to the religious societies of this country access to and influence over the Indians for purposes of propagandism; to teach their uncultured minds the mysteries of Divine truths, and to convert them to our own religious faith.

Mr. Chairman, has it never occurred to these honest, good men that before you can christianize you must civilize, and before you can civilize you must educate; that before you can so improve the mind of the Indian as to make him susceptible of accepting divine truths, and also those principles, civil, political, and religious, which are recognized throughout our land, you must teach him the language, you must send him the school-master, and you must give him an opportunity of acquiring a knowledge of the rudiments of our language? I make a very wide distinction between civilization and Christianity. If we could succeed in civilizing the Indian we should have accomplished all, in my judgment, that can be accomplished in this day and generation. What is civilization? What has been the result of the efforts of this country for a hundred years in that direction? In my own State of New York, where the Indians for nearly a hundred years have been living surrounded by all the elements of refined civilization, they have retained their isolated position as Indians. They live alone; they refuse to assimilate with us; they retain as far as they may their own peculiar customs and habits and tongue, and it becomes physically impossible to incorporate them, unless we do it, as has been said by the gentleman from Texas, [Mr. HANCOCK,] by amalgamation.

Sir, I see before me an intelligent gentleman from Indiana [Mr. SHANKS] who was himself a commissioner to visit the Indians, appointed by the Indian Department. And as it is pertinent to this question of christianization, I desire to read from a report made to the Commissioner of Indian Affairs last November by J. P. C. SHANKS, T. W. Bennet, and Henry W. Reed, special commissioners to investigate the condition of the Indians in Idaho and adjacent Territories.

At the conclusion of the report, after giving an account of a conference with the Indians, the commissioners say:

To further illustrate the evil effects to the Indians of this persistent and injurious contest between religious denominations, among and concerning the Indians, the commission quote the language of Joseph, chief of the non-treaty Nez Percé Indians, now located in the Wallowa Valley, Oregon, but who with his people held a council with the commission at the Nez Percé agency, near the Clear Water River, Idaho Territory, on the 2d day of August, 1873.

"By the COMMISSION:

"Question. Do you want schools and school-houses on the Wallowa reservation?

"Answer by JOSEPH. No; we do not want schools or school-houses on the Wallowa reservation.

"Q. Why do you not want schools?

"A. They will teach us to have churches.

"Q. Do you not want churches?

"A. No; we do not want churches.

"Q. Why do you not want churches?

"A. They will teach us to quarrel about God, as the Catholics and Protestants do on the Nez Percé reservation and at other places. We do not want to learn that. We may quarrel with men sometimes about things on this earth, but we never quarrel about God. We do not want to learn that."

What a commentary, Mr. Chairman, upon two things: first, upon the want of harmony in the Church itself, and second, the futility of attempts to cultivate men whose simple natures are incapable of grasping the great truths involved in the divine revelation.

Recently one of the Indian agents sent a dispatch to the President, saying that on the Round Valley reservation in California he had converted since last November eight hundred of the tribe there. Now, sir, according to official statistics, there are but twelve hundred of those Indians all told. According to the report of the Commissioner of Indian Affairs, and the accompanying reports, there was but one school-house last fall on that whole reservation; and yet this enthusiast, an honest man no doubt, would mislead not only the President but public opinion with reference to religious conversions among the Indians, by telling us that within a few weeks he has converted eight hundred Indians who cannot read or write or understand the English language. This I say, Mr. Chairman, is one of the difficulties in the way of the solution of this question.

There is another difficulty in the way of a settlement of this question. It is the patronage and the money which the Government devotes to this service. The whole amount of appropriations by Congress fifty years ago for the Indian service was but $1,000,000, when the Indians numbered twice as many as they do now. Before the Department of the Interior was established, when the War Department had the exclusive control of the Indian service, the expenses of that service were not half as great as they are now. Under this complex system, this double-headed policy, by which two Departments of the Government attempt to have control over the same interest, notwithstanding the establishment of what we call the peace policy, the religious policy, the humanitarian policy, we have not abandoned a fort or withdrawn a soldier from one of the Indian or military reservations. We have maintained all of the expenses of the military power to keep the Indians in subjection, while we have also been going on an opposite principle—we have carried the olive-branch in the other hand; but we have made that olive-branch a source of speculation and of wrong to the injury of the Indians, and have corrupted the agents of the Government who have handled the money. And so long as the Indian is a source of patronage and profit, my word for it the Indians never will be christianized, civilized, or subjugated. They will be maintained as an element of advantage, as our colored brethren were recently used for a similar purpose.

At the close of the war, under the pretext of philanthropy and care of the freedmen, we made them instruments of plunder and profit. I will not refer to that matter now, except to say that I see indications in the report of the Commissioner of Indian Affairs, and the same indications in this bill, that these Indian agents are to have control over the services of the Indians just as the agents of the Freedmen's Bureau had control over the services of the freedmen on southern plantations, putting the results of the freedmen's labor into the pockets of the agents instead of giving it to the freedmen themselves. In this very bill you will find, toward the close, a section which provides that the Government, of course by its agents, shall control the labor of these Indians, shall make them work, and the result and profit of their labor will go wherever the Indian agents desire.

We also find in the report of the Commissioner of Indian Affairs a recommendation that it shall be left to the discretion of the Secretary of the Interior to carry out these treaties or not, as he pleases. I am now speaking of treaties which require cash payments; that the Secretary may consider them as cash or not cash, as he pleases. I differ

with my friend from Kentucky [Mr. BECK] with reference to treaties. If we are to disregard these treaties made in good faith with the Indians, if we are ourselves to set the example to their untutored minds of bad faith, then I say we should not blame them if they retaliate whenever they get a chance. These are either treaties or not treaties.

I voted for the resolution referred to by the gentleman from Kentucky, [Mr. BECK,] that this House has the right, as under the Constitution in my judgment we have the right, to give our assent to those treaties involving the appropriation of money or a regulation of the tariff. I took that ground with reference to the Alaska treaty where we had to vote money, and this House sustained that ground.

But these Indian treaties are treaties made when no such question was raised. The Indians have inherited these treaties, for some of them were made during the last century. We accepted them, not as treaties in an international sense, but as the plighted faith of the imperial government to deal with the Indians so and so. We command the Indians to do their part; we compel them by military force to leave those lands which they ceded to us by those treaties and to go farther west. Having compelled their acquiescence in their obligations under those treaties, I hold it would be dishonorable and unjust for us to violate our portion of the obligation, which requires us to give them food and rations and clothing and money, as the treaties may require. Therefore if we exact good faith from them, let us also act in good faith. With our superior intelligence and cultivation and sense of justice, do not let us complain of the wild barbarian, who knows no law except what we teach him, who looks upon the law of might as superior to every other law, and who relies upon his physical power to enforce it. Do not let us complain of him if we teach him to do wrong.

Sir, I agree with those who say that many of the Indian depredations arise from just such acts as these upon the part of the whites—where the Indians have been wronged and outraged and have retaliated by brute force, by rapine, arson, and murder. But, sir, let us deal kindly with the Indians. Let us exercise a wise, a just, a humanitarian policy, if you please. Those that are wild, those that live on horseback, those who recognize no law—deal with them in such a spirit as their habits and character demand. When it becomes a contest between force and force, let us show them that we have the power to compel them into subjection. But those who are disposed is live in amity, those who are disposed to respect our law, those who are disposed to recognize the difference between mine and thine, those who will assimilate to the least extent in the habits and occupations of civilized life—let us deal with them justly and kindly. But, sir, as to any belief or expectation that within our day these people can be assimilated and incorporated and infused with the Anglo-Saxon race, it cannot be done except by amalgamation; and that in my judgment will not be accomplished in a century.

[Here the hammer fell.]

Educational Fund.

SPEECH OF HON. JOHN B. STORM,

OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

January 13, 1874,

On the bill to establish an educational fund, and to apply the proceeds of the public lands to the education of the people.

Mr. STORM. Mr. Speaker, the gentleman from Massachusetts [Mr. G. F. HOAR] has shown such admirable skill in the management of his bill that he has been obliged to make a motion which if it had been made by some one else would have been regarded as unfriendly. He has yielded the floor to the enemies of the bill only, and that too to the exclusion of the members of the committee, who by the usual courtesy of the House are entitled to the preference.

Mr. Speaker, there are some members who are favorable to the principles of this bill, but deny the propriety of passing it now, because of the embarrassed state of our finances; there are otkers who are friendly to the cause of education, but deny the right of Congress to pass such a measure; and there are some who have no scruples on either of these points, and are ready to vote for the bill now as reported.

In the Forty-second Congress I entertained grave doubts about our constitutional right to pass the bill, but so reluctant was I to putting myself on the record as opposed to education that I finally voted for the bill after having spoken against it, some important amendments having been first made. But upon the most mature reflection and study upon the subject, I cannot bring my mind to the support of this measure; and unless I shall be permitted to offer an amendment, wich I will hereafter indicate, I shall be obliged to vote against it.

I was surprised, Mr. Speaker, at the attack made upon this bill by the gentleman from Iowa, [Mr. KASSON.] I was surprised that so distinguished a member of the republican party should at last wake up to the fact that there is such a thing as State-rights. His speech was the boldest and most manly protest against the centralizing tendencies of that party uttered in the present Congress. With the recent action of the President of the United States in nominating Mr. Cushing, a State-rights democrat, for Chief Justice, and his letter to Governor Davis, of Texas, declining to repeat his Louisiana blunder in that State, may we not expect that the millennium is about to dawn on the world?

But the gentleman's great speech was not suitable to the occasion. One of the most harmless of all the wicked measures of his party has caused his pent-up fires to break forth. How well that speech would have come in when the reconstruction measures were before the Congress—measures which completely annihilated States! How appropriate that speech would have been if uttered in opposition to the enforcement acts, by which Federal interference was made possible in State elections; by the practical workings of which a Federal judge has been enabled to overthrow the State government in one of the States of the Union!

Has the gentleman from Iowa [Mr. KASSON] said one word in condemnation of the Ku-Klux bill, which took from the State courts their rightful jurisdiction to punish crimes, and gave it to the Federal courts?

Supplementary civil rights were discussed the other day in this House. The gentleman's speech would then have been a "word fitly spoken," yet he was as silent as the marble statues in the adjoining hall. It is true that the gentleman from Iowa was not in Congress all that time, but he has occupied prominent public positions; yet if he has ever expressed himself as hostile to these measures I have never heard of it. Still, I have no doubt now that the gentleman's conversion is genuine and sincere; and he will have the hearty cooperation of this side of the House in every effort he may make in opposition to the attempt to change the character of our Government.

Mr. Speaker, the problem of free government in a federal republic is a nice one; it is to so preserve the balance of power between the reserved rights of the States and the conferred powers of the General Government, as to prevent anarchy in the members or tyranny in the head. It is needless to say, that upon a review of Federal legislation for the last fourteen years—the period of republican ascendency—there have been fearful strides made toward complete centralization and consolidation. The country has become alarmed at it; and just at the moment when we on this side of the House had almost lost heart in the advocacy of the cause of State-rights, the West is all ablaze with it.

The distinguished gentleman from Iowa has made this bill a pretext for an attack upon our land system. There is not a word that the gentleman said in regard to our unjust policy of disposing of our public lands I do not approve of; and when he or any other gentleman in this House will introduce a bill to give effect to his views I will support it.

I have always, Mr. Speaker, believed that our public domain should not be regarded as a source of revenue to the States or to the Federal Government from their sale; but a source of revenue to be derived from wealth and population consequent upon their cultivation and settlement. This was the theory of Mr. Benton as opposed to Mr. Clay, and I believe it to be just and wise. But the gentleman's conversion on this subject must be quite recent, too. He says now we have gone on till nothing but wastes and mountains is left us. Who despoiled our fair public domain? I do not forget that the gentleman from Iowa [Mr. KASSON] was a member of this House in 1864 and 1866, the years when the mischief was done. By two acts alone over one hundred million acres were given to railroad corporations; and all that I can find that the eloquent gentleman from Iowa said upon these great occasions is contained in a speech of about twenty lines in the Globe on the 16th day of May, 1864—the day the Northern Pacific secured its great grant of forty-seven million acres from this House—in which he says:

I wish to say, first, that I believe thoroughly in the policy of aiding the construction of railroads by grants of public lands.

I submit, Mr. Speaker, in view of this record, the gentleman's remarks lose some of their force.

But this bill has no more to do with the policy of the Government in disposing of our public lands than it has to do with the theory of light or heat. It simply proposes to devote the "net proceeds" of the public lands for educational purposes. The proceeds are the effects of our land system, and not its cause. It does not seek to "devote" the system, or to "consecrate" it, but the "proceeds" of it. If you modify the system so it shall yield no proceeds, this bill, if enacted into a law, must fail. I am surprised that the gentleman should have fallen into such an error. A member may vote for this bill to-day, and may to-morrow vote to so change our policy in regard to our public lands that not one cent of proceeds shall be realized, and not subject himself to the slightest inconsistency.

I assert, Mr. Speaker, that by the wildest system of constitutional construction ever resorted to no authority can be found to support this bill. An express power is nowhere conferred; no clause can be found from which it can be implied or inferred. I have heard one gentleman, not now a member of this House, say that he derived the power from the "general-welfare" clause in the preamble to the Constitution, yet, every great expounder of the Constitution has repudi-

ated this doctrine. They all agree in substance that it cannot be resorted to in order to enlarge the power of the General Government. It cannot of itself confer any power; it can never operate even by implication to the enlargement of any power expressly given; much less can it be the source of any implied power. Its true office is to expound the nature and extent and application of the power actually conferred by the Constitution, and not substantially to create them.

The gentleman from Massachusetts, [Mr. G. F. HOAR,] then, can find no authority in the Constitution for saying to a State, "You must establish a system of education which will be free to all your children between the ages of six and sixteen years." Not being permitted to do this directly, he seeks to do it indirectly through the operation of the bill. The State must either submit to degradation, by surrendering her rights under the Constitution, or forfeit her right to a common participation in our public domain. A refusal to make the provision, as indicated in the bill, would subject the State to pecuniary loss; to accept the dividend would imply a sale of constitutional privileges for money. This is a fair interpretation of the bill; and I can readily see how a State like Connecticut, having one of the best school systems in the Union—a system which would require no alteration to meet the requirements of this act—might feel compelled, in the vindication of her own sovereignty and self-respect, to reject the dividend offered her by this bill. Every State jealous of its rights,, and in order to protect them from encroachments by the Federal Government, would be bound to reject the offer. What right have we to subject the States to such an alternative? Are not the public lands the purchase of our common treasure and blood? Is the General Government to be likened to a testator, who can impose any conditions and burdens that whim or caprice may dictate, the States, as accepting legatees, to take the bequest *cum onere* or not take at all? Such is not the relation of the General Government to our public domain. It is a trustee, and, as such, has no right to impair the trust by unjust conditions.

This is no new question, Mr. Chairman. This whole subject was thoroughly discussed in 1832 and 1833. The division of the public lands among the States was a favorite hobby with Mr. Clay. Some of his most brilliant speeches were made on this question. Yet the most radical of his schemes never went the length of this bill. He simply proposed to divide the lands, or their gross proceeds, among the States for the purposes of education, colonization, or internal improvements—these three objects having been pet measures of the great Kentucky statesman. Yet he never succeeded in passing his bills; and mainly for the reason that Congress had not the authority to pass the measures. President Jackson's veto message on the subject is able and unanswerable, and since reading it and the debates preceding it I have no doubt upon the subject.

Again, Mr. Speaker, this bill seems born of a spirit of distrust which is at war with the true nature of our Federal Union. The strength of that Union is confidence. The bill before us says in effect that we cannot trust the States; that the General Government must watch them; and provides for the punishment of State officers who may embezzle or misapply the funds we grant them. It is time we desist from all legislation based upon such suspicions and want of confidence. From the line of my remarks it is apparent what my amendment would be. I would simply give the funds to the State for purposes of education, trusting to the State for their proper application. I would impose no condition which would deprive any State of its right to a free participation in the proceeds of the sale of our public lands.

I am anxious that such a bill shall pass. I believe it is the duty of our Government to encourage education in the States, not to control it. It lies at the very foundation of our free system of government. The wisest philosophers and statesmen of ancient and modern times, who have studied human nature and meditated upon the motives from which men act, have come to the conclusion that the education of the people is essential to the stability of government. Aristotle says "All who have meditated upon the art of governing mankind, have been convinced that the fate of empires depends upon the education of youth." William Penn, the peaceful founder of my own State, has said, "That which makes a good constitution must keep it, namely, men of wisdom and virtue, qualities that, because they descend not with worldly inheritance, must be carefully propagated by a virtuous education of youth." And Washington in his Farewell Address says, "In proportion as the structure of a government gives force to public opinion, it is essential that public opinion shall be enlightened." To these great authorities might be added the declarations and teachings of Burke, Locke, and Milton. But it is not necessary. Even those who oppose the bill for the reasons I have stated concede its merits on this point.

On one point I think my brilliant and witty friend from New York [Mr. COX] has fallen into an error. He complains that under the bill his State would get less than North Carolina. This, in my opinion, is the great merit of the bill. It distributes the proceeds of the public lands according to the wants and necessities of the different States. If New York or Pennsylvania was in nowise affected by ignorance in North Carolina or Louisiana the gentleman would be correct. But I assert that from the close, intimate federal relations which the States sustain toward each other, whatever adversely affects one affects all. What is for the good of one is for the good of all on this subject. Ignorance is like a poison, and would soon infuse itself into the whole body-politic if not speedily checked when it makes its appearance in any member of that body. It cannot be—

> Cabin'd, cribb'd, confined, bound in.

The bill indirectly, by force of public opinion, seeks to put an end to the policy of granting lands to aid in the construction of railroads. If it even in a small degree accomplishes this it will demand the support of every member who has the protection of our public domain at heart. And let the people feel, should this bill become a law, that every member hereafter who shall vote to give away our lands to corporations is voting to take from the States their funds which this Government has devoted to them for educational purposes.